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# THE UNIVERSITY DAILY

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## District judge denies dismissal of HSC lawsuit

By TIFFANY KINGSTON  
 STAFF WRITER

*Family members' lawsuit will continue despite defendants' requests*

A dismissal request for the lawsuit filed against two Texas Tech Health Sciences Center officials to stop the destruction of DNA was denied Monday by State District Judge J. Blair Cherry.

John Vinson, a lawyer with the Attorney General's office moved for the lawsuit's dismissal Friday, on

grounds that the 220 family members of DNA donors at the HSC's Alzheimer's DNA bank lacked special interest in the research.

Vinson said the DNA donors of a charitable trust do not have standing in the case and have no right to control the science and research of the samples.

Dr. Joel Kupersmith, dean of Tech's School of Medicine, and Dr. Randolph Schiffer, chairman of the neuropsychiatry department, are named as the primary defendants in the case.

Floyd Holder, the plaintiffs' attorney, said the donors play an integral part of the research because the tis-

sue and blood samples are specific to their family gene pool and the research incorporated in the DNA samples could directly affect the individual families and not the general public. Holder said this gives the plaintiffs special-interest rights.

"Money is vastly different from human tissue and blood samples.

The blood samples can be used for up to 200 years. We don't feel the Attorney General is correct in saying it is just a charitable trust," said co-plaintiff Oleta Toliver. "Human tissue and blood puts it in a different category."

Toliver said she is relieved the lawsuit will continue and there is still a chance for further research.

see DNA, page 3

### Three amigos



CRAIG SWANSON / The University Daily

As part of the Mariachi Extravaganza, Juan Ortiz performs with Campanas de America on Saturday night in the University Center Allen Theatre. The event was hosted by the School of Music and also included workshops based on experience, instruments, chords, rhythms and music reading.

## Supreme Court refuses to hear Hampton case

■ *High court refuses to hear lawsuit filed against Lubbock by Hampton coach.*

By COURTNEY MUENCH  
 STAFF WRITER

A racial profiling lawsuit against the City of Lubbock ended Monday when the U.S. Supreme Court refused to hear an appeal by Hampton University's women's basketball coach Patricia Bibbs.

In the original lawsuit, Bibbs alleged that Lubbock police arrested her, her husband and an assistant coach because they are black.

The trio was arrested in a Walmart parking lot while the Virginia university's basketball team was visiting the city for a game against the Lady Raiders in 1998.

Police suspected a scam operation was underway based on a customer's report that a black woman, along

with another black woman that was well dressed, approached her outside the store asking about a lost purse containing money.

The police, two hours later, went to the parking lot, saw Bibbs, Kelso and the assistant coach, handcuffed them and held them for several hours.

Security tapes later showed Bibbs and Kelso having no contact with the shopper.

The three were released, and Lubbock Mayor Windy Sitton apologized.

Then, however, Bibbs sued the city of Lubbock, Police Chief Ken Walker, officers David Houser, Brian McNeill, Roger Hearn, Mike Overland and former officer Keith Jobe in a \$30-million civil-rights lawsuit.

In November, the 5th Circuit U.S. Court of Appeals upheld Lubbock federal Judge Sam Cumming's dismissal of the lawsuit. They said Cumming ruled correctly, calling the matter an "unfortunate incident."

Randy McGuire, assistant police

see HAMPTON, page 3

## Senate Bill allotting Tech \$10 million awaits Perry's approval

By TIFFANY KINGSTON  
 STAFF WRITER

Pending Gov. Rick Perry's approval, Texas Tech will receive \$10 million from the Texas Excellence Fund in the next two years.

According to Senate Bill One, the Texas Excellence Fund is established to provide funding to promote increased research infrastructure while developing institutional excellence to ensure Texas and its workforce remain at the forefront of scientific and technological innovation.

Lynda Gilbert, Tech's vice president of fiscal affairs, said the TEF al-

location is designated for investment in Tech's research program, allowing students and faculty, primarily at the graduate level, to use a portion of the funds for research purposes.

"Of course the benefit is to all of the university because the knowledge that's iterated from the research we do here is transmitted to the students and to the community, the region and to the nation, in fact," Gilbert said. "Research benefits a whole university, and even though it's a very small sum of money, respectively, compared to the overall university budget, the fund is separate and distinct and will enhance the whole uni-

versity through investments in research."

Last year, the overall appropriations fund for Tech was more than \$105 million. This year, Tech will receive more than \$107 million in general appropriations, in addition to more than \$4.7 million from the excellence fund.

According to SB1, the remaining amount, more than \$5.7 million, will be allocated in 2003.

Cindy Rugeley, Tech's associate vice chancellor for news and information, said the fund assists schools that are members of the Higher Education Assistance Fund.

According to SB1, before Tech could be eligible for HEAF it had to offer 45 or more doctoral or philosophy degrees in the fields of science, agricultural science, engineering and clinical and experimental psychology, in addition to allocating at least \$15 million of restricted research funds.

Rugeley said HEAF separates Texas universities from the Permanent University Fund, which only includes the University of Texas at Austin and Texas A&M. PUF universities receive the bulk of research funding, she said.

The Texas Excellence Fund assists

HEAF schools in attaining higher status at the state and national level.

The Texas comptroller will monitor the fund to assure it is invested only in research, according to SB1. If the university fails to comply with the allocation requirements the funds will be revoked.

Gilbert said the amount specific research areas receive will be decided this summer. She said no quick decisions will be made in order to ensure wise investments.

Gov. Perry is expected to sign SB1 in the next two weeks.

"No one anticipates that he won't sign it," Gilbert said.

# Tech, Lubbock unite for median cause

BY COURTNEY MUENCH  
STAFF WRITER

Texas Tech and the City of Lubbock are teaming to give 19th and 4th streets fresher looks.

Both will submit applications to the Texas Department of Transportation by June 18, each requesting a \$3-million grant for two \$3.6-million projects.

If the grants are approved, Tech and Lubbock will pay the remaining \$600,000 for each project.

Tech's proposal adds medians with pedestrian walkways and trees on a stretch of 19th Street extending from west of



Indiana Avenue to University Avenue.

"The intent is to create a friendly-pedestrian walkway and also to pretty up 19th street," said Mike Ellicott, Tech's vice chancellor for facilities planning and construction. "All that concrete and asphalt that is out there right now is pretty unattractive."

The city's project entails

enhanced streetscape along 4th street, extending from Brownfield to Clovis Highway.

Rob Alison, the city's environmental inspection manager, said the city's plan is to add medians along 4th Street with new walkways.

He said bike lanes and rest stations will be added and more pedestrian lighting made available in an attempt

to make 4th Street safer.

"It will help move people more efficiently and safer," Alison said. "It will improve access for Tech students going north, plus it will help out neighborhoods in accessing Tech and other businesses."

Alison said receiving the grants will have a tremendous impact on Tech.

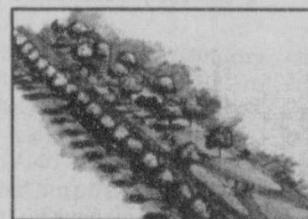
"Tech is obviously important to our community and it will definitely improve the quality of life in our community," he said.

Alison said decisions for more details will be made concerning both projects in November, when the city and Tech find out if they will re-

ceive the grants.

The TxDOT commissioners will decide if the two entities qualify for the grants in November.

Alison said originally Tech and the city considered submitting the projects as one, but then it was decided it would be more beneficiary to submit the idea as two separate projects.



If grants are supplied, Tech will give \$300,000 to the city's project and the city will give \$300,000 to Tech's project.

"What we are doing to make both these projects very attractive to TxDOT, is we are each co-sponsoring each other's projects," Ellicott said. "The intent is to get them both approved at the same time."

Alison said if TxDOT does not give Tech or the city the grants, then they will both evaluate alternative funding methods.

"We hope that by submitting two different proposals, that either both or one of us will receive a grant," he said.

## Memorials could soon line highways

TYLER (AP) — Texas highway officials are on the verge of allowing state-sanctioned memorial markers along roads where people have died in alcohol-related and other automobile accidents.

An East Texas woman's year-long crusade to expand the state's rules for roadside memorials to all types of highway accident sites is being writ-

ten into the Texas Department of Transportation's policy manual.

The revised manual is expected to be approved by TxDOT administrators in the next two weeks, said Richard Kirby, director of maintenance and operations.

"I believe we are very close to having a final decision made," he told the *Tyler Morning Telegraph*.

June Hatfield, whose son Rob was killed in an accident on a winding road just north of Lindale, is pleased the policy is changing. She and other area residents began pushing for the change last summer, after transportation officials posted removal notices on roadside crosses marking non-DWI accident sites.

The markers violated a policy created in the mid-1980s allowing Mothers Against Drunk Driving to erect crosses where people were killed in

alcohol-related accidents.

Relatives of other victims said the DWI-only policy was a form of discrimination. Many refused to take down their crosses and makeshift memorials. Hatfield organized meetings between citizens and officials, contacted lawmakers and addressed the Texas Transportation Commission in Austin on a compromise.

"I was happy to do that in memory of Rob and to help all bereaved families throughout the state," she said.

Transportation officials drafted a memorial program last fall to require residents to buy a uniform marker from the state for \$100. The marker could be placed at any accident site for 2 1/2 years, under the proposal.

The Hatfields, in anticipation of the policy change, placed a new marker at their son's accident site during Memorial Day weekend.

## High court overturns convict's death term

AUSTIN (AP) — The U.S. Supreme Court ruling overturning the death sentence of convicted killer Johnny Paul Perry is evidence that Texas needs a law banning the execution of the mentally retarded, a state lawmaker said Monday.

"We've dodged this issue long enough," said Sen. Rodney Ellis, a Houston Democrat who has been trying to persuade Gov. Rick Perry to sign recently approved legislation that would prohibit the state from executing the mentally retarded.

"It is time for Texas to stop defending the indefensible and make a clear, moral stand by banning the execution of the mentally retarded," Ellis said.

Before a luncheon in San Antonio, Perry said he has not decided whether to sign the legislation and said his office was reviewing the high court's decision.

"Without looking at it and closely dissecting it and absorbing

what it specifically addresses, I'd be a little premature to say whether or not it will impact the pending legislation," Perry said.

Perry has said it would make sense to get a clear message from the U.S. Supreme Court before deciding whether to sign the bill.

The Supreme Court ruled that the jury did not get clear instructions on how to weigh Perry's mental abilities against the severity of his crime. Ellis said that even though the state has new jury instruction standards in place, "there is no guarantee that those will meet constitutional muster either."

The ruling did not address the larger question about whether the execution of the mentally retarded is constitutional. The court will review that issue in another case next fall.

Ellis has said six mentally retarded people have been executed in Texas since the state resumed executions in 1982.

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### TechNotes!

TechNotes! is a service provided to Texas Tech students by the Student Government Association and *The University Daily*. To have your student organization event listed, please call 742-3631 or e-mail [UD@ttu.edu](mailto:UD@ttu.edu).

### Corrections

Call: (806) 742-3393

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## ■ HAMPTON

from page 1

chief of the patrol division, said he is not surprised the case ended this way.

"It was a tough job and a tough situation those officers were put in," he said. "I know them to be some of the best officers I have ever worked with."

Anita Burges, city attorney, said the police officers responded to a situation with an eye-witnessed account of the victim. The police made the identification and then the arrest, she said.

"We are approaching the end, and we are all pleased and ready to put this behind us," she said.

The plaintiff has 25 days to file a petition to the U.S. Supreme Court for a rehearing. Burgess said she believes there is a "remote" chance the Supreme Court will grant a rehearing.

## ■ DNA

from page 1

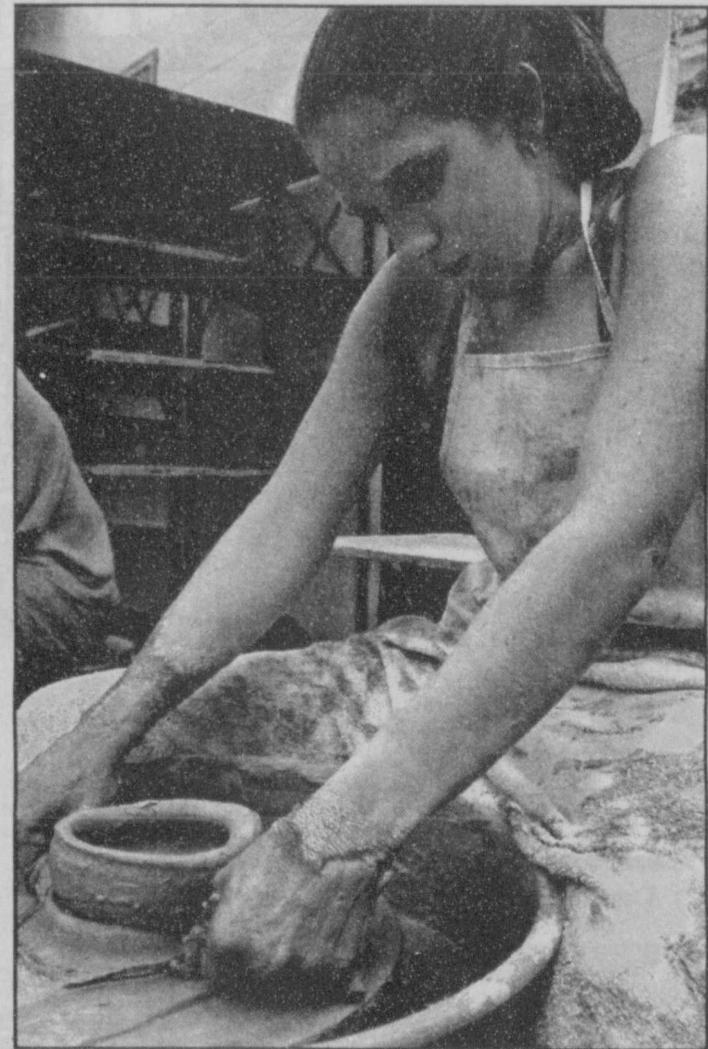
According to prior *UD* reports and documents filed in the 72nd District Court in Lubbock, the plaintiffs filed a temporary restraining order to prevent the destruction of DNA samples after 140 consent forms to receive the samples were misplaced and a request to obtain new re-signed forms by Dr. Shirley Poduslo, former DNA Alzheimer's Bank director, was denied.

Toliver said almost one-third of the 10,000 samples already have been destroyed because of inadequate storage temperatures that failed to be monitored after the DNA bank was shut down Jan. 28, 2000.

Tech lawyers previously made a request to presiding Judge Blair Cherry of the 72nd District Court-house in Lubbock, to send the lawsuit to the federal courts.

A further trial date has yet to be decided but Cherry will be the presiding judge.

## The art of concentration



CRAIG SWANSON / *The University Daily*

Using a piece of wire, Elizabeth Mott, a senior art education major, cuts away part of her pottery project while in art class Monday afternoon in the Art building.

## TECH NOTES

■ The Department of Philosophy will host "The Esoteric Quine," a lecture by Calloway from the University of Mainz, Germany. The guest lecture will be at 3 p.m. June 7 in room 318 English building.

■ Information for Tech Notes can be faxed to (806) 742-2434. They also may be e-mailed to [UD@ttu.edu](mailto:UD@ttu.edu).

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# OPINIONS & IDEAS

Sandeep Rao, Opinions Editor  
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[ COLUMN ]

## Hate crimes law makes good public policy

We live in the richest nation in the world. Our government tries to help many countries with things they need.



**Damion Davis**

If there is a civil unrest in Libya, and their government just cannot handle it, you best believe the mighty U.S. Armed Forces will offer assistance.

But, why are we so quick to go and help our fellow man with his problems while we struggle to survive ourselves? Our country has been at war for a long time.

First, drugs crowd our city streets, and hate crime continues to rise. Texas has stepped out from the dark clouds and decided to do something about

it. Our state has noticed that hate crimes are a serious problem in our country and have made the penalty for committing these harder.

I remember being utterly disgusted when I heard what happened in Jasper, Texas. Just in case you were under a rock, I will summarize what happened for you. There were basically some white gentleman out to "have some fun" if you can call it that, when they decided to drag a black man from the back of their truck.

What does this say about the society that we live in? It says we still are a country full of hatred.

The country says we love a God we cannot see, yet we cannot love the person sitting next to us in a class.

I fail to understand why this happens the way that it does. In 1995, there were 7,947 incidents reported dealing with hate crimes. Three hundred twenty-six of these crimes were committed in Texas.

Even closer to home was an incident that happened earlier this year. A high school cheerleading squad put on black make-up to make fun of the cross-town school they were playing. The school was fined for the awful situation.

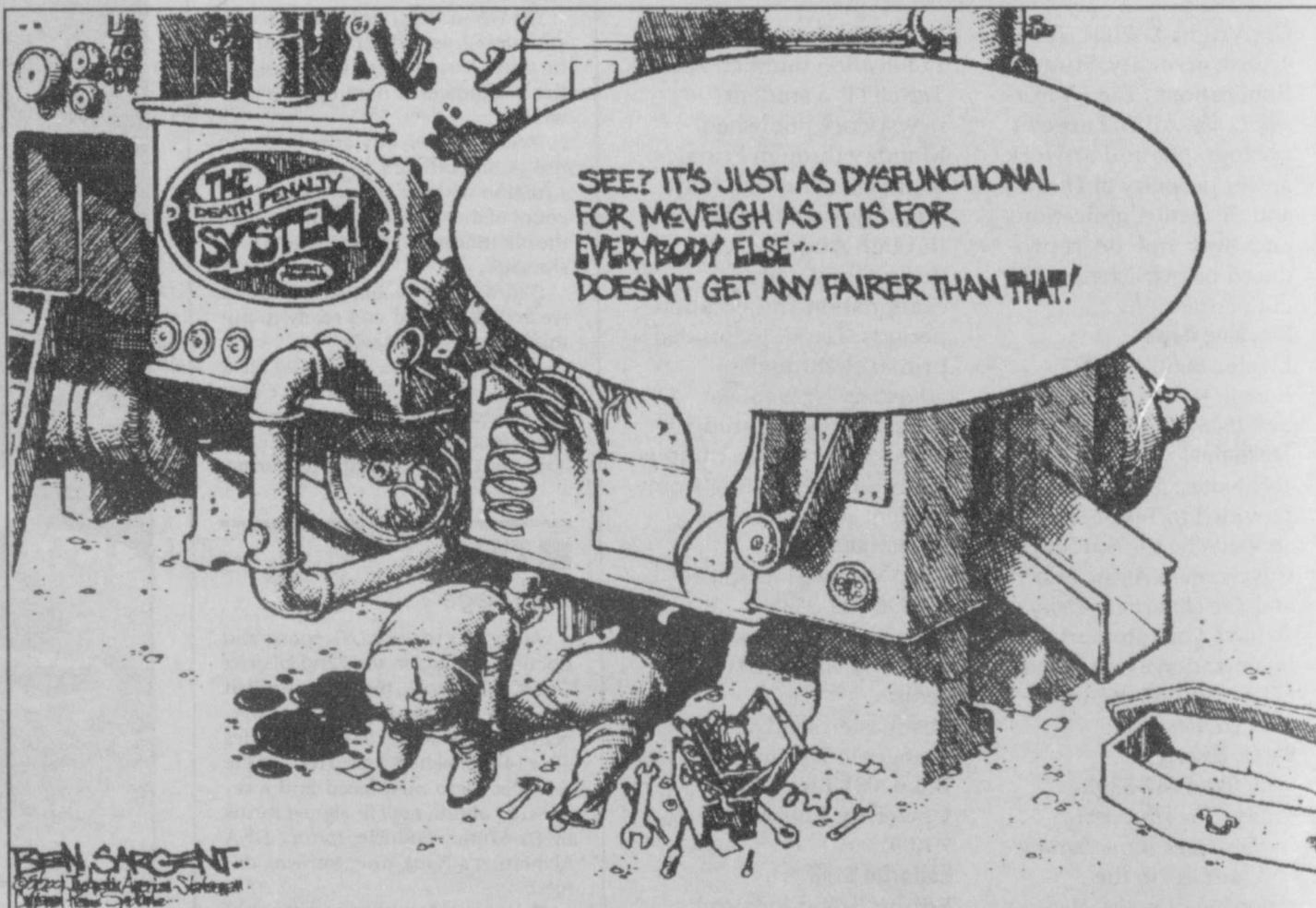
Have we as free Americans become so jaded that we believe that we only need one race to get along in this world? I hope not.

We as Americans have taken freedom to a new level. We know that we are free and embrace that whole-heartedly. We have the freedom to choose what religion we want to proclaim, freedom from slavery and the right to protest. But does this give us the freedom to hate one another?

I sincerely hope not.

I have never understood how someone could hate me by only looking at me from across the room not having said one word to me, but just by considering my outside color or the stereotypes that are placed on me and my race. I applaud Texas for making the penalty for committing a hate crime harder.

*Damion Davis is a freshman communications major from Lubbock. He can be reached at threed5@hotmail.com.*



[ COLUMN ]

## High Court ignores racial preferences

Affirmative action has overstayed its welcome; however, the U.S. Supreme Court does not agree.



**Katie Harris**

Last Tuesday, the high court refused to review an appeal that the University of Washington Law School acted unconstitutionally by using race as a factor for admissions. Three white applicants rejected for admission sued the school on grounds of reverse discrimination.

The Supreme Court's decision to not review the appeal was a step backwards for affirmative action opponents and the United States as well.

Affirmative action was once a tool used to level the playing field. After decades of discrimination, it was right to give minorities more opportunities to succeed in America.

Today, affirmative action takes away the opportunity it once intended to give.

At U.S. colleges and universities, affirmative action is used not to create opportunity, but diversity. The price of diversity is too high.

In order to achieve diversity, universities are forced to reject many qualified applicants. By using affirmative action to create diversity, schools begin a new brand of discrimination.

Is it fair for a university like Texas Tech to reject qualified applicants because they are not of a certain race?

Often admissions to universities across the country are not only based upon high school or undergraduate work, but also on race and whether or not it meets the school's diversity quota.

Some universities don't seem to understand that diversity can

be found in things other than race. A diverse student population can mean diversity in religion, political beliefs, interests, majors, social activities and much more. Diversity can be found in students in these areas no matter what race they are. Affirmative action is not needed to diversify a school.

If affirmative action is unnecessary to create a diverse campus then why is it needed at all?

Affirmative action was once rightfully used to ensure every American had the chance to be successful. That chance was given, but it is now time to stop giving handouts.

It has been more than 35 years since President Lyndon B. Johnson first used the term affirmative action in 1965, and much has changed since then.

In America today, it is possible for anyone to receive higher education, a goal much harder to attain in the 1960's. Individuals from all races now have the ability to attend college without using race as a ticket for entry.

Colleges and universities that look at race during the application process are only cheating students. America needs individuals to begin taking responsibility for their success instead of relying on the government to do it for them.

Though prejudice always will exist in America, affirmative action has become a legal way to discriminate. Affirmative action has lost its purpose and has itself become a tool of prejudice.

Universities today should look at students' qualifications and trust that individuals from all walks of life will work hard enough to be admitted without using race as a consideration.

*Katie Harris is a sophomore English major from Lubbock. She can be e-mailed at raiderx81@cs.com.*

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GUEST COLUMNS: *The UD* accepts submissions of unsolicited guest columns. While we cannot acknowledge receipt of all columns, the authors of those selected for publication will be notified. Guest columns should be no longer than 750 words in length and on a topic of relevance to the university community.

# CPU group to make, sell electronic vote systems

## ■ Dell will team with an Austin-based firm to make casting ballots easier.

AUSTIN (AP) — With the last presidential election and all of its rec- counts still fresh, Dell Computer Corp. on Monday announced a plan to manufacture electronic voting systems.

The Round Rock-based company has teamed with Austin-based Hart InterCivic Inc. to "manufacture and market easy-to-use, affordable voting systems that enable accurate, accessible and secure elections through the innovative use of technology," the companies said in a statement.

"The November 2000 elections shined a spotlight on the nation's election infrastructure, and we've clearly heard the need from our customers to help them modernize the

way America votes," said Bob McFarland, vice president and general manager of Dell's government sector.

"Election integrity will be critical to future elections," McFarland said.

Dell's announcement comes as Gov. Rick Perry decides whether to sign election reform legislation in Texas.

The bill takes steps to make sure that the problems that plagued Florida during the presidential election do not slow down Texas elections. The bill bans butterfly-designed ballots and phases out the use of punch card ballot systems.

Perry hasn't decided whether he will sign the bill. "It's still fairly early in the review process," said spokesman Gene Acuna.

Fourteen of Texas' 254 counties use punch-card ballots: Brazoria, Brazos, Chambers, Collin, Ector, El Paso, Harris, Hays, Howard, Jefferson, Reeves, Smith, Taylor and Wichita.

The counties would not be forced to turn in their voting machines, but would be prohibited from entering into new contracts for punch card ballots after Sept. 1.

President Bush defeated former Vice President Al Gore by 537 votes in Florida, allowing Bush to win the state's Electoral College votes and the White House. Many Gore voters complained that faulty ballot systems did not count their votes or said they were erroneously told they were not registered.

The bill also sets guidelines for how ballots, including irregular ballots, should be handled, counted and stored.

As for Dell's new product, the companies said the system can help by simplifying voting and speeding up results tabulation.

Dell has already begun selling the eSlate Electronic Voting System. Electronic tablets, the devices voters use to cast ballots, cost \$2,500 each.

## Iraq halts most oil exports with several Mid-East foes

BAGHDAD, Iraq (AP) — Iraq followed up on its threat to halt most oil exports, stopping the flow early Monday to all but neighboring Turkey and Jordan.

The indefinite halt was meant to protest a U.N. Security Council decision to extend by one month instead of the usual six months the program under which Iraq can sell oil. Baghdad has chafed at U.N. controls over its oil exports that stem from sanctions imposed for Iraq's 1990 invasion of Kuwait.

War and sanctions have crippled the Iraqi economy, leaving many Iraqis dependent on government rations financed by the U.N.-supervised oil exports. Iraq needs the oil revenue to buy food. It has cash reserves, but it was unclear how long it could survive without further sales. It had been pumping about 3 million barrels a day.

Iraqis see the U.N. oil-for-food program as an attempt to control what the government can buy, including food. The United Nations set up the program to allow Iraq to buy humanitarian goods, but not weapons.

Sources close to the Iraqi Oil Ministry, speaking on condition of anonymity Monday, said pumping oil through an Iraqi-Turkish pipeline to Turkey's Mediterranean port terminal at Ceyhan stopped at 8 a.m. local time. Exports through Iraq's southern al-Bakr oil terminal were also shut off, the sources said.

The sources said oil exports by road tankers to Turkey and Jordan were not affected. Iraqi Oil Minister Amer Mohammed Rashid had said Sunday that exports to Iraq's neighbors would not be affected by the protest.

## Interest on student loans to drop July 1

(AP) — Paying for college is about to get less expensive for students and families saddled by education loans.

Starting July 1, the interest rate on federally backed student loans will be reset to what's believed to be the lowest level since the loan program began in the 1960s.

Interest on student loans will drop to 5.99 percent, down from the current 8.19 percent, the U.S. Education Department said Monday. Students start paying off the loans six months after leaving school and typically have 10 years to do it.

The rate for parents borrowing in their own names for a child's education will drop to 6.79 percent from 8.99 percent. Those loans are owed immediately, like credit card debt.

"This is the lowest rate in the history of the student

loan program, lower than even the 7 percent in place when the student loan program began in 1965," said John E. Dean, lobbyist for the Consumer Bankers Association, whose members are the largest commercial banks in the student loan business.

The new rates apply to loans first disbursed on or after July 1, 1998. A borrower could also benefit from the lower rates by consolidating loans taken before then.

The federal government estimates the new rate will save the student borrower with a standard 10-year repayment plan about \$136 for every \$1,000 they owe.

Federal student loans are given on a variable rate that's reset every July 1. The new rates reflect long-term interest rates the U.S. Treasury set after last week's auction of Treasury bills.

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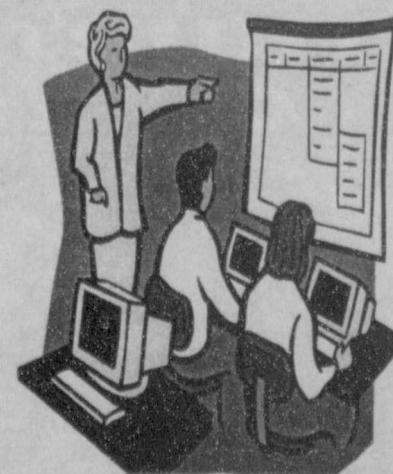
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# Two teens fatally shot at Dallas party

■ Neighbor blames parents and police for not controlling teen-agers' party.

DALLAS (AP) — Two teen-agers were shot to death when a graduation party turned violent over the weekend.

Neighbors had called police to complain that dozens of teens had gotten out of control before shots rang out at the Southeast Dallas home early Sunday.

Renato Marquez, 16, died at Baylor University Medical Center in Dallas after friends drove him to the hospital, police said.

Cristian Esteban, 15, was shot in the head and taken to Baylor Medical Center, where he died late Sunday, police said.

Witnesses said almost 200 people attended the party, while police estimated the crowd at closer to 100.

Detectives interviewed witnesses Sunday and tried to piece together what happened at the Pleasant Grove party, said Sgt. Larry Lewis, a homicide unit supervisor.

Sherri Schawo, a neighbor, and her boyfriend Karl Harrison said they called police because cars blocked a driveway.

Noise from the party could be heard down the block and many partygoers who appeared underage were drinking beer, they said.

Harrison, who placed the call from Schawo's house at 10:34 p.m. Saturday, said a dispatcher told him officers would "take care of it."

But officers did not arrive until after a second call came in at 12:41 a.m. Sunday.

"The police didn't do their jobs. The parents didn't do their jobs. It's irresponsible on both parts," Schawo, who lives next door, said.

"If the police had come when we called them, they could have maybe stopped this."

The first suspect, who had a handgun, was about 18 with short hair.

The second, witnesses told police, was about 16 and had a long gun.

A 16-year-old witness, Christina Pesina, said someone threw beer bottles into the crowd and the teen-agers began running before shots were fired.

She said she was running beside Renato when he was shot in the back.

"I thought maybe he was drunk and he fell," Pesina said as she waited with her friends and mother at the Dallas police station. "But my boyfriend picked him up and he had blood all over him."

## NEW YORK JURY ORDERS TOBACCO COMPANIES TO PAY

NEW YORK (AP) — A federal jury Monday found that tobacco companies engaged in deceptive business practices, ordering them to pay \$29.5 million to help cover the costs of treating ailing New York smokers.

The verdict followed a two-month trial pitting New York's largest insurer, Empire Blue Cross and Blue Shield, against Philip Morris, R.J. Reynolds Co. and other cigarette makers.

The jury found Empire failed to prove fraud and conspiracy allegations.

In the lawsuit filed in Brooklyn, Empire accused tobacco companies of minimizing the threat of lung disease — thus driving up health care costs — during a decades-long campaign of deception. The insurer had sought \$800 million in damages.

Cigarette makers "lied to the American public," Empire attorney Vincent Fitzpatrick said in closing arguments. "More Empire members smoked. There was more disease and Empire had to pay more."

The defendants denied plotting to deceive the public.

"The fact of the matter is that the evidence has shown that the American people at large and Empire subscribers were aware that cigarette smoking is dangerous, and that it can kill and have been aware of it for decades," attorney Peter Bleakley told the jury.

## HARVARD REPRIMANDS FOUR STUDENT PROTESTORS

CAMBRIDGE, Mass. (AP) — Harvard Law School has reprimanded four students who participated in a three-week sit-in to protest wages paid to Harvard workers.

The law school's Administrative Board took the action Friday following a 6 1/2-hour hearing attended by about 50 people, including dining hall workers, whose wages prompted the protest.

The reprimands will be placed

## NEWS DIGEST

on the students' transcripts and can be reported to the state Board of Bar Examiners, which could hurt their professional careers.

"I'm disappointed and surprised," said attorney John D. Fitzpatrick, who represented the students.

The four were the only law students among the three dozen Harvard students who staged the protest in the university president's office. The sit-in, which ended May 8, was held to demand a minimum "living wage" of \$10.25 an hour for all Harvard workers.

The protesters and school officials reached a settlement that included the creation of a 20-member committee to make recommendations on the university's policies and employment practices for lower-paid workers.

## BURNING CROSS PLACED ON STEPS OF IDAHO CAPITOL

BOISE, Idaho (AP) — A burning cross was found on the steps of the state Capitol early Monday.

The wooden cross, 5 feet high and 4 feet across, was discovered just before 2 a.m. by a Statehouse security patrol, said police spokesman Rich Wright.

It was roped to the metal fencing at the top and to the sides of the steps leading to the Capitol Rotunda on the building's second floor.

Police were investigating three possible suspects. Officials were also reviewing tapes from the video security system.

## SHARPTON'S HUNGER STRIKE GAINS POLITICAL SUPPORT

NEW YORK (AP) — The Rev. Al Sharpton's mother tried to convince him to stop his prison hunger strike on Sunday, but the activist is pressing on after receiving a letter of support from Coretta Scott King.

The widow of Martin Luther King Jr. said she wrote "to express my wholehearted support of your efforts."

Sharpton has been fasting since Tuesday at the Metropolitan Detention Center in Brooklyn, where he is serving a 90-day sentence for trespassing on U.S. Navy property during a May 1 protest on Vieques.

The Navy has used its range on Vieques, home to 9,400 people, for six decades and says it is vital for national security. Critics say the bombings pose a health threat, which the Navy denies.

Serving 40-day sentences for their roles in the protest are City Councilman Adolfo Carrion, state Assemblyman Jose Rivera and Bronx County Democratic Party chairman Roberto Ramirez.

## 'PEARL HARBOR' TOPS BOX OFFICE FOR SECOND WEEK

LOS ANGELES (AP) — "Pearl Harbor" edged out the story of a humble ogre to remain No. 1 in weekend box office for the second week.

"Pearl Harbor" took in \$30 million. "Shrek" ran a close second with \$28.4 million, according to studio estimates Sunday.

After 10 days, "Pearl Harbor" has grossed \$119.3 million; "Shrek" hit \$148.6 million in 17 days.

"The Animal" debuted in third place with \$19.8 million. The comedy stars Rob Schneider as a wimp who becomes a supercop after being implanted with the DNA of wild beasts.

The Nicole Kidman-Ewan McGregor musical "Moulin Rouge," considered a tough sell for modern audiences unaccustomed to song-and-dance films, had a solid first weekend in wide release.

After two weekends playing to sellout crowds in one theater each in New York City and Los Angeles, "Moulin Rouge" grossed \$14.2 million to finish at No. 4.

## HP SETTLES LAWSUIT OVER PRINT TECHNOLOGY PATENTS

STAMFORD, Conn. (AP) — Hewlett-Packard Co. agreed Monday to pay Pitney Bowes Inc. \$400 million to settle a lawsuit over print technology patents.

"It's a spectacular result for Pitney Bowes," said Michael Ciresi, an attorney for Pitney Bowes. "I think it's very significant in terms of the technology involved."

The companies resolved all litigation without admitting wrongdoing.

A 1995 lawsuit brought by Pitney Bowes involving print technology patents had been scheduled to go to trial Monday in federal court in Bridgeport. Lawsuits by Hewlett-Packard were pending in four cities.

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## 'Niners turn Rice loose

LOS ALTOS, Calif. (AP) — Jerry Rice is continuing his record-setting NFL career across San Francisco Bay with the Oakland Raiders, 49ers Vice President Bill Walsh said Monday at Rice's charity golf tournament. Rice himself said he was still deciding between the Raiders and Seattle.

Rice, 38, who holds every significant NFL receiving record in 16 years with the 49ers, officially was released Monday by the 49ers. Before teeing off in the tournament, he said he would make his final decision Monday night.

Walsh seemed positive about where Rice is headed.

"The closure of this is great, and I'm glad it's the Raiders," Walsh said. "I'm glad it's close, and that he doesn't feel he's being shipped to Devil's Island somewhere in the Midwest. I think he'll do very well over there."

Rice, who has a record 1,281 receptions and 186 touchdowns, has spent his entire career with the 49ers, but is being cut because of the team's salary cap problems.

### DANIEL QUALIFIES AT NCAA

The Texas Tech women's track team finished its outdoor track season Saturday at the NCAA Track and Field Championships at Hayward Field in Eugene, Ore.

Senior All-American Leigh Daniel was the only Red Raider to qualify for finals competition and finished in 17th place in the 5,000-meter event and third place in the 10,000-meter event.

Daniel recorded a time of 16:28.63 in the 5,000 while NCAA Champion Lauren Fleshman of Stanford finished with a time of 15:52.21.

Daniel posted a 34:42.64 in the 10,000, just 43 seconds short of winning the event.

Daniel qualified for the NCAA's after posting an automatic qualifying time of 33:32.22 at the Mt. Sac Relays.

Other Tech runners qualified for the weekend meet, but failed to post qualifying times for the finals.

## Raider Sports at a Glance

### PRE-CONFERENCE BASKETBALL SCHEDULE RELEASED

The Texas Tech athletic department released its non-conference men's basketball schedule Friday.

Tech will play three contests on the road and 10 at home including the season opener against William & Mary on Nov. 16, followed by San Diego State and Northern Iowa in the United Spirit Arena's first tournament hosted by Tech men's basketball.

Other home opponents include in-state foes Sam Houston State, Texas-El Paso, Texas Christian and Texas-Arlington.

Also coming to Lubbock are Louisiana-Lafayette, Stetson, Minnesota and Wyoming.

The Red Raiders will face SMU, New Mexico State and Houston on the road.

Prior to the regular season, Tech

will host two exhibition contests against the California All Stars and Athletes First.

### ROBERSON SIGNS DEAL WITH HOUSTON ASTROS

Texas Tech senior pitcher Brandon Roberson has signed a deal with the Houston Astros to pitch at their Class A affiliate in Pittsfield, Mass.

The ace from Aledo led the Red Raiders with 13 victories this spring (13-3 record). Roberson recorded a 4.18 ERA and 105 strikeouts in 116.1 innings pitched in 2001.

Roberson was a fifth-year senior eligible to sign as a free agent since he was not selected by a Major League club in last year's draft. Major League rules state that undrafted players who are fifth-year seniors or junior college players previously drafted and under the club's control,

can be signed as late as one week before the Major League Draft, which was held May 29.

### TERESCHENKO NAMED ROOKIE OF THE YEAR

Freshman Irina Tereschenko of the Texas Tech women's tennis team garnered another honor for her performances this season as she was named the Southwest Region Rookie of the Year.

The regional award, which includes schools from Texas, Arkansas and Louisiana, is the third award for Tereschenko this season.

Earlier this year, she was named the Big 12 Newcomer of the Year and was a first-team All-Big 12 selection.

Tereschenko, a native of Moscow, Russia, compiled a 3-5 record in Big 12 play at No. 1 and No. 2 singles this season for the Red Raiders. She finished the year with an overall record of 12-5.

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# ESPN seeks Tech-UTEP gridiron clash

BY MATT MUENCH  
STAFF WRITER

Although no formal announcement has been made, the Texas Tech and Texas-El Paso football teams are close to reaching a deal that will change the date of their game this season from Saturday, Sept. 15, to Thursday, Sept. 13.

The switch is being considered as a means to establish a national television broadcast and for financial reasons, Tech Athletic Director Gerald Myers said.

Myers stressed that no finalized agreements have been made, but he has talked to UTEP and said both parties favor the date switch.

The contest between the

two schools will likely happen at 7 p.m. CDT at the Sun Bowl in El Paso.

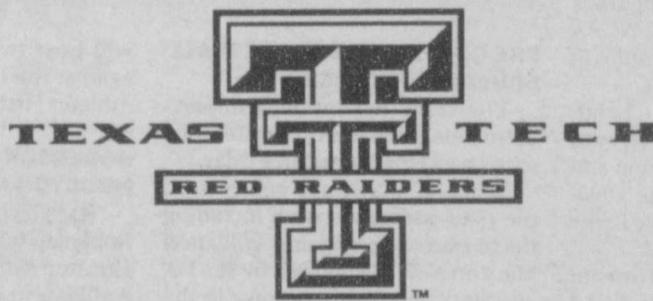
"There is a lot of interest on both sides," Myers said. "All parties are interested and we are just waiting to hear from ESPN."

UTEP Athletic Director Bob Stull also said that nothing has been signed because the two parties await two expected formalities.

One formality is a TV contract ESPN and the Western Athletic Conference, UTEP's conference, are waiting to close.

"We are looking into signing a contract with ESPN soon," Stull said. "We think it will happen, but I stress it hasn't happened yet."

The other condition is a



formal offer from ESPN to broadcast the game.

Neither Myers nor Stull has talked to the major cable network, but Stull said ESPN told WAC Commissioner Karl Benson they are interested.

Benson could not be reached for comment.

Stull said ESPN told Benson that the UTEP-Tech game is one of many games that the

network is interested in, but the Red Raider-Miner game is at the top of the list.

"There are a lot of games that ESPN is looking at," Stull said. "We are just one of them. If we end up playing it will be great to get us some national exposure."

The last time the Miners were televised nationally during a regular season contest

was in the late '80s against Wyoming. But that broadcast was only televised regionally.

If the deal is closed, it will mark the first time the Miners play on ESPN, making it their biggest TV appearance in school history for a regular season contest.

Last spring Tech officials in the football program were hoping to drop UTEP by paying them a buy-out fee, which would have given Tech another home game.

The buy-out failed, but Myers said a televised game in El Paso would help the Raider program financially.

"It would be a good situation financially," Myers said. "If UTEP sells out we expect a good payout."

Tech will receive a \$175,000

guarantee and 50 percent of gate receipts from UTEP for playing them in El Paso, even if the game is not televised.

If the game is televised, both teams will receive television fees in addition to the other payouts.

"It would be good for us because we would get national exposure from ESPN and we would get an appearance fee," Myers said.

The last time Tech played a nationally televised non-conference game on the road it received \$300,000 from Fox Sports Net and a \$450,000 guarantee from Arizona State to play in the 1999 season opener in Tempe, Ariz. The Red Raiders lost the game but received additional funding in the process.

## Kuerten, Capriati advance to quarterfinals at French Open

PARIS (AP) — French Open fans love two-time champion Gustavo Kuerten, and the feeling is mutual.

So when he completed a harrowing escape Sunday against American qualifier Michael Russell, Kuerten drew a heart in the court with his racket, then fell to his knees and blew kisses to the cheering crowd.

The Brazilian red-clay artist was grateful for the fans' support, and grateful Russell failed to convert a match point in the third set, averting an upset that would have ranked among the greatest in Grand Slam history.

Kuerten, seeded No. 1, won 3-6, 4-6, 7-6 (3), 6-3, 6-1 to reach the quarterfinals.

"I like the battles," he said. "Today was, of course, special, no? Maybe

one of the greatest feelings in all my life on the tennis court was today."

Russell, a 23-year-old speedy scrapper who left skid tracks all over the court, took satisfaction in making his mark at a major tournament for the first time.

"You watch on TV when you're little — French Open, center court, five-set match," Russell said. "There I am, playing the No. 1 player in the world, packed stadium, fans screaming. It's awesome."

The crowd was firmly behind Kuerten, but there was less loyalty for Frenchwoman Sandrine Testud during her 6-1, 2-6, 6-2 loss to No. 1 Martina Hingis. When Testud fell behind 5-0 in the first set, an egg landed on her side of the court.

"It doesn't happen every day

that you're on center court and an egg falls out of nowhere," said Testud, who could still laugh after falling to 0-15 against Hingis.

No. 4 Jennifer Capriati reached the quarterfinals at Roland Garros for the first time since 1993 by beating No. 16 Meghann Shaughnessy 7-5, 6-1. Her opponent Tuesday will be fellow Floridian Serena Williams, seeded sixth, who eliminated Nadia Petrova 6-3, 6-1.

"Supposedly Americans don't do well on the clay, but we're doing great," Williams said.

Other men's fourth-round winners included No. 4 Juan Carlos Ferrero and No. 7 Yevgeny Kafelnikov. No. 6 Lleyton Hewitt rallied and led Guillermo Canas 3-6, 6-7 (3), 6-2, 6-3, 4-2 when their match was sus-

ended because of darkness.

Defending champion Kuerten will next face Kafelnikov, the 1996 champion.

"It's our destiny," Kafelnikov said. "He got really lucky to get to the quarterfinal."

Kuerten concurred. Russell nearly became only the second qualifier to beat a top-seeded man in a major tournament during the Open era, which dates to 1968. Russian Andrei Olhovskiy upset Jim Courier in the third round at Wimbledon in 1992.

Russell is a stocky 5-foot-9 — six inches shorter than the lanky Brazilian — with the thick thighs of a sprinter. He chased down shots in both corners with a persistence that quickly began to flummox his opponent.

Russell won one scrambling exchange with a lob volley over the head of Kuerten, who reacted by flinging his racket at his chair.

"If you want to put on your running shoes and run a lot of stuff

down, like I do, you can give yourself a chance against anybody," Russell said.

The Detroit native was a juniors champion who played briefly at the University of Miami and turned pro in 1998. Based now in Ponte Vedra Beach, Fla., where his father manages the ATP tennis center, Russell has slowly lifted his ranking to a career-best 122nd by playing second-tier tournaments in such far-flung locales as India, Vietnam and Mexico.

He qualified for the past four Grand Slam events and last week advanced beyond the opening round for the first time. He has no agent or endorsement deals, buys his own shoes, went through about 15 pairs last year and showed how Sunday.

In the third set, Russell won an exchange reminiscent of Jimmy Connors at the 1991 U.S. Open. Kuerten hit three consecutive overhead slams and Russell hustled to get them all back, smacking the last one up the line for a winner.



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