#### TUESDAY

10.30.01 VOL. 117, No. 43

#### WEATHER

RAIN

High:66 Low: 52

#### **OPINION**



'Confession thanks SJPD officer for putting his life



Quoth the Raven reveals through Halloween costume.

— Page 2

#### **SPORTS**



The San Jose Earthquakes show off their hardware the MLS Cup — that they won last week



Women's swimming dives headfirst into a season of high expectations.

— Page 4



Jane's Addiction swoons the crowd at the Shoreline Ampitheatre. Jane says this was a show not to miss

- Page 3

#### **INSIDE**

| Letters      | Pg. 2 |
|--------------|-------|
| Sparta Guide | Pg. 2 |
| A&E          | Pg. 3 |
| Sports       | Pg. 4 |
| Classifieds  | Pg. 5 |
| Consend      | Do E  |

## SPARTAN DAILY

www.thespartandaily.com

## SJSU grad, police officer killed in line of duty

By Colin Atagi

DAILY STAFF WRITER

A San Jose State University graduate was killed Sunday morning in the line of duty for the San Jose Police Department.

According to a SJPD press release, Officer Jeffrey Fontana, 24, was performing a routine traffic stop when he was shot around a.m. on Calle Almaden in

South San Jose.
A citizen who lives on the street contacted police, but Fontana was pronounced dead at the scene.

The press release stated that police are charging 22-year-old

DeShawn Campbell as the main suspect and that he should be con- "Whenever I hear somethin" sidered armed and extremely dangerous

Campbell is also wanted for two felony charges. Some students, staff and facul-

ty members of SJSU said they are upset about Fontana's death.

Sgt. John Laws of the University Police Department said it's always sad when another officer

"As police officers, we're always concerned," he said.

Janet Hagemann, a lecturer in the administration of justice department, said she was driving when she heard the news and

"Whenever I hear something happening with San Jose PD, in particular, or any department here, I try to think it's one of my guys (she taught) in a good way," she said. "When I heard it was a younger officer, I was hoping it wasn't someone I knew. When I heard it was Jeff Fontana, my heart just sank."

Fontana graduated from SJSU in the spring of 2000 with a bachelors degree in administration of justice with a GPA of 3.80, Hagemann said.

"He was an outstanding stu-dent," she said. "Everybody liked

While attending SJSU, he worked for the San Francisco 49ers' front office, she said.

He had an internship with the SJPD as a part of the Community Policing Program, she said.

Fontana was the recipient of the Daniel Lomio memorial Scholarship in 1999, Hagemann said. Lomio was also killed in the line

Edwina Parsons, a lecturer in the administration of justice department who retired from the Hayward Police Department, said Fontana was a good student and was friendly to everyone.

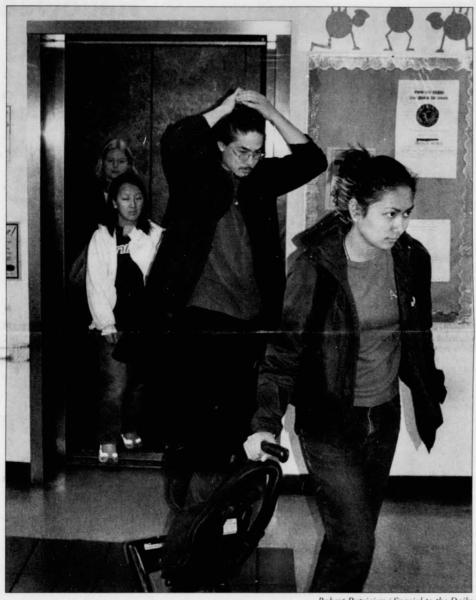
"He was very bright and a very





**Jeffrey Fontana** 

## Elevators get students down



Robert Patrician / Special to the Daily

Students walk out of an elevator on the second floor of Joe West Hall. The residence hall has two elevators that serve students who live on 10 floors.

freshman computer engineering major Laurence Tan. He added that he's been late to his classes because of the elevator problems.

"It just doesn't work," said

By Lisa Butt

An elevator in Joe West Hall was shut down for three

days last week due to a routine maintenance check, which caused problems for

some residents.

"No one listens to the seven-person rule," said junior computer engineering student

Steve Kay.

He said only seven people are supposed to be in the elevator at a time.

Junior Jasmine Chau said the elevators have been down because they are overloaded.

"Ten people at least cram in," Tan said. "Even when someone says it's full, people

still try to get in. Others said they are frustrated at how long they have to wait for the elevators to

"I've had to wait five to 10 nutes sometimes," adminisminutes sometimes, trative of justice junior Justin Seiki said. "After dinner (around 6 p.m.) it gets really

Many have opted to take the stairs rather than wait for the elevators.

"Walking is faster than the elevators," Chau said. According to Diana Tran, interim community relations coordinator for housing and Heidi Wolcott, assistant director for resident life, one of the elevators in Joe West Hall was being repaired for three days last week after a repairman noticed a part was missing during a routine mainte-

The Amtech campus technician who does maintenance of elevators said he did a sys-

◆ See JOE WEST, Page 6

## **Painters** tricycle stolen

By Colin Atagi

DAILY STAFF WRITER

A tricycle belonging to the San Jose State University paint shop was stolen from outside of Sweeney Hall on Thursday afternoon around 2 p.m., said Ken Wynn of the paint shop. Larry Martinez, a six-

month temp hired to paint Sweeney Hall had the bike in his possession prior to the theft, Wynn said.

"He went up the scaffold and forgot about it," Wynn

Wynn said the bike, which was purchased less than a year ago from bicycle Express on East William Street, cost

"Normally, I don't leave it t," Wynn said. "We usually

chain it up."

Wynn described the tricycle as having a yellow frame with three wheels, black and gray rims and a steel basket.

nesses saw a woman riding the bike, or a similar one, along Eighth Street with a child. Wynn said the paint shop

According to Wynn, two wit-

has filed a police report.
The University Police

Department was unavailable for comment. A reward is being offered to

anyone who has information leading to the return of the stolen tricycle, Wynn said.

"We are offering a reward of \$50 to \$100," he said. "Though some people may prefer some-thing else as a reward, like a free meal or something."

Some students said they thought that anyone who would steal a bike is pretty

◆ See TRICYCLE, Page 6

## Campus group calls for tolerance

By Hillary Cargo

It was only two years ago that linguistics professor Thom Hueb-ner had his office window shattered while he was proudly flying the rainbow flag in it.

Huebner is one of the original founders of the Gay, Lesbian, Bisexual and Transgendered Alliance, or GLBTA on campus. Within the time he flew the

rainbow flag, a symbol of gay pride, his window was vandalized twice. Huebner has since moved his

office and no longer flies the flag, but that doesn't mean that vio lence against the gay community at San Jose State University has

stopped.
"I think the feeling is that everything is OK on campus and that as long as you aren't being beaten up, it's OK," said Ken Yea-ger, former SJSU political sci-ence professor and the first openly gay council member of the San

Jose City Council. "We definitely got dirty looks," said Alliance co-chair Rene Navarra in response to parading the flag around campus on Oct. 11, National Coming Out Day.

"Something about our group triggers so much fear in people, said Josh, a SJSU junior. "Some thing that is such an emotional reaction which is really puzzling but really troubling at the same

Josh is an active member of the alliance, and for privacy rea-sons, said he didn't want his last name printed.

"People don't have to accept it, but I don't want people to hate said Mike, another member who also chose to have his last name withheld for privacy rea-sons. "I'd rather just be able to walk down the street, be who I am, maybe have a guy on my arm and not encounter any stares, any comments, or any hatred at all."

According to SJSU's diversity policy, Mike has a reasonable

request.
"It's part of our non-discrimination policy to not discriminate based on sexual orientation," said Jennifer Rycenga, an openly gay associate professor of com-parative religious studies. "It's very important for us to be aware that this is part of our mission."

♦ See GLBTA, Page 6

## AIDS committee spreads awareness

By: Karlie Reiss

The San Jose State University Human Immuno Deficiency Virus and AIDS Committee deco rated bins with holiday wrapping paper for collecting toys from Nov. 1 to Nov. 30. The donated toys will be distributed during the December holidays to children and teen-agers who are affected by HIV or AIDS.

Martha O'Connell, a chair-woman for the SJSU HIV and AIDS committee, said she accepted the task of helping AIDS Resource, Information and Services' annual holiday toy drive for the Santa Clara area. "I think this is a great oppor-

tunity to get involved in a humanitarian effort," O'Connell said. "I have a feeling that the students will once again prove

The non-profit organization serves 133 children in Santa Clara County, said Idelle Fraser, the director of SJSU's Health

"Most of the time in the situation where a child's parents have HIV or AIDS the cost of their health care prevents the child from having things," Fraser said. "In this case, the family would not have enough to celebrate the holidays, so we are trying to help out in that way."



Martha O'Connell, right, holds christmas wrapping paper over a plastic bucket while Idelle Fraser trims the excess paper off. O'Connell and Fraser were making toy donation bins for children of AIDS patients and victims.

The children who will be benefiting from student's donations will be those who are HIV positive, have AIDS, are orphans whose parents died from the virus, or those whose parents are living with HIV or AIDS, O'Connell said.

"Children who have parents that are living with the virus are impacted and are likely to become the parents caretaker," O'Connell said. "By receiving toys during the holidays they are reminded that they are children

◆ See HIV/AIDS, Page 6



## PINION

Letters —

## Student's lawsuit wished good luck

his is a response to "Student 'refines' suit against CSU system" on Oct. 16. After reading the above article, I wish Steven Goldstein luck in his lawsuit against the Board of Trustees of the California State University system, because that issue has been bothering me since I moved here.

My phone service doesn't work for outside calls and voice messages since the end of its introductory period. As a consumer, I have the right to choose

want to buy, and this current problem doesn't help. Along with the phone service, the university is helpless to deal with those students who feel that it is right for them to hog the bandwidth on their Internet connections, leaving people who just want to check their e-mail in the dark.

I had to wait for four weeks before I could get online. The PARCs really do the best that they can under the circumstances, but there have to be more creative ways in which they can enforce their rules regarding Internet usage more effectively.

> Ravinder Singh computer science

## Thanking a fallen hero's call to bravery

didn't hear the gunshots. I didn't hear the sirens. I didn't see the helicopters or the officers dressed in combat fatigues carrying rifles and searching the streets with police dogs.

I was miles away from my home in Almaden Valley when a San Jose police officer was shot down.

It was about 4:30 a.m. Sunday.
I was awake, thanking God for the gift of time and asking for help to see the bigger picture. I had spent most of last week caught up in confusion, wondering about the course of my life and whether I've made more right decisions than wrong.

Officer Jeff Fontana was in a

neighborhood a few minutes away from where my family slept. The rookie cop had joined the force

a year ago and had recently completed the 16-week training program. He had been patrolling on his own for two weeks, working the graveyard

"From everyone's estimation he was a good, young police officer that loved to be a cop and wanted to be a cop," Assistant Chief Tom Wheatley



told the Mercury News. "He was out on his own doing the things all cops want to do all their lives."

The details of what happened at the end of the Calle Almaden cul-desac are still unknown.

Residents of the quiet neighborhood heard the shots and found the

officer lying in the street.

An American flag was hung from a lamppost a few feet from where Fontana fell. Candles and balloons were brought to the makeshift memorial.

Words of encouragement wrapped around flowers said, "God bless you. Dear Officer Fontana, you are the guardian angel who protected us in the night. You will not be forgotten in our neighborhood. May God be with

you and your loved ones forever."

Another message of thanksgiving "Your sacrifices and what you stood for as a policeman will not be forgotten. There is no greater love than to lay down one's life for another. Thank you for protecting our community. God bless you and your parents."

Fontana was 24 years old, just like

me, just like lots of my friends.
But he knew what I often forget. Life demands greatness. Not just from some of us, not just some of the time, but from each of us always, con-

stantly, at every moment.

For Fontana greatness meant standing between innocence and evil. Putting his life on the line was part of

the job, as it is for all police officers.

How easy it would have been for him to resist the challenge, for him to

ignore the call to be courageous.

He could have waited for another day to be brave, but that's not what heroes do.

Heroes aren't discouraged by dan-

ger but motivated by the knowledge that they can save others from harm.

Being the daughter of a retired San Jose Police lieutenant, I can imagine the apprehension Fontana's parents felt about him working the streets at midnight. My dad spent most of his 30-year career doing the same thing, along with many of the men I grew up admiring.

I'm sure Fontana's family's worst fears were realized as officers told

fears were realized as officers told them of their son's fate, but I hope they take solace in knowing that he died one of San Jose's finest.

As the brave men and women of the SJPD mourn the loss of one of their own, I hope they feel the support of a city that mourns with them and is praying for their safety.

And, to Officer Fontana, I can only hope you hear us as we say thank

Christina Lucarotti is a Spartan Daily Senior Staff Writer and Copy Editor. "Confession" appears Tuesdays.

#### Dissent is a part of democracy — Constitution protects flag burning

s a professor who teaches critical thinking, I am always troubled when I see a letter from an SJSU student that is filled with logical and factual errors, such as the letter from Pablo Velasco regarding flag burning.

Factually, the Supreme Court determined in 1989 that flag burning is protected by the First Amendment. The Court reaffirmed this decision in 1990, so this issue is settled as a matter of law.

Velasco's letter demonstrates why the Court's decision was the correct one, because the letter is filled with contradictions and logical inconsistencies. Velasco compares burning an American flag with the destruction of the World Trade Cen-

the destruction of the World Trade Center. This is a false analogy, because burning an American flag does not physically harm or kill another human being.

Velasco says that "if you have a problem with something ... express yourself" People who burn flags are expressing themselves. They may be doing so in a manner that makes other people angry, but the First Amendment protects even those forms of expression that we disagree with. Otherwise, it would be of no use whatsoever.

expression that we disagree with. Otherwise, it would be of no use whatsoever.
Justice William Brennan explained it far better than I ever could. "The government may not prohibit expression simply because it disagrees with its message...Forbidding criminal punishment for conduct such as [this] will not endanger the special role played by our flag or the feelings it inspires ... We submit that nobody can suppose that this one gesture of an unknown man will change our Nation's attitude towards its flag."
Velasco's intolerance of dissent is sim-

Velasco's intolerance of dissent is similar to the attitude of the Taliban whom against we are fighting.

Lecture series features Patrick Lichty, who presents art after the World Trade Center and the future of the avant garde, 5 p.m.

to 6 p.m. in the Art building, Room 133 For more information

call the Gallery office at 924-4330. Student galleries art reception, 6 p.m. to 8 p.m. in the Art and Industrial Studies buildings

galleries. For more information, call John or Nicole at 924-4330.

The Society for Advancement of Management (SAM)

Student Union. For more information, e-mail Sylvia Krick at

Daily Mass, 12:10 p.m., and Scripture Reflection, 7 p.m. to 8:15 p.m. at the Campus Ministry Chapel. For more information, call Sister Marcia at 938-1610.

Music improvisation, meditation and cultural exchange with

Eddie Gale, California Arts Council Artist in residence and peri-

odic special guest artists, 7 p.m. to 9 p.m. in the Mosaic room of the Student Union. For more information, call 924-6255.

Open dancing, 6:30 p.m. to 7:30 p.m. and jive lessons, 7:30 p.m. to 8:30 p.m. in the Spartan Complex, Room 89. For more information, call the dance club at 924-SPIN.

General meeting, 4:30 p.m. in the Costanoan room in the

James Brent, Ph.D. associate professor political science

couple of letters on the subject of A flag burning have come up lately.
One, submitted by Pablo Velasco,
who voiced his opinion on the freedom

to burn the American flag in protest.
The freedom of Americans to disagree with one another is a corner-stone of American political deals (or at least it used to be). It is how different views on a subject are heard by opposing sides of an issue and how information is shared.

As American citizens, we are allowed and often encouraged to gather in groups to voice our displeasure with the current state of our government at any time, as long as we remain peaceful. The most vehement disagreements can and have been carried out peacefully and sensibly from the time settlements grew wary of the way they were treated by the British

way they were treated by the British before the fight for independence. Besides, burning an American flag is the proper way to dispose of an old one; it should never be discarded in the trash or simply thrown away. Doing so could be considered more vile than burning one in protest. And burning an Old Glory in protest, is certainly a more desirable way to voice one's opinion than putting one's fist through the teeth of one's adversary in an argument.

sary in an argument.

The bottom line: if you are pissed enough at the government to be driven to burn the flag, those who witness your act should give pause for thought on your views. You will be heard, and you can rest easy without fear of per-secution from the very entity whose actions you are protesting.

Jason Stull

Daily meditation, 4 p.m. to 5:30 p.m. through Thursday at the Campus Ministry on 10th Street. There is a power and comfort in community meditation. For more information, call Chaplain Roger at 275-1346 or visit the Web site sjspirit.org.

Center for Service Learning
Orientation meeting for HELP program, 4 p.m. to 6 p.m. in

the Student Services Center, Room 516. For more information

General process group, 2:30 p.m. to 4:30 p.m. in the Administration building, Room 201. For more informatic call Kell Fujimoto or Jeni Landau at 924-5910.

Badminton league captain's meeting, 3 p.m. at the

Working with Associated Students Leadership workshop

Guadalupe room in the Student Union. For more informa-

4 p.m. to 5:30 p.m. in the Costanoan room of the Student Union. For more information, call 924-5950.

Second interview session, 1 p.m. in the Engineering building.

Room 189, and internship workshop, 1:30 p.m. in Building F. For more information, call the Career Resource Center at 924-6033.

call Kristianne at 924-6964.

A.S. Campus Recreation

tion, call Matt McNamara at 924-6217

Counseling Services





Raza Day Committee weekly meetings, noon to 1 p.m. in Raza Day Committee weekly meetings, more a principle the Chicano Library Resource Center. Chicano Studies mural project, 6 p.m. to 7 p.m. You are welcome to take part in the designing process of a mural at the Chicano Studies depart. ment. For more information, call Adriana Garcia at 655-6785.

What is Jihad?, 1:30 p.m. in the Umunhum room of the Student Union. For mo Naaman at 924-8712. ore information, call Mohammad

#### Wednesday

Tau Delta Phi Scholastic Fraternity
Bake sale, 9 a.m. to 2 p.m. at Table C of the Student Union

Amphitheater Proceeds go to InnVision on 11th Street. For more

Re-Entry and Commuter Help Program

Brown bag: Halloween party, noon to 1:30 p.m. in the Pacheco room of the Student Union. Meet with other return-ing students and discuss areas of interest. For more information, call Jane Boyd at 924-5950.

Jewish Student Union and Hillel of Silicon Valley Trick or Treat, 5:30 p.m. in the Hillel house, located at 336 E. William St. between Seventh and Eighth streets or meet at 6 p.m. at Temple Emanuel. Come dressed in your best costume. Help the less fortunate, and feel good about yourself by helping those in need. For more information, call Gideon at 286-6669 ext. 13 or e-mail at jcsc@hillelsv.org.

Sparta Guide is provided free of charge to students, faculty and staff members. The deadline for entries is no three working days before the desired publication date Entry forms are available in the Spartan Daily Office. Space restrictions may require editing of submissions Entries are printed in the order in which they are received

## Halloween costume unmasks gentle soul

his year, for Halloween, I decided to dress as a hip-

Yes, that's right, the perpetually black-clad journalist went out last weekend to a party in a costume called "Hippie Dippie."

At first, I thought I'd be the

only person at the party who was dressed up. Fortunately, as I pulled up,

nearly everyone was wearing a costume.

Some were dressed as flap-pers; some were angels, fairies and even mailmen carrying anthrax-laden mail.

A few people chose to wear outfits that allowed them to live

out a fantasy: doctors, devils, scantily clad schoolgirls. I guess my fantasy was to throw everyone off and wear

something they would never expect me to wear.

The bright orange and yellow flowered bellbottom pants and fringed vest were actually pretty comfortable I even painted a daisy on my cheek, which I admit put a smile

on my face. But the one thing that really

clinched the costume as classic was the long, blond wig. As I walked toward the house, I said "hi" to a fellow Daily

staffer. Not recognizing me, he gave me a sideways glance.

I arrived at the house and

waved to the rest of my friends, who did double-takes.

One of them, a current Daily editor, said it looked like someone had suddenly switched my appearance from black-and-white to color.

The rest of them seemed surprised that I would choose to show up in hippie garb.

After all, I'm always making fun of hippies and using "hippie"

as a derogatory term to describe

environmentalist types. I've also been known to call marijuana a "hippie drug."

I won't lie: I can't stand hip pies or tree-huggers or peaceniks or environmentalists.

It's a simple difference of opinion; I respect their views, but mine are at the opposite end of the spectrum.

But I didn't wear the costume because I think hippies are silly and need to be made fun of, which I nevertheless wholeheartedly believe.

wore the costume because part of me, deep down, identifies with the cheerful message hippies tend to spread.

For once, I wanted to be allowed to be happy and silly. Because I'm hiding behind black clothes all the time, I someEMILY B. ZURICH

times think people are surprised when I turn out to be a content, kind person.
I'll admit, my habit of wearing

QUOTH THE RAVEN

dark colors started when I was an angry teen-ager in high

I liked looking different from everyone and separating myself from the "in-crowd" I would never be a part of.

Personal problems and angst complicated the situation in my head. My fate was sealed after meeting a group of friends who hung out in dark, smoky clubs and listened to angry or depress-

ing music. I automatically branded myself an outsider, which was fine while I was surrounded by change and starting a new life at

But a few years later, people started to notice that I wasn't as angry or depressed as I often

My parents, for example, often forced me to wear what they called "normal" clothes. No more band T-shirts, army

pants and commando boots. No

more black velvet dresses and dark lipstick. I cried — just like anyone whose shield and security blan-

ket had been hastily removed. As time passed, though, I realized that people often pigeonholed me into a stereotype: "gloom and doom," spooky or

While I do believe that weird is an appropriate label, I can't consider myself spooky or gloomy. Or doomy, for that mat-

I hope my friends understood that my costume wasn't intended to poke fun at anyone.

Just like they came dressed as the person or creature they secretly hope to be, I dressed as the cheerful, kind, fun-loving person I often hide inside.

It's a person who's always there, regardless of the clothes she wears.

> Emily B. Zurich is a Spartan Daily Senior Staff Writer and Copy Editor. "Quoth the Raven" appears Tuesdays.

## SPARTAN DAILY

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SJSU Ballroom Dance Club

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#### One Washington Square, San Jose, CA 95192-0149 (408) 924-3280 E-mail: sdaily@jmc.sjsu.edu

News Room 408.924.3280 Fax 408.924.3282 Advertising 408.924.3270

SPARTAN DAILY (USPS#509-480) is published every school day for (full academic year) \$35 and (semester) \$20. Periodicals postage paid at San Jose. Mail subscriptions accepted on a remainder of semester basis. Spartan Daily, San Jose State

University, One Washington Square, San Jose, CA POSTMASTER: Send address changes to the Spartan Daily, San Jose State University, One Washington Square, San Jose, CA 95192-0149

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A letter to the editor is a 200-word response to an issue or point of view that has

A letter to the editor is a 200-word response to an issue or point of view that has appeared in the Spartan Daily.

Submissions become the property of the Spartan Daily and may be edited for clarity, grammar, libel and length. Submissions must contain the author's name, address, phone number, signature and major.

Submissions may be put in the Letters to the Editor box at the Spartan Daily Office in Dwight Bentel Hall Room 209, sent by fax to (408) 924-3237, e-mail at sdaily@jmc.sjsu.edu or mailed to the Spartan Daily Opinion Editor, School of Journalism and Mass Communications, San Jose State University, One Washington Square, San Jose, CA 95192-0149. are, San Jose, CA 95192-0149.

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# Feeding the addiction

Jane's Addiction dresses for success and puts on an unforgetable show in Mountain View

By Hillary Cargo

DAILY STAFF WRITER

Eye candy, ear candy and sweet bliss were just a few things that Jane's Addiction gave to a titillated audience on Friday night at the Shoreline Amphitheatre.

These were just a couple of

#### REVIEW

treats offered at the Halloween Freak Show concert.

And by no means is a freak show a negative thing when lead singer Perry Ferrell's creative ingenuity is at work.

A pre-show playground roared at stage left, where miniature circus acts mingled, playing makeshift instruments

They relied on their costumes to do most of the entertainment and flashing females to do the

Stage Set One

A weightless cloud-like canvas overtook the stage. A figure, identifiable in a black shirt, rose from the center of the ghostwhite skirt.

Screams crescendoed as Ferrell raised his delicate hands as the master of his stage, a master of the performance's creative universe

Ripples of crisp autumn air gave buoyancy to the costume, and as the fabric settled, dancing silhouettes stirred underneath transparent through the thin fabric membrane.

Six sirens surrounded Ferrell and gracefully ripped through the billowing skirt, clad in fish-net body suits, g-strings and nesties

net body suits, g-strings and pasties.

As the dancers released Ferrell from the bindings of the parachute-sized skirt, Jane's Addiction kicked it off with an audience favorite, "Ocean Size."

If a kiss could have the force of a punch, but still feel as pleasant as a caress, this was the

ant as a caress, this was the impact the band offered as its

foreplay of the evening.

Ferrell shook his thin body around the stage as he reassembled into a red suit, complete

with a pimp-looking plume hat.
Dave Navarro, harnessed to
his ax, mastered the art of excellence as "Ain't No Right" tore
into the crowd. Bassist Martyn
LeNoble provided the foundation of the rapid, pulsating,
sometime funkalicious beat.
Followed by "Three Days,"
Ferrell's energy seeped into the

Ferrell's energy seeped into the heart of the crowd as the six stellar dancers reappeared (this time without the fishnet body suits) to play on the stage set's human merry-go-round. Ferrell sashayed across the

stage with silver maracas while, in the background, glistening bodies crept up the set's driftwood ladders draped in fisherman's netting.

The circus-like act was only

just the beginning. As the band injected the bass line to "Summertime Rolls," a teeter-totter was quickly set up.

Two dancers emerged wearing full-feather headdresses and

took their stations on the play-

ground toy.

The dancers demonstrated how a ride on a teeter-totter could be erotic.

Stage Set Two As the band left to change sets, the energy wasn't subdued.

Flanks of fire filed out of stage left and stage right as stilted-dancers punctured their way into the crowd, carrying candelabra torches in each

Warlocks and witches need not invoke any spells: magic was present.

United by this current of rhythm, the beat seduced the crowd into a bliss-filled trance.

The candy was getting sweeter, the climax nearer.

Reappearing in a Davie Crockett outfit, Ferrell stood now on a small platform at the center of the amphitheater in

the heart of the crowd.
The tone of the concert changed with the stage shift as



Above, lead singer Perry Farrell of Jane's Addiction performs with several dancers at the Shoreline Amphitheatre in Mountain View on Friday. Below, Rob Birch of the Stereo MC's performs Friday night at the Shoreline Amphitheatre. Stereo MC's were just one of the bands

that opened for Jane's Addiction. Navarro caressed an acoustic and drummer Stephen Perkins straddled a set of congas, steel drums at his side.

The fire dancers had heated the crowd's excitement and screams echoed ever louder as the famous lyrics of "Jane Says' penetrated the night.

After a brief cover of "Helter Skelter," Ferril praised the audience for attending.

"You know what I like about San Francisco and San Jose?" he asked. "You can be anything you want here: gay, straight, artist, anarchist."

The response was ear-jerking. "We want to come here because we want what you want," he said. "We want to be

Fairies pranced underneath the footsteps of the stilted nine-foot tall fire dancers.

A tribal techno bass beat acoustic set and giving Navarro stirred through the crowd like a chance to play a song off of his pulse.

Thited by this current of Ferrell asked, "Can I have an amen?" Amen. All the while, the female

dancers continued their slithery, seductive gyrating dance to the left, right, and center of the

Silver dollar sized pasties covered their nipples and silver sequined g-strings seemed to be painted on the women's bodies as they effortlessly weaved their

way through the music's linger-

ing notes.
"That touches my tummy like a hungry man," said Ferrell, looking at the confident female dancer closest to him who con-trolled much of the crowd's eyes.

The band then rolled into "Classic Girl," covering the crowd with a warm blanket of sound.

Stage Set Three Orange and black colors filled the stage as Ferrell emerged for the final set, glimmering like a disco ball in a silver sequin suit and purple feather-plume hat.

"Mountain Song" and "Nothing's Shocking" created the climax of clamor as the crowd went wild with delight.
The night didn't pass by with-

out a display of patriotism.
As the American Flag
remained a constant symbol on stage, it was clear that a mass of people can congregate safely because of freedom, and Jane's Addiction was thankful for that.

They were there to party. They were there to play.

As the closing act rolled closer, Ferrell asked for a moment of silence and said, "you know what this country is thinking right now? I'll tell you what this country is thinking ... Kiss my

He said in response to the ter-

The crowd supported his philosophy with roars.

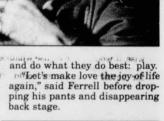
Friday's concert demonstrat-ed that freedom doesn't just have a price. It also has a joyous voice.

It has a rhythm.

And it has an individual interpretation. This wasn't a freak show. It was a show where people who knew how to exercise their

freedoms got together to party Missed the score?

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## New DVD just in time for Halloween

By Todd Hendry

DAILY STAFF WRITER

Halloween is tomorrow and people will most likely go trick or treating with their loved ones.

Some might watch movies at home to get the wits scared out of them or go to the theaters to

#### REVIEW

watch films such as "The Others," "Bones" or "13 Ghosts."

However, most, if not every-one, has heard of such classic horror flicks such as "A Night-mare on Elm Street," "Friday the 13th" and "Halloween."

Such films will probably be rented out as people indulge themselves into the Halloween spirit to watch the blood and

Jason Voorhees, Michael Myers, Freddy Krueger and Nor-man Bates are some of the most well-known horror characters of all time

FlixMix entertainment has st released "Boogeymen," which is a compilation of scenes from some of the most popular horror movies of all time.

What's cool about the film is that the horror movies featured on the film are from different generations.

There is a scene from "Psycho," from the black and white film days, to more current films such as "Scream," and "I Know What You Did Last Summer."

The film features scenes from such films as "Clive Barker's Hellraiser," "A Nightmare on Elm Street," and "The Texas Chainsaw Massacre,"

The face of each killer is shown along with three facts

about the character. For example, "The Texas Chainsaw Massacre" was based on a true story.

However, the scenes that were put onto the DVD were pretty lame, with the exception of the scene from "Hellraiser," in which it shows a man standing next to a character named Pin head, who chains the man with hooks that pierce through his

Blood dripped down the victim's face as the hooks began to pull apart the flesh and the vicsilently said, "Jesus wept' just before his body is completely pulled apart.

The film could have put in better scenes from such horror flicks as "Jason Goes To Hell: The Final Friday," or "Child's Play 2" and several other films. Each scene is no longer than five minutes.

The film brought back memories of how good scary films

It was a teaser.

It shows a scene from "Can-dyman," and "The Guardian," and as a viewer, it made me want to rent the movies to complete my hunger for horror

FlixFacts Animated trivia showed facts and information that was interesting.

A good example was that it said "Halloween" cost \$360,000 to make and the film grossed \$50 million.

Also, Johnny Depp's first film was "A Nightmare On Elm Each Boogeyman has a biog-

raphy and one can watch the original trailer of the films that are featured. "Name That Frame" is a feature, that by the title, is pretty self explanatory, but is aimed to see if one can remember the name of the film from a specific

Overall, the film was OK to

But, anyone who would con-

spend their money renting a horror film where they can see the complete flick. It would be much better to whole film than to be

teased by one short scene.



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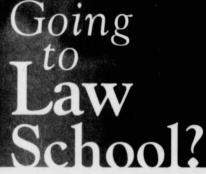
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## PORTS

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## The plunge

New coach believes women's swimming and diving teams are on the brink of success this season

By Todd Hendry

DAILY STAFF WRITER

Victor Wales, San Jose State University's new swimming head coach, said SJSU always had the potential to be a good program, and this year's team should take it to the next level.

The team would like to place fifth this year in the Western Athletic Conference, compared to last year's seventh place finish, Wales

"If everyone stays on the same page throughout the year and we avoid injuries, we should develop into a program that consistently finishes in the top half of the conference," Wales said. Some of the top returnees are

juniors Charlotte Pierce and Emily Hutson, he said.

Pierce is a butterfly specialist. Wales said he believes she can be a National Collegiate Athletic

Association qualifier this year. Pierce said she plans to help out the team by showing leader-

"We're going to need a lot of contributions from everyone on the team because we have a very small squad this year," she said. The SJSU team has 14 swim-mers. Most NCAA schools have 20

or more swimmers, Pierce said. Pierce said she plans to train

hard and be focused throughout

"I'd like to do really well at conference and hopefully make it to the NCAA ... championships," she

said. Hutson swims the breast stroke and the individual medley. Wales said he believes this will be her break-out season.

"I think she is going to be the surprise of the team this year," he

said.
Wales said the new recruits that are going to have an impact to the team are freshmen Brooke Wells and Camdia Byma.

Wells is the best distance swimmer on the team and will draw others to want to come to SJSU because of her performance and work ethic, he said.

"She's going to make an immediate impact on the team," Wales

Byma swims the breast stroke and individual medley and is an

exciting swimmer, he said.
"She's probably the best recruit

coming to San Jose State in five years," he said. While Wales coaches the swimming team, diving coach Bill Boos works with the divers on basic diving techniques.

He plans on getting his divers in a highly competitive mode by

the end of February.

He also has Tracy Harkins returning for her sophomore sea-

Harkins became SJSU's first gold medalist in the Western Athletic Conference in the tower div-

ing competition last season. "She was last year's tower champion," Boos said. "She should be someone to reckon with."

Along with Harkins is Rachel

Dutra, Emily Ibarra and Katie Kanavas.

Kanavas and Ibarra are freshmen in the SJSU diving program. Ibarra is a walk-on freshman

and does the springboard Kanavas does the springboard and the ten-meter platform, which is diving off a three-story

Omar Ornelas/ Daily Staff

Katie Kanavas performs a dive during San Jose State University's swim meet against Washington State University on Oct. 19 at the Aquat-Center. The Spartans won five of the 13 events, but ended up losing their first meet of the season, 96-119.

off, but the adrenalin rush is

amazing," Kanavas said. Kanavas said she dives six work

days a week, lifts weights and goes to study hall four hours a week. She said diving is hard

Boos said he has been impressed with his divers dur-ing the off-season and believes their hard work in practice will

pay off.
"By the end of the season these girls are going to be at the top of their performance," he said.

## From rags to riches



Omar Ornelas/ Daily Staff

San Jose Earthquake players celebrate with fans at Cesar Chavez Park in San Jose on Friday after winning the MLS Cup on Oct. 21. The Earthquakes came from behind to beat Los Angeles 2-1.

#### By Clarissa Aljentera

DAILY STAFF WRITER

The San Jose Earthquakes transformed their organization in a matter of months, going from last place in the league to Major League Soccer champions in one season. The Earthquakes took home the championship in Columbus, Ohio after a 2-1 victory against the Los Angeles ry against the Galaxy on Oct. 21

The Earthquakes brought home the MLS Cup to San Jose last Thursday. The players and coaches held a ceremony at the

quakes forward Landon Donovan. "I don't know if there are enough adjectives to describe it."

San Jose defender Jeff Agoos was honored as defensive player of the year and Troy Dayak was honored as comeback player of

The Earthquakes head coach Frank Yallop was also honored as the MLS Coach of the Year. Yallop, who is the only former MLS player to become a coach, led the team to a 14-7-6 record this year after finishing at a dismal 7-17-8 last season.

"I can't even put into words to Plaza de Cesar Chavez in front of about 500 fans.

"It is awesome," said Earth-is a fairy-tale feeling."

#### Women's soccer team must win to play in tournament for the Mountain Pacific Sports

Shots

By Chris Giovannetti

DAILY STAFF WRITEI

Coming into the final weekend of play, the playoff picture for the Western Athletic Conference postseason women's soccer tour-nament looks muddled at best.

Only one team, Southern Methodist University, has a guaranteed spot, with six other squads vying for the remaining five

San Jose State University could make the picture quite clear if it doesn't win at Hawaii

on Thursday night.
"It's simple. We have to win at Hawaii or we won't be in the WAC tournament," said head coach Tamie Grimes, who guided the Spartans to the WAC postseason title last season. "After losing our last two games, we put ourselves in a really bad position. But things happen with a young team like ours and you have to understand that."

The Spartans dropped to seventh place in the WAC standings after losing two crucial matches to Cal State Fresno and Boise

SJSU let Thursday's match slip away when the Bulldogs scored twice in the last seven minutes of play to upend the Spartans 2-1.

On Sunday in Boise, the Bron-

Spartan Soccer Notebook cos' Kaziah Hill scored 12 seconds into the match and Boise State hung on to win, 2-1.

SJSU isn't necessarily guaranteed a spot if it wins Thursday, but it would help its chances immensely. Hawaii is among the three teams at 3-3 with Cal State Fresno (4-3) and Boise State (4-2) all trailing conference leader SMU (7-0).

Everyone, except Cal State Fresno and SJSU, have two games remaining so there are myriad scenarios that would land the Spartans a playoff spot, each seeming more diverse as the next.

#### It takes two

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After starting the season 1-5 the women's team has rebounded

to post its current 5-11 record, due in large part to midfielder Kristi-na Jacob and forward Kerry Blaschke.

Jacob, last season's WAC tournament most valuable player, had 10 points in her last eight games while Blaschke has scored

#### Lyssand on a rampage

At 2.21 points per game, Spartan men's senior midfielder Lars Lyssand is far ahead of the pace

Federation scoring championship. Lyssand should wrap up the title as he holds a sizable advantage over Air Force Academy freshman Marcus Sagastume-(1.36). The two teams are scheduled to square off on Friday at Spartan Stadium.

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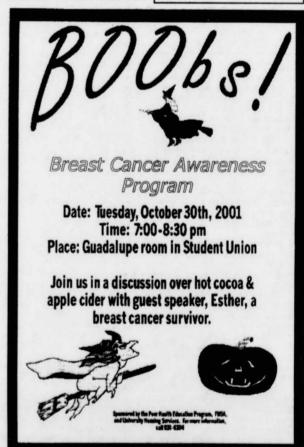
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## SIPD: Fontana was shot early Sunday morning, authorities still investigating

♦ continued from Page 1

nice young man," Parsons said. "It was just like he was another one

of my children.
"He was always interested in the police. He always wanted to be a cop.' After graduating, Fontana was

immediately hired by the SJPD and attended the police academy, Hagemann said.
Following the academy,
Fontana went into his field train-

ing, where he had to ride along with a superior officer who advised him as he performed his duties, Hagemann said.

He had completed his field

training about two weeks ago, she

"He was a great guy and I always thought he'd be a great cop," she said. "He had a great personality, good communication skills. He just had everything you'd expect a good cop to have.

"For no reason, he just got shot," she said.

Some students who are majoring in administration of justice said they were surprised by Sunday's events and are worried about other students who are studying to be involved in law enforcement.

"I want to be a lawyer, but for people who want to be police officers, I'm scared," said April Wakefield, a senior majoring in administrative justice.

fact that he wasn't a police officer for long, and how he just came out of school, it makes things seem more dangerous." Gloria Lando, a senior major-

ing in administrative justice, said her boyfriend is trying to be a police officer and now she's worried about him.

"It scares me to think that something could happen to him too," she said. "Because (Fontana) was young and just starting out."

Lando said she thinks some people will be having second thoughts about being police offi-

Richard Garcia, a senior majoring in administrative jus tice, said that although he thinks Fontana's death is sad, he said he still wants to be involved in law enforcement.

"When you hear about something like this happening so close to home, it hurts, but they still have a job out there to do," he

The SJPD is asking anyone with information to contact Detective Sgt. Pete Ramirez and Detective Sgt. Vaughan Edwards of the San Jose Police Homicide Unit at 408-277-5283, or Crime Stoppers at 408-947-STOP.

#### Sears Tower observation deck reopens

CHICAGO (AP) — Former President Bush helped reopen the observation deck of the nation's tallest building Monday, calling the move a message that "the terrorists have failed."

The skydeck at the Sears Tower had been closed since the Sept. 11 terrorist attacks. Now that it is reopened, visitors must pass through metal detectors and have their bags checked by X-ray machines

Bush, flanked by Secret Service agents, joined Mayor Richard Daley and others in officially reopening the skydeck of the 110-

story building.
"By reopening this symbol of strength and vitality in America's

heartland, you're sending a clear message that the terrorists have failed," Bush said. The observation deck on the

103rd floor is one of Chicago's most popular tourist attractions, drawing more than 1.3 million visitors a year. It offers panoramic views of Illinois, Indiana, Michigan and Wisconsin.

Since the attacks, workers at the Sears Tower have had to show ID, bags are checked and concrete barricades surround the

building.

A few hours after Bush left, about 50 visitors waited in line to enter the Skydeck. Some said they were pleased to see the extra

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## Daily Crossword

**ACROSS** 

ACROSS
1 Flared skirt
6 Soft mineral
10 Weaver's
apparatus
14 Arithmetic sign
15 "The People's
Choice" writer
16 Hawkeye on TV
17 Seize the throne
18 Impolite

18 Impolite 19 Vegas machine 20 Barbecue need

21 It's worn with a 21 It's worn with a tuxedo
23 Where river meets sea
25 Mousetrap bait
26 Sunshine unit
27 Avarice
29 Jason's consort
32 Circular
33 Type of code
36 Dry

36 Dry 37 Friar's Club

37 Friar's Club activity 38 Orchard fruit 39 Edible root 40 Ball figure 41 Pram pusher 42 Dominoes and chess 43 Popeye's girl, Olive — 44 Charge formally 47 Logician's start

start 51 Soda-fountain

51 Soda-fountain treat 54 Dutch export 55 Pesky kid 56 A little bit 57 Alabama, e.g. 59 On the same level 60 Anesthetic 61 Gliders do it 62 Parched

PREVIOUS PUZZLE SOLVED

63 — Woodpecker 32 Actor's quest 33 Meditation DOWN

Make laugh
2 Speech
problems
3 Arctic dweller
4 Cultivated
5 Psychic abbr.
6 Dillydally
7 Flu symptom
8 Young fellows
9 Moon shape
10 Flogged
11 Stan's partner
12 Fragrances
13 Picture finish
11 Like the Sahar
22 Outbuilding
24 Drivers' org.
27 Targets
28 Trick
29 Strange as it seem method

method

34 Writer Fleming

35 Use a crowbar

37 Cures

38 South Carolina, the — state

40 Foundation

41 Comedian Louis

42 Rainspout

43 Fictional planet

44 Pulpits

45 Freight

46 Nurse Barton

47 Hangar

occupant

48 Where Sun

Valley is

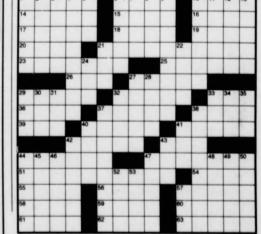
49 Overled

50 Manicurist's board

52 Budge

53 Centurion's

highway 57 Do alterations



seem 30 Historic period 31 Poorly lit

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## HIV/AIDS: Toys will be given to kids affected by virus The ages of those receiving the gift range from newborn to 17-years-old. The donated presents should be placed in the bins either was a should be placed in the bins

continued from Page 1

again. It is vital that we show them that our society loves and cares about these children."

The Hanukkah and Christmas wrapping paper on the col-lection bins will stand out because it is only November, O'Connell said.

The four bins will be located in the lobby of Student Services, in the Health Center, the Spartan bookstore and the MOSAIC center of the Student Union.

"Students are able to identify with children and teen-agers so I believe that we will get a good response from this effort," O'Con-

## Some suggestions of toys from the HIV and AIDS commit-

either wrapped or unwrapped.

tee include blocks and stuffed animals for toddlers, art sup-plies and Legos for children from 3 to 5 years old, dolls and sports equipment for children from 6 to 8 years old, electric games for children of 9 to 12 and movie passes or music gift certificates for children up to 17 years old.

This is one of the events that the HIV and AIDS committee puts on throughout the school

"We will also provide our fourth annual AIDS forum on Nov. 29 to educate the campus on the global impacts of HIV and AIDS as well as provide aware-ness," O'Connell said.

The SJSU HIV and AIDS committee was established because the California State University chancellor made it mandatory for all campuses to have a program that informs and provides awareness about the virus.

"This is the first time that we have participated in the toy drive with AIDS Resource, Information and Services, but I know that this will occur now for years to come,'

## GLBTA: Members say they want to be treated normally

continued from Page 1

Rycenga said that some of her students have come to her with concerns about being "out" on campus. "The campus has not done enough to foster a non-threatening environment," she said "Students are going to lead said. "Students are going to lead the way on this, but I would like to see more official support of gay and lesbian activities by the highest-ranking officials of the university.'

Yeager doesn't call it discrimination, but said, "I think there is still tremendous unacceptance that it is still not really OK for students and faculty to be 'out' on campus and I think the administration needs to do more to sup-

port gays and lesbians."
According to Yeager, SJSU needs more gay and lesbian lead-

ership on campus.
"We need to do more than just talk about acceptance," he said.
"Faculty has to discuss gay and lesbian issues in the classroom. If a professor says absolutely nothing about it, that is sending a message.

Navarra, the alliance's cochair, who is an openly gay les-bian, said she calls this message "don't ask, don't tell," policy, which is how the campus climate translates to the gay, lesbian, bisexual and transgendered com-

"I don't like to lead with it when I'm meeting people because I want someone to know me first," Josh said. "That's just one part of all of the things that I

am."
With a membership of 25 to 35 people, Navarra said that the Gay, Lesbian, Bisexual, Trans-gendered Association isn't really in a position to raise awareness campus-wide. "The best thing to do is to get more information out to people that we are just like everyone else, that there is no real difference," Navarra said.

Julie Goldstein, an active member of the alliance, agreed.

"We don't want to be different, we just want to be normal in our real gender roles," she said. "We don't want to be treated like we are different in any way."

And since the organization isn't large enough to raise campus-wide awareness, in the meantime, the members have offered some advice about the ways in which the campus can embrace diversity to include sexual orientation.

"Try to put yourself in other people's shoes," said Derrick, co-chair of GLBTA, who also wanted his name withheld for privacy reasons. "Sometimes people don't even think twice about what they are saying."
Derrick said that many people

who struggle with coming out sometimes feel suicidal and that people's hurtful comments can perpetuate these feelings of

anguish.
"Before I came out, I was incredibly suicidal," alliance member Julie Goldstein said. "There comes a point when you realize 'I can't keep going on like this ... I'm going to end up dead and I have so much other stuff to do in this life and I can't let it end here, so I have to do something

Goldstein faced a hurdle as a transgender, since for her, coming 'out' meant changing her gender. "Back when I didn't even know the difference between male and female, I just knew that I was female," she said of growing up in a boy's body. "I was raised in a very Jewish community and if you look at Jewish prayer books, there are parts where women say (prayer) and men say (prayer). I remember, when I was 5,6 years old and told to pray with everyone else, I

don't even know why, I'd just say the women's part." When Goldstein came to SJSU, she hadn't started taking hormones yet. She has, within the course of two years, learned to embrace herself as a transgender as she has undergone hor-mone therapy. The issue she faces now is finding a roommate. Goldstein said one of the diffi-

culties she faced was the environment that she had to come out in. Yeager said, "The climate isn't

e of openness and acceptance." Other ways to make the climate more comfortable for members of the gay, lesbian, bisexual and transgendered community

include not assuming that every one is heterosexual, according to Wiggsy Siversten, director of counseling services.
"It would help make gay peo-

ple less invisible if, when people self-identify they include sexual orientation as part of that identisaid associate professor of religious studies Jennifer Rycen-

Making this environment more accepting is one goal of the campus' diversity statement.

According to Siversten, a major reason to accept the diver-sity on this campus is that students have a lot to teach each

"The way we look at the world is enriched by each other's view of the world, which is one reason to be more accepting of other peo-ple's diversity," Siversten said.
"From my standpoint, those differences are the threads that

are woven through the fabric of diversity of our world," she said.

It's important for people to be aware that heterosexuality is not the only form of relating sexually in the world, according to Rycen-

Mike, Josh, Derrick and Julie all agree: As members of the gay, lesbian, bisexual and transgendered community, said they just want to be treated like normal students. They hope other students can help create a comfortable campus climate by realizing

"I am indeed my brother and sister's keeper," Siversten said. "So if there's not equality for all, there's equality for none."

## Is anybody home?



Arturo Robles prepares a door that will be installed in the Music building Monday.

#### TRICYCLE: A \$100 reward offered for bike information

♦ continued from Page 1

pathetic.

These people just don't have any respect for other peoples' property," said Thomas Blomquist, a junior majoring in

Unfortunately, some people can't respect that other people work really hard for their

The elderly Their loved ones. Your community.

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endeavors," he said.

Stefanie Fujii said she thought it was an unfortunate situation that someone would steal a tricycle.
"What exactly can you do

with a tricycle?" she said. Stephanie Schaefer, a graduate student, said she was surprised that someone would do something like this.

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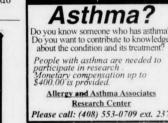
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of America.

"I just hope they can find the tricycle," she said.

Students who have any infor-mation can contact the paint shop at 924-1923 or the UPD at

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## **IOE WEST:** Maintenence closes elevator for three days

♦ continued from Page 1

tem check on the elevator and it failed. He then checked out the source and found a part to fix it.

He said the part was "pre-venting overall operation" and felt it was better to shut down the elevator rather than receive a call about someone being stuck

"If I feel that if something is wrong with it, I'm not going to let you on it," he said.

Although it took three days for the maintenance, the technician said it wasn't a major problem.

again on Friday. "It took a day to do the maintenance, a day to order the part and ship it and another day to

two and three hours. He said he shuts down the elevator and checks various items such as the

doors and light bulbs.
Wolcott said the routine checks of the elevators occur twice a month to avoid further

"I know it's an inconvenience," she said of the maintenance.
The technician also said he felt

sympathy for the residents who weren't able to use the elevator. "I know how crucial it is," he

However, the technician said that people have a misconception elevator is broken it's really maintenance work.

Despite the nuisance, some residents took it well. "I don't mind," Seiki said. "It

the routine maintenance the wait

would be worse.

Tran and Wolcott said they haven't received any complaints about the elevator delays.

"I haven't received any formal complaints," Wolcott said. "People just ask questions."

However, some residents have thought of solutions to avoid future delays.

"They should get more (eleva-s)," Tan said. "Two is not

are no plans to install more ele-"When it was built, they only

However, Wolcott said there

Two elevators serve the 700 people who live in Joe West Hall, Wolcott added.

The technician said he puts more emphasis on Joe West Hall than many other buildings because it is a "24-hour building."

#### doesn't happen a lot." Tan agreed and said without install the part," Wolcott said. The technician said a normal maintenance check lasts between

Postal Union sues to close sorting center NEW YORK (AP) - Preliminary tests indicate a 61-year-old hospital stockroom employee has contracted inhalation anthrax, the mayor said Monday night.

The woman was in "very, very serious" condition and on a respirator, Mayor Rudolph Giuliani said. She has been hospitalized since Sunday, when she went to an emergency room with a severe

respiratory ailment.
The mayor said the woman, who was not identified, is undergoing more tests. If confirmed, she would be the first New York resident to come down with the more dangerous inhaled form of the disease.

The source of the woman's infection was not known. She works at the Manhattan Eye, Ear and Throat Hospital in Manhat-

New York City has had four confirmed skin anthrax cases, all linked to news media outlets.

Investigators determined that anthrax-laced letters addressed to NBC News anchor Tom Brokaw and the New York Post

passed through the city's biggest mail-sorting center.
Union leaders have repeatedly

requested that the nine-story, 2-million-square-foot Morgan Processing and Distribution Center in midtown be closed for testing since traces of anthrax were found on sorting machines.

On Monday, a postal workers union sued the U.S. Postal Service, seeking to force the facility

"We're simply asking the post office to close the building and make sure it's safe," said William Smith, president of the New York Metro Area Postal Union. "Test everybody and tell us they haven't been exposed. If that's not done, we shouldn't be in that

building."
David Solomon, regional vice resident for operations for the Postal Service, said medical experts say the contamination in the building is isolated and "can be safely blocked off and remedied accordingly without closing the building or jeopardizing our employees' health."

"If they tell us there is a danger to the safety of our employees we will close it down," he said.

The lawsuit, filed by an attorney for the New York chapter of the American Postal Workers Union, claims the Postal Service engaged in the storage and transportation of hazardous substances without a permit.

"Lawsuits are for when things break down," lawyer Louie Niko-laidis said. "Obviously we have a situation with anthrax where

things have broken down." Absenteeism at the center has climbed to nearly 30 percent, the Postal Service said.

No postal employees in New York have been diagnosed with anthrax.

Another lawsuit against the Postal Service was filed Monday in Florida. In that lawsuit, the American Postal Workers Union's South Florida local seeks an emergency hearing on a union request for speedy arbitration on demands to close, test and, if necessary, clean 10 to 12 facilities from Boca Raton to Miami.



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