

MUSTANG DAILY

1916

CALIFORNIA POLYTECHNIC STATE UNIVERSITY

2006

**TODAY'S
WEATHER**High **73°**Low **47°****Find out when
you can get
your eclectic
groove on**

IN SPOTLIGHT, 6

**Poly football team
drops five spots to
No. 9 in poll**

IN SPORTS, 12



Volume LXX, Number 33

Tuesday, October 24, 2006

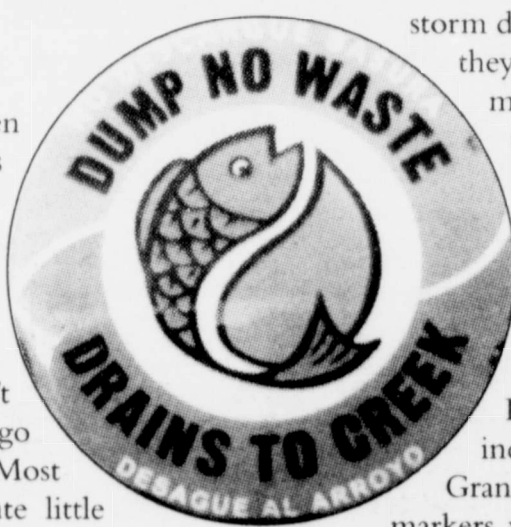
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Storm drains installed around campus as reminder

Josh Krane
MUSTANG DAILY

Markers have recently been set up adjacent to Cal Poly's storm drains to remind people that whatever goes down the channels ends up in San Luis Creek.

"Most people don't realize those storm drains don't have treatment, that they go straight to (San Luis) creek. Most people think that those cute little



storm drains go to a treatment plant, but they don't," said Kim Busby, equipment technician for environmental health and safety.

Two hundred of the markers, which say, "DUMP NO WASTE, DRAINS TO CREEK," have already been installed on the curbs adjacent to the storm drains along Cal Poly's major thoroughfares, including Highland, Perimeter and Grand streets. Eight hundred more markers will eventually be installed next

to every storm drain at Cal Poly.

Tracy Thatcher, assistant professor of civil and environmental engineering, said leaking oil from cars and soap used to wash cars are the most common types of pollutants to go down storm drains. She said the markers are a good way to inform people about the importance of keeping them clear of pollutants.

"People tend to be surprised that there isn't a sewage drainage system. When people become aware of that, then people are more careful," Thatcher said.

Animal and concrete waste and wash water

see Drains, page 2

University recognized for green energy

Amy Dierdorff
MUSTANG DAILY

Cal Poly is going green, and it has nothing to do with school spirit. The California State University system has set a goal of reducing energy use and utilizing more green power on all its campuses statewide to create a more sustainable system and prevent harm to the environment.

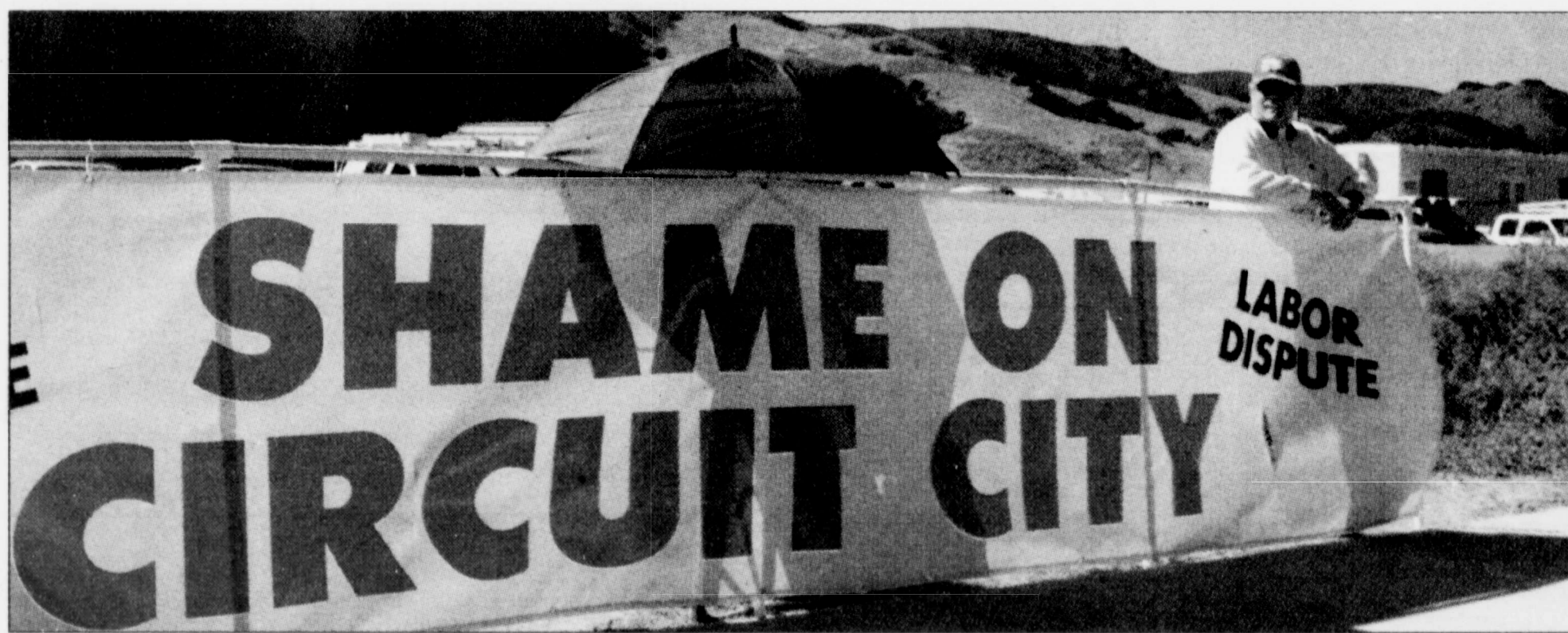
The CSU system ranked second on the U.S. Environmental Protection Agency's (EPA) list of top 10 College and University Green Power Partners, and made the top 25 list as the nineteenth largest national green power purchaser. The No. 1 College and University Green Power Partner in the U.S. is University of Pennsylvania.

The CSU system is being recognized for the voluntary purchase of more than 75 million kilowatt-hours of green power, which is enough energy to power more than 6,100 average American homes each year. Using national average utility emissions rates, this same purchase is about equal to avoiding the release of more than 105 million pounds of carbon dioxide, the equivalent of emissions from over 10,000 passenger cars.

"We are proud to be on the EPA's top 25 overall list and top 10 list of college and university purchasers. Purchasing green power is part of CSU's Energy & Sustainability Policy and underscores our commitment to reduce the impact of global warming, helping achieve our energy independence goal and providing diversity in our energy supply," said Len Pettis, Chief of Plant, Energy and Utilities for the CSU system in a press release.

Both lists are put together annual-

see Green, page 2



ANTHONY HALL MUSTANG DAILY

San Luis Obispo adds more chain stores to the Madonna area with the addition of Circuit City, PetSmart and Linens 'n Things, among others.

Circuit City, PetSmart land in SLO

Kelly Cope
MUSTANG DAILY

Pet owners and electronics buffs alike will soon have more shopping choices in San Luis Obispo. A Circuit City and PetSmart, among others, are slated for construction as part of the Irish Hills Plaza, a 140,000-square-foot shopping center on Los Osos Valley Road, near The Home Depot and Costco.

The development is being headed by the Madonna family, and will also include Linens 'n Things, OfficeMax, Beverages & More, Vitamin Shoppe, Panda Express, Artistic Nails, It's a Grind—a coffee shop franchise — and a small restaurant.

Many people think that the two new stores don't make much sense, as there are already a Best Buy and a Petco located on Madonna Road,

see Stores, page 2

Democratic club president takes on government

Nicole Small
MUSTANG DAILY

While the presidential election of 2004 may have turned some people away from politics, it sparked interest for Zach Austin. The political event led Austin to become politically conscious.

Austin found himself a liberal and a democrat dedicated to changing the current political structure, his reasons including the current administration's catering to corporations, their unwillingness to check on Bush and disregard for America's core values.

Austin, 20, is the president of the Cal

Poly Democrats club.

The political science junior says the position is kind of cliché, but it's true. Last fall, Austin became involved with the club and after the residing president stepped down, Austin ran unopposed.

"I really don't think that cheapens my win," said Austin.

Austin said if he had to choose a politician to be like, it would be Sen. Russell Feingold (D-Wis.) because Austin says that Feingold was the first to stand up to the Bush administration and vote against going to war in Iraq. Like Feingold, Austin strongly disagrees

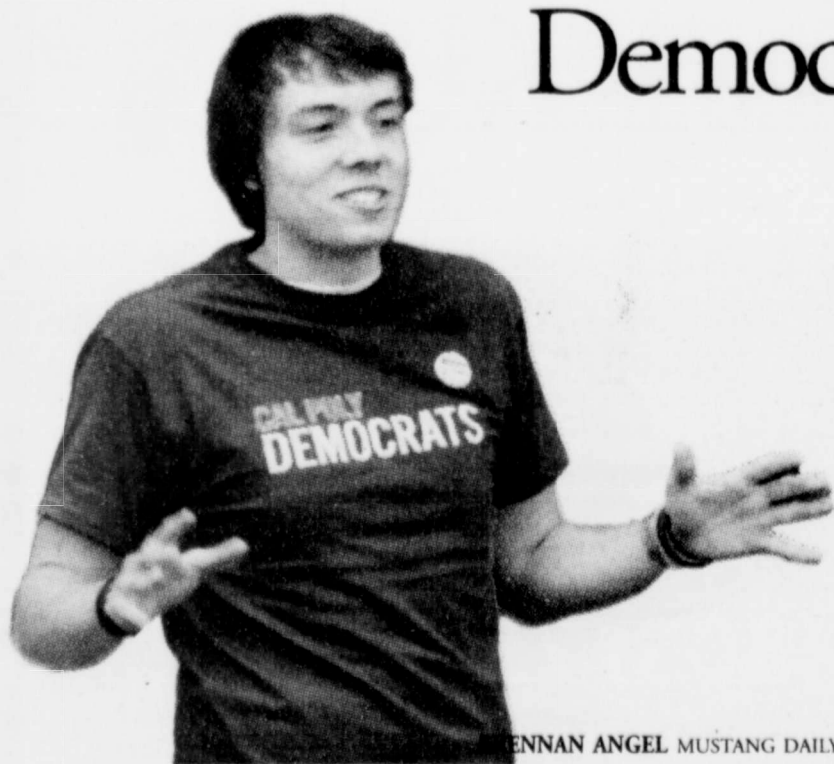
Mustang Daily Tuesday Profile

with the Bush administration's actions against weakening Americans' civil liberties.

"That issue I hold dear to my heart," he said.

Austin is a man who walks a straight line; as a member of the straight edge movement, Austin made a vow to never drink or do drugs. A tattoo of an "X" on his right calf ensures his word.

see Democrat, page 5



NANN ANGEL MUSTANG DAILY

Green

continued from page 1

ly to highlight which green power partners have purchased the most energy through the end of September. Green power makes up about 13 percent of the CSU system's electricity, according to the EPA Web site.

Green power is defined as, "electricity that is partially or entirely generated from entirely environmentally friendly resources, such as solar, wind, geothermal, biogas, biomass, and low-impact hydro," according to a CSU system press release. The CSU system purchases green power for 16 of its 23 campuses, including Cal Poly, in the form of biomass, geothermal and wind from APS Energy Services.

Cal Poly has made significant changes in the last few years to use more green power in compliance with the CSU system's goals and in hopes of becoming a more indepen-

dently sustainable campus. This past summer Cal Poly Facility Services, Facilities Planning and Capital Projects, and the Sustainable Advisory Committee put out the 2006 Biennial Progress Report detailing progress made in campus planning, development and efforts to become a greener campus.

The first progress report was released in 2004 as a response to the Tallories Declaration signed by Cal Poly President Warren Baker the same year. The declaration recognizes university leaders from around the world as having major roles in the education, research, policy formation and information exchange necessary to address problems of environmental pollution, degradation and depletion

"It's really great that Cal Poly, which isn't viewed as the most progressive school, is making positive changes. Finding alternative power sources is the only way we can assure a more sustainable future."

—Vanessa Mathews

Poly Greens membership coordinator

of natural resources.

According to the 2006 Biennial Progress Report, approximately 27,000 light fixtures were refitted campus wide in the past few years, along with other small measures, to contribute to a more than 13 percent

reduction in electricity and natural gas use.

In 1999, Cal Poly completed the "Utilidor" project, upgrading outdated boilers and chillers to a single central system for heating and cooling placed in vaults underneath the sidewalks at the core of campus. This single project reduced campus use of natural gas by about 30 percent, according to the 2006 Facility Services Progress Report.

Facilities has also made big changes with their fleet of campus vehicles in

an effort to improve air quality and decrease reliance on gasoline. By 2005, more than 18 percent of the fleet had been converted to electric or other alternative fuel vehicles.

The Poly Canyon Village student housing development, which is

scheduled to open for the 2008-09 academic year, will be equipped with a co-generation plant that will produce electricity on site by burning natural gas. According to the 2006 progress report, the resulting "waste" from the process will be used to produce hot water for the entire 2,700-bed complex.

"I think it's really great that Cal Poly, which isn't viewed as the most progressive school, is making positive changes. Finding alternative power sources is the only way we can ensure a more sustainable future," said Vanessa Mathews, membership coordinator for Poly Greens, the Green Party club on campus.

The EPA's Green Power Partnership is a voluntary program that aims to increase the use of green power among leading U.S. organizations. Currently, they have more than 600 partners, purchasing more than 6.8 billion kilowatt-hours of green power.

Stores

continued from page 1

just over a mile away.

"PetSmart is retarded. I don't know why they'd want to do that," said mechanical engineering junior Brian Ambrosini referring to the decision to put another pet-centered store in town.

As far as Circuit City being built, Ambrosini said that he could understand another electronics store coming into town, because he believes there is more of a market for electronics in San Luis Obispo than there is for animals. He said that it would come down to "company loyalty" for many people living along Los Osos Valley Road, such as himself, as the competing stores would be "about the same distance away."

Small business owner Josh Cohen was indifferent toward the stores' effects on their national competitors, but also saw an overall effect on the downtown area of San Luis Obispo.

"It still means more draw away from the center of the city to the outskirts," Cohen said. "The reason

that neither new store will have the significant impact that the Best Buy and Petco did is because the town had no big box electronics or pet store previous to their arrival."

Cohen said stores would not lower their prices to compete because each is a national chain retailer, so prices are set by higher-ups within the companies.

Cohen also said that advertising prowess would win out in the end, hurting small local businesses, such as those downtown.

"Local business cannot match the advertising power that the giant chain stores have, and because of this, even if a local business has a better product, better price and better service, the general public will simply go to what is the most heavily advertised without often doing much research."

It remains to be seen what will happen, if anything, to the local economy when the shopping center is

completed. San Luis Obispo's efforts to keep up with the times may cause other businesses to suffer. But the Madonna family will honor their late family member Alex Madonna's wishes and continue his vision he had when he first broke ground on the yet-to-be-built Home Depot in the early 1990s: a large retail space with plenty of variety for locals and tourists alike.

Developers expect to finish construction on Circuit City in time for a late 2006 opening, whereas all other stores will open within the first few months of 2007.

plug in!

Do you agree with chain stores coming to SLO?

take the poll at www.mustangdaily.net

Drains

continued from page 1

from hosing down buildings are the biggest culprits of pollutants on campus, Busby said. To combat these problems, the agriculture department uses controlled grazing for their cattle and gives them limited access to waterways. In addition, "mutt mitts," plastic bags used for picking up animal waste, are available at each campus entrance.

During building wash projects,

water used is rerouted to grass areas. The university has also implemented good housekeeping measures like street sweeping, handing out spill response kits and providing training for the agriculture and facilities departments.

The markers are part of a larger Cal Poly education and outreach plan to prevent San Luis Creek from becoming polluted. The environmental health and safety department plans to host open forums and creek cleanup events as extensions of this plan.

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Complete the grid so that every row, column and 3x3 box contains every digit from 1 to 9 inclusively.

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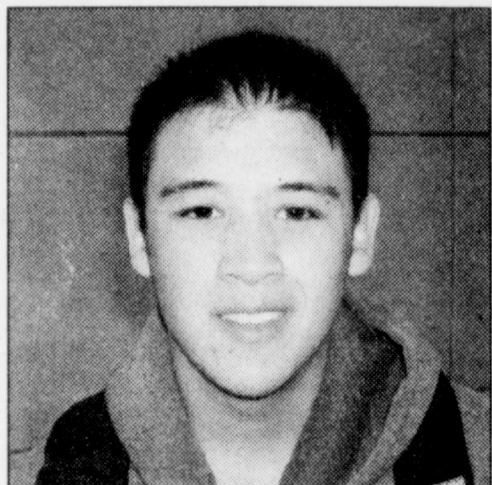
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Question of the day:

How do you feel about chain stores coming to SLO?



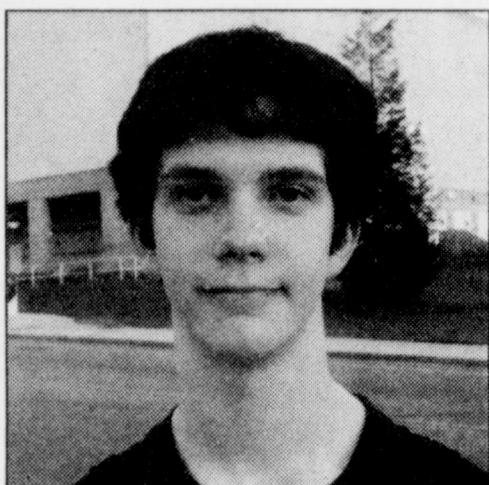
"I would like it because then you don't have to travel as far. It sucks to drive all the way to Paso Robles or Arroyo Grande."

-Mike Babst
civil engineering senior



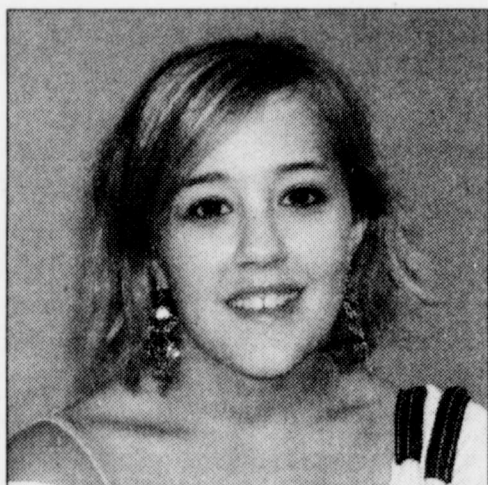
"It kind of takes away from the small town point of view, but it's also more convenient."

-Carmen Leung
architecture freshman



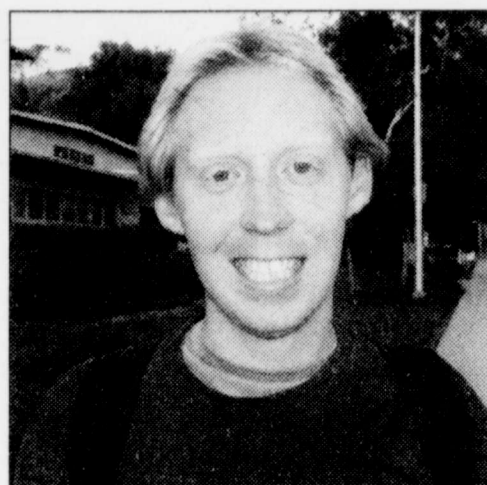
"I'm not even from here so I don't really care."

-Joseph Goodrick
aerospace engineering
sophomore



"I think it would change the atmosphere of downtown, but Madonna is already developed so it won't change."

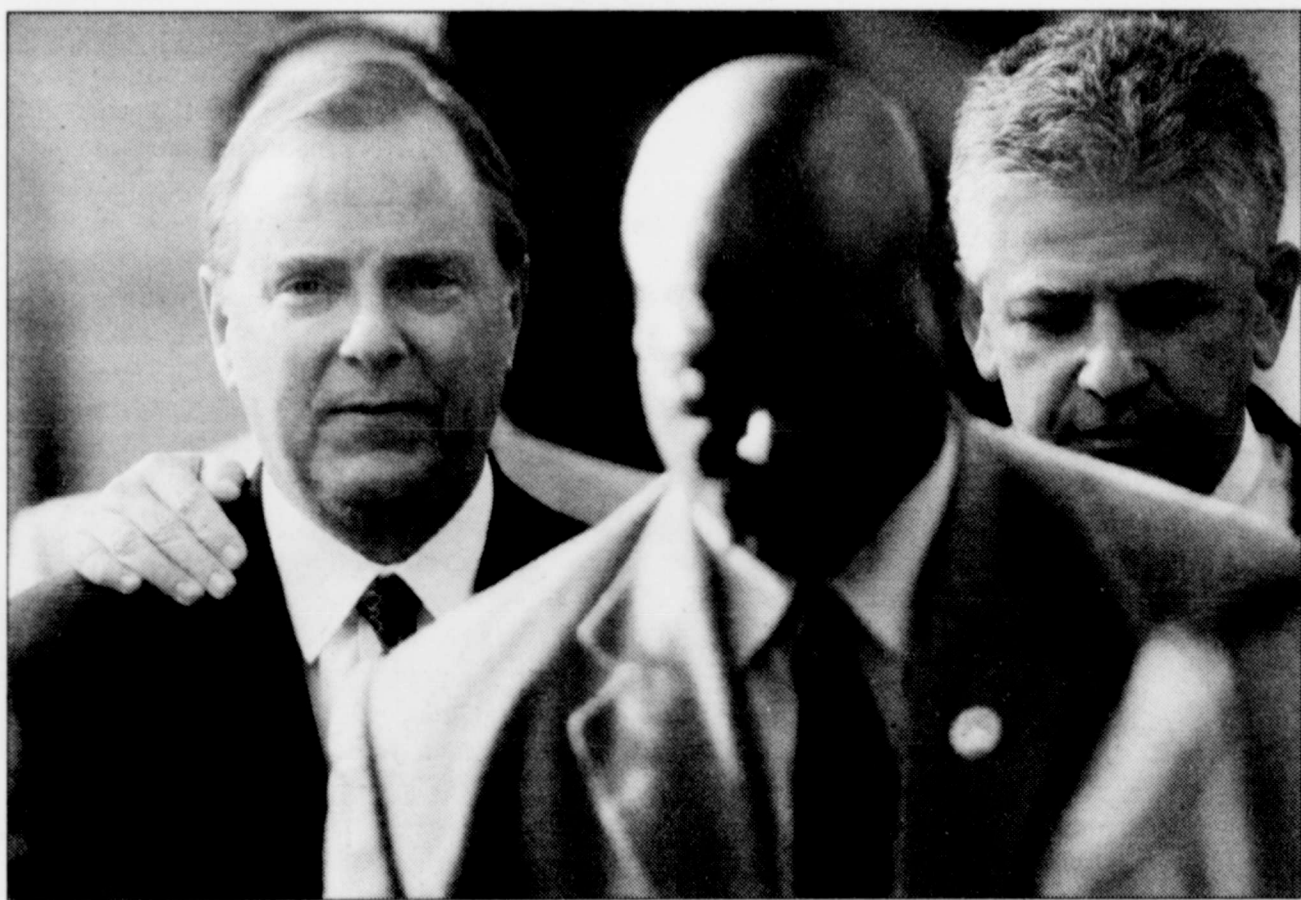
-Alexis Austin
architecture sophomore



"I'm against it because the family-run stores are what make SLO different from every other town."

-Kenny Hackman
recreation administration
graduate student

Former Enron CEO Skilling sentenced to 24 years, 4 months



DAVID J. PHILLIP ASSOCIATED PRESS
Attorney Daniel Petrocelli, right, puts his arm around former Enron CEO Jeff Skilling, left, after Skilling was sentenced to 292 months in federal prison Monday, Oct. 23, 2006 in Houston.

Juan A. Lozano
ASSOCIATED PRESS

HOUSTON — Former Enron CEO Jeffrey Skilling was ordered Monday to serve 24 years and four months in prison, the harshest punishment by far in Enron's scandalous collapse and one that capped a string of tough sentences for top executives in corruption cases.

U.S. District Judge Sim Lake denied Skilling's request for bond and ordered him to home confinement, wearing an ankle monitor. Lake, who told the U.S. Bureau of Prisons to recommend when Skilling should report to prison, suggested the 52-year-old be sent to the federal facility in Butner, N.C., for

his role in a case that came to symbolize corporate fraud in America.

"His crimes have imposed on hundreds if not thousands a life sentence of poverty," Lake said.

The former chief executive officer will be eligible to shave up to 54 days a year off his sentence for good behavior in prison. Lake also ordered Skilling to undergo alcohol and mental-health counseling. A successful completion of that treatment would take a year off his sentence.

Skilling, insisting he was innocent yet remorseful in a two-hour hearing, was the last top former official to be punished for the accounting tricks and shady business deals that led to the loss of thousands of jobs,

About \$45 million will be put in a restitution fund for victims. The remaining \$15 million will go to Skilling's legal fees, said Lynn Sark, attorney for the Enron Corp. Savings Plan and Stock Ownership Plan. The Justice Department allowed Skilling to set aside \$23 million for his defense when he was indicted; he still owed his lawyers \$30 million as of Monday.

Outside the courthouse, Skilling vowed to appeal his sentence and also asked that his restitution money go straight to victims, instead of being seized first by the federal government. His attorney, Daniel Petrocelli, said the restitution will be held until all of Skilling's appeals are

exhausted.

Skilling had stood with his hands clasped below his waist, with Petrocelli at his side while being sentenced. He gave no visible reaction. After court adjourned, Skilling hugged Petrocelli.

Skilling's term is the longest received by any Enron defendant; former Chief Financial Officer Andrew Fastow was given a six-year term after cooperating with prosecutors and helping them secure Skilling's conviction.

It falls just shy of the sentence imposed on WorldCom CEO Bernard Ebbers, who received 25 years for his role in the \$11 billion accounting fraud that toppled the company he built from a tiny telecommunications firm to an industry giant. Another CEO, Dennis Kozlowski of Tyco International Ltd., received a sentence of eight and one-third to 25 years in prison in another fraud case.

Skilling's co-defendant, Enron founder Kenneth Lay, died from heart disease on July 5. Lay's convictions on 10 counts of fraud, conspiracy and lying to banks in two separate cases were wiped out with his death.

Skilling's arrogance, belligerence and lack of contriteness under questioning made him a lightning rod for the rage generated after Enron sought bankruptcy protection in 2001. Lay was once a leading city father whose charitable good works and affable nature endeared him locally. Skilling was little known outside Enron until his anger at being caught brought his personality into public focus.

"Your honor, I am innocent of these charges," Skilling told Lake Monday. "I'm innocent of every one of these charges."

"We will continue to pursue my constitutional rights and it's no dishonor to this court and anyone else in this court. But I feel very strongly about this, and I want my friends, my family to know that."

Skilling also disputed reports that he had no remorse for his role in the fraud that drove the company to seek bankruptcy protection.

"I can tell you that's just the furthest thing from the truth," he said. "It's been very hard on me, but probably, more important, incredibly hard on my family, incredibly hard on employees of Enron Corp., incredibly hard on my friends and incredibly hard on the community. And I want my friends, my family to know this."

Skilling's second wife, former Enron corporate secretary Rebecca Carter, was in the courtroom.

Skilling's apologetic tone didn't last long.

Outside the courtroom later, he predicted he'll be vindicated on appeal.

"The word 'Enron' conjures up some really awful things," he said. "I don't fault the judge for what he did. I believe I'll be vindicated."

Skilling said he never considered striking a deal with prosecutors because he believed he had done nothing wrong.

Skilling was convicted in May on 19 counts of fraud, conspiracy, insider trading and lying to auditors. He was acquitted on nine counts of insider trading.

Accident kills 1 in eastern Pa. coal mine, officials say

Michael Rubinkam
ASSOCIATED PRESS

TREMONT, Pa. — A coal mine accident, possibly an explosion, killed a miner Monday, but five others escaped, authorities said.

The incident happened 2,300 feet underground at the R&D Coal Co. anthracite mine in Schuylkill County, about 80 miles northwest of Philadelphia.

The victim was Dale Reightler, 43, of Donaldson, according to his brother-in-law Charles Kimmel. Reightler, who had worked the mines since age 16, had a wife and four children, and dreamed of setting up an auto repair business, Kimmel said.

"He was gonna give it up and go into auto repair full time," Kimmel said. "I guess that ain't gonna happen."

The owner of the coal company, Stu Himmelberger, was at Reightler's house Monday night to comfort the family but did not talk to a reporter.

State and federal investigators were trying to determine the cause of the accident, the state Department of Environmental Protection said. Regulators ordered the mine closed until an investiga-

tion is complete.

State police initially said the accident was an explosion. However, other state officials were more cautious, saying it was too dangerous to go down into the mine shaft to investigate because the incident knocked out the mine's ventilation system.

They hoped to have it restored Tuesday.

"Right now, it's a mining accident, a fatal mine accident, and that's what we're terming it until the investigation concludes," said Mark Carmon, a DEP spokesman.

The five miners who escaped were being interviewed, Carmon said.

The mine is in a remote, mountainous region in eastern Pennsylvania. A June inspection turned up no violations, while an August inspection found brush surrounding an exhaust fan that was cleared while the inspector was on site, according to state officials.

Four workers at the mine were injured Dec. 1, 2004, by debris from an explosion caused by a pipe with a faulty gauge, state officials said. The mine reopened after installing safety equipment, and two inspections this year turned up no significant violations, the state



JOHNATHAN PAROBY ASSOCIATED PRESS

Coal miners and family members leave the property of the R&D Coal Co mine near Joliett, Pa., Monday, Oct. 23, 2006. An explosion at the mine Monday killed one person.

agency said.

The victim's neighbors were taking food to his family's home in the tightly knit mining community, neighbor Diana Carra said.

"The folks here really take care of each other," she said.

The area has the nation's only deposits of anthracite, a type of hard, relatively clean-burning coal that once heated millions of homes but now represents a tiny sliver of the U.S. coal industry. The mines still operating are typically small,

with only a few miners.

So far this year, there have been 41 other deaths in U.S. coal-mine accidents, none in Pennsylvania. In the deadliest accident, 12 men were killed at the Sago Mine in northern West Virginia in January.

Briefs

State

SAN FRANCISCO (AP)

— Immigrants from China and Vietnam can wire money to relatives back home directly through a bank starting Tuesday, bypassing potentially more expensive remittance companies or the riskier option of handing cash to traveling friends.

Wells Fargo & Co. became the first U.S. bank to tap this slice of the lucrative international money-transfer market. The bank partnered with the Agricultural Bank of China and the Industrial and Commercial Bank of Vietnam to allow customers in the United States to make direct account-to-account transfers to their countries of origin.

...
SACRAMENTO (AP) — A federal judge on Monday approved one of the largest river restoration projects in the western United States, capping an 18-year legal battle to return salmon to the San Joaquin River.

U.S. District Court Judge Lawrence Karlton approved the deal between environmental and fishing organizations, farmers and irrigation districts to return water to stretches of the river left dry by the Friant Dam outside Fresno.

Karlton's signature finalizes a settlement reached this summer. It will immediately take effect.

The agreement allows water to be returned to roughly 60 miles of the San Joaquin River by 2009. While the construction of the Friant Dam in the 1940s transformed about a million acres in the Central Valley into fertile farmland, it dried up long sections of a river once thick with salmon.

National

ALBANY, N.Y. (AP)

— Sen. Hillary Rodham Clinton accused her Republican challenger of getting into "swampy territory" after he was quoted Monday as saying that Clinton was unattractive when she was younger and that she had a lot of work done on herself. John Spencer denied discussing the senator's looks during a conversation with a New York Daily News reporter. The tabloid quoted Spencer as saying: "You ever see a picture of her back then? Whew. I don't know why Bill married her."

...
WASHINGTON (AP) — A voluntary recall of 340,000 laptop batteries made by Sony Corp., part of a voluntary global replacement program, was officially announced Monday in the United States.

Last week, Tokyo-based Sony said the record recall involved nearly 10 million batteries worldwide. The Consumer Product Safety Commission, the government's consumer-watchdog agency, issued the formal recall notice for U.S. consumers.

...
WASHINGTON (AP) — Under election-year pressure to change course in Iraq, the Bush administration said Monday there are no plans for dramatic shifts in policy or for ultimatums to Baghdad to force progress. Just two weeks before the Nov. 7 elections that will determine whether Republicans retain control of Congress, the White House tried to calm political anxieties about deteriorating security in Iraq.

International

SEOUL, South Korea (AP)

— North Korea is amenable to returning to international nuclear talks if the U.S. shows a willingness to resolve a dispute over the North's alleged counterfeiting and money laundering, a South Korean lawmaker said Monday. A Japanese legislator said a top Chinese official who recently visited Pyongyang said China was not optimistic that North Korea will end its nuclear program or re-enter disarmament talks soon.

...
BAGHDAD, Iraq (AP) — A U.S. soldier in Baghdad was reported missing late Monday, and residents said American forces sealed the central Karadah district and were conducting door-to-door searches. Other reports claimed he was an Army translator of Iraqi descent and was abducted. A military official in Washington said the missing service member was a translator and that the initial report was he may have been abducted. The official spoke on condition of anonymity because the information was not cleared for release.

...
SAN JOSE DEL CABO, Mexico (AP) — Hurricane Paul swirled toward the southern tip of Baja California Monday, becoming the third hurricane this season to threaten the resort popular with Hollywood's elite.

Paul had maximum sustained winds of 90 mph and was moving north at about 6 mph, the National Hurricane Center in Miami said. Paul's winds weakened from 105 mph earlier and the storm was downgraded to a Category 1, the center said.

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Democrat

continued from page 1

One of his best skills is being an "excellent communicator of ideals."

What Austin brings to his caucus table is his ability to convince an undecided voter or a diehard democrat to vote one way or another. Another quality that is hard to beat is his infectious enthusiasm for politics.

"We try to give students a reason to care," he said.

The Cal Poly Democrats and College Republicans have worked together to get more students interested in the future of the nation.

"Even though we are from different sides of the political spectrum, we put it aside because we want people to register (to vote)," said Christina Chiappe, president for the Cal Poly College Republicans and a social sciences junior.

The clubs set up voter registration booths in the University Union around election times to get more college representation at the polls.

Austin speculates that because San Luis Obispo is a small community and is an urban area, less people are involved in politics.

On an individual note, the Cal Poly Democrats volunteer their time to the San Luis Obispo Democratic Society and will do precinct walks, going door-to-door to speak with the community about upcoming election propositions and candidates, and phone banking.

The club also has speakers come to campus to share their view on current issues.

In fact, Austin said his most influential club moment happened a few weeks ago when Rep. Lois Capps came to Cal Poly. Capps represents the 23rd district, which covers Cambria to Ventura. Austin said Capps came during greek week to work the Cal Poly Democrats' booth in the UU. He said she walked up to fraternity booths and introduced herself without any hesitation.

"She showed that a politician does care about what students think," Austin said.

Austin would like to do work similar to Capps' after college. As a child, Austin thought he'd be a firefighter, but now wants to be a congressional aide or a legislator in either Sacramento or Washington, D.C.

Austin stays busy; in addition to his presidency, he also serves on the Associated Students Inc. board. Austin said the key to balancing school, clubs and his personal life is to stay organized and to "keep an eye on the prize."

The Cal Poly Democrats have an active base of between 40 to 50 students, who are not all "crazy liberals" he said. Members are from a broad range of majors and ideals.

Austin said people need to think about the future; already 3,000 American soldiers have died, tuition rates have increased and the middle class bracket is disappearing, and the only answer lies in democracy.

"The path of the country is not going well and there are a great deal of changes that need to happen, the Democratic party is the best choice to do it."

AP: Officials wanted to search for more body parts at the World Trade Center site

Sara Kugler

ASSOCIATED PRESS

NEW YORK — As the city agency overseeing the removal of the World Trade Center rubble was wrapping up its work in 2002, several officials handling the painstaking recovery of human remains warned that things were moving too fast.

They believed that more pieces of the 2,749 dead could be found, and that the city shouldn't be rushing such an important task. But they were overruled, two of those officials told The Associated Press this week.

Over the past few days, dozens of bones have been discovered in underground passages at ground zero, more than five years after the tragedy.

"I knew that this was going to happen — they really just wanted us out of there," said retired Lt. John McArdle, the Police Department's ground zero commander. "There was not a good exit strategy for some of these places, and if there was, it was poorly done."

A utility crew stumbled upon body parts last week in an abandoned manhole along the edge of the site, and forensic experts have since dug down and found more than 100 bones and fragments from skulls, ribs, arms, legs, feet and hands.

The discoveries have angered and saddened relatives of the Sept. 11 victims. Of the 2,749 people who were killed that day, the remains of some 1,150 have not been found. That means that families of 40 percent of the victims have nothing — not a sliver of a bone — left of their loved ones.

The notion that rescue workers were rebuffed by a city eager to finish the job could help shed light on why the remains are being discovered only now. The area where bones are being found is one where officials had raised objections.

The officials said they repeatedly aired their concerns to the agency in charge, the Department of Design and Construction, which was later praised for its speedy, under-budget cleanup of 1.5 million tons of trade center debris.

"The desire was driven by one thing, and that was, 'Get it done,'" said another official who protested, speaking to the AP on condition of anonymity because he is not authorized to discuss the work publicly. "Many a time the issue was raised about how fast it was going and things were being missed."

Deputy Mayor Ed Skyler, who is overseeing the renewed search, said a review of such issues would be pre-

mature, but noted that the Fire Department was designated as the lead agency for finding remains, and that the design department proceeded with its work only when the FDNY gave the go-ahead.

According to the two officials, FDNY rescue workers were among those who resisted the Department of Design and Construction. However, Fire Department spokesman Frank Gribbon said Monday that reports of objections were exaggerated. Chief of Department Sal Cassano said in a statement that the FDNY "had final sign-off on areas where the recovery effort was deemed complete, and at no time was pressured to say otherwise."

Memos obtained by the AP show that the design department acknowledged at least some of the objections in the spring of 2002, but was concerned about "delaying the sign-off."

After the twin 110-story towers collapsed, police and fire officials led the backbreaking search for bodies while the Department of Design and Construction was assigned to excavate the debris, which stood 10 stories high at the start. The agency, staffed by engineers, architects and construction professionals, specializes in engineering and construction projects, including emergency debris removal.



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UNDER FOUR

Band brings jams to pub Wednesday

Christina Casci
MUSTANG DAILY

To the band members of Frame of Mind, music is not only their job, it is a way of life. On Wednesday, Oct. 25, Frame of Mind is bringing their eclectic style of music and life to Frog and Peach at 9:30 p.m.

The band, which started in Southern California, considers itself a jam rock 'n' roll band, said Obie Scott, 33, the guitarist and one of the vocalists.

"We do nice transitions between songs and play a lot of improvisation," Scott said.

Though they started in Southern California, the band members have moved around a lot. Their first tour was in 2000, after they had played locally for a few years, and throughout the tour they lived in a Suburban, Scott said.

For two and a half years, Frame of Mind toured all over. "We were making our own dream happen, without the help of anyone else," Scott said.

Finally, the band wanted to record an album and settle down, Scott said. They moved to Idaho and started to play there. "We made a better living up there."

After three albums in Idaho, they decided to "move out and get on the road," he said. "We wanted to put ourselves in a bigger pond."

With 200 shows a year, most would be tired of the road, but not Nimai Pickup, 32, the bass player and one of the vocalists in Frame of Mind. "It hasn't worn out yet," Pickup said. "We are at home and welcome wherever we go."

The band has pulled inspiration from many types of music, including classic rock and more contemporary



COURTESY PHOTO

Frame of Mind will bring its eclectic style of music and life to Frog and Peach Wednesday at 9:30 p.m.

musicians, according to their Web site www.frameofmindlive.com. "There has been so much great music that has come out," Scott said.

Unlike some other bands, Frame of Mind writes their own music and each member contributes. "We all write and add what we think best," Scott said. "We all are the vocalists, except the drummer doesn't sing lead vocals."

"I get my inspiration for the music from daily experience and emotions," Pickup said. "I draw from all over the place."

Scott's younger brother, Josh Scott, is the keyboardist, vocalist and plays various other instruments in

the band. "We haven't spent more than two years apart our entire lives," Scott said.

"There are times that are heated, but they have gotten less and less frequent lately," Scott said. "He covers where I lack and I make up where he lacks."

Before *Frame of Mind*, the two professionally snowboarded together. "We could only do that for so long, professionally," Scott said.

What the band loves about being onstage is "The energy you get from playing in front of other people," Scott said. "The relationship and the energy is addictive."

"The crowds that are dancing and

having fun are great," Pickup said. "As long as they're having fun, we do too."

Though touring is fun, the band is ready to record another album soon. "It will be nice to have a few months off to write and record," Scott said. "We could do it on the road, but it's not the same."

"As soon as we can find time and find a studio to record in, we will do it," Pickup said. "As soon as possible."

To most, Frame of Mind is a band that plays great music, but to the members, it is much more.

"We live, breathe, work together, so for us, it is our life," Pickup said.

MOVIE REVIEW

Nolan's
latest film
prestigious
indeed

Spoiler alert — the ending of the movie is revealed.

Tarek Karkoutly
DAILY TOREADOR (TEXAS TECH)

LUBBOCK, Texas — Director Christopher Nolan has never fallen short of delivering a thoroughly complex and skillful piece of narrative filmmaking. He gave us the ultimate turn-around tale of a man's short-term-memory deficiency in 2000 with his masterpiece "Memento."

He redefined the model of a remake with his Alaskan rendition of a Norwegian crime investigation chronicle, "Insomnia," in 2002. He also managed to reinvent the entire defunct existence of the Batman franchise by presenting a much darker and vile perspective on the rise of the dark knight with "Batman Begins" in 2005.

Nolan's newest film, "The Prestige," offers the first period piece of his career, not to mention his first full co-writing collaboration with his brother Jonathan Nolan, who wrote the original short-story version of "Memento."

Set in turn-of-the-century London, "The Prestige" opens with a three-act formula for the perfect magic trick. The first act, "The Pledge," features a magician displaying something seemingly typical. In the second act, "The Turn," the magician turns the ordinary into the extraordinary. The final act — "The Prestige" — is "the part with the twists and turns, where lives hang in the balance, and you see something shocking you've never seen before," according to a character from the film.

This was the perfect recipe for the future rival trickery of magicians Rupert Angier (Hugh Jackman) and Alfred Borden (Christian Bale). They

see Nolan, page 8

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CD REVIEW

Beyonce's voice rings in 'B'Day'

Joe Lynch
THE DAILY CARDINAL (U. WISCONSIN)

MADISON, Wis. — After listening to Beyonce's latest album, the oddly titled "B'Day," there are two thoughts very difficult to get out of your head: Where's the attempt to recreate "Crazy in Love," and why does Beyonce sound like she's preparing to break up with Jay-Z? The first concern washes away after repeated listenings — though nothing on "B'Day" equals the R&B perfection that was "Crazy in Love." The album as a whole is entirely better and more satisfying than the often-taxing "Dangerously In Love."

The second concern, however, only seems more apparent after further listening. Half of the songs are explicitly about breaking up, jealousy and resentment. If there is trouble between the Hova and Ms. Knowles, it probably won't raise any eyebrows given the expiration dates on celebrity romances. The real surprise, though, is that this jealousy and anger has propelled Beyonce into creating some of the most relevant music of her entire career, and one of the most consistent albums of 2006.

"Ring the Alarm" is the album's angriest, grittiest and best song. It mixes deliriously obsessive verses, Bomb Squad-esque production (alarms sounds over hard-hitting,



COURTESY PHOTO

"B'Day," Beyonce's latest album, fails to deliver an R&B perfection equal to her previous "Crazy in Love" track. While the album as a whole is satisfying, half the songs are about breaking up, jealousy and resentment.

spare beats) and a screaming, ranting chorus that finds Beyonce sounding like the bastard child of Zack de la Rocha and Yoko Ono — which is a surprisingly good thing. Lyrically, she deals with one of the hardest parts of any breakup: The knowledge that after it's over, you have to see your ex-lover with someone new. When she screams "I'll be damned if I see

another chick on your arm!" Beyonce effectively sums up the senseless jealousy that marks ended relationships. This is simply one of the most original, ballsy singles to hit the radio this year.

"Suga Mama" exemplifies what makes "B'Day" so enjoyable and unique. Its instrumentation sounds straight out of the Meters' '70s cata-

logue with funky guitar work and minimal drumming. This is one of "B'Day"'s strongest attributes: Beyonce gives us songs with plenty of different instruments and hooks to keep things interesting, but makes sure they still have a sense of space and restraint. Never does the production sound overdone, and each song leaves plenty of open audio space,

producing a sound that is both layered and spare. Add soulful vocals and lines like, "I'm gonna be like a waffle cone, just drippin' to the floor," and you've got a killer song.

"Freakum Dress," second only to "Ring the Alarm," is also a fantastic club banger which begins with Beyonce commanding the music to start and stop at her whim. The song finds Beyonce exhorting fans to go out and get your freak on whenever your man acts up: "Ladies look here/ When you been with your man for a long time/ Every time and then you gotta go back in the closet/ And pull out that freakum dress." Beyonce takes the familiar female empowerment song and makes it wholly interesting again by imbuing it with an angrier screw-you mentality that most divas wouldn't dare to.

Due to the absence of a "Crazy in Love," "B'Day" will probably not be the blockbuster that "Dangerously In Love" was, which is a shame considering this album is one of the most entertaining, heartfelt releases in R&B/pop music this year. Taking into account the fact that Beyonce created this near-masterwork in the space of two weeks, it's fair to say her career is stepping out of the cookie cutter it gestated in and is entering a golden era that is all her own: Powerful, soulful and freaky.

SAN LUIS OBISPO POLYBILL CALIFORNIA POLYTECHNIC STATE UNIVERSITY

Check out what's going on in SLO County this week. Whether it's art, film, music, theater or culture, POLYBILL posts the latest events.

• Tuesday, Oct. 24, 8:15 p.m.

This week's ASI-sponsored Free Fall Flicks movie will be "Talladega Nights: The Ballad of Ricky Bobby," featured in Chumash Auditorium.

• Thursday, Oct. 26, 11 a.m. to noon

The Bradbury Press will play at UU Hour.

• Thursday, Oct. 26, 7 p.m. and 9:30 p.m.

"Chasing the Lotus," an in-depth surf movie featuring some big-name surfers will premiere in the Chumash Auditorium. Cost is \$6.50 for students.

• Friday, Oct. 27, 1 to 4 p.m.

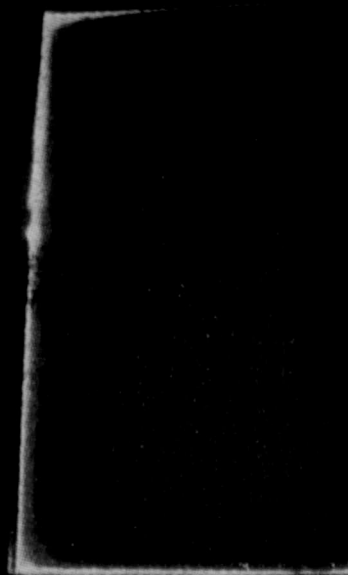
The ASI Craft Center invites students to enjoy their free Craft Friday in UU room 111.

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Local folk artist brings sounds to Linnaea's

Until about two weeks ago, I had heard of Mariee Sioux more times than I had ever listened to Mariee Sioux. By the time I was curious enough to listen to her music, she had slipped out of town on a journey with experimental folk group Brightblack Morning Light. Right around this time, Brightblack Morning Light released its newest album on Matador Records, home to Belle and Sebastian, the New Pornographers and Yo La Tengo among others. As you can guess, my interest peaked even higher.

Apparently, she's back. And she's got a new solo album entitled "A Bundled Bundle of Bundles." Somehow, the CD worked its way into Cal Poly's radio station, KCPR, after being handed off at a party, or at least that's what I've heard. Either way, it's now humming away on my computer speakers.

The CD is everything you would expect as far as sound. Sioux comes from Nevada City, home to a nice little folk scene that has produced artists like Joanna Newsom. The album has

pretty and unique vocals set against soothing guitar work and it has them in droves. To be honest, most of the album should be pretty easy to get into if you are an individual inclined towards folksy arrangements.

However, it's the second track that sets the whole album apart and makes it so wonderful. "Wizard Flurry Home" occupies a short amount of space at four and a half minutes with other tracks hanging around the ten minute mark. It's the most wonderful journey on the album though. Sioux sings about flurrying snow, winter, dancing and love amid continuously moving guitar work. It brings back every moment I ever spent running in the snow at night up in the mountains as I was growing up in Nevada.

The other tracks may not evoke as much atmosphere and wonder as "Wizard Flurry Home," but they are still nice little folk songs that will hover around my playlist for a while. "Fists 'n Seagulls" sets Sioux's vocals against strumming that conveys senses of movement and traveling just like in "Wizard." "Wild Eyes" unfolds upon a lengthier space with Sioux alternat-

ing between her more soothing vocals and attention grabbing pleas to "Mama" and "Papa." "Bundles" closes the album and snakes and strums its way through a peaceful 10 minutes.

Sioux definitely fits the bill as a local artist San Luis Obispo should be proud of having. The local scene seems to be growing in scope once again or maybe I'm just taking notice of it for the first time. Either way, I will get to see Mariee Sioux play for I believe the second time. She will be playing a small show at Linnaea's Café Wednesday at 8:30 p.m. with an unannounced guest. As per the usual, attendance is free and donations are welcome.

Show Tip: If folk music isn't your thing, come see So Many Dynamos bring loud noises to 2 Dog's Coffee Co. and Internet on Thursday at 8 p.m. Eat lots of food at Farmers' Market and then come enjoy the show. Big memo to Dismemberment Plan fans: you will totally dig this.

Graham Culbertson is a journalism senior and Mustang Daily music columnist.



Mustang Daily TIME CAPSULE

October 24

- 1995 Total solar eclipse in Southwest and Southern Asia lasts 2 minutes, 9 seconds.
- 1989 After a week's delay from an earthquake, World Series game three is played.
- 1964 Eighteenth Olympic games close in Tokyo, Japan.
- 1940 40-hour workweek goes into effect (Fair Labor Standards of 1938).

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Nolan

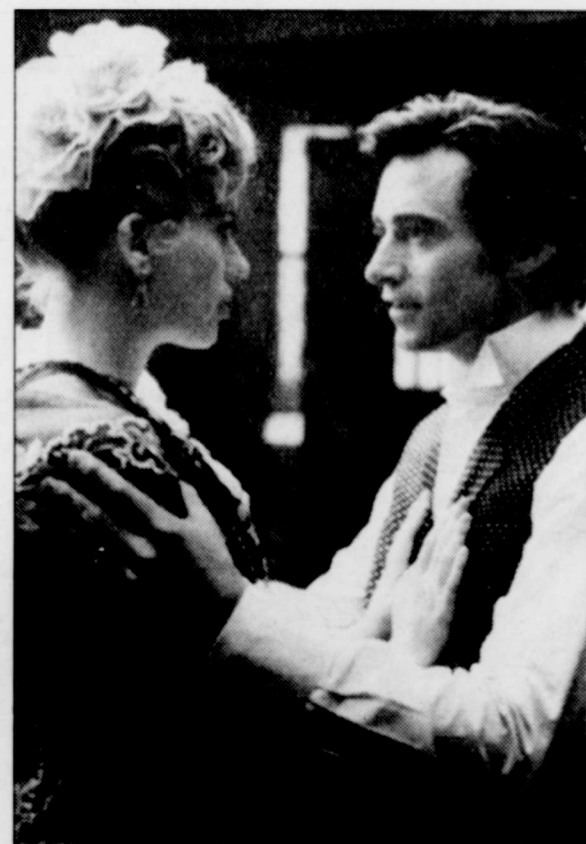
continued from page 6

began their stage careers as assistants to the seasoned water-box act performer, Cutter (Michael Caine). Their act is as dense as it is dodgy. The wife of Angier stars as the dazzling muse of the ruse; she is roped by the hand, tied to a crane and dropped into a metal crate of water that is then locked shut. Then, with the fall and rise of a curtain, she is seen at liberty and without struggle once again.

The secret to the trick is that a trap door at the top of the crate allows the person inside to unlock the latch. Yet, one evening, Borden (Bale) ties an unusual knot that prevents Angier's wife from escaping the trap. Whether Borden's intentions were purposeful is unseen. The demise of Angier's wife and the unknown explanation for Borden's actions completely destroy the relationship between the two magicians.

A bitter rivalry is all that is left for the fate and future of these conjuring men as solo performers. Their methods of rivalry are then rooted upon cruel and resentful schemes of betrayal, often corrupting each other's performances and stealing each other's tricks. Angier employs his latest performance assistant, a woman by the name of Olivia Wenscombe (Scarlett Johansson), as his personal emissary to personally examine every detail of Borden's routine of trickery. The film unveils the plotline by patching together different periods in time, a familiar character-developing instrument often exhibited by Nolan.

One night, Borden delivers a



COURTESY PHOTO

"The Prestige," directed by Christopher Nolan, is his first full co-writing collaboration with his brother Jonathan.

magic trick called "The Transported Man" that baffles Angier. It's a trick based on the duplication of illusion, in which the magician enters through an empty door from one side of the stage and exits immediately from the other side. Angier sets out on a journey to seek the aid of a man who can make real magic happen through science — Nikola Tesla, played by Ziggy Stardust himself, David Bowie, in his first full acting role in six years.

Overall, "The Prestige" carries a flawless sense of growth and aptitude that is epitomized by a simply divine cast. Seeing Christian Bale and Hugh Jackman deliver some dearly unforgettable performances forces the audience to forget the pair are simply acting. Furthermore, Christopher Nolan's irregular yet pure visual style has vividly re-visualized the period-piece brand of filmmaking that "The Illusionist" failed to accomplish.

Tuesday, October 24, 2006

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"I don't want to die from multiple organ failure."

DATING COLUMN

Think things through before saying 'I do'

Halloween is a week away, but I'm already spooked.

It's not a soul-gripping fear, not an absolute terror instilled in my heart (but for some, the idea may be that frightening). It sends a chill down my spine, a shudder that makes my shoulders tense and teeth clench — and it has something to do with a figure in a white dress.

The figure being ME.

I'm not referring to a Bride-of-Frankenstein costume. Minus the electrocuted hair and bolts-in-neck bridal jewelry, the image of a wedding dress is scary enough.

Before you singles run screaming bloody murder in the other direction, and before the mobs of the affianced and married come after me with their pitchforks and torches, let me clarify myself.

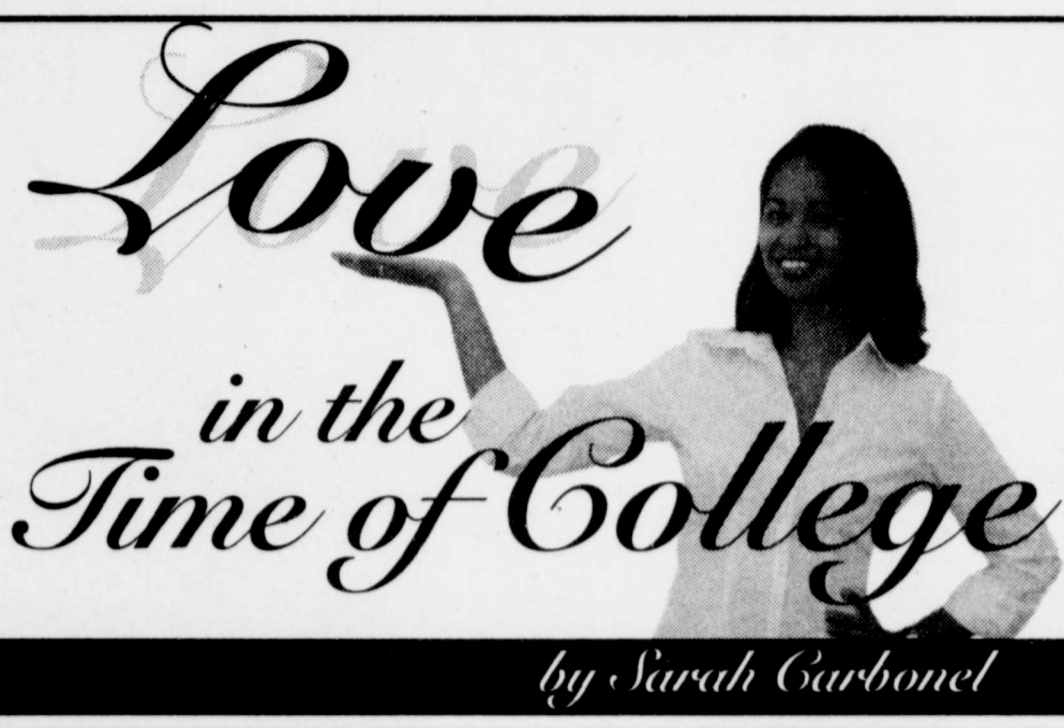
I'm no ogre in my attitude toward marriage. I have my fantasies like every other conventionally-socialized female. My roommate and I love browsing the bridal magazine section at the Barnes & Noble downtown, gapping at the glossy pages of dresses and sleek washer and dryer sets. I have a place in my heart for the idea of a big, fussy wedding and a big, fussy wedding gown, "snow-beast" status à la Toulou of "My Big Fat Greek Wedding."

Of course I want to get married. Someday.

But the pressure's on like never before! As a college underclassman, I was mostly oblivious to the marriage phenomenon, except in the abstract, far-off future sense. For those two years I was still safely protected by the teen suffix.

But since July when I finally hit the two-decade mark, references to marriage have had a charged, more high-strung resonance in my ears.

For example, this line from a much-loved movie (I can't believe I've gone two whole columns without mentioning it!):



"I'm saying that the right man for you might be out there right now and if you don't grab him, someone else will, and you'll have to spend the rest of your life knowing that someone else is married to your husband."

(Please tell me you know what movie that's from!)

People are starting to tell us, "You're getting to be that age." THAT age? Which age? In this day and age, what age is THAT age?

The 2000-2003 survey by the U.S.

Census Bureau reports that the median age at first marriage in the United States is 26.7 for men and 25.1 for women; in California, 27.2 for men and 25.2 for women.

That's still older than the majority of the undergraduate population in general.

But should I start panicking? Atmospheric disturbances point to yes. A friend of mine has already been married for over a year — she's 22. Several friends are

engaged, and several more might as well say they are. Friends of friends spent their summers attending weddings of their friends, and of all these friends, nobody's older than 30.

Is my clock ticking?

"No, the clock doesn't really start to tick until you're 36." (The

movie: "When Harry Met Sally." New insight every time I watch. That's a lot of insight.)

I'm not campaigning against marriage, by any means. I'm not even against young marriage, and I'm

all for long engagements. If two people want to commit the rest of their lives to each other, and are willing to put in that kind of investment, why should anything deter them? Fellow twenty-somethings, get married all you want! Champagne all around! Sparkling cider for the underage newlyweds! (Sorry, kids.)

I'm positive lots of young marriages work out, and probably significantly better than a lot of marriages formed later in life.

All I'm saying is make sure you're ready first.

Too many people (at any age) go into marriage thinking that the institution itself will change things, or fix something that wasn't quite right before "I do's" were exchanged. The happily-ever-after ideals we're raised with are partially to blame. But the responsibility for the maintenance of a relationship falls on two sets of shoulders only.

Aside from marriage, just sustaining a romantic relationship is especially challenging in this 20s decade.

There's graduation (and post-graduation) to think about, and most importantly, most of us still have a lot of self-discovering left to do. How can you spend as-long-as-you-both-shall-live getting to know someone if you don't know yourself that well?

OK, so I started off a bit dramatically. I'm not afraid of marriage at all, and let the record show that I'm certainly not afraid of commitment. What scares me is that people enter into this bond (which is supposed to last a lifetime) without thinking it through for more than, say, two minutes and 50 seconds.

As for me... for now, I'll stick to bridal magazines. I'll express my genuine happiness when another fellow collegian ties the knot (I can't help but be girlishly giddy when I hear about it).

And I'll comfort myself with the fact that I'm not yet 36, and I have plenty of time to get to the point in the movie when Harry puts it best:

"When you realize you want to spend the rest of your life with somebody, you want the rest of your life to start as soon as possible."

Sarah Carbonel is an English and psychology junior and Mustang Daily dating columnist.

LETTERS
TO THE EDITOR

The difference between respect and stupidity

It was all working out perfectly. My last Homecoming game and the Mustangs had a 22-point lead going into the fourth quarter. The crowd was having a good time, everything was almost perfect, until head coach Rich Ellerson decided to throw out his offensive playbook and ruin it all.

Regardless of the fact that the last two drives for South Dakota State were kept alive by questionable penalties, and overlooking the convenient actuality that the South Dakota State wide receiver dropped the football on the touch-

down which proved to be the go ahead score after a two-point conversion, it is still beyond my obviously limited football comprehension to understand how you can lose a 22-point, fourth quarter lead at home on Homecoming night?! Coach Ellerson's abject and stubborn refusal to pursue anything resembling offense after entering the fourth quarter was an absolute slap in the face to every fan of Mustang football. That caused the loss, nothing else.

I know in the coming week I'll see and hear a cadre of apologists rushing to the coach's defense and talking about how it's important to "not rub it in" when you have a lead, to "play with respect for the opposing team." I'm all about sportsmanship and being a stand-up guy and all of that, but hopefully this will finally prove the very real need for a killer instinct. I think it's time for a

coaching change. In 23 years of following sports, I've never felt more strongly so.

Pat Goulding II
Aerospace senior

Prop 86 misses emphasis on cancer research

For all those who vote (everyone I hope) you should first know the facts. Prop 86 will raise the price of a pack of cigarettes by \$2.60, and fiscal revenues will rise by more than \$2 billion. Who gets it?

Foremost, prop 10 (nothing to do with smoking) gets back funded by about \$180 per year. The remaining 53 percent (over \$1 billion annually) goes to hospitals. This includes paying hospital bills for families at or below 35 percent of the federal poverty line as well as undocumented immigrants (estimated at \$880 million per year). An estimated \$810 million per

year goes to smoking and cancer awareness programs. It is worded poorly, but I believe this to be anti-smoking or cancer awareness TV ads, and educational programs like DARE.

Sadly, less than 4 percent of the total revenues (about \$95 million per year) will go to actual research. Notice the lack of emphasis in finding a cure? Please visit www.voterguide.ss.ca.gov/props and read more. Don't let sneaky TV ads influence you.

Tom Kuhn
Mechanical engineering senior

Got something to say?

Send a letter to the editor at
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La Russa on Rogers: 'I don't believe it was dirt'

Some suspect Detroit's all-star pitcher has a history of foul play.

Ben Walker
ASSOCIATED PRESS

Tony La Russa kept talking about Kenny Rogers, his words from the interview room booming all around Busch Stadium, courtesy of the PA system. One by one, the Detroit Tigers stopped their work-out to listen.

"I don't believe it was dirt," they heard the St. Louis manager say. "Didn't look like dirt."

A lot of baseball fans weren't buying Rogers' explanation, either. So instead of looking to Game 3 of the World Series, the focus Monday stayed squarely on Game 2. Specifically, on what Rogers had at the base of his left thumb — and whether it was there before.

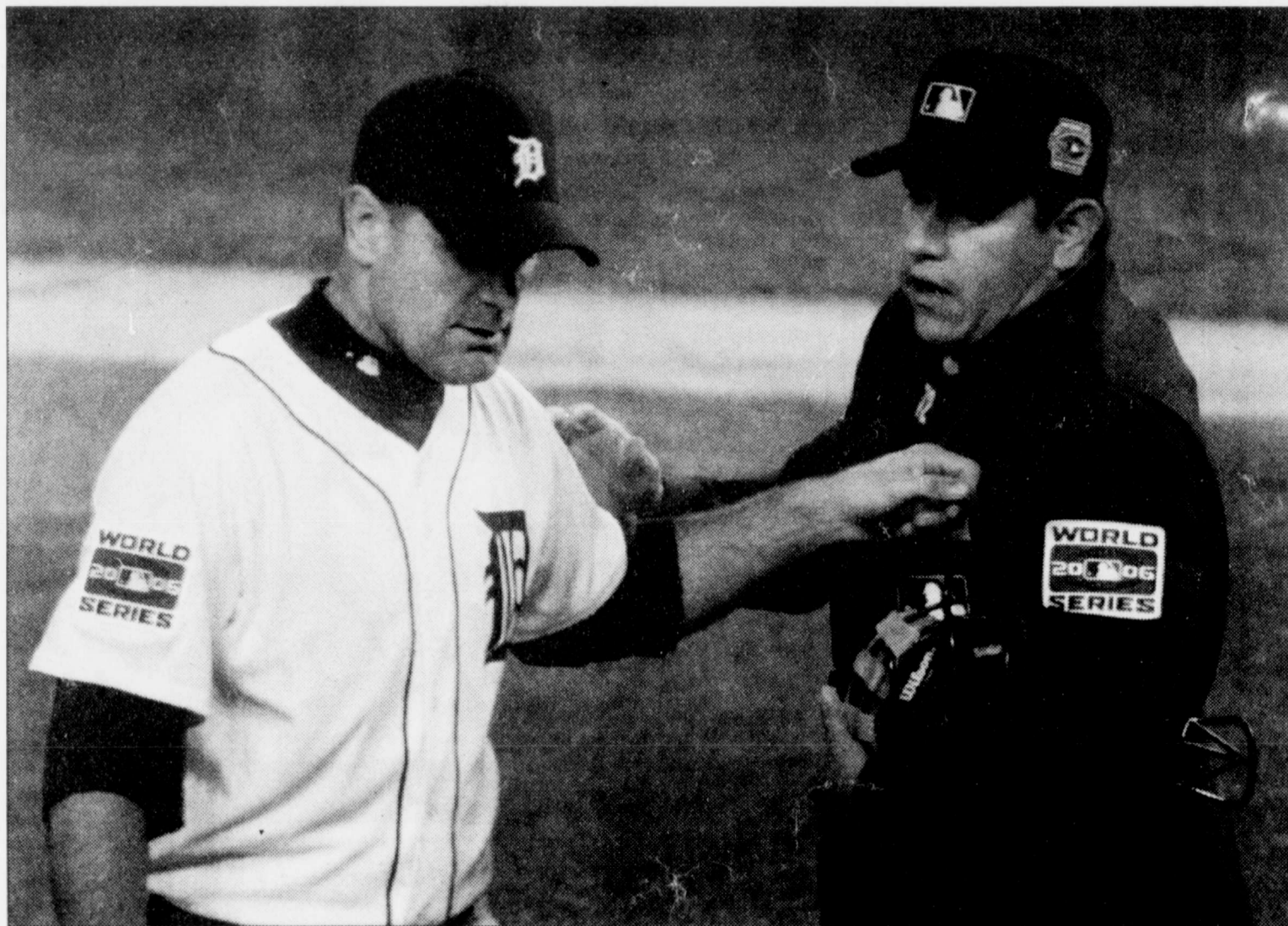
"We know it's all over the place right now," umpires' supervisor Steve Palermo said.

Some photographs from Rogers' start in the AL championship series against Oakland showed what appeared to be the same kind of smudge on his pitching hand that caught everyone's attention Sunday night.

Prompted by La Russa, the umpires asked Rogers to clean off his left hand before the second inning. He wound up pitching eight shutout innings in a 3-1 victory that evened the World Series at one game each.

Rogers, who's gone from playoff farce to postseason force this October, insisted it was an innocent mistake.

"I rub up the balls between the innings and before the game all of the time," Rogers said Monday. "I rub up



Detroit Tigers pitcher Kenny Rogers, left, walks past umpire Alfonso Marquez after the top of the second inning of Game 2 of the World Series against the St. Louis Cardinals on Sunday in Detroit.

DUANE BURLESON ASSOCIATED PRESS

the bullpen balls I pitch with with mud, resin, spit. I do it all the time. They rub the ball up, too, with mud before the games.

"The game balls, they're dirty. Usually, when I get done, there's not much on my hand, but I guess a little bit more than normal. I wiped it off and proceeded to pitch seven pretty good innings," he said. "Mud, resin, sweat. It's always there. I try not to go crazy with it, but it's not making my pitches do anything crazy."

Later, it was La Russa's turn to

have his say. His off-day news conference was piped over the Busch Stadium public-address system, so his thoughts echoed from every corner of the empty ballpark.

The Tigers had just come onto the field for practice, and they were instantly surrounded by La Russa's voice giving a lengthy analysis.

The first question skipped right past Game 3 — it's Tuesday night, with reigning NL Cy Young winner Chris Carpenter starting against Nate Robertson.

Instead, it was about Rogers, who has pitched 23 scoreless innings this postseason — after going 0-3 with an 8.85 ERA in previous postseasons.

La Russa's answer went on for five minutes.

He said he brought the smudge to

the umpires' attention, but did not demand they search Rogers. They didn't. La Russa also said the Cardinals were aware Rogers had a similar spot earlier in the postseason.

"I said, 'I don't like this stuff, let's get it fixed.' If it gets fixed let's play the game. It got fixed, in my opinion," he said.

"If he didn't get rid of it, I would have challenged it. But I do think it's a little bit part of the game at times, and don't go crazy," he said.

La Russa also said he talked to the Cardinals before they worked out Monday.

"I briefly explained where I was coming from and I said, 'Anybody felt like I should do different, then I disappointed you.' ... And they didn't raise their hand and say, 'Hey, I dis-

agree,' they just didn't say anything," he said. "But it's very possible there were guys that disagreed. It's not the way we want to win."

La Russa also was adamant that his longtime friendship with Tigers manager Jim Leyland did not affect how he handled the situation.

"It had nothing to do with Leyland," he said.

Palermo said he talked with plate umpire Alfonso Marquez about how to best settle the flap, advising that a quick word with Rogers would work. That satisfied La Russa.

"Tony did things in a good and professional manner to resolve the issue," Palermo said.

Umpires can inspect a pitcher on their own if they believe something is wrong. A manager can ask an umpire to check, too.

In 2002, the Cleveland Indians suspected Rogers was scuffing balls and asked the plate umpire to search for anything illegal. Nothing was found.

Pitchers occasionally will put substances on their hands to help grip the ball in cold weather. Tigers reliever Todd Jones once wrote a newspaper column admitting he'd used pine tar — that's illegal — when he pitched at Colorado.

"I'm saying in my particular case, in situations like that, I have in the past done that," he said Monday. "Guys are not scuffing and guys are not using Vaseline. That's a vast difference than a guy who can't feel anything and is using something to get a grip."

This episode has become perhaps the most-discussed Series smudge since Game 5 in 1969, when Mets manager Gil Hodges brought umpire Lou DiMuro a ball with shoe polish to persuade him that Cleon Jones had been hit by a pitch from Baltimore's Dave McNally.

Asked about the flap, Leyland brushed it aside.

"I'm not going to chew yesterday's breakfast and I'm not going to comment on it," he said.

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Giants interview Mets' Acta; Bochy likely next

San Francisco is looking for a new manager after missing the playoffs each of the past three seasons.

Janie McCauley
ASSOCIATED PRESS

The San Francisco Giants interviewed New York Mets third-base coach Manny Acta on Monday about the club's managerial opening.

Acta met with general manager Brian Sabean and other team officials in San Francisco. Sabean also planned to talk to San Diego Padres manager Bruce Bochy, though no meeting had been set.

"It's been quiet," Bochy said in a phone interview.

The 51-year-old Bochy has guided San Diego to back-to-back NL West titles and spent the last 24 years in the organization dating to his playing days. The winningest manager in Padres history, he received permission from the team to explore other opportunities

despite having one year remaining on his contract.

San Francisco did not renew Felipe Alou's contract after the Giants finished their second straight losing season and third year in a row out of the playoffs.

Acta became the fourth person to interview with the Giants behind San Francisco bench coach Ron Wotus, Los Angeles Angels pitching coach Bud Black and Lou Piniella, who later withdrew from consideration because he wanted to work closer to his Tampa, Fla., home. He was hired last week to manage the Chicago Cubs.

Sabeen has said he is looking for someone with experience as a manager either in the majors or the minors, but noted that a candidate with experience as a big league coach might be considered. Acta has minor league managerial experience and has been with New York at the big league level for the past two seasons after spending 2002-04 as the third base coach for the Montreal Expos.

Lawyer: Merriman drug test stems from supplement

The Chargers' Pro Bowl pass-rusher reportedly tested positive for steroids.

Bernie Wilson
ASSOCIATED PRESS

Shawne Merriman's attorney said the Chargers' outside linebacker failed a drug test because of a tainted supplement and will continue to play while appealing his four-game suspension.

Attorney David Cornwell said he believed Merriman tested positive for the steroid nandrolone, which is

prohibited under the NFL's substance abuse policy. Cornwell said the substance was in a supplement Merriman has been taking.

"He did not go into the back alley somewhere and put a needle in his butt for steroids," Cornwell said at a news conference Monday, about two hours after Merriman practiced with the Chargers a day after their 30-27 loss at Kansas City.

Merriman said he spoke with teammates and coaches earlier in the day, and "apologized to them for this being a distraction, especially the critical time we're going through as

a team."

"Hopefully, nobody makes any kind of judgment or anything that basically makes me guilty for anything, because nothing has been done wrong on my part," Merriman said. "And I will try to get it straightened out as soon as possible. As of right now, I'm not missing any time."

The 22-year-old Merriman was the 2005 NFL Defensive Rookie of the Year and started in the Pro Bowl after leading the Chargers with 10 sacks. Nicknamed "Lights Out" because of his punishing hits,

Merriman has 5 1/2 sacks this season for the Chargers (4-2), who host St. Louis on Sunday.

"I have no reason to do anything wrong, especially when I'm already in the spotlight and doing things and trying to present to people the right and wrong way to go about things," Merriman said. "This is obviously a mistake that has to be dealt with correctly."

If Merriman loses his appeal, it would be another blow to a defense that has been losing players since outside linebacker Steve Foley was shot by an off-duty Coronado police officer eight days before the season started. Shaun Phillips, who replaced Foley and has a team-high six sacks, injured his calf Sunday and could be out for up to four weeks. End Igor Olshansky has been out with a knee injury.

roulette with his career because he's been taking the same supplements, and it has been subjected to testing, and hasn't yielded a positive test. So he thought the supplements that he was taking were safe."

Late in the 2004 season, Chargers fullback Andrew Pinnock was suspended for four games for violating the league's policy on anabolic steroids and related substances. His agent said at the time that Pinnock accidentally took a supplement that contained a banned substance.

Coach Marty Schottenheimer and players said Monday they were barred from commenting by the league's Collective Bargaining Agreement.

But defensive end Luis Castillo said he understands what Merriman is facing.

Castillo tested positive for androstenedione at the scouting combine in February 2005. He later said it was "a huge mistake" in taking the steroid to help his performance at the combine after he was slow to heal from an elbow injury sustained his senior year at Northwestern.

Castillo had a clause inserted in his contract stating he will forfeit his bonus money if he ever has another positive drug test.

"It's tough to deal with," Castillo said. "It tests your mental strength and it tests your support network with your family. We love the guy and we're sticking with him, and we told him that. Shawne's a mentally strong guy and he's going to come back from this and do great things for us."

Merriman and Castillo were first-round draft picks in 2005.

Besides Merriman's positive drug test, the Chargers have had five separate off-field issues dating back to April.

Foley was shot three times near his suburban home on Sept. 3 by an off-duty police officer who suspected him of drunk driving. Foley will miss the entire season and was charged with two counts of DUI.

Safety Terrence Kiel was arrested on five felony drug counts in September and has pleaded not guilty.

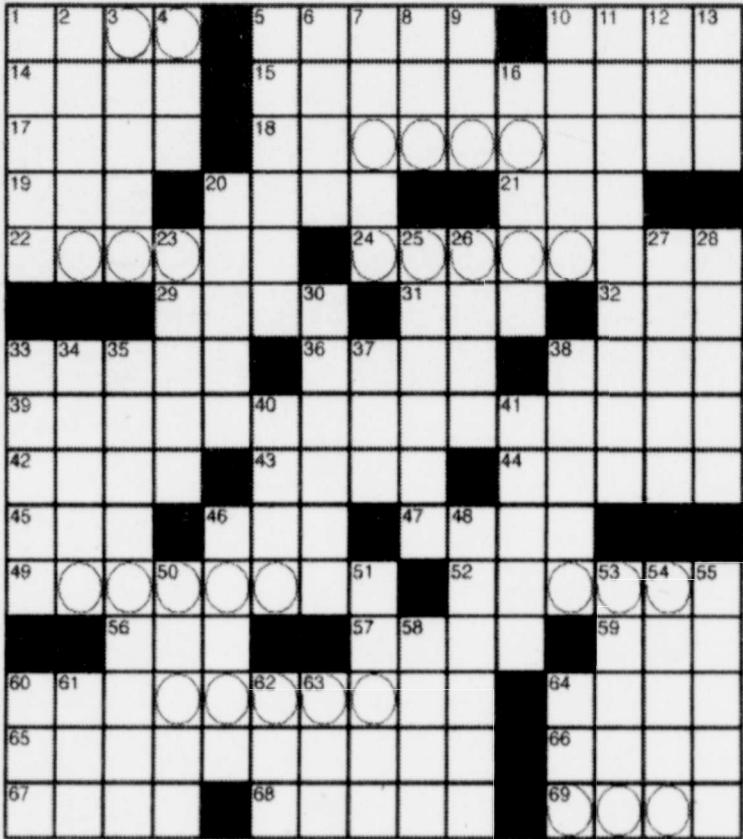
The New York Times Crossword

Edited by Will Shortz

No. 0912

- ACROSS**
- 1 Maitre d's offering
- 5 Name on planes, once
- 10 Storyline
- 14 Drug dealer's customer
- 15 TV antenna of old
- 17 Lee of Marvel Comics
- 18 Hirsute Himalayan beast
- 19 Rug rat
- 20 Vintner's prefix
- 21 RR stop
- 22 Tourist attraction near Giza
- 24 Pacino danced it in "Scent of a Woman"
- 29 Neural network
- 31 Stein contents
- 32 PC monitor part
- 33 Exotic jelly flavor
- 36 "The Soup" (classic "Seinfeld" episode)
- 38 ____ Tzu (toy dog)
- 39 Appropriate comment for this puzzle
- 42 Jockey strap
- 43 Asia's ____ Sea
- 44 Pinker in the middle
- 45 La-la lead-in
- 46 An ex of Frank
- 47 Coal-rich German region
- 49 Mets contest at Shea, e.g.
- 52 Go from pub to pub
- 56 "Lord, is ____?"
- 57 Cash holder
- 59 G.P. grp.
- 60 Project's conclusion

- DOWN**
- 1 They're required
- 2 Bar, legally
- 3 Not o'er
- 4 Large coffee container
- 5 Composition's original form
- 6 Spahn teammate Johnny
- 7 Monk's superior
- 8 "Can ____ dreaming?"
- 9 Slower, in mus.
- 10 Tetra- plus one
- 11 Secure oneself in port
- 12 "... man ____ mouse?"
- 13 Sound of rebuke
- 16 Have a sample of
- 20 Tatum of "Paper Moon"
- 23 Former Nascar driver Ernie
- 25 Filberts
- 26 Wiesel who wrote "Night"
- 27 Dirt
- 28 Catchall category
- 30 Memory trace
- 33 Waist size
- 64 Bikini parts
- 65 Is compliant
- 66 "____ it a pity?"
- 67 Smoke or salt, maybe
- 68 Day one
- 69 ____ Pet



Puzzle by James R. Leeds

ANSWER TO PREVIOUS PUZZLE

M	I	C	E		M	A	I	M	S		R	A	J	A		
A	S	E	A		A	R	D	E	N		E	V	E	R		
R	E	N	T		N	E	E	D	L	E	W	O	R	K		
X	E	S		K	I	T	E	D		T	A	N	K	S		
				O	P	R	A	H		L	A	H	R			
H	U	R	R	I	C	A	N	E	L	A	M	P				
E	S	S	E	S		E	R	I	N		L	O	A			
A	S	H	Y		T	O	A	S	T		P	A	I	L		
T	R	I		S	H	U	T		S	A	Y	N	O			
				P	O	T	A	T	O	P	A	N	C	A	K	E
				N	E	I	L		E	D	I	T	S			
A	B	I	D	E		A	E	S	O	P		C	O	E		
F	A	C	E	P	O	W	D	E	R		S	E	X	Y		
A	L	E	C		T	R	I	T	E		K	N	E	E		
R	I	S	K		B	Y	E	A	R		Y	E	N	S		

- 34 In ____ (not yet born)
- 35 Turkey's locale
- 37 Celestial altar
- 38 Reporter Brenda of the comics
- 40 Magma, after surfacing
- 41 Rural village in South Africa
- 46 Nimble
- 48 Most up to the task
- 50 Marchers' camp
- 51 Les ____-Unis
- 53 Hard on the ears
- 54 Muscat native
- 55 Fusilli or rotini
- 58 "Ah so!"
- 60 TV regulatory grp.
- 61 Marker letters
- 62 Old hand
- 63 ____ Solo of "Star Wars"
- 64 Inexpensive pen

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5	2	7	9	3	8	4	6	1
6	3	1	2	5	4	7	9	8
9	8	4	1	6	7	3	5	2
1	4	3	8	2	9	6	7	5
8	7	9	5	4	6	2	1	3
2	6	5	7	1	3	8	4	9
3	1	2	6	7	5	9	8	4
7	5	8	4	9	2	1	3	6
4	9	6	3	8	1	5	2	7

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Mustangs tumble five spots in poll

The Cal Poly football team is ranked No. 9 in the newest Sports Network Division I-AA poll.

Tristan Aird
MUSTANG DAILY

In the wake of its 29-28 loss to still unranked South Dakota State on Saturday, the Cal Poly football team dropped from No. 4 to 9 in The Sports Network's Division I-AA poll Monday.

The Sports Network conducts I-AA's most widely recognized media poll, which is part of I-AA.org's Gridiron Power Index rankings. The GPI is a simulation of the formula used by the NCAA playoff selection committee to determine which teams are bound for the postseason.

Sixteen teams reach the I-AA playoffs.

The Mustangs fell to 5-2 overall and 2-1 in the Great West Football Conference after watching South Dakota State (4-3, 1-0) erase a 28-6 deficit in the final 8 minutes.

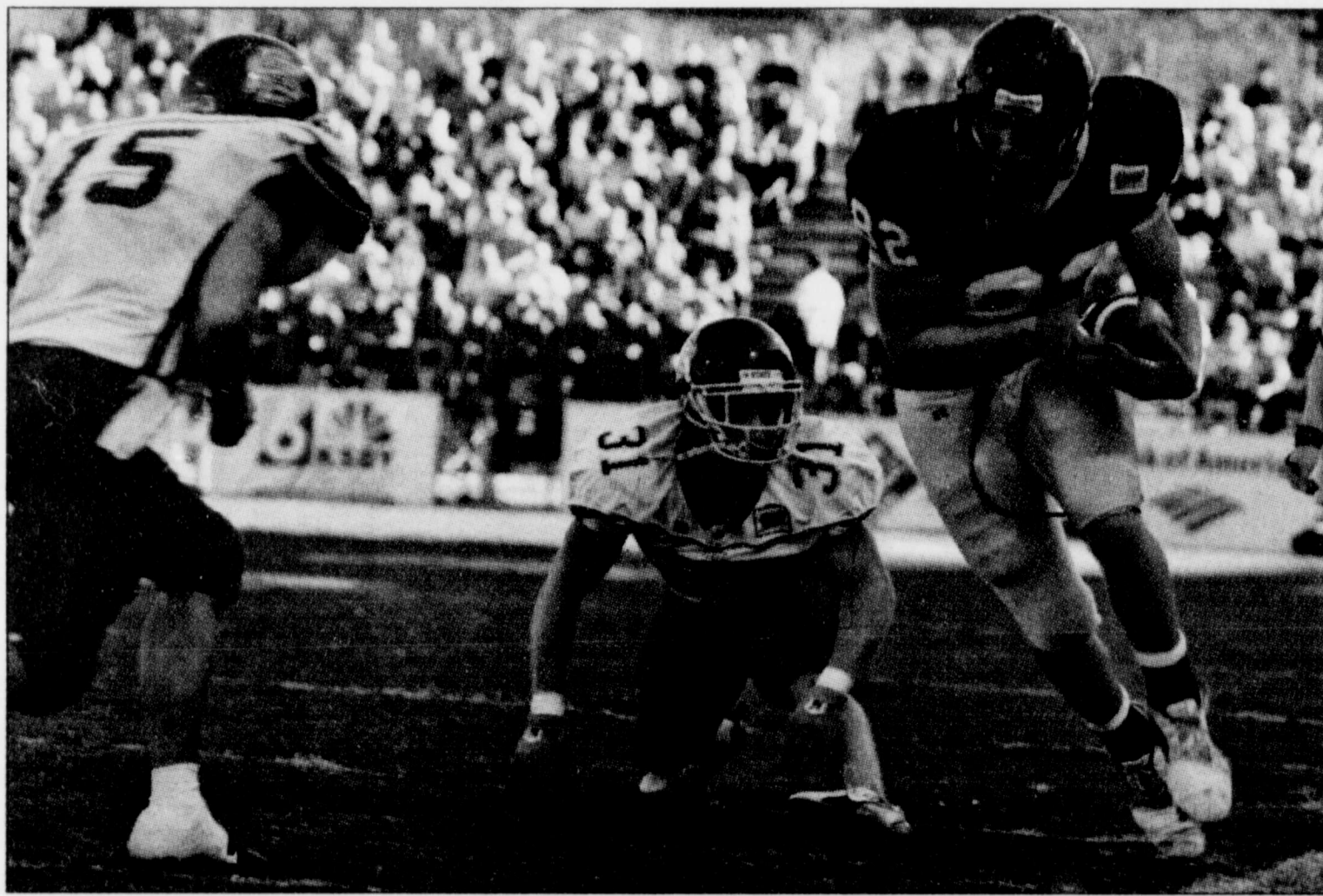
After the Homecoming loss, Cal Poly senior cornerback Courtney Brown said he was not concerned over whether the Mustangs would reach the postseason like they did last year for the first time since moving to the I-AA level in 1994.

"We've got some good games coming up right now," Brown said. "We've got a I-A (San Diego State), North Dakota State and Montana. If we come out and play like we mean against them, playoffs I'm not even worried about."

Entering the weekend, Cal Poly was No. 7 in the GPI, which will release a new list Wednesday.

Despite entering the weekend ranked No. 1 among 16 I-AA conferences in both the GPI and USA Today's Jeff Sagarin ratings, the Great West does not receive an automatic bid to the postseason because it is only in its third year of existence.

South Dakota State quarterback Andy Kardoes agreed with the



BRENNAN ANGEL MUSTANG DAILY

Cal Poly freshman H-back Jon Hall (82) caught two passes for 34 yards Saturday in the Mustangs' 29-28 loss to South Dakota State. Cal Poly fell Monday to No. 9 in The Sports Network's Division I-AA poll.

conference rankings.

"I don't play in the other conferences, but I can't imagine a conference that week in, week out you've got to play teams in the top 10 in the nation," he said.

After losing 10-9 to Minnesota, Great West member North Dakota State moved from No. 9 to 6 in The Sports Network poll. The Bison received three first-place votes.

The third and final Great West member in the Top 25 is UC Davis, which rose from No. 18 to 16.

Uncharacteristic stats

Cal Poly allowed its most points in a quarter Saturday — 23 in the fourth — since giving up 28 in the second quarter to I-A Akron in a 45-14 loss Oct. 11, 2003.

"We had a lot of flaws defensively," Brown said. "They moved the ball on us way too much. Just little things — missed assignments, not

working in the right technique — it just came all together and they took advantage of it."

Cal Poly head coach Rich Ellerson said matchups might have been a factor.

"They were able to max-protect and play some one-on-one, two-on-two," he said.

The Mustangs were also penalized 10 times for 76 yards. It was the most times they had been flagged since drawing 11 penalties for 106 yards in a season-opening 44-0 rout of Division II Fort Lewis on Sept. 2.

"It kind of seems like we turned the off switch," Cal Poly sophomore quarterback Matt Brennan said. "We got outplayed very badly in the fourth quarter."

Noble rolling toward another 1,000-yard season

Cal Poly sophomore tailback

James Noble might not eclipse his school-record totals of 1,578 rushing yards and 16 rushing touchdowns from last year, but he is nearing another 1,000-yard season.

The Walter Payton Award candidate carried 26 times for 168 yards and two scores Saturday. Both the yards and touchdowns were season highs.

Despite missing a 17-7 loss at I-A San Jose State on Sept. 23 with a sprained left ankle, Noble has still rushed this season for 675 yards and five scores on 118 attempts, averaging 5.7 yards per carry.

Shotwell maintains tackles lead in Great West

With 10 total tackles at halftime, it seemed as if Cal Poly senior middle linebacker and Buck Buchanan Award candidate Kyle Shotwell might make a run at Jordan Beck's school record for total tackles in a

The Sports Network's Division I-AA Poll
(Only 10 of 25 teams shown)
(First-place votes in parenthesis)

1. Appalachian State (82)
2. Montana (4)
3. Illinois State (12)
4. Massachusetts (3)
5. James Madison
6. North Dakota State (3)
7. Northern Iowa
8. Furman
9. Cal Poly
10. Youngstown State

game (23), which was set in a 13-10 loss at Montana in 2003.

Shotwell finished with 11 tackles. His career high was 20 in a 14-7 quarterfinal playoff loss at Texas State last year.

On the season, Shotwell's 74 total tackles lead the Great West. He is 18 ahead of Southern Utah's La'Var Porter, who is second.

More players getting involved on offense

A variety of players who had not made a significant impact since the Sept. 2 opener against Fort Lewis were more productive Saturday.

Slot back Ernie Cooper ran for a 5-yard touchdown in the second quarter, H-back Jon Hall caught two passes for 34 yards and backup tailback Fred Hives II powered his way for 32 rushing yards on five carries.

Hives II, who was playing for just the second time since Sept. 2 because of a broken left toe, rushed for a 1-yard score late in the third quarter that put Cal Poly up 28-6 before South Dakota State came roaring back to win.

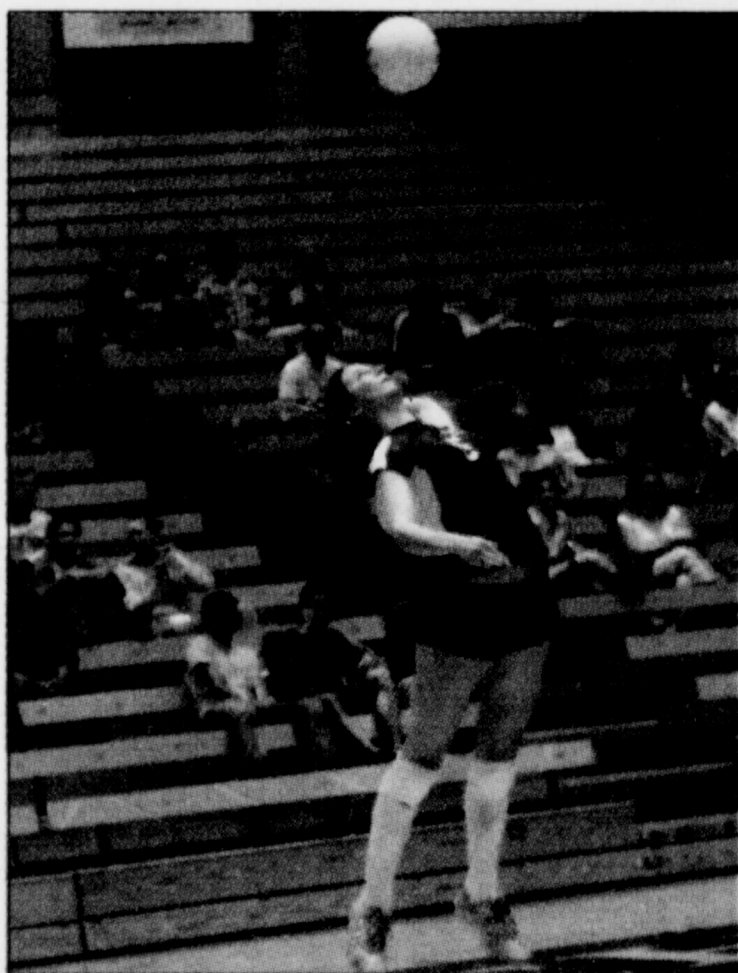
The Mustangs had their best offensive showing in seven weeks, scoring three or more offensive touchdowns against a I-AA opponent for the first time all season.

Last season, Cal Poly's 354 points scored was its most since 1997. The Mustangs put up 31-plus points seven times last year.

Poly's Atherstone named National Player of the Week

Shown last year in a match at UC Santa Barbara, Cal Poly outside hitter Kylie Atherstone was named Monday as the Sports Imports American Volleyball Coaches Association Division I National Player of the Week.

SHEILA SOBCHIK
FILE PHOTO



The sophomore outside hitter is the first to receive the honor in the history of the Cal Poly volleyball program.

SPORTS INFORMATION REPORT

After recording 23 kills against zero errors and hitting a season-high .590 to help propel the No. 19 Cal Poly volleyball team to its first victory at Pacific in more than 21 seasons, Mustang sophomore outside hitter Kylie Atherstone was named the Sports Imports/American Volleyball Coaches Association Division I National Player of the Week for the period ending Oct. 22.

Atherstone is the first Mustang to earn the distinction in program history.

The Chico native averaged 7.67 kills per game against the Tigers as Cal Poly defeated Pacific on Oct. 19, 30-24, 30-22, 30-28, to claim the pro-

Kylie Atherstone Last week's statistics			
Opponent	Kills	Hitting pct.	Digs
Pacific	23	.590	2
Cal State Northridge	16	.317	7

gram's first victory in Stockton since Sept. 27, 1984. Her 23 kills are the most by a Mustang in a three-game match this season.

Two nights later, Atherstone recorded another match-high 16 kills and hit .316 to help Cal Poly to a 30-20, 30-28, 30-28 win at Cal State Northridge. The victory helped establish a new program record for consecutive victories to begin a conference season (8-0), eclipsing the mark set by the 1985 Mustangs.

For the week, the 6-foot-1-inch Atherstone averaged 6.5 kills per game — nearly two kills over her Big West-leading average of 4.45. She also hit

.361 and averaged 2.50 digs per game.

Earlier in the day, Atherstone garnered her second Big West Player of the Week award in 2006. She's the first Big West player to earn national player of the week honors since UC Santa Barbara's Kristin Nelson nabbed the award Nov. 15, 2004.

The Mustangs, winners of nine straight and bolstered by four-consecutive sweeps, return to Mott Gym for matches against Long Beach State (Friday) and UC Irvine (Saturday). Both contests begin at 7 p.m.

Cal Poly has won nine straight at Mott Gym dating to an Oct. 1, 2005 loss to Long Beach State.