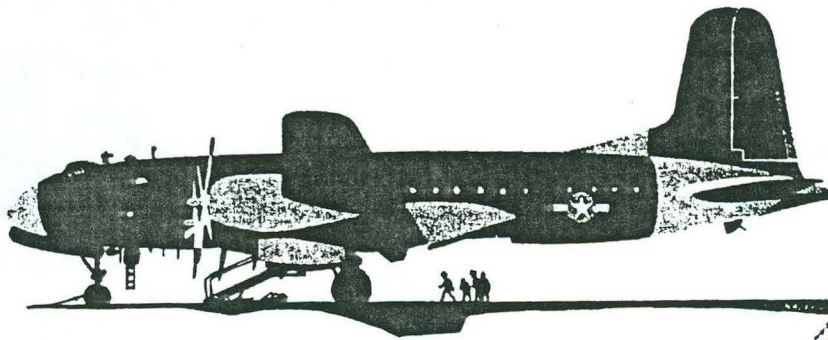


East would be able to regale their public with accounts of the blessings the Eisenhower Doctrine had brought Jordan—even though, as the State Department needs to stress, the Doctrine had no immediate bearing on the situation. Temporarily at least, the United States had replaced Britain and France as the fountainhead of imperialism in Arab nationalist mythology. (More barbed wire and troops were assigned to the protection of the U.S. Embassy than to any other western building in Amman when Hussein decided on his showdown.) And for better or worse the prestige of the United States government had been leached to the fate of a Levantine kingdom whose downfall would henceforth be all the more desirable in nationalist eyes as a humiliation for America too.

By the same token Hussein became identified as an instrument of American policy. The more desperately he strove to recapture nationalist esteem, the more grotesquely he floundered. In a ludicrous broadcast he tried to demonstrate that Nabulsi and his associates were simultaneously agents of Israel, communists, artisans of Britain and France, and crowning iniquity—advocates of the Eisenhower Doctrine. Finally, their dismissal was an essential preparation for the day of reckoning when the Arabs would crush Israel.

JORDAN'S *ancien régime* had been shored up, but with a brittle top. A slight change of pressure anywhere, a political termite, or a bullet—and down it would come. The left-nationalist politicians, journalists, and army officers would relish their revenge all the more for having waited for it, and the lawlessness of the Jordanian mob would once more be their tool for asking. The political comeback men like Ibrahim Hashem and Amir el-Rifai, in which such frantic stern and "old-gang" hopes had been placed, would hardly prove any more ephemeral than the frail film of men that spring was spreading over the barren Jordanian steppes. From the king's point of view, the only constant factor in the situation was his personal plane, ready night and day for immediate take-off, on the Amman airfield.



The Rise and Fall Of the Nonskeds

ROBERT BENDINER

FROM all indications the American sky is about to become the permanent and uncontested preserve of just about the most exclusive club in the world. The dozen airlines that make up its membership may compete with each other for profitable routes here and there, as they have in the past, but with newcomers in effect barred from the blessed circle they will otherwise be happily free of the pressures of free enterprise. Such is the consequence of the Supreme Court's refusal last month to hear the appeal of Trans American Airlines, now under sentence of extinction by order of the Civil Aeronautics Board (CAB).

The largest and most audacious of the irregulars, or "nonskeds," in the business and the only serious challenge that the so-called "grandfather lines" have ever had, the Trans American group will go out of business on June 5 for having flouted the Board's regulations. It is most unlikely that an outsider will again have the impudence or the where-withal to contest the stratosphere with the Big Twelve.

In its long struggle for survival Trans American, or North American as it was known before North American Aviation forced it to change its name, has inevitably suggested David confronting Goliath. Unfortunately for those who like their choices simple, Davids have their Uriah episodes, in which they

are more lusty than principled, and Goliaths sometimes have points in their favor. So it is in this case, and the result is a mixed tale of legislative good intentions soured by bureaucracy, of high-pressure maneuvering, and of plain cynicism—all adding up to the point that "regulation," the shibboleth of our New Deal days, is not the complete answer to sin.

BACK in 1938 Congress passed the Civil Aeronautics Act, sponsored by Senator Pat McCarran and nursed through a subcommittee by an obscure first-termer named Truman. The purpose was to spare the public, just then beginning to take to air travel, the long period of cutthroat competition that had marked the spread of rail travel in an earlier day. Protection of passengers from undue hazard, the need to stabilize an infant industry, and the requirement of a reserve transport fleet for national defense—all made it undesirable to leave the emergent airlines to the mercies of the Darwinian market place. At the same time, it was obvious that air transport was not a "natural monopoly" like gas or electricity and had to be allowed a measure of competition.

The Act therefore set up the CAB as a regulatory agency and provided for two types of carrier. Certificates were to be issued to the sixteen lines then flying passengers and mail, au-

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thorizing them to operate as regular "scheduled" airlines, and subsidies in the guise of flexible mail payments were to offset their deficits. In return they were obliged to meet standards of safety and convenience set up by the CAB and to fly routes that included marginal areas as well as the lush markets of big terminal cities. New lines were to be certified on a showing of "public convenience and necessity," provided the Board found them able and willing.

A second group, known as "fixed base operators," were to be granted exemptions from the regulations. They could make irregular trips, provide local taxi service, run charter flights, and perform other functions not related to regular public travel over a fixed route. Most of the trips were short ones in small planes, and at first the "fixed base operators" were of very little public significance. After the war, however, they suddenly became very significant indeed.

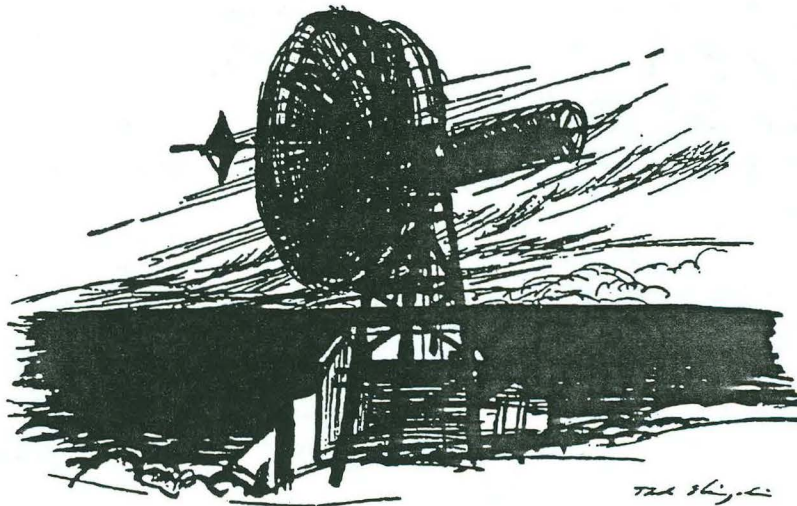
At a time when the demand for air service seemed unlimited, the government found itself with surplus transport planes on its hands while scores of trained pilots were pouring into civilian life eager to make use of their wartime experi-

ences. With the government's blessing—in fact with its financing—veterans and planes inevitably got together and nonsked air travel was launched.

ences. With the government's blessing—in fact with its financing—veterans and planes inevitably got together and nonsked air travel was launched. If the CAB did not see that in the normal course of things some of these entrepreneurs hoped legitimately to develop into regular air-

Standard and Viking

lines, it was singularly lacking in imagination. It "must have realized," a Senate committee report was to state in 1953, "that these large transport-type aircraft would have to be used in some sort of common-carrier route-type service." They were hardly designed for crop dusting or for rushing Florida oranges to Boston. Among those who took their own future as public carriers for granted were Stanley Weiss, an Army transport pilot who had flown sixty-four trips over the Hump, and James Fischgrund, a Navy lieutenant commander. For \$15,000 down and an RFC loan they bought two DC-3s and in 1946 set up business as Standard Airlines. At about the same time Ross R. Hart and Jack B. Lewin, both employees of Douglas Aircraft, raised the small capital required to establish Viking Airlines, a similarly modest enterprise. Their plan was to tap the vast potential market of would-be air travelers who could not afford the luxury prices of the regular lines. Their formula was to eliminate the frills, especially free meals, to increase seating capacity, and to fly as steadily as possible be-



tween points of heavy traffic. Cut-rate coach flights were operated between Los Angeles and New York for as much as \$50 below the standard price. By 1948 Standard was in the black and had a fleet of seven DC-3s. Together the two lines had sewn up the lion's share of cut-rate transcontinental traffic—\$75 between Chicago

and California and \$99 coast to coast.

Between 1947 and 1949, as Standard and Viking hauled in the cash and the country in general enjoyed good times, the "grandfather lines" overexpanded and evidently overpriced, wallowed in their own exclusive depression. Inevitably they took a jaundiced view of the upstarts even though their own deficits were covered by the U.S. government. W. A. Patterson, president of United Air Lines, subsequently put the case in its now classic form to the Small Business Committee of the Senate:

"The irregulars moved in to make the most of this [postwar] situation, to fly anywhere at any time that loads were available. Thus began a cream-skimming operation whereby they would tap only the major markets and leave the scheduled airlines to carry out their responsibility of serving all communities, large and small. Thus they began undercutting the scheduled airlines and each other. They had to file no tariffs; they had to meet no route qualifications; they could operate in and out of any airport without prior crew familiarization procedures. There was a free and easy business in which they had to answer to practically no one but themselves. The regulated, scheduled operators, with their obligations to the general public, to the Government, to stockholders, and to employees, looked on with some amazement . . ."

'Strangulation by Regulation'

They looked also to the Civil Aeronautics Board—and there they found comfort. By defenders of the nonskeds the CAB is regarded as the greatest drag on aviation since gravity, but there is no doubt that the cut-rate fliers confronted it with a real dilemma. On the one hand it was directed by the Act to foster a sound and efficient air service without "unfair or destructive competitive practices," and on the other hand to encourage "competition to the extent necessary to assure the sound development" of the system. By certifying the nonskeds it could divest them of the advantages cited by Patterson, subjecting them to the same conditions as other regular lines, or it could keep them in their special status and squeeze them with

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regulations. Looking at the shaky financial state of the certificated carriers, perhaps with an eye on the subsidies for which it rightly felt it had a responsibility, and having no more boldness of vision than government bureaus generally have, the CAB moved toward regulating the rashness, if not the life, out of the nonskeds.

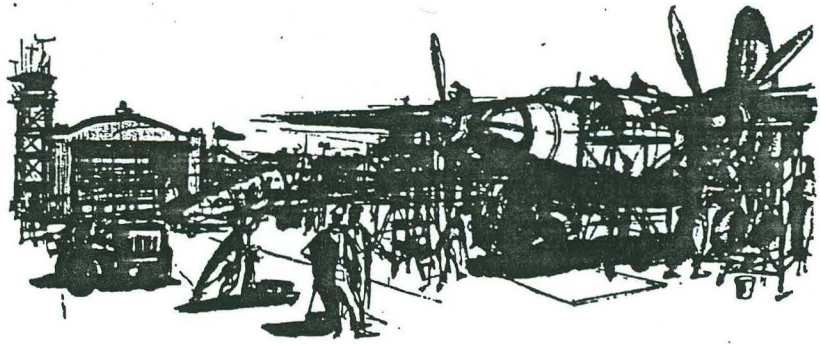
The process described by Senator John Sparkman as "strangulation by regulation" began in 1947. Blanket exemptions were withdrawn, and the nonskeds were required to apply for individual Letters of Registration as irregular carriers. Full reporting on rates, mergers, and other operating details were called for, and specific restrictions were laid down on the number of flights that could be made in a given period. Two years later the screws were tightened some more. The irregulars were prohibited from making arrangements, among themselves or with ticket agents, for interchange of passengers, or from rotating flights in such a way as to constitute a "collective air transportation service."

"Living up to those regulations was 100 per cent impossible, and the board knew it," counsel for North American told the House Antitrust subcommittee a year ago. "That is why the Board adopted the regulations." Senator Wayne Morse was even more specific: "A traveler must know in advance when a plane is going to depart, when it is going to arrive, where he can buy his ticket, and from what place he can collect his baggage. These things cannot be done if the operation is conducted on a tramp-steamer basis." In any case, both Standard and Viking treated the rules cavalierly. Both applied for certification and were turned down. The CAB was more intent on strengthening the existing rules than in adding to their headaches. By 1950 both lines had their Letters of Registration revoked for being too frequently, and technically they went out of business.

ACTUALLY they merged, along with two other lines, into a complex corporate arrangement, and as North American Airlines proceeded to do business in a highly profitable circuit, the convention of the CAB and its partners.

ships with an interlocking directorate, they brought together the functions of flying, leasing, ticket selling, and accounting. And by artful shuffling of schedules they managed to furnish regular service from

line executives dispute the North American group's claim to have pioneered in air-coach travel. Alexander G. Hardy, fiery vice-president of National Airlines, told me that his company had applied for permission



Los Angeles to New York and New York to Miami without seriously transgressing the frequency limits for any one line.

If the regulars were irritated before, they were now outraged. "Interlopers," "pretenders," and "bogus specialists," the nonskeds were called by Eastern Air Lines' president Eddie Rickenbacker—and these were among the more endearing names reserved for them. The Air Transport Association instructed its legal department to get the CAB to forbid uncertificated operators even to use the word "airline" or "airway." When a passenger having to take two or more lines to complete a trip inquired about a North American connection, ticket clerks would frequently express shock. On occasion they were heard to murmur something about "safety," although North American had no fatal accidents in its seven years of operation. Stanley Weiss of North American testified before Representative Emanuel Celler's Antitrust subcommittee that travel agents were warned by the A.T.A. to stop selling tickets for the nonskeds altogether or give up their franchises from the major lines.

The Air-Coach Boom

In terms of revenue, North American was never remotely a threat to the certificated carriers, which did ninety-six per cent of the passenger trade. But it was a yardstick, and as such its influence has been as marked—and as unwelcome—in the business of air travel as TVA's in the field of electric power. Some trunk-

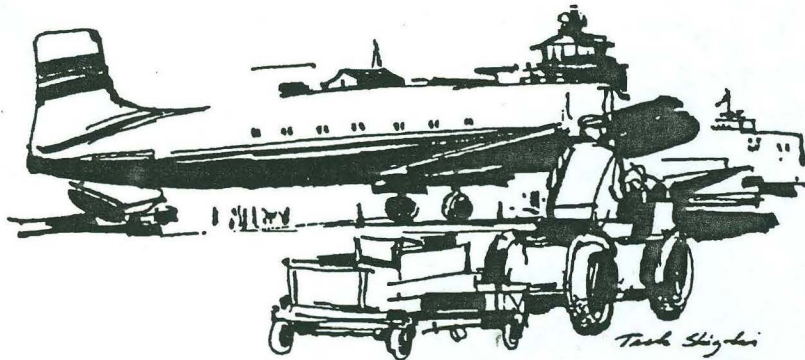
to run a reduced-fare service from New York to Miami and had ordered coach planes before North American was even in the picture. Turned down by the CAB, which didn't think the idea financially sound, National took the matter to the courts but without success. What is more, Hardy said, the nonskeds appeared before the Board to oppose the move and then when it had been turned down went out themselves and flew at reduced rates.

Far from being the public's white knight, according to Hardy, "the nonskeds were gouging the public during the peak seasons." In the immediate postwar period, when demand far outran supply, they exacted as much as \$100 for the New York-Miami run as against the standard first-class fare of \$56.

Nevertheless, it was the nonskeds, especially Standard and Viking, that made a go of coach service. They were the first to increase the seating capacity of standard aircraft and to offer coach fares, not just for flights at inconvenient hours but on the basis of greater passenger load. Eventually forced to follow suit, the trunk lines found themselves with a boom on their hands. In 1948, for example, Capital Airlines carried 1,002 passengers on its regular first-class run between Chicago and New York. In December of that year, the second month of its newly installed coach service, 3,072 made the trip at the reduced fare. Six years later, coaches accounted for fully a third of all domestic airline traffic and more than a half

of the overseas. By 1960 all the big lines expect that more than half their passengers will travel by coach. Yet as late as 1949 United called such service "unsound" and American said air-coach travel had no part in their plans.

While the coach trade played a large part in getting the trunk lines out of the red and, not so incidentally, off public subsidy, they found the "yardstick" no more toler-



able on that account. The North American combine may have given the industry a shot in the arm, but if it was allowed to go on operating outside the regulations, as it patently was doing, what was the good of the CAB or the Act itself? If North American wanted to operate as an airline, let it apply for certification and abide by the rules of the game.

THIS ATTITUDE sounded reasonable, but there was one hitch. Since its creation in 1938, the CAB has yet to find a single applicant it considered worthy of certification as a regular passenger airline. Out of 164 applications, not one was deemed to have met the requirements of the Act. That 126 of these applications were withdrawn, or withered on the vine before a determination could be made, is in itself illuminating. Of the twenty-one nonskeds that applied in the combined Transcontinental Coach case, only four lasted to the end of the proceedings. "We are small businessmen," one of them complained midway to a Senate committee. "We cannot afford to pay the fabulous attorney fees to have a lawyer present at this hearing every day that it has been going on for six months now. . . . They are slowly chopping our heads off while that is going on." Incidentally, none

of the surviving four made the grade. The net result is that with twenty times the traffic we have four fewer trunk lines (because of mergers) than we had when the Act was passed.

Ambidextrous Appeals

The best the North American group could reasonably hope for was to forestall revocation of their Letters, and to this end they worked

hard in Washington, covering both political sides of the street and ringing all the changes. Knowing how they stood with a majority of the Board, they concentrated elsewhere. Along with the other nonskeds, all of which were much smaller and less ambitious, they repeatedly and co-gently presented their case before sympathetic committees on Capitol Hill, employing at various times such effective spokesmen as former Senator Claude Pepper, Senator Joseph C. O'Mahoney (when he was out of office between terms), and Maurice Rosenblatt, better known as the kingpin of the National Committee for an Effective Congress.

The appeal was essentially that of "the little man" at the mercy of monopoly, and it went well before the Senate's Select Committee on Small Business and Congressman Celler's Antitrust subcommittee in the House, both of which, unfortunately, had only peripheral jurisdiction in the field.

At the same time, the home office in California worked the other side of the street. It mailed out model letters and telegrams for sympathetic businessmen to send to the President, with copies for Vice-President Nixon, appropriate congressmen, and Senators Knowland and Kuchel. A few excerpts will indicate an appeal

somewhat different from that made by Senators Pepper and O'Mahoney:

"When the Republicans were elected with your leadership, many of us felt there would be considerable improvement with respect to continued Government interference with certain segments of our economy. . . . The Civil Aeronautics Board, in my opinion, ever since it was organized under the New Deal Administration, has had a fairly shabby record.

"The Board has a great file of charges against North American. These charges take the same form as the New Deal checkreins which were used to restrict supply and to hobble independent enterprise.

"I am behind your administration 100 per cent and want to continue to be so but I think it is time that something should be done about the Civil Aeronautics Board and its obvious favoritism against free enterprise."

In Washington North American enlisted the public-relations services of Raimond Bowles, formerly patronage chief of the Republican National Committee and assistant to Sherman Adams when he was governor of New Hampshire. On the Pacific Coast it retained none other than Murray M. Chotiner, Nixon's well-known adviser, who not only called at least one Board member but wrote a letter to President Eisenhower expressing the conviction that only White House intercession would "remedy the present high-handed and arbitrary action of the CAB. The survival of the free enterprise system in this field requires immediate and aggressive action."

FOR ALL its vigor and political ambidextrousness, however, the nonskeds' campaign was no match for the quiet pressure of the regulars. In the first place, the regulars had a strong technical case against the North American group, which, in spite of enforcement proceedings pending against it, merrily pursued its illegal way. It advertised itself blandly as "the fourth greatest airline in the United States" and the "largest and oldest air coach system." Postcards were distributed at its ticket counters with the legend "Written aboard one of North American Airlines luxurious 4-engine Douglas DC-6B air liners," though at the

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time it was flying only DC-4s. Far from being reticent or indirect about scheduling flights contrary to regulations, it defiantly printed timetables, adding only in very fine print at the bottom that these "samples of flight times are not representation that flights are made every day or with any specified regularity."

The regulars were every bit as alert to sentiment on the Hill as the nonskeds and played up to it from the start. In a letter to the heads of the certificated lines in 1948, Admiral Emory S. Land, then president of the Air Transport Association, laid down a public-relations program for combating the nonskeds' effort to get air-freight business: "Finally, the most important part of this letter is that you personally contact one or more key-men who, directly or indirectly, have this matter under consideration," his communication wound up. "The addresses of these key men are Capitol Hill and Commerce Building [where the CAB is located]. Nufced."

Another document produced at the Celler subcommittee hearings was a memorandum to the Public Relations Advisory Committee from John W. Thompson, an A.T.A. official. Airlines were advised in this note to "get in touch" with a group of senators who had signed a petition in favor of slowing down CAB action against the nonskeds. It was to be pointed out to these legislators that unless the nonskeds were checked, "the areas which sent these gentlemen to Congress will be affected adversely as far as air passenger service, airmail, air parcel post is concerned." Once again, nufced. With the big airlines operating in every state if not in every congressional district, with their directors scattered in most major cities and generally men of considerable local importance, the impact of the regulars is very much greater than any that can be directed at congressmen by an isolated and comparatively small independent.

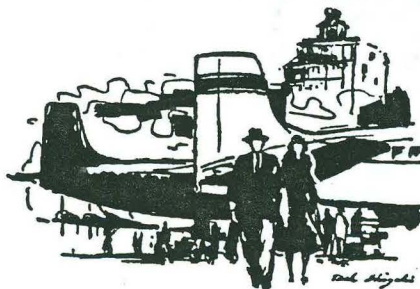
Friends in Court

It is with the CAB itself, however, that the "grandfather lines" have the vital advantage. The tendency is strong for members to identify themselves with the interests of the existing carriers, and to promote their fi-

nancial health, if for no other reason than to keep them off government subsidy. Many of them conceive it to be their duty to build up these lines by adding to their routes, and a good case can be made that it is to the public's advantage to deal with a dozen expanded lines rather than with a network of small ones requiring intricate routing and frequent changes of plane.

Be that as it may, the degree of co-operation between the CAB and the giants is striking, and few unco-operative board members have ever been reappointed. The classic case was that of James M. Landis, who fought Pan American and whose reappointment was taken for granted until three days before the expiration of his term. No reason was ever given for President Truman's apparently sudden change of heart.

Joseph P. Adams, who did his utmost to stimulate competition, who befriended the nonskeds, encouraged coach service, and dissented from the CAB's majority in something like thirty decisions, was denied reappointment by Mr. Eisenhower despite pleas on his behalf by the chairman of the Board and a former chairman, both Republicans. Colonel Adams's rejection was bluntly described by *Aviation Weekly* as



a "personal favor" to Secretary of Commerce Weeks, a close friend of Samuel F. Pryor, former Republican National Committeeman and a vice-president of Pan American. Adams had played a major role in the drastic reduction of mail subsidies to Pan American. Joseph J. O'Connell, another former chairman with whom I talked, suggested that in all administrative agencies controversial figures are poor bets for reappointment. The reward goes to the man who doesn't alienate anyone.

Given the feeling of the CAB's

majority and the obvious violations of North American, no one was surprised when the CAB put out a "cease and desist" order in 1953. The surprise was that, largely because of the work of exceptionally able counsel, the line managed to continue for two more years, even adding another carrier to the combine, before the Board in July, 1955, finally revoked its various Letters of Registration for "knowing and willful" violation of the Act. Even after that blow, the group continued operations, though somewhat limpingly, pending final adjudication in the courts.

SYMPATHY for the Trans American group is neither easy nor relevant. Its stoutest defenders concede the violations. One, a senator, says bluntly that "it brought on its own demise," and another suggests that to have granted the certificate would have been "like giving a bootlegger a liquor license after Prohibition on the ground that he had proved his efficiency." Even Colonel Adams concurred in the CAB's findings. "As a sworn government employee," he says, "I couldn't acquiesce in violations"—though he held out against the penalty as too harsh in view of the line's performance and the blank wall against which it found itself.

In a financial way, moreover, the position of these particular "small businessmen," however wronged, will hardly draw tears. According to their counsel, each of the four partners drew \$111,835 in 1954 and \$101,726 in 1955, exclusive of their salaries of \$2,000 a month. Net profit after taxes in the latter year amounted to \$835,994. Even the pending collapse of their enterprise was used to turn a handsome profit. The line's five DC-6Bs have been leased for five years to Eastern for between \$35,000 and \$40,000 a month per plane, for a total of \$12 million. Since they are reliably reported to have cost around \$7.5 million, the partners can forget all about flying and still split a profit of \$4.5 million, not counting depreciation, on this leasing coup alone.

The financial fortunes of the partners, however interesting, have no bearing of course on the larger issue. "This was the last effort to crack the CAB policy against letting new trunk lines into the business," I was

told at Trans American, "and like 162 efforts before it, it failed." While this may be putting the case too strongly, the fact is that almost all the remaining nonskeds are concerned exclusively with military contracts and the few that are not are so small as to preclude ambition. There are fourteen certificated "feeder lines," which operate locally, but they are well subsidized even now and their expansion is not regarded as economically feasible. Yet except by operating profitably as a nonsked, how is any line to demonstrate the fitness and ability required for certification under the Act?

IS THE DOOR really closed to new lines? The CAB denies it, as it must, but one of its former chairmen says, "The answer probably is 'Yes.'" Nor does the prospect bother him. "Freedom of access in this field is ridiculous," he explains; "the Act never contemplated it." But the record of congressional debate seems to show otherwise. The Small Business Committee's report found it "filled with repeated assurances that the door would still be open to new companies."

It is true that the CAB has been steadily cutting the smaller trunk lines into routes hitherto reserved for the Big Four, and in this process there is still room for competition. It is a competition, let it be admitted, unknown to the giant lines of other countries, but nevertheless it is competition among a select few, each satisfied with the *status quo* as soon as he has an adequate piece of the pie. If the pie has been greatly enlarged by expanded coach service—all the domestic trunk lines are now off subsidy—the Big Twelve who will share it have North American to thank for prodding them into the low-fare market. In the nature of things, of course, they can no more be expected to shed a tear at the wake of the nonskeds than North American can be credited with high social purpose. A vice-president of National Airlines, a small regular that has to contend with the giants above it while fighting the nonskeds beneath it, pretty well summed up the code of the trade. "No one in any business favors monopoly," he remarked, "until he's got one."

VIEWS & REVIEWS

Dr. Oliver's Day of Wrath

A Short Story

OTTO FRIEDRICH

THE Reverend Doctor Eustace Oliver opened his eyes warily at the dawn. A radiator clanked loyally near the bed. Prehensile feet groped for slippers. As Dr. Oliver began really waking, a wave of uneasiness, pain, and exhaustion swept over him. He put his hand to his forehead, reproved himself for weakness, and ended the gesture by rubbing his long nose. He had slept badly, and lack of sleep affected Dr. Oliver as a hangover affects the layman.

Dr. Oliver's head ached as he recalled the reason for his lack of sleep: those trombones, drums, those obscene violins, and that chorus of dissolute Italian voices shrieking "*Dies irae! dies illa!*" It had been two o'clock in the morning, and the awakened pastor had decided to suggest to his wife that she was impairing his health. He had padded down the hallway of the rectory, knocked in vain at Hermione's door, and entered in the teeth of a new blast of Verdi.

Dr. Oliver, a long, bloodless, vaguely saurian figure with one slipper on, trembled at the memory of the scene, lit only by three candles Hermione had placed before her imitation Renaissance altarpiece. She was sitting, as she often did, with her head in her hands, her long hair loosened from its habitual bun into a flow of graying curls. It was not the first time Dr. Oliver had discovered his wife in an orgy of idolatry. He had stood in the doorway for a minute while the diseased, gangrenous music swelled.

"It's really quite late, dear," Dr. Oliver had said gently during an andante interlude. There was no sign that his wife had heard him.

"Hermione," he said, a little louder. "Hermione!"

Hermione had finally looked up, tossing back her hair and staring at him with the great dark eyes that had first inspired him thirty years ago. The candlelight was flickering on the six-inch jeweled cross she wore around her neck.

"You'll never understand me!" Hermione had cried, putting her hands before her face again. "You can't understand anything!"

"Well, dear," Dr. Oliver had said. "We can talk about it in the morning perhaps. Don't you think you need a little rest now?"

Mrs. Oliver's only answer had been to reach out one hand and turn up the volume of the phonograph as Dr. Oliver retreated into the hallway and softly closed the door: "*Mors! Stupebit!*"

IN THE gray light of dawn, Dr. Oliver sank down onto the floor beside his bed and began to pray, still in his green-striped pajamas. The radiator kept up a regular clanking, like a magnified and ailing heartbeat in the old rectory.

Dr. Oliver felt the ache of dormant rheumatism in his knee and clung to the bed as he arose from his prayer. The persistent throbbing in his head and the banging in the radiator joined in a moribund symphony. There was no sound from Hermione's room. It had been almost a year since she last joined him in his regular breakfast of orange juice, shredded wheat, and tea.

After breakfast, Dr. Oliver drifted into his study to work on a sermon for the coming Sunday. He had chosen for his text one of the Beatitudes: "Blessed are the poor in spirit: for theirs is the kingdom of heaven." It occurred to him that he was not entirely sure what it meant

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