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# The University Daily

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**TUESDAY**  
**JUNE 24, 2003**

Volume 78 ■ Issue 150  
Lubbock, Texas  
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## Supreme Court rules narrow use of affirmative action in admissions

By Anne Gearan/Associated Press

WASHINGTON (AP) — A divided Supreme Court allowed universities to give minority applicants an edge in admissions Monday, ruling that the nation depends in part on educated leaders who respect and understand those who do not look like them. But it also said that race cannot be the only factor.

In two decisions, the court underscored that racial quotas are unconstitutional but left room for the nation's public universities to seek ways to take race into account.

The court preserved the rules outlined a generation ago in a landmark ruling that struck down quotas but

allowed subtler forms of affirmative action. Monday's rulings mean that race-conscious policies in place in institutions as diverse as military academies and women's studies courses will probably remain in force.

Writing for the majority in the 5-4 ruling upholding an affirmative action program at the University of Michigan's law school, Justice Sandra Day O'Connor said the value of diverse classrooms extends far beyond the campus.

"This court has long recognized that 'education is the very foundation of good citizenship,'" O'Connor wrote, quoting from the landmark *Brown v. Board of Education* ruling of nearly 50 years ago.

"For this reason, the diffusion of knowledge and opportunity through public institutions of higher education must be accessible to all individuals regardless of race or ethnicity," O'Connor wrote. "Effective participation by members of all racial and ethnic groups in the civic life of our nation is essential if the dream of one nation, indivisible, is to be realized."

The high court voted 6-3 to strike down a separate point system used by the University of Michigan's undergraduate school.

In upholding the law school program that sought a "critical mass" of minorities, O'Connor sided with the court's more liberal justices. Chief

Justice Justice William H. Rehnquist wrote the majority opinion in the 6-3 case finding against the undergraduate school. He was joined by O'Connor and Justices Antonin Scalia, Anthony M. Kennedy, Clarence Thomas and Stephen Breyer.

Justices John Paul Stevens, David Souter and Ruth Bader Ginsburg dissented.

Government has a compelling interest in promoting racial diversity on campus, but the undergraduate school's admissions policy is not the way to get there, the court majority said.

"The university's policy, which automatically distributes 20 points,

or one-fifth of the points needed to guarantee admission, to every single underrepresented minority applicant, solely because of race, is not narrowly tailored to achieve the interest in educational diversity," that Michigan claimed justified the policy, Rehnquist wrote.

The ruling affects tax-supported schools, and by extension private schools and other institutions, that have looked for ways to boost minority enrollment without violating the Constitution's guarantee against discrimination.

"A majority of the court has firmly endorsed the principle of di-

**SUPREME** continued on page 3

## Red Raider has thesis accepted to Baseball Hall of Fame

By Ashleigh Adams/Staff Reporter

Baseball fans of all ages admire the collection in the National Baseball Hall of Fame, but few actually have the chance to have their own work displayed in such a prestigious venue.

Jason Scheller, circulation library associate for Texas Tech, received this honor when his master's thesis entitled "The National Pastime Enlists: How Baseball Fought the Second World War" was admitted and added to the Hall's collection.

"It all started because I couldn't find a topic for my thesis," Scheller

said. "I was tossing around ideas with my thesis director about looking into women's baseball during that time period when Benjamin Harper popped his head in and gave me the idea."

Scheller's thesis explored how the military used baseball to increase the morale of servicemen and how Major League Baseball adjusted to the difficulties of war. Scheller said Harper told him there had never been a thesis like that before.

"The more research I did, the more interesting things I found," he said. "I talked to everyone from historians to retired players from that

time period."

Scheller said that an important and memorable part of his thesis was his contact with some of baseball legends. Among others, Scheller interviewed Ted Williams, former Boston Red Sox player and former members of the Brooklyn Dodgers and the St. Louis Cardinals.

"It was a really great experience," he said. "I am a big baseball fan, so I enjoyed it twice as much."

Scheller said it took him about a year to complete his thesis. During that time, he traveled to New York

**HALL OF FAME** continued on page 2

## Palestinian officials say truce agreement with Hamas near

By Ibrahim Barzak/Associated Press

GAZA CITY, Gaza Strip (AP) — Palestinian officials said Monday they expect a positive response from Hamas on a truce with Israel, perhaps even by the end of the day, and Egyptian diplomatic sources said an announcement would be made in Cairo.

Hamas officials said they are still studying the proposal.

A truce is crucial for implementing a U.S.-backed peace plan, the "road map" to Palestinian statehood by 2005. In the first stage, the Pales-

tinians must dismantle militant groups, while Israel must gradually withdraw to positions held before the outbreak of fighting 33 months ago.

But lulls in violence and cease-fire efforts have been scuttled repeatedly in the past, both by Hamas attacks and Israel's targeted killings of militants.

Israel has said this time that it would accept a truce, but only as a brief precursor to a crackdown on Hamas by Palestinian security forces. "The Palestinians must fight all the terror organizations," Israeli Defense Minister Shaul Mofaz said Monday.

"Their dialogue with the terror organizations is their business."

Palestinian Prime Minister Mahmoud Abbas has said he will not use force against the militants, for fear of sparking a civil war.

A Palestinian source involved in the truce talks said Monday that a final draft of the cease-fire has been sent to Khaled Mashal, a Hamas leader in Damascus.

The draft does not specify the duration of the truce, and this will be left to Egyptian mediators to

**TRUCE** continued on page 3

## OVEN FRESH



CRAIG SWANSON/Staff Photographer  
MIE HORIUCHI, A recent fine arts graduate from Japan, and Randa Landusky, a senior painting major from Lubbock, pull newly fired pottery from the kiln Monday afternoon during a pottery class in the Art building.



**SIGNING OFF**



THANKS  
FOR 15  
GREAT YEARS

CRAIG SWANSON/Staff Photographer

After 15 years in Lubbock, Midnight Rodeo located at South Loop 289 and University Avenue closed its doors. The night club was a popular venue for Tech students and country music fans as country stars performed there frequently.

## Correction

In the June 6 edition of The University Daily in the story "Citibus allows Tech students to ride buses throughout Lubbock"

the phone number for on campus night bus services was incorrectly reported. The correct phone number is (806) 742-N-I-T-E (742-6483). The UD regrets the error.

# TAM

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## Hall of Fame

CONTINUED FROM PAGE 1

City, spent time at the Hall of Fame researching different artifacts and talking to experts.

Director of Museums in the Baseball Hall of Fame Mike Reynolds said he was interested in Scheller's thesis as soon as he learned about it.

"When Scheller first came up here and told us about his thesis, we were very interested because we hadn't seen too many things like it," Reynolds said. "We told him to make sure to keep in contact with us."

Scheller said that it was actually the Hall that contacted him to find

out if his thesis was complete.

"I remember getting a call from the Hall of Fame in New York right after I finished the paper," he said. "I was surprised, but they said they were still interested in it and wanted a copy. One day I found a certificate and letter in the mail saying they had accepted a copy of my thesis in the museum libraries."

Jim Gates, director of libraries at the National Baseball Hall of Fame said that it tries to get copies of most baseball books or theses written.

"Right now we have about 2.5 million articles in our libraries," he said. "Most are presented or donated to us as Scheller's was, and then they go through a selection

committee. We are beginning to see less books and more essays and dissertations, but we are excited about all the new quality material we come across. We are pleased to accept Scheller's paper as an addition into our research material."

As well as being accepted in to the Baseball Hall of Fame, Scheller received a request from the National D-Day Museum, who also wanted a copy to add to their libraries. Hugh Ambrose, son of historical author and founder of the museum Stephen Ambrose, made the request personally.

"This has all been a real honor," Scheller said. "Right now I am working to try and get it published, so we will see where things go from there."



Fleetwood Mac is coming to Lubbock. The classic rock band will perform August 7 in the United Spirit Arena. Tickets are on sale at all Selectseat locations, Memphis Place Mall, Ralph's Records, Tapes & CDs, Dollar Western Wear and the Texas Tech Student Union. Tickets are also available via Internet at [www.selectseatlubbock.com](http://www.selectseatlubbock.com). Fans in the Amarillo area can buy tickets at the Civic Center Box Office, West Texas A&M Event Cen-

ter, Randy's Music Mart and all United Supermarkets in Amarillo, Dumas, Pampa and Borger.

Office space for student organizations in the Student Union building is still available. The deadline to apply for a cubicle space is July 1. Information and an application are available online at [www.uc.ttu.edu/officespace](http://www.uc.ttu.edu/officespace) or in the Student Union Main Office. For more information please call Tom Shubert at (806) 742-3636 or e-mail him at [tom.shubert@ttu.edu](mailto:tom.shubert@ttu.edu).

Tech's School of Nursing is sponsoring the Stork's Nest Baby Shower at 9:30 a.m. July 1 in Room 2C103 of the Health Sciences Center. The deadline for needed donations is today. Baby and maternal items are needed for the shower. For more information call Linda Brice at (806) 742-2730 ext. 227.

Upward Bound will demonstrate its work with visually impaired indi-

viduals at 2 p.m. today in 235 Administration. Upward Bound has been working with local high school students and six visually impaired individuals to rebuild and upgrade computers for the blind.

Tech's Department of Biological Sciences is hosting the 83rd Annual Meeting of the American Society of Mammalogists. Events will take place in the Biology, Science and Student Union buildings. The meeting will discuss the natural history and biology of mammals. More than 400 participants will come from as far as Australia, Japan, Canada, Mexico, Brazil and other countries as well. Three keynote speakers will make presentations from 4-6 p.m. Wednesday in the Allen Theatre. For more information contact Robert Baker at (806) 742-2702 or [rjbaker@ttu.edu](mailto:rjbaker@ttu.edu).

The Beach Blanket Blood Drive held at the Texas Tech Library on June 18 collected 95 usable units of blood.

## Special legislative session brings criticism of Governor Perry

SAN ANTONIO (AP) — What's political blackmail to some is the kind of legislative horse trading other lawmakers need to make gains for constituents, consultants and others say as the first special session in more than a decade looms.

Some legislators are criticizing Gov. Rick Perry's decision to call the

special session beginning June 30 to tackle the divisive issue of congressional redistricting.

Perry has said he'll consider expanding this session's agenda, specifically mentioning funding for two border health institutions. That drew more criticism from Democrats fighting the GOP effort to redraw con-

gressional districts to send more Republicans to the U.S. House.

"This is the worst kind of political blackmail I have ever seen. Rick Perry is now saying to the people of South Texas and the border that we can have money for medical schools, but only if we're willing to give up our voting rights," Rep. Richard Raymond, D-Laredo, told the *San Antonio Express-News* in Monday's online edition.

Republicans contend that redistricting is justified because Texas Democrats in Congress outnumber Republicans 17-15, even though all statewide offices and a majority of the Legislature are GOP members. The redistricting battle is likely to focus on potential swing voters in the Texas Senate who will have to balance party loyalty with local concerns and their own survival and ambition.

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## Supreme

CONTINUED FROM PAGE 1

versity," University of Michigan President Mary Sue Coleman said. "This is a resounding affirmation that will be heard across the land from our college classrooms to our corporate boardrooms."

The University of Michigan cases are the most significant test of affirmative action to reach the court in a generation. At issue was whether racial preference programs unconstitutionally discriminate against white students.

The rulings follow the path the court set a generation ago, when it outlawed quotas but still left room for schools to improve the odds for minority applicants.

The two Michigan cases directly address only admissions at public, tax-supported institutions. But the court's rationale is expected to have a wide ripple through private colleges and universities, other government decision-making and the business world.

Opponents of affirmative action had hoped the Supreme Court would use this opportunity to ban most consideration of race in any government decisions. The court is far more conservative than in 1978, when it last ruled on affirmative action in higher education admissions, and the justices have put heavy conditions on government affirmative action in other arenas over the past decade.

Defending its general approach to affirmative action, the university has said that having what it calls a critical mass of minority students benefits the whole student body. Minorities must be present in more than

token numbers to ensure all students can interact, the university has said.

Rehnquist dismissed that rationale in a dissenting opinion in the law school case.

"Stripped of its 'critical mass' veil, the law school's program is revealed as a naked effort to achieve racial balancing," Rehnquist wrote.

Michigan insists that it accepts only academically qualified students, no matter what their race.

Michigan's undergraduate school used a 150-point index to screen applicants. The 20 points awarded to minorities was more than the school awarded for some measures of academic excellence, writing ability or leadership skills. Outstanding athletes also got 20 points, as did impoverished applicants.

The school has also "flagged" minority applications, making it easier to keep an applicant in the pool even if he or she flunked an initial review.

In 1997, the year that two white students sued, the school had 13,500 applicants and selected 3,958 of them as freshmen.

The white plaintiffs, Jennifer Gratz and Patrick Hamacher, were Michigan residents with good grades and other qualifications when they were rejected at the flagship Ann Arbor campus. Both have since graduated from other colleges.

The Bush administration sided with the students, but did not call for an outright end to affirmative action.

## Truce

CONTINUED FROM PAGE 1

determine, the source said. The document states that the armed groups are willing to give Abbas a chance to reach an agreement with the Israelis, according to the source.

The truce agreement was drawn up by Marwan Barghouti, a jailed Palestinian uprising leader, in his Israeli prison cell, said the source. Barghouti has been in close touch with Mashal through intermediaries, while Egypt has supervised the negotiations.

Egyptian diplomatic sources said Mashal was heading to Cairo later Monday or Tuesday, and that he would be accompanied by Ramadan Shalah, leader of the smaller Islamic Jihad group.

A Hamas leader, Abdel Aziz Rantisi, said: "We are studying the situation and when we finish our study, we will declare our position clearly."

Several Palestinian Authority officials expressed optimism.

"Hamas told us they would give us an answer on Monday so we expect an answer today, and we expect it to be a positive one," said Foreign Minister Nabil Shaath.

The Palestinian source said Hamas would relay its response to Egypt within 48 hours, and that a formal announcement was expected by Thursday in Cairo. Egypt has been trying for several months to try to persuade the armed groups to halt attacks on Israelis.

A key sticking point has been Israel's refusal to halt targeted killings of wanted Palestinians. Israel says it reserves the right to go after "ticking bombs," but uses a broad definition that includes not only assailants about to carry out attacks, but also those who send them.

Over the weekend, Israeli troops killed Abdullah Kawasme, a Hamas leader in Hebron. Israel blames him for the deaths of 52 Israelis in recent shootings and bombings.

Hamas and the other militias want Israel to promise that it will halt all military strikes following a cease-fire. Egyptian mediators have been trying to obtain an Israeli guarantee, and have asked the United States for help. Secretary of State Colin Powell, who is in the region, has said Israel has the

right to stop "ticking bombs," but rejects Israel's broader definition.

Condoleezza Rice, President Bush's national security adviser, will travel to the Mideast this weekend to help maintain momentum for the peace initiative, the White House said Monday.

Also Monday, Israeli and Palestinian security officials held more talks on the terms of an Israeli troop pullback in Gaza, in line with the road map. Disagreements remain on the scope of the withdrawal. Once Israeli troops pull back, Palestinian security forces are expected to take over and prevent attacks on Israelis from the areas they have taken back. Palestinian officials have said they don't want to assume security responsibility until they've reached a truce deal with Hamas.

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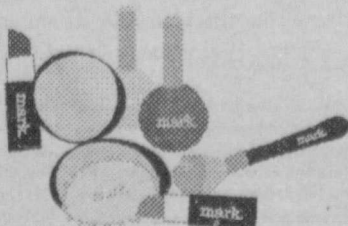
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# Free speech zone unnecessary entity

Free speech areas, the ugly lovechildren of the Kent State Massacre and political correctness, have found themselves in the news again after Texas Tech law student Jason Roberts filed suit against the university for infringing his right to freedom of speech. I initially agreed with Roberts on an idealistic level. I told myself that free speech should permeate every square inch of the United States and not just those designated by the government, but that view has shifted recently. After some research and soul-searching, I came to the similar conclusion that free speech zones should be removed from state campuses but for a drastically different reason. They should disappear not because they limit freedom of speech but because they are (or at least should be) unnecessary.

As someone in an artistic field, I am personally in favor of a "liberal" interpretation of the First Amendment. Free speech is a gift to all people, not just those that don't tick us off. In order to say what we want to say, we must tolerate those who say the opposite. In order to worship the god of our choice, we must accept those who worship another. In order to guarantee the existence of constructive groups such as the NAACP, we must allow groups like the KKK to exist. Different ideas are necessary. If nobody could have a dissenting opinion, the world would still be flat and at the center of the universe. The popularity of a statement has no bearing on whether it deserves to be said. Now I will climb down off my Voltaireian soapbox and say that there is some fine print on this free speech offer.

As Justice Sandra Day O'Connor recently stated, freedom of speech is not absolute. Though great amongst the freedoms of this nation, free speech is not supreme, and thus the government has been forced to whittle away at the ideal for the good of the nation. One of the few concepts that takes precedent over the First Amendment is the idea that one's personal liberties are superceded by those of others. Slander, libel, intimidation and a number



Cody Ruth

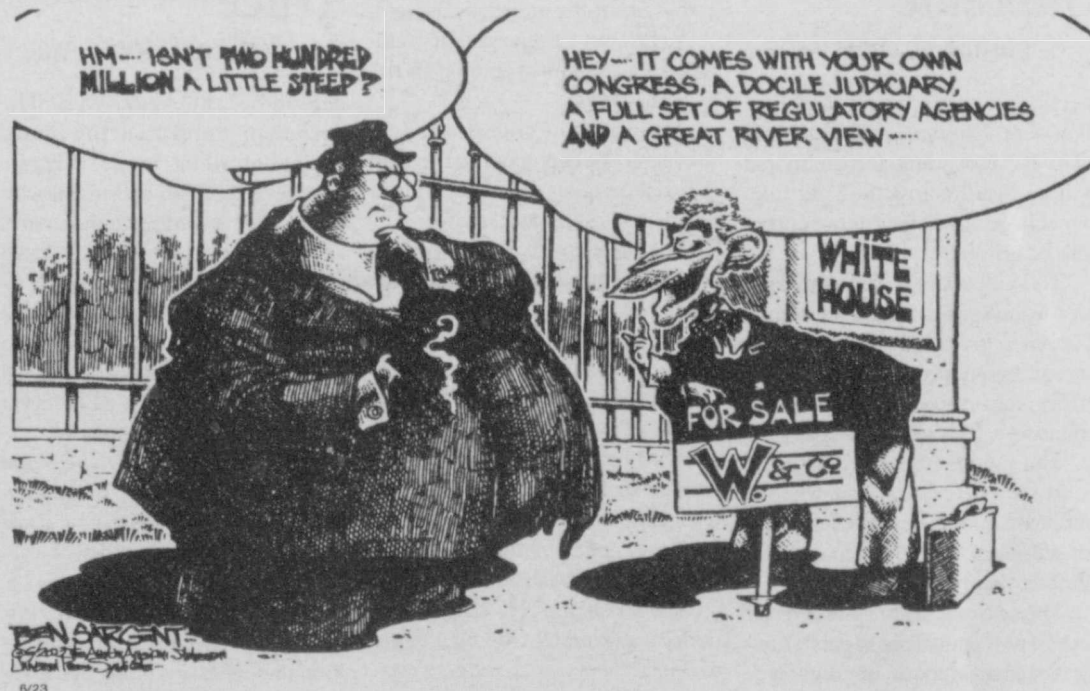
of other malicious forms of speech are not protected by the Constitution because they violate the rights of other citizens.

The government has the ability to place restrictions on the time, place and manner of expression on state property due to the importance placed on the rights of others. For this reason, a state university may restrict when, where, and how one protests so that the rest of the student body is not kept from or disturbed during class. University administrators learned after Kent State that students could not always be trusted to maintain a peaceable assembly on their own, and free speech zones became necessary for a time.

During the subsequent decades free speech zones became more useful than necessary to universities and colleges. The desire to maintain political correctness made the free speech zones a way to control and even suppress radical thought so that no one would be offended. As soon as these zones became a tool in lieu of a safe guard, they once again became unnecessary.

At a free-thinking institution of higher education, new ideas are freely expressed every day all over campus. The First Amendment can be felt in every classroom where students are allowed to disagree with their professors or each other. The right of free expression is not limited to a small circle on campus. As long as the goal of the protestor is the simple spreading of ideology, then the free speech areas are obsolete.

Cody is a senior music education major from Lubbock. Comments can be sent to him via e-mail at MrEuphTTU@hotmail.com



# Free speech forum bears good intentions

## GUEST COLUMN

By Kira Hild

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech..." This part of the First Amendment of the Constitution recognizes freedom of speech. This topic has become a very popular one as of late. Texas Tech Student, Jason Roberts, is filing a lawsuit against numerous university administrators for violation of his First Amendment rights when he was denied the right to voice his opinion somewhere other than the area designated for this purpose.

If someone wants to voice his opinion on university grounds, he must do it at the designated "Free Speech Area," which is the gazebo near the Student Union. This spot was chosen because it is in an ideal location to hold protests, there is plenty of room to hold people and also, it is at a safe location free from fast moving vehicles. Roberts wanted to use the area of 15th Street and Akron Avenue. He felt this area would be affective for the material he wanted to present.

Why should he get to choose his area for protest while others have always had to use the gazebo? Besides, Texas Tech can't just allow students to hold protests wherever they want.

If this happened, people could hold them in places such as classrooms or dorms. If someone hated another student's lifestyle, they could just stand right outside the student's dorm room and scream about it all day. This would lead to fights, riots, and all sorts of other problems. Also, lets say you have a pro-war rally going at the same time as a war protest. Can you imagine what would happen if those two groups crossed paths during the rallies because they were allowed to be where they wanted? Designated free speech areas at universities have evolved ever since the Vietnam War protests. The out-of-control riots and protests from that time have caused universities to make rules about free speech in consideration for the safety of all the students.

Supposedly, Roberts' rights were violated, however, the Speech Code in the Texas Tech Student Handbook, prohibits speech that intimidates or humiliates any person. Roberts' argument is that those terms are not clearly defined by the speech code. He wished to pass out leaflets that said, "homosexuality is a sinful, immoral, and unhealthy lifestyle."

He was going to be telling homosexuals that they are sinful and immoral, and he doesn't think that is intimidating or humiliating to them? Maybe he would think differently if someone tried to tell him that his lifestyle is sinful and immoral. His comments are very offen-

sive to many people, not just the ones his protest targets.

Even if they had allowed him to use whatever area he wanted, who is to say he wouldn't have gotten shut down anyhow. Just like the e-mail he received from Mary Donahue, assistant director for the Center for Campus Life said, "the use of university grounds is encouraged for activities which are intended to serve or benefit the entire university community." His leaflets would have encouraged nothing but feelings of loathing from those who disagree with him. I am sure that he would object if someone were to have a protest saying the Bible is wrong and fake.

Texas Tech University was in the process of creating new speech areas before this lawsuit was filed. If Roberts had just talked with administrators before jumping into a big lawsuit, he would have seen that they were attempting to fix the problem of only having one free speech area. I do think this lawsuit was started just to get attention. Maybe if Roberts was going to protest about something worthwhile and important to everyone besides a small group of discriminators, then maybe he could have protested wherever he wanted to, and this lawsuit wouldn't even exist.

Kira is a junior photo communications major from Midland. Send comments to kira.a.hild@ttu.edu.

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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 650 words in length and on a topic of relevance to the university community. Guest columns are also may be edited and follow the same guidelines for letters as far as identification and submittal.

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## Tulia defendant released, back in prison

(AP) — One of the 12 Tulia drug defendants freed from prison last week because of questions surrounding their convictions following a 1999 drug sting has been charged with assaulting a Pampa police officer.

Christopher Eugene Jackson, 31, was back behind bars Monday for allegedly punching the officer, evading arrest and being intoxicated in public. He was arrested after fleeing from authorities Friday morning.

The arrest came four days after he and 11 others were freed from custody during a bail hearing in Swisher County. During the hearing, retired state District Judge Ron Chapman urged the 12 to avoid run-ins with the law.

Jackson's attorney, Mitch Zamoff, said his client has a heart condition which causes Jackson to occasionally black out and act irrationally and could explain his client's behavior.

"We are still gathering information about the alleged incident," he said. "My understanding at this point is that there are no allegations relating to drugs and that Mr. Jackson's medical condition may have been a factor."

Police Chief Trevlyn Pitner told *The Pampa News* that officers on Friday went to check on a report of a suspicious man, "possibly intoxic-

ated," who was standing in the road yelling at cars on U.S. 60.

When officers approached him, the man ran.

An officer was punched in the face and the head while taking the man into custody, Gray County Sheriff Don Copeland said Monday. The officer was treated for minor injuries and released from a nearby hospital, he said.

Jackson was taken to the hospital for evaluation because of his behavior, Pitner said. Gray County Chief Deputy Kelly Rushing said alcohol was not involved.

Jackson was arraigned on the charges this weekend and remained in the Gray County Jail on Monday. Bail was set at \$5,000.

Rod Hobson, a special prosecutor in the Tulia cases, said it was too early in the investigation for him to comment.

"I'm in the process of investigating the circumstances and may have to file a motion to revoke" the bail Jackson got June 16, he said. "Certainly I couldn't let something like that slide."

Jackson and the other defendants had been imprisoned on the testimony of Tom Coleman, a now-discredited undercover agent.

Coleman was indicted for perjury in April for allegedly lying on the stand during court-ordered evidentiary hearings in March.

Forty-six people, 39 of them black, were arrested in July 1999 and accused of possessing cocaine following an 18-month undercover operation.

Coleman, who is white, said he bought drugs from the defendants, but he worked alone and used no audio or video surveillance. No drugs or money were found during the arrests.

Thirty-eight defendants were convicted or accepted plea bargains for fear they would get long prison sentences. Of the other eight, seven cases were dismissed and one person died before trial began.

They were released because of a bill Gov. Rick Perry signed into law that allowed 14 of the 38 defendants who were still imprisoned to be freed while the Texas Court of Criminal Appeals considers their cases. Perry has also asked the Texas Board of Pardons and Parole to review the cases.

One of the two remaining defendants has not been released because their case is still pending on direct appeal. A 14th person was not released because of a hold on a drug charge in a neighboring county.

## CAREFUL CRAFTING



CRAIG SWANSON/Staff Photographer

CRISSY COKE, A senior studio art major from Dallas, crafts a bowl made of clay Monday afternoon during a pottery class in the Art building.

## Cadillac Ranch mourns death of artist

AMARILLO, Texas (AP) — The famous vintage Cadillacs planted nose down in a Panhandle wheat field have taken on a somber tone.

The 10 cars in the Cadillac Ranch west of Amarillo lost their graffiti and were painted black Sunday to honor Doug Michels, the site's architect and artist, who died June 12. He was 59.

Michels was a founding member of Ant Farm, a radical art and design collective that designed and installed the landmark in 1974 for Amarillo businessman and art patron Stanley Marsh.

## Mother pleads guilty to manslaughter of son

WILKES-BARRE, Pa. (AP) — A woman accused of doing nothing while her boyfriend starved her teenage son to death pleaded guilty to involuntary manslaughter Monday and was sentenced to one to two years in prison.

Lyda Miller, 40, entered the plea after prosecutors agreed to reduce the charge to a misdemeanor in exchange for her promise to testify against her former boyfriend, Paul Hoffman, who is accused of murder. Prosecutors said Hoffman was ir-

ritated at having to live under the same roof as 18-year-old Chester Lee Miller, and beat the boy and refused to let him eat.

In September, Hoffman put Chester on a bus to Florida with instructions to find his estranged birth father. After a two-day bus ride, the emaciated teen knocked on a stranger's door in Milton, Fla., and begged for help. Investigators said he weighed less than 65 pounds.

Chester died several days later. No trial date has been set.

## The University Daily

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### Publishing information

Periodical Postage paid by The University Daily, Student Media building, Texas Tech University, Lubbock, Texas 79409. Publication number: 766480. The UD is a student newspaper published Monday through Friday, September through May, Tuesdays and Fridays June through August, except during university examination and vacation periods. The UD is funded primarily through advertising revenues generated by the student sales staff with free campus distribution resulting from student service fees.

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# 'Hulk' collapses under its own gigantic weight, hype

The hits (and misses) just keep on coming with the comic book movie craze. There appears to be no end in sight. With Marvel's "Spider-Man" and "X-Men" both huge successes, along with "Daredevil" (my favorite so far), it was only a matter of time before "The Incredible Hulk" was adapted into a motion picture.

Director Ang Lee ("Sense and Sensibility," "Crouching Tiger, Hidden Dragon") was brought on board to direct "Hulk," which, quite frankly was one of the only reasons I had for wanting to see the film at all. Before the film was released, there were some grumbings leaking out of the studio behind the film (Universal) that Lee had made the movie too emotional and boring. True, Hulk himself does not appear until the film is nearly an hour through, but interestingly, the Hulk's appearance actually signals the movie's decent into failure.

Ang Lee, whose films have tended to be character driven anyway, spends

## FILM REVIEW



**James Eppler**  
jeppler@hotmail.com

much of the first half of the film developing his characters, both their internal relationships of self, and their relationships with others. He's working with an interesting story here.

Bruce Banner (Eric Bana) is a scientist who is on the brink of a major breakthrough. Unbeknownst to him, his father (Nick Nolte) was also a scientist and he experimented on his own body and passed on genes affected by his experimentation to his son. Bruce is

also haunted by suppressed childhood memories. It is this bottling up of emotions that have made Bruce into a withholding and censored personality.

In fact, it is his tendency to be introverted that caused Betty Ross (Jennifer Connelly) to break up with him. They remain friends, however, and continue to work together in the lab. Ross also has issues with her father—a domineering and gung-ho Army commander (Sam Elliott) whom she resents, but manages to trust him at all the wrong times.

Both of these sets of fathers and their estranged children could have been the base for a good story. The story development had me interested, even if it will bore the kiddies who just want to see Hulk break stuff.

When Banner ingests some radioactive chemicals, he soon finds that his inner rage has the ability to be unleashed in the form of the Hulk. Just imagine an insanely furious Jolly Green Giant.

At this point in the film, the

storyline and characterization take a back seat to special effects and action sequences. There is little further exploration of Banner's struggle with his two personalities, which was a big mistake. It seems like the film makers just decided to give the target audience what it wanted. That's fine, but it's just such a shame that such an interesting story be put on the back burner.

As for the special effects and the Hulk himself: The Hulk, admittedly, does look a little too computerized.

Lee also incorporates the tool of split screen, which divides the screen in two or up to five different frames at times. Some directors will employ this method simply to try to prove how clever they are, but Lee is using it to give viewers the illusion that they are seeing a live comic book page with several different panels. It's very nicely done.

The film runs a seemingly long 138 minutes, which is about twenty minutes longer than it should be. The fi-

nal scene between Banner and his father is awful, as is the film's resolution. Of course, I had lost interest at about the 70-80 minute mark. Watching the Hulk bounce around the desert and wreck things gets really old really fast—which is much of what the latter half of the movie is consisting of.

Credit Australian newcomer Eric Bana for a strong performance as Banner, and Connelly is still impressive even when saddled with a weak film. I'm not sure exactly why Ang Lee was chosen for this project, seeing as his resume consists of no big budget summer films. But hey, the movie would have been much worse without him.

EPPLER'S RATING: ★★

- ★★★★★ - Flawless
- ★★★★ - Excellent
- ★★★ - Good
- ★★ - Mediocre
- ★ - Awful

## Harry Potter sets sales records across globe as retailers fear underproduction

More than 8 million may not be enough.

J.K. Rowling's fifth book in the Harry Potter series is being snapped up at stores across the country and

has the possibility of — poof! — making publishing records disappear.

"We expected to sell 1 million copies in the first week and we sold that many within the first 48

hours," Barnes & Noble CEO Steve Riggio said Sunday as "Harry Potter and the Order of the Phoenix" set records around the world in its first weekend.

Nobody in the industry had seen anything like it, at least since "Harry Potter and the Goblet of Fire," which came out three years ago. Scholastic, the book's U.S. publisher, estimated 5 million copies were sold the

first day alone, well ahead of the pace of "Goblet of Fire."

Borders Group reported worldwide sales of 750,000 the first day. Amazon.com shipped out more than a million copies of the new book, making Saturday the largest distribution day of a single item in e-commerce history.

Some retailers had worried that even an enormous first printing — 8.5 million just in the United States — wouldn't last long enough to keep up with demand. A lot of latecomers found themselves set-

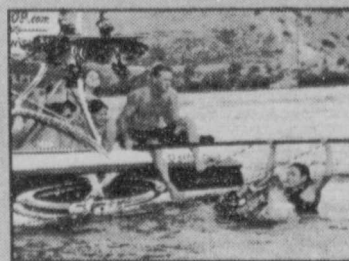
ting for a mere pre-order in place of a book.

Riggio said many Barnes & Noble stores had run out of copies, but that more would arrive "over the next few days." The Book House in Albany, N.Y., sold out its 1,050 copies of the book, even though it limited purchases to two per person.

A Borders bookstore in Columbus, Ohio, had just enough Potter books for the people who reserved them this weekend, and another shipment was expected by Monday or Tuesday.

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# Summer jazz festival brings nationally recognized artist to Tech

By Sabra Jennings/Staff Reporter

Get ready for a carefree evening of fun and music because big band music is rolling through Lubbock tonight.

The Texas Tech Jazz Band is hosting a free jazz festival beginning at 7 p.m. in the Student Union Allen Theatre.

Jazz Band Director Alan Shinn said the concert will appeal to every type of music lover.

"We're doing a variety of stuff. We're opening up with a tune by Chicago called 'Free,' which kind of rocks the house pretty heavy," he

said. "We've got Latin jazz, we've got rock 'n' roll jazz. We're featuring acts of music from people like James Taylor in a big band format."

The 22-member band will perform three sets, each about 30 to 45 minutes long, Shinn said. The last set will feature Dave Zoller, a jazz musician from Dallas.

"I've known about Dave Zoller for a really long time," Shinn said. "He sent me an e-mail about a year ago saying, 'I hear so many good things about Tech's jazz program, I want to come play with you guys.'"

Shinn said he has been putting on the summer concert for 20 years.

He hosts two jazz festivals a year, one in the spring and one in the summer, he said.

"In the summer I use Texas artists, just from different metroplexes, and (Zoller) is from Dallas," Shinn said. "I try to feature Texas artists that are really great."

Shinn said Zoller is an excellent composer and arranger and he has written a lot of jingles that are on television commercials.

Originally from Ohio, Zoller moved to Dallas in the spring of 1969, according to his Web site. In 1985 he became tour pianist and

music director for Al Hirt, a Grammy Award-winning jazz & pop trumpet star.

"To date, (Zoller) has written over 1,600 music tracks for radio and TV, and his charts ... have aired nationally," according to the Web site. "Currently (Zoller) is busy in Dallas, co-leading a quartet with his wife, vocalist Genie Grant"

Shinn said people should go to the concert expecting to have an enjoyable evening where they don't have to think about anything stressful.

"It's just going to be a great escape, and it's free," he said. "I re-

ally like to make them free because I really want people to come and enjoy."

Maren Roberts, a junior vocal performance major from Lubbock, said Tech's jazz band is amazing and is among the best college bands she has ever encountered.

Roberts, who will be singing several songs with the band, said people do not realize how technical jazz music is and how important it is to musicians.

"I think jazz is an art form that is very overlooked in our town and this country," she said. "It's been around for ages."



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# Defending champ falls in opening round of Wimbledon

WIMBLEDON, England (AP) — Wimbledon began with an upset unprecedented in the Open era Monday when defending champion Lleyton Hewitt lost to 6-foot-10 qualifier Ivo Karlovic of Croatia.

Karlovic, the tallest player in tournament history, dominated with his serve and beat Hewitt 1-6, 7-6 (5), 6-3, 6-4.

Since the first Wimbledon in 1877, the only other defending men's champion to lose in the opening

round was Manuel Santana, who fell to Charlie Pasarell in 1967. That match, which also marked the only other defeat of a top-seeded man in the opening round, took place one year before the Open era began.

Karlovic, 24, was playing his first Grand Slam match and his seventh at the tour level, but he proved an imposing opponent for the 5-foot-11 Hewitt.

"It's tough," said Andy Roddick, whose path to the semifinals became

easier with Hewitt's loss. "The guy looked like he was serving out of a tree against Lleyton."

The upset came on the sport's grandest stage. In keeping with tradition, the defending champion played the first match of the tournament on Centre Court, so that's where Karlovic made his Wimbledon debut.

"I'd never seen him play," Hewitt said. "I'd seen him walk around a bit before."

The Croat looked nervous at the start but poised at the finish. He served out the final game at love, hitting a 119 mph second serve for a winner on match point. He raised his long arms and threw a fist, and that was the extent of his celebration.

Hewitt's loss was in sharp contrast to his girlfriend's first-round result. French Open runner-up Kim Clijsters beat Rossana Neffa-De Los Rios 6-0, 6-0 in 31 minutes.

Other winners in women's play included 2000 and 2001 champion Venus Williams, 1999 champ Lindsay Davenport and No. 7-seeded Chanda Rubin.

Roddick, seeded fifth, hit 14 aces and 21 service winners to beat Davide Sanguinetti 6-2, 6-3, 6-3. He advanced to a showdown of big serves in the second round against Britain's Greg Rusedski, who hit 31 aces to beat Alexander Waske 7-6 (6), 7-5, 7-6 (7).

## Tech's Johnson runs way to track and field World Championships

Texas Tech sprinter Jonathan Johnson will represent the United States of America in the World Championships.

Johnson qualified for the World Championships in Paris, France, this August after finishing third in the 800-meter dash Sunday in the U.S. Championships in Palo Alto, Calif.

His qualifying time was his second fastest as a Red Raider at 1:46.76. He also finished second in the NCAA Championships earlier this month qualifying him to be an All-American.

## Bulls assume Williams will miss season

DEERFIELD, Ill. (AP) — Bulls guard Jay Williams most likely will miss next season because of the broken pelvis and knee injuries from a motorcycle crash last week.

"I would have to assume that, yes," Chicago Bulls general manager John Paxson said Monday when asked about Williams' future. "That's a question for doctors and for his family to answer, but we do have to work under that assumption."

Paxson also confirmed that Williams has a fractured pelvis, as well as ligament damage in his left knee. He declined further comment, citing federal privacy laws.

Williams, the No. 2 pick in last year's draft, remains in intensive care at Ad-

vocate Illinois Masonic Hospital. He's expected to have more surgery.

"When we think about him we think in terms of this young man who is 21 that made a mistake in terms of judgment, but that's not the issue," Paxson said. "The issue is him getting better and that's all we're focused on as an organization."

"We only are concerned with Jay getting better and we know that he's getting great care where he's at. With the support of his family and his friends, he is going to be just fine," Paxson said.

Williams was riding a sportbike that he had purchased a week earlier when it slammed into a pole Thursday afternoon on the North Side of Chicago.

## Nelson close to extension with Mavs

DALLAS (AP) — Dallas Mavericks coach Don Nelson says he's close to a deal extending his contract and is considering an offer from the team.

Nelson said Sunday he has an agreement in principle with Mavericks owner Mark Cuban. The coach's legal adviser is reviewing the details.

"I've been offered a three-year extension to coach the Mavericks and we're working the details out," Nelson said Sunday. "Things are going along nicely. I'm not anticipating any problems with it. Mark wants me back and I want to be back, so you can imagine that we'll figure out a way to make it work."


Nelson said he would probably

sign the new contract to coach Dallas before the NBA Draft on Thursday.

The coach returned to Dallas on Sunday after two days in Las Vegas, where he was joined by Cuban and both were honored at the Victor Awards celebration. Cuban on Saturday said he and Nelson had agreed in principle on the deal.

Nelson also would continue as the Mavericks' general manager for the next three seasons, then work for five years as a team consultant.

"No deal is done until it's done, but as I have always said, I expect him to be back, and he has said he expects to be back," said Cuban. "We had an agreement before that he wanted to come back, and I wanted him back."

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## Hatcher allowed to test free agency

IRVING, Texas (AP) — Defenseman Derian Hatcher won't be offered a new contract from the Dallas Stars before the team's captain becomes an unrestricted free agent next week, general manager Doug Armstrong said Monday.

The Stars are the only team that can negotiate with Hatcher until July 1. After that, he has the right to go to the highest bidder, and could demand a \$7 million salary.

Hatcher has played 827 regular season games and 100 playoff games in his 12-year career with the Stars. He helped lead the Stars to their only Stanley Cup in 1999.

Last season, Hatcher had 30 points and was third in the NHL with 330 hits last season. He was a finalist for the Norris Trophy given to the NHL's best defenseman.