

University of Montana

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Montana Kaimin, 1898-present

Associated Students of the University of  
Montana (ASUM)

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9-16-2003

### Montana Kaimin, September 16, 2003

Students of The University of Montana, Missoula

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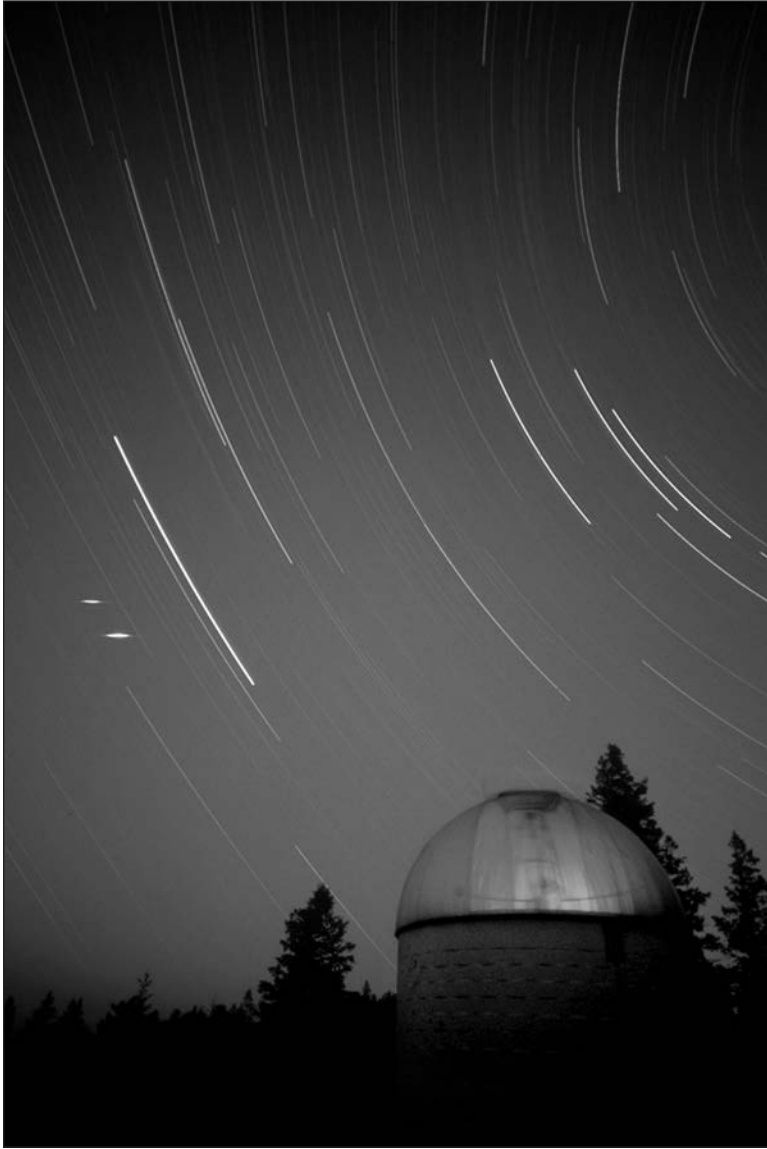


Photo courtesy of David Podrasky

A long exposure captures the rotation of the earth as stars blur by UM's Blue Mountain Observatory.

## Smoke clears, Mars appears

Fred Miller  
Kaimin Reporter

Smoky skies in western Montana might have blotted Mars from view for more than a month, but the planet will still be visible for some time to come, astronomers say.

"Mars is still close and will be much brighter than usual all through September," said David Friend, a professor of physics and astronomy at the University of Montana.

On Aug. 27, the Red Planet was about 34.6 million miles from Earth — the closest and brightest it's been in 60,000 years, according to [www.nasa.gov](http://www.nasa.gov). Although Mars is now almost 37.5 million miles away and receding at a rate of 6,000 mph, it's still very close and just as noticeable as before, said Diane Friend, David's wife and an adjunct professor in the same department. The planet is typically 140 million miles from Earth.

In the week before Mars' closest approach, Diane, who staffs the Blue Mountain Observatory with her husband, said she received many calls from stargazers worried that Mars' appearance would be short-lived. Not to worry, she said.

"A lot of the hype in the papers

didn't make it clear that Mars would be visible for an extended period of time," she said.

In response to public interest, the observatory scheduled six open houses for viewing Mars during the summer, David said. But clouds and smoke from wild fires put the kibosh on three of them — including one that was canceled because of fire danger. The Friends had a special pass to hold open houses once fire danger was lower.

Though fire season is winding down, viewing conditions are now compromised by the clouds that sweep into the area with the onset of fall, David said. Missoula is an average place for stargazing, he said. There are no city lights to clutter the view, but the area lacks the crystal-clear skies that give an observing advantage to Arizona and the Southwest.

"It's not a terrible place, but it's not a terribly good place," David said.

The Blue Mountain Observatory was built in 1970 and costs between \$1,500 and \$2,000 a year to operate, David said. UM owns the observatory and leases its land from the Forest Service. Aside from the occasional open house, the observatory and its old-model, manually controlled telescope are usually used by students, such as

See **OBSERVATORY**, Page 8

## Williams responds to Republican criticism

### Former congressman says Republicans blamed him for recent tuition increases

Jesse Piedfort  
Administrative Reporter

Former U.S. Congressman Pat Williams says Montana Republicans blamed him for rising tuition costs at Montana universities in an August e-mail that implied he was not worth his salary.

"This charge that somehow I'm responsible for the tuition increases in Montana is absurd," said Williams, a Democrat. "I personally think the Republicans recognize they need a scapegoat for all the tuition increases their underfunding of higher education has called for."

The party criticized Williams in its Aug. 6 weekly E-Brief, implying that University of Montana students should think twice about paying additional tuition to cover his \$89,071 salary.

Williams is a senior fellow and regional policy associate at the O'Connor Center for the Rocky Mountain West, a public policy think tank at UM. This fall, Williams is co-instructing Montana Wilderness Process, an environmental studies graduate course. He also intermittently teaches a history-geography course and a graduate-level course through the center.

The E-Brief criticized Williams for teaching only one class this fall.

Williams also has drawn fire from Montana Republicans for his criticism of the Healthy Forests Initiative, a proposal by President George W. Bush that many Republicans say would help prevent catastrophic forest fires such as those Montana experienced in 2000 and 2003.

In a column published Aug. 5, Williams said people must be careful not to blame Bush for wildfires, but rather indiscriminate logging of large trees. Many environmentalists say the Healthy Forests Initiative amounts to a free pass for timber companies to start large-scale logging operations and harvesting large trees.

"Williams is quite adept at using half-truths, twisting statements and manipulating scientific data to his environmental ends," according to the E-Brief. "Williams' head-in-the-sand approach may be appealing to

the scores of environmentalists that supported him during his nine terms in the U.S. House of Representatives, but it is dangerously irresponsible considering the circumstances Montana faces today."

Montana GOP Executive Director Chuck Denowh, whose office publishes the E-brief, could not be reached for comment.

Williams served in the House from 1979-1997.

Environmental Studies Program Chairman Tom Roy said Williams will continue to teach. He added that the criticism of Williams is probably related to strong criticism the department received last spring from some Republicans who sought to remove funding from the program for allegedly hurting mining, timber and construction industries in Montana and for promoting an environmentalist political agenda.

"I can't help but believe this is somehow tied to that," Roy said.

Roy emphasized the strong community work performed by the EVST and its students, including the PEAS farm in the Rattlesnake.

ASUM President Aaron Flint said ASUM was not going to take a position on the issue because of the highly partisan nature of the dispute.



Williams

## Police card 106 at game

Chelsi Moy  
Crime Reporter

Campus police cracked down on underage drinking at Saturday's Grizzly home football game in response to excessive fighting and drinking at the previous week's game.

"There was a more intense patrol at this game," said Capt. Jim Lemcke, assistant director of Public Safety. "We can't have people dying on us because of alcohol poisoning."

Officials were ordered to card at least 100 students drinking in the tailgate area. Of 106 students carded, only seven were cited for being minors in possession of alcohol, Lemcke said. Three of those cited were from Bozeman.

Kate Beausoleil, a 20-year-old sophomore in psychology, was walking through a crowd with her friends at the game when an officer spotted her holding a beer. The officer approached Beausoleil and asked for her birthday.

"I told him my age because I didn't think it was that big of a deal," she said. Beausoleil was one of the four Missoula students cited at the game.

She was not the only person drinking in the group, but she was the only one holding a beer at that moment, she said.

### Patrols intensify in response to fighting, alcohol last week

The rest of her friends and some people standing nearby came to her defense as the officer wrote the ticket.

"They were yelling at the cop for me," she said. "They thought it was bullshit."

It was Beausoleil's first beer at the game. "The officer told me he just picked me out of the crowd," she said.

"That's not funny," she said to him.

Alcohol appeared to be a problem at the Sept. 6 game against North Dakota State, Lemcke said.

Officers assisted an "overly intoxicated" 20-year-old man, Lemcke said.

"He was turned over to his mother he was so intoxicated," he said.

During the same game, three inebriated students were hospitalized for "overindulging," and several fights broke out in the tailgate area.

"We don't usually have these kinds of problems," Lemcke said, "but we needed to make sure we weren't allowing this."

None of the people cited at the Sept. 13 game received alcohol from the tailgate sponsored by the Grizzly Scholarship Association, Lemcke said.

Lemcke was relieved by the low number of citations this weekend, but that does not mean officers will not continue to card students who are drinking at football games and appear to be under 21, he said.

"This weekend was a more concentrated effort, but we always card," Lemcke said. "We are going to continue to be vigilant about it."

## Inside today's Kaimin . . .

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**Elrod robbery update**

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**Griz back on winning track**

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**Editorial**

# File-sharing lawsuits show industry ineptitude

It's almost sad, the level to which record companies are stooping to harass those pesky little college students.

They've been suing us here and there, in some kind of "shock and awe" campaign that will try and intimidate us into being afraid to trade songs online.

If they send out enough carefully planned subpoenas and summons in just the right places, they might have an effect, they think.

How about a 12-year-old girl? That'll show even the young are eligible.

Maybe a 53-year-old Rolling Stones fan? All ages are encompassed in this scare tactic.

And, of course, a smattering of lawsuits are hitting college campuses all across the country. It was almost a surprise that the University of Montana didn't have a student who received the down-loading death knell.

The Recording Industry Association of America must have a pretty short short-term memory. Remember when they went nutso on Napster and shut it down? They missed a chance to work with the current base of Napster users and integrate a pay service. No, they had to flip out and take the most 5-year-old-like action they could: Shut it all down. All or nothing.

They're missing this chance again. Instead of finding a way to truly embrace the digital revolution — and by all accounts this is a true rebellion — they are acting like the totally uncool parent who thinks its more important to discipline than to fix the problem.

And just like the child of that uncompromising parent, file swappers will find a way around the petty rules and the RIAA will always be playing catch-up.

It's time for the record labels to figure it out. Mp3 files are here to stay, and any attempt to stop their trade and use will result in even more hard-to-track file sharing.

Instead of constantly feuding, record companies should holster the lawsuit guns and come up with a creative way to sell artists' products without being unreal about it.

Apple got a head-start with its iTunes software this summer, where customers pay 99 cents to download a song of perfect audio quality for unlimited use.

The program has since been a success, and shows that if the RIAA is able to give up just a little bit of its ego for the sake of working out a solution, it might find a resolution that works.

Artists will still get paid, but the labels probably fear they might not rake in as much cash as when they were making a \$15 profit off a \$16 CD.

But so long as they keep sending out ineffectual lawsuits from sneaky, back-door monitoring techniques, they will always be an enemy to fight.

And there's nothing young people like to do more than anger the establishment.

— Christopher Rodkey, editor

# Capitalism helps rich and poor Americans

Column by



Tom Figarelle

It's a warm weekday afternoon and I am going over some course descriptions on the Oval, struggling to pick up more credits, when I realize something. My major, political science, is more or less a B.A. in homelessness. I suddenly start to panic and try to come to grip with living in utter poverty for the rest of my life. As I share this sarcastic account with a fellow poli sci major, a gentleman with dreadlocks, ripped jeans and a completely unhygienic appearance who has been eavesdropping on my conversation says, "Dude, like, you'll just end up as greedy, self-centered, capitalists if you make money anyway." This usual left-wing remark made me wonder, why do liberals have such an outrage at the desire to make money?

It's really quite simple. Liberals have some preconceived notion that the rich are getting richer and the poor are getting poorer. It is their belief that it is the responsibility of government to redistribute money from the rich to the poor. As just as this seems to many of you, allow me to contest that the most effective catalyst for economic equality is truly capitalism, not government.

Whenever a Republican, such as George W. Bush or Judy Martz, suggests a tax cut, liberals shout and scream about how such a reduction would only help the rich. Really? It's not like the rich pay most of the taxes. Oh wait, they do. The top 10 percent of income earners in the United States pay two-thirds of all income taxes, while the bottom 50 percent of income earners pay less than 5 percent of all income taxes. Statistics such as these, from the Internal Revenue Service, obviously exhibit who will benefit most from an income tax reduction.

Liberals usually use the "it only helps the rich" tactic as a means to scare voters, especially the poor, from the Republican Party. However, it is evident that proportional tax cuts are fair because they benefit taxpayers in proportion to what they have been paying.

As for the "poor keep getting poorer" mantra that liberals keep preaching — it is yet another scare tactic aimed at getting liberal votes. For the past two decades it has been absolutely false in the United States. Actually, the rich have gotten richer,

yet so have the poor!

Allow me to elaborate with two examples. First, in the early '80s, if a person earned \$55,000 annually, they were in the top 5 percent of the income earners in the country. Now, taking inflation into account, \$55,000 roughly equals \$80,000. But today if you want to be in the top 5 percent of income earners in the nation, you must make \$155,000 annually.

Also in the early '80s the Federal Reserve Board claimed there to be roughly 600,000 American families with a net worth of \$1 million. In the early '90s this number jumped to over a million, and today roughly 5 million families are worth in excess of \$1 million. Those families are made up of between 15 and 20 million people.

What this tells us is that a substantial number of individuals in our nation must be economically mobile and moved up the income ladder. So, in moving up the ladder have they increased the economic distance between themselves and the rest of

**Whenever a Republican, such as George W. Bush or Judy Martz, suggests a tax cut, liberals shout and scream about how such a reduction would only help the rich. Really? It's not like the rich pay most of the taxes. Oh wait, they do. The top 10 percent of income earners in the United States pay two-thirds of all income taxes, while the bottom 50 percent of income earners pay less than 5 percent of all income taxes.**

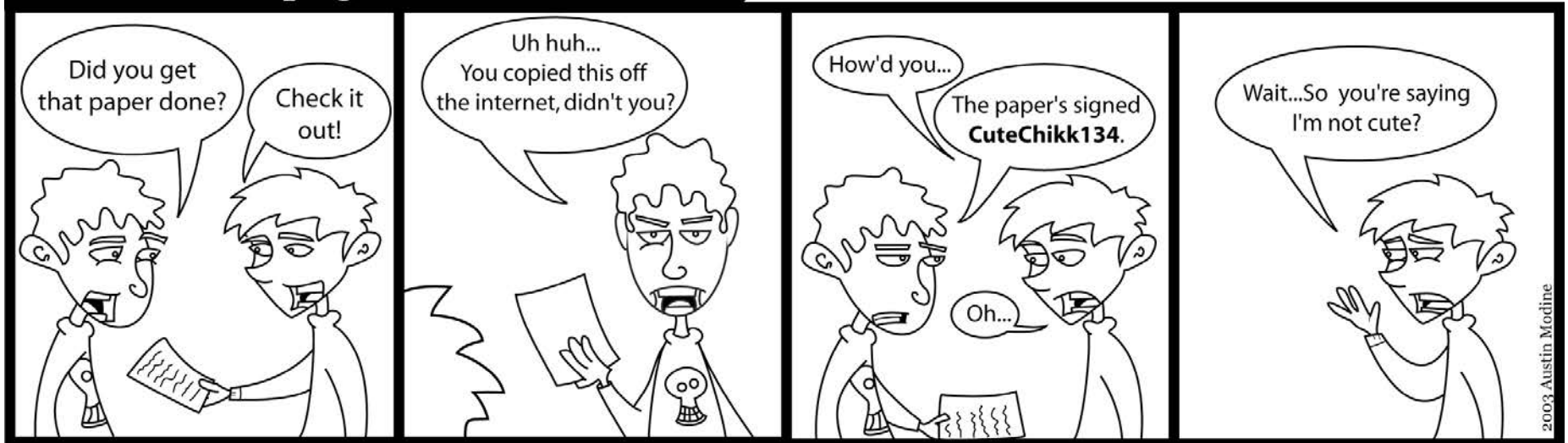
the population? I suppose that's what the liberal perspective would tell you. However, that narrow-minded view misses a major point, which tells us that more and more people are moving into the upper ranks of the economy.

What is so impressive about this upward movement in economics by individuals? It was self-created. Thanks to entrepreneurs and those who wanted to see a better life for themselves and others, America has exploded with business and created the first mass affluent society in history. The myopic liberal achievement has

said such mass affluence is a bad thing. Yet they have failed to take into account one detail: the ordinary guy.

The ordinary guy, a category most of us would say we are in, has one or all of the following items: a computer, a cell phone, a car, a television, a microwave, a heated home. Capitalism has allowed the average citizen to enjoy an increase in the standard of living, more than any government-sponsored welfare program ever could. This is contrary to the liberal theory that government redistribution of wealth is needed to prevent a growing poverty in America. If the liberals were to halt their usual anti-business scare tactics and admit business and hard work, not welfare programs, were responsible for the economic movement of society, they would lose their main political argument and their constituency. Score another one for the conservatives!

## A lesson about plagiarism...somewhere



# MONTANA KAIMIN

The Montana Kaimin, in its 106th year, is published by the students of The University of Montana, Missoula. The UM School of Journalism uses the Montana Kaimin for practice courses but assumes no control over policy or content.

Send letters to the editor to letters@kaimin.org or drop them off in Journalism 106

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# Weather *or not*

**High: 56**  
**Low: 34**



No, that's not a misprint, we are deadly serious: there may be some snow mixed with rain tonight. There is some way cold air slipping into the valley, and the moisture situation is setting up just right. Don't get too freaked out, it's not going to be icy on the way to school tomorrow morning. But you may see the white stuff hugging the tops of the mountains. Be glad you're not in Virginia. They've already declared the place a state of emergency and the storm is still a few days from reaching land. Don't tell anyone: weather people get really excited about hurricanes.

*Kaimin Weather - "Simply put: we don't play games with the weather."*

## Accuracy Watch

The Montana Kaimin is committed to accuracy in its reports. If you think the Kaimin has committed an error of fact, please call **243-2394** or e-mail [editor@kaimin.org](mailto:editor@kaimin.org) and let us know. If we find a factual error was made, we will correct it on this page.

### Wrong police officer

A Kaimin photograph caption incorrectly identified a Missoula Police Department officer as an officer with the Office of Public Safety at UM.

# Calendar of Events

## Today

### Dictator Discussion

7 p.m. — Urey Lecture Hall  
Paul Lauren, UM Regents Professor of History, will discuss "Bringing Down a Dictator: The Overthrow of Slobodan Milosevic in Yugoslavia"

### Solicitor General

10 a.m. — Montana Theatre

No, he's not the nation's most powerful salesman. Theodore Olson, Solicitor General of the United States, will discuss the 200th anniversary of Marbury v. Madison in a free lecture. Olson has worked for former President Ronald Reagan and represented President George W. Bush in the Supreme Court Bush v. Gore cases in the 2000 elections.

## Wednesday

### ASUM Senate

6 p.m. — UC 332-333  
Notice how there's no end time? Senate meets and discusses student business.

### Omelette Guy

11 a.m. — Food Zoo  
Yes, he's back. And you want omelettes. Give your stomach a tasty treat.

## Thursday

### Alberta Premier Lecture

2 p.m. — UC Theatre  
Ralph Klein will speak about moving from journalism to politics.

## Saturday National Public Lands Day

11 a.m. — Base of The M  
Clean up Mount Sentinel and preserve Missoula's open prairies. For more info, visit

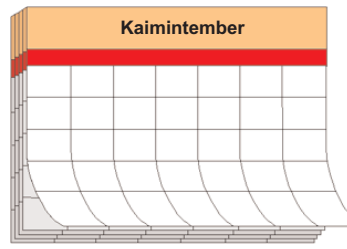
[www.umt.edu/sentinel](http://www.umt.edu/sentinel).

## World's Largest Garage Sale

9 a.m. to 1:30 p.m. — Adams Center Parking Lot  
A semi-annual sale to get rid of all of that junk. Someone wants it. For more info and to reserve a space, call 243-4636.

## Sunday Peace Festival

3 p.m. — Bess Reed Park  
Missoula's First Annual Peace Festival starts with a tree planting and moves into a park. For more info, contact [dvdjosmil@netscape.net](mailto:dvdjosmil@netscape.net)



Items for the Kaimin Calendar of Events can be sent to [editor@kaimin.org](mailto:editor@kaimin.org). The Kaimin does not guarantee publication of all submissions.

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*Counseling and Psychological Services*

## Catch the Action!

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MONTANA SOCCER	MONTANA VOLLEYBALL
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9/28 UNLV 1PM	9/22 Gonzaga 5PM
*All home matches played at UM South Campus Stadium located on South Ave.	9/25 Weber St 7PM
	9/27 Idaho St 7PM
	*All home matches played in the West Auxiliary Gym of the Adams Center.

# Regents seek \$10M in tuition relief

Emily Jones  
For the Kaimin

With tuition up 8 to 12 percent across the state this fall, students could use a little extra pocket change. And they might get it if they can persuade lawmakers to fund the Montana Resident Tuition Relief Fund created by the Board of Regents this past July.

The fund is designed to grant resident students a tuition credit to be distributed over a four-year period. It was created as a result of a federal aid package to the states caused by a downturn in the economy. Montana received \$73 million from this aid package, with \$23 million immediately earmarked for Medicare/Medicaid. Any money designated to higher education from the package would go directly into the tuition-relief fund.

But there will be money available for the fund only if there is a

special session, said Senate Majority Leader Fred Thomas (R-Stevensville). Thomas said he likes the idea of a tuition-relief fund, but the Legislature will have to see what money is left after the annual November audit and an analysis of the cost of this summer's fires.

"I would say if there is \$30 million to spend, we will have a special session," Thomas said.

The tuition-relief plan asks for \$10 million from the Legislature to be returned to students from fiscal year 2004 to 2006.

"If (schools) get \$10 million, we will have done well," Thomas said.

The tuition-relief fund rebates would go into effect following a January special session, which Thomas said he expects to take place.

Regent John Mercer, who developed and delivered the proposal to the board, said he hopes the creation of the relief fund will give legislators a specific plan on how

to allocate the remaining windfall money to higher education.

Mercer said he came up with the idea to help higher education compete for the federal funds. This proposal should be an attractive one, he said, because it allows for one-time use of the money without creating a program that requires ongoing government or University spending.

Mercer also said that because the money would be rebated to students over an extended time and not all at once, it could be available for urgent higher-education issues — instead of tuition relief — before the fund is depleted.

Building repairs and raises for University staff are just such issues, said ASUM Sen. Kim Pappas. Pappas said she has mixed feelings about the relief fund. She said she is concerned about the structure of the proposal because the money should go to students with greater financial need first.

"Every student wants a rebate but some students really are being priced out of an education," Pappas said. "I haven't made up my mind yet. It's a big debate, and student input is always accepted."

Regent Lynn Morrison-Hamilton, the plan's only opponent, said she's also concerned that some students might need the tuition relief more than others. She wants some of the money spent on building upkeep, or replenishing schools' budget reserves that were reduced in the last legislative session, she said.

Unlike Pappas and Hamilton, Mercer said all students should be eligible for a refund because they all pay steep tuition bills. Education is a service, Mercer said, and all students pay the same price for that service. Those who need financial help have other options, he added.

"That's what scholarship and loan programs are for," Mercer

said. ASUM President Aaron Flint said he likes the idea of a tuition-relief fund and has written a resolution to support it.

"My thoughts are that this (fund) is the only way we have a case for higher education in the special session," Flint said.

He said he has reservations about asking the Legislature for funds for repairs or staff raises, also called deferred-maintenance projects.

"I think we discredit ourselves by doing that," Flint said. "There are deferred-maintenance projects all across the state that need funds, as well as a statewide state-employee pay freeze. Why us and not them?"

Flint said the idea was well-received among UM administrators, students and members of the faculty and staff senates he met with during the summer.

# NorthWestern files Chapter 11 bankruptcy

Katie Klingsporn  
News Editor

After much time and effort to find a solution outside the courts

for its \$2.2 million debt, NorthWestern Corp., parent company of NorthWestern Energy, announced Monday that it has filed for Chapter 11 bankruptcy.

The purpose of the filing is to facilitate financial restructuring of the company, according to a NorthWestern Corp. press release.

NorthWestern Energy, which provides electricity to more than 598,000 people in Montana, North Dakota and Nebraska, will continue to maintain regular services to customers under the bankruptcy, said company spokeswoman Claudia Rapkoch.

"There will be no work force reduction, or reduction in service levels, emergency response and maintenance," she said.

Although rates do occasional-

ly fluctuate due to market conditions, she said, there should be no change in regulated rates.

MontPIRG director David Ponder isn't convinced that customers are in the clear.

"While the initial filing doesn't mean the lights will be off tomorrow, folks should be concerned with long-term utility rates," he said.

Ponder is worried that customers may incur some of the cost of the bankruptcy, such as lawyer fees, in the form of certain operating expenses.

Montana never would have found itself in this position, he said, if it wasn't for the state's 1997 utility deregulation bill.

The bill, which allowed Montana Power Company to sell all of its assets, was passed with the promise of diverse energy providers coming into the state, resulting in competition and cheaper rates.

However, they never came.

The South Dakota-based NorthWestern Corp. bought Montana Power Co.'s utility system in 1999, and Ponder said mismanagement has led NorthWestern straight down the path of bankruptcy.

"It's time for policy makers to acknowledge the failure of deregulation and take action to put Montanans back in control of their energy," Ponder said.

Tom Power, chairman of the University of Montana's economics department and member of the Montana Energy Security

Task Force who has been dealing with the state's power issues since 1975, agreed that management following utility deregulation has been botched.

He said he does not however, believe bankruptcy is dangerous for customers.

"The point is to give the business a chance to recover," he said. "They have things structured so customers won't be affected."

Power said the corporation will use the bankruptcy filing to pay off debts, dump assets they don't need and return to what they once were — a utility company.

"I think the intent is to try to move back to a Montana-based electricity and natural gas utility that is professionally and well run," he said. "I think NorthWestern in Montana will see this as a way to undo 1997 damage of deregulation and a chance to start over and do it right."

The New York Stock Exchange suspended trading of the company's common stock and all series of its trust preferred securities, and informed the company that it will proceed to delist them upon approval by the Securities and Exchange Commission, according to the press release.

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*Marbury v. Madison - 200th Anniversary*

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**TUESDAY, SEPTEMBER 16, 2003**  
**10:00 A.M.**  
**MONTANA THEATRE**  
**THE UNIVERSITY OF MONTANA**  
**MISSOULA, MONTANA**



**Theodore B. Olson**  
Solicitor General of the United States



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# UM staff says planned raises are not enough

**Jesse Piedfort**  
Administration Reporter

University of Montana classified employees say they're not getting paid enough and a raise scheduled for 2005 isn't going to cut it.

Most of the 60 members of the Montana Public Employee Association's UM chapter said they singled out wages as their biggest concern, also noting rising insurance premiums and a lack of fairness in the evaluation process.

The latest contract proposal from the state, rejected by most of UM's about 800 classified employees, did not include a raise until a 25 cent-an-hour increase slated to take effect in January 2005.

"When you offer them no money, what does that say?" UM chapter President Cheryl Bramsen asked.

The contract proposal was rejected Aug. 29 by a 2-1 margin by about 1,800 employees at state university campuses in Missoula, Bozeman, Butte, Great Falls, and Helena.

Bramsen expressed doubt that money would be available for a raise in 2005, the beginning of the next biennium budget.

"If you don't have any money now, what miraculous thing is going to happen to provide the funds in January 2005?" Bramsen asked.

Vice President of Administration and Finance Bob Durringer placed some of the blame for the funding shortfall on the state government.

"We didn't get a penny from the governor," Durringer said.

Durringer said he understood why the union is upset but providing a pay increase for UM employees would be difficult.

"If the Legislature doesn't give you any money, and your staff and faculty want a pay increase, where's it going to come from?" Durringer asked.

Union members at the meeting said they felt the lack of an increase was unacceptable because their pay was failing to keep up with the rising cost of living.

"What they're missing is that a cost of living increase isn't a raise. We don't all deserve an automatic decrease, do we?" a union member asked.

According to a poll conducted by the chapter, 31 percent of its members occasionally have to use a food bank for groceries. The average salary of a classified employee, including administrative assistants, custodians, technical assistants, Public Safety officers, library administrators and Dining Services employees, is \$21,000 a year, Bramsen said.

Others at the meeting said their wages seemed to be a lower priority than tuition relief and new construction on campus.

"We are just as important as that stadium. We are just as important as any building on campus," another member said.

ASUM Vice President Gale Price said there should be some deliberation to discuss whether an expected windfall of as much as \$10 million to the state university system from federal aid received in May should be allocated to anything other than tuition, possibly including an employee pay increase or facility upkeep that has been put off.

ASUM President Aaron Flint has proposed supporting a Board of Regents plan to use all of the wind-

fall for a \$100-per-year tuition rebate over the next three years.

"We need to be careful when making decisions like this," Price said. "Let's face it, if the staff unions get upset enough, and we have a strike here, it's going to completely affect the quality of education here."

Price added that while \$100 per year for students would barely cover the cost of an expensive text book, the \$10 million could mean a big difference in getting employees a pay increase.

Both Durringer and Bramsen said a strike was unlikely.

"We've got a lot of time, and we've got to be fair to each other," Bramsen said.

Union members at Monday's meeting also complained about higher insurance rates and dissatisfaction with the implementation of the Montana Achievement Program, an employee evaluation program agreed to by the union in its previous contract.

"You can't just keep raising one

without raising the other," a member said of the increase in insurance premiums as compared to wages. "I just can't afford it."

Other members were more upset at the MAP. The program promises a 0.5 percent pay increase for employees who meet self-imposed performance standards. However, employees said the program amounted to more work without compensation because supervisors wouldn't always sign off on pay increases.

Many employees were already performing the duties of other

employees who had been laid off and not replaced, so additional work was simply not feasible, Bramsen said.

Most members at the meeting preferred returning to the older system of employee evaluation. "It's like using a bazooka to kill the gnat," a member said.

Durringer said he didn't know which of the employee complaints could be negotiated.

Negotiations will restart once the MPEA assembles a new negotiating team, Bramsen said.

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**8:00 pm in UC 224**

**We Want You to... Join SHAC!**

(Student Health Advisory Committee)

SHAC provides advice, from a student's perspective, to Curry Health Center administration on how the health center is operated. **YOU** can make a difference!


**Fall 2003 Meeting Schedule**

Monday, September 15 • Monday, October 6  
Monday, November 3 • Monday, December 1

All meetings are in the Curry Health Center Conference Room 073, from 5-7pm

Contact Rick Curtis for more info. at 243-2820 or rcurtis@mso.umt.edu

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## Energized UM soccer splits at home

Will Cleveland

Sports Reporter

"Renewed energy" was the theme at last weekend's Montana Diadora Cup as the University of Montana soccer team opened its home schedule with a 1-0 win over UC Irvine and a 3-0 loss to Cal Poly.

"It was a great opportunity for us," said head coach Betsy Duerksen. "We played with renewed energy in front of the home crowd."

Friday night in the home opener, the Griz (1-4-1 overall) were led by junior Jamie Rizzuto's second goal of the year. The goal came in the 64th minute of the game after junior forward Tara Schwager passed the ball to Rizzuto, who was positioned in front of the goal.

Sophomore goalkeeper Sarah Braseth was able to record her first victory and shutout this season on

the strength of four saves.

On Sunday, against the Mustangs of California Polytechnic State University, the Griz were able to improve in two key areas, possession of the ball and putting defensive pressure on midfield and forwards, despite a 3-0 defeat.

"We corrected this by working on our speed of play and passing in practice," Duerksen said.

Overall, the team was led by the experienced play of junior defender Wendy Stuker, senior midfielder Casey Joyner, and junior Schwager, the only members of the team who were named to the all-tournament team.

Righting a wrong that had plagued the team earlier in the season, UM outshot the two California opponents by a margin of 22-18.

"We need to play all 90 minutes," Schwager said. "We are a

young team that is learning and gaining experience, so we will be better as we play more."

Duerksen agreed with Schwager, adding, "We need to be consistent in the possession play. We did well in the first 20 minutes and also in the last 20 minutes, but we need to play consistently for the whole game. Hopefully, as we mature, we will gain this mental discipline."

The Mustangs of Cal Poly won the tournament, thanks to an earlier 2-0 victory over Portland State. Cal Poly was led by goalkeeper Liz Hill and tournament MVP forward Sharon Day.

UM travels to Utah this weekend for games against both Brigham Young and Utah. The team's next home game will be on Sept. 26 against UNLV.

"I think we are an exciting young team on the rise despite our record," Duerksen said.



Lisa Hornstein/Montana Kaimin

Montana's Mahleace Tomsin fights with Cal Poly's Heidi McQuitty over a ball Sunday at the South Campus Stadium. The Griz were defeated by the Mustangs 0-3.

## MSU football assistant appears on drug charges

Matt Gouras  
Associated Press

HELENA (AP) - Montana State assistant head football coach Joe O'Brien, who was arrested Friday on drug charges, made an initial court appearance in Townsend Monday.

The arrest is the second run-in with the law for O'Brien — considered one of head coach Mike Kramer's closest confidants — since he came to MSU.

O'Brien did not enter a plea and bail was set at \$15,000 in Justice Court. Another hearing was scheduled for Oct. 3 in District Court.

O'Brien is charged with one count of possessing methampheta-

mine and one count of possessing the drug with the intent to distribute. The distribution charge carries a maximum penalty of 20 years in prison, while the possession charge carries a maximum sentence of five years.

County Attorney John Flynn said he did not have details about what led to Friday's arrest.

Bozeman Police Detective Greg Megargel, a member of the Missouri River Drug Task Force, said authorities suspected for months that O'Brien was involved in drug deals.

Montana State suspended O'Brien with pay following his arrest Friday.

### Car Accident Victims:

A new free report has recently been released that reveals information every car accident victim should have before they speak to anyone. Research shows that even a "fender bender" can cause pain, headaches, loss of energy, fatigue, irritability and even arthritis. Many car accident victims worry more about their car than they do their rights. If you have been involved in an auto accident, listen to the toll-free recorded message by calling:

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The call is free and so is the report.

**Car Accident Victims**

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*Ms. Nichols died in 1991.*



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# ASUM

The Associated Students  
of The University of Montana

The Associated Students of The University of Montana (ASUM) is the student government for The University of Montana. The goal of ASUM is to serve as an advocate for the general welfare of the students at UM. ASUM is run by an Executive Branch and a Senate. ASUM offices can be found on the first floor of the University Center.

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# Griz gridgers maul Sam Houston 38-14

**Myers Reece**  
Sports Reporter

Thanks to a revived running game and a strong defensive performance, the University of Montana Grizzlies football team can now go into its bye week with a sense of relief.

The Grizzlies, who have this weekend off, rebounded from a shocking loss to Division II North Dakota State by defeating Sam Houston State 38-14 on Saturday. More than 23,000 fans watched the game in Washington-Grizzly Stadium.

"I'm proud of our kids because they came back and played hard," Montana head coach Bobby Hauck said during a post-game press conference. "We weren't flawless by any stretch. Not even close, but what we did was play our tails off for 60 minutes."

Quarterback Jeff Disney, who was slowed in the second half by a slight ankle sprain, threw for only 109 yards with one interception on 8 for 20 passing. He was also sacked three times.

Despite a lackluster passing performance, the Grizzly running attack, led by running back JR Waller, picked up the slack.

Waller, who entered the game as the third-string running back instead of his usual starting position, had runs of 33 yards and 54 yards to help him finish with 126 rushing yards on 13 carries.

"I am very proud of JR Waller and impressed with him as a person and with his character," Hauck said. "For him to have that type of character and pride in his team and himself to come out and have the type of game he did as a third-team player today is just outstanding. He's an outstanding young man."

The Grizzlies finished with 155 yards rushing as a team, but had only 21 yards at halftime. Montana, however, wore the Bearkats down in the second half by alternating Waller, junior Justin Green and freshman Lex Hilliard at running back. Waller had 108 yards in the second half, including a tough 54-yard touchdown run in the fourth quarter.

"I think we started running straight at them more (in the second half)," Waller said. "And they started getting tired. When you got three backs rotating in we all stay fresh while they're getting tired."

The Grizzly defense also had a strong outing. Montana allowed just 52 yards rushing, and although the Bearkats were able to get 225 yards through the air, it took them 50 passes. The Bearkats didn't help their cause by dropping several passes.

"I don't think we'll ever win a ball game throwing it 50 times," said Sam Houston State head coach Ron Randleman.

Senior linebacker Joel Robinson intercepted a pass from Bearkat quarterback Travis Tobaben in the first quarter off of a Brent Meyers deflection and returned it for a 30-yard touchdown for the first

score of the game.

"Brent tipped the ball and I think everybody held their breath when I cut back," Robinson said. "I don't think they thought I was going to make it all the way. I think Kevin Edwards had the key block. He got me in."

Sophomore Jon Talmage, the go-to receiver for the Griz who had zero catches against North Dakota State, returned to form Saturday with four receptions for 76 yards and two touchdowns.

Disney said it's important to realize how important Talmage is to the Griz offense.

"He's a big part of the offense," Disney said. "We wanted to get him the ball and get him a few touches in the end zone."

Talmage's first touchdown was a 13-yard reception with 12:05 left in the second quarter. His second came less than two minutes later on a pretty 38-yard pass from Disney.

Talmage's touchdowns put the Grizzlies up 21-0, but the Bearkats answered with a 20-yard touchdown pass from Tobaben to Bernard Campbell with 5:25 left in the first half. With 1:25 left in the half, Sam Houston State's Paul Donelson intercepted a Jeff Disney pass, returning it 37 yards for a touchdown.

Montana struck first in the second half with a 1-yard run by Justin Green, capping off a nine-play, 73-yard drive.

A 35-yard field goal by Chris Snyder with 1:32 left in the third gave the Grizzlies a 31-14 lead.

Snyder's kick tied him with Kirk Duce as Montana's all-time leader in field goals made at 48. Snyder also tied Yo Humphery as Montana's all-time scoring leader with 290 career points.

"That's a great accomplishment for myself and also for the team," Snyder said. "It shows we've had a great, high-powered offense that scores a lot."

Sam Houston State finished the game with 277 total yards on offense, 13 more than Montana. Randleman said that his team simply made too many mistakes to stay with the Grizzlies.

"We had a lot of what I consider foolish mistakes," Randleman said. "We got in

first-and-15 three times in the first half. You get out of rhythm. Only a couple of times in the game did we have much rhythm."

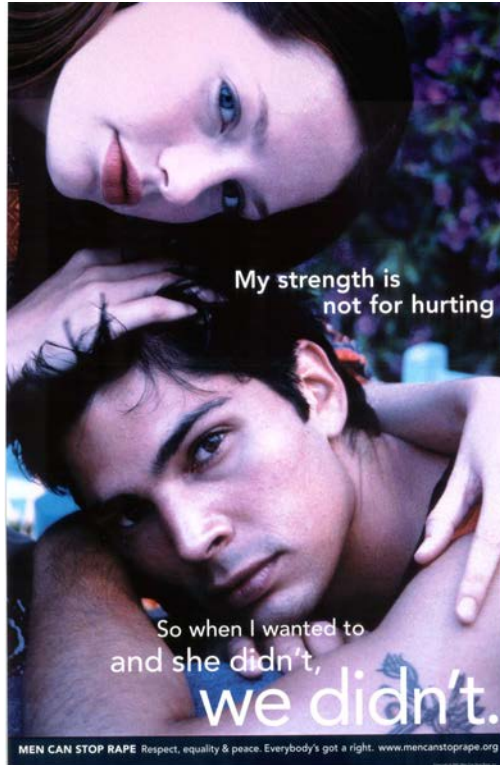
Randleman also said the Grizzlies simply played well.

"I thought their defense did a good job," he said. "You have to give credit where credit is due."

The Grizzlies, who after last week's loss dropped out of the Division I-AA top 10 for the first time in four years, are ranked 10th in this week's Sports Network football poll.

## NCAA I-AA RANKINGS

1. McNeese State, 2-1
2. Western Illinois, 2-1
3. Western Kentucky, 2-0
4. Northeastern, 3-0
5. Villanova, 3-0
6. Georgia Southern, 1-1
7. Bethune Cookman, 2-0
8. Delaware, 2-0
9. Furman, 1-1
10. Montana, 2-1
11. Montana State, 1-1



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campus activities board

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Now that we have your attention, the University Center would like to invite you to join the Campus Activities Board (CAB), a group of energetic students and staff dedicated to providing exciting, low-cost programs to the university community. You have the power to coordinate the entertainment offered on campus and the ability to make it happen. The University Center would like to hear your voice and put you on the "front lines" as we work together in building campus community. Come learn more about getting involved with the Campus Activities Board (CAB) this **Thursday, September 18 at Noon, Room 330 in the University Center.** If you cannot attend, but would still like more information, please call Mark Zarr at 243-6164.

**The Campus Activities Board... more fun than sitting on the couch.**

**Thursday**  
**September 18**  
**Noon, Room 330 in the University Center**



**Observatory**

Continued from Page 1

senior physics and astronomy major Brian Hand. Hand spent much of the summer at the observatory working with a device that measures photon light particles from distant stars. He also took a few peeks at Mars, but despite its proximity, the view is not that interesting through a telescope, he said. "I guess the problem is people see those blown-up photos from the satellite, so they come with high expectations," he said. David agreed with Hand's assessment, saying it's hard to make out many of Mars' details through the Blue Mountain telescope. "Mars isn't a terribly photogenic planet," he said. "It's just too small." Photogenic or not, the specta-

cle of the Red Planet brought about 300 people to Blue Mountain's most recent open house on Friday, Sept. 5. The gathering was the largest at the site in about 10 years, Diane Friend said. She welcomes special astronomical occurrences like Mars' record proximity to Earth, she said, because they encourage scientific interest in people who don't normally think much about it. "I think the general public is usually interested in astronomy," she said. "But I think situations like this give people that usually don't come out the impetus to come out and look through a telescope. We were happy to see the interest." The Blue Mountain Observatory has two more open houses planned for this month — Sept. 19 and Sept. 26.

**Court halts California recall**

SAN FRANCISCO (AP) — A federal appeals court threw California's tumultuous recall campaign into complete turmoil Monday by postponing the Oct. 7 election, citing the U.S. Supreme Court's decision in Bush v. Gore in ruling that punch-card ballots could lead to some votes not being counted. The three-judge panel did not set a new date for the recall election, but backed a suggestion from the American Civil Liberties Union that the balloting be held during the March 2 presidential primary. "It is virtually undisputed that ... punch-card voting systems are significantly more prone to errors that result in a voter's ballot not being counted than the other voting systems used in California," the judges wrote. Monday's ruling was the last of about a dozen legal challenges to the attempt to unseat Democratic Gov. Gray Davis.

Davis would probably benefit the most from the ruling if the election were held in March, because the presidential primary is expected to bring a large number of Democrats to the polls. It could also give Davis more time to address the state's budget crisis and force Schwarzenegger, the GOP front-runner, into a longer campaign. The appeals court unanimously ruled it is unacceptable that six California counties would be using outdated punch-card ballots. Those counties are already under court order to replace punch cards with more modern systems such as touch-screen ballots by the March primary. The six counties include the state's most populous, Los Angeles, as well as Sacramento and San Diego counties. Altogether they contained 44 percent of California's registered voters during the 2000 election. The panel repeatedly referred to Bush v. Gore — the case that decided the 2000 presidential election — as its primary rationale. In that case, the Supreme Court stopped Florida's recount on the grounds that all votes were not being treated equally. The appeals court said the same Bush v. Gore theory applies to California, since voters using punch-card machines would not be on equal footing with voters using more modern election systems. Civil rights groups said a study showed 40,000 poor and minority California voters

might have their ballots excluded if punch-card ballots are used. "The inherent defects in the system are such that approximately 40,000 voters who travel to the polls and cast their ballot will not have their vote counted at all," the judges wrote. The panel also said it is better to resolve potential ballot problems before the vote to avoid getting caught up in "litigation over the legitimacy of the election." Ted Costa, head of the Peoples' Advocate, and Dave Gilliard, senior strategist for Rescue California, two groups that put the recall on the ballot, said they would appeal to the U.S. Supreme Court. "Give us 24 hours," Costa said. The California official responsible for elections, Secretary of State Kevin Shelley, said through a spokeswoman he is consulting with fellow Democrat Attorney General Bill Lockyer. He said he would announce Tuesday whether the state would appeal. Lockyer said the state could ask the entire appeals court to review the panel's ruling, or could appeal directly to the Supreme Court.

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Please join us on September 16 when noted international expert on human rights and Regents Professor, Dr. Paul Lauren, discusses the non-violent student overthrow of Yugoslavia's Slobodan Milosevic, 7 pm, Urey.

The Kaimin assumes no responsibility for advertisements which are placed in the Classified section. We urge all readers to use their best judgment and investigate fully any offers of employment, investment or related topics before paying out any money.

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The Kaimin runs classifieds four days a week. Prepayment is required. Classifieds may be placed at Journalism 206 or via FAX: (406)243-5475 or email: [kaiminad@selway.umt.edu](mailto:kaiminad@selway.umt.edu).  
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Physical Therapy Student Association Fall Picnic Sept 12, 5:30 pm at Kiwanis Park. Burgers, veggie burgers, hot dogs, and drink will be provided, food sign-up sheet in front of PT office, SB 135. All PT and Pre-PT students welcome. PTSA monthly meetings will be Wed. Sept 17 SB 113 at 7:00 pm. Topics will include Homecoming festivities, Officer elections, and other various fall activities. Pre-PT students encouraged to attend.

The UM Equestrian Team is looking for new members! We do English and Western; no horse or experience necessary! Come to our weekly meetings on Tuesdays @ 8pm n UC 224 or call Jenn @ 721-6706 for more information. Deadline for new members is Sept 26th.

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