

Court dissolves affiliation with South Texas

BY STAFF & WIRE

A state district judge correctly dissolved a partnership between Texas A&M and the private South Texas College of Law, an appeals court ruled Thursday.

In a 2-1 vote, a panel of the 3rd Court of Appeals in Austin decided that District Judge Suzanne Covington had grounds to void the affiliation because it had not been approved by the Texas Higher Education Coordinating Board. The board oversees public colleges and universities.

"South Texas' argument that the affiliation agreement is merely a compact with a private institution, and therefore does not come under the auspices of the board's authority, fails," Chief Justice Marilyn Aboussie wrote for the majority.

South Texas, in the lawsuit against the board, said the state had no authority to approve the affiliation, but the court ruled that the possibility that A&M could spend public money in the agreement demanded the board's approval.

The court agreed with Covington's ruling, handed down Aug. 2, 1999, that A&M has no authority to teach law.

"Neither A&M's mission description nor its table of programs state that instruction in law is within A&M's role and mission," Aboussie wrote.

South Texas, in downtown Houston, and A&M began a partnership in January 1998, giving the law school the A&M name while remaining a private school.

South Texas had been referring to itself as "South Texas College of Law affiliated with Texas A&M University" before Covington's ruling.

Aboussie and Justice Bea Ann Smith found that Covington properly ordered the schools to cancel their affiliation agreement, which meant South Texas could continue working with A&M, but had to cease using the A&M name.

In dissent, Justice Lee Yeakel wrote, "I do not believe that ... (the coordinating board) has the power to expand its enumerated functions in order to prohibit or discourage cooperative efforts between public and private institutions."

The schools, which have waited more than a year for Thursday's decision, both said they would confer and evaluate their options.

"We could ask for a rehearing, appeal to the (state) Supreme Court, let it go or go back to square one and sit down with Texas A&M and work with the coordinating board and do it the way they insist we need to do it," said South Texas spokeswoman Sheila Hansel, adding that the school's board will discuss strategy in meetings next week.

A&M President Dr. Ray M. Bowen, speaking from the A&M System Board of Regents meeting in Dallas, said A&M would wait to see what South Texas does before reacting.

"We remain committed to an affiliation with South Texas College of Law and we will explore all avenues, including going back to the coordinating board," Bowen said. "We will be talking to South Texas College of Law about the next steps they might take."

Lane Stephenson, deputy director of

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Dancing in the dark



Aggie Players Marisa Saenz, a senior theater arts major; Amber Verret, a junior elementary education major; and Erica Garcia, a senior theater arts major, perform in *Shakespeare Pastiche* on

Thursday night at the Fallout Theater. The show featured the Sonnets of William Shakespeare set to music and dancing under black lights. See related article on Page 3.

Families of wreck victims sue TKE

BY ROLANDO GARCIA

The Battalion

Families of five of the six students killed in a car accident Oct. 11, 1999, outside the Tau Kappa Epsilon (TKE) fraternity house have filed a lawsuit against the fraternity and Brandon Kallmeyer, the A&M student who was driving the vehicle involved in the accident.

Kallmeyer, a sophomore animal science major, was driving on FM 60 when he fell asleep at the wheel and veered off the road, hitting eight students who parked on the shoulder and were preparing to cross the road to attend a party at the TKE house.

The victims of the accident were Ted Bruton, a 21-year-old A&M student; Baylor students Tricia Calp, Emily Hollister, Erika Lanham and Dolan Wastel; and Southwest Texas State University student William Flores.

Trial is set to begin Jan. 15, 2001, in a Harris County district court.

According to the petition filed by the families' attorneys, Kallmeyer was guilty of negligence because he drove while he was physically incapacitated and he failed to keep his vehicle on the road.

Kallmeyer volunteered for and passed a blood alcohol test after the accident. No criminal charges were filed against him.

But the plaintiffs' petition saves the bulk of its negligence accusations for the TKE defendants, including the local fraternity chapter, the national TKE organization and the fraternity corporation that owns the fraternity house.

TKE failed to provide safe and adequate parking for its parties, the lawsuit says, forcing many party-goers to park on the shoulders of both sides of FM 60. Because the limited grassy area bordering the highway shoulder is next to a steeply sloped drainage ditch, guests had to walk along and cross the unlighted highway at night on the way to the TKE Party Barn.

The lawsuit also says TKE had been warned by the police of the dangerous situation created by unsafe parking along the highway, but neglected to limit the number of guests invited or provide additional parking.

In a legal brief filed in court by San Antonio lawyer Jerry Gibson, TKE's attorney, the fraternity denies the families' allegations and said the accident was caused by conditions beyond its control.

Also, Gibson filed a motion requesting the judge sanction the plaintiffs' attorneys for placing an advertisement in an Oct. 23 issue of The Battalion. He said the advertisement

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Student Senate approves two new fee bills

Special Election
Feb. 20 & 21, 2001

Transportation Fee Bill
\$50 for unlimited access to bus system: on and off campus, weekend service, new buses and service to the mall and movie theaters.

Records Management Fee Bill
\$1 increase per semester credit hour, maximum of \$12 per semester to provide unlimited official transcript and degree copies.

Both to be voted on by the student body in referendum during the special election.

BRANDON HENDERSON/THE BATTALION

BY JEANETTE SIMPSON
The Battalion

The Texas A&M Student Senate passed two bills and created a referendum at the final meeting of the semester Wednesday.

The student body will vote on the referendum Feb. 20 and 21, 2001.

The first of the bills on the referendum was the Transportation Fee Bill. This bill, if approved by students and the Board of Regents, will create a \$50 fee per student each semester.

"This \$50 fee will provide unlimited access, on and off campus, for all students; weekend service; more routes and greater frequency; new buses with air conditioning; and service to places such as the mall and movie theaters," said Gary Jackson, manager of Bus Operations.

The bus system is funded by the sale of bus passes, charter

revenues and a portion of the student services fee. This income keeps Bus Operations running, but the lack of funds has forced service levels to be decreased, Jackson said.

The second fee approved for the referendum was the Records Management Fee Bill. This fee is designed to provide an unlimited number of official transcripts and degree certifications to students and former students.

The Records Management Fee would be a \$1 per semester credit hour fee, not to exceed \$12 a semester.

This fee would replace the current \$5 per official transcript fee.

The referendum will appear in February in a special election, instead of in the usual spring student body elections, so students can vote before the March meeting of the Board of Regents.

Students can vote on new bus colors at Bus Ops site

BY BROOKE HODGES
The Battalion

Aggies are being asked to vote again this year, but this time it is to choose the paint color for the new A&M buses.

Seven choices can be seen and voted on during the rest of the semester on the Bus Operations Website: www-busops.tamu.edu.

The 22 new buses will begin operating in May or June 2001.

"Hopefully by the first of the year, we'll have a new paint scheme," said Gary Jackson, manager of Bus Operations.

Some students have voiced opinions about wanting the new buses to read "Texas A&M" instead of "Texas A&M University."

The colors available are maroon, white and gray, Jackson said.

Jackson said the two or three designs with the most votes will be presented to focus groups that will make a final decision.

The fate of the older buses will be determined by a referendum later, Jackson said.

Florida lawmakers ready to appoint presidential electors

(AP) — Al Gore's lawyers battled for his political survival in the Florida and U.S. supreme courts Thursday, pleading against delaying fresh vote recounts "even one day" as a half-million ballots sped by rental truck to Tallahassee. GOP lawmakers jockeyed in the state capital to award the presidency to George W. Bush in case the judges would not.

"When the counting stops, we want to be prepared to lead this nation," Bush said in Texas between transition meetings with retired Gen. Colin Powell — the star of his Cabinet-in-the-making. Officials said the meeting cemented Powell's position as secretary of state in a presumptive Bush administration.

In Florida, the GOP-dominated state Legislature drew a step closer to appointing its own slate of presidential electors as a committee urged leaders to call a special session. Democrats called that "a brazen power play," while they worked elsewhere to keep Gore in the game.

Bush, whose brother is governor of

Florida, raised no objection to the Legislature's actions, and his lawyers defended the lawmakers' right to name a GOP slate. "It's time to get some finality," Bush said in an appearance with Powell at his Crawford, Texas, ranch.

Hundreds of miles away in Florida, Lt. Jim Kersey's squad car headed up the ballot brigade as it passed a hand-made sign reading "No chad zone." Also Disney World.

"Oh, my God," he said. "The whole world is watching."

And what sights to see: Lawmakers cussed and fumed in a legislative committee room; the two could-be presidents plotted their transitions to power; legal briefs ricocheted between the nation's courts; and the banana-yellow rental truck — swarmed by police and media vehicles on Ronald Reagan Turnpike — carried contested ballots to Circuit Judge N. Sanders Sauls' court.

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STUART VILLANUEVA/THE BATTALION
Jeff Kempf, a senior management major and current managing editor for The Battalion, will be the editor in chief for Spring 2001.

Jeff Kempf approved as Battalion editor in chief

BY MARIUM MOHIUDDIN
The Battalion

The country may not have a new commander in chief, but The Battalion has a new editor in chief for Spring 2001.

Jeff Kempf was approved as editor in chief Thursday by Ronald Douglas, provost and vice president of academic affairs.

The Student Media Board is a 10-member panel that nominates candidates for the position and sets standards relating to Student Media — The Battalion and The Aggeland. On Nov. 21, the board met to interview candidates, and it nominated Kempf, a senior management major, for the position.

"He has been managing editor for the summer and fall and obtained a lot of valuable experience," said Dr. Barbara Gastel, chairwoman of the Student Media Advisory Board, interim head of the department of journalism and associate professor of journalism of medical humanities. "He enters with a good deal of knowledge about the position. The role is a very responsible role on campus. He has the background."

Ron George, adviser for The Battalion and a lecturer for the journalism department, said he has worked with Kempf for many semesters and that Kempf has demonstrated his capabilities for the position.

"Jeff is a capable and experienced young man," he said. "He will continue to improve the quality and will be good for morale. He is an approachable person and has a good nose for the news."

The award-winning Battalion is a million-dollar business with a circulation of 22,000. Kempf said this fall, the newspaper made some great progress in coverage and design, and he said he hopes to continue this progress in the spring.

"We are going in a good direction and we are covering our bases, and we need to continue in that direction," he said. "I would like to see more coverage about the surrounding community. There are many students [who] live off campus. This is their community, their neighborhood and their streets. Students are our main focus. We are here to inform readers about every aspect."

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