

Santa Monica Daily Press

A newspaper with issues

DAILY LOTTERY

FANTASY 5

13 16 17 21 24

DAILY 3

Daytime: 7 7 5

Evening: 6 7 4

DAILY DERBY

1st: 06 Whirl Win

2nd: 11 Money Bags

3rd: 05 California Classic

RACE TIME: 1:49.78

NEWS OF THE WEIRD
BY CHUCK SHEPARD

■ In Cleveland, Tenn., Rob Smitty gained media attention in November after donating a kidney to a stranger, hoping the selfless act would make his daughter "proud"; however, Smitty was at the time 24 months behind on child support, and his daughter, Amber, sighed to reporters that Smitty had a poor record of visiting or calling, even on her birthday.

■ Wildlife experts cited in a BBC News dispatch from Dar es Salaam said the probable cause of a lion's anti-human rampage in southern Tanzania in 2003 and 2004 (killing and eating 35 people) was an abscessed-caused toothache, which led him to seek an alternative to his favorite food, buffalo, which is difficult to chew.

■ A November Associated Press dispatch from Elyria, Ohio, profiled Jennifer Mitchell, who runs a "rescue mission" of sorts, acting as a home of last resort where people can leave rats that they initially kept as pets but grew tired of. At any given time, about three dozen are in residence.

TODAY IN HISTORY

In 1981, eight people were killed, 198 injured, when fire broke out at the Las Vegas Hilton hotel-casino.

In 1962, the Soviet Union exchanged captured American U-2 pilot Francis Gary Powers for Rudolph Ivanovich Abel, a Soviet spy held by the United States.

QUOTE OF THE DAY

"Be nice to people on the way up. They're the same people you'll pass on the way down."

JIMMY DURANTE
(1893-1980)

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Home burglaries continue to rise in Sunset Park

There have been nearly two dozen break-ins since December

BY CAROLYN SACKARIASON
Daily Press Staff Writer

SUNSET PARK — A home burglary here this week brought the number of residences broken into to 18 since Dec. 4. Police have classified another five incidents as attempted break-ins.

The most recent burglary was different than the others because the victim was at home during the incident. The others all have occurred when residents weren't home, said Santa Monica Police Lt. Frank Fabrega.

Santa Monica Police on Tuesday responded to a call at 12:39 p.m. from a woman who lives in the 1100 block of Pine Street, reporting that her home had been burglarized. The woman told police that an hour prior to realizing she had been burglarized, a

man knocked on her front door. When she opened the door, the man asked if her lights were working. The victim responded in the affirmative, then closed the door and watched the man walk east-bound on Pine Street.

The victim went back to watching television. About 30 minutes later, she walked into her bedroom and realized that she had been burglarized, police said.

Police believe the burglar cut the victim's window screen and entered her home. Once the burglar was inside, he entered the bedroom and removed jewelry and coins, police said.

"She never saw anyone in the home," Fabrega said Wednesday. "We don't know if there was a second suspect or not."

The person who knocked on the front door is described as possibly Armenian, 35 years old, having medium weight, fair skin and dark brown hair, which was "spikey" on top and cut short on the sides. He

See **BREAK-INS**, page 5

Dangerous drive to stay open

BY JOHN WOOD
Daily Press Staff Writer

SUNSET PARK — After hearing from nearly four dozen residents and merchants divided over the future of a popular Santa Monica strip mall, elected leaders late Tuesday agreed to fashion an admittedly imperfect solution.

The Santa Monica City Council

voted unanimously to keep open a narrow and often back-logged driveway into a mall off of Ocean Park Boulevard. The council's decision went against the wishes of the mall's owner and some residents' concerns that the driveway puts pedestrians in peril.

Claire Heron, who bought the mall at 2901 Ocean Park Blvd. three years ago, had asked for per-

mission to close the driveway to create an outdoor patio. She suggested that traffic be directed onto 29th and 30th streets, where cars could access the mall's rear lot and underground parking.

"My goal is to make the place safer, cleaner and greener," said Heron, adding nearby residents

See **DRIVEWAY**, page 5

Money to go toward homelessness, gang violence

BY CORTNEY FIELDING
Special to the Daily Press

CITY HALL — Elected leaders indicated late Tuesday a large chunk of Santa Monica taxpayers' money should go toward stemming gang violence and homelessness in the upcoming year.

The City Council began navigating its way through the annual budget process by discussing programs and initiatives they would like to see included as expenses for the '05-'06 fiscal year.

Council members had a litany of requests, from reviving city-wide arts programs to improving

the city dump. However, homelessness and violence in the Pico neighborhood were consistently mentioned as top concerns.

City Councilman Bob Holbrook suggested City Hall should focus on those issues alone before addressing lower priority issues. When there is improvement in

those two areas, then City Hall can look into expanding other programs, he said.

"We shouldn't take our eye off the ball," Holbrook said "And for me, that's where the ball is."

City Councilmen Bobby

See **BUDGET**, page 5



John Wood/Daily Press

Sixth graders from John Adams Middle School run relays around USC soccer players Lindsay Parker, left, and Tracy Lansing as part of the 19th annual 'Girls and Women in Sports Day,' sponsored by the local YWCA.

Running for the girls

By Daily Press staff

YWCA — Some 200 sixth graders from John Adams Middle School gathered at the YWCA Santa Monica/Westside on Wednesday to celebrate the 19th annual "National Girls and Women in Sports Day."

Themed "More Than a Game," the midday event featured talks from motivational speaker and former professional basketball player Diana Meier, who played throughout Europe before the advent of the WNBA, Santa Monica College athletics director Rhonda Hyatt and members of the All-American Girls Professional

Baseball League Players Association, which inspired the movie "A League of Their Own."

Groups of girls rotated during the day between instructors in various sports, including soccer, volleyball, gymnastics and basketball. Several athletes from the University of Southern California helped facilitate the events, as did coaches from the Broadway School of Gymnastics.

The local YWCA for 76 years has sponsored community programs in more than 10 area communities, spokeswoman Sally Young said. The mission of the YWCA is to empower women and eliminate racism.



John Wood/Daily Press

Residents on the streets adjacent to this Sunset Park strip mall persuaded officials to deny a proposal to close the front driveway to vehicle traffic.



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YES to invitations, Virgo

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)
★★★★ Trying to get others to respect your low-key way might be close to impossible. Others appear to be on full chatter. You don't have to participate. In fact, you might want to cocoon and just do your work. Tonight: The less going on, the better.



TAURUS (April 20-May 20)
★★★★ Aim for what you want, knowing that co-workers will pitch in and help. You might be overwhelmed by everyone's efforts. Don't hesitate to have a serious conversation. Reach out for others. Tonight: Find your pals.



GEMINI (May 21-June 20)
★★★★ Dole out funds carefully, as the money tree in your back yard is not blooming. In fact, all risks need to be nixed for the moment. What is obvious is that work is the only way to add to your immediate cash flow. Tonight: Out late.



CANCER (June 21-July 22)
★★★★ Your intentions come through to both your immediate circle and your professional group of associates. Your serious ways could use a little lightening up. A family member teases you until you smile and laugh at yourself. Tonight: Rent the long version of a favorite movie.



LEO (July 23-Aug. 22)
★★★★ Relate individually in order to gain the success and long-term desires you want. You often hold yourself back from telling the whole story, especially if you think you could be vulnerable. Don't be so uptight. Tonight: A cozy spot for two.



VIRGO (Aug. 23-Sept. 22)
★★★★ Others run the show. You can only say "yes" or "no." Staying on track could take a lot of extra effort and time. Focus does count, as you shall see. Inevitably, you find ways to spend money. Consider curbing a devil-may-care attitude. Tonight: Say "yes" to another's invitation.



LIBRA (Sept. 23-Oct. 22)
★★★★ Express yourself as only you can. Others find that you distract them. Is that what you want? Your flirtatious and fun-loving nature could make the routine less than boring. Know when to pull back and act serious. Tonight: A nice and easy pace.



SCORPIO (Oct. 23-Nov. 21)
★★★★ Serious news might give you a lot to ponder. A solution will emerge when you center on your feelings and not the story. Creativity surges for those who are emotional and willing to risk. Just be yourself. Tonight: Express your libido.



SAGITTARIUS (Nov. 22-Dec. 21)
★★★★ You come from a place of security. A partner might be a bit intimidated by your strength and focus. Friends bubble forth with a lot of information and general excitement. Meetings become parties. Tonight: Entertain at home.



CAPRICORN (Dec. 22-Jan. 19)
★★★★ Speak and socialize to your heart's content. Your sense of humor and fun might come out in the most serious situations. Bosses like your jovial nature, which doesn't come out often enough. Tonight: Help another person change his or her mood.



AQUARIUS (Jan. 20-Feb. 18)
★★★★ You have a vision of what might be possible, but not what would be practical. Talk logistics and brainstorm with someone who seems sensible and full of good suggestions. If you're tired, call it an early day, if possible. Tonight: Catch up on sleep.



PISCES (Feb. 19-March 20)
★★★★ You're full of fun and life. Because you might be boisterous, others could be intimidated by your strong personality. One person, however, meets you midway. Together you could be unstoppable. Certainly you'll have a great time together. Tonight: Start the weekend early.



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LOCAL



COMMUNITY BRIEFS

Art Institute seeks teen cooks and poster designers

Daily Press staff

Attention high schoolers: If you can cook or make a poster, college could be. The Art Institute of California, Los Angeles, is holding two competitions: One for cooking and one for graphic design. Both contests offer scholarships to winners to one of the 31 Art Institutes in the U.S.

Teen chefs can apply to compete at a March 12 cook-off by submitting a notebook with original recipes for a two-course meal, an entry form, and a high school transcript. One finalist from the local event will go on and compete in the national cook-off in Philadelphia.

High school seniors wishing to pursue a career in graphic design can enter the Art Institute's poster contest, sponsored in conjunction with Americans for the Arts. Competitors must submit an original poster artwork design that expresses the slogan, "Art is a Global Language." Artists must also provide a current high school transcript and a statement describing their design process, and why they want to attend one of the Art Institutes. Local judges will make a preliminary decision, and then winners will continue on to a national judging contest.

The first-place winner's poster will be used in national marketing materials for Americans for the Arts. Americans for the Arts also will create an online gallery of all scholarship winning artwork on its Web site <http://www.americansforthearts.org>

Both competitions are open to high school seniors. The deadline for entry in either competition is Feb. 11

For additional details, contact The Art Institute of California Los Angeles admissions department at (888) 646-4610 or visit www.artinstitutes.edu.

Cat call this weekend

By Daily Press staff

Here kitty, kitty. The Westside Hospital For Cats, a world renowned, cats only veterinary facility, is holding a cat adoption and kitty festival this Saturday, Feb. 12 from 2 p.m. until 6 p.m. In addition to a lot of cats to be adopted — each one comes with a free medical exam — there will be balloons, food, games and prizes. Westside Hospital For Cats is located at 2317 Cotner Ave. in West Los Angeles between Olympic and Pico boulevards. Log on to www.westsidehospitalforcats.com, or call (310) 479-2428.

Flu season isn't over yet

By Daily Press staff

A local hospital is offering another chance to beat the flu this season. UCLA Healthcare is offering community residents one more opportunity to receive flu vaccines for themselves or their children as protection against a late-arriving flu season.

The shots, which are \$10, will be given at the Les Kelley Family Health Center, 1920 Colorado Ave. on Friday, Feb. 11 from 9 a.m. to noon.

No appointments needed. For information only, call (800) 516-5323.

Love on the water

By Daily Press staff

A romantic scene is being set on the pier this weekend: Dancing over the ocean at sunset, with the sounds of a salsa artist. The Santa Monica Pier plans to roll out a dance floor for Johnny Polanco y su Conjunto Amistad Saturday, Feb. 12 from 7 p.m. to 10 p.m. Dancers from Albert Torres Events also will be on hand to entertain the crowd.

Be sure to pick up your "dance card" at the entrance and visit a participating pier retailer to enter to win "romantic getaway" prizes, including two round-trip tickets to anywhere Alaska Airlines flies, including Alaska, much of the West Coast and major Mexican cities; and romantic oceanfront dinners from the Lobster, Mariasol and Rusty's. Participants can enter to win by picking up their "dance card" at the dance and visiting any participating pier business.



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SURF REPORT

Our new NW ground swell filled in along the coast Wednesday, but an extreme tidal swing hindered size in many areas. Today the NW continues with size in the waist-high range. NW lingers for much of the week, but rain is in the forecast. The next noteworthy NW is being tracked for the 18th.

**Today the
water is:**

60°

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

	LOW TIDES				HIGH TIDES			
	Morning	Height	Evening	Height	Morning	Height	Evening	Height
SATURDAY	N/A	N/A	1:22	1.2	5:43	6.0	8:06	3.5
SUNDAY	12:16	2.3	2:04	1.6	6:39	6.5	8:39	3.8
MONDAY	1:12	1.9	2:44	1.9	7:30	6.8	9:12	4.1
TUESDAY	2:03	1.5	3:23	1.8	8:18	6.9	9:46	4.4
WEDNESDAY	2:52	1.2	3:59	1.6	9:04	6.7	10:20	4.6
THURSDAY	3:42	1.0	4:35	1.1	9:49	6.2	10:56	4.8
FRIDAY	3:42	1.0	4:35	1.1	9:49	6.2	10:56	4.8

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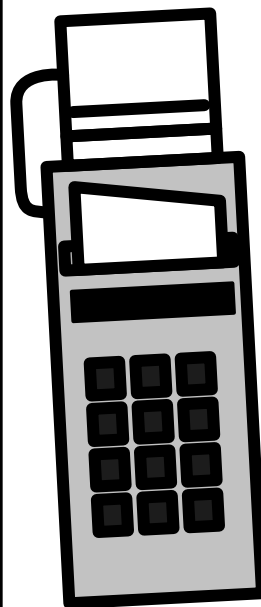
The **Q**Line

There's a movement afoot to create as many as five new high schools in Santa Monica so students can get more personalized instruction.

Each school would serve 200 to 300 students, which is much better than the 3,500 student population at Santa Monica High School, education leaders say.

So this week, Q-Line wants to know, "Is this a good idea? Why or why not?"

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



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LETTERS TO THE EDITOR

Community stays true to its schools

Editor:
This letter is in regards to the front page article (SMDP, Feb. 5-6, page 1) titled: "Parents stay cool to schools."

It is a wonderful reality what your article proves, the general community does support our local public schools. Through my experience in creating and running fundraising events, it is evident people are ready to donate, give time and effort and do what they can to be involved. It's an amazing thing to witness and I invite everyone in the community to find out what your local school is doing to help raise needed and necessary funds. These students are the future artists, architects, musicians and entrepreneurs of our community so it would be of real benefit for all of us to invest.

Just last night, I attended my son's first musical concert. He's nine years old and plays the cello. He and other string instrument musicians played and plucked so beautifully and they were so proud. It was something to behold. This experience was brought to the school by you. Yes, the music program is totally funded by donations to the PTA as is the art and science programs, the school field trips, the playground equipment and so much more. The children understand that the community supports them and that connects them and makes them feel loved and appreciated. This may be coming from a purely emotional context but the 15 percent gift policy debate was a heated one and now to see the outcome create more involvement is truly a fait accomplis. A big thank you to local public school supporters, we appreciate you.

Nicole Picard
John Muir PTA Fundraising Chair

Unhappy with City Hall response

Editor:
Bobby Shriver put our city employees' arrogance toward city residents as issue No. 1 in his campaign. But if the Feb. 3 letter to the editor (SMDP, page 4) by director of environmental and public works management Craig Perkins is any example, our city bureaucrats have not heard the request for respect sent by the voters with Shriver's overwhelming victory.

Even in the atmosphere of disdain and disregard for the public widespread at City Hall, Mr. Perkins' letter was a new low.

Mr. Perkins ignored the reasonable assumption that the city of Santa Monica would have something to do with a repair project for the Santa Monica Canyon stairs when he wrote "If any fingers need to be 'pulled out' you will find them at Los Angeles City Hall." Is that the kind of service (and discourse) we expect from city directors earning six figures a year?

Mr. Perkins could have checked with his counterparts at Los Angeles on the status of the project. Or he could have provided the name of the project manager at LA Public Works, and contact information for interested Santa Monica residents. Either would have been useful public service.

But his department is not about public service. What they are about is disdain, disregard, arrogance, and passing the buck.

It's time to change the "environment" in our department of environmental and public works management.

Frank Jones
Santa Monica



GUEST COMMENTARY BY ONKAR GHATE, Ph.D.

Only private universities can ensure citizen's freedom of speech

Because the comments he made shortly after Sept. 11 have come to light, obscene comments in which he vilifies the World Trade Center victims as "little Eichmanns" and lauds their killers as "humanitarians," Professor Ward Churchill has resigned as chairman of the University of Colorado's ethnics studies department. But, with the support of other faculty, he retains his professorship. Four members of his department have expressed "unconditional support" for his "freedom of expression and First Amendment rights." The Faculty Assembly of the university, though it regards his words as "controversial, offensive, and odious," defends his freedom to utter them.

In opposition, Colorado Gov. Bill Owens has called for Churchill's resignation, saying that taxpayers should not have to subsidize Churchill's "outrageous and insupportable" views.

Both solutions are incompatible with free speech.

Freedom of speech is an individual's right to express ideas without coercive interference from the government. Free speech does protect an individual who voices unpopular ideas from governmental force, but it does not require that other citizens support him. If an individual wants others to finance the expression of his ideas, he must seek their voluntary agreement. To force another person to support ideas he opposes violates his freedom of speech.

A journalist, for instance, has the freedom to write what he pleases, but he has no right to demand that Time magazine publish it. That decision belongs to the owners of Time. Similarly, a professor has the freedom to teach any view he wishes, but he has no right to demand that Harvard employ him. That decision belongs to the private owners of Harvard. Freedom of speech is not the right of a Ph.D. to have other citizens provide him with a university classroom.

Yet that in effect is what the professors are demanding.

They maintain that no matter how much the citizens who fund public universities may disagree with a professor's views, he should be able to continue to exist on the public dole. Taxpayers are to be stripped of their right to choose which ideas their money supports. Why? So that professors can spout whatever theories happen to catch their fancy, including those that brand productive Americans as Nazis and Islamic killers as liberators, without the burden of having to seek the voluntary consent of those forced to sponsor them.

Under the guise of defending free speech, therefore, the professors are

actually advocating its destruction.

But it is no solution for the government to put pressure on public universities whenever a professor teaches ideas opposed to the views of a majority of taxpayers. The moment the government becomes arbiter of what can and cannot be taught on campus, the moment speech becomes subject to majority vote, censorship results.

What then is the answer? Privatize the universities.

The truth is that public education as such is antithetical to free speech. Whether leftists are forced to pay taxes to fund universities from which their academic spokesmen are barred (as Gov. Owens' solution requires), or non-leftists are forced to pay taxes to fund professors who condemn America as a terrorist nation, someone loses the right to choose which ideas his money supports.

By its nature, a public university must make decisions about what to include in and to exclude from its curriculum. Of necessity, therefore, some citizens will object to what is being taught in its classrooms. But they are nevertheless forced to finance the communication of those ideas.

To safeguard the right to freedom of speech, the right to private property must be safeguarded. Only private universities can protect free speech. The owners of a university could then hire the faculty they endorsed, while others could refuse to fund the university if they disagreed with its teachings.

However, since privatization would threaten the left's grip on the universities — as well as any professor who enjoys the unearned privilege of spewing out ideas without worrying about the need to finance their expression — many professors vehemently oppose this solution. In the name of free speech, they denounce as "tyranny of the almighty dollar" the sole means of preserving free speech.

But we must not be fooled by this cry from the professors about their freedom of speech. Freedom is precisely what they don't advocate. We are right in objecting to being forced to fund their ideas, loathsome or otherwise. The only solution, however, is a free market in education.

(Onkar Ghate, Ph.D. in philosophy, is a resident fellow at the Ayn Rand Institute (www.AynRand.org) in Irvine, Calif. The Institute promotes the ideas of Ayn Rand, best-selling author of "Atlas Shrugged" and "The Fountainhead," and originator of the philosophy she called "Objectivism.")

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.



Police seek information on Sunset Park break-ins

BREAK-INS, from page 1

had several keys on a round clip on his right side and wore a dark T-shirt.

Of the 23 burglaries or attempted break-ins in the Sunset Park neighborhood — which stretches from Lincoln Boulevard to Centinela, and Pico Boulevard to the southern city limits — nine occurred in December, 10 in January and three in February, Fabrega said. In December, the most active days were Tuesdays and Thursdays. In January, the most active days were Monday and Wednesdays, Fabrega said.

Police have not yet been able to link the burglaries to one suspect because

there have been no witnesses to the crimes — all of them have occurred during the day when people typically aren't home.

"Sometimes they have gone through doors and windows that were unlocked and others were forced through doors and windows," Fabrega said.

The burglars have taken mostly items small enough to fit into a bag, backpack or pocket. Some of the items stolen have been a laptop computer, an I-Pod and jewelry.

Police urge residents to immediately report any suspicious persons stopping or loitering in the area. They believe the suspects might be on foot.

High-ranking police officials met with

about 60 concerned Sunset Park residents last week to discuss the SMPD's efforts to quell the burglaries, and what residents can do to protect their properties.

SMPD detectives said they were working with state parole and county probation officers to help identify leads. Beyond beefed up patrols — by car as well as on foot and bicycle — police are working with the neighborhood group Friends of Sunset Park to organize community watch efforts and get the word out that residents should lock doors and gates at all times, not store hidden keys outdoors, and try to keep outside lights on at night. Undercover officers also are patrolling the neighborhood.

Police also are performing free security inspections of people's homes, which can be requested at the SMPD's community relations division (310) 458-8474, Fabrega said. If residents would like to organize a neighborhood watch with police, they are asked to call the community relations division. For update information, residents can log onto the SMPD's Web site, santamonicapd.org.

Anyone with information regarding Tuesday's burglary is encouraged to call Detective Mike Federico at (310) 458-8432, or the SMPD at (310) 458-8491. Callers who wish to remain anonymous may call the We-Tip national hotline at 1-800-78-CRIME (27463).

Council denies strip mall plan, with reservations

DRIVEWAY, from page 1

would experience only a slight increase in traffic. "Our only intent is to improve the safety and the pedestrian environment of our property and our block."

Tenants of the bustling mall include many popular restaurants, a video store, martial arts center, printing shop and several other merchants. The mall is frequented daily by hundreds of Sunset Park residents and workers from the Santa Monica Business Park across the street. Its parking lots and nearby metered spaces often are full, particularly at midday.

Eileen Hecht, a consultant hired by Heron, said the community benefit of closing the driveway and opening an outdoor patio would outweigh any negative impacts.

"Is it most beneficial to prevent a small number of additional cars from driving a few feet down 30th Street?" asked Hecht, former chairwoman of the city's Architectural Review Board. "Or is it more beneficial to the general public you represent to ensure the safety of the hundreds of pedestrians on the sidewalk and

in the plaza that must share the mid-block driveway with cars?

"We could not find one other development in the city that contains a driveway that bisects a pedestrian plaza," she added. "Why are there no others? Because it's poor planning and it creates a hazard."

A majority of the 41 Santa Monica residents and merchants who addressed the council on Tuesday echoed those concerns.

"I've seen children playing in the run-way of the cars," said Matthew Zangara, an elderly man who's lived in an apartment on Ocean Park Boulevard for 27 years. "It scares you to watch the cars that turn in fast off of Ocean Park Boulevard and into this driveway. Sometimes they're coming both ways in that driveway."

Several other residents said directing traffic into the nearby residential neighborhood would violate City Hall policy, which attempts to curb commercial traffic on side streets. Many of the residents also said Heron has been unwilling to keep a tire shredder on a current entrance to the mall off of 29th Street that was designed to quell traffic.

"She is, therefore, coming to this coun-

cil with unclean hands and deserves no consideration," said Rhysa Davis, a resident of 30th Street.

As part of denying Heron's plans, the City Council instructed staffers to pursue various ways of making the driveway safer, including installing better-marked crosswalks, as well as possibly moving bulky signs and removing on-street parking to increase visibility.

The council also directed staffers to reinstall the tire shredder at the 29th Street entrance, which will limit traffic to one direction. No new entrance will be made at 30th Street, which has never had direct access to the mall.

"Good, bad or indifferent, I was on the council in 1989 when we passed this" project, City Councilman Herb Katz said. "It was not an ideal development even then, but we listened to the neighbors, we went through a lot of torturous hearings and time on it — similar to this — and it was agreed that 30th Street would stay closed ... The driveway isn't ideal ... but it can be mitigated to a point where it's watched and helped without hindering the residents."

City Councilman Richard Bloom said despite a poor design, the mall is clearly a community asset.

"It's pedestrian friendly. It has outdoor dining. The businesses there are neighborhood serving. There's dry cleaners and a local, non-chain video store. The dog wash," Bloom said. "There's a mix of businesses there that really is the type of mix we like to see."

Though merchants at the popular strip mall had hoped the changes would help reinvigorate the already popular mall, at least one business owner said he was resigned to the fact that Heron's request had been denied.

Standing at the counter of Galaxy Video Wednesday afternoon, Kay Hojat, 58, said he was thankful to have had his say before the Santa Monica City Council. Hojat, who lives in the Pico neighborhood, immigrated to the United States from Iran five years ago and bought the independent video store eight months ago.

"It's very interesting for me, the discussion and they decided," Hojat said. "I told my family, it's the first step of democracy in this country."

2005-06 draft budget expected to be released in April

BUDGET, from page 1

Shriver and Richard Bloom agreed with the concept of selecting dual priorities for the city. Shriver called Holbrook brave for publicly singling out the two issues.

Politicians rarely do that, he said, because "when you rank one and two, three, four and five say, 'what about me?'"

Bloom cautioned the council that there is a limit to how much City Hall can accomplish by itself.

"Interestingly enough, two of the most significant problems in many ways are not within our control," he said, adding homelessness and gang activity in Los Angeles affect what goes on in Santa Monica.

"Homelessness is a regional problem," he said, adding gang violence happens

both inside and outside of the city.

City staff identified seven core areas to improve homeless services, which included extending programs for people who have been on the street for more than five years, lobbying for changes in both federal and state regulations and creating a sobering center for public inebriates.

Shriver said he didn't want residents to misinterpret the council's focus on the homeless.

"Before people say 'Wait a minute, we are spending even more money on the homeless,'" they should realize the money is meant to benefit residents, Shriver said. "We are spending more money to get the man out of your carport ... We are spending money to save the city money down the road."

While city staffers have created a basic

blueprint for dealing with the homeless problem, City Hall is less clear on how to increase public safety and reduce gang violence.

Santa Monica is in the process of developing a new plan for gang violence, Bloom said. Once that plan is decided on, specific actions will be defined.

While nothing has been decided, Bloom said the Santa Monica Police Department would be involved in creating initiatives to decrease violence in the city, specifically in the Pico neighborhood.

City Hall could end up putting more money into existing programs, or adding new ones, he said. City Hall also could divert staff and funds from one project to another.

Council members said they would

focus on many other priorities as well.

Councilman Kevin McKeown said residents who participated in last month's city satisfaction survey said they wanted the city to support more artistic projects.

As a fan of the arts, "I was surprised to see so many other people felt the same way," he said.

Council members were given a list of priorities collected from the public at the meeting. Elected leaders must now deliberate in a public forum to decide which priorities will make it into the new budget. Though a meeting date has not been decided, the council typically holds budget hearings in May and adopts a formal budget in June. City Hall is expected in April to release a draft budget for the public to review.

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Business

Five tips to help improve your financial health



MARKET MATTERS

BY BRIAN HEPP

Just as people recognize the importance of looking and feeling good, they should also realize it is equally important not to overlook the health of your

finances. If your portfolio's returns are looking a bit sickly and you feel you aren't on track to reach your financial goals, there are a few easy things you can do to develop a prescription that will address what is ailing your portfolio.

Just as vitamins are the building blocks of a healthy diet, your savings are the foundation for your portfolio. Whether you have deductions taken directly from your paycheck, or you simply set a little money aside each month, you should save on a

regular basis. Once you have the concept of saving down pat, you are ready to consider ways to get your portfolio into shape.

First, you should consider what your goals are, and why you are saving in the first place. Perhaps you are putting aside money for retirement, or your child's education, or maybe take the trip of a lifetime. Determining the reasons that motivate you to invest will help you figure out what investments you may want to consider, because you will know when — and why — you will need your money.

Second, before you take the leap into buying stocks or bonds, look at where you currently stand financially. If you have considerable credit card bills or high interest loans, you may want to consider paying those off before you begin. It is important to invest early so you have more time for your investments to grow, but if you are paying out more money to service your debt than you are bringing in through your investments, you are really losing money. For example, if you are paying 18 percent interest annually on your credit card balance while making 5 percent off an investment, you would be better off financially if you paid down your credit card bill.

Once you know what your goals are and where your financial situation is, take a look at what your holdings are, and then make sure they are diversified. You should have an adequate mix of stocks, bonds and even cash, depending on how much risk you are comfortable with. Within each type of those investments you should diversify even further. For

example, your stock holdings should be in a variety of sectors, such as energy, technology, healthcare or financials. The fixed income portion of your portfolio also can be allocated across a range of maturities and interest rates and even types of bonds, such as corporate or municipal.

Next, when you purchase stocks you should consider looking for value. Look for companies with strong fundamentals, such as a strong balance sheet and cash flow statement. Also, you may want to think about purchasing shares of companies that consistently deliver a dividend.

Finally, get help if you need it. Sometimes one of the best investments you can make, especially if you aren't a seasoned investor, is to talk with a financial consultant about your goals. They can typically help show you what investment options are available and make sure you are on the right path toward achieving your dreams.

Just as you might set a goal for your ideal weight and work to achieve it over time, you should also set goals for your finances. Regardless of how your investments are performing now, there is always time to whip your portfolio into shape.

(Brian Hepp is financial consultant for Santa Monica-based A.G. Edwards & Sons, Inc., Member SIPC. He can be reached at (310) 453-0077 or at brian.hepp@agedwards.com. A.G. Edwards is a full-service retail brokerage firm that offers a complete spectrum of financial products and services, including stocks, bonds, mutual funds, financial and retirement planning and tax-advantaged investments.)

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STATE



Appeals court sued for ‘Ten Commandments’ seal

BY DAVID KRAVETS

AP Legal Affairs Writer

SAN FRANCISCO — The federal appeals court that ruled the Pledge of Allegiance was an unconstitutional endorsement of religion is being sued for allegedly displaying the Ten Commandments on its seal and court-houses.

The case was brought by Pleasanton attorney Ryan Donlon, who was admitted to practice before the 9th U.S. Circuit Court of Appeals in June. In his lawsuit against the San Francisco-based court, he said the certificate admitting him contains the court’s seal which unlawfully contains what he believes is a tablet object that “represents the Judeo-Christian Decalogue commonly referred to as the Ten Commandments.”

Cathy Catterson, the court’s clerk, said the seal highlights a woman, known as “the Majesty of the Law” who is reading a large book. At her feet is a tablet with 10 unreadable lines on it, what Donlon believes is the Ten Commandments.

Catterson said the tablet has “the same shape” of the Ten Commandments but “you can’t read the text of it.”

She said the drawing became the court’s seal decades ago, and is a depiction of a tile mosaic in one of the century-old courthouse’s ornate courtrooms.

“It’s been up there for 100 years,” she said.

In 2002, the appeals court sided with an atheist father who challenged the words “under God” in the pledge, ruling that the pledge that public school children recite each day was an unconstitutional endorsement of religion.

The U.S. Supreme Court dismissed the case, saying the father, Michael Newdow, did not have legal standing to bring the case because he did not have custody of his elementary school-aged daughter and because the girl’s mother objected to the lawsuit.

In 1980, the Supreme Court declared unconstitutional the public display of the Ten Commandments in public schools.

The high court is now considering challenges whether displays of the commandments in Kentucky courthouses and a monument on the Texas state Capitol grounds violate the separation of church and state.

Donlon, in his suit filed Friday, is urging the 9th Circuit to remove what he says are the Ten Commandments from the 9th Circuit’s courtrooms, letterhead and seal.

Man who set son on fire two decades ago convicted of having gun

BY DAVID KRAVETS

AP Legal Affairs Writer

SAN FRANCISCO — A man who became notorious for setting his son on fire two decades ago was found guilty this week of illegally possessing a handgun, a conviction that could send him to prison for life.

Charley Charles, known as Charles Rothenberg when he burned his 6-year-old son in 1983, said he needed the gun as protection from vigilantes bent on retaliation for the crime against the boy, who grew to adulthood severely disfigured.

On the stand last week, Charles, 64, testified that he bought the .38-caliber handgun in 1997 after he was shot at twice. He said a gunman yelled, “That’s the man who burned his son” before firing.

He claimed that San Francisco police at the time said they were too busy to address his complaint.

After deliberating a day, a jury convicted Charles on two counts: being a felon in possession of a handgun and of ammunition.

The case was tried under California’s tough three-strikes sentencing law, meaning Charles faces the possibility of life in prison. He served more than six years after setting his son on fire, before sentencing guidelines were increased.

Charles, wearing a brown sweater and tie, stood still as the verdicts were read in San Francisco County Superior Court.

He next faces the sentencing phase, during which prosecutors will present his previous convictions and demand a life term. Charles was convicted of attempted murder, arson and other charges for burning his son and also has a 1961 burglary conviction in New York.

Judge Cynthia Lee will have discretion over his sentence. No sentencing date was scheduled.

Charles’ current legal troubles drew attention not because of the severity of the charges but because of his notoriety.

In 1983, he took his son, David, to a motel in the Southern California suburb of Buena Park and gave the boy a sleeping pill. He then doused him with kerosene, set him afire and left the room.

He said then that he was distraught over losing the boy to his estranged wife in a custody battle. The boy survived, suffering third-degree burns over 90 percent of his body.

Charles received a 13-year prison sentence, the maximum penalty at the time, but was released for good behavior after serving 6 1/2 years. He changed his name from Rothenberg after being freed.

His attorney, Gabriel Bassan, told jurors that his client needed a weapon because had “no reasonable, legal alternative to protect himself.” He said Charles was despised by a public that could not forgive his past and was labeled a “baby burner.”

One juror, Wung Seto, said after the verdicts that Charles could have put more locks on his door, gotten a baseball bat or even a knife to protect himself, but not a gun.

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STATE BRIEFS

Life's a jungle in Moorpark
By The Associated Press

MOORPARK — Lions and tigers were among the 22 exotic animals discovered inside a house in a rural Tierra Rejada Valley neighborhood.

The owners don't have permits and Ventura County officials are trying to determine how to remove the animals, said Jarrod DeGonia, an aide to Supervisor Judy Mikels, whose office has gotten a flurry of calls from alarmed residents since Friday's discovery.

"There's a lot of upset people over this," he said.

County officials, including the Animal Regulation Department, have no authority to remove the animals, zoning enforcement officer Gloria Goldman said. But Goldman issued a violation notice with owners Chuck and Melinda Carmichael because they don't have a permit for the animals.

After 30 days, the county can put a lien on the property and file charges if the animals aren't removed, Goldman said. The animals were inside the house and there was no fencing or enclosure on the property.

"The people out there really do have reason to worry," Goldman said.

Telephone messages left at the Carmichael home weren't returned Tuesday.

Authority to remove the animals rests with the California Department of Fish and Game, which issued a permit in February 2004 to Abby and Emma Hedengran when the animals were kept in a Temecula facility, Fish and Game spokesman Steve Martarano said.

Roena Hedengran, 51, was arrested at the home early Sunday for investigation of assault with a deadly weapon after sheriff's deputies received a 911 hang-up call, sheriff's spokesman Eric Nishimoto said. Roena's relationship to the Hedengrans wasn't known.

Details weren't disclosed and it wasn't clear whether the dispute had anything to do with the animals.

Fish and Game was still investigating Tuesday to see whether the conditions were unfit for the animals.

The permit, which required the Hedengran's to notify Fish and Game if they moved, expires Feb. 25. Exotic animals can be kept in areas zoned as open space if owners also get a conditional use permit from city or county officials.

Prison escape in Riverside
By The Associated Press

BANNING — A man awaiting trial for bank robbery scaled a razor-wire fence at Riverside County's 650-inmate jailhouse in Banning, the sixth person in a year to escape Sheriff's Department custody.

Genaro Diaz, 29, of Cathedral City managed to elude Tuesday's multi-agency dragnet.

The jail is less than a mile from Interstate 10. Helicopters, officers with police dogs and about 20 members of other agencies, including the California Highway Patrol, joined the search.

"A violent criminal like this is surely dangerous. We are working this aggressively," Sgt. Earl Quinata said.

Diaz turned up missing during a 12:30 a.m. Tuesday bed check. Torn pieces of inmate clothing were found atop the razor-wire-topped fence.

Diaz was arrested June 9, 2004, six days after he allegedly robbed a Bank of America branch inside a Cathedral City grocery store.

Less than four months ago, murder defendant Steven Matthew Sanchez jumped from a sheriff's patrol car taking him from a jail in Blythe to the county jail in Indio. Sanchez, charged with fatally shooting a 19-year-old man in Coachella in 2003, has not been found.

A year ago, murder defendant Nathaniel Decarlo Sapp and three other inmates at the county's detention center near Murrieta escaped by breaking down a utility door, climbing water pipes to the roof, then climbing down knotted bed sheets to escape. They were caught within days.

Sheriff Bob Doyle on Tuesday ordered a review of "the detainee's ability to leave the facility," sheriff's administrator Tom Freeman said.

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NATIONAL



Embattled Colorado professor gets ovation with his defiant tone

BY ERIN GARTNER
Associated Press Writer

BOULDER, Colo. — An embattled University of Colorado professor who likened Sept. 11 victims to Nazis got a standing ovation when he told a campus audience of more than 1,000 people that “I’m not backing up an inch.”

Ward Churchill, who had filed a lawsuit after the state-funded university threatened to cancel his address, was interrupted several times by thunderous applause.

Churchill has resigned as chairman of the university’s ethnic studies department. Gov. Bill Owens has called for Churchill to be fired, and the university’s Board of Regents is investigating whether the tenured professor can be removed.

“I don’t answer to Bill Owens. I do not answer to the Board of Regents in the way they think I do. The regents should do their job and let me do mine,” Churchill said to thunderous clapping. “I’m not backing up an inch. I owe no one an apology.”

In an essay, Churchill wrote that workers in the World Trade Center were the equivalent of “little Eichmanns,” a reference to Adolf Eichmann, the Nazi Gestapo officer who organized the extermination of the Jews. Churchill also spoke of the “gallant sacrifices” of the “combat teams” that struck America.

The ethnic studies professor said Tuesday his essay was referring to “technocrats” who participate in what he calls repressive American policies around the world.

A longtime American Indian Movement activist, he said he is also culpable because his efforts to change the system haven’t succeeded. “I could do more. I’m complicit. I’m not innocent,” he said.

The Boulder Faculty Assembly, which represents professors at the Boulder campus, has said Churchill’s comments were “controversial, offensive and odious” but

supports his right to say them based on the principle of academic freedom.

During his 35-minute speech, Churchill said the essay was not referring to children, firefighters, janitors or people passing by the World Trade Center who were killed during the attacks.

The essay and follow-up book attracted little attention until Churchill was invited to speak last month at Hamilton College in Clinton, N.Y., which later canceled his talk out of security concerns.

University of Colorado officials cited those same concerns but backed off after Churchill filed a lawsuit earlier Tuesday asking a judge to force the school to let him speak.

The crowd Tuesday night was loud and orderly as Churchill spoke: “I do not work for the taxpayers of the state of Colorado. I do not work for Bill Owens. I work for you,” he said.

About two dozen police officers were scattered inside and around the ballroom where the speech was given. Most of those attending supported Churchill.

“I’ve read some of Ward’s work,” said 26-year-old Vinita Laroia, an environmental studies major. “I think what he has to say is true and interesting. I wanted to hear his actual voice say what he’s thinking.”

The ACLU issued a statement defending Churchill’s right to speak out and called on regents, legislators and the governor “to stop threatening Mr. Churchill’s job because of the content of his opinions.”

David Horowitz, a champion of conservative causes who has long accused American universities of overstocking their faculties with leftists, has said firing Churchill would violate his First Amendment rights and set a bad precedent.

He called instead for an inquiry into the university’s hiring and promotion procedures to see how Churchill managed to rise to the chairmanship of the school’s ethnic studies department.

Utah Legislature bans ‘B’ and ‘C’ wastes

BY JENNIFER DOBNER
Associated Press Writer

SALT LAKE CITY — Hotter radioactive waste classified as “B” and “C” would no longer be allowed in Utah under a bill passed by the Utah House on Tuesday.

The Senate passed the bill a week ago, one day after the state’s largest waste storage facility, Envirocare of Utah, asked for its B and C waste storage permit to be revoked. The measure now awaits the expected signature of Gov. Jon Huntsman.

Utah already accepts so-called low-level Class A radioactive waste. The B and C wastes are considered to be hundreds of thousands of times more radioactive than Class A.

Lawmakers in the House voted 57-13, with five absent, to pass the bill, but not

before some expressed their dislike.

Reps. Jim Ferrin, R-Orem, and Greg Hughes, R-Draper, both said they saw no reason to ban the waste because it could bring revenue to the state and that Utah residents already live amid other substances harmful to their health.

The bill is a largely symbolic measure that clears up any inconsistency in Utah’s fierce opposition in a different arena to the disposal of spent nuclear fuel rods at the Skull Valley Indian reservation.

Nuclear fuel rods are thousands of times more radioactive than the so-called class A wastes Envirocare takes or the class B and C wastes the company might have taken if they weren’t being banned.

Envirocare officials say it takes mostly contaminated soil and building debris — concrete rubble and steel — from decommissioned nuclear power and weapons plants.



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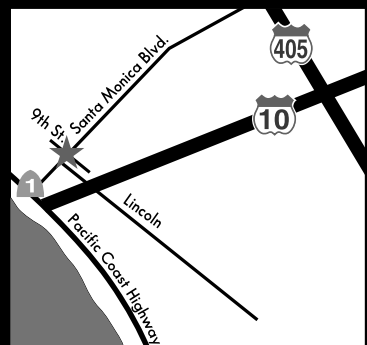
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NATIONAL

New jet won't be elephant in Boeing's living room

BY ALLISON LINN

AP Business Writer

SEATTLE — It's one thing to build a really, really big airplane. It's quite another to find a place for it to land.

U.S. airports from Seattle to Atlanta say accommodating Airbus SAS's new superjumbo A380 in anything other than an emergency would require major construction. Runways would need widening and terminals would need upgrades to load and unload the double-decker plane easily.

Even with those improvements, airports might need to curtail other airport traffic to let the big jet lumber through the airfield. And some officials worry the weight of the A380 would collapse tunnels and buckle overpasses.

What's more, some airport officials say they just aren't seeing the demand for the A380 that would warrant such cost and inconvenience.

"Let's do a cost/benefit analysis: Are you really going to spend millions of dollars (when) you might have two of them a day fly in?" said aviation analyst Mike Boyd.

Stretching about three-quarters of the length of a football field, the A380 isn't much longer than Boeing Co.'s latest version of the 747, the largest commercial airplane in the skies until the A380 enters service next year.

But the A380's 261-foot wingspan is 50 feet wider than the 747, broader than many runways and taxiways were built to accommodate. The airplane also weighs in at a maximum of 1.2 million pounds, 30 percent more than the biggest 747.

The Federal Aviation Administration says just four U.S. airports — John F. Kennedy, San Francisco, Los Angeles and Miami — are formally working with regulators on plans to accept the new plane for passengers. Two more — Anchorage and Memphis — are working with the FAA to take the cargo version.

Airbus says it also has talked with many other airports and anticipates that several more will be able to land the plane on a regular basis by 2011.

Dan Cohen-Nir, an Airbus North America program manager, said that the company is initially targeting the world's busiest airports, major hubs that are most likely to need a plane designed to carry around 555 passengers on long international routes.

Still, Boyd and other analysts say the scant interest among U.S. airports could be trouble for Toulouse, France-based Airbus, which has 139 firm orders for the A380 so far.

"For the next decade this is a niche aircraft. That's been the problem with the business case from the word go," said Richard Aboulafia, an analyst with the Teal Group.

Executives at Boeing's Seattle-based commercial airplanes division, which makes the competing 747, won't have to worry about the A380 darkening their doorstep. To take the A380 for anything other than an emergency, Seattle-Tacoma International Airport would have to spend tens of millions of dollars just on terminal upgrades. The airport also would have to stop some other airplane traffic while the plane was on its airfield.

Mark Reis, managing director of SeaTac, said the geometry of the airport "just does not lend itself to operation of the aircraft of that size on a regular basis."

No airline has expressed a desire to fly the A380 to Seattle, Reis said.

Hartsfield-Jackson Atlanta International Airport is in the midst of a \$6 billion airport expansion, but the major upgrade doesn't include plans to accommodate routine A380 flights. The airport is not willing to make the necessary changes without seeing more airline interest in the A380, spokeswoman Felicia Browder said.

"In the foreseeable future, we don't think it's worthwhile," Browder said.

Denver International Airport would only need minor improvements to land the A380 on a regular basis, but spokesman Chuck Cannon said there are no plans to make even those. Officials haven't heard that any airlines are interested in bringing the plane to Denver, a busy domestic hub that doesn't see many of the long-haul international flights the A380 was designed for.

Decades ago, some airports had to make changes to accommodate Boeing's 747. But that was before improvements in aircraft technology created smaller planes that could fly farther.

Still, some of the nation's largest airports say the A380 is worth the hassle.

The runways at San Francisco International Airport are so close together that the airport will only be able to land one A380 at a time, and traffic restrictions will be required to let the plane maneuver around the airfield. But spokesman Mike McCarron said the airport plans to take up to six A380s a day, perhaps beginning in the fall of 2006. The airport already has spent just under \$1 billion to build a new, 23-gate terminal that includes five gates to handle the A380.

"We have a huge Asian market, (and) we see the A380 as a growth area to the Asian market," McCarron said.

John F. Kennedy International Airport in New York is spending around \$120 million for upgrades including widening one runway and reinforcing taxiway bridges that go over major area expressways. But spokesman Tony Ciavolella said any terminal improvements would have to be done by the airlines who lease those properties.

And Los Angeles International Airport plans to spend \$53 million on airport-wide improvements, including \$2.25 million to make sure underground structures don't buckle under the A380's weight.

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NATIONAL



U.S. won't accept meat from older Canadian cows

BY LIBBY QUAID

Associated Press Writer

WASHINGTON — The Agriculture Department will not allow meat from older cattle when it expands U.S. imports of Canadian beef on March 7, Agriculture Secretary Mike Johanns said Wednesday.

The United States had been planning on that date to reopen the border for import of meat from animals of any age and import of live cattle younger than 30 months. Now, Johanns has instead extended the existing ban on importing older beef. The ban on bringing in older cattle also remains in force.

Two new cases of mad cow disease turned up last month in Canada after the Bush administration decided to reopen the border, and U.S. cattlemen are suing to

stop trade from expanding.

Lawmakers and Johanns himself questioned whether it would have been contradictory to allow meat, but not live cattle, from older animals, which are considered more vulnerable to mad cow disease. U.S. meatpackers worried it would flood their market with cheaper Canadian cuts of beef.

"Our ongoing investigations into the recent finds of BSE in Canada in animals over 30 months are not complete," Johanns said in a statement. "Therefore, I feel it is prudent to delay the effective date for allowing imports of meat from animals 30 months and over."

Johanns said he remained confident that resuming trade in live cattle would not harm U.S. consumers and livestock.

He directed Agriculture Department officials to start moving toward lifting all

restrictions on Canadian beef.

"As always, decisions will be made based on the latest scientific information and with the protection of public and animal health the highest priority," Johanns said.

Wednesday's decision drew criticism from western ranchers and others who want the existing import restrictions kept in place. Sen. Tim Johnson, D-S.D. called the decision a Band-Aid solution to a much larger problem.

"The right course of action would be to scrap this rule entirely until it has been proven that Canada's BSE problems are under control," Johnson said.

Johanns met Wednesday morning with Canadian Agriculture and Agri-Food Minister Andrew Mitchell.

Johanns told reporters afterward that Agriculture Department inspectors are

still in Canada investigating compliance with a 1997 ban on cattle remains in feed, which is believed to spread the disease. So far, he said, problems seem confined to record keeping.

The United States banned all cattle and meat from Canada in May 2003 after the discovery of a cow infected with mad cow disease. Officials have since allowed imports of meat, as long as it comes from animals younger than 30 months.

The Agriculture Department followed international health guidelines in choosing the 30-month cutoff.

Mad Cow disease is the common name for bovine spongiform encephalopathy, or BSE. A form of BSE, variant Creutzfeldt-Jakob disease, can infect humans who eat contaminated meat. More than 150 people have died from the disease, mostly in

Washington State proposes 50-year conservation deal

BY REBECCA COOK

Associated Press Writer

OLYMPIA, Wash. — Washington state is asking the federal government to sign off on a 50-year conservation plan aimed at protecting 9.1 million acres of forest, as well as protecting logging companies from Endangered Species Act lawsuits.

The agreement covers nearly a quarter of Washington's total land area. It's based on the state's 1999 Forest and Fish Act, which limited logging near streams and steep hillsides to preserve threatened salmon runs.

"Our streams, our fisheries and our wildlife will get much better protection," Gov. Christine Gregoire said Wednesday. "At the same time, an important sector of our economy can continue operating with some certainty."

Timber company officials worked with the state on the 1999 Forest and Fish Act. Their industry was devastated by logging restrictions after the northern spotted owl was listed as threatened under the Endangered Species Act, and they wanted to avoid a similar fate when two dozen runs of Pacific salmon were listed as threatened or endangered in the late 1990s.

The agreement, called a Habitat Conservation Plan, would assure landowners and timber companies that they won't get in trouble with the Endangered Species Act as long as they

follow the Forest and Fish rules for logging.

Federal officials on Wednesday said they're thrilled with Washington state's proposal.

"This is a major commitment to protect habitat, and that's something we want to reward because it's key to recovery," said Bob Lohn, regional administrator of the National Marine Fisheries Service.

Lohn said that while the agreement still has to go through the public comment and federal approval process, he's optimistic about approval because the plan takes a preventive, proactive approach to protecting endangered and threatened species.

Environmentalists say the plan's success depends on how flexible it is. Over fifty years, new problems could surface or new scientific discoveries could change the best practices for conservation.

For example, 40 years ago, forestry students were taught to "clean up" after logging operations by removing logs from streams, said Becky Kelly, campaign director for the Washington Environmental Council. Now timber companies pay people to put logs in streams to create better habitat for salmon.

"Maybe over time, science will say we need to put buffers on smaller streams," Kelly said. "If the plan can be changed, it's probably going to work pretty well."

If it's rigid, she said, "We're not going to be serving the fish very well."

State Public Lands Commissioner Doug Sutherland said the beauty of the plan is it's based on "adaptive management" — meaning the rules can change when new information becomes available.

"This is not a static action," Sutherland said. "Things do change, and we do have ways and procedures to recognize, change and improve the Habitat Conservation Plan."

The "adaptive management" philosophy will get its first real test over the next

few months, when three big studies are due to be completed. For example, one study will attempt to answer the question of how to determine where a stream starts — which has big implications for the areas where logging should be limited.

Salmon need cool, clean water to survive. When trees are cut near streams or on steep hillsides, runoff can cloud the water and the lack of shade makes the streams too warm for salmon.

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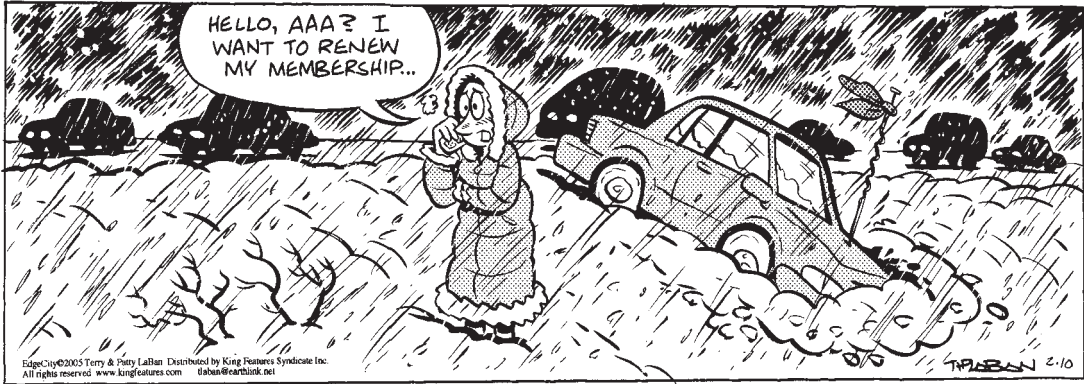
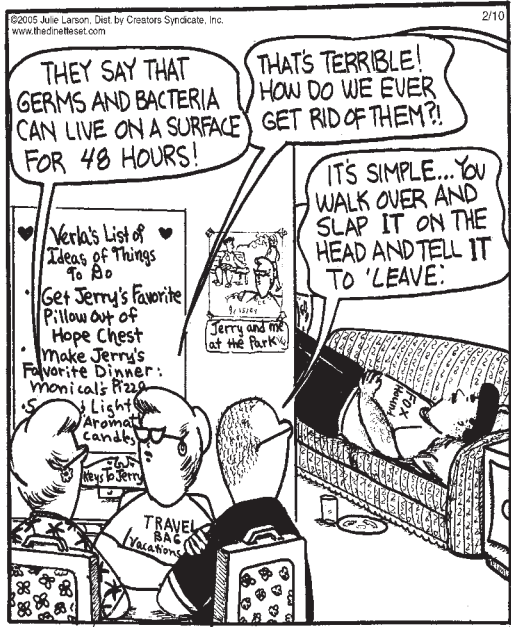
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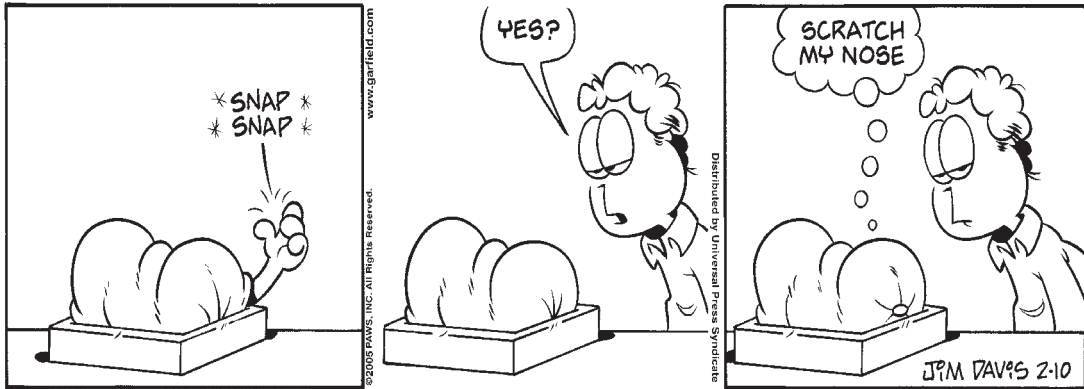


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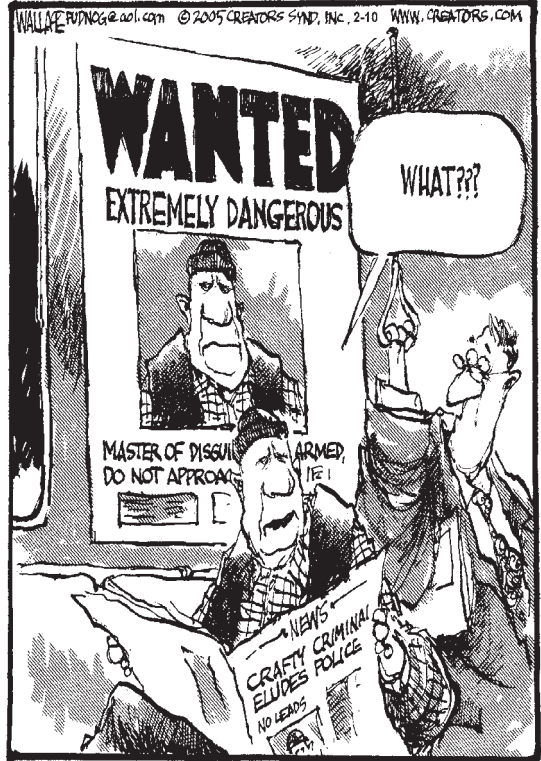


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ACROSS

- 1 Had debts
- 5 Jazz variety
- 10 Handy-man, slangily
- 12 Fans' place
- 13 Wise saying
- 14 Script makeup
- 15 Hair goop
- 16 Depot carriers
- 18 Whole
- 20 Draw
- 21 Canvas cover
- 23 Not to mention
- 24 Roof ornament
- 26 Shopping aid
- 28 Cacao holder
- 29 German river
- 31 Archaic
- 32 Bathroom fixture
- 36 Polar features
- 39 Burma's first prime minister
- 40 Dangerous gas
- 41 Bulls and stallions
- 43 Burger topper

44 Used up

45 Scout rider

46 Whirl of water

DOWN

- 1 No longer a minor
- 2 Make broader
- 3 Glorify
- 4 Use a spade
- 5 Lacking locks
- 6 Norse explorer
- 7 Singer Pat
- 8 Milk carton words

B	A	L	L	O	T		O	B	E	Y
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Yesterday's answer

- 9 Got a C, perhaps
- 11 Toto, for one
- 17 Long fish
- 19 Charged particle
- 22 Divides
- 24 Peru's El Misti, e.g.
- 25 Com-bined
- 27 Sched. abbr.
- 28 Belgian sleuth
- 30 Diamond caller
- 33 Occupied the throne
- 34 Inverted
- 35 Out of practice
- 37 Eccentric fellow
- 38 — Domini
- 42 Copy

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TO: Drew Reiber, spouse of decedent, Denise Paolano Reiber a/k/a Denise L. Reiber, who died on August 15, 2000, whose address is unknown, if living, and if he be dead, his respective distributees, executors, administrators, beneficiaries, assigns, successors in interest, all of whose names and places of residence are unknown, being all persons who might have an interest in the estate of said decedent as a distributee or derived through any such distributee.

A PETITION HAVING BEEN DULY FILED BY Michael R. Paolano, WHO IS DOMICILED AT 816 Delano Village Old Liberty Rd., Monticello, NY 12701.

YOU ARE HEREBY CITED TO SHOW CAUSE BEFORE THE SURROGATE'S COURT, SULLIVAN COUNTY, AT COURT HOUSE, 414 BROADWAY, MONTICELLO, NEW YORK, ON March 15, 2005 AT 2:00 O'CLOCK IN THE AFTERNOON OF THAT DAY, WHY A DECREE SHOULD NOT BE MADE IN THE ESTATE OF Denise Paolano Reiber a/k/a Denise L. Reiber, LATELY DOMICILED AT 816 Delano Village Old Liberty Rd., Monticello, NY, ADMITTING TO PROBATE A WILL DATED August 2, 2000, AS THE WILL OF Denise Paolano Reiber a/k/a Denise L. Reiber, DECEASED, RELATING TO REAL AND PERSONAL PROPERTY, AND DIRECTING THAT

[x] LETTERS TESTAMENTARY ISSUE TO: Michael R. Paolano

DATED, ATTESTED AND SEALED BURTON LEDINA, SURROGATE January 13, 2005, Lu Ann P. Hering, Chief Clerk

Oshman & Mirisola LLP, by Sharon Elmaleh-Schoenman (ATTORNEY FOR PETITIONER) 212-233-2100 (TELEPHONE NUMBER) 116 John Street New York, NY 10038 (ADDRESS OF ATTORNEY)

This citation is served upon you by publication pursuant to an order of Hon. Burton Ledina, Surrogate, at Monticello, New York and filed in the Office of the Chief Clerk of the Surrogate's Court at the Government Center, 100 North St., Monticello, New York. This is a proceeding for letters testamentary to be issued to Michael R. Paolano in the estate of Denise Paolano Reiber a/k/a Denise L. Reiber.

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PEOPLE IN THE NEWS

Olympic track star stuck with landscaping bill

By The Associated Press

NEW YORK — T-shirts. Everyone’s got them, but no one has enough.

Pop star Mandy Moore created her own line and label, Mblem, so that she could have an unlimited supply of “functional, casual and sexy” T’s.

“It all evolved from the fact that I’m totally the jeans and T-shirt girl. If I can get away with wearing jeans and a T-shirt somewhere, I’ll do it,” Moore told The Associated Press in a phone interview.

“Getting dressed up is fun but I’m really just a lazy bum and that’s the extent of the wardrobe in my mind,” she said.

For Moore, whose screen credits include “The Princess Diaries” and “Chasing Liberty,” fit comes first.

“I’m a tall girl (5-foot-10), so I’m always searching for the perfect jeans and T-shirt,” the 20-year-old singer-actress said. “I’m a huge fan of shopping — I am a girl, after all — but I find that a lot of the popular T-shirts are too short. I mainly just wanted something that I could kick around in.”

She added: “I’m a pretty modest girl so I’m not into anything too risqué.”

Her Mblem shirts, which are priced at about \$50, are available in some of her favorite color combinations, including orange and brown and pink and brown, printed with lyrics of some of her favorite classic rock songs.

“I kind of just did the line selfishly,” she said. “I’m lucky to be in the position to do that.”

HILLSBOROUGH, N.C. — A nursery has filed a lawsuit against Olympic track star Marion Jones, contending she owes \$188,000 for landscaping services provided at her home in Chatham County.

The lawsuit, filed in Orange County Superior Court by Reba & Roses Inc., said the company provided landscaping services, labor and materials at a residence

Jones built near Chapel Hill beginning in May 2001.

The home is valued at \$1.04 million on county tax books.

The lawsuit claims Reba & Roses submitted a request for final payment last July and Jones refused to comply. A representative for Jones didn’t immediately respond to a request seeking comment Tuesday.

Jones won three gold and two bronze medals at the 2000 Sydney Olympics.

She’s now involved in litigation stemming from the high-profile BALCO steroids case, having filed a \$25 million federal defamation lawsuit against Bay Area Laboratory Co-Operative founder Victor Conte.

Conte has accused Jones of using performance-enhancing drugs before and after the Sydney games.

ZURICH, Switzerland — Martina Hingis is enjoying life outside the world of tennis and focusing on her private life — which includes England soccer star Sol Campbell.

The former top-ranked star, who played her first competitive match since 2002 last week in Pattaya, Thailand, said in an interview with the weekly magazine Schweizer Illustrierte that she has no plans to return full time to the tour but will continue to play in exhibition and charity matches.

“I have a very good life and enjoyed all the freedom over the last two years,” the 24-year-old Hingis said. “I am no longer 16 or 17, and I am no longer prepared to concentrate solely on world class sport.”

Hingis, who lost on Feb. 1 in her comeback bid against German Marlene Weingartner, was surprised by how much women’s tennis has advanced and said it would be difficult for her to compete with the new athletes dominating the sport.

“What was good enough two years ago, doesn’t do it anymore,” she said.

Hingis said she enjoys the company of Campbell, the England and Arsenal central defender. But when pressed by the magazine on whether he’s her “new love,” she said, “That’s too strong a word.”

“I like Sol a lot and we see each other whenever possible, but he has many matches and I have my appointments, as well,” she said. “It is not easy for us both.”

Hingis was 22 when she retired in 2002 after operations on both ankles. The five-time Grand Slam singles champion was the youngest player to reach No. 1 at 16 years, 6 months. She won a combined 76 singles and doubles titles during her career.

SAN MARINO, Calif. — Entertainer Steve Martin donated \$1 million to the American art collection at The Huntington Library, Art Collections and Botanical Gardens.

The gift is seen as a boon for a department traditionally overshadowed by the museum’s European collections. Additionally, a new gallery opening this spring will eventually double the exhibition space for American art.

Three-fourths of the gift, which will be made over five years, will be used to put on American art exhibitions, and the remaining \$250,000 will likely be used for acquisitions or exhibitions.

“It’s extremely rewarding to have someone outside of the core group of supporters understand what we’re doing and see how they can help and really make a difference,” said Jessica Todd Smith, The Huntington’s curator of American art.

Martin is a serious art collector whose acquisitions have included works by Roy Lichtenstein, Pablo Picasso, Edward Hopper and Georges Seurat. In 2002, he was filming a movie nearby and stopped at the Huntington.

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