



The Virgin of Guadalupe

by Gerard "Gerry" Carty

23rd Annual Fiction Writing Competition

The Editorial Board of the *Georgia Bar Journal* is proud to present "The Virgin of Guadalupe," by Gerard "Gerry" Carty of Atlanta, as the winner of the *Journal's* 23rd annual Fiction Writing Competition.

The purposes of the competition are to enhance interest in the *Journal*, to encourage excellence in writing by members of the Bar and to provide an innovative vehicle for the illustration of the life and work of lawyers. As in years past, this year's entries reflected a wide range of topics and literary styles. In accordance with the competition's rules, the Editorial Board selected the winning story through a process of reading each story without knowledge of the author's identity and then ranking each entry. The story with the highest cumulative ranking was selected as the winner. The Editorial Board congratulates Carty and all of the other entrants for their participation and excellent writing.

Do you believe in miracles? There was a time when I did not and a time when I was not sure.

There are people who consider miracles to be big, important, even cataclysmic events—Moses parting the Red Sea as choirs of angels sing. I prefer to think of them as small fortunate happenings. Yet, most dictionaries will define miracles as events so unusual they are not ascribable to human power. So, that's not so small, is it?

My friend Kinchil Gutierrez thought that miracles were supernatural, that they must be ascribed to a heavenly power—even though, at the same time, he professed to be a *Zapatista* and a non-believer.

I did not know then what a *Zapatista* was.

I met him back in the year 2000. I was a new lawyer then, and while my practice was small, my ignorance was great, so I signed up almost everything that walked in the door. One day I would be handling a divorce case, the next I'd be at the immigration office, the next at a social security disability hearing. In between, of course, there would be endless hours at the library or on the Internet—for it seemed that every new case required tons of research.

As the years went on I grew wiser and whittled this down. Six years later I found that almost all I did was workers' compensation and immigration. The one field of law nicely dovetailed into the other. As most of my immigration cases dealt with bringing future

employers and professionals into the country and workers' compensation involved mostly blue collar representation, I had a practice that covered a wide cross-section of the work force, and with this I was content.

Kinchil first came to see me about a car wreck. He spoke little English and was accompanied by his son, Yum. The case was a minor one involving a fender-bender. Three months later it was settled, and he returned to my office to sign a release and pick up a check for \$2,000. He was a man of about 50 then—short and muscular, with jet black hair and a complexion like mahogany. His kindly face was wrinkled and wizened beyond its years by the power of the sun.

When I gave him his check he pushed it back across the table to me and turning to his son, he raised his eyebrows.

"My father wants you to do one more thing for him," Yum said. "He's illegal. You probably know that, so he wants you to get him his papers."

Yum almost always spoke for Kinchil. He was in his late 20s then. I knew him about as well as I knew the father, as he accompanied his dad each time he came to my office. At one time he too had been undocumented but he had obtained a graduate business degree and got permission to work and now he was marrying a girl from Norcross; so he had covered his bases and a green card would be coming to him soon. He ran a food distribution company and was one of my successful immigration cases. Kinchil, on the other hand, remained undocumented, worked as a gardener and spoke little English. This was not unusual. He was the man operating the leaf blower, the man who knelt in the flower beds in the office parks. Having no opportunity for conversation, he had little opportunity to learn.

I pushed the check back across the table to him.

"I don't mean to be demeaning," I said, "but the chances of getting

papers for a Mexican laborer at this time are impossible. It would take a miracle."

Kinchil perked up at the word "miracle."

"A miracle," he said. He nodded in approval, as if I had suggested it as a course of action.

"Kinchil, I don't do miracles," I said. "I'm a lawyer, not a saint."

Father and son exchanged conversation for a moment. I knew a little Spanish, having struggled to learn it for my immigration practice, so I knew enough to know that Spanish was not what they were speaking.

Yum turned back to me.

"My father says that by the intercession of the Virgin of Guadalupe you will get him papers."

"I thought your father was a nonbeliever," I said.

"He believes in the Virgin of Guadalupe."

I thought for a moment. How do you frame legal advice at a moment like this?

"Yum, I'm not trying to be flip or disrespectful, but please tell your dad that immigration won't respond to intercessions by the Virgin of Guadalupe. At the present time, he would need labor certification, which is only given when there's a scarcity of workers for a particular job. As you know, there are many landscapers out there."

Yum spoke to his dad again, then turned back to me.

"He wants you to try."

I sighed.

"Yum, do you understand how difficult it will be? Perhaps impossible."

"I understand," Yum said, "but if you try it will make him happy."

I considered for a moment.

"All right," I said. I pushed the \$2,000 check back across the desk to him. "Give me a retainer of \$500 and I'll look into it. Let me get some forms for him to sign and I'll get the information I need."

By the time they left the office I knew a lot more about Kinchil Gutierrez, more than I had needed to know for his car wreck case. He

was Mayan, from a tiny village called San Martín Isolda Blanco, near Ocosingo, a city close to the famous Mayan ruins of Palenque, in the state of Chiapas in the south of Mexico. He had an elementary school education. The language he was speaking with his son was Chontal, one of many Mayan languages still in use and one of several he spoke. He was named after Ah Kinchil, the Mayan god of the sun, and his son named after Yum, the Mayan god of corn. Kinchil told me that the sun and corn were, next to his family, the two most important things in his life.

He had come to the United States originally by crossing the bridge over the Rio Grande, between Matamoros and Brownsville, Texas, making this passage in the back of a truck, buried under several tons of milled sorghum with a plastic breathing tube leading out of it to a hole in the side panel.

He had returned to Chiapas only three times in the 10-year period following—each time by taking a bus to Albuquerque, New Mexico, then a second bus to the border, then making contact with a coyote—the (questionably) human kind—to lead him across to Ciudad Juárez. Once in that city he hitched his way south to his village, a journey that took him about three weeks. The return journey took him as long.

When they left my office I went back to my chair behind the desk and sat staring at the \$500 check the son had written to me. The price of happiness, it seemed. I hated taking money from people when I had no confidence that I could help them. After a while of pondering whether I shouldn't just write Kinchil an apologetic letter and enclose the check, I decided to at least start the process. When it failed, I would send him his money back. I took a new file folder from the drawer and put the sheets of paper with Kinchil's information and the \$500 check into it. On a yellow post-it note I wrote "Miracle File" and attached it to the file. I

left the file on the corner of the desk where it waited to be formally opened by my secretary.

That night I was putting my kids to bed. I had a Rand McNally World Atlas which served most of its natural life as a coffee table book, but often the kids would beg me to open it and go through countries with them, telling them about the places and people, such as I knew. After I put them to bed that night I kept the atlas open and turned to the United States map. With my fingers I traced Kinchil's journey to Ciudad Juárez, across the border. Then I turned the pages to old Mexico and traced the rest of his journey from there to Ocosingo, the Chiapan town near where Kinchil's wife and daughter lived. His little village, San Martín Isolda Blanco, was six miles from there and not even on the map.

The miracle to me at that moment was not that he was able to make this journey, but that he had the fortitude to come back.

Before I went to bed I did one more thing—I googled the Virgin of Guadalupe. The legend has it that on the morning of Dec. 9, 1531, Juan Diego, a Mexican peasant, was collecting wood on a hillside called Tepeyac in Mexico City when the Virgin appeared to him. Juan told the Spanish archbishop of Mexico City about this. The archbishop sent him back to the hillside to ask the Virgin for a sign, or miracle, to prove that what Juan said was true. He returned to the hill. The Virgin appeared to him again and told him to gather flowers. He collected them in his cloak or *tilma* and when he laid this out for the archbishop they saw that none of the flowers were native to Mexico, nor were they flowers that would bloom in December. They fell from the *tilma* to the floor, and there on the surface of the fabric was the image of the Virgin of Guadalupe. This *tilma* is on show in the Basilica of Our Lady of Guadalupe in Mexico City and has more visitors than any Christian shrine worldwide.

I envied Kinchil in the strength of his belief no matter how irrational it seemed to me. For that alone I would work hard to get him results. Perhaps I was beginning to believe in miracles.



In the weeks that followed I researched his case thoroughly but could find no grounds to support his immigration petition.

This is when the first miracle began to happen.

I was at the time attending Spanish classes at the Latin American Association on Buford Highway in Atlanta and my teacher would tear sections from classified ads in Spanish language newspapers and distribute them through the class, then have the students try to translate them.

One evening the ad she handed me was from a newspaper called *El Norte*, which the teacher explained was from the city of Monterrey, Mexico. I was able to stumble through a rough translation of the ad. Apparently someone was selling small lots of land, fee simple, in the United States for \$1,500 or less to Mexican citizens. We had a lot of to and fro about the meaning of fee simple. The teacher, who was Mexican herself, explained somewhat the complicated business of land transactions in Mexico.

I knew a little about this for I had investigated a scam working in Atlanta at that time, and probably to this day, where unscrupulous notary publics would gouge Mexican migrant workers several hundred dollars to notarize documents. The workers rarely complained because they believed a notary in the United States was the same as a *notario* in Mexico, when in fact a *notario* was more akin to a real estate closing lawyer and performed a far more substantial service than a notary public, one that was worthy of their fee.

"Why would anyone want to buy a fee simple piece of land in the United States for less than

\$1,500?" I asked her. "What could you possibly get for that?"

She shrugged.

"I'm a teacher," she said, "not a realtor."

Which reminded me of my statement to Kinchil: "I'm a lawyer, not a saint."



For some reason, I couldn't let this go. I kept the classified ad and next day I stopped in at one of the large law firms higher up in my office building to talk to a friend. I knew they had a diverse practice and even a few Mexican lawyers.

I repeated the question to one of them.

"I can't imagine," she said. She echoed my question, "What could you do with a piece of property worth less than \$1,500?"

Obviously, my curiosity had been contagious, for that afternoon the same lawyer called me and said, "Take a look at the North American Free Trade Agreement."

This was easier said than done. The North American Free Trade Agreement, commonly known as NAFTA, is 1,700 pages long. My curiosity dissipated.

Next day, however, it revived, for the Mexican lawyer called me again and, with a hint of triumph in her voice, explained to me that she had a friend who buys and sells real estate in Monterrey and this friend explained that there is a loophole in NAFTA that allows citizens of the treaty countries, that is, the United States, Canada and Mexico, to obtain visas from each other to visit their investment properties.

Rich folks from Monterrey, she said, had latched on to this seeming loophole and began buying small freehold properties in the U.S., allowing them to get a visa quickly and with little fuss. This lawyer agreed with me that a freehold property for less than \$1,500 was taking it to extremes. They were typically buying \$80,000 foreclosure properties or raw land along the Texas border, but the language seemed to indicate that there was no downward

limit to the value of the property you owned.



Now, I don't know for sure if there ever was such a loophole in the NAFTA treaty. If there was, I couldn't find it. But I have to admit I wasn't prepared to read all 1,700 pages of the document. But, once again, I couldn't let this go. The "Miracle File" still sitting on my desk told me there was more to pick at here. On a hunch, I called Yum Gutierrez.

"Does your father still have the \$2,000 check I gave him?" I asked.

"Less the \$500 I gave you to open his immigration case," Yum said. "Why?"

"Ask him to hold on to it. Let me call you back."

I put the phone down and thought: he has exactly \$1,500; could this be an omen?



It had been right under my nose all along. In the latter part of the 1990s, when my children were very small, my wife and I purchased a share in a "dude ranch" just outside Helen, Georgia. There were 1,500 shares to the thousand-acre property. It had some cabins and a stable of about 30 horses, a clubhouse and a swimming pool. We thought it would be good for the kids to get out of the city on weekends and we were right. We rode horses in the cool mornings and swam in the pool on long summer afternoons. We barbecued at night and slept in the rustic cabins. My daughter learned to walk on the parquet dance floor of the clubhouse; my son met the first crush of his life there.

We paid about \$7,000 at the time for our share of this ranch and considered it money well spent as we used it frequently. But as the millennium approached the property's developer went bust before the project sold out. The bankruptcy trustee took possession of the 600 unsold shares and began to sell them for whatever he could get.

Our \$7,000 share became worth less than \$1,000. This seemed to happen almost overnight and I never gave it much thought, for we continued to enjoy the ranch and we felt that more owners would mean more annual assessments coming in, which would make for a stronger maintenance budget.

That night I dug out my personal documents and retrieved the deed I had bought for the "The Triple Creek," as it was called. Sure enough, I was staring at a yellowing warranty deed conveying to me a "one fifteen hundredth undivided share" of a 1,000-acre tract. This looked like fee simple to me.

I called Yum.

"Fifteen hundred dollars is a lot of money for my father to spend on something as frivolous as a share in a dude ranch," he said.

"If this works, your dad won't have to make that trip through Ciudad Juárez any more—that's a 5,000-mile journey which probably costs him more than \$1,500 each time he does it."

There was silence on the line as Yum thought about it. Eventually he said, "Frankly, I don't think he has it in him to make that trip again. What if this doesn't work?"

"Expect a miracle," I said.

Next day he called me back. He had bought a share in his dad's name for \$1,150 from the bankruptcy trustee.

"Good. Now you tell him to get back to Mexico and go to the US Consulate in Monterrey with his deed and apply for a visa."



Two months passed. I didn't hear from either of them. Then one day I came to the office to find them both waiting for me. Kinchil could barely restrain himself from showing me his new visa.

"Now you should believe in miracles," he said, "and in the Virgin of Guadalupe."

I didn't want to pour cold water on the heat of his enthusiasm but I felt as his lawyer I should bring him back to earth.

"Kinchil, listen, by working here you're breaking the law. The only thing this visa changes is the ease by which you can come and go. It doesn't give you the right to work. If you get caught working, not only will you be imprisoned and deported but you will also lose this visa."

"Be happy for me, *licenciado*," he said. "Now I can visit my wife and daughter without worrying about getting bitten by rattle snakes, coyotes and scorpions."



I thought that this was the end of it. But it was not. Perhaps miracles come in small doses. As my children grew older, weekends were taken up with soccer, baseball leagues and birthday parties and years passed without us visiting the ranch. We did not return there until the summer of 2006. As we entered its gates I was struck by how particularly well-cared for it looked. I figured all the money flowing in from the spike in shares being sold had helped but later that day, as we sat by the pool, we began to hear there was another reason for this renaissance.

"There's this Mexican dude who bought in a couple of years ago," one of my co-owners told me, as we sat by the pool. "He's a whiz with the horses and knows everything about running a stable and a large ranch. Have you seen the new entranceway and the banks of flowers?"

I knew immediately. I found him at the stables later that day.

"I thought I would see you here before, *licenciado*." Kinchil beamed at me. His English had improved tremendously. He told me his daughter had made the border crossing and was now working in Atlanta. With both his children working, they had been able to help him reduce his working hours.

"I spend most weekends at the ranch. They know so little about animals and plants. When I speak to the horses and the flowers,"—he hesitated and took a deep breath—

"it's good for my soul. Do you understand this?"

I understood this completely. Though I was better at speaking to people than to horses and flowers I had often come to this ranch, wishing I could do what Kinchil was now doing.

As I left the stable, I met the chairman of the ranch owners' association. "I understand Kinchil's a friend of yours," he said. "I wish we could hire him. He says you've helped him in the past. Is there anything you can do?"

I said no. I had exhausted all avenues. But one day, a few weeks later after giving it a lot of thought, I called the chairman.

"We're more interested in hiring him than ever," he said. "He's totally transformed the ranch this summer and saved us thousands of dollars. He even saved two horses from dying of colic."

The ranch hands who worked there were in awe of his skills, he said.

"So, why don't you hire him as ranch manager?" I asked. I knew they didn't have one. The committee ran everything—and not very well, one of the reasons there had been much to improve.

"What about his papers?" he asked.

"You could apply for him," I said. "As a farm hand he has no chance of getting permission to work. As a ranch manager he might have."

The owners' association sponsored him. They flooded Immigration with letters of support, financial and otherwise. They advertised for a ranch manager within a 100-mile radius of Helen and found no one who fit the bill. Four months later Kinchil got his labor classification. Soon he had his green card.



This is an end. But sadly, this is also a beginning.



Labor Day of 2006 was the last day of that year we went to the ranch. I did not see or hear from Kinchil or Yum until spring of the following year.

One morning in my office my new receptionist buzzed me and said, "There's someone here to see you. He doesn't have an appointment. A Mr. Gutierrez."

I was trying to get out to a hearing. "Father or son?" I asked.

I could hear her asking, and then I heard a soft voice in the background say, "My father is dead."

I was shocked. I hoped I'd heard wrong. I jumped up and ran out to the reception area.

"What happened?"

"He was bush-hogging the creek bank at the ranch," Yum said. "Trying to clear a beaver dam. He should have known better. He tried to do it with a front-end loader. The bucket got caught under some heavy branches. When he tried to lift them the tractor flipped sideways on top of him. It pinned him under the water. At this time of year the river is flowing fast and high. He drowned."

"Yum, I am so sorry. Is there anything I can do?"

"There is," he said. "I understand that he might be entitled—his widow and children might be entitled—to workers' compensation benefits—not me, but the young ones."

I led him to my office.

"I didn't know there were young ones? I thought just you and your sister."

"Since you got him the visa he goes back—went back—to Chiapas in January and returned in late February. Four times in four years. Nine months after each visit I have a new brother or sister at home. That visa you got him, it's like a—what do you *gringos* call it—a fertility doll."



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Yum laughed through his grief and covered his mouth and nose. There was a box of Kleenex on the table. I pulled a few sheets and handed them to him. He blew at his nose and wiped his eyes before going on.

"Maybe you're the fertility doll. I should blame you, you know."

I smiled.

"His widow and your brothers and sisters should be entitled to survivor benefits," I said quietly. "I'll see what I can do."

"I hope you're right. Things are very tough in Chiapas right now. My father only began to save a little money when he started working at The Triple Creek. Before that he sent \$150 dollars a week Western Union to my mom and another \$50 was what he had to live on. You know that little house by the stables at the ranch? They gave it to him free and he was fixing it up and working on my mom's green card and expecting it any day. But now?"

He shrugged and shook his head.

"I promise you I'll do what I can," I said.

I filed the claim with the State Board of Workers' Compensation and got a call shortly thereafter from the insurance company's lawyer.

"Look," he said, "this all seems relatively straightforward. As soon as we get the proof of marriage and the birth certificates of the kids, we can hash things out."

I called Yum and we discussed how we should set about getting the necessary documentation.

"My mom and dad were never married," he said.

Ouch. Kinchil was a man who had not believed in formalities.

"Does that mean she can't get anything?" he asked.

"No. She should be able to get the same benefits for the children. We still need documentation. Birth certificates for a start."

"I'll look into it," he said and I agreed to meet with him the following week.

The news was not good when he returned. The birth certificates and the records for the little community of San Martín Isolda Blanco, population 80, were kept by a *junta* in the village. Yum had tried to get them from the *junta* without success. I did not understand any of this. Incredibly, the explanation went back to NAFTA.

The day NAFTA was signed the price of Chiapan corn dropped to near nothing. With this, the livelihood of Chiapan farmers, Kinchil among them, disappeared. An armed insurgence broke out around Ocosingo and in many other parts of Chiapas, including the village of San Martín Isolda Blanco. This was led by Subcommandante Marcos, the charismatic leader of the EZLN—the *Zapatista* movement.

I remembered this for it made news headlines around the world at the time. But I thought it had all blown over years before.

This conflict continued, Yum told me, and led up to the San Andrés Accords in 2001, a treaty between the Mexican government and the *Zapatistas*. This gave autonomy of sorts to areas of Mayan lands and they were then administered by *juntas*. "So the documents you need are in the hands of the junta known as the *Junta del Buen Gobierno*. Committee for Good Government," he said.

"So, how do I get them?"

"Look," Yum said, "The essence of Mayan self-government is to be left alone. Mostly from Mexican government interference but also from foreign interference. So a request from us for documents is likely to be ignored."

I considered this.

"Someone will have to go get them," he said.

"Well, you're the 'someone,'" I said, after a moment. "How long will it take you?"

"It can't be me. I can't take time off to go to Chiapas. This is my busiest time of year."

"Well, who then?" I asked.

"I was thinking you," he said. "You're the lawyer. Didn't you say once you liked Mexico?"

"Yum, I haven't been farther than Cancún."

Yum laughed. "Cancún is Mexico. Just not the Mexico you'll be going to."

It was madness, I know this now. I knew it then. But I could not let this go and no amount of persuasion could get Yum to make the trip. I had serious misgivings about whether it was even worth it. After all, if the insurance company didn't accept that the birth certificates were genuine, we would still have hurdles to jump, proof-wise. But that night I told myself, some lawyers in Atlanta will regularly fly to L.A. for a deposition, so why should I not travel the same distance in this case?

It took me 14 hours and two planes to get to Ocosingo. I took a hotel room for the night. Yum had given me the name of a local priest in San Martín Isolda Blanco—Father Dominic—who spoke English, Spanish and a variety of Mayan languages.

Next morning I drove my rental car to San Martín Isolda Blanco over roads barely identifiable as such. Yum had suggested I find Father Dominic first and he would take me to meet his mother as she spoke no English and very little Spanish. As I came over the hill into the little town, I stopped to read a sign on a roadside fence. It said "*Está usted en territorio Zapatista en rebelda. Aquí manda el pueblo y el gobierno obedece.*" Even with my meager Spanish I figured this out to mean "*you are in Zapatista territory in rebellion. Here the people command and the government obeys.*"

As Yum had said, this was the other Mexico.

San Martín Isolda Blanco consisted of no more than 30 dwellings, most of which were square huts about six feet high, built from some kind of straight, thick cane, set perpendicularly and tight-

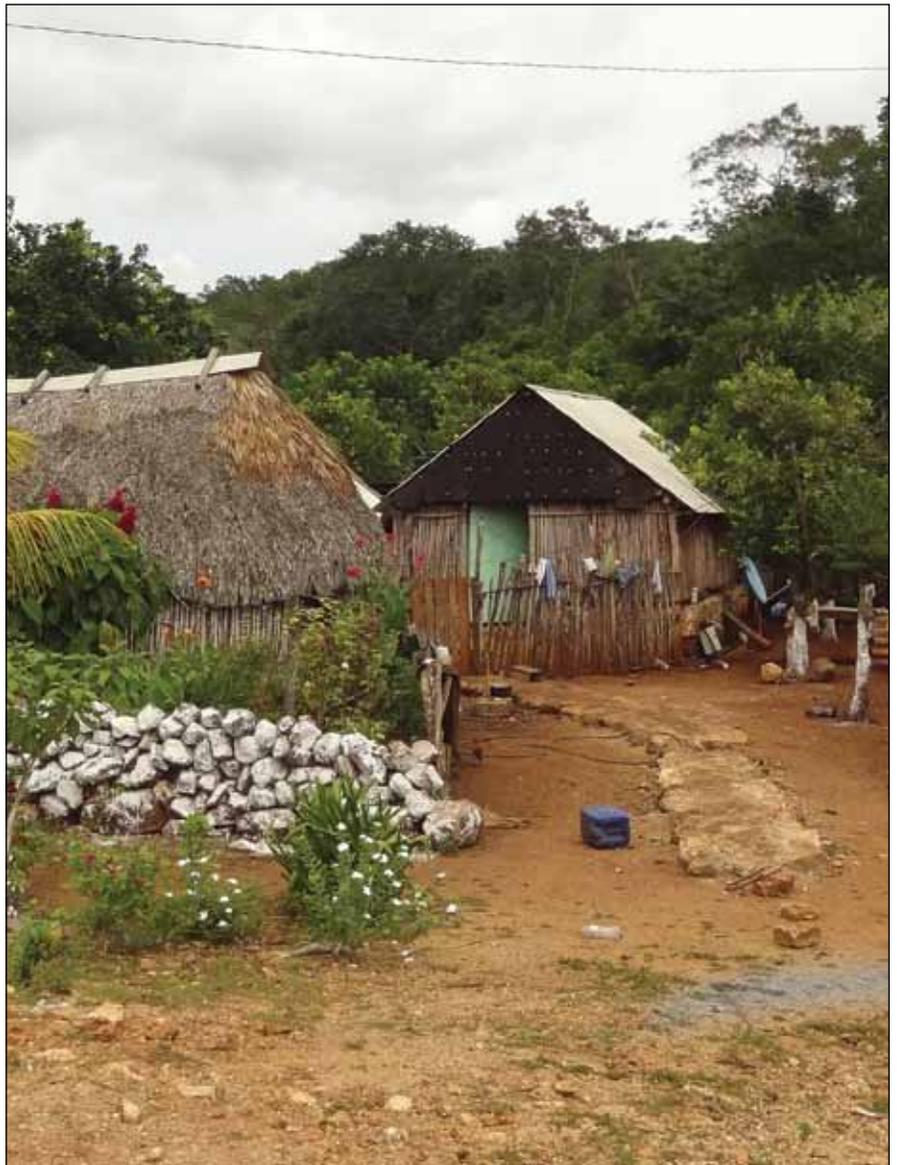
ly woven with palm fronds to form walls. Each structure had a thatched roof. There were a few whitewashed cinderblock buildings. There was one larger structure shaped like a church that sat on a little hill. As I passed it I noted the sign on the door, three letters painted in white—"JGB." The good government committee?

Father Dominic's house was at the end of the main street on the left of a sign that read "*Taller Mecánico*"—mechanic's workshop. The temperature was in the high 90s. The priest was young, perhaps in his 20s. I had expected an older man. He listened to my story. He had already been informed generally of the issue, he said, by the Señora Gutierrez, but he had no sway with the local junta. He had arrived only two months before from San Cristóbal de las Casas, from the seminary, as the old priest, Father Benito, had died. Nothing he said was reassuring. There had been a church—that was the building with the "JGB" sign on it. It had been shut down in the initial throes of the *Zapatista* rebellion and never opened up again. Now it was "city hall."

He took me to the Gutierrez home. There was no need to drive. We walked down the main street dodging chickens and the occasional donkey. Though the town was dirt poor it was curiously bright and pretty. There were no cars. The entrance to each little house was surrounded by vines of coral flower—jacaranda, bougainvillea, lantana.

The Gutierrez home had a small courtyard. As we entered we saw a child of about five years of age, swinging in a tire swing from a tree. A dog and a goat slept underneath his swinging feet. The priest said something to him and he answered back. I didn't catch any of it.

"We can go in," the priest said. There was no door, just a curtain of paisley patterned fabric. The woman in the corner did not get up from her seat. She was breast-feeding a child. Two other children lay



on mats side by side, asleep in front of a 36-inch LG TV on which was playing *Sesame Street*. The Cookie Monster spoke in Spanish. On a small table sat a baseball cap with an Atlanta Braves logo—other than the children, the only evidence of Kinchil having been here.

The priest introduced me to Kinchil's widow. She stopped feeding the child and placed him face down across her lap and patted his back. He slept quietly, burping occasionally. Priest and widow spoke for some time in a local language. Then he turned to me and said, "Father Benito baptized all four children—in fact, all six children including Yum, and several years ago, after the initial rebellion with Subcommandante Marcos, the

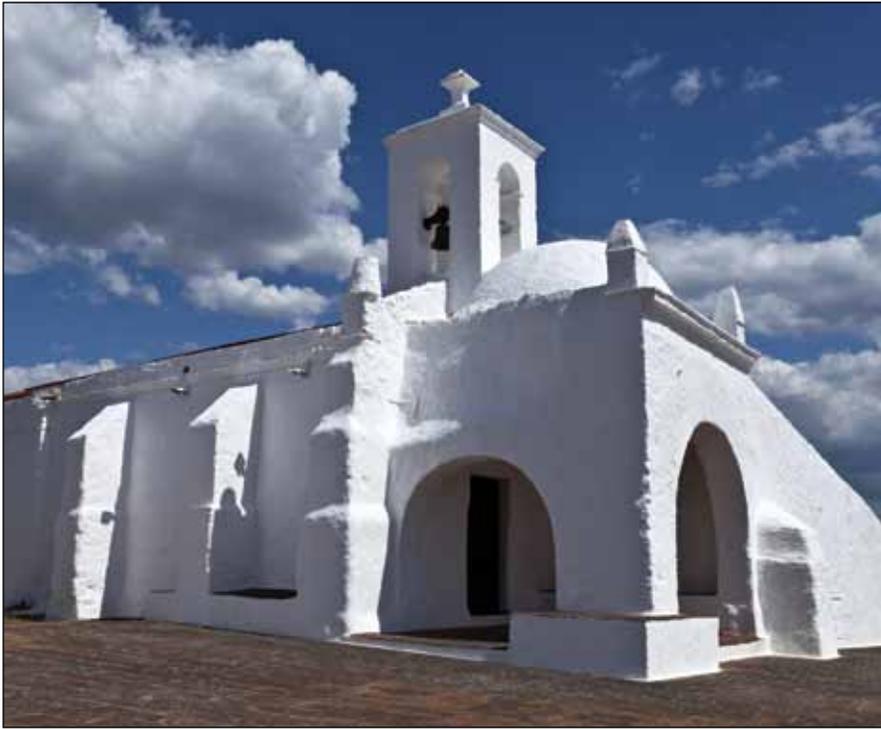
Mexican army came into these villages with the intention of drafting every Mayan boy who came of age. This is classic counter-insurgency. But the army also has a strict rule that no one without documentation can join it. Father Benito was a resourceful man. The records disappeared. That way, no boy from here would ever join the Mexican army."

Father Dominic sighed and looked down.

"You see, even here we are undocumented."



I went back to my hotel in Ocosingo. I found a little Internet café as my phone was not working there, and I sent Yum an email explaining the problem. There



wasn't much to do in Ocosingo. That evening I went back to the Internet café and checked my emails. There was a reply from Yum. All it said was "Expect a miracle."

I went back to my hotel room and lay on the bed. It was still early evening. I turned on the news. I watched CNN for a bit then turned to a Mexican station, deciding I might as well practice my Spanish while I was there and gain something from my experience. Halfway through the local Spanish language news, I noticed there was some video of the town of San Martín Isolda Blanco. I was intrigued but the video came and went as rapidly as the announcer spoke. I had not understood a thing she said.

I fell asleep early and woke early. At breakfast in the small hotel's dining room while I sat eating my huevos rancheros, two men sat down at the table next to me and nodded "good day." They were dressed in full military garb and appeared to be high ranking officers, considering the brass and ribbons on their chests and shoulders. I thought for a moment it might be a feast day and there was going to be a parade. As they ate breakfast, however, lesser soldiers came and went delivering missives which they read, discussed

and responded to in Spanish. I caught only a word or two but among the words I caught were "*la iglesia de San Martín Isolda Blanco.*" I had already begun to think of it as the "junta church."

What was going on?

I took longer than usual over my breakfast. The two officers got up and left. My waitress appeared and presented the check for me to sign. I said to her in my awful Spanish, "What is happening at the church of San Martín Isolda Blanco?" I asked her to repeat her response several times. I had my Spanish dictionary with me. I wrote down what I could and I understood her to have said, "There is no such thing as the church of San Martín Isolda Blanco. The church in that town is called the Church of the Virgin of Guadalupe. Right now it is under siege because of the insurgency."

I left quickly. The street outside my hotel was full of soldiers. It seemed the entire population had come out to watch them. There was a sullen, pervasive silence among the people. Whatever the Mexican Army was doing here, it was not welcome. I got my rental car from the garage and headed back to the village. As I got close I began to see

more and more military vehicles. At one point, as I stopped and moved aside to let some of them pass, I noticed on either side of the road the forests were full of soldiers laying rolls of barbed wire. For the first time I thought, wouldn't it be wiser to head in the opposite direction?

I found Father Dominic in the garden of his little house. He was celebrating Mass before a makeshift altar for about six women. I waited at the back till it was over. His incantations were drowned out by the growl of engines and the cries of soldiers. Diesel fumes stunk up the air of what the day before had been a sweet smelling town.

"What is going on?" I asked him, when he had finished and was removing his vestments.

"Last night in the suburb of Buen Samaritano in Ocosingo two soldiers were shot and killed as they were trying to evict families from their property. The army flushed out whoever did the shooting, and they believe they have taken refuge in the church here. You should leave immediately. There will be repercussions which will affect this entire community. You don't want to get caught up in it."

I got in the car and headed back to Ocosingo. But as I got closer to the little hill where the church stood—no more than three hundred yards from the priest's house—the street was now full of military vehicles and I was waved over by a uniformed man who shouldered a Kalashnikov AK-47. Like most members of the Mexican Army I had seen, he looked about 14 years of age.

He examined my passport.

"What are you doing here?" he asked.

When I told him, he said, "You cannot go forward. You have to go back."

"I need to get to Ocosingo," I said. "I don't know where 'back' is."

"Step out of the car, please."

He stood back a few paces and unshouldered his Kalashnikov in a move that said he did not intend to ask twice. My heart was beating like a bass drum in my chest. As I got

out, a tank trundled up alongside of my car. This increased my alarm for the road was narrow and I was now locked into this 18-inch space with a boy with a Kalashnikov.

Like many lawyers, I have often stopped in the middle of doing something to ask myself, "When I took the bar exam, did I think I would be doing this particular thing in pursuit of my profession?"

At this moment, if my mind had not been in a tizzy, I might have asked it again.

The tank came to a stop. I could feel the heat pulsing from it and felt sickened by its diesel fumes mingled with the raw earth smell kicked up by its iron treads. The soldier began to poke at my calf with the muzzle of his AK-47. "Move," he said. He prodded me to an armored vehicle of some sort which had pulled in behind my car.

I followed his bidding and got into it. There were four vacant seats in the front directly behind a driver and another man. I got into one of these and realized that I did not have my passport. All the rows behind were filled with soldiers in full SWAT gear. From this position, I could see that the soldiers operating the tank were calibrating its big gun. I don't know how old it was, but I could hear it cranking as the long barrel rose higher. From my line of sight, it appeared they were aiming it at the church tower.

The door shut then opened again and Father Dominic, with the AK-47-toting soldier behind him, slid into the seat beside me.

"What are you doing here? I told you to leave!" he said through clenched teeth.

"They won't let me," I said, feeling like a scolded child. "I'm stuck."

He looked up at the bell tower. "We should pray that if there is anyone in the tower, they don't have the fire power to shoot back," he said.

Outside, someone began to speak through a bullhorn. I couldn't tell if the language was Spanish.

"What is he saying?" I asked.

"He's giving them 30 seconds."

There was no response.

There followed a thunderous bang. The entire tank rig jumped about six inches off the ground and its shell made a whizzing sound. The tank hit the ground with a thud, shaking it like an earth tremor and our armored vehicle shuddered and rocked.

I didn't see where the shell landed. It missed the church. Perhaps it was meant to. The man with the bullhorn spoke again. Thirty seconds later another deafening bang. This time the tank bounced back, not up, and almost hit us. The tower disappeared in a sky-high explosion of gray concrete and dust. Its bell came to ground with a series of clangs.

But there was something else, something more. Papers. Thousands of sheets of paper floating high in the air then slowly, ever so slowly, like snow, falling to the ground through the fog created by the dust.

This branch of the Mexican Army was obviously more interested in combat than recruitment. The papers meant nothing to them. The SWAT team poured out of our vehicle and rushed what remained of the church. Soon I could hear shots being fired.

We watched in silence, for hours it seemed, till the activity quieted down and the army began to withdraw. Finally our vehicle was the only one left. The soldier who had first accosted me pulled open the door and handed me my passport. "It was for your own safety, señor," he said. Nice to know. I was still shaking.

"There is a tunnel from the church into the jungle," Father Dominic said quietly. "There was no one in the church."

"And you know this — how?"

"This is my town," he said. "I was born here."

"You never told me."

"You never asked. Come, our glorious army is leaving — let us see if we can find your children's birth certificates among this litter."

As we spoke and walked among the papers with the smell of carbide in our noses, the people of the

village came out and began to help gather up the documents.

"You never told me the real name of this church was the Virgin of Guadalupe."

"What does that matter?" he asked.

"It depends," I said.

"On what?"

"On whether you believe in miracles."



When I showed up next day at my office with all four birth certificates, Yum called to say his mother's green card had just arrived. Miracles apparently come in small doses.

The Ocosingo insurgency took place on Aug. 18, 2007. The Señora Gutierrez came to Atlanta fully documented in September. The case resolved at the end of that month.

I thought she would bring her children and set up a new life. But this was not her intention. She came only to testify, she said, for she loved her village and with \$550 a week for 400 weeks, the workers' compensation benefits they were awarded, she could not only raise her children, she could put them through college if she remained in Chiapas. In Atlanta on this amount she could barely sustain them.

So, she went back. I never heard from her again. From time to time I hear from Yum. Each year, when I return to the Triple Creek Ranch, I am always impressed by how good it looks. Kinchil's legacy. This and the weekly check that goes to his children. The aggregate of small miracles.

I am now a believer. GBJ



Gerard "Gerry" Carty is from Glasgow, Scotland, and has been practicing plaintiff's personal injury litigation in

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