

L A U R A J E A N B A K E R

Year of the Tiger

*It makes sense how we can live with a thing like war
when we have been living with our families so long.*
—“Wars” from *Stalin in Aruba* by Shelley Puhak

My husband, Attorney Ryan Ulrich, son of a farmer, wears salt stains, etched like chalk, into cuffs of black courtroom pants I wash co-mingled with soiled onesies. At a sturdy card table in the county jail, in a portion of the building called a pod, as in C or DS1 pod, he is laying down the law, literally, to the kinds of tough men he doesn't know in his real life, the one in which he rocks Fern, our daughter named for E.B. White's animal liberator; follows recipes for apple-prune crisp; and sorts baseball cards by league with a son whose hair grows in soft corkscrews.

“Here's the state's offer,” he says. “If you plea to count two ...”

“How do you expect me to plea to count two when I didn't do that shit?”

“Look, I don't care what you did, or what you didn't do. The only thing I care about is the story the evidence will tell the jury.”

Evidence are the plot points attorneys inherit, and when Ryan appears on T.V., after only sixteen months in the drain ditch of criminal defense, a local Fox News microphone shoved up under his nose, the plot points appear, still, in the order received from city police. The case is “State of Wisconsin V. Joseph A. Michalik,” an Iraqi War veteran charged with killing his ex-girlfriend's cats, two felony counts of Mistreatment of Animals. In a state crazy for war but populated by children of 4H, Joseph is soused simultaneously by salutes and damnation. This fusion of love

and hate also so happens to characterize Joseph's affair with the cats' owner, Cali Ziegler, a young woman sympathetically bulging, pregnant with Joseph Michalik's baby boy. Their June due date is only days before our own son's predicted arrival, two boys muscling up in separate wombs on the same side of town. We are under the care of the same midwives at the same medical center. The boys' fathers are leading news, more scandalous than the war itself ever was. Ryan expects picketers for PETA around every corner.

"A lot of evidence wasn't heard today," he says to the reporter. "My client is innocent until proven guilty, and that is how we are proceeding should we go to trial."

Between stops on his tour of courtrooms and pods in days that follow, Ryan arranges the plot points and possibilities in his head, a self-taught student of dramatic structure, from Aristotle to Freitag. He is a courtroom storyteller in search of resolution, attempting to construct a narrative that favors his newest protagonist, Joseph Michalik, a name we learn to say at home and enjoy, its onomatopoeic quality cathartic as the F-word, though something we can say in the presence of children. Linked in consonance with "click" and "lock," Michalik also sounds like the obvious fate of a prison cell door closing for good.

One night in December of 2009 Joseph crashed at his ex-girlfriend's upper flat, with her permission, while she worked overnight for Hospice. Aside from one thud in the night, downstairs neighbors neither heard nor saw anything suspicious. In the morning, Joseph texted Cali to report bad news. Her orange cat, Wilson, had escaped, and Joseph could not coax him back. Joseph lay the house keys on the kitchen table, pulled the door closed, tightened his backpack, and rode his bicycle twenty miles to his mother's house in cold and sleet, the heavens frozen then thawed with weeping. When Cali arrived home, she could find neither Wilson nor her black kitten, Molly. Police responded to two calls from Cali in the days that followed. Each visit and search yielded one dead cat as proof of MICHALIK's alleged crime.

Wilson was found the first time around, having suffered blunt force trauma to the head, hardened by ice and rigor mortis beneath a snowmobile trailer in the backyard. Two days later, when Cali convinced police to return, Molly was found, having been drown in a water-filled storage bin and then stuffed into the mesh lining of a living room couch, her fur still matted and wet, curled into the shapes of metal springs. The most damning evidence Cali found and produced on her own: an Army uniform name tape labeled MICHALIK in the bathtub drain, over which, one might imagine, Joseph hovered as he filled Molly's plastic death chamber from the cold tap.

Ryan worries the jury instructions read like a worksheet for a literature course in Contemporary Courtroom Drama, and "Army name tape" is the

answer for the first fill-in-the-blank on page one of WIS JI-CRIMINAL 1980 MISTREATING AN ANIMAL -- §§ 951.02 AND 951.18 (1). Instructions read, "The Statutory Definition of the Crime: Mistreating an animal, is defined in §§ 951.02 and 951.18 of the Criminal Code of Wisconsin, as committed by one who intentionally treats any animal in a cruel manner. The State must prove by evidence which satisfies you beyond a reasonable doubt that the following two elements were present: 1. The defendant treated an animal in a cruel manner. 2. The defendant intentionally treated an animal in a cruel manner." He carries the Jury Instructions in his lawyer's satchel, as if when superimposed on the thick packets called "Criminal Complaint" and "Discovery," the appropriate details will arrange themselves along a narrative arc suitable to exonerate Joseph Michalik of his alleged crimes.

Ryan estimates ninety-eight percent of his clients are guilty, at least, of the crimes with which they've been charged. His role typically, as he grinds out Public Defender appointments to sustain our family, is to take guilt for granted as he plods forward to mitigate damages, the way a farmer in his field might, accepting the clay and rocks inside his soil. In legal parlance, this could mean any number of solutions for a lesser charge and more favorable sentence: a voluntary program instead of probation, probation instead of jail time, or time in the clink instead of a longer stint in the Wisconsin State Prison System.

Most of his clients are caught, as they say, red-handed, but something about this case is different, something news reporters sense, but also something far deeper than the sensationalist Fox News instincts detect, and if it were not for Cali Ziegler's second phone call to Oshkosh Police, two days after they had discovered Wilson dead, Ryan would have added Joseph Michalik to his long list of sorry scofflaws. But in the evenings, when our three children sleep, Joseph Michalik and uterine magic are what remain of our clouded minds when distilled into dual essence. Ryan leans into me and pastes his palm between my legs, for we know, by now, the baby's kicks are strongest where the body opens, life tied perpetually to intimacy. Though Joseph will never feel the thrust of his baby's limbs against the cushion of flesh, I still imagine his boy, marching like a soldier inside Cali, then crouching into a perfectly disciplined version of fetal pose.

Perhaps he was curled into himself when his mother appeared to have carefully choreographed a tour of evidence for police two days after their initial investigation. Ryan speculates forty-eight hours between investigations is sufficient time for Cali to have drowned Molly and staged the evidence. It was Cali, after all, not police officers, who suggested police return to rummage through garbage cans, Cali herself unearthing a frozen towel outside, and later MICHALIK's name tape, pulled from the drain like sleight of hand. While initial evidence against Joseph was

damning, the theatrics with which Cali produced new proof opened up new contenders in rising action, Cali having proffered plot points too perfect to believe. If Ryan were to focus only on seemingly uncompromised evidence against Joseph in Wilson's death, jurors would believe he killed Molly too, but if he were to raise suspicion in Molly's death, jurors might believe all evidence was planted and Cali had killed them both.

Ryan saunters in and out of pods with confidence for several days, levitated by his love of courtroom drama, and when an orange and black stray cat begins living in our garage, we feed her cold cuts and milk, fill an old toaster box with hearty plaid, and invite her into the back hallway, in spite of Ryan's allergies. She is Wilson and Molly resurrected, a seemingly sure sign Ryan can win Joseph's case. Our oldest child learns to whistle and then crouches on our driveway, fish-mouthed, blowing sweet air until this cat, temporarily named for every candy the kids imagine, materializes, an ethereal product of Ryan's good intentions. She is a short-term pet we ultimately entrust, much to our children's disappointment, to the Oshkosh Area Humane Society.

On the drive there, our malnourished tigress caged in a laundry basket at my daughter's feet, I remember the first time Ryan attended a party at my house as a boy. In self-imposed exile on our porch, he rubbed his swollen eyes and wheezed from cat dander, misery to which he subjected himself for six more years before I'd put Fluffy to sleep. Whereas his struggle to breathe in childhood was linked to allergies and asthma, his short-windedness in adulthood signifies greater anguish, as it does one day in March when Ryan loses his first-ever jury trial for a civil matter. In this case he was legal counsel for a maintenance worker for School Stationers Corporation who had shattered his leg while building a pump house on a golf course. Having prepared for trial as if evidence, shaped into a proper story, were enough, he returns home to find our cat whistler crying because in her six-year-old thinking, to lose is to die. Our babies are still swaddled safely in the illusion of death as metaphor.

Ryan wraps his weight like long wet bags of flour around my shoulders and weeps into my hair and ears. His breath smells like cold meat stew, coagulated with apology as he whispers into my chest, "I'm sorry," words meant for the baby, it seems, another life we will work to feed. He had hoped to recover enough money to catch up on our mortgage and buy us up from the bowels of debt. As all couples, we have stood in archways like this before, in varying moments of domestic discord, but Ryan is heavier today. For a depleted man, he is abundant with anxiety and a storyteller's paralysis.

In days that follow, he interviews jurors about their process of ruling against Ryan's client. He quickly learns jurors felt irritated about the prospect of Ryan's client earning compensation so easily – just a little

injury – and were dead-set against him; never mind the employer’s fault in the matter. People in small Midwestern cities would respond not to evidence, as judges must, but rather to personally tailored versions of how the world ought to be. What then, he wondered would this mean for Joseph MICHALIK, our Iraqi War veteran, whose wartime experience was more complicated than anybody at home could fully imagine? Would it hit a nerve to suggest that to punish Joseph Michalik would be to punish our own zealous support of a foreign war, and could he reasonably suggest an expecting mother was just as likely to have killed her own cats for attention as the soldier sharing her bed? These stories would not match the jurors’ versions of how the world ought to be, the one in which Joseph Michalik returns from his tour-of-duty with the prideful good looks of a hero.

When I see him on television, the pompadour thickness of Joseph MICHALIK’s wavy dark hair looks wet. His forehead is pleated in surprise at the events of his own life, and his face twitches as he turns to Ryan as boys turn toward big brothers. Brain damage from his fall to an Improvised Explosive Device manifests as symptoms of Tourettes, his body shocking itself at painful intervals. He is twenty-nine years old, but his mother has chauffeured him to the preliminary hearing, on fumes of gasoline, from the Veterans Affairs Hospital where he is voluntarily seeking treatment for his Post Traumatic Stress Disorder. Ryan’s own brow furrows to think of MICHALIK’s life before the war – a criminally unblemished record, not even a speeding ticket. Most of his clients are career criminals.

For Joseph, the dividing line was once clear, but there no longer exists a distinction between lawfulness and crime. The war changed him. When my grandfather Frank, a career newspaper columnist, suffered his first stroke, his vocabulary talents powdered into the sides of his brain, and he’d stare at me ashamed when I brandished his transistor radio and all he could say was “phone book.” Joseph Michalik has suffered the stroke of combat. He spins the rolodex of names for the campaign on behalf of which he fought, but he winds up baffled, speechless, in a courtroom with bright lights. Was it the Iraqi War or The War on Iraq or "Operation Iraqi Freedom" or The Second U.S.-Iraq War or Gulf War II?

A mentally ill man in town calls my husband the “chubby attorney.” He is bigger than MICHALIK, but softer, a prizefighter in only one school-bus skirmish, years ago, but nothing scares Ryan about sitting beside this sniper educated in the school of firing hot bullets into the warm temples of insurgents’ heads because Michalik is afraid of himself. When police picked him up shortly after his return from Iraq for disorderly conduct, he bellowed on a long exhale of booze, ““You have no idea what it’s like to stare down the barrel of a gun and watch somebody’s head explode.”

When the IED exploded and knocked Joseph from his wits, blunt force was written like code into this soldier's head. His body would remember without any conscious effort the true impact of violence. Poor Wilson. Was it his four-legged body, orange markings perfect like the kind of polka-dots my daughter might draw in a whimsical moment of artistic flourish, who came to know how Joseph had been programmed? Was he the most plausible victim when Joseph awoke, in the bruised hours of a winter night, in his ex-girlfriend's bed, on the same set of sheets where he tried to repress those lives he ended with his military rifle in exchange for the one he conjured up with desire and sex? A flashback to combat would explain broken terra-cotta flower pots smashed to bits on Cali's apartment floor, curtains pulled from rods, then wrestled to the floor like ghosts, the large wet bin, sticky with black cat hair in the kitchen sink where Molly lay lifeless between her drowning in the bathtub and her burial inside the living room couch, not returned to the earth properly as cats should be.

A unanimous response to my telling colleagues Ryan is defending the Iraqi War Veteran accused of killing his girlfriend's cats is a gasp, a horrified expression, seemingly unbroken from one face to the next, and disdain for our coming entwined with such wretched crime. Though I too was reared to deeply respect animal life, furry and feathered bodies stiff in my arms as I carried them to holes in our yard and read from "PRAYER AT THE DEATH OF A PET" from Edward Hays's *Prayers for the Domestic Church*, a general lack of empathy for Joseph Michalik carves me hollow, leaves me wondering when, exactly, cats replaced humans in the spectrum of living things.

Several weeks into spring thaw, two revelations suggest, to Ryan's relief, the story may organically re-align itself in MICHALIK's favor. The first is another sign from our stray cat when the Oshkosh Area Humane Society calls to report "Tess," newly baptized, has been adopted in spite of the odds. Most cats remain indefinitely, sometimes for years, at this no-kill shelter. The second revelation is the offer of a new angle, a new perspective, a new method of characterization for Joseph MICHALIK. The Assistant District Attorney prosecuting "State of Wisconsin V. Joseph A. MICHALIK," former Army Ranger, has remembered, perhaps much to his own suffering, his own tour of war. His suit is pressed into neat military folds, his biceps are like camel's humps, and his square jaw is tough as pumice on crime. When I meet him grocery shopping, he pumps a gallon of milk in each fist and looks more like I'd imagine Michalik should.

"Look," he says to Ryan one day, off the record. "We'd be satisfied with NGI. If you get Michalik a good doctor, we won't contest the doc's opinion."

For a moment it's as if Ryan can hear *Taps* in the background, a lone bugler playing, not for a soldier having died, but for his rising from the

dead. Not Guilty by Reason of Mental Disease or Defect. I myself had been educated in the acronyms that define where mental health and law intersect. My father was a psychiatrist and Medical Director at Winnebago Mental Health Institute where he treated patients exonerated of truly heinous crimes for severe mental disease. He himself told me many stories, among them, one about a mother who believed God demanded she kill her sleeping baby, bubbles of saliva sweetly popping to the rhythm of a serrated knife. A Bi-Polar Disorder diagnosis spared her, and many women like her, the alternative, lives in prison.

But is this the best resolution for our soldier, his only dénouement? Dressing in his Army uniform to drown a kitten, holding her beneath water as if laundering dirty shorts, his own face reflected, superimposed upon writhing claws and fur, sounds like an act only a mentally ill man could commit, but even a mediocre soldier would know better than to lose his name tape in the drain, and it is this one piece of evidence – a rectangle of fabric meant to withstand modern warfare, meant to outlive the soldier himself – that Ryan fixates upon as spring thickens and he teaches our children in order of birth, to ride a bike, memorize the Milwaukee Brews line-up, and to speak in complete and convincing sentences about the most preposterous notions. In spite of Joseph's PTSD, Ryan remains convinced Cali may have killed her own cats. I can't help but wonder how my dad, Ralph Baker, M.D., would diagnose Cali. The internal workings of her psyche, when transcribed to paper, might appear, as if traced, like the case studies of all the women before her. But was desperately seeking attention a form of mental illness? Was violence its manifestation, and if so, against what other living things, her own children included, might this violence be used?

One does wonder if flashbacks are contagious, memories of explosion and death stamped like DNA onto the egg at the moment of conception, then incubating there, uterine warmth only so much protection against the butt of a gun against the buttress of a hip bone. I myself want to know if Cali endured days without food as I did, eating only the unholy wafer of pregnant women everywhere, Saltine crackers, and lemonade. How exactly does malnourishment of a first trimester affect the mother's lucid state? Police officers had come to know Cali on a first-name basis, as earlier the same year, she had faked a pregnancy to get another boyfriend in trouble with the law. Perhaps Joseph and Cali suffered from strains of the same delirium. Perhaps Joseph killed only one cat, but in an effort to draw a community's attention, Cali drown the second, before settling in to bathe her own weary body, filled mysteriously with life. Perhaps Joseph Michalik and the mother of his infant son lean over the same bridge between stability and madness, chasm dark with nightmares and flashbacks, echoes returning to them from voices other than those of

soldiers. PTSD is, of course, the after-effect of so many variations of trauma.

Cali Ziegler's outline, on television, as she raises her pink-manicured right hand and swears to tell the truth is blurred to protect her anonymity. She enunciates her side of the story with precision and an unambiguous Wisconsin accent, vowels hard and cylindrical as ziti before it is boiled. This is not her first time in court. Before Wilson and Molly were killed, before Joseph and Cali broke up, before Cali knew she was pregnant, Joseph threw a cell phone at her face and was charged with battery. The morning of Joseph's plea and sentencing, Cali called Ryan and offered him an ultimatum. If Joseph were willing to sign over to Cali the title to his Jeep, she would give a statement to the judge in Joseph's favor, but if Joseph were not willing to bequeath his vehicle, she would state that Joseph was more monster than former lover. When Ryan called her bluff, she stormed out of the courtroom, forged Joseph's signature on the title, and peeled from the courtroom parking lot in his Jeep anyways. One full year later, she would be charged with two Felony counts of forgery, an official after-the-fact metaphor for this young woman's many efforts to deceive her audience, including, for a significant amount of time, Ryan, his colleagues in Winnebago County Circuit Court, and me, fellow mother-in-waiting.

When I am in labor with our boy, Francis, at the end of June, Ryan asks our midwife if a mother named Cali recently delivered her boy. "We have an Cali in labor right now," she says, and for at least an hour, though she turned out not to be the same, I wonder if we will birth our boys in sync, and if I might orchestrate an accidental meeting in the hallway or at the nurses' station. New mothers do not share rooms anymore, at least not here, but I feel connected to Cali briefly. I myself had to lobby before Ryan for each pregnancy, to convince him that four babies in seven years was my emotional and biological necessity. When we debate which of our children was most planned, only I can honestly answer, all of them.

The true turning point, in Freitag's version of drama, the baseline on the far side of his narrative pyramid, the literal unknotting, arrives in the mail as an unsolicited letter from Cali's brother to the Oshkosh Police Department. Over the four-page letter, he speaks of Cali's history of lies and manipulation and writes about discovering the Crossman American Classic 1355 air pistol, the weapon used to kill Wilson, in Cali's dresser drawer. At the end before signing off, he writes, "I strongly believe that Cali is wasting the city and county resources, and paints a picture that is not true to gain the benefit and the attention of others. If Joseph Michalik did actually kill her cats, he probably was driven to do so by Cali's ability to play mind games. However, I believe that Cali might have done this herself to gain the desired attention she was not receiving." When the assistant district attorney stands before the judge, my husband, and Joseph

MICHALIK, in the summer of 2010, the judge asks him, “Are you dismissing the charges against Joseph A. Michalik for burden of proof issues?”

“No, sir. We could easily prove Michalik guilty as charged, but I have reason to believe the evidence is not genuine.”

When a case closes, Ryan finally sits down in his old office on the eighth floor of the First National Bank Building and bills the State of Wisconsin for his time, whereupon the nerve-racking process of waiting for his check to travel the dark and mysterious gutters of a bankrupt state begins. For me, Joseph Michalik lives on in my baby boy, born into the same month as the son of two lovers at war. June 2010 is the year of the Tiger for babies who promise to be courageous, hot-headed, and rash – warriors of a kind, as if anything else might be true.

Cali’s brother wrote in his letter, “Cali alluded that her decision to become pregnant with Joseph Michalik’s baby was intentional. During the conversation Cali stated that she stopped using birth control, and having a kid was a guarantee of getting married.” He went on to detail Cali’s drinking vodka and chain smoking cigarettes throughout the birth. “While I understand that Cali has the right to make these decisions for herself, I feel that she is endangering the child she is carrying.” The difference between Cali and me, I realize, is that I was fighting to have the babies, but Cali was still fighting to win the man. These are things only I ponder now. Everybody official has completed their worrying over Joseph Michalik and the mother of a child he never sees, but in many ways, the cause for concern begins here, with a boy, my son’s comrade, born safely on the tail of one war but into the jaws of another.



LAURA JEAN BAKER earned her M.F.A. from the University of Michigan, where she was a recipient of the Colby Fellowship for graduate study. Her fiction and short memoir have appeared or are forthcoming in *The Gettysburg Review*, *The Cream City Review*, *The Connecticut Review*, *The Southeast Review*, *Folio*, and *Third Coast*. She is Assistant Professor of Creative Writing at the University of Wisconsin Oshkosh, where she lives with her husband and four children.