

it. When she looked up, he had opened his fly and exposed his erect penis." Here we go again, I sighed, assuming I was back on the old Clinton merry-go-round. But, no. It turned out the reporter was referring to Gerald Regan, former premier of Nova Scotia and Trudeau cabinet minister of impeccable liberal bent, now accused of eight sex-related charges. Canada's sexual harassment laws aren't so very different from America's, but the difference is that, unlike the president, Regan is in court being prosecuted by the Crown on criminal charges of sexual assault.

I find it hard to say whether or not Gerry Regan is guilty: As often in such

cases, the prosecution witnesses are not always what one would wish. But to find the former premier in the dock is still startling. Generally, where sex scandals are concerned, I prefer the British system: The U.S. House impeachment inquiry performs the same function fulfilled in the British Constitution by the front page of the *Sun*—and, on present evidence, it isn't as effective. In a rational political culture, just rendering oneself a laughing-stock, as both Bill Clinton and Ron Davies have done, ought to be an impeachable offense. The British system of instant resignation acknowledges that, if you're careless enough to get your peccadilloes splashed across the tabloids,

you're no longer, in Bill Clinton's phrase, "politically viable." Conversely, if you're not prepared to rely on the natural safety valve of Rupert Murdoch's newspapers and instead erect a vast legal apparatus to police sexual conduct, you should at least use it: Like Clinton, Regan was popular and pro-feminist, but that didn't deter the Crown from hauling his butt into court. It's difficult, looking at the dithering wimps in Congress scrambling to find a way out, not to conclude that the American system comes a poor third and represents the worst of all worlds: a protracted formal congressional process, but one that Congress is too craven to use. ❧



## PRESS WATCH

by John Corry

# Dr. Death Kills Mike Wallace

## How "60 Minutes" romanticized a serial killer.

**H**ow do you like your serial killers? What about dedicated, idealistic, and sworn to public service, with a commitment to free expression, and a willingness to die for ideas? For as Jack Kevorkian told Mike Wallace on "60 Minutes," none of this had anything to do with him, it was all about euthanasia, and if he were to be convicted of a crime, he would go off to prison dutifully, and then starve himself to death. Fine sentiments, of course, but who cared? The audience was waiting to see someone die; and soon someone did.

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Still, it wasn't much of a death scene; 52-year-old Thomas Youk, who suffered from Lou Gehrig's disease, just seemed to go to sleep. And besides, "60 Minutes" hadn't even filmed it itself; the CBS news-magazine was only showing Kevorkian's videotape. On the other hand, that did add a garnish. When we watched the videotape on "60 Minutes," we could also watch Wallace and Kevorkian while they were watching it, too.

Thus we saw Kevorkian, who had just given Youk an injection of Seconal, bend over him, and ask, "Sleepy, Tom?" Then Wallace asked, "Is he dead now?" Kevorkian replied, "He's dying." Then we saw Kevorkian administer potassium chloride. And then Wallace said that Kevorkian "says this is the first time he's taped the

moment of death." And then Kevorkian made his brave threat about starving to death in prison. He wanted to be tried for murder, and he taunted the prosecutor in Oakland County, Michigan, where Youk had died, by saying, "Do you have to dust for fingerprints?" Clearly he thought that pretty funny. After all, proof that he had murdered Youk was right there on the videotape.

Meanwhile, it was soon apparent that the program had been a success. For one thing, it was discussed on talk shows and on op-ed pages. Frank Rich wrote a solemn column in the *New York Times* in which he said it could spur "a frank, humane and long-overdue national conversation about the boundaries of life." William Raspberry wrote an equally solemn, but far more subtle, column in the *Washington Post* in which he said it was "time to give some thought to enacting the option Kevorkian has been urging."

And as for Kevorkian, he was charged with murder, just as he had hoped; “60 Minutes” was pleased, too. Its household rating for the program, which was shown during the sweeps period, was up some 20 percent over its season average. The sweeps period sets programs’ local advertising rates, although Don Hewitt, the executive producer of “60 Minutes,” said that had nothing to do with the program’s timing. Euthanasia, he told *Time* magazine, was a legitimate topic: “The story we put on the air, exactly as we told it, was a fit and proper one for ‘60 Minutes.’”

But the story really was not fit and proper, and in fact “60 Minutes” had told it badly. In an attempt to at least look balanced, it did give a medical ethicist a chance to criticize Kevorkian, but it gave him only some 90 seconds to do it. Kevorkian needed more scrutiny than that. He has a well-documented past, but “60 Minutes” ignored it.

You knew that from the start. Wallace called him Doctor Kevorkian, although Kevorkian’s medical licenses have long been revoked, and he has no professional status. Meanwhile Wallace, who supposedly is a tough questioner, accepted whatever Kevorkian had to say. Was this really the first time Kevorkian had videotaped the moment of death? That was unlikely; Kevorkian has been using videotape for years. Was Kevorkian the competent and skilled professional he suggested he was? That was unlikely, too. After he helped a 45-year-old quadriplegic to die last year, Kevorkian offered the man’s kidneys for transplant. Since Kevorkian’s medical specialty was in pathology, it may be assumed that he was the professional who had removed them.

It was discovered, however, that the kidney-removal surgery had been a good deal less than sterile. The cadaver still had the sweatshirt on it that the patient had been wearing when he died. The arteries in the kidneys, meanwhile, were tied off with kitchen twine, and the kidneys were then stored in a refrigerator in the lunchroom in the office of Kevorkian’s lawyer. Meanwhile the professional medical examiner who conducted the autopsy on the victim’s body said it had been “mutilated.”

Wallace also accepted Kevorkian’s assertion that he was ending Youk’s life so he would not choke on his own saliva. The problem there was that choking can be prevented with proper medical treatment, and Kevorkian’s assertion must have terrified any victims of Lou Gehrig’s disease, or any members of their families, who were listening.

And so it went for virtually the entire “60 Minutes” segment. On the videotape Kevorkian asked Youk whether he wanted to delay his death. Shouldn’t he wait a month, a week? “Let’s not hurry into this,” he said. “Tom, do you really want to go ahead with this?”

This suggested, of course, that Kevorkian was the soul of reasoned and humane caution, never hastening anyone toward death.

**B**ut that was hardly true, and “60 Minutes” and CBS should be ashamed of themselves, but probably never will be, for allowing that on the air. Many, and probably most, of Kevorkian’s victims died before they should have. The record on this is frighteningly clear. After performing 53 autopsies in cases involving Kevorkian-assisted deaths, the Oakland County medical examiner found that only fourteen of those who died were terminally ill, or likely to die within six to eight months if Kevorkian had not intervened.

Meanwhile 35 of the deceased were found to be suffering from disease or illness, although not one was in a terminal stage. And in the remaining four cases, the medical examiner could find no anatomical evidence of disease at all. Presumably they were severely depressed or suffering from mental illness. Other doctors might have helped them.

Kevorkian, however, seems to have just killed them. A Chicago psychologist who studied Kevorkian’s first 48 assisted suicides—Kevorkian’s death toll is now well over 100—found that in perhaps half of the first twenty cases Kevorkian made no attempt to contact the victims’ personal physicians. Moreover those cases date back to the early 1990’s, and since then, the psychologist says, he has found no evidence that Kevorkian ever tried again to consult with a victim’s physician or psy-

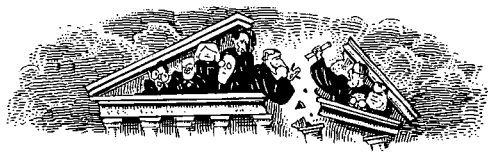
chiatrist. Apparently he just wasn’t interested.

Meanwhile in the last year or so Kevorkian has been moving on, in effect broadening his practice. For one thing, he has been helping younger people to die. Last February he assisted a 21-year-old quadriplegic. As it happened, though, an organization that helps handicapped people adjust to their infirmities had gotten a court order allowing its staffers to meet with him. When the staffers arrived at the hospital, however, they found that some unknown persons had removed the young man from the hospital. The next day he died, with the help of Jack Kevorkian.

Besides the move to younger victims—shortly after the 21-year-old quadriplegic died, Kevorkian assisted a 26-year-old paraplegic—Kevorkian has also adopted a change in tactics. In the past he had always left bodies in motel rooms, along with notes telling police, or anyone else, to call his lawyer. In the last year, though, he has begun to leave bodies at hospitals. He has also established what he calls a “fellowship.” The first fellow, a retired psychiatrist, is to help him as he helps other people to die. There was no hint of any of this, of course, on “60 Minutes.” It had the videotape, and it simply was determined to show it. It may also be, and probably is, that Wallace supports some of the same causes Kevorkian does. Wallace, 80 years old, told the *Philadelphia Inquirer* that he had a mutual assisted-suicide pact with his wife in case either of them develops a terminal illness.

Two more notes now on Kevorkian and the media: When Kevorkian attended *Time* magazine’s 75th anniversary party as an invited guest he was warmly greeted by many of the other celebrities. Press accounts said he was much sought after for joint photo sessions with other celebrities. The next day in Michigan he dropped off the body of a woman he had helped to die.

This second note is more personal: Barbara Walters once told this writer that she thought Kevorkian wanted, perhaps more than anything else, to have us watch while he killed someone. I could not imagine then how he could do that, but I do know now. ❧



# Moving On

## How to survive and learn from Clinton's survival.

**A**s late as October, Republican journalists predicted that "the President would be called on to resign" and warned that, if he did not, there would be "an explosion at hand." Then, against all odds, the president was saved by events. "At Washington the effect of the news was so extraordinary as to shake faith in the seriousness of party politics. . . . No one stopped to ask why a government, which was discredited and falling to pieces at one moment, should appear as a successful and even a glorious national representative a moment afterwards."

Two separate events produced this near miraculous deliverance. First came news that General Jackson had defeated the British army outside New Orleans. A few days later, a ship from Europe brought word that the British had agreed to peace terms. So, as Henry Adams recorded in his acerbic history of the period, President James Madison was saved from political disaster against all the expectations of "the most intelligent and best-informed men of the time."

Recalling this episode helps put our present constitutional upheavals in perspective. President Clinton's tawdry conduct is not going to break up the country—as "Mr. Madison's war" nearly did. The very adolescent quality of Clinton's offenses has left most Americans feeling that he is unworthy of so serious a process as impeachment. The country has survived worse crises.

Madison's experience provides additional perspective. Even at his lowest point Madison never directly faced impeachment. Nobody thought he could be

impeached for his conduct of the War of 1812, though he had left the country so unprepared that a British army easily entered Washington and burned all its public buildings in the summer of 1814.

But in our time we are told by the Clinton team—and those loyal "scholars" who trooped before the House Judiciary Committee in November—that *only* public defaults in the president's conduct of his office rate impeachment. Mere felonies don't count. This is the opposite of the historic doctrine. As late as 1974, there was no hint of this new doctrine when the young Bernard Nussbaum and the younger Hillary Rodham reported on impeachable offenses for the House Judiciary Committee in the Nixon case.

The Constitution says the president is subject to impeachment for "treason, bribery and other high crimes and misdemeanors." What if the president takes only a small bribe? What if he then makes policy concessions to those who arranged the payment, but claims—as Clinton has done, in a related context—that he made no changes "solely" due to these "contributions"? On the new doctrine, such bribes would be acceptable along with small episodes of perjury, witness-tampering, and obstruction of justice.

But there's no point dwelling on the injustice of it all. Clinton has scraped through yet again. We must indeed move on, as his defenders keep urging. That means Republicans in Congress need to take a hard, cold look at what has happened.

The first conclusion to draw is that the law establishing the independent counsel must be allowed to lapse next year. Doing so will further vindicate all the calumnies

heaped on Kenneth Starr, but there is no helping that. Republicans have been entrusted with control of Congress in order to defend the country, not Starr or his office. We now know that an independent counsel can present an irrefutable case of presidential felonies and not trigger great public outcry or a serious congressional response. If the president is not going to be held accountable, what is the point of establishing that he really is a felon?

The Clinton experience also proves presidents aren't accountable for the misdeeds of their subordinates. Someone in the White House grabbed 900 FBI files? Oh well, no discredit to the president. This administration has had a record number of Cabinet officers subjected to independent counsel investigations. It hasn't stimulated public demands for accountability from the chief executive who appointed them. Better again not to know the distressing details if the agriculture secretary took petty bribes and the interior secretary bent policy to please big campaign donors.

Facing facts does not doom this Congress to inactivity. As great as any abuse by Clinton have been the disgraceful cover-ups on his behalf by the Justice Department. Perhaps nothing can be done about Attorney General Reno herself. Just as Clinton has proved too shameless to be shamed by revelations of his misdeeds, Reno has proved too block-headed to notice when congressional committees point out that her interpretations of the independent counsel statute are insupportable in logic or law. (She has held, in effect, that no independent counsel can be appointed unless there is already enough evidence to warrant an indictment—in which case, of course, an independent investigation would be unnecessary.) A Congress that won't impeach Clinton for his abuses will not impeach Reno merely for assisting in the coverup.

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