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ABC NEWS 20/20

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ABC NEWS 20/20

June 5, 1992

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Length: 7921 words

Body

HUGH DOWNS, ABC News: Good evening. I'm Hugh Downs.

BARBARA WALTERS, ABC News: And I'm Barbara Walters and this is 20/20.

ANNOUNCER: From ABC News, around the world and into your home, the stories that touch your life. With Hugh Downs and Barbara Walters, this is 20/20. Tonight: exploiting the search for MIA's. Last summer, POW hunter Jack Bailey made headlines, said this MIA is alive and this photo proves it. MATTHEW CARR, Brother: My brother - and I don't care what anybody says - is alive. We have the proof.

ANNOUNCER: But ABC News correspondent James Walker crisscrossed the globe, found the man in the photo, proved that it was all a fraud. Bailey's reaction-

Col. JACK BAILEY, President, Operation Rescue: I'm tired of this goddamn thing. There's been a conspiracy. I've been [expletive deleted].

ANNOUNCER: A 20/20 expose, "The Cruellest Hoax of All." Plus, workers cheated out of their pensions.

DAN McINTYRE, Attorney: You're talking about people who had worked 19 hers towards this benefit.

ANNOUNCER: But when computers flagged their names, they were out the door. It was all part of a secret plan.

BONNIE BUSBY, former Employee: I thought it was an honest layoff.

ANNOUNCER: The closer they got to benefits, the more likely they were to be fired.

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TOM RILEY, former Employee: I needed 16 days to get 20 years.

ANNOUNCER: Lynn Sherr reports- workers shocked and angry. No one told them, "Count Yourself Out." Also, women and sex in the '90s-

MADONNA: [Public Service Announcement] If you do have sex, use a condom.

ANNOUNCER: -but women know that's easier said than done. Many men won't wear condoms. Now, the female condom. Maybe that's the answer.

FELICIA BEMBOWER: It's funny at first and then, when you understand how it works, it makes perfect sense.

ANNOUNCER: John Stossel visits a singles scene and asks, sex and condoms, "Do You Or Don't You?" Those stories tonight, June 5th, 1992, after this brief message.

[Commercial break]

The Cruellest Hoax of All

DOWNES: The question has haunted the nation for nearly two decades. Are some American servicemen missing in action in the Vietnam war still alive in Southeast Asia? Well, over the years, a cottage industry has grown up around the issue, but for all the hot leads, all the reported sightings, no Vietnam MIA has ever been found alive. That's why the nation was electrified when several photographs surfaced, seeming to prove that some MIA's were still alive.

WALTERS: Well, perhaps the photo that most raised hopes was said to be that of Army Captain Donald Carr. The man who made that photo public is Jack Bailey. Bailey has made quite a name for himself, crusading on the POW issue, but tonight, in a 20/20 investigation, ABC News correspondent James Walker provides the living proof that Bailey's photo of Donald Carr was a hoax. Every picture does indeed tell a story.

JAMES WALKER, ABC News: [voice-over] Pictures have always been important to retired Air Force Colonel Jack Bailey. Pictures don't lie. They are proof that what he says is true.

Col. JACK BAILEY, President, Operation Rescue: I fought three wars for this country; World War II, Korea and in Vietnam and I'm still over there, trying to do something.

WALKER: [voice-over] Indeed, Colonel Bailey's photo albums chronicle his long military career: in World War II, a teenaged aircraft mechanic; during Korea, a dashing jet fighter pilot; and in Vietnam, his main job was investigating plane crashes.

U.S. VETERAN: He's the President of Operation Rescue. Please welcome Colonel Jack Bailey.

WALKER: [voice-over] Bailey is a POW hunter on a die-hard mission to rescue American servicemen that he says are still alive and still imprisoned in Southeast Asia.

Col. BAILEY: Why, in God's will, would Jack Bailey be involved in this thing at my age for anything but the sole purpose that I started with, to bring somebody out?

WALKER: [voice-over] Now 69, Bailey runs Operation Rescue out of Bangkok, close to the front lines of the POW search and home base for his private intelligence network. On this day, he took us to meet one of his secret agents, a man named Mario who said he made clandestine trips into Laos. Since 1965, Bailey has claimed his Operation Rescue team has pinpointed the location of POW camps throughout Southeast Asia, where he says Americans are being held.

Col. BAILEY: [June 7, 1985] Just in Vietnam, between, I'd say, 100 and 200 Americans that are alive. [April 28, 1986] I will also tell you that where this man supposedly was, there's 40-some Americans being held against their will here. [March 1, 1992] We still have, right now, I would say, 50 prisoners of wars being held in Laos.

WALKER: [voice-over] Bailey returns home to the United States to raise money. His message- that the U.S. government has betrayed the missing in action and the families they left behind. People who attend these rallies see bamboo cages like this one where the POW's are supposedly held. They hear the latest news of sightings of live Americans and they buy the mementos that help finance the efforts of Bailey and others. Carol Collins, a regular at POW/MIA rallies, is the former wife of Army Captain Donald Carr, who was shot down in Laos in 1971.

CAROL COLLINS, former Wife of MIA: I have great admiration for him, for what he's tried to do.

WALKER: [voice-over] Mrs. Collins and her son Donny still believe that Captain Carr will return one day.

Mrs. COLLINS: And I've always thought, in the back of my mind and Donny has, too, that Don was somewhere in Southeast Asia, living- you know, alive.

WALKER: [voice-over] Hundreds of Americans held captive in Vietnam did come home in 1973, but the fact is that since the war ended in 1975, not one American prisoner of war has been found alive in Southeast Asia. [on camera] A four-month investigation that took us from Thailand to the U.S. Virgin Islands to Germany found that Jack Bailey's reputation as a POW hunter was built on deception and broken promises that always ended in bitter disappointment for the families of the missing men. [voice-over] As early as 1982, in this memo obtained by 20/20, Defense Department officials accuse Bailey of raising funds by making false claims. As a result, Bailey has battled with the Pentagon for a decade.

Col. BAILEY: What am I so bitter about the U.S. government? I am bitter because they do everything in the world to discredit anyone that's involved in this issue. I could be Jesus Christ and they would discredit me.

WALKER: [voice-over] Yet, with his highly patriotic appeals, Bailey has raised over \$3 million in the past eight years. Bailey says most of the money went to pay for fund-raising costs.

Col. BAILEY: We received, out of that \$3 million, roughly 20 percent.

WALKER: [voice-over] But to see how Bailey went about raising money, we returned to a proud community he visited in 1987, Altoona, Pennsylvania. It's a small town that never deserted its Vietnam veterans nor their lost comrades.

DON SKINNER, Vietnam Veteran: And I don't want this to sound corny- and if you want freedom, you fight for it. If the government says, "We need you," you go. It's the type of community we have here.

WALKER: [voice-over] Don Skinner, a Vietnam veteran, says the people of Altoona are generous, even when outsiders arrive in town, as Bailey did in 1987, looking to raise money. Skinner attended the Operation Rescue press conference and was immediately incensed by what he saw lying on a table- the supposed remains of an American soldier he suspected were fake.

Mr. SKINNER: He had a pile of bones neatly wrapped up in an American flag, laying on the table.

WALKER: What do you mean, a pile of bones?

Mr. SKINNER: Just a pile of bones and they were folded up in the American flag.

WALKER: [voice-over] Skinner accused Bailey of exploiting human remains. Tempers flared, then a scuffle and the meeting broke up. It wouldn't be the last time the mercurial Jack Bailey would get angry when challenged about his motives.

Mr. SKINNER: If you're going to try to take the good people of our town here in Altoona, try to soak them out of their money without one single result, not even close to anything resembling an MIA as he brought back to the country or to our government.

WALKER: So he was using the remains as a fund-raising tactic?

DAVID PATTERSON, former Aide, Operation Rescue: Yes. Oh, yes, that was a whole fund-raising tactic there. The press, the family members, the remains, that was a fund-raising thing.

WALKER: [voice-over] For two years, David Patterson believed in Bailey. He'd invited him to Altoona and went to Thailand where he helped Bailey make fund-raising films like this. Patterson now admits the remains exhibited in Altoona were fake, not those of an American MIA, but of an Asian woman.

Mr. PATTERSON: Mr. Skinner had every right to be upset, but, see, those people were seeing the real Jack Bailey as the crook, as the rip-off artist, where I saw Jack Bailey as America's hero.

WALKER: [voice-over] In 1989, Patterson broke ranks with Bailey in a bitter dispute over fund-raising. [interviewing] Films like this give the impression that Jack Bailey spends a lot of time out in the jungle at crash sites.

Mr. PATTERSON: He's never spent a day at a crash site since I've known him, since he's got out of the military.

WALKER: Jack Bailey never went out on a trip, during the two years that you worked with him, to a crash site?

Mr. PATTERSON: Never. Never.

WALKER: Patterson says you never spent any time out in the field really searching for American POW's.

Col. BAILEY: Are you going to put this [expletive deleted] on here? I'm not going to answer that [expletive deleted] question. That's coming from a God-danged guy that is in a nut ward in a hospital in Pennsylvania and I can prove it.

WALKER: [voice-over] But Bailey provided no such evidence and Patterson denied it. In fact, Bailey had once made a fund-raising film praising Patterson.

Col. BAILEY: I'm taping in behalf of Dave Patterson and I'm doing it because I think Dave has done an awful lot in the last two years on the POW/MIA issue.

Mr. PATTERSON: Whoever is not with Jack Bailey is either an agent for the DIA, an agent for the CIA, a bona fide, blown-out nut. Yeah, I can believe that from Jack.

WALKER: [voice-over] But last year, Colonel Bailey seemed to have the last word. In his moment of triumph, he stood before the world press and waved evidence of an American still alive after 22 years and still held captive in Southeast Asia. Bailey identified the man as Army Captain Donald Gene Carr.

Col. BAILEY: [July 26, 1991] I've been working on the Carr case now since 1988. I've had intelligence on this particular prison camp since 1988. This man in this picture is the same.

WALKER: [voice-over] Carr's former wife, Carol Collins, was unsure about the photo at first. She spent hours comparing it to Carr's military pictures.

Mrs. COLLINS: Once I became convinced in my mind that it was Don, I wanted it to be Don and I wanted him to come home.

MATTHEW CARR, Brother: [July 26, 1991] My brother - and I don't care what anybody says - is alive. We have the proof.

WALKER: [voice-over] And Bailey produced Carr's brother, Matthew, to confirm that the picture was, indeed, Donald Carr.

Mr. CARR: I want to thank you for being here-

WALKER: [voice-over] It was an emotional scene.

Col. BAILEY: How much can these people take? Enough is enough, Matt.

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WALKER: [voice- over] When we met Bailey in Bangkok, he told us he had pinpointed the location of the prison camp in Laos where Carr was being held.

Col. BAILEY: This is an infernal shot here of actually the cage that I think that they put him in part of the time.

WALKER: [voice-over] So ABC News set out to find the exact location of the prison cages. [on camera] But the trail, instead of leading to a prisoner of war camp in Laos, led here to a onetime exotic bird export company outside Bangkok. [voice-over] And the prison cages in Bailey's photos? They turned out to be bird cages. Even more startling, the owner of the bird business knew the man in the photo that Bailey had told the world was Donald Carr. [interviewing] Tell me about this man.

KAMPHEANG PHLERNTAM, Exotic Bird Dealer: Yeah, my friend, Mr. Guenther Dittrich.

WALKER: This is your friend?

Mr. PHLERNTAM: Yes.

WALKER: You're sure of that?

Mr. PHLERNTAM: Sure.

WALKER: Absolutely?

Mr. PHLERNTAM: Absolutely. He's German.

WALKER: He's a German man?

Mr. PHLERNTAM: Yes.

WALKER: How long have you known him?

Mr. PHLERNTAM: Over six years.

WALKER: And where is Guenther Dittrich now?

Mr. PHLERNTAM: Now, I think he is in Germany.

WALKER: In Germany?

Mr. PHLERNTAM: Yes.

WALKER: [voice-over] And where in Germany was the man in the picture? In prison. Guenther Dittrich was charged with bird-smuggling. When we confronted Bailey and an assistant with the evidence the Carr photo was a fake, the Colonel became enraged.

Col. BAILEY: Part of this goddamn thing has been a conspiracy, I'll be [expletive deleted] than heck.

ASSISTANT: Because it's not your fault.

Col. BAILEY: Yeah, wait.

ASSISTANT: No. No, it's not his fault.

WALKER: [voice-over] David Patterson, who worked for Bailey for two years before he quit, sums up the man this way.

Mr. PATTERSON: He was either- he was the best con man in the world or he believes his own lies.

WALKER: [voice-over] But when we asked Bailey for another interview about Patterson's allegations that he had routinely faked pictures, he blew up again.

Col. BAILEY: Jim, hold it a [expletive deleted] minute. Just stop it a minute. I don't like what I'm hearing, Bill. You know, I don't want anymore of this [expletive deleted].

WALKER: Colonel, I just want to get your thoughts-

Col. BAILEY: Get out off my ass.

WALKER: Colonel, I just want-

Col. BAILEY: My thoughts, my ass. It's another [expletive deleted] slant.

WALKER: It's not, Colonel.

Col. BAILEY: [expletive deleted] it.

WALKER: We'll give you your chance to talk about this.

Col. BAILEY: My chance to talk about it.

WALKER: Despite Bailey's angry claims that criticism of him is unfounded, 20/20 has learned he is under criminal investigation by the FBI and the Justice Department for his role in publicizing the fraudulent Carr photo. [voice-over] It's a measure of the power of this issue that many MIA families have endured so much anguish. Even after the Carr photo was exposed as a hoax, Mrs. Collins was unwilling to criticize Colonel Bailey. [interviewing] Do you think you would have been better off had the picture never surfaced?

Mrs. COLLINS: No. No, I don't. I still want to believe, you know, with all my heart, that he is alive and that he's going to come home.

WALKER: But what does your head tell you?

Mrs. COLLINS: That's he's not.

WALKER: [voice- over] Despite what her head told her, Mrs. Collins had traveled to Thailand last year to seek Bailey's help in finding Carr and last month, Mrs. Collins paid her own way to Germany to meet Guenther Dittrich, to make absolutely sure he was not her former husband. 20/20 tracked down Guenther Dittrich, too, in East Germany, where he is free on bail, awaiting trial? "Are you the man in the photograph?" Asked, as Jack Bailey contended, if he was really Donald Carr-

GUENTHER DITTRICH, Convicted Felon: [through interpreter] No, I've never been him.

WALKER: [voice-over] When we left him in Thailand, Colonel Bailey seemed crushed. The pictures he so believed in had come back to haunt him. The Colonel even talked about ending his 27-year mission in search of American POW's. But when we met again in March, the Bailey was his old self.

Col. BAILEY: If the people like Jack Bailey folded up are tents and stopped and quit, if there's one man alive over there, he will never come home.

DOWNS: My God, what misery this causes. Jim, in your opinion, is this man cynical or does he believe what he says is the truth?

WALKER: I think he really believes his own tales. For instance, we heard him say that he has fought in three wars, but his service record says that he saw no combat in World War II and it also says that he didn't even set foot on the Korean peninsula during the Korean war.

DOWNS: Wow. How has he managed to flourish all this time, do you think?

WALKER: I think it's part of the issue, the nature of this very delicate, very difficult issue. What family lost a serviceman does not want to believe that perhaps he might still be alive. And they send out fund-raising brochures and they say, "I know that somebody's alive. Just send us \$25 and we can prove it." Of course, no one's ever been rescued.

DOWNS: Fascinating. Thank you, Jim.

WALTERS: Well, next, John Stossel asking about sex and condoms. Woman and men talk candidly about why they do or don't use them. [voice-over] And this is the new female condom being tested now. If a man refuses to wear a condom, it gives the woman the option. Don't go away.

[Commercial break]

Do You Or Don't You?

DOWNS: Not so long ago, the word "condom" was only whispered, but since AIDS, it has become part of everyday conversation. But is there more talk than action? Are men faithfully using condoms and are woman insisting that they do? If you haven't heard about it, now there's a new female condom. What kind of reaction is that getting? [voice-over] Well tonight, John Stossel gets beyond the well-intentioned warnings of the public service announcements to find out what's going on in the real world of young, sexually active people. Condoms: "Do You Or Don't You?"

JOHN STOSSEL, ABC News: [voice-over] Love in the '90s is a much more complicated affair. After all, these days, sex has become a matter of life and death.

C. EVERETT KOOP, U.S. Surgeon General: [February 10, 1987] The best protection against the infection right now, barring abstinence, is the use of a condom.

STOSSEL: [voice-over] When C. Everett Koop made that announcement five years ago, condom sales rose about 50 percent.

SINGER: [Public Service Announcement] The Surgeon General says / We've got to use our heads.

STOSSEL: [voice-over] Sales were boosted further when public service campaigns were then launched to promote safe sex.

MADONNA: [Public Service Announcement] If you do have sex, use a condom. It may be the most important thing you ever do.

STOSSEL: [voice-over] Now, there's even a National Condom Week and AIDS groups, schools and private companies give condoms out free. Trojan did this promotion in Daytona, Florida. The newest development is stores that specialize in condoms. This one in New York City is called Condomania. The owner, Adam Glickman, says he sells over 200 varieties. [interviewing] Why do you need 200 types?

ADAM GLICKMAN, Owner, "Condomania," New York: You need 200 types because there are so many different choices. There's ultra-thin and extra strong. There's lubricated, non-lubricated, spermicide, no spermicide, flavored, no flavored, ribs, studs, bumps. These are the Stealth Bomber condoms. It's giving people an opportunity to buy condoms as a gift. You can make it funny. You can make it fun.

STOSSEL: [voice-over] His idea is that, if you make it fun, people will feel more comfortable using condoms. [interviewing] Business is good?

Mr. GLICKMAN: Business is great. We have two stores. We're opening six more next month- Boston, Miami, San Francisco.

STOSSEL: Yet despite the success of stores like this one, despite all the publicity about disease and safe sex, the surprising fact is that most surveys of sexually active men and women show that most people most of the time are not using condoms.

ACTOR: [Public Service Announcement] The person you're with right now might have HIV.

STOSSEL: [voice-over] It's not that everyone's behaving totally crazily. Surveys do show that casual sex is down. People have cut down on the number of partners and, if they've just met someone, they are more likely to wear condoms. But consistent condom use is still low, only 20 to 30 percent.

SAFE SEX INSTRUCTOR: What don't you like about safer sex?

STOSSEL: [voice-over] Now, those studies do not include gays. Gay men have gotten the message. About 80 percent consistently wear condoms. It's the straight community that's been more resistant.

EARVIN "MAGIC" JOHNSON: [November 7, 1991] I will have to retire from the Lakers today.

STOSSEL: [voice-over] Even Magic Johnson's announcement and his later statement that he caught the virus through heterosexual sex didn't make much difference. Condom sales rose a little right afterward, but for the year, sales were actually down three percent. Teenagers seem more likely to wear condoms. Surveys show that of those who are sexually active, 40 percent consistently wear them. Of course, as these kids from Virginia Beach, Virginia point out, that's still not the majority.

AARON NEELEY, Age 15: I'm saying most people are not wearing condoms today, most teenagers.

FEMALE TEENAGER: They just wear them when it's convenient for them.

AARON: No, but not- yeah, when they have to. When they have to is when they'll wear them.

MALE TEENAGER: I know a lot of people that do that.

AARON: Yeah, when the girl makes them wear one, then they'll put one on.

STOSSEL: [voice-over] Aaron says many boys intentionally say they forgot the condoms as a way to get out of wearing one. Do the girls then insist?

HEATHER NEELEY, Age 16: No, they don't insist. I mean, they'll ask about it and they'll ask them to use one. If they don't have one, they'll just go ahead and do it anyways, but I mean-

AARON: This is why we leave them at home.

STOSSEL: [voice-over] Now, while the surveys make it clear that lots of people are not using condoms, none asked why not, so we went to some places where sexually active people hang out and asked. [interviewing] Do you use condoms?

1st MALE BAR PATRON: Sure. Always. You can't be too safe nowadays.

STOSSEL: [voice-over] The first thing we noticed is that either the surveys are wrong or that people, when you ask them to their face, lie. [interviewing] Do you wear a condom?

2nd MALE BAR PATRON: Yes, unfortunately. Always.

3rd MALE BAR PATRON: Condoms- wear one all the time, always. Never without them- absolutely.

STOSSEL: Do you wear condoms?

4th MALE BAR PATRON: Yeah, of course.

5th MALE BAR PATRON: Of course.

4th MALE BAR PATRON: You have to. Always.

5th MALE BAR PATRON: Always.

1st FEMALE BAR PATRON: People are not using condoms, even if they're saying they are. That's what I think, my own personal opinion.

STOSSEL: [voice-over] Sometimes, a partner was around to correct the record. [interviewing] Do you wear condoms?

6th MALE BAR PATRON: Yes, I do.

2nd FEMALE BAR PATRON: Oh, you're full of [expletive deleted].

STOSSEL: Why do you say he's full of it?

2nd FEMALE BAR PATRON: 'Cause I sleep with him. I know.

6th MALE BAR PATRON: I knew you'd say that.

STOSSEL: [voice-over] Eventually, more truth-tellers emerged.

2nd MALE BAR PATRON: I'm making a fool of myself, aren't I?

STOSSEL: [voice-over] Some said they don't wear them because of the way they feel. Some complained that they lose their erection if they stop in the middle of sex.

6th MALE BAR PATRON: Well, it happened to me once, so it was just a hassle. It was embarrassing and I just threw it on the floor and I said, "Later for this thing."

STOSSEL: [voice-over] And many just felt that since they were gay and assumed their partners aren't drug users, it was worth the risk.

1st ACTOR: [Public Service Announcement] It's not going to happen to me.

1st ACTRESS: It's not going to happen.

2nd ACTRESS: It's not going to happen.

2nd ACTOR: It's not going to happen to me.

7th MALE BAR PATRON: I might be falling into a pitfall of the '90s, trusting someone, but if I think that- you know, I might be taking chances, but a lot of times, it's worth it.

STOSSEL: [voice-over] The risks some people are willing to take are quite extraordinary. Terri Lofswold of Silver Spring, Maryland found out she was HIV positive three years ago. She got the virus through a

blood transfusion. She's still fairly healthy. She works regularly as a receptionist in a medical office. She's sexually active and now uses condoms regularly. But what's remarkable is that some men, even after she told them she was HIV positive, still didn't want to use a condom.

TERRI LOFSWOLD, HIV Positive: It seemed like they thought that I wasn't telling them the truth about it. They thought, "Well, you look healthy, you look fine."

STOSSEL: "I'm not going to get it."

Ms. LOFSWOLD: That's right.

STOSSEL: And men really say, "I'm not going to worry about something that's fatal"?

Ms. LOFSWOLD: Like I said, the expressions that some of them say- "It doesn't feel natural to have sex with a condom." They don't want to wear one.

STOSSEL: Did you have sex with anybody - after you told them - without a condom?

Ms. LOFSWOLD: Yes.

STOSSEL: So you were playing a part in this, too, in that you could have refused to go along.

Ms. LOFSWOLD: Sometimes, it's difficult to say no, even though you know you should.

STOSSEL: [voice-over] Part of the problem is the example set by the media. There are few role models for condom use. In most love scenes, they just do it. This film, Frankie & Johnny, is one of the few in which the topic of condoms is brought up.["Frankie & Johnny," 1991]

MICHELLE PFEIFFER: You got something?

AL PACINO: You mean rubbers?

Ms. PFEIFFER: Yeah.

STOSSEL: [voice-over] He doesn't have a condom. She says no.["Frankie & Johnny"]

Ms. PFEIFFER: It's okay. It's okay. Maybe this is just not such a good idea anyway.

Mr. PACINO: Oh, come on now. This is- this is- I'm being penalized for respecting you.

Ms. PFEIFFER: You're not being penalized. You're just not getting [expletive deleted].

STOSSEL: [voice-over] It's often the woman who has to insist on safe sex. Many women told us that they have to coerce the men, usually by saying, "No condom, no sex."["Frankie & Johnny"]

Ms. PFEIFFER: How about I make us a sandwich. You want a sandwich?

Mr. PACINO: A sandwich?

STOSSEL: [voice-over] This is also true when the primary issue is birth control. Matthew and Felicia Bembower of Virginia Beach agree that they want no more kids, yet Matthew will never put on a condom unless Felicia reminds him or tells him to.

FELICIA BEMBOWER: I always take the responsibility because-

MATTHEW BEMBOWER: She always does.

Mrs. BEMBOWER: -he wouldn't. In other words, if I don't bring it up, he wouldn't say anything and so I think that, in our marriage over the years, that we've just kind of fallen into that pattern.

Mr. BEMBOWER: I would rely on the women- on the woman, excuse me, to initiate the birth control or at least bring it up.

Mrs. BEMBOWER: In other words, you wouldn't bring it up.

Mr. BEMBOWER: No, I wouldn't.

Mrs. BEMBOWER: He doesn't. That's true.

Mr. BEMBOWER: I don't.

STOSSEL: [voice-over] So Felicia recently volunteered to be a test subject in a study of a new product called the female condom. It's similar to a regular condom, though obviously bigger.

Mrs. BEMBOWER: It's funny at first and then, when you understand how it works, it makes perfect sense.

STOSSEL: [voice-over] The woman inserts inside of her, leaving the open end hanging outside her body. Felicia liked it and Matthew preferred it to his wearing a condom. Most of the test subjects said they liked having the female condom as a choice. It's already on sale here in Switzerland. In the first few months they were available, people bought 100,000 of them, even though they cost about \$1 each. The FDA has not yet given its approval for sale in the United States. The company is hopeful it will get the go-ahead by fall. Some feminists have embraced the new female condom as a way for woman to take control of birth control and safer sex, but Dr. Janet Mitchell, Chief of Obstetrics at Harlem Hospital, says because so many men strongly object to any barrier during sex, she thinks the female condom won't make much difference.

Dr. JANET MITCHELL, Harlem Hospital: For most women, when they go into that bedroom, turn off the light and get into a bed with a man, it is the man who is calling the shots. It is the man who is in control. Now, she may not want to admit that to her girlfriends, but that, I think, is the dilemma that most of us find ourselves in.

STOSSEL: [voice-over] Natasha would agree with that. She's a strong woman who believes in safe sex.

NATASHA, Safe Sex Counselor: I carry condoms and I insist that we use them and-

STOSSEL: Men go along?

NATASHA: Yeah. I never had anybody say no.

STOSSEL: [voice-over] But then, she met her current boyfriend, who doesn't like condoms, so she gave in.

NATASHA: Oh, I don't even request condoms anymore. We-

STOSSEL: You're afraid you'd lose him if you did?

NATASHA: I think, on a deep level, yes.

STOSSEL: You could say, "You can't be with me unless you use this."

NATASHA: Sure you can, but that's not an easy thing to say to somebody that you care about.

INSTRUCTOR, Condom Party: I'd like two ladies from the audience to demonstrate how to put a condom on the proper way.

STOSSEL: [voice-over] Of course, that's the point of the safe sex parties people have started having around the country. The hope is that if we keep talking about safe sex, practicing it will be easier. Women are told, "Make condom use more erotic. Make it part of the foreplay." That's the idea behind this garter with a condom pocket. Another suggestion is that the woman should put the condom on the man. You should included condoms in your sexual fantasies.

WOMAN, Condom Party: So I tell him, "Just lay back and just let me work my magic." I put the condom on him and you're all just too young to know the rest.

STOSSEL: [voice- over] All this may help, but it shows how difficult this issue is when you realize that sometimes, even the teachers can't do it. One person who teaches safe sex classes is Natasha.
[interviewing] Doesn't it bother you that you don't practice what you preach?

NATASHA: Yeah, it does.

STOSSEL: [voice-over] Recently, she says, her boyfriend was unfaithful. He slept with someone else without a condom, but she still won't make him wear one. Why not?

NATASHA: I mean, I think it's one of the human conditions is that we know things and we don't do them. Certainly, we all know how to lose weight and yet, many of us don't.

STOSSEL: Somehow, I think it's easier to get your partner to wear a condom than to not eat.

NATASHA: Maybe that's 'cause you're a man.

STOSSEL: You don't feel fearful? You don't feel angry at yourself for giving in?

NATASHA: I do.

STOSSEL: But it's worth it?

NATASHA: Right now, at this point, yeah, it is.

WALTERS: I find, as I watch this, that I become mad. I mean, why do women have to go through so much? Is it because the men are less concerned about getting AIDS from women than the women are getting it from men?

STOSSEL: I mean, there is data that shows it's easier for the woman to get it from the man than the man from the woman. I don't know- or birth control or maybe women are just more responsible and careful. I don't know.

WALTERS: Well, let's talk about this female condom. If it is available in Europe, why is it taking so long for it to be available here?

STOSSEL: It's our regulatory bureaucracy. It was actually submitted here first, but while in England, France, Switzerland, Italy, it was approved quickly - it's just polyurethane, after all - here, it's been four years and they've submitted 3,000 pages of documents. The FDA wants more.

WALTERS: And here, after years of trying to educate, we still- everybody says they do it and they don't.

STOSSEL: They don't.

WALTERS: Hugh?

DOWNES: It's a different age. Thank you, John. Well, next on 20/20, a story that many of you saw and said, "That happened to me." [voice-over] These employees gave the best years of their lives to their employers and then, they were cheated out of their pensions. Lynn Sherr reports, "Count Yourself Out." Stay with us.

[Commercial break]

Count Yourself Out

WALTERS: Have you ever been counting on something, really banking on it and it falls through? Time passes, you get over it. But suppose that what you were counting on was your retirement money, your pension, and you had worked years towards achieving it? A few months back, Lynn Sherr brought us the story about workers that that happened to and 20/20 viewers from around the country let us know we had really struck a nerve. Because it generated so much comment, we're reprising it tonight. Watch and afterwards, we'll bring you the latest chapter in this story.

LYNN SHERR, ABC News: [voice-over] This is a story about trust and the American worker, specifically, workers in the canning industry who believed, like most of us, that years of work on the production line would earn them pensions at retirement. But this is also a story about the violation of that trust for men and women who made cans for these familiar products, because when their employer, Continental Can, realized the cost of those pensions, they came up with a shocking scheme, a secret plan to avoid paying for them.

ANTHONY FOLINO, former Employee: They had a goal that they were going to eliminate a certain number of people. There were numbers. Behind those numbers were people that had homes, that had wives, that had children. These dreams and hopes were shattered.

SHERR: It was here at this Pittsburgh plant that Continental first put its plan into effect on a large scale. This was one of Continental Can's oldest factories, so hundreds of workers here were growing close to being eligible for their pensions. But, starting in the mid-1970s, Continental systematically started getting rid of those older workers, firing them for a reason they would not discover until much later.
[interviewing] How close to vesting were you?

JOHN KINCEL, former Employee: Well, I needed one day, really, from the time I was laid off. If I'd have got that one day, I'd have had my pension.

SHERR: [voice-over] The secret plan was aimed at workers owed a pension after 20 years of service, and John Kinzel was one of the first to get caught. But when he was laid off in 1976, he assumed it was just temporary.

Mr. KINCEL: I just kept going back, you know, hoping whenever the busy season would come, I'd get called back.

SHERR: [voice-over] But the 1977 busy season came and went without a callback. There was plenty of work, but rather than rehiring, Continental made others work overtime.

Mr. FOLINO: We were working the overtime in '77, John wasn't. Now, all of a sudden, what happened to John happened to us.

SHERR: [voice-over] Tony Folino and Bob Gavalik were laid off later that year. Like John, they also thought they'd return.

ROBERT GAVALIK, former Employee: We were figuring, well, we'll just be off this winter, then in the springtime they'll call us back.

SHERR: And did they?

Mr. GAVALIK: No. They never called anyone back.

SHERR: [voice-over] Al Jacob and Tom Riley were laid off in the final wave.

TOM RILEY, former Employee: I needed 16 days to get 20 years when I was laid off. After what happened to all these other guys, not being called back, I pretty much knew that I was next.

SHERR: You had it figured out.

Mr. RILEY: Yes, I did.

SHERR: [voice-over] Dan McIntyre, an attorney for the steelworkers' union, heard the complaints and took on the case in 1981, when he learned that Continental was even shutting down assembly lines rather than hiring back those laid-off workers. [interviewing] Why was that so unusual?

DAN McINTYRE, Attorney: Why is that so unusual? You've got an assembly line making thousands of cans an hour, and there's a need for the cans, and there's a person who could do that job who's out on the street, and you close the line down rather than call the employee back to produce the cans? Something's got to explain that. There's got to be some reason that doesn't appear on the face of it, and the only thing that made sense was, they didn't want that person to have 20 years of service.

SHERR: [voice-over] But the layoffs weren't only in Pittsburgh. Employees at Continental's St. Louis plant were also getting cut. In the fall of 1980, John Crawford got the news. In the beginning, he was unfazed.

JOHN CRAWFORD, former Employee: 'Cause I'd been laid off before, sometimes for a month, sometimes longer. Usually it wouldn't- I kind of considered it a vacation.

SHERR: [voice-over] Bonnie Busby was laid off a couple of months later, but never suspected it was related to her pension.

BONNIE BUSBY, former Employee: I thought it was an honest layoff. I really did. Because I'd been laid off a lot of times before, you know.

SHERR: [voice-over] But this time it was different. The same thing was happening in St. Louis that had happened in Pittsburgh, and the steelworkers' union, which was trying to put together its lawsuit, found out for sure one day in 1982, when one of their attorneys in Alabama telephoned to say-

Mr. McINTYRE: "You guys ought to watch out. Continental Can has a plan to get rid of steelworkers all over the country to keep them from getting their pension benefits." And two days later, the BELL system users manual showed up in Pittsburgh, he Federal-Expressed it up, and we looked at it, and there it all was.

SHERR: [voice-over] What Continental called its "BELL manual" contained the corporate plans to "shrink" and then "cap" the work force at its plants to prevent any employees from getting their pensions. And just what did the code word "BELL" stand for? Well, spell it backwards, and you get-

Mr. McINTYRE: "Lowest level of employee benefits, " or "Let's limit employee benefits," depending on which of the BELL jargoneers you want to listen to.

SHERR: [voice-over] Attorney Roz Litman worked with Dan McIntyre on the lawsuit against Continental. At first, she says, the documents were difficult to decipher.

ROSLYN LITMAN, Attorney: What they did was, they masked this plan in corporate talk-talk, or jargon. There was "cap" and "shrink" and "shelter" and "liability avoidance," and that-

SHERR: But what was it really all about?

Ms. LITMAN: Well, it was really all about this secret plan that nobody was to know about, except at the highest levels of the corporation.

SHERR: Why do you think Continental wrote it all down, where it could be found?

Ms. LITMAN: I think that was their corporate mentality. They circulated memorandum.

Mr. McINTYRE: They were also quite proud of this system that they had developed. I mean, they were delighted. "My goodness, what clever people we are, we have found a way to tell employees, 'You can get these benefits,' and induce them to come to work and think they're working for a great company, and then not have to pay for the benefits at the end." They just thought this was wonderful. "Look at all the money we're saving." It was a corporate coup.

SHERR: [voice-over] The man in charge of that corporate coup was Donald Bainton, then head of the company. Neither Bainton nor any executive from Continental, nor any of their attorneys, would be interviewed by 20/20 for this report, but back in 1976, Donald Bainton made this corporate video to report on the state of the company.

DONALD BAINTON, Continental Can Company USA: [1976] We have 10 percent fewer people than at this time last year. However, it is well worth noting that we are deliberately getting lean to become profitable. We have done so without wide- scale layoffs or severances.

SHERR: [voice-over] As it turns out, that was not true. Continental's plan to deprive workers of their benefits by firing them in large numbers was run out of the company's Chicago headquarters. Inside this building, a huge computer like this generated complex electronic pictures that warned corporate executives exactly when large waves of workers would approach the 20-year mark. That way, they'd know the best time to get rid of them. There was also a plan to make sure none of the laid-off workers were brought back, a plan referred to in documents as the "red flag system."

Mr. McINTYRE: The red flag system stemmed by a little note that Don Bainton wrote in the margin of one of his memorandums. It said, "What system will we have to ensure that no more of these type people get back into work again?"

SHERR: [voice-over] The system they devised, according to attorney McIntyre, was foolproof. Laid-off employees in plants around the country were given secret codes. If anyone tried to issue a check to pay them, a red flag symbol and a computer report would alert authorities in Chicago within moments.

Mr. McINTYRE: Now, the person who administered the red flag system, upon taking his job, was told that, "Look, if you get one of these red flag reports, you've got half an hour to see is it just something innocent, like a vacation check being paid to someone, or is it something else? And if you can't resolve that in a half-hour, you are to interrupt the president of the domestic can company, no matter what he's doing - if he's having a meeting, call him out of his office - because this is not allowed to happen."

SHERR: [voice-over] But all this evidence - the red flags to keep laid-off workers from being rehired, the BELL manual detailing the secret plan, the testimony of the men and women out of jobs and unable to claim benefits - all this did not win the lawsuit. In 1985, a judge in Pittsburgh ruled the workers had not proved their case against Continental, but the lawyers didn't give up. Instead, they broadened the scope and prepared a second case, including all 50 Continental plants, and more than 3,500 workers. Almost all the laid-off workers had been unable to find employment.

Ms. BUSBY: Jobs was really scarce, and at one time I couldn't find a job, and I was on welfare. And there's a whole- the bottom of my world just dropped out, you know. It's the pits.

ROBERT PLOTKIN, Attorney: You have to understand that the people who were laid off in 1976, the people who were laid off in 1980, for most of them, they have never been able to correct their lives, in an economic sense, never to this day.

SHERR: [voice-over] Attorney Bob Plotkin was in charge of that second broader suit, the one charging Continental had imposed its plan across the country. He said the biggest obstacle was that Continental simply withheld crucial documents.

Mr. PLOTKIN: I would imagine that we must have spent 5,000 hours of lawyers' time - I'm just guessing at that - just dealing with the question of making them produce the documents to us.

SHERR: That was also the opinion of the federal judge here in Newark assigned to decide the case. In June of 1989, Judge Lee Sarokin ruled, in effect, that Continental had done its best to resist handing over evidence. He wrote that the documents relating to Continental's policy were more than a smoking gun; they were a fusillade, and he said for a corporation of Continental's magnitude to engage in a secret and deliberate scheme raises questions of corporate morality, ethics and decency. After more than 10 years, the workers had won, but it wasn't until a year and a half later that Continental finally gave in.

Mr. McINTYRE: [January 1991] It's my great pleasure to announce that the case has been settled, subject to Judge Sarokin's approval. Pursuant to the settlement, Continental has already deposited in a bank account under the control of the court \$207.5 million. By the end of February it will deposit the other \$207.5 million, making a total of \$415 million.

SHERR: [voice-over] It was the richest such cash settlement in history, and it also covered the Pittsburgh workers, but none of them has yet received any money and, after years of personal hardship, many find it a hollow victory.

Mr. RILEY: I think it's a sad state for our country to be in, where the bottom line is more important than human beings who have given 19- 18, 19 years of their lives.

SHERR: But now you're going to get the money. Doesn't that take care of it all?

Mr. RILEY: What we wanted was a pension. This is a buy-off, it's a payoff.

SHERR: Doesn't a company have a right to maximize its profits-

Mr. McINTYRE: Sure it does.

SHERR: -and cut its losses and get rid of people to save money on pensions?

Mr. McINTYRE: No. No, it doesn't. If a company is worried about its pension costs, it should be open enough about it to come to the bargaining table and say, "These costs are too great." And you're talking about people who had worked 19 years toward this benefit. The company is shooting the racehorse in the head at the end of the race, and saying, "You can't finish, and so we win our bet." That's not above board. No.

DOWNS: When you first reported this, they hadn't received any of the money yet. Have any of them received any yet?

SHERR: Not yet.

DOWNS: Not yet?

SHERR: However- however, we can report that a distribution plan has been worked out. It's going to be presented to the former employees very shortly and the expectation is that perhaps by the first of September, some of that money will be distributed.

DOWNS: How much money do they expect to get?

SHERR: Well, Hugh, some of the workers will get between \$100,000 and \$200,000, but many of the former employees will get nothing near that because they didn't work long enough to get that kind of money. But let me point out to you this is 11 years later. These people wanted the money at the time, when they had kids in college, when they had sicknesses, when they had problems. Now, it's just a lump sum. They wanted it at the time in little bits.

DOWNS: You can't be paid back for lost time.

SHERR: No way.

DOWNS: Thank you, Lynn. We'll be right back.

[Commercial break]

WALTERS: For Elvis Presley fans, this was the week that was. The king of rock 'n' roll got his stamp. Just three weeks ago on 20/20, Bob Brown profiled the woman who was the major force behind the campaign. [voice-over] She's Pat Geiger, one of countless Elvis fans and possibly the one with the most spunk. This was the scene yesterday in Graceland, when the announcement was made that the picture of the young Elvis was the people's choice. For Pat Geiger, it was the culmination of a 10-year crusade that, to some Elvis fans, took on nearly religious overtones. We have a brief outtake from Bob's interview with Pat Geiger. He had asked her to speculate what would Elvis think of all the stir that he's now causing?

PAT GEIGER, Elvis Stamp Advocate: He had a very favorite expression that all of his fans quoted. He said, "It never ceases to amaze me, baby," and that's what he would say, exactly what he would say. But he would be very, very proud of us. Oh, he knew he had lots of fans, but he didn't know how much he was loved, but he knows it now. I firmly believe he knows it now.

WALTERS: And Pat Geiger now knows what it's like to be a friend of the Elvis Presley Estate. They brought her to Memphis to be on hand for the announcement, all expenses paid. We'll be right back.

[Commercial break]

DOWNS: Tonight, on Nightline, Ted Koppel is off and Chris Wallace is sitting in. Chris, what do you have?

CHRIS WALLACE, ABC News: Hugh, later, on Nightline, L.A.'s fragile condition. It's been more than a month since the fires and the riots, but the aftermath has brought new problems and some people fear the city may still be a tinderbox. Hugh?

DOWNS: That's Nightline after your local news and that is 20/20 for tonight. We thank you for being with us.

WALTERS: And remember, we're in touch so you be in touch and I'll see you this Sunday with David Brinkley. I'm Barbara Walters.

DOWNS: And I'll be watching and I'm Hugh Downs.

WALTERS: Okay. And for everyone here at 20/20, have a good weekend. Good night.

Classification

Language: ENGLISH

Acc-No: 9206056000

Subject: POWS & MIAS (89%); VIETNAM WAR (76%); LAYOFFS (72%); CONTRACEPTION (67%)

Company: AMERICAN BROADCASTING COS INC (84%); AMERICAN BROADCASTING COS INC (84%); AMERICAN BROADCASTING COS INC (84%); AMERICAN BROADCASTING COS INC (84%)

Industry: ENTERTAINMENT & ARTS (73%); PUBLIC SERVICE ADVERTISING (69%); BROADCASTING INDUSTRY (58%)

Person: BARBARA WALTERS (89%)

Geographic: UNITED STATES (92%); SOUTH-EASTERN ASIA (76%); ASIA (66%)

Load-Date: June 19, 1992