

A Summer 2005 AU COURANT Magazine Chat With Reinaldo García

(about *BAHIA DE SANGRE* [his latest screenplay], the soundtrack, *res judicata*, family weirdness, great guys, and the usual scumbags)

Almost a year after we last visited Mr. García in his Monterey studio, we found him near the end of his latest project, ready to "incinerate" his "miserable past." We caught up with him as he was preparing to leave for his weekly workout.

AU COURANT: You have a regular health regime?

Reinaldo García: I run a mile every morning, do 40 sit-ups a night, play in two softball leagues, and once a week I conduct a full Nautilus workout at the local health club.

AC: You just turned 55, right?

RG: Yep, the dreaded double nickel. I come from long-lived stock, and expect to live to be a hundred. Whether I fulfill that genetic prophecy is another thing entirely.

AC: What's the new project?

RG: A couple of years ago, I decided to write a screenplay about--in some way--a childhood friend who scored big in Baja California with a restaurant/nightclub in Cabo San Lucas. I learned, through the Internet, that he's developing a mega-resort south of La Paz, on *La Bahia de los Muertos*, or The Bay of the Dead. Because I know that American citizens can't own land in Mexico nearer than, I believe, 50 miles from the ocean, I grew curious. Furthermore, he's calling his resort The Bay of Dreams, and with the assistance of the Mexican government, the name of the bay is being officially changed on maps. Now, this guy was always kind of a wheeler dealer, and so these elements, plus my own intimate knowledge of Mexico, came together with tantalizing synergy. The actual screenplay was triggered by my frustrating experience in a Carmel Valley recording studio, which ended with me wanting to murder its alcoholic engineer, who deleted my files when I insisted he not drink during our sessions for *mercy, most High*.

AC: Right. You discussed this in August 2004. [See **AU COURANT Magazine Chats With Reinaldo García**, under the *mercy, most High* CD section of www.reinaldoGarcia.com.]

RG: I subsequently filed a successful lawsuit against him, and I'll discuss that in a moment. [Pause] Anyway, I concocted a way to blend these elements in a tasty dramatic gumbo, and in October 2004 I flew with my daughter Victoria to Cabo San Lucas and interviewed this man, with whom I'd had no real personal contact since about 1965, in our San Fernando Valley neighborhood. He gave me permission to base a character on him. I spent an hour in his self-built hilltop home, met his wife and children, then said good-bye. The next morning, he was flying to his Wyoming ranch for a hunting expedition. He'd gone through some very interesting changes, such as converting from Judaism to Christianity. Also, because Mexican President Vicente Fox granted him Mexican citizenship, his purchase of the coastal land was legitimized. Now, one of my goals was to reverse cinema's longtime policy of painting pernicious portraits of capitalist businessman. So my version of him was "positive," though "anti-commercial," when one considers Hollywood's cultural biases.

AC: Excuse me?

RG: One of Hollywood's favorite stereotypes is the moustache-twirling businessman. It ranks just below "white neo-nazi militia member" in generic usage. Need a villain? *Make him a bloodsucking capitalist!* And if he's Christian, that only compounds his venality! When I write a dramatic narrative, I try to tease out whatever mass cultural assumptions are in the material and turn them on their heads. I hate movies that cater to general paradigms, which are usually an unconsciously accepted, feelgood lie. [Reinaldo hands me a manuscript] Anyway, I finished the latest draft of *BAHIA DE SANGRE* in February 2005. Now, because the screenplay is about two world famous musicians, and features concert scenes, I had to give them music to play.

AC: And that's where the soundtrack comes in?

RG: Yeah. After yet another difficult time in a Monterey County recording studio--I don't know what studios are like where you live, but out here, they almost all have some kind of tie with criminal activity, and they're run on the illegal drug dealing paradigm--

AC: What does that mean?

RG: In the same way a heroin dealer will give a free dose to a buyer, in order to hook him, these local studios often promise the moon and are amazingly generous during the first sessions. As the project enters its final stages, the generosity disappears, and the studio gets more difficult to book. This causes desperation in the client, who can see the finish line in the near distance, and really wants to complete his project. What develops is a kind of hostage situation, with the studio owner calling all the shots. I'd notice that the more I tried to assert my rights, the worse the owners would treat me, and the more error-ridden the work would become. By the end of the project, I'd not only vow not to return to the given studio, I'd be ready to abandon any future plans to record, ever again. After *The Bright Twist of My Soul*, in early 2002, I was so wasted I could barely get out of bed for two months.

So I decided to enroll in a recording engineering class at the local community college, and to purchase high end recording and mixing equipment for my home studio. [Reinaldo gestures toward a huge work station] There it is, in all its imposing glory. In April, at course instructor Richard Bryant's spacious, downtown Monterey studio, we recorded the basic tracks for *A Night of Serious Drinking*, *My Baby Doll*, *Raised By Women*, and *The Razor King*. Tom Ayres played electric guitars, Endre Tarczy is featured on bass, and Kim Edmundson played drums.





AC: Richard Bryant. That name's familiar...Fill me in.



RG: Richard was a back-up singer on two worldwide tours of The Doobie Brothers. He also sang with The Little River Band. Ring a bell?

AC: Nah. I was thinking he might be the basketball player's father.

RG: Well, he's tall. And a godsend. Richard's musical tastes

seem somewhat similar to mine--his unfortunate professional resume notwithstanding. He sings great harmonies, and as a mixing engineer, he's as meticulous as you'd expect a Virgo to be.

AC: Didn't guitarist Tom Ayres just hit the lottery?



RG: In a manner of speaking, yeah. The Monterey native now lives in Oakland with his Russian wife Angelina Moysov, and together they have a group called Persephone's Bees. Tom and his wife just got signed to Columbia Records, and they have a song, *City of Love*, opening the new *Bewitched* soundtrack.

After the first three songs, all featured in the screenplay, were laid down, I rolled out an old composition, *The Razor King*, which I wrote on July 4, 1974, while living on Northern California's Mendocino Coast in my bookstore, Nadja Books. Shortly after I wrote *The Razor King*, I found this quote by William Blake, from *Jerusalem* (1820): "I give you the end of a golden string;/ Only wind it into a ball,/ It will lead you in at Heaven's Gate,/ Built in Jerusalem's wall." I liked that: The song is about two spiritual seekers, one of whom strangles the Razor King with the scraggly ends of a huge ball of string he's collected, when the Razor King (a kind of guru) rejects his offering.

AC: It's a strange little epic.

RG: Scribbled during my intense apprenticeship to Bob Dylan. Between 1972 and 1981, I was deeply involved in a radical, renegade Gurdjieff group led by the wife, who then became the ex-wife, of film director Monte Hellman. The woman, named Jaclyn, was ten years older than all of us, and there were a lot of jockeying-for-position sibling rivalries for her attentions between the male disciples--one of whom, a Charles Manson lookalike, married her. (He later divorced her, just before she died of cancer.) In this case, a poet named Daniel was my tormentor, so I dubbed him "Trapeze Dan" in the song. I was "Old Hot Hubert," and that name was an homage to a mutual high school friend named Kreag Caffey, an early 1970s recording artist whose cousin Charlotte was one of the founders of The Go-Go's. I lived with Kreag when he was making his eponymously-titled 1972 album for Decca Records, and he invented the name "Old Hot Hubert" for a never-finished song on which he was working. With his permission, I appropriated the name. I cleverly dubbed the song's sage "The Razor King" because (a) I couldn't write songs directly about Queen Jaclyn that weren't obsequious to the extreme; and (b) remembering Jim Morrison's appellation "The Lizard King," I was seeking a kind of brand name for myself. (Back then, I was razor thin.) We were a collection of young artists who became a kind of intellectual Manson Family. Losing everything--my daughter Theresa, a decade's worth of screenwriting, my home, my truck--I bailed out in 1981 and, penniless, landed in Marin County, where I was accepted into the Bay Area Playwrights Festival, based on the strength of my cult-expose, *The Solo Player Never Loses*.

AC: The lyrics to the chorus are strange: "How we gonna get to Heaven, carrying the weight of the world?/ We are oysters, the world's a pearl."

RG: Quotidian human suffering has interested me since my early twenties, when I entered the Gurdjieff Work. Is suffering inevitable? Can it be put to good use? And so forth. As a kid, I learned how pearls are formed. A piece of grit enters the oyster, and the grit is coated with a fluid, which hardens into a pearl. A pearl is a kind of oyster's tear. The tear, a product of irritation, or suffering, is transformed into something beautiful. And that's my metaphor for the creative process.

AC: I don't know that I've ever heard the word "oyster" used in a pop song.

RG: I remember in 1974, worrying that the word choice was "too weird." Which shows you how hidebound and conventional

"rebellious rock and roll" had become. So, bottom line, I decided to use the line as a small act of rebellion against then-current conventions. Expanding popular music's vocabulary is always a good thing.

AC: So, some of the songs in the soundtrack are from your previous CDs, and some were recorded especially for this project?

RG: Yeah. I wrote the words for *Radical Love* in the winter of 1990, when my Mexican wife Sandra and I were caretaking a pack station in the southern Sierra Nevada Mountains, above the Kern River Wilderness Area. A Boston-based songwriter named Mark Alexander composed the music. With Boston's Kurt Armstrong, I co-wrote *A Night of Serious Drinking* in 1988, while living in Cuernavaca, Mexico, and used the song to open my sets at Las Tapas nightclub, while backed by The Silver Beats, a Beatles cover group. I stole the title, and a great title it is, from Rene Daumal, whose name I first heard in 1968, when my then-girlfriend was attending U.C. Berkeley and had to read Daumal's "unfinished masterpiece" *Mount Analogue* for a literature class. Daumal was a French spiritual seeker who died at 36 of tuberculosis near the end of World War II. Shortly before he died, Daumal fell into the orbit of Gurdjieff, who was living in Paris during the war. A woman named Kathleen Ferrick Rosenblatt recently published *Rene Daumal: The Life and Work of a Mystic Guide*, and here's what a reviewer wrote:

...Daumal did not really find his spiritual home until he joined the circle that surrounded the notorious master G.I. Gurdjieff. Gurdjieff's insistence that awakening arose only after merciless self-observation and intense psychological friction went over great with Daumal, who had already cultivated an almost frightening spirit of visionary de-personalization. As Rosenblatt explains in the literary round-up that closes her book, the Gurdjieff Work looms large over both *A Night of Serious Drinking* -- a Swiftian parody about "The bric-a-brac and eternal fidgeting of the world of sleep" -- and *Mount Analogue*, which reads like a magical blend of *Gulliver's Travels*, Ouspensky, and Breton's *Nadja*.

AC: "Breton's *Nadja*." Sounds familiar.

RG: You betcha. I read *Nadja* just after I entered the Gurdjieff Work in early 1972. The woman of the book's title became a kind of archetype for me, and I named my publishing, music and production companies after her. Plus, my Mendocino County

bookstore. When I chose *A Night of Serious Drinking* as the title for the song, my co-writer was aghast: "We'll never get airplay with a title like that!" he wailed. "And what're you gonna do when we get picketed by Mothers Against Drunk Driving?" Once again, I said, "Damn the P.C. Police! Full speed ahead!" American ex-pats living in Cuernavaca loved the song when I sang it in the nightclub. One even came up to me--slightly tipsy--and asked me if the tune was some long lost Beatles song I'd found in some archive.

AC: That must've warmed your cockles.

RG: And tickled my fancy. I love it when an audience member gives me direct feedback. Even when it's not so flattering. Reminds me of a time in 1975, when I sang a song called *Pussy Whipped* at a Mendocino County poetry reading, and this Birkenstock-wearing guy came up to me and said, "My wife told me to tell you how offended she was by that song. She doesn't want you ever to sing it again, especially when women are present."

AC: What'd you do?

RG: At first, I thought it was a too-obvious set-up. But the guy seemed so sincere, I could only say, "Has anybody ever explained to you the concept of *irony*?"

AC: What about the other songs?

RG: *Haunted* comes from 1999's *Dogs of the Moon*. *My Baby Doll* and *Raised By Women* are very recent efforts. The former is a tribute to my wife, Sandra, and the latter arose from my feelings about the alcoholic engineer who did so much damage to my *mercy*, most *High* CD. *The Mirror of the Sea*, from *Dogs of the Moon*, is supposed to play over the film's closing credits. I love that song's lyrics. A sample: "A mystery's a thing to bless./ I'll live inside my wilderness/ With no idea who I will be./ I see me in the mirror of the sea." Those liberating words kind of paraphrase Whitman's "I contain multitudes," yes? Admitting how little we know about ourselves seems a way to freedom, doesn't it? Embracing the mystery...

Six songs seemed pretty pathetic for a CD, so I decided to round out the collection with songs from each of my released CDs, plus the new recordings of *The Razor King* and *Conscience Has The Power (To Ruin Every Plot)*.

AC: That last title seems to echo Hamlet.

RG: I composed it while I was enduring criminal prosecution by Monterey County for a legal storage shed on my property overlooking Monterey Bay between 2000 and 2002.

AC: Your screenplay *Keep My Heart Half Broken* deals with that debacle, doesn't it?

RG: Yeah. In 1997, we moved into a brand new, half-priced house in what Monterey County calls an "inclusionary housing subdivision." According to Monterey County law, a percentage of land must be set aside for middle income families living in Monterey County whenever a new luxury development is built. In this case, Clint Eastwood's proposed Tehama, on what was Monterra Ranch, caused a 42 unit subdivision to be constructed, and according to law, only Monterey County families who meet certain economic criteria are eligible. Though there were 500 families legitimately on the waiting list, a large number of lots were snatched up by members of Calvary chapel, a particularly aggressive evangelical church to which the developer belongs, and by friends and relatives of him, some of whom came from out-of-county and out-of-state. I know which of my neighbors resorted to crime to secure their homes because I researched public records and interviewed several families.

While doing so, a Planning Department inspector called me by name into his office and threatened me. My perfectly legal little shed, built by a licensed contractor, was merely the pretext to attempt to ruin me. I've certainly been silenced: Every media outlet in the county said they'd look over my copies of incriminating public documents, and every media outlet then refused to include any mention of the crimes committed when they'd do their "what's wrong with the county's inclusionary housing program" features. One day, Congressman Sam Farr led a press junket through the neighborhood, stopping in front of our home, extolling the "great success" that is our subdivision. I ran downstairs with my document packet in hand, and gave it to one of Farr's flacks. She promised to look it over and give it to Mr. Farr, and my subsequent calls to his office went unrewarded. Too many powerful county residents have too much at stake in the concept of affordable housing for its systemic corruption to be exposed.

AC: Why is a federal official meddling in a local issue?

RG: Because he wants much of Fort Ord, a nearby military base now under local civilian control, to be used for so-called affordable housing.

AC: But it's still not a federal issue.

RG: Sam Farr and his ilk survive politically by posing as champions of the middle class. The "little guy." These faux populists don't care about formalities such as federalism.

Anyway, my little shed...My legal fees alone nearly bankrupted my family, and learning which of my Christian neighbors were secretly faxing bogus complaints--such as that I was using the shed as a concealed place from which to look into neighbors' bedroom windows--caused me to sacrifice any hopes of ever "belonging" to the neighborhood. Just today, for example, a neighbor, whose wife falsified her employment information in order to criminally gain a half-priced inclusionary home, accused me of cutting him off on the freeway. Here's what happened: He rides a little scooter, and we were in parallel lanes on the two lane freeway, just before it whittled down to one lane and stopped being a freeway. He was puttering along in the "fast" or left lane, in a wide, sweeping left-handed turn. I was pulling up on him in the right lane, preparing to pass, about a quarter mile before the two lanes merged into one. As I approached him to pass him, I saw he was wobbling, and straying toward the center of the road, toward my lane. So when I passed him, I veered to the right, to give him plenty of leeway. A couple of hundred yards later, the two lanes merged. I signaled with my blinker, and merged, well ahead of his putt-putting Vespa--a vehicle which, as I recall from my motorcycling days, is not allowed on freeways.

Anyway, he pulled up at our driveway and accused me of nearly killing him with several "illegal" driving moves--

AC: Such as?

RG: He claimed that no vehicle in a right lane can pass a vehicle in a lane further left. Which is untrue, and ridiculous. In any case, his underpowered, unsafe putt-puttter ought to've been in the right lane, anyway. Then he launched into an ad hominem attack about my new torch red Mustang convertible and me, saying, "And you think you're so hot with your new bright red Mustang!" This was all witnessed by our eight year old daughter, who used to play with this man's daughter until Victoria could no longer bear being picked on. I'm the neighborhood pariah, and as an Oregon-based songwriter friend

said, "Every neighborhood's got one, and where you live, you're it!" His coming after me was motivated by his unhappiness over his own position in life, and by his imagined idea of how carefree and indulgent my "artist's life" must be.

Let me give you and your readers some background on this guy. He claims to be a 1990s graduate from U.C. Berkeley, with a degree in English. He and his wife admitted to me in 1998 that she'd falsified her employment data in order to be eligible for an inclusionary home. When my attorneys asked me to get approving letters about my shed from sympathetic neighbors (those not in Calvary Chapel), his wife wrote me a nice letter of support. Emboldened, I asked her husband for one. When he asked me what I wanted him to say, I supplied him with the boilerplate version I'd given my other supporters. His reaction? He wrote me a garbled accusation, claiming I'd tried to "order [him] around, and tell [him] what to write." (I saved the screed, as I save all neighbor-related stuff.) He therefore withdrew his support. Shortly after that, he got a job at a bank, and when I congratulated him, he told me how miserable he was in his new job. So, cut to four years later, and Mr. Vespa is perched at the edge of my driveway, accusing me of nearly killing him. He's angry at me because I don't have a soul-killing office job.

Then, as we walked into our front door, I saw the neighbor woman, Carolyn DePalatis--the same wop cunt who secretly led the neighborhood's desperate housewives' protest against my shed--perched on a ladder next to our fence, gazing into our living room through the large window at the back of our den. This is the same Calvary Chapel member who complained in 2000 that my legal shed "violated" her privacy. So as I stood there, looking at her peering into our home, she saw me, and suddenly went through the motions of trimming a tree. A tree planted four years ago to "protect their privacy." I wrote the song *That Bitch Is Doggin' Me*, featured on *The Bright Twist of My Soul*, about her, after she sent yet another family photo to us as a Christmas card, after organizing her neighborhood lynch mob. (I included their grinning family photo in the CD's graphics, with their faces obscured.) Awhile back, my wife and I caught their son with his face pushed up against another of our windows, watching us as we moved, semi-dressed, around our home.

AC: Why must you resort to calling her a "wop cunt"?

RG: All the women who faxed the Planning Department about me have Italian surnames. Italian-Americans think they run this part of the world, ever since their ancestors came from Sicily and fished for sardines in the bay. It's a kind of colorful entitlement. Look, Monterey is a small little village. Let me give you two recent examples. First, four houses away lives the

mother-in-law of the criminal developer who built our subdivision. His mother-in-law was living in Hawaii when the developer colluded with the Planning Department's ombudsman, Dale Ellis, to transfer the house illegally to a woman living out-of-state, and therefore ineligible for an inclusionary home.

AC: You can prove this?

RG: Indeed I can. And did. It's a public, notarized document. Anyway, one day my chiropractor was out of the office, and so a new chiropractor appeared, ready to pop my joints. When he introduced himself, I asked him if he's related to my neighbor-- the one who illegally obtained her half-priced brand new home. Turns out she's his mother. So, for several months now, I've placed my body in the hands of a man whose mother I have publicly identified as a criminal. By the way, he's an excellent chiropractor.

AC: And your second example?

RG: My computer absorbed a virus the other day. I called up a local computer repair service, and they said they'd send a man to our home. When he called me to say he was coming, and I began to give him directions, he stopped me and said, "I know where you live. Up in a place we call 'Calvary Hill.' It's a mile away from my church, Calvary Chapel."

AC: That must've chilled you.

RG: Yup. One of these Christian fanatics was going to enter my studio, which is bedecked by, how to say it?--exotic artwork, and is going to work on my computer! Well, this neatly-dressed 21-year-old computer whiz arrives, and while he's examining my computer's history, he tells me he's a graduate of a Christian college in Southern California, after attending a Christian school in Watsonville. Then he begins telling me about the "fellowship" in his church, how "awesome" and "cool" it is--

AC: These modern Protestants have hijacked surfer lingo, haven't they?

RG: Yes. It's only one of their irritating affectations. In their desire to seem "normal," they talk like Valley Kidz. Anyway, he told me his group of young males recently had to

resort to prayer, to ask God for His guidance in order to control their "acting out sexually."

AC: You mean, like rape?

RG: That's what I thought. But no, it turned out that what upset them so was...*masturbation*. I asked him why they'd need God's help, and he said that masturbation is a form of theft against his future wife.

AC: A form of *theft*?

RG: Yes. Apparently, Calvary Chapelites see self-pleasuring as a way of stealing, from a woman they have yet to meet. I mean, to me, this is a sick, distorted view of humanity, and our home is surrounded by vindictive, judgmental members of that church. Some of whom are criminals.

AC: So...back to the shed.

RG: My real crime derived from my investigative reporting of criminality in our county government; the prosecution, which ultimately failed, due to the brave actions of an assistant D.A. who refused to try the case, was payback by a cadre of civil servant hacks acting under the direction of Monterey County's wealthy elite. (This Deputy D.A., Republican John Sarsfield, was elected District Attorney of neighboring San Benito County in the subsequent election.)

The recent U.S. Supreme Court decision, *Kelo v. City of New London*, okaying the taking of private property by private developers, under the government's aegis, was especially chilling to me because of my experience at the hands of our Planning Department. Under the new ruling, our county government cannot only file phony land use criminal charges against me, thereby putting a lien on our property--without any public hearings or site inspections, as happened with me--they could okay the taking of our home in order to turn it over to a private party of whom they approve. My 2003 screenplay, *Keep My Heart Half Broken*, opened with this epigram from F.A. Hayek's *The Road To Serfdom*, which was written 60 years ago: "What our generation has forgotten is that the system of private property is the most important guarantee of freedom." The role of private property in the protection of our collective and individual liberty was clearly understood by our so-called Founding Fathers, who guaranteed private property rights in the Third and

Fifth Amendment of our Bill of Rights. This is yet another case of the U.S. Supreme Court shredding the Constitution.

AC: That apparently simple song has some interesting things happening in it.

RG: You noticed! Yeah, every third line in each verse ends with the word "power," and the song subtly modulates two keys upward, through my use of the relative minor of the IV chord to start each chorus.

AC: You move from the contemplative *Conscience* to an homage to a Salinas boxer.

RG: *Jose Celaya (He's A Pure Flame in a Dirty Game)* opened my 2000 effort, *Opulence*, and was written as a tribute to a local boxer for whom great things were predicted. In 2000, while teaching English at a largely Hispanic business college, I reported to my class that local phenom Jose Celaya had been enrolled in acting classes by his management in order to polish his interviewing skills with the media. I did this in order to impress on my students that a job interview, say, is a *theatrical* event, and that acting lessons might benefit my students. They sneered at that, saying that acting is for *maricones*, or faggots. So I got Jose, then 18, to come to our class and speak for two hours. I videotaped the event. Later, I got the school to pay for my students' tickets to go see Jose Celaya fight as part of a term project. After I wrote and recorded the song, I handed it to Jose at his East Salinas home, and it got written up in the *Monterey County Herald*, and the *Salinas Californian*. I thought Jose would use it as his ring entry theme song. Instead, he continued playing a mariachi tune. His manager at the time was Jackie Kallen, about whom a little-seen biopic called *Against the Ropes* was made, starring Meg Ryan. Jackie later had a continuing part in the excellent TV series, *The Contender*. I suspect the "pure flame in a dirty game" part of the song caused it not to be used. Members of the "sweet science" fraternity are very image conscious.

This is followed by *That Lonely Military Wife*, from *The Bright Twist of My Soul*. It's a little blues ditty that attracted some volatile comments on my Web site. Some guy, for example, wrote that I am a traitor to our country for writing the story of a lonely military wife who seduces a plumber. Heck, at the end of the song the soldier husband, fresh from Afghanistan, castrates the snake-wielding interloper! The lines "I'm the guy who's doin' what you'd be doin' / If you'd been doin' what you shoulda been doin'" are a direct quote from a funny, cruel story Kreg

Caffey used to tell about his affair with Bob Dylan's then-wife, Sara. (In 1975, Kreag and Sara showed up unannounced at my Mendocino County cabin, driving a black BMW. I sent them away because I was busy writing a song. I impressed myself very much with that move.) According to Kreag, Dylan confronted him at a Hollywood party, asking Kreag what he thought he was doing with Dylan's estranged wife. "Well, Bob," Kreag says he coolly replied, "I'm the guy who's doin' what you'd be doin', if you'd been doin' what you shoulda been doin'." There are whole levels of patricide here: Anyone listening to Kreag's 1972 album can clearly hear how Dylanesque he was. Wanna throw off the anxiety of influence? Fuck your artistic godfather's wife!

The *BAHIA DE SANGRE* CD ends with the title track from my one man autobiographical theater piece, *Family Romance*. I took the title from Freud's theories of erotic attraction and entanglement.

All vocals and other instruments were recorded right here, where all the mixing's being done. No more hostage-like forays into corrupt local studios! We're one or two sessions away from completing the mixes, which will then be sent to a mastering guy in Los Angeles. The CD's graphics were finished weeks ago, and cost me \$67.50, as opposed to the thousand-plus dollars I spent on *mercy, most High's* design. As much as is possible, I'm taking control of my work. Which leads us to my latest misadventures in our county's law enforcement and legal systems.

AC: I believe there's an Arab curse, which goes: "May you have a lawsuit, and be in the right."

RG: Sounds about right. Nice to hear they've made some small contribution to world culture.

AC: That's rather harsh.

RG: I'm currently engrossed in *Reading Lolita in Tehran: A Memoir in Books*, by Azar Nafisi. Now, before your learned readers bombard you with letters, let me announce that I know that Iranians are not Arabs. They're Persians. But according to an educated Iranian with whom I once spoke, Arabs (a term I often use interchangeably with "Muslims") have taken over Iran, going back decades. I thought American leftists and their political correctness were tough on creative folks, but it's nowhere near as oppressive as what lovers of literature endure in the Islamic world. Here's a sample paragraph, in which Ms. Nafisi, a professor of literature now working in the United States, discusses life in late twentieth century Iran:

Life in the Islamic Republic was as capricious as the month of April, when short periods of sunshine would suddenly give way to showers and storms. It was unpredictable: the regime would go through cycles of some tolerance, followed by a crackdown. Now, after a period of relative calm and so-called liberalization, we had again entered a time of hardships. Universities had once more become the targets of attack by the cultural purists who were busy imposing stricter sets of laws, going so far as to segregate men and women in classes and punishing disobedient professors.

Then there's this, from page 25: "We lived in a culture that denied any merit to literary works, considering them important only when they were handmaidens to something seemingly more urgent--namely ideology." This seems, to me, just a more extreme description of what I see in our country, where the American left defines what is valid in the arts. Example: In 2001, I enrolled in a playwriting class at the local college, and was shocked when the female instructor agreed with a female student's statement that what American theater needs is "more male-bashing plays." I stated that though I disagree with the concept of "hate speech," this statement surely qualified as such. (Imagine the outrage if I had said, "What American theater needs is more gay bashing plays".) I added that what American theater needs is deeper investigations of the human condition. This of course isolated me from the students, most of whose work was solidly in line with political correctness as it is broadly defined in America.

Art always suffers when it is subsumed by ideology, whether the ideology is Islamic fascism, Christian fundamentalism, or liberal orthodoxy. Example: In 2000 I was invited to teach English at a Salinas business college, the same one to which I invited boxer Jose Celaya. We were ordered to attend a daylong "sensitivity session" so that we would treat our Latino clientele with softer kid gloves. We were lectured about the "close-knit Latino family," and were then commanded never to insist that Latino students do homework or come to class, *as long as they could cite an excuse related to their family*. Now, I have two sets of Mexican in-laws, and I lived in Mexico for a lengthy period, and this "close-knit Latino family" stuff has been misrepresented to the dominant culture in self-serving ways. Furthermore, we were being ordered to violate federal law, which explicitly states that an educational institution receiving federal monies cannot discriminate racially, or ethnically, or based on gender. I raised this issue, and was castigated by the head of the college. I soon left the college.

Azar Nafisi quit her professorship and began a female-only reading group in her Tehran apartment. Astonishingly, the work of English-language literature that most resonated for them was

Vladimir Nabokov's *Lolita*, the story of a European immigrant who seduces--or is seduced by--an American nymphet before they take off across America. One of Nafisi's young female students spent five years in prison for associating with a dissident religious group. These women, absolutely brutalized by fanatical patriarchy, embraced *Lolita* as the story of male theft of female identity. The "solipsization" of women.

AC: You seem to have a real affinity for this type of subject.

RG: In America, I have suffered persistent persecution because of my writings, starting in elementary school, when my fifth grade teacher, Clifton Summers, told me I needed psychiatric treatment because I'd written a violent story about a wolf. My little epic opened with the bloody description of a predator named Loup as he and his pack assaulted a herd of caribou. Nothing much has changed. The PC Police still think I'm crazy, and they're the culture's gatekeepers. The artist is always the first target of the state. Every government, if unleashed, wants absolute control over its subjects, including their thoughts. The difference between the plight of those poor Iranian women and mine (and artists like me) is a difference in style, method and degree. American artists with any spine are always outlaws to some degree. The problem, as I see it, is that many American artists self-servingly *trivialize* their outlawry. As a clever "career move." Drug and alcohol use, sexual promiscuity, and reckless driving seem the sum of their rebellion, which is actually an extended adolescence, not some kind of "talking truth to power." Most musicians want to be seen as "loveable rogues," and they exploit that stereotype as often as possible, because it's "sexy," and conforms to bourgeois expectations of the artistic life. I don't suffer from those pathologies, and I play for higher stakes. [*Reinaldo reaches for another manuscript and hands it to me*] Let me give you another example. In 2001 I wrote a screenplay about the revolution here in 1835, when the *Californios*--Mexican citizens--broke free from Mexico. I wanted to show the *Aztlan* folks that before California was "stolen" from Mexico in the mid-19th century, *Mexican citizens* revolted and declared California an independent nation.

AC: Excuse me. *Aztlan*?

RG: *Aztlan* is a mythical Aztec "homeland," and many Latinos advocate the "re-taking," or *reconquista*, of the American Southwest, which they call *Aztlan*. They're virulent racists, and they're succeeding. The widespread collegiate organization's acronym MEChA stands for the Chicano Student Movement of *Aztlan*. An analogous organization would be "the White Student Movement

of Valhalla." A group with that name and analogous aims would never be allowed on any publicly-funded campus. Yet MEChA is a hugely powerful force at universities all over America. Got it?

AC: Got it.

RG: I combined this with the story of a character based on Sor Juana Inez de la Cruz, the 17th century Mexican nun who wrote erotic poetry and was persecuted because of her writings. This character came to Monterey and then interacted with a Yankee prostitute whose nickname is "Liberty." This screenplay, called *Liberty & Libertad*, won for me the 2002 Monterey County Film Commission's prize for screenplays set in Monterey County. As good as the script is, it's nowhere near my best. But its concepts fit those of the narcoleptic leftists who judge screenplays in the film commission's contest: It focuses on a persecuted Catholic woman, and a female prostitute. Most of the male characters are selfish buffoons, and they're all based on men who really existed.

I've set perhaps half-a-dozen screenplays in Monterey County, and several of them shine a light on current corruption and criminality in county government. When they're judged unworthy, and I read the anonymous judges' comments that are included in the rejection packets, first I scream, and then I laugh. The commentaries almost always focus on extra-literary complaints about my work. Or picayune objections to their structure, based on the largely-discredited Syd Field school of screenplay architecture.

AC: In sum, your work is judged politically unacceptable.

RG: Exactly. The average person cannot know the degree to which the American Left has hijacked American arts and entertainment. People just complain about the content of films, and their mediocrity, and film attendance continues to plummet. Here's *New Yorker* film critic Anthony Lane, in the June 27, 2005 issue: "...[Y]ou cannot imagine yourself actually cranking up the physical desire to go and see any of them. Millions of us *will* see them, of course, thanks to that mysterious, lemminglike blend of hope, communal obligation, and cranial vacancy that sends us to any film nowadays..."

Can you remember how a film like *2001: A Space Odyssey* made you question human history and human destiny, and forced you to contemplate God? When was the last time you emerged from a theater with your head spinning, with your assumptions about quotidian life lusciously twisted and destroyed? I'm not talking

about gratuitous weirdness, which is what "quirky independent films" truck in. I'm referring to a movie like *Pulp Fiction*, which revolutionized mainstream storytelling. In no way did the film re-orient me toward my life. But it showed a new way of telling a story (borrowing heavily from Godard), and of illustrating offbeat characters. It was subversive, in a narrow aesthetic sense. I think what we need is an adaptation of Gurdjieff's *All and Everything: Beelzebub's Tales To His Grandson*, in which Gurdjieff set out to mercilessly destroy our conceptions of life on earth, through a labyrinthine series of folk tales. I've carried this idea within me since the late 1970s, when I read the books. In a discussion with Gurdjieff disciple Sam Shepard in 1981, he told me to adapt the books to screen would be immoral, an act of theft: "Someone, not you, suffered to write those books," he warned. Yet Peter Brook woodenly adapted and filmed Gurdjieff's autobiography, *Meetings With Remarkable Men*, just before my talk with the then-freshly annointed Pulitzer Prizewinning playwright. Gurdjieff had radical insights into human psychology, into what motivates people to do what they do, and they're simultaneously absurd and tragic. There's a goldmine there, if anyone can translate the material into some kind of linear narrative.

AC: Cool. Now what about this lawsuit against the Carmel Valley recording studio? But before you get started, are you concerned about your public image? In other words, the "proper" reaction is to be "above the fray," or to be "bigger than that," as though describing a small claims lawsuit diminishes you. You're supposed to brush off the experience as though, while strolling through a forest, you had to walk around a hive of hornets, emerging unscathed. You've already excoriated your neighbors.

RG: You mean, will I look petty and bitter if I describe this lawsuit? Will I come off like the drunken guy you end up next to at the bar, who won't shut up about his bitchy ex-wife?

AC: Yeah.

RG: Well, the issue of one's "reputation" and public image has always been interesting to me. Where does a "good reputation" come from? Have you ever noticed that after a man is described as "a great guy," as in "Fred? He's a *great guy*," everything he does is judged in a generous light? People even go so far as to say, "I know Fred, *he's a great guy*, and he'd never in a million years do something like that." When I was doing my investigative journalism, and I'd interview an official about some Fred or other, and allegations of Fred's unethical behavior, otherwise educated men and women would blithely say, "How can you ask that

about Fred? I know Fred, he's a *great guy*, and he would never do something like that." Which is absurd on its face. Nobody really "knows" anybody, and professional colleagues "know" very little about each other. People don a mask, project an image, and others are only too happy to accept that image because they can then rest with it. The way "image" functions socially is extremely interesting to me, and works because people are asleep.

AC: Do you envy those who are known as "great guys"?

RG: Sometimes. It sure makes life easier. In any given situation in which a "great guy" finds himself, there's an extension of good will, a presumption of innocence, a wide berth for error, and greater opportunities. But in a profound, perhaps self-defeating way, I'd somehow feel I'd failed if someone described me as a "great guy." Why? Because anyone using that phrase is someone I'd not care to spend time with. Use of the phrase "great guy" displays a form of brain deadness. A lack of insight and discrimination. Intellectual laziness.

AC: I'm reminded of *Death of a Salesman*, where Willy Loman tells his sons how crucial it is to be "well liked."

RG: Yeah, it's a trap, a trap similar to what Krishnamurti described as the trap of respectability. One ends up defining oneself by external social circumstances, which is a sure route to a dead soul.

AC: Okay, the lawsuit.

RG: In early 2004, I caught the owner of a Castroville recording studio, where I'd worked for years, spending many thousands of dollars, stealing from me.

AC: Stealing from you?

RG: It goes back a couple of years, when I was forced to take my penultimate project, *The Bright Twist of My Soul*, away from him in 2002. Why? Because he'd continued his covert ways of inserting his tastes into my mixes, through various stratagems. I ended up driving three hours, roundtrip, for months, to a high-priced studio in the mountains above Santa Cruz, and finishing the project there. Later, the owner of the Castroville

studio returned my last two checks, uncashed, with a note of apology, claiming that his divorce had unmoored him. (During that period, he was also arrested for drunk driving.) After that, he telephoned me, begging me to record my next project at his studio, at a *special reduced hourly rate*. I told him I'd do so, as long as he absolutely respected my artistic choices. So in late 2003 I was back in his studio, recording *mercy, most High*.

My mixing experience in the Santa Cruz studio had spoiled me. Not only was the owner/engineer's equipment able to save each day's mixes, as opposed to the Castroville studio's more primitive set-up, he could edit and align vocals and instruments. One of the ways the Castroville guy had enticed me back was to say that he would be purchasing Pro Tools equipment, which would save me thousands of dollars. During my initial sessions there (marred by the rampant marijuana use of my rhythm section), he purchased the new equipment and even brought me into his home to look at it, in its shipping boxes.

Well, weeks turned into months, and we were doing dozens of preliminary mixes, when I began asking him when we'd start working with Pro Tools. The guy gave me the usual technological rope-a-dope which tech people use to beguile the ignorant. I finally sent him an e-mail, before a session, asking him to explain in writing why we weren't using Pro Tools yet. When I got to the session, he wheeled on me and yelled, "Don't you ever send me an e-mail again!" I'd had enough. Not caring what tortures the future might hold, I said, "Please give me back my ADATs. I'm leaving." He refused, saying, "Not until we talk about this." I said, "I've been trying to talk about it with you for weeks, and you've been giving me the runaround." He replied, "I haven't learned how to use Pro Tools yet, and I won't be able to apply Pro Tools to your project for a couple of months." I said, "I want my ADATs right now." He refused. I then called him a series of obscene names. He relented, and gave me my ADATs, but not before charging me \$15.00 for an ADAT for which he claimed I hadn't paid. I doubted his claim, and a search through my checkbook revealed I owed him no money. But I paid the \$15.00 anyway, as a small price for freedom.

AC: Was that the end of it?

RG: Is it ever? No. He called a sheriff's deputy to his property just after I pulled away in my Toyota MR-2 Spyder, my ADATs in hand. He tried to file a criminal complaint against me. I've obtained the incident report, and it's absolute bullshit. Knowing what I'd been through at the hands of Monterey County law enforcement with my storage shed, he embellished his complaint to play into negative factoids: "Reinaldo García,

Ticking Time Bomb, Lone Wacko."

A week later, someone got into my computer and corrupted over 700 files. All of my e-mails to this guy were lost, as were all files relating to the *Bright Twist* project. Despite--or because of--my ignorance of computer science, I have an idea of who did it, and this person is a partner of the Castroville studio owner.

So I answered a Carmel Valley recording studio's ad in the local leftist weekly freebie. The advertisement claimed the "state of the art studio" had a "friendly professional staff." During our last meeting in August 2004, I regaled you with tales of the alcoholic engineer's thievery, and therefore will try not to be redundant.

AC: And you will fail.

RG: First, we had to rent a special machine to load the ADATs' data into their computer. Later, when we attempted to mix some songs, we heard a deep static rumble on several of the tracks. Why? According to the alcoholic engineer, this was caused by the Castroville studio's owner's failure to keep his ADAT recording heads aligned. This caused me to have to do the first of a series of re-recording of basic tracks, at my expense.

After fraudulently inducing me to make out 90% of the checks to his then-girlfriend, with only 10% going to the studio owner (due, he said, to a temporary financial agreement with the studio owner), he then deleted my data from the studio computer after I told him to stop drinking during our sessions. On May 21, 2004, the studio owner called me to apologize for his engineer's actions. Not only that, he revealed he'd been aware of his engineer's alcoholism for years, and went so far as to say he suffers from "a pretty bad personality disorder." The studio owner promised me a full refund, a return of my recorded data, and a free karaoke version of my songs, if I would only supply to him a full accounting of how much I'd paid to the studio. He even directed me to a Santa Cruz recording studio, where I could complete the project, and he somehow exhumed the data (or claimed to) and gave me a hard drive, "free of charge," which, he swore, contained all of my intellectual property. He later inflated by nearly 400% the cost of the hard drive, and demanded I pay for it.

AC: Did it contain all your data?

RG: No. The engineer in Santa Cruz, who has a B.A. in this

field, couldn't find several of my tracks. Calls to the Carmel Valley studio went unanswered. One night, I received a wacky call from the Carmel Valley studio owner. Screaming at me, he said, "I want you to record this call, and I want you to consider this a threat! I've just learned that you worked out an illegal, under-the-table deal with [my engineer] to steal money from me!" Then he slammed down the phone. After I worked through the bizarre nature of the call--after all, I'd been completely upfront with him about who received my payments, and how much went to each party--I surmised that he was positioning himself to be able to renege on all promises made to me.

AC: Making out 90% of the checks to the engineer's girlfriend does seem strange.

RG: The alcoholic engineer, who previously has owned two local studios, claimed to be co-owner of the Carmel Valley studio. He told me that he has no checking account, so I should make out the checks to his then-girlfriend and mother of their infant son. (They've since married, and have another child.) Now, my experience in the artistic world tells me that eccentric people, lifestyles, and arrangements abound in that field. In every studio I've ever worked, I ask the person running the session to whom or to what entity I should make out the check, and write the check accordingly. Furthermore, the studio owner was present before each session, so he knew how often I was coming, and if he wasn't receiving his fair share of the payments, he ought to have said something. What he later claimed was that I'd banned him from my sessions in order to facilitate my "crime."

AC: Did you ban him from the studio?

RG: In effect, yes. What happened was this: At the beginning of the first mixing session, we had my song *Falling Into God* coming out of the speakers. The studio owner said, "What you need there is strings. They'd really sweeten it up." My heart sank. In the previous studio, the owner/engineer, a huge fan of Ozzy Osborne, had snuck his musical prejudices into my mixes, and had often ridiculed my aesthetic choices.

Let me discuss the Castroville studio owner a bit more. I first came there in 1999, to record the group of songs that became *Dogs of the Moon*. This was my first "official" album, after over twenty years' of off-and-on studio recording. Due to my ignorance, the experience was blissful. Because of his lack of appropriate technology, no mixes could be saved. Every time we re-mixed a song, we had to start from scratch, especially because all settings would be lost when other clients would use

the studio between our mixing sessions. This cost me hundreds of dollars, but I didn't know any better, and I recall wonderful hours lounging on the studio sofa, reading a biography of Nabokov's wife Vera while my songs sweetened the room. I didn't realize the degree to which the studio owner was covertly inserting his personal tastes into my mixes.

I saw a similar situation repeating itself in Carmel Valley. I asked the engineer, *whom I then believed was co-owner*, if we could have privacy during our mixing sessions. He spoke with the studio owner, who told me he understood my desire. I believed it became a non-issue. But later, the studio owner portrayed my desire as a cunning strategem to privately, secretly work out a "discount" with the engineer who, he later stated, was even less than an employee. He was an "independent contract worker." In this way, he was able to distance himself from the engineer's destructive actions.

AC: Didn't he induce you into the studio by saying the engineer was "one of the top five mixing engineers in the industry"? Didn't he compare the alcoholic to Mozart and Picasso?

RG: Repeatedly. But when he decided to renege on his compensatory agreements with me, his little pet became a distant, barely-known entity who had somehow gained entry into his studio and had conspired with me, at my initiative, to steal thousands of dollars from him, the studio owner. Reiterating that I had gained nothing financially from the engineer's duplicity, I urged the studio owner to file grand theft charges against the alcoholic--who by this time had a warrant out for his arrest, for failure to perform his court-ordered community service as part of his DUI conviction--adding that I would serve as a witness for the prosecution. The studio owner assumed his next pose, that of the "compassionate Christian." He would not file charges, he grandly said, because it would "destroy" the engineer's family, thereby rendering their infant son "fatherless." So the studio owner was now simultaneously "compassionate," and a "victim," a worldly gent willing to "let go" of about \$1,200.00. And I was the bad guy.

AC: Did you try to file criminal charges for the destruction of your intellectual property?

RG: I did indeed. At this point, I was having to re-record some tracks in the Santa Cruz studio. These were tracks missing from the hard drive. I called the District Attorney's office and tried to report the crime. I was told I had to go through the Sheriff's Department, where a criminal complaint would be

written up and submitted. I was assigned a deputy named Pete Dainty. Pete Dainty told me *he would not take a criminal complaint*. Against my objections, Deputy Dainty called the matter a "civil issue," and he said if I wanted to get my property back, or to get compensation for its disappearance, I should sue the engineer in Small Claims Court. When I told Deputy Dainty the engineer had (and still has) an outstanding warrant for his DUI arrest, Deputy Dainty said it's department policy not to arrest fugitives if the bail amount is less than \$25,000.00. (In this case, bail was set at \$8,000.00.) Deputy Dainty's refusal to accept a criminal complaint from me had profound legal implications later.

Meanwhile, before the data were deleted, I twice went out to the Carmel Valley studio so that the studio owner could run my mixes, with the lead vocals muted, and provide to me a promised karaoke version of the CD. Both times, rather than do what should have been an hourlong job, the studio owner decided to discuss his lengthy, violent criminal history, his prison term, and his jailhouse "conversion to Christ" with me.

AC: Do you want to be specific?

RG: Sure. It's all in the public record. Later, using my investigative reporter's skills, I obtained his criminal record at the Salinas Courthouse. The studio owner's name is David William Hopkins the Third. He served 14 months in state prison for, among other felonies, burglary, assault and forgery. I also obtained the records from a previous Small Claims case filed against him. The case eerily foreshadowed my experience, meaning, to me at least, that David William Hopkins III, rather than having been rehabilitated, had merely learned how to be more slick with his criminal methods. According to a letter sent to a Detective Moore of the Monterey Police Department, a school teacher named William K. Pieper accused Hopkins of "computer theft." Mr. Pieper claimed that Hopkins had sold him a defective computer, and had promised to reimburse Mr. Pieper in full, after Mr. Pieper returned the computer. According to Mr. Pieper, Hopkins then sold the computer to another party and pocketed the money, *thereby getting paid twice*. Here's Mr. Pieper's concluding paragraph: "I am seeking full restitution of the funds he has stolen from me. I will be very anxious to assist your investigation in anyway [*sic*]. I am hoping Mr. Hopkins will never be given the opportunity to perpetrate similar scams on other innocent victims again." Since Mr. Pieper's phone number was listed at the top of the letter, I telephoned him. Turns out Mr. Pieper sued Hopkins in Small Claims Court, and won the case when Hopkins failed to appear. He said Hopkins had never paid him the court-ordered winnings. When I told him how to contact

Hopkins in order to pursue his legal rights, such as an order of examination, Mr. Pieper said, "I hope never to lay eyes on that sack of shit again, as long as I live. I hope Dave Hopkins goes to hell, and roasts for an eternity."

AC: Now *there's* a personal reference!

RG: Meanwhile, I sued the alcoholic engineer for fraud, for the theft and destruction of my intellectual property, and for failure to return the advances I'd paid him for work not done. We went to trial on November 30th, less than a week after my mother, a longtime alcoholic, died in her living room after her insides exploded. Astonishingly, David William Hopkins III appeared as a witness for the defendant. Just before the trial, Hopkins e-mailed me that he was going to receive restitution from the alcoholic engineer in the form of a work trade in Hopkins' new recording studio, located in Marina. The defendant confirmed this arrangement in sworn testimony. I therefore correctly concluded, in my opinion, that because Hopkins had promised to reimburse me in full, and had already re-paid me the \$310.00 originally paid directly to him, those repayments from the alcoholic engineer ought to go to me. Another interesting thing that happened is that the alcoholic engineer submitted as evidence two CDs which contained, he claimed, my missing musical tracks. I warned the judge not to accept the claims on their face, without an examination of the discs. He rolled his eyes, as Small Claims judges do whenever burdensome work in the pursuit of truth is suggested. Finally, when I told the bailiff that the defendant had an outstanding arrest warrant on file, the bailiff refused to enforce it, on the grounds that "we don't enforce warrants less than \$25,000.00." I replied, "Sir, he's ten feet away from you. I believe that policy refers to driving out and searching the county for fugitives." The bailiff disagreed. I later spoke with the county's undersheriff, and she told me I was absolutely in the right, and the deputy was absolutely wrong. She asked me if I wanted to file an official complaint. I said no. She told me she'd contact the bailiff and order him to submit to an "educational session."

AC: So what happened to the case?

RG: I won. Meanwhile, the alcoholic engineer, named Sean Michael White, had moved to a new, undisclosed location. I had to hire a collection firm to go after him. According to the collection agency's owner, they've located White the turnip, and are investigating his finances and property for squeezable blood. Interestingly, in May of this year he was fired from his rock and roll band for excessive drinking. As we sit here, White is

about to turn 36, and his career is in ruins. His wife works as a checkout clerk at the local Trader Joe's, and they have at least two young children.



AC: So what happened next?

RG: I went after David William Hopkins III. On two counts: First, his refusal to reimburse me in full, as he promised to do on May 21, 2004; and for his failure to provide me with free karaoke mixes of my project, as he had promised to do. (During the late summer of 2004, Hopkins told me to have the Santa Cruz studio do the karaoke mixes. I e-mailed him that I'd do so, and then present him with a bill for expenses. Hopkins never responded, except later, when he denied ever making his promises.) Before I filed my Small Claims suit, I consulted with an attorney. I showed him my e-mails with Hopkins and the canceled checks, and he said my case was strong. But he warned me about something called *res judicata*.

AC: That means you can't keep suing different people over the same dispute, right?

RG: Essentially, yes. But to anyone willing to pay attention, these issues with Hopkins and White are discrete. I went after White for destroyed material and advances not refunded, and I was going after Hopkins for making false claims about his studio, for not reimbursing me promised monies, and for failing to provide me with karaoke mixes, as he'd promised to do. Still, I consulted another local attorney, and after he conducted research, he sent me an e-mail voiding the *res judicata* issue. Here it is, in full:

Your question is basically a procedural one: Can you sue Mr. Hopkins after suing Mr. White for the damages he caused you in recording your CD. The test in determining the answer to this question is whether

or not your suit against Mr. Hopkins requires "substantially different proof" than the suit against Mr. White. (Nakash v. Superior Court (1987) 196 Cal.App.3d 59, 70 [241 Cal.Rptr. 578]). You state that "the two suits...derive from wholly separate sets of agreements". I did not see any evidence of an agreement with Mr. White. Only that he caused you damage through his negligence. Therefore, the May 21st promise by Mr. Hopkins seems like a wholly different set of facts than the facts needed to prove the negligence of Mr. White. Therefore, the latter requires "substantially different proof" than the agreement with Mr. Hopkins. Therefore, it is reasonable to conclude, given the law on these facts, that the claim is not barred by the previous suit against Mr. White and you may proceed against Mr. Hopkins.

I then googled Nakash v. Superior Court. This section leaped out at me, and I put in an evidence binder both the attorney's letter and this citation, along with my bountiful documents:

From Nakash v. Superior Court (1987) 196 Cal. App. 3d 59, 70: Res judicata was never intended to be used as a vehicle for forever "immunizing" any party in a continuing business relationship from liability for continuous or recurrent breaches of contract, conspiracy directed toward such breaches, or for continuous or recurrent tortious misconduct. All have been pleaded here, by real parties. It is fair to say that the first action, in federal court, differed greatly in scope as well as in the specific allegations of petitioners' wrongdoing. If res judicata may be used to bar future inquiry into such misconduct, no party engaged in a business and fiduciary relationship in this state would attempt settlement negotiations concerning business differences because of the risk of giving too much future leverage to the other side of the dispute.

AC: So how'd it go?

RG: Well, the case was heard just a couple of days ago, so it's too soon to tell definitively, but it seemed to be a disaster. But let me retreat a bit into the past. Remember those two CDs that Sean Michael White submitted as evidence that my intellectual property was not destroyed? In a real sense, if he

was telling the truth, that was my property. But according to the rules of evidence, I could not have access to them without a court order. So I wrote to the Marina court about it, and was sent a letter ordering White and me to appear in the Monterey court, where the Small Claims hearings would now be located, under the authority of a different commissioner, Diana Colleen Baker, a graduate of Cupertino's De Anza College and U.C. Berkeley, who received her law training at Golden Gate University. Ms. Baker is on the faculty of the Monterey College of Law, a haven for ACLU types who have infiltrated the county's legal system. I know a lot about that institution and its products, having dealt with them in the community and having applied to be a student last year. I withdrew my application when the law school wouldn't give me permission to observe any of their instructors at work in the classroom.

Anyway, I notified the Monterey branch that Sean Michael White has an outstanding warrant for his arrest, and when I arrived, the bailiffs told me they were primed to serve the warrant. Except White was a no-show, and Commissioner Baker ordered the CDs turned over to me. Shortly thereafter, in my new state-of-the-art home studio, an engineer and I searched through the CDs for my missing tracks, and couldn't find them. Apparently, White perpetrated a fraud on the court. Which is no big news to me. But the original Small Claims judge had reduced my winnings considerably from the \$4,000.00 I'd originally requested, based, I strongly suspect, on White's claim that my work had been salvaged, and was sitting in the CDs. So now what was I to do? Dave Hopkins had given me a hard drive, which he guaranteed contained all of my data, and didn't, and now Sean Michael White had sworn, under penalty of perjury, that the two CDs contained my heretofore missing intellectual property. Was I supposed to sue White, whose whereabouts were unknown to me, again? Would that cause double jeopardy problems? In the meantime, I went after David William Hopkins III.

One must remember that Hopkins is an experienced con man. A convicted violent multiple felon, now operating behind the mask of evangelical Christianity. In fact, in his e-mails to me, he told me he was praying for my salvation, and he kept inviting me to his church. I originally gave him the benefit of the doubt, based on my own version of Christianity, and I regret that, because Hopkins exploited this window of opportunity to twist my statements and ultimately to deny having made any promises to me. Here's his last e-mail to me, verbatim, after I sent him my "letter of demand": "I have no contractual agreement with you for any services or money owed all dealings were between you and Sean (you know that) if you wish to take me to court, for some reason beyond my comprehension, do so, but until then please stop pestering me, with things that do not concern me." Contrast this with his statements to me on May 21, 2004:

I'm more concerned about YOUR satisfaction, because you're a paying customer. Sean's being unprofessional to me and to you [by demanding pre-payments]. Just between you and I [sic], I'd gladly give you back your \$140 and have you master your CD at Discmasters [sic: the proper name is Discmakers]. With Sean, I have to extend my apologies to you, because you're the customer, and in my eyes the customer is always right. Sean's unhappy, but believe me, I'm more concerned about you being unhappy. Okay? Just to let you know. I know you're professional. I know you're a talented guy, and I'm sorry it's gotten to this. Sean is a drinker, and he has a personality disorder, too. I mean, both you and I have noticed that. Sean has a pretty bad one. I said to Sean, "Why did you make him give you money in advance? You're cheating me, and you're cheating Reinaldo." We need to decide if I pay you back, and you go to Discmakers, or if you and I meet with Sean. I want you to be happy. I'll call you back in about 45 minutes." [Note: We never met with Sean. An hour and 15 minutes later, not having received a call, I called Dave, who said he was busy with an appointment, and would call me back. Dave called me at 1:30 p.m.]: What I want, Reinaldo, out of this is for you to be happy with your product, and to have an excellent product. So how do we go about making that happen? You'll get a full refund. I'll bring somebody else in to master it if I have to. I'm just wondering if the equipment in our studio is up to the task.

And so on.

So I walked into court, armed with dozens of incriminating e-mails, copies of canceled checks, verbatim transcripts of conversations, my *res judicata* citation from *Nakash v. Superior Court*, and other documentation, including court records from Hopkins' criminal history. To Commissioner Baker's stated dismay, the docket was bulging that morning and, she said, "Looks like we have a long morning ahead of us." She was clearly in a rush to get through the morning's work. When our case was called, Hopkins advanced to his defendant's position, using the mincing Lord Fauntleroy steps affected by defendants.

AC: Explain.

RG: Small Claims Court is all about image and respectability. It's a melodrama, and Hopkins adopted the conventional pose of the pseudo-aristocrat, the outraged bourgeoisie, appalled and astonished to find himself in the insulting position of defendant. So he minced to his place. Before I even got to my position at the plaintiff's table, Baker said, "So what's this all about? I'm having trouble with it." As I laid my evidence on the table, Baker began peppering me with questions, thereby making it impossible to lay out my case with the detail and the flow which I'd prepared for months. Her questions clearly

betrayed an absolute ignorance of recording procedures and terminology, and while I understand this ignorance--which I largely share, though no longer to her abysmal degree--Baker compounded her lack of knowledge with anger about it, and with continued, hostile lines of questioning that flowed from this hard ignorance.

Here's an example: I told her that I'd given Hopkins' studio my ADATs from the Castroville studio, and we'd transferred the digital data into Hopkins' computer. What's an ADAT, asked Baker. Doing my best to be simple, but not condescending, I explained it to her. Do you have these ADATs in your possession, she asked. Yes, I replied. Then, said Baker, you've not lost any work. When I attempted to explain how wrong she was, Baker asked Hopkins for his "side." Hopkins not only completely disavowed his "combination of Mozart and Picasso," meaning Sean Michael White (he claimed they no longer have any contact), he glibly alleged that I had secretly initiated White's scheme to defraud Hopkins of over a thousand dollars.

AC: What had you wanted to tell Commissioner Baker about the ADATs?

RG: That the recorded material on the ADATs is raw, or untreated. That I spent months in Hopkins' studio, spending over \$3,000.00, equalizing and altering the raw material as part and parcel of the mixing process, and much of this material was now lost to me. In the Santa Cruz studio, I had to re-record various tracks, as well as re-treat the raw material, and all of this was due to criminal acts in David William Hopkins III's "state-of-the-art studio," with its "friendly, professional staff." Clearly, Baker accepted Hopkins' perjury, expressed sympathy for Hopkins and his victimization by an alcoholic "independent contractor" and an unscrupulous client. Hopkins, who e-mailed me that he and White were working out a way for White to compensate Hopkins for the monies stolen by White, even told the Court, "I have no more contact with him." Yet here is Hopkins' November 16, 2004 e-mail to me: "I have faith that Sean will change, he is a new father and husband and I will give him the opportunity to work off his dept [sic: Hopkins clearly means 'debt'] to me (doing personel projects/ not for clients)."

AC: So Commissioner Baker was proceeding under the illusion that you'd lost no work nor property?

RG: Yes. But then she remembered me from the evidence hearing in which she'd ordered the CDs returned to me--CDs which ultimately did not contain the lost work, a fact unknown to both courts--

and this not only cemented in her mind the idea that I had been provided with all of my work, it raised the *res judicata* issue. Meanwhile, I'd repeatedly requested her to allow me to submit my evidence, and she repeatedly refused. Concerning *res judicata*, I told Ms. Baker that I had a citation from Nakash v. Superior Court which I claimed resolved the problem in my favor. Baker, waving her hands as though shooing away mosquitoes, said, "I know all about *res judicata*." And that was that. Doing my best not to offend the know-it-all law professor--excuse me, "know-it-all law professor" is a redundancy--I urged her--no, while Hopkins smirked away, I flat out *begged* her--to allow me to submit my evidence, which contained my citation from Nakash v. Superior Court, which I still believe addresses the *res judicata* issue in my favor. Commissioner Diana Colleen Baker relented, and I handed my evidence notebook to the bailiff, who gave it to her. And that was that. I was not allowed to go through my documents and explain them, to put them in context. To connect the dots.

AC: Describe your claim for the karaoke compensation.

RG: Well, as I said, Hopkins twice called me out to the Carmel Valley studio, with the expressed intention of running off the karaoke mixes. When I arrived, the mixes were up on the computer, with the vocals muted, and we were ready to go, on a job that ought to've taken an hour. But both times, Hopkins decided to discuss his criminal history, his prison term, and his conversion to Christianity. After that, he had a hip replacement operation scheduled, then re-scheduled, and on September 11, 2004, nearly four months later, he sent me this e-mail, printed verbatim, with all of his misspellings and grammatical mistakes: "My hip replacement recovery is going well, I am about 90%.thanks for asking . The studio has moved and will not be ready for use for at least 2 months, also all of the files for your session **with Sean** are on the hard drive I gave you so when the studio is set up and ready you bring me the hard disc and I will attempt to remix and give you your long awaited Karaoke mixes I dont understand why you dont have your new producer do this for you (snce the blasfamous article you wrote about yourself so highly exhalts him.) It make absolutly no sense why you shouldn't have him do it." I have no idea what "blasfamous" article he refers to; in another e-mail, he threatened to sue me for slander, and to get a restraining order against me. But note that he tells me to have the Santa Cruz studio do the karaoke mix. I immediately e-mailed Hopkins that I would do so, and charge him for expenses incurred. Hopkins never responded, until I sent him the bill. His next actions were weird. Hopkins told me that, at his own expense, he was hiring a Silicon Valley "computer expert" to exhume the deleted data from Hopkins' hard drive, and from that, he would construct a karaoke

version of my CD.

AC: But by then you already had your karaoke version, didn't you?

RG: Yes. And when I told this to Hopkins, he said, "Well, then you'll have two versions." I was still trying to stay civilized with him, and so didn't object strenuously, though I suspected that this effort on his part would later be used against me. On October 17, 2004, just before I was leaving for Cabo San Lucas, Hopkins e-mailed this: "Have a safe trip- Your karaoke mixes will be waiting for you when you return- God bless-Dave".

AC: Were they waiting for you?

RG: No. I never received them, and Hopkins became irritated whenever I brought it up. My position was strange: I was on record as saying I didn't want the redundant mix. My main point was to give Hopkins yet another example of his failure to honor his word. He's an example of the businessman who offers "favours," then reneges, then gets all huffy when the other party brings them up. Hopkins used this manufactured sense of outrage to "justify" his refusal to honor his word. I was now deemed "impossible to work with." His attitude became, "Well, if you're gonna be a prick about it, I simply can't deal with you." All because of a non-issue that he concocted.

AC: I know you're dying to finally present your *res judicata* argument.

RG: Sure. First, I sued White over advances he refused to return to me, and for the deletion of my work. I added in the expenses I incurred driving to and from Santa Cruz, and the fees I paid to restore my project. I sued Hopkins for refusing to honor his promise to reimburse me in full, and for failing to provide me with a free karaoke version of my project. These are absolutely discrete issues, though they arise from the same original set of facts. Furthermore, *Nakash v. Superior Court* states that "*Res judicata* was never intended to be used as a vehicle for forever 'immunizing' any party in a continuing business relationship from liability for continuous or recurrent breaches of contract, conspiracy directed toward such breaches, or for continuous or recurrent tortious misconduct." I believe that exactly describes my predicament with Hopkins. And the final sentence in my Appeals Court citation really nails it: "If *res judicata* may be used to bar future inquiry into such misconduct, no party

engaged in a business and fiduciary relationship in this state would attempt settlement negotiations concerning business differences because of the risk of giving too much future leverage to the other side of the dispute." In other words, had I known *res judicata* would be misapplied by the arrogantly ignorant Diana Colleen Baker in the way she did it, I never would have obeyed Deputy Pete Dainty and sued Sean Michael White, after agreeing to Hopkins' promises of compensation. I would've gone directly after Hopkins, the head of the snake.

Interestingly, a couple of months ago, Hopkins, who had just reopened his studio in Marina, placed an ad in the *Monterey County Weekly*, stating he is relocating to Los Angeles, and selling off the contents of his studio.

AC: So when a buyer discovers his purchase is defective, Hopkins will be long gone?

RG: That's how I see it. Based on my experience with him, Hopkins'll claim to have some glamorous job in the entertainment media waiting for him down there, and the buyer will be impressed and mystified, and not pay attention to the goods.

AC: [Sighing] So what are the good things going on in your life?

RG: Well, in June 2004, my Mexican wife suffered a massive emotional breakdown, after working for over a decade in an international publishing firm, and rising to the top echelons of the Monterey branch, complete with an MBA she'd earned at company expense. It was as though she'd run a marathon, come in first place, and collapsed just after the finish line. That was a year ago, and many doctors and drugs and herbal remedies and New Age quacks later, she seems whole again.

AC: New Age quacks?

RG: Example: One of these idiots falsely, criminally advertised herself as a doctor. She even left a message on our phone machine, identifying herself as a doctor. One day, after a session, my wife came home, crying and shaking, saying that the quack had implied she, my wife, was going to die if she didn't continue working with the quack. I researched said quack, discovered she is working under an invented name, and is not a doctor. I reported this to the state of California, and a few months later, the state sent me a copy of the quack's letter to

them. It was a complete mea culpa, apologizing for having falsely claimed to be a doctor, and for using Rube Goldberg "diagnostic equipment." She promised to change her advertising texts, too.

AC: Isn't it a crime to claim to be a doctor, and to treat clients, when one is not a doctor?

RG: In America, yes. But this is Monterey County. Due to our past experiences with Monterey County's law enforcement divisions, my still-fragile Mexican wife is afraid to file a crime report with the Monterey Police.

It's been a harrowing year, starting with her begging me to institutionalize her. I refused, fearing that to turn my foreigner wife over to some institution would mean permanent loss. Put it this way: Knowing what I know of Monterey County's law enforcement, its government agencies, and its legal system (and what they think they know about me), I wasn't about to entrust her to *them*. So we just waded through it, a day at a time. Somehow, she engaged the services of a Ukrainian gestalt hypnotherapist, and the results were so positive that I've become a client. I've had three sessions, with another scheduled for next week.

AC: How does it work?

RG: Well, since I've been feeling besieged and betrayed, we first addressed that. Under hypnosis, we discovered how much mountains mean to me, and we used an image I carry of the Sierra Nevada Mountains as a kind of touchstone. (My wife and daughter and I had just spent five days in Mineral King.) I feel the mountains demand purity from anyone entering them. They're like Sentinels of Truth to me. The next session, I told the hypnotherapist what I wanted from that session, so she addressed my subconscious, and up came the image of a huge estate, with a manor and a broad lawn, surrounded by a stone wall, where I was enjoying a sunny day. What we're doing is fortifying my psyche from further predations by others. Ironically, many people come to therapy with an overwhelming sense of isolation. They need their inner walls to tumble. I, on the other hand, have trained myself to be very open to the world in order to serve my artistic process, and I need to shut down a bit, and put up some "No Trespassing" signs. Next week, I'll order up from my subconscious the incineration of my miserable past. Hopefully, the debacles recounted in this interview soon will only exist in cyberspace, not in my memory.

Oh. I came to the Ukrainian gestalt hypnotherapist with a great dream, and we worked on it, using the gestalt method (which I've been practicing since 1969, when I first saw the Fritz Perls movies and read his two books). Here's the dream: I'm standing on a hillside, looking across a shallow arroyo at the other hillside. The winter sun has just gone down below the lip of the other ridge, so everything's in a mild shadow. I see a classically-shaped log cabin, and below that an aspen-type tree (narrow, limbs pointing skyward) devoid of leaves. My x-ray eyes look below the tree, into the ground, and I see myself, buried. I walk up to several people and say, right in their faces, "I'm dead, and I'm buried under that tree." There was no pain, no panic, in the dream. Just a matter-of-fact confidence in my well-being.

AC: What did you and the Ukrainian gestalt hypnotherapist conclude?

RG: Well, I "acted out" each element of the dream. "I am the ridge": broad shouldered and protective. "I am the cabin": sturdy and unpretentious. "I am the tree": currently leafless, but reaching skyward, ready for spring. And of course, trees symbolize life, and there was my body, fertilizing the tree's roots while "winter" passed. I was positive spring would come. A very optimistic dream which could have troubled anyone unfamiliar with gestalt dream analysis.

Here's an interesting hypnotherapy anecdote: I recently went 1-for-4 in a softball game. Because I'd never had less than two hits in a game, and my three outs that night were really puny, I thought perhaps my skills were eroding to the degree that I'd have to consider not playing anymore. So I asked the Ukrainian gestalt hypnotherapist to put me under, and give me a pep talk. She was happy to do so, except I'd neglected to ask her if she knows anything about baseball. So there I was, under a trance, and this nice woman is saying, in a thick Ukrainian accent, "When you next play softball, every shot you take will go in." I was like someone thought dead, and trapped in a coffin, banging on it and screaming. In my mind, I was yelling, a la Tom Hanks, "There's no shots in baseball!" I decided to translate her words into baseball-ese equivalents, and go with the flow.

AC: And the result?

RG: Our next playing date was a doubleheader. I went a combined 7-for-9, and was so energized that I could have played a third game right then. I raised my season average to .610. This experience re-confirmed that a huge part of human enterprise is

mental. A huge part.

AC: What about your mother?

RG: Now, look. Recounting my lawsuits was tedious enough. You sure you wanna hear about my family's weirdness?

AC: I *live* for this stuff. What about your mother?

RG: Sad, sad, sad. She began drinking heavily in the early 1970s, but she was always a frail Southern flower, like something out of Tennessee Williams. Born in Arkansas in 1931, she attended Pretty Boy Floyd's funeral while an infant. My mother married my father when she was 17 and he was 19. They seemed to be polar opposites: He, the total fun-loving extrovert; she, the poetic, easily-wounded introvert. My father left my mother in the 1990s for his mother's live-in Flipina caregiver, and they've since married. (*Family Romance* deals with much of this.) My mother lived for several years in the family's North Hollywood home, subsisting almost entirely on booze. The day before Thanksgiving, 2004, one of my sisters-in-law found her in the family den, slumped on the floor against a sofa.

I wrote two eulogies for her Christmas season memorial service, which we didn't attend. The first eulogy was judged too harsh, so I wrote another, completely different eulogy.

AC: Wait. You didn't attend the memorial service? Why not?

RG: Long story. Short version: Family politics.

AC: Risk boring us with the full version.

RG: Okay. During Christmas dinner, 1993, my wife Sandra, still new to and intimidated by America and Americans, was sitting by my new sister-in-law who had recently married my younger brother, whom we'll call D. When my wife mentioned she'd been hired by an international publishing corporation as a bilingual editor, my new sister-in-law, who all night was spouting absurd feminist and New Age rhetoric, whispered something snide to my wife about Mexicans taking jobs from Americans. Later that night, my wife was upset by the snub, and when she described it to me, I confronted the sister-in-law. This, in the sister-in-law's mind, was a major assault, and she never forgave me for

it. My family, as is their style, took her side against me.

Interestingly, her maiden name is something Italian.

Cut to eleven years later, after my mother's death. Via e-mail, I ask my brother D if I can give his son a Christmas present. He replies yes. So I order a flying saucer via the Internet and have it mailed to Las Vegas, where my brother lives. A week later, we get a raging e-mail from the sister-in-law, addressed to our daughter Victoria. Here's the full verbatim text, with another brother's name reduced to "K":

Dear Victoria, It has come to my attention you plan to send Dillon a gift. Please DO NOT send him a card, letter, photo or gift. The gift will be returned or thrown in the trash. All correspondence will be thrown out as well. Until your father takes responsibility for HIS actions there will be No relationship with my son or myself. It is a very sad situation when your father has to Use our children to manipulate the situation around so he does not have to take responsibility for HIS actions. We teach Dillon when you do something to someone else you take full responsibility for that action. Until your father does the right thing there will be No relationship period!!! You can ask your father or Uncle K about the situation. In fact your Uncle K believes that I was correct as well. The letter you sent Dillon was torn up and your picture is filed in a closet somewhere. It's really up to your father to do the right thing or stop attempting contact through my son. Thank you for being so thoughtful.

In an earlier 2001 e-mail, the sister-in-law called me "a reprehensible man," and so of course she will not allow her son to accept a gift from us. When Sandra, still recovering from her nervous breakdown, says she can't possibly drive to LA and spend another Christmas with this woman, and I inform the family we won't be coming for the memorial service, my deeply Christian brother, whom I'll call K--and he'd appreciate the Kafka-esque resonance--telephones me and demands, *in the name of Christ*, that I call up the sister-in-law and *apologize*. To beg her forgiveness.

AC: Apologize for what?

RG: On the deepest unconscious level, for having been the brother who stuck to his guns and kept pursuing his dreams. Moreover, this bachelor brother has a deep fear of women. He desperately needs their approval. But superficially, he wanted me to apologize for having been so hardheaded with the sister-in-law in 1993. He claimed God would punish me if I didn't do as he insisted, and he said I was "just like our mother" in my "stubborn" inability to forgive. He then ridiculed my personal brand of Christianity. (This brother is very strict about who

qualifies as a "real Christian." For all I know, he's right. But he was not above invoking Christ to attempt to terrify me into doing something he wanted me to do, to satisfy his own ends.) But--ironically--I *had* forgiven the woman; by sending my nephew a Christmas present, I believed I was demonstrating that all the 1990s nonsense was behind me. So I wrote a eulogy that I felt was honest, and e-mailed it to various family members and friends who'd known my mother. Here's the first version:

She seemed barely there, and now she's gone. Shame seemed to be the primary reference point on her inner compass. Extreme self-effacement her social mode: "It's just me. Don't mind me," were her mantras, coming and going. Wilma lived on the edge of annihilation. I, primally wounded in turn, did what I could to understand her "problem," and to help her. But what does "help" mean? Most of the time, our motives are tangled with self-interest. That is to say, even as adults, we want our parents to be self-confident and strong, not damaged beyond repair. Why? They don't owe us their own healing. We must respect and give others the dignity of dealing with their own predicaments. Wilma seemed mired in despair, and flooded the abyss with orange juice and vodka. Past a certain point, we can do nothing to help anyone. Wilma once told me, refusing elaboration, that she didn't like her father. I owed it to her not to imagine why. Still, I perceived an uninvestigated trauma that crippled her all her life, and set her on the road to darkness. Some kind of damage that rearranged the organism into something self-hating and self-destroying. A yearning to be done with it. Bereft of survival tools, Wilma felt outnumbered and outgunned. Withdrawal into the shell of "niceness" was her quasi-Hippocratic strategem: "At least, do not offend." The inextricable difficulty in all of this is that I was tainted and damaged by her extreme suffering. I had no mother, and had to attend to the ramifications of this deprivation. In healing myself, I had to leave Wilma to her destiny.

That was judged too harsh. So I, respecting my family's collective wishes, took a completely different tack:

She seemed barely there, and now she's gone. Christmas morning, 4:00 a.m., North Hollywood, 1957. I crawl out of bed, across the hallway, and into the living room. I behold the tree, in a corner, its cool blue lights bathing the room, dominating the room, transforming the room. Someone has left the lights on all night, and all the lights are blue. A cool blue, inviting me in. Into what? My mother's temperament. A blue mood. The blue lights are hers, and there is nothing garish, none of those vulgar Juju fruit oranges and yellows that suburbanites are programmed to accept as "happy." No, these lights are blue, a cool, truth-filled blue that speaks to me and invites me in.

January 1968. I'm watching a PBS special with Wilma while a winter storm lashes Los Angeles. Richard Burton recites Dylan Thomas. Images of the watery north, a mythical land called Wales, flood the den. My mother says, "I just love that man's voice." Richard Burton, growling Dylan Thomas. My mother rarely feels safe enough to express rapture in our home, where satire and

irony prevail. I enter her rapture. I decide to live in Northern California, by the ocean. To walk in winter storms and write poetry.

Hollywood, December 1973. Gasoline lines snake around city blocks as the Arab Oil Embargo strangles the West. Civilization seems at an end. I write a song called *The Fate of Rosie BlueRain*. In 2001, as Arabs assault New York and Washington, I record the song in a Monterey County garage.

Somewhere in the 28 years between its composition and this recording, I realized the song was a kind of *kaddish*, or eulogy, for my mother.

(*Cue to play CD recording.*)

The Fate of Rosie BlueRain

Peacocks and umbrellas, the ghosts of antelopes,
They howl when Rosie speaks
Of streetcar soldiers, clocks and Neptune's fires
Laying piled on empty streets.
Lord, I'm cold tonight in Rosie BlueRain's chamber,
Where the black gloves search for leaks,
And the moonglow sucks the hollow milk.
Like silk, her mastermind wraps chains around my feet.
Allah! My head! She cries while Rosie sleeps,
And the fate of Rosie BlueRain is all I have left to keep.

Below the Savior's shadow hangs the sacred blonde on blonde,
Giving himself away.
He was never once taught how to get what he wants,
So now he's living from day to day.
Rosie's in the pool room cooking up slavery,
'Cause it keeps her demons at bay
With tortured threats of savage bricks
That walled her into Fortune's game.
Allah! My tongue, she tastes like swallowed gauze,
And the fate of Rosie BlueRain tears at me with claws.

Down in the cornfield, used cars go to seed
As junkmen dig for gold.
And Fortune's agents nail me to the Earth
When I start to feeling old.
And a white fog settles down like Spanish sailing ships,
And blankets all the folds
Of skin that stretch across the coastal highway
Speeding through the cold.
Allah! I'm tight, and I just can't explain
Why the fate of Rosie BlueRain lays drowning in the rain.

On the beach, the seagull struts his hourglasses filled
With Rosie's sand.
And waves like stomachs bursting full of sharks,
They pound like rock and roll bands.
And you wish you weren't like this, the way you've come to be,
As Rosie wraps her hands
Around divining rods that point to Persia's

Distant fertile lands.
Allah! I'm cold. Your arms no longer reach
The fate of Rosie BlueRain laying gutted on the beach.

When the Seventh Seal began to break,
Your emerald child lay tired.
You said, "Go be wasted on the hill
"Where the diamonds theives and the liars
"Throw babies' bodies in the mouths of stone cathedral cellars,
"And witches feast on siren songs sold to
"Discreet private buyers."
Allah! I'm wasted, and they've bought and sold her soul.
And the fate of Rosie BlueRain lays buried in a hole.

Their machines are strong, their minds are blazing bullets
Blasting cellophane dolls.
We can hear the soft explosions in the distance.
Like alleycats they call
To feathered ladies dancing on the stage,
Waiting for the stage to fall
As Christian undertakers click down flowered halls
And nail her body to the wall.
Allah! These dreams, I won't let them fade away.
And the fate of Rosie BlueRain is buried in my brain.

AC: So how'd it go over?

RG: My brother D had agreed to read the first section, before the song. I thought I'd made my contribution, and after Christmas, I e-mailed K, asking him how the memorial service went.

AC: Why was K in charge of the service?

RG: Because he's "the spiritual one." So by default, he gets to run these kinds of family events. Here's a portion of his e-mail to me, which he sent to everyone in the family:

I was leading the service, and I began by thanking everyone for coming, and saying we were there to honor and to celebrate the life of [our mother], then I gave a smattering of the facts about her life, including each of us and our birth-years. I then said that I have concluded that each human life has a weight, a significance to it, and just as in Einstein's General Theory of Relativity, which says that every mass affects and bends space around it, even so every human life affects and changes the lives of people that we contact. And then I invited people to share their memories and thoughts about Mother. [Our father] tried to start, but immediately got extremely emotional and could not continue...I'm sorry that I cannot recall what [brother] L said, but [brother] D commented on how we were taught manners, and how indicative that was of her character and her integrity. At the end, I

said that our Mother was a very warm, tender-hearted and generous person, and it was for that reason that our house was a magnet for kids from the neighborhood. I think I'm the only one who commented on her addiction, saying that this gentle, good person disappeared increasingly in recent years behind her unhappiness and the alcohol.

AC: "The only one who commented on her addiction"? What about you?

RG: We're getting to that. He goes on:

Then I thanked everyone again for coming, mentioned the reception at [brother] L's home afterwards, and closed with a short prayer, thanking the Lord for our Mother.

RG: Now here's the good part:

Your eulogy was not read, nor was the song played. This was my decision, for these reasons: a. I felt it was too unusual in tone, and would merely have perplexed people; b. I did not feel that it was very clear, and did not seem to honor her, as everyone was there to do; c. it was more about you than about her. So it was my decision, and if you want to get upset with anyone, I'm the one who decided. Again, I'm sorry that you couldn't be there, because then you could have read it in a way that probably could have made it more clear.

AC: You could have gone to LA to present your eulogy.

RG: That would have meant abandoning my recovering wife and daughter during Christmas. And spending it in a hostile environment.

AC: You have a hard time with Christians, don't you?

RG: Generally, yes. They tend to be insufferably, falsely morally superior. They often carry huge shadows; that is, massive areas of unacknowledged moral imperfection, in the Jungian sense.

AC: You referred earlier to your "personal brand of Christianity." Can you elaborate on that?

RG: Sure. When we boys were very young, our mother gave us a book of Bible stories. I liked them a lot. But our father, an

atheist, ridiculed the book, and all religion, so that stuff was nipped in the bud. We were a house of rational materialists. Years later, when I was in the Gurdjieff Work, I read a historical quote from a student who said that the Work was a form of "esoteric Christianity." Though this appealed to the elitist in me, I had no real idea what it meant. I began noting how often Gurdjieff referred to Christ and to God, and it became pretty clear to me Gurdjieff was a devout Christian. Then I left the organized Work, drifted through Krishnamurti, and let the matter drop until 1997-98, when I discovered that Calvary Chapel controlled our new subdivision. As a kind of opposition research, I told my brother K that I was curious about the whole thing. He sent me a book called *The Case For Christ*, by a journalist named Lee Strobel.

Strobel claims that he began the book as an agnostic, and what he did was to conduct a mock trial, calling expert witnesses, i.e., Christian scholars, and cross-examining them according to normal courtroom rules of testimony and evidence. After a couple hundred pages of "testimony," Strobel weighed the evidence, and concluded that Christ was indeed the Son of God.

I was grateful for a non-hysterical discussion of the matter, and came, on my own, to what is known as Pascal's Wager.

AC: Pascal, the French philosopher?

RG: As did Pascal, I concluded that the evidence was strong enough that I was better off buying into Christ's claims than not. That if I was right, I was saved; if not, so what? I wouldn't be hurt. When I reported that to my brother, he cited Pascal's Wager as a historical precedent. But it wasn't a big deal to me. Perhaps this is just a reaction to the idiots who shove Jesus down your throat, but I decided I'd be quiet about it, and be the best Christian I could be, without all the obnoxious fanfare. Now, because I don't always turn the other cheek, and I'm not giving away my money and possessions, and so forth, I'm probably falling way short of the Christian ideal. That keeps me humble, and I don't torment myself about it. I am a fallen creature in a fallen world, and, given those facts, I think I do splendidly.

AC: How did you react to your brother K's e-mail?

RG: Tired of the petty family wars--

AC: Petty? You'd just been erased from a very important family

function.

RG: Or, family dysfunction. Look, every time I've tried to be straight with these people, they end up more solidified in their negative image of me. So I now do what people in dysfunctional situations often do, which is to *let it slide*. But then my brother started sending me these "upbeat" post-Christmas e-mails, as though nothing had happened, and I was so wiped out by it all, and so unsure of what to do, that I e-mailed him a request to leave me alone for awhile. No "attacks"; just a simple request to be left alone.

AC: How'd he react?

RG: Mister Christian Brother left an obscenity-laced rant on my phone machine when I wasn't home. Turns out my wife was present, and she heard the incoming sewage. My younger brother K screamed I "lack the balls" to confront him directly. In the past, when I'd confront family members directly, I was accused of being "too confrontational," as I was with the sister-in-law in 1993.

AC: So you can't win for losing with them.

RG: Right. I save letters and e-mails, so when some misquote and attendant accusation come back to me, I can whip out the letter or e-mail and prove--or "prove"--that I'm being misquoted and mischaracterized.

AC: Let me guess. They then claim that your saving of letters and e-mails is somehow hostile. Yes?

RG: Right. As though I'm obsessed with games of "gotcha." As though I'm "stuck in a defensive posture." Look, I was by no means the perfect oldest brother. And over the decades, as I've remembered ways in which I abused my younger brothers, especially K, I've apologized specifically and sincerely, and have been told my apologies have been accepted. That appears to be the only honorable and possible approach. Yet there are still these vestiges of deep resentment in them, and I just have to live with their manifestations. Or rather, not counter them.

AC: Anything else going on?

RG: I've gotta get going to the gym. After that, my recording engineering instructor Richard Bryant is coming by to work on one of the last songs on my *BAHIA DE SANGRE* soundtrack CD. The song is called *Conscience Has The Power (To Ruin Every Plot)*. As I said earlier, I wrote it in 2000 when Monterey County initiated criminal proceedings against me for a legal storage shed on our property, as retaliation for my uncovering of criminality in the Planning Department. The song includes yet another lament about human exploitation of power. At the time, I was wondering why I didn't buy an AK-47 and blow away a bunch of county bureaucrats. I was certainly angry enough to fantasize about it. My "problem" is that I have a well-developed conscience that prohibits murder, and lesser violations, despite whatever our local leftists, who've called me "a ticking time bomb," may claim.

AC: I'm reminded of a quote by H.L. Mencken: "Every normal man must be tempted at times to spit upon his hands, hoist the black flag, and begin slitting throats."

RG: Hear, hear. Hear the words to *Conscience Has The Power (To Ruin Every Plot)*:

The wealthy man will crush you. He'll drive you down to ruin.
He's just a slave to power. He don't know what he's doin'.
And if you try to rise up, and take back what he steals,
He'll say, "I am the power, and every man must kneel."
There's a world beyond this place. I do believe it's true.
When power has a human face, the criminal is you.

He owns the legal system, and every source of news.
Don't try to steal his power, 'cause if you win, you lose.
They say there is a heaven, but it ain't clear to me
Why all of Jesus' power can never set you free.
There's a world beyond this place. I do believe it's true.
When power has a human face, the criminal is you.

If vengeance could be simple, I'd kill him on the spot.
But conscience has the power to ruin every plot.
There's a world beyond this place. I do believe it's true.
When power has a human face, the criminal is you.

[This ought to've ended the interview. Instead, Reinaldo's wife Sandra knocked on the studio door and entered, extending an envelope to her husband. "It's from Small Claims Court," she said. Reinaldo took the envelope and regarded it. Then, reaching some kind of inner equilibrium, he tore it open and read its contents.]

AC: Well?

RG: I kinda won. The judge did indeed invoke *res judicata*, wrongly, to de-fang my case, but she made David William Hopkins III liable for Sean Michael White's abuse of me, saying I can recover my reward in the White case from Hopkins, who *as his employer*, is by law liable for damage caused on his behalf. This knocks down Hopkins' distancing of himself from White. The advantages of the judge's decision are these: I know where Hopkins lives and works; he has assets; and if he doesn't pay me, I can invoke the order of examination, have him served, and drag him into court, where I can interrogate the ex-violent felon under oath about his finances. The judge even believed me when I said--supported by Hopkins' e-mails to me--that he'd promised to supply me with a karaoke mix at no expense to me. But she added that since this was "only" a promise, with "no consideration" from me, Hopkins had never technically entered into a contract with me. According to the judge, Hopkins broke his word, but since we had no "contract," there are no legal ramifications for his treachery. No remedy. Regarding White's phony claim he was co-owner of the studio, Baker wrote this: "[I]t was not unreasonable for plaintiff to have relied on Mr. White's representations." Baker added that Hopkins "should have known" what White was up to, having given White the keys to the studio, and free access to it. Here's Baker's penultimate paragraph:

Plaintiff should have sued both Mr. White and defendant in one action. Having failed to do that, we now have the anomalous result that defendant owes plaintiff \$600 but it is the same \$600 owed by Sean Michael White under the judgment in MAR 125028.

AC: Just another day in the MoCo legal system, eh?

RG: Just another day.

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