
WHY DO I WRITE: "Two visitors..."

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Standing on the street's edge seemed an appropriate observation post, appreciating Mother Nature's power. Dirt and grass covered the sunglasses I wore, obscuring facial features, pockmarking in a deforming and discomforting kind-of-way. The gloves I wore were covered with sticker burrs, too complimented by dirt and grass, obscuring the color, clinging to the fabric, making the material appear ridiculously pretentious, as if a new form of material had been created – organic corduroy maybe – nouveau riche perhaps.

The day was a seemingly atypical November day – weather wise - atypical in that winter's breath remained seeming delayed, muffled, retarded, as if the calendar had now been permanently inverted. Not a November of Novembers' past. Humidity supported the contradiction, reaching, touching, consuming, bathing. A bicyclist turned in looping circle, moving back in my direction.

The bicycle rider pulled closer, stopping. Mother Nature did likewise, in part, staying close, clinging. When he stopped I detected another visitor, crawling in my waistband. This visitor's presence was far from excitement, even though accompanied by a noticeable tingle, a gnawing sensation. The fashionable gloves helped little; obscuring his/her/it's location, robbing me of fine motor skills, aggravating pain instead.

I nodded, extended a fist forward, as if touching, this stranger did likewise. We never touched. I hoped he saw – I knew he saw - the burrs were not part of the material, not part of the

design. Ours were actions somewhat akin to air kisses, never touching – you get the point - at least I hope so. Seagulls flew overhead, interrupting, squawking, begging.

“Haw-haw-haw-haw ... Haw-haw-haw-haw ... Haw-haw-haw-haw ... Haw-haw-haw-haw. ... ” Circling, dipping, soaring, squawking, complaining the same as a two year old complains - demanding attention – now!

The bicyclist positioned his feet, skipping, inching, taking baby steps, coming to rest, a complete stop. I repositioned my hand, now a more secretive scratch, baby scratching – if you will accept this description - inching, inching, inching, not at all a full-out assault, baby scratching.

He said his name. I don't remember what he said. I told him mine.

“I know who you are?”

“Okay.”

Only lowering the weed eater's volume was my initial response, even though my first thought was to kill the sound totally. I didn't listen, a slow cadence played out below us. My visitor was anchored in place, wanting to talk, seemingly not bothered by the invasive sound.

“Haw-haw-haw-haw ... Haw-haw-haw-haw ... Haw-haw-haw-haw ... Haw-haw-haw-haw. ...”

“I'm sorry for what happened to you.”

What happened to me? - My thought - not my words.

The smallest amongst us continued to chartered course of discovery and conquest, moving from just above the waistband, downward, down under; invisible but visible, moving quickly, exploring, defining territory, lashing out, conveyed through small pings, unheard, much felt, rendering her/his/it's larger foe helpless. Picking – I did – sure did, as men are won't do to

in front of other men (pulling, grabbing, pinching) while thinking about his words. Wondering whether to respond – or not. Words I had heard before no matter how much I [doth protest](#).

Cars and their occupants traversed to and from, participants in a random, predictable sort-of-way. Listening, feeling, watching would not make the statement go away, a most familiar chant. Now officially two years from resigning from the State Bar, electing health over the continued, persistent fight over reputation (mind); saying “no mas” meant to some I was granting my detractors a victory. Seeing smugness, hearing rumors of my death and total demise, no matter the words I spoke, no matter the long-persistent documented history. Somehow I remained non-apologetic through it all, recalcitrant to the information collected from the wings of rumor, through words, through supposed silence – even though the eyes told – no matter how silent some remained. Many days, those days, that day was November 8, 2016.

“Haw-haw-haw-haw ... Haw-haw-haw-haw ... Haw-haw-haw-haw ... Haw-haw-haw-haw. ...”

[Reincarnation](#) is a spiritual/philosophical concept which entails the belief that death is not actually death; the being passing from one form to another, reincarnating in another form. If I remember correctly, all major Indian religions believe in reincarnation - [Buddhism](#), [Hinduism](#), [Jainism](#), and [Sikhism](#). Standing on the street’s edge and thinking about reincarnation may not be normal – but I did. Being visited by a stranger from a past lives; angry, nurturing the grudge. Biting, moving, invoking revenge, making sure I appreciated his/her/its presence, its painful presence. So I thought. Then I thought - *The curse of past lawyer’s lives* - possibly, maybe. Then moving on to an alternative – *That’s not it at all* – no, but a she, never not forgiving, living in the past, never accepting the apology, never believing in

apologies, forever recycling guilt as her dominate relationship trait; stinging, slapping, as a reminder, moving along the waistband to down under, invoking inconvenient truths.

Conceivably, the other visitor, standing in front of me, possessed magical powers. No ... not faster than a speeding bullet powers. Not, incapable of leaping buildings in a single bound powers. No ... different powers ... capable of planting thoughts, implanting pain in both the body and mind, while remaining firmly ensconced three feet away. Yeah, that's it. Yeah, that's it. *He can't possibly pull this off if he moved back ten feet back, twenty feet? Can he?*

“When [Roberto Duran](#) fought [Sugar Ray Leonard](#) he too (allegedly) said, ‘no mas’ (no more), worrying little of what others would say about how the fight ended. He walked out of the ring, conceded, and never spent another day trying to convince us why he stopped the fight. Are you a fight fan? Are you old enough to remember Duran and Leonard?”

This visitor was old enough - looked it - admitted he remembered Duran, while slowly shuffling his feet in place, pulling at the bicycle's handlebars, causing the front tire to move off the ground repeatedly.

“I know. I know. Just saying, you should be practicing.”

“No, I shouldn't.”

J. Clay Smith, Jr. in [Emancipation: The Making of the Black Lawyer 1844-1944](#), explained, “[t]he early history of black lawyers in Texas is uncertain. The paucity of information available may simply mean that black lawyers did not enter the profession during, or immediately after, the Reconstruction era, as was the case in other Southern states.” Smith's book reveals that “[i]n 1873, A. W. Wilder combined teaching and the law to make ends meet. Wilder also entered politics and was elected to the Texas legislature.” Writing further, that “[i]n 1888 William Henry Twine, who had read law while teaching school in Texas, became the ‘first

colored man [to] ever pass the bar examination ... in Limestone County, Texas.” Other early practitioners included J. Oliver in San Antonio and W.O. Lewis, (Denison) (1892).

In 1895, Wilford Horace Smith arrived in Galveston, “having practiced in Greenville, Mississippi, for eight years after graduating from Boston University’s law school in 1883.” Smith left Galveston for New York in 1905, ultimately becoming counsel to [Marcus Garvey](#), the head of the Universal Negro Improvement Association (UNIA), and before Garvey he represented [Booker T. Washington](#) in 1901. He later relocated from New York. I told the visitor none of this history, although this history was embedded with my words.

History tells me I was lucky, blessed with the ability and privilege of practicing, another incremental step, albeit small step; working against type, pushing the ball slowly up the hill, standing in front of the ball to prevent it from descending on others below.

Karl Marx wrote, in in an essay entitled *The Eighteenth Brumaire of Louis Napoleon* (German: *Der 18te Brumaire des Louis Napoleon*), “[that history repeats itself, "the first as tragedy, then as farce", referring respectively to Napoleon I and to his nephew Louis Napoleon \(Napoleon III\)](#). J. Clay Smith’s book chronicles, in part, the societies’ reaction to colored lawyers. “In 1897 Cornelius J. Williams and Alexander Green formed a law firm in Galveston.” Green was later disbarred. Clay explained, “[t]he threat of disbarment seemed to plague some black lawyers in Galveston, particularly Joseph Vance Lewis was almost disbarred on several occasions.” Seeing the pattern, seeing history repeat itself, in part, never wanting to be a participant, grabbed still - by history clutches - while always pushing back, while remaining entrapped by history’s snarl, on stage, in full view.

“I am lucky to be alive. We have made progress. I survived thirty seven years without being shot, hung or flat out coming up missing.” – I did tell him.

[“J. Clay Smith, Jr.”](#), an author, reported that “[i]n 1930, there were only twenty black lawyers in Texas.” - I did say.

“We have made progress, even though our numbers remain woefully inadequate.” – I said. Yep, I said as much.

I have no idea whether he knew who J. Clay Smith was and I didn’t particularly care, pausing, before adding, “In hindsight, they should have killed me.” He laughed at my last statement. I laughed. Our laughter emitted in the form of man chuckles - ha-ha, ha-ha, ha-ha – historical laughter, forged by shared experiences.

Cars continued to pass. Commerce never abated. The sun moved directly overhead, baking the mixture of grass, water and dirt occupying every crevice, wrinkle, and proclamation of time’s passage, etched in my face. My picking, pinching, searching of cervices now became modified behavior, camouflaged as a nervous tic. I had long removed of the burr laden gloves by this time and I listened to my first thought, silenced of the weed eater (which up to this point was running at a low idle), while concentrating on this visitor’s eyes.

I had heard the words before, cast as pity (“I’m sorry”), condescension (“So you are reinventing yourself? Is that it, huh?”), worry (“What are you going to do ... writing? ... You need to get a job.”). I have tried different approaches: long speeches, defiance, layering my words with [“sunshine on a cloudy day”](#), when I knew I couldn’t, just couldn’t, magically make the [“cold outside the month of May.”](#)

I tried. Yes, I tried ([“I’ve got so much honey the bees envy me.”](#)). I tried.

Having the good cry has been part of survival, listening to the heart, hearing reminders in my head, from the grave, telling, instructing, on the blessings of health, family and friends;

seeing a small circle remain, watching others retreat, walk away. Remembering, reminding, planning, rising every morning in order to allow the new dreams space.

“It’s election day. I hope you have voted.”

He didn’t answer my statement. In hindsight, I didn’t give him time enough to answer. Cutting off any response, continuing before he could answer, “We may see the election of the first female president in this country” (oh how I under-estimated hate) (oh how I didn’t appreciate sexism).

“I didn’t believe Obama would be elected in 2008, nor in 2012.” He smiled at my last statement. I am assured he saw I wasn’t going to let him get a word in edgewise. “I still don’t believe the impossible had happened (that America would set aside history, hate and elect a black man). If Obama has done nothing else, he showed us the possible was possible. So what is wrong with my being convinced and realizing there is life after walking away, choosing to stop the madness and accusations.”

I wanted to tell him more about the prolonged history of fighting. I don’t think I had to. He seemed to more know that he was letting on. Anyway – or it is anyhow – the sun wouldn’t allow such. The physical tasks planned for that day wouldn’t permit such an indulgence. My other visitor’s gifts prevented as much, tattooing me at least twice with its/her/his venom.

Behind even the most public victories, the attacks lied within reach, following always, making a case, reaching for my credibility, both the visible and invisible. I never said “no mas” in those other fights, winning over the years, against all odds.

The next case, the next day, the next chance; casting aspersions, hoping for failure, honestly expressing contempt (words which came from a truly representative sample of the

profession, the public), while I diverted the attacks by recognizing my place in history, appreciating the blessings granted by history. “I see no gun. I see no rope. I’m good.”

“I am lucky to be alive. So congratulate me instead of feeling sorry for me. Appreciate Obama’s history lesson, the impossible is possible. So if I believe I can walk away and do other things, so be it.”

We stood a block from the federal courthouse. Earlier that morning, I watched jurors move from the parking lot toward the building; knowing the routine, understanding the litany: reporting to the clerk, appearing before strangers, while lawyers introduce themselves and their clients, remaining forever hopeful, planning for the best, believing in the best of the justice system. While filling the gas tanks, and re-spooling, I felt no anxieties standing and watching, none at all.

Objecting, urging, imploring, waging arguments in a public forum, before men and women more concerned with party and ideologies, instead of the rule of law, no longer enticed me. The appearance of doctrinal positions bordering on contempt for the law angered me, causing me to understand it was time. Refighting issues, in which were fought years before, seemed to turn Lady Justice on her head; tilting the scales, breaking the scales, causing additional unseen frustrations to manifest themselves inside of my body, spurring anxieties, maladies I had never seen before - spreading the same as oil seeps, invades, pollutes the Gulf waters.

“No mas. No mas.”

One can say I gave up. I am sure there are those who have made such statements, thoughts such thoughts. I don’t accept their conclusion. Thirty seven years, eighteen hour days, six days a week job description seemed enough of a sacrifice. Inviting youth to step forward,

stepping off the stage, content with the life-cycle gifting, we all face, seemed to be a natural progression, and admission of humanity.

Writing because writing is consistent with my character, telling others of the dangers we face, even if it means I am admit matters which my personalities say “no” to each time. Writing because “my story”, “our stories” is often-times told my others, who in turn co-opt the stories, no matter how well intended. Writing because I too believe the impossible is possible. Fractured sentences, incomplete thoughts, dangling participles; writing because writing is a difficult skill-set, as difficult as life.

No, I don't pretend to be a master word-smith and hope, upon hope, that I never fall within the well of such pretentiousness. Always bending over, looking into the well, smelling the earth, water, seeing darkness, hearing sounds, fearful of falling and disappearing will forever remain my lot. Seeking to conquer those fears, even when the fears begin to move from sight, smell and sound to a touching, a physical touching, propelling me back and away from the edge. The same with the art and practice of law, the same as life and living, the same as any tasks we approach in life. Never perfect: discovering limitations, proceeding accordingly; accepting imperfections, working every day at picking at the scab – scratching – picking – examining - removing - becoming better at one's crafts.

Sometimes I lean on family too much; other times too much of a burden to the few friends who have remained. Questioning is part of the lot: asking too, “Why Do I Write”, particularly when coveting thoughts is the dominant personality trait. Screaming internally, not outwardly, holding back ones voice, when writing is one-part the of discovery ones voice; the other part, sharing the voice with others. Misspelled words, incomplete sentences, drafts which should never see the light of day are all part of the process. Moving back and away, feeling,

seeing, touching fears - yours and others - moving back to the edge, learning over, farther over, teetering, because of and in spite of ones fears. Questioning ones beliefs, some days accepting the societally imposed superiority graced to others, quitting, walking away, clearing one's head, starting over again. Hearing sounds, smelling smells new and old, trying to explain a taste which may be foreign to others. Why Do I Write, maybe, just maybe, to explain that writing in not so far-fetched; not the dreams of fools and idiots.

Picking up the weed eater, restarting it, explaining on that day – “Don't feel sorry for me; I am still alive – a gift from those who preceded me. I am alive, with a history and stories to tell!”

Before parting, we hugged (man hug) (man hugs) (do you hear me, man hug!), appreciating our visit. The sun seemingly moved, as if she had grown impatient, situated in a more westerly posture, observing from afar. The wind, circled from a northerly direction, not at all hostile, tapping gently, an almost imperceptible breath, gently abating the sun's gaze. The other visitor remained silent. I assumed it, she, he, was now dead, repositioned for another form, another life. Or maybe, he/she/it was satisfied with the gifts delivered (a stinging sensation along the waistline and a nagging pain on the right side of the scrotum) (to understand better please insert the word, *my*, in front of the words *waistline* and *scrotum*), and decided to move onward, outward, in order to torment and gift others - on that day.