Housing project under way
Developers plan to start off-campus complex this year

By MIKE CHAMBLISS
News Writer

A new housing development is being planned for the residential area directly east of Notre Dame's campus.

Developers Dan Foley and Nicholas Tyszka, who boast five Notre Dame degrees between them, plan to build a subdivision of upscale duplex villas and single-family homes called "Irish Crossings." The development, contingent on a Sept. 9 St. Joseph County Council vote, is slated to be located on an 8.2-acre lot between Burdette Street and Wills Avenue. Between 30 and 60 units would be constructed on the lot, ranging in price from $189,000 to $300,000.

The lot was last the site of a prior attempt to build an exclusive tailgating park by developer Kay Pargrass of Go Park Enterprises. Due to strong objections from community members, many of whom profit from game-day parking business, the tailgate area proposal was voted down by St. Joseph County Council.

Foley and Tyszka claim that everyone in their design will be owner-occupied, thus helping prevent deterioration or the possibility of turning into student rental property. Tyszka anticipates that the development, estimated at a total value of $127 million, will be home to many Notre Dame faculty members, administrators and alumni.

A student swipes his ID card to unlock the door to a residence hall on Tuesday. A new campus-wide policy designed to ensure dorm security at all hours of the day was implemented last week.

Locked doors heighten dorm security

By CLAIRE HENINGER
News Writer

As move-in weekend drew to a close and the steady flow of futures, fridges and 24-2s of blue Powerade entering Notre Dame residence halls dwindled, many students were surprised to find their dorms locked last Tuesday.

According to a new directive from the Office of Residence Life and Housing, all entrance doors to both male and female dorms must remain locked 24 hours a day, with a student ID necessary for access.

Unlike previous years, student residents and nonresidents do not have to enter their birth date when opening a door before parietals; after hours, however, the code is required and only dorm residents may enter.

The final change applies to students visiting residence halls that are not their own. Previously, students could enter through any door before parietals with a quick swipe of their ID card. This year, visit-

Hours added to SMC/ND shuttle schedule

By ANGELA SAOU
News Writer

Saint Mary's refused to compromise safety for schedule reorganization of the shuttle between the College and Notre Dame, taking on the sole financial burden of extra weekend hours.

Earlier this semester, Linda Timm, Saint Mary's vice president of Student Affairs, received an e-mail detailing cuts in the College and Notre Dame, promising safety for schedule reorganization.

"My concern is that our students use the shuttle often on the weekends," Timm said. "We felt that adding hours on Friday and Saturday was most important." Shuttles will now run until 2 a.m. on Saturday and Sunday mornings.

During shuttle schedule reorganization, Timm received several parent phone calls regarding students' safety.

"It was comforting to be able to tell parents that we were already looking for ways to accommodate our students," Timm said.

In the event that Saint Mary's students need transportation after shuttles stop running, they may call Saint Mary's security from the Grotto. Timm and other school officials are considering moving the call location to a more secure area with better lighting.

Regardless, Timm advised that "students should try their best to get back during the time the shuttles are running."

Contact Angela Saoud at saoud303@nd.edu

NDFCU replaces accommodations of Cashier Services

By JOE TROMBELLO
News Writer

The Notre Dame Federal Credit Union will replace many of the services offered by the defunct Cashier Services Office, formerly located in the Main Building, said associate controller Tom Guinan.

Guinan said University officials agreed to close the Cashier's Office at their spring meeting and operations ceased June 30.

The decision was made based on a variety of factors, Guinan said, although the addition of a Notre Dame Credit Union branch to the LaFortune Student Center made the services of the Cashier's Office — including in­free cashing of student personal and work checks — no longer necessary.

"The arrival of the Notre Dame Federal Credit Union to the base­ment of LaFortune last year resulted in duplication of certain functions performed by both the Cashier's Office and the Credit Union, particularly as they pertained to student banking services," Guinan said. "The Credit Union indicated that they would be willing to perform other key functions handled by the Cashier's Office, namely processing departmental deposits and student tuition payments."

"With the Credit Union processing such payments, deposits and payments would be placed in the bank a day earlier and armored pickups at the Cashier's Office would no longer be necessary," he said.

Guinan said that he believes the change will ultimately prove beneficial to all parties and noted that additional services, such as hours until 7 p.m. on Thursday and Friday at both the LaFortune and the Douglas Rd. branches, will improve the services offered.

"We're hoping that, after the transition period is complete, students, faculty and staff will find that the Credit Union and the University have developed plans to not only maintain the key services formerly provided by the Cashier's Office, but also to enhance them," he said.

Michael Cruise, vice president of branch operations for the Notre Dame Federal Credit Union, said the credit union is expecting an increase in business.
Almost everyone has a crazy story to tell about their 21st birthday. After years of drinking with an underage label, and having to bug older friends to go to the store for me, the day that I had ultimately reached the milestone was finally here: Monday, Sept. 1, 2003. No longer was I barred from the bars. It was time to enjoy my freedom in the world of alcoholic beverages.

My day started out great. I had to wake up early in the morning to go to class on my birthday. The rest of the day is a blur, but several people have let me know that they saved IM conversations with me from that night. So to tell about their 21st birthday.

Now I have my own.

The perfect day for 21

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**CWIL grants 10 fellowships**

*By ASHLEY DYER*

Saint Mary's has granted 10 fellowships this year through the Center for Women's Intercultural Leadership (CWIL). The fellowships, all of whom are women, study a variety of academic fields, ranging from psychology to social work.

Each component is to be completed in the context of gender affecting culture and society. Professor Patricia Hancock of Saint Mary’s has previously served Saint Mary’s as an adjunct professor in the social work and anthropology departments. “I enjoy the fellowship immensely,” Hancock said. “I love teaching in the department of social work because the students come wanting to learn.” Hancock also serves on the board of directors of the Prevent Child Abuse Council. 

Nusair joins the CWIL fellowship program as a faculty member in the women’s studies department. “It is exciting to be a part of an intellectual community embedded in a community of activists,” Nusair said. Nusair is currently completing her dissertation analyzing three generations of Palestinian women and their relationship to Israel in context of generational problems. Before coming to Saint Mary’s, Nusair received a Peace Studies degree from the University of Notre Dame. She also served as a researcher on the Human Rights Watch as well as the Euro-Med Human Rights Network.

Belinda Laumbach comes to Saint Mary’s from Rainsville, New Mexico. Laumbach has an extensive background in teaching, specializing in the scope of bilingual education. She has worked on the university level for nine years and is furthering her study in minority participation on school boards. Her current work focuses on determining if women and men have equal leadership positions within the Latino culture. Laumbach is helping to supervise education students with their final graduate preparations and student teaching.

Six months following graduation, Baltes volunteered with the Holy Cross Associates, serving in a homeless shelter in Phoenix, Ariz. She then returned to her hometown of Dayton, Ohio and worked as a substitute teacher until accepting the position of assistant general manager of the Dayton Courtyard by Marriott. However, it was her experience studying abroad through the Notre Dame Immunkruck program sophomore year that turned Baltes towards other abroad opportunities.

Contact Ashley Dyer at dyer.865@ saintmarys.edu

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**SMC alumna receives Austrian Fulbright**

*By NATALIE BAILEY*

Leticia Baltes, a Saint Mary’s alumna, departs for Weiz, Austria this month as part of the Austrian Fulbright Program. Baltes received one of the one hundred nominations to the U.S. English Language Teaching Assistance Program in Austria. This program differs from other Fulbright programs in that grantees are insured and paid through the Austrian government, not the U.S. State Department.

Baltes earned a Bachelor of Arts from Saint Mary’s in 2001 with a major in humanistic studies and minor in public relations, in addition to a minor in German from Notre Dame. Six months following graduation, Baltes volunteered with the Holy Cross Associates, serving in a homeless shelter in Phoenix, Ariz. She then returned to her hometown of Dayton, Ohio and worked as a substitute teacher until accepting the position of assistant general manager of the Dayton Courtyard by Marriott.

Contact Natalie Bailey at bail1407@ saintmarys.edu

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**Have You Made Your Mark?**

**Fall Break Seminars**

**October 19-25, 2003**

**Deadline: Sept. 4**

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**Appalachia Seminar**

Explore the religious, social, political and environmental issues facing the Appalachia region. (Theo 364)

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**Cultural Diversity Seminar**

Experience the diversity of our nation through food, art and dialog with community leaders at sites throughout Chicago. (Theo 362/Soc 362/PHS 362)

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**Washington Seminar**

Meet with catholic public policy organizations, activists and government leaders as we study how Christians are called to live and work in the world. (Theo 363/POLS 313W)

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**The Gullah Seminar**

Examine the rich history and culture of South Carolina’s Gullah people, many of whom are descendants of slaves brought over from West Africa. (AFAM 368/CSC 355)

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**Rosebud Reservation Global Health Initiative Seminar**

Immerse yourself in healthcare and healthcare delivery on the Rosebud Native American reservation in South Dakota. (Theo 360)
Examining Identity exhibit opens at SMC

By Maria Fontenelle

The exhibition "d.d.a. 2003" is currently being presented at Saint Mary's Moeur Art Galleries, one of nine venues collaborating with the Michiana Museum Consortium in a project entitled "Examining Identity 2003."

The project began in July and will end next spring; the Saint Mary's exhibition started Aug. 29 and will continue until Sept. 26. The other events involved in the project are Michiana area museums, galleries and academic institutions.

The number and variety of the institutions involved reflects the complexity of identity, said Marcia Rickard, Saint Mary's interns associate dean of faculty and director of the Center for Academic Innovation.

"To add to that complexity, each of these institutions has a different constituency to address, from the university audience to the inner-city neighborhood," she said.

The project is connected through coordinated programing, publicly and speakers, she said, "to encourage connections and awareness among all of the exhibitions for all constituents." Each gallery, museum or academic institution involved in the Museum Consortium will present exhibitions, films, lectures and classes revolving around the common theme of identity.

An artist reception and opening for "d.d.a. 2003" will be held at M.A.G. Sept. 19 from 5 p.m. to 7 p.m. Participating artists include Amy O'Neill, Greg Stadler, H. Bader, Kathryn Long and Kristin Poweek-Nowlin. The art takes many forms, but each work deals with the idea of identity.

"The exhibition explores identity as a heterogeneous idea rather than a homogenous entity," said gallery director Krista Hoefle. Each piece should provoke questions and should allow contradiction," she added.

"Examining identity" is not the only theme of the exhibition, but also Saint Mary's academic theme for the upcoming year. Each year, faculty members decide on a theme for first-year students to explore in their classes. Each corresponding discipline then implements the theme.

The Department of Art at Saint Mary's will continue the theme in a series of events throughout the semester.

An upcoming performance by the Guerilla Girls will follow the "d.d.a. 2003" opening reception on September 19. The Center for Women's InterCultural Leadership (CWIL), in conjunction with M.A.G. and the art department, is sponsoring their visit as part of the identity series. The Guerilla Girls are a group of anonymous female artists, film makers, performers and writers who expose issues such as racism and sexism. Since 1985, they have toured throughout the United States, publicly appearing in gorilla suits to hide their identities in their protest against discrimination. They use the names of deceased women artists as pseudonyms and performers are rumored to be famous. M.A.G.'s last exhibition for the year will begin in November, giving first-year students a chance to show their projects dealing with the academic theme. The full schedule at Moeur Art Galleries provides a wide range of events open to the public.

Contact Maria Fontenelle at font0015@saintmarys.edu

New courses incorporate service

By AMANDA MICHAELS

Last spring, the Center for Social Concerns allocated four $5,200 grants to faculty members developing courses that combine community service and research projects.

The faculty members selected to receive the grants were: assistant professional specialist and concurrent lecturer in Romance languages and literatures, Isabel Jakab; philosophy professor and fellow of the Reilly Center for Science, Technology and Values, Edward Manier; visiting assistant professor of anthropology, Kimber Smith; sociology graduate student, Xochitl Boa; and assistant professor of anthropology, Karen Richman.

Using the grant, Boa expanded her Conversational Spanish course, allowing students to build their oral proficiency while working as an interpreter at the Center for Academic Innovation.

"To add to that complexity, each of these institutions has a different constituency to address, from the university audience to the inner-city neighborhood," she said.

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Room 330 Coleman-Morse Center

Contact Amanda Michaels at amichaels@nd.edu

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INTERNATIONAL NEWS

Israelis call for rubber bullet ban

JERUSALEM — The Israeli army must remove rubber bullets from the wrecker, a human rights group said Tuesday, after a commission of inquiry ruled they are too deadly for crowd control.

The Israeli military considers the rubber-coated bullets an anti-riot tool and soldiers routinely fire them at Palestinian stone throwers in the West Bank and Gaza Strip. Dozens of Palestinians have been killed by rubber bullets in the past 15 years, Israel and Palestinian researchers said.

The use of rubber bullets was reviewed by an official commission that issued a report Monday on the killing of 13 Israeli Arabs by police in riots in October 2000. Three of the presenters of that report were killed and dozens wounded by rubber bullets.

Guatemalan drug gangs flourish

LOS ANGELES — A federal appeals court threw out more than 100 death sentences Thursday, ruling that juries, not judges, must determine whether a defendant is eligible for the death penalty.

The 9th U.S. Circuit Court of Appeals said all life sentences for such defendants must be commuted, a policy supported by the American Civil Liberties Union.

"In challenging times we need leadership that knows how to make America safer, that knows how to put America back to work," Kerry told the crowd. "The president has misled America and he has made our path more difficult as a result."

The four-term senator made his formal announcement after months of campaign-style appearances and debates with the Democratic presidential hopefuls.

"I reject George Bush's radical new vision of a government that comforts the corporateable at the expense of ordinary Americans," Kerry said. "George Bush's vision does not live up to the American I enlisted in the Navy to defend."

John Forbes Kerry has the initiated of a one-time Democratic president — JFK — and the credentials to back it. (JFK Jr. — Kerry's father-in-law — earned a degree at Harvard, and Mass.-based senator is perceived as the front-runner early on in campaigns that mass of people are evaporated in the heat of rival Howard Dean's summer surge.

While the bulk of his speech was aimed at Bush, Kerry also took aim at his Democratic foes.

"Some in my party want to get rid of all tax cuts — including those for working families," he said. "That's wrong. We need to tax more on the side of America's middle class and I've proposed a tax cut for them because it's the right way to strengthen our economy."

Dean, the former Vermont governor, has used an aggressive anti-Washington theme to gain momentum, coupled with his staunch opposition to the U.S.-led war against Iraq. Dean, who has called for repealing all of Bush's tax cuts, vaulted to a 21-point lead over Kerry in New Hampshire.

"Today, with confidence in the courage of our people to change what is wrong and do what is right, come here to say why I'm a candidate for president of the United States," Kerry said.

Kerry was joined by crew members of a Navy gunboat he commanded in Vietnam, where he won a Silver Star, Bronze Star and three Purple Hearts. Introducing Kerry was a former Sen. Max Cleland of Georgia, who lost both legs and an arm in Vietnam combat. It is all part of Kerry's core argument that his military experience gives him unique credibility among Democratic contenders to confront Bush on national security issues.

"I am running so we can keep America's promise — to reward the hard work of middle class Americans and pull down the barriers that stand in their way and in the way of those struggling to join them," Kerry said.

NATIONAL NEWS

At least 100 death sentences tossed

SAN FRANCISCO — A federal appeals court threw out more than 100 death sentences in Arizona, Montana and Idaho on Tuesday because the inmates were sent to death row by judges instead of juries.

The case stems from a 2002 decision by the U.S. Supreme Court, in which the high court found that juries, not judges, must render the decision of whether someone is eligible for the death penalty.

In an 8-3 vote, the San Francisco-based 9th U.S. Circuit Court of Appeals said all death sentences for such defendants must be commuted, a policy supported by the American Civil Liberties Union.

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LOCAL NEWS

Plane crashes in Allen County

OSSIAN — A woman and two of her children were killed when a plane they were using for a family trip crashed a telephone pole during landing, crashed and exploded in a house Tuesday afternoon.

Stephen Hiltch, who was piloting the plane, raised Fort Wayne International Airport, where the family was staying and was their last known location, police said.

Witnesses said many people were wounded by the blast, one seriously, but Iraqi police Maj. Basil al-Anti told The Associated Press there were no fatalities.

There was little damage to the police building.

No group claimed immediate responsibility for the attack. Al-Ani said he could not blame any group in particular for the blast. Iraq's military police are often the target of attacks by Iraqi police.

"Al Qaeda was trained in Baghdad. We can't stay in Baghdad. We can't even stand in their face. Al Qaeda has killed us in our neighborhood. Al Qaeda is our enemy," Al-Ani told The Associated Press.

"Al Qaeda killed us last weekend. We killed Al Qaeda a week ago. Then Al Qaeda killed us again," he said.

He also said there were a few U.S. military police in a nearby academy as trainers for Iraqi police. None of the Americans were hurt, he said.

"This is Al Qaeda's way of conducting business, Al Qaeda's way of doing business," Al-Ani said.
At its LaFortune branch and has one additional staff to compensate.

"With our campus office locations at Dougherty Hall and LaFortune, as well as 11 on-campus ATMs and Internet on-line banking, we are able to conveniently serve the banking needs of the students," Cruise said.

He said students will not be required to open an account at the credit union. The only required checks made payable by Notre Dame. These services will not include a fee and students need only bring a valid student identification card.

Students displayed mixed reactions regarding the effect the closing of Cashier Services will have on them. Morgan Doty, a junior in the College of Science, said the change will not affect her.

"The closing of Cashier Services has had little effect on me," she said. "The services I use to the idea that we

Don Norton, however, said the change has definitely impacted his office because they frequented Cashier Services.

"My office used Cashier Services on a daily basis to deposit funds from the dorms, groups, clubs and other organizations that we monitor and advise," he said. "The closing of the Cashier Services has forced us to change the way we operate.

Norton said that, although the change from using Cashier Services to patronizing the Notre Dame Federal Credit Union has been "a fair amount of transition," he has noted a decrease in the speed of the banking services.

"At this time it is difficult to gauge how this will affect our office and the services we provide the groups of the Student Union," he said. "With the return of students back to school and the increase of traffic to NDPCU, we have seen a slow down in the process and our offices anymore," she said. "We miss seeing all of our students and staff.

Dulcet said that she feels fortunate to have retained her position as an employee of Notre Dame, although the new job change has meant she must learn a variety of new skills.

"I'm learning a whole new process here than that which I used to do at Cashier Services," she said. "It took some getting used to that one employee in our office and our positions anymore," she added.

"It's really a continuation of last year's success," Dulcet said. "It's nice to be able to enter one main door and not have to go around the building.

"It's clear that Student Affairs has the good of the whole campus in mind," she explained.

Father George Rozum, rector of Alumni Hall, found the changes in his dorm to be minimal. He said that, aside from the newly computerized dorm, "the doors are they as they always were. The access is the same for all the halls, but to halls residents only.

Rozum said that equality among dorms is important. "Every student must have equal access," Rozum said.

It's nice to be able to enter any hall during the daytime.

While the new entrance system promotes equality and security, many students have found it inconvenient.

"I don't know what it accomplishes," said senior Dave Blackman. "We all think it's unnecessary, especially during the morning and afternon hours when you are just trying to get into your dorm.

Shannon Leenings, a sophomore from Howard, agreed as she struggled to balance her books and umbrella while swiping her ID card Tuesday afternoon.

"I understand the reasons for doing it after parietals, but during the day it makes things more complicated," she said.

She said that the effort to promote student understanding of the new policy, Kachmarik said that Rozum and Dearbaugh both support the move.

Contact Mike Kachmarik at mkachm@nd.edu

Wednesday, September 3, 2003
Dow Jones 9,523.27 +107.45

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IN BRIEF

**Dollar and euro fallo **

The dollar and euro fell sharply against the yen Tuesday as U.S. investors, returning from a long holiday weekend, twisted the resolve of the Japanese government to keep its currency weak to help a nascent export-led recovery. The change appeared to be met in early New York afternoon trade, when strong bids from Japanese banks pushed the yen back slightly from a three-month high against the dollar and a five-month peak against the euro.

Traders pushed gas, oil futures **down**

Energy traders observed Labor Day, the unofficial end of the August driving season, on Tuesday by pushing gasoline and crude oil futures sharply lower.

Unleaded gasoline for October delivery finished the day at 8.52 cents per gallon, down 7.6 cents, or 8 percent, on the New York Mercantile Exchange.

The expectation of softer demand for gasoline triggered a selloff in October crude futures, which declined 3.16, or 7 percent, to 39.41 per barrel.

A week ago, gasoline futures traded at $1.08 a gallon, while crude futures traded at $31.95.

It could take a couple of weeks for the post-Labor Day dropoff in gasoline futures prices to filter through retail markets, but analysts said the worst is most likely over for motorists, who saw average nationwide pump prices skycraper to $1.75 per gallon a year ago.

A year ago, retail prices averaged about $1.41 per gallon.

"There's absolutely no question that we're way past the highs for the year," said Tom Kloza, director of Oil Price Information Service, a Lakeviile, N.J.-publisher of industry data.

That may be true for gasoline, but tension in the Middle East, Venezuela and other crude-producing regions could keep pressure on oil prices longer term. That could be bad for consumers who rely on heating oil, a crude derivative, once the home heating season begins, traditionally at the end of October.

U.S. secretay talks to Chinese officials

BEIJING — The U.S. treasury secretary said Wednesday that he had "good, frank, open" discussions with Chinese officials about concerns over their tight currency controls, and that both sides will likely make progress on the issue.

John Snow, who was in Beijing for a two-day visit, met with Chinese officials including the country's finance minister and central bank governor.

A main point in the talks is the Chinese government's control over the yuan currency. Citing its fixed exchange rate, China is a protectionist attempt to keep down the price of China-based exports in the world market.\[44x-221\]

The yuan is now slightly above its "fundamental" value, said Larry Weinberger, an economist at Prudential Securities.

Early in the day, the market moved steadily, rising initially but then slipping lower before recovering in the afternoon. Analysts blamed the market's meandering on the fact that the report was only a "preview" for many weeks, trading well above the lows they hit in mid-March.

"The market anticipated most of that (positive data) earlier in the year," said Matt Brown, head of equity management at Wilmington Trust.

Shaking off an early loss of 6.15, the Nasdaq jumped 31.03, or 1.7 percent, to $1,841.48, its fifth straight gain. The Nasdaq hasn't seen a higher closing level since April 1, 2002, when it finished at 1,862.62.

The Dow rose 107.45, or 1.1 percent, to $9,523.27, its highest closing level since June 19, 2002, when the blue-chip average stood at 9,561.57. The S&P 500 advanced 13.98, or 1.4 percent, to 1,021.99. The last time the S&P stood higher at the end of the day was June 18, 2002, when it was at 1,037.14.

The Dow's biggest winner was IBM, which soared $3.75 to $85.76 after Goldman Sachs upgraded computer hardware stocks. Dell, included in that upgrade, rose 97 cents to $33.59.

Goldman Sachs also raised its rating on software makers, which lifted Microsoft Corp. by 74 cents to $27.26 and PeopleSoft Corp. by 62 cents to $18.67.

The upgrades appeared to offset some other selling on doubts created by a mixed economic report.

The Institute for Supply management reported that its index tracking activity in the manufacturing sector rose in August for the second consecutive month. But the incremental improvement got a lukewarm reception from investors.

Wall Street was also unhappy with a poor showing in the report for employment in the manufacturing sector, suggesting that a recovery in that key area of the economy may be some ways off.

Analysts cautioned against reading too much into Monday's rally, saying it was driven more by momentum than improving economic fundamentals, especially where tech was concerned.

"Tech sometimes has a life of its own on a momentum basis," Brown said. "As that happens you need to watch valuations."

Outside technology, shares of Vivendi Universal SA climbed $1.85 to $18.25 and shares of NBC parent General Electric Co. rose 87 cents to $30.44 on news the companies were in exclusive talks over the sale of Vivendi's entertainment assets.
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The Observer • ENTERTAINMENT NEWS

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Wednesday, September 3, 2003

File-sharing searches may have been illegal

Associated Press

WASHINGTON — Lawyers for a New York woman accused of unlawfully sharing music over the Internet suggested Tuesday language made when it investigated her online activities and that a search of music files on her computer may have been unconstitutional.

The lawyers — Richard S. Ugelow, Glenn W. Petersen and Daniel N. Ballari — are asking a federal magistrate to delay at least until Sept. 10 ordering the woman’s Internet provider to turn over her name and address to the Recording Industry Association of America, the group for the largest labels.

In court papers, the lawyers said they may argue that the RIAA violated state and federal laws by intercepting the woman’s Internet address as its investigation.

The woman, identified in court papers as “nycfashiongirl,” is contesting a copyright subpoena.

She is the first to resist such a search.

Oppenheim also said the RIAA is contesting a copyright subpoena.

Oppenheim also said the RIAA violated state and federal laws by intercepting the woman’s Internet address as its investigation, scavenged file-sharing networks looking for songs to download.

The woman, identified in court papers only as “nycfashiongirl,” is contesting a copyright subpoena served by the music industry on her Internet provider, Verizon Internet Services Inc., to turn over her name and address in preparation for filing a lawsuit.

She is the first to resist such a subpoena.

The RIAA, which has served more than 1,300 such subpoenas, accuses "nycfashiongirl" of offering more than 900 songs by the Rolling Stones, U2, Michael Jackson and others for illegal download, along with 250 other computer files that included at least one full-length movie, "Pretty Woman.

The defense team said it also may argue that the music industry was improperly affiliated with law enforcement and thus its perusal of music files allegedly available on the woman’s computer violated April Amendment protections against unreasonable searches.

RIA vice president Matt O’Neill called the defense argument “surprisingly shallow,” adding that the claim raising questions about the woman’s Internet address “reflects a fundamental misunderstanding of how the Internet works.”

Oppenheim also said the RIAA was not affiliated with law enforcement, so restrictions against unreasonable searches do not apply.

"The Fourth Amendment clearly doesn’t apply to private parties. You learn that in first-year law school,” Oppenheim said.

"There are two more straws to grasp at,” said Evan Cox of the Business Software Alliance in an interview.

"They’re not going to get any more,” Oppenheim said.

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"They’re not going to get any more," Oppenheim said.
Debating same-sex marriage

The Observer Online www.ndsmcobserver.com

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The Observer Online is updated daily. The text of the Constitution and one woman. Neither this court nor the Court’s right to determine the constitutionality of the laws.

One can oppose the Court’s decision without approving the statute which defines marriage as between “one man and one woman.” Justice Sandra Day O’Connor concurred in the 6-3 decision on the ground that the convictions deprived the defendants of the “equal protection of the laws.”

Charles Rice

Right or Wrong?

The legal recognition of same-sex marriage will be an issue this year. Mention here of some details may help to put the discussion in context. In Lawrence v. Texas, the Supreme Court held unconstitutional a Texas law that forbade as a crime “deviate sexual intercourse,” as defined in the statute, between persons “of the same sex.” Justice Anthony Kennedy held that the conviction denied “due process of law” because it “sought to control a personal relationship that . . . is within the liberty of persons to choose without being punished as criminals.”

Justice Sandra Day O’Connor concurred in the 6-3 decision on the ground that the convictions deprived the defendants of the “equal protection of the laws.” One can oppose the Court’s decision without approving the statute which defines marriage as between “one man and one woman.” Justice Sandra Day O’Connor concurred in the 6-3 decision on the ground that the convictions deprived the defendants of the “equal protection of the laws.”

The Federal Marriage Amendment (FMA) (H. J. Res. 56) provides that “marriage in the United States shall consist only of the union of a man and a woman.” Neith...
The great downloading war

Two immutable forces stand on the brink of conflict: the internet and the music industry. This war has been brewing for years, with the music industry志于 defending its copyrighted content, and the internet providing a platform for unauthorized distribution. This latest battle raged between the Recording Industry Association of America (RIAA) and Napster, a company that allowed users to access all sorts of music at reasonable prices, as opposed to following the legal right to fight for its business, the RIAA has a serious problem. The RIAA must accommodate these extremely powerful consumers if it wants to survive. Downloaders cannot understand how they can pay $0.99 for a song online, meaning they can buy a whole album for $12 or less, while still paying $18.99 for the same song at retail CD. The pricing isn't worth $6.99 to Internet-savvy individuals.

Online music stores are the retailers of the future, yet they will only flourish if the RIAA modifies its business to embrace the online medium and if downloaders modify their habits to pay for what they get. The RIAA has a legal right to fight for its business, but it has a moral obligation to serve its customers. Downloaders have a moral right to expect good service from the music industry, but they have a legal obligation to obey copyright laws. The two forces must reconcile, or the music industry will be in serious trouble, and we will witness both an internet and a music revolution.

This column first appeared Sept. 2 in The Columbus Daily Spectator and appears here courtesy of U-Wire.

The views expressed in this column are those of the author and not necessarily those of The Observer.

Bush promotes negative legacy

In 2000, Bush campaigned upon meaningless slogans and the fact that he was a former president's son. His true vision for America did not appear until after Sept. 11. Looking at past presidents, those who entered office with a firm vision of what they wanted America to be when they left became the most successful in achieving their agenda.

Franklin Roosevelt, John Kennedy, Lyndon Johnson and Bill Clinton are just a few presidents in the last century who have been able to dream of a better America before taking office. All of these presidents have come from completely different eras with completely different problems, environments and situations that surrounded them as they took office. And, yes, each of these presidents has had individual faults. As different as they are, the common thread that sews these great presidents together is that they had the character to challenge Americans to be even greater than what we were before. When these presidents left office, they left America, as well as the world, a much better place for future generations to build upon.

What is the current administration going to leave behind for future generations? By playing on the fears that Americans have concerning terrorism, the Bush administration has been able to get what it wants by simply calling opponents "evil." As a result of this political strategy, Bush shoved the Patriot Act through Congress, which happens to be one of the largest desecrations of the Bill of Rights. Need I remind Bush that it is the Bill of Rights that separates our American Republic from Saddam's Iraq and Kim Jong-il's North Korea? This raises the larger question that if we are taking away our civil rights, what are we fighting for?

When Bush leaves office next year, he will not leave behind a better or stronger America. In fact he will leave behind a much weaker and poorer nation. When Bush was selected into office, he inherited more than a $5 trillion surplus and has turned it into a $4 trillion deficit. What does he have to show for it? Only tax breaks for the richest Americans and a war in Iraq that costs $1 billion a week, not to mention the loss of an American soldier's life almost everyday. Bush will leave behind 25 million Americans without health care, an economy that has only become worse since he came into office, an educational system that is ready to fall apart and a Veteran Affairs Department cut by billions. After Sept. 11, the President missed the opportunity to ask Americans to dream of a safer and more secure America. Bush could have echoed the message that Secretary Tom Ridge told Pennsylvanians when he resigned as their governor. "Do what you do every day, but only do it better." Bush could have asked Americans to take an even deeper part in each of our own communities by volunteering at local food banks, schools, hospitals and community centers. Bush could have asked Americans to join organizations such as Teach For America and AmeriCorps. Bush could have firmly told America that even though terrorists had attacked us on our homeland and took the lives of loved ones, they will never, never take away the freedoms, liberty and justice that make America so infinitely better than any other country on the face of the planet.

For America and AmeriCorps. Bush could have firmly told America that even though terrorists had attacked us on our homeland and took the lives of loved ones, they will never, never take away the freedoms, liberty and justice that make America so infinitely better than any other country on the face of the planet. Only we could take away what it means to be an American and Bush slowly is.

The views expressed in this column are those of the author and not necessarily those of The Observer.
Ben Lee changes his tune

By RYAN RAFFERTY
Scene Music Critic

Ben Lee first broke onto the Australian music scene in the early "90s, fronting the band Noise Addict. Within a few years, he left the group to pursue a solo career. His catchy acoustic folk songs and witty lyrics earned him the distinct honor of being a "boy next door" in Australia in the early 2000s. Lee's first album, Grandpaw Would, was not immediately successful outside of his homeland. Australia. Lee didn't win a gold overseas until the single "Cigarettes Will Kill You," off his third album, Breathin' Tornadoes, became popular on the radio. Then Lee took some time off to reflect and write his latest album, Hey You, Yes You. Lee said that, on his latest album, "I'm trying to express on this record the same things I'm trying to express in my life right now. It's all about leaving rough edges, keeping it dirty, not judging it. But Hey You, Yes You doesn't have a rough edge to be seen. In fact, it is a perfectly smooth and polished pop album. Lee teams up with producer Dan the Automator, known for his work with the Beastie Boys and his rap skills on Gorillaz's hit song "Clint Eastwood." In pairing with a producer known more for his work with hip-hop groups gives Lee's music a fresher feel.

The album starts off with the hook-heavy "Running With Scissors," which immediately shows off Lee's amazing ability to write catchy pop songs seemingly at the drop of a hat. Hey You, Yes You is a very accessible pop album, which is perfectly smooth and polished pop to their roots. Though this release is a hip-hop background, featuring heavily layered with drum loops and keyboards. Lee uses the studio setting perfectly. Every track on Hey You, Yes You is seamlessly pieced together with layers of hip-hop beats with acoustic guitars wonderfully. The extras on the album show just how much Lee used the studio to his advantage. A live version of "Chills" is included. Lee's acoustic guitar and it differs greatly from the actual studio version. The live version features only Lee and his acoustic guitar and a piano, which contrasts greatly with the drum machine, acoustic guitar, violins, keyboards and multiple samples used on the studio version. Overall, this is a fun and refreshing pop album. Every song on this album could essentially be a hit on the radio. Lee doesn't miss a step in this latest release and flawlessly creates a wonderful pop gem. Fans of any musical genre, from hip-hop to folk, will appreciate Lee's incredible ability to write foot-tapping good tunes.

Contact Ryan Rafferty at rrafferty@nd.edu

Hey You, Yes You

Ben Lee
F-2 Music

ALBUM REVIEW

Led Zeppelin wails on live release

By EMILY TUMBRINK
Scene Music Critic

Led Zeppelin has had a lasting reputation, especially on "Dazed and Confused" and "Whole Lotta Love." Jimmy Page was recently named one of the top 10 guitarists of all time by Rolling Stone magazine, Page definitely lives up to his skill. John Paul Jones' addition to their lineup is priceless. Though this release is a short covers of music by Elvis Presley, Muddy Waters, James Brown and others, and allows the band to pay homage to their roots. Though this release is a few decades late, how the West Was Won is definitely worth the wait. Those who have even the slightest appreciation for Led Zeppelin's music will benefit from experiencing their music in live performance. The noticeable variations between the live and studio-recorded versions of the songs included on How the West Was Won definitely make this album a worthwhile purchase.

Contact Emily Tumbrink at numa@nd.edu

ALBUM REVIEW

How the West Was Won

Led Zeppelin
Atlantic Records
Radiohead concert other worldly

British Band dazzles Wisconsin audience with live performances from their recent release

By DANIEL McSWAIN
Scene Music Critic

With Mars posed threateningly in the night sky, Radiohead emerged in front of a packed Alpine Valley Amphitheatre, a mammoth structure nestled in the Wisconsin fields right between someplace and nowhere. The ominous stage having been set by Mother Nature and Stephen Malkmus (Radiohead’s opener for the evening who, in favor of an early bedtime, went on way before schedule much to the crowd’s dismay) Radiohead went to work. As the band launched into their opening number, “2 + 2 = 5”, their elaborate stage set up whirred to life. A checkerboard of lights in the fourth dimension acted as the sixth member of the band, as its pulsating dance perfectly complemented the musical calculus that unfolded in front of it.

As the tempos of the songs gained momentum, the focus shifted to the angular onslaught of Jonny Greenwood and Ed O’Brien’s guitar work, and the band’s creation began.

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The band, displaying a finely-tuned clock-like dynamic, began to draw the crowd into their primordial ooze of sound, light and madness. Radiohead, displaying a finely-tuned clock-like dynamic, began to draw the plaster Wisconsin crowd into their primordial ooze of sound, light and madness.

While the band had been criticized lately for abandoning guitars for a more tangential interest in electronics and programming, both musical avenues received equal billing.

While the band had been criticized lately for abandoning guitars for a more tangential interest in electronics and programming, both musical avenues received equal billing.

As the band exited, the manipulated sonic gamut from sickeningly sweet to sickeningly sour filled the band’s closing number, “Everything In Its Right Place”, the reality floor began to give way beneath. As Jonny Greenwood took to the ground, cooing conversations out of a series of small computers and effects pedals strained sounds only grew, and they were joined by the word “FOREVER” scrolling in white across the backdrop of lights. All of this life, and not a human to be seen.

True love waits, and while the band won’t be accused of prudishly saving themselves at any point during the night, the two encores provided the most moving moments of the evening. Perched like a marble gargoylie on his piano stool, Yorke issued his subversive invitation to the crowd (and others not present) during “You and Whose Army?” the “call against arms” that Yorke’s lazy eye and lazier delivery made you feel so guilty you could just smile sheepishly and pretend he didn’t know everything.

As radiohead made you feel so guilty you could just smile sheepishly and pretend he didn’t know everything.

As the band regrouped for the second encore and began its closing number, “Everything In Its Right Place”, the reality floor began to give way underneath. As Jonny Greenwood took to the ground, cooing conversations out of a series of small computers and effects pedals strained sounds only grew, and they were joined by the word “FOREVER” scrolling in white across the backdrop of lights. All of this life, and not a human to be seen.

Contact Daniel McSwain at dmcslain@nd.edu
Cubs and Cards split day-night doubleheader

Associated Press

Cubs 4, Cardinals 2 (1st game, 15th inning)

Matt Morris outpitched Kerry Wood and Jim Edmonds hit his second homer of the day as the St. Louis Cardinals beat the Chicago Cubs 2-0 in the day-night doubleheader Tuesday night. Sammy Sosa hit a two-run homer in the 15th inning to give the Cubs a 4-2 win in the four-hour, 47-minute contest.

Morris (9-4) allowed five hits in seven scoreless innings. He got his first win since June 25 and ran his career record to 15-11.

Justin Klemm. In the bottom of the seventh, Augie Ojeda, recalled from the minors Monday, was 0-for-21 with the Cubs this season when he singled to left off Jeff Fassero (1-7) to start the bottom of the 15th.

One out later, Sosa connected on a 2-6 pitch.

Fernando Vina doubled to lead off the 14th — the Cardinals' first hit since the second inning and moved to third on a fly ball by Mark Guthrie (2-3) retired Mike Matheny on a comebacker to end the threat.

Palmeiro saved the Cardinals in the ninth, leading off the in field to make a spectacular catch of Martinek's two-out drive with left fielder Moises Alou were ejected in the bottom of the seventh after Palmeiro's eighth-inning flyout.

Sosa hit his 36th home run of the season in the third, but the bases loaded and Utley followed with a tie-breaking two-out, two-run homer by Wily Mo Pena off Wes Obermueller, who was charged with the game losing streak.

After Endy Chavez gave the Expos a 3-2 lead on an RBI infield single in the eighth, the Phillies came back against Javier Vazquez (12-9).

Jim Thome walked with two outs in the eighth and Mike Lieberthal deposited the ball behind the left-cent field fence.

Rhul Cormier (5-0) pitched the fifth inning, and Dan Pasca worked the ninth for his second save.

Thome hit his 38th homer and Anaury Telemaco allowed two runs in seven innings for the Phillies, who are in the middle of a stretch of playing 27 consecutive days.

The Phillies had won four of five since losing six straight, and moved into a tie with Florida for the NL wild-card lead.

The Cubs have lost five straight since sweeping a four-game series against the Philadelphia Phillies in Montreal last week.

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The Cubs had almost a run in his last three starts, spanning 26 innings. He gave up five runs and eight hits in eight innings.

Brewers 4, Reds 3

Keith Ginter hit a two-run homer and Eddie Perez drove in two runs as the Milwaukee Brewers beat the Cincinnati Reds.

Perez hit a tiebreaking double, his third hit of the game, off Danny Graves (4-15) in the bottom of the eighth after the Brewers squandered a 3-0 lead.

Milwaukee has won 13 of 15, including a 10-game winning streak.

Cincinnati tied it in the seventh on a two-out, two-run homer by Willy Mo Pena off Wes Obermueller, who was biding for his first major league victory.

He had allowed only three hits in the fourth inning until Pena connected. He struck out four and walked four over seven innings.

Scott Podsednik led off the first inning in Sung Kang, and Pena followed with his 11th home run of the season off Paul Wilson. The Reds added a third run on an RBI single by Perez that followed walks to Richie Sexson and Wes Helms.

The Cubs restored their lead over the Montreal Expos to 2-1 after Wood and Sosa doubled and scored on a two-out, two-run homer by Wily Mo Pena off Wes Obermueller, who was charged with the game losing streak.

Morris had two hits and an RBI, followed three runs — two earned and six runs and struck out eight in 6 2/3 innings. Williams, who made the All-Star team of the ninth, leading off the in field to make a spectacular catch of Martinek's two-out drive with left fielder Moises Alou were ejected in the bottom of the seventh after Palmeiro's eighth-inning flyout.

As the Cubs took the field in the eighth, Alfonseca charged out of the bullpen area along the left-field line and threw the ball at Klemm and then slid Alou, who had to be restrained by teammates Kerry Loffum.

Edmonds, who also homered in the opener, led off the second with his 36th home run of the season in the third, but the bases loaded and Utley followed with a tie-breaking two-out, two-run homer by Wily Mo Pena off Wes Obermueller, who was charged with the game losing streak.

Thome hit his 38th homer and Anaury Telemaco allowed two runs in seven innings for the Phillies, who are in the middle of a stretch of playing 27 consecutive days.

The Cubs had almost a run in his last three starts, spanning 26 innings. He gave up five runs and eight hits in eight innings.

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Athletics go extra innings to extend winning streak to 10

**Baltimore —** Mark Ellis drove in the tiebreaking run with a 12th-inning sacrifice fly and Chris Singleton added an RBI single as the Oakland Athletics won their 10th straight Tuesday night, 2-0 over the Baltimore Orioles.

It was the ninth consecutive loss for the Orioles, four of which have come against Oakland. Baltimore is 0-7 against the A's this season.

Miguel Tejada led off the 12th with an infiel hit off Jorge Julio (0-7) and took second on a walk to Scott Hatterig. A throw to the mound advanced the runners, and a four-pitch walk to rookie Bobby Crosby loaded the bases.

Ellis lofted a fly ball to left field on the 12th pitch of his at-bat, and Tejada scored as Melvin Mora's throw went to third base. Earlier in the game, Tejada was thrown out at the plate by Mora on a fly to left.

Singleton then singled off Buddy Groom for a 2-0 lead. Ricardo Rincon (8-4) got the final out in the 11th and Keith Foulke worked the 12th for his 38th save.

Oakland outfielder Terrence Long was ejected by plate umpire Marvin Hudson after striking out Long was ejected by plate umpire a chest-bump despite being restrained by As first base coach Brad Fischer.

Tejada scored the winning run on a throw from catcher Jose Molina to pitcher Mike Hampton.

Rangers 8, Royals 7

Rayne Nix hit a three-run homer and Mark Teixeira drove in two runs, and the Texas Rangers held on to beat the Kansas City Royals.

The Royals scored four runs in the fifth inning, but fell short when Francisco Cordero struck out pinch-hitter Aaron Guiel and Brad Brance to end it with a runner on second for their fourth straight loss. Kansas City fell three games behind the Chicago White Sox and a game back of Minnesota in the AL Central.

The Rangers have won the first two games of the three-game series after losing the first six meetings between the teams this season.

Nix's sixth homer put the Rangers in front 3-1 in the fourth and five innings after the Royals had taken a 3-0 lead after three innings.

Rangers starter Isabel Valdes (9-8) allowed three runs and six hits over five innings. He struck out two and walked two.

Valdes was away from the team over the weekend to be with his wife, Karina, who gave birth to the couple's first child, Ismael Jr., on Saturday night in McAllen, Tex. Valdes rejoined the Rangers on Monday.

Ryan Drese pitched three innings of shutdown relief then loaded the bases in the ninth with none out.

Cordero relieved and gave up a sacrifice fly to Angelo Henrris, an RBI double to Joe Randa and a two-run single to Mike Sweeney before finishing for his 12th save in 21 chances.

Sweeney homered and went 3-for-4 with four RBIs for the Twins.

Twins 12, Angels 6

Rookie Michael Ryan hit a three-run homer and Cristian Guzman had a three-run triple as the Minnesota Twins beat the Anaheim Angels.

The Twins, who moved within a game of the AL Central-leading Chicago White Sox, built a 12-1 lead after four innings and finished with 14 hits to make a winner of Kyle Lohse (12-10). Minnesota gave up 21 runs in its previous two games — both losses.

Shawn Wooten went 2-for-3 with two runs scored and two RBIs for Anaheim, which lost for the first time in four games on its road trip.

Miguel Tejada was thrown out by Mora while trying to score on Erubiel Durazo's fly.

In the bottom half, the Orioles scored four runs in the ninth, but fell short when Boston manager Grady Little said the slugger was healthy enough to play DH. Little said Ramirez wasn't being punished, but it's clear the Red Sox aren't happy with him.

Ramirez missed the weekend series with the New York Yankees with a shortstop — the same ailment that forced pitcher Pedro Martinez to miss a start the previous week — yet was spotted out Saturday night.

When Little asked him to pinch-hit Monday, Ramirez said he was still "too weak."

And the Red Sox didn't need Ramirez.

Burkett has been trying to get his 10th win since Aug. 12, going 0-2 in his last four starts. He wasn't his sharpest Tuesday, hitting three batters, but he was still too much for the White Sox.

Burkett (10-7) scattered three hits and a run over six innings, striking out four. Byung-Hyun Kim pitched the ninth for his 12th save in 15 chances.

**Tigers 8, Indians 6**

Even good things turn bad for the Detroit Tigers this season. Cody Ross, who was called up from Triple-A Toledo on Monday, hit a grand slam for his first major league home run then needed to be carted off the field with an apparent serious left knee injury in the eighth inning, and the Detroit Tigers beat the Cleveland Indians.

Ross was injured after stepping on first base in the eighth, hobbling out of a sacrifice on Cleveland reliever Jack Cressend's throwing error. Ross was writhing in pain, holding both knees while Tigers personnel attended to him. He was taken off the field on a housed cart.

Dmitri Young hit a tiebreaking homer in the fifth as the Tigers won their 35th game of the sea- son. Detroit needs to go at least 8-17 the rest of the way to avoid matching the 1962 'New York Mets' record of 120 losses in a season.

The teams combined for six home runs.

Brian Schmack (1-0) pitched 1 1-3 innings of scoreless relief.
Bryant's lawyers making preparations for trial

Attorneys subpoena hospital to see rape accuser's medical records

DENVER — Kobe Bryant's lawyers have subpoenaed a hospital to see his accuser's medical records — the first indication they might make her mental health an issue if the sexual assault case against the NBA star goes to trial.

The subpoenas were disclosed in a court filing by a hospital in Greeley where the 19-year-old accuser was treated in February after police at the University of Northern Colorado determined she was a "danger to herself." The subpoenas were denied in a court filing by a hospital in Greeley where the 19-year-old accuser was treated in February after police at the University of Northern Colorado determined she was a "danger to herself." The subpoenas were denied.

Camps have refused to say whether the woman attempted suicide saying only that the hospitalization was for a mental health issue.

Attorneys for the North Colorado Medical Center and its psychiatric care center asked a judge to quash the subpoenas and destroy the records already sent to him, citing medical privacy laws.

The woman's attorney told the hospital she has "explicitly not waived her medical privilege," the filing said.

Calls to the accuser's attorney and Bryant's defense team were not returned Tuesday. Attorneys for the hospital also did not return a call.

Bryant is charged with sexual battery assaulting the Colorado resort employee June 30. The Denver Lakers star has said the sex was consensual. An Oct. 9 hearing will determine whether there will be a trial.

Information about the woman's mental health might never be presented to the jury if the case goes to trial, a legal expert said. "Whether that would be allowed depends on whether there's anything else there other than (attempted) suicide, some other indication of mental instability or something that would point toward her being an unreliable observer or witness," said Granger Smith, a professor at the University of Colorado law school.

Meanwhile, an Iowa college student pleaded innocent Tuesday in federal court in Denver to making a death threat against Bryant's accuser in a profanity-laced telephone message last month.

John Roche ignored reporters outside the courtroom. He remains free on $250,000 bail.

U.S. Magistrate Patricia Cosan barred Roche from drinking alcohol and limited his travel to Colorado and Iowa. A Nov. 3 trial was scheduled.

Roche's attorney, Nathan Chambers, said there was a good chance of a plea bargain, but he would not elaborate.

Some Web sites have disclosed the identity of Bryant's accuser, and the judge in the case has said letters sent to authorities included death threats. Also, the father of Bryant's accuser called police at least twice in recent weeks to report suspicious incidents.

Roche, a University of Iowa student, is accused of leaving a message on the woman's answering machine July 27. The caller threatened to assault the woman with a coat hanger and repeatedly vowed to kill her.

Female athletes had a 76 percent graduation rate, a 1 point increase from last year, according to the NCAA study. Male athletes were at 55 percent, also a 1 point increase.

The greatest progress came in men's basketball, where scores improved by 10 percentage points, from 61 to 71 percent, among black players in the highest echelon, Division I-A.
Coach Pete Carroll wants to make sure his team doesn’t get too arrogant.

Associated Press

LOS ANGELES — Impressive as it was, Southern California coach Pete Carroll wants to make sure the Trojans don’t get too giddy over their opening victory.

USC picked up right where it left off last season, beating Auburn 23-0 on the road on Saturday. The win, which moved the Trojans up four spots to No. 4 in the national rankings, was their opening victory.

“We’re really pleased to get off to that kind of start,” Pete Carroll USC coach said Tuesday. “We’re really pleased that we’ve handled it all the way down the field. We’ve handled the pressure of playing on national television, and the guys who were in the game Aug. 30. The Trojans defeated the No. 6 Tigers 23-0 to open their season.

Chow was similarly impressed.

“Quarterback Matt Leinart, a red-shirt sophomore who has taken over for Heisman Trophy winner Carson Palmer. Leinart, who played in three games last season but didn’t throw a pass, was 17-of-30 for 192 yards and a touchdown at Auburn and didn’t commit a turnover. He handled the whole thing extremely well, played like a poised upperclassman and veteran guy, we were thrilled about that,” Carroll said.

“Unfortunately, we can’t linger on that and enjoy it. The next one is coming up,” added Chow, a longtime assistant at BYU before joining Carroll’s staff at USC.

The Trojans finished fourth in the final poll last season — Carroll’s second as their coach— going 11-2 including a surprisingly easy 38-17 win over Iowa in the Orange Bowl.
Couch beginning to cope with new role as backup QB

Former No. 1 overall draft pick willing to sacrifice playing time for good of the team

Associated Press

CLEVELAND — No injury hurt Tim Couch as much. No loss has been as tough for him to forget.

When Couch was stripped of his job as the Cleveland Browns’ starting quarterback a few weeks ago, his world briefly crumbled. He had not been a backup since his first game as a rookie, and the 1999 No. 1 overall draft pick did not exactly embrace the demotion. But time has helped, and Couch has finally come to terms with his new role as Kelly Holcomb’s backup.

“Never an easy thing,” he said. “But this is where I am right now. I just realized there is no reason to go through this season miserable.”

Even though it’s a tough time, you’ve got to be upbeat and you have to be positive and you have to do what’s best for the team,” Couch said. “This team isn’t about how I feel.

Instead of practicing with the first-team offense, Couch is on the sideline watching Holcomb hand off to William Green and fire passes to Kevin Johnson as the Browns prepare for their opener Sunday against the Indianapolis Colts.

Couch isn’t in this week’s game plan. The Browns are Holcomb’s team now. They have been since Cleveland coach Butch Davis decided to go with his “gut feeling” by naming Holcomb as his starter to begin the year.

Last week, Couch admitted Davis’ decision was a blow he never expected. He struggled to accept it, trying to figure out what he had done wrong to lose his job.

He acknowledged he allowed the decision to affect his preparation for an exhibition game in Detroit. Couch replaced Holcomb in the third quarter and fumbled his first snap. On Cleveland’s next possession, he threw an ugly interception.

Couch’s body language that night at Ford Field said it all. His shoulders dropped, and his chin was down.

“I wasn’t into the game emotionally,” he said. “I just felt like I was going through the motions, and that’s not something that I was trying to do. It was just a tough week for me.”

To survive this season, he knew he had to change his outlook. Teammates have been supportive, and Davis gave Couch a huge boost when he said that the Browns would probably need him at some point this season if Holcomb gets hurt.

“That was a wakeup call, for sure,” Couch said. “I think everyone in this league realizes you have to have two good quarterbacks to get through a season. Even though it’s tough standing over there and waiting your turn, you have to be ready when it happens.”

Couch played much better in last week’s preseason finale against Atlanta, going 7-of-8 for 144 yards, including a 57-yard TD pass to Dennis Northcutt.

“Even though it’s a tough time, you’ve got to be upbeat and you have to be positive,” Couch said.

“Even though it’s a tough time, you’ve got to be upbeat and you have to be positive.”

Couch has taken enough hits in four seasons to know Holcomb probably won’t make it through all 16 games.

“I have to be ready,” he said. “If something happens to Kelly, I’m going to come in and handle the demotion very well. I’ve accounted for that. We’re going to win football games. Right now, I have a positive attitude about everything. I’m working hard at practice, and I’m just trying to get better and get myself ready.

“If something happens and I go in, I don’t want to be the reason why we lose. I want to be the reason why we win.”

Cleveland Browns quarterbacks Kelly Holcomb and Tim Couch look over plays during Cleveland’s exhibition game against the Atlanta Falcons Aug. 28. Couch, a former No. 1 overall draft pick, was recently named the backup to Holcomb.
Bonds returns home after exhaustion attack

Associated Press

SAN FRANCISCO — Barry Bonds took a seat in his big leather recliner and let out a contented sigh. He was home again.

Bonds returned to Pacific Bell Park on Tuesday night for his first home game with the San Francisco Giants since the death of his father, Bobby, on Aug. 23. He relaxed on the big chair in front of his bank of lockers before taking the field for batting practice 2 1/2 hours before the Giants' game against Colorado.

The Giants don't anticipate any reoccurrences of the exhaustion that prompted Bonds to spend Sunday night in a Phoenix hospital, but they'll keep an eye on the superstar slugger during San Francisco's five-game homestand.

Bonds had a rapid heartbeat, shortness of breath, dizziness and chest pains when he was scratched from the lineup a few moments before Sunday's game. He wondered if he was having a heart attack during batting practice, and the Giants sent him to the hospital.

An EKG exam revealed atrial fibrillation, and he was kept overnight for observation. But the symptoms had disappeared by the time he got the game-winning hit in the ninth inning of San Francisco's win over Arizona on Monday.

"I think the emotion triggered a few things, but he's pretty good at checking those emotions," trainer Stan Conte said Tuesday. "I think it's still more about the exhaustion. In a situation where it's potentially dangerous and potentially life-threatening, you want to be as careful as possible."

Bonds had blood tests in the hospital last weekend, and the results will be revealed later in the week. Conte will do "nothing special" to keep an eye on Bonds this week, he said.

Bonds initially returned to the Giants last Saturday, hitting his 653rd career homer off Randy Johnson. He's just seven homers shy of tying his godfather, Willie Mays, for third place on baseball's career list.

But he has barely slept since Aug. 14, when he took his first stint on the bereavement list to spend time with his father, who had been ill for nearly a year with lung cancer, a brain tumor and other ailments.

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SMC Activities Night - Wed, Sept 3 (Regina Hall, Saint Mary's, 6-9:00 p.m.)

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Agassi advances to quarterfinals of U.S. Open

Associated Press

NEW YORK — A long, raucous day turned into a short one for Andre Agassi.

The two-time champion moved into the U.S. Open quarterfinals Tuesday night when Taylor Dent quit because of a hamstring injury with Agassi leading 6-7 (5), 6-4, 7-5.

It goes into the books as Agassi’s 200th career Grand Slam match victory. If he wins the tournament, he’ll be the Pete Sampras at 203, the third-most in the Open era behind Jimmy Connors and Ivan Lendl.

“To see him injured is outright disappointing for everybody. It doesn’t matter if it’s my 200th or first match. That’s not way you want it to end,” Agassi said. “It started to become apparent he was struggling with the leg. I was surprised he was unable to continue.”

Their match was the first one that started and the only one completed because of off-and-on showers.

Top-seeded Kim Clijsters and No. 5 Amelie Mauresmo were sent home at 5 p.m., when their quarterfinal was postponed. Other matches pushed back until Wednesday: No. 3 Lindsay Davenport vs. No. 24 Paula Suarez, No. 2 Roger Federer vs. No. 13 David Nalbandian, and No. 7 Carlos Moya vs. No. 22 Yunes El Aynaoui.

There also was another postponement: the retirement ceremony for Michael Chang that was supposed to be held between the night matches at Arthur Ashe Stadium.

The tournament referee’s office was the site of the biggest buzz of activity Tuesday afternoon.

Rain washed out chunks of action for a second day, and officials said the tournament might not finish on time.

“One forecast right now is not all that optimistic,” said Arlen Kantarjian, U.S. Tennis Association CEO of pro tennis. He was talking about the weather, but he might as well have been referring to the logjam of delayed matches.

Shortly before 6 p.m., the top-ranked Agassi and unseeded Dent went out on the court to warm up. They played 34 minutes, long enough for Agassi to go up 5-4 in the first set, before rain returned and they walked off. A little more than an hour later, the match resumed, with Dent breaking back to 5-5 and then winning the set on a 109 mph second-serve ace while rain fell.

During the changeover after the set, referee Brian Earley came out to check the court, saying to Agassi and Dent: “If you guys both want to stay out here, we’re willing.” But eventually play was stopped again.

Then, at about 8:40 p.m., Agassi and Dent were playing the second set. It took nearly another hour, though, for matches to start on other courts, including Todd Martin against French Open champion Juan Carlos Ferrero, and No. 5 Guillermo Coria against Jonas Bjorkman. Crowds of 100-200 spectators were at those encounters.

When Agassi and Dent resumed, they traded service breaks early in the second set. That’s when Dent began favoring his right leg — which he originally hurt in practice a few days ago — and was managed by a trainer during two changeovers. He relies on a booming serve that can top 130 mph, but that speed dropped because he couldn’t get a full push from his legs, and Agassi broke once more in the set’s last game.

Purdue features younger players in key roles on team

According to Purdue sports information director Tom Tracy, the Boilermakers two-deep depth chart is littered with freshman who will likely see significant playing time.

“Some, it’s a different tact. And I think it’s been successful this year,” Tracy said. “The fact he came in at defensive end Ray Edwards, strong safety Bernard Pollard, and defensive end Doug Van Dyke. Tiller, starting his seventh season as Purdue’s coach, did not say how much playing time he expected the freshman to see, but acknowledged all five are likely to see significant action throughout the season.

For a team loaded with veterans, it’s a different tact. And Tiller says he can’t remember the last time he’s had so many freshmen on the depth chart.

Part of the explanation is that Tiller needed depth, but the bigger issue was that they earned the jobs.
NCAA FOOTBALL

CSB Polls

USA Today/AVCA Volleyball Poll

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**About the Nation**

Wednesday, September 3, 2003

**CBSSN/AVCA Men's Volleyball Poll**

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Clarett likely to miss entire 2003 season

COLUMBUS, Ohio — Ohio State athletic director Andy Geiger said Tuesday night that he doubted sophomore tailback Maurice Clarett would return to the defending national champions this season.

"I'm not optimistic about any number of games at this point," Geiger said.

Earlier Tuesday, coach Jim Tressel said Clarett would no longer practice with the team until questions about his eligibility are answered — an abrupt reversal from 10 days earlier when he was allowed to work out with the second-ranked Buckeyes.

For the first time, Tressel said Clarett would miss much of the season.

"It appears ... the suspension is going to be significant. It's going to be long," Tressel said.

On Aug. 22, Tressel and Geiger announced Clarett's suspension from the team. However, they said Clarett would be permitted to practice with the Buckeyes while the NCAA and an Ohio State panel looked into off-the-field problems and charges of academic fraud.

Clarett watched Saturday night's 28-9 victory over Washington Saturday night at Ohio Stadium.

In Brief

Lions' Stewart out for year

ALLEN PARK, Mich. — Detroit Lions running back James Stewart will miss the season after separating his right shoulder in the final exhibition game.

Stewart was injured on a return by reserve by Detroit, which acquired Olandis Gary on the weekend to replace him. Detroit's leading rusher the past three seasons was hurt during Thursday's preseason game against Buffalo.

Coach Steve Mariucci said the next day he hoped Stewart would return by the sixth week of the season. Tuesday's move eliminated that possibility.

Stewart, 31, spent five seasons with Jacksonville before joining Detroit in 2000. The Lions' running game was devastated by the sudden retirement of Barry Sanders just before training camp in 1999.

"The best thing for James and for the team is to put him on IR," Lions president Matt Millen said. "Looking at the injury, he is going to require surgery at some point in time. We have been told there is an 85 percent chance the thing would come out again.

"The best thing to do is to get the surgery now, because it has to be done."

Within minutes of Stewart's injury, Millen was talking to Buffalo president Tom Donahue about acquiring Gary, who now will carry the brunt of the team's rushing assignments. He rushed for 1,159 yards in 12 games as a rookie in 1999, but knee and leg injuries have limited Gary to 455 yards over the past three seasons.

Koch activated from DL

CHICAGO — The Chicago White Sox activated former closer Billy Koch from the disabled list before Tuesday night's game against the Boston Red Sox.

Koch went on the disabled list Aug. 12 with a sore right elbow. In a four-game rehab stint at Triple-A Charlotte, he was 0-1 with a 4.91 ERA.

"It went well. My arm feels good, which is No. 1," Koch said. "The last two times out I felt real good out there. I threw the ball where I wanted to, which is the biggest thing. My mechanics were good, arm didn't hurt, and I like I said, that's the biggest thing."
Jones has an offensive role, but only the coaches know

**FOOTBALL**

**WILLINGHAM KEEPING QUIET ABOUT HOW HE WILL USE TWO-TIME LEADING RUSHER**

*By JOE HETTLER Sport Editor*

Notre Dame coach Tyrone Willingham is keeping quiet about the role of returning running back Julius Jones, which doesn't surprise anyone.

"I prefer not to give away exactly what those are," Willingham said. "Traditionally, as a coach, I'm reluctant to do that because as soon as I say how many minutes he's playing, and he doesn't play it, he's very disappointed. I've learned you don't get into that area. It will happen. You know we want to get him in."

Jones returned to the Irish after being dismissed in the summer of 2002 from the University after his third season on the field. He was reinstated this past summer after spending time working out and taking classes at Arizona State.

Willingham welcomed Jones back to the football team and definitely has a plan for Jones and 1,000-yard rusher Ryan Grant.

"I can't shed any light on what the role will be, but Julius has had an excellent camp, Willingham said. "He's done all of the things that I've requested of him and that the university has requested of him."

"He's got himself in a position to be a major contributor for our team. We've got a pretty good combination to work with."

From walk-on to backup

Last week, fullback Josh Schmidt fully realized how far he came from being a spring season walk-on to his freshman year to the backup behind Rashon Powers-Neal this season as a junior for the Irish.

Schmidt was walking in from practice and was unsure whether his name had been called for an interview in the press room. Instead of asking, Schmidt simply assumed it was someone else's name because he was never interviewed before.

After the reporter waited for over 40 minutes, a Notre Dame sports information official went looking for Schmidt and found him eating dinner. Finally realizing that his name had actually been called, Schmidt raced downstairs only to see that the reporter had left for the day.

Fortunately, Schmidt was able to give his interview later that week.

But for a guy that wasn't on the team during his freshman fall, the experience of being a definite figure in Irish football has been exciting.

"There are differences. From strictly running just scout team work to being with the full team, it's a big difference," Schmidt said. "It's nice not having to go against the No. 1 defense."

Schmidt was on the fourth-team last season and played late in the game against Rutgers. But his steady improvement, along with the loss of several fullbacks to graduation left the door open for Schmidt to become a integral part of the team in 2003.

Offensive line coming together

Irish offensive coordinator Bill Diestrick knows his offense is ready for Saturday's contest against Washington State. He believes the team has made solid improvement in recent weeks.

"We're excited to get started. I think we've had a very good camp and I know we're really excited to get on the field and just get to a game," Diedrick said.

Diedrick also added that quarterback Carlyle Holiday has looked impressive in practice and that the offensive line is continuing to show improvements.

"With Carlyle's progress, he's continued to make progress during camp and I feel very, very positive that he feels very confident and comfortable now within the offense," Diedrick said.

"With the offensive line, we're beginning to get that chemistry together and our rotation is looking good. We're not as far as we want to be and we'll be farther along by midseason, but we're so much farther along then we were before fall camp."

Hillard likely will play for Saturday

Nose tackle Cedric Hilliard has missed the last few practices with a sprained left ankle, but the fifth-year defensive lineman said he will be ready by Saturday against Washington State.

"The left ankle is feeling pretty good and I'm ready to go play football again," Hilliard said.

Hilliard, who started the past two years and a half for the Irish alongside Darrell Campbell, was named to the All-American third team by Athlon last season after recording two sacks and 39 total tackles. Senior Greg Pauly will also see action at nose tackle against the Cougars.

Contact Joe Hettler at jhetler@nd.edu

Running back Julius Jones puts his helmet back on at a fall camp practice on Aug. 20.

**D-Line continued from page 24**

and was used as a pass rushing specialist for most of last season.

Tuck's improvement in stopping the run has helped him become an every down player.

"It's easy to go run and get the quarterback. But when you don't have to stop and play run and take on blockers along the way, that's something that's not natural if you've never played that before," Mattison said. "So the biggest key is to show him how to use his ability and his leverage to learn to stop the run."

Tuck may be somewhat inexperienced as an every-play lineman, but Campbell and Hilliard give the Irish plenty of experience, with both returning for their fifth years. The duo brings a combined 45 years of starting experience to the line and want to end their careers on a high note.

Schmidt, who recorded six sacks last season, while Campbell added four sacks and five tackles for a loss. The two have played together the last three years.

"(Cedric and I are) always in the trenches together," Campbell said.

"It's battleworn and ready. In my first year as a starter, Hilliard added two sacks and three tackles for a loss in 2002. He also gained valuable ability that will help him in his second year as an Irish starter. He will be opposite Tuck at left end.

Senior Greg Pauly will switch in and out with both interior lineman and is expected to contribute significantly to this year's unit. He played in just under 100 minutes last season in 13 games.

Campbell understands the success of the entire defense begins with the front four. The defensive line had success last season by pressuring the quarterback throughout games, with the aid of a blitz. This freed up the Irish secondary and allowed them to have an extra player roaming on pass plays.

This year the defensive tackles have to replace players like Shane Walton and Jerome Sapp, making the defensive line's job of pressuring the quarterback even more important.

"Coach Mattison always harps that a good defensive unit starts up front," Campbell said. "It always starts up front so we need to make it easier for the defensive backfield to capitalize on misplays by the offense."

With the first game against Washington State three days away, Mattison knows his unit is eager to play against an opponent.

"They're probably thinking to themselves that they can't wait to play someone different," Mattison said.

Contact Joe Hettler at jhetler@nd.edu

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**The Observer ● SPORTS**

Wednesday, September 3, 2003
FOOTBALL

Ready at a moment's notice
Practices focus on developing depth for season's unexpected three seasons,

By JOE HEITTLER
Sports Editor

Darrell Campbell knows what makes a good defensive line become a great one. He also knows the Irish have that element this season. "Your defensive line is only as good as the guy behind you," Campbell said. "Anybody can go down at any time, so it's important to have everyone on the same page just as good as the No. 1 guy. From that standpoint, everybody has to be as good as or better than the guy ahead of them when they go in there. The Irish return three starters from a year ago:

Campbell, Cedric Hilliard and Kyle Budinscak. They also have experience in junior Justin Tuck and senior Greg Pauly, who will rotate in the interior.

One of defensive line coach Greg Mattison's goals for practices was to improve not just the starters, but their backups, too.

"I'm really pleased with the development of some of the younger kids," Mattison said. "That's what we tried to get out of camp — to try and establish a kind of two-deep rotation of some sort, and I think we're heading closer and closer to that."

Last year's unit will have to replace graduate Ryan Roberts, who lead the defensive line with eight sacks. To fill that void, Mattison moved in Tuck, who converted from linebacker.

"Your defensive line is only as good as the guy behind you."

Darrell Campbell
Irish defensive tackle

See Also
Jones has an offensive role, but only the coaches know

Irish defensive end Justin Tuck sacks Pittsburgh Rod Rutherford last season at Notre Dame Stadium.

SMC SOCCER

Belles go on the road looking to go 3-0

By ERIK POWERS
Sports Writer

The undefeated Saint Mary's soccer team will travel across Indiana today to face Taylor University of Grant County as Indiana today to face Taylor University of Grant County as Indiana.

By JUSTIN SCHUVER
Sports Writer

Saint Mary's will have to deal with more than just a boring ride on the road when they open their MIAA season at Albion College today.

According to coach Julie Schroeder-Biek, three of the Belles' key players might miss the Albion game.

Libby Anne Caskey has strep throat and will not play, while Lillian Allynna misses the game. Outside attacker Michelle Turley has a foot injury and will probably also miss the contest.

Outside attacker Allynna Sheek sustained an ankle injury and will probably miss the match, but her coach said she may possibly still play Wednesday.

Regardless of her starting roster, Schroeder-Biek feels her team has the capability to deal with the adversity.

"We've got good depth and I feel that people will step up," she said.

Albion (3-1, 0-0 MIAA) is coming off a weekend tournament in which they placed third with wins over Ohio schools Heidelberg and Bluffton. The Britons also lost in five games to Franklin, Ind.

The Britons are led by Eliza Lee, who dished out 895 assists in her first year with Albion. She was also the team leader in service aces (60) and second in digs (230) in the 2002 season.

Krystle Weeks had an equally impressive season last year and is expected to help pace the Britons offensively this season. Weeks led last season's team with 243 kills and ranked second on the team with 36 blocks.

Saint Mary's 0-1 (0-0 MIAA) has previously had several competitive matches with Albion, and Schroeder-Biek doesn't see any reason for that to change this year.

"They are very comparable to us as a team," she said. "We're each at about the same stage of growth.

Schroeder-Biek believes that opening conference play on the road will be good experience for her young team.

"I do like traveling early in the season, because it gives a good bonding experience for the girls," she said. "We love playing at home with our crowds, but there's also a good group of parents that follows us when we're on the road."

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Two Saint Mary's soccer players participate in a scrimmage last month.

SPORTS

U.S. OPEN
Andre Agassi advances to the quarterfinals in a soggy day at Forest Hills Meadows, N.Y.

MLB
San Francisco outfielder Barry Bonds returns to the lineup after a bout with exhaustion.

NFL
Cleveland Browns quarterback Tim Couch talks about his future after his demolition to the second team.

Kobe Bryant's lawyers subpoena his accuser's medical records.

The Athletics defeat the Orioles 2-0 in 12 innings to run their win streak to 10 games.

The Cubs and Cardinals split a key divisional doubleheader at Wrigley Field.

At a Glance

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