

THURSDAY KENTUCKY KERNEL

DOWN SWING
Jesse Witten drops from first to fourth in the nation | 8



January 16, 2003

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Administrators considering tuition raise

Cash: Universities often take bigger hits in bad times because they have a revenue source: raising tuition

By Tracy Kershaw
EDITOR IN CHIEF

Students could soon be doling out more in tuition. Among other options, administrators say they are considering raising tuition if they have to make up for a possible \$16.5 million cut in

state appropriations. "Any time you have cuts that are the magnitude of the potential of next year, you have to revisit issues pertaining to tuition," said Mike Nietzel, academic provost. Neither Nietzel nor other administrators would speculate how high of an in-

crease there might be. 2002-2003 undergraduate tuition was \$1,987.25 for residents and \$5,283.25 for non-residents. In Kentucky, tuition and fees at public universities increased 5 to 9 percent between the 2001-02 and 2002-03 academic years. Nationwide, four-year public colleges and universities went up \$356, or 9.6 percent, to \$4,081 during that

same period, according to a College Board study released in October. "Higher education gets cut more than other categories when times are tough because higher education can bring in its own revenue in tuition," said Will Doyle, a senior policy analyst for the Center on Public Policy and Higher Education. The College Board's report blamed tuition increases

on a slowdown in the growth of state appropriations as the sour economy lowered tax revenue to the states. "We want to protect against dramatic tuition increases," said Tony Goetz, associate dean for community relations who lobbies for UK in Frankfort. "The people at the university are looking at our responsibility to have the very best program for an affordable price."

Doyle said financial aid must increase along with tuition to allow lower-income students to attend college. "Middle and upper class students — they've grown up in an environment where it's known that they'll go to college. It will be painful for their families, but they're still going to go," he said. "Low income students — if they can't afford, they are not going to attend."

BOOKS, BLUEGRASS, BURGOO



KATIE MCCONNELL | KERNEL STAFF

Taste of the south

Computer Science freshman Nick Mattoi and physics freshman Nathan Pinney take a break at the Cat's Den in the Student Center during their first day of classes to enjoy the music of Bluegrass Collective and free burgo and cornbread. The welcome back event, World Wide Wednesday, was sponsored by the Provost's Office and Division of Student Affairs. The lunchtime party featured the music of Bluegrass Collective, a regional favorite that plays every Sunday night at The Fishtank, a bar at the corner of Woodland and Euclid avenues.

Free DVD rentals begin this month in Student Center



MEREDITH KIRKHEAD | KERNEL STAFF

Student Government is compiling a library of DVD's for students to rent for free. Above, some of the titles being offered.

No money?: Studs can rent DVDs for 24-hours with new Student Government rental service

By Stephanie Boven
STAFF WRITER

Students will be able to rent movies at the Student Center without paying a dime because of a new Student Government-sponsored service that will start this month.

Everything from "Dazed and Confused" and "Barbershop" to "Sling Blade" and two seasons of "Sex and the City" — 500 movies altogether — will be available on DVD, and the cost is covered completely by SG student fees. SG members say they want to offer students a video alternative to Blockbuster.

SG President Tim Robinson called it a value-added service.

"Students pay about \$8 a year on a Student Government fee," he said. "After renting three movies, students have already received the value they would have spent renting movies elsewhere, like Blockbuster."

SG will also offer a consolidated discount card service to be used at least 20 local businesses, Robinson said. The card will also be used to check out movies.

The SG Senate approved a \$10,000 budget for the video service last semester. Edwin Orange, a SG member who is one of the organizers of the video service, developed the 3-

See VIDEOS on 3

Athletics director signs 7-year contract

Signed: Barnhart's contract gives UK right to fire AD at any time without cause; deal laden with incentives

ASSOCIATED PRESS

LOUISVILLE — Kentucky athletics director Mitch Barnhart on Wednesday signed a seven-year contract laden with incentives for on-the-field successes but giving the school wide latitude to fire him. Barnhart, who has been on the job since August, will be paid a base salary of \$375,000 each year. Barnhart will be eligible for performance bonuses up to \$100,000 if the Wildcats' athletics teams reach postseason play. He also is in line for bonuses to reward his longevity on the job.

Barnhart said he appreciated the show of support from University of Kentucky President Lee Todd and UK Board of Trustees Chairman Steve Reed.

"I'm anxious to turn the attention to our 22 sports and 500 student-athletes as we put together a program that all

Wildcat fans can be proud of," Barnhart said in a brief statement.

Todd said he also was pleased to have the contract finalized.

"We're glad that we can move forward," he said.

Todd said the contract — which runs from Aug. 1, 2002 to June 30, 2009 — was "fairly complex," a reason Barnhart was on the job nearly half a year before signing the agreement.

The 21-page contract, also signed by Todd, includes a nine-page section dealing with termination.

The contract requires Barnhart to promptly inform Todd of any rules violations or any information that indicates a "significant violation" might have occurred. His failure to do so could result in his firing.

Todd recently rebuked Barnhart for not telling him about NCAA violations

linked to new Kentucky football coach Rich Brooks when Brooks was coach at Oregon 22 years ago. Barnhart acknowledged that he never mentioned the situation to Todd before Brooks was hired and apologized.

The contract gives the university the right to fire Barnhart at any time without cause. Barnhart would be entitled to his base salary for the remainder of his contract if he let go under such circumstances.

Under the agreement, Barnhart could be fired for any major rules violation in which he exhibited "knowing or deliberate conduct, or any conduct demonstrating a reckless disregard" for an infraction.

Barnhart left his job as athletics director at Oregon State to replace Larry Ivy as head of UK's athletics. At Kentucky, Barnhart inherited an athletics department stung by recruiting violations in the football program and a poor review of the university's athletics depart-

ment.

Kentucky's football program faces two more years of probation and scholarship reductions for recruiting violations committed under former coach Hal Mumme, who resigned in February 2001.

Mumme's successor, Guy Morriss, left Kentucky on Dec. 9 to become the coach at Baylor. Barnhart received considerable heat from fans when he missed his self-imposed Christmas deadline for finding a new coach.

Once he hired the 61-year-old Brooks, who had been out of football for two years, Barnhart remained on the defensive. Brooks' links to the NCAA violations at Oregon came to light hours after Brooks was hired at Kentucky. Oregon was sanctioned by the NCAA in 1991 for violations committed by an assistant coach who ultimately resigned.

Brooks was never directly tied to the violations, which included academic fraud and

See AD on 3



MARK LEE | KERNEL STAFF

Dedication

Frankie Johnson, wife of the late Bernard Johnson, and flanked by UK President Dr. Lee Todd Jr. and SG President Tim Robinson, helps cut the ribbon with members of the UK community at the dedication ceremony for the new Bernard M. Johnson Student Recreation Cen-

ALL THE NEWS THAT FITS

The Low-down

A combination of lightning-fast technological innovations and the erosion of privacy protections threatens to transform Big Brother from an oft-cited but remote threat into a very real part of American life.

ACLU report, which also criticizes measures the government has taken after the terrorist attacks on Sept. 11, 2001.

Prize offered in new logo contest

The Student Volunteer Center is asking students to create a logo that represents the programs of the SVC and correlates with the mission statement, which can be found on the Web site. All entries are required to follow certain regulations. Submissions will be accepted now through Feb. 10. The winner will be announced Feb. 20 and will receive a gift certificate to a local restaurant or entertainment complex. Visit www.uky.edu/volunteer for more information.

Pharmacy faculty to get air time

The College of Pharmacy faculty and Kentucky community pharmacists will be panelists on the upcoming call-in show "Ask the Pharmacist." The show, which is scheduled to air from 6 to 7 p.m. Saturday, Jan. 25 on WKYT-TV and WYMT-TV, will also be rebroadcast statewide at 4 p.m. on Kentucky Educational Television on Feb. 2. College of Pharmacy faculty members Holly Divine and Amy Nicholas will be among the experts answering callers' questions on medications during the one-hour program.

Sullivan award nominations sought

UK is now taking nominations for the Sullivan Medallion, an award for graduating seniors who are involved in volunteer work and other endeavors aimed at improving the lives of others. Deadline for nominations is 4:30 p.m. Wednesday, March 19, 2003. Nomination forms are available online at <http://www.uky.edu/SullivanAward/> or by calling 323-6161. Materials are to be submitted to the following address: Dr. Carol Elam, Chair, 2000 Sullivan Awards Committee, Office of Admissions, MNI02 College of Medicine, 800 Rose St., University of Kentucky, Lexington, Ky. 40536-0298.

Kenyan band to rock at UK

JABALI AFRICA will bring the rock music of Africa to UK this January. The band hails from Kenya and their sound is a fusion of African rhythms. The band will perform on Wednesday, Jan. 29 at 8 pm in the UK Student Center Grand Ballroom. Admission is free. For more information call 257-8867.

Economy burdens higher ed reform

COVINGTON — Continuing the state's higher education reforms during economic hardships will prove a challenge, said the new president of the Kentucky Council on



CLOSE CALL: Retired television news veteran David Brinkley was rescued from his burning home by a persistent police officer who broke into the home through a window, authorities said. Teton County Deputy Chad Sachse carried the bedridden Brinkley to safety early Tuesday, said Teton County Fire Marshall Rusty Palmer. Brinkley, 82, and his caregiver escaped injury. Sachse went to check a security guard's report of a fire at the town house complex and found flames shooting out of the chimney. The security guard had not believed the residence was occupied, but Sachse said he pounded on the door and looked in windows anyway. When he saw a television set on, he entered through a window and shouted, waking the caregiver, then found Brinkley in bed and carried him to his patrol car, he said. The fire had not yet burned into the interior of the house, he said. Palmer said the fire appeared to have been caused by faulty insulation around the fireplace.

Postsecondary Education. "It's going to be tough, but I'm optimistic it can be done," Thomas Layzell said. "No matter how hard the task, you've got to be positive. You've got to move forward. Besides, what's the alternative?" Layzell, 64, has faced the same problem before. He's been trying to improve education despite declines in funding in Mississippi, where he is the state's commissioner on higher education. "In Mississippi, we lost 16 percent of our higher education funding the past three years and it looks like we might lose another 8 or 9 percent this year," Layzell said. While Mississippi legislators also made educational reforms a priority, Kentucky set a longer term goal of using higher education to improve the quality of life through the year 2020, Layzell said. "In Kentucky, I'm going to put a lot of emphasis on developing a consensus among educators and legislators about our priorities," he said. "I've been involved with state governments more than 30 years, and I know that the results are a lot better when you're working together instead of being divided." College presidents are counting on Layzell to keep reform efforts from weakening. "He has the ability to see the big picture and keep a consensus built and that's essential because we are at a serious crossroads in post-secondary reform right now," said Ed Hughes, president of Gateway Community and Technical College.

CBS reacts to criticism of show

The pickup truck taking a new family of "Beverly Hills" out to California may be sputtering. Under pressure, CBS is dampening expectations for "The Real Beverly Hills," a reality series in the works that borrows its premise from the hit 1960s sitcom. This time, the network planned to use a real family instead of a fictional one. An advocacy group, the Center for Rural Strategies, placed a second round of newspaper ads protesting the series in newspapers on Wednesday. There is still no schedule for when, or if, the series will get on the air, CBS President Leslie Moonves said. "It's a show that's still very, very much in the discussion stages," he said. "We have not even located a family." Casting is being conducted in West Virginia, Kentucky, Virginia, Tennessee, North Carolina, South Carolina and Georgia. "Sometimes you're pushing the envelope, and sometimes ... it may appear you're pushing it too far. It wasn't our intent to offend everybody," he said. "I'm sorry if we have." Moonves also pointed out that the biggest buffoon in the original sitcom was the rich guy next door. "He's back-pedaling," said Dee Davis, president of the Whitesburg, Ky.-based Center for Rural Strategies. While Davis was encouraged by Moonves' comments, he said Wednesday he would continue the ad campaign. Advertisements are running in Los Angeles, Chicago and Nashville, he said. "If we just packed it in and quit right now, who's to say they won't



VOLUME 5: Saturday, June 21, 2003. That's the day "Harry Potter and the Order of the Phoenix," the long-awaited fifth volume in J.K. Rowling's Harry Potter series, will be released, its publishers announced Wednesday. "[Rowling] has written a brilliant and utterly compelling new adventure," said Bloomsbury Chief Executive Nigel Newton and Scholastic President Barbara Marcus in a joint statement. The new book begins with the words: "The hottest day of the summer so far was drawing to a close and a drowsy silence lay over the large, square houses of Privet Drive ... The only person left outside was a teenage boy who was lying flat on his back in a flower-bed outside No. 4. Later in the novel, the statement said. Rowling writes: Dumbledore lowered his hands and surveyed Harry through his half-moon glasses. "It is time," he said, "for me to tell you what I should have told you five years ago, Harry. Please sit down. I am going to tell you everything."

turn around and put it on the air?" Davis said.

D.C. mail facility free of anthrax

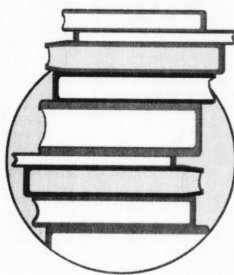
No anthrax was detected at a government mail facility that handled a Federal Reserve letter that tested positive in preliminary readings, the Postal Service said Wednesday. The Washington postal facility was closed for the day while samples from the site were tested. A suspect sample was sent to the Centers for Disease Control and Prevention for further testing. Late Wednesday the Fed announced that those tests, conducted by the state of North Carolina under the CDC's guidance, found no presence of anthrax. The central bank also said the CDC in Atlanta planned more tests on the sample. Since the anthrax-by-mail attacks in 2001, the Fed has been testing its mail in an outside trailer before allowing it into the central bank's headquarters. There had been positive readings twice before, in December 2001 and May 2002, but this was the first time that a more sophisticated laboratory test had detected the presence of live anthrax spores. Five people died in the 2001 anthrax attacks, including two postal workers. Eighteen other people were infected. Major mail sorting facilities in New Jersey and Washington were contaminated in the attacks and both remain closed. Fumigation to destroy the anthrax spores was recently completed at the Brentwood Road facility in Washington. Once further testing is completed, the New Jersey plant will be decontaminated.

ACLU: Big Brother society possible

A report released Wednesday by the American Civil Liberties Union warns that the United States is evolving into a Big Brother society fueled by technology advances and legal standards loosened after the Sept. 11 terrorist attacks. "A combination of lightning-fast technological innovations and the erosion of privacy protections threatens to transform Big Brother from an oft-cited but remote threat into a very real part of American life," the report says. Legislation passed after the Sept. 11 attacks allows the government to more easily tap telephones and computers, conduct searches without immediately notifying the target and even get records of library patrons' reading habits, the report said. Viet Dinh, an assistant U.S. attorney general and one of the government's spokesmen on security topics, said in an earlier interview that the Bush administration would not abuse its powers. "I think security exists for liberty to flourish and liberty cannot exist without order and security," Dinh said.

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Bush: Race policy unconstitutional

Politics: Democrats, civil rights leaders outraged about brief filed against affirmative action case

ASSOCIATED PRESS

WASHINGTON — President Bush, stepping into the most politically charged affirmative action case in a generation, asserted Wednesday that a program of racial preferences for minority applicants at the University of Michigan was "divisive, unfair and impossible to square with the Constitution."

Democrats and civil rights leaders swiftly attacked Bush's position in a Supreme Court case that could overturn a 1978 affirmative action ruling and jeopardize 25 years of race-based programs.

The Bush administration continues a disturbing pattern of using the rhetoric of diversity as a substitute for real progress on a civil rights agenda, said Sen. John Kerry, D-Mass., a candidate for the Democratic presidential nomination.

Sensitive to such criticism, the White House said a brief being filed Thursday on Bush's behalf is narrowly tailored to oppose the Michigan program and does not address a critical question: whether race can play a role at all in selecting a student body. Bush chose to let the Supreme Court settle an issue that could reshape affirmative action programs nationwide.

The court hears the case in March.

Some conservatives, including senior members of Bush's own Justice Department, had urged Bush to take a tougher stand against ever using race. In an unusual foray into domestic policy, national security adviser Condoleezza Rice participated in the discussions and eventually sided with Bush's split-the-difference approach.

Rice, who is black, opposed quotas as provost of Stanford University.

"I strongly support diversity of all kinds, including racial diversity in higher education," Bush said in the Roosevelt Room to announce that his administration would file a brief. "But the method used by the University of Michigan to achieve this important goal is fundamentally flawed."

The Michigan program "amounts to a quota system that unfairly rewards or penalizes prospective students solely on their race," Bush said.

He said the undergraduate admissions program awards black, Hispanic and native American students 20 points, one-fifth of the total normally needed for admission. At the law school, some minority students are admitted to meet percentage targets while others with higher grades are passed over, Bush said.

"Quota systems that use race to include or exclude people from higher education and the opportunities it offers are divisive, unfair and impossible to square with the Constitution."

The last Supreme Court case that addressed affirmative action in college admissions banned the outright use of racial quotas but still allowed university admissions officers to use race as a factor. The case, the 1978 Bakke ruling, involved a white applicant rejected from a public medical school in California.

Bush said that "racial prejudice is a reality in our country" and Americans should not be satisfied with the current numbers of minorities on college campus. But in trying to fix the problem, Bush said, "we must not use means that create another wrong."

As an option to quotas and preferences, Bush pointed to admissions programs

in other states — including his home state of Texas — that promote diversity without giving students an edge based solely on their race.

In Texas, as governor, Bush proposed that students graduating in the top 10 percent of all high schools be eligible for admission to state schools. Supporters say that had the effect of continuing a stream of minority students because some public high schools are nearly all black or Hispanic.

State figures show Texas colleges have enrolled more minorities under Bush's program, but not at a pace to keep up with national trends, state goals or the booming population growth.

Bush has called the program "race neutral" because no quotas or racial preferences were involved. But senior White House officials, seeking to cast Bush's approach as moderate, said race was at least an indirect factor in the Texas program because diversity was the primary goal of the program.

"Our government must work to make college more affordable for students who come from economically disadvantaged backgrounds and because we're committed to racial justice, we must make sure that America's public schools offer a quality education to every child from every background," Bush said.

Noting that Bush announced his decision on the birthday of civil rights hero Martin Luther King, civil rights activist Jesse Jackson said, "He is intentionally flaming racial fears for wedge politics."

Bush got into Yale University in part because the school gives credit to the sons of alumni, Jackson said, comparing that advantage to the University of Michigan point system denounced by Bush.

includes incentives to reward him for athletic successes.

Barnhart will receive a \$100,000 bonus if the Kentucky football team reaches the Bowl Championship Series. He gets a \$30,000 bonus if the Wildcats participate in any non-BCS bowl game. The Wildcats will be eligible to play in a bowl game next season, following a one-year ban.

He is guaranteed a \$25,000 bonus per team if the men's or women's basketball teams reach the NCAA Final Four.

UK will pay him a \$5,000 bonus if any other athletics team appears in the NCAA tournament, and \$5,000 more

for each national title.

The contract includes incentives to reward Barnhart's longevity as athletics director. Barnhart would receive a \$120,000 payment on June 30, 2006, if he is still athletics director. He would receive follow-up payments of \$30,000 each of the next three years.

Under the contract, the UK Athletic Association will give Barnhart a \$100,000 loan — the amount he owes Oregon State to buy out his contract.

Payments on the loan are deferred until June 30, 2007. The entire loan, plus interest, will be forgiven at that time if Barnhart is still Kentucky's athletics director.

AD

Continued from page 1

players obtaining free plane tickets.

After the controversy surfaced, Todd said he would have endorsed Brooks' hiring even if he had known about the violations at Oregon.

Under the contract, Barnhart will receive a \$275,000 salary, plus another \$100,000 for participation in UK sports radio and television programs. His contract

"I'm anxious to turn the attention to our 22 sports and 500 student-athletes as we put together a program that all Wildcat fans can be proud of,"

— Mitch Barnhart, University of Kentucky Athletic Director

DVDS

Continued from page 1

ware for the rental service, including a Web site, which Robinson said should be completed soon. The Web page, which will be a link on the SG Web site, will have links to critics' reviews for each of the 500 movies.

Students will also be able to go on the site and see what movies have been checked out.

"We're getting better technology than even Blockbuster," Robinson said. "Students can check online to see what's checked in or out."

He said the Web site will be automatically updated with a scanner (to check the movies).

Blockbuster isn't threatened by the service. Sherry Stewart, a manager of the Blockbuster store on Euclid Avenue, said the university

rental system "won't hurt our business because we have more copies, more variety and lots of student business."

The video service will be in the SG office, room 120 of the Student Center. The hours of operation will be from 8:00 a.m. until 4:30 p.m. Robinson said hours may be extended if there is a sufficient student demand. Students can rent the movies for 24 hours.

Robinson said SG still needs to enter movies into its database.

The rental service should begin next week or the following week, he said.

But one SG member is opposed to the service. David Hutchinson, a SG senator-at-large, said that the video service already exists and could be far better with joint action.

"Everything SG does takes away from other groups that already offer the service rather than working with them," said Hutchinson. "They want to be the

biggest and best in everything."

The W.T. Young Library has free rental services for students and a usable scanning system for movie rentals, he said.

Hutchinson said that the student fees could be better used by creating a wider video selection instead of buying video scanners and other start-up items.

Robinson, however, said the Student Center is a better location and that few students know about the video service at the library.

"The students need to know SG exists for representation," Robinson said. "The video service gets students to come to the SG Office and that increases business for other SG activities."

Free rentals

The rental services Web site is www.uksga.com/movies. To contact the SG office, call 257-3191.

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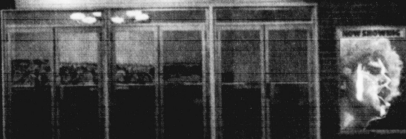
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Government implements steps to prevent attack on U.S. planes

Danger: White House official says missiles fired at Israeli passenger plane in Kenya are plentiful

ASSOCIATED PRESS WRITER

WASHINGTON — The government has taken undisclosed steps to protect commercial flights from a missile attack and a task force has been assembled to come up with more ideas, officials said Wednesday.

The government has long been concerned about the possibility of a shoulder-fired missile taking down a plane, but an unsuccessful attack on an Israeli jet in Kenya in November hastened the need to act.

After the attempted shootdown, U.S. security officials formed a task force to assess the danger posed by such weapons. They concluded the threat could be serious because the rockets are portable and plentiful, according to a White House official who spoke on condition of anonymity.

Sen. Bill Nelson, D-Fla., said commercial aviation in the United States would be crippled if a plane was struck by a missile.

"It is my intention to ferret out what the administration is doing and on what timetable they're doing it," said Nelson, who sits on the Commerce Committee, which oversees aviation.

"Yesterday isn't soon enough."

He said airports are doing some things to keep terrorists away from their perimeters.

People are no longer allowed to stand north of a runway at Orlando International Airport and watch planes take off and land, he said. The missiles, though, have a range of a mile, he said.

FBI spokesman John Lannarelli said officials are focusing on identifying vulnerable areas at the nation's airports and ensuring greater vigilance among local police and airport officials.

One approach under consideration is a neighborhood watch program that would educate local police and residents near airports to identify missile parts and to be on the lookout for suspicious people.

"Someone is not going to be able to just whip one of these things out of a briefcase," Lannarelli said.

The National Security Council, the White House office of homeland security, the FBI and transportation safety agencies are part of the group coordinating the efforts, presidential

spokesman Ari Fleischer said.

"There have already been steps taken" that must remain confidential for security reasons, Fleischer said, adding that more plans are in the works.

Though security has been tightened considerably at airports since the Sept. 11 attacks, passenger planes still are seen as vulnerable to missiles that could be launched from outside an airport's perimeter. Federal officials are looking at various options to protect their vulnerability, Lunner said. "There's a wide-ranging, active discussion about this issue," said Chet Lunner, Transportation Department spokesman.

Shoulder-fired missiles are relatively cheap and easy to use. Hundreds and perhaps thousands of SA-7s — heat-seeking rockets that can hit low-flying aircraft within 30 miles — are available to terrorists on the worldwide arms market.

Terrorists fired two SA-7 missiles that narrowly missed an Israeli passenger jet after it took off from Mombasa, Kenya, on Nov. 28.

Officials concluded that al-Qaida was probably behind the attack, which was launched from a four-wheel drive vehicle one mile from the airport.

In the spring, suspected al-Qaida operatives used an

SA-7 to try to shoot down an American plane taking off from Prince Sultan Air Base, south of the Saudi Arabian capital of Riyadh.

The discovery of the attempt prompted the FBI to issue a bulletin to U.S. police departments on May 22, urging them to be vigilant.

U.S. airports are being surveyed now to assess their vulnerability, Lunner said. In addition, airport security personnel have been put on alert.

Lunner said various technologies also are being looked at to protect planes.

For example, military aircraft carry flares that can be launched to serve as a decoy heat source to throw off a missile.

In addition to those jets, Air Force One and Federal Aviation Administration planes that carry heads of state have been equipped with the countermeasures, said Paul Hudson, head of the Aviation Consumer Action Project, a passenger advocacy group.

"That's why there's never been a hit on a (U.S.) plane flying in the Iraq no-fly zone," Hudson said.

Adding such expensive technology to thousands of commercial aircraft may not be financially feasible for an industry in which nearly every major airline is losing money.

Sniper suspect faces trial as adult

Stakes: Prosecution cites new anti-terrorism law; 17-year-old John Lee Malvo could get death penalty

ASSOCIATED PRESS

Citing what he called strong circumstantial evidence, a judge said Wednesday that 17-year-old sniper suspect John Lee Malvo can be tried as an adult, making him eligible for the death penalty.

Juvenile Court Judge Charles Maxfield ruled after a hearing in which prosecutors said Malvo tauntingly tried to extort \$10 million from authorities during the killing spree and that fingerprints on the murder weapon and other evidence tied the teen-ager to four attacks — three of them

fatal.

Malvo and John Allen Muhammad, 42, are accused of killing 13 people and wounding five others in Alabama, Georgia, Louisiana, Maryland, Virginia and Washington, D.C., last year. They are being tried first in Virginia in separate trials.

The extortion allegation is a key element of a Virginia anti-terrorism law that allows the death penalty for killers convicted of trying to intimidate the public or coerce the government. Malvo is also charged under a statute that allows a death sentence for

multiple murders.

"They wanted to negotiate for money," prosecutor Robert F. Horan said. "They said 'If you want us to stop killing people give us the money.' If that is not intent to intimidate government, I don't know what is."

Defense lawyers argued the evidence was insufficient because no eyewitness placed Malvo at any of the crime scenes. They also said the demand for money does not qualify as terrorism and questioned whether it should be interpreted as a motive for any alleged crime.

"This is not intimidation if you look at it. If you look at it in the broadest sense, it's blackmail," defense lawyer Michael Arif said.

Malvo is charged with the Oct. 14 slaying of FBI analyst Linda Franklin outside a Home Depot store in Falls Church.

Horan said ballistics evidence, the notes and the phone calls link Malvo to two other fatal attacks and a shooting outside an Ashland restaurant that left a patron critically wounded.

A fingerprint expert also said the only identifiable prints found on the murder weapon, a Bushmaster rifle, belonged to Malvo. Earlier, a detective who interviewed Malvo after his arrest last fall identified his voice on tape recordings of two threatening phone calls to authorities during the attacks. Both tapes were played in court.

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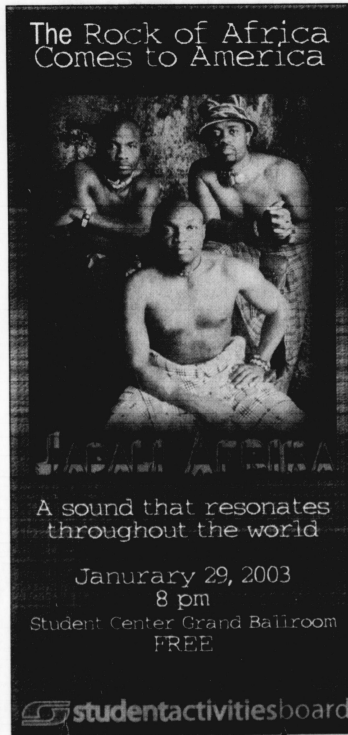


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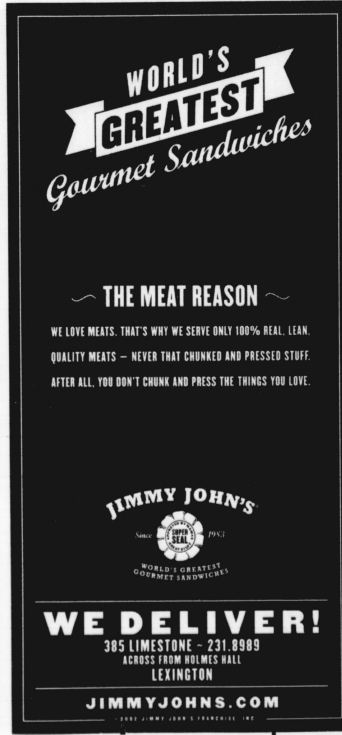


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New Year's celebration different around world

FROM KITCHEN DIETIES TO SCHIZOPHRENIC OLD WOMEN

By Robbie Clark
STAFF WRITER

Across the globe most cultures and customs give notice and celebrate the coming of the new year. Some are simple, some lavish and some quite peculiar. Here in the States some festivities include hugging around a television to watch the ball drop in New York City or gathering in a local pub with friends waiting for the stroke of midnight.

In other parts of the world some customs involve heaving large fireballs down the street, watching a cult classic about an elderly lady and her butler who attend a party with only her imaginary friends, and sending the household kitchen god to heaven to report about its respective family.

The kitchen god is a trademark of the Chinese New Year's celebration, according to Kristin Stapleton, associate professor of East Asia history.

Chinese families burn a paper image of the kitchen god before New Year's Eve so it may return to heaven to give the accounts of the families' activities.

Hopefully the kitchen god will have favorable praise for the family and will bring good fortune when it returns on New Year's Eve.

Aside from kitchen gods, Stapleton says the Chinese New Year is one of the most important Chinese holidays.

"The Chinese New Year

is a chance for all family members to gather together and stay up eating various foods," she said.

In the past, when many Chinese families could not afford to eat meat, Stapleton said that the New Year's celebration was the only time many families would splurge and prepare meat dumplings.

The Chinese New Year is based on the Chinese calendar, which uses lunar phases to set its dates. A character from the Chinese Zodiac symbolizes each year on the Chinese calendar.

2003 is the year of the goat or black sheep. The Chinese New Year begins on Jan. 31.

In Scotland the New Year's celebration is called Hogmanay in commemoration of the Celtic deity Hogmagog, according to Stephen Brown, the assistant secretary of the Lexington Scottish Rite of Freemasonry.

In the past, Hogmanay involved draping oneself in animal hides and running through the city while being beat by sticks.

Today Scottish folk either crowd Princess Street in Edinburgh or Stonehaven in Aberdeenshire. When the clock announces midnight in Aberdeenshire, a procession of 60 fireball swingers parade past crowds until finally tossing their burning orbs into the sea.

"The fireballs are supposed to help speed the exit of the old year and herald the start of the new," Brown said.



Times Square in New York City is a popular spot for New Year's Eve.

Across the English Channel, Germans know it is New Year's, known as Sylvester, by the airing of holiday staple — an old English cabaret sketch called "Dinner For One," according to David Meek, a German studies freshman.

This 15-minute black comedy involving a 90-year-old woman and her butler

attending a New Year's party with only her imaginary friends is aired frequently on German television stations during the holiday season.

"Watching 'Dinner For One' on New Year's is like watching 'A Christmas Story' on Thanksgiving," Meek said.

WALKNTALK

Sticking to your guns: What, if any, were your New Year's resolutions?



Gabe Sperber

"To maintain my resolutions and make my momma proud."



Britt Selvitelle

"To stop making resolutions."



Christy Ezedi

"To exercise three times a week, achieve a 4.0 and try not to go home as often."



Zach Watson

"I'm quittin' smoking."

Top Five New Year's Resolutions

1. Get in Shape
2. Quit Smoking
3. Spend more time with the family
4. Get out of debt
5. Become a better person

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6 THURSDAY, JANUARY 16, 2003 KENTUCKY KERNEL

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Controversy prevails in coaching change

To say the UK athletic department had an eventful holiday season would be quite an understatement. While players and students were returning home for winter break, athletics director Mitch Barnhart was busy trying to find a new head football coach to replace the dearly departed Guy Morriss.

The Rich Brooks hire was unexpected, to say the least. While many fans initially seemed disappointed or downright angry with Barnhart for not hiring a big name coach, people have begun to understand that Brooks has proven himself to be a good coach time and time again.

Brooks brings a national coach of the year trophy from 1994 and a Rose Bowl berth to the table. Fans have come to accept Brooks. But controversy still manages to surround the hire. Welcome to UK athletics.

It turns out that Brooks was involved in recruiting violations during his tenure as Oregon's head coach in the late 1970s, and Mitch Barnhart never discussed the scandal with President Todd before hiring Brooks. An investigation of the violations resulted in sanctions that are quite similar to those imposed on UK's football team last year. The Ducks were banned from postseason

play for one year, placed on probation for two and faced scholarship reductions for three.

The NCAA infractions committee specifically implicated Brooks in two of the violations, and Brooks has accepted blame in those cases.

Though the transgressions are undoubtedly a knock on Coach Brooks' resume, they shouldn't turn the Wildcat faithful against him. He has a flawless record of rules compliance since the 1970s, and the NCAA even saw fit to grant Brooks a position on the infractions committee, a post habitual cheaters could never hope to fill.

Barnhart has a duty to uphold Dr. Todd's goal of avoiding another recruiting scandal at UK, therefore he should have known the Oregon violations were relevant in this search. Barnhart has admitted he made an error and has since taken steps to avoid further controversy by hiring an independent agency to do background checks on all incoming assistant coaches.

Barnhart will face strict scrutiny the next time there's a major coaching vacancy. Barnhart finally signed his contract yesterday, so he'll have many chances to prove he's learned from his mistake.

Tony Stoeppel
GUEST COLUMNIST

Bush economic plan ideal for students

On January 7th President George W. Bush unveiled his much-anticipated economic growth package. Now while the liberals in Washington and across the country commence their repetitive mantra of how President Bush's plan will only aid the ultra rich, a perspective on how the plan will affect the typically not-so-affluent college student needs urgent attention.

As a Biosystems and Agricultural Engineering senior, I have had several discussions with my colleagues in the College of Engineering concerning the current lack of a job market for engineers. When engineering students first entered UK four or five years ago, we were told about the unprecedented availability of jobs.

In an e-mail sent to engineering students on May 1, 2002, Donna Hewitt of the College of Engineering Co-op and Pre-professional Programs wrote, "This is the worst summer for employment that I have seen in about 18 years... Co-op positions did not open in significant numbers for the summer and summer jobs have been murder to find. If you have secured a job - congratulations!" This situation is not restricted to those in the engineering field but extends to all college students and graduates.

If Bush's economic growth package, particularly the part addressing the elimination of the double taxation of dividends, is passed, students and graduates that have waited patiently will emerge with employment opportunities in their specified field.

Considering that half of the United States population and roughly 79% of the workforce have some money invested in the stock market, this specific portion of the president's plan will undoubtedly have positive ramifications for the American people. Many may think that too few college-aged students own stock to make this part of the president's plan worthwhile to college students. To be frank, it does not matter. Students will win from all directions, whether they own stock or not.

Currently about one-half of the stockholders of dividend paying companies are senior citizens. Most of the remainder is tied up in individuals' 401K plans. If these two sectors agree to reinvest at least some of those dividends received in the company that declared such a dividend, companies will naturally become more willing to declare dividends.

Also, if other long-term investors who are not currently investing in such stocks can select stocks with out having to be concerned about the profit dividends declared being double taxed by the federal government, these investors will naturally invest in small businesses and corporations that do pass along dividends.

This new attitude toward companies that declare dividends will bring about a new philosophy concerning the stock market from that of the volatile day-trading scheme to a more stable, long-term investment strategy because investors will want to collect the dividends.

All of this money invested and reinvested will encourage small businesses and corporations to expand, providing opportunities for entrepreneurs, and thus ultimately generating more jobs.

Projections of creating 2.1 million employment opportunities through this plan are being forecasted, and these jobs are positions that college graduates are in need of now and will be in need of in the future. In some cases, these job positions will be created because of capital investment in the ideas and concepts of recent college graduates who wish to start their own company.

We see in this one section of his plan that Bush is not solely focused on proposing a temporary fix for the economy in an attempt to secure political points for his 2004 presidential bid with the supposed rich, as some might suggest. President Bush has made a bold move by leading with a sound, durable solution aimed at long-term economic and job market growth as well as immediate aid, giving his plan the proper balance needed to make the economy grow.

When taking into account the primary reader of this particular media outlet, the notion of job creation and work availability is most certainly more prevalent to college graduates today than it has been for several years, thus requiring special attention. President George W. Bush's pro-growth economic package is the right plan for America; it is the right plan for students.

Tony Stoeppel is a biosystems and agricultural engineering senior. His views do not necessarily represent those of the Kernel.

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Letters to the editor should be between 250 and 350 words. The Kernel reserves the right to edit any submitted materials.

Kathryn Peterson

GUEST COLUMNIST

Publicized child abuse cases should wake public

When Madelyne Toogood was taped beating her daughter in an Indiana parking lot in September, the recording was played constantly on news shows across the country.

The tape was disturbing, no question about it. It showed a 29-year-old woman savagely beating a four-year-old in a public place. Viewers were exposed to the grizzly image of a defenseless little girl being victimized by her own mother, who is three times her size.

Because the situation was made public, questions were raised about child abuse in America and how it is handled. Experts were interviewed, talk shows tackled the issue and people were interested and seemed to ponder the situation. That lasted for about a week.

Then, the media directed the public's attention to another story that it deemed more important. People forgot and moved on.

Fast forward to this week. A 7-year-old boy's remains were found mummified in a plastic storage container in the basement of a Newark, N.J., home. The boy's two brothers were also found in the basement. They were starving and forced to endure an environment not fit for any living being.

New Jersey's Division of Youth and Family Services had received 10 complaints about the family during the past 10 years, yet nothing changed. Authorities allowed the abuse to continue unchecked for a decade. The children were burned, starved and eventually murdered.

The media jumped all over the story. CNN, NBC, CBS, any and every news channel had the story included in its broadcast. Much like in September, child abuse was brought to light. The public is shocked, lines of communication are opened and people are seemingly doing things to change the way the

system works.

New Jersey Gov. James E. McGreevey is proposing steps that could help crack down on the frequency of similar situations. Fantastic! Things need to be changed. It's just sad that things are being inspected and changed in New Jersey when all 50 states have problems with child abuse.

Too bad for citizens of Florida, the home state of the man who was recently convicted for locking his 8-year-old stepdaughter in the closet and starving her until she weighed only 25 pounds.

Too bad for most states that don't have the funding to cover the costs associated with hiring and maintaining social workers who investigate individual cases of abuse. Such workers help insure that cases are fully realized and corrected. Too bad federal funding of social programs isn't a major priority for our government. Until the country realizes that the sys-

tem that lets down thousands of abused children needs to be changed nationally as well as locally, horror stories like these will continue to roll out of towns across America.

Until fixing this problem becomes a national priority, the fact will remain that child abuse continues to be a problem that our society mostly ignores.

America needs to realize that horrible acts of child abuse and neglect occur everyday in every city in the country. They're not rare events and they don't just occur in places like New Jersey and Indiana.

Child abuse in America is a problem. If people need to be shocked into realizing that, they need to look at the statistics, not their televisions.

Kathryn Peterson writes for the Oregon Daily Emerald (Oregon U.). Her views do not necessarily represent those of the Kernel.

GymKats look to junior for Nationals inspiration

Teaming up: Primault's experience at Nationals prepares her teammates for a group effort

By Travis Hubbard
SPORTSDAILY EDITOR

Aronda Primault's trip to Nationals last year has her believing that her GymKat teammates can join her this season.

"Everyone on this team can make it to Nationals," UK's junior All-American gymnast said. "We just need to be consistent because we have the skill. It's just a matter of hitting."

The rest of the GymKats saw firsthand last season as their teammate qualified for Nationals as an all-around gymnast (competes in every event for a cumulative score).

Coch Leah Little said

her 2003 squad is as talented as any other team she has coached in 22 years at UK. She said at least five of the GymKats have realistic shots at following Primault's lead to Nationals.

"There is no difference in skill," Little said in comparison to other gymnasts who qualified last year. "It's just landing, little mistakes, but the difference at the end of the match keeps us from defeating ranked teams ahead of us."

Little said all four of UK's all-around gymnasts — Primault, Michelle Gales, Julia Gore and Julie Joy — has the potential to reach Nationals. She said senior Mindy Smith, on the balance beam,

is UK's best specialist.

"To have four all-arounders that can score 39-plus is very exciting," Little said. "Any team would die to have that."

That potential has Little and her team excited, but that excitement has been present in the past. UK has never qualified for Nationals as a team, but Little is encouraged by the experience this team possesses.

"We have five seniors," said Gore, a senior. "My freshman year we only had two. There is a lot of responsibility that comes with being a senior."

The GymKats host LSU and Centenary tonight in a three-team meet. The competition begins at 7:30 at Memorial Coliseum.

UK got off to a strong start with a victory over

George Washington Saturday at Excite Night, UK's season opener. Primault and Gore finished 1-2 in the all-around with scores above 39, and Joy and Gales finished 4-5 behind GW's Rachel Mann. Smith also scored a 9.875 on the beam.

"There were some really high points and some things I wasn't very happy about," Little said.

But each time UK competes, Little witnesses the potential that makes her believe that she will finally take a team to Nationals.

With any luck, Primault will lead the GymKats there and make her second appearance at Nationals.

"The competition was much harder and it made me train even harder," Primault said. "I want the whole team there this year."

SportsBytes

Women's tennis team opens spring ranked No. 14

The Intercollegiate Tennis Association released its national rankings Monday and several UK players were listed among the women's rankings.

After entering the season at No. 39, senior Sarah Witten climbed two spots in the standings to No. 37. Witten finished the fall season with a record of 9-4 and reached the semifinals in three of her four tournaments.

Joining Witten in the top 50 is freshman standout Nathalie Roels at No. 49. Roels ended her fall season with a trip to the semifinals of the ITA/Southeast Regional Championship in Winston-Salem. Her impressive 13-5 record included wins over 43rd-ranked Silvia Tornier of San Diego State and 28th-ranked Julie DeRoo from Duke.

In doubles, Witten and Roels climbed 12 spots to No. 10 after posting a 12-4 record that included four wins over top-20 competition. The biggest win came against the No. 1-ranked tandem of Sarah Riskie and Aleke Tsoubanos from Vanderbilt.

Making an even bigger jump in the rankings was the senior duo of Jill Buckley and Amy Trefethen. Buckley and Trefethen began the fall at No. 41 and open the spring season at No. 17. The tandem posted a 10-4 record, which included winning the ITA/Southeast Regional Doubles Championship.

As a team UK is ranked No. 14. The Cats will begin dual-match play on Jan. 25 when they travel to Huntington, W.Va., to play Marshall and Virginia.

Witten drops from nation's top tennis spot

Sophomore Jesse Witten, who began last fall as the pre-season No. 1 player in the country, dropped to No. 4 in the newest Intercollegiate Tennis Association rankings. Witten joins junior Rahim Esmail on UK's highest-ranked doubles team (No. 4). Junior Karim Benmansour (No. 73), Esmail (No. 91) and sophomore Evan Austin (No. 100) make the singles list and the tandem of Austin and Benmansour (No. 56) show up in the doubles rankings.

The Cats will open their spring schedule when they travel to Atlanta, Ga., to compete in the Southeastern Conference Indoor Championships, Jan. 16-19.

Compiled from wire reports

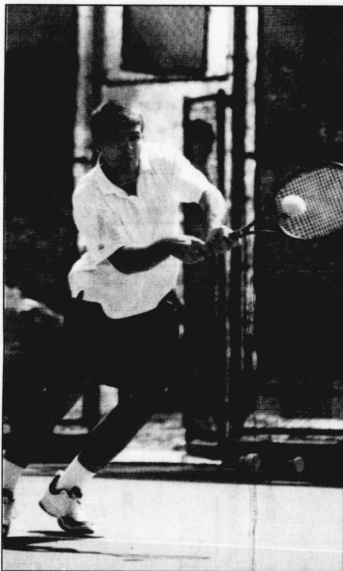


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Previously No. 1 ranked Jesse Witten fell to No. 4 in the Intercollegiate Tennis Association rankings released before the spring season. Seven others from UK — both men and women — are ranked.

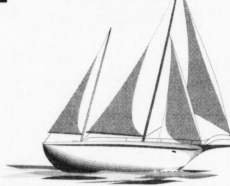
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