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Widows of 3 Killed in Crash Question Senator's Effort to Limit Inspections

By JEFF GERTH with NEIL A. LEWIS
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On Feb. 24, a twin-engine Cessna crashed while trying to land in a billowing snowstorm in Minot, N.D., killing the pilot and three doctors from the Indian Health Service on a routine trip to a reservation clinic in the northern part of the state.

The accident was first treated by Government officials simply as the kind of tragedy that sometimes happens. But the doctors' three widows soon discovered that the charter company whose plane crashed had been the center of a complicated dispute among Federal regulators about its safety record.

The most notable aspect was the apparent intercession of an influential Senator on behalf of the company's owner, a friend who had taught him to fly. A two-year campaign by the Senator, Tom Daschle of South Dakota, a contender to be the Democratic leader in the Senate, in effect ended the work of flight inspectors from the Forest Service, which monitors any company that its officials use. The inspectors had repeatedly warned that the aviation company, B & L Aviation of Rapid City, S.D., was run in a slipshod manner and should be barred from doing work for the Government.

Federal investigators have yet to determine possible causes of the crash, and there is no evidence that Mr. Daschle's efforts played any direct role in the accident. But in making their own inquiries the three widows have uncovered a tale of how political influence, friendship and bureaucratic imperatives can intertwine. And they ask whether the routine Washington practice of helping local interests was in this case carried too far.

"I wonder if he was overzealous in his representation of B & L as a constituent," said one of them, Dianne Vlassis.

The women are also suing B & L and Cessna, and their legal actions are being contested by the companies.

In an interview, Mr. Daschle vigorously defended his efforts. "My conditions all along have always been: No. 1, that we attempt to consolidate these services, and in the process save money and save frustration," he said, "but equally important, that we maintain at least the level of quality that we have right now at the level of safety for the users of aviation."

Over the years, B & L Aviation has flown dozens of Government officials, including many Forest Service officials as well as doctors who work for the Department of Health and Human Services, like the three Indian Service doctors who died in the crash. The charter company operates 23 aircraft.

B & L's owner, Murl H. Bellew, in a letter to a reporter, said his company had a comprehensive safety program, a "policy to place safety above all else," and he cited an accident-free record for more than 30 years before the February crash.

Like all air carriers, B & L was inspected regularly by the F.A.A. But because it also flew for the Forest Service, the company was also checked regularly by its inspectors to insure compliance with its more stringent safety requirements that address special tasks like flying in the back country. Different Agencies, Different Reports

Inspectors from the F.A.A. generally gave B & L a clean bill of health. But various inspectors from the Forest Service reported numerous violations that the F.A.A. had missed. Forest Service documents characterize B & L as a company repeatedly neglecting safety considerations, with equipment problems left unattended and pilots with an attitude of "bottom line over safety."

Mr. Bellew said he had contacted Senator Daschle because he was upset with what he saw as unnecessary duplication by the Forest Service.

Senator Daschle was in a good position to help Mr. Bellew as a member of the Agriculture Committee and chairman of its subcommittee that oversees the Forest Service. In addition, Mr. Daschle, a 46-year-old Farm Belt liberal, has been one of the fastest-rising Democrats in Congress.

In response to Mr. Bellew's complaints, Mr. Daschle drafted an amendment to strip the Forest Service of its ability to inspect aircraft and pushed it through the Senate this spring without any hearings or debate in the overall bill reorganizing the Agriculture Department.

But when Mr. Daschle brought his proposal to the House he met resistance. Members and aides first saw it as a laudable effort to reduce duplication. But they said they had later been troubled upon finding the connections between Mr. Daschle, Mr. Bellew and Mr. Bellew's complaints about the Forest Service. This month, despite pressure by the Senator and his aides, the House killed the amendment.

But that may not matter. After being repeatedly pressed by Mr. Daschle, the Forest Service recently adopted much of his proposal on its own in response, an official said, to Mr. Daschle's repeated urgings. Charter Company Worries Fliers

As the twin-engine Cessna lifted off from Devil's Lake, N.D. on Feb. 24, its mission was to take the three doctors, who had flown frequently in their work with Indian health programs, to the Turtle Mountain Indian Reservation: Dr. Arvo Oopik, 37, who was part of a national team studying heart problems; Dr. Christopher Krogh, 45, who ran a program to reduce infant mortality, and Dr. Ruggles Stahn, 46, who directed an effort to prevent diabetes.

F.A.A. records show that the night before the flight, the pilot, Edward Mellen, 55, called the weather station and was told that forecasters were

predicting a severe snowstorm. He replied, "I will check in the morning to see if we really want to go or not."

Mr. Bellew, who described Mr. Mellen as highly skilled and a "very conservative pilot who would rather cancel a flight than take chances or compromise safety," said he believed that "Ed checked the weather several times that day."

But the National Transportation Safety Board, which is investigating the accident, checked the records of various weather stations in the region and found that Mr. Mellen had not done so.

A few days earlier, Ms. Vlassis, Dr. Krogh's wife, felt a sudden pang of fear about the coming trip and called B & L, which assured her that the pilot would take no chances. She said her worry had stemmed from her husband's bad experiences with B & L, especially a December flight that so terrified Dr. Krogh and Dr. Oopik that they had a heated confrontation with Mr. Mellen, who was the pilot on that trip, too.

Dr. Bob Sullivan, an Indian Health Service colleague, recalled that Dr. Oopik described the flight as harrowing. "He felt that the pilot's control of the aircraft was pretty poor, bordering on atrocious," Dr. Sullivan said. "After he landed, he and another physician grabbed the pilot and told the guy, 'Don't you ever fly like that again!' "

Dr. Frederick Montz, the third doctor on the December flight, said he recalled that the plane had had equipment problems but he thought that the pilot had acted appropriately. Mr. Bellew said he was unaware of any equipment problem in the flight in December.

According to a state police report of the crash in February, the plane went to Minot because of bad weather, although the storm there was as bad if not worse. Relying on instruments, Mr. Mellen missed his first approach. On his second attempt, he crashed more than 1,200 feet away from his intended runway.

The flight in December was not the first time that passengers had complained about B & L's flying.

Tammy Kirkland of Rapid City, a nurse, had flown several flights with B & L in the mid-1980's. She said that on one trip on which Mr. Bellew was the pilot he dozed off for several minutes during the flight, leaving the plane on automatic pilot. She said she had later complained to Mr. Mellen, who had assured her she need not have worried because "Murl's a light sleeper" who would awaken quickly at the sound of anything extraordinary.

Mr. Bellew said he did not remember the incident.

For the Indian Health Service, the crash exposed a current of fear about flying in small planes, especially those of B & L. One supervisor, who spoke on condition of anonymity, said it had become a widespread practice for doctors and nurses in South Dakota to juggle their schedules to avoid flying with B & L.

Tom Bad Heart Bull, a senior official with the health service in Rapid City, said he now believed that the doctors "took risks that were unnecessary."

Since the crash, Indian Service doctors in South Dakota drive to their tribal sites, officials said. **Inspectors Find Flaws**

Senator Daschle has long had a special regard for Mr. Bellew. "I don't know that there's anybody in the business better than Murl Bellew in terms of knowing an airplane and really having a profound love for what he does," Mr. Daschle said.

But several Forest Service inspectors did not think so highly of either Mr. Bellew or his company.

From the mid-1980's they described a pattern of shoddily maintained aircraft and pilots willing to take unnecessary risks.

In 1985, B & L was disqualified from Forest Service business after inspectors reported that Mr. Bellew had disregarded a control tower warning to delay a takeoff until some turbulence subsided.

"We need not utilize pilots who cut corners, putting their passengers ill at ease and increasing the risk of accidents," the Forest Service reported.

Mr. Bellew said, however, that he was confident that his action that day did not endanger anyone. He described his Forest Service problems as involving "minor discrepancies" that were quickly resolved.

B & L was restored to the list following a reinspection. But then another inspector found numerous problems and reported in 1992 that "not only would I not fly in one of B & L's aircraft myself, I would never let my family or loved ones fly in one!"

Bill Dickson, a former combat helicopter pilot in Vietnam, has been the Forest Service aviation safety officer overseeing B & L for three years.

Asked why the Forest Service continued doing business with B & L, Mr. Dickson said his superiors had told him that "the reason we end up using them is there is an enormous amount of political influence from the Senator."

Senator Daschle denied that, saying he had never told anyone in the Forest Service to keep using B & L. A Forest Service spokesman declined to comment.

Although Mr. Dickson had the power to disqualify B & L only from Forest Service business, he said he believed if his office had not been restrained, the company would eventually have had to improve its safety performance or risk losing all Government business.

One example he cited as a chronic problem with B & L was that its pilots typically did not spend the hour of preflight preparation recommended by safety experts. "From our experience, B & L's pilots just zoomed into the airport and blasted up into the sky with little preparation," he said.

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A preliminary report of the National Transportation Safety Board released this month, which included no conclusion about the cause of the crash, found that Mr. Mellen apparently did just that on the morning of the accident, showing up at the airport about 7:30 and getting up in the air by 8. Why the Senator Took Action

Senator Daschle readily acknowledges that the inspiration for what he calls his contribution to reinventing Government was Mr. Bellew.

"No question about it," he said.

Forest Service officials said Mr. Bellew was the only operator with whom they had a serious conflict. But Senator Daschle said that did not matter.

"When a constituent comes with a problem, I don't say, 'How many others are there like you?' " he said. "I don't take a poll. If it's right, it's right. I said to Murl, 'You make a good case.' "

His efforts, he insisted, were not meant to get the Forest Service off Mr. Bellew's back. Rather, he said, "It was the essence of trying to make Government work better." It was also, by Senator Daschle's account, the only legislation he has introduced to streamline Government in 14 years in Congress.

When Mr. Daschle began his efforts in June 1992, neither the Agriculture Department, the Forest Service's parent agency, nor the F.A.A. supported the idea. When Mr. Daschle wrote to Interior Department officials to ask about a similar program they operated, they said it had greatly reduced fatalities.

But Senator Daschle said the Forest Service's resistance was to preserve jobs. "I believe I'm up against a tremendous amount of bureaucratic intransigence," he said.

Asked about the Forest Service's consistently alarming reports about B & L, Senator Daschle said he did not give them credence because he had had good experiences flying with B & L and still uses their planes regularly.

Early this year, Senator Daschle's stalled campaign on aircraft inspections got a boost after he raised it directly with Mike Espy, the Agriculture Secretary.

In answer to Senator Daschle's inquiry, Mr. Espy reported that the inspection program was a modest one, costing \$270,000 this year. Mr. Espy nonetheless later embraced the Senator's proposal. The F.A.A. said it could take over the Forest Service and Interior Department programs, but did not know how much it would cost or how they would do it. (Senator Daschle's wife, Linda Daschle, is the deputy administrator of the F.A.A. He said she had recused herself from South Dakota aviation matters.)

But Mr. Daschle's campaign to write into law an end to Forest Service inspections was stymied by Representative Charlie Rose, a North Carolina Democrat whose subcommittee oversees the Forest Service.

Congressional aides said an angry Mr. Rose blocked the amendment this month after receiving a letter from Jennifer Brown, another of the widows, alerting him to B & L's Forest Service problems and its ties to Senator Daschle.

"This gave me pause," Mr. Rose said. "When I found out this concern has been shared by the Forest Service, I insisted this not go into effect immediately."