

# Supreme Court ruling in state pension case protects businesses from similar lawsuits

WASHINGTON (AP) — The Supreme Court, ruling in a Texas case, Monday shielded businesses from some big-money lawsuits filed by employees who claim they were fired by their employers would not have to pay pension benefits.

The decision is a victory for the Ingersoll-Rand Co., which was sued by Perry McClendon after the company fired him in 1982.

The court ruled unanimously that fired employees may not sue in state courts over such allegations. The state suits are pre-empted by a federal law protecting pensions, the court said.

The Employee Retirement In-

come Security Act of 1974 is aimed at assuring workers their retirement pay. But state lawsuits had loomed potentially more lucrative because fired employees could win punitive damages that greatly exceed lost pay.

The Texas Supreme Court had ruled that McClendon's lawsuit was not precluded by ERISA, the federal law, but Monday's decision reversed the state court ruling.

Writing for the court, Justice Sandra Day O'Connor said Congress clearly intended to preclude state lawsuits over firings motivated by efforts to avoid paying pension benefits.

"The goal was to minimize the administrative and financial burden of complying with conflicting directives among states or between states and the federal government," O'Connor said.

McClendon had been transferred by Ingersoll-Rand from San Antonio to Dallas in 1979 to develop a sales market for construction equipment there. He was fired four months before his 10th anniversary with the company.

A worker with 10 years experience is entitled to have his pension vested, which meant Ingersoll-Rand

would have to contribute to McClendon's retirement benefits.

McClendon sued in Texas state courts, accusing his former employer of firing him to avoid paying pension benefits. The company said he was fired to reduce the workforce and to save money.

McClendon did not sue for lost pension benefits. In fact, shortly after he sued, the company agreed to vest his pension.

Instead, McClendon's suit sought a potentially big-money judgment for lost wages, mental anguish and punitive damages.

# Wives, daughter fly to Iraq Women want hostages freed

GRAPEVINE (AP) — Three women from Texas, ignoring State Department warnings that they may be risking their lives, left Monday for Iraq determined to gain the release of their family members held hostage.

Amid farewell tears and hugs from friends and family, the women left the Dallas-Fort Worth International Airport shortly before 1 p.m.

Willie Carr of North Richland Hills and Jennifer Williams of Dallas said the trip is necessary to end more than four months of worrying.

Carr will try to obtain the release of her husband, Gary, an oilfield worker, and Williams will be seeking the release of her father, Stuart Williams.

"This is the only thing I feel I can do because I've been helpless ever since Aug. 2," said Williams, a 24-year-old student at Southern Methodist University. Williams' stepmother, Charlene Courte, has re-

taken after Saddam Hussein's troops invaded Kuwait.

"I've waited for our United States government to do something in four months," Carr said. "They have not gone over to start talks. They have not gone over to negotiate with them."

"I told the State Department I could not wait any longer."

The State Department warned all families considering a trip that U.S. officials could do nothing to help them if they were detained or mistreated.

Williams said protests from the State Department and her father couldn't stop her from making a trip.

"I told Dad I'm coming and didn't have a choice," she said.

Many of the relatives who stayed behind Monday wept as the women boarded the plane.

Heather L. Carr, 21, spoke her father's name, who has not been heard from in a month. "I'm missing him," she said.

LaFon said she and her husband will be returning to the States after her husband's release.

Williams' mother, Wendy Williams, said she fully supports her daughter's trip.

"She's a brave little girl and we talked about it for four months," Wendy Williams said. "She'll have my support."

Carr said Hussein's invitation to family members to visit their loved ones for the holidays gave her hope for her husband's release.

"He's offered our husbands to us if we come over in peace," Carr said. "And I'm going in peace."

"I hope people can remember that while we're over there, peace is very important," Jennifer Williams said.

"We are not going for political reasons," Cole said. "We are going for our families."

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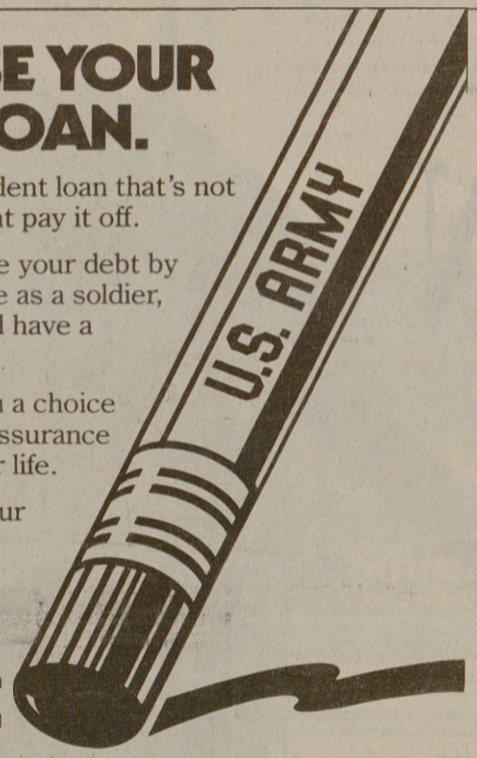
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# S&L owner testifies innocence of fraud

DALLAS (AP) — Former Vernon Savings Association owner Don R. Dixon, testifying Monday in his own defense, said he told executives of the thrift to check with attorneys before reimbursing themselves for political contributions.

Some of the 38 bank fraud and conspiracy charges against Dixon accuse him of making political donations with Vernon funds illegally. Former Vernon officers have testified Dixon encouraged them to donate money to certain candidates and reimburse themselves through falsified company expense accounts.

Dixon, in his second day of testimony, said he encouraged political donations to "try to maintain the environment we were prospering in." But he said some officers complained the donations were a hardship.

"If it's that hard on you, you can expense it on our expense account if you can clear it with our attorneys," Dixon said he told one Vernon official. He said he didn't authorize any Vernon officer to cheat on expense accounts.

He is also accused of using Vernon funds personally for prostitutes, trips and a beach house near San Diego.

Dixon testified the \$1 million purchase of the beach house in 1982 was needed to boost Vernon's image as it moved into the southern California real estate market.

"For a little savings and loan from Vernon, Texas, to go to the shores of southern California and attract any type of quality builder-investors, we felt we had to be part of the community," Dixon said.

He said the house was remodeled to include three master bedrooms and three smaller bedrooms so that it could be used to

house the thrift's executives while they were visiting their California operations.

He said the thrift had planned to sell the beach house after establishing a permanent office in the San Diego area, which he originally thought would take three years.

Vernon was still making payments on the house in 1986, witnesses said earlier.

Dixon also provided details of trips to Kansas and California he took with Linton Bowman, former commissioner of the Texas Savings and Loan Department. The trips were paid for by Vernon. He testified their expense was not harmful to the savings and loan.

The California trips were made, Dixon said, so Bowman would "get comfortable with the rapid growth of Vernon in southern California." Dixon also wanted Bowman to check out some car dealership investments he was considering and a computer system developed by a southern California thrift consultant.

Dixon said he helped arrange a female companion to accompany Bowman on one of those trips. He said it was not a "regular business practice" for Vernon to provide escorts at social functions and said the thrift never paid women for sex.

Dixon testified he became concerned about Vernon's financial condition in the mid-'80s when he heard rumors Congress might change tax laws and thrift regulators might step up their efforts.

Dixon said regulators, lawmakers and thrift leaders, including himself, should all be faulted for the savings and loan crisis. "We should all share in the blame," he said.

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