Horse sense

By

ERNEST V. JOINER

• So it's New Year's, and I have it in my heart to be charitable toward dogs and dog lovers everywhere (enjoy it now; it won't last!). Dogs are generally verboten in hotels, but a few years ago I saw this sign a hotelkeeper had posted in every room of his establishment: "I've been in business for 30 years. Never have I called on the police to eject a disorderly dog, never has a dog set fire to a bed with a cigarette. I have never found a hotel towel or blanket in a dog's suitcase. Sure the dog is welcome. IF YOUR DOG WILL VOUCH FOR YOU, YOU MAY REGISTER."

• Once upon a time, down in the mining camps of Chihuahua, Mexico, an unknown poet wrote a bit of Christmas whimsy called "Merry Christmas, Amigos!" This is a take-off on "A Visit From St. Nicholas." It was first published in a Texas newspaper about 30 years ago to the delight of both Anglo and Mexican readers. Even if it's a little late for Christmas, you can still enjoy the poem; especially if you can envision the voluble and demonstrative Mexican as his enthusiasm rises the more he gets into the spirit of the thing. I am aware that some agonizing liberal knothead out there will come unglued with shouts of "racist!" for humorously for mixing the languages, in which case he can go to hell.

MERRY CHRISTMAS, AMIGOS!

'Tis the night before Christmas, and all through the casa
Not a creature is stirring, Caramba! Que' pasa?
The stockings are hanging, con mucho cuidado,
In hopes that St. Nicholas will feel obligado
To leave a few cosas, aqui' and alli,'
For Chico y Chica (and something por mi!)

Los ninos are snuggled all safe in their camas
Some in camisas and some in pajamas.)
Their little cabezas are full of good things
Todos esperan que Santa will bring!
Santa is down at the corner saloon,
(Muy borracho since mid-afternoon):
Mama is sitting beside la ventana,
shining her rolling pin para manana,
When Santa will come en un manner extrano,
Y mama lo manda to bed with a right.
Merry Christmas a todos y a todos good night!

• A worthy New Year's resolution for the City of Heppner is to revise its city ordinances and bring them up to date; repealing those that are not being enforced and others that clearly work to the disadvantage of the citizens of the town. For a start, there is Ordinance No. 353 passed in 1957 that forbids a vehicle from unloading gasoline or petroleum fuel within the city limits if such vehicles have a capacity of more than 1,200 gallons. This ordinance was, in the opinion of one member of the common council, without merit and enacted for "political reasons." Now the Union Oil Company has served notice on Heppner and other towns in Oregon with similar laws that it will close down its small bulk plants and will be unable to deliver gasoline within the city unless this restrictive ordinance is rescinded.

• Whatever prompted the common council to enact such an ordinance is of no consequence now. The question is, will the council repeal this ordinance so that city residents will not lose a gasoline and fuel oil outlet which it desperately needs at this time? If the city does not repeal the ordinance, Mike Gray, Union Oil Company agent here, will be put out of business on or before June 30. Gray has about 65 fuel oil customers who may not be able to find another source of supply, what with all oil distributors declining to take on any new customers during the crisis.

• Union Oil wants the city to permit its tankers, holding from 5,000 to 8,000 gallons of fuel, to unload at service stations inside the city limits. It is unprofitable to run trucks long distances that carry only 1,200 gallons. These truck-tankers have every safety device, and are checked regularly. Such trucks unload in every major city in America, and it isn't logical that their presence inside Heppner's city limits is an more dangerous than their presence in downtown San Francisco or Dallas, where they are permitted to operate.

• Heppner needs Union Oil, its gasoline and fuel oil; Heppner needs for Mike Gray to stay in business. If the common council acts responsibly in behalf of the welfare of the residents of Heppner, it will rescind Ordinance No. 353 at the earliest possible moment.

• Over in Multnomah County the Portland vice squad was having a rough winter. Here was a crack vice squad, touted as the best in the nation, and for a year and a half it hadn't been able to arrest a single prostitute. Truly, the squad had fallen upon evil days. But the vices were ingenious, and dispatched sheriff's deputies to San Francisco which has always boasted a goodly supply of the girls now coveted in Portland. The deputies told the girls of the vast amounts of gold to be mined in Portland if only they would peddle their wares there. "Think not (I can hear them saying now) what you can do for yout country, but what Portland can do for you." The girls were given $600 air fare, and six of them departed for the land of milk and honey. At Portland airport they were met by sheriff's deputies, escorted to a motel room engaged by friendly county taxpayers, and told to "get cracking." They did. Whereupon they were arrested for prostitution and procuring. One was fined $300 and run out of town. The other five posted bail, which they will no doubt forfeit. "Authorities in San Francisco say the word is out in the underworld that the Portland area is tough," Sheriff Bard Purcell said in defense of his clear-out case of "legal entrapment." (We believe you, sheriff). Entrapment means it is illegal for an officer to induce someone to commit a crime and subsequently arrest that person for committing it, but who cares? If the whoring business is so bad (or so good, as the case may be) in Portland that the only way the vice squad can function is to import its victims at taxpayer expense, taxpayers might consider abolishing the vice squad for lack of viable vice. If this peculiar concept is accepted, it may not be too long before the Portland homicide division, unable to turn up a murder to engage its talents, would take a bundle of tax money and import a "hit man" from Detroit to knock of a non-controversial character in order to keep their jobs alive. I understand the "make work for idle hands" philosophy, but this is ridiculous!

• Over at Sweet Home the other day David Allen, executive director of the Western Environmental Trades Assn., was explaining to the Rotary Club the definition of an environmentalist. "A land developer," he said, "is a man who wants to build a single-family dwelling on the slopes of Mt. Hood next year. An environmentalist is a man who built a single-family dwelling on the slopes of Mt. Hood last year!"

• I hope 1974 is the year that Americans will stop asking their teenagers what to do about world affairs while they tell their senior citizens to go out and play . . . After seeing how Heppner's getting rich off those pay-parking meters, how come Pioneer Hospital doesn't install pay bedpans? . . . There are three good reasons for being a conservationist–ecologist–environmentalist in 1974: 1. You will help prevent the destruction of the world as we know it. 2. You will save hundreds of endangered species from extermination. And 3. You'll finally have a reason not to buy your wife a fur coat . . . If the Common Council exists to carry out the will of the people, why haven't those parking meters been taken out? . . . I don't want to ruin your New Year, but have you considered that, what with the way children are rebelling these days, they may tell us to pay off the national debt ourselves? . . . For 1974 Boeing has resolved to build jets faster than the Arabs can blow them up . . . Unemployment will be wiped out in 1974--going to call it "released time" . . . Readers who have 1973 unbroken New Year resolutions have only five more days . . . "Dear U.S. Postal Service: I am writing this penny postcard that I bought for eight cents to tell you people what a wonderful job you're doing controlling inflation." . . . Well, Happy New Year. I'm dying to find out how it's going to turn out!

"Tell me again how you fought to get back your prestige and power."

A horse is a bird? Yes, a horse is a bird . .

In 1972 the Harvard Law School Bulletin published a Canadian court case that may explain why justice triumphs because of the meticulous research of law practitioners; or, conversely, why it sometimes fails to triumph because of legal verbiage associated with the business of law.

This court case, Regine vs. Ojibway, Supreme Court of Canada, attempts to answer this question: Is a pony, fortuitously saddled with a feather pillow, a "small bird" within the meaning of the Ontario (Canada) Small Birds Act?

Well, let's right right to it nitty-gritty of this astounding case:

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 his 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 Birds 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 judgement 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 multi? legged 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 that the phrase "naturally covered" would have been expressly inserted just as "Long" was inserted in the Longshoreman'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.

COW POKES By Ace Reid

"Wul, don't untie him yet, he went crazy tryin' to figure out if the cow markets goin' up 'er comin' down!"

The mail pouch

EDITOR:

About three weeks ago you printed another one of your editorials condemning the work of environmentalists. This letter is not a rebuttal to your arguments against the ecology movement. What I am concerned with is your reference to the Tillamook Burn and its cause. Your editorial claimed that the fire was caused by nature and not man. I assume you meant to use this as some kind of argument against the forest conservation movement and ecology in general. However, if you intend to use this as an argument you better get your facts straight about the Tillamook Burn.

The reality of the fire is that it was not caused by one of nature's lightning storms, it was caused an irresponsible logging operation in the Gales Creek Canyon area of the Wilson River in west Washington County. On Aug. 14, 1933 all logging operations had been ordered closed because of extreme fire danger. However, the superintendent of this operation decided that a few more minutes would make no difference. He ordered one more log to be pulled out by cable. The cable rubbed against the wood and the log itself rubbed against another dry, windfall log and the result was the Tillamook Burn which burned 270,000 acres. Later in 1939 and 1945 two more fires occured in the same general area mostly as a result of poor or non-existent conservation measures. It wasn't until after the third fire in 1945 that the state was finally convinved by conservationists to reforest the area and protect it with conservation methods.

I would suggest that if you intend to keep up your wild attacks on the ecology movement that you better make sure the facts you are using are correct and not simply ignored. My facts are derived from:

a. "Oregon Times and Trails" by Joan and Gene Olson. Printed in 1965. Pages 142-152.

b. "Historical Sketch of the Great Tillamook Burn," Printed for the Tillamook County Chamber of Commerce by the Oregon State Board of Forestry.

ALAN BECK,
Ione.

THE GAZETTE-TIMES
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Mayor of Hardman

DEAR MISTER EDITOR:

I reckon by the time you git this piece, Mister Editor, Christmas will be past and you'll be ready to settle down fer a year's work to pay fer it. But the fellers at the country store Saturday night final got the Christmas spirit, and I'd like to report on some of what was said.

First off, Republican Ed Doolittle perposed a moritorium on politics fer the session, after he had a kind word fer Democrats. Ed said all of em is dead wrong, but chances are about even that some of em mean well some of the time.

Clem Webster didn't take kindly to that kind of a compliment, so he reported that Ed's old lady is having to make his shirts by guess these days cause Ed has heard so much about tapes he won't allow even a tape measure in the house.

General speaking, the fellers stuck to their annual discussion of peace on earth and good will toward men, regardless of political party. Zeke Grubb wrapped up the feeling when he said he hadn't gone to bed hungry a night in 1973, and he had no big complaints. Zeke was of the mind that most folks that is hollering got bit by their own dog.

Actual, went on Zeke, the more things change in this old world, the more they stay the same. As shore as inflation, he said, the next time our Congressmen stand fer election they're going to promise the voters ever thing but higher taxes. And folks still will have to choose between one bunch that's out and wants in, and another bunch that's in and wants to stay in. And every year, Zeke said, we git more evidence on why a politician will spend $50 million to run fer a office that pays $200,000 fer four years and offers no opportunities fer advancement.

The truth is, Zeke declared, Americans want to believe in their Guvernment, and he said in matters of faith he had found you usual can believe what you want to.

Farthermore, broke in Bug Hookum, they is a heap going on in the world that don't do our faith in our country much good, but he, fer one, was thankful that this year, fer the first time in many Christmases, we ain't involved in shooting war. We can leave them world problems fer Kissinger and stick to big news like where a U.S. Court of Appeals has cut down on the distance a photographer has to keep from Jackie Kennedy Onassis. Where he was to stay 150 feet away from her, he can now git within 25 feet jest in time fer holiday pictures.

And this is a good time of year to report where this housewife that has eight younguns has took a job as a deputy sheriff so she can git some peace and quite. And the idee of saving energy by cutting our liquor making is being hit hard by folks that say they need a dram of that kind of energy to git them through these football games in 10-below weather.

Yours truly,

MAYOR ROY.

Substantial mysters at IRS

BY
LESTER KINSOLVING

SUBSTANTIAL MYSTERY AT I.R.S.

When it comes to revoking the tax exempt status of small organizations, the Internal Revenue Service seems to be as diligent as when resuscitating old tax returns of critics who have been fingered by the White House.

IRS has, for example, recently revoked the tax exemption of The Fair Campaign Practices Committee, headed by Charles P. Taft of Cincinnati, a president's son with impeccable credentials of integrity. Their reason? When this committee releases information about a candidate's unfair campaign practices, this is "in effect a statement on behalf of the candidate's opponent."

The "Christian Echoes National Ministry" of Oklahoma's rotund right-wringer, the Rev. Billy James Hargis, recently lost its tax exempt status as well. And the National Council of Churches (which Hargis usually portrays as a gathering of Satanist Bolsheviks) was so appalled by the IRS action that it filed a brief as amicus curiae (friend of the court) supporting Hargis' appeal of the revocation--an appeal that was unsuccessful.

According to the IRS, such small and disparate organizations as Taft's and Hargis' have not adhered to Section 503 (c) (3) of the IRS Code, which provides tax exemption to organizations:

"No substantial part of the activities of which is carrying on propaganda or otherwise attempting to influence legislation and which does not participate in or intervene (including the publishing or distributing of statements) on behalf of any candidate for public office."

Just what is the precise meaning or definition of the word "substantial" in this regulation?

That is a very important question, among other reasons because at the recent Conference of U.S. Catholic Bishops in Washington, during a press conference, there was an unchallenged reference to "hundreds" of thousands of dollars spent by the Bishops in trying to obtain laws favorable to parochial schools.

Astonishingly, however, IRS itself admits that regarding the meaning of "substantial":

"There is no simple rule as to what amount of activities is substantial. The one case on this subject is of very limited help. The case of Murray Seasongood v. Commissioner (1955) held that attempts to influence legislation that constituted five percent of total activities were not substantial." (IRS Manual MT 11671-56)

This criterion means that if the Southern Baptist Convention were to decide that from its 1972 total income of more than $1 billion that $50 million should be invested in a Congressional lobbying campaign to bring back national prohibition, they could do so and remain tax exempt.

But if church-going lovers of beer and barleycorn, such as Lutherans and Episcopalians, were to respond with a like amount to lobby against such an horrendous (and totally hypothetical) idea, they could lost their denominational tax exemptions. For from their much smaller denominational treasuries, a matching sum would constitute far more than five percent.

This law, under which IRS operates, is therefore patently discriminatory against small denominations, and favors, therefore, the ecclesiastical giants. It resembles a contention that equity could be attained regarding contributions to political campaigns, if all contributors were limited to five percent of income -- whether Joe of Joe's Junk Shop or General Motors.

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