

SPARTAN DAILY

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File sharers to be sued

Music industry cracking down on college networks

By Banks Albach
Daily Staff Writer

When a state marshal holding a thick stack of "U.S. official documents" came knocking at Lindsay Vique's front door,



a quiet Saturday afternoon in Bristol, Conn., turned confusing and scary. The documents contained the Vique family's Internet history, including each of the 2,500 songs Vique and her sister downloaded through Kazaa, a peer-to-peer file-sharing program.

Although the family of Vique, a San Jose State University English major, decided among themselves to stop downloading three months prior to the marshal's visit, the subpoenaed Comcast records were enough for the Recording Industry Association of America to file suit against Vique's father, the signatory on the Internet service contract. This suit was one of the first in a series of lawsuits brought by the recording association against individual peer-to-

peer network users. To this date, it has filed 9,100 cases.

"It was like winning the lottery, but backwards," Vique said, refer-

\$1,000 less than the initial amount demanded by the recording association, Vique said. She added that the recording association demand-

anything," Vique said.

The September 2003 suit against Vique's father came within months of an announcement by the recording association that it was starting a legal cam-



aign against individual peer-to-peer network users. The recording association is the trade group that represents the recording industry.

"Nobody likes playing the heavy and having to resort to litigation," said Cary Sherman, recording association president, in the 2003 statement. "But when your product is being regularly stolen, there comes a time when you have to take appropriate action. We simply cannot allow on-line piracy to continue destroying the livelihoods of artists, musicians, songwriters, retailers, and everyone in the music industry."

On Jan. 24, the recording association filed more than 700 "John

see DOWNLOAD, page 5

ring to the odds of being targeted among millions of users.

The family was advised by a lawyer to foot the bill rather than go to court. They negotiated a settlement of \$4,000, which was

ed they delete all of the downloaded files on their computer.

"Seeing someone at your front door with a big stack of paper that says 'U.S. official documents,' it was more alarming and scary than

Photo Illustration by Neal Waters / Daily Staff

Council votes against ROTC

Group may support discrimination, senate says

By Marsea Nelson
Daily Staff Writer

The Academic Senate held its March meeting Monday and agreed, among other things, to support anti-discrimination policies by not supporting the ROTC.

The three-hour meeting was presided over by senate chair Annette Nellen.

Sally Veregee, chair of the biological sciences department, brought forth Resolution AS1280 on behalf of the executive committee.

The senate passed the resolution, which calls for increased attention to campus climate policy

violations in regards to the ROTC program.

Veregee said the military discriminates against homosexuals.

In 1996, the Solomon Amendment to the Armed Forces code allowed federal funding to be denied to universities if they prohibit ROTC programs or prevent military recruitment on campus.

Veregee said former President Robert Caret worked to have the ROTC move off campus but received a letter from the U.S. Department of Defense indicating that SJSU's federal funds would be revoked from campus.

The policy was then put on hold because the president and the

senate did not want to jeopardize student funds.

"This has kind of gone out of our consciousness for awhile," Veregee said.

She added that bringing this to the senate was reaffirming their goals.

She said by allowing the ROTC on campus, SJSU is forced to accept discrimination.

When Kassing addressed the senate, he briefly touched on the budget.

"We're in the heart of the budget debate at the capitol," Kassing said, adding he would keep the senate abreast of any updates.

He also announced that Anne Lawrence, professor of business,

was chosen as the Outstanding Professor of the Year.

Honorary doctorates will be given to Tommie Smith and John Carlos.

Both were 1968 Olympians and San Jose State University students.

Kassing acknowledged Associated Students for bringing this idea forward.

The senate discussed resolution AS1281, presented by Miriam Donoho, professor of marketing and decision sciences, which asked for the endorsement of the goals and vision drafted by the Goals Advisory Council.

see SENATE, page 4

Volunteers aid tax filers

By Erin Caballero
Daily Staff Writer

If you haven't done your taxes yet and both you and your wallet are breaking out in hives at the thought of having to hire a certified public accountant, relax. Beta Alpha Psi fraternity and the San Jose State University College of Business have joined efforts to create Volunteer Income Tax Assistance services.

All those who make \$36,000 a year or less qualify to have a

volunteer do their taxes.

VITA's operation hours are every Saturday until April 9 from 1 to 4 p.m. in room 008 of the Boccardo Business Complex.

The deadline to file taxes is April 15.

The volunteers, who use e-file software to expedite state and federal tax returns, will also be helping foreign students as well.

Qualifying recipients of these services must bring a valid pic-

see TAXES, page 5

Sting begins tour at Event Center

By Rachel Hill
Daily Staff Writer

Sting kicked off his Broken Music Tour with a sold out performance at the Event Center Friday night.

Concertgoers had a rare opportunity to see the rock legend perform in the small, quaint atmosphere of the Event Center. The mature crowd lined the outside of the venue eagerly awaiting passage to the highly anticipated show. Hundreds of fans could be seen streaming across campus from all directions. Since the show was general admission, fans stayed close to the line in order to get the best possible seats to the show, sparsely visiting the

boots of Bay Area radio stations KFOX 98.5 FM and Star 101.3 FM. A steady stream of fans continued to trickle in even after the doors opened.

With this tour, the musical icon chose to disembark on a different path, playing smaller venues that include several college campuses. According to the singer's official Web site, Sting has not hit the college circuit since his days with The Police and will perform bass in a four-piece band for this tour.

Phantom Planet was the opening band for the concert paving the way for Sting's entrance.

A smaller venue ensures ticket holders a more intimate experience especially compared to the

see CONCERT, page 4

Dance team member files charges

By Jean Blomo
Daily Staff Writer

A San Jose State University dance team member filed assault and battery charges against John Glass, senior associate athletics director and chief operations officer on March 17, but the Santa Clara County district attorney's office has decided not to press charges.

According to the University Police Department's report, Tarah DiNardo was grabbed by Glass, an act that "resulted in visible physical injuries to (DiNardo's) upper left arm."

DiNardo said the incident occurred after a San Jose State University men's basketball game on March 5 when she had confronted a man who had been heckling the dance team members.

During the game, according to the police report, SJSU alumnus Ray Silva, who DiNardo said she and her teammates had frequently seen at SJSU athletic games, was heckling the dance team members before, during and after their performances.

"He was yelling things like, 'You guys suck, get off the court, you're trash,'" DiNardo said.

In a statement to authorities, Silva said he was offended by the dance team's routine.

DiNardo said after the man had left the stands, she approached him and asked that he refrain from insulting her and her teammates.

According to the police report, Daniel Bolen, father of one of the dance team members, shot video of Glass approaching DiNardo and Silva.

"Glass then reaches out with his right hand and

see CHARGES, page 5



Brian Connelly / Daily Staff

Concertgoers wait in line for the start of the Sting concert Friday at the Event Center. Phantom Planet opened up the concert before Sting's performance.

Opposing Views: Should high schools promote abstinence- only sexual education programs?

YES

Abstinence is an alternative to the consequences of 'safe sex.'

Making a decision to postpone sex until marriage, for me, has been a promise to keep my body pure and free from certain diseases, undesired responsibility and the emotional turmoil associated with individuals giving themselves to others who will have no lasting role in their lives.

In addition to a promise to me, this is a promise to my future husband, who I don't even know yet.

Think of how uplifting it would be if you found out that the man or woman of your dreams made a promise, before he or she even met you, to make sacrifices to remain pure for something greater.

And, you have done the same for him or her. Whether you're male or female, experienced sexually or not, ready for marriage or far from it, this promise to your future spouse can be made today to impact both your future and your spouse's.

Statistics show that couples who live together before marriage — and are commonly sleeping together — have a 50 percent higher chance of divorce than those who don't. Cohabiting couples also have higher rates of domestic violence and of having sexual affairs. In addition, if the woman involved in a cohabiting relationship gets pregnant, there is a high chance that the man will leave the woman within two years, resulting in a fatherless child.

Unfortunately, schools today don't focus on the benefits of abstinence. They do, however, teach students statistics in hopes of persuading teenagers to practice safe methods of sex.

For instance, according to The Alan Guttmacher Institute:

- Every year, roughly 4 million new sexually transmitted disease infections occur among teenagers in the United States.
- The United States continues to have one of the highest teenage pregnancy rates in the developed world — twice as high as those in England, Wales or Canada and nine times as high as rates in the Netherlands and Japan.
- Of the approximately 950,000 teenage pregnancies each year, more than 75 percent are unintended and more than 25 percent of these pregnancies end in abortion.

These potential consequences can only be prevented with abstinence. If there are so many potential risks involved with casual sex and so many students are participating in it — by their 18th birthday, six in 10 females and seven in 10 males have had sexual intercourse — why aren't schools teaching students to wait?

Instead, schools pass out condoms to 14-year-olds and inform them of other forms of birth control, giving them a false security, free from all the physical and emotional mayhem that commonly accompanies premarital sex. They're telling teenagers, "We know you're not going to wait, so at least use these," when schools could focus on the beauty and value of sex and why it's important to wait.

Schools are teaching teenagers that they can have what they want, when they want it and will even provide them with a morning-after pill.



CHRISTINE GLARROW

Christine Glarrow is a Spartan Daily staff writer.

NO

Students need to know more to make informed choices.

In the last decade the rate of teenage pregnancy in the United States has declined. But according to Planned Parenthood, it remains the highest in the developed world.

Approximately 97 out of every 1,000 women ages 15 to 19, or one million American teenagers, become pregnant each year.

While sexual education is something that everyone can benefit from, teaching sexual abstinence should come with limitations. School is there to educate children, not to create a formulated, narrow-minded human being that acts and talks like everyone else.

"In the end, they will have sex if they want to," my 16-year-old sister said to me.

A hot topic concerning abstinence-only education are studies of virginity pledges — public declarations to abstain from sex. According to researchers from Yale and Columbia, young people who sign a virginity pledge delay the initiation of sexual activity, marry at younger ages and have fewer sexual partners, but they are also less likely to use condoms and more likely to experiment with oral and anal sex. The findings are based on a study that began in 1995, tracking 20,000 people from high school to adulthood.

In many ways, sexual education seems to use fear tactics as opposed to teaching the whole story to students about effective contraceptives and what to do in emergency situations. Videos of women giving birth and pictures of different sexually transmitted diseases are often viewed in the classroom and somewhat effective in keeping teenagers from becoming involved, but often the whole truth is not exposed.

While teens make up 10 percent of the population, they contract 25 percent of STDs.

The main problem faced in sexual education today is the naive understanding that these diseases can only be contracted through sexual intercourse. With curiosity and half-truths of sexual education, students venture out on their own to seek the forbidden fruit, often biting off more than they can chew.

Recent studies have shown that teens are engaging in oral sex more often than having vaginal and/or anal intercourse. Millions of teenagers become infected with STDs such as chlamydia, gonorrhea, HIV and herpes each year. Oral sex is a way of becoming infected.

Abstinence is not the only answer or the solution for every student. The importance of sexual education lies in the household. Children learn most of their sexual education in the early stages of life and censoring this information is not always wise.

After hearing the same words over and over — "sex is bad" — it begins to be less beneficial when no one takes the time to explain why. Rather than taking the easy way out and hounding their children, a little bit of explanation of the options teenagers have goes a long way.

School exists to teach the guidelines. There is no final answer for everyone and sexual abstinence is no different.



SHANNON BARRY

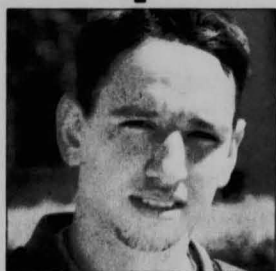
Shannon Barry is a Spartan Daily staff writer.



Illustration by Alan Bayudan

campusvoices

COMPILED BY ASHLEY JOHNSON; PHOTOS BY BRIAN CONNELLY



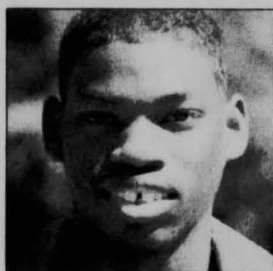
"Yes. People are at an age where they want to experiment sexually — they need the information."

Ricardo Orozco
junior,
engineering



"Yes. People at that age should be thinking more about their future."

Charlie Allen
senior,
Spanish



"Yes. The more students know about sex, the more they'll be aware of the risks."

Phillip Chatman
sophomore,
graphic design



"No. People usually do the opposite of what they're told to do. This compounds the problem."

Greg Mullins
junior,
creative writing



"No. Schools should be open to the issue of talking to the students about sex and let them make the decision."

Connie Balaoing
junior,
nursing



"No. Because abstinence-only programs haven't been proven to prevent teens from having sex."

Sasha Volynets
freshman,
art

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A letter to the editor is a response to an issue or a point of view that has appeared in the Spartan Daily. Only letters between 200 to 400 words will be considered for publication.

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

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

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GUEST COLUMN

Immigration offers opportunities to the U.S.

The glaring headline reads, "Illegal immigrant numbers soar."

Who cares? Doesn't this country have bigger things to worry about? Universal health care? Education? An impending World War III if our president keeps egging on Iran or whatever the next unsuspecting country of the week is?

The article — published March 22 in the San Jose Mercury News — said that there are 10.3 million undocumented immigrants living in the United States.

Like this country didn't already know that. Who do you think picks the fruits and vegetables that end up on our tables and in our restaurants? Who mops and sweeps our floors? Takes care of our landscaping?

The report also said California is home to 2.5 million illegal immigrants, a quarter of the total.

Of course it is — the border is just a hop and a skip away. Besides, California embodies the American dream.

Again, why didn't anyone already see this coming?

For a country founded by immigrants and a country that welcomes them with catch phrases such as "The Land of Opportunity" or "Equal Opportunity," or

even "E Pluribus Unum," meaning "from many, one," we seem shocked at the outcome.

Even in the welcome packet that immigrants receive when they start the naturalization process, the first paragraph states, "Throughout our history, immigrants have come here seeking a better way of life and have strengthened our nation in the process."

If the country didn't want illegal immigration, then it might be sued for false advertising.

This country has benefited from the diversity that immigration has brought.

The United States shouldn't make qualified prospective candidates for residency jump through hoops in order to have a chance to live here.

I say this because I am a daughter of immigrants. My parents came to this country illegally. They each worked two jobs, cleaning houses and washing cars. They lived with two other families under one roof and were sponsored for residency years after they arrived. And they appreciated it.

You see, sponsorship is the only realistic chance immigrants from Mexico have to become legal. This is when a very kind employer, guardian or other

person, takes legal responsibility for the immigrant. Otherwise, there is a very long and costly process.

My parents both worked and received no benefits. Instead, they were constantly in fear of "La Migra" — the immigration service.

There are many things to benefit from immigrants. My parents became residents, then citizens. They

had my sister and I and then bought their own home. Both my sister and I went to private schools, graduated from high school and are now college students. I graduate this spring.

My parents own half a dozen properties around the Bay Area. We all pay our taxes, which brings something else to mind.

Illegal immigrants will always find an employer willing to hire them because they will be cheaper labor and they will accept any salary offered to them.

This makes it difficult for others looking for the same positions to compete — they won't be willing to take such pay cuts.

If legalized, the work field will be equal for both groups — immigrants will be paid a higher salary and others will not have to compete with a group willing

to work for a lower salary.

This is a benefit because illegal immigrants are not paying taxes because they are likely being paid under the table.

If the United States allowed illegal immigrants to become residents, they would pay taxes like everyone else.

In my generation of my family, we have lawyers, doctors and successful businessmen and women.

We contribute to the richness of our country.

My parents came from a country that has no middle class. A country that's run by men lusting after money and their own greater good. My parents came to this, the land of opportunity.

It sounds so simple. Residency should be given to those who deserve it.

Illegal immigrants aren't going to stop coming, especially with visions of a better place for them and their future family.

And coming from a country where the boundaries of social status are unbending, wouldn't you too?



MAYRA FLORES

Mayra Flores is a Spartan Daily staff writer. Guest columns appear periodically.

Letter: Good riddance to Spartan Party reign

Dear editor,

It's about time the Spartan Party gets the boot.

For the past few years, I have become more and more tired of the spineless and possibly illegal

tactics of the loser party.

Though I'll be graduating in May, and won't reap the benefits of great leadership, I know that the victory of the Stand Up Party is an answered prayer.

This is the best graduation

gift ever.

Tiffany Montgomery
Senior
Nursing

Letter: Forgiveness the way to heal violence

Dear editor,

The following is a beginning on how

to heal the wounds created by the murder of innocent people at the Red Lake High School Indian Reservation on March 21.

You reflect what you worship. If you worship the Creator

Through the forgiveness of the Cross Then you will reflect the Creator.

Like a Native American sweat lodge

The Cross purifies us and purifies our worship.

I trust that the healing power of

forgiveness brings hope to the Red Lake Reservation.

Lawrence Miller
Alumnus
Criminal justice

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

School of Art and Design

An art exhibit featuring student galleries will take place from 10 a.m. to 4 p.m. in the Art building. The "Tuesday Night Lecture Series" will take place from 5 p.m. to 6 p.m. in room 133 of the Art building. For more information, call the gallery office at 924-4330.

College of Engineering

Undergraduate engineering student advising will be available from 10 a.m. to noon and from 2 p.m. to 4 p.m. in room 242 of the Engineering building. For more information, call Evelyn Contreras at 924-3851.

Falun Dafa Association

"Uncompromising Courage Art Exhibit" will take place from 10 a.m. to 10 p.m. There will be a painting display and cultural dances. "Spring Harmony Festival" will take place from 7:30 p.m. to 10 p.m. Both events will take place in the Loma Prieta room of the Student Union. For more information, call Abraham at (831) 331-7847.

SJSU Art History Association Meeting

A meeting will take place from 11:45 a.m. to 12:15 p.m. in room 329 of the Art building. For more information, call Rose Smith at (831) 469-0332.

Catholic Campus Ministry

Daily Mass will take place at 12:10 p.m. "Faith Formation" will take place at 6 p.m. Both events will take place at the Catholic Campus Ministry chapel. For more information, call Father Mike Carson at 938-1610.

School of Music

"The Listening Hour" concert series will take place from 12:30 p.m. to 1:20 p.m. in the Music building Concert Hall. It will feature the students of Eric Mills. For more information, call the music office at 924-4673.

Counseling Services

A social skills group meeting will take place from 3 p.m. to 4:20 p.m. Both events will be in Counseling Services of the Student Services Center. For more information, call 924-5910.

Phi Alpha Theta

A meeting will take place at 3 p.m. in room 135 of Dudley Moorhead Hall.

Feminist Majority Leadership Alliance

A meeting will take place from 4 p.m. to 5:30 p.m. in the Pacheco room of the Student Union. For more information, call Courtney Chalupa at (831) 869-0715.

Victory Campus Ministries

"The Source" will take place at 8:30 p.m. in the Spartan Memorial. Learn about the amazing destiny God has for your life. For more information, call Marla at (510) 368-8239.

WEDNESDAY

Career Center

"Roadtrip Nation" will take place from 11 a.m. to 4 p.m. in front of Building F and from 7 p.m. to 9 p.m. in the Dining Commons. Roadtrip Nation is a program and documentary series dedicated to helping students develop their own unique career paths. Roadtrip founders will be recruiting new applicants to take a trip cross-country and film their experiences interviewing leaders in various industries.

Campus Greens SJSU

"The Rollin' Sunlight," a solar powered truck, will be on campus from 11 a.m. to 2 p.m. at Paseo de Cesar Chavez for Fossil Fuel's Day. Free solar slushies will be available to support the "Renew CSU" campaign.

Association for Facilities — Engineering Student Chapter

A tsunami relief fund barbeque will take place from 11 a.m. to 2 p.m. in front of the Engineering building. For more information, call Shaina at (510) 676-1395.

Graduate Studies and Research, SJSU Foundation

The 26th Annual SJSU Student Research Forum will take place at noon in rooms 285 and 287 of the Engineering building. It will be a celebration of student excellence and achievement. Refreshments will be served. For more information, call Jerri Carmo at 924-1429.

ADAM THE BEAVER

NICK SCOTT



ALTOIDS

CURIOSLY SPECIAL ADVANCE SCREENING

DATE: WEDNESDAY, APRIL 6, 2005

TIME: 7:30 PM

LOCATION: AMC SARATOGA 14

TICKETS AVAILABLE AT: KSJS STUDIO RM. 130 HUGH GILLIS HALL



THE CURIOSLY STRONG GUM

ARRIVE EARLY! SEATING IS FIRST COME, FIRST SERVE!

Springing forward costs students one hour

By Erin Caballero
Daily Staff Writer

It's that time of year again — flowers bloom, the weather is warmer, hay fever sufferers look like they've been in a war zone and homework becomes that much more painful to do.

It's the time when dark denim jeans and Doc Martens turn into pastel cotton skirts and flip-flops.

It's spring, and daylight-saving time has begun.

"You definitely lose some sleep, but at the same time, you get more sunlight and get more stuff done during the daylight," said Jason Romes, a security officer at the Dr. Martin Luther King Jr. Joint Library.

He said that the people who pass through the automatic doors are happier in the springtime, but there are fewer patrons in the spring than in the fall and winter months.

"The students don't look too happy — they're in here, cramming for finals," Romes said.

Meron Andemeskel, a junior majoring in civil engineering, looks forward to the springtime and couldn't wait for the clocks to move forward an hour.

"I love spring — the weather, the longer days. It's something I've

grown accustomed to, and I want to stay out," she said.

According to the California Energy Commission, daylight-saving time is observed everywhere in the United States except Hawaii, American Samoa, Guam, Puerto Rico, the Eastern Time Zone portion of Indiana, the Virgin Islands and the Navajo Indian Reservation in Arizona.

The history of daylight-saving time is a long one, dating back to around the turn of the 20th century. In 1884, Washington, D.C., held the International Prime Meridian Conference, which established the international standard time the United States and most of the world has now.

The idea behind daylight-saving time was to conserve energy by setting the clock an hour ahead during the spring and summer months. Since the days would be longer, people won't need to use as much energy for things such as lamps and streetlights, according to the California Energy Commission.

Albert Morales, a store manager for the Ben & Jerry's on 115 E. San Carlos St., said he misses the short days of autumn.

He said that since a lot of people are on vacation and going places, they are in a constant hurry.

"In the summer, it's hard to stay cool — everyone just goes to the mall. It's easier to stay warm in the fall (than cool in the summer)," Morales said.

"I love spring — the weather, the longer days."

Meron Andemeskel, student

Eye to eye ...

Donald Wright, a graduate student, looks at his self-portrait, which he painted, in gallery 5 of the Art building, along with other works for his Advancement to Candidacy show for the approval of his master's thesis. Wright's paintings, titled "Admonishments" are about political issues with classical and modern symbolism. "It's both topical and timeless," Wright said. Wright practiced his technique for his other works by painting self-portraits.



Jennifer Seigal / Daily Staff

CONCERT - Extra tickets issued to fill demand

continued from page 1

singer's typical larger, arena-sized shows. Longtime Sting fan Susan Martinez said this is her first time seeing Sting live in concert.

"I like this (the Event Center) is so much better," Martinez said.

"I would definitely pay more money to see Sting perform in a smaller venue than a larger one."

Style changes in Sting's show have caused some fans to wonder what form the singer will project for this show.

"I expect a lot of variety from Sting's show tonight and for him to step out of his element," Martinez said.

Curtis Counts said he's drawn to the singer's music because he likes his vibe. Counts' admiration for the performer

prompted him to bring his entire family to the concert. Counts said he does not know what to expect from Sting's performance, but is willing to take whatever the vocalist has to offer.

KFOX 98.5 FM and Star 101.3 FM came out to support the event and pass out free gadgets to concertgoers.

A KFOX representative said the former Police frontman is classic and his radio station was here to support him.

Even though the show was billed as sold out, tickets were still being sold on the day of the event.

Concert tickets started at \$33.75 for general admissions with reserved seating costing \$50.75.

Event Center box office agent Shelpi Gupta said more tickets had to be released to fulfill the general admissions demand.

SENATE

continued from page 1

Romey Sabalius, professor of foreign languages, was concerned that input provided at the two open forums was not incorporated into the document.

The resolution was passed after two amendments were made regarding references to the importance of academic freedom and reducing faculty workload.

Terri Thames, a psychologist in counseling services, made the final reading of Resolution AS1273 regarding Academic Qualifications for Student Office Holders. The resolution was unanimously approved, as was AS1278, which formalizes the creation of the Heritage, Preservation and Public History Committee.

The committee will foster and preserve the history of SJSU.



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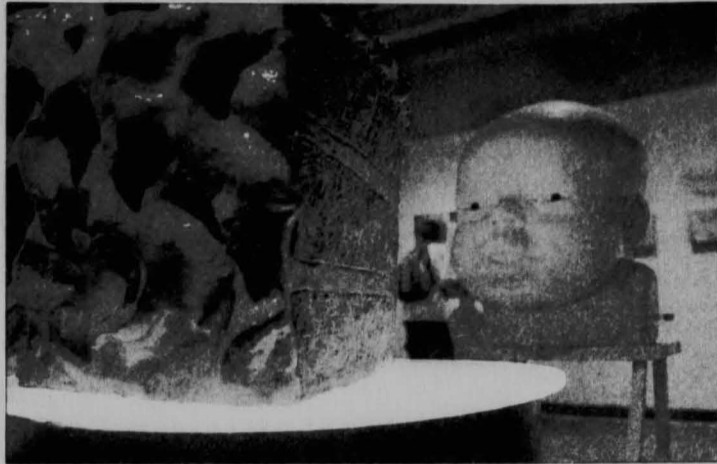
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Crying for cake ...

A sculpture of a baby's head is placed in front of a sculpture of a large piece of cake made by Adam Caldwell for his Advancement to Candidacy show in gallery 3 of the Art building. In the background, Michael Spillane, a junior majoring in spatial arts, looks at another work of art.



Jennifer Seigal / Daily Staff

TAXES - Service usually costs \$150 to \$200

continued from page 1

ture ID, such as a driver's license, passport or state-issued ID. Also, they must bring a copy of their W-2 form, which should be provided by an employer, a copy of last year's tax return and a Social Security card.

Foreign students must bring a copy of their passport and visa.

Senior tax specialist Tina Armendariz, a coordinator with the VITA program, said she is thrilled to be able to work with the students and help clients receive their tax returns sooner.

A tax return sent through the postal system takes anywhere from six to eight weeks to arrive to the taxpayer, Armendariz said, but with the new e-file software, however, it only takes two to three

weeks. "They're very appreciative — the people who qualify pay \$150 to \$200 to have their taxes done. To get it done for free, they're like, 'wow,'" she said.

Volunteers from Beta Alpha Psi, an accounting honors coed fraternity, will be applying classroom concepts such as accounting and finance to their experience "in the field."

"For some of the Beta Alpha Psi member volunteers, the tax field is what they will be going into upon graduation," said Shawn Fernandez, a Beta Alpha Psi member and participant in the program.

"So this VITA volunteer experience will prepare them for the clients and assignments they might see or experience at their first jobs out of college."

The computer speeds things up for both the VITA volunteer and the professional, shortening the time people wait for their tax return.

Speed becomes of the essence when a VITA taxpayer has to file complicated tax returns such as returns with itemized deductions and international student tax returns.

To clarify and check student-prepared returns, a few professional financial experts will be on hand at all times.

The Internal Revenue Service trains the student volunteers, who must pass an open-book, multiple-choice test by at least 70 percent, said Armendariz.

IRS employees, certified public accountants and professional tax preparers are exempt from the exam.

DOWNLOAD - File sharing bothers some musicians

continued from page 1

Doe" suits against IP addresses in one day, many of which targeted university peer-to-peer networks, according to an association statement. The next step for the recording association will be the subpoena for names and records of users from Internet service providers.

In a recent e-mail statement, Sherman said that the "lawsuits against university network users were designed to drive home the message to students that unauthorized downloading has consequences and that great legitimate alternatives are available." He noted that many universities are signing up with legal online music sites.

In December, the Pew Internet and American Life Project published a study on how artists and musicians feel about file sharing. Ninety percent of responding musicians said they use the Internet for innovation and ideas, while 83 percent offer free samples of their music online. Many of these musicians reported benefits such as higher compact disc sales, concert attendance and radio play because of this, the study found.

When it comes to copyright, 67 percent of paid artists said the copyright owner should have complete control. While 30 percent of paid artists said online file sharing is not a threat, 55 percent of paid artists said peer-to-peer networks should be illegal. Most of these respondents said they would go after the peer-to-peer companies rather than individual users. The study surveyed 2,755 musicians.

Foo Fighters guitarist Chris Shiflett said blaming peer-to-peer networks for financial woes in the recording industry is a tall order.

"It's hard to say how much that affects record sales," Shiflett said. "You can't measure that. For us, we are a rock 'n' roll band in an R & B world. Rock 'n' roll records just don't sell like they used to. It's probably less about peer-to-peer networks and more about record labels signing too many bands."

"To me it seems ridiculous to go after kids that are using peer-to-peer networks," Shiflett said.

According to the Electronic Frontier Foundation, a nonprofit focusing on civil liberties and freedom in the digital medium, these lawsuits represent a repeat pattern by copyright holders who

feel threatened by new technology. "Songwriters originally viewed radio the same way the music industry today views Kazaa users — as pirates," the foundation claims.

Instead of filing lawsuits against peer-to-peer users, the foundation is proposing "voluntary collective licensing" by which peer-to-peer networks would pay a fee to groups, such as BMI and SESAC, which represent and reimburse recording artists. This same remedy was used to settle disputes between the recording industry and radio more than half a century ago.

The foundation agrees that file sharing can violate copyright law especially when done on a massive scale, such as with piracy for sale and redistribution. But peer-to-peer networks should be treated differently, said foundation policy

by their users.

The recording association, along with the Motion Picture Association of America, filed briefs in support of MGM against Grokster, claiming in a January statement that companies such as Morpheus and Kazaa should be held liable for copyright infringement because of their history of encouraging this activity among their users.

Newitz said the implications are mostly peripheral, but nevertheless serious for technological innovation.

"Basically it's the entertainment industry's effort to make more people and entities liable for what they're already suing music fans for — copyright infringement," she said. "We argue that suing an inventor for what people do with her invention will produce a chilling effect in the tech industry."

The foundation, along with some tech companies such as Intel, feel that if the 9th Circuit's Grokster decision is overturned, it could reverse the 1984 landmark "Sony Betamax Ruling."

In this case, the Supreme Court ruled in favor of Sony against Universal Studios that producers of technology cannot be held liable for infringement committed by their customers, so long as their product has non-infringing capabilities. This was the precedent for the 9th Circuit's ruling in the Grokster case.

The foundation claims that this ruling has shielded companies from lawsuits, because copyright infringement can occur on a photocopier, a personal computer, CD burner or an Apple iPod. In its brief supporting Grokster, Intel condemned illegal file sharing, but claimed that liability for illegal use of a product would "stifle innovation and dramatically increase the cost of such technologies."

The Supreme Court will not rule on the Grokster case for a couple of months, Newitz said. But because the recording association feels it has no alternatives, individual lawsuits, such as the one against the Vique family, will continue.

The Electronic Frontier Foundation has a subpoena search on its Web site using IP addresses. Students who have used or are using peer-to-peer networks can visit the Web site to find out if their IP addresses are on the list.

"To me it seems ridiculous to go after kids that are using peer-to-peer networks."

Chris Shiflett, Foo Fighters

analyst Annalee Newitz.

"Sharing one file with a friend might be a fair use," she said. "This is a gray area. We do think that suing people who are using file-sharing networks is absolutely the wrong approach. We think the entertainment industry should recognize that peer-to-peer networks are, essentially, the 21st century's answer to the radio. Just as people are free to make personal copies of radio broadcasts, it would make sense to allow them to make personal copies from peer-to-peer networks."

On March 29, the Supreme Court heard oral arguments in the MGM v. Grokster case, an appeal by 28 of the largest entertainment companies in the world after they suffered a setback in the 9th U.S. Circuit Court of Appeals. At issue is whether the peer-to-peer network companies, such as Grokster, can be held liable for copyright infringement committed

CHARGES - District attorney will not press charges

continued from page 1

grabs DiNardo by her left arm, above the elbow, and with his left hand points his finger into DiNardo's face," Officer J. Celano wrote in the report after viewing the videotape.

According to the police report, "the way Glass grabbed DiNardo is consistent with DiNardo's injuries."

Twelve days after the incident, an officer took six digital photos of DiNardo's arm, which had "gray and brown tinged bruising on the upper region of (her) left arm."

In a statement to campus police, Glass said the only way his actions would have caused bruising to DiNardo's arm is, "only if she bruised incredibly easy."

Glass said in the report he touched her "very lightly."

According to the report, Glass said he remembered Silva and DiNardo both trying to explain something to him.

Glass said he believed DiNardo to be "very disrespectful and unrelenting ... (DiNardo) was out of control and needed some sort of restraint."

Glass said he did not walk away because he was trying to solve the problem.

According to the report, Glass said he believed DiNardo was acting "kind of crazy."

"Tarah asked me if she

should tell (Silva) to stop, and I said she shouldn't. ... I told her to let it go," said Jennie Wilson, DiNardo's teammate.

After viewing the video recording of the incident, Celano wrote in the police report, "DiNardo was able to free her arm after approximately three to four seconds. Glass then attempts to swat DiNardo, or attempts to grab DiNardo a

"I'm a little disappointed the season has ended this way."

Jennie Wilson, teammate

second time. DiNardo was able to step back to avoid Glass' second attack."

With 12 witnesses, six photos and a video of the incident as evidence, Celano recommended a charge of battery be filed against Glass.

According to the California penal code, battery is charged when a person used force or violence and the use of force was willful.

After reviewing the investigation, Santa Clara County

District Attorney Mike Fletcher decided not to press charges against Glass.

"We must be able to prove to the jury (the charge) beyond reasonable doubt — and make sure (making the charges is) an appropriate use of the community resources and time, Fletcher said.

"That is not to say (this case) is or isn't appropriate for the resources and time."

Fletcher said he was unable to make any specific comments about the case.

Edward Ajlouny, DiNardo's attorney, said even though criminal charges will not be brought against Glass, civil charges against Glass and possibly SJSU are "likely."

Wilson said dance team coach, Jenise Mills, received word that the team had been suspended from its final two performances from an e-mail written by Bill Penrod, Spartan Foundation assistant executive director, who also oversees the dance team.

"I'm a little disappointed the season has ended this way," Wilson said.

"My coach didn't read the e-mail word for word, but she said (the suspension) was because of the incident. (The e-mail) said there was inappropriate behavior from some teammates."

Penrod said he has no comment about the incident or the suspension.

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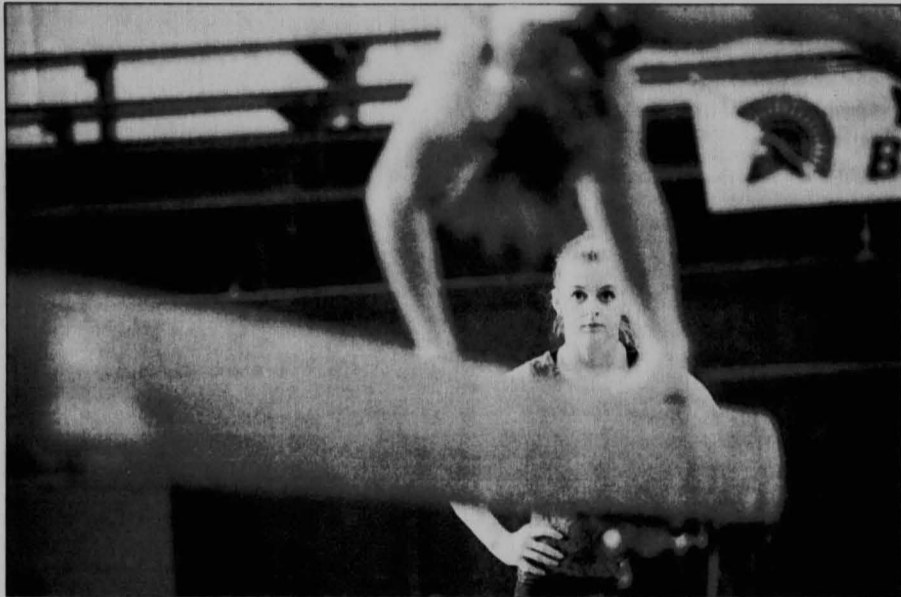
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Jennifer Seigal / Daily File Photo

Spartan gymnast Kelsey Spellacy spots a teammate on the balance beam during practice on March 9.

Spartans finish second

Cal State Sacramento wins conference championship

By Shannon Barry
Daily Staff Writer

Coming off three strong meets, San Jose State University's gymnastics team headed to the Mountain Pacific Sports Federation women's conference championship at UC Davis on March 25.

SJSU placed second in the six-team meet scoring a 192.025 total.

CSU SACRAMENTO	194.550
SJSU	192.025
UC DAVIS	191.400
SEATTLE PACIFIC	190.275
AIR FORCE	189.500
ALASKA	189.275

only losing to defending champion Cal State Sacramento's 194.55 total.

The championship brought gymnasts together from UC Davis, Seattle Pacific University, the Air Force Academy and the University of Alaska, Anchorage.

"I knew it would be a battle between Sac State and San Jose," said Spartan head coach Wayne Wright. "I never see (Sac) perform as well until they compete against us."

Screams echoed throughout the recreation hall as the gymnasts performed on four events — balance beam, floor, vault and uneven bars — striving for scores of a perfect 10.00.

SJSU began the night on the beam with flips, toe points and round-offs. Amberly Klein scored 9.825, closely followed by Tiffany Parcasio and Jennifer Greene who both scored 9.725.

Coach Wright said the team's floor exercise was a turning point in the meet. The team scored 46.95 compared to their high vault performance of 48.675 later that night.

"As a team, floor is our strongest event," said Greene, who placed third on vault. "We were overconfident and it kicked us in the butt."

Freshman Michelle Minotti, the top SJSU scorer with her second place total of 38.700 in the all-around, said the team did well recovering on vault, but it was hard trying to recover from a poor performance on the floor exercises.

"We're a much better team than how we performed, but that's gymnastics," Wright said. "Sometimes you have a bad night and we had a bad floor (performance)."

Shella Martinez, assistant coach of the team, said a mistake is nec-

essary in order to learn, but this year only sophomore Greta Leach, Minotti and Greene will advance individually to the NCAA West Regionals in Seattle on Saturday.

"It is really exciting, but it will be hard without the whole team," Leach said. "Hopefully we can represent San Jose well."

Leach said she competed as the first freshman in SJSU's history in regionals last year. Minotti will follow in Leach's place this year as the second freshman to qualify for regionals.

At the end of the championship, Greene was honored for her 9.875 on vault and 39.025 on the all-around sharing Co-Gymnast of the Year honors with Sacramento's Nirvana Zaher.

"Every year since I have been here the (team) has done better," Wright said of his four-year tenure. "Regionals is a good atmosphere, especially for the younger gymnasts."

As the gymnasts head out to NCAA regionals this week, Wright is still looking to the success of the team in the future.

"Making it as a team is always a reward and there is no doubt we will be there as a team in years to come."

Softball team salvages one of three against Golden Hurricane

By Ashley Little
Daily Staff Writer

Spring break wasn't a time for relaxation and sleeping for the San Jose State University softball team.

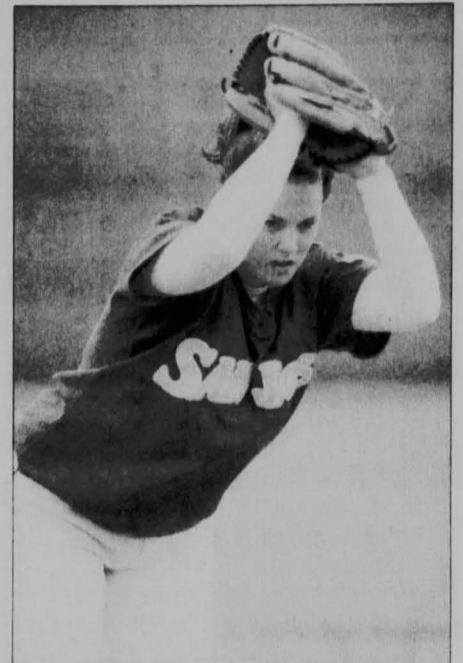
Playing at home the Spartans faced Brown University for two games on March 28 and the University of Tulsa for three games last Friday and Saturday improving their overall record 25-16 and their Western Athletic Conference record 1-2.

During the conference doubleheader, the Spartans split with Tulsa. Both teams were scoreless until outfielder Elisa Barrios hit a triple to right

SOFTBALL NOTEBOOK

Overall record **25-16** WAC record **1-2**

Team went 2-3 during spring break



Ryan Balbuena / Daily File Photo

San Jose State University pitcher Carol Forbes prepares to pitch the ball against Colorado State University at a game in the Spartan Classic on March 20 at SJSU Field. Forbes split two decisions on Saturday against the University of Tulsa.

field bringing in infielder Kasey Igarta during the bottom of the 12th inning and giving the Spartans a 1-0 lead.

This was the only run against Tulsa for SJSU in the three-game series.

Infielder Charlie Hill said she has not been hitting like she wishes so she could drive in more runs.

"I need to get my hitting back to where it was," Hill said. "I feel like I haven't been helping the team out like all the rest of the team has. I definitely need to get in my zone again."

Along with her great performances up at bat, Barrios perfects her position in the outfield game after game.

In the bottom of the 10th inning, Barrios delivered an impressive catch for the day. She put on a show with an acrobatic catch after she went for a fly ball near center field to end the inning. With the ball falling to her, she was able to gracefully reach back and catch the ball for an out.

Barrios brings determination and is a leader in the outfield, said outfielder Courtney Lewis.

"If we're practicing and she is not satisfied with one play, she will practice it ten times for the one that she missed," Lewis said. "We all notice her work ethic and I believe it makes us want to work that hard as well."

Pitcher Kat Castro helped the Spartans to victory, striking out three batters, walking three and allowing five hits.

"For the rest of the season, for me I just want to still improve and to never just settle," Castro said.

Pitcher Carol Forbes came in to relieve Castro and help her get out of the ninth inning for the win, improving her own record 15-12.

Meeting a 2-0 loss against Tulsa in game one of the doubleheader, Barrios, first baseman Lindsey Allen, and designated player Heather Lopez delivered hits for the team.

"I think our team just wants to do as well as we can," Lewis said. "We don't look ahead any further than the next game. We can't think about the future because it is

greatly influenced by what we do today."

Forbes pitched a complete game, allowing two earned runs on six hits and striking out three batters.

Losing was no joke for the Spartans Friday in their first game against Tulsa. The only run scored for Tulsa came from a stolen base after Forbes walked Tulsa short-stop Stacey Walkingstick.

Stealing second base and advancing to third put Walkingstick in scoring position.

Walkingstick stole home, sliding under catcher A.J. Hill's tag at home plate. The Spartans tried to rally but were unable to come back with hits only delivered by infielder Michelle Kelley, Lewis and Hill.

"Keeping the defense a constant is a must," Hill said. "Every one of us will have our ups and downs with our hitting but this year there's always someone to back you up. With defense there's no second chance, that's where we really need to pick it up. Errors are not acceptable."

Earlier in the week SJSU met Brown in a non-conference doubleheader on March 28. Losing the first game 3-2, the Spartans battled back winning game two 7-3.

"As a team we just need to come together and not let winning get in our heads," said Castro.

The Spartans play Stanford University at 7 p.m. Wednesday at the Smith Family Stadium.

Giants to host opener against rival Dodgers

SAN FRANCISCO (AP) — One day this past winter, Matt Herges pulled out a storage box stuffed with newspaper clippings from the Los Angeles Dodgers' surprising sweep of the Giants in the first series at San Francisco's pristine new waterfront ballpark early in 2000.

Herges is on the other side of the rivalry now, eager for the season-opening three-game set starting Tuesday against his former team, the defending NL West champion Dodgers — even if Barry Bonds won't be in the lineup.

"It'll bring back memories," the San Francisco reliever said, recalling Kevin Elster's three homers for Los Angeles in the Giants' 2000 home opener after he'd been out of baseball for nearly two years. "I kept newspapers. I kept everything. I kept the ball from it. ... Playing the Dodgers definitely spices things up, especially if it's opening day."

Los Angeles knocked the Giants out of playoff contention on the final weekend last season at Dodger Stadium, only adding to the fuel of this already intense rivalry. San Francisco is favored to win the division this year despite the absence of its star slugger, sidelined indefinitely following two operations on his right knee.

Jason Schmidt, coming off a career season in which he won 18 games and was a finalist for the NL Cy Young Award, starts for the Giants against Derek Lowe.

"There's definitely a sense of urgency to win it this year," Schmidt said. "Careers are very short. Guys are here because they want to win now. The window is closing."

The 6-foot-6 Lowe, a right-hander, won 14 games for the World Series champion Boston Red Sox last season, getting three victories in the postseason.

And he knows a thing or two about rivalries, having dealt with the New York Yankees for all those years.

"I'm going to go in there with the same expectations as if it's going to be as intense as Boston-New York," Lowe said. "Those are special games, and I'm very fortunate now to have had a chance to play in both of them. But you're not going to win or lose the pennant by playing the San Francisco Giants. I said that in Boston about the Yankees."

Giants manager Felipe Alou planned to start talented utilityman Pedro Feliz in Bonds' spot in left field on opening day. Feliz brings down the age of baseball's oldest outfield, which regularly would feature the 40-year-old Bonds, 37-year-old Marquis Grissom in center and 38-year-old Moises Alou in right.

Bonds, the seven-time NL MVP, has said he could miss half the season or even the whole year, but nobody seems to believe that.

"Barry Bonds in any one of the four years I've managed here obviously puts an interesting spin on any given offensive situation," Dodgers manager Jim Tracy said.

SPRING BREAK SOFTBALL SCORES

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Friday to Saturday

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vs. Brown
March 28

Game one L 3-2
Game two W 7-3

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English department hires two new members

Candidates were selected from a pool of more than 120

By Sarah Holcomb
Daily Staff Writer

The English department at San Jose State University will welcome two new faculty members in the fall.

Katherine Harris and Adrienne Eastwood accepted the positions offered to them as assistant professors by the department earlier this month, said Scott Rice, English department chair. Both said they are excited to come to SJSU despite having to relocate.

"I was ecstatic because I had applied for other jobs, but the whole time I was watching San Jose," Harris said.

Harris went to Cal State Los Angeles for her undergraduate studies in English, and currently lives in New York City. She said that while she'll miss being close to so many museums and art galleries, the California weather would be a nice change.

"It's snowing outside right now so I can't think of anything I'll really miss, it's really cold here," Harris said in a phone interview.

Before applying for the position at SJSU, Harris said she got her master's at New York University and also taught there for a year and then taught in the City University of New York system for about five years. She is currently finishing her dissertation for her doctorate at the graduate center within the CUNY system.

Harris said her special areas of literature include the Romantic period between 1780 and 1837.

"It's a brief historical period," Harris said. "I specifically work on women's writing through that period, but I also work on digital studies. What happens to the book and text when it comes on to our screen?"

Eastwood, who currently resides in San Diego, said she was willing to relocate to San Jose.

"I was totally thrilled," Eastwood said. "And I get to teach a Shakespeare class my first semester."

Eastwood also said San Jose is a de-

sirable place to live because it is still in California.

"It's always been my dream to teach Shakespeare, I wanted to get a job where that was the focus," Eastwood said. "I also wanted to stay in California."

Eastwood said she lived in Philadelphia and Chicago before, but she was born in California and enjoys living here.

Harris said she applied for the position at SJSU because she had a good experience in California when she was in Los Angeles.

"Not only do I enjoy the environment, I always said that I'd be happy to go back and teach at a CSU school," Harris said. "It's a large system that serves a non-traditional community. It requires me to be a

"On balance, they had the kind of prep we wanted."

**Scott Rice,
chair**

very inventive teacher, which is what I really enjoy."

One of the reasons Harris accepted the job offer was the impression she got from the campus and the faculty in the English department.

"Everybody gave me an exact impression of what the department is like," Harris said. "A lot of people try to sell their department, but everyone was up front about everything that was negative."

Harris also said she enjoyed the relaxed environment of the department. She said at some universities, campus visits could be very formal and structured. At SJSU, she said it was very relaxed and unstructured, which she liked.

"I had a couple hours with Andy Fleck and he said it was OK for me walk around by myself," Harris said. "They don't want to get involved in everything their faculty do, which allows them to be autonomous. It allows me to be creative in terms with working with students."

Rice said Eastwood and Harris were chosen out of a pool of more than 120 applicants. Rice said the hiring process is "fairly extensive."

When a position at a university opens, the university places with popular writing and language associations.

Applicants submit their applications and curriculum vitae, which is a detailed outline of academic accomplishments, and then that paperwork is reviewed by a hiring committee at SJSU, Rice said.

Eventually, four finalists are chosen to come to SJSU to visit the campus. During the campus visit, the applicants are required to give a presentation to some of the other faculty members. Students are also invited to sit in on the presentations and ask questions.

Rice said Eastwood and Harris were chosen because of their experience and their attitudes.

"On balance, they had the kind of prep we wanted," Rice said. "We were impressed by their personalities and the interest they showed in San Jose State."

Rice said he had interviewed other applicants who didn't know very much about the university, despite the amount of information provided on the Web site. Harris and Eastwood had gone through the Web site with a fine-toothed comb, Rice said, and they had a lot of questions for the SJSU faculty.

Harris said even though the process was long, the administration in the English department made it easy for her.

"In signing all the contracts and doing the administrative things they were just fantastic," Harris said.

"It was a dream in the process as well as being a dream job."

Focusing in ...



Shaminder Dulai / Daily Staff

Danny Sanchez, a photo and television, radio, film and theatre major, makes adjustments to a camera while Tony Patane, a digital media art major, observes. Sanchez was creating an advertisement style photograph for an assignment titled "Product in Environment" for Yvonne Williams' Photo Lighting class. Sanchez said he chose to photograph pizza "because I'm always sitting in class saying how hungry I am."

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