

**UDNEWS:** Athletic official resigns under scrutiny page 4

**UDA&E:** The Texas Tech theatre prepares for their summer season page 7

**UDSPORTS:** Six women golfers make the Academic All Big 12 golf team page 8

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LUBBOCK, TEXAS 79409



# THE UNIVERSITY DAILY

FRIDAY, JUNE 6, 1997

SERVING TEXAS TECH UNIVERSITY SINCE 1925

VOLUME 72, ISSUE 4

## Gaines could renew suit against officials

**Carrie Kilman**  
THEUNIVERSITYDAILY

Two Texas Tech athletic officials may face individual lawsuits if former Tech defensive tackle Stephen Gaines can prove a legitimate cause of action within 20 days.

Gaines, who played for the Red Raiders in the 1990, 1992 and 1993 seasons, filed a federal lawsuit in February against the university, football coach Spike Dykes, assistant coach Rhudy Maskew and former



Gaines

academic counselor Ron Reeger, claiming they used fraud, negligence and racketeering to maintain Gaines' eligibility. Gaines' lawsuit against Tech was dismissed Monday by U.S. District Judge Stanley A. Fitzwater, who ruled that the university is immune from the lawsuit under the 11th Amendment, which protects states from

being sued unless the state willingly waives its rights or Congress voids the state's immunity. Tech is considered an arm of the state because it is a publicly funded institution and therefore is protected under the 11th Amendment immunity clause, said Tech Legal Counsel and Vice Chancellor Pat Campbell. Fitzwater also ruled that the lawsuit against Dykes, Maskew and Reeger failed to show a legitimate cause of action. Gaines filed his

lawsuit under the Racketeer Influenced and Corrupt Organizations Act, which requires the plaintiff to prove damage to business or property.

According to Fitzwater's ruling, personal injury and loss of educational opportunities are not compensable under the RICO Act. Gaines has 20 days to amend his complaint — if the revised complaint is deemed legitimate, Dykes, Maskew and Reeger would face individual lawsuits.

Dykes, Maskew and Reeger could not be reached for comment Thursday. However, Campbell expressed doubt that the complaint could be adequately amended. "I don't think he's ever had a legitimate lawsuit," Campbell said. "The law has been clear since he filed the lawsuit that it wasn't a meritorious lawsuit."

In his complaint, Gaines accused the university of violating 10 NCAA bylaws, improperly using university funds, failing to enforce class attendance policies and misdiagnosing a knee injury that eventually caused Gaines to lose a professional football contract. "Stephen was induced to attend Texas Tech at the age of 17 by Spike Dykes and other coaches and was promised that he would be given a good education and an opportunity to play in the NFL," Christopher Kalis, the Dallas attorney representing Gaines, said in a

See Gaines, page 4

See Gaines, page 4

See Gaines, page 4

## Family sues Tech, LISD for pool-related death

**Brian Smith**  
THEUNIVERSITYDAILY

Texas Tech Student Recreation Center officials would not comment on a suit filed May 16 in the 72nd District Court involving a May 22, 1995, near drowning in the aquatic center swimming pool.

Joe MacLean, director of the Student Recreation Center, said he could not comment on the situation because the case is pending.

The suit was filed by John Williams Sr., pastor of Wesley Memorial Church, who alleges that Tech and the Lubbock Independent School District were negligent when his son, John Williams Jr., nearly drowned in the aquatic center pool at the Alderson Junior High All-School spring party, sponsored by the AJH student council. Williams

Jr. later died from complications.

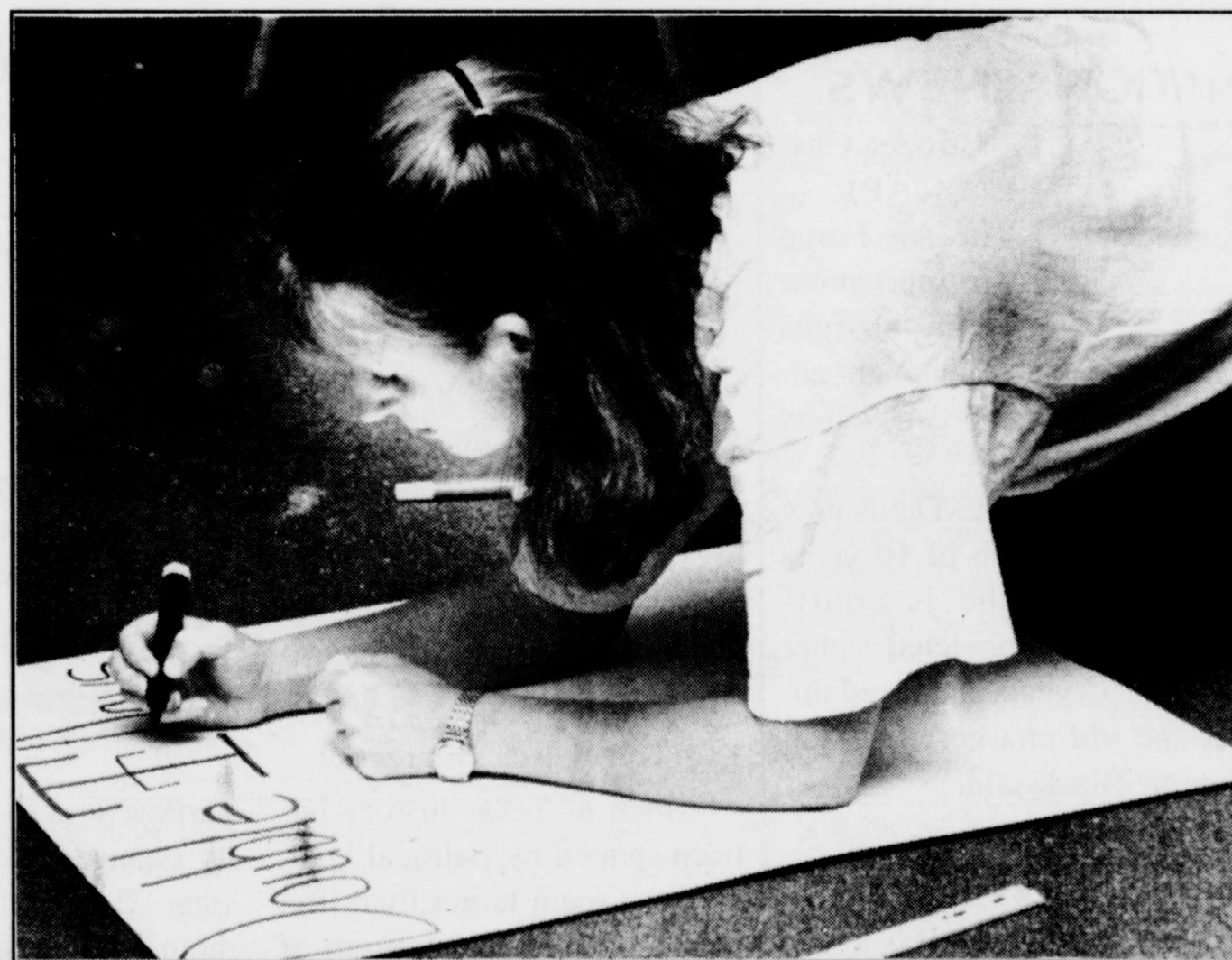
Williams Sr. said he believes his son, a special education student, had no business swimming in the pool, much less jumping off the diving board into the deep end of the pool.

Williams Sr. said he did not sign a permission slip for his son to attend the event or to swim. Although the death was listed as an accident on the autopsy report, Williams Sr. said he believes foul play was involved by the staff present at the time of the incident.

"You have to rely on witnesses to consider it an accident," Williams Sr. said.

Richard Azbill, chief forensic supervisor at University Medical Center, said a Justice of the Peace must determine if the death

See Family, page 8



Wes Underwood/THEUD

If you draw it, they will come: Kristi Duncanville, a senior sociology major from Brooks, makes a poster for new student orientation's "Double T Days."

### UDINDEX

A&E	6
Campus Calendar	2
Classifieds	7
Business Briefly	2
News	4
Opinion	3
Police Beat	2
Weekend Spotlight	2
Weather	2

### SPOTLIGHT on Capitol

Austin (AP) — After a career spanning four decades in which he forged a reputation as the most powerful person in Texas politics, Lt. Gov. Bob Bullock said Thursday he won't run for re-election.

Instead, the veteran Democrat said, he wants to focus on his family and friends.

The announcement — made before an overflow crowd behind the Senate chamber where he has presided since 1991 — marks the

beginning of the end of a political journey that Bullock began 40 years ago with a two-year term in the state House.

In that time, Bullock made his mark on major state policy from managing water resources to fund-

ing education to preserving Texas history.

He is legendary for his personal exploits, ability to work his will in politics and government and his love for his home state of Texas.

## WEATHER



**TODAY**  
High 80  
Low 60

Saturday 79/62  
Sunday 77/60

## IN BRIEF

### WORLD NEWS



Algiers, Algeria (AP) — Officials early Friday reported lower-than-expected turnout in parliamentary elections, apparently undermining the opposition's chances for victory — but also indicating weak support for Algeria's army-backed-regime.

President Liamine Zeroual was seeking a mandate in Thursday's vote for his struggle to crush an insurgency that has left 60,000 people dead.

### NATIONAL NEWS



Bossier City, La. (AP) — The Air Force dropped most of the charges against a female lieutenant accused of writing obscene letters to her lover's wife.

First Lt. Crista L. Davis now faces a maximum of 10 years in prison if she is court-martialed and convicted, rather than the 55 years she faced under the old charges, Lt. Col. Temple Black said.

### STATE NEWS



Dallas (AP) — The Justice Department is investigating the business dealings and campaign contributions of businessman Harold Simmons, *The Dallas Morning News* reported today. The newspaper cited two sources as saying the Justice Department's Office of Public Integrity is looking into whether Simmons broke federal laws.

## CAMPUS CALENDAR

• To publish a campus or community event in the CampusCalendar, submit in person, by telephone or by e-mail a brief description of the event, including time, date and location. All events must be submitted to the editor five days in advance. Campus Calendar is a free service to the Tech and Lubbock community.

### TODAY

- Kathy Chamberlain will perform at J&B Coffee Co., 8 p.m., no cover.
- Metropolis will perform at Chelsea Street Pub & Grill, 9 p.m., no cover.
- Call 797-9533 for more information.
- The Toon Bros. will perform at Fat Katz, 9 p.m., no cover.
- The Ideas Unlimited performance of David Mamet's

"Oleanna" at the Avalon Theatre, 8 p.m. Tickets cost \$7.

For reservations or more information, call 797-0411.

- The professional performance of "Always...Patsy Cline" at the Cactus Theater, 8 p.m., ticket prices vary.
- The Lubbock Community Theater will perform "Annie Get Your Gun," 8 p.m., ticket prices vary.
- Blue Prairie will perform at 7:30 p.m. at the Lamb County Ag Center in Littlefield. Tick-

## POLICE BEAT

• The following information was compiled from University Police Department reports. For more information, call the UPD at 742-3931.

### June 2

- A University Police Department officer investigated damage to a vehicle that occurred at 19th Street and Boston Avenue.
- A University Police Department officer investigated a theft that occurred at the KTXT-TV station.
- A University Police Department officer investigated an as-

sault which occurred in the Development Office.

- A University Police Department officer arrested a student in the 900 block of Akron Avenue for an outstanding LSO warrant.

### June 3

- A University Police Department officer investigated telephone harassment that occurred

ets cost \$5 per person or \$8 per couple. Call 747-5232 for more information.

### SATURDAY

- Joel Sprayberry will perform at J&B Coffee Co., 8 p.m., \$1 cover.
- Metropolis will perform at Chelsea Street Pub & Grill, 9 p.m., no cover. Call 797-9533 for more information.
- The Toon Bros. will perform at Fat Katz, 9 p.m., no cover.
- The Ideas Unlimited performance of "Oleanna" at the Avalon Theatre, 8 p.m. Tickets cost \$7.
- For reservations or more information, call 797-0411.
- The professional perform-

ance of "Always...Patsy Cline" at the Cactus Theater, 8 p.m., ticket prices vary.

- The Lubbock Community Theater will perform "Annie Get Your Gun," 8 p.m., ticket prices vary.

### SUNDAY

- The public program titled "Kindred Soles: The 25th Infantry" will be presented at the Texas Tech Museum in the Kline Room, 2 p.m.
- The program is part of "The Buffalo Soldier: The African-American Soldier in the US Army" exhibit.
- Blue Prairie will perform at 8 p.m. at Davis Park, 42nd Street and Nashville Avenue.

in the Horn Residence Hall.

- A University Police Department officer investigated a theft that occurred at the bike rack at Knapp Residence Hall.

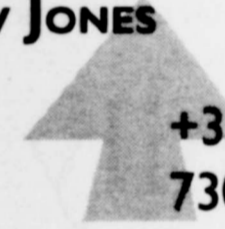
### June 4

- A University Police Department officer investigated disorderly conduct that occurred in the Bursars Office, room 163 Drane Hall.
- A University Police Department officer arrested a student for driving while license was revoked in the 2500 block of 15th Street.

## BRIEFLY BUSINESS

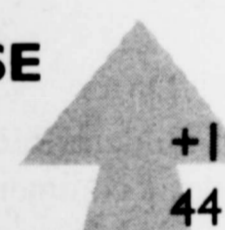
• Thursday, June 5

### DOW JONES



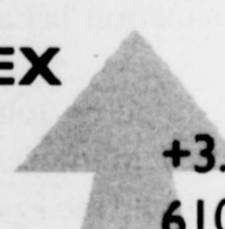
+35.63 to  
7305.29

### NYSE



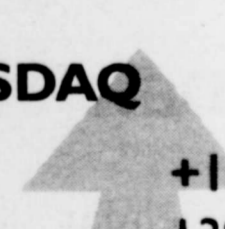
+1.46 to  
441.64

### AMEX



+3.02 to  
610.75

### NASDAQ



+10.38 to  
1390.05

- Claim for unemployment benefits rose from 19,000 to 337,000 last week. — CNN

## STATE VIEW

• On Bob Bullock's retirement

"Much of Texas history has been shaped by political leaders who seem larger than life, individuals whose strength of purpose and force of personality changed the course of our state. Bob Bullock is one of them." — Texas Gov. George

W. Bush

"The contributions he has made to our state will affect the lives of all Texans forever. This is the end of an era in Texas government." — Attorney General Dan Morales

## WEEKEND SPOTLIGHT

• "Oleanna" at the Avalon Theatre

Texas Tech administrators require faculty to complete one of four methods of training designed to discourage harassment in and outside of the classroom.

One of those methods involves watching a film based on

David Mamet's play, "Oleanna," that attempts to draw the controversial line that defines sexual harassment.

The play describes the events surrounding a female student's accusations against her male professor.

Tech students and Lubbock residents will have the opportunity to see a staged version of the play at 8 p.m. today through Sunday at the Avalon Theatre, 2405 B 34th St. The play also will run June 13 through 15 and 20 through 22.

Tickets cost \$7. For reservations or other information, contact Ideas Unlimited at 797-0411.

The University Daily is independent of the School of Mass Communications, and the opinions expressed in The UD are not necessarily those of Tech administrators or the Board of Regents.

## In the HOTSEAT • FOCUSING ON CURRENT EVENTS

**PASS** • Kudos to the Lubbock Police Department for acting so quickly in Thursday's arrest of a Lubbock man charged with murdering a 67-year-old grandmother. The woman was found dead in her North Overton apartment Wednesday. The man charged with her murder lives in the same complex.

**PASS** • Thumbs up to Tech Chancellor John T. Montford for publicly stating his commitment to stay at Tech in light of the resignation of Texas Lt. Gov. Bob Bullock. Montford was rumored to have been interested in running for the vacant position but said Thursday that he was "110 percent committed" to the university.

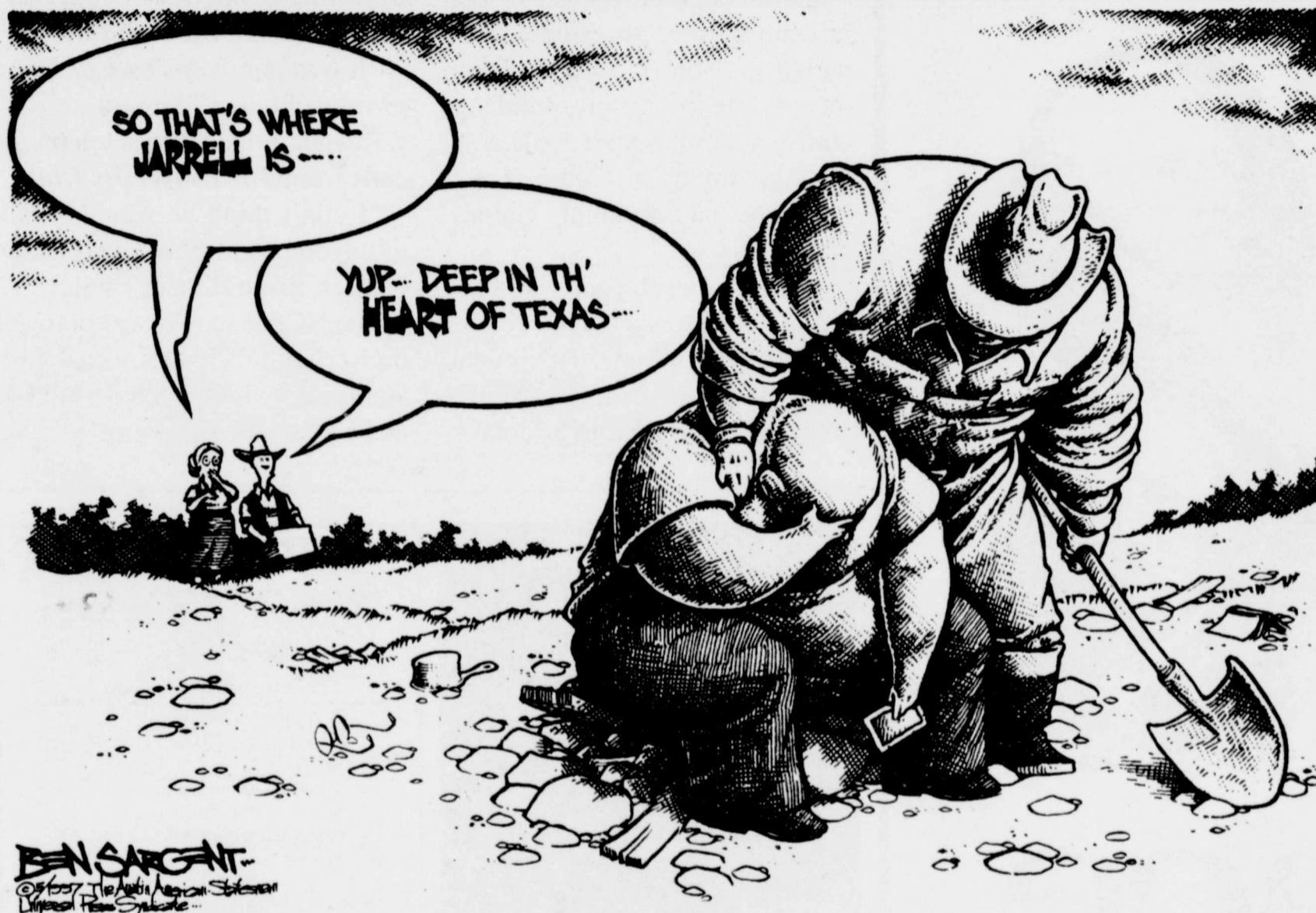
**FAIL** • Thumbs down to members of the national press who have increased recent press coverage of Chelsea Clinton as she graduates high school. Coverage of her day-to-day happenings, which now border on tabloid journalism, have become intrusive and excessive, while other important issues have been left to the wayside.

## CAMPUS VOICE

Do you believe student-athletes should follow admissions requirements that are stricter, as strict, or not as strict as other students?

**Stricter — 8 percent**  
**As strict — 91 percent**  
**Not as strict — 1 percent**

CampusVoice is a weekly survey of 100 anonymous, randomly chosen students. Survey questions are printed every Tuesday, and results are printed every Friday. Any registered Tech student can answer survey questions, either in person or by e-mail. A current Tech ID is required.



## Life sentence would teach McVeigh lesson



Aleesa Miller  
COPY EDITOR

Many things come to mind as the sentencing of Timothy McVeigh looms over our heads.

Death penalty or life in prison?

It isn't any easy decision for anyone to make.

Choices have to be made about the ethics of the death penalty and the pros and cons of each option. Personally, I am in favor the death penalty — "an eye for an eye" and all that stuff.

However, this case is a little different for me — I hesitate to be so quick to make a judgment. I am convinced that McVeigh would suffer far more by being locked up for the rest of his life with nothing to do but think, instead of having his life quickly taken away. He could spend 24 hours a day, every day, thinking about what he did to all of those innocent people — thinking about what possibly could have led him to such a low point in his life.

You really have to wonder what the hell he was thinking when he loaded up that Ryder truck with explosives and parked it in front of the Oklahoma City federal building that fateful April day two years ago.

But if all goes well, McVeigh will have the next 70 or so years to ponder that. Maybe he had some bizarre, twisted and demented ulterior motive. Maybe an inner voice told him to do it. It was something.

One thing is certain — we will never know. That is, unless he writes a book or sells his soul to some tabloid television show. And, honestly, would we really want to know the truth? Or at least McVeigh's sick little version of the truth?

I don't think so.

Frankly, I think we would all be a little frightened and extremely sickened (more so than we already are) by the intricate details of his twisted little plan.

Let's just pray that he has the decency to spare the American public the gory details of his scheme.

TheUniversityDaily@ttu.edu

## READERS REPLY

### Terrorism label needs reconsidering

I've heard something in the news that has been bothering me. I am sick of hearing that Tim McVeigh committed the biggest act of terrorism in U.S. history. Yes it was a terrible thing that happened, but is it the biggest act of terrorism in our country's history? Did we all forget that our own

president, who ignored a Supreme Court ruling, forcibly removed people from their homes? After being removed from their homes, these people were forced to walk across the country. Our own military marched these people to death. Is it not considered terrorism if the majority approves? Andrew Jackson ordered that the Indians in Georgia be removed, and 4,000 men, women and chil-

dren died. If this wasn't terrorism, what was it?

Jake Lambert

### Columnist missed mark on recruiting

I found Mr. Blackwell's uninformed editorial concerning Tech's recruitment of merit scholars very disturbing (5/30/97). Mr. Blackwell paints a very dark picture of the situation at my alma mater.

Tim Hopper, chemical engineering, Class of '82

## THE UNIVERSITY DAILY

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**A&E (742-2936):** Sebastian Kitchen, Amy Osmulski.  
**Editorial (742-3395):** Jeffrey Blackwell.

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Gaines

continued from page 1

previous interview with *The University Daily*. "They couldn't do that, and that is fraud."

According to Fitzwater's ruling, Gaines must reimburse Tech, Dykes, Maskew and Reeger for all taxable court costs they incurred. Tech had

not received any reimbursement as of Thursday afternoon, Campbell said.

The Dallas-based Vinson & Elkins law firm, from which Tech hired legal representation for the case, notified university officials of Fitzwater's decision Tuesday.

"Of course we were pleased — there's always a concern that it would go to court," said Tech Athletic Director Gerald Myers. "We

had no idea when the decision would be made, so we were surprised when we found out, but I wasn't necessarily surprised about the outcome."

Gaines probably has the option of appealing Fitzwater's decision regarding Tech's immunity, Campbell said.

Kalis and Gaines were not available for comment Thursday evening.

Reeger resignation still stands

Ginger Westbrook  
THE UNIVERSITY DAILY

Although allegations against Ronn Reeger concerning former Texas Tech football player Stephen Gaines were dropped Wednesday, his resignation from the athletic department still stands.

Reeger, former athletic events manager, left Tech to pursue a private business in Lubbock, said Sports Information Director Richard Kilwien. May 30 was Reeger's last day of employment at Tech.

Gaines accused Reeger of giving him answers to a final examination in Bible 1133 (Old Testament Survey), a correspondence course at Southeastern College of the Assemblies of God in Lakeland, Fla., and arranging Gaines' class loads.

At that time, Reeger was serving as interim academic services director in the athletic department.

Kilwien said athletic officials are not rushing to find a replace-



Reeger

ment for Reeger. "It is summer, and there's not a whole lot going on now," Kilwien said.

The athletic department is looking within their office first to find qualified people, said Associate Athletic Director Ron Damron.

However, Reeger's resignation was not related to the re-organization efforts being made by the department, nor was it suggested he leave Tech, Damron said.

"It was purely his own decision as far as I know," he said.

Reeger did not return telephone calls from *The University Daily*.

"I don't think he wants to talk to anyone right now," said Cathy Reeger, Ronn Reeger's wife.

The NCAA would not comment on Reeger's resignation or the investigation into Tech's football and basketball programs.



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\*JURASSIC PARK: THE LOST WORLD DTS(PG-13)  
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\*BUDDY (PG) 11:30 2:05 4:35 7:10 9:40  
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NIGHT FALLS ON MANHATTAN (R) 10:40 1:35 4:40 7:40 10:35  
THE FIFTH ELEMENT (PG-13) 1:00 4:10 7:25 10:45  
LIAR LIAR (PG-13) 11:20 2:00 4:40 7:20 10:00  
\*GONE FISHING (PG) 10:50 1:45 4:35 7:25 10:15  
ROMY AND MICHELLE'S (R) 11:35 2:20 5:05 7:50 10:35  
THE SAINT (PG-13) 10:30 1:30 4:30 7:35 10:45  
FATHER'S DAY (PG-13) 10:35 1:05 4:05 7:05 9:50  
AUSTIN POWERS (PG-13) 11:45 2:15 4:45 7:15 9:45  
ANACONDA (PG-13) 11:40 2:25 5:00 7:35 10:20  
MURDER AT 1600 (R) 10:45 1:25 4:25 7:20 10:20

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CON AIR (R) 11:05 1:45 4:40 8:00  
CON AIR (R) 1:00 4:15 7:00 9:45  
TRIAL AND ERROR (PG-13) 11:30 1:35 4:30 7:15 9:35  
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## Cooksey named to director position

Scott W. Cooksey was named director of development and external relations for the College of Agricultural Sciences and Natural Resources May 30.

His new responsibilities will include raising funds to support college programs and activities from non-state and non-federal sources.

As a certified fund-raising executive, Cooksey also will oversee all activities that are related to potential donors and college alumni.

"He is exceptionally well-qualified," said former director

Bill Bennett. "He grew up in this area and has a strong background in fund-raising."

Robert Albin, associate dean of the department and chairman

of the committee that hired Cooksey, said, "I'm excited about Scott's being here. He brings to us a fresh perspective

and strong enthusiasm."

Cooksey graduated from Texas Tech with a bachelor's degree in marketing in 1980. His most recent job was the director of development for Christian City Inc.

**He brings to us a fresh perspective and strong enthusiasm.**

**Robert Albin, associate dean**

## Montford earns ARCS's 'Man of Year' honors

Texas Tech Chancellor John T. Montford recently was named "Man of the Year" by the local chapter of Achievement Rewards for College Scientists.

ARCS members and advisory board chairmen honored Montford at a reception at 7 p.m. Thursday at the Ranching Heritage Center.

"The award honors the



Montford

a lot to Lubbock."

Montford is the first man to receive the award, and Hastings said ARCS's advisory board, which determined the criteria and se-

lected the winner, plans to sponsor the event every year. ARCS is a nonprofit organization that raises scholarship money for Tech and Lubbock Christian University students studying natural sciences, engineering and medicine.

The organization has 140 members and has raised \$729,800 in scholarship money since its conception in 1972.

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# IRS punished by court for conduct

DENVER (AP) — In hindsight, insulting the IRS agent during an audit was probably not a good idea.

But Carole Ward let it fly with this gem: "Honey, from what I can see of your accounting skills, the country would be better served if you were dishing up chicken-fried steak on some interstate in West Texas, with all the clunky jewelry and big hair."

A short time later, federal agents raided her son's business and then

released confidential information about her taxes to the media in what Ward called "character assassination."

This week, a federal judge reprimanded the IRS for its actions and awarded the woman about \$325,000 in damages and attorney's fees.

"By this award, this court gives notice to the IRS that reprehensible abuse of authority by one of its employees cannot and will not be tolerated," U.S. District Judge

William Downes said after the non-jury trial. "Part of that responsibility requires that you accept criticism, however inaccurate and/or unjustified, in silence."

Ward, 49, said she is not proud of what she said to auditor Paula Dzierzanowski during the 1993 audit. The meeting was one of several regarding income taxes owed by the children's clothing stores owned by her son, Tristan, then 20.

Two weeks later, IRS agents seized and padlocked the stores with a so-called jeopardy assessment demanding \$325,000 in back taxes from Ward. Such an order is considered extreme and is nor-

mally used when the IRS fears it is in danger of never collecting the taxes, said Ward's attorney, William C. Waller.

Ward's family depended on the stores as their sole source of income, and the seizure put them in desperate straits. She said her family even lost their electricity because they were unable to pay their bills.

Why the IRS targeted Ward rather than her son is unclear, said another of her attorneys, Dennis Mark.

"They took the position that Carol Ward owned the stores," Mark said.

## Speech spotlights soldiers

Henry B. Crawford, curator of history at the Texas Tech Museum, will give a speech titled "Kindred Soles: The 25th Infantry."

The lecture will be at 2 p.m. Sunday in the Kline room of the museum, located at Fourth Street and Indiana Avenue. The speech is part of the Tech museum's programming for the exhibition "The Buffalo Soldier: The African American Soldier in the U.S. Army, 1866-1912."

This lecture is the last in a series about a group of black soldiers who served in the military on the Western frontier in the 19th century.

The exhibit features work by Frederic Remington and ends July 7.

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**Linksters named to academic team**

Six Texas Tech women golfers were named to the Academic All Big 12 women's golf team, tying Missouri for the most players on the team.

Linksters Beth Covington, Kristin Knight, Brooke Lowrance, Alana Soliz, Julie McMahon and Jill Stelzer are on the first team.

To be named to the Academic All Big 12 team, an athlete must

be a letterwinner in his or her sport and maintain a 3.0 GPA or better.

Athletes maintaining a 3.3 GPA or better are on the first team, and students maintaining a 3.29-3.0 GPA receive an honorable mention.

Tech women's golf coach Jeff Mitchell said athletics will always be important, but it will always be second to academics.

**Family**

continued from page 1

was accidental.

This case has not been investigated until now, Williams Sr. said. Once the case is investigated, he believes new information about the incident will be found.

Pat Campbell, Tech vice

chancellor and general counsel, said he does not believe the Williams family has a strong case against Tech. Campbell said the event was not sponsored by Tech, therefore the school does not have any liability.

"From Tech's point of view, I don't want to say much about a pending law suit," Campbell said.

Attorneys for LISD and the

Williams family could not be reached for comment.

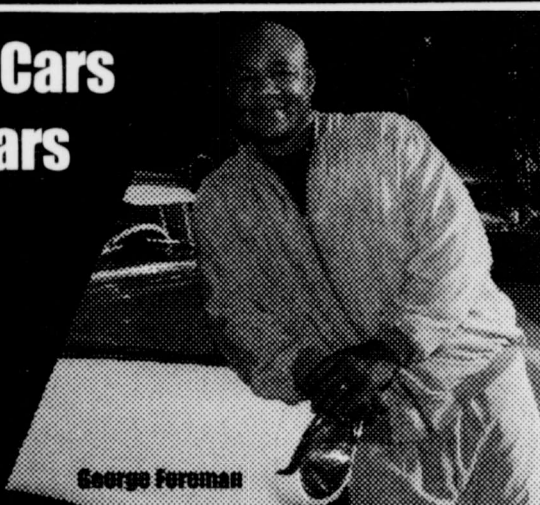
Williams Sr. said numerous donations have been made in his son's memory to Wesley Memorial Church.

The church, located at 1717 Idalou Road, was named in Williams Jr.'s memory.

"His middle name was Wesley," Williams Sr. said.

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