

A COURT OF NO APPEAL

How one obscure sentence upset the *New York Times*

By Renata Adler

In January of this year, Simon & Schuster published my book *Gone: The Last Days of The New Yorker*. I had been at *The New Yorker* since 1963—with an absence of about fourteen months, during which I was Bosley Crowther's successor as the film critic of the *New York Times*. Although I had written for other publications, I thought I knew the magazine pretty well. *The New Yorker*, I wrote, is dead. I did not expect everyone to agree or to welcome my account of what happened to the magazine. Perhaps not surprisingly, the colleagues whom I had loved and admired through the years tended to share my views. Those of whom I thought less highly, and whom I portrayed less admiringly, did not.

Throughout the book, I referred to matters in the outside world, politics, travels, issues, assignments taken and not taken, discussions with William

Renata Adler is a graduate of the Yale Law School and the author of seven books. A new collection, Politics, will be published in the spring.



Shawn, the great editor, who, over a period of more than thirty years, naturally grew old, declined, and lost control of his magazine. A young editor whom I met in January said he thought I had treated *The New Yorker* as though it were the proverbial canary in a mine shaft. Its death meant something about the capacity of any living creative enterprise to survive within the culture. The thought had not crossed my mind. It has crossed my mind now.

On November 11, 1999, when my book was still in galley, Charles Mc-

Grath, the editor of *The New York Times Book Review*, wrote to Simon & Schuster. McGrath had for many years been an editor at *The New Yorker*. I had described his tenure there in less than admiring terms. I had also raised questions about what seemed to me an inherent conflict of interest in his having assigned to himself, when he became editor of the *Book Review*, the review of another book in which he figured. "The other day," McGrath now wrote, "I received the galley

of Renata Adler's forthcoming book. As is my custom, I read through it prior to assigning [it] for review." He described as a "complete fabrication" an account of a lunch at which he had speculated to his cousin Laura ("who is not my cousin but, rather, my cousin-in-law") that he was, at that very moment, being designated successor to the editorship of the magazine. The lunch had, in fact, been described to me by several people. My account of it was harmless; it certainly had no legal implications. (McGrath's letter had ended with "cc" to an attorney.) But I

had also written that “no one, at least no writer in his right mind, [wants] to antagonize the *Book Review*.” I thought, What the hell. I wasn’t at the lunch. I had written, several times, about my distrust of journalism that relies, in quite this way, on “sources.” So I replaced the passage with an account of a conversation in which McGrath spoke directly to me. I framed his letter, and hung it on my wall, as a little distillation of what I thought an editor of a major publication ought never to do.

The *New York Times* subsequently published no fewer than eight, arguably nine, pieces about my book. The first four (on January 12, January 16, February 6, and February 13, 2000) appeared in four sections: Arts, the Sunday Magazine, Sunday Letters, and the Sunday Book Review. They were unfriendly but, apart from their sheer quantity, not particularly striking. The Arts piece, by Dinitia Smith, did mention McGrath’s letter in approving terms (“The material” to which he objected, Smith wrote, “was removed”) but added that McGrath said “he had decided to distance himself from reviews about the current New Yorker books.” What form that distancing would take, Smith did not say.

The next four pieces (April 3, April 5, April 6, and April 9, 2000) were dispersed among four more sections (Business/Financial, Editorial, Op Ed, and the Week in Review), treated as serious news, in other words, from Monday through Sunday of an entire week. It might have been, even as an episode of institutional carpet bombing, almost flattering. It seemed unlikely that the *Times* had ever devoted four, let alone eight, polemical pieces to a single book before. There is perhaps an explanation and a story here for both sets of pieces. Let me begin with the second set.

In mid-February, Jack Sirica, a reporter at *Newsday*, wrote a letter to Simon & Schuster, calling attention to a sentence, at the end of a passage on page 125 of my book, in which I wrote about having been assigned, by William Shawn, and deciding not to review, *To Set the Record Straight*, the autobiography (published in

1979, by Norton) of Judge John J. Sirica, Jack Sirica’s father. The sentence in question said I had found that “contrary to his reputation as a hero, Sirica was in fact a corrupt, incompetent, and dishonest figure, with a close connection to Senator Joseph McCarthy and clear ties to organized crime.” Jack Sirica challenged me “to produce any evidence whatsoever” that his father was a “‘corrupt, incompetent and dishonest figure’” or “‘had ‘clear ties to organized crime.’” He demanded that Simon & Schuster “issue a public & written retraction” and “remove the references” from all future editions of the book. He distributed his letter widely to his colleagues in the press. A reporter from the Associated Press called me and asked, in highly professional and neutral terms, whether I planned to document my remarks in any way. I said I did. The reporter asked when. I said soon. The reporter asked where. I said in any place that seemed appropriate.

Some days later, I had a call from Felicity Barringer, a Media correspondent of the *New York Times*. Barringer, I knew, is married to Philip Taubman, a member of the *Times* editorial board and an assistant editor of the editorial page. From the outset, the conversation had nothing of the tenor of an “interview.” Barringer did not even pretend to any interest in Sirica, only in “ethics in book publishing.” Would I give her my “sources”? “Come on. Yes or no? Up or down?” Her deadline: forty-eight hours. No. Why would I not disclose my evidence, if any, to her? Because, as the A.P. reported, I was writing a piece of my own. Why wait? I was not waiting; I was writing.

Had I no concern meanwhile, she asked several times, about what I had done to Judge Sirica’s reputation? I said I didn’t think most people relied for their information about Judge Sirica on a sentence in a book about *The New Yorker*. In fact, none of the reviews, in the *Times* or elsewhere, had so much as mentioned the passage about Judge Sirica. Before Jack Sirica’s letter, no one had apparently noticed it. “Well, that raises the old question, if a tree falls in the forest and no one is there to notice,” Barringer said. A think piece, evidently.

If I did not wish to “disclose” my “sources” to her in an interview, Barringer said, “Why don’t you post it on the Internet?” “You post a lot of your own pieces on the Internet, do you, Felicity?”

It must be said that, although I was not, as far as I know, discourteous, I was not particularly deferential or awestruck either. This was, it was true, the *Times*. It was also an unusually repetitive and mindless interrogation. The game and its rituals, anyway, are fairly set. The reporter will write what she chooses—not infrequently regardless of what is said. It is one of the many reasons I have always preferred to work with documents. Barringer had a final question: was my source G. Gordon Liddy? No.

The following Monday, April 3, Barringer’s piece appeared on the front page of the Business section. On Wednesday, April 5, a piece, by Eleanor Randolph, but unsigned (I had mentioned Randolph unfavorably in my book), appeared as an Editorial. On Thursday, April 6, there was an Op Ed piece, written by, of all people, John W. Dean. On Sunday, April 9, the *Times* published the last (at least so far) of these pieces in its Week in Review.

Barringer’s article was, in its way, exemplary. In my “offhanded evisceration of various literati,” she reported, not many people had noticed “Ms. Adler’s drive-by assault on the late Judge Sirica.” She deplored the lack of “any evidence” and managed to convey her conviction that none existed. Barringer’s own “sources,” on the other hand, were the following: Jack Sirica (whom she did not identify as a *Newsday* reporter); John F. Stacks, who co-wrote Judge Sirica’s autobiography (and who said Sirica “didn’t have the imagination to be anything other than absolutely straight all his life”); “those who have read just about all the books on Watergate” and “those most steeped in Watergate lore” (whether these “those” were co-extensive was not clear); two lawyers, who confirmed that “the dead cannot sue for libel”; an editor, who did not claim to know either me or anything about Sirica, who “explained” (not, for Barringer, “said”), in four paragraphs of a bizarre fantasy, what I must have said to my editor and he to me (“It is, ‘Love me, love my

book.' If that's what she wants to say ... it's either do the book or don't do it"); and Bob Woodward, co-author of *All the President's Men*, who "absolutely never heard, smelled, saw or found any remote suggestion" that Sirica had ever had "any connection" to organized crime.

An impressive roster, in a way. I had once, as it happened, unfavorably reviewed, on the front page of *The New York Times Book Review* itself, a book by Woodward, but he was certainly the most impressive of Barringer's sources in this piece. Woodward could, of course, have crept into Judge Sirica's hospital room and elicited from him on his deathbed the same sort of "nod" he claimed to have elicited from CIA director William Casey on his deathbed, and then claimed, as he did with Casey, that to divulge even the time of this alleged hospital visit would jeopardize his source. And when asked, as he was in an interview, what color pajamas the patient was wearing, he could, as he did in the instance of Casey, express a degree of outrage worthy of the threat such a question poses to the journalist's entire vocation. That is evidently not a kind of sourcing that raises questions for a Media correspondent at the *Times*.

Barringer, in any case, did not conceal her views or quite limit her account to a single issue. "The attack on the basic honesty and decency of the judge," she wrote, "is of a piece with the whole work." Then came a memorable line. "What she writes and when she writes it, she said," Barringer actually wrote, with all the severity of the bureaucrat deep in a politburo, "is for her to decide." Who else, I wondered, at least in our society, could possibly decide it? Her essential formulation, however, was this:

As it stands, Ms. Adler and Simon & Schuster, a unit of Viacom, are either cheaply smearing Judge Sirica—with legal impunity—or they have evidence. ... But neither the publisher nor the author shows any urgency about resolving the issue, either by retracting the accusation or establishing its accuracy.

Jack Sirica merely demanded "any evidence whatsoever." Barringer wanted evidence (to her standards, presumably, and Woodward's), with "ur-

gency" and "establishing ... accuracy." Otherwise, in spite of that lamentable "legal impunity," a retraction. An interesting position, from a reporting, a First Amendment, or even a censorship point of view. I will return to that, and even get to the evidence about Judge Sirica. But first a bit more about conditions in the mine shaft.

The Editorial, two days later, entitled "A Question of Literary Ethics," ran immediately below a slightly shorter piece, "The Pursuit of Justice in Bosnia." "In an irritable little book published late last year about *The New Yorker*," it began. Why the *Times* would address an entire editorial to a "little book," "irritable" or not, was not entirely clear. One might have thought that, almost thirty years after Watergate and more than sixty years after some of the events in question, the country really does turn for its information about Judge Sirica to a passage in a book about *The New Yorker* magazine. "Since Judge Sirica is dead," the Editorial again pointed out, "he is unable to sue for libel." True enough. "But that does not lift the ethical burden from Ms. Adler to support her charges with evidence she says exists" but "that she and her editors at Simon & Schuster, for some unfathomable reason, omitted from her book." Then, a new standard, not just "evidence" but a cognate of proof, crept in. "If Ms. Adler is raising a long-simmering allegation [about] Judge Sirica's father ... she will need to document that unproven contention and show how it relates to the judge himself."

It was interesting to learn what I needed to document and show. I found it difficult, however, to see in what sense my "burden" was (as the anonymous Randolph put it) "ethical"—or how the passage in my book could have raised an issue of "ethics," "literary" or other. Professional issues, perhaps. Issues of fact, history, judgment. Ethics, no. I was either right or I wasn't, and I either had evidence or I hadn't. (The questions were, by no means, the same.) The *Times*, as it turned out, had not the slightest interest in Sirica or his history. No reporter for the

Times, or, as far as I know, any other publication, made any effort to investigate the nature of the connection with Senator McCarthy—let alone the basis for an assertion of "clear ties to organized crime." This lack of curiosity seemed to me extraordinary. The sole preoccupation was with a kind of meta-journalistic question—not what happened but what were my sources and my obligations. As to what was, however, "for some unfathomable reason, omitted," the *Times* had only to look at its own Op Ed piece the following day.

That piece, entitled "A Source on Sirica?" consisted of John Dean's speculation about something the *Times* had reason to know not to be the case: that my "source" was Dean's old enemy and current adversary in an embittered lawsuit, G. Gordon Liddy. What was remarkable, however, was less the content of the piece than the words with which the *Times* identified its author. The caption, in its entirety, read as follows:

John W. Dean, an investment banker, is former counsel to President Richard M. Nixon and the author of "Blind Ambition."

If this is the way Dean will enter history, then all the *Times* pieces in this peculiar episode have value.

That Sunday, April 9, there was the Week in Review section. A single sentence, in a book published months before, had now become part of the news, perhaps more accurately the meta-news, of that week. The word "evidence" was abandoned, replaced entirely by "proof." My book had "announced without proof"; "Ms. Adler told a New York Times reporter that she would publish proof ... when she pleased," and so on. I had said nothing of the kind. In repeating what had long been a *Times* characterization of Judge Sirica as "a scrupulously honest jurist," the piece surpassed even the Op Ed page in the brevity of its identification of John Dean as "former Nixon counsel." The laconic formulation was apparently designed to lend him credibility, in contrast to G. Gordon Liddy, "whom Judge Sirica sentenced to prison for his role in Watergate." Under any circumstances, this would have been a howler. (Dean, of course, was also "sentenced to prison for his role in

Watergate" by Judge Sirica. One might, as readily, characterize Liddy as an "author, attorney, and talk show host.") By now, however, these descriptions of Dean had gone beyond inadequacy. They relied upon, and actively perpetuated, the ignorance of readers. The *Times*, for some reason, was publishing disinformation.

I have always read the *Times*. In a day of perhaps more distinguished and exigent editing, I even worked for it. On the day Barringer's piece appeared, I wrote a letter objecting to certain errors. I said I hoped Barringer had made a tape of our conversation, so that my claim of inaccuracies could be verified. No dice. No acknowledgement,

tions, in particular, always seem to consist of rectifications of middle initials, photo captions, and remote dates in history. (In one recent week, the Corrections column pointed out that the correct spelling of Secretary of State Madeleine Albright's "given name" is "Madeleine K. Albright, not Madeline," and that the middle name of William D. Fugazy, "the chairman of the National Ethnic Coalition of Organizations" is "Denis," "not Dennis.") There *are*, as a rule, no genuine corrections. These departments are cosmetic, a pretense that the paper has any real concern, any mechanism even to consider, whether what it has published is, in some important or, for that

I read Sirica's book, I noticed what seemed to me astonishing discrepancies and revelations. I did some research, gave the matter thought, and decided not to review the book. I was sure newspaper or magazine journalists would pick up these anomalies and write about them. By the time I published my book about *The New Yorker*, I assumed other journalists *had* found and written about them. It turned out they had not—had, it seemed, no interest in these matters, apart from the recent questioning of my right to address them, even now.

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THE NEW YORK TIMES, CLEARLY, WAS CROSS ABOUT SOMETHING. BUT THERE ARE ETHICAL ISSUES, I THINK, RAISED EVEN BY THIS SORT OF PILING ON

even, of the question of a tape. On April 6, I received a phone call from the secretary to the deputy editor of the Editorial page. "They have decided not to run your letter," she said, in a very cheery voice. They have? I said. Did they give any reason? "No. They just asked me to call and tell you they have decided not to run your letter." April 6 was the day they ran the Op Ed piece by John Dean. On April 7, Jared Stern, of the *New York Post*, ran a piece quoting from my letter (which had been given to him by Blake Fleetwood, a friend of mine and for years a *Times* reporter). A spokesman for the *Times* told Stern what was plainly untrue, that my letter was still "being considered for publication." That very afternoon, an editor called to ask whether I would like to submit another, "revised," letter. One of my adventures in this mine shaft had already been to learn that, as a matter of policy, the *Times* does not publish letters that question, or criticize in any way, the work of its reporters. Any claim of inaccuracy or unfairness must be made to the department of Corrections or the Editor's Note. In these departments, however, the reporter, in consultation with her editor, decides the issue—which, I suppose, is why the Correc-

tion, unimportant way, false.

This, I would say, raises issues, fundamentally, of ethics. So does covering up conflicts of interest: unsigned editorials by writers mentioned unfavorably in books the editorials disparage; quotations, without any acknowledgment of conflict, from "sources" whose work, whose very methods, has been attacked by the person under discussion, in the pages of the *Times* itself. So does the concealment of undeniably relevant information: the fact that Jack Sirica was not just the son of Judge Sirica but a reporter at *Newsday*, a journalist, a colleague (imagine the *Times* coming to the defense, against a single passage, of the father of anyone who was not a fellow journalist); even the omission of virtually defining facts about John Dean. And, finally, the bullying, the disproportion, in publishing eight disparaging pieces (seven in non-reviewing sections) about what was, after all, one little book. The *Times*, clearly, was cross about something. But there are ethical issues, I think, raised even by this sort of piling on.

To turn, then, at last, to Judge Sirica. More than twenty years ago, when

There can scarcely be any question that this sentence is true. One major source for almost every element of my characterization is Sirica's own story, as told in interviews and in his book. That Sirica had a "close connection to Senator Joseph McCarthy" is not in dispute—although, as far as I know, I was the first reporter to call attention to it. Certainly no major piece, book, newspaper, or magazine article—about Sirica, or Watergate, or Senator McCarthy for that matter—even mentioned the connection. Certainly not (until its recent reaction to Jack Sirica's reaction to my book) the *New York Times*.

Sirica's own account is as follows. In 1952,

while in Chicago, I ran into Senator Joe McCarthy. We had been friends for several years, double-dating once in a while and going to the racetrack together from time to time. I liked Joe a lot in those days. . . .

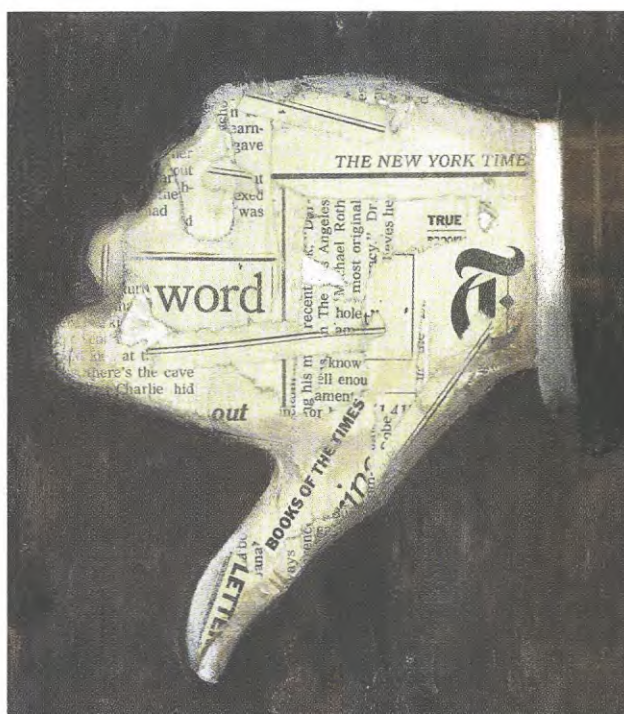
Then in 1953, Joe McCarthy offered me the job of chief counsel to his Senate subcommittee which was investigating Communist influence in government.

I must say that I found the offer very attractive. . . . I wasn't especially excited by McCarthy's charges about Communist infiltration, but it seemed at the time to be an important matter that needed further examination. By the time McCarthy made his offer, I had moved over to Hogan and Hartson and was finally earning a decent living. But I was still intrigued by his proposal.

Lucy [Sirica's wife, whom he had married the year before, at the age of forty-seven] ... was strongly opposed, feeling that since I was now a partner in a good firm, I would be foolish to leave. Joe stopped by our apartment one evening and I told him I felt I had better stay where I was. He agreed that it would be a mistake to leave a good firm like Hogan and Hartson. He told me that since I wasn't going to take the job, he was probably going to hire a young New York lawyer named Roy Cohn. ... I would never have become a federal judge if I had taken that job with Joe McCarthy. I'm sure, looking back, that had I still been single, I would have done so. Thank God for Lucy Camalier Sirica.

There is something almost stunningly preposterous about this story. Sirica devotes less than a page to it. The friendship between Sirica, by his own account an obscure, impoverished, unsuccessful lawyer who had, for the "several years" in question, not even managed to earn a living, and Senator Joseph R. McCarthy, one of the most powerful and feared senators in Washington, makes no sense. How did they meet? What views, interests, or other friends did they have in common? How did they come to double-date? McCarthy had made his first famous speech ("I have here in my hand a list of 205 names known to the Secretary of State as being members of the Communist Party") on February 9, 1950, to the Women's Republican Club of Wheeling, West Virginia. In the intervening years, he had attacked, as virtual or outright traitors, not just the secretary of state, Dean Acheson, and General George C. Marshall but countless others, at every level of public and private life. By 1953, the McCarthy era (what Senator Margaret Chase Smith called the "Four Horsemen of Calumny: Fear, Ignorance, Bigotry, and Smear") was already at its height. Judge Sirica's position ("I wasn't especially excited by McCarthy's charges about Communist infiltration, but it seemed at the

time to be an important matter that needed further examination") is not just inherently equivocal and inane. It is also irreconcilable with the intemperate, opinionated man Sirica and his admirers have always admitted him to be. Leaving aside his lack of professional qualifications, Sirica has entirely omitted from this account any ideological basis for McCarthy's offer of this job to him. Roy Cohn, after all, had credentials of a sort: his agenda, his methods, and his ideology were clear.



In Sirica's account, nothing—neither the politics that produced the offer nor the social circumstance that fostered the friendship—is revealed.

The rest of his story, as he describes it, and as his legend would have it, turns out to make no sense either. Born in 1904, in Waterbury, Connecticut, Sirica is the impecunious, poorly educated, and for many years unsuccessful son of Ferdinand (Fred) Sirica, an Italian-American barber, who also seems to fail at everything. Between 1910 and 1918, for example, Ferdinand takes the family on "a sad sort of odyssey, moving from city to city," Dayton, Jacksonville, New Orleans, Jacksonville again.

In each place the story was much the same. My father would attempt to earn

his living with one kind of business or another. Each time, he would fail. In several cities he purchased small enterprises, only to discover that the income they produced was much less than had been promised by the seller.

In 1918, "uprooted again," they move to Washington, D.C., where they are so poor they can hardly find a place to live. Somehow, in this "uphill fight against poverty," Sirica manages to attend two non-parochial private high schools, Emerson Preparatory, "for a year or so," and then Columbia Preparatory. In 1921, he enters George Washington University Law School, where, within a month, he finds himself out of his depth ("I couldn't begin to understand what the professors were talking about") and quits. The following year, he goes to a better law school, Georgetown University, but again, within a month, fails to understand his courses and quits again. It is not clear why Sirica went to private schools, or what "small enterprises" his father "purchased" in all those cities, or how, having failed "each time," his father managed to purchase any enterprises, let alone "one kind of business or another." Sirica does not account for any of these discrepancies.

He starts boxing professionally. "I was pretty good, or at least I thought so." As early as 1921, between his first law school and his second,

I boxed almost every day with local professional welterweights and middleweights. By the next spring I ... had begun boxing at local clubs in exhibition bouts with the professionals. I thoroughly enjoyed my new life as an athlete and felt I had finally found something at which I could excel.

In 1922, however, his father has another contretemps:

By this time, my father, in another of his attempts to better himself, had bought a small poolroom with two bowling alleys and a snack bar. He had spent all his savings on the business, and soon

realized that he had sunk his money into a very rough place. He wasn't making any profit to speak of and didn't like the type of people who frequented the establishment. I used to help out in the evenings, racking up balls for the pool players and setting pins for the bowlers. But my father was again in despair. As he had so often before, he had trusted someone only to be deceived. We lived in rooms above the place. I remember Dad coming upstairs one night after closing. He poured himself a drink as the tears rolled down his face. He was again facing the fact that his hopes were being dashed.

I guess my father wanted to hold on long enough to sell the place and recover his money. But things just got worse. One evening a particularly unpleasant group came in. Many of them had been drinking, even though this was during prohibition. . . .

I don't think my father owned the place quite a year. He knew that a lot of gamblers and bootleggers came in, but he also knew that if he threw out all the undesirables, he'd be without enough customers to make any money at all. Men from the Government Printing Office, just down North Capitol Street, would come in from work, order a soft drink, and then mix in a little hard liquor from the pints in their pockets. The low point in that whole experience came one night when the city police, aware of the kinds of people who visited the establishment, made a search of the premises. Stashed in the men's room, they found a small quantity of bootleg liquor, apparently left there by one of my father's customers. The police took my dad to the police station and charged him with violation of the Volstead Act. He was not locked up, and the next day, when he appeared in police court with his lawyer, he explained that the liquor must have belonged to a customer and that he didn't even know it was there. No charges were filed, but the incident embarrassed the whole family.

There is perhaps no need to parse this account too thoroughly. How, having in the past, as we know, failed "each time," did he have "savings" to spend "all" of, or "money" to have "sunk" into such a place? Why does Sirica find it necessary to point out that many of this unpleasant group "had been drinking, even though this was during prohibition," when his father, just five lines before, had "poured himself a drink" (without any comment from Sirica) in his "despair" over

having, "as he had so often before," "trusted someone only to be deceived"? What was the deceit? "He knew that a lot of gamblers and bootleggers came in"; also "men from the Government Printing Office," who bought "soft drinks" (from the snack bar, presumably) and then mixed in "a little hard liquor from the pints in their pockets." It seems almost unfair to go on. Even the elaborate formulation "one night . . . the city police, *aware of the kinds of people who visited the establishment*, made a search of the premises." One can understand not wanting to say *aware of the nature of the establishment*, but why put in a qualifying phrase at all? Why not just: "One night" "the police raided the premises"? Similarly, why a "*small quantity of bootleg liquor, apparently left there by one of my father's customers*"? All these clauses and qualifiers. The next day, when his father, not having been locked up, "appeared in police court with his lawyer" and "explained that the liquor must have belonged to a customer and that he didn't even know it was there," any reader of ordinary intelligence and understanding realizes that the object of the story is—as it was in the McCarthy story—not to tell but to conceal something. How, as the *Times* Editorial put it, this incident "relates to the judge himself" is not hard to fathom. Sirica was living in his father's apartment above the poolroom, and he was employed "racking up balls for the pool players" and also as a bouncer there.

To go back, however, to the career trajectory of John J. Sirica as he tells it. In 1926, on his third try, Sirica did manage to complete and graduate from law school. By this time, "I was tempted by the idea of becoming a professional boxer," he writes, "since I felt more confident of my ability as a fighter than as a lawyer."

On the morning the bar exam was to be given, I had breakfast with Morris Cafritz. I had pretty well decided to skip the bar exam and head for Florida to see my father and mother. . . . [Morris] knew I was thinking about becoming a professional boxer. "Don't be foolish," he told me. "Even if you're not prepared, take the exam."

He has already described Cafritz as a "man who advised and encouraged me a great deal" while he was struggling through law school, and as "at the time becoming one of the most prominent and successful real-estate developers in Washington." It is true that Morris Cafritz went on to become immensely successful in real estate in Washington—and a highly respected citizen and generous benefactor of charities of every kind. At the time he was advising, encouraging, and having breakfast with Sirica, however, he was already very wealthy. Again, one wonders, what can have been the basis of this friendship between the poor and unpromising young law student and this highly influential figure? What Sirica does not mention is that Cafritz, too, had owned establishments involved with liquor and, like Sirica's father's, bowling. In his early twenties, Cafritz had borrowed \$1,400 from his father and, a few years later, according to *The Washingtonian*, "bought a saloon."

But not just any saloon: Cafritz's was across from the Washington Navy Yard. . . . Saloonkeeping was a rough business. . . . Cafritz was his own bouncer. He slept over the bar and kept a gun under his pillow to protect the profits. Cafritz soon moved from barkeeping into a safer game: bowling. By 1915, he was known as the bowling king of Washington.

In the event, after his breakfast with Cafritz, Sirica does take the bar exam and goes on to visit his parents in Miami. While he is down there, he finds out, by telegram and to his surprise, that he has passed. He is unable to find work as a lawyer in Miami. He goes back to Washington, finds no legal work, goes back to his family in Miami. To earlier questions about his story is added another: where, failing as he constantly does to find a job, does he get the money to keep traveling back and forth to Miami? And what was his family doing there? One source of income, for Sirica, has always been, although he never quite acknowledges it, professional boxing. In Washington, as early as 1921, we know, he has been boxing "almost every day" with local professionals, and "at local clubs in exhibition bouts with the professionals." In 1926, in Miami, after "a local pro-

moter needed someone to box in a semi-windup at Douglas Stadium," Sirica prepares for the fight not just by weeks of sparring but by running every day at "a golf course in Miami Beach"—under whose sponsorship he does not say. Perhaps, in those days, Miami Beach had a public golf course. Sirica's opponent at Douglas Stadium is "a six-foot-tall welterweight who was known for having fought one of the roughest bouts ever staged in Miami." Sirica beats him.

The write-ups in the newspapers the next day were all good, even though they didn't spell my name correctly. . . . I was on my way as a professional boxer.

His mother, he says, "heard about the fight" and objected. He had, of course, as he has already told us (and as his mother must have known), been fighting professionally for years. He would also organize and promote professional boxing matches. What he does not mention, does not perhaps remember or think important, is that professional boxing in this country was at the time, and had been since at least 1903, controlled by organized crime.

That professional boxers, and particularly organizers and promoters of professional boxing, had such ties was established, for example, in the Kefauver hearings (U.S. Senate Special Committee to Investigate Organized Crime in Interstate Commerce, May 1950 through May 1951). As Bob Kravitz, a syndicated sportswriter, put it as recently as 1999,

In the mid-1950's, a politician named Estes Kefauver chaired hearings on the sad state of the game, hoping to reform the sport and get it out of the hands of the Mob. When it was over, he realized the corruption was too deeply imbedded, too systemic. . . .

The only way you get rid of corruption in boxing is to get rid of boxing. . . .

At a meeting of Mob bosses and boxing managers in 1957, Mafia operative Blinky Palermo worried about his boys losing their grip on the game, and that "legitimate businessmen are starting to horn in on it." Palermo had nothing to worry about.

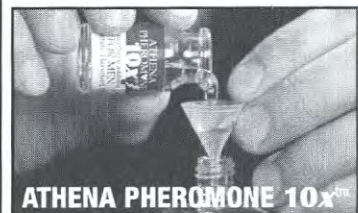
As for the boxers themselves, in Washington, D.C., as it happens, all professional boxing was illegal—not just in 1921, when Sirica began, but

throughout the years he was boxing there—until 1934, when Congress finally legalized it in the District. Professional boxing in Washington, in other words, was a violation of the criminal statute. That Sirica knew this is beyond doubt. All the years he boxed professionally in the District before 1934 he used, although he does not mention this either, fictitious names. It is, of course, possible to be a criminal without ties to organized crime—a pickpocket, say, or a burglar. Illegal boxing, however, requires payoffs: for the arena, the police, the referee, the promoters, and so on. You simply cannot do it freelance or on your own. It requires a syndicate—notoriously hostile to encroachments on its turf. So that's two sets of "clear ties to organized crime": through professional boxing—as an organizer, boxer, and promoter in various cities at a time when mob control of the sport was essentially complete—and for more than thirteen years in the District, boxing professionally when it was still illegal there.

Is that all? Well, no, it isn't. But it is all I said: "clear ties." It was not my little book but the *Times* and its acolytes who made a sensation of this. I wrote a sentence, in a specific context, which is all I meant to write. The documentation for it is ample. Barringer, her "sources," and her colleagues could have found it if her agenda had really been journalism: the gathering, that is, and publishing of first-hand information. Judge Sirica, as Barringer and the *Times* kept pointing out, is dead. But if he were alive and he sued for libel, as the *Times* in all its pieces seemed to suggest—imagine the preposterousness of a federal judge, even Judge Sirica, suing for libel—he would lose.

And that is not all. To resume his own story as Sirica tells it. In 1926, after being turned down by law firms everywhere, he does get a job as a "sort of messenger" at a small criminal law office on Fifth Street. "It wasn't much, there was no regular pay, but it was a start." Meanwhile, he has made another early, implausible friendship with a rich and powerful man, Milton Kronheim, a wonderfully interesting figure—and later (like Cafritz) an extra-

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ordinary citizen and a generous benefactor of every sort. Kronheim became, through several administrations, one of the most influential and beloved figures in Washington. In 1903, at the age of fifteen, Kronheim (whose father owned a tavern) started his own liquor store. By 1985, he had the largest wholesale liquor distributorship in Washington and one of the largest in the country. During his three years at the Fifth Street criminal office, Sirica lost thirteen of fourteen felony cases assigned him by the court. The first case he was allowed to handle involved "violation of the prohibition laws." In 1930, however, Sirica was appointed (on what professional basis is unclear) to the U.S. Attorney's Office—whose major responsibilities, in those years, included prosecutions under the Volstead Act. Sirica says he got "valuable trial experience" as an assistant U.S. attorney. He mentions no specific prosecutions, certainly none of bootleggers—or of professional boxers. In fact, he devotes only a single sentence to the whole four years.

In December 1933, Prohibition was repealed. In January 1934, Sirica resigned from the U.S. Attorney's Office, "to start my own practice." The practice was not a success. He entered what he calls my "starvation period," from 1934 to 1949, *fifteen years*, when he says, "I really lived from hand to mouth," it "seemed the phone never rang," and "I would have had to quit the law altogether." Sirica traveled, in those years, not just to Miami but to "New York for weekends" to visit Jack Dempsey, whom he had met in 1934. He does not explain how he paid for these travels. He says he earned a fee by "successfully defending Walter Winchell against a defamation suit." What? Walter Winchell? Who brought the suit? He does not say. The case he means, at least according to his obituary in the *New York Times*, was brought by Eleanor (Cissy) Patterson, the Chicago publisher. But that didn't sound quite right. I looked it up. It turned out that Cissy Patterson was in fact the owner of the *Times-Herald*, which published Winchell's column. The lawsuit was part of a long feud between them. Sirica may, it seems, have played some part in the defense. Winchell's attor-

ney, however, was Morris Ernst.

According to Sirica, this period, when "I would have had to quit the law altogether," lasted "essentially until 1949, when I joined the firm of Hogan and Hartson." He was not a success there either. On April 2, 1957 (again, it is unclear on what professional basis), he became a federal judge. By 1970, he had become the most reversed federal judge in Washington. In 1971, on the basis of seniority, he became chief judge of the circuit. In June of 1972, he read about the Watergate break-in and assigned himself the case. He ultimately tried the cases both of the break-in and the cover-up, with the results we know. Or thought we knew.

But wait a minute. To return for just a moment to 1930 and Sirica's situation, at the time of his appointment to the U.S. Attorney's Office. In 1930, Sirica writes,

my parents had moved back to Washington from Florida. My dad was barbering again and his financial situation had improved somewhat. He had managed to buy a little house on Fourteenth Street, N.W., and I lived there during my years in the U.S. attorney's office.

The years of Fred Sirica's apparently constant business failures, and Sirica's own inability to find a job, had not been Depression years—only, beginning in 1920 throughout the country (three years earlier, in 1917 in Washington, D.C.), years of Prohibition. The 1930s, however, *were* Depression years—yet the "financial situation" of Sirica's father, "barbering again," had "improved somewhat," to the degree in fact that "he had managed to buy a little house on Fourteenth Street."

Not such a little house. According to the Washington city directory, the house at 6217 Fourteenth Street, N.W., was large enough so that both John J. Sirica and his brother, Andrew, had apartments there. The place where his father was "barbering again" (called, according to the directory, the Empire Barber Shop), at 523 Ninth Street, N.W., was not small either. It held fourteen chairs. The reason Fred Sirica and his wife traveled so often to Miami was that they spent part of their winters there. The Siricas were buying

property in Miami. Hard to account for, in the heart of the Depression, even with fourteen chairs, on the proceeds of haircuts at 25 cents per customer.

According to William R. Emmons, the son of Fred Sirica's partner in the Empire Barber Shop, the barbers were salesmen, selling liquor to customers who could afford it. Packages were stored in both the back room and the basement, and Fred Sirica himself handled the whiskey, splitting the proceeds with his partner, William E. Emmons. Sirica, living in his father's house and working in the U.S. Attorney's Office, can hardly have been entirely unaware of his father's business. Ninth Street in the 1930s had five motion picture houses within a block and a half of the barbershop. The Gayety Theatre was only a few doors away. There was bookmaking in the back of the shoestore at 519 1/2 Ninth Street. The whole neighborhood, in other words, was not so far removed, in its look and its patronage, from the poolroom that so seriously disillusioned the impecunious barber and his son the law student more than ten years before. Nowhere in his book, *To Set the Record Straight*, does the author so much as mention the name of the barbershop or the address of the "little house" on Fourteenth Street. Both can be found under "Sirica, Fred" (and also under "Sirica, John J asst US Atty" and "Emmons, Wm E") in the city directory for at least the years 1933 and 1934. There were no embarrassing misunderstandings, as there had been at the time of the pool hall, at any police station. The police of the 1st Precinct were paid off—and there was whatever protection was implied by a son who had become an assistant in the U.S. Attorney's Office.

Even 1934, when one thinks about it, was not just the year when Prohibition ended and Sirica quit the U.S. Attorney's Office—and Congress at last legalized professional boxing in Washington. It was also a year *deep* in the Depression, a particularly odd time for a young lawyer to leave a government job and start his "own practice." It was the year as well when Sirica says he met Dempsey, and when he tried to start and promote a boxing arena with a "local prizefighter," Goldie Ahearn. It goes by now almost

without saying that Goldie Ahearn could not, any more than Sirica himself, legally have been a "local prize-fighter" before 1934.

There are countless peculiarities in Sirica's story. His professions of patriotism, for example, coupled with his lack of military service, in any capacity whatever, in World War II. He was, after all, a bachelor. The whole war took place during what he called his "starvation period." The *Times*, in its obituary of August 15, 1992, which described Sirica as "indisputably... a hero" (and "by seemingly unanimous agreement, an honest man"), particularly stressed that he was "patriotic," "unabashedly patriotic," and added to its repeated characterizations of Sirica as a "hero" a military dimension.

In World War II, he tried to get a Navy commission but failed for physical reasons.... So, during much of the war, he toured the country with Mr. Dempsey on bond-selling drives.

The "for physical reasons" is unlikely, considering Sirica's accounts of his superb physical condition—and of course there are other capacities in which a bachelor lawyer, sitting idly in his office "waiting for the telephone to ring," might serve in the military. In his book, Sirica never mentions the possibility of military service. But the *Times's* claim that "during much of the war, he toured with Mr. Dempsey on bond selling drives" is beyond description. Here is the relevant passage, from *To Set the Record Straight*:

Jack and I had some great times together. In 1942, he was touring with the Cole Brothers Circus and wanted some company. I met the circus in North Carolina and spent three days with Jack on the circus train. I'll never forget Jack charming the ladies....

In 1942, the Cole Brothers Circus was Clyde Beatty's circus, with no connection to war bonds or war efforts of any kind.

Among Sirica's unlikely, and in this book and his legend unmentioned, friends and correspondents was FBI director J. Edgar Hoover. Why would a judge of Sirica's renown not have become friends with the FBI director? Because Sirica was not yet at all renowned. Hoover died in May 1972,

a month before the break-in at the Watergate. His friendship with Sirica dates from the Fifties—overlapping, for all one knows, with the friendship with Senator Joseph McCarthy—when Hoover, fighting the Communist menace, was still denying the very existence of organized crime. There must be a true story here somewhere, but so far no one has told or apparently even looked into it.

Contrary to his reputation as a hero, Sirica was in fact a corrupt, incompetent, and dishonest figure, with a close connection to Senator Joseph McCarthy and clear ties to organized crime.

That is all I said or wanted to say about the subject. If a reader were to believe that this sentence, at least as quoted and discussed in the *Times*, suggests that, as Sirica was presiding over the Watergate cases he was taking payoffs from the mob, that is not a plausible reading. I was writing, after all, about Sirica's autobiography. "A close connection to Senator Joseph McCarthy"—in the phrase that directly precedes "clear ties to organized crime"—would necessarily have ended by May 2, 1957, when McCarthy died. Sirica had not yet assumed his position on the bench. If I had meant Sirica was taking such payments, on the bench or at any other time, I would of course have said so.

But enough. I do not need and never did intend to investigate the story of John J. Sirica. At the time I read his book, I had already written extensively about Watergate. I had also worked, until the day of President Nixon's resignation, for the impeachment inquiry. It only became clear, from the book itself and then in retrospect, that the legend, the accumulation of clichés, received ideas, and bromides—the "scrupulously honest" man, the "hero," who rises from humble beginnings to confront "the most powerful man on earth" and to find "the truth for the American people"—had no basis in reality.

The legend of Sirica as a "scrupulously honest" man and a "hero" rests, of course, on the Watergate trials. The conduct of those trials, criticized at the time, raises questions of all kinds. It is by no means clear, for example,

why Judge Sirica assigned the cases to himself. There is evidence that, far from seeking to expedite the Watergate investigations, Sirica may have sought for several crucial months to delay them. In putting off the first trial until after the election, he says he was determined to have "a fair trial, not a quick one." Look at that phrase a moment. The fairness of his conduct in those trials has always been precisely the matter most in dispute. On account of "back pain," he postponed the trials again, until January. It may also be that, in spite of the legend, Judge Sirica was less interested in getting at, as he put it, "the truth for the American people" than in some entirely other agenda.

It may even be that the real progression in Sirica's life was not as the legend would have it but rather this: first the man of Prohibition and illegal boxing, in the U.S. Attorney's Office; then McCarthy's man and even J. Edgar Hoover's, with whatever politics that implies; then perhaps just the Republican Party's man, its emissary to Italian communities (mostly, in those days, Democratic); then a federal judge; then Nixon's man; then, in his unprecedented use of "provisional sentencing" as a form of coercion, a vain sort of bully, who is concerned not "to sit up here like nincompoops" while the defendants are "laughing at us." Then a sort of obsessed prosecutor, who does not really discover any important truth. And finally, in his vanity and posturing, a man, a "hero," for the press.

A judge, after all, is not meant to be a hero. (The only judges in our lifetimes who, I think, could legitimately be described as heroes were Frank Johnson, Elbert Tuttle, John Minor Wisdom, and the other judges of the Fifth Circuit, who took genuine risks, and suffered for them, for justice in the South.) And judges, under the Constitution, are not meant to ascertain, least of all to prosecute or to coerce by sentencing, the "truth," "for the American people" or even for the jury. They are to preside fairly, under the adversary system, over cases presented by lawyers for the plaintiff and the defendants before them. Anything else undermines the system. We do not, under the Constitution, have a system where judges are inquisitors. In

any event, though there may be material for a real biography of Judge Sirica, there is also this awkward truth:

Even in Watergate, he simply was not that important.

For the moment, almost as a house-keeping matter, just two, relatively minor, instances, from the Watergate trials themselves, of dishonesty, and incompetence—instances where they seem to overlap. During voir dire, in the first trial, Judge Sirica promised, at the request of both prosecution and defense, to interview prospective jurors individually and in chambers. He did not do so. As a result, when one juror was reported, at a crucial moment in the trial, to have violated the sequestration rules and spoken at length by telephone with his wife, Sirica interviewed that juror to ascertain whether he had obtained information from the outside world and communicated it to other jurors. It turned out that the juror had in fact obtained such information. It also turned out that the juror *neither spoke nor understood English*. He knew only Spanish. To cover for this error, Sirica dismissed the juror and simply sealed this embarrassing portion of the record. The incident involved incompetence, surely, followed by a substantial lapse of integrity.

More serious was his use of “provisional sentencing” and outright dishonesty in at least one instance of it. Having imposed temporary sentences of unprecedented severity on the five defendants who pleaded guilty, Sirica told them that their actual sentences might depend on their cooperation with subsequent investigations. This was, in itself, a highly improper use of provisional sentencing—widely criticized as “extortion,” “abuse of . . . power,” and “the torture rack” by two presidents of the American Bar Association and scholars ranging from Monroe Freedman to Philip Kurland. Provisional sentencing is a procedure to make sentences contingent on reports about the defendants’ character, and not as a device for judges to coerce testimony when the adversary system (which is, after all, the American system) has already run its course. Far from demonstrating the bromide that no man, not even the president, is above the law, Judge Sirica proceeded

as though one man, the judge himself, were above it.

The outright falsification was as follows. On March 23, 1973, Judge Sirica said that sentences for the five defendants who had pleaded guilty would depend on their cooperation in implicating people higher up.

Other factors will of course be considered but I mention this one because it is one over which *you have control* and I mean each one of the five of you.

In 1975, to cover up an otherwise inexplicable inequity in sentencing, he simply quoted the last sentence of the March 23, 1973, transcript, as follows:

Other factors will, of course, be considered but I mention this one because it is one over which *you have control* and I mean each and every one of you.

397 F. Supp. Pp. 949 and 963

There is no doubt that Judge Sirica altered this passage deliberately. About “you have control,” he even notes “emphasis added.” The crucial alteration, however, is from “I mean *each one of the five of you*” to “I mean *each and every one of you*.” He includes only the falsified transcript in his book.

Why, then, was the *Times* so heavily committed to the received idea that Sirica was “an American folk hero,” “by seemingly unanimous agreement, an honest man,” and so forth. Part of the reason is that the *Times* itself has already said so, in its obituary—an accretion of myth, clichés, received ideas, and self-serving fables recounted by the subject himself, unusually fulsome even for obituaries. Partly because a relatively recent, complacent kind of sloth on the part of many reporters—sitting at a desk, phoning around, either repetitively badgering or, more commonly, passively receiving, quotes from anonymous, self-interested, possibly lying, or even nonexistent sources—tends to welcome, and to perpetuate, every sort of conventional wisdom and cliché. Partly because the *Times* is committed most profoundly to a certain notion of itself. In the past, this commitment took a highly honorable form. The publisher and his family, one knew, were devoted, financially and in

almost every other way, to the quality of the newspaper. Now much of the paper is devoted to itself in quite another sense—as a bureaucracy, a complacent, unchallenged, in some ways totalitarian institution convinced of its infallibility.

What was it that made the *Times* so very cross about my sentence? Nothing could be clearer than that it was not concern about Judge Sirica’s reputation. (The most distinguished First Amendment lawyer I know said the *Times* did more damage to his reputation in three days than I could ever do.) The reputation they were concerned with was, oddly, mine. Virtually every sentence in Barringer’s piece addressed what was her real subject: “You could say this is a churlish, low-down thing Renata Adler has done,” for example, and, “You could take the position that it says more about the writer than about what she’s writing.” Clear enough. Even the quality of prose in this series of pieces—“smeared,” “cheaply smearing,” “offhanded evisceration of various literati” (imagine, if you will, an offhanded evisceration), “veers from her literary prey to take a swipe,” “cavalier,” “even more irresponsible”—was not, whatever else it may have been, the prose of journalism.

I have friends who have said jokingly, and some not so jokingly, that they fear retaliation from the *Times*. As well they might. I am not entirely lacking in experience of writing polemical pieces. I have always found that it is not that easy. It requires some thought, and some familiarity with the material under review. On the other hand, honorable polemic, I would have thought, does not call in reinforcements, attacks rather than joins mob journalists. Here we find almost a parody—journalists not addressing underlying fact but interviewing *one another* about what they “heard” or “smelled.” Even the *Times* Editorial said that my “charges” had “startled some of the nation’s best investigative journalists who had covered Watergate and found Judge Sirica to be a principled jurist.” “Startled” them! The herd, not in single spies but in battalions, think the real world consists of the received ideas they share with colleagues.

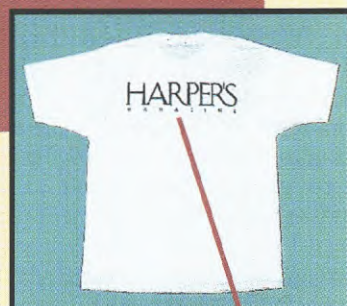
It is true, I *had* criticized, sometimes directly, sometimes by implication, not just Charles McGrath and the *Book Review* but the *Times*. I had written a book, *Reckless Disregard*, that was largely a criticism of the press. There may even have been implicit criticism, in pieces I wrote over the years. In recent articles, for example, in *Vanity Fair* and the *Los Angeles Times*, I had found, in writing about the Starr Report and its accompanying volumes, proof that Linda Tripp had not required, as the *Times* kept reporting, a set of "elves," under the direction of the literary agent Lucianne Goldberg, to make her way, surreptitiously, and at the last minute, to the special prosecutor's office. She had, in fact, been working for that office for almost four years.

But that did not account for it either: the eight pieces, the alternately derisive and punitive tone, the pressure to recant. And the prose itself—there can be no clearer indication than this sort of writing that there is no news, no information, no substance there. I had written a sentence. Someone, offended, had asked me to document the sentence. I had said I would do so. Not much of a story, one would have thought. In the days when there was still a standard of reporting, and of editing, "those who have read just about all the books on Watergate" and "those most steeped in Watergate lore," whoever they might be, would have been utterly unacceptable, in the *Times*, as sources. If the reporter had any genuine interest in the matter, she would have "steeped" herself in "Watergate lore" and read the "books on Watergate" herself. But no. Here's what it was. At one point, in answer not, as Felicity Barringer would have it, to the question "Why wait?"—to which I gave, repeatedly, the answer that I was not waiting at all—but to a repetition of yet another *ad personam* question, I said, "How can you be a working journalist and phrase a question as deeply silly as that?"

This is not the way you are supposed to talk to the *Times*. I knew that. But here obviously was the core of the offense. So seriously did Barringer take it that she attached it to the wrong question. So seriously did the *Times* take it that the Editorial was virtually based on this intimation that a *Times*

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reporter could phrase a deeply silly question. "Even more irresponsible," the Editorial went on, was a line, inaccurately quoted, in which I asked Barringer whether she worried "that much about people's reputations." "Of course we do," the editorial actually said. (Of course.) "And so should she."

I have always known, and even written, that the strongest, perhaps sole remaining taboo on freedom of expression in this country is any criticism of the press. Here I had not only questioned a received idea cherished by the *Times*; I had also been insufficiently deferential to this *Times* reporter. And the whole *Times* bureaucracy, instinctively totalitarian, needed to stamp out this disrespect. It would, of course, have gone without saying, until the *Times*, through Barringer, cited it with indignation, that a writer does choose what to write and when to write it. Now the matter had come to this: if you do not accept some cliché, bromide, or myth of theirs, and are not sufficiently deferential to them, this is not just insubordination. It is a breach of ethics.

You must be admonished. You must be taught a lesson. Other people may learn from it. Not only is your own reputation affected. You must, above all, recant. And this, this last issue—retraction—is where the stakes are inescapably, dangerously, raised. And why the whole series of attacks addresses something more serious than my little book. Look again at Barringer's formulation:

As it stands, Ms. Adler and Simon & Schuster, a unit of Viacom, are either cheaply smearing Judge Sirica—with legal impunity—or they have evidence. . . . But neither the publisher nor the author shows any urgency about resolving the issue, either by retracting the accusation or establishing its accuracy.

This is nothing if not a coercive formulation, pressure not just on a writer but on her publisher, and even her publisher's owner, "Simon & Schuster, a unit of Viacom," to retract. Whenever—and I think this is true without exception—you find a publication, or a journalist, calling for a retraction by, of all things, a solitary writer (and actual pressure on her publisher, "cheaply smearing"), you know what sort of realm you are in. It is a realm where re-

ceived ideas are not just propagated but enforced—and it is an unmistakably totalitarian realm. What "issue," after all, could be resolved by a retraction? Nothing about Sirica, certainly. The only issue resolved would be the power of the *New York Times*, in the person of Barringer and other writers, to coerce retractions. What this sequence amounted to was a show trial, with serial accusers, disinformation, designed to end, as show trials do, with forced confessions.

Well, it nearly worked. It may still work. The *Times*, of course, is still drawing on trust and respect well earned some years ago. In the course of this recent episode, Joseph Lelyveld, the executive editor, told me as early as April 3 that he had no idea the *Times* had published so many disparaging pieces about my book. He would look out for this sort of thing. Later, he said he would, if it had been his call, have run my letter (revised, of course, to conform with *Times* policy), but he had no jurisdiction over the Letters column. I knew he had no jurisdiction over the Editorial page or the Op Ed pieces. (Either John Dean is inspired, and writes, submits his work, and is edited with extraordinary speed, or his piece was solicited right after I told Barringer, to her evident disappointment, that my source was not G. Gordon Liddy.) The editorial board, of which, as we know, Barringer's husband is a member, does have jurisdiction over both pages. On April 7, Lelyveld sent me a fax. "I try to lean over backwards in matters of corrections and editor's notes," he wrote. He and Barringer, however, had considered my note. "At this point the only solution I can see," he concluded, "is for us all to give the matter a rest." This was wonderful. The *Times* had attacked me eight times (only the last four of them had even the pretext of Judge Sirica), citing (perhaps this goes without saying) exclusively hostile "sources." These pieces had directly impugned my "ethics." They would not print a letter, an editor's note, or a correction. The only solution "for us all" was to let the matter rest. Of course it did not rest. Two days later, there was the news item in the *Week in Review*.

Other journalists—in solidarity and taking their cue from the trusted and venerated *Times*—checked in. Some

were apparently under the impression that I had used the Sirica passage as a sort of headline, to "hype" my book. Why else, after all, would the *Times* have devoted so much space and so many pieces to it? Piece after piece, in one medium after another, accepted as fact John Dean's speculation that my source was Liddy. One spoke of my trying "to sell" my book with a libel that "shames all caring, responsible journalists." That sort of thing. A media reporter for the *Daily News* wrote, on the basis of the *Times* editorial, that my book had been "plagued by" a series of "forced retractions." (In a novel use, by a media reporter, of the formula, she wrote, "Ms. Adler wasn't available for comment"—on the basis, perhaps, of having made no effort whatsoever to reach me.)

Perhaps the most surprising instance of this herd of indignant *Times*-inspired colleagues occurred on April 8, on CNN's *Capital Gang*. Mark Shields, not usually, I would have thought, so orthodox a member of this guild, said, "And now for 'The Outrage of the Week.'" I had "defamed," he said, Judge Sirica, who was (in the by now altogether obligatory mantra) a scrupulously honest hero. "Renata Adler owes the family John Sirica loved and the nation he served so well an immediate and public apology."

Owing the nation an immediate and public apology does seem a bit much. But the *Times*'s campaign began, I suppose, with that first letter from the editor who subsequently said "he had decided to distance himself." I should have left the galleys as they were. There followed the whole set of pieces, right through the almost laughably disingenuous characterization of John Dean. Disinformation. Show trial. Confession. Retraction.

Not just yet.

The *Times*, financially successful as it may be, is a powerful but, at this moment, not very healthy institution. The issue is not one book or even eight pieces. It is the state of the entire cultural mine shaft, with the arch-censor, still in some ways the world's greatest newspaper, advocating the most explosive gases and the cutting off of air. ■