

THIS JUST IN...

TELL IT TO THE JUDGE

A vote in the US House of Representatives and a decision by the US Court of Appeals in Washington last week confirmed what most observers have known for a long time: that the fate of the Seabrook nuclear-power plant will ultimately be decided in court.

Both the Washington events last week had a bearing on whether Seabrook can be licensed to operate through a backhanded regulation-change now contemplated by the federal Nuclear Regulatory Commission (NRC). Current regulations virtually grant to the states the power to veto nuclear plants by requiring not only that emergency-response plans for the areas around nukes exist, but that those plans actually be feasible. Since the plans necessarily involve police, firemen, and public-works departments, that assurance can't really be granted without state cooperation. The proposed NRC rule would effectively say that any emergency-response plan that looks good on paper -- even if it can't be carried out -- is good enough.

On Wednesday the House refused to prohibit the NRC from making the rule change, apparently embracing the NRC staff's argument that not licensing Seabrook (and the similarly situated Shoreham plant, on Long Island) would be unfair, after all the money utility companies have invested in building it. Since February, when the NRC announced the proposed rule, critics have been saying the fairness argument doesn't wash, because it's the utility companies themselves that pushed for the current regulatory scheme, in which safety concerns can't be taken up until the money has been spent.

On Tuesday the US Court of Appeals for the District of Columbia shot a hole in the rationale for the rule change. In overturning a separate NRC regulation, the court said the NRC was prohibited under federal law from considering economics when deciding safety issues. Since the whole rationale for the NRC's proposed emergency-planning-rule change is economic, the court's decision looks like a precedent for overturning the new rule, should the agency try to pass it.

— John Medearis

HYATT REDUX

In case you missed the 1986 run, the Greg Hyatt follies are about to return to the Massachusetts stage. Hyatt says that he is about to launch a multimillion-dollar suit against Associated Builders and Contractors (ABC) for slander. Reports that Hyatt had twice been spotted naked in ABC's office and that he had exhibited "bizarre" behavior while working as a consultant for

routinely screened for other life-threatening illnesses such as cancer?" Far from showing public opinion skewed in one direction, responses indicated that 37 percent found the AIDS policy fair, 44 percent didn't, and 19 percent said they didn't know.

"It is said that a government prohibition of screening for AIDS will result in higher insurance costs across the board for all people," noted the survey, neglecting to mention that few outside the insurance industry agree with this contention. "If screening for AIDS is prohibited, do you think it is fair or unfair that people will have to assume the burden of rising insurance costs as a result?"

Seventy-one percent of respondents answered that this would be unfair.

The next question was "Do you think it is fair or unfair that people should assume the burden of rising insurance costs even if they themselves do not have AIDS?" Sixty-seven percent, apparently reluctant to take on any new "burden," particularly one they don't really understand, answered "unfair."

— Maureen Dezell

LOW CAMP

Ever since the Iran-contra affair blurred the line between the paranoid and the plausible, purported schemes of every stripe and color have been coming out of the woodwork, most of them alleged to have been hatched by the boys in the White House basement. In the latest installment of Anything's Possible, the weekly newspaper the *Afro-American* reported in its August 1 edition that there exists a contingency plan, allegedly signed by President Reagan under a National Security Decision Directive, under which up to 21 million black Americans could be sent to concentration-type camps in the event that martial law is declared in the USA. The newspaper claims the potential lock-up was part of a larger plan that, in case of a national disaster, would suspend the Constitution and place control of the government under the Federal Emergency Management Agency (FEMA).

The newspaper maintains that the national relocation of blacks is patterned after a smaller version of military action devised during Ronald Reagan's tenure as governor of California to suppress inner-city riots and antiwar protests on college campuses. As proof of plausibility, the *Afro-American* cites a paper purportedly penned by Louis Giuffrida, the former head of both the California National Guard and FEMA. The *Afro-American* alleges that Giuffrida, in a paper he is supposed to have written while attending the US Army War College, recommended the imposition of martial



AFWIDE WORLD

The Stark: this is the result of a defense build-up?

BRIEF CASES

But look at all the other stuff he's done

BY HARVEY SILVERGLATE

When Ronald Reagan got elected to the presidency, some six and a half

...Conservative Republican into a panin within his own party and marked the beginning of the end of Hyatt's quixotic 1986 gubernatorial quest. Those reports, initially leaked to the *Boston Herald*, were later reiterated publicly by ABC officials, who contended they fired Hyatt because of those episodes.

Hyatt has kept a low profile since dropping out of the race, shortly after the September primary. But earlier this month he re-emerged, with plans for a referendum campaign to slash state taxes by about \$1 billion. Last week, fresh from filing those petitions with the secretary of State, he told the *Phoenix* he also intended to seek as much as \$25 million in damages from ABC.

To win a defamation suit, a public figure must prove malice aforethought on the part of his traducer. Hyatt, who during the campaign charged that ABC and the Republican Party regulars were conniving to destroy his candidacy, says he will subpoena former state GOP chief Andy Natsios and White House aide Andrew Card, as well as a number of other prominent Republicans, to the stand. "I know I have a shot inasmuch as what they said was false, malicious, and caused harm," he says. Hyatt contends he can prove that he performed his job adequately and that he was not fired, but left of his own volition. "And I have affidavits from people with whom I worked at or around that time who say they never saw me acting bizarrely," he told the *Phoenix*.

— Scot Lehigh

BLUR-VEY

More than two-thirds of Massachusetts residents think it's unfair for all life-insurance policyholders to shoulder the high costs of insuring AIDS patients — according to the Life Insurance Association of Massachusetts (LIAM), that is.

LIAM, the most vociferous insurance-industry opponent of state-imposed restrictions on AIDS-antibody testing, asked the Atlantic Research Company, of Boston, to query 600 Massachusetts residents about the state's AIDS policy. Specifically, LIAM sought out public opinion on a controversial Dukakis-administration proposal, scheduled to go into effect September 1, that would forbid insurers from requiring AIDS-antibody testing for life-insurance policies worth less than \$100,000.

LIAM has threatened to take the administration to court over the regulation. And it's apparently been looking for evidence to bolster its argument that the proposed policy is unfair. Though a whopping 77 percent of those questioned said they were unaware of state policy on AIDS testing, the survey questioned them, in emotionally charged language, for opinions on the issue.

Consider the survey's line of questioning: "Is it fair," respondents were asked, "for state government to prohibit AIDS screening for life-insurance policies of less than \$100,000, when people are

law in the event of a national uprising by "black militants" and advocated "the round up and transfer to assembly centers of at least 21 million blacks."

Attorney Lewis Pitts, one of the codirectors of the Christic Institute, a DC-based public-policy center, told the *Phoenix* that his group has documents dating back to 1982 in which FEMA outlined a plan to intern Central American refugees in 10 designated detention centers in the US should this country go to war in Central America — but he said he was not aware of any scheme to detain blacks. Bill McAda, a public-affairs officer at FEMA, said the newspaper's claim was "absolutely, totally ridiculous. FEMA has no such authority to arrest or detain. It would be rather spurious to think that we could do the things people say we planned to do with only 2100 [employees]."

Nevertheless, the *Afro-American*, quoting "reliable sources" on Capitol Hill, maintains that such an internment plan exists and says one of its main architects was — who else? — the former liaison between the National Security Council and FEMA: Oliver North.

— Ric Kahn

WHEN IN ROME

Pope John Paul II's visit to the United States next month is being billed as a "pastoral visit," but while the shepherd is attending to his flock it looks as though some other folks will be out to fleece as many of the faithful as they can. According to the *Los Angeles Times*, the papal visit has inspired, among other products, cardboard miter masks, "Pope Scope" periscopes for getting a closer peak at the pontiff, T-shirts and golf shirts (the ones in Phoenix, where John Paul will say Mass in the local football stadium, read "Raising Hell Tour, Sept. 14, Sun Devil Stadium"), and even a \$55 papal lawn sprinkler, with water spouting from the pontiff's outstretched hands (manufactured by the Fun Company, of Detroit, whose motto is "Let Us Spray").

Boston has so far been spared these novelties — the pope's schedule will carry him to the South, Midwest, and West, with his closest possible approach to Boston being an as-yet-unscheduled address before the United Nations General Assembly, in New York — which is probably why local churchmen can view the situation with a sense of humor. Father Peter Conley, director of communications for the archdiocese of Boston, said this week that while the Church has no financial interest in and does not condone the sale of such papal paraphernalia, there's not much it can do about the situation. "The American business enterprise and poor taste have never been far apart," Conley said with a chuckle.

His Holiness, by the way, is expected to devote his American tour to the same theme he stressed during his 1979 visit to the US: an impassioned criticism of the evils of commercialism and materialism in Western society.

— Francis J. Connolly

Years ago, civil libertarians had no illusions about the fact that the Bill of Rights, and a wide range of civil liberties and civil rights, were in for rough sledding. Yet many Americans seemed willing, if not eager, to trade some measure of personal freedom for assurance that the country would run better and more efficiently, that bureaucracy would be curtailed and tamed, that America would be secure and even respected, that the nation's military superiority would be restored, that conservative fiscal integrity and restraint would be the order of the day, that the nation's industrial base and physical plant and infrastructure would be modernized, and that, to adopt a term used to describe Italy under the dictator Benito Mussolini, the trains would, at long last, run on time. After all, these were Republicans, and the Cabinet did include a substantial number of white male millionaire businessmen. The government, at long last, was going to be run on the private-enterprise model. (In a Harris poll conducted as recently as last month, a majority of those interviewed felt that the Republicans could best "keep the economy prosperous" and make America "more competitive" in global trade.)

All predictions regarding the decline of civil liberties and civil rights have been, if anything, understated. Congress has legislated, and the Supreme Court has approved, the practice of detaining without bail those accused of crime, even though the Eighth Amendment specifically says that "excessive bail shall not be required." (Presumably, the Court reasoned that if a pretrial detainee is not given the opportunity to post any kind of bail whatsoever, then surely it can't be said that excessive bail has been required.)

The right to be free from unreasonable searches and seizures, which is supposed to be protected by the Fourth Amendment and the value of which is set forth emphatically in the Declaration of Independence, has been all but eliminated in the Court's infamous line of search cases, prodded by a Department of Justice that would prefer, it seems, that all citizens live in glass houses.

Capital punishment is back with a vengeance, and the Court has even declared that it doesn't much matter that statistical studies have shown beyond any doubt that a defendant's chances of being executed rather than imprisoned are directly related to the race of the victim.

Free-speech rights have been substantially curtailed by government agencies. The Federal Communications Commission — with Supreme Court approval — has successfully terrorized radio stations that heretofore broadcast rock-music lyrics or mere talk-show patter using "offensive" language. (Television has long since been tamed.)

The Department of Defense and other executive agencies have conducted warfare on scientific and academic institutions, as well as on commercial enterprises, that have sought to share technical and other knowledge with fellow researchers abroad.

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Brief cases

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Indeed, these government efforts to curb the dissemination of nonclassified but "sensitive" information has brought cries of outrage from almost all segments of our society, along with a warning that, in the long run, such a secretive approach will hobble our own scientific and technological achievements. Science, it seems, prospers in a setting of open exchange and open inquiry — something our government doesn't quite understand.

Even more blatant repressive measures are presidential efforts to curtail whistle-blowing of all sorts, including the right of former government officials to publish information about the problems that they saw and heard about while in government service.

Things have gotten so bad that Americans can't even perform their favorite tricks in the bedroom. Sodomy (the statute upheld by the Supreme Court didn't differentiate between homosexual and heterosexual couples or even between married and unmarried couples) is out. Abortion is under attack. Even birth control won't be safe if Robert Bork makes it to the Supreme Court.

The list, unfortunately, goes on and on.

But not to stress the negative, let's look at what we've gained from this "conservative" rock-ribbed Republican administration. Let's look at just how often the proverbial trains run on time. The Reagan gang said it would build up the military, which, it claimed, had gone to hell during the Jimmy Carter years. It spent well over a trillion dollars beefing up the armed forces. The results

facted Exocet missile. Last month we sent a flotilla of modern and ostensibly well-equipped warships to the Persian Gulf to protect Kuwaiti oil tankers from Iranian attack. Despite the fact that most of the damage to shipping in general inflicted by Iran over the last several years has been consistently accomplished by use of World War II-era mines, our Navy did only a partial job of having the sea lanes swept in advance of the convoy's starting its journey. Predictably, the tanker was nearly blown out of the water on its maiden voyage. Indeed, the injured tanker then had to sweep for mines for the rest of the journey in order to protect the flotilla. The reasons given for the Navy's failure to protect itself from this entirely predictable threat were, first, that the Iranians had suddenly mined an area of the Persian Gulf they had previously left alone and, second, that the Navy has only three operational mine sweepers — and they were in North Carolina at the time.

The civilian aviation program has not fared much better than the military space program. Early in his administration, Reagan fired some 11,000 air-traffic controllers to break their union, PATCO, most likely as a signal to industrial corporations that the time had come to break unions. As a result, six years later near-misses in the air and other close calls are being reported with frightening regularity. Equipment failures are epidemic, what with the government's decreased reliance on regulation. It's hard to get a plane that flies directly where you want to go, in large measure because wholesale deregulation of air travel has resulted in carriers' dropping nonlucrative routes and having previously direct flights make stops along the way. And it's virtually impossible to find a

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Nuclear

Continued from page 3
generating capacity.

In the long run, NEPOOL's critics concur, New England utilities need to stop bellyaching about Seabrook and start planning cheap alternatives. In the first place, Murphy and Pollard say the tight electricity situation on the 24th — resulting as it did from unplanned technical difficulties — proves the need for smaller, more reliable plants, not bigger, more problem-prone nukes. And according to Maine Public Utilities Commissioner David Moskovitz, the NEPOOL utilities, as a whole, could free up 300 megawatts of generating capacity that must now be held in reserve simply by meeting their own maintenance standards in conventional and nuclear plants. Moskovitz says that a history of poor routine maintenance by New England utilities has meant the region's plants have more unexpected outages than they should. The utility commissions in six New England states are currently pushing a federal agency to approve a tentative agreement between the commissions and regional utilities to improve plant maintenance. A number of critics say NEPOOL has also failed to exploit electricity savings from interruptible-load agreements, the contracts under which major customers agree (as some did on July 24) to defer heavy electricity use to nonpeak hours. Whether such measures could avert another crunch this summer is unclear: between August 8 and August 22, planned maintenance of a number of nukes may strain the system again. But the utilities' apparent idea of an alternative — bringing Seabrook and Pilgrim on-line — clearly won't make any difference before the hot weather ends. □

are there for all the world to see. The space program, heavily militarized by the Reagan team (with the scientific research having to take a back seat to military uses of space vehicles and satellites), has ground to a halt. Our remaining surveillance and weather satellites are old and on their last legs. We can't replace them (or at least another year or two because the space-shuttle program is in shambles in the wake of the Challenger disaster, caused, it seems, by faulty O-ring design compounded by flawed management and the politicization of NASA top brass, and complicated by repression within NASA of those who should have been public whistle-blowers. American companies are now reportedly negotiating with the French, the Japanese, and even (heaven forbid) the Russians in hopes of getting American commercial satellites lofted into space in the near future. (Presumably, the "stand tall" American military under General Reagan will not ask the Russians to send any of our own spy satellites into orbit.) Our exploration of outer space, as well, has been dormant.

Our military-weapons systems, from guns to tanks to jeeps to major bombers, fail to work with frightening regularity. One weapons-testing officer in the military nearly got fired for insisting that a new armored personnel carrier be tested with live ammunition rather than computer simulations alone. When live ammo was finally used, the vehicle exploded because of a badly designed fuel tank. Had the carrier been in real combat, the entire crew would have been killed instantly.

The much-ballyhooed build-up of American sea power has been especially pathetic. One Navy ship, equipped with the latest electronic gear, was badly damaged (with attendant loss of life) in the Persian Gulf by an Iraqi pilot using a French-manu-



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Brief cases

Continued from page 14

plane that takes off or lands on schedule, according to government statistics.

And what about our foreign policy? Do we stand tall in the international arena?

Well, if foreign affairs were the substance of a gigantic vaudeville act, surely we'd get a superlative grade. As the Iran-contra hearings demonstrate, our foreign policies and their implementation have been even more haphazard and problem-filled than our space and military build-ups have been. The failure of Congress to influence our policies can be forgiven, since even the secretary of State couldn't call the shots. Why, the National Security Council crowd even screwed up wiring the \$10 million supplied by the sultan of Brunei for the contras — had the wrong Swiss bank-account number, it seems. And everyone in the White House was plotting against and deceiving everyone else. The military men, having blown the trillion-dollar build-up, were trying their hand at running the National Security Council.

But what about that traditional strong suit of the Republicans — the economy? Well, we're running annual budget deficits of between \$150 billion and \$200 billion. The national debt passed the trillion-dollar mark under Reagan, and has since surpassed \$2 trillion. The trade deficit and the balance of payments are in shambles. No one doubts that our children and our children's children are going to have to pay the piper for the antics of these "fiscal conservatives." And the Reaganites rant about John Maynard Keynes.

So, you see, it's true that the health of the Bill of Rights is not too robust, and it's equally true, alas, that the planes are not



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Miller Genuine Draft

As Real As It Gets

term benefit will historians judge the Reagan administration to have left as its legacy?

Well, it's probably too early to tell. However, things are not yet so bad that to this observer it isn't worth hanging around just to see whether anything particularly momentous happens in Reagan's last 18 months. One is, after all, reminded of and emboldened by the comment reportedly made by H.L. Mencken when an interviewer asked him why, in view of his scathing criticisms of everything American (he invented the term "booboisie," you'll recall), he chose to remain in this country. He replied with a question: "Why do people visit zoos?" □

Globe

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straight-faced assertion that Plategate had little to do with Mackey's exit. In imperfect counterpoint, the *Globe's* treatment was maddeningly innocuous. It buried the story on page 21, skirted the political implications of the resignation, and waited until the third paragraph before even making a connection between the resignation and the license-plate fiasco. It's highly unlikely that Michael Dukakis was offended by what he read that day in the peaceable and passive pages of the *Boston Globe*.

I think Billy Taylor gave Driscoll marching orders not to rock the boat.

— a former *Globe* employee

When William O. Taylor — the Harvard alum who represents the fourth generation of Taylors to run the family store — succeeded his father as publisher, in 1978, he had huge shoes to fill. Along

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