

9th Circuit federal judge declares Pledge of Allegiance unconstitutional in public schools

SAN FRANCISCO (AP) — A federal judge declared the reciting of the Pledge of Allegiance in public schools unconstitutional Wednesday, a decision that could put the divisive issue on track for another round of Supreme Court arguments.

The case was brought by the same atheist whose previous battle against the words "under God" was rejected last year by the Supreme Court on procedural grounds.

U.S. District Judge Lawrence Karlton ruled that the pledge's reference to one nation "under God" violates school children's right to be "free from a coercive requirement to affirm God."

Karlton said he was bound by precedent of the 9th U.S. Circuit Court of Appeals, which in 2002 ruled in favor of Sacramento atheist Michael Newdow that the pledge is unconstitutional when recited in public schools.

The Supreme Court dismissed the case last year, saying Newdow lacked standing because he did not have custody of his elementary school

daughter he sued on behalf of.

Newdow, an attorney and a medical doctor, filed an identical case on behalf of three unnamed parents and their children. Karlton said those families have the right to sue.

Newdow hopes that will make it more likely the merits of his case will be addressed by the high court.

"All it has to do is put the pledge as it was before, and say that we are one nation, indivisible, instead of dividing us on religious basis," Newdow told The Associated Press.

"Imagine every morning if the teachers had the children stand up, place their hands over their hearts, and say, 'We are one nation that denies God exists,'" Newdow said.

"I think that everybody would not be sitting here saying, 'Oh, what harm is that.' They'd be furious. And that's exactly what goes on against atheists. And it shouldn't."

Karlton, ruling in Sacramento, said he would sign a restraining order preventing the recitation of the pledge at the Elk Grove Unified, Rio Linda

and Elverta Joint Elementary school districts in Sacramento County, where the plaintiffs' children attend.

The order would not extend beyond those districts unless it is affirmed by the 9th Circuit, in which case it could apply to nine western states, or the Supreme Court, which would apply to all states.

The decision sets up another showdown over the pledge in schools, at a time when the makeup of the Supreme Court is in flux.

Wednesday's ruling comes as Supreme Court nominee John Roberts faces day three of his confirmation hearings before the Senate Judiciary Committee. He would succeed the late William H. Rehnquist as chief justice.

In July, Sandra Day O'Connor announced her plans to retire when a successor is confirmed.

The Becket Fund, a religious rights group that is a party to the case, said it would immediately appeal the case to the San Francisco-based 9th U.S. Circuit Court of Appeals. If the court does not change its precedent, the

group would go to the Supreme Court.

"It's a way to get this issue to the Supreme Court for a final decision to be made," said fund attorney Jared Leland.

The decisions by Karlton and the 9th Circuit conflict with an August opinion by the 4th U.S. Circuit Court of Appeals in Richmond, Va. That court upheld a Virginia law requiring public schools lead daily Pledge of Allegiance recitation, which is similar to the requirement in California.

A three-judge panel of that circuit ruled that the pledge is a patriotic exercise, not a religious affirmation similar to a prayer.

"Undoubtedly, the pledge contains a religious phrase, and it is demeaning to persons of any faith to assert that the words 'under God' contain no religious significance," Judge Karen Williams wrote for the 4th Circuit. "The inclusion of those two words, however, does not alter the nature of the pledge as a patriotic activity."

Deaths of Big Spring infants 'highly suspicious,' officials say

BIG SPRING (AP) — The deaths of 3-month-old twins are "highly suspicious" and investigators believe foul play could be involved, according to a Wednesday news release on the infants' preliminary autopsy results.

Additional tests for toxicology and histology, which could indicate a cause of death, are pending but could take up to three months, Howard County Justice of the Peace Kathryn Wiseman said.

While authorities are suspicious, there was no "significant trauma" that would suggest blunt force injuries on the bodies of Christopher Ryan Petree and Nomi Michelle Petree, according to the release from the Howard County Sheriff's Office.

Authorities and medical personnel responding to a 911 call from the infants' mother, Lisa Riffe, 27, found the twins dead in their parents' mobile home Sunday morning.

Before she discovered the infants dead, Riffe told their father she thought the babies were sleeping, the father, Chris Petree, has said of a tele-

phone conversation they had about two hours before she called 911.

Petree also has said he could only guess the twins had "somehow died in their sleep," Saturday night or early Sunday. His infant son had recently been treated for pneumonia, he said.

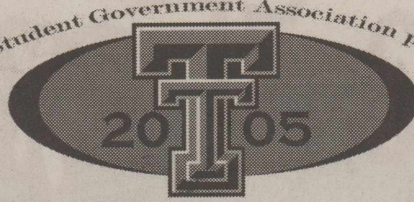
Riffe and Petree are not married but live together in the mobile home in the south Howard County.

Child Protective Services, which is also looking into the infants' deaths, completed an investigation last year that alleged physical abuse of one of Riffe's three other children when Riffe was involved with another man, said Marleigh Meisner, a spokeswoman for the Texas Department of Family and Protective Services, which oversees CPS.

Riffe complied with all CPS requirements, and the case was closed in August 2004.

Riffe agreed to place her other children, ages 6, 8 and 20 months, with relatives pending the outcome of the agency's investigation on the twins' deaths, which could take 45 days, Meisner said.

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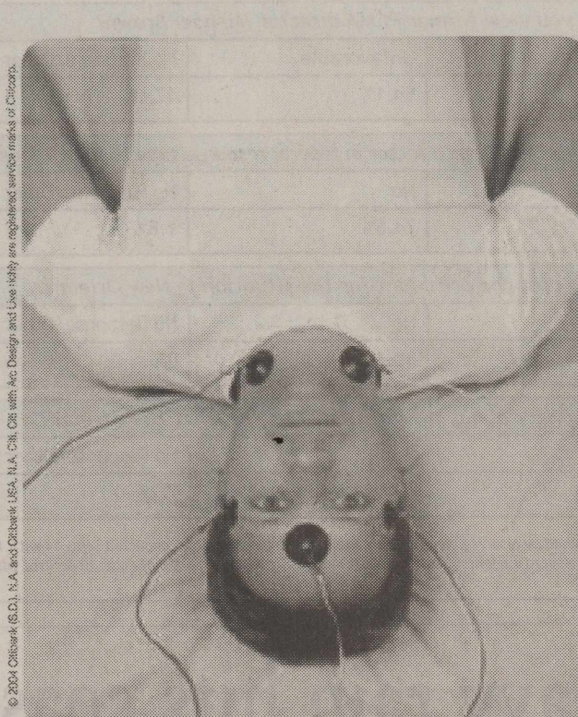
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Microsoft to release new software, fall 2006

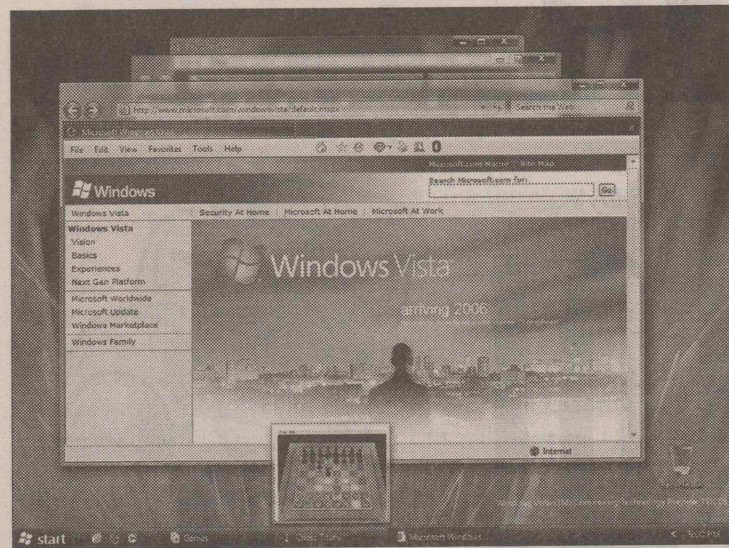


PHOTO COURTESY OF MICROSOFT

DURING THE MICROSOFT Professional Developers Conference, professionals were able to see a preview of the new software, scheduled for release in fall 2006.

Delta, Northwest file bankruptcy protection

ATLANTA (AP) — Delta Air Lines Inc., and Northwest Airlines Corp., hobbled by high fuel costs and heavy debt and pension obligations, filed for bankruptcy protection from creditors Wednesday, becoming the third and fourth major carriers to enter Chapter 11 since the 2001 terrorist attacks.

Delta's late afternoon filing included its low-fare carrier Song and was followed shortly after by Northwest's.

Delta's total debt is roughly \$28.3 billion, and it listed \$21.6 billion in assets, according to the filing. The asset figure would make Delta's bankruptcy the ninth-largest in U.S. history, according to bankruptcy tracker New Generation Research Inc. The ranking did not change following Delta's recent \$425 million sale of feeder carrier Atlantic Southeast Airlines to SkyWest Inc.

Delta and Northwest said passengers were not expected to see any immediate effects from the filing.

Delta also promised to honor all tickets and sent a letter to frequent-flyer customers seeking to reassure them.

"We are operating our full schedule of flights, honoring tickets and reservations as usual, and making normal refunds and exchanges," Gerald Grinstein, chief executive of Delta, said in the letter.

Chapter 11 protection will allow Delta to pursue wage cuts for its 65,000-plus full-time employees, as well as pension and health benefits for workers and retirees, that would have been more difficult or impossible without protected status.

Delta was expected to continue its normal schedule. However, as the company makes its way through bankruptcy court, some changes to Delta's operations could occur, analysts say.

Atlanta-based Delta, the nation's third-largest carrier, has lost nearly \$10 billion over the last four years despite announcing it would cut up to 24,000 jobs.

By CARLOS BERGFELD
STAFF WRITER

Professionals meeting in Los Angeles this week received exclusive materials and heard about projects referred to in code names.

Though it sounds like an intelligence briefing for secret agents, the Microsoft Professional Developers Conference displayed the company's new software to give developers a look at the next big releases from the corporation.

A preview edition of Windows Vista — formerly code-named Longhorn — was distributed to the conference's attendees. Microsoft has stated Vista's expected commercial release as late 2006, approximately five years after the release of Windows XP.

John Durrett, an associate professor of information systems and quantitative sciences, said the conference has touched on some of Vista's anticipated features.

"It's supposed to be pretty cool," he said. "There's a lot of stuff embedded in it to make it a better system."

On the outside, Vista's graphical user interface has a sleeker look, with transparency effects and mini-window views that draw similarities to Apple's OS X operating system.

Another new feature comes in the form of virtual folders, which group related files together without actually creating a physical folder.

An example of this would be a virtual folder with all of a system's games included inside, regardless of which folder the games lie in on the system's hard drive.

Eric Sinzinger, an assistant professor of computer science, said this feature would help de-

velopers, though most already use virtual folders in their work.

"If you're trying to write two big books at the same time and Chapter 3 in big book one is the same as Chapter 5 in big book two, you can group them together," he said. "It's a lot cleaner."

Microsoft also unveiled a new Office platform, code-named Office "12," with a redesigned user interface.

Sinzinger said he uses Windows when he has to, but prefers Macs or systems running Linux.

"They're more stable, they crash less and to me they're more user-friendly," he said.

Microsoft's huge consumer base, in addition to their large-scale marketing has made Windows the operating system of choice for personal computing, Sinzinger said.

Increased security and fewer automated features would make Vista a more attractive system to him, he said.

Durrett said he uses Linux as his primary operating system, partially because of personal preference, but partially because he teaches classes on server development.

"Linux is a better server system than Windows is — way better. It's more secure," he said.

Even if the security issues in Windows were minimized, Durrett

said, it would be hard to get him to switch over to Microsoft.

"The problem is, I like competition in the business world," he said. "I like the ability to make a choice."

As far as personal desktop use goes, Durrett said he believes Linux has a shot at taking a substantial portion of Microsoft's constituents in the near future.

Several companies distribute the open-source Linux software for free, along with free software similar to Microsoft Office, which should encourage thrifty computer users to switch once the software improves.

"It's not quite there yet, but it's sure closer than it was three years ago," he said.

Aaron Waters, a senior biology major from Fort Worth, said he uses Windows because of software compatibility issues with other operating systems like Linux.

He said he likes Microsoft's products except for a few issues, but disagrees with their business practices.

"Other than privacy stuff and the fact that they're a giant corporate monopoly over everyone else, I don't really have a problem with it," he said.

Another problem Durrett said he has with Windows are the amount of hidden files and registry settings

that discourage user configurations, a problem that he says does not exist with Linux.

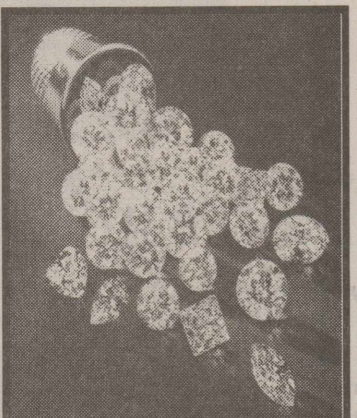
"Every configuration file, anything that deals with how the system works, when you get down to binary components, is just a text file — none of it's hidden," he said.

Despite all of his concerns, Durrett said he will definitely use Microsoft's new technology, as it is bound to improve upon the past software.

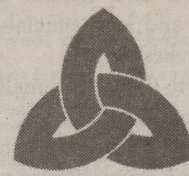
"I keep Windows going, and I will positively play in Vista," he said.

"It's supposed to be pretty cool. There's a lot of stuff embedded in it to make it a better system."

— JOHN DURRETT
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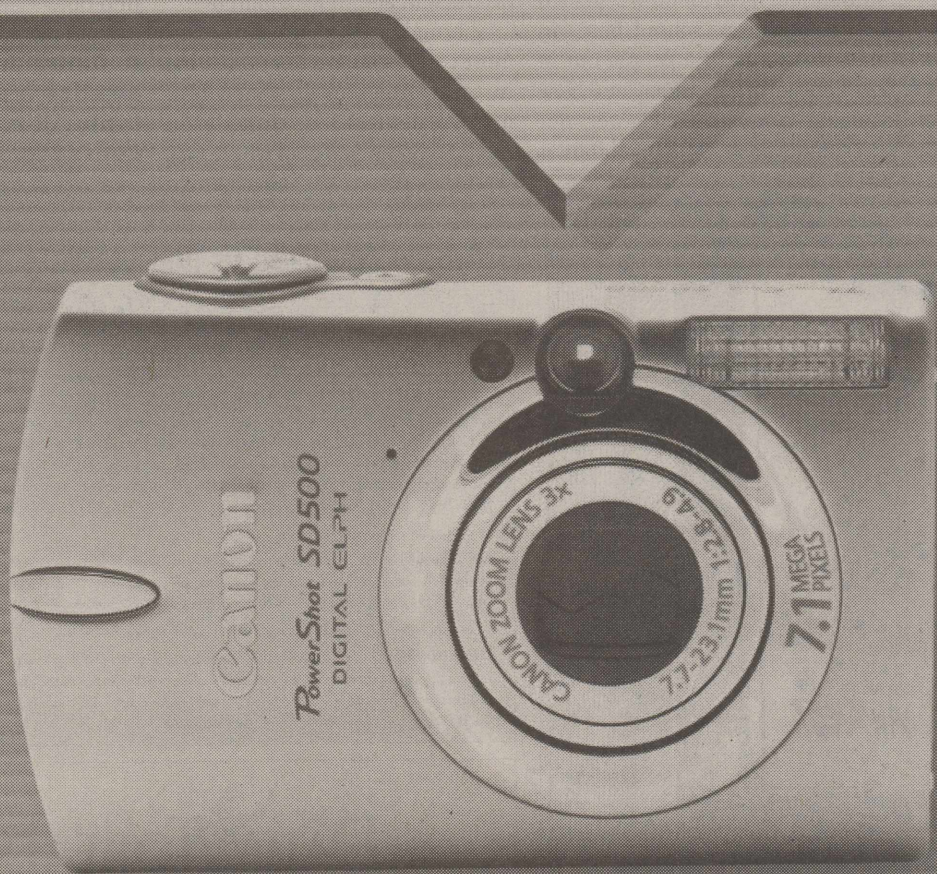
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Recent terror threats being downplayed by news media

By DANIELLE NOVY
STAFF WRITER

Four years after the 9/11 attacks shook the nation, terrorist threats still are being vocalized against the West - The difference now is they rarely come with a conspicuous front-page headline.

The most recent stab at American society came via a videotape broadcast Sunday by ABC News which featured a masked man delivering threatening words of upcoming terrorist attacks toward Los Angeles and Melbourne, the capital city of the state of Victoria, Australia.

"Yesterday London and Madrid, tomorrow Los Angeles and Melbourne," he said in the video aired on ABC.

The masked man was reportedly believed to be Adam Yahye Gadahn, a man from southern California.

Brandon Prins, assistant professor of political science, attributes the lack of attention on

such a threat, to a nation whose focus is already secured on other topics.

"The news has changed a little bit lately," Prins said. "Whether the media is going out of their way to downplay Iraq and terrorism, I suspect not. Clearly, the American public is focused on other issues, like (Hurricane) Katrina and John Roberts."

Christine Richardson, a junior political science major from Atlanta, Ga., said she completely missed the footage.

"All they seem to talk about now is Katrina and how Bush handled it badly," Richardson said. "When they do

talk about terrorism, they are reporting it more skewed than how it actually happened."

Josh Gaines, a teaching assistant in the department of political science, said the media's labeling of the incident as a terrorist attack was hasty.

"I think that they jumped the

gun by even saying it was a terrorist," Gaines said. "They say the word 'terrorist' because it gets ratings."

Scott Sosebee, a visiting assistant professor in the department of history, said he believes the media has been allotting a decent amount of time to Iraq, terrorism and other related affairs.

"They've been handling it fairly," he said. "You hear all kinds of arguments on both sides. You hear that if you give (terrorists) too much media coverage, it emboldens them. Then, if you don't give them enough coverage, the American people are not informed."

John Barkdull, associate professor of political science, said in the wake of Hurricane Katrina, many raw facts about the way the nation handles disasters have come to light.

"Katrina did reveal some of the shortcomings of our country with dealing with disasters," he said.

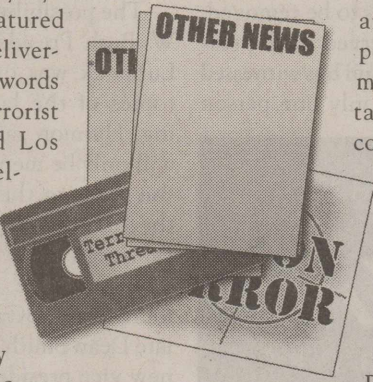
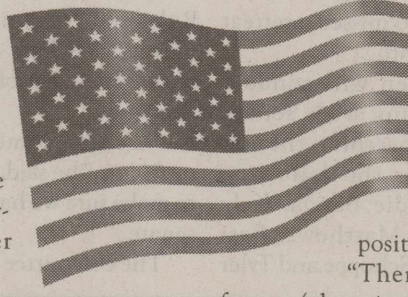
"Katrina is going to generate questions as to if the U.S. can withstand a terrorist attack on our soil."

Barkdull said the hurricane left the U.S. in a vulnerable state, and Bush's handling of the situation left the country in a dangerous position.

"There are other fronts (than just the short-range impact) that you have to pay attention to when you have to deal with a catastrophe like Katrina," Barkdull said. "If I were part of al-Qaida, I could hardly think of a better time to execute a terrorist attack that's been on the shelf than when Katrina struck."

He also pointed out the length of time since America has fallen victim to terror as another possible motive for paying more attention to the terror threats.

"We haven't been struck by a terrorist attack on this soil since 2001," he said.



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DPS files suit to prevent video release

AUSTIN (AP) — The Texas Department of Public Safety has filed a lawsuit fighting Attorney General Greg Abbott's decision in favor of a journalist requesting access to videos taken by Capitol security cameras.

The lawsuit filed this month in Travis County says the release of surveillance tapes could weaken security by revealing where the cameras are placed and what they do or don't record. DPS has said in the past that the Capitol could be the target of a terrorist attack.

Abbott ruled last month that DPS

should release the tape to Jake Bernstein, executive editor of the Texas Observer, who had asked for any video taken of the hallway behind the Texas House chamber on May 23.

That day, lawmakers rejected a proposal to allow some low-income students to attend private schools with state funding amid speculation that James Leinger of San Antonio, a proponent of the plan, was secretly leaning on members.

"We thought we would try to put those rumors to rest by seeing the video," Bernstein said.

THE Daily Crossword Edited by Wayne Robert Williams

ACROSS

- Rigatoni or ziti
- Charitable donation
- Features of Nixon tapes
- Perfectly
- Whimper
- Start of a quip
- Spoken
- Attached, in a way
- Hot tub
- Five before six
- Related on mother's side
- Warning device
- Brothers of fairy tales
- Part 2 of quip
- Quagmire
- Theater worker
- Witnessed
- First name in cosmetics
- French friend
- Leamer, hopefully
- Ageless in poems
- Part 3 of quip
- In crowd
- Degrade
- Glacial groove
- Most remote, briefly
- Picturesque CA rte.
- Exhibit
- Indiscriminate anger
- Oodles
- End of quip
- Tropical nut tree
- Turkey neighbor
- Twix's partner
- Small marganser
- Le Pew of cartoons
- Clue to slumber

DOWN

- Handles roughly
- Suffer stiffness
- Leftover dish
- Fork part
- Wreaths for heads
- Unmelodic
- Brock or Reed
- Professional rubber
- Procedure part
- U.S. pub. grp.
- borealis
- Sun orbiter
- Tejano star
- Sun. follower
- Tennis great
- Most constricted
- Barak's country
- MLB bosses
- Shad delicacy
- Dander
- Indian butter
- Genesis character
- Tide pool site
- Med. picture
- Bank payt.
- Shoe-box letters

Wednesday's Puzzle Solved

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Speaker series, senator impeachment on the SGA agenda tonight

By **ANDREW WOOD**
STAFF WRITER

Hurricane Katrina relief and the possibility for a university speaker series will be two of the various topics discussed as the Student Government Association senators meet tonight.

The ideas for the university speaker series will be introduced, as Casey Harmon, SGA vice president of internal affairs and president of the student senate, said the SGA wants to enhance quality in student life.

"We're just trying to reaffirm quality for students," said Nathan Nash, SGA president. "This is important to students."

Harmon said she was impressed with the speaker series she has seen from other colleges.

"Other universities have a wonderful speaker series," she said. "We (want to) get in quality, noteworthy speakers."

The need for campus speakers, Nash said, is important to the university as a whole.

"I think there's some interest to do this," he said. "Not just from students, but faculty as well."

The speaker series, Harmon said, will be voted on Sept. 29.

Also on the SGA agenda for tonight, Joe MacLean, director of Recreational Sports, will speak about the possibility of a leisure pool being added to the Robert H. Ewalt Student Recreation Center.

Landon Westfall, president of Texas Tech University Health Sciences Center Student Government, will also speak.

Harmon said she was one of the officers who toured the recreational facilities of a few of the other universities in Texas.

While presenting the report of the student senate president, she will report on numerous topics and upcoming events such as Raider Gate, Take A kid to the Game, Public Safety Night Out, Student Organization Advisory Committee meetings, Freshmen Advisory Boards, Freshmen Council and a meeting on Sunday for senators who missed a retreat earlier this month.

Harmon then will conduct the first reading with senate resolutions concerning the impeachment for the following senators, Freddie Barela, Kyle Dufour, Ryan Matthews, Bari Sadler, Austin Schoppe and Tyler

Windom. The reason for their possible impeachment is lack of attendance.

Attendance is an important priority to the senators. Nash said the SGA senators want to conduct serious business.

Harmon said the potential impeachments will follow the SGA's attendance policy.

"They are very active and they want to take their jobs' seriously," she said.

Drew Slater, chairman of the Rules and Administration Committee, said lack of attendance results in a lack of efficiency for the senate.

"We got some attendance problems," he said. "We just want to make sure we have an effective senate."

The committee, he said, wants

to make sure the members are dependable.

"We do want to have reliable members," Slater said. "We want to show everybody we mean business."

Slater said the committee is making attendance a chief priority because of the decreasing numbers toward the end of the 2004-05 school year.

As soon as the senators have an opportunity to present their case to stay in senate, the members will take a vote on whether or not to impeach. It takes two-thirds of the votes for an impeachment.

Harmon said she does not expect any senators to be removed. Since she has served in the student senate she said has witnessed the removal of only one person

who was not present at the time of their impeachment.

Routine motions will follow as committees give their reports. Harmon said many of the committees have met for the first time earlier this week and likely will give a report of their goals and achievements.

Hurricane Katrina relief also will be issue to be discussed, Harmon said.

Nash said the SGA still needs students to help volunteer in selling "Raider-Aid" T-shirts at Jones-SBC Stadium for the Tech football game on Saturday. All proceeds will go to assist Hurricane Katrina victims.

The possibility for the George W. Bush Presidential Library in Lubbock was one of the main topics of the last senate meeting, Harmon said, but the issue will only be mentioned briefly as she plans to thank everyone for the hard work put forth in the campaign.

Before the meeting is adjourned the SGA will congratulate Dean Smith on becoming the new vice president of research.

The third meeting of the 41st session will be held 7 p.m. today in Room 101 of the Animal Sciences building.

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Study finds alcohol-related deaths down from 2003

By LINDSAY WATTERS
STAFF WRITER

More than two-thirds of Americans consume alcohol regularly, but recent studies show that within the past year, more people are buckling-up and staying sober behind the wheel.

According to a study conducted by the National Center for Statistics and Analysis, the number of alcohol-related deaths in traffic accidents declined from 2003 to 2004. The use of safety belts has increased in Texas, according to a survey of 10 cities conducted by the Texas Transportation Institute, which could play a significant role in the decline of alcohol-related traffic accident deaths.

Carlos Lopez, director for traffic operations for the Texas Department of Public Safety, said the combination of an increase in the number of people wearing safety belts and a crackdown by police officials on drunken driving in Texas has contributed to the lower number of alcohol-associated deaths.

"The more folks wear their seat belts, the better the chances are of sur-

vival, especially in an alcohol-related accident," Lopez said. "Ninety percent of Texans are buckling-up today, and we try very hard to promote the use of seat belts in the car."

The percentage of people using safety belts has jumped six points since 2003, Lopez said, contributing to the saving of 185 lives from 2003 to 2004. Drivers ditching alcoholic drinks before getting into the car has also had a substantial impact on the lower numbers of traffic accident deaths.

"The law enforcement in many areas has, without a doubt, had a huge influence on the recent findings because they are serious about buckling-up and not drinking and driving," he said. "TxDOT (Texas Department of Transportation) tries to get cities to take-up the message that people need to wear their seat belt and not drink and drive. We are always trying to keep awareness up and things seem to be working very well."

Lopez said with the lower number of deaths in alcohol-related accidents, \$6 million in hospital bills, along with other expenses that come with traffic

accidents, have been saved. He attributes the decline in deaths partially to increased awareness of campaigns that promote safety belt use and advise against drunk driving.

"We spend about \$5 million to \$6 million each year on advertising campaigns to get the word out about these issues," he said. "Within the past couple of years, people have become aware of such campaigns like 'Click it or Ticket' and 'Drink, Drive, Go to Jail.' When you think of the lives they have saved, the money spent was definitely worth it. We have good TV advertising and other promotions," Lopez said.

Lopez said TxDOT provides materials to many high schools and universities throughout the state to help encourage alcohol awareness and other important issues. The campaigns and advertisements TxDOT created mainly target people between the ages 18 and 34, and the advertisements are strategically shown on TV channels that people from this age group generally watch.

"Every year we take a fresh look at

the issues and how to deliver the message," he said. "We target certain areas and have focus groups to get information and hope for continual response to our campaigns," Lopez said.

Ron Seacrist, chief of police at the Texas Tech police department, said the Tech PD has not seen any deaths related to alcohol-influenced traffic accidents in a few years, but he has seen an increase in arrests for people driving while intoxicated.

"The Texas Alcoholic Beverage Commission has recently been mandated by the state legislator to increase arrests for people publicly intoxicated before they get into their cars," he said. "The state legislature wants the number of alcohol-related deaths in accidents to come down even more and they are trying to do what they can."

The Tech PD has increased the number of marked patrol cars that run through several busy streets on the Tech campus to remind people that they are there and are strictly enforcing the laws, Seacrist said.

Adam Wunderlich, a junior business major from Dallas, said he is not

surprised at the study's findings.

"The police around here are getting really strict with drunk driving and all that stuff," he said. "People are choosing not to drive when they're drunk not only for that reason, but also for their safety. We're young but we're not stupid."

Wunderlich said he and his friends always choose a designated driver for the night when they know they are going to have too many drinks and no matter what, they always wear their safety belts.

"You can always call the Safe Ride people and they will come get you if you can't drive," Wunderlich said. "There are other things you can do besides drive drunk."

Lopez said TxDOT is trying to change culture with its campaigns and hopes people will respond to the attempt like they did many years ago with a similar attempt at culture change.

"We want to make it known that it's not cool to drink and drive and not wear your seat belt," Lopez said. "A long time ago, people changed the idea that cigarettes were cool and we

are hoping for the same thing."

One program the Student Government Association provides to Tech students is Safe Ride. It is a free program that gives students who are unable to drive home, a free ride. For more information, contact the SGA office or call 742-RIDE.

ALCOHOL-RELATED FATALITIES IN TEXAS

2004-	1,568
2003-	1,709
2002-	1,810
2001-	1,807
2000-	1,841
1999-	1,700
1998-	1,745
1997-	1,710
1996-	1,967

Source: U.S. Department of Transportation, National Highway Traffic Safety Administration

Faculty senate discusses achievements, goals

By MEGHANN LORA
ASSOCIATE NEWS/COPY EDITOR

Wednesday afternoon, Texas Tech President Jon Whitmore addressed the faculty senate regarding the university's progress during the past year.

"I think we made some advances last year, and that was wholly on the raising of tuition," he said. "This year, advances will be made on the state's back, and that's a better place for it."

The Texas Legislature met last spring to determine the state's budget for the next biennium, including funding for universities. University administrators successfully lobbied to increase university funding.

"We did have a successful legislative session," Whitmore said. "It will allow us to take steps forward."

Tech was one of four universities in Texas to receive additional funding beyond formula funding.

"We also asked for money for new faculty," he said. "We wanted \$10 million; we got \$5 million. It does mean we will be able to hire new faculty."

Whitmore said the university has plans for three major research areas this year. Areas of research will include the graduate programs, financial aid and tuition.

"We are going to do a complete review of the graduate school," he said. "The idea is that if we are going to develop

as a university ... we need to invest more money into our graduate schools."

Whitmore said the results of the study could help Tech receive additional funding during the next legislative session.

"The regents have asked us to review our tuition policy — not how much we charge, but how we determine what to charge," he said.

Tech currently charges per credit hour; many universities around the nation charge a flat-rate tuition that does not depend on credit hours, Whitmore said.

"(Flat-rate tuition is) a program that helps incentivize taking more than 12 credit hours," he said.

Another possible way to charge tuition is differentially, Whitmore said. This means tuition would vary by department or college.

"We have some differential in fees, but basically tuition is the same," he said.

Whitmore said the university is going to increase new student recruitment efforts. Tech has fewer students this year than in previous years.

"What has caused this is we have increased our number of graduates," he said. "We admit plenty of eligible students, but of course they don't all come. We need to increase that yield."

The faculty senate considered five motions with different options regarding the break, which was proposed by the student senate in May 2005. The motions included accepting

the student senate's proposal with refinement, endorsing a one-day fall break in mid-October, endorsing a two-day fall break during the week of Thanksgiving, charging a committee to examine the possibility of starting class earlier to accommodate a fall break and charging a committee to modify the student senate's proposal.

The faculty senate voted to endorse a two-day break to be held on Monday and Tuesday of Thanksgiving week. Fall final examinations would be advanced by two days to compensate for the lost time. The other four motions before the senate failed.

Faculty senate President John Howe said their resolution regarding fall break would be sent to university administrators.

"I will write up this in a report," he said. "This will be presented to the president and the office of the provost."

Student Government Association President Nathan Nash said in an e-mailed statement that the faculty senate's response to the fall break issue was unfortunate. He said the SGA will continue to pursue a fall break in mid-October.

"The Student Government Association will continue to promote the implementation of a Fall Break in mid-October no later than 2006," he said. "This is the best proposal. It is what students want and is simply the right thing to do. We will be diligent concerning this issue."

The Board of Regents approves the academic calendar each year and has the authority to make a final determination about a fall break.

Bush, other world leaders sign global treaty aimed at preventing nuclear terrorism

UNITED NATIONS (AP) — World leaders began signing a global treaty Wednesday making it a crime to possess radioactive material or weapons with the intention of committing a terrorist act or to damage a nuclear facility.

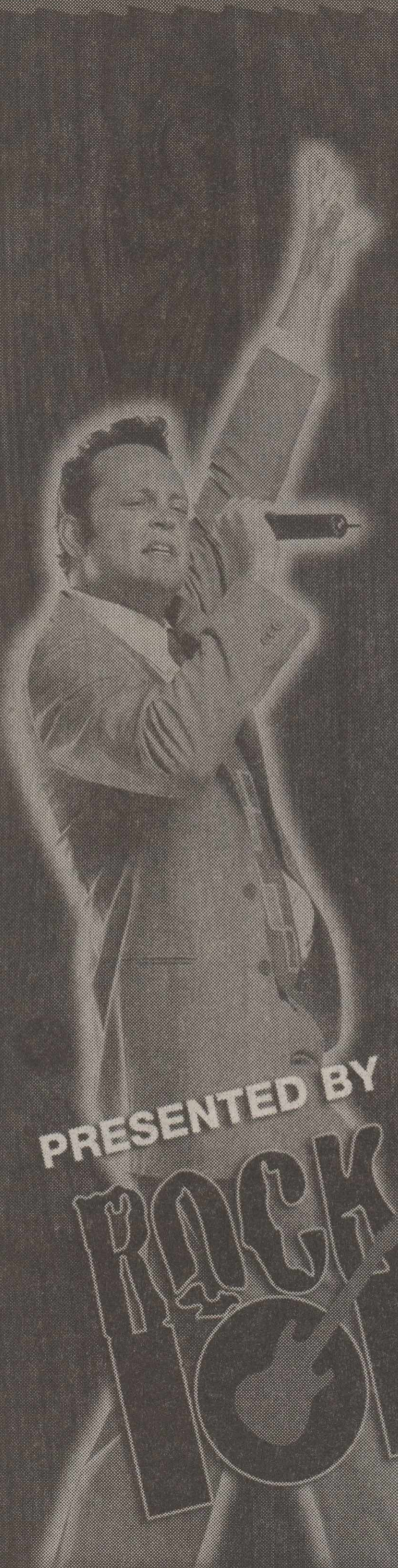
The Convention for the Suppression of Acts of Nuclear Terrorism was the 13th anti-terrorism treaty to be adopted by the U.N. General Assembly but the first since the Sept. 11 terror attacks on the United States.

Russian President Vladimir Putin, whose country sponsored the seven-year effort leading to the treaty's adoption by consensus in April, was the first leader to sign the document Wednesday morning at a desk in a makeshift hall on the sidelines of the U.N. summit.

President Bush signed next, followed by French Prime Minister Dominique de Villepin, as the first of more than 50 leaders who were expected to sign by the end of Thursday. The treaty must be ratified by 22 countries to take effect.

Canadian Prime Minister Paul Martin, who was the fourth to sign, said it was important that the document be followed quickly by a broad treaty covering all aspects of terrorism — an effort that has been blocked for years by disagreements over defining terrorism and other concerns.

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WE LOVE HIM WHEN HE'S STONED

Boland rocks Lubbock, The Blue Light with a rich, young, dumb . . . acoustic sound

By JAY LANGLEY
SENIOR STAFF WRITER

There were no electric guitars or drums. It just was an acoustic guitar, a chair and a songwriter. That is the way Jason Boland likes it.

Boland played an acoustic show Tuesday at The Blue Light in Lubbock. He said the acoustic show is a nice change from playing with his band, The Stragglers.

"When you play with the whole band, any silence between songs is kind of awkward," Boland said. "But at a show like this, I can tell the stories behind the songs and just really talk to the crowd."

Fellow Straggler and guitar player Roger Ray joined Boland on stage. The two played a 31-song, three-hour set.

Boland said he loves playing in front of West Texas crowds.

"A lot of markets get jaded because they get too much music," he said. "But here, the Raiders really come out to have a good time."

Boland, whose influences include Steve Earl and Jimmy Buffett, played classic Boland tunes such as "Proud Souls," "Nymphomaniac," and "Somewhere Down in Texas."

The set list was not predetermined because for most of the three-hour show, Boland took requests from the audience.

"Y'all paid so we'll play them all," Boland told the audience.

Brett Bass, a sophomore marketing major from San Antonio, said he has seen Boland 15 times.

"He just seems like one of the most real songwriters," Bass said.

"I have talked to

him a few times and he is just a really cool guy."

Bass said he never had seen Boland play an acoustic show.

"This is definitely one of the coolest shows I have been to," Bass said.

"He's a great entertainer."

Boland's current single is called "(My Baby Love Me) When I'm Stoned." He said he has had some problems getting the song played on the radio because of its controversial lyrics.

"There is kind of a double standard. Right now, there is a song on the radio called 'Alcohol.' But because we don't have the backing, we have problems getting it played," Boland said. "Hell, my mama even likes that song."

Every Sunday morning, Boland likes to get up and listen to National Public Radio. On one particular morning, he was listening to NPR and enjoying what he calls his "medicine." His wife walked into the kitchen to find him doing the dishes and cleaning the house.

"She walked in and with a big smile on her face and was like, 'Baby you're so sweet. Thanks for cleaning the house,'" Boland said.

"Then I walked into my room, and I thought to myself, 'My baby loves me when I'm stoned. The rest is history as they say.'"

Boland said he favors the legalization of marijuana.

"In other countries where it's not so taboo, they don't have a drug problem," Boland said.

Jonathan Cottrell of Lubbock said he enjoys the intimacy of the acoustic show.

"You can really hear what he is singing about," Cottrell said. "The lyrics are a lot about West Texas."

Cottrell said Boland is one of his favorite entertainers.

"When you see Jason, you know he is going to play almost every song he has," Cottrell said.

The first track on Boland's current album is "Hank Williams." The chorus says that "Hank Williams wouldn't make it in Nashville Tennessee."

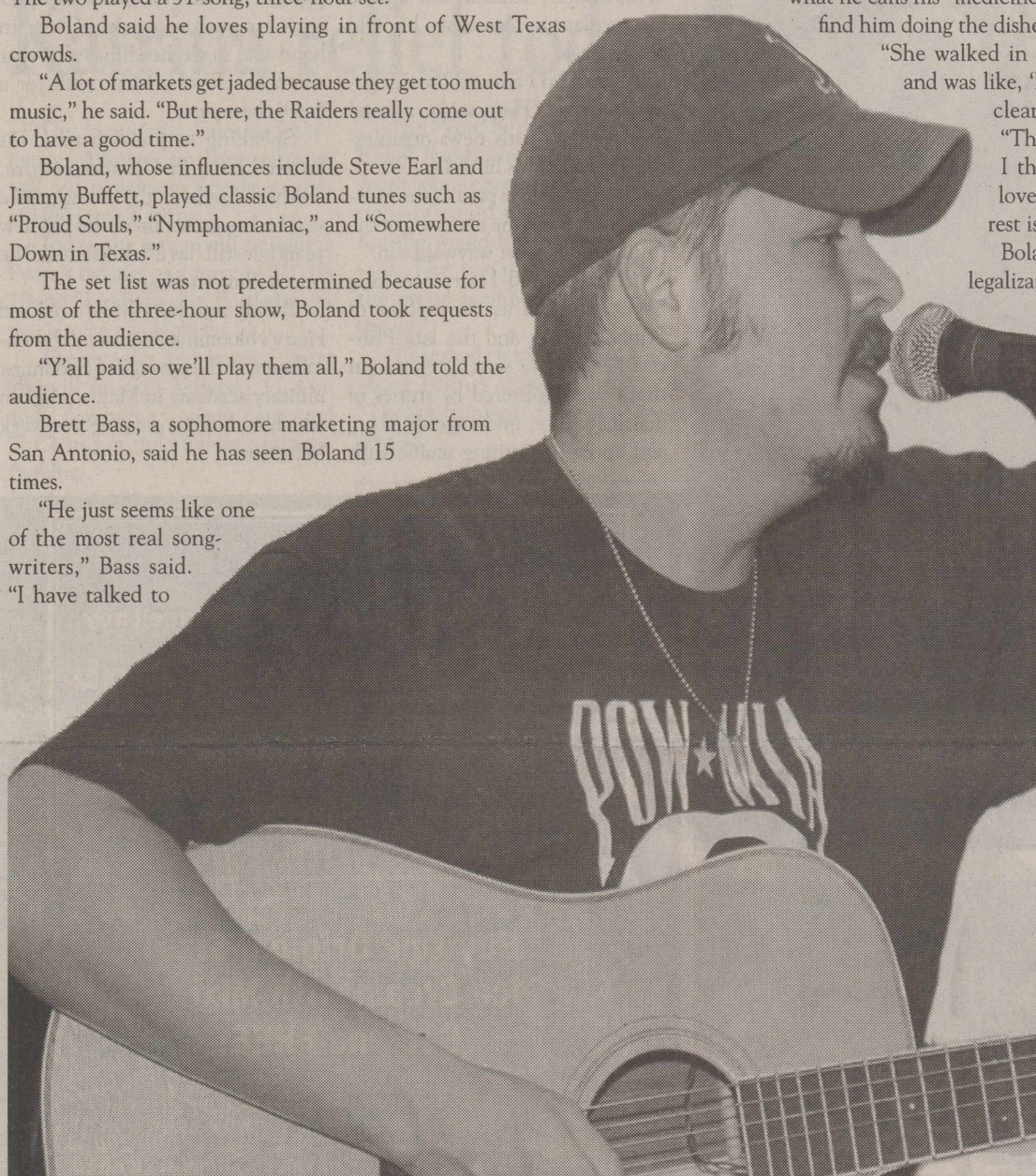
Boland said the song is an interesting look at the current country scene.

"I have no problem with the current Nashville scene,"

Boland said. "There are good songwriters and producers. But when that song came to me, I thought it asked an interesting question. What if the King of Country went down to Nashville? Would he be accepted?"

Boland said he wants to try to take his music to as many people as possible. He said he knows there are people who will say he sold out if his music finds its way onto the charts alongside Faith Hill and Tim McGraw.

"I am just going to keep doing what I'm doing," Boland said. "If I change my music in any way, I know it's on my own terms."



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Walk through life two-by-two

meeting "someone special" is as easy as opening up your eyes

Meeting someone new at Texas Tech can be tricky. With the limited number of resources available, it can be difficult. I have caught myself saying that the only thing to do in this town is drink and go out to bars and parties, but I now know that I was wrong, to an extent. Depending on your age and social agenda, meeting new people can take a new twist on what you did in high school. No longer are you a victim to curfews, dress codes and the gossip that takes place the Monday after a weekend party in your hometown. You now are on your own; free to make your own choices and be who you want to be.

When meeting someone new, there are the obvious standard meeting grounds: bars, clubs and parties. But for the non-drinkers there are coffee shops, organizations on campus and friends who can introduce you. There is nothing like an overzealous matchmaker trying to pair up their single friends.

Morgan Rudy



It's like this "Noah's Ark" need to pair everyone so that no one is alone on the boat of life.

It's like this "Noah's Ark" need to pair everyone so that no one is alone on the boat of life. But I digress; friends can be a wonderful way to meet a partner. They probably know you better than you think, and they may be part of a social circle that you may not be a part of. If nothing else, you get to meet new people.

Now the one place that I would really suggest you not find your mate, even though it may seem inevitable, is at work. There is a need for a development phase of a relationship that includes being apart from each other. Remember the saying, "Distance make the heart grow fonder?" This is true, oh so true! Even if you are just so stupidly in love with each other you are making all that are around you vomit, you are going to want to be alone at one point in time. You do not want your new love to know everything about you right at first, and work can be that excuse for alone time that, trust me, you will need. Now I know that if you work a lot having a relationship with a co-worker can be quite convenient. But just think, what if you breakup? What is the work place going to be like after that? Believe me when I say that it is unavoidable. That is

why I say "just say no to those sexy co-workers."

A source that seems to work for many people is the whole dating online thing. Now with this you really need to be as cautious as possible. If you do decide to take this route, be honest. Saying that I am a 5'10" blonde with a rack from here to Tuesday would be just plain silly (I am a 5'6" brunette and I am not commenting on the other thing). Meeting people online is a fun way to interact with new people, but just make sure to meet them at a public place for the first date.

Depending on your interests, it is possible to meet many new people very quickly here at Tech. Do not overlook any situation when it comes to new people. Once, I met a man while I was on a date with someone else. If you know of any particular places that you have been successful at please let me know so that we can spread the word. So keep your eyes open — every day you pass people you don't know that could be perfect for you.

■ Rudy is *The DT's* relationship expert. E-mail comments and questions to Morgan.L.Rudy@ttu.edu.

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Prince Harry turns 21

LONDON (AP) — Britain's Prince Harry will spend his 21st birthday today in the sober setting of his military academy but says he has no plans to tone down his wild child image.

"I am who I am and I'm not going to change," Harry said in a round of interviews with news organizations ahead of his birthday.

Royal watchers predict the milestone may mark the maturing of the royal family's most wayward son.

Flame-haired Harry has long been regarded as the wilder of Prince Charles and the late Princess Diana's two sons, a reputation that's been bolstered by stories of marijuana use, underage drinking and an early morning scuffle with

a paparazzi photographer outside a London nightclub.

Harry frequently appears in the pages of Britain's tabloid newspapers with a cigarette or can of beer in hand and made headlines this year when he chose a Nazi outfit for a fancy dress party.

Speaking to journalists at his father's farm in Gloucestershire, southern England, the young prince said he has grown up in the past few years but still has a "child streak" he is in no hurry to lose.

Royal watchers have credited Harry's blooming maturity to his enrollment at the prestigious Sandhurst military academy in May, a program which included a grueling five-week induction.

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Get Some..... Now!!!!!!

Lightning Bolt destroys, Death Cab whimpers

Lightning Bolt - "Hypermagic Mountain"

Marcus Parks



"Hypermagic Mountain" is what natural disasters would sound like if they were fun instead of tragic and terrible. Remember when you were a kid and you spun around and around, screaming in tongues, arms outstretched and maiming everything in sight? This album is a lot like that.

It was but a mere two weeks ago in *The Daily Toreador's* fall album preview, I told you this band would release an album that would make me want to punch someone in the face, the highest honor a band like this could receive.

I've had this album for a day, listened to it three times and have now decided I probably shouldn't leave the house for the next few hours because, well, I don't want to have to punch someone in the face.

If you think yourself to be a serious music nerd, try to see if you can

appreciate something as abstract as the noise-rock Lightning Bolt creates. Although the album is quite a bit more structured than either "Wonderful Rainbow" or "Ride the Skies," their last two albums, it still has that wonderful Lightning Bolt sound the 20

people in town who listen to them, have come to know and love.

Insanely fast finger-tapping, garbled "singing", the illusion that there has to be at least five guys in the band when there's really only two; this is the Lightning Bolt album we wanted. OK, this is the Lightning Bolt album I wanted; I'm really only amusing myself here.

Grind-core fans, hard-core fans and people that are fans of anything with an unla in the name should all find some common ground in this band. If you pray for the glorious return to the golden days of Iron Maiden, buy this album. I don't care if the two bands don't even sound that similar — that holy-God-the-apocalypse-is-upon-us mood is found right here. Gabriel's trumpet won't sound like Louis Armstrong; it'll sound like this.

I won't lie to you, "Hypermagic Mountain" is challenging. All three of their albums, particularly the first, are no different. They can defeat you if you let them. In fact, most would say they're downright unlistenable.

But I say give it a fight and listen to it five or six times at a very, very high volume before you pass judgment. Your neighborhood will be in ruins by the end. And damned if you won't pray for a tornado afterward, hoping it'll sound just like this.

Of course, it won't, but a boy can dream, can't he?

Death Cab for Cutie - "Plans"

Death Cab has become indie-rock's Coldplay. They'll never put out a terrible album, but also, they'll never release a great one ever again.

I didn't care that Death Cab recently signed to a major label. I was actually happy when I heard. I even told my friends, "Signing to Atlantic wouldn't change their sound, not even in the least bit. They're Death Cab. They've got integrity, man."

So here's the question I've got to ask upon actually hearing the album and realizing I was wrong: Did the label make Death Cab for Cutie release a mediocre album that panders to the teenage, faux-hipster O.C. crowd, or did they get a taste of the slight mainstream fame Transatlanticism provided and decided they liked it?

It's like they listened to "The Sound of Settling," the worst track from their last album and not-so-coincidentally, its biggest hit, and said, "Well, that works. Why don't we do that a half dozen times, fill the other half of the album with weak piano-based tracks and see if one sticks?"

The production even sounds like it was made to sound best on mainstream radio in that it just has a sound, that soulless, flat sound. How could they make me hate Ben Gibbard's voice? He used to be one of the best voices in indie rock. Now, it's ... so ... b-o-r-i-n-g.

Does anybody know the best way to gain success and keep your integrity in music? Stumble upon it by accident and don't care if you ever get there again. Look to Modest Mouse, ladies and gentlemen. Look to them and smile, because they may very well be the last ones to do it.

Sadly, Death Cab will not be the last band to go the way of, well,

Death Cab. This album debuted at No. 4 on the Billboard Charts; something that I'm sure will fill the record company's pockets with lots of teenage dollars. Provided the band signed a good record deal, they may even make some money as well.

I'm sure Ben Gibbard and Co. probably don't care that they've disappointed and alienated the fan base that has been with them since "Something About Airplanes" was released in 1999. Few musicians who make it to the mainstream do.

They've got a whole new set of fans, leaving the rest of us behind like jilted lovers, left for a younger, prettier, and admittedly, richer new face. Unfortunately, that face doesn't have a brain behind it.

Enjoy your mediocrity, Death Cab. Just don't expect us to wait for you until you get back.

■ Parks is *The DT's* music critic. E-mail comments and questions to Marcus.J.Parks@ttu.edu.

Hot tamales help Katrina relief today

The Hospitality Sales and Marketing Association International will sell tamales to benefit victims of Hurricane Katrina.

Today, the group will be selling Pedro's tamales at a price of \$10 for 12 and \$1 individually. Bottled water will also be available for \$1.

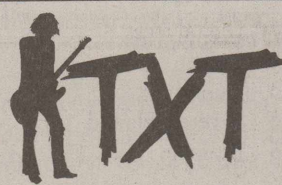
The tamales and bottled water will be sold between 11 a.m. and 2 p.m. in the Canyon Room and El Centro of the Human Sciences Building.

Amber Miles, a senior restaurant, hotel and institutional management major from Lubbock and a member of Hospitality Sales and Marketing Association International, said the fundraiser is a good way to help other people while promoting the group's name on campus.

"It gives us PR, and it's helping out people that need it," Miles said. "It's something we could put together really quickly."

The "Vote for Pedro" Hurricane Relief Fundraiser is an event the group put together on the fly, as nobody could predict Hurricane Katrina would hit that hard, Miles said. The tamales are something the group members enjoy eating, she said.

"Everybody from Lubbock knows about Pedro's tamales," she said. "They're fabulous. They taste wonderful."



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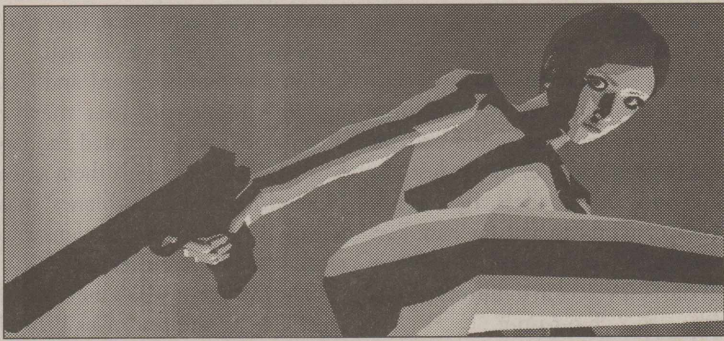
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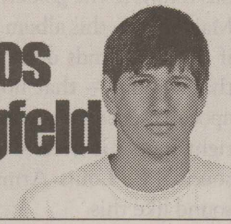
its incredible looks and smiling faces make... 'Killer7' an interactive hit



Graphic Courtesy of Capcom

rated:
8/10

Carlos Bergfeld



As video games gain increasing prominence in society, their status as a form of entertainment constantly fluctuates. A recent trend (probably first and most well-executed with the "Metal Gear Solid" series) has been to develop games that combine aspects from traditional gaming and cinema, with lots of CG movies or non-playable sections to carry the plot along. While this certainly has allowed games to function as storytelling devices, it can be restrictive in a way. Video games have the potential to provide an entirely unique entertainment experience in their own realm, separate from the methods of both cinema and literature, and still tell an interesting, thought-provoking story.

"Killer7," released this summer by Capcom, provides an experience unlike any in video game history. This combination third-person/first-person shooter gets most of its uniqueness from its unorthodox graphical styling, which needs to be seen to truly appreciate. Its complex story includes both relevant social issues like global terrorism and ridiculous conspiracies like a government-sanctioned-orphan-organ black-market. Although not perfect, "Killer7" shows video games can truly offer something no other form of entertainment can.

The game is set in an alternate reality in which the world powers came together in 1998 and decided to end terrorism before it became more of a problem. All airports were closed in addition to network stations, so countries were isolated (and less informed) for a time. In 2002 and 2003, an intercontinental expressway was built across the Atlantic Ocean, and the destruction of intercontinental ballistic missiles in the air became known as "the missile shows" or "fireworks" — a symbol of world peace. This peace comes to an end, however, when in 2003 a terrorist group bombs a United Nations meeting. The suicide-bombing terrorists are labeled "smiling faces" because of their tendency to grin before they explode, and their wave of terror continues in the U.S. until the government decides to call in the big guns. They hire the famed assassin group Killer7 to bring the terror to an end.

As the Killer7, you complete various missions in pursuit of both the terrorists (its members are known as the Heaven Smile) and a better understanding of the world's situation. Much of the game's story is based on United States-Japanese relations, parallels of which can be drawn into the real world. The Killer7 is composed of members of the Smith Syndicate, led by Harman Smith — an old man now confined to a wheelchair. Instead of playing as Harman, you play as one of his seven other personas in the game, switching between them at will. The apparent case of multiple personality disorder is explained (sort of) later in the game, but the strategy of always having seven playable characters gives the player plenty of options. Several of the personas are very unique, such as Mask de Smith, a grenade-launching luchador, or Kevin Smith, a knife-throwing freak with the power of invisibility. However, a few personas are so similar that they could be overlooked entirely, if not for their special abilities required to

solve some of the game's puzzles. You explore the game's various levels in a weird way, as all character movement happens on rails. This means that you don't actually move your characters in a certain direction; you just move them forward, except at intersections where you choose a path. This decreased level of interaction works out, however, with the required switching between third and first-person views. The basic game-play boils down to holding down a button to make your character run until you hear a Heaven Smile's maniacal laughter. This is the only know if a Heaven Smile is near, as they are invisible to the naked eye. After you stop and take out your weapon, the camera switches to a first-person perspective. Pressing another button lets you scan the screen, revealing any enemies in the area. After you shoot all the enemies (or they grab you and explode), you continue and repeat the pattern. This sounds incredibly repetitive, but the several different types of Heaven Smile mixed in with inventive boss battles, puzzles, character upgrades and deep storyline keep the game interesting.

As I said before, this game looks incredible. I often was distracted by the varied environments as the different characters ran through them. The third-person camera-perspective placed by the characters' feet sounds like an odd choice, but it gives a good view of the surroundings. When you blow up a Heaven Smile, they explode into tiny particles that fly toward you, and the beautiful special attacks are gratifyingly powerful. The game has some great voice-acting and cool music too, but I didn't notice the music as much during most of the game, as I was always listening for the insane laughter of a Heaven Smile.

The game's main flaw is its difficulty. On normal mode, a map screen tells you pretty much everything you need to do to solve the puzzles in the game. This really sucked the fun out of exploring, as looking at the map of every new level seemed like looking at a to-do list of chores. If that isn't enough, several "remnant psyches" (people you've killed) are floating around giving you hints throughout the game. One character flips you off when you ask him for hints, and another does pelvic thrusts the whole time you're talking to him on one occasion, so I guess that's something, right? A hard mode with fewer hints is available, though.

All-in-all, anyone who plays video games (and is older than 17) should play this game. If you can understand most of the story, even better, although a lot of it is open to interpretation. This game has a lot more to offer than purely aesthetic value, although undoubtedly it could be considered a type of interactive art. Lastly, any game that has a luchador transform through increasingly powerful stages of lucha libre greatness already has succeeded in my book (I don't like wrestling, but that's just awesome).

Bergfeld is The DT's senior video game expert-scholar. E-mail comments and questions to Carlos.Bergfeld@ttu.edu.

BERGFELD'S RATING SYSTEM

- 1 - Digital feces
- 2 - Broken
- 3 - Painful
- 4 - Severely Flawed
- 5 - Bearable
- 6 - Fairly Playable
- 7 - Some Good Points
- 8 - Good
- 9 - Great
- 10 - Best thing ever

THURSDAY SEPTEMBER 15, 2005						
STAT. CHAN. AFFIL. CITY	KTXT 5 PBS Lubbock	KCBD 11 NBC Lubbock	KLBK 13 CBS Lubbock	KUPT 22 UPN Lubbock	KAMC 26 ABC Lubbock	KJTV 34 FOX Lubbock
7 AM	Jay Jay	Today Anthony Hopkins	Early Show	Believers Voice	Good Morning America	Awesome Ad.
:30	Callou			Life Today		Spin City
8 AM	Bears			Paid Program		Roseanne
:30	Barney			Paid Program		Roseanne
9 AM	Dragon Tales		Paid Program	Judge Mathis Alleged threats.	Tony Danza Kyle MacLachlan.	Becker
:30	Arthur	Regis & Kelly	Price Is Right	Judge Joe	The View	Dharma & Greg
10 AM	Sesame Street			Judge Joe		To Be Announced
11 AM	Mister Rogers	Jeopardy!	Young and the Restless (HD)	Judge Hatchett	Paid Program	Starting Over
:30	Teletubbies	Jeopardy!		Paid Program	Home Impro	
12 PM	This Old House	News	KLBK 13 News	Jerry Springer	All My Children	Access Hollywd
:30	Terry Madden	Days of Our Lives	Bold & Beaut.			Extra
1 PM	Needle Arts	Passions	As the World Turns	Paid Program	One Life to Live	People's Court
:30	Zoom	Guiding Light	Animal Adv	Eye for Eye	General Hospital	Divorce Court
2 PM	The Lions	Inside Edition	Mauri	Just Shoot Me	Montel Williams	Fear Factor "Couples"
:30	Buster	Oprah Winfrey	Dr. Phil	Judge Judy	That '70s Show	Insider
3 PM	Cyberchase	Dr. Phil	Judge Judy	That '70s Show	Malcolm	Current Affair
4 PM	Puppy	News	KLBK 13 News	Access Hollywd	News	Malcolm
:30	Arthur	Nightly News	Evening News	Family Feud	World News	Simpsons
5 PM	Maya Miguel	News	KLBK 13 News	Family Feud	News	Friends
:30	Nightly Business	News	KLBK 13 News	Family Feud	News	Raymond
6 PM	NewsHour with Jim Lehrer	Wheel Fortune	Who Mil.	Extra	Entertainment	O.C. (HD)
:30	This Old House	Will & Grace	Survivor: Guat.	Eve	Celebrity A-List Bloopers	
7 PM	Voices from Texas	Scrubs	CSI: Crime Scene Investigation	Cuts	Primer Time	Reunion "1987" (HD)
:30	ER	Scrubs	"Grave Danger" (HD)	Wife and Kids	Wife and Kids	Fox 34 News@Nine
8 PM	Come and Take It Day	News	KLBK 13 News	That '70s Show	News	Friends
:30	Nightly Business	News	KLBK 13 News	That '70s Show	News	Friends
9 PM	Charlie Rose	(35) Jay Leno (HD)	(35) David Letterman (HD)	King of the Hill	(35) Nightline	Seinfeld
:30	BBC World	(35) Conan O'Brien	(35) Late Late Show	Fear Factor "Couples"	(05) Insider	Frasier
10 AM	Destinos	(35) Jim Gaffigan	Paid Program	Paid Program	(05) Jimmy Kimmel	Cheers
:30	GED	(35) Last Call	Paid Program	Blind Date	Paid Program	Just Shoot Me

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- Raising Victor Vargas 15 September 2005 - 7:00 PM Escondido Theatre FREE ADMISSION
- The Motorcycle Diaries 16 September 2005 - 7:00 PM Student Union Escondido Theatre FREE ADMISSION
- The Chorus 21 October 2005 - 7:00 PM Escondido Theatre FREE ADMISSION
- The Station Agent 11 November 2005 - 7:00 PM Escondido Theatre FREE ADMISSION

Roberts heads toward likely confirmation

WASHINGTON (AP) — Supreme Court nominee John Roberts carefully picked his way through a second day of questions from the Senate Judiciary Committee on Wednesday as Republicans challenged Democrats to support his all-but-certain confirmation as the nation's 17th chief justice.

"If people can't vote for you, then I doubt that they can vote for any Republican nominee," said Sen. Orrin Hatch, R-Utah.

Minority Democrats sounded unsuited.

Sen. Charles Schumer told Roberts he was "cutting back a little on what you said yesterday," referring to an earlier statement that the Constitution provides a right to privacy.

The New York Democrat made his charge after Roberts declined to cite any examples of disagreement with the opinions of Justice Clarence Thomas on the subject. Thomas has written there is no general right to privacy, a right often viewed as the underpinning of a right to abortion.

"We are rolling the dice with you," Sen. Joseph Biden, D-Del., told the 50-year-old appeals court judge, who turned aside questions about abortion, the right to die, the permissibility of torture and other issues he said may come before the court.

Even as Roberts fielded questions, there was fresh evidence of the contentious issues that await him if he is confirmed to replace the late Chief Justice William H. Rehnquist. There were gasps from the audience when word was relayed from the committee dais that a federal judge in California had ruled the recitation of the Pledge of Allegiance in public schools was

unconstitutional because it includes the words "under God." Roberts was not asked for his opinion.

For the second straight day, Roberts fielded questions calmly, summoning descriptions of past cases from memory. He spiced his testimony with a sense of humor, promising at one point that if confirmed, he would not seek a pay raise "next week."

Republicans projected ever greater confidence that he would soon preside in the grand marble Supreme Court building across the street from the Capitol.

"We need you to bring to the court your compassion and your understanding for the lives of others who haven't been as successful as you have been," said Sen. Mike DeWine, R-Ohio, one of several Republicans who spoke as if giving a send-off message to a man about to embark on a new mission.

GOP officials say they are confident of the support of all 10 Republican members of the panel when the committee roll is called on Thursday next week, although it is possible all eight Democrats will oppose him. The full Senate may vote the following week, in time for Roberts to take his seat before the high court opens a new term on Oct. 3.

Officials in both parties say Roberts is likely to receive votes from several Democrats when his nomination reaches the full Senate. Among them are senators who represent Republican-leaning states or those who joined in a bipartisan compromise earlier this year to defuse a threatened showdown over the administration's conservative appeals court judges.

Schumer, who chairs his party's senatorial cam-

aign committee, told reporters after the day's session he doubted the vote would loom as one of the major issues in the 2006 midterm elections.

Across several hours in the witness chair, the former Reagan administration lawyer was modestly more forthcoming than he had been on Tuesday.

He sparred anew with Sen. Edward M. Kennedy about civil rights. "Did I hear that it's not constitutionally suspect as far as you view it today?" the Massachusetts Democrat asked about a key section of the Voting rights Act. "Yes," said Roberts, going beyond what he had said on Tuesday.

In other areas, while he made no commitment, he told Sen. Patrick Leahy, D-Vt., that if four other justices wanted to grant a new hearing to a prisoner on death row, he would join them to make a majority for temporarily preventing the execution. "It obviously makes great sense. ... You don't want to moot the case by not staying the sentence," he said.

In response to a question from Sen. Sam Brownback, R-Kan., he said Congress has the right to overturn a recent Supreme Court ruling that allows cities broad power to seize and raze people's homes for private development. "This body and legislative bodies in the states are protectors of the people's rights," Roberts said. He said he had been surprised when he learned of the court's ruling.

In numerous other cases during the day he politely but insistently declined to answer questions.

He told Sen. Russell Feingold, D-Wis., he would not discuss questions of discrimination against homosexuals, or provide an opinion about the legal

representation due to certain prisoners held in the war on terror.

He refused to be drawn into a discussion with Biden or Sen. Dianne Feinstein of California when they asked about a "right to die."

And he said he wouldn't discuss the particulars of a case that Sen. Arlen Specter, R-Pa., the committee chairman, asked about in which the Supreme Court overturned a law Congress had passed.

Later, Specter told reporters Roberts had "answered more questions than most."

"Nominees answer about as many questions as they think they have to to be confirmed," added the Pennsylvania Republican. "I think it may well be, and it's too soon to say with certainty, that Judge Roberts has gone beyond."

Schumer disagreed. He told Roberts he had turned the hearing room into a "cone of silence."

Feinstein voiced a different concern.

"I guess what has begun to concern me a little bit is Judge Roberts, the legal automaton, as opposed to Judge Roberts, the man," she said as she tried without success to elicit his views on end-of-life issues.

Sen. Dick Durbin, D-Ill., said Roberts, a steel executive's son who attended a private boarding school in Indiana and later graduated from Harvard, lived a comfortable life, and he questioned whether he could deal with cases involving society's less fortunate.

"I had a middle-class upbringing in Indiana," Roberts said. "I worked in the steel mills outside of Gary" during the summers. "Comfortable, yes, but isolated in no sense."

Woman executed for slaying husband, kids

HUNTSVILLE (AP) — Frances Newton was executed Wednesday for the fatal shootings of her husband and two children 18 years ago, becoming the third woman, and first black woman, to be put to death in the state since executions resumed in 1982.

Strapped to the death chamber gurney and with her parents among the people watching, she declined to make a final statement, quietly saying "no" and shaking her head when the warden asked if she would like to speak.

Newton, 40, briefly turned her head to make eye contact with her family as the drugs began flowing. She appeared to attempt to mouth something to her relatives, but the drugs took affect. She coughed once and gasped as her eyes closed and her mouth remained slightly open. Eight minutes later at 6:17 p.m., she was pronounced dead.

One of her sisters stood flat against a wall at the rear of the death house, her arms raised against the wall and her head buried in her arms, refusing to watch. Her parents held hands and her mother brushed away a tear before they walked to the back of the chamber to console their other daughter.

About three dozen demonstrators chanted outside but the crowd paled in comparison to the group of

hundreds that assembled in 1998 to protest the execution of Karla Faye Tucker, who was the first woman executed in Texas since the Civil War.

"She's back with her family, in her mind," said John LaGrappe, one of her attorneys, who met with Newton less than two hours before she was executed and described her as "strong and optimistic."

"It's her faith in God," LaGrappe said.

He characterized her as the victim of a set of statutes that denied her access to the Supreme Court and blamed state-appointed lawyers early in her appeals process for missing deadlines that barred Newton from raising legal claims.

"It's a sad statement about the judicial process," he said. "To me, this is outrageous."

Without dissent, the high court declined a pair of appeals about an hour before Newton was scheduled to be taken to the Texas death chamber.

The Texas Board of Pardons and Paroles, which last year paved the way for Gov. Rick Perry to issue a reprieve about two hours before Newton was set to die, on Monday unanimously rejected a request that her death sentence be commuted to life in prison. Perry rejected another delay in the execution Wednesday

afternoon.

She also lost appeals in state and lower federal courts. Her execution was the 13th this year in Texas. She was the 11th woman executed in the United States since the Supreme Court in 1976 allowed the death penalty to resume.

Newton didn't deny putting a gun in her 7-year-old son's knapsack and stashing the bag at an abandoned house. But she and her lawyers argued the .25-caliber blue steel revolver she hid was not the one used to fatally shoot her son, Alton; her 21-month-old daughter, Farrah; and her husband, Adrian, 23, at their Houston apartment.

Newton insisted she was innocent, and the claim about the gun was among several in her appeal to the Supreme Court. She also contended her trial attorneys were incompetent and evidence at her trial improperly was destroyed.

"I know I did not murder my kids and my family," she told The Associated Press in a death row interview. "It's frustrating ... nobody's had to answer for that."

Prosecutors called Newton's appeals meritless, noting that a second gun never was recovered, that repeated ballistics tests confirmed the gun she hid was the murder weapon, and that any destruction of evidence was not improper.

UT System unveils proposal for Bush library

AUSTIN (AP) — The University of Texas System on Wednesday unveiled its proposal to host President George W. Bush's presidential library and museum in Austin or Dallas.

The proposal suggests building the complex either in downtown Dallas, in the northern part of that city on UT-Dallas' campus or in west Austin on a tract of land owned by the university.

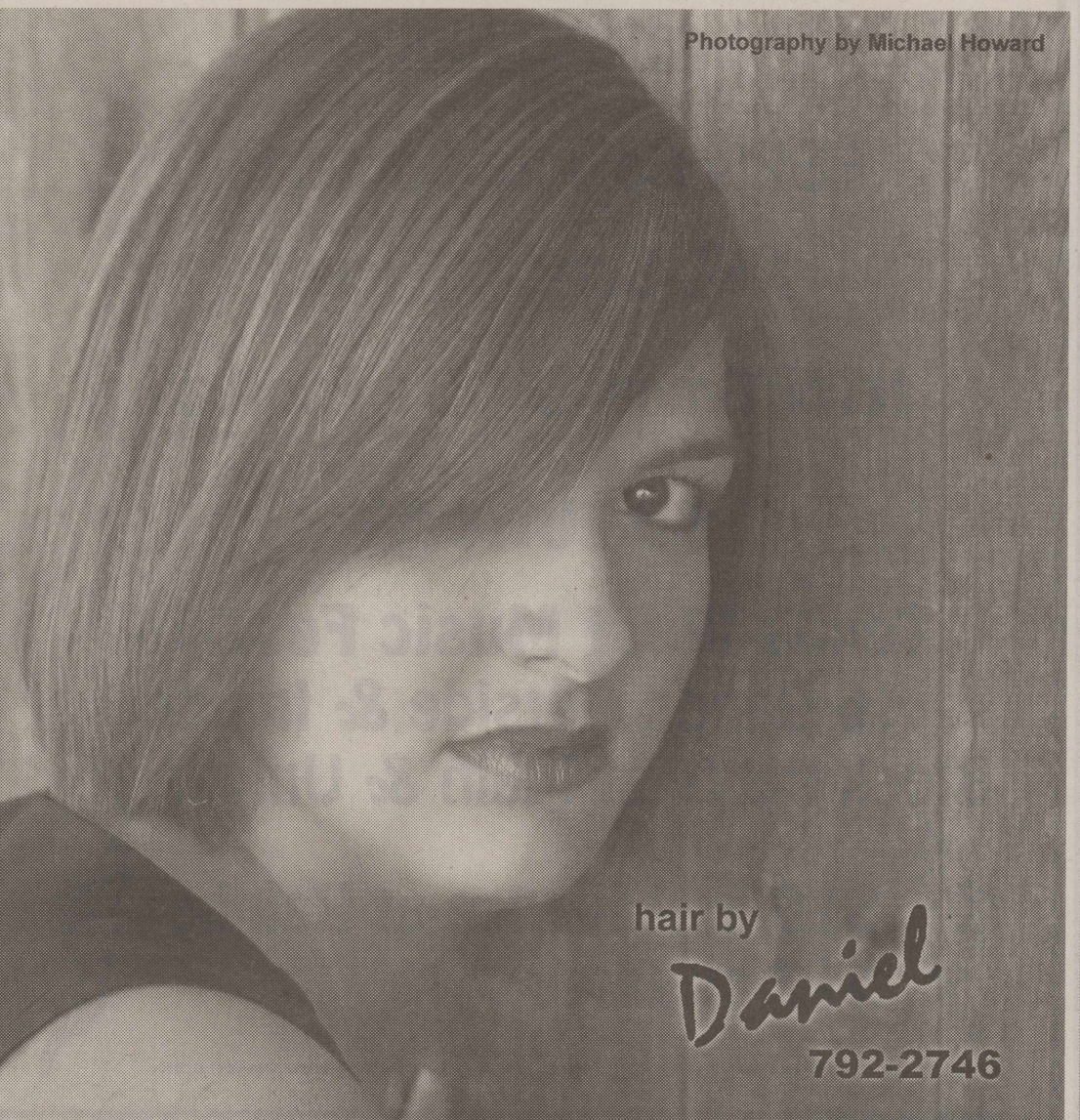
UT System officials also proposed a secondary site at UT-San Antonio to serve as a high-security conference

center for world leaders and scholars, the Austin American-Statesman reported in its Wednesday online edition.

The proposals are due Thursday. The White House has not said when it may choose a location.

Others in the running for a presidential library include Texas A&M University, Texas Tech University, Baylor University, Southern Methodist University, Midland College and the University of Dallas.

The UT system already is home to the Lyndon B. Johnson Presidential Library and Archives.



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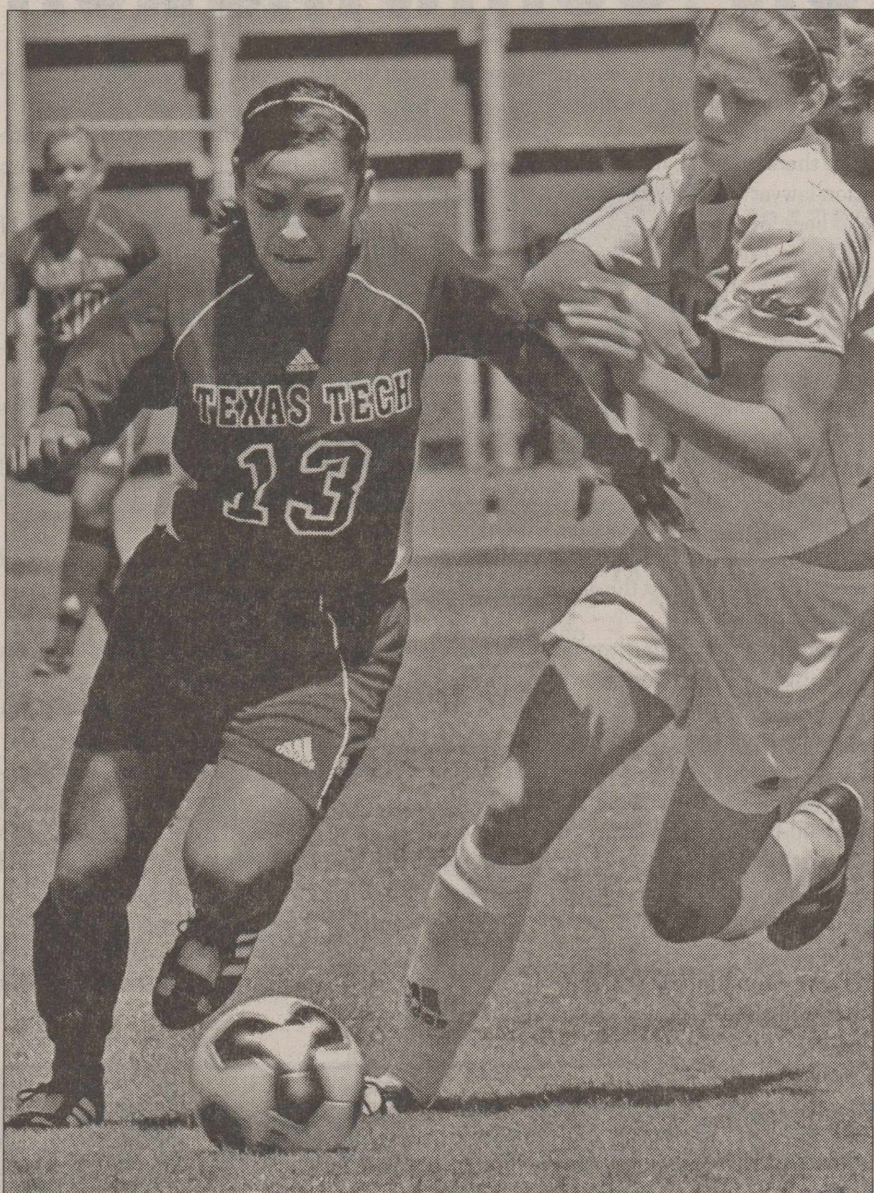
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The family plan: Tech sophomore credits families for success



VANESSA VELA/The Daily Treador
SOPHOMORE MIDFIELDER PRISCILLA Esquivel looks to evade an opposing defender. Esquivel led the Raiders in scoring as a freshman.

By JEREMY REYNOLDS
STAFF WRITER

Being the top scorer on any team—basketball, tennis or ping-pong—is a rare bragging right that comes along but once a year. It is not easy making it to the top of the hill, and statistically improbable to do it as a freshman.

However, Texas Tech soccer player Priscilla Esquivel, known to her teammates as "Cilla" proved last year that it is simply improbable—not impossible.

Esquivel credited the title of top scorer to switching positions. She made the transition from forward to midfielder with ease and success.

"I'm now feeding off players to give them chances to score," Esquivel said.

On the field, Esquivel led her team in shots last season with 33—19 of those being on net. But off the field, she lives a more quiet life.

"Mostly, I like to be at home and watch movies," Esquivel said. "I like all kinds of movies but mostly lovey-dovey stuff."

She started playing soccer at age five to keep up with her older brother. Throughout the years, she has played at the high school and travel levels of competition. While traveling from one city to the next during her junior year of high school for her club team, she began collecting what most people buy when they want to remember or forget something: a shot glass.

"I've collected (shot glasses) from all different states," Esquivel said.

This is her second year with the Red Raiders, but already she has seen changes in her team's chemistry and playing styles.

"We've changed a lot," Esquivel said. "We do a lot of things as a group on and off the field. We've started to work together as a family, which is exactly what a team is."

Keeping up the trend of being a family off the field, Esquivel is roommates with three other players on the team. She shares an apartment with sophomore goalkeeper Tina Rincon, sophomore midfielder Ashley Reed and freshman defender Amy Mathiak.

"It's a lot of fun," Esquivel said. "I've really gotten to know them more personally and it brings us closer together. We'll sit around the dinner table sometimes and talk about the games."

One of Esquivel's better relationships in life is with family, but not her Red Raider siblings. She said she is very close with her older brother who is now in the Army. She said they play soccer together when they are both in town.

"He'll come out and kick the ball around with me; and he always pushes me to do my best," Esquivel said. "My brother's been a big influence on my life."

So far this season, Esquivel and her Tech family are sitting at a 1-6 record. Esquivel said she has complete confidence in her teammates and the struggling program.

"We're a growing program and working every day so hard," Esquivel said. "We're waiting for that right moment when we

can get a win. Hopefully, it'll be this Friday."

The program has progressed a lot since she started school at Tech, Esquivel said. For the future, she said she wants to help out where she can to get the team further developed.

"I going to try to do what I have to do to try to be a leader out on the field," Esquivel said.

Coach Neil McGuire said Esquivel is not a verbal leader out on the field, but she does work very hard for her teammates, which in itself is leadership.

"Cilla is first a very nice person and is good for team chemistry," McGuire said. "She has fun doing what she does, and it shows in her play."

Esquivel has another two years at Tech, and McGuire said he felt

she has a "tremendous" future with the team.

"She is arguably one of the most talented players to have ever played here, and her willingness to work to enhance her game will be the determinant of her success," McGuire said.

Since playing on the Tech team, Esquivel has noticed a change since her days of playing soccer for her high school.

"There's a lot more competitiveness and drive to win," Esquivel said. "It's also a lot more physically demanding."

Her drive to win and push herself gave her a team-high 15 points last season.

She is arguably one of the most talented players to have ever played here...

— NEIL MCGUIRE
Texas Tech women's Soccer coach

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OSU tight end gets hate mail for drop against Texas

COLUMBUS, Ohio (AP) — Ohio State tight end Ryan Hamby has received a couple of hate letters since dropping a sure touchdown pass during the Buckeyes' loss to Texas last week.

Cutting over the middle into the end zone, Hamby was open when Justin Zwick's pass bounced off his chest and into the air. He had a second chance to grab it but was slammed by a defender just as the ball touched his hands.

A touchdown would have given Ohio State a 10-point lead in the third quarter. The Buckeyes ended up settling for a field goal and eventually lost 25-22 to Texas.

"I can't think about it too much because we still have a lot of football to play," he said as the ninth-ranked Buckeyes prepared for Saturday's game with San Diego State. "I'm not going to lie. I think about it some times. But you've just got to move on."

A senior from Cincinnati, Hamby said he had a sleepless night after dropping the pass.

"I just came open and, I don't know, it all happened so fast," he said. "I knew I caught the ball and it got knocked out of my hands. I was

kind of laying there thinking, 'Man, I wish that didn't happen.' But it's part of life and you've got to deal with it."

Asked about the content of the letters, Hamby said, "I'm not going to talk about them, but they're just dumb things. You almost want to say, 'You know, in the scheme of life there are things going on around the world. It's just a game.'"

Several of Hamby's teammates supported him Tuesday, saying that there were plenty of opportunities to win the game regardless of what happened on that one play.

"It kind of makes me upset that people would do that to him," linebacker Anthony Schlegel said. "I don't see them out there."

Hamby said he was doing his best to forget the play and the ugliness of the fans.

"I've thought about it and stuff and it's hard, but you've got to deal with it," Hamby said. "I've got my teammates, coach [Jim] Tressel, everybody's behind me. So I'm not going to worry about it. We've got San Diego State and we've got to focus on that."



Volleyball

CONTINUED FROM PAGE 16

in the game.

"In the middle of Game 2 they thought they were gonna win it and the effort went away and they thought they could just coast through it," Todd said.

Senior middle blocker Stella Odion and junior outside hitter Nicole LeBlanc combined for 13 kills for the Bears to help them take the second game. Senior middle blocker Melanie Hamerly haunted the Raiders constantly around the net, racking up three blocks and five kills through her first two games.

Baylor dominated most of Game 3 early on for a 10-4 lead but Tech would mount a comeback that got them as close as three points but the Raiders never pulled past the Bears and Hamerly, who continued to dominate on the outside.

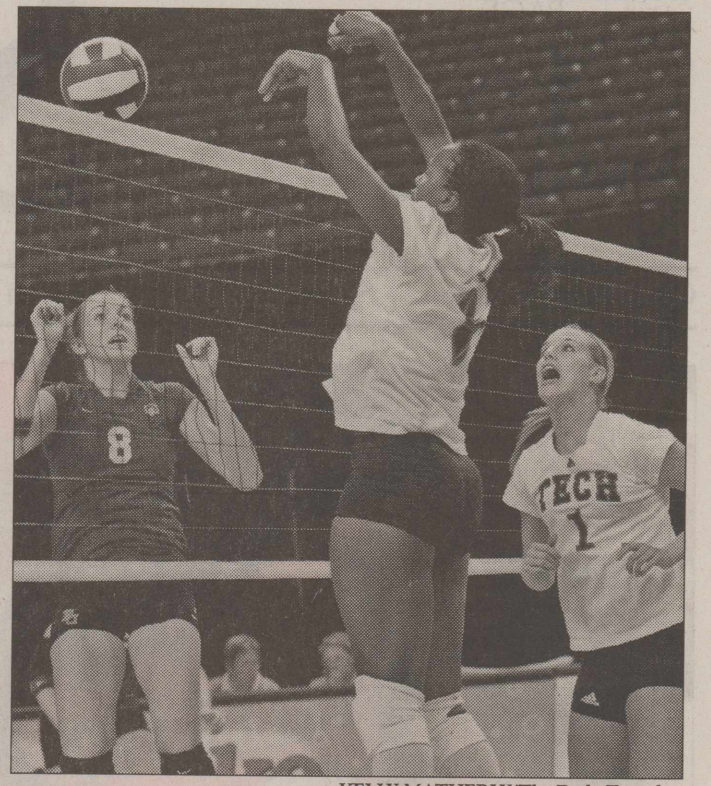
Hamerly and senior outside hitter Kelly Spriggs would combine to get the last five points they would need to close out game three, 30-22.

"They did a great job of blocking and they hustled like crazy," Todd said.

Game 4 just never seemed to go the Raiders way as they continued to be outplayed on the court and fell behind early, 14-6. LeBlanc continued to dominate offensively for the Bears and put away 15 kills and 15 digs to help the Bears finish off the Raiders, 30-20.

Sang snagged another double-double for the Raiders with 13 kills and 11 digs but Todd said they have plenty to work on before taking on No. 22 Kansas State this Saturday, and it could involve some possible lineup changes as well as plenty of running.

"It could change," she said. "You kind of have to do something at home to point."



KELLY MATHERLY/The Daily Toreador JUNIOR PHILISTER SANG, goes for the block in the Red Raiders conference opener Wednesday night, at the United Spirit Arena in Lubbock.

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DAVID JOHNSON/The Daily Toreador

SOPHOMORE RECEIVER DANNY Amendola is on the second half of a 7-yard touchdown reception from fifth-year senior Cody Hodges in Saturday's contest against Florida International. Amendola finished the game with five receptions for 91 yards and two touchdowns.

Fountain of youth located

Tech's talented core of young receivers step up, excites coach Mike Leach

By JOEY KIRK
EDITOR

If Pro Cuts is in need of a new model, Texas Tech football coach Mike Leach might be a candidate.

Despite playing five freshmen skill players in Saturday's game against Florida International, Leach's locks still are intact.

"It's not like you're sitting there wanting to pull your hair out watching," he said. "There's stuff you'd rather see them do."

And the Red Raiders got that chance in the 56-3 victory over the Golden Panthers at Jones SBC Stadium on Saturday.

During the game, two true freshmen and three redshirt freshmen had their first receptions while wearing the red and black.

Eric Morris, L.A. Reed and running back Shannon Woods all sat out last season for their true freshmen years, but on Saturday, Leach said they came to play.

"I thought that all of those guys adjusted pretty quickly, and I was a little surprised, pleasantly surprised," he said.

Morris caught three passes for 37 yards. Reed had 34 yards on two recep-

tions, and Woods caught one for six after running for 42 yards on six carries and two touchdowns.

Todd Walker, a high school quarterback turned receiver, played in his first collegiate game, gaining 19 yards on two receptions. Catron Houston wasn't far behind, catching a single pass for three yards.

For their debuts, Leach said Reed and Walker managed to make improvements on the field after getting acquainted with the speed of the game.

"L.A. and Todd Walker started off a little shaky, but they immediately rebounded and caught every ball thrown their way," he said. "They started to make plays."

Leach said he figured getting all of these players to calm down and play football would take some time, but it didn't.

"You never know how long this goofy little adjustment thing will go," he said. "But they got into the swing of things really quickly."

At one time during the game, Leach said nine freshmen were playing offense for Tech.

Coming into the 2005 season with the nation's No. 37-ranked recruiting class, according to www.Rivals100.com,

Leach said it didn't really surprise him as much with their success.

"I was pleased with that, and I was also happy with how many young guys we were able to get out there," he said.

In fact, Leach said he could not remember all of those young players who got on the field — on offense or defense.

"There's a lot," he said.

Junior receiver Marquis Johnson could be placed on the list as well. He played against Baylor in 2004 but didn't have any catches. In the Raider's first game, Johnson caught three passes for 10 yards, giving him his first statistics at Tech.

Leach said Johnson has great hands — something to look for in a receiver — but there are a couple of things he needs to work on.

"I thought that Marquis did some good things," he said. "He didn't really have any trouble catching it, but maybe he played a little slower than he should have at times."

Fifth-year senior quarterback Cody Hodges had nothing but praises to give these first-time collegiate players. He said he has seen it from Day 1 of fall practice.

"All through camp, I've said we had

the most talented group of receivers we've had since I've been here for five years," he said. "Everybody can make plays."

Although it wasn't sophomore inside receiver Danny Amendola's first time playing for Tech, catching 13 passes for 119 yards last season, he added two touchdowns to the scoreboard as well as 91 yards on five receptions.

Hodges' 29-of-37 passing performance for 454 yards helped as well. But Hodges, being humble, said he couldn't take all of the praise.

"They really deserve more than I get," he said.

With freshmen stepping up into positions, Leach said he wouldn't be against putting some of them in starting spots.

"I would say we have guys that are starters that need to sharpen things up, and we got some guys that if they continue to emerge and focus on what we're doing, they'll continue to provide some solid depth," he said.

Just like any freshman on campus, Leach said his players always are looking for something relaxing — which is something hard to find on the field.

"Everybody wants to get comfortable," he said. "And football's not a sport where it's comfortable."

Bears 'scare' Tech in conference opener

By TRAVIS CRAM
SENIOR SPORTS WRITER

Baylor walked into the United Spirit Arena Wednesday night and walked right out in the same fashion after defeating Texas Tech, 3-1 to win the Big 12 opener.

Tech coach Nancy Todd said the Red Raiders did not play with the

same effort that Baylor had out on the court.

"They outworked us for sure out there," she said. "They were touching every ball and we were just scared out there."

Tech (6-4,0-1) got off to a sluggish start with Baylor (7-2, 1-0) taking a 5-1 lead and an eventual 16-11 lead before Tech would come firing

back on a 13-2 run.

Junior outside hitter Philister Sang and junior outside hitter Robyn Bucy led the offensive attack for the Raiders on the 13-2 run. Baylor would claw its way back to within two points but Tech held them off for a 30-27 win.

The Raiders came out with a 15-7 lead before Baylor was able put

together a 6-0 run and stay in the game. Tech put the Bears down 24-19 and it would be all Baylor from that point on.

Kills on both sides kept the game tied up back and forth through 31 points, but two costly errors by Tech would give Baylor the comeback win

VOLLEYBALL continued on Page 15

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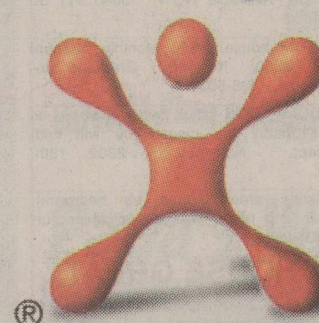
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