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# Death caused by fungus remains topic of hospital controversy

HOUSTON (AP) — There is no way to tell here a common fungus that killed an M.D. at Anderson Cancer Center patient originated, meaning the hospital should not be held liable, lawyer for the famed cancer center said.

While admitting that a fusarium fungus infection killed David Cozad, 43, in 1995 while he was staying at the University of Texas facility, attorney John Giberson said the hospital was not responsible.

The fungus is found everywhere, including in fingernails, teeth and in our hair," Giberson said, and it would be impossible to tell when and where Cozad became infected.

Attorney Richard Jaffe, representing

Cozad's family, argued officials were aware the facility was contaminated but did nothing about it.

The family filed the malpractice lawsuit upon learning there had been internal disputes at the cancer center over the possibility of fusarium contaminations in some of its areas. They seek unspecified damages.

The common fungus is normally harmless, but it can become deadly when it infects patients like Cozad undergoing treatment for cancer of the blood system. Such patients have little or no immunity.

The hospital is not abnormally contaminated with the fungus, Giberson said, adding

that its high number of reported deaths from fusarium compared with other facilities shows Anderson has been much more careful to monitor deaths from fusarium.

"If India does not report tuberculosis and the U.S. reports 10,000 cases, it does not mean we have 10,000 more cases of tuberculosis in the U.S.," he said.

Jaffe said that in the late 1980s, Elias Anaissie, an infectious disease physician at Anderson, noticed about 10 deaths there from fusarium.

Anaissie, now at the University of Arkansas, asked hospital officials to study the matter as the deaths continued to increase,

Jaffe said.

And, Jaffe said, a few Anderson physicians wrote a paper on the deaths in 1988, but the hospital "didn't do anything."

Graduate student Robert Kushar produced a master's thesis in 1996 saying the hospital's water was contaminated with fusarium, as were three units where patients are isolated for treatments, Jaffe said.

Cozad developed a fusarium infection after a bone marrow transplant in the summer of 1995, Jaffe said.

He was re-admitted that November after developing the fungal infection in December, a few weeks before he died.

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## Dirty laundry



JAMES FRANCIS/THE BATTALION

Stephen Lair, a junior marketing major, does his laundry at Harvey Washbangers Tuesday afternoon.

## Microsoft's true intentions

Judges consider motive behind Internet Explorer

WASHINGTON (AP) — Three federal appeals judges, asked to consider procedural questions in the Justice Department's fight against Microsoft, instead went to the heart of the debate: Is the company illegally trying to dominate its competitors?

Microsoft is appealing a judge's Dec. 11 preliminary injunction that prohibited it from forcing computer makers who sell Windows 95 to also offer Microsoft's Internet browser. The company claims the browser is bundled so tightly within its dominant Windows operating system that Internet Explorer is not actually a separate product.

U.S. Circuit Judge Patricia M. Wald

questioned Tuesday how that injunction was granted.

The Justice Department, which is considering a broader antitrust case against Microsoft, contends the software company is using its Windows market-muscle to foist its browser on customers unfairly, illegally squeezing other companies' browsers out of the market. Government attorneys say "tying" the sale of Windows 95 to the use of Internet Explorer is anti-competitive and "plain wrong."

"What is all comes down to in the end is, what is an integrated product," Wald said, and much of the hearing was spent trying to answer that question.

## Scientists find evidence of other worlds

WASHINGTON (AP) — Signs of a new family of planets orbiting a distant star are the clearest evidence yet of worlds forming beyond our solar system and suggest that planets where life could evolve may exist throughout the universe, astronomers say.

Using powerful new instruments on telescopes in Hawaii and Chile, two teams of astronomers independently found a doughnut-shaped disk of dust rotating around a star 220 light-years away.

They said at a news conference Tuesday that the hole in the doughnut may have been caused by the birth of planets.

"A solar system like our own is being constructed in the middle of this disk," said David Koerner of the University of Pennsylvania.

He is a member of an astronomy team that used the Neck II telescope in Hawaii to study the star.

He said the finding, along with similar discoveries reported this

week in the journal *Nature*, suggests that planets may be very common throughout the universe.

"Perhaps there are lots of places for life to exist," he said.

Another astronomy team, using the Sarah Tololo Observatory in Chile, made a confirming observation.

Both teams focused on a star called HR 4796.

Earlier studies had suggested that this star could be at the cen-

ter of what is called a protoplanetary disk.

"These disks are thought to be the birthing rooms of planets," said NASA astronomer Edward Weiler, head of a space agency program that is searching for evidence of extrasolar planets and life.

"We haven't actually detected any planets," said Lee Hartmann of the Harvard-Smithsonian Center for Astrophysics and a member of the Cerro Tololo team.

But he said the most likely explanation for the absence of dust in the hole of the disk is that planets have formed.

He said new and highly sensitive instruments are allowing astronomers to move "from just speculating about planets forming to actually seeing it."

Hartmann said that over the next few years, there will be many new planetary families discovered outside the solar system.

**"A solar system like our own is being constructed..."**

**David Koerner**  
 University of Pennsylvania

## Environmental agenda blocked

WASHINGTON (AP) — The shrill partisan rhetoric over environmental regulations — a hallmark of the Republican revolution three years ago — no longer echoes on Capitol Hill.

Gone are the calls to strip the Environmental Protection Agency of its power or to gut the Endangered Species Act to protect landowners.

The abandonment of frontal assaults on environmental regulations does not mean congressional Republicans are ready to embrace President Clinton's top environmental priorities.

From a modest package of tax cuts and incentives to address global warming to new efforts to clean up the nation's waterways and purchase new parkland, the Clinton environmental agenda is being blocked at every turn on Capitol Hill.

Marking Earth Day on Wednesday, Clinton plans to highlight his frustration with Congress over that agenda during a visit to the Appalachian trail.

Republican congressional lead-

ers maintain the disputes simply involve disagreements over spending priorities as well as serious doubts — voiced by both Republican and Democratic lawmakers — about the global warming agreement the administration agreed to last December in Kyoto, Japan.

"Congress has learned to be more surreptitious," said Roger Schlickeisen, president of Defenders of Wildlife.

"There's not as much chest beating. Now they're being much more cautious in their approach. But there's still an anti-environment agenda."

"Sure there's still an anti-environmental agenda (among some lawmakers) ... but it's essentially a handful of people who shout the loudest," said Sherwood Boehlert, R-N.Y., a moderate supported by most environmental leaders.

"There's no doubt in my mind there's a heightened sensitivity to environmental issues," continued Boehlert. He blames the administration for not pushing some environmental issues, such as Superfund reform, more aggressively.

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For info/questions call Kevin Weeks: 847-9770

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**It's simple!** Just go to the MSC Box Office in Rudder Tower and pay \$30 for your recognized student organization. We take cash, check, aggie bucks, credit cards, or departmental accounts (you'll need an IDT).

*and remember . . .*

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