

TION

## ABORTION

Right-to-lifers  
gaining in  
abortion fight

By Art Goldberg

**A** DETERMINED FIGHT BY those who oppose abortion is greatly modifying the scope and impact of the 1973 Supreme Court decision legalizing the procedure.

Because of pressures exerted by the Right to Life movement and those who agree with it, 22 states, including Florida, Maine, Ohio, Illinois and New Jersey, will pay for abortions only if the mother's life is in danger. These states will not pay for elective abortions even for victims of rape or incest.

Twelve other states will pay for abortions for rape and incest victims. Only 16 states, including California, Colorado, Massachusetts and Michigan, still pay for most abortions for women on Medicaid.

These laws do not run counter to the Supreme Court decision since they do not ban abortions. Women who can afford them can still get legal abortions but the denial of public funding makes them extremely difficult—if not impossible—for poor women to obtain.

If those in the anti-abortion movement succeed, the Supreme Court's 1973 decision would be reversed. Twelve states have already passed legislation calling for a Constitutional Convention to write an amendment making the procedure illegal except where the life of the mother is in danger. Although few political analysts and proponents of abortion believe that enough states will call for a convention, they think Congress might be pressured into passing a constitutional amendment for the states to ratify.

"If they get close to the 34 states needed to call a convention, I'm sure Congress will act on its own," says Cory Richards of the national office of Planned Parenthood.

Mervin Field, a San Francisco-based pollster, has drawn a portrait of those opposed to abortion based on several studies and surveys in California. "The anti-abortion people feel more passionate and strongly," he said in an interview. "It's more important to them to have candidates running for office than it is for people who are pro-abortion." He says anti-abortion candidates are more vocal on the issue than candidates who favor abortion. "The one-issue people are very single-minded, and that makes it difficult for candidates [seeking political office]."

Abortion clinics in Cleveland, Cincinnati, Akron and Columbus, Ohio, and Omaha, Neb., and a Planned Parenthood center in St. Paul, Minn., have been the targets of vandalism, arson or firebombing. While no one has been apprehended in any of the cases, the incidents indicate the emotional fervor surrounding abortion.

It is the lawmakers who are bearing the brunt of the pressure exerted by the anti-abortionists. The U.S. Congress and state legislatures from Massachusetts to Hawaii have had to grapple with a flood of anti-abortion measures. Hundreds of politicians will be asked to take a position on the abortion issue before the November elections.

"This is a life and death issue," says Judie Brown of the National Right to Life Committee, "and we'll fight until we get what we want."

The right-to-lifers have been stunningly successful thus far. In 1976 and 1977 they persuaded Congress to amend a Health, Education and Welfare appropriations bill

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## NATIONAL SYMBOLS

## Baby eagle ensnarled in red tape

By Chuck Fager

WASHINGTON

**O**NCE THE BALD EAGLE WAS a familiar and commanding figure in America's skies, fierce, magnificent, independent. In a nation still spreading its own wings, swooping to seize the land and resources of a continent like so much carrion, the bird was soon adopted as a national symbol.

Today, though, as the U.S. encounters limits everywhere, the bald eagle is appropriately a seriously endangered species. What the deliberate destruction of hunters did not accomplish, the unintentional destruction of pollution almost has.

DDT, sprayed everywhere for years, concentrated in the tissues of the eagles' prey. In the birds, its effect was to soften their eggs' shells and make them almost unhatchable.

Recent figures place the total number of remaining active bald eagle nests in the lower 48 states at no more than 700. Only in Alaska, where 7,000 nests have been counted, does the species seem safe.

Into this deteriorating situation stepped the federal government, attempting as it has in so many other cases, to repair and control the ravages of unchecked growth and consumption: DDT was banned and the birds declared an endangered species; hunting them became illegal.

Whether this rescue effort came in time to save the eagles from going the way of the passenger pigeon is still too soon to judge, experts say. Certainly if the experience of the National Zoological Park here is any indication, the issue is very much in doubt.

Successful breeding of eaglets in captivity, which was always rare, has been all but ended in recent years. So, when a baby eaglet, named Irateba, was hatched here April 19, the zoo was ecstatic. It was the first successful hatching in five years at the Zoological Park.

"There was another successful hatching at the Miami Zoo just before our previous one," zoo spokeswoman Billy Hamlett

says. "And another eaglet was hatched at a zoo in Texas recently, but it was a small zoo and really didn't have the proper equipment or trained staff and the bird died."

"The proper equipment"—that's the title of the next chapter of the allegory.

**Time is short. If the eagle doesn't get into the wild soon, it will be forever trapped.**

For the National Zoo to bring off its coup, it was first necessary to eliminate the eaglet's natural parents from the process. The adult birds were untrustworthy ancestors anyway. Eggs kept disappearing from their nest; and since the birds are kept in their own private cage, the staff strongly suspected the eagles of eating them. Besides, the female could not be counted on to sit on the eggs; and when she did, their soft shells usually broke.

So as soon as the female eagle laid a clutch of three eggs in early March, they were spirited out of the nest by a zoo employee and carefully nestled in an incubator in which temperature and humidity were carefully controlled.

Two of the eggs turned out to be—typically—infertile. Once the remaining eaglet pecked its way out, it was given its name, which in the Mojave Indian language means "Beautiful bird."

Irateba was moved to a brooder, a glassed-in box that is also climate-controlled. It—"We don't know yet whether it's male or female," Hamlett explains—is fed a diet of raw white chicken meat, soaked in a special solution to provide moisture, and shot with vitamin and mineral supplements.

The eaglet has been responding well to this painstaking regimen. By May Irateba had tripled its birth weight, up to nine ounces of squawking fuzz.

But this response, while gratifying to its dedicated keepers, is troubling also. "We want to get Irateba out of here and

into a wild setting," Hamlett says. "If it continues to be hand-raised, it won't imprint properly and won't grow up to be an eagle." Instead, Irateba would be at best a pet, knowing only cage life, fit for nothing more than perching, gulping catered food and posing pompously for tourists' cameras.

The transfer to the wild, while risky, is at least possible. Hamlett says there is a laboratory game refuge in Maryland where there are wild eagle nests. "The eaglet would be accepted there and raised by the other eagles, and taught to hunt. It has been done before successfully."

Before they could make such a move, though, the zoo staff had to get past an obstacle as formidable as any they had yet faced: they had to complete the necessary paperwork. In order to save the bald eagles, the government has to keep track of them. This job has been delegated to the Interior department, which in turn has directed that before any captive member of a protected species can be moved from its home, its keepers must first be granted a permit.

"We have to get permits often when we move a protected animal from one zoo to another, for breeding or other purposes," a staff member explains. But the application process takes time, usually weeks; and for animals, that is often too long. "Sometimes by the time you've been able to get a permit," the staffer adds, "the whole occasion for it has passed. It's frustrating."

That may yet be the case with Irateba. After a series of delays, the zoo finally did get a permit for a move on May 10. But that move had to be cancelled because of problems in the nest where the zoo wanted to take Irateba.

Then on May 16 the eaglet developed a sinus infection that required draining by the zoo vet, and further delays. At press time Irateba remained at the zoo.

Time is short. If the eaglet doesn't get into the wild before it starts to fledge—that is, to learn to fly—it will have to stay in the zoo permanently, a welfare eagle. ■ *Chuck Fager is a free-lance writer in Washington.*



## TRIALS

# Jury hands down guilty verdict in Vietnam spy case

By Jack Colhoun

WASHINGTON

**O**N MAY 19, AFTER 16 HOURS of deliberation, an Alexandria, Va., federal court jury convicted Ronald L. Humphrey, a U.S. Information Agency analyst, and David Truong, a Vietnam national, on six counts of espionage and conspiracy against the U.S. on behalf of the Socialist Republic of Vietnam. Although a date has not yet been set by Judge Albert V. Bryan Jr., both men face possible sentences of two life sentences plus 55 years.

The jury found Humphrey guilty of handling Truong State department documents. Truong in turn was convicted of passing them along to four Vietnamese in Paris and Hanoi named as unindicted co-conspirators. Vietnam's ambassador to the UN, Binh Ba Thi, was also named as an unindicted co-conspirator, but his name was stricken from the indictment by Judge Bryan before he sent the jury off to reach its verdict.

From the outset, the Carter administration's prosecution of the Vietnam espionage case has caused concern among those who followed it closely. The diplomatic papers in question were hardly what one would expect to find at the center of a major international spy case. For the most part, they were low-level cables analyzing post-Vietnam war conditions in Southeast Asia—for example, "French flights from Saigon," "Vietnamese External Relations," and "Hanoi Observers Comment on Vietnam." All but two of the nearly 100 documents had been assigned the lowest security classification of "Confidential," while the other two were marked "Secret."

During the trial, Truong's attorneys forced the administration to acknowledge an initial assessment made in 1977 that there was "little of a sensitive nature in the documents."

Under cross-examination, Donald Marsland, the FBI special agent overseeing the case, testified that he objected to this initial assessment because it "was not consistent with the pressure we were receiving from the State department."

A subsequent reassessment concluded that the compromise of the cables would result in "minor or no damage."

Special Assistant to the Assistant Secretary of State for East Asian and Pacific Affairs Kenneth Quinn helped prepare this second assessment. But on the witness stand, Quinn testified that the purloined papers were all related to the national defense, since "foreign relations are part of the national defense" and cannot be separated.

## Jesuit-like arguments.

Truong's lawyers released the CIA's National Assessment Center's March 1978 study that concluded a successful prosecution "could be a very close call" and predicted that "a number of the cables could be said at least tangentially to 'relate to the national defense' by a Jesuit." (The *New York Times* informed its readers that Jesuits, "a Catholic religious order, are widely known for the meticulous and determined arguments they make in defense of their beliefs.")

The CIA assessment, as well as other government witnesses, also reflected what Humphrey-Truong supporters believe to be at the root of the prosecution: the assessment observed, "perhaps the most respectable argument would be that the bulk of the materials deal with activities in Vietnam, which must still be considered an enemy state."

Truong's lawyer, Michael Tigar, characterized the administration's contradictory assessments and witnesses as being in "hopeless disarray." Tigar brought to the witness stand Morton Halperin, a former Kissinger aide on the National Security Council and current director of the Center for National Security Studies, who testified that "there is nothing in these documents relating to the national defense."

The defense's contention that the transmission of these documents did not constitute espionage has found surprising support from some anonymous administration officials. A Justice department official told the *Boston Globe*, "The State department sold us a bill of goods on the seriousness of this thing. It's clear to me we should have only gone for something a hell of a lot less than espionage. Then we wouldn't have looked so foolish trying to relate diplomatic gossip to the national defense."

A White House official was quoted by the *Globe* as saying, "This case is a giant embarrassment. It could have been handled the way a lot of counterintelligence cases are handled that never come to light."

"We could have had Humphrey quietly fired. And we could have approached the Vietnamese and said, 'Let's stop this junk before it gets worse.'... We look like brutal heavies throwing the book at two really tragic characters."

Neither Humphrey nor Truong denied their roles in transmitting the State department cables, but both strongly denied acting as agents for Vietnam for the purpose of espionage or acting with the intent of damaging U.S. national security.

Humphrey admitted giving Truong the documents after removing the classifications with the vague notion of contributing to the normalization of relations between the U.S. and Vietnam, thereby helping his common-law Vietnamese wife get her children out of Vietnam.

Truong, a well known supporter of reunified Vietnam, testified he sent the materials to members of the Association of Vietnamese in France for their use in their newspapers. Truong said he believed the cables to have been legitimately given and not injurious to U.S. national defense because the contents of many had already been published publicly.

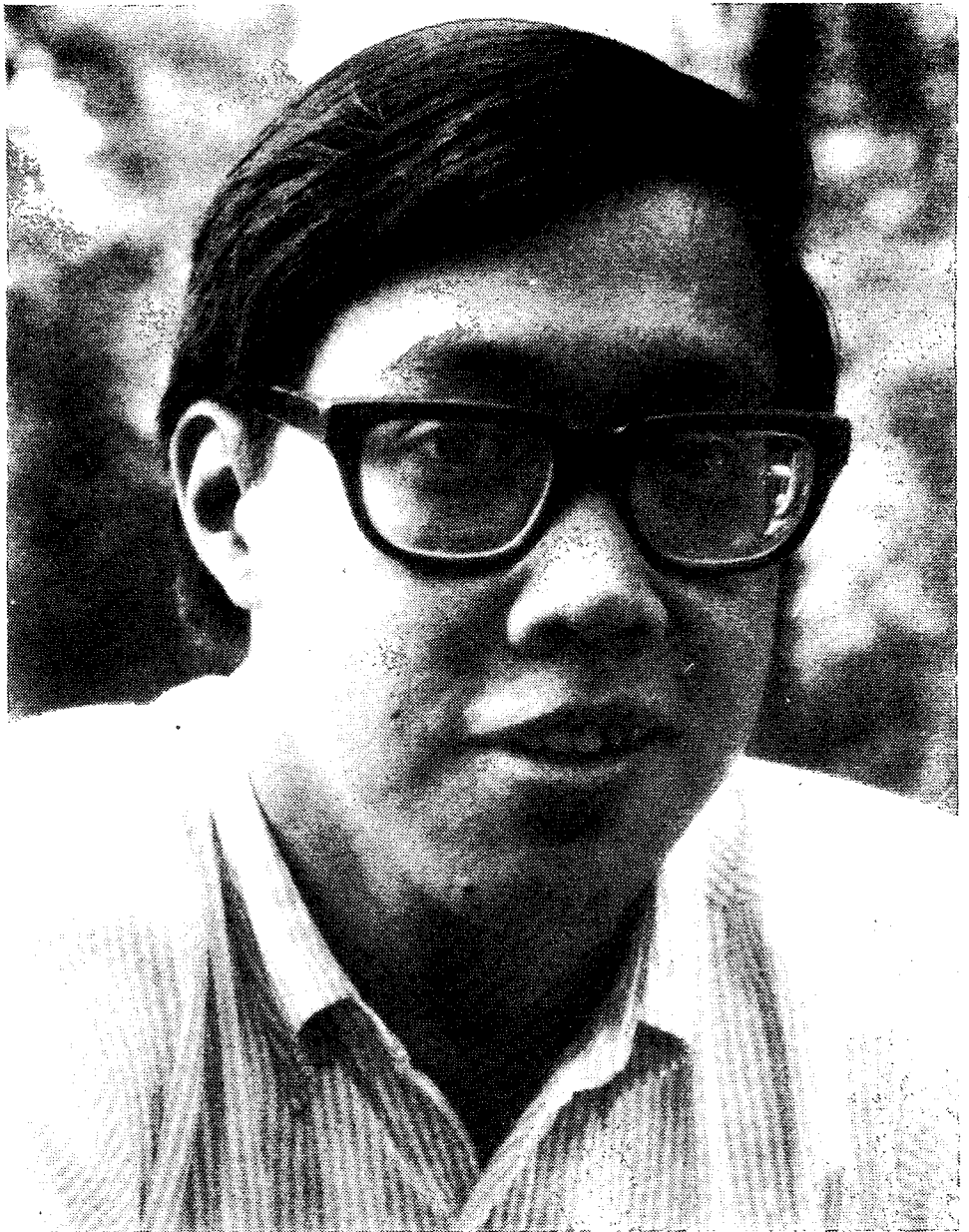
Truong explained he had been sending similar materials for years to members of Congress, other U.S. government officials, Asian scholars, his family in Vietnam and other Vietnamese living abroad, at first to help end the war and later to build support for normalized relations.

## Diplomatic expulsion not justified.

Soon after the federal grand jury indicted Humphrey and Truong, the Carter administration moved in early February to expel Ambassador Binh Ba Thi from his post at the UN. The administration contended that the grand jury named Thi as an unindicted co-conspirator, "based on precise evidence of his personal involvement" in the so-called spy ring. As the UN's host country, the U.S. was able to demand Thi's ouster for abusing the privilege of residence. But even in doing this Washington appears to have violated the UN's procedure in this regard.

The inclusion of Ambassador Thi in the indictment rested solely on the word of CIA/FBI agent Dung Krall.

At the time of the indictment, many were convinced that the administration would not have taken the unprecedented action of expelling an ambassador unless it had compelling evidence. However, on the witness stand under cross-examination by Tigar, Krall admitted that she had told



David Truong

From the outset observers questioned the administration's motives for prosecuting the case. The crime was just not serious enough to warrant all the concern.

the CIA: "Mr Thi is not a spy for Vietnam. He is a diplomat." "He is as sturdy as the sun that will rise in the morning; his position is firm." She said Truong once gave her a package of materials to deliver to Thi but that she never looked at the contents.

The administration's "precise evidence" fell like a house of cards. Consequently, Thi's name was removed from the indictment. The media paid very little attention to this aspect of the trial, in contrast to the wide coverage given to the administration's initial, unfounded charges against Ambassador Thi.)

## A message to Congress.

Another explanation for the government's handling of this case could be its desire to head off any substantive limitations on intelligence activities resulting from congressional reform. Prior to the trial, high-ranking Justice department officials conceded that President Carter and Attorney General Griffin Bell purposely chose not to seek warrants for the surveillance of Humphrey and Truong in order to fashion a test case for warrantless surveillance in national security matters while Congress was considering intelligence reform legislation.

The Vietnam Trial Support Committee, the American Civil Liberties Union, the Center for National Security Studies, among others, share the concern that the trial was utilized as an instrument to affect the development of far-reaching policy questions beyond the scope of the case itself. According to Duane Shank, national coordinator of the Vietnam Trial Support Committee, "We've always felt there were political motivations behind the prosecution of this case."

Truong's lawyers are prepared to appeal the case after the sentences are set in late June. And the support committee's work will continue. Shank believes as long as Humphrey and Truong are in jail, the work of all political activists is threatened. "It's sad that three years after the end of the Vietnam war, Washington is still able to persuade a jury that Vietnam remains an enemy."

"The verdict does not diminish our support for David Truong, nor will it discourage our efforts toward normal U.S.-Vietnam relations," Shank concludes.

Jack Colhoun was an editor of *Amex-Canada*, the magazine of exiled war resisters in Canada. He is an historian who has written widely on the Vietnam war.



FORGE WORKER'S HANDS, Oakland California, 1977

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