

Lawyer: Settlement low for Challenger families

WASHINGTON (AP) — An attorney experienced at representing the families of deceased astronauts said that the settlement negotiated by the government for four Challenger families was "woefully inadequate."

Ronald D. Krist, a Houston attorney who represented astronauts' survivors from the Apollo fire in 1967 as well as three families from the 1986 space shuttle disaster, said the four Challenger families should have received more money and would have if they had formal legal representation.

The families, according to documents released Monday, are dividing a \$7.735 million settlement.

Part of the settlement will be paid in lump sums and part will come from annuities.

The settlement was negotiated for the families by the Department of Justice.

Morton Thiokol Inc., manufacturer of the rocket blamed for the Challenger accident, paid 60 percent of the settlement, and the U.S. government paid the rest.

"If they're happy, I'm happy for them," Krist said of the four families that settled without filing lawsuits. "But I would never have put my stamp of approval for a settlement at the level that they received."

"They would have netted more money if they had been adequately represented."

Challenger exploded on Jan. 28, 1986, 73 seconds after it was launched from the Kennedy Space Center in Florida.

Seven astronauts died in the Challenger accident.

The husband of New Hampshire teacher Christa McAuliffe, along with the wives of Challenger commander Dick Scobee, mission specialist Ellison Onizuka and engineer Bruce Jarvis, settled through the Justice Department negotiations.

But the widow of mission specialist Ron McNair, the father of Jarvis, and the mother of mission specialist Judy Resnik all hired Krist to file separate suits only against Thiokol.

The suits were settled out of court, but Krist said he was under court order not to discuss how much was paid.

But he was blunt about the government-negotiated settlement.

"That settlement is woefully inadequate," he said. "I'm suggesting that I was representing them, I would not have allowed any of them to settle for the amount they received of less than \$2 million apiece (per family)."

But Betty Grissom, whose husband Gus died in an Apollo spacecraft fire in 1967, said, "It sounds like they did OK." Grissom said she received only

Challenger families receive \$7.7 million in settlement

WASHINGTON (AP) — The government and rocket maker Morton Thiokol paid \$7,735,000 in cash and annuities and divided the cost 40-60 to settle all claims by the families of four of the astronauts who died in the Challenger explosion.

Documents released Monday showed that Morton Thiokol, which produced the booster rocket blamed for the Jan. 28, 1986, explosion, paid \$4,641,000. The government's share of the settlements was \$3,094,000.

The surviving four spouses and six children actually will receive more than \$7.7 million because each was given an annuity that pays benefits larger than its cost but over a period of many years.

The dollar amount the families will receive over time was not released.

With the release of the documents, the Justice Department settled a civil suit brought under the Freedom of Information Act by the Associated Press and six other news organizations.

The government originally had kept details of the settlements and negotiations secret, saying it needed to keep its internal deliberations confidential and also that the company and families demanded complete secrecy.

\$350,000, and she had to sue on her own for that.

The government, she said, "didn't care" and never attempted to help her or the widows of two other astronauts who died in the Apollo fire.

"I never heard from the Justice Department," she said.

"I thought we got an injustice done to us," she said. "I feel like we got taken. They act like they care now, but they didn't back then."

"It kinda hurts. It stings that... we never got treated like that. It hurts when I think that they're getting that much money."

Michael D. Oldak, a Washington lawyer and ex-husband of astronaut Judith A. Resnik, said the documents confirm for him that Resnik family was treated unfairly by the government in settlement negotiations.

Resnik's father, Marvin, and her estate were initially involved in settlement negotiations with the government, said Oldak, who represented the Resniks.

He said the government made two offers, but neither was accepted.

The settlements were reached Dec. 29, 1986, with the immediate survivors of spacecraft commander Dick Scobee, 46, a retired Air Force officer employed by the National Aeronautics and Space Administration; mission specialist Ellison S. Onizuka, 39, an Air Force lieutenant colonel; payload specialist Gregory Jarvis, 41, an employee of Hughes Aircraft Co.; and Christa McAuliffe, 37, a Concord, N.H., public high school teacher.

The four families had no lawyers during the negotiations.

They relied instead on informal advice from Leo B. Lind Jr., the law partner of McAuliffe's husband and executor of her estate.

Michael D. Oldak, the ex-husband of Judith Resnik, 36, a civilian NASA employee, represented her father, Marvin, and last month reached a settlement with the company to which the government did not contribute.

In January, Resnik's mother, Sarah Resnik Belfer, and Jarvis' father, Bruce, settled with Morton Thiokol, but the government did not contribute.

Last May, the company settled a suit by Cheryl McNair, wife of mission specialist Ronald E. McNair, 35, a civilian NASA employee.

Oldak said that because Resnik was single and childless, and because the government's compensation formula was weighted heavily toward surviving spouses and children of astronauts, the offer to Resnik's survivors was "a quarter to a half of what they were offering the other families."

The government has declined to contribute anything to any of the families outside the four it negotiated settlements with.

Judy Resnik's father and her estate recently settled privately with Morton Thiokol for a sum that Marvin Resnik said it was between \$2 million and \$3.5 million.

Oldak declined to confirm the amount, but he said, "In hindsight, it was a good decision not to be part of the (government-negotiated) settlement."

One lawsuit, filed by Jane Smith, widow of Challenger pilot Michael Smith, remains to be settled.

Smith did not participate in the government-negotiated settlement, and a court ruled she could not sue the government.

But she is suing Thiokol.

Masters, Johnson fail to provide evidence to support AIDS claim

NEW YORK (AP) — The sex experts Dr. William Masters and Virginia Johnson said Monday they could not provide scientific evidence to support their widely publicized claim that AIDS is "running rampant" among heterosexuals.

When Masters was asked at a contentious news conference how he could justify such a claim, he said, "I simply believe this." Johnson, asked the same question, said "I'm not sure we chose the word 'rampant' ourselves."

On page seven of their new book, they write: "The AIDS virus is now running rampant in the heterosexual community."

The book, "Crisis: Heterosexual Behavior in the Age of AIDS," was made available to reporters Monday morning. The first reports of its contents appeared in connection with an excerpt from the book published in this week's Newsweek magazine.

"We don't see an explosion into the heterosexual community," said Dr. Peter Fischinger, AIDS coordinator for the Public Health Service. "This does not mean we can be complacent about it." He noted that na-

tionwide screening of blood donors has found that only about one in 40,000 has the potential of being infected with the AIDS virus.

"The Public Health Service has been working very hard to try to get the best sense of prevalence of HIV infection in the United States," Fischinger said.

Dr. Stephen Joseph, New York City's health commissioner, said of the Masters and Johnson study, "All in all, I think it's greatly overblown." He criticized them for not submitting their data to a scientific journal where it could be reviewed in detail by other researchers, and he said their data did not support the sweeping claims they made.

"I think everyone would agree there is a serious danger in heterosexual transmission," he said. But "contrary to what they say, I think the Public Health Service people have been saying that for a long time."

Masters and Johnson and Dr. Robert Kolodny, their co-author and a director of the Masters & Johnson Institute in St. Louis, studied 800

men and women in Atlanta, St. Louis, New York and Los Angeles.

The study, the centerpiece of their book, included only people who said they did not use illicit intravenous drugs and said they had had no homosexual or bisexual contact and no blood transfusions since 1977.

Masters, Johnson and Kolodny chose four hundred men and women who said they had had at least six sexual partners each year for the preceding five years, and another 400 who said they had been monogamous.

The researchers found that 5 percent of the sexually active men and 7 percent of the sexually active women had antibodies to the AIDS virus, meaning they had been exposed to it.

Kolodny said the claim that AIDS is rampant among heterosexuals comes from studies by other researchers. But other studies have diverged widely on the question of how rapidly AIDS is entering the non-drug-using heterosexual community.

High court to review anti-racketeering law

WASHINGTON (AP) — The Supreme Court said Monday it will decide whether states may use anti-racketeering laws to close down adult bookstores accused of selling obscene materials.

The court said it will review free-speech challenges to Indiana's Racketeer Influenced and Corrupt Organizations law, patterned after the much-used federal RICO act.

Under it, law enforcement officials are authorized to seize any property used in a racketeering enterprise.

The justices were told that "a growing number of states are adopting similar RICO laws, and there is a conflict among the states as to their constitutionality."

In other action, the court:

- Ruled that companies have a heavy burden of proof when defending themselves against investor lawsuits alleging the companies withheld information about merger discussions.
- Agreed to use a case from Canton, Ohio, to try again to decide whether cities may be sued successfully by citizens who say their rights were violated by inadequately trained city employees.

- Set the stage for an important sex-discrimination decision by agreeing to study a District of Columbia case in which "unconscious stereotyping" allegedly played a key role in denying a woman a partnership in her accounting firm.

- Refused to free churches from having to comply with state financial disclosure laws when waging public referendum campaigns as it rejected an appeal by 13 churches in Jackson County, Tenn.
- Ruled that financially troubled farmers may not avoid foreclosure under federal bankruptcy law by promising to pay back debts by using their labor and expertise while continuing to operate their farm.

In the adult bookstore case, the Indiana law was invoked in 1984 against three Fort Wayne bookstores selling sexually explicit materials, each accused of at least two violations of the state's obscenity laws.

Law enforcement officials padlocked the stores and seized all inventory.

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