10-1-1996

Science Fiction Law Journal

Loyola Law School - Los Angeles

Repository Citation
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Acknowledgments:

First thanks must go to Gardner Dozois, multiple award winning author and editor, who allowed the *Science Fiction Law Journal* to re-print his famed story, *The Peacemaker* in this issue. Arthur Cover, owner of Dangerous Visions bookstore in Sherman Oaks, California, and his able assistant, William G. “Bill” Wu, were instrumental in helping the Journal contact Mr. Dozois. Thanks go out to them as well.

Rebecca Lulow, a student at Loyola Law School, volunteered her time (and anyone who’s been to Law School knows how critical a commodity that is) to proofread for us. For that, we are deeply indebted.

Loyola Law School Professor David Leonard, an authority on Evidence Law, was of almost incalculable aid in compiling the relevant Federal Rules of Evidence passages contained herein. Loyola Professors Karl Manheim and Robert Nissenbaum also lent commentary.

Thomas E. Himrod, a contributor in this issue, did double-duty by informally proofing several of our short-shorts. Considering our pay scale here (zero), his was truly an act of friendship.

Contributor Julia Guizan, under the gun to come through with a professional-quality legal analysis of the issues raised in *The Peacemaker* did so admirably.

Lastly, to my family, who have never stopped supporting me in this effort, go the deepest thanks.

*John E. Rogers, Jr.*

January 17, 1997
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The View from the Editor’s Desk

As you can see from my new logo above, it’s a good one...

The SFUJ has now begun its second year of publication. Looking back, the first year, despite its rough spots and unexpected problems, was immensely satisfying. First of all, we proved that the concept of a Science Fiction Law Journal was viable (and enjoyable). Second, we got to explore several fascinating concepts (future case law, etc.). And, finally, we were exposed to a tremendous, secret resource -- attorneys who love science fiction. This third issue, the first of 1997, continues on the course we set twelve months ago - through sometimes dangerous, always thrilling waters -- the uncharted territory of jurisprudence. The voyage has been one of discovery for all of the Journal’s staff. I hope it has been for you as well. Good reading.

-John E. Rogers, Jr.
Alfredo Dos Passos, the man who single-handedly brought law and order back to the quarantined city of Manila in the nationstate of the Philippine Islands, has died. He was 68.

In 2071, at the end of the fourth Pacific Rim conflict on old Earth, retreating Korean stormtroopers released tons of untested biotoxic histologs, an advanced form of the bubonic plague, into the atmosphere above the city of Manila. At that time, Manila, even after the devastating effects of ten years of concentrated warfare, had a population of twenty-five million.

The plague strain proved more virulent than even its designers in Seoul anticipated. Within 24 hours, entire quarters of the city had been wiped out. Within 72 hours, United Nations chemical warfare containment forces had erected an energy buffer around the city.

No traffic was allowed in or out.

For the next nineteen years scientists could only watch in horror from the outside as the plague raged inside; manifesting bizarre mutations, fundamentally altering the gene structure of the three or four hundred thousand survivors. The city fell to mob hysteria. Police and local government collapsed in a matter of weeks. Anarchy reigned. Roving bands of genetically-mutated human-plague hybrids terrorized the streets.

Dos Passos, at the time of the quarantine a first year law student at Santo Tomas, a highly respected Jesuit legal institute in Manila, emerged from the wreckage of the city to lead a powerful movement to regain law and dignity for the people. With the help of the chieffains of several major gangs, whom he had managed to convert to his theories of basic justice, and the few remaining Catholic Bishops, he led a multi-species (for several humano-variants had emerged from the plague clouds) militia against the street thugs.

After two years of conflict, Dos Passos' contingent prevailed.

He spent the rest of the quarantine, some seventeen years, building a new judicial system. He created a Supreme Court with justices from each major plague-breed. He established lower courts, some on the streets, in tents, lit by bonfires, sheltered by the black ruins of Manila's gutted skyscrapers. His lieutenants forged a new constabulary.

By the time terran scientists had discovered an antigen for the plague and the quarantine was dropped, the city was under a firm but just hand.

Dos Passos, himself no longer human, went on to act as Justice Minister for the United Nations and was instrumental in opening diplomatic talks with the governments of several alien races. His ability to see a clear path through seemingly hopeless differences of belief and opinion made him an invaluable tool in the creation of the Aligned Worlds.

Dos Passos died on Sunday, April 8, 2118, of catastrophic coronary seizure, a death not uncommon for plague survivors. Studies have shown a 60% likelihood of death by this form for anyone who came into contact with the original Korean histolog.

A funeral was held at St. Jude's Cathedral in New Manila. 75,000 people were in attendance. The rulers of seven alien worlds personally paid their respects, among them were Hag Sho of Keebat, f'Banerdaaa of Cygnus and Kaserwa of the Han Triad. Jesse Velasquez, Secretary General of the United Nations, delivered the eulogy. In it he called Dos Passos the single greatest force for justice in our time.

Alfredo Dos Passos fathered three children, all of whom live in New Manila. One is a municipal judge. The other two operate half-way houses for plague-descendants. Dos Passos' wife, Tess Rodriga Dos Passos, also a plague survivor, died in 2115 of cardiac arrest.

This obituary was written for the Associated Press by Cristoforos San Julian, a noted Baguio journalist and plague survivor.
Hon. Horace F.G. Conrackson, 146; Ipg,JDsub, LL.Mak.
Federal Warrant and Service Judge
United States District Court for the Inner Planets of the Delphi Chain

WREN-COLLINS WIRE SERVICE
GELDELPHUS SECUNDUS --- Horace Francis Graham Conrackson died in the late evening hours of Thursday, February 6, 2229. He was 146. The cause of death was advanced pre-senile decrepitude brought on by exposure to the Callan virus. Conrackson had suffered from the associated disease, which gradually robs its victims of most central motor skills over a period of five to ten years, since 2220. Forensic Investigators at the Mount Chesed Surgical Encampment had long suspected Conrackson had been intentionally exposed to the viral strain by agents of the Torade Corp., S.G, against whom the judge had ruled in the landmark Torade v. SalCarella decision in 2187. Dr. Philippa Grace, head of the encampment’s toxicological research wing, revealed yesterday morning that her team believed Conrackson had been secretly injected with Callan serumite during a routine blood work-up while vacationing on Geldelphus Prime for the annual Double-Equinox Festival.

Conrackson was born on Mars in 2083 to agrarian caste immigrant parents. He attended public schools until the age of twelve whereupon his written and oral skills gained the notice of the provincial government, which in a contract for future employ, agreed to fund private education off-planet on Earth.

Conrackson graduated from Yale University’s prestigious Colony College of Law on Sevi-Dar in 2113. He was fifth in his class of two hundred and by far the highest ranking human student at the college. Conrackson spent twenty five years with the Pan-System Prosecutors Bureau before being elevated by President Julia Wong to the limited jurisdiction magistrates’ pool in 2139.

Long recognized as one of the District’s leading organized crime judges, Conrackson championed the Hurd-Hastings Racketeering and Institutions Act, using his nolo-potentiarum legislative stewarding powers as granted under Federal Judicial Code Section 2454-b. This act, a precursor to the sweeping reforms of 2200, enabled both Federal and provincial judges to permit the quasi-warrantless boarding and entry of deep-space smuggling vessels.

Conrackson’s most celebrated case, Torade v. SalCarella, 4151 Fed. War. & Serv. Supp. 1221 (2187), dealt with the forced boarding of a Torade Corporation ore freighter by the crew of a SalCarella orbital tugboat. Conrackson ruled there that the fact that the crew of the SalCarella spaceboat were SystemTraffic employees, not police officials, did not negate the force the Hurd-Hastings law. Material thus seized was admissible.

Experts with the sector’s independently-funded organized crime watchdog group, Cerberus, have theorized that the Torade Corp., in retaliation for this decision, sent galactic assassins after Conrackson. But no proof has ever been unearthed to support this conclusion.

Horace Conrackson is survived by his wife of 104 years, Alicia Bottoms Conrackson, seven children, twenty one grandchildren and forty one great-grandchildren.

Services will be held this coming Sunday at the Lutheran Cathedrosia in Upper Westmark.

Donations can be made in the memory of Judge Conrackson to the Moravive Foundation, a non-aligned orphanage in Chicago on Earth.

-this obituary originally ran in the Delphi Daily News
MORGAN HILL -- Attorney sacrifices life to save alien child.

Saturday, October 5, 2098: Norman Calvin Johnson, a product liability lawyer and father of two, died early this morning from injuries he received at the San Jose StarPort Annex after pushing a Findian girl-child out of the way of an out-of-control autotram and taking the brunt of the impact himself. Johnson was rushed to the Morgan Hill Community Medical Center by skybus but his internal bleeding could not be stopped, even by robot-guided laser-stitching. He died less than four hours after reaching the hospital.

According to witnesses, Johnson had just deplaned a Fresno boosterlaunch and was walking across the tarmac towards the linkgate when he apparently noticed a luggage tram starting to operate erratically. The tram had left its guide-corridor and veered into a crowd of alien tourists. In a matter of moments it had slammed into a Hyborian photographer, knocking her ten meters in the air, and seriously injured an elderly Cygnan couple. Johnson, realizing that the tram was heading directly toward a three year old Findian girl, dropped his bags, sprinted into the crowd and, diving, thrust himself in its path. He was able to knock the girl clear but could not get out of the way in time himself.

PortMechs were able to stop the rampaging tram a few seconds later - disabling it with energy wands.

The girl, one Gora Hemas, suffered only minor contusions.

But Johnson, who had been struck mid-torso by a two ton robot vehicle traveling at 35 kph, had been fatally injured.

Human and AI doctors tried for over three hours to stem his massive abdominal hemorrhaging. Their efforts, heroic in and of themselves, failed.

Norman Calvin Johnson was an attorney of moderate means. He specialized in assisting other lawyers prepare for trial. Graduating in the middle of his class at Hastings School of Law, he moved immediately into sole practice. Friends in the San Jose Bar Association describe him as a dependable, average attorney who preferred to stay behind the scenes and never sought notoriety in his work. Most of his time was spent with his two sons, Michael and Andrew, and his wife of thirteen years, Karen.

One day a week he volunteered at a local interstellar immigration clinic.

A spokesman for the State Bar has announced that the Executive Committee is debating whether to create a scholarship in Johnson's name.

Techreps from both United Starlines and the NTSB have analyzed the memory box of the robot tram and found that its CPU had been infected by an off-world virus - causing it to slice its own foundation-directives.

Authorities have refused to comment on whether or not the virus may be a part of a much-theorized global starport terrorism scheme - reputedly instigated by the Venus-based Red Battalion.

A service for Johnson will be held at the Morgan Hill Lutheran Church next Sunday at 11:00 a.m.
Anna Bryce, 39, Director, Homeless Advocacy Center

BURBANK, Calif.: Anna Killanen Godham Bryce, founder of the nationally-recognized Homeless Advocacy Center here in Burbank, has died. She was 39.

Anna Bryce's parents were killed in a ramjet accident in 2002. She grew up on the streets of central Burbank, one of North America's worst slums. She was raised by her maternal grandmother, Samantha Godham, an abusive fundamentalist Christian who believed strongly in corporal punishment. By the age of twelve, Anna had been arrested for trafficking in marijuana. By fifteen she was addicted to "spike", a heroin-derived syrup, and had been jailed four times for prostitution and harboring known, dangerous felons. After being convicted of third degree aggravated burglary in 2017, Anna was labelled a habitual offender and shipped off-world to the lunar penal colony at Mare Adventum for a twenty-year sentence. After six years in that penitentary's micro-gravity barracks, she joined the Incarcerated Women's Advancement League, a non-religious educational group comprised primarily of long-term female inmates.

Her instructors realized early that underneath Bryce's tough, street-wise exterior lay an unusually perceptive mind waiting to be expanded.

Eventually her talents were brought to the attention of the prison warden, Jack Samras. Samras took a personal interest in Bryce's case; organizing tele-study with several universities on Earth and even, on two occasions, personally paying for tutors to come to the moon.

Bryce showed an affinity for the law and, after briefly testing other subjects, elected to pursue a concentrated course of study in that field. She finished the main law curriculum in seventeen months.

On the eve of Bryce's first parole hearing, disaster struck the penal colony. The north wing was breached by a piece of space debris which had managed to pass undetected through the satellite defense grid. Three hundred of the five hundred inmates in the wing died instantly - being drawn, unprotected, onto the lunar surface. Bryce survived the initial explosion. But her body had been so severely hurt by exposure to the vacuum that prison doctors did not expect her to live more than a few days.

However, in an act of desperation, and in direct violation of Codicil 15 (c) of the Aligned Worlds Co-Existence Treaty, Samras commandeered a prison space barge, performed a non-computer-guided manual touchdown in Washington D.C. and personally contacted the Han Triad Embassy. Entering the Embassy on false pretenses, claiming to have brought governmental communiques from the United Nations, Samras actually received a personal audience with the Han Ambassador, Kasera-Ty. Once in the ambassadorial chambers, Samras admitted his charade and begged the Han to use their medical technology (long rumored to be highly advanced) to, essentially, manufacture Bryce a new body.

The Han Ambassador, a powerful telepath, agreed.

What followed shook the world.

Han starships materialized just inside the asteroid belt, proceeded to the lunar prison and removed Bryce, who was on the brink of death. The ships then disappeared.

A global uproar ensued.

Samras was arrested on violation of Planetary Secrets charges. Several nations demanded to know what had happened. Accusations that the U.N. had intentionally kept knowledge of a superior longevity science from the people were levelled in the Hague.

The Alliance itself seemed in jeopardy.

Suddenly the Han reappeared, travelling sub-light outside Pluto. They arrived on Earth some two days later.

Bryce emerged from the ship before what was probably the largest single crowd of journalists in history. She had been re-generated but did not resemble in any traditional way a human being. The Han had constructed a living shell for her but because their technology was based on insect-arthropod bioscience, it was not primate-mammalian in make-up. Her body was a little over three feet long and had twelve legs. Her brain, intact and unchanged by the conversion, was housed in a liquid thorax-sack. She was able to mimic human speech by snapping several mandibles.

The international furor subsided quickly and quietly. There were no requests to take advantage of the Han "resurrection" process, as it was labeled.

Bryce was not only granted parole but her criminal record was erased. She passed the California Bar in 2030. Her Burbank clinic was founded by anonymous donations from around the world. She dedicated herself to defending luckless street criminals and fighting for the reform of California's crushing anti-poverty statutes.

Samras was released soon after Bryce's return. He went on to help run the Clinic and has since taken over its administration.

Anna Killanen Godham Bryce died last Tuesday, August 5, 2040, due to the unavoidable breakdown of the artificial molecular structure of her pseudo-body. The Han estimated her shell's life span to be about twenty years. It lasted fifteen.
Hak f’Janddeooo, 488.
Law Giver, Bell Province, Shura Protectorate, Cygnus A.

Revered law giver Hak f’Janddeooo, the first Cygnan jurist to attend an Earth law school and the highest ranking judge on her planet, has died. She was 488 earth years old.

f’Janddeooo, a female dorim of a prominent intellectual clan, gained system notoriety in 2054 when she petitioned not only to be the first Cygnan to leave her planet but also to attend the Oxford Legistute in New Cambridge, England. Her clan, after initially fighting her request, capitulated when she threatened to "trade-blood" which, in human terms, essentially means switch to a rival elite clan. The Cygnan government, at the time a terribly inefficient oligarchy, approved her letters of transit. Later, in her memoirs, f’Janddeooo said she had always believed only the supreme ineptitude of the Ruling Council allowed her leave-taking at all. She maintained even to her death-hutch that the Kor’Aaa (the Cygnan Emperor) had never actually read her request and stamped it out of ennui.

As a member of the first recognized non-vocal alien species (in fact, the first recognized alien species), f’Janddeooo encountered enormous difficulties during her first years at Oxford. She was unable to respond to questions verbally and had to resort to pounding her replies into a giant (fifteen-foot) laptop computer and having them projected overhead in the class gallery for the instructor to see.

It should be noted that f’Janddeooo, small for her species, was twenty-three feet tall and weighed 7 tons. Cygnans are elephant-like herbivores who employ a cluster of both large and small trunks to manipulate instruments.

As an oxygen-breather, she was at least able to move about fairly comfortably on earth. Due to her heavy-gravity biogenetics, her strength was legendary during her time at law school. Often, according to her colourful memoirs, she would take on any twenty-five comers in tug-of-war, reputedly never losing - even against the rugby team. And her capacity for beer was such that the brewers of Guinness named a new extra-stout after her.

By the end of her stay at Oxford, she had reached the Dean’s list and was a powerful voice in the campus’ public interest forums. Oxford’s premier legal Don of that time, Frederick Allencamp, noted in his autobiography that f’Janddeooo engaged in several remarkable welfare-state debates with her conservative colleagues, none of whom had either the courage or inclination to seriously cross her...

For all her immensity, f’Janddeooo was a compassionate giver of the law. Most Cygnan commentators accord her high marks for lenience. g’Balle, the most respected legist on Cygnus and f’Janddeooo’s mate for the last 200 years, maintains that it was due to f’Janddeooo’s insistence that all capital crimes were eliminated from the Cygnan penal canons.

f’Janddeooo is survived by her clan mother, f’Doratooo, 604, herself an influential political force on Cygnus, three hundred siblings, thirty seven offspring, three of whom have attended Earth universities, g’Balle, 521, co-parent of the children and her heartmate since before Cygnus was discovered by terran explorers.

Hak f’Janddeooo
Age: 278 yrs.
Note: The large tusk-like appendages were purely ceremonial and artificial. They were held in place by a rigid neck-girdle. See also that the manipulable sub-trunks have been retracted. This is an imperial portrait pose, not a natural one.
Prof. Benjamin Ury; Univ. of San Francisco, Xenoanthropology.
The Peacemaker
By Gardner Dozois

[The higher Appalachian peaks, now just a few scattered islands.]

Commentary: The Peacemaker won the 1983 Nebula Award for best science fiction short story. Mr. Dozois is currently the editor of Asimov's Science Fiction Magazine. We gratefully acknowledge his kindness in allowing its republication here. Please pay careful attention to the case and statutory law cited in the middle section of the manuscript. When done, turn to the hypothetical United States Supreme Court decision Julia Guizan wrote in response. Ms. Guizan is a research assistant for noted Constitutional Law Scholar Professor Karl Manheim of Loyola Law School.

Roy had dreamed of the sea, as he often did. When he woke up that morning, the wind was sighing through the trees outside with a sound like the restless murmuring of surf, and for a moment he thought that he was home, back in the tidy brick house by the beach, with everything that had happened undone, and hope opened hotly inside him, like a wound:

"Mom?" he said. He sat up, straightening his legs, expecting his feet to touch the warm mass that was his dog Toby. Toby always slept curled at the foot of his bed, but already everything was breaking up and changing, slipping away, and he blinked though sleep-gummed eyes at the thin blue light coming in through the attic window, felt the hardness of the old Army cot under him, and realized that he wasn't home, that there was no home anymore, that for him there could never be a home again.

He pushed the blankets aside and stood up. It was bitterly cold in the big attic room - winter was dying hard, the most terrible winter he could remember - and the rough wood planking burned his feet like ice, but he couldn't stay in bed anymore, not now.

None of the other kids were awake yet; he threaded his way through the other cots - accidentally bumping against one of them so that its occupant tossed and moaned and began to snore in a higher register - and groped through cavernous shadows to the single high window. He was just tall enough to reach it, if he stood on tiptoe. He forced the window open, the old wood of its frame groaning in protest, plaster dust puffing, and shivered as the cold dawn wind poured inward, hitting him in the face, tugging with ghostly fingers at his hair, sweeping past him to rush through the rest of the stuffy attic like a restless child set free to play.

The wind smelled of pine resin and wet earth, not of salt flats and tides, and the bird-sound that rode in on that wind was the burbling of wrens and the squawking of bluejays, not the raucous shrieking of seagulls ... but even so, as he braced his elbows against the window frame and strained up to look out, his mind still full of the broken fragments of dreams, he half-expected to see the ocean below, stretched out to the horizon, sending patient wavelets to lap against the side of the house. Instead he saw the nearby trees holding silhouetted arms up against the graying sky, the barn and the farmyard, all still lost in shadow, the surrounding fields, the weathered macadam line of the road, the forested hills rolling away into distance. Silver mist lay in pockets of low ground, retreated in wraithlike streamers up along the ridges.

1 "The Peacemaker," copyright (c) 1983 by Gardner Dozois; first appeared in Isaac Asimov's Science Fiction Magazine; reprinted by permission of the author and the author's agent, Virginia Kidd.
Not yet. The sea had not chased him here - yet.

Somewhere out there to the east, still invisible, were the mountains, and just beyond those mountains was the sea that he had dreamed of, lapping quietly at the dusty Pennsylvania hill towns, coal towns, that were now, suddenly, seaports. There the Atlantic waited, held at bay, momentarily at least, by the humpbacked wall of the Appalachians, still perhaps forty miles from here, although closer now by leagues of swallowed land and drowned cities than it had been only three years before.

He had been down by the seawall that long-ago morning, playing some forgotten game, watching the waves move in slow oily swells, like some heavy, dull metal in liquid form, watching the tide come in ... and come in ... and come in ... He had been excited at first, as the sea crept in, way above the high-tide line, higher than he had ever seen it before, and then, as the sea swallowed the beach entirely and began to lap patiently against the base of the seawall, he had become uneasy, and then, as the sea continued to rise up toward the top of the seawall itself, he had begun to be afraid. The sea had just kept coming in, rising slowly and inexorably, swallowing the land at a slow walking pace, never stopping, always coming in, always rising higher. By the time the sea had swallowed the top of the seawall and begun to creep up the short grassy slope toward his house, sending glassy fingers probing almost to his feet, he had started to scream, and as the first thin sheet of water rippled up to soak his sneakers, he had whirled and run frantically up the slope, screaming hysterically for his parents, and the sea had followed patiently at his heels.

A "marine transgression," the scientists called it. Ordinary people called it, inevitably, the Flood. Whatever you called it, it had washed away the old world forever. Scientists had been talking about the possibility of such a thing for years - some of them even pointing out that it was already as warm as it had been at the peak of the last interglacial, and getting warmer - but few had suspected just how fast the Antarctic ice could melt. Many times during those chaotic weeks, one scientific King Canute or another had predicted that the worst was over, that the tide would rise this high and no higher ... but each time the sea had come inexorably on, pushing miles and miles further inland with each successive high-tide, rising almost 300 feet in the course of one disastrous summer, drowning lowlands around the globe until there were no lowlands anymore. In the United States alone, the sea had swallowed most of the East Coast east of the Appalachians. The West Coast west of the sierras and the Cascades, much of Alaska and Hawaii, Florida, the Gulf Coast, East Texas, taken a big wide scoop out of the lowlands of the Mississippi Valley, thin fingers of water penetrating north to Iowa and Illinois, and caused the St. Lawrence and the Great Lakes to overflow and drown their shorelines. The Green Mountains, the White Mountains, the Adirondacks, the Poconos and the Catskills, the Ozarks, the Pacific Coast Ranges - all had been transformed to archipelagos, surrounded by the invading sea.

The funny thing was ... that as the sea pursued them relentlessly inland, pushing them from one temporary refuge to another, he had been unable to shake the feeling that he had caused the Flood: that he had done something that day while playing atop the seawall, inadvertently stumbled on some magic ritual, some chance combination of gesture and word that had untied the bonds of the sea and sent it sliding up over the land ... that it was chasing him, personally ...

A dog was barking out there now, somewhere out across the fields toward town, but it was not his dog. His dog was dead, long since dead, and its whitening skull was rolling along the ocean floor with the tides that washed over what had once been Brigantine, New Jersey, three hundred feet down.

Suddenly he was covered with gooseflesh, and he shivered, rubbing his hands over his bare arms. He returned to his cot and dressed hurriedly - no point in trying to go back to bed, Sara would be up to kick them all out of the sack in a minute or two anyway. The day had begun; he would think no further ahead than that. He had learned in the refugee camps to take life one second at a time.

As he moved around the room, he thought that he could feel hostile eyes watching him from some of the other bunks. It was much colder in here now that he had opened the window, and he had inevitably made a certain amount of noise getting dressed, but although they all valued every second of sleep they could scrounge, none of the other kids would dare to complain. The thought was bittersweet, bringing both pleasure and pain, and he smiled at it, a thin, brittle smile that was almost a grimace. No, they would watch sullenly from their bunks, and pretend to be asleep, and curse him under their breath, but they would say nothing to anyone about it. Certainly they would say nothing to him.
He went down through the still-silent house like a ghost, and out across the farmyard, through fugitive streamers of mist that wrapped clammy white arms around him and beaded his face with dew. His uncle Abner was there at the slit-trench before him. Abner grunted a greeting, and they stood pissing side by side for a moment in companionable silence, their urine steaming in the gray morning air.

Abner stepped backward and begun to button his pants. “You start playin’ with yourself yet, boy?” he said, not looking at Roy.

Roy felt his face flush. “No,” he said, trying not to stammer, “no sir.”

“You growin’ hair already,” Abner said. He swung himself slowly around to face Roy, as if his body was some ponderous machine that could only be moved and aimed by the use of pulleys and levers. The hard morning light made his face look harsh as stone, but also sallow and old. Tired, Roy thought, Unutterably weary, as though it took almost more effort than he could sustain just to stand there. Worn out, like the overtaxed fields around them. Only the eyes were alive in the eroded face; they were hard and merciless as flint, and they looked at you as if they were looking right through you to some distant thing that nobody else could see. “I’ve tried to explain to you about remaining pure,” Abner said, speaking slowly. “About how important it is for you to keep yourself pure, not to let yourself be sullied in any way. I’ve tried to explain that, I hope you could understand-”

“Yes, sir,” Roy said.

Abner made a groping hesitant motion with his hand, finger spread wide, as through he were trying to sculpt meaning from the air itself. “I mean - it’s important that you understand, Roy. Everything has to be right. I mean, everything’s got to be just ... right ... or nothing else will mean anything. You got to be right in your soul, boy. You got to let the Peace of God into your soul. It all depends on you now - you got to let that Peace inside yourself, no one can do it for you. And it’s so important ...”

“Yes, sir,” Roy said quietly, “I understand.”

“I wish ...” Abner said, and fell silent. They stood there for a minute, not speaking, not looking at each other. There was woodsmoke in the air now, and they heard a door slam somewhere on the far side of the house. They had instinctively been looking out across the open land to the east, and now, as they watched, the sun rose above the mountains, splitting the plum-and-ash sky open horizontally with a long wedge of red, distinguishing the rolling horizon from the lowering clouds. A lance of bright white sunlight hit their eyes, thrusting straight in at them from the edge of the world.

“You’re going to make us proud, boy, I know it,” Abner said, but Roy ignored him, watching in fascination as the molten disk of the sun floated free of the horizon-line, squinting against the dazzle until his eyes watered and his sight blurred. Abner put his hand on the boy’s shoulder. The hand felt heavy and hot, proprietary, and Roy shook it loose in annoyance, still not looking away from the horizon. Abner sighed, started to say something, thought better of it, and instead said, “Come on in the house, boy, and let’s get some breakfast inside you.”

Breakfast - when they finally did get to sit down to it, after the usual rambling grace and invocation by Abner - proved to be unusually lavish. For the brethren, there were hickory-nut biscuits, and honey, and cups of chicory, and even the other refugee kids - who on occasion during the long bitter winter had been fed as close to nothing at all as law and appearances would allow - got a few slices of fried fat - back along with their habitual cornmeal mush. Along with his biscuits and honey, Roy got wild turkey eggs, Indian potatoes, and a real pork chop. There was a good deal of tension around the big table that morning: Henry and Luke were stern-faced and tense. Raymond was moody and preoccupied, Albert actually looked frightened; the refugee kids were round-eyed and silent. Roy ate with good appetite, unperturbed by the emotional convection currents that were swirling around him, calmly but deliberately concentrating on mopping up every morsel of food on his plate - in the last couple of months he had put back some of the weight he had lost, although by the old standards, the ones his Mom would have applied four years ago, he was still painfully thin. At the end of the meal, Mrs. Reardon came in from the kitchen and, beaming with the well-justified pride of someone who is about to do the impossible, presented Roy with a small, rectangular object wrapped in shiny brown paper. He was startled for a second, but yes, by God, it was: a Hershey bar, the
first one he’d seen in years. A black market item, of course, difficult to get hold of in the impoverished East these
days, and probably expensive as hell. Even some of the brethren were looking at him enviously now, and the
refugee kids were frankly gaping. As he picked up the Hershey bar and slowly and caressingly peeled the wrapper
back, exposing the pale chocolate beneath, one of the other kids actually begun to drool.

After breakfast, the other refugee kids—“wetbacks,” the towns-people sometimes called them, with
elaborate irony—were divided into two groups. One group would help the brethren work Abner’s farm that day,
while the larger group would be loaded onto an ox-drawn dray (actually an old flatbed truck, with the cab knocked
off) and sent out around the countryside to do what pretty much amounted to slave labor: road work, heavy farm
work, helping with the quarrying or the timbering, rebuilding houses and barns and bridges damaged or destroyed
in the chaotic days after the Flood. The federal government—or what was left of the federal government, trying
desperately, and not always successfully, to keep a battered and Balkanizing country from flying completely apart,
struggling to put the Humpty Dumpty that was America back together again—the federal government paid Abner
(and others like him) a yearly allowance in federal scrip or promise-of-merchandise notes for giving room and
board to refugees from the drowned lands... but times being as tough as they were, no one was going to complain
if Abner also helped ease the burden of their upkeep by hiring them out locally to work for whomever could come
up with the scrip, or sufficient barter goods, or an attractive work-swap offer; what was left of the state and town
governments also used them on occasion (and the others like them, adult or child), gratis, for work-projects “for
the common good, during this time of emergency...”

Sometimes, hanging around the farm with tittle or nothing to do, Roy almost missed going out on the
work-crews, but only almost: he remembered too well the back-breaking labor performed on scanty rations... the
sickness, the accidents, the staggering fatigue... the blazing sun and the swarms of mosquitoes in summer, the
bitter cold in winter, the snow, the icy wind... He watched the dray go by, seeing the envious and resentful faces
of kids he had once worked beside—Stevie, Enrique, Sal—tum toward him as it passed, and, reflexively, he opened
and closed his hands. Even two months of idleness and relative luxury had not softened the thick and roughened
layers of callus that were the legacy of several seasons spent on the crews... No, boredom was infinitely
preferable.

By mid-morning, a small crowd of people had gathered in the road outside the farmhouse. It was hotter
now; you could smell the promise of summer in the air, in the wind, and the sun that beat down out of a cloudless
blue sky had a real sting to it. It must have been uncomfortable out there in the open, under that sun, but the crowd
made no attempt to approach—they just stood there on the far side of the road and watched the house, shuffling
their feet, occasionally muttering to each other in voices that, across the road, were audible only as a low wordless
grumbling.

Roy watched them for a while from the porch door; they were townspeople, most of them vaguely familiar
to Roy, although none of them belonged to Abner’s sect, and he knew none of them by name. The refugee kids saw
little of the townspeople, being kept carefully segregated for the most part. The few times that Roy had gotten into
town he had been treated with icy hostility— and God help the wet-back kid who was caught by the town kids on a
deserted stretch of road! For that matter, even the brethren tended to keep to themselves, and were snubbed by
certain segments of town society, although the sect had increased its numbers dramatically in recent years, nearly
tripling the strength during the past winter alone; there were new chapters now in several of the surrounding
communities.

A gaunt-faced woman in the crowd outside spotted Roy, and shook a thin fist at him. “Heretic!” she
shouted. “Blasphemer!” The rest of the crowd began to buzz ominously, like a huge angry bee. She spat at Roy,
her face contorting and her shoulders heaving with the ferocity of her effort, although she must have known that
the spittle had no chance of reaching him. “Blasphemer!” she shouted again. The veins stood out like cords in her
scrawny neck.

Roy stepped back into the house, but continued to watch from behind the curtained front windows. There
was shouting inside the house as well as outside—the brethren had been cloistered in the kitchen for most of the
morning, arguing, and the sound and ferocity of their argument carried clearly through the thin plaster walls of the
crumbling old house. At last the sliding door to the kitchen slammed open, and Mrs. Zeigler strode out into the
parlor, accompanied by her two children and her scrawny, pasty-faced husband, and followed by two other
families of brethren—about nine people altogether. Most of them were carrying suitcases, and a few had
backpacks and bindles. Abner stood in the kitchen doorway and watched them go, his anger evident only in the whiteness of his knuckles as he grasped the door-frame. "Go, then," Abner said scornfully. "We spit you up out of our mouths! Don't ever think to come back!" He swayed in the doorway, his voice tremulous with hate. "We're better off without you, you hear? You hear me? We don't need the weak-willed and the short-sighted."

Mrs. Zeigler said nothing, and her steps didn't slow or falter, but her homely hatchet-face was streaked with tears. To Roy's astonishment - for she had a reputation as a harridan - she stopped near the porch door and threw her arms around him. "Come with us," she said, hugging him with smothering tightness, "Roy, please come with us! You can, you know - we'll find a place for you, everything will work out fine." Roy said nothing, resisting the impulse to squirm - he was uncomfortable in her embrace; in spite of himself, it touched some sleeping corner of his soul he had thought was safely bricked-over years before, and for a moment he felt trapped and panicky, unable to breathe, as through he were in sudden danger of wakening from a comfortable dream into a far more terrible and less desirable reality. "Come with us," Mrs. Zeigler said again, more urgently, but Roy shook his head gently and pulled away from her. "You're a goddamned fool then!" she blazed, suddenly angry, her voice ringing harsh and loud, but Roy only shrugged, and gave her his wistful, ghostly smile. "Damn it-" she started to say, but her eyes filled with tears again, and she whirled and hurried out of the house, followed by the other members of her party. The children - wetbacks were kept pretty much segregated from the children of the brethren as well, and he had seen some of these kids only at meals - looked at Roy with wide, frightened eyes as they passed.

Abner was starting at Roy now, from across the room; it was a hard and challenging stare, but there was also a trace of desperation in it, and in that moment Abner seemed uncertain and oddly vulnerable. Roy stared back at him serenely, unblinkingly meeting his eyes, and after a while some of the tension went out of Abner, and he turned and stumbled out of the room, listing to one side like a church steeple in the wind.

Outside, the crowd begun to buzz again as Mrs. Zeigler's party filed out of the house and across the road. There was much discussion and arm-waving and head-shaking when the two groups met, someone occasionally gesturing back toward the farmhouse. The buzzing grew louder, then gradually died away. At last, Mrs. Zeigler and her group set off down the road for town, accompanied by some of the locals. They trudged away dispiritedly down the center of the dusty road, lugging their shabby suitcases, only a few of them looking back.

Roy watched them until they were out of sight, his face still and calm, and continued to stare down the road after them long after they were gone.

About noon, a carload of reporters arrived outside, driving up in one of the bulky new methane-burners that were still rarely seen east of Omaha. They circulated through the crowd of townspeople, pausing briefly to take photographs and ask questions, working their way toward the house, and Roy watched them as if they were unicorns, strange remnants from some vanished cycle of creation. Most of the reporters were probably from State College or the new state capital at Altoona - places where a few small newspapers were again being produced - but one of them was wearing an armband that identified him as a bureau man for one of the big Denver papers, and that was probably where the money for the car had come from. It was strange to be reminded that there were still areas of the country that were .. not unchanged, no place in the world could claim that ... and not rich, not by the old standards of affluence anyway ... but, at any rate, better off than here. The whole western part of the country - from roughly the 95th meridian on west to approximately the 122nd - had been untouched by the flooding, and although the west had also suffered severely from the collapse of the national economy and the consequent social upheavals, at least much of their industrial base had remained intact. Denver - one of the few large American cities built on ground high enough to have been safe from the rising waters - was the new federal capital, and, if poorer and meaner, it was also bigger and busier than ever.

Abner went out to herd the reporters inside and away from the unbelievers, and after a moment or two Roy could hear Abner's voice going out there, booming like a church organ. By the time the reporters came in, Roy was sitting at the dining room table, flanked by Raymond and Aaron, waiting for them.

They took photographs of him sitting there, while he stared calmly back at them, and they took photographs of him while he politely refused to answer questions, and then Aaron handed him the pre-prepared papers, and he signed them, and repeated the legal formulas that Aaron had taught him, and they took photographs
of that too. And then - able to get nothing more out of him, and made slightly uneasy by his blank composure and the remoteness of his eyes - they left.

Within a few more minutes, as through everything were over, as through the departure of the reporters had drained all possible significance from anything else that might still happen, most of the crowd outside had drifted away also, only one or two people remaining behind to stand quietly waiting, like vultures, in the once-again empty road.

Lunch was a quiet meal. Roy ate heartily, taking seconds of everything, and Mrs. Crammer was a jovial as ever, but everyone else was subdued, and even Abner seemed shaken by the schism that had just sundered his church. After the meal, Abner stood up and began to pray aloud. The brethren sat resolutely at the table, heads partially bowed, some listening, some not. Abner was holding his arms up toward the big blackened rafter of the ceiling, sweat running down his face, when Peter came hurriedly in from outside and stood hesitantly in the doorway, trying to catch Abner's eye. When it became obvious that Abner was going to keep right on ignoring him, Peter shrugged, and said in a loud flat voice, "Abner, the sheriff is here."

Abner stopped praying. He grunted, a hoarse, exhausted sound, the kind of sound a baited bear might make when, already pushed beyond the limits of endurance, someone jabs it yet again with a spear. He slowly lowered his arms and was still for a long moment, and then he shuddered, seeming to shake himself back to life. He glanced speculatively - and, it almost seemed, beseechingly - at Roy, and then straightened his shoulders and strode from the room.

They received the sheriff in the parlor, Raymond and Aaron and Mrs. Crammer sitting in the battered old armchairs, Roy sitting unobtrusively to one side on the stool from a piano that no longer worked, Abner standing a little to the fore with his arms locked behind him and his boots planted solidly on the oak planking, as if he were on the bridge of a schooner that was heading into a gale. County Sheriff Sam Braddock glanced at the others - his gaze lingering on Roy for a moment - and then ignored them, addressing himself to Abner as if they were alone in the room. "Mornin', Abner," he said.

"Mornin', Sam," Abner said quietly. "You here for some reason other than just t'say hello, I suppose."

Braddock grunted. He was a short, stocky, grizzled man with iron-gray hair and a tired face. His uniform was shiny and old and patched in a dozen places, but clean, and the huge old revolver strapped to his hip looked worn but serviceable. He fidgeted with his shapeless old hat, turning it around and around in his fingers - he was obviously embarrassed, but he was determined as well, and at last he said, "The thing of it is, Abner, I'm here to talk you out of this damned tomfoolery."

"Are you, now?" Abner said.

"We'll do whatever we damn well want to do." Raymond burst out, shrilly, but Abner waved him to silence. Braddock glanced lazily at Raymond, then looked back at Abner, his tired old face settling into harder lines. "I'm not going to allow it," he said, more harshly. "We don't want this kind of thing going on in this county."

Abner said nothing.

"There's not a thing you can do about it, sheriff," Aaron said, speaking a bit heatedly, but keeping his melodious voice well under control. "It's all perfectly legal, all the way down the line."

"Well, now," Braddock said, "I don't know about that ..."

"Well, I do know, sheriff," Aaron said calmly. "As a legally sanctioned and recognized church, we are protected by law all the way down the line. There is ample precedent, most of it recent, most of it upheld by appellate decisions within the last year. Carlton versus the State of Vermont, Trenholm versus the State of West Virginia, the Church of Souls versus the State of New York. There was that case up in Tylersville, just last year. Why, the Freedom of Worship Act alone ..."

Braddock sighed, tacitly admitting that he knew Aaron was right - perhaps he had hoped to bluff them into obeying. "The 'Flood Congress' of '93," Braddock said, with bitter contempt. "They were so goddammed panic-stricken and full of sick chatter about Armageddon that you could've rammed any nonsense down their throats. That's a bad law, a pisspoor law ...

"Be that as it may, sheriff, you have no authority whatsoever -"

Abner suddenly began to speak, talking with a slow heavy deliberateness, musingly, almost reminiscently, ignoring the conversation he was interrupting - and indeed, perhaps he had not even been listening to it. "My
grandfather lived right here on this farm, and his father before him - you know that, Sam? They lived by the old ways, and they survived and prospered. Greatgranddad, there wasn't hardly anything he needed from the outside world, anything he needed to buy, except maybe nails and suchlike, and he could've made them himself too, if he'd needed to. Everything they needed, everything they ate, or wore, or used, they got from the woods, or from out of the soil of this farm, right here. We don't known how to do that anymore. We forgot the old ways, we turned our faces away, which is why the Flood came on us as a Judgement, a Judgement and a scourge, a winnowing. The Old Days have come back again, and we've forgotten so goddamned much, we're almost helpless now that there's no goddamned K-mart down the goddamned street. We've got to go back to the old ways, or we'll pass from the earth, and be seen no more in it ...” He was sweating now, staring earnestly at Braddock, as if to compel him by force of will alone to share the vision. “But it’s so hard, Sam ... We have to work at relearning the old ways, we have to reinvent them as we go, step by step ...”

“Some things we were better off without,” Braddock said grimly.

“Up at Tylersville, they doubled their yield last harvest. Think what that could mean to a county as hungry as this one has been—”

Braddock shook his iron-gray head, and held up one hand, as if he were directing traffic. “I’m telling you, Abner, the town won’t stand for this - I’m bound to warn you that some of the boys just might decide to go outside the law to deal with this thing.” He paused. “And, unofficially of course, I just might be inclined to give them a hand ...”

Mrs. Crammer laughed. She had been sitting quietly and taking all of this in, smiling good-naturedly from time to time, and her laugh was a shocking thing in that stuffy little room, harsh as a crow’s caw. “You’ll do nothing, Sam Braddock,” she said jovially. “And neither will anybody else. More than half the county’s with us already, nearly all the country folk, and a good part of the town, too.” She smiled pleasantly at him, but her eyes were small and hard. “Just you remember, we known where you live, Sam Braddock. And we know where your sister lives, too, and your sister’s child, over to Framington ...”

“Are you threatening an officer of the law?” Braddock said, but he said it in a weak voice, and his face, when he turned it away to stare at the floor, looked sick and old. Mrs. Crammer laughed again, and then there was silence.

Braddock kept his face turned down for another long moment, and then he put his hat back on, squashing it down firmly on his head, and when he looked up he pointedly ignored the brethren and addressed his next remark to Roy. “You don’t have to stay with these people, son,” he said. “That’s the law, too.” He kept his eyes fixed steadily on Roy. “You just say the word, son, and I’ll take you straight out of here, right now.” His jaw was set, and he touched the butt of his revolver, as if for encouragement. “They can’t stop us. How about it?”

“No, thank you,” Roy said quietly. “I’ll stay.”

That night, while Abner wrung his hands and prayed aloud, Roy sat half-dozing before the parlor fire, unconcerned watching the fire-light throw Abner’s gesticulating shadow across the whitewashed walls. There was something in the wine they kept giving him, Roy knew, maybe somebody’s saved-up Quaaludes, but he didn’t need it. Abner kept exhorting him to let the Peace of God into his heart, but he didn’t need that either. He didn’t need anything. He felt calm and self-possessed and remote, disassociated from everything that went on around him, as if he were looking down on the world through the wrong end of a telescope, feeling only a mild scientific interest as he watched the tiny mannequins swirl and pirouette... Like watching television with the sound off. If this was the Peace of God, it had settled down on him months ago, during the dead of that terrible winter, while they had all, wet-backs and brethren alike, come close to starving. About the same time that word of the goings-on at Tylersville had started to seep down from the brethren’s parent church upstate, about the same time that Abner, who until then had totally ignored their kinship, had begun to talk to him in the evenings about the old ways....

Although perhaps the great dead cold had started to settle in even earlier, that first day of the new world, while they were driving off across foundering Brigantine, the water already up over the hubcaps of the Toyota, and he had heard Toby barking frantically somewhere behind them... His dad had died that day, died of a heart-attack as he fought to get them onto an overloaded boat that would take them across to the “safety” of the New Jersey mainland. His mother had died months later in one the sprawling refugee camps, called “Floodtowns,” that has sprung up on high ground everywhere along the new coastlines. She had just given up - sat down in the mud,...
rested her head on her knees, closed her eyes, and died. Just like that, Roy had seen the phenomenon countless
times in the Floodtowns, places so festeringly horrible that even life on Abner’s farm, with its Dickensian
bleakness, forced labor, and short rations, had seemed - and was - a distinct change for the better. It was odd, and
wrong, and sometimes it bothered him a little, but he hardly ever thought of his mother and father anymore - it was
as if his mind shut itself off every time he came to those memories; he had never even cried for them, but all he had
to do was close his eyes and he could see Toby, or his cat Basil running toward him and meowing with his tail held
up over his back like a flag, and grief would come up like black bile at the back of his throat....

It was still dark when they left the farmhouse. Roy and Abner and Aaron walked together, Abner carrying
a large tattered carpetbag. Hank and Raymond ranged ahead with shotguns, in case there was trouble, but the last
of the afternoon’s gawkers had been driven off hours before by the cold, and the road was empty, a dim charcoal
line through the slowly-lightening darkness. No one spoke, and there was no sound other than the sound of boots
crunching on gravel. It was chilly again that morning, and Roy’s bare feet burned against the macadam, but he
trudged along stoically, ignoring the bite of cinders and pebbles. Their breath steamed faintly against the paling
stars. The fields stretched dark and formless around them to either side of the road, and once they heard the
rustling of some unseen animal fleeing away from them through the stubble; Mist flowed slowly down the road to
meet them, sending out gleaming silver fingers to curl around their legs.

The sky was graying to the east, where the sea slept behind the mountains. Roy could imagine the sea
rising higher and higher until it found its patient way around the roots of the hills and came spilling into the
tableland beyond, flowing steadily forward like the mist, spreading out into a placid sheet of water that slowly
swallowed the town, the farmhouse, the fields, until only the highest branches of the trees remained, held up like
the beckoning arms of the drowned, and then they too would slide slowly, peacefully, beneath the water....

A bird was crying out now, somewhere in the darkness, and they were walking through the fields, away
from the road, cold mud squelching underfoot, the dry stubble crackling around them. Soon it would be time to
sow the spring wheat, and after that, the corn....

They stopped. Wind sighed through the dawn, muttering in the throat of the world. Still no one had
spoken. Then hands were helping him remove the old bathrobe he’d been wearing.... Before leaving the house, he
had been bathed, and anointed with a thick fragrant oil, and with a tiny silver scissors Mrs. Reardon had clipped a
lock of his hair for each of the brethren.

Suddenly he was naked, and he was being urged forward again, his feet stumbling and slow.

They had made a wide ring of automobile flares here, the flares spitting and sizzling luridly in the wan
dawn light, and in the center of the ring, they had dug a hollow in the ground.

He lay down in the hollow, feeling his naked back and buttocks settle into the cold mud, feeling it mat the
hair on the back of his head. The mud made little sucking noises as he moved his arms and legs, settling in, and
then he stretched out and lay still. The dawn breeze was cold, and he shivered in the mud, feeling it take hold of
him like a giant’s hand tightening around him, pulling him down with a grip old and cold and strong...

They gathered around him, seeming, from his low perspective, to tower miles into the sky. Their faces
were harsh and angular, gouged with lines and shadows that made them look like something from a stark old
woodcut. Abner bent down to rummage in the carpetbag, his harsh woodcut face close to Roy’s for a moment, and
when he straightened up again he had the big fine-honed hunting knife in his hand.

Abner began to speak now, groaning out the words in a loud, harsh voice, but Roy was no longer
listening. He watched calmly as Abner lifted the knife high into the air, and then he turned his head to look east, as
if he could somehow see across all the intervening miles of rock and farmland and forest to where the sea waited
behind the mountains...

Is this enough? he thought disjointedly, ignoring the towering scarecrow figures that were swaying in
closer over him, straining his eyes to look east, to where the Presence lived ... speaking now only to that Presence,
to the sea, to that vast remorseless deity, bargaining with it cannily, hopefully, shrewdly, like a country housewife
at market, proffering it the fine rich red gift of his death. Is this enough? Will this do?

Will you stop now?
DEPARTMENT OF EMERGENCY FLOOD RELIEF (STATE OF GEORGIA)  
n.
ABNER MIDDLEBAUM  
Supreme Court of the United States  
899 U.S. ___, 224 S. Ct. 113 (2002)  
June 21, 2002

Chief Justice HOCHADDEL delivered the opinion of the Court.

I. The day is solemn, and the state of this country's affairs are grim. As encroaching flood waters transform America into ever more distant and detached islands, the federal government works desperately to prevent the total splintering of our nation. Yesterday, by constitutional amendment, Congress ordered the dissolution of the United States Supreme Court effective today. U.S. CONST. amend. XXXXVIII. While many, including members of this court, question the wisdom of this, Congress believes that one centralized court can no longer adequately control or supervise federal law or the remaining federal courts. 555 CONG. REC. H7923 (daily ed. June 20, 2002). Eighteen High Justices, three at each site, will now rotate through the Regional High Courts of six new jurisdictions--Green Mountain, White Mountain, Adirondacks, Poconos and Catskills, Ozarks, and Pacific Coast--to oversee the nation's federal law. U.S. CONST. amend. XXXXVIII. We now turn to what is the last opinion of the United States Supreme Court and hope that it sounds an alarm to the citizens, legislators, and judicial officers of America

II. The facts of this case are chilling. On January 6, 1998, a twelve year old child was murdered by adults in the name of religion. His young body showed evidence of both long time physical abuse and Quaalude use. Defendant Abner Middlebaum, leader of a religious sect known as the Church of the Armageddon, was charged by the Department of Emergency Flood Relief (State of Georgia) with murder in the first degree. The Eastern Frontier Superior Court acquitted him. Georgia v. Middlebaum, 27 E.F. 243 (Super. Ct. 1996). The Provisional High Court affirmed. Georgia v. Middlebaum, 32 P.H.C. 12 (Ga. 1999). We granted certiorari and now reverse.

III. Defendant argues that he cannot be found guilty of the crime of murder, as recognized by the criminal
code of Georgia, because this killing was an act of worship by a member of a legally recognized religion. He relies on a recent series of cases holding that human sacrifice of children is permissible under the plain meaning of the Freedom of Worship Act of 1993. See Carlton v. Vermont, 28 P.H.C. 93 (Vt. 1995); Trenholm v. West Virginia, 29 P.H.C. 395 (W. Va. 1996); Church of Souls v. New York, 31 P.H.C. 237 (N.Y. 1998). The Act provides: “No state or territory shall inhibit or prevent the members of a religion, rooted a deeply and truly held belief, from performing rituals or methods of worship as required by that religion.” Freedom of Religion Act of 1993, 41 U.S.C. § 4441 (1993). The courts above all found that killings of human children pursuant to deeply held religious beliefs were untouchable by their respective state’s criminal codes. See Carlton, 28 P.H.C. at 112; Trenholm, 29 P.H.C. at 453; Church of Souls 31 P.H.C. at 292.

A. Could Congress have meant to allow the killing of human children when it passed the Freedom of Religion Act as the plain meaning of the statute suggests? This court must step back from these frightening and desperate times when emotions and fears, instead of reason and morality, appear to dictate the actions of society, government, and much of the judicial system. Allowing the sacrifice of children is a barbaric, immoral, and irrational response to the problem this nation faces, no matter what Congress intended and no matter what any religion promises. When the plain meaning of a statute compels an absurd result such as this, the Court must look to legislative history for guidance in statutory construction.

i. The Congress of 1993 bears the nickname “The Flood Congress.” It was in session when the marine transgression began and quickly passed many laws in a seemingly panic stricken reaction to it. See Dexter Brasso, Strange Days and Laws: The Flood Congress of 1993, 27 LOY. DEN. L. REV. 5 (1994). This panicked Flood Congress crafted and ratified the Freedom of Worship act of 1993. Records of committee hearings reveal that Congress was aware that various religious sects had begun human child sacrifices hoping to appease a higher power and stop the water’s advance when it passed the law. See Freedom of Religion Act: Hearings Before the Senate Comm. on Religious Freedom, 100th Cong. 47, 102 (1993). In fact, a member of Abner Middlebaum’s Church of the Armageddon, Senator Edith Crammer, actually drafted and initiated this legislation. See 140 CONG. REC. 1 (1997). During the debate of the proposed bill, one Senator cited, approvingly, increased crop yields and reduced water penetration in two areas of the country known to frequently practice child sacrifice. Id. at 20,917. Others followed with similar stories. Id. at 20,917-33. The debate concluded with a statement that Congress, with this legislation, wished to “encourage any religious practice which could prevent the destruction of the United States as we know it.” Id. at 25,323. Hearing records also show that Congress specifically intended to invalidate this Court’s recent First Amendment jurisprudence. See
Freedom of Religion Act: Hearings Before the Senate Comm. on Religious Freedom, 100th Cong. 47, 55 (1993). The First Amendment commands that "Congress shall make no law...prohibiting the free exercise [of religion]." U.S. CONST. amend. I. This restriction also applies to the states by means of the Fourteenth Amendment's Due Process Clause. In Employment Division v. Smith, we held that a government act burdening religious beliefs does not violate the First Amendment Free Exercise clause if it is merely a generally applicable criminal prohibition, and the burden is unintended and incidental. 494 U.S. 872 (1990). According to hearing records, legislators worried specifically that the "Smith rule in combination with state criminal codes would unnecessarily restrict many of the new and beneficial religious practices developed since the flood." Freedom of Religion Act: Hearings Before the Senate Comm. on Religious Freedom, 100th Cong. 47, 259 (1993) (statement of Storm Thermind, Chairman). In light of this legislative history, we must unfortunately recognize that the Flood Congress did intend to legalize the sacrifice of human children when it passed the Freedom of Religion Act of 1993.

IV. As never before, this congressional action "shocks the conscience" of the Court. These three words, through repetition, had almost lost their meaning—until now. Simply a "gut feeling" tells us that killing children for religious purposes is horribly wrong, and that the Freedom of Worship Act of 1993 is facially invalid. This Court intends, however, to establish jurisprudence with this case that will protect children as a class and prevent the passage of similar laws long after our dissolution.

A. The Fourteenth Amendment to the United States Constitution provides that no "State shall...deny to any person within its jurisdiction the equal protection of the laws." U.S. CONST. amend. XIV, § 1. It also restricts the federal government through the Due Process Clause of the Fifth Amendment which we have held contains an Equal Protection component. The issue is whether the Freedom of Worship Act of 1993 denies equal protection of state and federal laws to the children of America in violation of the Fourteenth and Fifth Amendments of the United States Constitution. We hold that it does.

i. The Freedom of Worship Act results in the creation of two classes of citizens who are treated very differently: first, children and second, all people professing a "firmly held" religious belief. Children may be murdered by those who then step beyond the law's reach by claiming they did so as an act of worship—to please an angry deity. The legislative history recited above demonstrates Congress's objective intent to employ this classification even though it does not appear on the face of the act itself. Congress wished to place the execution of children by religious worshippers above the law of the states. The Fourteenth Amendment is clearly invoked, and we must next determine what level of scrutiny to apply to this statutory scheme.
ii. We hold today that children have evolved into a super-suspect class, and that any law creating a classification that deprives them of some important legal protection will be subject to super-strict scrutiny. To survive super-strict scrutiny, a state's goals must be imperative, and its means—the classification it creates—must be the only way to accomplish its goal. Children have historically possessed very few autonomous rights. They cannot vote and are powerless, politically, to change laws or practices that are unfair to them. If a child lives, he or she will eventually reach adulthood and graduate from this powerless class, but he or she must still spend eighteen or so long years in its confines. The discrimination against children has, since the flood, climbed to unbelievable levels and is grossly unfair. For example, various state and local laws now force a huge number of children to live on primitive work farms. They labor twelve to eighteen hours a day in unhealthful, dangerous conditions and receive little food or water and absolutely no education or human affection. We, as a nation, must halt and reverse this trend.

As such, we hold that the Freedom of Worship Act of 1993 is subject to and fails super-strict scrutiny, and that it violates the Equal Protection Clause of the Fourteenth Amendment. Congress's goal in passing the Freedom of Worship Act was to "encourage any religious practice which could prevent the destruction of the United States as we know it." 140 Cong. Rec. 20,917, 25,323 (1997). Assuming that the entire stated goal does not violate the Establishment Clause of the First Amendment—and it very well might—preventing the destruction of the United States is one of the rare Congressional objectives that will ever qualify as imperative. The means however, allowing the execution of children without legal consequence, is not even rational let alone the only way to attempt to prevent flood waters from destroying this nation. State and federal governments already employ several other measures to the same end: dams; environmental clean up; and evaporative cooling mechanisms to name a few.

V. The protections of the Constitution must not fall to a panicked government, and we must not sacrifice our children to fear and false hopes. This, in the Court's opinion, is not the way to hold together a disintegrating nation. The rule announced today is unprecedented, but so are the times before us. Those on this Court appointed to the new Regional Courts vow to enforce this ruling and craft others to reign in what appears to be a run away, irrational legislative branch. We can only hope that other judicial officers take note and begin to do the same. The Freedom of Worship Act of 1993 violates the Equal Protection Cause of the United States Constitution and is therefore invalid. This holding is retroactive.

Reversed and remanded.

Chief Justice Alexander Hochadel
Circa 2005.
Federal Rules of Evidence

By John E. Rogers, Jr.
□Prof. David Leonard, Loyola Law School: Advisor□

Hearsay Revisions
[excerpts taken from the FRE revision holotext, Oct. 7, 2165 -- IntraSolar Edition]

Rule 801. Definitions

The following definitions apply under this article:

(b) Declarant. A "declarant" is (1) an actual human being (as defined by the Cambridge Accord of 2047)\(^1\), (2) any mobile anthropomorphic machine\(^2\) whose measurable associative reasoning capability exceeds 100 RC\(^3\) on the Hieberg-Grainger Scale\(^4\), (3) any location-specific artificial intelligence program who has passed the Grainger Indistinguishability Test\(^5\) with a score of 700MgT\(^6\) or above, who makes a statement or (4) any sentient alien (as recognized by the Combined Species Catalog Act of 2045)\(^7\)

Advisory Panel's Analysis
98 C.H.D. 7882, 7901

Subdivision (b). The definition of "declarant" assumes both broader meaning and heightened importance because the term now includes two new categories of speaker. The first deals with anthropomorphic analogs whose tested intellects qualify them not just as reasoning entities under the Hieberg-Grainger definition\(^8\) but whose capacity for complex macro-routines indicates an inherent capacity for deceit. This amendment to the Rule came as a direct result of the Biotech crises of the late 2040's\(^9\). The second concerns site-restricted mainframe AI's who have satisfactorily passed Dr. Herbert Grainger's Indistinguishability Exam and are, therefore, accorded human reasoning skills. As juridical people, they are de facto assumed capable of dishonesty.

\(^1\) The Cambridge Accord was signed into law by the United States Congress in Emergency Assembly on Feb. 4, 2047. Senator Paul Jay Hamilton, Chair of the Senate Sub-committee on Genetic Experimentation, called an emergency session in response to wide-spread fears of the creation of a number of para-human variants by certain privately-funded clinical research laboratories at
Harvard University. The Accord implemented a series of molecular tests to establish "humanity." This term was created by the U.S. Army Field Corps in 2029. It denotes all self-propelled, human-form robots. These entities are generally referred to as "androids."

Real-time calculations This sliding-merge slope curve scale uses twenty-seven factors and elements, all balanced and assigned algebraic value, to categorize and classify the intelligence of non-human (see Cambridge Accord, supra) entities.

See also the University of Chicago Scientific Equivalency Battery.

Micro-graduated Testpoints


Biotech is a tradename wholly owned by Motorola Co., Inc. The Biotech crises were a series of automaton revolts led by suddenly "awake" android soldiers being manufactured at Camp Troy, an AI military reservation in Northern Alaska. The bloodiest battle was fought on June 5, 2041 wherein three hundred elite American Rangers were killed and seven thousand Biotechs were destroyed. The crises ended with peace negotiations between the federal government and the Biotech leaders.

Hearthought Rule

Rule 807. Definitions

The following definitions apply under this article:

(a) Assertive Thought. An "assertive thought" is (1) a telepathic neuropulse intended by its cerebrogenitor to convey a cognitive, conclusory statement.

(b) Cerebrogenitor. A "cerebrogenitor" must (1) be a recognized telepath under the Combined Species Catalog Act of 2045 and (2) must be the entity (as defined under the CSCA) who emitted the cerebrotransmission.

(c) Hearthought. "Hearthought" is an assertive thought, other than one made by a recognized cerebrogenitor either (1) in a projection-protected testimonial chamber under the supervision of certified telereferees or (2) at a verified and influence-dampened trial or hearing, offered in evidence to prove the truth of the matter neurotransmitted.

(d) Assertive thoughts which are not hearthought. An assertive thought is not hearthought if--

(1) Prior assertive thought by witness. The cerebrogenitor testifies either (1) telepathically, under the supervision of certified telereferees or (2) orally (or in written form if the cerebrogenitor is a non-vocal telepath as recognized under the CSCA) either in a projection-protected testimonial chamber under the supervision of certified telereferees or at a verified and influence-dampened trial or hearing and is subject to cross-examination or mind-convergal inquisition (as defined and limited by the Safe Telepathy Regulation Act of 2047), and the assertive thought is (A) inconsistent with the cerebrogenitor's telemony or testimony, and was given under oath (or its alien equivalent) subject to the penalty for perjury (or its alien equivalent) in a projection-protected testimonial chamber under the supervision of certified
telereferrees or at a verified and influence-dampened trial or hearing, or a tele-deposition, or (B) consistent with the cerebrogenitor's telemony or testimony and is offered to rebut an express or implied charge against the cerebrogenitor of recent fabrication or improper influence or motive, or (C) one of identification of a recognized entity after perceiving (visually, sonically, scentorically or in some other recognized manner) that entity, or

(2) Admission by a party-opponent. The assertive thought is offered against a party-entity and is (A) the party-entity's own assertive thought, in either an individual or a representative capacity or (B) an assertive thought of which the party-entity has evinced either telepathic assimilation of (as defined by the Allowed Invasive Mental Probe Act of 2049) or manifested an adoption or belief in the truth of in some other manner recognized by the common laws of the aligned planets, or (C) an assertive thought or traditional statement by an entity authorized by the party-entity to make an assertive thought or statement, or (D) an assertive thought or traditional statement by the party-entity's agent or servant (either artificial or living - so long as recognized by the CSCA) concerning a matter within the scope of the agency, programming or employment, made during either the existence of the contract or the bond-term of the robotic indenture, or (E) by a co-conspirator of a party-entity during the course and furtherance of the conspiracy.

(As revised Tor.S. 43435-1, sub-sec. Cam-Terrano Sec. 3-1901, Sept. 3, 2039, 56 Stat. Ref. Temp. 486.01(b), eff. Jan. 1, 2040 (Standard Earth Calendar).

Section references, Philarand 19th ed.

General. Sec. 900123
(a) Sec. 34(1-thD)
(b) Sec. 38(a-Dx)
(c) Sec. 39715 [clio-form/sub-textual documentation]
(d) Sec. 4 [Uniform Alien Evidence Comportionment Act]
(e) Bono-Phel. Rigel Codes; sim4. et seq.

Rule 808. Hearthought Rule

Hearthought is not admissible except as provided by these rules or by other rules prescribed by either the Supreme Court Legislative Annex Committee or the Aligned Worlds Judicial Camera.

Section references, Philarand 19th ed.
Sec. 998, Sec. 12011
Section analogs, Betelgeuse Planetary Codes
Ra. X-23dB2, sub-Sec. 91 et seq.
Centauri Orbital Station, Inc. v. Trans-Andromeda Space Lines, Ltd. 

Seventh Extra-Solar Circuit Court of Appeals

2341
497 F.4th 1002.

[Please see the case facts immediately following this holding. They are a reprint from Issue #1 of the Science Fiction Law Journal. Mr. Himrod has based his decision on those facts.]

By Thomas E. Himrod

Analysis and Holding

We hold that Defendant Trans-Andromeda Space Lines, Ltd. must be held liable. Co-Defendant, Captain Hiram De LA Cruz, an employee acting within the course and scope of his employment, is equally liable. His offloading of the biohazard containers in atmosphere was against regulations. (Space Code and Shipping Regulations Sec. 51,0976.(d)(7)) His motivation was the time and money saved for his employer and the bonus paid to him for time saved. He failed to offload the cargo at the Hyperspace Freight Cannon, the only place where danger to atmosphere breathing humans and non-human species could be avoided. The Cannon is operated by robots in a vacuum for just these safety reasons.

Trans-Andromeda Space Lines and the Captain are both strictly liable for the failure of the crane, a piece of shipboard equipment. The violation of regulations was the primary cause of the damages.

Defendant's actions made it possible for the mechanical failure to do the vast majority of the damage. Their claims against the manufacturer of the biohazard containers are similarly unavailing.

These issues are simple. Far trickier are the issues of compensation and punishment. Ever since the case of Goldman v. Simpson, 551 U.S. 412 (2002), it has been recognized that criminal and civil matters can be adjudicated in the same proceeding with, if necessary, two juries to assess the burden of proof properly. With the creation of simtime punishment, most of the constitutional concern with cruel and unusual punishment has been allayed.

Accordingly, we will assume criminal jurisdiction and we sentence Defendant, Captain Hiram De La Cruz, to 631 years simtime punishment with one year actual time to be served. Captain De La Cruz must undergo a process of self-evaluation. Thus, the captain will have 631 years to reflect. The short period of realtime punishment means his ties to the community and his family will not be greatly affected. Captain De La Cruz may of course opt for a full criminal trial below.

Trans-Andromeda must pay the customary $1,000,000 credits per life plus all compensatory damages to Centauri Orbital Station. Both Defendants contend that in the case of one non-human species, the Gertians, a telepathic species, that there is no additional "life" lost when 30 members of that species lost their "lives" as all individuals are but a part of the whole in perfect simultaneous communication with each other. Thus, Defendants claim only one loss of life and $1,000,000 is at stake. On the other hand, the Gertians contend that all individuals of that species suffer the loss all the more greatly. There is a need for simplicity in these decisions. Therefore, we must adhere to the general principle of "one body, one life." The clone exception is not relevant here. Similarly we must affirm the equality of human and non-human (so long as it is sentient) life in awarding damages.

1 Thomas E. Himrod is a practicing Los Angeles attorney. He attended the Georgetown University Law Center in Washington, D.C. This is Mr. Himrod's first appearance in the Science Fiction Law Journal.
Fact Pattern Re-Prints

Hypothetical Case Series

Case #001

Centauri Orbital Station, Inc. v. Trans-Andromeda Space Lines, Ltd.

Seventh Extra-Solar Circuit Court of Appeals, 23411, 497 F.4th 1002.

Plaintiff, Centauri Orbital Station, Inc. (COS), owner and operator of Centauri Epsilon space station (UNeSt reg. 2204, CommSec.data-tag.11.01210alp-D), brought suit against defendant Trans-Andromeda Space Lines, Ltd. (Trans) on several causes of action. Notably here: negligent exposure of a controlled viral species to a known biosphere, hazardous and unlawful cargo practices, statutory violation of maritime freight provisions (StellaMar Reg. 9301 et seq.), negligence leading to the explosive decompression of a populated loading zone, [-], [-], wrongful death (417 counts human, 214 counts nonhuman), economic loss, wrongful death (subsidiary and collateral), resultant commercial damages.

Trial court, at the request of the Omegan planetary assembly, waived decision (executing a judicum elevatum under Amendment forty six of the re-Unified Space Code2), opting to hear preliminary factual arguments only. We choose to accept this elevation and try the case on the facts as they have been presented.

Factual summary:

At 11:47 am station time (ST) on Tuesday, October 28 2339, the heavy-load, deep space freighter Amigo Samm, dropped out of hyperspace and entered the Omega system. Unmanned monitors tracked its course into the planet grid without incident. At 2:23 pm ST, the Amigo Samm requested permission to dock at the industrial wharf of the Centauri Orbital Station, a 5,942,000 ton rotating artificial satellite.

Attachment clearance was granted by the station's space traffic control. Three guide tags brought the Amigo Samm into its airlock slot at 3:49 pm ST. At this point, accounts differ. Plaintiff asserts that the crew of the Amigo Samm began immediately to off-load dozens of yellow-striped, hemi-metally sealed biohazard cannisters. Defendant Captain Hiram De La Cruz claims to have obtained an inspection by station customs before beginning cargo removal.

Though that factor will figure into our evaluation, it is not crucial to understanding the events as they played out.

At 8:17 pm ST, a seventy-meter hull crane which was in the process of swaying a flat of cannisters from the cargo hold onto the pier, buckled unexpectedly. Within seconds it collapsed, killing three Amigo Samm deckhands and smashing open four biohazard cannisters on the docking platform.

The containers released thousands of Massero-Chuy larval bodies into the station.

Massero-Chuy3, to those not familiar with their history, are quasi-insectoid viral lifeforms; intensely survival-oriented, carnivorous, semi-sentient. Though small in their infant or larval stage, given time and food sources, they will attain sizes approaching those of large dogs. They are a hive (nest/matriarchal) species. Physically, they resemble terran termites.

According to the Amigo Samm's manifest, the cannisters were scheduled for transfer to the HyperSpace Freight Cannon (a computer-assisted robotic launch delivery system operated by Consolidated Shipping Affiliates). COS's customs and agricultural logs concur.

The final destination, as far as investigators can determine, was to be the Pan-Solar BioToxic Research Laboratory on Vlinus-6.

In less than 24 hours, the Massero-Chuy had contaminated the forward sections of the Delta wharf, a sixty-slot cargo docking wing of the station. Attempts to eradicate the viral lifeforms using pesticides proved ineffective.

A quarantine was ordered and martial law was declared.

Several fatalities were reported during the chaotic period ensuing.

By 6:35 pm ST of the following day, military vessels had moved into orbit around the station. No traffic was allowed in or out.

A twelve-man Extermination Team, commanded by Col. Jeb Miller, Spc. Francis Alpha Del Sth US Marines, specially trained and outfitted for alien combat, was introduced; their mission, to locate the queen and terminate her.

This mission failed, resulting in the deaths of ten members of the squad.4

At 11:42 pm ST, the military's mobile command unit, fearing a station-wide catastrophe, instructed the station master to blow the main air gates, opening the entire industrial wharf zone to zero-atmosphere vacuum.

Since evacuation had been only partially affected, this caused the deaths of at least 600 dock workers awaiting de-contam and/or still crowded near the central hub pass-ways. These helpless victims were drawn, along with tons of steel girder framework, freight materials, loading vehicles and the viral lifeforms, into space.

The Massero-Chuy infestation had been stopped but the accompanying price tag had been enormous.

Seeking recovery for crushing damages paid to the families of the deceased and for the staggering cost of repairing a de-compressed dockyard, COS now sues Trans-Andromeda, the freightcarrier who allegedly without proper governmental authorization and inspection, brought the viral infection into the station.

We hold...
ClanRule: An Analysis of the Laws of the Four Independent Lunar Colonies.

Diane Frazier Wilcox
Bethel Adam Law College, University of Kendan on Trent

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2346
3 October (autumnal season tilt)

Introduction:
On Monday, March 5, 2125, Cynod-X [-], the largest transnational farming and mining community on the moon succumbed to a satellite-wide socio-political revolution which had been slowly canvassing the entire globe for some six months. Cynod was the last of the major citystates to fall [-].

The take-over was not especially bloody. None of the Black March [-] coups were. The governing council, mostly United Nations overseers charged with maintaining peace and corporate managers who ran the various industrial and agricultural parks, were immediately given the option to remain or be shuttled back to Earth [-].

Almost every single one chose the latter.

The Black March revolution, taken as a whole, was not well thought-out from a long-term survival perspective. While hydroponic foodstuff generation facilities [-] could continue to provide an indefinite supply of MG corn, MG wheat and so on [-], the organizers had failed to consider the fact that much of the non-replenishable water the moon used could no longer be safely mined from the already existing but severely depleted sub-crustal deepshafts (due to then-unsolved strata-fragmentation problems) [-].
But, perhaps of equal importance, they had failed to take into account the rampant lawlessness which would soon sweep through Cynod and its sister colonies.

In a matter of weeks, with the primary governmental structure gone, the populations of the central cities had been reduced to virtually a war-zone lifestyle [-].

The only source of law were the five or six dozen Clans [-] which had managed to live on through the purges of the 2110's. These were not racial groupings. Nor were they in any sense blood-line familial. They were unique conglomerations composed, for the most part, of dissimilar individuals who, for various reasons (usually specialized talents), had been asked to join. Certainly at the core of most Clans was a family. This is why the Clans are generally given ethnic names; the Filipino Clan, the Italian, the Chinese, etc. But the members of each Clan were by no means necessarily members of that particular ethnic persuasion [-].

It was the Clanlords who rose to become the judges of the new legal order on the moon. And it was the minor nobles of each Clan who became the attorneys.

There were no juries, per se. No rules of evidence. No right to have or do anything other than those limited rights the Clanlord chose to bestow upon any given plaintiff, defendant or witness. The system closely paralleled that which operated in a feudal fiefdom [-].

Since there was no over-all Lunar Clanlord, the landscape of the moon slowly changed into a patchwork of balkanized, usually hostile territories [-].

This paper seeks to explore (a) the extremely unusual schemes of corporal and non-corporal punishment devised by the Clans (for instance, the re-introduction of court-sanctioned torture), (b) the Clans' concepts of private property and Civil Rights, (c) their formal, pageant-like court protocol, (d) their complete revision of the most basic evidentiary laws and, lastly, (e) their underlying attitudes towards i) recidivism and ii) reform [-].

One thing is clear from the very onset; up there, a quarter of a million miles from the rest of humanity, with Earth communications completely broken down, with no access to libraries or schools, with no one to turn to but themselves; the Clans re-invented law in a way never before seen by mankind. The process was unprecedented because while it recalled what were likely the first steps towards law by man's distant cousins, it embodied many of the moral codes, philosophies and entrenched intellectual dogmas of civilized man. It is for these reasons that both jurists such as myself and archaeologists have been fascinated by it.

To proceed to the next page, please direct your eyes to the down-arrow icon on the top right of the screen and blink two times.

*SlugRat:* Bred on the moon by the Burmese Clan.

*Used to hunt rival clansmen in the labyrinths under the Cynod-X, circa 2120.*
1) Suppose that \( F \) and \( T \) both die after the exoskin of their space yacht is punctured by a shard of drifting star ice. All of the ship's hull-breach safeties fail. The vessel decompresses. The evidence shows that neither \( F \) nor \( T \) were wearing protective garb at the time of the accident. Further, investigation into the past of \( F \) reveals that she had previously attended a Space Guard emergency vacuum survival seminar and was trained in holding her breath for up to four minutes. Additionally, salvage crews found \( F \)'s body wedged tightly between two command bulkheads, fifty feet from the puncture whereas \( T \)'s body shows no signs whatsoever of struggle against the onset of vacuum-death. \( F \)'s fingers had been scratched to the bone. Claw marks were discovered moving up the main bulkhead toward the sealant console. Is there sufficient evidence of \( F \)'s survival? See In re Wee Copper Billy's Estate, 46 Ganymede App. 2554, 642 D.S.4th 765 (2091).

2) Suppose that \( S \) and \( X \) take an infant Hoth lion cub, \( A \), into their home and raise \( A \) as their child but do not formally adopt \( A \). Under such circumstances, had \( A \) been a human child, he normally would be able to inherit from \( S \) and \( X \) under the doctrine of equitable adoption. Under this doctrine, an oral agreement to adopt \( A \) between \( S \) and \( X \) and \( A \)'s natural parents, is implied and specifically enforced in equity against \( S \) and \( X \). As against \( S \) and \( X \), equity would treat \( A \) as if the contract had been performed by \( S \) and \( X \); they are estopped to deny a formal adoption took place. But, in light of the Non-Interference Pact, Chap. 4(c), Sub-sec. 12, 2071 Julian AD, does the fact that there is a species-variation within the parent-child relationship alter the contract? Negate it? Portionally amend it?

3) \( O \), a human male, has three children from his first marriage (to a human female) and five children via a matrimonial life-bond with a Tanzian. After his life-bond is fixed, \( O \) gives each of the children from his first marriage a tract of land. \( O \) subsequently dies intestate. Are these gifts advancements? In re K'Olpah's

---

\( i \) Alexander Cherenko is Executive Director of the Southern California Estate Planning and Trust Workshop based in Santa Monica.
Testamentary Trust, 87 H.K 3437 (App. 2067). Does the fact that the first children were pure human matter in the analysis?

4) You are a criminal defense lawyer. Beth and Uta Scamelling ask you to represent them. They have just been indicted for murdering their parents, worth $530 million, just over fifteen months ago on Titan. They have collected $24 million in life insurance plus almost $5 million more through a soul-dissolution religious surety fund, liquidated the family’s fortune in stocks, sold most of the vast Scamelling shipping empire (stretching from Earth to Cygnus), executed the sub-human service staff (legal on Titan) and taken possession of most of their parent’s assets. They admit to you that they did kill their parents but claim to have acted in self-defense out of fear their parents would kill them because they threatened to reveal to the public the father’s secret membership in the Salla Nostrata, a cult-like organized crime brotherhood which advocates frequent human sacrifice.

If you represent the Scamelling sisters, can you be paid from the assets they will forfeit if convicted of a felonious and intentional killing? Can they use these assets for their defense? Cf. Titan Colony v. Torrado, 6 Titan 126 (2081).

5) T dies leaving a will that devises his entire estate to his sister S if she survives him, otherwise to S’s son A. At the time of T’s death, S is dead, having been killed in an electrocad crash while touring the Dutch Artificial Moon. Five days after T’s death, S’s remains are returned to Earth. In transit, her casket, stored in the freighthold of a Han cargoliner, is exposed to a rare type of Termion Emission. Handlers at an earth-side funeral parlor discover her mouth twitching. They contact the local health department. S’s brain has been revitalized. It is later transferred to a mechanical host. Who takes, A or S?

6) Assume as a diplomatic courtesy to the Phell government, we are allowing a Phell probate to be heard before a New York State Surrogate’s Court: T, a Phellite, gives birth to H, a testamentary youngling, gestated and wombed just to record T’s estate plans - a living will in the truest sense. T dies before signing all of her estate plans to H. Can the partially informed testamentary youngling be permitted to testify before the probate court? What if no attesting drone-servants had witnessed a) the birth and/or b) the partial instruction? What if they had? Are there evidence issues here as well? What laws will govern? Are there Erie concerns?

7) Which of the following are “intangible things” as defined by the Restatement of Trusts, Fourth §82(a)(1): (Yes or No)
Starship’s captaincy (as devisable intra-family, not as defined by the Admiralty codes)

Patents (see Nowik v. June Suns Laboratories, infra. Chap. IV).

Trade Secrets

Stored human intellect (downloaded into a Johnson matrix file) [disregard any “personhood” issues]

Pan-telepathic Good will and Trademarks (existence confirmed by district-wide encephalographic scan)

Seats on exchanges (physical and holo-only)

Clan Vengeance Right (Corpath homeworld and outlying colonies only) [Assume the Corpaths have voted to adopt the Restatement]

Dream Entity (somno-induced psycho-separate being, as cataloged on Rigel and on Regullan) [disregard an “personhood” issues.]

8) What level of scrutiny must a Surrogate’s Court (assume current New York State Probate Statutes apply) use if allegations of telepathic mind-tampering and undue influence (re: an aged human trustor) have been brought by a beneficiary against a non-human trustee? What facts are sufficient to “trigger” the analysis?

9) May an interstellar mercantile bank invest funds held in trust in stocks, cross-bonds, Gerri-marks or firm commodities without the express written consent of the trustee? What if the investiture is to be held wholly on-planet? What if the investiture is intangible?

10) D dies intestate survived by F, a female-molded anthropomorphic analog companion who has cared for D for the past twenty years, and three children of a prior marriage, A, B and C. His net estate is valued at $23,000,000 Adjusted Metroslips (assume the new standard). Advancements were made to A in the amount of $5,000,000 to buy-off the pursuit of a team of intergalactic hitcreatures and to B in the amount of $4,000,000 to have her genes spliced with those of a Hoyan seannymph (B now resides off planet on Hoya and is married to a Hoyan). How should D’s net estate be distributed (a) under a statute like the English Statute of Distribution (1670), (b) under the Aligned Worlds Symmetrical Estate Allocation Act and (c) under the law of your province or state of residence? Are there any “personhood” issues? If so, are they centered on F only? What of B? How would you have written the devise and divestment clause on D’s will had he had one?
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