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Folder Title:

JFK

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Row:

90

Section:

4

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11

Position:

1

COMMUNICATIONS ROUTING SLIP

FROM: Mark Gearan
Communications Director

DATE: 9-20-93

TO:

- ☐ Bob Boorstin
- ☐ Keith Boykin
- ☐ David Dreyer
- ☐ Jeff Eller
- ☐ Rahm Emanuel
- ☐ David Gergen
- ☐ Arthur Jones

- ☐ Dee Dee Myers
- ☐ Marla Romash
- ☐ George Stephanopoulos
- ☐ Don Steinberg
- ☐ Lorraine Voles
- ☐ Michael Waldman
- ☐ Ann Walker
- ☒ Other: Carter Wilkie

FOR YOUR:

- ☐ Action
- ☐ See Me
- ☒ Information

COMMENTS:

MARK:

GOING TO THE LIBRARY SOUNDS LIKE A GOOD IDEA. REMEMBER THAT YOU'RE WALKING INTO BOSTON FIVE DAYS BEFORE THE MAYOR'S RACE IS DECIDED. TEDDI KENNEDY MIGHT BE PUSHING MENINO.

SINCE LIFE WANTED A MORE PERSONAL, INTIMATE, PRIVATE PIECE THAN OUR SUBMISSION, I WOULD USE A LOT OF THAT AS THE SPEECH.

~~THE CARLTON WILL BE HERE AT 7~~

[Handwritten signature]

RETURNED *CW*

THE WHITE HOUSE

WASHINGTON

September 7, 1993

Mark,

I would not schedule the President for any events or interviews regarding the 30th anniversary of the assassination of President Kennedy.

The public mind is already stamped with images of Clinton at Kennedy's gravesite, and with Kennedy's family on a yacht off Martha's Vineyard. Anything more will tempt an irreverent press corps to charge overkill, hero worship, or worse. The *LIFE* magazine piece speaks for itself with a maturity that should resolve this problem.

Some writers, such as Richard Reeves, whose book on JFK will be out soon, will accuse both Presidents of sharing the same weaknesses (see excerpt in current edition of *American Heritage* magazine). We should not encourage a revisionists' debate by having some academic like Arthur Schlesinger Jr. speak about JFK at a White House event. And the last thing we need is a pompous headline, "You're No Jack Kennedy!"

The anniversary falls on a Monday, which should be scheduled as a routine work day here at the White House. The Kennedy family has always asked that President Kennedy be remembered for his life on his birthday, rather than for his death on November 22, so I can't imagine them holding a public memorial service of any kind. In the absence of such a service (I would stay away from a private family gathering), President Clinton may wish to attend a local Catholic church for Mass on Sunday, November 21 -- perhaps Holy Trinity, JFK's church, adjacent to Georgetown University. Still, I would reconsider my warnings above with care.

I will let you know if I come up with any other ideas. In the meantime, you might want to look at the attached memorandum.

THANKS,

Carter

Carter Wilkie

Carter -
I don't disagree -
although I believe the
President should attend the
the new wing of the JFK library
opening in Boston 10/28.
Do you?

FILE COPY

THE WHITE HOUSE

WASHINGTON

August 17, 1993

MEMORANDUM FOR THE PRESIDENT

FROM: Carter Wilkie, Speechwriting

SUBJECT: Piece on JFK for *LIFE* magazine

In November, three decades after the assassination of President Kennedy, *LIFE* magazine will publish a personal, anecdotal piece on what John F. Kennedy meant to you as a teenager and what his legacy means to you now.

After President Kennedy's death, then Assistant Secretary of Labor Daniel Patrick Moynihan recalled on Washington's WTOP radio, "Mary McGrory said to me that we'll never laugh again. And I said, 'Heavens Mary. We'll laugh again. It's just that we'll just never be young again.' "

I have tried to construct a fresh and relevant perspective of President Kennedy that deliberately avoids the "one brief shining moment" approach made famous by Teddy White in *LIFE*'s memorial edition along with any preoccupation with the events of November 22, 1963. This is less a lamentation for President Kennedy than an exhortation to fulfill his promise.

For this draft, I took direction from Norman Cousins, who warned us in the *Saturday Review* two weeks after the assassination, "If the impact of John Kennedy is confined to the circumstances of his death, then the tragedy is indeed a total one." Cousins wrote that there is nothing to stop the American people from assigning immortality to Kennedy's ideals and purposes. "This, then, is the time for brave men to come out of hiding. And this is the time to put ideals to work."

cc. Thomas F. McLarty
Mark Gearan
David Dreyer

THE WHITE HOUSE

Mark Gearan

Carter - MARK -
REPLY
ENCLOSED.
-CW

Could you think
thru our 11/22
strategy -

CBS Rather request
this - other
etc,

P.O. Box 336
Circleville, NY 10919
(914) 361-2221

July 26, 1993

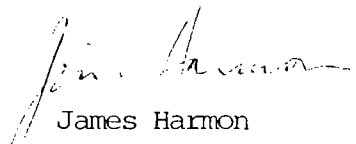
Mark Gearan
The White House
1600 Pennsylvania Ave.
Washington, D.C. 20500

Dear Mark:

Since last year's presidential campaign I've been mulling (read: obsessed with) an idea for an op-ed essay on the 30th anniversary of JFK's assassination, and President Clinton's thoughts on Kennedy would be invaluable to me. Our experience with Bill Clinton will give many Americans some long-awaited perspective on young leaders, and should help us recognize that the country has grown not only more cynical but wiser and more mature in the generational epoch since Kennedy's death. The Clinton years, good and bad, will be historically enriching ones for Americans.

Could I talk to the President for 20 minutes sometime this summer or fall? I don't own a Washington press card, but I hope you'll consider the enclosed. Thanks very much for your time.

Sincerely,



James Harmon

cc: David Gergen, Dee Dee Myers

The Zuni Rediscover the Art of Running

A disease ran rampant until members of a Native American tribe began emulating the actions of their ancestors | by JIM HARMON



A wind-sculpted mesa was a spectacular backdrop for a 25-mile relay race.

woman brought a friend. Soon there were a handful of exercisers, and over the months, the word spread that the women were losing weight and feeling better. Zuni men began coming to the exercise sessions. Half a year after that somewhat hesitant start, Leonard had so many students that additional classes had to be added, taught by his wife, Carol. By the summer of 1984, Leonard had organized walking and running clubs, a weight-loss program, an Aerobics Challenge (in which point standings were charted for exercisers), a run-bike biathlon and a summerlong series of progressively longer road races. The

umbrella title for the program was the Zuni Diabetes Project. As the participants worked themselves into shape, they learned new eating habits and gained control of their blood-sugar levels. Many Zuni were able to reduce or eliminate their diabetes medication.

The reformed diabetics became role models, and a cadre of Zuni have become aerobics instructors. Today, at the four-year-old tribal Wellness Center, headquartered in a wing of a high school, the gym is booked solid with exercise classes, and the weight-training equipment is in near constant use. The full-time staff of four health professionals monitors 12 certified Zuni instructors as they conduct 40 aerobics and circuit-training classes a week. Of the total population of 8,546 on the 400,000-acre Zuni Reservation, nearly 1,800 individuals are now involved in exercise programs.

Many have become dedicated runners. Phillip Vicenti, a 38-year-old computer systems analyst, found out he had diabetes five years ago. The 5' 6" Vicenti

WHEN BRUCE LEONARD ARRIVED at the Zuni Indian Reservation in Zuni, N.Mex., in March 1983, he faced a formidable challenge—a spreading diabetes epidemic. Leonard, a public-health educator with the Indian Health Service, an agency of the U.S. Department of Health and Human Services, hoped he could help the Zuni in their battle against the disease, which has run rampant in a number of Native American populations since the 1950s. By the early 1980s, one third of the adults in Zuni had developed Type II non-insulin-dependent diabetes, a rate seven times that of the non-Native American population in the U.S.

Leonard, 44, a marathoner with a master's degree in public health from the University of Hawaii, was convinced that what the Zuni needed to bring the epidemic under control was exercise. He began his campaign by contacting a group of diabetic patients who were being treated at the Zuni Public Health Service Hospital and inviting them to an aerobics class

that he was planning to conduct in a local high school gymnasium. About a dozen of the patients politely agreed to attend the class. Not one showed up. Leonard sat alone for an hour with his tape player and a stack of disco tapes.

Before his next scheduled class, Leonard called and wrote the patients. Again he received assurances that they would come. None did. Over a period of three weeks, Leonard sat by himself through six straight classes. "As you can imagine, I felt less useful than I wanted to be," he says. But he stuck to the schedule, aware not only of the Zuni's shyness but also of their traditional belief that a robustly rounded physique was a symbol of success, a sign that one's status had risen above the necessity for physical exertion.

But the Zuni were also conscious of their medical situation. Finally, for Leonard's seventh class, one overweight Zuni woman showed up. For an hour she endured his aerobics routine—"boot-camp calisthenics to disco music," he recalls. For the next class, two days later, the

MICHAEL SCULLY



Children also learn the joy of running—and of preventing diabetes.

bought, processed foods—new dietary choices such as cheeseburgers, soft drinks and ice cream. Hunting and farming were largely replaced by sedentary jobs such as jewelry-making. The genetic asset that had once helped the Zuni survive began working against them, and obesity became a common problem. It is also theorized that Native Americans, and their genetics, can be traced to Asia; as is true of

weighed 188 at the time and had never been much of an athlete, but he had heard many Diabetes Project success stories, so he enrolled and started running. At first he could only plod a few hundred yards. Today, 26 pounds lighter, Vicenti makes regular five-mile runs, and his blood sugar is back down to normal. "These days you see people running in Zuni who you never thought you'd see running," Vicenti says.

This running movement takes on a particular irony because running was once an integral part of the Zuni culture, one of the tribe's most hallowed forms of self-expression. In a ceremonial event called the stick race, the best athletes once tested their spirit and stamina by running barefoot 25 miles or more through the sage and chaparral surrounding the Zuni pueblo while kicking small sacred sticks along the course. The sticks represented the toys of the tribal war gods, who were often depicted as tireless runners.

In previous centuries, the Zuni had always lived a vigorous, if sometimes precarious, existence. They hunted and farmed on the western slope of the Continental Divide in what eventually became New Mexico. They ate what they could kill and harvest: wild game, beans and other vegetables. Because there were periodic famines, their bodies developed the capability of storing above-average supplies of nourishment to tide them over the lean times.

With this century, particularly after World War II, came the widespread availability of store-

other groups of Asian descent—the Maori of New Zealand and the Polynesians—the Zuni are prone to developing Type II diabetes. It was not long after the stick race had died out, in the late 1940s, that occurrences of adult-onset diabetes began to be noticed.

Even if their elders adopted a less strenuous life-style, the young people of the Zuni continued to run, as is attested by the cross-country state championship banners hanging in the Zuni High School gym—the Zuni boys' team having won the title 10 of the past 15 years, the girls' 8 of the past 10. But Leonard says that "after the students left the structure of the high school cross-country team, there was no community reinforcement of running, let alone any exercise."

Now, with the Diabetes Project, both are present. In 1990, more than 1,000 people—mostly Zuni, but also members of other tribes and non-Native Americans—took part in the Zuni Fitness Series, which runs one weekend every month from May to August. The final

event of last year's series, a 25-mile relay run by five-member teams through the open range, drew 210 locals and visitors. A large Zuni crowd cheered the runners in a scene that would have made stick racers of previous generations proud, though perhaps perplexed by all the spandex outfits and Bart Simpson T-shirts.

The defending champions were the Zuni Tribal Runners, a team of past and present Zuni High cross-country stars—only one of whom is a member of a diabetes-free family. To the delight of the crowd, the first three Zuni runners built a 45-second lead over the Mesilla Valley Pacers, a team made up of runners from New Mexico State University. But the Pacers' Phil Apodaca, a former New Mexico Junior College standout who ran the fourth five-mile leg, closed fast on the Zuni's only woman runner, Dawn Eriacho, and gave the Pacers a lead they never relinquished. "I held him off for about a mile, then he sprinted past," said Eriacho with a smile. "He's kind of cute."

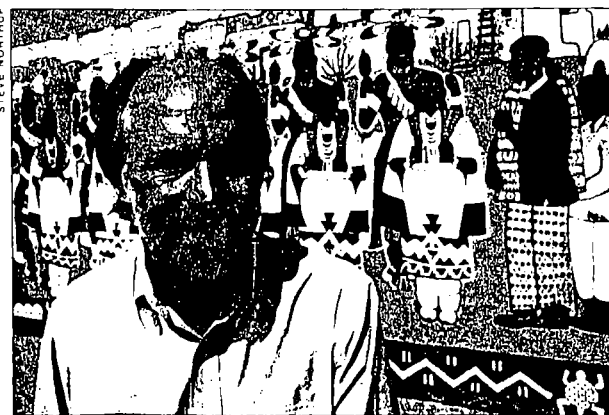
The Pacers finished the 25 miles in 2:24, seven minutes ahead of the Tribal Runners. The spectators cheered the winners as enthusiastically as they did the locals. Ron Hamelink, then an assistant professor of health at New Mexico State, ran the second leg for the Pacers. He was as impressed with what he saw in the streets of Zuni as he was with his own team's performance. "You can see that the Zuni really care about themselves—much more than the general population," he said.

At the awards ceremony, competitors received medallions, plaques and trophies as recognition of their running accomplishments and their help in promoting a healthier Zuni future. Having run his five miles for the cause, Vicenti, who

had not missed a Fitness Series race in the four years since his diabetes was diagnosed, shook hands with his friends and considered the way his life has changed. "I always worked with my dad, who's a rancher, and I always thought that at this age I'd be doing the same thing, just working," he said. "Now here I am, running." ■

Jim Harmon is a frequent contributor to this magazine.

Leonard's patience in rekindling interest in running was a vital factor.



JUDGING NORIEGA

For a case as complex and potentially combustible as Manuel Noriega's, an exceptional judge was wanted. William Hoeveler could have come from central casting.

by JIM HARMON

The scene in the ornate central courtroom of Miami's U.S. Post Office and Courthouse on Friday afternoon, April 3, was typical of the six-month run of *United States of America v. Manuel Antonio Noriega*, though the tension had risen noticeably as the trial neared an end. After the lead government prosecutor, assistant U.S. attorney Pat Sullivan, finished his closing argument by politely thanking the jury, the two hundred or so spectators in the gallery stood up and unkinked their necks, chatted distractedly, compared notes, or wandered outside to the courtyard balcony. The defendant, the former dictator of Panama, stood at ease with his back to the defense table, arms crossed over his khaki Panama Defense Forces uniform, talking in Spanish with his daughters, who sat up front in the gallery.

Fifteen yards down the corridor to General Noriega's left, in the chambers of presiding U.S. District Judge William Hoeveler, the atmosphere was less typical: there was chaos. Six attorneys were involved in two discussions, one of them a heated argument. Two law clerks rushed in and out, seeking and getting advice on the best way to placate the parties in another case who had flown in for a hearing that now had to be canceled. A phone rang repeatedly as the judge's secretary, calling from the ninth floor in his regular chambers, joined in the schedule juggling. Three other members of his staff hurriedly collated copies of the jury instructions, which Hoeveler (pronounced HOOV-ler) would begin reading to the three men and nine women jurors as soon as the meeting was finished. Wandering among the busy humans, licking hands and sniffing shoes, was Hoeveler's dog, a one hundred-pound Akita named Nisei.

In the middle of the noise sat the 69-year-old judge, white-haired and stately, his expression one of absorbed amusement, his hands clasped at his chin, index fingers pressed against his lips. His comments, aimed toward the argument, were energetic, frank, and good-humored, but a loud debate was the last thing Hoeveler needed, and this was a doozy. It concerned the government's last-minute changes in the case's most important document, Noriega's 1988 indictment. Hoeveler was about to send the jurors out to begin

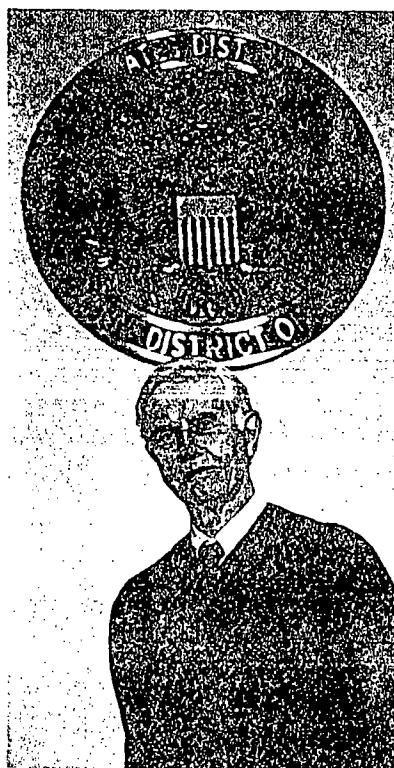
deliberating, and a copy of the indictment that everybody could agree on was supposed to go with them.

The problem was magnified by the time—nearly three o'clock, Hoeveler's quitting time lately, three and a half months after he had undergone open-heart surgery. The sixty pages of jury instructions would take at least two hours to read, but he was determined not to make the jury wait a weekend to hear them. "Gentlemen, there is nothing about this case that's been easy—never, ever," he interjected. "And I've almost had it. Not up to here," he said with a wan smile, touching his forehead. "but up to here." The hand was at his throat. "I'm going out there to instruct this jury, and we'll give them the indictment when we resolve this tomorrow." No one complained. That sounded fine.

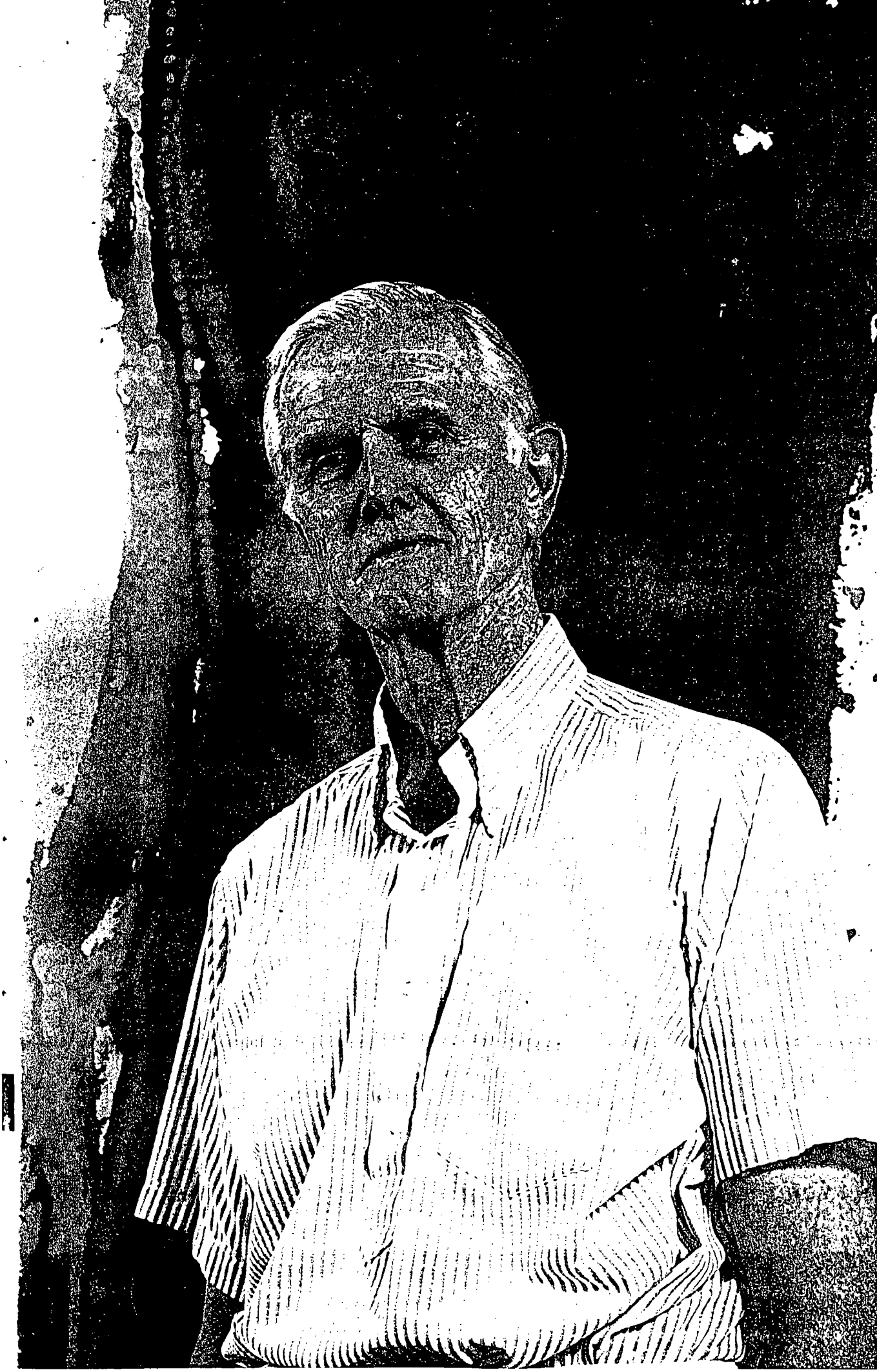
Back in the courtroom a few minutes later, Hoeveler sat down at a table ten feet from the jury box instead of in his chair on the bench and began reading in an authoritative baritone, "In the trial of this cause, the judge and the jury have separate functions. . . ." As Noriega listened to a translator through headphones, the judge reviewed ten counts of drug trafficking, racketeering, and money laundering against him, explained predicate acts and substantive acts, reminded the jurors of how carefully they were to consider one another's opinions. It was hardly riveting stuff, but Hoeveler had been looking forward to reading it just the same. This was his chance to look the jurors in the eye, to size them up from close range, and to reassure them that even after more than sixteen thousand pages of trial transcript, their job wasn't impossible.

One thing Hoeveler knew for sure was that he had no better an idea than anyone else in the courtroom what the box full of people in front of him—seven black women, two black men, a white man, a white woman, and a Filipino woman—might be thinking about Manuel Noriega. "They're not a particularly expressive jury," he had said earlier. "I think they're all on Thorazine," whispered a reporter. "I've never seen a more poker-faced group of people."

By the time Hoeveler finished reading, thanked the jury, and called the court in recess, it was five-thirty, by far the latest he had worked since his triple bypass. Though he was still



U.S. District Court, Miami. William Hoeveler, L.L.B., '50, presiding.



The rooms of Hoeveler's home in Coral Gables are filled with antique and the walls are covered with artwork, most of it—like Pat Lipsky's *Bluebirds on 42d Street*—collected by the judge's wife, Griffin, who wryly describes the household motif as Early Attie.

temporarily buzzing with adrenaline, in half an hour he would be exhausted. Tomorrow the wrangling over the indictment would continue. "May I go home now?" he asked his staff.

The past two years had been like none in Hoeveler's distinguished 42-year legal career. The first American prosecution of the deposed leader of another country—27 months of contentions, controversial, often dreadfully dull, often bizarre legal intrigue—had tried his patience, his stamina, and his faith in his profession, entertained him no end, and probably helped bring on his hospitalization.

Granted, evidence of the last was as much mystical as medical. Investigators rummaging through Noriega's house in Panama City after the 1989 American invasion, Operation Just Cause, found a scrap of paper in the general's small voodoo chapel on which was a short, handwritten list of names. Hoeveler's was among them. Another was that of then-attorney general Richard Thornburgh. Thornburgh never hit it off with President George Bush, and in 1990 he left the administration and later suffered an embarrassing defeat in a Pennsylvania Senate race. Last December, Hoeveler's doctors informed him that one of the major arteries leading to his heart was 99 percent blocked. "You never know," the judge says.

For almost two years following its filing on February 4, 1988, the case against the Maximum Leader of Panama shuffled perfunctorily along without its fugitive defendant. At one point Hoeveler wrote, "The court has no expectation that [Noriega] will be brought into the jurisdiction to answer the charges against him." That all changed when 25,000 Southern Command troops stormed Panama armed with a tape of Linda Ron-

For a year and a half after his surrender, Noriega marked time in a three-room cell nicknamed the Dictator's Suite.

stadt's "You're No Good" and other hits, and Hoeveler found himself glued to the TV news. "I didn't think he'd be brazen enough to stick around," he recalls thinking of Noriega. "I figured he'd jump on a plane at some clandestine airstrip and be out of there."

Instead, on January 4, 1990, the day after Noriega emerged from the Papal Nunciature in Panama City and was later arrested by agents of the Drug Enforcement Administration (DEA), he was escorted into Hoeveler's Courtroom 9 for his arraignment, and suddenly case No. 88-0079 had new life, if also an air of surrealism. Hoeveler insisted that the general attend the arraignment despite the pleas of his flamboyant lead attorney, Frank Rubino, that Noriega's initial appearance be waived. The judge wanted to read the general his rights. He already knew Rubino.

Rubino, a savvy, fast-talking veteran of Miami's so-called white-powder bar, had told his client all about Hoeveler, so Noriega may have been pondering his good luck. The Miami legal community certainly was. The highest-profile criminal case in the city's history had been randomly drawn by one of its

most eminent jurists. In his fifteen years on the federal bench, Hoeveler has become known for his wide-ranging intellect, his command of the law and his uncompromising sense of fairness. His willingness to listen to every side of an argument sometimes slows his proceedings to a crawl, and he admits to agonizing over rulings, but he is a deeply religious man with an earnest desire to do right, and that effort takes time. "The man will let you change his mind," says Rubino. "He'll say, 'Let me hear more about that; I hadn't considered that.'"

Hoeveler is one of the least reversed judges in the Eleventh Circuit, and a perennial favorite in Dade County Bar Association polls. In his courtroom he is attentive and unfailingly polite, and he has an almost limitless capacity to be amused, to find fun where others find frustration. Lawyers who appear regularly before him say that the more intricate the point of law, the more Hoeveler enjoys exploring it. Roy Black, the Miami attorney who defended William Kennedy Smith, noted that for a case as complex and potentially combustible as Noriega's, Hoeveler could have come from Central Casting.

For a year and a half after his surrender, Noriega marked time in a three-room cell nicknamed the Dictator's Suite at the Metropolitan Correctional Center (MCC), south of Miami. The first project for Hoeveler and his clerk on the case, Sandra Cava-zos, was determining whether there could be a trial. As strange as it seemed, they found nothing in U.S. drug and racketeering statutes, the Geneva Conventions, the United Nations Charter, the Nuremberg Charter, or dozens of prosecutorial precedents that challenged the court's jurisdiction to put Noriega on trial. The Defense and State departments accorded him prisoner of war status, and he began receiving a monthly stipend of eighty Swiss francs—fifty U.S. dollars—from the government.

The general no doubt appreciated the money, because neither his lawyers nor the judge were having much luck persuading the government to persuade any of several European governments to unfreeze some of the \$25 million in Noriega's foreign bank accounts. Having gone without pay, Rubino and the general's other lawyer, Jon May, threatened to quit. Then, on November 8, 1990, with much fanfare, the Cable News Network began airing audiotapes of Noriega's calls from the MCC to Rubino's office, an apparent breach of attorney-client privilege. The case was now so deep in uncharted territory that one Miami attorney was calling it "the Starship Noriega, boldly going where no trial has gone before." Hoeveler issued a temporary ban on the CNN broadcasts and ordered the network to turn the tapes over to the court so he could listen to them. CNN sullenly objected: "The public has a right to know" became the refrain of its lead attorney, Terry Bienstock.

Eight days later, while Hoeveler's restraining order was being reviewed by the Supreme Court, Rubino told the judge that Noriega wished to speak in court. In his dress uniform, the general stood and read in a commanding voice from a prepared statement. "When I was brought to the United States in a U.S. Army airplane, I mistakenly believed that I was going to receive a fair trial," he began, going on to say through an interpreter that the government was seeing to it that he was getting anything but. "They have taken my money, deprived me of my lawyers, [and] wiretapped my phone calls. . . . I am at the mercy of a totally unfair and unjust system."

Noriega wasn't blaming Hoeveler. In fact, he said, "The one shining light through this legal nightmare has been Your Honor. You have acted as honest and fair as anyone could hope for. You have done your very best to protect me and my rights

from the overreaching and oppressive conduct of the government." But, the general said, "This is not justice."

"He was articulate and well-prepared," the judge said later, choosing his words carefully, "and you couldn't help feeling sympathy for his position—he's been imprisoned for almost a year, and the government's not treating him very cordially."

This was also Hoeveler's first glimpse of the strength of Noriega's personality. "He was mesmerizing," said Cavazos. Over the years the judge had tried drug smugglers, anti-Castro terrorists, corrupt union officials, a group of Ethiopian Zion Copics who contended without success that marijuana smoking was part of their religion, and a teenage murderer who claimed that "television intoxication" made him do it. He had taken on the mayor of Miami, the blustering sheriff of Broward County,

trial conference with the attorneys in a cocaine importation case, one of them told the judge that his client was still in a jail uniform and needed a few minutes to change. "Frankly, I'd rather not wait," Hoeveler said. He thought for a moment, then stood up, took off his sweater and handed it to the attorney. "Make sure he's seated when the jury comes in, and he'll look fine in this," the judge said. "I hope he likes blue."

While CNN's Bienstock went on about the court's infringement of the public's right to know what was on the tapes, Hoeveler asserted that his first responsibility was to determine whether they might jeopardize Noriega's right to a fair trial. "The idea that the good of the many should be given more weight than the good of the one turns everything on its head," he said, adding that this juicy constitutional question had been

waking him up early on recent mornings. "We're supposed to start with the rights of the individual. The press sometimes seems intoxicated with the idea that everything is subservient to it." As it turned out, neither the Eleventh Circuit Court of Appeals nor the Supreme Court saw fit to overturn Hoeveler's gag order. This was the Noriega case's first memorable precedent: a Supreme Court-upheld order of prior restraint on the press. "It earned me no particular place in Heaven among the reporters," Hoeveler says.

Things got silly when the judge ruled that the tapes were harmless and gave them back to the network. CNN

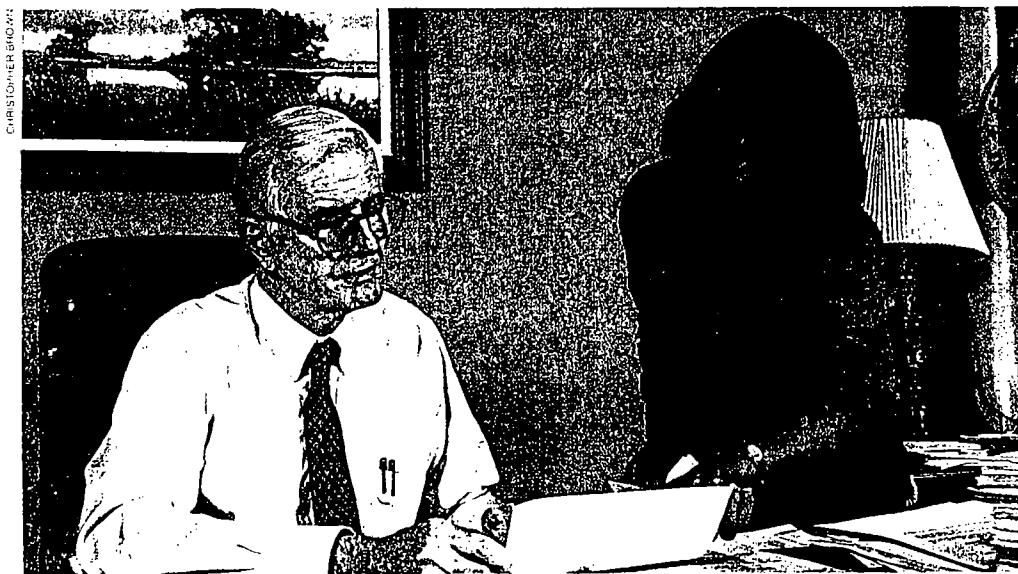
promptly decided not to air them anymore and tried to prevent other news organizations from publishing the court's transcripts of the tapes. The public, it seemed, was no longer a consideration. "Mr. Bienstock, I must say I am looking forward to your argument with bated breath," Hoeveler deadpanned in the hearing that followed, breaking up the courtroom audience.

His subsequent order allowed the *Miami Herald*, the Associated Press, and others access to the transcripts and scolded CNN for its philosophical waffling. "It appears that CNN's posture on the public's right to know is as wide-ranging and up-to-the-minute as its news coverage," Hoeveler wrote. In a draft of the order, his clerk, Cavazos, added, almost as an aside to the judge, "'Around the World in Thirty Minutes' indeed."

"I figured he'd get a chuckle out of it and then strike that sentence," said Cavazos.

Hoeveler chuckled and kept the comment in the order. "I thought it was perfect," he said.

William Marcellin Hoeveler was born in Paris in 1922. His mother was a French opera singer, and his father a Marine serving with the American Expeditionary Forces in France. Bill was raised in Llanerch, Pennsylvania, outside Philadelphia, and in high school he became fascinated with lawyers and criminology, devouring books such as Irving Stone's 1941 classic, *Charlene Durrant for the Defense*. He



In chambers: Hoeveler and his clerk on the case, Sandra Cavazos.

and even Zsa Zsa Gabor; but a military dictator who once declared a state of war between his country and the United States and who was seen around the world swatting a leetern with a machete was a whole new challenge.

As the jailhouse-tapes adventure unfolded, however, it was business as usual in Hoeveler's ninth-floor chambers. In the face of this and more than four hundred other pending criminal and civil cases, the judge was almost impossibly chipper, needling his secretary, courtroom deputy, court security specialist, and three law clerks, quoting snippets of philosophy from Thomas Edison or Thomas Merton, crumpling papers decisively and winging them toward a wastebasket. Anyone stopping by his chambers on a given afternoon might observe the judge aiming a Nerf basketball at a hoop mounted on a library stack, trying to match a clerk's shot in a game of "pig."

There was, as always, a well-thumbed Bible on Hoeveler's desk; he is a chalice bearer and serves on the parish vestry at Saint Stephen's Episcopal Church in Coconut Grove. In the hall was a bust of Lincoln, unceremoniously adorned with a pair of twisted aviator glasses. At six-feet-four, with angular features and a magisterial bearing, Hoeveler reminds a few of his friends of what Lincoln must have been like. Even the *Almanac of the Federal Judiciary* describes him as "Lincolnesque," and at times the description seems eerily fitting. It's not difficult to imagine Lincoln preferring informality to protocol, as Hoeveler does. One hectic morning, during a quick pre-

spent two years at Temple University on a basketball scholarship, then was assigned to a Marine V-12 unit at Bucknell. When he finished his tour of duty in 1946, he finished at Bucknell.

Hoeveler was marshal of the Harvard Law School class of 1950, where he was known for both his scholarly manner and the boogie-woogie piano he played at parties that he and his roommates hosted in their suite in Hastings Hall. While at Harvard he met his future wife, Mary Griffin Smith, a student at Wellesley. They married and moved to Miami in 1951, eventually settling in Coral Gables, where they raised four children. Griff spent seven years as art editor of the *Miami Herald*, and Bill for 26 years focused on civil cases at the Miami firm of Knight, Peters, Hoeveler, Pickle, Niemoeller & Flynn. He became one of the top American experts in the defense of architects, and he also represented attorneys, accountants, and engineers in malpractice suits.

As a trial lawyer, Hoeveler was a natural—dashing, deliberate, charming, polite—and he won over witnesses and juries alike. Other lawyers settled out of court rather than face him. One of the top trial attorneys in the South, J.B. Spence, admitted to being afraid of him. “Women nearly fell out of the jury box when they saw him,” Spence says. Hoeveler rarely lost a case.

But he found himself working constantly, bringing files home at night, giving up weekends. He was making good money but was sure he wasn’t going to live long. He yearned to make a more meaningful contribution to society. In 1976 he applied for an open federal judgeship, and, with the backing of Senators Lawton Chiles (now Florida’s governor) and Richard Stone, Hoeveler was one of President Jimmy Carter’s first two appointments to the federal bench in 1977. He imagined that life as a judge would be a scholarly pursuit, affording him the opportunity to contemplate bigger issues when he wasn’t conducting court proceedings. But in the Eleventh Circuit’s Southern District of Florida, one of the country’s busiest judicial districts, that proved to be so much wishful thinking; the drug smuggling cases awaited. As a judge—now at a salary of \$125,000, perhaps a third of what he might make in private practice—Hoeveler has worked constantly, brought files home at night, given up countless weekends.

The Noriega case made the greatest demands on his time in the summer of 1991, during the series of hearings dealing with secret documents. Under the guidance of the Classified Information Protection Act (CIPA), Hoeveler ruled on the relevance of documents turned over by the government that pertained to the more dramatic of the defense team’s claims: that Noriega had associated with Colombia’s Medellín cocaine cartel with the blessing of the Reagan and Bush administrations; that he had been on the Central Intelligence Agency payroll for years and earned millions of dollars; that he had supported the U.S. government’s efforts in arming the Nicaraguan contras and had been duped by the contras’ own arms-for-drugs operations.

For weeks Hoeveler read documents in between hearings in other cases, sometimes working until nine at night. He and

Cavazos met on weekends as well, uncovering information that proved useful to the defense but nothing politically explosive, as the courthouse reporters so fervently hoped. Between 1955 and 1986, records showed, the CIA and the Pentagon’s Defense Intelligence Agency had paid Noriega a total of \$322,000. He had provided information on drug trafficking to the DEA, and the agency’s administrators had repeatedly thanked him for his help. But there was no documentation to support a so-called public authority theory that Noriega’s own alleged involvement in the drug trade was sanctioned by the CIA or the DEA or the

White House. The government did produce a photograph of then Vice President Bush and Noriega taken in 1983, when Bush stopped in Panama City for a brief visit with President Ricardo de la Espriella, but Hoeveler excluded it. Without any other evidence of a relationship between the two men, the only thing the photo proved was that they once had been in the same room. And though the judge ordered the government to turn over the names of any CIA operatives who might have been involved in contra drug operations, the defense never made an issue of the contras. By the end of the CIPA hearings, a case that at first had appeared hopelessly enmeshed in politics had been reduced to a drug trial with political overtones. “I think many people—particularly the press—were disappointed,” the judge said. “We never got to the good stuff.”

When the jury was chosen last September, Rubino made clear his preference for middle-aged blacks, apparently theorizing that they would be more earnest in their search for justice and less likely to trust the government. In the meantime, Austri-

an officials had released \$1.6 million of Noriega’s money, enough to settle up with Rubino and May. On September 16 the trial began with prosecutor Sullivan’s opening statement, in which he described the defendant as “a small man in a general’s uniform.”

The government’s case comprised a long chorus line of Noriega’s former business associates and Panama Defense Forces (PDF) officers as well as a number of convicted drug traffickers, many of whom had turned state’s evidence in exchange for pledges of reduced sentences, returned drug profits, or inclusion in the Federal Witness Security Program. Hoeveler admitted to being uncomfortable with so much plea-bargained testimony from convicted felons, but he knew that Rubino, in his typical dramatic style, would do his best to shred the witnesses’ stories during his cross-examinations.

No point in the trial was more chillingly fascinating than the testimony of the thirtieth of sixty government witnesses, Carlos Lehder, the highest-ranking member of the Medellín cartel ever convicted in an American courtroom. When Lehder was called to the witness stand last November, a murmur ran through the gallery. Within minutes the word spread through the courthouse, and the central courtroom began to fill up.

One of nine founding members of the cartel, Lehder, 42,



Hoeveler slips some birthday cake to Nisei, his one hundred-pound Akita.

once promised to cripple the United States by flooding it with cocaine. Before his capture by Colombian authorities in 1987, he had smuggled, by his own estimate, 150 tons of cocaine into the United States and commanded a neo-Nazi political party that espoused the extermination of Communists. Convicted in Jacksonville, Florida, in 1988 on eleven counts of conspiracy to import cocaine—"I was guilty on every count," he matter-of-factly told assistant U.S. attorney Guy Lewis as the questioning began—Lehder was sentenced to life plus 135 years. He had been kept in solitary confinement in the maximum security wing of the federal penitentiary in Marion, Illinois, and had been brought to Miami under heavy security. As Lewis questioned him, U.S. marshals paced the roof of the courthouse.

In slow but steady English, his voice sounding at times as if it rose from a trance, Lehder gave his version of the details of

No point in the trial was more chillingly fascinating than the testimony of Carlos Lehder, the highest-ranking member of the Medellin cartel ever convicted in an American courtroom.

Noriega's involvement with the cartel, which dated back to 1982, when the general was a colonel and headed the G2, the intelligence branch of the PDE. At the time the cartel was searching for new smuggling routes. "We knew we would either have to bribe him or fight him, but we needed Panama," Lehder said of Noriega.

According to Lehder, the cartel agreed to pay Noriega \$1,000 per smuggled kilogram of cocaine that passed through Panama and five cents on every dollar laundered in Panamanian banks. In return, from 1982 to 1984 Noriega allowed a cartel-controlled airline, Inair, to land cocaine-laden flights at Panama's two major airports. During that period, Lehder said, at least 60 percent of the cartel's cocaine was routed through Panama.

The witness, who admitted that he had never met the defendant, heaped scorn on the general at every turn, repeatedly referring to him as "Officer" Noriega. He testified that Noriega allowed the cartel to build a cocaine processing lab in Panama's Darien jungle for \$5 million, and that Cuban president Fidel Castro helped mediate a dispute that erupted between Noriega and the cartel when the lab was raided in 1984.

"Whether or not he's telling the truth, he's quite an effective witness," Hoeveler said back in chambers before Rubino began his cross-examination. "He speaks very directly, though with not as much fire as I expected." The judge was prepared for a long and testy cross, as had become Rubino's habit throughout the prosecution testimony. "If Frank keeps going the way he has, he'll make Lehder repeat everything he's said and spend a day and a half crossing him," Hoeveler said.

An hour and a half would have been enough, given the handful of striking contradictions in Lehder's testimony. He insisted that there were no fewer than 52 Inair cocaine flights, a

wild divergence from the testimony of the airline's co-owner, Ricardo Bilonick, that there were nineteen. Lehder's assertion that the cartel had almost unrestricted use of Panama's largest airports contradicted the testimony of the government's star witness, Panamanian pilot Floyd Carlton Caceres, that he was limited to secret flights into clandestine airstrips.

As Hoeveler had predicted, though, Rubino trod much of the same ground as Lewis. This, one of the judge's clerks has suggested, may have served to crystallize in the jurors' minds the claims Lehder was making instead of trashing them. In a few cases Rubino's repetition opened the door for Lehder to make snide comments that hardly helped the defendant:

Q: How much cocaine did you import into the United States?

A: With the assistance of Mr. Noriega or without his assistance?

Indeed, with Rubino as an unwilling straight man, at times the cross-examination lacked only rimshots. When Lehder referred to Noriega as "your millionaire police officer client" for the second time, Rubino shot back, "He's a military general, sir. You are aware of that, aren't you?"

"Yes sir, I am," said Lehder.

"Then why do you call him Officer Noriega?"

"He was demoted."

"He's obviously taking every opportunity to stick it to Noriega," said Hoeveler during a break. "He may not answer questions directly until I get ugly with him, and I may have to eventually. But for the most part I think a judge should stay out of the fray."

"If I were sitting on that jury," said one courtroom observer who admitted to being on Noriega's side, "I'd need a whole lot to get past Carlos Lehder."

Later, as the week ended, Hoeveler watched from his ninth-floor windows the construction crews at work on the foundation of the new 22-story federal prison that will eventually block his view of northeastern Miami. After listening to Lehder's testimony for three days, the judge had to admit that the irony of this scene was inescapable, and his thoughts turned to the criminal drug problem, evidence of which parades through his courtroom month after month. "I was told recently by someone of substance that we wouldn't have a cocaine problem if it weren't for the people of the United States," he said. "Now, that's not entirely fair... we are part of the problem, but that's too simple an answer. At the risk of sounding naive, I think the Noriega case is positive proof that the war on drugs is succeeding to some extent."

He mentioned that only a week earlier, fellow district judge James C. Paine had publicly advocated the legalization of drugs. "That disappoints me," Hoeveler said. "There's a lot of murder around, but do we capitulate just because some people like to do it? The question is at least somewhat analogous. We need more hospitals and drug treatment programs than we have now, but I guess I'm an eternal optimist. I don't think you solve problems by acceding to them."

In mid-December, as the prosecution finished its case, a tightness that Hoeveler had felt in his chest for a month or so began to spread to his back. Two days before Christmas he consulted with his cardiologist, and within 36 hours he had been admitted to Mercy Hospital, given a stress test and a catheterization, told of his artery blockage, and had undergone a two-and-a-half-hour coronary bypass. Griff kept vigil in the surgical waiting room and then was invited into recovery to see him. "I swear there couldn't have been

any more tubes and wires going in and out of him," she recalls. "When they said, 'You may touch him,' I thought, where?"

Three days after the operation, the family celebrated Christmas in the judge's guarded suite, which by then was cluttered with get-well fruit baskets, bouquets, potted plants, and a small Christmas tree. One of the courtroom artists sent a poster-sized sketch of the general that she'd made into a tongue-in-cheek greeting. "'Manny' and Jeanne wish you Feliz Navidad and a speedy recovery," she wrote. Hoeveler was already taking brisk walks around the fifth floor of the hospital.

At that point he had three options: to give in to an extended convalescence, declare a mistrial, and start the case over in a few months; to hand it over to another judge; or to take some time to recover and plunge ahead. The only one he considered was the last. "I had people say, 'Why don't you just chuck it and let somebody else finish it?'" he says. "That's not the way to do it. I had an obligation to get back in there and finish it."

After battling the side effects of medication for ten days following his discharge from the hospital on January 2, Hoeveler returned to have a pacemaker installed. He stopped by his chambers for the first time a couple of weeks later, and on February 3, six weeks after his initial operation, the trial resumed in half-day sessions with Noriega's defense.

Lehder and his nefarious cohorts were a tough act to follow, but Rubino and May scored points of their own with a lineup of DEA administrators and agents called as unwilling witnesses for the defense. One by one they were asked to describe Noriega's assistance in catching drug traffickers, deporting fugitives wanted in the United States, confiscating drug-refining chemicals, and tracing the flow of narcotics profits through his country's banks. John C. Lawn, who headed the DEA during the late 1980s, was forced to read parts of letters he had sent to Noriega in 1985 and 1986, such as, "Your long-standing support of the Drug Enforcement Administration is greatly appreciated." The limits that Hoeveler's CIPA rulings had imposed on Noriega's attorneys seemed less significant as the reasonable-doubt defense took shape.

Of course, Rubino wasn't about to let the jury lose sight of the bigger picture. At one point, defense witness Rodolfo Castellon, a former Panamanian ambassador to Israel, testified that he barely knew one of Noriega's closest and most notorious associates, the late Cesar Rodriguez. On the government's cross-examination, assistant U.S. attorney Myles Malman showed Castellon a photograph of himself and Rodriguez looking chummy; suddenly Castellon appeared less than truthful. In his redirect examination, his patience waning, Rubino approached the witness clutching the well-known piece of nonevidence, the photo of Bush and Noriega. If a photo proved a friendship, Rubino was about to ask Castellon, then what about these two people cordially sharing a couch? Rubino didn't get far

before Hoeveler summoned him to a sidebar conference out of the jury's earshot:

Rubino: I've just had enough of this cross-examination.

Hoeveler: And you go over and show this to the jury.

Rubino: I was going to show it to the witness.

Hoeveler: You were showing it to the jury.

Rubino: I was just carrying it.

Hoeveler: Frank, I have got to tell you that I like you, you are a charming individual, but that is a crock. . . . How about a picture of Franklin Roosevelt and Winston Churchill? . . . If you show the jury a photograph anymore that isn't in evidence, I am going to let Mr. Malman hit you on the head.

and so it went. The defense called eighteen witnesses, but the potential nineteenth, the eagerly awaited General Noriega, chose not to take the stand in his own behalf. On March 10, the judge met with Noriega and the attorneys to ensure that the general had reached his decision of his own free will. Noriega explained to Hoeveler that in view of the fact that he could not testify about the politics of the case—about the invasion, and the circumstances in which he was brought to the United States—he would rather not testify at all.

"Has anyone forced you or coerced you into making this decision?" the judge asked.

"No one would be able to do that," the general answered.

At times during the hearing, Hoeveler locked eyes with Noriega until one of them looked away. "I wanted to see how he'd react," the judge explained later. "You can usually see a lot in people's expressions and in their eyes, but in his case it's difficult. When I've talked to him he narrows his eyes—his look is penetrating. He's obviously bright and he's paying close attention, but it's hard to gauge what he's thinking."

It was rumored that Noriega and his lawyers had been arguing for weeks about whether he should testify, with Noriega wanting to and Rubino and May wanting him not to. The attorneys weren't offering any details, but, Rubino said, "We think we clearly showed the jury that he did not turn Panama into a racketeering enterprise."

As the trial wound down, Hoeveler gradually gained strength, settling into a routine of taking a short nap at lunch and working into the early afternoon, though there was no avoiding the daily onset of a deep postsurgical fatigue. Perhaps, he joked, it was simply trial fatigue; besides the often slow-going courtroom testimony, there were the occasional baffling or amusing side issues. Two weeks before the case went to the jury, Felicidad Noriega, the general's wife, was caught snipping designer buttons off expensive women's suits at a local *Burdines* and arrested for shoplifting. "Good night, nurse!" the judge said when he heard about it. He called the jurors into open court, one at a time, to ask them if they'd



In March: postsurgical fatigue diminishing, trial fatigue a possibility.

(continued on page 40)

heard any news about a member of the defendant's family, and two of the women suppressed snorts of laughter before composing themselves to tell the judge what they knew.

Another day there was a phone message from a *Washington Post* reporter who had heard that when President Bush had visited Miami recently, he had met with Hoeveler. The judge, according to the story, was driven by limousine to a secret rendezvous with the president, who supposedly impressed upon Hoeveler the importance of the Noriega trial's ending in a conviction. "This is hysterical," said the judge. "I can't wait to tell him what a nice limousine it was."

"If anyone from the Justice Department or the executive branch or the Congress had contacted me to do any arm-bending," the judge told the reporter later in the afternoon, "believe me, the authorities would know about it."

Back at home on April 5, the evening the closing arguments had concluded and Hoeveler had instructed the jury, he took his nightly walk with Nisei, tossing up impressions of what he had heard during the previous few days. In his closing, Rubino had loudly belittled the character and testimony of the prosecution witnesses, at one point slapping Post-It notes on his chest and pronouncing, "Warning: I'm a convicted drug trafficker. Warning: I'm a paid informant." "You won't find a lot of drug cases like this one, where the evidence is mostly circumstantial, and I think Frank's closing gave Noriega a good chance," the judge said. "He made the most of the weaknesses and inconsistencies in the government's case. I would not be shocked if the general were acquitted on all ten counts."

"I just hope someone on that jury will be savvy enough to say to the others, 'We can't *not* decide this case. Whatever we do, we've got to do something.'"

Five days later, on Cavazos's 31st birthday, the jury sent a note to the judge saying it was deadlocked. In the elevator on his way down to the central courtroom, Hoeveler shook his head and muttered, "Six months," as he considered for the first time the possibility of a mistrial. But only briefly. "This calls for speech No. 369," he said.

"This, ladies and gentlemen, is serious business," he admonished the jury. "We have been here for over six months. Please look at this case reasonably. And rest assured that you will not be going home today." At this comment there was stifled laughter in the jury box: one juror had reportedly packed her suitcase at the hotel that morning.

The group was excused once more, and nothing further was heard until another note was delivered to Hoeveler's chambers by two marshals just after two the following afternoon. After 36 hours of deliberations, the jury had reached verdicts. The judge's staff went into action—calling the attorneys, notifying a reporter who was to pass the message along to other members of the media, making sure the interpreters were standing by.

Hoeveler was in the middle of a hearing in another case, and he pressed on with it—"though I was somewhat distracted," he said later—having promised reporters that he'd give them half an hour before calling court into session. Cavazos waited in his office, so jittery that she began shooting pool—the first time the judge's miniature table had been used in weeks. When Hoeveler appeared, he said, "Let's go, kids," and headed for the elevator with marshals and clerks in his wake.

In the central chambers attorneys were outnumbered by security officers, some of them with crackling two-way radios.

The nervous energy in the room was palpable. When everyone appeared ready, Hoeveler said, "Let's do it," and followed his security escort down the hall to the courtroom.

Before she read the verdicts, courtroom deputy Maria Conboy handed the neatly penciled verdict form up to Hoeveler, who opened it and was surprised by all the *guilts*—eight—and the absence of *undecideds*. He had thought the jurors might declare themselves hung on some of the counts, but instead they had argued their way to an unexpected unanimity. As the verdicts were read, Noriega's expression turned to icy anger, and his two youngest daughters, Sandra and Thays, wept. The judge then thanked and excused the jury, and adjudicated the defendant: "General Noriega, the jury has found you guilty as to count one, and it is the judgment of this court that you are guilty on count one. The jury has found you guilty as to count two, and it is the judgment of this court . . ."

Hoeveler then announced that sentencing would take place July 10, offered his praise to the lawyers, and, as abruptly as it had begun, the ceremony ended. The heavy wood courtroom doors were unlocked, and reporters bolted for the hall in a race to the phones. The members of the prosecution team hugged wives and mothers and slapped one another on the back, while Rubino and May huddled with the disconsolate Noriega. Finally the defendant was led out, and a marshal announced, "The courtroom is closed."

"A real wipeout, huh?" the judge said on the way back to the ninth floor. "I did not expect that."

Settling into his chair in the quiet of his office, he gazed out the window, his chin in his hand. "Certainly it's a great relief that this is over," he said, then thought for a moment. "I always have kind of a twinge of sorrow for the defendant," Hoeveler wondered whether a different racial mix of jurors might have been more sympathetic to Noriega. There was another pause, and then a tired smile. "Of course, next week there will probably be a forty-page motion for a new trial, highlighting my many mistakes over the past few months."

Outside, in the pandemonium of flashing cameras and shouted questions, Rubino angrily denounced the verdicts. "Today a new page has been written in American history," he declared. "This, in our opinion, is the modern-day version of the crusades. . . ."

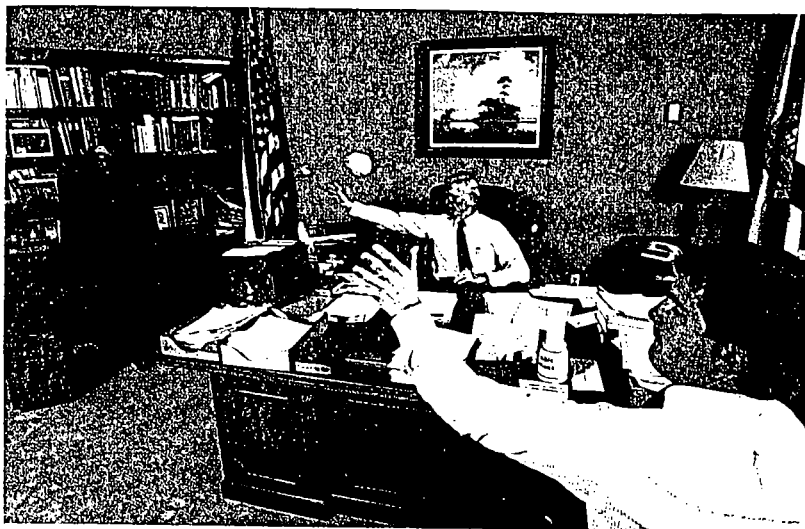
Two days later, Hoeveler sat at his kitchen table, which was strewn with newspapers, reading an account of the jury's emotional deliberations and reflecting on Rubino's post-verdict summation. "From the standpoint of who the defendant is and was and the circumstances of his being brought here, this is a historic case," Hoeveler said. "It will have a significant effect on the laws regarding the seizure of foreign nationals and bringing them here for prosecution."

"But I'm not sure," he added, his smile returning, "that the outcome will have much of an effect on the fate of the world."

* * *

On July 10 Hoeveler fulfilled his most difficult judicial responsibility, sentencing General Noriega to a forty-year prison term. He had agonized and prayed about his decision for days, and, as after many other trials, his courtroom pronouncement left him thoroughly depressed that night. "I feel almost inadequate to the task," he said the next day. "I always wonder whether I've done the right thing." □

Jim Harmon is a freelance writer based in Hermosa Beach, California. For more about him, please see page 4.



In chambers: William M. Hoeverler, LL.B. '50, judge in the trial of Manuel Noriega, and Harvard Magazine correspondent Jim Harmon.

How to Lose Fifteen Cents

Freelance journalist Jim Harmon writes often about sports and was curious as to how Judge William Hoeverler handles himself on a tennis court. So Harmon tagged along to watch a Saturday afternoon game. One of the judge's regular foursome in Coral Gables, Florida, is the mayor of that city. Hoeverler hadn't had a chance to introduce the two of them, and as play progressed Harmon noticed the mayor eyeing him. Deciding that Harmon was a plainclothes marshal on hand to protect Hoeverler's life, the mayor whispered to another of the foursome, "I wonder where that fellow keeps his pistol."

Armed only with the mighty pen, Harmon made four trips from his home in California—lasting from a week to a month—to interview and observe the judge. He regarded the assignment as a journalist's dream. "On the one hand was this unprecedented case, and on the other was this remarkable judge," says Harmon. "He's widely acknowledged to be an astute jurist, he's deeply religious and philosophically inclined,

he's compassionate, and he's very secure in himself, yet he refuses to take himself too seriously."

Harmon found Hoeverler informal, frank, and friendly. The journalist even stayed in the judge's home for a week (during which the windshield of his rented car was smashed in the night by person or persons unknown). "He's a giving person," says Harmon. "Look at the photo. The jury is out struggling with a deadlock, the judge has lots of other work to catch up on, I'm wasting his time, and he's as cheerful as he can be. Maybe it's because he's in the process of winning fifteen cents. I was missing and he was hitting. My three nickels would probably still be lying on his desk if he hadn't insisted I take them back."

* * *

In this issue we introduce a new section, "Right Now." It will focus on research in progress at Harvard, and on national issues that involve the University and/or its graduates. The first installment begins on page 12. —THE EDITORS

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