

Santa Monica Daily Press

A newspaper with issues

LOTO

FANTASY 5

11, 22, 27, 16, 15

DAILY 3

Afternoon picks: 4, 5, 8

Evening picks: 4, 4, 4

DAILY DERBY

1st Place: 3, Hot Shot

2nd Place: 12, Lucky Charms

3rd Place: 4, Big Ben

Race Time: 1:46.96



NEWS OF THE WEIRD

by Chuck Shepard

News of the Weird reported in 2002 that Armin Meiwes, 41, had been arrested for killing and eating a 42-year-old man in Kassel, Germany, but presented videotaped evidence that the murder was consensual (which would still be a crime in Germany but with a lighter sentence). Prosecutors have since learned that the "international cannibal community" may include hundreds of men who communicate on the Internet, including several who visited Meiwes to discuss becoming his dinner but who changed their minds (and were permitted to leave). Among Meiwes' e-mail exchanges (revealed at his trial, which is ongoing), a potential victim wrote, of the symbiotic nature of their proposed relationship: "Hey, we seem to have discovered a market niche." Meiwes: "We could solve the problem of overpopulation and famine at a (single) stroke."



QUOTE OF THE DAY

"Alcohol is the anesthesia by which we endure the operation of life."

— George Bernard Shaw



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Make the dream real, Gemini 2



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People

Joan Collins' fifth time around 16

Judge rules charges against elderly driver are justified

Weller's defense team fails to convince court that evidence doesn't point to 'gross negligence'

BY JOHN WOOD

Daily Press Staff Writer



Russell Weller

LAX COURTHOUSE — The felony charges against the elderly driver who caused last summer's Farmers' Market crash are justified, a judge here ruled on Monday.

Russell Weller, 87, faces 10 counts of vehicular manslaughter with gross negligence for the fatal crash.

Defense lawyers argued unsuccessfully Monday that prosecutors haven't shown sufficient cause that points to Weller being grossly negligent in the accident, a legal distinction that carries harsher

penalties — a difference of 14 years in prison compared to misdemeanor charges.

By law, gross negligence is defined by behavior that is aggravated, reckless or flagrant. In California, a finding of negligence depends on what a "reasonable" person would do.

See DEFENSE, page 4

Local mortuary buries botched cremation suit

BY JOHN WOOD

Daily Press Staff Writer

MID-CITY — A Santa Monica funeral home has agreed to pay an undisclosed amount of money to the family of a man whose remains were incinerated, despite his strong opposition to cremation.

In March of 2002, Gates Kingsley & Gates Moeller-Murphy, a funeral home at 20th Street and Arizona Avenue, mistakenly cremated the body of Brian Sturrock, 46, who suffered from a rare form of lymphoma.

Greg Bolton, a spokesman for the company that owns the funeral home, declined to comment on the terms of the settlement. The workers responsible for the mistake were fired after the incident.

"All I can tell you is the matter's been resolved," he said. "We serve hundreds of thousands of families every year and this is an extremely rare situation."

Sturrock, who worked as a pro-

"All I can tell you is the matter's been resolved."

— GREG BOLTON

Funeral home spokesman

fessional speaker and was an area resident, died in the hospital after his immune system was weakened by chemotherapy. His wife, Eleanor Sturrock, said nurses had to convince her to leave her husband's body by telling her, as she grieved, that she would see him again once he was sent to the coroner.

But days later, she got a call from a mortuary worker who relayed the bad news that her husband had been cremated, which was apparently caused by a paperwork mix-up.

See LAWSUIT, page 4

Creating a buzz



Del Pastrana/Daily Press

Dijon Lovett, a vector control technician for LA County, gets a handle on a swarm of bees that made a home out of a tree on the Third Street Promenade Monday. A section of the street was closed off to the public.

SM City Hall thrown a \$1 million curve ball

Park facilities will cost more, take longer to complete than expected

(Editor's note: This is part of an ongoing series that tracks the city's expenditures on the upcoming Santa Monica City Council consent agenda. Consent agenda items are routinely passed by the city council with little or no discussion. However, many of the items have been part of public discussion in the past).

By Daily Press staff

COUNCIL CHAMBERS — It's going to cost City Hall \$1 million more than expected to overhaul two local parks, thanks to a construction company's failure to deliver on its contractual obligation.

er on its contractual obligation.

The City Council is expected tonight to grant SKS Construction a \$2.1 million contract to repair and replace facilities at Los Amigos and Memorial parks. Cohen Construction, Inc. — which was under contract for \$1.4 million — had the job since last May, but has failed to produce what it agreed to with City Hall.

As a result, City Hall has to find additional money to finish the project — most likely from the coffers dedicated to other park improvements planned for the future.

The projects at Memorial and Los Amigos are 106 days behind schedule and only 17 percent

See PARKS, page 5

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Listen to your inner voice, Capricorn

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)
★★★★ Associates come up with ideas that cause you to step back. Creativity flows into whatever you do with others. As a result, you might decide to revamp your plans. You defer to someone you care about. Know that in the long run you are doing the right thing. Tonight: Try something new and different.

TAURUS (April 20-May 20)
★★★★ Play it easy, especially when dealing with bosses and those in charge. You might be a bit put off by someone's lack of practicality. Work with his or her ideas, making them practical. In the long run, everyone will win. Tonight: Get some exercise.

GEMINI (May 21-June 20)
★★★★ Your playfulness takes you down a new path if you go with the moment. Share what you thought was impossible with those around you. You might be surprised by others' suggestions to make this dream real. Tonight: Find your favorite loved one.

CANCER (June 21-July 22)
★★★★ Investigate what might need to be done with a partner or associate who seems to have great moneymaking ideas but little sense of what will work. Approach this person carefully, as this relationship might be key. Tonight: Home is where the Crab's heart is.

LEO (July 23-Aug. 22)
★★★★ You could be confused by all that is going on around you, especially with a partner. Your flex will make or break you. Think carefully about your expectations within a relationship. Launch a special project. Tonight: Hang out at your favorite haunt.

VIRGO (Aug. 23-Sept. 22)
★★★★ Deal with finances, clearly knowing your limits. You might want to look toward the long term before deciding on a major change that could impact your daily life. You might be considering a major pattern change. Tonight: Order in.

LIBRA (Sept. 23-Oct. 22)
★★★★ With the Moon highlighting you, someone who has been difficult might back off. You are also likely to try another approach. You like what you hear. Your libido is unusually creative. Tonight: What would you like?

SCORPIO (Oct. 23-Nov. 21)
★★ You might choose not to share every thought that heads your way. Investigate other opportunities that could change your financial situation. You know what kind of security you need and want. Make it so. Tonight: Find an expert or do research.

SAGITTARIUS (Nov. 22-Dec. 21)
★★★★ Your circle of friends or associates helps you get what you want once you express your desires and thoughts. You might need to make an adjustment in your thinking, but it is well worth it. Look at the objective at hand. Tonight: Where the action is.

CAPRICORN (Dec. 22-Jan. 19)
★★★ Others listen to your logic. Your sense of fiscal responsibility makes a huge difference to others. You also might need to re-evaluate an investment of importance. Listen to your inner voice, but don't take any action just yet. Tonight: Count on a late dinner.

AQUARIUS (Jan. 20-Feb. 18)
★★★★ Your ability to see beyond what people say helps you hit the bull's-eye. Not everything is as it seems, and you know it. As a result, you not only help others understand themselves, but you make unusually strong decisions for yourself. Tonight: Take in a movie.

PISCES (Feb. 19-March 20)
★★★★ A partner or associate finds you. You like what is going on with a loved one or someone close. His or her efforts touch you on a deep level. After you deal with an authority figure in your life, take time to thank this person. Tonight: Dinner for two.

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LOCAL



Samohi Vikings riding high on team wins

Local Sports

THE HOT CORNER

By Jonathan Lee

It's been a good winter for the Samohi Vikings and myself, "Don Jon." Santa Monica High School's student body has enjoyed boasting of every team's success, and rival teams are feeling the wrath of Samohi's storied sports program. As for me, I've enjoyed covering them for the school newspaper and meeting even more cute female athletes.

■ The boys basketball team is currently 16-7 and on an eight-game winning streak. Coming off a blowout victory (63-35) against Peninsula on Feb. 2 and a hard-earned win against Leuzinger (73-65), the Vikings are looking forward to playing at Morningside tonight. The boys will finish the season against North Torrance on Friday at home.

Senior **Tim McGrath** has established himself as the team's main scoring threat, averaging almost 20 points a game. Senior **Greg Walker** and junior **Devin Packard** provide consistency in the paint, while the team's depth at guard has contributed to strength on both the offensive and defensive ends of the court.

The girls' basketball team has won just four games in its last 10 attempts. However, the girls' remarkable start to the season leaves them at 10-9 and with a shot at the playoffs. A home win tonight against Torrance would provide the perfect springboard for their playoff hopes.

■ One of the most storied programs in Samohi's history has been the girls' water polo team. The Lady Greenies have captured the Bay League title in each of the last eight seasons. This season, however, the Lady Greenies have not met their early-season expectations. With Redondo Union and Louisville as its next two opponents, the team may finish the season with a record under .500.

■ Both of the varsity soccer teams are finishing their seasons strong. Last season, the Lady Kickers lost their first-place position in a loss against rival South

Torrance. On Jan. 23, Samohi was able to avenge that loss with a 2-1 win. The girls then followed up with a 3-0 victory against Torrance but lost against Redondo and West Torrance. Wednesday's home match against South Torrance at 3 p.m. will help determine Samohi's place in the CIF playoffs, which begin Friday.

The boys, coached by **Mane Appelonius**, are in the race for the Bay League Crown. They play their final regular-season game at Leuzinger on Wednesday.

Outstanding performances by seniors **Matt Ishler** and **Geoff Moy**, juniors **Brett Jellen**, **Alex Darkhovsky** and sophomore **Matt Kim** have the wrestling team expecting success in the league finals. Ishler, who held a 19-match winning streak at one point during the season, has proved to be the team's most consistent competitor.

■ Samohi's ice hockey team is quietly boasting an impressive 5-3 record and making a mark in its first varsity season in two years. In the first half of the season, Samohi displayed its offensive firepower by defeating Culver City 14-2 and La Canada 9-2. Perhaps the most nerve-racking game so far was against Windroads, a team made up of players from Windward and Crossroads, on Jan. 24. The Vikings led 3-0 coming into the third period, but Windroads answered with a three-goal flurry to tie the game. Pulling the goalie for an extra forward, Samohi scored in the final moments of the game to win 4-3.

The team's balanced scoring attack and the skilled defensive play of its goalies contributes to the team's chances of making the playoffs. Formidable opponents include El Segundo, last year's champions, No. 1 team South Torrance, Mira Costa, Peninsula and Loyola.

With their seasons winding down, all of Samohi's teams are hoping to maintain their above-average records and making it to their respective playoffs. Many tough opponents lie ahead, but the teams are confident that they can defeat all challengers.

(Jonathan Lee is a sports editor at The Samohi and enjoys being Homecoming Duke, writing, playing sports, and hanging out with his homeboys and girls. He can be reached at jleebroadcast@yahoo.com).



surf report

Watch out for those E and NE winds, Randy.

Today look for mostly leftover NW wind and ground swell. Most spots are below waist-high.

OUTLOOK: On Wednesday a small NW swell will build through the day, strongest in the afternoon and into Thursday. This swell is again coming from a pretty steep NW angle so most spots will stay in the just-rideable range into Thursday.

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TUESDAY	5:23 AM	5:38 PM	11:14 AM	N/A
WEDNESDAY	6:30 AM	6:06 PM	12:15 AM	12:15 PM
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The Q-Line

The national unemployment rate has dropped to 5.6 percent — the lowest level in two years. But with only 2 million jobs created since he took office, President George Bush has the worst job creation record of any president since Herbert Hoover.

But the economy as a whole appears to be climbing back up. However, municipalities are still struggling — including Santa Monica, which faces a \$4 million deficit next year. And the local school district faces \$3.5 million budget shortfall for the upcoming school year. Many of our woes are because of the state's multi-billion dollar deficit, which doesn't appear to be as

easily solved as our new governor once thought. Gov. Arnold Schwarzenegger's proposed state budget would take more money away from local municipalities and school districts.

So this week, Q-Line wants to know: "What should be done to solve our local economic crisis?"

Call (310) 285-8106 with your response before Thursday at 5 p.m. We'll print them in Saturday's paper (responses used to be printed on Friday but have been moved to Saturday). Please limit your comments to a minute or less. It might help to think first about the wording of your response.

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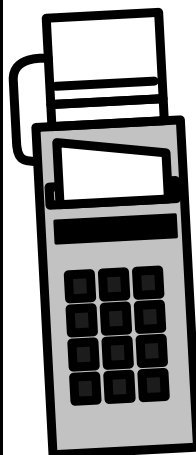


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LOCAL

Preliminary trial may take two weeks to complete

DEFENSE, from page 1

"We now have reviewed all the discovery provided to us and all the witness statements, and we still are convinced that there is no criminal responsibility — and, in fact, there was no gross negligence," said Mark Overland, one of Weller's criminal attorneys.

Los Angeles Superior Court Judge Katherine Mader disagreed. She found sufficient the current explanation given by LA Deputy District Attorney Ann Rundle, who alleges Weller could have stopped at any time as he careened through the crowded downtown outdoor market on Arizona Avenue last July, leaving 10 dead and 63 injured. Judge Mader also set March 16 as the day Weller's preliminary trial will be scheduled.

Overland said he was disappointed with the ruling. "That's just nonsense," Overland said. "All the evidence points to it and we're going to present that evidence at the preliminary hearing ... The expert witnesses, as well as the eye witnesses, will support that he did all he could to try to stop the car."

Weller did not appear in court. He is not required to appear on March 16, but likely will attend his preliminary trial.

Overland said the preliminary trial — when lawyers

lay out their evidence and a judge decides if the case should proceed to trial — will likely last two weeks. He added more than 50 expert and eye witnesses are expected to testify. Overland said some of the expert witnesses will testify that Weller suffered from a type of heart disease that may have caused the accident.

"That's just nonsense. All the evidence points to it and we're going to present that evidence at the preliminary hearing..."

— MARK OVERLAND
Defense attorney

Asked when and for how long the actual trial might occur, Overland replied, "We're not even there yet."

The case against Weller, a retired wholesale grocer who lives with his wife in a house on 25th Street north of Montana Avenue, has garnered national attention. It's seen by many as key to a debate over the safety of aging

motorists, including whether some should be forced to forfeit driving privileges.

Weller wasn't arrested after the accident. He remained free while the Santa Monica Police Department and the California Highway Patrol conducted a five-month investigation into the crash, finally concluding that Weller was traveling at an unsafe speed. The SMPD recommended to the LA District Attorney's Office that it charge him with 10 counts of vehicular manslaughter with gross negligence. The DA's Office charged him a few weeks later. Weller has pleaded not guilty.

If convicted on all counts, Weller, who hasn't spoken in public since the accident nearly seven months ago, faces a possible sentence of probation to 18 years in prison. Without gross negligence, vehicular manslaughter is a misdemeanor with a maximum sentence of four years in prison.

Weller is charged in the deaths of Theresa Breglia, 50, of Bronx, N.Y.; Brendon Esfahani, 7 months, of Los Angeles; Molok Ghouljian, 62, of Los Angeles; Gloria Gonzalez, 35, of Venice; Movsha Hoffman, 78, of Santa Monica; Leroy Lattier, 55, a transient; Diana McCarthy, 41, of New York, N.Y.; Kevin McCarthy, 50, of New York, N.Y.; Cindy Valladares, 3, of Los Angeles; and Lynne Ann Weaver, 47, of Woodland Hills.

Terms of cremation settlement sealed with the court

LAWSUIT, from page 1

Eleanor Sturrock, a musician and mother of three young children, said she was shattered by the news. She said she had already arranged for her husband's body to be preserved and flown to Lancaster, Penn., where an open-casket funeral was going to be held before he was buried in a family plot.

But what's worse, she said, was that her

husband was adamantly opposed to cremation. During his final days, he repeatedly asked that his body not be cremated after he died, Eleanor Sturrock said.

"I couldn't keep a promise to my husband and there's nothing I can do about it," said the grieving wife after she filed suit against Gates Kingsley & Gates Moeller-Murphy last March. "He would have been outraged."

Catherine Lerer, Eleanor Sturrock's attorney, has said the funeral home failed to make an offer until the suit had been filed and that the offer was insufficient. But the two sides eventually worked out a mutually agreeable resolution, though the terms are sealed, according to court documents.

Eleanor Sturrock, who has since moved to the East Coast to live with fam-

ily, could not be reached for comment on the settlement. After filing the lawsuit, she said she felt compelled to pursue the company — and not just for the money.

"I have to explain this to my children someday," she said. "And when they say, 'Mommy, did you make it right?' I want to be able to say, 'Yes, I did' — to be able to say, 'I loved your dad so much that I wasn't able to just forget about it.'"

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LOCAL

Hotchkiss, Stewart Street, Clover and Marine parks might take a funding hit

PARKS, from page 1

done, city staff wrote in a memo to the City Council. Throughout construction, numerous safety issues arose, including public access to construction zones and heavy equipment, traffic hazards during loading and unloading, as well as mishandling of hazardous materials, city staff said. The work included demolishing structures at the parks and building new concession stands, announcer's booths, restrooms and storage facilities.

City Hall's problems with Cohen Construction began last fall when the city started to receive stop notice claims from subcontractors who had provided labor and materials on the project, and who claimed that they hadn't been paid by the builder. City Hall also learned that Cohen Construction had allegedly violated the law by temporarily employing a subcontractor, J&J Plumbing, that was not listed on the original bid, city staff said.

As a result, City Hall in December served a notice of default to Cohen Construction, which allows 10 days for the company to rectify the situation. However, Cohen Construction failed to do that, city staff said.

Now that City Hall has to hire a new

contractor, staff suggests that money previously allocated to "phase two" of the parks project be used to finish "phase one." Parks that could have funding taken away include Hotchkiss, Stewart Street, Clover and Marine parks.

Time is of the essence to finish Memorial and Los Amigos because thousands of people use them and have come to rely on their amenities, city staff said.

Los Amigos sees more than 700 students from SMASH and John Muir Elementary schools for daily recess and physical-education classes throughout the year. And about 300 youth participate in Pony League baseball between March and June, city staff said.

At Memorial Park, more than 900 youth participate in Little League and Bobby Sox between March and June, as well as hundreds of spectators who use the facilities. On weekends between September and December, about 200 youth practice soccer at Memorial Park during the AYSO season. What's more, about 180 adults on weeknights and 400 on weekends, use Memorial for city sports leagues. Santa Monica High School and St. Monica's High School use Memorial Park for baseball practice.

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Fishing for aquatic activities

Editor:

We were at the end of the Santa Monica Pier Sunday when we observed a street entertainer peddling a typical juggling performance. He had the attention of the 12 or so people gathered there until a fisherman to the right and on the lower level let out a delighted yelp as he reeled in a large crab. The entire crowd immediately deserted the juggler and leaned against the railing to enjoy the great catch.

The moral we believe is that both locals and tourists who visit the pier could be at least equally intrigued by the plant and animal life of the sea as they are by the street performers and mundane concessions that distract from the peace and beauty of a seaside setting. (Could their venues not be moved to the beach boardwalk, *la la Venice?*)

The solution? In their stead, create a visible world-class aquarium on the pier, supported in part by souvenir shops containing books and artifacts related to the sea. Children and adults alike would be educated and uplifted by this type of pier establishment. Santa Monica City Council, Heal the Bay and Ted Danson's save-the-ocean organization, please note.

Carl La Russa
Sunny Kreis
Santa Monica

Control the noise with common sense

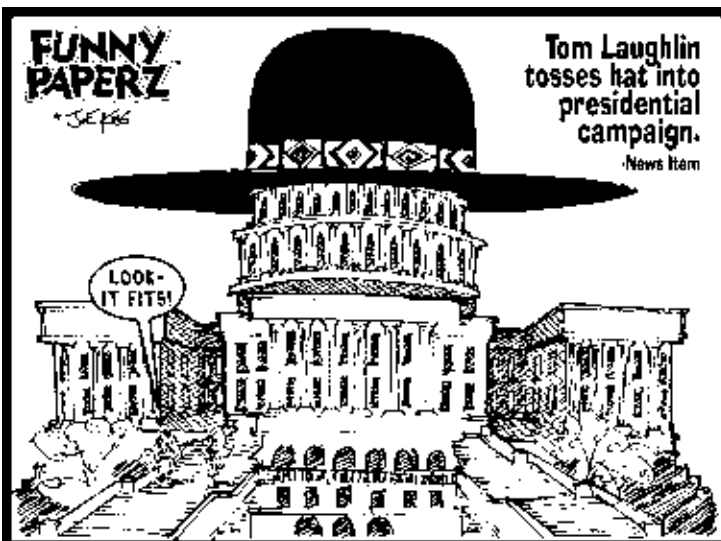
Editor:

Today, Feb. 10, the Santa Monica City Council is considering a newly revised draft of a noise ordinance that would be a disaster for both residents and businesses. How can it be bad for both? Well, residents will get no relief from unreasonable noise, and restaurants and bars won't be allowed to take out their own garbage after 11 p.m. The overnight maximum residential decibel limit in most Southern California cities range from 50 decibels (Manhattan Beach) to 55 decibels (Costa Mesa, Irvine, Cypress and Santa Ana). I've studied dozens of city laws and have yet to find an overnight residential limit of more than 55 decibels. Every other city that has decibel-based noise limits applies the residential noise limits to complaints coming from residential properties.

Under the proposed noise ordinance, however, if a resident complains about a noise that originates in a business district, the noise limits for business districts would apply, even though the noise itself would be measured at the residence. That topsy-turvy approach means that a resident of Santa Monica who is awakened or bothered by unreasonable noise coming from a business would not be protected by the residential noise standard. Instead, the much higher commercial noise standard would apply. That standard would be 60 decibels for nuisances that last at least 15 minutes and 65 decibels for nuisances of five minutes. Bear in mind that the decibel scale is set up so that an increase of 10 decibels represents a doubling of the volume. So, in other words, the proposed ordinance would force Santa Monica residents to endure noises

that are 50 percent to 100 percent louder than the noises endured by residents of virtually every other Southland city before there would be a violation. Most businesses are good neighbors, but a few are not, and those poor residents who literally cannot sleep through the night due to a few bad apples, this ordinance would provide no relief. The same ordinance also relaxes the ban on the installation of mechanical equipment next to residential property, relaxes noise restrictions on certain food service trucks, and significantly increases the noise levels permitted by construction activity to a maximum of either 115 decibels or 135 decibels depending on how you read the language. (The current maximum is 90 decibels.) Meanwhile, the same ordinance prohibits bars and restaurants from taking out their own garbage after 11 p.m. Advocates of this provision have suggested that restaurants store their garbage in their refrigerators overnight. Residents and businesses alike should all attend Tuesday night's meeting and demand that the city withdraw this proposed ordinance and keep working at it until they can come up with an ordinance that is based on common sense and is fair to both residents and businesses.

Dan Stuart
Santa Monica



Members: ALEC, NCS, NCE, SPCS, etc.

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Social Security debate must move beyond TV make-believe



THE FLORA FILES

By Todd Flora

I dedicated two and a half years of my professional life to promoting fiscal responsibility in Washington. Specifically, I focused much of my attention educating the public on the need to reform Social Security. So you can imagine how ecstatic I was last week that my favorite television program, "The West Wing," featured the Social Security reform debate as its centerpiece. Wow. My favorite show giving time and attention to one of the most vital, costly, universal, and yet wholly ignored issues of our time.

But if we all really knew the truth about Social Security, most of us would demand every plot of every show or news program be dedicated to the reform of America's most successful government program.

The facts are these:

- Your social security money doesn't

have your name on it. The Social Security (FICA) taxes of current workers fund current retirees. There's one problem. America is aging, and the number of retirees will permanently shift soon, beginning with the Baby Boomers.

- The program in its current form is unsustainable. When the program began, there were 40 workers paying taxes to support the Social Security benefits of every one retiree. By 1960, that ratio fell to 5 to 1. The ratio will be 2 to 1 by 2035.

- By 2015, Social Security will for the first time collect less revenue than it must pay out. The program will then be forced to tap the "Social Security Trust Fund" to pay benefits. That source will run dry by 2038.

- But the Social Security "Trust Fund" is merely a ledger that states the amount of money a future Congress has pledged to spend on Social Security. A future congress will have to liquidate bonds to fulfill those obligations, absolutely hemorrhaging the national debt.

In harsh terms, we essentially have two options: Cut benefits or raise taxes. There are in fact several creative reform solutions within those definitions that we'll

cover another time. The one option we don't have is to do nothing. But for far too long, we have demanded just that from Congress. As voters, we tell elected leaders to do nothing "or else." The minute reform is discussed, seniors organizations scare the living daylight out of their membership base and turn them into an unwitting army of demagogues. Nevermind that today's seniors wouldn't be affected by reform.

On the other side of the age spectrum are young professionals who make the mistake of thinking they can outsmart the system by saving enough on their own not to need Social Security. While they should save more, they miss the point. It's not enough to simply "not count on Social Security being there." The fact is — it will be. The government doesn't know how NOT to keep cutting Social Security checks. But it is the very fact that the government won't cave on its responsibility to future generations that necessitates reform TODAY, if for no other reason than the incredible fiscal impact Social Security will have on the rest of our economy. If we do nothing, the difference

between projected Social Security benefits the government owes and the anticipated revenue it will collect to pay them will produce a national debt that makes our current total look like "the good old days." Debt financing will literally consume our gross domestic product.

We must stop taking the "Scarlet O'Hara" approach to Social Security. "Tomorrow is NOT another day" to solve it. We've got to make TV's fictitious dream a real scenario today. This New Deal legacy is far too important to be subverted by partisan games. It's not about political party. It's about numbers. And the numbers don't lie. Social Security must be reformed in order to be saved.

Todd Flora is a seven-year resident of Santa Monica. He is the former western regional director of The Concord Coalition, an organization dedicated to reducing the national debt and reforming Social Security and Medicare to maintain their long-term viability. To learn more about this issue, visit: www.concordcoalition.org. To comment or reach Todd, e-mail him at: reformadvocate@yahoo.com.

DID YOU KNOW?: The naval rank of "Admiral" is derived from the Arabic phrase "amir al bahr," which means "lord of the sea."

OPINION



False view of love as selfless destroys its sublime value

Every Valentine's Day a certain philosophical crime is perpetrated. Actually, it is committed year-round, but its destructiveness is magnified on this holiday. The crime is the propagation of a widely accepted falsehood: The idea that love is selfless.

Love, we are repeatedly taught, consists of self-sacrifice. Love based on self-interest, we are admonished, is cheap and sordid. True love, we are told, is altruistic. But is it?

Imagine a Valentine's Day card which takes this premise seriously. Imagine receiving a card with the following message: "I get no pleasure from your existence. I obtain no personal enjoyment from the way you look, dress, move, act or think. Our relationship profits me not. You satisfy no sexual, emotional or intellectual needs of mine. You're a charity case, and I'm with you only out of pity. Love, XXX."

Needless to say, you would be indignant to learn that you are being "loved," not for anything positive you offer your lover, but — like any recipient of alms — for what you lack. Yet that is the perverse view of love entailed in the belief that it is self-sacrificial.

Genuine love is the exact opposite. It is the most selfish experience possible, in

the true sense of the term: It benefits your life in a way that involves no sacrifice of others to yourself or of yourself to others.

To love a person is selfish because it means that you value that particular person, that he or she makes your life better, that he or she is an intense source of joy — to you. A "disinterested" love is a contradiction in terms. One cannot be neutral to that which one values. The time, effort and money you spend on behalf of someone you love are not sacrifices, but actions taken because his or her happiness is crucially important to your own. Such actions would constitute sacrifices only if they were done for a stranger — or for an enemy. Those who argue that love demands self-denial must hold the bizarre belief that it makes no personal difference whether your loved one is healthy or sick, feels pleasure or pain, is alive or dead.

It's regularly asserted that love should be unconditional, and that we should "love everyone as a brother." We see this view advocated by the "non-judgmental" grade-school teacher who tells his class

that whoever brings a Valentine's Day card for one student must bring cards for everyone. We see it in the appalling dictum of "hate the sin, but love the sinner," which would have us condemn death camps but send Hitler a box of Godiva chocolates. Most people would agree that having sex with a person one despises is debased. Yet somehow, when the same underlying idea is applied to love, people consider it noble.

Love is far too precious to be offered indiscriminately. It is above all in the area of love that egalitarianism ought to be repudiated. Love represents an exalted exchange — a spiritual exchange — between two people, for the purpose of mutual benefit.

You love someone because he or she is a value — a selfish value to you, as determined by your standards — just as you are a value to him or her.

It's the view that you ought to be given love unconditionally — the view that you do not deserve it any more than some random bum, the view that it is not a response to anything particular in you, the view that it is causeless, which exem-

plifies the most ignoble conception of this sublime experience.

The nature of love places certain demands on those who wish to enjoy it. You must regard yourself as worthy of being loved. Those who expect to be loved, not because they offer some positive value, but because they don't — i.e., those who demand love as altruistic duty — are parasites. Someone who says "love me just because I need it" seeks an unearned spiritual value — in the same way that a thief seeks unearned wealth. To quote a famous line from *The Fountainhead*: "To say 'I love you,' one must know first how to say the 'I.'"

Valentine's Day — with its colorful cards, mouth-watering chocolates and silky lingerie — gives material form to this spiritual value. It is a moment for you to pause, to ignore the trivialities of life — and to celebrate the selfish pleasure of being worthy of someone's love and of having found someone worthy of yours.

(Gary Hull, Ph.D. in philosophy, is a senior writer for the Ayn Rand Institute (www.aynrand.org) in Irvine. The Institute promotes the philosophy of Ayn Rand, author of "Atlas Shrugged" and "The Fountainhead." Send reactions to reaction@aynrand.org).

Guest Commentary

By Gary Hull

Entrepreneuring 101: Find something you like to do first



LEGAL VIEWS AND NEWS

By David Pizarra

(This is the second installment of my series on how people start their own companies. Today I address the basic issue of deciding what the company does. In working with someone who wants to start their own company, it is important to determine precisely what it is that the company is supposed to do).

There are as many paths to entrepreneurship as there are entrepreneurs. Every one has a story behind them of how, and why, they got started. The most common is that the founder was unable to get a job.

When looking to establish a company that will provide an income, the first question I ask someone is, what do they like to do? This is actually a very hard question for most people to answer. Most of my clients have come to me with a vague feeling of enjoying their dogs, going fly-fishing, cooking, hosting parties or watching

football. Some people really enjoyed their last job working as a computer systems manager, or mail room assistant, or being an executive secretary. But it's a rarity. To quote a friend of mine, "there's a reason it's called work."

The problem with the fun stuff is that most people cannot see how to turn any of those activities into an income producing company. This is when a business attorney with an outside perspective comes in. An experienced business development attorney sees that someone who loves their dogs can build a dog walking business, dog-sitting business or doggie day-care company out of almost nothing.

A man who likes to go fly-fishing can create a company that specializes in trips to Idaho to teach people how to stand in a river and flick flies. Martha Stewart took a flair for cooking and home crafting, and built a multi-million dollar industry around herself. A football fan could become a publisher by putting together playbooks for sale.

Then there is the downsized employee who really likes their work. But it's not easy being an executive secretary if you do not have an executive to work for. However, that skill set can be turned into a

personal concierge for hire. The cry of all working mothers and fathers these days is they don't have the time to get everything done. Someone who has the skills necessary to run a busy executive's business life can transfer those to coordinating the various parts of someone else's life.

For example, I'm planning a trip in March to take a nephew skiing. This is something that used to be taken care of by my travel agent, but he has retired and I want someone I can trust to do the research on flights, coordinate the travel details and take it off my plate. A good executive secretary will be able to handle this and I will gladly pay to have it done. There are many self-employed people in Southern California who do not need a full-time executive secretary, but would like to be able to call on some help every now and then.

The computer systems manager is a more difficult transfer to being an entrepreneur because that job requires that there be large computers and systems with a need for a manager. But the person who is a manager of systems can easily become an outside consultant for smaller companies that are growing, and have a need, but not a full-time need.

The mail room assistant who really enjoys his job probably has a good memory for faces and names. They are generally sociable and serve a great need in a large enterprise. Taking those skills and making them into a new business is challenging because only large enterprises need a mailroom. But there are many needs in this world. The UPS store, which used to be Mail Boxes Etc., exists because small companies that need to send and receive packages and mail were frustrated with the service available at UPS.

The challenge is to take what you love to do — and it does not have to be an all consuming passion — but take that and build a business model around it. I love to work with the new entrepreneurs because they have such enthusiasm. Sometimes all they need is just a little push to get them to see over the next hill and what lies ahead. A great deal can be accomplished with someone who sees the possibilities and has a road map.

(David Pizarra is a partner in the Santa Monica law firm of Pizarra & Grist, he welcomes questions, and can be reached at (310) 664-9969 or e-mailed at DPISARRA@PISARRA.COM).

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

YOUR OPINION MATTERS!

Please send letters to:
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Santa Monica

A weekly look at events and programs for Santa Monica

Understand your children's decision-making capabilities

BY MARGAREL ALTMAN

Special to the Daily Press

The recent, videotaped abduction of a young girl has sparked new concerns about the early development of a child's attention, memory and decision-making capabilities. As adults and parents, we need to understand a child's natural limits and capabilities. We need to supplement a child's abilities with our own developed skills in attention, memory and decision-making until that child reaches maturity.

Parents and children are mourning the loss of another young individual who was abducted last week in broad daylight as a video surveillance camera tracked five seconds of the terrible crime. Parents are again feeling helpless, angry and confused about how to protect children and when to let their guard and their vigilance down a notch.

In past articles we have talked about the early development of a child's attention, memory and decision-making skills. We are more aware than ever before that young children are building those skills throughout their childhood and well into adolescence.

Although parents must be able to give their kids room to explore and nurture the youngster's natural curiosity, there are

Parents are again feeling helpless, angry and confused about how to protect children and when to let their guard and their vigilance down a notch.

developmental limits which have to be recognized and appreciated in order to protect the child from harm at the hands of others or in other situations.

■ An 8-year-old boy was quickly lured into an unsafe situation by a stranger asking for help with finding a lost dog.

■ A 4-year-old child is pulled into a car by a person asking for directions even though the parents have, in the past, talked about the rule of not talking to strangers. An infant in day care falls from a table when left alone for a moment when the day care operator answers the door.

■ An 11-year-old girl is led away by a man in a uniform.

In the realm of attention skills, we know that children are naturally very distractible well into the teen years. Memory capacities in children can be quickly and tragically disrupted when they are anxious or agitated. Decision-making skills are based upon the ongoing maturation of attention, memory and other skills, as well

as experience and education. Adolescents can and do make poor decisions from which they learn new strategies unless these decisions lead them into drugs or other potentially unsafe, tragic domains.

Parents have said that they make rules for their children in terms of not talking to strangers and staying close to home. But the fact that parents do state the rules every so often does not mean that these rules stay in that child's mind and guide his behavior when the situation is stressful or confusing.

The following are practical tips for parents of children who want to review the kinds of protective forces that are in place for their children today:

■ Infants, while awake, should be within visual, auditory and physical reach of a responsible adult at all times. In the crib, many parents use listening devices to monitor their sleeping infants and others check on the baby often while they sleep.

■ Children under 3 years old should be within physical reach of a responsible adult within five seconds. In a day-care situation, an adult should be physically close to playing children and not in another room.

■ Children of school age should be involved in daily, brief discussions of safety practices and parents can role-play possible, confusing events in order to bring these rules into awareness. For example, some parents play the part of a stranger trying to lure the child into a car. Other parents let the child play the part of a stranger who wants a child to get into his vehicle.

■ Parents can model safe behavior when they are with the child by verbalizing how they are staying aware of their surroundings and keeping track of what they are doing.

■ Families can practice ways of remaining alert and aware of what is going on around them. For example, parents may have the youngster try to remember three things in their immediate environment and then ask them for these three things later on. Teach kids to look at people's facial expressions and body gestures and explain what they mean.

■ Parents can stay attentive and informed about the adults who are around their children and not disregard or minimize the importance of guarding kids against adults who are drug involved or have any history of violence.

If you have more tips or suggestions, e-mail them to margiealtman@yahoo.com

(Margaret Altman L.C.S.W. author of "Developing Your Child's Emotional Intelligence," is in practice with Dr. A. Korchmarev in Sherman Oaks. (818) 788-7580).

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SPECIAL EVENTS

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Feb. 18 – March 24
Register now for this free class brought to you by the SMMUSD's Infant & Family Support Program in partnership with St. John's Health Center. Marilyn McGrath, M.S., currently the Director of the Early Childhood Institute at SMC will lead this 6-week class based on principles of child development with a focus on active listening, problem solving, developmentally appropriate expectations and discipline techniques. The class is free, but a \$20 refundable registration fee is required (refunded at class completion).

Wednesdays, 6:30 – 8:30 p.m., Child Development Services, 2802 4th St. Call 452-6132 for more info and registration.

WHALE WATCHING - Don't miss the Pacific gray whale's annual migration between Baja and Alaska. Take a whale-watching excursion with the Cabrillo Marine Aquarium and the American Cetacean Society. Boats depart from three locations: Redondo Beach, Long Beach and San Pedro. \$10 - \$18, Dec. 26 – March 30, 3720 Stephen White Drive, San Pedro, 310-548-8397, www.cabrilloaq.org or www.acs-la.org. Tours are also available with Catalina Cruises in San Pedro – 310-410-1062.

CINDERELLA at the Santa Monica Playhouse - Saturdays & Sundays at 12:30 & 3:00 p.m. thru March 28, \$12 adults, \$10 kids ages 12 & under. 394-9779 ext. 2 for reservations, www.santamonicaplayhouse.com. The single most requested of all the Santa Monica Playhouse Family Theatre musicals. This delightfully romantic original classic features the handsome prince, zany fairy godmother, silly stepsisters and a zealously well-meaning stepmother. 1211 Fourth Street (between Wilshire and Arizona).

TUESDAY

Movies for Moms sponsored by:



Now showing "Girl with a Pearl Earring" February 10

11:00 a.m., Loews Broadway, 1441 3rd St. Promenade – for Moms and babies newborn – 1 year old. Doors open early for socializing and getting comfortable. Starring Colin Firth and Scarlett Johansson, directed by Peter Jackson. Grief (Johansson) is a peasant girl who is forced to work as a maid in the home of the painter Johannes Vermeer (Firth). She eventually becomes the model for what becomes one of his most famous works. Based on Tracy Chevalier's novel. Rated PG-13 for sexual content and nudity, violence and language.

Storytelling

Main Library - Toddler Storytime at Reed Park; 10:00 & 10:30 a.m. Stories for two year olds with adult. **Fairview Branch Library** - 2101 Ocean Park Blvd - 310-450-0443. Cuentos Para Pequeños - 10:00 a.m., Jan. 6 – Feb 10; six-week series in Spanish for 24 – 36 month olds with

adult.

Lap Time – 11:00 a.m., Jan. 6 – Feb. 10; six-week series for babies 0-24 months, co-sponsored by the SMMUSD Infant and Family Support Program.

Toddler Story Time - 7pm – an ongoing program for 3-5 year olds.

Montana Avenue Branch Library - 1704 Montana Ave – 310-829-7081. Family Story Time – 7:00 p.m., all ages.

School Age Stories and Crafts – 3:30 p.m. every other Tuesday, Feb. 10 & 24. Stories and crafts for ages 5-9.

Ocean Park Branch Library - 2601 Main St. - 310-392-3804.

Toddler Storytime - 10:00 & 10:30 a.m., Jan. 6 – Feb 10. Music, rhymes and stories for 24 – 36 month olds with adult. Registration is required.

February 10- SPECIAL PROGRAM for Valentine's Day!

Heart Full of Laughter – two shows at 3:30 and 4:30 p.m. Join Mr. Jesse and Lester for stories and a puppet show. Ages 3-7. Tickets are free but must be picked up on the day of the show after 12:00 p.m. (noon).

Tiny Tuesday Storytime at Storyopolis - Themes change weekly; for ages infant to 3. 11:00 a.m. 116 North Robertson, Plaza A, LA. 310-358-2500, www.storyopolis.com. **Barnes and Noble at the Grove** Storytime for ages 2 – 6. 10:00 a.m. 189 Grove Drive, LA, 323-525-0270

Yoga & Exercise

Yoga Baby (Venice) - 310-306-9381 - Mommy & Me (ages 0-5 years) - 10 – 11 a.m.; Pre-natal yoga - 7- 8:15 p.m. **Yoga Works** - 2215 Montana Ave, 310-393-5150; Pre/postnatal - 12:15 – 1:40 p.m., \$15. Mommy and Me - 1:45 – 3:00 p.m.

Mommy Care - 11870 Santa Monica Blvd., at the Dance Factory, West LA, 310-394-6711. Pregnancy Exercise - 9:15 – 10:15 a.m.; Post Partum Exercise - 10:15 – 11:15 a.m. (babies welcome, includes baby massage and workout at the end)

Breastfeeding Group

The Pump Station - 310-826-5774, no pre-reg required, first class free, \$10 fee thereafter. Moms/babies 0-4 months, 1:00 – 2:30 p.m.

WEDNESDAY

Storytelling

Fairview Branch Library - 2101 Ocean Park Blvd - 310-450-0443.

Preschool Story Time - 10:30 a.m., Jan. 7 – Feb. 11; six-week series for 3-5 year olds with adult.

Montana Avenue Branch Library - 1704 Montana Ave – 310-829-7081. Lap Time - 10:00 & 10:30 a.m., Jan. 7 – Feb. 11. Six-week series for children up to 24 months of age with adult.

Toddler Story Time - 11:15 a.m., Jan 7 – Feb 11. Six-week series for 2 year olds with adult.

Ocean Park Branch Library - 2601 Main St. - 310-392-3804.

Preschool Twilight Story Time - 7:00 – 7:30 p.m. An ongoing story time for parents and their children ages 3 – 5.

Barnes and Noble, Westside Pavilion - 2 pm – ages 2-5 - 310-475-4144 **Border's, Westwood** - 11am – 310-475-3444.

Yoga & Exercise

Yoga Baby (Venice) - 310-306-9381 Mommy & Me (ages 0-5 years) - 10 – 11 a.m.; (infants only) - 1 – 2 p.m. Pre-natal yoga 11:15 a.m. - 12:30 p.m.

Yoga Works - 2215 Montana Ave, 310-393-5150 Pre/Postnatal - 12:15 – 1:45pm, \$15

Ocean Oasis Day Spa - 1333 Ocean Avenue, 458-8190. Pre/Post Natal Yoga/Gentle Flow - 5:30 – 6:45 p.m. Private sessions available; call Kate Thomas, RN - 408-1717

Breastfeeding Group

The Pump Station - 310-826-5774, no pre-reg required, first class free, \$10 fee thereafter. Moms/babies 0-4 months, 1:00 – 2:30 p.m.

Other

Puppetolio - 1:00 p.m., 310-656-0483, 1255 2nd St., ages 3 & up, reservations suggested

THURSDAY

Storytelling

Libraries are closed February 12 so there will be no story times. Below is the regular schedule.

Main Library - Toddler Storytime at Reed Park; 10:00 a.m. Stories for two year olds with adult.

Preschool Story Time at Reed Park; 10:30 a.m. Stories for 3-5 year olds with adult.

Fairview Branch Library - 2101 Ocean Park Blvd - 310-450-0443. Toddler Story Time - 10:30 a.m., Jan. 8 – Feb. 19 (no program Feb. 12); six-week series for 24-36 month olds with adult.

Montana Avenue Branch Library - 1704 Montana Ave - 310-829-7081. Toddler Story Time - 10:30 a.m., Jan 8 – Feb 12. Six-week series for 2 year olds.

Preschool Story Time - 11:15 a.m. Stories for 3-5 year olds with adult. **Ocean Park Branch Library** - 2601 Main St. - 310-392-3804. Lap Time - 9:20 & 10:20 a.m., Jan. 8 – Feb. 19, six-week series for babies 0-24 months, co-sponsored by the SMMUSD Infant and Family Support Program.

Yoga & Exercise

Yoga Baby (Venice) - 310-306-9381 –

Mommy & Me (ages 0-5 years) - 10 – 11 a.m.; Pre-natal yoga - 7- 8:15 p.m.

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Breastfeeding Group

The Pump Station - 310-826-5774, no pre-reg required, first class free, \$10 fee thereafter. Moms/babies 4-8 months, 1:00 – 2:30 p.m.

FRIDAY

Night Sky Show at SMC's Digistar II Planetarium

Feb. 6 and 20th, 7 p.m. Followed by the presentation "Report from Mars." Follow the exploits of the robot explorers Spirit, Opportunity and Beagle II as they explore the Red Planet. 7 p.m. show - \$5 adults, \$4 ages 12 and under; both shows \$9 adults, \$7 ages 12 and under. John Drescher Planetarium on SMC main campus, 1900 Santa Monica Blvd., 434-3000.

Yoga & Exercise

Yoga Works - 2215 Montana Ave, 310-393-5150; Pre/postnatal - 12:15 – 1:45 p.m., \$15.

Yoga Baby (Venice) - 310-306-9381 Mommy & Me (ages 0-5 years) - 10 – 11 a.m.; (infants only) - 1 – 2 p.m. Pre-natal yoga 11:15 a.m. - 12:30 p.m.

Ocean Oasis Day Spa - 1333 Ocean Avenue, 458-8190. Pre/Post Natal Yoga/Gentle Flow - 10:30 – 11:45 a.m.; Yoga for Fitness - noon – 1 p.m.

Private sessions available; call Kate Thomas, RN - 408-1717

MOM'S Club of Santa Monica - February 13 – noon – 973-3588

SATURDAY

Happy Valentine's Day!

Storytelling

Barnes and Noble, 3rd St. Promenade - Kid's Story Time - 10am – 310-260-9110

Barnes and Noble, Westside Pavilion - 10:30am – ages 2-5 - 310-475-4144.

Children's Book World - 10580 1/2 Pico Blvd, LA - 10:30 a.m., 310-559-BOOK.

Celebrate Valentine's Day with Jennifer and Jon - for ages 4 – 8, free.

Yoga & Exercise

Yoga Baby (Venice) - 310-306-9381; Prenatal yoga - 9:15 – 10:45 a.m., \$13

Mommy Care - 11870 Santa Monica Blvd., at the Dance Factory, West LA, 394-6711; Pregnancy Exercise - 8:30 – 9:30 a.m.; Post Partum Exercise - 8:30 – 9:30 a.m. (babies welcome, includes baby massage and workout at the end)

Ocean Oasis Day Spa - 1333 Ocean Avenue, 458-8190. Pre/Post Natal Yoga/Gentle Flow - 10:30 – 11:45 a.m.; Yoga for Fitness - noon – 1 p.m. Private sessions available; call Kate Thomas, RN - 408-1717

Other

Cinderella at the Santa Monica Playhouse - Saturdays & Sundays at 12:30 & 3:00 p.m. thru March 28, \$12 adults, \$10 kids ages 12 & under. 394-9779 ext. 2 for reservations, www.santamonicaplayhouse.com

Puppetolio - 1:00 and 3:00pm, 310-656-0483, 1255 2nd St., ages 3 & up, reservations suggested

Magicipolis - 2 and 8 p.m., 1418 4th St., Admission is \$20 for evening, \$15 for matinee. Call 310-451-2241 for info.

Precious Prints Studios - Ceramic Hairlooms for a Lifetime - At the Pump Station every second Saturday of the month, 1:00 – 4:00 p.m. 802-8013 or www.preciousprintsstudios.com

SUNDAY

Cinderella at the Santa Monica Playhouse

Saturdays & Sundays at 12:30 & 3:00 p.m. thru March 28, \$12 adults, \$10 kids ages 12 & under. 394-9779 ext. 2 for reservations, www.santamonicaplayhouse.com

Main Street Farmer's Market - 9:30 a.m. – 1:00 p.m., corner of Main St. and Ocean Park Blvd. Pony rides, live music, lots of vendors and great family socializing.

Puppetolio - 1:00 and 3:00pm, 310-656-0483, 1255 2nd St., ages 3 & up, reservations suggested

Magicipolis - 2 p.m., 1418 4th St., Admission is \$15. Call 310-451-2241 for info.

Nature Walk (Children's Nature Institute) - Franklin Canyon (Beverly Hills) - 10:00am

Reservations required - 310-998-1151 or www.childrensnatureinstitute.org

MONDAY

Storytelling

Main Library - Lap Time at Joslyn Park, 9:30 a.m., Jan. 5 – June 4 (No meeting Feb. 16th.) Ages 0-24 months with adult in conjunction with the Infant and Family Support program of SMMUSD. Followed immediately by "Family Connections" - a series of discussions related to early childhood development and growth. Children welcome, free.

Ocean Park Branch Library - 2601 Main Street, 310-392-3804.

"Spanish for Little Ones", 11:15 a.m., Jan. 5 – Feb. 23. Rhymes, songs and very simple stories in Spanish for ages 2-5 with adult.

Barnes and Noble, 3rd St. Promenade - Toddler Story Time - 10am – 310-260-9110

Breastfeeding Group

The Pump Station - 310-826-5774, no pre-reg required, first class free, \$10 fee thereafter. Moms/babies 0-4 months, 1:00 – 2:30 p.m.

Yoga & Exercise

Yoga Works - 2215 Montana Ave, 310-393-5150 Pre/Postnatal - 12:15 – 1:45pm, \$15

Yoga Garden - Restorative yoga for pre/postnatal - 6:30 p.m., 310-450-0133. www.yogagardenstudios.com

Yoga Baby (Venice) - 310-306-9381 - Mommy & Me (ages 0-5 years) - 10 – 11 a.m.; (infants only) - 1 – 2 p.m. Pre-natal yoga - 11:15 a.m. - 12:30 p.m.

Ocean Oasis Day Spa - 1333 Ocean Avenue, 458-8190. Pre/Post Natal Yoga/Gentle Flow - 10:30 – 11:45 a.m.; Yoga for Fitness - noon – 1 p.m. Private sessions available; call Kate Thomas, RN - 408-1717

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STATE

Water-rights ruling could threaten species protection

BY SETH HETTENA
Associated Press Writer

SAN DIEGO — An effort to save two rare fish in California's Central Valley more than a decade ago now could jeopardize the federal government's ability to protect threatened or endangered species.

In December, a federal judge in Washington, D.C., awarded \$26 million to a group of California farmers for the early 1990s water diversion, ruling that the farmers were entitled to compensation for the water they lost.

If the judgment survives expected legal challenges, the government could find itself forced to pay millions more for efforts to protect endangered fish. That would have implications across the West, where the federal government often clashes with property owners in attempts to save species on the brink of extinction.

Along the California-Oregon border, for example, a similar court case could leave the government with a \$100 million bill for water diverted from farmers in 2001 for species protection.

"There may be implications for how the Endangered Species Act is implemented," said Alf W. Brandt, the Interior Department lawyer who argued the government's case. "There may be implications for how water diversions are made."

Environmentalists say the ruling is a stealth attack on the Endangered Species Act and could gut efforts to preserve species in the future.

The case stemmed from the government's efforts to protect endangered winter-run chinook salmon and threatened delta smelt between 1992 and 1994 by withholding billions of gallons from farmers in Kern and Tulare counties. The farmers continued making payments for the pumps and canals that brought the water to them.

In the first decision of its kind, Senior Judge John Wiese ruled that the government's halting of water constituted a "taking" or intrusion on the farmers' private property rights. The Fifth Amendment to the Constitution prohibits the government from taking private property without fair payment.

"What the court found is that the government is certainly free to protect the fish under the Endangered Species Act, but it

must pay for the water that it takes to do so," said Roger J. Marzulla, the attorney representing the water districts that brought the claim.

Brent Graham, general manager for Tulare Lake Basin Water Storage District, one of the plaintiffs, insisted that the claim was not an attack on the Endangered Species Act.

"You have to pay us for the water you're taking," Graham said.

The case was heard in the Court of Federal Claims in Washington, D.C., which hears claims against the federal government. It has been on the front lines of a quiet battle between environmentalists and property rights activists.

Wiese's Dec. 31 ruling is a clear victory for champions of property rights, who have sought to rein in what they see as regulatory excesses committed in the name of the environment. Critics called it a radical legal decision that seeks to undermine environmental laws by making them too costly to enforce.

"The purpose of these suits is simply a backdoor attack on environmental laws," said Barry Nelson, a senior policy analyst with the National Resources Defense Council. "And frankly, it's to bust the federal budget as the price tag for complying with environmental-protection laws."

Environmentalists also said the massive pumps installed in the Sacramento-San Joaquin Delta to send water to farms and cities killed massive numbers of salmon and smelt and bore some of the blame for the poor health of the species.

Wiese's ruling would have a significant impact in California, where courts have halted diversions of water to protect the environment, said John D. Echeverria, executive director of the Environmental Law and Policy Institute at the Georgetown University Law Center.

It also could start a rush of claims against the state.

"Although this is a case against the United States, it might well lead to billions of dollars in claims against the state of California," Echeverria said.

The question now is whether the Justice Department will choose to appeal. If the ruling is appealed and upheld, efforts to protect fish throughout the West could become even more costly.



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WORLD BRIEFLY

Rockets set for Baghdad deactivated

By The Associated Press

BAGHDAD, Iraq — U.S. and Iraqi forces deactivated several rockets on a road, primed for launch toward a city north of Baghdad, and four people were arrested elsewhere with manuals showing how to make bombs, officials said Monday.

The rockets were found on a road near Diyala University outside Baqouba, and were ready to be fired toward the city, a U.S. Army captain said on condition of anonymity.

Baqouba is 35 miles north of Baghdad and part of the so-called Sunni Triangle, the stronghold of insurgents from the former regime of Saddam Hussein.

U.N. experts met with Iraqi leaders Sunday for the first time to discuss the chances of holding early elections, a bone of contention between the United States and the influential Shiite clergy.

On Sunday, Japan expanded its first military deployment to a combat zone since World War II. Britain's Prince Charles paid a surprise visit to British troops in Iraq.

The New York Times reported Monday that American officials in Baghdad have obtained a detailed proposal that they believe was written by an operative in Iraq to senior leaders of al-Qaida, asking for help to wage a "sectarian war" between Shiites and Sunnis.

Same-sex marriage protesters sing praises

By The Associated Press

BOSTON — Boisterous opponents of same-sex marriage sang, cheered and chanted Sunday at a rally to build support for a state constitutional amendment defining marriage as between one man and one woman.

The demonstration on the Boston Common, a short distance from the Massachusetts Statehouse, broke out into chants of "Let the people vote!" while demonstrators held aloft banners. Police estimated the crowd at 2,000 people.

Archbishop Sean P. O'Malley of the Roman Catholic Archdiocese of Boston said the rally was not about "hatemongering," as some critics have charged.

"We are here because we are concerned about marriage and about family," he told the cheering crowd.

Several hundred supporters of gay marriage demonstrated loudly at the Episcopal Cathedral Church of St. Paul across the street.

Bush works to keep his job

By The Associated Press

WASHINGTON — Trying to steal some of the spotlight from Democrats seeking his job, President Bush is highlighting upswings in the U.S. economy in three events this week, including one in Missouri, a state he narrowly won in 2000 and has been tirelessly courting

ever since.

Bush's trip Monday to SRC Automotive Inc., an employee-owned company in Springfield, Mo., that rebuilds engines and other parts for autos and heavy equipment, marks his 15th visit to Missouri.

He meets at the White House on Tuesday with economic leaders and talks about jobs and education on Thursday in Pennsylvania, another key electoral state he has visited 24 times since taking office.

The trip to America's heartland coincides with the release Monday of Bush's 2004 economic report, a document prepared by his Council of Economic Advisers that is expected to underscore gains in the economy.

Farmers oppose U.S.-Australia free-trade

By The Associated Press

SYDNEY, Australia — The ink was barely dry on a multibillion dollar U.S.-Australian free-trade deal Monday before opposition parties and farmers began condemning it, saying it was a sellout that ignored the interests of Australian agriculture.

The Labor Party promised tough vetting of the deal and vowed to torpedo the accord if it turns out not to be in Australia's national interest.

"If we were asked to vote on it today or in the parliament tomorrow we would be opposing it," said Labor leader Mark Latham. "It is not a free-trade agreement at all, it's a partial trade agreement that from our assessment this morning is not in Australia's interest."

The pact, reached Sunday after months of negotiations, will eliminate duties from more than 99 percent of American manufacturing exports to Australia and 97 percent of manufactured goods that Australia sells to the United States, trade officials said.

The nations agreed on the deal following a phone call between Prime Minister John Howard and President Bush, who are close allies in the war on terror and the Iraq campaign.

Snipers target Ohio interstate

By The Associated Press

JEFFERSONVILLE, Ohio — A van and a Mercedes were shot minutes apart Sunday on an interstate in a region where a series of 21 sniper shootings have occurred, investigators said.

The gunfire seems consistent with the sniper shootings along Interstate 270 south of Columbus, based on initial evidence, Franklin County Sheriff's Chief Deputy Steve Martin. He stopped short of linking the two shootings to the serial gunfire.

No injuries were reported in Sunday's shootings, which happened about 11:30 a.m. on Interstate 71 near Jeffersonville, about 40 miles southwest of Columbus, said Jerri Redfern, a dispatcher with the State Highway Patrol.

One person has died in the serial shootings, which

have targeted vehicles, schools and homes since May.

Authorities were looking for a dark sports car that may have been connected to the gunfire.

Martin said the shots were fired from two overpasses about one mile apart. Witnesses said they saw a white man in his 30s or 40s and a small, dark-colored vehicle on the overpasses. Authorities have said some shots in the previous cases came from overpasses.

Despite stroke, Vandross sweeps Grammys

By The Associated Press

LOS ANGELES — Balladeer Luther Vandross, recovering from a stroke, won four Grammys on Sunday including song of the year for "Dance With My Father," and Beyonce earned a record-tying five honors.

OutKast won album of the year for "SpeakerBoxxx/The Love Below" in a ceremony televised by CBS on a five-minute delay to avoid anything like Janet Jackson's Super Bowl flesh flash.

Vandross won for best song, best R&B album and best male R&B performance for "Dance With My Father"; and best R&B performance by a duo or group with vocals for "The Closer I Get to You," a remake he did with Beyonce.

He was unable to attend, but sent a videotaped message, his first public remarks since his April 2003 stroke.

Beyonce tied a record for female artists with her five awards, but won none of the top categories of song, record or album of the year.

The moody British rock band Coldplay, up against four hip-hop nominees for record of the year, won for their song "Clocks."

Rockers Evanescence won best new artist in an upset over rapper 50 Cent — who briefly walked onstage as Evanescence accepted their award.

Bush 'Meets the Press'

By The Associated Press

WASHINGTON — President Bush denied he marched America into war under false pretenses and said the U.S.-led invasion was necessary because Saddam Hussein could have developed a nuclear weapon.

"I don't think America can stand by and hope for the best," the president said. Bush suggested Saddam may have destroyed or spirited out of the country the banned weapons the Bush administration cited as a main rationale for the war.

"I expected to find the weapons," Bush said in an Oval Office interview broadcast Sunday on NBC's "Meet the Press."

"Sitting behind this desk, making a very difficult decision of war and peace, I based my decision on the best intelligence possible," the president said. The interview was taped Saturday.

The interview, his first on a Sunday talk show since taking office, came as the president's approval rating has dipped to 47 percent, according to an Associated Press-Ipsos poll taken in early February; that compares with 56 percent just a month ago.

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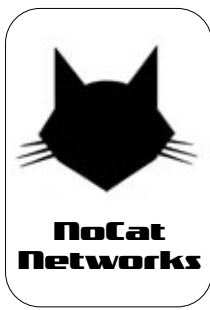
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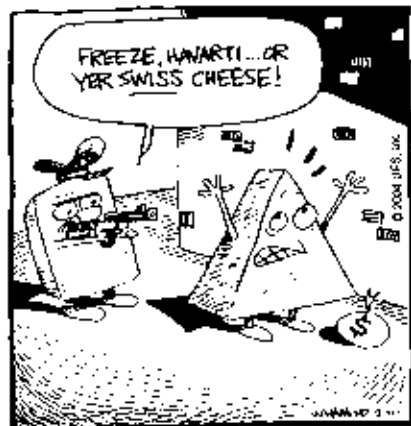
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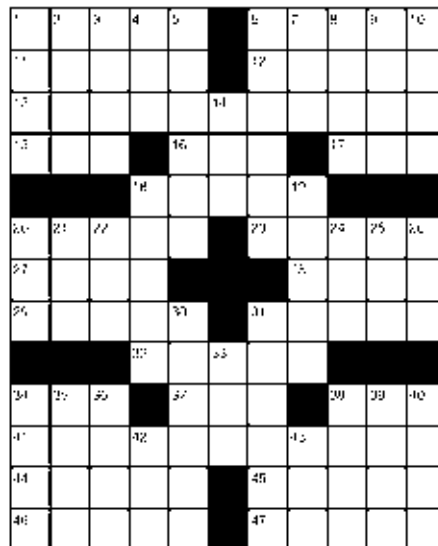
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PEOPLE IN THE NEWS

After five husbands, Joan Collins finds secret to marriage

By The Associated Press

■ **LONDON** — Joan Collins, married to fifth husband Percy Gibson since 2002, says she's finally found the secret to a successful relationship.

"Just being each other's best friend, sharing everything, and being on the same wavelength," she told reporters Monday during promotions for her latest stage outing, the romantic comedy "Full Circle."

The former "Dynasty" star, now 70, will be working alongside Gibson, 37, who is stage manager of the production.

"My husband and I started off as friends which has been very important for our relationship," Collins said.

"This is the third time we have worked together. We get along brilliantly so I feel great about it."

But the actress, who endured an acrimonious divorce from fourth husband Peter Holm in 1988, conceded she is no expert on men.

"Some of them are wonderful. Some of them are pretty horrible," she said. "You can't generalize about men just as you can't generalize about people."

"Full Circle" opens March 11 in Bromley, southern England, before going on tour around Britain.

■ **NEW YORK** — After traumatizing parts of north-west Arkansas, Paris Hilton and Nicole Richie are taking on the rest of the country.

The socialites and best friends will spend the second season of their reality show, "The Simple Life," on a road trip, Fox TV announced Monday.

"It'll be interesting to see the country through their eyes," Mike Darnell, Fox's executive vice president of special programming, told the trade paper Variety. "Maybe Paris will visit a Wal-Mart. I'm kind of hoping they stop at a Hilton."

Auditions for families to play host to Hilton and Richie will begin this weekend and are scheduled to last throughout the month; casting information is available on the Bunim-Murray Productions Web site. Production is expected to begin this spring, with the show airing later this year.

The first season of "The Simple Life" was a huge hit for Fox. It featured Hilton, the hotel heiress, and Richie, daughter of Lionel Richie, milking cows, washing trucks and shocking the locals while living with a family in rural Altus, Ark.

■ **BOULDER, Colo.** — Federal Communications Commission chief Michael Powell defended his decision to investigate Janet Jackson's surprise breast-baring during the Super Bowl halftime show.

"I have had much more applause than negative comments," Powell said Sunday at a University of Colorado program on Internet policy.

Jackson was near the end of a halftime duet with Justin Timberlake during the Feb. 1 game when Timberlake snatched off part of her bustier on stage, revealing a breast clad only in a sun-shaped "nipple shield" to some 89 million viewers.

"I believe in letting things happen, but I do believe

that the mark of a civilization is what it doesn't let happen," he said after his presentation.

Powell said the FCC, which grants licenses for use of the public airwaves, enforces complaints about indecency on a weekly basis without drawing media attention. The FCC is charged with enforcing statutes that bar indecency, he said.

■ **NEW YORK** — Michelle Lombardo may have just seated her last party of four.

The 20-year-old restaurant hostess is the winner of Sports Illustrated's nationwide swimsuit issue model search, the magazine announced Sunday.

"This is a dream come true," said Lombardo, a triathlete from Glastonbury, Conn., who now lives in Los Angeles. "I would always pick up my brother's copy of the swimsuit issue. I always thought that if I ever got into modeling, I would love to make it into Sports Illustrated."

Besides appearing in the popular issue, which comes out Wednesday, she also wins a three-year, \$75,000 contract with NEXT Model Management and a 2004 Nissan 350 Z Roadster.

Judges included SI swimsuit editor Diane Smith, model Molly Sims and members of the public, who placed votes online.

"Sports Illustrated looks for models with the perfect combination of beauty, athleticism and personality for the swimsuit issue," Smith said. "Michelle perfectly embodies what the issue has always been about."



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