

"All the News That's Fit to Print"

The New York Times

Late Edition
New York: Today, ample sunshine, high 77. Tonight, clear, light winds, low 59. Tomorrow, cooler and partly cloudy, high 70. Yesterday, high 71, low 51. Weather map is on Page D4.

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NEW YORK, MONDAY, OCTOBER 9, 2006

ONE DOLLAR

North Korea Says It Tested a Nuclear Device Underground



Mary Rosati, a novice training to be a Roman Catholic nun, was dismissed by her order after she was found to have cancer.

Where Faith Abides, Employees Have Few Rights

By DIANA B. HENRIQUES

J. Jeffrey Heck, a lawyer in Mansfield, Ohio, usually sits on management's side of the table. "The only employee cases I take are those that poke my buttons," he said. "And this one really did."

His client was a middle-aged novice training to become a nun in a Roman Catholic religious order in Toledo. She said she had been dismissed by the order after she became seriously ill — including a diagnosis of breast cancer.

In her complaint, the novice, Mary Rosati, said she had visited her doctor with her immediate supervisor and the mother superior. After the doctor explained her treatment options for breast cancer, the complaint continued, the mother superior announced: "We will have to let her go. I don't think we can take care of her."

Some months later Ms. Rosati was told that the mother superior and the order's governing council had decided to dismiss her after concluding that "she was not called to our way of life," according to the complaint. Along with her occupation and her home, she lost her health insurance, Mr. Heck said. Ms. Rosati, who still lacks health insurance but whose cancer is in remission, said she preferred not to discuss her experience because of her continuing love for the church.

In court filings, lawyers for the diocese denied her account of these events. If Ms. Rosati had worked for a business or almost any secular employer, she might have prevailed under

the protections of the Americans With Disabilities Act. Instead, her complaint was dismissed in December 2002 by Judge James G. Carr of the United States District Court for the Northern District of Ohio, who decided that the order's decision to dismiss her "was an ecclesiastical decision" that was "beyond the reach of the court" because "the First Amendment requires churches to be free from government interference in matters of church governance and administration."

Legislators and regulators are not the only people in government who have drafted special rules for religious organizations. Judges, too, have carved out or preserved safe havens that shield religious employers of all faiths from most employee lawsuits, from laws protecting pensions and providing unemployment bene-

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Blast Comes After U.N. Warning — China Condemns Action

By DAVID E. SANGER

WASHINGTON, Monday, Oct. 9 — North Korea said Sunday night that it had set off its first nuclear test, becoming the eighth country in history, and arguably the most unstable and most dangerous, to proclaim that it has joined the club of nuclear weapons states.

The test came just two days after the country was warned by the United Nations Security Council that the action could lead to severe consequences.

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G.O.P.'s Baker Hints Iraq Plan Needs Change

By DAVID E. SANGER

WASHINGTON, Oct. 8 — James A. Baker III, the Republican co-chairman of a bipartisan panel reassessing Iraq strategy for President Bush, said Sunday that he expected the panel would depart from Mr. Bush's repeated calls to "stay the course," and he strongly suggested that the White House enter direct talks with countries it had so far kept at arm's length, including Iran and Syria.

"I believe in talking to your enemies," he said in an interview on the ABC News program "This Week," noting that he made 15 trips to Damascus, the Syrian capital, while serving Mr. Bush's father as secretary of state.

"It's got to be hard-nosed, it's got to be determined," Mr. Baker said. "You don't give away anything, but in my view, it's not appeasement to talk to your enemies."

Mr. Baker refused to deal with Iran until this spring, when he said the United States would join negotiations with Tehran if it suspended enriching nuclear fuel. Iran has so far refused. Contacts with both Syria and North Korea have also been sharply limited.

But the "Iraq Study Group," created by Mr. Baker last March with the encouragement of some members of Congress to come up with new ideas on Iraq strategy, has already talked to some representatives of Iran and Syria about Iraq's future, he said.

His comments Sunday offered the first glimmer of what other members of his study group, in interviews over the past two weeks, have described as an effort to find a politi-

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Dolan Family Offers \$19 Billion In Bid to Take Cablevision Private

By ANDREW ROSS SORKIN

One of New York's most powerful families, the Dolans, made a \$19.2 billion leveraged bid yesterday to buy out the public shareholders of its cable television empire, Cablevision Systems, which also includes Madison Square Garden, Radio City Music Hall, the New York Knicks and the New York Rangers.

The offer comes a year and a half after the Dolan family, a sometimes fractious dynasty whose feuds have often spilled into public view and who have used their cable systems to fuel their political interests, proposed breaking the company in two. The family wanted to take over the lucra-

tive cable systems but was forced to withdraw the plan when it met resistance from an independent committee of the company's directors.

The Dolans' latest bid — worth almost 15 percent more than the previous offer — comes amid a sweeping trend among some of the nation's biggest family-controlled companies to take themselves private. In July, HCA, the hospital company, agreed to be sold for \$33 billion to a group led by the family of Bill Frist, the Senate majority leader. And in August, Kinder Morgan, the gas pipeline company, agreed to be sold for \$15 billion to a group led by Richard D. Kinder, the company's founder.

The move to become private is being driven by Wall Street's willingness to finance billions of dollars in debt that are needed to back these huge leveraged buyouts. The trend is also a reaction, in part, by management and boards to increasing scrutiny from investors to meet quarterly expectations and to pass frequent regulatory examinations.

Last month, for example, Cablevision suffered the embarrassment of having to acknowledge that it had granted stock options to a vice chairman after he had died while making it appear as if they were granted when he was still alive.

In a letter to Cablevision's board proposing the family's takeover bid, Charles F. Dolan, the company's 79-year-old founder, and his son, James L. Dolan, the chief executive of Cablevision, wrote: "We continue to

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Good Intentions, but No Roadway

A \$245 million road intended to be a good-will gesture from the American people to Indonesian survivors of the 2004 tsunami has been stalled by a host of obstacles. The current road is largely a ribbon of dirt. Page A8.

Evangelicals Blame Foley, Not Republican Party

By DAVID D. KIRKPATRICK

VIRGINIA BEACH, Oct. 7 — As word of Representative Mark Foley's sexually explicit e-mail messages to former pages spread last week, Republican strategists worried — and Democrats hoped — that the sordid nature of the scandal would discourage conservative Christians from going to the polls.

But in dozens of interviews here in southeastern Virginia, a conservative Christian stronghold that is a battleground in races for the House and Senate, many said the episode only reinforced their reasons to vote for their two Republican incumbents in neck-and-neck re-election fights, Representative Thelma Drake and Senator George Allen.

"This is Foley's lifestyle," said Ron Gwaltney, a home builder, as he waited with his family outside a Christian rock concert last Thursday

INQUIRY INTO CRUCIAL MEETING

The inquiry into how concerns about Mark Foley were handled may hinge on one private meeting. Page A12.

in Norfolk. "He tried to keep it quiet from his family and his voters. He is responsible for what he did. He is paying a price for what he did. I am not sure how much farther it needs to go."

The Democratic Party is "the party that is tolerant of, maybe more so than Republicans, that lifestyle," Mr. Gwaltney said, referring to homosexuality.

Most of the evangelical Christians interviewed said that so far they saw Mr. Foley's behavior as a matter of personal morality, not institutional dysfunction.

All said the question of broader responsibility had quickly devolved into a storm of partisan charges and

countercharges. And all insisted the episode would have little impact on their intentions to vote.

It is too soon to tell if the scandal will affect the turnout of evangelical Christians, who make up about a quarter of the electorate and more than a third of Republican voters. Some of President Bush's political advisers have said that pre-election reports in 2000 that Mr. Bush was once arrested for drunken driving depressed turnout among conservative Christians, nearly costing him the White House.

Pollsters and conservative leaders have said for months that grassroots evangelicals were demoralized by what they felt was the Republicans' failure to live up to their talk about social issues — to say nothing of the economy, the Iraq war and other issues that weigh more broadly across the electorate. A recent poll

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Operas for \$20? New Audiences Hear Siren Song

By ROBIN POGREBIN

Jaws no longer drop at the thought of paying \$375 for a prime seat at the Metropolitan Opera.

It's the \$20 orchestra seats that have people gaping.

Last week, the opera house announced that it would sell 200 seats for every weeknight performance for just \$20 each. Tickets for these seats, which would normally sell for \$100, go on sale two hours before curtain time. On Tuesday, the day of the announcement, 160 tickets were sold in 20 minutes. The remaining 40 were sold out by 7:10 p.m.

Next door at Lincoln Center, the New York City Opera is in its second season of "Opera-for-All," selling every seat in the house for \$25 on eight evenings over the course of the season. Then there is City Center, where the third season of the Fall for Dance festival, with all tickets priced at \$10, concluded Sunday. And the Off Broadway Signature Theater Company, which specializes in American playwrights, is selling every seat at \$15 during the eight-week scheduled run of each show through the spring.

Perhaps not since the early 1970's, when Broadway introduced the TKTS booth, have the performing arts in New York seen such sweeping moves to draw audiences by offering

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INSIDE

U.S. and Shiite Militia Clash

American and Iraqi troops battled with militants in the southern city of Diwaniya, a stronghold of militia-men loyal to the radical cleric Moktada al-Sadr. It was the third such skirmish in two months. PAGE A8

Iran Arrests Senior Cleric

A senior cleric who opposes religious rule of Iran and some of his followers were arrested after clashes with the riot police over the weekend, news agencies reported. PAGE A3

A Second Act in China

I. M. Pei, the Chinese-American architect, has opened the second building in his long career that is in his native China — a museum in Suzhou, a city that was home to generations of his family. THE ARTS, PAGE E1

Yankees' Torre May Pay Price

George Steinbrenner, the Yankees' owner, issued a sharply worded statement amid speculation that Manager Joe Torre would be replaced. SPORTSMONDAY, PAGE D1

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That was less than an hour after North Korean officials had called their counterparts in China and warned them that a test was just minutes away. The Chinese, who have been North Korea's main ally for 60 years but have grown increasingly frustrated by its defiance of Beijing, sent an emergency alert to Washington through the United States Embassy in Beijing. Within minutes, President Bush was notified, shortly after 10 p.m., by his national security adviser, Stephen Hadley, that a test was imminent.

North Korea's decision to conduct the test demonstrated what the world has suspected for years: the country has joined India, Pakistan and Israel as one of the world's "undeclared" nuclear powers. India and Pakistan conducted tests in 1998; Israel has never acknowledged conducting a test or possessing a weapon. But by actually setting off a weapon, if that is proven, the North has chosen to end years of carefully crafted and diplomatically useful ambiguity about its abilities.

The North's decision to set off a nuclear device could profoundly change the politics of Asia.

The test occurred only a week after Japan installed a new, more nationalistic prime minister, Shinzo Abe, and just as the country was renewing a debate about whether its ban on possessing nuclear weapons - - deeply felt in a country that saw two of its cities incinerated in 1945 --

still makes strategic sense.

And it shook the peninsula just as Mr. Abe was arriving in South Korea for the first time as prime minister, in an effort to repair a badly strained relationship, having just visited with Chinese leaders in Beijing. It places his untested administration in the midst of one of the region's biggest security crises in years, and one whose outcome will be watched closely in Iran and other states suspected of attempting to follow the path that North Korea has taken.

Now, Tokyo and Washington are expected to put even more pressure on the South Korean government to terminate its "sunshine policy" of trade, tourism and openings to the North -- a policy that has been the source of enormous tension between Seoul and Washington since Mr. Bush took office.

The explosion was the product of nearly four decades of work by North Korea, one of the world's poorest and most isolated countries. The nation of 23 million people appears constantly fearful that its far richer, more powerful neighbors -- and particularly the United States -- will try to unseat its leadership. The country's founder, Kim Il-sung, who died in 1994, emerged from the Korean War determined to equal the power of the United States, and acutely aware that Gen. Douglas MacArthur had requested nuclear weapons to use against his country.

But it took decades to put together the technology, and only in the past few years has the North appeared to have made a political decision to speed forward. "I think they just had their military plan to demonstrate that no one could mess with them, and they weren't going to be deterred, not even by the Chinese," a senior American official who deals with the North said late Sunday evening. "In the end, there was just no stopping them."

But the explosion was also the product of more than two decades of diplomatic failure, spread over at least three presidencies. American spy satellites saw the North building a good-size nuclear reactor in the early 1980's, and by the early 1990's the C.I.A. estimated that the country could have one or two nuclear weapons. But a series of diplomatic efforts to "freeze" the nuclear program -- including a 1994 accord signed with the

Clinton administration -- ultimately broke down, amid distrust and recriminations on both sides.

Three years ago, just as President Bush was sending American troops toward Iraq, the North threw out the few remaining weapons inspectors living at their nuclear complex in Yongbyon, and moved 8,000 nuclear fuel rods they had kept under lock and key. Those rods contained enough plutonium, experts said, to produce five or six nuclear weapons, though it is unclear how many the North now stockpiles.

For years, some diplomats assumed that the North was using that ambiguity to trade away its nuclear capability, for recognition, security guarantees, aid and trade with the West. But in the end, the country's reclusive leader, Kim Jong-il, who inherited the mantle of leadership from his father, still called the "Great Leader," appears to have concluded that the surest way of getting what he seeks is to demonstrate that he has the capability to strike back if attacked.

Assessing the nature of that ability is difficult. If the test occurred as the North claimed, it is unclear whether it was an actual bomb or a more primitive device. Some experts cautioned that it could try to fake an explosion, setting off conventional explosives; the only way to know for sure will be if American "sniffer" planes, patrolling the North Korean coast, pick up evidence of nuclear byproducts in the air.

Even then, it is not clear that the North could fabricate that bomb into a weapon that could fit atop its missiles, one of the country's few significant exports.

But the big fear about North Korea, American officials have long said, has less to do with its ability to lash out than it does with its proclivity to proliferate. The country has sold its missiles and other weapons to Iran, Syria and Pakistan; at various moments in the six-party talks that have gone on for the past few years, North Korean representatives have threatened to sell nuclear weapons. But in a statement issued last week, announcing that it intends to set off a test, the country said it would not sell its nuclear products.

The fear of proliferation prompted President Bush to declare in 2003 that the United States would never "tolerate" a nuclear-armed North Korea. He has never defined what he means by "tolerate," and on Sunday night Tony Snow, Mr. Bush's press secretary, said that, assuming the report of the test is accurate, the United States would now go to the United Nations to determine "what our next steps should be in response to this very serious step."

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Koreans could learn much from a nuclear test even if it was small by world standards or less than an unqualified success.

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Images: Photo: South Koreans watched a television showing the North's leader, Kim Jong-il, at a railway station in Seoul this morning. (Photo by Jung Yeon-je/Agence France- Presse -- Getty Images)(pg. A6)

Map of North Korea highlighting site of tremor from test. (pg. A1)

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