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## Images of Lawyers and the Three Stooges

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# IMAGES OF LAWYERS AND THE THREE STOOGES

RANDALL COYNE\*

*This Article surveys several of the Three Stooges "shorts" dealing with law and lawyers, particularly the film Disorder in the Court. Professor Coyne provides a comedic portrayal of the courtroom through the lampoons of the Three Stooges.*

According to film critic Leonard Maltin, an observation first made in a 1937 issue of *Motion Picture Herald* remains true today. "The public, upon which the screen depends for its existence, appears . . . to be divided roughly into two groups, one composed of persons who laugh at the Three Stooges and the other made up of those who wonder why."<sup>1</sup>

## 1. THE STOOGES VERSION OF LAW

Between 1934 and 1959, Columbia Studios released 190 short subjects starring the Three Stooges. Long before the advent of "coming attractions," these "shorts" were considered "curtain raisers," to be shown before the feature, full-length movie.

Law-related puns and slanders aimed at lawyers are generously sprinkled throughout the Stooges' films. When our heroes are hailed into court in *Listen Judge*,<sup>2</sup> the judge dismisses the charges, explaining, "These men can't be held for vagrancy. They have visible means of support." Befuddled, Larry asks, "Does he mean our suspenders?" Later, noting Curly's odd behavior, the judge asks Moe, "What's the matter with him?" Moe

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1. LEONARD MALTIN, *MOVIE COMEDY TEAMS* (1980). Your author's unscientific conclusion, based entirely on personal interviews, is that men are more likely to fall into the category which enjoys the Stooges, women into the category which does not.

2. (Columbia Pictures 1952).

answers, "He thinks he's a chicken." When the judge asks, "Why don't you put him in an institution?," Larry explains, "We can't, we need the eggs."

In *Idiot's Deluxe*,<sup>3</sup> Moe takes the witness stand. When the judge asks, "Were you ever indicted?" Moe parries, "Not since I was a baby." In *the Sweet Pie and Pie*<sup>4</sup> finds the boys in Hangemall Prison after being wrongfully convicted when mistaken for the Mushroom Murder Mob. As they plan their escape, Curly produces a saw. Moe asks, "Is that a musical saw?" Curly replies, "Why certainly. It plays 'I Hear a Ripsody.' Nyuk, nyuk, nyuk."

A classic Stooze joke, repeated in several shorts, involved capital punishment. Held captive by angry foreigners, the Stooges are given the choice of having their heads cut off or being burned at the stake. Curly chooses the latter, explaining, "Hot steak is better than a cold chop." Perhaps the cheesiest law joke was uttered in *Back to the Woods*.<sup>5</sup> When the judge shouts, "Order! Order!," Curly complies: "I'll have a ham sandwich."

The trio's most searing slur against lawyers is a subtle sight gag. In *Hold That Lion*,<sup>6</sup> the name on the law firm's door is "Cess, Pool, & Drayne."<sup>7</sup>

Occasionally, screenwriters for more serious films paid tribute to the Stooze brand of humor. Consider the following exchange from *Shadow of the Thin Man*<sup>8</sup> starring William Powell:

"I haven't seen you around."

"I ain't been around."

"In stir?"

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3. (Columbia Pictures 1945).

4. (Columbia Pictures 1941).

5. (Columbia Pictures 1937).

6. (Columbia Pictures 1947).

7. Lawyers were not the only objects of the Stooges' ridicule. The medical profession endured a substantial dose of abuse. For example, Doctors Hart, Burns and Belcher appeared in *A Gem of a Jam* (Columbia Pictures 1943). Doctor Ba Loni Sulami appeared in *Three Missing Links* (Columbia Pictures 1938). Dr. I. Yankum was the dentist in *All the World's a Stooze* (Columbia Pictures 1941). Finally, in *Three Sappy People* (Columbia Pictures 1939), the Stooges impersonate psychiatrists Ziller, Zeller and Zoller.

8. (Metro-Goldwyn-Mayer 1941).

"I was a victim of soicumstance! The D.A. framed me for not knowing I was guilty! Ain't that a coincidence!"

Although the Three Stooges' slapstick misadventures brought them into frequent contact with the law, only one film—*Disorder in the Court*<sup>9</sup>—was set entirely in the courthouse. This setting gave the trio ample opportunity to mock the legal profession and do violence to courtroom decorum.

## 2. THE STOOGES' LEGAL EXPERIENCES

Given the paltry budget for each short (\$27,000 or less),<sup>10</sup> the compressed shooting schedule (each short took 3 or 4 days to complete) and the harsh editing (each short lasted 16-20 minutes), plot development was understandably sparse. *Disorder in the Court*, featuring Larry, Moe and Curly,<sup>11</sup> is no exception. The film relies heavily on witty repartee, sight gags, double entendres and the inevitable (and ubiquitous) slapstick.

The film casts the Stooges as defense witnesses in a capital murder trial. Gail Tempest, a dancer at the Black Bottom Cafe, stands accused, a victim of circumstance whose life depends on the testimony of three musicians, Curly, Larry & Moe. According to the prosecution, Ms. Tempest was seen standing over the dead body of her boyfriend, clutching a revolver. Thus, the legal jousting and courtroom antics center around the question, "Who Killed Kirk Robin?"

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9. (Columbia Pictures 1936).

10. In 1934, the Stooges signed an exclusive seven-year contract with Columbia Pictures Corporation. They agreed to make eight two-reel comedies each year. In exchange, the studio paid the trio \$60,000 per year, which was split evenly. Each Stooage earned \$2,500 per short for an annual salary of \$20,000. This remained their arrangement for the duration of their professional lives. Although the group worked for Columbia for 24 years, they never renegotiated their contract or received a raise.

Joe Besser was the exception. When he signed on as the third Stooage in 1955, he cut a separate deal and earned \$3,500 per short. Although the Stooges were free to earn additional money through public appearances, they were prohibited from making movies with other studios.

11. If you have difficulty telling the Stooges apart, perhaps Jack Kerouac's descriptions will help. Moe is "mopish, mowbry, mope-mouthed, mealy [and] mad." Larry, on the other hand, is "goofhaired, mopplelipped, lisped, muxed and completely flunk." And, of course, Curly is the Stooage who loves to "muckle and yuckle and squeal."

The film's tone is conveyed in the opening line, delivered rapid-fire by the bailiff (James C. Morton) as he administers the oath: "Doyousolemnlyswear totellthetruththewholetruthand-nothingbutthetruth?" to the accused. Courtroom procedure and legal jargon are portrayed as unnecessarily complex, making the justice system unintelligible to those it is designed to serve. Nonetheless, notwithstanding the barely intelligible delivery of the oath, Ms. Tempest understands, is sworn, and denies committing the murder.

Early on, Tempest's defense attorney, competently played by veteran supporting actor Bud Jamison, engages in shameless pandering to the jury. Objecting to the prosecution's questioning of the defendant, defense counsel claims, "It is merely an attempt to influence this intelligent, broad-minded and most intellectual jury." When the camera pans the jury box, it reveals a group of 12 distinctly feeble-minded jurors.<sup>12</sup> The objection is sustained and the prosecution rests. A caged parrot chirps, "Find the letter," but is largely ignored.

The defense attorney begins by calling his "three main witnesses, Howard, Fine and Howard." Although our heroes are conspicuously absent from the courtroom, they are quickly located in the hall, playing jacks and tic-tac-toe. When reminded that "Miss Gail Tempest's life is at stake," the trio scampers into the courtroom amid squeals, grunts and "woo-woo-woo-woo-woo"s, and Curly is summoned to the stand.

In a hilarious exchange, Curly demonstrates how the simplest of judicial procedures—swearing in a witness—can become a Sisyphean task. Nattily dressed for his court appearance, Curly sports a derby and carries a walking stick. When told to take off his hat, Curly reaches up with his right hand and removes it. Instructed to raise his right hand, Curly places the hat back on his head and does so. Told next to place his left hand on the bible, Curly transfers his walking stick from his left hand to his right. The judge chimes in, ordering Curly to take off his hat. Curly shifts the walking stick back to his left hand, reaches up with his right hand and doffs his hat.

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12. An interesting bit of Stogie trivia: Solomon Horwitz (father of Moe, Curly and Shemp Howard) has a cameo role in *Disorder in the Court* and can be seen seated in the front row of the spectator section of the court.

This sequence repeats itself until Curly, the bailiff and judge are completely exasperated. When the bailiff again demands that Curly remove his hat, Curly places his hat on the bailiff's head, hangs his walking stick on the bailiff's arm and orders *him* to raise his right hand.

Struggling for composure, but now in possession of Curly's hat and walking stick, the bailiff seizes the opportunity and attempts to administer the oath. Curly, however, can't decipher the words. The run-on, breathless delivery of "Doyousolemnlyswear totellthetruththewholetruthandnothingbutthetruth?" provokes a mystified "Huh?" After a second try, Curly accuses the bailiff of "trying to give [him] the double talk." Finally, after the third attempt, the judge intervenes and Curly complains, "He's talking pig Latin. I don't know what he's saying." The judge tries to clarify—"He's asking you if you'll swear . . ."—but Curly cuts him short: "No, but I know all the voids."

When the judge eventually explains what the bailiff is asking, Curly proclaims the judicial maxim, "Truth is stranger than fiction, Judge-Wudgie." The judge insists on judicial decorum and responds, "Kindly address this court as 'Your honor.'" At long last, the recalcitrant witness is sworn.

Other communication failures lead to comical results. For example, when asked to "take the stand," Curly (a bit predictably) picks up the chair and inquires, "Where do I put it?"

Each time defense counsel tries to elicit testimony from Curly, the prosecutor jumps to his feet to object. This enables Moe and Larry, who are sitting directly behind the prosecutor, to continue their tic-tac-toe game on the seat of the prosecutor's chair. Could the boys be suggesting that litigation itself is nothing more than a game? (Or am I being a lame-brain?) Eventually, the prosecutor sits down and the chalk adheres to the seat of his pants. During the next objection, Moe and Larry continue their contest, using the prosecutor's rear end as the game board. When the prosecutor whirls around to confront them, the two practice casual indifference. Larry pretends to be looking at his fingernails and Moe asks, "I say Jasper, what comes after 75?" Larry responds, "76" and Moe replies, "That's the spirit."

When Curly finally does testify, he is asked to tell the court what happened the night of the murder. He begins, "Well it was

like this, Mr. Court." Told to address the judge as your honor, he says, "Well it was like this, my honor." Frustrated, the judge directs the lawyer to "allow the witness to proceed; the Court understands him." However, as Curly's testimony unfolds, neither the jury nor the defense attorney is able to understand Curly's slang. The defense attorney gently prods Curly to "Kindly speak English and drop the vernacular." Perplexed, Curly thinks the lawyer wants him to put down the hat he has clutched in his hands. He retorts, "Vernacular? That's a doiby."

Curly suggests that he be allowed to act out what happened. So, with the court's permission, Curly, Larry and Moe recreate their nightclub act in the courtroom as a way of presenting their testimony. Ms. Tempest slips off her dress to reveal a rather risqué dance costume underneath. Accompanied by Moe (conducting and playing a small harmonica), Larry (on violin) and Curly (on upright bass and spoons),<sup>13</sup> she performs a rather leadfooted tap dance.

When Larry's vigorous bow stroke inadvertently hooks the toupee from the bailiff's head, Larry screams "Tarantula" and all hell breaks loose. The crisis finally passes when Moe seizes a police officer's gun and fires five shots into the hapless hairpiece. The bailiff threatens to sue and the judge admonishes, "Gentlemen, you must control your killing instincts."

Testimony resumes and Moe explains that he saw Buck Wing, a dancer, arguing with Kirk Robin "over by the parrot cage" on the night of the murder. The argument escalated into a fight. In a sadistic display of demonstrative evidence, Moe uses Curly to illustrate the violence which Buck Wing inflicted on Kirk Robin.<sup>14</sup>

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13. Of the three, Larry was the only accomplished musician. When discovered by Moe, Shemp and Ted Healy, Larry was performing in a stage show, playing his violin and doing a Russian dance. Healy asked Larry to join his act, offering him \$90 a week, or \$100 if he would give up the violin. Larry accepted.

Curly also dabbled in music as an amateur percussionist. A frequenter of nightclubs, he often amused himself by accompanying musicians with whatever happened to be handy. Although he most often used a pair of spoons for accompaniment, he also would improvise by tearing a tablecloth in rhythm with the music being played.

14. Those who do not enjoy the Three Stooges often complain that their humor is too violent. According to Moe, the group toned down their slapstick considerably after World War Two. He said,

The prosecutor objects to this testimony as “preposterous. When the police broke into the office they found this woman, the defendant, Gail Tempest, bending over the body of a murdered man with a revolver clutching in her hand.” The defense attorney responds by announcing that he can conclusively prove that Gail Tempest did not shoot Kirk Robin. Addressing the jury, he begins, “Ladies and gentlemen, the action of this pistol is so hard, it would take the strength of a mule to pull the trigger.” What better way to prove this point than to ask Curly to try to pull the trigger? Curly demurs, saying “I’m no mule.” And Moe agrees: “No, your ears are too short.”

Once the lawyer assures Curly that the gun isn’t loaded, he agrees to try. As Curly struggles with the weapon, Tempest’s lawyer asks the jury, “How could Gail Tempest’s frail little finger pull the rusty trigger of that instrument of destruction?” Of course, Curly eventually pulls the trigger and proves the attorney wrong. The gun indeed was loaded. The discharged bullet strikes the attorney in the corpus gluteus maximus (with no apparent permanent harm) and sends him hurtling into the arms of a singularly unattractive female juror. Without missing a beat, she whispers her home phone number to the disheveled attorney.

The surprise witness (Don’t all courtroom dramas have a surprise witness?) in the farce turns out to be none other than Polly the parrot, the only eyewitness to the killing. Polly repeats “Find the letter” and Moe discovers a note tied to Polly’s foot. When he tries to retrieve it, Polly flies out of her cage, and a mad scramble to catch her ensues. Ultimately the Stooges agree that the best way to catch her is to wet her feathers so she can’t fly. Making use of a fire hose, they succeed in recapturing Polly—but not until after wreaking considerable disorder in the court.

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We’re not as sadistic as Westerns. In Westerns, kids are likely not to understand or not to like it when somebody doesn’t get up . . . Kids don’t mind seeing somebody get it over the head so long as they know that the person will get up. With all the rough stuff we had, nobody ever died.

When the note attached to Polly's foot is read, the mystery is solved. The note's author, Buck Wing, admits killing Kirk Robin and warns authorities not to try to find him because he is "shuffling off to Buffalo."

Perhaps the Stooges' zest for ridiculing the legal profession stemmed from numerous personal, and often bitter encounters with lawyers and the legal system. The original Three Stooges<sup>15</sup> (Larry Fine, Moe Howard and Shemp Howard) began their careers as second-bananas to Ted Healy, a popular vaudeville stand-up comedian. When the Stooges left Healy's act in 1930, Healy sued, claiming that the Stooges were making unauthorized use of his comedy routines and jokes. Healy also threatened to sue theaters which hired the Stooges. Although the Stooges won the lawsuit, they rejoined Healy in 1932. Shemp, however, wanted no part of the reunion and quit the act.

Shemp's reluctance to rejoin Healy is understandable. Healy, an incorrigible practical joker, once planted a carton of cigarettes in Shemp's suitcase as the group travelled to an engagement in Canada. Healy then informed a porter that Shemp was attempting to smuggle cigarettes into Canada to avoid paying a duty on imports. To Healy's delight—and Shemp's mortification—customs officials detained Shemp in Canada and subjected him to a thorough search.

Moe suggested that Healy replace brother Shemp with Moe's kid brother, Jerome. Healy agreed to give Jerome a chance, but the young man's initial audition was a bleak failure. Healy felt that Jerome's long, wavy hair and wax-tipped moustache detracted from Jerome's comic ability. Although handsome, Jerome simply didn't look funny.

Dejected, Jerome promptly shaved his moustache off and denuded his pate. He returned, begged Healy to reconsider, and

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15: The Three Stooges were actually six Stooges. In 1925, brothers Moe Howard (born Moses Harry Horwitz) and Shemp Howard (born Samuel Horwitz), along with Larry Fine (born Larry Fineberg) joined Ted Healy's vaudeville act, Ted Healy and His Three Southern Gentlemen. Moe and Larry would remain constant members of the trio until the group disbanded forever in 1969. Shemp left the act in 1932 and his kid brother, Curly Howard, replaced him. Curly suffered a disabling stroke in 1946 and Shemp rejoined the group. Shemp died suddenly of a heart attack in 1955 and was replaced by Joe Besser. Joe DeRita replaced Besser in 1958, becoming the sixth and last Stooge.

was hired on the spot. From that moment on, Jerome demanded that he be called "Curly."

In 1934, Larry, Moe and Curly quit Healy for good and Healy quickly hired three replacements. When the replacements began billing themselves as "Ted Healy's Super Stooges," Fine, Howard and Howard sued to prevent the use of the name "Stooges." This litigation settled when the replacements agreed to stop calling themselves Stooges.

Although Moe served as the group's business manager and handled their legal affairs, Curly was no stranger to the courthouse. His penchant for pretty women led to four marriages, three of which ended in divorce. During one divorce proceeding, Curly's wife testified that Curly "used filthy, vulgar and vile language [and] kept two vicious dogs. He shouted at waiters in cafes, pushed, struck and kicked me, [and] put cigars out in the sink."

Even Curly's death spawned litigation. Shortly after Curly died, two of his daughters sued the Three Stooges, claiming that they were entitled to profits from the act since their father had contributed to it. That suit reportedly settled. Similarly, after Shemp died, his wife attempted to sue the Stooges for a percentage of their profits.

In 1959, the Stooges released *Have Rocket, Will Travel*,<sup>16</sup> their first full length feature film in eight years. Impressed by the film's box office success, Columbia Studios offered the Stooges leading roles in a second feature film. By this time, the Stooges had formed their own production company and declined Columbia's offer. Undeterred, Columbia decided to make a Stoooge feature film by splicing together excerpts from their old shorts. The Stooges sued in Los Angeles Superior Court and were issued an injunction preventing Columbia from releasing the film. More recently, relatives of Larry Fine and Joe DeRita sued Norman Maurer Productions for royalties from Three Stooges merchandise.

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16. (Columbia Pictures 1959).

## CONCLUSION

To the extent that the Three Stooges portrayed their opinion of the legal system through their comedy films, we should not be surprised that Larry, Moe and Curly lampooned the law as they did. During their careers, the Stooges were in court often, and on occasion even got what they asked for (and I don't mean a ham sandwich, *nyuk nyuk nyuk*). The variety of their litigation, from divorces to intellectual property claims, gave the Three Stooges ample experience to create *Disorder in the Court*.