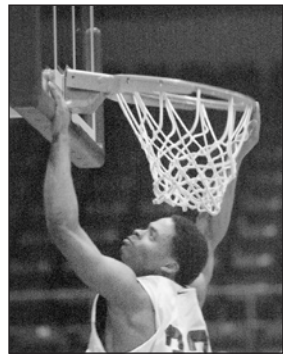


# SPARTAN DAILY

VOLUME 122, NUMBER 19

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THURSDAY, FEBRUARY 26, 2004



## INSIDE

### SJSU basketball head coach reprimanded

SPORTS | page 6

## Three SJSU Greeks injured in weekend assault

By Carly Roden  
Daily Staff Writer

San Jose police officers arrested six suspects early Saturday morning in connection to an altercation on Tenth and San Fernando streets that resulted

in an assault on three San Jose State University students, including a near-fatal stabbing.

According to the police report, the suspects were identified by witnesses at the scene and then booked on felony charges of assault with a deadly

weapon as well as misdemeanor charges of assault and battery and challenging others to fight.

San Jose police said five 18-year-old suspects — Mario Gonzalez, Ernesto Gonzalez, Orlando Gutierrez, Luis Gonzalez and Sheldon Lee Peeters

— were taken to Santa Clara County Jail. The sixth suspect is a 16-year-old girl, who was taken to Juvenile Hall. All six suspects are from Newark or Hayward.

The victims — Isaiah L. Gordon III, 19, Richard K.

Trueb, 19, and Rogel Jon Esguerra, 24 — are members of SJSU fraternities, according to one SJSU Greek student who asked to remain anonymous. The source said Gordon and

see STABBING, page 3

# Mardi Gras mayhem hits downtown



Vicki Thompson / Special to the Daily

## Police say recklessness decreased from previous years

By Zakk Jones  
Daily Staff Writer

Businesses were vandalized and at least one San Jose State University alumnus was injured Tuesday night and early Wednesday morning during the Mardi Gras festivities in San Jose, according to the San Jose Police Department.

Akili Ramsess, picture editor for the San Jose Mercury News, estimated that Dai Sugano, a 2002 graduate of SJSU's photojournalism program who now works as a photographer for the Mercury News, was in the vicinity of Santa Clara and Second streets around 1 a.m. when he encountered a group of partiers tossing newspaper racks.

Ramsess said someone tried to grab the camera from Sugano's neck, and the photographer was subsequently punched.

"The guy basically cold-cocked him," Ramsess said.

Ramsess said Sugano suffered a broken nose and is currently recovering at a medical facility.

Officer Gina Tepoorten, a spokeswoman for the San Jose Police Department, said about 12 to 15 arrests were made, and most of the night's incidents occurred along Santa Clara Street from Almaden Boulevard to about Fourth Street.

The incidents, Tepoorten said, included assaults on officers, public drunkenness and having an outstanding warrant in a stolen vehicle. Police on horseback were also assaulted with rocks and bottles, she said.

According to the San Jose Mercury News, a

see MARDI GRAS, page 4

Around 4,000 people crowded downtown San Jose Tuesday night in celebration of Mardi Gras. Along with throwing rocks and breaking windows, vandals flipped a parked truck located in the parking lot at 150 S. Second St. around 11:30 p.m.

## Bay Area CSU students rally against budget cuts

By Michelle Ochoa  
Daily Staff Writer

More than 100 students, faculty and staff members from California State University Hayward and San Francisco State University gathered in Cal State Hayward's University Union Wednesday for a rally against Gov. Arnold Schwarzenegger's proposed budget cuts for the California State University system.

"The purpose of this rally is twofold," said Elizabeth Sandbothe, chair of Associated Students at Cal State Hayward.

The first goal was to educate students about school budget cuts, Sandbothe said.

The second goal was to put pressure on legislators to stop the budget cuts, she said.

According to documents from the California Department of Finance, the

governor has proposed a \$311 million general fund budget decrease for 2004-05.

The proposal stipulates a 10 percent decrease in freshmen enrollment, a 7.5 percent reduction in academic and institutional support, a 10 percent fee increase for undergraduate students, a 40 percent increase for graduate students and a 20 percent fee increase for non-residents.

Also included is the elimination of outreach programs for the CSU system.

Students at the rally were encouraged to write letters to their local legislators. Names and addresses of legislators were provided to students, as well as tips on how to write a letter.

"We have hundreds of letters from Cal State Hayward students alone," Sandbothe said.

Not everyone who attended the

see PROTEST, page 3



Angela R. Goodman / Special to the Daily

Natalie Bautista, president of San Francisco State University's Associated Students, speaks at the Cal State Hayward rally on Wednesday. Bautista, a senior double majoring in theatre arts and political science, sang a version of Queen's "Bohemian Rhapsody" with her own lyrics as part of her presentation.

## Congressional candidate visits A.S. meeting

By John Myers  
Daily Staff Writer

Republican congressional candidate Raymond Chukwu visited San Jose State University during the Associated Students meeting Wednesday.

"I'm taking a special interest in the university," Chukwu said. "I will go to Washington and fight to make sure your school gets all the grounds available to get all possible advantages."

Chukwu said he is running for Congressional District 15, the district in which SJSU resides.

Chukwu said his platform is centered around jobs and education, with those two areas being the keys to a brighter economy.

"I am pro-business, pro-jobs and pro-education," Chukwu said. "You would be happy having friends like me represent

**"I am pro-business, pro-jobs and pro-education. You would be happy having friends like me represent you."**

— Raymond Chukwu,  
Republican congressional candidate

you."

Chukwu talked about his life in both the United States, where he was born, and Nigeria, where he grew up, citing life experiences as encouragement for students to stay in school and live their dreams.

"(When) I came back to the United States, I was told not to seek a job as an aerospace engineer because of my background and accent," Chukwu said. "I told (the Lockheed Martin Corp. vice president's office) about my dream to be an aerospace engineer, and I was hired on the spot. Believing in yourself is the way to succeed."

Chukwu said that he would like to come back to speak with more students while he is campaigning.

see CAMPAIGN, page 3

## A Sign of + Penitence +



Daniel Miranda / Daily Staff

Efraim Contreras, an administration of justice major, receives ashes in the sign of a cross from Sister Marcia during the 12:10 p.m. service Wednesday at the San Jose State University Catholic Campus Ministry Chapel. Catholics have received ashes on the forehead on Ash Wednesday since the 11th century. Ash Wednesday marks the beginning of the Lenten season of penitence and remorse, which last for 40 days and ends the day before Easter Sunday.

BEHIND BLUE EYES

# 'Grey Album' ignites battle against record labels

On Tuesday, as some opted to be drunken perverts while wearing shiny beads, the Internet was buzzing with a major protest, declared "Grey Tuesday" by Downhill Battle, a music activist group that fights for the right to file share and is opposed to the RIAA.

The dissent on this Tuesday was fought for "The Grey Album," an ingenious creation from the mind and fingertips of DJ Danger Mouse, who carefully mixed some of the instrumentals found in the Beatles' 1968 classic White Album with the a capella tracks of Jay-Z's 2003 retirement album, "The Black Album."

The already infamous album, which originally released 3,000 promotional albums many months ago, gained critical acclaim from many publications, including Rolling Stone and Spin magazine.

As with just about everything on the Internet, the news (and files) spread quickly and the distribution of the album got out of control.

EMI Records, the company that controls the rights to the Beatles' work on behalf of Capitol Records, Inc., sent cease-and-desist letters to DJ Danger Mouse as well as other sites that were hosting the album to be downloaded.

Downhill Battle fought back, and on Tuesday, more than 170 different sites helped the protest by making "The Grey Album" readily available for download, despite severe warnings handed down from EMI.

Other sites which could not host the album participated

by making their entire Web sites grey for 24 hours beginning at 12:01 a.m. Tuesday.

The actions of the sites reminded one of the defacing of Madonna's official site more than a year ago, when a hacker linked her entire "American Life" album to be downloaded freely on her home page after she angered file sharers with her self-created phony mp3 tracks of her album.

The manipulation and collaboration of multiple works had been a common occurrence before on the Web, most notably in recent times featuring Howard Dean's "I Have a Scream" speech remixed with top pop songs to a "Peanuts" video synced up nearly perfectly so it looked like Charlie Brown and the gang were jamming and singing "Hey Ya" by OutKast.

The track of Howard Dean calling out state names while Lil' Jon raps and the file with Charlie Brown proclaiming something is "ice cold" while Linus "breaks it down" were created with the sole intention of making people laugh.

Heck, even uber geek and American Idol reject William Hung blew up solely because of the exposure the Web gave him.

But these parodies and collaborations were no jokes to the lawyers and big shots at the record companies.

Just as with "The Grey Album," harsh and immediate

cease-and-desist letters followed, threatening legal action if the content continued to be available for download.

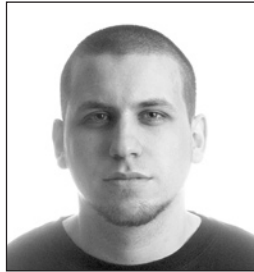
Young Guru, an engineer for many Jay-Z tracks, said in an MTV.com interview that an a capella version of "The Black Album" was released by Roc-a-Fella Records with the sole intention for producers to "... remix the hell out of it."

The solution may have seemed simple to some. Danger Mouse did not have the right to use the albums, as he did not pay or ask permission from the record labels which own the works.

"It's flattering," Danger Mouse said about "Grey Tuesday" in a press release. "I did this project because I love the Beatles and Jay-Z. I knew when I produced 'The Grey Album' that there might be questions and issues that this project would bring up, but I really don't know the answers to many of them. It was not meant to be anything but an artistic expression, and I still hope that that is the way it's perceived."

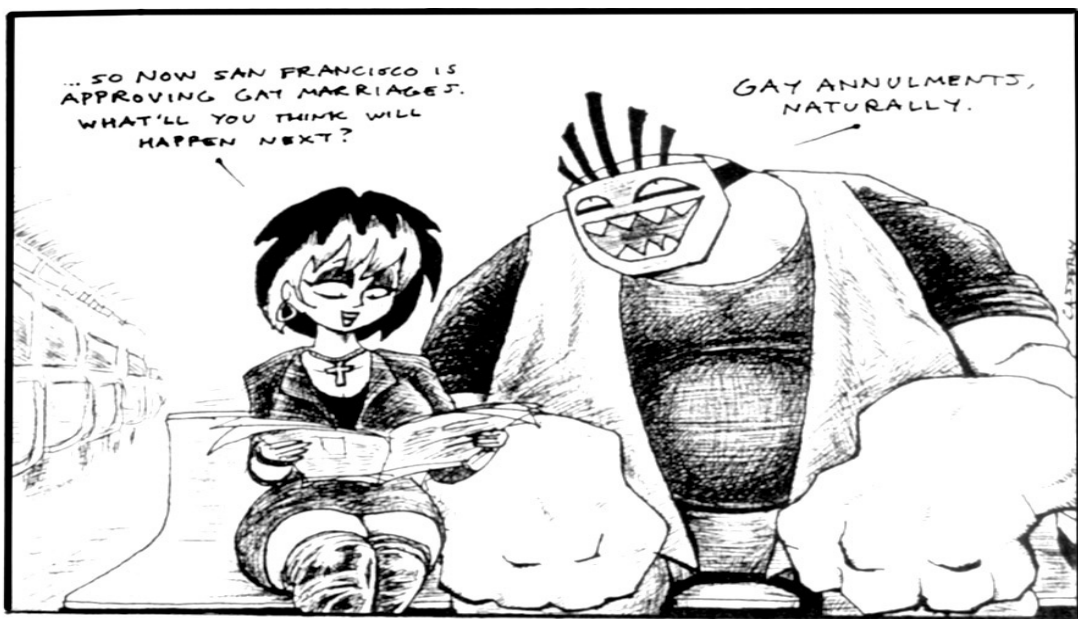
A great idea put forth by Lawrence Lessig, a professor of law at Stanford University, is to create a sampling license which would give the artists the right to allow others to remix their work without permission.

Right now that privilege lies in the hands of the bigwig record companies, while the artist has no say.



KEN LOTICH

STUPID PILLS | AIDAN CASSERLY



## Viewpoint | Graduate and credential students face money woes

Dear editor:

Tuition is rising, classes are canceled, and the cost of textbooks is outrageous. Students are being squeezed from every direction. From my point of view, the students that receive the worst treatment are the ones in our teacher credentialing and graduate programs.

Many students in these programs have jobs, and they attend the university in the evening. For example, many education students pay to park in the Seventh Street garage, pay full price for a cup of coffee at Jazzland, attend class from 4 p.m. to 6:50 p.m., eat a sandwich and then attend another class from 7 p.m. to 9:50 p.m. These students receive minimal services, but the university collects \$83 per semester per student in Associated Students fees. Is this fair?

The needs of this group are very different from the needs of undergraduates. Speakers on topics relating to the issues the students face, receptions for visiting scholars, grants

to pay the entrance fees at conferences and departmental programs are items that augment the value of the educational experience at this university. However, Associated Students policies don't allow for the purchase of food, and they fund only campus organizations.

Fairness demands that Associated Students place \$20 per semester of the fees collected from credential and graduate students into a fund. A committee composed of faculty members and students can then apply to fund activities within the department.

Robert Miller  
Lecturer  
Secondary Education

## 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@casa.sjsu.edu](mailto:spartandaily@casa.sjsu.edu) titled "Sparta Guide." Space restrictions may require editing of submissions. Entries are printed in the order in which they are received.

### TODAY

School of Art and Design  
Student galleries will be on display from 10 a.m. to 4 p.m. in the Art and Industrial Studies buildings. For more information, call 924-4330.

SJSU Catholic Campus Ministry  
Daily Mass takes place from 12:10 p.m. at the Campus Ministry Chapel located at the corner of Tenth and San Carlos streets. For more information, call Sister Marcia at 938-1610.

Anthropology and Behavioral Science club  
"Coca, cocaine and Coca-Cola: history and ethnography of coca medicines" will take place from 4 p.m. to 5:30 p.m. in the Pacifica room in the Student Union. For more information, call Zaretsky at 924-4649.

School of Music  
The Thursday Listening Hour Concert will take place from 12:30 p.m. to 1:15 p.m. at the Concert Hall in the Music building. For more information, call Joan Stubbe at 924-4649.

Career Center  
A resume clinic for all majors will take place from 12:30 p.m. to 1:45 p.m. in the Career Center. There will be no late admissions. For more information, call 924-6031.

International Youth Fellowship  
Bible study and youth fellowship will take place from 6:30 p.m. to 8 p.m. in the Ohlone room in the Student Union.

GUEST COLUMN

## Ethical businesses set standard for the future

Hardly a day goes by without another company being charged with unethical business practices or fraudulent reporting in their financial statements.

Companies like Enron, WorldCom, Adelphia, Tycos and ImClone have become household names.

On the surface, it would appear that many companies are led by unscrupulous executives who are only trying to enrich themselves at the expense of other shareholders, their employees and society at large.

The government's response has been to bandage the problem by enacting new laws such as the Sarbanes-Oxley Act, which now makes the CEO and CFO of corporations personally liable for the veracity of the financial statements.

These laws, and prosecutions by the courts, are a step in the right direction but do not address the root causes of the problem.

So, why are there so many unethical businesses around the world, and how is it relevant to you as students?

Most of the problem stems from the short-term focus on the financial bottom line.

The firm's stock price — and, therefore, shareholder wealth — is dependent on current bottom-line projections. Executive compensation and perks are also based on these same projections.

As a result, actions of management are typically short-term focused with long-term consequences either ignored or sacrificed.

If operating results cannot be achieved legally, the results are oftentimes fraudulently manipulated to give the appearance of success.

This narrow, short-term focus is what drove Enron, WorldCom and others to misstate their financial results.

How do companies win back the public's trust? The solution requires a shift to a broader view of performance and to a longer-range time focus.

The tunnel-vision view of profits as the only measure of a firm's success must be expanded if it wishes to regain the public's trust.

What should this expanded view include? Due to the demands of the general public, we are starting to see more and more companies include not only profits, but what the firm is doing for its people and for the environment in their annual reports.

This expanded view, called the triple bottom line, was first expressed by John Elkington, author of "Cannibals With Forks: The Triple Bottom Line of 21st Century Business" (1997). In his book, he describes how progressive businesses of the 21st century are equating their success in profits to their success with people and the planet.

In the expanded view, companies would consider a larger group of people when making their business decisions, including not only stockholders, but employees, customers, suppliers, the local community and society in general.

The firm's impact on the environment is also critical for its long-term success. The days of viewing the planet as this vast unlimited resource are gone.

We have only to look at the fishing industry and its depletion of the oceans or the oil industry, whose planetary well is over half-empty.



BILL DEVINCENZI

How does this affect you? Where will you get fresh fish to eat or fuel for your cars? How much will it cost?

Such societal and environmental issues, along with other dwindling natural resources, need to be considered by firms which wish to be successful in the 21st century.

Which companies are taking this expanded view? Many, including companies such as Hewlett-Packard, Agilent Technologies, Ford Motor Co., Starbucks, Dutch Royal Shell and even Nike!

A great example is Starbucks, which invested \$200,000 in naturally shade-grown coffee as an environmental investment. The product became a huge success with the public, and Starbucks has expanded production by 10 times in the past few years to keep up with demand.

Hewlett-Packard's environmentally motivated "Packaging Initiative," using lighter paperboard and reusable inkjet cartridges, is projected to save the company \$4 million annually.

Chiquita Banana spent a few hundred thousand dollars improving working conditions and reducing toxic chemicals in their growing processes.

They saved so much on chemicals and reduced worker illnesses that the firm's bottom line improved. These are just a few examples of what is happening in major companies.

Smart businesses will see the trend that is already happening and look for ways to incorporate the triple-bottom-line way of thinking into their business models.

Society is looking for something positive from the business world and is rewarding those companies that are providing this

win-win-win solution.

As an example, California's state treasurer, Phil Angelides, is proposing that "two of the three biggest public pension funds in the nation target \$1.5 billion of their money at environmentally minded companies, setting up a high profile test of the notion that companies can boost their bottom lines by paying attention to the planet."

What is required for this change?

Individuals and businesses need to look beyond their own narrow self-interests and treat each other and all life with reverence and strong ethical values.

The "me first" ethic, which fosters greed and shortsightedness, must evolve into a "we first" ethic that promotes cooperation, compassion and a worldview that includes the entire living system.

How can you help? Carefully choose what you buy and from whom you buy.

Research the companies you would like to work for, and make sure they follow the principles described above.

Invest in those companies that have your interests in mind as well as their own. After all, it's your future, and you can influence what it will look like.

Bill Devincenzi is a lecturer in the department of accounting and finance.  
Guest columns appear Thursdays.

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# Ideal visions of future SJSU fuel re-accreditation talks

By Erik Lacayo  
Daily Staff Writer

Students, faculty members and administrators took part in a reflective campus evaluation Wednesday as San Jose State University prepares to be re-accredited next year by the Western Association of Schools and Colleges.

An accreditation from the association is important to any institution. Federal funding is tied to accreditation, accreditation review coordinator Bethany Shifflett said.

"An institution's credibility hangs in the balance," she said.

Campus Wide Strategic Conversation No. 3 was held at noon Wednesday in the Barrett Ballroom of the Student Union.

The meeting was part of a process in which the university is preparing to be visited and evaluated by accreditation officials next semester.

"WASC is interested in having the campus be broadly involved in

the process," said Nancie Fimbel, associate dean of academic and undergraduate studies in the College of Business. She is on the Steering Committee, whose purpose is to oversee SJSU's accreditation efforts.

"They want everyone involved. They want everyone to be engaged," she said.

The strategic conversation was attended by 142 people, professor of communication studies Shawn Spano said. Spano is a member of the Forum Committee, a committee that has been putting together these strategic conversations.

The first two conversations occurred last semester, and the fourth and final one is scheduled for March 25.

Wednesday's meeting focused on what an ideal SJSU would look like. In the fourth meeting, participants will discuss the methods in becoming that ideal SJSU, Shifflett said.

"(The Forum Committee has) engaged the campus in discussions that I don't think have happened on

this level before," she said.

Participants discussed the state of the university in small groups. They were asked to describe what the ideal SJSU would look like in five years if there were no budget problems and all possible resources were available.

The ideal SJSU would have a more lively and vibrant atmosphere, as more students will be living on campus when the new residence halls are built, one participant said.

Other participants said SJSU would ideally be able to offer better "customer service." There would be better communication between faculty members and students.

SJSU needs to be able to forecast or predict change more effectively to be able respond to problems quickly, another participant said.

Technology was also a hot topic at the meeting. Most of the participants agreed that SJSU needs to be on the cutting edge of technology. There will be more "virtual classrooms" but not at the expense of human interaction, participants said.

"I was very pleased by the conversation. It's encouraging to see everyone participating," said Robert Cooper, associate vice president of undergraduate studies. Cooper is the accreditation liaison officer between SJSU and the Western Association of Schools and Colleges.

"I am glad that we are seeing a campus-wide consensus on most of the issues," he said.

Other issues brought up during the conversation included ties with the surrounding communities, ties to the private sector, Bay Area Rapid Transit and parking.

One participant was even bold enough to state that an ideal SJSU would be free of parking problems. This elicited laughter from the rest of the audience.

The issues and ideas brought up in the meeting were recorded by the Steering Committee and will be included in a preparatory review report that will be sent to the accreditation association on July 1, Shifflett said.

Marshall Goodman, provost and

vice president for academic affairs, delivered the closing remarks for the meeting.

"This is really not about WASC and accreditation," he said.

The strategic meetings provide a chance for SJSU to articulate its mission. If the university doesn't articulate it, others will, Goodman said.

"We have been accredited in the past, and we expect to be re-accredited," Shifflett said. "The question is, where will we fall on the continuum? Will we come through with a stellar review, or will we have some areas that need to be addressed?"

An accreditation association team is scheduled to do its first round of visits in October.

If SJSU passes the first of evaluations, the accreditation association will do another round of visits in 2005, Shifflett said.

It is not until the second round of evaluations is completed that SJSU would complete the re-accreditation process.

The last time SJSU went through this process was in 1995, Shifflett said.

"A few weeks before the WASC team visit we'll probably get nervous about what they might think, but that is secondary right now," Fimbel said. "Right now, our focus is on helping the campus."

The process of seeking re-accreditation is a lot of hard work, Cooper said.

Most of the people on the Steering Committee are working on this project on top of their normal duties at SJSU.

They are working an extra six to eight hours a week, Cooper said.

Cooper estimates that the three-and-a-half year project will cost \$31,500.

This figure includes fees paid to the Western Association of Schools and Colleges and the costs of holding the strategic conversations.

SJSU also has to pay \$18,600 in dues to the accreditation association every year, Cooper said.

## PROTEST

continued from page 1

rally did so to support the elimination of budget cuts.

Members of the Hayward College Republicans came to support Schwarzenegger and his proposed budget.

"Most people here don't realize the deficit is from Davis," said Bryant Estep, president of the Hayward College Republicans. "It's not Arnold Schwarzenegger taking advantage of the poor."

Estep said the governor is making cuts where he has to.

Other students held different opinions.

"I cannot afford to lose EOP," said Sherita Cobb, an English major and Educational Opportunity Program student at Cal State Hayward. Cobb was giving one of the five speeches at the rally.

The Education Opportunity Program is one of the outreach programs that would lose funding under the proposed budget.

According to Academic Services at San Jose State University, the program is designed to help disadvantaged low-income students, who have been historically underrepresented in higher education.

Cobb believes that taking away the Educational Opportunity Program is an attack on affirmative action and students of color.

CSU students who attended the rally also had opinions about the budget cuts.

"It's kind of silly to make budget cuts for educational purposes," said Hwasung Lee, a kinesiology major at Cal State Hayward.

"Learning is the only way to improve our condition," Lee said about California's budget deficit.

"I came out because I pay tuition out of my pocket every quarter," said Amber Harris, a political science major at Cal State Hayward.

Harris said she works a minimum wage job to pay for school and cannot afford higher tuition.

According to David Abella, vice president of external affairs for the Associated Students at San Francisco State, more events like Wednesday's have been scheduled.

On March 15, students from San Francisco State will take a bus to Sacramento for a community college rally, Abella said.

Abella encouraged other CSUs to participate.

"It doesn't affect just one campus," said Alex Kay, a communications major at Cal State Hayward, about the budget cuts. "It's all the CSU."

Rachel Greathouse, A.S. controller at San Jose State University, said SJSU's student government was unable to attend Wednesday's rally because of an A.S. meeting that afternoon.

Greathouse said that SJSU did help work on some aspects of the rally and noted that SJSU shared some of the same interests as Cal State Hayward and San Francisco State toward the budget cuts.



Angela R. Goodman / Special to the Daily

More than 100 students from around the Bay Area gather Wednesday afternoon at Cal State Hayward for rally against Gov. Schwarzenegger's proposed 2004-05 budget. Students expressed concern over the elimination of the Education Opportunity Program, increases in tuition and decreases in financial aid.

## CAMPAIGN

continued from page 1

"If you give me the opportunity, you'll see me here every day," he said.

A.S.'s Wednesday agenda called for a vote to repeal Act 77, a legal act in the "A.S. Bylaws, Rules of Procedures, and Acts" that would have defined the legislative branch's duties and restrictions, and to replace Act 77 with Rule III, which would serve the same purpose but at a higher authority level than an act, Director of Community Affairs Pearl Yuan said.

"It fits better in with the rules and procedures," Yuan said. "Acts are more about committees."

Director of Governing Affairs Huy Tran moved to amend the rule to create a section that would name the director of Governing Affairs the chair of the government's Rules Committee, a committee which reviews all of the board's actions for conflicts with existing rules and bylaws.

"This has been traditional, but it was never written down," Tran said.

A.S. President Arash Shokouh

disagreed with the motion, stating it was more important to find an experienced person to serve as the committee's chair.

"That position comes down to experience," Shokouh said. "The Rules Committee requires you to understand the A.S. and its bylaws."

When carried to a vote, the amendment was defeated.

Tran then proposed another amendment, naming the director of Faculty Affairs as chair of the University Events Committee.

"We already passed this as an act," Tran said. "We should stay in compliance with all of the government documents."

A.S. Vice President Alice Lee carried the amendment to a vote, and although the amendment passed, it is still pending legal counsel from the Rules Committee, she said.

The original motion for the A.S. to adopt Rule III passed unanimously.

Daily Staff Writer Michelle Ochoa contributed to this article.

## STABBING | Assaults differ from last year's fraternity stabbing incident

continued from page 1

Trueb are members of Sigma Pi, and Esguerra is a member of Theta Chi.

Gordon sustained five stab wounds to his upper chest, lower abdomen, arms and back, said Officer J. Barnard, who was first on the scene, in his statement.

Barnard also said he was advised by staff at San Jose Hospital that, had the wounds not been treated immediately, they would have been fatal.

Trueb was stabbed in both his rib cage and thigh.

Esguerra suffered bruising and swelling on the front of his face, in addition to lacerations on his lips, after being struck with an unknown blunt metal object resembling a baton, according to the report.

The injuries sustained by Trueb and Esguerra were described by police as having been "not life-threatening."

San Jose police said the fight began when the suspects were denied entrance to a "party" at the Sigma Pi house at 182 S. Tenth St.

Angela Harper, Greek life coordinator for SJSU, said Kappa Sigma on Eleventh Street was

the only fraternity holding a registered party Friday night.

Representatives from the fraternities could not be reached for comment Wednesday afternoon.

San Jose police officer Gina Tepoorten did not know whether any of the suspects have been released on bail.

The incident comes 13 months after two SJSU fraternities were suspended indefinitely after organizing an off-campus brawl that resulted in the stabbing death of one SJSU student.

By all indications, Harper said, Saturday's assaults bear no resemblance to last year's tragic incident.

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# County will have fewer polling places in primary

By Dan King  
Daily Staff Writer

Santa Clara County will have 22 percent fewer polling places in next week's presidential primary election than it did four years ago in a similar election, a Santa Clara County official said.

According to Diane Moore, precinct manager for the Santa Clara County Registrar of Voters, there were a little more than 1,000 polling places in Santa Clara County for the 2000 presidential primary election. For next Tuesday's presidential primary election, the county will have 783 polling places.

Moore said the registrar of voters plans for 50 percent voter turnout for this election, but the reduction has more to do with the increased number of voters using absentee voting.

According to a spokesman for the California secretary of state, 29.5 percent of the ballots received in the 2003 gubernatorial recall election were received by mail. This is up from 27 percent in 2002 and 24.5 percent in 2000.

Moore said in Santa Clara County, there are 750,000 registered voters and 100,000 are permanent absentee voters.

According to the California secretary of state's office, voters can now register for permanent absentee ballots. The form is available on the secretary of state's Web site.

Prior to 2002, absentee voters had to request a mail-in ballot for each election. Now, according to the California secretary of state, voters can request to be permanent absentee voters if they vote in all statewide primaries and general elections.

In a Feb. 13 press release, California Secretary of State Kevin Shelley said, "I urge all Californians to consider voting by mail. It is easy, convenient and a sure guarantee that your vote will be counted on election day."

Alex Machuca, a senior business major at San Jose State University, said he might vote absentee but "I'm not sure how it works."

Junior business and marketing major Cynthia Steel said she wasn't sure why she never voted by mail but said she was too lazy to find out how to vote absentee.

As a political consultant, Paul Fong, the founder of Silicon Valley Asian Pacific Democratic Club, said absentee voters are much easier to target. He said the cost to generate a single vote has doubled or tripled, but the results are much more controlled.

"We are more likely to find the right captured audience," Fong said.

He also said that campaigns have to start earlier and are more expensive because it lengthens the push to get voters.

"We now have to start our final push two or three weeks earlier, since the absentee voter has a bigger window to vote," he said.

Fong said the number of absentee ballots has resulted in micro-targeting.

In a New York Times article on Feb. 15, "The Very, Very Personal Is the Political," Jon Gertner wrote, "Over the past few years, thanks to technological advances and an escalating arms race between the parties, Republicans and Democrats have gone to great lengths to make campaigning more like commercial marketing."

Fong said, "Now a candidate needs to compare lists of permanent absentee voters, possible absentee voters, party affiliation and ethnic group and target those voters that are likely to support their candidate."

Will anyone miss the neighborhood polling places?

"One of the reasons I originally opposed Internet voting was that it cheapens the value of voting," said James Brent, associate professor of political science at SJSU. "The same problem exists in voting by mail. There is something noble about going to the polling place."

"For many Americans, the traveling to a polling place is an act laden with symbolic meaning," Brent wrote in a chapter of "The Internet Upheaval."

"Traveling to a polling place can be considered an important act of political socialization," Brent wrote. "A

study conducted for the 1996 Oregon Vote-by-Mail Commission reported that 15.4 percent of respondents preferred voting in a polling place rather than by mail. If extrapolated nationally, it represents tens of millions of Americans who appear to value the public act of traveling to the polls. These voters should not be denied the opportunity to participate in this important ritual."

Terry Christensen, an SJSU political science professor, said he has some basic concerns.

"The idea should be to make it easier to vote," he said. "I used to vote within walking distance of my house. Now I have to get in my car and go to my polling places."

While he said he isn't worried for his own sake, his concern is more for poorer voters and those with transportation problems.

"As we close up polling places, we need to be very careful which polling places get closed," Brent said.

According to the U.S. Department of Justice, "The Voting Rights Act of 1965 protects every American against racial discrimination in voting. This law also protects the voting rights of many people who have limited English skills. It stands for the principle that everyone's vote is equal, and that neither race nor language should shut any of us out of the political process."

Besides access issues, there is concern about fraud and vote selling.

"I like voting in person. With absentee voting, I'm concerned about tampering," Dominique Sandelin, a senior in natural science, said.

"The fraud issue is a little theoretical," Christensen said. "Oregon has elections by mail and seems to be going well. We haven't heard of many cases of fraud."

According to Oregon's secretary of state, Oregon voters overwhelmingly approved exclusive use of Vote-by-Mail elections in 1998, after allowing its use in elections since 1987.

"During the 15 years that Oregon has held mail elections, only one case of fraud has been prosecuted," former Oregon Secretary of State Phil Keisinger said.

# SJSU student weds same-sex partner in San Francisco

By Theresa Smith  
Daily Staff Writer

Many gay and lesbian couples have flocked to San Francisco's City Hall to receive marriage licenses since Feb. 13. San Jose State University student Jennifer Kemmet, 23, a senior double majoring in psychology and child development, wasted no time in tying the knot with her partner, Melinda McCallister, age 25.

On Tuesday, Feb. 17, Kemmet and McCallister were among the hundreds of people at San Francisco City Hall awaiting a marriage license. The two, who have been together for five years and engaged since August, arrived at City Hall at 10:30 a.m. The line was extremely long with hundreds of people, including reporters, onlookers, some protesters and anxiously waiting couples, Kemmet said.

"Doors did not open until 11 a.m. because they were waiting for an injunction," said Kemmet, referring to legal challenges to San Francisco's new definition of marriage.

"The process took until 4:30 p.m. We went through security, into the county clerk's office, filled out the application, paid our fees, our information was processed into the system, and then we received a license number," Kemmet said.

A small ceremony was included, and the couple said the process cost them about \$150.

San Francisco Mayor Gavin Newsom is being accused by Gov. Arnold Schwarzenegger and several others of violating California state law by issuing marriage licenses to same-sex couples. Newsom said by not granting same-sex marriages the law would be discriminatory, according to a CNN report.

The state of California defines marriage as a union between a man and a woman, according to a Feb. 24 White House press release of remarks made by President George W. Bush.

Kemmet said she feels the term for "marriage" should be just that or something else, but it should apply to everyone, not just straight couples.

"There should be a name for everyone. I call what Melinda and I have a partnership," Kemmet said. "I'll call it a commitment anytime."

The president is not the only one talking up same-sex marriages. Late-night talk show host Jay Leno found the topic interesting enough to include in his nightly monologue by referring to events in San Francisco as "Same Sex in the City."

The couple, who plan to have a formal wedding ceremony in October, has experienced smirks and stares while in public together, but it doesn't bother them, Kemmet said.

"We don't look gay," she said. "You just have to learn how to ignore it and put your blinders on."

McCallister, who recently came back from Europe, was overjoyed when Kemmet told her of the



Photo courtesy of Jennifer Kemmet and Melinda McCallister

San Jose State University student Jennifer Kemmet, right, a senior double majoring in psychology and child development, and her partner Melinda McCallister were married on Tuesday, Feb. 17 in San Francisco. The couple has been together for five years and engaged since August. "People should be able to marry, whether it's a man and a man, woman and a woman, or man and a woman," Kemmet said. "Why would it hurt to see people married? It makes me happy."

idea to go to San Francisco.

"It was Jennifer's idea. It was a great opportunity. I don't know how it will fare in the rulings with judges, but I thought it was something that we should do," McCallister said.

Responding to Bush's call Tuesday for an amendment to the U.S. Constitution to ban gay marriages, McCallister said, "I have no feelings for the president, and I think this is a part of his political gain."

The Constitution calls for a two-thirds majority vote in the House of Representatives and the Senate to pass an amendment. An amendment must also be approved by three-fourths, or 38, of the 50 states.

"Forty or 50 years ago, they said people could not have interracial marriages, but yet they passed that. It shouldn't matter whether it's between a man and a woman," McCallister said. "What makes someone better than the other? Love is love. A family unit is what I think a marriage is."

Kemmet, who says her marriage license looks identical to her mother's license, says she is more

concerned with the legal aspects of the marriage.

"I am thinking about what legal rights I have when it comes to hospitals, insurance and financially," Kemmet said. "I want to know what the future holds for our kids, because we do plan on having kids."

The two want to make sure the same rights apply to them as to straight couples.

"If something would happen to me, I would want Melinda to be there to make the decisions for me," Kemmet said.

"The president is shying away from the issue a little because if he makes too strong of a stand on it he is going to lose people. He is touching on it but being very careful about it," Kemmet said.

Kemmet said she was recently browsing the Web and reading about all the couples who married and how happy they seemed.

"People should be able to marry, whether it's a man and a man, woman and a woman, or man and a woman," she said. "Why would it hurt to see people married? It makes me happy."

## MARDI GRAS |

continued from page 1

white pickup truck was flipped on its side by a group of partiers at around 11:30 p.m.

Several establishments downtown also had their windows smashed by partiers hurling rocks and newspaper stands, Tepoorten said.

The San Jose Repertory Theatre suffered a break-in when its gift-shop window was smashed by a flying chair, said Iain Campbell, facilities manager at the theater.

Extra security was present at the theater because of past problems with Mardi Gras-related break-ins.

"In past years, we've had several of these windows in our lobby broken out," Campbell said.

Campbell said security guards posted at the theater were "over-run."

According to a theater employee, no items from the gift shop were stolen, but Campbell said much of the inventory was damaged, which will cost the theater about \$500.

Campbell said the city of San Jose, which owns the building, will have to pay approximately \$20,000 to repair the gift-shop windows.

One of the buildings belonging to the Horizon Center on Second and Santa Clara streets also suffered damage when a sign was thrown through one window and a rock through another at about 10:30 p.m., said Joaquin Serpas, one of the security guards working at the building.

Serpas estimated that repairs would cost anywhere from \$1,000 to \$1,500.

Tepoorten said there was a negative reaction to the police presence downtown.

"They get mad at us for being there," said Tepoorten, who said there was an estimated crowd of around 4,000 people downtown Tuesday night.

According to Tepoorten, officers tried to keep the crowds moving in order to prevent larger crowds from gathering, which could have resulted in additional outbreaks of violence.

"We have to be out there in force ... for the safety of the people who are out there," Tepoorten said. "You get a few people who ruin it for everybody else."

In spite of the problems, Tepoorten said the situation was not as problematic as 2003's Mardi Gras celebration.

In past years, according to the San Jose Mercury news, incidents during Mardi Gras in San Jose have included overturned cars, harassment of women, vandalism and assaults on police officers.

Last year, the Mercury reports, at least 20 people were arrested for crimes ranging from vandalism to assault.

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# Spartan men look to remain focused amid controversy

By Daniel Lopez

Daily Senior Staff Writer

The troubles for the San Jose State University men's basketball team have moved from the win-loss column to the coach's bench.

Spartan head coach Phil Johnson

MEN'S BASKETBALL

IN THE PAINT

NOTEBOOK

was reprimanded Wednesday by the university and the Western Athletic Conference for his actions toward a fan in the second half of SJSU's 65-52 loss last week at the University of Texas-El Paso.

"There is a WAC and an NCAA emphasis this year on both sportsmanship of coaches and players and concern about crowd control," said SJSU Athletic Director Chuck Bell.

Bell said Johnson had been warned by other coaches about the heckling fan Johnson confronted, who sat in the fourth row behind the opposing team's bench at the Don Haskins Center.

"This is what he regularly does — get the name of the coaches and their family," Bell said. "In this case, he had the name of coach Johnson's mother, where he went to college, his brother's name, and just badgered him throughout the first half."

Bell said Johnson told game management personnel and security to shield the team from the fan, but it didn't happen.

"Phil at that point made the mistake of turning around from the first row to the second row (of the team's bench) and pointed at the guy and told him he had enough — shut up," Bell said.

"They were 10-15 feet away, but Phil gets a reprimand as any coach in the league would, men's or women's coach, for interacting verbally with a fan," Bell said.

"Now UTEP by the same token has been told they need to improve their game management and control," Bell said. "It's the first step by the NCAA and the WAC to improve sportsmanship in arenas."

Bell said the reprimand, which carries no fine or suspension, also falls under the agreement made by the National Association of Basketball Coaches in an Oct. 15 summit in Chicago to adopt a code of ethics and behavior.

"I was wrong to react to the fan's heckling. I should not have turned around and yelled back at him," Johnson said in a written statement. "I let him get under my skin, and that won't happen again."

Johnson must now shift the focus to his Spartans' (6-18 all, 1-13 WAC) final home stand of the season.

SJSU is scheduled to host Rice University on Friday and the University of Tulsa on Sunday at the Event Center.

Rice comes in on a three-game win streak and in search of a win to complete a 20-game win season after downing Fresno State University 63-60 in Houston on Monday. However, Rice has lost four of its last five road games.

"Twenty games is not even in the thought process," said Rice head coach Willis Wilson on Wednesday. "The focus is on getting ready for San Jose."

The Owls (19-7 all, 10-4 WAC) feature the WAC player of the week in 6-foot-6-inch junior forward Michael Harris.

This marks the second time he has won the award this season and the third in his career.

Harris recorded his 13th double-double of the season, checking in with 17 points and 14 rebounds in the game against Fresno State.

The Owls' leading scorer, Harris averages 18.3 points per game and has scored 20 or more points in 12 games this season.

One of those occasions was the first meeting of the season between the Spartans and the Owls, where Harris scored 20 as Rice handed SJSU its worst defeat of the season, 82-49, on Jan. 31 at Autry Court in Houston.

"I don't know a team that has stopped Michael Harris yet," Johnson said.

"Mike is a big, strong, athletic guy and has seen a lot of different defenses, especially double teams," Wilson said. "It allows everyone else freedom and room to play."

Everyone else includes 6-foot-4-inch guard Jason McKrieth, who averages 16.5 points per game, guard Brock Gillespie, forward J.R. Harrison and guard Rashid Smith.

The list goes on.

Johnson said Smith is an unselfish



Stacey Ruesch / Daily Staff

Spartan forward Lance Holloway looks for a teammate to pass to during practice Wednesday afternoon at the Event Center. The Spartan men's basketball team will host Rice University at the Event Center Friday at 7 p.m.

player who looks to pass, though he is a capable shooter.

"Harris, as dangerous as he is, they've got four other guys that'll light you up," Johnson said.

Johnson said it was the Owls' depth that got to his team in the previous meeting, as his players got into foul trouble early.

"We do what we do," Wilson said. "We play nine to 10 guys deep into the bench."

Johnson is 0-4 as a coach against Rice.

Sundays' game against Tulsa is the close of the Spartans 2003-04 home season.

SJSU will be honoring its five seniors — Bim Okunrinboye, Phil Calvert, Brett Lilly, Eric Walton and Maurice Moore.

The Golden Hurricane (7-17 all, 3-11 WAC) will come to San Jose after playing Friday at the University of Hawai'i.

Tulsa is led by its top scorer, 6-foot-2-inch guard Jason Parker, who averages 17.8 points per game.

Johnson said Tulsa's record is not so much a reflection of the team but of the competition in the WAC.

Tulsa has lost nine of its last 10 games, including seven in a row.

The last two losses for the Golden Hurricane were a 76-56 defeat on Saturday to Gonzaga University, ranked No. 6 at the time, and a defeat at the hands of Fresno State on Feb.

16, 61-41.

The 41 points scored in the loss to Fresno State was the lowest score ever recorded by Tulsa on its home floor at the Reynolds Center

At home, Tulsa is 6-6 on the season, 3-7 in the WAC, including an 86-70 win over SJSU on Jan. 29.

On the road, the Golden Hurricane has not fared as well where it's 1-11 this year.

SJSU is the only team in the WAC to not win a road game this season, dropping all 10 of its contests, and has lost 12 straight dating back to last season.

Good thing for the Spartans that they're home on Sunday where they are 5-8 on the year.

"I go into every game — however naive it might be — thinking that we have a shot to win," Johnson said.

For SJSU, the biggest scoring threat remains center Eric Walton, who is averaging 11.6 points per game. Walton also leads the team in rebounding with an average of 6.6 per outing.

The biggest surprise this season for SJSU, Johnson said, could be junior forward Marquin Chandler.

"He's been the guy we thought he would be," Johnson said.

Having Chandler, who scored a career-high 23 points at UTEP, in the lineup has added depth to the Spartans, Johnson said.

Chandler also leads the team in field-goal accuracy at 53.7 percent.

But Chandler's shooting has not been enough for the Spartans.

In the Spartans' last six games, they have scored no more than 56 points.

"We have to get all five guys playing to a premium level, and that hasn't been the case," Johnson said. "I do think we are a dangerous team, and that might be laughable to some."

# SJSU women try to retain top-six seed

By Ian Ross

Daily Sports Editor

The Spartan women's basketball team has four conference games remaining before the Western Athletic Conference postseason tournament begins on March 10. The top six seeds will sit out the first round of the tournament while the bottom four teams battle it out in order to advance.

WOMEN'S BASKETBALL

OFF THE DRIBBLE

NOTEBOOK

With a 6-8 conference record, San Jose State University is currently ranked sixth in the WAC and would automatically advance to the second round if the tournament began today.

"We definitely want to get a bye the first day," SJSU head coach Janice Richard said. "It's crucial that we stay in at least the six spot."

The University of Hawai'i is currently ranked seventh with a 5-9 conference record.

"(Hawai'i is) one game behind us," Richard said. "They're our travel partner, so they'll play the same teams we do."

Both teams will travel to play at Rice University and the University of Tulsa this week. SJSU will travel to Houston to face Rice tonight and then play Tulsa on Saturday night.

SJSU swept Hawai'i this season, winning 73-45 at the Event Center on Jan. 8 and winning at Hawai'i for only the second time in school history, 62-50, on Feb. 6.

If the teams finish the season tied, the Spartans would take the higher seed based on the tiebreaker. So, in essence, the Spartans have a two-game cushion with four games to play.

The first hurdle in the Spartans' way is Rice, winner of 10 consecutive games. Rice boasts an impressive 13-1 WAC record and shares first place with Louisiana Tech University.

"It definitely would be a big win this late in conference," Richard said, if the Spartans could hand Rice their

first conference loss at home.

The Lady Owls defeated the Spartans once already this season, at the Event Center on Jan. 31, 76-60.

Freshman center Lauren Neaves led the way for Rice, converting on five of her six field-goal attempts, scoring 19 points with 11 rebounds.

"She's definitely my freshman of the year pick," Richard said. "She's an offensive and defensive presence, leads the conference in blocks. She's just tough."

Neaves has 54 blocks already this season, 17 more than any other player in the conference. Forward Lamisha Augustine leads the Spartans with 24 blocks so far this season.

Rice head coach Cristy McKinney said Neaves is playing mainly because senior center Johnetta Hayes is out for the season with an injury. Hayes was named to the all-WAC first team in 2003.

"(Neaves) has been a starter all year for us," McKinney said. "She took (Hayes') spot after redshirting a year ago."

The Spartans' strategy this time around will be to send a guard to help double-down on Neaves, Richard said.

"Their offense is basic, not complex," she said. "We'll look to stop their transition game."

SJSU center Teoma Taylor said the Spartans just need to focus on defense in order to challenge Rice.

"We have to continue what we did against Boise State (University)," Taylor said. "We have to tighten our defense and attack the basket."

Defensively, Taylor said, there is one main play that Rice runs a lot, and the Spartans have been working on defending the play all week in practice.

Rice, like many SJSU opponents, will focus on slowing down point guard Cricket Williams and the twins, Tatiana and Teoma Taylor.

"We have to work hard to defend San Jose," McKinney said. "Cricket Williams is a very talented player. You can't stop her; you have to try to contain her. We have to make her work hard for what she gets."

"The twins have improved each year and are a force offensively," she

said. "We have to try to box them out."

Rice plays primarily a man-to-man defense, Richard said.

"I seriously doubt we'll see any zone (defense)," she said.

The Spartans have struggled most of the season against zone defenses, particularly of late, without their top two perimeter threats — guards Jessica Kellogg and Chenne Tuimolou. Kellogg is out for the season because of a staph infection in one leg. Tuimolou will miss the rest of the season for academic reasons.

The Spartans will then travel to Tulsa (8-6 WAC, 15-9 overall) to face the Golden Hurricane. Tulsa won the first meeting of the season, 82-66, at the Event Center.

Another freshman center victimized the Spartans in that game, in the form of Tulsa's Jillian Robbins.

The Spartans will use a guard to double Robbins in the post as well, Richard said.

Robbins scored 21 points and pulled down nine rebounds in the first meeting this season. Cricket Williams led the Spartans with 22 points, nine rebounds, six assists and six steals.

Defensively, Richard said she expects to see more zone from Tulsa.

"Tulsa changes up their defense; they play some man, some zone," Richard said. "I'm sure we'll see them play some zone."

Boise State played a lot of zone defense against the Spartans this past weekend, limiting them offensively in the first half before the Spartans solved the zone in the second half, coming from behind to win the game 58-48.

The Spartans swung the ball around the perimeter, and Williams attacked the hoop by driving along the baseline to keep the Broncos' defense moving.

After this road trip, the Spartans return home to finish up conference play, hosting Fresno State University at the Event Center Thursday, March 4, at 7 p.m. The final regular season game of the year, senior night against the University of Nevada-Reno, is scheduled to tip off Saturday, March 6, at 8 p.m.

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## -AMATEUR PHOTO CONTEST-

Calling all shutterbugs! The SPARTAN DAILY is holding its first ever PHOTO CONTEST. Snap a photo of campus life, celebrate the diversity of our students, or capture a unique moment at SJSU. Finalists will run in the SPARTAN DAILY starting on MARCH 8TH.

Digital and print photos will be accepted. (no slides please). All photos must be submitted with a resolution of 200 dpi and no bigger than 1000 pixels wide x 800 pixels high

SUBMIT PHOTOS TO DBH 209 OR E-MAIL ENTRIES TO SPARTANDAILYADS@CASA.SJSU.EDU BY MARCH 5TH

ALL STUDENTS MAY ENTER  
PRIZES WILL BE AWARDED TO 1ST, 2ND, AND 3RD PLACE PHOTOS ON MARCH 15TH!