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Justices reinstate Silkwood settlement in plutonium lab contamination suit

WASHINGTON (AP) — The Supreme Court said Monday it will consider reinstating at least part of the \$10.5 million won, and then lost, by Karen Silkwood's family after her 1974 highway death, days after she was exposed to radiation at a Kerr-McGee plant and tried to talk about it.

The justices revived the lawsuit, closely watched by the nuclear industry, to decide whether federal law demands that the bulk of the jury's award be thrown out.

Silkwood, a 28-year-old laboratory analyst at Kerr-McGee's Cimarron plutonium plant near Crescent, Okla., died in an automobile crash Nov. 13, 1974 while on her way to meet with a New York Times reporter.

A union activist responsible for monitoring health and safety matters at the plant, Silkwood reportedly wanted to make public evidence of missing plutonium and falsified safety records. Days before the accident, she had been radioactively contaminated.

Dean McGee, chairman and chief executive officer of Kerr-McGee, said "We are disappointed in the delay but we remain confident that Kerr-McGee's legal position will ultimately be upheld."

But Arthur Angel, counsel for the Silkwood

family, said "the court has decided to review the case on its merits. . . . It's a very important decision."

Acting on a host of other matters as it returned from a four-week recess, the nation's highest court also:

Left intact former Green Berets Dr. Jeffrey MacDonald's conviction and life sentence for the 1970 murders of his pregnant wife and two young daughters.

Agreed to decide in a Maryland case whether states can criminally prosecute charities for spending more than one-fourth their income on fund-raising.

Left intact a Florida city's ordinance that prohibits the advertising and sale of drug paraphernalia at so-called head shops.

A Supreme Court decision last year allows states and local communities to regulate head shops stringently, but it left unanswered whether total bans are permissible. The court's refusal Monday to hear a challenge to such a ban in Homestead, Fla., still provides no definitive answer but may encourage other communities to banish all head shops.

FDA opens Depo-Provera hearings

WASHINGTON (AP) — A panel of scientists on Monday considered whether American women could use Depo-Provera injections as a three-month contraceptive, while critics said they will sue the drug's manufacturer for injuries it allegedly caused.

The public board of inquiry, convened by the Food and Drug Administration, opened a week-long hearing on whether it should recommend use of the drug as a contraceptive in the United States.

Depo-Provera, available in 84 countries and used by about 1.5 million women, has been opposed since the FDA proposed allowing its use in 1974. It was blocked as a contraceptive in 1974 and 1978 by opponents concerned it may be linked to cancer.

A favorable FDA ruling would not only have an impact in the lucrative American drug market, but also internationally, since

some nations that haven't approved the drug cite the U.S. government's reluctance to allow it.

Jacob Stucki, vice president for pharmaceutical research for Upjohn Co. of Kalamazoo, Mich., told the three-member panel that Depo-Provera "is as safe as or safer than other, equally effective contraceptives" such as birth control pills.

Upjohn is the chief, but not the only, maker of the drug which is usually administered by a physician. It is a synthetic similar to human progesterone, which inhibits ovulation. A one-shot dose is good for three months.

Stucki read a company statement that discounted drug industry studies of test beagles and monkeys which developed cancer after being given Depo-Provera. Stucki also said there is no evidence the drug increases the risk of birth defects.

Meanwhile, the National Women's Health Network announced plans to file a class action suit later this year on behalf of all women who may have been injured by the drug. The group bills itself as the nation's largest women's health organization.

At a news conference, network executive director Belita Cowan said her group has been keeping a register of Depo-Provera users since 1979. The list has names of 529 women who have suffered blood clots, high blood pressure, depression, swelling of the limbs, menstrual irregularities, breast tumors and infertility, Cowan said.

She said her group will present its findings this week.

At the session, three women told reporters of birth defects in children, a case of cervical cancer, breast inflammations and other side effects they attributed to the drug.

Court allows reporter chance at CIA

WASHINGTON (AP) — A federal appeals court panel says a journalist should have another chance to obtain documents about the Jonestown massacre that were withheld by the CIA.

The three-judge panel of the U.S. Court of Appeals said a lower court improperly upheld the CIA's refusal to release the records. The appellate judges ordered the lower court to look at the case again.

The CIA claimed the 44 documents in question, some

withheld in full and others in part, would reveal identities of intelligence sources.

The records were sought by Fielding McGehee, a free-lance journalist and a relative of three victims of the tragedy in Jonestown, Guyana.

A congressman, three members of the news media and a defector from the People's Temple community were murdered Nov. 18, 1978, and hours later more than 900 followers of the Rev. Jim Jones committed suicide or were

killed.

In a majority opinion by U.S. Circuit Judge Harry Edwards, the court said last week, "There is considerable evidence in the record of agency bad faith."

The appellate court said that because of the bad faith, McGehee should be able to inspect the withheld documents in secret.

U.S. Circuit Judge Robert Bork dissented on that point, saying no such inspection was necessary.

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