

NYADP Journal

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Issue 2

The image features a warm, golden sunset background. In the foreground, there are dark silhouettes. On the left, a hand is raised, with fingers slightly curled. On the right, the profile of a person's face is visible, looking towards the hand. The sun is positioned behind the hand, creating a bright glow and lens flare effect.

***Amnesty is as good for those who give
it as for those who receive it. It has
the admirable quality of bestowing
mercy on both sides.***

-Victor Hugo

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Alternatives to the Death
Penalty**

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(art by Aaron Morgan)

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The Case for a New Paradigm

David Kaczynski

In January 1998, my brother Ted Kaczynski went on trial for his life in a federal courtroom in Sacramento.

During a recess in the proceedings, my late mother Wanda and I were riding an elevator up to the offices of my brother's federal public defenders. The elevator doors slid open and two sharply dressed gentlemen stepped in. I'm pretty sure the doors had closed before they recognized us. But I knew who they were: two federal prosecutors who were seeking a death sentence for my brother.

We were together on the elevator no more than thirty seconds: four people in close confines brought together as a result of a tragedy. We spent the time gazing down at our shoe tops in awkward silence.

It wasn't that I had nothing to say. I had plenty to say, including some things I had rehearsed saying if I had a chance to speak to the prosecutors. But this wasn't the appropriate place or time for any such conversation. And under the circumstances, making small talk would have felt wrong. How do you say "Nice day!" to the mother of a man whose death you are seeking? Or to people who are arguing that your son or brother should be put to death?

And yet the four of us had been thrown together for a similar reason: by our desire to protect society. For the prosecutors, it had been a career choice; for members of the Kaczynski family, a heart-wrenching ethical decision. We shared a basic moral value. Yet we had to pretend, in effect, that we inhabited different universes.

Balance and Order

Our constitutional system was designed to protect the individual against the authority of the state. It was conceived as an antidote to what had gone before, when "justice" was defined by the whim of rulers. The adversarial process was constructed to balance the rights of the accused against state power.

The constitutional system offered another benefit by insuring consistency in the application of the law, carving order out of chaos. The new system rationalized fairness and imposed order on the messiness of human conflicts.

If only Solomon had had the benefit of a constitutional system of justice, perhaps he would not have needed to be so wise!

But when the founding fathers conceived the basic framework of our justice system, they never anticipated that a tension would arise between the *justice* part and the *system* part.

The Courtroom as Theater

Back in the federal courtroom, the eerie barrier I'd felt separating me from prosecutors in the small elevator was replicated in various ways. Along the center aisle of the gallery ran an invisible curtain between the victims seated on one side and Mom and me on the other. Now and then, I ventured a sidelong glance at the victims' side, yet I was afraid that my interest might be misinterpreted. I realized that the courtroom was governed by unspoken as well as written rules. Members of the media were well-behaved inside this space. Outside, it would be a different story. Clearly, the stars of this show were the judge and the attorneys on both teams. The rest of us – victims, defendant, other interested parties, and members of the media – were only allowed to watch.

On an impulse, I brushed aside the invisible curtain and stepped across the aisle to “the other side” where I had glimpsed a familiar figure. It was Kathleen Puckett, the FBI special agent who had been our main law enforcement contact after we turned Ted in.

“I wish we didn't have to be on different sides,” I blurted out.

“I wish we didn't either,” she said, and we quickly hugged.

It felt to me like the most natural gesture in the world - a normal, human interaction. Still, it was strangely out of place in the rarified atmosphere of the courtroom.

There was considerable suspense when Ted entered the courtroom. Would he resemble the unkempt hermit whose arrest had been endlessly replayed on national TV? Mom and I were especially on edge since Ted had begged his lawyers to have us barred from the courtroom. Would he shout something ugly at us? Could Mom bear another such blow?

As it turned out, Ted was well-dressed like the college professor he had once been. Instead of showing any hostility toward me or Mom, he acted as if we weren't there - much as we had

ignored the prosecutors who shared our elevator ride.

As his trial was about to start, Ted did something surprising. He abruptly stood up and called out to the judge, “Your Honor, I have something very important to tell you,” he declared.

“Sit down!” a bailiff shouted.

Ted was not allowed to share his urgent message in open court. Instead, the judge asked him to approach the bench for a private exchange. Only later did we learn from defense lawyers what my brother had told the judge. He wanted to fire his attorneys. He would rather die than hear himself described to the world as mentally ill.

People who ought to know tell me that “The law loves bright lines.” Unfortunately, real life doesn’t always come so neatly packaged. Did my brother’s mental illness cross a line from sanity to legal incompetence? Not according to the court’s chosen mental health expert, who diagnosed my brother with schizophrenia yet still found him competent to stand trial.

Was the expert right? I’m not sure that a high stakes trial represents the best context for answering that question. I’m not even sure that the question has a definitive answer.

What would the founding fathers say if they could observe the criminal justice system as it functions today, with most cases resolved through plea bargaining and with jails and prisons serving as society’s de-facto mental institutions?

Restorative Encounter

Although good prosecutors take into account the interests of crime victims, victims often feel marginalized by a process that focuses most of its attention and resources on offenders. Where is justice for the victim? Does it have any meaning or make any claim beyond punishment for the offender?

When my brother’s trial ended abruptly in a plea agreement, the many victims and their families, along with the general public, were deprived of a full accounting of his crimes or of his mental condition.

Mom and I, however, were lucky in two ways. First, we were lucky because Ted’s life was spared. But secondly (long before I’d ever heard the words “restorative justice”) we were lucky because we had an opportunity to meet with family members of one of Ted’s victims. The meeting, arranged by Kathleen Puckett and chaplain Mindy Russell at the family’s request, was emotional, tear-filled, and at times tense. Yet it was also profoundly honest and ultimately

healing – a kind of human encounter that courts seem designed to prevent.

Above all, Mom got to hear something from the murdered man’s widow that I believe she deeply needed to hear: “Mrs. Kaczynski, none of this is your fault.”

However, there is no commensurate “re-entry” planning for traumatized crime victims who often struggle to move on with their lives.

Offenders are seldom confronted with the harm they have caused to living, breathing human beings. Yet offenders who sincerely wish to apologize to their victims are legally barred from doing so. A state program designed to facilitate victim-offender dialogues is not well promoted and has been seriously underutilized.

The rate of acknowledged wrongful convictions in New York is still uncomfortably high. City courts are plea bargain mills, with victims never seen, public defenders overworked, and too many lives sent swirling down the drain.

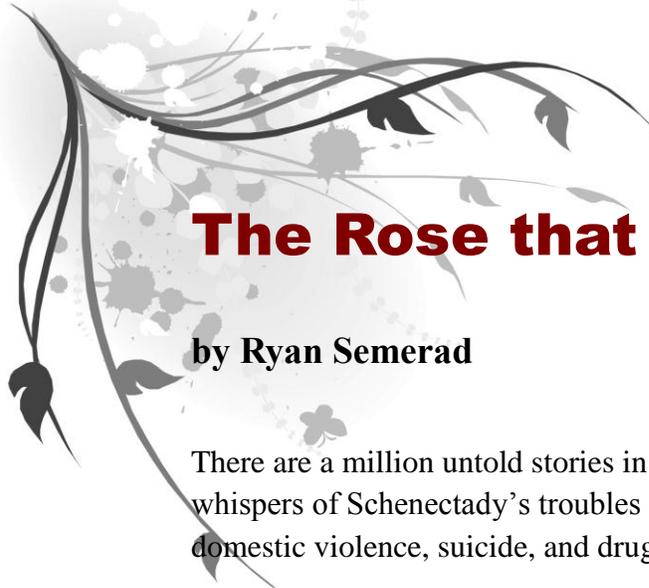
Our efforts to humanize the system are like tiny branches grafted onto to the mighty trunk of the adversarial system. I could be wrong, but I imagine that many prosecutors experience a moment when they reflect, “This isn’t the justice system I once thought it was. It’s just the system we have.”

Pardon the analogy, but I think we need to stop gazing down at our shoe tops. It’s time to revisit the adversarial assumptions that shape our criminal justice system and consider some promising new models.

For instance, Susan Herman’s *Parallel Justice for Victims of Crime* outlines a strategy for delivering meaningful justice to crime victims. With victims and offenders on parallel tracks, we could then build in restorative options like rungs on a ladder. In the process, we could expand the universe of choices for victims and offenders alike.

Then perhaps their journeys through the legal system could become healing and enlightening. Just maybe we could elevate our commitment to justice to the next level.

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The Rose that Grew from Schenectady

by Ryan Semerad

There are a million untold stories in Schenectady. A good portion of them are tragic. You hear whispers of Schenectady's troubles float around the capital region: rumors about shootings, domestic violence, suicide, and drug abuse.

On my last formal day of my internship at New Yorkers for Alternatives to the Death Penalty, it was grey, rainy, and cold first thing in the morning. I was groggy and unsure of what the day would hold. I was heading to two Schenectady schools for a speaker panel presentation. As an English major, I tend to dismiss pathetic fallacy in literature – the weather shouldn't represent anything unless an author wants to be brash.

I attended the two presentations called The Limits of Loyalty at the Martin Luther King Magnet School and the Steinmetz Career Leadership Training Academy. At these presentations, students in grades seven through nine were told stories from a panel of individuals affected by violence, and working to curb it. Students also had the opportunity to share some their experiences, comments, and feelings.

A common theme rang clear through both presentations: Schenectady's youths are struggling. They are struggling with broken homes, with widespread domestic abuse, with the fear of violence in the street, and with the heavy emotional burden of daily trauma. This is not their untold story, however. Perhaps, it is underestimated, trivialized, or disregarded by those outside the city itself, but it does not do justice to the power of these young men and women.

"The untold story of Schenectady is a tale of dreams and immortal hope."

The untold story of Schenectady is a tale of dreams, and immortal hope. These ravaged youths, who have seen and experienced in their short lives more than any people ought to, have maintained a mammoth reservoir of optimism in the face of incredible circumstances. The problem is they feel helpless – they feel vulnerable and disposable. As a result, their hope is left untapped, lingering in the fringes of their souls. At the presentations I attended, I saw how powerful these young people are when provided with real assistance, and support.

The panel consisted of former gang members and convicts, Schenectady's district attorney, the

father of a girl killed in Schenectady, the brother of an infamous serial killer, a man partially paralyzed by a shooting and a young woman whose life has been pockmarked by domestic abuse and suicide. They told their own personal stories eliciting tears, and, more importantly, a powerful discussion about violence, vulnerability, and healing.

The air in the rooms at both locations was charged with respect, caring, and recognition. At first glance, the prospect of speaking to youths about violence seems like a potential recipe for disaster; however, these audiences found nothing distracting or irrelevant in the speakers' stories – their histories of violence echoed the daily lives of these young men and women. Staff at MLK remarked how the speakers managed to get some of the most isolated, introspective students to pipe up and express themselves. Clearly, the students could see themselves in each of the speakers' lives.

"I was humbled by their optimism, hope, and shining spirit."

There is a powerful yin and yang to the story of this day in this troubled city. The yin: these kids are obviously intimate with violence, tragedy and death. This is heartbreaking. The yang: these kids are obviously capable of talking about the problem, and leaning on each other if provided the proper support. This is immeasurably uplifting. Yet, the yin-yang is not a dualistic relationship – it is a complementary

force. As such it is important to recognize that while positive strides were made at this event, there are miles to go and a million more untold stories to uncover.

What I walked away from the day with was a gigantic helping of humility. I was humbled by the scope of the problems in the lives of these young kids in my own backyard. I was humbled by their optimism, hope, and shining spirit. I was humbled by the naked view of the situation: it is, all at once, simpler and more complicated than the rumors make it out to be – which is altogether more complicated.

As I left the final presentation, the day had taken a turn for the better. There were brilliant blue skies, the chill of the morning had dissipated, and I felt invigorated. However, there were still smears of ominous grey at the periphery of the sky...

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Am I Troy Davis?

Colleen Eren

The September morning following Troy Davis' execution, Tim Wise, the noted author of *White Like Me* and an anti-racism speaker, posted a statement on Facebook critiquing the abolitionist movement's use of the phrase "I am Troy Davis." He wrote: "To most all white folks and folks with money generally, please stop saying 'I am Troy Davis.' No, you are not. Nor would you ever be. If you don't understand that, you understand nothing."

It was less than 12 hours from 11:08pm, the time when Troy was murdered, proclaiming until the very end his innocence of the death of Officer MacPhail. The numbness, disbelief, outrage, and grief were still raw... the years of collectively fighting for Troy were over. I became angry. How dare Tim Wise use this moment to criticize *abolitionists* who had given so much to trying to save Troy's life? Why not use his wide public audience to condemn the death penalty system itself, hopelessly mired in racism? Why try to divide those against capital punishment rather than bring more people into the movement?

It took some distance from Troy's death for me to reflect less viscerally to Wise's comment, to self-reflect at my defensiveness as a white abolitionist and to think critically about the abolitionist movement's language and tactics. Wise's point, of course, was that whites are born into positions of privilege at every level due to a bloody history of slavery, Jim Crow and the persistence of institutionalized racism. Therefore, it is ridiculous for whites to say "I am Troy Davis" because they will never *ever* be black in America. They will never, except through the luxury of a thought experiment, know the reality of being part of a minority group that is targeted point. For whites to attest that they can truly understand the black experience or to think that they "are" Troy Davis, meaning that every white person has the potential to be a Troy Davis (i.e. wrongfully convicted and sentenced to death), is ignorant and in some respects, arrogant. While whites have been wrongfully convicted and have experienced injustice, being black means belonging to an entire *race* of people who have been oppressed for centuries, treated as animals and been targets of systemic oppression. The history of capital punishment is one where the markings of racism are undeniable and undisputed.

However, I believe that Tim Wise's demand that whites "stop saying 'I am Troy Davis'" has the unintended consequence of continuing, not reducing, racist thinking and ignorance of the black experience on the part of whites. The power of "I am Troy Davis" was its ability to unite, its ability to inspire empathy with Troy's experience of injustice and his family's pain. The ability to treat human beings as Other, to not care about conditions of inequality and injustice comes about as a result of *lack* of empathy, not an excess of it.

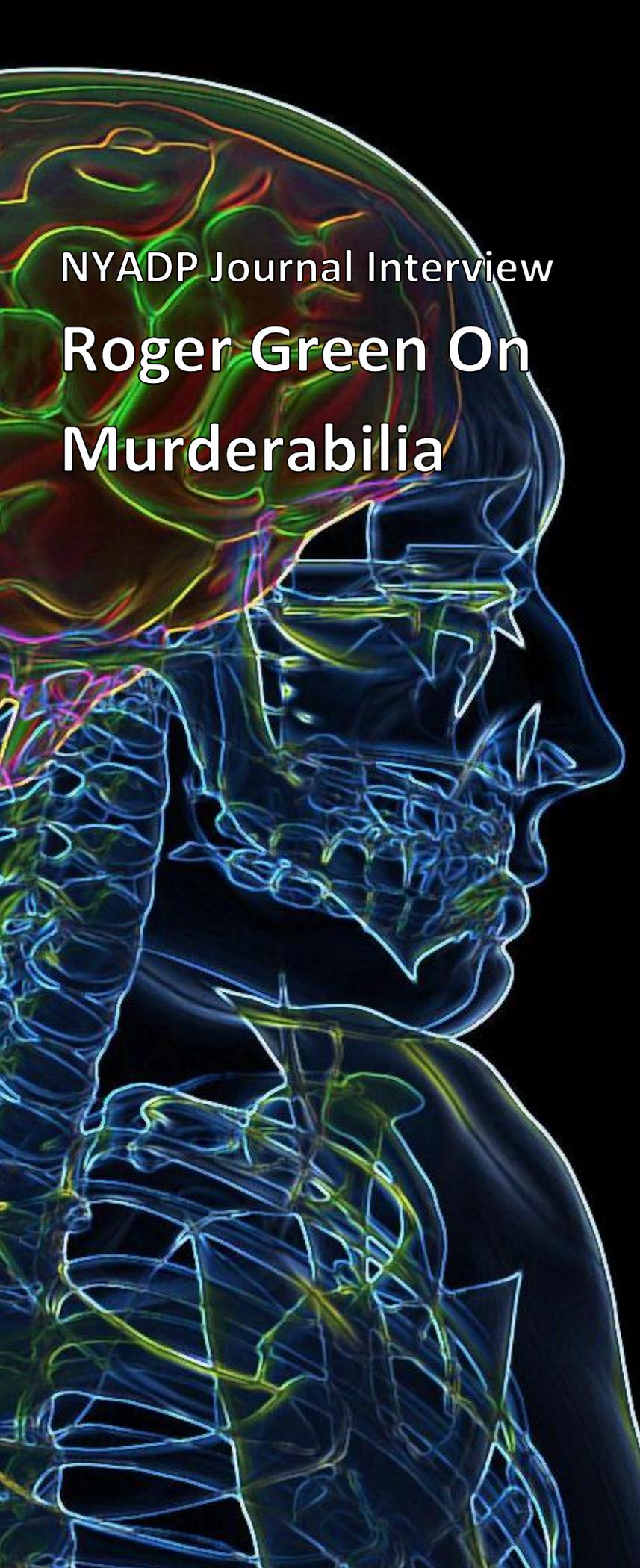
If more whites truly tried to empathize, to put themselves in the role of a minority in the United States, to say "I am" rather than "I am not," the persistence of racism would be less likely. In fact, a recent study published in the *Journal of Personality and Social Psychology* (Todd et al, 2011) showed that research participants who were asked to take the perspective of a black man who experienced discrimination in a film scored lower on tests for unconscious bias than participants who were not told to take the black man's perspective. In other words, the mere act of *imagining* what it would be like to be black and to witness discrimination was enough to reduce bias. I would extend this beyond issues of race to say that if empathetic feeling were consciously practiced, the death penalty could not continue. To say "stop trying to empathize!" seems to me a terribly misguided statement when death penalty support in the United States amongst white Americans is still over 70%.

I do not suggest, in saying this, that whites should delude themselves into believing in a post-racial society where all have equal opportunity. Discussions about racism should be at the forefront of discussions of the death penalty. But the "I am Troy Davis" campaign (which, according to Laura Moye, Amnesty's Death Penalty Program leader, began when a few young men in Savannah wrote the statement on white undershirts at a rally close to one of Troy's earlier execution dates) inspired millions with its message of common underlying humanity.

I asked Lawrence Hayes, former NY death row inmate, Black Panther, and co-founder of Campaign to End the Death Penalty to tell me his thoughts about "I am Troy Davis," and whether whites should stop using this phrase or similar ones in the future. I close with his letter to me:

"I believe the Troy Davis case transcends race, class, etc. I believe the very ideal of "Justice" is at the heart of how people felt and related to Troy's case. People from all walks of life and from every position about the death penalty expressed concern, outrage, and shame at the actions of both the American judicial and political system. Troy's case rests purely in the arms of our collective perception of what is fair and just."

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NYADP Journal Interview

Roger Green On Murderabilia

In the summer of 2011, the sale of murderabilia once again became a topic of public interest. The government had decided to start auctioning the belongings of killers in order to help raise money for the victims' families.

Roger Green wrote a short web article on this issue in his Times Union blog. In it, he raises many interesting questions on the morality of murderabilia.

Since then, the belongings of countless killers have gone up for sale. We decided to contact Roger to see if he had found any answers to the questions raised in his blog post.

What made you decide to join NYADP?

I'm not certain, but it may have been when I saw David Kaczynski at some event - I'm thinking at the downtown University of Albany campus - a number of years ago. He was with some of his colleagues (definitely Gary Wright, probably Bill Babbitt.)

But it was Bud Welch's story, the man whose daughter Julie was killed in the Oklahoma City bombing, that really got to me. He talked about that change from the revenge mode.

Specifically, he talked about how his opposition to Tim McVeigh's execution was OK with the death penalty proponents *until* McVeigh was actually killed, and it seemed that act did *not* bring to the

Oklahoma City family that measure of "closure" they were seeking.

How did you get interested in the fight against the death penalty? Are there ways in which you're involved?

I've long opposed the death penalty. It's partly "I don't think the state should kill people in my name," partly the inequitable way it's been applied. I was struck by the sheer number of DNA cases that have overturned verdicts.

Most of my advocacy has been more one-on-one; I've turned at least one colleague 180 degrees on the death penalty as, at best ineffective deterrent, and at worst, as unfairly applied. But I've written about it too, most recently here: [Link to post on the death penalty](#).

What are your opinions on our current criminal justice system?

I remain troubled by the fact that personal identification is so amazingly inaccurate, yet a recent Supreme Court case has largely affirmed it. One of the worst examples of mistaken identity was the Ronald Cotton case, where a woman who was raped identified him incorrectly, based on the methodology of showing her an array of pictures first. Subsequently, she failed to recognize the actual rapist, and Cotton was cleared only on DNA evidence. I'm convinced that similar things happen too often.

In May of 2011, you wrote a brief blog piece on the sale of artifacts from crime scenes and possessions of killers, also known as "murderabilia." Have you had any thoughts on this since then?

Only this: I can appreciate hero worship, and that I can see one wanting this ballplayer's glove or that musician's guitar. But I guess I want someone's hero worship to be aspirational, something to try to emulate, so murderabilia frankly creeps me out.

"It's not that I want to obliterate the dark past. It is that I'd like it shared in some sort of historic and sociological context."

Do you feel there's a substantial difference if the auction of murderabilia benefits victims or the government, rather than the criminal?

There are laws to prevent felons from profiting from their crime. I still find the purchase unsettling.

In the Unabomber auction, some of Ted Kaczynski's belongings were purchased by museums which highlight murderabilia, such as The National Museum of Crime and Punishment in Washington, DC. Is there a substantial difference between private buyers and museums and research institutions?

Actually, yes. I've noticed that there are lots of mementos of 9/11 available for viewing. It's not that I want to obliterate the dark past. It *is* that I'd like it shared in some sort of historic and sociological context.

Currently about 40 states have "Son of Sam" Laws, which prohibit criminals from benefiting from these sales. Recently questions about the constitutionality of these laws have been challenged. However, other goods can be banned from sale, such as Egyptian artifacts or elephant ivory. Do you support laws that ban the sale of these items? Does it matter who is getting the proceeds?

Of course, criminals are not all created equal. Participants of Arab Spring, the Occupy movement had elements that might be considered criminal. Martin Luther King, Jr. was a Nobel Peace Prize winner and a jailbird.

The law must be written very carefully, and I understand the New York law has, so far, passed Constitutional muster. There are all sorts of reasons to ban the sale of items. As yucky as I find purchasing mass murderers' accoutrements, I'd be cautious about wholesale banning of them. I think it may need to be determined on a case-by-case basis.

On the other hand, banning the sale of body parts of endangered species is something I can support.

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Roger Green maintains several blogs including [Ramblin' with Roger](#) and [Information Without The Bun](#), both of which can be found by the PDF hyperlinks provided here.

The Note

by Chuck Miller

After Father Aloysius finished the final morning services for the parishioners at Iverhill's Church of Most Precious Blood – after he shook the hands of each exiting family and asked the little children if they received what they wanted for Christmas, and even blessed a Bible that one child received as a present, his day was almost done.

He was on the tail end of a long 48-hour period – working with the Interfaith Charities to organize the turkey dinner deliveries yesterday, then a Midnight Mass, and then Morning Mass on Christmas Day – he was exhausted. And all that required his attention was a little parish maintenance – some sweeping, some dusting, putting the hymnals back on the pew racks, checking the pews for leftover chewing gum, the usual things.

Sweep, clean, neaten, tidy up. Nobody wants to come to an unkempt church, he thought to himself. This is God's house. God keeps a tidy house. At least if God can get a few more dollars from the collection boxes, then maybe Father Al can pay for the crack in the church wall when the plasterer arrives tomorrow.

He then walked over to the collection boxes. Sometimes the boxes were stuffed with dollars and coins; other times, someone would use it for disposing their gum wrappers or cigarette butts. After last year, when someone left a lit cigarette in the collection box and it burned through about \$25 in paper money, Father Al kept a small fire extinguisher near the collection boxes lest the church actually burn down because someone couldn't control their nicotine urges. He unlocked the first box, stationed near the right of the church entrance. Plenty of coins, plenty of dollars, a note saying "Good service today Father Al," another note saying "Can we get a different flavor of sacramental wine?" and another note whose barely legible handwriting must have been influenced by a Christmas Eve bender and Christmas morning hangover.

Then he unlocked the second box, stationed near the left of the church entrance. Some more money, some more coins, a couple of checks, and a white envelope.

Father Al opened the envelope. There were no checks inside, no bills or coins. Just a handwritten note.

He looked at the envelope. No return address. No forwarding address. Blank and white.

Taking the note over to a better-lit part of the church, Father Al sat down, took the note out of the envelope, and read it.

Dear God,

the note began.

In Your mercy, we all seek and ask You for forgiveness. And that we are asked to forgive those who have harmed us. In Your wisdom and glory, I ask for forgiveness for my father.

Father Al looked up. This wasn't a letter for the collection box. This was a letter for the confessional. He continued to read.

Lord, I came back today to attend his funeral. It's the first time I've been back in Iverhill in ten years. I can't change the past. I can't change what he did to me, and how much it hurt me and shamed me. But what has changed in those years has been my perspective. I can't make things different. All I can do is acknowledge that I became an adult in spite of what he did to me.

Father Al continued to read, his vision darting from tortured word to tortured word, his lips half-reading out loud, half-whispering a prayer.

Ten years ago, I moved away from Iverhill, and I got away from his hurt and his anger and his fear. I never gave up, and I never allowed anyone to do to me what he did. I still bear the scars of what he did, but they are scars of memory and not scars of fear.

God, this takes a tremendous amount of will power on my part, and I'm not sure if You will hear me. I do know, in my heart, that You are the almighty judge and redeemer, and that You will make the final determination as to where my father's soul goes after his body has been laid to rest. With this

letter, I ask You to forgive my father for what he did. He wasn't strong enough to overcome his alcoholism. He wasn't strong enough to overcome his demons. The last time he saw me, I was leaving Iverhill and leaving him behind. I don't know if that changed his ways or not. But I can't let what he did to me continue to cripple me or stunt me. I will never forget the horrible things he did. But I want to forgive him - and hope that, in Your mercy, you will forgive him as well.

In Your name I pray. Amen.

The letter bore no signature. The handwriting on the letter was lightly penned. If Father Al had to take a guess, he thought it might have been a woman's handwriting. But he wasn't sure. Father Al wiped a small tear away from his eye. For someone to go through what this letter-writer had experienced – and still to ask God for forgiveness against that tormentor – it was a tremendously poignant and bitter letter, full of pain and sorrow and hope and resolve. Father Al thought about who the “father” might be – perhaps it was someone who visited the Confessional booth in the past; perhaps it was someone who only entered the church twice a year.

But this was no time for detective work. This was a time for reverence.

Standing up from the pew, Father Al took the letter up to the church altar. He whispered a small prayer upon the handwritten note, and dabbed the letter with some drops of water. He then took the letter to his rectory, took a white church envelope from his desk, and sealed the letter inside. He then took a pen and wrote the words, “To Be Opened Only By The Lord” on the envelope's front.

He then walked back out to the church entranceway. He knew where this letter had to go. Along the side of one of the walls of the church was a tiny crack. Over time, the crack had grown to the point where Father Al knew it needed repair. That's why he scheduled a contractor to fix the crack, and the contractor would arrive tomorrow.

He knelt down in front of the cracked wall, and slowly slid the envelope into the wall fracture.

And by Wednesday, the masonry worker would seal up the crack, as if the fissure never existed. And the note, containing the words of an anonymous prayer for forgiveness, would next be read – at some future date – by the Lord himself.

Winter Poems

Chris Honeycutt

Light

Lambda one
Equals
Lambda two
Times
Sine theta one
Divided by
Sine theta two

I cried
Because I could not
See
the rainbow
anymore.

Bitter Little Book

Suffering in
Static
Beneath broadcaster diction
Or
Vibrating letters
Between clicks

In silence
I carried my overdue books
Back to the library
Even though titles
I remember checking out
Are only available electronically now

I'm no better than anybody else

Boys

by Josh Medsker

The boy's legs were too short to reach the pedals. He was sitting half-on, half-off the truck's maroon vinyl seat. His younger brother sat next to him, looking at him through his left eye.

"Evan?" the younger boy said. Evan kept driving.

"Evan?" the younger boy said again.

"What, Ollie?" Evan said, not turning his face away from the road.

"Where are we going?" Ollie said.

"I told you," Evan said.

The wind came through the gap between the window and the rubber around the door jamb, making a whirling noise. It blew into Ollie's eye, making him wince.

"How's your eye?" Evan said, turning to look at Ollie.

"It's ok," he said. The sky blackened, and the wind picked up even more. Evan turned the heater up.

"Hey Evan?"

"Huh."

"You sure Daddy knows we've got his truck?" Ollie said.

"I told you already," Evan said.

"Yes. I asked him right before I woke you up. He knows we're just going for a ride." They passed some cow-tipping frat boys, and a truck stop. Ollie sat in his seat, quietly. The fishing tackle box and hunting rifles and empty beer cans in the truck bed rattled as the truck hit patches of unpaved road and gravel.



Art by Aaron Morgan

“That doesn’t sound like daddy,” Ollie said after a while.

“He’s really careful about his truck.”

“Look, I’m getting my learner’s permit in about a month,” Evan said, turning to Ollie, glaring.

“Besides, he told me I could drive it. You calling me a liar?”

“Well?” Evan said. Ollie sat, not saying anything, looking down at his sneakers.

“No,” he said, finally. Evan clicked on the wipers, and sprayed the fluid to clean the dead bugs off the windshield. He clicked it off again, and leaned forward to see.

“Damn it,” he said.

“I can’t see.” Ollie sniffled in the passenger seat. Evan glanced over at his brother, and didn’t say anything. Ollie began to cry.

“I’m sorry I snapped at you,” Evan said, keeping his eyes on the road. Ollie wiped his nose on the sleeve of his favorite Spider-Man pajamas, the ones his mom had gotten him for Christmas that year.

“Hey,” Evan said, looking over.

“I didn’t mean to snap at you.” He reached over and tousled his little brother’s hair. Ollie smiled a little, and Evan gave his own gap-toothed smile. Ollie blew his nose in a McDonald’s napkin he’d found on the floor, then wadded it up and put it in his pocket.

Evan kept driving while Ollie fell asleep in the passenger seat. Evan knew he’d done the right thing, taking his brother from the house, but he was getting tired of driving, and didn’t know what he was going to do next. Drops of rain splattered on the windshield, and Evan felt the small drops hitting the side of his face, coming in through the window. He strained forward to see the road, putting his face right up to the glass.

He saw a red barn up the road. Evan drove up to it and parked. He walked up to it, catching a whiff of animal droppings. Evan inspected the outside. He noticed the paint was peeling on the sides, coming off in big fat flakes. He opened the creaking heavy door. It was dark inside, but he could make out an area in the back that was dry. He grabbed some hay and took it back there, fashioning a makeshift bed. The roof was sturdy enough, but the rain was still getting through in several places.

Evan walked back through the yard, past the yellow patches of grass, and rusted-out cars, back to Ollie, who was playing a video game in the passenger side of the stolen truck. “Where’ve you been?” Ollie said as Evan got inside to grab his coat..

“I was just looking around inside the house,” Evan said.

“There’s no furniture, but I made us a little bed. Come on.” Both boys got out of the truck.

“What’s going on?” Ollie asked, pulling his jacket to his body.

“I thought we’d stay here tonight,” Evan said, as he pulled two sleeping bags from behind the seat.

“Why?” Ollie said.

“Won’t Mom and Daddy wonder where we are?”

“They’re asleep,” Evan said.

“Besides, they’ll still be asleep when we go back in the morning. Tomorrow’s Saturday.” Ollie put the video game in his coat pocket.

“Where are we?” Ollie said.

“I think we’re about twenty miles south of town,” Evan said.

“Amarillo’s that way,” he said, pointing north. He knew it was more like fifty, but he didn’t want his brother to raise a fuss, as Evan knew he would if he were that far from home. He’d never been that far from home before. Not like Evan, who had been hunting in the Hill Country with his father.

The boys went inside the barn. There were no animals there, but the floor was covered with hay.

“There’s a loft,” Evan said, pointing to the ladder in the back left corner. They walked through the musty barn, kicking up animal dander and dust as they went. The walls of the loft were covered in graffiti, and there were cigarette butts and beer cans strewn about the floor. There was also a dilapidated mattress, ripped and lying in the corner. They laid out the sleeping bags on the mattress, and rolled up their jackets for pillows. Ollie lay down and curled up to go to sleep. Evan sat up in his sleeping bag, looking forward.

“Evan?” Ollie said, looking over at Evan.

“Yeah?” Evan said, looking in the direction of the barn door.

“We’re going home in the morning, right?”

“Yeah,” Evan said.

“We are. Now go to sleep.”

Evan waited until Ollie was asleep, then slipped out of the sleeping bag, and stepped down the ladder and out of the barn. He started the truck, and thanked heaven that Ollie was a heavy sleeper. He took a rifle from the truck bed, and laid it on the passenger seat.

As he drove, his mind kept going back to his dog. Evan could picture him sleeping in the yard. He had been on a hunting trip a few weeks earlier, with his father. He hadn’t been too eager to shoot a gun. He wasn’t sure what was supposed to happen when you went hunting.

“You aim it like this,” Evan’s father said, putting the rifle up and putting his shoulder back. He handed the rifle to Evan, who stood there, confused.

“Didn’t you hear me?” his father said, looking puzzled.

“Yes,” Evan said.

“I just don’t know what to do.”

“I just told you,” his father said, reaching over, snatching the gun out of Evan’s hands.

“You aim it like this,” his father said again, then shoved the gun back at Evan, who stumbled back a few steps.

“I’m sorry,” Evan said softly, afraid to say anything else, for fear of getting slapped, or worse.

“What kind of a man are you going to be if you can’t even shoot a gun?” his father said.

“Now let’s get going, we don’t have much daylight left.”

Evan had only been hunting once before, but hadn't shot anything. The woods were thick where they were. The woods were the only thing Evan liked about hunting. He always walked behind his father, so he could at least lose himself in his thoughts for a little while and not have to deal with his father's exacting standards or his hair-trigger temper. Once, when Evan was eight, when Ollie was a baby, Evan's father took him on one of his fishing trips. His father had let a fish get away from him, and Evan asked why. Thinking the boy was mocking him, Evan's father flew into a rage and grabbing the boy with both hands, repeatedly shoved his face down in the dirt. He ignored Evan for the rest of the day, and made him ride a hundred miles back to Amarillo in the back of the truck, in the rain.

On this outing, Evan was allowed to bring his dog, Bones, but only if it stayed tied to the truck the entire time. Bones had chewed through the rope while Evan and his father were off in the woods and, naturally, went off to find them.

"There it is," Evan's father said, pointing his rifle at a small white-tailed deer about a hundred yards away in a clearing.

"Remember what I said before about keeping the gun level," his father said. Evan was nervous, and his hands were clammy. Although his whole body was shaking, he leveled the gun, and shot.

The deer bolted when it heard the shot, but the bullet caught it in the back left leg. It started to run away, but Evan's father shot, and grazed its back. After the second shot, Bones came running out of the brush, barking, and knocking Evan's father off balance. The deer ran away into the woods.

"God damn it," Evan's father yelled.

"I swear to god..." He aimed his rifle at the dog.

"No!" Evan said, running over to his father.

"I told you to keep that god damned dog tied up didn't I?" his father said.

"I swear, I didn't know he wasn't tied up, Daddy, I swear," Evan pleaded. His father cocked the gun.

"Don't!" Evan cried. He fired. Evan heard a yelp, and he felt sick.

Bones ran away as fast as he could with Evan following behind him. The boy's legs were weak as he ran. His mouth was dry, and he looked around wildly, calling for his dog. He heard his father yelling for him, and ran faster.

“Evan!” he yelled.

“Come here!” Evan didn’t even break stride. He kept running and weaving through the underbrush, looking everywhere all at once, calling for his yellow lab. Suddenly, Evan saw the ground coming up at him, and instinctively put out his arms to catch himself. He hit his head on the ground, and lay unmoving for a moment. He heard his father yelling for him off in the distance, and bolted up. He stumbled as he tried to stand on his ankle, which had been sprained in the fall. He called for Bones. The dog limped over to Evan, who was sitting on a fallen tree. The dog began licking the boy’s face, which was now flushed and puffy from crying. As his father approached, Evan covered the dog’s body with his own.

“Evan,” his father said calmly.

“Quit your crying and get out of the way.” Evan didn’t move. The dog’s entire stomach was covered with blood, and a small bullet wound pumped blood down its hindquarter. Evan’s father picked him up with one arm, and shoved him away. His daddy fired a second shot, and the dog stopped moving. Evan’s father looked at the dog, and his son, who was huddled over its’ body, weeping.

“Fucking dog,” his father said.

Evan passed the run-down gas station on the edge of town, and his own middle school. He passed his favorite video arcade at the strip mall, and the big woods behind the high school where he liked to go walking, and finally came to his own driveway.

He shut off the truck, and took the gun from the passenger seat. He walked up to his house, which now looked foreign to him. He looked up his and Ollie’s bedroom window which was still open a crack from when they’d escaped. The house didn’t seem real to him anymore. It was more like an apparition or an oppressive, inescapable hallucination than his home now. Even the trees in the yard, the ones he’d climbed summer after summer, looked sinister somehow—like their tree fingers would reach down and snatch him up if he came too close to them. Evan walked past the shade tree with the chewed, knotted rope tied around it. A light came on as he stood on the porch. A tear rolled down his cheek as he opened the door and aimed.

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NOTES ON CONTRIBUTORS

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