

# National News

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## Navy repudiates FBI witch doctors

The U.S. Navy Oct. 17 repudiated its initial investigation into the explosion which wrecked a 16-inch gun turret on the battleship Iowa, and announced that "there is no 'clear and convincing proof' of the cause of the Iowa explosion." The new conclusion is based on studies conducted by Sandia National Laboratory, which demonstrated how the explosion could have been caused through mechanical failure of the gun.

The Navy's original investigation had been shaped by the Behavioral Sciences Unit of the FBI. The FBI unit developed a story that crew member Clayton Hartwig was suicidal/homicidal because of a homosexual relationship that had soured, and that Hartwig sabotaged the turret. This "profile" was leaked to Brian Ross of NBC and became the accepted reason for the tragedy.

Adm. F.B. Kelso, Chief of Naval Operations, announced that the Navy had sent official apologies to the family of Hartwig, which is pursuing a \$40 million defamation suit against the Navy.

Kelso announced that as a result of the episode, the Navy is overhauling its investigative procedures. In the future, he said, all investigations into major incidents will be conducted by boards of inquiry which operate under strict rules of evidence and use a "beyond a reasonable doubt" standard of proof.

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## FBI feared disclosure of its illegal activity

An internal FBI document obtained under the Freedom of Information Act shows that the government feared having to make further disclosures of its activities if its charges against Lyndon LaRouche and his associates in Boston, Massachusetts were re-tried.

The January 1989 memo from the Boston FBI to headquarters is a recommendation to drop the charges in Boston after LaRouche and six associates were convicted in Alexandria, Virginia.

"What should have been an [sic] two month long credit card fraud and obstruction of justice trial has degenerated into what appears to be an endless, microscopic examination of issues. . . .

"Among the more bizarre [defense] requests" for documents, the memo claimed, was "the extent of the personal relationship which existed between Henry Kissinger and former Director Webster. . . .

"What is most disturbing . . . is the fact that the defense has increasingly focused on classified material. . . . The government has been ordered to produce these classified Bureau files to Judge Keeton. He has found some of them 'arguably' pertinent and has ordered their disclosure. . . . The Bureau has closely reviewed this situation and has placed limits upon Boston regarding the extent of information which should be divulged. . . . Defense lawyers in this case will continue to press for access to classified files in the Foreign Counter-Intelligence and terrorist areas, claiming that these are pertinent to show LaRouche's relationship with U.S. intelligence agencies. There does not appear to be any limit to their [defendants] seeking of these files nor does there appear to be any clearly defined limit to Judge Keeton's desire to review these files, at a minimum, and, in some cases, make them available to the defense."

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## Court again rebukes 'Thornburgh Doctrine'

The Ninth Circuit Court of Appeals, in the second opinion this year on the validity of the Bush administration so-called "Thornburgh Doctrine," has ruled that U.S. officials cannot kidnap suspects in foreign countries. The ruling was made in mid-October in the case of *U.S. v. Dr. Humberto Alvarez Machain*.

Alvarez, a Mexican national, was accused of participating in the torture-slaying of Drug Enforcement Administration (DEA) agent Enrique Camarena in Mexico. U.S. officials, through an elaborate payoff scheme, abducted Alvarez and brought him to the U.S. to stand trial. In its ruling, the court found his abduction to be in violation of U.S.-Mexican extradition treaties, and

ordered that Alvarez be returned home.

Earlier this year, the Ninth Circuit had made a similar ruling rejecting the Thornburgh Doctrine of abduction in the case of *U.S. v. Verdugo*. Verdugo, unlike Alvarez, has already been tried and seeks to have his conviction vacated. However, Verdugo's challenge also centers on his contention that the DEA orchestrated his kidnaping to bring him to the U.S. to stand trial in violation of U.S.-Mexican treaties.

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## Handicapped announcer fights eugenicist attack

Bree Walker Lampley and her husband, both television anchors at KCBS in Los Angeles, have counterattacked radio talk show host Jane Norris and station KFI-AM for a broadcast Norris did on whether Lampley has a moral right to bear a child who stands a strong chance of inheriting her physical deformity, one which leaves her fingers and toes stunted and fused. Norris said on her show that she couldn't consider bringing a child into the world knowing it had a 50-50 chance of having such a handicap.

In deciding to file a complaint with the Federal Communications Commission, which has been backed by 25 groups for disabled persons, Lampley said, "There seems to be a groundswell of believers in a lifeboat mentality, that perhaps we're heading into a time when the health care crisis in America has become so acute that we have to realign our thinking about who deserves care at taxpayer cost and who doesn't. I think that kind of thinking and mentality has to be fought tooth and nail. The idea that anybody can decide for anyone else what quality of life is worth living is heinous."

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## Fight for life is child abuse, doctors argue

Physicians at the Scottish Rite Hospital for Crippled Children in Atlanta, Georgia argued before a Superior Court judge in mid-October that efforts by an unidentified cou-

ple to keep their "vegetative" daughter alive constituted child abuse, and that doctors should have the right to kill her. This is the first known instance in which a legal argument has been made that an effort to block euthanasia is a criminal act.

On Oct. 17, Judge Leah Sears-Collins ruled that the child could not be killed without the parents' consent.

The 13-year-old girl in question had been admitted to the hospital on May 18 after having difficulty swallowing. Within two weeks her condition reportedly worsened, requiring respirator support and feeding tubes. The doctors said she was suffering from a degenerative neurological disorder which they could not identify, while asserting that there was no possibility for her recovery. They claimed that the life-sustaining equipment was so painful as to be abusive. They argued that they should have the right to kill her, despite the objections of her parents, so as to not themselves be implicated in child abuse.

"I don't want other people to look down on me and call me a murderer," the mother testified. The father said that there is "no such thing as no hope."

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## Nat Hentoff attacks ADL 'hate crime' laws

The so-called "hate crime" statutes which the Anti-Defamation League (ADL) is attempting to enact in states nationwide are overbroad and a violation of the First Amendment guarantee of free speech, Nat Hentoff asserted in a syndicated column in the Oct. 14 *Washington Post*.

Hentoff reported that Washtenaw County, Michigan Judge Thomas Shea struck down a charge based on Michigan's "Ethnic Intimidation Act," which was added to an arson charge against a defendant who allegedly set fire to a black family's home, as "constitutionally overbroad and in violation of the First Amendment." That statute provides an additional criminal penalty if a crime is motivated by racial, religious, or other forms of bigotry, which can include physical contact, property damage, or using language that could "intimidate" or "harass." But, Hentoff wrote, "There is no

definition in the law of 'intimidate' or 'harass.' . . .

"Elsewhere in the nation, hate crime statutes are taking root in many states. Twenty-one of those laws are either based on—or similar to—a model Hate Crime Statute originated by the [ADL]. Indeed, the Michigan law declared unconstitutional by Judge Shea, was introduced by State Rep. David Honigman, an ADL regional board member."

Hentoff reported that the Michigan National Association for the Advancement of Colored People (NAACP) is divided on the question, with Raymond Mullins, the head of the Ypsilanti-Willow Run Branch, stating, "It is an overbroad statute, and it could boomerang."

Hentoff noted that retired U.S. Supreme Court Justice William Brennan in *NAACP v. Button* in 1963 wrote that "First Amendment freedoms need breathing space to survive." Hentoff concluded, "Hate speech laws constrict that breathing space, and they make those convicted of crimes pay a double penalty—all for the greater good of social civility."

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## Oliver North says Reagan knew of funds diversion

Former National Security Council staffer Lt. Col. Oliver North claims that President Reagan was informed about the diversion of funds from the sale of arms to Iran for the Nicaraguan Contra rebels, in a forthcoming book excerpted in *Time* magazine.

However, North added that Reagan may not have lied when he later said he didn't know anything about it, because "the President didn't always know what he knew. I believe he was told about it, but that doesn't mean he paid attention to it or remembered it."

North seems to be going out of his way to defend George Bush, saying in an interview published in *USA Today* on Oct. 23: "I don't think he has any problem with further scrutiny. . . . George Bush had remarkable political courage in inviting me to his home for a Christmas dinner when I was *persona non grata* to the rest of official Washington."

## Briefly

● **CLAIR GEORGE**, who was in charge of CIA clandestine operations from 1984 to 1987, and indicted on felony charges of lying to and obstructing Congress in the Iran-Contra scandal, has demanded access to over 750,000 pages of classified documents to help in preparation of his defense.

● **'THE YOUNG** George Bush majored in economics. An incongruous thought, particularly for those who have learnt that if ever Mr. Bush mentions the economy, something bad must be happening. These past couple of weeks the President has not been able to mention the subject enough," the *London Economist* wrote in mid-October.

● **A DELEGATION** of KGB officials spent a week meeting with representatives of the CIA, FBI, the Drug Enforcement Administration and the Customs Service, the Oct. 14 *Washington Post* reported. The KGB reportedly said it wanted suggestions on how to stop narcotics trafficking and organized crime.

● **THE BALTIMORE** "Save our Cities" march on Washington Oct. 12 drew about 1,500 people to a rally at the U.S. Capitol. Organizers hope to restore some of the federal funding to cities which has been cut over the last decade especially.

● **DEATH LOBBY** proponents of a measure permitting "terminally ill" patients to request "assistance in dying" have begun collecting signatures to get the issue on the California ballot in 1992. "Mentally competent" patients could authorize doctors to terminate life after diagnosis of a "terminal illness."

● **WILLIAM BARR** has been nominated by George Bush for Attorney General. Barr's legal opinions sanctioned kidnaping by the U.S. government abroad, and the use of the U.S. military for law enforcement operations overseas. Barr's opinions were used by the administration to justify the invasion of Panama in 1989.