

# Texas A&M The Battalion

Vol. 87 No. 109 USPS 045360 14 Pages

College Station, Texas

Friday, March 4, 1988

## Jurors find Soldier of Fortune negligent

From Staff and Wire Reports

HOUSTON (AP) — A federal jury Thursday found Soldier of Fortune magazine was negligent in publishing a classified ad that led to the 1985 slaying of a Bryan woman and ordered the magazine to pay \$9.4 million to the victim's family.

Dr. Don Tomlinson, Texas A&M assistant professor of journalism and an attorney specializing in media law, said the case's main question is whether there is enough of a causal relationship between the magazine's publication and Black's death.

"Obviously, this jury thought so," he said. Jurors, who deliberated for 12 hours starting Tuesday, said the magazine should

pay \$1.5 million to the woman's son and \$400,000 to her mother. The two received \$7.5 million in punitive damages.

Ron Franklin, who represented Marjorie Eimann, 64, the victim's mother, and Gary Wayne Black, 18, the victim's son, said the verdict should not be read too broadly.

"This will have no effect on the legitimate press," Franklin said. "Soldier of Fortune knew in fact that it was advertising for contract killers. They're obviously going to appeal, but we're going to do everything we can to collect every penny."

Sandra Black, Gary's mother and Mrs. Eimann's daughter, was shot to death Feb. 21, 1985 at her home in Bryan.

Mrs. 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.

Thompson said he will appeal but doubts the punitive damages will be upheld.

"There was no evidence of gross negligence in this whole case," he said. "... You've got the emotions and prejudice out of the case and you can concentrate on the First Amendment."

Tomlinson, however, does not believe

that the First Amendment has any application in this case.

"Clearly, the First Amendment gives the defense (Soldier of Fortune) the right to publish anything it wants, but doesn't grant anyone the right to avoid liability for any harm caused by the publication," he said.

Tomlinson cites "proximate cause" as the determining factor.

"The family is trying to connect the initial event with the eventual thing that happened — publication of the advertisement with the death of Mrs. Black — and in or-

der to make that connection, they must show proximate cause," Tomlinson said. "There must be a logical nexus."

Tomlinson's opinion is that if this link is too weak, the decision will be overturned on appeal on that basis, in which case the plaintiffs will receive no award.

"It will be good for the plaintiffs if they can show in court, to the satisfaction of a jury, that the people at Soldier of Fortune knew what was going on — that these people were using ads to get together and commit crime — and didn't care," Tomlinson said. "Then they would be much closer to being upheld on appeal."



### Private dancer

Sophomore Jennifer Pak warms up in her beginning ballet class by practicing pliés. Pak, a psychology major from Dallas, works on perfecting this basic ballet movement.

ogy major from Dallas, works on perfecting this basic ballet movement.

Photo by Shelly Schluter

## West German hostage released by kidnappers

DAMASCUS, Syria (AP) — Pro-Iranian kidnappers freed West German hostage Ralph Schray in west Beirut on Thursday after holding him for five weeks, and he was turned over to the West German Embassy in Damascus.

The West German charge d'affaires, Klaus Auchenbach, refused to make any comments to reporters as he shuttled between the embassy and the Foreign Ministry, about a mile apart in the Syrian capital.

He said it was "not worthwhile" for them to wait around, indicating

that Schray would not appear in public.

This raised speculation the former captive may not be as well as Bonn portrayed him to be after his ordeal. The Bonn Foreign Ministry had said earlier that Schray, 30, was in "good physical condition."

Friedholm Ost, the West German government's chief spokesman in Bonn, said only that the Syrian government had handed Schray over to embassy officials.

Schray, a Lebanese-born industrial engineer, was freed before

dawn. A Syrian military source in the Lebanese capital said he was driven the 55 miles to Damascus under heavy Syrian escort.

On Wednesday, the Holy Warriors for Freedom claimed responsibility for Schray's abduction and said he would be freed within hours as a result of Syrian mediation.

The official Syrian Arab News Agency said Foreign Minister Farouk al-Sharaa contacted his German counterpart, Hans-Dietrich Genscher, by telephone to report that Schray has been released.

## Application deadline nears to file for student positions

By Drew Leder  
Staff Writer

Students wanting to run for Student Government positions to be filled in the March 20th general election must have their names on record at the Student Government office by 5 p.m. today.

Students filing to run for student body president, yell leader or any of the Student Senate Chairmen positions must have 100 students' signatures accompanying their applications, election commissioner Bryan Tutt said. Candidates for any other position must have 25 students' signatures to get their names on the ballot, he said. Filing for a position also requires a \$5 fee.

All Student Government positions except those appointed by the student body president will be filled in the March 30th election or in a runoff election on April 4.

Positions to be filled include:

- Student body president.
- Academic affairs chairman of the Student Senate.
- Student services chairman of the Student Senate.

External affairs chairman of the Student Senate.

- 88 Student Senate seats.
- Presidents for each class.
- 3 senior yell leaders.
- 2 junior yell leaders.
- All elected positions of the Off Campus Aggies.
- All elected positions of the Residence Hall Association.

To be eligible for student body president, a student must have at least a 2.5 grade-point ratio and must have attained at least a 2.0 GPR in the last semester he was enrolled at Texas A&M. Eligibility for any of the other positions requires an overall GPR of at least 2.25 and a GPR of at least 2.0 in the preceding semester.

Jay Hays, speaker of the Student Senate, said Thursday the number of students who already have filed exceeds the level of recent years.

"In the past, people usually wait until Friday to file, but this year we've had people filing all week," he said.

Hays said that in past years the Student Senate has had 30 percent to 40 percent of its seats still open after the spring general election but there seems to be a lot more interest in being a part of the Student Senate this semester.

"The Senate is really filling up quick," he said. "People are going to have to earn their seats this year."

Hays attributed this increased interest to many students' awareness and support of what the Senate has been doing this semester. In particular, many students supported the Senate's stance against the current senior finals schedule.

At the time the Student Government office closed Thursday, only one person had filed to run for student body president. Hays said that candidates for the highest-elected student office traditionally wait until the final day of filing to submit their names.

Campaigning for offices begins March 20.

## Coordinator calls ELI symbol of problem rather than source

English proficiency at A&M  
Part four of a four-part series

### Committee asks for changes in ELI system

By Karen Kroesche  
Senior Staff Writer

Texas A&M could have a new English language proficiency system by the fall semester, says Dr. Duwayne Anderson, associate provost for research and graduate studies.

A graduate studies ad hoc advisory committee on Tuesday adopted and endorsed recommendations calling for "immediate attention to needed changes in procedures" in A&M's English language proficiency requirements, Anderson says.

Anderson says the committee did not make specific plans, but it did address complaints that have been brought against the current system.

"Although this committee doesn't have detailed recommendations, they called attention to these points and recommended that the provost and his staff continue to work on this problem, urging us to resolve this issue swiftly," he says.

Some of the problems the committee has asked Anderson to address include handling of international graduate student applications, minimum English proficiency standards for graduates and the cost of A&M's English Language Institute, where at least two thirds of

all foreign graduate students are required to take non-credit courses taught by non-tenure track faculty.

"The committee was concerned, as I am, with the financial burden of the ELI that is imposed on newly arriving graduate students under the present procedure," Anderson says.

Enrollment in the institute for a four-month session costs students from \$400 to \$1,300 depending on the number of courses they are required to take. The costs are high because the ELI does not receive funding from either the state or the University, although it does use University facilities.

Dr. Ry Young, a tenured professor of biochemistry who is outspoken against the ELI system, says one solution to the high costs of ELI courses would be to teach them within the regular curriculum — a method that is already in practice at the University of Texas at Austin.

"I think that there's a need for international students to develop communication skills rapidly if they're going to be in teaching positions," Young says. "But I think what we need to do is if we are going to give them reme-

See Changes, page 14

heated debate among faculty, administrators and students. No matter who's doing the talking, the English Language Institute inevitably is at the center of the controversy.

But Lloyd Colegrove, president of the Graduate Student Council, says the ELI is getting a bad rap. Members of the council conducted a study of the ELI and A&M's English

proficiency requirements. They concluded that there are some problems

See ELI, page 14

## Legislation would end use of lie detector test for most job interviews

WASHINGTON (AP) — Lie detectors, likened by one lawmaker to "20th century witchcraft," largely would be banned from use in job interviews and the private workplace under legislation approved by the Senate on Thursday.

On a 69-27 vote, the Senate approved a bill co-written by Sens. Edward M. Kennedy, D-Mass., and Orrin Hatch, R-Utah — normally adversaries on labor-management issues — outlawing about 85 percent of the current use of polygraph examinations.

Conservative opponents predicted that President Reagan would sign the legislation once a final version of the bill has emerged from a Senate-House conference.

An estimated 2 million people, most of them job seekers, are required to take lie detector tests every year and that number is growing exponentially, said Kennedy, who chairs the Senate's Labor and Human Resources Committee.

Hatch, the committee's ranking Republican, said an overwhelming majority of the tests are conducted in brief 15-minute ses-

sions and under conditions that render false results between 15 percent and 50 percent of the time.

"I'm sick and tired of the way people are using these devices," he said. "Some 320,000 honest Americans are branded as liars every single year. That's a stigma they have to wear every day the rest of their lives and careers."

Similar but more restrictive legislation was approved by the House 254-158 last November.

Kennedy said he planned to meet with Rep. Pat Williams, D-Mont., chief author of the House version, within the next two weeks to work out a plan for resolving differences between the two versions in a compromise that could win passage in both houses.

"They ban about 90 percent and we ban about 85 percent," he said, predicting the new prohibition will become law before the end of the year "with or without the president's support."

Just prior to the vote Thursday, after more than two days of debate, Senate opponents complained that the administration had softened its opposition after threatening last year to veto any polygraph bill.