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TASTE

Trouble at the Gene Pool

By *William McGowan*

Updated Aug. 15, 2003 12:01 a.m. ET

With its skimpy clothes, jostling crowds and Independence and Labor days, summer seems to breathe with a Whitmanesque spirit of democracy and fellow-feeling. But close observers know that the egalitarian spirit is fitful and, much of the time, just a facade. Where you go during the summer (indeed, whether you can "go" at all), how long you go, whether you rent the house you're in or, if you own it, how many generations your family has had it -- these are the markers for keeping social score. Summer's tally can be ruthless.

I discovered this myself last summer, in a peculiar way. Dubious of the class ostentation of the Hamptons -- not to mention the cost -- I rented a 19th-century schoolhouse in the Catskills, in upstate New York. The house was on less than an acre, but it was adjacent to thousands of undeveloped acres owned by the Gould family, descendants of Jay Gould, the robber baron and railroad tycoon. Seven miles from a two-lane highway, the location was ideal for privacy. It was not so great, as it turned out, for my hitherto spotless criminal record.

Across the road from the schoolhouse, about 100 yards away, a flume had cut corkscrewing curves through a slab of rock on the Gould property. At the lower end, the surging mountain water fed into an inviting pool deep enough to swim in. "Just don't get caught," my landlord had said. "They'll look the other way as long as you're not too obvious about it."

The Gould land was aggressively "posted." Almost every other tree bore a "No Trespassing" sign. For emphasis, there was a full-time watchman. His pickup truck, complete with black-tinted windows, was often the only vehicle along the road. The forbidding atmosphere prompted me to remember a lesson from "Gatsby" narrator Nick Carraway, another man living on the edges of wealth. Proximity to privilege was not privilege itself.

I may have been living next to the Goulds, but I was certainly not one of them.

On the other hand, in the woodsy area of Westchester where I had grown up, trespassing for a dip was common. So common, in fact, that John Cheever set his classic story "The Swimmer" in the same ponds and swimming pools that I had known as a boy.

And then there was the tacit permission I got from one of the younger Goulds, who, early in my stay in the neighborhood, had invited me over to one of the family's houses for a cookout with his model girlfriend and her Euro-model pals. "You haven't gone into the swimming hole yet?" this grandson of a Washington mucky-muck asked incredulously. I told him it was still too cold. "Wuss!" he replied, as his girlfriend lowered her eyes, no doubt embarrassed for me.

By early July, though, the weather had turned punishingly hot, and on July 3 I crossed what I thought of as the Plutocrat Line, wading the 15 yards or so to the far side of the river. I soaked my feet and read old New Yorkers, waiting for the right moment to plunge in.

Soon, I sensed that I was being watched. Squinting into the woods, I saw a burly man standing next to, yes, that menacing truck. The Watchman was watching! And he had a video camera in hand.

I waded back across, still not having had a swim. "You don't have written permission to be here," he noted. I told him what my landlord and the grandson had said, but it didn't matter. "You're going to wind up in court."

It was hard to know whether to take such a comment seriously, but about an hour later, after I'd returned to my schoolhouse home, I watched as an armed park ranger called me outside to the front porch. Sweaty and shirtless, I must have looked like the epitome of white trash. He took my deposition, and early the next morning -- the Fourth of July -- he served a formal summons.

"What is your schedule like later on?" he asked. "We'd like to get the judge to rule on this as soon as possible."

"You mean we're going to court today? The Fourth of July?!" I piped.

He nodded his head.

"This is starting to sound like 'Alice's Restaurant' isn't it?" I said, shaking my head and smiling. I was referring to the Arlo Guthrie song where the protagonist gets dragged to court on Thanksgiving after the local gendarme finds an envelope with his name on it under a pile of trash at an unauthorized rural dump. The allusion did not go over well.

"Lemme tell you one thing," the ranger replied sharply. "I'm not Officer Obie, OK? I went to college, OK? I know what that means, OK?!"

Facing a possible \$500 fine, I asked my landlord for his help. He declined, worried about his "relationship" with the Goulds. I spoke to the grandson, but he was unwilling to put the good graces of his grandfather to the test.

It was Independence Day, and parades all over the country were celebrating our Founders' rebelliousness. At the courthouse, we were celebrating the workings of small-town government -- its capacity for revenue generation in particular.

The judge was friendly, at first. Obviously called from her chores, she had thrown her black robe over denim cutoffs and muddy Birkenstocks. We bantered amiably until the watchman arrived and she realized that I was the defendant. The ranger sat next to me, impassive, the watchman behind.

Generally respectful of property rights, I nevertheless felt that 95-degree heat should soften the legalistic zeal of their enforcement. I also thought of reminding the court that, through history, enlightened fat cats have known that giving the locals some leeway was a key to preserving their rule -- and their heads. I thought too of mentioning that an absentee landlord (Gould the patriarch spent only a few weeks there in late summer) descended from the likes of Jay Gould was a fine one to invoke the sanctity of private property.

But when it was time for me to actually tell my side of the story, I focused on the mixed signals I had received from the landlord and the grandson. Basically, I asked the judge to wait until the elder Gould's return, when I would petition for his OK. When the judge asked the watchman to comment, he was cutting. The only people who get permission to swim there are "dignitaries from Washington," he explained.

The judge declared that I was guilty and fined me 50 bucks. I suspected that she was merely genuflecting to our absentee plutocrat but decided to hold my tongue. "Have a nice day," we all said to each other, keeping it all polite.

It was a new experience for me, being on the wrong side of the law. But soon the "rap" took on the luster of a badge of honor. If you gotta go to court over a swim on a hot day, you might as well go up against a robber baron or his gene pool.

"I couldn't forgive him or like him, but I saw that what he had done was, to him, entirely justified," Nick Carraway says of a moneyed character in "Gatsby." Well, it works both ways. The plutocrat kept his swimming hole free of the likes of me, but I still feel entirely justified.

Mr. McGowan wrote "Coloring the News."

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