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Page 8 • THE BATTALION

Kaczynski defense seeks dismissal

NATION

The Unabomber suspect's lawyer says publicity preventing fair trial

HELENA, Mont. (AP) -Theodore Kaczynski's lawyer asked a judge to block the prosecution of the Unabomber suspect, saying Tuesday that government leaks have jeopardized

his chances for a fair trial. Michael Donahoe said the release of information from unidentified federal sources demonstrates a "lynch-mob mentality" on the part of feder-al investigators.

The result was a "lethal me-dia blitz" that "poisoned the entire population of grand jurors within the United States against Mr. Kaczynski," he wrote in his motion.

Donahoe, one of two court-appointed attorneys for Kaczynski, said the prosecution should be halted until the court can decide whether the leaks will prevent a

fair trial.

"The government should not be allowed to proceed before various grand juries throughout the country that have been permanently poisoned by the government's outrageous conduct in disclosing to the media the highly incriminating nature of evidence taken from Kaczynski's cabin," Donahoe said.

"In Mr. Kaczynski's case, the possibility that he could ever be afforded anything that might re-motely resemble that (fair trial) process has been forever lost.'

U.S. District Judge Charles Lovell did not immediately rule on Donahoe's petition, which sought a delay in any grand jury proceedings against Kaczynski.

A federal grand jury will hold its regularly scheduled meeting Wednesday in Great Falls and is

expected to hear evidence against Kaczynski. The lone charge filed against him thus far makes no mention of the Unabomber attacks that killed three people and injured 23 over the past 18 year.

Lovell scheduled a hearing for 3:30 p.m. Friday to consider whether to pursue Donahoe's motion by calling witnesses, and told both sides to prepare written briefs.

Kaczynski, 53, was arrested April 3 after federal agents, tipped off by his suspicious brother, began searching his mountain cabin near Lincoln.

Leaks about the case began appearing as soon as a search of Kaczynski's home began April 3. Most claimed that evidence collected there tied Kaczynski to the Unabomber bombings

Donahoe's motion also r quested a hearing to question Justice Department officia about what they have done to prevent leaks. He also asked Lovell to dismiss a charge of posessing bomb-making material and requested the return of hu dreds of items taken in a sean of Kaczynski's cabin.

Wednesday • April 17, 1996

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Should the government con tend it is not responsible for the leaks, Donahoe said he will put reporters on the stand and as them to identify their confider tial sources.

"If past practice is an indicator the effort will be a futile one, said Dick Winfield, who has prac ticed media law in New York for 30 years. Winfield said Donahow intent may be to scare federal of cials into believing they may be discovered as sources.

Opening statements delayed Buchanan fined Tuesday in Kevorkian trial

PONTIAC, Mich. (AP) — The deaths of two women were only an "unfortunate secondary result" of Dr. Jack Kevorkian's attempt to relieve their suffering, his lawyer argued Tuesday at the start of Kevorkian's third assisted-suicide trial.

"He's no killer. He doesn't want people to die," Geoffrey Fieger said. "Dr. Kevorkian never intended to assist the deceased to commit suicide." **Prosecutor** Lawrence

Bunting said the evidence would show Kevorkian described the deaths of Sherry Miller and Marjorie Wantz as "double assisted suicide

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Kevorkian

 physician-assisted."
Fieger's and Bunting's opening statements were delayed Tuesday when Bunting asked Circuit Judge David Breck to take himself off the case. Breck refused.

Bunting had argued that Breck showed bias in a Detroit News interview, pub-lished Monday, in which Breck said the prosecutor's office in the past has tried to keep blacks off juries.

Kevorkian is charged with assisting the suicides of Miller, 43, of Roseville and Wantz, 58, of Sodus. Their bodies were left

in a cabin at a park in 1991. Miller had in haled carbon monoxide; Wantz died from an injection.

Miller had multiple sclerosis; Wantz had severe pelvic pain. Theirs were the second and third of the 27 suicides Kevorkian has acknowledged assisting since 1990.

Kevorkian's previous prosecutions were based on Michigan's now-expired ban on assisted suicide. The current charges are based on a 1994 Michigan Supreme Court ruling that common law prohibits assisted suicide. Kevorkian could get up to 10 years in prison.

It was still up in the air how jurors would be instructed in the case. Prosecutors have appealed Breck's proposed instructions twice to the Michigan Court of Appeals. The latest appeal was filed Mon-

day as the jury was selected. The issue of intent and how it is ex-plained to jurors is significant because of Kevorkian's argument that he intended only to relieve suffering. He was acquitted in both of his previous trials, one in 1994, the other last month.

Prosecutors argue that while his motive may have been to relieve pain, Kevorkian clearly knew that providing carbon monoxide or lethal drugs would kill, and that that was his intent

COMING TO A THEATER NEAR YOU

United Artists agrees to make movie screens more

accessible to disabled moviegoers in 29 states

\$20,000 for 1992 finance irregularities

of conservative Republicar Buchanan has agreed to pay a \$20,000 fine to the Federal Election Commission for improper contribu-tions to his 1992 campaign In announcing the agree ment Tuesday, the FEG

-\$8,166 in contributions from corpora tions, which are prohibited by federal campaign finance law;

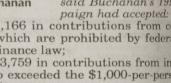
als who exceeded the \$1,000-per-person giv-

paign expenses picked up by Buchanan himself and two aides, but not reimbursed in a timely way.

equaling the corporate and excess contribu-tions to the U.S. Treasury last March. It has until September to pay the additional \$20,00 civil penalty.

said Buchanan's 1992 campaign had accepted:

-\$53,759 in contributions from individu-



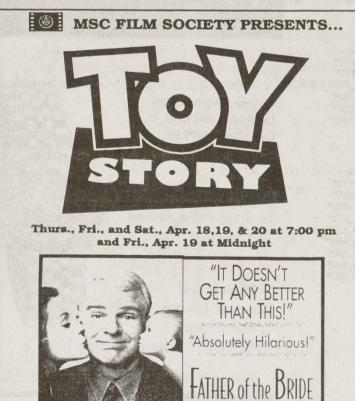
ing limit: -\$53,251 in improper in-kind contribu-tions to the campaign. The latter were cam-

The campaign had already paid amounts



Buchanan

For more information please call Liz Rayburn at 845-1515.



Thurs., Fri., & Sat., Apr. 18, 19, & 20 at 9:30pm Admission \$2.75 w/LD. \$3 w/out LD. Persons with disabilities please call 647-8478 to inform as of your special needs. We request iffication 3 working days prior to the event to enable us to assist you to the best of our ability. Aggie Cinema Hotline: 847-8478 All films are presented in the Rudder Theater Complex MSC Film Society Web Page http://wwwmsc.tamu.edu/MSC/FilmSociety/FilmSociety.html

PARTI

agreement with the Justice Department, one of the nation's largest movie theater chains pledged Tuesday to give disabled people seats beside their families not just at the back of theaters.

The United Artists Theater Circuit Inc. promised a wide range of changes, involving everything from parking lots to restrooms, to make its more than 2,300 movie screens in 29 states more accessible to disabled people.

Thanks to United Artists, we can now tell moviegoers with disabilities, 'Access is coming soon to a theater near you," said Assistant Attorney General Deval L. Patrick, who

news conference here. "I expect the leadership shown by United Artists to have an impact on the rest of the industry

The decision resolves a Justice Department investigation begun in 1992

The Justice Department is conducting 50 investigations of other major theater chains and individual theaters for violations of the Americans with Disabilities Act, said John Wodatch, chief of the department's disability rights section.

The Colorado-based company agreed to begin work on alterations to ensure at least two wheelchair seats somewhere other than the back row in theaters with more than 300 seats. The company also will ensure

WASHINGTON (AP) - In an announced the agreement at a that 1 percent of aisle seats have long way in helping Uni folding or removable aisle-side armrests to accommodate wheelchair users and those who have

difficulty walking. The company denied any viola-tion of federal, state or local law. Nevertheless, it agreed to pay more than \$500,000 to disabled individuals to settle a lawsuit.

Gene Hardy, United Artists general counsel, told the news conference, "This thing has come off very well for the industry and ourselves." He estimated that 300 of the chain's 420 theaters would require alterations.

Patrick said that enhanced ability to attract 5 million disabled moviegoers would go a

Artists recover the cost of the renovations. Hardy declined estimate those costs. The agreement resolves

Justice Department investig tion begun in 1992 and settles lawsuit filed on behalf of d abled Californians by the D ability Rights Education and I fense Fund of Berkeley, white ioined the settlement.

That lawsuit alleged the th ater chain violated the America with Disabilities Act and Calif nia state law by providing insu cient seating for moviegoers wi limited mobility or only seating the back row where they wer separated from their families.



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By Philip Le

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