



SERVING SAN JOSE STATE UNIVERSITY SINCE 1934

SPARTAN DAILY

VOLUME 121, NUMBER 17

WWW.THESPARTANDAILY.COM

MONDAY, SEPTEMBER 22, 2003

More money in academics, less on football group says

By Ian Ross
Daily Staff Writer

A decade-long struggle between academics and athletics at San Jose State University is coming to a head this year. "Spartans4Sanity," a group of faculty members, say the time to act is now and their goal is to end Division I-A football at SJSU.

James Brent, an associate political science professor, is spearheading the Spartans4Sanity movement. According to the Spartans4Sanity Web site, while academic programs at SJSU are facing major cuts, the football budget will increase an additional \$2 million by 2005.

"Everything is being cut but we pump more money into football that only eight percent of the students attend," Brent said. "There is a



AN INSIGHT INTO SPARTAN FOOTBALL

Editor's Note: Starting today and running through Thursday, the Spartan Daily will run a four-part series that will focus on San Jose State University's football program.
Today - An organization's quest to rid SJSU of football.
Tuesday - A look into the budget of the football program.
Wednesday - Strategies adopted by SJSU to market football.
Thursday - What would life be without Spartan football?

new urgency to act now because of the university's drive to keep football."

On the other side of the coin, there are those who say that retaining Division I-A football is crucial to the university. SJSU Interim President Joseph Crowley is one of them.

"Football is the biggest income provider to

athletics," Crowley said. "Without football, there would be a major decline in public giving, we'd lose conference money and there would be a greater dependence on student fees."

"It's imperative for the university to retain Division I-A status at least until the current

muddy picture surrounding Division I-A football is clarified," he said.

New NCAA requirements for retaining Division I-A status will go into effect for the 2004 season. According to the NCAA's Web site, one of the requirements is that the football program must average at least 15,000 fans per game over the course of the five mandated home games.

In recent years, the average attendance at Spartan home football games has been closer to 10,000 per game. Last season, the Spartans averaged 10,380 in attendance over four home games, according to the SJSU Spartans Web site.

In order to draw more fans, Brent said that

SJSU has had to spend more money on marketing football.

SJSU home games last season featured pre-game festivals, an F-16 jet flyover and a fireworks display. The fireworks drew a season-low attendance of 6,391.

"Anyone in business knows that you don't push a product on a market that doesn't want it," Brent said. "We should give the students what they want and need, not what the administration thinks they want and need."

The first home game this season on Aug. 23 featured Grambling State University's marching band and drew 31,681 fans for a 29-0 Spartan victory.

The Sept. 18 game against Nevada drew 10,173 fans for Neil Parry's return to football.

See FOOTBALL, page 3

Campus responds to RIAA lawsuits

University can be held liable for resident's file sharing

By JaShong King
Daily Staff Writer

They're coming to get you. That's the message the Recording Industry Association of America put out as they filed suit against 261 computer users who were allegedly sharing music online illegally.

The recording industry trade group said in a Sept. 8 press release that this would be "the first wave" of what could turn into thousands of civil lawsuits against computer users distributing copyrighted music on file sharing networks such as Kazaa or Limewire.

At San Jose State University, some students were starting to feel the heat from the recording industry association's new strong-arm tactic against illegal music downloads.

"I don't really do it anymore because I don't want to get sued," said sophomore interior design major Caitlin Kniazewycz. "When they actually go after individuals for money, I can't pay. I don't want to even risk it."

International business major Stephen Hardy, a junior exchange student from England, said he understood the recording industry group's rationale, even though he is in favor of sharing music online.

"Legally, they're right. The record industry is losing a lot of money. Lawsuits, if it's going to stop it, it's going to stop it," Hardy said.

Scott Perry, an instructor for the music technologies class in the music department, disagreed. Perry is also a graduate student majoring in music composition.

"I think some of them are ridicu-

lous," Perry said in response to the lawsuits. "Going after a 12-year-old girl? What is that going to get you in the long run?"

According to news reports, among the people sued by the recording industry association was a 12-year-old girl who lived in New York City public housing.

"You should go after people who are really stealing music," Perry said. "What about people who are downloading albums and selling them? Those are the people I'd rather see prosecuted."

Though last week's round of lawsuits were targeted at individuals, computer networks that facilitate illegal file trades could be liable as well.

Associate vice president Bruce Judd, who is in charge of SJSU's computing and telecommunications, said the university was making a "good faith effort" to discourage file sharing and minimize any possibility of legal action from the recording industry.

"There were three universities in the Northeast that had lawsuits brought against them because students had established servers on campus to trade music. Anytime a university is sued, even if they

win, it costs them hundreds of thousands in legal fees, so even if they win, they lose," Judd said.

To prevent such a situation from happening, Judd said the university puts restrictions on the network that make it difficult to set up peer-to-peer file sharing.

"We do not block access, but we don't promote," Judd said.

Chris Mangrum, assistant director for the residential housing network, said such restrictions included limiting the amount of bandwidth devoted to peer-to-peer networks.

This was needed because in previous years, file sharing was taking up a large majority of bandwidth, especially

win, it costs them hundreds of thousands in legal fees, so even if they win, they lose," Judd said.

See RIAA, page 5

Bustamante, Camejo visit San Jose

By Mark Cornejo
Daily Staff Writer

A forum featuring candidates for California's recall election was held Sunday afternoon at William C. Overfelt High School in East San Jose.

The gubernatorial forum was sponsored by the Pacific Institute of Community Organization and was hosted by their San Jose affiliate, People Acting in Community Together.

Organization chairperson, Vivian Miranda, said the group invited Gov. Gray Davis along with all candidates who had polled above 2 percent in a Field poll taken Aug. 16.

The list of invitees included Lt. Gov. Cruz Bustamante, Sen. Tom McClintock, actor Arnold Schwarzenegger, political analyst Arianna Huffington, Green party candidate Peter Camejo, Major League Baseball's former commissioner Peter Ueberroth and Republican candidate Bill Simon.

Davis, Schwarzenegger and Huffington declined the organization's invitation, while McClintock did not respond. Ueberroth and Simon have since dropped out of the race.

Bustamante and Camejo were the only two invited candidates who accepted and showed up to speak to the nearly capacity crowd in the Overfelt Auditorium.

"We're very disappointed there are only two chairs on this stage," Miranda said.

Each candidate was asked five questions with two minutes of response time for each query, and then finishing with a three minute closing statement.

Before each question was asked, an organization representative would read about research they had done on the subject and then a personal story from a California resident that was affected by the problem.

The five areas that were covered were driver's licenses for undocumented immigrants, health care, education, affordable housing and public access to the candidate if he were elected.

According to the organization's research there are 2 million unlicensed drivers in California, most of whom cannot get a license because they are undocumented workers, a fact both candidates were upset with.

"They are people who are an integral part of the economy," Camejo said. "We need to extend to them the same rights everyone else has."

Bustamante said this was one of many examples of how unfair California has been to undocumented workers.

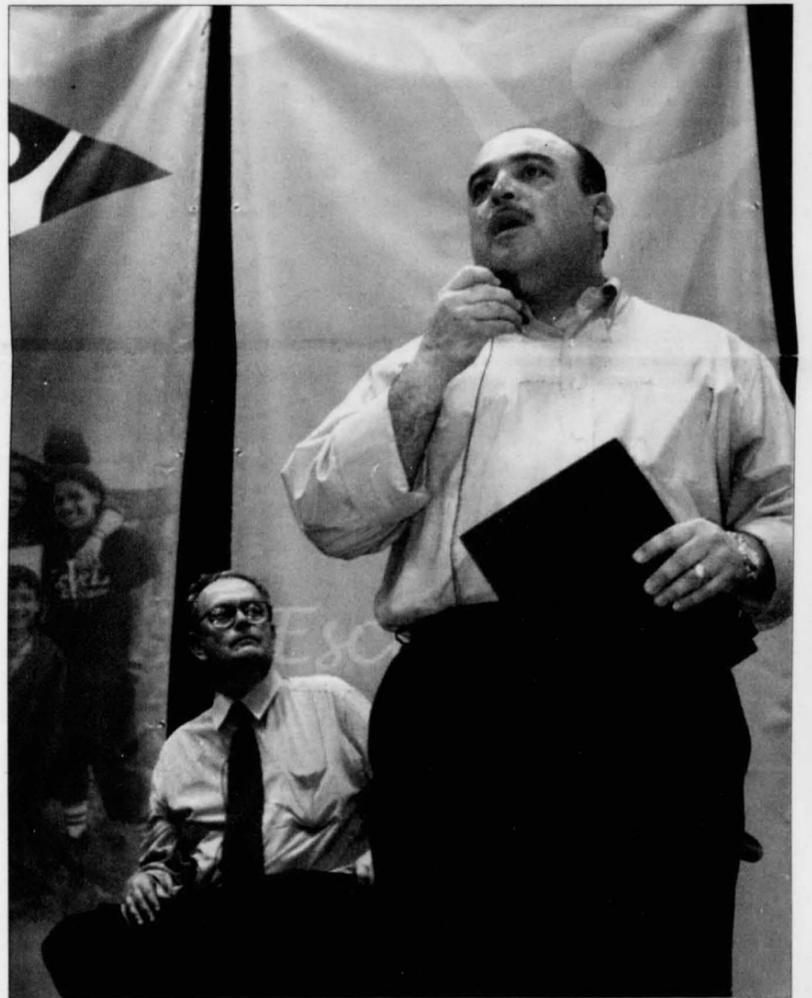
"I believe that someone who works hard, pays their taxes and obeys the laws should be able to drive to work safely every day," Bustamante said. "They are doing the work none of us are willing to do."

Both candidates said they were in support of Senate Bill 60, which Davis recently signed allowing for undocumented workers to apply for drivers license, and is now being reconsidered in the state senate.

Health care was another issue both candidates said they saw a lot of room for California to improve on.

Camejo said Californians should look to other health care systems in the world and learn from them.

"We are the only industrial nation without univer-



Ryan Balbuena / Daily Staff

Lt. Gov. Cruz Bustamante, D-Calif., talked about his plans to help the state's education and housing problems as Green Party candidate Peter Camejo listens during a gubernatorial forum Sunday at Overfelt High School in San Jose.

sal health care," Camejo said. "We should be looking at Canada, Switzerland, France and Italy."

He added that the problems lie in the insurance companies.

"We are allowing the insurance industry to run health care," Camejo said. "But they are only in it for a profit."

Bustamante said it should not matter where someone lives or how much they make, but that health care needs to be universal.

"Whether you're in a small town or in the middle of a big city everyone deserves health care,"

See RECALL, page 6



Vyonna Pingue / Daily Staff

Patricia Koopman, far right, a docent at the Dr. Martin Luther King, Jr. Joint Library, leads a tour group up the escalator from the first to the second floor Thursday.

Volunteer docents open library's doors

Editor's note: This is the fifth of six stories the Spartan Daily will publish to profile the Dr. Martin Luther King Jr. Joint Library — P. B.

By David Weinstein
Daily Staff Writer

The Dr. Martin Luther King Jr. Joint Library is not only a building with original art and architecture, but also houses a docent program that was completed in less than eight months.

The 24-member docent volunteer program provides daily-guided tours that last approximately one hour, and inform guests of the library's history, art and construction.

Volunteer Docent Coordinator Nancy Freeman said she spearheaded the project in January 2003 and organized the training with the help of four other people.

Freeman said the docent project was a collaborative effort consisting of planning, organizing, recruiting and training

Freeman said the program has been one of the most rewarding volunteer jobs she's ever been associated with.

"I just always wanted to be involved with the library," Freeman said. "And I knew when the new city library was a joint library with the university I thought it would be a natural."

The longtime volunteer brings a wealth of experience to the program as a former docent at the San Jose Historical Museum, and presently serves as chair of Santa Clara County's Juvenile Justice Commission.

Freeman said she also trains docents at the Japanese Friendship Garden located in Kelley Park on Senter Road.

Regular daily tours run on a first come first serve basis by signing in at information desk on the first floor of the library.

The ages of the volunteers in the program range from 40s to 60s and many are retirees, Freeman said.

Teachers, social workers and people from the high-tech industry also make up the

group, Freeman said.

The volunteers are required to work eight hours a month, which would include two-to-three tours.

Students and community members of all ages have filled up every single daily tour so far, Freeman said.

The program also provides tours in Spanish, Japanese and Vietnamese, apart from English.

The King Library also offers prearranged group tours. Multiple docents gave a guided tour for 60 members of the Special Library Association Tuesday evening.

As of last week, the docents have put in 1,090 volunteer hours since May 2003.

"I guess I'm just so enthusiastic about the whole project," docent Donna Fontaine said. "I have a lot of free time and haven't volunteered for a while."

"The group was incredibly flexible," Docent Coordinator Kary Bloom said. "They worked really hard to learn their

See DOCENT, page 5

IS IT FRIDAY YET?

New voting machines shouldn't postpone the recall

Get ready (again) to vote (again) for governor, California citizens.

By all indications Friday and over the weekend, judicial experts agree the Oct. 7 recall election will go on as planned, punch-card ballots and all.

That means you, Santa Clara County. Last week's fuzzy episode of the U.S. 9th Circuit Court of Appeals — brought to us by the letters "A," "C," "L" and "U" — won't be re-run this week.

The bally 9th Circuit tribunal from San Francisco that stayed the recall election last Monday — causing eyeballs to roll nationwide — will have its decision reviewed today and most likely overturned lickety-split by a larger and more moderate group of 9th Circuit judges.

A majority of 9th Circuit judges voted late last week to re-examine the decision to put the election on hold until March.

The original three-judge panel agreed with the American Civil Liberties Union that punch-card balloting violates civil rights.

In 2001, California passed a law requiring all of its counties to replace punch-card machines with more reliable forms of balloting. The deadline to get rid of the infamous punch cards was set for March 2004, when presidential primaries begin.

Now, the ACLU wants California to postpone its recall election until then because six densely populated California counties, including Santa Clara, have not yet replaced the old stab-a-candidate system.

(Note: I could make hanging "chads" jokes from here on out, but I think this matter deserves some serious attention.

Sorry dudes.)

The crux of the ACLU's postponement argument is the fact that the six remaining punch-card counties are huge, harboring 40 percent of California's voters and large numbers of minority voters.

Is it fair that these big counties, teeming with diversity, should be limited to using voting machines deemed inadequate since the Florida fiasco of 2000?

In short, yes.

California counties have been preparing for two years to ditch punch-card voting by March.

But unlike the recall of a governor, the recall of voting machines cannot (and should not) be rushed.

After all, it takes time for counties to find vendors for new machines, settle bidding wars and re-train election officials.

On the other hand, replacing an unsatisfactory elected official should be a swift and simple procedure.

Last week, three 9th Circuit judges used unprecedented willpower to stop a scheduled recall election dead in its tracks with less than a month's notice.

It's astounding.

This election is happening because, for the first time in state history, Californians have demanded with enough gusto (and more than enough signatures) the right to preempt the wheelings and dealings of an unpopular governor.

The idea that the people of this state — or of any city, state or nation, for that matter — should be denied the

right to a speedy recall vote after properly demanding one turns my stomach.

A recall of the governor must be voted on within 80 days of certifying the necessary signatures to put the matter before voters, according to the California Constitution.

Hello?

The three federal judges from San Francisco failed to recognize the importance of this law, and their mistake will be overturned.

This is not a matter of politics. This is a matter of democracy.

The ACLU argued last week, and will argue again today, that all California voters must be treated equally. They will say the playing field cannot be level with punch-card ballots in the mix.

Life's not fair.

In a perfect world, there would be a perfect way to count everyone's vote.

But alas, we are human, living and voting among millions and millions of other humans.

When the ACLU sued California's secretary of state in 2001 to bring about the state's current election-revamping policies, the civil rights group didn't stipulate that any attempt to recall a public official would (or should) be invalid until March 2004.

The fact that California has already taken reasonable, proactive steps toward resolving the social and technical issues raised by the ACLU two years ago clearly exposes

the organization's anti-recall political agenda.

Now that a Republican-led recall effort threatens to unseat a Democratic governor, the group is up in arms again about punch cards and the downfall of humanity.

Hey, Arnold scares me, too, but c'mon, guys.

The 11 judges from the 9th Circuit Court of Appeals who will hear arguments today on the recall postponement will not be so easily misled.

They know there will always be room for improving the machines we use to vote, whether they are bug-prone touch-screen systems or old-fashioned optical scanners.

They know punch cards are on their way out in California, as they should be.

They know the 2001 settlement between the ACLU and then-Secretary of State Bill Jones allowed for a smooth phase-out period so counties could shop for new voting machines and then learn how to operate them comfortably. Most importantly, the new 9th Circuit panel will understand the necessary sense of urgency that drives any successful petition to recall an elected official.

Hey, I could be wrong, but the ACLU is going down on this one.

The recall will happen Oct. 7.

By the way, today is the last day to register to vote.



TONY BURCHYNS

Tony Burchyns is a Spartan Daily Senior Staff Writer. 'Is It Friday yet?' appears Mondays.

SPARTA GUIDE

Sparta Guide is provided free of charge to students, faculty and staff members. The deadline for entries is noon three working days before the desired publication date. Entry forms are available in the Spartan Daily office in Dwight Bentel Hall, room 209. Entries can also be e-mailed to spartandaily@cas.sjsu.edu titled "Sparta Guide." Space restrictions may require editing of submissions. Entries are printed in the order in which they are received.

TODAY

PRIDE OF THE PACIFIC ISLANDS

Everyone is welcome to a free barbecue picnic for fun, games and meeting new people from 5:30 p.m. to 7 p.m. on Sept. 23 in the Seventh Street barbecue pit. For more information, call 924-2221.

ASIAN BAPTIST STUDENT KOINONIA

A Bible study and fellowship will take place at 6 p.m. on Sept. 24 on the fifth floor in the multicultural room in Dr. Martin Luther King Jr. Joint Library. For more information, call Bryan Ly at 234-0763 or e-mail him at bry_ly@yahoo.com.

FIRST TIME HOME BUYER EDUCATION SEMINAR

Local professionals will share information on buying a home in the Silicon Valley from noon to 1 p.m. on Sept. 24 in the off-campus housing Assistance Center. They will focus on readiness and first-time homebuyer assistance programs. For more information, call Mary at 924-7368 or e-mail och@housing.sjsu.edu.

GAY LESBIAN BISEXUAL TRANSGENDER ALLIES

A general group meeting will take place from 5 p.m. to 6:30 p.m. on Sept. 24 in the Almaden room in the Student Union. For more information, e-mail glbta_sjsu@yahoo.com.

SCHOOL OF ART AND DESIGN

Student galleries art exhibitions will take place from 10 a.m. to 4 p.m. today in the Art and Industrial Studies buildings. For more information, call Bill or Nicole at 924-4330.

SCHOOL OF ART AND DESIGN

Student galleries art receptions will take place from 6 p.m. to 8 p.m. on Sept. 23 in the Art and Industrial Studies buildings. For more information, call Bill or Nicole at 924-4330.

GALLERY SHOW

A gallery show titled Celtezen, which will include works of steel vessels and drawings, will take place from 10 a.m. to 4 p.m. today in Gallery 2 in room 131 in the Art building. The reception will take place from 6 p.m. to 8 p.m. on Sept. 23. For more information, call James Soboleski at 554-0674.

AMERICAN LIBRARY ASSOCIATION STUDENT CHAPTER

A luminary lecture with Anne Turner of Santa Cruz Public Library will be speaking on the Patriot Act at 7 p.m. on Sept. 25 in Dr. Martin Luther King Jr. Joint Library on second floor in the lecture room. For more information, call Eli Edwards at (650) 814-4491.

NUTRITION PROGRAM

Five-a-day for better health week will take place from 10 a.m. to 1 p.m. on Sept. 23 in front of the Student Union. For more information, call Jen Styles at 924-6118.

NUTRITION PROGRAM

A presentation about the benefits of exercise for women will be led by Daisyu Daiku for women's health and fitness day at 5 p.m. on Sept. 24 in the sport club lobby. For more information, call Jen Styles at 924-6118.

THE DIVISION OF STUDENT AFFAIRS

An informal conversation with President Crowley and free pizza will take place from noon to 1 p.m. on Sept. 23 in the Barret Ballroom. For more information, call Georgette Gale at 924-5900.

CAREER CENTER

A resume clinic by CASA will take place from 1:30 p.m. to 2:30 p.m. today in building F. For more information, call the Career Center at 924-6031.

CAREER CENTER

A resume clinic by the College of Science will take place from 1:20 p.m. to 2:30 p.m. on Sept. 23 in building F. For more information, call the Career Center at 924-6031.

CAREER CENTER

Work IV drop-in for students with disabilities will take place from 1:30 p.m. to 3:30 p.m. on Sept. 24 in building F. For more information, call the Career Center at 924-6031.

CAREER CENTER

A resume clinic with the College of Business will take place from 1:30 p.m. to 2:30 p.m. on Sept. 24 in building F. For more information, call the Career Center at 924-6031.

CAREER CENTER

A resume clinic with the College of Education will take place from 1:30 p.m. to 2:30 p.m. on Sept. 25 in building F. For more information, call the Career Center at 924-6031.

CAREER CENTER

A resume clinic, workability IV, will take place from 11:30 a.m. to 12:30 p.m. on Sept. 25 in the Assistive Technology Center. For more information, call the Career Center at 924-6031.

CAREER CENTER

A general resume clinic will take place from 1:30 p.m. to 2:30 p.m. on Sept. 26 in building F. For more information, call the Career Center at 924-6031.

GOLDEN KEY INTERNATIONAL HONOR SOCIETY

An information table will take place from 10 a.m. to 4 p.m. on Sept. 30 in front of the Student Union, table number 5. For more information, call Paula Azevedo at (510) 552-3452.

GOLDEN KEY INTERNATIONAL HONOR SOCIETY

An information table will take place from 10 a.m. to 4 p.m. on Oct. 1 in front of the Student Union, table number 5. For more information, call Paul Azevedo at (510) 552-3452.

STUDENT LIFE AND LEADERSHIP

A workshop series that includes six workshops will take place from 4 p.m. to 6 p.m. in the Guadalupe room in the Student Union. Participants in the workshop series will learn new skills, prepare to be more confident and competent leaders and make new connections on campus. Registration is for the entire series. To fill out a registration form or to get more information, call 924-5950.

ACADEMIC SERVICES

EOP open house will take place from 4 p.m. to 6 p.m. on Sept. 30 in the Student Services Center, room 603. For more information, call Felicia nance at 924-2595.

SJSU CATHOLIC CAMPUS MINISTRY

Daily Mass takes place every weekday at 12:10 p.m. in SJSU campus ministry center. For more information, call sister Marcia at 938-1610.

SJSU CATHOLIC CAMPUS MINISTRY

Sunday Masses take place every Sunday from 12 p.m. to 5 p.m. in SJSU campus ministry center. For more information, call sister Marcia at 938-1610.

SJSU CATHOLIC CAMPUS MINISTRY

Scripture reflection on the upcoming Sunday readings takes place at 7 p.m. on Thursdays in the chapel on the corner of 10th and San Carlos streets. For more information, call sister Marcia at 938-1610.

SJSU CATHOLIC CAMPUS MINISTRY

An Alpha Omega meeting takes place from 8:30 p.m. to 10 p.m. on Thursdays in the SJSU campus ministry center. For more information, call Kay Polintan at 938-1610.

YOUTH FOR CHRIST

Weekly meetings take place at 7:30 p.m. every Wednesday in the SJSU Campus Ministry Center. For more information, call Sheryl Hilario at 431-2459.

NO MUSIC, NO LIFE

Miracles happen every day, some bigger than others

I am going to take a break from my usual music spiel and talk about something I experienced over the weekend.

Miracles happen constantly around us. Sometimes we acknowledge them but for the most part, we ignore that smile that became contagious and reached about 100 people across campus. To me a contagious smile is a miracle because it is touching so many spirits. Just think, it could be you that starts that chain of beams.

But for my miracle.

My sister Ruthie and her husband Scott allowed me to be in the delivery room on Friday as I watched them work as a team to bring their first child into the world.

It was the most amazing thing I have ever witnessed, but boy was that baby stubborn.

He wanted to, as the doctor said, "Keep his buffet going."

I didn't think I was going to be able to be there because I was in San Jose and my family was in Los Angeles. I had prior commitments so I had accepted I wasn't going to make it.

My mind quickly changed when my other sister Liz, called me at 6 a.m. on Friday to tell me contractions began earlier that morning.

I needed to be with my family for support because I knew I would regret it if I wasn't there.

It's not that often when your siblings give you a gift of that magnitude. With a family as close as ours, we live for one another so it was important to be there.

After making arrangements, I drove the five hours to Los Angeles knowing I had to be back in San Jose the following morning.

Unfortunately, a speeding ticket was handed to me on the way there (oops). Bummer, but the cop was nice enough to change my speed on the ticket from 94 mph to 70 mph.

Despite the setback, I went straight to the hospital, saw familiar faces and was pointed to where my sister was giving birth and taking steps toward her new life with baby.

Mind you, at this point we didn't know what the sex of the baby was going to be so this made the anticipation greater.

As I was making my way into the room I didn't know what to expect. My mind wanted to know that everything was going smoothly.

But, BAM, there was my sister, legs wide open.

Her husband, mother-in-law and my sister were at her side, trying their best to comfort her. The doctor and the nurse were coaching her breathing and watching the monitors.



REBECCA VILLANEDA

Taken aback, I immediately began crying because she looked so exhausted and in pain, yet still so beautiful. I was happy, scared, worried, excited — all at once.

I didn't know what to say or do and even thought, "should I even be in here?"

Easing my way into the situation I did what I do best in our family: document our milestones. I grabbed the camera and took lots of pictures before Ruthie, understandably, snapped and said no more pictures.

The poor thing hadn't eaten since 8 a.m. the morning before and was famished while trying to push with all her might so that we could welcome our new addition into the world.

After 30 hours of inducing labor on Thursday morning, the doctor decided to give her two choices: C-section or have him attach a suction-type device to the baby's head to pull his fragile body out.

She chose the latter and with video camera in hand, I captured the miracle.

Diego Villaneda Edwards was born at 5:52 p.m. weighing in at 7 pounds, 8 ounces and measuring 20-and-a-half inches long.

He was beautiful.

It is such an indescribable feeling to see the miracle of birth. These doctors see it several times a day, and they still treat each delivery with respect and careful consideration. God bless them.

Watching Diego in his new environment was stimulating. He was stretching out his little arms and exploring his newfound freedom of space. His little lips were instinctively grasping for something to suck on and by golly, he found his knuckles. But now Mommy's nipples are his prized possession.

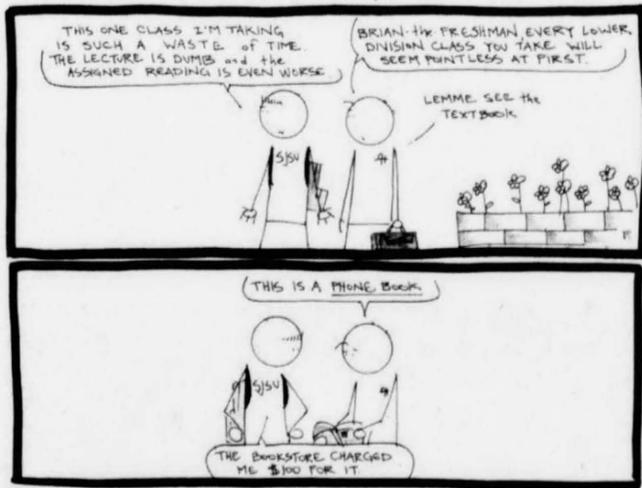
He is a healthy little boy and it will be my pleasure to watch him grow into a fine young man.

As children grow to be the future's world leaders it is up to us to show them respect, admiration, guidance, love and discipline while hugging and kissing their little impressionable selves.

Also, be open for those daily miracles, they are constantly happening around us.

Rebecca Villaneda is the Spartan Daily Arts and Entertainment Editor. 'No Music, No Life' appears every other Monday.

ANOTHER DIMENTION | JONAH PTAK



SPARTAN DAILY

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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 95192-0149.

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 a point of view that has appeared in the Spartan Daily.

A viewpoint is the same as a letter to the editor, except it is a 400-word response to an issue or point of view that has appeared in the Spartan Daily.

Submissions may be 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.

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Garcia, seven others, inducted into SJSU Hall of Fame

San Francisco
quarterback
headlines 2003 class

By Ron Pangrac
Daily Staff Writer

Jeff Garcia may have been the big-name attraction at the 2003 San Jose State University Sports Hall of Fame induction ceremony on Friday, but the focus of the event was on the school's overall history and tradition of sports.

Garcia, starting quarterback for the San Francisco 49ers, was one of eight inductees into the hall. The other honorees included athletes and coaches representing a range of sports, some of which are no longer supported at SJSU.

The evening was filled with recognition and remembrances as the Hall of Fame inductees gathered with old college friends, family members and supporters of collegiate athletics for a reception and banquet in the Barrett Ballroom of the Student Union.

"It was a very special evening," John Glass, senior associate director of athletics for external operations, said. "It's kind of like a Christmas feeling."

After a reception and dinner, the new members of the Hall of Fame were formally inducted. Each received a standing ovation as they accepted a Hall of Fame medallion.

About 230 people attended the ceremony, held by the Order of Sparta, an organization for former and current athletes and coaches of SJSU. It is the group's premiere event each year.

"My mother and dad knew DeWitt Portal and his wife very well," said Donna Rooney. "It was important that I come for the Portal family."

Portal was the head boxing coach at SJSU from 1934 until his death in 1953. Rooney, an alumna of SJSU, is a longtime supporter of Spartan athletics and said it was a thrill to meet Garcia, quarterback for the Spartan football team from 1991 to 1993.

"We kind of knew him from a fan's point of view when he was here," Rooney said. "There's star power there, and he's one of your own."

The inductees expressed honor at being admitted into the Hall of Fame. "It's something I could never have imagined when I was here," Garcia said. "It's an outstanding honor."

Janice Moodie said that she was surprised to be inducted into the Hall of Fame at the age of 30. Moodie played golf for SJSU from 1994 to 1997 and is currently a competitor in the Ladies Professional Golf Association.

Glass said that the Hall of Fame helps to unify the athletic department across all sports. "There's a wonderful tradition here," he said. "To go back and look at ... the caliber of athletes that have been here, the successes they've had, the enormous successes — the tradition jumps out at you."

When Glass arrived at SJSU in 1998, the Sports Hall of Fame had existed for decades, but it had not been maintained consistently. One of his goals in starting the Order of Sparta was to provide a spotlight for the achievements of SJSU athletes.

"I can remember the Hall of Fame since the 1950s," said Lee Walton, who was previously inducted as a student in 1956.

- 2003 SJSU Sports Hall of Fame Inductees
- Jeff Garcia (football 1991-1993)
 - Stacey Johnson (fencing 1976-1979)
 - Ron Livers (track and field 1975-1978)
 - Janice Moodie (golf 1994-1997)
 - Hank Pfister (tennis 1975-1976)
 - Anthony Telford (baseball 1985-1987)
 - DeWitt Portal (boxing coach 1934-1953) — inducted posthumously
 - Lee Walton (water polo coach 1961-1972)

Discipline and determination were themes that many of the honorees cited. "I learned how to discipline myself to be a better student and a better athlete," said Anthony Telford, who played baseball at SJSU from 1985 to 1987.

Stacey Johnson was on the SJSU fencing team from 1976 to 1979. Giving a specific example, Johnson said, "I learned to never give up. I made the (1980) Olympic team by one touch."

The athletes recalled SJSU fondly. "The college experience was the best experience of my life," said Ron Livers, a high jumper and triple jumper for the track and field teams from 1975 to 1978.

"If God would come to me and let me re-do anything in my life, I'd say 'Put me on campus for four more years,'" he said.

Pfister and Livers both expressed sadness, however, that the programs that had so much meaning in their lives are no longer available to students here.

"I'm so hurt today that there's not a track program at SJSU," Livers said.

Walton coached water polo at SJSU from 1961 to 1972. "Sporadically it would be in effect, then it would die out, then it would come back. This is the best it's ever been," he said.

This was the fifth annual banquet and induction ceremony for the Sports Hall of Fame. The first was in 1999. Joseph Crowley, interim president of SJSU, recognizes value in a Sports Hall of Fame.

"You're talking about the most visible thing a university does," Crowley said. "You're celebrating not just the institution, but its histories and traditions — and the people who formed a good part of those traditions."

The inductees mentioned many positive things that came from their time at SJSU. "When I came here," Hank Pfister said, "I didn't have any aspirations of being a professional player. I just wanted to play and see what happens and develop my livelihood."

Pfister played tennis at SJSU in 1975 and 1976. Discipline and determination were themes that many of the honorees cited. "I learned how to discipline myself to be a better student and a better athlete," said Anthony Telford, who played baseball at SJSU from 1985 to 1987.

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Loretta Gibson / Daily Staff
Jeff Garcia was one of eight inductees instated into the San Jose State University Hall of Fame in the Barrett Ballroom at SJSU Friday evening. Garcia played football with the Spartans from 1991 to 1993. He joined the San Francisco 49ers as a free agent in 1999.

"It's a shame." Ron Portal attended the ceremony on behalf of his father. "DeWitt was an extremely magnetic personality," he said.

Portal said that for the 50 years since his father's death, DeWitt Portal's students have commented on the impact he had on their lives. Steve Hamann was pleased to see Walton, his coach in the 1960s, recognized. He had come to SJSU because of Walton's reputation.

"He was strong enough as a coach to get a lot of good players," Hamann said. "My teammates, to a man, were really good people."

Besides helping to unify the different sports, past and present, at SJSU, Glass said he wanted to make the Order the central authority for screening, nominating and selecting Hall of Fame members.

"Previously, a coach and the athletic director would confer," when deciding who should be inducted, Glass said. "Some sports were more formal."

The university does not sponsor the group, though. It is a private organization that is funded by members' annual dues.

To bring the Hall of Fame inductees to the banquet, the Order of Sparta pays for their expenses. Laura Scott, a junior majoring in mathematics, said she likes to see all the sports at SJSU recognized. She said that the Hall of Fame has benefits for the school today as well.

"It can be hard to get supporters for sports that aren't the most recognized," Scott said. "Having the Hall of Fame trickles down onto the sports that are current now."

Sheri Bragg, administrative assistant for external operations in the athletic department, handled many of the arrangements for the ceremony. She has worked with Glass on each of the five banquets.

Glass equated the banquet to Christmas, but Bragg said it was like coordinating a wedding. Bragg said she was pleased with how the event turned out.

"It's also a little bit of a letdown, because I got to meet all these wonderful people, and (now) it's over with."

Members of the Spartan water polo and gymnastics teams worked at the banquet greeting the guests. Angela Strader, a sophomore majoring in photography, said the banquet was as elaborate as a prom for her and her teammates.

"The girls here — with school and 20 hours of practice a week — don't get to dress up very often," Strader said. "This is something fun."

FOOTBALL

"They are here for education, not for entertainment or football games."

continued from page 1

Brent says that the usually low attendance is one of the main reasons to drop the football program. "About 70 percent of San Jose State students work 20 or more hours a week," Brent said. "Many of them have families, children. Many of them live as far away as Salinas and Tracy."

They are busy, not the kind of students who will travel and use up four hours of their free time for a football game. "There are 5,000 free tickets allocated to students for every game and about half of them go unused," he said.

SJSU Athletic Director Chuck Bell said that attendance alone isn't enough to consider dropping out of Division I-A. "Stanford has attendance problems too, but the alumni and the students would never consider dropping football or leaving the Pac-10," he said.

According to the Cardinal athletic department Web site, Stanford Stadium seats 85,500 people. Stanford drew just over 34,000 fans for their recent home game against the Spartans on Sept. 6.

"It's more costly at the end of the day to run a Division I-AA team than a Division I-A team," Bell said. "It's more costly at the end of the day to not have football and just keep the other sports."

"Expenses in each case go down but only slightly. The revenue goes down tremendously. The only way to come out even is if they had no athletics at all," he said.

Other new NCAA requirements could also result in raising the cost of running a Division I-A football team. Division I-A schools will be required to play five home games against other Division I-A schools. Each school will be required to have 16 Division I-A sports. The number of required financial aids and scholarships will also increase.

John Twining, chief financial officer of the Athletic Department, said SJSU is already close to fulfilling most of the new requirements. "We will need to have at least 76 football scholarships and we currently have 71," Twining said. "That will cost about \$48,000 total — \$9,500 per scholarship."

"We already have 16 Division I-A sports," he said. "We have to provide 200 financial aids and we currently have 194."

Twining admits that having to schedule five home games could be costly. "We need to have five home games next year and that will probably hurt us a little," he said. "We have to drop a road game and that could cost us about \$500,000."

As far as Spartans4Sanity are concerned, attendance and a perceived lack of student interest are key reasons to decrease spending on football. "(SJSU) students are into high-tech," Brent said. "They are here for education, not for entertainment or football games."

Brent cites the 1999 Student Needs and Priorities Survey conducted by the California State University system as further evidence. "At the top of the list were good teaching and the ability to get the

football budget each year. He cited the new campus village as a key component. The new dormitories will house over 1,800 students on campus and is scheduled for completion in August 2005.

Ultimately, Brent said he knows the issue of football will depend on one person. "Who has the power to end football at San Jose State? Just one person, the president," he said. "We don't expect (Crowley) to get rid of football, but it places pressure on the next president to get rid of football."

Crowley will be at SJSU for only one semester but he said that any decision on football can't be rushed. "There is no reason to drop any significant program, whether it's Division I-A football or an academic program, without a comprehensive analysis of pros and cons," Crowley said. "Down the line it might be the thing to do when the picture becomes clearer, nationally."

"It's not persuasive that now is the time," he said. "There is no urgent need based on the amount of money spent on football. It's a major program for this university historically."

Crowley said he recalled facing the opposite question regarding football during his 23 years as the president at the University of Nevada. "Our debate was 11 or 12 years ago," Crowley said. "We had been a division I-AA team at that point since the 70s and were very successful. Our question was whether to move up to Division I-A or not. We had a comprehensive examination of that and came to the overwhelming conclusion from every group that we should."

"But we wouldn't have set about doing it because a group on campus wanted us to do that," he said. "You don't do something like that without a full, involving conversation over a period of time."

Crowley said that he doesn't see any point in dropping to Division I-AA. "There is no appreciable savings dropping to Division I-AA," he said. "Attendance and scholarship levels

would both go down. I don't think we would realize any savings there."

Richard Keady, a religious studies professor, supports the Spartans4Sanity movement. He said his first choice would be to see football eliminated completely and his second choice would be to see them drop to Division I-AA. "I don't believe that the people making the decisions about funding are listening to the faculty, students and staff," Keady said. "They just listen to the people who support football."

Keady said he played tight end at Amherst College, in Massachusetts. He said he has no cartilage in his left knee but still has a scar from surgery after tearing his knee up during his junior year. Keady readily admitted that football promotes companionship, cooperation, discipline, organization and team spirit. However, he also said that the culture of football often includes alcohol abuse, fighting, abuse of women, and sometimes "a remarkable absence of emphasis on academic excellence."

Keady also questioned the language used in football. "Pay attention to the metaphors used in support of achieving victory," Keady said. "For example, kill the opposition, knock them down, wipe them out, destroy or crush them and so on."

Brent said the Spartans4Sanity movement wants to see less money spent on football and more money spent on academics. "We need to hire more faculty, open more courses and have better student services," Brent said. Crowley said he doesn't think dropping Division I-A football is an option for SJSU. "I believe (Spartans4Sanity's) feelings are sincere and I don't argue with their right to initiate a public discourse," Crowley said.

"However, if it is understood to be a serious question, if it ought to be considered, we need to do it in a comprehensive way," he said. "I don't favor doing complicated business via referendum. Whether we've reached that point is debatable, but I don't think so."

Granting it's all metaphorical language but it speaks to the issue of whether or not the sport can claim to support the humanistic values the university espouses," he said. Keady gave three reasons why he feels that football should be eliminated at SJSU. "First, it can only survive by special and disproportionate funding," he said. "It's so expensive. Second, it is a violent sport that accentuates the violence already existent in our culture. Third, it survives at the expense of women's sports."

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2003-2004 SAN JOSE STATE UNIVERSITY MEN'S GOLF

Browns slide by 49ers

Associated Press

SAN FRANCISCO — Though Carmen Policy wore the biggest grin in the Cleveland Browns' locker room, the win and the fourth-quarter comeback were even more important to Kelly Holcomb.

Andre Davis caught an 11-yard touchdown pass from Holcomb with 29 seconds left as the Browns rallied for two late scores and a 13-12 victory Sunday over the San Francisco 49ers.

The Browns (1-2) had one touchdown in their first 11 quarters this season before scoring two in the fourth against San Francisco's defense, which held them to 113 yards in the first three quarters. It was all leading up to another comeback win for a franchise that has specialized in them since rejoining the NFL four seasons ago.

"That's Cleveland Browns football: Just wait until the last minute and 35 seconds of the game," coach Butch Davis said.

Holcomb beat out Tim Couch in training camp, but two middling performances in losses had put his job and Cleveland's season in jeopardy. His first three quarters against San Francisco weren't much better — but with two sore ankles and a 12-point deficit, he led the Browns on two stirring drives for the victory.

"We just hung in there, and when we had to make plays, we made them," Holcomb said. "It's just satisfying that when we had to do it, we stepped up."

Both scoring drives ended in TD passes to Davis — the second capping a 91-yard drive comprised mostly of short, expertly thrown passes. Kevin Johnson caught 11 passes for 109 yards.

The turnaround thrilled a miniature Dawg Pound at Candlestick Park, which at times was loud enough to drown out the disappointed thousands in San Francisco's sellout crowd.

"I think we saved the season today," said Policy, the Cleveland president who held the same job for eight years with the 49ers. "When you go 0-3, everybody is focused on where you aren't. Now, we can focus on moving forward to where we want to be. ... We were Nineresque at the end."

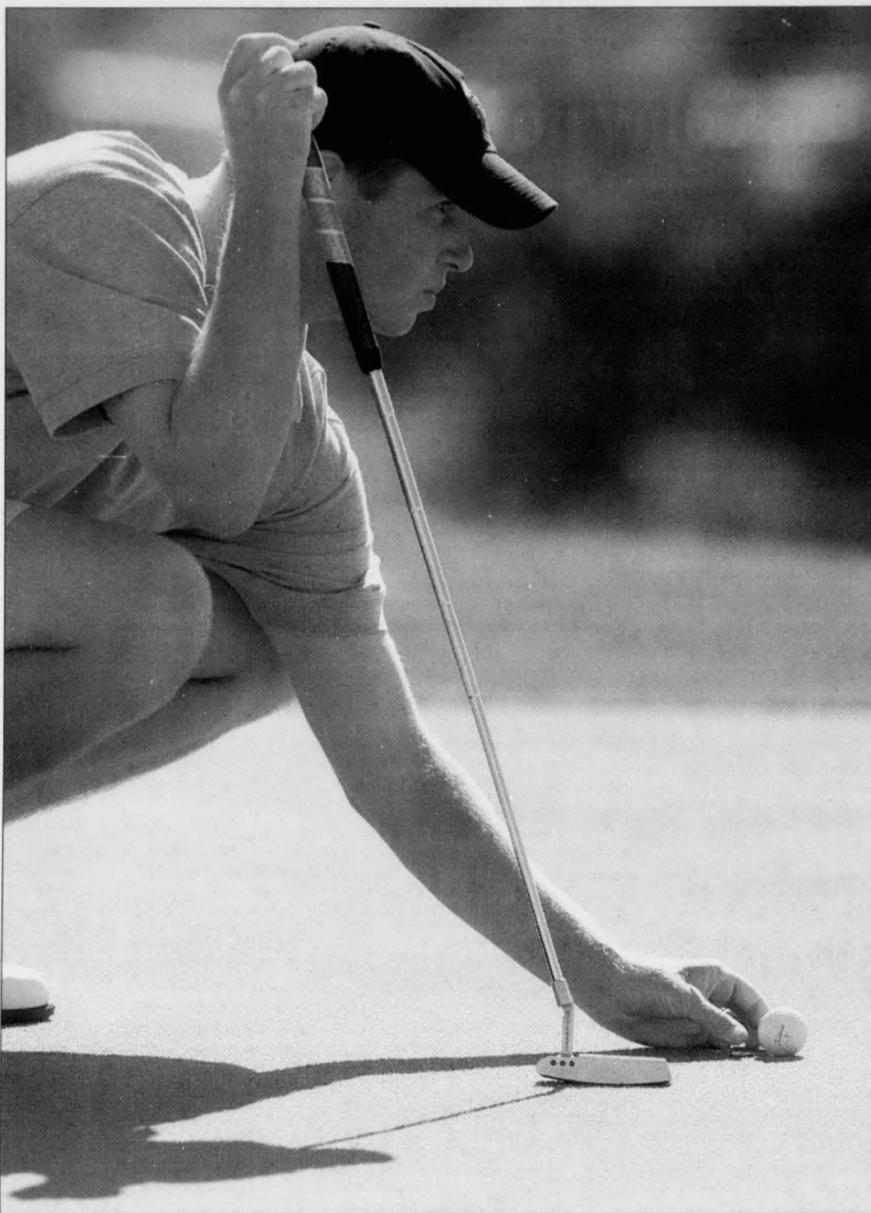
Both offenses sputtered and stalled on a stifling day, but Cleveland made an uncanny rally to win the clubs' first meeting since 1993. Holcomb was 25-of-38 for 222 yards.

Cleveland's offense finally helped out its defense, which kept Terrell Owens and Jeff Garcia out of the end zone despite several decent drives. New kicker Owen Pochman made four field goals for the 49ers (1-2), who had the type of timid, inconsistent offensive game that supposedly wouldn't happen after Steve Mariucci was fired.

Garcia went 21-of-35 for 198 yards. Owens caught eight passes for 90 yards — and in a familiar refrain, he broke his media boycott long enough to demand a bigger role in San Francisco's offense.

"I don't know how many times we've been in the red zone and my number hasn't been called," Owens said. "I feel bad from an offensive standpoint, because we're letting the defense down. They're playing their tails off, and we can't help them out."

On their first 75-yard scoring drive, the Browns capitalized on key penalties leading up to Davis' 2-yard TD catch.



Ryan Balbuena / Daily File Photo

Spartans lineup for season opener

By Robert Hong
Daily Staff Writer

With three returning seniors and a few promising new recruits, the SJSU men's golf team is looking for a successful season.

PREVIEW

"We are excited to have an experienced team," said Associate Head Golf Coach John Dormann. "Our seniors have been playing well and we are counting on them heavily."

Dormann said that the team has been close to reaching the postseason the last few years, and this year he believes they are capable of making it.

The team finished last season with an average of 74.69 strokes in 183 rounds.

Isaac Weintraub was one of the top scoring players for the team last season, entering the postseason as an individual, and qualifying for the 2003 U.S. Publix, in Galloway, N.J.

"It looks good so far," Weintraub said. "Our team is a lot deeper than it has been."

Finishing last season with an average of 72.36 strokes in 39 games, Weintraub went on to tie for twelfth place in the Western NCAA Men's Golf Regional last year. He missed advancing to the NCAA championships by one stroke.

"It was frustrating to be that close," he said about the round.

One factor to the team's success this year is freshman recruit David Kim.

"(Kim) has the ability to become a top player, but he hasn't been cleared by the NCAA," Dormann said.

Kim, an international student from Seoul, South Korea, attended high school in the United States. Dormann said he may not be allowed to play this year because the NCAA requires him to take certain classes.

The team is currently appealing the decision in hopes of getting Kim for the season.

"I think (Kim) could be just as good as any of the seniors," said Weintraub.

Kim said he has been playing golf for the past six years, and enjoys being on the SJSU team.

"It's tough," Kim said. "We start (practice) early and finish late. I hope I get to play."

Coach Dormann said if the team doesn't have Kim this season, they will definitely have him next year.

Along with Kim, sophomore Alejandro Prieto, and two incoming students who have already had some college golf experience.

Justin Madison and Neal Valera are both from San Jose City College and are starting their junior year at SJSU, and have already had college golf experience.

Returning seniors Weintraub, Bryant Reyes and Bobby Powers, are all in their fourth year of the game. Powers won last year's Long Beach Tournament, and Reyes has had numerous top-10 finishes, said Coach Dormann.

"These guys work hard year round," Dormann said.

The team is scheduled to open its season today in Stockton. The season is set to run through April, and the postseason will start in May.

"If we play the way we're capable, we're going to be successful," said Dormann.

Right: Spartan golfer Isaac Weintraub eyes the hole while marking his ball on the green during practice on Oct. 3, 2002, at Cinnabar Hills Golf Club. In the 2002 season, Weintraub led the Spartan men's golf team in stroke average of 72.36. Weintraub was also named a 2003 Cleveland Golf All-America Scholar at the annual Golf Coaches Association of America. San Jose State University opens its 2003-2004 season today in Stockton at the Pacific Invitational.

Dodgers move in on wild card

Associated Press

LOS ANGELES — One down, eight to go.

Manager Jim Tracy thinks the Los Angeles Dodgers may have to win all their remaining games to gain the NL wild card berth, and they took the step forward Sunday with a 7-5 victory over the San Francisco Giants.

The win moved them within two games of the wild-card lead.

"We have a tall order ahead of us," Tracy said. "It looked like we had to win out to get there, to win the final nine. To do that, you have to win the first one."

Shawn Green started the Dodgers with the first of their four homers. Robin Ventura, Adrian Beltré and Jeromy Burnitz hit consecutive homers off rookie Kevin Correia in the fourth inning to tie the game at 5.

"What we did today, we haven't done much — and that's to hit the home-run ball," Tracy said. "Those back-to-back-to-back home runs ignited us, ignited the crowd."

Dave Roberts' RBI triple against Jim Brower (8-5) put Los Angeles ahead in

the seventh, and Burnitz added a sacrifice fly in the eighth.

Paul Quantrill (2-5) pitched a perfect seventh for the win, and Eric Gagne retired all four batters he faced — striking out three. The major league save leader recorded his 53rd save, four shy of Bobby Thigpen's major league record, and has converted 61 straight chances going back to last year.

Gagne came out of the bullpen to a thunderous, standing ovation from the crowd of 54,584, on hand for the regular-season finale at Dodger Stadium.

"I had goose bumps," Gagne said. "Now I want to come back and give them some more in the postseason."

Florida (85-70) leads the wild-card race, with Philadelphia (85-71) a half-game back and Chicago (84-72) one game behind, followed by the Dodgers (82-72).

Barry Bonds got the day off along with most of the regulars on the Giants, who already have clinched the NL West.

Bonds has 44 homers this year and needs three to tie Willie Mays for third place on the career list at 660. Manager Felipe Alou said he plans to play Bonds

in four of the seven remaining games — in two at Houston and two at home against the Dodgers.

Green's 18th homer put Los Angeles ahead 2-0 in the first, but rookie Todd Linden connected for his first major league homer in the second, a three-run drive off Kazuhisa Ishii.

The 23-year-old Linden, in only his 24th major league at-bat, became just the 12th player to hit a ball into the second deck at Dodger Stadium, which opened in 1962.

Alou was impressed.

"He's a legitimate prospect. He can do it all," Alou said of the young outfielder. "He's got power, speed, a good arm, and he's a good defensive outfielder. He's a good-looking player, but he hasn't played a lot of baseball. That's the thing."

San Francisco made it 5-2 in the fourth on an RBI single by Correia and a run-scoring grounder by Pedro Feliz.

Correia gave up five runs and six hits in four innings, while Ishii allowed five runs, six hits and five walks in three-plus innings.

SJSU volleyball team takes double dip in Portland

Daily Staff Report

The San Jose State University volleyball team dropped a pair of matches this past weekend at the University of Portland.

SPARTAN ROUNDUP

Outside hitters Carrie Nash and Kimberly Noble each had 13 kills on Saturday, but the Spartans fell to the Pilots at the Chiles Center, 30-28, 30-27, 30-27.

Libero Jessie Shull added 16 kills and setter Allison Dillon had 33 assists.

On Thursday, outside hitter Dana Rudd hit .417, but the Spartans lost 17-30, 32-30, 35-33, 30-25.

Noble added 19 kills, Shull had 21 digs and Dillon had 52 assists.

The Spartans are slated to return to action on Tuesday against St. Mary's College. First serve is set for 7 p.m. in Spartan Gym.

Women's soccer

The Spartan women's soccer team allowed three first-half goals in falling to No. 16 University of Colorado on Sunday at the Colorado Soccer Shootout in Boulder.

SJSU also fell in the tournament opener on Friday to the University of Denver, 2-1. The Spartans jumped out to a 1-0 lead on an unassisted goal by Kara Krale in the 12th minute but surrendered a goal to the Pioneers Llane Grinditch in the 19th minute and Laura Mann in the 43rd minute.

The Spartans (1-7) are scheduled to return to action when they open the Western Athletic Conference season on Friday at Southern Methodist University. Kickoff at Westcott field is slated for 5 p.m.

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Kids organize skate park downtown RIAA |

Temporary attraction draws 500 enthusiasts

By Jennifer McLain
Daily Staff Writer

Downtown San Jose finally has a skate park.

Nearly 500 kids, skaters, spectators and community members visited the temporary skate park erected at the 50,000 square-foot parking lot behind the Convention Center, said San Jose State University graduate student and event organizer Steve Cohen.

Skate-a-lot, a free skateboarding event sponsored by 21 neighborhood groups, local businesses and downtown agencies, completed its fourth and largest event on Saturday.

Opened from noon until 6 p.m., live music, competitions and prizes were offered at the free event.

Distributed around the parking lot were half-pipes, quarter-pipes, ramps, jumps, fun boxes, grind boxes and rails, said Moriah Lynn, an amateur professional attending West Valley Community College.

The portable skateboard equipment was assembled the day before the event. The equipment was both made and donated.

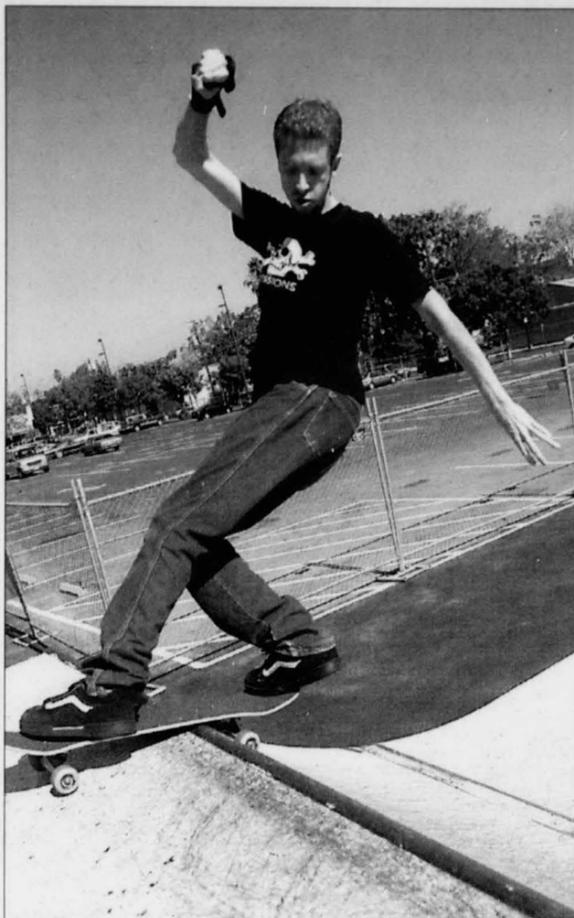
Cohen, who has coordinated three other skating events like this, hosted the largest above ground skate parks in the South Bay, according to official skate-a-lot information.

The kids, however, organized the events, Cohen said.

"The kids write the grants. The kids make the ramps. The kids make the fliers. The kids take care of it all," Cohen said.

Bob Schmelzer, owner of skateboard shop Circle A and one of the sponsors of skate-a-lot, said that these events provide opportunities for kids to get involved with their community.

"The adults get less involved and the kids do the work," Schmelzer said.



Vicki Thompson / Daily Staff

Thumbs McGee, 23, grinds on the top of a half pipe during skate-a-lot on Saturday in the Balbach Street parking lot between Market Street and Almaden Boulevard. McGee said he liked the event because it reminded him of when he was allowed to skate in parking lots as a kid.

Each of the events costs close to \$1,200. Nearly \$12,000 has been accumulated from grants. This money will be used for 10 more

events, Cohen said.

The previous three events were on a block on Third Street. The first event Cohen hosted drew 160 kids, the second event attracted 320 kids and more than 400 people went to the third event, Cohen said.

The block, however, was not only too small, it was also too expensive, Cohen said.

"We couldn't afford it. It was \$1,000 every time we blocked off the street."

After getting approval and support from the Redevelopment Agency, skate-a-lot was permitted to use the parking lot, owned by the Redevelopment Agency, for free.

The lot is normally \$1,000 per day, Cohen said.

"There is a lot of support in the community for kids, though the city does not always show it," Cohen said.

By city standards, the area between First and 11th streets in downtown San Jose, because of its high density, requires 50 acres of open space, which can be used for parks, Cohen said.

Younger students need somewhere to express themselves, Cohen said, such as a skate park.

"People think these kids [skateboarders] will rob, steal and pillage the neighborhood. But so far, the kids have been amazing," Cohen said.

Though the free event has no age requirement it does attract many skaters under 16, Cohen said.

"When you are 15 years old, it's a transition time. You are too old for neighborhood groups and too young to get a job and get money to see a movie," Cohen said.

Lynn, one of the few women to use the temporary skate park Saturday, was glad to see this event.

"At least all the kids aren't in trouble and are doing something healthy, emotionally and physically," she said.

The next skate-a-lot will be on Oct. 11, one day before skateboarding professional Tony Hawk will perform at the Compaq Center.

The first permanent skate park in San Jose opened last week and nine more are expected to open, sponsored by San Jose Parks and Recreation Dept.

continued from page 1

ly within the residential housing network, Mangrum said.

"At some points, it was taking as much as 90 percent of ResNet (Residential Network) bandwidth. It was not allowing students to do legitimate things, like class work or Web sites," Mangrum said.

If the recording industry decided to file suit against a student in the dorms, the university would still have to take some kind of action, Mangrum said.

"If we get a notification on campus from the RIAA saying there's an infringement of software, we turn the student (connection) off," Mangrum said.

"We meet with the student, get their side, find out if they are or are not sharing illegally, and if they are, we give them a counter notification, which they sign, saying, in good faith, they have removed it and then we turn the computer on," Mangrum said.

This does not mean the student is released from the lawsuit. The counter-notification only states further infractions will not be the responsibility of the university, Mangrum said. It does not prevent a student from being further prosecuted if he or she decides to start downloading again.

Despite the recent heavy-handed enforcement, the recording industry association attempted to offer an olive branch to computer users in the form of an amnesty program.

Promoting what they called the "Clean Slate Program," the recording industry association promised not to sue anybody if they signed the industry's affidavit stating they had removed all illegally downloaded files, and promised not to download illegally shared music again.

Anybody who wanted to take part in the program would sign the form in front of a notary public before sending it in.

On Sept. 12, the Friday after the individual lawsuits were filed, Manuel Carreira, a notary public, was out on campus promoting the program.

"There's no arm-twisting. If they want to do it fine, if they don't want to, it's fine with me," Carreira said.

Carreira said he had discussions with several students about the music industry and on the ethics of music file sharing, but said in response, "I'm just a notary, I'm just following through what was provided."

"The industry itself is making a note to the public that they're very serious about enforcing copyright," Carreira said.

Originally scheduled to be at the Safety Fair Tuesday and Wednesday, Carreira said he and his partner decided to not attend after reading articles in the San Jose Mercury News that pointed out problems with the

affidavit.

While the "Clean Slate Program" may protect a downloader from lawsuits from the recording industry association, it in no way prevents them from being sued by the recording artists themselves, Carreira said.

Gwen Hinze, staff attorney for the Electronic Frontier Foundation, explained the flaws of the problems.

Hinze said what is important is to understand who owns the actual copyright, because the potential action is going to be brought by the copyright holder.

"The RIAA is a trade organization. It represents six large labels, but it doesn't own any copyright in the music," Hinze said.

Second, by signing the affidavit, the person is admitting to previous wrong doing which would make him or her more liable for a lawsuit, Hinze said.

Finally, the recording industry association does not make it clear as to who can actually sign the amnesty, Hinze said.

"If you're one of the people who has been sued, or if you're under investigation, you can't participate in this program," Hinze said. But nowhere does it say clearly what is meant by "under investigation." The interpretation is so broad that potential signers could be excluded from the amnesty without ever knowing it, Hinze said.

On the Electronic Frontier Foundation's Web site was advice on how to avoid being sued for trading music online.

According to a recording industry association press release, the industry said they will identify users by scanning files that are made publicly available to the peer-to-peer networks by the individual users before tracking them down by subpoenaing their information from their host service provider.

The Electronic Frontier Foundation recommends removing potentially infringing files from the shared folders, or turning off uploading altogether.

Hinze said what is needed is a fundamental change in philosophy with the recording industry.

"File trading is here to stay. What we're asking is for people to look at the law and see if it makes sense," Hinze said. "Instead of penalizing their activity, maybe this is a great opportunity to take stock as to what people actually want."

With so much of music file sharing's future at stake with the current lawsuits, music technologies instructor Scott Perry posed the question fundamental to it all.

"Is it illegal or not?" Perry asked. "It's in limbo because you can still do it. They're not shutting the companies down."

Though the recording industry is trying to do just that.

DOCENT | Tours inform visitors about library facilities

continued from page 1

tours and you just couldn't ask for a more dedicated group of people."

The program held a potluck celebration Sept. 9 to honor the hard work of the docents, marking the end of the first month of tours.

Freeman said she thought of the program three years ago, but said there was no time to organize as the major concerns were getting the building done for the fall.

During the Christmas season last year, she said she wrote a one-page proposal on the docent program.

In February this year, Freeman said she met with Patricia Breivik, dean of the King Library, and Bob McDermand, university librarian and outreach coordinator.

"We went over the proposal and they were really excited about it," Freeman said. "They could see the value of having community members help the public understand the building."

The San Jose Business Association, downtown businesses and apartment complexes adjacent to the university were the areas Freeman and McDermand recruited and advertised.

The program was also advertised on the San Jose Public Library's Web site.

"We were left with about 70 responses," said McDermand. "Of those 70 responses, we began with a class of 29 people who agreed to take part in the training and be our first volunteers."

Freeman and McDermand said they met in May and devised a training program that consisted of six two-hour meetings over the course of the summer.

Mary Nino, head of King Library's special projects, and volunteer coordinator Michelle Griffith also assisted with training the docents,

McDermand said. McDermand received advice from two other libraries with existing docent programs.

The San Francisco Public Library and the Denver Public Library provided the staff with a basic outline of their volunteer projects.

The training was a mixture of taking tours while the library was still in the building phase and listening to multiple guest speakers.

SJSU Media Relations Officer Nancy Stake spoke to the group about how to manage groups and Library Project Director Sharon Russell gave a PowerPoint presentation on the history and construction of the building.

Among the guest speakers was the library's commissioned artist Mel Chin, who gave the docents a personal three-hour tour of his installations.

"I really treasured the tour Mel Chin gave us," docent Ron Lane said. "He has such a whimsical sense of humor, an innovative way of thinking, and his creativity is evident in all his pieces."

Lane said his wife Dianne participates in the docent program as well.

Volunteering for this job takes a certain type of person, but the reward in the end is worth it, Freeman said.

"You need to be dedicated, organized with your thoughts and have a good memory," Freeman said. "When you give yourself up to volunteer work, you actually really end up getting more in return."

She said each docent has its own unique way of giving the hour-long tour.

Fontaine said while giving tours, she tells more about the history of the building on the first floor, followed by an elevator ride up to the naturally-lighted eighth floor, where the group can see the downtown San Jose skyline.

Lane said he spends more time on the first and second floors, and then takes his groups to the Grand Reading Room on the top floor.

There are 33 pieces of art in the library and each docent concentrates on the ones that are meaningful to them, Freeman said.

Lane said he always takes the group through the "Book Passage" corridor, where ceiling speakers project sounds of pages in a book being turned.

Fontaine said she almost never skips the Dr. Martin Luther King Jr. Collection on the fifth floor to show the piece "Vessel."

Viewing "Vessel" from an angle projects the profile of Dr. Martin Luther King Jr.'s face.

Freeman said the docents often mix-up their tours and alternate which art pieces they show to their groups.

"It's so interesting how each piece they show fits in with their personality," Freeman said. "You could probably take a tour again today and end up going to a couple of different places."

The tours provide more than just an art exhibition, McDermand said.

He said they also inform people of how to use the library's many resources.

Sophomore Anabel Sanchez, biology major, said she participated in a tour Thursday just to learn more about the library.

Senior business marketing major

Jorge Ceballos said he joined the group to complete an extra credit assignment for a class, but said the tour was worth it.

Following the trip, Ceballos and Sanchez both said they had a general idea of where to find all the materials in the library.

"Ron spoke very clearly and showed us all the little details," Sanchez said. "I learned where the computers are, where we can print, where we can study and where we can read."

Freeman said the response for new docents has been increasing and the next round of docents will be trained sometime later this semester.

She said she is excited about the new docents and said the feedback from the acting tour guides has allowed the staff to make necessary changes.

The present volunteers will take on the responsibility of assisting the training of the new incoming group, Bloom (docent coordinator) said.

Freeman said the program is preparing for the future by constructing an archive of every article written about the project.

"So when we have to justify something, we can show people what the docent program's done," Freeman said.

King Library provides guided tours Monday through Friday, 11:30 a.m. and 1 p.m. and on Saturday and Sunday at 2 p.m. and 3:30 p.m.

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Serial rapist caught

Associated Press

MIAMI — A 32-year-old Honduran man was ordered held without bond Sunday after he was charged with sexually assaulting several women and girls, one just 11 years old.

For months, police had characterized the assaults as the crimes of a single serial rapist, and their inability to catch him had worried women and the parents of young girls in the Little Havana area, where seven girls and women have been raped over the past year.

Reynaldo Elias Rapalo, 32, was charged Saturday with five felony

counts of sexual battery, including one on a victim age 11 or younger.

He also was charged with one count each of battery with assault and aggravated stalking, as well as several misdemeanor charges related to the attacks. If convicted, he could face up to life in prison.

Miami Police Chief John Timoney said that DNA evidence had linked Rapalo to all seven attacks. One victim was 79 years old. Three others were young girls who were attacked in the span of four weeks last spring. The 11-year-old was raped as she arrived home from school, authorities said.

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Strumming along ...



Lisa Inman / Daily Staff

Steve Shyshka, a senior majoring in music, plays "Lady Bird" with guitar instructor Rick Vandivier in the music building Thursday. Students will perform on Thursday from 12:30 p.m. to 1:15 p.m. in the music hall.

RECALL | Candidates discuss education

continued from page 1

Bustamante said. The next topic discussed was California's education program. Camejo said the public is too quick to put the educational problems on the shoulders of the teachers. "We put blame on teachers for problems that are societies as a whole," Camejo said. Bustamante said it should be the state and federal governments job to ensure schools have the needed materials to be successful. "Only by spending money in the classroom for textbooks and other materials can we improve education," Bustamante said. The problem of affordable housing was another issue both candidates said was a problem that needs to be solved, especially in San Jose, which, according to the organization's research, is the least affordable city in the United States. The personal stories turned into rants about how people have to spend upward of 50 percent of their income on rent alone.

Camejo again looked outside of the country for a successful model for housing problems. He said in New Zealand the government would pay the down payment for low-income families, just to make it possible for people to own their own homes. Bustamante said that allowing for more people to own their own homes helps everyone. "It helps our state by creating more communities when people own their own homes," Bustamante said. Camejo made a point to remind the east San Jose crowd, made up of mostly Latinos, that he and Bustamante, the only two Latino main candidates, had come to speak to their community. "We so often only see one race, one gender running our government," Camejo said. "California needs to open itself up to new ways." Tim McDonough, the principle of Overfelt High School for the past four years, said he was happy to allow the People

Acting in Community Together this opportunity to get its name out. He also said they came to him only two weeks ago, but he had no problem helping them out. "PACT is our neighbor," McDonough said. "We help them out and they help us out." Diana Wilkerson, who lives in east San Jose and is a member of local organization through her church, St. John Vianney, said Sunday's event was a success because the forum provided information to the public. "It was important with a new governor being brought in that people should be aware of what their plan is," Wilkerson said. She added that it was the other candidates' loss not to get their voices heard. Prior to the show, the local organization provided entertainment for the crowd as they waited for the candidates to arrive. The entertainment included a local guitar player, an improvisational comedy group and dance students performing traditional Mexican dances.

Man suspected of shooting doctor kills himself in front of LA restaurant

Associated Press

LOS ANGELES — A man suspected of shooting and wounding a doctor at a hospital in suburban Baldwin Park killed himself Sunday outside a restaurant, police said. Firefighters responded to a call shortly before 1:45 p.m. in Echo Park about a man threatening to commit suicide, police officer Don Cox said. When firefighters and police arrived, the man had already shot himself once in the stomach. The man also shot himself in the head and was taken to Los Angeles County-USC Medical Center where he died. No one else was injured. It wasn't immediately known whether the man had threatened anyone. Police later identified the man as Eugene

Guevara, 73, of El Monte. Guevara was being sought for investigation of attempted murder in the Friday afternoon shooting of Dr. Reynaldo Hernandez, a urologist at Kaiser Permanente Medical Center where Guevara was once a patient, police said. Authorities said Guevara shot Hernandez, who was in the hospital's third-floor urology department, three times. Hernandez was in stable condition at the hospital Sunday, said Kaiser Permanente spokeswoman Reyna del Haro. Investigators still don't know why Guevara shot the doctor, but a suicide note was left behind by Guevara, Cox said. The contents of the note were not immediately disclosed. The gun recovered outside the restaurant was the same caliber as the weapon used in the Baldwin Park hospital shooting. Police locked down the hospital immedi-

ately after the shooting and spent hours searching for Guevara, who was identified by hospital employees from a surveillance tape. The intensive care unit and some other departments continued operating while doctors, nurses, patients and others were evacuated from other sections of the sprawling six-story facility in this suburb 17 miles east of Los Angeles. The hospital, which employs 230 physicians and nearly 2,300 support staff, was fully functioning Saturday, said del Haro, with all departments open. Police had searched Guevara's home on Saturday, but authorities did not say if any evidence had been found. Neighbors of Guevara said the retired widower, whom they said suffered from diabetes and prostate cancer, was a quiet man who kept to himself.

Recall candidates prepare for debate

Associated Press

SAN FRANCISCO — With a federal judicial panel likely to reinstate the Oct. 7 date for the California recall election, Gov. Gray Davis and the candidates vying to succeed him are preparing for a final two-week campaign push.

The best known Republican in the race, Arnold Schwarzenegger, was preparing to step into the spotlight for his first and — chances are — only debate of the campaign Wednesday. On Sunday, Schwarzenegger outlined several proposals to cut air pollution in California by 50 percent by 2011.

His appearance came a day before an 11-judge panel of the 9th U.S. Circuit Court of Appeals was scheduled to hear arguments on whether to uphold a ruling by a smaller panel last week that the election must be postponed until six counties still using punch card ballots can upgrade to more reliable voting machines.

The judges chosen for the new panel are said to be more conservative than the three who made the original ruling. Observers say the new panel will likely reverse the earlier ruling.

"As they say at the racetrack, we're going into the clubhouse turn," said Jack Pitney, professor of government at Claremont-McKenna College.

Schwarzenegger promised Sunday to create a network of hydrogen fueling stations throughout the state in order to promote increased use of hydrogen powered vehicles. He also said he would prevent coastal oil drilling and seek to reduce energy consumption by 20 percent within two years.

Following the speech, Schwarzenegger criticized Davis' environmental record.

"Gray Davis has just started talking about the environment the last few days," Schwarzenegger said. But he backtracked when reminded of recent legislation signed by the governor, saying, "I'm not aware of all those bills that he has signed the last year."

Gabriel Sanchez, a spokesman for Davis' campaign, scoffed at Schwarzenegger's claim.

"Gov. Davis has been active in protecting the environment throughout his entire 30-year career and to say otherwise is misleading and flat-out false," Sanchez said.

Schwarzenegger, who has called Wednesday's forum "the Super Bowl of debates," is preparing extensively for it, aides said.

Viagra market shrinks as Levitra sales rise

Associated Press

NEW YORK — A new market entrant, Levitra, has captured half the new prescriptions written for impotency since its launch earlier this month, thanks in part to a marketing blitz with a more "racy" take on sexual performance.

Analysts said Levitra's early success doesn't necessarily portend a major threat to Viagra's market dominance. But it signals a shift in some of the marketing of both drugs as capable of improving people's lifestyle, and not just correcting a sobering medical condition.

"The ads have much more of a consumer approach," said Winton Gibbons, an analyst for William Blair & Co. "The drugs are being treated like other consumer products in ads."

Pfizer Inc., which makes Viagra, and GlaxoSmithKline and Bayer Corp., which are co-marketing Levitra, insist the ads are designed to encourage men with erectile dysfunction to see a doctor, and not to promote recreational use. Experts say about 30 million men over 40 have erectile dysfunction.

But the ads can tell a different story. The commercial for Levitra features a sexy model trying to throw a football through a tire. Initially, he fails but then he succeeds, and is joined by a very attractive woman.

The voice over says, "Sometimes you need a little help staying in the game. When it gets in the zone, it's good."

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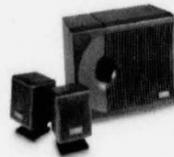
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