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Detroit defeats Hawks despite Dominique's 50

## THE ATLANTA CONSTITUTION

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SPORTS FINAL

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## Abernethy convicted in deal with Auburn football player

By David Davidson College Editor

OPELIKA, Ala. - Former Atlanta sports agent Jim Abernethy was convicted of tampering with a sports event Tuesday night for his dealings last year with Auburn University defensive back Kevin Porter.

When the 12-member jury returned the verdict after deliberating two hours and 20 minutes, Judge Robert Harper immediately gave Abernethy the maximum sentence of one year in the county jail on the misdemeanor charge, fined him \$2,000 and assessed him court costs. Abernethy is free on \$1,000 bond.

Abernethy is the first sports agent ever convicted of a crime for dealings with a college athlete.

The one-year jail sentence is pending appeal by Abernethy to the Alabama Court of Criminal Appeals. Abernethy's attorney, Bill Baxley, said the appeals process could take from six months to a year.

Abernethy was acquitted on two other misdemeanor charges - commercial bribery and deceptive trade practices — in his dealings with Porter.

Porter testified that he received a \$2,000 signing bonus and \$900 payments in September and October of last year, his senior season with Auburn.

Evidence showed that Abernethy signed Porter on Aug. 3 to a contract of representation. While Baxley conceded that National Collegiate Athletic Association (NCAA) rules were broken, he argued that no laws were violated.

Baxley told the jury at the Lee County Courthouse that it would not "send a bad message" to the sports world with an innocent verdict.

Alabama Assistant Attorney General Donald Valeska, expressing approval of the

See AGENT, Page 16A

## l'ehran becomes missile target as war heats up

Iraq says long-range fleet used in raid killing 27

By Andrew Alexander

Journal-Constitution Washington Bureau

WASHINGTON — Iraq said Tuesday that it had fired 16 surface-to-surface missiles into the Iranian capital of Tehran within the past 28 hours, marking a dramatic escalation of the socalled "war of the cities" in the 8-year-old Gulf

One missile hit a hospital in Tehran, Iran's official Islamic Republic News Agency reported. At least 27 people were reported killed in the attacks.

The barrage marked the first time Iraq has been able to hit Tehran with surface-to-surface missiles. Iraq said the missiles were of its own design and production.

Pentagon analysts said, however, that the Iragis have modified a version of the Soviet-made Scud missile to increase its range. Tehran is 290 miles from Iraq.

Iraq said it launched the missile attacks in retaliation for two pre-dawn Iranian missile strikes against Baghdad, the Iraqi capital.

Iran protested the Iraqi attacks to U.N. Secretary-General Javier Perez de Cuellar and vowed revenge if they continue.

Radio Tehran said Iran accused Moscow of supplying the missiles to Iraq. The Iranians also use Soviet-made Scud missiles, apparently supplied by Libya and Syria, but Baghdad presents an easier target than Tehran because the Iraqi capital is only 80 miles from Iran.

An Iranian military communique warned Baghdad residents to evacuate "and seek shelter in the four previously identified holy cities in Iraq to protect their lives" from retaliation. If Iraq launches more attacks, it said, Iran will demonstrate "who is stronger when it comes to

See IRAQ, Page 10A



The Associated Press

## Noriega's men close opposition radio

clothes policemen take cover from rock-throwing protesters Tuesday. The officers helped close the only remain-

## PANAMA CITY, Panama — Two plain-

ing radio station opposing Gen. Manuel Antonio Noriega. Story, Page 3A.

## Delta crew gambled, lost 137 lives in '85, feds say

By Bert Roughton Jr. Staff Writer

FORT WORTH, Texas - Government lawyers Tuesday accused the crew of Delta Air Lines Flight 191 of playing "Russian roulette" with the lives of the plane's passengers before the crash that killed 137 people.

The remarks opened the federal trial in which U.S. District Judge David O. Belew Jr. will determine whether responsibility for the Aug. 2, 1985, crash rests with Delta, the government or both.

The Delta Lockheed Tristar was arriving from Fort Lauderdale, Fla., with 163 passengers and crew members aboard when it entered a storm cell near Dallas-Fort Worth International Airport. A violent shaft of air called a microburst wind shear slammed the plane to the ground. It bounced once and struck a water tank before bursting into flames.

Justice Department attorneys from Washington attacked Delta's three-man flight crew for failing to abort the plane's approach even though they had seen lightning and other indicators of severe weather.

But John Martin, a Dallas lawyer representing Delta, argued that the crew would have pulled out if they had been warned about the

See DELTA, Page 9A

# Hederated still studying both takeover bids

Analysts believe FTC would allow both Macy's, Rich's to operate here

> By Melissa Turner Staff Writer

The fight for Federated Department Stores has erupted into a bidding war between the country's bestknown department store chain, R. H. Macy & Co., and Campeau Corp., an aggressive Toronto real estate developer who won't give up.

Employees of both firms here shocked by the report, Page 1B.

Federated owns Rich's department stores in Atlanta.

Federated's board of directors met all day Tuesday to consider the two competing proposals, but no decision was reached, according to spokesman Jim Sluzewski. He said Federated executives were continuing to "negotiate" with both Macy's

and Campeau's officials. Sluzewski also said Federated had received offers from other comthem. Only offers from Campeau and Macy's are on the table, he

If Macy's merges with Federated, legal experts and analysts said Commission is likely to allow Atlanta's two major department store operations to merge and operate as one company.

Monroe Greenstein, retail analyst at Bear, Stearns & Co. said Federated likely will accept Macy's \$6.6 billion offer. "They want to accept it, are you kidding," he said. "If it (Federated) goes to Macy's, it cannot be in better hands. Macy's is considered one of the best-run department store companies in the country."

Campeau Corp., the Canadian

See MACY, Page 13A



Pat Robertson sued over claims that he ducked combat duty.

## panies, but he declined to name Robertson set to drop suit Tuesday that the Federal Trade Commission is likely to allow Atlan-

Trial would divert time from campaign, he says

> By Hal Straus Staff Writer

Pat Robertson, saying a libel trial would interfere with his Republican presidential campaign, announced Tuesday that he would drop his legal fight against claims that he dodged combat in the Korean War.

"He's chickening out," said former Rep. Pete McCloskey (R-Calif.), who accused the former television evangelist of using his father's influence to evade the front lines. "He chickened out 37 years ago."

McCloskey, a Palo Alto, Calif., lawyer who served aboard a troopship with Robertson en route to Korea, suggested that the candidate wanted to drop his libel suit because he feared he would lose.

But Robertson said he wanted to drop the suit because otherwise he would have had to leave the campaign trail to prepare for a trial set for Tuesday - when most of the South votes in the Super Tuesday presidential primaries.

Robertson said that in lieu of a trial he would ask McCloskey to submit the matter to an impartial arbitration panel.

McCloskey, however, is not expected to consider such an arrangement unless Robertson agrees to pay about \$400,000 in legal fees. The former congressman, in fact, plans to ask the court not to let Robertson drop the libel suit.

"Under the federal rules of civil procedure, he cannot drop the suit unilaterally. He has to ask the court to dismiss the case," said Robert Sloan, one of McCloskey's lawyers. "We certainly would ask the judge to attach some kind of conditions,

See SUIT, Page 10A

#### INSIDE TODAY VOL. 120, NO. 181 - 68 PAGES, 6 SECTIONS Going to Underground Dante's and some other prominent restaurants have signed letters of intent to locate in the new Un-

derground.

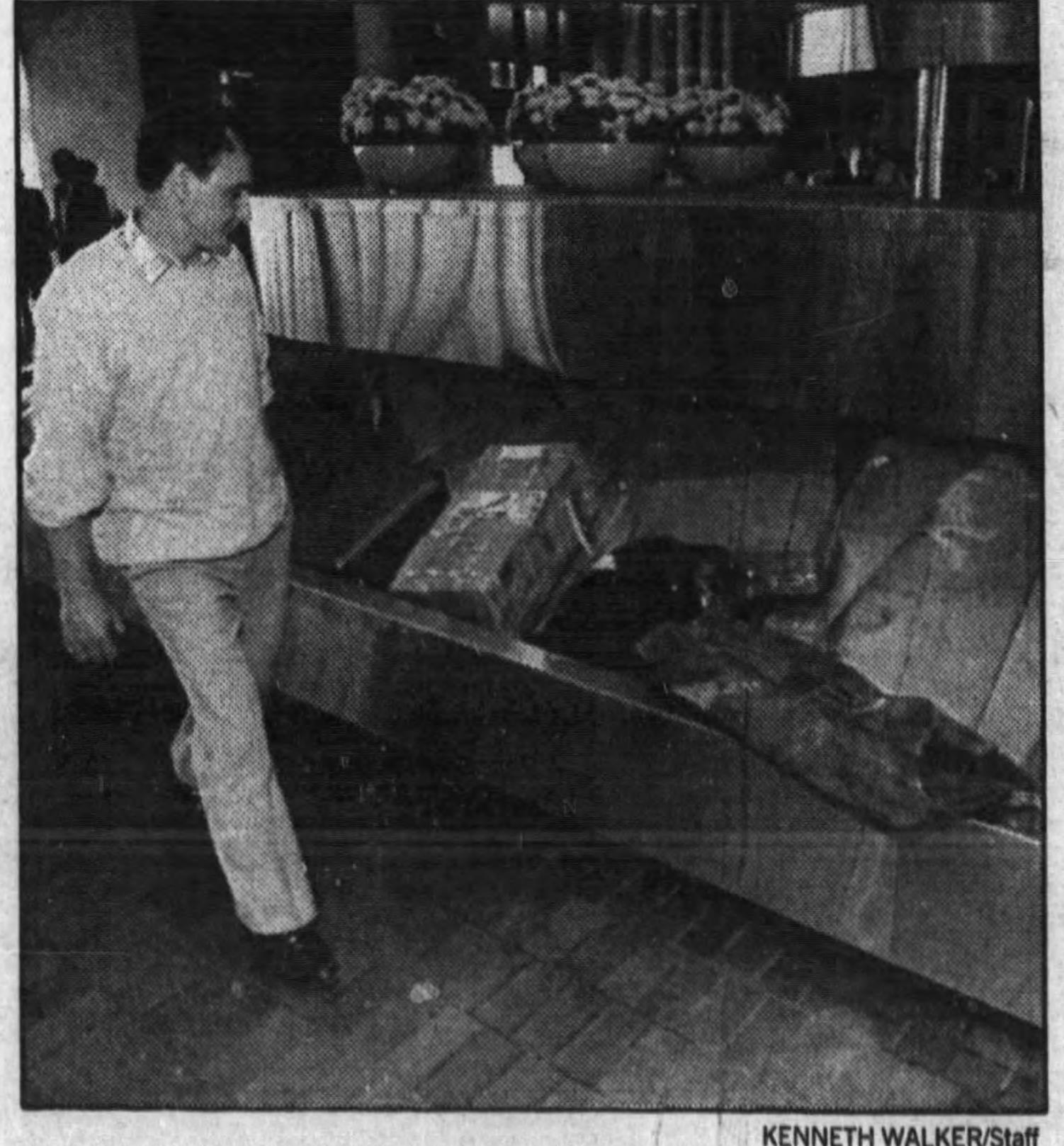
Partly sunny Today will be partly sunny, breezy and mild in the metro area, with a high near 70. Thursday will

be mostly cloudy, with a chance of

Details, 10B. showers. BUSINESS SECTION B **METRO & STATE** SECTION C NATION/WORLD SECTION A SECTION E PEOPLE

**SPORTS** SECTION D 3E HOROSCOPE BRIDGE 7E MARLETTE CLASSIFIEDS 5C MOVIES **8E** NEWSMAKERS COMICS CROSSWORD **8E** OBITUARIES DOONESBURY 2E SIBLEY **EDITORIALS** 14A STOCKS GRIZZARD 1C TELEVISION HELPLINE 7E TUCKER

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KENNETH WALKER/Staff Zoltan Frasch of Canada looks at Hartsfield International Airport for his bag, which he is not sure made it.

## An air traveler's loss might be your bargain at Ala. store

By Bert Roughton Jr. Staff Writer

SCOTTSBORO, Ala. — Lord only knows how much E.A. paid for his monogrammed tailormade shirt, but it's yours for six bucks at the Unclaimed Baggage

For \$3, you can add a yellow silk power tie. For \$35, a size 42 regular navy wool suit with cuffed trousers. Tortoise-shell eyeglasses? \$4. A camel's-hair overcoat? \$45.

Sounds like what a rising executive would pack for an out-oftown power play? Exactly: This ensemble was harvested from the 135,000 suitcases, hang-up bags and overnight cases lost each year by airline passengers.

Airlines mishandle about 6.7 million pieces of luggage a year, according to the Air Transport Association (ATA), the trade organization that represents the major carriers. About 98 percent of the bags are returned to owners within a few hours. The rest are lost forever.

Some are stolen, some are lost by passengers scheming to profit from false claims, and the rest simply cannot be identified, said Leslie Rowland, a spokeswoman for the ATA in Washington.

Unclaimed Baggage is the repository of what falls into the black hole between the check-in counter and baggage carousel. After the airlines have given up on finding the owners, usually after about four months, they sell the luggage for salvage. And for most lost luggage, Alabama is the end of the line.

In Scottsboro, the contents are removed, sorted, cleaned, pressed, arranged and tagged. The store looks like a cross be-

See LUGGAGE, Page 11A

### Agent

From Page 1A

verdict, said, "I feel like a 300pound karate instructor has been taken off my back." The hefty Abernethy is a former karate promoter.

In his closing arguments, Valeska referred to articles published in The Atlanta Journal-Constitution in which Abernethy said a former associate, Gary Wilson, entertained athletes at "strip bars."

Valeska then characterized Abernethy as "a pimp" and implored the jury to "take a good look

Abernethy said afterward, "He took quotes out of context. In my business, that would be slander."

Although Abernethy wanted to testify on his own behalf, Baxley said that because the facts of the case were never in dispute he decided not to put his client on the witness stand.

"I'm surprised by the sentence," Abernethy said. "But I feel the decision will be overturned by the appeals court. With my background, I don't think there will be any jail

Abernethy said this was his first criminal conviction.

Abernethy said, "Someone had to ball player Derrick McKey.

and pay the price. If we win the appeal, this will be the best thing that ever happened to college sports. The agent problem needs to be addressed at every level."

Assistant Attorney General William Wasden in opening and closing arguments contended that while Auburn had been punished by losing Porter for the Sugar Bowl, and Porter punished because he missed the Sugar Bowl and the Japan Bowl allstar game, Abernethy was the only party "who has gone unpunished.

"We felt sports tampering was the primary charge," Wasden said. "We feel we now have a law that applies to sports agents and we can travel with it. Any judgment of conviction will have a deterrent effect.'

Baxley argued that Abernethy was the victim of selective prosecution, telling the jurors that agents Norby Walters and Lloyd Bloc had not been prosecuted for dealing with Auburn running back Brent Fullwood two years ago.

However, in his closing argument Valeska — shaking his finger in Abernethy's face - proclaimed, "This is the first prosecution [of a sports agent in Alabama]. Walter and Bloom are next, and from now on it's forever."

Valeska and Wasden will attempt to prosecute Walters and Asked what effect the decision Bloom next month for their dealwould have on college athletics, ings with former Alabama basket

## take a stand for sports in general Atlanta sportswriter becomes player in legal tussle

By Tracy Thompson Staff Writer

OPELIKA, Ala. — The reporter whose stories started an investigation into agent payoffs to college athletes sits quietly in the courtroom's back row, an observer to the main event. At the trial of sports agent Jim Abernethy, the presence of Atlanta Journal-Constitution sportswriter Chris Mortensen is mute testimony to a lively legal debate: When, if ever, should journalists become witnesses in a trial?

Abernethy, a former Atlanta sports agent, is accused of violating Alabama law by signing college football players to professional contracts during their college eligibility. A yearlong expose of such practices by Mortensen was the catalyst for the charges. But Mortensen is here as a witness, not as a reporter, because Alabama prosecutors subpoenaed him last week.

That subpoena, and efforts by the newspaper to quash it, set in motion a chain of events visible to the public only as a puzzling attempt by the reporter who uncovered a scandal to avoid talking about it in court. Bill Wasden, the prosecutor who subpoenaed Mortensen, conceded Tuesday that the issues that arise when a reporter is required to testify against his will



**Kevin Porter** Jim Abernethy

tend to mystify even lawyers. "I would say the public and the non-media bar ... don't appreciate the reporter's concerns," Wasden

said during a break in the trial. Wasden contended that reporters play a unique role as public watchdogs, but that they are citizens first. When a reporter has information relevant to a criminal case, he or she should be required to testify about it in court, just as any citizen would, he argued.

Attorneys for the newspaper said that except in rare instances, where there is no alternative, requiring reporters to testify means they wind up doing legwork for the prosecutor. They also contended that news sources dry up when they never can be sure if their conversa-

tions with a reporter won't someday be transcribed by a court reporter.

It is not an abstract debate. Terry Adamson, an Atlanta attorney whose clients include The Journal-Constitution and WSB-TV, estimated that newspaper and television reporters are subpoenaed "about half a dozen times a month" to testify in cases in which they are not defendants.

In practice, courts balance the public's interest in trying the accused against the reporter's First Amendment right to gather news. In the Abernethy case, that simplesounding equation spawned two four-hour court hearings — one Thursday in Atlanta and one Monday here in Lee County Circuit Court — that ended with Mortensen being ordered to testify.

"Having exposed a scandal, [Mortensen] is not immune to being part of the corrective process," Fulton County Superior Court Judge' Frank Eldridge ruled.

But Eldridge also limited prosecutors to asking only about statements made by Abernethy to Mortensen and published in the newspaper. The stories about Abernethy quoted no unattributed sources, leading prosecutors to contend that an Alabama law preventing reporters from being compelled

to testify about their news sources does not apply.

Mortensen, a 15-year reporter, believes that being forced to testify already has limited his ability to convince sources he will shield

their identity. "All they know is that I'm up

there blabbing away," he said. Efforts by Wasden and his fellow assistant attorney general, Don Valeska, to ask questions that could be interpreted to probe into the process by which Mortensen gathered his information were sharply curtailed by Lee County Circuit Judge Robert Hunter on Monday.

Fifty times Valeska tried to ask Mortensen a question that Hunter deemed outside the scope of his interpretation of Eldridge's order, and 50 times Hunter sustained the objections of the newspaper's attorney, Michael Fisher.

On Tuesday, that scenario was repeated when Bill Baxley, a Birmingham lawyer representing Abernethy, re-called Mortensen to testify about quotations he thought helped his client's case. He, too, was limited to asking Mortensen whether Abernethy said what Mortensen had quoted him in the newspaper as

Baxley got a one-word response:

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