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PANAM 103 Trial: The Case Falls Apart

A terrible realisation is spreading through the prosecution team in the trial of the two Libyans accused of the bombing of Pan Am flight 103 in December 1988. Eleven years after the plane blew up over Lockerbie, Scotland, killing 270 people including 189 Americans, and nine years after the US and British governments announced with brazen certitude that the perpetrators had been identified, the prosecution case is collapsing.

After an initial burst of coverage in which the guilt of the accused was taken as a given, press interest has faded away save for the occasional muffled and misleading report on events in the courtroom at Zeist Holland, a former US airbase converted into a Scottish courthouse for the purpose of the trial. Such reticence is not surprising. After all, in the cause of bringing the accused to justice, the US and UK instigated UN economic sanctions on an entire country - Libya - for eight years, costing the Libyans some \$20 billion. While the embargo did not engender misery on an Iraqi scale, the price was high enough in terms of children who died because of lack of medical facilities and other cruelties.

The official western version is that the embargo worked. According to the history automatically summarized in any account of the case in the western press, Muammar Qaddafi finally caved under the pressure of sanctions and agreed to hand over the two Libyan "intelligence officers", Abdelbasset al Megrahi and Al Amin Fhimah, accused of planting the bomb. According to the indictments, they are accused of constructing the infernal device and hiding it inside a Toshiba cassette player which they then packed in a suit-

case and loaded on a flight from Malta to Frankfurt, Germany on December 21 1988. Thanks to fake luggage tags, the case was then allegedly forwarded to London and finally onto Pan Am 103 for the fatal flight to New York.

So much for the official version. In reality, it was not Qaddafi who caved in agreeing to the conditions for a trial, but the British and American governments. The UN sanctions were explicitly aimed at forcing the Libyan leader to hand over the suspects for trial in the US or Scotland, which has a different legal system from England. Qaddafi, sensibly enough, had no intention of permitting of allowing them to appear before one of the kangaroo courts customarily employed in the US for trying terrorist cases. He was hardly more attracted by the prospect of a Scottish jury inflamed by years of prejudicial press coverage. As long ago as January, 1994, however both the Libyan government and the accused's Libyan lawyers affirmed in writing that they would be prepared to agree to a trial under Scots law before a court headed by a Scottish judge (assisted by a panel of judges from other countries) in a neutral country.

Robert Black, Professor of Law at the University of Edinburgh, who formulated this compromise, brought the proposal to the British Foreign Office in London. "I was told", he informs CounterPunch, "basically, to 'fuck off.'" This obdurate official line persisted for the next four years. In the meantime, British intelligence was working on an alternative approach. According to the whistle-blowing former British intelligence officer David Shayler, (Lockerbie continued on page 5)

Our Little Secrets

A REASON TO LIKE BUSH

By his low standards George W. Bush gave a major policy address on the communications industry in early September. Just before a campaign speech in Illinois, Bush whispered to his running mate Dick Cheney: "There's Adam Clymer, major league asshole from the New York Times." Cheney responded, "Oh yeah, he is, big time." Bush and Cheney were unaware that the microphone in front of them was open.

We hope this is only the keynote for more extended criticisms of the Fourth Estate by the floundering Texas governor. The last Republican candidate to lay into the press at the national level was Spiro Agnew, Nixon's running mate. But his labored formulations ("nattering nabobs of negativism") lacked Bush's pithy precision. CounterPunch's only quibble: as an asshole Clymer is surely minor league compared with political panjandrums like R.W. Apple Jr or David Broder. As a fiscally conservative Republican, Bush should be particularly careful about devaluing the currency of abuse.

GOD TALK

Remember the days when liberal

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groups screamed with alarm on a daily basis about the onrush of the Christian right and raised millions by playing on the fear that Pat Robertson would seize power and force God's way down the throats of all freedom-loving Americans?

On August 27 at the Fellowship Chapel Church in Detroit, Democratic candidate for veep Joe Lieberman declared, "The Constitution guarantees freedom of religion, not freedom from religion". Lieberman nominated the Judeo-Christian God as the basis of morality and the spiritual engine of our society. "As a people", he said, "we need to reaffirm our faith and renew the dedication of our nation and ourselves to God and God's purpose."

So much for the separation of church and state. On its face, Lieberman's interpretation of the First Amendment's position on state support for religion is ludicrous. The First Amendment is scarcely obscure: "Congress shall make no law respecting the establishment of religion, or prohibiting the free exercise thereof." Lieberman appears to be entirely ignorant of the history of American common law and of democratic principles expressed in the Constitution and expanded thereafter.

Such principles allowed Americans to think as they pleased so long as they didn't harm other people or break the law. What Lieberman is proposing is a throwback to the notion of religious-based 'ethical unity' prevalent before the American Revolution.

The liberal response to Lieberman's astounding assertions has been wretchedly feeble. If such words had come out of the mouth of Pat Buchanan or Pat Robertson, groups such as People for the American Way would have rushed to sound the alarm. It's an odd day when one has to cite the Anti Defamation League for doing the (obviously) right thing, since it almost never does. But on August 28 the ADL published an open letter denouncing Lieberman's use of the elections to promote religion. The signatories, ADL National Chairman Howard Berkowitz and National Director Abraham Foxman, wrote, "The First Amendment requires that government neither support one religion over another nor the religious over the nonreligious.... The United States is made

up of many different types of people from different backgrounds and different faiths, including individuals who do not believe in any god, and none of our citizens, including atheistic Americans, should be made to feel outside of the electoral or political process." B'nai B'rith, the parent group of the ADL, hastily dissociated itself from Berkowitz and Foxman.

In Detroit on Labor Day, Lieberman said to workers, "If you see men and women as created in the image of God, then you will not treat them as extensions of machines, as pure things to take advantage of, and that is what the labor movement is about, justice to people, fairness to people."

Note the senator's vagueness. Why not a few words about labor and the WTO, labor and the flight of jobs overseas? Politicians talk about God and morality as a way to avoid confronting truly unmentionable topics in this election, like trade or who's getting richer and who isn't. To get details on these topics you have to listen to Ralph Nader, not only the first Arab-American to run for the presidency but the first in many years to spare us all talk about God.

DAVID WHACKS GOLIATH

Here, from Susan Davis, who back in issue #4 (Feb 16-29 of this year), gave CounterPunchers a very fine account of the destruction of Carmel Mountain in San Diego County, is the story of an incredible victory won by a tiny group going up against some of the biggest landowners and developers in Southern California, and a county government that is almost entirely dominated by them.

At stake: the rolling grasslands and oak covered foothills of what San Diegans call the back country, its pastures carrying not only cattle but live oak, golden eagles and mountain lion.

Over the past ten years, Save Our Forests and Ranchlands, run by Duncan McFetridge, a woodworker living in Descanso, 40 miles east of San Diego, has been waging a stubborn campaign against the suburbanization of the back country. Save Our Forests put together a coalition of enviro and community groups and sued the county for failing to protect the back country. In 1996, superior court judge Judith McConnell found that San Diego county grossly negligent, in violation of state laws and its own environmental standards. The judge gave Save Our Forests and Ranchlands authority over hun-