

Hearing

Marie and I aren't really friends. I mean, sure, we have lunch together every day and all, but we don't hang out except at work. And maybe part of that is because even though she's nice, she reminds me of those Goth kids from high school, just without all the eye makeup. She's quiet in the way that's halfway between sad and mysterious. My mom always told me to avoid those kind of kids, that they were dangerous for girls like me because they were broken somehow and I wasn't. I never found out if she was right about them or not.

Anyway, the lunch thing with Marie only started because I was the one who had to show her around on her first day. We finished the tour right before noon, so I invited her to join our little ladies lunch crew—secretaries only—and offered her half of my salad, which she wouldn't accept, and my apple. I introduced her to everyone. Marie sat there nibbling on the apple, watching us talk.

“Does she speak?” Irene said to me, after about ten minutes.

“Lay off,” I said. “She's new.” Then I turned to Marie. “Irene's always busting balls.”

“Usually my man's” Irene cackled, and she moved on, making a joke about Bonnie's scarf. Marie seemed spooked, though, and she clung a little tighter to me for the rest of the day, hanging around even when they had finished getting her desk ready. The next day she brought

her lunch and was standing outside my cubicle right before noon, so it just became a thing, us going to the break room together. And it's fine. I don't feel trapped or anything. Or smothered. I mean, how can she smother? She's like, barely a presence.

"Where's your lunch buddy?" the others will ask me if she doesn't show, just to rib me, to get me to roll my eyes and make a joke about her because they know she's no buddy, that's she's just sort of stuck on me, like a barnacle. None of those sharp edges, but she's still stuck.

Then, out of nowhere one afternoon, Marie asks me if I'll go to a court hearing with her.

"It's next Tuesday at 12:30, but it usually lasts a few hours so you may have to take time off," she says. She is doing all her Goth moves at once, looking down, twisting her hair around one finger, biting her lips, looking real uncomfortable. So what am I going to do, say no? That's not who I am, especially if someone needs something. And because we aren't so close, I know if she's asking me, she is SOL. Desperado.

"Sure. Happy to go with you. What's it for?"

Marie doesn't answer my question right away. She sticks her head outside my cubicle to see if anyone's there and then looks back at me and motions that I should follow her, curling her fingers up like she's scratching a dog under its chin. We go into the landing on the back stairs which no one ever takes because there's both an elevator and a front stairway.

When we get there, she whisper-tells me the whole story and I want to suck back in every joke I ever made, every eye-roll at the lunch table, everything. See, she wants me to come with her to this parole hearing for her *rapist*.

Some guy she worked with *raped* her like almost nine years ago. They had known each other, so it wasn't stranger rape, which I guess is a term people use because Marie uses it to explain. She tells me that most rapes actually aren't stranger rapes, most victims know the guy,

and she knew this guy because she worked with him at a shitty video store here in the city the summer after her sophomore year. He actually went to her college too, but they weren't friends or anything up there. Didn't even know each other at school. Marie tells me she and everyone else at the video place thought he was weird. Creepy Kevin, they called him, but nobody worried much about him because he was so scrawny. One night, one of the other clerks scooted out a little early so it was just the two of them at closing. Marie went to the bathroom after they locked the front door. He trapped her in there and that's where it happened. She doesn't offer any details about the whole thing except the word sandpaper, and I wince when she says. I can feel it.

And she says that it turned out the owner was in the back office and neither of them remembered he was there, or maybe they didn't even know. The owner heard the commotion and busted in while it was happening and pulled Kevin off and knocked the knife out of his hand and beat him up a little. Then he locked him in his office and called the police. Marie says the owner was a real prince, paid her salary for the next six months, free and clear, no work required or anything. And, he had agreed to testify and everything but then Kevin just pleaded guilty because it was open and shut anyway. He got sentenced to five to ten.

Marie tells me he's been in jail for eight years now. She finished college, though she took a bunch of time off. Then she had a few temp jobs, kicked around a little before coming to our firm. She tells me she got a call from the prosecutor's office after five years. They told her the rapist was up for parole and that Marie needed to come to the hearing so he wouldn't get released. It worked, he got denied, and Marie says she went to another hearing the next year and another the year after. Says she usually gets a call from the prosecutors about a month before. They like having her there. They say it helps a lot.

“And, you know, my mom used to go with me, but...”

And here she trails off and I’m thinking I’m supposed to know what happened with her mom, and maybe I am. Maybe she told me. I’m not sure. She’s always mumbling when she talks, and a lot of the time I’m just nodding and scrolling through my phone or whatever. But at this moment, I swear to fucking god I will never do that again with her. I’m on the landing, looking down the stairs as I’m listening to her whisper-mumble, and I am so focused on what she’s saying that I feel like a cartoon character whose ears have suddenly grown really big so all the sound can come in. It almost feels like Marie’s voice is inside me. I swear that I will always listen to her like that from now on, that I am not going to miss anything again.

So the next week, Marie and I walk past the break room at lunch-time and instead of turning in, we head towards the front door. Irene is walking towards us and she cuts her eyes at me, but I just smile and nod my head. I put my arm on Marie’s arm, like I’m claiming her, and it’s sturdier than I thought it would be. She’s got guns, my Dad would say. “Show us your guns,” he’d tell me and my sister when we were little and we’d do the Jesus-on-the cross arms and then pull our fists up perpendicular, the way we imagined body builders did. Once our arms were bent ninety degrees, we’d pop our hips sideways. Combination body-builder beauty queen. I’m not sure who started it, but we always did it that way.

Anyway, when I put my hand on Marie, just as Irene is walking past, Marie twitches a little, and it feels like maybe she wants to shake my arm off but changes her mind, and I realize this is the first time I’ve ever touched her. Marie is looking down. She doesn’t see Irene. She seems even quieter than usual today, if that’s possible. She is silence itself. She’s wearing a pretty black dress, and when I see it I wonder for a second what it’s like to have to decide what

to wear to face your rapist, how hard that must be. It must remind her of everything, I think. And then I wonder how many things remind her of everything.

The courthouse is only like half a mile from our building, and we walk out of the revolving door in our lobby onto the sidewalk. I want to put my arm back on Marie. I took it off when we got in the elevator. Outside, it's one of those strange days that goes back and forth between sun and clouds, so the street is bright for a minute and then goes dark. Just like the sky, the crowd hasn't decided whether it's summer or fall yet, so some people are in shorts and other people are in jackets, almost like they're in different cities. It makes everything seem a little more chaotic than usual, a little rougher. I'm behind Marie, but then I speed up to be next to her. I keep looking over, for what I don't know. I imagine I'm her secret service agent and steel myself to jump in front of her, to throw my body at anyone who looks like they are going to hurt her. It's foolish, I know. I mean, we're just walking down the street downtown near our building where we walk all the time, but I feel like I need to protect her.

I have a lot of questions about how this hearing is supposed to go, but I don't say a thing. I just walk with her, try to match her pace. She's like one of those diviners, heading straight for the underground spring that no one knows about. We get to the courthouse, go up the steps, and wait in line for the metal detector. I follow her through, putting my purse on the conveyer belt, and she still hasn't said a word to me. She looks back to see that I'm still there, and I am, and I get on the elevator and we get off on the third floor and follow the arrows on the wall that say courtroom and then we go in.

The room isn't fancy. There aren't any of those columns or high beautiful ceilings like on Law and Order. It feels more like the old cafetorium from my middle school where we had plays and guest speakers and assemblies while all of us sat on the sticky seats smelling whatever

the cafeteria ladies had cooked for lunch that day. As Marie and I walk in, it seems like there's a hearing in progress so I realize they probably just do a bunch back-to-back, and the judge, who's sitting up where the stage would have been in the cafetorium, is having a back-and-forth with a lawyer about something. The judge looks frumpy and in a bad mood. She's scowling at the lawyer and at the woman standing next to the lawyer who is in an orange prison jumpsuit.

We sit down and I look back and see a bunch of cops in blue standing against the wall by the door we came in. They're in little groups, having pantomimed conversations. One does the shake shake shake with one hand like he burned himself and puckers his mouth in a silent whistle—the thing we used to do when we were kids and someone got in trouble—and the two cops he's with are chuckling. Another cop has his beefy catcher's mitt of a hand on the shoulder of the guy next to him as he leans in, whispering. A few others are eye-rolling with each other. As a group, they look like the bad kids in the back of the class, cutting up, but trying to be quiet enough that they won't get yelled at by the teacher. They're only distracting if you look at them. And if you do, the teacher would tell you it's your own fault, not theirs.

Marie is next to me, facing forward, and I start looking around at the audience, which doesn't feel like the right word to use. It's not like we're going to applaud together or laugh, or even that we're together at all. We're in little pods, separate groups. We're like a karaoke crowd and we all want to see our own friends sing, not the other people.

"These are all the victims and family," Marie whispers, waving her arm towards our side of the aisle. "And those are the criminals, some still inside, some already out on parole. They have to come back sometimes."

On the other side of the aisle, the first two rows are all in orange jumps. The phrase *rogues' gallery* pops into my head because I've heard it before as, like, an expression but this is a

real live one. I try to figure out which one might be Marie's rapist, but they all look sort of the same from behind. Maybe that's the point, to take away their identity so they aren't special at all, so there's no pity or anything. A few rows back are the ones in civilian clothes, and I wonder if someone makes them sit on that side behind the jumpsuits or if they just feel like they should.

The first hearing ends, and I'm not sure what happened. I look at Marie, confused.

"It's a continuance. They're going to have to come back next month," Marie says. And she starts to do that, give me the color commentary so I understand what's going on.

We watch a couple more, and for each, a cop gets called up from the back wall.

"The prosecutors love the cops," Marie tells me. "I think they like using them even more than us victims."

I can see why right away. I hate cops, usually. Outside, I'm afraid of them. I'm afraid of getting raped by them, honestly. That's my big fear. You know, you hear those stories about women who get pulled over and then...and no one believes them because, you know, it's a cop. Who's going to believe you? People will only believe if it gets caught on camera somehow. But in the courtroom, something comes over me, because those cops who were screwing around at the back wall are completely transformed when they get on the stand and talk to the judge. They're all business up there. Square jaws and crisp nods and "your honor" this and "your honor" that. They say things like "two two avenue" instead of twenty-second avenue and it makes them seem like scientific dispatchers of justice. The whole package is powerful—the uniform, the fact that three years or six years or twelve years after a crime a cop comes back to court to make sure justice is done. That really means something, right?

A few years later, when I can finally bring myself to get out there again, I end up on a tinder date with a cop. He will tell me that they love coming to court because it's easy, that you

get a whole day's overtime for just sitting there. But, I don't know that yet. I am overwhelmed by the performances, completely snowed. Completely on their side. Whatever they say, I believe. It's like being a kid and waiting for my Dad to laugh when we watched TV together on the couch when my mom wasn't home. Just him, me, and my big sister. If he laughed, it was funny and we were having a good time. If he didn't, my stomach hurt. This is that same feeling all over again, of waiting for someone to tell me how to feel.

The victims are another story, though. They're mostly in tears, or quiet. I try to imagine Marie up there and what she's going to say, and just thinking about it makes me jumpy. I think she feels my nerves.

"We're usually just the appetizers for the cops. We go first. The prosecutors tell us to play it up a little," she whispers. "Not that we have to fake anything, but they want us to make sure that what we're showing on the outside matches what we're feeling on the inside. That's how they say it. Make the outside match the inside."

The next hearing is for an armed robbery. The defense calls a character witness, a woman who had taught the guy in prison and she talks about what a great student he was.

"He's really shown an interest in literature. He finished his bachelor's degree while inside and now says he wants to do graduate study. He has turned his life around," the woman says.

I am compelled, and I hope for mercy for this one, especially because no victim appears. But then the prosecutor calls up another one of those cops, and after he details the crime, I change sides completely. The judge does not. The guy gets paroled.

There's a five-minute recess called, but no one in the audience moves.

“What are you going to say?” I ask Marie. “Do you have to think about it before or, like, rehearse?”

“I don’t care what happens to him anymore,” she says. “I’m done with this. This is my last time. That’s what I’m going to say. It’s over.”

“Oh,” I said. I wasn’t sure how to respond. I mean, I knew enough to know I wasn’t supposed to argue with her. I knew that it was what Marie wanted that mattered. But it was strange. I mean, to have *that* happen to you. To come all the way to court, too, not that it was far, but still, it wasn’t easy. We had to take time off and everything. She had to put herself in the same room with him, pick her black dress. It felt weird to me that she’d go through all those steps and then just say, whatever, that it didn’t matter to her. After all that energy? I’m not sure that’s the outside matching the inside.

And just thinking about that makes me even more jumpy, but Marie is calm as a snake. She has an old lady’s name, but there’s something else about her that seems older. I feel like I’m with my mom, back when I was a little kid getting antsy waiting at the bank or the dentist or that last time we went to see my dad at his office. And then suddenly I’m thinking about that time. My Dad had gotten into the habit of coming home late and falling asleep, drunk I guess, in my sister’s room. She had told me about it, but told me not to tell Mom, that Mom would get mad, that mom thought he slept on the couch. Then, one night he must have gotten turned around and he came in my room. I had been asleep so I didn’t know who it was and I screamed. Woke everyone. Dad scampered out the door, and I went to my mom’s bed while she went to my sister’s room. I could hear the rise and fall of their voices through the wall, but I couldn’t make out what they were saying and I fell asleep. They both came in to the bed at some point that night, and every time I woke up, Mom was just staring at the ceiling. The next morning, she

took us to his office and we waited in the lobby and sat and sat and sat and I couldn't stay still and was pestering my sister. But my mother was just frozen. Immovable.

We finally saw him appear at the glass door behind the receptionist and Mom pointed at us and told us to sit down. She walked over and intercepted him before he got through the door.

"We won't ever see you again," my mother said, with a menace in her voice I had never heard. "Say it."

He said it.

"Now wave goodbye," she said.

He held up his hand and looked at us with a flat mouth, trying to smile. She turned around and walked back over and took our arms and walked us out. And she was right. We never saw him again. At least that's the way I remember it. My sister is always saying things were a lot more messy than I remember them. But to me, that day was the end. One slash by mom and he was gone.

I'm startled by the gavel. Recess is over and the judge is back and she calls the next name and I can't really hear it, but I feel Marie stiffen so I know it's him.

A mousy guy comes from the second row of jumpsuits and stands at the defense table. He looks like a weak little asshole. I would have made fun of him in school. Everyone would have. Prison must have been something for him. He looks shaky, defeated. I see him steal a look around the audience searching for Marie. When he sees her, his eyes fall.

The judge asks the prosecutor to speak, and he goes through the information—convicted rapist, sentenced to five to ten, has served eight years so far. They still believe he's a threat to the community. He ruined a promising woman's life. She has only recently been able to work

full-time again, though he implies that the job she got is pretty dead-end, which doesn't make me feel too great. He says the victim is in the courtroom and willing to speak.

The rapist's defense attorney goes next and says the rapist has had a rough time in _____ prison, and that, as the judge well knows, _____ prison is notoriously hard on sex offenders. The judge gives a little nod, and it's hard to tell whether or not she's bothered by this fact. The other lawyer objects, says that the prison conditions are not what's at issue, that the issue is whether or not the convicted man has paid his debt to society. The judge shakes her head, allows the defense attorney to go on. He says the rapist wants to get his life back. Says the rapist has expressed remorse, expressed interest in a newly-established restitution commission that puts victims with abusers, that the rapist understands the victim does not want to engage in this process but he is willing to do it if she ever changes her mind.

The judge asks how many speakers, and the prosecutor says he has two, the defense attorney says none.

The judge then calls Marie up and she goes to sit in the chair.

"Ms. Randolph, what would you like to say?"

"I don't care what happens to him. He's taken enough of my life," Marie says. The prosecutor's head pops up at this point. He had been looking down at his notepad.

"You have no feelings about him being released?" the judge asks.

"I don't care what happens to him."

You can see the prosecutor is pissed, and that the rapist's lawyer is pleased. He doesn't grin, but his face gets a little softer, his brow unclenches. He looks down so he won't smile.

It all makes sense to me, what Marie is doing, now that I see the guy. He doesn't look scary or like a rapist which is strange to say because that's for sure what he is. He just looks like

a guy who's gone through a rough road. And he must look double like that to Marie because she knew him before. And I think how maybe she feels guilty about it, about what's happened to him.

The judge says thank you and Marie comes back and sits next to me and I put my hand on her arm again. She doesn't twitch or shiver this time, just leaves it there. I thought what she said would mean the hearing was over, but then the prosecutor calls the cop up. Marie is looking away, but I see the cop walking past us, giving her a stare. She doesn't see it, but I do.

"Officer?" the judge says, once he's seated, "What would you like to add?"

"Your honor, this man is a danger," the cop says. "After we apprehended him we searched his apartment and found an alarming amount of violent pornography. This is potentially a serious sex offender we're talking about here. We cannot definitively link him to any other cases, but it would not surprise me if there were other victims who never came forward. He's a badguy, your honor"—badguy is said as one word—"and my job is to lock up badguys. I know what they look like, I know what they act like. And I can tell you, this one is a badguy."

The judge thanks the cop and dismisses him and he walks back towards the wall with the other cops. I hear Marie sigh next to me, through her nose, and it sounds like a tire letting out air. I want to be on her side, but I'm with the cop.

"I'm going to refuse the request for parole at this time," the judge says. "You may try again in another year."

Marie gets up and I follow her out.

"I'm sorry," I say when we're in the elevator.

"But I meant it," she says.

“I believe you,” I say.

“No, really. I meant it. It’s fine. I don’t care one way or the other. He’s in, he’s out. Whatever. No more thought for him,” she says.

I really want to ask her why she came if she didn’t care, if it really didn’t mean anything, but this isn’t a game. I’m not trying to catch her out. People do things, things that don’t make sense. I know that.

“Do you want to go somewhere? Do something? Or I can take you home?” I say, as we get out of the elevator into the lobby.

“No,” she says. “Work is probably best. Maybe we can just get something to eat real quick and then go back to the office. If I just do something meaningless for a few hours, I’ll feel better. I won’t think.”

It’s the second time today I’m reminded that my job is worthless, but I let it go. We leave the courthouse and go left instead of right. I’m following her, wondering if we’re ever going to talk more about her stuff, and then we’re in the middle of all the fast food downtown and Marie steps into a McDonald’s. I haven’t been in one in twenty-five years. My mom didn’t ever let my sister and me go, but Dad used to take us sometimes. It was one of those things we weren’t supposed to tell Mom about.

I’m standing next to Marie in line and watching the people and looking at the menu. All those pictures, the meals, the combinations. I’m trying to figure out what to order. And then I look down at the floor, at those tiles that are trying to look like wood. I remember standing, staring at those one time when we were there and I had put myself between my dad and my sister in line to separate them. I start to tremble a little and Marie puts her hand on my shoulder.

“Are you OK?” she asks, and then I almost start crying. I know I can’t, that I have to hold it in because it’s her day, so I tense up. And then I’m crying silently, no tears, no sound, and it takes all my focus. It’s like being drunk and pretending you aren’t.

I’m clenched and I know I can’t look down anymore, so I’m moving my head around trying to figure out where to look and trying to stop shaking and trying to stay quiet. In the middle of all that focus, I decide I really need to call my sister later and talk to her about dad.

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