

# CONSTITUTIONAL RIGHTS

*by* Frances Metzman

Joanne Simpson sat in her pew of the church that dominated her tiny town, listening to the buzzing of disturbed voices like a hive of bees trapped in a wall. She knew exactly what was wrong. Some parishioners sat on the edge of the pews, while some whispered to each other and a few stared intently straight ahead.

Until today, entering church had always given her the sensation of just having been baptized in cool, sparkling water from the time she was a little girl until today. That's why Joanne loved to take her young daughter, Tina, with her — so she could have the same experience.

Every Sunday the minister's sermons, delivered in simple words, brimmed with love and caring. They always touched Joanne deeply, a reminder that her fellow parishioners were like family. It provided a brief refuge from the problems of every day survival.

The minister, Reverend John Lukuns, cleared his throat. "Let me make myself clear. I beg you to welcome our new member, James Anderson, when he comes to church next Sunday. We are about forgiveness and love. Jesus welcomed sinners and good people alike, bringing the ones on the wrong path into his fold and reforming them. That's what we are all about. James Anderson has paid the price to society by a long jail term, and is declared reformed." The minister bowed his head and paused. Then he looked up.

"This man, Jim Anderson, is known to you through the pamphlets circulated to every neighborhood in our small community. They reveal Mr. Anderson's past, that is if you haven't already seen the police blotter," the minister declared in a low resonant voice and stretched his arms out. "This man begs for acceptance. God is love.

God is forgiveness. We are about mercy and kindness. We must turn the other cheek.

“Sadly, Mr. Anderson's windows have been broken, his car damaged and eggs thrown at his front door. The man begs you to allow him a chance to show he has served his sentence and is reformed.” He stopped, stared at the audience and raised his hands upward. “And now I beg you, as my parishioners, to let forgiveness flow through your hearts. Open yourselves up. Let goodness flow in. We can help this person within these walls, within these humble walls,” the minister gestured around the room, “God will guide him. Your acceptance will take him along the right path. He wants and desires Jesus to take his hand. The bible says forgiveness is holy.”

Joanne noted in all her years of attending church this sermon was a first. The words she heard distanced her from religious thoughts, and she stared at the church décor. The plain white-walled, high-ceilinged auditorium had only one adornment — a five foot wooden cross behind the alter. Somehow belonging to this church had been healing for Joanne. Today brought her back to horrors of the world she sought to escape within these walls.

Now the stuffy air thrummed with murmuring. It felt like listening to a monotonous note pitched so high that only certain people heard it while others strained to catch the sound. The minister looked around at the one hundred or so congregants, waiting patiently for quiet.

Joanne sat next to her twelve-year-old fidgeting daughter, Tina, who wore a green and yellow flowered sundress with the sleeves drifting off of her thin shoulders. Her usual summer dress garb consisted of blue shorts and a T-shirt and she knew Tina could not wait to get out of the cumbersome dress. The child's fragrance reminded Joanne of a sweet, brown-flecked banana. Tina had combed her long dark hair into a ponytail and deftly snapped it into a band.

Aware of Tina's beginning maturation, Joanne had an urge to cover her daughter in layers of clothing. This pedophile, James Anderson, had moved into her block a month ago, three doors down

and across the street from her. Now she was being asked to forgive him and to ask God's mercy for the evil he had done. She refused to waste her prayer time on him.

As people exited the church, about a third of the congregation bypassed the minister rather than shake hands. Some were red-faced and held tightly to their children's hands. Others were openly hostile and muttered invectives about the minister as they got into their cars. Several spoke directly to the minister that they would never return to the church if the child rapist showed up. Joanne didn't want to leave the church and didn't know what she would do. It was so much a part of her life.

As she passed the minister, she nodded and shook his hand.

"May I expect to see you next Sunday, Joanne?" the minister asked, looking her in the eyes.

Joanne hesitated, smiled and said, "I'd be very unhappy if I no long came here."

"That doesn't answer the question, my child."

"I hope to be here, Reverend Lukuns."

Joanne pulled her hand away and left. She had seen Anderson coming and going from his house and once or twice she saw a camera often dangling from his neck. He was small and frail and looked too delicate to hurt anyone, but he had a pleasant face with rough skin and, she hated to admit, an open smile. Joanne never responded to his greetings.

His records showed a man of hideous cruelty. He'd beaten and raped a ten-year-old child, burned her body with a cigarette and left her for dead. Another eleven-year-old child he'd bitten, raped and thrown her out of a moving car. Released on parole after serving a twelve year sentence in prison term, he'd recently turned forty-two.

In prison Anderson had been a model prisoner, used his college skills to teach other incarcerated men and responded well to medication. He even became born again.

Still, the mental images of the rapes bled into every conversation she had with friends and neighbors. She knew for certain that she

didn't want to see that man anywhere near her daughter or any child for that matter despite his finding religion.

At home, Tina put on shorts and a lavender T-shirt with a picture of a duck. Then Joanne combed Tina's full head of thick hair. She wanted to tell Tina she ought to wear more clothing although a searing July sun melted the asphalt in the streets and shimmered the air rising from the pavements. She didn't dare tell her daughter for the millionth time she ought to be wary of strange men because their lives had become overly filled with *oughts*. Besides, this man wasn't really a stranger after living on her block for eight months and was now a member of her church.

"Stay away from that man's house," Joanne said.

"I ignore him," Tina said when Joanne began her cautioning lecture again. "Besides he wouldn't do anything bad knowing he can go to jail again."

"People like that are out of control. They're sick." Joanne knew pedophiles had a high rate of recidivism.

"I'm not a kid anymore. You have to trust me." Tina gave her mother a barely tolerant look. "I can take care of myself."

Then Tina called her friend, Janet, who lived next door to the unwelcome neighbor.

"Janet's baking cookies with her mom. Can I go?"

"Sure." Joanne checked the urge to fold Tina in her arms, knowing it would annoy her. "Bring Janet back and we'll have dinner here. I'll pick up your favorite, Marvin's barbeque ribs and hot dogs. Call me when you're ready to come home. I'll walk you back."

Tina scowled. "I can come back myself. You're so high-test neurotic. The police know where this guy lives."

That thought didn't calm her nerves. Although she'd informed the police that the man carried a camera around with him from time to time, they told her the law tied their hands. He wasn't doing anything illegal.

Admittedly, she never saw him snapping pictures. A cop told her the man had his constitutional rights to be carrying anything that didn't indicate any danger. They promised to caution him about

infringing on privacy of the neighbors though. That was all they could do until he did something wrong.

“What about a decent, law-abiding citizen's rights,” Joanne had said tersely. After she hung up she swore she'd never sit around, waiting for the worst to happen. Her child would never be a guinea pig for the justice system.

As Tina waved goodbye, Joanne stared at her child's sweet, round face and felt weary of her own nagging, of being scared. She and Tina had expended lots of energy in the last two years adapting to the divorce. Just when they had found a smooth rhythm to their lives this guy moves in.

Working two jobs to cover their basic needs and a few extras like ballet lessons for Tina, Joanne sometimes put in sixty hour weeks. Moving wasn't an option. Even if she could afford it, there had been enough changes in her daughter's life. Tina loved her school and friends. Besides, Joanne had a big emotional investment in the town where three generations of her family had lived. These people were an important part of her life where everyone pitched in when someone ran into difficulties. Her mother lived in a nursing home on the outskirts of town and was visited daily by either friends, the minister and his wife or Marvin, the town butcher who helped anyone in need. Janet's parents often had Tina sleep over when Joanne worked late.

Peering out the window, Joanne stomach wrenched as she watched Tina skip past the loathsome house.

Later that afternoon Joanne decided to walk the two miles into town to shop for dinner rather than drive. As she passed Anderson's house she noticed his white muslin curtains parted and the man's bald head outlined like a bright spot against the dark interior of his house. She stopped. Her skin crawled as she stared at his boxy, blue painted house, indistinguishable from the other innocent looking houses surrounding him. Tina's friend, Janet, lived next door with her hard-working, concerned parents. Joanne looked from one

house, pleasant and peaceful with the sweet odor of baking cookies wafting from the open window, back to Anderson's with imaginary smells of a toxic dump.

Joanne commanded her sluggish legs to move and resolved to confront this Anderson at some point. She reasoned that if he knew people watched him he'd have more incentive to keep himself under control. Suddenly, he appeared on his front porch. This time he had no camera slung over his thin chest.

"Hello," he called out in a tight baritone voice, much deeper than would be assumed in someone so slight. "I'd like to talk to you." He hurried over to her.

Joanne jammed her hands into her jeans pockets. "What did you say?" Joanne thought her voice sharp enough to cut through trees. Up close his presence revolted her even though he was quite presentable. He wore an immaculate blue oxford shirt, neatly pressed jeans and tan sandals. He boldly faced her. She thought this a perfect opportunity to get out her pent-up fears.

"I got a warning from the police." He looked apologetic. "I don't know if you called, but I'd understand if you did. I need to explain something."

His scent of flowery soap hung suspended in the hot summer air between them, nearly choking her. While his expression beseeched her, she thought him fraudulent, covering his horrific deeds with an aura of Mr. Super Clean. She'd bet his nails were neatly trimmed and flawless.

She faced him squarely, knowing why he suspected her. Whenever she saw him outside she made sure to stare him down. "I did make that call. What of it?"

"I want to apologize if I offended you. Let me assure you that I am completely rehabilitated. I'd never hurt anyone again let alone a child." He spoke well, his English a bit clipped.

A friend in the D.A.'s office had supplied Joanne with background information. This man came from an upper middle-class family, had grown up a child of privilege, attending the best boarding schools and universities. What, she wondered, happens to create such

monsters? It shocked Joanne that he had the nerve to force her fears out in the open like a body blow.

"In my prison rehab I took up photography. I'm trying to exploit that skill and get into the business." His face flushed. "It isn't easy to get a regular job because of my record so I've gone free-lance."

"I don't care about your personal life. Just know I'm watching your every move," Joanne said with steely coldness.

"That doesn't bother me at all. I'm a changed man. The person me in the past was a different person then, and I paid for my crime. Believe me," He folded his hand at his chest, "I suffer every day for what I did. My family disowned me which is pretty funny because I was abused by my parents as a child. My father raped me."

He seemed to choke on his words and for the first time, Joanne listened carefully.

"I'm sorry." He caught his breath. "Not that people are wrong, but they treat me like a pariah. That's punishment enough. God leads me now."

His eyes begged for the forgiveness that she felt reluctant to give. The God she knew didn't want children hurt. That's why she took Tina to church every Sunday, to learn morals and ethical ways of behaving. If you hurt people, especially children, then maybe you have to pay the price for the rest of your life.

"I love this neighborhood, and I want to stay." He waved his hand in a big circle to take in the tidy, neighborhood of single homes with the postage stamp lawns. "I'd die before going back to prison, and I'm begging for forgiveness. God is in my heart. I have found Jesus."

Scrutinizing his misted eyes, she vacillated between believing and wanting to slap his face. "Don't expect invitations to neighborhood events." She heard a dollop of softness creep into her voice.

He smiled wanly with thin, bloodless lips. "I don't. I'm just trying to make a living doing commercial photography now. I can do

parties, portraits or even your pet.” He wiped his brow with a clean tissue. “My prices are reasonable.”

The idea of his entering her home and being in the same contained environment with her daughter made her itch all over. Still, he seemed so sad. Forgiveness beat at the back of her head. Was it possible to set her rage aside? It would be the right thing to do. The minister's words rang in her head.

“I'm trying to feel good about myself. I even tried to contact my parents despite the past. I have to take responsibility for myself.”

Joanne tried holding on to her anger like clinging to a life raft in a storm. She felt herself slipping. She didn't want to reveal that she had an ounce of pity for him. “Don't let me catch you talking to any of the children around here or I'll report you to the police instantly.”

His head snapped back as though she'd struck him. “I learned patience in prison. God will help you learn to trust me.” He held out his hand.

Her arms lay limply at her sides. “God has better things to do.”

He looked like a puppy being yelled out for wetting the carpet.

On impulse she shook his hand and was immediately sorry. It gave the impression she'd been convinced of his story. She dropped his hand quickly.

By the time Joanne entered the business district, her heart still banged in her chest from the face-to-face confrontation. She passed rows of small brick-front businesses, untouched by the mega-stores. Mom and pop hardware, bakery, grocery and clothing shops lined up in friendly groups as though shielding the town from an outside hostile world.

The town residents showed their loyalty by patronizing the four block commercial sections rather than driving to the big



shopping mall on the outskirts of town. This is where she wanted Tina raised, in a place where people cared about each other.

She felt comforted passing by the stores owned by friends and acquaintances. Not that Bolton Heights had an ideal record of kindness and humanity. They had their share of mean gossip, petty crimes and occasional domestic violence, but never had she heard of what she'd seen in Anderson's records — acts of inhumanity.

Inside Marvin's butcher store, she purchased two pounds of his homemade hot dogs and three pounds of special barbeque ribs already cooked. He looked like he'd been drawn from an old-fashioned magazine cover — robust, totally bald, blue twinkly-eyes and he played Santa Claus every year.

Marvin lived around the block from her and when he walked his dog by her house he often dropped off a piece of beef without charge. He always claimed the cut hadn't sold and so needed to be cooked immediately. She knew he did her a favor since the meat smelled fresh and tasted great.

But the peace and tranquility she had worked so hard to achieve was dissipating like a plume of smoke in the air. She was conflicted now. Before, when her rage gripped her, she felt confident in hating Anderson. Now compassion had crawled into her heart like a worm inching into an apple.

“How's my girl, Tina doing? Saw her and Janet over at Jensen's Dollar Store. Those are terrific kids. They are always polite and sweet.”

“Until now they were both doing great.” Joanne had never been bothered by the girls walking around town by themselves. Now her knees went weak at the thought.

“I get your meaning. It's that neighbor of ours.” Marvin waved a gleaming cleaver in the air. “I'd cut his you-know-what off for what he did if I could get away with it. I worry about my girls, too.”

“It's awful that he moved here,” Joanne said. “He stopped me in the street before I got here, claiming to being reformed. It's

hard to know the real story. He almost had me convinced." The sliver of belief in the man's rehabilitation opened a tad wider.

"I heard those reform stories before. Yeah, they become born again. Born again to do their evil," Marvin said, slamming his cleaver on the butcher block with a loud thud. "Everyone is jittery, afraid to let the kids go out. Keep your eyes open."

"It's a worry not being around to watch them all the time," Joanne said. "But maybe he has come to his senses. He made a good case for himself."

"Don't lose sight that he's the scum of the earth."

The bell on the door tinkled and a customer walked in.

Joanne paid for her purchase. "Thanks, Marvin."

"I'll keep an eye on the girls when they're in town best I can. We're all looking out for each other."

"I appreciate that. This town does protect their own. See you around."

On the walk back home, she avoided looking at Anderson's house. She had to admit it took courage for him to approach her like that. Why would he bother if he didn't mean it? He put himself right out there, allowing her scathing words to claw his soul.

Out of the corner of her eye she noticed Anderson's SUV sitting in the open garage with the motor running. She agonized about whether to knock on his door as a common courtesy. After setting her grocery bag on her porch she crossed the street. He opened the door quickly. The smell of mints coming from his breath intending to cover the underlying scent of alcohol didn't work. She felt strongly that a man with his proclivities shouldn't be drinking.

"Your motor is running," she said, and turned to leave.

He craned his neck to look into his garage. "I was about to leave, but I forgot something in the house. I'm having trouble starting the motor so I let it run. Thanks." He walked to the driveway without staggering. As he pulled away he waved. He seemed sober. Did he just have one beer? *There's no harm in an occasional drink.*

Inside her house, she found the girls watching T.V. Joanne prepared dinner and they ate together while the girls told silly jokes. For dessert they inhaled the cookies baked at Janet's home. These were happy well-adjusted children despite some hardships in their lives. Joanne was determined to keep it that way.

Perhaps Anderson realized that any infractions on his part would end his chance at a new life. At least she'd answered the question of whether to continue attending church. She certainly would. How could she blame the minister? Religion told him forgiveness was divine, and he gave that message to his flock loud and clear.

The girls helped with the clean-up and then Joanne had to leave. Tina plopped on the living room floor and began to leaf through a magazine.

Joanne sat in a chair nearby, staring at her daughter. She couldn't help wonder what if...? "Did that Anderson man approach or talk to you or your friends?" Joanne blurted out.

"No," Tina answered, rolling her eyes, "I'd have told you if he had what with all the warnings you gave me."

Joanne fell upon Tina, hugging tightly. Her daughter gave her a look of alarm, but she didn't care. Tina was safe, and if Anderson was going to do anything bad, if he was out of control, it would have happened already.

"What's with you?" Tina asked, pulling away.

After half an hour, feeling warm and sticky, Joanne stepped outside. The night air hadn't cooled the heat of the day. Hot breezes brushed past her. It surprised her to see Jim's garage door open again and the SUV's motor running.

"Damn it," she muttered. She crossed the street.

Cautiously, she approached his house. Inside the garage she passed the truck as heat from the motor hit her in waves. She wondered what to do; shut the motor, leave or knock again? The door leading into the house from the garage was ajar. Standing at the threshold she called out his name. No answer. If he was sincere about his clean-cut life he wouldn't mind her walking in. He had been so cordial and open.

She found herself in a living room that contained nothing but a ragged chair and a small T.V. with empty food cartons strewn on the floor. The room smelled rank, so unlike his appearance. It made her think no human had ever breathed clean air inside this house. It reeked of despair, and enforced solitude. In an instant, she saw how tough life was for him.

When she called his name again, she got no response. Light trickled into the living room from a cubbyhole of an office with a chipped and scarred desk. Piles of pictures sat on top of the uneven desktop. She knew she should leave, but she felt compelled to pry. Rifling through the photos she saw shots of sunsets, sunrises, mountain tops enshrouded with clouds and a family portrait. The shots were high quality. A stack of business cards sat there on the edge of the desk. The minister was right. She hadn't given him a fair chance.

On the way out, she accidentally kicked a bottle on the floor. It was a lone, empty bottle of beer. At least there weren't dozen of empties. She opened the door to the SUV and smoke billowed out. She jumped back when she saw a body lying across the front seat. In the dim light she saw Anderson's body. But he was snoring. Was he unconscious from the fumes? She turned the key to off, reasoning that it was lucky the overhead garage door was open. The strong stench of alcohol hit her. A dozen or so empty beer bottles lay on the floor mat on the passenger side. He was fully dressed in jeans and a crisp white shirt.

She pulled out her cell to call 911 when she saw an opened package with photos sticking out from under the driver's seat. Something familiar in the photo struck her in the half light. The shot concentrated on the chest of a young girl's body wearing a lavender T-shirt with a picture of a duck. The shirt clung to the child's budding breasts. Tina was the only one she knew who had a T-shirt like that.

Looking further, Joanne saw images that appeared so foreign she had trouble focusing at first. She blinked hard and pornographic

pictures of adult men having sex with very young girls came into sharp image.

Barely able to breathe, she wondered if this clinched the proof that she needed for the police to put the man away. The pictures of Tina weren't outright sexual and there was no real proof it was her daughter.

Still holding on to her cell, she decided they might only reprimand him. They were only pictures. He was still young and might serve a few more years for parole violation. He hadn't acted on his impulses with the girls or any others as far as she knew — at least not yet. Maybe he'd avoid jail on who knows what technicality. Anderson definitely wasn't repentant or rehabilitated. Like hell he found Jesus. She put her cell back in her pocket. She wanted to pound Anderson with her fists, pulverize him.

Her hands shook. She saw the minister of her church before her; love, peace, redemption. Life and death is in God's hands. In contrast, she recalled the reports of the violent acts Anderson had committed in the past on children.

Removing a tissue from her pocket she removed her prints wherever she'd left them — the photos, the door handle the steering wheel, even wiping down the cubby area inside the house. After stuffing most of the photos back under the seat, she turned the motor on, checked to make sure the SUV's windows were closed and stepped outside on to the pavement. Should she shut the overhead door?

Trembling had seized her body. She became frozen with indecision, agonizing about the seriousness of what she considered doing. How could she be responsible for someone's death when she had the capacity, no the moral commandment to stop it? "Thou shall not kill." She had always tried to practice the principles of her religion, and this was against everything she'd ever been taught to believe in.

Within a few seconds she decided to turn the key to off and simply report to the incident to the police. She had to stand by the law as

well as her religious teachings. Shaking her head, she couldn't believe she'd almost walked away to let him die.

Joanne turned and took a first step toward the SUV, but looked at the pictures again. Bile spill over her tongue. Turning back, she looked up and down the empty street, and reached up, gripping the garage door handle. Slowly, she pulled it down.

Just then Marvin turned the corner, his dog trailing behind. He stopped and stared at Joanne and then looked through the half-open door. She nodded. He gave her a crooked smile, turned and walked away as she finished closing the door.

She ran back to her house, a silent scream filling her head. She stuck the photos in a drawer. In the living room, Joanne looked at Tina, scrutinizing her innocent face and still child-like body, trying to see her in the same way Anderson did. She shivered violently, ran to the bathroom and threw up. After washing her face she retrieved all the photos, went out back and burned them in an aluminum trashcan.

She waited for guilt to seize her and when it didn't she knew she'd never be able to set foot inside a house of worship again — not ever again. She bent over in pain, grieving not for the man who was about to die but for the self-inflicted exile that created an enormous empty place in her heart.

