

**EIR:** My last question is on home rule for Washington, D.C. You oppose what's being imposed on the District in terms of its sentencing policy by the Congress. How do you see the fact that the District is controlled in this, and many other realms, by Congress, affecting citizens lives in the District?

**Wilkins:** I think all of this is significant, because it's happening not at the behest of the will and consent of the people of the District of Columbia, but at the behest of Congress and a Congress that doesn't represent the people of the District of Columbia. That's very troubling, because a local criminal justice system has to reflect the values of the people and it has to reflect the values of the people of the District of Columbia. In any democratic form of government, at essence, has to operate at the consent of the governed.

So, you have neither one of those things operating here in the District. Abolishing parole and forcing prison privatization in all of these things—forcing sentencing guidelines—is not based on the consent or the will of the people of the District of Columbia. In fact, it's in direct contradiction to the consent and will of the District of Columbia. That erodes public confidence in the justice system and in the government in general. It's not only bad policy, but it creates a bad atmosphere and disrespect for the system, by imposing these types of draconian and ill-advised measures on people, against their will.

# Louisiana Acts vs. HMOs, as High Court Backs Right To Kill

by Marcia Merry Baker and Brian Lantz

On June 5, the Louisiana state legislature passed a resolution against the managed-care system, citing the current health-care emergency, thus joining in what is fast becoming a national drive to roll back the 1973 law which allowed the creation of health maintenance organizations (HMOs), and to restore traditional American health care in the public interest. Over the last six weeks, similar state and local actions have been taken, or are in preparation, in Alabama, Pennsylvania, Michigan, Nevada, Ohio, and California. These initiatives reflect the changing mood in the nation, *to end*, and *not to amend* the HMO deregulation of health care. For example, a Cleveland City Council Resolution which passed unanimously on May 22, urged the local Congressional delegation to investigate HMOs, and "to legislate the abolition of such groups if they fail to provide adequate health care services" (the full text was in *EIR*, June 2).

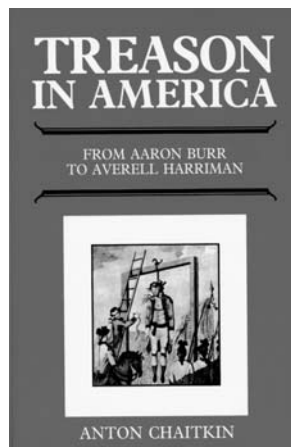
In hostile opposition to this growing shift in the country, the U.S. Supreme Court handed down a decision on June 12, in the case of *Pegram v. Herdrich*, acting to protect the rights of HMOs to selectively deny and delay care, citing the *supremacy of private profit* as the justification. The court ruled that patients could not use the Employee Retirement Income Security Act of 1974 (ERISA) to sue their HMOs in Federal court for using financial incentives to ration care, because "inducement to ration goes to the very point of any HMO scheme," and because allowing the remedy of such suits would, in effect, "be nothing less than the elimination of the for-profit HMO." The court also has two more decisions pending on similar HMO cases.

The Supreme Court's unanimous decision concerned a case in which a woman whose HMO's cost-driven delay in providing tests led to a life-threatening ruptured appendix. The court said that patients could not sue HMOs in Federal court, just because the HMO's decision to cut costs had adverse medical consequences. Such a ruling, said Justice David Souter, would go against Congress's intent, expressed for the past 27 years, to use for-profit HMOs to cut medical costs.

In fact, the expression "ration care" in the Supreme Court decision, is a Nazi-style cover phrase for the *characteristic* practices of HMOs, which were set up from the beginning to selectively decide who gets what kind of treatment, no matter if harm and death will result. The background on the HMO

## Treason in America

From Aaron Burr To Averell Harriman



By Anton Chaitkin

A lynch mob of the 'New Confederacy' is rampaging through the U.S. Congress.

Its roots are in the Old Confederacy—the enemies of Abraham Lincoln and the American Republic. Learn the true history of this nation to prepare yourself for the battles ahead.

\$20 softcover

Order NOW from:

**Ben Franklin Booksellers**

P.O. Box 1707, Leesburg VA 20177

Phone: (800) 453-4108 (toll free) Fax: (703) 777-8287

Shipping and handling \$4.00 for first book; \$1.00 each additional book. Call or write for our free mail-order catalogue.



Billboards in Louisiana express popular outrage at the health maintenance organizations (HMOs), and the Governor's budget-slashing policies.

founding legislation (Dec. 29, 1973, "Health Maintenance Organization and Resources Development Act"), the record of HMO practices, and the traditional American health law alternative (the 1946 Hill-Burton "Hospital Construction Act"), are all contained in *EIR*, May 12, 2000, and in a mass-circulation pamphlet issued in May by Lyndon LaRouche's Presidential campaign, entitled "Ban the HMOs Now! Before They Get You and Yours."

The pamphlet also prints the names of Congressmen to be ousted in November, who back the murderous "managed-care" system. The kowtowing to HMOs is so bad on Capitol Hill, that even a feeble "Patients Rights" bill did not make it through the Senate this month. On June 8, Senators voted 51-48 to table such a measure, which was proffered as an amendment to the FY 2001 Defense Authorization Bill.

**The Fight in Louisiana**

On June 5, the Louisiana state legislature, both houses concurring, passed out HCR-81, "To memorialize the Congress of the United States to take such actions as are necessary to establish and affirm that every citizen of this nation has the right to high-quality health care."

HCR-81 affirms that a health emergency exists across the United States, including in Louisiana, and scores the destruction of health care which has occurred under the imposition of HMOs and so-called managed health care. Going beyond such ballot initiatives as that now being debated in Massachusetts, HCR-81 specifies a return to the competent postwar standards of medical treatment as expressed in the Hill-Burton Act, through Federal action. The Louisiana legislature warns that "the current health-care delivery system in Louisiana, including the Department of Health and Hospitals and the state's charity hospital system,

are currently unable to fulfill the full health-care needs of all this state's residents."

Louisiana HCR-81 was introduced by State Rep. Charles Hudson (D-Opelousas), with 23 members of the Louisiana House of Representatives, and two Louisiana State Senators, joining as co-authors.

The legislature's move comes in the context of a deepening overall economic and fiscal crisis in the state. An emergency special session of the legislature began on June 19, in continued efforts to deal with a state budget crisis for the July 2000-July 2001 fiscal year. The Governor's proposed budget, to be financed by a projected windfall from severance taxes on oil and gas, regressive tax measures, and so-called "sin taxes," includes major cuts to an already crippled state government.

Among the departments hardest hit, will be the Department of Health and Hospitals (DHH). Plans are to eliminate 1,750 DHH positions, if the proposed \$13.6 billion budget goes through. At least 15 mental-health clinics would be closed, along with a number of parish (county) health clinics; 60-80 beds for the severely disabled would disappear; all inpatient mental health services for children would go, along with cutbacks to two state-run nursing homes, Medicaid staff, and the number of health inspectors monitoring nursing homes, hospitals, and other facilities. It has already been announced that there could be another 4% cut, across the board, that could eliminate another \$20 million, and more professionals, from DHH's budget.

The health-care system of the state was already devastated. In the last 10 years, Louisiana's rural hospital network has shrunk from 49 to 38 hospitals, with all of those threatened with closing. Likewise, the state's "charity hospital" system is being run into the ground.

In March, the DHH imposed \$51 million in cuts to the state's Medicaid program, to balance the books for the fiscal year ending in July. The cuts would have chiselled health-care facilities out of 7% of the monies they had been budgeted to receive. Thrown into financial crisis, two Louisiana rural hospitals, joined by 53 homes for the mentally retarded, initiated a lawsuit in Federal court, to stop the cuts.

When the DHH attorney argued in Federal court that implementation of an across-the-board cut was a balanced, systematic approach, U.S. District Judge Richard Haik exploded. "How can you say that when you have an arbitrary 7%? . . . Where is the thought process? A monkey could do that. You can teach a chicken to calculate. . . . How do you know people won't be affected when you cut 7% across the board?" he demanded.

But Judge Haik's order blocking the cuts was overturned in May by the Fifth Circuit Court of Appeals. Since then, DHH has been recouping the money it "overpaid" to health-

care providers, and now, it is preparing the next round of murderous triage.

## Mobilization in California

On June 5, in California, draft legislation banning HMOs was brought to the East Palo Alto City Council; and on June 7, to the Alameda County Democratic Central Committee. Resident Andrea Ingraham spoke to the Palo Alto City Council about LaRouche's draft legislation to end HMOs. In thanking Ingraham, Councilwoman Myrtle Walker said of the health crisis, "What's going on is atrocious." She urged the city to do its part in fighting the HMOs. Vice Mayor Duane Bay said, "I'm surprised I would find myself encouraging people to look at Lyndon LaRouche's website, but you might want to do so. You can get the full background on this issue there" ([www.larouchecampaign.org](http://www.larouchecampaign.org)). In these meetings, and others around the country, more and more people are asking, not "whether" HMOs should be banned, but "how?"

## The Louisiana Resolution

*House Concurrent Resolution No. 81, passed June 5, by the House and Senate of the legislature of Louisiana.*

### A Concurrent Resolution

To memorialize the Congress of the United States to take such actions as are necessary to establish and affirm that every citizen of this nation has the right to high-quality health care.

**Whereas**, an immediate health care crisis exists in the United States and in the state of Louisiana; and

**Whereas**, citizens of our state and nation are sometimes denied access to necessary health care services due to the financial practices of health maintenance organizations and other managed-care entities, the utilization of managed care by health insurers, and the lack of adequate medical facilities in many communities nationwide; and

**Whereas**, the guiding principles of United States health care policy, as provided in the Hill-Burton Act, 42 U.S.C. 291 et seq., have been steadily undermined by the concept of managed health care; and

**Whereas**, a primary purpose of the Hill-Burton Act is to assist states in "furnishing adequate hospital, clinic, or similar services to all their people" by tying certain Federal funding to commitments by health care facilities "to make available a reasonable volume of services to persons unable to pay therefor"; and

**Whereas**, the state of Louisiana, as a result of its cli-

mate and geographical location, is not only a crossroads for international trade and commerce, but also subject to a range of threats to the public health, as indicated by Louisiana being placed on the "watch list" for dengue fever, which potentially compound the already existing public health crisis; and

**Whereas**, the current health care delivery system in Louisiana, including the Department of Health and Hospitals and the state's charity hospital system, are currently unable to fulfill the full health care needs of all of this state's residents; and

**Whereas**, under the preamble to the Constitution of the United States, the Federal government is required to "promote the general welfare," which thus necessitates action by the Federal government to address the current health care crisis; and

**Whereas**, the United States is rightfully a signatory to international declarations and covenants, including the Universal Declaration of Human Rights of the United Nations, which establish the universal right to adequate health care and require governments to take steps to assure access to quality medical health care;

**Therefore, be it resolved** that the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to establish and affirm that every citizen of this nation has the right to high-quality health care.

**Be it further resolved** that a copy of this Resolution be transmitted to the presiding officers of the Senate and the House Representatives of the Congress of the United States of America, and to each member of the Louisiana Congressional delegation.