

"All the News That's Fit to Print"

# The New York Times

Late Edition

New York: Today, sunny and seasonable, high 70. Tonight, clear, except patchy fog, low 57. Tomorrow, sunny and much warmer, high 78. Yesterday, high 68, low 59. Details, Page A16.

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NEW YORK, MONDAY, OCTOBER 2, 2006

ONE DOLLAR



A worker helping to clean up toxic sludge last week in Abidjan, Ivory Coast. The sludge, dumped from a tanker, has been blamed for eight deaths.

## Global Sludge Ends in Tragedy For Ivory Coast

By LYDIA POLGREEN and MARLISE SIMONS

ABIDJAN, Ivory Coast, Sept. 28 — It was his infant son's cries, gasping and insistent, that first woke Salif Oudrawogol one night last month. The smell hit him moments later, wafting into the family's hut, a noxious mélange reminiscent of rotten eggs, garlic and petroleum.

Mr. Oudrawogol went outside to investigate. Beside the family's compound, near his manioc and corn fields, he saw a stinking slick of black sludge.

"The smell was so bad we were afraid," Mr. Oudrawogol said. "It burned our noses and eyes."

Over the next few days, the skin of his 6-month-old son, Salam, bloomed with blisters, which burst into weeping sores all over his body. The whole family suffered headaches, nosebleeds and stomach aches.

How that slick, a highly toxic cocktail of petrochemical waste and caustic soda, ended up in Mr. Oudrawogol's backyard in a suburb north of Abidjan is a dark tale of globalization. It came from a Greek-owned tanker flying a Panamanian flag and leased by the London branch of a Swiss trading corporation whose fiscal headquarters are in the Netherlands. Safe disposal in Europe would have cost about \$300,000, or even twice that, counting the cost of delays. But because of decisions and

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## Wal-Mart to Add More Part-Timers And Wage Caps

By STEVEN GREENHOUSE and MICHAEL BARBARO

Wal-Mart, the nation's largest private employer, is pushing to create a cheaper, more flexible work force by capping wages, using more part-time workers and scheduling more workers on nights and weekends.

Wal-Mart executives say they have embraced new policies for a large number of their 1.3 million workers to better serve their customers, especially at busy shopping times — and point out that competitors like Sears and Target have made some of these moves, too.

But some Wal-Mart workers say the changes are further reducing their already modest incomes and putting a serious strain on their child-rearing and personal lives. Current and former Wal-Mart workers say some managers have insisted that they make themselves available around the clock, and assert that the company is making changes with an eye to forcing out longtime higher-wage workers to make way for lower-wage part-time employees.

Investment analysts and store managers say Wal-Mart executives have told them the company wants to transform its work force to 40 percent part-time from 20 percent. Wal-Mart denies it has a goal of 40 percent part-time workers, although

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## Trading Votes for Pork Across the House Aisle

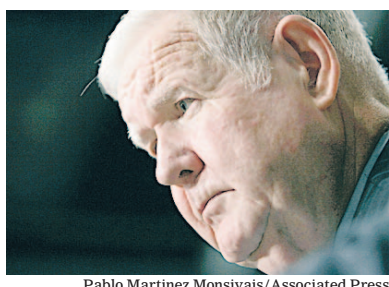
By DAVID D. KIRKPATRICK

WASHINGTON, Oct. 1 — For more than a decade, Representative John P. Murtha of Pennsylvania has operated a political trading post in a back corner of the House of Representatives.

A gang of about two dozen Democrats mill around his seat. A procession of others walk back to request pet spending projects, known as earmarks. And Republicans come by, asking him to enlist some of those Democrats to join them on close votes. "Whether they get what they want in the bill or they get the votes they are looking for, nobody ever leaves completely disappointed," said Representative Paul E. Kanjorski, a Pennsylvania Democrat often found in what is known as the Murtha corner.

Outside Washington, Mr. Murtha, a Vietnam veteran and longtime hawk, may be best known for his break with the president over the Iraq war last fall. But inside the Capitol, he is best known for turning earmarks into power. As the top Democrat on the House military spending subcommittee, he often delivers Democratic votes to Republican leaders in a tacit exchange for earmarks for himself and his allies.

## Known for Iraq Stand, Murtha Made Name by Making Deals



Pablo Martinez Monsivats/Associated Press

In the last year, Democratic and Republican floor watchers say, Mr. Murtha has helped Republicans round up enough Democratic votes to narrowly block a host of Democratic proposals: to investigate federal contracting fraud in Iraq, to reform lobbying laws, to increase financing for flood control, to add \$150 million for veterans' health care and job training, and to exempt middle-class families from the alternative minimum tax.

In one case that particularly irked Democratic partisans, Mr. Murtha

led three others in voting against a politically vulnerable Louisiana Democrat's proposal to divert money intended to be spent on base closings to research prosthetic limbs for veterans. It failed by one vote.

For their "nays" on that and other matters, all four Democrats were rewarded. In the weeks after the vote, they claimed credit for a total of more than \$250 million in earmarks in the 2006 appropriations bills. Mr. Murtha alone brought home about \$80 million for his district and \$120 million for his state, according to Taxpayers for Common Sense, a non-partisan group that tracks such projects.

Mr. Murtha, who announced a bid this spring to become the next House Democratic leader, acknowledges that some Democrats grouse about his history of leading others across the aisle. (Several Democrats said as much, but none would speak publicly.) He confirmed working with Republicans on the Iraq war spending vote that blocked the Democratic corruption investigation, but said he did not remember the others. He said he always acted on principle, working with Republicans either because he agreed with them or to uphold private agreements about spending bills.

"You just need to get the things done, so you give them the votes to get the things done," he said in an interview. "There is no question that some projects come out of it for our members, and that is not a bad thing." He added, "Deal making is what Congress is all about."

Mr. Murtha can punish lawmakers, as well. Those who do not sup-

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## Former Pages Describe Foley As Caring Ally

### Congressman Praised, but Gossip Is Recalled

By RACHEL L. SWARNS

WASHINGTON, Oct. 1 — In the hierarchy of Congress, the high school students who serve as Congressional pages fall somewhere near the bottom, seemingly invisible as they scurry through the hallways of the Capitol ferrying messages to powerful lawmakers who often fail to give them a second glance.

In that rarefied world, Representative Mark Foley, the silver-haired Republican from Florida, stood out.

He took pains to befriend the 16- and 17-year-old aides, several former pages said in interviews on Sunday. He chatted with them on the House floor, they said, sent handwritten notes and urged them to keep in touch when they left Washington for their hometowns.

In 2002, he even stood up on the floor of the House, his eyes welling with tears, and commended the young men and women for their year of service. In his speech, Mr. Foley mentioned several of the high school students by name, describing a handwritten note to celebrate one young man's graduation and a lunch with another at Morton's steak house.

Ashley Gallo, a 21-year-old former page who is now a senior at Western Michigan University, said on Sunday that many of her friends had viewed Mr. Foley as one of the few lawmakers who made a real effort to reach out to young people.

"You didn't have a lot of interaction with the members because most of them treated you like a kid, but he was pretty friendly," said Ms. Gallo, who served as a page in 2001. "He would talk to people," she said.

"He would say, 'Here's my e-mail address if you want to keep in touch.' I don't think anyone thought anything of it. They saw him as a mentor or a reference."

Mr. Foley's resignation on Friday, following the disclosure of his sexually explicit Internet and cellphone messages to pages, left many former pages shaken. And on Sunday, they burned up the phone lines and sent e-mail messages flying as they reached out to their old friends who remain tight-knit years after leaving Capitol Hill.

Patrick McDonald, 21, a senior at Ohio State University, said he took Mr. Foley up on his invitation to keep in touch and sent him an e-mail message asking about internship oppor-

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## MORE ON THE FOLEY CASE

**INQUIRY BEGINS** Officials said the F.B.I. was looking into whether former Representative Mark Foley had broken any laws. PAGE A15

**LEGAL RAMIFICATIONS** Explicit e-mail to minors may violate laws, but prosecutors have great discretion in pursuing such cases. PAGE A15

## INSIDE



Abid Katib/Getty Images

## Deadly Protests as Palestinians Demand Paychecks

Six people were killed and more than 100 were wounded in clashes across territory under Palestinian control as protests were held over the Palestinian Authority's inability to pay its employees. PAGE A9

## Brazil to Have Runoff Vote

Brazil's embattled president, Luiz Inácio Lula da Silva, finished first in the presidential vote, but fell just short of the majority he needed to avoid a runoff on Oct. 29. His momentum in the race had been checked by a last-minute ethics scandal. PAGE A6

## Ex-Enron Aide Tells of Banks

Andrew Fastow, sentenced to jail for his role in Enron's demise, is giving his account of the scheme to lawyers who have sued banks on behalf of investors who say they were defrauded. BUSINESS DAY, PAGE C1

## Clinic Fined \$16.5 Million

In the largest fine yet by the state's new Medicaid inspector general's office, a substance abuse clinic in Queens faces \$16.5 million in penalties for what investigators called excessive treatments and overbilling. PAGE B1



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## ROBERTS COURT MAY BE DEFINED IN SECOND TERM

### WILL FACE DIVISIVE ISSUES

### Decisions on Business and Race May Show Where New Center Falls

By LINDA GREENHOUSE

WASHINGTON, Oct. 1 — If Year 1 was the transition for the new Roberts court, Year 2 is likely to be the test.

During the first term under the leadership of Chief Justice John G. Roberts Jr., the justices were able to find common ground with some regularity by agreeing not to decide much. By the time the term ended in late June, the extent to which the members of the newly configured court were prepared to confront either precedent or one another remained unclear.

Chances are high that the new term, which begins on Monday, will be different. The cases that the court has agreed to decide — 38 so far — offer few off-ramps, requiring instead that the justices proceed to rulings that will define the new court in both substance and style.

Less than six weeks from now, for example, the court will hear the Bush administration's defense of the Partial-Birth Abortion Ban Act of 2003. While there are some secondary issues, there is no escaping the fact that at the end of the day, the Supreme Court will have to declare whether the federal statute is constitutional. In doing so, it will have to grapple with the meaning of a 5-to-4 decision that struck down a similar state law six years ago. The administration will argue that if the federal statute cannot coexist with that precedent, the court should overrule the earlier case.

Two cases on whether public school systems can take race into account in maintaining balance in individual schools do not confront the court's precedents quite as directly. But coming only three years after a sharply divided court permitted the continued use of race in university admissions, the decisions in these cases will provide the first clear indication of where the center now lies on questions of race and public policy after the retirement of Justice Sandra Day O'Connor. Justice O'Connor held the balance of power on such questions for years, and wrote the opinion three years ago in the case from the University of Michigan Law School.

The business community is watching several cases closely, particularly an appeal of a \$79.5 million award of punitive damages against the cigarette maker Philip Morris, upheld by the Oregon Supreme Court on behalf of the family of a smoker who died of lung cancer.

Of all the areas of Supreme Court doctrine most likely to be affected by

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## Hardball Ain't the Game in Brooklyn Anymore

By LEE JENKINS and MICHAEL S. SCHMIDT

Shawon Dunston's tour of Brooklyn baseball stops at the high rises where he used to throw rocks, the street corners where he used to throw snowballs, and the legendary sandlot where he put that powerful throwing arm on display.

The sandlot was the final stop in a tour that Dunston, whose 17-year major league career included a trip to the 1999 postseason with the Mets, gave his son this summer. Standing on the edge of the Parade Ground in Prospect Park, Shawon Dunston Jr. noticed a bunch of middle-aged men in uniform taking batting practice.

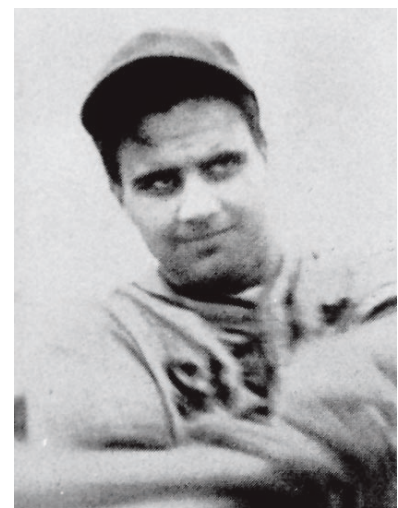
"Why are those guys out there?" Shawon Jr. asked. "They're so old."

In many ways, New York City's rich baseball history is kept alive by guys well past their prime, still wearing uniforms and kicking around local ballparks. This week, two of them will lead the Yankees and the Mets into the playoffs.

Yankees Manager Joe Torre and Mets Manager Willie Randolph, who both played high school baseball in Brooklyn, grew up taking bad hops at the Parade Ground. So did Lee Mazzilli, the Yankees' bench coach, and Omar Minaya, the Mets' general manager. Dirt fields are their common ground.

"It was our Mecca," Minaya said. "It was where we went to be seen."

In many ways, New York City baseball is embodied by Brooklyn. It was there, in the 1940's and 50's, that the Dodgers firmly established the image of the Subway Series in their



St. Francis Prep



The Randolph Family

The Yankees' Joe Torre, left, graduated from St. Francis Prep in 1958, and the Mets' Willie Randolph graduated from Tilden High in 1972.

repeated attempts to beat the Yankees.

Today's Mets and Yankees would not know the Parade Ground from the Polo Grounds. Most of them grew up in California, Texas, Florida, Virginia and Latin America. Mets catcher Paul Lo Duca was born in Brooklyn, but he moved to Arizona when he was 2.

If he had stayed, the odds of ever playing for the Mets would have been stacked against him. In the 1950's, when Brooklyn could lay claim to being recognized as the stickball capital of the world, it produced 26 major league players, according to data obtained from baseballreference.com. This decade, it has produced only six.

Among the last standouts was Dunston, a rifle-armed shortstop who was picked first in the 1982 draft by the Chicago Cubs, the only time a New Yorker has ever been selected No. 1 over all. When Dunston returned to the Parade Ground in August, he was struck by all the football practices, soccer matches and pickup basketball games.

"It used to be just baseball," Dunston said. "From 9 a.m. to 9 p.m., we'd only stop to have a knish for lunch."

"It was all baseball, all the time," Mazzilli said. "The fields were terrible. The conditions were bad, but we didn't know any better. That was

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