

Alleged al-Qaida leader’s court bid raises ‘interesting’ debate

Alleged al-Qaida commander says legal team incomplete

Navy commander replaces lead prosecutor, who returned to Utah

Prosecution avoids question of whether Constitution applies at Guantánamo

BY CAROL ROSENBERG
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GUANTANAMO BAY
NAVY BASE, CUBA

An Iraqi captive accused of commanding al-Qaida’s army in Afghanistan after the Sept. 11 attacks appeared in war court Tuesday with his lawyers seeking a freeze in proceedings over four missing civilian members of his counsel. Also, the Pentagon revealed that the case’s lone civilian prosecutor had packed up and returned to Utah. Assistant U.S. Attorney Felice J. Viti had served as the top case prosecutor of the Iraqi, who announced in court in May that his true name is Nash-

wan al Tamir.

The captive was charged in June 2014 as Abd al Hadi al Iraqi, accused of war crimes punishable by life in prison as the alleged commander of forces that killed U.S. and foreign allied troops in 2002-04 wartime Afghanistan.

Now he faces an all-military prosecution team led by Navy Commander Douglas Short of four Navy JAGs and a Marine.

In May, when the 50-something captive last came to court, his attorneys announced that he wanted to be called by his “real name,” Nashwan al Tamir, something the judge, Navy Capt. J. Kirk Waits, has so far rejected. The gray-bearded defendant sat

silently throughout Tuesday’s proceedings in traditional white attire.

They also announced the addition of four voluntary unpaid civilian attorneys to the team, including constitutional law expert Erwin Chemerinsky, dean of the law school at the University of California at Irvine; Catherine Moore; Robert Palmer; and Jimmy Szyamanski. Since then, none of the four has received security clearances to come to court or meet the client, and Hadi’s defense team is asking the judge to halt the proceedings until they do so.

A prosecutor, Navy Lt. Cmdr. Vaughn Spencer, said the defense was misreading the law and that a non-capital military commission defendant — meaning a defendant who is not facing the death penalty — was entitled to one civilian lawyer. He asked the judge to “make clear to the defense, this issue is settled” and move forward with this team as currently constituted.

Spencer also accused defense lawyers of purposefully trying to delay progress. Palmer and Szyamanski were already granted interim clearances to do some case work, Spencer said, and Chemerinsky had yet to complete his paperwork.

“We need the counsel,” said Washington, D.C., lawyer Brent Rushforth, the lead defense attorney, who claimed that Chemerinsky had already completed his paperwork. Since his June 2014 arraignment, the Iraqi has been asking for civilian defense counsel. He currently has Rushforth plus three military lawyers.

Defense lawyers say the case will turn on constitutional questions, and they want Chemerinsky and the others to prepare for the trial, of which the date has not been set.

At issue, said Rushforth, is whether Guantánamo is “a Constitution-free zone.”

The judge invited case prosecutors to wade into the question of whether the U.S. Constitution applies at

the war court that President George W. Bush built and President Barack Obama reformed. “This is not a court in the United States,” Waits told Spencer. “Why aren’t you talking about that?” Waits asked him.

Spencer replied that the prosecution doesn’t want Waits to reach the Constitution question, and that the judge can decide based on constitutional avoidance. Then Rushforth replied, you can’t argue the doctrine of constitutional avoidance unless the prosecution agrees that the Constitution applies at Guantánamo.

“Interesting argument,” the judge interjected.

The deputy chief prosecutor, Army Col. Robert Moscatti, said on the eve of the hearing, “we the prosecution don’t control the pace of security clearances,” calling it “not within our control.” He also expressed no concern over the defendant’s “use of a different name.”

Reporters learned of the disappearance of Viti as the lead prosecutor when he didn’t come off the plane that brought the judge, lawyers and other court support staff on Saturday. As a federal prosecutor in Utah, Viti handled the 2011 Elizabeth Smart kidnap and rape case and won a life sentence —

PAROLE BOARD CLEARS CAPTIVE FOR RETURN TO CASABLANCA

The Guantánamo parole board disclosed Tuesday that it cleared the last Moroccan detainee for return to his homeland, raising to 29 the number of cleared men at the 76-captive detention center.

Abdul Latif Nasir, 51, got to Guantánamo on May 3, 2002, and was profiled by U.S. intelligence in March as a Taliban-aligned commander who “led a retreat from Jalalabad, Afghanistan ... in late 2001 and acted in a leadership role at Tora Bora during fighting against U.S. forces.” The panel said in its decision that Nasir “presents some level of threat in light of his past activities, skills, and associations,” but said that can be mitigated in his circumstances of transfer.

— CAROL ROSENBERG

the same penalty prosecutors seek for the Iraqi. The prosecution said through a Pentagon spokeswoman that Viti’s one-year assignment to the military commissions expired this month, and he returned to his home district in Utah.



MIMI WHITEFIELD mwhitefield@MiamiHerald.com

Cuban consumers peruse the goods at a store in Cienfuegos. A new survey shows that Cubans’ income is higher than average state salaries would indicate.

Study: Cubans don’t make much, but it’s more than state salaries indicate

BY MIMI WHITEFIELD
mwhitefield@miamiherald.com

When relations between Cuba and the United States were in the deep freeze, few American companies viewed the island as a potential consumer market.

With rock-bottom salaries and the embargo firmly in place, there was little to pique their interest. But now with the Obama administration’s opening toward Cuba, international consulting companies have begun to take the pulse of Cuban consumers.

The latest consumer survey comes from Rose Marketing, which was founded in Boston and was the first independent advertising and public relations firm to enter the then Soviet Union in 1989. It is now headquartered in Moscow and has consulted for many multinational firms. Last year Rose became one of the first marketing agencies offering its services in Cuba.

The Rose survey indicates that Cubans earn considerably more than the official average monthly salary, which was 687 pesos, or about \$25, in 2015, according to Cuba’s National Office of Statistics. Wages in Cuba averaged just 494.4 pesos (\$18.66) monthly from 2008 to 2015.

The survey, which was conducted among 1,067 Cubans in Havana, Santiago

de Cuba, Holguín, Camagüey, Pinar del Río, and Cienfuegos in May and June, found that about 27 percent of Cubans earn under \$50 per month; 34 percent earn the equivalent of \$50 to \$100 per month; and 20 percent earn \$101 to \$200. Twelve percent reported earning \$201 to \$500 a month; and almost 4 percent said their monthly earnings topped \$500, including 1.5 percent who said they earned more than \$1,000.

The remainder of respondents declined to state their income, and Rose said the survey had a margin of error of plus or minus 3 percentage points.

“Of course these income figures are relatively low in contrast to other nations and the average Cuban still struggles to make ends meet,” Rose noted. But the firm said the income figures should also be taken in the context that “Cubans receive free healthcare and education, as well as minimally subsidized living expenses.”

Another recent consumer study by the Boston Consulting Group found that about half the Cuban population lives with a median household income of \$300 to \$400 a year. However, it also found that about half of Cuban consumers — mainly those in urban areas — had a household income of \$1,000 to \$2,000.

Many Cubans have jobs

on the side, and in recent years about a half million have joined the ranks of Cuba’s *cuentapropistas*, or self-employed. Although there are still many government restrictions on self-employed workers, the earnings potential for some is considerably more than state salaries. About 50,000 employees of Cuba’s joint ventures with foreign companies also have higher earnings potential as do those employed in the tourism sector who get tips.

Last week Marino Murillo, Cuba’s economy minister, said that Cuba would have to cut its fuel consumption by almost a third from now to the end of the year due to the dwindling economic prospects of its patron, Venezuela.

But at the time the survey was done this spring, Cubans were optimistic. Seventy percent of those surveyed said they expected their incomes to increase in the next six to twelve months — a prospect that is now more dubious since the Cuban economy grew just 1 percent in the first half of the year. Murillo said Cuba will have to reduce both imports and state investments in coming months.

That could also dash Cubans’ hopes for new consumer purchases. The Rose survey found that 16 percent said they planned to buy home appliances in the next six to 12 months, 15 percent

wanted to buy perfume, and 13 percent planned purchases of fashion clothes. Twelve percent said they planned to buy airline tickets; 12 percent, shoes; 7 percent, automobiles; 6 percent, laptops; and 5 percent, smartphones.

Although advertising is infrequently seen on the island, 80 percent of survey respondents claimed it would influence the brands they select. Many Cubans carefully peruse the ads and fliers from newspapers brought from abroad by friends and relatives, and advertising has begun to appear on some Cuban apps and on the *Paquete Semanal* (Weekly Package), a collection of movies, television and other pirated content from abroad that is distributed on portable hard drives.

Another important source of supplemental income for Cubans is the remittance payments they receive from abroad. Miami-based Havana Consulting Group estimated that remittances sent to the island reached a record \$3.35 billion last year. Between 2008 and 2015, the firm said remittances to Cuba grew by \$1.9 billion and were the principal source of Cuban family income.

Havana Consulting said an increase in flights to Cuba in recent years has contributed to the growth of remittances since each Cuban that travels to the island carries an estimated \$3,200 to \$3,500 in cash. Increased migration of Cubans, loosening of U.S. restrictions on remittances and the rise of a fledgling private sector in Cuba that is often financed by money from abroad are other factors the firm cites in explaining the spurt in remittances.

Documents say Paterno ignored boy’s Sandusky complaint in 1976

BY MARK SCOLFORO
Associated Press

HARRISBURG, PA.

Penn State football coach Joe Paterno, told by a teenage boy in 1976 that assistant coach Jerry Sandusky molested him in a shower, responded that he didn’t want to hear about it and had “a football season to worry about,” according to court documents unsealed Tuesday. The boy, now a man identified as John Doe 150, said in 2014 that other boys heard him yell that Sandusky had just touched him sexually. He said he told several adults about it before seeking out Paterno.

“Is it accurate that Coach Paterno quickly said to you, ‘I don’t want to hear about any of that kind of stuff, I have a football season to worry about?’” a lawyer for Penn State’s insurance carrier asked the man.

“Specifically, yes,” the man replied.

“I was shocked, disappointed, offended. I was insulted,” John Doe 150 testified. “I said, ‘Is that all you’re going to do?’”

He said Paterno “just walked away.”

Excerpts of the man’s testimony were among dozens of documents made public Tuesday in Penn State’s fight with Pennsylvania Manufacturers’ Association Insurance Co. over payments to Sandusky’s accusers. Sandusky was convicted in 2012 of dozens of child sexual abuse counts and is serving decades in prison while he appeals.

A judge disclosed the existence of the 1976 allegation two months ago, along with claims Penn State coaches witnessed inappropriate contact between

Sandusky and children in the 1980s, but the newly unsealed documents provided greater detail.

Paterno told a grand jury in 2011 he first learned of Sandusky’s inappropriate sexual contact in 2001, though records show Penn State officials dealt with a complaint in 1998 from a woman whose son had showered with Sandusky.

Paterno died in January 2012, two months after Sandusky’s arrest. A lawyer for Paterno’s family said Tuesday elements of John Doe 150’s story “defy all logic.” A lawyer for Sandusky, who retired in 1999, also denied the allegation.

Testimony made public Tuesday suggested some Penn State coaches were aware of Sandusky’s abuse decades ago.

Mike McQueary, a former assistant coach who told Paterno he saw Sandusky abusing a boy in a team shower in 2001, said in a 2015 deposition that former defensive coordinator Tom Bradley was “not shocked” when told of it.

Bradley, who briefly took over as head coach after Paterno’s firing, “said he knew of some things” about Sandusky dating to the 1980s, McQueary testified.

McQueary said Bradley told him he had been approached by someone in the 1980s who saw Sandusky “doing something to a boy” and in the 1990s former assistant coach Greg Schiano saw Sandusky in the shower with a boy.

Bradley, now the defensive coordinator at UCLA, and Schiano, who holds the same position at Ohio State and once coached at the University of Miami, denied witnessing any inappropriate behavior at Penn State.

Ecuador’s deportation of 75 Cubans draws rebuke

Associated Press

QUITO, ECUADOR

Human-rights groups denounced Ecuador’s expulsion of dozens of Cubans seeking asylum in the U.S.

Around 150 Cubans were arrested last week in Ecuador’s capital after setting up a camp outside the Mexican Embassy to demand to be allowed to travel to the U.S.-Mexico border and from there seek asylum in the U.S. Human Rights

Watch said the deportation of 75 asylum-seekers likely violates international law requiring governments not to forcibly return refugees to places where their lives might be in danger.

Cuba’s Foreign Ministry on Tuesday blamed the U.S. policy of granting automatic asylum to Cubans who touch U.S. soil.

Ecuador’s lax visa requirements have made it an attractive way station for Cubans fleeing communist rule.

H1

Venezuela uses Cuba imagery after Kimberly-Clark and Citigroup decide to leave

Venezuela President Nicolás Maduro accused the Obama administration of trying to create a ‘financial blockade’

The comment came after two major American companies said they were pulling out of Venezuela

Experts predicted that more American companies are likely to cease operations in the country

BY FRANCO ORDOÑEZ
fordonez@mclatchydc.com

WASHINGTON
Venezuela’s president has

summoned imagery from the standoff between Cuba and the U.S. to respond to the announcement this week by two American companies that they were pulling out of

Venezuela. President Nicolás Maduro accused the Obama administration of trying to create a “financial blockade” around the country as Citigroup announced its plan to close certain Venezuelan government foreign-currency accounts in the next 30 days and as Kimberly-Clark, maker of Huggies diapers and Cottonelle, said it would close manufacturing plants there. Venezuela is on the verge of economic collapse, and items such as diapers and toilet paper are in short

supply. Experts predicted that more American companies are likely to cease operations in the country. “Do you think they’re going to stop with a financial blockade? No, gentlemen, this is a different world. Nobody stops Venezuela,” Maduro said during a meeting at the Miraflores Presidential Palace. “With Citibank or without Citibank, we’ll continue. With Kimberly or without Kimberly, we will continue.” Cuba calls the U.S. embargo against the island

nation a “blockade.” Cuba and Venezuela have long promoted a narrative that frames them as victims of U.S. aggression. Maduro called the Citibank and Kimberly-Clark decisions part of the “new imperialist inquisition” orchestrated by the Obama administration. “Sadly, I don’t believe they will be the last to depart as Venezuela melts down, making eventual economic recovery much more distant and harder to do,” said Eric Farnsworth, vice president of the Washington-based Council of the Americas. Citigroup is the oldest international bank operating in Venezuela. Bank officials said they alerted the U.S. government to their decision, but the U.S. government did not direct or suggest the move. A Citigroup official said the bank concluded that continuing to operate in Venezuela presented “reputational risks.” But the official, who spoke under a grant of anonymity because he wasn’t authorized to discuss the decision publicly, declined to provide details, citing U.S. financial regulations. The bank said in a statement it was continuing to talk to the Maduro administration “to address its concerns.” It did not say what those concerns were. Officials at Kimberly-Clark did not respond to a request for comment. The Irving, Texas-based company manufactures a wide range of personal-care products, including diapers, toilet paper and Kleenex tissues. Venezuelan labor minister Oswaldo Vera said the government would take over the Kimberly-Clark factory after the company said it was no longer possible to manufacture goods because of the country’s economic crisis.

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DEATH NOTICES



BANICK, MARGARET K. ("Peggy") passed away peacefully while surrounded by family on July 10, 2016 after an extended illness. She was born June 30, 1934 in Tarentum, PA to Frank and Ida Esler. She attended Parentum High School and then went on to study at Westminster College. It was there, in her first week as a freshman, that she caught the eye of the quarterback of the football team, Dick Banick. In May of 1953, the two were married and moved to Miami. One year later, their first of four children was born and, by 1958, she was a mother of 3 young children until their fourth came along in 1971.

In 1973, her best friend, Schatz Kassal, asked her to join her as a founding "Babe" of Project New Born. It supports the Neonatal Intensive Care Unit in the Holtz Children's Hospital at the University of Miami/Jackson Memorial Medical Center. Funds are raised for research, equipment, subsidizing salaries of key personnel and supporting advocacy programs pertaining to the well being of premature and high risk infants worldwide. Following the recruitment of five additional founding "Babes", their friends, and countless other members and supporters, their remarkable volunteered efforts led to over \$20 million in support for the NICU. Peggy could not have been more proud of her service with this incredible charity.

As she continued her volunteer work with Project: New Born and, after her youngest entered high school, Peggy partnered with another close friend, Renee Fink, to start a party supply business, Table Toppings, which rented high end table cloths and chair covers for local events. The business took off and Peggy was thrilled. After several years of success, Peggy and Renee decided to sell the business overjoyed with all they had accomplished. Peggy was also a proud long-time member of The Young Patronesses of the Opera which cultivates and promotes a love and understanding of opera through various community programs.

Humanitarian. Philanthropist. Benefactor. Entrepreneur. Friend. Peggy was all of these things out of most importance was her role as wife and mother. Words cannot describe the love shared between Peggy and her husband of nearly 63 years. Peggy and Dick's real, rare, and endless love affair was that of a fairy tale. They truly lived for each other. She was the glimmer in his eye, his shining star. He was Peggy's rock and biggest fan. Peggy was a true and rare gem...a real class act. Few could be gentler, kinder, more caring, honest and compassionate, yet be so fantastically funny, witty and sassy. Her smile and laughter were infectious and she had a huge heart overflowing with love. Her strength was unparalleled and she constantly and consistently put others before herself. She touched the lives of so many, and will be so deeply missed, but no more than by her three daughters, Barbara Banick, Binky Banick and Stacey Banick, and her beloved oney dog, Jessie. Unfortunately, she was predeceased her husband Dick and their son, Richard Banick, Jr. In lieu of flowers, the family would appreciate any donations to be given to Project: New Born.

Services to be held this Saturday, July 16, 2016, at 10:30am in the mausoleum chapel of Woodlawn Park North Cemetery, 3260 S.W. 38th Street, Miami, Florida 33135.

CEMETERY LOTS

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2 WOODLAWN SOUTH DOUBLE space (Section 27H) with 2 vaults & 2 marker. All \$3,800. 305 979 8970

DEATH NOTICES



FRY, CHARLES "CHARLIE" E. It is with deep sadness we announce the passing of Charlie Fry on Thursday, July 7, 2016. Beloved husband of Melanie Fry (nee: Hanzo); devoted father of Lee Ann Fry, Timothy (Beth) Fry, Melinda Fry, the late Lisa Sassaway, Craig (Sol) Fry, Christopher (Heather) Fry. Proud grandfather of 15, great-grandfather of 10. Loving brother, cousin, uncle, great uncle and friend to many.

Visitation will be Wednesday, July 13 from 4-8 p.m. Palms West Funeral Home, 110 Business Park Way, Royal Palm Beach, FL 33411.

The Funeral Mass will be held at Our Lady Queen of the Apostles Catholic Church, 100 Crestwood Blvd S, Royal Palm Beach, FL 33411 on Thursday, July 14 at 10:00 a.m. Services conclude at church.

IN MEMORIAM

In Loving Memory of



JOHN CARL GOLDFARB
July 2, 1958 - July 13, 2003

His memory is as dear today as in the hour he passed away
His greatest joy was to be beloved by all.
And, we miss your loving ways.

Your loving family

MARROQUIN, RICK,

45, passed away on Sunday, July 10, 2016 in Miami. Visitation will be held on Wednesday, July 13, 2016 at 6pm at Caballero Rivero Westchester located at 3200 Bird Road in Miami. A funeral procession will take place on Thursday, July 14 at 10:30am at Caballero Rivero Westchester. A funeral mass will then be held at 11am at the Church of the Little Flower located at 2711 Indian Mound Trail in Coral Gables. Arrangements will be handled by Caballero Rivero Westchester located at 8200 Bird Road, Miami, FL 33155. Rick Marroquin was born in Evanston, Ill. to Maria Estela Marroquin on May 17, 1971. He was married to Marielena Santana on February 21, 2015 in Villa Woodbine in Coconut Grove. A graduate of the University of Miami, Rick went on to become a pioneering force in the marketing industry. He spent his last several years in the two cities he loved most, New York and Miami, working as an agent at Creative Artists Agency. Dedicated to various charities, he was also a board member of the Ghetto Film School and on the Miami advisory board of the Hispanic Scholarship Fund. Rick was generous with his knowledge and mentorship, and a selfless friend to many across to country. He was an avid traveler and a lover of sports, especially his Miami Hurricanes. Rick is survived by his family, including his wife Marielena Santana, his two sons Christian and Nicholas Marroquin, his mother Maria Estela Marroquin, his brother Jonzalo Paz, and his two nephews Juan Pablo and Jose Julio Paz.

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2 WOODLAWN PARK WEST 2 spaces, 2 vaults and 2 memorials. All for \$2,500. call: 305 979 8970

DEATH NOTICES



IRIZARRY, FRANK MANUEL, 32, of Jupiter, Florida, passed away on July 10, 2016. Frank was born in New York on December 10, 1933. Frank married Charlotte M. Irizarry on April 14, 1956. They were married 60 years and had seven children. Frank worked as a truck driver for more than 40 years. After he retired he worked for Publix in Jupiter Farms. He touched the lives of many.

Frank is survived by his wife, Charlotte and six children, Donna (Sam) Vadala; Tony (Analida) Irizarry; Charlene (Robert) Chaplin; Denise (Marc) Fischer; Diane (Jack) Andersen; Connie (Joe) Catarineau and by fifteen grandchildren and eight great-grandchildren. Frank is preceded in death by his daughter Tina Louise Irizarry.

Visitation will be held from 6 PM to 9PM on Thursday, July 14, 2016 at Taylor & Modeen Funeral Home; 250 Center Street, Jupiter, Florida 33458. The funeral service will be held at 11 AM on Friday, July 15, 2016 at the funeral home. Interment services will follow at Riverside Memorial Park.

In lieu of flowers, memorial donations may be given to Hospice of Palm Beach County; 5300 East Avenue; West Palm Beach, Florida 33407. The family of Frank Irizarry wishes to thank the Hospice Center at Jupiter Medical Center for all their support.

FLORES, ENRIQUE

Rick of Princeton, FL passed on July 10, 2016 at age 73 in his home surrounded by his loving family. Born in Ponce, Puerto Rico to Enrique and Carmen Maria Flores. Rick married his high school sweetheart Alice Deesus in New York City. Rick, a man of strong opinions, was generous, loyal and hardworking. He loved the outdoors. His favorite thing to do was to go fishing. He worked many years as a maintenance electrician for Doctors Hospital and Doral Country Club.

Predeceased by his 16 yr old son Ricky, he is survived by his daughter Suzette Duenas (husband David), granddaughters Arielle and Ashley, sisters Carmen Womble (husband Tom), Milagros Lugo, Elba Flores, Irma Flores and Nancy Flores, nieces Oceana and Aurora, nephews Robert and Ken Lugo, Brandon Ramirez and their children. A graveside service will be held on Friday July 15, 1:45 pm at Our Lady of Mercy Catholic Cemetery 11411 NW 25th St, Doral, FL 33172.

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KEIGHLEY, DIANE

Diane Mary Keighley passed away on July 9th, 2016 at her home in Cooper City.

Diane was born on June 17th, 1948 in Brooklyn, NY. Her consistent gift of joy and love to others will never be forgotten.

Diane is survived by her two sons Steven (Eileen) and Christopher (Amanda), her five grandchildren and her great grandson.

A memorial mass will be held on Thursday, July 14 at 7 pm at St. Bonaventure Catholic Church, 1301 SW 136th Ave, Davie FL. In lieu of flowers, memorial donations may be made to St. Jude's Children's Hospital.

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DEATH NOTICES

WHIGHAM, DR. EDWARD L., of Marietta, Georgia, (age 94) passed away on July 4, 2016. Betty, his wife of 68 years, predeceased him in January 2016...

Edward is survived by his three children: Elizabeth Fletcher, Edward L. Whigham, Jr., David Whigham, and four grandchildren: Brian Glasgow, Kimberly Whigham Quenga, J.D. Whigham and Andrew Whigham.

Ed was a veteran of World War I, where he proudly served in the invasion of Europe with the 367th Fighter Group

He Served as Superintendent of Schools, Dade County from 1965 to 1976. In 1997, the Dr. Edward L. Whigham Elementary School was opened in Cutler Bay, Florida, in recognition of his contribution to the Dade County school system.

Mayes Ward-Dobbins Funeral home, Marietta, Ga is in charge of the arrangements.
mayeswarddobbins.com

DEATH NOTICES



HARRIS, KENNETH LEROY
July 11, 1927 - July 10, 2016

Born in Loudon, Tennessee to Kenneth Brakebill and Pearl Harvey Harris on July 11th, 1927.

In 1944, Ken joined the United States Navy under the command of Admiral Nimitz and was stationed in Pearl Harbor, Hawaii.

Ken returned home and attended Tennessee Wesleyan College for his undergraduate degree in Education. He then attended Middle Tennessee State University where he received his Master's Degree in Education.

Ken moved to Miami, Florida and began working as a teacher at Miami Country Day and Resident School for Boys with L.B. Summers and C.W. Abele. Ken worked as a teacher until 1963 when he became headmaster of the school.

Ken met Shirley Schwan who was a young teacher at MCDS in 1954. They married on June 2nd, 1956. Ken and Shirley recently celebrated their 60th wedding anniversary.

Ken positively affected the lives of many people, both faculty and students during his tenure at Miami Country Day School. Ken served as headmaster from 1963-1980 and as Director of Development from 1980-1982. He served as Vice President, Director of Development at Bayshore Bank of Miami until he retired.

Ken enjoyed his Dark Hammock Ranch in Okeechobee for many years, with his bird dogs and the company of his family and many friends. He was an avid golfer and was the 31st member of the Miami Shores Country Club. Ken and Shirley enjoyed traveling together and Ken enjoyed golfing and fishing in Costa Rica with his family and friends. Ken was a member of Kiwanis and an elder of the Miami Shores Presbyterian Church.

Ken lived his life with integrity and dignity.

Ken is survived by his wife Shirley Harris, his son Kenneth B. Harris, daughter Donna Harris, Osborne, son in law Jack Osborne and granddaughters Morgan Nicole Osborne, and step granddaughters Lauren Rhel and Dustin Brenske.

A memorial service will be held Friday, July 15th, 2016, at 3pm at the Miami Shores Presbyterian Church Sanctuary.

In lieu flowers, donations may be made in Kena's name to the Joseph Cerami Scholarship Fund at Miami Country Day School or the Miami Shores Presbyterian Church.



MASSIMO MAZZILLI AP

Firefighters search among debris after two commuter trains collided head-on near the town of Andria on Tuesday.

Train crash in Italy kills at least 25

BY GAIA PIANIGIANI
The New York Times

ROME

Two passenger trains collided head-on in the Puglia region of southern Italy on Tuesday, killing at least 25 people and injuring dozens more, some of them critically. The crash occurred on a single track running through an olive grove between the towns of Corato and Ruvo di Puglia, according to Luca Cari, a spokesman for a part of the Interior Ministry that handles fire and rescue services.

Prime Minister Matteo Renzi ordered an investigation. “We won’t stop until we clarify what happened,” he told reporters in Milan.

Renzi sent the infrastructure and transportation minister, Graziano Delrio, and the head of the civil protection agency, Fabrizio Curcio, who oversees emergency response in Italy, to the site of the crash. “It’s an incident of enormous proportions,” Delrio said when he reached the scene.

Tribunal rejects Beijing’s claims to South China Sea

BY SIMON DENYER
AND EMILY RAUHALA
The Washington Post

BEIJING

China’s assertion of sovereignty over the South China Sea suffered a major blow Tuesday when an international tribunal ruled that its claims have no legal or historical basis, throwing up the possibility of a new period of tension and confrontation in the region.

Beijing fiercely rejected the decision by the Permanent Court of Arbitration (PCA) in The Hague, which sided unequivocally with the Philippines against China.

China’s government has whipped up nationalist sentiment in recent years to support its “indisputable sovereignty” over a huge swath of the South China Sea, and it has engaged in an intensive program of island-building there to extend its de facto control.

China is now faced with a dilemma: It can signal its displeasure at the ruling by extending that program and militarizing the islands it controls, risking confronta-

The circumstances that led to the collision were unclear. A team of inspectors from the transportation ministry will work with prosecutors to determine the cause, officials said.

Teams of rescuers worked through the afternoon to separate the two trains, extricating victims and searching for survivors in the intense July heat. One exhausted policeman, who appeared barely able to walk, was escorted from the scene by another officer.

“It’s so horrible,” a woman who survived the crash told a television channel, Telesveva. “I don’t know how it happened, but in a second, my husband was suddenly two meters away from me.”

The woman, whom Telesveva did not name, described seeing body parts strewn on the ground, and said she had to step over them barefoot to get away from the crash after pulling her husband free of the wreckage.

“I could do nothing for them,” she said.

tion and even conflict with emboldened Asian neighbors and the U.S. Or it can suspend the program and adopt a more conciliatory approach, at the risk of a loss of face domestically. The tribunal also ruled that China had violated the Philippines’ sovereign rights by constructing artificial islands and had caused “permanent irreparable harm to the coral reef ecosystem.”

The decision was hailed as a landmark victory for those worried that Beijing was extending its military control over waters with key strategic and commercial significance. But Chinese President Xi Jinping signaled that he was in no mood to back down.

“The islands in the South China Sea have been Chinese territories since ancient times,” he said, according to state media. “China opposes and will never accept any claim or action based on these awards.” The Foreign Ministry said China “solemnly declares that the award is null and void and has no binding force.”

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MIAMI HERALD | EDITORIAL

The Miami Herald recommends

Today, the Herald begins to publish its recommendations for candidates in the August 30 primary. We start with judicial races, usually the ones with which voters are least familiar.

MIAMI-DADE COUNTY COURT GROUP 7

Judge Edward Newman was elected to the county bench in 1994. He has faced opposition before and was reelected each time — his background as a Miami Dolphin, plus the strength of incumbency, no doubt playing large roles — and he hopes to be returned to the bench this time around.



Newman

This time, he faces Lizzet Martinez, an attorney in family law and bankruptcy. She says that she is running for this seat because her 18 years of professional experience and her life experience will help her “bring dignity and do a better job dispensing justice.” Ms. Martinez, 44, often represents people of low and middle incomes, who many times lack the means to access the legal system. She also has served as a Guardian ad Litem as a voice for children in the court system. She says this has given her a more compassionate view of people’s needs when they are in court.

She also said this about her challenge to Judge Newman: “This is the people’s court, it’s no one’s seat.”

Indeed, both in the meeting with the Editorial Board and on the campaign trail, Judge Newman, 65, comes across as somewhat resentful to have drawn a challenger, adding that, “I have, like, the perfect courtroom.”

Credible courthouse sources say that he is a good courtroom manager, and works through a crowded docket efficiently, but could also bring more sharpness to his deliberation.

That said, he indeed brings the experience of making fair and solid decisions. Though he has spent more than two decades on the bench, Judge Newman should know that the seat belongs to no one but the people. And because of his diligence and a well-documented commitment to community service, the people should grant him another term.

The Herald recommends **EDWARD NEWMAN** for Group 7.

GROUP 35

Judge Wendell Graham was appointed to the bench in 1994 by the late Gov. Lawton Chiles. He has returned to the Judicial Nominating Commission process four times seeking an appointment to the circuit court and been nominated four times for Gov. Rick Scott’s consideration.

A willingness to go through such a rigorous process — Judge Graham’s application is 49 pages long — speaks well for any attorney or judge.

Antonio Jimenez, 35, is Judge Graham’s challenger. He is a pleasant young attorney who spent two and a half years in



Graham

the state attorney’s office, where he was assigned to the misdemeanor and felony crimes units, and eight years as a criminal defense attorney in his own practice. He says he decided to challenge Judge Graham only because the incumbent filed to keep his seat late in the game. As a defense attorney, he not only seeks justice for his clients, he says, but also help beyond the court system.

Judge Graham brought a heftier resume to the bench, having been a special DUI and narcotics prosecutor in the state attorney’s office during the Janet Reno years before going into private practice.

He says that he manages his docket competently because, “I don’t want a \$300 cases to end up a \$30,000 case.” He, too, works to help troubled people find stability and a straighter path. He made sure his office found housing for woman with medical issues who was facing eviction. He says that he is industrious, though courthouse sources say that he could move even more quickly in the name of efficiency.

Judge Graham’s considerable experience, and his appointment by Gov. Chiles, should give voters the confidence to return him to the county court.

The Herald recommends **WENDELL GRAHAM** in Group 35.



OPEN MIC

St. Rose Lima pastor cleared, but reassigned

Again, reporter Ana Veciana-Suarez writes an article giving the wrong perception. Father Pedro Corces has been cleared by the Archdiocese of Miami — not “cleared, in part” like you state in your Sunday, July 12 article. *Shores pastor is cleared of sexual allegations, but not off the hook.*

Father Corces has admitted he’s not a good administrator, never studied it, never liked it. He went to the seminary to be a priest, a shepherd, to guide people to a closer relationship with God, and he has done a wonderful job at that. Why didn’t you write that Archbishop Thomas Wenski mentions the many letters he has received stating the “positive influence Father Corces and his ministry have had?”

You also give the wrong perception when you state a “group of parishioners” presented complains to Archbishop Wenski.

Are you aware that the “group” consists of less than 10 families, some of them not parishioners but only parents of the school?

St. Rose of Lima has around 2,000 families. That is less than 0.5 percent of the parish families. And, please, also clarify that Rosa Arnes-to, the leader of this “group,” is not even a parishioner of St. Rose of Lima.

The great majority of parishioners of St. Rose, as well as the catholic community of South Florida, applaud Archbishop Wenski’s letter and are eager to move on.

Please, stop the slander and let’s move on!

– Silvia Muñoz, Doral

WADE’S LEGACY

I am sad as a basketball fan (Indiana University grad 1977 and 1979) that Dwyane Wade chose not to finish his career in Miami, but I understand the realities of professional basketball negotiations that led to that decision. I would like to thank him for what he has given to our city over the years — and what he leaves as his legacy.

Downtown Miami is better because of him. His efforts to bring the “3 Kings” to the Heat helped fuel our city’s rise to prominence and take it global. The skyline pictures of

Downtown Miami alone during the championships gave Miami instant credibility in the eyes of international audiences. And the energy he brought, both on the court and in the community, helped tell the story of this young city and created a sense of optimism for what lay ahead.

From championships celebrated with the pots and pans brigades to awesome downtown parades — these will live in my mind as some of the best memories of the “Magic City” that I cherish.

Being from South Bend, Ind., Chicago is close to my heart, but Miami is my home and the Miami Heat is my team.

Chicago is a great city and I wish Wade all the best there. But I hope he knows that his contributions to the economic development of downtown Miami have not gone unnoticed.

The city he came to 13 years ago is a far cry from the thriving metropolis that he leaves today and, in part, that is because of him.

– Alyce M. Robertson, Executive Director, Miami Downtown Development Authority

DALLAS SHOOTING

The horrific shooting in Dallas should make us appreciate the efforts of Martin Luther King Jr.

He probably felt and surely knew about the rage inside so many African Americans that was a product of past and continuing bigotry.

His leadership and legacy of non-violent protest may have diverted some and perhaps many from the tragic path chosen by the Dallas shooter.

The peaceful demonstrators of Black Lives Matter are a living memorial to his efforts.

– L. Gabriel Bach, Miami

DALLAS COVERAGE

Once again I opened my morning Herald expecting to see extensive coverage of the murders of the Dallas police officers. Once again I was disappointed and disgusted.

One day, Dwyane Wade was the headline, another day it was something about yard sales in Venezuela, and on Tuesday’s newspaper the front page carried information about a silly, trivial Pokemon game!

Seriously? I am appalled at the coverage the Miami Herald has not had regarding this horrendous act in Dallas! The newspaper has shocked and disappointed me before, but this is an all-time low.

Where is all of the information about the men in uni-

form who were killed? Those who were wounded? The civilians who were hurt? Background on the killer? An article about the hero in all of this, Police Chief David Brown?

I cannot help but think that the coverage is much greater when the shoe is on the other foot, when an officer kills a black man. In fact, I *know* it is. I have seen and read the pages and long articles with every single detail laid out.

The Miami Herald should be ashamed, and everyone who has anything to do with what is covered and printed in this newspaper should hang their head.

– Debbie Binder, Homestead

BLUE GREEN ALGAE

On Nov. 14, 2015, I stood with dozens of other opponents of the first Florida black bear slaughter in protest of Gov. Rick Scott being honored by the Fish & Wildlife Foundation of Florida, the civilian support organization of the Florida Fish and Wildlife Conservation Commission, FWC.

The event was dubbed the BlueGreen Event and Scott’s recognition became known as the BlueGreen Award.

I would like to retract my protest.

Upon seeing the photo of the boats suspended in blue-green slime that accompanied Fred Grimm’s coverage of the coastal algae outbreak, my wife immediately remarked, “The BlueGreen Award.”

I now clearly understand the true symbolism behind the award and readily admit that Rick Scott was eminently qualified to receive it.

– James H. Woodard, Palmetto Bay

NO LAUGHING MATTER

The only difference between Donald Trump and comedian Don Rickles is that when Donald Trump says the mean things he says, he means it as there’s nothing funny about it.

– Barry Levy, Miami

SLIMY ALGAE

The source of that green, slimy stuff fouling the waterways is green, slimy money that has fouled the political system for much too long.

Elected representatives in Tallahassee have given us legislation “basically allowing big agricultural operations to police their own chemical discharges” according to Carl Hiaasen’s Sunday Op-Ed.

“In exchange for a deluge of campaign donations they have worked steadfastly to gut pollution regulations and put the biggest polluters in charge of state water policy,”

DAILY Q

Was it wrong for Supreme Court Justice Ruth Bader Ginsburg to criticize Donald Trump, or any other presidential candidate?

Vote at MiamiHerald.com/opinion

TUESDAY’S RESULTS

Some members of Congress want the Justice Department to investigate whether Hillary Clinton committed perjury in testimony about the use of a private email server. Are they right?

Yes	37%
No	63%
Total	155

The Daily Question is an unscientific measure of our community’s pulse. Published results are tallied at 5 p.m.

“PEOPLE ARE NOW SAYING THAT HILLARY CLINTON HAS NARROWED HER LIST OF POTENTIAL VICE PRESIDENTS DOWN TO FIVE PEOPLE. I’M SORRY, SHE’S ‘DELETED’ THE LIST DOWN TO FIVE PEOPLE.”

Jimmy Fallon

Hiaasen writes. Commonsense measures, overwhelmingly supported by voters, are repeatedly blocked in Tallahassee and Washington by well-heeled, self-interest groups whose green, slimy campaign contributions trump the will of the voters on gun control, climate change, Everglades restoration, prisons, bank regulations etc.

If we want to take back our government and make it work for us, the answer is not to kick out everyone who has a clue how government should work, but to overturn Citizen’s United and reenact campaign finance reform.

– Helene B Dudley, Miami

IN MY OPINION
BY LEONARD PITTS, JR.

On race, our behavior proves us liars



This is not about the police. At least, not solely. Granted, the police are the reason we are heartbroken today, the reason cable news networks are assembling panels to talk about black and blue, the fraught intersection between African Americans and the law. Last week, after all, saw two more African-American men shot by police under questionable circumstances and then, five Dallas police officers assassinated by a sniper at a Black Lives Matter rally.

But ultimately another tragedy overarches both of those: America’s ongoing struggle to reconcile itself along lines of race. We are still fighting over what being black means — and should mean — in a nation that ostensibly holds equality as a foundational belief.

We say that’s what we stand for, yet in virtually every field of endeavor, our behavior proves us liars.

In education, for instance, the federal government issued data in 2014 documenting that even as early as *preschool*, African-American kids are suspended far more frequently than others.

In medicine, a 2016 study by researchers from the University of Virginia found that white med students were sometimes less aggressive in assessing and managing the pain of African-American patients.

In labor, a 2003 study by the

National Bureau of Economic Research found that job seekers with perceived “black” names were significantly less likely to get callbacks from prospective employers.

And in justice, oh, dear God. Multiple studies have documented a system that, from arrest to incarceration, is heavily stacked against African-American people.

This is not abstract. This is blood and bone reality, life as experienced by over 40 million Americans. And can any thinking or compassionate person blame them if they are sick and tired of it?

Yet rather than respond to expressions of that frustration and anger in constructive and compassionate ways, too many of us seek every cowardly avenue of avoidance they can find.

Some take refuge in defensiveness, answering complaints about subconscious and systemic biases as if you’d just accused them, personally, of membership in the KKK. As if their feelings were what this is all about. Others try to shout down the messenger, often using the absurd formulation that to talk about race is racist.

Go online if you’re not there already and read the message board beneath this column; chances are good you’ll see examples of both.

Then, there are those who try to change the subject. As in Bill O’Reilly, the TV pundit, who recently proclaimed that Martin Luther King would never march



ERIC GAY AP

Among the speakers at a service for the fallen officers in Dallas were former President George W. Bush and President Barack Obama.

with Black Lives Matter, a movement O’Reilly accuses of fomenting violence. King would probably find that laughable, given how often he was accused of the selfsame thing.

But again, to make this all about Black Lives Matter — or policing — is to make it too small.

Granted, inequality becomes more visceral, visible and urgent when police are concerned, when we are called upon to tease out the role color played in some split-second decision to pull the trigger. But the point is, color also plays a role in the decision to punish a toddler, call back a job applicant, prescribe a

drug, approve a loan, rent an apartment, or just extend the benefit of the doubt.

The police do not stand apart from society — they reflect it. And our society is riven by race, defensive about race, terrified of race. We say we seek understanding and light, yet too often generate only noise and heat. If America is ever to reconcile itself, that has to change.

It’s fine to demand better training, more body cams, more community liaisons. But to lay the onus entirely on the men and women in blue is to delude ourselves. Ultimately, the police are not the problem. We are.

Keeping the peace in a militarized culture



BY PAUL WOODRUFF
paul.woodruff@austin.utexas.edu

My brother and I both hate fireworks, because they sound like combat. He served in the Marines in Vietnam and I was in the Army. Explosions still make us jumpy. So we spent the Fourth of July deep in a national park where such explosions are forbidden.

When we returned to so-called civilization, we were horrified to learn of real-life combat in Dallas. A veteran had used his military skills to assassinate innocent policemen, and the police, in turn, used a robot to blow up the

veteran. Should the police have used a robot to kill the sniper? The robot is a military device. It’s a shame that the police are more and more arming themselves like the military, but we should not blame them for that.

Our society is now so heavily armed that the police have no alternative: Keeping the peace in a militarized culture requires a militarized police force. That is a shame, but get used to it. That’s the world we live in. We can only dream of an America in which civilians are never armed like soldiers.

As a veteran, I care deeply about these issues. I take some pride in my service, and I believe that military training and equipment should never be used unethically. As a university philosopher, I don’t claim to have the authority to judge the police or anyone

else. But I do have strong views about what questions should be asked in a case like this — and what questions to ignore.

We do not need to ask about drones. This robot operation was not at all like

what the drones are doing. Drones are being used for assassinations; recourse to assassination in warfare is controversial. Drones are especially controversial because of the damage they can do to innocent



people. Also, we do not need to ask about self-defense. The sniper claimed also to be a bomber, and as such, he presented a major threat to the people of Dallas. The police were not only acting to save themselves. Self-defense in a military context is a difficult issue, because in combat no one is totally innocent. But this was not a typical combat mission. These police officers were totally innocent, and they were there to protect lives other than their own.

As for the many killings of innocent African-Americans by police officers, these cannot count as self-defense. They are not even pre-emptive killings, because the victims posed no threat. Such actions cannot be justified by any principle.

So what are the ethical questions that do matter for this case that we need to ask?

● Did the sniper remain a

threat to the lives of innocent people, including police officers? Apparently yes.

● Was there no other way to remove the threat, short of killing the sniper? Had negotiations failed? Apparently yes.

● Was it safe to send a live attacker against the sniper? Apparently no.

● Did using the robot create the danger of collateral damage — of killing innocent people along with the sniper? Apparently no.

Apparently the police answered all of these questions to the best of their knowledge. If so, they did the right thing.

After we talked, my brother said, “After seeing ‘Star Wars,’ I want to know whether the robot was OK at the end of the day.” But he knew as well as I that what matters is saving human lives.

Paul Woodruff is a distinguished teaching professor of philosophy at The University of Texas at Austin. He served in the U.S. Army in Vietnam in 1969-70 and has written on military ethics.

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Don’t stigmatize addiction and mental illness



BY FRED MENACHEM
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If a person is diagnosed with breast cancer the medical protocol is different than for someone diagnosed with lung cancer. Diseases manifest themselves in varying ways that are consistently evaluated and assessed by trained medical professionals to identify appropriate treatments. Scientists test new medications, while researchers collect data, studying ways to treat and hopefully prevent the disease in the future.

Yet in 2016, more often than not, we view and treat the disease of addiction as well as mental health from the singular lens of a monolithic telescope, while many voices in both the recovery and even the medical community fiercely resist new methods of treatment.

No one doubts that “12 Step” programs play an invaluable role for some in the treatment of addiction, but they aren’t a solution for everyone. Plus, for many, they need to be complemented with a triage of integrated care to include continuing med-

ical, psychiatric and psychological components.

They certainly don’t justify courts and medical practitioners throwing their hands in the air and limiting a patient’s options to a spiritual solution while ignoring the medical components of the disease. If the medical profession treated any other disease this way it would be considered malpractice.

In the 1980’s we saw how stigma played a role in those afflicted with HIV. Those who were diagnosed with AIDS were demeaned and cast out as many voices claimed they were morally deficient. For a long time, because of those ideas, research wasn’t funded at the appropriate levels, causing tragic suffering and unnecessary deaths.

Today, 75 percent of addiction sufferers never receive the treatment they need, and often times the treatment they do receive is far from adequate while barely recognizing the mental health and medical component that often goes hand in hand with substance use disorders.

As it relates to research, very few legitimate studies exist, most are manipulated by an unregulated industry tasked with saving lives while encouraging protocols that do little to make an impact on the disease. Instead much of the “research” gives unscrupulous providers new funding sources so they can justify billing insurance companies for bogus services, increasing their profit margins.

The responsible data that does exist shows little or no improvement in treating the disease of addiction over the course of the past 100 years.

Did you know that doctors aren’t limited by the

number and strength of opioid painkiller pills prescribed to their patients? Yet physicians who agree to prescribe buprenorphine (Suboxone), the medication that assists with withdrawal from these opioids, are only permitted to treat 30 patients at any one time in the first year and up to 100 patients in subsequent years. Through the use of medication-assisted therapies, France was able to lower its drug overdose rate by 79 percent over a four-year period. Yet here in the United States, we still restrict their use.

President Obama has taken tremendous leadership on this issue, requesting \$1.1 billion in new

funding to combat substance use disorders. But Congress needs to pass the “Comprehensive Addiction and Recovery Act” with the additional funding. The reality is if bills like CARA aren’t properly funded, it will only be another empty piece of legislation that does little to provide the necessary tools to combat the growing epidemic of addiction that’s plaguing our nation.

We have gone too long without the proper resources to combat this disease. This is the time for Congress to act.

Fred Menachem is a substance abuse and mental health reform advocate.

