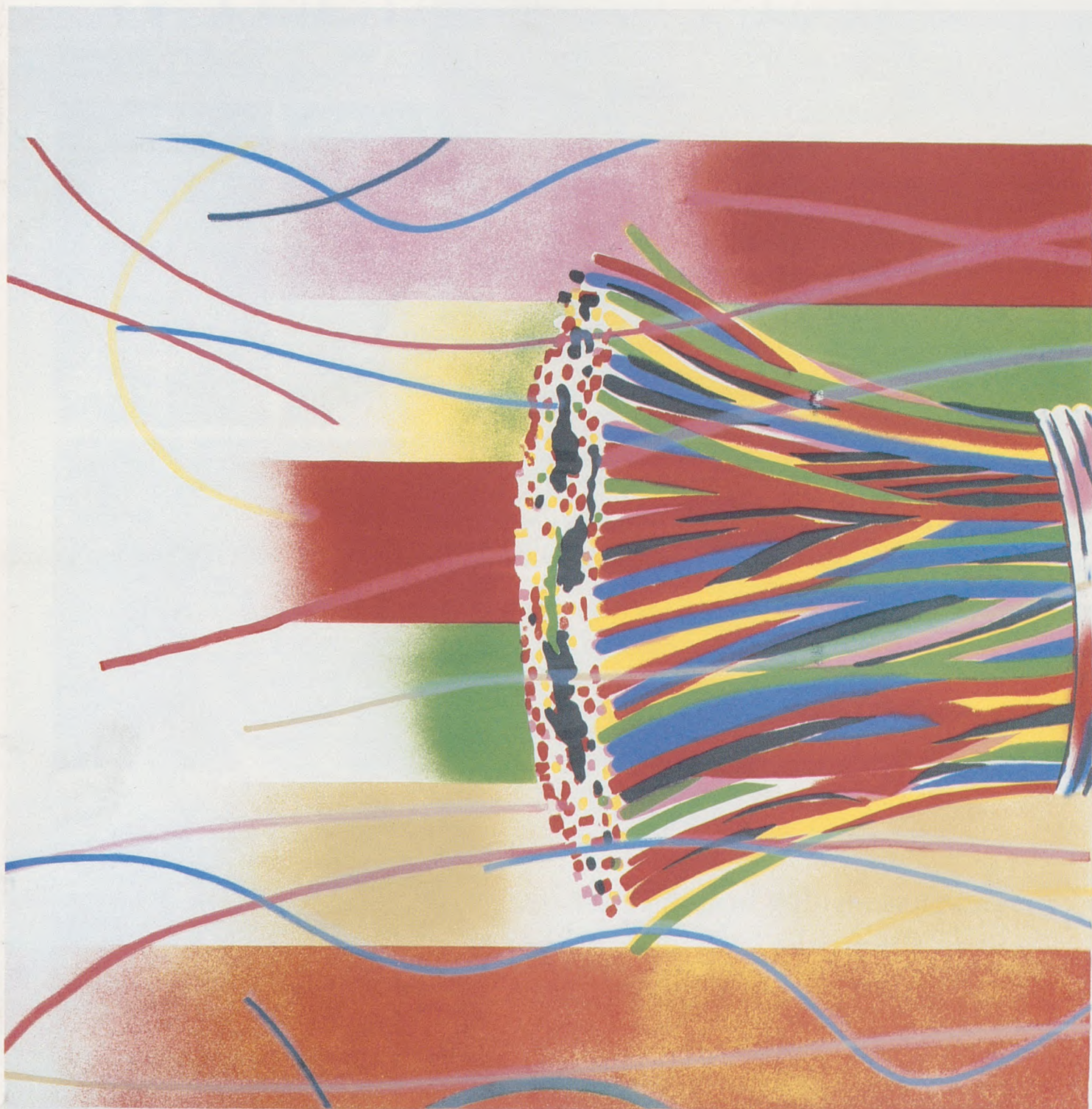


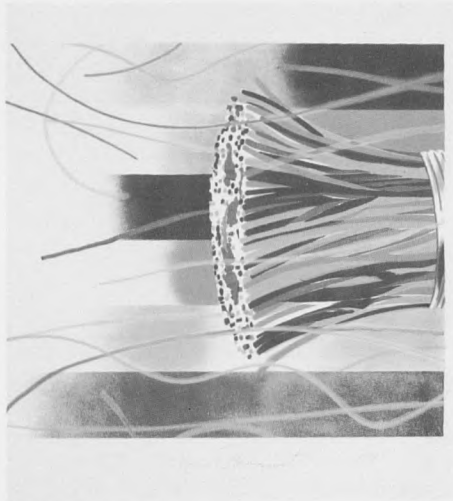
WILLIAM & MARY

THE ALUMNI GAZETTE MAGAZINE • WINTER 1987



Jim Ranzquist

1969



ON THE COVERS

The front and back cover illustrations are a pair of lithographs (each 25 1/2 x 28 1/2 inches) by the contemporary American "Pop" artist James Rosenquist (b. 1933).

Entitled *Area Code*, the two lithographs are designed as a diptych, to be framed separately and hung two inches apart. The lithographs are printed in sixteen colors, with six multicolored horizontal bands created by the use of a spray gun and with wavy lines which were drawn on the plate with crayon

and brush. The result is a work of extraordinary energy and movement.

After creating the prints, Rosenquist completed a large-scale painting of the same design. "The print," he explained, "then became a drawing for the painting, rather than being a notation of an earlier idea. . ."

Area Code was given to the Joseph and Margaret Muscarelle Museum of Art at the College in 1983 by Marjorie Lanston Fitzgerald, a member of the William and Mary Class of 1932.

WILLIAM & MARY

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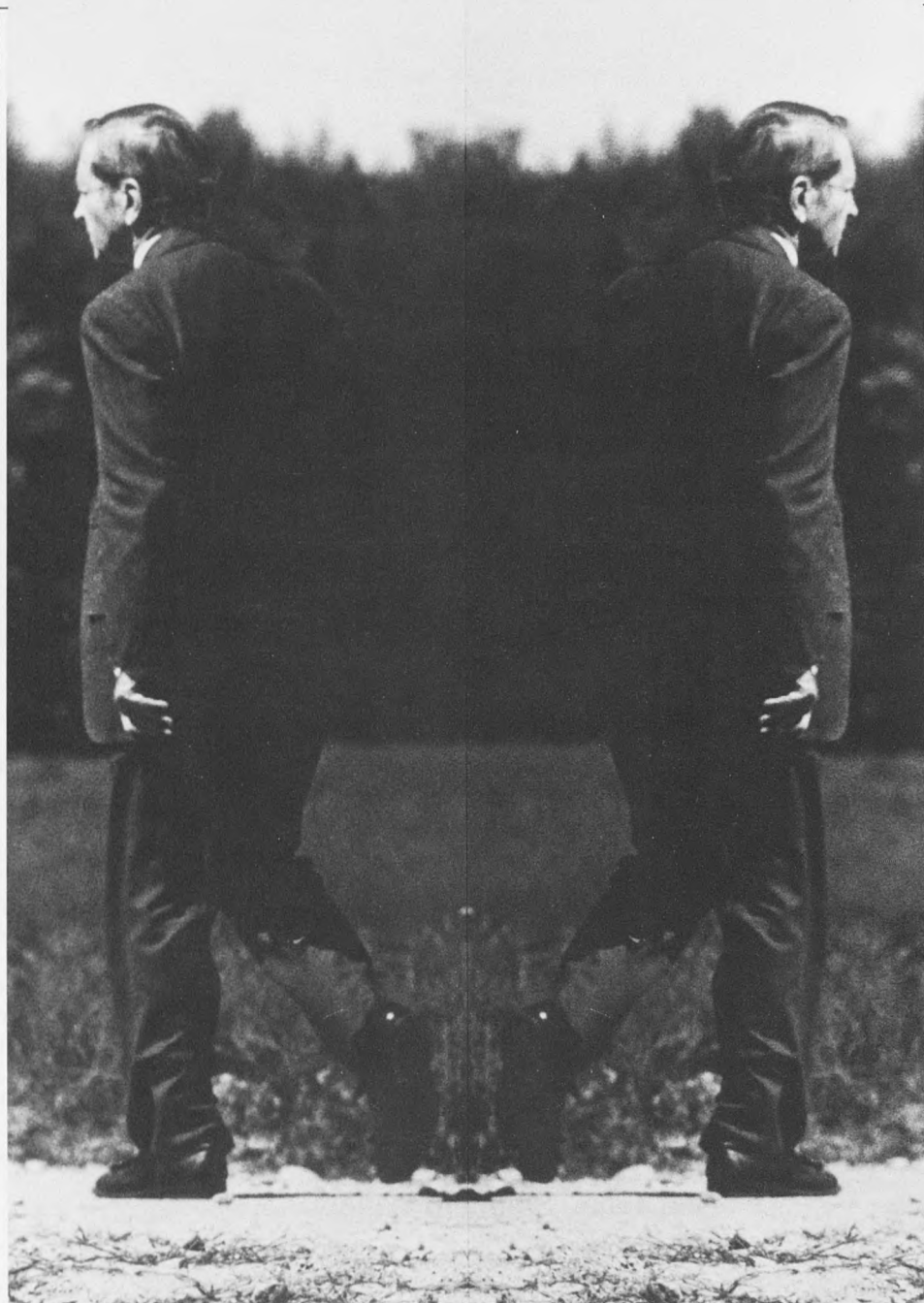


Photo by B. A. King

The Bifurcated Cheever:

An Approach to His Life

BY SCOTT DONALDSON

John Cheever was a man divided against himself. Out of that separation came most of his best writing, which is to say some of the best writing done by an American in this century. But the bifurcated self — the “division in my own spirit,” as he called it — took its toll on the man even as it invigorated his work. Dark and light, drunk and sober, suburbanite and bohemian, respectable family man and aggressive seducer, heterosexual and homosexual: these divisions split Cheever down the middle. Only in his final years, his last writing, did he become whole beyond confusion.

For the most part a spirit of doubleness dominates Cheever's novels and best stories. Most interesting of all is “Goodbye, My Brother,” the 1951 tale that he chose to lead off the Pulitzer prize-winning collection of his stories. The setting is a summer house, probably on Martha's Vineyard. There the Pommeroy family has assembled for a reunion, including the much-disliked Lawrence, or Tifty.

Tifty apparently disapproves of everyone in the family, of their drinking and infidelity, of their backgammon for money and foolish costume parties. So dark and distressing is his attitude that the narrator, one of his brothers, finally strikes him from behind, knocks him down, and bloodies his head. Tifty then leaves, and the story ends as the narrator's wife and sister come out of the ocean, “naked and unshy,” their uncovered heads “black and gold” in the water.

Clearly “Goodbye, My Brother” represents an attempt at exorcising the dark brother, but almost no one has realized that this brother lies within as well as without, just as Cheever had a brother he simultaneously loved and hated and was himself inhabited both by the demon of depression and the angel of joy. The clue is simple enough, for Tifty does and says very little to deserve the narrator's judgment that he's “a gloomy son of a bitch.” Almost all of his “sad frame of mind,” in fact, is attributed to him by the supposedly cheerful narrator.

“Some people have parents or children,” Cheever told me during our sole meeting in 1977. “I had a brother.” Though the remark served to obscure the importance of other relationships in his life, John Cheever was extraordinarily close to his brother Fred, seven years his senior. Soon after John was dismissed from Thayer School in the spring of 1930, he moved in with Fred, a young businessman in Boston. Their parents had separated, and the two constructed their own family. John, still a teenager, would be the writer, Fred, in his mid-20s, the breadwinner. Together they took weekend outings to a farm on the North Shore. Together they

went to parties and mingled with artistic circles in Boston. In the winter John went to Provincetown to write, and Fred came up on weekends with food and fuel and a five-dollar bill. Together they went to Germany and tramped through the Black Forest. And together they courted women, though in an early story called "The Brothers" John depicted the brothers as more closely bound than any female could be to either one of them.

In time John came to regard this bond as "unseemly," and one day he simply moved out. "I really loved Fred," he used to tell his son Ben, "but at the last I knew I couldn't live with him. I didn't tell him, I just went." His destination was a cold-water flat on Hudson Street in New York, where John lived among longshoremen, and where — months later — he woke with a start, heard a snowball crunch against the window, and knew at once Fred had come to see him. Thirty years later John woke again in the middle of the night, sensed that Fred was in trouble, drove up to his home in Connecticut, found him alone and suffering from delirium tremens, and rushed him to the hospital.

Alcoholism was one of the things these symbiotically close brothers shared, but in temperament they seemed, like Emily Dickinson and her sister Lavinia, to have been fetched from two different wells. Fred was bluff, hearty, gregarious; John quiet, withdrawn, intellectual. And if John loved his brother, he hated him too. In 1934, Fred — the more reliable and better bet — married a girl John had known first. Once, in a boat, years later, John resisted an impulse to strike Fred with an oar. The force knitting them together had stayed his arm.

"Fritz" and "Joey" they had been as young men, to each other and to their friends. And it was Fritz — now sober — who came to Boston to collect his desperately ill brother Joey in April 1975 and to ship him down to New York for the few days of detoxification and 28 days at an alcoholism rehabilitation center that, combined with Cheever's strength of will, saved his life.

The brother theme is pervasive in Cheever's four novels. *The Wapshot Chronicle* (1957) and *The Wapshot Scandal* (1964) focus on the fortunes of Moses and Coverly Wapshot, the two vastly dissimilar sons of a decaying Massachusetts family. The older brother Moses, like Fred Cheever, is hearty, outgoing, seemingly secure in his masculinity. Younger brother Coverly is shy, somewhat withdrawn, not at all sure of himself or his sexuality. Other wonderfully drawn characters move through the books — the boys' father Leander and cousin Honora, for example — but Moses and Coverly are

at the center of the action, where they compete for the love of their father and Honora's inheritance.

In *Bullet Park* (1969) competition escalates into attempted murder as Hammer conspires to destroy Nailles — or more literally, the son Nailles loves. Hammer and Nailles are not blood relations, but their names indicate how inevitably and dangerously they are yoked together. Finally, Ezekiel Farragut in *Falconer* (1977) does in fact do away with his saturnine brother, and though he is sent to jail for the killing — "fratricide, zip to ten" — the ritual murder serves somehow to liberate him, to enable him to love.

There can be no doubt that the brothers Cheever wrote about in his fiction signified a deeper division within himself, though not in any rigorously analogous way. He was a man who tremendously enjoyed life, who reveled in the glory of mere existence, who could find rapture in blue sky and radiant light, wood smoke and sea breeze, the breasts of women and the laughter of children. Yet he was also visited by spells of deepest depression. His *cafard*, his blues, his Kafkaesque cockroach, he called these.

"Having lived much of my life like an odd mixture of man and cockroach I found, not so long ago, that the cockroach had left me and I am still now and then bewildered by the strenuousness of my

pleasure," he wrote in 1955. For the moment the celebratory Cheever was in the ascendancy, the one driven to reenter the church not because he was heavy-laden but because he was happy. "The cockroach returns now and then and I despair and shudder at the sights of life," he admits, "but not for long."

The optimism was premature, as his subsequent fiction and letters and journals attest. In his journal written simultaneously with the composition of *Bullet Park* in 1968 and 1969, the dark Cheever predominates. He used journal entries to warm up for his fiction, to record anecdotes, and — at this period, the dominant chord — to chastise himself. In the 1968-69 journal he accused himself of failing as a man, a husband, a writer.

To begin with, "the bitter and absolutely perfect circle of drunkenness and remorse" was getting out of hand. Using the veneer of invention, Cheever wrote of the trials faced by "Mr. Heilbruner" in his retirement. His greatest affection was not for his family or friends but for the bottles in the pantry. "His intention was to have two drinks at noon and nothing again until 4 or 5 in the afternoon. To watch him struggle to keep this schedule was not at all interesting but it was intense." Heilbruner polished stones and cut grass and raked leaves and banded birds and listened to conversa-



John Cheever

by Scott Donaldson

John Cheever was one of the leading American writers of his time, which began in Quincy, Massachusetts, in 1912 and ended in Ossining, New York, in 1982. He won the National Book Award for *The Wapshot Chronicle*, the Howells medal for *The Wapshot Scandal*, the Pulitzer prize for *The Stories of John Cheever*, and the National Medal for Literature for the entire body of his work: four novels, a novella, and nearly 200 stories. Many of the stories ran in *The New Yorker* and deal with upper-middle-class residents of New York apartments or suburban homes. But he cannot safely be pigeonholed as a *New Yorker* realist, for mythical beings and magical events intrude on the presumably placid surface of his characters' world. Nor was his life a conventional one. In her 1984 memoir, *Home Before Dark*, Susan Cheever revealed some of the trials and troubles that beset her father.

Scott Donaldson, the Louise G. T. Cooley professor of English at William and Mary, is now completing a full-scale biography of Cheever, to be published in 1987 by Random House. The accompanying article sketches his approach to understanding the life and work of this major figure in American literature.

tional French records and repaired furniture, but "when the bullhorn in the village signaled noon he would fly to the pantry and gulp down some gin like a man in the extremities of thirst."

Cheever knew what he was doing with liquor — "Finish the chapter and drink some bourbon, congratulating myself copiously," he noted sarcastically — and he thought he knew, and disliked, himself. He was troubled, for example, by his homosexual leanings. He did not want most of his close friends and family to know about them. Members of the Friday Club, a men's drinking-and-luncheon group of Ossining and environs, heard a lot about actress Hope Lange, about writer Shana Alexander, about Lucy Miner (a student in Iowa). They heard nothing at all about his male intimates.

Their friend John Cheever did not commute to a job in the city, but otherwise his life was not much different from most Westchester suburbanites. He rose early and worked hard, or as hard as drink would let him. Dinner was on the table at six, with the family gathered round. Grace was asked, and Cheever went to the Episcopal church on Sunday. For recreation he scythed and chopped wood, swam and skated, hiked and biked. At Thanksgiving he organized a touch football game. At parties he had a wonderful time and flirted with the pretty women. How could a man like that turn out to be a homosexual?

The question troubled Cheever tremendously, for in good part he shared the

values of his time. He despised those who paraded their homosexuality in gesture or clothing or speech. Such displays ran against the grain of his Yankee reticence and his generation's tolerance. He

Cheever's life was not much different from most Westchester suburbanites. He rose early and worked hard. . . . Dinner was on the table at six, with the family gathered round. Grace was asked, and Cheever went to the Episcopal church on Sunday. For recreation he scythed and chopped wood, swam and skated, hiked and biked. At Thanksgiving he organized a touch football game. At parties he had a wonderful time and flirted with pretty women. How could a man like that turn out to be a homosexual?

sought instead a kind of manly homosexuality that could co-exist with a conventional way of life. "Promise me," he demanded of one of his lovers, "that you'll have a family."

In the interviews of his last half dozen years, Cheever never failed to mention the fragility of his marriage, then nearing the end of its fourth decade. "There hasn't been a week when Mary and I haven't discussed divorce," he'd announce. At the Friday Club, he repeatedly brought up the possibility of leaving home. But difficulties would always loom. What would he do with his bicycle? Should he take all his books? He and Mary were often apart, during her visits to her family's summer place in New Hampshire, during the reading engagements that took him throughout the United States, during his trips abroad as a cultural ambassador. But only once — during the 1974-75 year in Boston — did they actually separate, and the results were disastrous.

Toward the end of their marriage, Mary Cheever has said, she viewed her role largely as that of a caretaker to John. He was very much the sort of person who needed care taken of him. His son, Ben, admired his father's physical prowess — a small man, only five feet five, Cheever was strong for his size, and tough — and his mastery of "the greatest profession in the world." Yet Cheever was in some mundane ways virtually helpless, barely competent to buy his own groceries.

According to Ben, "when he wanted

In 1922 John Cheever (far right) dressed up as George Washington at the family home in Quincy, Massachusetts. Family was important to Cheever, particularly his brother Fred, with whom John lived during his young manhood. In an early short story, Cheever depicted the brothers as more closely bound than any female could be to either of them.



someone to love him, he would be very helpless." Riding north in a railway sleeping car on a ski trip, his father awoke and could not figure out how to turn on the water. Ben did it for him. "Isn't it wonderful," he said, "that I have this son who can figure things out for me?" The roles were reversed, and the masterful father became the child who needed help and care. It was a way of reaching out for love, for the love he'd felt deprived of as a boy.

Cheever went to Russia three times in the 1960's and 1970's. He was lionized there, with crowds chanting his name at the airport. Rightly or wrongly he regarded the Soviet Union as a society that valued writers and artists. On one visit, he was driven out to Tolstoy's house, and though he did not believe in table rappings, Cheever felt the hair on the back of his neck rise as he stood in the great man's study. Later, on the drive back to Moscow, it grew dark and began to rain, and a tired Cheever lay with his head in the lap of his female interpreter. Resting there, with her long hair falling to her breasts, watching the rain shimmering down in the dim streetlights through the car windows — this, Cheever felt, was the most romantic thing that had ever happened to him.

It is a long way to Moscow from Quincy, Massachusetts, where John Cheever was born in 1912 and spent his next 18 years. But for him to romanticize a ride in the dark, in the comforting aura of a protective woman, suggests something about what was lacking in his childhood. He loved his father, who told him stories and sometimes showed him the journals that found their way into *The Wapshot Chronicle*. But the father did not teach him how to play baseball, an omission Cheever movingly recounted in a story called "The National Pastime."

Whether Frederick Cheever — who was indisputably something of a dandy, and more of a drinker and a ladies' man — had once owned a shoe manufacturing business that went under or was merely a shoe salesman is in some doubt, though Cheever himself stressed the fall from genteel eminence whenever he spoke or wrote about his family. But it is clear that he regarded his father as a failure, and that he loved him nevertheless. "I do tricks from an old book of my father's, *The Magician's Own Handbook*," he wrote, "and I think tenderly of my old father — a lonely young man reading Plutarch in a cold room and perfecting his magic tricks to make himself socially desirable and perhaps lovable."

It was exactly the sort of thing he could imagine himself doing, though his way of entertaining was to tell stories. In Wollaston grammar school, if the class had been good, John would be called to the front



Cheever, above, as he looked in 1977 before appearing on the Dick Cavett Show and below in 1979 at the MacDowell medal award ceremony.



of the room to tell a story. Often these were serials, stretching from one day to the next, and it is not surprising that the pre-adolescent boy did not know how his stories would end. What is surprising is that he did not know how they would begin, either. The words came, simply and miraculously, when he opened his mouth.

His success as a storyteller and later as writer does not seem to have impressed either of his parents particularly. John never felt he had pleased his father. He knew that his father, who was 50 when John was born, had wanted him aborted. He knew because his mother told him so.

Mary Liley Cheever, a tiny woman who emigrated to this country with her English parents as a girl, was an extraordinarily capable person. She had a commanding air about her, was a leading clubwoman, and when Frederick Cheever stopped making a living, she supported the family by running a gift shop, and, for a time, a summer restaurant. John resented her breadwinning, which, he well understood, affected the family's social standing, and thought that she had emasculated his father.

Something of the way he regarded his parents can be intuited from the legends he constructed to describe their passing. His father, so the story goes, died in a rocking chair with two glasses at his side, both containing whiskey, one of them lipsticked. Liquor also figures in the tale of his mother's death, though she did not normally drink at all. A Christian Scientist, she was stricken with a painful cancer, but refused to call in medical assistance. Instead she bought two quarts of Scotch, went to bed, drank them off, and that was that.

Beyond such yarns as these, not much is known of Cheever's immediate ancestors. He thought his paternal grandfather had absconded and left his grandmother to run a Boston boarding house, but this was not something he would have told. "As Yevtushenko says, I have no biography," he observed in the mid-1970's. "I came from nowhere and I don't know where I'm going."

If we would know the man we must know his fiction. "How can they possibly understand me," he used to rail at psychiatrists, "when they haven't read my work?" It would be irresponsible to regard the stories and novels as factual accounts of what happened to John Cheever. "Fiction is not crypto-autobiography," he said a hundred times, and meant it. The materials of his fiction are shaped by the wondrous power of his imagination, by his amazingly fertile gift for invention. Yet the fiction can and does reveal real ideas and emotions, beliefs and dreams. The

words Cheever darkened paper with, four or five hours of the day, came from no one else's mind, no one else's heart. The work and the life illuminate each other.

Cheever's best writing is almost always informed by that same duality, that tension between polarities that characterized his life. His stories about Proxmire Manor and Shady Hill, for instance, show his am-

Cheever's father, so the story goes, died in a rocking chair with two glasses at his side, both containing whiskey, one of them lipsticked. Liquor also figures in the tale of his mother's death, though she did not normally drink at all. A Christian Scientist, she was stricken with painful cancer, but refused to call in medical assistance. Instead she bought two quarts of Scotch, went to bed, drank them off, and that was that.

bivalence about his comfortable suburban existence. His characters are sometimes bored and sometimes terrified; the lawns are carefully kept but tragedy can strike in the blink of an eye; the unpolluted air of a starry night is glorious but why is that man stealing across his neighbor's yard, why does everyone drink too much, why is it so hard to catch one's breath?

One reason the Cheevers' marriage did not end in divorce is that he was reluctant to give up the security of his handsome house, the position of respect he had earned in a community of energetic and successful people. But he felt the strain of confinement, too. Reading over his stories recently, John Hersey noticed how often the heroic, if humorous, figures are those who defy or disrupt convention: the little girl who won't go home when asked, the dog who steals the steak off the broiler.

As for homosexual inclinations, nothing seems more obvious, looking back, then that they were there all along. As early as 1951, in "Clancy in the Tower of Babel," Cheever affirmed his approval of love in all its forms. Coverly Wapshot is so disturbed by his yearnings that he seeks medical assistance. In Cheever's later work, he treated the subject still more openly. Emasculating women stride through his pages, commanding and belittling their husbands. In "The Leaves, the Lion-Fish,

and the Bear," Cheever depicted a tender, fleeting homosexual encounter. Farragut, in *Falconer*, falls in love with a fellow prisoner. Sears, in *Oh What a Paradise It Seems*, takes a doorman as his lover. In his fiction Cheever tried to uncover the secret he was discreetly maintaining in his private life. "Can't they see?" he asked.

The most powerful metaphor in Cheever's work for his dichotomy of temperament is that of light and dark. As John Gardner observed of *Bullet Park*, he "sees not only the fashionable existential darkness but the light older than consciousness, which gives nothingness definition." In *Falconer*, Cheever himself said, "I wanted to write as dark and as radiant a book as possible." To achieve the radiance Cheever conjured up a miracle or two. By 1977 he was determined to show his vision of the possibilities of man, rather than his limitations.

It was not always so. *The Wapshot Scandal* and *Bullet Park* are very dark books. He was glad to put these behind him, and later — when the clouds had lifted and he could walk past the pantry without trembling — he repudiated their pessimism and negation. The depth of sadness of a moving story like "The Swimmer" (1964) receded in favor of the sense of wonder that is finally triumphant in *Falconer*, his most depressing novel in setting and subject matter.

"There are writers," Saul Bellow said in his memorial remarks on Cheever, "whose last novels are very like the first." They may be very good writers indeed, but they lack the "impulse to expand. They do not develop, they seldom surprise." Cheever, he thought, "was a writer of another sort, altogether." Rereading his collected stories, Bellow was struck by how different the second half of the collection was from the first. Although the subjects and themes "did not change much, he wrote with deepening power and feeling." Anyone reading through those stories, Bellow said, could see "how much of his energy went into self-enlargement and transformation and how passionate the investment was. It is extraordinarily moving to find the inmost track of a man's life and to decipher the signs he has left us."

Toward the end Cheever not only rid himself of his addiction to alcohol, he also achieved a wider capacity to love. He reached out in love not only to wife and family and sexual partners but to his readers and to men and women who shared his joy in beholding the stupendous wonder of the creation. "Rejoice," the miraculously freed Farragut thinks at the end of *Falconer*, "rejoice." It is the message Cheever left us.



The New York Yankees dominated the Major Leagues during Vic Raschi's short but productive tenure. From 1949 to 1953, with such stars as Allie Reynolds (front, left), Raschi (front, right), Yogi Berra (back, left) and Mickey Mantle in the lineup, New York won five World Championships.

Vic Raschi '49:

THE CHAMPIONSHIP SEASONS

BY CHARLES M. HOLLOWAY

"Whoever wants to know the heart and mind of America had better learn baseball."

(—Jacques Barzun, writer, scholar, dean at Columbia University)

Whence comes this intuitive, almost-prophetic skill possessed by a small cadre of men known as baseball scouts? How, indeed, one might ask, could they possibly look at a skinny teenager playing ball on a dusty field in western Massachusetts in the depths of the Depression and detect the latent power and grace that would some day make him a big league pitcher?

Somehow, they could. And the New York Yankees signed Victor John Angelo Raschi '49 to a conditional contract in 1936. Three years later, after finishing high school at Springfield Tech, gaining weight, strength and skill, he enrolled as a freshman at the College of William and Mary.

So began the story of Vic Raschi's connections with baseball and the College, a complex story that extends over almost half a century and follows a leisurely course from the place of baseball's genesis in the hills of upstate New York to Babe Ruth's mansion in the Bronx, around the cities of the American League, to Tidewater Virginia and back again.

Now, early in the fall of 1986, some 30 years after completing his relatively short but illustrious baseball career, and then operating his own liquor business in nearby Geneseo, New York, Vic Raschi relaxes in the cathedral-ceilinged living room of his home high above Conesus Lake and talks about his time at William and Mary, his family, and, of course, the glory years with the Yankees — a period from 1949 to 1953 when he helped them to win five consecutive American League pennants and an unprecedented five World Series in a row. It was a golden era, even for the Yanks, who have, during the 20th century, consistently fielded the best team in baseball.

Raschi looks back with pride and satisfaction on his life in professional ball, but it is not an obsession with him. He can't remember every pitch he threw or whether Ted Williams had a weakness for the high hard one. But he's obviously fond of the game that dominated much of his early life and enabled him to attend college and to meet his wife.

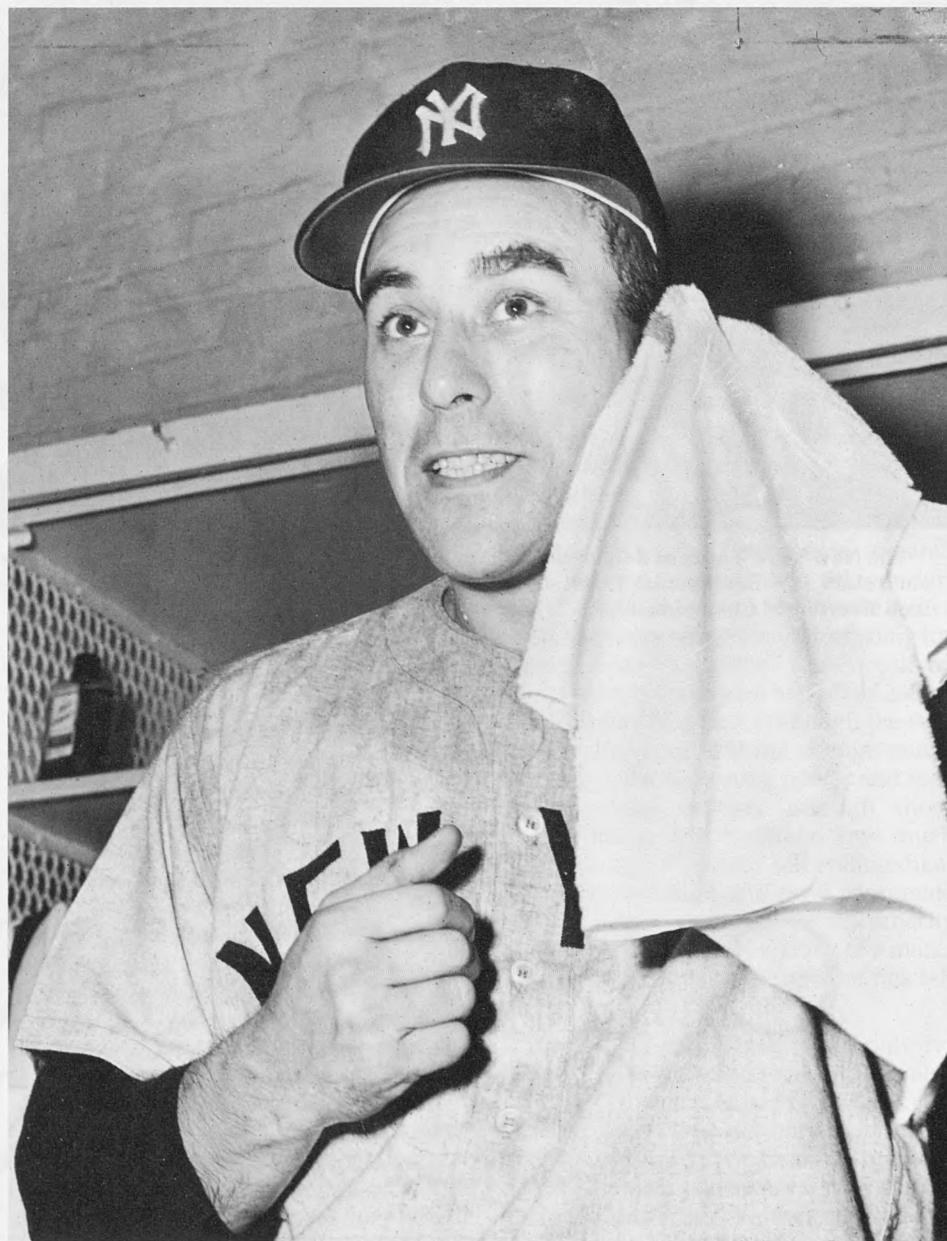
Old Number 17 is a big man who stands erect and walks with the easy stride of a lifelong athlete. He is a shade over 6'1" with thick, muscular forearms and a gentle voice. He is still close to his playing weight of 205 pounds, and under dark brows, his deepset hazel eyes look keen enough to pick up a catcher's sign. His thinning gray hair is combed back over a high forehead, and he looks fit enough to step on the mound.

"To tell the truth," Raschi begins, "I had never heard of William and Mary until the Yankees mentioned that it was one of the places they sent potential players for an education. I really wanted to go to Manhattan College. It was a basketball power in those days, and that was my game. I was a 6'1" center — pretty big for then."

"But I forgot my application when I went to enroll at Manhattan, and the next weekend when I returned, they said 'Sorry, we're all filled up.' So I called the Yankees, they called William and Mary, and I was on my way south. I checked into Old Dominion dorm about a week after the fall semester had started."

Raschi recalls that in addition to paying his tuition, the Yankees gave him \$150 a year for spending money. "But," he adds, "that wasn't enough to get along on so I took a job waiting tables in the dining room for freshmen women, and that was where I first met my wife, Sally."

Sally Glenn had also come to the College sight unseen, leaving her family home on Conesus Lake, less than a mile from where the Raschis now live. Their



Vic Raschi wipes perspiration from his brow after one of his five World Series victories between 1949 to 1953. By the end of his career in the Majors, Raschi had a remarkable 10-year record of 132 wins and 66 losses — and one unlikely record he still holds: most runs batted in by a pitcher in one game (7).

PROFILE

relationship incorporates all the elements of an MGM film from the '40s, with Peter Lawford and June Allyson playing the leads — handsome athlete, beautiful coed, historic campus, the wartime mystique — and, faithful to romantic fiction, the alliance has held up well these 42 years.

Before World War II interrupted Raschi's education at William and Mary, he played both baseball and basketball (for one year) and could easily have been a three-letter athlete. Ohio State had earlier offered him a football scholarship. But the day after he finished a most successful season in basketball and won all-state honors, he got a phone call from the Yankees, congratulating him on the good work, but firmly reminding him that he should confine his sports activities to the diamond. "It was frustrating for me," he remembers, "but I guess the Yankees didn't want to risk their property."

Though Raschi left Williamsburg for military service in 1942 and then began a series of spring sabbaticals, the Yankees remained true to their word and supported his intermittent return to the campus over the next several years. His long and genial relationship with the College was established, a liaison that would endure while he completed his undergraduate degree and would motivate him to send both a daughter and a son to school there. Victoria Raschi graduated in 1967 with a degree in Latin, and William received his Ph.D. from VIMS in 1984.

But now Vic's memory drifts easily back across three decades to the climactic autumn days of his first American League championship season in 1949. It had already been a memorable year for him. In February, he had received his B.S. in physical education, after a hiatus that included a sequence of Florida training camps and long, hot summers in minor league ballparks in places like Portland, Oregon, and Newark, New Jersey, where he polished his skills on teams called the Beavers and the Bears. He had reached his 30th birthday late in March, and was on his way to being the winningest pitcher on the Yankee team — he would end the season with a 21-10 record.

Raschi had joined the Yankees in 1947 after some time in both the Pacific Coast League and the International League, and in his first year he won seven games. Sports writers quickly tagged him "the Springfield Rifle," because of his bullet-like fastball and because of his hometown in Massachusetts where the U.S. Army turned out rifles for nearly two centuries. During 1948 he won 19 games and lost only 8, and soon became a key member of the pitching rotation. There were no electronic "Jugs" guns to measure his speed in those days, but A.L. hitters had learned that he was fast enough.

Nineteen forty-nine was the heyday of powerful Yankee teams that dominated both leagues. The lineup in those days reads like a Hall of Fame roster: the legendary DiMaggio, the inimitable Berra, the young strongboy from Oklahoma, Mickey Mantle, the combative Billy Martin, Bobby Brown and Phil Rizzuto — and the pitchers — Raschi, Allie Reynolds, Ed Lopat and Joe Page. The team had a new manager that year, Charles Dillon Stengel, a man of uncertain age (pushing 60), a puckish and unpredictable character once described as part clown, part genius.

Casey loved to play the flake, all right," Raschi says. "It was his style to joke around in public, but he did a lot of that lollygagging and double talk to distract the reporters from his serious work with the players. He expected and got 100 percent from us." (After winning the 1949 pennant, Casey told the press, with a wink, "I never coulda done it without my players.")

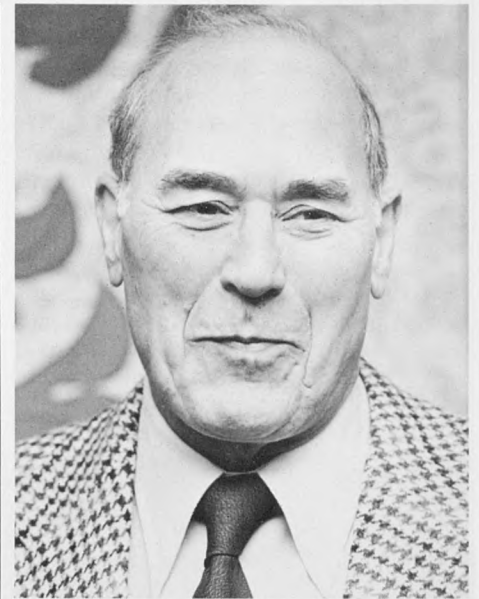
Yogi Berra is still in the game as a coach for the Houston Astros, and has had a long successful career as player and manager. But in the earlier days, he was sometimes referred to as "the Neanderthal man," made the butt of jokes, and became an endless source of malapropisms. On road trips, he roomed with Bobby Brown who was then in medical school and later became president of the American League. Raschi says that stories of their diverse reading habits are accurate — while Brown studied *Gray's Anatomy*, Yogi read comic books and similar light fare.

Once at a testimonial dinner given in his honor, Yogi thanked the audience "for making this night necessary." Yet under it all, he was in fact an astute businessman with his own soft drink company (Yoo Hoo).

This, then, was the cast of characters that moved purposefully through most of the 1949 season and built a comfortable lead until DiMaggio's heel injury sidelined him and the Boston Red Sox began to close in. On September 18, the lead was cut to just two and a half games and Joltin' Joe caught viral pneumonia, which took him out of action again for two critical weeks.

On Sunday, October 2, the last day of the season, the Yanks and Boston were tied and met in Yankee Stadium to play the final game in what many writers have called the most dramatic pennant race in history. Vic Raschi was on the mound for the Yanks and Ellis Kinder for the Sox. A thin and weakened DiMag returned to the field but could only play at half-strength.

In the first inning, Scooter Rizzuto slashed a long hit into the left field shadows of the cavernous stadium and



Now retired, the "Springfield Rifle," as Vic Raschi was known during his career in the Majors, lives near Geneseo, New York, only 150 miles from where Abner Doubleday started baseball in 1839.

Ted Williams misjudged it, allowing a triple. Rizzuto scored, and for the next seven innings the Yanks nursed that narrow lead. Raschi pitched a strong game, and in the bottom of the eighth his teammates pounded across four more runs for a 5-0 lead. However, in the top of the ninth, the Red Sox scraped out three runs, two on a hit that got past the ailing DiMaggio, but Raschi prevailed.

Vic doesn't remember all the details of that critical inning, but he does remember that they won, and that was what counted — it got them into the series against the Dodgers.

The Red Sox had, of course, fielded a team full of good and great hitters, including Dom DiMaggio, Ted Williams and Bobby Doerr. Raschi recalls that while Williams was obviously a superior hitter, he probably wasn't the toughest Raschi faced in his career. Over the years George Kell and Hoot Evers of the Detroit Tigers gave him more trouble.

In any case, the Yankees had clinched the pennant and moved on to face Brooklyn in a subway series. The fall of 1949 was an exciting time for New Yorkers. They looked forward to the internecine warfare on the diamond, and they were also reveling in two new hit plays on Broadway, *Death of a Salesman* by Arthur Miller and the musical *South Pacific* by Rodgers and Hammerstein.

The series was, in some ways, almost an anticlimax after the American League cliffhanger. Allie Reynolds beat Don Newcombe 1-0 in a tight first game, and Preacher Roe beat Raschi 1-0 in a six-hitter. In the end, the Yanks won rather easily, four games to one. Jackie Robinson,



Raschi's career with the Yankees ended in 1954 when, bothered by a bad back, he held out too long to suit the Yankee management and was traded abruptly to St. Louis. He had an 8-9 won-lost record for the Cardinals, and the next year won only four games for Kansas City before his injuries forced him to retire.

who had broken the color barrier in the majors only two years earlier, played brilliantly for the Dodgers. Raschi remembers him from earlier days when Robinson was with Montreal. "He was a good player then, a real competitor," he recalls. And during the series, Robinson often troubled Vic with his speed on the bases and his aggressive style of play.

But Vic would come back in the course of the next four years to win a total of five series games, losing three, and he compiled the second best winning percentage of any Yankee pitcher, .706. By the end of his career in the majors, Raschi had a remarkable 10-year record of 132 wins and 66 losses. And he takes a pitcher's perverse pride in one unlikely record that he still holds — most runs batted in by a pitcher in one game — seven.

In 1950, with a healthier DiMaggio in the lineup and hitting .301 with 32 homers, the Yanks rolled to another pennant, bolstered by strong pitching. Raschi had his best year, winning 20 and losing only 8.

In the World Series against Philadelphia's "Whiz Kids," the Yanks quickly took their measure. Raschi, Reynolds and Lopat won the first three games, and a new, tow-headed pitcher who would become one of the all-time greats, Whitey Ford, came in to win the fourth and last game.

During 1951, a scrappy young Billy Martin helped spark another pennant

drive. As DiMaggio moved into the twilight of his career, hitting only .263 and 12 homers (he would retire at year's end), the scouts had, in their mystical ways, discovered a potential replacement in the form of a 19-year-old from Commerce, Oklahoma, who had tremendous power, exceptional running speed, and hit both left and right-handed — Mickey Mantle. During practice at Ebbetts Field one day, Casey showed the young Mantle how to play caroms off the wall. Mantle was impressed with Casey's agility. "How did you learn to do that?" the kid asked innocently. "For Crissakes, I *played* here," came the gruff reply. "Did ya think I was born old?"

Despite his inexperience, Mickey Mantle contributed to the race against Cleveland, and the Yanks moved into another series, this time against the New York Giants. Vic Raschi had another 21-game season and lost 10 games.

The Yankees won the series 4-2, but not without a struggle, and a little help from the gods. After the Giants led two games to one, it rained and the extra day of rest gave Allie Reynolds time to recover from his first-game victory and pitch again. "I put the whammy on the Giants," Casey told the writers. "I needed the rain." The Yankees won and made it three series in a row, something that had been done only once before in history (by the Yankees of course — 1936, 1937, 1938).

After a second close pennant drive

against Cleveland, the Yankees won again in 1952 and went on to play another series with the Dodgers. Vic Raschi won an early game 7-1 on a masterful three-hitter, and later teamed with Allie Reynolds for a 3-2 victory in the sixth game.

One dramatic play, however, dominated the deciding seventh game of that matchup, and it is still being replayed in the minds of old timers and sports experts. Having already pitched nearly eight innings the preceding day, Raschi was called on in the seventh inning with the Yanks ahead 4-2, but his arm was not up to it, and he allowed a walk and a hit to fill the bases. Casey called on an unlikely reliever, Bob Kuzava, who came in to face the two best Dodger hitters, Duke Snider and Robinson. He got Snider to pop up, and Robinson hit another infield fly that somehow Billy Martin grabbed after everyone else had lost it in the sun. The Yankees went on to win their fourth series championship in a row.

For the team, 1953 was another record-breaking performance. They surged to an 18-game lead during the summer and coasted to the pennant, assured of another battle with the Dodgers. For Raschi, it was a creditable year when he won 13 games and lost 6, but he was now 34 years old and some of the old velocity and skill was fading. Although he never talked much about it, Raschi often played though hurt, with bad knees and a sore back. Mickey Mantle once called him "a battler, always pushing himself to the limit of his abilities . . . playing much of his career on damaged knees."

The makeup of the Yankee team had begun to change, too, with Mantle assuming dominance and with Whitey Ford now the premier pitcher. The Yankees won the series with confidence, four games to two; Martin, Berra and Mantle led the way, Casey's own heroes. After five straight pennants and series, he stood alone in New York, preeminent even among the old, great managers. He told writers "John McGraw was a great man in New York, and he won a lot of pennants. But Stengel is in town now, and he's won a lot too."

The magic era was ending for Raschi. In the spring of 1954, bothered by a bad back, he held out too long for the management of the Yankees and was abruptly traded to St. Louis. He won eight games for the Cardinals, losing nine, and the next year won only four for Kansas City before his injuries obliged him to call it a career and retire to start his new business and life in upstate New York.

He remembers his old teammates and remains in touch with many. He recalls with some chagrin how, long ago, he joined Allie Reynolds and Yogi in a potentially lucrative investment scheme for mineral rights to land somewhere in Mon-

PROFILE

tana. "It involved the rights to drill for oil and gas," he says with a wry smile. "I still have the papers. But I've never seen a penny's profit."

From his long perspective, Raschi contemplates the game of baseball today, with its drug and discipline problems, indoor stadiums, intense television exposure and astronomical salaries. He is not dissatisfied. "The basic game really hasn't changed that much," he says. "But those salaries! I'm not sure they all earn it. In fact, I'm sure they don't. They don't give their all. . . . We had to earn it every day. You know, even rookies now make more

than DiMaggio did at the peak of his career (about \$100,000 a year)."

Television is the big factor, however, he says. "That has tremendous economic benefit for the teams and players — and, of course, helps pay those big salaries, though advance sales are important, too."

College baseball has become the true minor league system of baseball, according to Raschi. "With those extensive schedules, network and cable coverage, it's a great training ground for the kids and gives them lots of visibility."

As for drugs, "that was never a problem in my time," he says. "I never knew of

anyone who had that problem. But we were all pretty close and we tried to set good examples for the young players. We felt that was important."

Raschi concludes his reflections and stares out eastward over the lake toward the horizon, and perhaps beyond, toward Cooperstown and the baseball shrine there.

There is a satisfying sense of unity to Raschi's career in the sport, and to a life that has taken him full circle to the upland lakes of New York, only 150 miles from where Abner Doubleday started (if not invented) baseball in 1839.



During Raschi's playing days with the Yankees, the lineup read like a Hall of Fame roster: Yogi Berra, Phil Rizutto, Bobby Brown, Eddie Lopat, Billy Martin, and of course the great Joe DiMaggio and his successor in center field — the young strongboy from Oklahoma, Mickey Mantle. Said colorful Casey Stengel of his five World Championships from 1949 to 1953: "I never coulda done it without my players."

Better Living Through Hypnosis:

Dr. Winfred Ward and the Art of Hypnotism

BY PAMELA C. JOHNSON '57

Have you ever tried to stop smoking? Or to give up alcohol, sweets, coffee, tranquilizers or anything else that makes life go down easier? For some people, these habits can be compulsions, even physical addictions. Sometimes tackling them head on can be so traumatic that one is led to make undesirable or dangerous substitutions, or to be saddled with serious medical problems, personality changes and "nervous breakdowns" or just to relapse.

Five years ago, faced with a choice between cigarettes or dramatic weight gain, and having lost numerous battles trying everything from "cold turkey" to tapering off, I listened to a friend catalog the hazards of long-term smoking. The fact that he was a radiologist (Dr. Harry Hager '57) made me even more tense.

"I know all that," I snapped. "Just tell me a way to stop without gaining 30 pounds or falling apart and I'll do it."

When I saw him not long afterward, at a Homecoming party, he said he had not forgotten me. He had just spoken to a col-

league who had a rather novel approach to problems like mine. It was a pioneering method and it might help: hypnotherapy. It sounded a little strange, but I had nothing to lose.

If the prospect of being hypnotized was slightly disconcerting, the actual experience was just the reverse. My therapist was Dr. Winfred O. Ward '54, who practices in Richmond, Virginia. I made an appointment and took the first step toward a surprisingly easy victory over cigarettes and to an interesting and at times very pleasant experience.

My first visit came on a hot day in June, about a month later. Dr. Ward, young-looking and trim, impressed me immediately as both competent and sympathetic. By the end of the hour, I believed he was also careful, energetic and creative, a good combination of qualities for the delicate task of probing the mind. Within three weeks I had stopped smoking completely, with no regrets and no side effects. That was five years ago.

The man who worked this minor miracle was born in Exmore on the Eastern

Shore of Virginia on September 28, 1933, to parents whose forebears were long established in this rural area. He was the second of three sons in a hard-working family — one brother six years older, one eight years younger. Impressed at an early age with the local general practitioner, who had come to the house when his mother was ill, he asked for and received a doctor's kit on his sixth Christmas. Immediately he made his first diagnosis, informing his brother he had water on the brain.

In seventh grade he was moved by a favorite English teacher to send for a William and Mary catalog. It turned out to be the only one he saw and the only place he wanted to apply. In the ninth grade he got hold of a catalog from the Medical College of Virginia, and his future began to take shape.

At William and Mary from 1950 to 1954, Fred Ward was above average in application. As a successful pre-med student he had to be, for the standards of the chemistry department were high. He reveres the late Dr. William Guy as a great teacher and gentleman and remembers Dr. Alfred Armstrong as an exacting scientist from whom he learned much. Dr. George Sands, popularly known as the "Kirk Douglas of the faculty," he remembers fondly, too. Beyond this, Fred Ward was manager of Old Dominion dormitory (then all male and the center of an athletic controversy), a member of a social fraternity, a runner and, until he broke a clavicle, an aspiring football player.

In 1954 he entered a program of general medicine at the Medical College of Virginia. It was here he first saw hypnosis used as a medical technique. Struck by its possibilities, he learned to hypnotize himself so well that he was able to have an appendectomy in 1956 without anesthesia. In June 1958 he received his M.D. degree, passed the state board examinations for physicians, and married Anne Martin of Richmond. After one year of internship in Springfield, Ohio, the Wards were back east again, this time in Camp Lejeune, North Carolina, where Dr. Ward had a surgical residency.

Training here was very different from anything a student or intern usually encountered. For one thing, this was a Marine Corps still glorying in the Pacific conquests of World War II, and Fred Ward was young enough to be a fan of John Wayne. For another, the years of rote memorization and around-the-clock drudgery were past.

Dr. Ward found during the next 10 months that his professional opinions were sought and respected and that his superiors' instructions were personalized. No doubt they realized how difficult his task would be. As an emergency surgeon

for marines with the at-sea fleet, he would make the final surgical decisions for 10,000 men and if necessary, perform the operation himself.

The moment most doctors must dread as much as they anticipate, their first independent surgery, came only five days after Dr. Ward walked up the gangway for sea duty — in full backpack, .45 caliber pistol at hip, and with the sudden, fervent hope there would not be another war. Called from the wardroom, and “one of the world’s worst bridge hands,” he saw before him a marine who had been struck in the abdomen by a piece of broken machinery. To his dismay the man’s spleen was ruptured. Only its immediate removal would prevent the patient from bleeding to death.

This operation was one Dr. Ward had never performed and had watched only twice. Moreover, it would have to be executed with only a spinal anesthetic and on a rolling ship. But the doctor’s good memory and the patient’s youth and health combined to make a successful outcome. In fact, the anesthetist, surveying a blood-stained and exhausted surgeon, commented that the patient seemed to have come through in better condition than had the doctor! That was true of Dr. Ward’s ego as well. The experience brought home to him how much more there was to know. From that moment he began a program of continuous training, a regimen he has carried out to this day.

By 1961, with active duty done, Dr. Ward had settled into a family practice in

Franklin, Virginia. He was by then the father of two daughters, Anne and Susan. A few years later the Wards adopted a son, a 16-year-old patient who had come to live with them.

The town proved to be an unusually good place for a young doctor to work. There were at once enough patients to keep him occupied and a potential for growth. These numbers, plus an inclination to let his patients talk, played havoc with his schedule, but the longer he practiced, the more he came to believe that his patients needed to unburden themselves.

Soon he was assisting them with the technique of “progressive relaxation,” which had been approved by the American Medical Association several years earlier. Obviously, this was hypnosis



Surrounded by mementoes from his career, including the Algernon Sydney Sullivan Award which he received at commencement in 1954, Dr. Winfred O. Ward sits in his office in Richmond where he helps his patients improve their lives through hypnosis.

Photo by C. James Gleason

under another name, and if Dr. Ward's continuing experience with it had convinced him of its efficacy, others were not so sure. Some feared the kind of mind control portrayed in old movies; others just did not believe that hypnosis could work at all. (Interestingly, one of Dr. Ward's severest critics in that era recently sent his child to him for treatment.)

Such suspicions and skepticism did not deter Dr. Ward in the least. He set out to investigate further the uses of hypnosis, taking courses in psychiatry, medicine and behavior modification at Emory, Columbia and the University of Pennsylvania. Unlike today, there were no formal programs for the study of hypnotherapy, and Dr. Ward's was an eclectic post-graduate education. He offered perhaps the ultimate proof of his confidence in hypnosis by undergoing two additional operations without anesthesia.

By 1973 he was ready to begin the practice of hypnotherapy, settling in Richmond to do so. Here, where he has remained, Dr. Ward frequently finds himself offering the treatment of last resort, mostly for neuroses, phobias and the milder depressions. Only five percent of his patients come for behavior modification — the category into which I fitted — for weight problems, cigarette addiction and the like.

One thing all of Dr. Ward's patients have in common is the induction into the trance. This process may require the assistance of medication and special lights and take a good part of an hour or be accomplished in a few seconds, as was the case with me. Whatever the method, its success depends to a great extent on the rapport that has been established previously between hypnotist and subject. The subject's degree of trust and cooperation is crucial. It is generally agreed that hypnosis cannot be induced against an individual's will.

Typically, the patient relaxes quietly in a darkened room and fixes his gaze on an object. After the hypnotist has suggested that relaxation will increase and the subject's eyes will grow tired, the eyes usually do shut and the body begins to show signs of the limpness and regular breathing associated with physiological sleep. But the mind remains alert, more alert than during the waking state.

In fact, the depth of the hypnotic trance is measured by the degree of concentration of the mind, the degree of relaxation of the body and increased susceptibility to suggestion. "Controlled day-dreaming," one authority called it. The popular picture of the hypnotized subject as an unconscious sleepwalker is totally false.

I found the hypnotic state easy to achieve, although like so many others, I was not sure the first time that I had been

in a trance at all. Reassured by a standard test given at the end of the first session, I found myself achieving fuller concentration at each subsequent visit, which shows the value of a series of treatments. So-called smoking clinics that offer only a session or two fail to bring the subject to a state of concentration sufficient to implant a true posthypnotic suggestion. Nor do they take the time or have the expertise to find the root of the disorder. Everything

The ideal patient is between 18 and 40 years of age, intelligent, imaginative and strong-willed enough to be able to help himself. The sex of the patient does not seem to matter, but the attention span does. Obsessive-compulsive personalities are also difficult to deal with, and treatment for those with deep psychoses is so time consuming and uncertain that a psycho-pharmacological approach is preferable to hypnosis.

depends on the skill of the hypnotherapist in observing and using the patient's ability to help himself.

Although Dr. Ward has successfully treated patients from 5 to 80 with a range of intellectual levels, he will tell you that the ideal patient is between 18 and 40, intelligent, imaginative and strong-willed enough to be able to help himself. The sex of the patient does not seem to matter, but attention span does. Obsessive-compulsive personalities are also difficult to deal with, and treatment for those with deep psychoses is so time consuming and uncertain that a psycho-pharmacological approach is preferable to hypnosis.

Results can be dramatic and rapid once the patient is in a proper state of hypnosis. Besides using obvious suggestions to alter behavior or attitudes, the therapist can employ the technique of age regression, discovering long-ago traumas and helping patients to resolve or even forget particularly damaging incidents. The medical hypnotist can also help patients to overcome problems such as high blood pressure and insomnia, or to reduce the pain caused by severe burns or terminal cancer. Dr. Ward has been especially active in using hypnosis for chemotherapy

enhancement with cancer patients at several hospitals.

But Dr. Ward is equally clear about what hypnosis cannot do. A subject will not undertake dangerous acts, for example, or behave contrary to his moral code. "Every individual has a sentinel to keep him on guard," he said emphatically. "Reason is never suspended. The generic personality remains intact. We only try to remedy the damage others have inflicted, to work on what the patient wants us to work on."

Hypnosis is not "brainwashing" either. That requires a very long time to accomplish, under conditions of sensory deprivation such as prisoners of war or hostages have experienced — silence, isolation, darkness, starvation and the like. Nor can a person in a hypnotic state achieve physical and intellectual feats greatly beyond those of his waking state, despite some earlier extravagant claims to the contrary.

Hypnotism can, of course, be abused. A practitioner not medically trained could successfully relieve symptoms of physical illness that should be treated, or add to a subject's psychological difficulties.

Results have been ambiguous in the use of forensic hypnotism. Although Dr. Ward has prepared witnesses himself, he does not believe their testimony should be accepted unless it can be independently verified. Hypnotism is no magic pathway to total recall and cannot correct the false memory even of a witness who wants to tell the truth. Moreover, a hypnotized witness can willfully lie, putting to rest the notion of the zombie-like subject in the "power" of the hypnotist.

And yet, Dr. Ward notes, willing people have exhibited trance-like behavior in certain situations *without* formal hypnosis — as in the rites of certain religious cults, or during Hitler's torch-light harangues, or even in states of fear. Ordinary television can be mildly hypnotic, too.

Not content with all of his activity, always pushing at the limits of hypnotherapy, Dr. Ward has recently begun training bank employees and similar personnel to deal with the emotions that arise from being victimized by criminals. This, he finds, greatly reduces the psychic trauma should the crime actually occur and can also help employees deal more coolly with a real situation, lessening the risk.

But of all Dr. Ward's projects, none was more exciting or time consuming than writing *The Healing of Lia*, the true story of a multiple personality whom he treated for some months. Published by Macmillan in 1981 and co-authored by the patient, this case history shows as nothing else could the variety of skills that brought about the cure of a tormented woman.

Lia Farrelli is the pseudonym of a housewife and mother who was literally, although unknowingly, "possessed." By the time she had reached early middle age, she had been chronically ill for much of her life, but especially since giving birth to three children in as many years. In addition to a number of hospitalizations and surgical procedures, she had been treated by electric shock and a host of powerful tranquilizing drugs. She received little support or sympathy from family or faith during these travails. Instead, a harassed and insensitive husband ignored her, a domineering mother rejected her, and she was excommunicated by her church.

Isolated, guilt-ridden, struggling to raise children while almost impoverished by illness, and finally, the victim of a sexual attack, Lia's psyche created additional personalities to take up the unassimilated stress. Most prominently there was "Ava," who wore gaudy clothes, kept a racy journal, and screamed obscenities at Lia's husband, defending Lia in a way she, herself, could not. Then there was the perfectionist side of Lia, obedient, drab "Sister Ann," who was patterned after a favorite teacher and whose conduct would, she believed, be rewarded in heaven.

Frightened by the odd clothes she could not recall buying, her face disfigured by boil-like eruptions, with memory lapses becoming more profound and frequent, Lia was pushed to the point of hiding in the attic of her house and pounding her head on the rafters before she made one last attempt to save her mind. She would try the new technique of hypnoanalysis of which she had recently heard. She contacted Dr. Ward, although after so many failures she had little hope he could help.

In the second half of the book Dr. Ward describes the course of Lia's treatment in vivid detail. Anyone who has seen the motion picture *The Three Faces of Eve* or similar productions on television may think he has a general idea of how the cure is effected. But this book, integrating as it does theories of psychotherapy and hypnoanalysis into the story, is much more satisfying intellectually.

Here is medicine as an art as well as a science — a physician innovative, kind, puzzled, worried, excited, angry and always on guard to keep his emotions appropriate to the occasion. Two qualities stand out above the rest: Dr. Ward will take his patient's side against the world and will not shrink from challenging the status quo to do it. This is the basis of the total trust the patient feels, the rapport necessary to produce the cure.

To Lia Farrelli, he is something more, "right up there . . . with the angels . . . the voice from the other room cutting out the sickness." He is the one true friend, even though she sometimes "hated him," blaming him for the pain of dredging up the

past, resenting and fearing the tenacity with which he pursued her other selves.

Her belief in Dr. Ward's commitment to her cure is borne out by his own testimony. Just when she had completed her long therapy and was "beginning to live," it appeared she might have cancer. Her husband told her that if she did, it was punishment for "her sin and Eve's." Dr. Ward reacted strongly:

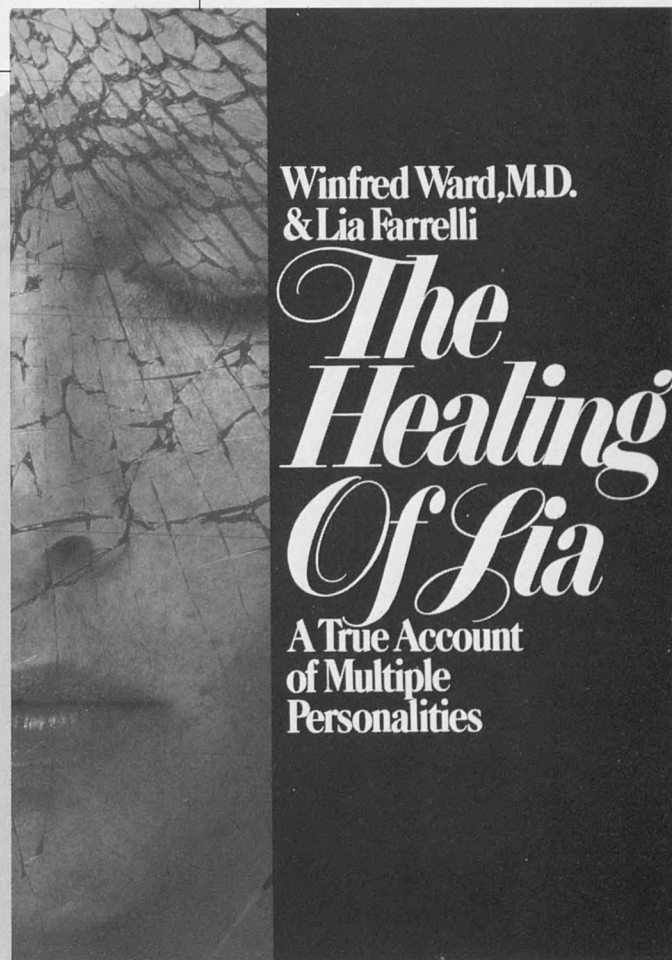
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"I came out of my chair [in her hospital room], angry words pouring from my mouth. I haven't the foggiest notion what I said. Lia has told me that some of it wasn't too nice. . . . If she puts it that way, I probably sounded more like I was at a men's smoker. . . . Had [her husband] been there that night I probably would have been a heap on the floor by the time I spoke my mind and he had finished with me."

Though Lia sees her therapist as an angel, he would describe his indignation at the cruelties we visit on one another as a very human quality. He realizes only too well what an appalling proportion of mankind's suffering is rooted in the mind, how seldom it is recognized, understood and treated. At work now on two more books, one devoted to male health, and continuing full time in practice, Dr. Ward is trying to change that.

ABOUT THE AUTHOR

Pamela Cartin Johnson '57 has been an assistant editor for the William and Mary Quarterly and the Virginia Gazette. A free-lance writer, she is completing a historical novel on Augustan Rome.

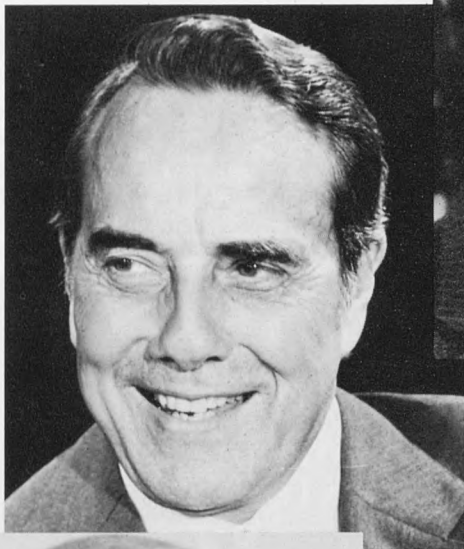


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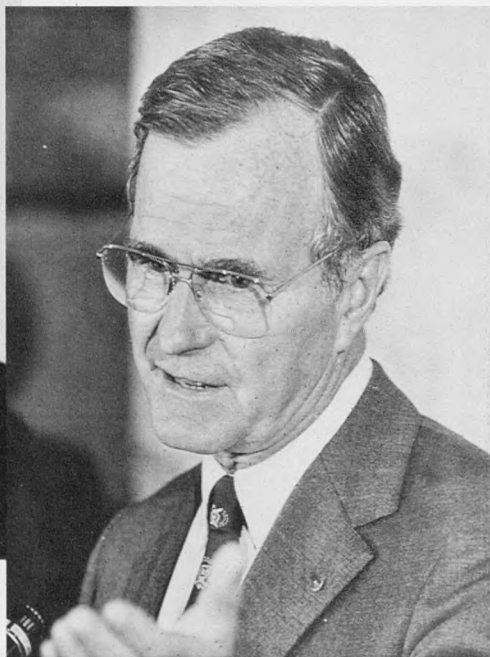
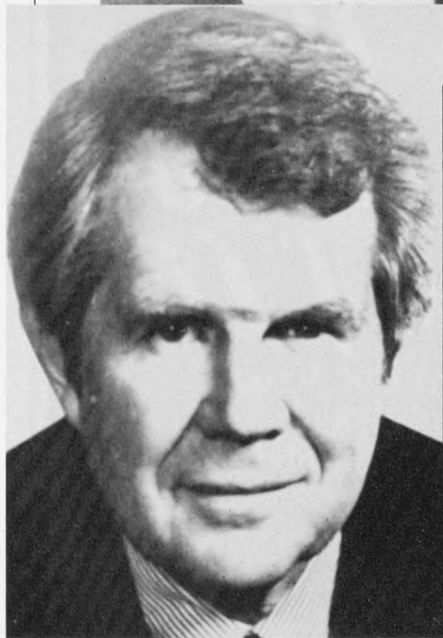
1988 Is Here!

The Political Battle Begins

BY RON RAPOPORT



PREPARING FOR '88 (Clockwise, beginning at left), Senator Dole, Congressman Kemp, Vice President Bush, and Evangelist Pat Robertson.



What was it about Michigan in the late summer of 1986 that caused Senate Majority Republican Leader Robert Dole to zip in for a breakfast of sweet rolls, for Jack Kemp to make his 15th visit in less than a year, for Pat Robertson to be constantly in evidence, and for George Bush to inject at least \$1 million into the state's economy on top of making five or more trips to the state? The answer is the Michigan Republican precinct caucuses. Politically speaking, 1988 is upon us. These caucuses were the first stage in the process to elect Michigan's 1988 Republican national convention delegates. More important, these were the first legitimate step in the quest for the Republican nomination for president, and they began more than two years before the 1988 election.

The world of party politics has changed dramatically in the last 20 years. Candidates, either announced or under the guise of "exploratory committees," are already competing for real delegates. Other candidates formed think tanks and political action committees (PACs) more than two years ago. Yet just four elections ago, in 1968, Hubert Humphrey won the Democratic presidential nomination without entering a single primary. And this happened after an incumbent president was forced from the race by the reluctant candidacy of a virtually unknown senator from Minnesota, Eugene McCarthy, who entered the race only two months before the New Hampshire primary. But even by 1968 the primaries had been upgraded from the status of "mere eyewash" to which Harry Truman had assigned them in 1948.

How all of this happened is a fascinating story by itself. It has made the presidential nominating process less predictable, much longer and more controversial. This is a story of a much larger role for binding party primaries and a much weaker role for party professionals and officeholders. Most of all it is a story of structural changes in the political parties reflecting demographic and political changes in the society at large. What makes this all the more fascinating is that the process itself



In 1968, Vice President Humphrey ignored the primaries but won the nomination.

has become a focus of so much serious conflict, particularly within the Democratic party.

But how does the nomination process determine the results? What difference do the rules make anyway?

The Democratic and Republican nominating processes were largely unchanged from 1936 until 1968. They involved a mixture of primaries, open to a wide range of voters, and party caucuses, usually controlled tightly by the party organization. Primaries provided an opportunity for candidates to prove their electoral appeal and impress party leaders, but success in them did not ensure a candidate's nomination. In 1952, for example, Estes Kefauver, a crusading senator from Tennessee, entered 14 of 15 Democratic primaries, won 13, accumulating two-thirds of the total popular vote cast in all 15 primaries — and still failed to win his party's nomination!

Similarly, in 1968 Eugene McCarthy won more primaries than any other candidate, receiving 600,000 more votes than his nearest competitor, Robert Kennedy. Yet even after Kennedy's assassination, McCarthy still failed to win the nomination.

On the Republican side the pattern was similar. Although Harold Stassen in 1948 and Robert Taft in 1952 were the choices of primary voters, neither was nominated. In only nine of the 21 cases of seriously contested nominations in both parties between 1912 and 1968 did the candidate winning the most primaries also win the nomination.

Primaries were but one part of the delegate selection process in these nomination races. Although between 1952 and 1968 about half of all delegates came from states with primaries, one third of the delegate slots in the primary states were allotted to party and public officials, or were filled by appointments of the state party committee or other party organization, without any stipulation as to individual candidate support. As a result, even

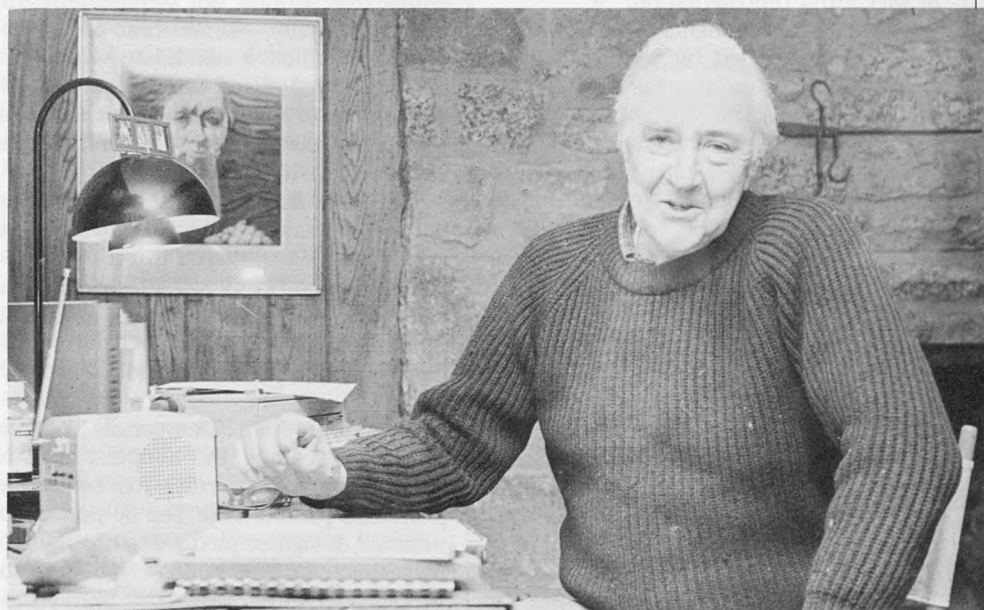
though McCarthy won the New York primary in 1968, receiving a majority of the 125 delegates bound by the primary result, he received the support of only 15 of the 65 appointed delegates and ended up with only a minority of the total delegation. New York State Chairman Burns noted candidly: "If I ignored the people who have helped me with the organization work and appointed strangers just because they are for McCarthy, I'd have a revolution on my hands."

Since pledged primary delegates constituted only a third of national convention delegates, with the rest appointed by party committees or elected in caucuses tightly controlled by traditional party organizations, party leaders played a particularly important role in nomination decisions. With a sitting Democratic president opposing him, a lack of appeal in the South where there were few primaries, or with the Eastern establishment, Kefauver stood little chance against Illinois governor Adlai Stevenson who had entered no primaries at all. In 1968, McCarthy confronted similar problems, compounded by the strong opposition of organized labor, and he too lost out to a candidate with no primary involvement.

However, 1968 was not 1952. The Vietnam War was far more divisive than Korea and protest and opposition were at high levels. The strong Democratic machines based at the state and local levels were in decline. Indeed the Democratic coalition as an electoral reality was in disarray as new groups — anti-war, black, feminist, and youth — demanded to be heard. Anti-war and other activist groups that had mobilized rapidly in 1968 found that their triumph, achieved by forcing President Johnson from the race, was

short-lived. They were helpless in stopping the candidacy of Vice President Humphrey, a candidate whom they had not even been able to confront in the primaries. These activists, many of them newly involved, perceived a process which made it difficult, if not impossible, for insurgent candidates to win. In this

In 1968 Eugene McCarthy won more primaries than any other candidate, receiving 600,000 more votes than his nearest competitor, Robert Kennedy. Yet even after Kennedy's assassination, McCarthy still failed to win the nomination. In New York, for instance, McCarthy won the state primary, but ended up with a minority of the total delegation. Said State Chairman Burns: "If I ignored the people who have helped me with the organization work and appointed strangers just because they are for McCarthy, I'd have a revolution on my hands."



Eugene McCarthy, a virtually unknown senator from Minnesota, challenged the Democratic bosses and forced Lyndon Johnson from the race, but lost the nomination to Humphrey despite a strong primary showing.

Estes Kefauver and Robert Taft met the same fate in 1952 as McCarthy did in 1968. Kefauver, a crusading senator from Tennessee, won two-thirds of the vote and 13 of the 15 primaries while Senator Taft was the choice of primary voters. Yet neither was nominated.

assessment they were not altogether wrong.

In more than 20 states, the rules governing Democratic presidential delegate selection were nonexistent, inadequate or unavailable. In 10 of these there were no rules whatsoever, no requirement to announce time or place of the caucuses. In six others, all delegates were selected by individuals chosen before the year of the election (usually by the governor, state chairman or state committee), and in another six states, with primaries, candidates for delegate did not have to list their candidate choice. In addition, there was widespread, generally unregulated, use of proxy votes which allowed abuse. One of the most flagrant cases was in a Missouri township where the McCarthy forces constituted a clear majority of those present — until, that is, the chairman pulled out 492 proxy votes, three times the number of persons attending, to quash any hope of McCarthy representation.

The insurgent elements of the Democratic party responded by setting up their own ad hoc committee, the Commission on the Democratic Selection of Presidential Nominees, under the chairmanship of Iowa Governor Harold Hughes. The McCarthy forces failed to control the Democratic convention, losing the nomination and not winning support for the “peace plank” in the platform. But the convention did adopt a resolution insuring that in 1972, “delegates (will) have been selected through a process in which the Democratic voters. . . (will have) full and timely opportunity to participate,” and that “delegates are selected through party primary, convention, or committee procedures open to public participation within the calendar year of the National Convention.”

The most important result of this was the establishment of the Committee on Party Structure and Delegate Selection (soon to be known as the McGovern-

Fraser Commission after its two chairmen). After more than three years, the commission issued its report. Its proposals were adopted, essentially as presented, by a non-insurgent Democratic National Committee, as part of the rules for delegate selection for the 1972 Democratic National Convention. These reforms also became the basis for state rule reforms, and remarkably by the time of the 1972 convention 97 percent of the guidelines had been implemented.

The McGovern-Fraser rules corrected some obvious abuses by requiring the adoption of written rules for delegate selection by state parties, uniform statewide times and dates and adequate public notice for caucuses and primaries. Moreover, it severely cut back the role of party officials and officeholders in the nomination process. In the future, all participants were to be equal, regardless of previous involvement or experience. States were barred from using what Byron Shafer of Oxford University has called “the oldest and most widely used delegate institution in American history,” the party caucus, under which party officers alone selected national delegates. No longer could they and elected officials be given delegate positions simply based on their office (although this changed in 1984), without running in primaries or open caucuses, or committing to a candidate. Furthermore, state committees could appoint no more than 10 percent of the delegation. By requiring candidates for delegate to specify their candidate preference, well-known party notables lost their advantage over unknown supporters of popular candidates.

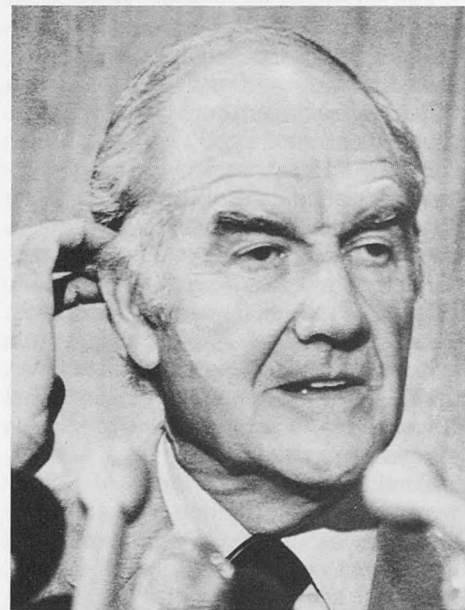
The imposition of quotas for women, minorities and young people was considerably less serious, but symbolically important. Finally, winner-take-all procedures, in which a candidate winning a state received all of the delegates from that state, or a candidate winning a caucus received all the delegates elected from that caucus, were abolished.

The new rules did not require the adoption of primaries. Doing so, however, allowed states to divorce the presidential nominating process, which the national rules did govern, from state and local nomination process and other party business, which the national rules did not govern.

To many state Democratic parties, primaries seemed the simplest way to comply with party rules; consequently, primaries proliferated. The 36 percent of national delegates pledged to a candidate by primary in 1968 jumped to 58 percent in 1972. Although primaries typified the process best, caucuses were often similar in their makeup, even if much smaller. Everett Ladd of the Roper Center has con-

tended that “Party caucuses in the modern sense are nothing more than restrictive primaries.”

The Democratic party denied state organizations a proprietary role in choosing presidential candidates, and shifted the focus almost entirely from party organizations to the candidates. They did this by mandating a declining independent role for state parties; by imposing *de facto* — and in some cases *de jure* — quotas; by banning, at least through 1980, *ex officio* delegates, and by providing candidates with a veto power over delegate candidates running under their name. With that shift, because of primaries and mass participation caucuses, the candidates became much more attentive to the mass of potential primary caucus participants — and not just to the party organization and its activists. As a result, the Democratic party organization became only one group among many vying for control of the party.



In 1972, George McGovern relied heavily on the McGovern-Fraser rules to sweep the Democratic nomination. Along the way, his forces managed to unseat the Illinois delegation of Mayor Richard Daley of Chicago, the epitome of the party organization leader, and bar him from even taking his seat at the convention.

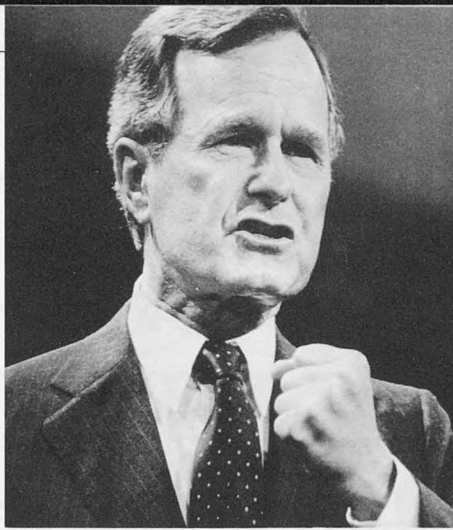
Concern over the growth of interest group activists has led to a fear that the Democratic party, once the broad-based, pragmatic, dominant party in the U. S., had become a set of narrow interest groups with no cohesion, controlled by ideologically extreme purists, oblivious to candidate electability. Such concerns blossomed when George McGovern, relying heavily on the anti-war movement, used the McGovern-Fraser rules to sweep the nomination. Along the way, the McGovern forces managed to unseat the Illinois delegation of Mayor Richard Daley of Chicago, the epitome of the party organization leader, and bar him from even taking his seat at the convention. Concerns about the reforms intensified after McGovern lost to Nixon in a landslide in the general election, and the rules came under serious and continuing attack.

The increasing weakness of party organizations, the growth of interest groups and the aging of the New Deal coalition made possible the challenge by the "New Politics" groups. In 1968, with a powerful, sitting Democratic president, the insurgents had little chance for success, but four years later, many Democratic leaders, including party chairman Larry O'Brien, were convinced that to resist reform would mean serious risks for the party.

The Democratic delegates who gathered in Miami in the summer of 1972 had been selected under the new rules, and they were a far cry from those of previous conventions. They were seven times more likely to be under 30 than in 1968 and three times more likely to be either female or black. There were almost two-thirds fewer Democratic congressmen than just four years earlier. Ideologically, the group was more extreme. Nearly half called themselves either "radical" or very "liberal." So extreme were the delegates in 1972 that Democratic identifiers in the public at large were actually closer in ideology and in issue positions to Republican convention delegates than they were to the Democratic convention delegates. At the same time, Democratic county chairmen were actually closer to the average American voter than were Republican county chairmen.

Most damning of course was the pitiful showing of the Democratic candidate for president, who was defeated by Nixon in one of the greatest landslides in history. That all of this occurred in the very first year of the McGovern-Fraser rules when McGovern and his staff had been so intimately involved in drafting the reforms simply proved the culpability of the rules to many. But did it really?

Only four years later, under very similar rules, the Democratic convention looked far different than it had in 1972. Compared



If getting started early was an advantage in 1984, it is a requirement in 1988. By March 8, 1988, more than a third of the 50 states, including virtually all of the South, will have held their primaries or caucuses, and New Jersey and California may decide to do so as well. In 1968, only one state, New Hampshire, had held its primary by mid-March.

to the 49 percent calling themselves radical or very liberal, only 8 percent did so in 1976. The percentage of blacks and youth dropped by about a third and even the number of congressmen increased. Most important, the Democrats won the election. And while Carter lost four years later, the Democratic delegates remained less extreme. Across a range of political issues, there was less difference between Democratic delegates and Democratic identifiers nationwide than between Republican national convention delegates and Republican identifiers. The party, indeed, had moved back from the extreme.

Nineteen eighty-eight will be a different political world from 1968. As we watch the developing competition for convention delegates, the salient characteristics of the new system will emerge more clearly. Increasingly since 1972, candidates for nomination have had to run a national campaign. Whereas in the 1950's and 1960's candidates picked their primaries to emphasize certain strengths (John Kennedy showed his ability to draw votes from Protestants by winning in West Virginia) in order to impress party bosses, today the primaries and the caucuses are the major way that delegates are selected.

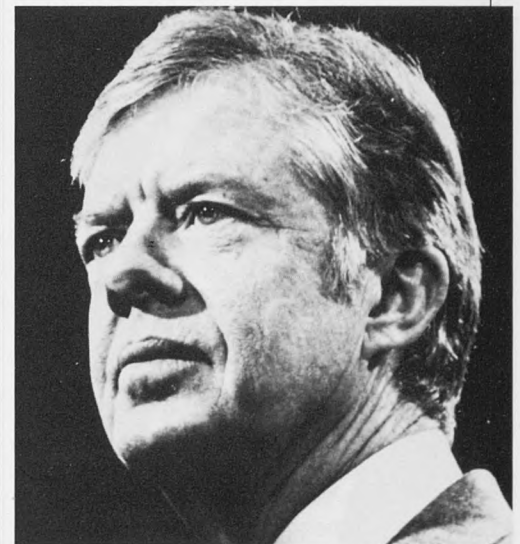
If you do not win delegates in the primaries, you are not going to win them at all. A national campaign takes a strong organization, and a strong organization requires time and money. In 1984, Mondale spent \$25 million in the nomination contest alone.

The Federal Election Campaign Act of 1974 has provided another major change in the presidential nomination process since the 1960's. Since 1976 candidates who opted for federal matching funds have been limited in the total amount they could spend. In addition, candidates could receive no more than \$1,000 from each individual, nor more than \$5,000 from each political action committee.

It has been all but impossible since 1976 to do what Robert Kennedy did in 1968: announce his candidacy in March and raise \$11 million in 11 weeks. It is not surprising that the three non-incumbent candidates nominated for president by their parties since 1976 were all out-of-work politicians. Nor is it surprising that Morris Udall decided that early 1983 was simply too late to begin building his organization for the 1984 campaign and decided against running. In large part because of the lack of organization Gary Hart failed to file full slates of delegates in Florida, Illinois and Pennsylvania, seriously hampering his campaign to overtake Mondale.

If getting started early was an advantage in 1984, it is a requirement in 1988. By March 8, 1988, more than a third of the 50 states, including virtually all of the South, will have held their primaries or caucuses, and New Jersey and California may decide to do so as well. In 1968 only one state, New Hampshire, had held its primary by mid-March.

Although the first caucus is not until February, candidates have already begun



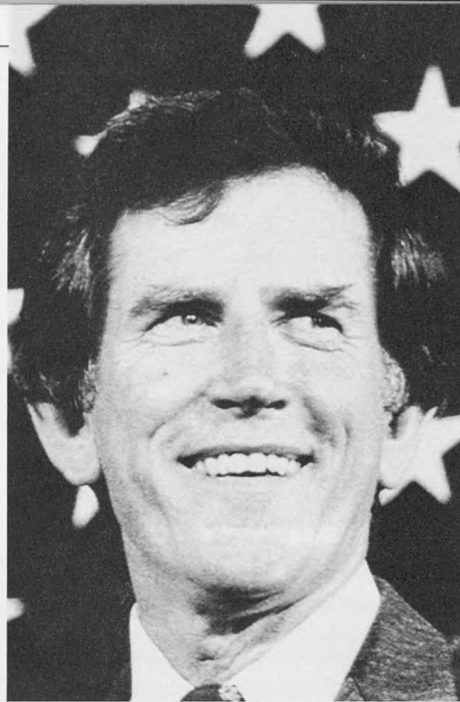
An obscure southern governor, Jimmy Carter rode the primary route to the Democratic nomination in 1976.

the "invisible primary" — that period during which they try to show strength by winning substantially meaningless straw polls taken at every party gathering imaginable. Particularly for longshot candidates, this is an important strategy. Throughout 1983, Alan Cranston excelled in these contests, only to see his campaign collapse when votes that counted starting coming in, in 1984. But what his earlier showing did was to establish the legitimacy of his campaign and provide important help in raising money.

We have already seen attempts to capitalize on early, if ambiguous, successes in the Michigan precinct elections, where Pat Robertson tried to use a strong showing to prove that his campaign is legitimate. But for candidates in both parties, Michigan is just the first of many contests. Candidates like Bruce Babbitt of Arizona on the Democratic side and Pierre DuPont of Delaware on the Republican are typical of the candidates who need to do well in the "invisible primary" in order to stand any chance.

In addition, the most important interest group in the Democratic party, the AFL-CIO, will make an early endorsement. Nineteen eighty-four showed that, whatever the success of environmentalists, women's groups, and other "new politics" groups after 1968, labor remains a force to be reckoned with. Not only did labor turn out large numbers of caucus and primary voters in 1984, but, at least in the caucuses, these union members were heavily influenced by their union endorsement to support Mondale (something that could not be said for members of women's groups which had also supported Mondale).

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Hart

When Hart's campaign took off, and Mondale's seemed to lag, it was the organizational strength of the AFL-CIO that provided bedrock support that Mondale so desperately needed. Even though that endorsement was used against Mondale during the nomination struggle by Hart, Mondale might have lost the nomination without it.

provided that bedrock support that Mondale so desperately needed. Even though that endorsement was used against Mondale during the nomination struggle by Hart, without that support Mondale might well have lost the nomination. When Reagan again resurrected the AFL-CIO endorsement to label Mondale a tool of the special interests, many Democrats felt that the early endorsement had been a mistake. But attempts to convince Lane Kirkland, the president of the AFL-CIO, not to settle on a single candidate early in the nomination process, failed. Kirkland remains committed to the early endorsement idea. As a result, the competition for the AFL-CIO support will begin early, will be fierce, and will give the winner a substantial organizational and electoral advantage.

How this front-loaded process will work in 1988 is not clear. Research on the last

two campaigns has shown that voters are unwilling to waste their votes on candidates who have little chance of being nominated and elected. Assuming that this remains true in 1988, it is probable that the "Super Tuesday" elections themselves will be affected disproportionately by the results of the elections held immediately before March 8, namely the New Hampshire primary and the Iowa caucuses.

Candidates who do poorly in the first two contests are going to find it much more difficult to convince voters or professionals that they really are viable. Add to this the huge coverage that the media traditionally gives to New Hampshire and Iowa, and a good showing there may be essential to stand a chance on "Super Tuesday." At the very least, one must make a showing in the early contests that the media will regard as a good one.

In 1984, as a result of coming in second in Iowa, Gary Hart doubled his newspaper coverage, and became the choice of 34 percent of the Democrats nationwide compared to 7 percent before the Iowa caucus. Conversely, poor showings in Iowa and New Hampshire were responsible for eliminating Cranston, Hollings, Glenn, Askew and McGovern from the 1984 race.

Finally, as a reminder of the old style politics, the Democratic convention will have the guaranteed presence of the vast majority of congressional Democrats selected as unpledged convention delegates by the Congressional Democratic caucuses.

As only the second election in the last 60 years in which neither party has had an incumbent president competing for the nomination, 1988 promises to produce two hard-fought contests. Whether it will yield a dark horse candidacy like that of Jimmy Carter in 1976, or a victory for an early front-runner as in 1980 with Ronald Reagan, the combination of the "new political rules," colorful personalities and saturation media coverage will make it an election process worth watching and enjoying.

ABOUT THE AUTHOR

Ronald B. Rapoport, who received his Ph.D. at the University of Michigan in 1972, is an associate professor of government at William and Mary. His specialties are political parties and elections. He is currently involved in a study of caucus participants in the 1984 Presidential election under a grant from the National Science Foundation. His most recent book (with John McGlennon and Alan Abramowitz), *The Life of the Parties: Activists in Presidential Politics*, was published by the University Press of Kentucky in 1986.



Mondale

CRIME AND PUNISHMENT:

The Long Legal Journey of Michael Marnell Smith

BY BOB EVANS '74

May 23, 1977, was a beautiful day in Williamsburg. The sun was shining, it was Audrey Weiler's 36th birthday.

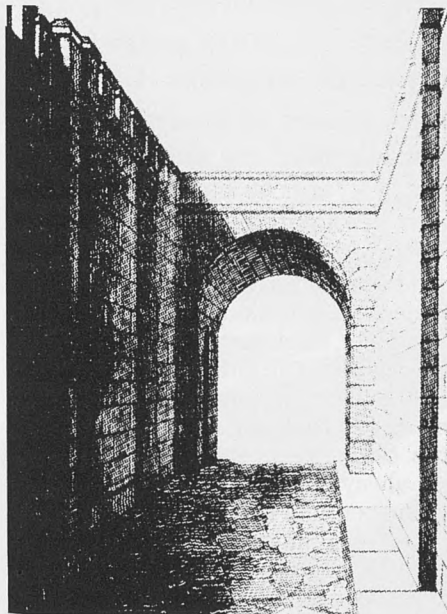
Audrey Jean Weiler, a part-time College of William and Mary art student, took her 14-year-old daughter to Queens Lake Intermediate School about 8 a.m., ran some errands, did some shopping, and then went home. After washing some dishes and tidying things up, she decided to go to Archer's Hope scenic area on the Colonial Parkway near Jamestown, site of a 17th-century massacre of settlers by Indians. It had been a favorite spot since her teenage years, a place she often chose for reading, painting, sunbathing and thinking in private.

Before she left the house she typed a note to her two daughters — Heather, the older, and Hollie, 8 — telling them to wait in the house or yard if she wasn't home when they arrived from school.

The gray-green water of the James River lapped at the sand while Audrey Weiler read poems and sat on the beach. About 1 p.m. she started back to her car. On the way she stepped on some briars and put down her book to pick them out. A 31-year-old man named Michael Marnell Smith walked up and offered to help.

Though he had grown up and lived on a nearby farm owned by a fundamentalist church group and could recite dozens of Bible verses, Smith was no Samaritan. He was then on the 112th day of his parole from a 40-month prison term for a 1973 rape.

Smith helped Mrs. Weiler pull the briars from her feet. Then he asked her to take a walk down the beach. When she refused he put his arm around her waist and made



Michael Marnell Smith was convicted of capital murder in November 1977, the first person tried under Virginia's new capital punishment law. But it would be nearly nine years before that death sentence would be carried out. The process involved 14 separate appeals considered by more than 30 judges in five separate courts, including every level of the state and federal court and three U.S. Supreme Court votes. During that time four people convicted under the same Virginia law were charged, tried, convicted, sentenced and executed while Smith watched and waited on death row.

her go, steering her down the waterline of the James a half mile or so until they were out of sight of the road and any tourists. Smith drew a hunting knife from the sheath on his belt, forced Audrey Weiler to the ground, and raped her.

Afterward, Mrs. Weiler begged for her life, but Smith began choking her with both hands until she went limp. He dragged her body several feet into the water, where she revived and began struggling again. He held her head under the water until she stopped moving, then he stabbed her in the back several times.

Smith left her body in the water, hoping the current would take it far from his nearby home and Jamestown Island. He hid her clothing in the woods nearby, scraped his feet hard and deliberately in the disturbed sand and then walked home to milk the cows at Gospel Spreading Farm, where he lived with his wife, two children, parents and 10 of 11 brothers and sisters. On the way he stopped and threw the knife and sheath, a present from a brother a few weeks before, into a marsh. Mrs. Weiler's body was found about two hours later by National Park Service rangers.

Two days later a James City County Sheriff's Department investigator and two W&M security police officers went to Smith's home to ask one of Smith's brothers about a car he had reported seeing near Archer's Hope the day of the murder. All three policemen noticed that Michael Smith appeared nervous. While the investigator had stepped out into a hallway to ask the brother why Michael was fidgeting so, W&M Security Police Chief Harvey Gunson, a retired New York City policeman, got to the point. He ac-

cused Smith of the crimes. Smith became more nervous and finally asked Gunson "Do you think a lawyer could help me?"

Gunson's response was to ask Smith to keep silent while his constitutional rights were being read. Smith then asked for a Bible, and, along with his brother and the three policemen, knelt and prayed for several minutes. When he finished, Smith opened tear-filled eyes and began telling the police everything. Then he took them on a step-by-step reenactment of the crimes.

"I don't know why I did it," Smith told them when asked why he raped the woman. "I just did it. I felt like I just had to have her. Something is wrong with me. I couldn't help myself."

Smith did know why he'd killed Mrs. Weiler, however. "All I could think about was going back to the penitentiary. I was afraid she could send me back."

Mrs. Weiler couldn't send Smith back to prison, but a jury of six women and six men did in November after a two-day trial. They also recommended that he die in the electric chair, a sentence which the judge imposed.

Virginia had enacted a new capital punishment law that same year, designed to overcome the problems the U.S. Supreme Court had found with capital punishment laws since 1972. Smith was the first person tried under that Virginia law, but it would be nearly nine years before that death sentence would be carried out on July 31, 1986. The process involved 14 separate appeals considered by more than 30 judges in five separate courts, including every level of state and federal court and three U.S. Supreme Court votes. During that time four people convicted under the same Virginia law were charged, tried, convicted, sentenced and executed while Smith watched and waited on death row.

Smith was not the only one waiting, however.

On that May 1977 day, Hollie and Heather Weiler waited patiently for their mother to come home so they could have the private, quiet birthday dinner they had been planning for the past several days. Hours after reading the note their mother had typed, they knew something was wrong when they saw their father, divorced from Mrs. Weiler four years, coming up the walkway in his fireman's uniform.

T. K. Weiler had received phone calls from park rangers and police that day. The first, about 2 p.m., asked why his ex-wife's purse had been found on the parkway. The second said they had located her car. The third said her body had been found floating in the James. Though divorced several years, "I was devastated," he said nine years later. They had shared

10 years of marriage and two children, he noted.

"The first thing I thought about was 'How do I tell the kids?' They were still my kids. I went to the house, and I think they suspected something was wrong that I was there. As hard as I'd tried to think about all the different ways to tell them there was something wrong, I couldn't come up with anything original. So I just told them the truth. That their mother was dead."

Before someone could be sentenced to death, the jury or court had to decide whether he committed a rape or robbery, a mass murder, or the murder of a police officer performing official acts. After guilt was determined, there was a finer distinction to make. . . . Only certain types of murders, by certain types of people, were punishable by death.

The girls' pain, fright and disbelief were marked by shrieks, tears and an unwillingness to be physically separated from their father, even after Smith was arrested and charged. The girls came to live with T. K. Weiler, who eventually remarried and adopted a young son. As his children grew older, Weiler said he made sure he was always the first to see the morning newspaper until last August 1.

Each time Smith filed an appeal, had it heard by a court, was rejected, had an execution date set or stayed, there were newspaper, television and radio reports. Each contained a description of Audrey Weiler's death, or, as if to imply that she didn't count, didn't mention her at all. There were more than 50 stories.

Each one brought back pain and tears to Hollie and Heather Weiler, punishing them further and reminding them they could not, perhaps never would, understand how it all could have happened — to them or their mother. The many reminders during the nine years following the murder pricked the fragile skin that had grown over those hurts, reopening them, never permitting the healing process to become complete. The printed and broadcast reminders were frequently augmented by staring faces and probing questions in the community from playmates and casual acquaintances, as the case dragged on and on.

Some of the ugliest words uttered in the Weiler household the past nine years have been "There's another article," T. K. Weiler explains. "Every couple of months this makes their lives a disaster. Each time," he said, picking up a newspaper from the desk in front of him and reading: ". . . strangulation, stabbing and drowning' you know? How many times do they have to read about their mother's death? And each time I guess it's one of those things you do, like the human is drawn to the macabre, everyone wants to see it, they want to read. And . . . every time it's in [the news, Hollie and Heather] have a crying session. Each time, it takes counseling, sometimes professionally and sometimes just to sit down and talk with Dad and Mom. We tell them 'Everything will be O.K., don't worry about it. Hang in there. We'll be there to help.' The only thing they ever say is 'Why? Why does it keep going on? Why don't they do something about it?'"

What "they" were doing was very carefully, deliberately defining the new law, said Richard Bonnie, a University of Virginia law school professor who specializes in constitutional law and the role of psychiatric testimony in legal affairs. After the 1976 U.S. Supreme Court ruling upholding the constitutionality of the death sentence in certain circumstances, defense lawyers and prosecutors began chipping away to determine how broad or how narrow those circumstances were.

The change between 1972 and 1977 in capital punishment laws in Virginia and other states primarily involved the procedure used in holding the trial. Before someone could be sentenced to death, the jury or court had to decide whether he committed a murder during a rape or robbery, a mass murder, or the murder of a police officer performing official acts. After guilt was determined, there was a finer distinction to make. A life sentence was required "unless the court or jury shall . . . find that there is a probability that the defendant would commit criminal acts of violence that would constitute a continuing serious threat to society or that his conduct in committing the offense for which he stands charged was outrageously vile, horrible or inhuman in that it involved torture, depravity of mind or an aggravated battery to the victim." Only certain types of murders, by certain types of people, were to be punishable by death.

Because Smith was the first tried, it took a little longer to decide if things had been done right. There were more previously unasked questions that had to be answered. Often judges would wait until similar points were decided in other cases.

"It just takes time for the law to develop," said Bonnie, who became involved in Smith's appeals in 1979. "The one thing that can be said is that for many years

after 1976, the U.S. Supreme Court created new questions every term" until 1983. It has only been within the past two years that most of those questions about the procedural requirements have been answered. "But that's not to say there are not going to be unanswered questions. There will always be unanswered questions. That's the nature of the law."

It is also the nature of the law that the appeals system has more possible steps to detect its own failures than a nuclear power plant. When capital punishment was reinstated, one of the requirements was that a state Supreme Court give complete review to every case where the death sentence is imposed at trial. Normally a state's high court, like its national counterpart in Washington, D.C., accepts only a small percentage of the cases sent to it for possible hearings.

After that there are several possible steps if a death sentence appeal is rejected. Typically the next appeal is to the U.S. Supreme Court. If that fails, the pattern in Virginia cases then has been to appeal to the original trial court for a review of trial attorney competency and other constitutional issues, and then to the state and federal supreme courts for review of those questions. Then a third system of appeals begins, at the lowest rung of the federal court ladder in District Court, followed by the Circuit Court of Appeals and, once again, an appeal to the U.S. Supreme Court.

Before his appointment to the state Circuit Court bench in Henrico County in August 1986, James Kulp served as Virginia's senior assistant state attorney general in charge of answering death-row inmates' appeals. "I certainly think the process

takes too long," he said toward the end of Smith's appeals.

Kulp and other state prosecutors question whether federal law should allow as frequent a review of each capital murder case as now exists, especially when a state's highest court is automatically required to review every death sentence trial and verdict in detail. Federal courts reverse state court decisions in only two percent of the criminal appeals cases they consider, according to a recent study, Kulp pointed out. And even that small number doesn't necessarily mean they have made the right decision. "They simply have the last say," he noted.

Jack Boger, assistant counsel for the NAACP Legal Defense and Education Fund, Inc., takes a different view. He and others have argued that federal court review, though time-consuming and expen-



J. Lloyd Snook III, attorney for Michael Marnell Smith, met with reporters just before his client's execution on July 31, 1986, nearly nine years after Smith had been sentenced to die for the murder of a Williamsburg woman.

sive, has provided the most meaningful legal review of death penalty cases since 1976. In federal court testimony earlier this year, Boger noted that between 1976 and 1983, 68 to 70 percent of all death-row inmates' federal court appeals resulted in new trials or a reversal of their convictions or sentences. And during the past decade, Boger added, more than half the death sentences handed down by juries or judges resulted in higher courts' orders to hold new trials or sentencings. A staunch opponent of the death penalty, Boger notes that without these multiple levels of appeals there cannot be the confidence that a mistake isn't being made that even death penalty advocates should require.

Federal review of Smith's case took five of the nine years he, Mrs. Weiler's daughters, and others spent waiting for a final decision. Six months of that time was the result of an inexplicable paperwork error, in which a normal one-day process to determine that Smith was an indigent took half a year to complete.

The legal briefs cited more than 20 grounds for appeal, but when what most believed would be Smith's final appeal came before the U.S. Supreme Court in March 1986, they had been whittled down to three: whether testimony by a psychiatrist during the sentencing phase of the original trial should have been admitted into evidence; whether that evidence was sufficiently prejudicial to have denied him his constitutional right to a fair trial; whether those two issues should even be considered by the court in light of the fact that they were not raised in the very first appeal to the Virginia Supreme Court as state court rules require.

Before the 1977 trial, Smith was evaluated by a state-paid psychiatrist who was to help Smith's attorneys decide whether a defense based on psychological impairment short of insanity might be raised in the trial. Smith told this psychiatrist that when he was a teenage school bus driver he had torn off a schoolgirl's clothes, but stopped short of raping her. The incident was never reported and was unknown to authorities. Virginia law in 1977 required the psychiatrist to report the results of the talk to prosecution and defense alike. After a federal court ruling, Virginia law was changed in 1981 to give the defendant the more typical patient-physician confidentiality right. Before the U.S. Supreme Court, Smith's lawyer argued that the jury should never have been allowed to hear about the school bus incident. The jurors did and that affected their choice of the death sentence, the lawyer said. In all the appeals, Smith never claimed innocence. He protested that he should have received a life, not death, sentence.

On June 26, 1986, the U.S. Supreme Court decided by a 5-4 vote that Smith

was too late in raising these arguments, that his failure to raise them in the first appeal, as the rules required, prevented them from being considered. Normal criminal conviction appeals procedures will be adhered to just as strictly in death sentence cases, they ruled. Then, in a rare departure from normal form, the court's majority proceeded to analyze the merits anyway. They ruled that while the psychiatrist's testimony *might* not have been admissible, it introduced no untruth into the

Snook argued Smith's case was special for two reasons. First, Smith was the first person tried under the new law and sentencing procedure, a legal guinea pig who did not have the advantage of later refinements in how the technicalities of the law should be explained to juries and handled in court. Second, Smith was a victim of the change in the laws governing confidential talks between criminal defendants and psychiatrists appointed to help them.

trial so had not prejudiced the case sufficiently against Smith. The court's minority opinion accused its brethren of "becoming lost in a procedural maze" and allowing someone to be killed whose constitutional rights had been violated.

Immediately afterward, Smith's attorney, J. Lloyd Snook III of Charlottesville, said the possibility for further appeals was slim, except to ask the governor for a life sentence without parole. "I don't think there are many avenues available." Four days later another execution date was set for Smith, July 31, 1986.

On July 21, after Smith had been taken from death row at Mecklenburg Correctional Center to "The Death House" in the basement of the state penitentiary in Richmond where the electric chair sits, Snook found another avenue. He filed two appeals with the Virginia Supreme Court asking them to reconsider the case for a third time as a matter of justice and not just law. He asked the court to overlook the procedural rules of filing appeals and instead to view the U.S. Supreme Court minority's claim of a "blatant constitutional violation" and the high court major-

ity's admission that a violation might have taken place.

Though Snook could find only three cases in the state's legal history as precedent for these new appeals, he argued Smith's was a "special case" for two reasons. First, Smith was the first person tried under the new law and sentencing procedure, a legal guinea pig who did not have the advantage of later refinements in how the technicalities of the law should be explained to juries and handled in court. Second, Smith was a victim of the change in the laws governing confidential talks between criminal defendants and psychiatrists appointed to help them. The court had recognized the need to change this law after Smith was sentenced to die and should recognize that fairness dictated he be sentenced under the newer rules.

There is nothing to stop an attorney or convict from filing an appeal, from dropping papers off at a court house and asking for a review. The system is governed primarily by its participants. A lawyer who files a frivolous appeal runs the risk of public court censure, disapprobation or even monetary penalty. A lawyer who fails to raise an issue that reasonably could benefit a client risks being later cited for incompetence and, in a death sentence case, for his client's execution.

In response to the two appeals by Snook, the Commonwealth of Virginia and Kulp offered legal arguments in opposition, then went further, saying that even considering them would cause "chaos" in the criminal justice system, creating new avenues of appeal and making the road to the death chamber endless. In a one-sentence ruling on July 25, the Virginia Supreme Court rejected Snook's appeals, saying simply they had been given consideration but found lacking.

Snook then went to the governor. A life sentence without parole was a sentence only a governor could grant in Smith's case. In addition to the legal and fairness arguments that Snook had raised for Smith in courts the past five years, there were arguments that Smith merited life behind bars. Prison officials had described Smith as a model inmate. Some even argued for the life-without-parole sentence because in 1981 Smith tipped them off to a plan by other inmates to smuggle a gun into death row.

"There were several of us who were at Mecklenburg at the time who were rooting for him that he wouldn't be executed" because of his role in spoiling the gun-smuggling plan, said Samuel Pruett, an assistant warden at James River Correctional Center, after the execution. Governor Gerald Baliles nonetheless ruled against helping Smith, announcing his decision the morning of July 30.

Smith, Snook and others went to bed

that night believing there would be an execution before the next day was through, at the customary hour, 11 p.m. The next morning, Snook drove from Charlottesville to Richmond to give his client moral support "because I thought what I could do as a lawyer was over."

Not quite. About 4 p.m. Snook was in Smith's cell when he was told by a prison guard that he had a phone call. On the other end of the line were lawyers from the Atlanta-based Southern Prisoners Defense Committee, an anti-death-penalty group. After deciding against Smith's appeal, the U.S. Supreme Court had agreed to hear the case of a Georgia man who claimed racial bias was responsible for sending more blacks than whites to death row and the electric chair, and that the murders of whites were more likely to bring adverse jury verdicts in capital cases than similar murders of blacks. This statistical argument that capital murder cases were still influenced by racism had brought stays of execution for murderers in two other states pending the resolution of the Georgia case. Smith was black, Mrs. Weiler white.

The Defense Committee lawyer wanted to know if Snook wanted to have similar arguments raised for Smith in U.S. District Court in Norfolk. After conferring with Smith, Snook said yes. Snook was then told that lawyers for the Defense Committee were prepared to make these pleas to every level of federal court before 11 p.m.

The papers in U.S. District Court in Norfolk were filed shortly before closing time

at 5 p.m. A hearing before the district's chief judge, John MacKenzie, was hastily arranged and lawyers for the state were notified and brought in to argue against the stay. MacKenzie ruled against Smith at 9:10 p.m. Next, the judges of the 4th Circuit Court of Appeals were brought together from several states via a conference telephone call to consider Smith's motion for a stay of execution. Their "no" response was made at 10:30 p.m., 10 minutes before state prison officials tested the electric chair for the last time.

At about the same time, eight of the U.S. Supreme Court justices were gathering in Washington, D.C. The court had already begun its summer recess. However its members have generally taken the time and effort to have as many members as possible confer on such last-minute requests for stays of execution. Though willing to review the cases, the court usually will not issue a stay when all normal avenues of appeal have been taken. This was not an exception, and at about 11:10 p.m. they decided by a 5-3 vote not to grant Smith another stay.

Smith's religion taught quarterly fasts for spiritual strength, a practice he had continued during imprisonment. He fasted even more frequently and had been on one until a few days before his execution date, his weight dropping from 155 to 130 pounds. Four execution dates had been postponed during the past year, and Smith's hair had turned white during that time.

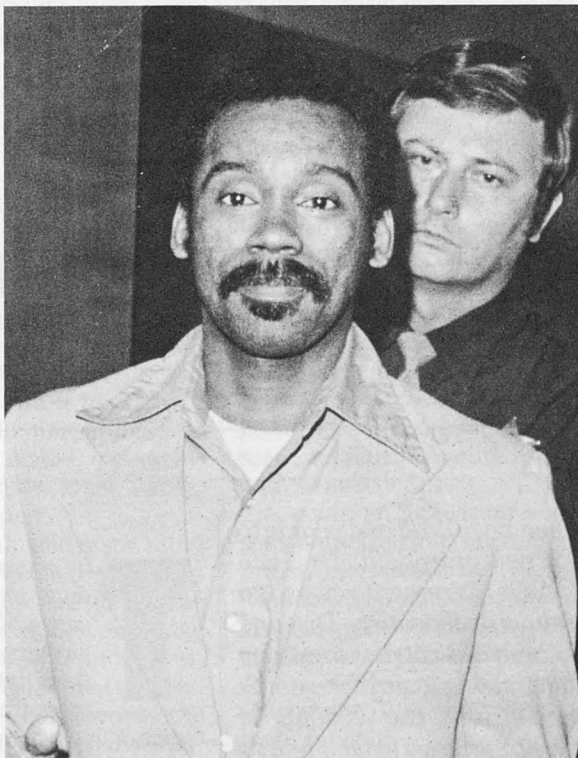
At 11:36 p.m., a direct telephone line between the prison basement and the gov-

ernor's office brought the word to carry out the execution. Smith was led into the execution chamber and those waiting inside to witness the event heard him chant the Twenty-third Psalm repeatedly in a loud voice, looking and sounding as if in a trance. He kept repeating the psalm over and over again as he was strapped into the chair, his words tumbling forth even as the leather mask was strapped across his face and the yellow helmet containing electrodes was strapped onto his head. Though muffled, it was clearly audible that Smith was continuing his chant as the first of two 55-second blasts of electricity took his life. As the more than 2,000-volt charge surged through his body, Smith's head moved quickly back. The words stopped, his body went limp and his right hand rolled off the oaken arm of the electric chair slowly, like a grandfather's who has fallen asleep in an easy chair. The jury's verdict had been carried out.

ABOUT THE AUTHOR

Bob Evans '78 is a staff writer for the Newport News Daily Press and The Times-Herald in Williamsburg. After covering the Michael Marnell Smith case for several years, he was one of four reporters selected to witness Smith's execution, the first time the media were allowed to witness an execution by electric chair in Virginia.

Former William and Mary Security Police Chief Harvey Gunson (far right), a retired New York policeman, was instrumental in obtaining a confession from Smith (right) to the murder of Audrey Weiler along the banks of the James River on May 23, 1977.



Photos courtesy of The Daily Press.



Arriving in Juneau via the Alaska State Ferry.

© Jimmy Bedford

NORTH TO ALASKA

(Via Train, Ship and Canoe)

BY GEORGE R. HEALY

EDITOR'S NOTE

(Fellow administrators and faculty at William and Mary have marveled for more than 15 years at the magnificent prose of master memo writer George Healy, who served as academic vice president and provost of the College from 1971 until last

summer when he retired one year into the term of new president, Dr. Paul R. Verkuil. As a retirement reward to himself and wife Dorothy, Dr. and Mrs. Healy boarded a train in Maine and headed, first west, and then north to Alaska to attend the wedding of their son. What follows is Dr. Healy's account of that trip.)

The occasion was a family wedding in Juneau, Alaska. Because Dorothy doesn't like airplanes and I am bored with them, the vehicles of choice were train, ship and canoe. Altogether, it was a trip I would recommend very selectively.

Dark Wait for Train

In some ways the moment of greatest apprehension was at the beginning, when shortly after midnight our driver to Greenville Junction, Maine, deposited us beside the single Canadian Pacific railroad track curving into the dark over a wooden bridge. He expressed the hope that the train from Halifax would not be, as it reportedly often was, two or three hours late, and went home toward Bangor.

We were the only prospective passengers, and for that matter the only people within sight or hearing. The station had long ago been abandoned and offered no shelter from the mist blowing cold and heavy off Moosehead Lake. Except for a small light along the siding it was absolutely dark.

Without raincoats we were each privately considering how well our parents-of-the-groom raiment would serve as weather protection during a long wet night, when almost on schedule the pine tops flared brilliant white and the *Atlantique's* air horn signalled that its engineer had seen us and indeed intended to stop. The train was warm, dry and crowded with people — welcome conditions all.

Second Longest Rail Trip

Canada's VIA passenger rail system is modeled after our AMTRAK. Except for the Trans-Siberian, it offers the longest rail journey in the world. From where we stood on the Greenville siding, to our west-coast destination of Prince Rupert, British Columbia, intervened more than 4,000 miles, four days and four nights, and a lot of things that are not observable at 600 miles an hour and 30,000 vertical feet: the tidy pink, green and purple houses of Quebec villages; the gray faces of the pick-up truck drivers meeting the train at dawn at places like White River, Watrous and Prince George; the steep, wild, cold shoreline of Lake Superior; the sensuously curving, fecund Saskatchewan prairies; the wall of the Rockies in Alberta; the lakes and forests, and a few moose and bear, of British Columbia; and finally the majestic opening of the mountain-edged Skeena River Valley to the Pacific tidewater at Prince Rupert.

Past all of this the train glides smoothly along over a faultless roadbed, while you sleep (very comfortably), eat (well—the system is an AMTRAK clone), exchange travel plans and stories with an interestingly varied group of fellow passengers, and read — though, considering the amount of enforced inactivity such a journey imposes, I was surprised at how little

reading I did. Somehow the outside view, even if it was only that of another giant grain elevator dominating a dusty and forgettable little town, usually seemed more interesting.

Like our long-distance passenger rail system, VIA's continued operations in Canada depend on government subsidies and therefore on politics. So it is unclear how long the service will be offered. One sensed that a lot of the passengers, especially the Americans who probably constituted a majority, were making the trip now for fear that in another year, and without the stimulus of the 1986 World's Fair in Vancouver, at least parts of it would no longer be possible. Should that happen, it will certainly not be for want of patronage, at least during the summer. These are big trains carrying many passengers, but even so it took Dorothy months of calling and recalling the VIA reservation numbers to get our rather complicated accommodations confirmed. Most of our fellow passengers reported similar experiences.

Ferries vs. Cruise Ships

There are only two ways to get to most of the towns of southeast Alaska, including Juneau, the state capital. Geographic obstacles such as deep salt water inlets, precipitous fjords and interior icefields larger than Rhode Island make any approach by auto road or rail impossible now and probably even in the far future.

Of the way by water, there are two alternatives: cruise ships from Seattle or Vancouver, or the ocean-going ferries of the Alaska "Marine Highway" system which mostly leave from Prince Rupert. The cruise ships look like the *Love Boat* (one of them is the *Love Boat*) and call to mind the decor and sumptuousness of first-class Florida hotels. Their passengers are mostly of an age for whom, at least in some of its manifestations, love is more a term of recall than intent. They are as expensive as their luxurious services imply, and of course they are not feasible if you intend to stay at a particular Alaska destination.

The ferries cover the same routes and ports of call as the cruise ships and also serve small settlements such as Hoonah and Tenakee Springs. Their passenger lists count an increasing number of persons organized in group tours, but mostly their work is to provide "highway" access to otherwise isolated communities for provision trucks, recreation vehicles, backpackers and kayakers, Alaskans and others whose business takes them to Petersburg, Wrangell, Sitka or as in our case, Juneau.

They cost much less than the cruises

although, like virtually everything else in Alaska, they are not inexpensive. You stand in a cafeteria line for meals and somehow they often contrive to get you to your destination at 3 a.m. But they are large, spacious and comfortable ships that run on dependable schedules except when the notorious weather interferes. They offer generous cabin accommodations with wide, clean bunks, and from their big forward lounges the eagles and whales and the spectacular scenery of southeast Alaska can be observed as enthusiastically as from the cruise ships.

The passenger cohorts of these two types of marine transport seem to be entirely independent of each other. I have yet to meet a ferry passenger who has ever taken a cruise or intends to, and vice versa. The reason seems to be only partly attributable to personal finances.

Thin Rim of Civilization

During the summer season, the cruise people far outnumber the ferry crowd. From May to September behemoths such as the *Rotterdam* and the *Fairsky* daily send ashore more passengers into little towns like Skagway than the places have permanent residents. This occasionally makes for some interesting juxtapositions and cultural contrasts.

Juneau, when we disembarked from the ferry *Taku*, had three large cruise ships at dock or at anchor. For the hours they were in port the downtown areas of the old mining town glittered with designer clothes and sounded busily with the accents of New York and Dallas. But a few hours later, and a few blocks away from the gift shops, bars and restaurants that had been suddenly emptied by the horns calling the cruise passengers back on board, the Juneau police prepared to fire noise cannons around our bed-and-breakfast inn, hoping vainly to frighten away the bears that nightly tear up garbage cans, terrorize dogs and generally irritate the citizenry. The night before, one of the bears had walked into a neighboring house, leaving, as the wife complained, "great big muddy footprints all over the shag rugs." There is still a very thin rim of civilization around all the settlements of southeast Alaska. Even in a town as large as Juneau, it is measured in hundreds of feet rather than miles.

Little Stone Chapel

The wedding was lovely. The bride was beautiful, the groom appropriately appreciative. The setting was a little stone chapel on a peninsula jutting into the Lynn Canal, past which parts of the salmon fleet

chugged during the ceremony. One of the photographs of the wedding party calls for explanation: everyone is looking not at the camera but straight up, where an eagle landed in one of the surrounding Sitka spruces just as the picture was snapped.

Foul Weather Honeymoon

If asked about it, the bride did admit that her idea of a honeymoon trip was some bikini time on a Maui beach. What she got — it was her wedding present to her outdoorsman husband, she said — was a week of canoeing and primitive camping on the Teslin (Hootalingua) and Yukon rivers, in the company of her father-in-law and other relatives. However, she has Eskimo and Lapp ancestry, and through even the worst of the generally wretched weather on the trip she pulled a strong and steady bow paddle, smiled, and looked altogether fetching in her high rubber boots (“Ketchikan sneakers”) and foul weather gear. “Besides,” she said to me after I had flippantly observed that, all considered, it probably wasn’t too late for her to annul the marriage, “he now owes me a real big one.” One reason for her constant smile, I discovered one day as our canoes drew close enough together for me to see what she had in her ears, was that when the rain grew too insistent and irksome, she simply turned up the volume on her Walkman.

Ghosts of Klondike

The Yukon Territory is now very empty country. Ninety years ago its great river system was the only feasible highway into the Klondike gold fields, and its banks are still littered with the debris left by the passage of tens of thousands of men who fantasized rich gold strikes but found mostly terrible hardships and despair: Wrecked boats, broken dredges, collapsed cabins, abandoned Mountie control posts, cans, pots, shoes, metal of obscure use and the evidence of countless lonely campfires. As late as the 1940’s paddlewheel steamers still ran with the Yukon’s current downstream and fought their way back up against it.

All that is gone now. Except for those living in the administrative city of Whitehorse, Yukon Territory today has fewer residents than William and Mary has students, scattered over an area almost as large as Texas. From where we put in our canoes just below Lake Teslin where the Alaska Highway crosses the river, to the take-out place at the Little Salmon River junction with the Yukon, a

distance of about 200 miles, there is now no human habitation whatever. Shots fired in target practice with our precautionary bear rifle echoed sharply off the steep river banks, but called to mind the old philosophic teaser about the tree falling unheard in the forest. Did it indeed make a sound?

Precariously Alone

Most good canoeing rivers have rather sparsely settled shorelines, even those flanked within a few hundred feet by major highways and settlements. When the elusive sun occasionally shone and the paddling was as easy as the banter between the canoes, it was not hard to suppose that one floated on the comparatively civilized, warmer and much smaller rivers of Wisconsin or Idaho. The perception of how precariously alone you really are came most sharply in the rain.

The Teslin and Yukon rivers require no special technical canoeing skills. There are no rocky passages, and the named rapids, at least in the conditions of virtual flood we found them in, are only intensifications of the powerful thrust of the current which relentlessly surges from one bank to the other, with no back eddies, at a speed that makes paddling against it absolutely impossible. If nothing goes wrong and you keep a steady balance, all you need do is paddle lightly, steer and watch the trees on the horizon pass by with astonishing speed.

Rain changes everything. Stuffed into heavy foul weather gear and boots, stroking hard and sometimes carelessly in an effort to keep warm, staring dumbly into water filled with unexpected boils and whirlpools and into the slanting, sleety rain that is only a bit colder than the water, one then becomes acutely aware that the shoreline is probably unreachable in the event of even a trifling accident. And even if it were possible to get out of the water and survive the inevitable hypothermia, the nearest road is beyond a mountain range, miles of spruce thickets and probably several bear encounters. I didn’t have a Walkman. When the rain and the headwinds turned especially hard, I found myself instead working through the “Miserere” from the *Mozart Requiem*.

New Road in Mud Season

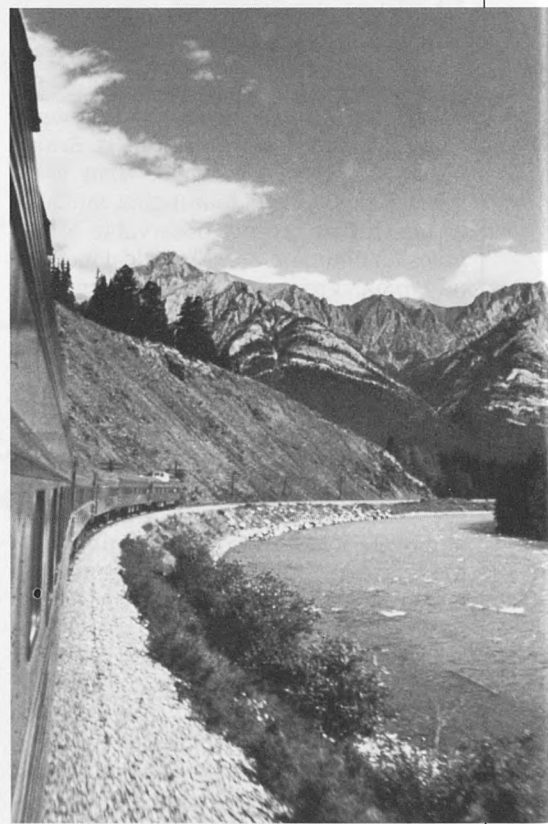
A river current of such unremitting strength makes any deliberation on a decision impossible. We hesitated for perhaps 30 seconds, trying to decide where the best take-out landing at the Little Salmon junction was. By that time it was hopelessly gone up-river, and we paid

for our indecision by having to haul the canoes and gear up a steep and muddy bank a mile or so downstream, where a slough in the river came close to the Faro-Carmacks road.

The road is new, raw and seasonably dusty, muddy or icy. Ours was mud season. The eight-axle, 30-wheel ore-carrying trucks for which the road was built, and which constitute almost its only traffic, throw fine liquid clay 50 feet in a brown cloud. Headlights fail to illuminate after half a dozen of those monsters pass. Next to the engine, the most critical part of your vehicle is the windshield washer. But the road surfaces are paved beyond Carmacks, and even though it snowed briskly for a time around Whitehorse (in mid-August) the high pass was clear to Skagway, where the welcome-home party was warm, long and late.

Differing Convictions

We spent most of the next day drying out and warming up, washing the Yukon mud off the trucks and canoes, and telling each other, firmly and repeatedly, but undoubtedly with differing interior convictions, what a wonderful trip it had been. We then took the overnight ferry to Sitka and flew home from there, our feelings about airplanes notwithstanding. Somehow it seemed right to make this kind of trip only one way, going in.



Canada's VIA passenger rail system offers the second longest rail journey in the world.

BIOTECHNOLOGY:

New Frontiers in Medicine

BY KAREN G. BURNETT '72

In the last 10 years biotechnology has made a major impact on the business world. Numerous small business ventures have been established to capitalize on the rapid advances in biochemistry and molecular biology. Some of these ventures have flourished as independent businesses, some have languished or failed. Many more of the new biotechnology enterprises are becoming associated with larger, broad-based corporations which have adequate cash reserves and established sales organizations to support the development, introduction and marketing of new products.

During this time speculation has run hot and cold on the potential of biotechnology to generate marketable products. Now we are beginning to see the fruit of this frenzied business development in the first of a new generation of health care and agricultural products. One group of products is made from genetic material which has been isolated and manipulated in the laboratory to produce large quantities of natural substances which previously had been difficult to isolate in adequate amounts. Recombinant human insulin is now available in large supplies for diabetics; human growth hormone can be given in optimal amounts to growth-deficient children, and biological anti-cancer agents like interferon and interleukin-2 are being tested in the large doses required to assess their clinical efficacy.

Monoclonal antibodies are another class of biotechnology products which have already begun to reach the mar-

Biotechnology is beginning to pay off in the marketplace. Recombinant human insulin is now available in large supplies for diabetics; human growth hormone can be given to growth-deficient children, and biological anti-cancer agents like interferon and interleukin-2 are being tested in large doses required to assess their clinical efficacy.

ketplace and to generate multi-million dollar sales. My own company, Hybritech Incorporated, was founded eight years ago to explore the potential use of monoclonal antibodies in diagnosis and therapy of human disease. With funding from the venture capital firm Kliner, Perkins, Caufield and Byers, founders Ivor Royston, a member of the University of California, San Diego, medical school faculty, and his laboratory assistant Howard Birndorf put together a small group of scientists who worked out of trailers and rented laboratory space in La Jolla, Calif. The company went public in 1981 with a stock offering worth \$11 million. In 1986

Hybritech was purchased by Eli Lilly and Company for cash and securities valued in excess of \$330 million. Hybritech currently manufactures and sells more than 30 products, including rapid tests for pregnancy, anemia, cancer, thyroid disease and strep throat.

Although we can now point to concrete examples of products arising from genetic engineering and monoclonal antibodies, in reality biotechnology has not triggered enormous changes in disease management. Considering the large capital stakes and media attention given to biotechnology ventures, many business people, physicians and the public are beginning to ask whether their expectations were inflated. To what extent will the general population benefit from the biotechnology revolution? To help answer this question I will consider specifically monoclonal antibody technology: what it is, what really has been accomplished, and its potential impact on our lives.

Antibodies are molecules produced in all mammals, birds and some fish by specialized cells called B-lymphocytes. The function of antibodies is to recognize and bind to foreign substances (antigens) in the body and serve as a handle by which the body's natural defense mechanism can eliminate the invader, which may be a virus or a bacterium. In order to recognize so many different substances there must be many types of antibodies. Therefore each of the several billion B-lymphocytes in the body makes a unique antibody endowed with the ability to bind to one place on one specific antigen. Using monoclonal antibody technology, we can

identify and isolate those individual B-lymphocytes that produce antibodies which bind very specifically and very tightly to target antigens that are of special interest to us. These isolated antibodies are called monoclonal antibodies. They are synthesized naturally in a continuous supply by the lymphocyte using its stable, efficient machinery.

The monoclonal antibody can then be used to develop tests which detect or measure important substances. For example, human chorionic gonadotropin (HCG) is a very early indicator of pregnancy. To develop a rapid test for pregnancy, first we injected this HCG into mice. The mice developed antibodies to this foreign substance. From the mice we isolated two particular lymphocytes, each of which produces an antibody which binds very tightly and specifically to one of two places on HCG. Each of the lymphocytes was then grown using special cell culture techniques in order to produce multiple identical copies or clones of itself. The unique antibody produced by each of the cloned lymphocytes is referred to as a monoclonal antibody.

Using the two monoclonal antibodies to HCG, we developed a test which "captures" this molecule and can detect the very low levels of HCG produced two weeks after fertilization. When HCG is captured, the test kit shows a blue dot. Such a simple, visual test can be used in a clinic or doctor's office to diagnose pregnancy in five minutes and potentially can be used in under-developed countries or rural areas where there are no modern medical clinics. The test is so sensitive that pregnancy may not even be suspected. In fact, as this assay was being developed at Hybritech, research scientists asked that non-pregnant women employees provide urine samples in order to develop a negative control for the pregnancy test. The scientists were very discouraged when one negative control urine sample gave a strong positive signal. Was this an indication that the pregnancy test could produce false positives? We soon learned that the test was quite accurate, and the woman who donated the "aberrant" negative urine sample gave birth to a healthy baby about eight months later.

In a similar fashion, we developed a diagnostic test to measure growth hormone in human serum. The test employed two antibodies to growth hormone which bound very specifically to the two major components of the hormone. Therefore the growth hormone assay can detect only the complete, normal molecule. Several years ago, doctors at Children's Hospital in Minneapolis were studying a group of children who did not grow normally. Standard assays indicated these children had normal levels of growth hormone; therefore treatments other than growth hor-

none were used, albeit unsuccessfully. However, the paired monoclonal antibody assay indicated that the children did not have growth hormone. The antibodies were used to show that the children's bodies were producing only one component of this critical hormone. Thankfully the children were given hormone treatments soon enough to achieve normal growth.



Therapy products require extensive clinical monitoring of each patient before they can be licensed. The total cost to develop and license a cancer therapy product is estimated at between \$20 and \$50 million.

Such monoclonal antibody assays also are being developed and used in cancer diagnosis. Carcinoma embryonic antigen (CEA) is a substance characteristic of fetal tissue and certain tumors, particularly colon and breast cancer. Blood levels of CEA often reflect the extent of disease and can be used to monitor the progress, remission and recurrence of cancer following a therapeutic treatment. A monoclonal antibody assay can detect CEA-producing tumors very early, allowing prompt treatment and greater hope of curing the disease. Similar tests exist for prostate specific antigen and prostatic acid phosphatase, which are markers of prostate cancer, and for alphafetoprotein, a marker of liver cancer.

But monitoring levels of cancer markers was only a small part of what we hoped could be done with a monoclonal antibody. If we had an antibody which could detect molecules associated with tumor cells, then we should be able to put this natural substance into the living body (*in vivo*). The monoclonal antibody would

allow us to trace the extent and location of tumors. In addition it should be possible to link the antibody to cancer-killing substances, and let the antibody deliver anti-cancer therapy directly to the tumor without the side effects of conventional chemotherapy and radiation treatment. However, we did not know how monoclonal antibodies would perform *in vivo* and it was necessary to approach their use carefully.

It is well-known in medicine that cancer is most prevalent in patients with impaired immune systems. For example, cancer occurs most often in the elderly, in whom immune function has deteriorated over time. Some researchers speculated that selected types of cancer might be cured simply by supplementing the human immune system with anti-cancer antibodies. Therefore we devised a cancer treatment which involved the use of natural, unmodified monoclonal antibody. We focused on patients with cutaneous T cell lymphoma (CTCL), a disease in which a subset of lymphocytes called T cells proliferate rapidly and accumulate under the skin. Patients with this disease experience extreme itching, with scaling, redness and sores over the entire body. In the proposed therapy protocol patients would receive large doses of monoclonal antibodies which bind to CTCL and might activate the body's natural defense mechanisms against cancer. The first patient we treated had been bedridden for over three years because the CTCL caused great swelling of his knee and ankle joints. He attempted suicide twice because of the constant, intense, painful itching associated with his disease. We gave him a single dose of a monoclonal antibody which binds to CTCL cells. Within four days the patient was walking, his itching had stopped and his skin had healed substantially. We were ecstatic! Unfortunately, within two months his symptoms returned as intense as before. A second dose of the antibody gave him relief again, but lasted a shorter time before the condition recurred. Several treatments later, the patient's disease did not respond significantly to the antibody.

Further studies of monoclonal antibody therapy in this and several other patients pointed to two problems. First, when the antibody bound to the tumor, the tumor engulfed, or "internalized" the antibody, thereby hiding the antibody and preventing it from evoking any natural immune defense. Second, the patient's own immune system began to recognize the monoclonal antibody as a foreign substance and to neutralize it rapidly. The monoclonal antibody to CTCL had originally been made in a mouse and therefore was immunogenic, capable of eliciting an immune response in a human. These observations have been confirmed in many

other patients as part of studies supervised by the National Cancer Institute. Similar transient cures have been seen using monoclonal antibodies to treat B cell lymphoma patients at Stanford University Medical Center and melanoma patients at Memorial Sloan-Kettering Cancer Center.

Clearly, monoclonal antibodies could treat some cancers if we could circumvent the problems of immunogenicity and internalization. We reasoned that to treat cancer successfully the monoclonal antibody must eliminate virtually all tumor cells with very few doses given over a short period. To make the monoclonal antibody more effective at killing the tumor cell, we decided to attach radioisotopes to the antibody. Many types of cancers can be treated with radiation administered externally. But by putting the source of radiation on the antibody we could target radiation directly into the cancer without affecting the surrounding normal tissue. In addition, if the antibody-radioisotope conjugate were internalized, the anti-tumor effect should be accumulated and thereby enhanced.

Using this idea, we developed a complete detection, therapy and follow-up strategy. First, we would put gamma radioisotopes on the antibody. Such high-energy radioisotopes cause little tissue damage but can be detected by external gamma cameras. The physician would inject this labeled antibody into the bloodstream, allow it to find and bind to the target cancer and then take whole body gamma camera pictures, or gamma scans, of the patient. If the original tumor had spread to other parts of the body forming new tumors, then the gamma scans could be used to find and measure the size of these metastases. Subsequently we could put alpha or beta radioisotopes on the antibody. Alpha and beta radiation cause very local tissue damage. This radiation delivered by *in vivo* monoclonal antibody therapy would allow us to treat large or small metastases safely without damaging surrounding tissues. Alternatively the gamma scans might be used to direct surgeons to individual tumors without extensive exploratory surgery.

We began our clinical work with radioisotopes carefully by studying the ability of anti-tumor antibodies conjugated with gamma radioisotopes to localize to solid cancers *in vivo*. It soon became clear that we could safely image at least some tumors in these patients. One of our earliest tumor imaging studies involved a 35-year old woman with extensive melanoma. This cancer is characterized by pigmented tumor growth on or just below the skin. Melanoma can spread rapidly, producing metastases throughout the body. As is required in early clinical studies, this patient was diagnosed with terminal disease and would not help her-

self by participating in this study. She chose to undergo these tests to help develop a cure for cancer to benefit future generations. Oncologists at the University of California, San Diego, Veterans Administration Hospital gave her an extensive exam using many techniques, including physical exam, CT (computerized tomography), X-ray and sonogram (imaging with sound). Then the nuclear medicine physician gave her a dose of anti-melanoma antibody labeled with 111-indium, a gamma radioisotope. The patient tolerated the injection with no side effects. Gamma scans of her entire body were taken at 4, 24, 48, 72 and 144 hours after the treatment. From the pictures, the nuclear medicine physician was able to detect many of this patient's known lesions, but also saw two 5-10-millimeter tumors missed by the oncologists. This was our first indication that antibody imaging really would be a useful tool in tumor diagnosis.

Our first studies also showed that antibodies labeled with radioisotopes could be used safely, thus allowing us access to patients with less extensive disease who might benefit by knowing the extent or location of their disease. Each of the patients we have imaged has been a unique story. It is a bittersweet success when we can detect unknown tumors, as often happens. We have used monoclonal antibodies to detect colorectal, lung, prostate and breast cancer. The 111-indium labelled antibodies are used not only to help find metastases but to measure the amount of antibody which localizes to tumor and to develop the necessary equipment and computer software to determine what dose of beta or alpha radioisotope to use for treatment.

Progress in actual cancer treatment protocols is necessarily slower than for imaging protocols. While gamma radioisotope-antibody conjugates used in low doses have proven to be safe, the high doses of



Gamma cameras such as the one pictured above at the San Diego Veterans Administration Hospital are used to detect radio-labeled antibodies which have localized to tumor sites *in vivo*.

alpha and beta radiation needed for therapy can inadvertently deliver toxic radiation doses to radio-sensitive organs. Dr. Agamemnon Epenetos at the Hammersmith Hospital in London has successfully treated ovarian cancer using a monoclonal antibody labelled with the gamma radioisotope of iodine. We are currently testing the safety of another gamma radioisotope, yttrium, in treatment of hepatoma (liver cancer) in collaboration with Dr. Stanley Order of Johns Hopkins University. Our first therapy patient entered study approximately 18 months ago. Initially she received an imaging dose of anti-hepatoma antibody labeled with 111-indium. By measuring the intensity of gamma radiation detected by the scans, Dr. Order could see that a substantial amount of antibody was able to reach the tumor. Then Dr. Order gave the patient one dose of anti-hepatoma antibody conjugated with yttrium. She had no bad reactions to the treatment, and one month later her tumor had shrunk 25 percent! Since that time the patient has received two additional doses and was feeling so good that she took off on vacation and couldn't be reached for several months! However, not all of our studies are so promising. As with the first imaging studies, all initial clinical trials involve patients with very poor prognosis of recovery. In the case of hepatoma, many patients die within a few days or weeks after the first antibody-radioisotope dose because their disease is so extensive. But we are seeing clear indications of success with this approach in treatment of hepatoma as well as Hodgkin's disease.

The path to a final product for *in vivo* use is long and difficult. To be licensed by the Food and Drug Administration, a new product must show benefit over and above what is currently available on the market. Thus, to justify a claim that an antibody-radioisotope conjugate can image cancer, it must efficiently detect known existing tumors and/or detect new, previously unknown tumors which are demonstrated to be true cancer by follow-up studies. Such studies are very difficult and expensive to perform and require the cooperation of many patients and physicians at multiple clinical sites. Therapy products are even more difficult to license, as they require extensive clinical monitoring of each patient. The total cost to develop and license a cancer therapy product is estimated to be \$20 to \$50 million. Thus it is not surprising that small businesses might not be able to finance drug development costs.

What are the prospects for monoclonal antibodies? Clearly, there are many potential applications for *in vitro* diagnostic assays. These are a very real, demonstrated

part of current medical practice. *In vivo* products are beginning to appear. The FDA recently licensed Orthoclone, a monoclonal antibody which suppresses transplantation rejection. We and many others have shown that monoclonal antibodies are safe to use in patients, even at very high doses, if the materials are prepared carefully. In over 300 patients studied to date, we have seen only a few

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mild allergic reactions such as rashes which could be treated quickly and easily. Radioisotope-linked antibodies are potentially dangerous, but the extensive clinical studies which precede any product introduction should clearly define doses and give adequate safety margins. The only real risk comes from those who are too quick and careless in testing these new products in patients. Some early studies with monoclonal antibodies caused very severe allergic reactions in patients. These results were widely reported in medical circles and generated a great deal of hesitation among oncologists considering clinical tests of other antibody-based pharmaceuticals. Some types of monoclonal antibodies have also been linked to lymphoma and possibly are associated more closely with antibody-based treatments that suppress the general immune system.

The question of efficacy of monoclonal antibodies for *in vivo* use is most difficult to address. As previously mentioned, antibody-conjugates for *in vivo* diagnosis must be both sensitive (detect a high percentage of known lesions) and specific (detect real, not false, tumors.) In a recent clinical protocol, physicians imaged colon carcinoma with a 111-indium labeled

antibody before surgery. These studies showed that the antibody could detect 70-80 percent of all known tumors, and that the antibody found many previously unknown tumors, 75 percent of which could be confirmed by the physician during surgery. If these results are consistent, then monoclonal antibody imaging will represent a significant and practical improvement in cancer detection and management.

Therapy studies with monoclonal antibodies are in their very early stages. However, it is clear that we can deliver adequate radiation doses to at least some types of tumors. Two major questions must be answered by research and development. First, will it be possible to avoid an immune response to the antibody? Second, in some types of solid tumors there is very little blood flow. Can we modify this flow to permit adequate delivery of radioisotope-conjugated antibodies to the site? These problems are the subject of intense research at present.

Monoclonal antibodies also have potential therapeutic benefit in other areas which have not been discussed. Various groups in this country and in Europe are developing products in which antibodies to tumors are conjugated with chemotherapeutic drugs or toxins. In addition, ongoing clinical studies are assessing the efficacy of antibodies in treatment of septic shock and bacteremia, in autoimmune disorders, and in viral disease.

Monoclonal antibody technology has gone from the research laboratory into the clinic. The results are not as absolute as the most optimistic workers might have hoped. At present we cannot detect and treat 100 percent of all tumors. Yet, the technology offers a new tool which must be fashioned into its most useful form. The initial surge of enthusiasm is making way to the reality that, like any new product, monoclonal antibodies must go through extensive trials and be scrutinized closely. But it is clear that this technology offers practical new products which have good potential to improve cancer detection and therapy.

ABOUT THE AUTHOR

Karen G. Burnett received her Ph.D. in biology from the University of South Carolina and did post-doctoral research in biochemistry and genetics at the University of California, San Diego. Currently she is a research manager in the Cell Biology Department at Hybritech Incorporated, where she is involved in developing human monoclonal antibodies for human cancer therapy.



*The old names are here,
And the old forms,
Not alone of doorways, of houses,
The light falls the way the light fell,
And it is not clear,
In the elm shadows, if it be ourselves, here,
Or others, who were before us.*

David Morton
American Poet, 1886-1957

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