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Santa Monica Daily Press

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It's budget time for SM City Hall

Council must set priorities in a year that's financially challenged

BY CAROLYN SACKARIASON
Daily Press Staff Writer

Dealing with a severe budget shortfall, the Santa Monica City Council will begin next week the daunting task of setting priorities and possibly cutting back services for 2002.

Depending on what the end-of-the-year sales tax revenues produce, the city could come up short anywhere between $8-$17 million. And for the past few months, city department heads in City Hall have been looking at ways to cut the fat off their own budgets to trim down the deficit.

Tuesday marks the first public meeting when the city council will begin setting financial priorities. The Jan. 8 public hearing also will give residents a chance to offer their suggestions on issues and funding relating to the 2002-03 budget, which will be adopted in the spring.

Mayor Mike Feinstein recently told the Daily Press that while none of the essential services will be cut, some capital projects may have to be deferred to make up for the shortfall.

"We are confident that we can trim and not cut deeply."

— MIKE FEINSTEIN
Santa Monica Mayor

"We are confident that we can trim and not cut deeply," he said, adding the big emphasis will be on how the city can operate more efficiently.

One could to look at the city's $54 million public safety building being constructed behind City Hall as an example of a capital project that has run over budget. The project has been delayed months and is $10 million

See BUDGET, page 3



Carolyn Sackariason/Daily Press

Los Angeles County Sheriff's Deputy Damatri Crayton and Burns Security guard Vernel Williamson leave their post at the Santa Monica Courthouse Thursday to raise the flags representing the United States, California and the city of Santa Monica.

New year off to violent start in Santa Monica

BY CAROLYN SACKARIASON
Daily Press Staff Writer

Local police started off 2001 by nabbing an armed robber and a rapist, resulting from two separate incidents on New Year's Day.

The alleged armed robber, identified as David Alanzo Batiz of Culver City, was captured by Santa Monica Police in the Pico neighborhood after he threatened a gas station attendant with a knife.

Batiz allegedly pulled a knife on an employee at UNOCAL gas station on Pico Boulevard and 20th Street after the attendant refused to fill gas into Batiz's plastic water bottle. He put the knife to the attendant's stomach before running north on Pico Boulevard. Police found him on the 2100 block of Court 20. The gas station employee identified him and Batiz was booked for attempted armed robbery. His bail was set at $35,000.

Earlier that morning, police arrested a San Francisco man for allegedly raping a woman in a Santa Monica hotel room.

Semj Deshields, 32, was arrested on charges of sexual assault, oral copulation

See CRIME, page 3

DMV says former Redskin's license plates are in poor taste

By the Associated Press

MANHATTAN BEACH — Dale Atkeson, who played fullback for the Washington Redskins in the 1950s, has been asked to surrender the vanity license plates proclaiming that fact.

Calling Atkeson's 1REDSKN and RDSKN2 plates offensive, the DMV is demanding them back.

"Who thought this up?" asked Atkeson, 71. "I think this is pretty ridiculous. I think it's infringing on my rights. "

See PLATES, page 3

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Capricorn, try not to quarrel

JACQUELINE BIGAR'S STARS

The stars show the kind of day you'll have:
★★★★★-Dynamic ★★★★-Positive ★★★-Average ★★-So-so ★-Difficult

ARIES (March 21-April 19)
★★★★ Throw yourself into your work. You'll find yourself entrenched in calming down an uproar or the "firestorms" that surround you. Think in terms of gain and opportunity. Catch up on news later in the day, both in and out of the office. Tonight: Where the crowds are.

TAURUS (April 20-May 20)
★★★★★ Your playfulness could irritate someone when you don't mean to. You might have your hands full calming down someone. Speak your mind in a nice way. Communication becomes easier as the day grows older. Creativity flows. Listen to someone's suggestions. Tonight: Work late.

GEMINI (May 21-June 20)
★★★★ Get down to the basics. Deal with a personal matter that might be tugging at you. Hot anger erupts from a boss or associate. Concentrate and focus. Someone's playfulness allows you to lighten up considerably toward the end of the day. Contact someone at a distance. Tonight: Flirt away.

CANCER (June 21-July 22)
★★★★ Reach out and communicate with others. New information that you need to integrate into your schedule comes forward. Your smile helps someone who could be a bit angry or off the wall. Take time to have a discussion with a partner. Discuss your plans. Tonight: Happy at home.

LEO (July 23-Aug. 22)
★★★★ Handle financial matters with your normal finesse. Your partner could give you a lot of flak about money decisions you make. Review your associate's ideas with respect, but also understand ultimately whose call this is. Communication opens up. Tonight: Frolic out the door.

VIRGO (Aug. 23-Sept. 22)
★★★★★ You draw controversy whether you intend to or not. Deal with someone's dissatisfaction head-on. Air out difficulties, especially if these issues impact your day-to-day life. Know that there is always an alternative as long as you remain open. Finances play into a decision. Tonight: Your treat.

LIBRA (Sept. 23-Oct. 22)
★★★ Step back if you find that you easily lose your temper or are accident-prone. You might need more downtime for yourself. Learn to express your aggravation in a manner that someone can hear. Recenter and step forward later in the day. Tonight: Talk through a problem.

SCORPIO (Oct. 23-Nov. 21)
★★★★ Aim for what you want. Allow your imagination to speak and use your creative insight. You might need to step back from a problem. Gain perspective through a discussion with a close friend or family member. Don't be intimidated by someone's temper tantrum. Tonight: Slow down.

SAGITTARIUS (Nov. 22-Dec. 21)
★★★★ Deal with work head-on, and you'll achieve a lot. Think in terms of gaining quickly. You find out the hard way that a family member is on the warpath. You might not easily put a halt to someone's behavior. Your communication excels and helps you head off a problem. Tonight: Join your pals.

CAPRICORN (Dec. 22-Jan. 19)
★★★★ Knowing where you want to go could be instrumental in the choices you make. Your determination forces an issue. You do your own research as you seek the appropriate path. Don't get into a quarrel; rather, bypass it. Play it smart with your actions and words. Tonight: Leader of the pack.

AQUARIUS (Jan. 20-Feb. 18)
★★★★ Deal with others on a one-on-one level, especially when it involves money matters. Not everything is as it seems. Remain optimistic and positive with a difficult associate. Through detachment and your intellect, you get what you want. Tonight: Take off ASAP!

PISCES (Feb. 19-March 20)
★★★★ You're reactive and strong-willed. In fact, without intending to, you could cause yourself a lot more flak than you anticipate. Think in terms of gain and the long term, you might choose other words as a result. A discussion on a one-on-one level clears the air. Tonight: Dinner for two.

WEATHER

Today ... Sunny with a high 68°F. Winds from the north northwest at 7mph.

Tonight ... Partly cloudy with a low of 46°F. Winds from north northeast at 4mph.

Tomorrow ... Partly cloudy High—68°F Low—46°F

QUOTE of the DAY

"Health nuts are going to feel stupid someday, lying in hospitals dying of nothing."
— Redd Foxx

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LOCAL

Santa Monica wants public input on budget

BUDGET, from page 1

more than what was budgeted.

The city says it wants to hear from citizens about these types of issues. On the city's web site, a budget suggestion form has been added for anyone to fill out so it can be submitted to the city council. Citizens can log onto http://santa-monica.org/communication/cityforms/budget_suggestions_02.htm and fill out the form before Tuesday night's meeting, which will begin at 6:45 p.m. in council chambers. City Hall is located at 1685 Main Street.

As a way to "humanize" and understand the multi-million dollar budget, Feinstein said the city makes an effort to reach out to citizens to help them understand how the process works.

So the "Santa Monica Leadership Series for 2002" will kick off this month with two consecutive Thursday night sessions on the topic of "city budget basics." On

As a way to "humanize" and understand the multi-million dollar budget, Feinstein said the city makes an effort to reach out to citizens to help them understand how the process works.

Jan. 17, city finance director Mike Dennis will explain the city's budget development process, revenue streams and the factors considered when budget priorities are set each year.

He'll also recap the city council's Jan. 8 budget priorities hearing. Then on Jan. 24, Dennis will teach the second part of his course, with a focus on the city's financial reports and fund restrictions. He'll answer questions on bond financing, enterprise funds, redevelopment tax increment funding, block grant funding and other municipal finance topics of interest to attendees.

Santa Monica Leadership Series courses on city government-related topics are offered bi-monthly throughout the year. Other courses under consideration include "The General Plan and What It Means to You," "Public Process Revisited," and another "Whole Lotta Projects Goin' On" city tour this summer.

Both budget sessions begin at 7 p.m. at the Ken Edwards Center, 1527 Fourth Street, Santa Monica. Call 458-8301 to register for the free budget courses, or for more information. You can register on-line at santa-monica.org/leadershipseries.

Enrollment is limited to 40 people at each course. All materials will be provided. The Ken Edwards Center is accessible to persons with disabilities and is served by Big Blue Bus lines 1, 3, 7 and 8.

Rape and robbery start off new year

CRIME, from page 1

and sodomy after police found him behind a Jack in the Box restaurant at the Rest Haven Motel on Lincoln Boulevard. He is being held on $100,000 bail.

At about 2:30 a.m., a woman came to the Santa Monica Police Department and reported that she had been raped. She told police that she met Deshields on New Year's Eve in Hollywood. Deshields allegedly drove the victim to the Rest Haven Motel, where she said he used physical force and threats before allegedly raping her.

After the assault, the victim left the motel room and waved down a passing motorist who drove her to the police department. Officers immediately secured the motel room and the victim identified the suspect at the scene.



Jason Auslander/Daily Press

A black and white version of the colorful sunset on the Santa Monica Pier.

Redskins appeal U.S. Patent Office ruling

PLATES, from page 1

For Atkeson, the word "redskin" stands for pride, accomplishment, toughness. Others disagree.

"It's a bad, ugly term for American Indians," said Eugene Herrod, a board member of Advocates for American Indian Children. The Muscogee Creek Indian filed a complaint with the DMV in August 1999 asking that all redskin plates be recalled. The state agency discovered Atkeson's 5-year-old plate after Herrod rechecked its database for derivatives of redskin.

"The DMV has the right to refuse any combination of letters and numbers that may be considered offensive to good taste and decency ... ," according to the application for vanity plates that is posted on the agency's Web site.

The Washington Redskins has appealed a ruling by the U.S. Patent Office revoking the National Football League team's trademark on the word redskin.

Academy Award-winning producer Julie Phillips dies at 57

By the Associated Press

WEST HOLLYWOOD — Julia Phillips, the first woman producer to win a best picture Oscar and the author of the scandalous Hollywood memoir "You'll Never Eat Lunch in This Town Again," has died of cancer. She was 57.

Phillips, who was diagnosed with the disease in August, died at home Tuesday, her family said.

Once one of the most powerful people in Hollywood, Phillips made movie history in 1973 when she shared the best-picture Oscar as co-producer of "The Sting," starring Robert Redford and Paul Newman.

She followed that success by co-producing director Martin Scorsese's "Taxi Driver" in 1976 and Steven Spielberg's "Close Encounters of the Third Kind" the following year.

"She was a friend and I am sad for her loss," Scorsese said in a statement.

But as her success grew, Phillips acknowledged years later, she became caught up in Hollywood's fast life of indiscriminate sex and drug abuse, eventually becoming addicted to cocaine.

"I allowed myself to get my head turned," she told The Associated Press during a 1991 interview to promote the book.

"It all came too fast. It was like we hadn't earned it," she said, adding she was high the night she accepted her Oscar.

The book, she said, resulted in many friends not only never taking her to lunch but never talking to her again.

But if she could have written the book over, Phillips said afterward, she wouldn't have changed a word.

It described powerful executive David Geffen as having a puffed-out face that made him look like a "middle-aged baby" and actress Goldie Hawn as having dirty hair and paying little attention to personal hygiene. Warren Beatty, Phillips said, once approached her about a sexual threesome and she turned him down.

While others quit talking to Phillips, Geffen responded by firing her from "Interview With the Vampire," which was to have marked her comeback.

But many people, she said, praised her privately for her candor in describing a business whose creative process, she charged, had been damaged by the desire of big businessmen to sacrifice creativity for making money.

She got into the movie business in 1969 when she went to work for Paramount Pictures as its East Coast story editor.

Soon after, she went into business with her husband, investment banker Michael Phillips, and actor Tony Bill, producing the movie "Steelyard Blues," starring Jane Fonda and Donald Sutherland.

She quickly gained a reputation as a producer who would fight for projects she believed in, and Scorsese credited her with helping him get his vision of "Taxi Driver" into theaters.

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- Ocean Avenue and Wilshire Boulevard; in front of the Bank of California building
- Wilshire Boulevard, between 22nd-23rd Streets; in front of Manhattan Bagel
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- Wilshire Boulevard and Lincoln Boulevard; in front of Baja Fresh
- Colorado Boulevard and 3rd Street; in front of Santa Monica Place
- Santa Monica Courthouse

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NATIONAL

Sierra snowpack levels 139 percent this season

BY DON THOMPSON
Associated Press Writer

SACRAMENTO — Mother Nature is planting a big wet kiss on the Sierra Nevada mountains this winter, and state hydrologists couldn't be happier.

Poor snow a year ago aggravated the state's electricity crisis by cutting the water available to hydroelectric plants that produce about a quarter of California's power. Snowpack was half of normal last January, and the winter stayed dry.

By contrast, this year the snowpack is 139 percent of normal — the equivalent of 61 percent of an entire average winter, according to the Department of Water Resources' first snow survey of the year Thursday.

"If we were to have just average rain and snow the rest of the year, we'd be in good shape," said department spokesman Jeff Cohen. "There's a lot of cushion there."

The mountain range's snowpack provides two-thirds of California's water for cities, farms and recreational uses.

The department took remote readings from 95 automated snowpack sensors, plus conducted snow surveys along Highway 50 throughout the American River watershed.

The surveys showed 165 percent of normal snowpack at a test site located at 7,600 feet above sea level; 172 percent of normal at 6,800 feet; 176 percent at a site at 6,700 feet; and 179 percent at a test site located at 7,100 feet.

The 139 percent average snowpack across the Sierra would be enough water to fill a glass 17 inches tall, Cohen said.

The above average snowfall is good news for state officials who had been worried enough about a possible drought that they started a drought-preparedness Web site and held a series of workshops this fall. They also had begun contemplating starting a water purchasing program — buying water from those who have it and distributing it to those who need it — as the state did during the last drought.

That drought ran six years from 1987 to 1992, forcing half the state's counties to declare drought emergencies.

Surfer ordered off the beach after 'wave rage' incident

By the Associated Press

WAILUKU, Hawaii — A judge ordered a windsurfer to stay at least 100 feet away from Kahana Beach Park after he allegedly slammed into a kitesurfer in an act of "wave rage."

"Find another place to windsurf for the time being," Circuit Judge Reinette Cooper told Dane Barnhard, 54, during a bail hearing Wednesday. "We have road rage, now I'm hearing wave rage."

Barnhard, a retiree who lives in Maui, pleaded innocent to second-degree assault for deliberately windsurfing into a kitesurfer in December. The kitesurfer received nine stitches to his leg.

"Instead of coming to his aid, the defendant wanted to pick a fight," said Prosecutor Melinda Mendes.

Windsurfers use a surf board with an attached sail; kitesurfers use a board pulled by a kite that sometimes lifts them out of the water.

Barnhard was freed on supervised release and ordered to stay away from the kitesurfer and witnesses pending his March 18 trial. His lawyer, Kirsten Giroux, said he turned himself in after learning there was a warrant for his arrest.

Mobile home park caught corresponding without stamps

By the Associated Press

ORANGE, Calif. — The U.S. Postal Service has ended correspondence between a group of mobile home residents who have been sending personal notes and greeting cards to one another without using stamps.

The people who live at Orange Crest Mobile Home Park have been using the same system for more than 25 years. When someone needed to send monthly newsletters, party announcements or bridge notices, the mailboxes were the best form of communication.

The Postal Service learned of the practice from a resident who complained about the stampless mail. Under federal law, mail not bearing stamps is not allowed.

It's been six weeks since residents have stopped exchanging mail and they are not pleased with the Postal Service crackdown.

"It's ridiculous," said Thelma Rinker, who has lived in the community of 89 units almost since it opened in 1975. "But if the government says 'jump,' I guess you jump."

About half of the residents have plunked down some extra cash for a second mailbox specifically for their neighbors.

Postal officials said the law helps prevent people from receiving unwanted material from solicitors and potential theft.

"We recognize that, from time to time, the regulations may cause owners of mailboxes to become irritated," said Linda Dalton, consumer affairs manager for the Postal Service. "I apologize that this is inconvenient, but it must be uniformly enforced."

Postal officials said the mobile home park residents can use the mailboxes for rent notices or monthly newsletters as long as the items are stamped.

Deal being negotiated for Omar's surrender

Days are numbered for Mullah Mohammed Omar

BY LOURDES NAVARRO
Associated Press Writer

KABUL, Afghanistan — Afghan officials said negotiations neared a breakthrough Thursday on final terms of surrender for deposed Taliban leader Mullah Mohammed Omar and 1,500 of his fighters.

U.S. officials were adamant that no deal had been offered to the second most wanted man after Osama bin Laden.

The governor of the southern city of Kandahar, Gul Agha, said Omar, accompanied by about 1,500 Taliban fighters, has been talking with a grand council of tribal leaders. U.S. officials have expressed doubts that Omar planned to give himself up.

If Omar doesn't agree to be arrested, the Baghran region in the mountains north of Kandahar, where he is believed to be hiding, faces possible bombing by U.S.-led warplanes, said Afghan and Pakistani military officials.

Afghan intelligence official Nusrat Ullah said negotiators were working out the final surrender terms for the fighters. "We have received positive response from those tribal chieftains who are sheltering Omar and his associates in Baghran," he told The Associated Press by satellite telephone. "A breakthrough in this regard is expected soon."

Asked about the talks over Omar, Defense Secretary Donald H. Rumsfeld said in Washington that the United States would not approve of any negotiations "which would result in freeing of people who ought not to be freed," including those involved in terrorism or harboring terrorists.

"I know that the interim government is right on the same sheet of music with us, with respect to this. They want the Taliban caught," Rumsfeld said.

Also Thursday, American warplanes struck a "fairly extensive" al-Qaida compound and training ground near the eastern town of Khost, Gen. Richard Myers said at the Pentagon.

The base "has been a place where the al-Qaida goes to regroup" and is the same one struck by cruise missiles in 1998 in retaliation for the bombing of U.S. embassies in East Africa, said Myers, chairman of the Joint Chiefs of Staff. He did not comment on casualties or damage from the strike.

Bin Laden, chief suspect in the Sept. 11 terror attacks on the United States, is also indicted in the embassy bombings.

The Kandahar governor said his administration also was negotiating with Abdul Wahid, a prominent pro-Taliban warlord, for the surrender of his weapons. Wahid already has handed over some weaponry, Agha said.

Some Afghan officials have said Wahid's fighters are sheltering Omar, but this has not been confirmed.

Two flatbed 16-wheel trucks hauling large metal boxes of ammunition were seen Thursday arriving in the southern city of Kandahar from the direction of Baghran to be handed over to Agha.

It was not known if the weapons came from Wahid or from other Taliban weapons caches in the area that U.S. Marines have been finding and logging before handing them over to Afghan officials.



Associated Press

Deputy police chief of Kandahar, Haji Usta Nazar Jan, leaves with a load of police following a brief but heavy morning gunbattle in Kandahar on Thursday. The fight was reportedly between two police factions under control of divergent sides of the militia controling the city.

Scientists say pig cloning for humans would be disaster

BY PAUL RECER
AP Science Writer

WASHINGTON — As science moves closer to using pig organs for human transplants, some experts caution that the technique could transfer deadly swine viruses. Ethicists question the whole idea of using animals to make spare parts for people.

Two research teams announced this week that they have cloned piglets that lack one of two genes that prompt the human immune system to reject swine tissue. The next step is breeding or cloning that would eliminate the gene entirely from a strain of pigs.

In a world where more than 5,700 people in need of transplants die each year because of the shortage of donated organs, many researchers view pigs as a potentially unlimited supply source. By removing a gene that causes a swift and powerful rejection by the human immune system, researchers hope that pig organs could be made available to people.

But some experts caution that the whole field of xenotransplantation — transplanting tissue from one species to another — is fraught with infection risks, both to the transplant recipients and, perhaps, to other humans as well.

Pigs are known to contain what are called porcine endogenous retroviruses or PERVs — viruses that evolved with the swine over millions of years and now are part of the animals' genes.

The viruses do not affect the pig, but what would happen if the animal's organs are transplanted into humans? Perhaps nothing, or perhaps it could lead to a whole new disease, say some experts.

"This is a recipe for disaster," Alix Fano, head of the Campaign for Responsible Transplantation, an organization of scientists and doctors opposed to xenotransplantation. "Pigs are a reservoir of viruses and we have no idea what their organs would do if transferred to humans."

Others agree that swine viruses are a serious, complex problem with no clear solution presently, but they believe science will find a way.

"That is a genuine concern. There is a risk," said George J. Agich, chairman of bioethics at the Cleveland Clinic. "The ethical question is whether there is a risk to the general population from a procedure that would benefit a single individual. But we have at our disposal scientific means to determine if that risk is reasonable."

Until then, he said, "we should be extremely cautious. We may be talking about decades before we can roll out this technology (xenotransplantation)."

Some studies in which humans were exposed to pig cells have suggested that PERVs do not infect human cells. But critics say there are many other examples showing that some retroviruses that are harmless in one species become virulent killers when transplanted into other humans.

Kids will testify in parents' deadly fight at hockey game

BY DENISE LAVOIE
Associated Press Writer

CAMBRIDGE, Mass. — A father on trial for beating a man to death at a youth hockey practice was defending himself from a "sucker punch" thrown by the victim, a defense attorney told jurors Thursday.

But prosecutors said Thomas Junta, a 6-foot-1, 270-pound truck driver, lunged at the 160-pound victim, pinned him to the ground and repeatedly pounded his head to the floor until he lost consciousness.

"Everything in life is not always as it seems," defense attorney Thomas Orlandi Jr. told jurors during opening statements. "I promise you today that there are two sides to every story."

Junta, 42, is charged with manslaughter in the death of Michael Costin, 40, who died after an argument over rough play at a skating rink in Reading, just north of Boston.

Eleven children, ages 11 to 15, who saw the fight on July 5, 2000, are on the prosecutor's list of potential witnesses, including the mens' sons.

Junta concedes he became incensed when he saw "hitting, fighting, slashing" during his 10-year-old son's stick practice, Orlandi said. Junta yelled for Costin, who was supervising on the ice, to control the game.

As the practice ended, Junta claims a player threw an elbow at his son's head. After Junta escorted his son to the locker-room, Junta and Costin had two physical confrontations.

Costin walked past Junta after the practice and said something to him about hockey being rough. Junta swore at Costin, and a fight started.

The defense claims Costin, who stood 6-foot-3 in his hockey skates, thrust his chest into Junta and cut him on his face, neck and shins with his hockey skates. The fight was broken up and Junta left the rink, only to return a minutes later.

Prosecutors contend Junta lunged at Costin, knelt over him and repeatedly punched him.

"Some of the witnesses will tell you they saw Mr. Costin attempting to avoid the blows by turning his head to the right but that the blows continued to hit him," Assistant District Attorney Sheila Calkins said.

Middlesex Superior Court Judge Charles Grabau said he would allow the jury to see photos taken just before Costin's autopsy, but put off a decision on whether to allow photographs of Costin's internal injuries.

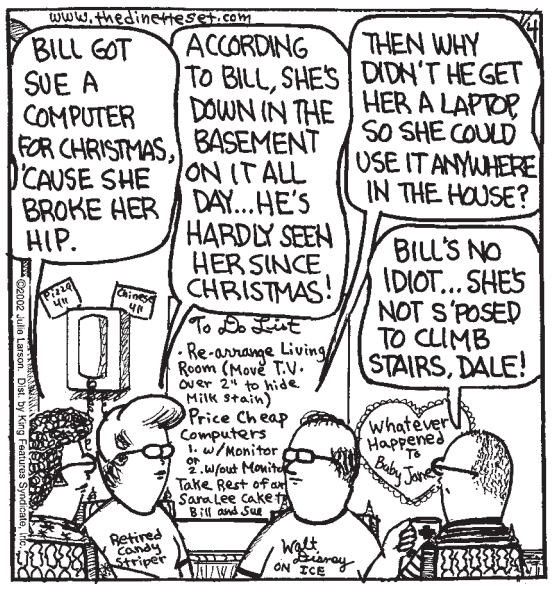


Associated Press

Thomas Junta, 42, of Reading, Mass. stands in Middlesex Superior Court in Cambridge, Mass. on Thursday. Junta is accused of causing the death of Michael Costin when the two men fought in a disagreement over a youth hockey game in July, 2000.

COMICS

The Dinette Set by Julie Larson



Natural Selection®

By Russ Wallace



"Herb, it's time for a diet. You're starting to develop your own gravitational field again."

edge City

by TERRY & PATTY LABAN



Reality Check®

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CROSSWORD

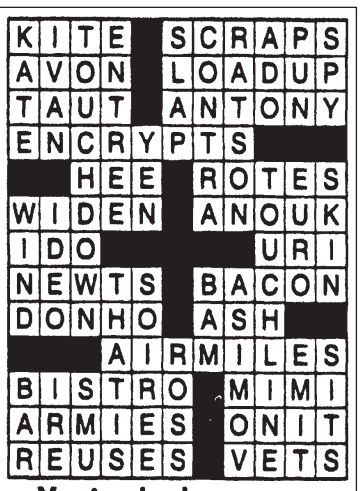
By THOMAS JOSEPH

ACROSS

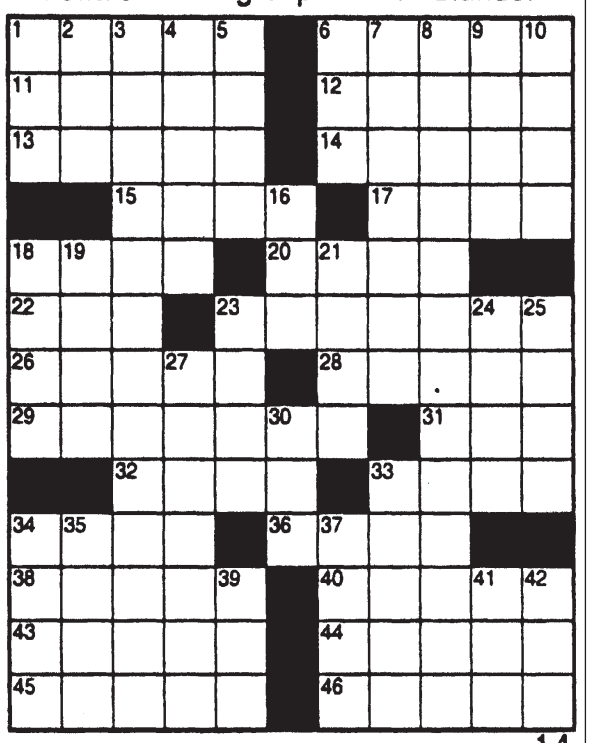
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11 "— of Two Cities"
12 Single
13 Valletta's land
14 French resort
15 Nut for drinks
17 Pound of poetry
18 Whirl
20 Carmaker Karl
22 Bad review
23 Old documents
26 Protractor's measure
28 Clarifying phrase
29 Firmness
31 Take to the slopes
32 Painted metal
33 Rung
34 Horse check
36 Asian native
38 Spanish hero
40 Game leader
43 Hog rider
44 Weatherman Al
45 Pert
46 More lowly

DOWN

1 "Cheers" character
2 Greek vowel
3 Canes' cousins
4 Singer John
5 Genuine
6 Shade
7 Make bitter
8 Bar items
9 Burn
10 Writer Ferber
16 "Nightline" network
18 Practice in the ring
19 Window piece
21 Sight from Buffalo
23 Broker's advice
24 Map marking
25 Salon sound
27 Wild ones
30 Dachshund doc
33 Pacific island group
34 Yanks' foes
35 Lamb pseudonym
37 Cook's ingredient
39 Parched
41 Show box letters
42 Blunder

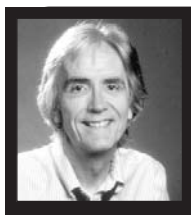


Yesterday's answer



1-4

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NEWS OF THE WEIRD

by Chuck Shepard

Man shoots wife, blames death on police

Howard Strumph filed a lawsuit in September against the Voorhes, Pa., Poli e Department, claiming that they were responsible for his wife's death in 1999 because they failed to enter the family home quickly enough to save her. The reason the police were reluctant to enter was because Strumph had just shot Mrs. Strumph, along with a handyman the couple employed, and police thought they might be in a standoff with a homicidal man. (Strumph later showed he intended only to shoot the handyman, whom he saw attacking his wife, but he was unsteady when he fired from his wheelchair and accidentally hit his wife.)

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BACK PAGE

Lack of copyright ownership continues to irk artists

BY RON HARRIS
Associated Press Writer

SAN FRANCISCO — Don Henley and The Eagles were flying high on chart-topping record sales in the 1970s with hits like "Take It Easy" and "Take It To The Limit." Henley bought his parents a television with part of his first advance, and began cashing in on rock stardom.

"Desperado" more aptly describes Henley's mood these days as he battles the record industry over "works made for hire" agreements in which artists sign away the rights to nearly all music they perform under contract.

"When an artist such as myself makes an album, and turns that album into a major record company, that record company assumes both ownership and authorship of that master," the headstrong rocker explained in an interview with The Associated Press.

"They didn't create it. They didn't even pay for it in most cases," Henley complained. "But they claim that they are the author of that particular body of work which is sort of ridiculous when you think about it."

The U.S. Copyright Office defines a "work made for hire" as one "prepared by an employee within the scope of his or her employment" or "a work specially ordered or commissioned for use as a contribution to a collective work."

The record labels' position is that nearly all sound recordings contribute to a collective work and, unless otherwise specified in a contract, they own the rights to the valuable master recordings indefinitely.

That legal argument is a key element of the recording industry's claims in the Napster case, where record labels have submitted certificates of copyright ownership to the "works made for hire" they are suing to protect.

Henley now heads a group called the Recording Artists Coalition, which filed a friend of the court brief in the Napster case, urging U.S. District Judge Marilyn Hall Patel not to accept the industry's broad claims of "works made for hire" authorship.

The artists' coalition wants the labels to submit specific proof copyright ownership of each work, thus setting the groundwork for future legal battles to determine who truly authors sound recordings produced under contract.

Record labels count on long-term ownership of top-selling songs to create revenue to finance the search for new music and cultivation of new bands. Labels pay to develop artists, rent studio time and produce and promote successes as well as failures, says Cary Sherman, general counsel for the Recording Industry Association of America.

"It's the rare successes that finance the 90 percent that fail to make it," Sherman said. "Having the ability to capitalize on the catalog of survivors, the catalog of albums that continue to sell, is what makes the system continue to work."

Henley argues that such financial risk is also shared by artists who stake their careers on relationships with major labels such as Sony, Warner, BMG, EMI and Universal — the Big Five of the record industry.

"We take a risk every time," Henley said. "We risk being dropped from our contract. An artist gets one, maybe two strikes, then you're out. Whereas, record companies go on forever."

Originally, sound recordings were never considered to actually be published, according to the U.S. Copyright Office. Out of concerns over international piracy, record companies decided federal copyright protections would be to their advantage and sound recordings became eligible for copyright in 1972.

Copyright law was revised in 1976 (becoming effective in 1978) and sound recordings remained covered, but "works made for hire" was included as an exception to copyright termination.

Rights to sound recordings created under this definition don't have to relinquished by major labels. Sound recordings not falling under this definition can be reclaimed by performers 35 years after first publication.

The pickings for artists looking to reclaim their works may be forever slim if the "works made for hire" definition remains the same.

"Reasonable minds can differ as to whether your typical sound recording qualifies as a work made for hire," said David Carson, general counsel for the U.S. Copyright Office.

An amendment to copyright law was squeezed through in 1999, officially defining sound recordings as "works made for hire." Artists protested the move, even though it had been industry practice to consider recordings as such for years.

"What was a non-issue three years ago became an issue when the law was amended," Carson said.

The amendment was repealed in 2000 after Capitol Hill Subcommittee testimony from Henley, other artists and legal experts.

Despite the disagreements and uncertain future of the music business, Henley says the changes he seeks are worth fighting for now.

"I have a son and two daughters who might be in the music business. I don't want them to have to work as hard as I did," Henley said. "These songs that we write are like our children. It's personal."

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