

# *The Bothwell Letter*

News from the Law Offices of Anthony P. X. Bothwell  
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## **SETTLEMENT BY U.K. FIRM MEANS WHISTLEBLOWER PROTECTION RULE FOR ALL U.S. NUCLEAR CONTRACTORS BECOMES BINDING PRECEDENT**

London-based Invensys has settled with safety advocate David Robinson, who reportedly was fired after disclosing defects in control room instruments for Florida and Nebraska nuclear power plants. By forgoing trial, the parties ensure that a 2012 U.S. Department of Labor Administrative Review Board ruling in Robinson's case becomes *binding precedent – thus protecting all workers in the U.S. nuclear power industry*. If the case were tried on the merits and appealed, the U.S. Court of Appeals for the Ninth Circuit could have reviewed the rule that protects contractors from retaliation for reporting hazards. Robinson, a former U.S. Nuclear Regulatory Commission senior inspector, was a contractor for Invensys in its Triconex nuclear technology facility in Irvine. His story was the subject of a case study in the May 2010 issue of *Public Utilities Fortnightly*. Settlement terms are confidential. Settlement was announced June 16 by Robinson's attorneys, Tony Bothwell of San Francisco and Thad Guyer of Medford, Ore.

## **HONOLULU AGE DISCRIMINATION CASE IS LATEST SETTLEMENT**

Two federal matters were settled in a recent seven-day period by the Bothwell law firm. Settlement was reached June 5 on an age discrimination charge in Honolulu, while preserving the complainant's right to pursue other, similar charges. On May 30 settlement came in a whistleblower case in San Francisco for which witnesses testified in depositions conducted in five states. Since 1999 Tony Bothwell and associates have helped nuclear weapons lab workers, electric and gas utility employees, police officers, medical and legal workers and others, winning monetary damages and other remedies for discrimination, harassment and retaliation. A pending suit filed by Bothwell in the District of Hawai'i contends that a U.S. military hospital has violated the the Civil Rights Act of 1964 and the International Convention on the Elimination of All Forms of Racial Discrimination.

## **SHINSEKI STARTS INVESTIGATION OF CLAIMS BY BOTHWELL CLIENTS**

Veterans received substandard care due to understaffing at North Texas V.A. Medical Center while managers got big bonuses for themselves, CBS-11 in Dallas reported June 12. Nurses who complained were forced out. Ramona Spencer has asked a judge to sanction the V.A. for failing to investigate harassment by a supervisor who even refused to let her clean up after being drenched in a patient's blood. Jackie Horton quit when managers refused to investigate sexual assaults by a coworker who even threatened gun violence against women. KTVT-TV reports that V.A. Secretary Eric Shinseki now is investigating the complaints by Spencer and Horton, who are represented by Atty. Tony Bothwell.

## **HOLOCAUST SURVIVORS, RESCUERS AND WWII VETS HONORED**

Over 1,000 Holocaust survivors and more than 800 rescuers gathered for the 20th anniversary of the U.S. Holocaust Memorial Museum April 29-30 in Washington. Founder Elie Wiesel said Franklin D. Roosevelt was a very great leader who was, however, slow to act to save Europe's Jews. "I felt some pride," museum founding member Tony Bothwell commented later, "knowing that my dad worked with the Resistance in Nazi-occupied Yugoslavia." The late Frederick C. Bothwell, Jr. was a U.S. Army Air Corps colonel who was awarded the Bronze Star, Britain's Order of the British Empire and France's Croix de Guerre.

## **HEROIC PRIEST DOCUMENTS KILLING FIELDS IN EAST EUROPE**

Aided by a diverse team of 20 young people recruited from around the world, a French Catholic priest, has found mass graves of half of the 2.4 million Jews and others brutally murdered in the early 1940s by Nazis and local police in seven countries. Rev. Patrick Desbois of Paris and his team have made videos of interviews of eyewitnesses who have shown them killing grounds and mass graves in rural areas of Eastern Europe – corroborating details in archives that were sealed during the Soviet era and only later translated. Not only Jews but also the disabled, gays, gypsies and political prisoners were shot (in some instances the children were hacked by shovels) and usually buried alive in graves the victims were forced to dig, Father Desbois told a May 23 meeting at San Francisco's Jewish Community Center. The meeting was sponsored by the U.S. Holocaust Memorial Museum, which helps raise funds to support the Desbois project. He hopes to document the remaining hidden mass graves of over a million additional victims also killed before any Nazi extermination camps were built. The task is urgent, Father Desbois said, because the number of eyewitnesses still able to testify is dwindling.

## **RWANDA DIPLOMAT TAKES UNDIPLOMATIC EXCEPTION**

Filip Reyntjens, professor of African law and politics at the University of Antwerp, told a lawyers' seminar in Washington April 26 that Rwanda "is not a safe place for refugees to return to." The Hutus, he said, now "live in constant fear of arrest." (More than 500,000 members of the Tutsi minority died in the 1994 genocide.) In the front row, Rwandan Ambassador James Kimonyo stood up and said Prof. Reyntjens "supported the [former] government until it committed genocide." The mild-mannered professor responded, "You know that's not true." The ambassador loudly denounced Reyntjens as "a Rwanda hater and a Belgian" who has "similarity to King Leopold!" Amb. Kimonyo said that Rwanda "is one of the safest countries for anyone to live in," and that the professor was trying "to confuse this audience." The ambassador loudly continued on the same theme for about 15 minutes, ignoring repeated pleas by the session moderator to state a question or sit down. "I'll end this panel," the moderator said, demanding that the ambassador "obey the rules!" Organizers later said it was not the first time tempers flared at a meeting of the American Bar Association's international law section. Said one, you should see when the representatives of China and Taiwan meet.

## **BLIND LAWYER DEMANDS FREEDOM FOR CHINA'S PEOPLE**

Chen Guangcheng, the blind human rights lawyer from Dongshigu Village, Shandong Province, demanded freedom for the people of China when he addressed an international lawyers' meeting April 25 in Washington. His translator, Rev. Bob Fu, described Chen's dramatic night-time escape a year ago to U.S. protection. Speaking in a forceful, staccato style, Chen called for an end to forced abortions, extrajudicial executions, torture and other human rights violations in

China. Although not a believer himself, he spoke for the rights of Falun Gong, Christians and other prisoners of conscience. “The theory that economic development will inevitably change the country toward the rule of law is a false theory,” he said. “Justice will do so, not economics.” He argued that, in “the information age, the global village, there is nothing we cannot do.” We are stopped by “only a lack of will,” due to “danger and fear of tyranny.” He said China, which had 200,000 protest demonstrations last year, spends \$100 billion annually on internal security -- “it exceeds the defense budget.” And yet “more and more lawyers are standing up” in China, he said. “My proposal to you is that we can all stand up, support those fighting for human rights and freedom, especially the lawyers. As long as we are willing, we will accomplish our goal.” He received an extended standing ovation. Asked how he summoned such courage, Chen answered that the atrocities are intolerable.

#### **‘OFF-THE-RECORD’ COMMENT ON ISRAEL ARMS WAS ON THE RECORD**

The long-term aim of a nuclear-free world was affirmed by Rose Gottemoeller, acting secretary of state for arms control, in a luncheon address April 25 at the Hyatt Regency on Capitol Hill. She recalled President Kennedy’s 1963 American University speech urging nuclear détente, and President Obama’s 2009 Prague speech that called for eventual achievement of “a world without nuclear weapons.” Tony Bothwell, author of a 2011 International Law Association web report on U.S. nuclear arms policy, asked if there is any “hope or plan” for Israel to join a nuclear arms control regime. “We are in very close contact with Israel on this and other issues,” Gottemoeller answered. “We already work with them on arms control and disarmament.” She added that Israel has “very serious security and policy concerns.” Then an American Bar Association official took the mike and said that the assistant secretary’s remarks were “off the record.” But the off-the-record rule didn’t apply because it was not invoked until after Gottemoeller’s remarks had been heard by a banquet hall full of lawyers and guests from all over the world.

#### **JUSTICE GINSBURG’S DEFENSE OF INTERNATIONAL LAW**

Ruth Bader Ginsburg, associate justice of the Supreme Court, was the honored guest April 26 at the ABA international law section meeting in the nation’s capital. She said that when skeptics ask her whether international law is applicable to the United States, she explains, “It’s the law of nations, and we are a *nation*.”