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Rustlers

PHOTO BY JAMES H. EVANS

Sundays for Cruz brought the merriment of tequila poured tall, when his wife and family were at church across the county and Cruz was free to turn the ranch into a saloon. He'd trekked out of Chihuahua as a younger man, dozing in the brush during daylight, surviving an encounter with a cougar, and starting his journey north again and again after his capture and deportation by Border Patrol—until in West Texas my great-uncle Cleaves hired him to make four thousand adobe bricks for a new ranch house that was never built.

By virtue of being present, Cruz became ranch foreman. And on his watch over the years, thirty-five tractors and pickups ceased to move. And the goats became inbred. And the barbed-wire fences slumped like strings on a mangled guitar. Cruz bore witness to the long war over the ranch fought by Cleaves's four grown children, until half the land was sold, two of the children were dead, and I was sworn in as trustee of what remained.

On the Sunday in February of my surprise visit to the ranch—I was living then in San Francisco—Cruz roared down to the adobe house at headquarters in a retired mail Jeep that was smoking like a lawnmower. He had his sisal cowboy hat on, the stampede string pulled tight under his chin. Cruz jumped out of the Jeep, wobbled, and came on through the house-fence gate carrying a crockpot steaming with menudo. It was food, I figured, that had sat too temptingly on the counter in his wife's absence not to become a gift—food his wife would surely miss—and that I dreaded feeding one bowl at a time into the dirt to hide the insult of not chewing through what to me smelled like boiled socks.

"Do you want to see my catfish?" Cruz said in Spanish. "In the tanks? My catfish. Let's go see them in the tanks."

His eyes blinked closed a second too long.

I didn't have the heart to tell Cruz what I'd traveled to West Texas to say: a survey of the finances of the ranch had made clear that the accounts were like the cracked troughs he neglected, which drained dry no matter how much water was pumped into them, and I'd decided to let him go.

That afternoon, after Cruz and I admired his catatonic catfish in the icy water of the big rock tank—"There! There! David, do you see them?"—I received a call from Cleaves's surviving daughter. The portion of the ranch she'd inherited after the lawsuit, she sold.

"Now listen to this," said Jane, who smoked menthols and whose eyes glistened when there was a story to tell. "I have something you're going to find very interesting."

"Yeah?"

"Come to find out, at the Fort Davis bank Cruz cashed a check from a livestock auction house. Was three thousand dollars. And it wasn't the first. They've been coming pretty regular."

Cruz had a pension in the right to graze and grow his own herd with the ranch's cattle. But as far as I knew, he owned seven spotted cows and wouldn't have been able to cash multiple large checks unless he'd shipped them all to market.

Cruz's daughter Elena had been inviting me to breakfast, and the offer came again that Monday. I'd known Cruz since the eighties, when my father brought my brothers and me out from Houston to hunt and hike the mountains. After university and a stint at Goldman Sachs, I gave myself to the writing life and moved into the dented silver trailer Cruz had first occupied on the ranch, his faded shirts still curtaining the windows, the stove hood greased from the meals he'd fried. I learned Spanish in large part because of Cruz, though he never corrected my grammar when I asked him to.

I walked the quarter mile from the adobe house to his brown cabin on the hill, which seemed to be rising with the warmth of the propane heater in the front room, the television erasing what of the world was not inside. Cruz had spent much of his decades on the ranch,

two hundred miles from a stoplight, watching static-filled soap operas in English, which he either didn't understand or pretended not to. He and Barry, the youngest of Cleaves's children, had communicated mainly by talking loudly.

I wiped up the last of Elena's huevos rancheros with a homemade tortilla. She would have been a gift to most any restaurant had she had her papers.

"Cruz, I was thinking of taking a walk to Merrill Creek," I said in a tacit invitation for him to join. Work, however Cruz conceived of it, was never pressing, and he followed me in his boots out the door, one hand clutching his back. It ached with the permanent and unassailable excuse that he couldn't be asked to do more than he did, which was close to nothing; for years he'd been left to run the ranch alone. Cruz wore a plaid Western shirt with mother-of-pearl snaps, a circular silver rodeo belt buckle, and a sheathed pocketknife. We navigated patches of prickly pear and an old campsite marked by shards of purple flint. The views above us of Mount Livermore were magnetic with a sense of belonging, worthy of protection in a park, the upper canyons unmarred save for a thinness in the trees, many of which were felled to build Fort Davis against the Apache.

We stopped at a fence overlooking the dry bed of Merrill Creek, and Cruz pointed at a distant deer I could barely distinguish from the brush. He ran the gamut of complaints about how nothing worked on the ranch, how the family didn't care about him, how he'd been paid late for years. "Barry forgot me," he said in Spanish. Through litigation, Barry had won most of the ranch from his half-siblings and then died in Houston at forty-six. It was Barry who'd named me trustee of his daughters, the youngest of whom was only twelve.

"Cruz, I thought you had a lot of cows," I said in Spanish.

"Oh, *sí*."

"In driving around the last few days, I haven't seen but one or two. Did you sell them?"

"A few. One here, there, when I need to buy Christmas presents."

"And nothing recently?" I said in the least directed way I could, stretching out the words.

"No."

I nodded. "That's good. Better to save your money."

"Oh, *sí*."

We circled back toward the barn, where Cruz fattened the feral hogs he trapped and dried the skins of the rattlesnakes that erred in warming themselves on the gravel ranch roads when he wasn't on his couch. Clicking under his salt-and-pepper moustache was the bridge for the teeth he'd lost when a bull kicked a metal gate into his face. Barry's late mother, who'd turned frugality into a vice, insisted that Cruz take the cheaper path by going to Mexico for his dental work, and the bridge didn't fit. When he spoke, a black gap appeared between his gum and teeth like a second mouth.

I broke off, hurried to the adobe house, and called several local ranchers, the nearest cattle pens, and a cousin who was an officer with the Texas Rangers, the state's legal body with jurisdiction over livestock theft. Then I waited.

Childhood in the industrial-world boomtown of Houston had confused the idea of home in my life, a cost-per-square-foot culture making no allocation for memory. The ranch grew into that absence, the smell of its pastures connecting me back to my youth, to myth, to a grounded and elemental life. But headquarters was burdened by the family legacy of metal, the vehicles Cruz had broken the axles of, the derelict lawnmowers, and a thousand Coors Light cans he and Barry had tossed into the beds of the wheelless pickups. Nearly all those beers had been consumed alone. The buildings and barns were filled with things undeserving of rights to the dust: bedpans and Styrofoam Christmas ornaments and luggage older than I was. One raccoon-infested room in the barn held the baffling sight of two warped pianos, one upright, one grand. Hauled

by Cleaves from Houston to the ranch after they were ruined in a flood, they now looked now like props for a haunted saloon. A lone emu lived inside the locked tennis court, which was near a corral holding a lone llama, which was adjacent to the pens where the goats were becoming more and more inbred. Appliances, weight machines, and broken toys littered the hill around Cruz's cabin like shed hair. The first trailer load of debris I had hauled off as trustee was a vision of the dust bowl, the metal stacked with prayers it wouldn't topple in tow. I marveled at the slivers of oil-stained ground reclaimed from a faltering legacy. And I wondered if giving the land the care it deserved might earn me the sense of place I received.

By Monday afternoon, the Texas Rangers had copies of more than twenty-five thousand dollars in checks Cruz had cashed for cattle delivered to the nearby holding pens on Highway 90. He'd stolen some forty head, almost as many as we had left in our herd. And those were sales for which there were records; the new foreman of the next ranch had unknowingly participated by paying Cruz in cash for two black Brangus bulls, the selling of animals no further than to the other side of the fence making clear the myopia of his subterfuge. But the Texas Rangers had a problem: the cattle sold at auction bore Cruz's brand, not the ranch's, as branding had been part of Cruz's job. With the Rangers unwilling to make an arrest, I prepared to confront Cruz myself, the city boy lurching toward a duel.

The invitation to eat Elena's huevos rancheros came again Tuesday morning. Cruz stood to the side as I ate, leaning against a defunct rolling dishwasher that I would later shove into a pit half a mile from that table. The whole family gathered around for the ceremony of taking away my emptied plate. Then Cruz's wife, Rosa, went to the plywood cupboard. Years earlier I'd completed Rosa's immigration papers so she could join Cruz on the ranch after he became a U.S. citizen. Whether he'd told her of my help I didn't know.

Rosa held out a bag of powdered donuts and said in Spanish, "Have one, David."

I took one so as not to be rude.

Then she turned and held the bag open for Cruz, and Cruz said, "How much did each donut cost?"

"Twenty-five cents," said Rosa.

"Oh," Cruz said, withdrawing his hand. "Too expensive."

Twenty-five thousand dollars in cattle, and a donut he made a show of not eating because it cost a quarter. Everything he'd ever said in that instant became a lie, the quietude that had seemed to mark a man simple in his needs giving way to something deeper, his third-rate acting allowing a glimpse of the secret within.

Rumors swirled in the family that Cruz had accomplices, that his lack of savvy meant he couldn't have acted alone. He had friends with thick moustaches and sweeping black cowboy hats, men who seemed to have walked out of Westerns about land isolated at the limits of the law. For my showdown with Cruz, the estate attorney and I decided that I needed a deterrent, preferably someone badged, thick in the shoulders, and armed. The plan was to give Cruz one hour to forfeit his property and leave the ranch in exchange for never hearing from me again.

"Have witnesses, and get it in writing," the Jeff Davis County attorney told me.

But my call to the sheriff in search of an off-duty deputy led to a rambling monologue about how he didn't have enough manpower to do his own job and that his wife had told him he ought to be a writer too. Conversations in the Brewster County Sheriff's Office went nowhere, with men in towering gray cowboy hats that seemed to make pedestals of their heads. I said, "I just need someone to stand behind me."

"We can't help you. Try Presidio."

Then I got a lead on a former Border Patrol agent who spoke fluent Spanish.

I called immediately.

"What's the situation?" J. W. Clifford said in the gravelly voice of a man who'd been contemplating eternity. "Okay. I don't know the family. Might've seen 'em at church. I don't have any problem with this Cruz character. I'm in. I'll stay as long as necessary. When do you want me?"

"Thursday at noon."

I returned to the ranch that evening and cooked dinner in the adobe house, which sat out in the emptiness like an open box, and I watched Cruz through binoculars walk down and check the lock on the front gate. And I wondered whether I'd betrayed what I knew.

Wednesday I freed the emu. After escaping from or being turned loose on another ranch, she'd wandered in from the mountains and for two years had been incarcerated by Cruz in the weedy tennis court. The logic of feeding her on a quantity of grain many times more valuable than she was could not be unwound. I opened the tennis-court gate and called to the six-foot bird, and she followed me out and around the cattle guard into pasture. "You're free, old girl," I said. "You know where the water is. You can go back to making a living on your own."

The Texas Rangers phoned Wednesday night with a change of course. They had an arrest warrant and would descend on the ranch Friday. I called J. W. to tell him to delay his arrival by twenty-four hours; I did need security—against the prospect of accomplices, an irate family, or Cruz storming the ranch after making bail. I was charged by the State of Texas to be the fiduciary of Barry's young children, who lived in Oklahoma with their mother, not their henchman.

On the morning life was scheduled to change for Cruz, I walked in circles on the rim of the century-old stock tank, his catfish turning through the water below me, my heart racing in conflict with hope for justice and for Cruz not to spend the rest of his life in jail. The stone-lined rim of the tank is wide enough at a yard to be walkable without fear of falling. Over the years I've traveled at least a hundred miles on the lip of that tank, scanning the mountains, working through questions about the path my life should take. I wasn't thinking that day that I would move back to the ranch to live, nor did I imagine I would make Cruz's house on the hill my home, nor did I consider that a day would come when I too would have to leave the ranch a final time.

The Texas Rangers, in a dark pickup, turned off the highway and followed the winding road up to Cruz's cabin—the reach of civilization in a land that wore few signs of it. From my vantage point on the tank, two hundred yards off, I knew the entire family was inside. An officer stepped to the door. Cruz appeared on the porch. For a few seconds they stood together. Then the officer put Cruz into his truck, and they drove off to jail, the fulcrum of his time on the ranch barely longer than a knock.

At the same moment, J. W. Clifford drove past the barn with a barbecue grill bungee-corded into the bed of his pickup and seven weapons in the back seat, including a self-assembled assault rifle. J.W. had a moustache, dyed black, a shaved head, and was on the Atkins diet, he said, and he burped and lugged a cooler of meat into the adobe. He'd been a helicopter pilot at the Marfa Border Patrol station and carried a Spanish dictionary in his front shirt pocket.

"You stay here," he said. "I'll go up to the cabin and assess the situation with the family."

Regardless of whether it was the right move in terms of safety, I couldn't help but feel like a coward for paying out of the hardest moment.

Half an hour later J. W. returned and lit a propane burner on the stove to heat the kitchen. "I don't think you'll have any problems with those folks," he said. "Nah. I don't think so. They're

mostly in shock. But that Elena—did you see her? Oh, she's got that long dark hair. You fucked up, man. You could have had that woman sleeping in this house, cooking you breakfast, and fucking your brains out."

"I think that might have been a conflict of interest."

"No. No. Don't give me that."

I laughed.

"David, you need to go up there and talk to them."

The screen door slammed behind me as I walked toward the cabin, and I took comfort in how unscripted moments in foreign languages were a partial measure of an interesting life. I thought of my friendship with Cruz Jr., which reached back to my year in his dad's trailer when I'd bought him Eight Seconds for Christmas. He'd seen his first ATM on a trip we'd made to Fort Davis, thirty miles from the ranch. Watching the bills discharged, he said, "Can you do that for me?" We failed one day, on horseback, to move a bull between pastures, exciting it into a snorting and bloody frenzy until we said simultaneously, "I think this bull is right where he should be." Cruz Jr. had since spent time on a road-building crew in Japan.

Rosa was standing outside the back door. She pointed to Elena's kids. "What about my grandchildren?"

"I'm sorry, Rosa."

"Can't you do something for my grandchildren?"

"It's my job to protect the interests of three girls. And the cows were theirs."

My Spanish was effortless but not perfect, and Rosa turned her head and commented on this to Cruz Jr.

I took him aside.

"Cruz, I didn't have any choice. Please know I'm sorry."

He nodded but was not looking at my face.

"I don't want your father to spend a lot of time in jail."

He nodded.

"That's not my intent. But I need to know if there's anyone else who's part of this; I'm staying out here alone in that house." I pointed to the adobe in the distance.

Cruz Jr. didn't look at my face. "You won't have any problems."

"I'm worried. Please tell me if there was anyone else involved."

"You won't have any problems."

The lone spot for cell reception outside the adobe house was on a berm Barry had bladed years back with a bulldozer to deflect storm water rushing off a hill. I stood on that rise, plotting with the attorney about how to freeze Cruz's assets in order to prevent him from making bail—set by the judge at ten thousand dollars—when the emu appeared from pasture and charged me, her head bobbing, body angled sideways, leg cocked, either for having been set free without food or for not having been set free sooner. The clawed trident of an emu's foot, West Texans say, is powerful enough to disembowel a man: kick, puncture, twist, release.

"Did I lose you?" the attorney said.

The bird ducked and bobbed, her face, wrinkled as an old lady's, rocking taunt-like. I raised my hand, and she ducked. Stepping off the embankment would mean dropping the call, and the attorney, a former judge who valued his time at five dollars a minute, was hard to get on the phone. "John, John, hold on," I said. A broom handle lay in the dirt like a thousand odd objects at headquarters, and I grabbed it and swung. Whoosh. The emu dodged, then charged.

"J. W.! Help me out here."

He wandered around from the other side of the house. I handed him the broomstick, and he shooed the giant bird.

"We'll get a court order," John said. "First thing Tuesday after the holiday."

A gunshot cracked. Then another.

"After you pay me to get the cash in his bank accounts," John said, "you realize there isn't likely to be much left."

"I'd rather you get the money than Cruz."

J. W. was waiting near the house after the call, a toothpick turning in his

mouth. He said, "Well, I shot that bitch in the chest, and she kept coming at me. So I shot her in the head, and she dropped. But I should have just hit her in the neck with a shovel."

"We didn't need to kill her, J. W."

"I thought you wanted—"

"I just needed a little room."

J. W. shrugged. "Sorry."

I was in the kitchen filling a glass with water when I looked out the window and saw a dark hump of feathers in the dirt.

Monday was President's Day, which guaranteed Cruz an extra night in jail as we waited to learn whether he'd talk about the extent of his actions. He had six children, two of whom drove to the ranch from out of state to be with Rosa. I towed a large trailer to a nearby town and signed over the title so Rosa and Elena would have a place to live. J. W. returned to the adobe house after talking with the family and said, "Man, did you see Cruz's other daughter? She's even better than Elena. Man, that thick black hair. Oh." J. W., swept away, wiped his forehead with a handkerchief.

I spent Tuesday morning, February 22, in Fort Davis. By 2:05 p.m. the attorney secured a court order to freeze Cruz's accounts, making clear the power of resources and how those with property often have the greater need of government. At just the point the Texas Rangers were scrambling for a translator because Cruz was ready to confess, his children posted bail. I sped back to the ranch, wondering how the decades we'd known each other would impact his feelings about the dishonor I'd done him.

But Cruz didn't come.

The district attorney with jurisdiction over the case refused to take it. Some said the value of the stolen cattle did not justify the cost of a trial, others that he feared alienating the Latino vote, and still others that he had issues of indolence.

I moved to the ranch two years on, making it my home, to write and look after the land and cattle for my cousins and because there was nowhere else I belonged more. Only once did I see Cruz, while driving on Front Street in Fort Davis, he walking, unsteady, his moustache bushy under his sisal hat, tequila poured to some height that afternoon. I hadn't run the math of a chance encounter, and I used his drunkenness that day as an excuse not to stop.

My trusteeship ended on the twenty-first birthday of Barry's youngest daughter, after I'd lived on the ranch for seven years, when work, play, and introspection were fused. Barry's daughters lowered their asking price and sold the land, choosing the cash as nearly everyone does, a life of isolation forever out of fashion with the young. The buyer has property on the Eagle Ford Shale—gas royalties—meaning their family has funds to own ranches in a portfolio, independent of the inclination or need to spend time on them. In the six months after closing, the new owner slept a single night on our ranch in an RV near the empty barn. The care put into land, of course, is not a measure of ownership. A sense of belonging is title-less. The first time a broker brought a buyer out, I felt a hint of the emotion, rare for me, but common for those without dominion over the land they love: the urge to drink. That I acted not merely on behalf of the owners, my young cousins, but like an owner in making the ranch my own, was hubris; it was an action, though rooted in love, beyond the law.