

“DOUBLE JEOPARDY”

Nigger Lover. I hated the words, and so did Constance, but she dismissed the hate mail that called her that and ignored the accompanying threats.

“My God, Ford, I’ve been getting those letters for years. If they were going to do anything, they sure as hell would’ve done it by now.”

“But...”

She took my hand and mesmerized me with those beautiful brown eyes. “Relax, Baby. We’ll just go up to the church, I’ll make a quick speech, and we’ll be back here before you know it.”

I could never say no to her, especially when she used those eyes as a weapon. I always went with her when she spoke at the black churches, and I always took Billy’s pistol with me. Constance could believe what she wanted, but I knew Mississippi, and I didn’t take the hate mail lightly.

The church was filled to capacity, as black churches always were when Constance spoke. A beautiful white lady, a former Miss America, speaking to them about how they represented half the population of Mississippi and how they with their votes could bring about some very necessary changes in the sorry-ass state - that was a topic they came from miles around to hear.

The church was in Crestville, and while the rest of Mississippi may have made some small advances in civil rights, the Crestville area was still fighting the Civil War. And most of the threatening letters Constance had received were post-marked either from Crestville or towns a cotton field away. I’d used Billy’s 45 in Nam, and I wouldn’t hesitate for a second to use it again if anybody threatened her. Even with a patch and one eye, I was still

a damned good shot.

We sat in a pew up front as the pastor introduced her. I was sitting on the end, and I stepped into the aisle to let her out. She was in her white dress. She called it her church dress. I always gave her a quick kiss for good luck, but, for some reason, I gave her an extra-long kiss, long enough for some in the audience to whistle and applaud.

“In case y’all were wondering,” she laughed as she reached the podium, “That was my husband.” More applause.

I smiled and waved, but didn’t resume my seat. I headed for the front door and began my patrol. As she spoke I made my way around the church. It was getting dark, and I couldn’t negotiate the woods the way I could in Nam. I could hear Constance speaking. Her accent, which had once been heavily southern, was now charmingly southern. She’d become quite a good speaker. By the time I’d made my second or third trip around, she was about half-way through her talk. That’s when I heard some voices. They came from the woods towards the back of the church, and I made my way towards them. I slid the safety off the 45 and racked a round into the chamber.

What I saw made me my blood run cold. I was ready and even eager to kill again. A white man whose face was vaguely familiar was standing by an open window holding a bottle with a rag sticking out of it. He had a Zippo lighter and was preparing to light the rag. I raised Billy’s 45 and framed the man’s head in the sights. As he lit the rag I began to pull the trigger. I heard a sound behind me, and then suddenly total blackness enveloped me.

I had terrible dreams, but I was rational enough to know that if I was having dreams I was still alive. But I couldn’t seem to wake up. I tried to come out of it, and finally I did. I was in a hospital room. My friend, Driver, was sitting in a chair next to my bed. He was wearing a dark suit. He was crying.

“Constance?” I queried. I already knew the answer.

“She’s gone, Ford. We just buried her.”

Several days elapsed before they’d let the FBI talk to me. Two agents came in. One, I was surprised to see, was black.

“What happened?” I asked.

“Someone threw a Molotov cocktail into the church. It landed just a few feet from your wife. It killed her and three girls from the choir.”

“We’ll find the bastards who did this, Mr. Hayes,” the black agent said angrily. “I swear it.”

“I know who it was,” I announced. I’d remembered the face.

The agents looked surprised and excited. “Who?”

“A piece of shit named Ethan LePore.”

“You sure?” The black agent asked.

“Letters,” I murmured. “My wife received threatening letters. She put them in a drawer in our bedroom. Might be some finger prints on them. Ask my mother-in-law. She knows where they are.”

About that time, I hear some yelling in the hospital hall.

“I don’t care who he’s talking to. I want to see my son.”

“That’s her now,” I informed them.

My mother-in-law burst into the room. Even though she was in her seventies, just one look at her and you knew where Constance got her good

looks. I called her Mom, and I meant it. I loved her almost as much as I loved Constance. And she reciprocated that love. I was the replacement for her son, Billy, who'd been a Marine and killed in Korea.

She pulled a chair close to my bed and laid her head on my chest. She wore the same perfume that Constance had worn, For a minute I thought Constance had returned. I began to cry.

“Thank God you're okay, Ford. I lost Billy and now Constance. I just couldn't have taken it if I'd lost you, too.”

The FBI gave Mom and me some time alone. Later, when she and I had finished our crying and consoling of one another, the two agents returned, and I went on to explain to them who LePore was and how I knew him.

“He had some help, Mr. Hayes,” the white agent said. “Somebody cracked you behind the head with a two by four.”

“He had two squirrel-hunting buddies, Sellers and J.C. something or other.”

They pounced on it. They found LePore's fingerprints on the letters and J.C.'s prints on a two by four laying on the ground near where the pastor had found me and dragged me away from the burning church. They obtained a warrant and found Billy's 45 hidden in Seller's home. They also located a number of witnesses, all black, who'd seen the three of them in the vicinity of the church the night of the bombing.

The black agent, whose name was Gunn, could barely control his anger. “They called the Crestville fire department immediately, and the bastards showed up and just stood there grinning as the church burned down. They didn't declare it a crime scene, and they let the whole town of Crestville show up and tramp all over it. They claimed the fire was an accident.”

“Did my wife or any of the girls suffer?”

We don't think so."

The FBI thought they had a slam-dunk case. I cautioned them against over-Confidence. The case would be tried by a Crestville judge and a Crestville jury. Overwhelming evidence didn't mean a damned thing to them.

I was right. The jury stayed out two hours. When they returned, the jury foreman gleefully announced "Not Guilty" and apologized for taking so long. "It was hot in there, Judge, and we stopped to drink a Coca-Cola."

Dancing and cheering broke out when they announced the verdict, and the three rednecks paraded triumphantly down the aisle of the courtroom. When they reached me, LePore stopped and jerked me out of my seat. He'd been coach of the Crestville basketball team when I'd taken over as coach of the Biloxi team just after I graduated from Southern. We'd defeated them in the state championship game. J.C. and Sellers had been the referees. They were squirrel-hunting buddies with LePore, which is the next thing to blood brothers in Mississippi, and they did their best to throw the game his way. A Crestville player told me about it, and I alerted conference officials. LePore was fired. J.C. and Sellers were barred from refereeing future games.

LePore was a big man, and I was nearly dangling in the air as he clutched me in his greasy hands and snarled at me. "I'm just sorry you weren't in that church with your nigger-loving wife, you one-eyed bastard. Biloxi ain't that far from Crestville. Maybe I'll come down one night and pay you a little visit."

My best friend, who everyone called Driver, was with me and wanted to take LePore on. Driver could've done it, too, but I told him no.

The press interviewed me after the verdict, and I played it redneck.

"Didn't you see LePore throw the bomb, Mr. Hayes?"

“Thought I did,” I said in my best redneck. “Jury said I was wrong. Lost an eye in Nam, and it been 20 years since I last laid eyes on LePore, so I guess the jury right. I jes hope the FBI keep lookin’ for who done it, unless the fire be an accident, like the defense lawyer sed. Maybe I got it wrong. If so, I ‘pologize.”

Agent Gunn was furious with me. “I had you down as a decent man, Hayes. But now I see you’re just another stupid redneck. You know those bastards were guilty. The evidence was overwhelming. How can you be so damned naïve? You were almost praising them. You afraid of him because he jerked you out of your seat in the courtroom?”

“I fought for this country, Agent Gunn. And I believe in its justice system. Seems like the FBI ought to, too.” And I said all that with a straight face.

What I didn’t say was that, notwithstanding double jeopardy, Agent Gunn, there’d be another trial, another judge, and another jury. And an executioner.

Publicly, I stuck to my naïve story and cooled it for a few months. The Crestville player who tipped me off about the collusion between LePore and the two refs was named Sherman. He’d missed some free throws in the championship game’s final minutes, and LePore was screaming and shoving him round the court after the game, blaming him for the loss. I went over to console Sherman, and he never forgot it. He’d called me after the bombing to tell me how sorry he was to hear about my wife being killed, and he even called after the trial to let me know what a travesty the jury decision had been. I thanked him and asked for a favor. No problem, he assured me.

I soon received another call from him. “Try 59 Bilbo Road, Coach. The three of them go there on Saturday nights to get drunk and then go squirrel hunting the next day. Pretty deserted area. About a mile north of Crestview.”

And then he hung up. But that was all I needed.

And then I had the second trial. I was the judge. “Well, now,” I asked, “has the jury reached a verdict?”

I was the jury. “We sure has, Judge, and we didn’t have to take time out for no Coca-Cola. Them three’s guilty as hell.”

“And what do y’all recommend?”

“Death, Judge.”

I, the judge, nodded. “So be it then. I hereby sentence Ethan LePore, Purvis Sellers, and J.C. Whitman to death by a means to be determined by the court-appointed executioner. Now is the executioner willin’ and able to carry out the sentence of the court?”

“Sure is, Judge,” I, the executioner, enthusiastically responded.

“And when are you planning on getting it done?”

“This weekend, Judge. Long as it don’t rain.”

I returned home and waited until Saturday. I made some excuses to my family about how I needed to drive over to New Orleans and do some shopping. I didn’t tell Driver, although he’d have been more than glad to accompany me to 59 Bilbo Road, but what I had in mind could be done by one person. Two would’ve been better, but I didn’t want Driver to risk sitting alongside me on death row waiting for his turn in the electric chair.

I got there early. The FBI had returned Billy’s 45 to me. I’d taken my eye patch off and put in the glass eye the Army had given me. It itched like crazy, but I’d have to put up with it. A man wearing a black patch over his eye would be easy to remember if anybody happened to see him in the area.

I hid my truck behind the house on the hill across from 59 Bilbo Road. I had sawed off a two by four and had some extra clips for the 45 in case my game plan went awry. One thing I learned in Nam was that sometimes even the best plans could develop some complications.

They showed up about midnight, toilet-hugging drunk. LePore was out of it, and they hauled him in to the house and deposited him on one of the three cots. J.C. and Sellers sat out on the porch for another hour or so, passing a bottle between them. They'd occasionally get up and go stand on the side of the porch and take long pisses onto the hard-red clay ground. Finally, they grew too drunk to continue and went inside the house. I was across the road, and even that far away, I could soon hear the sounds of gang-snoring. Other than the three of them showing up, only one car had passed by all night.

I waited until about two a.m. I got into my truck and drove down the hill to 59 Bilbo. I strapped Billy's 45 on and stuffed the extra magazines in my pockets. I retrieved the two by four club I'd fashioned and the five-gallon can of gas and walked towards the sounds of gang snoring. The porch floor squeaked, but that didn't worry me. They were totally out of it. I set the can of gas on the porch. I opened the door and let my eyes adjust to the light. I could see pretty well and didn't need the flashlight I'd brought along. I approached the first cot. It was J.C. Whitman. I raised the two by four and brought it crashing down on his head. It cured his snoring. I put my fingers under his nose. He was still breathing. Good, I thought. I went to the next bunk. It was Sellers. I crunched him with the two by four. I checked his breath. Still alive. Last, but certainly not least, was good old LePore. As I approached him, he suddenly sat up in bed.

"Is that you, J.C.? What the hell you doing?"

"Nothin'. Just gettin' up to take a piss." I said in redneck.

"Well," he grunted, lying back down again, "Don't piss on me. Porch is out yonder."

I was on him by then, and I slammed the two by four down on his big ugly head. I checked him. Still breathing. Perfecto so far.

“Hey, Coach LePore,” I whispered in his ear. “It’s your pal, Coach Hayes, the one who kicked your ass in the state championship game 20 years ago. How you doing? Y’all good old boys still in the KKK? Thought I’d pay you a little visit and save you the trouble of having to drive all the way down to Biloxi to come see me.”

He groaned. Oh, how I hoped he’d heard me.

I noticed a kerosene lamp sitting on a table. I knocked it over, and it broke into pieces as it crashed to the floor. I could smell the kerosene. I walked back to the porch and picked up my five-gallon can of gasoline. I went around the room, dousing its floor and occupants until the can was empty. Then, although I’d brought back-up matches with me, I searched LePore for the article I hoped he’d have on him, the Zippo lighter I’d seen him use to light the bomb he’d thrown into the church, killing Constance and those three beautiful little black girls. I was elated when I found it.

Holding my empty gasoline can in one hand and the Zippo in another, I pushed the front door open with a foot. I turned and flicked the Zippo. It lit on the second flick. I tossed it into the room and did a Jesse Owens from the porch. There was no explosion as such, just a big swoosh. I could feel the heat from the flames almost immediately. I made it to my truck and threw the empty gasoline can into the truck bed.

I turned to gaze fondly at my handiwork. The old wooden house was ablaze. To my immense satisfaction I could hear the screams of not one or two, but three men as they burned to death. It was music to my ears. I knew I should be getting out of there, but I enjoyed the screams so much. Finally, they stopped, but only after the roof came crashing down.

I climbed into my truck and drove home, taking care not to speed or in any way draw attention to myself. I got home about five. No one was up yet. I returned the gas can to my garage, took a shower, and then crawled into bed. It was then that I noticed that my all too perfect plan hadn't been so perfect. My gold ID bracelet with my name etched on it, the one Constance had given me for Christmas 20 years before, was missing. I should've left it at my house, but I'd sworn to her I'd never take it off. I must've snagged it on a bush or something as I lay on the hill across from 59 Bilbo Road watching them.

There was nothing I could do at this juncture. If I'd dropped it on the hill, and investigators decided to check over there and found it, even the dumbest Crestville cop would know that Ford Hayes had been there and that one and one makes two, or, in this case, three. Nothing I could do, I concluded, but sweat it out. If they found it and confronted me, I'd just say the last time I remembered seeing it was that night in the church yard. J.C. or Sellers must've stolen it from me.

When the news broke about the fire, the redneck press reported it as a terrible tragedy, billing the three pieces of shit as Confederate heroes who had stood up for the great South and its principles. The Crestville police and fire department suspected no foul play, though. It had clearly been an accidental fire, probably started by the kerosene lamp. Unfortunately, it was an election year, though, and the mayor of Crestview, who was running for reelection, had to open his big mouth.

"I wouldn't be surprised none if the FBI didn't come down here and set the fire themselves," he ranted, "knowing how they was so prejudice 'gainst three gallant sons of the Confederacy. Y'all know how they tried to blame them when that white NAACP lady and them three coloreds got killed in that church fire. Everybody know them colored churches just a fire trap."

At that point the FBI had to get involved. So, they sent a team down to investigate the fire at 59 Bilbo Road. I have to admit I got a little more

worried at that point. It was one thing for a bunch of redneck cops and firemen to investigate something, but the FBI... Anyway, two or three weeks went by, and the FBI issued a statement to the effect that the fire at Bilbo Road was indeed accidental. Everybody agreed with them, even the mayor, but he'd earned some political capital for the forthcoming election.

Although sending those three bastards to hell had cheered me somewhat, I was far from being cured of the loss of Constance. Mom noted it and gave me a stern wake-up call.

“You snap out of it, Ford,” she commanded. “First thing we’re going to do is rebuild that church for those poor blacks. Second thing is you have four kids you’ve got to live for. How do you think they feel? They almost lost you in Viet Nam and now they’ve lost their mother. If you just let yourself pine away, then they’ve got nothing left. You’ve got to get yourself together for them. You can do your grieving when they’re grown. You hear me?”

“I hear you, Mom.”

So I got with the program. I was there for my kids. I hugged and kissed them even more than Constance had done. I attended every event that they were a part of, even went to PTA meetings and actually made suggestions, not that they ever listened to any of them. But I tried, and I have to admit that it helped not only them, but me as well. Sometimes I even imagined Constance standing behind me, smiling her approval.

Driver had built a long pier out behind my house, which was situated on the bay near the Ocean Springs bridge. They were still brewing Jax beer at the time, and it was my favorite beverage. When I had a few moments, and I made it a point to always have a few moments, I liked to sit out on the pier, gaze out at the Mississippi Sound, and drink a few Jax. Call it my pastime.

Anyway, I was sitting out on the pier one day, indulging in my pastime and trying to solve the world’s many problems, when I heard someone walk up

behind me. I lazily turned to see who it was and almost choked on my Jax. It was the black FBI agent who'd chewed me out before, Agent Gunn.

He smiled down at me. "Tough life you've got here, Mr. Hayes."

I smiled back at him and gave him the textbook answer when someone greets you like that. "It's a tough life, but somebody's got to do it."

"Beautiful view," he commented.

"Pull up a chair and join me. I'll get you a beer, and you can help me solve the world's problems."

"I'd love to, Mr. Hayes, but I've got to get to Mobile and catch a flight back to D.C. You were right on the way, and I thought I'd drop in and talk to you about a couple of things for a few minutes."

"Be my pleasure, Agent Gunn." I said, trying my best to sound casual.

"I'm flattered that you remember my name."

"Easy name to remember. I always thought Gunn was the perfect name for a law enforcement officer. So, what's on your mind?"

"Well, the last time I spoke with you, Mr. Hayes, I was very disrespectful. I said some things to you that I never should've said, and I wanted to very sincerely apologize for my unprofessional behavior."

"Apology accepted. Anything else?"

He reached into a coat pocket and handed me my gold ID bracelet. "I also wanted to return this to you."

I tried to put on a face of pleasant surprise, the face that an innocent man

would put on if something he'd lost of immense sentimental value had been found and unexpectedly returned to him. "Well, I'll be damned. I wondered where this had gone to. Where on earth did you find it? The church yard?"

He shook his head. "Actually I found it when we were investigating the fire at Bilbo Road up in Crestville. My instructions were to treat the area like a crime scene. So, as we're trained to do, I was checking out not only the burned-down house, but the area around it, as well. I noticed the abandoned house across the street and how it sat up on a hill. It was the highest point around, and I said to myself, now if I wanted to do in these three rednecks, that hill would be the perfect spot to monitor them and pick the right time to go after them. You know, like a military man would."

His use of the word military did not go unnoticed by me. I willed my one eye to betray no emotion other than happiness that my beloved ID bracelet had been returned. "Well, y'all are known for being thorough."

"They pay us to be. So, I'm wandering around up there and I walk to the spot on the hill that gave me the best view of 59 Bilbo Road. I squatted down, trying to see what someone lying in wait for those three good old boys might've seen that night. Then I saw something glistening under a bush. I picked it up, and imagine my surprise when I see it's a beautiful gold ID bracelet with your name on it." He paused and looked at me.

It was getting harder and harder to look innocent, but I tried.

"Well," he continued, "my first reaction was that you, Mr. Hayes, had been up on that hill checking them out and had unknowingly dropped the bracelet. But I immediately dismissed that theory. I told myself that you had no motive. You honestly believed those men were innocent. If a Mississippi court found them not guilty, then that was good enough for you. So, if you thought they were innocent, why on earth would you want to kill them? After I ruled you out, Mr. Hayes, there was only one possible explanation for the bracelet being there."

“And what was that?”

“That one of those men had taken the bracelet from you in the church yard. It’s worth a lot of money, so he figured why not turn a little profit while he helped to murder your wife and those girls? Why he happened to be up on that hill on Bilbo Road later and how he happened to drop your bracelet we’ll never know. But that’s the only plausible explanation. It was so plausible to me, I didn’t even bother to tell anyone I’d found your bracelet.”

“So y’all really do think they killed my wife and those little girls?”

Some of the fire he’d shown the last time I’d seen him returned. “We do, Mr. Hayes. The evidence against them was overwhelming. Only a redneck Mississippi court could’ve found them innocent. They died by fire, the same way they’d killed those your wife and those three little black girls. Accidental fire, of course,” he quickly added, “but fire nonetheless. Poetic justice, one might say. The case is officially closed. There’ll be no more investigation.”

I feigned annoyance at the investigation being called off. “You damned Washington bureaucrats,” I said, although with not much conviction.

I stood up, and we exchanged a firm handshake.

“I hear your family is rebuilding the black church,” he commented as he turned to leave. “That’s a wonderful gesture.”

“That’s what my wife would’ve wanted.”

THE END.

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