

Cheetah III owner sees new law as slap in face





BUSINESS

Coca-Cola considers Underground museum

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THURSDAY, FEBRUARY 4, 1988

SPORTS FINAL

25 CENTS

Suspect in Ala. school takeover led troubled life

By Adam Nossiter Staff Writer

TUSCALOOSA, Ala. - James Harvey, the man who held dozens of elementary school children and teachers hostage at a private school here Tuesday, had difficulty recovering from a traumatic experience in the Navy in 1964, his nephew Ross Causey said in an interview here Wednesday.

Harvey, overpowered by police Tuesday night after seeing a videotape of Gov. Guy Hunt giving him a false pardon, was on a spe-

cial Navy detail in Alaska sent to clean up after a major earthquake, Causey said. The earthquake shook five cities and killed 66 people. President Lyndon Johnson called the aftermath a national emergency.

was to remove the bodies of quake victims from the wreckage, Causey said.

Harvey was discharged shortly afterward, and Causey said military records he has reviewed indicate Harvey was "mentally incapable of performing his duties." Causey emphatically disputed reports that his uncle had

served in Vietnam and said he was upset that such reports had been published. Police have said they did not know whether Harvey served in Vietnam.

A Navy spokesman in Washington con-One of the 18-year-old Harvey's duties firmed Harvey served in the Navy in 1964, but knew no specifics of his record.

None of the students held at West End Christian School was harmed in the daylong siege. On Wednesday, Harvey, 42, was being examined at a state mental hospital in Tuscaloosa after being charged with 84 counts of kidnapping. An accomplice picked up by Har-

vey at a state employment office, John Rhodes, also 42, was in the county jail and also had been charged with 84 counts of kidnapping. Bond was set at \$8 million for each.

Harvey "was not the same person after the Navy," said Causey, a postal worker. "He had seen things normal people don't see. It was rough for him."

Causey said he was close to Harvey and saw him often. Harvey reportedly stole two rifles and three handguns from Causey that he

See SUSPECT, Page 7-A



James Harvey

Israeli struck during rioting

BETHLEHEM, West Bank — An Israeli soldier holds his face after being hit with a stone during a Palestinian protest Wednesday in the Aida refugee camp near Bethlehem. Nine Palestinians were wounded when Israeli soldiers fired on protesters in several areas in the West Bank. Story, Page 2-A.

House rejects contra aid

Thin margin cuts off U.S. military help

By Jackie Calmes Journal-Constitution Washington Bureau

WASHINGTON - The House late Wednesday dealt a blow to President Reagan's top foreign policy priority, aid to Nicaragua's rebels, narrowly rejecting his bid for another \$36.2 million.

The 219-211 defeat marked the latest swing in the roller-coaster fortunes of the president's 7-yearold policy against Nicaragua's Sandinista government. But House Democratic leaders, anxious to avoid election-year charges of hav-ing abandoned allies, insisted it was not the last word.

"Tomorrow starts a new chapter," said Rep. Tony Coelho of California, the third-ranking House Democrat. It would be marked, he said, by greater emphasis on humanitarian, rather than military, aid and on cooperation with Central American leaders to find peaceful solutions to the region's problems.

House Speaker Jim Wright (D-Texas) said afterward, "I hope and earnestly trust this vote will be taken as a strong encouragement by both the Sandinistas and the contras to have a cease-fire."

It is going to make it very, very hard to keep the contras together."

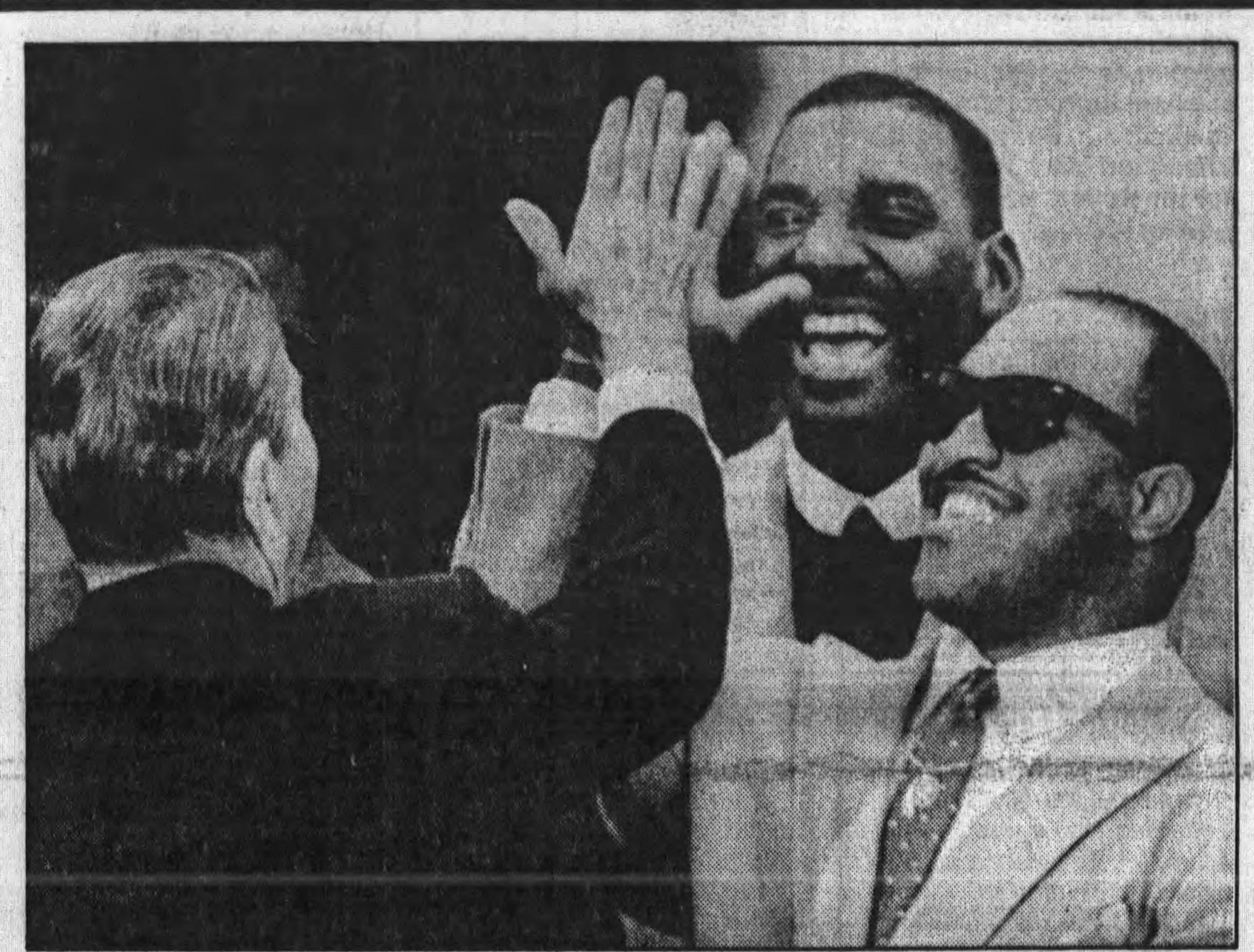
The Senate votes today on the president's aid request in what now amounts to a moot and mostly symbolic action. Though more conservative than the House, it is expected to defeat the measure.

Reagan lost in the House despite a weeklong lobbying blitz and

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SECTION E

SECTION W



The Associated Press

Redskins given heroes' welcome

WASHINGTON — President Reagan, with his back to the camera, gives a high five to Washington Redskins running back Reggie Branch during a White House ceremony an estimated 600,000 fans. Story, Page 2-D.

Wednesday honoring the Super Bowl winners. In the background is quarterback Doug Williams. A downtown victory parade drew

Rep. Mickey Edwards (R-Okla.), who led the fight for the president, said, "It was a very serious defeat." Kennedy unanimously OK'd for court

From Wire Reports

WASHINGTON — The Senate on Wednesday unanimously confirmed Anthony Kennedy to the Supreme Court, ending a political battle that claimed President Reagan's first two nominees and left the court shorthanded since June.

By a vote of 97-0, the Senate approved Kennedy, a federal appeals court judge in California, to succeed retired Justice Lewis Powell. Kennedy was praised by Democrats and Republicans alike as a moderate, openminded conservative.

Three Democratic senators did not vote: Albert Gore Jr. of Tennessee and Paul Simon of Illinois, who are campaigning for president, and Joseph Biden of Delaware, who was ill. Biden is chairman of the Senate Judiciary Committee, which voted 14-0 in favor of the nominee Jan. 27.

Reagan said he was "extremely pleased" and declared that Kennedy "will make an outstanding addition to the Supreme Court. ... The Senate has not only

See KENNEDY, Page 5-A

Precedent disputed in Baby Eason case

Judge says child should stay with Cobb couple, not biological father

By Charles Walston

Staff Writer Opposing attorneys in the Baby Girl Eason adoption case disagreed Wednesday whether a judge's order denying custody to the child's father would set legal precedent, but both sides said the Legislature should clear up confusion about the rights of unmarried fathers in adoption procedures.

Cobb County Superior Court Judge George Kreeger ruled Wednesday that Baby Eason should remain with the couple that wants to adopt her instead of her biological father, David Scharlach, who was attempting to gain custody of the 16-month-old child. Kreeger found that Scharlach had not pursued his constitutional right to form a relationship with his daughter, and that he is not fit to be a parent.

Attorneys for Scharlach said the ruling would be appealed. The case already has been before the Georgia Supreme Court, which last summer found that unmarried fathers such as Scharlach have a constitutionally protected "opportunity interest" in their children, but that that interest could be lost through abandonment.

Kreeger's ruling amplifies the Supreme Court decision, a lawyer for the prospective adoptive

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INSIDE TODAY

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Rain likely today

BUSINESS

FOOD GUIDE

EDITORIALS

Rain or thundershowers are likely today in the metro area. Temperatures will fall to the upper 40s Details, 28-C. in the afternoon.

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6B WILLIAMS HELPLINE TO SUBSCRIBE, CALL 522-4141

14A TELEVISION

College athletes called 'employees' by Ala. juries

By Chris Mortensen Staff Writer

Alabama grand juries called college athletes "employees" and the schools their "employers" in indictments returned against sports agents Jim Abernethy, Lloyd Bloom and

The terminology drew objections Wednesday from school and National Collegiate Athletic Association (NCAA) officials. And the attorney for Bloom said he would use it in his client's defense, possibly in an attempt to prove that college athletes are professionals, "employed" by their schools, and thus should be free to deal with agents.

The three agents are charged with commercial bribery, Abernethy for dealing with Auburn football player Kevin Porter, and Bloom and Walters for dealing with Alabama basketbal



Wilford Bailey Steve Sloan



player Derrick McKey. The grand juries alleged that the agents "did confer or offer to confer a benefit upon an employee without the consent of the ... employer."

Attorney M.L. "Mike" Trope of Los Angeles said that, if necessary, he

would subpoena university and NCAA officials to testify for Bloom in Ala-"I find it extremely interesting

that there are references to this employee-employer relationship," Trope said. "I know it's the last thing the NCAA and colleges want to hear, so they certainly would testify. On the other hand, if it is indeed an employee-employer relationship, it means the state is saying the athlete is receiving compensation, and if he is receiving compensation, he is a professional who has not breached any rules or laws in dealing with an agent."

Alabama athletic director Steve Sloan said he was "really surprised" when he read copies of the indictments of Walters and Bloom handed

See ATHLETES, Page 6-A

Drug gang's alleged leader convicted under state's racketeering law

By Larry Copeland Staff Writer

Winston Theodore Brown, an alleged leader of a heavily armed, drug-dealing gang known as the Miami Boys, was found guilty Wednesday of violating Georgia's Racketeer Influenced and Corrupt Organizations

(RICO) Act. **Fulton County Superior Court Judge John Langford** sentenced Brown — who is already serving a 30-year

sentence for two drug distribution convictions — to the maximum 20-year sentence. That term is to begin at the end of the earlier sentence.

Brown, 25, showed little emotion when the verdict The conviction was believed to mark the first time a

was read, twice rubbing his right hand across his face. gang member has been convicted under the RICO Act in Georgia, said Assistant District Attorney John Turner, who prosecuted Brown.

The jurors returned their verdict about 6:45 p.m. after deliberating for less than 90 minutes. Their decision ended a three-day trial that provided a rare and star-

tling look into Atlanta's violent drug underworld. The prosecution contended that Brown, alias "Macaroni," took in \$15,000 a week from drug sales in some of the city's worst public housing projects, that a drug-

See GUILTY Page 6-A

L'ason

From Page 1-A

parents said Wednesday. "I think clearly it's a landmark decision," said Paul Cadenhead, who represents the Cobb County couple known as John and Jane Doe. "The Supreme Court decision set the law. This decision sets some guidelines."

During a seven-day non-jury trial last month, Kreeger heard testimony about Scharlach's behavior leading up to the birth of Baby Eason on Oct. 19, 1986. The mother, Nola Eason, said Scharlach had given her no financial or emotional support while she was pregnant, and had not contacted her or any member of her family after he moved to California in early October.

An adoption agency contacted Scharlach on Dec. 2, 1986, asking his consent for Baby Eason to be placed with the Does, and he filed a petition to gain custody on Dec. 30.

Kreeger found that Scharlach "did not act timely and diligently as a father would act" in pursuing his interest in the child.

"It is disputed whether or not Scharlach intended to abandon all interest in his child, after it was born," the judge wrote. "But his alleged intentions pale when compared to his failure to act, and by his failure to act he lost his interest during a critical period commencing at conception."

Cadenhead said the ruling will

send a message to unmarried fathers who want custody of their children. "This decision holds that you cannot in effect wait until a child is born to make your desires known," he said.

But an attorney for Scharlach said Kreeger's interpretation of her client's rights will be the basis for an appeal.

"The court will have to decide if his definition of opportunity interest was correct," Lynn Russell said. "It seems that the standard that was used in this case was that he didn't act like a father."

Both attorneys said the Legislature should consider enacting laws to clarify the rights and responsibilities of unmarried fathers, and to protect people who are trying to adopt children.

"It's still murky," Cadenhead said. "If adoptive parents realized they would have to go through this [legal] process, they would have to [be skeptical."

"I think until it's somewhat concrete, that adoption is a dangerous area right now," Ms. Russell said. "I think there are a lot of murky waters. I think it's a very dangerous situation, legally and emotionally.

for anyone." Before 1979, Georgia law allowed illegitimate children to be adopted without the consent of their fathers.

Christian Homes for Children, the Marietta adoption agency that placed Baby Eason with her prospective parents, did not contact Scharlach before the child was

Christian Homes executive di-

WAS 60

YESTERDAY

Athletes

From Page 1-A

had abandoned his interest in his child, Kreeger found that he was down Tuesday in Tuscaloosa County. psychologically unfit to be a parent "We definitely do not consider and would not provide a proper this to be an employee-employer rehome. The judge cited evidence inlationship," Sloan said. "I'm really cluding Scharlach's statement that surprised. I don't know why they would use words that would dilute the validity of the indictment. that he read magazines such as don't understand their rationale."

Said Dr. Wilford Bailey, a professor at Auburn University and president of the NCAA: "Based on my experience, I certainly would not consider the athletes as employees. There are an awful lot of financial and legal ramifications to such distinction. I cannot agree with

Alabama Attorney General Don Siegelman could not be reached for

comment Wednesday. Joy Patterson a spokesperson for the attorney general's office, said: "The state's normal procedure is that it is not appropriate to discuss strategy."

Sloan said he does consider the athlete to have a contract with the university when he signs scholarship grant-in-aid documents. But "it's a contractual arrangement that is specific on the relationship," Sloan said. "The student-athlete signs a contract in which he pledges to abide by the rules that make him eligible as a student-athlete to receive the educational benefits of the scholarship."

The Indiana Supreme Court on Feb. 10, 1983, ruled that studentathletes are not employees of universities. Fred Rensing, the plaintiff, was an Indiana State football player who was paralyzed by a neck injury during spring practice in

1976. He sued the university for workman's compensation, claiming he was entitled to the benefits as any employee who is injured on the

The Indiana Court of Appeals ruled in Rensing's favor by a 2-1 vote. That decision was overturned by the state Supreme Court by a 5-0 vote. Supreme Court Justice Donald H. Hunter wrote that "financial aid should not be considered pay or in-

Abernethy was indicted Jan. 13 by a Lee County grand jury on charges of commercial bribery, deceptive trade practice and tampering with a sports event. Walters and loom were indicted Tuesday on the same charges in Tuscaloosa County. Each charge is a misdemeanor that carries a maximum one-year jail term and \$1,000 fine.

Guilty

From Page 1-A

addicted bystander who was shot and injured during the "execution" slaying of one of Brown's competitors was offered \$10,000 not to testify against Brown, and that Brown switched states, residences and aliases to elude detection.

"This was a drug gang," Turner told Langford during the sentencing phase of the trial. "They were selling drugs in the housing projects. To eliminate the competition, they

killed people." According to testimony, Anthony Johnson, 20, of Hollywood, Fla., was selling packets of cocaine at an outdoor "stop and cop" — a location where drug users can make quick purchases without leaving their cars — at the Techwood Homes housing project in northwest Atlanta on March 28. Vincent Rainwater, 29, Eddie Warren Riggs and Wallace Jackson testified that they were standing nearby.

About 11 p.m., a car sped up to Johnson and four or five men leapt from the car with pistols drawn. They opened fire on Johnson, striking him eight times and apparently accidentally hitting Rainwater, who was running away. Rainwater testified that after Johnson fell to the ground, he saw Brown stand over him and shoot him again.

Turner maintained that Brown and members of the Miami Boys, also known as the Macaroni Gang, killed Johnson because he was selling dope on their turf.

The assistant district attorney, who has prosecuted street gang members in the past, described the Miami Boys as ruthless drug lords who jealously guarded their turf.

"This is what it looks like when somebody gets their stomach blown out," he said, showing crime scene photographs to the jury. "Why? Because he had the nerve to sell drugs on the Miami Boys' territory. When they eliminate the competition, they eliminate the competition."

Brown's attorney, Daniel Kane, argued that the state had failed to prove that his client had illegally associated with a criminal enterprise. Prosecutors failed to introduce evidence that Brown was part of a larger criminal organization, as required for cases under the RICO Act, he contended.

Kane called Riggs and Jackson, who are both serving sentences on cocaine convictions, as defense witnesses. The men testified that Brown had not been present the night of the shooting but conceded on cross-examination that they had not seen who shot Johnson.

Brown was the first alleged gang member tried in Atlanta under Georgia's RICO Act, which was passed in 1980 and provides a way for the state to recover the illegal profits of racketeers.

The six men and six women on the jury had to determine whether Brown was guilty of at least two of the five offenses — three cocaine sales charges, a homicide charge and an aggravated assault charge that were part of the RICO indictment. They were not required to reveal which of the charges they found the defendant guilty of.

Turner said he chose to prosecute under RICO to send a message to gang members. And, he said, "a RICO conviction is more significant legally than a homicide conviction. And I wanted to show that number one, we could do it, and to get some thought going on it."

NOTICE OF LEGAL

HARRIS COUNTY COURT CASE # 91608 A HOUSTON-BASED CORPORATION AND ITS OFFICERS (DEFENDANTS NAMES WITHHELD NOT TO EMBARRAS THE FAMILIES) ARE ABOUT TO FIND THEMSELVES IN CONTEMPT OF COURT: DUE TO THE HARRIS COUNTY COURT'S JUDGEMENT TO PAY A SUBSTANTIAL AMOUNT OF MONEY RESULTING IN THE LOSS OF CASE # 91608 AND THE UNEXPECTED COLLAPSE OF THE APPEAL TRIAL, THE CORPORATION AND ITS OFFICERS ARE FORCED TO TOTALLY AND IMMEDIATELY LIQUIDATE THE COMPANY'S INVENTORY AND ASSETS BY LEGAL AUCTION TO PAY THE COURT COSTS, THE PLAINTIFF'S CLAIMS AND LEGAL FEES AS ORDERED BY THE JUDGE ON NOVEMBER 17, 1987.

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rector Edward Klein III said

Wednesday, "I feel that the agency

he had smoked marijuana in col-

lege, and Miss Eason's testimony

the Does to split the legal fees of

Rex Ruff, a former Cobb County Ju-

venile Court Judge whom the court

appointed to represent the interests

of Baby Eason in the case. Ruff in-

curred fees and expenses of

\$21,105, according to the order, with

Scharlach still owing \$7,552 of that

amount and the Does \$4,052.

Kreeger ordered Scharlach and

Besides ruling that Scharlach

has been vindicated."

Penthouse.

PREVIEW 2 HOURS PRIOR TO AUCTION SATURDAY FEB. 6th 1:30 P.M. 2:00 P.M. SUNDAY FEB. 7th FEB. 8th

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