DIARY OF A COVID-19 LAWYER/MOM

By Shanda McKenney

My family and I were out of state for Spring Break when everything started shutting down. Concerned about the availability of facilities for our return trip, we cut things short and came home early. The next morning I went to my office to fetch my computer set-up, and have been working from home ever since, as has my husband. Home Sweet Home, with two kids and three dogs, for the foreseeable future.

At about the same time we decided to come home, our kids’ school was first suspended, then cancelled completely. They are 10 and 13 and barely house-trained, so “distance learning” was going to be a challenge. We also recognized our lack of home office space and set about ordering desks (“some assembly required,” i.e. most of a Saturday) and rearranging furniture in at least 4 different rooms to accommodate them.

We quickly discovered that my husband and I cannot work in the same space, given the room during working hours, which has led to whining children. It is difficult to get kids to engage in “distance learning” when they know the work is not being graded. Zoom meetings with the class get old quickly, particularly when most of their friends aren’t in that class. I spent most of the first week of “distance learning” as an amateur IT technician, attempting to circumvent the various parental control features these same schools have effectively removed the “rec” from the room. This has led to more laundry to do than usual, the dogs and being in my house 24/7 only highlights combination thereof, or someone needing something right now. There seems to be more laundry to do than usual, the dogs are developing serious attachment disorders, I am able to perform my job entirely from my new home office. I have conducted a successful mediation via Zoom conference, am in constant contact with support staff via integrated messaging, and rarely need to print anything. That said, with the courts closed and many lawyers unwilling to schedule depositions, my workload has been comparatively light. The cancellation of so many bar association functions I look forward to each month and year has been difficult, and I miss my coworkers and professional acquaintances terribly.

My “work day,” such as it is, is perpetually punctuated by various noisy interactions, either between the dogs or the kids or a combination thereof, or someone needing something right now. There seems to be more laundry to do than usual, the dogs are developing serious attachment disorders, and being in my house 24/7 only highlights all of the on-going home improvement projects that need our attention. If it weren’t for Fortnite and TikTok and YouTube, I would have no peace, whatsoever.

Thanks to my company’s implementation of various technologies ahead of this pandemic, I am able to perform my job entirely from my new home office. I have conducted a successful mediation via Zoom conference, am in constant contact with support staff via integrated messaging, and rarely need to print anything. That said, with the courts closed and many lawyers unwilling to schedule depositions, my workload has been comparatively light. The cancellation of so many bar association functions I look forward to each month and year has been difficult, and I miss my coworkers and professional acquaintances terribly.

My “work day,” such as it is, is perpetually punctuated by various noisy interactions, either between the dogs or the kids or a combination thereof, or someone needing something right now. There seems to be more laundry to do than usual, the dogs are developing serious attachment disorders, and being in my house 24/7 only highlights all of the on-going home improvement projects that need our attention. If it weren’t for Fortnite and TikTok and YouTube, I would have no peace, whatsoever.

But, we are all healthy. We’ve been cooking at home and eating more meals together as a family. We play games of pool together and listen to music (taking turns playing DJ) - we watch movies as a family and play War for hours. We have cleaned out and sorted through closets and outgrown clothes, and recently celebrated a 13th birthday with grandparents present via video apps. We take walks around the neighborhood and just talk to each other more. As an added bonus, I can sneak downstairs for a hug and kiss from my “coworker” when I’m feeling especially burned out or just need a break from the screens.

As things begin returning to something sort of resembling “normal” (whatever that was or is), I hope each of you are finding constructive ways of dealing with your individual changes in circumstance. Your OCBA is here for you, and there are a multitude of free resources available, from the comfort of your own home, if you find yourself struggling with unhealthy coping mechanisms. I hope each and every one of you are healthy, and remain so, and that we will see you all on the flip side.
From the President

Living in the Reopen

April showers indeed brought May flowers along with tree, grass, and weed pollen, mold, hail and tornadoes. Before Corona, I thought NBA refs were worse than a plague and then 2020 came along saying: “hold my beer.” With May and the end of Tiger King comes a reopening of sorts. Executive and Administrative orders begin to lapse allowing businesses to open. States and cities are implementing reopening in different stages and timeframes. Individually, we are all making our own choices on how to approach reopening and social interaction. Certainly, we all understand that one size does not fit all. Montana is not New York and OKC is neither. Conducting ourselves now will not be like the days before Rudy came to town. Many businesses will not reopen again or will likely shutter in coming weeks. Many jobs will not return. The way we do business must and will evolve. It took eight to six weeks to show the weakness in the supply chain and yield approximately 33 million unemployed. It was reported in the ABA Journal that the rate of new legal work decreased nearly 40% in only a few weeks.1 I have heard local mutterings about law firm staff layoffs, salary reductions and lack of partner draws. Much of the focus of any discussion is on the economics of the shutdown; although, rightfully the party the individual decision/liberty/rights party of this risk equation continues to be a significant factor for discussion. Resistance changes hats and sides. Individual control over decision-believers become more in favor of governmental controls. Civil discourse is not civil and hasn’t been for a while, but shouldn’t our profession promote civil discussion of issues? Let’s consider different perspectives on reopening.

I encountered a new reality on the way to essential work at my office only a few weeks into the shutdown. At that point, a local church was giving away free food boxes. The jobless ranks were increasing but had not yet reached highest levels. The lines of cars waiting for food stretched for miles every direction from the church, including backing up onto the Broadway Extension. It took over two hours that day to travel one mile to my office. The church ran out of food boxes in no time. Later, I would see on the local news a video from across the state showing people lined up and stacked side by side for miles for their turn at food pantries. Many of these people can’t work at home and won’t be able to return to the workplace anytime soon, if ever. The U.S. economy is going to take a hit for an extended period, maybe another ten-year cycle. In our state, a downturn in the energy business is going to take a hit for an extended period, maybe another ten-year cycle. In our state, a downturn in the energy business is going to take a hit for an extended period, maybe another ten-year cycle. Does it ring true? My two cents during the reopen are to wash my hands and wear a mask. Air hugs to all, for now.

During the past several weeks, we have had a chance to be educated on the now well-known Spanish Flu of 1918 which had multiple waves with the second and third more devastating than the first. Many say those waves are coming in the fall along with flu season and others believe we have already had two waves. History and medicine seem to establish that at least one more wave is a probability. Even the most rabid pro-quarantine person knows that our culture and economy can’t wait it out that long or reopen and then shut down again. On the other hand, healthy people under the age of 60 know that means they will likely get COVID-19; they just hope the symptoms aren’t too harsh. Those of us in the vulnerable category don’t want it, don’t need it, and probably can’t handle the symptoms. Historic and medical certainties should affect our daily decision-making but don’t seem to be.

We don’t appear to have the discipline to quarantine even for 2-6 weeks. I’ve seen videos and photos of large groups of unmasked citizens in parks, beaches, nail and hair salons, restaurants, etc. We can’t help it; we want out of the house without social distancing, and we don’t want to give up a certain standard of living. We have become accustomed to living a life without social distancing. We simply can’t imagine another week without golf, hair coloring, manicures, being out on the town, casinos and bars. The rest of the world must be amused by our first-world issues.

In recent Zoom meetings and viewing of social media posts, many attorneys and professionals seem to be just fine working at home. We get to see homes, offices, pets, gardening projects, woodworking projects and the like. With this, however, there seems to be a lack of self-awareness. Some law firms will not reopen, and some lawyers will change professions. Many of those non-lawyers in the food line or out-of-work would also do better during quarantine closure with a nice home, wi-fi, and too many kid’s toys to count. Although I have a nice set up when I work from home, I also remember others are not so fortunate. In fact, it appears from the increasing unemployment numbers, unpaid utility bills, and defaulting loans that the great majority do not have the same support system that many in our profession do. It may all be a political or scientific discussion to you, but it may be life without a meal or living on the street to another. Another individual is making their decisions on risks of reopening, wearing a mask or gloves on a different basis than yours. Too many times I see on social media the first response is that the other side is dumb, and the second response is to say the other person must be an R or a D. Rather than throw stones, we must take care of our family, each other, our communities, our city, our state and our country. You need to start at home and move your sphere of influence outward from there.

For our part, the OCBA has reached out to the membership seeking needs. We want to help in any way we can and make referrals for assistance. We remind OCBA members to volunteer or contribute to local charities. I love the face mask-making underwriting done by an OCBA attorney featured in our last Briefcase. Through the OCBA YLD, we will partner with a local charity (email blast to come) that can serve the needs of those less fortunate. For those of you who obtained PPP, OCBA will provide a free webinar on what you need to know to comply with the federal rules after you have the PPP funds (details to follow by email). For members with other needs, the OBA’s Lawyers Helping Lawyers Program is available to assist you by calling 800-364-7886.

We have cancelled OCBA events through July 1, 2020. This includes the annual awards luncheon. We will honor our special 50-year and 60-year member attorneys in the July Briefcase. We all have new things to navigate in our personal and professional lives during and after this worldwide health and economic crisis. Things are changing and you should keep your mind open for opportunities. I came across some wisdom I want to share. I believe these questions apply in all situations now or old. Before acting, ask yourself: Will this harm others; Is this the best use of my time; Would I do this if others knew about my decision; Could this take over control of me; Will this make me a better person; and Does it ring true? My two cents during the reopen are to wash your hands often, keep proper social distancing and when you can’t, then wear a mask. Air hugs to all — for now.

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3. Id.
5. Garrett, Thomas, see endnote 1 supra (“Unfortunately, a 2005 report suggests that the United States is not prepared for an influenza pandemic.”).
By Roscoe X. Pound

Dear Roscoe:

While you do have a presumption of death after a given period of time either on the Bench or as an opposing counsel can probably attest, too often provides camouflage for “little or no respect”) I betcha I do. As I’ve mentioned on occasion more than once during the course of this column) I am not jaded. My legal autodidactic (some might say pedantic) inquiries extend beyond the borders of the Good O’ USA. In this case, it takes us across the pond to our cousins In Jolly Olde England.

Benjamin Orders come into play in England and elsewhere in the Commonwealth, when an executor cannot fully distribute and close the estate due to the unknown whereabouts of one or more heirs or beneficiaries. The name derives from the case of Re; Benjamin; Neville v Benjamin [1902] 1 Ch 723. enables the personal representatives to distribute the estate in accordance with the terms of the order. The court makes the order on the presumption that the beneficiary predeceased the deceased. Should it come to light that the missing beneficiary did not in fact predecease the deceased, he or his own personal representatives may trace the trust property (See tracing trust property), pursue the other beneficiaries for his share and the personal representative will be shielded from personal liability by the Benjamin Order. Obtaining the order hinges upon the PR making a showing of the reasonableness of his or her efforts to locate the missing heir(s), giving some consideration to the costs of the location efforts in comparison to the size of the estate.

Here at home, many States have comparable statutes, and varying rules on presuming death after a given period of time without contact between the missing heir and those with whom he or she would be reasonably expected to maintain contact. Out by you, where the wind comes sweeping down the plains, it appears that, while you do have a presumption of death statute, anything different would require resort to common law and equitable principles.

Dear Roscoe: Must of us who attended law school post-Sierra Club v. Morton know that, despite Justice Douglas’ interesting dissent, trees do not have standing. But what about the monkeys who live in those trees? Who speaks for them? N.L., OKC.

Dear A.L.: Holy Lorax! Actually, I’d be surprised to find monkeys living on the Mineral King, in trees or otherwise.

Let’s shelve that for a moment. In Naruto v. Slater, 888 F.3d 418 (2018), a monkey swiped a photographer’s camera and began taking selfies. After the camera’s owner recovered the camera and found the adorable self-portraits, he and his publisher-employer published them, PETA, as next friend of said simian, brought suit in federal court for copyright infringement. The trial court dismissed, not seeing any history or relationship between PETA and the monkey upon which to support its assertion of “next friend” status.

The Ninth Circuit affirmed. Essentially, it held that the Copyright act does not confer on animals; PETA did not satisfy the definition of a “next friend” and, even if it did, The Copyright still does not confirm standing on animals. No one seems to have raised the issue that we’re all animals, a close question in my mind. See, e.g. Part Man Part Monkey, B. Springsteen (1977). The court also imposed an attorney fee award against PETA. Indeed, one cannot read Naruto, in my opinion, without thinking the language rates either “strong” or “harsh”.

Personally, I’m in favor of stronger laws and more effective enforcement of animal welfare protection laws. From what I’ve liked my dogs more than I like most people, and trust them a whole further. Unfortunately, I see the Ninth Circuit’s language in this case as far more provocative than necessary. I see little hope of the federal judiciary walking back this holding, nor am I personally totally convinced that it should. This leaves it to those laboratories of democracy” the States to pretty much chart their own courses. In fact, in Justice v. Vercher, the courts of Oregon on doing just that. Justice, a horse, suffered gross cruelty and neglect by Vercher. While animal cruelty statutes could grant criminal justice for abused animals, they most usually require uncertain charitable funding to restore them to health. The matter is still before the court. Stay tuned.

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I arrived at the courthouse early. I met Sandy at the Sheriff’s office and escorted her upstairs to Judge Ohara’s courtroom. We found the corridor packed. I have heard crowds described as the “teeming millions” before. I don’t think the throng spread out before us numbered in the millions, but people did seem to come teeming in from all stairwells and elevators, and milling about as effecting as sardines in their can. The usual crowd of court watchers, parties, and witnesses yielded, not entirely graciously to the strength of the human wall consisting, primarily, of the Fourth Estate. The bombshells of the day before attracted the attention of the print, television, and radio news of virtually every outlet in Greater New York.

I saw a couple of familiar faces, but none I knew well. Well, the exception would be the Dowager Kearny and her two cronies, I had no interest in getting any closer to them. Funny though, looking back on it. Mother Kearny wore her usual somber but expensive attire but, also, a look of predatory expectancy, the look of a wolf when, after a long pursuit, he could see the moose ready to drop. Eventually, I muscled, maneuvered, and elbowed our way to where we could stake a claim on a bit of wall space to await the courtroom’s opening. It also positioned us pretty well to get in ahead of enough people to guarantee a seat. From where I stood, I could get a glimpse inside to the motions argument. I tried to get a read from expressions and body language. No one in there looked particularly happy.

Sometime before the close-packed standing room got totally on my last claus-trophobic nerve, two officers came out and cleared a path. Several of the correspon-dents asked what accommodations the press would get. The officer responded, “whatever the judge gives you.” That officer returned to the courtroom. The other remained outside, ensuring the whole they made through the crowd remained opened and the doors to the courtroom remained clear. Sandy and I had lost our premium spot, and wound up on the margins. Depending on how the officers ordered the entrance, we still had a good shot. After a few moments, another group of officers shuffled us all again in order to set up a portable metal detector. With that done, one of the officers announced that the Court had set aside two rows get the press, sans cameras. Two local papers, The Bergen Record and the Newark Star Ledger had guaranteed seating. Others would be chosen by lot.

Once the press had taken their places, the formed a line, any witnesses or poten-tial segregated out for instructions. The elevator doors opened. The defendants stepped out sheltered, by a phalanx of deputies. Peter emerged first, impeccably dressed but looking care-word and haggard. Joseph came out after him, his face a mask devoid of emotion but exhibiting a general disdain for all within his line of sight. From that point, events unfolded with the slow-motion action of a Peckinpah film.

A deputy bringing up the rear unhindered and, at the same time, shoved the officer in front of him to the floor and jerking the deputy next to him in front as a make-shift shield. He fired two shots. Both of them slamming into Peter Kearny, propelling him spasically forward until gravity kick in as his body gave out. He was already a corpse when he hit the floor. The rogue officer didn’t spend any time admiring his handwriting. Pandemonium ensued as the crown in the hallway began to bolt, the barrel of his gun having the same part effect as Moses’ staff upon the Red Sea. Other deputies spent precious moments in shock and confusion before they began pulling their own sidesarms. The shooter wasted no time sighting and firing at Sandy. I pulled her down to the floor, my hand instinctively brushing the area where my own weapon sat. Then, from the cacophony of sounds of voices, amplified by the courthouse acoustics, I heard a trio of inexplicable sounds: a familiar voice, a snap, and a metallic tinkling. In the absence of further shots, I stood and looked around. The shooter lay on the ground. Ernie Trani knelt on the ground near him, both hands raised. Within seconds, officers had him handcuffed and dragged him to his feet. Between Ernie and the late assassin lay a small metal cylinder, little bigger than a cartridge pen. A museum-worthy relic of a deadly kind.

Quote of the MONTH

You don’t know who’s swimming naked until the tide goes out.

Warren Buffet American Investor (1930-)

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OBITUARY

Remembering Judge Lee West

By Rex Travis

Judge Lee West passed away April 24, 2020 at age 90. He was best known as a long-time federal judge in the Western District of Oklahoma but had a distinguished life in addition to that. He was born into a very poor family in Clayton, Oklahoma and grew up in Antlers, Oklahoma. He described his family of origin as “Too poor to paint, too proud to whitewash.” His father could neither read nor write.

But what he did have in public schools were teachers who taught him to love reading and education. He completed college at OU with honors and became a lieutenant in the Marine Corps, where he served in the Korean War. After the war, he returned and attended OU Law School on the G.I. Bill, where he again graduated with distinction.

I first met Judge West in law school. It was 1961; he was a visiting professor there. After a year teaching at OU, West went to Harvard, where he taught as a graduate assistant on a Ford Foundation grant while getting a Masters of Law in 1963.

After Harvard, he returned to Southeast Oklahoma and practiced in Ada until he was appointed as a state court District Judge in Ada where he served from 1965 to 1973, when he went to Washington to serve on the Civil Aeronautics Board from 1973 to 1978, serving as Chairman. He briefly practiced in Tulsa in 1978 and 1979, when he was appointed to the federal bench. He took senior status in November 1994 but remained active as a Senior Judge until November of 2019. He served as a federal Judge for 40 years.

While he was a good judge and could be serious, he was the funniest guy I ever knew. I never knew him to use his humor to make someone else look bad. Usually his jokes and humor were self-deprecating; he was often the butt of his own jokes.

Others besides me noticed his keen sense of humor. His good friends Judge David Russell and Bob Burke (who was from Broken Bow, even deeper in southeast Oklahoma than West) co-authored his biography entitled “Law and Laughter.” If you haven’t read it, you need to find a copy and read it. (I bet Bob could find you one.)

He was inducted into the Oklahoma Hall of Fame, which meant a great deal to him. What meant perhaps as much to him, however, was his induction into the Field Trial Hall of Fame in Tennessee, in recognition of his great accomplishments in breeding, raising and training bird dogs. He loved to ride horseback and hunt with bird dogs. Dogs he bred, raised and trained won the American Field Quail Futurity four times and won three national championships. If you visited his chambers, you will recall that there were pictures of his bird dogs all over the walls.

One of his favorite “bird dog” people was Hank Meyer, with whom he often hunted and talked about dogs. Hank Meyer said “Judge West was a man of letters, principled strength, a love of bird dogs and quail, the most well-read person I have ever known, but his compassion for all and desire to seek justice for all will forever be his mark on this earth and the people with whom he came in contact.”

Judge West was one of the most considerate judges before whom I ever appeared. I had a status conference scheduled before him once. I was working on a brief and just let the time get away from me. My receptionist rang me and said: “Judge West is on line 3 for you.” That’s a real heart stopper! I picked up the phone and said “Judge, I’m sorry, I was working on a brief and forgot your scheduling conference. I’ll be right up there.” He responded: “Oh, don’t do that Rex. Your opponent is here and we can do it with you on the phone.” I can’t imagine that happening with another judge.

But he could be a tough judge when he needed to be. Larry Tawwater remembers when he had a settlement conference before Judge West against a corporation represented by David Johnston. The lawyers reached a number that appeared suitable to settle the case. David reported to Judge West that the only man at the corporation who had the authority to pay that much was out of the office for a couple of days so the case could not be settled then.

Judge West said: “David, don’t you think the President of that corporation has the authority to authorize that settlement?” David said he felt sure he did. Judge West said: “Well, good. Get him on the phone and tell him I want him in my office at 9:00 o’clock tomorrow morning.” David said “Judge, I’m not sure he can be here.” Judge West said “Well you call him and tell him that’s the Court’s order.” The case settled that afternoon.

We had a lawyer here named Bill Skepnik. Bill was in the U.S. Attorneys office for a long time and knew all the FBI agents well. Bill left the U.S. Attorney’s office and was in private practice defending criminal cases.

One day he was having a hearing before Judge West on motion to quash a search warrant and was cross-examining one of those FBI agents.

Bill got pretty probing and the cross-examination turned a little hostile. Bill always wore bow ties. When Bill finished, the agent got off the witness stand and, as he was walking by Bill’s table said out of the corner of his mouth: “I ought to shave that bow tie up your ass!”

Bill immediately moved for dismissal of the charges against his client, arguing that he was so intimidated by the agent’s threat that he couldn’t competently represent the defendant and the defendant would be deprived of

See LEE, PAGE 9

Book Notes

By Bill Gorden
Painting Culture, Painting Nature
Gunlog Fur University of Oklahoma Press, 2019, Hardback, 356 pages, Kindle, $29.95 (hardcover out of stock)

Next time you drive down to Norman for an event, go down Boyd to Chautauqua, and look to the Southeast corner. There a wide variety of cultural whirls have mixed and meshed for some time. The stories involve a Swedish artist/professor, Native American artists, University life, and the Oklahoma milieu.

This was unexpected as it unfurled, is still amazing, and continues to the present. The building is a national historical site. The story or stories, properly, involve a move to America, and Oklahoma, and the unexpected development and growth of Native American art, coupled with the idea of “Painting Culture” itself. There is collaboration here, and a great lack of domination, in a time when minority cultures were dominated thoroughly. If the professor had not been from outside the US, perhaps the development of the “Kiowa Six” Artists might not have happened, or happened much later. As it was, the serendipity propelled each of the sets of people and institutions into settings none of them could have expected.

The house where the Prof. lived and where various people worked to create is worth a look, all on its own.

The story is complicated, and if one has an interest in art itself that will help. However, the idea that such unexpected good things can happen is uplifting, to say the least. Norman is graced by this book and this place.
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Travis Weedn — I have used this time to get back in touch with the great outdoors, nature’s first social distancing. Monica and I have spent our weekends traveling to some of the local state parks and discovering the vast beauty of Oklahoma. First we climbed the mountains at Gloss Mountain State Park, then we saw the buffalo at Tallgrass National Prairie Preserve, and we also went hiking in Osage Hills State Park. The diversity in landscape just an hour or two northwest or northeast of OKC is astonishing!

Rachel Morris -- We spent our quarantine distance learning, reading, enjoying the family, the dogs and the outdoors. I also got to do a little lawyering here and there when I could get the bulldog out of my home office/kitchen table.
Gary Wood -- Quarantine meant daily drives with my student driver, Caroline. I looked forward to the drives as they allowed me to spend time with my daughter on quiet Oklahoma City streets. The memories will be with me forever.

Kelli Stump -- When you are an immigration attorney with detained clients, work is still essential. I had to appear at the Dallas Immigration Court on April 16th because the Immigration Judge didn’t grant my Motion to Appear telephonically. So, I had to appear with my PPE - but in fashion, of course.

Hailey Hopper -- We didn’t do much... Lots of outdoor activities (Mt. Scott; Chickasaw National Recreation Area; Butner, OK) and we actually fixed our hair for Easter.
OBITUARY

Lunchbox Owner Dies

By Rex Travis

Aristotle John “Johnny” Papahronis died April 25, 2020. He was 89 years old. He owned and operated Johnny’s Lunchbox, on Sheridan (next to the old bus station for many years). His Father built the building and opened the restaurant in 1948 after having owned, with his brothers, the Cadet, another well-known deli downtown. A number of lawyers regularly ate there for many years.

Johnny graduated from Central High School (now the location of the OCU Law School) and went to OU to get a business degree. Upon graduating, during the Korean War, he joined the Navy and was assigned to a naval air station at Chincoteague, Virginia. That air station is not primarily famous for Johnny having been assigned there. A young navy pilot named George H.W. Bush trained there and got in trouble for buzzing the home of a young woman he had met at a dance. The base later became NASA’s Wallops Island Flight Center and still later part of the Goddard Flight Center.

Johnny was a first generation American having been born in Oklahoma City to parents who immigrated there from Greece. Johnny had Greek relatives in New York whom he visited when he could get a weekend pass. Those relatives knew a young girl from Greece who had come to America recently.

They fell in love and John married Voula, who remained his wife until she died many years later. They had two children, John, now a retired school teacher in Oklahoma City.

When Johnny got out of the navy, he came back and worked with his father at the Lunchbox. The Lunchbox then was just a deli, which served only sandwiches. Johnny decided to add plate lunches and taught himself to cook them. Several generations of lawyers and others from downtown will testify that he was a good teacher – the food was always outstanding.

One long-time customer, Bob Kemper, recalls that he was sitting at the “Bored Table” at the box one day when Barry Switzer and two of his business associates came in and sat at the table (as Barry sometimes did). One of the business associates (from New York) had corned beef and cabbage and exclaimed: “Damn, I can’t get corned beef this good in New York!”

Over the years, a lot of lawyers ate regularly at the Lunchbox. Some wag once said the Lunchbox was “The Petroleum Club West.” You could often expect to see there Gomer Smith, Jr., Charlie Schwoerke, Harley Venter, Jim Davis, Dave Edmonds, Kent Eldridge, Hank Meyer and me, along with a lot of others. You also often could see a table or two full of state and federal judges.

The diners at the Petroleum Club West ranged all the way from Governor Bellmon and Mayor Norick to the guy who loaded bags on the buses at the bus station. He also had a number of distressed bus riders passing through who didn’t have the money to pay for lunch. Johnny fed them. Sometimes our recollections differ. I ate there for maybe 40 years. I don’t ever recall anyone coming in and wanting to eat and being turned away because they didn’t have any money. I recall that Johnny would always tell the help to get the guy a lunch. His son, however, recalls that Johnny would sometimes send a bum on his way if he was a chronic freeloder. I just don’t recall ever seeing that and I saw a lot of guys eat there without having the money to pay.

Johnny was a political liberal, somewhere to the left of Bernie Sanders. But he was very politically tolerant. The table always had a good mix of liberals and ultraconservatives, which led to some heated, but usually good-natured political debate. Sometimes the political discussion was less good-natured. I saw a few fistfights over politics there.

We also had a good mix of college football loyalties. Mickey Homsey recalls that the table was about 50-50 between OU and OSU supporters. I always thought, however, the IQ level was a little higher than that with more OU than OSU people. But Johnny welcomed them all.

Alas, all good things must come to an end. Johnny got old and his health got bad and he just couldn’t keep working hard all day in that really hot kitchen. He announced a week or so ahead of time that the Lunchbox was closing. That news got put in the newspaper and on the TV. From then to the day he closed, there was a fine snaking through the Lunchbox, out the door and down the block to the old Black Hotel!

Some aspiring restauranteurs saw the line and concluded that this looked like a bird’s nest on the ground. After the Lunchbox had been closed for a couple of months, Joe Johnston made a deal with Johnny and bought the restaurant along with Johnny’s recipes. For a time, Johnny came in and coached the new cooks on how he made the dishes we all loved. But it never was the same as when Johnny cooked it.

The new owners closed the place. Where it was is now the location of a parking garage for a big new building. We miss it still.

OBITUARY

Kevin R. Donelson

Kevin R. Donelson, 58, died on April 3, 2020 surrounded by his loving family and friends.

Raised in Western Oklahoma, Kevin graduated from Arapaho High School in 1980 and earned his Bachelor of Arts from Southwestern Oklahoma State University in 1984. He attended the University of Oklahoma College of Law, graduating in 1988 with highest honors and being named to the Order of the Cofif and Phi Delta Phi. Straight out of law school, Kevin joined Fellers Snider and quickly established himself as an outstanding trial attorney being recognized as one of the top employment law attorneys in Oklahoma. Kevin was named a partner at Fellers Snider in 1993 and become one of the firm’s strongest leaders, serving as the firm’s President for nine years.

Kevin deeply cared for the firm, its lawyers, and every employee.

Kevin dedicated his life to the firm and to serving his clients professionally, loyally, and zealously. His Fellers Snider family and his clients were extremely appreciative of him and will miss him dearly. His trial accomplishments were innumerable, and he was noted by his law partners to be a brilliant tactician and hard worker.

In addition to practicing law for over 30 years, Kevin also served as an Administrative Law Judge for the Oklahoma Department of Labor. Kevin served on the Oklahoma Bar Foundation Executive Committee as Secretary/Treasurer, Vice President, and President. He co-chaired the Oklahoma Fellows of the American Bar Foundation, served on the Board of Directors for the Oklahoma County Bar Association, and served on the Oklahoma City Board of Adjustment. He was named a member of the Fellows of the American Bar Foundation.

During his legal career, Kevin was selected by his peers for inclusion in The Best Lawyers in America and Oklahoma Super Lawyers Top 50 List; named a Martindale-Hubbell AV Preeminent Lawyer; and received the Leadership in Law Award in 2009.

Kevin was full of life, laughter, and love. He lit up any space that he entered with his storytelling, bright intellect, and dry wit. Above all accomplishments, Kevin was most proud to be Kacie’s dad. His eyes would light up as he shared her life and achievements. He also cared deeply for and was very close for many years to his legal assistant Cathy Roesel who became his best friend and special health care assistant as his health waned.

The Oklahoma Bar lost a fine member. Kevin will be greatly missed by all who knew him.
America founded on Christianity, not the Enlightenment

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By William (Bill) D. Graves


However, Sandefur failed to report that Thompson claims America is a product of the Enlightenment. This is important since it is not true.

Thompson wrongly asserts that “[t]he American Revolution and the Declaration that expressed it were the existential embodiment of the Enlightenment’s highest ideals.”2 According to Thompson, reason alone ruled the day prior to the American Revolution which he falsely says was “a revolution by reasoning.”3 “Virtually all Enlightenment thinkers,” Thompson said, “supported the idea that reason was efficacious and that it was man’s only means of acquiring knowledge.”4

Thompson also claims that America’s Founders were influenced by Deistic thinking. To the contrary, Harvard Historian Professor Perry Miller, an atheist, said deism was “an exotic plant that never struck roots in American soil.”5

Nevertheless, Thompson incredulously asserts that “when Jefferson wrote of “Nature’s God” (in the Declaration) he almost certainly meant the impersonal, far-removed, deistic God that set the world in motion according to the laws that were meant to govern in his absence.” He contended that the Declaration’s God is not the God of the Old Testament or New Testament. Jefferson’s God is posited but not known.

It is astounding that Mr. Thompson would make such an assertion with nothing more than pure speculation in support. Moreover, it is clearly contrary to other actions by Jefferson where he appealed not to a Deistic God, but the God of both the Old and New Testaments. In both of his Inaugural Addresses, Jefferson appealed not to an absentee, deistic God, but to the God of the Bible for his blessings and assistance in Jefferson’s presidencies.

While Jefferson was not an evangelistic, Trinitarian Christian, he stated “I am a Christian…attached” to the doctrines of Jesus whose system of morality was to Jefferson the purest one of all.6 Jefferson railed against the abuses of organized religion, but not against Christian principles. He believed the moral principles found in the four gospels should be the guide of every man’s life.7 Moreover, Jefferson referred to God four times in the Declaration, including as “Creator.”8

Gary T. Amos has shown that the alleged American Enlightenment is a myth. Mr. Amos wrote a book entitled Defending the Declaration: How the Bible and Christianity Influenced the Writing of the Declaration of Independence.9 This book is a treasure trove as to revolutionary thinking and the wisdom of the Founding generation. Mr. Amos documents that the sub-title to his book is truly based on historical truth. He said: “The Declaration was not the bastard offspring of anti-Christian deism or Enlightenment rationalism,” but its ideas “are Christian” even though some of the men who wrote them were not.0

James Madison and Thomas Jefferson have shown how important the Declaration is to America’s founding. Madison called the Declaration “the fundamental act of union.” Jefferson said the Declaration was “the expression of the American mind.” Mr. Amos shows that mind was not based on Enlightenment thinking as Mr. Thompson asserts, but was based on the Bible and Christianity.

Mr. Thompson cites John Adams frequently in his book’s beginning as if to imply that Adams was on board with Mr. Thompson’s allegations as to Enlightenment and Deistic influence on Americans’ thinking in the founding period. Yet, Thompson never quotes Adams as supporting his theses since Adams did not. To the contrary, Adams stated that the American Revolution was fought and won not on Enlightenment principles, but on “the principles of the Christian religion.”1 Adams also wrote in his diary “that a nation that took the Bible for its law book would be the best of nations.”2

If, assuming arguendo, Enlightenment thinking was as dominant as Thompson asserts, how does it compare with other philosophies and beliefs of the founding period. John Adams railed against the Deist mind is virtually synonymous with John Locke’s mind” who had great influence on the Founding Fathers. According to Thompson, Locke was “one of the Enlightenmen’s greatest advocates of reason and its rule in human affairs.” However, the same study cited above by Mr. Eidsmo revealed that Montesquieu and Sir Wm. Blackstone, not Locke, were the two most read individuals of the founding period.3 Locke was third. Neither Montesquieu or Blackstone were Enlightenment thinkers, but very strong Christians governed by God’s laws. Ironically, so was Locke.

Locke was no deist, but was a devout Christian born into a Christian family and educated by Calvinist institutions. He utilized both reason and faith in his decisions and placed his faith above reason.4

See ENLIGHTENMENT, PAGE 12

1 Thompson, Encounter Books (2019), New York/London.
2 Thompson, Id. at 11.
3 Id. at 44.
4 Id. at 16.
5 Perry Miller, River of Delights, Vol. 2, Chap. 15, Partly Two.
7 Gary T. Amos, Defending the Declaration: How the Bible and Christianity Influenced the Writing of the Declaration of Independence.
9 Amos, Id. at 20.

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his right to counsel.

Judge West wrote an order saying he had considered as an appropriate sanction for the agent’s threat that he should order the agent to try to carry out his threat. However, he noted that Bill weighed somewhere in excess of 200 pounds and had played college football at the University of Kansas. He suggested he doubted Bill was all that intimidated and that the circumstances would make such a sanction cruel and unusual punishment. He noted that the constitution so he would not impose the sanction.

To again quote Hank Meyer, “Lee West was and will remain ‘the Oklahoma Man for All Seasons.’” We will miss him greatly.

Judge West’s family, including his daughter, Magistrate Judge Kim West, who sits in the Eastern District, suggests in lieu of flowers memorial contributions to the OU Law School Dean’s Discretionary Fund, 300 Timberdell Road, Norman, OK 73019. The family has asked the Dean that contributions there be designated for providing scholarships to low income law students. That seems particularly appropriate.

Events & Seminars

DUE TO THE SAFETY OF OUR MEMBERS
DURING THIS CORONAVIRUS PANDEMIC,
NO EVENTS ARE SCHEDULED.
By James B. Croy

If there was a golden age of American poetry in the 20th century, it was long gone by the 1960’s. While it is true the Robert Frost died in 1963, it had been half a century since he took the other road and over forty years since he had passed in the snow. E. E. Cummings died a year before Frost, decades after he penned most of his poetry. Langston Hughes had written the bulk of his work in the first half of the century, and Whitman, Poe and Dickinson all passed out of this life in the nineteenth century.

It could be that the sixties were just too turbulent for a mode of communication as fragile as poetry. What we have come to expect today from our politicians and government were new to us back then. The self-satisfied smugness of the 1950’s—when everyone “knew their place and stayed there”—had given way under the weight of the self-awareness of women and of what were then called the Negroes. And all of this upheaval, in the second half of the decade, was covered with the overlay of Viet Nam. Hundreds of thousands of our young were sent to a place half way around the world to fight a war the purpose of which became increasingly unclear as the years dragged on.

By the last few decades of the century, no one wanted or expected them to again, find out how to leave. Students, many of whom were either potential soldiers or veterans, rose up in protest, and the country divided itself as it hadn’t been in living memory. But it wasn’t until the mothers of America found solidarity in a collective voice shouting “No More;” that the tatters of society began to become unbundled. There were the politicians found a way out of the quagmire.

It was during this decade that we learned that our government was capable of The Big Lie. Daniel Ellsberg gained access to the Pentagon Papers in 1969, and the New York Times published them in 1971. They showed a web of disinfection and deceit spanning decades, and the power of the politicians found a way out of the quagmire.

One of those who did not experience the ’60s and the most terrible year of 1968, it might seem laughable to think that Americans would be shocked at the chief executive lying to his country. After all, fifty years later we have a president who lies on a daily basis and an administration which most Americans are certain cannot be trusted. In the decades between then and now we have had two presidents impeached, several economic crises, and numerous wars, including the longest military action in US history. One must be excused for thinking that we have seen it all before. Just keep in mind that the time when we started seeing it all was in the ’60s, when poetry retreated into the smoke-filled coffee house.

In the past few months, we have come to realize that we haven’t seen it all before.

The novel coronavirus Covid-19 has ravaged the entire world. As of today, over 19,000 Americans have died from virus and over 360,000 have contracted the disease. Society has shut down. The global economy has stopped. There is no medical preventative. There is no cure.

There is just endurance marked by face masks and social distancing. Some call it a war, but there is no war. A war implies a struggle between opposing forces each of which has a particular goal denoting victory. Covid-19 has no reasoning power. It has no brain. It cannot show mercy, defeat, fear, malvolence, or joy at victory. It does not seek us out to attack us. It is transferred from one to another of us by us. As Pogo said in 1970, “We have met the enemy and he is us.” The virus travels invisibly through our society, sickening millions around the world, and taking too many from us. Through all of the upheaval we are enduring, we remain confident that we will survive; we will prevail in our campaign to overcome Covid-19. Not all of us, though. The virus has already entered our community and taken Bob Naifeh from us. Bob was a gentleman and a gentle man.

The coffee house is now long gone, replaced so far as poetry is concerned by the internet and social media. No longer does the poet rely on the approval of a few. In fact, a poet need not even be good to be read by thousands. Now the poet’s work is broadcast into the ether of the internet with the pressing of a few. Of course, even if the small clubs were still around, they would all be empty right now due to the virus.

But there was another kind of poet emerging in the ’60s—a poet who did not reside in the coffee house—a poet who attracted thousands and sometimes tens of thousands of listeners.

These were the poets whose work was on the lips of millions of devoted followers. These were the poets who put their words to music. These were the songwriters.

These were the lads from Liverpool, the former Army Captain turned janitor, the Jewish boy from Duluth, Minnesota, the Canadians, the Cree Professor, the political activists and many, many more. Their songs emerged into the public from pop, rock, folk, and blues. Their music filled the air with social injustice and the war in Viet Nam. They were often highly personal. They were poets on the grand scale, and their verse was music the likes of which had never been heard before. Possibly a few random examples might illustrate the power of their words.

The Rhodes scholar and former Army captain Kris Kristofferson was working as a janitor for a recording company when he wrote a song of lonely desolation on a Sunday morning:

“Well, I woke up Sunday morning
With no way to hold my head
That didn’t hurt And the beer I had for breakfast bad So I had one more for dessert
Then I stumbled through my closet
For my clothes And found my cleanest dirty shirt
An’ I washed my face, combed my hair
An’ stumbled down the stairs to meet the day.

This was a far cry from The Angels number one song earlier in the decade, warning some boy who had apparently been making a mess of himself that the girl’s boyfriend had returned:

My boyfriend’s back and you’re gonna
be in trouble (Hey-la, hey-la, my boy
friend’s back)
When you see him comin’, better cut
tout on the double (Hey-la, hey-la, my
boyfriend’s back)

Not that the lyrics weren’t catchy. And quite possibly they did capture the innocence of an earlier time, the 1950’s. But Kristofferson’s song painted a vivid picture of love lost, saying:

From the coal mines of Kentucky to the California sun, Bobby shared the secrets of my soul,
Standin’ right beside me through everythin’ I done, And every night she kept me from the cold.
Then somewhere near Salinas, Lord, I let her slip away. She was lookin’ for the love I hope she’ll find,
Well I’d trade all my tomorrows for a single yesterday, Holdin’ Bobby’s body close to mine.

Bobby Goldsboro’s popular 1968 song of lost love does seem to pale next to Kristofferson’s description. Goldsboro’s schmaltzy lyrics of the death of a lover cry out mediocrity:

She wrecked the car and she was sad And so afraid that I’d be mad
But what the heck
Though I pretended hard to be Guilty I could say she saw through me
And heugged my neck.

In 1966 the Canadian Leonard Cohen put one of his poems to music, and like Kristofferson, he described an encounter with a woman which is so poignant that it absolutely must have been real:

Suzanne takes you down to her place near the river You can hear the boats go by
You can spend the night beside her And you know that she’s half crazy
But that’s why you want to be there And she feeds you tea and oranges
That come all the way from China And just when you mean to tell her That you love to give her Then she gets you on her wavelength And she lets the river answer
That you’ve always been her lover And you want to travelblind
And you know that she will trust you For you’ve touched her perfect body with your mind.

Leonard Cohen continued to write musical poetry for decades, including his iconic 1985 masterpiece, “Hallelujah.” He died four years ago.

But, returning to the ’60s, as the decade drew to a close the naiveté of the early years and the high school social music gave way to more serious and introspective music, due at least in part to the songwriter’s violation of the sacrosanct three minute rule. Two to three minutes was all the time a.m. stations would give a song so that the disc jockeys could fit three songs in between commercial breaks. Also, in order to get play on the radio stations, the song had to be either fast or slow so that couples could dance to it. But the artists in the ’60s began to throw out these two rules, possibly at least in part because of the fleeting folk revival which passed through the music scene that decade. The folk song generally was a story, sometimes very long, and it was never dance music. The folk revival gave us The Travelers Three, Peter, Paul and Mary, the Kingston Trio, John III, and Buffy Sainte-Marie.

Buffy Sainte-Marie, a Cree educator, songwriter and folk singer is still writing and performing fifty-six years after penning an anti-war ballad in 1964 in which she described the warriors as Everyman. The song was written in the famous Purple Onion coffee house. While the song initially did not achieve popularity, other singers, including Donovan, covered it a few years later, and it became popular in a minor way. After describing the soldier in various ways as coming from all religions, regions and beliefs, she finished with the question. But without him how would Hitler have condemned them at Dachau Without him Caesar would have stood alone

He’s the one who gives his body as the weapon of the war And without him all this killing can’t go on.

He’s the universal soldier and he really is to blame For his orders come from

Back at home a young wife waits Her Green Beret has met his fate He has died for those oppressed Leaving her this last request

Put silver wings on my son’s chest Make him one of America’s best He’ll be a man they’ll test one day Have him win the Green Beret

The song of the Viet Nam war and the counterculture it spawned could have filled volumes. If one were to devote hours or days to that music, possibly the depth and breadth of the chasm caused by the war would reveal itself. Somehow, it was a time the sadness of which reveals itself more vividly and the mirror in the mirror than it did when one lived through it.

Canada has long been a source of great performers. Buffy Sainte-Marie and Leonard Cohen both hailed from Canada, and it has given us many other musical poets, including Ian and

Sylvia Tyson, Neil Young, Joni Mitchell and Hank Snow. But if there were one musician and poet whose work set him apart from all others, it would be Gordon Lightfoot. He was born in Ontario and has been a musician his entire life, or at least since the fourth grade. His intricate voice brought to life by his golden voice has mesmerized listeners for decades.

The lamp is burning low upon my table The snow is softly falling The air is still in the silence of my room I hear your voice softly calling If I could only have you near To breathe a sigh or two
I would be happy just to hold the hands I love. On this winter night with you. The smoke is rising in the shadows overhead. My glass is almost empty. I read again between the lines upon each page. The words of love you sent me.

If I could know within my heart, that you were lonely too I would be happy just to hold the hands I love. On this winter night with you. The fire is dying now, my lamp is growing dim. The shades of night are lifting.

The morning light steals across my windowpane. Where webs of snow are drifting. If I could only have you near, to breathe a sigh or two I would be happy just to hold the hands I love. And to be once again with you, this winter night in your arms. It is difficult to know where to mention the Jewish kid from Minnesota, but it is not at all difficult to know where to rank him in a list of musical poets of the '60's: He would be ranked number one. R. A. Zimmerman, better known as Bob Dylan, still puts thoughts in a way that is almost mystical. His 1966 album **Blonde on Blonde** is ranked as one of the greatest albums of all time, and the poetry of its songs sweeping and stunning:

Oh, the farmers and the businessmen, they all did decide
to show you where the dead angels are
that they used to hide. But why did they pick you to sympathize with their side?
How could they ever mistake you?
They wished you’d accepted the blame
for the farm. But with the sea at your feet
and the phony false alarm
And with the child of the hoodlum
wrapped up in your arms. How could they ever have persuaded you?
Or consider Dylan’s description of the dissolution of a love affair. I didn’t mean to treat you so bad
You shouldn’t take it soperonal
I didn’t mean to make you sosad
You shouldn’t pick up and go. That’s all. When I saw you say goodbye to your friends and smile I thought that it was well understood
That you’d be comin’ back in a little while
I didn’t know that you were sayin’ goodbye for good.
But sooner or later one of us must know
But you just did what you’re supposed to do sooner or later one of us must know
That I really did try to get close to you.
I couldn’t see when it started snowin’
Your voice was all that I heard
I couldn’t see where we were goin’
But you said you knew and I took your word
And then you told me later as lapsedologized.
That you were just kiddin’ me, you weren’t really from the farm. And I told you, as you clawed out my eyes
That I never really meant to do you any harm.
But sooner or later one of us must know
That you just did what you’re supposed to do sooner or later one of us must know
That I really did try to get close to you.
We had come a long way from Tommy Roe singing about Sheila: Sweet little Sheila, you’ll know her if you see her
Blue eyes and a ponytail
Her cheeks are rosy, she looks a little nosy Man, this little girl is fine
Never knew a girl like little Sheila
Her name drives me insane
Sweet little girl, that’s my little Sheila
Man, this little girl is fine.
It isn’t that Sheila was not fine, with her blue eyes and the ponytail.
It is that, as poetry, the verses leave much to be desired, especially when compared with writings by Dylan. But then, Roe was singing about a girl: Dylan sang about a woman.
Sometimes, Dylan’s poetry seems to fit just about any interpretation the listener or reader wants to give it. A musical poem might be about loneliness, or insomnia, or drugs, or a prayer for inspiration, or a search for transcendence. In this song, each verse is longer than the one before, and each verse builds on the one before. Verse three:
Take me on a trip upon your magic swirling ship
My senses have been strengthened
My hands can’t feel to grip My toes too numb to step
Wait only for my boot heels to be wandering
I’m ready to go anywhere, I’m ready for to fade into my own parade
Cast your dancing spell my way, I’m ready for to fade
Into my own parade
Dylan continues to perform to this day.
Back in the ‘60’s, though, he had a girlfriend.
Thankfully, her name was not Sheila, and she did not have a ponytail.
Her name was Joan Baez, and she was and is a renowned songwriter. She was famous when Dylan was unknown, and she was the person who elevated Dylan to the stature he still enjoys. In 1967 Joan wrote a tribute to her sister Mimi. She sang it at Woodstock:

Father McKenzie
Died in the church and was buried in the early 1700’s
There is no doubt that the Beatles were a prince of the hours
Prince of light and sun and rain
A little down on the bed
And asked me if I was leavin’ with you or her I didn’t realize just what I did hear.
I didn’t realize how young you were.
But sooner or later one of us must know
But you just doing what you’re supposed to do sooner or later one of us must know
There she dropped her charm. And there she sighed awhile, And told him all the sadness
Of those years that numbered three. Well you know I think my fate’s belated
Because of all the hours I waited for the day when I’d no longer cry.
I get myself to work by eight
But oh, was I born too late, And do you think I’ll fail At every single thing I try?
And here’s to the dawn of their days.
He put his arm around her
And that’s the way I found her
Eight years of love under the moon
Eight years of love
Eight years of love under the moon
Eight years of love under the moon
And to be once again with you. On this winter night with you. The fire is dying now, my lamp is growing dim. The shades of night are lifting. The morning light steals across my windowpane. Where webs of snow are drifting.

But you said you knew me and I couldn’t see what you could show
That I really did try to get close to you.
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Sweet Sir Galahad
Came in through the window in the afternoon
There was a window in the yard. He took her hand in his And shook the long hair
From his neck and he told her She’d been working much too hard. It was
true that ever since the day
Her crazy man had passed away To the land of poet spire
She laughed and talked a lot With new people on the block
But always at evening time she cried.
And here’s to the dawn of their days.
She moved her head
A little down on the bed
Until it rested softly on his knee. And
From ENLIGHTENMENT, PAGE 9

a higher value on human reason than most orthodox Christians. Locke used his powers of reason to arrive at the same conclusions¹⁴ that the Colossians had arrived at.¹⁵

Religion exceeded other topics, including politics and government. Religion was studied diligently by Thomas Jefferson, the est scholar ever sit on the U.S. Supreme Court, and the most enduring and absorbing public question (in America) from 1689 to 1776 was religion.¹⁶

Religion was religion. Christianity was Christianity’s greatest enemy.¹⁷

Andrew Sandlin, in Make Christianity Great Again (2019), states that the Enlightenment’s goddess of reason governed their thinking. Dictionaries define “Enlightenment” as a belief that rejects traditional religions such as Christianity. The Enlightenment was Christianity’s greatest enemy.¹⁷

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Amos shows that Americans did not borrow law theory from deists or Enlightenment rationalists so as to make America a secular nation, but relied on a Christian theory of law that had been part of the English Common Law for centuries before deism.¹⁸

The great Common Law writer Sir Edward Coke traced the phrase “law of nature” to the Christian Scriptures. Lord Coke, who used the term “law of nature,” supported by Scriptural citations at least 50 years before the start of the Enlightenment, and 100 years before the spread of Deism. Moreover, the views of Justice Joseph Story, the greatest scholar ever sit on the U.S. Supreme Court, are very similar to those of Lord Coke and Mr. Blackstone. He said the laws of nature stood “supported and illustrated by revelation….”¹⁹

Mr. Thompson said “Christianity becomes not merely an auxiliary, but a guide, to the law of nature; establishing its conclusions, removing its doubts, and evaluating its precepts.”²⁰

Amos states that John Locke addressed the issue of God as Supreme Judge in his Second Treatise by drawing his theory of revolution from Judges 11:27 where Jephthah sought God’s help to lead Israel to victory over the Ammonites and referred to “the Lord the Judge.” Jefferson again referred to Locke’s Second Treatise in using the words “Supreme Judge” in the Declaration. Samuel Rutherford’s Lex Rex (1644), written to refute the Divine right of Kings (along with other Puritan writers), referred to God as “Supreme Judge” tracking Gen. 18:25: “God is the judge of the whole earth.” Locke believed property rights were natural rights.

Mr. Sandefur has cited the merits of Mr. Thompson’s book. This article is meant to show how the latter misstated as to the matters herein.

Bill Graves is both a former Oklahoma State Legislator and District Judge.