

Ruling near on UFO injuries

3 plaintiffs say U.S. government is liable for their burns

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By The Dallas Times Herald

HOUSTON, Texas — The three people suing the federal government for \$20 million say they do not know to this day what it was that hovered far over their heads and zapped them with radiation almost five years ago.

They claim it was an unidentified flying object that was escorted away by military helicopters and suspect it was a secret U.S. military experiment. In any event, they say, the government should have warned residents that a UFO was in their area.

But the military says it had nothing to do with the alleged incident Dec. 29, 1980, on a dark, deserted farm road northeast of Houston. And even if there were UFOs, a U.S. attorney now says, the government has no legal duty to warn people about them because the government does not know whether they are dangerous.

With such straightforward arguments the federal government is urging U.S. District Judge Ross Sterling to throw out a lawsuit filed here last year by former Dayton, Texas, cafe owner Betty Cash, 56, former waitress Vickie Landrum, 61, and Landrum's grandson, Colby Landrum, 11.

Despite investigations by various parties, the opposing sides are at a stalemate as Sterling's ruling draws near. Federal officials, however, stand fast on the contention that the military would have no obligation to intervene. And even if the government had chased the UFO off with helicopters as suggested, the government lawyer asserts, that would amount to a "discretionary function," and thus the government could not be sued.

"Faced with the situation of an unknown

object, a government determination not to issue a warning (to avoid causing a panic) ... simply would not constitute negligence in any event," Assistant U.S. Attorney Frank Conforti said in court papers filed here.

The suit claims that about 9 p.m. on Dec. 29, 1980, while headed for their homes in Dayton along a two-lane road about 30 miles northeast of Houston, the trio encountered a brightly glowing craft the size of a city water tower. It hovered at tree-top level, had red and orange flames flowing from its bottom, and bathed them in intense heat for several minutes before it was escorted away by at least 23 helicopters.

Their lawsuit, filed under the Federal Tort Claims Act, claims that the government failed to warn them of the UFO and "negligently, carelessly and recklessly" allowed it "to fly over a publicly used road and come in contact with the plaintiffs."

As a result, all suffered stomach pains, vomiting, diarrhea, radiation burns, deteriorating eyesight, and the women's hair fell out and grew back with a different texture, the suit claims. It also says they became highly sensitive to sunlight, suffered blisters and headaches, and that Cash developed breast cancer.

Despite the trio's report that there were no markings on the "large, unconventional aerial object" or on the helicopters, the lawsuit has recently moved from simply suggesting that the government merely knew about the UFO to a stronger conclusion.

"There is only one inference that can be drawn from the facts and circumstances of this case," Peter A. Gersten, a New York attorney representing the plaintiffs, said in a written response to the government's motion to dismiss the suit. "The UFO was owned by the defen-

dant" — the federal government.

"It's something the government had up there or they knew what it was," Landrum said in an interview, "because they had all those helicopters up there."

The government has offered affidavits in the case from high ranking government officials: National Aeronautics and Space Administration Deputy Director Robert W. Sommer; Col. William E. Krebs, chief of Tactical Aeronautical Systems for the U.S. Air Force; Vice Admiral Robert F. Schoultz, deputy chief of Naval Operations (Air Warfare); and Richard L. Ballard, acting chief in the U.S. Army's Office of the Deputy Chief of Staff for Research, Development and Acquisition.

All said the UFO was not owned by or under the control of the government or its employees.

"What are they saying — that it was the Soviet Union's or somebody else's UFO or that it was extraterrestrial?" asked Gersten, who said he files Freedom of Information Act requests on UFOs for several UFO investigative groups. "How come they said the object wasn't theirs but then skirted around the issue of the helicopters?"

John F. Schuessler, an engineer for a NASA subcontractor and deputy director of the Mutual UFO Network, says Cash, Landrum and the boy have given statements describing several of the helicopters as twin-rotor aircraft. He said their depiction of the crafts "perfectly described" CH-47 Boeing-Vertol Chinook helicopters, which are used by the Army and the National Guard.

Several military officials, in interviews and in court affidavits, said they either did not have such helicopters at the time, or were not flying them on the day of the alleged incident.

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