

Class of Two

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□ Dedication □

*In Loving Memory of My Brother: Roy Cagle
Legislator, Statesman, College Football National Champion,*

*As the title of the legendary country song says,
“Go Rest High On That Mountain”*

□ Acknowledgments □

With heartfelt gratitude to:

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All the lawyers, both allies and adversaries, in the courtroom or across the deposition table, who held my feet to the fire and made me become the best lawyer I could be....

All my teammates and opponents, who taught me that equality on and off the football field, is based on the legacy of what's contained in someone's heart, not their pedigree....

□ Author's Note □

This story is set in 1994. Bill Clinton was in the second year of his presidency, Hillary Clinton was First Lady and desperate to succeed him, while Donald Trump was pissing someone off somewhere. The Cold War Era was still fresh in people's minds along with memory of the War in the Gulf. Hope continued that stability in the Middle East might become a reality.

The internet, as we know it, was still more concept than fact. Cell phones were a relatively new idea and smart phones were considered a fantasy. Forensic science was in its infancy compared to the present time, and concepts such as DNA, facial recognition, retinal scans and artificial intelligence were barely on the cusp of where they lie today.

"Forrest Gump" won best picture and *"Frasier"* beat out *"Seinfeld"* for best comedy series.

The most mesmerizing television event was the prologue to the "Trial of the Century," produced and directed by O. J. Simpson, when he fled in his White Bronco. John Michael Montgomery's *"I Swear"* was the CMA's top country song of the year. Luther Vandross and Mariah Carey's song, *"Endless Love"* took top honors as the leading soul/rhythm & blues song.

Due to a players' strike, there was no World Series. Houston won the National Basketball Association title and the New York Rangers captured the Stanley Cup. Nebraska won the college football national championship and in January, the Buffalo Bills lost their fourth straight Super Bowl, this time after a rout by the Dallas Cowboys, 30-13. This caused my wife, Linda, a former Buffalonian, and diehard Bills fan to observe, "How many Buffalo Bills players

and coaches does it take to change a tire? Only one, unless it's a blowout, then they all show up."

Yahoo and Amazon were in their beginning phases. Medicine offered multiple breakthrough cures and technologically advanced devices like cardiac pacemakers and defibrillators, worked remarkably well and saved countless lives. Law was practiced with the same intensity and zealous advocacy required today, even if the tools and technology utilized were a significant step backwards from today's cutting edge of applications, file sharing, hacking prowess and remote access.

I hope you enjoy taking this jaunt back in time, where texts were school books, offering to "friend" someone meant an invitation to dinner, and "tweeting" was something we all waited breathlessly for Blue Jays and hummingbirds to do, as a welcome signal that Spring had arrived.

“Son, when you and Jake work together, you’re in a class of two and both of you are co-valedictorians.”

~Texas State Defensive Coordinator Turk Sanders to
Aubrey Evans, All-American running back, 1967.

□ Chapter One □

Nashville, Tennessee

Present Day

The room became hushed as Jake Skylar began to speak. He formed a sad smile as his eyes surveyed the overflowing, formally attired crowd. After he took a deep breath, his words seemed to be transformed into a sermon as he said goodbye to his oldest friend.

“They came in the middle of the night like cowards always do. It was in 1964 in Texas and they showed up at our rundown shack to beat both of us to a pulp because of the crimes we had committed. Ace was guilty of being the first black man to play football for Texas State. My offense was being the first white man to live with a black man in the school’s history.

“The intruders wore hoods and carried clubs. A wooden cross soaked in gasoline was ignited on the lawn. They ran into Ace’s room first, then came to mine. Our hands were tied to our beds and a couple of the attackers lit the ragged furniture and flimsy curtains on fire”

Skylar took a prolonged, deep breath before he continued. The memory was over fifty years old and it still made him seethe. The crowded room seemed to grow hotter as he felt the beads of sweat form on his brow before he absentmindedly took out a white linen handkerchief.

Looking to his left at the gilt-edged, gold-framed picture trimmed with black bunting on the pedestal next to him, he visualized the casket of his oldest friend and former law partner, Aubrey Charles “Ace” Evans, at his funeral last month. He could almost hear Ace whispering to him from his deathbed and extracting a promise that their story would be told with all the warts, slurs and scars.

“Ace’s strength was the one thing they didn’t count on that night of the attack. With one stroke, he snapped his restraints in half and started pummeling the man closest to him. I was a little luckier. Someone didn’t tie my right hand as tightly as they should have so I worked my way free and pulled out the axe handle I kept under the bed in case we got a visit from this kind of welcome wagon. We beat four of them into submission and the rest took off like scared jackrabbits.

“We didn’t have time to put out the fires because Ace was bleeding from a gaping head wound and needed a doctor. We had no ride because they slashed the tires on my old ’55 Chevy. We couldn’t afford a phone so we had to walk to our next-door neighbors’ place for help. The father met us at the door in his threadbare denim overalls and flat-out refused to let us in. In the moonlight, we could see the anguished look on his tired black face, while he scowled at me before slamming the door, “As far as I’m concerned, you boys got exactly what you was askin’ for.” You two livin’ together ain’t the way we do things here.”

Even though that night was a lifetime ago, tonight's crowd reacted with mostly looks of horror, as though Jake was a combat veteran describing carnage from a wartime battle. Then, everyone became eerily silent as he continued.

"After our house erupted in flames that night, I finally flagged down a car that took us to the hospital. Ace held a bloody rag to his wound and said he was proud of us because we finally got black and white Americans to do something Congress could not do, agree on a major issue involving integration. I asked what he was talking about and he said white people had beaten the hell out of us for living together, and black people said we deserved the beating. Then, he grinned as he told me America had never displayed a finer moment of bipartisan cooperation.

"When we got to the emergency room, a security guard with his hand fingering his pistol forced us to go around back to a door with a red neon sign that said, *"Colored Entrance Only."* We were told we had to wait until Ace could be seen by the only black doctor on staff. I got riled up, grabbed the resident by his lapels and used my two hundred and forty pounds to convince him to start suturing Ace's wound immediately or I'd make sure he never played the EKG machine again. Someone called the cops but Ace was able to get stitched up and we left before they could arrest us."

Skylar stopped the eulogy and stared at the portrait of Ace. Tonight, the bar association was sponsoring Ace's memorial service and the sight of all the people seated at various tables filled Jake with a feeling of intense pride as he continued.

"Ace and I met on a football field during training camp in Tyler, Texas. He was the first black man most of my teammates had ever talked to. They called him "boy" or by his last name, as a sign of disrespect.

"I asked his name but he sneered at me, growled I should stay out of his way and then turned his back as the entire team surrounded us. One of the defensive tackles, who was the size of a cargo plane, stepped forward and asked Ace if he was trying to be Jackie Robinson. Ace smirked and told him he was going to quote 'run the football so far up his redneck ass that he would need Rand and McNally to find it' close quote. The tackle said Ace would have to whip the whole team first. All sixty-four of us. That's when I told him he was one guy short and moved over to stand with Ace.

"Right then, the coaches took to the field and the players backed off. Ace looked at me with pure hate and told me to save my civil rights speeches for the next young Democrats meeting. I got in his face and snarled, "I ain't looking for the Nobel Prize in Civil Rights, asshole! Don't think I did this because I wanna ask you to the prom. I heard you can help us win and I'd block for Ho Chi Minh if I thought he could run a trap play. So, you'd better bust your black ass for the rest of practice or you're gonna think I'm a deputy sheriff who just caught you lookin' up his daughter's dress!" Ace swung at me and the coaches had to separate us."

The room stayed silent as Jake continued.

"Ace told me later that was the first time anyone had ever treated him like he was just another man who happened to be black, instead of a Black man. He said people were hate-filled racist crackers or guilt-ridden liberal hypocrites, and he was shocked that I never fit into either of those groups. I asked what he saw in my eyes instead and he chuckled and said, 'You were just another poor bastard who needed a roommate'."

Laughter flooded the room as Jake continued.

“Living with Ace was tense at first and then it was like going to a nonstop history seminar. He had a way of probing my mind with questions that stung me down to my toes. It’s like I was the target of his wrath for how his people had been treated, while at the same time he was extending an olive branch of reconciliation while asking me to find a way to heal the heartaches filling his soul.

“The most profound question he ever asked me was ‘who’s really responsible for slavery, the ship captains who were kidnappers, plantation owners who saw an inferior race of people ripe for destruction, or everyone else who turned away and pretended not to see?’ I still remember the shock of discomfort that spread over my body as I sheepishly shook my head and said all three were culpable. After a long moment, I asked him who he thought was to blame. He just stared off into the distance with those fiery ebony eyes and told me one of my fellow White guys asked the same questions in a song, then flashed that sad grin and told me the answer was “Blowin’ In The Wind.”

Jake touched his handkerchief to his forehead before he continued.

“Ace had the uncanny ability to take my brain and run it through a washing machine before wringing it out with one painful twist after another. Every time we talked, he seemed to take my deposition by calling out things I had taken for granted.

“He would talk about how the Civil War had been over for a hundred years and Black people were still trying to be free. He railed about Southern Whites acting like Nazis by treating Blacks as property and selling them like barnyard animals. Acts such as floggings, castrations, torture, branding, death, squalor and disease led to degradation of slaves in the most foul ways. Rape of women based on master’s privilege and refusal to recognize slave marriages. How could acts like that ever be forgiven?

“Ace asked how anyone with a spark of humanity could look into the cherubic face of a Black child and see nothing but an insect. How could they watch that child being ripped from their parents’ arms and not feel disgust because they were the cause? What could enable everyone to forfeit their souls like that?

“I asked him if the answer was some kind of restitution. He said we could not rewrite the past and the only thing we could do was move forward by learning from what had been done. Then, he stood there with glistening eyes and gave me one of his most profound observations.

“The problem today is that the government forces phony quotas on businesses and country clubs to admit Blacks, and then liberals won’t let anyone ask them to leave if they misbehave.

“I asked him if that meant we have to love everyone unconditionally and he said, “Of course not. Just give everyone a chance to show why they can be just as obnoxious and unlikeable as everyone else. Black people don’t want any points for who they are, but they sure as hell don’t deserve to have any deducted for who they are not. That’s what it means to be equal.

“Ace and I had a lot to overcome and we were able to do so because we seemed to feed off each other. Even our most intense disagreements brought us closer. I hated injustice and Ace hated hypocrisy. He said when people called him racial slurs at least they were being honest, unlike others who seemed to fawn over him to his face and slammed him behind his back.

I think the biggest reason we stayed together until Ace was thrown out of school was because we were both passionate about music. That’s why we moved our law firm from Boston in

2004 to start the entertainment division here in Nashville.

“In Texas, the turning point was the night we argued over whether David Ruffin of the Temptations had a better voice than Elvis. Ace said my zeal gave him hope I could be redeemed because I wasn’t evil, just misguided, and smart enough to learn new ways. I asked what that meant and he said, ‘You’ve got enough sense to like Marvin Gaye’s music as much as Johnny Cash’.

“That’s when he put his hands on my shoulders, looked me in the eyes like a teacher scolding a recalcitrant pupil and whispered softly, “Jake, even though you and I can debate music until the next century; never forget that White people will always find it impossible to come up with a challenger to Aretha Franklin.”

Skylar took a slow sip of water before continuing as most of the crowd laughed heartily while others dabbled at their eyes.

“The sixties were the most troubled times in history. Today, we hear about incidents of alleged police brutality in cities like Ferguson, Missouri, New York City or Baltimore. In the 1960’s, those kind of clashes happened almost every day. It was a time when police used attack dogs and high-pressure water cannons on demonstrators who just wanted to integrate. It seems impossible that everyone could not eat in the same restaurants, use the same bathrooms or drink from the same water fountains. The most outrageous time was when a black friend of ours was killed in Viet Nam, and when his body was shipped home, he was denied burial because the cemetery was for whites only. The hatred was so deep even death provided no relief.”

Skylar paused to swallow the lump that seemed to fill his throat.

“Ace and I rented an old rundown house together after our teammates shunned both of us. The first few weeks were really tough. We spent most of our time arguing about everything, but mostly over racial incidents and injustice. I was a pretty conservative guy but Ace opened my eyes to what it was really like to walk in a black man’s shoes. He told me how it was impossible for him to get served in white restaurants and how some places demanded that blacks pay in advance. He said clerks followed him in stores because they thought he was stealing. He told me about a restaurant owner who was so stupid he had dirty glasses from black customers submerged in boiling water and bleach for several minutes, instead of just hand-washed, because he was afraid they might be poisoned.

“I told him people were incredibly ignorant and that he had to get past such hate. He said the answer was to make people afraid to hate. People needed to see a class of rich, powerful Black men and women and that would bring fear. I asked what would happen when everyone was afraid. He said people would realize we’re all the same and all the energy they spent hating was wasted.”

Jake paused before he continued.

“It came as no surprise to either of us that Ace was expelled during our senior year for being labeled a “Communist Agitator.” This was after a professor inferred in Sociology class that Blacks did not have the same native ability for learning that Whites did, so Ace got up on his desk and stripped to prove the only genetic difference was skin tone. He had become a target after marching in Selma, inspiring sit-ins at segregated public places and leading non-violent protests on campus. The administration decided this was the last straw and Ace had to go. On the day he left town, we had a beer together to talk about the savagery of life, starting with that unconscionable war in Viet Nam, to the riots that were tearing cities and schools apart and how death and destruction threatened to destroy the country.

“I asked why he couldn’t have waited until after he graduated to protest. He shook his head and told me America was ripe for riots and marches. He said Martin Luther King, Jr. once quoted the famous Mexican revolutionary, Emiliano Zapata, who said, ‘It is better to die on your feet than live on your knees’.

“I stared at my beer for a long moment before I replied, ‘Too bad you forgot about Oscar Wilde who once said, ‘A thing is not necessarily true just because a man dies for it.’”

Skylar looked over the crowd as his thoughts stalled. He had no idea what to say next to the huge gathering in the main ballroom at the Fleetwood Country Club.

I could tell them we were the first two All-Americans on the same football team in Texas State history before Ace went to the Dallas Cowboys. We even made the cover of ‘Sports Illustrated’ in 1967. After he blew out his knee and retired from the Cowboys, Ace became an assistant coach at Arkansas and picked up his law degree. I got mine in Boston, after finishing my tour as an infantry officer in Viet Nam, thought Jake.

Still, those good things came with a pretty stiff price tag. The night after the All-America teams were announced and some cracker bastards trashed our second house in Tyler and destroyed everything after they defecated in Ace’s bed. Me and Ace eating together in a hotel kitchen in Little Rock in 1965 when we played Arkansas, because he couldn’t get served in the dining room, and the coaches letting it go because they didn’t want to rock the boat. On a road trip to Alabama, a restaurant manager apologized to our athletic director because they had to let a black family eat next to the team in the dining room. After we won the conference title, the whole team was invited to a party at an all-white country club. Ace was excluded, even though he led the nation in rushing and was second in the Heisman Trophy voting. Ace and I wound up alone with a six-pack and a couple of twenty-five cent cheeseburgers sitting together on a secluded bench outside a fast food joint.

Jake continued as his thoughts turned to one of their last conversations.

“Ace had an interesting take on the recent controversy about kneeling before NFL games during the national anthem. He told me, ‘Frederick Douglas made us get off our knees and I will honor our military men and women, both black and white, as well as all the good cops who die to protect people, while doing everything I can to get rid of racist cops. The American flag was never racist. Neither is the anthem. Ignorant individuals are the racists, not the flag. We have kneeled for too long, on slave ships, in cotton fields, on the auction block and before they threw a noose around our necks. Wars prove we can die like white people so why can’t we live like white people? That’s why the only time I will ever kneel again will be to gush over the woman I love.’”

Jake smiled at the head table where his wife, Dixie, had her right hand clutching the left hand of Ace’s widow, Chelsea. As the laughter subsided, Skylar focused on groups of past and current clients. People like Country Music Association Entertainer of the Year Doc Grayson, CMA best-single recording winner Wes McGovern, and members of bands like “Hard Whiskey and Soft Women,” along with the Grammy winning songwriting team of husband J. W. Steele and wife, Angela Trappani, known professionally as ‘Steele Trapp Mind’, Hip-Hop artist “Blood Truth” and R & B/Country Act “Blind Justice.” They were seated around Dixie and Jake’s son, James, and next to Chelsea, with her and Ace’s twin sons, Dawson and Darren.

Jake felt a smile spread as he surveyed the musical acts who were their clients and friends.

I guess all those country acts we represented means I came out on top of all those musical

battles with Ace, thought Jake, remembering how he once told a group of party-goers that Ace was a high priest of rhythm and blues while he would always be the king of country music.

Seeing so many of their entertainment clients reinforced Jake's decision to share the details of their first legal case together, a medical malpractice action involving a teenaged basketball star. It happened after they reunited in Boston, following a two-year estrangement after Jake's wife, Carol, was killed, and Ace was financially ruined, almost disbarred and on the verge of assassination. It was long before they opened their practice in Nashville, became one of the premier entertainment law firms in the country, and was a perfect metaphor for their entire friendship. It spoke of rejection, reconciliation, redemption and was the ideal way to pay a final tribute to his old friend.

I'm going to talk about it all, from civil rights until the last rites. But, to let people know where we're going, I have to tell them where we've been. The key was when Ace asked me to help him with the case of an eighteen-year-old boy who suffered a stroke after his pacemaker failed and turned him into a life sentence of paralysis and brain damage, thought Jake.

A wry look appeared on Skylar's face as his mind formed a picture of his last flight from Los Angeles back to Nashville. A vision formed of a professionally poised flight attendant, and the words she spoke during his most recent, heavily turbulent, fuselage-quaking flight into Nashville.

"Ladies and gentlemen, time to buckle your seatbelts for our descent. I've been told we have a really bumpy ride ahead of us!"

