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Jury convicts 'virus' planter

FORT WORTH (AP) — A district attorney who thinks he's the first prosecutor ever to have someone convicted for destroying computer records using a computer "virus" said Tuesday the case could light the way for similar convictions.

"In the past, prosecutors have stayed away from this kind of case because they're too hard to prove," Tarrant County Assistant District Attorney Davis McCown said. "They have also been reluctant because the victim doesn't want to let anyone know there has been a breach of security."

Donald Gene Burleson, 40, was convicted Monday of charges of harmful access to a computer, a third-degree felony that carries up to 10 years in prison and up to \$5,000 in fines.

A key to the case was the fact that State District Judge John Bradshaw allowed the computer program that deleted the files to be introduced into the case as evidence, McCown said.

"It would have been difficult to get a conviction otherwise, he said."

McCown spent most of three years trying to win the conviction.

"As far as I know, it's the first case of this type in the nation. We've had people stealing through computers, but not this type of case," McCown said. "The basis for this offense is deletion."

Burleson planted the virus in revenge for his firing from an insurance company, McCown said.

Jurors were told during a technical and sometimes-complicated trial that spanned three weeks that Burleson

deliberately planted a rogue program in the computer system used to store records at USPA and IRA Co., a Fort Worth-based insurance and brokerage firm.

McCown said the so-called virus was programmed like a time bomb and was activated on Sept. 21, 1985, two days after Burleson was fired from his post as a computer programmer, because of alleged personality conflicts with other employees.

The virus could have caused hundreds of thousands of dollars in damage to the system, but was caught and expunged after it destroyed a series of payroll records.

McCown said the case may offer two precedents.

One is admittance of the "virus" program as evidence — a strategy other attorneys may want to follow in similar cases, he said.

The second is found in the conviction itself. "It is legal precedent in that it makes new law, but it really won't be strengthened until it's upheld by a higher court," McCown said.

But that may never happen.

Burleson's lawyer, Jack Beech, maintained Burleson is innocent and said he is considering appeal but might not have enough money.

Beech said, Burleson is likely to get the minimum sentence of two years' probation.

McCown is hoping for a stiffer sentence.

"I think if he got probation and no fine, then it would be saying this crime is alright," he said.

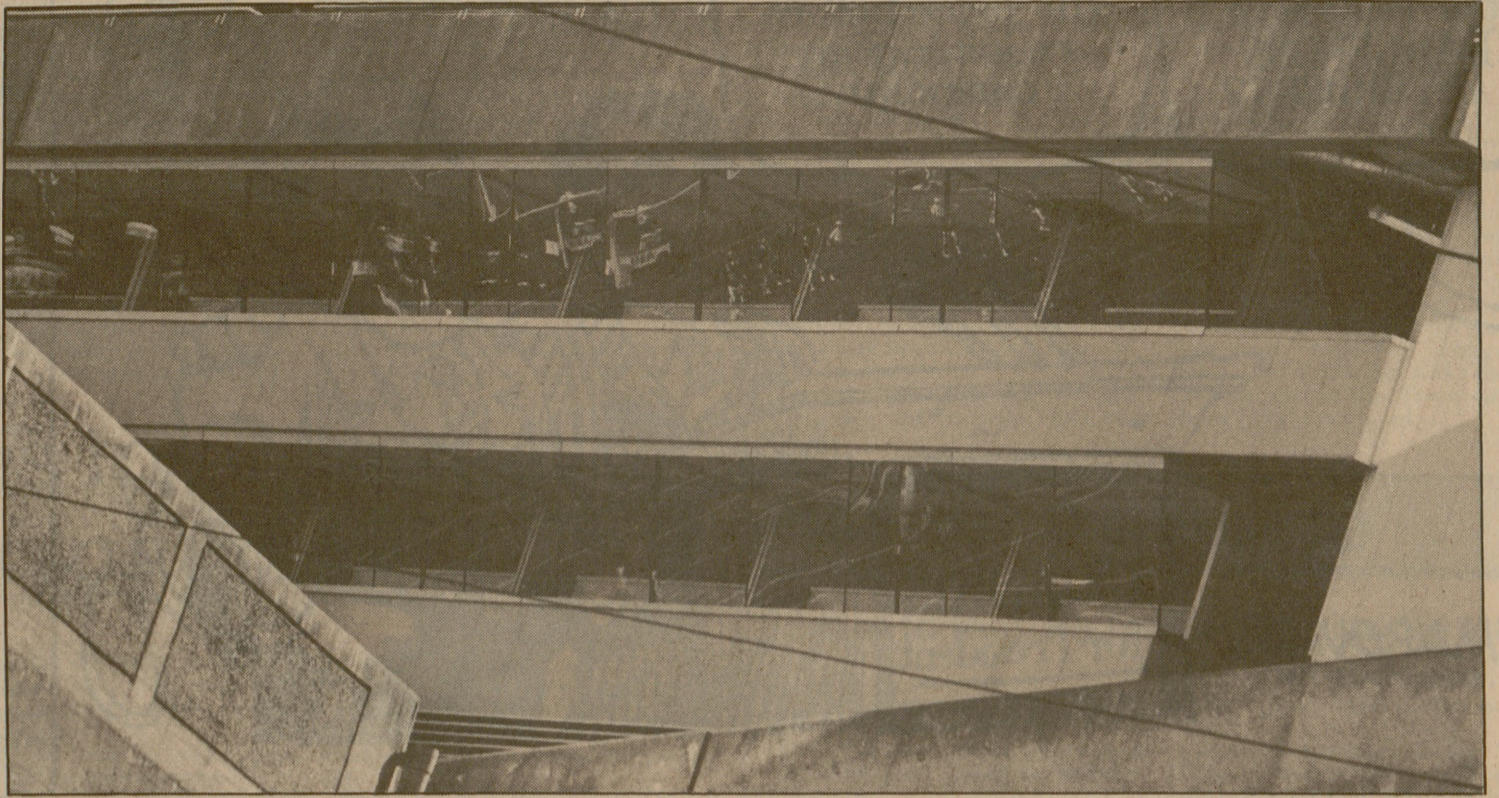


Photo by Sam B. Myers

Looking glass

A different view of the A&M football team as they prepare for this weekend's game against Oklahoma State.

Bush makes history by swearing in Cavazos as Secretary of Education

WASHINGTON (AP) — The Senate unanimously confirmed Lauro Cavazos as education secretary Tuesday and he was sworn in just three hours later by fellow Texan and Republican presidential candidate George Bush.

In an East Room ceremony at the White House, President Reagan called Cavazos, the first Hispanic Cabinet member in history, "a sterling example of the magnificent contributions Hispanic Americans have made to our national life."

Vice President Bush gave Cavazos, a registered Democrat, the oath of office as Cavazos' wife, Peggy, held the family bible. The couple's 10 children also attended the ceremony.

Cavazos, the president of Texas Tech University and its medical school, said Reagan's leadership and commitment to education had truly helped this country make significant gains and strides.

But, he said, we must awaken America to renew its commitment to education to help all citizens reach their potential.

Earlier, senators praised Cavazos, the son of a Texas cattleman on the legendary King Ranch who worked his way through college and graduate school to become president of Texas Tech University, as an American success story.



Lauro Cavazos

Hispanic leaders have questioned the timing of President Reagan's decision to nominate Cavazos in the waning months of his administration and suggest he was pandering to Hispanic votes to bolster Bush's candidacy in Texas, one of the key battleground states in the November election.

"I think the people see it for what it is," said Rep. Albert Bustamante, a San Antonio Democrat and chairman of the Congressional Hispanic Caucus.

Bustamante said "voters will focus on) more substantial issues like cutbacks in education that occurred under this administration, (as well as in) housing, health care, stipends for higher education, grants; they'll look at those things and they'll review the record of both parties, and then they'll decide and then they'll not be for Bush and (Dan) Quayle."

Cavazos testified before the Senate Labor and Human Resources Committee that he had been asked if he wanted the post eight years ago but declined because he had just taken over as president of Texas Tech.

Senators voted 94-0 to confirm Cavazos after members praised him as an ally in the education reform movement, an advocate of the federal government's role in education, and a healing influence in place of

outgoing Secretary William J. Bennett.

"It is a great testament to Larry Cavazos and his family that he has risen from the son of a cowboy to become the first educator of America," said Sen. Phil Gramm, R-Texas. "He's committed to quality education for all our citizens."

"For the last seven years, members of Congress from both sides of the aisle have worked hard to ensure that the federal government will continue to have a role in education. It is apparent that Dr. Cavazos will be an ally in these efforts in the future," said Sen. Edward M. Kennedy, D-Mass.

Cavazos, 61, is the first Hispanic and first graduate of Texas Tech to become the Lubbock university's president.

Prior to his appointment there in 1980, he was dean of the Tufts Medical School in Boston.

"I note that Dr. Cavazos has spent considerable time and compiled an excellent record in both Massachusetts and Texas," said Kennedy.

Minority recruitment boosts UT enrollment

AUSTIN (AP) — Enrollment of minority students at the University of Texas appears to have increased this semester in what may be evidence that the school's long-term minority recruiting efforts are paying off, officials said.

School officials said they expect that enrollment of blacks will be up by about 8 percent, with Hispanics higher by 10 percent.

The gains won't be known exactly until after Wednesday, the 12th class day of the fall semester.

"I think the work that our staff has been doing over a long period of time has been bearing fruit. And I think the trips that (UT president William) Cunningham and others have been making to high schools have been having an impact," said Ronald Brown, vice president for

student affairs.

Cunningham visited about 50 Texas high schools last year to advertise the university and recruit minority students and others.

Brown also said total university enrollment for the fall is expected to be higher than an early estimate of a record 49,500.

"It appears the total will be closer to 50,000 than 49,500," Brown said.

The previous enrollment record at UT was 48,145. The university has been trying since the early 1980s to keep enrollment between 46,000 and 48,000.

Despite efforts to limit overall enrollment, however, the university has been trying to attract more blacks and Hispanics.

The number of minority students has been rising since the late 1970s.

Student Publication Board halts 1989 video yearbook production

By Susan B. Erb
Staff Writer

The Student Publications Board voted Tuesday to forgo production of a 1988-1989 Texas A&M video yearbook and placed legal, monetary and time restrictions on the final stages of the 1987-1988 project.

The board said if the 1987-1988 video yearbook, Aggievision, is to be distributed the staff must edit the 113-minute tape to no more than 90 minutes and attain copyright clearances for background music at a cost of no more than \$2,400 within three weeks. Aggievision will not produce a video yearbook for the 1988-1989 school year.

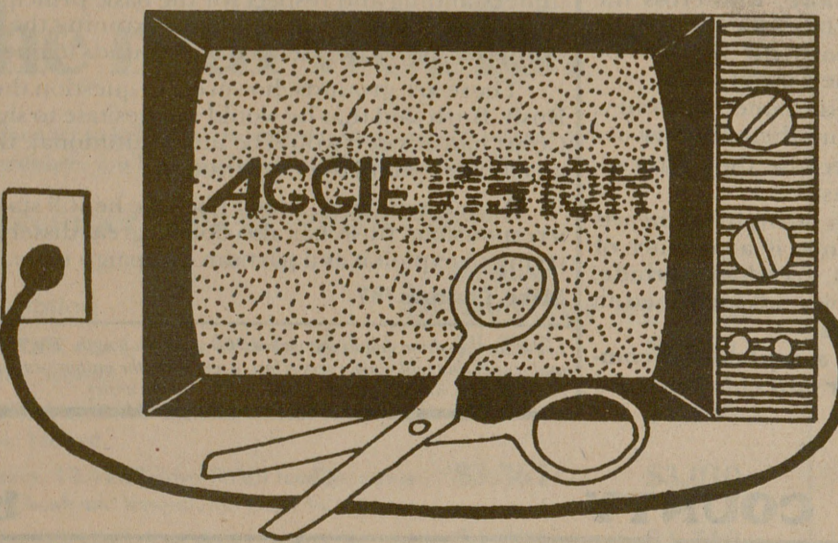
Board member Dr. Manuel Davenport, professor of philosophy and humanities, said overall the video is good but needs to be condensed.

"If it could be edited, reorganized and cut down it would be a tape students would be interested in," Davenport said. "In its present form it's just too long."

The copyright-clearance provision refers to background music used for which final approval is pending. To go ahead with distribution of the video without proper clearance could cause legal problems.

Aggievision editor, Greg Keith, said he believes the requirements can be met but that meeting the music requirement will be difficult.

"We are going to do whatever we need to do to get it out," Keith said.



Graphic by Carol Wells

"The only thing I'm really worried about is the music. Music is really expensive. It's the only thing I don't think they really set a reasonable deadline on."

Bob Rogers, chairman of the Student Publications Board and head of the Department of Journalism, advised that Aggievision not produce a 1988-1989 video yearbook and take the time to rethink the project organization and budgeting.

"Lots of developments lead us to believe it can be done differently,"

Rogers said. "We need to take time to study this."

If issued, the 1987-1988 Aggievision will be the first video yearbook at A&M.

Donald C. Johnson, coordinator of Student Publications and associate professor of journalism, said the idea of a video yearbook was originally proposed in 1984.

The Video Aggievision, the 1986-1987 video yearbook, was launched

in 1986 with the Student Publications Board's approval of a \$50,000 budget for the 1986-1987 school year and a tentative \$50,000 budget for the following year with the stipulation that if the project operated at a loss during its first year of operation the budget would be resubmitted for the board's approval.

Johnson said a complete project proposal, including the purchase of video equipment to be used by the Video Aggievision staff and for broadcast journalism classes, was approved by former A&M President Frank E. Vandiver.

"The day before interviews for editor were to start," Johnson said, "we got a sudden call from the provost's office saying there was a problem. We asked if we should go ahead with the interviewing and they said yes."

Johnson said the provost's office didn't say what the problem was. It wasn't until after they had picked an editor, he said, that they learned of Vandiver's approval of a KAMU-proposed video yearbook that was part of a package of proposed projects.

The outcome, following a summer of negotiations, was that a video yearbook could be implemented, and staffed by A&M students, if they rented their video equipment from KAMU.

Out-of-pocket expenses for the 1987-1988 video totaled about \$75,000, Johnson said, with about \$40,000 going to KAMU.

WASHINGTON (AP) — NASA's inspector general said Tuesday he expects more indictments charging aerospace manufacturers with certifying falsely that bolts used on the space shuttles had been properly tested.

Bill Colvin said he had been assured by engineers that there are no defective bolts in critical areas on the shuttle Discovery, which is to be launched Sept. 29 from the Kennedy Space Center in Florida.

"We are looking at false certification," he said. "That does not necessarily mean they are defective."

The Los Angeles Times quoted Darrell Lee, president of Lee Aerospace Products of Simi Valley, Calif., as saying his company is one of many under investigation.

Colvin said it would not be appropriate for him to discuss Lee Aerospace. No charges have been filed against the firm.

"At this point in time our interest is in fasteners," Colvin said. "I would expect more indictments."

Ron Bledsoe, chief of the quality engineering division at the Marshall Space Flight Center in Huntsville, Ala., said the false certifications were uncovered during an audit in February and March.

"There are some of Lee Aerospace's bolts on the shuttle, we know that," he said. "We've actually gone in and evaluated where these bolts were and in any critical application, we conducted extensive stress analysis and determined there was no safety issue."

Bledsoe said the shuttle's right booster contains 614 Lee bolts and the left booster has 595 and that Lee bolts account for 60 percent of the 2,000 bolts inside the rockets.

"Even with those bolts that were in there, I couldn't say we would have a problem with them," Bledsoe said.

Arthur O. Sammons of Canoga Park, Calif., was indicted Sept. 9 by a federal grand jury in Birmingham, Ala., on 26 counts of making false statements to NASA and 17 counts of mail fraud involving shuttle bolts made by Lawrence Engineering and Supply of Burbank, Calif.

NASA inspector expects charges

Texas' scores rise on SAT, still below par

AUSTIN (AP) — Texas students' scores on two major national college entrance examinations rose slightly from 1987 to 1988, while the number of pupils taking the tests rose substantially, state officials reported Tuesday.

Although Texas students still scored below the national averages on the Scholastic Aptitude Test (SAT) and the American College Testing Program (ACT) exam, the Texas Education Agency said it appears that public school reforms instituted in 1984 are beginning to show results.

"While I'm not satisfied with where we are, which is below the national average, I do believe that implementation of education reforms has caused continued progress," Education Commissioner William Kirby said.

The mean score for Texas students on the verbal section of the SAT was 417, up from 416 in 1987. The mean SAT math score was 462, up from 459 the previous year, the education agency reported.