

# Two celebrities lose fight to keep nude photos off web

By David Rosenzweig  
Los Angeles Times

LOS ANGELES -- Former "Baywatch" actress Pamela Anderson Lee and talk-radio therapist Laura Schlessinger, a staunch advocate of conservative sexual mores, both lost court battles Monday to keep nude pictures of them out of circulation.

In separate cases in federal court, lawyers for the two women tried to block a Seattle-based Internet company from disseminating 12 nude photos of Schlessinger taken two decades ago and a sexually explicit honeymoon video of Anderson Lee and her now estranged husband, rock star Tommy Lee.

Both personalities had filed mo-

tions against Internet Entertainment Group, which bills itself as the No. 1 purveyor of sexually oriented material on the Web.

Neither Schlessinger nor Anderson Lee attended the proceedings.

In Schlessinger's case, U.S. District Judge Dean Pregerson lifted a restraining order he had issued Oct. 23 after Internet Entertainment posted photos of a bare-breasted and sometimes fully nude Dr. Laura on its Club Love sex site.

He agreed with company lawyers that any further court injunction would be pointless, because at least five other Web sites had copied the photos without permission and posted them on their own sites.

In addition, the company's lawyers

said in a legal brief, the photos had been replicated anonymously at countless newsgroup sites, making them accessible to millions of Internet users around the globe.

"Simply stated," they said, "the photographs are no longer 'private facts.'"

Schlessinger, author of the best seller "The Ten Stupid Things Women Do to Mess Up Their Lives," still can pursue her lawsuit against the company. It charges invasion of privacy and misuse of her publicity.

The photos were taken by Schlessinger's former mentor and lover, talk-radio pioneer Bill Ballance, who sold them to the Internet company for "tens of thousands of dollars," according to a news release by

Internet Entertainment Group.

Ballance, also a defendant in the federal lawsuit, was quoted in the release as saying he took the pictures at Schlessinger's request in his Hollywood apartment and in hotel rooms in Palm Springs, Calif., and the Grand Canyon.

He said the photo sessions began one day when Schlessinger was prancing naked through his apartment, admiring her figure.

"I reminded her that it would not always be like that and would eventually start sagging," Ballance said. "She agreed, and she said, 'I'd like you to take some photographs of me the way I am now at the age of 28 so that I can look back one day and see that this is the way I once was.'"

Now 51, Schlessinger has since become a vigorous proponent in her daily, three-hour call-in program of sexual abstinence outside of marriage, stronger families and Judeo-Christian values. Her show has surpassed Rush Limbaugh's in audience ratings.

After hearing arguments, Pregerson said he intends to throw out Anderson Lee's entire suit because she and Tommy Lee signed away their rights to damages in a 1997 out-of-court settlement with Internet Entertainment Group.

The Lees took the sexually explicit video while honeymooning. They said it was later stolen from a locked safe in their home and sold to Internet Entertainment Group, which posted it on its members-only Web site.

The couple initially filed suit in state court, contending the company was guilty of receiving stolen property, invasion of privacy and using the video without permission.

In an out-of-court settlement, the Lees agreed to drop their suit and waived their future right to sue on a broad variety of grounds.

David Weeks, attorney for the couple, argued in court Monday that the Lees and their former lawyers thought the agreement applied only to dissemination of the tape on the Internet.

He said no one could have reasonably envisioned that Internet Entertainment would distribute the tape on videotape, CD-ROM and in hotel rooms throughout the world.

# Tales of hit men, adultery, intrigue emerge in Delaware murder trial

By Craig Whitlock  
The Washington Post

WILMINGTON, Del. -- Thomas J. Capano is a liar and a three-timing philanderer who wrapped an anchor around his young lover's corpse before tossing it into the ocean -- this according to his own defense attorneys, who are trying to spare him the death penalty.

On the surface, the odds seem to be against Capano, a rich bond lawyer and powerful figure in Delaware politics whose much-publicized murder trial began last week. The case has transfixed Wilmington's close-knit political society with its numerous disclosures of sordid intrigue, including allegations of multiple mistresses and hired hit men.

Capano, 49, stands accused of killing Anne Marie Fahey, a 30-year-old secretary to Gov. Thomas R. Carper, D, in a jealous fit two years ago because she tried to break off their affair. Prosecutors have won the grudging cooperation of two of Capano's brothers and expect them to testify that they helped him cover up Fahey's death.

But Capano's defense team dropped a shocker at the outset of the trial that further heightened intense local interest in the case. After denying for two years that he had anything to do with Fahey's disappearance, Capano's lawyers admitted he dumped her body from a fishing boat and lied repeatedly to investigators.

But they still argued that he was innocent of murder. Joseph S. Oteri, one of Capano's lawyers, said in his opening statement that Fahey died in "an outrageous, horrible, tragic accident." Furthermore, Oteri said, there was a mystery witness who was present during Fahey's death and who could verify Capano's story.

Although Oteri refused to elaborate or to name the witness, court documents and people familiar with the

case suggest the defense may try to pin Fahey's death on another of Capano's lovers: Deborah MacIntyre, a private-school administrator who had been his mistress for 15 years.

MacIntyre has denied any direct role in the crime. But she has told investigators that she bought a handgun for Capano at his request a month before Fahey died.

"I suspected for a long, long time that they might try to shift the blame onto her," said Thomas Bergstrom, MacIntyre's attorney. "It wouldn't surprise me at all. But she didn't do it. She wasn't there."

Capano's attorneys have suggested that he might take the stand on his own behalf but otherwise are keeping mum about their strategy. In addition to Oteri, Capano's high-priced defense team includes Charles M. Oberly III, a former Delaware attorney general, and two other prominent criminal lawyers.

The trial could last as long as two months, according to the lawyers involved. Prosecutors spent the first week buttressing their portrayal of Capano as a master manipulator, a man who alternately browbeat and charmed his lovers, persuaded his brothers to help him conceal a murder, and through it all somehow retained a measure of loyalty from his long-spurned wife.

Capano met Fahey on Jan. 27, 1994, her 28th birthday. He was a municipal-bond lawyer with the Philadelphia-based firm of Saul, Ewing, Remick & Saul. But he was better known in Wilmington as an influential Democrat who had been chief counsel to former Gov. Michael N. Castle, a Republican.

She was the attractive young scheduling secretary for Carper, but also the child of a broken home; her mother died when she was 9 and she was raised by an alcoholic father who drank the family into poverty.

Capano and Fahey kept their rela-

tionship a secret but she recorded details in her diary, portions of which were read in court. In it, she sounds smitten but also wracked with guilt about the affair.

"Jesus, how and why did I allow myself to fall in love w/a married man???" she wrote in her diary on Feb. 22, 1995. "I know exactly why: (he) is kind, caring, responsive, loving, has a beautiful heart, extremely handsome and was kind and gentle to me. . . . I often fantasize about T. and me, and how I want to spend the remaining yrs. of my life w/him."

The diary describes how Capano offered to pay rent on her apartment if she would be his "girlfriend." He also bought her expensive clothes and a large color television and offered to give her a luxury sports car.

At the same time, Fahey wrote that Capano could be jealous and possessive. In April 1996, she tried to end the affair because she wanted to continue to date another man she had met, a young, single bank executive.

But Capano did not go away easily, according to prosecution witnesses. Michelle Sullivan, a psychologist who was Fahey's therapist in the spring of 1996, testified that Fahey told her Capano was "haunting her," that he often showed up at her apartment uninvited and called her as many as 20 times a day. Sullivan also said Capano threatened to expose the affair if she did not agree to keep seeing him.

The last time Fahey was seen alive was June 27, 1996. That night, she and Capano had dinner at Ristorante Panorama, a posh Philadelphia restaurant. Capano told investigators he dropped her off at home by 10 p.m.

Two days later, Fahey's family and friends reported her missing. The Wilmington police, Delaware state police, the FBI and Carper's security team conducted an intensive search but failed to find her.

Capano became a prime suspect

right away when Fahey's sister discovered the diaries and learned of the affair. But he was not arrested until 17 months later, when his youngest brother, Gerard Capano, confessed to helping him dump a body into the Atlantic about 70 miles off New Jersey. The body has not been found.

A second brother, Louis, also confessed to helping Thomas Capano dispose of a rug and a blood-stained sofa that prosecutors say would bolster their theory that Fahey was killed in Capano's home.

Yet another person has turned against Capano: his other mistress, Deborah MacIntyre. After initially denying that she bought a gun for him, MacIntyre later admitted to investigators that she had lied to protect her lover. She has also agreed to testify for the prosecution.

The defections of those close to him apparently has irked Capano. In letters he sent to MacIntyre from jail, he accuses her of "destroying" him by agreeing to turn state's witness.

"I've always protected you and would never let any harm come to you because of my love to you," Capano wrote on Feb. 27. "How could you destroy the man you say you love who has always been there for you, always kept his promise to you, sacrificing greatly for you. Why?"

Prosecutors cite the letters as evidence that Capano's defense "may attempt to argue or suggest that Deborah MacIntyre killed Anne Marie Fahey on June 27, 1996," according to court papers.

In one more twist, prosecutors have charged Capano with trying to hire hit men from jail to kill MacIntyre and his brother Gerard. The plot surfaced in June, when a prisoner told authorities Capano offered him \$100,000 to arrange the murders. As evidence, investigators allege that Capano enlisted the help of his estranged wife, Kay, to deposit money in the prison commissary accounts of fellow inmates.

# Court: tabloid defamed farmer by repeating charges

By Maura Dolan  
Los Angeles Times

SAN FRANCISCO -- In a widely watched media case, the California Supreme Court decided Monday that the *Globe*, a supermarket tabloid, defamed a Bakersfield farmer by repeating a book's false charge that the man was the real assassin of Sen. Robert F. Kennedy.

The tabloid, backed by many mainstream media, had argued that if it accurately and neutrally reported charges being made in a book or other public controversy, it should not be held liable.

There are certainly occasions when in a heated public controversy, charges are being leveled and the media would be remiss in failing to report to the public that those allegations are being made, even when the media do not think they are true.

Joshua Koltun, Khalid Khawar's lawyer

But the high court disagreed, unanimously upholding a \$1.175 million libel verdict. Khalid Khawar, a grape and citrus farmer, was a private figure, and the media are not protected from libel when they repeat defamatory information about private people in otherwise neutral reporting, the court ruled.

The book in question sold only 500 copies before its publisher withdrew it after Khawar sued. The *Globe* sold 2.7 million copies of the tabloid containing its report.

"There are certainly occasions when in a heated public controversy, charges are being leveled and the media would be remiss in failing to report to the public that those allegations are being made, even when the media do not think they are true," said San Francisco lawyer Joshua Koltun, whose firm, Steinhart & Falconer, represented several media organizations in the case.

But the court said such reports would rarely benefit the public when the allegations are against a private individual.

"On the other hand, the report of such accusations can have a devastating effect on the reputation of the accused individual, who has not voluntarily elected to encounter an increased risk of defamation and who may lack sufficient media access to counter the accusations," wrote Justice Joyce L. Kennard.

The ruling is likely to make the media more cautious when report-

ing on public controversies involving persons who could conceivably be viewed as private, rather than public, figures, Koltun said.

Khawar, who farms 480 acres, said he decided to file a lawsuit about the *Globe's* 1989 report only after his family received death threats, his son's car and the family home were vandalized and his middle son, who was then in eighth grade, was beaten at school.

"The only good thing that came out of this case is because of it, my middle son is studying law," said Khawar, a native of Pakistan who is now a U.S. citizen and has lived in California about 36 years.

"I am very happy," Khawar said, adding that he expects he will win if the *Globe* appeals the decision to the U.S. Supreme Court, which the publication is likely to do.

Khawar, 59, was at the Ambassador Hotel in Los Angeles when Kennedy was killed in 1968. He was working as a photographer that night for a Pakistani periodical. He stood on a podium near Kennedy, hoping to get a good photograph of the senator and anxious that a friend also photograph him with Kennedy for a personal memento.

In a 1988 book called "The Senator Must Die: The Murder of Robert Kennedy," former CIA contract agent Robert Morrow wrote that the Iranian secret police and the Mafia assassinated Kennedy, not Sirhan Sirhan, who was convicted of the murder.

The book identified the killer as a young Pakistani who wore a gold-colored sweater on the night of the killing and carried a gun concealed as a camera. Although the book got Khawar's name wrong, it contained four photographs of him in a group of people around Kennedy shortly before the murder.

The *Globe* repeated the allegations in a report about the book and enlarged one of the book's photographs so that Khawar could be identified. No one from the *Globe* had contacted Khawar for a comment.

In addition to suing the *Globe*, Khawar also sued writer Morrow and Roundtable Publishing Inc., which had published the book. Roundtable apologized, withdrew the books and gave most of the 25,000 that had been printed to Khawar in a settlement.

Morrow was dismissed from the case because he had not identified Khawar by his true name, and Khawar could not be identified in the book's photographs.

In appealing the verdict, the *Globe* was joined by the Los Angeles Times, The New York Times, CBS, NBC and ABC and other media.

# Five of 10 'Most Powerful' slots in Britain go to Americans

By Bill Glauber  
The Baltimore Sun

LONDON -- Five of the 10 most powerful people in Britain are Americans.

At least that's the verdict announced Sunday by The Observer newspaper in its list of Britain's new establishment -- the 300 movers and shakers who wield power in this nation.

While British Prime Minister Tony Blair tops the list, coming in at No. 2 is Rupert Murdoch, the Australian-born American whose worldwide media empire includes a string of influential British newspapers and television outlets. No. 3 is Microsoft's Bill Gates, judged the "ultimate business role model" for a government "obsessed with modernity and the information age."

Other Americans in the top 10 are

President Clinton (7), a key player in the Northern Ireland peace process and a role model for Labor's return to power; General Electric's Jack Welch (9), a top management thinker; and Federal Reserve Chairman Alan Greenspan (10), whose pronouncements move stock markets worldwide.

The Observer wrote that "a new elite has sprung up to replace the old Establishment -- with foreign businessmen, celebrities, spin-doctors and invisible international fund managers" controlling more of Britons' lives than those representing the old pillars of government, church and aristocracy.

An eight-member panel, led by longtime Labor politician Roy Hattersley, made the selections after six months of research with Britain's Channel 4.

The list is trendy and top-heavy

with media people. But it speaks of a Britain increasingly concerned with style and its place in an increasingly interconnected world. It also shows that as Parliament has become less relevant in the daily lives of Britons, those in the arts, sports and fashion have made an impact.

Most of all the list seeks to show that the old order is out. Queen Elizabeth II is ranked 30th, while Prince Charles is 55th. Pope John Paul II (90) is judged more powerful than Dr. George Carey, the Archbishop of Canterbury (186).

"The Queen just made it to number 30 because, although stripped of her constitutional power, she remains influential with ministers and a role model for many of her older subjects," Hattersley wrote.

The list is sure to stoke controversy. As the newspaper itself noted, "it still helps to be white, male,

middle-aged and Oxbridge-educated." Forty-three of the most powerful attended Cambridge, while 41 attended Oxford.

Others in the top 10 include Trade Secretary Peter Mandelson (4), Chancellor of the Exchequer Gordon Brown (5), Bank of England Governor Eddie George (6) and German Chancellor Gerhard Schroeder (8).

Only seven women made the top 100. The most powerful is Northern Ireland Secretary Mo Mowlam (28).

The list includes a few curveballs. Coming in at No. 116 is Curtis Warren, a jailed drug baron who, it's claimed, influenced a new breed of criminals.

And coming in at No. 23 is Alastair Campbell, press secretary to Blair. Only in modern Britain, it seems, can a press spokesman wield more power than a monarch.