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# Ruling: Army to halt random drug testing

WASHINGTON (AP) — A federal judge on Tuesday ordered the Army to stop random checks of 9,400 civilian employees for drug use because the tests are an unreasonable search prohibited by the Constitution.

U.S. District Judge Thomas F. Hogan found that the Army had failed to show that random urine testing was needed to ensure safety and security, and was therefore an "excessively intrusive" search prohibited by the Fourth Amendment.

Hogan said random checks could not be justified by safety concerns because the urine test used by the Army did not indicate whether an

employee was using drugs on the job.

In addition, "the government's nonsafety interests in maintaining a drug-free civilian workforce are not sufficiently compelling to justify the substantial intrusion of mandatory, random urinalysis," Hogan said.

"Illegal drugs are an enormous and dangerous problem," Hogan said. "It is with some regret that the court removes what might be a powerful weapon from the nation's arsenal in the campaign against illegal drug use, but the values represented by the Constitution and Fourth Amendment are transcendent."

Noting that another federal judge here last year upheld random drug testing of nearly 30,000 Transportation Department employees, Hogan invited the Justice Department to appeal his decision.

He also suggested that the U.S. Circuit Court of Appeals here consolidate the two cases for a single review of "a question of exceptional importance."

Based on Hogan's invitation, "we are reviewing the opinion and are considering an appeal," said Amy Brown, a Justice Department spokesman.

## Robertson wants to end libel lawsuit

WASHINGTON (AP) — Pat Robertson wants to drop his libel suit against a former congressman who questioned his war record, because going to trial now would "sacrifice his presidential campaign," his lawyer said Wednesday. But Robertson's accuser declared, "He's chickening out of the trial just like he chickened out 37 years ago."

Former Rep. Paul McCloskey, R-Calif., who has accused Robertson of using his father's political influence to avoid combat duty in the Korean War, has said in recent weeks he wouldn't settle the suit unless Robertson paid the costs of defending against the suit, which McCloskey estimates to be about \$400,000.

The trial, set to begin on Tuesday, when Robertson hopes to do well in delegate-rich Southern primaries, would force him off the campaign trail for three weeks, attorney Douglas Rigler said.

In dropping the lawsuit "Robertson does not intend to back away at any time from his denial of the charges that Mr. McCloskey made," Rigler said.

He said that "it is quite possible that Mr. Robertson will be asked to pay a substantial amount of court costs" to cover the expenses of taking depositions from more than 50 witnesses.

# Jury deliberates, without verdict in magazine suit

HOUSTON (AP) — A federal court jury Wednesday deliberated a second day without reaching a verdict in a negligence suit that sought millions of dollars from Soldier of Fortune magazine.

Attorneys for relatives of Sandra Black contended the military magazine was negligent in publishing an ad that led to Black's slaying at her home in Bryan three years ago.

The jury, which heard two weeks of testimony, was returning for a third day Thursday to consider seven questions about the magazine's alleged negligence, the ad itself and damages.

Jurors at midday Wednesday messaged for guidance from U.S. District Judge David Hittner where and to whom exemplary damages would go. Hittner wrote back that they should consider the questions and instructions he gave them in his jury charge Tuesday.

Later in the afternoon, they asked for reasons why the managing editor of the magazine, James Graves, had not been called to testify.

Graves had signed an affidavit in a 1982 criminal case linked to the magazine's ads. His action, which was disclosed in the final day of testimony Friday, was contrary to the insistence of magazine officials, who

contended no one at Soldier of Fortune knew of any crimes linked to the ads. Hittner, responding to the question, reread a portion of the jury charge before sending them back for further discussions.

Gary Wayne Black, 18, the victim's son, and Marjorie Eimann, 64, her mother, were seeking \$22.5 million in the suit against the self-styled "Journal for Professional Adventurers." Of that, \$20 million was requested for exemplary damages.

Black's husband, Robert, is on Texas' death row for paying John Wayne Hearn \$10,000 to kill her. Hearn is serving three life terms in Florida for the Black slaying and two others in that state.

Robert Black contacted Hearn through a personal services classified ad Hearn placed in Soldier of Fortune in late 1984.

Attorneys for the Boulder, Colo.-based magazine and its parent company, Omega Group, Ltd., did not dispute the ad brought Hearn and Black together, but insisted magazine executives had no way of knowing the ad was for illegal activity.

Hearn's ad appeared in four issues of Soldier of Fortune for "high-risk assignments".



**Slip slidin' away**  
 Freshmen in Corps of Cadets Outfit A-1 play a game of football at Spence Park Wednesday afternoon. The students took advantage of a break from the rainy weather.  
 Photo by Mike C. Mulvey

# Student will face surgery after accident on moped

**By Drew Leder**  
*Staff Writer*

A Texas A&M freshman involved in a moped accident late Monday night was listed in stable condition at Humana Hospital Wednesday.

Luis Enrique Coloma, an 18-year-old industrial engineering major, suffered a broken leg, a broken jaw and some fractures in his cheek bones in the accident. His condition was originally listed as critical but was changed to stable Wednesday.

Coloma, who came to A&M from Ecuador this semester, said

Wednesday that he will undergo surgery early next week to have an artificial bone placed in his leg. He said, so far, he is recovering well but will have to withdraw from A&M this semester.

"I will be here (in College Station) about a month and then I plan to go home (to Ecuador) for a vacation and rest and to recuperate," Coloma said.

He said he plans to return to A&M next spring to resume his studies.

According to police records, the accident occurred at the intersection of Anderson and Jersey

streets. Coloma was heading eastbound on Jersey when he collided with a westbound Volkswagen Jetta that was making a left turn onto Anderson, police records said. The Volkswagen was driven by Leigh Anna Tolar, a 20-year-old A&M student.

Coloma was not wearing a helmet at the time of the accident.

As of Wednesday, neither person involved in the accident had been issued a citation, but a police spokesperson said the case has not been cleared yet so citations may still be issued.

Coloma said he doesn't remember any details of the accident.

# Texas A&M claims front-runner spot in space grant bid

**By Jeff Pollard**  
*Staff Writer*

Texas A&M, already a land and sea grant college, is one of the front-runners for a third title, that of space grant college, says Oran Nicks, director of the Space Research Center at A&M.

"Since President Vandiver was one of the originators of the idea and Sen. Bentsen has pushed A&M very actively, it is logical that we are at the top of the list," Nicks said. "There is a possibility that they (NASA) will announce many schools in the beginning."

The space grant was established by Congress in the National Space Grant College and Fellowship Act of 1987. They recognized that "... the vitality of the nation depends on the understanding, assessment, development and utilization of space resources. . . ." and the broad commitment by the federal government to the development of technology was necessary to achieve these things.

The purpose of the space grant is to promote a strong educational base, responsive research and the development of interdisciplinary programs on the college and university level.

"It will stimulate thinking on the academic level as to how each school can become involved as a contributor to the space program," Nicks said. "Unlike sea grant, all schools have an interest in space. A school in Nebraska has as much interest in the moon as a school in Massachusetts."

The act set aside \$10 million in 1988 and 1989 and \$15 million thereafter. It designated NASA

to decide which schools would be selected and how much money they would get. So far, NASA has not announced how the funds will be allocated but, Nicks said, they will begin working on the program on Oct. 1 when the new federal budget goes into effect.

"They have said that they will start on Oct. 1 but they have not defined the rules of the game," Nicks said. "We're pushing them to designate who will get the grant as soon as possible in order to help stimulate space activities being worked on now."

The act gives the NASA administrator authority to set up the guidelines and qualifications for space grant colleges to meet, but they must be "... given in such a way as to assure wide geographic and institutional diversity. . . ."

Nicks said the colleges have to follow a specific process and distribute the money on a competitive basis.

"They are going through a formal process in order to satisfy the haves and the have-nots that they are going about this fairly," Nicks said.

The administrator, under authority of the space grant act, can make grants based on projects currently under way, or if he sees specific problems that need to be addressed he can make grants or contracts to fill these needs.

"Universities are on the cutting edge of science and are in the best position to do this type of research work," Nicks said. "They are flexible enough to take new information and bend in the direction that it is going."

# Faculty, foreign students question validity of English language exams

*Editor's note: Texas A&M's English proficiency program for foreign students has come under repeated fire in recent months. The controversy centers on the forced enrollment of foreign graduate students in the English Language Institute. When international students arrive at A&M, they are required to make a certain score on the University's English Language Proficiency Exam. If they don't make the score on any section, they must enroll in a non-credit ELI course — taught by non-tenure track faculty — for that section.*

**By Karen Kroesche**  
*Senior Staff Writer*

When foreign students arrive at Texas A&M, they are tested on their proficiency of the English language. But some professors and students across campus charge that the test is not a fair measure of English skills.

One complaint deals with the problem of who is classified as an international student, one is the security of the test, and the third is whether the test itself accurately measures proficiency.

Deanna Wormuth, coordinator of the ELI, says any student who is not a U.S. citizen and whose native language is not English is required to take the test. But she says that at times it is not a clear-cut issue. For instance, the native language of a student from Canada, she says, might be French. Also, students from territories of the United States,

such as Puerto Rico, are considered U.S. citizens and therefore don't have to take the test.

Dr. Peter McIntyre, a professor of physics who chaired a committee of research faculty members investigating the ELI system, says stories abound of cases in which seemingly qualified students had to take the proficiency exam.

St. Louis is a city set apart in the Midwest; in the region, yet not entirely of it; French in origin; German in settlement and development; swaddled in birth in furs and skins brought in by the forerunners of the pioneers, the *coureurs des bois*, the hunters and trappers; owning slaves and still largely southern in outlook; drawn to the North and East by the rail traffic; made into an industrial, financial, and commercial metropolis and a hub of communications; but still more stable, ordered, and settled in its way of life than any other Midwest city. You cannot think of St. Louis without thinking of its great river front and of the Mississippi, of Mark Twain, of the north-south and east-west river traffic of which the city was the junction, and of its relation to New Orleans, Memphis, Cincinnati, Louisville, and Pittsburgh.

81. The first permanent settlers of St. Louis were . . .

Part three of a four-part series

McIntyre says his department currently is dealing with one such situation and relates the following story:

"We have an entering graduate student in physics. Well, we hope he's going to decide to come. He's an honor graduate of the University of Bristol in England and comes extremely highly recommended. He's done very well on all his examinations, but he is going to be required to take the ELPE. That doesn't mean he'll be required to take any courses;

a) slave owners.  
 b) French hunters.  
 c) Germans.  
 d) Eastern industrialists.

82. The hunters and trappers . . .  
 a) were stable, ordered, and settled in their way of life.  
 b) dressed their children from birth in furs and skins.  
 c) were forerunners of the pioneers.  
 d) owned slaves and are still largely southern in outlook.

83. St. Louis was drawn to the East because of . . .  
 a) slavery.  
 b) its stability.  
 c) the *coureurs des bois*.  
 d) the railway system.

84. A notable feature of St. Louis is . . .  
 a) its riverfront.  
 b) its seaport.  
 c) its pioneer spirit.  
 d) the way the people dress there.

85. The spirit of St. Louis is most like that of . . .

I would fully expect that he'll pass it with flying colors.

"But the University's sending him a formidable form telling him that his admission cannot even be truly confirmed until he has taken an examination on his proficiency in the English language and satisfied the University on that point. So he has to come at his expense from England

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English proficiency test troubles students

Dr. Harrison Meserole, distinguished professor of English at A&M, says the above paragraph — and ones like it on subsequent questions — is not well-written and is "choked with information." But he says he sees "a clear set of intentions" behind the question and says it appears to be "on fair grounds for testing."

"The aim here is genuinely to test whether students can see the differences between baskets of information," Meserole says, adding that the question is a genuine test of comprehension, as opposed to mere recognition.

When A&M's proficiency exam was given to entering freshman who are native English speakers, 12 percent failed the reading comprehension portion of the exam by scoring below 70.

Twenty percent scored below 80, which is the cutoff for international graduate students.