

*APPENDIX
SECTION F*

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[Selected articles, cartoons and letters.]

<u>TITLE</u>	<u>PAGE</u>
Political	
"A Prosecutor for VP," Mark Shields, <u>Washington Post</u> , 7/12/88	F-1
"The Giuliani Circus, Carton," <u>New York Post</u> , 7/19/88	F-2
"...The Confusion Candidate," Cartoon, <u>Newsday</u> , 7/17/89	F-3
"Giuliani Busters," Cartoon, <u>Crain's New York Business</u> , 7/7/89	F-4
"Anti-Dinkins fake polls rally Dems behind Dave," <u>New York Amsterdam News</u> , 10/28/89	F-5
"John V. Giuliani," editorial, <u>Wall Street Journal</u> , 8/1/89	F-6
Open Letter to President Bush, by John Marino, <u>New York Post</u> , 1989	F-7
"Prosecutor Labels Meese 'a Sleaze,' <u>Washington Post</u> , 7/23/88	F-8
"The Prosecutor takes on His Boss, Photo of Giuliani pointing finger," <u>Manhattan, Inc.</u> , August 1987.	F-9
"Giuliani will Head U.S. Drive to Take over the Teamsters," <u>New York Times</u> , 9/16/87	F-10
"Abortion Bomber Gets 7 Years," <u>New York Post</u> , 9/3/87	F-11
"Stonewalling the Disabled," editorial, <u>New York Times</u> , 5/15/85	F-12
"U.S. Magistrate Rejects Ragan Policy on Benefits," <u>New York Times</u> , 5/12/85	F-13
"Rudy: Throw out the PLO," <u>Daily News</u> , 6/9/88	F-14
Department of Justice	
Giuliani, D'Amato, and Baer in publicity stunt drug bust, Photo, <u>New York Times</u> , 7/11/89	F-15
"'Hey! Whatever Happened to Freedom of Association?" Cartoon, Oliphant, <u>Washington Post</u> , 7/11-1/88	F-16
"Gabel's Health was Issue," <u>Newsday</u> , 1/1/89	F-17
Personal	
"Giuliani dodged draft and married his cousin," <u>New York Amsterdam News</u> 10/28/89	F-18
"Rudy Giuliani mum over alleged marriage to kin," <u>New York Amsterdam News</u> , 10/28/89	F-19

Mark Shields

A Prosecutor for VP

As the 1988 Republican nominee, Vice President George Bush will lug with him a long list of political liabilities. Many of these are not of Bush's own doing. Some he inherited from the ancestors he honors and even more, from the administration he has served. In his long-awaited declaration of political independence—the selection of a running mate—Bush will have to confront those political liabilities. But with the right choice (to be revealed here), Bush could simultaneously turn disadvantage to advantage and the political world on its ear.

Like every presidential nominee who forms a ticket, Bush must practice either micro-politics or macro-politics. In micro-politics, the nominee focuses on one state or one constituent group in picking a No. 2. California Gov. George Deukmejian, whose appeal would be, at least initially, to his own Golden State voters, would be a micro choice. The macro approach would be to choose a running mate who could presumably help politically beyond his home state and the selection of whom might send a positive message about the presidential nominee. For example, in choosing Lyndon Johnson, his major opponent for the nomination and his party's Senate leader, John Kennedy in 1960 certified his self-confidence that

Johnson's considerable power and reputation constituted no threat to him. In 1988, Bush might do the same by naming his own principal adversary, a man who could probably help Bush throughout the Midwest—Sen. Bob Dole of Kansas.

Let's look at just three of the political liabilities the vice president now confronts:

1. Bush's platform style—looking and sounding exactly like the nice guy in Topsiders who just got out of his Volvo station wagon—faithfully reflects his own privileged background and severely limits his rapport with native-born Democrats, particularly voters who are Catholic or blue-collar or whose families came from southern Europe (Ronald Reagan won majorities among all three groups).

2. The administration, which has been stained, sullied and besmirched by charges of corruption, seems alternately to be under investigation, indictment or siege. Bush faces a public demanding the forced exit from our national life of greedy hustlers.

3. The most recent NBC News-Wall Street Journal survey brings more bad news: half the voters agree with the statement that "George Bush isn't tough enough to be a good president."

But not all is bleak. True, voters see the GOP

as tilting too much in favor of the Rich and the Powerful. But there does exist a one-person solution to nearly all of the vice president's political liabilities, including the criticism that Bush lacks boldness and is scared to distance himself from President Reagan.

Mention of the Gipper reminds us that only three presidents personally voted four times for FDR and once for Harry Truman. Those three were, of course, Truman, Lyndon Johnson and Reagan, who, because he had been a Democrat for his first 50 years, was able to appeal to doubting Democrats. Ideally, Bush's running mate ought to have previously been a Democratic precinct committeeman and a supporter of JFK.

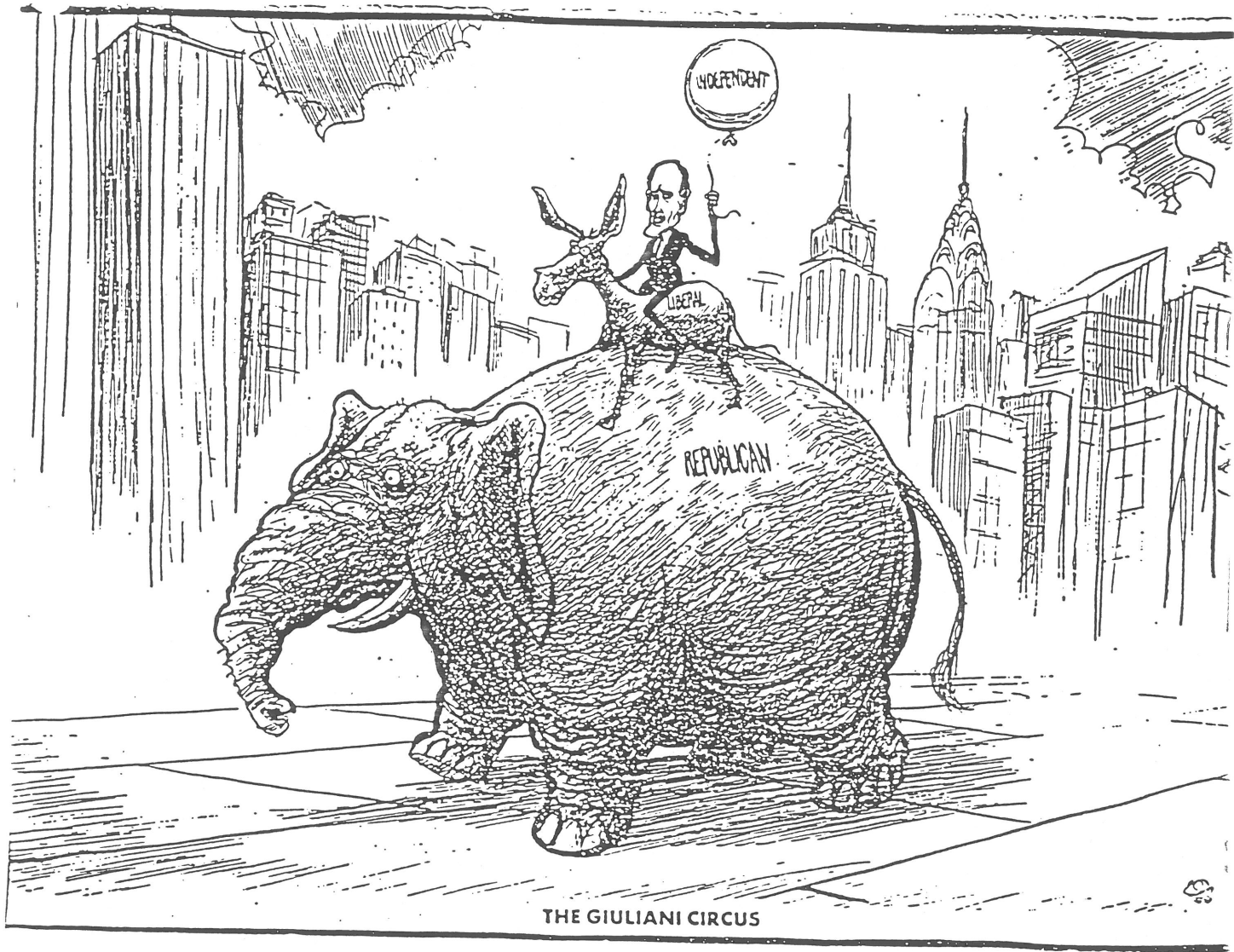
That's exactly what the crusading U.S. attorney for the Southern District of New York, Rudolph Giuliani, was. Now admittedly Rudolph Giuliani is not a household name, but if you need references, please check with Dennis Levine, the former partner of Drexel Burnham Lambert, Inc., who pleaded guilty to perjury, tax evasion and violation of securities law against insider trading, in some 54 transactions worth \$12.6 million. Levine did not spend the summer in the Hamptons. He went to the slammer just

as Ivan Boesky did. Thanks to Giuliani, a lot of important people with handcuffs where their Rolex used to be were forced to fill out change-of-address cards.

Yes, the name Giuliani is Italian, and, yes, Giuliani led the prosecution of the "pizza connection" in which eight New York Mafia chiefs were convicted and jailed. Who put corrupt executives from Wedtech (the company's name makes Republicans wince) behind bars? It was the same man who put Bronx Democratic boss Stanley Friedman away and the prosecutor who risked the wrath of editorial writers, organized labor and politicians by moving for a takeover of the corruption-ridden Teamsters' union.

There is a strong argument against putting any first-time candidate on a national ticket. Nobody, it's argued, is prepared for the scalding scrutiny. But you know that Rudolph Giuliani, who has terrorized dirty cops, sleazy politicians and criminals on Wall Street, has been investigated by all of them in an effort to discredit him. Death threats have not slowed him down. He's clean as a hound's tooth; he's gone after all the big boys; he's tough as nails, incorruptible and as untouchable as Eliot Ness. How about it, Mr. Vice President?

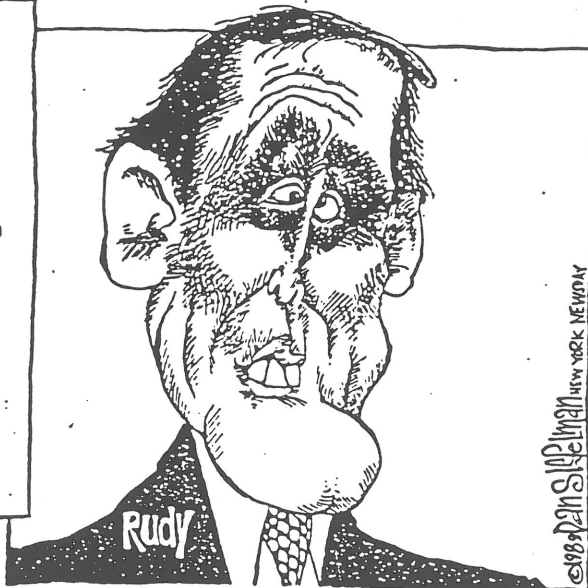
NEW YORK POST, WEDNESDAY, JULY 19, 1988



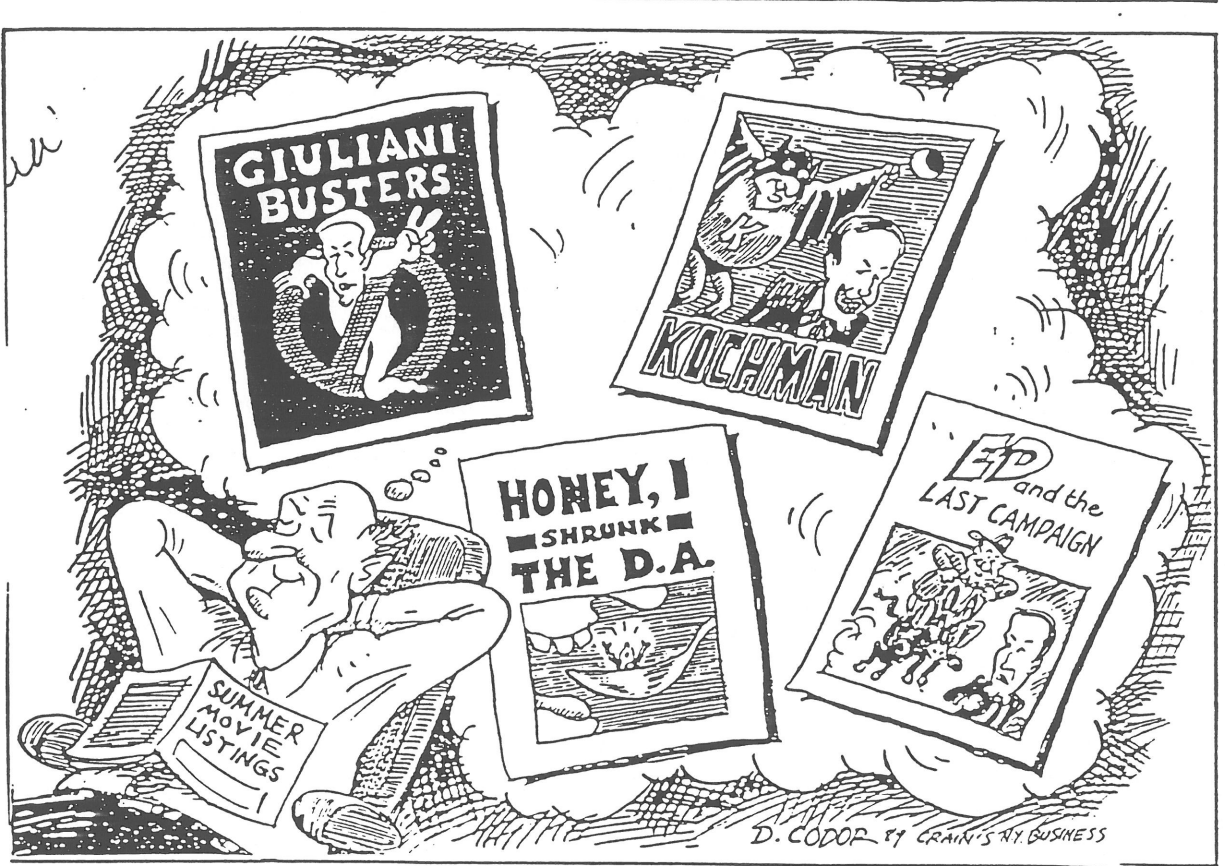
THE GIULIANI CIRCUS

SHEFELMAN

He's a Republican.
He's a Liberal.
He's an Independent.
He's whatever you
want him to be.
He's.....



...the Confusion Candidate.



Anti-Dinkins fake polls rally Dems behind Dave

By SIMON ANEKWE
Amsterdam News Staff

As the Daily News moved with its questionable poll to stampede the faint-hearted away from Mayoral Candidate David Dinkins, Democratic members of the New York City Council rallied to his support, with an affirmation of faith in him during a City Hall press conference, Tuesday afternoon.

Council Majority Leader Peter Vallone who had not supported Mr. Dinkins during the primary, led with an endorsement of the candidate as a good, decent, experienced man; a fighter and the kind of person who as mayor, would set the Ci-

ty's course in the proper direction for the next century.

"Eight years of Ronald Reagan and nine-and-half months of President Bush have shown there is a Democratic and Republican way of providing services, fighting drugs and crime, educating our young, creating housing and improving the quality of life in our communities," said Archie Spigner.

"And from this experience it is clear to me and many others that what New York needs is not an inexperienced, untried Republican but a Democratic Mayor of demonstrated ability, compassion and commitment." "A Mayor," Spigner continued,

"who understands the complexities of government and who has the courage to make
(Continued on Page 36)

Endorsement meeting

The Editorial Board of the Amsterdam News will meet with those qualified candidates who wish to be considered for endorsement in the General Election (Nov. 7) on Saturday, Oct. 28, 1989. This applies only to those candidates who were not interviewed for the Primary. Please call Anita Owens at (212) 932-7485 or 529-9902 for an appointment.

A12

REVIEW & OUTLOOK

John V. Giuliani

The signs multiply that Rudolph Giuliani's campaign for Mayor of New York is faltering. Until the past few weeks, everyone had been writing off Ronald Lander, his opponent in the Republican primary. But the recognition has been spreading that only a fraction of the city's paltry 400,000 Republicans will vote in the Sept. 12 primary, and that Mr. Lander has the endorsement of many local leaders and the support of Senator Alfonse D'Amato.

So over the past two weeks, much Gotham press has been devoted to how Mr. Lander, heir to the cosmetics fortune and former Ambassador to Austria, has been spending gobs of his own money while other candidates subsist on a public-spending dole. Local pundits are complaining that the GOP "doesn't want to win," and the Giuliani campaign has just signed up Roger Alles, who earlier quit the Lander campaign on the grounds that it was nothing more than a stop-Giuliani effort. This raises the issue of whether elements of the national Republican Party will come through with backdoor aid for the Giuliani campaign on the grounds that he might be an electable candidate. The question is, what kind of Republican is Mr. Giuliani, if any?

GOP voters in Brooklyn and Queens no doubt remember the last Republican mayor of New York, John V. Lindsay. Elected as a Republican in 1965, Mr. Lindsay was defeated as an incumbent in the Republican primary in 1969. He went on to win reelection on the Liberal line, continuing the expansion of welfare bureaucracy, liens to public-employee unions, tax increases and raids on the fiscal budget that propelled the city toward its brush with bankruptcy in '75. Voters with such memories will have no trouble recognizing John V. Lindsay.

Mr. Giuliani wants the Republican nomination to add to the Liberal Party line with which he's already been endowed, so that he can call himself a fusion candidate. The alliance with the Liberals cost him any chance with the Conservative Party, which has designated Mr. Lander, entering a three-way race with one of the Democratic contenders—incumbent Ed Koch, Manhattan Borough President David Dinkins, businessman and former subway chief Richard Ravitch or Comptroller Harrison Goldhamer.

Mr. Giuliani solicited the Liberal nomination, he actually says, partly because many of his friends and relatives would have been too embarrassed to vote for a Republican. Giuliani campaigned for Bobby Kennedy and says he voted for

George McGovern. His campaign staff includes at least one former Mike Dukakis aide. He told a TV interviewer, "I do not look to see what the catechism of conservatism says about how to solve a problem."

As an example of what this means in practice, take Mr. Giuliani's position on the city's disastrous rent-control laws. They are, he says, "an important part of keeping the middle class in New York City." He supports the so-called anti-warehousing law that forces landlords to rent apartments they own, instead of keeping them vacant while converting them to co-ops. He took this position to ease the housing shortage, he says, because he's seen "the terrible things it's done to federal agents who have to live two hours away." The would-be Republican nominee, in fact, has come out for extending rent control beyond apartments to commercial property as well.

Readers of this space will not be surprised that we find this opportunistic pandering of a piece with Mr. Giuliani's supposed selling point, his performance as U.S. Attorney in Manhattan. He did go after Mafia dons, but he also turned RICO into a cudgel against legitimate businesses, making the assumption that investment banking is somehow "organized crime." In his zeal, Mr. Giuliani paraded investment banker Richard Wigton in handcuffs before having to drop charges against him and co-defendants Robert Freeman and Timothy Tabor. He promised to bring new charges against the three in "record time," but left office first, leaving them still in legal limbo. He also lost his case against Bess Myerson, which never belonged in federal court in the first place, but did advance the corruption issue against her friend Ed Koch.

It is certainly true that a viable Republican Party could do a lot for New York City. The Democratic Party has held absolute power, and many of its leaders have become absolutely corrupt, to the important extent, though, this is merely another reflection of the ideological degeneration to which Mr. Lindsay and Mr. Giuliani bow. We're far from confident that a D'Amato-Lander party would give the city the kind of Republicanism it needs. And Roger Alles just might be the candidate who gets in his way.

What New York desperately needs from the Republican Party is the fresh thinking of Jack Kemp, Bill Bennett and Charles Murray on economic opportunity, drugs and welfare. The last thing either the city or the national GOP needs is another Lindsay liberal to give Republicanism a bad name.

The President
The White House
- Washington, D.C. 20500

Dear Mr. President,

Welcome to New York City.

Actually, we Democrats are glad that you have returned in order to campaign for the Republican candidate for Mayor.

Hopefully, you can help encourage your party in New York to address policy questions and the serious effects they have on all New Yorkers.

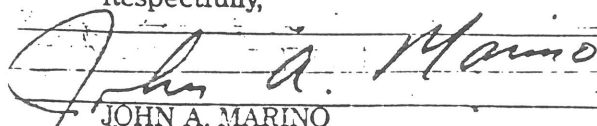
As you know, Governor Cuomo, Mayor Koch and other leading Democrats have sought to do the same on behalf of David Dinkins in an attempt to discuss substance instead of engaging in mudslinging.

I hope you will now arrange to have the Republican Party respond to some simple but meaningful questions that will help elevate this campaign in the time remaining.

1. Does the Republican candidate for Mayor believe as you do that a poor 13 year old victim of rape or incest ought to be denied medical benefits for an abortion?
2. Over the last eight years the Federal government's support for education, affordable housing, roads and bridges and other vital city functions has diminished in real terms, when the rest of the budget grew drastically. Why?
3. How do we explain to children denied treatment for drug addiction because of a lack of funds, that the Federal government can afford \$166 billion for the Savings and Loan industry but practically nothing for the so-called war on drugs in the cities.
4. Do you still believe it's fair to tax New York City residents twice by removing the deductibility of state and local taxes? Does your Republican candidate agree?
5. Why are there more homeless today than at any time since the Great Depression and how do Republicans propose to deal with the problem?
6. Will you take the next logical step in the battle against violent crime by outlawing all assault weapons? Does the Republican candidate agree with you?
7. Do you support the Republican candidate's request to pardon Nicky Barnes, one of New York's most infamous drug dealers and murderers?
8. Do you or the Republican candidate believe a Special Prosecutor should be appointed to investigate the HUD scandal?

Mr. President, we know you want this to be a kinder and gentler place. We agree. It can be a better informed place too, if you will help the Republicans get up out of the mud in this campaign. Answers to these questions would help.

Respectfully,


JOHN A. MARINO
Chair

Prosecutor Labels Meese 'a Sleaze'

U.S. Attorney Giuliani Said to Approve Language

By George Lardner Jr.
Washington Post Staff Writer

U.S. Attorney Rudolph W. Giuliani of New York approved a statement by prosecutors in the Wedtech corruption trial this week denouncing his boss, Attorney General Edwin Meese III, as "a sleaze," informed sources said yesterday.

The criticism of Meese was made in closing argument Thursday by Assistant U.S. Attorney Edward Little in a dramatic effort to counter defense strategy at the four-month trial of Rep. Mario Biaggi (D-N.Y.) and six other men.

The defendants have argued that Wedtech did not need to bribe Biaggi and other Democratic politicians in New York, as alleged, when it could call on high-powered Reagan administration figures for backstage help in securing government contracts.

"What's the defense here?" Little asked. "It's very clear: The Wedtech officers would not have bought Congressman Biaggi [because] they already bought Ed Meese. Well, this is ridiculous. This isn't a who-dunnit case . . . Wedtech bribed a whole ream of people. They bribed everyone . . ."

"There are two short answers to this 'Meese defense,'" Little continued. "The first is, Meese was a sleaze. The second is, Meese was a sleaze, too. Also, in addition to these people."

Throughout the trial, lawyers for Biaggi and other defendants have hammered at the theme that Meese's close friend E. Bob Wallach had enlisted the help of Meese and his staff, especially Meese White House deputy James Jenkins, in securing an Army engine contract in 1982 and that the company continued to rely on Wallach's connections with Meese after Meese became attorney general in 1985.

Little said that overlooked Wedtech's buying of influence in the legislative branch. Biaggi is accused of extorting some \$4 million in Wedtech stock from the Bronx company in return for his influence.

"Whatever [Wallach and Jenkins] did with Meese was wrong, but that was done separately in the executive branch," Little said. "These defendants can't get out of this case by pointing fingers at Meese. So what? Who cares? That's got nothing to do with what happened in this courtroom."

Little also pointed out that Meese came under the jurisdiction of independent counsel James C. McKay, not Giuliani's office. McKay, in a report made public this week, said he found no evidence Meese knowingly received anything of value in return for anything he did for Wedtech as a government official. But McKay also said his Wedtech investigation was "incomplete" because of the unavailability of key witnesses such as Wedtech founder John Mariotta, one of the defendants in Biaggi trial, and Wallach, who is awaiting a separate trial.

Nathan Lewin, Meese's lawyer, dismissed Little's remarks as "beneath contempt."



U.S. Attorney Giuliani is in charge of Wedtech prosecution.



Meese's attorney called the remarks "beneath contempt."

"I think it's outrageous that anybody representing the interests of justice would make that kind of an assertion in a public forum and particularly when he is speaking about his own superior," Lewin said.

Justice Department spokesman Patrick S. Korten said he was awaiting word from Giuliani's office on the accuracy of Little's reported remarks. "If such remarks were made," Korten told reporters, "we would consider them to be inappropriate, unprofessional and, not least, flatly wrong."

Giuliani refused any immediate comment, citing a gag order imposed by the Wedtech trial judge. But informed sources said Little made his argument "with the knowledge and approval of Mr. Giuliani. He was speaking for the [U.S. attorney's] office."

Special correspondent John Kennedy in New York contributed to this report.

Manhattan, inc.

The Prosecutor Takes On His Boss

Rudy Giuliani watched as the first special prosecution of Ed Meese failed to produce charges. This time he is doing more than watching



Crime fighters together: Now Giuliani's finger is pointed at Meese

BY JAMES B. STEWART

IN APRIL 1986, EDWIN MEESE III, THE ATTORNEY GENERAL OF THE UNITED STATES, PAID A FORMAL visit to the Manhattan offices of Rudolph W. Giuliani, the U.S. attorney for the Southern District of New York. Though both are Republicans, relations between the two men had been deteriorating since the early days of the Reagan administration, when Meese was counselor to the president and Giuliani was associate attorney general, the number-three position at the Justice Department.

The visit got off to a bad start. According to assistant U.S. attorneys who witnessed the arrival of Meese and his entourage, one of Meese's aides approached the receptionist. "Mr. Meese is here," the aide said.

"Does he have an appointment?" the receptionist asked.

The startled aide said Meese certainly did. "He's the attorney general," the aide added, barely containing his annoyance.

"Of what?" the receptionist asked.

"Of the United States," the aide practically screamed.

There was more discomfort when Giuliani's staff assembled in a large courtroom in the federal courthouse to hear an address by Meese. Giuliani's assistants expected Giuliani to introduce Meese with some favorable

Giuliani Will Head U.S. Drive To Take Over the Teamsters

By KENNETH E. NOBLE

Special to The New York Times

WASHINGTON, Sept. 15 — The Justice Department has chosen the United States Attorney in Manhattan, Rudolph W. Giuliani, to lead its effort to put the teamsters under Federal control, according to Federal officials.

Mr. Giuliani will replace Joseph E. diGenova, the United States Attorney here, who was removed as prosecutor of the suit three weeks ago, according to a department official who spoke on the condition that he not be identified. The official said that Mr. diGenova had been removed because the case had been dragging.

The official confirmed a report today by the Scripps-Howard News Service that Mr. Giuliani would head the effort, which is intended to rid the union of the influence of organized crime.

The report came as 3,000 teamsters met today at a rally in Cincinnati, where three Presidential aspirants criticized the Government's takeover drive.

The suit to control the teamsters is the first Government attempt to use civil racketeering statutes to take over a national union. The Government succeeded this year in having a New Jersey teamsters' local placed under the direction of a Federal trustee. The Teamsters Central States Pension Fund in Chicago is also under court supervision.

Spokesmen for Mr. Giuliani and Mr. diGenova declined to discuss details of the action against the union, the nation's largest, with 1.7 million members. Federal officials indicated last November that they planned to act against the teamsters and three other

unions that the President's Commission on Organized Crime had identified as corrupt.

Teamsters' officials have denied accusations of links to organized crime. However, as a measure of their growing concern about the reported takeover plan, more than 3,000 teamsters rallied today in Cincinnati to discuss fighting the Justice Department.

The president of the International Brotherhood of Teamsters, Jackie Presser, told the members that a court-appointed Federal administrator could replace local leaders and take over local negotiations, pension and welfare funds, and organizing drives.

"We are fed up with the Government's big-bully tactics," Mr. Presser said. "We are not going to take it any more. We're going to fight back."

Also criticizing the takeover plan before the gathering were two Republican Presidential hopefuls, Alexander M. Haig Jr. and Representative Jack F. Kemp of Hamburg, N.Y., and the Rev. Jesse Jackson, who is seeking the Democratic nomination.

Federal officials have refused to comment on the plan, except to say it might be months before any action is taken. Last year, a Federal judge in Newark appointed a trustee to take over Local 560 of the teamsters, one of the largest in the union. The action, the first based on the civil provisions of the Racketeer Influenced Corrupt Organizations Act, followed a trial in which the Justice Department had charged that the local had operated for decades under Mafia control.

ABORTION BOMBER GETS 7 YEARS



DENNIS MALVASI

By LARRY NATHANSON

A 37-YEAR-OLD Vietnam veteran who said he bombed four New York abortion clinics last year because he believed God "favored" it, was sentenced yesterday to seven years in prison.

The bells of nearby St. Andrew's Catholic Church tolled in the background as Dennis Malvasi was sent to jail by Judge Thomas Griesa in Manhattan Federal Court.

Malvasi, who surrendered after an appeal by John Cardinal O'Connor, also was given five years probation.

In a lengthy proceeding yesterday, he admitted to bombing the Eastern Women's Center in Manhattan and placing a bomb — which did not explode — in the Queens Women's Medical Office in Elmhurst.

Charges in two other attacks were dropped in return for his guilty plea earlier this year.

In addition, he made a telephone threat to the Eastern Women's Center, for which he was charged.

Malvasi told Griesa he once thought "God looked with favor" on his efforts to disrupt abortions in the city.

He said he now thinks God has the "opposite" feeling.

Calling himself a devout man, he insisted he was not a religious fanatic and was not affiliated with any "fringe" groups.

Before the sentencing, Malvasi attempted to broadcast his anti-abortion views in the courtroom.

"May I ask you a question?" he said to Griesa.

"Is abortion murder?"

Griesa told Malvasi he refused to get into a debate.

Malvasi then told the judge he had only surrendered after O'Connor's public appeal.

"The cardinal is my shepherd," Malvasi said, trying to assure the court that he will give up his violent anti-abortion tactics.

"If he gives me an order, and I violate it, it would get me in trouble with the Almighty, and I ain't looking for that."

Griesa told Malvasi that he had been acting under a "misguided religious concept," and pointed out that the church does not condone that kind of violent activity.

A city-licensed pyrotechnician, Malvasi was given two concurrent six-year sentences for placing bombs at the Manhattan and Queens clinics.

A consecutive one-year sentence was added for the bomb threat.

The judge imposed a five-year suspended sentence for charges that Malvasi tried to buy two dozen pistols in Florida under an assumed name.

The U.S. attorney's office had asked for a "substantial" sentence.

Malvasi's defense lawyer pleaded for leniency, painted a picture of a tormented man who came from a large family and was sent away to a Catholic orphanage from the ages of 2 to 14.

He had faced up to 30 years in prison and more than \$750,000 in fines.

Malvasi is eligible for release in as little as 4½ years, followed by five years of probation.

Stonewalling the Disabled

By late last year the Reagan Administration's war on the disabled had become a national embarrassment, and Congress passed a reform bill prohibiting further abuse. The new law was silent, however, on a crucial part of the Administration offensive: "nonacquiescence" with rulings of the Federal courts. Now the conclusions of a Federal magistrate are likely to neutralize this weapon too. The real question is why the Administration continues to struggle against decency.

In 1981, zealots of the incoming Reagan Administration seized on congressional impatience with disability fraud to cut assistance from the \$18 billion Social Security program for Americans genuinely too handicapped to work. Hundreds of thousands, including many with obvious disabilities, were told that they were fit to work and dumped off the rolls.

Some of these victims filed suit, prompting Federal judges to order benefits restored. Then came nonacquiescence. Disability administrators said they wouldn't follow these precedents. To win relief, the disabled have to sue one by one.

The Administration sought to put a legal face on this flouting of the courts by citing a few rulings that seemed to offer vague support for it. But arithmetic suggests the real purpose of nonacquiescence. Nearly two-thirds of the people cut off had exhausted administrative remedies and were too discouraged to file suit. Holding out against the courts therefore meant holding tens of thousands off the rolls.

The policy drew sharp protests, especially in New York City. Rudolph Giuliani, the United States Attorney in Manhattan, found the Administration's legal position so shaky and its apparent motives so cynical that he refused to go along. And Frederick A.O. Schwartz Jr., the city's corporation counsel, sued to force Washington to follow the law.

That suit has produced a new ruling from a Federal magistrate. Citing Congress's misgivings and the weakness of the Government's case, she recommends an injunction against nonacquiescence.

Administration lawyers must respond by Monday. Will they finally capitulate to the commands of Congress and of decency? Or will they defend their cruel policy all the way to the Supreme Court?

U.S. Magistrate Rejects Reagan Policy on Benefits

By ROBERT PEAR

Special to The New York Times

WASHINGTON, May 11 — A Federal magistrate has rejected the Reagan Administration's contention that it may disregard court precedents relating to the Social Security disability program.

The Social Security Administration has been using this rationale to cut off disability benefits for thousands of people around the country, despite prior court rulings in favor of other people pressing similar or identical claims in the same judicial circuit.

The magistrate, Naomi Reice Buchwald, rejected each of the legal argu-

ments made by the Government in support of this practice, in which the Social Security Administration, while paying benefits to a plaintiff who won his case before a United States Court of Appeals, sometimes refuses to acquiesce to that court's interpretation of the law. The effect of this practice of nonacquiescence is that other people with similar claims in the same judicial circuit do not get benefits unless they, too, file suit.

Report Sent to U.S. Judge

Mrs. Buchwald said that people challenging the practice as unconstitutional were likely to prevail on the merits of their argument, and she therefore

recommended issuance of a preliminary injunction to stop the practice.

The recommendation came in a 68-page report to Judge Leonard B. Sand of the Federal District Court for the Southern District of New York. The parties in the case received a copy of the report late Friday. If Judge Sand accepts the magistrate's recommendations, the Social Security Administration could be required to reopen as many as 25,000 cases.

The cases involve people who were removed from the disability rolls or who unsuccessfully applied for benefits and then filed appeals to obtain hearings before an administrative law

judge employed by the Department of Health and Human Services.

The Reagan Administration's effort to remove ineligible people from the disability rolls has been carried out under a 1980 law that required periodic reviews to assess the status of beneficiaries. Since March 1981 the Government has reviewed 1.2 million cases and ordered 491,000 people off the rolls. But of this number, 214,000 regained benefits after appealing.

U.S. Attorney Rejects Practice

Rudolph W. Giuliani, the United States Attorney for the Southern District of New York, has refused to defend the practice of nonacquiescence. "There has never been any support" for it, he said in a letter to Federal judges in New York last June.

Lawyers for the Justice Department

in Washington, representing Margaret M. Heckler, Secretary of Health and Human Services, have strongly defended the practice.

They said it was necessary to assure uniform nationwide operation of the Social Security disability program. If the Government invariably followed rulings by the United States Courts of Appeals, they said, it might end up with different policies in different regions because the courts sometimes disagree.

Also, Justice Department lawyers said, even after losing a case, the Government has a right to re litigate important legal questions. The Government must be free, on occasion, to disregard judicial precedents, they said, because otherwise the courts would not have new opportunities in which to reconsider legal issues.

Brian G. Kennedy, a Justice Department lawyer, declined to comment on the magistrate's report except to say, "I think there are some things wrong" in it. The department has until May 20 to file objections with Judge Sand if it so chooses.

Burt Neuborne, legal director of the American Civil Liberties Union, who helped represent the plaintiffs, said the magistrate's report was "a first step in undoing the harm that the Administration's callousness has imposed on thousands of weak and powerless people."

Martha A. McSteen, the Acting Commissioner of Social Security, has acknowledged that there were problems in the disability program, but said the agency was working hard to correct them.

IT'S AN EMERGENCY: SAVE WATER!

Rudy: Throw out the PLO

THE ASSOCIATED PRESS

U.S. Attorney Rudolph Giuliani, citing the killing of an American tourist and other terrorist acts, argued yesterday for the closing of the Palestine Liberation Organization's mission to the United Nations.

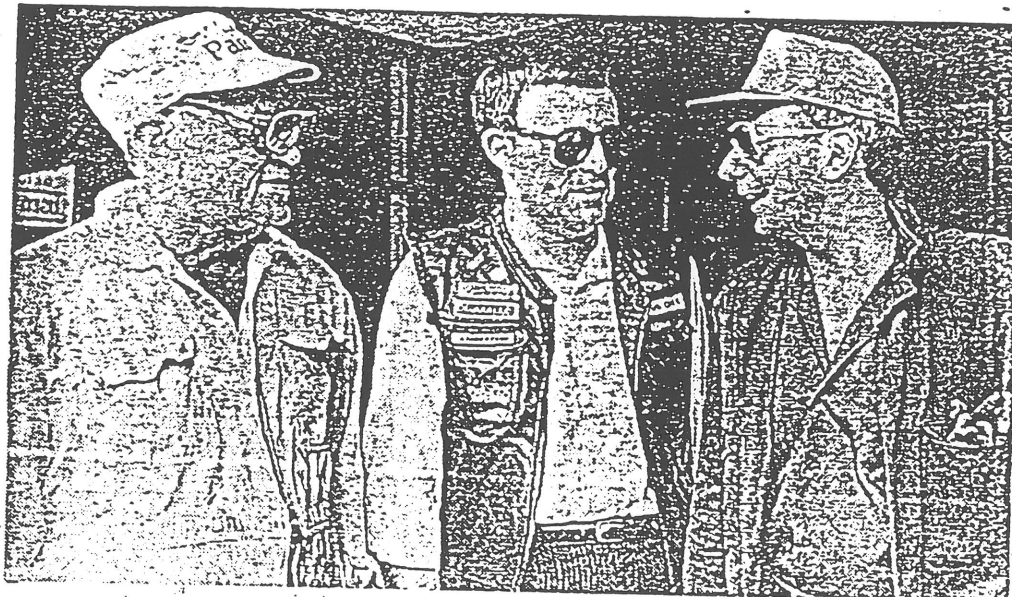
But two other legal heavyweights, attorney Leonard Boudin and former U.S. Attorney General Ramsey Clark, offered twin arguments on why U.S. District Judge Edmund Palmieri should block the federal government from closing the mission.

They were joined in their efforts by UN Undersecretary General Carl-August Fleischhauer, who appealed to Palmieri to reject Giuliani's request. The judge reserved judgment without indicating when he would rule.

"Although the United Nations wishes to live in harmonious relations with the host country, we cannot accept this... (The U.S.) has unilaterally violated and abrogated" its 1947 agreement with the United Nations, Fleischhauer said.

Giuliani, in a rare courtroom appearance, argued that the Anti-Terrorism Act was the overriding law in the case. Clark said the measure violates international law, while Boudin asserted it breached the First Amendment.

The law, which took effect March 21, branded the PLO a terrorist group and barred it from operating its UN mission or any other office in this country.



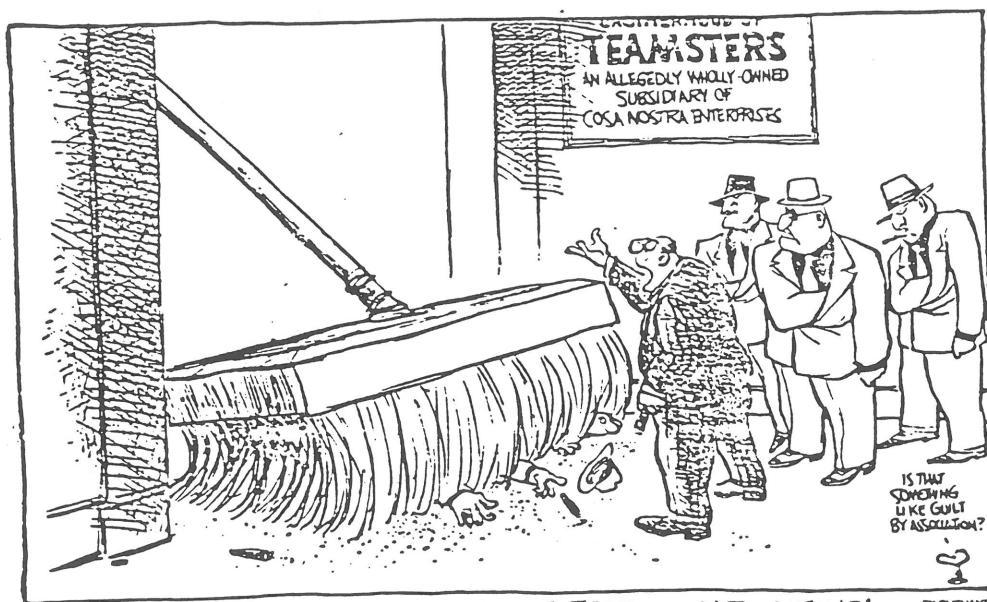
Rudolph W. Giuliani, center, with Senator Alfonse M. D'Amato, right, and Benjamin F. Baer, chairman of the Federal Parole Commission, after they went with narcotics agents in 1986 to demonstrate drug

purchases in upper Manhattan. Some said the event was an imaginative warning to the public about the increasing prevalence of drugs. Critics dismissed it as a publicity stunt.

Associated Press

THE WASHINGTON POST

July 11-17, 1988



Gabel's Health Was Issue

U.S. wanted to drop charges



Judge Hortense Gabel

By Paul Moses

Federal prosecutors tried to sever former State Supreme Court Justice Hortense W. Gabel from the Beas Myerson case for medical reasons before it went to trial, according to court papers unsealed Friday.

But Gabel resisted the attempt to remove her from the case on medical grounds, insisting she was competent to go on trial and that she wanted the chance to clear her name. Myerson, Gabel and contractor Carl A. Capasso were acquitted of all charges in the divorce-fixing case on Dec. 22.

The unusual situation — in which prosecutors sought to remove a de-

fendant who insisted on going to trial — was resolved on Oct. 3, the day before opening arguments, when U.S. District Court Judge John F. Keenan ruled Gabel was competent to stand trial.

Executive Assistant U.S. Attorney Federico Virella said Friday that prosecutors were required under law to tell Keenan about their concerns for Gabel's health, which they contended was affected by neurological problems.

"It had nothing to do with any tactical considerations," Virella said.

Had Gabel been severed from the

Please see GABEL on Page 11

Gabel's Health Was Issue; X U.S. Wanted to Drop Charges

GABEL from Page 6

case, the most emotional aspect of the trial — in which a government witness, Sukhreet Gabel, testified against Hortense Gabel, her mother — would no longer have been a factor. Nor would the jurors have seen the sympathetic-looking Hortense Gabel, a frail, nearly blind 76-year-old woman who, as her lawyer noted during the trial, has a history of heart disease.

According to the documents, prosecutors first raised the possibility of severing Gabel from the trial for health reasons during a closed conference last June, then raised the issue again in August.

Assistant U.S. Attorney David Lawrence said that various judges and lawyers and Sukhreet Gabel had told prosecutors of their concerns that Hortense Gabel would be unable to withstand the rigors of a trial.

In a closed hearing on Sept. 30, Lawrence formally requested that Gabel be severed from the trial because of the findings in two medical reports concerning heart and neurological problems. "The government obviously has some concerns about defendant Gabel's health," he said, adding that if her condition remained the same after 60 to 90 days, "the government is prepared to dismiss the case against Judge Gabel in the interest of justice based upon her medical condition."

Keenan reserved decision and, after interviewing Gabel in the presence of attorneys in the case during a closed hearing on Oct. 3, ruled she was competent to stand trial.

Keenan expressed misgivings during the hearings about keeping the proceedings secret from the news media; he said prosecutors and defense lawyers had agreed that they wanted the sessions "private."

The documents were released Friday following a request from a reporter that they be unsealed.

Giuliani dodged draft and married his cousin

By HAROLD L. JAMISON
Special to the Amsterdam News

Stating that nice guys finish last, Elombe Brath, on behalf of the activist community and irked by the apparent paralysis of the Dinkins' campaign to tell it like it is, has researched what he calls the "Genesis of Rudolph Giuliani," to set the record straight.

Labeling the Giuliani campaign a "hypocritical and cynical deception with a thinly veiled racist appeal," Brath analyzed Giuliani's recent attacks against the Dinkins campaign and the resultant resignations of longtime activists Jitu Weusi and Sonny Carson from Dinkins' campaign. Giuliani's

Brath contends, that Giuliani does not believe in human redemption nor the power of rehabilitation. If he did, he wouldn't be so scurrilous in his style of campaigning.

"In order to truly understand the contradictory nature of his campaign, it is important to refute Giuliani's projection of who Jitu and Sonny are and what they represent," Brath said. "Then examine Giuliani himself; the real Giuliani, not

(Continued on Page 39)

Rudy Giuliani mum over alleged marriage to kin

By J. ZAMGBA BROWNE
Amsterdam News Staff

Republican candidate Rudolph Giuliani's face turned red and he became flustered last Friday when a WLIB radio reporter asked him about his 14 years marriage to a blood kin.

"I will not respond to your question because it is personal," Giuliani told Dominic Carter. He also accused Carter of being biased and that he represents a station that reports glowing stories about his opponent, David Dinkins.

According to published reports, Giuliani, the candidate with the "altar-boy lisp" married his second cousin, the former Regina Peruggi shortly after he graduated with honors in 1968 from New York University Law School.

The couple was married in a Roman Catholic ceremony in the Bronx. But 14 years later the marriage ended in Washington, D.C. after it was nullified by the church.

Giuliani was quoted as



RUDY GIULIANI speaking at a recent fundraising reception sponsored by Black Republicans in the Adam Clayton Powell State Building in Harlem.

INDEX
SECTION G

INDEX

INDEX

A

Abortion	A8-11,A123-133
Abrams, State Attorney General Robert.	B75
Alexander, Donald.	B2-3,B5-7,B139
Anderson, Former Treasury Secretary Robert	A23
Anderson, Kill, Olick and Oshinsky	C18-24,D3
Anti-Defamation League	A81,A153
Arrogance	D4-13

B

Barnes, Nicky	B57-61
Berger, Simon	A144-155
Biaggi, Mario	A18,B20,B73-74
Bilzerian, Paul	B128-129,B140,B170
Biographical timeline	D3
Blacks	A41-58,A79-121,C15,C17,C23
Boesky, Ivan	B20,B36,B116,B118-120,D9,E7
Bork, Robert	A11-12
Brown, Ron	A115-121

C

Carey, Ron	A38-40
Caruso, Phil	A54,A56-57,A60-61,A66-67,A73
Castellano, Paul	A38-40,B78,B84
Civil Rights	A91-91
Clinton, Bill	A3,A44,A99-100,A111-113,D16
Conservative Party	A126
Costikyan, Edward	E4
Cuomo, Gov. Mario	A13,B15,E7

D

D'Amato, Sen. Alfonse A146,A154,D8
Daughtry, Rev. Herbert A88,A91,E8
Death Penalty A168-172,B65
Dershowitz, Alan B12-13,E9,E11
Dewey, Tom B179,E10,E14
Disabled New Yorkers A25-29
Doherty, Joe A156-162
Draft dodger D21-27
Drugs
 Forfeiture B86,B91-92
 General B85-96,B104,B107-109
 Legalization A174
 Testing B93
 Treatment B86
Duke, David A63-65
Duvalier, Baby Doc A102-103,A109,A114-115,A117-120

E

Editorial Support for Giuliani E17-22
Election night 1989, General A75-77
Environment C22-24

F

Featherstone, Francis B58-59,B61-63,B104-105
Federal Day Program B86-89
Flip-Flop
 Abortion A9,126-130
 Death Penalty A168-172
 Draft dodging D27
 Drug Legalization A174
 Party Registration A165-166
Friedman, Stanley B20,B36,B69,B71-72,E7,E11,E15,E19

G

Garcia, Congressman Robert B73
Garth, David A142,E3

Gays

Anti-gay accusations on Giuliani	A134-139
AIDS/needles	A139
License Marriage	A136
Ghost Shadows	B104,B106,E21
Gold, Emmanuel State Sen.	E8
Gotti, John.	B77,B80
Grossman, Israel.	B77,B80,B127
Guttman, Rabbi Leonard	A153

H

Haiti(an)	A99-121,B9-10,D8
Heatherton, Joey	B102
Hanover, Donna	D18
Haven, Operation	B3,B5-7
Horton, Willie	B62

I

Ianniello, Matthew "Matty the Horse"	B79-80
Irish	A156-162

J

Jackson, Jesse	A84
Jewish (Anti-Semitism)	A144-155
Justice, Department of	
Associate Attorney General	A24-29,99-121,B8-14,D3,26
Deputy to the Associate Attorney General	B2-7,D3
U.S. Attorney	A145-150,D3

K

Kennedy

Bobby	A5,A7,A13,A30,A31,A91,B134-135
John F.	A3-4,A6,A13,A91
Knapp Commission	A68-69,A93-95,E12
Koch, Mayor Edward	A81,A129,A137,A153,B11,B42,B44,B107-108,B138-139, B173,B179,B183,E3-4,E8
Kunstler, William	B84,B140

L

LaGuardia, Fiorello A64
Leprechaun, Operation. B5-6
Levine, Dennis B20,B114,B118-121,B125,E7
Liberal Party. A128,A141,A152-153
Lindsay, John V. A4
Lynch, Bill. A13,A63-65,A86

M

MacMahon, Judge Lloyd F. A152,B47
Mafia/Organized Crime
 Colombo B20,B78-80,B83
 La Cosa Nostra/Commission A32,B20,B78-79,B82
 Gambino B20,B77-78,B80,B84
 General B19-20,B77-84,B139-140,B175,B189,E7,E19-20
 Genovese B79-80
 Pizza Connection B78-82,B158
 Teamsters A5,A30-40,E7
Manhattan College D3,D23
Marcos B51-56
Margiotta, Joseph A23,B70,B74
Markowitz, Edward B98-100
Marriage/Divorce D15-20
Mason, Jackie A79,A81-83,A88
McDonnell Douglas B10-12
Meese, Edward A5,A17-18,A20-21,B36,B114
Milken, Michael B119,B122,B138
Molinari, Guy A61
Morgenthau, Robert A17,A53,A70,E4
Moynihan, Senator Daniel A19,B69,B137
Mulheren, John Jr. B114,B168-172
Myerson, Bess B41-50,D12,E4,E6,E11

N

Nazi A144-145,A147,A149,A151-154,E4
Neglia, Peter A19

O

Obermaier, Otto B153,B157,B163
Orozco, Eduardo B96
Overturned cases
 GAF/Sherwin B114,B162-167
 Mulheren, John Jr. B114,B168-172
 Princeton/Newport B138,B152-161

P

Patterson Belknap Webb & Taylor C2-8,C14,D3,D18
Perlmutter, Daniel B111,B180-188
Peruggi, Regina D14-20
Pisani, State Senator Joseph A21-22
Police
 Corruption A68-69,71,93-95
 Prison guards A71
 Riot/Rally A42-73
Priorities as U.S. Attorney B18-19,B38-39
Public Corruption
 Friedman, Stanley E7,E15,E19
 General B67-76
 Schermmerhorn, State Senator Richard A21
 Wedtech A17
Publicity B111,B172-179,E5

R

Racial Polarization A78-80
Racism
 Charges of, A51,54,62,65,81-83
 Defense of accusations A58-60,A65
 Police exams A71,A96-97
 Weusi, Jitu A154
Rangel, Cong. Charles A65,100,112-113
Reagan(ism)
 General B54,B95,B176
 Republican A2-40,A84-85,B11,D7,E3,E22
 Social Security A24-29
Rich, Marc B98-101

RICO	A31,A33-34,A36,A39,B38,B53,B78-79,B85,B104,B123,B138,153,161, C21-22,E6,E11,E15,E20
Romano, Benito	B64,B169
Rubenstein, Kenneth	B124
Ruiz Jr., State Senator Israel	B75

S

Salerno, Anthony	B80
Schermerhorn, State Senator Richard	A21-23
Social Security	A24-29
Son of Banks	A89
Statistics	B22-34,B38-39
Stein, Andrew	B72

T

Tax Evasion	B18-19,B97-102
Teamsters	A5,30-40,E7
Temperament	A3-40,75-77,D5,E3
Terranova	C3-7
Thayer, Paul	B124-125
Thornburgh, Richard	B54,B157
Tradewinds, Operation	B5-7
Tributes	E7-16
Trump, Donald	E14
Tyler, Judge Harold	B49,C8,E12

W

Wall Street

Dean Witter Reynold Inc.	B123-124
Drexel Burnham Lambert	B20,B116,B119-120,B122,B131,B138,B154,B157-158
Jefferies & Co.	B164
Kidder, Peabody & Co.	B116,B126
Morgan Stanley	B124
Rich, Marc	B98-101,B139
Shearson Lehman	B126
Wigton, Tabor, and Freeman	B138,B145-151,B170
Wang Jr., Stephen Sui-Kuan	B128
Wedtech	A17-18,B73-74,E11

Weld, William A18,A135,B117
Westies B58-59,B61-63,B103-106
White & Case C9-17,D3

Y

Young Jr., Dennison C19