

MONTAUK TELECOMMUNICATIONS
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May 27, 1992

Donna R. Searcy, Secretary
FEDERAL COMMUNICATIONS COMMISSION
1919 M Street NW
Washington, DC 20554

92-100/

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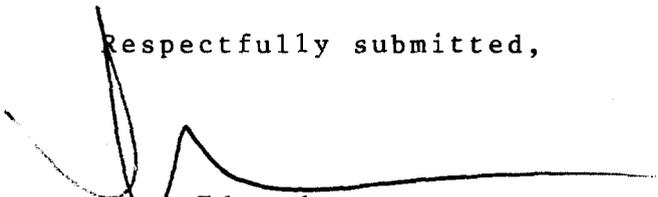
MAY 29 1992

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Dear Ms. Searcy:

Enclosed please find an original and four copies of a request for a Pioneer's Preference, related to RM-7760.

Respectfully submitted,


Matt Edwards
Partner

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MAY 29 1992

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

FCC MAIL SECTION

MAY 29 1 53 PM '92

RECEIVED BY

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of

Amendment of the Commission's)
Rules to Create a New Radio)
Service "Public Facsimile)
Service" and Allocation of)
Channels therefor)

Gen Doc. 92-100
RM-7760 →

REQUEST FOR PIONEER'S PREFERENCE
BY MONTAUK TELECOMMUNICATIONS COMPANY
(FORMERLY KNOWN AS FAX-MAX SERVICES CO.)

Montauk Telecommunications Company hereby submits its request for a Pioneer Preference determination for the service proposed in its Petition for Rulemaking (RM-7760) for an allocation within the 930-931 MHz "Advanced Messaging Services" band. This request is made pursuant to Section 1.402(a) of the Commission's Rules.

Should the Commission allocate spectrum for such a proposed service, Montauk Telecommunications, for the reasons outlined herein, requests a Nationwide license to permit it to construct facilities to offer its service in at least the top 100 SMSAs.

In support of its request, the following is submitted.

Montauk Telecommunications is a partnership of Matt Edwards and Peter Moncure.

1. MONTAUK TELECOMMUNICATIONS FULLY SATISFIES COMMISSION GUIDELINES WARRANTING A PIONEER PREFERENCE.

Section 1.402 requires an applicant to support its request with:

- a) a description of the service to be provided
- b) the applicant's plan for implementing the service including proposed frequencies, and the area for which the preference is sought
- c) a demonstration of the technical feasibility of the new service (or technology), and
- d) a discussion of conflicting license rules.

Montauk Telecommunication has proposed that several 25 kHz wide channels be reserved within the AMS band for an advertiser-supported service which would deliver, via radio, a newspaper-like publication to FAX machines equipped with special receivers tuned to one of several channels providing the service. It also filed an application for an experimental license to demonstrate its proposed service in the New York and Washington, DC areas. Those licenses , KK2XBY and KK2XCA, were issued on February 27, 1992.(1) The Company expects to begin experimental broadcasts of an hourly newspaper, THE LATEST NEWS (see exhibit A) this summer. This hourly newspaper is a printed version of an all-news radio station (WCBS or WINS in New York, WTOP or WPGC in Washington) in that it is updated as its contents become outdated.

(1) The first report on experimental results is due August 27, 1992. To date, no on-air testing has taken place by Montauk, however the holder of the patent has tested extensively.

The attractiveness of Montauk's rulemaking proposal is manifold, because the benefits of offering such a service to the American public extend beyond a mere "free newspaper". The utility of FAX machines in homes and offices will be greatly enhanced. Montauk has been encouraged by support from Social Agencies in that they foresee great benefit to the hearing impaired, who could receive updated news, just as the unimpaired now do from radio and TV. Indeed the benefits to just this group alone would justify the allocation proposed.

Further, ethnic communities in major cities would be able to receive FAXcasts of news in the various ethnic scripts. Korean, Japanese, Hebrew, Arabic, Thai and other communities could receive via FAX, newspapers and other periodicals transmitted over Montauk's proposed service. Normally ethnic newspapers are only available in neighborhoods with high ethnic concentrations, disenfranchising those who choose to assimilate into the general population. And of course, the infirm would have access to newspapers without leaving home with FAX broadcasting.

Montauk, for instance has arranged with Shadow Traffic Network (which provides traffic updates to radio and TV broadcasters), to provide it with thrice-hourly traffic maps showing detours, delays, and other items of interest to motorists. Montauk has also made initial inquiries into broadcasting each day the "wanted criminal" posters, and other crime-watch material to the public, effectively making the service a crime fighting tool.

Other daily menu items which Montauk proposes to provide include Radio and TV listings, movie guides, crossword puzzles, obituaries, summaries of daily governmental actions, notices of meetings, free concerts, sport scores, and other services. All of these would be provided gratis to owners of the receivers. In times of emergency, governments could send evacuation maps or other special written instructions to thousands of people.

2. IMPLEMENTATION OF THE SERVICE

Montauk's plan for implementing the service is simple. The Commission, by setting aside a uniform group of frequencies for the service, will make possible the low-cost mass-production of simple receivers which can be added to the 12 Million FAX machines already in service. Indeed, Camarro Research predicts that the penetration of FAX machines (if priced at \$ 200) into households could reach 40%. Clearly, a potential audience for a Radio-FAX newspaper exists.

Montauk believes that the technology for such FAX broadcasting exists now; weather maps and "wirephotos" are sent to thousands of special receivers around the world by radio; what the FAX-MAX proposal offers, is a new Advertiser-supported service, .

Montauk's proposed broadcast service has not yet been proven in the marketplace; clearly two aspects need to be examined closely: First, will consumers buy the special receiver, or pay extra to have it incorporated into a FAX machine, and secondly, will advertisers pay to have their messages included in FAX casts?

3. THE NEED FOR COMMISSION ACTION ON THIS PROPOSAL AT THIS TIME.

Because of the impending allotment of spectrum within the AMS 930-931 MHz band, Montauk believes that at least 100 kHz should be set aside for its proposed service. This would permit the operation of up to four competitive services in a region each occupying 25Khz of spectrum. With guard bands, this would permit each to broadcast a 9600 baud Group III FAX signal to a receiver. By placing the service between two existing paging allocations (RCC at 931 MHz, and PCP at 929 MHz), the benefits of low cost receiver availability is assured. Should the service fail commercially, the proposed channels could eventually be re-assigned to paging.

4. LICENSING PROCEDURES

Probably the best allocation scheme would be one which provides for two nationwide licenses, and two (or more) local only licenses issued on an SMSA by SMSA basis. Thus diversity would be assured. The national licensees would likely provide full-time financial and international/national news, with the type of advertising content normally associated with such material, while the local licensees would provide local editorial material and advertise local businesses. Montauk, as outlined previously, requests one of the nationwide licenses.

Licensees would be permitted to add synchronous transmitters within the SMSA to fill out coverage as needed.

5. TECHNOLOGICAL BARRIERS TO IMPLEMENTATION OF THE SERVICE.

The technological barriers to the implementation of the service are few or non-existent. The holder of the patent on the receiving device has proven the technology with a range of FAX machines by superimposing the signal on an FM broadcast SCA. It is not difficult to use a dedicated, interference-free channel for this proposed service. "Breadboard" testing has proven that radio transmission circuits will be transparent to the system.

6. OTHER TECHNOLOGIES AND SERVICES ARE NOT SUITABLE.

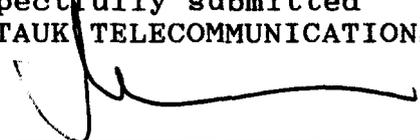
Our proposal to allocate separate spectrum for the service is prompted by the lack of availability of SCA channels in many markets. In New York, for instance, FM SCA channels are rarely available, and when they do become so, prices start at \$ 250,000 a year. Further, the limited coverage of Class A and Class B-1 FM stations would require multiple stations to be used to serve an area. The receivers would be unduly complicated to use, since not only would the user have to identify the station(s), but also choose among the various subcarriers to find the desired FAX broadcast. All these stand to hinder the service and its acceptance by the public.

7. SUMMARY

In summary, Montauk Telecommunications has proposed an innovative service, which is technically feasible, and can be allocated the spectrum now available in the AMS band.

Further, Montauk will shortly begin demonstrations of the service, and seek out manufacturers to develop and market the receivers. Montauk Telecommunications clearly merits a Pioneer Preference for its efforts in defining, developing, promoting, and demonstrating the feasibility of this proposed service.

Respectfully submitted
MONTAUK TELECOMMUNICATIONS COMPANY

By: 

Matt Edwards, Partner

Dated this 27th day of
MAY, 1992

EXHIBIT A

It should be noted that not all of the 20 pages of the 4PM edition are reproduced here, but some ads are included. This was one of six editions, each different, published that day.

Printed by XEROX
Business Services

The Latest News

The nation's first
hourly newspaper

Published by States News Service, Washington, D.C.

The Latest Weather

Washington - Partly cloudy and brisk tonight, low in lower 30s.

New York - Partly cloudy and colder tonight, low 30-35.

Boston - Partial clearing tonight, low around 30.

Chicago - Mostly cloudy tonight, low around 30.

Supreme Court upholds damages for victims of sex discrimination

By JAMES VICINI

WASHINGTON (Reuter) - The Supreme Court ruled unanimously today that a 20-year-old federal law banning sex discrimination in schools and colleges allows victims of the bias to collect damages.

The country's high court, in a decision by Justice Byron White, rejected arguments by the Bush administration and a Georgia public school system that the only remedy under the law at issue was a court order stopping the discrimination.

The case involves a lawsuit by Christine Franklin, a former high school student in Gwinnett County, Ga., who sued for \$6 million in damages against the school over what she said was discrimination in the form of sexual activity with a male teacher.

She also brought a separate suit under state law.

Franklin charged in the federal suit that the teacher, Andrew Hill, brought up intimate, sexual topics with her and made various suggestive remarks. It alleged that Hill intimidated and coerced her into having sex with him three times during her sophomore year.

Hill, who was never charged, has denied having sexual relations with her and has insisted that she initiated any discussions about sexual matters. He quit his job after an investigation into the allegations.

(continued on page 4)

Orders for durable goods edge up January rise of 1.5 percent follows December plunge

By JOHN D. McCLAIN

WASHINGTON (AP) - Orders to U.S. factories for usually expensive durable goods rose 1.5 percent in January, bouncing back a bit from the biggest drop in more than a year just a month earlier, the government said today.

The Commerce Department said orders totaled a seasonally adjusted \$119.6 billion, up from \$117.8 billion in December when they plunged a revised 5.1 percent, slightly less than the 5.2 percent fall estimated earlier.

The December decline was the steepest drop since sales fell 11.2 percent in November 1990. Orders had risen 0.6 percent in November and 2.7 percent in October.

The January advance was led by sizeable gains in orders for industrial machinery and equipment and in transportation equipment.

Orders for electronic and other electrical machinery fell after four straight increases.

Until the December drop, durable goods orders had risen for two consecutive months, suggesting the manufacturing sector had avoided the renewed weak-

ness found in many other areas of the economy toward year's end.

Orders for industrial machinery and equipment jumped 6.3 percent, to \$21.1 billion, nearly twice the 3.2 percent decline in December. It was the highest level since \$21.8 billion in January 1991.

Transportation orders rose 1.2 percent, to \$29.4 billion. They had plunged a revised 13.7 percent a month earlier, slightly less than the 13.9 percent drop originally reported.

Excluding the transportation sector, orders were up 1.6 percent.

The often-volatile defense orders, which represent only 7 percent of the total, plummeted 21.0 percent, to \$7.7 billion. Aircraft and parts accounted for most of the decrease. These orders had soared 89.6 percent the previous month.

Excluding the defense category, orders rose 3.6 percent.

Non-defense capital goods orders excluding aircraft jumped 4.3 percent, to 26.4 billion, after slipping 1.1 percent in December. These orders often are a barometer of industry plans to expand and modernize.

Irish high court sides with teen rape victim

By PAUL MAJENDIE

DUBLIN, Ireland (Reuter) - Ireland's Supreme Court today overturned a lower court ruling that kept a 14-year-old rape victim from having an abortion in Britain and sparked an emotional debate in this Roman Catholic nation.

The court gave no immediate indication of the grounds for its decision in the case, but the five judges said they would spell out their reasons at a later date.

Last week the Dublin High Court banned the girl, raped by the father of her best friend, from having the abortion in England. Abortion has always been illegal in Ireland.

Her parents appealed to the Supreme Court, the highest legal authority in the country, in a landmark case. The state agreed to pay her \$80,000 legal fees.

A week of heated debate followed the initial decision, plunging the new government of Prime Minister Albert Reynolds into crisis after only a week in power.

(continued on page 4)

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Rally sends Dow up 20 points in brisk trading

By FRANK SAKDALAN

NEW YORK (UPI) - Stock prices rallied in active early afternoon trading today on buying tied to computer-driven buy programs.

The Dow Jones industrial average, which tumbled 24.59 points yesterday, was ahead 19.67 points to 3277.50 at 1 p.m. EST.

Among the broad gauges, the New York Stock Exchange composite index was ahead 1.45 to 228.13, while Standard & Poor's 500-stock index was up 2.78 to 413.23.

Advances topped declines 981-585 among the 2,096 issues crossing the NYSE tape.

Volume amounted to about 135,940,000 shares at 1 p.m., compared with 133,220,000 in the same period yesterday.

Stocks were higher on the American Stock Exchange and in over-the-counter trading. Key U.S. government securities moved higher.

The 30-year bond was ahead 9/32 to 100 27/32 for a yield of around 7.92

Dow Jones

Averages

(at 1 p.m.)

30 Indus	3277.50 up	19.67
20 Trans	1443.95 up	13.83
15 Utils	205.18 up	0.62
65 Stock	1185.03 up	7.94

percent.

Michael Metz, chief investment strategist with Oppenheimer & Co., said the market "is in a corrective mood. There's very little incentive to be aggressive at this juncture."

He said the durable goods orders report "was slightly encouraging, but nothing to break out the champagne for. There is some uneasiness about the economic figures. We're getting mixed signals about the economy."

Metz said "yesterday's drop was overdue. There's too high optimism about the economy and it was derailed by the poor confidence index report."

Tokyo, Hong Kong stocks make broad gains

By GARETH JONES

TOKYO (Reuters) - Stocks surged in Tokyo today as bargain hunters swooped down on the battered market.

In Hong Kong, stocks soared to a record high and other regional exchanges ended mixed.

In Tokyo the Nikkei average rose 339.22 points or 1.61 percent to end at 21,364.77, with 200 million shares traded, compared to 158 million yesterday. It was the 225-share average's highest close in two weeks.

In the broader market 727 stocks closed higher, 231 lower and 155 unchanged.

Computer-driven buy programs and the start of a new trading month bolstered prices. Hopes for an interest rate cut also underpinned the market, brokers and analysts said.

"The start of a new trading month has reinvigorated dealers," said Paul Migliorato of Jardine Fleming Securities. "Holding above 21,000 for most of the day has also encouraged people to think the market has bottomed for the time being."

Today was the first trading day for March delivery of securities.

"Buying today has been more upbeat than for a while with institutional investors buying up low-priced stocks," said Tadashi Kawakami at Merrill Lynch.

The market weakened at the open, depressed by Wall Street's overnight drop. But the market reversed course, and the Nikkei closed at its highest since Feb. 13.

On the negative side, "the market may already have factored in the next discount rate cut, whenever it comes, by up to about 40 percent," said trader Ken Nakamichi at Morgan Stanley.

In Hong Kong blue chip stock rose on expectations of good corporate results in coming weeks. The blue-chip Hang Seng Index added 34.51 points to a record 4,794.71.

In Singapore share prices were mixed, with the Straits Times Industrial index off 8.85 points to 1,484.42. In the broader market, there were 101 falls against 94 advances.

Australian stocks closed lower. The All Ordinaries fell 1.8 points to 1,638.1 after trading in a narrow range.

NYSE 20

NEW YORK (UPI) - Following are mid-morning prices for the 20 most widely held stocks listed on the New York Stock Exchange:

Ameritech Corp	60 1-4	off	1-4
AT&T Company	37	off	1-8
BCE Inc	40 1-8	up	1-2
Bell Atlantic	43 5-8	off	3-8
BellSouth Corp	46 3-4	unch	
Exxon Corp	57 3-8	up	1-8
Ford Motor Co	36	up	3-8
Genl Electric	79 3-4	up	3-8
General Motors	36 3-8	off	1-8
GTE Corp	31 1-8	up	1-4
IBM Corp	87 3-4	off	1-2
Mobil Corp	62 1-2	up	1-4
Nynex Corp	72 7-8	up	1-8
Pac Gas & Elec	30 3-4	up	1-8
Pacific Telesis	40 5-8	unch	
Phila Electric	24 1-8	unch	
Sears Roebuck	42	off	3-8
Southern Co	30 1-2	off	3-8
Sthwestern Bell	58 5-8	up	7-8

Japan official: U.S. economy to recover first

By SCOTT MILLER

TOKYO (Reuter) - The United States is likely to be the first major economy to emerge from a global slump, but there is little chance it will be the locomotive helping other nations recover, a senior official at Japan's finance ministry said.

The official said today the United States was poised for an economic recovery ahead of Japan or Germany, despite recent worrisome economic signals from Washington.

"The U.S. was the first to enter a downturn and it's only natural to expect it to be the first one out," he said.

Washington has been bombarded by a stream of gloomy economic indicators in recent weeks, highlighted by the U.S. consumer confidence index yesterday, which showed a fall to 46.3 in February, the lowest level in 17 years.

However the Finance Ministry official said some indicators, such as housing starts, point to healthier U.S. growth, and the U.S. economy should start picking up steam this year.

On Wednesday, Bank of Japan Governor Yasushi Mieno, who is just back from a meeting last week with Federal Reserve Board chairman Alan Greenspan, told a news conference the cloud over the U.S. economy has a silver lining, but it is too early to forecast a full-fledged recovery.

Mieno said he held informal talks last week with Greenspan and other Fed board members concerning economic conditions in Japan and the United States.

Contrary to expectations among many major nations that an economic rebound in one country will pull others along with it, the fates of Japan and Germany are more likely to be determined by their own domestic policies, analysts said.

The current economic slowdown in Japan has been caused largely by the Bank of Japan's tight grip on credit, which has been relaxed a little only since the middle of last year.

Standard & Poor's

NEW YORK (UPI) - Standard & Poor's hourly stock indexes (1982 average equals 100 for transportation; all others 1941-43 equals 10):

	400	20	40	40	500	400
	Indust	Trans	Utils	FncI	Stocks	MidCap
Previous	488.17	353.37	141.29	34.45	410.45	149.09
Opening	490.63	357.03	141.61	34.59	412.40	149.85
11 a.m.	489.67	355.19	141.60	34.59	411.73	149.75
Noon	490.66	355.40	141.69	34.64	412.45	150.33
1 p.m.	491.99	356.79	141.83	34.72	413.50	150.60

High court bans tax breaks in friendly takeovers

WASHINGTON (AP) - Corporations cannot take federal income tax deductions for expenses they incur in arranging to be acquired in friendly takeovers, a unanimous Supreme Court ruled today.

Such payments are not "ordinary and necessary" expenses, which generally are deductible, but are more akin to nondeductible capital expenditures, the court said.

"The acquisition-related expenses bear the indicia of capital expenditures and are to be treated as such," Justice Harry A. Blackmun wrote in a decision agreeing with the Internal Revenue Service's interpretation of federal tax law.

The ruling is a defeat for INDOPCO Inc., formerly the National Starch and Chemical Corp., which sought to deduct the \$3 million it spent in 1977 arranging to be acquired by Unilever.

The money was spent for lawyers and an investment adviser.

"National Starch has not demonstrated that the investment banking, legal and other costs it incurred in connection with Unilever's acquisition of its shares are deductible as ordinary and business expenses under (the tax code)," Blackmun said.

NYSE Indexes

(at 1 p.m.)

Composite	228.24	up	1.56
Industrial	286.31	up	2.07
Transport	209.87	up	1.97
Utility	95.60	up	0.52
Finance	174.53	up	0.94

Equivalent to a gain of 26 cents in the average price of a N.Y.S.E. common share.

Tokyo to press U.S. on budget deficit reduction

By SCOTT MILLER

TOKYO (Reuter) - Japan will press the United States to slash its budget deficit when the two nations renew three-year-old talks aimed at reducing barriers to trade, a Foreign Ministry official said today.

Japan will seek progress on a range of areas, with emphasis on the U.S. deficit and the low U.S. savings rate when the two sides meet in Washington today, the official said.

"Reducing the deficit is one of the most important steps that the U.S. can undertake to improve its economy, so we will be putting special emphasis on that area," he said.

In an agreement reached in 1990, Washington pledged to try to end the federal budget deficit, increase private savings, improve education and training and boost spending for research and development.

Japan, among other things, pledged to increase public spending, reform monopolistic business practices and relax restrictive land-use practices.

The U.S. is expected to criticize Japan for the growing trade gap between the two countries.

Finance Ministry data show that Japan's trade surplus with the United States increased slightly to \$38.45 billion last year from \$37.95 billion in 1990.

Today's meeting is part of a regular follow-up series of trade talks agreed to under the 1990 agreement, known as the Structural Impediments Initiative.

The Foreign Ministry official said another meeting is likely in April or May, ahead of the completion of an annual report scheduled for sometime before this summer.

IN A RECESSION, THE BEST DEFENSE IS A GOOD OFFENSE.

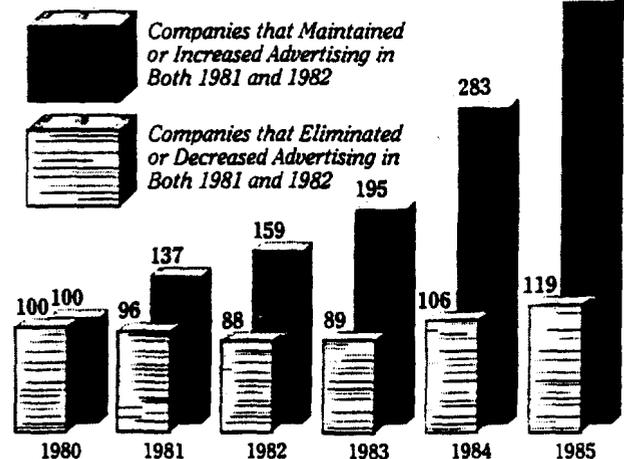
It's a recession. Your instincts demand that you cut the ad budget. But, as the McGraw-Hill Research¹ analysis of business-to-business advertising expenditures during the 1981-82 recession shows, it's those with the courage to maintain or increase advertising in a recession who reap a major sales advantage over their competitors who panic

and fall back into a defensive posture. And this advantage continues to expand long after the recession is over.

Recessions last an average of 11 months, but any advertising decision made during one can have permanent repercussions. The McGraw-Hill study demonstrates that nervous advertisers lose ground to the brave and can't gain it back. In 1980, according to the chart seen here, sales indices were identical, but by 1985 the brave had racked up a 3.2 to 1 sales advantage. A similar study done by McGraw-Hill during the 1974-75 recession corroborates the 1980's research.

A recession is the single greatest period in which to make short- and long-term gains. And, surprisingly, increasing advertising modestly during one has much the same effect on your

Effects of Advertising in a Recession on Sales (Indices)



McGraw-Hill Research, 1986.

profits as cutting advertising does. According to The Center for Research & Development's October 1990 study of consumer advertising during a recession, advertisers who yield "to the natural inclination to cut spending in an effort to increase profits in a recession find that it doesn't work."² This study, relying on the PIMS³ database, also uncovered that aggressive recessionary advertisers picked up 4.5 times as much market share gain as their overcautious competitors, leaving them in a far better position to exploit the inevitable recovery and expansion.

Chevrolet countered its competitors during the 1974-75 recession by aggressively beefing up its ad spending and attained a two percent market share increase. Today, two share points in the automotive industry are worth over \$4 billion. Delta Airlines and Revlon also boosted ad spending in the 1974-75 recession and achieved similar results.

Continuous advertising sustains market leadership. And it's far easier to sustain momentum than it is to start it up again. Consider this list of market category leaders: Campbell's, Coca-Cola, Ivory, Kellogg, Kodak, Lipton and Wrigley. This is the leadership list for 1925. And 1990. These marketers have maintained a relentless commitment to their brands in both good times and bad. Kellogg had the guts to pump up its ad spending during the Great Depression and cemented a market leadership it has yet to relinquish.

These are the success stories. Space and diplomacy don't allow the mention of the names of those who lacked gusto and chose to cut their ad spending in recessionary times.

But if you would like to learn more about how advertising can help make the worst of times the best of times, please write to Department C, American Association of Advertising Agencies, 666 Third Avenue, New York, New York 10017, enclosing a check for five dollars. You will receive a booklet covering the pertinent research done on all the U.S. recessions since 1923. Please allow 4 to 6 weeks for delivery.

¹ McGraw-Hill Research, 1986. ² The Center for Research and Development ©1990. ³ Profit Impact of Market Strategies, The Strategic Planning Institute, Cambridge, MA.

AAAA

New Justice Thomas following conservative pattern so far

WASHINGTON (AP) - Thus far in his Supreme Court tenure, Justice Clarence Thomas is living up to - perhaps exceeding - expectations that he would be a staunchly conservative addition to the court.

In the 13 decisions in which he has participated, Thomas has the identical voting record of only one other justice, Antonin Scalia, the court's most conservative member.

"It looks to me that he's going to become a clone of Justice Scalia, confirming the worst fears of those who tend to be more liberal," New York lawyer Cameron Clark said yesterday after Thomas issued a strongly worded dissenting opinion in a

Supreme Court upholds damages in sex-bias case

(continued from page 1)

The case took on added importance after sexual harassment became a major, nationwide issue during the Senate confirmation hearings in October for Justice Clarence Thomas, who concurred in the judgement for the student.

Thomas' former aide, law professor Anita Hill, testified that he had sexually harassed her verbally in the early 1980s, a charge he vehemently denied.

White held in the 15-page ruling that damage payments were a remedy available for a lawsuit brought to enforce the federal law, known as Title IX of a 1972 Education Act, at issue.

"Congress did not intend to limit the remedies available in a Title IX suit," White wrote in upholding the interpretation of the law that has been in effect since its adoption.

He also rejected the argument that a damages award would unduly and unconstitutionally expand the federal court's power into an area usually reserved for the federal government and the Congress.

The opinion overturned a ruling by a federal judge and a U.S. Court of Appeals that dismissed the suit on the grounds that Franklin could not seek monetary damages under the law.

Justice Antonin Scalia, in the concurring opinion joined by Thomas and Chief Justice William Rehnquist, said the right to damages was not expressly created by Congress, but was found to be "implied" by the Supreme Court in a 1979 decision.

prisoner-rights decision.

The court ruled 7-2 for a Louisiana inmate who had been punched and kicked by prison guards. It said unnecessary physical force may be unconstitutional even if no serious injuries are inflicted.

Scalia joined Thomas in a dissenting opinion that accused the court of giving in to "the pervasive view that the federal Constitution must address all ills in our society."

Clark, who represents the international anti-torture group Human Rights Watch, called Thomas' opinion "surprising and disappointing" for its narrow view of the Constitution's ban on cruel and unusual punishment.

More high court decisions were expected today, but as of yesterday, Thomas had participated in seven unanimous and six split rulings.

In the six split votes, Thomas sided with Scalia in each and with the conservative Chief Justice William H. Rehnquist and Justice Anthony M. Kennedy in five.

In each of those six cases, Thomas has been on the opposite side of the court's two most liberal members, Justices Harry A. Blackmun and John Paul Stevens.

Thomas, who succeeded the retired Thurgood Marshall to become only the second black justice in the court's history, joined a 6-3 majority last month in saying the Voting Rights Act of 1965 does

not apply when elected black officials are stripped of their official duties.

Before President Bush nominated him to the Supreme Court, Thomas served for 19 months as a judge on the U.S. Circuit Court of Appeals for the District of Columbia.

Although he began his new job Oct. 23, Thomas had some appeals court decision-writing to complete - and an opinion he released last week offers greater insight into Thomas' views on affirmative action.

Writing for a 2-1 majority of an appeals court panel, Thomas told the federal government it must stop giving special preference to women in awarding broadcast licenses.

Although a longtime, outspoken critic of broad affirmative action programs, Thomas testified at his turbulent Senate confirmation hearings he had no reason to disagree with a 1990 Supreme Court ruling that upheld giving special preferences to minorities in awarding broadcast licenses.

Thomas' appeals court opinion said Congress failed to justify giving preferences to women.

"Justice Marshall must be extremely saddened and dismayed by what his replacement seems to be all about," Theodore Howard, a Washington lawyer for the Prisoners' Legal Services Project, said after reading Tuesday's decision.

Irish rape victim free to get abortion in U.K.

(continued from page 1)

The rape victim, who is almost 12 weeks pregnant, threatened suicide when the attorney general first issued an injunction stopping her from having the abortion.

It was not immediately clear when or whether her parents would now arrange to have the pregnancy terminated. Her parents have not made public the girl's whereabouts.

In announcing the decision, Chief Justice Thomas Finlay said: "The court is satisfied that this appeal should be allowed and that the High Court decision should be set aside."

Abortion has always been banned in Ireland where the constitution was amended in 1983 to protect the rights of unborn children after a divisive referendum.

However, about 5,000 Irish women travel to Britain every year to have an abortion.

Lawyers for the girl argued that the state could not restrict citizens' rights to travel under European Community and United Nations agreements signed by Ireland. Her mental health and stability were also another major issue.

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Contract played a role in saving GM plant

By JAMES HANNAH

DAYTON, Ohio (AP) - A labor agreement designed to increase production and cut costs may have helped General Motors' truck plant in suburban Moraine to escape the locks the automaker plans to slap on some of its other plants.

But a GM official said yesterday that the new agreement was only one of several factors considered in determining which plants to idle.

"I wouldn't say that it was the deciding factor because there were many things we looked at," GM spokeswoman Kari Hulsey said.

State and local officials had feared that GM would close the plant, costing 3,400 jobs. However, the plant wasn't among the 12 targeted for closing in an announcement Monday by GM.

Ms. Hulsey said the cost of operating the plant was one factor.

"The contract would be a major consideration there," she said. "... It puts the plant in a very competitive position."

The new agreement was ratified Feb. 16 by members of Local 801 of the International Union of Electrical Workers, which represents employees at the truck plant.

Under the agreement, scheduling at the plant could be changed to bring in a new shift of workers. Starting wages for the new workers would be 55 percent of the pay of veteran line workers make and gradually would reach parity over 10 years. Line workers make about \$17 an hour.

The three crews could work four 10-hour days over a six-day period. With a full new crew, the plant could increase production from 200,000 to 300,000 units a year.

The number of classifications that define the jobs workers are allowed to perform was reduced, giving GM more flexibility in scheduling.

The workers also agreed to take their vacation during the two-week temporary summer shutdown of the plant, saving GM from paying supplemental benefits to laid-off workers.

The United Auto Workers union has criticized the Moraine labor agreement.

UAW Vice President Stephen Yokich has said it was a "substandard agreement" forced upon the IUE by GM. He said the UAW doesn't intend to get into a "panicked bidding war" with other unions to lower work standards or wages.

Several calls to IUE for comment weren't returned.

However, Ed Fire, secretary-treasurer of the IUE international, has said the union did what it had to do to save jobs.

Michigan governor wants answers from GM

LANSING, Mich. (UPI) - Gov. John Engler wants General Motors Corp. to release more information on its decision to close the Willow Run assembly plant near Ypsilanti, Mich., and keep a sister plant in Arlington, Texas, open.

Engler finally spoke to GM Chairman Robert Stempel on the telephone yesterday afternoon. Engler spokesman John Truscott said he could not provide details of the conversation, but said many of the governor's concerns remained unresolved.

"I am adamant that GM has got to be more forthcoming as to what the factors were. If they can put 9,000 people on the street, they can at least say why," the governor said.

Several powerful members of Michigan's congressional delegation also want to know more about GM's decision to close plants in Ypsilanti, Flint, Saginaw, Detroit and Lansing.

Sen. Donald Riegle, D-Mich., said GM's claims that its reasons are confidential is "unacceptable." Rep. William Ford, D-Mich., whose district includes the Willow Run plant, criticized GM for its decision and repeated his demand for an explanation.

Union sues firm over move to Puerto Rico

PHILADELPHIA (UPI) - A pharmaceuticals union today filed a \$1 billion lawsuit against American Home Products, accusing the company of eliminating U.S. jobs to take advantage of tax breaks by shifting production to Puerto Rico, the union said.

The suit filed in U.S. District Court in San Juan alleges that AHP violated numerous laws and eliminated more than 1,400 jobs in Indiana, Pennsylvania and New York to build tax-sheltered Puerto Rican plants during the 1980s.

The civil racketeering lawsuit was described by the Oil, Chemical & Atomic Workers Union as "a landmark action" that seeks \$500 million in actual damages and \$500 million in punitive damages, the union said at a news conference.

The suit also seeks to void all of AHP's accrued U.S. and Puerto Rican tax benefits since 1985, estimated at \$500 million.

The suit alleges the firm abused the Internal Revenue Service possessions tax credit statutes, which grant U.S. corporations 100 percent tax credits on profits made by Puerto Rican subsidiaries, at the expense of other workers.

Named as defendants are AHP and its Puerto Rican subsidiary, Ayerst-Wyeth Pharmaceuticals Inc., including both Puerto Rican plants as well as AHP's mainland firms, Wyeth-Ayerst Laboratories and Whitehall Laboratories.

Co-defendants are Puerto Rican Gov. Rafael Hernandez Colon, Secretary of State Antonio Colorado and Silvia Matos, head of the Puerto Rico Industrial Tax Exemption Office.

The suit alleges the AWPI plant, built and opened between 1982 and 1988, received nearly all of the production formerly located in AHP's Great Valley, Pa., plant, and large portions of the company's Rouses Point, N.Y., plant.

The Great Valley main manufacturing building, which had 700 production employees, now has fewer than 100 workers. It produces heart medicine, oral contraceptives and tranquilizers.

The suit also states that the Whitehall Laboratories Puerto Rico plant, built and opened between 1986 and 1988, absorbed most of the production of AHP's plant in Elkhart, Ind., which once had 575 manufacturing jobs and 200 clerical and management positions.

The Elkhart plant closed last Nov. 1 and its production of Advil, Anacin, Dristan, Primatene and Denorex was moved to Puerto Rico.

The suit is a related action to the \$100 million racketeering lawsuit filed against AHP last year by the same union over the Elkhart closure. That case goes to trial March 30 in San Juan.

McCrorry Corp. files for Chapter 11 protection

NEW YORK (AP) - McCrorry Corp. filed for Chapter 11 bankruptcy court protection from creditors today, less than two weeks after the five-and-dime operator missed a key loan payment.

The filing had been expected since McCrorry missed the Feb. 15 payment on \$3.37 million in debt securities and the retailer said it was "considering its restructuring options."

The company operates the G.C. Murphy, J.J. Newberry, H.L. Green and S.H. Kress outlets, some of the oldest names among the chains of dime stores that once dotted many downtowns across the nation. The McCrorry-owned stores are primarily located in low-income urban areas.

The company announced plans in December to close nearly a quarter of its 1,030 variety stores, letting 2,000 of McCrorry's 25,000 employees go in the process.

The stores lost about \$16 million in the first nine months of 1991, contributing to an overall loss of \$42.3 million during the period. Sales totaled \$960.7 million for the first nine months of 1991, down from \$1.05 billion in the year-ago period.

West Coast Video files for bankruptcy

PHILADELPHIA (UPI) - West Coast Video Enterprises Inc., the nation's second largest video store chain, filed yesterday for Chapter 11 bankruptcy protection.

Officials of the Philadelphia-based company said the filing will not affect the operation of its 400 area outlets, all of which are independently owned.

The company listed \$3.6 million in assets and \$9 million in debts.

Officials blamed the firm's financial problems on \$6.6 million in loans it guaranteed to a related company, Red Lion Entertainment Inc. Red Lion, which also filed for bankruptcy yesterday, had an interest in 70 West Coast stores that have closed or been sold.

West Coast Video was born in 1984 with a single store in Philadelphia. By 1990 it operated 700 outlets.

U.S. firms optimistic over easing biotech rules

By PAUL RECER

WASHINGTON (AP) - A plant that makes its own insecticide or fertilizer. Bacon with almost no cholesterol. Bacteria that produce enzyme or hormones to cure human disease.

These are among the thousands of products that experts say are possible through the genetic manipulation magic of biotechnology, a powerful new science that is dominated by Americans.

But to bring these products to market, U.S. biotechnology companies say they've had to navigate through unmapped corridors of federal bureaucracy.

A White House announcement on Monday aims to change that.

President Bush said he is instructing regulatory agencies such as the Food and Drug Administration and the Environmental Protection Agency to adopt a new attitude in regulating products made by genetic engineering.

"This \$4 billion industry should grow to \$50 billion by the end of the decade - if we let it," Bush said. "The United States leads the world in biotechnology and I intend to keep it that way."

Under the president's direction, regulatory agencies are developing new rules that have fewer roadblocks for genetically altered plants, bacteria and animals.

Rule process lasting up to six years

In the past, such products, even if they posed almost no risk, were required to undergo rigorous safety testing and an exhaustive review of data. This process could take up to six years, causing long, costly delays and discouraging small companies with good ideas from attempting to enter the market.

Under new regulations, now being formulated, companies will be required to notify agencies of small-scale tests of genetically altered organisms, but no other data may be required. More careful scrutiny could be started later when products are ready for broader testing, or when there is some obvious risk. Plants or animals that are only slightly changed from their traditional cousins may not be regulated at all.

In effect, the agencies are being told that just because a new product came from genetic engineering, don't assume it's dangerous and block its development. Instead, act only when the risk is clear.

"This should streamline the whole industry," said Dick Godown, an official of the Industrial Biotechnology Association. And it should encourage companies to more vigorously experiment with new ideas, he said.

Pharmaceuticals will not be affected

Godown said it may have little effect on pharmaceuticals produced by genetic engineering. These will continue to face close scrutiny by the Food and Drug Administration.

"It will have a major effect on food and agriculture," said Godown. He said genetic engineering in agriculture has a real prospect of finding more and better foods for a hungry world.

Among the products already being tested:

-A pig that has up to 70 percent less cholesterol than its old-fashioned parent.

-A canola, or rape seed, oil that is completely free of cholesterol. By genetically altering these plants, a company believes the health-threatening fat can be eliminated altogether.

-A cotton plant that makes its own pesticide to kill its worst enemy, the boll weevil. A bacterial gene inserted into the plant's structure will cause it to produce a toxin fatal to insects.

-Genetic engineers also are at work on corn, soybeans and potatoes to produce plants that remain fresh longer, produce high yields of more nutritious food, and are resistant to insects or drought.

Some plants may be altered to fix nitrogen, in effect gaining the ability to make their own fertilizer.

-A tomato is being tested and may be ready soon for the market that will turn red on the vine, but resist turning mushy. As a result, growers can pick red, ripe tomatoes and ship them thousands of miles to market without worrying that they will spoil.

China, U.S. far apart on trade issues

By JANET SNYDER

BEIJING (Reuter) - China today reported major breakthroughs in talks aimed at opening up its market to U.S. exports — but the top American negotiator said discussions made no progress whatsoever.

Unpublished Chinese rules and regulations on trade and investment were a key sticking point, U.S. negotiators said.

"Both sides attained a better understanding of each other's position and major breakthroughs were recorded during the meeting," the official New China News Agency said in its report on the opening round of talks held here Monday.

It said progress on some specific issues was made.

Assistant U.S. Trade Representative Joseph Massey told a news conference today: "I cannot report that there has been a specific item of progress that has been made."

"We made no specific progress in terms of a document or a set of commitments to advance the talks beyond where we have been."

Asked about the Chinese claim to a major breakthrough, he said he had no idea what they meant. "I didn't come across any in my talks. I wouldn't say there have been any breakthroughs yet."

China's trade surplus with the United States, a major irritant in relations, reached an estimated \$13 billion last year according to American figures. China, which uses different accounting methods, maintains it actually has a trade deficit with the United States.

The Senate yesterday approved a bill linking renewal of China's Most Favored Nation (MFN) trade status to improvements in Beijing's record on human rights, trade and missile proliferation.

The Senate vote fell short of the majority needed to override President Bush's promised veto. China had no immediate official reaction to the vote.

In Beijing, Massey said substantial differences remain on market access. "They involve...requests from the United States for profound changes in practices, policies, regulations...governing trade in this market," he said.

"They will be hard for the Chinese to accept and implement."

At issue are China's lack of clear rules and regulations on trade and investment and its extensive use of import bans, import licensing requirements and sanitary barriers to trade.

Agnelli opposes breaking up Perrier

ROME (Reuter) - Italian industrialist Giovanni Agnelli, fighting Swiss food giant Nestle SA to keep control of Source Perrier, said today he did not want the French firm dismembered as part of any settlement.

In a rare public comment on the battle for the world's biggest maker of mineral water, Agnelli warned that the struggle would damage Perrier. "A breakup is not a solution. The company in a situation like the present one is suffering," he told reporters. "Time is certainly working against those who have to run the company."

Known for an industrial strategy based on consensus rather than public fights, he said he was irritated by the struggle.

"This French affair has become long, intricate and tiresome for all," he said. "The problem which matters the most to us, who are industrialists, is the management of Perrier."

Nestle is leading a group that has bid \$2.4 billion for Source Perrier SA. Meanwhile French food group BSN — a former ally of the Agnelli family — has joined forces with Nestle and is bidding for Perrier's parent company, Exor SA.

Dollar rises in European trading

LONDON (AP) - The dollar rose against major foreign currencies today in early European trading. Gold prices were lower.

In Tokyo, the dollar closed at 129.73 yen, up 0.41 yen from yesterday's close. Later in London, the dollar was quoted at 129.90 yen.

Other dollar rates at midmorning compared with late yesterday:

- 1.6565 German marks, up from 1.6395
- 1.5030 Swiss francs, up from 1.4855
- 5.6313 French francs, up from 5.5740
- 1.8658 Dutch guilders, up from 1.8446
- 1,242.50 Italian lire, up from 1,229.50
- 1.1823 Canadian dollars, down from 1.1856

In London, the British pound was quoted at \$1.7403, down from \$1.7560 late yesterday.

London's major bullion dealers fixed a recommended gold price of \$348.80 per ounce at midmorning, down from \$350.05 bid per ounce late yesterday.

In Zurich, the bid price was \$349.05, down from \$350.00 late yesterday.

Earlier, in Hong Kong, gold fell \$1.19 to close at a bid \$349.94.

Silver traded in London at a bid price of \$4.08 a troy ounce, down from yesterday's \$4.10.

Barclays, Britain's largest bank, sees 1991 profits fall 30 percent

LONDON (UPI) - Britain's biggest bank, Barclays, said today that write-offs for soaring bad debts of more than 1.6 billion pounds (\$2.78 billion) pushed its pre-tax profits down by 30 percent last year.

Barclays said it expected the high levels of debt provisions to continue through 1992 until economic conditions improve.

Barclays said its pre-tax profits fell to 533 million pounds (\$927 million) in 1991, compared with 760 million pounds (\$1.3 billion) in 1990.

Shares in Barclays fell 20pence to 374pence (35 cents to \$6.51) on the London stock exchange by midday after it announced its results, which were worse than expected.

Chairman John Quinton said 1991 was marked by the adverse impact on lending by the world recession and by the "unprecedented provision levels" against bad debts in Britain and the United States.

Individual customers and property, construction and retailing companies were hit particularly hard by the recession and the slump in property values, Quinton said.

The Barclays' report was the latest in a string of announcements from leading banks that showed how the recession has soured bank loans, with bad debts across the sector now estimated at 17 billion pounds (\$29.5 billion). The credit crisis has steadily driven down the value of bank shares. Barclays shares have fallen from a peak in the last year of 489pence (\$8.51).

Oldest U.S. nuclear plant to close for good

BOLTON, Mass. (UPI) - The longest operating nuclear power plant in the nation has been closed permanently, it was announced today.

Yankee Atomic Electric Co., which operated the 32-year-old plant in the western Massachusetts town of Rowe, said the permanent closure decision was brought about by economics and regulatory uncertainties.

Atomic Yankee President and Chief Executive Officer Andrew C. Kadak said the company will prepare for an orderly decommissioning of the facility, and that there would be no loss of jobs for 770 workers until the end of the year.

Kadak cited continued economics and regulatory uncertainties as key factors in the board of directors' decision to close the plant eight years prior to the expiration of its operating license.

The plant has been shut down since October because of safety concerns.

The Nuclear Regulatory Commission's staff had concluded earlier the facility's steel containment vessel could

crack during an emergency injection of cooling water.

The plant's operators voluntarily shut down the 185-megawatt plant on Oct. 1 after the NRC staff reversed an earlier decision and said new calculations provided by Yankee Rowe showed the embrittled reactor vessel could crack and release radiation if cooling water was pumped in during an emergency.

Since that closure, work has been under way to test and inspect the effects of 32 years of operation on the reactor vessel.

"Yankee was faced with the prospect of spending more than \$23 million in the next six months to complete very sophisticated testing and analysis on the plant's reactor vessel," Kadak said.

"The technical criteria we must meet and the path we must follow to restart the plant are not sufficiently defined to justify spending that amount of money."

He said the weak economy has resulted in decreased demand for electricity. Existing generation facilities can make up for the loss of power from the Yankee plant, he said.

Blast shatters windows at building housing U.N. foreign missions

NEW YORK (AP) - An explosion outside a building housing 18 foreign missions to the United Nations, including those of Syria and Cambodia, shattered several windows early today but caused no injuries, police said.

The Police Department's bomb squad was investigating the blast, possibly from a pipe bomb, which went off shortly after 2 a.m., said Sgt. Tina Mohrmann, a department spokeswoman.

About 5 1/2 hours later, an unexploded device was found in a phone booth a couple of miles away on Manhattan's West Side near Lincoln Center, Mohrmann said. The United Nations is on the East Side. [UPI later report that the device was defused.]

That West Side address is home to a Red Cross office. Army and Navy recruiting offices are on the same block, and two high schools are nearby.

Drug use was declining before federal 'war' started, researcher says

GAINESVILLE, Fla. (UPI) - Social disapproval and peer pressure may have caused a decline in drug use well before the beginning of the much ballyhooed war on drugs, a University of Florida researcher said today.

"Drug czar Bob Martinez and his predecessor William Bennett like to take credit for the country's successes in fighting drug abuse," said UF sociologist Ronald Akers, author of the new book "Drugs, Alcohol and Society."

"What many people don't realize is that, with a few exceptions, we had already had years of dwindling drug use by the time the federal War on Drugs was declared in 1986," he said.

Overall, illegal drug use has declined every year since 1979, Akers said. Except for a period in the mid-80s and again in 1991, emergency room visits and deaths from cocaine have also declined since then.

"At a time when law enforcement, government officials and the media said drugs were getting out of control in our society, they were really getting under control," Akers said.

Americans have no reason to be complacent, however, because there still is a big drug problem, even though it pales against what it was in the 70s, he said.

The latest national figures for 1991 show that illegal drug use has continued to decline among adolescents and young adults, it has taken a slight upturn among adults age 35 and older.

Akers said although different people credit police, drug treatment programs or prevention education for the decade-long turnaround, there is no direct evidence that any single approach is responsible.

If anything, the cumulative effects of all of these efforts over time have led to increasing social disapproval of drugs, even among adolescents, he said.

The number of people between the ages of 12 and 17 who had ever used marijuana fell from 31 percent in 1979 to 15 percent in 1990. Those reporting smoking marijuana during the previous month dropped from 17 percent in 1979 to 5 percent in 1990. For adults between the ages of 18 and 25, marijuana use during the previous month declined from 35 percent

in 1979 to 13 percent in 1990.

"People always talk about the 60s as the big drug decade," Akers said. "Actually, the big era of drug use in this country was the 70s."

One reason for public misunderstanding about the decline of drugs is what Akers calls the "scary drug of the year" phenomenon. Public officials and the media made distorted claims about the dangers of marijuana in the 1960s, followed by LSD, PCP, quaaludes, ecstasy, cocaine, crack and ice, he said.

"Although these drugs certainly are harmful, their horrors assumed almost mythic dimensions," Akers said. "Each time, with each successive 'new' drug, the claim was made that the substance was so powerful that anyone who touched it would be instantly destroyed by it."

These drugs were said to be the most addictive substances known to mankind and were predicted to spread like wildfire among the nation's youth. But none of the hard drugs came to be used with any frequency by more than a small minority of young people, he said.

Surprise vote against Bush means his quandary continues

By TOM RAUM

WASHINGTON (AP) - President Bush's second-rate finish in a one-man race in South Dakota underscores a political vulnerability that goes far beyond the challenge from conservative commentator Patrick J. Buchanan.

Yesterday's primary delivered another ominous message to the president's re-election hopes while keeping the contest for the Democratic nomination wide open.

Running unopposed on the Republican ballot, Bush was abandoned by nearly a third of his party's voters.

He won just 69 percent of the vote. The remaining 31 percent flocked to an uncommitted slate that provided GOP voters a chance to register their dissatisfaction.

While nobody expects Bush to be denied the GOP nomination, the South Dakota outcome was just one more indication of his potential general election weakness.

Anybody but Bush

Bush's pale victory followed his unimpressive 53-37 win against Buchanan in last week's leadoff New Hampshire primary. And this time, Buchanan wasn't even on the ballot.

"In this case, the uncommitted slate represents an anybody-but-Bush ticket," said Stuart Rothenberg, a political analyst.

"Pat Buchanan campaigned day and night in New Hampshire and drew 37 percent. And here, a nonexistent candidate who didn't campaign drew nearly as much of the vote," Rothenberg said.

The Bush organization had blamed the president's poor New Hampshire finish on that state's severe economic woes.

But the same can't be said of South Dakota, where the unemployment rate is less than half the national average.

Buchanan sat out the primary after failing to win a spot on the ballot.

His loyalists savored the president's predicament.

"The president has been in a free fall for months now and there's no indication that he's leveling off. His political problems are increasing daily," said Richard Viguerie, an outspoken conservative activist and strong Buchanan supporter.

"We need to work harder"

In Los Angeles, where the president was campaigning, Bush campaign spokeswoman Torie Clark conceded: "We need to work harder."

Still, she said, "We won. We'll take those wins."

Bush's weak showing comes as Buchanan continued to wage his energetic insurgent campaign.

The two Republicans meet head-to-head on ballots next Tuesday in Maryland, Georgia and Colorado. Then, on March 7, Bush faces another competitor as well, when former Ku Klux Klan leader David Duke makes his primary-season debut in the three-way South Carolina GOP primary.

Buchanan was focusing his attention on Georgia, viewing it as the state where Bush is the most vulnerable.

The TV commentator was courting not only conservative GOP votes but urging conservative Georgia Democrats to cross over and vote for him in the Republican primary, which is permitted in Georgia.

Money will rule as Democrats now face a broader electorate

By JOHN KING

WASHINGTON (AP) - Still without a clear favorite, the Democratic presidential campaign lurches into a crowded and costly stretch that will test most of the candidates outside their regions and before a far more diverse electorate.

The crunch-time period has two big nights, a regional smorgasbord of primaries and caucuses next Tuesday followed a week later by an 11-contest night with a Southern flavor.

"Put up or go home time has arrived," Georgia Democratic strategist Bert Lance said, describing the March 3-10 stretch of two dozen contests. At stake: nearly 1,300 Democratic convention delegates, 60 percent of what it takes to win the nomination. By comparison, just 105 have been awarded in the four contests so far.

The crowded calendar puts a premium on time and money, and leaves little room for error.

"No one has the money to go across the board," said Democratic consultant Vic Kamber. "You have to pick and choose, and in states you can't win you can still go for delegates by picking congressional districts."

Two of the March 3 contests, Maryland and Georgia, offer black voters their first opportunity to have a major voice in the 1992 election. Arkansas Gov. Bill Clinton has courted the black vote most, although others are making late attempts hoping to make inroads.

In addition, after contests in four predominantly rural states, the candidates will have to court Democratic voters in a number of urban areas, forcing the dialogue to crime, drugs, housing, transportation, race relations, immigration and other issues that got little attention in Iowa, New Hampshire, Maine and South Dakota.

And in Colorado and other Western states, the environment and land and water rights are major issues.

The economy, however, remains the dominant topic nationwide.

"We have national primary nights now and national issues," said Democratic consultant Ann Lewis. "It's a much bigger test of the candidates."

Brown, claiming confidence, plays down poor South Dakota showing

DENVER (Reuter) - Former California Gov. Jerry Brown said yesterday he is not dispirited by his poor showing in the Democratic primary in South Dakota where he barely campaigned.

"It's no surprise. It's to be expected, it's a neighboring state (of Kerrey's)," Brown said after speaking to a crowd of about 400 at an outdoor rally in a working-class Denver neighborhood before the final vote was in from South Dakota.

Brown said that the campaign is still in the early stages and that he would continue to underscore his theme that money from big political donors has given too much influence to too few people, but that he would also emphasize his record as a former governor.

China rejects Senate bill on trade status

BEIJING (Reuter) - China today angrily rejected a Senate bill attaching conditions to renewal of Beijing's preferential trade status with the United States, warning it would harm relations.

"The bill violates the principle of mutual benefit of bilateral trade, and the Chinese side rejects this and will never accept it," the Foreign Ministry said in a statement on national radio.

"This kind of conditionality will harm bilateral trade and diplomatic relations," it said.

In its passage of the bill by a 59-39 vote yesterday, the Senate has picked a political fight with President Bush over his policy of maintaining close ties with Beijing.

The vote was short of the two-thirds majority needed to override Bush's promised veto. But the debate gives Democrats a platform to keep up attacks on Bush's policy.

The bill links renewal of China's Most-Favored Nation trade status — under which its exports to the United States receive non-discriminatory tariff treatment — to improvements in Beijing's record on human rights, trade and missile proliferation.

Washington first granted China MFN status 1980 and it has been renewed on a year-by-year basis since then. This year's MFN expires July 3.

Blast wounds 18 on police bus in Athens

ATHENS (Reuter) - About 18 policemen were wounded, three seriously, when a powerful remote-controlled bomb blasted their bus as it drove through central Athens today, regional police chief Simon Papadoyiorgos said.

The attack bore the hallmarks of the leftist November 17 guerrilla group, which has killed Americans, Greeks and Turks in bomb, pistol and rocket attacks over the past year.

Police originally said a rocket-propelled anti-tank grenade hit the police bus, carrying some 20 riot policemen on a regular morning trip to Athens' top-security Korydallos prison.

Twelve policemen and a passerby were still in a hospital. The other policemen on the bus were lightly wounded.

The attack occurred as the blue police bus drove through the Thession area of Athens, just below the temples of the Acropolis overlooking the city. The bomb was placed at the roadside and detonated when the bus drove by, Papadoyiorgos said.

November 17 killed a policeman and wounded eight others in a rocket attack in November. It shot dead Turkish deputy press attache Cetin Gorgu in October and killed U.S. Air Force sergeant Ronald Stewart with a remote-controlled bomb in March.

Since 1975 the Marxist-Leninist group has killed 18 people, including Greek policemen, businessmen and politicians as well as American and Turkish diplomats.

Defense appointment causes uproar in Poland

WARSAW, Poland (Reuter) - Poland's biggest newspaper expressed alarm bordering on outrage today at the appointment of a journalist with British and Polish citizenship as the country's deputy minister of defense.

The newspaper, Gazeta Wyborcza, questioned whether 29-year-old Radoslaw Sikorski, Warsaw correspondent of the London Sunday Telegraph, had the loyalty or competence for the job.

A leftist deputy also expressed shock in parliament at Sikorski's appointment as one of two under-secretaries of state at the defense ministry.

"It is a shocking fact that yesterday a British citizen was nominated deputy defense minister in a sovereign Poland," Aleksander Kwasniewski, leader of the ex-communist Social Democracy party told the Sejm (lower house).

He accused the center-right government of Prime Minister Jan Olszewski of appointing "incompetent people" known for their political activism since it took over in December.

Gazeta Wyborcza said: "A citizen of Great Britain representing the interests of big international capital has been appointed to one of the most crucial positions — vice-minister of national defense."

"As a loyal subject of the British crown will he be an equally loyal citizen of the Polish Republic when he gets access to the most confidential state secrets," it asked.

Around the World

Panel: Japan needs new capital

TOKYO (Reuter) - Tokyo has become so crowded that Japan should build a new capital, a government-commissioned panel said today.

The panel said parliament and administrative functions should be moved out of Tokyo, which could remain a financial and cultural center.

Its report proposed a site nearly 40 miles outside central Tokyo.

The panel estimated the cost of building the city at about \$107 billion, including \$38.4 billion to buy the land.

Four killed in South Africa

KATLEHONG, South Africa (Reuter) - Gunmen in a South African black township killed four passengers in a minibus today in the second such ambush in as many days, taking the township death toll to more than 60 in five days.

Nelson Mandela's African National Congress has blamed the Zulu-based Inkatha Freedom Party for a spate of similar attacks since Saturday.

"We reiterate our belief that Inkatha is responsible for these gruesome and indiscriminate attacks on unarmed and defenceless people," ANC official Ronnie Mamoepa said.

Inkatha has denied the charges, saying its members had been targeted by ANC supporters.

Zaire faces 'catastrophe'

BRAZZAVILLE, Congo (AP) - The top U.S. official for Africa said a solution to Zaire's political paralysis must be found quickly or a "great catastrophe" will befall the suffering people of the bankrupt nation.

Assistant Secretary of State Herman Cohen spoke upon arriving last night in Brazzaville en route to Zaire, where President Mobutu Sese Seko is clinging to power despite demands for democracy from home and abroad.

Diplomatic sources, who spoke on condition of anonymity, said Cohen was expected go to Zaire tomorrow to meet with Mobutu, who has isolated himself for months on a houseboat

Armenia-Azerbaijan fighting flares

By JONATHAN LYONS

MOSCOW (Reuter) - A high-profile peace mission aimed at ending a four-year struggle between Azerbaijan and Armenia crumbled today amid heavy fighting that threatened to draw former Soviet troops into the conflict.

More than 150 Azeri rockets slammed into a military base of the Commonwealth of Independent States in Stepanakert, the capital of Nagorno-Karabakh, the enclave at the center of the struggle between the rival republics.

The shelling during the past 24 hours killed one soldier and threatening to draw CIS forces into the fighting.

Armenian forces later took the Azeri-populated town of Khojaly and consolidated their hold on the main airport in the disputed enclave, reports from the region said.

Local news agencies said heavily armed Armenian detachments chased Azeri army units out of Khojaly, leaving the city of Shusha as the only major Azeri stronghold left inside the region.

Azerbaijan said 100 Azeris died in the attack, a figure that could not be independently confirmed.

The fighting threatened to end plans by Iranian Foreign Minister Ali Akbar Velayati to visit the remote Transcaucasian territory in a bid to end the bitter fighting between Christian Armenia and Moslem Azerbaijan.

Iranian radio reported that Velayati had convinced Azeri officials to halt the fighting for 25 hours and was scheduled to meet Armenian officials tomorrow.

But both sides denied any deal had been struck, noting Velayati — eager to increase Iran's influence in the region — had yet to meet representatives of Armenia or tour Karabakh, where more than 1,000 people have died in guerrilla warfare and attacks.

Local officials said the shelling in Stepanakert and fighting in Shusha, the main Azeri city in Nagorno-Karabakh, put the Iranian mission in question.

U.S. ends airlift to ex-Soviet republics

FRANKFURT, Germany (Reuter) - The United States today ended a two-week emergency airlift to the former Soviet Union acknowledged by both sides to be a largely symbolic attempt to tackle huge supply problems.

After 65 Air Force flights to over 20 cities, the last load of surplus American food and medicines from the Persian Gulf War left for Moscow and St. Petersburg in two Russian cargo planes.

At a closing ceremony for "Operation Provide Hope," Russia's Minister of Social Protection thanked the United States.

"Our road to democracy is very hard, but we believe that with your assistance we will be able to overcome our problems sooner than if we were alone." Ella Alexandrovna Pamfilova said before boarding one of the two huge Aeroflot Antonov-124 planes at Frankfurt's Rhein-Main airbase.

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Pistons win, but Bulls see Cavs as top rival

United Press International

If the Detroit Pistons were trying to send a message to Chicago for the upcoming playoffs, nobody on the Bulls was paying much attention last night.

Joe Dumars scored 28 points and Isiah Thomas added 24 points and 13 assists in leading the Pistons to a 108-106 victory over the Bulls. However, Chicago Coach Phil Jackson was unfazed.

"Right now the (Cleveland) Cavaliers are our biggest challenge in the East," Jackson said. "The Pistons are playing well, but they still have some things to get together. Right now, Cleveland is playing better basketball."

The Cavaliers are 36-17 and the Pistons 32-24 with a third of the regular season left.

The Pistons outscored Chicago 16-3 during a six-minute stretch late in the fourth quarter to overcome a six-point lead by the Bulls. Detroit also dominated the inside, outscoring Chicago 44-26 in the paint. The defeat ended a three-game winning streak for Chicago, which still owns the NBA's best record at 45-11.

Nets 109, Celtics 95

At East Rutherford, N.J., Derrick Coleman scored 21 points, grabbed 14 rebounds and blocked five shots against Boston as the Nets overcame an injury to center Sam Bowie. Drazen Petrovic led all scorers with 26 points to help the Nets win their fourth straight home game and 10th in their last 11. Bowie was lost early in the second quarter with a strained right hamstring.

Hornets 94, Bucks 82

At Charlotte, N.C., Kenny Gattison scored 23 points to lead the Hornets to their sixth straight home victory. Gattison scored 10 points in a row to cap a 12-4 run midway through the fourth quarter, pushing a 78-72 Charlotte edge to 90-76 with 3:40 remaining. Milwaukee was led by Moses Malone and Frank Brickowski with 13 points each.

Spurs 123, Heat 101

At San Antonio, David Robinson led seven San Antonio players in double figures with 26 points. Terry Cummings scored 19 points and Sean Elliott added 18 for the Spurs, while Rod Strickland returned to the starting lineup after a three-game absence and had 11 points, nine assists and only one turnover in 38 minutes of action. Grant Long scored 25 points and Rony Seikaly 15 for Miami.

Jazz 106, Clippers 101

At Los Angeles, Karl Malone scored 33 points as the Jazz handed the Clippers their third straight loss. The Jazz have won seven of their last eight outings, while the Clippers slipped to 5-3 under new coach Larry Brown. Danny Manning led the Clippers with 28 points.

Pitt whips Huskies to break losing streak

United Press International

Whatever solution the Connecticut Huskies found last weekend disappeared again last night.

Chris McNeal scored 23 points and Darren Morningstar added 19, helping Pittsburgh break a three-game losing streak against the 18th-ranked Huskies with a 86-77 Big East triumph. The Huskies have lost six of their last seven outings since opening the season 16-1. They had dropped five in a row until a 94-73 victory over Providence on Saturday.

"I felt very comfortable with the way the game was played but we didn't get the five, six minutes of good (defense) that is needed," Connecticut Coach Jim Calhoun said.

With the score tied 70-70, Pitt's Orlando Antigua hit a three-pointer with 5:10 remaining to give the Panthers the lead for good. After a missed Connecticut free throw, Eric Mobley nailed a jumper for a 75-70 advantage.

Pittsburgh, 16-12 overall and 8-7 in the league, connected on 11 of 12 free throws in the final 2:02 to seal the victory.

"Our kids did a good job defensively," Pitt Coach Paul Evans said. "We hit the offensive boards very good and kept our composure. We executed quite well."

Chris Smith led Connecticut, 17-7 and 8-7, with 22 points.

"I think Pitt did a great job down low, and we didn't play particularly good defense," Calhoun said. "We didn't rebound in the second half."

Sprinter Burrell waits for Cason - outside, that is

NEW YORK (Reuter) - Let Andre Cason run all the fast indoor times he wants, it's running fast outdoors that most concerns Leroy Burrell.

While Cason has been posting scintillating sprint times this winter, setting two world records at 60 meters, Burrell has been taking it slowly as he prepares for the Barcelona Olympics.

"In an Olympic year, starting off slow doesn't bother me," said Burrell, the former 100 meters world record holder, in a conference call this week from his home in Houston.

Burrell will match up against Cason for the third time this season Friday at the USA/Mobil track and field championships at Madison Square Garden.

Twice Burrell has finished second to Cason, but he probably wouldn't lose much sleep if Cason beat him again in the final grand prix meet of the season.

"Obviously he's in good shape now," said Burrell, who took two weeks off before the season to protect a sore left hamstring.

"He needs to develop confidence to run fast outdoors. Being successful indoors will help him outdoors," Burrell admitted.

"But he hasn't beaten some of the top runners at 100 consistently. The guys who run fast over 100 meters will be the ones in the Olympic Games."

That is what Burrell is concentrating on. He plans to shoot for Olympic gold in the 100 and 200.

Since losing the world record in the 100 and the world title to training partner Carl Lewis in Tokyo last summer, Burrell has focused on adjusting his approach to the 100.

"I need to run more relaxed," Burrell said. "My strength as a runner has been my explosiveness. To run fast in the 100, you need to be more fluid and relaxed. I'm working on toning down my start a bit...that way I can try to reach top speed in the 100."

EXHIBIT B

Other relevant materials.

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Subject to the provisions of the Communications Act of 1934, subsequent acts, and treaties, and all regulations heretofore or hereafter made by this Commission, and further subject to the conditions and requirements set forth in this license, the licensee hereof is hereby authorized to use and operate the radio transmitting facilities hereinafter described for radio communications.

Frequency MHz	Authorized Power (watts)	Emission Designator
930.0125	500 (ERP)	25K0F9C
930.0375	500 (ERP)	25K0F9C
930.0625	500 (ERP)	25K0F9C

Frequency Tolerance: $\pm 0.005\%$

Operation: In accordance with Sec. 5.202(1) of the Commission's Rules.

Special Conditions:

- (1) The licensee is required to file a progress report with the FCC every six months to include the types of emissions used and technical findings. The report should be filed with FCC, Frequency Liaison Branch, Room 7326, Washington, DC 20554.
- (2) The station identification requirements of Section 5.152 of the FCC rules are waived.

This authorization effective February 27, 1992 and
will expire 3:00 A.M. EST March 1, 1994

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