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HSC professor's trial date postponed

By Heather Jones/Staff Reporter

According to a court order on May 12, the complexity of the case involving Health Sciences Center professor Dr. Thomas Butler has caused his trial date to be postponed from July 7 to Oct. 6. This date is definite and no further continuance will be granted.

Butler told FBI agents on Jan. 14 that 30 slides of *Yersinia Pestis*, the bacteria that causes the bubonic



Butler

Attorney's office.

In a written statement to Special

plague, had been missing since Jan. 11, although he knew he had destroyed the vials before that date, according to the U.S.

Agent Dale Green of the FBI, Butler said he made a misjudgment by not telling (Dr. Jones, the laboratory safety officer) that the plague bacteria had accidentally been destroyed earlier.

The investigation that started at Texas Tech has been expanded to include Tanzania, England, Colorado and Maryland.

It involves coordination not only with Tech's HSC but also with many agencies Butler has done research for,

such as the Federal Food and Drug Administration, the U.S. Army, the Centers for Disease Control and Prevention and other agencies. Because of this and because, according to the court order, the discovery process is "cumbersome and time consuming" the government and the defense filed a joint motion for continuance.

"It will give us more time to prepare; it is a complex case in terms of documents," said Charles M. Meadows Jr., one of Butler's lawyers in

Dallas. "There are three government agencies involved who were working with Butler; we have to get all their documents, and it is a time consuming process because each of these agencies has their own lawyers."

Butler plead not guilty to all 15 charges that have been brought against him, including illegal transportation of smuggled goods, transportation of hazardous materials, fil-

BUTLER continued on page 3

HITTIN' THE BOOKS

By Andrew Evans/Staff Reporter

Summer vacation is over, and it is time for many Texas Tech students to begin going to class and start studying again.

Beginning Thursday, the first session of summer school began, and many students said they are excited about their classes. Some of the students enrolled in summer school said they prefer the everyday class schedule rather than the staggered schedule offered during the fall and spring semesters.

Some Tech students said they like summer school more than fall and spring classes because of the warmer weather and the less crowded campus.

Melissa Marlowe, a junior Public Relations major from San Antonio, said she has always been a fan of summer school.

"I've done it every summer since before I started at Tech," she said. "I enjoy it. It's a lot more laid back, and there's not as many people around campus."

Marlowe said she believes summer school is growing in popularity throughout the campus.

"I think it's becoming more popular, especially with the amount of students they're letting into school," she said. "It's harder and harder to get classes, and



DAVID JOHNSON/Staff Photographer

JULIAN MACEDO, A sophomore clinical systems management major from Colorado City, Texas, works on homework for his chemistry class in the Student Union on Thursday afternoon.

people are having to take the alternative and take summer school."

Jesse Brown, a senior social work major from Hagerman, N.M., said he is ready for summer school to end so he can graduate.

"It's my last nine hours before I graduate," he said. "I have to take summer school if I want to get out of here. It kind of sucks going to school during

the summer, but it's not that bad."

Julian Macedo, a sophomore clinical systems management major from Colorado City, Texas, said he likes the length of time of the summer semesters better than spring and fall.

"I enjoy it because you can

SUMMER continued on page 3

Former Texas Tech President Murray dies

By Sabra Jennings/Staff Reporter

One of Texas Tech's most influential presidents, Grover E. Murray, died May 21. He was 86 years old.

Murray served as Tech's eighth president from 1966 to 1976. He also served as the first president of the Texas Tech School of Medicine from 1971 to 1976.

Memorial services will be held at 2 p.m. June 22 at the Helen Jones Auditorium in Tech's Museum.

Murray celebrated numerous achievements during his time as president, and there were many firsts during his term, said Donald Haragan, interim president of Tech.

Murray focused on the creation of knowledge and the sharing of knowledge, Haragan said. He met Murray in 1969 when he interviewed for an assistant professor position in the geosciences department.

Murray started the International Center for Arid and Semi-Arid Land Studies in 1966, which is still in operation at Tech. The center's purpose is to bring research from many different areas to focus on water-related issues, Haragan said.

"The center is actually better known around the world than it is at the university," he said. "They deal with water problems from many other countries."



Murray

ICASALS. He first met Murray when he was asked to represent Duke University during Murray's inauguration.

"I think (Murray) was one of the greatest presidents of the university," Taylor said. "When he came here, it was Texas Technological College, and when he left it was Texas Tech University. The university took on an international complexion."

Before Murray's presidency, Tech was mainly a teaching institution, and he helped change the emphasis from teaching to research, Haragan said.

"(Murray) was the first person that had a real vision for the university," he said. "He was the first person to set (Tech) in the direction of becoming a research institution."

Murray's focus on research and building up the graduate programs

PRESIDENT continued on page 3

Tech, community, soccer team honor fallen teammate

By Ashleigh Adams/Staff Reporter

Since the death of Texas Tech freshman Allison Horn in March, friends and loved ones have honored her memory and ensured her situation to be a reminder of the dangers and consequences of drunken driving.

According to the police report from March 21, Horn, a defender for the Texas Tech soccer team and member of Chi Omega, was ejected from her vehicle after 38-year-old Laraine Allred clipped the back of Horn's car along state highway 121 in Bedford, causing the Ford Explorer to roll.



Horn

The report further states that a blood sample taken at the scene of the crime indicated Allred's blood alcohol content was .15, nearly twice the legal limit. Horn was in a coma for five days after the accident and died the morning of March 26.

"The most important thing to realize is that there was a mistake made," father Pat Horn said. "It is

not of any value to hold a grudge. Instead, we should learn from the mistake and move on."

Tech women's soccer coach Felix Oskam said the soccer team is coping well, but they took it very hard at first.

"Someone wrote 'God Bless Allison' in the locker room right after the accident, and it is still there today," he said. "The team has done well coping as a group; they were drawn together and forced to see what was really important."

Oskam dedicated next year's season to Horn's memory, retired her jersey and presented it to her parents in a glass case.

"There has also been talk about trying to name an academic room in

the new Marsha Sharp building after her, but we are still waiting on information from that," he said.

The Lubbock community also became involved when the local chapter of Mothers Against Drunken Driving held a ceremony in honor of Tech students who have been killed by drunken drivers. A tree was planted outside Lubbock County Courthouse in commemoration, and the students' names were announced at the dedication. A second tree dedicated specifically to Horn is to be sponsored by Chi Omega, Kappa Sigma, women's soccer and MADD.

"We haven't decided the location of the tree yet," Horn's Chi Omega big sister Katy Sut said. "We want to make sure with all the new construc-

tion that it is visible, so we may wait to plant it until the construction on the Sharp building is completed."

Horn's hometown also paid tribute to her memory by founding the Allison Horn Memorial Fund at People's Bank in her hometown of Colleyville. Assistant Vice President of the bank Pam Davenport said the community response was amazing.

"Allison's memorial fund was established by a few members of the community to help the Horn family with their funeral expenses and just day-to-day living," she said. "There was an auction, bake sale, barbecue and other fund raising events, and all the proceeds went to the fund. The community's dedication was really wonderful."

Suspect arrested in murder of journalist

MULTAN, Pakistan (AP) — An Islamic militant accused of helping to plan the kidnapping and killing of Wall Street Journal reporter Daniel Pearl was arrested at a bus station in central Pakistan on Thursday, police said.

The suspect, Qari Abdul Hai, who allegedly had close ties with the Taliban, is the chief of a banned militant group condemned by the United States as a terrorist organization, police said. The group has been accused of involvement in bombings at public places in Pakistan.

Hai was captured in

Muzaffargarh, 60 miles west of Multan, as he was about to board a bus for Karachi, the southern city where Pearl was kidnapped on Jan. 23, 2002, and later found dead, police official Awais Malik said.

Police refused to give more details about Hai's alleged role in Pearl's kidnapping.

Four Islamic militants were convicted last year of involvement in the kidnap-slaying of Pearl. One of them, British-born Islamic militant Ahmed Omar Saeed Sheikh, was sentenced to death, and the three others were given life sentences. All four have filed appeals.

Malik said Hai is head of the banned Sunni Muslim Lashkar-e-Jhangvi militant group, which was designated a terrorist group by Washington this year.

Secretary of State Colin Powell has said that Lakshar-e-Jhanvi is believed to have been involved in the crimes against Pearl and many bus and church bombings in Pakistan.

Most of the group's leaders have either been arrested, killed in police confrontations or gone underground. Its former chief, Riaz Basra, was killed in May 2002 in a shootout with police in a village in the eastern province of Punjab.

Malik said there was a \$35,000 reward for Hai's arrest and that he had been linked to the murders of many Shiite Muslims in different parts of the country in recent years.

Hai had close links with the former Taliban regime in Afghanistan, Malik said.

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Butler

CONTINUED FROM PAGE 1

ing a false export control document, giving false statements in violation of federal law to FBI agents and making and subscribing to a false income tax return.

Butler reported more than \$120,000 to "Legal and Professional Services" when the correct amount was \$7,400.

Col. W. Russell Byrne, a former colleague of Butler's at the U.S. Army Research Institute of Infectious Diseases at Fort Detrick, Md., said in a letter sent to the U.S. Attorney's Office concerning Butler's character the notion that Butler might have harbored any criminal intent is, based on his experience with Butler, impossible to believe.

"That just doesn't fit the man I know," he said in the letter.

On May 28, Floyd Holder, one of Butler's three attorneys, filed a motion to amend the conditions of his release because they "subjected him to humiliation" and were "fundamentally unjust."

Holder said Tuesday that the conditions were only agreed on in the first place in order for Butler to be released from jail.

Under the amended conditions,

Butler's bond amount was raised from \$100,000 to \$225,000. This amount was secured by Butler's residence and property in Lubbock.

The original condition of release that required Butler to wear an electronic monitor around his ankle and only be away from his home between the hours of 9 a.m. to 1 p.m. was rescinded. Instead Butler is no longer required to wear an electronic monitoring device and is now allowed to leave his home from 7 a.m. to 8 p.m. every day.

Under the previous conditions set forth by the court, the defendant could not leave Lubbock County. This also has been amended to allow Butler to attend his son's college graduation in California in June, as long as he provides a travel itinerary and calls to check in with Pre-Trial Services at specified times during the trip.

The conditions also allow Butler to own a computer and use e-mail as long as he does not contact any potential witnesses.

According to a statement from Jane J. Boyle, the U.S. Attorney for the Northern District of Texas, Butler could face a maximum of 74 years imprisonment and a \$3.6 million fine if convicted on all 15 counts.

President

CONTINUED FROM PAGE 1

helped attract more students, Haragan said.

Tech's infrastructure changed significantly while Murray was president, Haragan said.

Several buildings on campus were built including the Architecture, Jerry S. Rawls Business Administration and Chemistry buildings, Taylor said. He also founded the Texas Tech School of Law in 1967 and the School of Medicine in 1972.

Murray was responsible for moving The Museum of Texas Tech out of Holden Hall and into its new quarters, Haragan said. He also set up the Ranching Heritage Center.

Murray had an office at the museum until his death where he did research on geological structures. He researched different landforms, searching for oil and gas, said his secretary, Brenda Simmons.

After serving as president, Murray became a professor in the geosciences department until he retired.

Murray won many awards during his career, Simmons said. He received the Twen Hotel Medal from the Society of Sedimentary Geology and the Sydney Powers award from the American Association of Petroleum Geologists. He also wrote a book, "Geology of the Atlantic and Gulf Coastal Provinces of North America," which was published in 1961.

Murray was born in Maiden, North Carolina. He served as the chairman of the Department of Geology, Board Professor of Geology and Vice President and Dean of Academic Affairs at Louisiana State University before being recruited to Tech by the Texas Tech College Board of Regents.

He is survived by his wife, Sally, two daughters, Dr. Barbara Murray and Martha Poag, and his brother, James L. Murray.

Summer

CONTINUED FROM PAGE 1

learn so much and get so much done in so little time," he said.

Macedo said he believes the professors are easier to get along with during the summer sessions.

"I think that the teachers enjoy it more too," he said. "They seem more relaxed because it's summer. They are more agreeable and easier to get along with because of the smaller classes and the familiar faces in the classroom everyday."

When students change majors, summer school is a way to make up for hours lost. Amanda Bilberry, a physical therapy major from Dora, N.M., is trying to regain some hours from when she changed her major.

"I need to take summer school if I want to catch up," she said. "During the summer, I have more motivation to stay caught up because I'm there every day."



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TO APPLY: Send application to Human Resources, City of Lubbock, P.O. Box 2000, Lubbock, Texas 79457 or apply on line at www.ci.lubbock.tx.us. All applications must be received in the Human Resources Office located at 1625 13th Street, Room 104 by 5:00 p.m. on the closing date. Resume must be accompanied by an application. The City of Lubbock is an Equal Opportunity Employer. The City of Lubbock is under the Texas Public Information Act and information from your resume/application may be subject to release to the public.

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Truth, integrity — always journalist's best friends

It is a journalist's job to provide his readers with accurate, balanced, fair and objective news. There is no bending these few rules. It is our duty to perform these tasks to the best of our ability and not stray from this path of news dissemination.

When we do, we let down our audience and give them a false sense of security. It is this security that makes me a journalist. I pride myself in believing that I gave my readers what they wanted and, more importantly, needed every day. I don't think I could bear for one second the thought of misleading my readers. It would be a disservice.

One of the world's most renowned newspapers has recently let its readers down repeatedly because of a journalist who did not have the fire and passion most journalists do.

Jayson Blair, a former reporter for the New York Times, brought down a great cloud of criticism for his work at the paper. Blair resigned May 1 after being discovered for plagiarism, the deadliest sin of journalism.

Upon investigation Blair was found to have taken material from other newspapers and claimed it as his own, creating quotes and lying to the Times on his location. In most cases, one offense would be enough to lose employment, that is of course, if your employer discovers what you are doing.

Blair worked like this for the Times for quite some time. He began covering the sniper shootings in Washington, D.C. in October, and in 36 of the 73 articles written from October to his resignation delinquent reporting was found. That's 49 percent!

And that does not include the more than 600 stories he wrote before he was covering the sniper shootings.

How does one of the nation's most respected newspapers miss this? Who did catch it finally?

The Times claimed there was poor communication among editors at the paper, his sources never seemed to complain, and he was good at "covering his tracks." So it took a newspaper in Texas to catch him.

The San Antonio Express noticed similarities in his story that ran April 26 and one in the Express a week prior.

When Blair resigned, before he could get fired I would imagine, he apologized in his letter for his "lapse of journalistic integrity."

Lapse? A momentary fault or failure in behavior or morality? Months upon months of falsifying stories through created quotes, stealing stories, etc., keep moving down the list, is



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not a lapse of journalistic integrity.

He frequently used anonymous sources in his stories, and the Times never asked Blair who they were. He "wrote" a story about Private Jessica Lynch and her family upon her removal from a POW camp in Iraq. No one from her family remembers speaking to him for interviews.

Plus, his description of the family's home is inaccurate, meaning he claimed to be at their home, interviewing her parents, thus making him capable of saying her father was "choked up" and knowing there where tobacco fields outside. Lynch's family does not grow tobacco in Palestine, W. Va.

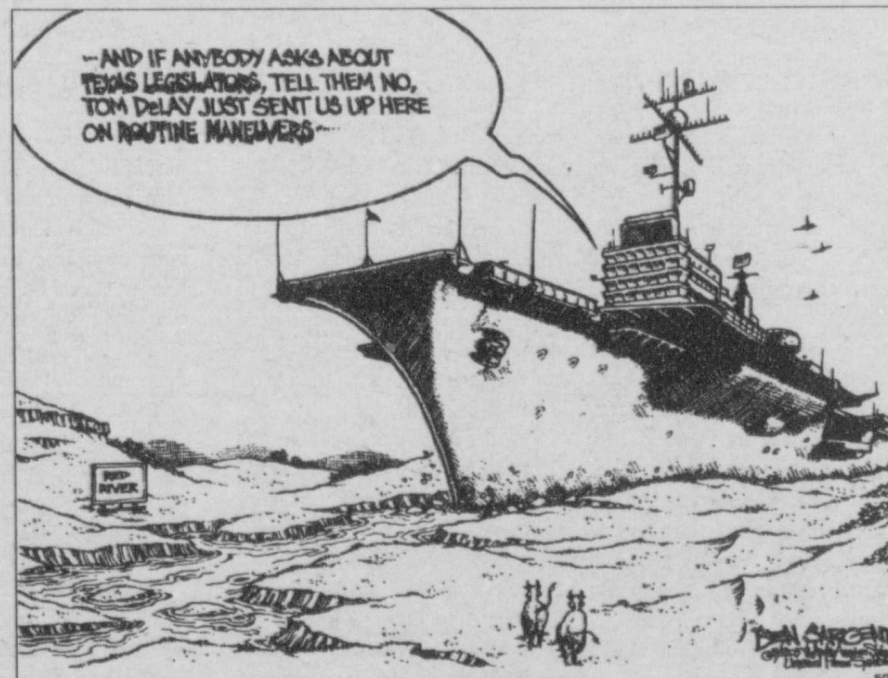
The bottom line is Blair's behavior was inexcusable. It is not a journalist's job to lead his readers down a path of inaccuracies and fake news. The newspaper is the one place the American people can go to rely on truth. They know when they sit down to drink their morning coffee and read the paper it will be truth printed on those pages.

They know that someone who bleeds black ink put their blood, sweat and tears into writing that story to make sure they were informed of what is happening in their community.

We have a job to do, and it is not to lose the trust of the readers. If the readers cannot trust the newspapers, who can they trust? Where will they get their information? If readers cannot trust newspapers, did we ever really make it to the moon? Did Watergate really happen?

Integrity is the foundation of a journalist and his newspaper; and because one man lacked it completely, he ruined the reputation of his paper forever.

David Wiechmann is a senior journalism major from Lubbock. Non-plagiarized e-mails may be sent to UD@ttu.edu.



Summer: a good season to watch movies

Summer has always been the big movie season. Movie theaters are packed for months, and lots of people rent movies. All of us want to see good movies since no one wants to waste time and money.

But how can you tell if a movie is worth seeing? You can pay attention to movie critics, but critics like Gene Shalit like everything. Most movie critics have different tastes than people like us, and this can steer you to bad movies.

Many people choose award-winning movies. You can use Oscars, or Golden Globes as a guide, but remember that awards often bypass good movies. Consider the fact that many top actors have never won Oscars. This list includes: Tom Cruise, Matthew Broderick, Bruce Willis, and Samuel L. Jackson. In fact the best actor of the past decade, Morgan Freeman, has never won an Oscar.

Can you rely on friends to direct you to good movies? My friends never warned me about a terrible movie called "Moulin Rouge," and I wasted an evening trying to make sense of this overrated flick.

Well, I'd like to recommend some good movies. I'm a movie buff, and I've seen some good ones. This isn't a scientific list, but I think you'll enjoy these movies.

For starters, I have found that the best way to pick movies is by the directors. Big stars have always driven Hollywood filmmaking, but better movies are made when top directors maintain control of the movies. We end up with complete stories and some amazing work.

One of my favorite directors is Quentin Tarantino. He should be considered one of the greatest directors of all time. Do you need proof? Tarantino has gotten some of the greatest perfor-



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mances of their careers out of a long list of actors including Samuel L. Jackson, Harvey Keitel, John Travolta, Pam Grier and Bruce Willis. Everyone know that "Pulp Fiction" was a master piece of filmmaking, but I'd also like to recommend "Jackie Brown" for its great story, and "Reservoir Dogs" for incredible dramatic tension.

Another great director is Luc Besson. He may not be a household name, but he has directed some great movies. "La Femme Nikita" and "The Professional" are really good movies.

Hopefully, this will help you choose some good movies the next time you want to see one. I don't have the space to name every good movie I've seen, but this is a good list for starters, and hopefully you have friends who will warn you about bad movies like "Moulin Rouge." I try my best to tell others about good movies and if everyone else follows my lead maybe we can save others from bad movies. Friends shouldn't let friends see bad movies.

William Mattiford is a graduate student at Texas Tech and is originally from Killeen. Movie buffs e-mail him at wamattifordjr@yahoo.com

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Students sue over free speech restrictions on college campuses

DALLAS (AP) — Time and again, Ruben Reyes asked the University of Texas at El Paso for permission to hold protests about environmental dangers, the administration and censorship — typical stuff for a campus demonstration.

Each time, Reyes was turned down by officials who said the student union where the creative-writing student wanted to talk was not one of the two "free-speech zones" on the campus of 17,000 students.

Reyes responded by joining a growing number of students around the country who have taken university officials to court, complaining that free speech is being stifled by institutions that in many cases promote themselves as pillars of democracy.

Free-speech zones began appearing on campuses in the 1980s as a way to allow expression without interrupting learning. But in recent years, students and activists say that limiting speech to a few designated areas is unconstitutional because it effectively bans speech everywhere else.

"What they have done is turn the First Amendment on its head," said Harvey Silverglate, a former Harvard law professor who co-founded the Foundation for Individual Rights in Education.

Instead of designating places where students can speak, schools

should be designating only places where they cannot, Silverglate said.

Some universities have agreed. Since November, West Virginia University has dropped its free speech zones after a legal challenge, and the University of Texas opened its entire Austin campus to demonstrations after a campus clash between abortion activists. Still pending is an ACLU lawsuit against the University of Maryland over free-speech zones.

At some schools, the battle is not over zones but codes that restrict the content of speech. Harvard Law School, for example, is considering a ban on offensive speech after a series of racially charged incidents.

Silverglate's group sued Shippensburg University in Pennsylvania this year over a diversity policy that warns against "unconscious attitudes toward individuals which surface through the use of discriminatory semantics" and conduct or "attitude" that "annoys" others.

At the University of California at Berkeley, the birthplace of the Free Speech Movement during the 1960s, administrators replaced the school's broad ban on "fighting words" a year ago with a more narrow policy that prohibits harassing speech toward a specific person. Generally, hate speech is allowed against a group, but

not an individual, said university counsel Maria Shanle. (Berkeley does not restrict speech to certain zones.)

At the University of Houston, an anti-abortion student group went to court to get the right to display pictures of dead fetuses outside designated speech zones. Under the university policy at the time, speech was allowed outside those zones only if the dean of students agreed.

A judge allowed the display and struck down the policy, saying it granted the dean "unfettered discretion" to decide what speech to allow outside the zones. The students sued again when the university changed its policy to ban all speech outside the four designated zones.

"Thirty-five thousand people and there's these four small areas and that's it," said Jonathan Saenz, a law

student and Pro-Life Cougars chairman. "It sent the message to the students that your speech isn't that important."

University spokesman Mike Cinelli said schools have the right to regulate the time, place and manner of speech. He also said schools can limit demonstrations that "disrupt the academic mission" of the university.

THE DEPOT DISTRICT

13 Clubs

1 Cover

Fridays and Saturdays



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DAVID JOHNSON/Staff Photographer

Brandon Webb (top left), a graduate student from Lubbock studying marketing, and Collin Reeves play Area 51 Thursday afternoon in the Student Union building. Webb was occupying his time between classes while Reeves was just waiting for his mom to pick him up.

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SARS cases in Toronto top 60

TORONTO (AP) — The number of new SARS cases in Canada's largest city could top 60, a senior health adviser said Thursday, raising worries about a possible new travel advisory.

The estimate from Dr. Donald Low came a day after authorities quarantined 1,700 students and staff from a suburban high school.

Low said health officials were likely to designate more patients as probable cases of severe acute respiratory syndrome when they apply a broader definition of the diagnosis to a new outbreak first noticed last week.

Officials fear the World Health Organization could issue another warning against travel to the city, like one on April 23 that was lifted a week later. Dr. Colin D'Cunha, the Ontario commissioner of public health, said the criteria for such a warning are 60 or more probable cases, five new probable cases a day and proof the illness was being exported to other countries.

Low, a microbiologist and key figure of the anti-SARS team dealing with the Toronto-area outbreak, said he expected the total of new cases to include about 40 at North York General Hospital, 10 to 15 at Scarborough Grace Hospital and seven at St. John's Rehabilitation Hospital.

"We're talking numbers at least in the 60s or 70s," Low said. He later said his figures referred to probable and suspected cases, which both are considered SARS patients and treated the same way.

Ontario and Toronto health officials have told more than 5,000 people to go into home quarantine for 10 days because of the latest SARS cluster, the biggest outbreak of the illness outside of Asia.

They put the number of known cases Wednesday at 11 probable and 23 suspected, with 50 other people under investigation for possible SARS.

They also announced two more

deaths of elderly patients, raising the overall death toll in the Toronto area to 29.

Before the new cluster became known, authorities thought the city's initial outbreak of SARS in March and April had been brought under control.

The new cases have put Canada's largest city back on a World Health Organization list of SARS-affected areas. Four more probable cases from the initial Toronto outbreak in March and April also remained hospitalized.

On Wednesday, the WHO advised Canada to broaden its definition of SARS following Low's concerns that the current one provided an incomplete accounting of the situation.

The Health Canada Web site defined a probable case as showing a severe progressive respiratory ailment. WHO has a less restrictive definition on its Web site, requiring a respiratory illness to be visible on chest X-rays.

Canadian federal health official Dr. Paul Gully said revising the case definition was under consideration. He conceded that changing Canada's definition would cause some suspected SARS patients to be classified as probable.

The quarantines include 1,700 students and staff at Father Michael McGivney Catholic Academy in Markham, a northern suburb of Toronto, where a student showed symptoms of SARS while going to classes for three days last week.

Health officials closed the school until June 3.

The student, the son of a health care worker at North York General Hospital, is listed as a suspected SARS case, but Dr. Murray McQuigge, a York Region Public Health official, said there was no doubt he had the virus.

McQuigge provided guidelines for home quarantine, including no visitors, sleeping in a separate room from anyone else and wearing a respirator mask when in contact with others. He said health authorities will deliver the masks to those in quarantine.

The new SARS cases mean further harm to Toronto's crucial convention and tourism industry. Officials have started aggressive marketing campaigns to lure back visitors after the initial SARS outbreak, including packages of cheap prices for lodging, meal and tickets to theater, baseball games and other entertainment.



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Burnam demands further investigation into shredded documents

AUSTIN (AP)—The state representative who sued the Department of Public Safety to block it from destroying documents relating to its pursuit of Democrats during a legislative standoff says Texas law officers wants to change the investigation's focus.

A state district judge on Wednesday ordered Rep. Lon Burnam and four DPS officials to testify at a hearing next week what they know concerning the destruction of DPS investigative files and notes on efforts to track down runaway Democrats who fled to Oklahoma.

Burnam, D-Fort Worth, charged that Texas Attorney General Greg Abbott's office "is apparently trying to find out who a whistle-blower is rather than stopping the illegal shredding of documents."

"I wonder what they have to cover up, especially with those AG people coming in and out of the command post," Burnam told the San Antonio Express-News in Thursday's editions.

Burnam referred to DPS surveillance videotapes of a command post

set up outside House Speaker Tom Craddick's office May 12, the day after 51 House Democrats left for Oklahoma. The tapes prompted Democrats to claim high-ranking GOP officials improperly sought federal assistance in finding the wayward legislators.

Burnam and House Investigating Committee Chairman Kevin Bailey said the tapes show Jay Kimbrough, the governor's homeland security coordinator, "going in and out of the command post" during the time it was operational.

Bailey, D-Houston, estimated that Kimbrough "must have been in there 95 percent of the time" in one 48-hour stretch of tape.

Kimbrough also heads the attorney general's criminal justice division. Bailey, who sought the tape as his committee considered launching an investigation into the records' destruction, since has decided not to investigate further, concluding that DPS "probably committed technical violations" of the Public Information Act, but that no criminal intent can be established.

Barry McBee, the second highest-ranking official in the attorney general's office, also was seen on the tape in the command center, Bailey noted. McBee formerly served as Gov. Rick Perry's chief of staff.

Kimbrough "was not at the command post as homeland security adviser," said attorney general spokeswoman Angela Hale. "He and McBee were there as attorneys general, giving legal advice to Craddick as the situation unfolded. Kimbrough made no calls whatsoever to Homeland Security, and assertions that he did are false."

Wednesday's ruling by visiting District Judge Charles Campbell set up a confrontation between Burnam and the Texas attorney general's office, which Burnam suggested was trying to hide collaboration between top Republicans and the DPS in the hunt for Burnam and 50 other Democrats.

Burnam, who with others had charged that Texas officials improperly sought assistance from the federal Homeland Security Department in the search for the missing

legislators, will be asked to reveal the identity of a "well-placed source inside DPS" on which

Burnam based much of a lawsuit he filed. The DPS has said it already destroyed those papers.

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