

Santa Monica Daily Press

A newspaper with issues

DAILY LOTTERY

SUPER LOTTO
3 9 13 27 33
Meganumber: 13
Jackpot: \$7 Million

FANTASY 5
3 6 12 20 21

DAILY 3
Daytime: 6 0 2
Evening: 6 6 1

DAILY DERBY
1st: 05 California Classic
2nd: 08 Gorgeous George
3rd: 03 Hot Shot

RACE TIME: 1:46.31
Although every effort is made to ensure the accuracy of the winning number information, mistakes can occur. In the event of any discrepancies, California State laws and California Lottery regulations will prevail. Complete game information and prize claiming instructions are available at California Lottery retailers. Visit the California State Lottery web site: <http://www.calottery.com>

NEWS OF THE WEIRD

BY CHUCK SHEPARD

Even with the nation at war and casualties mounting, some Pentagon officials evidently believe that one way to reduce military families' stress is to teach them to laugh. Its "laughter instructor," retired Army Col. James Scott, holds therapeutic sessions around the country with National Guard families that feature walking like a penguin and blurring "ha ha hee hee and ho ho," according to a January USA Today story. Said Scott, "The guiding principle is to laugh for no reason (which is) one of the reasons it works so well for military families."

TODAY IN HISTORY

Today is the 32nd day of 2006.
There are 333 days left in the year.

On Feb. 1, 2003, the space shuttle Columbia broke up during re-entry, killing all seven of its crew members.
In 1861, Texas voted to secede from the Union.
In 1893, inventor Thomas A. Edison completed work on the world's first motion picture studio, his "Black Maria," in West Orange, N.J.
In 1920, the Royal Canadian Mounted Police came into existence.

QUOTE OF THE DAY

"Every 10 years a man should give himself a good kick in the pants."
EDWARD STEICHEN
AMERICAN PHOTOGRAPHER (1879-1973)

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Watershed plan to go before council

BY RYAN HYATT
Daily Press Staff Writer

CITY HALL — Plans are under way to determine whether residents are ready to pay for an ambitious watershed protection plan intended to clean up Santa Monica Bay.

In December, the City Council approved a contract to complete a draft plan to improve water quality along Santa Monica's coast over the next two decades. Brown and Caldwell, the firm assisting City Hall with the project, is finishing the \$277,500 draft plan,

which is set to go before the council on March 14.

The plan is a response to tighter regulations by the Regional Water Quality Board to reduce pollution in Southern California's surface waters, including Santa Monica Bay. The regulations require each city to develop a plan to address how it will make its waters cleaner. The project would make Santa Monica compliant by 2020 with several environmental factors, initiating dramatic reductions in bacterial, chemical and solid waste that enter Santa Monica Bay through its stormwater system,

according to city officials.

While city officials are supportive of cleaning the bay, there will be a considerable need for a new funding source for the project, they said. Capital costs alone could reach \$95 million over a period of 15 years. In addition, operating and maintenance costs could at least double the current \$36 annual stormwater fee homeowners pay, according to a recent staff report.

To secure funding, the council authorized city staff in December to explore whether a bond could be raised so the project can move forward.

The cities of Santa Monica and Calabasas are set to undergo a joint polling venture in the next few weeks whereby residents will indicate if they are interested in cleaning the city's beaches and coastal waters, and whether they're willing to pay for it.

Councilman Kevin McKeown said Santa Monica has historically led the region in responsible stormwater and other outflow issues. The kind of cleanup imagined for the bay would be a further step in this tradition, he said, and it

See WATERSHED, page 5

Towing the line



Fabian Lewkowicz/Daily Press

Curtis Russell, 31, and his wife, Kim Russell, 31, employees of Scooter Media, drive down Rose Boulevard toward the beach while towing billboards promoting The Museum of Contemporary Arts' new exhibition, "Ecstasy, In and About Altered States." The exhibition will be showing through February 20th.

LOCAL

Governor hands out student diplomas

BY KEVIN HERRERA
Daily Press Staff Writer

CITYWIDE — High school seniors with disabilities who have not passed the state's exit exam will still receive their diplomas under legislation signed Monday by Gov. Arnold Schwarzenegger.

The temporary reprieve only applies to roughly 4,000 stu-

See DIPLOMA, page 5

Four failed safeguards led to spill

By The Associated Press

MANHATTAN BEACH, Calif. — An investigation shows multiple safeguards designed to prevent a major sewage spill at a pumping station failed on Jan. 15, causing 100,000 gallons of sewage to spill into the Pacific Ocean and foul beaches.

The preliminary investigation showed all four safeguards failed. The cause had previously focused on a failure of an electrical system that prevented motors from running at the pumping station.

But the Sanitation Districts of Los Angeles County uncovered a larger system failure that raises questions about how well pumping stations across the region operate.

"We always learn something new and important from unusual events like this," said Joe Haworth of the county sanitation district. "Most of the time all 550 million gallons of sewage that we pump each day stays in the sewer, so it took a lot of independent circumstances to conspire to make the system go awry."

Electrical problems caused the station to shut down and sewage to back up, an emergency backup electrical system that was supposed to turn on in the event of a power outage failed to activate, an alarm system didn't work and a separate system designed to measure the depth and pressure inside the pumping station also didn't work.

Crews contained most of the estimated 1.7 million gallons of sewage that escaped the pumping station, but some 100,000 gallons flowed into Santa Monica Bay.



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Nomination Deadline February 3, 2006

The Sustainable Quality Awards honor businesses and organizations that make Santa Monica a better place to live and work. Awards are given to companies that demonstrate commitment to the community in one or more of the following three areas: economic development, stewardship of the natural environment, and social responsibility. The Award Ceremony honoring the winners will be held on May 2, 2006.

Nominations are quick and easy! Visit www.smsqa.com and click on "SQA Nomination Form" or contact the Santa Monica Chamber of Commerce at 310 393 9825 for more information.



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HOROSCOPES

Don't push, Aries

Santa Monica Daily Press



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 test your mental limits. Don't push yourself for solutions. A discussion could be more enlightening anyway. Pressure builds. You'll find out what you need to know. You feel refreshed and relieved later in the p.m. Tonight: Others want to be with you.



TAURUS (April 20-May 20)

★★★ You might be frustrated by what happens when you relax and don't respond immediately. You find ways of dealing with others that could be novel and more than successful. Pressure builds. Tonight: Save time for yourself.



GEMINI (May 21-June 20)

★★★★ Deal with others with understanding and knowledge of where you are going. Someone might buck your ideas. You might want to pull back and think through some information. Double-check your facts. Tonight: Your night on the town.



CANCER (June 21-July 22)

★★★ When a procedure or action doesn't work, you might want to ground it. Your creativity encourages others to think facts through. Someone might be a little lax with his or her finances. Take charge later in the day. Tonight: Don't count on an early night.



LEO (July 23-Aug. 22)

★★★★ Others run with the ball. All you can do is trot right behind them! A partner could inspire you. Together you can create a lot of interesting events and feelings. By late afternoon, you could view someone a lot differently. Tonight: Try something new.



VIRGO (Aug. 23-Sept. 22)

★★★★ Others are in control. You will opt to do your thing and simply observe others. Toss yourself into a project that inspires you. Let go and enjoy yourself. You might find someone much easier to deal with later in the day. Tonight: Make time for a special friend.



LIBRA (Sept. 23-Oct. 22)

★★★ Jump into the trenches (so to speak) and complete your to-do list. Someone might intrigue you with a new idea or simply a new way of presenting him- or herself. You will like having the free time this afternoon. Tonight: Accept an invitation out.



SCORPIO (Oct. 23-Nov. 21)

★★★★ You might be mind-boggled by a child or new friend in your life. You also might be putting this person on a pedestal. Try to take off your rose-colored glasses. Ultimately, you will be happier with a dose of reality. Tonight: Easy does it.



SAGITTARIUS (Nov. 22-Dec. 21)

★★★★ You are coming from a sound place, but you might be forced to change your tune because of someone else. Your sixth sense pitches in where you might lack words. In fact, you — yes, you — could be speechless for at least a minute! Tonight: Take a midweek break.



CAPRICORN (Dec. 22-Jan. 19)

★★★★ What you say has an impact. Consider being more in tune with those around you, and choose your words accordingly. You will get better results. Others could easily overwhelm you with their news. Tonight: Head home. You will want some downtime.



AQUARIUS (Jan. 20-Feb. 18)

★★★ Be especially careful when dealing with finances and others. You might not like the consequences otherwise. Even your keen intuition could be deceptive and just wishful thinking. Do more questioning. Tonight: Visit and chat with a pal.



PISCES (Feb. 19-March 20)

★★★★ You might be on a roll, but if you look around, you'll see that others are not. Someone needs your time and attention. Do whatever is necessary to pitch in. Confusion might surround what you think is a great idea or plan. Tonight: Your treat.



Santa Monica Daily Press

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LOCAL



COMMUNITY BRIEFS

A silent fundraiser

By Daily Press staff

Silent films are making a comeback and helping a local school raise some much-needed funds.

A 1927 silent movie comedy, "The Kid Brother," starring Harold Lloyd, will be screened to benefit the Lighthouse Church School. The movie, suitable for all ages, includes a musical soundtrack.

Lloyd, the "king of daredevil comedy," plays timid Harold Hickory, youngest of three sons of a country sheriff. Harold falls in love with Mary, a young woman traveling with her late father's medicine show, which burns down in Hickoryville. Harold's father is wrongly accused of stealing money, and Harold must try to find the actual thieves.

The film will be shown at 4 p.m. and 7 p.m. on Saturday, Feb. 4, at the Aero Theatre, located at 1328 Montana Ave. Tickets are \$20.

The movie fund-raiser will benefit The Lighthouse Church School, which enrolls students from kindergarten through high school at two campuses in Santa Monica. For reservations, call (310) 264-0634.

Don't suffer the pain alone

By Daily Press staff

Don't suffer from the symptoms of fibromyalgia alone.

A fibromyalgia support group will meet Saturday, Feb. 11, at 2:15 p.m. in the Santa Monica UCLA Medical Center cafeteria conference room B, ground floor, 1250 16th St. A registered dietitian will speak on how nutrition and a healthy diet are important in managing this illness. For information, call (310) 417-8474.

SNOW AND SURF REPORTS

CONDITIONS

DATA PROVIDED BY ONTHESNOW.COM

BEAR MOUNTAIN

NEW SNOW (24 Hrs)	BASE DEPTH	LIFT HOURS	RUNS OPEN	LIFTS OPEN
0"	12"-36"	8:30am - 4:00pm	15	10/12

CONDITIONS: Packed Powder, Machine Groomed, Hard Packed

JUNE MOUNTAIN

NEW SNOW (24 Hrs)	BASE DEPTH	LIFT HOURS	RUNS OPEN	LIFTS OPEN
0"	96" - 120"	8:00am - 4:00pm	35	6/6

CONDITIONS: Packed Powder, Machine Groomed

MAMMOTH MOUNTAIN

NEW SNOW (24 Hrs)	BASE DEPTH	LIFT HOURS	RUNS OPEN	LIFTS OPEN
0"	144" - 168"	8:30 am - 4:00 pm	150	25/28

CONDITIONS: Packed Powder, Machine Groomed

MOUNTAIN HIGH

NEW SNOW (24 Hrs)	BASE DEPTH	LIFT HOURS	RUNS OPEN	LIFTS OPEN
0"	12"-30"	8:30 am - 10:00 pm	16	8/16

CONDITIONS: Machine Made, Machine Groomed, Hard Packed

MT. BALDY

NEW SNOW (24 Hrs)	BASE DEPTH	LIFT HOURS	RUNS OPEN	LIFTS OPEN
0"	12"-12"	8:00 am - 4:30 pm	4	2/4

CONDITIONS: Packed Powder, Machine Made

SNOW SUMMIT

NEW SNOW (24 Hrs)	BASE DEPTH	LIFT HOURS	RUNS OPEN	LIFTS OPEN
0"	12"-36"	8:30 am - 4:30 pm	18	14/14

CONDITIONS: Packed Powder, Machine Groomed, Hard Packed

SNOW VALLEY

NEW SNOW (24 Hrs)	BASE DEPTH	LIFT HOURS	RUNS OPEN	LIFTS OPEN
0"	24"-12"	8:30 am - 4:00 pm	11	5/11

CONDITIONS: Packed Powder, Machine Groomed

CONDITIONS

WATER TEMP: 57°

DATA PROVIDED BY WETSAND.COM

SWELL FORECAST (... FT)

LONG RANGE SYNOPSIS

TIDE FORECAST FOR SANTA MONICA

SATURDAY	LOW TIDE: 1:22AM HIGH TIDE: 7:42AM	2.1FT 6.8FT	3:01PM 9:29PM	-1.8FT 4.0FT
SUNDAY	LOW TIDE: 2:11AM HIGH TIDE: 8:28AM	1.7FT 7.0FT	3:38PM 10:03PM	-1.8FT 4.2FT
MONDAY	LOW TIDE: 3:00AM HIGH TIDE: 9:14AM	1.42FT 6.8FT	4:15PM 10:38PM	-1.6FT 4.5FT
TUESDAY	LOW TIDE: 3:52AM HIGH TIDE: 10:00AM	1.2FT 6.3FT	4:52PM 11:16PM	-1.2FT 4.7FT
WEDNESDAY	LOW TIDE: 4:47AM HIGH TIDE: 10:49AM	1.1FT 5.6FT	5:28PM 11:56PM	-0.5FT 4.9FT
THURSDAY	LOW TIDE: 5:50AM HIGH TIDE: 11:43AM	1.1FT 4.6FT	6:04PM N/A	0.2FT N/A
FRIDAY	N/A			

SURF AND SNOW QUESTIONS OR COMMENTS? EMAIL ALEX@SMRDP.COM



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The QLine

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An emboldened tourism industry, surging real estate sales and some unexpected money courtesy of the state have pumped an additional \$5.5 million into the city coffers, leaving council members with more money to spend when they approve the mid-year budget next month. While some of the cash is already accounted for — to cover increased costs for employee salaries — roughly \$2.5 million will be left up to the discretion of the council, which will debate the issue at a meeting scheduled for Feb. 14.

So this week, Q-Line wants to know, "How do you think the council should spend the budget surplus?"

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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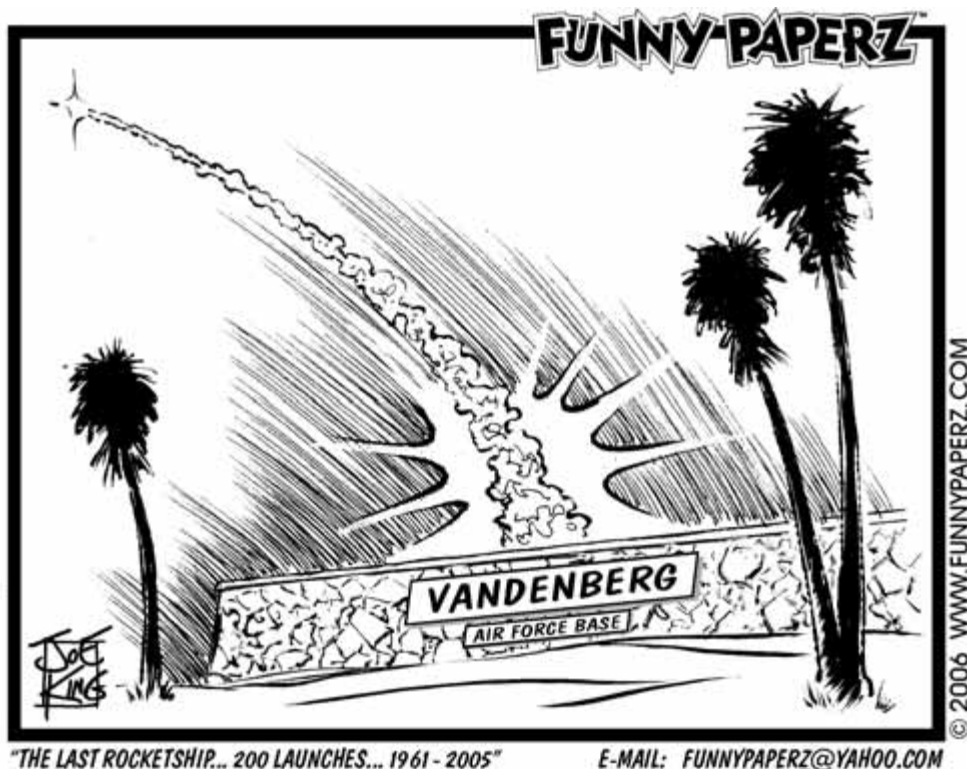
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OPINION



LETTERS TO THE EDITOR

Asbestos is still an issue

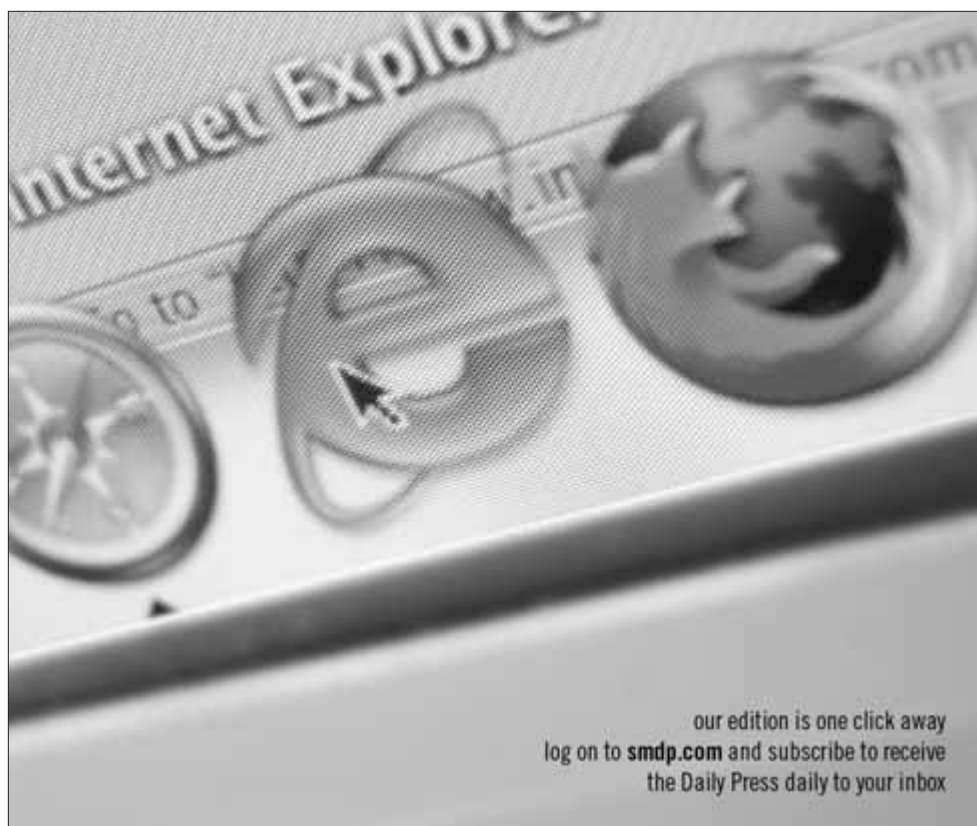
Editor:

It is very difficult to believe that there are actually people out there that strongly believe asbestos products are no longer being manufactured. Research shows that there are more than 1,700 asbestos products being manufactured at the present time, here in the United States.

Congress plans on passing a bailout bill for the manufacturers of asbestos. If this bill passes, the victims of this horrible disease and their families will lose their right to a jury trial. Once a right is taken away, it is almost impossible to get back. The less informed the public is, the easier it is to pass this bill.

Please call your U.S. senators and ask them to vote "no" on S.852, the so-called "Fair Bill." Environmental matters should be the concern of everyone.

Anita Dorn
Echo, OR



GUEST COMMENTARY BY THOMAS A. BOWDEN

Assisted suicide: A moral right

Since 1997, Oregon physicians have been permitted by statute to help their patients commit suicide. On Tuesday the Supreme Court upheld this controversial law, reaching the right result for the wrong reasons. By basing its decision on legal technicalities, the court managed to avoid addressing the real issue: an individual's unconditional right to commit suicide.

The Oregon law permits a doctor to prescribe a lethal dose of drugs to a mentally competent, terminally ill patient who makes written and oral requests, consults two physicians and endures a mandatory waiting period. The patient's relatives and doctors are powerless to engage in legalized "mercy killing," as they cannot apply on the patient's behalf, and the patient himself administers the lethal dose.

In 2001 Attorney General John Ashcroft decreed that any doctor prescribing such a dose would violate federal law against dispensing controlled dangerous substances without a "legitimate medical purpose." Consequently, the case reached the Supreme Court as a technical debate between federal and state governments over which one should regulate the practice of medicine. On Tuesday the Court ruled that the state of Oregon could permit assisted suicide, despite the federal law.

But who was missing from that debate? The individual patients whose lives were at stake.

What the Supreme Court should have done was bypass legal technicalities and revisit its 1997 decision in *Washington v. Glucksberg*, which held that individuals have no constitutionally protected right of suicide, and hence no right to obtain assistance in that act.

What the courts must grasp, if they are ever to resolve the battle over assisted suicide once and for all, is that there is no rational, secular basis upon which the government can properly prevent any individual from choosing to end his own life. When religious conservatives use secular laws to enforce their idea of God's will, they threaten the central principle on which America was founded.

The Declaration of Independence proclaimed, for the first time in the history of nations, that each person exists as an end in himself. This basic truth — which finds political expression in the right to life, liberty, and the pursuit of happiness — means, in practical terms, that you need no one's permission to live, and that no one may forcibly obstruct your efforts to achieve your own personal happiness.

But what if happiness becomes impossible to attain? What if a dread disease, or some other calamity, drains all joy from life, leaving only misery and suffering? The right to life includes and implies the right to commit suicide. To hold otherwise — to declare that society must give you permission to kill yourself — is to contradict the right to life at its root. If you have a duty to go on living, despite your better judgment, then your life does not belong to you, and you exist by permission, not by right.

For these reasons, each individual has the right to decide the hour of his death and to implement that solemn decision as best he can. The choice is his because the life is his. And if a doctor is willing to assist in the suicide, based on an objective assessment of his patient's mental and physical state, the law should not stand in his way.

Religious conservatives' outrage at the Oregon law stems from the belief that human life is a gift from the Lord, who puts us here on earth to carry out His will. Thus, the very idea of suicide is anathema, because one who "plays God" by causing his own death, or assisting in the death of another, insults his Maker and invites eternal damnation, not to mention divine retribution against the decadent society that permits such sinful behavior.

If George W. Bush were to contract a terminal disease, he would have a legal right to regard his own God's will as paramount, and to instruct his doctor to stand by and let him suffer, just as long as his body and mind could endure the agony, until the last bitter paroxysm carried him to the grave. But the Bush administration has no right to force such mindless, medieval misery upon doctors and patients who refuse to regard their precious lives as playthings of a cruel God.

Conservatives crave to inject religion into the bloodstream of American law, thereby assisting in our own national suicide. However, they cannot succeed without the Supreme Court's consent. Sooner or later, the Court must confront the main issue, and decide whether an individual's right to life includes the right to commit suicide.

(Thomas A. Bowden, an attorney, is a writer for Ayn Rand Institute in Irvine, Calif. The Institute promotes the ideas of Ayn Rand — best-selling author of *Atlas Shrugged* and *The Fountainhead* and originator of the philosophy she called "objectivism.")

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Santa Monica Daily Press



Residents to be polled about watershed plan

WATERSHED, from page 1

would require significant community investment to be successful.

"Many of us use the beaches and ocean regularly for recreation, and even more of us in Santa Monica value clean water as much as clean air," McKeown said. "The council commissioned a study to evaluate public willingness to engage in a major effort to clean up Santa Monica Bay and the regional watershed.

"Clearly such an undertaking depends on community participation in a capital bond measure."

If survey respondents are willing to pay for the project, the polling firms will help develop separate bond and grant proposals for Santa Monica and Calabasas, according to the staff report. The phone survey will be conducted by the Conservation Strategies Group and Fairbank, Maslin, Maulin & Associates. It will cost City Hall \$25,000.

Craig Perkins, director of City Hall's environmental and public works management, said that at the March council meeting, he will likely be discussing with elected leaders the financial options they can weigh before determining how to pursue the project.

Any bond measure to pay for the \$95 million capital costs associated with the project would likely go before voters in November of 2006, Perkins said. One way to pay back bond debt would be to increase the stormwater fee from \$36 to \$100. Perkins said what's attractive about this option is that a fee is already estab-

lished, and increasing it may be better or easier than trying to establish a new district assessment or other tax. These options will also be considered, he said.

Perkins said he hopes to have the survey results available when he approaches the council with the plan.

"This discussion will be about the most cost-effective way to put these standards in place," Perkins said.

The funding for the watershed plan project, including a possible increase of the stormwater fee, is not associated with other recent fee utility increases that went into effect in July, Perkins said. That's because City Hall's solid waste, water, wastewater and stormwater fund balances have been decreasing by varying degrees over the last four years and needed to be corrected in order to keep the bonds that support the funds in legal compliance, officials said.

In order to begin restoring the funds to a healthy level, the City Council adopted a rate schedule that increased the cost of water rates by 6 percent and solid waste rates by 10 percent citywide as of last summer. The new rates will be in effect for at least this year.

On Wednesday, Benjamin Grumbles, assistant administrator for water with the U.S. Environmental Protection Agency, will tour Santa Monica's urban runoff recycling facility, as part of a water regulatory meeting being held this year in Santa Monica. The state-of-the-art facility is located at 1601 Appian Way, beneath the Pier.

New legislation affects 4,000 students statewide

DIPLOMA, from page 1

dents statewide who are enrolled in special education classes and are on track to graduate this year. All other students must pass both portions of the California High School Exit Exam, a test pegged to sixth-, seventh- and eighth-grade levels in math, and ninth- and 10th-grade levels in English.

While the number of students affected here is small compared to neighboring districts, anxiety over passing the test is still high given the large proportion — nearly two-thirds in the state — of special education students who fail either one or both portions of the test.

"Santa Monica is ahead of the curve ... so I don't expect this to affect very many students," said Tim Walker, assistant superintendent for special education in the Santa Monica-Malibu Unified School District. "We have a high percentage of students passing the exam, but obviously this comes as a relief to families who already have so much going on with graduation, college applications."

To qualify for the exemption, special education students must have failed the test at

least twice since the 10th grade and must then have been provided remedial instruction to help them pass. The class of 2006 is the first in California to be required to pass the exam.

Advocates for special education said the bill's passage, while a relief, is a direct result of students not having the tools necessary to pass the exam.

"When only one-third of high-school seniors with disabilities have passed the exit exam, yet are succeeding in every other way, we have to ask if this exam is the appropriate final checkpoint for graduation," said State Senate Majority Leader Gloria Romero (D-East Los Angeles), who sponsored the bill, SB 517.

In the Santa Monica-Malibu Unified School Districts, special education students will have an easier time passing the test next year. Walker said the board passed a resolution allowing special education students the opportunity to use modifications to the test not allowed by the state. If students can pass the exam with the extra help, they are guaranteed a diploma by the district, which waves state regulations banning test modifiers.



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Westly: California should pay for college

BY JULIET WILLIAMS
Associated Press Writer

SACRAMENTO — State Controller Steve Westly said Monday that every Californian is entitled to free community college — and the state can afford to pay for it.

Westly, who is seeking the Democratic nomination for governor, proposed to pay tuition for students who successfully complete a community college degree. He said the proposal would cost \$100 million to \$200 million a year, money he said the state should already be paying community colleges.

The former eBay executive and millionaire announced his proposal at the annual legislative conference of the Community College League of California in Sacramento Monday.

“Community colleges are the most important part of the higher education system,” he told the group. “Too often, they’re also the most neglected.”

Westly said the cost of attending the state’s 109 community colleges has increased 136 percent in the last three years, to about \$800 a year for a full courseload. Attendance has meanwhile lagged, according to the nonpartisan Legislative Analyst’s Office.

Westly said 180,000 students were priced out of education when fees climbed dramatically in 2003. But the legislative

analyst found in 2003-04 about 40 percent of full-time students had their education subsidized and did not pay any tuition.

Westly’s plan would let students borrow the full cost of their education, interest-free, and the money would turn into a grant if they completed their program. Students who dropped out would have to repay the loans as usual.

The state has shortchanged community colleges in recent years, Westly said. Gov. Arnold Schwarzenegger’s budget this year is \$255 million short of what colleges should be receiving, he said.

Schwarzenegger has proposed eliminating fee increases at colleges and universities in an effort to control the costs to students.

“Fortunately our community college fees are among the lowest in the country and have not increased in recent years,” said Schwarzenegger spokeswoman Katherine McLane. “Suggesting that we take funds from our K-12 classrooms to reduce fees already the lowest in the nation is an idea that would appear to hurt our K-12 students.”

Westly’s Democratic rival, state Treasurer Phil Angelides, has an education proposal that includes reducing taxes on education, admitting 20,000 more students to state universities, expanding the state’s grant system and creating an endowment to boost funding by around \$300 million a year.

Prescription drug traces found in recycled Los Angeles-area water

By The Associated Press

LOS ANGELES — Water quality officials have found traces of resilient prescription drugs in waste water that has been filtered and recycled into a Southern California aquifer for eventual use as drinking water, but the amounts are so small that the health effects are unclear, the Los Angeles Times reported Monday.

Drugs including antibiotics, antipsychotics, birth-control hormones, Viagra and Valium routinely turn up in wastewater all over the world because people flush them down their toilets. But medications have also ended up in Los Angeles County’s water supplies because of the region’s aggressive efforts to turn treated sewage into drinking water.

Nearly half a trillion gallons of sewage from three treatment plants have replenished the Central Basin aquifer beneath the San Gabriel Valley east of Los Angeles, which supplies 4 million people with water.

Southern California sewage undergoes some of the world’s most rigorous cleansing to remove bacteria and nitrogen, and recycled wastewater added to the drinking water supply meets all government standards. But water officials are discovering the medications as they become capable of detecting smaller amounts of chemicals.

Among the medicines found in local water supplies are small amounts of prescription drugs to treat depression, seizures, high cholesterol, anxiety, infections, inflammation and pain.

Because the medications have been found in very small amounts — the equivalent of a few drops in an Olympic-sized

swimming pool — scientists suspect there is little or no human danger. But they say no one knows if there are health hazards from ingesting small doses of drugs continuously over a lifetime.

What’s more clear are the health effects for fish, frogs and other creatures that spend their entire lives in waterways exposed to drugs.

Christian Daughton, chief of environmental chemistry at the EPA’s National Exposure Research Laboratory branch in Las Vegas, said in a 1999 report that medications “could lead to cumulative, insidious, adverse impacts” on aquatic ecosystems, including declining reproduction and survival rates.

In laboratory tests, Prozac has slowed growth and metamorphosis, making tadpoles more vulnerable to predators, according to research by University of Georgia ecotoxicologist Marsha Black. The drug also causes lethargy and slows reproduction in fish and reduces reproductive rates in crustaceans and shellfish.

In British rivers, Nevada’s Lake Mead, the Potomac River and elsewhere, male fish are growing female ovarian tissues from exposure to birth-control estrogens and natural hormone excretions in treated sewage.

In November, the Los Angeles County Sanitation Districts reported high levels of ibuprofen, naproxen and acetaminophen in raw sewage entering its Whittier Narrows plant, and small concentrations going out.

Because some people deliberately flush pills, Los Angeles and Orange counties will begin distributing cards to pharmacies in March advising customers to get rid of drugs at hazardous waste roundups or wrap them and put them in the trash.



STATE BRIEFS

Priest apologizes to molested children

By The Associated Press

SAN BERNARDINO, Calif. — Six days after his release from prison, former priest Edward Anthony Rodrigue stood outside his downtown motel room and apologized to the children he sexually molested during his nearly 20 years as a Catholic cleric.

“To those I have been involved with, I am genuinely sorry for their problems, for those (problems) I’ve known and the unknown,” the 69-year-old, twice-convicted child molester said. “It upsets me that there are a few (accusers) that I don’t know.”

Rodrigue was paroled Jan. 25 after 8 1/2 years in prison. He pleaded no contest to molesting an 11-year-old, developmentally disabled boy in Highland, but he told detectives he molested five or six boys annually while he was a priest.

“It’s rough, with all the publicity,” Rodrigue said Monday at the Sahara/Paradise Motel, a faded pink building at Fifth and H streets.

At least 19 men have accused Rodrigue of molesting them as altar boys between 1967 and 1979 at churches in Ontario, Barstow, Calexico, El Centro, Encinitas and elsewhere, according to lawsuits against the Catholic dioceses of San Diego and San Bernardino.

The men allege the diocese failed to protect them as they shuffled Rodrigue from parish to parish after Rodrigue pleaded no contest in 1979 to misdemeanor child-molestation charges in Ontario.

Owners fined for flattening dunes

By The Associated Press

NEWPORT BEACH, Calif. — Five owners of beach houses will pay \$225,000 in fines for flattening sand dunes in front of their homes to improve ocean views and they agreed to restore the 6-foot-high dunes just south of the Santa Ana River mouth.

In April 2005, in the dark of night, a bulldozer scraped away the dunes along a block-long stretch of beachfront. Police said the homeowners paid a bulldozer operator \$2,000 to level the dunes.

No charges were filed by the Orange County district attorney’s office and homeowners didn’t admit any wrongdoing. The California Coastal Commission said the work was considered unapproved development along the coast, which is protected by state law.

The commission is expected to approve the settlement agreement with homeowners at its Feb. 8 meeting in Chula Vista.

The agreement, signed last week by the homeowners, requires them to pay amounts ranging from \$30,000 to \$75,000 between May 2006 and February 2009. They will have 30 days to hire a restoration ecologist and present a plan to the commission to replant and restore the destroyed sections.

Cop saves partner from crushing

By The Associated Press

LOS ANGELES — A policeman was credited with saving his partner from being crushed to death when an alleged drunken driver crashed a pickup truck into their parked squad car.

Officer Jeffrey Rivera and Officer Criselda Pedro were seriously injured in the San Pedro crash earlier this month. Both officers were recovering at home on Monday.

Rivera, who was in the passenger seat, saw the Chevrolet Silverado pickup approaching from behind and reached across the driver’s seat to grab Pedro as she was getting out. He pulled her back inside before the vehicle struck them, Detective Jeff Bratcher said.

“If he didn’t do that, she probably wouldn’t be here,” Bratcher said.

The pickup crushed the rear of the patrol car and tore off the driver’s door, where Pedro had been standing, Bratcher said. The officers were completing paperwork at the scene of an earlier suspected drunken driving crash on Pacific Avenue near First Street.

The unlicensed pickup driver, Hector Bustillos, 38, of Wilmington, was booked for investigation of driving under the influence of alcohol causing injuries. Investigators were taking the case to the district attorney’s office on Tuesday.

U.S. men’s volleyball moves to OC

By The Associated Press

ANAHEIM — The U.S. Men’s Volleyball Team will be based in Orange County for six years.

The team agreed to move its headquarters from Colorado Springs, Colo., to Anaheim, city officials said. The six-year deal, which would run through the 2008 Olympics in Beijing and the 2012 games in London, was expected to get City Council approval this week.

Beginning in May, the 25-man team would train at the 110,000-square-foot American Sports Centers on Anaheim Boulevard. Mayor Curt Pringle helped broker the deal.

Oceanside, the Home Depot Center in Carson and the Olympic Training Center in Chula Vista were also trying to lure the team. But men’s coach Hugh McCutcheon said Anaheim offered the best financial package and the best location.

“Anaheim is so centrally located and it allows us to be a visible part of a thriving youth volleyball community,” McCutcheon said. “In the long term, being here gives us a better chance to get a better look at a lot more players.”



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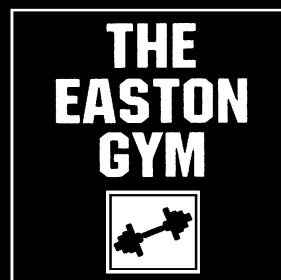
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Surfing industry aiming to rebound

BY BERNIE WILSON
AP Sports Writer

SAN DIEGO — The wipeout might not be so bad after all. For sure, the surf culture is still shaking after Clark Foam — an icon among surfers — suddenly closed its

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When the process is complete, after months or even years of waiting, all these fees and expenses are deducted from the value of your estate before your heirs ever see a single penny. There are many horror stories of estates being eaten up by fees and expenses, the most famous being that of mega film star Marilyn Monroe. Once the probate process was complete)it took nearly 20 years), fees and expenses were more than one million dollars. There was a grand total of \$104,229 left over for her heirs. Do you want this to happen to you??

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We The People
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Orange County factory after producing an estimated 90 percent of the blanks used to craft custom-made boards worldwide.

"It's kind of like saying Microsoft just pulled Windows off the shelf. Uh oh, that's different," said Sean Mattison, a former professional surfer who's now a buyer for Surf Ride, a shop in Oceanside in northern San Diego County.

But the latest forecast is for foam — lots of it — pouring into the \$200 million surfboard market from small manufacturers around the world anxious to replace the estimated 250,000 blanks that Clark produced annually in a near monopoly.

Making custom boards is a painstaking process that holds special meaning for surfers. Foam blanks — which resemble rough surfboards — are smoothed and shaved before painters add designs and color. Boards are then covered in fiberglass and polished.

At a recent action-sports trade show in San Diego, manufacturers from surfing hotspots such as Southern California, Australia, South Africa and Hawaii promised that by June, they could fill the void by ramping up production.

"Going from underdog to top dog is exciting, but it comes with problems," said Gary Linden, general manager of Walker Foam in Wilmington, an industrial area near Los Angeles.

Manufacturers like Walker are pushing equipment to the limit and hiring more workers to be the first to get their foam to anxious board makers.

In the meantime, surfers will see dips and curls — tight supplies and higher prices.

At Hansen Surfboards in Encinitas, Mark Dastoli said he expects to pay as much as \$200 more for a new board than he would have before Clark Foam shut down. The Australian transplant, who tries to surf every day, shrugged off the cost.

"They don't charge me to go in the ocean," he said.

Indeed, if any industry can ride out a crisis like "Blank Monday," as the Dec. 5 closing of Clark is called, it would be the laid-back surfing sector. Many people in the business say surfboards were underpriced anyway and might never return to previous levels.

"In the long run, everything will be fine," said Craig Hollingsworth, 49, who's been using blanks to shape boards in northern San Diego County since he was 16. "Most customers have been patient about it. A lot of customers are starting to appreciate a custom-made surfboard."

At Mitch's Surf Shop in funky Solana Beach north of San Diego, shoppers are greeted by a sign saying:

"Blanks Not For Sale To The Public." At the bottom of the sign is a skull and crossed surfboards, like a pirate flag.

Hollingsworth is a longtime customer at the shop and recently stopped by for his ration of 10 blanks. Half were from a batch of Clark Foam that had been in storage. The others came from Walker Foam.

Hollingsworth also has chipped in with friends to split the cost of buying and shipping 650 blanks from South Africa that are due to arrive in California in early February.

The market for foam remains strong because surfboards are like tennis balls: They eventually wear out and feel dead. A high-performance short board ridden every day might need to be replaced after four to six months.

Hollingsworth said he liked Clark Foam because the shapes of its blanks were refined and he could custom-order certain curve characteristics.

Other would-be suppliers will have to make adjustments to offer the same features, he said.

"Right now they're just trying to make as many as fast as they possibly can," Hollingsworth said. "We're happy they are. We're getting blanks."

Industry leaders already have warned that some of the new foam might lack the quality of Clark products and not offer the same performance or longevity.

Clark Foam founder Gordon "Grubby" Clark began making blanks in the 1950s and became a legend over the years. He closed his factory in December amid increasing trouble with state and local governments over his non-standard production machinery and his use of toxic and polluting chemicals.

The resulting upheaval has been good and bad for companies like Walker Foam. Before "Blank Monday," Walker had five employees and produced only 80 to 100 blanks a week.

In two months, it has hired 20 more workers, many from Clark Foam, and now pumps out 600 blanks a week. The factory will max out at 2,000 a week in a month or two, Linden said

By comparison, Clark Foam was believed to churn out more than 1,000 blanks a day.

Linden estimated the cost of speeding up production, plus building a new factory in the desert, will easily exceed \$1 million. He says the moves could help the company capture as much as 70 percent of the wide-open market.

"We have a market all of a sudden," Linden said in a phone interview. "The downside is, we don't have product. It's not fun not being able to help people in their time of need."

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Water officials line up behind Colorado River water plan

BY KATHLEEN HENNESSEY
Associated Press Writer

LAS VEGAS — Water officials from the states that share the Colorado River reached agreement Tuesday on a wide-ranging drought management plan that they will propose to Interior Secretary Gale Norton this week.

After two days of talks in Las Vegas, water officials said they put the finishing touches on proposals that would allow them flexibility in determining how much water is released from Lake Powell to Lake Mead, the system's two major reservoirs.

It would force the states to review their management plans in times of extreme shortages.

The proposal also encourages investment in technologies, water exploration and infrastructure improvements that could increase the amount of water in the system, and it would let the states reap the benefits of their own projects.

And it urges the federal government to pressure Mexico in times of drought to take less of the 1.5 million acre-feet of water it's entitled to under treaty.

A proposal to manage the river was requested by Norton, who has threatened to impose a drought management plan by the end of 2007 — with or without the seven states' recommendations. Many involved in the process feared the negotiations would devolve into a court battle.

"I think we're another step closer to avoiding (lawsuits.) But this is a slow and difficult process, because there's so many moving parts, so many political expectations on all of us," said Scott Balcomb, an attorney representing Colorado in the talks.

Under a 1922 compact, the states are allotted a portion of the 15 million acre-feet of water assumed to be in the vast Colorado River system. At issue is how to allocate water from the river when flows are low and reservoirs can't supply normal amounts to each state.

Officials said the proposed plan protects the upper basin states — Wyoming, Colorado, New Mexico and Utah — by allowing officials to adjust the amount of water released from Lake Powell, the upper basin reservoir. Currently, Lake Powell must release at least 8.23 million acre-feet of water annually to the lower basin reservoir Lake Mead.

"In average years more water might be moved on to Lake Mead and that would help forestall the need for water in the lower basin. In dry years, we might cut down the releases. It allows us flexibility," Balcomb said.

ty," Balcomb said.

Officials said the agreement also protects the lower basin states of California, Arizona and Nevada by creating a tiered system that would trigger water flows based on water levels at Lake Mead. When the level drops below 1,025 feet, all seven states would be forced to meet with the Secretary of Interior to reach a solution.

"There is a floor," said Pat Mulroy, head of the Southern Nevada Water Authority. "That's how the lower basin protects itself against ever-increasing shortages."

Balcomb said the proposal doesn't change each state's allotment but focuses on expanding the amount of water in the system with augmentation programs, such as cloud seeding and desalinization. Norton will be asked to adopt a regulation that ensures states that invest in those projects get to use the water they produce.

"If one state provides augmentation water there ought to be a way for that state to get the benefits," Balcomb said.

Under terms of the deal, Nevada has agreed to pay for a study that looks at potential augmentation programs for the entire river system.

Nevada, a state quickly outgrowing its allotment, agreed to drop contested plans to tap the Virgin and Muddy rivers, Colorado River tributaries. The state also agreed to pay for roughly \$80 million in efficiency improvements that could capture more water in the system.

In return, Nevada will be able to add the water it conserves — about 280,000 acre-feet of water — to its allotment.

An acre-foot is enough water to serve one to two households a year.

The states' agreement also asks the Secretary of State to urge Mexico to accept less water during a drought, something it has resisted. Under a 1944 treaty, Mexico does not have to take less than its allotted share except in times of "extraordinary drought" or "serious accident."

Gerald Zimmerman, California's representative, said the proposal — consisting of three documents — would be sent to Norton on Friday. There's no guarantee the secretary will adopt the whole proposal, he said. And work on the details continues.

"We will carefully consider and evaluate them as part of our ongoing public process, just as we will consider and evaluate the input we have received from other interested parties," said Mark Limbaugh, the assistant secretary for water resources at the Department of the Interior in a statement released late Tuesday.



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NATIONAL

Coretta Scott King, the widow of MLK, dies at 78

BY ERRIN HAINES

Associated Press Writer

ATLANTA — Coretta Scott King, who turned a life shattered by her husband's assassination into one devoted to enshrining his legacy of human rights and equality, has died at the age of 78.

Flags at the King Center were lowered to half-staff Tuesday morning.

“We appreciate the prayers and condolences from people across the country,” the King family said in a statement. The family said she died during the night. The widow of the Rev. Martin Luther King Jr. suffered a serious stroke and heart attack last August.

“It’s a bleak morning for me and for many people and yet it’s a great morning because we have a chance to look at her and see what she did and who she was,” poet Maya Angelou said on ABC’s “Good Morning America.”

“It’s bleak because I can’t — many of us can’t hear her sweet voice — but it’s great because she did live, and she was ours. I mean African-Americans and white Americans and Asians, Spanish-speaking — she belonged to us and that’s a great thing.”

Gov. Sonny Perdue ordered flags at all state buildings to be flown at half-staff and offered to allow King to lie in state at the Capitol. There was no immediate response to the offer, the governor’s office said.

King died at Santa Monica Health Institute, a holistic health center in Rosarito Beach, Mexico, south of San Diego, said her sister, Edythe Scott Bagley of Cheyney, Pa.

She had gone to California to rest and be with family, according to Former Atlanta Mayor Andrew Young, who broke the news on NBC’s “Today” show.

At a news conference, Young said Coretta King’s fortitude rivaled that of her husband.

“She was strong if not stronger than he was,” Young said. “She lived a graceful and beautiful life, and in spite of all of the difficulties, she managed a graceful and beautiful passing.”

She was a supportive lieutenant to her husband during the most tumultuous days of the American civil rights movement, and after his assassination in Memphis, Tenn., on April 4, 1968, she kept his dream alive while also raising their four children.

“I’m more determined than ever that my husband’s dream will become a reality,” King said soon after his slaying.

She goaded and pulled for more than a decade to have her husband’s birthday observed as a national holiday, first celebrated in 1986.

King became a symbol, in her own right, of her husband’s struggle for peace and brotherhood, presiding with a quiet, steady, stoic presence over seminars and conferences on global issues.

The Rev. Jesse Jackson, who was with her husband when he was assassinated, said Tuesday that she understood that every time he left home, there was the chance he might not come back. “Like all great champions, she learned to function with pain and keep serving,” he said. “So her legacy is secure as a freedom fighter, but her work remains unfinished.”

King wrote a book, “My Life With Martin Luther King Jr.,” and, in 1969

founded the multimillion-dollar Martin Luther King Jr. Center for Nonviolent Social Change. She saw to it that the center became deeply involved with the issues she said breed violence — hunger, unemployment, voting rights and racism.

“The center enables us to go out and struggle against the evils in our society,” she often said.

She became increasingly outspoken against businesses such as film and television companies, video arcades, gun manufacturers and toy makers she accused of promoting violence. She called for regulation of their advertising.

After her stroke, King missed the annual King holiday celebration in Atlanta two weeks ago, but she did appear with her children at an awards dinner a couple of days earlier, smiling from her wheelchair but not speaking. The crowd gave her a standing ovation.

The King Center’s board of directors was considering selling the site to the National Park Service to let the family focus less on grounds maintenance and more on King’s message. Two of the four children were strongly against such a move.

Also in the news recently was a new book, “At Canaan’s Edge” by Taylor Branch, that put allegations of her husband’s infidelity back in the spotlight. It said her husband confessed a long-standing affair to her not long before he was assassinated.

Coretta Scott was studying voice at the New England Conservatory of Music and planning on a singing career when a friend introduced her to Martin Luther King, a young Baptist minister studying at Boston University.

“She said she wanted me to meet a very promising young minister from Atlanta,” King once said, adding with a laugh: “I wasn’t interested in meeting a young minister at that time.”

She recalled that on their first date he told her: “You know, you have everything I ever wanted in a woman. We ought to get married someday.” Eighteen months later — June 18, 1953 — they did, at her parents’ home in Marion, Ala.

The couple moved to Montgomery, Ala., where he became pastor of the Dexter Avenue Baptist Church and organized the famed Montgomery bus boycott in 1955. With that campaign, King began enacting his philosophy of direct social action.

Over the years, King was with her husband in his finest hours. She was at his side as he received the Nobel Peace Prize in 1964. She marched beside him from Selma, Ala., into Montgomery in 1965 for the triumphal climax to his drive for a voting rights law.

Only days after his death, she flew to Memphis with three of her children to lead thousands marching in honor of her slain husband and to plead for his cause.

“I think you rise to the occasion in a crisis,” she once said. “I think the Lord gives you strength when you need it. God was using us — and now he’s using me, too.”

The King family, especially King and her father-in-law, Martin Luther King Sr., were highly visible in 1976 when former Georgia Gov. Jimmy Carter ran for president. When an integration dispute at Carter’s Plains church created a furor, King campaigned at Carter’s side the next day.



Samuel Alito sworn in as the 110th Supreme Court justice

BY JESSE J. HOLLAND

Associated Press Writer

WASHINGTON — Samuel Anthony Alito Jr. was sworn in as the nation's 110th Supreme Court justice on Tuesday after being confirmed by the Senate in one of the most partisan victories in modern history.

Alito was sworn in by Chief Justice John Roberts in a private ceremony at the Supreme Court building across from the Capitol at about 12:40 p.m. EST, court officials said.

Alito and his wife, Martha-Ann Bomgardner, along with other members of the court and their spouses, attended the ceremony in the justices' conference room. The 55-year-old New Jersey jurist took both the constitutional and judicial oaths so he can immediately participate in court decisions.

Alito will be ceremonially sworn in a second time at a White House East Room appearance on Wednesday.

"Sam Alito is a brilliant and fair-minded judge who strictly interprets the Constitution and laws and does not legislate from the bench," President Bush said after the vote. "He is a man of deep character and integrity, and he will make all Americans proud as a justice on our highest court."

Alito's swearing-in came only hours after the Senate voted 58-42 to confirm Alito as the replacement for retiring Justice Sandra Day O'Connor, who has been a moderate swing vote on the court.

All but one of the Senate's majority Republicans voted for his confirmation, while all but four of the Democrats voted against Alito. Republican Lincoln Chafee of Rhode Island voted no and Democrats Ben Nelson of Nebraska, Kent Conrad of North Dakota, Tim Johnson of South Dakota and Robert C. Byrd of West Virginia voted yes.

That is the smallest number of senators in the president's opposing party to support a Supreme Court justice in modern history. Chief Justice John Roberts got 22 Democratic votes last year, and Justice Clarence Thomas — who was confirmed in 1991 on a 52-48 vote — got 11 Democratic votes.

Bush and Alito watched the vote together in the Roosevelt Room of the White House. Bush shook Alito's hand and aides erupted in a long round of applause when final approval came.

With the confirmation vote, O'Connor's resignation became official. She resigned in July but agreed to remain until her successor was confirmed. She has been at the court this week, and participated in one last appeal Tuesday. She voted with the other eight justices to refuse to block a Florida execution. She begins teaching a class at the University of Arizona law school later in the week.

A court spokeswoman would not say if O'Connor attended the swearing-in ceremony.

Underscoring the rarity of a Supreme Court justice confirmation, senators answered the roll by standing one by one

at their desks as their names were called, instead of voting and leaving the chamber. Alito and Roberts are the first two new members of the Supreme Court since 1994.

Alito is a longtime federal appeals judge, having been confirmed by the Senate by unanimous consent on the 3rd U.S. Circuit Court of Appeals in Philadelphia on April 27, 1990. Before that, he worked as New Jersey's U.S. attorney and as a lawyer in the Justice Department for the conservative Reagan administration.

It was his Reagan-era work that caused the most controversy during his three-month candidacy for the high court.

Alito replaces O'Connor, the court's first female justice and a key moderate swing vote on issues like assisted suicide, campaign finance law, the death penalty, affirmative action and abortion.

Critics who mounted a fierce campaign against his nomination noted that while he worked in the solicitor general's office for President Reagan, he suggested that the Justice Department should try to chip away at abortion rights rather than mount an all-out assault. He also wrote in a 1985 job application for another Reagan administration post that he was proud of his work helping the government argue that "the Constitution does not protect a right to an abortion."

Now, Alito says, he has great respect for the Roe v. Wade decision as a precedent but refused to commit to upholding it in the future. "I would approach the ques-

tion with an open mind and I would listen to the arguments that were made," he told senators at his confirmation hearing earlier this month.

Democrats weren't convinced, with liberals even unsuccessfully trying to rally support to filibuster Alito on Monday. "The 1985 document amounted to Judge Alito's pledge of allegiance to a conservative radical Republican ideology," Senate Democratic leader Harry Reid of Nevada said before the vote.

They also repeatedly questioned Alito at his five-day confirmation hearing after he would not discuss his opinions about abortion or other contentious topics. At one point, his wife, Martha-Ann, started crying and left the hearing room as her husband's supporters defended him from the Democratic questioning.

"To Judge Alito, I say you deserve a seat on the Supreme Court," said Senate Majority Leader Bill Frist, R-Tenn.

While many predicted a dramatic showdown it never happened.

The GOP's 55-vote majority was enough to ensure confirmation, and it was supported by groups like Progress for America, which said it would spend as much as \$18 million on confirmation battles. The 44 Democrats were not able to keep their party unified enough to filibuster Alito despite calls from groups like People for the American Way, the Leadership Conference for Civil Rights and the Alliance for Justice.



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Ninth and Second Circuits strike down partial-birth abortion ban

BY DAN GOODIN

Associated Press Writer

SAN FRANCISCO — Two federal appeals courts on opposite sides of the country declared a ban on so-called partial-birth abortions unconstitutional Tuesday, saying the measure lacks an exception for cases in which a woman's health is at stake.

The first ruling came from a three-judge panel of the 9th U.S. Circuit Court of Appeals here. The decision, which found the law unconstitutional on three separate grounds, applies in California, Oregon, Washington, Arizona, Montana, Idaho, Nevada, Alaska and Hawaii, plus Guam and the Northern Mariana Islands.

Hours later, a three-judge panel of the 2nd U.S. Circuit Court of Appeals in Manhattan issued a similar decision. It affirmed a 2004 ruling by a judge who upheld the right to perform the late-term abortion even as he described the procedure as "gruesome, brutal, barbaric and uncivilized."

The law banned a procedure known to doctors as intact dilation and extraction and called partial-birth abortion by abortion foes. The fetus is partially removed from the womb, and the skull is punctured or crushed.

Signed by President Bush, the abortion ban carried a two-year prison term but was never enforced because of legal challenges in California, New York and Nebraska.

A third appeals court, the 8th U.S. Circuit Court of Appeals, had already struck down the law on constitutional grounds. That decision was appealed to the U.S. Supreme Court, which has yet to indicate whether it will take the case. Tuesday's decisions also were expected to be appealed to the high court.

"We now have three federal appeals courts that have invalidated the federal partial birth abortion law," said Carl Tobias, a law professor at the University of Richmond in Virginia. "Most people predicted this, but it wasn't a foregone conclusion."

In striking down the law Tuesday, a unanimous three-judge panel of the 9th Circuit said the law was so vague and broad that no

other remedy was possible.

"We are reluctant to invalidate an entire statute," Circuit Judge Stephen Reinhardt wrote for the panel. "However, after considering all of the obstacles to our devising a narrower remedy, we conclude that such is our obligation."

The judges disagreed with the law's supporters, who argued the ban covered only procedures in which a fetus was "disarticulated," or cut up, after it was removed from a woman. The appeals court upheld a lower court that ruled the law also could be applied to outlaw a more common pregnancy-terminating procedure in which a fetus is dismembered before it is removed.

The panel also rejected arguments made by Justice Department attorneys that there was general agreement among doctors that the late-term abortions were never necessary to preserve the health of a woman.

"The government all but admits in its reply brief that no medical consensus exists regarding the need for the prohibited procedures to preserve the health of women in certain circumstances," the panel concluded.

Attorneys for the Planned Parenthood Federation, which brought the suit heard by the 9th Circuit, praised the ruling.

"Even though the supporters of this law purported to be banning one particular abortion procedure, the law as the court found would in fact chill doctors from performing virtually any second trimester abortion," said Eve Gartner, senior staff attorney for Planned Parenthood and lead counsel in the 9th Circuit case.

Justice Department spokesman John Nowacki said government lawyers were reviewing the two rulings and had no further comment. In the past, the department argued that partial birth abortions were inhumane and caused pain to the fetus. A government lawyer said the procedure "blurs the line of abortion and infanticide."

The 9th Circuit case was brought by Planned Parenthood on Nov. 5, 2003, the same day President Bush signed the act into law. A district court granted a temporary injunction against the law's enforcement the following day.

The ban, which President Clinton twice vetoed, was seen by abortion rights activists as a fundamental departure from the Supreme Court's 1973 precedent in *Roe v. Wade*.

The case is *Planned Parenthood Federation of America v. Gonzales*, 04-16621.

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Bush puts finishing touches on fifth State of the Union address

BY NEDRA PICKLER
Associated Press Writer

WASHINGTON — President Bush on Tuesday put the finishing touches on a State of the Union address designed to help restore faith in his leadership among the many Americans who don't approve of the job he's doing or think the country is on the right track.

The 9 p.m. address had gone through more than 30 drafts and was undergoing final editing at the White House, where Bush got a morale boost with the confirmation of Judge Samuel Alito to the Supreme Court.

From the Roosevelt Room of the White House, Alito and Bush watched the Senate confirmation vote that would put Alito on the high court. As the Senate gave its final approval, Bush shook Alito's hand while aides erupted in a long round of applause.

Alito was to be sworn in at the Supreme Court Tuesday. A ceremony with Bush was scheduled for Wednesday afternoon in the East Room of the White House.

First, Bush had to attend to his fifth State of the Union address, which comes after arguably the worst year of his presidency.

The speech gives the president an opportunity to lay out his agenda in this midterm election year directly to Congress and the American people. He will try to ease anxiety about continuing U.S. troop deaths in Iraq and the high price of fuel and health care that are dampening Americans' view of the economy.

He will argue that his program to secretly eavesdrop on communications between people in the United States and suspected terrorists overseas is not only legal, but necessary, despite the questions raised by legal experts. He'll urge Congress to renew the controversial portions of the anti-terrorism USA Patriot Act, set to expire Friday and blocked by lawmakers insisting on new privacy safeguards.

And he'll touch on ethics, declaring support for reform as a lobbying scandal threatens members of his own party on Capitol Hill.

The speech comes as Bush's job approval ratings have rebounded somewhat, but still hover in the high 30s to low 40s in most polls. About two-thirds of Americans say in recent polls that the country is headed down the wrong track.

The numbers give Republicans cause for worry as they look to maintain control of Congress in this fall's midterm elections.

The Democratic response to the president's speech was being delivered by Virginia Gov. Timothy M. Kaine,

considered a rising star in the party after winning office last year in a Southern state that went for Bush in 2004. Democrats hope to replicate his victory in congressional elections.

Bush planned to talk extensively about Iraq and the war on terror in the speech, in which he said he would describe America's responsibility to lead the world in promoting freedom and sound economic principles.

As he did last year, Bush is using the wartime address to launch a nationwide discussion about domestic priorities. Four topics — health care, energy, competitiveness and controlled government spending — will dominate his schedule for the next month as he plans a series of speeches across the country to promote his ideas in more detail.

The speech ran 38 minutes in Bush's final practice sessions. That didn't include interruptions for applause that will come from the Republican-controlled Congress.

Much of what Bush will say is a repackaging of proposals he's made before.

Bush is expected to promote one of his favorite ideas — expanding health saving accounts, the high-deductible health care plan that allows Americans to contribute money tax-free to 401(k)-like health savings plans, as well as greater tax deductions for out-of-pocket medical expenses.

He will talk about alternative energy sources and tout his administration's work in that field for the past five years. He'll push for new technologies and more fuel from cleaner sources like hydrogen and ethanol.

Bush's new initiative to reprocess spent nuclear fuel from overseas to expand nuclear energy in the U.S. was not polished enough for the State of the Union address. The president will discuss the plan, a reversal of decades of U.S. policy, later next month in speeches to flesh out his energy plan, aides said.

Bush's post-speech tour begins Wednesday morning, when he'll recap the speech in Nashville, Tenn. Thursday, he travels to Maplewood, Minn., where he'll talk more specifically about how he'll keep the U.S. competitive in an increasingly global marketplace.

In each of the following three weeks, he'll take on another one of the domestic topics.

Last year, Bush used his State of the Union address to call for changes in Social Security, then immediately embarked on a tour to sell the idea. But Congress wouldn't back his call for private accounts for younger workers.

The northern border initiative will likely speed the removals of 400 to 500 illegal immigrants a year, said Boyd.

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Japanese lawmakers say United States' beef has consumers wary

BY LIBBY QUAID

AP Food and Farm Writer

WASHINGTON — Japanese lawmakers told Agriculture Secretary Mike Johanns on Tuesday that a shipment of American beef containing bones prohibited because of the risk of mad cow disease had caused deep suspicion among consumers in Japan.

"It was a very heated discussion," Takashi Shinohara, member of the opposition Democratic Party, said after meeting with Johanns. "Many, many different consumers distrust the American way of inspection and are very much disappointed."

Japan suspended imports of U.S. beef on Jan. 20 after finding a veal shipment containing backbone, which Asian countries consider at risk for mad cow disease.

The cut, veal hotel rack, is consumed in the United States but not allowed in Japan.

The mistake has endangered millions of dollars in potential sales to Japan, which reopened its market to U.S. beef only weeks ago.

The issue prompted opposition lawmakers to walk out of a session Monday in the Diet, the Japanese parliament. They were upset that Tokyo failed to inspect U.S. meat plants before resuming trade with the United States, an admission made recently by Agricultural Minister Shoichi Nakagawa.

Johanns said the mistake could have happened even if Japanese inspectors had visited the plant operated by Atlantic Veal & Lamb in Brooklyn, N.Y. He told reporters after the meeting that Japan had conducted a painstaking, thorough review

of the safety of American beef.

"There is nothing about this process that was shortchanged," Johanns said.

The department is still investigating what went wrong with the shipment, he said.

The opposition lawmakers from Japan said that before beef shipments resume, the United States needs to be able to pinpoint the movements of all its cattle. They also called on the U.S. to test for mad cow disease in every cow that is slaughtered.

Department officials have rejected Japanese demands for testing every animal. Johanns noted that mad cow disease is nearly impossible to detect in animals younger than 21 months, which is Japan's age requirement for beef imported from the United States.

"It is just something that we've looked at, we've discussed, we've debated over

and over again, and it's not justified by science," Johanns said.

He noted that the department is working on a tracking system. Johanns announced last May that participation by the industry would be mandatory by 2009, but the department has since eased off that goal. Spokeswoman Dore Mobley said Tuesday it will take longer than originally planned and might be voluntary as well.

Commonly referred to as mad cow disease, bovine spongiform encephalopathy, or BSE, is a degenerative nerve disease in cattle that is linked in humans to variant Creutzfeldt-Jakob disease, a rare but fatal illness.

Japan banned American beef after the U.S. discovered its first case of BSE. A second U.S. case was confirmed last June. Japan confirmed its 22nd case on Tuesday.

Alaska judge rejects request to half wolf control program

BY DAN JOLING

Associated Press Writer

ANCHORAGE, Alaska — A judge on Tuesday denied a request by an animal rights group to immediately halt the state's aerial wolf-killing program.

Superior Court Judge Sharon Gleason said the state Board of Game acted properly in adopting emergency regulations last week that make the population control program conform to state law.

Gleason ruled Jan. 17 that the board violated its own standards for expanding the program, in part because it did not provide justification for it or explain why alternatives such as sterilization or habitat destruction would not work.

The program to boost moose or caribou populations in five areas of the state got its start in 2003 in an area of Alaska's Interior where residents had long complained predators were killing too many moose, leaving too few for food.

The Darien, Conn.-based animals rights group Friends of Animals asked for a temporary restraining order blocking wolf control, saying the board should have used standard procedures — including taking public testimony — in adopting new wolf-killing regulations. That process would have taken at least 75 days and likely 90 or more, said assistant attorney general Kevin Saxby.

Instead, the board rewrote the rules during an emergency meeting Jan. 25 that excluded public testimony.

Gleason ruled Tuesday that the new regulations do not expand the program and that there has been a long record of public testimony on the program.

She also said the state made a compelling argument that its multiyear program to reduce predators in affected game units would be harmed by going through the normal adoption of regulations.

That likely would have kept airborne shooting teams out of the skies at least through April, months considered the prime time for finding and killing wolves.

Attorney Jim Reeves, representing Friends of Animals and seven Alaska plaintiffs, argued unsuccessfully that the state had not demonstrated the emergency that would allow fast-track regulations. State law presumes emergencies can be declared only rarely, he said.

The state made no reference, for example, whether a reduction in wolves could be accomplished by hunting and trapping alone, Reeves said. Likewise, the state did not show how gains would be lost in areas where wolves had been killed, Reeves said.

"The agency needs to tell the public concretely why can't we do this the normal way," he said.

Neither inaction by an agency nor its desire to continue a program constitutes an emergency, Reeves said.

Saxby said the board clearly noted moose populations are in trouble and set goals using the best available science to achieve them.

"In an emergency, the public doesn't expect the government to get bogged

down in minutia," he said.

Halting wolf kills during the prime months to do it would set predator control back years, he said, putting at stake people whose culture depends on hunting moose.

"The hunting society on which the culture is founded is at stake," he said.

The state has spent hundreds of thousands of dollars to reduce predator populations.

"It's evident that normal hunting and trapping can't take care of the problem," Saxby said.

The emergency regulations are temporary and will be subject to a full regulatory process after May, Saxby said.

Reeves said after the hearing that he would consult with his clients before deciding on further action.

Matt Robus, director of the state Division of Wildlife Conservation, said the 157 permits previously granted to pilots or gunners are invalid but that new permits will be issued under the new regulations.

"It will be the same pool of people operating in the same areas," Robus said.

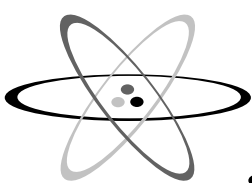
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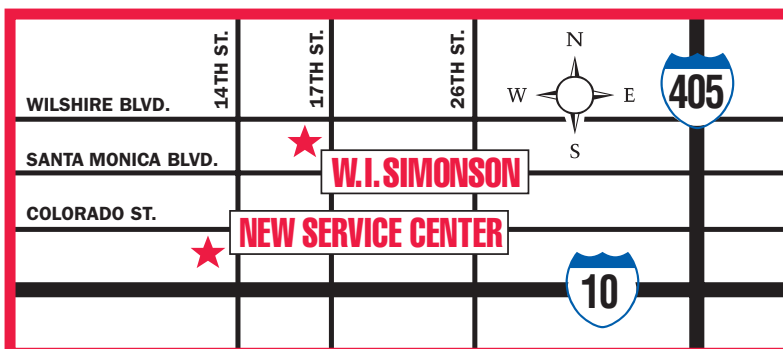
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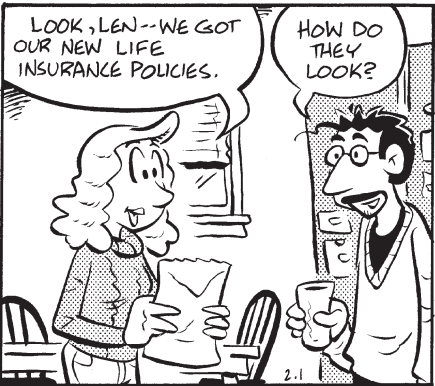


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* As of January 11, 2006
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Notices

NOTICE OF PETITION TO ADMINISTER ESTATE OF ELIZABETH RIDGMAN
Case No. SP006576
To all heirs, beneficiaries, creditors, contingent creditors, and persons who may otherwise be interested in the will or estate, or both, of ELIZABETH RIDGMAN
A PETITION FOR PROBATE has been filed by Dorothy Ramsey in the Superior Court of California, County of LOS ANGELES.
THE PETITION FOR PRO-BATE requests that Dorothy Ramsey be appointed as personal representative to administer the estate of the decedent.
THE PETITION requests the decedent's lost will and codicils, if any, be admitted to probate. Copies of the lost will and any codicils are available for examination in the file kept by the court.
THE PETITION requests authority to administer the estate under the Independent Administration of Estates Act. (This authority will allow the personal representative to take many actions without

Notices

obtaining court approval. Before taking certain very important actions, however, the personal representative will be required to give notice to interested persons unless they have waived notice or consented to the proposed action.) The independent administration authority will be granted unless an interested person files an objection to the petition and shows good cause why the court should not grant the authority.
A HEARING on the petition will be held on February 17, 2006 at 9:15 AM in Dept. No. WE F located at 1725 Main St., Santa Monica, CA 90401.
IF YOU OBJECT to the grant-ing of the petition, you should ap-pear at the hearing and state your objections or file written objections with the court before the hearing. Your appearance may be in person or by your attorney.
IF YOU ARE A CREDITOR or a contingent creditor of the deceased, you must file your claim with the court and mail a copy to the personal representative appointed by the court within four months from the date of first issuance of letters as provided in Probate Code section 9100. The time for filing claims will not expire before four months from the hearing date noticed above.
YOU MAY EXAMINE the file kept by the court. If you are a per-son interested in the estate, you may file with the court a Request for Special Notice (form DE-154) of the filing of an inventory and ap-praisal of estate assets or of any petition or account as provided in Probate Code section 1250. A Request for Special Notice form is available from the court clerk.
Attorney for petitioner:
THEODORE WOLFBERG ESQ
2001 WILSHIRE BLVD STE 205
SANTA MONICA CA 90403-5664
Santa Monica Daily Press
CN746461 RIDGMAN Jan 24,25,31, 2006

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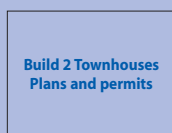
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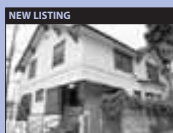
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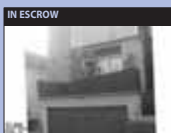
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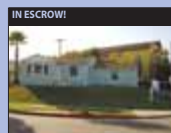
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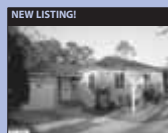
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5 year/1 arm 5.5%**

3 year/1 arm 5.5%**

1 year/1 arm 5.375%

6 mos./6 mo. arm 3.375%

1 mo./1 mo. arm 1.0%***

* Rates subject to change

* As of January 11, 2006

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