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# National News

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## London Times hails Bush family as new dynasty

The *Sunday Times* of London on Nov. 2, lyingly compared the family of former President George Bush to the Kennedys—especially Bush's two politician sons Texas Gov. George W. Bush and Jeb Bush. The *Times* headlines its profile "Bush Clan Claims the Kennedy Crown," comparing Gov. George Bush (who won reelection on Nov. 3) and Jeb Bush (who won his bid to become Governor of Florida) to brothers John and Robert Kennedy, crowing that "the Kennedy family, the closest America gets to royalty, is about to be replaced as the country's most formidable dynasty this week."

Former President George Bush and his wife Barbara "are relishing their imminent restoration as America's First Family after a deeply resented defeat in 1992." Governor Bush's re-election in Texas "will greatly enhance his chances of winning the presidency in 2000."

Hence, a key "significant result" of the midterm election in the U.S. "is likely to be the foundation of a new political empire. Not since Jack and Bobby Kennedy took Washington by storm in the 1960s has a pair of brothers scaled such heights. George Jr. [sic] is being hailed as a Republican JFK."

Far from being "royalty"—and certainly never knighted as was George Bush—the Kennedys' anti-British policies led to their murders in 1963 and 1968.

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## Federal court upholds negligence suit vs. HMO

In a groundbreaking decision, a U.S. District Court in Connecticut ruled on Oct. 27 that patients can sue health maintenance organizations (HMOs) for medical negligence. The suit was filed by the family of Nitai Moscovitch, 16, against Physicians Health Services. Moscovitch was hospitalized in July 1995 after two suicide attempts. The HMO said that the hospitalization was not necessary, and that the teen's behavior was manipulative, not life-threatening. After a week of hospitalization, the Physicians Health Ser-

vices insisted that Moscovitch be transferred to a drug treatment program. On the day that he was transferred, Moscovitch killed himself.

The family sued the HMO in Connecticut Superior Court for failing to provide a proper standard of care. The HMO appealed to Federal court to stop the suit, claiming protection from such lawsuits under the Employee Retirement Income Security Act. Congress had passed ERISA in 1974 to assure uniform Federal protection in employee pension and benefit plans (including medical benefits), by preempting state laws relating to them.

However, in the Moscovitch case, U.S. Circuit Judge Christopher Dronney found that the suit was not about denial of benefits or what benefits the plan covered (all of which are protected under ERISA), but rather focussed on the quality of care dictated by the HMO. Dronney sent the case back to state court for trial, where the HMO will be held accountable for its actions.

The Clinton administration's Patients Bill of Rights Act would have allowed malpractice suits against ERISA-shielded HMOs, wherever states allowed them; the Republican-controlled Congress banned all debate on the bill.

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## Witness against Espy turns on prosecution

One of the government's chief witnesses in the trial of former Agriculture Secretary Mike Espy testified that he had been badgered by independent counsel Donald Smaltz into becoming a witness against Espy. Lobbyist Richard Douglas, a former Department of Agriculture (USDA) official in the Reagan administration, said that he had agreed to become a "puppet" for Smaltz only after suffering three and a half years of "storm-trooper" tactics from Smaltz's office.

"God knows, if I had \$30 million, I could find dirt on you, sir," Douglas told Smaltz during one heated exchange. Douglas, who pled guilty to one charge against him, was supposed to be a key witness against Espy. Instead, Douglas testified: "I knew they wanted Mike, and by giving them Mike, I could get off the hook."

Douglas has admitted giving Espy numerous gifts, including tickets to sports events, but under cross-examination by Espy's attorney, Douglas said he made the gifts because the two had been friends since college days, not because of any official act by Espy.

Douglas said that he thought Espy was being held to a higher standard because he was the first African-American to head the USDA. He testified that he thinks the prosecution has gone too far, and declared: "Hell, if they were going to lock up Mike for going to a football game or tennis match, they could lock up a lot of people in this town."

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## Florida prison inmates perform full opera

Fifty inmates, captured by the power of beautiful song, have over the past ten years formed the Inmates' Opera Club of Dade Correctional Institute, a maximum-security state prison, in Florida City, according to a story in the *Boston Globe* in October. The club began with a handful of inmates watching opera videotapes brought in by the prison librarian, Rolando Valdez, who then began giving Saturday night classes on the operas, bringing the Opera Club into existence. The inmates began to sing choruses.

The inmates are now sufficiently trained to present a full opera twice each year—their current production is *Cavalleria Rusticana*—with the public invited. This year for the first time, the Miami-Dade County Cultural Affairs Council gave the Opera Club a \$3,500 grant. Outside artists have provided voice lessons to the inmates, allowing them to add solo arias to their choral repertoire. Most of the inmate-singers are serving long sentences, including life terms. Some call their practice room "the holy room."

At Virginia's Staunton Correctional Center, the six-month-old Staunton Classical Chorus hopes that the program of its first full concert, in December, will be brought to the attention of the Florida Opera Club, to open communication through *bel canto* singing. As one of the initiators of the Staunton chorus quipped, after reading the account of the Florida club, "I guess this means we're still Sammy Sosa, for now!"