

SR UP FRONT

AUGUST 26, 1972

The Road to Yakima

BY PETER SCHRAG

LOS ANGELES, Calif.—Even for movieland, the scene was implausible: The judges, in their pink and lavender jackets, yellow shirts, and white slacks, standing around the hotel patio with their pre-dinner drinks; the defense lawyers, representing Daniel Ellsberg and Anthony Russo, wandering through the crowd in their rumpled business suits like cinema Bolsheviks casing a palace reception; and the reporters, a seedy quartet who had chased the lawyers up the freeway, hanging around the Sheraton Huntington lobby in a vain attempt to make themselves believe that the whole thing was really taking place. *The trial might stop right here.*

"Yakima?" someone was saying. "Yakima? You've got to be kidding."

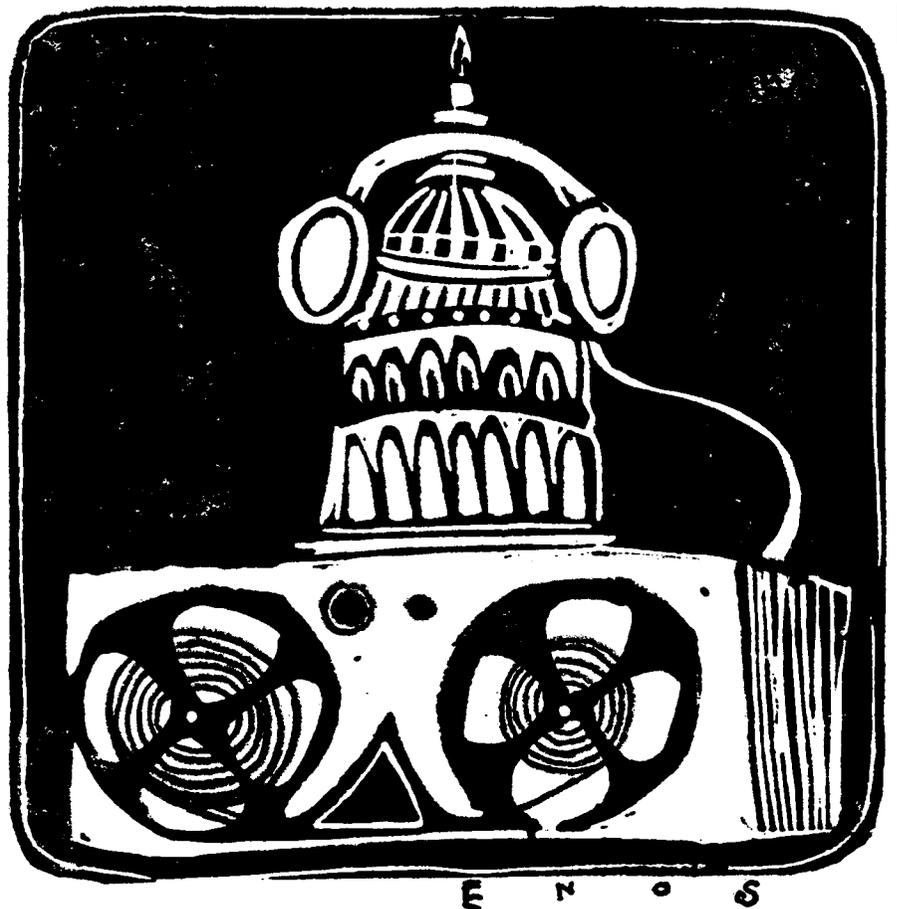
"He wants us to come to Yakima," said one of the rumpled suits, legal papers still clutched in his hand. "He'll hear arguments in Yakima tomorrow at four-thirty."

"Yakima," said another rumpled suit. "Where the hell is Yakima?"

The person the rumpled suits had been looking for—and had finally found—was the Hon. William O. Douglas, Associate Justice of the Supreme Court, leading civil libertarian, mountain climber, and noted curmudgeon. Douglas was at the Sheraton Huntington attending the annual conference of the federal judges of the ninth judicial circuit, which includes all the western states, and over which Douglas presides while the Supreme Court is in recess.

The defense lawyers wanted him to stop the Ellsberg trial, scheduled to begin the next day, until a bizarre and un-

Peter Schrag, a contributing editor of SR, is at work on a book about the Ellsberg-Russo trial.



In the background of the Ellsberg case is the Supreme Court's increasing suspicion of wiretapping.

precedented wiretap issue was resolved. The government had overheard a conversation involving someone associated with the defense, probably a lawyer, but it refused to disclose who that person was or what the conversation was about. All that was known was that a record of the "overhearing" had been filed *in camera* and that trial Judge William Matthew Byrne, Jr., ruled that the conversation did not involve this case and therefore could not possibly taint the evidence with an illegal surveillance. (Judge Byrne had in-

structed the government to submit the record of any "overhearing" involving the defendants, their lawyers, and a small list of consultants to the defense.) The defense had appealed his decision to the Circuit Court of Appeals two days before, lost there, and was now appealing it to the Supreme Court. In essence, Ellsberg's lawyers wanted an order from the Court requiring Byrne to conduct an open hearing to determine whether the tap had been illegal and, if so, what it involved. Since the Supreme Court was on vacation until October, the lawyers were asking Douglas for an interim order to stop the trial until the Court could act.

The whole procedure was without

precedent. After nearly six months of pretrial arguments and three weeks of questioning potential jurors, the jury had been selected and sworn, and opening arguments were just about to begin. No trial, within the memory of lawyers on both sides, had ever been stopped at that point. Normally, if a judge makes a judicial error, the time for an appeal to higher courts comes after the defendants have been convicted. In this instance, the Ellsberg-Russo lawyers had been so doubtful of the course they were following that they had been on the verge of giving it up.

What drove them on—though perhaps they were hardly aware of it—was a sense of frustration, even desperation. For two months they had watched Judge Byrne overrule them on nearly every attempt to challenge the indictment, which includes charges of conspiracy, violations of the Espionage Act, and theft of government documents. They had failed to get even the most questionable counts dismissed, and had been forced to draw from a panel of jurors who, though they might not be hostile to the defense, were at best apathetic about the issues that the defense considered important: the government's power to control information, the guarantee of a free press under the First Amendment, and the connection between official secrecy and the perpetuation of the war in Indochina.

Nearly 3,000 pages of documents from the Pentagon study would be introduced in evidence, and the jurors would presumably have to read and analyze them in order to determine whether they related to the national defense. Yet one of the jurors who was selected barely spoke English—he had attended grammar school in Italy—several did not read a daily newspaper, and many of them had expressed no concern at all about national affairs.

Now Douglas wanted them to come to Yakima, Washington. Since he felt that he was being asked to take an extremely serious step, he wanted to hear arguments from both sides. There was a small courtroom in the Post Office Building at Yakima, on the way to his summer retreat in nearby Goose Prairie (but 1,200 miles from Los Angeles where the trial was supposed to take place), and it was therefore—for him—a convenient place to summon the lawyers: David Nissen and three other government attorneys for the prosecution (who, when they failed to get a commercial flight, went by Navy jet); Leonard Boudin, Leonard Weinglass, and Peter Young for the defense.

For an hour in the Yakima courtroom, Douglas heard the arguments. Nissen contended that stopping trials in mid-stream was chaotic, that lawyers couldn't simply go running to an appeals court

"every time they got a ruling they didn't like," and that appealing trial court decisions piecemeal could be justified only in an extreme situation, one in which a trial judge had clearly exceeded his authority. Boudin said that this was just such a situation; that, in fact, Judge Byrne lacked authority *not* to order a hearing on the wiretap evidence. In the background was the Supreme Court's own increasing suspicion of wiretapping—a series of decisions that not only made evidence from an illegal tap (any tap not authorized by court order) inadmissible but also allowed defendants to challenge an entire prosecution if the government's information had been contaminated "by the fruit of the poisoned tree." Whether the tap in question was in any way proscribed by prior decisions was uncertain. Nor was it clear whether asking for an order stopping the trial at this point was legally proper.

A day later, having contemplated the matter on the heights of Goose Prairie, Douglas decided that a stay of the trial was proper. Using a public telephone, (there is no phone at his house), he called the clerk of the Supreme Court and dictated his opinion:

The constitutional right . . . pressed here is the right to counsel guaranteed by the Sixth Amendment. That guarantee obviously involves the right to keep the confidences of the client from the ear of the government, which these days seeks to learn more and more of the affairs of men. The constitutional right of the client, of course, extends only to his case, not to the other concerns of his attorney. But, unless he can be granted standing to determine whether his confidences have been disclosed to the powerful electronic ear of the government, the constitutional fences protective of privacy are broken down. . . .

I am exceedingly reluctant to grant a stay where the case in a federal court is barely under way. But conscientious regard for basic constitutional rights . . . makes it my duty to do so.

So the trial was stopped—but the legal complications piled up. Could the Supreme Court consider Douglas's ruling without convening in emergency session? Could that be done by phone? Should Justice Rehnquist, who had been in the Justice Department when this prosecution was initiated, disqualify himself? And if the trial were stopped until after the Supreme Court reconvened in October, what of the already-sworn jury? Could the jury be held for several months until the trial might begin? Or could the jury be dismissed and another empaneled, or would that involve double jeopardy for the defendants?

It was almost as if, having violated the established order by leaking the Pentagon Papers to the press, Ellsberg had generated subsequent waves of uncontrollable disorder beyond the powers of man to resolve: His "crime" of leaking the papers had produced a record number of appeals to the Supreme Court, had prompted multiple grand jury investigations, countless motions for stays, for writs of mandamus, for disclosure of evidence, and had produced an endless and often fruitless search for applicable procedures.

There was irony, as well. The government, which had filed sworn denials that it had never wiretapped the defendants, their lawyers, or their consultants (denials that often seemed beyond the bounds of credibility), had made what it surely must have regarded as an innocuous admission. The tap, Nissen said, had been directed against someone (or something) not associated with this trial, but had incidentally picked up one conversation—and one only—of someone who was. Yet now that incidental disclosure, made for reasons still unexplained, was jeopardizing the prosecution's entire case. The government said it was fearful of disclosing the details since that would threaten the "installation" that had recorded it. Nissen acknowledged that the tap concerned "foreign intelligence" (the Supreme Court had never ruled on wiretapping in this area) and thus returned the matter to the realm of the gothic.

Radical activist Tom Hayden, who was a consultant to the defense, had surely been in touch with representatives of the Vietnamese National Liberation Front in Paris; Leonard Boudin did legal work both for the Cuban mission to the United Nations and for the government of Chile. If either of them were the victim of the tap, would the government be willing to acknowledge that, or would the Justice Department rather drop the Ellsberg prosecution altogether?

The ultimate irony concerned the objectives of the defense. This trial was supposed to have been a way of dramatizing to the American public the issues of war and secrecy; it was intended as a clean test of government's power to control information—even to curtail First Amendment rights—by stamping any embarrassing document "Top Secret." Instead, the case was illustrating the incredible complexity of contemporary politics and the law—a complexity that is the very condition that allowed the papers to be kept secret in the first place. For most citizens are unable or unwilling to penetrate the legal and political jungle in which public issues are often lost. Indeed, in their confusion, they are only too glad to let someone else—a bureau-

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Introducing a unique opportunity for you to satisfy your informational needs with a flexibility and selectivity you never had before.

Saturday Review has evolved into a family of four monthly magazines: SR-THE ARTS, SR-EDUCATION, SR-THE SOCIETY, and SR-SCIENCE.

These are edited in weekly rotation, so that *current* Saturday Review subscribers will continue to receive *all four monthlies*—one each week.

Each of the four magazines is available to *new* subscribers as an independent publication. Thus, new subscribers can choose one or two monthly magazines only—SR-EDUCATION, for example, and/or SR-THE SOCIETY.

It is also possible for new subscribers to receive *all four monthly magazines*, in which case they, too, will receive a magazine a week.

Why the change?

It is increasingly difficult for readers to keep track of changes in all of their areas of interest.

The changes are too complex and they are happening too fast.

The changes we've made in Saturday Review are designed to make information more accessible to the reader and easier to absorb.

By creating a family of four monthly magazines we are able to bring each area of interest into sharp focus (as opposed to narrow focus).

A natural evolution.

This process of editorial change has been a gradual, evolutionary one.

Over the years four basic supplements were introduced in Saturday Review: *Multi-Media*, *Education*, *Communications*, and *Environment (Science)*.

These supplements enabled Saturday Review to give readers better—and better organized—coverage in these areas.

Multi-Media has been expanded to examine *all* the arts as they affect life—not just the professional arts (theater, music, dance, television, etc.) but the popular arts (like amateur photography and even gardening) as well. SR-THE ARTS takes the arts public and encourages *everybody* rather than a few people to enjoy and understand the arts.

Education has been expanded to focus on the life-long search for knowledge in all its forms. SR-EDUCATION explores how the process of learning can become a more significant part of the excitement of living before, during, and after so-called formal education.

Communications has been transformed into SR-THE SOCIETY, thus providing a broader, more comprehensive editorial focus. SR-THE SOCIETY's primary editorial thrust is to help readers cope with the dizzying change that has overtaken all of our social institutions in this age of discontinuity.

And *Environment (Science)*. In an era in which men split the atom, walked on the moon, traced the delicate workings of the brain, and charted evolution through fossil finds, a huge communications gap has been opened between scientists and laymen. In fact, the

scientist outside his own field is another scientist's layman. SR-SCIENCE seeks to make the relevance of all the sciences understandable to the layman.

Each of these monthly magazines retains a good measure of continuity. SR-Up Front appears in each of the four magazines offering four or five observers a chance to focus on a single person, phenomenon, or event in accordance with our conviction that great trends are often best understood when dealt with on a small, human scale. Each of the magazines also includes the regular Saturday Review features like editorials, comprehensive reviews (books, music, films, theater, and dance), a travel column, and puzzles.

To make one important magazine four important magazines.

We have doubled our investment in our most precious resource: people.

We've added 45 people to our editorial staff: editors, writers, researchers, and graphics experts.

We've drawn upon the editorial resources of the nation, attracting individuals from The New York Times, Newsweek, Time, Natural History Magazine, Horizon, and many other important publications. Now, we all face with excitement a major editorial challenge and opportunity: To make a great magazine greater.

Five separate editorial staffs have been created: one for each of our new magazines and one to maintain continuity and a family resemblance among them.

All the credentials of Saturday Review's editors would amount to little if they were not deeply committed men and women. Our editors' concerns, their passions, their involvement in the world of ideas are reflected on the pages of this family of magazines. They strive for truth and realize that truth may emerge from a balanced view of our times, but realize that "balance" must never dilute a compelling idea.

To reach our objectives we've increased the editorial pages in each issue of the family of monthlies by 40%.

Believing that graphics are a vital part of effective communication, we've also invested heavily in full-color photography and illustration.

How to subscribe selectively.

Each of our new magazines is available at a regular \$12 annual Charter Price.

However, each of them is now being offered to new subscribers at a Half-Price Introductory Rate of \$6 per year.

The newsstand price per issue is \$1.

In addition, for those new subscribers who elect to subscribe to *all four* of our magazines (thus receiving a magazine a week), the regular combined price is \$24 per year.

The two pages that follow describe our family of four monthlies in more detail.

THE ARTS

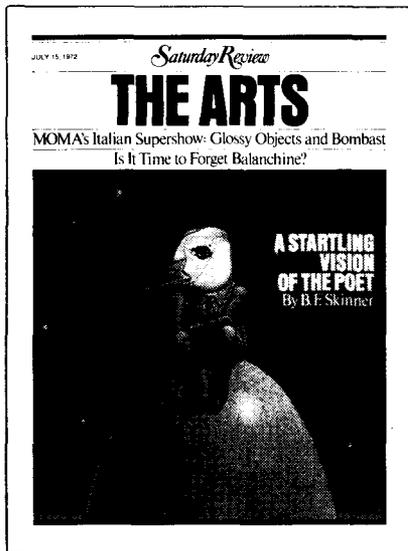
Across the country there is more interest in the creative powers of our culture than ever before.

It isn't just a passive interest; people are discovering that in every one of us there lives an artist, a creator of some sort, and that "art" is no longer the special preserve of a few experts. New art forms, new art centers, and new concepts of what art should be are developing in joyful profusion.

SR-The Arts is designed to help you keep up with all these exciting developments.

It features eight regular departments: Cinema; Art; Theater and Dance; Entertainments; Writing; Architecture and Design; Music; and People and Ideas.

These departments spot trends, report on coming events, revisit for-



gotten masters, and put you in touch with the personalities behind art news.

But Saturday Review-The Arts does not confine itself to the traditional cultural categories. The magazine sets no artificial limits on its scope.

It looks at all the Arts.

Photography. Design. Dance. Sculpture. Architecture. Literature. Painting. Communications. Criticism. Opera. Music. Film. Theater. Poetry.

You'll get guides to European and American music festivals, thorough reviews of the latest recordings, reports on jazz, pop and rock, and articles on Broadway musicals. Sir Rudolf Bing will recall his twenty-two years as impresario of the Metropolitan Opera, and novelist Terry Southern will cover the Rolling Stones' American tour.

—You'll read a debate between two great men of letters, Francis Steegmuller and Alberto Moravia, that continues a modern controversy over a novel written more than a hundred years ago.

—You'll discover how an American firm is re-designing Sao Paulo's transportation system, how a famous lighting designer is constructing mobile theater units, how a woman artist is coming up with new, humane concepts for buildings that startled and influenced established architects.

—You'll read John Hightower, former director of the Museum of Modern Art, on how tax dollars may revolutionize museums, changing them from private clubs for connoisseurs to vital public institutions. You'll see Claude Picasso's essay on the private collections of America's best-known modern artists.

In addition, The Arts carries features, puzzles, reviews, contests and editorials.

We invite you to become a Subscriber to Saturday Review-The Arts at the half-price charter introductory rate of \$6.00 for one year.

EDUCATION

This magazine explores the world of learning, and raises fundamental questions about the existing educational system, and the new directions it might take.

It has several editorial departments, including Previews and Reviews, Life and Learning, Early Childhood, The Schools, Colleges and Universities, and People and Ideas.

It examines how we learn, where we learn, and what we learn, and relates it to the new requirements of our society.

It does not restrict its attention to schools, colleges and other formal institutions, because we are constantly learning outside the classroom.

All through your life, environmental influences are having a profound influence on your ability to cope.

In addition, basic education is undergoing significant change at all levels in our society.

The information explosion is partly responsible.

New technology plays its part.

And educators are learning more about how people learn, and what they retain.

But the major change occurring in education today may be due to the fact that teaching methods which worked in America during the industrial revolution and the immigrant waves will not be relevant in the 21st Century.

We are faced with education in the urban ghetto.

Retraining of workers who have been automated out of jobs.

Overcrowded, underfinanced school systems.

Continuing education beyond college, for people who need it, and for people who enjoy it.

SR-Education is intensely readable, relevant and exciting.

Here are some of the things you will read about in Education.

—Are "educational toys" really educational? Are they really necessary?

—Children's TV. A guide to the coming season that parents, and educators can really trust.

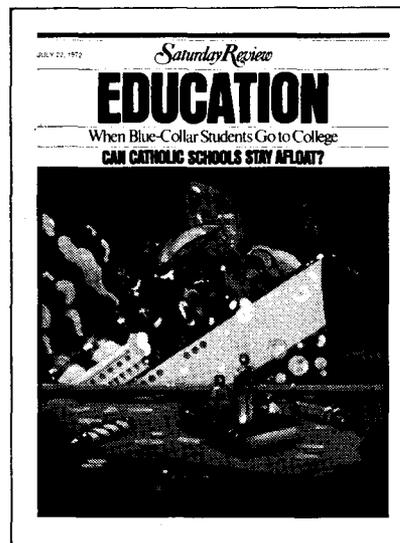
—The "blue-collar" colleges: as open admissions becomes policy in many colleges, what experience from the past will be significant?

—Do those "crash courses" for the College Boards really help?

—A head-start on Head Start: education begins in the home.

—Should schooling be compulsory? Direct reports from states where it is not.

We invite you to become a Charter Subscriber to Saturday Review-Education at the half-price introductory Charter Rate of \$6 for 1 year.



SCIENCE

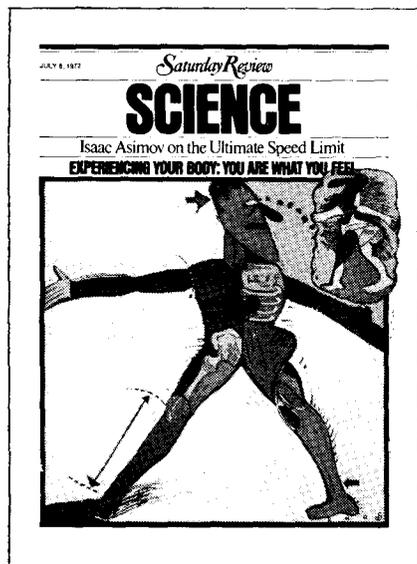
Science has become too important a part of our lives to be left to scientists.

Yet most magazines that deal with the subject of science are so technically oriented, they tend to be obscure to the non-professional.

So the editors of Saturday Review have created a monthly magazine to solve the problem.

It's called Saturday Review-Science, and it's written for you, the non-professional.

Which is not to say that it's simplistic.



In fact, many scientists thoroughly enjoy it. They read it to learn more about areas other than their own.

What we've done is to make the materials more relevant, and more digestible.

We've eliminated the statistical probability curve charts.

And the complicated three-paragraph chemical formulae.

We've left the fun in.

SR-Science covers science as it needs to be covered. It keeps you abreast of developments in virtually every field of science.

Health and medicine. Psychology. Physics. Environment. Sociology. Anthropology. Biology. Chemistry. Computer sciences. Applied sciences. And the ideas and discoveries of the top men and women in the various fields of science.

Our approach is to clarify and communicate, rather than just to report.

After reading an article on the phenomena of lightning, you will actually *understand* the processes that produce them. In detail.

Some articles:

- The computer and civil liberties: the danger of a nation on file in a machine's memory.
- Lunar tides: how the attraction of the moon results in everything from mirth to madness.
- What's wrong with American agriculture.
- Weather modification: are raindrops as lethal as bombs?
- The psychology of foreign aid: is it really better to give than receive?
- The schedule of the human embryo: when does life really begin.
- The definition of death. When does life really end?

In addition, Science carries features, puzzles, reviews, contests and editorials.

You can get a Charter Member Subscription at the half-price rate of \$6.00 for one year.

We invite you to take advantage of this offer today. Layman or not.

THE SOCIETY

The new politics. Changing lifestyles. Business booms and busts. Freer relations between the sexes. Power, and how to get it. War, and how to stop it. Money, and how to make it. Things, and how not to let them get the better of you. Nature, and how not to muck it up.

Newspapers and television do cover these topics, and that's why they're conversation pieces. But even the newspapers can't cover these subjects in depth.

Deadlines won't permit it.

So the editors of Saturday Review have created a new magazine that fills the need.

It's a monthly, so that we can have the luxury of research, re-examination, and reflection.

The result is articles that are meaty enough to give you something to talk about for a month. And think about for a lot longer.

In a way, it is an invaluable, practical aid to coping with and surviving in a society that is changing around us at a future-shock pace.

Its main fare is things you don't get to read about in the newspapers.

-Like John Kenneth Galbraith's witty and compelling statement of "The Case for George McGovern."

-Like a recent essay by Clark MacGregor (President Nixon's new campaign manager) entitled "The Coming Nixon Victory."

-Like "A Radical Guide to Wedlock"-in which the authors spell out the way (they think) a modern marriage contract ought to read.

-Like "Smart Bombs and Dumb Strategy"-an analysis of how the Vietcong and the North Vietnamese manage to go on shooting even after having been bombed harder than the Germans in World War II.

-Like the profile of the man who is called "The Ralph Nader of the Insurance Business."

-Like the psychoanalytic probe into the fad of skyjacking.

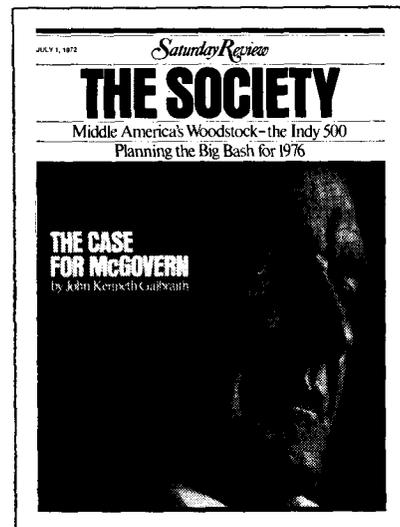
-Like a symposium of the nation's leading economists on the subject of tax reform.

-Like an analysis of the new "social responsibility" mutual funds.

Saturday Review-The Society is looking into the issues of society. Our corporation. Our unions. Prisons. Environmental protection groups. Community-run day-care centers. The economy. Leisure. Business. Communications. Politics. Advertising. Technology. Welfare. Jobs.

In short, the pulse of life.

We invite you to become a Charter Subscriber to Saturday Review-The Society at the half-price introductory rate of \$6.00 for one year.



crat or an "expert"—do all the thinking and assume all the responsibility.

It would have been hard enough to get the main issues in this trial across to the jury, and even harder to the people trying to follow it in the papers. But now the case was spreading in a dozen directions, was likely to take years to adjudicate, and seemed to leave many of those who had been working on the defense in a state somewhere between disappointment and outright anger.

Ellsberg himself was ambivalent. There were other things to do, he said; one had to keep talking about the war and the bombing of the dikes and the brutality. Yet he also had been counting on this trial and would welcome it as a way of telling his story. Meanwhile a number of the students who had been working on the Los Angeles-based Pentagon Papers Peace Project, a group set up to publicize the trial and to educate the public about the war, talked of splitting for more engaging work. There was, at least for the moment, a victory, but a victory in the wrong battle and on the wrong issues. For some people, Yakima was nowhere.

It was only when the possibility of a reversal of the stay arose that the focus and the energy returned. Twenty-four hours after Justice Douglas spoke, Solicitor General Erwin Griswold announced that he would go to the Supreme Court to ask for such a reversal. There is no love lost between Chief Justice Burger and Douglas; if Burger could get Rehnquist, Blackmun, Powell, and White (or possibly Stewart), then the road to Yakima would be simply a detour.

Yet that possibility seemed also to restore some perspective. A few hours after Griswold made his announcement, the defense issued its own statement: "For a special session to be convened solely for the government's convenience in pushing forward with their prosecution of a criminal case," said one of Ellsberg's attorneys, "would be a recognition by the highest court in the land that indeed the prosecution of Daniel Ellsberg and Tony Russo is a political prosecution. . . . If Chief Justice Burger, a Nixon appointee, convenes a special session of the Court . . . then the implication can only be that this administration and this Court see the politics of the Pentagon Papers case as of overriding importance."

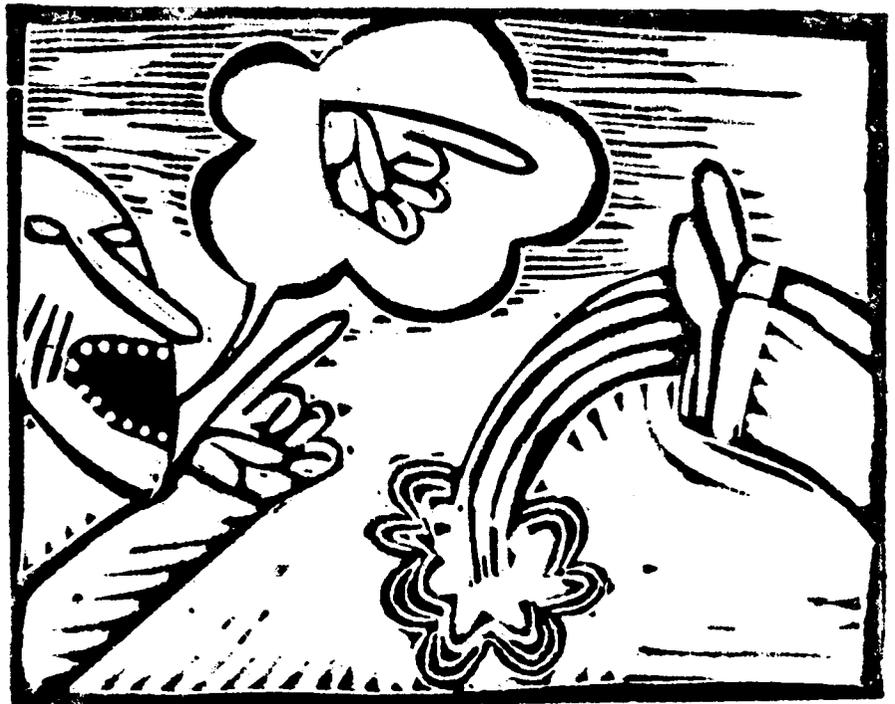
But in the end, the other eight justices of the Court declined to meet in emergency session and refused, at least for the moment, to overrule Douglas. The defendants thereupon offered to waive their right to claim double jeopardy if Judge Byrne would dismiss the jury. Judge Byrne declined to do so. The possibility was left open, however, that if the Supreme Court accepts the appeal for re-

view (which would mean a postponement of several more months), then the jury would be dismissed, and another empanelled.

In the furor over the wiretapping issue and the stay of trial, one matter of importance was all but forgotten. The day after the wiretap was revealed, Judge Byrne had ruled that the so-called diplomatic volumes of the Pentagon Papers, which dealt with the history of secret negotiations for a Vietnam truce, would be treated the same way as all the other evidence in the case. These volumes, however, are still classified and are considered the most sensitive portion of the entire Pentagon study; although bits have leaked, they have never been published in full. Byrne's ruling thus confronted

the prosecution with the choice of dropping crucial charges in the indictment, which are based on the copying of those volumes, or of introducing them into evidence and thereby putting them in the public domain.

Although Byrne's ruling left a technical loophole whereby access to the documents might possibly be restricted, the decision threatened to undercut much of the prosecution's case. If the government would be willing to declassify the diplomatic volumes in an attempt to convict Ellsberg and Russo, then what about its argument that, in copying the documents, Ellsberg had impaired the national defense? In a week of ironies and confusion, this was perhaps the most significant irony of all. □



"I'm Dying," He Croaked

BY ROY BONGARTZ

ON THE BEACH—In a summer beach house lounged a hung-over, Sunday-morning gathering of a few of those rare remaining linear, word-oriented people who feel restive at being cut off from the great, younger majority of visual, media-message unthinkers. There were six of us: my wife, Ce, and myself; Arnie and Babs; and Carl and Dot. Maybe it was

"I live in Rhode Island," states Roy Bongartz.

our outdated and now embattled wordiness, native to our frayed generation, that accounted for my unprincipled attack on an innocent plumber's leaflet that fell by chance under my hand on the oilcloth-covered kitchen table. My reading of it interrupted only the plock-plock of spoons and the snapping, crackling, and popping of Rice Krispies: "I live in your cesspool and I work hard," Willie [a bacterium] said to Mrs. Jones," the pamphlet began. "But if I have the wrong things dumped into my workshop, I'll get sick and die," Willie added."

I looked around challengingly. "That's wrong," I declared. "Willie did not add that remark. He spoke it; he said it. You can't add a statement."

"Ah, wait," said Arnie. "Two plus

two are four,' the teacher added." The eyes of the breakfasters flickered as if they had been given an obscure dare. "And 'four minus two are two,' he subtracted," Arnie went on.

"That one is no good," said Ce. "But it works with *added*. Why is that?"

"Because our language is mystical. It's runic and medieval and extra-sensorial," I said. "Listen: 'I'm already up,' he lied."

Babs perked up: "We've taken over the government,' the general cooed."

Cheers for Babs woke us to the gravity of our discovery. Said Carl: "'My experiment was a success,' the chemist retorted."

Said Arnie: "'You can't really train a beagle,' he dogmatized."

Said Ce: "'That's no beagle, it's a mongrel,' she muttered."

Then, after a pause in which six brains silently whirred, Carl came up with a real dog: "'You ought to see a psychiatrist,' he reminded me."

This mental effort depressed us, and I thought that maybe the game would fade away, and the day could finally begin after all. But Arnie zapped us with, "'I'm dying!' he croaked," and we had to applaud. We even named the game Croakers in honor of this triumph—or, more grandly: the Tom Swift Verbal Croakers game, with a nod to an earlier adverbial form.

Wondering what was to become of our terrible word magic, we went out on the beach and deployed on blankets around the beer cooler. Nobody wanted to go swimming for fear of letting someone else get away with an illegal or outrageous Croaker. Then, suddenly, a storm of Croakers broke.

"That's my gold mine!' he claimed."

"But it was mine!' he exclaimed."

"And I used to be a pilot,' he explained."

"The fire is going out!' he bellowed."

"Bad marksmanship,' the hunter groused."

"Another plate of steamers all around,' he clamored."

The storm passed, the sun beat down hot, and it was hard to tell whether anyone was thinking anything. Finally we went swimming, then came back to our stretch of beach and drank beer, and I thought the word threat might have left us. I lay back to bask happily in the sun, and let my mind wander freely. Then suddenly I sat bolt upright. "'Your upstairs bathroom is all installed,' the plumber piped up."

"Aw, pipe down," Arnie said, gratuitously.

"Pipe down,' he piped up?" I suggested.

Ce said, "'Your basement lavatory is ready,' he piped down." She had sand thrown at her for breaking all sorts of

unwritten rules. She was even accused of punning.

Arnie said, "'I'm going to do up this package outdoors,' he rapped out."

Babs said, "'I've got a new game,' mumbled Peg."

"Double-worded ones!" said Ce. "All right: 'I spent the day sewing and gardening,' she hemmed and hawed."

"What's *hawed*?" asked Dot.

"Cultivating rose bushes," said Ce.

"I was in a riot in Paris,' he noised abroad," said Carl.

He was booed. Arnie said, "If you can get away with that, then I can do: 'My bicycle wheel is melting,' he spoke softly."

I thought that now, at last, we had croaked our last, but I was wrong.

"No frankincense for me,' he demurred," said Ce.

"My ropes are tangled,' she snarled," said I.

"Let's clear out of this joint,' he articulated," said Dot.

Then, articulating our aging joints, we got up to go back to the house as a late-afternoon chill set in over the beach. □

The Most Hated Man in Michigan

BY WILLIAM SERRIN

DETROIT, Mich.—The most sweeping busing plan ever drawn up—U.S. District Judge Stephen J. Roth's order that cross-district busing be undertaken to link Detroit's largely black schools with the nearly all-white schools of the city's suburbs—has created an immense furor here. The equivalent of requiring blacks and whites to be bused between Harlem and Scarsdale or Chicago's South Side and Winnetka, Judge Roth's decision dominates Michigan politics, giving President Nixon a strong chance to carry this traditionally Democratic state in November. It is said that even dog-catchers are running on an antibusing platform this year.

Roth's order has, predictably, been appealed by the state, the suburbs, and the Detroit Board of Education. The Justice Department attempted to intervene to stop busing, putting the government on the side of anti-integration—which must be some kind of a first—but Roth ruled that the department had no right to enter the case. Arguments on the appeal will

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be heard by the Federal Appeals Court in Cincinnati starting this week.

The order has also made Roth a hated and vilified man. Angry whites attend antibusing rallies in the suburbs, their cars plastered with bumper stickers that read "Judge Roth is a child molester." The gray-haired, ruddy-faced judge, who lives in a comfortable house in an exclusive white suburban area south of Flint, has been hanged in effigy in the working-class suburb of Wyandotte and condemned over linen tablecloths in Bloomfield Hills and Grosse Pointe.

An eleven-member panel set up by Judge Roth earlier this year estimates that about 290,000 students, or 37 per cent of the 780,000 students in the three-county Detroit metropolitan area, will have to be bused to achieve integration. (Presently the fifty-three school districts involved bus 202,000 students, primarily for distance reasons.) This would make the school population, like that of the metropolitan area, 25 per cent black. (As things stand now, schools in Detroit proper, where the majority of the area's blacks live, are 65 per cent black.) As a rule, kindergarten students would not be bused but would attend neighborhood schools. An elementary school child would attend his neighborhood school for three of the grades one through six and would be bused to a school the other three years; junior and senior high school students would similarly be bused for three out of their six school years.

The Roth order asks a difficult thing of white parents: namely, to place their children on buses headed for a city that many of them worked hard to earn enough money to be able to flee. But what has been asked of black parents in the past, and what may be asked of them in the future foreseen by Roth, is even more difficult. Until now they have had to send their children to dilapidated, crowded, and decidedly inferior Detroit schools; under Roth's order they would send them to communities whose inhabitants have made it clear that they do not want to associate with blacks. Thus blacks can expect their children to meet with a rough reception.

Because of the lack of courageous leadership in Detroit, the busing issue has pre-empted discussion of more basic problems. The fact that many Michigan cities, not just Detroit, are providing inadequate education is one presently overlooked problem. The fact that education is a class problem is also slighted. (Blacks in Detroit have long suffered from having to attend poor schools, but then so, too, have white students in the city's working-class suburbs.) Meanwhile no mention is made of the fact that the violence that has occurred throughout the country when schools have been integrated has come