This thesis project explores the experiences of individual people living lives in the face of difficult or oppressive circumstances. It sets forth a series of creative narrative essays that are partly inspired by people the author has encountered and partly created from his own imagination.
The Silence is Deafening: Voices of the Unheard

by

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I understand that my thesis will become part of the permanent collection of Oregon State University libraries. My signature below authorizes release of my thesis to any reader upon request.

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Sam Loftin, Author
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To my unborn child –

May your life be filled with love and possibility
Introduction

Three years ago, before I enrolled in graduate school at Oregon State University, I worked as a poverty lawyer in rural southeastern Tennessee. Most of my clients sought elemental needs that are usually taken for granted by middle-class Americans: access to health care, housing, food, education; protection from violence and discrimination and consumer fraud. However, they also sought something even more fundamental: dignity and recognition as individuals with stories that deserve to be heard.

Few things are more dehumanizing than the combination of oppression and silence. Injustice requires the telling and recognizing of lived experiences. It demands to be heard before it can be healed. Several years ago, I represented a client who sought an Order of Protection against an abusive ex-boyfriend. As we prepared for trial, my client’s ex-boyfriend continued to contest the petition, which would have prohibited him from making any contact with her for a period of one year. Based on his ongoing opposition to the Order of Protection, we prepared for a difficult, hostile hearing. On the day of the trial, the opposing attorney told me that his client no longer planned to contest the petition. As a matter of procedure, this meant that no trial was necessary – we simply needed to announce the agreement to the judge in order for him to sign the Order of Protection. When I relayed the news to my client, she was disappointed. “I want to tell the judge what happened,” she said. “I want the judge to know what he did to me.”

The desire to tell one’s story reflects another elemental need of all people: to be acknowledged as human beings whose lives bear some consequence to those
around us. Parker Palmer addresses this need in *The Courage to Teach*, when he states, "If we want to support each other's inner lives, we must remember a simple truth: the human soul does not want to be fixed, it wants simply to be seen and heard" (151). The series of essays that comprise this thesis represent an attempt to tell stories that are usually unheard – stories of everyday people silently living lives in the face of difficult, oppressive circumstances.

Despite the abundant wealth that exists in the United States, many millions of Americans live without the basic human needs required to lead lives of dignity. Their voices are consistently unheard; they are marginalized and ignored, constrained from the purview of others who are too busy and too focused to be burdened by the weight of their stories. In that sense, this thesis is also a condemnation of the individual and collective indifference we demonstrate – this author included – to the silent cries for help all around us.

While I bring to these stories a life-long series of personal and professional experiences that deeply impact my own views on poverty, politics and social justice, the enclosed essays are not intended as a political editorial. Their purpose is not to condemn capitalism or either of the predominant political parties in the United States, although they do demonstrate the effect of political choices on individual lives. What I hoped to accomplish in this thesis is an acknowledgment of our society's historical and ongoing failure to account for each of its members, and the impact of that failure for the millions of people in the U.S. (and, for that matter, across the world) whose lives give form and substance to its existence. There is, undoubtedly, an implied sense of shared responsibility here - an
acknowledgment of the relationship between our well-being as individual people
and as a collection of inter-dependent citizens living out our joys and our pains
among one another.

I should also state, humbly, that I do not offer solutions to the issues I
describe – I do not have them. However, I do believe that any effort to live with
compassion should begin with listening and with an acknowledgment of lived
experiences. I also believe that understanding others’ lives – and the frailty of our
own – almost inevitably leads to a heightened sense of communal responsibility,
and these essays represent an effort to promote that ideal.

In writing these essays, I also have considered their possible effect on the
reader and on myself. In the novel *Elizabeth Costello*, J.M. Coetzee’s protagonist
propounds that the words and ideas we experience become a part of our physical
and emotional realities; in doing so, they impact every aspect of one’s life. While
some readers may consider the enclosed essays to be weighty or depressing, I do
not intend for them to have that effect; instead, I hope to celebrate the strength and
perseverance that their characters personify.

The essays I’ve included are sketches of people’s lives that are loosely
based on my experiences as a poverty lawyer, as well as my experiences growing
up in rural Mississippi. Some are written from my own perspective, while others
take the vantage of a third-person narrator. It is important to note that the essays
that describe legal cases are based on the *issues* that were involved in those cases
and are not based on the lives of any one specific client. I have sought to respect
the fact that my former clients entered my office for legal help, not for narrative
essays describing their experiences. In order to honor their anonymity, I’ve created characters that are amalgams of multiple individuals I’ve known or encountered throughout my life. In some cases, I’ve simply changed enough relevant information that no single former client could possibly be distinguishable. The resultant universality of theme or experience underscores an important aspect of this thesis: the stories included in this collection do not belong to any one person. They are, rather, the stories of thousands or millions of similarly-situated persons leading lives that parallel the characters in these essays. They are also the stories of anyone who has ever lacked fundamental human needs and the ability to seize them; anyone who has struggled to live life because of something beyond their control; anyone who has endured without food or shelter or medicine or safety, without a committed, compassionate audience with whom to share her experiences.

These untold stories are important because they do exist and because they do belong to real people – many people, in fact, who are repeatedly ignored or pushed aside. They need to be heard. In the words of Parker Palmer, “reality is a web of communal relationships, and we can know reality only by being in community with it” (95).
Matthew

It’s a blistering August day in northern Mississippi, and there’s no shade in reach. The sun’s bright rays lash my face in rolling waves, searing my skin like a hot brand. I walk through the gravel parking lot of a country club, picking up plastic cups and food wrappers hidden between rows of cars. I am thirteen years old; three months ago, during the first week of summer, I found a job here, doing custodial work for minimum wage – three dollars and thirty-five cents an hour.

The country club is on the outskirts of my small town. There’s a golf course there and a circular, man-made lake surrounded by thick, white sand imported from Florida. During the summer, the middle-class residents of my community flock to this lake like a herd of water buffalo.

I arrive an hour before opening to pick up trash and prepare for special events. Throughout the day, I do grounds maintenance and general custodial work: cleaning the dining areas, sweeping, picking up trash, cleaning the public toilets. I also walk along the beach, in between club members reclining on lawn chairs or building sand castles. I pick up cigarette butts or plastic cups or half-eaten food items covered in sand. I throw them in the trash bag that I carry with me.

“Are you using this cup?” I ask a woman who sits on the beach, watching her friends swimming in the water.

“No,” she says, looking straight ahead. She doesn’t expend the energy to make eye contact with me.
At the end of the day, when the club members have left, I go into a storage shed and pull out an eight foot-long section of chain-link fence. There is a rope tied to each corner of the fence. I roll it flat onto the sand, place the rope around my waist and then walk, dragging it behind me. The club owner likes to leave no trace of footsteps on the beach. It takes almost two hours for me to get rid of them. Afterwards, as the sun hangs low in the summer sky, I ride my bike home – four and a half miles, to the other side of town.

My paychecks help with the bills. My mom’s job at the local industrial plant is barely enough to make ends meet, even though we cut corners whenever possible. Last winter, during a particularly bad cold spell, I awoke one morning and found my pet bird frozen to death inside our home. Over the next few years, I’ll lose track of the number of times my mother isn’t hungry enough to eat dinner. But she doesn’t fool me.

Times haven’t always been like this, and they won’t always be. For four or five years though, throughout the span of my adolescence, my formative years, we’ll live paycheck to paycheck. Periodically, my mom’s car will break down, and so will she. Like nothing else in the world, it breaks my heart to see her cry.

It is during this period that I develop a sense of injustice in the world, of sadness and ignorance and pain and indifference. Nothing is fair. I am unable to effect any meaningful difference in our circumstances, unable to relieve the stress and fear, unable to call attention to our plight. “If someone knew,” I thought, “perhaps they would help us.” No one does.
Meanwhile, for three dollars and thirty-five cents an hour, I pick up cigarette butts on the beach while the hot sun scorches my face. The club members gossip on their lawn chairs; their children construct sandcastles in the sand with friends or siblings. They don’t notice my presence or my young age, and it doesn’t matter to them that I’m the top student in my class or that I hate working here. I consider talking to them; I consider telling them about my life beyond these grounds. I open my mouth but no words come out.

It is late in the afternoon. There is much work to be done. Along the beach, among the club’s members, I pick up empty food wrappers and used napkins and place them in the garbage bag hanging over my shoulder. Tonight, I’ll ride my bike home and read.
Calvin

He slides the contract towards me with an unsteady hand. The stout fingers and thick, hardened calluses reveal years of hard labor, of long days among corn fields and clumped soil that crumbles in jagged blocks, leaving its imprint on his hand. He doesn’t wait for me to pick it up before launching into a tirade.

“Dat feller come down to my house and lied right to my face.”

I listen.

“Why, he look me square in the eye and say, ‘This here tractor ruint the bush hog, it ain’t nothing we can do. I got the papers right here, say he got to fix it, then he come along and say it already broke.’”

Mr. Lowery has a strong accent and a pronounced lisp. His accent is slightly different from the one I knew during my Mississippi childhood, where words flowed slowly, with uneven breaks to punctuate the ideas behind them. Mr. Lowery speaks at a slightly faster pace with similarly jagged inflections but less slang. His words seem conjoined, indistinct. There are no spaces or punctuation separating them.

For almost all my life I’ve lived in the South, and yet I struggle to understand Mr. Lowery. I ask him to repeat himself but the combination of his accent and lisp overwhelm my ear. I recognize about half of Mr. Lowery’s words; a non-Southerner would be lucky to identify one-fourth of them.

I try to clarify. “So the insurance agent came out and looked at the damage to your bush hog?”
He nods his head. “Umm-hmm.”

“And he’s not gonna fix it?”

His agitation flashes on his worn face; it lights up with a sudden vigor.

“Dat what he tole me!”

I lean back as he becomes more excited.

“He done took my money for tree year, then say nothing he can do. Don’t make no sense.” He laughs a hearty laugh that belies his deep-rooted frustration.

I ask for more details. “So you’ve been giving him insurance money for the bush hog for three years?”

“Umm-hmm.”

“And now you want some of that back so you can fix it?”

He cuts me off. “He said, said the tractor and bush hog and dat trailer I got over yonder that I’m using fer my crops is taken care of so longs I keep em’ in da barn. Aaand, then he say I’m goin’ have to take the blade off the bush hog so’s I can take er to repair, but he can’t help it none.”

I’m not sure I understand what he’s said. I look at his wizened, leathery face. His old, blue eyes remind me of my grandfather’s. I ask my previous question in a different form, and we go on in this manner for thirty minutes before I piece it all together. Mr. Lowery is seeking payment from the insurance company for a bush hog he purchased three years ago; he bought it along with a new tractor for his thirty-acre farm. He believes the insurance covers both the tractor and the bush hog, and he’s trying to get reimbursement from the insurance company for recent damage to the bush hog.
The contract on my desk covers the provisions of the insurance Mr. Lowery took out at the time of purchase. I glance at him as I pick it up; he looks back through seventy-six year old eyes, reading my body language, looking for clues to the words in my hands. I am his text.

I have a vague sense of Mr. Lowery’s literacy. He has no apparent problems finding his way around town or ordering feed for his cattle. He signed his name to a form allowing me to look at his documents and respond to them. It’s not the first time I’ve helped him with a legal issue.

From our records, I know he was born in 1928. I learn other things about Mr. Lowery’s early life from his affinity for storytelling. He finds it humorous that he was named after the thirtieth President of the U.S., who was blamed shortly thereafter for the worst economic depression in our nation’s history. His father was a tenant farmer in northeastern Alabama whose meager crops failed to support his hungry family; after the economic downturn, he moved to Cleveland, Tennessee, to work for a strip-mining company that removed coal from the hills just beyond town. The cheap coal was used by nearby factories that sullied the pristine Appalachian air with thick, black plumes of smoke; it came back down as sulfuric acid, ruining water supplies, killing vegetation, inflicting respiratory problems on local children.

I look over the contract. Mr. Lowery studies my expression.

He clears his throat.
He dropped out of school at twelve, leaving a one-room schoolhouse for
the strip-mining companies that paid peasant’s wages for those willing to suffer
through insufferable conditions. His efforts yielded more bacon and corn meal to
fill the near-
empty stomachs of his younger brothers and sisters.

While he had learned the basic rules of reading, there was little use for
them. There were no books in his home, no writing paper, no newspaper. His
only interaction with written words came on Sunday mornings, when his family
rode their mules to the local Baptist church and sang gospel hymns with the good
people of their community. Mr. Lowery shared a hymnal with his mother and
sister and recognized enough words to sing along with everyone else. He had no
Bible but knew its stories well; they had been repeated for years by his parents and
reinforced by his preacher, Brother Earl, whose fiery sermons formed lasting
images in his mind.

There were other occasions for storytelling. At weekly neighborhood
gatherings, his neighbors discussed political and social events taking place in his
small town and immediately beyond it. Afterwards, they exchanged stories about
people or places they knew – interesting, vivid hybrids of fictional and real-life
experiences. One of his neighbors had a particular talent for telling stories, and
Calvin hung tightly to each syllable and inflection and point of emphasis,
following them wherever his creative mind and his neighbor’s words took them.
In 1950, Calvin was drafted to help his country fight communists on the Korean peninsula. He returned with a bullet in his leg and a plan to start his own farm. Fifty years later, he still walks with a limp.

I read the contract between Mr. Lowery and the insurance company. It only mentions the tractor he purchased at the same time as the bush hog.

When he returned from the war, Mr. Lowery purchased a farm with the help of a small bank loan that was memorialized in two sentences: “The Bank of Tennessee hereby loans $500 to Calvin Lowery, to be repaid in $10 monthly increments. The Bank of Tennessee shall retain title to that land until the loan is repaid in full.” The loan officer read the contract aloud before completing the transaction; the entire affair lasted ten minutes.

Over the years, Mr. Lowery negotiated the purchase and sell of numerous pieces of farm equipment and animals. Almost all of them were conducted with people he knew well. Most involved no written record.

The insurance agreement describing the coverage for Mr. Lowery’s tractor is sixteen pages. It includes paragraphs with titles such as “indemnification,” “implied warranty of merchantability” and “enumeration of exclusions.” No one bothered to read it to him. Mr. Lowery did look at it when he purchased the insurance; he flipped through its pages and saw large, foreign words, staring back at him. He felt a sudden self-consciousness about dropping out of school at twelve, about working with his hands his whole life, about struggling, about not being able to understand the standard insurance contract he held in his hands.
Mr. Lowery was certain he had asked about the bush hog when he bought the insurance policy; the agent told him it was covered. Otherwise, he said, he wouldn’t have agreed to these insurance premiums. He is certain of that.

It’s not in the contract. The insurance agreement explicitly states that the policy only covers the tractor; there was a misunderstanding between Calvin and the insurance agent, and the agreement Calvin signed does not support his version. I read it again, then look up at him, looking at me. I look for the words but can’t find them. I set the document on my desk. I don’t know what to say.

Calvin knows.
Sophie

She awakes at 5:30 in the morning. A sharp pain shoots down her back. On the nightstand next to her bed sits a large box of pills. She removes two capsules from the red drawer, swallows them, and lays back down. Next to her, on the other side of the bed, is the vacant space where her husband laid for forty-two years. It’s been six months now, and she still hasn’t left her side of the bed. She can’t even think about it. Forty-two years is a long time.

Sophie lies there. Her eyes are open. She stares at the ceiling. There is a stillness in the house. The silence is deafening.

It is late at night as I proofread the legal brief for Sophie’s hearing. Something about my argument doesn’t feel right. The closing statement is too formulaic, too steeped in legal analysis. How do I tell the judge that this law, under these circumstances, shouldn’t apply to Sophie? That she needs health care? That she deserves it? That the current law restricting her coverage is fundamentally oppressive and unjust? That this very process of requiring Sophie to plead for health care is deflating and dehumanizing? “Have you ever been afraid of hope,” I want to say. “Perhaps we should stop stealing it from those who need it most.”

She moves to get out of bed, placing one foot on the floor at a time. It shoots down her back and into her leg. She grimaces. Mornings always bring pain.

A hundred miles away, in the state Capitol building, men and women gather in their suits, their briefcases set before them, their platinum watches glittering in the fluorescent light. Marble columns support the exquisite, dome-
shaped roof above them, one of many symbols devoted to telling the world that this is a place where important people do important work. On the podium in the front of the room, a man stands with a wooden gavel in hand. He bangs it three times. The people in suits collect themselves; they prepare to do their important work.

Sophie’s house is constructed of thin, wooden boards. There are small gaps between some of the floorboards. She cooks breakfast on a gas stove with a cast-iron skillet that was passed down from her parents. In her kitchen, Sophie pours the grits onto a plate and removes two biscuits from the oven. She takes them to her granddaughter, who sits at the square dining table, rubbing her eyes. Outside, the chilly autumn air ruffles red leaves; it fills the cracks in the windowpanes. It brings a coldness here, inside her home.

Sophie’s granddaughter tears apart a biscuit; its steam encircles her soft, young face.

At the hearing, I present my argument based on the intent of the law. It’s a long shot. She will probably lose her Medicaid benefits. Two months ago, Sophie’s caseworker discovered that she has a meager supplemental insurance policy. Sophie mentioned it to her in passing, not knowing it would impact her Medicaid eligibility. The caseworker did what she was trained to do: she reported it to the state-run Medicaid program, which terminated Sophie’s benefits. So I argue that this law, which restricts coverage for people with access to other forms of insurance, was not intended to cover supplemental policies such as Sophie’s;
that the state-run Medicaid program never defined the term “insurance;” that, if it
did, Sophie’s policy would not fall within its purview. It’s a long shot.

It’s early in the morning as Sophie prepares to leave for work. She laces
her shoes and grabs another pill, then places it in her pocket. Sophie takes a deep
breath and walks outside. There are four steps separating her front porch from the
ground. She places her weathered hand on the railing, clenching it tightly, then
walks carefully down each creaky, wooden plank comprising her front steps. In
ten minutes, she’ll report for work at the local Wal-Mart, where she greets people
as they enter and leave the store. For the next eight hours, she’ll do her best to
disguise the pain shooting through her feet and legs.

There is a bill in the state Senate to restrict health care benefits under the
state-run Medicaid program. The Senators listen to it read aloud, in their marble
sanctuary, each of them before their own nameplate, the crafted letters announcing
to the world that they belong here, that it’s their home, that they’ve earned the
right to make decisions in the interests of others, to limit access to health care
because it’s for the common good, which is at the heart of everything they do.

Twenty minutes later, two hundred thousand people lose coverage for
prescription drugs.

They break for lunch and the cold wind blows their ties, their scarves.
They walk effortlessly across the street, into the nice restaurant, where they speak
in loud tones. There is laughter. They order from a menu without prices.

At Sophie’s hearing, an attorney for the state-run Medicaid program offers
expert testimony on the state’s definition of “insurance.” It is his job to carry out
the legislature’s directives: to limit the number of people who receive benefits, to
limit those benefits. I object to his “expert” testimony, which creates a strong
conflict of interest. The administrative law judge notes my objection, then allows
him to proceed.

After a grueling day of work, Sophie returns home. Her feet are swollen.
She elevates them while her granddaughter plays. Tomorrow, they will visit
Sophie’s son, who is in prison for selling drugs. He will see his daughter and wish
her happy birthday. Sophie will watch them; she will do her best to hold back the
tears.

It is late at night as I sit in my office, drafting an appeal of the judge’s
decision to terminate Sophie’s benefits. The appeal is based on several grounds,
including the admission of improper testimony from an attorney employed by the
same agency that seeks to end her coverage. In two months, an appellate court
will hear the appeal and agree with me; it will vacate the lower court’s ruling. It
will not, however, rule on the merits of Sophie’s eligibility for Medicaid benefits,
meaning that they could still be terminated.

The attorney for the state-run Medicaid program will review the appellate
ruling and decide not to pursue the case further. As a result, Sophie will retain her
benefits.

Six months later, it won’t matter. The legislature’s Medicaid eligibility
restrictions will take effect. Sophie’s expensive medications will be her own
responsibility. She’ll sell some personal items; will split her pills in half; will
work more shifts; will feel more swelling, more pain in her foot, in her leg,
throughout her body. A year later, she’ll become eligible for the Wal-Mart prescription drug plan, which will save a little. She’ll grow more fearful of not being able to work, of not being able to support her granddaughter. She’ll do the best she can.

It is late in the day, and I collect some notes for another case and bring them home with me, to my warm apartment just down the road. As I walk, the cool wind blows my tie. I listen to the wind whipping through the trees, shaking their brittle leaves. Some fall to the ground.

Sophie puts her granddaughter to bed, then slowly gets into her own. Her pills sit on the nightstand. She grimaces as she lies down, then glances over, at the open space on her bed. Sometimes the pain won’t go away.
My grandfather was born in a shack in Red Banks, Mississippi, in 1908. His environment was simple by today’s terms: no computers, no cars, no television, no electricity, no telephone, no running water. It is doubtful there were any books. I have no memories of seeing him read, although I am confident he was literate.

He and my grandmother owned a farm that was separated from my childhood home by two fields, past the fence and the creek and the flock of sheep my grandfather tended. In addition to farming and fence-building, my grandfather supported his family through sheep-herding. It was, in fact, also an avocation; he regularly entered sheep-herding contests, where he guided his highly-trained sheep dogs by blowing a whistle at slightly different pitches. As a child, I often watched him carefully herding his flock from one field to another, amazed at the language he shared with his dogs – border collies whom he lavished with love and praise.

At my grandparents’ home, there was always excitement. My grandmother maintained a large garden with fresh tomatoes, okra, corn, watermelon, snap peas, and potatoes. Almost every night, she cooked dinner with her garden vegetables; she fed me, too, if I helped snap the peas and peel the potatoes. If I came over too early, though, my grandfather made me help with really hard work: stacking hay, carrying feed, cleaning the barn or the horse trough, tilling the garden.

My grandfather was a stout, stocky man with a flat-top haircut and a large cowboy hat. In addition to maintaining a farm, he worked at the local utility company, where he dug ditches every day and was so perpetually filthy that he
earned the nickname “Pig.” For about thirty years, he also operated a chain-link fence business, though there weren’t a lot of fences to build in our small town. When there was, I dug the post holes.

My grandmother was a strong woman: mother of six; harvester of a massive garden; organist for the local Baptist church; former emergency technician. She kept a police scanner in her living room so that she always knew who was in trouble and why. In the afternoon, once the chores were done, she sat on the small porch outside the front door and waved to cars passing by. Sometimes, after dinner, she drove the half-mile to my house and lit a cigarette so my grandfather wouldn’t find out about her smoking habit. I’m not so sure she fooled him, but it seemed worth the trouble anyway.

My grandfather had a profound affinity for pocket watches, even though he had little need for keeping time. Perhaps, as a result of his poverty, he came to view them as a symbol of success. I can only imagine the sense of accomplishment he must have felt after buying his first one.

Before he died, my grandfather arranged for me to inherit his favorite pocket watch. It was a gift he received on his fiftieth wedding anniversary from every member of his enormous family. Out of six children and eighteen grandchildren, he chose to give it to me, and it’s traveled with me to places that he probably never imagined: to my college graduation, to California, to the inner chamber of a state Supreme Court, to Corvallis, Oregon, to this page, where it continues to measure time in sounds and in dirt and in words.
In the grocery store, next to the bakery, there are endless varieties of gourmet foods – organic, locally-grown vegetables, high-quality cheese blends, pomegranate juice, fresh tortellini shells with stuffed spinach. I analyze each of the options. Further down the aisle, there are organic cereals. I stop and grab one. It has whole wheat grains and blueberries and antioxidants. On the other side of the store, where the cereals are on sale, there are boxes of more common brands, with sodium and sugars and high fructose corn syrup. This one, the organic cereal, is twice as expensive. But it seems healthier, better. So I take it.

A few minutes later, as I walk towards the register, I see her. She has a handful of coupons. At first glance, I don’t even recognize her.

“Mr. Loftin,” she says. Her kids stare at me.

“Patricia,” I respond. “How are you?”

It was six months ago when I last saw her: August, when the summer heat boiled over, rushing forward like a wave of water, slowly curling inward. You could wake up and see it from a distance: the bright, torturous sun, slowly moving toward you, overwhelming you: the time of year when the only relief comes from daily thunderstorms, clammering down in the late afternoon, lightning and thunder and heavy rain. Then vapor, rising up from the concrete.

Patricia ran the air conditioning to cool down her kids, even when she had no money. One day she came home, and there was no electricity at all. She didn’t have enough money to turn it back on.
She stopped by my office because she heard it was illegal for the energy company to shut off your electricity. I knew the answer but asked another attorney just to make sure. You don’t want to be wrong when it comes to these things.

“Unfortunately, they can turn off your electricity. From a legal perspective, it doesn’t matter if you can’t make payments on it right now.”

“They raised the rates this year,” she says. “I’ve got two kids. What do they expect me to do?” I shake my head. “What would you have done if it was eighty-four degrees in your house with two little kids?”

I try to find a decent answer. “I don’t know. Probably the same thing.”

She’s been composed until now, but the tears begin to form at the corners of her eyes. “We can’t breathe in that house. What are we supposed to do?” Her frustrations wash over me. Outside, the sun is shining brightly. It bursts through my office window, burning my face.

We develop a financial plan. She doesn’t want food stamps, but I convince her otherwise. I put her in touch with the Department of Human Services so she can get Families First benefits, formerly known as Aid to Families with Dependent Children. We talk about applying for Section 8 housing or public housing. She doesn’t want to think about that.

Patricia works at a fast food restaurant. Every day, for eight hours, she stands in front of a hot grill and cooks food for other people. All around her are loud voices and people scurrying from one place to another, carrying ice and trays and cardboard boxes. The smell of grease fills the air.
Patricia’s employer doesn’t offer health insurance. Her kids have never been to the dentist.

In my office, we begin the long, frustrating process of enrolling in the state-run Medicaid program. If she’s approved, Patricia and her kids will receive some medical benefits in four to six months. In the meantime, she hopes nothing bad happens.

Her oldest child already has a cavity.

Six months later, when I see her in the grocery store, Patricia reveals that she wasn’t approved for dental care. Her child’s tooth became so decayed that he couldn’t sleep. When she finally took him to the dentist, it cost over four hundred dollars. There was no money left for other bills. She lost her electricity again. She asks if I know of any programs that will help her get heat for the winter.

It is January now. The cold has settled in. Even in the South, sub-freezing temperatures come at least a few times each winter.

In Patricia’s home, there is no heat. Her breath is visible when she exhales. She tries to trap her own body heat with socks and caps. Her kids are wrapped in blankets; they have small gloves that they remove at the dinner table.

In thousands of households throughout the U.S., a similar scene is repeated. The poor are cold. Some are elderly or sick. Some are children. Some are healthy adults who have suffered the loss of a job or a loved one on whom they relied. The coldness is in their homes.

In the grocery store, I tell Patricia about a grant that subsidizes heating expenses during the winter months. It was set up during the energy crisis of the
1970s, when millions of poor people throughout the country were unable to afford the high cost of heat.

"I already applied for that one," she said. It took five weeks before she received a response. She opened the letter excitedly, then set it down and stared at her children playing in the living room. She should apply earlier next winter, it said. Resources have been fully allocated this year.

This is one of the benefits of middle-class citizenship: not having to choose between food and heat, medicine and heat, transportation and heat. Many people feel the impact of high energy costs but have easier choices to make; they take a less extravagant vacation or buy fewer Christmas gifts or play less golf. That’s the difference between choices and sacrifices: one brings something different, something more or less satisfying than a second or third option; the other brings hunger or pain or coldness.

Congress established the Emergency Energy Assistance Program during the energy crisis of the 1970s. Its purpose was to fund heating costs for low-income Americans. While the program’s name was later changed to the Low Income Home Energy Assistance Program, it has gradually funded a smaller percentage of Americans in desperate need of heat. In 2000, eighty-seven percent of eligible households were denied assistance. Patricia’s was one of them.

I watch her unload her groceries at the register. The sales clerk scans each item. Patricia organizes her coupons, then hands them to the clerk. Ten cents off one item, fifteen off another. Everything is on sale. She has a generic brand of cereal.
The total is sixty dollars, but there's a 9.75% sales tax – a state-imposed tax, especially high to make up for the lack of an income tax in this state.

Patricia has it hard here. She makes three hundred dollars each week and pays about three percent of it for the right to feed her children. I stand in line behind her with a basket full of expensive organic foods. I have no coupons, and I'm not discouraged by the nearly double-digit sales tax. By no means am I wealthy, but the tax represents a smaller percentage of my salary. For the legislators who created this regressive system of taxation – wealthy men with Land Rovers and high-tech golf clubs – the sales tax represents an even smaller percentage of income. The poorest among us have the greatest burden.

Meanwhile, in the state Senate, legislators debate raising the tax to 10%.

It is cold outside. The wind is blowing from the north. Patricia and her children will soon be home. They will eat a light dinner, then settle in for the night. Tomorrow, there will be snow.
James

I have eighteen first cousins on my father’s side. One of them, James, is a ten-year veteran of the National Guard. This summer, he was deployed to Iraq. He returned immediately before the Christmas holiday.

James was celebrating his son’s fifth birthday when the call came. He was in the backyard, watching Michael play with his new puppy—a black lab with massive paws and boundless energy. Over the previous three months, Michael had repeatedly asked for a puppy. During his birthday celebration, he opened gifts from friends and grandparents; afterwards, James told him to sit down and close his eyes. He rushed outside, grabbed the dog and carried him into the living room, where he immediately ran to Michael and began licking his face. Michael squirmed and rolled onto his side, then looked at the puppy and screamed with excitement. He already had a name for it: Roscoe.

They were running around in the backyard when his wife answered the phone. She called James into the kitchen. Through the receiver, he heard a familiar voice: “Private?”

It was the commanding officer of his National Guard unit. James knew the purpose of the call, even before Lieutenant Jensen mentioned Iraq. He looked at his wife, Karen, while holding the phone to his ear. “It’s my duty to inform you...” James looked out the window, at his young son and his new puppy. “...deployment will be effective July 15.”

James nodded his head and looked at his wife. “I understand. Thank you, Lieutenant.”
As he hung up, she asked: “how long?”

“Two weeks.”

He never anticipated engaging in combat on foreign soil. James was a full-time police officer. He joined the Guard ten years earlier to supplement his salary. Over the years, he’d been involved in flood control projects, search and rescue missions and emergency relief support for local and state police. For one weekend each month, he traveled to the nearest base for simulation and training exercises. As the recent war in Iraq escalated, James realized he might be sent across the world in order to defend against “enemy combatants.” For his family’s sake, he hoped it wouldn’t happen.

There were moments when he considered not going. He saw the chaos on the news, the random attacks and bombings, the bloodshed, the ever-changing statistics on dead and injured soldiers. He vowed not to let his children grow up without a father.

Still, the pressure was too great. With a sick feeling in his stomach, James said goodbye to his son, his infant daughter and his wife. He reported for deployment.

The dust was overwhelming. It got in his eyes, his nose. When the wind blew hard, flying sand and dirt assaulted him like angry fire ants on a hot summer day. It was paralyzing.

His duty was to transport prisoners from one military site to another: hazardous work in an area replete with roadside bombs and random snipers. He prayed for safety each morning.
Once a week, he received mail from home: letters from his wife, drawings from his son, updates on his daughter. Her first steps came four weeks after he left.

James took a pay cut when he was called to duty. Karen found a weekend job while her mom watched the kids. Still, it wasn’t enough. She took out a loan to help cover the bills.

He was in a Black Hawke helicopter with ten other soldiers when they came under attack. The helicopter hovered ten feet above ground; it was close to landing. A missile passed within close range, and the senior officer gave the order: “Everyone out! Go! Go! Go!” James jumped to the ground with his seventy-pound gear pack strapped to his back.

As his feet hit the earth, he felt an immediate, ferocious pain emanating from his lower spine. It quickly burst outwards, through his arms and legs, into his hands. He thought he’d been shot. James screamed out. There was silence, then the whir of the chopper’s blades slicing through the desert air.

He was helped to safety by a fellow soldier. When the danger passed, James was taken to a makeshift hospital at his base, where an orthopedic surgeon examined the injury. Because there was no available X-ray equipment, the doctor could only guess the nature of the injury based on his outward symptoms. His preliminary diagnosis was one to two herniated discs in the lower back. For a more accurate analysis, James would need to be airlifted to Baghdad or Kuwait. The surgeon strongly recommended it; the injury was too severe to continue performing a soldier’s work.
Lieutenant Colonel Stephen Jessup was the commanding officer of the division. Strong-willed and feisty, he presided over field operations with absolute authority. He also maintained close observation of the base's rudimentary medical hospital. Though Lt. Colonel Jessup lacked any medical training, he made the final decision regarding the medical transfer of soldiers in his unit. Upon hearing the surgeon's recommendation, he immediately overruled it. "No one's ever died from a herniated disc," he said. James had to stay. He received morphine to dull the pain until his doctor feared he was on the verge of becoming permanently addicted to it. At that point, his only remedy was to stand. Sitting and reclining became intensely painful, so James continued standing as long as possible. He developed severe blisters on his feet. Even after they enlarged and began bleeding, however, they brought less pain than sitting.

Despite the injuries to his back and feet, he was not exempt from duty. James was required to continue transporting prisoners, to helping maintain the daily operations of his base, to board and jump from helicopters with his seventy-pound gear pack strapped to his aching back. He did his best to ignore the debilitating pain. Finally, a month after his injury, he received clearance to return home. His gratitude only stretched so far; at the time, James was scheduled to complete his tour in two weeks.

Like all soldiers, James needed a medical evaluation before being removed from active duty. This standard procedure was necessary to determine what injuries, if any, he sustained under the government's employ. For documented
injuries received during active service, full medical treatment is provided through the armed services’ insurance program.

James received no evaluation. He was simply removed from active duty and sent home, crippled, barely mobile, with no treatment or provision for his multiple, severe injuries. His wife cried when she saw him. He shuffled into the room with considerable difficulty. Instinctively, she hugged him. He shrieked in pain.

The same day that James returned home, his wife insisted that he see a doctor. She drove him to the hospital, where intake administrators informed him that he couldn’t receive treatment without insurance. Because he had been removed from active duty, James was no longer eligible for coverage under the insurance policy typically granted to soldiers. He was also ineligible under his former employer’s policy, as his coverage status had been reassigned since his deployment to Iraq. He stood in the waiting room, wincing in pain, feeling betrayed by a government for whom he’d sacrificed his own life and his family’s well-being.

Karen was irate. She wouldn’t take no for an answer; she demanded to see a doctor. One of the on-call physicians, a Navy veteran, was nearby. He overheard the conversation and interjected. “When did you return from service?” he asked.

“Today,” James replied.

“Why aren’t you getting treatment through one of the VAs?”
“They discharged me.” The doctor looked confused. “Why didn’t they give you a medical evaluation?" 

“They said I wasn’t injured,” James told him. “They just told me to go home.”

The doctor was indignant. “Come this way,” the physician responded. He took James to an X-ray room and examined his spine.

“I can’t believe this,” he said, looking at the X-rays. He pointed to the photo while James and his wife looked on. “You’ve got one disc that’s completely blown out, another that’s severely herniated and a third that’s severely bulging.”

He looked at James with deep concern. “How long ago was your injury?”

“Five weeks.”

He shook his head. “That’s incredible.”

It is a cold December afternoon when I visit James — a stark contrast to the oppressive heat of the Iraqi desert he’s known for the past six months. I ring his doorbell not knowing what to expect. His father is there; he shakes my hand and invites me inside. I enter the house and immediately see James, standing up, trying to walk across the room to shake my hand. In his left hand, he grasps an unsteady cane. For a brief moment, he resembles our grandfather before he passed away fifteen years ago. I’m embarrassed to watch him in this fragile state.

“It’s good to see you,” I say.

We talk for almost two hours. “I don’t know what I’m going to do,” he tells me. “I can’t work for the force anymore, not even desk work. There’s not
much else I can do.” I try to encourage him. I offer a few feeble suggestions. I
tell him maybe his back will recover.

After two weeks of phone calls and emails, James finally received
coverage for his medical bills. He had to contact almost everyone he knew within
the military before a high-ranking officer intervened. Still, it only solved James’
most immediate concerns. He will almost certainly suffer significant back pain for
the rest of his life. He may never earn a salary comparable to the one he received
prior to his deployment. He will likely struggle to support his family: to buy his
wife an anniversary gift, to pay for the heating bill, to take his kids on vacation, to
help them get a college education.

We stand in his home, looking through the sliding-glass door leading to the
backyard. Roscoe has grown. He’s running around, closely followed by James’
son. From inside, James laughs. He clutches his cane tightly. “I wish I could run
around there with ‘em,” he says.
**Autumn**

There’s a slight dimple in her left cheek when she smiles: subtle at first, then more pronounced as her cheekbones rise. It projects an enthusiasm that bursts outward, without restraint.

She is laughing so hard that it hurts. Tears tumble down her face like raindrops falling from leaves: patiently, deliberately, into the space between Autumn and her four year-old son, Mitchell. Like everyone, her laugh affects him. He smiles, catalyzed by his mother’s enthusiasm. He laughs with her while singing his favorite song, “Puff the Magic Dragon.”

“And froglick in the autumn mist...” He mispronounces “frolick,” replacing it with the name of his favorite four-legged animal. What amuses Autumn, however, is her son’s recently-discovered musical accompaniment. He has learned a new sound, which he recreates with every new beat of the song. With his right hand cupped below his left armpit, he moves his left arm up and down, repeatedly producing short bursts of flatulent-like noises. Autumn cackles. Mitchell basks in the attention. He loves his mother’s smile.

In the bedroom down the hall, Autumn’s husband watches a football game on the television at the foot of their bed. During the game, he doesn’t move. With the outcome decided, he turns it off. He takes a drink from the water glass on the bedside table, sets it down, then turns out the light. In a few minutes Autumn will join him.
They married five years ago, after a brief courtship. She met Gary at a high school football game, one year removed from her own graduation. He was twenty-seven at the time.

Her family didn’t support the union. “He’s far too old for you,” her mother told her. “And you have nothing in common.” Her father was more concerned about Gary’s background. He had a series of convictions: public intoxication, DUI, two counts of assault and battery. A year earlier, he was arrested for fighting another man in public – at one of the Friday night high school football games, where the townspeople ritually gather to distract themselves from the week-long monotony of small-town life, pinning their hopes to the chests of teenage boys playing before a thousand expectant eyes.

Gary never misses the games. He is especially passionate about the town’s high school football program. His former exploits as an all-conference linebacker are well-known; he tackled opposing players so hard they sometimes didn’t get up, which made him proud. He once yelled at a running back after dislocating his shoulder. The player lay on the ground, writhing in pain. Gary stood above him. “Stay down, bitch,” he screamed, while the school’s medical staff rushed onto the field.

After graduation, Gary received a scholarship to play for the local community college. During his sophomore year, one of his teammates landed awkwardly on top of him, tearing the medial collateral ligament in his knee. Gary became frustrated with the physical therapy. He stopped going. Soon thereafter,
he dropped out of school and began working full-time at the local steel plant, where they specialize in making refrigerator doors. It was good money.

After five years at the plant, Gary was promoted to foreman. He lived with his parents, which allowed him to lavish Autumn with gifts: a pearl necklace, a week-long trip to Daytona Beach, nice lingerie. Shortly after they began dating, he helped her with her own bills too. She was a full-time student at the community college and waitressed nights and weekends to make ends meet. Still, it wasn’t enough. They talked about moving in together to save money. Gary said he’d do it if she paid half the rent and utilities.

"Why don’t you take a year or two off from school and work some more," he suggested. "That way you can help us get on our feet and save a little bit."

Autumn was reluctant but hated feeling dependent. "I wish you weren’t so worried about money all the time," he told her. She felt the same.

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There’s a trickle of blood flowing from her mouth. It splashes onto the floorboards, just beneath her. She lies there, quietly. Her lip is swollen. On her neck, red marks reveal a distinct handprint. The pain is setting in.

"I’m so sorry," he says. Gary lies there with her, face to face. "I don’t know what came over me, darling." She doesn’t look at him. He tries to sound sincere. "You know I didn’t mean to hurt you." He kisses Autumn’s forehead and speaks softly to her. "You know I love you, baby."

The next day there are flowers everywhere. She wears a scarf to work.
It began before Mitchell was born: a push at first, then a slap. The violence accelerated over time, became more horrifying, more painful. When she announced her pregnancy, he became possessive, controlling. Gary demanded constant awareness of her whereabouts. He was suspicious when she came home late from work. “Where the fuck have you been?” he once asked when she arrived ten minutes late after running an errand.

The initial incident came as a complete shock: a male friend called to tell Autumn about his engagement; he left a message on the answering machine that Gary later found. When she arrived home from work, he pushed her against the wall. There were no questions. He choked her. He slapped her.

She wore sunglasses for a week to hide her eyes.

The abuse became more common. For Gary, the bruises weren’t enough. He isolated Autumn. He built a wall separating her from family and friends – anyone who might challenge his dominion over her life. He tried to convince Autumn that the distance from her parents benefited their child. “Michael doesn’t need to be around that fucked up family of yours,” he told her. “He acts up enough already.”

Gary also made demeaning comments about Autumn. “You barely passed high school,” he once said. “You’re lucky I’m supporting both of us.”

She considered leaving him once before, on his thirtieth birthday. Autumn spent the afternoon preparing his favorite meal. She also added a new dish that she had recently learned of. Gary took one bite from it, then spit it out. “This tastes like dog shit,” he told her, with Michael sitting on the other side of the table.
Autumn was deeply hurt. "I don’t see you cooking me dinner," she replied.
Autumn threw down her fork and walked into the kitchen, then looked back at him. "Sometimes you can be a real asshole, you know." Gary jumped up and slammed her to the floor. "Don’t you ever insult me in front of my boy," he screamed. "Do you understand?" She couldn’t catch her breath. "I will fuck you up, you fucking bitch!" Autumn believed him.

Each year in the United States, over four million women are victims of severe physical assault inflicted by their husbands or boyfriends. Many are unable to escape the violence; those who flee often have nowhere to turn. There are roughly 1,500 shelters for battered women in the United States. There are over two and a half times as many animal shelters.

She awakes to the taste of blood. There is a ringing in her ears, a dull pain throughout her body. Softly, she lifts her head, glancing around the living room. She listens. Silence. He is gone. She tries to stand, then stumbles before gaining her bearings. Suddenly, Autumn thinks about her young son. She remembers his screaming before the blackness, recalls looking up from the floor and seeing his tears, his hysteria.

Autumn becomes tense, panicked. She yells his name: "Mitchell! Mitchell!" She runs from room to room, searching. There is a toy here, a child’s shoe there. She runs into his room and hears a whimper from the closet. "Mitchell!" She pulls open the door and sees him there, sitting down, rocking
More than half of women who are battered by intimate partners live in households with children under the age of twelve.

"What happened next?" I ask her, softly. She is crying now; the memory overwhelms her emotions. I offer a Kleenex. This is difficult for me, a lawyer playing a counselor’s role. But I offer no real therapy – only an ear for her story.

I can represent her in a Petition for an Order of Protection, which, if granted by the court, will prevent Gary from making contact with her for the duration of one year. If necessary, she can seek to get it renewed upon its expiration. Still, the Order of Protection is only a piece of paper. It has the legal power to send him to jail in the event he violates it. But it cannot physically restrain him from surprising her at work or following her in his car or breaking into her house in the middle of the night.

He tells her he'll kill her if she goes through with it. She asks for my opinion. I tell her I think she’s doing the right thing. This is true – she’ll have a better chance of escaping the violence with some legal protections on her side. But there is another truth as well: thousands of women die each year after separating from abusers. In that sense, I don’t really know what decision is in Autumn’s best interest. “I support whatever decision you feel is best,” I tell her.
Autumn is nervous about the hearing. Gary is contesting her petition for an Order of Protection, which means that a judge will hear evidence on its merits in a court of law. She’ll have to take a stand and re-live the years of horror and pain and abuse. I request that the hearing be conducted in the judge’s chambers so that it’s not open to the public. The request, however, is at the judge’s discretion, and Gary’s attorney will likely contest it. Gary will be there to participate in the hearing; he’ll refute her testimony and offer evidence that vilifies Autumn. Throughout the hearing, he’ll glare at her with the silent stare she knows all too well.

I share her anxiety. These hearings bring a deep, inevitable pain to me each time, and it’s all I can do to push it aside.

Autumn is on the stand. I guide her along, slowly, peacefully. I ask her about her background.

“You and the respondent, Mr. Smith, are married, are you not?”

“Yes.”

“And you have one child, is that correct?”

“That is correct.”

I speak gently. “Can you please tell the court that child’s name and age?”

I ask Autumn to tell the Court the reason she’s requested an Order of Protection. She describes the abuse in detail. At times, she cries. We present other evidence of violence: photographs, medical records, a police report.

Afterwards, I sit down. Gary’s attorney prepares for cross-examination. He stands up and looks at Autumn with a furrowed brow.
“Ms. Smith, isn’t it true that you instigated some of the fights that you just described?”

“No.”

“Isn’t it true that when Mr. Smith held you down it was to restrain you from hitting him?”

“That’s not true.”

She is visibly upset.

He asks a series of questions to which I object.

“Ms. Smith, when is the last time you used drugs?”

“Isn’t it true that you’ve been having an affair behind your husband’s back?”

“You physically punish your son when he doesn’t mind you, do you not?”

Tears flow freely from her eyes. Trauma is heaped on top of trauma, and it is too much. Between my objections, I question why we perpetuate such a violent system of jurisprudence. Yet I am a part of it, and have done nothing to create a more compassionate, humane alternative. I wish for some alternate means to resolve this kind of dispute. I feel a sudden, keen consciousness of my participation in such a system.

Finally, after forty minutes of questioning, her testimony is over. She sits down and I present other witnesses. They are examined and cross-examined. Afterwards, I announce to the judge that I have no further evidence.

Gary’s attorney calls him to the stand.

“Have you ever started a fight with your wife?”
“Absolutely not,” he says.

I find myself wondering how he can lie so brazenly.

“Have you ever hit her?”

“No.”

This is the first time I’ve ever seen Gary. I’ve never spoken to him or interacted with him outside of today’s hearing. Is he as monstrous as I imagine him? Does he think of himself as abusive? Perhaps Gary grew up in an environment filled with violence, where physical and emotional abuse was normal or acceptable or encouraged. Would that excuse his behavior towards Autumn? Should it be relevant to this court? To my own feelings about him?

Gary’s lawyer continues: “The medical records your wife showed the Court said something about red marks on her wrists and neck around the time of your last wedding anniversary. How did those get there?”

“She got mad at me because I told her I spent the money for her anniversary gift on Mitchell’s trip to the dentist. She started throwing things at me so I had to hold her down.”

I look at Autumn. She cries openly. I think back to our first meeting, to her insistence that her husband was once kind to her. “I loved him,” she told me then, her chin quivering, her eyes unable to hide the well-spring of disappointment and humiliation beneath them.

These tears, here in the courtroom, seem to flow from a deeper source: a spoken betrayal, in a public forum, from the father of her child – someone she once loved deeply.
I stand for the cross-examination.

"Mr. Smith," I begin, "you're aware that your wife suffered a broken nose on the night of your most recent anniversary, are you not?"

"Well, that's what the doctors said. It didn't look all that bad."

"You gave her that broken nose, didn't you?"

"She kept hitting me, and my elbow caught her across the nose. That part was an accident."

I look at Autumn, looking away. I feel the blood coursing through my veins, warming my skin.

"It wasn't an accident that you left the house without helping her to the hospital, was it?" I inhale deeply; I can feel my nostrils flare. He pauses.

"I didn't think it was that bad."

"She wasn't able to tell you how bad it was, was she, considering that she had lost consciousness before you left?" I look at her again. Her eyes are closed. I can feel it: I am getting away from myself.

"Sometimes she pretends to be passed out so I'll leave her alone, then she hits me in the head as soon as I turn away."

I can hardly take it any longer.

"And your son, Mr. Smith, for whom you profess so much concern, was sitting in the same room with you when you broke his mother's nose and she fell to the floor, wasn't he?"

I envision Autumn's son, watching the blood falling from his mother, dropping onto the floor. He is young and confused; he doesn't know if she will
live. I look at her again, and it flashes before me: a thought so vivid it transports me, and I am there, crouching beneath the bed, hiding. From the next room, I hear her screaming. “I can’t breathe,” she yells. “Can’t… breathe.” There is no one else in the house. I press my ear to the door and hear her struggling. Her barely-audible plea rumbles through the room, through my chest, into my throat: “Help me!” I open the door and round the corner, afraid, and I see her there: pushed back, against the counter, his hand wrapped tightly around her neck, squeezing furiously. She gags for air. I scream with my loudest voice: “Stop!” He looks at me. “Stop it!” I yell again, shaking. He shoves her head into the cabinet, then rushes from the house. In an instant, she falls to the floor, sobbing. She inhales; air rushes into her lungs.

Gary sits on the stand. He appears angry. “I didn’t know her nose was broken,” he says.

The courtroom is spinning. I look around. Behind me, Autumn covers her face. From the jury box, two police officers quietly observe. The bailiff stands to the side of the witness stand. He looks pensive, pained. I find the judge and gather my focus. “No more questions, your Honor.”
Shane

It was a sunny January morning nine years ago when he told me his mother's story. We were driving southward from Baton Rouge, Louisiana, to a small town on the bayou's edge that was home to our mutual friend, Anthony, who needed our presence: his mother had just died. As we drove, Shane and I talked about Anthony’s condition. He was disconsolate. His mother was a single parent who had raised him from a young age. He never spoke of his father.

I noticed long ago that Shane never spoke of his parents. “I was raised by my grandmother,” he once said. It was a blunt, uncomfortable statement. I never pressed him for details.

Three months before our road trip through southern Louisiana, I visited Shane in his new apartment – a dark, decrepit home with meager furnishings. On the wall, one item stood out: a large picture, carefully positioned, with a wood frame and white border. Beneath its clear glass lied the picture of a young woman with a radiant, luminous smile. It immediately caught my attention. “My mother,” he said. I stepped closer and studied it. The picture was clearly dated – it lacked the clarity and distinctness of contemporary photos. Shane’s mother wears a conservative yellow dress with loose-fitting sleeves and a delicate ruffle. Her hair is up; it reflects the expansive, unconstrained style of the early 1970s. She appears attractive, confident, kind. I began to ask Shane about her. Before I could, he changed the subject.

The road to Anthony’s hometown was a winding, two-lane state highway dividing flat fields on each side as far as the eye could see. As I looked upon rows
of crops stretching towards the distant horizon, Shane asked about my mother. She's a wonderful woman, I told him. Like Anthony's, she was both mother and father for much of my childhood.

"My mother died when I was three," he said. It hit me like a hard punch to the stomach. I looked at him.

"I'm sorry to hear that."

Shane continued driving, staring stubbornly at the empty road ahead. His voice was calm, even. "She was murdered."

I sat there, shaking my head. Shane drove on. "I can't imagine," I told him. A single car passed in the opposite direction.

I looked out the window, at the interminable fields. I tried not to imagine the anger and despair that I would feel in his place. Even for a fleeting moment, that feeling was too much to bear. "My father killed her," he said, matter-of-factly, eyes fixed on the open road. "Deprived me of my own mother." I felt a rush of tears inside my head.

There is red everywhere. I can't help the image that flashed before me, a ghastly and horrific figure: she is there, lying on the floor. A pool of blood surrounds her. A deafening silence permeates the house. Shane hides in his closet, three years old, tears streaming from his eyes; he tries to muffle his whimpers, his fear.

I look out the window, at the crops in the field. The effects of a cold winter frost are apparent: they are withered, dead. Shane breaks the silence. "To top it
off, that motherfucker's still in prison.” He stares blindly at the road before us.

“Still waiting to be executed, twenty years later.”
She washes her face and looks in the mirror. On the counter next to her sink, empty bottles of Lexiva and Epivir sit sideways and stacked on top of each other, littering the bathroom in a chaotic convergence of prescriptions and trash. She reaches for a bottle that's nearly empty, removes two pills, swallows them. She sets the bottle down again; it wobbles, then crashes to the floor.

In the mirror, her skin appears gaunt, jaundiced. She stares silently, then turns away. Krystal stumbles back to her bedroom and falls on the mattress lying on the floor. She covers herself in blankets, closes her eyes. Her mind races back to the trial and she tries once again to think about something else, something pleasant. But it won't go away.

It's the look on his face that she can't forget. The quiet anger. She sees herself sitting on the witness stand, trembling. In the silence of her apartment, with her eyes closed, she sees him in the courtroom, on the other side of her pointed finger. "That's him," she says, her voice healthy, strong. In the safety of her apartment, Krystal feels the fear anew. She rubs her eyes.

Her T-cell count is 180, far below what it should be. She should return to the hospital or call her doctor or take more medicine. Instead, she lies there, pulls another blanket over her, and tries to stop trembling.

The hospital is drab and uncomfortable. She was there two weeks ago after developing a severe throat infection. The pain was overwhelming. Now it only bothers her in the mornings. Krystal doesn't accept any of it: the pain, the weakness, the constant infections, the bruises; the virus that weakens her body by
the day; or the disdain, the stigma, the stinging judgments from others. She
doesn’t waste a single opportunity to curse God.

She lost her job over a year ago. Her boss called her into his office and
told her to sit down. He said that the plant required efficiency; if one worker
moved too slowly, it interfered with the entire process. “I’ve got thirty people who
can’t do their job if you don’t do yours,” he said.

Krystal had worked at the same speed from the moment she began the job.
She knew the real reason for their conversation. It made her furious, hopeless.
“Go fuck yourself,” she told him.

Everyone in her small town knew it: she has HIV.

Rumors spread fast in towns like Bristol, Tennessee. Someone says
something to someone and it catches onto the wind, flies about for everyone to see
and hear and know, to tell their friends about, their neighbors. There’s no way to
control it.

They didn’t know how she acquired it though. The trial took place two
hundred miles away, in the city where her cousin lived, where she visited two
years ago. The chatty people of her town never knew anything about the violence.
She never told anyone other than the police.

She covers up the bruises, even in the loneliness of her apartment.

It is impossible to find another job. Soon, she will be too weak to work,
but that doesn’t help her right now; she is ineligible for health insurance. Her
state-run Medicaid program, TennCare, doesn’t allow coverage for adults who are
uninsurable. She’ll need to be disabled before she can qualify, and existing rules
don't bestow disability status until the virus begins to actively destroy her body. When the doctors deem it to be full-blown AIDS, she'll be eligible to receive treatment.

Krystal learns this from her caseworker at the local Department of Human Services. She sits there, stunned, trying not to cry. The only hint of sympathy she receives is from her caseworker, who says in a dry, flat tone: "I'm sorry to be the one to tell ya."

The Medicaid Act was passed to provide medical assistance to persons under the age of 65 who are disabled, blind or receiving Aid to Families with Dependent Children. It relies on each state to establish programs for its citizens; meanwhile, the federal government agrees to reimburse states between 50% and 85% of the costs to run them. Although state participation in Medicaid programs is voluntary, each state has offered Medicaid coverage since at least 1982. Some state-run programs are more generous than others.

In Tennessee, the Medicaid program offers very few health care benefits. It is one of few states that offer no help for people who are unable to obtain private insurance coverage. Those who do receive coverage face severe restrictions: limited doctor visits, coverage for only a few prescription medications, treatment programs that offer no real treatment for serious medical conditions.

In an effort to save money, the state recently cut 200,000 sick people from its state-run Medicaid program, who are now inundating hospitals and clinics. According to a study by the University of Tennessee Health Care Research, these cuts will result in at least one preventable death every thirty-six hours.
Krystal can’t breathe. She is watching a news report on the cost of the Iraq war. $271 billion dollars: the amount of money the U.S. government has already invested. $700 billion dollars: the estimated final amount the war will cost. $21 million: the amount of money the war has cost thus far for the people of her small town. Twenty-seven years: the amount of time the U.S. could have funded world-wide AIDS programs with the money spent on the war thus far.

There are stacks of unopened mail in her living room. Each envelope contains a bill from collection agencies seeking payment for their clients: clinics, hospitals, pharmacies, credit card companies. For each medical bill, there should be several others: doctors’ visits, consultations, better medications, better treatment.

Soon, she will be a statistic.

There is news from Washington: President Bush spoke today about the fight against AIDS. Krystal watches the speech from her living room floor.

“It’s one thing to spend money, it’s another thing to spend it wisely,” he says to a cheering crowd. “We will provide better care and treatment to those suffering from HIV and AIDS, better treatment and care. In ten states, hundreds of AIDS patients are waiting for access to life-extending treatments. In other words, there’s long lines. Some of these people have been waiting for months. That seems like a problem we can deal with.”

Krystal feels nauseous, weak. The burning pain in her throat has returned.
“For many AIDS patients, especially those who live in low-income areas or rural areas, a local church program or community health center is their only source for treatment and support. And to be frank about it, the church is the only place many people feel comfortable going to share their burdens.”

She thinks about the local church in her town, which she hasn’t visited in years. Her former boss teaches Sunday school there.

“I think our country needs a moral message.” There are yells of support from the crowd. “In addition to other kinds of prevention, we need to tell our children that abstinence is the only way to avoid contacting HIV. It works every time. Another way to prevent the spread of AIDS is to fight drug addiction. I proposed to Congress increased funding for substance abuse treatment by $150 million next year. The reason I did so is because we’ve got an issue in America that we’ve got to deal with straight up.”

Krystal thinks about the people in her town who are watching or hearing the speech. She wonders if they think of her as a drug addict, as a slut who doesn’t use condoms.

Like always, her mind drifts back to the trial. She is on the stand, pointing her finger. “That’s him,” she hears herself say. The prosecutor is standing in front of her. “Are you telling this court,” he says, “that this is the man who held a gun to your head, forced you into his car, and then raped you?”

“Yes,” she says.

Tears stream down her cheek. Soon, she will be dead.
On a June evening in 1965, in Spokane, Washington, my mother’s father lost his home in a game of cards. It was also my mother’s home, and her mother’s home, and her brother and sister’s home. Many years ago, when my mother depended on her father for a bed and food and stability, he wagered these things on one card, and lost.

I don’t know why he placed this bet, or what card he pulled, or what he would have won had he received a different card. Soon thereafter, my grandmother left him; she moved her children across the country, to her childhood home in Kentucky.

I never knew my mother’s father, but I have learned some things about his life. He fought in the Battle of the Bulge during World War II. He was a decorated veteran of the Korean War. On at least two separate occasions, he was shot in combat. He was a talented artist. He liked to drink.

I sometimes think about my grandfather and what his life was like. I imagine him in a bunker on the Korean peninsula. Bullets fly past him. He lies on the ground, bleeding. I imagine him walking towards his front door for the first time in three years, to a family he no longer knows; to an easel and a blank canvas, and ten thousand images of bullets tearing away his flesh; to a liquor cabinet and a card table, where three men smoke cigars and distribute chips, then re-distribute them. I imagine the feeling he has when the final hands are laid on the table and he realizes he’s lost; when he tells his wife, my grandmother; when he watches his
children leaving the driveway and beginning their long journey across the country, without him.

I imagine what he feels each morning after that, when he wakes up and looks in the mirror.

Many years have passed since my mother moved to Kentucky. She, too, has seen bullets flying past her; has been struck and wounded; has bled and healed. Unlike her father, she has painted her life on a blank canvas.

My life is the product of many wars and many paintings. Each morning, I look in the mirror, and I see: the horrors of war, the fear of death, the monotony of life, desperation, determination, persistence, persistence; and I know: I'm lucky to be alive.
Darrel

There is a place, on the outskirts of town, where he parks his truck in the afternoon. It is a remote, wooded area. No one else is here. From the road, you can’t even see him.

Darrel sits in his truck. There is silence. He eats a peanut butter sandwich, smacking his gums. Bread crumbs fall into his black and silver beard. From behind the steering wheel, he chews slowly.

Each day for the past two years, Darrel has eaten the same dinner. He hates peanut butter. “Tomorrow,” he thinks, “I’ll get something different.”

The truck is a beige 1984 Toyota Hi-Lux with a white canopy. In the back, there’s a weathered sleeping bag and four shirts that he wraps together to use as a pillow. Darrel finishes his sandwich, steps out of the truck and walks to the back, where he opens the canopy, then the tailgate. He sits there and looks around. He doesn’t like to sleep before darkness falls.

On the main road that cuts through the center of town, there is a grocery store with a large parking lot. He used to park there at night. Three years ago, in the middle of the night, burglars smashed his driver-side window and broke into the truck’s cab. From the back of the truck, Darrel listened, motionless, his eyes wide open, his heart beating wildly. He waited silently, hoping they would leave. Darrel had no weapon; he was entirely defenseless.

From the interior of the canopy, he cannot lock himself in. The vulnerability makes it difficult to sleep.
Ever since the break-in, he’s parked in this clearing in the woods, off a dirt road that’s used only by hunters. The solitude is both reassuring and frightful. Should something happen, there is no one around to hear his cries for help.

He is standing in my office with a document that he hands to me. It is from the Department of Human Services. I ask him what it concerns.

“She told me I cain’t get food stamps if I ain’t got a house or a trailer or something. I don’t know if them papers say anything about that.” The document is an application for food stamps.

I ask him who told him that he needs a house in order to get food stamps.

“That worker there,” he said. “I don’t know her name.”

Most of the DHS caseworkers are helpful, caring, compassionate. Some are not. This particular statement – that Darrel needs a home in order to qualify for food stamps – is an outright lie.

I call the Director of the local DHS office to discuss Darrel’s case. My clients don’t have the Director’s phone number; neither do any of the thousands of applicants for other DHS services. She answers my calls because I’m an attorney. For Darrel, there is no such recourse, no other authority to advise him on his options. His caseworker simply told him that he’s ineligible. “Get out,” she might as well say. “I don’t feel like dealing with you.”

In 2005, 3.5 million Americans experienced homelessness. The failure to protect them has taken place on federal, state and local levels. Instead of providing resources for homeless people to survive, many cities have begun to pass ordinances that criminalize loitering or sleeping in public places. Some of
these misdemeanor offenses carry penalties with significant jail time, making it even more difficult for homeless persons to gain employment or access to community resources.

In the kitchen of the town’s largest church, a cook stands before a large, aluminum pot of vegetable soup. The steam drifts upward in slow, concentric circles. From a few feet away, Darrel breathes it in. His mouth waters. His stomach growls. The cook hands him a large bowl and a pack of crackers. Darrel eats it rapidly, then asks for another.

Four days a week, Darrel comes here for lunch. The church’s staff members give him as much food as he wants. On Tuesdays, one of the ministers eats with him. They rarely talk about God. Darrel appreciates the company.

The Director of the local DHS tells me that Darrel must have misheard his caseworker. He’s not receiving food stamps, she tells me, because he failed to submit an application. She encourages him to submit one as soon as possible. She reminds me that Darrel can only receive three months of food stamps in any thirty-six month period in which he is not working. I tell her there are no jobs in this town, especially for someone who is homeless. From inside her office, she sits behind her large, wooden desk and her platinum nameplate and her Dell computer with a new zip drive. She gives me the hard facts: it doesn’t matter. “I wish those weren’t the rules,” she tells me. “But they are.”

From his parking spot in the woods, Darrel lies down in the back of his truck. His stomach growls. There was no lunch today at the church, so he ate just one meal – a peanut butter sandwich in mid-afternoon. Beyond his tailgate,
day's final rays of sunshine sparkle through a patch of trees just beyond his feet. Darrel cleans his teeth with a toothpick. A light breeze catches the toe sticking out of his sock.

More than one out of ten Americans lives in hunger or on the brink of hunger. Almost half of those eligible for food stamps don't receive them, including seventy percent of elderly persons. For every 100 low-income children who rely on school lunch programs each day, only 44 participate in breakfast programs and only 19 participate in summer nutrition programs.

Last year, the President and Congress approved a $574 million reduction in food stamp spending. The budget cuts result in a loss of food stamps for three hundred thousand people. Over forty thousand are children who will also lose access to school lunch and breakfast programs.

It is the end of Darrel's three-month food stamp allotment. He has grown accustomed to the extra food. Standing in my office, he asks how he can re-enroll. There is nothing, I tell him: unless he can find a job, he'll have to wait thirty-six months before receiving more food stamps. "If I had a job, I wouldn't need any damn food stamps," he tells me.

I shake my head in agreement. For once, I wish I were a politician.

On his way to the woods, Darrel stops by the church. The minister he eats lunch with is there. He offers to prepare a meal for him each day, even when the church does not normally serve lunch. Darrel is grateful.

As he drives out of town, Darrel passes through a nice neighborhood. Inside one home, the DHS director is eating dinner with her husband and two
children. There is meatloaf and mashed potatoes and green bean casserole. In another home, the minister’s wife is in the kitchen. Three pots sit on the stovetop, each with slight wafts of steam and the sweet smell of fresh food emanating from within. Soon, her husband will be home.

Darrel is late today. He observes the low-hanging sun and wonders if he’ll make it to his spot before darkness. He clutches the jar of peanut butter next to him. It is nearly empty.

In my office, I grab a few files and begin the short walk to my apartment. A few minutes later, I hang my suit in the closet of my guest room. Against the wall, there is a large, comfortable bed. It has not been slept in for two months.

There is darkness in the woods. In the back of his truck, Darrel lies inside of his thin, weathered sleeping bag. His back aches. He cannot sleep. Outside, he hears the faint sound of a twig breaking. His eyes are open. The canopy is unlocked.
Jimmy

He opens the gun cabinet and holds it in his hands: a Winchester Model 70 classic shotgun — my father’s gun, the most powerful one he owns. He opens the shotgun’s barrel, inserts a shell and turns for the door. “What are you doing?” I ask.

Jimmy has always been emotional. He’s my only brother, two years my senior, and is often prone to violent outbursts. I can tell from his expression that this is something serious.

He doesn’t look at me. He doesn’t say anything. He simply walks out the door, like John Wayne on his way to a duel with a rogue sharpshooter. I follow him outside, up the hill behind our house, to the clearing where he’s placed an object in the distance.

Jimmy always hated school, especially English. Although tests revealed a sharp intelligence, he’s struggled as a student. Jimmy gets into fights with both classmates and teachers. His bad grades impact his self-esteem: he’s scared of failing, so he doesn’t try.

Jimmy is in the eighth grade for the second straight year. In two more years, he’ll drop out of high school after failing the ninth grade. He’ll have the same experiences as many young people here: drugs, incarceration. Later, he’ll get a job repossessing cars for one of the local banks. In less than a minute, he can break into any car and drive away in it. It’s the most practical skill he’s learned.

Jimmy’s accent is thick. He speaks with a deep Mississippi drawl, even though I don’t recognize that right now. In ten years, when I return home from
college, I’ll suddenly realize that his accent is different from mine, although I certainly won’t mention it to him.

When he’s not picking fights with me, Jimmy complains about school. He hates everything about it. He has scars that are too deep to see.

Jimmy carries the shotgun to the field behind our house. He examines it carefully, then takes aim. I look to see what he’s aiming at, and then I see it in the distance: his literature textbook, propped up on a stand. He pulls the trigger, and a violent explosion sends the shotgun shell hurtling towards the book. It strikes it perfectly, directly in the center, blasting a hole from one end to the other. I run towards the book and pick it up. It is intact, except for a massive, gaping hole in the middle of it. I look at the book, then at my brother, who is standing next to me. He appears peaceful, satisfied.

“Jimmy,” I ask, “what are you gonna do when you go to class tomorrow?”

He looks at me, calmly, and smiles. “I’ll bring it with me.”