

Cingular to buy AT&T Wireless

BY HARRY R. WEBER
THE ASSOCIATED PRESS

ATLANTA — Cingular Wireless, the nation's No. 2 mobile phone provider, won the bidding war to acquire third-largest AT&T Wireless for nearly \$41 billion, a deal that could create the nation's largest cell phone company.

The merger was announced Tuesday as Britain's Vodafone Group PLC withdrew from the four-day bidding contest.

"This combination is expected to create customer benefits and growth prospects neither company could have achieved on its own and will mean better coverage, improved reliability, enhanced call quality and a wide array of new and innovative services," said Stan Sigman, president and chief executive of Atlanta-based Cingular.

Cingular, a joint venture between SBC Communications Inc. and BellSouth Corp., said its winning bid was for \$15 per share in cash, an amount that would value AT&T Wireless at \$40.7 billion. Cingular will also assume \$6 billion of debt owed by AT&T Wireless.

The agreement, subject to the approval of AT&T Wireless shareholders and regulatory authorities, may be the largest all-cash buyout in U.S. history, said David Caouette, spokesman for AT&T Wireless.

In addition to paying AT&T Wireless shareholders a 27 percent premium over the company's closing stock price of \$11.82 on Friday, the merger may ease the cutthroat competition in the U.S. cellular market, trimming the number of national players from six to five.

Cingular and AT&T Wireless have 46 million subscribers, enough to leapfrog Verizon Wireless' market leading customer base of 37.5 million.

The combined company will carry the Cingular name, and billing and other operational functions will be merged, but there will be no immediate impact on customers, said Ralph de la Vega, Cingular's chief operating officer.

"When these companies combine, one of the biggest benefits for customers is we'll have broader geographic coverage. This combination reduces roaming significantly," de la Vega said.

According to de la Vega, there could be some jobs cuts or management changes, but would not elaborate. The combined company would have about 70,000 employees. AT&T Wireless had already planned to cut 1,900 jobs

from a work force of 31,000 by the end of 2005.

The deal brought to an end a heated bidding war that saw both companies boosting their offers following a Friday deadline to submit bid set by AT&T Wireless.

Cingular, which had 23.4 million customers late last year, opened its bidding at \$13 a share, or \$35 billion, two sources told The Associated Press on condition of anonymity. It then raised its offer to \$14 a share early Monday.

AT&T Wireless' share price has risen steadily in recent weeks on news that it was putting itself on the auction block.

The carrier, based in Redmond, Wash., has more than 22 million subscribers, including a sizable base of corporate clients who tend to use more services and spend more money.



Bush shares a laugh with NASCAR driver Bill Elliott, left, during a visit to Daytona International Speedway on Sunday.

Bush ducks questions about military duties while meeting troops

BY TERENCE HUNT
THE ASSOCIATED PRESS

FORT POLK, LA. — Snapping a sharp salute before cheering soldiers, President Bush put his credentials as wartime commander in chief on display Tuesday against suggestions he ducked his military duty as a child of privilege during the Vietnam War.

Cheers of "USA, USA" and enthusiastic applause greeted Bush as he took an outdoor stage at this military base that has trained and deployed more than 10,000 troops to Iraq and Afghanistan since America was struck by the terrorist attacks on Sept. 11, 2001.

"My resolve is the same as it was on the day when I walked in the rubble of the twin towers," Bush said. "I will not relent until this threat to America is removed. And neither will you."

Bush's appearance provided a TV-ready opportunity to emphasize his national security responsibilities and leadership of the war against terror, a role the White House wants to emphasize as he heads into a re-election battle.

While officials said the visit had been planned for several weeks, it put Bush in a friendly military setting after a bruising week of allegations that put him on the defensive.

Democrats have questioned Bush's stint in the Texas Air National Guard — how he managed to get in and whether he fulfilled his obligations — at the height of the Vietnam War. The Democrats also have contrasted Bush's stay-at-home duty with the combat-decorated record of Sen. John Kerry, the front-runner for the Democratic presidential nomination. Under pressure, the White House released Bush's military records last Friday, but there was nothing new to document that Bush showed up for service in Alabama when Democrats have suggested he was AWOL, or missing.

Bush did not mention the subject Tuesday as he was surrounded by soldiers.

It also was his first appearance on a military base since former chief weapons inspector David Kay concluded that Iraq did not have weapons of mass destruction, as Bush had alleged.

Phoenix bishop convicted of hit-and-run

BY MICHELLE RUSHLO
THE ASSOCIATED PRESS

PHOENIX — Bishop Thomas O'Brien was convicted of hit-and-run Tuesday for leaving the scene after killing a jaywalking pedestrian with his car, a crash that ended his career as head of the Roman Catholic diocese.

O'Brien is believed to be the first Roman Catholic bishop in U.S. history to be convicted of a felony.

The 68-year-old bishop, who said he thought he hit a dog or was struck by a rock, could be sentenced to anywhere from probation to 3 3/4 years in prison on the charge of leaving the scene of an accident.

O'Brien showed no emotion after the verdict was read. He and his attorney left the courtroom without comment.

"It's a sad day," said Monsignor Dale Fushek, the diocese's co-

vicar general and a friend of O'Brien. "It's the kind of situation where nobody wins. We respect the work the jury did, and now we just pray everyone heals."

O'Brien led the Phoenix diocese's nearly 480,000 Catholics for 21 years but stepped down in June after he was charged in the crash.

The resignation came after two weeks of turmoil following an announcement by prosecutors that they had reached an immunity deal with O'Brien that would spare him indictment on obstruction charges for protecting priests accused of child molestation.

The chief facts surrounding the accident that killed pedestrian Jim Reed, 43, were not in dispute.

Reed was drunk and jaywalking on the night of June 14 when O'Brien hit him on his way home from celebrating Mass, leaving a giant spider-web crack in the

windshield and Reed lying in the street. O'Brien then drove the two miles back to his house and parked the Buick in his garage.

The bishop, who testified for most of two days in the trial, said he heard a loud crash but never saw anyone in the road, and the defense contended that dim lighting, headlight glare and the victim's dark clothes made him hard to see.

Had he seen the pedestrian, O'Brien testified, "I would have stopped because that's the human thing to do. I couldn't imagine not stopping."

But prosecutors argued that O'Brien knew or should have known he hit a person. They pointed to the fact that O'Brien did not call police even after a official in the diocese told him the car may have been involved in a deadly accident.

They also noted that he tried to get the windshield repaired,

even knowing police were looking for the car. Detectives tracked O'Brien down at his home two days after the accident.

Authorities have said O'Brien would not have been charged with a crime if he had stopped and helped or, at the very least, waited for police to arrive.

Jurors deliberated about 4 1/2 hours Friday and an additional two hours Tuesday before reaching their verdict. The case was initially given to the jury on Thursday, but deliberations had to start anew on Friday after one of the original jurors was dismissed and an alternate was substituted.

No sentencing date has been set.

The accident and O'Brien's abrupt resignation came just as it appeared he would survive as head of the diocese following a sex-abuse investigation.

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