

Santa Monica Daily Press

A newspaper with issues

DAILY LOTTERY

SUPER LOTTO

2 3 27 28 46
Meganumber: 24
Jackpot: \$10 Million

FANTASY 5

4 12 28 32 39

DAILY 3

Daytime: 6 8 7
Evening: 2 0 6

DAILY DERBY

1st: 04 Big Ben
2nd: 06 Whirl Win
3rd: 01 Gold Rush

RACE TIME: 1:45.96



NEWS OF THE WEIRD

BY CHUCK SHEPARD

Criminals who accidentally leave identification at the scene of the crime are (according to News of the Weird) "no longer weird," but it was nevertheless remarkable that on the night of Nov. 4, in Rapid City, S.D., two burglary suspects, in separate incidents, left ID behind. Both of them, Daniel P. Ader, 25, and Brian W. Crawford, 26, had apparently removed their pants, for different reasons, leaving their wallets. (Evidence suggested that the reason Crawford had removed his pants, after breaking into a law office, was to photocopy his genitals on the office copy machine.)

TODAY IN HISTORY

In 1945, during World War II, Allied supplies began reaching China over the newly reopened Burma Road.

In 1973, a cease-fire officially went into effect in the Vietnam War.

In 1980, six U.S. diplomats who had avoided being taken hostage at their embassy in Tehran flew out of Iran with the help of Canadian diplomats.

In 1982, Italian anti-terrorism forces rescued U.S. Brig. Gen. James L. Dozier, 42 days after he had been kidnapped by the Red Brigades.

QUOTE OF THE DAY

"Success and failure are not true opposites and they're not even in the same class; they're not even a couch and a chair."

LILLIAN HELLMAN
AMERICAN AUTHOR AND PLAYWRIGHT

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Few students are arrested under city's nighttime curfew law

BY JOHN WOOD

Daily Press Staff Writer

POLICE HDQTRS. — Since its inception nearly 12 years ago, Santa Monica's nighttime curfew has apparently been successful in keeping kids off the streets.

Just 19 juveniles were cited for violating the nighttime curfew in 2004, police said. Those numbers are down significantly from when the law went into effect in 1993. One-hundred-twenty-one juveniles were arrested on curfew violations in the first year, according to city records.

The nighttime curfew forbids youth from hanging out or congregating after 10 p.m. Sunday through Thursday, and after 11

p.m. on Friday and Saturday. Youth arrested for more serious offenses late at night often are not charged with curfew violations.

"The intent of the law is to control juveniles who have no business on the street other than loitering or looking to get into trouble," said Santa Monica Police Department Lt. Frank Fabrega. "If a juvenile, someone under the age of 18, is going from point A to point B, that's not an issue."

City Councilman Herb Katz, who was in office when the curfew was adopted, said he thought the law has been effective.

"I think it (the curfew) does put in some controls and keeps them

See **CURFEW**, page 5

LA County conducts homeless head count

Final tallies are expected in February

BY DIDIER DIELS

Special to the Daily Press

SUNSET PARK — Stepping onto the corner of 21st Street and Ocean Park Boulevard, 22-year-old Tyler Jones clutched his clipboard beneath wide eyes and a tight-lipped grin, oddly enthusiastic about the prospects of finding homeless people.

"Are they homeless?" Tyler asked, pointing out a middle-aged

couple walking their Labrador to his mother, Felica Jones. "They aren't, mommy? How do you know?"

"They have a dog," Felica Jones answered.

The mother-and-son team joined 61 other trained volunteers this week and combed the streets of Santa Monica as part of the first-ever countywide attempt to count how many homeless individuals really are out there.

The count, which lasted three days and ended on Thursday, was

See **HEADCOUNT**, page 5

SF moves toward far-reaching outdoor smoking ban

By staff and wire reports

SAN FRANCISCO — From the zoo to Golden Gate Park to the stadium where the hometown 49ers play, smokers in this tourism-driven city will soon find fewer outdoor places to indulge their habits.

An expansive smoking ban approved by San Francisco super-

visors this week prohibits lighting up in all city-owned parks, public plazas and sports facilities, except golf courses.

At least 11 other California cities, Santa Monica included, and a handful of jurisdictions in other states have enacted laws against outdoor tobacco use.

In Santa Monica, it is illegal to smoke in parks, near bus stops or

government buildings, or on the beaches and Santa Monica Pier. Violators can be given a \$250 ticket. Once fines, penalties and other court costs are totaled, out-of-pocket expenses can add up to \$750 or more, prosecutors said.

Other California cities like Davis and Berkeley have made it illegal to smoke at all public events, outdoor restaurant areas, in

lines for anything from movie tickets to ATMs, even within 20 feet of any smoke-free area — meaning nearly any sidewalk in a commercial area is off limits to tokers.

Still, anti-smoking advocates said none is as far-reaching as San Francisco's ban.

"San Francisco has been a

See **UP IN SMOKE**, page 6

Risqué maneuver



Nicky Five Aces/Five Aces Photo

Jeanelle Palmer, a 19-year-old sophomore cheerleader at Santa Monica College, goes airborne during a men's basketball game against West Los Angeles College on Wednesday. Santa Monica lost the game 70-59, and dropped to 9-12 overall and 0-6 in the Western State-South Conference.

Jacquie Banks

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Why not let go, Aquarius?

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)
★★★★ You might need to revolutionize your approach, or certainly bone up on facts and information. Detachment helps you zero in on what counts. Sharpen your intellectual gifts and make what you want a possibility. Tonight: Do only what you find relaxing.



TAURUS (April 20-May 20)
★★★★★ An associate or close friend serves as a muse. Consequently, you revise your thinking and approach. Creativity surges, and flirtation peaks. If you are single, someone zeroes in on you. Don't defer; rather, make your choice. Tonight: Spice up your relationship.



GEMINI (May 21-June 20)
★★★ Use a grounded approach. You might find someone close or a work associate singing a different tune suddenly. This person could be transforming right before you. Be open rather than judgmental. Accept changes. Tonight: Snuggle in.



CANCER (June 21-July 22)
★★★ A discussion surrounds new machinery or another option. You might have a natural resistance to this change. Recognize and accept a shortcut or a better approach. Don't let your naturally conservative side interfere with progress. Tonight: Hang out.



LEO (July 23-Aug. 22)
★★★★ You cannot help but risk in whatever arena you find yourself. Risk is the name of the game, but be careful just how far you go. Laugh, and others laugh, too. Relationships join in on today's roller-coaster ride. Tonight: You cannot help but let your hair down.



VIRGO (Aug. 23-Sept. 22)
★★★★ You know what you are doing, but there is no guarantee that others do. Know when to bail out and head in your own direction. Freshen up your immediate environment, be it a plant or a paint job. A roommate reverses gears. Tonight: Aim for what you want.



LIBRA (Sept. 23-Oct. 22)
★★ Knowing when to stay hush-hush and not share could be critical to your success. Others trust you, and you need to live up to that confidence, no matter how tempting spilling the beans might be. Don't make a big deal out of a change of plans. Tonight: Get some much needed R and R.



SCORPIO (Oct. 23-Nov. 21)
★★★★ If you need to, don't hesitate to revise your budget. Whether you are increasing the amount you are saving or just starting a new type of piggy bank, focus on what will be beneficial in the long run. Think "future." Tonight: You are the center of the party.



SAGITTARIUS (Nov. 22-Dec. 21)
★★★★★ Your ability to turn bad into good comes into play right now. A professional situation might demand your flex. Understand that you might not have a choice here. Know your boundaries, but respect others' as well. Tonight: In the limelight.



CAPRICORN (Dec. 22-Jan. 19)
★★★★ A thought pattern, fear or intellectual restriction could prevent you from achieving what you want most. Your creativity will surge once you dump self-imposed restrictions. Use an innate ingenuity as well as a trusted pal's insight to clear out a problem. Tonight: Kick up your heels.



AQUARIUS (Jan. 20-Feb. 18)
★★★★★ Working with a key person or loved one in your life can enable your ability to zoom in and get exactly what you want. Finances and an important relationship could be critical in this desire. Tonight: Why not let go and enjoy?



PISCES (Feb. 19-March 20)
★★★★ Others' take-charge attitude might push you and have you squirming. If you don't like it, get out. You are not going to change the situation at all. Pressure builds in all public and professional arenas. Tow your side of a responsibility. Tonight: Just go along for the ride.



AUDIT PENDING

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LOCAL



COMMUNITY BRIEFS

What planet are you on?

Daily Press staff

Residents can get a dose of something out of this world this month at Santa Monica College.

"A Year on Mars" is the name of the feature show at SMC's Friday night astronomy series scheduled for Feb. 4 and Feb. 18.

The show will take a look at what the roving robots, "Spirit" and "Opportunity," have helped scientists learn about the red planet over the past year.

Then on Feb. 25, Caltech geophysics professor David Stephenson will talk on "Earth's Mysterious Interior: The Earth's core."

The feature show and guest lecture are at 8 p.m. on Friday nights. Each is preceded by "The Night Sky Show," which re-creates the night sky and provides the latest information on space exploration. That will be held at 7 p.m.

The astronomy shows are held in the John Drescher Planetarium, which features the state-of-the-art Digistar projection system. It is located on the second floor of Drescher Hall, 1900 Pico Blvd. The guest lecture is in the science lecture hall, room 140.

Tickets are \$5 each or \$9 for the "double bill," with discounts for children and senior citizens. For information, call (310) 434-4223 or (310) 434-3000.

A whole lot of grossness going on at art institute

Daily Press staff

Have you really ever considered boogers, constipation or goosebumps in scientific terms?

If not, you and your children now have an opportunity to do so through an art collection on display at a Santa Monica-based gallery.

A collection of Keely's art is on display at The Art Institute of California's Los Angeles gallery, located on 31st Street. Line drawings and color illustrations from his published works, including the best-selling "Grossology" series are featured. The exhibit also includes rough sketches, drawings found on greeting cards, and "The Hairy Book," which may appeal to those wondering why their armpits smell, or are curious about Abraham Lincoln's beard.

Keely's illustrations get children interested in science and bodily functions that adults are not always comfortable discussing. The Grossology series of books have been called "edutainment," covering topics such as boogers, goosebumps, hiccups, constipation and warts — all explained in kid-friendly, scientifically correct terms. Grossology also was turned into a traveling museum exhibit, which was featured on CNN, the Wall Street Journal and NPR. The exhibit broke attendance records in three countries, and is currently on view at the Sci-Port Discovery Center, Shreveport, LA, and the Fresno Metropolitan Museum.

Jack Keely, an instructor in the graphic design department at the Art Institute of California, has written four books on art instruction and illustrated more than 30 published children's books, including the best-selling Grossology series.

The show will run at the gallery from now until March. The gallery is located at 2900 31st St.

The artist's reception will be held at the institute on Thursday, Feb. 3 from 6 p.m. to 8 p.m. Reservation are required.

Arlene Hopkins accurately described where last week's mystery photo was — a smoker's only receptacle on the Santa Monica Pier. Hopkins has won a gift certificate to Izzy's Deli. Check out the Monday edition for the next mystery photo contest.



SURF REPORT

Today and into Friday a new NW swell hits local beaches. Swell builds today, with size estimates pointing to chest-high surf for most west-facing breaks by mid-morning, and bigger by the evening.

This is a typical western Pacific originating system that formed near the Kamchatka Peninsula that has increased into a moderately sized fetch and maintained a low latitude course for 280-290 degree NW swell.

Write us at wood@smdp.com and tell us what the surf is doing today at your local break.

Today the water is:

60°

	LOW TIDES				HIGH TIDES			
	Morning	Height	Evening	Height	Morning	Height	Evening	Height
SATURDAY	12:51	2.6	2:33	-0.6	7:02	5.6	9:18	3.6
SUNDAY	1:28	2.5	3:02	-0.8	7:37	5.8	9:40	3.6
MONDAY	2:01	2.3	3:29	-0.7	N/A	N/A	10:03	3.7
TUESDAY	2:33	2.2	3:56	-0.7	8:42	5.9	10:27	3.8
WEDNESDAY	3:05	2.1	4:22	-0.6	9:13	5.8	10:51	3.8
THURSDAY	3:40	2.0	4:47	-0.4	9:43	5.6	11:17	3.7
FRIDAY	3:40	2.0	4:47	-0.4	9:43	5.6	11:17	3.7

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The Q Line

The issue of homelessness is complex, emotional and confusing for most people, especially here in Santa Monica, where the population is larger than in most cities.

The question of what to do about it remains unanswered. The City Council has begun its annual review of social-service programs aimed at getting people off the streets.

So this week, Q-Line wants to know, "How can Santa Monica better address the issue of homelessness here and throughout the country?"

Call (310) 285-8106 before Friday at 5 p.m. and we'll print your responses in the weekend edition. Please try to limit your comments to a minute or less. It might help to think first about the wording of your response.

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LETTERS TO THE EDITOR

City politics going to the dogs

Editor:

I read with interest regarding the dog beach run proposed here in Santa Monica and the City Council's haphazard blessing toward it (SMDP, Jan. 26, page 1).

I must say that after seeing the City Council webcast, I have never seen such hypocrisy within a governmental body in my life. I have never seen such an unbridled, smug and pious disregard for state law than I have seen with many of the council members, particularly, Councilman Kevin McKeown.

Not only is McKeown on record for attempting to skirt county and/or state law regarding the control of ground squirrels on the Santa Monica bluffs (which, along with the potential of carrying Bubonic Plague, could have caused the bluffs to slide during our rainstorms) but now he feels it is his position to thwart state law and do a work-around to achieve his and his "dog guardians'" own agenda of a dog beach. Furthermore, newly elected Councilman Bobby Shriver now appears to be using his political pull with his brother-in-law, Governor Schwarzenegger, to skirt state law as well.

The City Council passed the motion to look into the viability of a dog beach and recommended a pilot program that seemingly disregards all of the negative comments that surround the establishment of a dog beach on state-owned land. The city's staff report telegraphed its agenda by not including any studies or empirical testing as to the environmental and health and safety hazards associated with a dog beach in the area proposed.

We need a pilot program to determine how much poop goes into the ocean and how many beachgoers are inconvenienced and how many dogs attack birds and humans? Just because the dog beach people say it will work? Come on. Everybody knows that once this thing is instituted, it's there to stay. This rubber stamp has all of the appearances of a back room deal.

In all due respect to the council's backgrounds and lifestyles, it does appear few on the dais are intimate with Santa Monica's beaches or even use them on a semi-regular basis to recreate, exercise or bird watch, or even have a rudimentary knowledge regarding the fragility of our coastline and its habitat.

Instead of caving in to the a few vocal zealots that demand more and more of our city service's time and resources and advancing their own personal and political agendas by skirting state law, the council should stay focused on what this city's vast majority elected them to do. And, FYI, it is not dog beaches, hedge heights, or snubbing noses at the majority of folks in this great town that request accountability on how our money is spent.

Ben Jacobs
Santa Monica

Dogs don't belong on the beach

Editor:

After reading the article (SMDP, Jan. 26, page 1) about state level opposition to the recent City Council approved off-leash dog beach, I decided to write in support of Superintendent Ron Schafer and Roy Sterns of the State Parks and Recreation Department who rightfully disagree with Georja Jones (Unleash the Beach), Bobby Shriver, and all the rest of the Santa Monica City Council (who are not as politically recognizable and related to Arnold) and recently unanimously favored allowing the spoiling of a large portion our pristine beaches with hundreds of defecating, urinating, loud barking, free ranging, potentially threatening, annoying dogs, to the exclusion of all other responsible and respectable beach users, because of a number of good reasons, the least of which not being that nowhere has anyone presented even a minimal study, report, or any sound scientific evidence that to do so would have no environmental impact.

According to what we have read in past issues of your paper, Heal the Bay certainly has no love for Jones and company's ridiculous ideas to befoul with council approval Santa Monica's most treasured community and natural tourist attraction, and has openly stated that it will fight any efforts by council, Jones, and any idiot who bought into the bad concept of "Unleash the Beach." Schafer and Sterns are right to oppose any efforts to implement such a ridiculous idea that Jones put forth to the Santa Monica City Council airheads, who regularly "unanimously" rubber-stamp such important issues without first allowing any open community debate ever being held. Umamo, or Jones, or whatever you want to call yourself, dogs do not have rights. Rights and privileges are more properly reserved for humans. Dog owners do, however, have large responsibilities, which many of them choose not to accept, or otherwise disregard, like the person who thinks they are clever by always carrying a dog leash in hand while letting his or her dog roam everywhere along Main Street completely unrestrained, peeing and pooping anywhere it pleases, while decent people sit in front of fine restaurants dining, thus disrespecting business owners and patrons alike, and who never intend to clean up after their animals.

I believe that all such irresponsible pet owners should pay the city a substantial fee for an additional dog tag to generate adequate funding for the city to regularly pressure wash the stinky sidewalks, lamp posts, fire hydrants, etc. they have created all up and down Main Street regularly. And now Jones, you want your dogs, and any number of other dogs to roam freely, trashing out Santa Monica's community beaches? You are sick woman.

Don Johnson
Venice

DNC chair a ho-hum choice



HERE'S THE THING

BY LARA M. BROWN, Ph.D

Seven candidates flew in to Sacramento last Saturday from all over the country to meet with Democratic National Committee members and their honored guests. The list of candidates included former Vermont Gov. Howard Dean, former Representatives Tim Roemer and Martin Frost, former Ohio party chairman David Leland, former Denver Mayor Wellington Webb, and party activists Donnie Fowler and Simon Rosenberg. Their goal was clear: Convince voting members to choose them for the post of DNC Chairman.

And I could have cared less. All of the individuals running have distinguished records of public service, but not one has offered up ideas exciting enough for me to want to go to Sacramento to engage with my party — to see the politicking in person. I was perfectly content to read about the meeting in Sunday's paper.

These feelings are in sharp contrast with at least three other experiences I've had this past year.

During the Democratic nomination process, I served on Sen. John Edwards' National Finance Council, and in that role, we were given the opportunity to hit the road and volunteer on his campaign in the states holding early primaries. Traveling around New Hampshire and South Carolina, I must have heard his "Two Americas" speech at least 60 times. Still, not a time went by that I didn't cry when I heard the part about his sixth grade teacher leaving his North Carolina classroom, refusing to teach because the schools were being integrated. He called on us to confront racism and end discrimination. He also discussed in his speech the moral injustice of poverty. His conviction toward these issues was moving and profound.

Last May, I attended the Democratic Leadership Conference in Phoenix, where Democratic governors from red states, like Oklahoma Gov. Brad Henry and Arizona Gov. Janet Napolitano, talked about how they were managing their budget shortfalls and finding revolutionary ways to deliver education and social services. They were unwaveringly dedicated to both Democratic Party principles and creative solutions that wouldn't burden their constituents or slow their economies. They were optimistic about the future of their states because they had been able to bring people together to work for their common good. Their ideas were inspirational and provocative, especially given the unimaginative policies that regularly emanate from Sacramento and

Washington, D.C.

Then just two weeks ago, here in Los Angeles, I attended an event that was jointly hosted by the Progressive Democrats of America and the Southern California Americans for Democratic Action. Dr. Tad Daley, who served as chief deputy to the late Sen. Alan Cranston after he left office, gave a rousing speech. He advocated several positions that had formed the platform of Representative Dennis Kucinich's presidential campaign, including a single-payer health care system and a Department of Peace. He, too, brought his passion to his words. Most important, he entertained every policy suggestion that came his way that night for the sake of continuing the discussion. He seemed to understand that unearthing gold requires sifting through dirt.

If all this passion exists in the Democratic Party, then why is it that the DNC Chairman's race is so heartless?

Because the mainstream Democratic Party, and those who are voting members of the DNC, are too wedded to the small group of special interests who fund and organize on behalf of the party to entertain radical ideas.

Whether the radicalism is from the right, the left, or the center, the individuals with the power in the Democratic Party do not want to hear them. Simply put, they do not want to change. They like the status quo, which is why they fight for the current mix of policy priorities, which sustain and entrench their position in the party hierarchy. They may like the idea of winning elections, but if you confront them with the notion that the party may have to change in order to win, then you are likely to be ignored because they like their power more than they like winning.

Here's the Thing:

Radicalism isn't about left or right. There are radicals all along the ideological spectrum. Radicalism isn't about inciting revolutions, destroying public or private property, or self-mutilation.

It's a disposition. It's about possessing an unrelenting curiosity. Questioning everything you do, and never stopping your search for ways to make things better. Even if your quest takes you back to the place you began, you would never regret all that you learned on the journey.

Radicals know that the only way out is through, and they relish the process of leaving no stone unturned. Only radicals can save the Democratic Party from itself. The real question is whether any one of the candidates running for DNC Chair will have the courage to invite the radicals to the party.

(Lara M. Brown, Ph.D., is a political scientist from Los Angeles, and is teaching this semester at California State University, Channel Islands. She can be reached at larambrown@aol.com.)



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LOCAL



Daytime curfew could generate money for schools

CURFEW, from page 1

in line, and keeps them from running amok," Katz said. "What is a 14-year-old doing running around on the streets at midnight, for their own safety and the rest of the world?"

In an attempt to keep kids in class, police for months have considered a possible Santa Monica daytime youth curfew, though SMPD Chief James T. Butts Jr. said Thursday it was not a top priority.

Still, school officials have expressed interest in a daytime curfew, which could be modeled after one in Monrovia, Calif. Students caught violating the daytime curfew in Monrovia either pay a \$135 fine or are sentenced to 27 hours of community service.

Within three years of instituting its "anti-truancy" ordinance in 1994, Monrovia schools saw a 39 percent decline in the number of unexcused absences, while the city experienced a 29 percent reduction in crime during school hours, according to former Monrovia Police Department Chief Joseph A. Santoro, who said 89 percent of inmates have a history of truancy.

Like it did in Monrovia, a daytime curfew ordinance could help generate money for the local school district. State funding relies largely on average daily attendance records, so more absences mean less money.

Superintendent of Schools John Deasy

said the local district averages about 95 percent attendance, which is above the roughly 91 percent state average. That means on any given day 12,000 students attend schools in Santa Monica and Malibu, and the district is paid about \$5,200 for each.

Average daily attendance revenues account for more than \$62 million of the district's \$101 million annual budget, added Deasy, who said if every student attended class every day the district would be entitled to nearly \$3 million more in state funds.

Still, Deasy said most absences are for legitimate reasons — not because students are skipping class.

"The overwhelming majority are because of sickness or doctors appointments," he said.

Ilene Straus, principal of Santa Monica High School, agreed most students do not have a habit of ditching, but said it was a serious problem nonetheless.

"Truancy is an issue for us," she said. "We have about 3,400 students at our school and there are about 100 students on our radar as having an attendance problem."

Whether those numbers will be enough to justify a new curfew is unclear.

"Ordinarily you institute a daytime curfew, and the school district agrees, (in communities) where you have a big problem with school absenteeism," Butts said Thursday. "Juveniles are not home and

"Truancy is an issue for us."

— **ILENE STRAUS**
Principal, Samohi

sick, but out and about ... and second, you have a high rate of daytime burglaries that you suspect are juvenile based.

"It doesn't appear that it's something that is jumping out at us as a necessary crime-control strategy at this time."

The number of burglaries in Santa Monica has been on a steady decline for 10 years and are at their lowest levels since 1957, according to Butts.

Deasy said any daytime curfew would have to be preceded by ample study.

"A carefully thought-out policy, or law, would really need the input of a lot of constituency groups — PTA, the community leaders, principals, the (school) board," Deasy said this week. "I guess I'd want to be really careful that no law targeted one group of students differently than another. I'd want to know the race and ethnicity of those citations, if we went down that road."

A heightened police presence alone won't solve the ongoing problem, Straus added.

"I think that it's going to take all of us working together on truancy to try and get

a handle on it," she said this week. "That means we're going to have work with parents, students, and the police department and the district system."

Fabrega said officials will continue to enforce a Los Angeles County curfew that forbids youngsters from being on the streets from 8:30 a.m. to 1:30 p.m.

A total of 15 juveniles were cited for breaking that law in 2004, according to Fabrega. Santa Monica sometimes chooses to institute its own ordinance in order to control specific language governing how the laws are enforced and what punishments they carry, Fabrega said.

While authorities decide how to proceed, at least some local youth seem unconcerned about the possibility of a new daytime curfew. Samohi sophomore Tiimo Schulze, 15, and senior Anthony May, 17, both said a daytime curfew seemed fair.

As to the nighttime curfew already on the books, the teenagers thought they deserved a little more flex time on weekends, but otherwise were OK with it, too.

"The police already seem pretty lax about it," May said.

Volunteers walk Santa Monica to find city's transients

HEADCOUNT, from page 1

based on roughly 500 sections of greater Los Angeles' more than 2,000 census tracts. Data was gathered from "hot spots," where homeless people congregate, and from randomly chosen areas weighted and calculated to produce a scientific survey. County officials are not certain what the margin of error will be.

Preliminary results are expected in three weeks, with final numbers in June.

The sidewalk survey — part of a \$350,000 project coordinated by the Los Angeles County Homeless Services Authority — ran simultaneously with efforts to tally the number of transients in temporary residences, shelters and half-way houses, as well as hospitals, jails, and the motels that accept government vouchers.

The LAHSA population study, for which the city and county of Los Angeles each paid half, got underway as local agencies nationwide scramble to meet new federal standards in order to receive grant funding for homeless services.

By request of the U.S. Department of Housing and Urban Development, which will dole out more than \$1.2 billion in the next fiscal year, the social service agencies must provide accurate, statistical proof of their homeless populations to secure funds for housing, outreach and mental health services.

LAHSA operates on a roughly \$50 million annual budget, and federal grants make up nearly 80 percent of it, said Siri Khalsa, an LAHSA spokesperson.

While annual estimates in Santa Monica show the homeless population rising — based on the number of transients requesting services — the current county figures are based on studies from 1993 and 1999 that relied largely on economic statistics like how many people live below the poverty line. Those surveys estimated the total of homeless people in Los Angeles County at 82,000 and 78,000, respectively. A 1999 survey paid for by Santa Monica City Hall estimated the local homeless population at 1,037. However, officials believe that number is

closer to 2,000 now.

How the results of the new street count survey will compare to those numbers remain uncertain, as well as how much federal grant money is at stake if the numbers are higher or lower.

"We certainly don't think our homeless population is shrinking," said LAHSA Executive Director Mitchell Netburn. "But a street count has never been done before. What'll turn up? It's impossible to say."

Volunteers — many of them homeless themselves — packed the Ken Edwards Center to capacity on Tuesday night. The center on Fourth Street in downtown Santa Monica served as the headquarters for the local count. Shortly before the start time of 9 p.m., more than 100 people lined up to receive their team assignments, clipboards with statistical sheets and area maps, as well as bright yellow, "Everyone Counts" hats.

County staff trained more volunteers the previous week than they needed, expecting 20 percent not to show up for the actual exercise.

For completing the training and appearing Tuesday, volunteers received \$20. Volunteers who went out and canvassed received \$50. Of the 136 who waited in line in Santa Monica, 73 had to be turned away.

"This was garbage," said Troy Hill, wearing his yellow hat late Tuesday on the Third Street Promenade. "I did the training, and I'm going to Inglewood tomorrow. I just hope they'll need me there."

A volunteer who only identified himself as "Robert," walked down the Promenade at midnight on Wednesday and counted 31 transients between Wilshire Boulevard and Broadway — nine males, two females and 20 persons of "unknown gender."

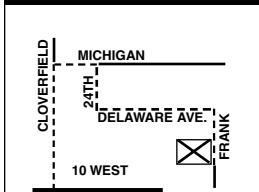
Still, the count seemed far from scientific.

Passing a group of 23 young people — 16 males and seven females — Robert looked from a distance, then marked "15 juveniles" on his sheet.

"I took a guess," he said.

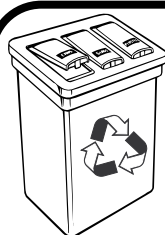
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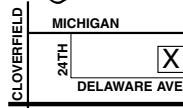
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Murder charges filed in deadly train derailment

BY PAUL CHAVEZ
Associated Press Writer

GLENDALE, Calif. — Prosecutors filed potential death-penalty multiple murder charges against the man who allegedly caused two commuter trains to collide when he drove a vehicle onto rail tracks in a suicide attempt.

The criminal case moved forward against Juan Manuel Alvarez as police and forensics experts worked Thursday to gather evidence from a crime scene the length of several football fields and coroner’s investigators searched the tangled wreckage for any remaining body parts or tissue.

Alvarez, 25, was charged with 10 counts of murder in a complaint that was to be amended following the discovery of an 11th body in the mangled Metrolink trains that smashed together early Wednesday.

Prosecutors also alleged a special circumstance of murder by train derailment. A special circumstance makes capital punishment a possibility, but prosecutors did not immediately decide whether to seek the death penalty.

Los Angeles County District Attorney Steve Cooley said Thursday prosecutors were evaluating Alvarez’s mental state in

regard to the special-circumstance allegation, but he asserted that it was no defense to the charges.

"His despondency doesn’t move me," Cooley said. "The mere fact that he was a little upset or despondent doesn’t mean he has a defense for anything. It may actually work to support our case."

Alvarez’s state of mind, while not providing a motive, could show intent to commit a crime, Cooley said. He noted that a defense of not guilty by reason of insanity has a very high standard of proof.

Alvarez, who authorities say had slashed his wrists and stabbed himself at some point during his suicide attempt, remained hospitalized Thursday, forcing postponement of his arraignment to Friday.

Officials initially described Alvarez’s wounds as superficial, but district attorney’s spokeswoman Jane Robison said "they were apparently more serious than that, according to his doctor."

Alvarez’s family retained criminal defense attorney Eric A. Chase, but he planned no comment until after the arraignment, said Dann Novak, senior administrator of Chase Law Group. Chase was a Bronx public defender who handled hundreds of cases there before moving to

Los Angeles and founding his firm, according to his biography.

Alvarez, who had been ordered by a court to stay away from his family after his wife alleged he abused drugs and threatened them, allegedly triggered the deadly train crashes in a suicide attempt about 6 a.m. Wednesday.

Authorities say he drove a sport utility vehicle onto tracks used by Southern California’s regional Metrolink commuter rail system in suburban Glendale just north of downtown Los Angeles.

He then changed his mind and left the car, which was struck by train heading to Los Angeles, police said.

That train derailed, struck a parked freight train and jackknifed, striking and derailing another Metrolink heading in the opposite direction, igniting one rail car on fire. In addition to the deaths, more than 180 people were injured.

A 911 tape revealed the drama moments afterward as an employee at a nearby Costco store reported the disaster to a dispatcher and at the same time directed other employees to fight the fire.

"There’s a Metrolink that runs adjacent to the — oh, they need fire extinguishers! Quick! Quick!" she yelled to other workers.

"What’s going on?" asked the dispatcher. "What’s going on, ma’am?"

"The Metrolink derailed right on the side of the building!" she said.

Sixty of the injured were treated at the scene and the rest were taken to hospitals. An incomplete tally from 12 hospitals Thursday showed seven people remained in critical condition, two were in serious condition, 23 were in fair condition, one was in good and more than 80 had been released.

All but one of the dead were officially identified by the coroner’s office, but co-workers in the Los Angeles office of PayPoint and fellow church members said that person had been tentatively identified by family as Don Wiley of Simi Valley, an information technology specialist.

Court documents show that Alvarez’s estranged wife, Carmelita Alvarez, obtained a restraining order against him in December, requiring him to keep away from her, their 3-year-old son and other family members.

"He is using drugs and has been in and out of rehab twice," she said in the documents. "He threatened to take our kid away and to hurt my family members." Carmelita Alvarez, who went into seclusion after the crash, also told the court her husband’s drug use was triggering hallucinations.

Authorities still had missing-persons reports late Wednesday, but all were accounted for by Thursday morning and firefighters ended recovery efforts.

Glendale police began a crime-scene investigation, collecting forensic evidence for the prosecution, using laser measuring devices to create a digital map of the wreckage. Sgt. Tom Lorenz said the process would take several hours before railroad companies could begin moving heavy wreckage.

Two large cargo containers were brought in to store evidence. Lorenz said evidence as large as a rail car may be preserved for the investigation and trial.

The National Transportation Safety Board dispatched investigators after the wreck, but after determining it was caused by a criminal act, most left and the remainder were lending support to police, Lorenz said.

Each Metrolink train had a locomotive and three double-deck passenger cars. Also involved in the wreck was a parked freight locomotive that was struck and toppled onto its side.

Environmental protection and wildlife officials were also on the scene because diesel fuel spilled from the freight engine and flowed down a storm drain into the adjacent Los Angeles River before being contained, said Glendale fire Capt. Bill Lynch.



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San Francisco smokers could be fined up to \$100

UP IN SMOKE, from page 1

pioneer in tobacco control for decades and continues to be a pioneer with this law," said Bronson Frick, associate director of Americans for Nonsmokers' Rights. "No other city has enacted a law even close to what San Francisco is in terms of covering outdoor places."

San Francisco Mayor Gavin Newsom is expected to sign the law, which would take effect July 1, said an aide to Supervisor Michela Alioto-Pier, the law’s sponsor.

According to the ordinance, the prohibition applies to "any unenclosed area" that is open to the public and under city jurisdiction. That includes any "park, square, garden, sport or playing field other than a golf course, recreational pier or other property used for recreational purposes."

"Because we do have quite a few parks and quite a few public areas, this could be more far-reaching than people have thought about," said Karen Licavoli, director of tobacco control programs for the American Lung Association of San Francisco and San Mateo Counties.

City-owned golf courses were specifically exempted because Alioto-Pier said

discarded cigarette butts were not as much of an environmental or health hazard on greens with dedicated groundskeepers. She said she was also concerned that a smoking ban would drive golfers and their fees away from public courses to private facilities.

People caught smoking in any of the places where the new law applies can be fined up to \$100 on first offense, \$200 for a second violation within the same year and \$500 for each additional violation.

Smokers and their allies were unsurprisingly fired up about the new law Wednesday. Michael Sayrafi, whose father owns a tobacco store called Smoke on Polk, called it "ridiculous."

"Are we still living in the land of the free? It’s insane," Sayrafi said. "They have already taken bars away from smokers. Next they are going to say you can’t smoke on the street."

Some oceanfront communities in Delaware and Florida have followed California’s lead in making beaches smoke-free zones. But Frick said only a third of Americans live in communities where smoking is off-limits in restaurants, and only a fourth in places with smoke-free bars.

STATE



Iraqi expatriates' votes unlikely to make much difference in election

BY GILLIAN FLACCUS

Associated Press Writer

EL CAJON — Nick Kenaya says that by the time he fled Iraq, he had been tortured, blacklisted and threatened with execution for refusing to swear allegiance to Saddam Hussein's Baath Party.

Now, after more than 20 years of exile in this San Diego suburb, Kenaya will help decide who leads his homeland when he casts an absentee ballot this weekend in Iraq's historic election.

Kenaya's enthusiasm for an act he sees as a moral duty is not diminished by the fact that only a small fraction of America's Iraqi expatriates have registered, and their votes are unlikely to make much difference.

Only 25,946, or 11 percent, of the estimated 240,000 eligible Iraqi-Americans registered at the polling stations in five U.S. cities to take part in an election in which a projected 7 million ballots will be cast.

"It's not a disappointment to me. It's a first step," said Kenaya, 61, a member of Iraq's Chaldean Christian minority. "And with the first step, it is always difficult to make a big difference."

All told, there are 1.2 million eligible expatriate Iraqis in 14 countries. Less than one-quarter had registered by Tuesday's deadline.

The low numbers are attributed to shortage of registration and polling places, a disorganized election effort, conflicts with a key Islamic holiday and fears of violence.

Those who do vote will pick a 275-member assembly, which over the next year will draft a constitution and elect a president. Voters will choose from one of 111 slates of candidates, with the number of seats each slate gets determined by its share of the vote. Inside Iraq, the vote is Sunday; elsewhere, it runs Friday through Sunday.

The political clout of overseas Iraqis would have been limited even in the best-case scenario. Like Iraq itself, the expatriate community is deeply divided along ethnic and religious lines, with Kurds, Chaldeans, Assyrians and Shiites likely to cast their votes for different slates, said Juan Cole, a professor of Middle Eastern history at the University of Michigan.

"The most they could do is slightly amplify the parties that will already be voted for," Cole said.

Many Iraqi expatriates say that a bungled, rushed election effort further dimmed hopes of gaining a few extra

seats for their favored parties.

Many would-be voters had to travel hundreds of miles to register in person at one of 74 stations in 14 nations. Across the entire United States, there were only seven registration locations, in Los Angeles, Detroit, Chicago, Nashville, Tenn., and Washington, D.C. And voters will then have to return to those locations this weekend to cast their ballots.

Moreover, the weeklong registration period — which was extended twice to try to boost turnout — conflicted with the Muslim holiday of Eid al-Adha, or Feast of Sacrifice, which coincides with the yearly pilgrimage to Mecca in Saudi Arabia.

"We have a religious order to vote and we cannot afford not to vote," said Husham Al-Husainy, director of the Karbalaa Islamic Center in Dearborn, Mich., referring to an order from Iraq's top Shiite cleric. "But the way they opened the centers prevented tens of thousands of Iraqis from reaching them."

Fears of violence at the polling places also may have played a role. In Chicago, organizers moved their offices because of security concerns. In Nashville, organizers decided to hold registration in heated outdoor tents instead of in a community center or police building.

The low turnout was particularly frustrating for Chaldeans, who make up about 2 percent of the Iraqi population. Members of the Christian minority are afraid to vote in Iraq and were relying on their overseas counterparts to bolster their numbers, said Hany Choulagh, vice chairman of the Chaldean Federation of America in Southfield, Mich.

"Imagine if we had the right locations — 70,000 or 80,000 people would vote," Choulagh said. "That would mean we could have at least six or seven representatives elected, but unfortunately it hasn't been done the right way."

The Geneva-based International Organization of Migration, which is handling the overseas vote, has said that while its efforts have not been perfect, hundreds of thousands of expatriates will have some say in Iraq's future.

Kenaya, who fled Iraq rather than renounce his Christian beliefs, has pinned his hopes on the Nation Union Party, a secular, multiparty coalition that includes 91 women and an expert on constitutional law.

"I have lived all my life for this moment, to see Iraqi free," said Kenaya, his cheeks flushing with excitement. "We have freedom in our teeth and we're not letting it go."

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Rice: ‘History is calling us’ in nation’s foreign policy challenges

BY BARRY SCHWEID
AP Diplomatic Writer

WASHINGTON — Declaring “history is calling us,” Condoleezza Rice took over Thursday as America’s 66th secretary of state to confront an agenda laden with difficult and potentially explosive foreign policy problems.

At the top is a grinding war in Iraq that has taken the lives of more than 1,400 U.S. troops.

Rice exuded confidence as she entered the State Department, telling employees that “it’s great to be here,” and declaring that “democracy will take hold” around the world as it did in Germany and Japan after World War II.

At the end of next week, Rice is expected to undertake her first overseas venture as secretary of state, going to Europe, the Middle East and possibly other regions.

Among her goals are mending relations with U.S. allies in Europe and assessing prospects for Arab-Israeli negotiations.

Known during her four years as President Bush’s security assistant as remote and reserved, Rice pleased hundreds of employees crammed into a State Department lobby with the declaration her door will be open to them.

“I need your ideas,” she said.

Echoing Bush’s inaugural speech, Rice promised, “America will stand for freedom and for liberty.”

“That’s our charge, that’s our calling,” she said and then started her first day on the job with telephone calls to Pakistani President Pervez Musharraf, Russian Foreign Minister Sergey Lavrov, Italian Foreign Minister Gianfranco Fini and other foreign officials.

She planned to attend an Iraq meeting at the White House and another one at the State Department on the tsunami disaster in Asia.

Lunch was set with Alan Greenspan, chairman of the Federal Reserve, an old friend.

Already in place, having arrived from her White House office overnight, were a Cleveland Browns helmet and several footballs. Rice is a devoted sports fan.

During Senate confirmation hearings last week in which she was peppered with 390 oral and written questions, Rice was strongly challenged on Iraq and the war. She gave no indication that she would recommend any change in U.S. strategy designed to overcome insurgents and steer Iraq toward democracy.

She did acknowledge problems, citing desertions and poor leadership among the Iraqi security forces that are supposed to take charge of pacifying the country.

Rice did not hint at changes in diplomatic efforts to stop nuclear weapons development in Iran and North Korea.

On the Middle East, she seized on the election of Mahmoud Abbas as the Palestinian leader as the kind of opening that would impel her to take on an active and personal role in trying to promote negotiations with Israel.

Her arrival at the State Department was orchestrated for an enthusiastic welcome by employees in the same mezzanine where Colin Powell bid farewell last week. Rice was sworn in Wednesday night by White House Chief of Staff Andrew Card in his West Wing office. Her designated replacement as national security adviser, Stephen Hadley, held the Bible.

Bush planned to attend a ceremonial swearing-in Friday at the State Department, with Supreme Court Justice Ruth Bader Ginsburg administering the oath.

Rice, a one-time Stanford academic and analyst of the now-defunct Soviet Union, is the first black woman to hold the job of secretary of state. The first woman was Madeleine Albright; Powell was the first black man.

In her arrival statement, Rice said the diplomatic corps would reflect America’s ethnic and religious diversity. “It’s extremely important lesson in world where difference is still a license to kill,” she said.

Rice is about a week behind schedule, delayed by critical Democratic senators who delayed confirmation. The Senate voted 85-13 to confirm her Wednesday. In history, only Henry Clay, who was confirmed as secretary of state in 1825 by a vote of 27-14, drew more opposition. Henry Kissinger was approved 78-7, Dean Acheson 83-6 and Alexander Haig 93-6.

Twelve Democrats and one independent, Sen. Jim Jeffords of Vermont, opposed Rice’s confirmation. Several other Democrats criticized U.S. policy and Rice’s role in helping to shape it as President Bush’s assistant for national security.

Separately:

- Republicans on the Senate Judiciary Committee advanced Alberto Gonzales’ attorney general nomination on a partyline, 10-8 vote, sending it to the full Senate where Republicans were expected to use their 55-44 advantage to confirm him there next week at the earliest.
- Jim Nicholson and Michael Leavitt won confirmation as the new secretaries of veterans affairs and health and human services, respectively, as Bush’s second-term Cabinet fills out.

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NATIONAL



U.S. defends alert over Mexican border violence

By The Associated Press

WASHINGTON — Twenty-seven Americans have been abducted in Mexico's northern border region over the past six months and two have been killed, the State Department said Thursday.

Spokesman Richard Boucher cited those numbers in defending an alert to American citizens about the risks of traveling in the area.

Mexican Foreign Secretary Luis Ernesto Derbez had said the State Department public announcement, issued Wednesday, exaggerated the danger.

Boucher said he was aware of the Mexican objections

but added that the administration believes it is important to inform Americans about security along the border.

"We're aware of 27 incidents involving abductions of Americans, and that we know two of those Americans were killed and 11 remain missing and 14 were eventually released," he said.

In addition to the State Department public announcement, the U.S. ambassador to Mexico, Tony Garza, sent a letter to top Mexican officials saying he was concerned that growing drug-related violence and kidnappings in northern Mexico would have a chilling effect on cross-border trade and tourism.

Mexico recently sent federal police officers to patrol

the streets of Matamoros, Nuevo Laredo and Reynosa, all located along the border with Texas. The officers were dispatched at the request of local authorities who said crime had spun out of control.

Derbez told the Televisa network that the U.S. position seems "in large measure, exaggerated, and outside the scope of reality, because the Mexican government has taken concrete actions" to curb crime along the border. He said Mexico will provide a "concrete response" to the U.S. statements.

Interior Secretary Santiago Creel said Wednesday that Mexico "is determined to wage a head-on battle" against drug traffickers and organized crime in the area.

State asks dismissal of suit seeking to broaden immigration law

BY ANANDA SHOREY

Associated Press Writer

MESA, Ariz. — An attorney representing the state argued Thursday for the dismissal of a lawsuit that seeks to broaden a voter-approved law aimed at keeping illegal immigrants from voting and obtaining certain government benefits.

The case in Maricopa County Superior Court should be thrown out because a legal opinion by Arizona Attorney General Terry Goddard that says the law applies only to some welfare programs is constitutionally correct, said attorney Susan Segal.

The opinion was meant to provide public employees with guidance and protection under state law.

Randy Pullen, one of the law's main backers, filed a lawsuit Nov. 18 seeking to broaden the law's scope to include aid such as public housing, food assistance, college education and employment benefits.

David Abney, an attorney for the law's supporters, asked Judge Barbara Jarrett for more time to respond to the state's motion to dismiss the case.

Jarrett granted the request, giving Abney until Monday to file a response.

Afterward, Jarrett will take the case under advisement.

Proponents of the law, which was approved by voters in November as Proposition 200, say it would help curtail fraud because it requires people to produce proof of immigration status when obtaining certain government services, and punishes state workers who look the other way. They also maintain it will safeguard the election system because it requires proof of citizenship when registering to vote.



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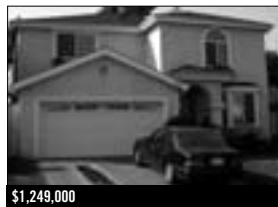
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NATIONAL

Ag secretary presses Japan for date to resume beef trade

BY LIBBY QUAID

Associated Press Writer

WASHINGTON — Agriculture Secretary Mike Johanns pressed the Japanese ambassador to the United States Thursday to set a date for Japan to resume buying U.S. beef.

Japan agreed last October to lift the ban it imposed after the December 2003 discovery of the United States' only case of mad cow disease. But negotiations have slowed over the issue of how to determine the age of cattle.

"I'm confident he will express my desires immediately to his government, and I'm confident that will occur today," Johanns told reporters after meeting for about 30 minutes with the ambassador, Ryozi Kato.

A statement issued by the embassy of Japan said Kato responded that his government "fully understands the importance of the issue, that the dialogue between the two governments is making steady progress and that necessary domestic steps need to be taken for the actual trade resumption."

Japan was the most lucrative foreign market for U.S. beef before the ban, accounting for about \$1.7 billion in sales in 2003.

Johanns, who requested the meeting, asked for a date

for resuming beef trade but the ambassador was not prepared to give one. The new agriculture secretary said he offered to do whatever was necessary, including having a USDA team work on the issue around-the-clock.

"The ambassador's response, I believe, was along the lines of, 'We understand the importance of this issue. We're going to do everything we can,'" Johanns said. "I certainly felt a willingness to work with us and to get this behind us. We both expressed that."

He said they did not discuss the issue of the United States resuming beef trade with Canada, which is scheduled to happen March 7.

"I see this as one step, a very important step, in establishing a candid working relationship," Johanns said. "I just want people to know that I will continue to do all I can at the highest levels of government."

To underscore how important the issue is, Johanns said, he told the ambassador his appearance before the Senate Agriculture Committee was "not so much a confirmation hearing as an airing of frustration."

"It was absolutely unified and unanimous in question after question after question: 'Gov. Johanns, what are you going to do to resume trade with Japan?'" said Johanns, who resigned as Nebraska's governor after winning confirmation Jan. 20.

Murkowski says oil tax pacts are solid, quells industry fears

BY MATT VOLZ

Associated Press Writer

JUNEAU, Alaska — The state will honor agreements made with North Slope oil companies prior to changing the tax structure for several North Slope satellite fields, Gov. Frank Murkowski said Thursday.

"We're not going to go back on deals," he said at a conference of the Alaska Support Industry Alliance in Anchorage.

Murkowski was trying to calm the concerns of oil executives after announcing earlier this month that the state would group six satellite fields with the giant Prudhoe Bay field. The change, which goes into effect Feb. 1, would amount to a tax hike of \$150 million per year, according to one company's estimate.

Oil company executives say the tax increase creates economic uncertainty and could threaten future development in Alaska.

The six satellite fields had been paying little to no production tax because of a formula that factors in if the oil fields are unprofitable, mature or developing.

Under the change, the fields will be linked with Prudhoe Bay when the state collects the production tax. The new structure reflects the reality that the satellites operate interdependently with the Prudhoe Bay field,

state tax officials say.

On Thursday, Murkowski told industry officials that he would consider appeals for certain fields within the affected satellites. Also, he said, agreements made earlier not to aggregate other fields would be kept.

But he also said the shock of the announcement during his State of the State speech could have been avoided if the industry had responded to the administration's request for proposals on changing the tax variable, which was designed to encourage development of marginal fields. Murkowski said it has provided tax breaks to aging but still productive North Slope fields.

Executives with BP, Exxon Mobil and ConocoPhillips — the three major North Slope producers and owners of the Prudhoe Bay field — have said the tax break may make some of the satellite fields unprofitable and would cloud the investment climate in Alaska.

"The events of the last two weeks cast a shadow," BP Exploration (Alaska) Inc. President Steve Marshall said at an industry luncheon this week.

Speaking Thursday to a crowd of the change's biggest critics, Murkowski joked, "I feel a little bit like a pork chop being thrown into a wolf cage."

He said he understood the industry's responsibility to protect its interests and asked them to respect the responsibility of the government.

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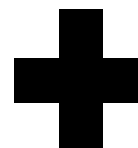
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Entertainment

What’s playing ...

By Dan Dunn
Special to the Daily Press

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Starring: Ice Cube, Nia Long

COACH CARTER

Succeeds thanks to an inspirational story, some highly realistic and exciting basketball action, and a winning performance from Samuel L. Jackson.
Starring: Samuel L. Jackson, Rob Brown, Ashanti

RACING STRIPES

There’s only so much referential humor, genre conventions and excrement gags a reasonable human being can tolerate, and here we get too much of all that plus some middling talent.
Starring: Frankie Muniz, David Spade

WHITE NOISE

There are a few moments that’ll make you jump – none more so than the one when the final credits begin to roll and it’s time to get the heck outta the theater.
Starring: Michael Keaton

THE AVIATOR

The second-best biopic Scorsese has helmed, behind the exalted “Raging Bull.” DiCaprio’s portrayal of Hughes stands out as the finest work of his career.
Starring: Leonardo DiCaprio, Cate Blanchett

LEMONY SNICKET’S A SERIES OF UNFORTUNATE EVENTS

Inspired adaptation of the wildly popular kids’ book series that ‘tis a hell of a lot more naughty than nice.
Starring: Jim Carrey, Meryl Streep

SPANGLISH

James Brooks is one of the best in the business at harvesting fresh perspectives on the human condition.
Starring: Adam Sandler, Tea Leoni

MILLION DOLLAR BABY

At its core, this is a heart-wrenching story about overcoming impossible odds and realizing dreams.
Starring: Hilary Swank, Clint Eastwood, Morgan Freeman

FLIGHT OF THE PHOENIX

This one’s all about the action and the actors have grasped that and have fun with it.
Starring: Dennis Quaid, Giovanni Ribisi

THE LIFE AQUATIC WITH STEVE ZISSOU

Filmmaker Wes Anderson’s fourth feature is the ne plus ultra of whimsical cerebration, and fans of his work will no doubt be lifted into the empyrean.
Starring: Bill Murray, Angelica Huston, Owen Wilson, Cate Blanchett

OCEAN’S TWELVE

When taken – not too seriously – as a pastiche of beautiful people, exotic places, groovy tunes, and loosely comic set pieces, this sequel is a snazzy delight.
Starring: Julia Roberts, Brad Pitt, George Clooney, Catherine Zeta-Jones

BLADE: TRINITY

Third installment in a series running two films too long is the latest cacophonous calamity to roll off the action flick assembly line.
Starring: Wesley Snipes, Jessica Biel

CLOSER

The sum of this tragicomedy’s competing parts adds up to the best-looking portrait of moral depravity on the big screen this year.
Starring: Julia Roberts, Jude Law, Natalie Portman, Clive Owen

THE INCREDIBLES

Boasts the total package: Great cast, in-vigorating storytelling, state-of-the-art 3-D animation and, best of all, that elusive quality known as movie magic.
Starring: Holly Hunter, Craig T. Nelson

RAY

An instant inductee into the pantheon of great biographic movies. There isn’t a moment in the entire picture in which we’re not convinced Fox is Ray Charles.
Starring: Jamie Foxx, Regina King, Kerry Washington

SIDEWAYS

A fantastic movie from Alexander Payne, who may very well be America’s most provocative cinematic storyteller.
Starring: Paul Giamatti, Virginia Madsen

Elisabeth Shue returns to the silver screen

BY DAN DUNN

Special to the Daily Press

Elisabeth Shue, the Academy Award-nominated star of “Leaving Las Vegas,” returns to theaters this week in the thriller “Hide and Seek” marking the end of a two-year film hiatus spent finishing up a degree in political science at Harvard, starring in a Broadway play and raising two children. It’s been 20 years since Shue, 41, first captured our attention in “The Karate Kid,” and history has certainly been kinder to her than poor ole’ Ralph Macchio. (“Get him a body-bag, yeahhhhh!”) Shue reflected recently about her two-plus decades in the movie business.

QUESTION: What motivated you to go back to school to finish your degree?

ELISABETH SHUE: It was just something I had to do. I felt it was important to complete what I had begun, and frankly I was really looking forward to a break (from acting) and reinvigorating my mind. Just to see what it was like to go back to school as a woman, and how I’d respond to learning then. It was really good to want to be in school, to choose classes because they’re difficult.

Q: Did the experience at Harvard have a big impact on your decision-making process upon resuming your acting career?

ES: In a lot of ways I just feel a little more motivated to find material that is more intelligent, possibly. And there is subject matter I’ll gravitate towards a little more so than others. For me it’ll always still come down to (choosing) complicated, interesting characters, and they don’t necessarily come from the mind. They usually come from their soul and heart and a sense of desperation.

Q: How would you describe your “Hide and Seek” co-star, Robert DeNiro?

ES: He’s a very generous human being.

Q: The most important role in your career thus far has probably been “Leaving Las Vegas,” for which you were nominated for an Oscar in 1996. Have you watched the film recently?

ES: I did watch it, I think, about two years ago. I was going to do an interview about it or something — there was some reason why I was supposed to watch it. It was really fun to watch it, with all that perspective and having not seen it for so long.

Q: What did you enjoy most about seeing it again?

ES: Just the respect of the work that had gone into it. And I was in awe of Nic Cage’s performance again, and the way (director) Mike Figgis pulled it together in such a beautiful way.

Q: It’s been 20 years since your big break in “The Karate Kid.” Could you reflect on how far you’ve come, and what’s in store in the future?

ES: As far as sensuality, our culture is starting to embrace the (idea) of women who are getting older as being just as full, if not fuller, than when they’re younger. It is a good time for women who are older right now.



Still seeking a decent finale to ‘Hide and Seek’

BY DAN DUNN

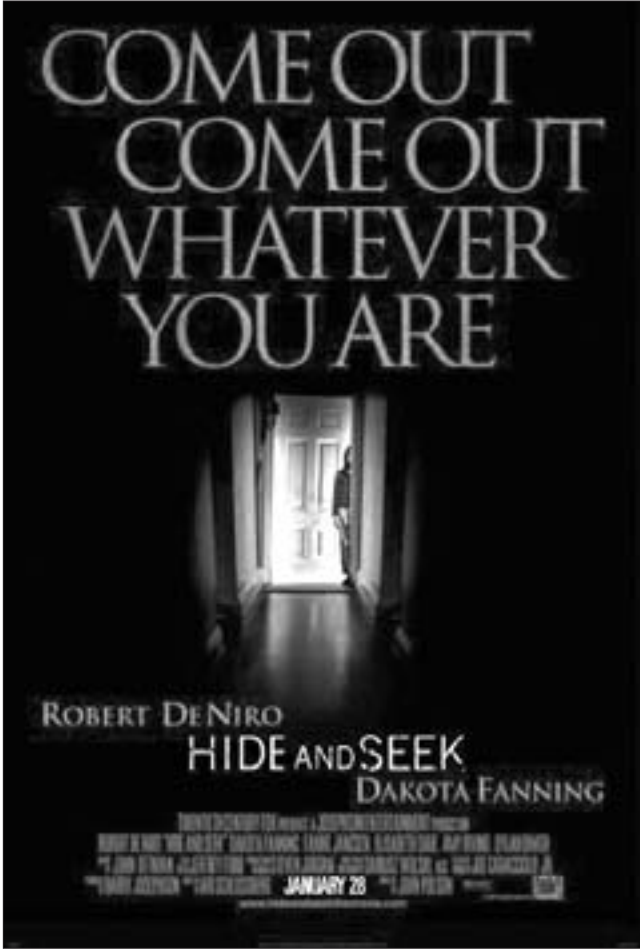
Special to the Daily Press

Review

What is, for a solid 80 minutes or so, a pretty hair-raising and suspenseful thriller, falls apart more quickly and embarrassingly than a drunken “Real World” cast member. Forget train wrecks. Enduring the ridiculous supernatural denouement of “Hide and Seek” is akin to watching a plane crash into a train that has just steamrolled a Greyhound bus. So eager is Twentieth Century Fox to protect the “ending that everyone will be talking about,” the studio shipped the picture’s final reel separately to theaters across the country, with each reel individually numbered and accompanied by its own security detail. Fox immodestly touted these extraordinary measures — “the first time in its illustrious 70-year history” — in a widely distributed press release no doubt intended to generate unmerited hype.

Since everyone will be doing it, allow me to spend a moment talking about the ending. It’s dumb, disappointing and shamelessly derivative of a more sensible blockbuster by M. Night Shyamalan. On top of that, it negates what is up to that point an entertaining performance by Robert DeNiro as psychologist David Calloway, a grieving widower who moves his young daughter (Dakota Fanning) to a house in the remote woods of upstate New York in an effort to distance her from the memory of her mother’s gruesome death. There are several jump-outta-your-seat scares in the first two acts, in which Fanning’s Emily gets cozy with a rather nasty imaginary friend named Charlie, and David grows increasingly concerned over her bizarre behavior. Early on, director John Polson (“Swimfan”) introduces some ancillary characters such as an austere town sheriff (Dylan Baker), a lonely divorcee (Elisabeth Shue) and a potentially predatory neighbor (Robert John Burke) to amp up the whodunit factor. But the film, scripted by newcomer Ari Schlossberg, takes a big wrong turn that wipes out the solid build-up, leaving us to wonder what might have been had Schlossberg dreamed up an ending truly worth talking about.

(Rated R for frightening sequences and violence. Running time: 105 minutes)



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Santa Monica Daily Press

'Alone in the Dark' a waste of time

BY DAN DUNN

Special to the Daily Press

Back in the days when quality was a determining factor in deciding on which films moviegoers spent their hard-earned dough, it's a safe bet that ushers and projectionists would be alone in the theater during showings of "Alone in the Dark." Ah, but these are the days of high-powered marketing campaigns and tech-geek manufactured chicanery that hordes of impressionable youngsters and gray matter-less adults find nearly impossible to resist. So the seats at the multiplex will have butts in them for this laughably bad film adaptation of yet another apocalyptic-Goth video game. I pity those butts and the eyes attached to them, for what they'll see is a deliriously-edited special-effects cannonade featuring a once-semi-respectable movie star (Christian Slater) slogging through a morass of detritus left over from seemingly every bad sci-fi flick ever committed to celluloid. During the precious few moments when everything in sight isn't being blown to smithereens to the bone-rattling beat of a soundtrack only a 15-year-old death metal fan could love, Slater gets to engage in some atrocious dialogue and fight one overblown battle after another with a surgically-enhanced punch-line (Tara Reid) and a scruffy little D-lister (Stephen Dorff) who chews up the crud with such gusto, it's a wonder he didn't contract trench mouth. There are far better things to do while alone in the dark, and most of those don't cost anything.

Review



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NATIONAL

Child killers walk free after high court vacates convictions

BY GENE JOHNSON

Associated Press Writer

SEATTLE — Yvonne Roberts used to take comfort in knowing the killer of her 3-year-old son was behind bars. That was before two recent state Supreme Court decisions let him out this month, four decades early.

And that man, David Crane, isn't alone. Noreen Erlandson served 12 years instead of 40 for killing her 2-year-old daughter, and Keith Whitling was supposed to serve another 15 for the death of his 6-week-old girl in 1992. In all, at least two dozen child killers could end up walking after the court found that they were improperly convicted.

"I'll never accept it," said Roberts, as she sobbed in a recent interview. "These justices need to go. They didn't just create a loophole; they opened the cell door to these killers."

The court's rulings concerned the state's law on felony murder, defined as a homicide that occurs — even by accident — during or "in furtherance of" another felony, such as robbery. For decades, prosecutors charged defendants with second-degree felony murder if an assault led to someone's death.

In 2003, the court decided that the law didn't allow for felony murder charges in cases of assault. In a 5-4 ruling, the majority reasoned that in such cases, the assault and the homicide are the same act: The homicide does not occur "in furtherance

of" assault — it is the assault.

Last fall, it said it was applying the decision retroactively. The result was to invalidate felony murder convictions based on assaults from 1976 to 2003, when the Legislature changed the law to explicitly allow second-degree murder charges in fatal assault cases.

About 280 prisoners may be entitled to have their convictions vacated, as well as an unknown number of people who already served their time. Prosecutors face the choice of filing new charges of manslaughter, which carries a lesser penalty; finding another felony on which to base a felony murder charge; or trying to prove that the killing was intentional — a daunting task years after the fact. In cases where children were impulsively shaken or beaten to death, intent is especially difficult to prove.

"When a court overturns 30 years of precedent to set hundreds of murderers free, that's a terrible ruling," said Snohomish County Deputy Prosecutor Seth Fine. "The court doesn't seem to recognize the impact this is having on victims' family members — how wrenching it is to have these cases reopened years or decades after they were closed."

Crane's murder conviction for killing 3-year-old Steven Collins in 1986 was vacated earlier this month, and prosecutors could only file manslaughter charges. Though Crane has long insisted on his innocence, he pleaded guilty to the lesser

charge, was sentenced to 20 years — not exactly a slap on the wrist, his lawyer noted — and walked free, with credit for good behavior. Crane declined to be interviewed for this story.

"Sex offenders have to register where they're at," said Roberts, a 45-year-old waitress from Clinton. "David Crane doesn't. How many more children is he going to have access to? It's spitting on the memory of my son."

Defense attorneys argued that in many cases, convicting someone of murder when the intent to kill wasn't proved resulted in unfairly long sentences. Keith Whitling, of Puyallup, was 21 and admittedly unprepared for the stresses of parenthood when he shook his crying baby to death in 1992. Last month his murder conviction was vacated, he pleaded guilty to manslaughter, and he was released 15 years ahead of schedule.

In a phone interview from central California, where he was helping his sister and her husband refurbish their church, Whitling said he doesn't feel worthy of his second chance at life, but is honored to have it.

"For the victims' families having to rehash this, it's awful. I don't have any answers for them. I'm sorry for their loss," Whitling said. "I talked to my own family, and if they wouldn't have been supportive, I don't know if I would have pursued my own release in the manner I did."

"There's not a day I don't wake up feeling that, that I caused the loss of my

daughter. I would have a beautiful 13-year-old today, but I don't."

Ninety-nine of the cases — 10 involving child killers — are in King County, where the prosecutor's office has set up a team of 10 lawyers to deal with them.

"I think it's crazy and it's very unfortunate," said Senior Deputy Prosecutor Melinda Young, who's heading the team. "I've never heard of creating a unit to deal with a court decision."

The team will retry as many cases as it can, Young said. On Tuesday, her office refiled a murder charge against Jason Twyman, who was supposed to spend 25 years in prison for the beating death of Joey Levick in 1994. The office believes it can prove Twyman and another man intended to kill Levick when they beat him and left him in a ditch.

Some counties are hoping to keep child killers behind bars by refiled second-degree felony murder charges against them. Instead of the charges being based on the felony of assault, they will be based on criminal mistreatment.

Spokane County has already had one defendant go back to prison after pleading guilty to a charge refiled that way, and Clark County has tried the same approach — which requires prosecutors to show that the defendant withheld the child's necessities of life.

In cases where prosecutors can show a pattern of abuse, they could also seek a conviction of homicide by abuse.

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INTERNATIONAL



11 Iraqis, one Marine killed in pre-election violence

BY SAMEER N. YACCOUB

Associated Press Writer

BAGHDAD, Iraq — Eleven Iraqis and one U.S. Marine were killed Thursday as insurgents clashed with U.S. troops and blew up a school slated to serve as a polling center — pre-election violence that followed the deadliest day for U.S. troops since the war's start. Another U.S. soldier died in an accident.

The Marine was killed and five others were injured when insurgents launched mortars at their base near Iskandariyah, about 30 miles south of Baghdad.

In the capital, U.S. and Iraqi troops clashed with insurgents on Haifa street in the center of the city, witnesses reported.

The attacks came after the deadliest day for U.S. forces since the Iraq war began two months ago: 30 U.S. Marines and a Navy sailor died when a helicopter crashed in bad weather in the western desert Wednesday, and six other U.S. troops were killed in insurgent ambushes.

Attacks have increased ahead of Sunday's national elections, when Iraqis will choose a 275-member legislature and provincial councils across the country in the first balloting since the 2003 ouster of Saddam Hussein. Sunni Muslim militants have vowed to undermine the elections, fearing victory at the polls by the Shiite Muslim majority.

U.S. soldiers stepped up operations, moving to forward positions around Baghdad until the end of balloting and tightening security at their main bases, a brigade commander said.

The interim government will deploy an additional 2,500 troops to help guard the elections, the Defense Ministry said. A total of 300,000 Iraqi and multinational troops will provide security, with Iraq's U.S.-trained forces taking the lead role.

About 9,000 Iraqi troops also are being dispatched to guard oil pipelines, which insurgents have repeatedly targeted.

Hundreds of U.S. soldiers assigned to the Louisiana National Guard's 256th Brigade moved out from Camp Liberty, located near Baghdad's main airport, to take up positions at smaller bases scattered around the city.

U.S. troops will not be positioned at polling sites — Iraqi forces will be on guard there. Deploying more troops outside of the main, heavily guarded bases will enable them to respond quickly if needed by Iraqi forces, said Brig. Gen. John Basilica.

"We're hoping to enable the Iraqi security forces to be successful in defending the polling sites so their countrymen can vote," said Basilica, the commander of the Lafayette, La.-based brigade. "It's a critical time for them."

Three Iraqi civilians were killed Thursday in a house in Samarra, 60 miles north of Baghdad, when a car bomb exploded nearby, said Alaadin Mohammed, a doctor at the local hospital. Hours later, mortar shells fell on a designated polling station in Samarra, police said.

Also in Samarra, armed men blew up a school administration building after first ordering the staff to leave, said police Lt. Qassim Mohammed. The destroyed building had been scheduled to be a voting center Sunday.

Sporadic clashes also erupted in Samarra between U.S. troops and armed men, killing one Iraqi civilian and injuring another, Mohammed said.

In Kirkuk, insurgents attacked seven polling stations with mortars and machine guns and opened fire on a police patrol, killing one policeman, authorities said.

A suicide car bomber struck a U.S. military convoy near the northern city of Beiji, witnesses said. There were no reports of casualties.

Another three Iraqis were killed and seven injured when a roadside bomb missed a U.S. convoy in Mahmoudiya, 20 miles south of Baghdad, according to the area's hospital director, Dawoud al-Taie.

An Iraqi army soldier was killed and five civilians and two Iraqi police officers were wounded when a suicide car bomb exploded near the Iraqi soldier's patrol in Baqouba, said 1st Sgt. Brian Thomas of the U.S. military.

Near Tikrit, a roadside bomb killed one Iraqi bystander and narrowly missed another passing U.S. military convoy, police said. The attack happened on a road near Saddam's hometown, about 80 miles north of Baghdad, said police Lt. Shalan Allawi.

And in Ramadi, capital of the insurgent-plagued province of Anbar west of Baghdad, another Iraqi

National Guard soldier was killed when insurgents attacked a joint U.S.-Iraqi force guarding a voting center at a school, said police Lt. Safa al-Obeidi.

The body of Talib Minshid, a colonel in the former Iraqi intelligence under Saddam, was found in Baqouba, according to a hospital official, Mohammed Ali. Minshid had been abducted by armed men two days ago.

A U.S. soldier died Thursday of a gunshot wound on a base near Tikrit in what the American military command called an accident.

Four Iraqi National Guard soldiers and one officer were kidnapped Wednesday in Baghdadi, 90 miles west of Baghdad. The abduction occurred after the Iraqi soldiers' car was stopped by insurgents at a checkpoint, according to witnesses.

On Wednesday, rebels launched a series of car bombs and attacks on polling centers across the country that killed at least 13 people.

One of two car bombings on Baghdad's dangerous airport road Wednesday injured eight Australian soldiers in

a convoy escorting Australian government officials, authorities said.

Defense Minister Hazem Shaalan accused neighboring countries of helping fuel fraud allegations against him.

The charges were first made last week by Ahmed Chalabi, a prominent Iraqi politician, who called for Shaalan to be investigated for allegedly transferring \$500 million in cash from the Iraqi Central Bank to a financial institution in Lebanon.

The two men's political parties are major rivals in Sunday's elections.

A Defense Ministry official confirmed it had legally transferred hundreds of millions of dollars from the bank to a financial institution in Beirut to buy weapons.

The official added that the transfer was made with the knowledge of the Iraqi Central Bank, the Finance Ministry and the U.S.-led multinational forces.

Chalabi's call for an inquiry has triggered a series of allegations by the two Shiite politicians, who are running for parliament on separate tickets.

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INTERNATIONAL

Mexican priest steps down from the clergy

By The Associated Press

VATICAN CITY — The Legionaries of Christ have elected a successor to the Mexican priest who has headed the embattled religious order since its founding 64 years ago.

The Rev. Marcial Maciel Degollado, 84, declined re-election, but a spokesman for the order said the decision had no tie to recent reports that the Vatican has reopened an investigation into allegations that Degollado sexually abused seminari-

ans.

The accusers have tried for years to call their accusations to the attention of Pope John Paul II. Maciel and the order have vigorously denied the allegations, saying the men are conspiring to defame him.

In November, Pope John Paul II praised Maciel on the 60th anniversary of his ordination, citing his "intense, generous and fruitful priestly ministry." A week later, Maciel's accusers were told the Vatican was reopening a canon law investigation of their claims that stalled in

1999, according to The Hartford (Conn.) Courant and the National Catholic Reporter, an independent newsweekly.

Maciel cited his age and his wish to be present during a transition under the new general director, the Rev. Alvaro Corcuera Martinez del Rio, a fellow Mexican, the order's spokesman said. "He had been planning this for at least three years," said the Rev. Tom Williams.

Corcuera has been rector of the Legionaries' international seminary in

Rome. Its U.S. headquarters is in Orange, Conn., and it has a seminary in Cheshire, Conn.

Maciel founded the order when he was 20, in 1941. It claims a membership of 65,000 people, including some 600 priests in 18 countries.

David Clohessy, national director of the Survivors Network for Those Abused by Priests, said Maciel's decision to step down "does not, we believe, absolve Vatican officials from investigating the serious sex abuse charges against him."

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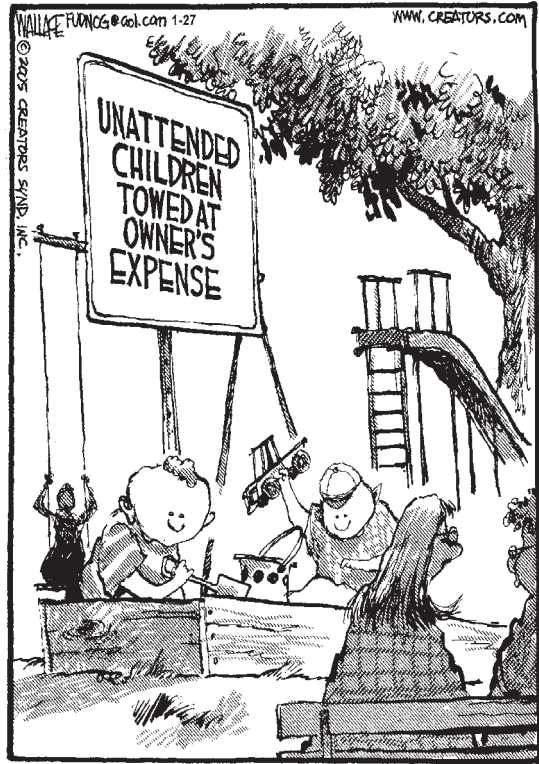


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- 18 First person
- 20 Crazy
- 22 Blubber
- 23 Use up
- 26 Temple leader
- 28 Bush, for one
- 29 Comes into view
- 31 8, on a phone
- 32 Rough voice
- 33 Pretentious
- 34 Cross-word part
- 36 High point
- 38 Golfer's feat
- 40 Prom transports
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- 46 Wander (along)

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GARY ALAN BRUMFIELD
1935-2005

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ther of Kelly Brumfield Woods,
Kristin Brumfield, Carrie Brum-
field; beloved grandfather of Dean
Alan Brumfield and Hadley Fran-
ces Woods, passed gently from
this life to more life on Wednes-
day, January 26, 2005, with his
family at his bedside. A lifetime
resident of the Westside, he was
preceded in death by his mother
Norma, his brother Paul, and his
father Alvin Anderson Brumfield,
Battalion Chief, Santa Monica Fire
Dept. He graduated from S.M.
High School in 1953; earned
Pharm.D. from University South-
ern California in 1958. He was a
trusted pharmacist in Malibu,
Santa Monica and Marina del Rey.
From 1970 to 1985, he operated a
respected commercial real estate
firm on the Westside, A memorial
service will be held at 4:00 pm on
Monday, January 31, 2005, at
Brentwood Presbyterian Church,
12000 San Vicente Blvd, Los An-
geles, CA 90049. In lieu of flow-
ers, donations may be directed to
Alzheimer's Disease Center,
UCLA Geffen School of Medicine
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Jeffrey Cummings, Reed Neuro-
logical Research Center, 710
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JOE ORTEGA

15 year Santa Monica resident
Joe Ortega passed away on
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Ortega, and his seven grandchil-
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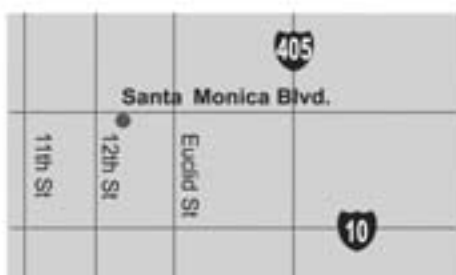
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