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AN ABALONE OPPORTUNITY¹

*Stephen A. Rosenbaum*²

The Find

No one had imagined it would end this way. What was remarkable was really how unremarkable it was. The camaraderie. The freedom. The illicit behaviors. The light-heartedness. The Mendocino Coast in May bestowed a little sun, a little fog and a little respite from the kids. The adults spread out their ethnic woven blankets on banks of sand, protected from the wind by clumps of stiff pampas grass. Whether this was Fisk Water Cove, Salt Point or Timber Cove, no one was quite sure.

They had just spent three days inland, far down an asphalt road that ended in gravel, dust and tall Douglas Firs. Sleeping in damp cabins without electricity or plumbing, where the odor of madrone logs and pine cones lingered in fireplaces from night to twilight. Swimming in a shallow brown pond with a hard pebble beach. While their accommodations were rustic, they hadn't really been roughing it. Unless you count the deprivation of TV, florescent lights and fast food. Perhaps it qualified as a late twentieth century sacrifice—just enough discomfort to be good for the soul, but without forfeiting a favorite Sonoma Valley merlot at supper, a small thermos of Peet's French roast at morning kitchen duty, or even a midnight drumming circle.

This afternoon their children wandered off to wade in an ocean never warm enough for full-fledged swimming, but always inviting with its lazy low tide. They would return with pant legs heavy and damp, stuck with bits of wet sand. For now, the parents could nibble

¹ In 2001, this prose won Second Place. The events here are real, mainly, but the names have been changed, for the most part.

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on baguette and blue corn chips and sip preservative-free carbonated sodas—free from the constant catering to the whims and whining of young ones.

It was the children and their forthrightly named New School that loosely knitted this new friendship. They might not have discovered each other in a city with a surfeit of intellectuals and hipsters had it not been for the avant-garde day care center founded, and thriving, on the best of 1960s early childhood pedagogy. Their other bond was their sons' capoeira classes—the Brazilian dance cum martial art that rivaled Little League and Boy Scouts among the youth of the Bay Area.

The topic of the hour was whether to find that perfect second home for summers away from Berkeley, like one of the weathered structures they had just driven past. Or, to choose a different and exotic vacation venue each year. This was not as idle a question as it might seem. They hadn't yet really earned the right to either of these summer scenarios, although they were professionals in their thirtyish and fortyish years who earned the right to wonder aloud about such things. Among them were activists, academics and artists, and a couple who worked, he, in engineering and she, in high tech—the others not knowing exactly what this meant. Faraj and Agnieszka were a testament to cross-cultural communion and some even mused that their trilingual sons would one day serve as ambassadors between Teheran and Warsaw.

“I want to see something more than the North Coast in July,” exclaimed Agnieszka, who years earlier had fled pre-Solidarity Poland for the wilds of Manhattan. Faraj, who was vigorously fighting a battle with cancer, preferred a regular destination, one close to home. The handsome and soft-spoken Iranian exile had just recounted how he offered his future wife a ride home from the party where they had met in winter, only to have his car break down.

In the distance, local divers clad in black wetsuits combed the beach without attracting much notice at first. They wore rubber inner tubes strapped to their backs, covered with black nylon fabric. Wrapped in gunny sacks in older times, these flotation devices allow a tired diver to climb almost completely out of the water onto them and had a center well for storing the harvested treasure. On their belts

hung tempered steel blade knives with chiseled tips and the 7” gauges required for measuring their take. These were the distinct costumes of abalone divers.

Long the domain of Japanese fishermen, abalone diving was originally a way of life for coastal Natives like the Pomo and Miwok. Huge shell mounds, some now buried below pavement, were evidence of the importance of abalone and other shellfish in the tribal diet. Sometimes even the hooks and flashers they used to lure their catch were fashioned from abalone shells.

The diving was strictly regulated now. Like their Indian and Japanese predecessors, these ab harvesters abstained from using underwater breathing equipment; only breath hold techniques were allowed. The number and size of their harvest was also limited, and their activities policed by fish and game wardens.

Before anyone was aware of it, Jeremy had wandered off, his slender, stoop-shouldered body silhouetted against water and sky. He would soon learn that it was this very stretch of coast that offered the best abalone diving. Just south of Key Hole Rock, the reef comes to within eight feet of the surface. Hidden in a dense kelp forest, anchored by ballast stones thrown overboard by lumber ships more than one hundred years ago, was a refuge for the precious abalone.

Jeremy, who was geeky and sexy in that 1990s way, returned to the blanket as quietly as he had left. In his hands he cradled an iridescent shell. Inside was a slimy red abalone. *Haliotis Rufescens*. A gift from anonymous shorepickers who may have exceeded their Fish and Game licensing limits or took pleasure in handing a potential feast to urban tourists. “How do you know they’re not ‘dry sacking?’” Simon cross-examined, showing off his knowledge of the practice whereby a harvester who has reached his daily take limit continues to harvest more abalone. This violation of the 4-a-day limit could cost over \$1200 in fines.

“Doesn’t it have a heart?” Agnieszka demanded, knowing full well the answer. “Can’t it feel pain?” “It’s *not* a bivalve,” a pseudo-scientist in the group declared with authority. “Move to strike as non-responsive,” retorted Simon. Ugly and pulsating, this pathetic creature had no discernable face or features. Still, it inspired a

passionate discussion about whether it was ethical to kill or even consume it.

These were sentiments that one half expected from Jeremy, a sad-eyed and modest man who took seriously the study of professional responsibility for clinical law students seeking non-traditional paths of practice. His patience was infinite with his students, as with his own young children. His partner, Lauren, who could pass for the lobsterman's daughter, was a human rights scholar and advocate. But she was not the one who argued against eating the endangered delicacy. Sharp-witted and even sharp, she did not entertain seriously the thought that a mollusk deserved protection under articles of the U.N. convention against torture, much less the Fourteenth Amendment.

Lauren was the more cautious of the two, with an eye toward child safety and good relations with tenure-track faculty members. Her interest was less in cuisine than possession of the decorative shell that is *de rigueur* on Berkeley coffee tables or verandas. More tasteful than burl wood, and environmentally correct.

"What if it's under-sized? It has to be at least seven inches before it's 'popped' from the rock. Did you check the guys' permits? Doesn't the 'felony-misdemeanor rule' apply if we accept an illegal taking?" Simon went on, without pausing for air. "I don't think mere possession is a crime," Lauren responded with confidence.

In fact, a new statute imposed a limit on total abalones of 100 per person per season. In the neighboring county, the standard penalty for exceeding the limit was \$500 for the first abalone and \$250 for each additional one. And, the local court had actually imposed fines of \$40,000 and up to 3 years in state prison for involvement in selling, trading or bartering.

The steaks would retail easily for about \$60 per pound, Cal surmised. As a sous-chef at Chez Panisse his authority was unquestioned. He had earlier entertained the others with stories of his audition at the famed Gourmet Ghetto dining establishment. That "Cal" was short for Michael, not Calvin, said something about his unconventional ways. He was tow-headed with milky white skin and married to Colleen, a new age artist who had a hint of a Gaelic accent. Maybe the accent was just imagined, because Colleen had red hair or

because it befit a traditional side to this bohemian mother, about to place her children in a one-room schoolhouse in some forgotten little town at the county border. The children carried names that suggested European Enlightenment and great future reputations. As genuinely friendly as their parents, they got along well with the other kids.

"I've read that the dwindling supply, coupled with high local and international demand, has driven up the market price." Faraj spoke solemnly in a raspy voice.

"Suppose we decide to eat the damn thing. How will we keep it fresh?" chimed Simon.

"How do we even get it out of the shell?" asked Agnieszka, still unconvinced the creature should be tortured and eaten.

"Oh, yeah, we would just walk into some fish market and say we found this abalone, could you help us—" Lauren was cut off.

"I don't think we're even allowed to travel with it—sort of like a violation of the open container laws." Simon was again resorting to off-the-cuff knowledge and offering a worst-case appraisal.

"It might be best to approach a small butcher shop," Cal suggested. Or one of the young tattooed apprentices who works the Andronico's supermarket fish counter. "Cal, could this cost you your job if Alice Waters found out?" Jeremy wondered.

What about Spenger's, the famed Berkeley seafood emporium? "They're non-union and the boycott is still in place," Simon objected. "Any way, the butcher probably has a red alert button he'll press once he unwraps the contraband," Jeremy said wryly. There was no formal vote, but the group thought the opportunity was too good to pass up. The contents of an ice chest were hastily rearranged and the lone abalone was placed inside, resting in a child's small pail. "Keep it away from fresh water," Cal had warned. "Otherwise, I think it will die and the meat will become too loose." "Yes, you see, it *belongs* in the ocean." Agnieszka felt vindicated.

The Crime

The curvy and forested car ride home seemed endless, even to the adults. The crime scene was an unlikely one. Ray Pesce's roadside taverna, on the outskirts of Cloverdale, promised customers "the

world's best burgers," a claim that was at once immodest and incongruous with the Italian family style red-and-white-checked setting. There was no concertina music. No elongated bottles of chianti or sing-songy broken-English-speaking waiters. But, also, to Simon's dismay, there was no espresso for the drive back to Berkeley. Instead, the hostess at the front counter offered to "top off" a styrofoam cup of mediocre java, like she was filling the tank at some Texaco station.

The tavern was more than a well-placed rest stop for those in search of California's Golden Era of highway travel. At first seated indoors, children and parents moved in unison to the patio with its long picnic tables, oilcloths and grape-festooned trellises. To eat dinner outdoors at sunset was a treat for those accustomed to evening fog. A waitress-in-waiting earnestly passed from guest to guest, taking orders for grilled meats and pastas. "I bet the S.E.I.U. would like to start a local here," Simon tried to kibitz with the young server. Some found his manner a bit patronizing. "I'm hungry" more than one child intoned. "The sun's in my eyes," cried another.

Meanwhile, Ray Pesce, flanked by two undocumented immigrant cooks, quietly pried and pounded on an uneven pavement near the rear of the kitchen door. "See, first you have to locate the head at the thin end of the shell," Ray Pesce instructed his crew. "Then, you slip this iron between the shell and foot." This is the same iron used to pry the mollusk from its rocky home. Fish and Game regulations limit the radius of the edges and the curve of the iron in an attempt to minimize damage done to abalone that end up being replaced because they're too small. Abalone do not have any clotting agent in their blood and as a result, even minor cuts can be sufficient to cause the animal to bleed to death.

Ray Pesce slid the tip of the iron along the shell until it met some resistance. Pushing harder on the iron, he popped the foot's attaching muscle from the shell. Fortunately, Agnieszka was not paying attention. Plates of spaghetti and hamburgers had arrived and the kids were in the midst of squirting ketchup or stabbing meatballs. Ray Pesce put down the iron and lay the abalone back on its shell.

Simon was torn between sentimentality and amusement at the picture of this Sonoma County son of Italian immigrants who

continued a proud and hardy culinary tradition, while restaurateurs all around him served far more refined and authentic contemporary cuisine. Ray Pesce knew how to please patrons who pulled up in station wagons demanding unpretentious chow and didn't much care whether his produce and olive oils matched that of today's Tuscan gentlemen farmers.

Ray Pesce pushed the thick edge of the shell down with one hand, pulled and folded the foot back toward the shell's thin edge. He deftly flipped the foot over in the shell, thereby loosening it and leaving the mantle and internal organs intact in the shell. He inspected the gonads, to see if there were any pearls. No one else got close enough to verify.

It all happened so quickly that none of the jurists had time to engage in liability assessment. Ray Pesce's Fish and Game permit did not allow him to remove the abalone from its shell, except for immediate consumption. In fact, the group was immediately consuming rigatoni, linguine and maybe veal parmigiana, not abalone steaks. If the cops were to stop any of them and find cleaned and trimmed abalone, they'd all be arrested, for sure.

While they thought nothing of getting busted for demonstrating against the WTO or Propositions 187 or 209—and some had done their fair share of protesting the Vietnam War and investment in South Africa—none of them had ever engaged in the illegal transport of consumable abalone. They decided to take a chance—but to leave the abalone unwashed and unsliced for the ride home.

The Meal

A few days later Cal beat the steaks till they looked like Salvador Dali clocks. Thankfully, he had been a co-conspirator from the outset and no one needed to politely enlist his services to prepare an abalone dinner for sixteen. It was a fitting task for the cook who confessed to wanting to be a pearl diver. Jeremy had earlier removed the slime and blood.

A notoriously tough meat, the abalone must be carefully tenderized. "The key is to be patient and develop a feel for how the meat reacts to pounding," one recipe book had advised. "Continue

pounding until the entire steak is loose. Over pounding results in the meat becoming too mushy. Try striking the abalone with the smooth side of a mallet.” Cal’s utensil was instead a small water glass. One of those spare, classic glasses found in outdated coffee shops and trendy bistros alike. His seasonings were equally simple: lemon, salt and white wine. But, one must resist the temptation to actually cook the meat in liquids, as this would surely toughen it.

Everyone reassembled in Lauren and Jeremy’s charming third floor home, surrounded by ceramic bowls of yellow pear tomatoes and radicchio, and art posters from trips to Budapest and Sarajevo. They were joined this time by Simon’s wife, Elena. Simon didn’t really like referring to her as his “wife,” a title she assumed six years earlier. In a fit of rationality, they were married during their lunch hour, allowing them to join a better employee health care plan before the birth of their third child. Simon would rather he and Elena continue as “partners”—like Jeremy and Lauren.

Not wild about camping, Elena had skipped the Mendocino trip. This presented only a minor communication gap that evening, as often happens when an experience has been shared by most, but not *all*. The convivial adult ambiance of the Mendocino beach had returned, mingled with pleasant child noises and activity. “We’re hungry” was the youngsters’ familiar eventide chant.

What should have been grown-up fare, subtle and delicate, was wolfed down by children ages 2 though 12. They begged for more of the thin and tender veal-like morsels of abalone, while many a tofu dog and veggie burger—and even some red meat—remained on the barbecue grill. The entrée really needed no complementary dishes and no one recalled anything else that might have been placed on the table for immediate consumption. Even Agnieszka.

Outside the wood-shingled house, Simon and Elena’s youngest was now pushing Jeremy and Lauren’s toddler on a backyard swing, caring for her the same way her own older cousin looked after her. The boys were playing apart, on computers or scooters. As he left the house, Simon observed the clean and gleaming prized abalone shell that Lauren had set at the edge of the front porch. He was already imagining the beginnings of a short story.

Days later, it was as if the mood had worn off. The beach. The taverna. Jeremy and Lauren's place. They had all promised to attend the closing of Colleen's show in a downtown warehouse. The kids ran around in the parking lot while the adults went inside. On the walls were hung dozens of unframed pastels and water colors of dogs—dogs dancing, dogs wearing boxer shorts, dogs arguing with jazz musicians. Not the droopy-eared, grinning canines that inhabit velvet canvases or wall rugs. These were sophisticated dogs. Or, maybe it wasn't dogs, but donkeys, or some other animal. It was the kind of art that one either understood instinctively, or politely pretended to understand. The refreshments were less than casual, even disappointing, as if a statement in understatement. They had expected more of Cal, the artist's spouse and closing host. But, maybe he did not want to outdo the elegance and simplicity of the abalone dinner.

Simon carried with him the *Daily Cal*, the campus newspaper, with its timely front-page headline: "Arrests Made in Abalone Sting." He read aloud:

"A total of 17 Bay Area residents, who were allegedly selling the abalone out of parking lots and backyards, were arrested during the search and arrest warrant operation. An 18th suspect remains at large."

He was uncertain about the group's continued interest. "Listen to this . . . It took some 30 officers to serve a warrant . . ."

"Nine of the mollusks lay exposed in the middle of a table . . . all tagged as official evidence, according to the deputy chief of the California Department of Fish and Game."

Perhaps Simon had overplayed this and was simply annoying the others, who made less of the whole experience. Would the company be again as cozy, as silly, as carefree? Did the magic of a moment come undone—the union of, by and for the abalone?

