

National News

Rockwell proposes CSA Constitution for U.S.

Llewellyn H. Rockwell, Jr., the president of the Ludwig von Mises Institute in Auburn, Alabama, proposed that, in order to solve the problems of the government, the United States should "bring the U.S. Constitution up to Confederate standards," in a commentary in the May 3 *Richmond Times-Dispatch*.

Rockwell would specifically eliminate three sections of the U.S. Constitution crucial to build a nation. He would: 1) junk the "general welfare" clause; 2) ban protectionism; and 3) oppose federal government funding for internal improvements—i.e., infrastructure.

Rockwell quoted a Union paper in Boston opposing the Confederate Constitution. Secession has to be stopped, the paper said, because an independent South would be a low-tax nation with a "revenue system verging on free trade"—a situation which would hurt the business of the Northern cities.

Bush okays sale of government property

President Bush issued an executive order on April 30 enabling localities to sell government land and services. The scheme was hatched by the Reason Foundation, a purveyor of the so-called "New Paradigm" for privatizing, asset-stripping, and slashing "inefficient" public services, and an attorney for the Skadden Arps law firm, which played a key role in the hostile takeover mania which helped destroy U.S. industry.

The order is being described as an effort to lessen federal control and regulation over state and local land and services, by turning over to these governments the federal share of properties. Local governments could then sell them for cash, and then turn around and tax these properties. The move is thus a triple quick fix: The land and services that could be sold could generate up to \$200

billion for strapped local budgets in an election year, state and local government would then be able to tax them, and the federal government would also be able to tax them.

"The executive order makes a sea change in federal policy," Skadden Arps lawyer John Giraudo, a proponent of privatization, told UPI. "It orders the federal agencies to get out of the way with respect to the selling and leasing of publicly owned items."

"While efficiency is the aim of the effort, some critics charge that businesses buying the operations may actually diminish service by reducing the number of bus lines, forgoing airport improvements, or delaying modernization of utility plants and other assets," UPI reported.

Jeff Esser, executive director of the Government Finance Officers Association, told *EIR*, "The association is neutral on privatization," but added, "our function is to build and upgrade infrastructure, not parcel it off."

Judges blast High Court for rush to executions

Two judges from the U.S. Court of Appeals for the Ninth Circuit attacked the U.S. Supreme Court in the wake of the Supreme Court-ordered execution of Robert Alton Harris in California in April.

Judge John T. Noonan, in a commentary in the April 28 *New York Times*, pointed out that the court case which resulted in the first stay of execution three days before Harris's execution was a civil rights action brought as a class action on behalf of 323 death-row inmates in California, involving important issues of constitutional rights. The question was whether long-established constitutional protections and civil rights were "to be suspended or set aside to assure the orderly keeping of an execution date." The Supreme Court decided that the execution "must stay on track."

The Supreme Court has ruled "that it is intolerable to delay an execution to decide a constitutional question," wrote Noonan. "Robert Alton Harris was a casualty of this decision. Was the Constitution, too?" If

death penalties are to be inflicted according to schedule, Noonan wrote, a federal court is forced to commit "treason to the Constitution" by abstaining from exercising its constitutional jurisdiction.

Judge Stephen Reinhardt also attacked the U.S. Supreme Court in a speech at Yale Law School. "I think it is clear that the constitutional rights of individuals are no longer of paramount importance to the Court," said Reinhardt. "Other values, other concerns, such as that of federalism, now predominate."

Chief Justice William Rehnquist's view of "federalism" derives from his Hobbesian view that the states should be allowed to ride roughshod over the rights of their citizens without interference from the federal courts. In Rehnquist's view, a citizen has no rights which a government is bound to respect, except in the realm of property.

Catholic Bishop urges end to embargo of Iraq

Bishop Thomas J. Gumbleton, of the Roman Catholic Archdiocese of Detroit, called on Americans to demand the immediate lifting of the embargo against Iraq, and supported the milk lift to Iraqi children by American farmers, in a statement released April 30 by Philip Valenti of the Committee to Save the Children in Iraq.

"On several occasions in the past I have gone on record in protest of the United States' embargo against Iraq. I do so again today," Bishop Gumbleton said. "This action unquestionably imposes immense pain and suffering on innocent people without accomplishing the purpose for which it was intended. It is imperative that the citizens of this country insist that the embargo be lifted immediately in order to prevent the destruction of even more lives than were already lost to date during the tragic Gulf crisis.

"I commend the dairy farmers who have chosen to donate rather than dispose of their surplus milk products. I further commend the Committee to Save the Children in Iraq and the Chaldean Church for taking the initiative to collect this milk and see that it is delivered to agencies that will distribute it

directly to malnourished families. While these steps are admirable and will alleviate the situation for some, they will not eliminate the urgent need to address the cause and call for the only solution that will end the deplorable waste of human life that continues daily in Iraq."

Bishop Gumbleton is the founding president of Pax Christi, U.S.A. (1972-91), and is a board member of the Fellowship of Reconciliation, Witness for Peace, Bread for the World, and other organizations promoting peace and economic justice. He traveled to Baghdad as a member of the "Coming Home" delegation for the release of American hostages in December 1990, and was a delegate to the conference of the International Peace Movement for the end to the Gulf War in Amman, Jordan in February 1991.

Researcher sues to release JFK X-rays

Researcher D. Mark Katz filed suit in federal court on April 29 in an attempt to force the National Archives to disclose about 200 photographs and X-rays of the assassinated President John F. Kennedy that have been kept in locked files since 1966, the *Washington Post* reported. The suit alleges that the National Archives has improperly withheld the material, and that restrictions on disclosure imposed by the Kennedy family are legally invalid and the material should be released under the Freedom of Information Act.

Bills in Congress would release material collected by committee investigations, but the measures contain an exception for autopsy records.

Meanwhile, "in a stunning reversal of policy, the Justice Department . . . has come out strongly against legislation to release documents on the Kennedy assassination," the April 29 *New York Post* reported. Assistant Attorney General W. Lee Rawls stated in a letter to the House Government Operation's Legislation and National Security Subcommittee that "a proposed House-Senate resolution would severely encroach

upon the President's constitutional authority to protect confidential information and could endanger intelligence methods and sources."

The letter came only hours before the subcommittee, chaired by Rep. John Coners (D-Mich.), began hearings on April 28 on the release of documents. Oliver Stone, who produced the movie "JFK" and who testified at the hearings, stated afterward: "The Justice Department has now set itself up against this process, as has President Bush."

Newsweek airs call: Kill 'profoundly retarded'

Despite the fact that mental incompetents were among the Nazis' first victims, the March 2 issue of *Newsweek* magazine published a "My Turn" column by Katie Letcher Lyle, a board member of three organizations claiming to speak on behalf of the handicapped, which called for "gently" killing some profoundly retarded and violent individuals because life doesn't hold anything for them.

Lyle cited the "difficult case" of Henry, a 40-year-old, affectionate, but at times violent, profoundly retarded man as a candidate for lethal injection. Since Henry has lost several jobs, broken up his group home furniture, and makes life unlivable for patients and staff, he is likely to be sent to a state institution. Lyle pronounced Henry's prospects as either a "drugged hell of an existence behind bars; or, more probably, deinstitutionalization, street life, an agonizing death in a filthy alley." Behind such proposals for murder lies the cost factor: Lyle noted that Henry has cost taxpayers \$1.5 million.

Several states have adopted laws making the killing of mentally or physically incapacitated individuals in state and other institutions legal, while states like Massachusetts are closing one-third to one-half of such state facilities.

In response, one individual wrote, "as a quadriplegic for 25 years, I would choose my hard way to live over her [Lyle's] gentle way of death."

Briefly

● **BOB MARTINEZ**, the White House drug czar, has been cleared of charges that he illegally contributed \$63,000 to the Bush-Quayle reelection campaign. While his donation violates the contribution cap, Attorney General William Barr said in a court filing made public on May 1 that the "openness" with which Martinez made the donation "strongly suggested a lack of the high level of criminal intent" required for prosecution.

● **FEDERAL DISTRICT** Court Judge John H. Pratt has ordered the Department of Justice to release its 204-page file on the 1987 decision to bar Austrian President Kurt Waldheim from entering the United States, the April 30 *New York Times* reported. The department has never explained or substantiated its "finding" that Waldheim had committed war crimes against Jews during World War II, the paper reported.

● **RONALD REAGAN** knew of the Iran hostage deal, his daughter Patti Davis asserted in her new book *The Way I See It*, released April 30. Davis said she learned on the day of his inauguration in 1981 that he knew of the deal to supply arms to Iran in return for delaying the release of American hostages until after the November election.

● **GEORGE BUSH** ended a 120-day extension of the moratorium on new government regulations on April 29, extending the 90-day ban he imposed in his Jan. 28 State of the Union address.

● **THE SHORTAGE** of lawyers to handle death penalty appeals causes delays between sentencing and execution, and not, contrary to widespread belief, slick lawyers abusing the courts, the April 27 *New York Times* reported.

● **JOHN C. KELLEY**, an official of the U.S. Agency for International Development in Italy during 1984-89, has been charged with bribery, money-laundering, and obstruction of justice, and is being investigated on 11 other counts.