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Baby M's attorney advises custody be given to father

HACKENSACK, N.J. (AP) — The court-appointed attorney for "Baby M" urged a judge Monday to grant custody of the infant girl to her biological father and deny visitation rights to the surrogate mother who gave birth to her.

The surprise recommendation came during the emotion-packed opening of the second phase of the trial that will test for the first time the legality of surrogate parenting.

The custody phase of the trial began with William Stern testifying that the baby he fathered is "the most important person in my life" and the lawyer for the surrogate mother contending that she can provide the most loving home.

Attorney Lorraine Abraham, appointed by the court to represent the infant's interests, said she recommended against visitation rights for the surrogate mother "at this time." However, she did not say the surrogate mother should be denied all parental rights.

Abraham told the judge her decision was based on findings by a psychiatrist, social worker and psychologist who interviewed the surrogate mother, Mary Beth Whitehead, her husband, Richard, and Stern and his wife, Elizabeth.

Abraham said the "overwhelming weight" of her experts' findings compelled her to join in their recommendation but did not elaborate.

Outside the courtroom, both attorneys said they were surprised Abraham made the recommendation before testimony was presented.

Testimony in the trial's first phase last month centered on the validity of the contract under which Mrs. Whitehead, a 29-year-old housewife, agreed to be artificially inseminated with Stern's sperm and accept \$10,000 to bear the baby for the childless couple.

After the birth, Mrs. Whitehead rejected the money and fled with the baby to Florida.

The baby, now 10 months old, eventually was returned to the temporary custody of the Sterns, with Mrs. Whitehead allowed to see the baby four hours a week.

Superior Court Judge Harvey Sorkow will issue a single ruling on the contractual and custody issues.

In court Monday, Stern's voice cracked and his eyes watered as he told of his love for the baby he and his wife call Melissa.

"When she smiles, I see her beaming... It makes me feel very happy," he said.

"It makes me feel worthwhile," he added.

Gary N. Skoloff, the attorney for Stern, a 41-year-old biochemist, and his 41-year-old pediatrician wife, said the Tenally couple is most fit to raise the child and portrayed Mrs. Whitehead as financially unstable and at times emotionally distraught.

He listed 35 reasons why Mrs. Whitehead should not get custody, saying she once threatened to kill herself and the child and even falsely accused Stern of sexually abusing her daughter.

FAA medical officer transfers after charges

WASHINGTON (AP) — The Federal Aviation Administration's top medical officer has been reassigned, at his request, following charges he certified commercial pilots who were medically unfit to fly.

FAA Administrator Donald Engen said in a statement Monday that Dr. Frank Austin was reassigned "in an effort to end polarization in the aviation community over the medical certification process."

Engen, nevertheless, praised Austin for reducing the backlog of pilot certification cases and making a "positive change" in the certification process since taking over as federal air surgeon in October 1984.

Austin recently came under intense criticism from physicians at a number of major airlines and the Air Line Pilots Association, which charged that commercial pilots were being certified by the FAA despite serious medical problems.

An FAA statement said the move had been requested by Austin.

Austin's departure as federal air surgeon came after an independent industry panel of physicians, established by the FAA, found "inadequacies in medical certification record-keeping" by Austin's office. Engen said procedures in the office would be revamped.

FAA spokesman Bob Buckhorn said the agency would not go beyond its statement, which provided no details about the industry panel's findings.

However, sources knowledgeable about the industry panel's preliminary report to Engen said the industry group found a lack of documentation to support some of the medical waivers issued by Austin.

The panel was ordered to review the medical certification process for pilots after charges were leveled against Austin in December that he was giving pilots who were medically unfit waivers that allowed them to resume flying.

Indians, whites forced into reconciliation try

FORT DUCHESNE, Utah (AP) — A Supreme Court decision that quadrupled the size of the Ute Indian reservation is forcing the tribe and local governments into a rare and wary stab at conciliation.

Both sides, drained by expensive and time-consuming litigation, hope their first meetings in years will resolve jurisdictional questions raised by the court-restored boundaries of the Uintah and Ouray Reservation, now the second-largest in the country.

"I think we've got to work with them and not fight them," said Duchesne County Commissioner Lee Nelson. "We fought for a number of years, and it didn't work."

Overcoming decades of suspicion and animosity won't be easy in eastern Utah's oil-rich Uintah Basin, where 18,000 non-Indians reside on

3 million acres restored to the reservation Dec. 1 when the Supreme Court left intact a 1985 decision by the 10th U.S. Circuit Court of Appeals.

Attorneys for the state and counties had argued the reservation's original outlines were effectively dissolved 80 years before when Congress allowed non-Indians to settle in the disputed territory.

In a related issue not decided by the Supreme Court, the tribe plans to go to court this spring, seeking exemptions from millions of dollars the state collects in severance taxes on oil and gas produced on the reservation.

In fiscal 1985-86, Utah collected \$46.4 million from the severance tax, with about 22 percent of that coming from reservation land, then only 1 million acres.

Prosecutor: Perfect murder has been foiled by victim

SANTA MONICA, Calif. (AP) — The leader of the Billionaire Boys Club, a group of rich young men determined to make it big, bragged that he committed the perfect crime, but the victim had the last laugh, a prosecutor told jurors Monday.

Deputy District Attorney Fred Wapner said he would prove that Joe Hunt, 27, murdered Ron Levin, a sometime journalist and self-described con man.

Wapner said Levin, 42, whose body has never been found, helped solve his own murder by the complicated con operation in which he trapped Hunt and other members of the social and investment club.

Wapner said Hunt demanded that Levin sign over \$1.5 million from his Swiss bank account before he was killed.

"He (Levin) was the kind of per-

son who liked to talk about having a Swiss bank account," Wapner said. "But there was \$40 in that account."

Wapner claimed Hunt left a handwritten blueprint for murder at the alleged murder scene. He said a seven-page list included items like "close blinds... tape mouth, hand-cuff... kill dog."

Wapner outlined a scam which he said drove Hunt to murder.

Hunt thought he had paylaved \$6 million of Levin's money into \$15 million. But Levin, pressed for the money, finally told Hunt it was all a joke: The account was a phony, and no money had been made or traded.

Defense attorney Arthur Barenis has said he will produce witnesses to bolster his theory that Levin is alive, and had skipped town in June 1984 to avoid prosecution on unrelated grand theft charges.

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