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# Families gather to mourn as Navy begins sub inquiry

By Pauline Arrillaga  
The Associated Press

HONOLULU — As the Navy prepared to convene a rare court of inquiry into the collision of a nuclear attack submarine and a Japanese fishing boat, the families of some of the nine men and boys lost at sea gathered Sunday to bid farewell to their loved ones.

Relatives of five of the victims cried and clasped leis as a native-Hawaiian group offered traditional prayers and songs during an ocean-side memorial.

One mother sobbed, clutching a handkerchief, as a ukulele player strummed a melody written in remembrance of the missing.

Family members later sailed to the scene of the accident to scatter flowers across the waters.

Hirohisa Ishibashi, mayor of Uwajima, the boat's hometown, said when he first got word of the Feb. 9 accident, "I wished so hard that it was a bad dream.

"We really need to be told what happened in the submarine. We have to do everything we can to prevent anything like this from happening again."

On Monday, family members are expected to attend a formal investigative hearing by the Navy that seeks to explain why the USS Greeneville rammed the Ehime Maru while demonstrating an emergency surfacing maneuver for 16 civilian guests.

The ship, carrying 35 people, was on an expedition to teach teenagers how to become commercial fishermen when the Greeneville plowed through its hull. Four high school students, two teachers and three crewmen never were found.

The hearing will examine the actions of the Greeneville's top officers: Cmdr. Scott Waddle; his second-in-command, Lt. Cmdr. Gerald Pfeifer; and the officer of the deck, Lt. j.g. Michael Coen.

Waddle's attorney, Charles Gittins, told ABC's "This Week" on

Sunday that as the Greeneville's skipper, the commander is "personally responsible for the accident."

"I am sure that the evidence is going to show that there was a chain of mistakes and, quite possibly, Cmdr. Waddle did not see this vessel, and that was one of the chain of mistakes that caused the accident," Gittins said. "That doesn't mean that those people who made those honest mistakes should ultimately be prosecuted criminally."

Three Navy admirals will preside over the court and recommend whether the officers should face disciplinary action ranging from a reprimand to court-martial. Their findings will be forwarded to Adm. Thomas Fargo, commander of the U.S. Pacific Fleet, for final action. The admirals also could suggest changes to Navy policies on civilian participation in military operations.

A Japanese maritime official was named an adviser to the court but is not allowed to vote on any recommendations. The hearing was expected to last at least a week.

The court of inquiry, the Navy's highest form of administrative investigation, is "how we get lessons learned," said Eugene Fidell, head of the National Institute of Military Justice in Washington, D.C.

"It's to have an exhaustive look at the matter, not only from the standpoint of potentially assigning responsibility but finding out what happened and making recommendations of a systemic nature so that it doesn't happen again," Fidell said.

All 16 civilians and an estimated 16 Navy personnel were crammed into the Greeneville's tight control room as the crew prepared to surface the submarine. One crewman, whose job is to track surface vessels, told federal investigators that he stopped manually plotting the position of the Ehime Maru less than an hour before the collision because the control room was too

crowded.

Three civilians were at various controls during the maneuver itself, although the Navy maintains they were closely monitored and that their actions did not contribute to the accident.

The court of inquiry's presiding officers could subpoena the civilians to testify, although Navy officials said none had been issued prior to Monday's session. Affidavits could be requested instead.

Gittins said that when Waddle checked the periscope for other ships before surfacing, the Ehime Maru probably was traveling bow-on to the submarine. That may mean the white fishing vessel was obscured by haze and whitecaps. Waddle had raised the sub to a higher periscope depth and changed the magnification before looking, his lawyer said.

"He did the procedures that are required to do a proper periscope search. Unfortunately, he didn't see the target," Gittins said.

Among those expected to testify during the court of inquiry: Capt. Robert Brandhuber, the chief of staff of the U.S. Pacific Fleet's submarine force who accompanied the civilians aboard the Greeneville; the fire control technician who said he was distracted by the visitors; Rear Adm. Charles Griffiths, who led the Navy's investigation into the accident; and Hisao Onishi, captain of the Ehime Maru.

The three officers also are likely to be called to testify, although they could invoke their Fifth Amendment right against self-incrimination. Attorneys for Waddle and Coen have requested the officers be granted testimonial immunity, which would prevent the military from using anything they say to seek future charges. They still could face prosecution, however, based upon the testimony of others.

Lawyers for Pfeifer and Coen did not return calls Sunday for comment.

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Discussing Islam in China, Br. Abraham  
Gilbert 138, 6:00

**WEDNESDAY, MARCH 7TH**

**Islam in America**  
Discussion given by a panel of UO students  
EMU Fir Room, 5:00

**THURSDAY, MARCH 8TH**

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Lecture given by Professor Johnathan Katz, OSU History Department,  
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**FRIDAY, MARCH 9TH**

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Ben Linder Room, 6:00

For more information, please contact the **MSA** at 346-3798 or at [asuomsa@gladstone.uoregon.edu](mailto:asuomsa@gladstone.uoregon.edu)

# Napster users keep swapping as industry waits for screening

By Matthew Fordahl  
The Associated Press

SAN JOSE, Calif. — Copyright music flowed freely on the Napster tune-swapping service Sunday afternoon as users waited to see if the company would fulfill a promise to block pirated songs sometime over the weekend using a new screening system.

All the top 10 songs listed on the Billboard Hot 100 list were available on the company's servers, including the No. 1 "Stutter" by Joe featuring Mystikal. Songs by long-time Napster foe Metallica also showed up in searches.

The company will not comment on the screening plan until it begins, spokeswoman Karen DeMarco said Sunday. She would not say when that would be.

With the service facing imminent change, usage was soaring. More than 11,100 people shared a total of 2.2 million files Sunday afternoon on just one of dozens of servers used by Napster.

"I am kind of watching it and trying to get my last efforts in — quickly," said Thor Nelson, a user from St. Paul, Minn.

During a federal court hearing Friday, Napster attorney David

Boies said the service would deploy the screening system over the weekend. He did not provide a specific time.

On its Web site, Napster said the process of screening out file names, song titles and artists won't be easy.

"It has involved a significant investment of time and resources," a statement said. "However, we believe it is superior to shutting the service down and disbanding the community during the transition period to the new membership-based service."

The software to be installed on Napster's servers will block access to 1 million music files, Boies said. He and Napster officials did not say whether that number represented distinct songs or spelling variations on a smaller list.

Napster's plan is a pre-emptive move against an injunction sought by the major record labels, which argue copyright holders and artists are not compensated for music traded on the service. Napster has argued that its computers do not store actual song files but rather direct people to other users' hard drives where the music can be downloaded.

In July, U.S. District Judge Mari-

lyn Hall Patel granted the industry's request for a preliminary injunction and ordered Napster shut down for facilitating infringement. But last month, the 9th U.S. Circuit Court of Appeals stayed the order pending its decision in the case.

By Friday, all parties were back in court to discuss the case when Napster announced plans to start blocking songs.

The change is significant, but the policy will work only if the company is diligent in policing its servers and blocking so-called workarounds, such as Madonna songs that are listed with her name spelled with one "n," said Robert Schwartz, an attorney who specializes in copyright law.

Hilary Rosen, president of the Recording Industry Association of America, said the proposal is a promising step.

"We think that the screening technology has the potential to be effective, but we'll see," she said after Friday's hearing.

On Sunday, RIAA spokeswoman Amy Weiss said the group would have no comment immediately on Napster's implementation of file blocking "or lack thereof."

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