

Execution

Are lethal injections legal?

United Press International

WASHINGTON — Lethal injections of laboratory cats and dogs are monitored by the federal government, but injections of drugs to execute humans are not, a lawyer for death row inmates told the Supreme Court Monday.

The court must decide whether the Food and Drug Administration properly decided it did not have the power to regulate lethal injections in 14 states including Texas.

Lawyer Stephen Kristovich, arguing in favor of a federal study of lethal injection executions, said the FDA has a legal responsibility to make sure the drug executions are not cruel and unusually painful.

But government lawyer Kenneth Geller told the court that a ruling in favor of the death row inmates would mean federal agencies would lose the power to decide when to hold an investigation and when to dismiss a complaint.

If a ruling of the U.S. Circuit Court of Appeals for the District of Columbia is upheld, Geller said, every federal agency — from the Securities and Exchange Commission to the National Labor Relations Board — will be flooded with lawsuits when they decide not to investigate a complaint.

Kristovich said the FDA's refusal to issue guidelines on the use of drugs for lethal injections stands

starkly against decisions to review drug use in other areas.

The FDA currently regulates use of drugs in experimentation on state prisoners and for killing laboratory animals, to make sure they are proper for their intended purposes, he said.

"There is no substantial evidence that these drugs will produce the quick and painless death that they are touted as doing," Kristovich said.

The case was brought to the court by the FDA after a lower court ruled in favor of several Texas and Oklahoma death row inmates who had challenged the untested use of the drugs in lethal injection executions.

Since Charlie Brooks was executed in Texas Dec. 7, 1982, 13 states have joined Texas in enacting laws allowing death by injections of barbiturates and paralyzing drugs.

Lethal injections are authorized in Arkansas, Idaho, Illinois, Massachusetts, Montana, Nevada, New Jersey, New Mexico, North Carolina, Oklahoma, South Dakota, Texas, Utah and Washington.

While many state lawmakers and prison officials argue the method is similar to putting someone under a general anesthesia, doctors and capital punishment opponents argue death can be painful in the hands of untrained technicians.

The appeals court agreed with opponents.

Ship in Cuban waters; U.S. rescue complete

United Press International

MIAMI BEACH, Fla. — A coastal survey ship, which broke down off the Cuban coast, was towed safely into port Monday.

The 105-foot Seaward Explorer was on a voyage to map the coast of Haiti for the Navy when an engine propeller shaft developed problems Thursday night. By Friday morning, the ship had drifted into Cuban waters.

Because the Navy was concerned the Cuban government might seize the vessel and its five-member crew for political purposes, the Navy ordered the aircraft carrier USS Nimitz and the USS Arkansas toward Cuba for a possible rescue.

Both nuclear-powered vessels were recalled when the Coast Guard cutter Reliance, patrolling the Windward Passage to intercept drug smugglers and illegal aliens, took the disabled ship under tow.

The Reliance towed the Seaward Explorer to the Miami Beach Coast Guard station shortly before 1 p.m. EST Monday.

Coast Guard spokesman Bob Baeten said that when the cutter arrived on the scene Friday morning, a 70-foot Cuban boat was assisting the Seaward Explorer.

Navy officials said the Cuban patrol boat tried to take the survey ship under tow, but "somehow cut its own tow line." The Reliance then threw its line to the disabled vessel.

Capt. Peter Skipp of the Seaward Explorer said the Cuban boat's tow

line broke when it attempted to pull the larger, heavier research vessel.

Skipp said the Cuban patrol boat's machine guns were uncovered but were not aimed at the Seaward Explorer.

Baeten said, "There were no communications established with the Cuban boat nor were there any incidents."

"They were acting within accepted maritime practice, doing what any mariner would do. They were aiding a fellow mariner."

Haiti aliens fight for more legal rights

United Press International

WASHINGTON — The Supreme Court, taking up a plea from thousands of Haitian refugees, agreed Monday to rule on whether illegal aliens have a right to challenge indefinite detention while they await deportation hearings.

The justices said they would consider a lower court ruling that illegal aliens do not have the same constitutional rights as citizens to challenge incarceration or to press race discrimination charges.

The lower court said refugees could not pursue a lawsuit claiming the Immigration and Naturalization Service discriminated against them because they are black or a lawsuit challenging their indefinite jailings.

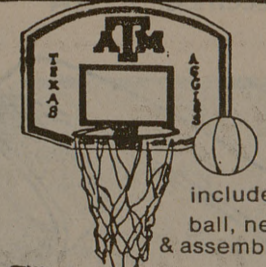
In a related case, the court agreed to decide if the Immigration Service can proceed with deportation of an alien who, by reason of appeals, has lived in the United States for seven years and is thus eligible for legal residence.

The Haitian legal battle began on June 8, 1982, when U.S. District Judge Eugene Spellman ordered the release of nearly 2,000 Haitians while their immigration status was debated.

Spellman ruled INS officials in Florida violated the rights of the refugees by shipping them to remote detention facilities, denying them access to legal aid and keeping them confined indefinitely.

Most of the Haitians were released on parole to community groups after Spellman's ruling and are still awaiting word from the INS on their claims of political asylum, according to a lawyer for the American Civil Liberties Union.

The 11th U.S. Circuit Court of Appeals heard the case on a government appeal and ruled aliens awaiting deportation do not have a right to parole.



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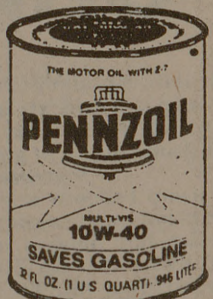
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Teachers go on strike in Chicago

United Press International

CHICAGO — Chicago public school teachers, demanding higher salaries and "serious negotiations," went on strike Monday, shutting out more than 430,000 students in the nation's third largest school district.

The district's 28,000 Chicago Teachers Union members were joined by employees from 17 other school unions in the strike that closed the doors to 596 schools.

The decision to strike came Sunday when the CTU House of Delegates voted to support its negotiating team's rejection of the Board of Education's final contract offer.

CTU members have been working without a contract since August. They are asking for a pay raise, restoration of days cut from the school year and a rollback of deductions in medical benefits the board imposed last month to erase a \$40 million deficit.

A 17.5-hour negotiating session between the two sides broke off Sunday with the board offering to restore the rollback of deductions in medical benefits "as soon as practical."

CTU President Jacqueline Vaughn said she hoped the dispute could be resolved during talks that resumed Monday between CTU and Board of Education negotiators.

Vaughn said teachers should be reimbursed for the medical benefit deductions this month and charged the board's "too little, too late" offer Sunday proved it had not been negotiating in good faith.

"The fact that the board 'discovered' enough money at 5 o'clock (Sunday morning) to offer to restore the medical benefits ... confirms our contention the board is hiding significant sums of money," Vaughn said.

Vaughn said classes could be held

Wednesday if the Board of Education made a "meaningful true offer" during Monday's negotiations.

Vaughn said if an agreement was reached Monday night, the union would need today to reconvene its House of Delegates, which has the power to call teachers back to work for 10 days. During that time, CTU members could vote on a tentative agreement.

George Munoz, school board president, said the board was unable to meet the union's demand because of funding.

Officials of parks, libraries and the public radio station planned special activities to keep students occupied during the coming strike.

A spokesman said the library had expanded services and assigned librarians to homework centers. Public radio station WBEZ also planned to broadcast elementary lessons every morning and high school lessons during the afternoon.

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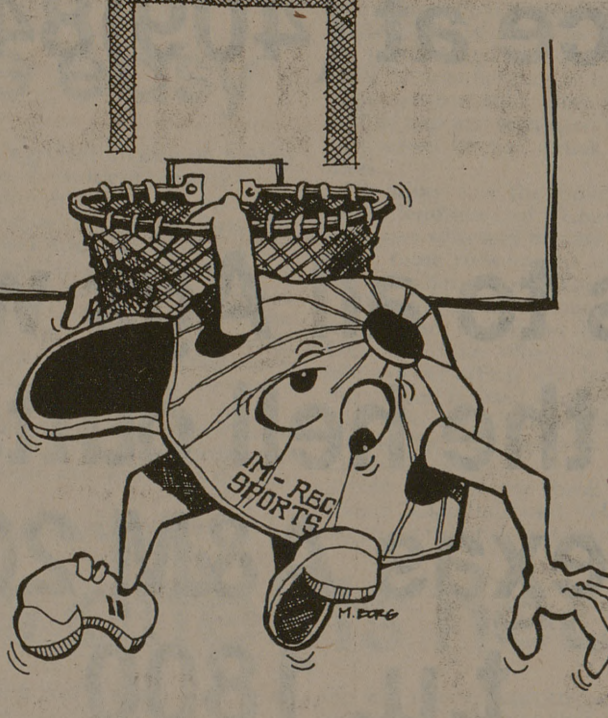
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