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Kaczynski defense seeks dismissal

The Unabomber suspect's lawyer says publicity preventing fair trial

HELENA, Mont. (AP) — Theodore Kaczynski's lawyer asked a judge to block the prosecution of the Unabomber suspect, saying Tuesday that government leaks have jeopardized his chances for a fair trial.

Michael Donahoe said the release of information from unidentified federal sources demonstrates a "lynch-mob mentality" on the part of federal investigators.

The result was a "lethal media blitz" that "poisoned the entire population of grand jurors within the United States against Mr. Kaczynski," he wrote in his motion.

Donahoe, one of two court-appointed attorneys for Kaczynski, said the prosecution should be halted until the court can decide whether the leaks will prevent a

fair trial. "The government should not be allowed to proceed before various grand juries throughout the country that have been permanently poisoned by the government's outrageous conduct in disclosing to the media the highly incriminating nature of evidence taken from Kaczynski's cabin," Donahoe said.

"In Mr. Kaczynski's case, the possibility that he could ever be afforded anything that might remotely resemble that (fair trial) process has been forever lost."

U.S. District Judge Charles Lovell did not immediately rule on Donahoe's petition, which sought a delay in any grand jury proceedings against Kaczynski.

A federal grand jury will hold its regularly scheduled meeting Wednesday in Great Falls and is

expected to hear evidence against Kaczynski. The lone charge filed against him thus far makes no mention of the Unabomber attacks that killed three people and injured 23 over the past 18 years.

Lovell scheduled a hearing for 3:30 p.m. Friday to consider whether to pursue Donahoe's motion by calling witnesses, and told both sides to prepare written briefs.

Kaczynski, 53, was arrested April 3 after federal agents, tipped off by his suspicious brother, began searching his mountain cabin near Lincoln.

Leaks about the case began appearing as soon as a search of Kaczynski's home began April 3. Most claimed that evidence collected there tied Kaczynski to the Unabomber bombings.

Donahoe's motion also requested a hearing to question Justice Department officials about what they have done to prevent leaks. He also asked Lovell to dismiss a charge of possessing bomb-making materials, and requested the return of hundreds of items taken in a search of Kaczynski's cabin.

Should the government contend it is not responsible for the leaks, Donahoe said he will put reporters on the stand and ask them to identify their confidential sources.

"If past practice is an indicator, the effort will be a futile one," said Dick Winfield, who has practiced media law in New York for 30 years. Winfield said Donahoe's intent may be to scare federal officials into believing they may be discovered as sources.

Opening statements delayed Tuesday in Kevorkian trial

PONTIAC, Mich. (AP) — The deaths of two women were only an "unfortunate secondary result" of Dr. Jack Kevorkian's attempt to relieve their suffering, his lawyer argued Tuesday at the start of Kevorkian's third assisted-suicide trial.

"He's no killer. He doesn't want people to die," Geoffrey Pieger said. "Dr. Kevorkian never intended to assist the deceased to commit suicide."

Prosecutor Lawrence Bunting said the evidence would show Kevorkian described the deaths of Sherry Miller and Marjorie Wantz as "double assisted suicide — physician-assisted."

Pieger's and Bunting's opening statements were delayed Tuesday when Bunting asked Circuit Judge David Breck to take himself off the case. Breck refused.

Bunting had argued that Breck showed bias in a Detroit News interview, published Monday, in which Breck said the prosecutor's office in the past has tried to keep blacks off juries.

Kevorkian is charged with assisting the suicides of Miller, 43, of Roseville and Wantz, 58, of Sodus. Their bodies were left

in a cabin at a park in 1991. Miller had inhaled carbon monoxide; Wantz died from an injection.

Miller had multiple sclerosis; Wantz had severe pelvic pain. Theirs were the second and third of the 27 suicides Kevorkian has acknowledged assisting since 1990.

Kevorkian's previous prosecutions were based on Michigan's now-expired ban on assisted suicide. The current charges are based on a 1994 Michigan Supreme Court ruling that common law prohibits assisted suicide. Kevorkian could get up to 10 years in prison.

It was still up in the air how jurors would be instructed in the case. Prosecutors have appealed Breck's proposed instructions twice to the Michigan Court of Appeals. The latest appeal was filed Monday as the jury was selected.

The issue of intent and how it is explained to jurors is significant because of Kevorkian's argument that he intended only to relieve suffering. He was acquitted in both of his previous trials, one in 1994, the other last month.

Prosecutors argue that while his motive may have been to relieve pain, Kevorkian clearly knew that providing carbon monoxide or lethal drugs would kill, and that that was his intent.



Kevorkian

Buchanan fined \$20,000 for 1992 finance irregularities



Buchanan

WASHINGTON (AP) — The presidential campaign of conservative Republican commentator Pat Buchanan has agreed to pay a \$20,000 fine to the Federal Election Commission for improper contributions to his 1992 campaign.

In announcing the agreement Tuesday, the FEC said Buchanan's 1992 campaign had accepted:

—\$8,166 in contributions from corporations, which are prohibited by federal campaign finance law;

—\$53,759 in contributions from individuals who exceeded the \$1,000-per-person giving limit;

—\$53,251 in improper in-kind contributions to the campaign. The latter were campaign expenses picked up by Buchanan himself and two aides, but not reimbursed in a timely way.

The campaign had already paid amounts equaling the corporate and excess contributions to the U.S. Treasury last March. It has until September to pay the additional \$20,000 civil penalty.

COMING TO A THEATER NEAR YOU

United Artists agrees to make movie screens more accessible to disabled moviegoers in 29 states

The decision resolves a Justice Department investigation begun in 1992

WASHINGTON (AP) — In an agreement with the Justice Department, one of the nation's largest movie theater chains pledged Tuesday to give disabled people seats beside their families — not just at the back of theaters.

The United Artists Theater Circuit Inc. promised a wide range of changes, involving everything from parking lots to restrooms, to make its more than 2,300 movie screens in 29 states more accessible to disabled people.

"Thanks to United Artists, we can now tell moviegoers with disabilities, 'Access is coming soon to a theater near you,'" said Assistant Attorney General Deval L. Patrick, who

announced the agreement at a news conference here. "I expect the leadership shown by United Artists to have an impact on the rest of the industry."

The Justice Department is conducting 50 investigations of other major theater chains and individual theaters for violations of the Americans with Disabilities Act, said John Wodatch, chief of the department's disability rights section.

The Colorado-based company agreed to begin work on alterations to ensure at least two wheelchair seats somewhere other than the back row in theaters with more than 300 seats.

The company also will ensure

that 1 percent of aisle seats have folding or removable aisle-side armrests to accommodate wheelchair users and those who have difficulty walking.

The company denied any violation of federal, state or local law. Nevertheless, it agreed to pay more than \$500,000 to disabled individuals to settle a lawsuit.

Gene Hardy, United Artists general counsel, told the news conference, "This thing has come off very well for the industry and ourselves." He estimated that 300 of the chain's 420 theaters would require alterations.

Patrick said that enhanced ability to attract 5 million disabled moviegoers would go a

long way in helping United Artists recover the cost of the renovations. Hardy declined to estimate those costs.

The agreement resolves a Justice Department investigation begun in 1992 and settles a lawsuit filed on behalf of disabled Californians by the Disability Rights Education and Defense Fund of Berkeley, which joined the settlement.

That lawsuit alleged the theater chain violated the Americans with Disabilities Act and California state law by providing insufficient seating for moviegoers with limited mobility or only seating in the back row where they were separated from their families.

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