

## THE TELLINGS OF JULIO RIVERA

Based in part on a true story

I personally don't think Julio was what you'd call handsome, but Rosie liked him. I can't imagine it was the little man's looks, what with his broken nose and balding head. Maybe it was his manners, or what Rosie claimed, that he had more of them than we did. He did have this dignity thing around him, the way he carried himself with a little pride—but no hint of arrogance—and the way he mostly listened in conversation, and used small gestures to compliment whoever said whatever they were saying. We had no idea what he'd eventually do for Hans, but it didn't take long before we all looked up to the little man.

What first caught our eye was that Rosie enjoyed talking to him. That put all three of us on guard. She'd never shown any real interest in the rest of us, but we'd grown a bit possessive of her. They'd been chatting at least ten minutes when she brought him over. "Why don't you join these boys?" she said, waving the suggestion towards us. Rosie's suggestions always carried great weight, so the best any of us could do was shrug. She put a chair between me and Lionel and motioned for Julio to take it. He gave her one of his little bows and sat; and he's played with us ever since.

We had serious reservations that first week, partly because it had been just us old men in Rosie's café for years, and partly because Rosie obviously liked him. She showed him smiles the rest of us hardly ever got, and with him there joined our games from time to time. It was obvious to everyone what was happening, but Julio always accepted it with just enough reserve to make it clear he wasn't going to take her up, but never so much to hurt her feelings. Nevertheless, Rosie actually seemed encouraged by it. All of that bothered us at first, but that faded within a couple of weeks, for it was hard not to like Julio.

He would joke and swear like the rest of us, but he was quieter with his jokes and more reserved with his swearing. There were other parts of his conversation that took some getting used to, because after starting an interesting subject he'd often hesitate at the half or three-quarter mark with a pause that let you think he was assembling more, then use one of those little punctuating bows or waves of hand to say we must know the rest, even if we really didn't. Rosie said it was just his way of saying we were probably smart enough to understand his points, without him having to explain them; he was spreading a little of his dignity around the table, she said, with one of those stares that said we could use it. We rarely pressed him to explain any of those fragments, even those we didn't understand, if only to keep from looking foolish in Rosie's eyes.

We were all in our eighties then. Outside that meant we were relics, but there in Rosie's Café, we still mattered. We'd all gone through things that wear you out, of course: Lionel and I were widowers, Hans was divorced several times over, and we'd all been in the military; but each of us had found some measure of relief in the simpler challenges of our last years. And at Rosie's, with wine and cards and the stories we made up, life was still good.

It helped that no one questioned our stories, even though most of them were lies. That started years ago, first with stories about things that were true, but since a lot of actual memories are either sad or embarrassing, and since we quickly ran out of the rest, we began to enhance. That became more and more entertaining, and our inventions grew until we embellished almost

everything. The stories became fabulous. It required creativity and a little wine, but we applied ourselves to both, and then, especially, to the way we told them. The telling eventually became all-important. It really didn't matter so much if any part of a story was true, so long as it was well-told. You needed a casual indifference, no matter how grand the tale, and we got to be pretty good at that. After one or two glasses and a couple of winning hands any one of us might reach back and pull out some fragment of a dusty recollection, and invent the rest, then gild the whole with enough color and texture that the teller felt like Homer or Kipling, even though your tone said that whatever earth-shattering thing you just made up wasn't as important as the bet at our table.

Hans was the best at this. After enough wine and a couple winning hands, he'd toss in a chip and with a bored voice say, "I was with two women in Vegas last night." Then he might yawn or pretend to be distracted by a nearby fly, and let that beginning settle around the table until someone gave him the next line.

"What were you saying?" Lionel or I would eventually ask him.

Hans would pretend to be focused on his cards and not answer, and we all knew to wait a little, then maybe one of us would yawn and ask him again.

"Two women?"

Hans would muse his cards a bit more, then eventually glance at you, wrinkle his old face a little as if trying to remember what he obviously wanted to tell. Then he'd pretend to catch the thread and tell us casually but in great detail about some made up, drawn-out seduction, while we acted as if we were really just focused on the game. It didn't matter that Hans had been with us that same night or that his equipment hadn't really worked properly since long before his last wife left him. The point was always just the story, and his stories were always entertaining.

But he had to be careful around Rosie. All she knew about Hans then was that he'd cheated while married. That was proof enough that he had no redeeming qualities at all. Things only got worse after she had to bail Julio out of jail. Julio was the only one of us with a car, and he let Hans use the old thing on one of his trips to the hospital. But he hit another guy coming back and had to run. The police traced the car to Julio. By that point Julio knew what would happen if Hans was caught, so he told the police he was the driver. When Rosie learned she was furious with Hans.

"It would be much worse for him than me," Julio said, trying to protect Hans.

"They'd send him back, Rosie," Lionel agreed. Hans' license had been revoked, and he'd only been released from a lockup because Lionel took him in. Nevertheless, Rosie was more concerned for Julio. But the little man never changed his mind about the accident.

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When the prosecutor wanted to send Julio to prison, Rosie unleashed herself on Hans, especially when he was gone, until his big friend Lionel couldn't stand it anymore.

“The bastard is sending Julio to jail!” she exclaimed, tossing her cards.

“He’s not a bastard, Rosie,” Lionel said.

“I’ve been there before, Rosie,” Julio added, tossing in a chip.

“The bastard!”

“Come on, Rosie. He’s damaged goods,” Lionel said.

“Bull shit,” she said. Rosie was never intimidated by big men, but at that point Lionel was the only one who knew how sick Hans was, and he kept going.

“The guy is a hero, Rosie. I’ll tell you—”

“Please don’t!” she scoffed.

“Why a hero?” Julio asked. We’d never heard that one.

“He was in the Airborne, in Vietnam,” Lionel said.

“You were all military,” Rosie sighed, as if that was nothing special.

“Ever heard of Ap Bia Mountain?” Lionel asked.

Julio sat forward. “There was a great battle—?”

Lionel nodded.

*Oh, my*, I thought. I’d heard what happened there, but our military lives were one of the subjects we never spoke about.

Julio gave Rosie a knowing, respectful look. “Many died,” he said sadly.

“It was a slaughter,” Lionel nodded.

“That’s not a very good telling,” Rosie said, disdainfully. I wondered if she was right. Every Vietnam veteran knew of the disaster on that hill. It didn’t mean Hans had actually been there.

“It’s no telling, Rosie,” Lionel insisted. He put down his cards. “Young men cut to pieces, lying there dying...until Hans came back. He started dragging them out, one at a time,” he said. His voice broke. He coughed fiercely. “He’s a hero, Rosie.”

It was a moment. Quiet came over the table. This had more passion than Lionel’s usual tellings. It had me wondering if some of this was true. But we hardly ever spoke about the service; those stories were too sad or even sickening. For a while even Rosie didn’t say anything. Another round of betting went by without anyone saying anything. She finally spoke, a little hesitantly.

“He never said anything about this to me.”

“We don’t talk about such things, Rosie,” I said. But I still wasn’t sure.

Lionel nodded. “It’s one of the reasons he spent so much time drinking and whoring.”

That seemed to ruin his moment. Mention of Hans’s sexual habits brought a new surge of skepticism into Rosie. She gave Lionel one of her drilling looks. “It’s still no excuse for how he treats women. The man cheated on every woman—”

“Not everyone. Hans had a girl.”

“He had hundreds,” Rosie snapped, “thousands, if you believe him, and he cheated on everyone.”

“Not this one.”

“Oh, come on!”

“It’s true. We met in high school. He had one girl then: Lucy. He was crazy about her, probably lost his...well,” Lionel hesitated.

Rosie waved dismissively.

Lionel started up again. “He wasn’t running around, drinking, nothing like that. He started a house painting business, worked hundred hour weeks, until we got drafted. They married, he turned the business over to her right before we went in.”

“But—”

“But nothing, Rosie,” Lionel said, tossing in his cards. “Everybody went to the houses on leaves, but not Hans. Not once. He was true to Lucy. Wrote her every chance he could. But nothing ever came back. We were both hurt at Ap Bia, and got shipped to Walter Reed. He tried to find her, but no one knew where she was. She’d taken up with his best friend; they sold off his business and went to Mexico. That’s what set him off. It’s why he crashed a car and ended up at the psych ward, he....” He stopped, biting his lip.

Rosie was shaking her head. “You had me going, Lionel,” she said. “But that was like some B movie.”

“It’s true, Rosie,” the big man protested.

“Bull shit. All of it, the girl, the war—especially the battle. You probably got that from a movie. Bull shit, Lionel.”

Lionel began unbuttoning his shirt. It was big but fit tightly. Before any of us could say anything he’d opened it enough to pull down the left sleeve. There was a huge ugly scar over his left shoulder. It began in front, like a lumpy gray pancake in the midst of the surrounding black skin, then wrapped itself over the top and around the side, covering the whole shoulder like an ugly relief map. I’d seen lots of scars before, but Lionel’s was by far the ugliest.

“He pulled me out of that battle, Rosie...,” Lionel said, his voice breaking. “The... guy saved my life.”

Our playing stopped.

“Everything I said is the God’s truth,” he said hoarsely. He wiped his eyes with a sleeve.

A little humility seemed to come into the edges of Rosie’s stoic expression. She was quiet, then asked, “Does that mean he has a purple heart?”

“Everybody had the purple—” Julio said quietly, with a small wave.

“The Bronze,” Lionel said. “He keeps it in a drawer in his room. I’ll bring it tomorrow.”

Rosie looked a little ashamed. But Lionel was magnanimous. “Hard to believe it’s the same guy, but it is.”

Julio patted her hand. “Such things can change even good....,” he began, motioning towards Hans’ empty chair to complete the sentence.

The next day Lionel brought the medal and finally explained how sick Hans was. It softened Rosie’s attitude. When Hans returned he was a little suspicious at first, but Lionel never had to defend his friend again.

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Hans spent more time in the hospital during the next two weeks, but for a while there didn’t seem to be a problem about the accident. The driver wasn’t hurt badly, just whiplash. Our worry drifted off. But one day a policeman came to take Julio to jail. The other driver was pressing charges. Rosie bailed him out, but the prosecutor said Julio would be in prison for two years unless he paid the other driver a hundred thousand dollars.

We pooled our money, but it wasn’t nearly enough. When Hans got out of the hospital he offered to confess, but that meant he’d be recommitted for what little was left of his life. Julio said he’d been in prison before and could handle it himself. He didn’t explain, but seemed firmly resigned.

Julio got a young public defender named Becky Singh. They met in one of Rosie’s rooms before trial. Rosie insisted on being present, “for God’s sake.” She came out after the first two hours, looking as though she’d just discovered the Northwest Passage.

“What’s going on in there?” I asked.

“She has to discuss what they will do at trial,” Rosie said, trying to remain calm.

“Did he tell her...I was driving?” Hans asked uneasily.

“No, Hans. He did not,” Rosie said, with a softer version of her drilling look.

“What’s the lawyer like?” I asked.

“Nervous, but smart,” Rosie allowed. She began to speak as one might to children. “She made it clear that everything said in there was in strictest confidence.” We all nodded, then she told us the whole story.

“He was a boxer,” she began, picking up her cards.

“Julio?” Lionel scoffed. I had to agree. Julio’s arms were like straws. The only uniform I could imagine him in was a jockey’s.

“He was a flea weight,” Rosie said, with some authority. None of us corrected her.

“And?” Hans asked.

“It was in Yaze, south of Mexico City. Julio got beat up a lot until he learned to protect himself. He got very good at boxing. Ms. Singh had newspaper clippings. People said he was a natural fighter, with the same talent as a boxer named Conto...or Tonto...or something.”

“Miguel Canto?” I asked, looking up. Canto was one of the best flyweights ever.

“Something like that,” Rosie said, waving her hand at the irrelevance. “But Julio’s family was poor. He worked from the time he was fifteen, cleaning at a butcher’s. Cornelia was the butcher’s daughter. They fell in love, wanted to marry, but she was just fourteen, and the parents wouldn’t allow it,” she said. She stopped to place a bet and let the mood build.

“And?” Hans said.

Rosie pretended she’d lost her train of thought. “What was I saying?”

“Julio and Cornelia?” Lionel prompted her.

“Oh, right,” she said. “Cornelia’s parents sent her to live with an uncle in Mexico City. Julio spent three years trying to find her, but when he did they caught him and put him in the army.”

“Was he even old enough?” Lionel asked.

“Of course not. They paid a sergeant to get him in, and once in...” she skipped her hands together, as if that was that.

“How long was he in?” Hans asked.

“Four years, but he was in jail most of the time for breaking rules: fighting, getting drunk—”

“Julio?” I asked. Dignified, gentlemanly Julio? It was hard to believe.

“Exactly. And even the army threw him out. He got an unhonorable discharge.” Once again, we didn’t correct her.

“He was what then, nineteen, twenty?” I asked.

“Twenty, but they’d moved Cornelia again. Julio couldn’t find her. He lived on the streets, got arrested for fights, was in prison once or twice.”

“Are you sure you’re talking about the right Julio?” Hans asked, shaking his head.

Rosie turned sharply. “Don’t interrupt me!” She hesitated, then patted his hand before continuing. “Anyway, he killed someone in a fight once. Ms. Singh had records, but he wouldn’t discuss it. She said he was to be in prison, but first he had to spend weeks in the hospital—which is where Cornelia found him.”

“She was there?” Lionel asked.

“She’d become a nurse, and they married right there in the hospital! He recovered and went to prison, but she waited for him,” she said, with a hint of triumph.

“How long did she wait?” I asked.

“Ms. Singh just said it was a long time.”

Hans looked up wistfully. “Where is she now?”

“Passed,” she said. “A few years ago. But only after they were married fifty-some years,” she said.

“Oh, my, Little Man,” Lionel murmured.

“Damn right,” Rosie said. “And neither Julio nor Cornelia ever fucked around, Hans.”

Hans slumped back. He’d saddened, and suddenly seemed even weaker.

“What are they talking about now?” I asked.

“Ms. Singh has strategies.”

“Can she win the case?”

Rosie frowned sadly. “Ms. Sing insists he tell the jury more about his crimes. She thinks it will help him, but he won’t. Julio is admitting everything, so she will try to get the smallest sentence.”

Hans looked up “Why? What’s he holding back?”

“I don’t know,” Rosie replied, frowning. “Ms. Singh does, but with me there neither of them would say.” She tossed in her cards.

Ms. Singh and Julio spent another two hours in their separate meeting. When they finished Julio joined us. He looked very tired.

“Will you go to prison?” Hans asked him sadly.

He shrugged. “I’ve been there before, Hans.”

“How long?” Rosie insisted.

Another shrug. “Perhaps one or two years.”

“Rosie said you refuse to discuss some things Ms. Singh wants you to say?”

Julio didn’t answer.

“What is it you won’t say at trial?”

“I will only say I cannot disagree with what the other driver says. Nothing more,” he said. He added a punctuating nod, and stood to leave. That was that.

The courtroom was big, with high walls and long tables. Julio looked very small. Ms. Singh looked nervous. The other lawyer looked like a movie star; she thundered about what Julio had done and said he was a life-long criminal. It was painful to watch.

Ms. Singh read her opening statement. That was painful as well. She talked about how people sometimes make mistakes, even while driving, but the other lawyer rattled her with objections. She got flustered and dropped her notes. Julio went to help her. They retrieved the papers together. He patted her back and said something, then went back to the table. She calmed a little and mustered on, but it was not an exceptional telling.

The prosecutor brought in the other driver, a muscular guy with tattoos and in motorcycle boots. He’d seen a chiropractor fifty times. Ms. Singh objected, but lost. Then it was our turn. Ms. Singh put Julio on the stand. It was very strange. She asked only two questions, and Julio said only few words.

“Do you admit your car hit the other vehicle, Julio?”

Julio nodded. “I will not deny the accusation.”

“Do you admit not stopping your car at the scene?”

“I will not deny the accusation.”

And that was it. “Your witness,” she said.

It seemed too brief, just like Julio’s tellings.

The other lawyer went straight Julio’s earlier arrests. There was a blackboard beside



Julio. She wrote “Crimes” at the top and put the numbers “1,” “2,” and “3” down the left side, then looked down at Julio. “You’ve been a criminal all your life, haven’t you, Mr. Rivera?”

“I committed a number of crimes when I was younger, but not since.”

The prosecutor scoffed. “You assaulted a superior officer while in the military, didn’t you?”

Julio nodded. “Yes. That’s true.”

“And you were dishonorably discharged for that?”

“That is also true,” he said calmly.

Next to the number “1” the prosecutor wrote “Assaulting a superior. Dishonorable discharge.” She turned back. “Years later you were convicted of another assault when you attacked other men?”

“Yes,” Julio said. “I did attack two men.”

The prosecutor wrote “Second assault” next to “2” and turned back to Julio. “A few years later you didn’t just attack someone, you murdered him, didn’t you?”

Julio hesitated.

“You understand my question?” the prosecutor asked.

Julio nodded. “Yes.”

“Answer it, Mr. Rivera.”

Julio took a deep breath and let it out slowly, then nodded. “Yes. I did kill a man.”

“And you were in prison for what? Ten years?”

“Yes.”

The prosecutor wrote “Murder” next to number “3,” then waved and said, “Nothing further, Your Honor.”

Ms. Singh had more, but the judge took a break. Ms. Singh seemed upset. She made a phone call, then motioned the phone to Julio. “Hans wants to talk to you.” I didn’t understand. Hans was in the hospital again. Julio spoke for a while, then hung up. Now *he* seemed upset. He argued quietly with Ms. Singh, but finally nodded and patted her arm.

When the judge returned, Ms. Singh and Julio headed up to the witness chair. They had to pass through a narrow opening in front of the jurors. It was only big enough for one person at a time. Julio got there before her, but stopped to let her go first. She seemed surprised at the gesture from this little eighty-year old man. She shook her head and waved him forward. Julio smiled and nodded, took a half-step back, and with a sweep of his arm motioned that she lead the

way. She hesitated again, but he added another punctuating bow to end any discussion about the matter. She gave him a nice smile and went up the steps. It was pure Julio, and made me smile. Several jurors smiled too.

Ms. Singh stood by the blackboard and pointed to the first line.

“Julio, on the first conviction, you struck an officer?”

“I did.”

“Why did you do that?”

Julio took a deep breath. “The officer insulted the woman who became my wife.”

“Was her name Cornelia?”

“Yes,” he said gently.

“How long were you married?”

“For almost fifty-two years,” he said.

“How did that end?”

“With her death,” he said, softly. He waved to end the story.

“What did the sergeant say about her?”

Julio shook his head. He was not happy with the question.

“Please, Julio. Tell them,” she said.

He glanced at the jurors, and looked down. “He said... she was a puta.”

“A whore?”

Julio waved. “Please, let’s go on.”

Ms. Singh motioned to the 2. “What about the second conviction. What happened there?”

Julio sighed. “After the army I lived for a while in a tunnel with some very old people and their grandchildren. I would go looking for food for them. When I returned one day a gang was there, stealing from the families. They wouldn’t stop, so we...we—” He smiled ruefully, motioning to his face. “We exchanged broken noses. The gang ran away, but I stayed with the families, so I was arrested.”

“Did you have a lawyer?”

“We had no lawyers in those days,” he said, with a shrug.

Ms. Singh pointed to the last entry on the board. “All right, Julio. Now tell us about this third one. How did that happen?”

“It’s not a good story,” Julio said, shaking his head.

“You killed a man?”

Julio sighed. He’d been calm and dignified before, but now seemed emotional.

“Please, Julio,” Ms. Singh pleaded, clasping her hands together as if praying.

“Yes,” he sighed. “Yes. I killed a man.”

“Why did you do this?”

Julio turned back to the jury. “I would rather not.”

“You must, Julio,” Ms. Singh said, and she motioned to the judge. The judge agreed.

Julio frowned, but turned to the jury. “After the earlier arrest I came back to help the grandparents and the young children in the tunnel. But the gang was there again. They’d hurt the grandparents, and had the children, little girls...and they... they were...” He stopped, glanced around the room, then looked down. It was quiet for several seconds, but he looked back up. “I will only say they were doing some bad things, and yes, I did try to kill them, but the best I could do was to kill one and hurt another badly.” He gave one last punctuating nod, and wouldn’t talk about it any further.

“How long were you in prison for that, Julio?”

“Ten years.”

“Were you married then?”

“Yes.”

“Cornelia?”

He nodded, biting his lip.

“Did she wait for you?”

“She did.”

“This woman your officer called a whore?”

Julio’s face darkened, but he nodded again.

Ms. Singh let this settle a moment, then motioned that she was finished. The prosecutor didn’t get back up, and Julio went back to the table.

The other lawyer argued for an hour. That was frightening. Ms. Singh read from cards for twenty minutes. It wasn't the best telling, but Julio patted her arm after. The judge gave confusing instructions, then the jurors went out to decide.

We waited five hours before there was finally a knock on the door. The judge had the clerk read it out loud. She ended with the important part:

“Question: Was the defendant Julio Rivera guilty or not guilty of the charge?”

Answer: Not guilty.”

The other lawyer began shouting. The judge stopped her but said the jurors may have made a mistake. He sent everyone else home. We went to Rosie's, unsure if we could celebrate.

Ms. Singh came later. She said we won. She said the technical reason was because the charges required an injury, and the jury didn't believe the other man was truly injured; but the real reason was because the jurors liked Julio's story, and the way he told it. She added it was to Hans' credit; he'd threatened to come from the hospital to confess unless Julio told the story.

It didn't make any sense.

We went to the hospital to celebrate. Hans had tubes going in and out of him. His eyes were glazed over. A machine beeped every few seconds. We tried to tell him what happened at the trial, but he didn't seem to hear.

“We won,” Lionel said.

Hans seemed to recognize his friend's voice, but didn't understand.

“We won,” Julio and I said together. Hans' eyes opened, and he slowly nodded. He opened his mouth.

“Thank you, Julio,” he whispered. Julio began to answer, but Hans said it again, and again, slowly, over and over. Then he started to cry. Julio patted his shoulder, but Lionel moved him aside and grasped Hans' hand. Then even the big man began to cry.

Julio tried to cheer them up. He said, “Hans, there was a beautiful woman on the jury.” He made a little gesture to describe the woman's figure. “She wants to meet you...” He motioned with his hand to end it.

Hans nodded again, but tears were still coming down his cheeks. Rosie moved Lionel, then leaned forward and spoke more softly than I ever heard her. “It's true, Hans. I spoke with her,” she said, caressing his cheek. “She wants to go with you to Vegas.” Hans smiled weakly towards her. Rosie kissed him on the cheek, then spoke in a husky whisper. “But Hans, will you take me instead?”

Hans' eyes opened wider. His head slowly turned, but then it was another of those moments. He was still crying, but the room was quiet. Then he tried to raise himself. He fell back, exhausted. A few seconds went by, then he tried to whisper, but couldn't. A nurse came

in to give him a shot. It seemed to wake him a little. He tried again to speak, but could only whisper. He turned back to Rosie and sighed.

“Rosie, I...can’t.”

“Why not, dear?” she asked, and she kissed his cheek again.

And he slowly whispered, “I’m...seeing...Lucy...tonight.”.

It hit all of us, hard. Even Rosie. She bit her lip, and a tear came down her cheek. But she nodded, leaned forward and kissed the side of his face.

“I understand,” she said softly, and Hans closed his eyes.

It was a sad time at Rosie’s Cafe, but our tellings gradually returned. They weren’t so good without Hans there, and for a while Rosie began gushing about Julio. One evening she put her arm around him and offered to let us all move into the apartments upstairs. It was a sloppy telling, because she was looking straight at Julio as she said it. Julio handled that as he always handled such things. He showed her that respectful smile and said, “You’re a wonderful and kind woman, Rosie,” then gave her one of his small complimenting bows, and that was that.

We eventually got back to more acceptable tellings. The trial became a subject from time to time. We made up details about Hans’ involvement with a beautiful juror, some of which would surely have impressed him; and we spoke of Ms. Singh’s brilliance until you couldn’t recognize what really happened. But no one embellished Julio’s behavior. It would have been too difficult, for that telling had been too well done. And because it was true, and because it would have embarrassed the little man, we hardly ever talked about it again.

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