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Lawsuit threat against city dropped

Council promises to keep its meetings short and sweet

BY CAROLYN SACKARIASON
Daily Press Staff Writer

Residents may be able to get a good night sleep now that the city council promises to wrap up the public's business before midnight.

Two city councilmen — Bob Holbrook and Herb Katz — have dropped their threat to sue the city over council meetings that run into early morning hours, which they felt prevented public participation, said local attorney Rosario Perry.

The council voted unanimously Tuesday night to make sure the meetings end by 11 p.m., which is mandated by the city charter. However, there have been numerous occasions in past months when the council has voted to go past the 11 p.m. deadline.

"I think the city council is somewhat embarrassed that they go so late," Perry said. "I think they will behave themselves now."

Holbrook and Perry announced more than a week ago

they intended to file suit against the city, arguing late meetings are a violation of the state's open meetings law. As meetings regularly began to stretch beyond midnight, they said the public wasn't getting fair access to council meetings. The suit, which was later backed by Katz, would have asked a judge to prohibit the council from conducting public business beyond 11 p.m.

"I have met the enemy and it is us."

— KEN GENSER
Santa Monica city councilman

Some speculate that the lawsuit threat boils down to simple politics and is just an attempt by a group of people who are not represented by the majority to gain recognition.

Holbrook and Katz are the only two council members who are not part of the Santa Monicans for Renters

Rights slate and an election season has just begun.

"I think the indication that there are some politics behind this is the way they are going to make a point," Councilman Richard Bloom said. "That's not to say that there isn't a problem ... I think everybody takes it seriously. I know I do. We have been talking about this privately but it's kind of disingenuous to say that 'I had to sue to get it changed.'"

But apparently the threat of a lawsuit was enough to wake up the city's elected officials.

Bloom put the issue on Tuesday's agenda so the council could come up with a solution and avoid a lawsuit. Tuesday's meeting was a continuation of the council's Jan. 29 public hearing that lasted until 3 a.m. and left about 140 people waiting for hours to speak on the civic center redevelopment plan.

After about an hour of conversation on the issue, which took the meeting beyond the 11 p.m. deadline, council members came up with a few solutions to keep themselves on track.

But council member Ken Genser pointed out that during the hour of discussion, council members basically said the same points they had made previously, which

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Business owners fuming over construction delays



Tim Murphy/Special to the Daily Press

Businesses along Fourth Street are open for business, if you can get to them through the construction zones.

Downtown shop owners are angry over city's broken promises

BY ANDREW H. FIXMER
Daily Press Staff Writer

Construction along Fourth Street and Broadway isn't just ripping up concrete, it's tearing down sales in stores along the route, say downtown business owners.

In response, the Bayside District Corporation — the non-profit organization that partners downtown business owners and public officials — wrote a letter to the city asking for an explanation on why construction has become out of control downtown.

Bayside officials claim that the city broke its promise when officials told business owners there would be no other construction projects done while the "Transit Mall" was being built.

"When the Transit Mall construction schedule was outlined for the board, we were assured that there would be no other concurrent municipal construction projects in the downtown area," wrote Bayside Executive Director Kathleen Rawson in a letter to City Manager Susan McCarthy. "This has not happened."

City officials say that promise was made at a Bayside board meeting before it was decided Transit Mall construction would cease during the holidays. The delay pushed back construction along Broadway so it overlapped with the city's street resurfacing on Fourth Street.

"I erred when I told them no two parts would be

done at the same time. I didn't see the two projects overlapping," Assistant City Manager Gordon Anderson said. "I think what's making things worse is all the private construction that's going on too, but we don't have any control over that."

There are several areas under construction in the downtown area, including public projects on Ocean Avenue and the California incline, as well as private projects at Sixth Street and Santa Monica Boulevard; and at the intersections of Second Street and Fourth Street and Colorado Boulevard.

In 1997 the city developed a plan, now known as the Transit Mall, to make downtown Santa Monica more pedestrian friendly, while attempting to streamline traffic and create separate bus lanes on certain streets.

Work was split into nine phases, which began last April on Santa Monica Boulevard and is scheduled to end in this summer.

But downtown business owners say their business is suffering and they won't be able to take many

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ARIES (March 21-April 19)

★★★★ Changes brew. You might be very excited about what is coming your way. Love and money mix surprisingly well with a friend. Communication remains key, but even more so in the next few days. Catch up on left-over messages. Pitch in and help the boss. Tonight: In the limelight.



TAURUS (April 20-May 20)

★★★★ You might have felt that you were in a financial quandary the past few days. Soon you will be in the position to make changes. Your positive, upbeat manner make a big difference in dealing with someone at a distance. Sit down and do needed research. Tonight: Watch a movie.



GEMINI (May 21-June 20)

★★★★ Deal with others directly. A problem involving taxes or a financial matter heads in a new and ultimately better direction. News from a distance could be stunning but exciting. You could meet someone out of the blue. Go for what you want. Tonight: Follow someone's lead.



CANCER (June 21-July 22)

★★★★ If you're burdened by depression, do something about it. Take the first step to get help in the next few days. You could clear this out a lot faster than you realize. Don't worry so much about excitement on the relationship front. Roll with it. Tonight: Out where your pals are.



LEO (July 23-Aug. 22)

★★★★ Make work your major concern. Once again, distraction might be the main problem. Certainly those around you specialize in surprises. Something you wish for comes through for you. Now you can get the ball rolling. Act on what you want in the next few days. Tonight: Where the gang is.



VIRGO (Aug. 23-Sept. 22)

★★★★ Listen carefully to news that comes your way. You might want to verify information before you make a professional decision. Much is different from what you initially thought. Be productive and open. Surprises take a positive turn at work. Tonight: Play away.



LIBRA (Sept. 23-Oct. 22)

★★★★ Deal with family and domestic matters, but don't distracted. Just because you think something is going to happen a certain way is no guarantee that it will. Reorient your thinking. Lighten up about a child or loved one. Wild ideas come from left field. Tonight: Invite a friend over.



SCORPIO (Oct. 23-Nov. 21)

★★★★ Keep asking questions, and you might get a good answer. A partner who has been reticent and at times has difficulty opening up suddenly starts revealing more and more in the next few days. Carefully review a situation that involves family. You've got a surprise! Tonight: Out and about.



SAGITTARIUS (Nov. 22-Dec. 21)

★★★★ You discover that you have many more financial opportunities involving others than you initially anticipated. A lighter tone marks your interactions. Allow others to take charge and run with the ball. You'll learn a whole lot more that way. Tonight: Treat someone.



CAPRICORN (Dec. 22-Jan. 19)

★★★★ Your smile easily wins friends. A work-related matter that you worried about getting bungled works itself out to your delight. If you feel lucky, stop and buy a lottery ticket. You've pulled the wild card financially. Anything can happen right now. Tonight: Whatever makes you happy.



AQUARIUS (Jan. 20-Feb. 18)

★★★★ Use your incredible imagination and spontaneity. Pull out of the bah- humbugs and become a lot lighter and happier. Someone might not have the same vision as you do about what is fun. A child or new friend finally expresses his or her preference. Tonight: Get a good night's sleep.



PISCES (Feb. 19-March 20)

★★★★ Friends surround you. Meetings draw success. You could be surprised by a partner and his or her reaction. Understand the caring behind it. You might not like the way this person expresses his or her intensity. Lie back and be understanding. Tonight: Where the fun is.



WEATHER

Today ...	Partly Cloudy	High—67°F	Low—47°F
Tomorrow ...	Partly Cloudy	High—68°F	Low—44°F
Saturday ...	Sunny	High—73°F	Low—47°F



QUOTE of the DAY

**"An ambassador is an honest man
sent abroad to lie for his country."**

— Sir Henry Wotton (1568-1639)

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LOCAL



Business owners say construction is killing business

CONSTRUCTION, from page 1

more months of construction.

"They could concentrate construction at one street at a time instead of doing all these blocks at once," said Ken Salek, part owner of a jewelry shop on Fourth Street. "If they kept construction in one spot we probably wouldn't lose so much business."

According to Salek, sales have dropped by nearly 50 percent since construction on Fourth Street began last month.

"There's two kinds of businesses in Santa Monica. First you have the small, family-owned business that serve mostly locals, and then you have the giant corporations that are here to serve tourists," said Salek. "The city only favors doing things that are good for the corporations because they make more money from tourism."

The Chicago for Ribs restaurant opened their doors in December, only to have the street in front of their new shop ripped up the following month.

"Sure, we're having problems with the construction," said Christian Trujillo, the restaurant's general manager. "Nobody can find the store."

Trujillo said the tight economy already makes it tough to start a new business, but the construction is making it much worse.

"Every day these construction workers park this huge bulldozer in front of the shop," he said. "It's never anywhere else. Just right in front of our store."

Bayside officials also think the city has failed in directing people through construction zones. Specifically, they asked the city to add more signs that direct motorists off of the Santa Monica Freeway to the downtown, as well as deploying more traffic officers at more intersections throughout the downtown.

"Traffic and congestion are unbearable," wrote Rawson. "The city has done very little to communicate with our drivers about what to expect and alternative routes to take."

Anderson said the city is currently drafting a response to Rawson's letter. He said the city has stopped construction at Colorado Boulevard and Fourth Street, which has improved traffic flow. He also said the city is planning to install more signs to help shoppers find their way to the Third Street Promenade.

"The Bayside board is genuinely frustrated," said Anderson. "All the efforts we're trying to do could be for not if it's not coordinated properly."

Transit Mall construction is slated to finish by June and resurfacing work on Fourth Street is expected to take up to 10 weeks, officials said.



Tim Murphy/Special to the Daily Press

Some businesses use sales tactics to attract customers through construction barriers.

"Don't worry," said Salek, "If this goes on much longer we might not be here in June."

Council takes steps to shorten meetings

MEETINGS, from page 1

didn't help move the discussion forward.

"I have met the enemy and it is us," he quipped, adding he is in favor of more meetings.

"As a lawyer, as a member of the council and as a member of the community, I don't think filing a lawsuit against the city is the first course of action."

— RICHARD BLOOM
Santa Monica city councilman

Many council members believe meeting every Tuesday would require a larger time investment for themselves and city staff, as well as prevent them from attending important community meetings that may conflict with weekly meetings.

Mayor Mike Feinstein said he would do a better job limiting the public's comments to three minutes, which is a rule he admits he has slacked on in an effort to let people finish their points when testifying in front of council.

That was proven Tuesday when community activist Jerry Rubin gave suggestions to the council on how to shorten the meetings, one of which was to curtail public comment to a one-minute limit. However, he went over his three-minute limit and Feinstein allowed him to continue.

Feinstein suggested during certain discussions the council should save comments directed to the public as a way of debating an issue or making a point. He said now that meeting agendas are in the hands of council members a full week prior to the meetings, city council members should have fewer questions for city staff.

Bloom said the council knows the long meetings have been an issue for years, but rather than filing a lawsuit against themselves, he wished Holbrook and Katz would have tried a more solution-oriented approach first. That's why he brought it up as a discussion item on Tuesday.

"Given the fact that neither Bob nor Herb brought this up amongst any of their colleagues, I thought someone should," he said. "As a lawyer, as a member of the council and as a member of the community, I don't think filing a lawsuit against the city is the first course of action."

He added that starting the meetings at 6:45 p.m. was a concession made by the council to accommodate Holbrook and Katz's work schedules, which makes the meetings run later into the night.

"This is all a matter of balance," he said. "All of these things we do have consequences."

COMMUNITY BRIEFS

School district begins addressing future

By Daily Press staff

The school district is beginning to chart its future.

The school district is kicking off its strategic planning process, which will begin on Feb. 21-23. The plan will set the district's direction for the next three to five years.

About 130 participants, representing a cross section of stockholders of the Santa Monica-Malibu Unified School District, will work together to develop the mission statement, themes, action plans and strategies for the district's formal strategic plan to be presented for adoption by the Board of Education in June 2002. Participation in the event is by invitation, however, the general public is welcome to observe any or all of the conference. There will be time allowed for public comment at the beginning of each meeting.

Students get free Web site design tips

By Daily Press staff

The Main Library Youth Services Department invites all students in grades 7-12, who either attend school or reside in Santa Monica, to a free class on Web site design.

The class will take place on three consecutive Sunday afternoons: Feb. 10, 17, and 24. Students should plan to attend all three sessions.

Application forms are available at all open branches of the Santa Monica Public Library. Space is limited. The library is located at 1343 Sixth Street.

For more information call Catherine Ronan at (310) 458-8976.

The program is supported by the U.S. Institute of Museum and Library Services under the provisions of the Library Services and Technology Act, administered in California by the State Librarian.

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OPINION

The rest of the Promenade story the city won't reveal

If one reads the article written by Andrew Fixmer on Feb. 4, 2002 entitled "Bayside business: Boom or blunder" in the Santa Monica Daily Press and really knows the history of the Promenade one would have to laugh at the faulty reporting. I don't blame the writer because he is new in town. How would he know that he is dealing with misinformation, political hype and a bunch of generalities that are not true? Let's start with "we have a street that is so successful we have become a victim of our own success." What does that mean? It is bad for rents to go up. Maybe it is also bad for theatre tickets, cars and everything else to go up. Let's control all prices.

Yes, the city has netted approximately \$11,000,000 of revenue from the businesses and parking structures. Does that make it a success?

It is my opinion that this street is popular not because of the city but sometimes in spite of the city. Since the Los Angeles area is basically a driving town unlike San Francisco or New York there is a tremendous need for a Promenade like setting.

Our problem is not that we are dealing with over inflated rents, as one of our council members said. Our problem is finding a parking space in the structures, hoping the elevators work, and then wondering whether or not our car is going to be broken into by the time we return. Once we park our car and walk through the attractive garbage area of the structure or pass the scary bathroom area we then exit into the not so well signed alley that leads us to the Promenade. We now have the opportunity to walk by groups of

vagrants that sit around all day asking for money. Or better yet, we get to be approached by panhandlers and have to actually respond to someone hitting us up for money. What is really the best is when we are sitting in the outdoor dining area and people hang over our table and ask us for money or food.

The reporter stated that dozens of restaurants have been forced off the Promenade in recent years. Ask him to name the dozens of restaurant. There are many reasons that different restaurants have left that

have nothing to do with high rent. But everyone just assumes it's about the rent. For example, do you remember, Remi, that wonderful Italian restaurant that left? They had nine years to go on their lease and were paying rent in the \$3 per square foot range. Were they paying high rent? No! Were they making money? No! Was the owner tired of being in business on the Promenade and dealing with the parking problems, the panhandlers and the noise from the street performers? Yes! Everyone who knew him would tell you the same thing. The owner was tired of running the restaurant and moved to Europe. He would say he was forced off the Promenade but not because of the rents!

Let's talk about the food court that was in the 1400 block. Everyone talks about those poor tenants but no one talks about the real story. Each one of the tenants

signed a four-year lease and each lease had a clear cancellation clause in case the landlord wanted to develop the property. The landlord operated the building as a food court for over 10 years. He did everything he could to make it work. After many years of the tenants not paying the rent on time and vacating their stores in the middle of the night and the health

department constantly threatening to close the place down, the landlord decided he had had enough. The landlord worked out a very good deal for the ten-

ants that no one talks about. The tenants received two years notice to vacate even though their lease only called for one; six months free rent at the end of their lease term and \$400,000 to split.

Also, in this article the reporter failed to say that there is an additional approximate 50,000 square feet of restaurants that opened up on Fourth, Second, Wilshire Santa Monica and Broadway.

I don't think the city actually understands the big picture and what their role is. The city's role is safety and cleanliness; not deciding what the tenant mix should be.

The reporter stated that most officials agree that if the proper mix of retail, restaurants and entertainment on the Promenade is maintained it can't fail. I am glad that most officials agree. While I am sure they have a lot of expertise in many different areas I don't think any of our council members are experts in retail leasing or retail management, nor do I think it is their job to try to attempt to determine the proper mix. If the city had not created the original moratorium on restaurants maybe they wouldn't be worried about retail today. It was the city that limited the

number of restaurants — not the property owners. The property owners begged for more restaurants. It was the city that forced the property owners to look for retailers. And now the city is blaming the property owners.

Several years ago a fabulous restaurant tenant named Tutu Tango had negotiated a lease for a property in the 1200 block. The city said no. The restaurant was very unique. While you were eating local artists were painting in designated areas. All the pictures hanging in the restaurant were by the local artists. It was a place to eat as well as a place for Santa Monica artists to paint and sell their pictures. They are now located at Universal City Walk.

And, if this is an entertainment district where is the entertainment? Where is the music? How come the city just denied another great restaurant from coming to Ocean Avenue?

Kathleen Rawson has done a great job since she has been on board. But she got handed a mess. I think the more the city tinkers with the Promenade the more problems it will have. The rent is not the problem, neither is the tenant mix.

One last thought. Denny (Zane) is right. The Promenade was jump started by the theatres and there is a lot of competition for movie audiences today. But what will devastate the Promenade is not whether you have Old Navy to shop at or Mr. Green Jean's store or whether there are a few less restaurants on the Promenade and a few more restaurants on Second or Fourth. Ultimately, what will hurt this area is the lack of parking, no convenient valet, panhandlers, garbage smells and the public being afraid for their safety. So yes, the city does have the responsibility to recognize their role if we are going to have real golden years.

(Barbara Tenzer is president of Tenzer Commercial Brokerage Group Inc., which handles real estate in downtown Santa Monica.)

GUEST COMMENTARY

By Barbara Tenzer

LETTERS

Laws suck creativity from artists

Editor:

Thank you for your story on artist/craftsman/starving American Mikel Proudlock being booted from creating his "forever roses" on the Santa Monica Promenade.

I've seen small crowds enjoy watching Mikel twist flowers out of palm fronds, and he doesn't block the thoroughfare like other acts on the Promenade. So what's the problem? You quote the city attorney saying Santa Monica has "a right to make a distinction

between arts and crafts." Mikel makes his flowers one at a time in front of a crowd — which makes them obviously not "mass produced."

He also "performs" in front of a crowd, too. So what's the problem? A Santa Monica senior citizen explained it to me at Joe's Diner where we read your article: "The bureaucrats don't like it that Mikel Proudlock is more creative than they are."

Hank Rosenfeld
Santa Monica

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STATE



Bay Area chefs are taking Chilean sea bass off their menus

BY MARIA-BELEN MORAN
Associated Press Writer

SAN FRANCISCO — Restaurant owners around Northern California are taking Chilean sea bass off their menus as part of an effort to save the fish from overfishing and eventual extinction.

“For every ton legally caught of Chilean sea bass there are 5 or 6 tons caught illegally.”

— ERIC RARDIN
Commission for the Conservation of Antarctic Marine Living, spokesman

“There are plenty of other fish in the sea,” said Allen Vitti, chef de cuisine at Fringale restaurant in San Francisco, where he has served the white-meat fish from time to time as a special dish.

Despite regulations set by the Commission for the Conservation of Antarctic Marine Living — the international governing body that regulates Chilean sea bass’s annual catch to 18,000 tons — nearly 80 percent of the Chilean sea bass sold on the world market is illegally obtained, according to a report Tuesday by the National Environmental Trust in Washington.

“For every ton legally caught of Chilean sea bass there are 5 or 6 tons caught illegally,” said the group’s spokesman, Eric Rardin.

And in the United States, the restaurant industry accounts for 70 percent of all Chilean sea bass sales, the group said.

John A. Drocco, owner of PJ’s Oyster Bed in San Francisco stopped serving the fish five years ago because of concerns about the status of the species, and hasn’t received any complaints from customers about the decision.

“Customers ask for it, but I can’t remember the last time someone did,” he said.

The fish became popular about 10 years ago when marketers came up with a more attractive name for the species than Patagonian toothfish. In 2001, it was named Bon Appetit magazine’s “Dish of the Year.”

The toothfish — a family of fish found only in the southern seas — is particularly vulnerable to overfishing because it takes them 10 years to reach sexual maturity.

Biologist Beth Clark, director of the international regulatory agency’s Antarctica Project, said anglers now catch Chilean sea bass measuring two feet long and weighing 10 pounds. Twenty years ago, researchers caught fish measuring five feet long and weighing 100 pounds.

Advocates say that at current fishing levels the Chilean sea bass will be commercially extinct in two years. A complete catching moratorium, they hope, may allow the stock to stabilize in 30 years.

“If we don’t allow Chilean sea bass to grow back to healthy sizes and numbers, soon there won’t be any left to catch,” agreed Zeke Grader, executive director of the Pacific Coast Federation of Fishermen’s Associations.

More than 60 Bay Area restaurants — including such well-known destinations as Chez Panisse in Berkeley and the French Laundry in Yountville — have signed on to the “Take a Pass on Chilean Sea Bass” campaign, launched Tuesday in San Francisco.

It will force chefs to be more creative. According to Vitti, the Chilean sea bass can have a rich flavor as well as serve as a neutral component in a dish.

“You can use it with bold flavor, you can use it as the predominant flavor — it is a pretty unique fish because holds up to lots of different techniques.”

Students given a scare



Associated Press

Unidentified parents reunite with their children at Polytechnic High School in North Hollywood after several bus loads of students and faculty members were transported from their school under police escort as police searched a neighborhood in North Hollywood for a suspect who had earlier exchanged gun shots with officers. No students or teachers were hurt and no officers were wounded, but police believe the gunman was hit.

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NATIONAL

CIA: al-Qaida remains most serious threat to U.S.

BY JOHN J. LUMPKIN

Associated Press Writer

WASHINGTON — CIA Director George Tenet told Congress on Wednesday that Osama bin Laden's al-Qaida terror group remains the most immediate and serious threat facing the United States, interested in striking any "high-profile" target including possibly the upcoming Olympics.

The U.S.-led war on terrorism has resulted in the arrests of nearly 1,000 al-Qaida operatives in more than 60 countries worldwide. But "I must repeat, al-Qaida has not yet been destroyed," Tenet told a Senate committee.

Terrorists have considered attacks in the U.S. against high-profile government or private facilities, famous landmarks and U.S. airports, bridges, harbors and dams, Tenet said.

The CIA director said "high-profile events such as the Olympics or last weekend's Super Bowl also fit the terrorists' interests in striking another blow within the United States that would command worldwide media attention."

Security officials at the Olympics have said they are not aware of any specific threat to the games.

Tenet, in his first public testimony since the Sept. 11 attacks, faced tough questions from members of the Senate Intelligence Committee about the agency's inability to foresee those attacks.

"Why were we utterly unaware of the planning and execution of the Sept. 11 attacks? In other words, what went wrong?" asked Sen. Richard Shelby, R-Ala.

Bristling at the suggestion of failure, Tenet said the U.S. intelligence team has "a record of discipline, strategy, focus and action. We're proud of that record. We've been at war with al-Qaida for over five years."

The CIA had known that terrorists might be planning attacks against U.S. interests last summer, and knew "in broad terms" that bin Laden might attack targets inside the United States, Tenet said. But the CIA had no specific knowledge pointing to the Sept. 11



Kemenko Pajic/Associated Press

George Tenet, director of the Central Intelligence Agency faced tough questions on Wednesday in his first Capitol Hill appearance since the Sept. 11 terrorist strikes. Tenet said the CIA will never be able to foresee or thwart "100 percent" of threats.

attacks against the World Trade Center or Pentagon before they happened, he said.

The CIA did thwart attacks on three or four U.S. facilities overseas last summer, Tenet said — and has disrupted "numerous terrorist attacks since Sept. 11, and we will continue to do so."

He said, "There will be nothing we do that will guarantee 100 percent certainty. It will never happen."

The CIA director refused to say, in the public committee session, what the CIA knows about bin Laden's whereabouts.

He said documents recovered by U.S. forces inside Afghanistan since the

fall of the Taliban show that bin Laden was pursuing "a sophisticated biological weapons research program," and the terrorist organization also has shown an interest in chemical, nuclear and radiological weapons.

The United States also faces a threat from the connection between terrorists and other enemies of the United States who have or are pursuing weapons of mass destruction — what President Bush outlined in his State of the Union as "the axis of evil."

And, Tenet said, the United States would "overlook at our own peril the impact of crisis in remote parts of the world," such as Somalia, Indonesia and Colombia.

Iran remains "a serious concern because of its across the board pursuit of weapons of mass destruction and missile capabilities," Tenet said.

And the United States believes Iraq is still trying to develop nuclear weapons. "We believe Saddam Hussein never abandoned his nuclear weapons program," Tenet said.

North Korea also continues to sell to nations including Iran, Libya and Syria, Tenet said.

Russia appears to be "the first choice of nations seeking nuclear technology and training," Tenet said, continuing to provide Iran, for example, with assistance in developing a nuclear reactor for commercial use.

but some assistance comes in "dual-use" forms — equipment that has a benign purpose but can also be used to create weapons.

Tenet pointed to Russia's assistance with an Iranian nuclear reactor as an example of this. Officials have said this aid can ultimately improve Iran's prospects to develop a nuclear weapon.

Bank accuses trader of stealing \$750 million

BY JAIME HERNANDEZ

Associated Press Writer

BALTIMORE — Ireland's biggest bank on Wednesday accused a currency trader at its Baltimore subsidiary of stealing \$750 million in what could be the largest such scam since a rogue employee brought down England's Barings Bank in the mid-1990s.

John Rusnak, 37, is suspected of defrauding Allfirst, the U.S. subsidiary of Allied Irish Banks where he worked in the treasury department. He was not charged by authorities, but lawyers said he met voluntarily with the FBI and federal prosecutors Wednesday afternoon.

"My client is not a fugitive," attorney Bruce Lamdin said. "We hope that things will take their natural course from here. That's up to the U.S. attorney's office."

News of the scam sent financial stocks lower across Europe, led by Allied Irish. Analysts said if such a conservative, well-run bank could suffer such a breach of security, almost any bank could.

Five treasury workers at the bank have been suspended, including Rusnak. Allied Irish said people outside the bank may also have been involved in the scam.

Buckley said it was not clear whether Rusnak pocketed some or all the missing money.

Officials at the U.S. Attorney's office said they were investigating Rusnak and the FBI confirmed that it was looking into missing money at Allfirst.

Rusnak has not shown up for work this week and bank officials said he would be fired if he did. Lamdin, the attorney, said Rusnak is in Baltimore, but is avoiding his home because of the reporters and photographers camped outside.

According to Buckley, midlevel

Allfirst managers confronted Rusnak by telephone last weekend when the magnitude of the forgery was discovered. Allied Irish said "alarm bells went off" when the trader did not return calls Sunday night, then failed to arrive for work Monday.

Currency dealers normally buy options contracts to hedge their bets on whether a specific currency will gain or lose value. If they buy a currency that loses value, the bank's losses would typically be offset by an option contract bet on a movement in the opposite direction.

But in this case, the bank said, Rusnak did not buy options contracts to hedge many of his foreign-exchange deals. It said he forged records of options purchases, either to conceal losses or skim the fees paid for the options.

Analysts said the amount of the missing funds suggested the trader had bought phony contracts with a value of at least 1,000 times that amount, or \$750 billion. This is a huge sum for a bank largely involved in retail banking, not capital markets.

The revelation also added to Enron-sparked fears of sloppy accounting.

On Wall Street, Allied Irish stock fell by about 16 percent Wednesday to close at \$19.71. The price dropped by similar amounts on the Irish and London stock exchanges.

Allied Irish first invested in U.S. banks in 1983 with a minority stake in First Maryland Bancorp. It eventually took control and merged First Maryland with another American bank to create Allfirst.

Allfirst employs about 6,000 people and has about 250 branches and outlets concentrated in Maryland and Pennsylvania.



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INTERNATIONAL



Dave Caulkin/Associated Press

Britain's Queen Elizabeth II receives a greeting card from a well-wisher on the occasion of the 50th anniversary of her accession to the throne, outside the Queen Elizabeth Hospital in Kings Lynn, England on Wednesday.

Queen Elizabeth II marks half-century of rule

BY BETH GARDINER

Associated Press Writer

KING'S LYNN, England

Personal sorrow mingled with royal history as Queen Elizabeth II reached a bittersweet milestone Wednesday, somberly marking 50 years as monarch on the anniversary of her father's death.

Golden Jubilee celebrations are planned later this year, but for the queen, Feb. 6 is typically a day of quiet reflection. This year, she broke her tradition of commemorating Accession Day privately to visit cancer patients at a hospital in King's Lynn, near the royal estate at Sandringham, in Norfolk, 100 miles north of London.

Her father, King George VI, succumbed to complications from lung cancer in 1952, making Princess Elizabeth queen at 25.

Her black Rolls Royce — with the royal standard banner waving on top — swept up to the Macmillan cancer center at the Queen Elizabeth Hospital to waves and applause from about 50 well-wishers. Wearing a green coat and matching hat over her gold-colored dress, the sovereign chatted with patients, guests and hospital staff for about 45 minutes. Nurses and orderlies crowded around windows to catch a glimpse.

The queen made no public comments, but in a written message to the nation, she told all Britons they should be proud of the past and look optimistically toward the future.

"Prince Philip and I have been deeply touched by the many kind messages about the Golden Jubilee," she said. "This anniversary is for us an occasion to acknowledge with gratitude the loyalty and support which we have received from so many people since I came to the throne in 1952."

Red, white and blue Union Jack flags fluttered across Britain to mark the anniversary. A 41-gun salute at noon in London's Hyde Park was followed by a 62-gun salute from the Tower of London an hour later.

Prime Minister Tony Blair led the tributes from leaders of all parties in Parliament. "I am sure the whole House

will join with me in wanting to pay our respect to the 50th anniversary of Her Majesty the Queen's accession to the throne," Blair said.

Dorothy Cornwell, 69, traveled 50 miles to see the queen at the hospital, where the monarch's fans waited for more than an hour in chilly weather to wave and give her flowers.

"I felt I had to come and give my support because today is rather a sad day for her," Cornwell said. "We should be very, very proud that we have got her as queen and long may she reign."

Cornwell recalled the day Princess Elizabeth became queen.

"We heard this dreadful news on the radio, that the king had died quietly in his sleep. I just wept silent tears and bought all the newspapers," Cornwell said.

Concerts and parties are planned this summer to celebrate Elizabeth's Golden Jubilee and the queen, 75, has a travel schedule filled with visits around Britain and to other countries in the Commonwealth of its former colonies.

But Wednesday was a more personal occasion.

Princess Elizabeth was in Kenya on an official trip when she got word of her father's death.

Prime Minister Winston Churchill greeted her at the airport when she arrived back in Britain as queen. More than 300,000 people paid their respects as George VI lay in state at Westminster Hall.

He had won the respect and affection of his subjects after he took the throne following the abdication of his older brother Edward VIII, who stepped down to marry the American divorcee Wallis Simpson.

The king and his wife Queen Elizabeth — now the 101-year-old Queen Mother — were a steadying presence through the war years. Older Britons recall how the couple stayed in London through the Blitz and visited badly bombed neighborhoods.

Britain was still drained and depressed by the war when the king, a heavy smoker, grew ill and died at 56. Rationing was still in force and the economy was shattered.

Powell says Bush plans to take out Hussein

BY BARRY SCHWEID

AP Diplomatic Writer

WASHINGTON

President Bush is considering "a full range of options" for removing Saddam Hussein as Iraq's president, Secretary of State Colin Powell said Wednesday.

"The United States might have to do it alone," Powell said at a House hearing.

"He is leaving no stone unturned as to what he might do if Saddam Hussein does not reverse course."

— COLIN POWELL

Secretary of state

Iraq is working on developing nuclear weapons, and its refusal to admit international arms inspectors prompted Bush to consider "the most serious set of options that one might imagine," Powell said.

Bush has denounced Iraq for barring U.N. inspectors for more than three years and named the country as part of an "axis of evil" that includes Iran and North Korea.

"He is leaving no stone unturned as to what he might do" if Saddam Hussein does not reverse course, Powell told the House International Relations Committee.

"The president is examining a full range of options," the secretary said. He declined to say whether Bush was considering a military assault on Iraq, or additional economic and diplomatic pressures.

Most Arab governments and some U.S. allies in Europe have cautioned Bush against a military assault on Iraq. They were nearly unanimous in supporting the anti-terrorism campaign against the Taliban and the al-Qaida terrorist network in Afghanistan as a response to the Sept. 11 attacks.

Arab leaders say Saddam has given the United States no similar

provocation.

Nonetheless, "We still believe Saddam Hussein should move on," Powell said. "The people of Iraq deserve better leadership."

Iraq has remained bent on developing nuclear weapons, Powell said, adding that U.S. intelligence had concluded Iraq was a year or more away from its goal.

At the hearing, Rep. Brad Sherman, D-Calif., said, "We simply cannot allow Iraq to develop nuclear weapons." Powell said Bush was considering "the most serious set of options one might consider."

"Regime change is something the United States might have to do alone," Powell said. "How to do it? I would not like to go into the details of the options."

In the past, Powell has suggested diplomatic, political and economic measures could be used to uproot terrorists and their government supporters. But at the hearing, he did not suggest these alterna-

tives to the use of force.

Powell dismissed an Iraqi offer to hold talks with the United Nations, an overture conveyed through the Arab League and accepted by U.N. Secretary-General Kofi Annan.

Powell said Iraq had to accept the return of accept U.N. inspectors, and that there was nothing to discuss otherwise.

By contrast, Powell said the Bush administration was open to "reasonable conversation" with Iran.

Powell said the United States had a long-standing list of grievances with Iran, including its support for terrorism and trying to send weapons to the Palestinians.

Iran's "latest provocation," he said, was "meddling in Afghanistan" and unsettling the fragile interim government in Kabul.

"Get out of the 'axis of evil' column and make a choice that we think your people want you to make and not the choice your nonelected government has been making in recent years," he said.

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BUSINESS

Enron partnerships meant millions for company insiders

BY H. JOSEF HEBERT

Associated Press Writer

WASHINGTON — Enron's use of partnerships not only hid the company's losses and huge debts, it made a few company insiders very rich, very fast — with almost no financial risk.

The biggest hauls, investigators say, were by those who created and ran the complex web of shell investment entities that were largely financed by Enron and concealed the company's shaky balance sheet.

Two of those men — Andrew Fastow, who created the partnerships, and Michael Kopper — were expected to appear Thursday at a House Energy and Commerce subcommittee hearing. They were considered likely to decline to answer questions, citing the 5th Amendment protection against self incrimination.

Over a two-month period, a family foundation run by Fastow turned \$25,000 into \$4.5 million. Kopper saw an investment of \$125,000 become \$10.5 million in less than three years. Lesser players, brought into the network of transactions by Fastow and Kopper, earned \$500,000 to \$1 million from investments of less than \$3,000 to \$5,800.

The source of their windfall was a system of investment entities with names like Jedi and Chewco (from the Star Wars movies), Raptor and Rhythms, and Big Doe, apparently a play on words.

One partnership, called Southampton Place, also the name of the uppercrust Houston neighborhood where Fastow lived, proved to be especially lucrative.

Fastow, through a family-owned foundation, cashed in on \$4.5 million from his \$25,000 investment in Southampton Place after holding it only two months.

Other investors in the partnership were Benjamin Glisan, former Enron treasurer who also was involved in setting up several of the partnerships; Kristin Mordaunt, an attorney and later general counsel of Enron Communications, and several employees of Fastow's finance department, one of whom said she was told that her ability to invest was viewed as a "bonus" for good work.

Both Glisan and Mordaunt invested \$5,800 and collected about \$1 million, according to investigators. The other employees invested less than \$3,000 and are believed to have earned returns of about \$500,000 each, according to the internal Enron investigation.

Like Fastow, Kopper invested \$25,000 in Southampton Place, but did it through a related entity called Big Doe. How much he gained is not yet determined, said Powers.

Kopper did extremely well on another front.

Fastow had recruited him in late 1997 to manage Chewco Investments, one of the key partnerships. Over three years Kopper earned \$2 million in management fees although the Powers report concluded that it could not be determined "what, if anything, Kopper did to justify the payments."

In mid-2000, it was decided Enron should purchase Chewco, in which Kopper was the principal investor.

According to congressional and Enron investigators, Jeffrey McMahon, at the time Enron's treasurer, told Fastow the buyout should pay Kopper about \$1 million. His investment had been \$125,000.

As for Fastow, investigators have determined that received about \$30 million while working in a dual role as Enron's chief financial officer and as head of one of the partnerships he created.

Lawmakers to seek contempt charges in Enron debacle

BY JENNIFER COLEMAN

Associated Press Writer

SACRAMENTO — Enron stood up a panel of state senators Wednesday who had subpoenaed the energy giant to testify about destruction of documents, and now could face contempt charges by the California Senate.

Lawmakers investigating California's power crisis sought thousands of documents from Enron in June, but an accounting firm's destruction of some of the company's financial documents may have violated that order, said Sen. Joe Dunn, D-Santa Ana.

Dunn, chairman of the Senate Select Committee to

Investigate Price Manipulation in the Wholesale Energy Market, said Enron also hasn't complied with the June summons, only sending "a handful" of relevant documents.

In mid-January, Dunn summoned Enron officials to testify about which documents may have been destroyed, but Enron notified the committee Wednesday that it wouldn't be sending anyone to the deposition.

The committee also has subpoenaed testimony from Arthur Andersen LLP, Enron's auditors, regarding destruction of some of the energy giant's documents. The accounting firm has admitted it destroyed some Enron documents after federal securities regulators asked for

information about Enron.

Enron Vice President Richard B. Sanders said in a letter to the committee that the company isn't "aware of anyone from Enron who made inquiries to Arthur Andersen regarding what documents were destroyed."

Sanders also said he wasn't aware of any documents in Enron's financial accounting department that dealt with the California energy market.

The committee has subpoenaed documents from a half-dozen energy companies as part of the investigation into the state's power crisis last year, when energy prices soared.

The full committee will review Enron's compliance with the subpoena for testimony and documents at a hearing next Tuesday.

Photos are protected from Internet use

BY RON HARRIS

Associated Press Writer

SAN FRANCISCO — An Internet search engine violated a professional photographer's copyright by displaying full-sized images of his work, a federal appeals court ruled Wednesday.

The 9th U.S. Circuit Court of Appeals found that small, low-quality thumbnail images were covered by the "fair use" provision of the Copyright Act, but reversed a lower court opinion that found the display of larger high-quality images also was protected.

The appeals court sent the case back to the U.S. District Court for the Central District of California to determine damages and the need for an injunction against the search engine company, Arriba Soft Corp., now known as Ditto.com.

Huntington Beach-based photographer Les Kelly sued Arriba in 1999 after he discovered 35 of his photographs were being used by the Internet search engine company without his permission.

Thumbnail images of Kelly's work soon were removed from the Web site, and the district court granted summary judgment in favor of Arriba after it determined the company's display of those images was covered by the "fair use" section of copyright law.

From January to June 1999, full-sized photos of the American West taken by Kelly were made available through Arriba's search engine by "inline linking," a process where an image from another Web site is displayed as though it is part of the page currently being viewed.

The 9th Circuit found this use of Kelly's photos to be copyright infringement. His photos would appear surrounded by Arriba advertising and banners.

Kelly said he would seek the maximum monetary damages allowable.

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ENTERTAINMENT



Estate sues man over rendering of Tolkien classic

BY PEGGY ANDERSEN

Associated Press Writer

SEATTLE — A one-man publishing house has been ordered not to publish — at least for now — his “The Lord of the Rings Diary,” which puts J.R.R. Tolkien’s beloved epic trilogy in chronological order.

U.S. District Judge Barbara Rothstein issued an order last week barring publication of the volume by Inkling Books’ Michael W. Perry, pending resolution of a copyright-infringement lawsuit filed on behalf of the Tolkien estate.

“I’m ceasing and desisting,” Perry said in an interview. “I’m hoping to work out some kind of agreement. ... I think there’s been a lot of misunderstanding.”

Wendy Strothman, an estate representative and executive vice president of Tolkien’s U.S. publisher, Houghton Mifflin, is not so sure.

It appears the work “amounts to a retelling of ‘The Lord of the Rings’ in a different form,” she said in an interview.

“I didn’t want somebody to steal my format.”

— **MICHAEL W. PERRY**
Inkling Books

“That is not something the estate condones. It thinks if people want to read ‘The Lord of the Rings’ ... they should read the original.”

However, it is not entirely clear to the estate what the book is, she said, since Perry did not provide a manuscript until last Thursday’s hearing. His book is subtitled “A Chronology of J.R.R. Tolkien’s Best-Selling Epic.”

Strothman, whose publishing house is not involved in the suit, said the estate’s decision to go to court was triggered by Perry’s refusal to provide a manuscript.

Perry said he advised the estate’s lawyer when they began corresponding last fall that he would turn over a copy if the firm would sign “a nondisclosure agreement,” which it refused to do.

“I didn’t want somebody to steal my format,” Perry said.

Houghton Mifflin, ironically, defended a copyright-infringement suit last year involving Alice Randall’s “The Wind Done Gone,” a parody of “Gone With the Wind.” Representatives of the late author of “Gone With the Wind,” Margaret Mitchell, had sued to prevent publication. After an initial injunction was granted, a federal appeals court in Atlanta lifted the ban and the book became a best seller.

According to Houghton Mifflin, the Tolkien estate has been quite tolerant of commentary and even parodies of Tolkien’s work. One example is Harvard Lampoon’s “Bored of the Rings.”

But based on Perry’s excerpts, the “Diary” is not likely to qualify, Strothman said.

“It appeared to us to be very blatant in its infringement,” she said. And while “sometimes the nature of an infringement is such that it can be corrected,” that does not appear to be the case here.

Perry considers his slim volume a guide to ease readers through Tolkien’s layers of time and space and myriad characters.

“I’ve added a lot of new information. It really is scholarly. ... I’m engaging in commentary and criticism, not just copying their book,” he said.

In an Oct. 9 letter to lawyers for the estate, Perry said: “To be honest, ‘Diary’ makes for dull reading. It isn’t exciting and it isn’t literary and it wasn’t intended to be. It’s like a dictionary, it packages facts about ‘Rings’ in the most useful possible format.”

The estate’s lawyers will review the work in its entirety and decide whether to press for a permanent ban on publication. The lawsuit cites the potential for substantial damages if Perry’s work is published, seeking “at least \$750,000.”

A&E documentary: Friends for 90 years and counting

BY DON BABWIN

Associated Press Writer

GLEN ELLYN, III. — When they met and became friends in Miss Lee’s class in suburban Chicago, a Roosevelt was running the country — Theodore Roosevelt.

Seventeen presidents and more than 90 years later, Mildred Mulligan, Ann Prichard and Helen Clippinger are still friends. They talk regularly, celebrate each other’s birthdays and compare the relative merits of walkers versus canes. Now they’re set to make their debut on television — something that didn’t even exist until they were adults.

“This has become a big deal,” said Prichard, 101, sounding a bit embarrassed about the fuss being made over her friendship with Mulligan, 102, and Clippinger, 103. “But I guess it is kind of unusual.”

It’s so unusual that when Howard Storm heard about it he and fellow television producers David Yarnell and Sam Denoff decided to tell the women’s story in a documentary. And when actress Julia Roberts heard about the

documentary, she sent word that she wanted to be part of it — not that the three women had any clue who she was.

Roberts narrates the documentary scheduled to air later this year on the A&E network. (No air date has been set.)

“It’s a story about what’s happened to America. The automobile, airplane, it all happened in their lifetime.”

— **DAVID YARNELL**
Television producer

“We certainly have a lot of centenarians around, but to have three women who have remained friends this long, that’s an extraordinary story,” said Denoff, whose long television career includes writing for “The Dick Van Dyke Show.”

“And,” said Yarnell, “it’s a story about what’s hap-

pened to America. The automobile, airplane, it all happened in their lifetime.”

“We have seen a lot, that’s for sure,” agreed Clippinger.

Storm first saw the possibilities of telling their story. During dinner one night, a friend, Barbara Clippinger, mentioned that not only was her mother older than 100 but she lived in a West Covina, Calif., retirement home with a lifelong friend (Mulligan). He then found out there was a third woman (Prichard) who still lived in the trio’s hometown of Glen Ellyn.

He set out to meet the women. “I think he came over to see how many marbles we had or didn’t have,” joked Mulligan.

Godfather of soul James Brown denies sexual harassment allegations

BY TOM HARRIGAN

Associated Press Writer

LOS ANGELES — James Brown testified in his sexual harassment trial that he never touched the 36-year-old plaintiff, an executive who claims she was fired when she refused his advances and complained about his behavior.

“I wouldn’t do that,” the 68-year-old godfather of soul said Tuesday on the witness stand.

Lisa Ross Agbalaya, a married mother of three children, claims Brown grabbed her, made unwanted sexual advances and fired her after she complained. Her lawsuit seeks \$1 million in damages.

Brown said nothing improper ever occurred.

“I have never touched Miss Ross Agbalaya in my life. She’s a married woman and I wouldn’t do that,” Brown said during cross-examination.

Brown said he was always careful to have other people present when Agbalaya was with him. As he testi-

fied, Agbalaya sat almost motionless.

Agbalaya said she was fired as president of West Coast operations for The New James Brown Enterprises Inc. in February 2000 after she complained.

Brown’s attorney, Debra Opri, said her termination was a business decision made after Brown closed his West Coast office.

Agbalaya’s attorney, Shelly McMillan, asked the singer if he was glassy-eyed and smelling of marijuana when he allegedly grabbed Agbalaya by the hips and pulled her toward him.

“I didn’t touch nobody, and I didn’t use marijuana,” he said. “I had two people there. We made sure I wasn’t going to be alone with Mrs. Agbalaya.”

Under cross-examination, Brown also said Agbalaya’s position wasn’t as important as the title indicated.

“She was called the president because it sounds good to the DJs who call there. She wasn’t the president,” he said, adding her work was supervised from his main office in

Augusta, Ga.

He said she came to Georgia twice, including once in August 1999 for training at his office. That time she traveled with him and his entourage on his private plane and stayed in a hotel, he said.

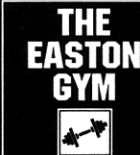
The other time, Brown said, she surprised him when she arrived at his home to ask for a loan. He said an aide, Roosevelt Johnson, was in the next room when she arrived and another person arrived a few minutes later.

Asked if he thought Agbalaya was a groupie or hanger-on only interested in his fame, Brown replied, “I wouldn’t think so.”

Outside court, Brown told reporters he was “uncomfortable” on the stand.

“But I have to be here,” said the flamboyant entertainer who came to court dressed in black suede cowboy boots and a bright blue suit and tie worn over a much brighter blue shirt.

“My name is important. That’s all I have. ... I never demean anybody.”



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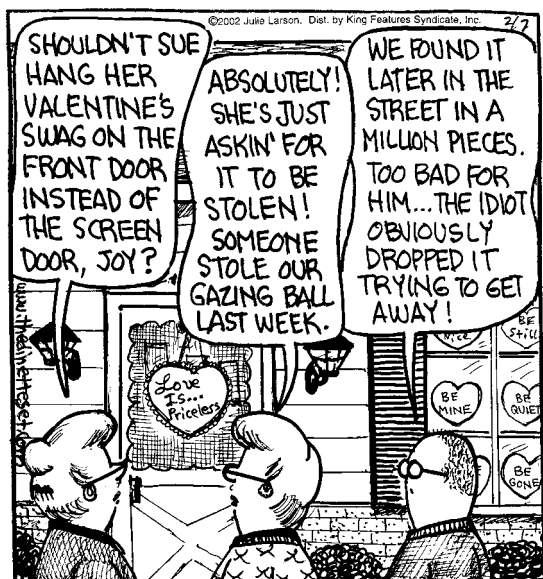
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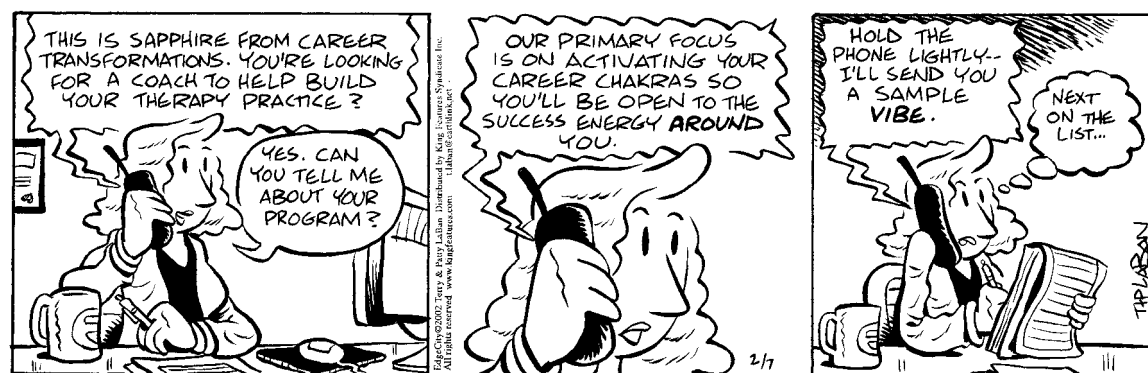
The Dinette Set by Julie Larson



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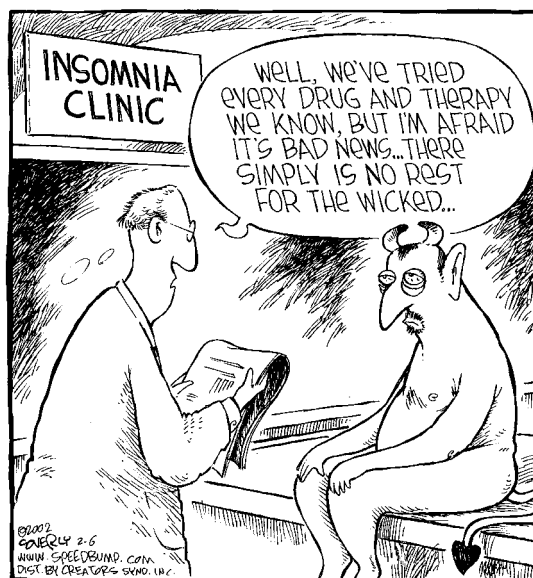
by TERRY & PATTY LABAN



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Yesterday's answer

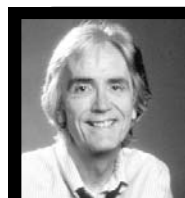
- 22 The Emerald Isle
- 25 Singer Braxton
- 26 Between stars
- 28 Touches down
- 30 Mirror sight
- 31 Tarzan transports
- 33 On the roof
- 34 Vatican sur-rounder
- 35 Pad's place
- 36 Lobbying grp.
- 37 Keats work
- 38 Young fellow

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2-7

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NEWS OF THE WEIRD

by Chuck Shepard

Cab driver could not tell if his sexual attacker was a man or a woman

From the Crime Watch column of the Leaf-Chronicle (Clarksville, Tenn.), Dec. 5, 2001: "A 36-year-old cab driver reported one of his riders sexually attacked him Saturday morning in the 100 block of Keith Drive. The cab driver pushed the rider away. The rider then forcibly performed a sexual act on the driver, the victim told (Det. Larry) Boren. The report indicated the driver didn't know if the attacker was a man or a woman."

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BACK PAGE

Harvard students charged with embezzling \$91,000

BY JAY LINDSAY
Associated Press Writer

CAMBRIDGE, Mass. — Two members of Harvard's Hasty Pudding Theatricals were accused of embezzling about \$91,000 from the 207-year-old student group for drugs, a party and entertainment equipment.

Suzanne Pomey and Randy Gomes, both Harvard seniors, each pleaded innocent to single counts of larceny Tuesday in Middlesex Superior Court. Prosecutors said the two used club credit and debit cards to transfer money to their bank accounts.

Judge Carol S. Ball released the two without bail and set a pretrial hearing for March 28. If convicted, each faces a maximum of five years in prison.

Harvard officials have not said whether any disciplinary action has been taken against the students, who are still enrolled for classes. The officials said they are monitoring the case and helping Hasty Pudding improve its money management.

Hasty Pudding Theatricals is the nation's oldest undergraduate dramatic organization. It's best known for an annual show and its "Man of the Year" and "Woman of the Year" awards to top entertainers. Past winners include Anthony Hopkins, Tom Cruise and Julia Roberts.

Hasty Pudding alumni include

"The pair appeared to be financing lavish lifestyles."

— EDWARD R. BEDROSIAN JR.
Assistant district attorney

Theodore Roosevelt, who was the club's secretary.

Pomey was business manager before taking over as co-producer in 2000. Gomes was assistant director of the "Man of the Year" and "Woman of the Year" shows last winter.

In a statement to police, Pomey said she gave Gomes a club credit card and accused him of taking money to buy drugs and pay off debts to drug dealers, authorities said. She also acknowledged transferring money to her own account, prosecutors said.

Prosecutors said Gomes told police that he took money to support a drug habit that had started his freshman year with Ecstasy and escalated to crystal methamphetamine.

According to prosecutors, Lena Demashkieh, a co-producer, noticed last May that the group's bank balance was \$50,000 less than it should be. In June, she found that \$16,000 more had been withdrawn, even though withdrawals

required her approval. Demashkieh alerted campus police.

"The pair appeared to be financing lavish lifestyles," Edward R. Bedrosian Jr., an assistant district attorney, told the court.

Gomes shopped a great deal, and in the past year traveled to Cape Cod; Palm Springs, Calif.; Chicago and New York,

prosecutors said. Pomey was accused of using the money to shop and pay her credit card bills, and together they picked up the tab for a party with an open bar, prosecutors said.

When police searched Gomes' room — next door to Pomey's — they found drug paraphernalia, a large-screen high-definition TV, two CD players, DJ equipment, a portable DVD player and 91 DVDs, authorities said.

Phone messages left Wednesday for Pomey and Gomes were not immediately returned.

Harvard spokeswoman Andrea Shen confirmed Wednesday that the two students were seniors but would give no other information about them.

Bike not a good getaway car

By The Associated Press

FAIRBANKS, Alaska — Two men charged with trying to steal a 500-pound safe from the Moose Lodge apparently planned to use their bikes as getaway vehicles, police said.

Roger Yost, 40, and William Isberg, 40, both of Fairbanks, were charged Monday with burglary, criminal mischief, theft and attempted theft.

Police said the pair rode to the lodge on bicycles. They had managed to move the safe a just few feet when police arrived, shortly before 2 a.m.

The two men are also suspected of trying to breaking into a spa shortly before the incident at the lodge, police said.

The two men were being held at the Fairbanks Correctional Center on \$20,000 bail.

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