Students approve fees

The results of the referendum will remain preliminary until they are reviewed by Vice President of Student Affairs Corniel Morton and President Baker, which is likely to take place later this week. Athletes and supporters celebrated their narrow victory Thursday night at Mott Gym, complete with live music and cigars.

Men and women's swimming and diving coach Dan Newhouse was exuberant by the time they finished voting on the referendum. He said that since there was no written or verbal contract saying that his program would have been eliminated, traditionally it is the smaller sports, like swimming and diving, that see the first cuts.

"It will benefit my program, as it will benefit all the programs here at Cal Poly. It will keep these sports viable and competitive in the Big West," Firman said. "We have a sister campus, Cal Poly Pomona, it is supposed to help the smaller athletic programs. It is our only difference, but it helps."

Some students have raised questions surrounding the actions of ab-

UPD bike auction kicks off today

Many students ride their bikes to and from campus.

"Rather than have them stolen or vandalized, what we do is we put notices on them and then three days later we cut the locks and put them in safekeeping," Erickson said.

If the owner comes back in September looking for a seized bike, the police release it for a fee after verification by description. Only a handful of "nice" bikes are seized each year, said Marlene Cramer, business services coordinator for UPD. However, they bring in the majority of the money at the event, which averages about $2,000 each year, she said.

The money raised by the auction goes into a bike trust used to pay for the expenses of the auction and for bike patrol maintenance and repairs, Cramer said.

The bike auction has been held every April for about five years. This year there are significantly fewer bikes at the auction. An average of 60 to 80 bikes have been auctioned in past years, Cramer said.

The changing attitudes come at a time when an industry that was once one of North Carolina's economic mainstays has been pushed aside by a state increasingly focused on high technology.

With the decline in smoking and the rise of overseas growers, the number of tobacco farmers in North Carolina has fallen 39 percent in the past decade and the amount grown has been cut in half.

"No importance has declined relative to the new economy," said UNC history professor Jim Leloudis. "The balance in some cases has tipped ... it's no longer so central that it is untraceable."

see Smokind, page 2

INSIDE

Softball suffers weekend loss

49ers take double-dip from Mustangs IN SPORTS, page 12

 Ephedra ban should raise skepticism

Manufacturers did not participate in studies IN OPINION, page 8

WEATHER REPORT

Today

Partly Cloudy 66

Tides

High 3.7 at 11:50 a.m.
Low 1.6 at 4:53 p.m.

SUNRISE 6:23 A.M.
SUNSET 7:40 P.M.
Ictes and their coaches in their efforts to promote a "yes" vote on the athletic fee referendum. The Progressive Student Alliance has received complaints.

Alliances include athletic campaigns and possibly intimidating students within 100 feet of a polling place. Other athletes may have been required to get 100 people to vote, literally escorting them to the polling place.

I have heard from a number of PSA members and others who are not very happy about it," said Sahba Barra, co-director of PSA. "The Progressive Student Alliance has always been about finding truth, justice and equality; this was absent in this election."

While PSA held a position against the athletic fee increase, Barra says that the PSA is not trying to directly attack the athletic department. Instead, they are trying to bring attention to any problems that students encountered so that they can be examined and dealt with appropriately. She says the issue here is not the fact that the athletic fee increase passed, but rather, there may have been errors that interfered with the fairness of the process. Issues that need to be examined and addressed to ensure that students can maintain fair voting procedures.

The PSA said the problems with the referendum were not limited to the voting process of the athletic department, but also included suspicious timing of the referendum and problems with anonymity of correct information.

On the other hand, Finnan stands behind the actions of the athletes and their coaches.

"I don't see anything wrong with it, just putting their viewpoint out there. It was not mandatory. They were let out of practice and got the word out there. It is just like there were mechanical engineering professors who gave PowerPoint presentations to their class, then asked for their referendum in their classes. I would think that would be less appropriate."

As for the link between students and the administration, encourages students to bring things to the attention of the Associated Student Body or the fee referendum to them.

"Obviously at ASI we are going to bring the students concerns to the forefront," ASI President Alison Anderson said.

Students can e-mail their comments or concerns to Anderson at aspresident@asi.calpoly.edu.

Concerned students can also attend the Campus Fee Advisory Review Session this Thursday from 10 to 11 a.m. at the administration building, in room 409.

1. The Superintendent feels that the decision indicates an unwillingness to accept the state's mandate.

Mason Stockstill
ASSOCIATE PRESS

LOS ANGELES — The head of the California Department of Education determined Monday that the Westminster School District's policy regarding discrimination based on "perceived gender" passes legal muster, sparing the district from losing a large portion of its state funding.

But in a letter to the district board president, Superintendent Jack O'Connell said he's concerned that in refusal to adopt the recommended version of the policy indicates an unwillingness to accept the state's mandate.

"In fact, it appears the district may intend to deny protection from discrimination and harassment to a class of students that the law clearly protects," O'Connell wrote.

Three of five members of the school board had wanted to require the state's version of a policy intended to protect transgender students, and those whose appearance or behavior may be considered unusual for their sex, from discrimination.

July Ahrens, Blossie Marquez-Woodcock and Helena Rutkowski said they believed the district's state's law is immoral and would promote homosexuality and transsexuality.

The board's majority adopted in its own language that defines gender in discrimination complaint policy as "the biological sex of an individual or the alleged discriminator's perception of the alleged victim." It goes on to say that the "perception of the alleged victim is not relevant to the determination of gender... It is the perception of the alleged discriminator which is relevant."

O'Connell and lawyers for the Department of Education spent a week reviewing the district's policy before determining it was acceptable. But O'Connell had strong words for the board. "As the state department of education, you lack authority to deny state law by adopting your own definition of gender based on your own personal prejudice," O'Connell wrote.

He added that the board's "policy pronouncement on gender" carries "no legal effect or author­ ity" and that the district is still required to comply with allegations of discrimination on any basis.

But the District Attorney Mark Bucher, said the state's language is vague, and the district's position is sound.

"In the regulation, it talks about the perception of some­ body's sex... but it doesn't make it clear whose perception, and the vagueness is such, a person might perceive himself to be a woman and claim discrimination if you refuse to treat him as a woman, even though he clearly's a man," Bucher said.

Officials had warned that the Orange County district could lose up to $16 million in funding if it was found to be out of compliance with state law. Last month, Bank of America withheld approval of a $16 million loan because the district's funding was at risk.

"Bank of America indicated that the district was not in compliance, they didn't think it would be a prob­ lem," said district spokesman Trish McKenzie.

The three board members' stance drew the ire of numerous parents and teachers in the dis­ trict, which serves 25,000 stu­ dents in grades K-8. Hundreds packed the board's meetings and a recall campaign was launched against two of the three women.

The board was informed in February that the policy needed to be changed to be in compli­ ance with state law but the three members held out through sever­ al meetings. In April, they voted once again in the lengthy struggle over the district's perception of gender.
SAN FRANCISCO — A federal appeals court Monday overturned a three-strikes sentence of 25 years to life imposed on a repeat shoplifter despite a Supreme Court precedent allowing harsh sentences for petty crimes. Ruling 2-1, a panel of the 9th U.S. Circuit Court of Appeals said the 25-year term handed to a California man convicted of stealing a $199 VCR violated the Eighth Amendment constitutional ban on cruel-and-unusual punishment. The appellate court said the punishment did not fit the crime even though the Supreme Court last year upheld the same sentences for two California shoplifters. The appeals court said the life sentence was unjust and more severe than a sentence for "murder, manslaughter or rape.

The San Francisco-based appeals court said the Supreme Court's precedent did not apply to every third-strike defendant convicted of a felony.

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But in a letter to the district board president, Superintendent Jack O'Connell said he's concerned that its state funding. Three of five members of the school board had refused to adopt the state's version of a policy intended to protect transgender students, and those whose appearance or behavior may be considered unnatural for their sex, from discrimination.

OAKLAND — The trial of a couple accused of embezzling nearly $12 million from Bank of America started Monday in a federal court.

Bryan Rosenequist and his wife Michelle Serrao are accused of taking money from ATM cash they count­ed as employees of an armored car company.

Federal agents arrested the Vacaville couple in September 2001 after an investigation uncovered $11,849,169 stashed away in their bank accounts.

WASHINGTON — Retreating under pressure, the Bush administration is revising overtime regulations to preserve eligibility for white-collar workers making up to $100,000 a year as well as police, firefighters and other first responders, Republican officials said Monday.

The officials, who spoke on condition of anonymity, said revisions in the proposed regulations also would guarantee overtime for lower-wage workers making less than $53,600 a year, higher than the $22,100 initially proposed.

MINNEAPOLIS — Microsoft Corp. cleared another lawsuit from its legal docket Monday, settling a class-action case filed by Minnesota customers who claimed the software giant overcharged them in violation of antitrust laws.

The settlement interrupted a jury trial that was expected to last several more weeks. Attorneys for the plaintiff had said they were seeking as much as $505 million.

The suit alleged that Microsoft violated Minnesota antitrust law by overcharging for its Windows operating system and its Excel and Word programs.

The company denied the overcharges, saying prices for its products had dropped.

PITTSBURGH — Pittsburgh International could become the nation's first major airport to get the OK to abandon the post-Sept. 11 rule that says only ticketed passengers are allowed past security checkpoints.

Federal security officials are considering allowing people once more to say their hellos and goodbyes to friends and loved ones at the gate.

DENVER — A jury's mixed verdict against former Qwest executives could hamper prosecutors if they plan to pursue charges against senior officials of the telecommunications firm, experts said Monday.

In corporate fraud cases from Enron Corp. to Dynegy Inc., prosecutors initially have targeted middle managers, hoping to use their testimony or convictions as stepping-stones to their bosses. Jurors in the Qwest case acquitted two middle managers, and failed to agree on charges against a third and most counts against a fourth.

BAIKONUR, Kazakhstan — A Russian-American-Dutch crew blasted into orbit Monday aboard a Russian spacecraft that would likely mean a resumption of bloody urban combat.

Three of five members of the school board had refused to adopt the state's version of a policy intended to protect transgender students, and those whose appearance or behavior may be considered unnatural for their sex, from discrimination.

State Briefs

World Briefs

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Technology exists to cut greenhouse gases

Don Thompson

SACRAMENTO — The technology already exists to cut vehicle greenhouse gases sharply, as required by a precedent-setting California law, the Union of Concerned Scientists said Monday.

The 2002 law requires the state to set the world's first regulations to trim vehicles' global warming emissions. Without them, the group said carbon dioxide emissions will nearly double by 2050, trapping heat in the atmosphere and helping cause a steady rise in global temperatures.

The group concludes that "automakers have the technology now to meet strong global warming pollution standards, just as they have met past standards for other air pollutants or safety."

Alliance of Automobile Manufacturers spokesman Charles Territo objected that "federal law and common sense" dictate that such standards should be set nationally, not by California.

"Californians are going to continue to drive the cars that they know and love, they will just have a smaller impact on the environment and their pocketbooks," wrote Louise Bedsworth, the report's author.

"We believe that the solution to the climate crisis is to adopt the best technology from existing automobiles: Honda's variable valve lift and timing advances; continuously variable transmissions from the Saturn Ion, Nissan Murano, and the Mini Cooper; and cylinder deactivation now available through DaimlerChrysler and General Motors.

"Putting all that technology into a Ford Explorer would cut emissions by nearly a quarter in a Toyota Camry, by 20 percent, the group calculated."

Within five years, automakers will be using more advanced technology that could cut emissions of a Ford Explorer by 43 percent and a Camry by 40 percent, the group said.

"Californians are going to continue to drive the cars that they know and love, they will just have a smaller impact on the environment..."

~Louise Bedsworth
author of Union of Concerned Scientists report

Two groups share prestigious Tyler Prize for environment

LOS ANGELES (AP) — Two educational institutions that train people in India and Latin America to be environmental stewards will share the 2004 Tyler Prize for Environmental Achievement, University of Southern California officials said Monday.

India's Barefoot College and the Red Latinoamericana de Botánica, a consortium active in six Latin American countries, will split the $250,000 prize, awarded annually by USC to individuals or groups associated with significant environmental accomplishments. The prize, which includes a gold medal, was created in 1973.

Barefoot College works to enhance the quality of life for the rural poor of India by providing education in animal husbandry, alternative power generation and health care, according to USC.

The Red Latinoamericana de Botánica, also known as the Latin American Plant Sciences Network, is a consortium of six graduate training centers located in Argentina, Brazil, Chile, Costa Rica, Mexico and Venezuela. It provides graduate-level training in the plant sciences, including ecology, to students throughout Latin America.

Bunker Roy, founder and director of Barefoot College, and Onidala Sala, president of Red Latinoamericana de Botánica, are expected to accept the awards, USC said.
Hypocrisy 101: a lesson in punk rock?

Gerry Wachovsky
DAILY MUSTANG (CALIFORNIA STATE UNIVERSITY-LONG BEACH)

LONG BEACH — Punk rock sounds great, but its politics are often quite hypocritical. Exemplifying this trend is NOFX's Fat Mike, who manages Fat Wreck Chords. Well, it seems that Fat Wreck Chords has gotten into a bit of a pickle, proving that hypocrisy also exists in the world of punk rock.

Punk rock is a genre of music that originally started off as a sub-culture, urging its listeners to go against the grain, always question the government and stand up for what they believe in. Punk rock is also known to be quite liberal, and while there is the occasional band or musician who is a conservative (Dave Smalley of the bands Down By Law and ALL, for example), the rule generally stands true. Before I go further, don't get me wrong. This is not a bad thing.

Punk rock loses some credibility, however, when a band is taken off a compilation album because Fat Mike doesn't agree with a statement the band made regarding a certain well-known liberal.

Fat Mike's upcoming "Rock Against Bush" compilation was originally going to include a song by the oft-offensive but thought-provoking band Propaghandi. The band, which recorded a song called "Free John Hinckley," wanted to include a liner-note insult aimed at philanthropist George Soros, who the band refers to as an "international billionaire, global financier (and) war-profiteer." The comment went like this: "This November, be sure to exercise your right to vote for either the war-mongering, planet-raping, corporate-billionaire functionaries or the other war-mongering, planet-raping, corporate-billionaire functionaries of our own."

Imagine that — a music scene based on flipping the finger to censorship now censors one of its own.

This message not brought to you by George Soros."

Why would Fat Mike become incensed over this? One would think that the punk world would favor when someone bashes a "war-profiteer." After all, according to punk, war is never the answer. Not only that, Soros is also a billionaire, and as punk fans know, capitalism is bad. What gives?

According to a statement on www.punknews.org that Fat Mike released shortly after the incident occurred, "George Soros is a billionaire who got his money from exploiting the foreign currency exchange. He screwed a bunch of countries to make his money. It is also important to note that he is a member of the Carlyle Group, which is a company that makes money from selling weapons. Okay, that sucks. But meanwhile he has been giving close to 500 million dollars annually to progressive causes and has founded a network of philanthropic organizations in over 50 nations throughout the planet. He is spending a good part of his fortune trying to get Bush out of office. Maybe he feels guilty or something.

I don't think that he has given money not to, but to many great organizations such as MoveOn.org and America Coming Together, and these organizations help support us."

Ah, nuts it is clear to me! As soon as a band on Fat Mike's label says something that the honcho doesn't agree with, all of the tenets of punk rock go out the window! I thought punk was about individuality, standing up for your own beliefs and questioning authority, corporations and philanthropists like Soros.

I personally own every NOFX album, and Fat Mike has certainly exercised his opinions over the years. But now since Propaghandi's view does not jive with Fat Mike's, the song gets yanked from the compilation.

Imagine that — a music scene based on flipping the finger to censorship now censors one of its own.

In the end, Fat Mike offered to include the song and the liner notes, uncensored, on the "Rock Against Bush Volume 2" compilation when that comes out, but Propaghandi respectfully declined. According to Propaghandi's Web site, "Next time someone comes knocking on our door hawking the virtues of joining a unified front against something, be sure to ask them this: Unity on whose terms? At what cost?"

I would personally like to thank Propaghandi for standing by their beliefs, and for not simply giving in to Fat Mike's demands. Now if most punk rock fans could think for themselves as Propaghandi does, and not eat up everything they are told by some band, maybe we could get somewhere.
Higher Grounds series changes vibe, location

Weekly entertainment shifts gears, tries to appeal to wider audience with quality music

Anastasia Killham  
Managing Editor

Higher Grounds Entertainment has moved to higher ground. Literally.

The weekly series, which takes place Wednesday from 6 to 8 p.m., has moved from BackStage Pizza to the University Union Gallery in the Epicenter.

The forum for free entertainment had a successful turnout for its first event in the new location and will continue to bring Cal Poly students a mix of locally-based and nationally-recognized artists.

Associated Students Inc. program coordinator Liz Adams said the gallery was full for the first event.

"It's kind of like what we've been doing in the past but with a different venue," she said.

The new venue provides free snacks in a cozy setting. It appears more intentional than the large room in BackStage Pizza, where Adams said students quickly entered and exited, proceeding with their usual business without taking time to relax and enjoy the entertainment supported by student fees.

All are welcome to attend solo or with friends to study, chat or just listen to the series feature of the week.

The spring agenda will last for the first five weeks of the quarter. Raining Jaine, a band made up of women who play rock, folk, funk, pop and hip-hop with a variety of instruments including the cello, banjo and sitar, play this week.

Cal Poly student and ASI employee Liz Levinson helps organize the event. She said a number of things have been changed in an effort to appeal to a larger audience. ASI Events staff members decided to move the performers up to the Epicenter because "we wanted to give it more of a coffee-house feel," Levinson said.

Meanwhile, the Higher Grounds series changes vibe, location with a friendly confines of the Epicenter (above). The forum for free entertainment is about to confront Budd (Michael Madsen), one of the Deadly Vipers Assassination Squad member Black Mamba, also known as The Bride (Uma Thurman).

The two volumes were written and directed by Quentin Tarantino. However, the two movies have extremely different tones.

"Vol. 1" is the adrenalin ride, whereas "Vol. 2" is more reflective. "Vol. 2" continues to show Tarantino's radically different filmmaking style and awesome imagination.

The second movie shows the staying at the wedding chapel and why it happened. "Vol. 2" finally introduces the infamous Bill, played by David Carradine.

The audience meets Bill when he appears unexpectedly on the day of the wedding rehearsal. Bill and The Bride share in a mysterious conversation that gives just enough information to know they are in love at one time, despite their complicated history. The Bride is flattered when Bill seems to approve of her getting married to a record store owner and has absolutely no idea of the blood-bath that is about to occur.

The movie then goes from the past to the present, where The Bride is about to confront Budd (Michael Madsen), one of the Deadly Vipers and Bill's brother. However, the game is taken out by Budd, whom remains the viewer that she is still human after all. Budd tells her, "This is for breaking my brother's heart," as he begins to bury her alive. At this point it seems there is no way out for the movie's heroine. Tarantino uses total darkness and only the loud sounds of the dirt hitting the casket and the sobbing of The Bride to make the viewer believe this is the end of the road.

The movie then takes a flashback to Bill introducing The Bride to Pai Mei, a legendary master of Asian kung fu, played by Gordon Liu. Pai Mei is actually dubbed over with Tarantino's voice and almost seems like a comic book character, and the humor is effective. Pai Mei teaches The Bride and Bill remarkable fighting skills.

The audience also gets to know Elle Driver (Daryl Hannah), the one-eyed assassin who wants The Bride dead as much as The Bride wants to kill her. They battle in a well-choreographed fight scene. They demolish everything in their paths.

The two volumes are a working of true dedication on the part of Tarantino. Thurman and the ensemble cast. Thurman not only played the lead role and maintained is role, she also helped Tarantino come up with the idea and designed The Bride's character with him.

"Kill Bill Vol. 2" is like an explosion of the heart — you don't think it will happen and when it does, it hits you when you least expect it.

Getting Married?

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Gov. signs workers' compensation changes into law

Mason Stockstill<br>Associated Press

LONG BEACH — Gov. Arnold Schwarzenegger capped a contentious dispute with a stroke of his pen Monday, signing into law the workers' compensation reform package approved last week by overwhelming majority of the Legislature.

A jubilant Schwarzenegger said the compromise bill — which because it passed by more than a two-thirds vote, took effect the moment he signed it — will reduce costs for businesses while increasing payments to workers injured on the job.

"With this great reform, I can say to everyone, 'California is open for business,'" Schwarzenegger said during the ceremony at a Boeing Corp. plant in Long Beach. Although many Democrats opposed Schwarzenegger's original position of workers' compensation reform and the governor's opposition to regulating insurance rates, all but six voted for it. The bill was passed 73-3 by the Assembly and 33-3 by the Senate in votes on Friday.

Schwarzenegger had made reforming the state's costly workers' compensation system a centerpiece of his campaign in last year's recall election and had taken the step of placing an even tougher measure to limit workers' compensation a center of the campaign.

"This workers' compensation reform will reduce the high costs that have driven jobs away from California," he said. "No longer will workers' compensation be the poison of our economy."

The actual cost savings from the new law are unknown, but supporters said they hope it will save employers several billion dollars by limiting benefits and prohibiting certain medical procedures.

It lowers the state's limit on disability payments to workers who could previously pick their own doctors to a list of physicians authorized by employers and insurance companies.

Employers now only liable for the percentage of a work- er's injury that occurred on the job, not for previous injuries.

Injured workers will benefit from the bill's requirement for immediate employer-authorized medical care and increased benefits for permanently disabled employees.

The bill's approval was another victory for the Republican governor who in six months has successfully strong- armed the Legislature into repealing a law giving driver's licenses to undocumented immi- grants, won approval for more than $1 billion in midyear spending cuts and persuaded voters in March to approve for business, the compromise bill — which, said Salazar, a Democrat who is running for the U.S. Senate.

The proposed changes were sub- mitted to Congress earlier this month as part of the Pentagon's drive to cut several billion dollars in the Bush administration's $1 trillion spending bill. The Senate has not acted.

The Bush administration has travel restrictions on complying with the laws, claiming environmental restrictions compromise training and readiness.

Congress has already approved five of the eight changes sought by the Pentagon.

Salazar, an attorney general for Colorado, Idaho, Washington and Utah and a former federal prosecutor who was rejected by the Senate because of drug use during the confirmation process, said he was not surprised by the Senate's rejection, which he had expected.

"These changes have specifically been set aside for the purpose to train our military and to test our weapons systems," he said. "Past conflicts have threatened to close down our military training, and that readiness risk is unacceptable whether we are a nation at war or a nation preparing for war." Among other things, the Pentagon wants the Clean Air Act amended so that any additional air pollution from training exercises would not carry the same penalties for three years in the plans which states must approve for how they will comply with federal requirements. It also wants changes in toxic waste laws to let the military avoid cleaning land of munitions used for normal pur- poses on operational ranges, defense lawyers said.

Suan LeFever, director of the Sierra Club's Rocky Mountain chapter, said the military is using a national security to get around pol- lution laws.

"We're looking at protecting the United States is protecting the United States," she said.

Courts: Sex offenders can't be punished twice for failing to register

SAN FRANCISCO (AP) — The California Supreme Court ruled Monday that sex offenders can't be punished twice for failing to register when they leave one county and move to another.

The case involves Michael Frederick Brit, who was convicted in 1994 of raping and lewd conduct with a child, according to William Arzbach, who argued Brit's case before California's high court.

In 1997, Brit moved from Sacramento County to El Dorado County. Brit failed to notify the county. Sex offenders must inform law enforcement in their old coun- ty when they move. They also have five days to register their new address with law enforcement offic- ials in the county they move into.

Brit failed to do both.

Brit pleaded no contest in January 1999 to the Sacramento County charge and served 180 days in jail. He was later charged in El Dorado County, which he protested. Brit was convicted in 1999 of violating two prosecutors of each crime.

"They are permissible because a person necessarily has the same interests and objectives" in violating the two registration requirements.

The high court disagreed.

"The only way a person can pre- vent the new agency from learning of the new residence, and thus be sure of avoiding police surveillance, is to notify neither agency," wrote Justice Ming Chin in the court's unanimous opinion. The Defense's commision of each crime was es- sential to the successful commis- sion of the other and he had the same objective when he committed both crimes.

Because the prosecutors in both counties were aware of Brit's failure to register, it was unfair to punish him for violating both laws, said the court.

"We conclude that the person may not be separately punished for the two failures to notify," the court said.

Arzbach said the decision wouldn't affect his client, but it may help future offenders.

"There's a lot of prosecutorial discretion in these cases. It's a crap shoot in terms of what type of con- sequences will befal you if you fail to register," he said. "How much are we going to prosecute these guys for what's entirely passive conduct?"

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**Gov. signs workers' compensation changes into law**

**States criticize military environmental exemptions**

Stevan K. Paulson<br>Associated Press

DENVER — Attorney general for 39 states urged Congress on Monday to reject the Pentagon's request to exempt military personnel from environmental laws.

Colorado Attorney General Ken Salazar said there was no evidence that three of the requested changes would have any effect on training or the movement of tanks and weapons, as the military claimed.

"From my perspective, it is just bad national policy to exempt the nation's biggest polluter, the federal government, from the same envi- ronmental laws that states, local governments and private industries must comply with," said Salazar, a Democrat who is running for the U.S. Senate.

The proposed changes were sub- mitted to Congress earlier this month as part of the Pentagon's drive to cut several billion dollars in the Bush administration's $1 trillion spending bill. The Senate has not acted.

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SAN FRANCISCO (AP) — The California Supreme Court ruled Monday that sex offenders can't be punished twice for failing to register when they leave one county and move to another.

The case involves Michael Frederick Brit, who was convicted in 1994 of raping and lewd conduct with a child, according to William Arzbach, who argued Brit's case before California's high court.

In 1997, Brit moved from Sacramento County to El Dorado County. Brit failed to notify the county. Sex offenders must inform law enforcement in their old coun- ty when they move. They also have five days to register their new address with law enforcement offic- ials in the county they move into.

Brit failed to do both.

Brit pleaded no contest in January 1999 to the Sacramento County charge and served 180 days in jail. He was later charged in El Dorado County, which he protested. Brit was convicted in 1999 of violating two prosecutors of each crime.

"They are permissible because a person necessarily has the same interests and objectives" in violating the two registration requirements.

The high court disagreed.

"The only way a person can pre- vent the new agency from learning of the new residence, and thus be sure of avoiding police surveillance, is to notify neither agency," wrote Justice Ming Chin in the court's unanimous opinion. The Defense's commision of each crime was es- sential to the successful commis- sion of the other and he had the same objective when he committed both crimes.

Because the prosecutors in both counties were aware of Brit's failure to register, it was unfair to punish him for violating both laws, said the court.

"We conclude that the person may not be separately punished for the two failures to notify," the court said.

Arzbach said the decision wouldn't affect his client, but it may help future offenders.

"There's a lot of prosecutorial discretion in these cases. It's a crap shoot in terms of what type of con- sequences will befal you if you fail to register," he said. "How much are we going to prosecute these guys for what's entirely passive conduct?"
Ephedra ban should raise consumer skepticism

Commentary

After years of filed complaints and damaging evidence, a ban on ephedra, the controversial dietary supplement, took effect April 12. The U.S. Food and Drug Administration took this action to protect unknowing or misguided consumers from the significant side-effects that can occur as a result of ephedra use. The ruling sets a precedent of placing greater responsibility on herbal product manufacturers and the FDA.

"The action of banning ephedra, often referred to as ma huang, marks the first time that the FDA is taking formal action to halt the sale of a dietary supplement ingredient since passage of the Dietary Supplement Health and Education Act in 1994," Carol Rados said in an article in FDA Consumer Magazine.

The 1994 legislation eliminated the necessity to perform strict testing of herbal supplements, as is done for non-herbal drugs. This law also removed the responsibility of herbal product manufacturers to submit adverse event reports to the FDA.

Critics of the Dietary Supplement Health and Education Act say the law fails to provide guidance as to when an herbal product poses enough of a safety threat that it needs to be removed from the market.

Shannon Brownlie said in the February 2003 edition of Glamour magazine that the huge amount of money sunk into protecting ephedra by industry members who want to lose weight fast. An estimated 12 to 17 million Americans buy ephedra supplements each year, according to Brownlie's article. More than 1,500 adverse event reports have been filed, which include 81 deaths and numerous other negative reactions related to the supplement.

Weight loss products like ephedra are too dangerous for people who want to lose weight fast. An estimated 12 to 17 million Americans buy ephedra supplements each year, according to Brownlie's article. More than 1,500 adverse event reports have been filed, which include 81 deaths and numerous other negative reactions related to the supplement.

Consumer health experts estimate that about 100 hospitals nationwide offer complementary medicine clinics and therapies.

As the doctors themselves are showing a noted increase of openness to alternative healthcare techniques, the American people follow suit. The ephedra controversy highlights an important dilemma. Consumers are being asked to assume product manufacturers are always responsible and accountable.

One aspect involved in becoming more involved in healthcare decisions necessitates an equal responsibility to conduct in-depth and independent research to separate what product manufacturers and distributors are providing. As is evident from the ephedra controversy, drug manufacturers are not always telling the truth.

Anastasia Kilham is a journalism senior and Mustang Daily staff writer.

Ephedra manufacturers did a disservice to their industry by trying to buy their way out of accountability. They should have voluntarily participated in studies to decipher the actual risks and benefits associated with the product.

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Have no fear young partisans...

The opinion section needs a splash of color. If you can reliably contribute a weekly color cartoon, bring a sample with your name, phone number and e-mail address to Laura in bldg. 26, room 226.

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Mustang Daily needs a color cartoonist.

Fox takes 'Swan dive'

Commentary

"Self-respect is the fruit of discipline: The sense of dignity grows with the ability to say no to one's self." - Abraham Kischel

Self-loathing is officially chic again. Parades of "ugly ducklings" are trotted out on screen, snipped, sliced, sucked and repacked in a barbarous display of cosmetic deism for the drooling masses.

You've seen this, haven't you? The atrocity of mangled flesh affectionately known as "The Swan" on Fox? According to the show's Web site, it "offers women the incredible opportunity to undergo physical, mental and emotional transformations with the help of a team of experts. Contestants must go through an intensive "boot camp" of exercise, diet, therapy and inspiration to achieve their goals. Each week, feather loss is inevitable. The pecking order is set, and the losers are eliminated. Get used to it."

A like good as much as the next guy, but this makes my blood run cold.

Cosmetic surgery has become a mainstay in American life for women with too much disposable income and unresolved father issues. When it reaches the point where ordinary women who don't have anything wrong with them see the fact that they will never stride down a runway, are willing to mangle themselves for the benefit of rotting couch potatoes, we might as well just make it all start over.

The end result of Fox's great social experiment - a clutch of women who look like the Joker splayed out in a size three Louis Vuitton and shot full of muscle relaxers will be paraded about with the fineness of drunken debu­ teantes for the gratification of an audience vigorously stroking their laps like were­ wolves in heat.

Attorney General John Ashcroft and his cronies may be using the long and atrophied arm of the law in their newfound crusade against pornography, but regardless of how you feel about gangbangs, girl-on-girl or girl action or even the odd donkey show, only the most craven and defective blotch of humanity would deny that slicing up a pro­ portion of psychologically fragile women for a meager share of Nielsen ratings is a vaporous form of emotional pornography.

Predictably, the show has its share of supporters (and a sicken­ ingly overwhelming amount of them judging by the responses on Fox's Web site), many of whom tout the idea that being born "ugly" is an un pardonable crime that needs to be rectified for the benefit of the shallow and dense legions of beautiful people, lest their immediate eyes be soiled:

You may find ugly offensive, but I can think of few things as ugly as the idea of someone need­ ing to mangle their appearance so as not to offend your delicate aeth­ etic sensibilities. If it bothers you that much, then do the prop­ er thing and just gouge out your own eyes.

Self-loathing is officially chic again. Parades of "ugly ducklings" are trotted out on screen, snipped, sliced, sucked and repacked in a barbarous display of cosmetic deism for the drooling masses.

And that goes for anyone else who feels the need to validate their less than ideal existence on the wholesale disfigurement of fragile individuals, simply so you can temporarily elevate yourself to a position of smug superiority before weeping in joy over the miraculous transformation and gobbling that they've changed their life for the better. The lot of you, enjoy this you can while you can, because the time is coming where any­ thing and everything is game for ratings. Very soon we'll have a program where nary little televi­ sion addicts are rounded up and horribly tortured on national TV, and you can bet your filthy little lives that I'll be in the front row, laughing at your screams.

Adam Ferington is a writer for The Columbia Chronicle at Columbia College.
Jesus literally ("blessed are the meek" or "love your enemies"), it's debatable whether or not Jesus consistently votes for the Republican Party.

The first fact we must remember when understanding Jesus is that he was Jewish. Political scientists know that Jewish voters consistently vote Democrat.

In 2000, 79 percent of Jews voted for Al Gore. In 2002, 69 percent of Jews voted against former California Governor Gray Davis' recall. This tells us the probability of Jesus voting Republican can only be about 20 to 30 percent.

If we study what Jesus taught, we can also highlight something important about his potential voting behavior in the United States. For instance, in Matthew 5:44, Jesus instructs us "to love our enemies." What is meant by this and how can we relate it to politics?

Taking a historical approach, I believe Jesus used to be a Republican, but switched to the Democratic Party around the 1950s or 1960s. I'm sure Jesus voted for Abraham Lincoln who was a Republican. But when it was time to desegregate schools and grant minorities equal rights, Jesus could have only supported the Democratic Party. Furthermore, during the civil rights movement, Jews were the majority of whites who marched along with blacks.

Where does this bring us today? If we take the teachings of Jesus literally ("blessed are the meek" or "love your enemies"), Jesus may support the Green Party, but my intuition tells me Jesus votes strategically and would never waste a vote.

Joshua Koh is a political science junior.
Columbine closes for 5th anniversary; memorial planned

Robert Weil
Staff Writer
LITTLETON, Colo. — It was 36 degrees outside Columbine High School on Monday, but many of the children arriving for class wore shorts and short-sleeves. A typical spring day in Colorado.

The only hint that it was the day before the fifth anniversary of the massacre of 12 students and one teacher was a sign in front of the school that read: “A Time to Remember, A Time to Hope.”

“It’s like every day. You come to school and get more homework,” senior Ryan Lindberg said. “But talk about it? It’s not too hard because we weren’t there. It will be harder for any students who had brothers or sisters who were there when it happened.”

On April 20, 1999, Eric Harris and Dylan Klebold attacked their own school, gunning down classmates in a drugged-up school, hidden in duffle bags. The teenagers killed themselves after realizing they had fallen short of their goal to kill 500. The students who were enrolled in Columbine then are long gone; the 1998-senior class graduated two years ago. But there are brothers and sisters of those wounded in the attack.

Among them is Maggie Ireland, sister of Patrick Ireland, who became known to television viewers through the national news that day as “the boy in the window” because of his dashing escape onto an armored car. The only administrator left is Principal Frank DeAngelis, who said staying at Columbine helped keep him sane.

Rick Kaufman, spokesman for the school district, said security was stepped up at the school for the fifth anniversary of the massacre. He said Columbine helped keep him sane.

“Mostly we’re just happy to do our job. It’s just another day,” Kaufman said.

A memorial including a candle-light vigil is planned for Tuesday evening, with speakers including victims Anne Marie Hochhalter, who remains paralyzed from wounds inflicted by the killers. Hochhalter’s mother, Carla June, commuted six months after the massacre. Dawn Anna, whose daughter, Lauren Townsend, was killed by the gunman, will also speak.

Harriet Hall, the psychologist in charge of counseling for Columbine victims, said the anniversary event is necessary for healing.
Morse continued from page 12

- Morse won the 100 at a meet at UCLA.
- He has the 10th-best time in school history in that event.

Morse, a senior at Cal Poly, has been defined in improved mechanics. "Some people think that when you run the 100-meter dash, you just run as fast as you can, but it's not that easy," she said. "Travis has become a much better student from a technical standpoint." Morse is also a regular in the weight room.

"He understands the benefit of strength training," she said. "And he uses it to his advantage."

-TERRI CRAWFORD

Morning track head coach

"I foresee that Travis will run competitively for at least another eight years after college," she said. "He's got the diligence and the strength to do it."

"I'm going to run for Cal Poly until I graduate," Morse said. "From there, I'd like to run professionally."

In Crawford's opinion, he's right on track.

"If a guy hooks up with a girl and has a bad game, he probably won't hook up with her again."

-AnONYMOUS Male baseball player

"If a guy hooks up with a girl and has a bad game, he probably won't hook up with her again." Strange for hormonal college men? Maybe. Normal for baseball players? Yes!

"Locs of major- and minor-leauge players have little superstitions," said head coach Larry Lee. "Baseball is a very superstitious sport with a lot of down time and a lot of failure in the game. Doing things on a consistent basis can adopted."

He cited major-league manager Mike Hargrove, nicknamed the "Human Rain Delay" for all his trademark pre-pitch gyrations, and the Boston Red Sox's Nomar Garciaparra, who taps his toes before batting.

So as the players perform their elaborate tics and routines, they're taking one for the team, though not all will admit it. As junior shortstop Drew Gillmore said, "I'm superstitious about telling my superstitions."

Softball continued from page 12

The freshman allowed seven hits and five strikes while tossing out six batters. On Sunday, Hively returned to the circle to pitch the final innings and allowed three hits and one earned run in taking the loss in the 1-0 defeat.

The Fullerton native pitched 23 innings over the weekend and allowed only one earned run (0.45). Hively also allowed 10 hits while she struck out seven batters.

For the season Hively has a 6-11 record with a 1.98 ERA.

Clarett continued from page 12

issued after the draft, perhaps weeks from now.

Any potential harm to Clarett would be lessened by the NFL's agreement to hold a supplemental draft. The draft order later ruled in favor, the court added.

The ruling came on the same day former Florida State pitcher Brad Miller and 36-year-old receiver Andre Rison were issued after the draft, perhaps weeks from now.

"We continue to help our guys out, just like we did when he was making his decision," Carroll said. "Nothing definitive has been declared by the NCAA. Some steps would have to be taken for the players to enter into college football."

Although Clarett never announced he hired an agent, there have been reports that he did. He was never cleared by Ohio State or the NCAA to play after being suspended last year for accepting money from a college buddy and for lying about it to the NCAA and university investigators.

NCAA spokesman Jeff Howard would not comment specifically on the Clarett case, but he said players who hire agents could be reinstated if the school prevents the organization.

The individual facts of each case ultimately will determine whether or not an athlete is reinstated.

NCAA President Myles Brand reiterated that college football players could decrease significantly.

"Many because of the small number that may be eligible to go to the NFL," he said, "but rather because of the literally thousands of wannabes who will be concentrating on their studies, both in high school and college, for that one in a million chance to get in the NFL."

After more than an hour of arguments, the appeals board had little to show of its case could win in case.

Kings continued from page 12

The Kings got it just right.

That's not an ideal scenario for the Kings, whose fastest player — Bobby Jackson — isn't out with an ankle injury. Sacramento also has a front line featuring a wobbly Chris Webber, hobbling All-Star Brendan Miller and 30-year-old center Vlade Divac.

But after six seasons as one of the most prolific offensive teams in NBA history, the Kings have no qualms about getting into a shootout. They shot the Mavericks out of the building in Game 1, with Peja Stojakovic and Doug Christie leading the way with perimeter jumpers.

And Webber, playing on a surgically repaired knee that still pains him immensely, isn't about to slow down.

"I can't run and I have problems stopping, but I can run," Webber said with a grin. "Let's just see. Yes me and... didn't do the work, all the necessary running from breaking down anything now that the playoffs are here. Whatever they want to do, I want to do. I feel like we have to play our game."

From threatening speeches to end-game (0.30 ERA). Hively allowed 10 walks and strik­

259 passes and take better shots. He's also

of his 28 points in the first quarter.

Without basketballs, as a high school

that our game. Nelson encouraged the

long jump. We can't take jump shot after jump shot."

-RICK ADELMAN

Kings coach

“When we have to make them guard us around the bucket. We can't take jump shot after jump shot.”

While Nelson encouraged more speed, Adelman plans to exploit the Kings' size advantage again.

We'd like to get the jump shot after jump shot. All that does is get them on the run, and they're the best one-court team in the league."

The teams are meeting in the playoffs for the third straight season — and for the third consecutive time, Sacramento won the opener.
Mustangs stay safe with superstitions

From food to females, these habits dictate the baseball player's life

Stacey Anderson

He takes a practice swing down and a practice swing up. He tilts his helmet to the right, then finally steps over the corner of the home plate with his right foot, being careful not to take a deep breath.

Now Kyle Blumenfeld is ready to play some ball.

The Cal Poly junior baseball player is not alone in his practiced, methodical pre-batting pattern. Tight pants arguably equal superstitions in the world of sports; baseball players are known for believing in unusual and quirky routines to bolster their performances. Cal Poly's team is certainly no exception.

"Baseball players are notorious for being a little crazy about superstitions," senior pitcher Jonathan Fleming said. "I don't necessarily believe that's good luck or it works, but it makes me more confident and relaxed.

Fleming has quite an extensive pre-game ritual: When asked who the most superstitious Mustang was, six of his teammates immediately shouted, "Kyle!' Fleming. The night preceding a game, he is careful to shave his head, oil his gloves, shine his cleats and regular meal he sticks to even when on the road. The day of a game, he grooves to the same music, electronic/trance artist Moby, drinks the same Fierce Melon Gatorade and eats a Snickers.

"I'm not about to change this up," he said. "I want to make sure that when I get out on the field, I look and feel as good as I possibly can, and I need all the help I can get." Other players' routines are equally specific to Fleming's. Junior pitcher Jimmy Shull always skips the first shoelace hook when putting on his shoes, and eats chicken and rice, a meal he sticks to even when on the road. The day of a game, he grooves to the same music, electronic/trance artist Moby, drinks the same Fierce Melon Gatorade and eats a Snickers.

"I really just lost the love for football," Morse said. "I decided to put all of my time and effort into one sport, and I decided that it was going to be track."

Last year, Morse qualified for the regional competition, but couldn't run in it because of a hamstring injury — his second in two years. "I expect to qualify for regionals again this year," Morse said. "Hopefully there won't be anything to stop me this time because my goal is to go on to nationals."

"Travis is a natural athlete, with God-given talent," she said. "He's got the caliber to be a national competitor and a world class athlete.

In the time that he's been run..."