

Diplomas for sale  
A&M name used on fake degrees

Page 8

Superspy satellite  
Shuttle takes off on secret mission

Page 13

# Texas A&M The Battalion

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## Shelter's director acquitted

Associated Press

CORPUS CHRISTI — Sanctuary movement worker Jack Elder was acquitted Thursday of illegally transporting Salvadoran aliens in a case that pitted Reagan administration policy on Central America against a growing church-led relief effort.

"It is a relief," said Elder, who silently bowed his head as the verdict was delivered. "I'm anxious to get back to Casa Romero. I've been confident all along."

The seven-man, five-woman federal jury deliberated less than two hours before acquitting Elder, the director of Casa Oscar Romero, a halfway house for Central Americans in San Benito.

Jurors leaving the courtroom said the government failed to prove Elder tried to further the illegal journey of the Salvadorans by taking them to a bus station in Harlingen.

Elder, 41, faced up to 15 years in prison and fines totalling \$6,000 if convicted.

He has maintained he was acting out of his religious convictions and was being singled out by the government for prosecution.

Federal officials have repeatedly maintained Central Americans entering the U.S. illegally seek economic betterment — not political asylum, as the sanctuary movement claims.

The case was the second against sanctuary movement workers in Texas.

Stacey Lynn Merkt, 30, who works at Casa Romero, is on two years' probation for her conviction last May on similar charges. She and Elder face another trial Feb. 5 in Brownsville on charges of transporting illegal aliens.

When asked if he would give undocumented aliens other rides, Elder said: "I think we always try to take care of people's basic needs and some folks need rides."

His wife, Diane Elder, jumped up and down outside the courtroom, while Assistant U.S. Attorney Robert Berg said he was "surprised" at the verdict.

Jurors were not allowed to hear any testimony on Elder's contention that the Reagan administration is singling out sanctuary movement workers for prosecution. U.S. District Judge Hayden Head Jr. rejected defense attempts to inject the issue into the case during pre-trial hearings.

However, one defense witness testified religious convictions motivated Elder to help Salvadorans fleeing their war-ravaged homeland.

Prosecutors repeatedly told jurors Elder broke the law in March when he drove the three Salvadorans from his halfway house to a Harlingen bus station for a trip to Houston.

But in closing remarks, defense attorney Steve Cooper said Elder was simply giving them a ride.

"This is a simple little situation where a man gives a ride three miles down the road," Cooper told the jury.

Berg argued that Elder and Cooper seemed to want to disregard the law.

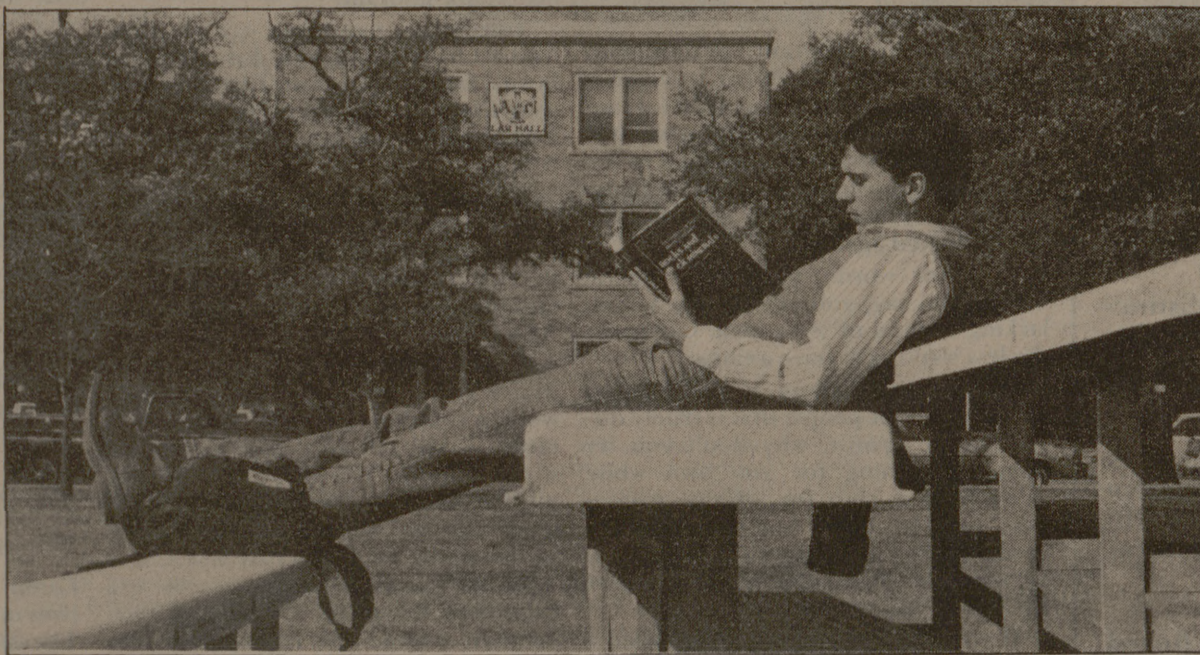
"They can't come in and mock the law and have the jury say what a federal case is and have the jury mock the law," Berg said.

Three of the four defense witnesses testified Thursday for a total of 20 minutes. The trial lasted only four days.

## Correction

On Wednesday Jan. 24, The Battalion incorrectly reported the date of the five kilometer race Run Against Torture. The race will be Saturday at 8:30 a.m., and not today as was reported.

The Battalion regrets the error.



## Taking Time Out

Photo by MELINDA PETO

Parker Atkins, a senior mining engineering major enjoys a day in the sun while studying

on the drill field bleachers. Thursday's temperature reached a high of 59 degrees

## Jury denies actual malice

# Time found not guilty

Associated Press

NEW YORK — A federal jury decided Thursday Time magazine did not libel former Israeli Defense Minister Ariel Sharon when it linked him to a massacre of Palestinians, but it said some Time employees were careless in putting together the story.

The six-person jury decided Time did not show "actual malice" in publishing a disputed paragraph, which it earlier found to be both defamatory and false. For "actual malice," it would have had to be proven Time published the paragraph knowing it was false or with "reckless disregard" of whether it was true or false.

Both sides claimed victory. "A lawsuit is very much like a war," Time attorney Thomas D. Barr said. "Who wins the battle is not particularly important. Who wins the war is terribly important. The war is over and we won."

"We came in order to prove that Time magazine lied and we managed to prove that they lied," Sharon said of his \$50 million lawsuit.

Sharon claimed a Feb. 21, 1983, Time cover story libeled him in re-

porting he "discussed" revenge for the assassination of Lebanon's president-elect, Bashir Gemayel — who headed the Phalangists — one day before the Christian militiamen massacred hundreds of Palestinians at two refugee camps in Israeli-occupied west Beirut.

After announcing the verdict, the jury foreman, Richard Peter Zug, read a statement in which the jurors said certain Time employees, especially Jerusalem correspondent David Halevy, acted "negligently and carelessly in reporting and verifying the information which ultimately found its way" into the disputed paragraph.

The jurors were not immediately available for comment.

Halevy, 43, a native Israeli who testified at the trial, was not present.

Thursday's verdict was crucial because although the jury, which had been deliberating since Jan. 14, had found for Sharon on the two earlier points, he also had to show malice and damage to his reputation to prove libel.

If the jury had found "actual malice," a mini-trial would have been

held to determine if Sharon's reputation was injured by the article and how much in damages he should be paid.

"We're most pleased with the verdict," said Ray Cave, Time's managing editor, who appeared at the courthouse at key points during the trial. "We remain confident the story is true and in due course it will be shown that it was true."

"I'm extremely happy that we won," Time's editor in chief, Henry Grunwald, said. "I'm not totally happy with the jury's earlier findings on defamation and on falsity because with all due respect to the jury ... I believe that they were wrong about defamation and the falsity."

"We believe that our story was substantially true, but the important thing is that Mr. Sharon was not able to defeat us in an American court for his own purposes."

Sharon, 56, now minister of industry and trade, said, "I feel that we achieved what it was that brought us here."

## Judge rules for Zentgraf in band issue

By SARAH OATES

Staff Writer

A Federal judge ruled Thursday Texas A&M must encourage women to join all organizations in the Corps of Cadets, including the all-male marching band.

During a brief hearing, U.S. District Judge Ross Sterling approved an agreement settling a lawsuit filed in 1979 by Melanie Zentgraf, a senior in the Corps at that time. The lawsuit charged organizations in the Corps discriminated against women on the basis of their sex.

"I find that it's fair, just, reasonable," Sterling said of the settlement. "The people of Texas elected an attorney general who has settled this case," he said. "I recognize the alumni. There's a lot of tradition, but traditions change."

The ruling also denied the right of the Texas Aggie Band Association, a group of band alumni, to intervene in the case. In September, the Houston law firm Reynolds, Allen & Cook filed a motion to intervene in the suit on behalf of the group.

John Tyler, the attorney representing the alumni, said he would appeal Sterling's decision to the 5th U.S. Circuit Court of Appeals in New Orleans.

"I'm disappointed at the court's ruling," he said. "I've no question that if we'd been given a trial we would've won."

Tyler argued during the hearing that a settlement requiring all outfits in the Corps to accept female members could lead to the disbanding of the two all-female outfits.

But Sterling disagreed, saying the decree "just says that outfits have to let those who qualify in, not that they (women) must be taken out of their outfits."

Tyler also is representing seven A&M students who filed motions blocking settlement of the suit, which was negotiated last October between Zentgraf's attorney and lawyers from the state attorney general's office.

The students, three of whom are members of the Corps, declined to comment on the hearing.

Suits are pending against four individuals also named in the Zentgraf suit.

The 26-year-old Zentgraf, now a captain in the U.S. Air Force, said she was "thrilled" by the ruling.

"This is far from over at A&M — it's only just begun," she said. "It won't be terrible at A&M. I think it's going to be exciting."

"This will allow women to do all the activities in the Corps. That's important for growth, acceptance in the Corps and for the things you want to do in college and in your life."

The A&M Board of Regents expressed disappointment that Texas Attorney General Jim Mattox settled the case without University input or approval.

"The 'Fighting Texas Aggie Band' is worth preserving as a very distinctive and unique organization unlike any other volunteer organization in the country," the regents said in a prepared statement delivered during a scheduled meeting Thursday afternoon.

Mattox, in a prepared statement, said the ruling will "bring the University's band in line with other longstanding practices at other Texas universities."

"This settlement upholds our Texas Constitution and its equal rights amendment," he said. "That is important to all citizens of Texas, no matter whether they are male or female because it says there is equal opportunity for everyone and that persons will be judged upon their own merits and not their sex."

In the suit, Zentgraf asked that the Corps be forbidden to refuse membership to women in its organizations. These groups include the Ross Volunteers, an elite honor guard, and the Fish Drill Team. Zentgraf said she applied to become a Ross Volunteer, but was not accepted.

"When I was there women were extremely harassed," she said. "If you wanted to try to join an organization, you'd lose friends just by making it known. There was no point in trying to join the band. I had enough harassment just for trying to join the organizations I tried to join. I saw no point in setting myself up further."

See Judge page 5

## Regents hear committee reports

### Mattox dismays board with Zentgraf settlement

By PATRICE KORANEK

Staff Writer

Members of the Texas A&M Board of Regents Thursday expressed dismay that Attorney General Jim Mattox settled the Zentgraf case without Texas A&M input or approval.

In a prepared statement given Thursday afternoon in a scheduled meeting of the board, the regents said Mattox was "not a fighter."

"There're all kinds of lawyers, some are fighters and others turn over and play dead," Regent Joe Reynolds said. "You figure out what kind he (Mattox) is."

The statement also said "the unique 'Fighting Texas Aggie Band' is worth preserving as a very distinctive and unique organization unlike any other volun-

teer organization in the country."

U.S. District Judge Ross Sterling approved a consent decree earlier Thursday requiring A&M to actively encourage female students to join the all-male Aggie Band and other Corps of Cadets organizations which bar women from membership (see related story).

The regents spent the remainder of the afternoon hearing reports from various committees.

The board approved the recommendation of the name selection committee to name the building under the stands of Kyle Field after Thomas A. and John Reed who have made many contributions to the University. Approval also was given to the committee's recommendation that the portion of FM 60 from Welborn Road to

FM 2818 be renamed West University Drive.

The budget advisory committee chaired by Regent William McKenzie gave several recommendations on attaining the proposed budget cuts by the state while serving the enrollment of Texas A&M.

H. R. "Bum" Bright, chairman of the board, challenged University administrators to go out and raise money rather than use money from state appropriations.

The board also passed 18 items including the approval of Dr. Herbert Richardson as interim director of the Texas Engineering Experiment Station, the appropriation of \$1.5 million from the Available University Fund for enhancing excellence in the engineering program.

### Board hears proposal from legislative group to trim A&M's budget

By ANN CERVENKA

Staff Writer

"Cut out the fat," H.R. "Bum" Bright, chairman of the Board of Regents, said Thursday in reference to the budget proposal given to the regents by the Legislative Budget Board.

Although cutbacks will be made, the board is prepared to meet them without letting the quality of education slip.

"We must enhance what we are doing, but do it at a lower cost to the taxpayers," Bright said during committee meetings of the board Thursday.

The board has taken the budget figures seriously. Chancellor Arthur G. Hansen said. Cuts will be made through enhancing efficiency in non-critical areas such as travel and publications while maintaining education and research quality, he said.

Bright received a letter from Gov. Mark White asking the University "hire no new people, not even replacements" without the approval of the LBB or the designated chief executive, Bright said. In a later meeting, Hansen was given the responsibility of chief executive.

"We are under severe budget restrictions," Bright said. "This University and this System has always responded to the needs of the state."

Texas A&M President Frank Vandiver emphasized the severe effects of the cuts on the Bryan-College Station community.

See Budget, page 8