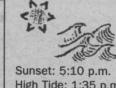


Collegiate Invitational, the UCSB men's volleyball team faces University of La Verne at home this Saturday.



High Tide: 1:35 p.m. Low Tide: 8:13 p.m.

Two Sections, 16 Pages

See p. 8

Local Athlete Receives Less Severe Charges

Volume 80, No.53

Cunningham To Determine Player's Future

BY ERIC SIMONS Staff Writer

UCSB sophomore baseball player Jared Schumaker pled no contest to misdemeanor assault charges on Jan. 7 for participating in a fight in October, leaving his future with the team uncertain. Schumaker and two other men attacked Carpinteria resident

Wilfred Stine in a parking lot outside of the Gold Coast Bar on State Street on Oct. 14. After the arrest, Schumaker, who was to compete for a starting position in the outfield this year after transferring from Loyola Marymount, was suspended indefinitely from the team. Director of Athletics Gary Cunningham will decide whether to allow Schumaker to return after meeting with him and consulting other sources.

Drop by the Filmmakers

Co-op tonight from 9 to

10:30 in Buchanan 1930.

"I still have to sort through it," Cunningham said. "What I'm most interested in is the student athletes' welfare, and that they become productive citizens.'

Schumaker was initially charged with a felony hate crime when Stine alleged he was singled out because of his sexual orientation. According to Deputy DA Joyce Dudley, the charge was dropped by the District Attorney's Office for lack of evidence.

"Because of evidence at the preliminary hearing, we felt that we couldn't prove beyond a reasonable doubt that the battery was specifically motivated by hate ... and that's what you have to prove," she said. "There were no proof problems whatsoever to prove that he hit the victim. The only problem was getting into his head and proving conclusively that he was motivated by hate. That was our concern."



view with Reinhold Heil elec-

tric musicmaker for the film

"Run Lola Run."

CHO Urges Careful Planning for Fall Renters

BY JANE ANDREWS Reporter

See p. 1A

Students who have begun the annual race for fall housing are being warned not to rush into making a decision they may later regret.

According UCSB to Community Housing Office Manager Roane Akchurin, a number of students have started inquiring about housing for next year at the CHO, as well as local rental agencies, creating a sense of urgency due to high competition.

"People get their minds set that they've got to find something now and it's creating a panic that's just not necessary,"

Akchurin said the Isla Vista housing market has been very tight in recent years, but it can fluctuate dramatically, and there is no need for students to feel pushed into signing a lease this early.

"Don't make hasty decisions. The better planning you do, the less problems you're going to have," she said.

However, Becky Cohn, manager for Sierra Property Management, encouraged students to make a commitment if they find accommodation they



Prospective renters must carefully evaluate different housing options, and examine properties, landlords and leases to protect their interests. like.

"I think that people who are organized will have housing, but not those who procrastinate," she

Renters with Sierra have been given until Jan. 20 to decide whether to move from their current house, Cohn said. When those decisions have been made, she will be looking to sign the new leases.

Managing attorney for the Santa Barbara Legal Aid

Foundation Ron Perry said students should take precautions before committing to a lease.

"It's a landlord's market. You have to interview your landlord as they are interviewing you," he said. "If you have a lease signed, of course you have greater protection, but many students' plans change between now and the fall. Make sure you know what happens to your contract if you

See HOUSING, p.3

Appointments, Resignations Dominate Leg Minutes

With the bustle of the University Center doubts about the candidates.

said.

According to UCSB Head Baseball Coach Bob Brontsema, the hate crime charges blew the case out of proportion.

"I don't want to minimize what has happened, but it was basically a Friday or Saturday night issue. He's done some things that are against policy, and he'll be punished for them. But if you'll look at it another way, he's been through a lot," Brontsema said. "[His teammates] assumed it was [a misdemeanor] and then it exploded and turned into something it wasn't. And now everybody is paying for it."

Schumaker will do 30 hours of community work service for the Pacific Pride Foundation - a gay and lesbian center in Santa Barbara — enter a youth offender program and write a letter of apology to Stine, Cunningham said. Because he did not have a prior criminal record, Schumaker was allowed to substitute the work program for jail time, and he will be on probation for three years.

Brontsema said the player suffered "far beyond the crime" because of the media attention created by the hate crime accusation. He added that Schumaker should "absolutely" be allowed back on the team.

"He is truly distraught about this, and he's a good kid," Brontsema said. "His name has been splattered all over the news and the front page, and that's pretty harsh. Its' something that can't be erased.'

The decision to allow Schumaker back on the team falls to Cunningham, who recently decided to let senior Larry Bell and

See SCHUMAKER, p.3

around it, Associated Students Legislative Council began the new quarter last night in familiar surroundings.

The council underwent a changing of the guard during the meeting, accepting the resignation of two past mem-

bers and welcoming two new members aboard. A.S. President Jason Nazar also announced plans to attract new members before the council moved on to deal

with two matters of internal business.

The outgoing council members were On-Campus Rep Trisha Gordon and Off-Campus Rep Sora Chung. Their resignations made way for the acceptance of Eric Morris and Bodeen Gunhutagarngid as off-campus reps. However, the nominations had not been widely discussed among the Leg Council prior to the meeting, prompting some debate.

Off-Campus Rep Shilen Patel said the council had not been allowed enough time to consider the appointments, but was quick to add that he had no

Rep at Large Jessica Ehrlich disagreed. "I'm positive that in the past we've appointed people to committees and stuff when the first time we've heard of it was when we showed up," she said. They were approved by a vote of eight to one,

> with five abstentions.

I don't think we brought enough people into A.S. last guarter and I don't think we held on to enough people either.

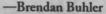
-Jason Nazar A.S. President

Nazar spoke near the beginning of the meeting of his desire to bring new people into A.S. He said he plans to visit classes to convince people to join the

organization, and that he is looking to persuade professors to let him speak before their students.

"I don't think we brought enough people into A.S. last quarter and I don't think we held on to enough people either," he said.

On the internal front, the council approved By-Law changes for the Isla Vista Community Relations Center and tabled a bill to clarify their policy on extended absences.





Reno Postpones Deportation of 6-Year-Old

said.



WASHINGTON (AP) — Brushing aside a Florida court ruling, Attorney General Janet Reno said Wednesday any challenge to the government's decision to return Elian Gonzalez to his Cuban father must come in federal court.

To give the 6-year-old boy's Florida relatives time to challenge the decision, Reno postponed the federal government's Friday deadline for turning him over for return to Cuba. But initial reaction from family lawyers appeared to spurn Reno's suggestion that they argue the case in federal court.

"The question of who may speak for a 6-year-old child in applying for admission or asylum is a matter of federal immigration law," Reno wrote. The question of who speaks for the boy "remains one of federal, not state, law."

"We have a [Florida] court order that says the boy stays for now," Jose Garcia-Pedrosa, one of the family's attorneys, told WTVJ-TV in Miami. "We

have a subpoena [from a U.S. House committee] that requires him to appear in February. The boy isn't going anywhere." "I think the attorney

general should re-think her position very, very, very quickly," Garcia-Pedrosa said.

Reno did not give a

The question of who may speak for a 6year-old child in applying for ... asylum is a matter of federal immigration law

new deadline or say what steps the federal government might take next to enforce its decision if the Florida relatives refuse to seek a federal court ruling. Federal officials have said they have no plans to send Immigration and

Naturalization Service agents to seize the boy. Florida Gov. Jeb Bush said the boy's future could best be decided in state court and he was disappointed by Reno's decision. Leaders of Cuban-American groups that have protested against returning the boy to Fidel Castro's Cuba doubted federal agents would try to take the boy, but said other steps also could trigger more protests in Miami's streets.

"I just think it's not a

cut and dried issue and I

think the tie should go to

Elian, not Cuba," Bush

Fla.) said he was pleased

the deadline had been

pushed back. He said

when Congress returns in

two weeks he would push

for quick action on his bill

to give Elian immediate

- Janet Reno

attomey general

U.S. citizenship.

Sen. Connie Mack (R-

"We trust that they will not do that," said Ramon Saul Sanchez, head of Democracy Movement. He called Reno's decision disappointing and said more protests will occur if the boy's great-uncle, who is seeking custody, doesn't get his day in court.

Another Miami protest leader, Jose Basulto, president of Brothers to the Rescue, said, "If there is no hearing, be prepared to see massive demonstrations. We are talking about a build-up of emotions, of years of political frustration having to do with the foreign policy of the U.S., especially with [President] Clinton. This child has become a symbol of many frustrations."

At the White House, spokesperson Joe Lockhart said Reno has Clinton's backing in seeking to ensure the case goes through proper judicial channels. Lockhart reiterated that Cuban officials have been told a nonimmigrant visa would be expedited for Elian's father should he wish to come to the United States to press his claim for custody.

Elian's mother, stepfather and others died when their boat capsized as they fled Cuba. He survived along with two adults.

Lawyers Debate Possible Breakup of Microsoft



WASHINGTON (AP) — Government lawyers studying ways to limit Microsoft's expansive influence in the technology industry want to break the software giant into three parts, arguing that lesser remedies in the antitrust trial would be inadequate, people close to these discussions confirmed Wednesday.

If U.S. District Thomas Penfield Jackson were to agree to such a dramatic solution, such a breakup of Bill Gates' software empire would carry enormous implications for the way consumers buy and use programs for their computers.

Justice Dept. lawyers laid out their favored proposal to break Microsoft into three parts during a secret meeting last week in Washington with representatives of the 19 on condition of anonymity.

The Justice Dept., which last month disclosed it had hired as its adviser a financial consulting firm, Greenhill & Co. LLC of New York, argued that any lesser sanctions — such as prohibiting the company from abusing its influence — would be inadequate to rein in Microsoft's aggressive behavior.

Attorneys general for the 19 states are deciding among themselves whether to endorse the Justice proposal but are said to be leaning in favor of it, and the plan could be presented next week when government lawyers meet privately in Chicago with the federal mediator assigned to the case, according to people close to the case.

USA Today reported that the government favored breaking Microsoft into two parts, not three. The Justice Dept. said in a statement the story was "inaccurate in

Daily Nexus

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Who Decides How We Spell?

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All letters to the editor and columns admitted for publication become property of the Daily Nexus upon submission.

Letters to the editor are limited to one page, typed double-spaced (1,000 characters), and columns must be limited to three pages, typed double-spaced (3,000 characters), and include the author's name and phone number.

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To call an error to the attention of the editor in chief, provide a written statement detailing the correct information. The *Daily Nexus* publishes all corrections of errors.

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states also suing the company over alleged antitrust violations, according to people close to the case who spoke represent our views."

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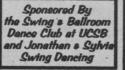
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Weather

I think the spelling of weather should be changed to whether. It makes more sense. The decision *whether* or not to wear shorts is greatly contingent on the meteorological conditions that day. Whether or not to bring an umbrella, whether or not to go to the beach, etc. **Daily Nexus**

HOUSING

Continued from p.1

change your mind."

According to Cohn, memories of last year's housing rush are causing students to worry. Her best advice to all house hunters is not to stress. "Be responsible, be ready to commit, but don't panic - do your homework," she said.

Finding housing for next year, and even leasing the same address, can be a daunting task, according to junior psychology major Jeff Paterson.

"Last year, my roommates and I decid-

Continued from p.1

sophomore Eric Hare return to the men's basketball team after misdemeanor charges of fraud and theft.

"Our program has not letes are in glass houses, had many problems over the years. We do have over 450 student athletes. I'm not condoning what happened, but the percentages are very low," Cunningham said. "Ath-

he said.

UCen Harbor Room.

and it's newsworthy when an athlete does something that's not approved."

Schumaker declined to comment.

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Thursday, January 13, 2000 3



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Opinion

Send Him Home

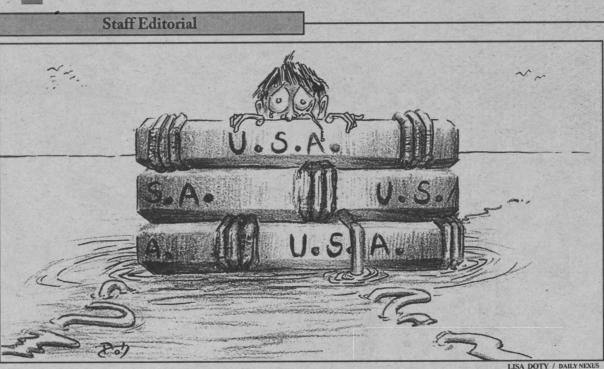
Young Elian Gonzalez Belongs Back in Cuba With His Father

S in the Atlantic Ocean Nov. 25, after surviving a shipwreck and two days and nights clinging to an inner tube. His mother and stepfather died attempting to flee Cuba, seeking a better life in America for their family. However, Elian's father is alive and well, and wants his son to come home. It is America's responsibility to return Elian to his father — in Cuba.

But therein lies the problem. We can't send a cute and cuddly kid back to big, bad communist Cuba, can we? But does that mean we must keep him in America, away from his father, persuaded with Big Macs and Disneyworld? Granted, he has relatives in Florida who want him to stay, but his father is asking for his return.

A Miami-Dade County court ruled on Wednesday to place the boy with his great-uncle in Miami until a March 6 custody hearing, clearing the way for Elian's Florida relatives to fight to keep him in the United States. This ruling defies the Immigration and Naturalization Service, which, after interviewing Elian's father in Cuba and his relatives in Miami, determined that Elian's father has "sole legal authority" to speak for him. Attorney General Janet Reno said the Florida court ruling does not affect the INS order to return Elian to his father in Cuba, because the family can only challenge the INS decision in federal court.

Under INS law, Cuban refugees are granted asylum in the U.S. if they make it to shore, but they are returned to Cuba if they are found at sea. This policy



dictates that Elian be returned to Cuba. But since Elian is a child, the Coast Guard did not return him without first determining if he had a living parent or guardian. It turns out he does, and under U.S. family law, preference in custody cases is given to a child's parent, unless that parent has been deemed unfit. The boy's father is his only living parent, and has never been suspected of abuse; thus, both immigration and family law demand the child's return.

Last week, Rep. Dan Burton (R-Ind.) subpoenaed Elian to appear before the House Government Reform Committee. This subpoena is an obvious attempt to circumvent the INS, as someone under congressional subpoena cannot leave the country. What could a 6-year-old possibly contribute to a congressional hearing? By keeping Elian in the U.S., and then bringing him before Congress, Burton and his cohorts are adding fuel to the fire of anti-U.S. feelings in Cuba, as well as capitalizing on anti-Castro sentiment in the U.S. Of course, Americans think that every 6-year-old child would be better off here than in Cuba, but that's not the issue. The issue is that his father, not the U.S. government, is the child's guardian. It is up to him to decide what's best for his son, and he has decided that Elian should return to Cuba to live with him.

By prolonging this drama, the American government is exacerbating an already volatile situation. The bottom line is that the child's father, his only living parent, is asking for his return. Elian should not be asked to choose between the U.S. and Cuba, or between his great-uncle and his father. He should be sent back to his dad.

The Reader's Voice Woes of A UCSB Comm Major

Editor, Daily Nexus:

As a transfer student from SBCC, I always looked to UCSB as a school with dignity and opportunity. So far I have experienced neither of these. Since I have

been here I have been given the runaround in getting into the communication major, and now that I



having 60 people in the class and she could not accept any more due to grading issues. She said the Communication Dept. did not give her a teaching assistant, so it would be too hard for her to grade everything by herself.

I feel the students here are getting the runaround. First it is the room size, then it is not enough help. What about the stu-

dents that can't get classes and are seniors who would actually like to graduate on time? Maybe UCSB is lacking fundamental knowledge of eco-

nomics: supply and demand. If so many

classes, maybe UCSB

should expand the

Communication

Dept., hire more teachers, or use more

There has to be some

solution to this prob-

lem, but it seems as if

no one cares. If stu-

dents are unable to get

into their major class-

es, it causes them to graduate later, making UCSB even more

teaching assistants.

get

students can't

BROWN'S THESIS IS SLANDEROUS

Editor, Daily Nexus:

Christopher Brown, a graduate student of the Materials Dept., feels he has been denied his degree because some "fascists" have arbitrarily decided not to publish his thesis based on his "disacknowledgments." Twice his complaints have appeared in the Nexus, and twice we've disagreed with him. Brown has made public his view of the situation, including ne unbiased documents and articles support his case (www.disacknowledged.org). After further investigation, we still disagree with him. Most of Brown's Master's Thesis was approved by the Dissertation Committee, but the committe had not read the disacknowledgments. After reading the disacknowledgments, the committee rescinded its approval. Brown makes two contentions on his website which we will address: "Whether my acknowledgment section (disacknowledgments) should be allowed inclusion into my master's thesis," and "Whether the thesis committee should be allowed to rescind approval based on the content of my acknowledgments." Here is what Brown said in his disacknowledgments: "To the dean and staff of the Graduate Division, you fascists are the largest argument against higher education there has ever been. ... I'd rather take a hot stick in the eye than deal with your bureaucratic nonsense. ... To former Gov. Pete Wilson, a supreme government jerk who has personally overseen the demise of the university. ... And to Science, for being a hollow specter of what you should be. ... If I can forever escape you, the better I will be."

Letters to the editor MUST include the author's FULL name, phone number, year and major.

Brown feels these are his opinions and the committee violates his right to free speech by refusing to allow such statements. Consider this statement, taken from "Guide to Filing Theses and Dissertations at UCSB" in the Graduate Division's website: "You and your committee are responsible for everything between the margins."

Second, I quote California Education Code §48907 (found on Brown's website): "Students of the public schools shall have the right to exercise freedom of speech and of the press ... the right of expression in official publications, whether or not such publications or other means expression are supported financially by the school or by use of school facilities. This supports Brown's case strongly, until the next line is read: "except that expression shall be prohibited which is obscene, libelous, or slanderous." Brown admits that he used profanity in his disacknowledgments. Christopher, because the university is responsible for publishing your paper, they are also responsible for making sure it is not obscene or libelous. If your paper was denied because its academic content had been an unpopular opinion about Joseph Stalin, or in your case, since you are a materials science major, the bulk moduli of ferromagnetic materials, then a free speech defense would suit your case quite well. But, as the Supreme Court has repeatedly ruled, the First Amendment does not apply to slanderous or libelous material. If the university publishes your paper, it isn't only you who will suffer from a lawsuit; the publisher, in this case the university, will also be responsible. Asking the university to publish your personal grudges, which could likely result in a lawsuit, is preposterous.

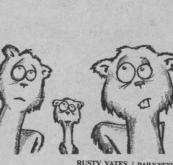
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am finally in I cannot get any classes. I took two communication classes during the summer and they were great, but when Fall Quarter rolled around, communication classes were hard to come by. Luckily I managed to pick up one class.

I am supposed to graduate in June and I only have three of my major classes done. I need more but I can't get into any. I tried to crash three communication classes so far this quarter, and in

every one of them there were more people crashing the class than were enrolled.

One teacher said the classroom could not accommodate more than 40 people and that she could only take five more students at most. The next class I went to was in a huge lecture hall in Buchanan and only three-fourths of the seats were taken, so it looked good. But then the teacher said that she had only planned on



RUSTY YATES / DAILY NEX

populated. But wait, this means that UCSB collects more money. Maybe there is an underlying motive for everyone to ignore the problem. Whatever the reason, students need more communication classes so they can graduate. Please open more communication classes, hire more teachers and use more teaching assistants if necessary. I think the students are worth it.

MIA SCHULTZ

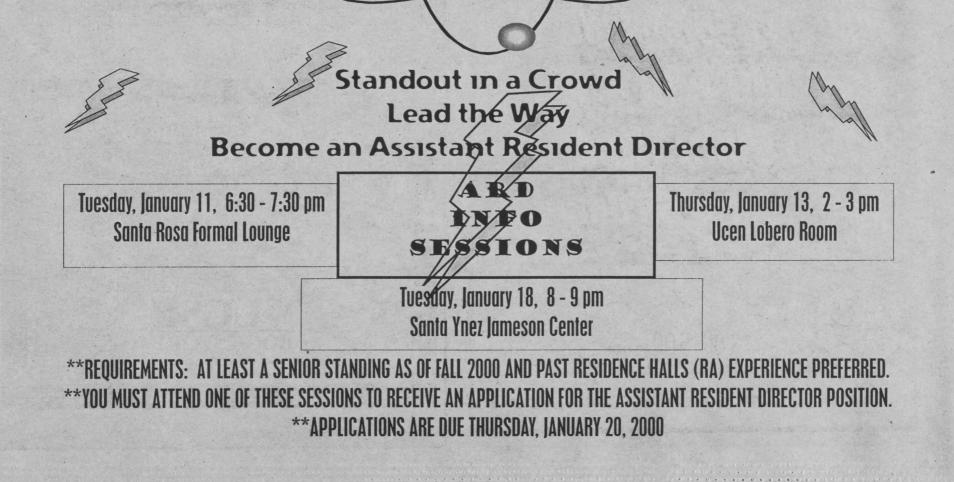
AARON WONG WILL KANE Housing Options for 2000-2001

Come learn about all of your housing options for next year! Representatives from UCSB Residence Halls, UCSB Apartment Living and the UCSB Community Housing Office will be on hand to answer your questions about how and when to apply.

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Daily Nexus

Thursday, January 13, 2000



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Sports **Early Success an Indicator of Just How Good Gauchos Can Be in 2000**

Season Preview

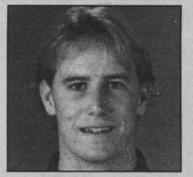
record was marked by many ups

BY BRITTANY LANGAN Staff Writer

Some people say that practice makes perfect. If that's true, then the UCSB men's volleyball team is looking at a very promising season. With 13 returning players, including five starters, most members of this year's Gaucho squad (3-1 overall) have a great deal of familiarity with the program, and the team should improve over last year's 9-15 overall record.

"We struggled through last season," UCSB Head Coach Ken Preston said. "To change that, when the going gets tough, how are we going to respond? We have to learn how to win and get the whole team on the same page mentally where we all want the same results and we are willing to sacrifice for those results."

Last season the Gauchos had many new faces on the roster after losing nine players from the 1998 team. Santa Barbara's 1999



Brent Griebenow

and downs and a seventh-place finish in the Mountain Pacific Sports Federation. "Our goal is to improve over last season," senior middle blocker Andy Tomkinson said.

"We need to compete to the best of our abilities. We put a lot of work into pre-season and I would like to see that pay off and win some games." "We have a solid core group

of guys," senior setter Blake Cantrell added. "Our big thing is getting over the hump of last year's season. If we win a big game we'll have our foot in the door and I think we have the ability to do that."

The Gauchos return all but one starter this year. Among the returning stars, it was senior opposite Kevin Collins who shone the brightest. Collins was second in both the nation and the MPSF last season in kills, averaging 6.97 per game en route to being selected as an MPSF Honorable Mention. Sophomore outside hitter David Kohl also had a successful freshman season in 1999, leading the team in digs with 176.

"[Kohl] is one of our best players," Cantrell said. "[Kohl] was mentioned in Volleyball Magazine as 'one to watch.' Finally some people are seeing our team's potential. Our team is going in the right direction, but we still have some stuff we need

to work on. We need to work on coming out strong and keeping that intensity the whole game."

The league has a newly created "libero" position, also known as a defense specialist, which will be executed by junior Shane Johnston.

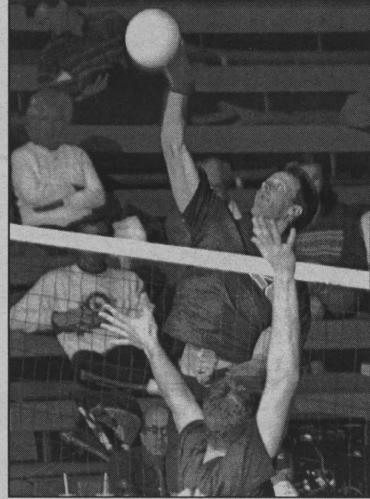
"[Johnston] has brought a lot to the defensive attitude of the team," Tomkinson said. "He's a very quick, confident player. We will benefit from his arrival, he's an element we didn't previously have."

In the setter position, the Gauchos return junior Brent Griebenow and have added sophomore Britt Galang as well.

"Overall, the setter position is stronger because of the addition of Galang and with Griebenow coming off of a year of experience," Preston said. "We [also] have some good hitters on the floor. But we're not great on the blocking end or defense. We have to improve on those areas throughout the season."

The Gauchos have welcomed two new assistant coaches to the program in Jose Gandara and Todd Rogers, both former UCSB players.

"Both coaches have brought tremendous amounts to the



I LIKE TO PRETEND THE BALL IS MY COACH'S HEAD: Senior opposite Kevin Collins and the UCSB men's volleyball team face La Verne Saturday.

still players who have high expectations for the team."

Tomkinson added, "These are the youngest coaches I've worked with. I think they are able to relate to the players on a much better level. [Also] they can physically jump in and demonstrate. Most importantly, they have opened up the communication between players and coaches."

This year, Santa Barbara will face eight of the teams that finished in the Top 10 last season. team," Preston said. "Both are The Gauchos will have several

tough matches over the season, including two straight road matches against USC and UCLA.

NEXUS FILE PHOTO

This weekend, UCSB is up against the University of La Verne, whom they beat in last weekend's tournament.

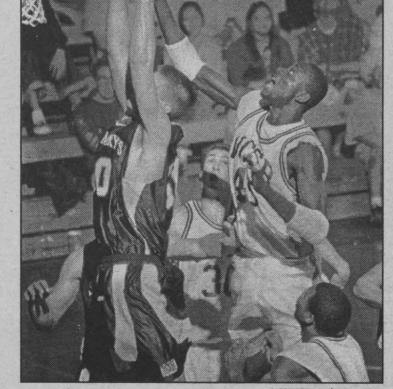
"[La Verne] will give us an opportunity to fine-tune our offense and defense," Tomkinson said. "As a team we are bigger and stronger; it's a matter of us not beating ourselves. We have to concentrate and focus and not make little mistakes.

UCSB Looking to Get Mean in North Texas

BY MARVIN GAPULTOS Staff Writer

If nice guys finish last, where do the mean ones

Barbara in his sights is redshirt freshman guard Chris Davis, who leads North Texas in scoring with an average of 20.4 ppg while pulling down 5.1 boards per game. However, as North Texas Head Coach Vic Trilli is well aware of, Santa Barbara has some weapons of its own.



JASON SCHOCK / DAILY NEXU

ADAMA DA' MADMAN: Junior forward Adama Ndiaye leads UCSB in both rebounds and blocked shots, and averages 9.3 points per game.

In the case of the Mean Green of the University of North Texas, last place is all too familiar. UNT's men's basketball team finished in last place in the Big West Eastern Division for the 1998-99 season

and are currently 2-9 in pre-conference play - last in the Big West. However, in tonight's Big West opener against UCSB, the Mean Green have history on their side.

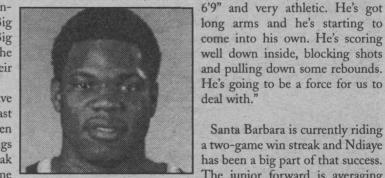
Although the two squads have met only three times in the last three years, North Texas has been victorious in all three meetings and hopes to extend that streak over the 4-7 Gauchos at home tonight. History and records Derrick Allen

aside, senior guard Derrick Allen believes that North Texas will be up to the task in the Big West opener.

"Records don't really matter much," said Allen, who leads the Gauchos with 39 assists and 17 steals while averaging 4.6 points per game. "Last year our record wasn't great to begin with, but then we put it together. North Texas is going to come out and play hard. We're going to have bull's eyes on our backs and they'll be shooting for us."

One Mean Green player who will have Santa

"Like us, they've played a pretty good schedule," Trilli said. "They've got athleticism. They've got a kid by the name of Adama Ndiaye who is about



long arms and he's starting to come into his own. He's scoring well down inside, blocking shots and pulling down some rebounds. He's going to be a force for us to deal with.'

Santa Barbara is currently riding a two-game win streak and Ndiaye has been a big part of that success. The junior forward is averaging 9.3 points and leads the Gauchos

with 7.6 rebounds per game. Joining Allen and Ndiaye is Santa Barbara's leading scorer, senior guard Erick Ashe. After a slow start, Ashe has found his touch and has been scoring 11.5 ppg. Despite Santa Barbara's current streak, Allen knows that conference play will bring many hardships for his squad.

The team feels pretty confident right now, but we can't get too comfortable with those two wins," he said. "We know that we have got to keep playing hard 'cause league is going to be tough.