

[00:00:00] **Sound Effect:** Three gavel bangs.

[00:00:02] **Jesse Thorn:** Welcome to the *Judge John Hodgman* podcast. I'm Bailiff Jesse Thorn. This week, "Criminal Elm-ement". Marya brings the case against her husband, Clark. Their family found and cared for a spiny elm caterpillar in their yard. When they collected neighborhood leaves to feed the caterpillar. Marya was shocked to find that Clark clipped them right off the tree. She thinks they should have only collected leaves that had fallen on the ground. Who's right, who's wrong? Only one can decide.

(Chairs squeak, followed by heavy footsteps and a door closing.)

Please rise as Judge John Hodgman enters the courtroom and presents an obscure cultural reference.

[00:00:40] **John Hodgman:** "For some time after my marriage, I had not seen my friend Solar Pons, the consulting detective. My practice in South Norwood kept me busy, and Ponds himself had been on the move in the south of France. I was not even aware he had returned to London, when one night in the May of the year, nineteen-thirty-*(mumbles)*, I received a tantalizing message from my old friend inviting me to take the night and perhaps the following day to accompany him on one of those adventures of which I never tired. During those happy years, I had shared quarters with him at 7B Praed street."

Bailiff Jesse Thorn, please swear the litigants in.

[00:01:15] **Jesse Thorn:** Marya and Clark, please rise and raise your right hands.

(Chairs squeak.)

Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God or whatever?

(They swear.)

Do you swear to abide by Judge John Hodgman's ruling, despite the fact that he's more of a maple guy?

(They swear.)

Judge Hodgman, you may proceed.

[00:01:33] **John Hodgman:** Marya and Clark, you may be seated for an immediate summary judgment in one of yours favors.

(Chairs squeak.)

Can either of you name the piece of—hang on a second! I'm not a maple fella!

[00:01:42] **Jesse Thorn:** I don't know.

[00:01:43] **John Hodgman:** I'm Elm City, man! Elm City, New Haven, Connecticut. That's who I am! I've—look, I'll mess with a maple. Did we ever try to make actual maple syrup in Western Massachusetts? Of course. Did it succeed? No.

(*Marya laughs.*)

Elm. That's me. I'm all about the elms, the elm-ement of surprise! I got you there with the elm-ement of surprise, Jesse. You didn't know. You didn't know. And now you know. Alright, Bailiff Jesse Thorn, giving me the big thumbs down on the video conference. That's fine. That's his right.

Now, Marya and Clark, I turn back to you for an immediate summary judgment in one of yours favors.

(*Scoffing.*) A maple. Ugh.

Well, can you name the piece of culture that I did not even reference. I quoted it directly. All of those words are the actual thing. Marya, let's start with you.

[00:02:33] **Marya:** Well, so I'm sure that in-my-pocket guess of *The Very Hungry Caterpillar* is not correct, but—

[00:02:43] **John Hodgman:** Oooh, that's a good one! Eric Carle, *A Very Hungry Caterpillar*. Eric Carle—The Museum of Children's Book Illustration is right there in—

[00:02:53] **Clark:** Massachusetts, yeah.

[00:02:53] **John Hodgman:** In Western Massachusetts as well. All those maple trees and so forth.

[00:02:57] **Marya:** Yeah, we know and love it.

[00:02:59] **John Hodgman:** That's a good pocket guess. I like it. Do you have another guess?

[00:03:01] **Marya:** I do. I'm gonna say something. It's like *A Mystery on Elm Street*.

[00:03:08] **John Hodgman:** Oh, I could have done *A Nightmare on Elm Street* or one of the nightmares on Elm Streets too. *A Mystery on Elm Street* isn't a thing, but let's enter it into the book anyway.

[00:03:16] **Marya:** Thank you.

[00:03:18] **John Hodgman:** You're not—I mean, you're closer than Clark so far.

[00:03:21] **Marya:** (*Laughs.*) Good.

[00:03:22] **John Hodgman:** Clark, what is your guess?

[00:03:24] **Clark:** Uh, I have nothing topical, but based on the detective and the silly name and the time period, I'll say *Gravity's Rainbow* by Thomas Pynchon.

[00:03:34] **John Hodgman:** The detective and silly names and the time period. You're gonna guess *Gravity's*—did you read that book?

[00:03:41] **Clark:** I did a long time ago.

[00:03:43] **John Hodgman:** Of course, I'm joining you all from the solar powered studios of WERU, here in Orland, Maine—89.9 on your FM dial. Also, at WERU.org—program director Joel Mann, WERU. You ever read *Gravity's Rainbow*?

(*Joel denies it.*)

Glad to check in with you. Thank you, Joel. I read *The Crying of Lot 49*. I liked it a lot, and I read it in a basement bedroom on Edgewood Avenue, in Elm City itself, in New Haven.

[00:04:07] **Clark:** Hey!

[00:04:08] **Marya:** Awesome.

[00:04:09] **John Hodgman:** But no, all guesses are wrong. I was quoting from the opening paragraph of a story in one of the many stories of *The Adventures of Solar Pons*. Solar Pons is the Sherlock Holmes pastiche that was written by August Derleth. And if you don't know who August Derleth is, you're not alone. Horror and genre people recognize the name of August Derleth as the person who posthumously published works of HP Lovecraft and—for good or ill—popularized him and continued on Lovecraft's Cthulhu mythos. Which, by the way, I just learned today Lovecraft never used the term Cthulhu mythos. He used the term Yog Sothothery.

[00:05:04] **Clark:** Sure.

[00:05:05] **John Hodgman:** Named—August Derleth was such a big HP Lovecraft stan that he created Arkham House, the publishing house. He had to create a publishing house to publish HP Lovecraft because after Lovecraft's death, no one wanted anything to do with him. And I'm just gonna put this out there: Lovecraft is a bad, racist dude, and I don't love his stories particularly. But I don't mind his Yog Sothothery. And August Derleth, by all accounts, seems to be an okay person. And if you go to his Wikipedia page—I mean, we're gonna put this up on—we're gonna put this up on the *Judge John Hodgman* show page, and as well our Instagram account. August Derleth is hot. Dude is hot.

[00:05:44] **Jesse Thorn:** Wow!

(John agrees.)

Look at this guy! This guy looks like a handsome bruiser in a '50s movie. Like, someone would beat up JamesDean, and August Derleth would come and help JamesDean out.

[00:05:59] **John Hodgman:** To me, he looks like—he looks like a new series regular in *The Bear* season three. He looks like a hipster chef to me.

[00:06:10] **Jesse Thorn:** Yeah, he sure does.

[00:06:11] **John Hodgman:** Marya, you're nodding along. Can you see this picture of this guy?

[00:06:13] **Marya:** I'm looking at a picture. I'm not sure it's the same one, but his hair is incredible.

[00:06:18] **John Hodgman:** His hair is—he's got that—he's got that Eraserhead, Lyle Lovett standup hair. He's wearing like a velvet turtleneck. It looks like he's about to open a bar in Brooklyn. He also is a huge, huge fan Sherlock Holmes. And when Sir Arthur Conan Doyle said he wasn't gonna be writing anymore Sherlock Holmeses, I think he was like a teenager. A very young August Derleth, wrote to him saying, "Can I take over the character?"

And Conan Doyle said, "Mm, no thanks."

And Derleth said, "No problem. I'm just gonna create a perfect replica of Sherlock Holmes named Solar Pons. And instead of Dr. Watson, it's gonna be Dr. Parker. And instead of living at 221B Baker Street, they live at 7B Praed Street. And he wrote more Solar Pons stories than there are Sherlock Holmes stories. And I only know about this 'cause my friend Dave Guion just gave me a book of Solar Pons adventures. And also, it came to my attention that this particular story that I quoted had a particular title. And that particular title is *The Camberwell Beauty, The Adventure of the Camberwell Beauty*. And what is a Camberwell beauty? Well, that's what it's known in the UK. In America, it is known as the mourning cloak butterfly.

[00:07:35] **Clark:** Wow.

[00:07:35] **John Hodgman:** And what is a mourning cloak butterfly, if not the adult stage of a spiny elm caterpillar, which is at the center of this very case. Is that not true, Marya?

[00:07:43] **Marya:** Absolutely.

[00:07:45] **John Hodgman:** I want to give you, by the way, credit. Let's put this in the books. Since we started doing the teleconference: most expressive nonverbal litigants so far. You're giving me a ton of feedback, and I really appreciate it. In any case, Marya, you bring the case against Clark, who I believe is your husband, correct?

[00:08:03] **Marya:** He is, and I do bring this case against him.

[00:08:06] **John Hodgman:** And what is your dispute with Clark?

[00:08:09] **Marya:** Well, my wonderful husband, who is a whole human being in his own right.

[00:08:15] **John Hodgman:** Alright. Pandering.

[00:08:17] **Marya:** (*Chuckles.*) That's why I'm here. He's obsessed with our garden, and one day he was out in the garden pulling up random pieces of grass that he says are not good enough pieces of grass for reasons that are baffling, but that's not actually the dispute. The dispute is he found this spiny elm caterpillar. He showed this spiny elm caterpillar to our children, and we all decided to adopt it. Clark then did a lot of research into the spiny elm caterpillar, who we named Spikey, because he was more spiky than spiny in our opinion. And Spikey apparently was a very picky eater and would only eat the leaves of elm trees and willow trees.

But despite the fact we live in the Elm City—

[00:09:14] **John Hodgman:** Yeah, Spikey didn't mess around with maple either. Elm. Willow.

[00:09:17] **Marya:** No, no. He wasn't gonna eat any Norwegian maple. No, you know.

[00:09:20] **John Hodgman:** No. No. No.

[00:09:23] **Marya:** Mm-hm. So, we—again, we live in the Elm City, New Haven, Connecticut. No Elm trees on our property. So, Clark found an app—or no, it's a website. It's a website on his phone that mapped every single tree—street tree—in New Haven, Connecticut. He then set—

[00:09:45] **John Hodgman:** Whoa!

[00:09:45] **Marya:** Yes. Yes. And then, he—then we set out on a family walk to collect elm leaves. And I assumed—incorrectly, it turns out—that elm leaves would be taken up from the ground. Any fallen elm leaves. That we wouldn't be stealing the elm leaves. Clark, however, had come armed with his garden clippers and clipped elm leaves from the tree.

[00:10:17] **John Hodgman:** You say stealing the elm leaves—that is a value judgment, and part of your complaint, obviously.

[00:10:24] **Marya:** Absolutely. Absolutely.

[00:10:25] **John Hodgman:** But what Clark was doing was—and I will be the judge of whether there is value here—Clark was—Clark is clipping Elm branches?

[00:10:36] **Marya:** Small branches.

[00:10:37] **John Hodgman:** Off of public trees, small branches, be-leafed branches.

[00:10:42] **Marya:** Correct.

[00:10:42] **John Hodgman:** How thick around, Clark?

[00:10:44] **Clark:** I'd say a pinky thickness. Maybe a child's pinky.

[00:10:51] **John Hodgman:** The last thing I needed to do is picture my pinky in your garden shears.

(Marya agrees with a laugh.)

[00:10:55] **Clark:** What about a child's pinky? No? Okay.

[00:10:58] **John Hodgman:** That's not better, Clark.

[00:11:00] **Jesse Thorn:** A grandma's pinky?

[00:11:02] **John Hodgman:** Now we're getting somewhere!

[00:11:04] **Jesse Thorn:** But like a kindly grandma.

[00:11:08] **John Hodgman:** Uh, okay. And so, you think that he should not be doing this?

[00:11:11] **Marya:** Yes, we were out with our children, and he was snipping leaves from trees just in public.

[00:11:19] **John Hodgman:** Would you say willy-nilly? Would you say willy-nilly?

[00:11:22] **Marya:** I would. I would say willy-nilly. And in fact, he snipped from a tree that is in front of the mayor of New Haven's house, which seemed very egregious to me.

[00:11:31] **John Hodgman:** Oh, really?

[00:11:33] **Marya:** And so, I'm bringing this case—

[00:11:35] **John Hodgman:** His honor, Justin Elicker himself?

[00:11:40] **Marya:** Absolutely. Absolutely. And he—Justin didn't see us as far as we know, but I still think that Clark shouldn't be allowed to, you know, go around clipping trees all over the Elm City—

[00:11:54] **John Hodgman:** Willy-nilly.

[00:11:54] **Marya:** Yeah, exactly. Willy-nilly.

[00:11:56] **John Hodgman:** The term is willy-nilly. We've established it. I want you to know that I—I don't just have the name of the mayor of New Haven on the top of my—on the tip of my tongue. I had done some research into Justin Elicker, 'cause I really—I knew that Clark was clipping in front of the mayor's house in New Haven, and I wanted to find some really funny quote by Justin Elicker to read into the record to have you guess that. And it turns out—I don't know how he is as a mayor, but as a public speaker, pretty boring. He's pretty much on topic.

[00:12:28] **Clark:** Very nice. I don't know like tremendously—yeah, funny.

[00:12:31] **John Hodgman:** Not a real tale-spinner. It's not like he has comments on the best pizza in New Haven. Oh, by the way, since you live in New Haven, which is the best pizza? Yorkside or Yorkside?

[00:12:41] **Marya:** I mean, it's Modern.

[00:12:42] **Clark:** Modern.

[00:12:45] **John Hodgman:** Wow. That was not an option that I was offering you, but that's fine. Alright, Clark, tell me about Spikey, the spiny elm caterpillar.

[00:12:56] **Clark:** Um, Spikey was a lovely caterpillar, very active.

[00:13:02] **John Hodgman:** Oh, this caterpillar has moved on?

[00:13:03] **Clark:** Well, I mean...

[00:13:04] **John Hodgman:** Has the caterpillar matured into a—

[00:13:05] **Clark:** How do we feel about spoilers?

[00:13:07] **John Hodgman:** Camberwell beauty?

[00:13:10] **Clark:** Correct, correct. The care was successful. He made his transition into the mourning cloak butterfly.

[00:13:21] **John Hodgman:** Right, mourning cloak—also known—this butterfly is also known or used to be known as the grand surprise.

(Marya and Clark "ooh".)

True story. It is the state insect of Montana as of 2001.

[00:13:33] **Marya:** I had no idea.

[00:13:34] **John Hodgman:** Those of you who might remember that Janet Varney and I promised you a podcast about all the state mottos. You'll be hearing about—more about this grand surprise. It won't be a surprise, but you'll hear about it. It's a beautiful butterfly. It's a mourning cloak butterfly 'cause it's got black wings with white tips. But now I don't want to hear about its present-day life. And it can live—how long ago was this?

[00:13:56] **Clark:** Uh, it was June, so it was about a month ago. A month and a half.

[00:14:02] **John Hodgman:** Oh, very recently! Okay.

(They confirm.)

Yeah, so Spiny the mourning cloak butterfly might still live, 'cause they have a lifespan of 11 to 12 months. They're very long lived for butterflies. Just so you know.

[00:14:16] **Marya:** Well, that makes me happy.

[00:14:16] **John Hodgman:** But let's not talk about the present. Let's talk about the past. Spiny. Spiny the—no.

[00:14:21] **Clark:** Spikey the spiny elm.

[00:14:22] **John Hodgman:** Spikey the spiny, yeah. Confusingly named, but I got it.

[00:14:25] **Marya:** Yes. Sorry.

[00:14:27] **John Hodgman:** Spikey, the spiny elm caterpillar. You took in Spiny—Spikey. Spiffy. Whatever.

[00:14:35] **Clark:** Yes, yes, yes. We took in Spikey, and he was very active, sort of doing laps in the initial container we had him in and was not really going for any of the random yard foliage I'd found. So, we did the necessary research, as Marya said, and set off to find him something more appetizing.

[00:14:58] **John Hodgman:** You created an enclosure for Spikey?

[00:15:01] **Marya:** I created the enclosure. I, myself, did some internet research about what sort of enclosure Spikey might enjoy. So, I made an enclosure out of a Ball jar and some mesh and a hair thingy.

[00:15:19] **John Hodgman:** Yeah, it's a very tidy looking little biodome you made here for Spikey. You sent in a picture as evidence. It's obviously gonna be available on the Instagram and the show page at MaximumFun.org. Is Spikey in this photo? Is that—is he this brown thing down at the bottom?

[00:15:33] **Marya:** Absolutely. Spikey is that brown thing at the bottom. And you can tell because he's spikier than the pilfered elm leaf. It is in the shot. So, you can see—you know—the violence.

[00:15:48] **John Hodgman:** This is the—this is one of the—this is one of the bows in question.

[00:15:52] **Clark:** Not from the mayor's house, but yes.

[00:15:55] **John Hodgman:** Not from the mayor's house. Got it. How many elm trees did you prune over the course of Spikey's residence in this bell jar?

[00:16:02] **Clark:** I appreciate the use of prune. And I would say four.

[00:16:09] **John Hodgman:** How many tree fingers did you cut off?!

[00:16:12] **Clark:** None.

[00:16:13] **John Hodgman:** Public tree fingers did you cut off?! Four? Four total?

[00:16:17] **Clark:** No, tree fingers. No tree fingers. But yes, four parts of branches were removed from four trees.

[00:16:25] **John Hodgman:** Over the course of how many days? How long was Spikey—

[00:16:28] **Clark:** It was all one walk actually. It was all in a single day. So, Marya didn't restrain me. In fact, the mayor was the fourth house we reached on this trip. It took all of 10 minutes.

[00:16:41] **Marya:** I was vocal in my dismay about the clipping of the trees, especially because our two you and very impressionable children were with us and were very excited about this outing wherein their dad was, you know, defacing the elm trees of the Elm City.

[00:17:01] **John Hodgman:** Well, now wait a minute. Clark, were you harming these trees?

[00:17:07] **Clark:** I would say I was pruning the trees. I think I took a small amount of end branches, which is generally helpful for them.

[00:17:17] **John Hodgman:** Look, I'm not an expert on any trees, other than to say love the elm, hate the maple. But to me it seems like this is not—

[00:17:29] **Jesse Thorn:** The arborist's credo.

[00:17:34] **John Hodgman:** (*Laughs.*) To me it does not seem like this is going to particularly harm the life of the trees. Do either of you have any evidence to support or go against that claim? Marya, you seem to want to speak.

[00:17:44] **Marya:** I don't have a major problem with the harm to the trees. My bigger complaint has to do with—I guess it's two things. The first thing is that like the Chinese elm tree, which Clark was clipping from, we are transplants to the Elm City. And I feel like it's important that we're good neighbors and not—don't, you know, clip random people's trees who are then looking out the window at us and making all sorts of elm tree judgements. And second—

[00:18:23] **John Hodgman:** Well, now I have to stop you there, Marya. Are you saying that that Clark was clipping trees that were on people's lawns or trees that were publicly planted?

[00:18:35] **Marya:** So, there are trees that are on the strip of land between the sidewalk and the street. So, I think they're in a—in my estimation, they're in a liminal zone. They're on people's property, but I believe that they're public trees.

[00:18:57] **John Hodgman:** No, they're definitely public trees. I dare anyone to write me a letter saying otherwise because not only—I think this is pretty well established. If you're on the sidewalk, right? And the street is to your left. I just wanna make sure I understand this. If you're on the sidewalk and the street is to your left, to your right is someone's yard or fence. Right?

(Marya confirms.)

Okay. So, going back over to your left and mine, 'cause we share a reality. You're talking about the strip of land between the sidewalk and the street, the strip of lawn.

[00:19:30] **Clark:** That is what I'm talking about. Yeah.

[00:19:32] **John Hodgman:** Yeah, those are public trees. And the other thing I know about those trees is that New Haven is called the Elm City. It was the first city in the United States to have a public tree planting policy, so I'm not surprised there is an app or a website that charts all the trees. Also, because—as you probably know—most of the elms in New Haven died during the Dutch elm disease plague of the Northeast.

[00:19:58] **Clark:** Absolutely. And so, I actually think that the trees that Clark was stealing from were more—they're actually younger trees, because they were planted to replace those trees. And they're also a different variety. So, I think these are mostly Chinese elm rather than American elm.

[00:20:21] **John Hodgman:** I love how on top of your elm news you are, Marya.

(Marya thanks him.)

'Cause you're taking the elm news right outta my mouth.

[00:20:27] **Marya:** (*Chuckles.*) Sorry.

[00:20:28] **John Hodgman:** So, they're not Dutch elms basically, because most of the Dutch elms—maybe all—were all killed off in a beetle blight and a different pest. These are transplanted Chinese elms. But still—but still, if you're taking—I can see why you would be sensitive about the idea of taking limbs from elms in the Elm Coty. It's a touchy subject, Clark. Touchy.

[00:20:53] **Clark:** Sure.

[00:20:54] **John Hodgman:** Hm. Was this one outing or more than one outing?

[00:20:58] **Marya:** It was a single outing.

[00:21:00] **John Hodgman:** A single outing. Okay.

[00:21:01] **Jesse Thorn:** Let's take a quick recess and hear about this week's *Judge John Hodgman* sponsor. We'll be back in just a moment on the *Judge John Hodgman* podcast.

[00:21:08] **Sound Effect:** Three gavel bangs.

[00:21:12] **Sound Effect:** Three gavel bangs.

[00:21:15] **John Hodgman:** Now, Clark, while you're clipping the fingies off these trees and your children were observing you—how old are they? 25 and 30?

[00:21:23] **Clark:** Close. It's a two-year-old and a seven-year-old.

[00:21:27] **John Hodgman:** While they're observing you, are you giving them some parental guidance? Like, “Don't go taking clippings from plants in the Home Depot that are for sale or in a nursery where they're selling plants. 'Cause Judge John Hodgman ruled against that back in episode 330, ‘Planted Evidence’.” But Judge John Hodgman did rule that you can take clippings, modest clippings, from public plants and plants that are in malls, 'cause plants that are in malls are sad and they wanna go live somewhere else. Did you tell them all of that?

[00:21:55] **Clark:** I did not. I have to admit, I was not totally aware of all the prior work that had been done on related questions.

[00:22:03] **John Hodgman:** Mm-hm. You should have probably had your attorney look into that for you.

[00:22:07] **Clark:** Probably. And you know, my parenting style, you know, is not full of verbal citations usually. Usually it's a little, you know, natural consequences based, a little bit showing how I hope they act and them following.

[00:22:26] **Marya:** Like clipping things from other people's plants.

[00:22:31] **Clark:** Though I have, you know, repeatedly reinforced—

[00:22:34] **John Hodgman:** From the city's plants. From the shared city's plants.

[00:22:37] **Clark:** True. But in a very specific context, in a careful way.

[00:22:43] **Marya:** Um, I would also—I don't know if it's my turn to talk, but I have some thoughts.

(Jesse bursts into laughter.)

[00:22:48] **John Hodgman:** I'll allow them. It's your turn to talk.

[00:22:51] **Jesse Thorn:** *(Clapping.)* Yay!

[00:22:53] **Marya:** Which is that our small children, while—are very impressionable and somewhat feral, and they love gathering greenery from our garden, which Clark tries to keep them from doing, but I would argue that this tree thievery is sending them very mixed signals. Because they are always trying to—we actually have a Norway maple that isn't on our property, but sort of extends into our property. And our children stand on top of this play structure, endangering their lives, to pull down greenery from the Norway maple to make salads for their pet brick. So—and Clark tries to stop them from doing this, and I just—it feels very, yeah.

[00:23:52] **Clark:** I feel like we're getting far afield here, but to clarify—

[00:23:56] **John Hodgman:** No, I'll allow it. I'd like to ask some questions about this pet brick.

[00:24:00] **Jesse Thorn:** I think we remain relatively close to home.

[00:24:02] **Marya:** I brought the pet brick with me.

[00:24:05] **John Hodgman:** Of course, you did. Of course, you did.

[00:24:07] **Marya:** This is Bricky. Bricky did have a face until the children decided that Bricky might get sunburnt. And so, covered bricky with mineral sunscreen, which it turns out Bricky's very porous.

[00:24:22] **John Hodgman:** That looks more like Cobblestone to me than Bricky.

[00:24:24] **Clark:** Yeah, so it's a sea brick. They found it in the Sound, in the Long Island Sound, and they brought it back to our house. And so, it's worn.

[00:24:36] **John Hodgman:** Wait a minute. Your seven- and two-year-old are going off to sea and bringing back bricks from the Long Island Sound?!

[00:24:40] **Clark:** That's—absolutely. So, they go to the beach and the Long Island Sound has a lot of like sea glass and building materials. And so, they found this brick. They brought it back to our house. They named it Bricky. They take care of it. Bricky apparently mostly like seed salads, but is—which are made from—

[00:25:03] **John Hodgman:** Maple leaf salads.

(Marya confirms.)

You used the term sea brick like that's a thing. I actually have never heard of it, Marya. What is a sea brick and how do you know that it is one?

[00:25:12] **Marya:** Well, it's like sea glass, right? It's been worn away at its edges and—

[00:25:16] **John Hodgman:** Oh, I gotcha. It's been eroded.

[00:25:18] **Marya:** Yeah, it has clearly—it's not a—it looks like it was maybe half a brick at some point, and then it got eroded on all sides. And so, it's—I have to give it to the kids, it's very pleasing. It's very heavy and smooth.

[00:25:34] **John Hodgman:** Do your kids know that you have brick-napped Bricky? Do they know you've got Bricky?

[00:25:37] **Clark:** No.

[00:25:38] **Marya:** We do not—yeah, no. And I don't think they'd be happy about it.

[00:25:42] **John Hodgman:** Yeah. They're gonna find out the hard way, listening to a podcast.

[00:25:45] **Jesse Thorn:** Marya, as the parent of neurodivergent children, I'm familiar with things coming into my house and staying there because they are satisfying. Satisfying: the ultimate value of all physical objects. *(Chuckles.)*

[00:25:58] **John Hodgman:** As a purveyor of a store that that sells hat pins and *ALF* cards, you have to have some definite connection to satisfying, Jesse.

[00:26:09] **Jesse Thorn:** Gotta measure all goods by their heft. Heft and handle.

[00:26:12] **John Hodgman:** Heft. That's a satisfying brick. Tell them they picked out a good brick. Clark, the accusation is hypocritical parenting.

[00:26:22] **Clark:** Sure.

[00:26:22] **John Hodgman:** Which also could just be shortened to parenting, but we'll leave that for later.

(Clark confirms.)

What kind of damage were your kids doing to this maple? Not that I care. As far as I care, tear the whole maple down. But what kind of damage were they doing to the maple that you were not doing to these elms?

[00:26:42] **Clark:** So, I'd like to clarify on the maple. So, as—we can all agree that no one has problem doing whatever to a maple. It's not a maple I'm particularly fond of. It's—I think Marya would agree to that, and I have no real issue with the kids do to it. My main issue is for their safety. So, the children are standing on top of a play structure, as she said, reaching far out over to reach the maple leaves and putting their weight on the maple leaves. So, liable to crack their head open, as one would say. So, that's—

[00:27:15] **Jesse Thorn:** You prefer them to maintain three points of contact.

[00:27:17] **Clark:** Correct. Correct. Whatever they wanna do the maple as long as they are safe.

[00:27:22] **Marya:** But there are other plants in our garden that they also try to pilfer for Bricky's salads that you are not as okay with. Correct?

[00:27:32] **Clark:** That is correct, but I will say that they are, you know, ripping flowers and leaves off them and not using a clean pair of pruning shears.

[00:27:41] **Marya:** Do you trust our small children with pruning shears?

[00:27:44] **Clark:** No. Just because I'm doing something doesn't mean that they can do it. And so, they're not allowed to rip leaves off things and they're also not allowed to use pruning shears. I think that's consistent, which is more than most of my parenting.

[00:27:56] **Jesse Thorn:** Thank you for keeping your pruning shears clean to prevent tree infections.

[00:28:00] **Clark:** You're welcome.

[00:28:02] **John Hodgman:** Yeah, you have to put them in hydrogen peroxide, soak them overnight.

[00:28:06] **Jesse Thorn:** Too many gardeners out there using soiled tools.

[00:28:09] **Marya:** Clark's an anesthesiologist, so he's really good about, you know, keeping things sterile. So.

[00:28:15] **Clark:** Thanks for the plug.

[00:28:17] **Marya:** No problem. (*Chuckles.*)

[00:28:18] **John Hodgman:** Marya, this was a one-day affair, a one-day prune spree. Did you feel that going and clipping from the elm tree in front of the mayor of Elm City's house was an escalation?

[00:28:35] **Marya:** It felt like an escalation to me. It also felt like we had a tiny caterpillar, and maybe we didn't need quite as many bows. And I'll add that upon further research—

[00:28:49] **John Hodgman:** Please use the term tree fingers.

[00:28:51] **Marya:** Okay, sorry. Tree fingers. I think we—

[00:28:53] **John Hodgman:** Thank you.

[00:28:54] **Marya:** I thought we didn't need quite so many tree fingers. I thought that the tree fingers that had fallen to the ground were adequate. Clark accused me of being a monster for feeding Spikey ground leaves, as he would say.

[00:29:11] **John Hodgman:** Ground leaves. Mm-hm. Yeah, ground fingers.

[00:29:13] **Marya:** Exactly. Ground tree fingers. But absolutely, I felt that it was an escalation for him to cut tree fingers from the mayor's elm. Not only because it was the mayor's elm, but because it was—he had to actually jump to get to—

[00:29:35] **Clark:** I disagree with that.

[00:29:37] **Marya:** Okay. You had to stand on your tippy, tippy toes to clip the tree finger off.

[00:29:43] **Clark:** I'll agree with that.

[00:29:45] **John Hodgman:** But you know that the—you know that that MayorElicker grows the tastiest elms in town.

[00:29:49] **Clark:** Mm-hm.

[00:29:50] **John Hodgman:** Was four Tree Fingers enough or too much elm food for Spikey?

[00:29:57] **Clark:** It turned out to be too much, because what we learned through yet further internet research is that the reason I probably found Spikey is that he was in the wandering phase that these caterpillars go through right before they set up their chrysalis. So, it's not clear—like had we known more, maybe he didn't even need any leaves whatsoever.

[00:30:17] **John Hodgman:** How long did you have him before he morphed?

[00:30:20] **Clark:** Day and a half.

[00:30:21] **John Hodgman:** A day and a half. But you didn't know how long Spikey would be hanging around in the caterpillar stage.

[00:30:27] **Clark:** Yes, I know much more about these sorts of caterpillars now than I did when we started this journey.

[00:30:31] **John Hodgman:** So, you were stocking up on tree fingers, because you could—it could be—it could be months that you and Spikey were hanging out together.

[00:30:39] **Clark:** Absolutely. And I didn't know if he had a preference for the Chinese elms, for the older elms.

[00:30:44] **John Hodgman:** Why did you want the mayor's trees leaves particularly? 'Cause of the age?

[00:30:50] **Clark:** Yeah. It was a more mature tree. As Marya points out, I had to stand on my tippy, tippy toes, because it was about two or three times as high as the other trees in the area that we were collecting leaves from.

[00:31:03] **Jesse Thorn:** You also wanted your caterpillar to consume his power.

[00:31:06] **Clark:** I mean, who wouldn't?

[00:31:09] **John Hodgman:** Did the mayor come out and yell at you? Did he shake his fist? His little, spindly fist?

[00:31:11] **Marya:** He didn't (*chuckling*)—as far as we know, Justin didn't see us. But I was already a little bit about the situation because our family had already had had a run-in with Justin, which is how we knew exactly where he lived.

[00:31:28] **John Hodgman:** Ookay. Tell me more about that. Or you seem to be calling him Justin instead of “his honor” or “the mayor”. Is he a friend of yours or an enemy or what?

[00:31:38] **Clark:** We see him a lot around the neighborhood, 'cause he lives two blocks away from us. And we call him Justin, but he has no idea who you are, because he sends us a lot of emails.

[00:31:48] **John Hodgman:** He's gonna find out.

[00:31:50] **Marya:** Exactly! (*Laughs.*) And so, we'll say to each other, "Oh, did you get Justin's email?" And then we'll be like yes.

[00:31:58] **Clark:** Right. I believe people call these parasocial relationships now.

[00:32:00] **Marya:** Exactly. We have a parasocial relationship with the mayor of New Haven.

[00:32:04] **John Hodgman:** You mentioned that you had a run-in with the mayor. What—in what way did you run in?

[00:32:09] **Marya:** So, our neighborhood in New Haven is great for trick-or-treating, and we were out trick-or-treating with our small children. And our daughter and her friend realized that 'cause they were so cute that if they were proactive and asked people to have two pieces of candy rather than one, the answer was almost always yes.

And so, they had been—they had really been working this in the neighborhood until they got to Justin Elicker's porch, and he was sitting there with his wife. And our daughter very, you know, proactively demanded two pieces of candy from him. And he very politely declined and gave her a single piece of candy. But I already feel like we're on thin ice with Mayor Justin. So—

[00:33:02] **John Hodgman:** Are you on thin ice? Or maybe you're owed some extra leaves?

[00:33:06] **Marya:** Hm!

[00:33:07] **John Hodgman:** Clark, yes or no? Did you want those leaves to get back at the mayor for denying your child extra candy?

[00:33:13] **Clark:** No. I don't have the imagined relationship with our mayor that my wife does. So, it was strictly about the tree, and not about the person whose house it was in front of. And as stated, it was a street tree. You know, while—it's, you know, cared for by the city of New Haven. And while he's a representative of it, he has I think no more claim to the specific tree in front of his house than any other tree.

[00:33:40] **John Hodgman:** What was wrong with the ground fingers?

[00:33:43] **Clark:** I think that's exactly the right question, which is it was June. Not a time known for leaves falling off trees. So, if leaves have fallen off the tree in June, I don't know what's going on with them. I don't want to feed them to the one pet caterpillar we've managed to find for our children. I wanna make sure I'm giving the caterpillar leaves that it would otherwise be eating on, which are the leaves that are on the tree.

[00:34:04] **John Hodgman:** After years of searching, I'm sure.

(Clark confirms playfully.)

Tell me, was Spikey a good pal to you for the day and a half that he was around before he turned into—?

[00:34:12] **Clark:** Absolutely. Yeah. So, Spikey was an excellent pal, excellent pet. Did all the caterpillar things. Wandered around, appeared to munch once or twice, and then turned into a chrysalis and ultimately a butterfly. So, no waiting, no muss, no fuss. Uh, five stars.

[00:34:33] **John Hodgman:** So, Spikey metamorphosed and became a mourning cloak, AKA Camberwell beauty, AKA grand surprise. And then what did you do? Did you have it for dinner or what?

[00:34:44] **Clark:** We were actually on vacation. We'd given it to our neighbors to look after—our neighbors, who are butterfly lovers. And while on vacation, they sent us a photograph of Spikey having metamorphosed as they released Spikey into their garden.

[00:35:03] **John Hodgman:** So, why are we here?

[00:35:05] **Clark:** Good question.

(Marya laughs.)

[00:35:06] **John Hodgman:** It's done. This is the past. You can't—you can't put a butterfly back into the bottle.

[00:35:11] **Marya:** Well, for two reasons. The first is I would like, you know, a judgment against my husband, 'cause he thinks he's so right about his privilege (*laughing*) in clipping New Haven's beautiful elm trees. And I think he needs to get a censure for that. The second thing is how our children love collecting bugs of all sorts in our backyard. So, I do not think this is gonna be the last time that Clark goes on a foraging mission for one of these creepy crawlies.

[00:35:53] **John Hodgman:** Were you embarrassed by Clark?

[00:35:55] **Clark:** Um, a little bit. Yeah. And one of the things I happen to know, because we do it a lot, is that in our neighborhood, people—we have these great—we live in a neighborhood with Victorian houses that have these like lookouts. And people—we do a lot of street-watching in New Haven, as do all of our neighbors.

And so, I have no idea who saw us on this expedition while Clark, you know, took the clippers out of his back pocket, clipped off the tree fingers, and said to themselves, “I need to stay away from those people, because they're tree finger stealers.” Or—I don't know.

[00:36:38] **John Hodgman:** Do you have any evidence that you were observed and judged in such a way?

[00:36:42] **Marya:** Nnno.

[00:36:43] **John Hodgman:** Clark, are you aware of Kant's categorical imperative?

[00:36:48] **Clark:** Um, I'm familiar with the term, but can't tell you what that means.

[00:36:52] **John Hodgman:** I first read about it in a basement in New Haven, as it happens. And I'm probably gonna get it a little bit wrong, but it's like, you know, a moral action is one you take where you believe that it would be okay if everyone in the world did it. How would you feel if New Haven was full of Clarks snipping from elm trees?

[00:37:12] **Clark:** I'd feel okay about that.

[00:37:14] **John Hodgman:** Willy-nilly, as we discussed?

(Marya laughs.)

[00:37:17] **Clark:** I take exception to the idea it was willy-nilly, given that I'd researched the elm trees by identifying them on the internet first. I think there's a degree of premeditation that rules out willy-nilly-ness.

[00:37:30] **John Hodgman:** No, I'm not—it's clear that your prune-spree was targeted to a particular type of tree. I'm not saying you were just taking off tree fingers of any kind. You were specifically after these sweet elms.

[00:37:43] **Clark:** True. True. Okay. Yeah. No, and—but even so, I don't think I would—and I don't think Marya would claim that I did—clip from any, you know, sick looking elms or any particular—I didn't take like the central branch. I didn't take the trunk down on any elms. And I think if people took similar levels of care, even less levels of care, I think it would be a fine situation.

[00:38:06] **John Hodgman:** You are saying that if everyone in New Haven was taking clippings from the elm trees, the transplanted elm trees in Elm City, that that would be good for those trees.

[00:38:17] **Clark:** I think with the degree of care that I was demonstrating, yes.

[00:38:21] **John Hodgman:** Every—this is a—this is a city of 160,000 people.

(Marya cackles.)

[00:38:25] **Clark:** Well, I think I probably wouldn't have taken four branches if everyone else was doing it, but—

[00:38:29] **John Hodgman:** But you took four!

[00:38:30] **Clark:** I did, but not everyone else was doing it.

[00:38:32] **John Hodgman:** Was that a moral—was that a moral act in the eyes of the categorical imperative by Kant?

[00:38:37] **Clark:** I'm gonna say my Kantian analysis is not sufficient to answer that question, but I feel moral about it.

[00:38:46] **John Hodgman:** You know what Kant's most famous quote was?

[00:38:49] **Clark:** Uh, tell me.

[00:38:51] **John Hodgman:** I Kant even with you.

(They chuckle.)

[00:38:57] **Clark:** I didn't know that.

[00:38:59] **John Hodgman:** Yeah, that's real. I learned that in a basement in New Haven. Thumbs up from Jesse. And you're right Clark, it's Kant (*kahn-t*), it's not Kant (*can't*). I'm just being difficult, 'cause I enjoy talking to you both. You both are very nice. And it's a hard one for me to decide. I'm gonna need a minute in my elm-based tree house to come up with my verdict. Before I go, let me just understand: Marya, you would like me to rule that Clark—you want me to censure Clark for his past behavior.

[00:39:30] **Clark:** Absolutely. Mm-hm.

[00:39:31] **John Hodgman:** And promise that he not do anything like it again in the future.

[00:39:35] **Clark:** That's correct.

[00:39:37] **John Hodgman:** Clark, you would like me to recognize that it was reasonable for you to clip—it says here the leaves, but we're talking about tree fingers.

[00:39:44] **Clark:** Sure.

[00:39:45] **John Hodgman:** Why didn't you just pick a few leaves and throw them in that jar?!

[00:39:49] **Clark:** You know, I think it comes back to the distinction between ripping leaves off of things and pruning them. I think—and secondly, we needed something for Spikey to put the chrysalis on. So, you need some sort of twig there. I don't know about caterpillars. Maybe they need the branch eat the leaves.

[00:40:08] **John Hodgman:** Mm-hm. Okay. So, you want me to recognize that it was reasonable for you to do it, and then also it says here “to be left alone”.

[00:40:15] **Clark:** Yeah! Actually, if you could just broadly rule that I should be left alone, I'd be okay with that.

[00:40:21] **Marya:** That seems really dangerous to me.

[00:40:23] **John Hodgman:** In what way is it—in what way—excuse me, Marya, I'm now speaking to Clark. In what ways are you not left alone?

[00:40:30] **Clark:** You know, I'm left alone a great deal. But I think it would be convenient if I were just left alone, period.

[00:40:40] **John Hodgman:** Does Marya try to police your behavior in other ways besides clipping the fingers off of trees?

[00:40:51] **Clark:** Uh, you know, I think only in the normal, appropriate ways.

[00:40:54] **John Hodgman:** Okay. Just wanted to see—

[00:40:55] **Clark:** Like, you know, making sure I'm not on my phone all the time with the children or—you know, the usual stuff.

[00:41:01] **John Hodgman:** Right. This is—I mean, it's just, this is what I have here is your ideal ruling. I just wanna get to the—get to the bottom of it.

[00:41:05] **Clark:** I think that that would be ideal. Yes.

[00:41:07] **Marya:** And I would add that Clark—I think that his ideal day would involve just being left alone in the garden for him to get into whatever project he would, you know, wants to without having to explain himself to anyone.

[00:41:25] **John Hodgman:** Has he done any unexplainable projects in the garden?

[00:41:28] **Marya:** Um, yes. He has—well, so I should say that his garden care has made our garden from a weed field to a very nice place. So, overall, the garden care is great. But one of the things he really likes to do is aerate the lawn. Um, and that involves like taking a thing and taking out these plugs of lawn.

[00:41:53] **John Hodgman:** Plugs of lawn? Yeah.

[00:41:54] **Marya:** Yes. I don't love that, but especially because then he'll decide that the lawn is all wrong and he wants to start over, and then he just starts pulling out pieces of grass.

[00:42:10] **Clark:** I think this is fairly normal husband behavior. I think even classic, perhaps.

[00:42:16] **John Hodgman:** Marya, how long was the expedition in total to collect the tree fingers?

[00:42:20] **Marya:** Well, think it was about—probably about 45 minutes. Our children, they love taking walks around the neighborhood, but they're quite slow, because they like to stop on every tree stump and make me take pictures of them. So, that did make it longer.

[00:42:36] **John Hodgman:** I understand, yeah. And did you express your displeasure at any point during this trip?

[00:42:46] **Marya:** I did, in fact. I was walking behind the troupe of them. I should also say that Clark had our small children holding the elm branches at as if to—you know, if somebody stopped and asked him, he'd be like, "They're kids!" I don't know that that's what he was gonna do, but it felt, um—

[00:43:06] **John Hodgman:** That's conjecture.

[00:43:08] **Marya:** It was. It was. But—

[00:43:10] **John Hodgman:** You had—he had them holding them like trophies though?

[00:43:13] **Marya:** Yes. Yes. And they were walking down the street. They were swinging them about.

[00:43:19] **John Hodgman:** How long—how long were they, would you say? The branches? Because I'm looking at this bell jar—

[00:43:21] **Marya:** They were about...

[00:43:22] **John Hodgman:** A foot in length?

[00:43:24] **Marya:** I had to cut—I would say about a foot in length. Yeah.

[00:43:28] **John Hodgman:** So, you had to cut that down in order to get it into the bell jar?

[00:43:30] **Marya:** I had to—absolutely. Absolutely. And I should add that Clark also, we—the walk became long enough that it became clear that we needed to eat dinner. And so, we went to a local establishment, and Clark brought the elm tree bows into the restaurant. And I believe our server actually asked him about it and he said, "Oh yes, they're to feed our caterpillar." It just felt, you know—I dunno.

[00:44:01] **Clark:** I wasn't gonna leave them outside.

[00:44:02] **John Hodgman:** There's nothing wrong with getting a little weird dad-ing in early, even when your kids are small.

[00:44:07] **Jesse Thorn:** Oh, that? Just something I stole from the mayor.

(Clark laughs.)

[00:44:12] **John Hodgman:** Let me ask you a question I'd like you to answer just yes or no plainly, Marya. This eating establishment you went to, was it Mecha Noodle Bar?

[00:44:21] **Marya:** No.

[00:44:23] **John Hodgman:** Yeah. Your mistake. Clark, I'm gonna ask you a question, and I want you to answer yes or no—two questions, actually. When Marya said, “I wish you wouldn't do that,” did you hear what she was saying?

[00:44:35] **Clark:** I'm not sure that's how she put it. Mmmm. Yes and no.

[00:44:40] **John Hodgman:** Alright, then pause for a moment. Marya, what did you say?

[00:44:43] **Marya:** Well, I don't remember precisely, but I do know that I expressed that I didn't think it was a good idea. I think I said more like—I think I was surprised in that I had not seen that he had taken the clippers with us when we set off on our walk. So, when he clipped off of the tree the first time, I said something like, “Are you really gonna clip off of the tree?” And he said yes. And then, we kept on walking.

[00:45:16] **John Hodgman:** But would you—Clark, was it clear that she was uncomfortable with what you were doing?

[00:45:21] **Clark:** Yes.

[00:45:23] **John Hodgman:** Did you do it anyway?

[00:45:25] **Clark:** Yes.

[00:45:26] **John Hodgman:** Thank you. I'm gonna climb up in my tree house of horror, and I'll be back in a moment with my verdict.

[00:45:33] **Jesse Thorn:** Please rise as Judge John Hodgman exits the courtroom.

(Chairs squeak, followed by heavy footsteps and a door closing.)

Marya, how are you feeling?

[00:45:40] **Marya:** I'm feeling pretty good. I mean, I think I made a strong case to the judge, and I think he understands the—you know—the New Haven environment, what I'm talking—the neighborly New Haven, Elm City environment. So, I'm hoping that works in my favor.

[00:46:04] **Jesse Thorn:** Clark, how do you feel?

[00:46:05] **Clark:** I'm feeling okay as well. I think I was acting as a reasonable person. I think it was to the benefit of trees and my children and Spikey. So, I think it's all gonna go well.

[00:46:17] **Jesse Thorn:** We'll see what Judge Hodgman has to say about this when we come back in just a second.

[00:46:21] **Sound Effect:** Three gavel bangs.

[00:46:25] **Sound Effect:** Three gavel bangs.

[00:46:27] **Jesse Thorn:** Judge Hodgman, we're headed out on the roooad! The Van Freaks Roadshow Tour!

[00:46:36] **John Hodgman:** That's right. Last week we told you about our upcoming live shows in the UK and Europe. We're gonna be in Belfast, Northern Ireland, Dublin, the Republic Island, Edinburgh, Scotland, London, England, and Copenhagen, which is in Denmark, which is going to be terrific. But that's Europe and the UK. And—

[00:46:55] **Jesse Thorn:** Wow. Hold on. Hold onto your hats, listeners.

[00:46:58] **John Hodgman:** That's right. We are now pleased to announce our national tour in the nation of USA as well. Now, Jesse Thorn and I share a love for *Antiques Roadshow*.

[00:47:10] **Jesse Thorn:** It's true.

[00:47:11] **John Hodgman:** Only one of us has ever been on the program, but we both—

[00:47:14] **Jesse Thorn:** It was you. I went to the program, but they didn't even put me in the B roll.

[00:47:19] **John Hodgman:** Only one of us has some *Antiques Roadshow* socks, but that can be repaired.

[00:47:22] **Jesse Thorn:** I don't—I don't have any. I did go to the program, and I brought some really cool stuff with great stories, but they didn't put me on the air.

[00:47:28] **John Hodgman:** And Jesse Thorn has a particular fondness and obsession for a particular Japanese market adventure van, called the Mitsubishi Delica. And I have come to love that van as well. Do you have one, Jesse?

[00:47:41] **Jesse Thorn:** I have a Subaru Sambar Dais Classic.

[00:47:44] **John Hodgman:** Well, that's pretty hot, but the point is, you like vans, right, Jesse? Wouldn't you say?

[00:47:48] **Jesse Thorn:** I'm a real van freak.

[00:47:49] **John Hodgman:** Yeah. So, we're calling—

[00:47:50] **Jesse Thorn:** Let's take this show on the road. (*Laughs.*)

[00:47:53] **John Hodgman:** We're calling in—we're calling—in the sweatiest pun possible, we're calling this tour The Van Freaks Roadshow

[00:47:57] **Jesse Thorn:** Yeah.

[00:47:58] **John Hodgman:** We are calling this tour the Van Freaks Roadshow. The Van Freaks Roadshow is coming to your town if you live in Lexington, Kentucky, Chicago, Illinois, Madison, Wisconsin, St. Paul, Minnesota, Austin, Texas, Atlanta, Georgia, Durham, North Carolina. Let me take a breath! (*Gasps.*) Charlottesville, Virginia, Washington DC, and that's it. Right, Jesse? We stop in Washington DC?

[00:48:24] **Jesse Thorn:** Then we head—I don't know if this—there's these two shows in there. God knows what region of the United States these are in, but Portland, Maine, Boston, Massachusetts.

[00:48:37] **John Hodgman:** Yeah, they're in New England.

[00:48:38] **Jesse Thorn:** And then! We're closing the show out in Brooklyn, New York City, on November 7th with a live streaming extravaganza. We are currently planning just a murderer's row of ringers on this show. It is gonna be a blast. Every one of these shows is different from every other one of these shows, but no matter where you are in the world, you'll want to get tickets to this Brooklyn show on November 7th so that you can watch online or in person. 'Cause it is gonna be a blowout.

[00:49:09] **John Hodgman:** I'm gonna tell you, if you're a van freak, maybe you're out there living that van life—that hashtag van life—I don't care whether it's a Toyota Delica or a Subaru Dias or whatever. You can get in the van and just follow us on the road. The Van Freaks Roadshow, it's coming to all these towns. And here's some even more good news. If you're a MaxFun member, you can get tickets right now. Today. Exclusively for MaxFun members. Check your emails for a special presale code. They should be in your email box today. Check your junk folder if you have to. MaxFun members get to buy tickets today, and today is August the second. If you're not a MaxFun member, we still love you. General sale starts Friday, August the 4th. For tickets and all the information you need, guess where you need to go? VanFreaksRoadshow.com. That's right. You heard me. VanFreaksRoadshow.com for tickets and info.

And obviously, we're gonna need cases for all these shows. So, if we're coming to your town, city, state, country, or world capital, as always, send us your disputes at MaximumFun.org/jjho and let us know where you are. VanFreaksRoadshow.com.

[00:50:14] **Sound Effect:** Three gavel bangs.

[00:50:16] **Jesse Thorn:** Please rise as Judge John Hodgman reenters the courtroom and presents his verdict.

(Chairs squeak, followed by heavy footsteps and a door closing.)

[00:50:23] **John Hodgman:** So, first of all, I don't hate maples. Maples are fine trees. They're great trees. They—I love a maple leaf. I love a maple leaf rag. I love the country of Canada. I love maple syrup. I love the shade of a maple tree. They're fine. I was just—that was just a bit. And in fact, it might even have been a dead branch of a maple tree that I adopted 24 years ago as grown man and named Sticky—much like your children named brick Brick. I adopted Sticky on a visit to Maine in the middle of winter. We all went up to Amy Radford's parents' little cabin, just a little getaway all of us friends. And the morning it was so cold out. 'Cause it used to be cold in Maine. Remember that Joel? Remember it was cold in Maine.

[00:51:17] **Joel Mann:** Long time ago.

[00:51:18] **John Hodgman:** Yeah, a long time ago, it used to be cold in Maine. I went out into the very, very cold wintry morning of New Year's Day. And I had Sticky with me, and I was hidden sticky against a tree. 'Cause in that cold, cold air, it made such a satisfying sound. Satisfying, you know what I mean? Satisfying: puck, puck, puck, puck. And then, I—but I went too hard, and Sticky broke. And I just said, “I split Sticky.” And no one has been able to let me forget that. I felt so bad for Sticky. That's just a little story about a stick I had, hadn't thought about it 'til I heard about Brick.

Point is, I like maple, and I'm sorry, Sticky, if you were a maple. I'm sorry. I'm sorry I broke Sticky. You gotta be careful with trees. You gotta be gentle. You know what I mean? Trees, they gotta put up with a lot—especially trees in public cities. You know what I mean? A lot of smog, a lot of beetles, a lot of vermin, a lot of dogs peeing on them. It's not natural. New Haven was the first city to plant trees publicly. It's a wonderful thing. And look what happened? The beetles just came and killed 'em all. Now, New Haven's trying to get back up to speed, get those elms back. Now, I know that in episode 330, I established a settled law that it was okay to take a clipping from a public plant, especially if you're gonna do something good with it, like grow it. Or in this case, feed it to a caterpillar that you have captured and keeping in a jar.

And it worked! Spikey made it and turned into a beautiful mourning cloak butterfly. But even though this is settled law, I do take pause. And I wonder to what degree I might reconsider, because I might not have been thinking of the categorical imperative of Immanuel Kant back in episode 330. Because what if Mercedes, the mom who was taking those clippings, was all of us, back then? What if the world was full of Mercedeses just clipping away at mall plants? Why there'd be none left. I do think that this is something special about the Elm City elms,

that they deserve a little bit of a break. Was there harm done? No. Did Spikey survive and thrive? Yes. Did the mayor notice? Probably not.

I will say, Clark, that you did make two mistakes. And not just the mistake of cutting too many trees, which you did. You should have cut—take one cutting discreetly. Maybe go to the mayor's house first and see how Sticky liked it and left the other trees alone until you knew it was time to replenish if you were going to do it at all. Oh, you did three mistakes. 'Cause the other mistake that you made was you did all this research into what Spikey wants to eat, but you didn't do enough research into what New Haven and the trees want. I speak for the trees. You should have gone to a website, gotten a telephone number, and found out if this was okay to do. Because of that Kantian imperative. You easily could have plucked a few leaves, and it would've been fine. Did you do harm? No. But you did make a mistake. You took too many tree fingers—more than you needed, when you didn't have to. You didn't consult with New Haven or the mayor himself. You could've knocked on his door and said, “Hey, what do you think about me taking a little cutting of this tree? I wanna feed it to a caterpillar.”

Your third mistake was, after you took the first cutting, you knew that your wife was uncomfortable with it, and then you kept doing it. That's something you should probably not do. If someone that you care about indicates that they do not feel comfortable with your behavior, and it's not—you're not saving a life. I mean, you're feeding caterpillar. And you got the—and you got the one tree finger already. That's a—you've already got—you've already got your pruning shears with you. That's a good enough time to cut it out, if you know what I mean. That's pruning shear humor. Bring your pruning spree to an end at that point. So, on these three points, I censure you.

[00:55:51] **Marya:** Thank you, judge.

[00:55:52] **John Hodgman:** Oh, don't thank me yet.

[00:55:54] **Marya:** Oh no! (*Chuckles.*)

[00:55:56] **John Hodgman:** That said, I will not prohibit you from this behavior in the future. I only order you to do more research. You know what those what those fun people online say: do your own research. They're fun. They're fun. They're good for civilization. But in this case, yeah, do—you're already interested in gardening. Don't just tend to your own garden à la Voltaire's *Candide*. I did not learn about that in a basement in New Haven. I learned about that in a classroom in Brookline, Massachusetts. But be more holistic in your gardening. You live in the Elm City. You should care for these trees, not target them and then willy-nilly take their fingers off without first figuring out if this is okay. Go ask the mayor. Go do your research. Figure out if this is okay or not for sure. And then, probably you should do it on your own. 'Cause it clearly—clearly, it makes Marya uncomfortable to wander around the town while you're doing your weird dad experiment. She's afraid you're gonna get caught, afraid you're gonna get yelled at by the mayor or someone else.

I don't think—I don't think he's doing anything terrible, but it's not something that everyone should be doing all the time. And therefore, I think if Clark ever gets another caterpillar and needs to take something from the public bounty that he do so responsibly, take one finger not

four, and make sure that it's okay to do it if it's not on your property. Particularly with regard to these elm trees, which are special to the city. And spare your wife discomfort either by doing it in the dark of night in secret, not brandishing your twigs like a trophy at the Mecha Noodle Bar or wherever you choose to go that isn't Mecha Noodle Bar. And just be mindful. Be a gardener for the whole town, not just your own backyard. This is the sound of a gavel.

(Pruning shears snipping quickly.)

Judge John Hodgman rules. That is all.

[00:58:04] **Jesse Thorn:** Please rise as Judge John Hodgman exits the courtroom.

(Chairs squeak, followed by heavy footsteps and a door closing.)

Clark, how do you feel?

[00:58:10] **Clark:** I feel okay about that. I can't really take exception to anything he said. I think certainly respecting my wife's feelings is something I support. I was overzealous in the number of branches I took. And you know, I'm always for more internet research, and I'm sure Marya's happy I'll be doing more of it—and forced to do more of it, really. So, I'm happy with that ruling.

[00:58:34] **Jesse Thorn:** Marya, you look concerned he may disappear into a hole of research from which he may never return.

[00:58:39] **Marya:** Uh, yes. That is exactly how I feel. I'm very happy with the judge's ruling, *(chuckling)* except for on the research. Because Clark loves nothing more than internet research about obscure topics that have nothing to do with his actual research that he's supposed to be doing.

[00:58:58] **Jesse Thorn:** Well, I have some research to do on the topic of funny things people say when they're coming out of anesthesia. So, thanks to the two of you for joining us on the *Judge John Hodgman* podcast.

(They thank him.)

[00:59:11] **Sound Effect:** Three gavel bangs.

[00:59:13] **Jesse Thorn:** Another *Judge John Hodgman* case is in the books. In a moment, we'll have Swift Justice. First, our thanks to Redditor Acone419 for naming this week's episode “Criminal Elm-ement”.

[00:59:27] **John Hodgman:** That has to be Acorn419 doesn't it, Jesse? I mean, I know it says Acone419, but come on. For a tree-based show, can we call it Acorn?

[00:59:37] **Jesse Thorn:** Do you think someone typed in Acorn419 and then was like, “Oh no! They'll know I'm a tree!” And they changed it to Acone419.

[00:59:46] **John Hodgman:** (*Chuckles.*) Yeah, but it is still pretty tree-themed then, now that I think of it. 'Cause you got cone in there. I mean, a pinecone is what I'm talking about. Okay. Anyway.

[00:59:56] **Jesse Thorn:** MaximumFun.Reddit.com is where we ask for those. Thanks to everybody who's been contributing them. Evidence and photos from the show are posted on our Instagram account at [instagram.com/judgejohnhodgman](https://www.instagram.com/judgejohnhodgman). I think our audience deserves a chance to get a look at this beautiful brick. *Judge John Hodgman* was created by Jesse Thorn and John Hodgman. This episode engineered by Kurt Carbone at CMC Studios in New Haven, Connecticut, and by Joel Mann at WERU in Orland, Maine. Marie Bardy runs our social media. Our producer is Jennifer Marmor.

Now, Swift Justice. Jay of the Internet on the MaxFun Reddit says, “Roundabouts are cool. I need the world to acknowledge this.”

[01:00:42] **John Hodgman:** Roundabouts are cool. In New England, we call them rotaries. Joel, do you remember—do you remember when the rotary was put in on the top of Tenney Hill and Blue Hill?

(Joel confirms.)

Do you remember how the weekly packet had a front-page article explaining to people how to use it?

(Joel confirms with a laugh.)

And people still send in letters to the newspaper here, confused about the rotary and how to use it. It's very, very—it was very controversial.

[01:01:06] **Joel Mann:** I love it.

[01:01:07] **John Hodgman:** You—it makes it a lot easier doesn't it?

[01:01:09] **Joel Mann:** A lot easier and a lot less accidents right there.

[01:01:13] **John Hodgman:** Because there used to be a—what?—like a stoplight at the top of the hill.

[01:01:16] **Joel Mann:** Four-way.

[01:01:17] **John Hodgman:** Four-way stoplight.

[01:01:18] **Joel Mann:** And it was a flashing light. It wasn't even a stoplight.

[01:01:19] **John Hodgman:** Oh! Forget about it. Yeah, no. Right. Rotaries are cool. Wouldn't you agree, Joel?

(Joel agrees.)

Absolutely. Rotaries, roundabouts, whatever you call them, they're cool. Just remember, yield to the person in the rotary. That's all you have to do. And then just be on your way. Pretty soon, you're at the Hannaford's or you're heading up to the kingdom bikes or Shoreline Auto Detailing, wherever you need to go. You getting off to go to Johnson's, the lady who sells the fish out of her garage—

[01:01:46] **Joel Mann:** The co-op. The best co-op.

[01:01:47] **John Hodgman:** You go to the co-op, the—thank you very much. The be the best co-op in all of Maine or the world, would you say?

[01:01:53] **Joel Mann:** I've only been to a co-op in Maine, so.

[01:01:55] **John Hodgman:** The Blue Hill co-op is terrific. All of these places you can get to just by following the roundabout the correct way, and you're gonna have a good time doing it. So, yeah, roundabouts are really cool. Jesse, do you disagree? Roundabouts are cool, right?

[01:02:07] **Jesse Thorn:** I love roundabouts. Even more than roundabouts, I love scrambles. Do you guys have pedestrian scrambles?

[01:02:12] **John Hodgman:** *(Laughing.)* No, what's that?

[01:02:14] **Jesse Thorn:** Here in Westlake, in Los Angeles, we've got a fair few of them. They also have them in Old Town Pasadena, I've noticed. There are intersections where the pedestrians all cross at once. So, the pedestrians can cross diagonally across the intersection or from, you know, adjacent corner to adjacent corner. And all cars must stop while the pedestrians cross.

[01:02:41] **John Hodgman:** Do they have a recorded voice going, “Scramble, scramble, scramble.” Hey, our show runs on disputes, since we're speaking automotively. That is the engine of our show, disputes. And this week, we're looking specifically for fantasy fights, disputes from the magical realm of fantasy in both book, audio—in both book, television, film, audio form. Which *Game of Throne* sits on the iron chair that makes it the best *Game of Throne* book or series or character? Which is the top Tolkien? Are you a *Silmarillion* stan or what? Which is the wildest *Wheel of Time*? Never read any of those. Which would win in a fight—? This is a really good one, actually. I wanna know the answer to this. A gold dragon or a platinum dragon? Is Star Wars science fiction or fantasy? There is an answer, and I know it. Why haven't I read *Disc World* yet? Haven't gotten to those yet, and people are mad at me about it. Why haven't you read N.K. Jemisin's *The Fifth Season* yet? Probably a bunch of you haven't. Get at it.

We will also accept disputes that you have had at the Renaissance Fair. Please, tell me about disputes you've had at the Renaissance Fair. That would make me so, so happy. Did you ever get a bum turkey leg at the Ren Fair? Was there some jousting that went wrong? Let me know.

[01:03:57] **Jesse Thorn:** Are you accepting *Skryim* disputes?

(John confirms emphatically.)

Like, about gathering lavender, hanging moss?

[01:04:02] **John Hodgman:** Of course, I should have thought—and of course, *Legend of Zelda* counts. *Zelda* is the boy. Anything fantasy related, we want a dispute. I want so many disputes that we can do a trilogy of episodes, fantasy episodes. You know what I mean? Book one, book two, book three, and then an appendix and a map. So, tie your disputes to the claw of a raven, and send them to MaximumFun.org/jjho. And while you're at it, send in any dispute.

[01:04:31] **Jesse Thorn:** Of course! MaximumFun.org/jjho is where you can submit them. MaximumFun.org/jjho. Think about the people surrounding you right now and what your problem is with them. Then go to MaximumFun.org/jjho. We'll talk to you next time on the *Judge John Hodgman* podcast.

[01:04:50] **Sound Effect:** Three gavel bangs.

[01:04:52] **Sound Effect:** Cheerful ukulele chord.

[01:04:53] **Speaker 1:** Maximum Fun.

[01:04:54] **Speaker 2:** A worker-owned network.

[01:04:56] **Speaker 3:** Of artist owned shows.

[01:04:57] **Speaker 4:** Supported—

[01:04:58] **Speaker 5:** —directly—

[01:04:59] **Speaker 6:** —by you.