

Ellis Centerton said over the phone, "Look, Mr. Louisa, as a lawyer, I can refuse to take any case I want. The fact that you happen to head up the Mafia in this region has nothing to do with my hesitating to take your case. I happen to be one of those lawyers who believes that every man—no matter how guilty of a crime—deserves his day in court with good representation. All I said to you was I wanted to look into it further before I decided to take the case or not. I want to talk to that man of yours—Benny Luger—before I make up my mind. Now, you either go out and get yourself other counsel, or I'll meet you at the jail in fifteen minutes. You name it."

Walter Louisa was a man whose occupation often demanded quick decisions, and he made one now. "I'll meet you in the jail in fifteen minutes."

Centerton hung up and told his secretary to play back the recording of the conversation he had just had to the other partners in the law firm. Then he caught a cab. He walked in the door of the jail ten minutes later and was already sitting in the tempo-rary detention cell looking at Benny Luger when Louisa arrived.

Louisa was a short, square man, and so he looked with some suspi-cion up and down the length of Cen-terton's six-foot-three-inch frame. The two looked at each other like two bulldogs about to dive in for the kill, then Centerton grinned and said, "Relax, Mr. Louisa, I'm only a lawyer trying to see if this is a case that really needs my great and far-reaching talents."

Louisa grunted, and hesitated, but then responded to the infectious grin. He thrust out his hand and said, "I hope it does." Mr. Louisa had made another fast decision.

They both turned to Benny Luger. Louisa said, "O.K., Benny. Tell us what happened."

"I'll tell ya," said Benny, obviously agitated. "I'll tell ya. I'm walking up Broadway, blending in pretty well with the crowd there." Centerton silently agreed that Benny would blend in; Benny wore tight clothes, bright shoes, shaggy hair and a swag-ger. He would never be noticed on Broadway.

Benny said, "I turned off toward Eighth Avenue and stopped at Old Joe's newsstand and put down the case I was carrying. I bought a paper and turned away, forgetting the case just like I was supposed to. I took about ten steps, patted my pockets and took out some old Hershey bar wrappers with the rocks in them and dropped them into the trash can. Neat and tidy, that was the way I was supposed to do it, then I went toward Eighth Avenue. Right?" Louisa nod-ded, and Benny continued. "Nothing happened when Johnny Are stepped over and picked up the case and started toward Seventh Avenue. Nothing happened when that bum began poking through the trash can. But when the bum picked out the Hershey bar wrappers, put them in his pocket, and started uptown along Broadway, things busted out. Two guys stepped out of line and slapped handcuffs on me before I could open my mouth. Two more did the same to the bum. Nobody bothered Johnny Are as he headed for Sev-enth Avenue. Get the picture?"

Centerton and Louisa nodded.

"I tell ya," said Benny Luger, "they knew all about it, like they'd planned the pickup themselves. They didn't even look at Johnny with the jeweler's case full of sandwiches, didn't touch him, didn't look at him. Me, they put the arm on; the bum they put the arm on. How did they know the rocks were in them Her-shey bar wrappers?"

Centerton and Louisa looked at each other.

Benny Luger leaned close and said closely, "I tell ya, there's a leak. Even I didn't know a bum was gonna pick up the rocks, but the cops did. There's a leak, and you gotta do something about it. Those cops knew more than I did about the pickup, and that ain't no good, no good at all."

Centerton said to Louisa, "This the case you brought me down here on?"

Louisa shook his head and said to Benny, "We'll make bail and talk to you later. I want to talk to Mr. Cen-terton alone. See you later Benny."

Out in the hall Louisa said, "Here's the rest of it. I filled in Benny Luger myself on this pickup not three hours ago, and I've had him watched in the meantime by someone who didn't know what was happening. Johnny Are knew noth-ing, did nothing but pick up the case, and he's home free. Willie fished

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myself on this pickup not three hours ago, and I've had him watched in the meantime by someone who didn't know what was happening. Johnny Are knew noth-ing, did nothing but pick up the case, and he's home free. Willie fished the Hershey bar wrappers out without knowing what was in them. So what've we got? So Benny Luger knew and didn't tell, I knew and didn't tell, nobody else knew. That's the way I set up this test." Centerton said, "You knew Benny would get caught?"

"I wasn't sure. Anyway, that's the way I set it up, and the cops fell for it. Now I know the cops get informa-tion, just like I thought. So I got a problem to solve, a big one. I know there's no normal leak,

but somehow the cops have been on to us for sev-eral months now, like they were sit-ting here with us when we planned things. How are they doing it?" Then Louisa's shrewdness showed. He said, "Are they doing it legally, or il-legally, Mr. Centerton?" He waited a moment then continued, "We have thoroughly explored electronic sur-veillance, bugs, distant pickups, taps. We've used the finest electronics man in the business, and at substan-tial cost, and he found nothing. Coincidence is out; I'm willing to give the police the benefit of a little luck, but the events of the past month have been too much. The cops know." Then he said again, "Are they doing it legally, or ille-gally, Mr.

Centerton?"

"All right," said Centerton, "I have to agree it is very interesting. Come on back go the office." In the conference room of the firm of Centerton, Westgate & Hogan, Centerton introduced Louisa to the other two senior partners. Westgate and Hogan looked at Louisa with distaste, and Centerton said to them, "I think we ought to represent Mr. Louisa and his man Benny Luger to explore police activities and to see that Benny gets a fair trial. The problem, as I've explained it to you, is interesting. Any comments?"

Hogan leaned back and said, "O.K., Ellis. It seems to me that first thing we need is the best electronics theorist we

can get to check out on how the police are doing it. I assume money is no object here." He looked at Louisa, who shook his head. Ho-gan continued, "We've got to know if there have been any recent advances in technology that might allow the police to dig up the information they seem to be getting onto Mr. Louisa's, ah, operations. I suggest Dr. Roger Whiteman, over at Brooklyn Polytech, for a quick reading."

Louisa said, "Get him."

Two weeks later Dr. Roger Whiteman said to the group, "Technologically, I'm stumped. I've made a literature survey covering everything that might have been used for eavesdropping. Smith out at RANE

has just come up with a device he calls a discriminating monitor capable of picking out a conversation between two people in Times Square on New Year's Eve from a distance of a hundred yards. Some-thing like that could have been used, but Smith hasn't sold any—hasn't even told anyone about it yet—still testing to get out some bugs. So there's no scientific, or technological, way the police could have heard what was said to Benny or to anyone else."

"All right," said Centerton. "I've been plugging ahead on the pro-cedural route, and I'm beginning to get some information, but I don't know yet what to make of it. I made a motion to dismiss Benny Luger's indictment. I took the

position with the court that the police must have planted a tiny pickup and broadcast unit on Benny; I explained that the whole affair involving Benny had been arranged as a test to see what the police had. The arresting officers denied planting anything, but the court made it clear that it would throw out the whole case if it were based on illegally obtained information. So the officer finally had to tell me where he got his information." He stopped for effect, like any good trial lawyer.

"Go on," said Hogan.

"The arresting officer said he got it from an assistant district attorney, and that's all he knew. He said he'd had other reliable tips from the same man, so he

set up the trap that picked up Benny. Well, I demanded to examine the assistant district at-torney, a young fellow named Ron Kane, graduate of University of Ari-zona Law School four years ago. I put him on the stand, and he said he got the tip from—you ready for this?—a file clerk of his named Alexis Carleton. I put her on the stand, and that's where everything came to a halt. She said she read Benny's mind. I didn't have time to shake her. She said she knew everything Benny knew, and she knew everything that Louisa knew. That's where we left it when court adjourned for the day."

Louisa said quietly, "Interesting. That would mean she knows every-thing

about us that Benny knows, which could be downright inconvenient. But mind reading?"

Centerton said, "Well, I wouldn't attach too much importance to it at this stage of the game. She's concealing something. I'll get it out of her tomorrow. So we'll just have to . . . what's the matter with you?" This last to Dr. Roger Whiteman, who was staring at the floor with an odd, intent frown on his face.

"I'm surprised to have something like this come up in a court of law," said Whiteman and he settled back and looked up. "It's been established that extrasensory perception is non-existent—violates several fundamental laws. There's been a fair amount of effort in

the field, particularly in England and in North Carolina. Some of it has been shown to be well-intentioned trickery. But I can't accept that this female file clerk is an . . . I believe they call them espers. We have to look elsewhere, I think." Centerton said, "Didn't one of your colleagues say something like, 'Whenever all the improbables have been eliminated whatever is left, however impossible, must be the answer?'" "

"Something like that. But it's easier to believe they have some kind of a gadget to listen than to believe there's such a thing as an esper."

Louisa gave a low whistle. "Think of the trouble I'm in if they really have an

esper. Do they know what we're saying right now?"

They looked at each other quickly, but then Centerton said, "Oh, come on now. We're letting our imaginations run away with us. We don't really have any information yet. Wait until it's all in." When Centerton got off the elevator at the third floor of the courthouse the next morning, he found the corridor jammed with noisy people. He said to a guard, "What's going on?"

"Good morning, Mr. Centerton. They heard about this mind reader you got in your case here." Incredulous, Centerton turned to look at the crowd. He recognized several reporters from the big dailies, and he recognized large

numbers of the type of people who flock to an unusual trial because they have nothing better to do. Among the crowd, though, he saw a half dozen of a different kind of person, quiet, smoking pipes, wearing jackets that did not match their trousers. In a moment he had them placed—professors, teachers, something like that. He shook his head and went on in. Miss Alexis Carleton was recalled to the stand, reminded that she was still under oath, and turned over to Centerton. He leaned back in his chair and opened his mouth to speak, when she said, "Are you go-ing to keep on telling us this non-sense about mind reading?"

Centerton closed his mouth and stared at her. Judge Carter, who had been bent

over some papers, looked up from one to the other and said, "What was that?"

Alexis Carleton said to him, "I merely read the lawyer's mind and stated his question before he asked it. Isn't that right, sir?" This last to Centerton, then she said, "The answer is, 'yes'." Laughter rang through the court-room, and the judge tapped his gavel and said to Alexis Carleton,

"No more of that, please. A witness is re-quired simply to answer the questions put to her. Proceed." Centerton was shocked because, in fact, the question was exactly what he had planned to ask. He decided to change his tactics quickly to see if he could find out what was happening. He asked, "How do you do

it?"

"I don't know."

To give himself time to think, Centerton got slowly to his feet and walked toward the witness, a line of questioning taking shape in his mind. He would ask for a history of her mind-reading activities and try to make her prove her ESP powers.

She nodded to him as he drew close and said, "That's a good way." Centerton stopped and stared at her, and the judge said, "Now, young lady, I have told you . . ."

"Your Honor," she said, "the problem here is belief. Mr. Centerton simply does not believe that I have ESP, and if I can prove to him I have, it will simplify

things all around. You see, Your Honor, his real client, Mr. Louisa, is very, very anxious to find out just how the po-lice got hold of such confidential information, and if I can make Mr. Centerton believe I'm an esper, we can all get down to business sooner."

The judge looked at Centerton, expecting him to enter an objection to her comments, but Centerton said, "I'll resume my questioning in a mo-ment, Your Honor." Slowly he went back to his seat, greatly discomfited now. The witness had twice said ex-actly what was on his mind, and had also named in open court his principal client. Coincidence might ex-plain how she had hit upon what was in his mind, and the

district attorney might have told her who his client was; he had made no great effort to hide him. He sat down and looked at her. He saw a slim girl with a high chest, a well-scrubbed face and a turned up nose. Her gleaming brown hair hung almost to her waist, and she had good legs. She was a very pretty girl, and her brown eyes crackled with intelligence. Looking at her now, Centerton deliberately formed in the front of his mind the words, "All right, Miss Carleton. Go ahead"

Immediately she turned to the judge and said, "Your Honor, Mr. Centerton has just mentally instructed me to go ahead. He had previously decided in his own mind to ask me about my past mind-

reading activities. So with your permission. I will now do so."

The judge, a frown on his face, said to Centerton, "Is that right, Mr. Centerton?" In the silence of the taut court-room Centerton said softly but clearly, "Yes, Your Honor." Two newspapermen got up quietly from the audience and tiptoed to the door and out. A TV

newsman followed, and then a radio reporter left.

The judge said, "You may proceed, Miss Carleton."

"Well, I was about twelve years old before I realized that these images in my mind were really the thoughts of people around me. It wasn't until then that they sharp-ened, anyway, enough for

me to recognize them for what they were. They grew stronger and clearer as I grew older. I didn't tell anybody about it because I knew it was unusual. It didn't bother me because I quickly learned to pay attention or not, whatever I wanted. Well, at college I had a professor of psychology who was interested in extrasensory perception. I read his mind and learned it was a true scientific interest; he didn't want to exploit it or anything. So I told him I was an esper, and quickly proved it. We explored it together. After college I decided the most useful thing I could do was help fight crime. So I came to New York and got a job in the district attorney's office, and proved to Mr.

Kane there"—she nodded toward the assistant district attorney—"that I could read minds. He decided to rely on some of the things I learned. That's all there is to it."

There was a jet-black silence in the courtroom as Alexis Carleton looked around. Centerton said, "Do you . . . ?"

". . . Ever make mistakes?" she finished for him. "Not mistakes as such. Sometimes a particular mind is unclear at the moment. Sometimes I haven't the . . . haven't the strength to bring thoughts under my control." Centerton noted the odd hesitation, wondered what it meant, resolved to explore it and saw the smile appear on her face. With a shock he realized he had not the slightest element

of surprise in his examination; she knew everything that swept through his mind. He knew he had to get out of there and reflect on what to do. But he had a question, and again he put it mentally, "How accurate are you?"

"About eighty-five percent. This means that about fifteen percent of the time I can't make a clear reading. But when I can. I'm one hundred percent accurate, as you have seen this afternoon." Centerton sat back and tried to think. After about five seconds of silence the judge said, "Mr. Centerton, are you satisfied the witness speaks the truth and can read minds? If so, I'll overrule your motion to dismiss the indictment."

Almost, Centerton made the mis-take

of requesting postponement without saying why. But he realized that Alexis Carleton would tell the district attorney what he was think-ing, so he might as well tell the court. He said, "Your Honor, my motion to dismiss may still have merit, but I must have time to consider the possi-bilities. For example, this telepathy may be in the nature of an illegally obtained confession, or it may be in the nature of an illegal wiretap. It may constitute a civil invasion of privacy sufficient to taint all evidence obtained as a result of that invasion. I need time to consider these things, so I ask we adjourn until Monday morning at which time I will present my arguments, if any, on these points."

The judge said, "Court adjourned until ten o'clock Monday morning." When he got up, the spectators exploded out the doors, Centerton among them.

Centerton got his group together quickly, hustled them into a taxi, and held his meeting in one of the old, genteel, men's clubs down near the Battery. He hoped that the range was too great for Alexis Carleton.

"Look," said Centerton to Dr. Whiteman, "I am telling you. She really is a clairvoyant. I put her to the test half a dozen times and she never missed."

Dr. Whiteman shook his head, smiling slightly, and said, "No, my dear Mr. Centerton. It is impossible. There is simply no such thing as a clairvoyant."

This has been thor-oughly established. In fact, in prepa-ration for this meeting I have asked some of my associates to pull to-gether the literature demonstrating the nonexistence of ESP." He opened a thick, brown folder filled with reprints and copies of journal articles. "My associates were as disturbed as I was to think we might be hoodwinked into thinking that ESP is a fact. And in a case that seems to be fast becoming notorious. I simply cannot . . ."

"Dr. Whiteman," said Centerton, staring straight at him, "I don't seem to be getting through to you. I was there. I am a reasonably intelligent man. I knew what I was doing. No one could have hit by chance on what was in my mind, yet

that girl used the words in my mind before I got them out. Not once, but many times."

"There has to be an explanation other than clairvoyance."

"Then you are suggesting that we simply take the position that ESP does not exist, that this testimony somehow is a fake, and persuade the judge to throw out the testimony?"

"We have no other choice."

Now Centerton smiled slightly. He said softly, "Dr. Whiteman, you have not thought this through. If we do what you say, that girl will be free to go back to the district attorney's office and call all the shots she wants. From now on the police will use her to pry into people's

minds, and we can do nothing about it because we took the position that it was all a fake. Benny Luger will get convicted. The police just happened to know in advance what he was going to do. From now on it will be like that. Is that what you want?"

Louisa gave one of his low whistles. "I thought we were trapping the police with this setup. It begins to look like we're the ones who've been trapped."

Hogan said to Centerton, "What do you think we should do?"

"I think we have to accept the fact of ESP and fight it as being unconstitutional. That's the only legal way we're going to get Benny off and the only legal way to prevent this situation from

arising in the future. We have to accept it, and beat it."

"I can't agree," said Dr. White-man. "This is a scientific travesty, and neither I nor any bona fide scientist could accept such a proposition."

"Well," said Centerton, turning to Louisa, "you're paying for all this. It's your decision. Which way do we go?"

Louisa said, "Let me see if I understand you. If we succeed in proving ESP is hogwash, that girl simply continues to tip off the police from now on. The cops will show up at critical times and they will simply say that they are following these stupid hunches this girl has, and that ends it. Right so far?" Centerton nodded.

"But, if we accept the fact of ESP, then we can try to get it outlawed so the police cannot legally rely on it. Is that it?"

Centerton nodded.

"Then there's no doubt of what we have to do. We have to accept it, and make it illegal, not only to get Benny Luger off, but to safeguard all our future operations."

Centerton said, "I'd better make my position clear to you. I personally hope all your 'future operations' cave in tomorrow. I think you are a parasite on society and should be behind bars. But you are entitled to be treated legally by the very society you prey on; that's a lawyer's job. You understand me?"

"Very clearly, and I still say, let's tackle this one."

"All right," said Centerton. "We have some law to try to make." Dr. Whiteman said, "Gentlemen, if you do that, you must do it with-out me. Neither I nor any reputable scientists could go along with this travesty on science. Do you realize what you are doing? You are making the courts approve a pseudoscience—a fake. Damage to the confidence of the people in science will be immeasurable. No, you must choose: are you for science or against it?"

"Look," said Louisa, "we may need you. Can't you work with us on this? As a consultant? The money will be very, very good. Just give us the benefit . . ."

Dr. Whiteman stood up and said, "I'm sorry. No. I cannot work with you, and if you persist in this course, I must work against you. So make your choice."

Louisa said, shaking his head, "Boy, I don't have many friends around here, but . . ." He got up, extended his hand to Dr. Whiteman and said, "So long, Doctor. See you around." Dr. Whiteman stalked from the room.

"All right," said Centerton, getting up. "We will accept ESP as a fact of life, and fight it. I've got a week's work to do over the weekend. Hogan and I are going to the office and put the staff to work. I'll be in touch with you Monday after court, Mr. Louisa. Don't bother me in the meantime." When Centerton stepped out

of the elevator Monday morning, he was almost driven back in by the crowd. It took him five minutes to work his way twenty feet to the door of the courtroom. Inside, he and his associates took their seats at their table and spread out their notes. When the gavel rapped to open the hearing, the judge said, "Mr. Centerton, have you decided on your position?"

"Yes, Your Honor. We accept the fact of the existence of ESP in the witness Alexis Carleton, and I would now like to present my arguments as to why any evidence obtained by ESP is inadmissible." Several things happened at once. The judge opened his mouth to speak, the assistant district attorney got to his feet, two men walked through the

gate in the bar to the floor of the court, and two more headed down the aisle toward the gate.

The judge's gavel brought every-thing to a standstill, and the assistant district attorney said, "Your Honor, over the weekend, two amicus curiae briefs have been offered, and the People of the State of New York have no objection to them. Ac-cordingly, I present attorneys for the National Academy of Science and for the American Academy of Arts and Science." He waved at the two attorneys and sat down.

The judge said, "Just what interest do these two august bodies have in this case of the People versus Benny Luger? Furthermore, under the re-quirements of

the doctrine of Northern Securities Company v. U. S., you two will have to show me how you can be interested in any other case before you can be allowed to appear as amicus in this one."

"Easily done, Your Honor," said the attorney for the National Academy of Science. "You are about to decide as a fact whether or not ESP actually exists as a present reality. This is an absurd question but it is a finding of a scientific fact, one that has been under scrutiny for many, many years. The National Academy of Science can act as a true friend of the court in this matter in deciding on this scientific fact." The other attorney spoke up, "The same goes

for my client, Your Honor. The American Academy of Arts and Science can offer incontrovertible proof that ESP cannot exist; it is in a class with the perpet-ual-motion machine. To prevent this travesty on science from being used in this or any future case, we ask permission to appear amicus curiae."

"Your Honor," it was the third attorney, "my client is the National Science Foundation, and for the same reasons we also wish to appear amicus." And the fourth attorney echoed the words on behalf of the National Association for the Ad-vancement of Science, throwing in the fact that his Association had al-ready explored this controversy in its journal Science.

The judge looked at the group of attorneys quizzically and said, "I gather that you gentlemen feel the determination of this fact is too im-portant to be left to the judgment of a mere court."

"Oh, no." "Not that, Your Honor." "We wish only to be of assistance." "Heavens, no, Your Honor." The judge said to Centerton, "Do you object to all these amicuses?" Centerton had to do some fast thinking. In the time it took him to get up slowly to his feet he had the answer. "Your Honor, we do not object. But I think it is time that our learned scientific societies be in-troduced to the fact-finding pro-cesses of our judicial system. I ask permission for all the lawyers to hold a conference with you at

the bench right now, including the reporter." The judge said, "Permission granted."

The other lawyers looked at each other, and then began to drift for-ward. It made quite a crowd around the bench.

Centerton said softly, "I suggest that you, Your Honor, call in the witness Alexis Carleton, and then think a set of directions at her to see if she can read your mind and carry them out. The reporter will have written down the directions in ad-vance so we will all know what they are. Won't that be an adequate dem-onstration of ESP sufficient for a finding of fact?"

The judge did not hesitate. "I like it. You object, Mr. Kane?"

The district attorney answered, "I like it, Your Honor."

The four attorneys for the scientific societies began to protest, but the judge quieted them and said,

"I want Miss Carleton to enter the courtroom, and this is what I will think at her. Walk halfway toward Mr. Centerton's table, stop, walk to the clerk and take up the Bible, hand Bible to Mr. Centerton, sit down briefly in the witness chair, take Bible back from Mr. Centerton and hand it to Mr. Kane, approach the bench, then return the Bible to the clerk, and sit down in the witness chair. If she does all that on my simply thinking the directions at her, I will most certainly be convinced she reads minds.

Won't all of you?"

The NSF lawyer said, "Ah, I'd like permission to consult my client first."

"Consult later," said the judge. "Tell you what you do. You four make a list of these things I've out-lined in any order you want. I'll think them that way. Go to it." The lawyers hesitated, but Centerton began to make a list on his pad, and the rest gathered around and then began to make suggestions. In a few minutes, they had the list.

The judge tapped his gavel for quiet and said, "I want absolute quiet in the courtroom. I direct the reporter to record the physical move-ment of the next witness from the moment she enters the courtoom un-til she leaves. Is that

clear?" The re-porter nodded, and the judge said, "All right. Will the clerk please call Miss Carleton?"

Alexis Carleton entered through a side door, and the things that hap-pened next were exceedingly un-dramatic. As she stepped in the door, she first looked at Mr. Kane and then quickly turned to face the judge. The judge simply stared at her, glancing down now and then at the piece of paper in front of him. She began wandering around the courtroom, doing silly things, with no logical order in any of them, seeming to change her mind with great frequency as she walked here and then there, and picked up things and carried them around the room. In two minutes she was done and she walked

out of the courtroom through the same door, leaving a deathlike silence behind her, and a group of lawyers staring at one another. Her performance was exactly as written, and every lawyer there knew that she had clearly and accurately read the judge's mind.

The judge said, "Well, I find as a fact that this witness, Alexis Carleton, has the ability to read minds. As the record will show, she is obviously possessed of the ability sometimes known as ESP. Therefore her testimony in the case of the People v. Benny Luger will be admitted. Now, Mr. Centerton, I believe you had some arguments as to the illegality of ESP once it has been established that it exists. Are you ready

to present arguments why evidence obtained by using ESP is tainted evidence?"

"I'm ready."

"Just a moment, Your Honor." It was the lawyer for the National Academy of Sciences. "My client tells me that the test we have just seen is unscientific, unreliable, illogical, emotional and totally devoid of merit. We wish to note an objection. On appeal we will—"

"I give you permission to file whatever briefs you wish. Your objection is noted. Proceed, Mr. Centerton."

Centerton spoke eloquently for an hour and a half. He drew a skillful analogy between mind reading and

illegal wiretaps, citing cases. He then went on to the tort of invasion of privacy, blending it in with the criminal law, citing cases. He drew an analogy between mind reading and an illegal search, citing cases. He ran in Lady Godiva and the Peeping Tom class of crimes, citing cases. All in all he did a magnificent job of showing why any evidence obtained by clairvoyance was tainted evidence within the purview of constitutional guarantees. He sat down in a hushed and respectful courtroom. The judge sighed and said, "My compliments on a well-reasoned argument, Mr. Centerton. However . . ." As soon as he heard that "how-ever" Centerton knew he had lost the argument. The judge went

on. ". . . In my opinion, the gift, or ability, or whatever you call it of ESP is simply another human sense like sight, or hearing, or smell, or touch. A person who has it has a perfect right to use it in any manner normal to the possession of the ability. Do we tell a person with eyes not to see? One with ears not to listen? When one sees, or hears, or otherwise de-tects with his senses something that affects our society, is he required to ignore it? I think not. It is important to note in this case that the faculty used for detection was a human faculty, one that did not require wire-taps, radio microphones, amplifiers, telescopes, or in fact any electrical or optical device of any kind what-soever.

Technology had nothing to do with it."

The judge looked down for a moment, and when he looked up again he spoke more softly. "One more point. I do not believe in miracles, and I have reflected on the things we were told concerning the early childhood of our clairvoyant witness. I rather suspect that this clairvoyance is more common than its possessors now acknowledge, in which case I want to take this opportunity to tell all espers to come forward. Society needs them now, perhaps more than ever before. We need them to help control the wolves among us. We need them to help us penetrate the facade of respectability and righteousness that the lawless erect. New

barriers call for new alliances, and I think we have one in the making here.

"And so, Mr. Centerton, your motion to dismiss is denied. Evidence obtained by ESP is constitutional. Benny Luger must go to trial."