



MARK FISHMAN



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Michael Mirolla, editor
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Not just purgatory but hell awaits
those who could have done good and did not do it.

It is the reverse
of the beatitude that the Bible has
for those who are saved,
for the saints,
who could have done wrong and did not.
Of those who are condemned it will be said:
They could have done good and did not.

- Oscar Romero, July 16, 1977

rouched down behind some big rocks, a little dirt from the earth blown in circles by the wind, and another gust throwing small dry twigs and pebbles up in the air, the Flores brothers, still breathing heavily, they'd been running without looking behind them, using their legs for all they were worth, José Matías and Wilber Eduardo, not far from San Esteban Catarina, a stone's throw if you had a good arm, rallying the courage to lift their heads up from behind the boulder to look at a dapple-gray horse neighing, raising its head, lowering it, nodding like it was agreeing to something, the Flores brothers asking it with their eyes what'd happened to them, the horse returning their looks without saying anything, just nodding, it was a magnificent animal, a horse in all its majesty, not some mangy sway-backed creature out of a nightmare, and they thought that maybe, after all, it wasn't agreeing to anything, it hadn't been there a minute ago when they'd made for the rocks, so where'd it come from, the Flores brothers like crazy people straight out of the nuthouse, but the dapple-gray was there, standing on the other side of the rock, a really big stone, maybe part of a megalithic monument, or something a glacier had left in its tracks, nothing exceptional, really

big almost round boulders, no monument, but a lucky break, they'd found them not long after they took off running, a few minutes later, after they'd seen something they figured they'd never see again, finding a few large rocks gathered together, a sort of deposit of enormous stones, big enough to hide behind, and the Flores brothers, ready to throw in the towel right now and die where they were, crouched safely behind a boulder with a dapple-gray horse watching them under an early sun in the blazing heat of morning.

José Matías and Wilber Eduardo, Graciela Menéndez, Gustavo and Emiliano, Lucía and Concepción, Benavides and Alfonso, and little Margó, it was her birthday, Margó drinking from a bottle of orange soda, it was hot and she was thirsty, José Matías and Wilber Eduardo, Emiliano and Lucía, Concepción and Gustavo and Benavides, Alfonso and Margó, no one saying a word, an angel passing overhead, a break with lots of suspense, then Graciela, what do you think you'll get for your birthday, Margó? the Flores brothers, between sips and swallows, and Wilber Eduardo, a short recitation, Zan nican temoc y xochimiquiztli tlalpan, / aci yehua ye nican, "Here on earth the flowery death has descended, / it is coming near," a couple of lines from a poem, José Matías, narrowing his eyes, that's what we thought was happening to us, we all remember, don't we, like it was yesterday, and Graciela Menéndez and the others, they all heard the words pitched at them, struck in the face both in Náhuatl and in translation, not questioning for an instant what they'd understood of the Uto-Aztecan language,

relating directly to their own experiences, joined harmoniously with the two lines of poetry by Axayacatl, the son of a Mexica prince and a lady from Tlacopan, words confirming what they were thinking now, on account of what José Matías and Wilber Eduardo had just said, and what they'd been through, arrest and torture and round-the-clock fear that couldn't possibly be the result of not sleeping with their feet pointing south to avoid the evil eye, "a man is no more free of his past than his body," and Concepción, now's not the time, *mis amigos*, it's Margó's birthday, and the rest of them agreeing, let's forget about it, and Gustavo, you're right, Concha, it isn't the time or the place, our story isn't meant for the ears of a child, what a fucked up world, all of them except Margó sighing a big choral sigh.

They were sitting outside under a hot sun — all the windows in the house were open and it was still so hot you could fry an egg on the tiled floor — neighbors and friends, a birthday celebration, each a welcome guest of the other, and everyone sitting as still as they could sit in the roasting afternoon, without a water hose to cool them off, Concepción smoking a cigarillo, a beer in Gustavo's hand, Graciela Menéndez rubbing lotion on her arms, Margó, putting the bottle of orange soda down, clapping her hands, it was her birthday party, she'd come with Alfonso, an uncle like a second father to her, on account of Margó's parents who were killed in San Salvador, not so long ago, an incompetent, messed up shoot-out between maras—la vida entre las maras - and the Sombra negra, another tragedy, in a long line of tragedies, with plenty of weeping, if it isn't that it's this, or is it the other way around, and Alfonso, Graciela's neighbor,

always with a book in his hand, Benavides whistling at the branches of a tree, a bird maybe, and Lucía and Emiliano, Emiliano eating a pupusa revuelta of pork, beans, cheese, with loroco, called quilite, and a big spoonful of curtido, fermented cabbage relish, and a very spicy tomato salsa on the side, despite the fact that he couldn't digest pork and chiles like he used to, they all agreed that you retain only what you think is significant, life is like that, not like retaining water, your body filling up, fattening up, it may be uncomfortable but it isn't noteworthy, and Graciela Menéndez, so, mis amigos, our Flores brothers, let's not talk about the past, we've been through enough, Margó's been through enough, so scarred and urgently in need of repair, and Wilber Eduardo, it was just a little something by Axayacatl, Water-Face, an Aztec Emperor, shrugging his shoulders, José Matías putting his hand on his brother's neck, gently squeezing it, reassuring him, voice definitely audible, it's ok, mi hermano, leave the poetry for later.

Emiliano, with his mouth full, swallowing without chewing, knowing it'll destroy his belly, talking about whatever came to his mind, kites heading north fly hundreds of feet above the earth, ducks never touch the ground, they just fly by, waving farewell, but nobody listening, Emiliano, a forceful voice with peppery breath, my guts are burning, hermana, speaking to no one, speaking to everyone, maybe a suicide attempt with a pupusa revuelta in my hand, you've got to hand it to me—and Concepción, interrupting him, hang on, El Puño, she always called him the Fist, don't be so self-centered, thinking of yourself, inconsideration not indigestion is what you ought to worry about, keep your mind on why

we're here, not what's in your hand, you knew those chiles would knock you out, TKO, and Emiliano, okay Concha okay, and Concepción, a cloud of smoke from a cigarillo, it's Margó's birthday, let's sing another birthday song, looking at the others, and the others, laughter rising, tumbling to the ground, Graciela clapping her hands to a rhythm in her head, Emiliano, how about another mouthful instead, chewing slowly this time, smiling, nodding at Concepción, looking at Lucía for support, just kidding around, pequeña, winking at Margó, Margó winking back, and Emiliano, a column of confidence not a pillar of smoke on account of he'd swallowed a handful of Trumpet Brand Seirogan gastrointestinal pills from Osaka this morning after breakfast, Emiliano, I won't deny myself some pleasure, not now, not ever, even if it kills me, and everyone laughing but Lucía, who couldn't remember if they had more industrial-strength indigestion tablets waiting at home.

José Matías and Wilber Eduardo, crouching down behind some really big rocks, like there weren't any strong and leafy tempisque trees to climb in order to stay out of the hands of trouble, but there were tempisque, and plenty of other trees, too, the tihuilote trees, maybe the big balsam tree—bálsamo del Perú—and its vanilla-scented resin, but no, they were far away from the western Pacific coast, so maybe a White Sapote, known as cochitzapotl, trees for them to hide behind standing just another two hundred yards away, which gave plenty of shade for anyone who bothered to run an extra two hundred yards, but not the Flores brothers, they were

out of breath, and José Matías, who smoked Delta Reds, so forget about him making another two hundred yards without dropping dead, and the barbed wire and stone fence, you could've hidden behind the stone fence, crawled on your hands and knees, the cadejos would've protected you from there on, the magic dogs appearing where they least expected it, maybe from San Esteban Catarina, or San Vicente, it was a secret, it was nothing, only the Flores brothers stopped at the big round boulders, short of breath, not knowing the cadejos were anywhere near them, they'd have to find José Matías and Wilber Eduardo, the cadejos up to the task, with weather eyes open, always, just sniffing them out, here's one, there's the other, and maybe Wilber Eduardo, breathing hard through his mouth, maybe he could've gone on, but he drew in the reins of endurance out of sympathy for his brother, who smoked like a chimney.

The magic dogs weren't far away—unusual in daylight—they were resting beneath a rare Mexican yew, not thinking the Flores brothers were in trouble, at least nothing urgent, and so hot in the sun and dry wind that a siesta was the right thing, now for a few minutes, to close their eyes, two magic dogs that didn't pay attention to the seasons, they didn't know which season it was, this one or that one, the temperature was their guide, it didn't seem to matter if it was day or night, a siesta, and the *cadejos*—instead of paws, they had hooves like a deer—a yawn, the *cadejos* were stretched out on the ground beneath an evergreen shrub, the Mexican yew, a landscape imagined or real, while the horse without a rider nodded its head at José Matías and Wilber Eduardo.

The Flores brothers and the silence of the sky above them, silence filled with unheard voices, then a bird gave a long high-pitched shriek to break the stillness, waking them from a frightened sleep with their eyes open, José Matías and Wilber Eduardo, trembling and sweating extravagantly beneath the broiling sun, drawn back behind not-so-perfectly-round boulders with broad shoulders worn smooth by erosion, shrugging beneath an over-flying White-breasted Hawk, its dark upperparts almost black, thighs whitish-buff and under parts and cheeks entirely white.

The screeching hawk shot through the sky above them, as fast as it had appeared it was gone, and the Flores brothers squinted up to find it but saw nothing—wearing sunglasses but squinting just the same — so they got to thinking about the past, a thousand years ago, it was that far away, and they couldn't help but remember even if they didn't want to think about it, the bird's shriek was like a man's cry, it was a cry they'd heard before that had everything to do with men like General Juan Humberto Reves Vehemente, and General José Enrique Embustera, to give a name to a couple of faces, maybe it was both of them, or it wasn't them at all, it didn't much matter to the Flores brothers, there were sergeants, captains, majors, lieutenant-colonels, a range of soldiers inflicting punishments on those who hadn't done anything, who lived and believed correctly — and one of them had been there, maybe just Reves Vehemente, at that moment Director-General of the Salvadoran National Guard, but who can say, and José Matías and Wilber Eduardo, a private interrogation, they were blindfolded and didn't see his face, they might've recognized General Reyes Vehemente's voice,

his polished boots, or maybe both generals were there, and if they were, then one had his hands clasped behind his back, and the other, José Enrique Embustera, his arms were straight down at his sides, but if they weren't there, at least the orders had come from them, from Reyes Vehemente or José Enrique Embustera, shooting down from above like malevolent stars, and the orders were carried out to the letter, as it's always said, by imbeciles, by soldiers who were fanatically willing to dish out pain, soldiers dirtying their hands with blood and piss and shit as if there was something powerful attracting them; if General Reyes Vehemente was standing nearby, out of sight but within range of hearing the goings-on, he glanced furtively at his pocket watch, waiting impatiently to eat his lunch.

The Flores brothers, José Matías and Wilber Eduardo, captured and beaten, flown in a helicopter, on their way to El Paraíso, a garrison, before reaching the National Guard headquarters, together in a cell a hundred yards away from the room with a concrete floor and a long table and a metal bed-frame, a sort of parrilla, and a bucket of water as big as a tub, the room where interrogations were held, José Matías and Wilber Eduardo, tortured, hearing the national anthem everyday at 6:00 a.m., they were witnesses, at first hand, to the burned corpse wrapped in a plastic sheet thrown out onto the cement floor in front of them, stinking like burned roast pork, nauseating and sweet, stop staring and pick it up you sons of a bitch, what are you looking at? don't drop it, *¡pendejos!* follow the sergeant out with it, *¡frágil!* the lieutenant shouted, laughing, it was so funny, and now, hiding behind some big rocks, boulders, José Matías and Wilber

### Extract:

## VI. Conclusion

In summary, upon careful review of the entirety of the record, for the specific reasons discussed above, the Court sustains all the allegations in the charging documents, and finds Respondent removable pursuant to section 237(a) (4)(D) of the Act as an alien described in INA § 212(a)(3) (E)(iii)(II), on the following independent bases:

- 1) Respondent assisted or otherwise participated in the extrajudicial killings of Manuel Toledo and Vinicio Bazzaglia;
- 2) Respondent assisted or otherwise participated in the extrajudicial killings of American churchwomen Ita Ford, Maura Clarke, Dorothy Kazel, and Jean Donovan;
- 3) Respondent assisted or otherwise participated in the extrajudicial killings of Michael Hammer, Mark Pearlman, and José Rodofo Viera at the Sheraton Hotel;
- 4) Respondent assisted or otherwise participated in the extrajudicial killings of at least 16 Salvadoran peasants at Las Hojas, Sansonate;
- 5) Respondent assisted or otherwise participated in the extrajudicial killings of three individuals found on February 1, 1988 at Puerta del Diablo;

- 6) Respondent assisted or otherwise participated in the extrajudicial killings of ten individuals in the (b)(6) area; and
- 7) Respondent assisted or otherwise participated in the extrajudicial killings of countless civilians committed by the Salvadoran Armed Forces and Salvadoran National Guard while under Respondent's command.

In addition, upon careful review of the entirety of the record, for the specific reasons discussed above, the Court finds Respondent removable pursuant to section 237(a) (4)(D) of the Act as an alien described in NA \$212(a)(3) (E)(iii)(I), on the following independent bases:

- 1) Respondent assisted or otherwise participated in the torture of (b)(6)
- 2) Respondent assisted or otherwise participated in the torture of (b)(6) (b)(6) and
- 3) Respondent assisted or otherwise participated in the torture of countless unnamed individuals, tortured by the Salvadoran Armed Forces and Salvadoran National Guard while under Respondent's command.

José Matías and Wilber Eduardo, the Flores brothers, bruised from beatings and banging around in the back of a truck, a slap in the face and a kick in the balls, their first encounter with the *cuilios*, then the helicopter ride, on their

way to El Paraíso, a garrison, before reaching the National Guard headquarters in the big city, scratched and bruised but standing, and now, after a couple of days at headquarters, a room four by four feet — they didn't have a yardstick or a ruler to measure it, their feet, maybe, but they were swollen and dirty and bleeding, and it wasn't easy to walk on them, the Flores brothers, separate rooms, not the best hotel in the country, caged and suffocated by the length of their own arms and legs — you could hear the traffic in the street at midday, or it was screams from other men and women, a loud harsh piercing cry, like screeching tires, a lot of cuts, slices of skin shaved off with a machete, not enough to kill anyone, just a little skinning, and lesions and track marks from electric shock treatments, then vomiting tortillas and beans in a corner of the cell, and pain, plenty of that went along with it.

Not enough room for both of them, they shared everything except the cell they slept in, but standing in the corridor, catching a glimpse, making eye contact, maybe in adjacent cells, and the smell of someone shitting themselves, it wasn't me you motherfucker! crawling, kicked and cursed, life sinking in the shit, but without giving up, and the weariness of absolute death that doesn't come, count with your fingers while they still work, with the national anthem every morning, and cramps in the lower belly where they hit them, one at a time, shitting in their pants, you can sleep in your own shit, *culero*, or wipe it on your brother's face.

José Matías, shivering and sweating, a body temperature out of its mind, rising and falling, José Matías crawling on all fours in front of Wilber Eduardo, his brother, trembling without cold, the Flores brothers — what was it, what was it — with blood running out of their ears, they couldn't hear the shouting but they felt the blows landing on them as they scurried around on the dirty floor, an enormous sensation of calm invaded them, after the panic there was only calm, and a unanimous sensation of renunciation, together, of impotence and resignation, that for today, until they were brought back to their cells, the room of four by four feet, there was nothing one could do to help the other, or help themselves, and once separated, there was nothing left but to listen through the walls for the other's shortened breath, at least they were breathing, pulling themselves together, that was it, breathing heavily now, and then to sleep, breaking into a snore, to be awakened in the obscured night by the crying out of another victim and another torturer, whose voices merged in absurd unison.

And they were heading in the direction of the town of Lajas y Canoas, an elevation of fifteen hundred feet above sea level, uncultivated land with most of its natural vegetation intact, but Lajas y Canoas wasn't the Flores brothers' destination, not on this journey, the pickup navigating the road both good and bad that was taking them in a northerly direction, toward Lajas y Canoas, a town without many people, a small population, maybe they'd see a woman covered with a shawl to protect herself from the sun, a boy holding her hand, the index finger of his other hand stuck straight in his mouth, a dusty, untidy-looking cat in the

shade of a tree pulling feathers off a dead bird—wait until you get there before deciding what you'll see—and the Flores brothers, they weren't stopping in Lajas y Canoas, but continuing further north and slightly east, the pickup towing the wind behind them, and the *cadejos*, watching the sky from where they were lying in the bed of the truck as it flew by above the tropical savanna.

José Matías and Wilber Eduardo and the cadejos, they were all together on their way to San Ildefonso, a population of maybe ten thousand, where Graciela Menéndez, at her parent's house, preparing for what, she didn't know, but she'd felt she had to do something because she'd had a vision, and with it a question hanging in the air, right above her, day and night, and she believed it for years, it was something she couldn't put a name to, but she was convinced that whatever it was she was going to have to live through it, it was her fate, or that someone else she knew was going to experience what she'd seen as a sign, an apparition, not once but many times, as clear to her as if it had come out of a dream and sat down in front of her, she hadn't noticed an ominous augury, but she'd seen it, she'd had her eyes open, Graciela Menéndez, always rubbing herself with lotion, dry skin, maybe eczema, atopic dermatitis, daydreaming and premonitions, and when she rubbed lotion on her body she fell into a trance, having visions or portents, that was Graciela Menéndez, and so she'd buried a talisman in the backyard of her parent's house, an inanimate object worshiped for its magical powers, and it was that talisman the Flores brothers wanted now more than ever, a talisman buried in the backyard of a house in the town of San Ildefonso.

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## ABOUT THE AUTHOR

Born in Milwaukee, Wisconsin in 1954, Mark Fishman has lived and worked in Paris since 1995. He attended the Bradford College of Art and Technology in Bradford, England, and studied filmmaking at the San Francisco Art Institute with George Kuchar. He has lived in San Francisco, New York, and Los Angeles. While living in San Francisco, he participated in the movements supporting the Sandinista National Liberation Front and the Farabundo Martí National Liberation Front. His short stories have appeared in a number of literary magazines such as the *Chicago Review*, the *Carolina Quarterly*, the *Black Warrior Review*, the *Mississippi Review, Frank* (Paris), *The Literary Review*. He was the English-language editor of *The Purple Journal* (Paris) and *Les Cahiers Purple* (Lisbon).