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Education

Some children 'don't mean as much to school officials'

Associated Press

WASHINGTON — A panel of children's advocates charged on Monday that millions of poor, handicapped and minority students are being cheated by America's public schools, and that the rush to raise standards could make life worse for those at the back of the class.

They said the plight of these children, and the ways the schools and government have responded to it, "support the worries of those who fear the development of a permanent underclass in America."

"The United States cannot afford to leave underdeveloped the talents of millions of children who happen to be born different by virtue of race, language, sex or income status," said the panel headed by former U.S. Commissioner of Education Harold Howe II and Marian Wright Edelman, president of the Children's Defense Fund.

They charged minority and poor children "do not matter as much ... to some school officials," and that, in Howe's words, "state and local financing of schools adds up to a conspiracy to spend more money on rich kids and less money on poor kids."

Howe also charged President Reagan has presided over "an anti-childhood administration." He said he "did not look for any relief" in Reagan's second term.

Howe and Edelman chaired a 17-member board of inquiry that conducted a two-year study of the schools for the Boston-based National Coalition of Advocates for Students.

The 162-page report, "Barriers to Excellence: Our Children At Risk," exhorts the public and educators to put equal opportunity back at the forefront of the school agenda, where the emphasis in the past few years has been on raising standards and striving for excellence.

The report criticized school districts that set up smaller classes for gifted youths. That "detracts from resources available to all other youth," said the report, which advocates keeping the gifted in regular classes.

At a crowded news conference in an elementary school auditorium, Howe said "the doors of schools are more open than they were 20 years ago" for poor people, blacks, Hispanics and students with learning problems. But "we found a lack of commitment to making these students successful once they are in school," he added.

Reports such as "A Nation At Risk," the influential 1983 study by the Reagan administration's National Commission on Excellence in Education, have generally called for tougher standards across-the-board.

Videotape shows Buckley alive, well

Associated Press

LONDON — A U.S. Embassy political officer who was kidnapped in Beirut almost a year ago was shown on a videotape Monday saying he and two other missing Americans were well.

In Washington, Cable News Network reported U.S. officials saw another videotape last summer that showed journalist Jeremy Levin and two others assumed to be captives in Beirut, but the administration urged that the matter be kept quiet at the time.

The report said State Department sources had confirmed the existence of the tape. Department spokesman Bernard Kalb, however, refused comment on the CNN report.

The tape obtained by Visnews, a London-based international television news agency, showed William Buckley, political officer of the U.S.

Embassy in Beirut, standing alone against a blank wall and holding a copy of a Beirut newspaper dated Jan. 22.

"Today, the 22nd of January 1985, I am well and my friends Benjamin Weir and Jeremy Levin are also well," Buckley said in the 56-second video. "We ask that our government take action for our release quickly."

The tape did not identify the Americans' captors nor specify any demands for their release. The only previous demand has come in calls from a group identifying itself "Jihad Islami," Islamic Holy War, calling for all Americans to leave Lebanon.

Jihad Islami is believed made up of fundamentalist Shiite Muslims loyal to Iran's Ayatollah Ruhollah Khomeini.

Court rules phony 'cure' wasn't rape

Associated Press

SAN FRANCISCO — A man who tricked a woman into having sex by persuading her it would cure her of a fatal disease cannot be prosecuted for rape, a state appeals court ruled.

By a 2-1 vote, the 1st District Court of Appeal rejected prosecution arguments that Daniel Boro could be charged under a law that says having sexual intercourse with a woman who is "unconscious of the nature of the act" constitutes rape.

Despite the "heartless cruelty of (Boro's) scheme," his conduct was not rape because the woman "pre-

cisely understood the nature of the act," said the majority opinion by Justice William Newsom, issued Friday.

Boro still faces charges of attempted grand theft for allegedly trying to collect money from the woman for the supposed "cure."

Last March, Boro, posing as a doctor, telephoned the woman in South San Francisco and said a blood test showed she suffered from a possibly fatal disease.

Deputy San Mateo County District Attorney Morley Pitt said it was not clear how Boro obtained the wom-

an's name. She had had the blood tests run at a hospital.

Boro told her the only treatments for her ailments were painful surgery, costing \$9,000 and requiring six weeks in the hospital, or sexual intercourse with an anonymous "donor" who had been injected with a serum, the court said.

The procedure normally cost \$4,500, but the "doctor" said he would take \$1,000 as a down payment, the court said.

The woman went along with the plan, testifying later that she thought she would die otherwise.

In barring a rape charge, Newsom cited traditional legal rules that distinguish between two types of fraud.

If the victim is misled about the nature of the act itself — believing that she is not having sexual intercourse — her consent is disregarded and the act is considered to be against her will.

But if the fraud involves only the motivation for the act, the act is considered consensual. Newsom said this category covered Boro's conduct, because the woman understood what she was doing, but was defrauded only about the motive.

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