Shut Up: Pay More: This What You Voted For. Why You Don't See Me At San Francisco's Hall of Justice

David D. Butler
”Shut Up: Pay More: This Is What You Voted For:”
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"It is the story of those who survived . . . and [those] who did not, and why.
As a historian, I have learned that . . . not everyone who reaches back into history can survive it. . . . [S]ometimes history [herself] reaches inexorably forward for us with [her] shadowy claw.


“All this was what drama was for: [T]o . . . turn the chaos of living into an orderly story, something that had a beginning an ending, and that happened to someone else.”

Introduction

This 7,000 word essay tells you why I, a cradle-Californian, decided to leave San Francisco, California, to study law and to practice law elsewhere. Multiply my decision by millions of like decisions over the past half century, and you have torn the tax paying Middle Class heart and soul not only from San Francisco, but from Vallejo, Stockton, San Bernadino, and further afield, Detroit, Manhattan, and Chicago.

My decision to escape to a Low Tax Ghetto, multiplied millions of times, left only two groups remaining in most of the big cities: The tax avoiding upper class and the urban poor. A physically beautiful city cloaked in romance, San Francisco, also barely tolerated tourists. For a time, these three groups supported costly city tax expenditures through confiscatory sales taxes on food, clothing, hotel rooms, cigarettes, and alcohol. Recently, of course, the upper class and the urban poor have resorted to the sale of low rated general obligation and revenue bonds.

The Middle Class Diaspora from the cities has resulted in suburban sprawl and the consequent loss of open land. Concrete and lawns, unlike trees and prairie plants with their deep root systems, do not absorb and store heavy rainfall. Hence, the middle class diaspora has brought with it its handmaids, the three climatic furies of increased typhoons, hurricanes, and flooding. **
The loss of the cities' taxpaying Middle Class has also resulted in (1) increased isolation of poor urban Blacks and in (2) a cadre of first responders who have only an economic stake through the hearts of the cities they allegedly serve and protect. (3) Upon retirement, these former civil servants take their lush California or Detroit retirement benefits into the Blue Ghettos of Idaho, Wyoming, the Upper Peninsula of Michigan, and Montana, there to enjoy their superlative retirement income, (4) and also to harvest their yearly deer, elk, and antelope limit: (5) In the Blue Ghettos, these former civil servants live long and prosper.

I. San Francisco, California, 1970-1975

In December of 1970, I turned twenty-five. Seven years earlier, I could have made war fighting the Viet-Cong. With my twenty-fifth birthday, the City and County of San Francisco thought I was now old enough to drive for the San Francisco Municipal Railway [“MUNI”]. After my birthday, I began driving trolley cars for MUNI. I drove run 21 on the 30 Stockton line.

In 1970-1973, before I drove for MUNI, I drove for Luxor Cab. Luxor had direct line phones in all but a handful of the gay bars. We drivers knew that AIDS was a Gay Plague. Diane Finestein, a county supervisor married to a physician,
was in cahoots with a majority of San Francisco's Board of Supervisors. She put her head together with them and with the owners of the South of Market Bath Houses and Glory Holes, the Round Up, the Shed, Hamburger Mary's and, of course the neo- Nazi bar, the cleverly named Hans Off, to both (1) keep the Bath houses open (2) and the virus mutating. Once, I carried around a nicely made black S.S. Officer's cap from a costumed fare out of Hans Off for a few nights. I knew I would (1) again soon find the owner and (2) earn a splendid tip when I returned his dapper black chapeau tastefully decorated with its twin skulls. I soon found him. I earned a princely tip.

Often during those two summers of Gay Love, I asked loads whence they came. In ascending numeric order, they replied (1) the American Mid-West, (2) the American South-East, and (3) Saskatoon. It was a fun young man's job, provided you kept your distance both (1) physically (2) and emotionally, from the Gay Plague. Gay tourist dollars kept the City going for a time. Then other taxpayers bought the gasoline to run the AIDS Unit at San Francisco General Hospital.

In 1973, the 30 Stockton trolley left its southern terminal then located at the Southern Pacific Depot at 3rd & Townsend Street. The operator fought his way north on Third Street, South of Market, then across Market Street, turned west on to Sutter Street and then turned right or north through the Stockton Street Tunnel. Going North, the trolley passed under Bush, Pine, and California Streets.
The 30 Stockton Street Trolley also passed through the Tunnel under Burritt Alley, where Miles Archer, Sam Spade's partner in the *Maltese Falcon*, got hit with two bullets fired by Brigid O'Shaughnessy, in the words of a San Francisco police detective, “right in the pump.” At 17, I had an efficiency apartment on Burritt Alley. My apartment was Spartan, at best: Now the building has been turned into condominiums.

In the mid-1970's, I had a MUNI pass to take me to work in the morning and home again late afternoon. By then, I lived in a third story Victorian flat with oak floors and walls at the corner of John Locke’s 18th Century ideal, Liberty Street, and the Holy Roman Emperor Charles V’s 16th Century ideal, Our Lady of Sorrows (Dolores) Street. “Only in San Francisco,” the City's late, popular prose poet, Herb Caen, would have said of the names of my intersection. My flat's electricity was produced by turbines located in Yosemite Valley (probably Miwok for Grizzly Bear) Valley's damned twin, Hetch-Hetchy (probably Miwok for a wild grass with edible seeds, or perhaps Magpie), so my electric bill never exceeded $15.00 a month.

MUNI lore said that some of the Hetch-Hetchy electricity output and requirements contracts were still priced in late Herbert Hoover, early Franklin Roosevelt, gold dollars per kilowatt, and that almost free electric power was why San Francisco had kept its cable cars, trolley cars and streetcars when the other...
American cities went to gas buses after World War II. In any case, in my 1970's flat on Dolores, there was always plenty of light by which to read and just the right amount of too much light to make love by.

After lighting my flat, the water from Hetch-Hetchy crossed California's Central Valley flowing unseen through giant culverts. Then the water flowed into a man-made lake in San Mateo County called Crystal Springs Lake. In Crystal Springs Lake, 20 billion gallons of water are waiting (civil for lurking) on top of the San Andreas Fault. Finally, San Francisco drank and drinks the water from Crystal Springs Lake. It is a very old system of pipes and culverts. It is older than Dresden, Germany’s, older than most of the developing world, or the rebuilt Monte Casino. The water, many repeat, is now awash in heavy metals and, of course, bacteria. In any case, San Franciscans drink a lot of bottled water.

My MUNI pass notwithstanding, the 1970's were a dark time for a White worker, even a well-paid White worker, out on San Francisco's streets: The Zebra killers were one armed branch of the Nation of Islam. Young readers may have only a dim memory of the Black Muslims, now, at least lexically, metamorphed into The Nation of Islam. Now led by Louis Farrakhan (Arabic for “charmer,” Farrakhan's stage name when he was a nightclub musician), the group continues to flourish in Detroit, Chicago, New York, Washington, and Oakland. Paradoxically the Nation blossoms like orange trees behind the razor wire of San Quentin or
Pelican Island in the warm California sun. In the 1970's in San Francisco, the Black Muslim Zebra killers were out in the streets stalking random White prey to torture and then to kill.

Today, the Nation of Islam still has at least one paramilitary group, the Fruit of Islam. All young men, the Fruit of Islam stand shoulder to shoulder, surrounding the speaker's platform at Nation of Islam gatherings. Tastefully habilimented in matching uniforms, their eyes ablaze as they glare at the faithful from beneath identical kepis, they have modeled their semi-public demeanor and costume on the Third Reich's Brown Shirts.

The Nation of Islam still commands allegiance among America's Black prisoners. A corresponding group, the Aryan Nation, commands allegiance among America's White prisoners. Incarcerated Aryan Nation clients tell me that Aryan Nation field marshals have a royal blue and gold Pour le Merite *** ribbon and medal tattooed around their neck. In his *Tour of Greece*, the second Century writer Pausanias tells of seeing the Delphic Sybil with his own eyes ("... ego ipse oculis meis vidi..."). To date, I have not yet seen a Pour le Merite tattoo with my own eyes. Ernest Juenger, the author of *On the Marble Cliffs* and *The Glass Bees*, the last knight of the Prussian order, died on February 17, 1998.

Often, in the 1970's, I took a taxi home. First, anonymous Whites were shot. Then future mayor Art Agnos almost died, shot twice in the back at the entrance of
the Potrero Community Center, just across Carolina Street from the one-time
grocery store where I had lived two years earlier.

Briefly, the City initiated a stop and frisk policy, like New York City's recent
stop and frisk policy, both (1) intentionally targeting and (2) unintentionally
protecting young Black males. In those pre-9/11 days, however, such a policy had
a half life approaching that of some sub atomic particles. A federal judge left San
Francisco's young, and old, White workers to protect themselves as best they
could. Incidentally, he also left the young Black males locked and loaded mostly
for one another.

Doubtless, the judge went up and down in the world, tooing and froing,
chauffeured from his palatial home to his almost Papal chambers (criminal justice
speak for office) protected by the guns, martial training, and six pack abs of
Federal Marshals, all paid for by us. The anonymous (for the sake of this essay)
judge is now long dead, gone to the California Indians' "Sundown Sea," temporally
and spatially far beyond all earthly praise or accountability. "No names, no pack
drill," as is said in the United Kingdom's military.

II. Iowa, 1978-2013

I knew that I was going to law school: But by early 1974, I knew I was not
going to Golden Gate in San Francisco which had accepted me early in the process. One did not have to be a Weatherman to know which way the San Francisco racial wind blew. I joined the Middle Class Diaspora from urban California. I went to law school in Oregon. Now, I practice in Iowa. I have done good work in Iowa:

By a decision of a unanimous Supreme Court of Iowa sitting \textit{en banc}, I won a new trial for a public school bus driver convicted of felony sexual abuse of a child passenger with Down's Syndrome. On the day of my client's supposed crime, when he returned to the bus barn, he told school administrators that he had caught three of his child passengers fooling around. My client's story was initially corroborated by each of the three children to three, separate teachers. The next day, however, three, separate government social workers, armed with quivers full of leading questions, winks, and nods, separately interrogated the three Down's Syndrome children.

Again, the children told identical stories, only this time my client was a participant in the fooling around. The County Attorney indicted my client. After days of deliberation, the twelve person jury came back with what is known in the United States as a quotient verdict: The jury found my client guilty of felony sexual abuse of one of the three Down's Syndrome children, not guilty of sexual abuse of the other two children. A quotient verdict is generally called a legal fiction. It is only one of many legal fictions. They, including innumerable plea bargains, are
the gasoline that makes The System go.

During the testimony of the children at trial, my client had been confined in the judge's chambers and allowed to view the children on television. The Iowa Supreme Court's articulated reason for granting a new trial was denial of in court, face-to-face confrontation, but having been trial lawyers themselves, the justices did not like the quotient verdict either. Also, the County Attorney – himself a trial lawyer - elected not to re-try the case. My client was freed forthwith from the Iowa State Penitentiary in Fort Madison. *State of Iowa versus Iowa District Court for Polk County*, 464 N.W.2d 244 (Iowa, 1990).

I immediately got a telephone call from Crispus Nix, the then warden of the Fort Madison Penitentiary. There was insufficient money in my client's prison account “on the institution’s books” for my client “to ride the dog” (take a Greyhound bus) to Des Moines. Could I drive over and pick my client and his meager belongings up? Of course. I drove from Des Moines to Fort Madison to retrieve my semi-exonerated client.

We sit in the Warden Nix's ceremonial office. There is a Paul Revere print of the Boston Massacre on the wall. In the print, the first casualty of the American Revolution, one of the Warden ancestors, Crispus Attacks, is the Black man who lies mortally wounded in the foreground. On the Warden's desk there is a small model of the pennant the prison softball team marches behind when they play...
another correctional institution's team in the yard. On the pennant are a red border and three large red stars lined up from staff to tip, all on a dead white background. Like the emblem of the District of Columbia, the insignia is designed from George Washington's coat of arms. Warden Nix wears his uniform, with a solid black tie. I wear a white shirt, a blue striped suit, and a blood red silk tie, shot randomly with black streaks of varying width. American and English ties are rigidly bilaterally symmetrical: I bought my tie in France.

When Warden Nix took command of Fort Madison Penitentiary, Iowa Corrections had lost control of Fort Madison. The governor instantly hired Warden Nix, a retired Army colonel who had run Leavenworth Prison for the military. A story I have heard is that a media person chartered a helicopter to fly low over the yard while staff filmed the disorder. The Warden took bull horn firmly in hand and announced in his best command voice that the helicopter had ten seconds to begin exiting the yard or his guards would shoot her down. The pilot wisely exited. There is a saying among criminal justice professionals, “Survive the encounter.” Even if Internal Affairs takes your star, or the state Supreme Court your law license, you can always drive a beer truck for your cousin or father-in-law.

In his ceremonial office, Warden Nix and I make nice. Nice done, the Warden then turned me over to one of his captains to meet and greet my client. When the
captain and I arrived in the basement shower room, my naked old client, was being washed off by two guards brandishing a fire hose standing at a safe distance. I nodded at my naked old client and looked through the two buff young guards cloaked in creased trousers and ironed shirts ("blouses" in criminal justice speak).

I remembered reading of a Christian Chinese warlord who in the first half of the 20th Century baptized his troops on the eve of battle with a fire hose. But, like the fictional hero, Frank Merriwell (Yale, 1907), (the only man ever who could throw a double curve ball), “I think a good many things which I don't say.”

To be fair, this superficially rude exchange is inherent in criminal justice. My client had won, though he had not won in a declared war: This was not Appomattox Courthouse, where General Grant handed General Lee back his sword and told Lee that his men could keep their rifles for hunting until a crop was made and to keep their horses who would be needed for spring plowing to make the initial post-war crop.

At least a generous quarter cup of vindictiveness is an ingredient in any bowl of Criminal Justice Stew in America and, for the most part, elsewhere. Call it the Gulag, Guantanamo, all of North Korea and all of antique, indeed, transpontaine East Germany, or call it a Super-Max prison. But by then I had learned to eat, if not to relish, Criminal Justice Stew. I drove my client, now wearing almost all of his meager belongings, back to Des Moines. He was all but silent, perhaps a bit
shamed, though he once commented on the bright colors of the cars and the billboards since he had “gone inside.” I had gone to an integrated high school. Like the late professional football star and Congressman Jack Kemp, I had taken showers with men few Republican men had shaken hands with.

III. San Francisco, Pasadena & Morro Bay, California, 2013

I get back to California yearly. When in San Francisco, I buy a MUNI pass at the kiosk at Powell and Market. A week long pass costs $28.00: A single ride on a cable car costs $6.00. The foreign tourists shower the cable car conductor with crowns, euros, pounds, yen, Australian dollars, and even rubles. I show my MUNI pass. When I drove for MUNI, I had a California Class A Commercial drivers license and a United States Department of Transportation medical card. I never got a California law license.

My San Francisco was a different City than now. Bill Graham's Fillmore Auditorium mutated into Muhammad's Black Muslim Mosque Number 26. Muhammad's Mosque Number 26 spawned the Zebra killers. Latter Jim Jones Peoples' Temple metastasized into Jonestown. Jim Jones' Black and Brown disciples clownishly drank the poisoned Kool-Aid. Most promptly died.

Today some northern Californians mimic the denizens of Los Angeles dancing
on top of a skyscraper to welcome the malevolent space aliens in the film *Independence Day.* The Union thought that it would be in Richmond in six months. The Confederacy believed that it would occupy Washington in six months. In 1914, the German Second Reich thought it would be in Paris in six months. The British Empire believed that it would occupy Berlin in six months. If you liked Northern Ireland, you will love Southern California. As I write this, only God or Darwin knows about Syria, Iraq, Ukraine, or, sooner rather than later, Iran. “So we beat on, boats against the current, borne back ceaselessly into the past.” Francis Scott Fitzgerald, *The Great Gatsby* (last line) (1925).

In the 19\textsuperscript{th} & early 20\textsuperscript{th} Centuries, California was a place other Americans ran to rather than ran from. Once upon a time, at twenty-six, Mark Twain absconded from both sides of the Civil War by deserting his Confederate-leaning Missouri unit to run to California. ** The early American film industry escaped the East Coast’s icy, dark winters, Thomas A. Edison’s avaricious patent lawyers, and rapacious East Coast Mafia shakedown schemes by fleeing to Southern California.

In these final days, however, Tina Turner, having once escaped the loose hands of Ike Turner, escapes the grasping talons and outstretched, tax-hungry claws of post-Obama America and post-post-Jerry Brown California by fleeing to Switzerland. Middle and Upper Class Californians have run to the Low Tax Ghettos of Idaho, Oregon, Nevada, and Texas for the past twenty-five years. Now,
San Francisco fails even to ring the ancient fund raising chimes in Obama and the Clintons’ dusty belfreys.

Even if only to fight wars, modern, industrialized states such as California need citizens with marketable skills. Whether it be the urban American underclass – for example, the Zebra Killers, the Nation of Islam - or the East German *Stasi*, any group which is at risk for hurting citizens with marketable skills should not affect surprise when the citizens with marketable skills use one of their marketable skills to get in their automobiles and to drive off. This demographic choice has resulted in Detroit's and, possibly very soon, Chicago's bankruptcy. Even Vallejo, Stockton, and San Bernadino, with California's gift from God or Darwin of climate, the sea, and gold from Yosemite, Hetch-Hetchy, and the Sierra Nevada Mountains, went bankrupt. As Tina Turner sang, long ago on the Pacific, “It's physical/Only logical.”

My San Francisco was another country. Like tens of thousands of other young potential tax paying Californians, I had been lavishly educated by California's then taxpayers. But I left and am glad, on balance that I did leave. Lenin, the terrorist and not the pop star, had a saying, “If a man says 'A,' he says 'B.'”

As San Francisco's Ku-Klux-Klan Guy Fawkes masked, picturesque, ill-smelling Occupy *lumpen intelligentsia* chanted when they shut down Bay Area public transit, “Shut Up: Pay more: This is what you voted for.” A handful of
taxpayers stayed. Soon, though, Occupy kidnapped these warrior taxpayers, restraining them in MUNI streetcars and BART subways. To date, San Francisco's civil service attorneys have not prosecuted the Occupy kidnappers, though copious photographs and films exist in the virtual world. It is well past time for a civil suit against some of the Occupy Piedmont and Atherton trustafarians, or as is likely, their adult parents.

I am glad that I joined the Middle Class Diaspora and left the California welfare recipients to pay police and fire retirement benefits out of sales tax on cigarettes and M/D 20/20 (“Mad Dog”), Bay Area Rapid Transit (BART) sales tax, and if they actually ride the system, their fares, to give them the privilege of being locked in the excrement filled cages of the Mobile BART Zoo.

Last Autumn we drove Highway One north from Los Angeles to Morro Bay. We drove past Summerland, California. Summerland was the place the first big California oil spill occurred in 1969, though it is called the Santa Barbara Oil Spill.

Offshore to our left on a small island, there was an abandoned oil well tarted up with palm trees to look like a miniscule Tahiti. East of Highway One, stood a handful of dinosaur or grasshopper pumps, now still. Cars and trucks clinically addicted to oil and gas, as was our rent-a-car, sped past us. Gary Snyder, wrote of The Sappa Creek, an oil ship he worked in 1958, that she was “bearing what all these/crazed, hooked nations need: steel plates and/long injections of pure oil.” No
Nature, “Oil,” 99 (1992). It was true then: It is truer now.

For me, the highlight of our trip was seeing from a small boat several times a number of rafts of California Sea Otters floating on Estero Bay in the wild rather than behind glass at the Steinhart Aquarium. The near destruction of these engaging animals formed the fourth quarter of my 4th grade class on California history. It came right after the initial semester on California Indians and the third quarter on the fated and fatal romance between Conception Arguello, the daughter of the penultimate Bourbon governor of this province of the Vice Royalty of New Spain, and the tsarist explorer, Nikolai Renzanov.

Renzanov was looking in part for sea otters, their dense coats valuable to be sewn into coats for humans to wear in Moscow and Peking winters, far from the temperate ocean. The sea otter pelts were called “soft gold” by the Chinese.

During our trip to California, I told a handful of very close friends that I thought California would be the last state once and for all (plebiscite (“proposition”), legislative passage, governor's signature, and court approval) to legalize marijuana just for recreation. California's police and prison guard unions are simply too strong to give up all the jobs for their boys and girls justified by incarcerating marijuana users and bottom rung sellers.

Remember the voters kicked to the curb ex-state Supreme Court Justice, Rose Bird, with police and prison guard “non partisan” contributions. When I voiced
my thoughts on California's improbable legalization of marijuana any time soon, my friends looked surprised, then sick.

Possibly, a balanced budget amendment might slow the arterial fiscal bleeding out of the California taxpayer. Though as Solon remarked long ago on the Aegean, “Laws are like spiders' webs: If some light or powerless thing [in this case, the moth-like will of the taxpaying people] falls into them, it is caught, but a bigger one [in this case, the F-114 Tom Cat fighter jets of California police, teachers, Service Employees International Union, and the prison guard's political “contributions”] can break through and escape.”

Three days earlier than our drive north past Summerland to Morro Bay, I experienced in Pasadena, if not a highlight moment, at least a “half light” moment. I was walking three blocks east (toward the Santa Lucia range) from The Little Old Lady from Pasadena's Colorado Boulevard. There, I saw a Tesla S sedan parked in front of the Marine Building.

Just on body style alone, I saw why non-California auto dealers want the electric Tesla destroyed, and then tabloid-like libeled after her death. As some film stars like Jayne and Marilyn are too beautiful to live long and prosper, the elegant Tesla must be murdered, her memory then libeled, or better, eradicated. As I stood looking at her, the phrase “electrifying beauty” swam up into my conscious mind out of the depths of innumerable 1950's movie posters I first saw in California as a
child.

When I was learning to drive an electric trolley for MUNI, once I hesitated crossing Third Street at Market on a yellow light. My line trainer, thirty years my senior, Black, said quietly with what I now realize was infinite patience, “Son, someone's got to control this intersection. You have the vehicle. You wear the uniform. Empty, you weigh 45,000 pounds. If they're smart, they assume that you know what you are doing. Pretend you do. If they're fools, they'll dent your vehicle and cripple or kill themselves, but they won't hurt you.” My line instructor paused until we crossed Market to Kearny Street. The he added one more thought, again kindly and with the same patience, “If you don't start to pretend, your heart will blow up.”

Now south of Santa Barbara on the freeway, thirty-eight years on, I feel like a county mouse. Still, I pretend I know what I am doing. It works. My heart does not blow up. We arrive safely at Moro Bay, at least on these roads, on this day.

Tina Turner is paid for the false notes she isn't singing as well as the right notes she is. Or, as Richard Weaver's title, doesn't quite say aloud, Ideas Have Unanticipated Consequences. History repeats itself: First as tragedy, then, to say it in Californian, comedically. Thinking to do young Black men a favor by halting stop and frisk, a nameless federal judge drives the Middle Class out of the San Francisco Bay Area, then out of California: Thinking to do the handicapped a
favor, Congress mandates wheelchair ramps on the sidewalks of the suburbs and makes skateboarding a sophisticated sport and a profitable industry.

In Morro Bay, there is a wonderful skateboarding museum right on the bay itself. There is no admission charge, but the museum sells a sweatshirt. Mine is a black hoodie with a white graphic image of a eight-by-four with the metal frame of one skate nailed to its underside, the kind of skateboard I had fifty years ago. Now, good skateboards are made from nano-materials, like those developed in on Malibu Canyon Road by HRL Laboratories, from which Lockheed and Boeing airplane bodies are cunningly wrought for the Israeli Air Defense Force.

In 1981, Israeli Colonel Ilia Roman's F-116 Falcon was built of 80 per cent aluminum, like our 1998 Morgan Plus VIII at home. A glance at today's Wikipedia shows a photograph of her with a logo painted on her nose commemorating Israel's Operation Opera which destroyed Iraq's nuclear reactor. Colonel Roman was the youngest pilot in that 1981 mission. He was the oldest to die when the Challenger crashed in 2003. Before all of Challenger's wreckage hit the earth's surface, the government and its toad-eating, lick-spittle main-line-main-lie news media denied any miniscule possibility that any terrorist killed Challenger.

I have some natural science. Clearly, there is revenge in biology: Ant hills fight to the deaths of all the losers. Natural selection does not observe the Geneva Convention. Clearly, too, Iraq's lost reactor is motive for revenge in the sense of
The Purloined Letter: It is motive lying view on top of the desk, though in this case motive is painted on the nose of Colonel Roman's F-116 Falcon.

I do not have the calculus on paper. At this writing, I have an almost clean driving record, so I even know about a bit about opportunity. Shoot a relatively fast moving missile at a relatively slow moving, heavier ball of metal, and you will likely hit her. Stranger things have been woven into history's tapestry by man: The French financier, playwright, and spy, Pierre Beaumarchais, arranged for Spanish and French royalist gold, escudos, doubloons, florins, and francs, to cross the Atlantic in barrels to finance the American Revolution. A Renaissance Man, Beaumarchais also wrote the libretto for Amadeus Mozart's *Marriage of Figaro*.

Ten days after our drive north to San Luis Obispo and Morro Bay, we return the rental car to Enterprise at the Los Angeles Airport. It is five-thirty in the morning, late in the third shift. The young Black rental agent, working graveyard, offers me his right hand. He may be twenty-six, about the age I drove for MUNI.

I reach out, intending to shake his hand. Then I sense his complete gesture: He also is offering to help me to stand up out of the driver's seat. With his help, I stand. We are still holding right hands. Once I stand up and correct my balance, we smile and shake hands.

Conclusion
Ivan Turgenev wrote: “[A]t times . . . a man wakes up and asks himself . . . 'How is it life has has passed so soon?  How is it death has moved up so close?' Death is like a fisher who catches fish in his net and leaves them for a while in the water; the fish is still swimming but the net is around him, and the fisher will draw him up – when he thinks fit.” *On The Eve*, 288 (trans. C. Garnett, 1906).

In 1910, California had a human population of one and a half million. Now, California’s official (not counting illegals) human population tops 37 million. There are people who think seven billion and counting is a sacred number, but food from genetically modified organisms is a curse. There is also the question of water. Darwin or God help these muddle headed voters' grandchildren.

I repeat myself, but this is important: Lenin, the terrorist and not the pop-star, said it this way: “If a man says, 'A,' he says, 'B.'” I say the same thing, but I say it less abstractly, more concretely, “Some horses go well in double harness, and some do not.”

California's and the Earth's peoples need to work out their salvation with diligence or not. But if not, their children and grandchildren will crawl to and fro in the excrement filled cages of Bay Area Rapid Transit (perhaps pulled by human coolies) to wait tables to serve some future Michael Moore, Al Gore, Hillary Clinton, or Roger Ailes (perhaps some cloned Michael Moore, Al Gore, Hillary
Clinton, or Roger Ailes) while his or her capacious buttocks and gross intestines continue to explode. * * * * * It will be, as we said in 1960's California, both a “funny ha-ha and a funny peculiar sight.”

A brother California writer sings this essay's penultimate words, “[W]ho drinks the wine...take[s] the dregs; even...the bitter dregs and sediment[.]” *Robinson Jeffers: Selected Poems*, “The Deer Lay Down Their Bones,” 101 (New York, 1963).

Of course, California Culture has some comedic sights, many cultural. One weekday mid morning I was one of three passengers on the top deck of Larkspur Ferry which runs the channel a few yards south from San Quentin Penitentiary. San Quentin houses both death row inmates and their sometimes destination, California's death house there as well, “inside the walls of the institution.” The two other passengers, a young couple, were also on the top deck, and also admiring the view of Angel Island disappearing to our aft.

Beside the southern wall of San Quentin there is a statue of Blessed Junipero Serra, founder of California’s Spanish, then briefly, Mexican Missions. The young man, pointed at the statute, and expatiated to the young woman, “Oh look, it's Sir Francis Drake, the great Spanish explorer. The young woman looked deeply into her companion's eyes and, melting, breathed, “You know so much.”

*Compare* “[T]he bizarre combination of San Diablo Mountain 'saint devil' is

I drink the California comedy. Nevertheless, the hills of the Santa Lucia Mountains still draw my eyes upward. The blue Pacific still draws my eyes outward. I wonder as I did as child, what magic waits for me over the dry, brown hills. What adventure lies just beyond the blue horizon? What electrifying beauty will glow on top of the hill back lit for a instant by tomorrow morning’s sunrise?

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**Notes**

* David D. Butler-Chamberlain graduated San Francisco State (B.A., 1973), Stanford University (first class honours), and Willamette University (J.D., 1978). In 1978, he was admitted upon examination to the Iowa Bar. From 1978 to 1979, he clerked for Justice Mark McCormick, then serving on the Iowa Supreme Court.

David D. Butler-Chamberlain's practice includes but is not limited to criminal defense, Iowa post-conviction-relief (the Iowa state analogue to a federal writ of habeas corpus), Constitutional law, and Iowa Star Chamber proceedings, for example, family and domestic violence law, and administrative law such as practice before the Iowa Department of Transportation (defense to one's operator's license revocation) and the Iowa Department of Human Services (defense to inclusion on the Iowa State Child Abuse List) (the absolute worst) or Iowa State Child Neglect List (the merely worse).

Perhaps, like New Orleans, San Francisco, Los Angeles, and New York, and the other low lying riverine and sea coast cities could build their levies or sea walls higher and higher. The joke book, *Mierrie Tales of the Mad Men of Gotham* (1630), is supposedly the second printed English book after the Bible.

In one of the best stories told in *Mierrie Tales*, a group of Gotham's wise men are sitting outside the village tavern. It is late Summer. One of the men looks up at a cuckoo’s nest in a tree and says that when Autumn comes the cuckoo and her family always fly off to the south, bringing Winter or, as it was called then, “the starving time.” Another wise man proposes that they build a high wood wall around the tree to prevent the cuckoo, her mate, and their chicks from leaving the village. This the Wise Men do. September arrives; the cuckoo departs, flying easily with her family over the wall. The starving time arrives. The most puissant of the wise men sagely observes, “Next year, we'll build the wall higher.”

The author of this essay believes that using steam engines for transportation would be a good chronological step backwards and a small ecological step forward. This is so because a steam engine reuses the water temperature of up to 212 degrees with the addition of a minuscule amount of heat to produce more steam, while an internal combustion engine needs a radiator to dissipate the heat of the burnt petroleum into the atmosphere. The author's father, E. P. Jack Butler, was a Chief Engineer in the American Merchant Marine, licensed “on any Ocean steam vessels of any gross tons.”

** * * * Though the order Pour le Merite was the premier honor of the Kingdom of Prussia, it had a French name. Frederick the Great, who founded Pour le Merite, “despised German as the language of boors . . . . He habitually wrote and spoke French . . . .” *Encyclopedia Britannica*, “Frederick II,” 54 (11th ed., 1910–1911). That is an acceptable (merely civil for palatable) rationale. Perhaps the king also felt the actual Prussian motto, “Gott Mit Uns” (“God With Us”), politically as well as linguistically incorrect because in English it had been a motto placed on the coins of Oliver Cromwell’s prototype People's Republic, the Commonwealth of Great Britain and Ireland (1649 – 1660).
* * * * Writers variously describe Twain's timely escape to California, depending on their nationality and region, the date they are writing, their purpose (audience), their paymaster, and this writer suspects, based on 35 years of law practice, their sex and place in their extended or nuclear family order. As the English used to say, “Even a cat would laugh.”

Compare, e.g., *Encyclopaedia Britannica*, “Twain, Mark,” 490 (11th ed., 1910-1911) (“In 1861, the war broke out, and the [river boat] pilot's occupation was gone. After a brief period of uncertainty, the young man started West with his brother, who had been appointed lieutenant-governor of Nevada.”) with, e.g., J. D. Hart, *The Oxford Companion to American Literature*, 162 (4th ed., 1965) (“When the Civil War began, the river boats ceased operation, and after a brief period of soldiering with a group of Confederate volunteers, Clemens went to Nevada with his brother, who had been appointed secretary to the governor.”).

The late Democrat Senator Robert Byrd rose to the giddy eminence of Exalted Cyclops in the Ku-Klux-Klan before shedding his snowy white robe and the sparkling gold hood of his eminent office in the organization in his middle years to don the newly designed Democrat pin stripe dress uniform of racial equality. Similarly, Twain, the Civil War over, made a good financial thing out of his metamorphosis from Confederate [strike two] patriot/partisan/guerrilla to hot gospeler Union preacher.

Compare, more generally, Pickwick's sage universal counsel to Snodgrass during the election at the village of Eatanswill: “Don't ask any questions. It's always best on these occasions to do what the mob does.' 'But suppose there are two mobs?' suggested Mr. Snodgrass. 'Shout with the largest,' replied Mr. Pickwick. Volumes could not have said more.” C. Dickens, *Pickwick Papers*, 198 (New York, 1964).

* * * * In the 1970's and 1980's, “lookism” or “body fascism,” making reference to a person's generally unkempt, obese or bizarre physical appearance, was scheduled to join the lengthy list of extinct or at least endangered expressions such as sexism or racism which were streng verboten in public discourse. The then comedic entertainer, Al Franken's, publication of his allegedly humorous tome, *Rush Limbaugh is a Big, Fat Idiot and Other Opinions*, put the garlic in the mouth and the stake through the heart of the prohibition on lookism.

At a more elevated level of legal discourse, the framers of our federal constitution were familiar with the harshly physical political cartoons of Thomas Rowlandson, James Gilray, the Cuiikshank family, Hogarth, and the adult drawings
of Fuselli. Thus, according to the Original Intent Theory of Constitutional Law (as opposed to the “Playtex” or “Living Constitution Theory” of Constitutional Law), mocking a politician’s or other public person’s, say Michael Moore, Rush Limbaugh, Al Gore, or Hillary Clinton's, physical appearance, including but not limited to morbid obesity, funny (ha-ha or peculiar) habilments, oral mannerisms, risible haircut and base ball cap is, to date, a man or woman's right in America.

*Westside Story* teaches “Every thing’s free in America.” Now the internet has made us all Kardashians or Bibbers for “our precious” golden ring of power of fifteen minutes of fame or notoriety at least for a time and half a time. We should enjoy our brief moment in the lit candles because all history teaches that our brief moment will not last. *Compare* Claudio Magris, *Danube*, 230, “Anyone who dishonestly appeals to the mischance of life or of his own nature will . . . be repaid in the name of those same ineffable reasons. The same thing happens with peoples, with their virtues, their periods of decline and prosperity.” (trans. Patrick Creagh, 2001) *with* George Washington Carver, *A New Leash on Life*, 36, “How far you go in life depends on you being tender with the young, compassionate with the aged, sympathetic with the striving, and tolerant of the weak and the strong. Because someday in life you will have been all of these.” (ed. Rachael Hale, 2008).

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