

Santa Monica Daily Press

A newspaper with issues

Phones will ring for tax increase opinions

New tax would net more than \$6 million for district

BY ANDY FIXMER

Daily Press Staff Writer

Chances are if you live in Santa Monica or Malibu, someone from the school district may be calling you in the next week.

School officials want to know if residents will support a tax increase to pay for the faltering school district, which is facing a multi-million dollar shortfall.

Beginning tonight, the Santa Monica-Malibu Unified School District will conduct a poll of residents over the next week to gauge support for its parcel tax proposals.

The three schemes residents will be asked to rate include an annual flat tax of

\$225 for every property, a \$60 flat fee on properties with a 7-cent assessment for every square foot of improvements, or a \$110 flat property fee with a 5-cent assessment per square foot.

An owner of a 1,000-square-foot condominium would pay \$225 under the first proposal, \$130 under the second and \$160 under the third.

Each plan exempts residents over 65 years old and each would net the school district between \$6 million to \$6.5 million annually for six years. Officials say the money would be used exclusively to fill the projected \$11 million in state funding cuts slated for the school district next year.

To make up for the remainder of state cuts, the school district will have to make deep budget cuts and raise fees on many

See TAX, page 5

Rent Control Board sees profit in 'shack in the back'

Landlord argues board can't charge for non-rented units

BY DAVE DANFORTH

Daily Press Staff Writer

A leading Santa Monica landlord attorney has raised eyebrows in City Hall because a home he called an unrented "shack" is housing a woman.

The discovery came Dec. 19 when a city investigator visited a Yale Street home to check on a request by Gordon Gitlen, its owner, to remove it from the city's list of rent controlled residences. Gitlen had said the unit wasn't being rented, and called it a "shack" in a court statement. He said the structure has been used to house a "caretaker."

Gitlen said he wasn't collecting rent from the tenant, who refused to talk to the investigator. The current city file on the



Carolyn Sackarison/Daily Press

This shack located at Yale Street and Santa Monica Boulevard appears to be accommodating a tenant, but the landlord insists it is vacant. The issue will be decided by a Santa Monica judge.

property includes a photograph of the modest residence with a sleeping dog outside. Under current rent-control guidelines, the 800-square-foot unit would rent for \$312.

See SHACK, page 6

Shadow dancing



Seth Kotok/Special to the Daily Press

Hundreds gathered around the skate park at Venice Beach on Sunday to watch roller skaters get their groove on to some late '70s disco tunes. The warm temperatures attracted thousands to the boardwalk this past weekend, making the crowds at the beach look like it was summer.

Malibu wildfire threatens homes as Santa Anas blow

BY ANDREW BRIDGES

Associated Press Writer

MALIBU — A 1,200-acre wildfire stoked by fierce Santa Ana winds threatened hundreds of homes Monday in the hills overlooking the Pacific Ocean.

An estimated 250 homes were at risk, said Los Angeles County Fire Department spokeswoman Maria Grycan. Two homes were damaged, along with a car.

"Right now the wind is the most dangerous aspect of this," Grycan said as flames danced around homes, some protected by green lawns, others by fire engines.

The cause was under investigation, but it is believed a downed power line sparked

the blaze, Inspector Mike Brown said.

It broke out at midmorning in the Trancas Canyon area near the west end of 27-mile-long Malibu and quickly moved northwest at a speed of more than 3 miles per hour, said Los Angeles County Fire Capt. Brian Jordan. It was less than 10 percent contained by 7 p.m. as it continued to jump from ridge to ridge, burning its way up the coast.

A mandatory evacuation was ordered for Encinal Canyon and a voluntary evacuation was urged for Decker Canyon, said sheriff's Lt. Phil Abner.

About 100 people left their homes. They

See FIRE, page 5

'Weapons of mass destruction' voted 2002 word of the year

By The Associated Press

ATLANTA — A long-winded phrase whose meaning reflects a nation's worry about war with Iraq has been voted 2002's word of the year.

The American Dialect Society selected "weapons of

mass destruction" as its annual choice at a meeting in Atlanta.

"The term goes back 50 years, but you can't turn on the radio or television without hearing about 'weapons of mass destruction,'" said Wayne Glowka, an English professor at Georgia College & State University who is

also chairman of the society's new words committee.

The society made its selection Friday.

Most of the words nominated by members of the society reflected the looming threat of war with Iraq or the suffering economy, Glowka said.

See WORD, page 9

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HOROSCOPE

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★★★★★-Dynamic ★★★★★-Positive ★★★-Average
★★-So-so ★-Difficult

♈ ARIES (March 21-April 19)
★★★★★ A close associate stretches and reaches out for you. Can you say "no"? Do you want to say "no"? You probably won't need to do any heavy soul-searching to come up with your answer. Spontaneity adds adventure, to say the least. Tonight: Vanish, if you want.

♉ TAURUS (April 20-May 20)
★★★★★ Friends seek you out, but one special person has you on his or her mind. Ditto — you, too, have this person on your mind. Take action to make a relationship happen. If you're attached, schedule a date for the near future, if not right now. Tonight: Do what makes you happy.

♊ GEMINI (May 21-June 20)
★★★★★ Someone clearly smiles upon you. You can do no wrong. Reach out for your goals. Touch base with an adviser or boss. You could be delighted by what you hear. Review recent decisions with someone in the know. By opening up and exploring, good will increase. Tonight: Make a must appearance.

♋ CANCER (June 21-July 22)
★★★★★ If you approach work with the concept that someone always has a better idea, you cannot go wrong. Incorporate different concepts, and you will tighten up a project. Seek out experts. Keep looking for others. Tonight: Try something different.

♌ LEO (July 23-Aug. 22)
★★★★★ A partner or key colleague brags about you, which actually might be a bit uncomfortable, even for the big Lion. Let your imagination and creativity come forward. You feel as if nothing can stop you. That's true. The only obstacle is you. Tonight: Let romance happen. You don't need to orchestrate it.

♍ VIRGO (Aug. 23-Sept. 22)
★★★★★ If you're the smart Virgo, you'll allow others to come to you, rather than vice versa. You'll find you get what you want that way, especially on the emotional front. You can afford to be generous and forgiving. You find out a lot quickly. Tonight: Use care with a grumpy family member.

♎ LIBRA (Sept. 23-Oct. 22)
★★★★★ You reach out for others. Indeed, you could be quite complimented by what someone shares. Though you might want to socialize the next few days away, you really need to buckle down and get the job done. Screen calls if needed. Tonight: Work as late as necessary.

♏ SCORPIO (Oct. 23-Nov. 21)
★★★★★ Your imagination could go haywire. No one knows as well as you how much trouble you can get yourself into. Loosen up and try to direct this high energy where it might improve your work or life. Be cautious with spending. Tonight: OK, be naughty for an hour or so!

♐ SAGITTARIUS (Nov. 22-Dec. 21)
★★★★★ Could you be the source of your own problems? Heaven forbid! All indicators point to self-sabotage right now, so you cannot be too careful. Consider your options more carefully. Tame that wildness. (Is that possible?) Tonight: Put your feet up.

♑ CAPRICORN (Dec. 22-Jan. 19)
★★★★★ Communication could become your specialty. Knowing when to put a conversation on the back burner can make the difference between success and failure. Don't be overly sensitive about a comment. Tonight: Out and about.

♒ AQUARIUS (Jan. 20-Feb. 18)
★★★★★ Indulge yourself, but remember that there is a tomorrow. Friends have a way of stirring up the pot and causing problems, which ultimately falls on you. Consider your options carefully, especially those surrounding an investment. Tonight: Pay bills.

♓ PISCES (Feb. 19-March 20)
★★★★★ Your personality could push an associate or friend away. You might be remorseful about this event, though not exactly sure how to handle it. Perhaps opening up and telling it like it is would work. Others respond to openness. Tonight: Clear out of work.

QUOTE of the DAY

"Truth is beautiful without doubt; but so are lies."

— Ralph Waldo Emerson (1803-1882)

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LOCAL



COMMUNITY BRIEFS

Keynote speaker for King celebration a familiar face

By Daily Press staff

Long time educator Sylvia Rousseau will be the keynote speaker for the Martin Luther King Jr. celebration in Santa Monica, which has become one of the largest events in Southern California.

The celebration of King's birthday is scheduled for Jan. 20 at the First United Methodist Church, located at 1008 11th St. at 9 a.m.

The event, which is free, is sponsored by the Martin Luther King, Jr. Westside Coalition, a nonprofit coalition whose missions are consistent with King's legacy. It is co-sponsored by Santa Monica College, the City of Santa Monica, and the SMC Associates.

The multi-ethnic, interfaith program will include inspirational readings, music, and presentations of scholarships and "Community Lights" awards. Immediately following the program will be a community involvement fair with informational booths of various community organizations.

The theme of this year's program is "Rev. Dr. Martin Luther King, Jr.: Soul and Spirit of the Man."

Rousseau, who has worked to raise expectations and academic achievement for all students, is the former principal of Santa Monica High School. She is currently District I superintendent of the Los Angeles Unified School District. Rousseau worked at Santa Monica High School from 1993 to 2000.

Under her leadership, the school boasted some of the highest SAT scores in its history, the Advanced Placement program was expanded with impressive results, and the dropout rate plummeted from 9 percent to less than 1 percent.

Rousseau has received many awards for her work, including the YWCA's Woman of the Year Award, Santa Monica Chamber of Commerce Woman's Business Council Award, and Peacemaker Award from a peace coalition cosponsored by the cities of Santa Monica and Malibu.

For more information about the event, call (310) 434-4308.



Sylvia Rousseau

City budget discussions begin

By Daily Press staff

As city officials begin their discussions on setting the budget for next year, many issues will no doubt arise since an \$18 million shortfall is expected.

The public is invited to attend a workshop to better understand the city's budget, which hovers around \$375 million. The first meeting is scheduled for, Thursday, Jan. 9, from 7-9 p.m. The second workshop is scheduled for Jan. 23, also at 7 p.m. The meetings will be held at the Ken Edwards Center, located on Fourth Street between Colorado and Broadway avenues.

City finance director Mike Dennis will lead the class, designed to inform residents about the budget development process, explaining the various parts of the city budget and how to read and understand the city's financial statements. The first public hearing for the 2003-2004 budget development process is scheduled for Jan. 14.

Enrollment for the workshop is on a first-come, first-served basis. The material and the courses are free. For more information, call (310) 458-8301.

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surf report

Information compiled by Jesse Haley

Dawn patrol should be clean with good size today when, at six o'clock, tides hit a moderate, three-foot low.

Venice, Playa and Manhattan locals will be stoked on the west-northwest swell. It arrived late Sunday and has plenty of energy left. Sources predict peeling, chest-to shoulder-high rights at the breakwater this morning.

Today another swell is due. With more west to its angle, at roughly 280 degrees, this new swell looks to put well-exposed spots in chest- to head-high surf again.

In general, water has cleaned up considerably since the rains. Bacteria levels are down to within official county Health Department limits, except for in Malibu, mainly at Surfrider Beach, where pollution remains a problem.



**Today's
Tides:**

High- 12:23 a.m. 3.82'
Low- 5:01 a.m. 2.52'
High- 10:57 a.m. 5.33'
Low- 6:20 p.m. -0.23'

Location	Tuesday	Wednesday	Water Quality
County Line	3-4'/Fair	2-3'/Poor	Not available
Zuma	3-4'/Fair	2-3'/Poor	Not available
Surfrider	1-2'/Poor	1-2'/Poor	F
Topanga	2-3'/Fair	1-3'/Fair	A
Breakwater	4-5'/Fair	2-3'/Poor	A
El Porto	4-5'/Fair	2-3'/Poor	A

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The Q Line

The city was sued on Friday for instituting a law that requires charitable groups to have permits from the Los Angeles County Health Department and the city in order to feed the homeless. The charities argue it's their constitutional right to hand out free food.

City officials say the law is designed to reduce significant public health risks that the meal programs create, as well as to attach the free food with Santa Monica's social services (the city spends \$2 million annually on homeless services).

But many believe politics played a role in the law's passing, which they say was

designed as a way to get rid of the homeless population here by inadvertently eliminating food lines in city parks.

So this week Q-Line wants to know:

"Do you think the new law is really about protecting the public, or is it to get rid of the food lines and subsequently the homeless?"

Call (310) 285-8106 with your response before Thursday at 5 p.m. We'll print it in Friday's paper. Please limit your comments to a minute or less; it might help to think first about the wording of your response.

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OPINION

LETTERS

Statements by lawyer absurd

Editor:

I found quotes in the story "Activists sue city over 'anti-homeless' laws" (SMDP, Jan. 4, 2003) quite alarming. In particular, I found the words of James Lafferty, Executive Director of the Los Angeles Chapter of the National Lawyers Guild, without legal merit, when he said "Santa Monica, to its everlasting shame, has made an immoral bargain with the devil."

To me, this is a completely outrageous statement, which, to the best of my knowledge, is not supported by case documentation, but, is indeed, based on his personal religious philosophy, or possibly his legal tactics. Hell, fire and brimstone have no place in the courtroom. This is just rhetoric of the most bombastic kind.

Don't fall for it.

Equally absurd is the quote of Paul M. Grymkowski, of HOPE, when he states "Santa Monica has always been known for its kind heart ... but the Council is collecting a whole lot of bad Karma that could be devastating to the city at some point." Bad Karma? Yikes, what are we dealing with here? This is nonsense, pure, unadulterated, nonsense. Don't fall for it.

Julia Reeves
Santa Monica

One of the city's elite homeless?

Editor:

Well, I managed to ignore the writings of Santa Monica's favorite homeless son, Charles Springer, for my entire holiday vacation. However, as life would have it, he's the first thing I see in the SMDP upon my return!

Now let me see if I have this correct, Charles. You're still homeless in Santa Monica after, what is it now, six years? You attend SMC. You write for the SMDP. And now, your friend who has "seen the type of person" you are has booked you on an all-expense paid

gig helping a business in China with its American clients?

Wow! There is so much here, I almost don't know where to start.

How interesting to me that a business (in a Communist country no less) would solicit a self-described homeless person to help them with their business (I'm assuming of course that you told them that which you never let us forget — namely that you are homeless). What could you possibly know about business that would help them? I know, they must be thinking about relocating to Southern California and you are going to show them where they can rent space so that their business won't suffer due to the homeless problem here. Or, maybe you are going to show them where to locate so that their business won't be negatively impacted by the inevitable passage of a "living wage" law. Or, maybe you are going to show them how their workers can live forever homeless in Santa Monica.

You said in your article that you have not seen any homeless in China yet. Hey Charles, you don't know "jack" about Communist China if you think that it's because a "Communist country takes care of its own." You see Charles, Communism only works when the people under its governance have no choice in the matter. The average person from China wouldn't be allowed to come to America for "10 days, all expenses paid," because unlike you, Charles, they are NOT free. Maybe you should take a few political science classes at SMC before you start implying that America should look to China for answers to our social issues.

Your piece in SMDP is called "From The Street." Admit it, Charles, you like being homeless. You view yourself as the elite of the homeless population (I attend SMC. I write for the SMDP. I am a voice for the downtrodden. I still live on the streets. I am the real deal!) We had a saying for people like you in college — "Better to be the King of losers than just a regular guy."

Oh, by the way, your friend who knows you so well and booked this gig for you — is he homeless too? If not, then why aren't you living with him until you have saved enough money to rent a room somewhere?

Get a damned job and off the streets!

Tony Street
Santa Monica



Sending a Hollywood representative for Iraqi issue a misstep in policy?



Todd Flora

be a famous actor? Because he's — shhhh! — "liberal?"

Those that vilify Mr. Penn's recent fact-finding mission target the fact that a liberal-leaning public interest organization paid for his trip. Never mind that the organization is, in part, dedicated to reporting what the all-too safe, "mainstream" American media often will not.

■ Why NOT send Sean Penn to Iraq to gain a citizen's view of what's really happening? Is Sean Penn any less capable of providing an account of activities in Iraq because he happens to

Never mind that they have attacked Republicans AND Democrats.

And last I checked, being liberal and opposed to this war is still not a crime — although I HAVE been away for the holidays. Did they make it one yet?

Critics also say Penn had no business taking on the role of a State Department official. Well, then would someone at the State Department please do it! In fact, if Secretary of State Colin Powell (who is of course perfect in every way!) and the administration have their mind so made up, then I say kudos to Penn for stepping up to the plate. Does Sean Penn not have a family he's concerned about too?

Further, Penn's fame probably contributed to increased public awareness of

the Iraq crisis among younger people. As ubiquitous as Iraq news may seem to you or me, many who pride themselves on not following politics — including many young people — may have gained an interest because they saw news of Penn's visit through an entertainment medium rather than through the "uncool" political news they avoid. I for one am appreciative that Penn was willing to be a microphone, regardless of the message itself.

Look, no one has it in mind to become an unwitting tool of an oppressive regime. And if Hans Blix hasn't found anything yet, do you think Rob Reiner or Ed Begley Jr. would have, simply because they are "issue savvy" celebri-

ties, vs. — apparently — "dumb" celebrities? If Iraq is able to hide its weapons so well, doesn't any watchdog possess an equal chance to look foolish?

The real story here is that as we prepare to send thousands of Americans in harms way, we sadly remain all too willing to crucify those that want to raise questions and do something about it. Please don't be that person.

Todd Flora is a former Steering Committee Member of the Human Rights Watch "Young Advocates," and former Special Assistant to then Lt. Governor Gray Davis. To respond or to reach Todd, e-mail him at junkfood6@aol.com



Evelyn Jerome

rather see Martin Sheen in the White House than that guy who's there now. But Sean Penn as Secretary of State? Recently the bad-boy actor took an all-expenses-paid trip to Iraq, courtesy of the left-wing Institute for Public Accuracy (IPA), a San Francisco-based think tank. In 1998, IPA called for Bill Clinton's impeachment for spending too much on the U.S. military, pursuing welfare reform, and building new prisons. IPA also has firmly denounced all sanctions and any military action against Iraq.

I'm not against celebrities sharing

their political views, when they hold them. But there are pitfalls they must avoid if they want to effectively make their point.

Unfortunately, American celebrities represent all Americans to the rest of the world. When John Wayne was the big star of the 1950s, the world thought we all spoke with a drawl. When Elvis rose to stardom, the world thought we all loved country music.

While we all have the right, as Americans, to say whatever we want about American policy, politically active celebrities should actually know what they are talking about. Ed Begley, Jr., knows his stuff on environmental issues. Rob Reiner and Arnold Schwarzenegger are both respected for their involvement

on behalf of schools and children.

Penn, on the other hand, is a political novice when it comes to foreign policy — the simplicity of his statements in Baghdad made clear that he opposes a war without knowing much about the factors that could lead to it.

Penn also stepped right into a trap that every statesman knows to avoid: His simple presence was abused by the state-run Iraqi media. Penn "confirmed that Iraq is completely clear of weapons of mass destruction," reported the Iraqi News Service, "and the United Nations must adopt a positive stance toward Iraq." Nary a word from Baghdad Sean denying that he had visited any of the UN-inspected sites.

Sean Penn's trip spoke to the world,

but what did it say? An actor known for hoodlum roles, on a trip funded by an anti-war organization, has declared that Iraq is free of weapons of mass destruction. Turn the ships around. Penn's trip was clumsy and manipulated by both the U.S. and the Iraqi media.

What's next? Maybe John Travolta, who's a jet pilot, can be Secretary of Transportation. Kate Moss can be Secretary of Health and Human Services — she must be healthy, she's a model!

(Evelyn Jerome is a past president of the Los Angeles County Young Democrats, and a member of the New Democrat Network. To respond or to reach Jerome, e-mail her at evelyn_thinktwice@yahoo.com.)

Opinions expressed are those of the writer and do not necessarily reflect those of the Santa Monica Daily Press staff. Guest editorials from residents are encouraged, as are letters to the editor. Letters will be published on a space-available basis. It is our intention to publish all letters we receive, except those that are libelous or are unsigned. Preference will be given to those that are e-mailed to sack@smdp.com. All letters must include the author's name and telephone number for purposes of verification. Letters also may be mailed to our offices located at 1427 Third Street Promenade, Suite 202, Santa Monica, 90401, or faxed to (310) 576-9913. All letters and guest editorials are subject to editing for space and content.

LOCAL



Some parents uneasy over school closing for two weeks

TAX, from page 1

services.

"The state government has basically reneged on making education a priority," said school board member Oscar de la Torre. "There's going to be lives affected by these decisions. Real lives are behind these numbers, and real jobs are behind these numbers. It's not an easy position to be in."

School officials are leery of even suggesting the new tax proposals since they've never been done before. The tax structures have only been used by a few cities and counties throughout the state, and have never been used exclusively for school districts.

The courts haven't even ruled yet whether or not taxes like the ones being considered are legal under the state's educational code.

"It's clear it's relatively new and there is little case law dealing with them," said Ralph Mechur, a volunteer on the school district's parcel tax committee. "With available information and our legal counsel, we are trying to make a prudent decision about a form of parcel tax that would be as acceptable to the residents and the courts that will at the same time provide substantial revenue to the district."

The school district was sent into an economic tail spin last year with the precipitous drop-off in state funding. As the legislature wrangles with closing California's \$35 billion budget deficit, the economic picture has only become more bleak.

The school board already has approved nearly \$4 million in budget cuts this year. But it still must find another \$3.5 million more by the end of the school year, which

ends on June 30.

School superintendent John Deasy has proposed that the state allow the school district to close for one straight week and then a succession of five Fridays this year. By not paying its employees during that time, the district could save nearly \$3.2 million in payroll.

The savings would prevent the school board from having to increase class sizes, cut academic programs, and eliminate more than 100 positions, Deasy said.

Deasy's proposal is still in the drafting stage, and the district's attorneys are determining if it's even legal. The school district would need a waiver from the state board of education to reduce the number of school days in the year, according to a spokeswoman for the state Department of Education.

"I think we have to consider everything we can do short of ending programs for students," Deasy said. "It's reprehensible what these state cuts mean to our kids."

However, some have said they are uneasy with the proposal. Parents question how the loss of days will affect middle and high school students who must pass state tests before they can graduate.

Other parents wonder how the school district can expect them to find daycare for their children while the school district is closed. And they ask what poor families who can't afford daycare will do with their children.

"There are a lot of issues that still need to be addressed," said Leslie Wizan, president of the Franklin Elementary PTA. "And as far as we know, nothing has been put in stone that this is what (the district) is going to do."

Downed power line suspected of sparking Malibu blazes

FIRE, from page 1

were directed to Malibu High School, where the Red Cross had set up a shelter, and evacuation points at two state beaches.

About 600 firefighters were at the scene, some rushing from as far away as Orange, Ventura, Santa Barbara and San Luis Obispo counties.

Tom Sprafke, 40, owner of one of the two Malibu homes damaged by the blaze, said after rushing home from work he began clearing brush surrounding his home with a chain saw.

He thanked firefighters for defending his home, then noticed smoke pouring through vents. Embers apparently flew in through a dryer exhaust vent and sparked a blaze that burned the second and third floors of the 3,200 square-foot house.

"Material things can be replaced, that's part of living in Malibu," Sprafke said. "You have 365 beautiful days a year, this is just one bad one."

Also burning Monday was a 150-acre fire in a rural area near Norco, 45 miles east of Los Angeles. An estimated five homes were damaged, said Joanne Evans, a Riverside County fire spokeswoman.

Jane Adams, 60, walked with her daughter along Pacific Coast Highway on Monday night to retrieve her car from her Malibu home. Adams said she and previous owners of her Malibu house rebuilt it after fires in 1942, 1956 and in the 1970s.

"Malibu people are stupid, they rebuild,"

said Adams, who has lived in Malibu for 27 years. "We do. We stick it out."

Adams said she and her daughter were walking back to protect the house overnight from embers that could ignite a wooden deck.

"I think we're lucky this time, now the brush will be all burned up. We'll have another 20 years," she said.

Maren Scaccia, 33, said she rushed home as soon as she heard about the fire to check on her 90-year-old grandmother who was visiting from Chicago. She was relieved to find her grandmother safe and the house spared.

The dangerous Santa Anas typically blow between September and February. In October and November 1993, the winds fanned fires that charred thousands of acres, killed three and destroyed 1,000 buildings in Malibu, Altadena and Laguna Beach.

The blaze in the Trancas Canyon area was the third since the northeasterly winds hit Southern California late Sunday. A 5-acre blaze in Latigo Canyon and a 10-acre blaze in Corral Canyon, both to the east of Trancas, were contained early Monday.

The two earlier fires caused no damage or injuries. The cause of those fires remained under investigation.

The National Weather Service warned they would last through Tuesday morning, with sustained speeds from 25 mph to 45 mph and gusts to 70 mph.

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LOCAL

Inspector's visit before trial called a coincidence

SHACK, from page 1

Gitlen is being sued by the Rent Control Board for more than \$1,000 in past-due annual rent control registration fees, and hefty late fees amounting to over 60 percent each year. He argues the rent control board shouldn't charge fees on units which aren't rented out. The board's policy is to charge the \$132 annual registration fee as long as the property is on its eligible list. But Gitlen is challenging Santa Monica's insistence that its fee ordinance applies to all rent-controlled homes, whether rented or not.

At issue is whether a "controlled residential rental unit," under city law, must have a rent-producing tenant in order to make it liable for the \$132 annual fee.

Commissioner Donna Groman, who heard the court case Dec. 20, hasn't ruled on it yet.

Gitlen is an attorney who serves as president of the Action Apartment Association, a group which backs landlord rights and opposes Santa Monica's rent control administration. Rent control has been a fact of life here since Santa Monicans for Renters Rights were elected as the city's ruling party in 1979.

Rent control can be run by city governments in California, although the state's Ellis Act regulates the circumstances under which homes enter and leave rent control. In 1995, the state legislature allowed owners of rent-controlled units to raise rents to market levels if a tenant leaves voluntarily. Before then, the rents were kept in check regardless of whether a vacancy occurred.

When rent control investigator Pete Savino visited Gitlen's "shack" last month, it was to check on the lawyer's request to remove it from the rent control inventory. The removal process takes 120 days, and the City checks on the units near the end of that period to make sure no one is being displaced. That's when Savino found a female resident "who stepped out of a back door." Savino said that when he identified himself, the woman referred him to Gitlen.

Gitlen was addressing Commissioner Groman in court when he referred to the Yale Street property as a "lot with a shack in the back." He said the lot, which he bought in 1989, at one time had a larger home there as well. But he won permission from the City to demolish the structure after it was damaged beyond repair in the 1994 Northridge earthquake. It hasn't been rebuilt, leaving only the "shack in the back."

"I don't need permission not to rent it," Gitlen insisted. "But I do to demolish it."

Gitlen charged that the city's late fees, which amount to 4 percent per month compounded, are "a little bit outrageous" and shouldn't apply to units which aren't rented. The city already allows landlords to pass on the \$132 annual fee to tenants in the form of an \$11 monthly fee, tacked on to the rent, for administration of the Rent Control Board.

The 4 percent monthly fee, compounded, amounts to 60.1 percent annually — an amount even Rent Control officials concede would make credit card companies green with envy.

"Rent control has been here since 1979, but that doesn't give the Rent

Control Board the authority to over-regulate the industry to the extent of deprivation of constitutional rights," Gitlen said.

The Rent Control Board is located in City Hall, where a staff lawyer said last week that the city won't withdraw anything from rent control "until we're certain none of the units are occupied."

Staff attorney Keith Kresge noted that there's no evidence the woman living in Gitlen's "shack" is paying rent.

"He's an attorney, after all. He knows the definition of 'rent' and 'tenant' and knows the procedure. He knows we're investigating on the 120th day," Kresge said of Gitlen.

Gitlen opposes rent control altogether, but his landlord rights group has won only modest victories since the advent of rent control here. His group successfully challenged Santa Monica's mandate requiring landlords to pay interest on tenant security deposits. An appeals court eventually agreed with his claim that such payments amounted to a "taking" or property without due process. Gitlen noted that landlords were unable to get banks to pay anywhere near the 3 percent the city mandated they pay tenants.

Gitlen claims that rent control, and the Ellis Act requirement of "relocation fees," create a black market in which tenants can offer to move out of rent controlled units in exchange for a multi-thousand-dollar payoff. His group maintains that government, not private owners, should provide low-cost housing.

Rent control cases are so politically sensitive in Santa Monica, Gitlen said, that his group chose to file its case in downtown Los Angeles rather than in Santa Monica's Superior Court. Kresge said the California Supreme Court refused to hear the interest payment case, letting the appeals ruling stand. He said settlement discussions are nearing conclusion.

In court last month, Commissioner Groman offered little in the way of hints on how she would rule in the politically-charged case. She did ask Marti Padilla of the Rent Control Board whether Gitlen should be required to pay if he "didn't realize" that his empty unit still carried the fee, and whether the city could exempt it "retroactively."

Padilla maintained that the city wouldn't lift the fee until the unit was successfully removed from rent control at the end of the 120-day application period.

Gitlen said he had assumed the vacant unit wouldn't carry the fee and didn't realize that his law office was automatically paying it. When he awoke to the charges, he declined to pay. Gitlen filed to have the "unrented" shack removed from rent control in August. Such a move requires a promise that it won't be rented in the future. The 120-day period since the application expired in mid-December. The Rent Control Board says Gitlen owes the controversial fee until the day the "shack" is successfully off its rent control rolls.

The visit of the City's Savino to the Gitlen property came the day before the fee case went to trial. But Kresge called that a "coincidence" and said the visit was timed for the end of the 120-day de-listing period and had nothing to do with the trial in the case.

STATE



Fierce SoCal winds blamed for fires, motorist's death

BY ROBERT JABLON
Associated Press Writer

LOS ANGELES — Fierce Santa Ana winds were blamed early Monday for a motorist's death and a house fire after gusts of up to 79 mph snapped trees, toppled power lines and charred Malibu hillsides.

More than 100,000 customers were left without electricity in Southern California after the winds began to blow Sunday night. The hot, dry Santa Anas were expected to rage through midday Tuesday. High wind warnings were issued throughout the region.

Warnings of high fire danger also were issued because of the winds, low humidity and a winter heat wave that sent temperatures into the 80s.

The winds blew over big-rig trucks on a freeway in Ontario. Wind-flung debris smashed through a car windshield and killed a man about 10:15 p.m. Sunday on a freeway in Riverside, said California Highway Patrol Officer Sean Cooper.

A downed power line landed on a home in the Eagle Rock area of Los Angeles, destroying the house and three cars within an hour before it was contained, said Fire Capt. Al Higginbotham.

More than 15,000 customers of the Los Angeles Department of Water and Power were without power by early morning. More than 150 poles were down and

80,000 Southern California Edison customers woke up without electricity in Los Angeles, Orange, San Bernardino and Riverside counties, company spokesman Paul Klein said.

That included an estimated 15,000 people in and around Arcadia, a foothill community east of Los Angeles where a mile of Live Oak Avenue was closed after 29 power poles were blown down.

"There was something of a domino effect that took place," fire spokesman Beth Stogner said.

Some morning commuter trains were expected to be delayed up to two hours because of power lines on the tracks, said Sharon Gavin, a spokeswoman for Metrolink.

Fallen trees blocked freeways in desert and foothill areas. In suburban Glendale, sparks from damaged electrical transformers caused at least six palm trees to catch fire.

In Malibu, several hundred firefighters found themselves battling two small fires in 50-mph wind gusts. About 30 homes were voluntarily evacuated before the fires were contained after burning 15 acres of brush.

On Sunday, hot weather broke several local records. Burbank sizzled at 85 degrees, breaking the record of 83 set in 1969, while Santa Barbara's 76 degrees was one degree above the 1958 record for

the day.

Temperatures in parts of Northern California also climbed. A record high of 70 degrees in Santa Rosa beat the 67 set in 1934.

In the San Diego area, a new record high of 82 degrees was set in Escondido and the temperature also rose to a record high of 83 in El Cajon.

Since Jan. 1, the National Weather Service has had a "fire weather forecast"

for Southern California, which exists when dry conditions and low humidity combine with winds higher than 25 miles per hour.

"It's dangerous out there," said Bill Hoffer, a weather forecaster with the National Weather Service.

The bout of weather is caused by a high pressure dome in the Pacific Ocean that caused heat to magnify in Southern California, Hoffer said.

Strap-on aircraft prototype to be sold on eBay auction

By The Associated Press

SUNNYVALE — Designers of a strap-on aircraft will sell their prototype in an online auction expected to exceed \$1 million.

The SoloTrek XfV, which made its maiden flight in December 2001, will debut Friday on eBay with a starting bid of about \$50,000, said Michael Moshier, chief executive of defense contractor Trek Aerospace.

The prototype can hover at speeds up to 69 mph for 100 miles, carrying a person who weighs up to 180 lbs. Two overhead engines lift the gas-powered machine, and a standing operator steers with a joystick in each hand.

The winner of the seven-day bidding war must promise not to fly the craft, intended for exhibition only. Moshier expects to sell the aluminum and titanium prototype, which was built initially for military use, to a museum or aviation enthusiast.

"It's a different kind of aircraft," Moshier said. "It has a tremendous amount of historical value."

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STATE

Metrolink derailed



An injured passenger is removed from the scene by Burbank firefighters Monday in Burbank. A Metrolink train carrying morning commuters smashed into a truck at a railroad crossing Monday, upending two passenger rail cars, killing one person and injuring 32. The victim was in the truck, which burst into flames.

Ric Francis/Associated Press

Gray Davis to focus on economy during next term

BY ALEXA H. BLUTH
Associated Press Writer

SACRAMENTO — Gov. Gray Davis begins his second term Monday, spelling out his plans to create 500,000 new jobs and repair the state's ailing economy.

Davis will focus on economic initiatives during his inauguration and will continue the theme during his Wednesday State of the State address and Friday when he unveils his budget.

Davis will call for worker training programs, press for money from the federal government to help bankroll homeland security efforts and unveil a plan to accelerate bond-funded projects to create new jobs.

All are just small pieces of a massive budget and economic plan to deal with a \$34.8 billion deficit.

"America needs a real economic plan that puts Americans back to work -- and I call on Washington to act," the governor said in an advance copy of the inaugural speech, titled "A California Worth Fighting For."

Davis also will call for eliminating "unreasonable regulatory hurdles and strengthen our small business environment" and to enable the state's aerospace and defense workers to lead new homeland defense technology.

"As Governor, I will bring an intense, unshakable focus to creating new jobs and I will direct every resource at my command to re-energizing our economy," Davis said in the prepared text.

Aides divulged the economic plans during previews of the trio of major policy speeches Davis will deliver. They did not, however, provide details on the expected tax increases and sweeping budget cuts

needed to fill the state's fiscal hole.

Davis enters his second term after a narrow victory in November while facing a historic budget deficit and the likelihood he will propose unpopular tax increases and cuts to programs.

"America needs a real economic plan that puts Americans back to work."

— GRAY DAVIS
Governor of California

In December, Davis proposed \$10 billion in midyear cuts to this year's \$99 billion budget and next year's budget, including deep cuts to health care programs for the poor and education.

Davis also is directing state agencies and local school districts to speed up the implementation of voter-approved bonds for schools and housing projects, which would create more jobs.

During the first day of inaugural festivities Saturday, Davis joined other statewide elected officials to help paint and clean up homeless facilities in Long Beach and Wilmington. He called on Californians to volunteer their time during these tough fiscal times.

Davis will be sworn in at noon Monday by California Chief Justice Ronald George at Sacramento's Memorial Auditorium. He then will host a barbecue-style "Celebrate California" party at the Sacramento Convention Center.

FIND OUT YOUR FORECAST IN TODAY'S
HOROSCOPE'S ... PAGE 2



Santa Monica Daily Press



NATIONAL



Study: Being fat at 40 cuts 3-14 years off your life

BY DAVID B. CARUSO
Associated Press Writer

PHILADELPHIA — People who are overweight at 40 are likely to die at least three years sooner than those who are slim, meaning that in terms of life expectancy, being fat during middle age is just as bad as smoking, researchers say.

The study was conducted by Dutch researchers and published in Tuesday's issue of the *Annals of Internal Medicine*.

Nonsmokers who were classified as overweight, but not obese, lost an average of three years off their lives. Obese people died even sooner. Obese female nonsmokers lost an average 7.1 years, while men lost 5.8 years.

Scientists have long known that overweight people have shorter life expectancies, but few large-scale studies have been able to pinpoint how many years they lose.

"This study is saying that if you are overweight by your mid-30s to mid-40s, even if you lose some weight later on, you still carry a higher risk of dying," said Dr. Serge Jabbour, director of the weight-loss clinic at Thomas Jefferson University Hospital in Philadelphia. "The message is that you have to work early on your weight. If you wait a long time, the damage may have been done."

For smokers, the results were even worse. Obese female smokers died 7.2 years sooner than normal-weight smokers, and 13.3 years sooner than normal-weight nonsmoking women. Obese male smokers lived 6.7 years less than trim smokers, and 13.7 years less than normal-weight nonsmokers.

The results were culled from vital statistics collected

from 3,457 volunteers in Framingham, Mass., from 1948 to 1990. The data were analyzed by researchers at Erasmus Medical Center and the University of Groningen in the Netherlands.

Obesity is defined as having a body-mass index of 30 or above. The index is a measure of weight relative to height. Healthy weight is a BMI of less than 25.

About two-thirds of U.S. adults are overweight or

obese, according to the Centers for Disease Control and Prevention. Studies have also shown that people are getting fatter, younger.

"The smoking epidemic in the Western world is waning; however, a new fear should be the increasing prevalence of overweight and obesity in young adults, which heralds another potentially preventable public health disaster," the researchers said.

Winners of American Dialect Society

WORD, from page 1

"All these words — Iraqnaphobia, regime change, weapons of mass destruction — they all have to do with worry about war with Iraq. So it hasn't been a very good year," he said. "Not as bad as last year, but certainly not an 'up' year."

Last year's word was "9-11" — pronounced "nine-eleven," not "nine-one-one" — for the terrorist attacks on New York and Washington.

The American Dialect Society, founded in 1889, has been choosing words of the year since 1990.

"There is no scientific method of determining which words or phrases will be named words-of-the-year," said Allan Metcalf, executive secretary of the group. "It's kind of like Time magazine determining the whistleblowers were the person-of-the-year. There is no objective way of determining it. It's all done with a show of hands."

The phrase "regime change" was voted most euphemistic, not so much for its connotations to Iraq, but

because people started using it to describe other changes of leadership.

"Like when a team fires a coach, they call it 'regime change,'" Glowka said.

There was only one nomination for 2002's most inspirational word: "embetterment," coined by President Bush. But even though it was the only candidate in that category, it was voted down because "people didn't want to encourage it," Glowka said.

Other words won superlatives from the American Dialect Society:

■ Wombanization, a synonym for feminization, won most unnecessary because it's hard to pronounce.

■ Neuticles, a brand name for fake testicles for neutered pets, was named the most outrageous word.

■ Blog, a log of personal events posted on the Web, was voted most likely to succeed.

■ Iraqnaphobia, meaning a strong fear of war with Iraq, won most creative.

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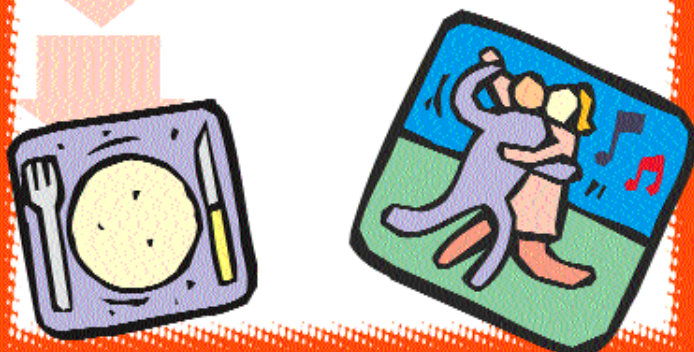
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NATIONAL

First day on the job



Susan Walsh/Associated Press

Incoming Senate Majority Leader Bill Frist, left, walks with Sen. Mitch McConnell, R-Ky., to Frist's office for a meeting with Senate Republican leaders Monday in the Capitol. Frist will take over as Majority Leader when the 108th Congress opens today. Frist replaces Mississippi's Trent Lott, who resigned the post after he made remarks some found racially insensitive.

Former mining town put up for sale for \$3.2M

By The Associated Press

PLAYAS, N.M. — A community center, an airstrip, 259 homes and over 1,000 acres of nearby land? \$3.2 million. Owning a once-humming mining town in a remote corner of New Mexico? Priceless.

Playas, a virtual ghost town since Phelps Dodge Corp. halted operations at a nearby copper smelter in September 1999, has been put up for sale by the mining giant.

The 640-acre town was built between 1974 and 1977 to house smelter workers. Now it's home to a few renters and a small crew kept on at the smelter.

"It's really a beautiful place to live, beautiful panoramic views," Phelps Dodge spokesman Richard Peterson said.

But Playas, west of the tiny village of Hachita in southwestern New Mexico, is far from just about everything. Groceries can be bought in Lordsburg, 35 minutes away by car. The nearest movie theaters are in Silver City, a 75-minute drive, and Deming, about an hour away. The nearest mall is in Las Cruces, a two-hour drive.

"I think it will be a hard sell," said smelter superintendent Tommy Townsend, who oversees the town's maintenance. "We're a long way from anything."

There are a few amenities: a community center, airstrip, fitness center, a bank that opens on Fridays, a post office, fire station and medical clinic with its own ambulance. Playas has a rodeo arena, two tennis courts, two basketball courts, baseball diamonds, a bowling alley and two churches. The sale includes 1,200 acres of surrounding land.

"We're looking at it from the standpoint of here's what's here. You can do what you like with it," said broker Nick Balich of Scottsdale, Ariz.-based Russ Lyon Realty Co., which is marketing the property.

The sale has generated a "tremendous amount of interest," he said.

At its height, Playas housed about 1,000 people, Peterson said. Now there are about 100 residents who pay rent. A three-bedroom house goes for about \$250 a month.

Jody Bailey, who teaches school in Animas about 20 miles away, and her husband, Robert Bailey, the smelter's water treatment plant operator, have lived in Playas nearly two decades. They said the town's isolation cultivated a closeness that made neighbors seem like family.

"We like it here," Jody Bailey said. "If they turned it into a retirement community, we'd buy our house."

United Airlines cuts some fares to lure business travelers

By The Associated Press

CHICAGO — Hoping to draw more business travelers, bankrupt United Airlines cut fares sharply Monday for flights involving its two biggest hubs.

American Airlines and Continental Airlines largely matched the lower business fares. Delta Air Lines also has been revising its business travel prices recently.

United said coach fares with no advance purchase for direct flights to and from Chicago and Denver, as well as markets reached through connecting service in those cities, were cut by as much as 40 percent.

The fares on tickets purchased seven days in advance for the same flights are being cut as much as 70 percent, according to United spokesman Joe Hopkins.

Hopkins said the airline hopes the reduced fares on flights that do not require a Saturday night stay will attract business travelers.

"The key message for us is this is something we feel business travelers have been asking for," he said.

United filed for Chapter 11 bankruptcy protection Dec. 9, saying it was the only way to keep the world's No. 2 airline flying after two years of heavy losses.

INTERNATIONAL



U.N. nuclear agency gives N. Korea another chance to cooperate

BY GEORGE JAHN
Associated Press Writer

VIENNA, Austria — The U.N. nuclear agency decided Monday against reporting North Korea's defiance to the Security Council, giving the isolated communist country another chance to abandon its covert weapons program and readmit inspectors.

The United States welcomed the decision, which came amid a new diplomatic push to resolve the crisis. North Korea last month threw out U.N. nuclear inspectors and began reviving a nuclear complex that experts say could be used to produce weapons within months.

Reporting the North's defiance to the Security Council could lead to punitive sanctions or other action against Pyongyang.

If the North does not reverse course on its nuclear program, the International Atomic Energy Agency will turn to the council, IAEA general director Mohamed ElBaradei told a news conference after an emergency session of the agency's 35-nation board of governors.

"The matter will be referred to the Security Council" if North Korea does not comply, he said. "I hope (North Korea) will seize this opportunity. Compliance and not defiance is the way towards a solution."

The IAEA board did not mention the Security Council in the resolution it adopted Monday. The board demanded the North allow inspectors to return, restore surveillance equipment and seals that it removed from its nuclear facilities and give up "any nuclear weapons program expeditiously and in a verifiable manner."

The resolution did not set a deadline

for the North to reply. ElBaradei said he hoped for a reply "in the next few days." He said he would report back to the board in the "next few weeks, and I hope, by that time, I'll be able to report positively on cooperation" by the North.

"There is no deadline, but you see the words 'urgent' ... 'immediate.' Everyone understands it's days and not weeks" for North Korea to respond, agency spokeswoman Melissa Fleming told The Associated Press. The resolution was passed by consensus, without a vote.

Kenneth Brill, the U.S. delegate to Monday's meeting, called on North Korea "to reverse its current course, to take all steps necessary to come into immediate compliance ... and to eliminate its nuclear weapons program."

The North "has shown complete defiance towards its obligation under the safeguards agreement," ElBaradei said. "This is clearly an unsustainable situation and sets a dangerous precedent."

The White House praised the IAEA's decision not to take the standoff to the Security Council yet, citing a growing global consensus opposing North Korea's moves and the strength of the language in the resolution.

"The president views this as the appropriate course of action," said Ari Fleischer, spokesman for President Bush. "The nations involved in this decision today are very broad. ... It takes a lot of work to get condemned by Iran and Cuba and North Korea has done it."

"Everyone hopes this problem will be resolved soon," ElBaradei said. "Everybody is hoping for a diplomatic solution."

South Korean officials were meeting

Mourning the victims



David Guttenfelder/Associated Press

Family members of Avi Kotzer, 43, grieve over his Israeli flag-draped body at a cemetery in Tel Aviv on Monday. Kotzer died along with 21 others in a double suicide bomb attack in a crowded Tel Aviv neighborhood Sunday evening.

Monday and Tuesday in Washington with U.S. and Japanese officials to present a compromise plan. Japan's prime minister on Monday promised to help negotiate an end to the crisis.

South Korea also pressed Russia to help persuade the North to back down, and Moscow agreed to step up its contacts with Pyongyang. Defense Minister Sergei Ivanov said Monday that Russia wants stability on the Korean peninsula and called for "quiet diplomacy" to defuse tensions.

North Korea lashed out at the United States on Sunday, accusing it of trying to "disarm" the North by pressuring it to scrap its nuclear programs. The isolated country, stung by an energy crisis, insists it needs the power; Washington says the 5-megawatt reactor in question would produce a mere trickle of electricity and could

be used to produce nuclear weapons.

North Korea alarmed the world in October by admitting to a U.S. envoy that it had a secret uranium-based nuclear weapons program, in violation of a 1994 accord.

State Department spokesman Richard Boucher said Friday that Washington has no intention of negotiating with Pyongyang until it freezes its atomic programs in respect of the 1994 agreement.

Caught in the middle is the Vienna-based IAEA, which maintained two inspectors in North Korea until New Year's Eve, when they left after the North said they were no longer welcome. The agency has monitored a nuclear "safeguards agreement" with North Korea since 1992, when inspections and analysis suggested the North was concealing undeclared plutonium.

Different oil scenarios to consider if U.S. invade Iraq

BY H. JOSEF HEBERT
Associated Press Writer

WASHINGTON — If the United States invades Iraq, there could be oil shortages and gas lines — or an oil glut and falling prices.

Much depends on whether American troops can secure Iraqi oil fields and whether other producers continue the flow of oil uninterrupted.

In the growing drumbeat over war with Iraq, the Bush administration rarely mentions oil, even though Iraq has one-tenth of the world's oil reserves. But a military campaign almost certainly will have a major impact on world markets.

In the event of a war, Secretary of State Colin Powell said recently, "We would want to protect those fields and make sure that they're ... not destroyed or damaged by a failing regime on the way out the door."

The growing prospect of war, combined with the monthlong political strife in Venezuela that is hamstringing that country's oil production, already has caused unease among energy traders.

Last week, prices for crude to be delivered in February jumped to more than \$33 a barrel, 65 percent higher than a year ago. The average price of gasoline has risen steadily to more than \$1.40 a gallon. On Dec. 26, pump prices in several cities jumped by as much as 20 cents a gallon overnight.

World oil stocks have been tight and fell sharply last week, the Energy Department says.

"The loss of Venezuelan oil is beginning to hurt," says Robert Ebel of the Center for Strategic and International Studies. "What people are beginning to worry about is suppose the loss of Venezuelan oil continues when we intervene in Iraq."

Together, Iraq and Venezuela produce about 5 million barrels a day. Ebel and other energy experts wonder whether increased production from other countries will be able to make up such a shortfall.

With global production at about 76 million barrels daily, a loss of several million barrels could cause prices to soar, economists say.

U.S. officials emphasize that oil markets have changed dramatically since the 1970s, when Mideast supply disruptions led to fuel rationing, high prices and long lines at gas pumps.

Nearly 4 billion barrels of oil are in emergency stocks worldwide, including nearly 600 million barrels in a U.S. reserve. If withdrawn at 2 million barrels a day, the U.S. stocks could counter a disruption of 286 days, the administration told Congress this past summer.

"It's premature to say we're heading for any price spiral up or down," says Yasser Elguindi, an analyst with Medley Global Advisors in New York. "We have to see what kind of conflict emerges."

Among the scenarios outlined by economists:

■ President Saddam Hussein's government falls quickly, the Iraqi oil fields remain intact and the country's already dwindling oil exports — about 2 million barrels a day — disappear for a few months. Venezuela's exports resume and other countries, led by Saudi Arabia, boost production to make up any losses.

Prices briefly spike, as they did in the onset of the Gulf war in 1991, to more than \$40 a barrel, but within three months recede to normal levels or even lower with supplies plentiful.

■ An invasion meets stiff resistance, Iraqi oil fields are set aflame, production is disrupted elsewhere in the

Persian Gulf, global supplies fall by 6 million barrels a day. Emergency stocks cannot close the gap.

In such a case, oil prices could climb to \$80 a barrel and stay above \$40 well into 2004, halting the U.S. economic recovery and triggering a global recession, according to Ebel, whose group has mapped out a range of scenarios. There is gas rationing and lines at service stations.

George Perry, a Brookings Institution economist, analyzed a similar "worse case" possibility and forecast a potential loss of 7 million barrels a day, a tripling of crude prices and \$3 per gallon gasoline.

From all indications, the administration believes Saddam can be toppled without severe impact to oil flow, and some officials have even suggested clear, long-term economic benefit.

With Saddam gone, "you could add 3 million to 5 million barrels of production to world supplies," Larry Lindsey, then Bush's top economic adviser, said in September, suggesting a successful war "would be good for the economy."

The White House retreated from the comment and Lindsey was later replaced.

Economists agree that a revitalization of Iraq's decimated oil industry in a post-Saddam, more pro-Western atmosphere, could have lasting impact on global markets.

"A quick victory in Iraq followed by relative stability in the region could lead to increases in oil production capacity in Iraq, Iran and other countries, putting downward pressure on oil prices," Yale economist William Nordhaus recently wrote.

Iraqi oil experts maintain production could reach 3 million barrels a day within a year and double that in a decade — claims viewed by many as overly optimistic.



SPORTS

Officials overlook call in Giants-49ers Sunday match-up

By The Associated Press

NEW YORK — The San Francisco 49ers' 24-point comeback victory over the New York Giants ended with an officiating error.

The NFL said Monday that pass interference should have been called against the 49ers on the final play of the 39-38 thriller.

A botched field-goal attempt by the Giants ended Sunday's game, when New York was called for having an ineligible receiver downfield while holder Matt Allen attempted a pass. However, the league said that the pass interference that was ignored would have resulted in a replay of the down.

"How they missed that, I don't know why," Giants coach Jim Fassel said.

After a videotape review of the 41-yard attempt with six seconds left, NFL Director of Officiating Mike Pereira determined:

■ The Giants' Tam Hopkins, No. 65, lined up as the left guard and was illegally downfield on the pass. All three flags thrown by the officials were for that penalty.

■ Rich Seubert, No. 69 and normally a guard, lined up as an eligible receiver on the play. He reported to the officiating crew before the game that he would man that position on field goals.

■ 49ers defensive end Chike Okefor interfered with Seubert when he was attempting to catch Allen's pass. No defensive pass interference penalty was called.

"If defensive pass interference had been called," an NFL statement explained, "there would have been offsetting penalties (ineligible receiver against the Giants

and pass interference against the 49ers), with the down replayed at the original line of scrimmage, the San Francisco 23-yard line. Although time had expired, a game cannot end with offsetting penalties. Thus, the game would have been extended by one untimed down."

It was a cluttered ending to an exhausting game, but the 49ers didn't apologize Monday for their victory. After all, they're still convinced that Ahmed Plummer intercepted a pass by Kerry Collins two plays before the botched field goal.

When Pereira called 49ers coach Steve Mariucci to explain the league's statement, Mariucci's response was sarcastic: "Bummer."

Actually, Mariucci thought Okefor would be called for pass interference in the moments after the play occurred — but when no penalty was called, he joined his team in the celebration.

"That's the way it goes," Mariucci said. "What do you want me to say? Just like coaching and playing, in officiating, there's never going to be a perfect game."

Allen could not have spiked the botched snap, because it was a long snap. Pereira said the only time a player can spike the ball is when he takes the ball directly from the center.

Matt Bryant lined up to try the potential game-winning field goal, and the snap from newly signed Trey Junkin was in the dirt. Allen fumbled the ball, then made the desperation pass downfield to Seubert.

Pereira said the only other option would have been to throw to an eligible receiver.

The 49ers also couldn't understand why Plummer wasn't awarded an inter-

ception at the San Francisco 28 with 15 seconds left, though the league's explanation was more clear-cut on the play.

Plummer and Amani Toomer went down in a pile after Collins' pass, and Plummer appeared to have possession of the ball — to everybody but the officials in the replay booth, that is. Even the side judge threw his yardage-marking beanie, which typically signals a change of pos-

Murray's a Hall shoe-in; Will Sandberg, Smith, Carter?

BY BEN WALKER

AP Baseball Writer

NEW YORK — Eddie Murray is certainly headed to the Hall of Fame. With more than 500 home runs and 3,000 hits, there's plenty to put on his plaque.

So, will he have any company this summer in Cooperstown? All-time saves leader Lee Smith and all-around second baseman Ryne Sandberg hope so, and All-Star catcher Gary Carter could be real close when the election results come out at 2 p.m. EST Tuesday.

"I know I'm deserving," said Carter, who fell just 11 votes shy last year.

Murray is set to become the 38th person picked by the Baseball Writers' Association of America in his first year of eligibility. Steady Eddie is the lone switch-hitter in the 500-3,000 club, whose only other members include Hank Aaron and Willie Mays.

Murray, Sandberg and Smith are among 17 players on the ballot for the first time. Fernando Valenzuela also is on that list and so is Darryl Kile, the St. Louis pitcher who died of heart disease last season.

Kile was the third player to appear on the ballot early — in the rare cases when an active player dies, the customary five-year waiting period is waived and reduced to six months. Roberto Clemente and Thurman Munson were the others.

Carter, Jim Rice and Jim Kaat are among the 16 carry-over candidates. So are Bruce Sutter and Goose Gosage, hoping to someday expand the Hall's rank of relievers.

It takes 75 percent of the votes to be elected and join the current 254 members.

The reconfigured Veterans Committee, which is considering former manager Whitey Herzog, former players' union official Marvin Miller and many others, will

announce its voting results on Feb. 26.

Induction ceremonies will be held July 27 in Cooperstown, the small village in upstate New York.

Murray, currently the Cleveland Indians' hitting coach, was an eight-time All-Star first baseman. He finished with 504 homers and 3,255 hits in 21 seasons, playing his first 12 years with the Baltimore Orioles. In 1983, he homered twice in the clinching Game 5 of the World Series against Philadelphia.

Murray never led the league in hitting, homers or RBIs in a full season, was never an MVP and never was friendly with the media, the people who do the Hall voting. Still, his sheer numbers — posted mostly before baseball's offensive outbursts — should make him an automatic.

Sandberg was a 10-time All-Star for the Cubs and holds the record for most homers ever as a second baseman (277) and highest fielding percentage (.989) at the position. Pretty good Hall credentials, it would seem.

The 1984 NL MVP and a nine-time Gold Glove winner, Sandberg hit .285 lifetime. That's the exact same batting average that Alan Trammell had and, despite having some other very similar numbers to Sandberg, the Detroit shortstop was listed on just over 15 percent of ballots last year in his first try.

Smith recorded 478 saves and was a seven-time All-Star in 18 seasons. Too bad for him, he pitched in just four playoff games and was 0-2 with one save and an 8.49 ERA in them.

Carter is on the ballot for the sixth time, and has been getting closer each time. He was picked on 72.7 percent of the ballots last year, having gotten almost 65 percent in 2001, nearly 50 percent in 2000 and 34 percent in 1999.

"When I first came into this season, I felt that I had a chance to win this award if I played up to my potential and did what I knew I could do," Peppers said. "I was never focused on winning individual awards. I just tried to help the team out and do all that I could do."

"I thought that my suspension would hurt my chances at winning this award, because it seemed like everyone had forgotten me, because I wasn't able to play in the last four games. ... It feels good to win this award because it means that people noticed what I did this year."

How could they miss him? Peppers helped the Panthers leap from 1-15 in 2001 to 7-9. The defense went from an open-door policy to a stingy unit that ranked second in the NFL. Under new coach John Fox, Carolina had 52 sacks, behind only Philadelphia.

Peppers' AP's rookie of year

BY BARRY WILNER

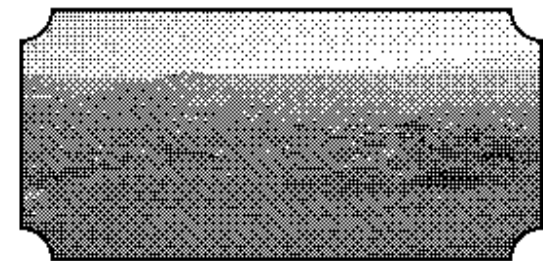
AP Football Writer

Not even a four-game suspension could stop Julius Peppers from winning The Associated Press NFL Defensive Rookie of the Year award Monday.

The Carolina Panthers' defensive end, the No. 2 overall pick in the draft, missed the last four games of the season for violating the league's drug policy. He took a dietary supplement that contained a banned substance.

Before that, he had 12 sacks, second among rookies to Colts end Dwight Freeney, who played the entire season to get 13.

Peppers, a former basketball star at North Carolina who gave up roundball to play football full time, received 25 votes from a nationwide panel of sports writers and broadcasters who cover the NFL. Freeney was next with 14.



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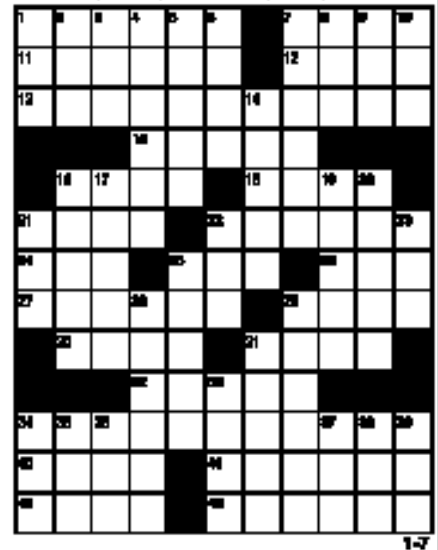
- ACROSS**
- 1 Belt sports
 - 7 Formal dance
 - 11 Matador's foe
 - 12 Region
 - 13 Become angry
 - 15 With fervor
 - 18 Highland group
 - 18 Paint application
 - 21 Wader, e.g.
 - 22 Stream
 - 24 Antique
 - 25 La Brea goo
 - 26 Pair
 - 27 Circus setting
 - 28 Classically
 - 30 Call for
 - 31 Storage niche
 - 32 Skier Phil
 - 34 Become angry
 - 40 Helper
 - 41 Singer Caruso
 - 42 Back
 - 43 New York's Island
- DOWN**
- 4 "Who cares?"
 - 5 Check for it
 - 6 Chimney grime
 - 7 Elementary particle
 - 8 Knock
 - 9 Summer sign
 - 10 Track trip
 - 14 Papia problem
 - 16 Powell of State
 - 17 Après-ski spot
 - 19 Supplement
 - 20 Seas the sights
 - 21 Full force

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Yesterday's answer

- 21 Bing's co-star
- 22 Spigot
- 23 Undoing word
- 25 The present
- 26 State of mind
- 29 Western range
- 31 Full force
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- 34 Remote
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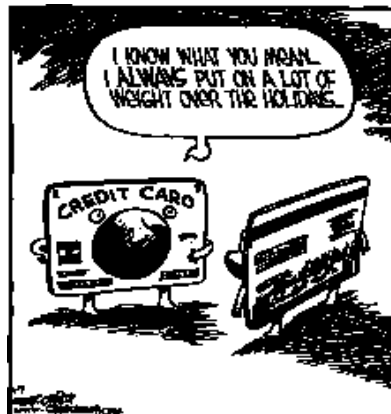
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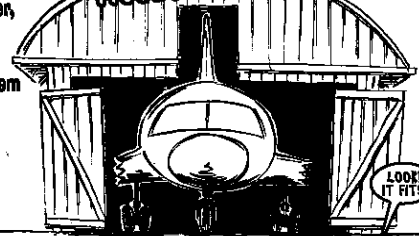
NEWS OF THE WEIRD by Chuck Shepard

University president admits to foul play

The president of Baptist-affiliated Gardner-Webb University (Boiling Springs, N.C.) admitted in September that he raised a star basketball player's grade-point average so that he would be eligible to play in the 2000-2001 season, during which Gardner-Webb won the National Christian College Athletic Association championship. (The president, Christopher White, resigned in October; the class that the player failed, for cheating, but which was not counted on his GPA, was in religion.)

Santa Monica's Museum of Flying to remain, reopen in smaller, rotating exhibits. -News Item

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100 Employment	400 Real Estate	

SANTA MONICA SCENE °CALENDAR EDITION

TUESDAY, JANUARY 7, 2003

TODAY

Ongoing support groups for people 55 and older. Current openings in, So, What Are You Going to Do With the Rest of your Life? Tuesdays, 10:00 to 11:30am. **Center for Healthy Aging**, 2125 Arizona Avenue. Sliding scale fee. Not drop-in groups. Phone interview required. Call Information and Referral. (310)576-2550.

BEREAVEMENT SUPPORT GROUPS AT SMC'S EMERITUS COLLEGE. Santa Monica College offers free bereavement support groups in the summer session through it's Emeritus College, a widely praised program designed for older adults. Two support groups will meet Tuesdays on an ongoing basis. One group will meet from noon to 1:50 p.m. and the other from 7 p.m. to 8:50 p.m. For information and registration, call Emeritus College at (310) 434-4306.

Crossroads Schools in Santa Monica invites local musicians (grades 3-7) to join orchestra rehearsals. Rehearsals are ongoing and are held each Tuesday of the school year, from 3:15 to 4:15. Students may join at anytime. Cost is free, students must bring their own instruments. 1714 21st Street, SM. For more information please call (310)829-7391

Senior Suppers - Discounted meals for people AGE 55 or older are served daily, from 3:30 p.m. To 7 p.m., in the cafeteria at Santa Monica-UCLA Medical Center, 1250 16th Street in Santa Monica. \$3.69 Info only: (310)319-4837.

Santa Monica College Emeritus College Band invites adult musicians who play a band instrument to join the band. Rehearsals are held each Tuesday evening in the Band room at Lincoln Middle School, 14th and California Streets from 7pm to 9:15pm, Concerts are given during the year. For more information call (310)474-5271.

Unurban Coffee House presents Stitch 'n' Bitch every Tuesday evening. Chicks, yarn, coffee & chat. 7:30pm to 9:30pm. 3301 Pico Blvd. (310)315-0056

Tuesdays With Books presented by the Santa Monica Public Library. New location, Ken Edwards Center, 1527 Fourth Street, Room 100. Tuesday, Jan. 7: Melting Pot Memories: The Rabinowitz Family Cookbook and Nostalgic History by Judy Bart Kancigor. Program starts at 1:30pm. More info: www.smpl.org/library/twb.htm.

WEDNESDAY

Farmer's Market every Wednesday. 9am to 2pm, Arizona between Second and Fourth Streets. Come and enjoy one of the largest and best farmer's markets in California!

Puppetolio! presented by the Santa Monica Puppet & Magic Center. All ages, 3 and up. This musical revue features marionettes, ventriloquism, magic and more. Shows are always followed by a demonstration, Q & A, and a tour of the Puppet workshop and Museum. Saturdays and Sundays at 1pm and 3pm. Wednesdays and Holidays at 1pm. Seats are \$6.50. 1255 2nd Street in Santa Monica. Reservations/Information (310)656-0483. www.puppetmagic.com

Santa Monica Public Library presents Preschool Story Time, every Wednesday at 11:15am, 1343 Sixth Street. Stories for children between the ages of three and five who are ready to participate on their own. (310)458-8600

Conversations with God study group in Santa Monica every WEDNESDAY night 7-8:30 pm, sequentially exploring and implementing the concepts of the "with God" books authored by Neale Donald Walsch. Meets in an ocean front condominium, donation \$10. For further information call Grant at (310) 399-8982.

Ongoing support groups for people 55 and older. Current openings in Parents of Adult Children. Wednesdays 2:00 to 3:30. Center for Healthy Aging, 2125 Arizona Avenue. Sliding scale fee. Not drop-in groups. Phone interview required. Call Information and Referral. (310)576-2550.

MOVIE °GUIDE

LOEWS CINIPLEX BROADWAY CINEMA

1441 Third St. at Broadway

About Schmidt (R) 12:40, 3:40, 6:40, 9:40. **Two Weeks Notice** (PG-13) 12:10, 2:40, 5:10, 7:40, 10:10. **Antwone Fisher** (PG-13) 1:00, 4:00, 7:00, 10:00. **The Hours** (PG-13) 1:20, 4:20, 7:20, 10:20.

MANN CRITERION

1313 Third St.

Harry Potter and the Chamber of Secrets (PG) 11:30, 3:15, 7:05, 10:30. **Treasure Planet** (PG) 12:00. **The Hot Chick** (PG-13) 2:30, 5:00, 7:45, 10:10. **Gangs of New York** (R) 11:15, 12:15, 3:00, 4:15, 7:10, 8:15, 10:40. **Narc** (R) 11:00, 1:45, 4:30, 7:15, 10:00. **Adaptation** (R) 12:30, 3:45, 7:30, 10:20.

AMC THEATRE SM 7

1310 3rd Street

Die Another Day (PG-13) 4:05. **Drumline** (PG-13) 12:30. **Maid in Manhattan** (PG-13) 1:40, 4:20, 7:25, 10:00. **Star Trek: Nemesis** (PG-13) 1:45, 4:30, 7:15, 9:50. **The Lord of the Rings: The Two Towers** (PG-13) 1:00, 4:45, 8:30, 9:20. **Catch Me If You Can** (PG-13) 12:45, 3:10, 4:00, 6:20, 7:10, 9:30, 10:15. **Analyze That** (R) 1:30, 7:00. **Chicago** (PG-13) 1:15, 4:20, 7:40, 10:20.

LANDMARK NU-WILSHIRE

1314 Wilshire Blvd.

Love Liza (R) 12:15, 2:30, 4:45, 7:30, 10:00. **The Pianist** (R) 12:30, 3:45, 7:00, 10:15.

LAEMMLE MONICA

1332 2nd St.

Pinocchio (NR) 1:45, 4:20, 7:00, 9:40. **Frida** (R) 1:45, 4:30, 7:15, 10:05. **Frida** (R) 1:45, 4:30, 7:15, 10:05. **Max** (R) 1:30, 4:35, 7:25, 10:05. **Far From Heaven** (PG-13) 1:30, 4:15, 7:00, 9:45.



BACK PAGE

Nearly one-third of workers have flexible schedules

BY LEIGH STROPE

AP Labor Writer

WASHINGTON — Scott Carver is a morning person who likes to get to work at DuPont early so he can leave while it's still light outside.

"I like to feel like I have a day left to do things," said the 32-year-old lab technician, whose daily commute from his home in the Detroit suburbs to Troy, Mich., takes about 45 minutes.

Carver arrives at 7 a.m., though the company's policy lets him start anywhere from 5:30 a.m. to 9 a.m., as long as he lets his supervisor know what schedule he wants to work a month in advance.

DuPont's flexible time policy started years ago to help employees with children, many of whom also had a spouse working for the company.

"Everybody appreciates it and uses it," said Carver, who drives in every morning with his wife, Jaime, an accountant for DaimlerChrysler. She also has some flexibility in her schedule.

"For people who have kids, it allows them to get them off to school or to day care. There's a lot of families that work there," Carver said.

Almost 29 million full-time wage and salary workers, or nearly 29 percent, have schedules that allow them to vary the time they begin or end their day while working 40 hours weekly, according to the Labor Department. But only about one-third of those employees work for companies with official flex time policies.

The proportion of workers with such schedules has grown slightly since 1997, when the department last collected the data. Then, 26.6 percent reported working flexible schedules. Just 15 percent had flex time in 1991.

Flexible schedules were most common among executives, administrators and managers, with 45.5 percent able to vary their work hours. Sales workers, at almost 41 percent, also benefited.

Men were somewhat more likely to work flexible schedules than women — 30 percent to 27 percent.

White workers (30 percent) were more likely to have such schedules than blacks (21 percent) or Hispanics (nearly 20 percent).

Moving beyond start and end times, the U.S. Chamber of Commerce and other business groups want to make it easier for employers to offer time off instead of overtime pay for employees who work more than 40 hours a week.

"Nothing prohibits employers from requiring as many hours as they want. The overtime pay requirement is the only thing that acts as a break on excessive work hours."

— VICTORIA LIPNIC

Employment Standards Administration, assistant secretary

Federal labor law requires that hourly private sector employees be paid time and a half for every hour worked beyond 40 hours a week. Compensatory time instead of overtime is not an option. Managers, supervisors, executives and professionals generally are exempted and do not receive overtime pay.

Legislation to make the changes sought by the business groups has been introduced every year in Congress since 1994.

Business groups, more encouraged now that Republicans control both the House and Senate, want to allow compensatory time for all workers if an employee chooses.

Legislation by Sen. Judd Gregg, R-N.H., the incoming chairman of the Senate Health, Education, Labor and Pensions Committee, would change the traditional 40-hour work week to a biweekly, 80-hour schedule. Workers could be scheduled to work a maximum of 50

hours in one week within the maximum 80 hours over two weeks.

Congress and the Labor Department need to "release private employers and employees from the strict overtime rules that presently restrict their ability to experiment with nontraditional, flexible work arrangements," said Bill Kilberg, a member of the Chamber's labor relations committee.

The Labor Department also is updating the white collar exemptions and expects to issue proposals early this year, said Victoria Lipnic, assistant secretary for the Employment Standards Administration.

"Most of those regulations have not been changed since 1954," she said. "We want to simplify them and clarify them so they have more applicability to today's work force."

Labor leaders are skeptical. They note that companies do not need new legislation to put flex schedules into practice and contend that a desire to avoid paying overtime wages is motivating business groups.

"Nothing prohibits employers from requiring as many hours as they want," said Christine Owens, the AFL-CIO's public policy director. "The overtime pay requirement is the only thing that acts as a break on excessive work hours."

She also could foresee efforts to expand the white-collar exemptions so fewer workers would be entitled to overtime pay.

In addition, labor leaders fear that workers, given a choice between overtime and comp time, would be pressured to take the time off.

Several large companies, including Wal-Mart, Best Buy, RadioShack, Starbucks, Borders and Pep Boys, have been accused of forcing employees to work unpaid overtime. Many have settled or lost lawsuits.

Labor leaders say allowing compensatory time off gives employers too much power — such as being able to cancel it at the last minute, restricting when it can be taken or cutting back on sick leave and vacation time.

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