

NASA paid \$26.6M to Columbia families  
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By Jim Leusner

NASA paid \$26.6 million to the families of seven astronauts who died aboard space shuttle Columbia -- a settlement that has been kept secret for more than 2 1/2 years.

The space agency recruited former FBI Director William Webster, also a former federal judge, to act as a mediator and adviser in negotiating the out-of-court settlements, according to documents released to the Orlando Sentinel through a federal Freedom of Information Act request.

The newspaper's request yielded just seven pages of documents that leave many questions unanswered, including exactly when the settlements occurred.

In an interview with the Sentinel, Webster, also a former CIA director, said he was bound by confidentiality and couldn't discuss details of the agreements, but defended the process as proper.

"The members of the [survivors'] families wanted this to be a private matter," said Webster, a consulting partner in Washington with the international law firm of Milbank, Tweed, Hadley & McCloy. "They were healing, and they were ready to discuss, properly, their rights. . . . Everyone felt it had a better chance of coming together without seeing their name in lights."

In brief written responses to Sentinel questions Friday, NASA spokesman Allard Beutel said little about the settlements, citing family privacy. He said the money came from the agency's budget via a 2004 congressional appropriation.

"The Columbia astronauts were our friends and co-workers," Beutel wrote. "Our concern always has been with the crew's families and their loss, and as a result NASA didn't announce details of the settlement in an effort to protect the personal privacy of the Columbia families."

Former NASA Administrator Sean O'Keefe and ex-general counsel Paul Pastorek, who helped set up the settlement process, did not return phone calls and e-mails.

Dr. Jon Clark, widower of astronaut Laurel Blair Salton Clark, said NASA was "deferential" in dealing with the families through a turbulent period in their lives.

"We were in a state of shock," he said. "To go the lawsuit route, it's very painful and very protracted. So we settled."

Steven Aftergood, director of the Project on Government Secrecy at the Federation of American Scientists, said he understood the families' desire for privacy but criticized NASA for not disclosing the settlements earlier. NASA, he said, is behaving as if the settlement is a source of embarrassment.

"It's not NASA's money. It's public money," he said.

Few details known

Columbia's astronauts died Feb. 1, 2003, when the shuttle broke up on re-entry. An investigating commission later determined that chunks of insulation shed from the tank during takeoff damaged Columbia's left wing, triggering the accident.

Killed were Air Force Col. Rick Husband, 45, mission commander; Navy Cmdr. William C. McCool, 41, who was the shuttle pilot; mission specialists Kalpana Chawla, 41; Navy Capt. David M. Brown, 46; Navy Cmdr. Clark, 41; and payload specialists Air Force Lt. Col. Michael P. Anderson, 43; and Israeli Air Force Col. Ilan Ramon, 48, Israel's first astronaut.

The documents were released to the Sentinel last month after a reporter filed requests in 2005 and 2006. Stephen L. McConnell, NASA's principal FOIA officer, insisted the agency was not trying to delay the records release.

Five of the seven astronauts on Columbia were military officers and barred from suing the government because they were on active duty while on loan to NASA, making contractors likely targets for lawsuits. But the government tries to avoid litigation in such high-profile accidents, said Mark Dombroff, a McLean, Va., aviation defense lawyer and former Justice Department official who handled air disasters in the 1980s.

"The settlements sound very reasonable," Dombroff said.

The documents released to the Sentinel include a cover letter from McConnell disclosing the overall settlement amount, but no specifics about how much money each of the families received. Webster said he thought they were finalized by Nov. 22, 2004, when he was awarded a distinguished public-service medal from NASA -- the agency's highest honor given to a nongovernmental employee -- for his pro bono work on the case.

McConnell's letter also states that further details are exempted from release because they expose NASA's deliberations in the matter or would violate the privacy of survivors' families. The only substantial document on NASA stationery was a March 26, 2004, letter from then-agency general counsel Pastorek, finalizing Webster's selection as a mediator and adviser. In the letter, Pastorek called the disaster a "tragic loss" and said his office had performed a "privileged and confidential" review of "potential legal exposure" for NASA and its contractors. It said NASA had advised family members to retain lawyers and that early discussions had been "positive and constructive."

"The Administrator has volunteered to engage in a form of mediation with the families as an alternative dispute resolution process," Pastorek wrote. "(As you know, alternative dispute resolution procedures are being used with increasing frequency by federal agencies to avoid the costs and delays associated with conventional litigation.)"

The negotiations also would ensure secrecy. As in other out-of-court settlements, the families would promise not to make any future legal claims against NASA or its contractors.

'A moving experience'

Webster said his team met with the seven families and their attorneys, both collectively and individually, in 2004. The families made emotional presentations with videos, computerized slide shows and economic projections for lost income.

Each family presented its own view of the financial damages they were due, but all agreed to receive the same award for pain and suffering of the astronauts during the accident, Webster said.

"It was a moving experience," Webster said. "And as a total family, they all accepted the settlements.

"It was really an honor to do it. I didn't give the government's money away but tried to be fair to everyone."

Jon Clark, husband of astronaut Laurel Clark, said he spent \$200,000 consulting with his own lawyers. The settlements, he said, were on the "low side" of what survivors sought, though he wouldn't give an exact figure to protect the security of families.

Parents, spouses and children all received compensation, he said. Astronauts with doctoral degrees also received slightly more than those with master's degrees.

"It wasn't a lot of money. A few million [dollars] isn't much," he said. "We had to prove our loved ones were worth something."

Clark, 53, who left NASA in 2005 and now does research for Baylor College of Medicine, said the process also highlighted problems. Families with a larger number of children received less per child than smaller families. Clark said he argued that larger families should have received more, even if it meant less for him and his son, now 12.

Two astronaut families ordered preflight insurance policies through NASA, but the agency failed to obtain the additional coverage before the accident.

All the families threatened to go public, Clark said, before the agency paid the two families the additional insurance. Another astronaut who died on the mission did not have a will. Clark said his own wife's will was 10 years old.

Clark said he told Webster and NASA that the agency should buy \$3 million to \$5 million insurance policies before each flight, as the Canadian Space Agency does for its astronauts.

At the time of the accident, military personnel serving as astronauts were entitled to \$206,000 in death and basic insurance benefits, and civilians received significantly less. Both were viewed as inadequate.

As a military widow, Lani McCool said she and her three sons expected no additional government money other than insurance. She said she was not interested in suing NASA and was grateful for its handling of the settlements.

"They were extremely sensitive and so respectful of the widows and how public everything had been," she said. "It meant so much to me."

After the 1986 Challenger disaster, four families of the seven astronauts killed reached out-of-court settlements with the Justice Department for a total of \$7.7 million.

Sixty percent of those costs was paid by Morton Thiokol, maker of the faulty boosters that triggered the Challenger disaster after launch from Kennedy Space Center, documents show. NASA since has helped indemnify defense contractors in such lawsuits.

The wife of Challenger pilot Michael Smith sued NASA in 1987. But a federal judge in Orlando threw out the case, ruling that Smith, a Navy officer, died in the line of duty. She later settled directly with Morton Thiokol, as did the other families.

Clark, who said he has lived in a state of "suspended animation" after the accident, is rebuilding his life. To him, the NASA settlement means little.

"Give me my wife back, keep the money and we'll call it even."

Michael Cabbage and Mark K. Matthews of the Sentinel staff contributed to this story.

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