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Domer doubles

Eight sets of twins currently enrolled in the Class of 2013; Twin Club formed on campus

By MOLLY MADDEN
News Writer

Notre Dame has a thing for twins.

The Class of 2013 currently has eight complete sets of twins in their year. When current junior Lillian Civantos was a freshman and learned that her class contained six sets of twins, the news came as a shock.

"I remember [University President] Fr. [John] Jenkins was addressing my freshman class and said that our class had six complete sets," Civantos said. "I just thought that was a

lot."

Civantos is an identical twin. She and her sister Tess, who both work for The Observer, were amazed to learn how many twins attended Notre Dame and believed that there had to be some way for all of the twins in the school to get together.

"I thought that it would be really great if there was a way for all of us to get to know each other," Civantos said.

Civantos took her idea and formed the Twin Club of Notre Dame, which has been up and

see DOUBLES/page 4



Junior class identical twins Lillian, left, and Tess Civantos, right, pose with Kennedy, left, and Coleman Collins, right, on South Quad.

DAN JACOBS/The Observer

Game day changes a success

Season opener runs smoothly, fans respond well to additions

By SARAH MERVOSH
News Writer

Saturday's season opener proved to be a success on and off the field as fans responded favorably to changes made to improve home football weekends, Director of Game-Day Operations Mike Seamon said.

"All early indications are that we had a really successful weekend," Seamon said. "We were very happy with how everything unfolded."

Friday afternoon marked the first time that the tunnel to the stadium was open to the public, and over 3,500 people walked through the tunnel for photo opportunities on the field, Seamon said.

see GAME/page 4



PAT COVENEY/The Observer

The student section cheers during Saturday's victory over Nevada.

Students report thefts, attacks near campus

Observer Staff Report

As the new school year is now in full swing, South Bend police are seeing an increase in robbery and larceny towards students, according to South Bend Police Capt. Phil Trent.

"We are seeing an up-tick in robbery and larceny as students walk alone or in twos in the middle of the night, through dimly lighted areas," he said in an e-mail. "We see this every year, just as we see a spike in burglaries during Christmas break."

Two robberies were reported by Notre Dame students last week, according to a South Bend Tribune report.

The report said a 19-year-old student told police he was tackled and robbed by two men last Tuesday. One man claimed to have a gun.

The student, who was walking down Notre Dame Ave. around 10:30 p.m., told police his backpack and wallet were stolen. The backpack contained the student's laptop computer.

Another robbery was reported earlier that week by two female students who were also tackled by two men on Notre Dame Ave. about 1 a.m. Aug. 30, the Tribune report said.

Trent said students should take precautionary measures when choosing to walk off-campus at night, especially after a few drinks.

SMC cross country to donate shoes to Uganda

By ALLISON FRANKLIN
News Writer

On Sept. 5, the participants of the second-annual Saint Mary's Alumnae Race crossed a finish line made up of old running shoes, but these shoes were much more than just a finish line.

Instead of charging a race entrance fee, the Saint Mary's cross country team collected old sneakers, which they plan to send to

those in need in Uganda.

Uganda is among the world's poorest countries. Approximately half of 32.4 million Ugandans live below the international poverty line, which is a \$1.25 per day.

Saint Mary's cross country coach Jackie Bauters came up with the idea of helping Ugandans after two College Nursing students, Caitlin Brodmerkel and Megan

see X-COUNTRY/page 4

Ryan Hall residents settle in

By AMANDA GRAY
News Writer

The women of Ryan Hall are settling into their new home and intend to pick a mascot and colors by mid-October, around the time of the dorm's dedication, hall Rector Breyan Tornifolio said.

"In two weeks we will elect our first hall council, who will help orchestrate discussions about our mascot and colors," Tornifolio said.

The women will come up with

see RYAN/page 3



DAN JACOBS/The Observer

Residents of Ryan Hall adjust to life in the new dorm, work on picking a hall council, colors and a mascot.

INSIDE COLUMN

On beauty

Many inside columns are like women's skirts — long enough to cover the essentials, but short enough to keep you interested. They are often comical, slightly nostalgic, or sometimes self-referential. Past topics have included Batman vs. Superman, favorite pokemon and the ugly area in between the mod quad dorms. But I have decided to swim against the stream like the salmon of Capistrano. I have delivered you an inside column that involves a little more intellectual acumen. I am sure that as Notre Dame students and alumni your sharp minds are up to the task.

Cornelius Rogers

Scene Writer

"Beauty is truth, truth beauty," — that is all / Ye know on earth, and all ye need to know." Many have heard the words uttered by John Keats' Grecian urn, but how many have really stopped to contemplate their meaning? Can all of mankind's existence simply be reduced to this single axiom?

Nowadays the adjective "beautiful" is used to describe anything including films, songs, pets, cars, clothes and of course people. Perhaps the profuse use of the word today has diminished its value, but why do we even feel the need to use the word in the first place?

Perhaps we use the word because we all are looking for beauty in some way or another. A musician searches for it in her music. An author looks for it in his writing. A wayward Notre Dame student hopes to find it at an SYR. And the scientist seeks it out in rational truth. It looks like Keats' urn hit the mark.

However, this concept of beauty seems entirely subjective. Surely, beauty cannot be just what everyone finds beautiful. Some poor twisted soul may think Crowley Hall is beautiful, but that does not make it so. Is there anything that is universally agreed upon as beautiful?

What most people find beautiful are things belonging to nature. Mountains, waterfalls, rainbows, flowers, etc. What is so special about these? For us, they are the closest thing to eternity that we will experience on earth. Mountains, valleys and seas have been here long before we were and will endure long after we are gone. Flowers may wither. Leaves may fall down and die, but both will come to life again and again. They are, in a word, everlasting. I like to think these things that are naturally beautiful are God's way of giving us an infinitely small foretaste of the joys of heaven. And what is heaven, but the realm of all truth?

So I think Keats was onto something when he uttered those "immortal" words. Are beauty and truth all we really need to know? You are more than welcome to agree or disagree with me, but I hope at the very least you think about it.

The views expressed in the Inside Column are those of the author and not necessarily those of The Observer. Contact Cornelius Rogers at crogers1@nd.edu

CORRECTIONS

The Observer regards itself as a professional publication and strives for the highest standards of journalism at all times. We do, however, recognize that we will make mistakes. If we have made a mistake, please contact us at 631-4541 so we can correct our error.

QUESTION OF THE DAY: WHAT WOULD YOUR RECTION BE IF DINING HALLS BECAME VEGETARIAN?



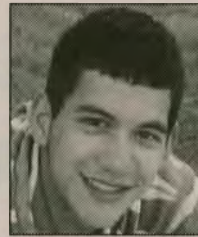
Brian Nasca
junior
Morrissey

"I'd starve."



Danielle Guidry
sophomore
McGlenn

"I don't eat a lot of meat anyway so I wouldn't be completely opposed."



Chris Damian
freshman
Dillon

"Where's my meat?"



Rebecca Sullivan
freshman
Lyons

"I wouldn't be ethically opposed, but I wouldn't be for it. But as long as I have the mint and chocolate fro-yo, I'm good."



Dave Wilkerson
senior
off campus

"I'd lose 60 pounds."

Have an idea for Question of the Day? E-mail observer.questions@gmail.com



SUZANNA PRATT/The Observer

A squirrel plays peek-a-boo in the trees behind Lyons Hall Monday afternoon.

IN BRIEF

A summer long program for children produced an exhibit entitled "Graffiti Art Project." The exhibit is held in the Crossroads Gallery, 217 South Michigan Street. The display opens at 9 a.m. today.

"Fritz Scholder, Contemporary Artist: Influences" will be presented by Native American artist Fritz Scholder. The collection will be shown in the Milly and Frits Kaeser Mestrovic Studio Gallery in the Snite Museum of Art at 10 a.m. today.

An exhibit entitled "In Praise of Donors. Selections from Dr. and Mrs. R. Stephen Lehman Collection" will be held in the Scholz Family Works on Paper Gallery in the Snite Museum of Art at 10 a.m. today.

"Para la Gente: Art, Politics and Cultural Identity of the Taller de Gráfica Popular" will be held in the O'Shaughnessy Galleries in the Snite Museum of Art at 10 a.m. today.

An exhibit called "Thin: Photographs by Lauren Greenfield" will host 53 color photographs of young women with eating disorders. It will be held in the O'Shaughnessy West Galleries in the Snite Museum of Art today.

A Blood Drive will be held at noon in the ballroom of LaFortune Student Center. Participants can sign up at www.givelife.org and schedule an appointment today.

To submit information to be included in this section of The Observer, e-mail detailed information about an event to obsnews@nd.edu

OFFBEAT

French teens forced to marry when traveling

PARIS — As thousands of girls and young women prepare to start the new school year in France, activists are sounding the alarm over those who are missing — teenagers sent abroad over the holidays and forced into marriage.

Most victims are of Asian, African or Middle Eastern descent and belong to France's Muslim community, the largest in Europe.

While countries such as Britain have set up special units that track down victims at home and overseas, activists say France is only

now waking up to the problem.

"For a long time this used to be considered a cultural thing," Fatima Lalem, who is in charge of gender equality at Paris City Hall, told Reuters. "Something that happens, but that people don't look at too closely." Over the past year,

Illegal immigrant wins big in Stockholm lottery

STOCKHOLM — An illegal immigrant who scored a big win with a lottery scratch card in Sweden appeared on television on Saturday to collect his

winnings even though authorities have been trying to deport him.

Tesfaldet Tesloy, a 28-year-old Eritrean who has lived in the immigrant-friendly Nordic country for six years, won a tax-free prize of 1.2 million Swedish crown (101,654 pounds).

But Sweden's attempts to deport the man have failed due to his country's refusal to take him back, highlighting a common problem for immigration officials.

Information compiled from the Associated Press.

	TODAY	TONIGHT	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
LOCAL WEATHER						
	HIGH 73 LOW 59	HIGH 66 LOW 59	HIGH 76 LOW 58	HIGH 76 LOW 58	HIGH 77 LOW 58	HIGH 74 LOW 59

Demand for DVD rentals still strong

By JILLIAN STINCHCOMB
News Writer

The demand for the DVD rental service – started by Notre Dame's Student Government last year – is still strong, according to student body president Grant Schmidt and Nick Ruof, a senator from Carroll and head of the ResLife Committee.

The service was started last year under former student body president Bob Reish's term because the Huddle was removing of its DVD service.

Schmidt said an added bonus is that the program is "a great way to get people up to the office."

The ResLife Committee of Student Government runs the service.

Schmidt said although they haven't promoted the DVD club strongly this year, they will likely send an e-mail to the student body soon, promoting the service.

According to Schmidt, it's mostly used by people that know about it from last year. Although, some students saw the DVD return chute in the Student Government office during Best of LaFortune — an SAO event highlighting areas of the student center — and were reminded of the service.

They haven't set hours for the service yet, but Schmidt

stated that there was "almost always" someone in the Student Government office to help students looking to rent DVDs, and the DVD return chute is meant for late-night returns when no one is in the office.

In a couple of weeks, they will also begin actively purchasing new releases from the summer months.

Currently there are over 400 titles available in the DVD collection, including older titles such as "Pretty in Pink" and "Pretty Woman," newer titles such as "No Country for Old Men" and "The Kite Runner," as well as television series such as the first couple seasons of "The O.C." and the fourth season of "The Office."

"The DVD Club is important because we want to supply the student body with an efficient and convenient way to rent DVDs for class or recreation."

Nick Ruof
Chair
ResLife Committee

In a change from last year, there is no longer a five dollar deposit to ensure returns. According to Schmidt, that policy was a hassle. Now, students have to fill out a form with their netID so that if the DVD isn't returned in a week, they will receive emails reminding them to return their rental.

"The DVD Club is important because we want to supply the student body with an efficient and convenient way to rent DVDs for class or recreation," Ruof said.

Contact Jillian Stinchcomb at jstinch@nd.edu

STUDENT GOVERNMENT ASSOCIATION

'EMX' logo made available to all

By MEGAN LONEY
News Writer

A popular fashion for Saint Mary's students has been clothing with an embroidered 'EMX,' which is Greek for 'SMC,' and while the logo has been seen primarily on sweat-shirts and sweatpants sold at the College's Dance Marathon event, the letters may be used by groups other than Dance Marathon in the future.

Student body president Jenny Hoffman introduced the issue of the 'EMX' logo during a Student Government Association meeting on Monday. SGA is working on a resolution to allow all student groups access to this logo.

"Basically, Dance Marathon has exclusively used 'EMX' in the past," Hoffman said. "They used it as their own logo to sell merchandise. It has been brought to our attention that other groups also want to use the 'EMX.' The executive board discussed it, and we think that it is unfair that only one group should be able to use the 'EMX' logo."

The logo has not been assigned to one group, and did

not originate with Dance Marathon, Hoffman said. "Every student organization should be able to use the logo as they see fit."

The 'EMX' logo is based on the Greek alphabet equivalents of 'SMC,' but the letters do not mean Saint Mary's College. The logo is a student-designed logo, and not an official trademark of the school, Hoffman said.

The Office of Student Involvement used to grant exclusivity of logos, but because the logo is not associated with Saint Mary's, other than the fact that a couple of students figured out the Greek letters for 'SMC,' the office cannot restrict who uses it, student body vice president Megan Griffin said.

Since it is a student-designed logo, the student government is writing a resolution about the logo and guidelines for its use. SGA will vote on the resolution next Monday at their next meeting.

Just because the logo will be made available to all student organizations, this does not mean that use of the logo will not be regulated. All fundraising apparel has to be approved

by the director of Student Involvement, Patrick Daniel.

One result of the logo's availability to all student groups may be an overlapping of fundraising, but SGA members have talked about ways to keep the logo from becoming a conflict between organizations, but they will not be dictating which groups can use the logo on certain items.

"A group could do EMX shirts, or shorts," Griffin said. "Let students figure it out. We don't regulate what student groups use a certain design."

One way to help prevent this dilemma may be to let the organizations know what other organizations are using the logo for, and on what items it will be displayed when they are getting their project approved by Student Involvement, Kristle Hodges, admissions commissioner, said. This is to let the groups know they may have competition with fundraising, but they will not be told that they cannot sell 'EMX' T-shirts at the same time another group is selling T-shirts with the same logo.

Contact Megan Loney at mloney01@saintmarys.edu

Ryan

continued from page 1

ideas as a hall.

"We will find what's a good fit for us," Tornifolio said. "Then we will shrink the list and have a dorm vote."

Tornifolio, previously rector of Pasquerilla East, is adjusting for her new surroundings quite well.

"It was difficult to leave P.E.," Tornifolio said. "I loved my time there. But the opportunity to start something and build something from the ground was something I felt called to do."

Senior and first floor Resident Assistant Sarah Pastorek is also excited about Ryan Hall.

"The biggest thing is that we get to start our own tradition and build the kind of community we want to live in," Pastorek said.

Pastorek, previously a resident of McGlenn Hall, said that

the 248 residents of Ryan Hall are enjoying the new community.

"We want to live here," Pastorek said. "I'm really enjoying living here. I made the right decision."

However, life in a new building is not without its snags, as the residents of Ryan can attest to.

"At the moment, we only have warm water, not hot water," sophomore and previously Lewis resident Marta Michalska said. "But really, you have so much awesome stuff here, you can't really complain."

"Some locks are backwards," said sophomore and previously McGlenn Hall resident Maria Emilian. "Sometimes they stick, too, so you can get locked out of your room."

"We're tweaking here and there," Tornifolio said. "Of course there are things that no one can prepare for. All in all things are going quite smoothly."

To welcome residents, the staff had a Ryan Hall Kickoff on August 31, including a grill-out and girl time for the new community.

The new building is full of beautiful features, the residents said. Included is a beautiful chapel and large spaces for residents, Emilian said.

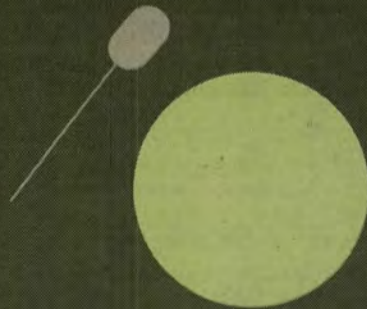
Ryan Hall is a "green" hall, Michalska said. Some green features include high efficiency washing machines, energy efficient windows, and toilets that have two flush sizes to save water, Michalska said.

One thing that was stressed by Ryan Hall residents is the new and unique community.

"I love that we are all different," Tornifolio said. "There's lots of excitement, lots of involvement. All the girls involved are trying to take good things from their old dorms, to bring the best of the dorms here."

Contact Amanda Gray at agray3@nd.edu

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Be your own drummer

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Doubles

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operating for about a year.

"The club is a way for different twins on campus to meet each other and talk to one another about what makes our lives special with being twins," Civantos said. "Being a twin is not the same as not being a twin; you go through life differently. The Twin Club is a forum where we can rejoice in our twin pride."

Civantos describes her very close relationship with her sister Tess as being her main motivation in trying to bring the various Notre Dame twins together as a group.

"Although all sets of twins are different, but I would say that nine times out of ten, your twin is your best friend," Civantos said. "Tess is definitely my best friend."

She said that while she is glad that she and Tess both ended up at Notre Dame, it was never an intentional act for them to go to the same university.

"We never wanted to pick a school based on where the other one was going," Civantos said. "Notre Dame ended up being the best fit for both of us."

Although Civantos and her twin are both pursuing degrees in the Program of Liberal Studies, having the same major as her twin is not typical for most, Civantos said.

"If two people go through life together, they end up liking the same things on a basic level," she said. "We are different though; I would say Tess is more of the 'rebel twin' and I'd like to think that I have a calming effect on her although I'm sure she'd disagree."

Junior twins Kennedy and Coleman Collins state that while they are twins, they each have their own personality.

"I don't think that we're totally different or totally similar," Kennedy said. "We're somewhere in the middle."

Kennedy says that being an identical twin doesn't affect his day-to-day existence other than the occasional confusion from friends.

"People confuse my brother and me all the time; it's just part of being a twin," he said.

Coleman, who works for The Observer photography department, says that the confusion partly has to do with location.

"Last year I lived on North Quad and he lived on South," Coleman said. "So when I went on South Quad I'd get called Kennedy all the time."

The Collins said they share more of a typical sibling relationship as opposed to a twin one.

"It's a normal brother relationship than anything else," Kennedy said. "It's only different because we're the same age."

Coleman agrees that he and his brother are their own separate entities and that it gets tiresome being known as a twin before being known as an individual.

"To see a twin as only a twin is shortsighted," he said. "People ask me all the time what it's like being a twin. I turn around and ask them what it's like not being a twin; I have no other frame of reference."

Along with having different majors, Kennedy and Coleman have different places of residence in the coming months. Kennedy is leaving to study abroad in Rome in a few days while Coleman will remain on

campus. It will be the farthest apart the brothers have ever been and for the longest period of time.

"He's going and I'm not," Coleman said. "I'm still not sure how I feel about it. We'll see how it goes with us being apart; I'm excited but we'll see."

Sophomore identical twins Ellie and Catherine Russell have remained close to each other geographically even while on campus.

"I live in Cavanaugh and she lives in Breen-Phillips," Ellie said. "It's nice to be close."

Catherine says that while she would love to be seen more as an individual and less as a twin, it is convenient for other people to identify her with her sister.

"A lot of people know us as 'the twins,'" Catherine said. "Sometimes it's almost easier to be known as that but I would still like to be seen as my own self."

Both girls say that they enjoy a very close relationship that is beneficial in their lives at Notre Dame.

"I've had my best friend living with me my whole life and I have her here at school," Catherine said.

Ellie agrees that having her twin with her at college has its advantages.

"There are pros and cons to having your twin at school but it's nice to have someone there," Ellie said. "I know that I have someone I care about and that I can always turn to for advice."

Contact Molly Madden at mmadden3@nd.edu

"To see a twin as only a twin is shortsighted. People ask me all the time what it's like being a twin. I turn around and ask them what it's like not being a twin; I have no other frame of reference."

Kennedy Coleman junior

Game

continued from page 1

One couple from Tennessee made the trip to South Bend solely to go through the tunnel.

"They literally drove up here on Friday, did the tunnel, took the pictures of the tunnel, and then drove back home," Seamon said. "They didn't even stay for the game."

Seamon said fans were grateful for the opportunity.

"It was countless stories of people never being able to see that before," he said.

Seven hundred people took advantage of the new parking option Saturday when the Notre Dame nine-hole golf course was

opened to the public for parking and tailgating, Seamon said.

"I spent a lot of time out there on Saturday morning to see how it was coming together and people were just [really] positive," he said. "The people who came got in real easy and got out real easy."

Seamon said with good weather, the golf course could be a parking option for up to 2,000 people. But if it rains, the course will not be open for parking.

Thirty guest service people wearing green blazers were scattered throughout campus Saturday to provide information and assist guests, Seamon said.

"When we work and study and live here, we know everything that's going on. A lot of people here for the first time don't know where the book-

store is or what time the band is playing," he said. "So these folks really help people out."

"They gave a lot of visitors maps. They gave them a game-day guide," Seamon said. "They're taking pictures of people. People say, can you get a picture of me in front of the Grotto?"

Another highlight was the new "Rally on the Green," which took place Friday afternoon and Saturday before the game. Over 5,000 students, alumni and guests came to Irish Greens, the field behind DeBartolo Performing Arts Center, to listen to live music, eat food and play games, Seamon said.

"We just had a ton of people go through there," he said. "People kind of used it as a gathering spot. I think it will only continue to get bigger and better each week."

Seamon said changes to improve security, including a system where fans sent text messages if someone was being unruly, and ticket scanners to make the entry process as smooth as possible, were also successful.

Seamon did not have specific information about any arrests made Saturday and representatives from Notre Dame Security Police could not be reached due to the Labor Day holiday.

But Seamon did say the weekend was both successful and safe, overall.

"We think everyone had a pretty safe and good time," he said. "It was a really good weekend."

Contact Sarah Mervosh at smervosh@nd.edu

"It was countless stories of people never being able to see [the tunnel] before."

Mike Seamon director Game-Day Operations

X-Country

continued from page 1

McClowry, both volunteered at a clinic in Uganda over the summer.

Brodmerkel, a former captain who graduated in 2008, volunteered in Uganda in the summer of 2008, and McClowry, who is a captain this year, volunteered during the summer of 2009.

After Bauters suggested working with the connection that the Belles now had with Uganda, the cross country team got together and brainstormed. The team realized that, as runners, they owned a large amount of old sneakers they no longer needed and "one idea led to another," according to Alicen Miller, a 2008 graduate and former captain.

However, the Saint Mary's cross country team does not have everything it needs to complete this service project. While participants in Saturday's race donated shoes as an entrance fee and some generous alumnae donated money, sending



Photo Courtesy of Megan McClowry

Megan McClowry, a senior cross country team member, takes a picture of Ugandan children during a trip there this past summer.

shoes to Uganda is both expensive and complicated. "We're looking for corporate sponsors," Miller said.

The race on Saturday was the second Alumnae Race held by the Saint Mary's cross country team. Students and Alumnae were joined by faculty and parents, all of whom donated running shoes.

The Belles were also able to build on the success of last year's Alumnae Race.

"We had a really good turnout. A lot of alums came back," Miller said. "Hopefully the race will continue to grow."

Contact Allison Franklin at afrank12@nd.edu

ACTORS FROM THE LONDON STAGE

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INTERNATIONAL NEWS

Police nab eighth jewel thief suspect

LONDON — Police say they have charged an eighth man in one of Britain's biggest heists.

The 22-year-old suspect David Joseph is accused of helping to plot the Aug. 6 theft of \$65 million worth of rings, bracelets, necklaces and watches from Graff Diamonds' flagship store in London.

Seven others have been charged with conspiracy to rob the Bond Street jeweler. One of them, 24-year-old Aman Kassaye, is also accused of attempted murder and false imprisonment.

Police say two men walked into the store, pulled out guns, briefly took an employee hostage and escaped with the jewels in a series of getaway cars.

A ninth suspect has been released on bail and has not been charged.

Tourists arrested after stiffing cabbie

ST. JOHN'S, Antigua — Six American tourists in Antigua were charged with assault and malicious damage after refusing to pay a cab fare they thought was excessive and later scuffling with police officers.

The defendants — Shoshannah and Rachel Henry, Nancy and Dolores Lalane, Mike Tierre and Joshua Jackson — were released on \$5,000 bail each and are expected to enter pleas during a court appearance Wednesday. Their hometowns were not immediately available.

The tourists, who were visiting the Caribbean island on a cruise ship stopover, refused to pay a driver who gave them a tour Friday because they believed they were being overcharged, according to police.

NATIONAL NEWS

Serial killer arrested after decades

MILWAUKEE — Milwaukee police said Monday that they arrested a man connected to the slayings of nine women dating back to 1986 by using a DNA sample he provided just last week.

Walter E. Ellis, 49, was taken into custody after a struggle at a motel on Saturday, said police Chief Edward Flynn. Ellis was charged with two counts of first-degree intentional homicide and more charges are expected, said Milwaukee County District Attorney John Chisholm.

Police said Ellis' DNA was found on the bodies of nine women who were killed between 1986 and 2007 on the city's north side. Investigators believe eight of the women were prostitutes and one was a runaway. They ranged in age from 16 to 41.

Flynn said police used a warrant to obtain Ellis' DNA on Friday, so investigators had to move quickly to test the evidence because Ellis knew they were looking for him. He was arrested in nearby Franklin.

"Good police work and good police science led us to Walter Ellis," Flynn said. "These cases, some more than 20 years old, were never forgotten."

Hiker gets engaged, has life saved

POTOMAC, Md. — It was a lucky day for one hiker near Washington — and not just because her boyfriend popped the question.

Rescue officials say that soon after the woman accepted the marriage proposal during an outing along the rugged Billy Goat Trail, she fell about 10 feet down a rock face and had to be rescued by helicopter. She briefly lost consciousness, but her injuries weren't life-threatening.

LOCAL NEWS

Suspects arrested after shooting

SOUTH BEND, Ind. — Police in South Bend have arrested three people after the fatal shooting of a man who was running down a street.

WSBT-TV says the shooting happened about 10 p.m. Sunday. Witnesses tell the station they saw the man running down the street while someone behind him fired shots. They say they saw him fall and lie in the street until paramedics arrived several minutes later.

The victim's name hasn't been released. He was pronounced dead at Memorial Hospital. Police say an autopsy is planned Tuesday.

AFGHANISTAN

Afghan civilians killed in airstrike

German troops admit to killing 70 civilians but defend the decision to attack

Associated Press

KUNDUZ, Afghanistan — An Afghan rights group said Monday a recent airstrike on a pair of hijacked fuel tankers killed as many as 70 civilians in northern Afghanistan, as the German troops whose commander ordered the bombing defended the action.

Afghan Rights Monitor, an independent human rights group, reported that its survey of the area following Friday's attack shows it killed as many as 70 villagers who were siphoning gas from the vehicles after they became stuck on a sand spit in the Kunduz River.

The group's report came as the German government backed down from its previous insistence that only the Taliban hijackers had died, conceding some civilians likely were killed.

But Germany defended the decision to call in an airstrike, citing fears the tankers could have been used to mount a suicide attack on its troops.

Mohammad Omar, the governor of Kunduz, has also said he fully supported the airstrike, which he said killed up to 72 people — likely all militants.

The Taliban, however, issued a statement calling on the U.N. to join an international investigation of the bombing and claiming that 150 villagers had died. "If they respect human rights and the blood of human beings, they should determine the truth or falsity of this situation," the statement said.

German soldiers in Kunduz on Monday rejected criticism that their commanders acted rashly in calling in the U.S. warplanes.

Three soldiers from Armored Infantry Battalion 391, who spoke on condition of anonymity under German military rules, said they went to the scene of the airstrike hours after



Badges of Germany, ISAF (International Security Assistance Force) and NATO are seen on the sleeve of the uniform of a German soldier in Kunduz, Afghanistan, Monday. AP

it occurred and found Afghan police carrying broken weapons away from the smoldering tankers — proving, they said, the dead were linked to insurgents.

The soldiers, interviewed at their Kunduz base, were eager to defend their commander, Col. Georg Klein, who asked U.S. jets to attack the hijackers.

But that decision has come under intense criticism, inside and outside Afghanistan.

In another incident where NATO coalition troops were criticized for their use of force, a charity Monday accused American soldiers of storming through a provincial hospital, breaking down doors and tying up staff and visi-

tors. The U.S. military said it was investigating the allegation.

Civilian deaths have undermined support for foreign forces among many Afghans. Growing public anger prompted the top American and NATO commander in the country, U.S. Gen. Stanley McChrystal, to draw up a new doctrine aimed at limiting such casualties.

McChrystal has pledged to investigate Friday's airstrike.

The attack on the hijacked tankers provoked outrage in Germany, where newspapers ran graphic photos of badly burned victims, stoking opposition to the war.

Germany, which has some 4,200 soldiers in

northern Afghanistan — the third largest contingent of foreign forces behind the United States and Britain — has been reluctant to commit more troops. At the same time, the U.S. and its NATO allies are considering a major expansion of their troop levels here.

For many Germans, the country's role in the Afghan conflict raises unwelcome memories of their country's past militarism.

The German public also fears losing more soldiers — 35 have been killed in Afghanistan since 2002. Battalion 391's third company has already lost two soldiers in combat since arriving in Kunduz three months ago.

Deadly L.A.-area arson fire still burning

Associated Press

LOS ANGELES — Just as firefighters were intensifying their efforts to contain the flames menacing the foothill neighborhoods of the San Gabriel Valley, another part of the deadly fire in the Angeles National Forest flared up.

Fire officials canceled their plans Monday to burn out brush to create a buffer south of the ferocious fire.

U.S. Forest Service spokesman Nathan Judy said the weather didn't cooperate and the aircraft needed to support and monitor the burnout operations were diverted to the fire's northeastern flank.

The blaze was 56 percent contained and had blackened 157,220 acres, or 246 square miles, as it burned deeper into the wilderness in its 13th day, feeding off leaf litter on the ground, old growth and dead timber.

"Even the mountain goats won't climb in there because it's so steep and rugged," Judy said.

The flames have reached the bottom of the south face of Mount Waterman, which has a small ski area on its northern side.

Meanwhile, Los Angeles County sheriff's and fire investigators continued their homicide investigation into the fire. Officials have said the

cause of the fire was arson but have released no findings.

Los Angeles County firefighters Tedmund Hall and Arnaldo Quinones were killed in a vehicle accident Aug. 30 while seeking an escape route for their inmate fire crew after flames overran their camp on Mount Gleason.

Sheriff's spokesman Steve Whitmore said the men's vehicle was airlifted off a mountain and taken to a secure location Monday so investigators could analyze it. The examination of the site where the fire started near the Angeles Crest Highway wrapped up Monday, he said.

Miss. investigates new racial rumors

Associated Press

SUMNER, Miss. — In the Mississippi Delta, nothing spreads faster than a rumor that an armed white mob chased black thieves through a cotton field. Throw in an armored personnel carrier and a racially charged past, and it's no surprise federal investigators are checking it out.

Suspicion is especially deep in Sumner, population about 400, the town where two white men were tried and acquitted in the notorious 1955 slaying of Emmett Till, a black Chicago teenager lynched for whistling at a white woman.

Clearly, there was some kind of search Aug. 20 in a cotton field near Sumner and a black man was arrested. The details, however, are anything but clear. Local speculation about the matter is rife distrust.

And beneath the racial overtones is tension between the father of one suspect and the elected Tallahatchie County prosecutor, both strong-willed, small-town lawyers with colorful personalities.

This much is known: A crop duster pilot named Pat Ryan came home from work Aug. 20 and interrupted a burglary. Two men dashed out the back door and into a cotton field. One ran out of his boots, which were found in the field near a trail of stolen pocket change.

Word travels fast in Sumner, where even a hint of excitement draws a crowd, and neighbors rushed to Ryan's home. Police officers from nearby towns, sheriff's deputies and a dog team from a state prison searched for the suspects. Even firefighters showed up.

John Whitten III, the 60-year-old, white-haired and bearded county prosecutor, climbed into a Vietnam-era Jeep at his nearby home and headed for the scene. Friends followed in a British FV432 armored personnel carrier that's part of Whitten's military memorabilia collection.

Cornelius Pittman, 24, heard his brother was one of the suspects and rushed to the scene to talk him into surrendering.

What happened next depends on which witness you ask.

Whitten says he offered the personnel carrier — which he says is licensed and street-legal — to aid police in their search. Whitten said police declined and the vehicle was sent home.

That's not how Pittman describes it.

"John said, 'I can run over him with the tank and get human meat in the tracks and that ... can stink for weeks or I can burn him out,'" Pittman said.

Cornelius Pittman also said Whitten wouldn't let him leave.

Whitten disputes that, saying he told Pittman "to get your brother to give himself up before somebody gets hurt." Whitten acknowledged looking in Pittman's trunk to make sure he wasn't helping the suspects escape, but he said Pittman opened the trunk voluntarily.

The Tallahatchie County sheriff has not responded to numerous calls. Sumner's police chief said the burglary happened in his jurisdiction, but not the search, and he provided little information.

Authorities said they arrested

28-year-old William Pittman, uninjured, at a nearby home. He was charged with breaking and entering and released from jail that day.

Whitten, a self-described military history buff, said he's the victim of a smear campaign orchestrated by Clarksdale attorney Ellis Pittman — the Pittman brothers' father — who wants to discredit authorities to keep William Pittman out of prison.

The two lawyers have a turbulent history, according to Ellis Pittman, a trim, 46-year-old Tallahatchie County native. He said the two nearly came to blows in a judge's chambers more than a year ago when Whitten used a racial slur. Whitten denies it, saying the two had a cordial professional relationship.

Whitten's father, John Whitten Jr., was a defense attorney for two men accused of killing Till in 1955. Till was abducted in neighboring Leflore County and his body was found in the Tallahatchie River. The trial took place in the Sumner courthouse. Today, the four clocks on the courthouse tower all tell a different time, which may be appropriate for a town that can't seem to escape the past.

Whitten III says his family connection to the infamous case makes him an easy target for racial hysteria.

This isn't the first time Whitten has been accused of taking the law into his own hands. Whitten was fined \$2,500 in the 1990s when he was a city judge and accused of holding three suspected trespassers at gunpoint after shooting their truck tire.

The men also won \$110,000 from Whitten in a lawsuit. Whitten said they tried to run him over with a truck.

Federal authorities, meanwhile, are trying to sort out the events of Aug. 20. Several people said they have been contacted by the FBI.

Britt Brown, a 59-year-old black former police chief of nearby Tutwiler, said there was no white mob while he was there. Instead, Brown said, it was a group of people both black and white who were concerned or curious and just standing around.

But Terry Taylor, an officer for the Webb and Tutwiler police departments, said at least six civilians, some armed, including Whitten, joined the search.

Recordings Ellis Pittman made of conversations with some of the officers involved indicate that someone fired several shots, but it wasn't clear who or where they were aiming.

William Pittman was found barefoot and muddy and told authorities he ran from the field when shots were fired, Taylor said.

Taylor also said a man who helped arrest Pittman was no longer on the force and wasn't a certified officer.

U.S. Rep. Bennie Thompson, a Democrat whose district includes Sumner, asked the U.S. Justice Department to investigate.

"I've talked to a number of people in the community who, to be quite honest, have been traumatized by what they saw as vigilante activities on the part of unauthorized citizens," Thompson said.

Kennedy not running for Senate

Associated Press

BOSTON — Former Rep. Joseph P. Kennedy II, the eldest son of Robert F. Kennedy, announced Monday he would not run for the U.S. Senate seat held for nearly 50 years by his late uncle, Edward M. Kennedy. The decision was certain to widen the race for the Democratic nomination.

In a statement, the former six-term congressman said he cares about those seeking decent housing, fair wages and health care. But he added, "The best way for me to contribute to those causes is by continuing my work at Citizens Energy Corp."

The nonprofit organization provides free heating oil to the poor, but Kennedy likely would have faced campaign questions about fuel it received from Venezuelan President Hugo Chavez — a persistent U.S. critic. He also has settled into a comfortable lifestyle since leaving Congress in 1999, taking home a \$545,000 salary as Citizens Energy's president as of 2007, and being spared the barbs he has faced from some local columnists recently for his past temper tantrums and high pay.

Yet Kennedy also may have garnered support from the legions of Massachusetts Democrats who long supported his uncle, to whom he paid tribute in a widely applauded memorial service speech last month. He also had name recognition among national followers of his father, who was a U.S. senator from New York when he was assassinated in June 1968 while seeking the Democratic presidential nomination.

"My father called politics an honorable profession, and I have profound respect for those

who choose to advance the causes of social and economic justice in elective office," the 56-year-old Kennedy said. Friends said that among those who had been urging him to consider a candidacy were his own sons, 28-year-old twins Matthew and Joseph III.

The decision surrenders a seat the Kennedy family has held for all but two years since 1953, when John F. Kennedy moved from the U.S. House to the Senate, before being elected president in 1960. It became vacant Aug. 25, when Edward Kennedy died of brain cancer at age 77. He was first elected to the Senate in 1962.

It also removes an excuse for three veteran Massachusetts congressmen — Reps. Michael Capuano, Edward J. Markey and John Tierney — who have said they are considering campaigns but would not run against a member of the Kennedy family. The senator's widow, Vicki, had previously ruled out a campaign.

In a fiery speech Monday morning to a Boston labor breakfast, Capuano sought to distinguish himself from unnamed competitors.

"Everybody loves you today," the congressman told a crowd of about 400, including Tierney and Markey. "Everybody's for prevailing wage, everybody's for (project-labor agreements), everybody's for this, that and the other thing. Me too. That's good. But when it comes time to make the tough decisions, that's when you start to figure who's with you and who's not."

Markey said before addressing the crowd that he was still weighing a race, highlighting his stature as a 33-year member of the House, honorary title as dean of the New England dele-

gation and chairmanship of the House Select Committee for Energy Independence.

After Kennedy announced his decision, Markey issued a statement saying: "I now must weigh where I can make the greatest impact on the issues facing the people of Massachusetts."

Former Rep. Martin Meehan, who is now chancellor of the University of Massachusetts-Lowell but still has nearly \$5 million in his campaign account, had also said he would defer to Kennedy, but he has been lukewarm about a campaign even if Kennedy declined to run.

Another Democrat, Rep. Stephen Lynch, said at the breakfast it's "likely" he will be announcing his candidacy during the next week. The former ironworker, who lives in blue-collar South Boston, said he wanted to wait until after Labor Day.

"I probably won't fit in in the U.S. Senate, but, I think that, in a lot of cases, the people of Massachusetts don't want a senator to fit in. They want them to stand out, and I offer through my experience," Lynch said.

Lynch recalled twice being laid off from shipbuilding and automaking jobs, adding, "I share the experience that a lot of others are feeling right now."

Attorney General Martha Coakley became the first high-profile Democrat to declare for the seat when she announced her candidacy last week. Her supporters lined city intersections for two blocks around the hotel hosting the Greater Boston Labor Council breakfast, testifying to her early organizational advantage in the 90-day sprint to the primary election.

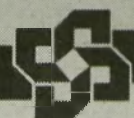
"We're off and running," Coakley said as she shook hands outside.

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MARKET RECAP

Stocks

Dow Jones 9,441.27 +96.66

Up: 2,944 Same: 92 Down: 774 Composite Volume: 461,474,829

AMEX	1,719.69	+29.10
NASDAQ	2,018.78	+35.58
NYSE	6,637.13	+83.04
S&P 500	1,016.40	+13.16
NIKKEI (Tokyo)	10,320.94	0.00
FTSE 100 (London)	4,933.18	+81.48

COMPANY	%CHANGE	\$GAIN	PRICE
CITIGROUP (C)	+1.86	+0.08	4.85
FANNIE MAE (FNM)	+7.93	+0.13	1.77
BK OF AMERICA CP (BAC)	+1.48	+0.25	17.09
S&P DEP RECEIPTS (SPY)	+1.40	+1.41	102.06

Treasuries

10-YEAR NOTE	+3.43	+0.114	3.44
13-WEEK BILL	0.00	0.000	0.13
30-YEAR BOND	+2.96	+0.123	4.27
5-YEAR NOTE	+3.29	+0.075	2.36

Commodities

LIGHT CRUDE (\$/bbl.)	+0.06	68.02
GOLD (\$/Troy oz.)	-1.00	996.70
PORK BELLIES (cents/lb.)	+2.00	82.88

Exchange Rates

YEN	92.9050
EURO	1.4334
CANADIAN DOLLAR	1.0782
BRITISH POUND	1.6338

IN BRIEF

Massey Energy CEO blasts energy bill

HOLDEN, W.Va. — The chief executive of coal mining giant Massey Energy blasted supporters of climate-change legislation and other environmental issues affecting the coal industry at a free Labor Day concert and rally in southern West Virginia.

CEO Don Blankenship said he wanted to show people at the event how government regulation is hurting the coal industry, driving up energy prices and making the country less competitive.

"We're hopeful that through networking that they will educate their neighbors and that they'll all begin to speak out," Blankenship said. "We think that will make a difference."

Richmond, Va.-based Massey, which operates mines in West Virginia, Kentucky and Virginia, is the lead sponsor of the rally, which Blankenship said cost about \$1 million to stage.

New Jersey labor leader dies at 32

NEWARK, N.J. — Richard F. Cunningham Jr., a dynamic New Jersey labor leader who helped found an organization for low-wage, immigrant workers and started a punk rock record label, has died. He was 32.

Diagnosed with colon cancer in 2005, Cunningham succumbed to the disease on Friday. His death was confirmed by the Crabiell Home for Funerals in Milltown.

The Rev. Joseph Kerrigan, a New Brunswick pastor who officiated at Cunningham's Labor Day funeral service, says the Livingston native combined his strong Catholic faith and family's union roots to build the New Labor organization into a group of more than 1,500 dues-paying members.

"The thing about Rich is that he was very much the charismatic figure you want to see at the founding of an organization," Kerrigan said. "At the same time he was also someone who wouldn't bring a lot of attention to himself; it was always the struggle, the battle, that was more important."

Cunningham graduated with a labor studies degree from Rutgers University in 1999 and help found New Labor in 2000. The group's organizational model garnered national attention by unionizing mostly young, low-wage immigrant workers while offering them community services such as English-as-a-second-language classes and computer training.

Firms invest in charter schools

Despite economy, private investors provide funding for American education

Associated Press

KANSAS CITY, Mo. — Charter schools, already seeing a surge in students, are getting attention from another group — private investors.

Entertainment Properties Inc., known mostly for sinking its money into movie theaters and wineries, recently bought 22 locations from charter school operator Imagine Schools for about \$170 million. The real estate investment trust acts as landlord, while Imagine operates the schools and is using the investment to expand its chain of 74 locations.

"They really are an effective source of long-term financing that we can rely on and enables us to do what we're best at, which is running schools, and do what they're best at, which is long-term real estate ownership," said Barry Sharp, chief financial officer for Arlington, Va.-based Imagine. "It's a good fit."

Charter school supporters hope the move by Kansas City-based Entertainment Properties is the first of many such partnerships as they deal with increased interest from parents but not more money to build or expand their facilities.

In the past decade, the number of U.S. charter schools has tripled to 4,618, while the number of students enrolled has almost quadrupled to more than 1.4 million, according to the National Alliance for Public Charter Schools.

While charter schools are publicly funded, they often don't have the same access to bonds and other financing available to mainstream public schools. That forces many to operate in places like storefronts or church basements, said Todd Ziebarth, vice president of policy for the alliance.

"I think it's probably the biggest challenge facing charters, not only finding space but once you find it how do you pay for it, particularly if you're going to buy it," Ziebarth said. "I think it's lim-



Darinee Barba, 13, a student at Oscar De La Hoya Charter High school, is among people waiting to enter a meeting of the Board of the Los Angeles Unified School District in Los Angeles Tuesday.

iting their growth and it's limiting the expansion of existing schools."

Charter school supporters say the need for construction funding is high, and the entry of a for-profit player like Entertainment Properties signals that they've gone from being an educational curiosity to being seen as a future significant part of the educational landscape.

David Brain, chief executive of Entertainment Properties, said he initially was skeptical of investing in charter schools. But he said he looked deeper and determined that most of the charter school operations that had failed either never opened or were independent operations with little experience.

Focusing on large players

who know how to operate schools, hire teachers and develop a curriculum, he said, provides the company a more dependable return.

"We're not speculators, we're investors, so I have to invest in property making money for me and my customers today," said Brain, whose trust oversees a \$2.6 billion portfolio. "The charter public schools offer lenders/leaseholders a dependable revenue stream backed by a government payer. It's a very desirable equation."

Enrollment at Imagine Renaissance Academy of Environmental Science and Math, Kensington Campus — among the schools sold — was near capacity by its second year, with 515 students in kindergarten through fifth

grade.

While the renovated 19th-century school in Kansas City looks like any other public school, there are subtle differences: the color-coded polo shirts the students wear to signify their grade, smaller class sizes and an added emphasis on science.

Sharp said Imagine could have used a combination of mortgage financing and other funding to fuel its growth. But he said that would have forced the company to keep relying on rental properties it had little control over.

"We would have had to go out and use some of the money to maintain our investment in our existing buildings and therefore it wouldn't have made it into the new ones the same way," he said.

Health bill threatens safety-net hospitals

Associated Press

CHICAGO — Janie Johnson has no health insurance, so when she cut her toe while giving herself a pedicure, she limped to the emergency room at one of Chicago's safety net hospitals and waited her turn.

"I'm 44, but I probably look about 55 right now," Johnson joked in Stroger Hospital's emergency department where more than 100 patients sat waiting. Urgent cases, from chest pains to gunshot wounds, are rushed to doctors first. Johnson was glad to have somewhere to go for health care.

"I don't know what I would do" without the hospital, she said. "My health would probably get worse."

To all the knotty issues involved in health care overhaul, add one more: The

proposals in Congress may threaten the funding and future of the nation's already-struggling safety net hospitals.

It's an irony hospital leaders are expressing quietly as Congress reconvenes this week to take up health care again. Hospital leaders support expanding insurance coverage to more Americans, but they worry financing the expansion will cause some teetering urban hospitals to deteriorate and close.

They point to Massachusetts, the laboratory for health care overhaul, where one safety net hospital, Boston Medical Center, is suing the state claiming it's covering too much of the cost for expanding coverage. Another safety net standby, Cambridge Health Alliance, has closed health centers and cut services; its Somerville Hospital no longer keeps patients overnight.

"It looks like a national plan will be modeled on Massachusetts and it's a disaster for poor people," said Dr. Steffie Woolhandler, Harvard Medical School professor and a doctor at Cambridge Hospital.

"The insurance offered doesn't cover everyone," she said. "It's filled with gaps like copayments and deductibles. Patients can't afford it, so they turn to the public sector and the public sector isn't there anymore."

What worries Woolhandler and others are proposals to finance national reform that would reduce payments gradually to hospitals handling more than their share of uninsured patients. One proposal would reduce these funds — called DSH payments for "disproportionate share hospital" — by \$20 billion, in three large annual chunks starting in 2017.

THE OBSERVER VIEWPOINT

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THE OBSERVER

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'Obamacare' raises problems

The main health care bill, H.R. 3200, "America's Affordable Health Care Act of 2009," has 1,017 pages. I read it, which gave me some, but not much, sympathy for House members who admit that they voted for it in committee, or endorsed it, without reading it.

Section 1233 (pages 424-34), on "advanced care planning consultation," expands the physician services that Medicare will reimburse, to include consultations regarding end-of-life decision-making. Senator Chuck Grassley (R-IA) says the Senate Finance Committee has removed "the end-of-life provisions" from its bill because they would pay physicians to "advise patients about end-of-life care and rate physician quality of care based on the creation of and adherence to orders for end-of-life care." But that bill is only one of several on the subject. It is too early to count the end-of-life consultations out. As Health and Human Services Secretary Kathleen Sebelius said on August 16, "I'm hoping that at the end of the day" the consultation provisions "will be part of the overall package."

Let's look at what Section 1233 says and, more important, what it does not say and thus leaves to bureaucratic, implementing regulations which could make the 1,017 pages of the bill look like a telegram. An "advance care planning consultation" is between "the individual and a practitioner" who does not have to be the individual's own physician. A "practitioner" can be a physician or a "nurse practitioner or physician's assistant who has the authority under State law to sign orders for life sustaining treatments." The bill does not state whether the consultation will be initiated by the practitioner or by the individual. Nor does it state that the individual is compelled to have a consultation. "Though not mandatory," wrote Charles Lane of the Washington Post editorial board, "the consultations...aren't quite 'purely voluntary.' To me," he said, "'purely voluntary,' means 'not unless the patient requests one.'" Section 1233 ... lets doctors initiate the chat and gives them an incentive — money — to do so. Indeed, that's an incentive to insist. Patients may refuse without penalty, but many will bow to white-coated authority. Once they're in the meeting, the bill does permit 'formulation' of a plug-pulling order

right then and there." Regulations could, in effect, make the consultations mandatory, to be initiated by the individual or the practitioner with penalties on the individual who fails to initiate it.

A consultation shall include: "An explanation by the practitioner of advance care planning ... and ... advance directives, including living wills and durable powers of attorney ... the role ... of a health care proxy ... [t]he provision by the practitioner of a list of ... resources to assist ... with advanced care planning ... [a]n explanation ... of ... end-of-life services ... available, including patient care and hospice ... an explanation of orders regarding life sustaining treatment ... which shall include ... the reasons why ... such an order is beneficial to the individual and the individual's family and the reasons why such an order should be updated periodically as the health of the individual changes." Note that the consultation "shall include" an explanation of only one side of the question of whether such an order would be beneficial.

"A consultation ... may include the formulation of an order regarding life sustaining treatment ... [which is] an actionable ... order relating to the treatment of that individual that (i) is signed and dated by a physician ... or another health care professional (as specified by the Secretary) ... in a form that permits it to stay with the individual and be followed by health care professionals ... across the continuum of care; (ii) ... communicates the individual's preferences regarding life sustaining treatment, including an indication of the treatment and care desired by the individual; (iii) is ... standardized within a given locality ... (as identified by the Secretary); and (iv) may incorporate any advance directive ... if executed by the individual."

"The level of treatment indicated" by the order "may range from ... full treatment to an indication to limit some or all or specified interventions. Such ... levels of treatment may include indications respecting, among other items — (i) the intensity of medical intervention if the patient is pulse-less, apneic, or has serious cardiac or pulmonary problems; (ii) the individual's desire regarding transfer to a hospital or remaining at the current care setting; (iii) the use of antibiotics; and (iv) the use of artificially administered nutrition and hydration."

This "actionable" order becomes part of the individual's permanent record, available to the government and health care professionals who are required to follow it. Opponents of end-of-life consultations were derided by President Obama and the media for raising the prospect of "death panels."

But note that the order does not have to be signed by the practitioner who conducts the consultation. Regulations, consistent with Section 1233, could provide that the order would be signed by a "health care professional" other than that practitioner who formulated it. There is no mandate that the professional who signs the order ever saw the individual involved. Could the signer be a member of a panel reviewing such orders without ever seeing the patient? Apparently so.

The order "communicates the individual's preferences ... including ... the treatment ... desired by the individual." But it does not specify that the order must comply with those preferences. If the individual had executed an advance directive, the order "may incorporate" it but does not have to include it or even refer to it.

Section 1233 does not state whether the individual's personal physician, lawyer or family members may be present at the "advance care planning consultation." Nor does it specify that the order will be subject to judicial review.

An "advance care planning consultation" may be held "if the individual ... has not had such a consultation within the last 5 years." A consultation "may be conducted more frequently ... if there is a significant change in the health condition of the individual, including diagnosis of a chronic, progressive, life-limiting disease, a life-threatening or terminal diagnosis or life-threatening injury, or upon admission to a skilled nursing facility, a long-term care facility ... or a hospice program." The bill imposes no limit on the number or frequency of such consultations, raising the prospect of repeated pressuring of patients to forego treatment.

"Obamacare" seeks to increase those who are covered and to reduce costs. The only way to achieve both objectives is to ration the health care provided to the elderly and disabled. Half of a person's medical expenses generally occur in the last six months of life. The rationing, at first, will be technically voluntary. Grandma will be told that she is not eligible for that hip replacement. She will be given the option of taking pain pills. But she will be encouraged to relieve the burden on her family through legal means of achieving "death with dignity." Section 1233 is evil in its effect and potential.

Professor Emeritus Rice is on the Law School faculty. He may be reached at rice.1@nd.edu or 633-4415.

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

EDITORIAL CARTOON



OBSERVER POLL

What did you think of the Dillon Pep Rally?

Liked it
Didn't like it
Didn't go

Vote by Thursday at 5 p.m. at
www.ndsmcobserver.com

Submit a Letter
to the Editor at
www.ndsmcobserver.com

QUOTE OF THE DAY

"One is left with the horrible feeling now that war settles nothing; that to win a war is as disastrous as to lose one."

Agatha Christie
English mystery author

Hope in action

What does it mean for you to live in hope? Is it as a sports fan, obsessing over injury reports and game schedules, debating and commiserating with friends in front of a packed stadium or television set, all the while hoping for a win? Is it as a student, studying and reading, pouring over a semester's worth of work with hopes that you will make the grade? All too often our hopes lay in the hands of another,

Paul Ybarra,
CSC
Guest
Columnist

er, be it a professor, or be it a football team. The challenge for us all is to take what can seem to be a passive endeavor and transform it into an active one. As Christians, this is truly what faith demands of us. To be hope in action. As a seminarian in the Congregation of Holy Cross, I have come to view hope as actively choosing to live differently. To live a life of prayer, to reflect on how hope in God can become hope in action. For me that has meant, and continues to mean, standing with the poor, doing service, actively choosing to give my time to those

in need. It has been at times as simple as choosing to recycle, to conserve energy, to being conscious of what I buy and where it comes from. As a two-time alum and current graduate student in Theology I have been aided in this endeavor to embody hope in who I am and what I do by the Center for Social Concerns. I want to invite you to come and see. Come and see the new Geddes Hall, the first "green" building on campus. Come and be a part of seminars over fall, winter, and spring break, to learn, serve, and live a more compassionate life outside the

classroom. Be part of the CSC's campaign "Hope in Action." Learn to live differently by embodying what Pope Benedict XVI's states in Spe Salvi, that "all serious and upright human conduct is hope in action."
Paul Ybarra is a 2002 and 2004 graduate of Notre Dame and is a seminarian and member of the Congregation of Holy Cross. The views expressed in this column are those of the author and not necessarily those of The Observer.

LETTERS TO THE EDITOR

Exhibit indeed

Eating Disorders are not art. Emaciated women are not art. Death and destruction are not art. However, the administration of the Snite Museum apparently disagrees. By promoting Lauren Greenfield's documentary, *Thin*, which follows four young women in a residential treatment facility for eating disorders, as art, they are equating a deadly mental illness with mere entertainment. The advertising for this exhibit fuels the obsession of many women and men with dieting, exercise, and body image. I strongly urge the Snite to reconsider its vast advertising campaign and even the exhibit itself for the sake of the mental and physical health of the students of the University of Notre Dame.

Morgan C. Caudle
 alumna
 Class of 2009
 Sept. 7

Thanks for the memories

My 11-year-old son loves all things Notre Dame. He loves football, is in Junior Football League, and one of his goals is to play football for the University of Notre Dame. This past Saturday we had tickets in Section 35 right by the Student Section. After Notre Dame's fourth touchdown, he felt someone tap him on his shoulder and he turned to me and said, "I'm going to do push-ups!" I turned around and watch his face light up as several students lifted him into the air, 28 times. I guess time will tell if he will play for the University of Notre Dame, but even if he doesn't, I can tell you this: he will never forget the first time he did push-ups in the Notre Dame student section! I don't know the students who did this for him, but that little gesture just created a lifetime memory for an eleven year old football-loving-boy at the University of Notre Dame. So if you are reading this, thank you! And you are, without a doubt, ND!

Mark Altenhof
 Goshen, IN
 Sept. 7

U-WIRE

Fanaticism over IKEA font change

Thanks to the blend of current events, coupled with numerous domesticated issues across the country, the change of IKEA's signature typeface from Futura to Verdana font is another issue for consumers to digest.

For more than 60 years, IKEA has represented the charming Swedish vendor of inexpensive, unique home furnishings.

The company's 2010 catalog delivers familiar appeal, but this time the text is brandished by the not-so-familiar Verdana font.

Although the company has not provided an official reason for the change, IKEA spokeswoman Monika Gocic said the Verdana font is more cost-efficient because Verdana, which is distributed by Microsoft, allows IKEA to use the same font in all countries.

The difference between the fonts is virtually unnoticed. But according to the designers and thousands of fans, the change reflects an unfavorable alteration to the IKEA brand. The main complaint protesters share, besides the font's ugly appearance, is that the original font portrayed IKEA's innovative philosophy. The Futura font provided a unique theme that fit the company's style.

Amid all the tragedies in the news, IKEA's font fiasco has provoked an immediate hostile response. The uproar created on blogs, Twitter and other social-networking Web sites fueled Romanian design consultant Marius Ursache to start an online petition aimed at persuading IKEA to bring back the Futura font.

So another protest is launched and although it is not quite as desperate, it is crucially alarming in the name of trivial issues.

Verdana is just a text in catalogs and sticking to mundane and safe formalities does not always prevail.

The Rolling Stone is a prime example. The long-formatted magazine has been replaced with the typical off-the-rack magazine format.

This is disappointing, but it still sells. IKEA will sell as well.

The alarm is going off not for the font change, but for the tremendous response it received. This in turn linked this feedback loop to society's indifference and careless tonality of current events.

Why is there so much uproar over a font? Are we that bored, or have we run out of causes to fight for?

Sadly, we have arrived at the age of narcissistic journalism, a consumer-based lullaby that feeds our society with stocks, sex and empty false idealism.

We have enough hungry children, women's rights issues, war frontiers and political scandals to rage about. Let's not let font spam our polls and petitions.

This column first ran in the Sept. 3 edition of The Daily Cougar, the daily newspaper serving the University of Houston.

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

Bissan Rafe

University of
Houston
The Daily Cougar

New scoreboard flops

On Saturday, we saw many firsts for the Notre Dame gameday experience. The band marched through the Law School arch. There were new gameday hospitality measures. The first shutout in the Charlie Weis era. Another first was the introduction of the new energy efficient scoreboards.

While we applaud the University's concern for the environment and energy consumption, we feel that the manner in which new LED displays were used detracted from the unique atmosphere of Notre Dame Stadium. Specifically, some graphics that were displayed during the game were nothing short of atrocious. The old display was simple, and while it wasn't flashy it gave fans all the information they needed. Graphics were simple and certainly did not compare to other over-the-top stadium scoreboards, which was just fine. The simple scoreboard ensured that fans focused on the game and evoked a more traditional feel inside the stadium.

The new display has full color, which is a welcome upgrade. However, this has turned out to be a double edged sword. While some displays, like the monogram and American flag in full color, were classy additions, other new usages were inappropriate. Following a big defensive play, the moon exploding followed by "Bam!" was completely unnecessary. If we just got a first down on a 12-yard run, we don't need to be told "What a sweet run" it was (and why isn't the running back wearing school colors?). The "Get loud" and clapping animations were superfluous, and frankly, insulting. Notre Dame fans are intelligent enough to follow a game and know when to clap and cheer.

So what are we asking for? We want the scoreboard to tell us what we want to know, such as other game scores and game stats. The scoreboard should not display silly graphics that serve no purpose. When fans enter Notre Dame Stadium, they should experience a traditional and unique experience that can't be found anywhere else. Unfortunately, some of the new graphics are out of place, and they should no longer be used.

Stephen Siena
 junior
 Keough Hall
Alexander Buell
 junior
 St. Edward's Hall
Rob Ryan
 sophomore
 Keough Hall
 Sept. 7

**We'll call Melissa.
 Don't think we won't.**

Submit a Letter to the Editor
www.ndsmcobserver.com

Scene's Best of YouTube

Funny French Bulldog Goes Crazy On Yoga Ball



Baby Cries When She Hears The Michigan Fight Song



Stalking Cat



Jon Stewart On Obama Speaking At Notre Dame



By KAITLYN CONWAY
Assistant Scene Editor

Over time, you come to realize that very few things can really cheer you up. I find that these two things are a) Ben and Jerry's and b) ridiculous YouTube videos. Here are four that are guaranteed to put a smile on your face, even if they have no other actual merit.

Funny French Bulldog Goes Crazy on a Yoga Ball:

If cute animals don't make you giggle just a little, I am going to call PETA on you. This video is of a puppy having way too much fun with a yoga ball. Overdose of cute? Yes, please.

Baby Cries when She Hears the Michigan Fight Song:

In light of this weekend's victory, Notre Dame fans far and wide can only smirk when they contemplate what the rest of the season could hold. A second 35-0 shutout against USC? Let's go with 'yes' and 'I expect nothing less.' This little girl knows how the game is played, and watching her reaction makes the smirk nothing more and nothing less than smug. She is learning who does and doesn't play real football at an early stage in her life.

Stalking Cat:

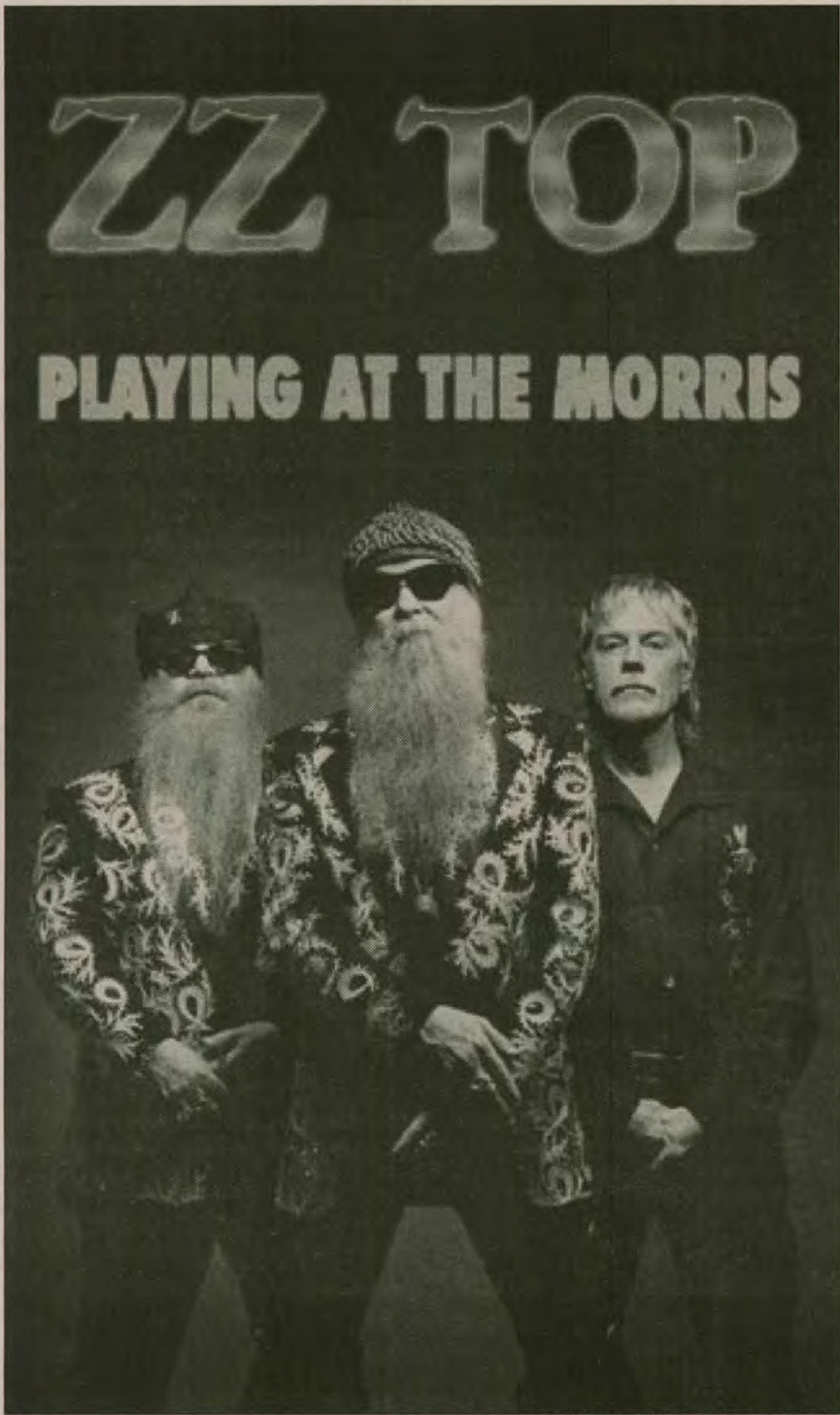
And back to the funny animals! This cat is super sneaky, and while not everyone will find it as amusing as I do (low attention span, folks), it is highly entertaining to observe as the cat gets closer with every camera shot. Any training ninjas in the audience, take note. This is how it's done. If I could sneak as good as this cat, my roommates would have to sleep with both eyes open. Or, conversely, stay awake all night every night.

Jon Stewart on Obama at ND:

Now this is one that probably (unfortunately) slipped through the cracks. I'm sure a few of you — not many, of course — will remember how a certain President was our Commencement speaker this past May. It was a baller speech, by the way. But I'm sure even less of you will recall the reactions to the University's decision. This is one of the more amusing ones. Jon Stewart, you capture our school well.

So when you need to turn that frown upside down — or avoid that paper due on Friday — pull up these for some senseless, time wasting amusement. After all, being easily entertained facilitates procrastination, and YouTube is the best source for that at all times.

Contact Kaitlyn Conway at kconway2@nd.edu



BLAIR CHEMIDLIN | Observer Graphic

By JOEY KUHN
Assistant Scene Editor

ZZ Top, the legendary Texan blues-rock band, will perform at the Morris Performing Arts Center this Wednesday evening.

ZZ Top has been playing together for 40 years and is one of the few active classic rock bands that still consist of the original band line-up. The trio of Billy Gibbons, Dusty Hill and Frank Beard was inducted into the Rock and Roll Hall of Fame in 2004 by Keith Richards of the Rolling Stones. Early in his career, Gibbons used to play with Jimi Hendrix, who named Gibbons one of his own favorite guitarists.

Over their four decades, ZZ Top has journeyed all the way from roots rock to electronically-tinged synth rock and back again.

After forming in late 1969, the band achieved fame in the 1970s with their relatively simple, guitar-bass-drums approach to the blues. Their songs could have comprised the soundtrack for a Hell's Angels lifestyle of cars, booze, and girls. The band reinforced this Texas-biker image by wearing black leather, cowboy hats, sunglasses, and later, chest-length beards (ironically, Frank Beard is the only member without a beard). In 1984, the Gillette Company reportedly offered Gibbons and Hill a million dollars each to shave their beards in a television commercial, but they declined, stating, "We're too ugly without them."

During the 1980s, like almost every other band, they began to experiment more with electronic effects and synthesizers, crafting a new sound that blended their good-times Texas rock with eighties pop. They embraced MTV and produced a series of hit music videos featuring a cherry 1933 Ford Coupe hot rod and a trio of nameless babes. Their most popular album to date, "Eliminator," comes from this era.

The band eventually began turn back to their original, more minimal blues-rock sound in the 1990s. They have received numerous accolades and hon-

ors for their contribution to American music, but more importantly, they can boast a cameo as the folk-rock band playing at the wild west carnival in "Back to the Future Part III."

At the concert in the Morris on Wednesday, fans can probably expect to hear a repertoire of ZZ Top's hits from all eras, including perennial favorites such as "La Grange," "Sharp Dressed Man" and "Cheap Sunglasses." The opening act will be the Sulentic Brothers Band, a seven-person Southern rock ensemble. They hail from South Bend and have been together for sixteen years.

This is a chance to see one of the longest-running and finest blues-rock bands in existence — it's a truly American experience. Given the complete lack of A-list music acts on campus in recent years, students should jump at this chance. Tickets for the show, which starts at 7:30 p.m., are still available on the Morris Web site, over the phone or at the door of the venue.

The Morris is also asking concertgoers to bring non-perishable food items for donation to the Food Bank of Northern Indiana, which is currently facing unprecedented need.

Contact Joey Kuhn at jkuhn1@nd.edu



Photo Courtesy of www.ticketsevice.com/html/zz_top.html

NO DOUBT *Starting a Comeback*



BLAIR CHEMIDLIN | Observer Graphic

By MAIJA GUSTIN
Scene Writer

It's been five very long years, but No Doubt is finally back in action.

The southern California hit makers took an all too long hiatus in 2004 during which lead-singer Gwen Stefani embarked on a successful solo career. While Stefani was off Hollaback'in (see "Love.Angel.Music.Baby." for hit single "Hollaback Girl") and popping out babies with husband Gavin Rossdale of rock band Bush, the rest of the band — including guitarist Tom Dumont, bassist Tony Kanal, drummer Adrian Young, trumpet/keyboard player Stephen Bradley and trombone/keyboard player Gabriel McNair — began to work on new material.

The guys started writing new material in 2008 while Stefani was on the tail end of a tour to promote her second album. She was also pregnant with her second child at the time, so things were moving slowly. As of now, this album is still in the works, but it's

set for release in 2010. Mark Stent, who helped produce No Doubt's 2004 album "Rock Steady," is the producer.

The album is sure to be one of the most hotly anticipated releases of 2009.

This past summer, the fully reunited No Doubt hit the road for their first tour together in almost five years. They toured with opening bands Paramore, The Sounds, Bedouin Soundclash, Katy Perry and Panic at the Disco.

Unfortunately for fans eagerly awaiting what is sure to be some awesome new No Doubt material, they didn't have any songs off their new album ready to play. But their set was filled with their greatest classics. Gwen and the guys rocked out to "Spiderwebs," "Hella Good," "Hey Baby," "Running," "Just A Girl" and "Sunday Morning." They also proved they still had a softer side with "Underneath It All," "Rock Steady," "SimpleKind of Life" and "Don't Speak." Particularly with these slower,

softer songs, No Doubt showed off a newfound maturity that they must have found over the course of their time apart.

They also brought out one semi-new song, a cover of Adam Ant's "Stand and Deliver." Back in May, No Doubt made a cameo on "Gossip Girl" in which they played this song. It's rumored that it will be appearing on their 2010 album, but these rumors have yet to be confirmed.

No Doubt's 2009 tour has been receiving great reviews across the country and proved that, even after five years apart, they are all still great performers. Their reckless abandon and palpable energy are infectious. They can also easily transition from their high-octane "I'm going to jump around while I play my instrument and make it look easy" performances into slower ballads that seem intimate even in a crowd of 20,000.

However, these moments are generally few and far between, because what No Doubt is good at, more than

anything, is writing brilliantly energetic, upbeat songs and making them even better live. They have intense chemistry with each other and clearly draw a lot of their performance from each other. During a song on their 2009 tour, Gwen Stefani got down and did pushups as she sang while her band mates went crazy, doing flips mid-song, amongst other crazy antics.

2009 proved to be a good year for No Doubt, and 2010 will hopefully be even better. They have a great buzz going into their new album. As it seems they've returned to their roots this summer by playing more songs from their older albums "Tragic Kingdom" and "Return to Saturn" on tour, they should put out a great, inventive album. For further listening, check out the songs listed above, and also "Ex-Girlfriend," "New," "Excuse Me Mr.," "That's Just Me," "Open The Gate," "Bathwater," "Different People" and "Hey You."

Contact Maija Gustin at mgustin@nd.edu

MLB

Uribe's five RBIs fuel Giants in 9-4 win over Padres

Rockies stay two back in wild-card race in win over Reds as Dodgers' Ramirez hits homer, gets ejected in 7-2 win

Associated Press

SAN FRANCISCO — Pumped-up Brad Penny dazzled in his home debut and Juan Uribe homered twice, tripled and drove in five runs as the San Francisco Giants beat the San Diego Padres 9-4 on Monday.

Uribe and Edgar Renteria hit back-to-back home runs, helping the Giants remain two games back of the Rockies in the NL wild-card race. Colorado beat Cincinnati.

Penny (2-0) didn't give up a hit until Will Venable's triple leading off the fifth. The Padres certainly didn't want a repeat of Jonathan Sanchez's improbable no-hitter against them here on July 10.

Penny struck out six and walked one over seven innings in his first start at AT&T Park. He won at Philadelphia in impressive fashion Wednesday, two days after he signed with the Giants following his release by Boston.

Adrian Gonzalez hit a towering solo home run off Penny in the sixth, the slugger's second in as many games.

Gonzalez admired his drive to dead center before starting a slow trot. Penny apparently took issue with that and pumped both arms in the direction of San Diego's dugout two batters later after a called third strike to Venable ended the inning.

After the home run, Penny retired the final five batters he faced.

Uribe tripled to start the second and scored on a wild pitch by Clayton Richard (4-2) to put the Giants ahead, then homered in the team's five-run third. After Uribe's two-run shot, Renteria gave San Francisco its fifth set of consecutive home runs this season.

Uribe hit a three-run shot in the seventh for his eighth career multihomer game.

Nick Hundley hit a two-run homer off Alex Hinshaw with two outs in the ninth for the Padres.

Pablo Sandoval and Bengie Molina also drove in runs for the Giants, who started off a key homestand against the division. The first-place Dodgers come to town this weekend followed by the Rockies early next week. In all, San Francisco is in a stretch with 21 of 25 games against NL West foes — more remaining against the division than both the Dodgers and Rockies.

San Francisco bounced back

after losing 2-1 in 12 innings Sunday at Milwaukee on Prince Fielder's game-ending homer.

Freddy Sanchez had a pair of singles for the Giants in his return from the disabled list after missing 19 games with a strained left shoulder.

With Sanchez back at second base, Uribe moved to third base and Sandoval to first — a lineup manager Bruce Bochy says he may stick with for a while. Uribe has been hitting so well Bochy said he can't afford not to keep him in there.

Rockies 4, Reds 3

Ian Stewart broke a tiebreaking home run in the eighth inning, lifting the Colorado Rockies over Cincinnati 4-3 Monday and ending the Reds' seven-game winning streak.

The NL wild card-leading Rockies won their fourth in a row despite losing Troy Tulowitzki. The smooth-fielding shortstop left in the seventh after an RBI single because of a strained lower back and was listed as day-to-day.

Colorado rallied to tie it in the seventh on a sacrifice fly by Todd Helton and a two-out single from Tulowitzki.

After his hit just over the head of second baseman Brandon Phillips, Tulowitzki grabbed his lower back. Manager Jim Tracy and trainer Keith Dugger quickly came out to check on him. Tulowitzki lightly jogged down the line, before being replaced by Omar Quintanilla.

Rafael Betancourt (2-1) earned the win with a perfect eighth, while Franklin Morales, filling in for the injured Huston Street, pitched out of a jam to pick up his fourth save in five chances.

Stewart hit his 23rd homer of the season off reliever Carlos Fisher (1-1). The right-handed Fisher was called up Monday from Single-A Sarasota.

Helton drove in two runs as the Rockies beat the Reds for a sixth straight time.

Jonny Gomes had a two-run homer for the Reds, while Scott Rolen drove in the other run.

The Reds had two on and none out in the ninth, but Morales got Gomes to fly out and then Rolen was thrown out on the back end of a double-steal attempt. With Phillips on third, Morales struck out Darnell McDonald to end the game.

Ubaldo Jimenez went six innings in the no-decision, marking the 25th straight start

he's gone at least six. His three runs allowed, though, were the most since July 27 against the Mets in New York.

Homer Bailey had his start moved up a day after Justin Lehr couldn't go because of a slight groin pull. Bailey gave up one run and five hits in 5-3 innings.

The righty was pulled in the sixth after his two-out throwing error put runners on the corners.

Nick Masset came in to face pinch-hitter Garrett Atkins, and bounced a pitch in the dirt that dribbled away from catcher Corky Miller. Brad Hawpe, trying to score from third, was easily thrown out when Miller flipped the ball to Masset who was covering home.

It was the second baserunning mistake by the Rockies in the game. In the third, Carlos Gonzalez was thrown out trying to score from first on Helton's RBI single.

Paul Janish led off the fourth with a single and Joey Votto followed with another, both moving up when Seth Smith bobbled the ball in left. But the Reds almost ran themselves out of a big inning when Phillips hit a smash that a leaping Clint Barmes snared, then threw to second to double-up Votto.

Rolen hit an RBI single just over Helton's glove. Gomes then hit Jimenez's slider into the left-field bleachers, giving him 18 homers this season.

Dodgers 7, Diamondbacks 2

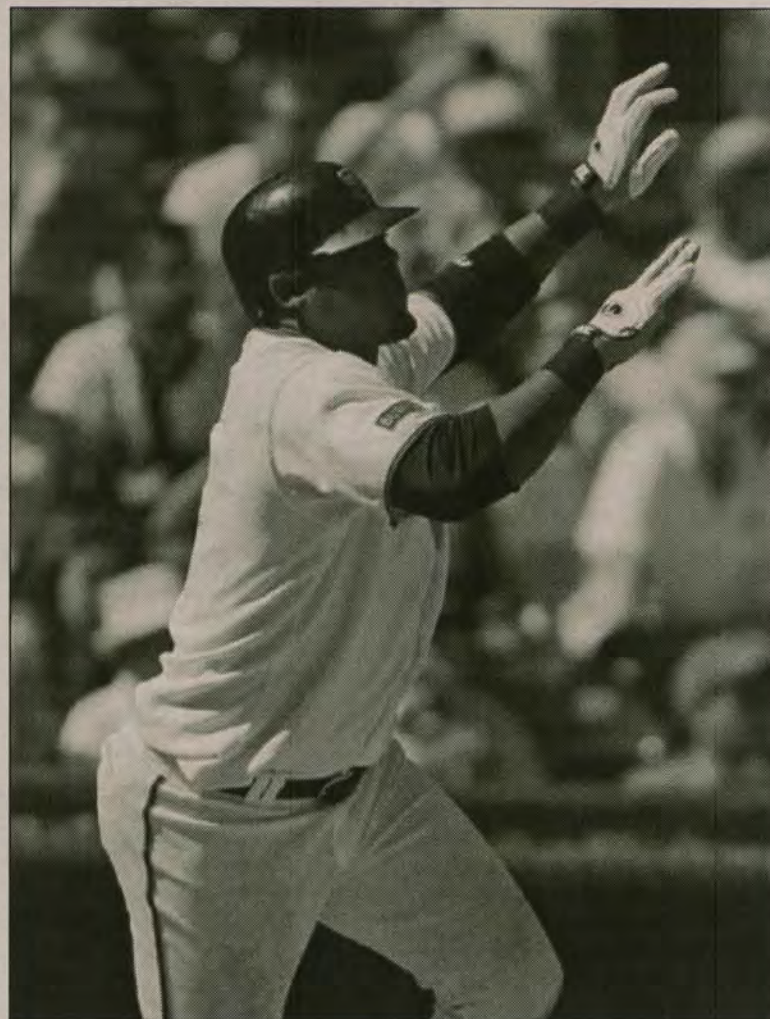
Manny Ramirez hit his 17th home run of the season before being ejected and Los Angeles late-season acquisitions Vicente Padilla and Ronnie Belliard contributed to the Dodgers' 7-2 victory over the Arizona Diamondbacks.

Ramirez hit a solo homer in a three-run second inning off right-hander Max Scherzer (9-9) but was tossed after flinging his bat and helmet to the ground near home plate after striking out to end the third.

Belliard and James Loney also hit bases-empty homers for the Dodgers, who have won all three starts Padilla (2-0) has made joining the rotation Aug. 27.

Belliard, acquired from Washington on Aug. 30, had three hits and two RBIs, finishing a triple short of the cycle.

He had an RBI double and Russell Martin hit a sacrifice fly in two-run eighth inning, which began when Juan Pierre, Ramirez's replacement,



Giants shortstop Juan Uribe watches his three-run shot go over the wall during the seventh inning of a 9-4 win over the Padres.

singled and stole second and third. Pierre added an RBI single in the ninth.

Dodgers right-hander Jonathan Broxton got a four-out save, entering to strike out Justin Upton with runners on first and second and two outs in the eighth inning. Broxton has 33 saves in 38 chances.

The Dodgers (82-57) lead the NL West by 3½ games with 23 games to play and remain tied with St. Louis for the best record in the National League.

Arizona lost its fifth straight game. Diamondbacks outfielder Chris Young hit a two-run home run in the fifth inning off Padilla to make it 4-2.

Young has 11 homers, four in the last two games after hitting three bases-empty homers in a 13-5 loss at Colorado on Sunday. The major league record for homers in two consecutive games is five, last done by the Alex Rodriguez on Aug. 17-18, 2002 with Texas.

Padilla, signed to a minor league contract Aug. 19 after being released by Texas on Aug. 17, is 2-0 with a 2.76 ERA in three starts since joining the

Dodgers' rotation.

Padilla gave up six hits and struck out three in his second consecutive start against Arizona, which scored only one run off him in 5 1-3 innings of a no-decision Sept. 1. Padilla beat Colorado in his first start.

Scherzer gave up four runs and six hits in seven innings. The three homers allowed tied a career high.

Scherzer and Martin exchanged words in the middle of the fourth inning, after Scherzer hit Martin with a pitch behind the left shoulder with two outs in the top of the inning. That came two batters after Belliard's homer gave the Dodgers a 4-0 lead.

Martin stared at Scherzer as he walked toward first base, escorted by home plate umpire Doug Eddings, and Scherzer took a few steps toward the base line. The two exchanged words on the field after Padilla flew out to end the inning.

Then, after Scherzer lined a single to right field to open the sixth inning, Dodgers' right fielder Andre Ethier threw to first base in an attempt to get Scherzer, who made it easily.

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PERSONAL

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Life without death is just impossible Oh, to realize something is ending within us
Feeling yourself disintegrate

UNPLANNED PREGNANCY? Do not go it alone. Notre Dame has many resources in place to assist you. If you or someone you love needs confidential support or assistance, please call Sr. Sue Dunn at 1-7819 or Ann Firth at 1-2685. Visit ND's website at: <http://pregnancy-support@nd.edu>

If you or someone you care about has been sexually assaulted, we can help. For more information, visit Notre Dame's website: <http://csap.nd.edu>

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AROUND THE NATION

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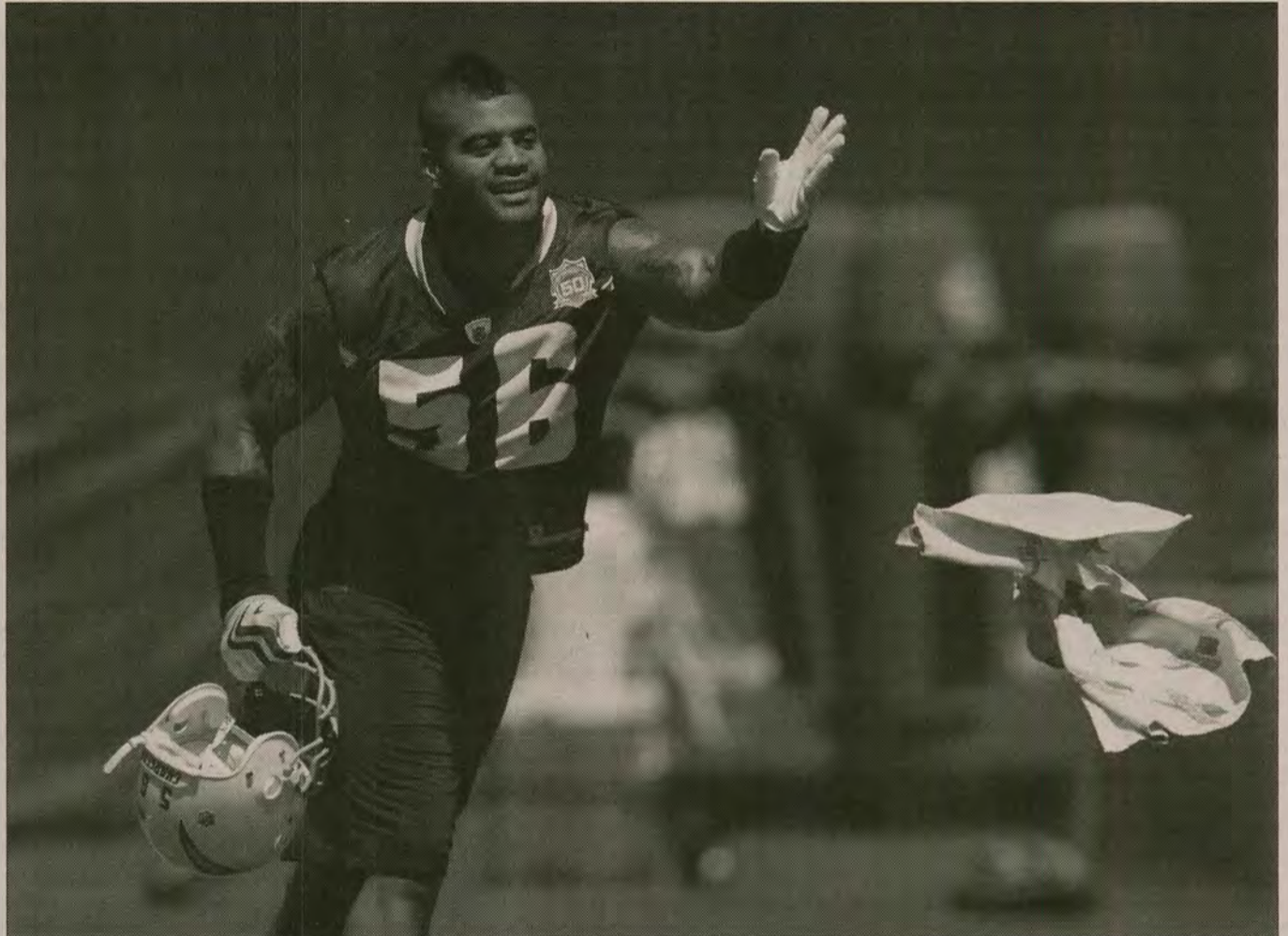
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NCAA Men's Soccer NSCAA Division I Rankings

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18 Loyola (Md.)	15
19 UCLA	RV
20 Michigan St.	17
21 St. Louis	21
22 Michigan	13
23 Cal Poly	23
24 Boston U.	RV
25 Louisville	RV

NFL



San Diego Chargers linebacker Shawne Merriman tosses a towel to a teammate during the Chargers practice on Monday. Merriman was arrested on suspicion of choking and restraining his girlfriend, reality TV star Tila Tequila, on Sunday.

Chargers' Merriman denies allegations

Associated Press

SAN DIEGO — San Diego Chargers star outside linebacker Shawne Merriman said he did not harm reality TV star Tila Tequila at his home early Sunday and added he was concerned for her safety because she appeared to be intoxicated. Merriman was arrested and accused of choking and throwing Tequila to the ground as she tried to leave his home in suburban Poway. Tequila signed a citizen's arrest warrant charging Merriman with battery and false imprisonment. Both are felonies.

Merriman spent about 2½ hours in the downtown jail before posting bail.

Merriman practiced Monday, then said he's convinced he'll be cleared. It will ultimately be up to the District Attorney's office to decide if he'll be charged.

"I think when it all surfaces, it will be a different situation. Period," said Merriman, who described Tequila as an acquaintance. Tequila, whose real name is Tila Nguyen, is best known for "A Shot at Love with Tila Tequila," which ran for two seasons on MTV. The bisexual dating show featured men and women vying for Tequila's affections. She has also modeled for Playboy and other men's magazines.

Merriman said he was limited in what he could say.

He kept referring to a statement issued through his attorney Sunday night.

"At the time, I was concerned about her welfare given the intoxicated state she appeared to be in and I encouraged her to stay until safe transportation could be provided," Merriman said in the statement. "We would all do our best to help a friend if we considered their actions to be detrimental to their personal safety."

"I in no way caused any harm to Ms. Nguyen, however, paramedics were called and she was examined but no injuries were reported," the statement continued.

"It's kind of a tough situation where you think you're

doing the right thing," Merriman said Monday. "I'm glad that everyone was safe at the end of the day. I don't think I will regret that part."

Asked if he threw Tequila to the ground, the 6-foot-4, 265-pound Merriman said: "No. I can't talk about any of that stuff."

Scott E. Leemon, an attorney for Tequila, didn't respond to an e-mail asking for comment on Merriman's statement.

Also Monday, the owner of a downtown club where Merriman and Tequila attended a party Saturday night said his staff told him Tequila had been drinking and it appeared Merriman had ordered only bottled water.

IN BRIEF

Grizzlies owner meets with Allen Iverson

MEMPHIS, Tenn. — The owner of the Memphis Grizzlies and the team's staff met with Allen Iverson on Monday, moving closer to a deal bringing the veteran guard to a young team.

"I want to help them develop a winner," Iverson said on Twitter on Sunday night.

The meeting was in Atlanta, where the 34-year-old star has been working out recently with former teammate Eric Snow. The Grizzlies confirmed the meeting but declined to comment further.

The Grizzlies last season finished 24-58, last in their division. No other NBA team has shown public interest in Iverson.

The Commercial Appeal newspaper reported that the Grizzlies have offered the 13-year veteran a one-year contract worth at least \$3.5 million.

Mangini keeping Browns starting QB a secret

BEREA, Ohio — Brady Quinn and Derek Anderson still don't know who won their competition. The Vikings are in the dark, too.

Cleveland's starting quarterback remains Eric Mangini's secret. And he'll keep it as long as he can.

Mangini has finally made his choice between Quinn and Anderson, but the Browns' first-year coach declined to identify who will start Sunday's season opener against Minnesota. On Monday, he said won't reveal who will open at QB anytime between now and kickoff.

"In terms of announcing it publicly, that's not something I plan to do," he said. "It will be internal. I understand everybody has a different opinion on it. I respect that. I understand the excitement in relationship to that and I respect that as well. But that will be something that will be internal."

DL Seymour hasn't reported to Raiders following trade

ALAMEDA, Calif. — Five-time Pro Bowl defensive lineman Richard Seymour did not report to the Oakland Raiders on Monday, a day after being acquired in a trade with the New England Patriots.

Raiders coach Tom Cable said after practice that Seymour had to resolve some things with the Patriots before the deal for a first-round pick in 2011 could be finalized.

"We have attempted to make a deal," Cable said Monday. "There are some issues still between him and the Patriots that are being worked out. I'm hoping that that will get resolved as quickly as possible. We know that the player wants to be here, but we have really no control over those issues."

Patriots spokesman Stacey James said he was unaware of any difficulties surrounding the trade, which was announced by New England on Sunday and confirmed by Cable.

around the dial

U.S. Open Tennis
Men's Round of 16
7 p.m., ESPN2

MLB
Chicago Cubs at Pittsburgh
7 p.m., CSNCH

MLB

Pirates clinch 17th-consecutive losing season in 4-2 loss

Astros complete four-game sweep of NL East-leading Phillies in 4-3 win on back of Pence's three RBIs

Associated Press

PITTSBURGH — The Pittsburgh Pirates' not-so-magic number is zero, or the number of winning teams they've had during a record-setting run of futility over 17 forgettable seasons.

The Chicago Cubs assured the Pirates of an unwanted place in baseball's record book, getting two homers from Derrek Lee and an effective start from Ted Lilly while beating the last-place Pirates 4-2 on Monday.

By losing their 10th in 11 games, the Pirates are guaranteed of finishing below .500, just as they have every season since 1993. The 17 consecutive losing seasons represent the longest streak for any team in the four major North American pro team sports, and only the Phillies (1933-48) have also had as many as 16 in a row.

The Vancouver Canucks (NHL, 1976-91) and Kansas City/Sacramento Kings (NBA, 1983-98) had 15 consecutive losing seasons each and the NFL's Tampa Bay Buccaneers had a 14-year streak (1983-96).

"We can't ignore it and say it didn't happen," said manager John Russell, whose team was dismantled by the trading of five everyday players since opening day. "We're not accepting it. We're making moves to make sure we build a championship team, and we want that to happen as soon as possible."

The present-day Pirates (54-82) are a mix of prospects and lower-paid players, and most were oblivious to the significance of the loss. Rookie starting pitcher Daniel McCutchen (0-1) didn't realize his first career loss would be the Pirates' 1,501st since the streak began, the season after former Pirates star Barry Bonds left to sign with the Giants.

In the opposing dugout, the Cubs' Lou Piniella remembered managing in Cincinnati against Bonds-led Pirates teams that averaged 96 wins from 1990-92.

"There isn't any team that wants to lose," said Piniella, whose own team hasn't won the World Series since 1908. "Some are a little more fortunate, some have more money to spend, some of them draft better players. But I'm sure this organization in the near future will start winning with more regularity. It would be great for the National League and the fans here, they've had a lot of history here and success in the past to draw on."

No recent success, for sure. The Pirates have been in a rebuilding mode under three owners, four general managers and six managers since the streak began, but no team finished better than four games under .500.

Fittingly, the song "Money for Nothing" was played during one inning break, which befits a team that has spent about a half billion dollars on salaries since 1993 yet has fielded only one team that went into September with an opportunity to win a division title.

Given that the Pirates' top talent is mostly in the minor leagues, it's conceivable the streak won't end in the next year or two.

"Setting a major league mark

for losing hurts and it hits particularly hard for us because everyone in this organization is extraordinarily proud to be a part of a franchise that has such a long and rich history of winning," team president Frank Coonely said.

A franchise that won five World Series from 1909-79 and sent 13 players to the Hall of Fame did not publicly mention the dubious record, and there were few eyewitnesses — 14,673 — on a drizzly Labor Day. The loss was the Pirates' 24th in their last 30 games against the Cubs, one of the majors' most disappointing teams this season.

Except against the Pirates, who are 2-7 against the Cubs.

Lee hit his 30th homer into the center field shrubbery with two out in the first, then hit his 31st into the front row of the left-field bleachers two innings later after Ryan Theriot's two-out single. It was Lee's second multiple-homer game in three days and the 22nd of his career.

"It's been a good few days," Lee said. "I definitely have been feeling good at the plate. It seems when I get a pitch, it's been going out of the ballpark."

McCutchen (0-1) has allowed three homers since being promoted to the majors on Aug. 31, each on a first pitch.

Lilly (11-8) needed 86 pitches over six innings to win for the first time in his last six road starts, with the left-hander and relievers John Grabow, Angel Guzman and Carlos Marmol combining on a two-hitter. Lilly gave up both hits, struck out seven and walked one.

Marmol pitched the ninth for his 10th save in 14 opportunities.

Andy LaRoche hit his eighth homer in the third and Brandon Moss doubled in a run in the fifth, but they couldn't prevent the Pirates from being mathematically eliminated in the NL Central race.

Astros 4, Phillies 3

Hunter Pence homered and drove in three runs as the



Pirates fans bemoan their fate in a 4-2 loss to the Cubs. The loss clinched the franchise's 17th-consecutive losing season, an MLB record.

Houston Astros completed a four-game sweep of the Philadelphia Phillies with a 4-3 win Monday over the NL East leaders.

Pence hit a two-run homer and an RBI double for the Astros, who've won eight of their last nine home games. Michael Bourn drew a bases-loaded walk from Chan Ho Park to force home the go-ahead run in the seventh inning.

Jose Valverde pitched a perfect ninth for his 22nd save in 26 chances.

Ryan Howard and Raul Ibanez hit back-to-back homers in the fourth against Houston starter Brian Moehler. Howard also

drove in a run with a first-inning single.

Jamie Moyer became the Phillies' last-minute starter when J.A. Happ was unable to pitch because of a right oblique strain. Moyer got a no-decision after allowing two runs and three hits in six innings.

With the Phillies leading 1-0, Moyer walked Miguel Tejada in the second and Pence drove a full-count pitch over the railroad tracks in left, his third home run of the series.


Howard and Ibanez homered in the fourth, the second time this season the two sluggers have connected in consecutive at-bats.

Moehler walked Ibanez and Jayson Werth with two outs in the sixth and Sammy Gervacio relieved. Pedro Feliz walked on four pitches to load the bases, but Gervacio got Carlos Ruiz to fly out.

Moyer retired 11 in a row after Geoff Blum's single in the second inning.

Bourn led off the Houston sixth with a line-drive single up the middle that Moyer ducked to avoid. Moyer retired the next three hitters to wrap up his 101-pitch outing.

Wesley Wright (3-2) replaced Gervacio in the seventh. He gave up a double to Jimmy Rollins, but got the final two outs.



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MLB

AL HR-leader Pena breaks two fingers

Associated Press

NEW YORK — Tampa Bay slugger Carlos Pena broke two fingers when he was hit by a CC Sabathia pitch in the opener of Monday's day-night doubleheader against the Yankees.

Pena was hurt on an 0-1 offering in the first inning of a 4-1 loss, with the ball hitting his left hand and then his bat.

"I knew when the ball hit me it was going to be bad," he said. "You don't take a 95 mph fastball on the finger and live to tell about it — or the finger live to tell about it."

Pena broke the middle and index fingers. He will return to Florida on Tuesday and meet with the Rays medical staff before a determination is made whether he needs surgery.

Pena leads the AL with 39 homers and finished with 100 RBIs.

"I was crushed," he said. "It felt like you had taken my heart, thrown it around and stepped on it. That hurt more than the hit by pitch itself. I was really very much looking forward to the next three weeks. I wanted to keep putting it out there, trying to do the best I could. Now I have to wait another year."

Pena didn't even get to take first. He initially headed up the line, but plate umpire Jim Wolf checked with third base umpire Fieldin Culbreth, who signaled Pena had swung.

Pena was examined by trainer Ron Porterfield and manager Joe Maddon for several minutes, remained in the game and had a check swing for strike three. He held his hand as he walked from the plate and was replaced at first in the bottom half by Willy Aybar.

"When I was taking the dry swings, I knew it was bad, but I thought I could handle the pain. When I had the check swing, you know you have to stop all that weight. It really hurt," he said. "When I saw the X-rays, it was obvious that it was broken, almost in half."

A year after its surprise run to the AL East title, Tampa Bay has faded from contention. The Rays have lost five straight, matching their season high, and began the day seven games behind wild card-leading Boston.

Now they've lost their top power threat.

"It's very discouraging," Maddon said. "He was swinging the bat about as well as anyone I've seen this season."

Tampa Bay put Pena on the 60-day disabled list and purchased the contract of Chris Richard from Triple-A Durham. Richard was en route to Yankee Stadium, trying to get there for Monday night's game.

"It may be a close call, but that's what we're trying to do," Tampa Bay executive vice president Andrew Friedman said.

NHL

Money troubles mire Coyotes deal

Associated Press

PHOENIX — Two studies conducted for the NHL set a potential relocation fee of \$101 million to \$195 million to move the Phoenix Coyotes to Hamilton, Ontario.

The figures are listed in a lengthy brief filed over the weekend in the bitter fight in U.S. Bankruptcy Court over ownership of the franchise.

The potential fees are in stark contrast to the \$11.2 million to \$12.9 million cited by economics professor Andrew Zimbalist in a study conducted for Canadian billionaire James Balsillie. Balsillie, co-CEO of the company that makes the Blackberry, wants to buy the franchise for \$212.5 million, contingent on moving it to Hamilton.

The NHL made a last-minute bid of \$140 million to purchase the team and keep it in Arizona.

The team is to be sold at auction on Thursday, but many legal issues have yet to be resolved.

The league, in determining a potential relocation fee, cited studies conducted for the NHL by the Barrett Sports Group and Sports Value Consulting.

The Barrett study concludes that the franchise in Hamilton would be worth \$261.8 million to \$279.8 million. Sports Value's figure was a whopping \$315 million.

Meanwhile, Barrett said the Coyotes in Glendale would be worth \$163 million to \$176 million and Sports Value places the figure at \$120 million.

The NHL refuses to consider the possible relocation of the

franchise, however, because its board of governors voted 26-0 with three abstentions against Balsillie as an owner.

The Canadian wants Judge Redfield T. Baum to overrule that NHL rejection and allow the team to move to Hamilton over the league's objection. Balsillie also is asking the judge to set a reasonable relocation fee if the NHL refuses to do so.

The NHL, in its filing, said that even \$195 million would not begin to address the true damages done to the league by such a move.

"No relocation fee or indemnity payment (regardless of the amount) could compensate the NHL" if the court takes away the board of governors' ability to determine who owns a team and where it plays, the NHL said.

The league contends there is no precedent for such a court ruling.

The NHL said Balsillie and the debtors group headed by Coyotes owner Jerry Moyes "want this court to create revolutionary new legal and equitable principles in order to get more money into the hands of Mr. Moyes and an NHL franchise in the hands of Mr. Balsillie in Hamilton, Ontario."

Meanwhile, attorneys for Moyes said in a court document that the NHL's solution is simple — just add \$80 million to the league's bid. That would make the NHL's bid the largest.

However, the league and the city of Glendale don't want to give Moyes very little, if anything. Moyes would get \$104 million under Balsillie's bid. The league and city contend

the money Moyes lost is not a debt but equity. They also want Moyes' claim subordinated to that of other creditors.

The city also is arguing against a \$22.5 million claim by Wayne Gretzky, the Coyotes coach who owns a small share of the franchise.

Moyes' attorneys were critical of the tone of the court filings by Glendale and the NHL.

"The city's — and, for that matter, the NHL's — continued vilification of all the parties involved contributes nothing to this issue," the Moyes document said.

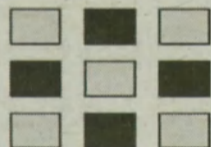
Not only has Baum yet to rule on the ownership and relocation issues, he also hasn't decided whether Balsillie can get out of the Coyotes' lease to play at Jobing.com Arena, which was built by Glendale for \$183 million specifically for the hockey team.

A third potential buyer, Ice Edge, has said it would spend up to \$150 million to buy the team, contingent on reaching agreement with the city of Glendale on a new lease. The NHL has yet to vote on Ice Edge as a potential owner.

The Coyotes are being funded by the NHL during the ownership fight. Balsillie wants to move the team immediately if the purchase is successful but offered in court last week to start the season in Glendale, then move as quickly as possible. NHL officials have ridiculed that idea.

Balsillie also offered to play a season in Glendale if the league splits the losses.

Commissioner Gary Bettman said the NHL isn't interested in that idea.



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FORMULA ONE

Fisichella not planning to replace injured Massa

Associated Press

FIORANO, Italy — Giancarlo Fisichella made it clear that he has no plan to become a full-time replacement for injured driver Felipe Massa at Ferrari.

"I spoke with Massa by phone and he told me he's very happy for me and that I was the right choice," Fisichella said Monday during his introduction as a Ferrari driver for the final five races of the Formula One season.

"I responded that I'm very sorry about what happened to him and told him to get better soon. 'Whenever you want your car come and take it because this is yours. I just hope I can do what you would have done,'" Fisichella recounted, according to the ANSA news agency.

Massa is not expected to return until next season after an accident almost cost him his life at the Hungarian GP.

Ferrari's longtime test driver Luca Badoer filled in for Massa in the first two races after the accident but qualified last and finished no better than 14th,

prompting the team to hire Fisichella from Force India last week.

"I began my career with Minardi in 1996 and after nearly 14 years I had pretty much given up hope of driving a Ferrari, so I'm filled with happiness and pride now," Fisichella said.

Only one Formula One colleague called Fisichella after the move — former Ferrari driver Rubens Barrichello.

"He congratulated me. We've been good friends since we were 14," said Fisichella, whose first call after the move was to his father Roberto, a mechanic in Rome.

"He's my No. 1 fan and he was waiting anxiously. He kept on asking me and I didn't know what to tell him," Fisichella said. "It was one of the most beautiful moments of our lives."

Fisichella will get his Ferrari debut on home soil at the Italian Grand Prix in Monza this weekend.

"I've been racing there since 1992 when I was in Formula Three," he said. "It's a track I know well."

NASCAR

Patrick ponders options

Associated Press

CHARLOTTE, N.C. — It doesn't take a rocket scientist to figure out Danica Patrick plans to give NASCAR a try.

After all, why would she use her summer vacation to tour North Carolina race shops if she had no intention of trying out stock cars? She's twice been to Tony Stewart's place and visited shops owned by Joe Gibbs, Richard Childress, Jack Roush and Michael Waltrip.

She's sought advice from Chip Ganassi, who owns both IndyCar and NASCAR teams, and last week spent time with Stewart, who has driver championships in both series.

It's an awful lot of fact-finding for a driver simply trying to leverage a more lucrative contract in IndyCar, a series desperate to keep its most marketable driver. So it's not a question of if Patrick plans a foray into full-bodied cars. It's a matter of when, where and, most important, how?

What is clear is that a fast-track move to the premier Sprint Cup Series is not in Patrick's best interest. There doesn't seem to be a top-tier team with the financing to give her that opportunity. And even if it were feasible, Dario Franchitti's failed 2008 venture into stock cars showed most team owners that drivers need to ease into such a transition.

Juan Pablo Montoya, of course, moved quickly into the Cup after a handful of lower-level races. But the former Formula One star is a unique talent, and even with his skills it's taken him nearly three full years to

become consistently competitive.

Same goes for Sam Hornish Jr., the three-time IndyCar Series champion who is still trying to find his footing in NASCAR. Although he's probably the most improved driver of 2009, Hornish still has only six top-10s in 61 starts to show for his fledgling NASCAR career.

So Patrick is most certainly headed back to IndyCar next season for a full schedule and a run at the championship. Her time in NASCAR will likely be built around her full-time job, and the rigors of trying to figure out a stock car should lead to some scheduling nightmares.

She'll need testing, and lots of it. And that's going to require carving out a chunk of time in an already-busy schedule of public appearances, promotions, marketing, and, of course, racing.

Patrick will also need to find a NASCAR team with a good deal of time and money to spend on driver development. Ganassi spent carefully on Montoya's training in the ARCA and Nationwide Series, and Roger Penske showed considerable patience in bringing Hornish along.

Finding the perfect match is not easy. Stewart seems the ideal candidate to mentor the darling of American racing.

"I can pretty much guarantee at some point she's going to be over here," Stewart said last weekend at Atlanta Motor Speedway.

"She's looked me straight in the eye and said, 'Hey, this is what I want to do. It looks like fun. It looks like a lot of work, but it looks like fun. She doesn't have some

misguided idea that it's going to be easy doing it. She wants to do it the right way. She has the intention of doing everything right."

But a deal with Stewart-Haas Racing isn't a slam dunk.

For starters, Stewart doesn't even have a Nationwide Series team right now. Since that's where Patrick should start, Stewart would either have to quickly put a team together or align with an owner who currently has a suitable program. The latter isn't difficult — he could partner with Kevin Harvick Inc. or JR Motorsports, two teams that enjoy giving upstart drivers seat time. Plus, Stewart already drives some for KHL and is to race for JRM later this season.

Then there's a question of financing. Although Stewart has done very well in his first season as NASCAR team co-owner, he still hasn't sold all of teammate Ryan Newman's Cup car.

And there's Stewart pressing list of priorities: Get Newman into the Chase, become the first driver/owner to win a championship since Alan Kulwicki in 1992 and continue bringing in new partners since somebody has to pay the bills on all his ventures.

Of course, none of that rules Stewart out of the mix. He'd love to pull off a deal with Patrick and add that to his growing resume of business projects.

In some shape or form, she's on her way, and it may be as soon as next year. Putting together the right package to bring her to NASCAR won't be easy, but somebody is going to figure it out. And soon.

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MLB

Kershaw to miss start after bruising shoulder

Associated Press

PHOENIX — Los Angeles Dodgers left-hander Clayton Kershaw was scratched from his scheduled Friday start after bruising his right shoulder during pregame warmups before Sunday's game.

Kershaw, 8-8 with a 2.89 ERA, ran into an auxiliary scoreboard in Dodger Stadium while shagging fly balls during batting practice.

"I wish it didn't happen. It was one of those freak things. I feel bad. I kind of feel like I'm letting the team down a little bit by missing a start," said Kershaw, whose ERA is ninth in the NL.

"It is obviously pretty disappointing. It's really frustrating, too. At the same time, it is what it is. I just have to get better now."

The Dodgers did not immediately announce their starter Friday, when they open a three-game series at San

Francisco.

Left-hander Randy Wolf, scheduled to start Saturday, is a likely candidate. Dodgers manager Joe Torre said he planned to use a six-man rotation this week after the recent acquisitions of Vicente Padilla and Jon Garland, so Wolf would be pitching on five days' rest if he started Friday.

Asked if he will miss only one start, Kershaw said, "that's the plan. It's my right shoulder, so whenever I can tolerate the pain, I'll be good to go."

Kershaw collided with the fiberglass edge of a field-level scoreboard.

"There's no issue throwing-wise. The only issue for me is if he reaches for a ball," Torre said.

"I wasn't running really hard, but at the same time if you don't something is there and you run into it, you don't brace for it at all," Kershaw said.

PGA

Stricker's 17-under wins Deutsche Bank in wild finish

Associated Press

NORTON, Mass. — Steve Stricker can build a strong case for the Deutsche Bank Championship as the biggest victory of his career.

It was his first win with Tiger Woods in the tournament. His third victory of the season moved him up to a career-high No. 2 in the world ranking. And he replaced Woods atop the FedEx Cup standings.

What satisfied Stricker the most, however, was how he won.

In a wild Labor Day finish on the TPC Boston, where a half-dozen players came to the par-5 18th hole with hopes of winning, Stricker finished with back-to-back birdies for a 4-under 67 and a one-shot victory Monday.

"Knowing I had to make a couple of birdies and actually doing it means a lot," he said.

The names kept changing atop the leaderboard throughout the back nine, and Stricker only found comfort from seeing his name in the mix. Jason Dufner was the first player to break out of the tie with a two-putt birdie on the 18th. Standing in the 17th fairway, Stricker heard another cheer through the trees and figured it was Scott Verplank making birdie — his fourth in a row — to tie for the lead.

That's when Stricker took over.

He knocked in a 15-foot birdie on the 17th, helped by getting a good read on the tricky putt from Retief Goosen. Then, he split the middle of the 18th fairway and hit a hybrid just over the green. He hit a delicate chip to tap-in range for the win.

"It was a tough day. There was a lot of guys in the mix," Stricker said. "And I just found a way to get it done."

Stricker finished at 17-under 267 and earned \$1.35 million. He also built a 909-point lead

over Woods in the FedEx Cup with two tournaments remaining. Because the points are reset after next week in Chicago, Stricker is assured of being no worse than the No. 2 seed in the Tour Championship with a chance to win the \$10 million prize.

"It's been a blast, and I want to keep riding it out," Stricker said, his voice cracking. His only failure Monday was winning a PGA Tour event and trying to get through an interview without crying. This makes him 0 for 7.

Dufner, who had to go through two stages of Q-school last year, two-putted from 40 feet for birdie at a 65 to become the first player to post at 16-under 268. Verplank birdied his last four holes, and his eagle putt from the fringe grazed the edge of the cup. He wound up with a 67 and thought he might be headed for a playoff.

About the only player not in the mix was Woods, although he set the tone for the wild finish by tying a tournament record with a 30 on the front nine and getting within one shot of the leaders — even though they were still on the range — until settling for a 63.

His early departure didn't make it easier on anyone, not with five major champions among the top 10.

"I knew that Strick would be tough to catch today," Verplank said. "He's not Tiger, but you know what? He may be the second-best player, at least on this tour. The guy is really playing good. So I knew he was going to be tough to catch. And it turns out he was."

Padraig Harrington recovered from two poor drives that cost him three penalty strokes and had a chance to join Dufner and Verplank until he narrowly missed a 10-foot eagle putt. He shot 68 and tied for fourth with Masters champion Angel Cabrera, who



Steve Stricker pumps his fist after making a birdie on the 18th hole to win the Deutsche Bank Championship. Stricker's win put his FedEx Cup lead over Tiger Woods at 909 points.

missed the 18th fairway and made par for a 65; and Dustin Johnson, who failed to get up-and-down from behind the 18th green and shot 66.

It was the fourth time in five weeks that Harrington, winless since his PGA Championship last year, had a chance in the final round. He had a one-shot lead going to the back nine until hooking his tee shot into a hazard on the 10th, and hooking another tee shot on the 12th for a lost ball.

"I'm disappointed with today because it was in my control," said Harrington. "I was leading the tournament, and going into the back nine it was mine to lose. And I lost it. I'll feel this one a lot more than some of the others."

Woods also was part of the

fun, although briefly.

"Certainly, from where I was at, I couldn't win the tournament, even if I shot 60 or something like that," Woods said.

Really, the only suspense was whether he could go after a 59, and that ended with a par on the 16th. Woods bogeyed the next hole and had to settle for his best score of the year. He tied for 11th, five shots behind.

When he left, the tournament began.

With so much noise from so many birdies, Stricker was plodding along with pars on the back nine, wanting only to hit greens and give himself birdie chances. He waited until the end to deliver.

It was quite a change from last week, when Stricker

missed a 10-foot par putt on the 18th hole at The Barclays to force a playoff. That loss stung, but not for long.

Asked if it was gratifying to bounce back one week later and have another putt on the 18th hole, Stricker laughed.

"This one was more my length, I'll tell you that," he said. "I liked this 1-footer."

Stricker also won the opening playoff event in 2007, and he now has had 28 of 40 rounds in the 60s during this postseason bonanza. Told that he had replaced Woods atop the FedEx Cup standings, Stricker put it all in perspective.

"We're taking up space in his world," he said. "But I'm thrilled to death to be playing how I'm playing."

NFL

Butkus says Bears' 'D' is key

Associated Press

LAKE FOREST, Ill. — The way Dick Butkus sees it, Jay Cutler would be "in Canada somewhere" had he tried to force George Halas to trade him.

The Hall of Fame linebacker also believes his former team won't go anywhere unless the defense holds up. Oh sure, having a franchise quarterback helps, but what happens on the other side of the ball will determine whether the Chicago Bears get back to the playoffs.

"If they don't improve from last year, I don't know if God could really help them at quarterback," Butkus said Monday in a phone interview.

In Chicago, many fans consider the new rocket-armed quarterback a gift from above.

The Bears had been searching for a franchise player at that position since the Sid Luckman era when they made the trade for Cutler following his fallout with the Broncos. Suddenly, expectations soared. Chicago is eyeing another playoff run after going 9-

7 and missing the postseason for the second straight year.

That means, all eyes — or most eyes — are on the Pro Bowl quarterback. Butkus has at least one trained on the other side of the ball, where the defense is trying to recapture some of the dominant form that spurred a playoff appearance in 2005 and a run to the Super Bowl in 2006.

Since then, there have been a long line of breakdowns in health and execution, resulting in mediocre play — particularly against the pass.

The Bears ranked 30th in that area a year ago, with the secondary struggling and the line failing to produce enough pressure. Coach Lovie Smith decided changes were in order, so he took the play-calling duties from Bob Babich while hiring defensive line coach Rod Marinelli and defensive backs coach Jon Hoke. But the shakeup probably won't matter much if linebacker Brian Urlacher, defensive tackle Tommie Harris and Charles Tillman are limited by injuries.

The good news for the Bears is

that Urlacher was able to gear his offseason routine toward conditioning rather than rehabilitation, as he did a year ago following neck surgery. Harris remains a bit of a question mark after battling knee and hamstring problems the past few years. His participation in the preseason was limited, and Tillman practiced Monday for the first time since back surgery in July.

An effective Harris draws opponents' attention and takes the pressure off the rest of the line, which in turn helps the defensive backs. Even so, Butkus wouldn't pin the Bears' chances on him.

"When I was watching the Bears that Super Bowl year on TV and when I'm following the set and the camera is following the play," Butkus said, "and there's a fumble by the receiver and Tommie Harris is there recovering a fumble, it's telling me that this guy plays fast. And he's all over the place. I was looking forward to seeing him do that last year, but he was nowhere to be found."

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Floyd

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from a defender for another and screened a third to catch a bullet pass from Clausen.

"He just makes plays every time the ball's thrown to him," Clausen said after the game.

Floyd caught 48 balls for 719 yards last season and had 10 touchdowns. He missed two games due to injury.

Clausen didn't disappoint either, and was one of four players nominated for the AT&T All-America Player of the Week. He completed 15 of 18 passes for 315 yards and four touchdowns Saturday.

When asked to compare Clausen to former Irish quarterback Brady Quinn, Irish coach Charlie Weis said the two were close.

"I'd have to say, based off of my off-field work with him in the spring leading into the season that it's at least comparable, if not heading with the arrow pointing up," Weis said.

Clausen passed for 3,172 yards last season and threw 25 touchdowns with a 60.9 percent completion rate. He missed Floyd for a few games because of an injury, however, and it hampered the offense.

"You know, Golden (Tate) was pretty much the only one out there with Kyle (Rudolph) and everything," Clausen said after the game. "They could do a lot of different things, double Kyle and Golden."

Clausen said learning the timing of the routes with his receivers helped him develop.

"That's one of the main things why I can throw the ball like I do," Clausen said. "The timing of routes and just knowing that the receivers know where I'm going to throw the ball, and I know where they're going to be on certain plays."

Clausen felt comfortable enough with his play that he told Weis to play redshirt freshman quarterback Dayne Crist in the second half.

"Actually Jimmy and I talked about it first. I said, 'Hey, I can keep you in for another series, but I think we should go with Crist here,' and he says, 'I agree. Let's put him in there,'" Weis said.

Clausen was nominated along with Missouri quarterback Blaine Gabbert, UCLA safety Rahim Moore and Baylor linebacker Joe Pawelek. Fans can vote for the winner, which will be announced Thursday, by texting VOTE to 345345.

Despite Clausen's performance, Weis said he wouldn't get too excited yet because the Irish travel to Michigan Saturday.

"He's playing pretty well right now," Weis said. "But he knows that now we've got to go on the road to the Big House, and he knows he's [sic] going to be a formidable challenge, and you're not going to just throw up 85 percent every time you go out there."

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Brown

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helps when the majority of the team is upperclassmen rather than underclassmen. It's always really good when you can get the freshmen in there too, but I think the seniors and leadership are the biggest factors."

Notre Dame (3-3) has had its ups and downs in the early part of the season, highlighted by a 3-0 sweep of No. 5 Stanford on Aug. 29 at home as part of the Shamrock Invitational.

Each of the team's three losses, two of which came this weekend in Cincinnati at the Xavier Invitational, has been a sweep as well.

"It's very, very early in the season and obviously we would have liked to do better last weekend but we're learning a lot, we're making good progress," Brown said.

A noticeable feature of the team's play so far is the fact that each player has a clearly defined and distinct role. It is clear from the early statistics that each player knows her place well.

Senior outside hitter Serinity Phillips and sophomore outside hitter Kristen Dealy lead the team in kills with 62 and 60, respectively; senior setter Jamel Nicholas leads in assists with an

astonishing 211; junior middle blocker Kellie Sciacca leads in blocks with 14; and sophomore libero Frenchy Silva leads the team in digs with 50. All what one would expect from these position players, and when it all gets put together these roles only add to the team chemistry.

"It's early in the season and roles are becoming defined," Brown said. "I think there are always roles to change and different people to emerge but I think the team understands that in order to be successful everyone needs to accept their roles."

The Irish have two more invitational tournaments before beginning Big East play at Connecticut on Sept. 25. Brown reiterated the importance of her upperclassmen in preparing for the rest of the season.

"I think when you have as many seniors as we do and the strong leadership that we have, I think that's the most significant factor for us to have a successful season," she said. "It's going to get tougher and tougher but we're going to be ready."

The upcoming season will have many more tests, but in one area the Irish have shown they are totally prepared.

Contact Laura Myers at lm Myers2@nd.edu

Powers

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national scene. He played on the under-18 team for a small amount of time before joining the under-20.

"Every time I play with the [under-20] team I learn something new, I get the best quality of soccer you can possibly find for our age," Powers said. "Some of the best professional players have played in the [under-20] World Cup ... I'll get to see future stars, and be among them."

According to a press release on the U.S. Soccer Web site, the team will leave for Larnaca, Cyprus on Sept. 14 and will play a tune-up against Australia before traveling to Suez. The first World Cup game will be against Germany on Sept. 26. The United States plays in Group C in the first round of the Cup, and their other opponents in the group are Cameroon on Sept. 29 and Korea Republic on Oct. 2.

"We have a pretty tough group," Maund said. "I'm

really excited to get over there and see where we are as a country. Germany is the best [under-20] team in the world. I'm excited to try to win the world over that we are a soccer country."

Both players agreed that their time in Egypt can only help them grow as players and in turn can help the Irish.

"There's only eight players on the U.S. team who are in college right now," Powers said. "And two of us go to Notre Dame."

"You just try to get better and bring that back to school with you," he added.

The two also agreed that Clark was very supportive of their roles on the U.S. team.

"He's really understanding," Maund said. "It's tough to lose two players in the middle of the season, but he understands how

important it is to us. He played in two World Cups, so he's kind of been there, done that. He has been helping us prepare mentally and physically."

Of 24 national squads at the World Cup, all but eight will advance to The Round of 16, which will take place Oct. 5-7. The quarterfinals

are set for Oct. 9-10, with the semifinals to follow on Oct. 13. The championship match and third-place game are scheduled for Oct. 16.

The two will be back when the U.S. team either wins the Championship or is eliminated from the tournament.

"I just really want to win over there," Maund said. "Then come back, help the team, [and] help us win the national championship."

Contact Laura Myers at lm Myers2@nd.edu

Slean

continued from page 20

ing to stifle opposing attacks. Ronayne had a goal and an assist as well last season.

Possibly the most important returning senior for Saint Mary's is goalkeeper Patty Duffy who started 14 games last season. Duffy recorded an astounding 81 saves last season and already has 23 saves in just three games so far this season.

Seniors Micki Hedinger and

Sam Smogor give the Belles a very experienced duo on the attacking side of the field. Hedinger was second on the team with three goals last season and notched two assists. Smogor pitched in a goal and an assist of her own.

The Belles got off to a fast start after knocking off Holy Cross 3-0 in the first game of the season. Senior Katy Durkin showed the team's depth and versatility by coming off the bench to score a goal.

Saint Mary's ran into stiffer

competition at the Centre College tournament where they dropped two decisions to Centre and Transylvania.

The team will host the Saint Mary's Invitational where it is scheduled to meet Otterbein and Manchester in an exhibition tournament Sept. 11-13.

The Belles will begin their MIAA conference season looking to improve on last season's 1-8 record when they travel to Adrian College Sept. 30.

Contact Alex Barker at abarker1@nd.edu

The College of Arts & Letters Dean's Fellows will host two events by

Dr. Seth Shostak

Senior Astronomer

SETI (Search for Extra-Terrestrial Intelligence) Institute and host of the NPR science show *Are We Alone?*

Tuesday, September 8

Panel Discussion: Why Do People Believe in Extra-Terrestrials?

4:00 PM

Jordan Science Hall, Room 101

Moderator, Dr. Matthew Dowd
University of Notre Dame Press
Concurrent Assistant Professor in the
Program of Liberal Studies

Panelist, Dr. Kenneth Filchak
Lecturer, Dept. of Biological
Sciences

Panelist, Dr. Michael Crowe
Rev. John J. Cavanaugh, C.S.C.
Professor Emeritus in the Humanities in the
Program of Liberal Studies and Graduate
Program in Philosophy of Science

Panelist, Dr. Philip J. Sakimoto
First Year of Studies Learning
Strategies Specialist and former
Acting Director of NASA's Space
Science Education and Public
Outreach Program

Lecture: When Will We Find ET?

8:00 PM

DeBartolo Hall, Room 101

After each event, Dr. Shostak will be available to sign copies of his new book *Confessions of an Alien Hunter: A Scientist's Search for Extra-Terrestrial Intelligence*.

Recycle The
Observer, please.

MEN'S SOCCER

Maund, Powers to represent U.S. in Under-20 World Cup

By LAURA MYERS
Sports Writer

Two Irish players will be representing country and Notre Dame this month when they play in the Under-20 World Cup in Suez, Egypt. Sophomore defender Aaron Maund and freshman midfielder Dillon Powers were named in to the 21-man roster of the United States'

under-20 team in late August and will leave for the World Cup after this weekend's games against Seattle and New Mexico. Depending on the team's success, the two may not be back until Notre Dame's Oct. 21 match with Georgetown. "I was really excited [when named to the team] because I worked really hard to get there," Maund said. "It's the World Cup, where every

player dreams to be at one point. It was a great honor and I'm really excited to go." Maund, who will turn 19 a week before the team's first World Cup game, has played 282 of 290 total minutes this season for Notre Dame (1-1-1). In 2008, his freshman season, he played every possible minute. "It's tough to miss time from the season," he said. "But our squad is really

deep this year, so we have options. Boss — that's our coach [Bobby Clark], we call him Boss — he has things up his sleeve. The team should be okay." Powers, a highly regarded recruit and just 18 years old, has played in all three games for a total of 42 minutes. He has already notched an assist, in the Sept. 1 win over Michigan. "You just kind of get used

to the fact that you're going to be gone and you travel all the time," Powers said. "It's the life of a soccer player." Maund has been playing with U.S. Soccer for years — he played on the under-14, under-15 and under-17 teams, and started all three games in the under-17 World Cup in South Korea. Powers is newer to the

see POWERS/page 18

FOOTBALL

Awards show

Clausen, Floyd garner weekly honors in win

By BILL BRINK
Sports Writer

Michael Floyd and Jimmy Clausen got Nevada's attention. Now they've got the nation's. Floyd, a sophomore receiver, was named the National Performer of the Week by the College Football Performance Awards Monday. Floyd caught four passes, but turned them into 189 yards and three touchdowns Saturday during Notre Dame's 35-0 win over Nevada. Those totals were tops among receivers in week one. He took a swing pass down the left sideline for one, ripped the ball away



IAN GAVLICK/The Observer

Sophomore wide receiver Michael Floyd looks upfield during Saturday's 35-0 win over Nevada. Floyd caught four passes for 189 yards and three touchdowns against the Wolf Pack.

see FLOYD/page 18

SMC SOCCER

Belles led by strong senior class

By ALEX BARKER
Sports Writer

Saint Mary's finished last season with a disappointing record of 2-13-1, partly due to the team's inexperience and shortage of senior leadership. However, second-year coach Ryan Crabbe's squad won't have that problem again this year. The Belles (1-2) field nine seniors this time around, five of whom are starters. Captain Bridget Ronayne returns alongside classmate Jessica Slean to anchor a defense that gave up 35 goals last season. The pair will lead an experienced backline hop-

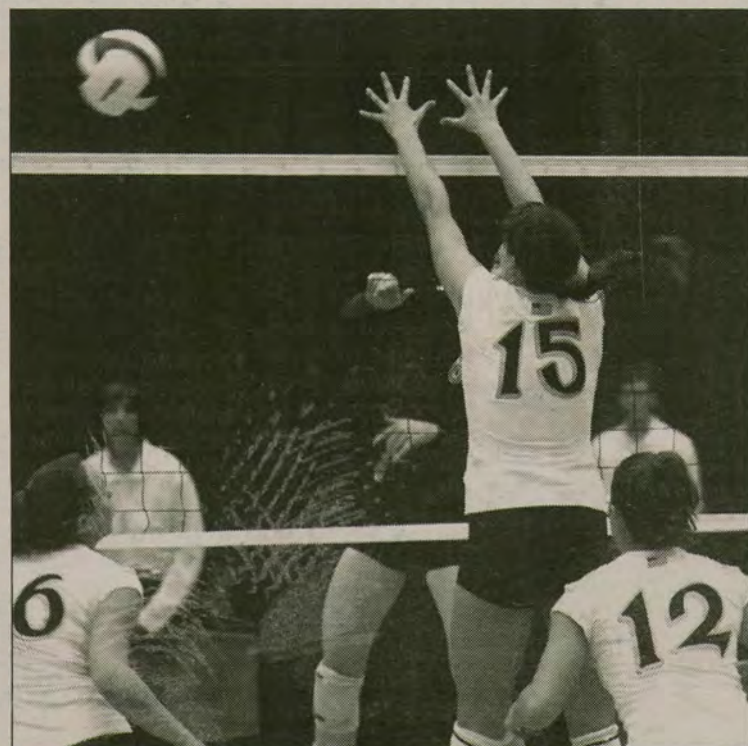
see SLEAN/page 18

ND VOLLEYBALL

Chemistry key to success

By LAURA MYERS
Sports Writer

It's a word that sophomores hate and freshmen fear, but one that sports teams need for survival. That word is chemistry, and Notre Dame is saturated with it. "I think the chemistry is good," Irish coach Debbie Brown said. "I think we have a very experienced team ... I think it's very positive." Experience is a big factor in team chemistry — Notre Dame's six seniors have known each other since they signed their letters of intent close to five years ago, and even the juniors and sophomores have had plenty of playing time together. "They've been through the preseason, the tournaments before," Brown said. "It



PAT COVENEY/The Observer

Sophomore outside hitter Kristen Dealy, 15, goes up for a block against Stanford on Aug. 29.

see BROWN/page 18

SMC VOLLEYBALL

Kuschel has high hopes for Saint Mary's in '09

By BOBBY GRAHAM
Sports Writer

If you talk to Belles' volleyball head coach Toni Kuschel, it's safe to say that she thinks things are looking up for this year's squad. Saint Mary's, which finished in third place at the Capital Tournament this past weekend, will start conference play against in-state rival Trine tonight at the Angela Athletic Complex. "The sky is the limit for this Saint Mary's team," Kuschel said. "This game is very important and will help set the tone for the rest of the season." Despite her own expectations, Kuschel admitted that the fate of this season rests in the hands of her talented players. "One of our teams goals this year is to finish in the very top of the MIAA. A coach can have a clear picture of what they want

for their team, but the 12 of them are the ones who have to believe and make it happen out on the court." The Belles should have no problems when it comes to self-motivation. They are led by a strong senior class headlined by Lorna Slupczynski. Slupczynski, an Indiana native, was recently named to the Capital Tournament All-Tournament team and was a big reason for the Belles' success. This experienced group should also help along what Kuschel describes as a "very talented" freshman class, who got their first taste of college volleyball this past weekend. The Belles will open conference play tonight against the Thunder, who went only 9-20 last season.

Contact Bobby Graham at rgraham@nd.edu