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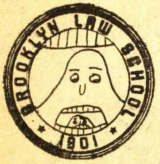
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Jestinian

VOL. XXXVII

222

FRIDAY, APRIL 1, 1977

NO. 8

Students Run BLS For A Day

Cazzoli In Cafeteria; Phone-Booth Freak Visits

By O. WINDMILL HOMES

BLS was run by the students on April 1.

The initial reports on the school's reputation are very encouraging. It all started at a mid-spring night's party.

The night was March 31. The mixer in the Lounge was attended by faculty — Farrell, Crea, Comerford, Schultz, Prince and yes, even his compatriot in the art of Deaning, Lisle. With the flow of good cheer, liquor and general legal illiteracy, the following SBA proposal to the faculty present was well received — "Why not let the students run the school for a day?"

After some legal lampooning, the SBA came up with a brilliant idea — Why not give the faculty a day off the same day?

This was received by the half-dozen 'mentally malleable mentors' with great glee. These 'intrepid teachers of torts and treatises' further realized that the following day, April 1, would be invaluable to work off their hangovers. April 1 therefore became the historical day on which BLS dictatorship temporarily gave power to jubilant students.

As freedom follows power, so responsibility follows freedom (cited in the Dead Sea Scrolls, parchment I, scribbled in the lower right-hand corner). The SBA thus called a town meeting at 8 a.m. the following day, to mold the school into a model of 'jurisprudential delight.' A quorum was declared when 10 sleepy students showed up the following morning (see Roberts' Rules

of Orders: What To Do When the Rules Don't Apply).

In a series of motions, all ongoing operations of the school, except the plumbing and the lighting (for which judgment was reserved), were dismissed as inefficient. The task of administering the new BLS began with a flourish of innovations. The ninth-floor phone operator was left literally speechless. All other secretarial help was routed into the Moot Courtroom for re-testing. Most failed the speech test, which consisted of looking at the examiner with a smile and saying: "Excuse me, can I help you." The most common failing was an inability to smile. Some did remember to smile, but were unable to speak while smiling. The few who could speak with a frozen smile inevitably forgot, "Excuse me," and habitually changed, "Can I help you?" to, "What do you want?"

BLS Hires the Handicapped

In addition, not one voice in the secretarial pool was rated as 'pleasing to the ear' by a panel of experts (namely, the maintenance people who take and give all kinds of speech abuse). In fact, most of the voices were dismissed outright as 'dangerous to the eardrum.' The problem of finding a successor for the ninth-floor phone operator was partially solved by employing a deaf mute for the day. The initial reaction of habitual callers, mostly college students wanting to know why they hadn't received the BLS Bulletin and Admission Applica-

tion, was favorable.

With the secretarial pool dismissed for the day, along with all faculty who refused to accept 'student status' for the day, the SBA got down to the business of teaching one thousand bored students. The deleterious effects of sleeping sickness, which most students had caught within the first month of law school, required drastic measures.

The SBA decided to call in an expert witness on 'excitable living,' the Phone-Booth Freak (for lack of more acceptable legal terminology). The reasoning was that anyone who could get so excited in a phone booth as to crawl up its sides, would exude the secret antidote to sleeping sickness in a spacious classroom. The Phone-Booth Freak demonstrated his 'phone-booth hustle,' before the somnambulant students.

However, due to the limited number of available school phone booths (6), the demonstration was judged to be "for prurient interests only" by Prof. Henry M. Holster. He argued that the rights of the phone-booth were being infringed, especially the right to privacy, under the 'umbrella' or 'penumbra' or 'emanations' of rights, which flow from the Fountain of Youth or Bill of Rights. While caressing his omnipresent microphone, he explained that property rights were 'states' rights' and protected by the Tenth Amendment, while personal rights were vicariously protected by the sleeper amendment,

the Ninth. Prof. Holster claimed that he had as many rights as the phone booth under the Ninth Amendment, and proceeded to caress and carry off the phone booth, closely followed by the Phone-Booth Freak.

Holster exclaimed as he exited, "The military draft was equivalent to slavery; if it's phone booths now, we could be

next." The general SBA consensus was that, "if the faculty want to teach inside phone booths, let them. They too can be replaced by deaf mutes."

With the SBA meeting recalled to order, a motion was made to revamp the cafeteria. Because proof of the food's poor quality was disdained by the cafeteria

(Continued on Page 4)

Dean Candidate Swings Into View

Justice Run A. Muck will be interviewed by the Decanal Search Committee on April 1. Although there is strong support for his candidacy among those who know him, several factors will probably mitigate against him being named new dean.

While Justice Muck has strong academic credentials (Ph.D. in human psychology as well as an LL.M. in taxation) he has done very little scholarly writing. One source told JESTINIAN that Muck's professional stature has been stunted by the fact that he can type with his feet.

A BLS professor who knew Muck when the latter was a partner in the firm of Muck and Meyer recalled the legendary administrative ability of the justice: "I've never seen any person run an office so smoothly. Why, it looked like he had four hands."



Photo by Matt Brady

Justice Run A. Muck, decanal candidate

The Ultimate And Only First Year Exam

[Ed. Note: Jestinian was able to obtain a copy of the faculty's ultimate first year exam. This test will be given to all first year students on June 1. This will be the only test that those students will take this semester. (See Editorial for Jestinian's reaction.)]

By CRUSADER RABBIT

A is a grower & seller of artichokes who lives in California. He flies to New York where he meets with B, a food distributor. They contract an arrangement whereby A will ship 10 tons of artichokes to B's warehouse in New York at a price of \$500/ton, payable on delivery. A then goes to New Jersey and hires a criminal C to engage in a little racketeering. C, who was supposed to blackmail somebody else, black-

mails B into giving his entire estate (including the artichokes) as a life estate to D, remainder to E. E, who happens to be A's son, decides to kill D by poisoning the artichokes. (He knows of D's fondness for artichokes.) E hires F to do the dirty work. F and his partner G hit upon the following plan. They will meet the truck carrying the artichokes from California and F will pull out in front in a slow pick-up truck. As the pickup slows to 15 m.p.h., G jumps on the artichoke truck from the rear and poisons the produce.

Unfortunately, this plan does not work. As F pulls out in front of the artichoke truck, the driver H pulls out to pass in a no-passing zone. As he does so, A, who is returning to California by car, drives over the top of the hill headed in the opposite direction. Both A & H lock their

brakes, but a collision occurs. This happens in Pennsylvania.

A sues B for the money due under the contract, claiming that the contract was substantially performed and that the artichokes could have been disposed of just as easily in Pennsylvania as in New York. B counterclaims either to rescind the contract because A's actions have frustrated performance of the contract or to grant him damages equal to the profit he would have realized on the transaction. E, as remainderman, sues D, as holder of the life estate, for waste on the grounds that everyone knows that you don't ship artichokes from California to New York by truck, but rather by plane. D names B as a necessary party since he is the donee of the life estates. B counter sues E to rescind the life estate and the remainder on grounds of duress,

naming C as a necessary party. B also swears out a criminal complaint against C for racketeering, and also files a civil suit against C for intentional infliction of mental anguish. C names A as a necessary party in the civil suit under the theory of respondeat superior. B then swears out a criminal complaint against A for conspiracy. A, in response to being named in B's civil suit, enters a limited appearance and files a motion to dismiss since he never hired C to blackmail B (but rather somebody else, which he does not bother to mention to the court).

A then sues H for personal injuries and property damage to his car resulting from the collision, and also names I, the owner of the truck, under the theory of respondeat superior. I files an answer denying liability since H was breaking the

law by passing in a no-passing zone, and that an employer has no liability for an employee's lawless acts. H names F & G as necessary parties on the theory that H's actions in passing unlawfully were necessary to avoid colliding into F who negligently pulled out in front of H. F & G then bring E into the case as a necessary party, since E hired them to do the dirty work. At this point, A is suing H, H is suing F & G (placing them on A's side) and F & G are suing E (placing him on H's side). This places A & E on opposite sides of a lawsuit, and E moves to dismiss the action against him since he is A's son and cannot be sued under the doctrine of family immunity. The State then brings criminal conspiracy charges against E, F and G.

What result and why?

Jestinian

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Another Outrage

The Administration is conspiring against the students. The 9th floor moguls have ruled that ALL FINALS MUST BE HELD ON THE SAME DAY — June 1.

The purported reason for this inane decision is to give students approximately two weeks to prepare for exams. However our investigation reveals that the Administration is playing cute. The **real reason** is to provide more vacation time for the faculty —the students be damned!

This is the type of decision that students should not accept at all. What response will come from the proletariat who spend thousands of dollars yearly at BLS, expecting to receive a quality legal education? Whatever response there is, we hope that it comes soon.

GRIN AND BEAR IT by Lichty & Wagner



"It's your own fault, Slug . . . If you're going out into the world to steal, you should go to school and get a license like I did."

Reproduced through the courtesy of Field Newspaper Syndicate

Is Law Vegetarian?

"One day a bright-eyed young first-year student hopped by and said to the cluster of more senior students standing there, 'You know, you people are hopelessly cynical. Legal study just must be like a great big ripe tomato — tremendous gratification! All you have to do is reach out and partake of the succulent richness.'"

"Man, what drive!" exclaimed a second-year student.

"Legal study is really like a banana — you have to peel and peel before you get anything at all."

"At this point a third-year student limped by after a disastrous job interview. 'Fools,' he said quietly, 'legal study is like peeling an onion — you keep peeling away layer after layer until all you can do is sit down and cry.'"

BLS Seal Contest Winner: The Real Seal

Julian Meltzer

The significance of the seal is readily apparent to anyone who possesses a modicum of intelligence and an electron microscope.

Represented is a Brooklyn market scene, circa 1899. The central figure holds the balance in which she measures gefilte fish, a gay-ninety's delicacy.

The figure to the left hawks his wares: globes, elongated pretzels and winged skull-caps. On the right a merchant operates a cash-register with her right arm and head.

In the background, typical Brooklyn street people among whom the perspicacious observer may discern Jerome Prince.



Honorable Mention

Jeffrey Klein

The seal has been abolished in New York by the UCC, or was it the GOL? Anyway, The Seal has deep symbolic significance: it signifies The Great Triumvirate. Tony is the centerpiece, representing the blindness and ludicrousness of the Law. The Dawns sit on either side, representing The Fight in all of us and The Awe in which we hold BLS. In the background, lay a symbol of the great Foresight of the Founders: the 1906 San Francisco earthquake!



Photo by Louis Daguerre

Contest winner Julian Meltzer shies away from ace Jestinian photographer Louis Daguerre during the presentation of the fabled Jestinian Seal of Approval by the Hunchback of Army.

Unofficial Honorable Mention

By ANNE O. NIMBUS

It was sometime in the nineteen-twenties, another wet Wednesday in Brooklyn.

Anyone who really counted lived in Manhattan.

Dean Richardson had hoped to clarify some problems of sense perception and their role in the competence of testimonial evidence, but once again the unwavering drone of his dulcet Brahmin tones was proving an insomniac's delight. Despite a savage battering from years of experience, hope still sprang eternal in this professorial breast.

Somewhat more resourceful than the snoring wood in the other seats, Jerry Prince sat strategically hunched behind one of his more conveniently corpulent comrades. When dol-drum threatened, the muse mercifully intervened; Jerry often survived until the bell by penning short mystery stories for a popular pulp. It is said that law students could not so easily find jobs as taxi drivers in those days, so the surreptitious activity was morally justified . . .

On this day, however, the rent had already been paid, and Jerry was between literary masterpieces. It is symptomatic of persons who scribble while others talk that each artist has a favorite geometric form, hastily-scribbled human profile, or other essential doodle which they tend to repeat defiantly over and over again in marginal proliferation, no matter how unskillfully. Here was no exception. Although early parental

pressure to become a doctor had aroused his natural youthful contrariness, and going to law school had proven a particularly savory manifestation of resistance, Jerry's resistance to the medical profession failed to anathemize everything having to do with it: a detailed and winding caduceus was the favorite and most nearly-recognizable doodle in an otherwise ungodly and perhaps lewd repertoire. It was in drawing this symbol, with its attendant elegantly-robed ancients, that the young law student was momentarily engrossed.

Perfection is a rarely-attained aspiration, and the inability to reach that elusive goal often dooms the offending artwork. Such was the case here, as young Jerry methodically crumpled the imperfect toil into as small a ball as humanly possible, moistening it in the usual manner to achieve perfection at least in the tightness of the now minuscule piece of garbage. As casually as possible he allowed it to drop to the floor.

What caused Dean Richardson to so suddenly become a stickler for neatness in his lecture room, and what made him so very attentive on just that day, will probably never be known. It could only be said that some invisible hand was at work that day when the Dean left the sanctuary behind his rostrum and walked to the back of the room to retrieve what had fallen from Jerry's place.

The Dean's knowledge of psychology had grown through many battles in a less-than-or-

derly Court Street environment; noticing the expression of guilt on the face of one of his brighter students aroused his curiosity in what was previously only messy but innocuous. Opening the slightly soggy paper, he stared at it for several moments. The moisture had slightly blurred the ink. He turned it upside-down. He removed his eyeglasses and stared at it intently for a while longer, bringing it closer, then farther, to achieve a better view. Then he lifted his eyes from the paper, replaced his eyeglasses on their patrician promontory, turned his back on the nervous student, and regally made his way back to his place at the front of the room.

"Mister Prince," he exclaimed, "I have no idea what in the world this is, and perhaps no one else does. Or perhaps someone will disagree with me, and I with others, as to what your artful depiction is supposed to represent. And THAT, Mr. Prince, is the point. One witness may see something and another witness may see the very same thing, yet their mental attitudes will often cause their minds to form different pictures. Even though they are both truthful, their descriptions of an act or event may seem inconsistent. The problems of sense perception and their role in the competence of testimonial evidence are quite varied and . . ."

NOTE: It was the unclear and inartful doodle on this instructive spitball, young Jerry Prince's last, that was later adopted to adorn the official literature of Brooklyn Law School.

SBA Review

By HAWKEYE

This being April Fool's Day, it seems to be the appropriate time to review the accomplishments and failures of this year's SBA. As you all know, this year's President is Beaver Pelts. As a candidate, Pelts' slogan was "Leave it to Beaver." Well the students left it to Beaver, and now it's time to see what Beaver has done.

Beaver's pet project has been the Used Book Co-op. Student opinion of this project has been favorable. However, employees of the School Bookstore have complained about the loss of business. One employee was quoted as saying, "How dare that creep charge reasonable prices? Doesn't he know that the excess profits from our sales go to pay for our annual employee vacation package to Bermuda?" In response, Beaver stated, "I'd rather have the employees pay for their own vacations, instead of having students go without food in order to pay the ransom the 9th floor charges for books."

Another accomplishment of Beaver's administration is the fantastic success of the Disco

According to reliable sources, the person to whom Beanie was referring, but refused to name, is Charlie Brown, the first year member of the Executive Board. It seems Charlie has been branded a maverick by the upper class delegates. Every time the Board acts, Charlie is always asking pointed questions, and disrupting the otherwise flawlessly operating machinery of the Delegate Assembly. For example, among the sadder accomplishments that the SBA would rather not brag about is the fact that the budget for this year was not passed until February (and that's no April Fools).

Many upper class delegates feel this is Charlie's fault because he wasted time in the beginning of the semester with such trivial things as procedural order in the House of Delegates, and fighting potentially unconstitutional appointments to Student - Faculty committees. Said one upper class delegate, "Da bum's no good. Let's just do it and forget da bullshit." In response, Charlie defended his position by stating, "I have a re-

The following is taken from a videotaped deposition of a BLS graduate. We'll call him Student X:

It's getting so I can't get any real sleep these days. And when I do drift off it's usually in class and I have the most horrendous dreams. It's always the same, too. Everything seems vague and unreal, yet somehow familiar.

The voice of the professor drones on as I fall asleep, but when I start to dream it changes to an eerie high-pitched cackle. Suddenly it becomes more distinct and I realize that I'm at a job interview. Oddly, we're not in a room but outside in a kind of tropical rain forest surrounded by lush vegetation. Giant ants are crawling over my bare feet and there are birds everywhere, but they are all pigeons. In front of me steps rise out of the foliage, bells start to peal musically and I look up only to see that the Borough Hall clock has struck twelve. I don't know if it's day or night. (The light in a tropical rain forest is very tricky.)

A strange-looking man appears at the top of the stairs smiling evilly. Despite the heat and humidity he's wearing a three-piece, blue, pin-striped suit, with Buster Browns, a top

hat and an umbrella. With studied deliberation he tugs on a gold chain until a watch appears. The jungle goes still, and all that can be heard is the infernal ticking of his watch. The man looks at it for a very long time and then says, "You have only five more minutes." Only then do I realize that he had been talking to me all along.

I try to get up and leave but I can't move. It really doesn't matter because there is nowhere to go. Hurriedly, I start brushing the ants off my feet. My mind is racing for something witty to say while my eyes are frantically searching for a subway entrance.

Finally I struggle to my feet, try a feeble smile and attempt to remember with whom I had this interview. The man responds by opening his umbrella with a great flourish. (It obviously has a spring release.) Slowly, he begins to descend the stairs toward me. A wind sweeps through the forest, and it suddenly starts to rain very hard.

The man stops in front of me, smiles strangely, and refuses to share his umbrella. I finally find my voice and demand, "WHO ARE YOU?"

The smile fades from his face. "Remember, this is **your** job in-

terview. I ask all the questions." "All right, what do you want to know?"

"Another question, eh? I see that you are unable to follow even the simplest of instructions. You displease the 'keeper of the forest.' But never mind, I will have my answers!"

The rain suddenly stops. My clothes, such as they are, remain dry. The "keeper of the forest" leers at me and begins to jump up and down, shrieking with an evil glee.

"Quick, quick! Answer me these questions three . . . What's yer law school?"

"Brooklyn."

"What's yer rank?"

"Very."

"What's yer favorite Gilbert's?"

"Ethics."

"Ha, ha, you don't get the job!"

Before I could even ask what job it was that I was not going to get, the keeper was gone. The droning noise starts up again, and I remember that I had seen this show about two months ago on Channel 13.

A bell peals loudly. As I wake up I realize that the class is starting to leave. Oh goody, I think, I've slept through another one. But I'm mistaken. It's only the end of the first hour.



Photo by L. Daguerre

The SBA Used-Book Coop.

Parties sponsored by the SBA. However, all the credit can't go to Beaver for this one. Applause really belongs to the Treasurer, Beanie Beanstalk. Beanie really worked like a beaver throwing these parties, and with very little help. Says Beanie, "Some people, who shall remain nameless, have really bucked the parties. It seems the ones who enjoy them the most always want to cut them from the budget. Is this any way to run a democracy?"

responsibility to the first year class to make sure those would-be dictators don't walk off with the school."

All in all, Beaver's done an average job. Nobody will accuse him of being another Lincoln or Washington, but he's not a Nixon either. If my judgment is correct, history will place Beaver somewhere between Millard Fillmore and Calvin Coolidge. That's pretty fast company, don't you think?

Even Dreams Don't Work At BLS

By EARL WARRENBURGER

The Ayn Rand School of Law has developed an innovative method for dealing with the mounting costs and annoying delays of the law school admissions process, its dean, Chaim Holster, announced recently. Instead of using cumbersome applications and the often criticized LSAT, Holster has decided "to let the free enterprise system work." The technique used is to let students bid for the price they will pay for the privilege of attending law school. "All of society's problems come from over-regulation and the limitation of man's natural rights," Holster explained.

Blackacre Law School has recently purchased a novel invention designed to control the rising cost of faculty salaries — a machine that teaches law. At the beginning of the present semester the machine was tested for the first time, and the conclusion was that certain problems still remain.

At the first class meeting the audio system functioned improperly. Instead of hearing the typical course introduction, students heard "good . . . very . . . was . . . class . . . this . . ." followed by an equally jumbled series of statements that sounded like a discussion of the final

exam stated backwards. However, the students, by now tired of the typical first day of class introduction, never noticed the problem, merely writing down everything the machine said.

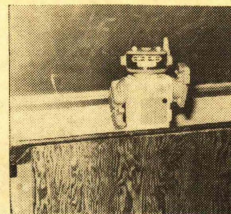


Photo by Al E. Newman

The machine at work.

At the next class meeting the machine worked better. The machine was equipped with a memory, and was fed an alphabetical list of the enrolled students, which it used to call upon students to recite cases. The machine was timed to pause for 90 seconds while the student recites. However, another problem immediately arose when a particularly hard working and eager student began reading a 500 page long brief of *Pennoyer v. Neff*. The other students, enthralled by this demonstration of legal scholarship and

distressed at so much misdirected apple-polishing, tried unsuccessfully to stop the machine.

The machine is still unable to read examination papers, but a method has been developed to overcome this deficiency. The machine can, upon proper programming, assign a randomly selected number to each student, accurately simulating the usual results of law school grading.

**Your Future Lies
Behind This Door**



The Brooklyn Flaw Review announces its Open Snout Competition. Requirements for try-outs include:

- 1) being in the bottom 50% of your class
- 2) having at least one final with a grade of 70 or less.

Editors will be chosen from the bottom 5% of the class. All other questions will be answered on April 1 at 1 p.m. in the Flaw Review office, Room 303. The Editorial Board reserves the right to act arbitrarily and capricious in naming anyone it wants to the Flaw Review.

Classified Ads

For Sale

100 GROSS PAPER BAGS — retiring dean wishes to dispose of collection of used lunch bags. Anonymity guaranteed. Box 6, Justinian.

WINTER FUEL — Electric and oil costs too high? Switch to natural gas. Virtually unlimited supply from some 30+ odd sources. Visit the plant: 8th floor, 250 Joralemon St., Brooklyn.

Wanted

OVERSEER OF LARGE PLANTATION. Experience with shuttling papers useful. Advanced degree, ability to get along with stiff mandatory. Write Decanal Search Committee, Box 14, Justinian.

VENDING MACHINES that need repair. We'll either buy them outright or split the profits with you on a lease agreement. Contact Cafeteria Manager, 250 Joralemon St.

Free

OUTSTANDING 3 year law school education. Free use of toilets. Only \$3,000 per year. Write Admissions, 250 Joralemon St.

CURE INSOMNIA. Send in 1 boxtop from Minute Rice for free tapes of snores at your local A&P. Minute Rice is an agent of Faculty Insomnia, Inc.

Personals

LAW PROF, WM 48, needs WF over 16 to massage my ego. Send photo. Discretion assured. Box 17, Justinian.

The Docket

TIX — to see Fanny Foxe and the movie "Dirty Old Men" can be bought at the Alumni Office to benefit the Retired Judges Liquid Lunch Scholarship Fund for needy members of the ABA Executive Board.

FOOD — will not be served in the cafeteria after April 10. But the usual will be available.

SBA — budget requests for 1949 will be taken up at the next meeting.

Legal Tidings From Worldwide Sources

To keep JESTINIAN readers outdated on the latest legal opinions from both sides of Court Street and beyond, we inaugurate a new column — "Legal Tidings from Worldwide Sources."

The column will replace the heavy, unwieldy copies of U.S. Law Week and the Advance Sheets which took up so much library space.

This first column includes three case comments from the Brooklyn Flaw Review. The comments cover three of the

Supreme Court's most noticeably deficient decisions of this term.

We are also publishing a brief case from a Contracts I course. The brief was retrieved from a gray garbage pail.

Finally, "Legal Tidings from Worldwide Sources" ends with a barely reported case from north of the border.

JESTINIAN wishes to thank its reporters for supplying this hot copy: at the Supreme Court is Wigmore P. Richardson; in the garbage pail is Gunther v. Gunther; in Canada is Pierre E. Troodoo.

Case Comments

Marimba v. Arizona. — U.S. — (1977)

In a move long foreseen by concerned legal observers, unconcerned illegal observers and ill concerned observers, the U.S. Supreme Court reversed the 1966 decision in *Miranda v. Arizona* which had required law enforcement officers to advise arrestees of their rights before subjecting them to interrogation. In an opinion by Chief Justice Burger (known to his friends as Chief Justice Burger) the Court promulgated a new set of rights, the so-called "Marimba warnings" which must be read to arrestees prior to questioning:

1. You are under arrest.
2. If you do not talk, I am going to beat you to a bloody pulp.
3. If you request an attorney, I am going to beat you to a bloody pulp.
4. If you still want an attorney, the state will provide one and he can watch me beat you to a bloody pulp.
5. If you cannot afford lunch, the state will provide one (1).
6. Have a nice day.

The decision precipitated another heart attack on the part of Justice Marshall. Mr. Marimba, who was beaten to a bloody pulp in August 1976, was unavailable for comment.

Wingbanger v. Municipal Court of Elboworse, Wisconsin. — U.S. — (1977)

In a 6-2 decision the Court upheld petitioner's conviction

for contempt of court occasioned when he lowered his trousers and exposed himself before a mortified municipal court. Writing for the Court, Justice Rehnquist said, "Neither the Bill of Rights, Federal statutes nor *Atlas Shrugged* can fairly be construed to protect petitioner's action. There is no unqualified privilege for a man to expose his winkle or a woman her nary-nay to an unwilling audience. I don't know what obscenity is, but I know what I like — even if I don't know what to do with it! After all, we're all grown-ups here." Justice Marshall blushed visibly during the oral arguments. Justice Blackmun took no part in the decision as he has been trapped in a stall in the Justices' pooh-pooh room since October.

Illinois v. (The Late) Marvin Schindlbinder. — U.S. — (1977)

In a unanimous decision the Court struck down an Illinois statute which prohibited dead residents of the state from obtaining licenses to drive motor vehicles. In a lengthy opinion Justice Stewart declared: "We have denied the deceased their fundamental human rights far too long. When a person enters the family vault he need not be constrained to leave freedom and dignity behind. Some of my best friends are dead, and I myself expect to be dead soon." Former Justice Brandeis, who had been exhumed for the occasion was visibly moved during the reading of the decision.

REGINA V. OJIBWAY (IN THE SUPREME COURT) BLUE, J. AUGUST, 1965

BLUE, J.: This is an appeal by the Crown by way of a stated case from a decision of the magistrate acquitting the accused of a charge under the Small Birds Act, R.S.O., 1960, c.724, s.2. The facts are not in dispute. Fred Ojibway, an Indian, was riding his pony through Queen's Park on January 2, 1965. Being impoverished, and having been forced to pledge his saddle, he substituted a downy pillow in lieu of the said saddle. On this particular day the accused's misfortune

was further heightened by the circumstance of his pony breaking its right foreleg. In accord with current Indian custom, the accused then shot the pony to relieve it of its awkwardness.

The accused was then charged with having breached the Small Birds Act, s.2 of which states:

2. Anyone maiming, injuring or killing small birds is guilty of an offence and subject to a fine not in excess of two hundred dollars.

The learned magistrate acquitted the accused, holding, in fact, that he had killed his horse and not a small bird. With respect, I cannot agree.

In light of the definition section my course is quite clear. Section 1 defines "bird" as "a two-legged animal covered with feathers." There can be no doubt that this case is covered by this section.

Counsel for the accused made several ingenious arguments to which, in fairness, I must address myself. He submitted that the evidence of the expert clearly concluded that the animal in question was a pony and not a bird, but this is not the issue. We are not interested in whether the animal in question is a bird or not in fact, but whether it is one in law. Statutory interpretation has forced many a horse to eat birdseed for the rest of its life.

Counsel also contended that the neighing noise emitted by the animal could not possibly be produced by a bird. With respect, the sounds emitted by an animal are irrelevant to its nature, for a bird is no less a bird because it is silent.

Counsel for the accused also argued that since there was evidence to show accused had ridden the animal, this pointed to the fact that it could not be a bird but was actually a pony. Obviously, this avoids the issue. The issue is not whether the animal was ridden or not, but whether it was shot or not, for to ride a pony or a bird is of no offense, at all. I believe that counsel now sees his mistake.

Counsel contends that the iron shoes found on the animal decisively disqualify it from being a bird. I must inform counsel, however, that how an animal dresses is of no concern to this court.

Counsel relied on the decision

in *Re Chicadee*, where he contends that in similar circumstances the accused was acquitted. However, this is a horse of a different color. A close reading of that case indicates that the animal in question there was not a small bird, but, in fact, a midget of a much larger species. Therefore, that case is inapplicable to our facts.

Counsel finally submits that the word "small" in the title Small Bird Act refers not to "Birds" but to "Act," making it The Small Act relating to Birds. With respect, counsel did not do his homework very well, for the Large Birds Act, R.S.O., 1960, c.725, is just as small. If pressed, I need only refer to the Small Loans Act, R.S.O., 1960, c.727, which is twice as large as the Large Birds Act.

It remains then to state my reason for judgment which, simply, is as follows: Different things may take on the same meaning for different purposes. For the purpose of the Small Birds Act, all two-legged, feather-covered animals are birds. This, of course, does not imply that only two-legged animals qualify, for the legislative intent is to make two legs merely the minimum requirement. The statute therefore contemplated multilegged animals with feathers as well. Counsel submits that having regard to the purpose of the statute only small animals "naturally covered" with feathers could have been contemplated. However, had this been the intention of the legislature, I am certain the phrase "naturally covered" would have been expressly inserted just as "Long" was inserted in the Longshoremen's Act.

Therefore, a horse with feathers on its back must be deemed for the purposes of this Act to be a bird, and a fortiori, a pony with feathers on its back is a small bird.

Counsel posed the following rhetorical question. If the pillow had been removed prior to the shooting, would the animal still be a bird? To this let me answer rhetorically: Is a bird any less of a bird without its feathers?

Appeal allowed.

Reported by:
H. Pomerantz
S. Breslin

Cazzoli Serves (Burp) BLS

(Continued from Page 1)

staff, they were required to eat a 'hearty lunch' of grilled cheese and ham sandwiches, followed by coffee and two Danishes, the cost of which was \$3. The cafeteria cadre were summarily dismissed when they moaned of stomach pains (whether from hunger or horror was not discussed — the cafeteria employees were too busy ungluing their teeth). Cazzoli's Sandwich Shoppe was moved into the BLS basement, by unanimous voice-vote approval, and the town meeting was adjourned until after (burp) lunch.

During lunch, many issues and solutions were informally discussed and later acted on. The library security situation was resolved by requiring all students suspected of stealing books, to take a lie detector test administered by Professors John

Romaine and Martin Haupttmann. The scarcity of locker room space was solved by moving the library out of the basement. The scarcity of library space was discreetly resolved by inscribing all cases before 1900 on the bathroom walls, so that students would read the oft-cited N.Y. cases reported in Hun (by Attila).

Cood Showers

In the heat of deciding to infuse the bathroom walls with 'jaded jurisprudential jargon,' it was argued that Equal Protection required that men also have keys to the 'bathrooms' (the term 'bathrooms' being a legal fiction based on public policy and other silliness). Women countered that if men were so keyed up about this, they could have their keys and switch bathrooms. Men rebutted that their facilities would then be

inadequate. Women re-buffed that Equal Protection should provide them with Johns (no pun intended for a change). At this point the 'exchange of pleasantries' was interrupted by a sound that brings fear to some and relief to others — the bell!

With the creativeness born of necessity, the bell was replaced with recorded messages such as the lyrics to "It's Over Now" and "Midnight Cowboy." Other innovations followed. The remaining room in the basement was converted into cood showers, to avoid any Equal Protection argument and to facilitate after-party get-togethers.

The third-floor lounge was moved to the eighth floor, to increase faculty participation in student parties (especially after such a good precedent was set at the last party). The third floor was changed into an in-

house legal community center, to make BLS a model of 'law in action.' The first client who walked through the former lounge's doors was a BLS alumnus out of work since his graduation in 1972. The classrooms on the fourth, fifth, and sixth floors were remodeled also. The seats were ripped out, and a ceiling-projection team from the Hayden Planetarium rigged up a system of lecturing from the 'sky's the limit' perspective. The theory that the professor is a 'god' could be 'projected into practice,' for example, right next to Ursa Major, the Great Bear Constellation (or the Big Dipper, to stellar neophytes).

Ego Projection

By looking real hard, an outline of any professor could be traced in the stars. The voice-over sounded very impressive, too. These 'sky-shows' served two purposes: they amplified the

professor's ego, and they allowed students with 'sleeping sickness' to feel less self-conscious (especially with the water-beds that now lie in place of seats).

The aesthetic blight of the library, and the Moot Courtroom, walls was solved by removing the museum figures. They were replaced with likenesses of John Peter Zenger (to whom we owe freedom of the press and this newspaper); Miranda (of whom warnings are named); Julius Blumberg (from whom legal forms flow); and other such luminaries.

Soon, the long day was over. The rest of the faculty returned the following Monday, and promptly fainted. BLS will, as a result, be sold to the Metropolitan Museum of Art as a curious piece of sculpture — a contemporary experiential learning center that came to life for one day.