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Meetings with developer: To tell or not to tell?

*Council disagrees
over whether public
should know*

BY CAROLYN
SACKARIASON
Daily Press Staff Writer

All seven Santa Monica City Council members have met privately with the developer of a multi-million dollar Main Street project, but only three of them want the public to know about it.

"It's nobody's business who I meet with," said Councilman Herb Katz. "I don't think (disclosure) is important. What difference does it make?"

Developer Howard Jacobs wants to build the largest housing and retail development Main Street has seen in years. Elected officials met with him so he could better describe the details of the architecture and schematics of the plan.

All council members say meeting with a developer beforehand helps them understand the project better and gives them the ability to do their homework without taking up too much of the public's time during hearings. They also said they have not been influenced one way or another about the proposal, and have discussed the project with many of their constituents through telephone conversations, e-mails and

in person.

Council members Pam O'Connor, Ken Genser, Bob Holbrook and Katz said they didn't intend to tell the public they met with Jacobs. Council members Richard Bloom, Kevin McKeown and Mayor Mike Feinstein said they planned to disclose their private conversations with Jacobs during tonight's city council meeting.

With the exception of Holbrook and Feinstein, council members said they only listened to Jacobs' plans and were careful not to discuss the project at any length.

Feinstein said he discussed the changes Jacobs has made in the plans since it was reviewed and denied by the planning commission Dec. 5. They discussed the "trade offs" of doing some things different and possible "nips and tucks" in the development plans, he said.

"I need to understand why people have done what they've done," Feinstein said, adding that it benefits the community if he understands the project fully before it's reviewed in public. "I'm pretty confident that the

See COUNCIL, page 4

Jacobs wants council to consider altered plan

BY CAROLYN
SACKARIASON
Daily Press Staff Writer

Developer Howard Jacobs plans to appeal the Santa Monica Planning Commission's denial of his Main Street project before the city council tonight.

On Dec. 5, the planning commission denied Jacobs' application to build a 133-unit housing and retail development at the former Pioneer Boulangerie Bakery site and across the street. Jacobs owns both parcels, located

just south of Pico Boulevard on Main Street.

Nearly all of the commission members said the development, which is about 170,000 square feet and covers more than a city block, would overwhelm the neighborhood and would aesthetically ruin the north end of Main Street.

However, the plans the city council will review tonight are different than those that were denied.

See APPEAL, page 4

Hijacker says he's not guilty

BY ANDREW H. FIXMER
Daily Press Staff Writer

A Santa Monica man who 32 years ago helped hijack a Soviet commercial jetliner to escape cold war-era Lithuania, pleaded not guilty Monday to charges of allegedly beating his elderly father to death last week.

Albert Victor White, 46, was acting in self defense Feb 5, when during a struggle at the pair's Santa Monica apartment he allegedly killed his father, Pranas "Frank" Brazinskas, 77, defense attorneys said.

"Hopefully, when the prosecutors hear his case fully, they will recommend he should be released," said Nadis Alex, speaking on behalf of her husband,

Jack Alex, White's defense attorney. "Our view is that he is guilty of nothing but defending himself."

White was arrested Feb. 5 at the pair's two-bedroom apartment on 21st Street, between California and Washington Avenues. He is being held in the Santa Monica Jail on \$1 million bail. His preliminary trial date is March 15.

Friends of the family said White had been threatening to separate from his father for some time, but the argument became violent last Tuesday.

Brazinskas pulled a gun and shot at his son, they said. White grabbed the nearest heavy object and struck his father across the head with it, according to friends. The Santa Monica Police Department

See HIJACKER, page 3

Fiery meal



Andrew H. Fixmer/Daily Press

Last night's crew at the Santa Monica Fire Department chowed down on cold seafood salad but there was plenty of hot ribbing to go around. Nobody was spared from the taunts -- not even the reporter invited to stay for the grub.

Divorce highlights cultural differences

BY DAVE DANFORTH
Daily Press Staff Writer

For many defendants, it's a pipe dream to strike back in court and win.

But that dream came up smoking for Afsaneh Mobasser, 36, on Friday, when a Santa Monica jury found her counter-suit more believable than her former husband's initial legal salvo and lifted her to victory. Jurors decided her ex-husband had abused her, left her with a sexually transmitted disease,

and tried inappropriately to win back a Mercedes he never drove.

It will be of little solace to Bahram Anav, 42, the suitor in a marriage that lasted two weeks in 1996, to learn that one of the 12 jurors wasn't convinced he'd infected her, or that only nine of the 12 were certain the car and some \$19,000-plus in cash he gave her were gifts.

The case provided a rare glimpse into Persian-Jewish

See DIVORCE, page 3



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ARIES (March 21-April 19)

★★★ You could be uncomfortable with someone's maudlin display, yet know this person expresses heart-felt emotions. Use the morning to advance a project before you discover you're on emotional tightrope. Use care with new acquaintances. Tonight: Get a good night's sleep.



TAURUS (April 20-May 20)

★★★★★ Making decisions about your career direction might be a wise thing to do. Not everyone sees with your insight. Lighten up about a surprise that could feel more like a jolt. Listen to the hidden message. Network. Make calls. Tonight: Find a favorite friend.



GEMINI (May 21-June 20)

★★★★★ Handle calls and research as soon as you can in the morning. Clear out work. Get answers on a project, or at the boss's request. Someone lets you know just how important you are to him or her. Grin at needed feedback. Tonight: Smiling, fulfill someone's request.



CANCER (June 21-July 22)

★★★★★ A partner puts a proposition on the table that could cause you to shake your head for a substantial while. You know what you want. Please don't settle. Detach from the immediate. Look for a solution that could make everyone happy. Tonight: Do something you love.



LEO (July 23-Aug. 22)

★★★★★ Others won't leave you alone. Just as you feel that you can sink into your work or a project, another person surfaces. By afternoon, you vanish in order to complete what you feel has to be done. Enjoy your own space and time. Tonight: A loved one does something special just for you!



VIRGO (Aug. 23-Sept. 22)

★★★ Use the morning to get as much done as possible. You might have to intercede in an unanticipated problem. New beginnings come through your creativity and someone's willingness to try. After lunch, slow down for those in your life. Tonight: Where the gang is.



LIBRA (Sept. 23-Oct. 22)

★★★ Someone's needs erupt and take you in an unforeseen direction. You could be uncomfortable with what is happening and the dent it makes in your day. Take a deep breath. Review priorities. Make decisions accordingly. Tonight: Play away.



SCORPIO (Oct. 23-Nov. 21)

★★★ Stay solid when dealing with an erratic friend who could do the unexpected. Deal with your surprise and be ready to make a fast decision. Tap into your softer side and add compassion to the mixture. Return calls and messages later in the day. Tonight: Where the fun is.



SAGITTARIUS (Nov. 22-Dec. 21)

★★★ If you can, get a head start on your day. You might be taken aback by someone and what he or she does or says. Don't request a repeat, simply absorb what is happening. Make an emotional investment in your home life. Tonight: Put your feet up and enjoy the moment.



CAPRICORN (Dec. 22-Jan. 19)

★★★★★ A message involving your funds could jolt you and take you in a new direction. Though you know what you want, you need to hear someone out. Be as generous as you can be without hurting yourself. Make sure that agreements are locked. Tonight: Indulge in a favorite meal at a favorite spot.



AQUARIUS (Jan. 20-Feb. 18)

★★★★★ Do your best to calm down someone who might be in quite a tizzy. Though nurturing isn't your strong suit, you do have a lot of assets and qualities that help others. Use them. Your thoughtfulness will be remembered, not that you care. Tonight: Browse your favorite card store.



PISCES (Feb. 19-March 20)

★★★ What might shock you, shocks others as well. Sit down and carefully absorb information. Your perspective could be quite different if you take your time to think through a problem. Approach an upset friend with gentleness. Tonight: Ask for what you really want.



WEATHER

Today ...	Partly Cloudy	High—72°F	Low—47°F
Tomorrow ...	Cloudy	High—67°F	Low—47°F
Thursday ...	Partly Cloudy	High—63°F	Low—45°F



QUOTE of the DAY

“A woman occasionally is quite a serviceable substitute for masturbation.”

— Karl Kraus

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LOCAL



Refugee lived in U.S. without a visa for 20 years

HIJACKER, from page 1

has not reported that a shooting occurred.

“(Brazinskas) was a very mean man who treated his son very poorly,” said a family friend who wished to remain anonymous. “The father was always so demanding. He wouldn’t let his son leave and live his own life.”

But to neighbors, the father and son were loners.

“The father, he wasn’t very outspoken or involved in the community too much,” said Leon Juozas, who lived across from the pair for six years. “Both of them, they mostly kept to themselves.”

The longtime neighbor described White as “very responsible” and “dependable.” He said White spent a lot of time taking care of his aging father.

“They were the only family they had here,” Juozas said. “The wife was back in Lithuania and the son, he took care of the father when he became sick.”

Brazinskas and his then 13-year-old son, hijacked an Aeroflot jetliner from the Soviet Union in 1970 and re-directed the flight to Turkey, prosecutors said.

During the flight, Soviet guards on board opened fire. Caught in the crossfire, a female flight attendant was killed and the pilot and co-pilot were wounded. After the soldiers were subdued by Brazinskas, the flight crew was able to successfully fly the hijackers to Turkey.

There, the father and son were arrested,

convicted of murder and sentenced to prison — the father to eight years, the son to two. But in 1974 they were released under a general amnesty and placed under house arrest.

However, the pair managed to escape and fled to the closest American embassy in Ankara and asked for political asylum. Brazinskas claimed that if he had stayed in the Soviet Union, he would have been put to death for participating in a Lithuanian resistance movement.

Their request was denied, and the father and son were released back into Turkish custody. Soviet officials angrily demanded that the pair be extradited, but the Turkish government denied the request, causing international tension.

The Turkish government released the pair two weeks later. The father and son then flew to Venezuela, then on to Canada. But when the plane made a stop in New York, they disappeared.

They were arrested a few weeks later by the Immigration and Nationalization Service, but under the newly enacted 1980 Refugee Act, the father and son were allowed to stay, even though entrance visas would never be issued.

After a few years in Queens, N.Y., father and son moved to Santa Monica and settled among the city’s large Lithuanian community. Ever since their dramatic escape from the home country, the pair had become heroes among



Courtesy of www.patriotas.lt

This photo was taken in 1971 before Algridas Brazinskas (left) and Pranas Brazinskas (right) were put on trial in Turkey for hijacking a Soviet commercial jetliner, in the process killing a female stewardess. Ultimately, the father was given eight years in prison and the son was given two. The man in the middle is unidentified.

Lithuanian expatriates living in America.

“It was a big deal in the Lithuanian community that they could escape and fight their way to freedom in the United States,” said Juozas, of his neighbors. “In

the beginning they had spoken out to community groups and political groups. But after the years went on they pulled in to themselves. They no longer wanted to be political figures.”

Persian ‘hot babe’ awarded cash, Mercedes

DIVORCE, from page 1

courtship customs.

The six-man, six-woman jury awarded Mobasser \$210,000 on her claim of sexual abuse, \$70,000 of it in damages for “fraud, malice, or oppression.”

It appeared Mobasser might never have publicly discussed the first night she slept with Anav — an experience she termed a rape — had he not sued her first, seeking the return of the Mercedes and cash.

“I had to marry Mr. Anav because he took my virginity,” she told the jury, portraying herself as damaged goods and far less likely to marry, 60 pounds heavier, unable to achieve intimacy, and subject to frequent bouts of crying and depression.

Anav claimed she had improperly kept the gifts given in anticipation of a marriage that lasted a mere fortnight and was annulled the following year.

The pair met in late 1996 through a blind date arranged by relatives. Anav testified he fell completely for Mobasser, then 31, who felt good enough about her own looks to label her license plate “TIKEH” — ‘hot babe,’ or ‘quite a piece’ in Persian.

Mobasser said she harbored doubts about Anav. She testified he wasn’t attractive to her and didn’t turn her on.

Anav handled the rejection after their first date by stepping up his efforts. He said their bedding together after a month and a half of dating was mutual. But she claimed she was lured into his apartment to fix his computer, then raped.

“Now you have to marry me. I’m positive I’ve made you pregnant,” she said he told her later.

Complicating matters, Mobasser’s mother, who arrived in the U.S. from Tehran in 1996 twelve years after she had, didn’t think Anav had the means to marry.

Anav claimed the marriage broke up not because of any rape, but because of Mobasser’s mother.

While the daughter had been “Americanized” through 12 years in the U.S., which included training as an electrical engineer at Santa Monica College and UCLA, her mother was much more conservative, both agreed. Anav claimed the mother broke up the marriage by competing for her daughter’s time and affection and claiming Anav wasn’t good enough for her.

“I would have preferred to marry someone with more income,” Mobasser told the jury after Anav testified his real income was only about \$25,000 annually. Further, Persian Jewish tradition suggests a groom not marry until he is well established.

But she said he promised to be a good husband to her, and claimed a cash income of in excess of \$100,000 annually — a figure bolstered by his bank records.

The Mercedes, which still bears the “TIKEH” plates, was a central focus of Anav’s case. Both agreed he paid \$17,171 for the car, never drove it nor even had the keys, and had the title put in both their names. When he filed for divorce from Mobasser in December 1996, he didn’t list it as a debt to be paid for, her lawyer pointed out. Mobasser made 58 out of the 60 payments on the car, totalling over \$42,000.

Testimony established that they spent nights together but their days apart.

“Her world is in castes,” Anav’s lawyer, Louis Dell told the jury, suggesting cold-hearted materialism. “It’s not a racism, but equally repugnant.”

Mobasser’s lawyer, Derek Tabone, told jurors that the gifts of money and jewelry Mobasser came to expect were standard in Persian Jewish tradition, and so was the

expectation that she marry the man who took her virginity.

“Her values defined her reality,” he said, adding that expert testimony had established a long tradition of abused women who won’t admit it.

Anav appeared to hurt his own case with a spotty memory about his money. Bank records showed he spent \$122,000 in 1996, took in over \$86,000 in 1997, and spent \$368,000 in 1998. Anav said he remembered little about his financial transactions, “even last week.” Nor would he describe a business he ran with his brother in Van Nuys beyond sales of “general merchandise.”

While Anav’s lawyer ridiculed the notion that Mobasser would marry her rapist, the jurors apparently accepted her testimony that she had few other options, though the relationship was marked by repeated sexual abuse. They rejected

Dell’s characterization of a consenting relationship, in which “having sex often and frequently during your honeymoon shouldn’t be a surprise to anyone.” The marriage ended two weeks after the honeymoon, with Anav suing for divorce the following month.

When jurors arrived for Tabone’s last argument Friday, they found Mobasser’s wedding photo perched on the witness stand. Tabone asked them to consider how she had gone from the “TIKEH” in the portrait to the woman she is now — capable by education of making \$4,500 monthly, but instead overweight and on disability. He suggested jurors award her three years’ worth of lost income.

It was a suggestion with which they apparently agreed. They appeared to feel Dell’s arguments about her Persian materialism were overblown in a case about a West Los Angeles relationship.

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LOCAL

Disclosure of meetings not stipulated by law

COUNCIL, from page 1

public is being well served here.”

Holbrook said Jacobs told him the city process has delayed the project, which has made him “financially stressed.”

“I was elected to council to use my discretion. Am I going to disclose every single person I talk to? People expect to have access to me but they don’t expect me to say what I talked to everyone about.”

— **PAM O’CONNOR**
Santa Monica city councilwoman

Private, or ex parte, communication between elected officials and developers is forbidden in some cities, while other quasi-judicial bodies choose to meet with people prior to a public hearing on a development proposal.

In Santa Monica, whether or not elected officials should disclose they had private conversations is debated. Some people, including Santa Monica senior land use attorney Barry Rosenbaum, feel full public disclosure on ex parte communication should be mandatory.

Rosenbaum presented reams of case law to the Santa Monica Planning Commission in 2000, providing ample reasons why full public disclosure is not discretionary, but required. He also advised planning commissioners that if they don’t disclose ex parte communication, they must disqualify themselves on the review of a land use application.

Planning chair Kelly Olsen said such

disclosure lets the public know that officials may have been improperly influenced and it may give reasons that underlie an official’s decision on a land use proposal. But more importantly, Olsen feels talking to developers privately could slant a decision maker’s mind because he or she is gaining evidence outside of a public forum.

It is policy for planning commission members to disclose any information they received regarding a development proposal before the hearing is opened to the public. Olsen wants the city council to do the same and plans to ask council members this month to adopt a policy to disclose their ex parte communications. The city’s architectural review board also discloses ex parte communications prior to hearings.

But Mayor Feinstein and others feel strongly that the council should not have such a policy. Feinstein said disclosure could actually impede the process, fearing it would become mundane because he would have to cite each time he had a conversation, an interaction or anything regarding a proposal. Feinstein also said he planned to meet with Jacobs for a second time on Monday, but declined to disclose where and when.

O’Connor said full disclosure could stifle the democratic process because people may fear their concerns and comments could end up in public.

“I was elected to council to use my discretion,” said O’Connor. “Am I going to disclose every single person I talk to? People expect to have access to me but they don’t expect me to say what I talked to everyone about.”

City attorney Marsha Moutrie said disclosure on ex parte communication has been discussed at the council level in the past. At times, she has advised elected officials that not disclosing could pose risks to their ultimate decision. She said she would support a full disclosure policy.

Commission bypassed in favor of city council

APPEAL, from page 1

Jacobs has been presenting the modified plan to council members during private meetings for the past month and a half. He is appealing the planning commission’s decision to the council directly, instead of bringing it back to the commission.

Jacobs did not return phone messages left Friday and Monday. But he has told some council members that he wants to continue with the appeal instead of bringing the modified plan back to the planning commission because the commission didn’t certify the project’s final environmental review, which has to be approved for the plan to move forward. The commission said the review’s traffic analysis was flawed.

Meanwhile, Jacobs is suing the city, arguing that it has dragged its feet in completing the environmental impact review on the project, which, by state law, was supposed to be done within 12 months.

Jacobs claims the delay has cost him millions of dollars because he has had to extend escrow on the property, as well as pay \$82,000 a month in maintenance expenses.

He claims the city council put the project in jeopardy when it delayed hiring a consultant to complete the environmental impact report in April of 2000. At the time, the city told him that the report would be done in July of 2000 and before the planning commission in February of 2001.

The contract with EIP Associates, the West Los Angeles-based consulting firm hired by the city, wasn’t signed until December 2000. Jacobs was told the project would be reviewed by the planning commission in May or June of 2001. The report was completed late last year.

And despite the lawsuit, council members say they remain impartial in their review of the proposal. Council members are scheduled to discuss the lawsuit in closed session before the public hearing tonight.

STATE



Oscar nominations could offer a number of firsts

BY DAVID GERMAIN

AP Movie Writer

LOS ANGELES — This year's Oscar show will feature one definite first, some possible firsts, and maybe a first or two in a long time.

When nominees are announced Tuesday, the definite first will be cartoons competing in a new category for best feature-length animated film. "Shrek" and "Monster's, Inc." are expected to duke it out for that honor, with one other animated nominee as second runner-up.

The best-actor category might include two black nominees for the first time. And it could be the first time since 1972 that three blacks are nominated for lead acting roles.

In the best-picture category, the live-action musical could score its first nomination in more than 20 years. The fantasy epic, never a favorite among Academy Awards voters, may have its best shot ever to win.

With the clout accumulated from other recent film honors, the drama "A Beautiful Mind," the fantasy "The Lord of the Rings: The Fellowship of the Ring" and the musical "Moulin Rouge" are good bets as best-picture nominees.

Other possibilities include the combat thriller "Black Hawk Down," the class-war satire "Gosford Park" and the dark drama "In the Bedroom." "Shrek" has an outside chance at a best-picture nomination, as well.

"Moulin Rouge" would be the first live-action musical nominated for best picture since "All That Jazz" in 1979. The animated musical "Beauty and the Beast" was nominated for best picture in 1991. The last musical to win was "Oliver!" in 1968.

Awards attention for "Moulin Rouge" and its respectable box-office receipts worldwide may help revive the movie musical, director Baz Luhrmann said.

"I've been on that mission, and I feel like I've done my part to kick the door in," Luhrmann said. "Give it 24 months and see how many new musicals are around."

"I'm thrilled the film is sort of transcending the genre a little bit."

— PETER JACKSON

"The Lord of the Rings" director

Academy voters rarely have taken such flights of fancy as "The Lord of the Rings" seriously. The sci-fi fantasies "Star Wars" and "E.T. The Extra-Terrestrial" earned best-picture nominations, as did "The Wizard of Oz" and such fanciful adventure flicks as "Raiders of the Lost Ark" and "King Solomon's Mines." But none of these won.

"Lord of the Rings," perhaps the most universally acclaimed film of last year, has a shot at being the first. It won top honors at the American Film Institute Awards last month.

"I'm thrilled the film is sort of transcending the genre a little bit," the movie's director, Peter Jackson, said.

Top dramatic honors at the Golden Globes for "A Beautiful Mind" may help give that film a slight front-runner status in Oscar's best-picture race, though. Starring Russell Crowe as schizophrenic math scholar John Nash, it also has the more traditional, straight-drama style that Oscar voters often favor.

A Golden Globe winner for "A Beautiful Mind," Crowe could be nominated for the third straight time for

best actor, after last year's "Gladiator" and "The Insider" the year before. Were he to win, he would be the first actor since Tom Hanks to take home back-to-back Oscars.

Denzel Washington for "Training Day" and Will Smith for "Ali" could become the first two black actors nominated for a lead role in the same year. Halle Berry for "Monsters Ball" could become the first black lead actress nominated since Angela Bassett for "What's Love Got to Do With It" in 1993.

If all three were nominated, it would be the first time that three black actors competed in the lead categories since 1972, when Paul Winfield and Cicely Tyson for "Sounder" and Diana Ross for "Lady Sings the Blues" were in the running.

Besides Crowe, Smith and Washington, lead-actor contenders might include Gene Hackman ("The Royal Tenenbaums"), Kevin Kline ("Life as a House"), Sean Penn ("I Am Sam") and Tom Wilkinson ("In the Bedroom").

Along with Berry, best-actress prospects include Judi Dench ("Iris"), Nicole Kidman ("Moulin Rouge" or "The Others"), Sissy Spacek ("In the Bedroom") and Tilda Swinton ("The Deep End").

Jackson and Luhrmann join Ron Howard ("A Beautiful Mind") as likely nominees for best director. Among other possibilities: Ridley Scott ("Black Hawk Down"), Robert Altman ("Gosford Park") and Christopher Nolan ("Memento").

Possible supporting-acting candidates include Jim Broadbent ("Iris"), Steve Buscemi ("Ghost World"), Ethan Hawke ("Training Day"), Ben Kingsley ("Sexy Beast"), Ian McKellen and Viggo Mortensen ("Lord of the Rings"), and Jon Voight ("Ali").

Possible supporting-actress contenders are Jennifer Connelly ("A Beautiful Mind"), Judi Dench ("The Shipping News"), Anjelica Huston ("The Royal Tenenbaums"), Helen Mirren and Maggie Smith ("Gosford Park"), Marisa Tomei ("In the Bedroom") and Kate Winslet ("Iris").

Stanford's new hourly 'living wage' too low, student group says

BY BRIAN BERGSTEIN

Associated Press Writer

SAN JOSE — Stanford University will require some companies that perform campus work to pay their employees a "living wage," but student activists who have insisted upon such a rule said Monday the plan falls short of what they wanted.

Stanford President John Hennessy announced last week that the private university will require that

some subcontractors pay workers at least \$10.10 an hour with benefits, or \$11.35 without benefits. California's minimum wage is \$6.75 an hour.

The policy will apply to companies that have multi-year Stanford contracts worth more than \$100,000 annually and use workers not covered by a collective bargaining agreement.

Administrators are not certain how many workers would be affected, but Chris R. Christofferson,

Stanford's associate vice provost for facilities, estimated it could be about 100.

Students on the Stanford Labor Action Coalition complained Monday that the plan does not cover enough Stanford workers. They also said they were not properly consulted on the decision and that the living wage is too low.

Even people making well above \$10.10 an hour in this exorbitantly expensive area struggle to get by,

said Molly Goldberg, a Stanford freshman in the labor group.

She and other Stanford students will ask Hennessy to impose a "prevailing wage," based on the average pay of similar workers in the region, and ensure a range of other perks. That would go even beyond Harvard University's recent announcement that it would raise several hundred workers' pay beyond the "living wage" that its students had demanded during a three-week sit-in last year.

"We want the university to agree to a code of conduct that addresses more than the wage issue," Goldberg said. "We want to look at things like education and health benefits, and family leave policies that we also think are important to provide to workers."

Stanford's Christofferson said students' criticism was understandable but added that the living wage policy is still being finalized, and the minimum pay requirements could rise.

Freight ship rescues two men adrift for 12 hours

By The Associated Press

LOS ANGELES — A passing freight ship rescued two men who survived 12 hours in the ocean after high seas swamped their boat and sank it, U.S. Coast Guard officials said.

The men were on a diving expedition in a 14-foot boat that went adrift Sunday about 11 a.m. after experiencing engine trouble, said Lt. Jr. Grade Rick Foster. The men tried to fix the engine, but high seas swamped the boat and it sank about

10 nautical miles northeast of Los Coronados Islands in Baja California, Foster said.

The freight ship Nauticus Mexico spotted the survivors while en route from Ensenada, Mexico, to Long Beach, and brought the men aboard at 11 p.m.

The survivors were in good spirits and had no injuries.

A 41-foot Coast Guard rescue vessel was bringing the men to San Pedro on Monday morning.

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NATIONAL

Terror attack imminent, according to FBI warning

BY JOHN SOLOMON
Associated Press Writer

WASHINGTON — The FBI issued an extraordinary terrorist alert Monday night, asking law enforcement and the American public to be on the lookout for a Yemeni man and several associates who might be plotting a terrorist attack as early as Tuesday.

The FBI scrambled to put the warning out after information emerged that one or more people were involved. Officials said the intelligence, while deemed credible, was not specific about possible targets.

The alert identified one possible attacker as Fawaz Yahya al-Rabeei, a Yemeni national born in Saudia Arabia in 1979. It listed about a dozen associates of al-Rabeei.

The bureau planned to put photos and information on a Web site to help Americans identify the possible perpetrators.

"Recent information indicates a planned attack may occur in the United States or against U.S. interests on or around Feb. 12, 2002. One or more operatives may be involved in the attack," the alert to 18,000 law enforcement agencies said.

The alert asked police "to stop and

detain" any of the named individuals in alert and that all "should be considered extremely dangerous."

Steve Maviglio, spokesman for Gov. Gray Davis, said all state agencies were on high alert after the FBI issued its warning.

"We've been advised of the specific names on the list," Maviglio said.

Law enforcement officials, speaking on condition of anonymity, said the alert was prompted by recent information from interviews of detainees in Afghanistan and Guantanamo Bay, Cuba, where several al-Qaida operatives are being held.

Law enforcement officials said there was no evidence that al-Rabeei had entered the United States. The alert did not say whether the attack was planned or involved Osama bin Laden's al-Qaida network.

Before Monday, FBI and Homeland Security officials had issued three general alerts urging all Americans to be cautious and on the lookout for possible terrorist activities.

The last was issued Dec. 3 and was supposed to last through the holidays. It has since been extended through the Winter Olympics in Salt Lake City and is supposed to expire around March 11.

Study finds unprecedented pollutant levels after attacks

BY ANDREW BRIDGES
AP Science Writer

LOS ANGELES — New York City air, sampled in the weeks after the Sept. 11 attacks, shows unprecedented levels of some pollutants, University of California scientists reported Monday.

The levels of certain pollutants, including sulfur and silicon, were the highest ever seen, trumping those measured in Kuwait after Iraqi invaders torched oil wells during the Gulf War.

Very fine particles were formed by the burning of fuel oil and tons of glass after the collapse of the twin towers and nearby buildings.

"No one has ever reported a situation like the one we see in the World Trade Center samples," Thomas Cahill, a University of California, Davis researcher said.

University researchers took samples continuously at a site about a mile from Ground Zero between Oct. 2 and Dec. 25. On Monday, they presented results culled from data collected through Oct. 31.

"What we found was startling," Cahill said in a telephone interview. "A large mass of very fine particles results in an extraordinary number of particles that penetrate deep in the lungs."

The very fine particles — smaller than .001 inches in diameter — can contribute to serious health problems, including emphysema.

Coarser particles, which are normally settled by rain, persisted throughout October, suggesting that fires in the rubble continued to generate noxious dust and gases for weeks after the attacks.

Since then, many rescue workers and New Yorkers have complained of what's

being called "World Trade Center Cough" as well as asthma and diminished lung capacity.

Researchers at Davis' Detection and Evaluation of Long-range Transport of Aerosols group (DELTA), stress their results should be considered in evaluating those health problems.

A week after the attack, Environmental Protection Agency Administrator Christie Whitman reassured residents the "air is safe to breathe."

Whitman misled the public about the risks of breathing the contaminated air, legislators alleged Monday during a Senate subcommittee hearing.

Some of DELTA's research has been made public. However, scientists were not invited to testify before the subcommittee on Clean Air, Wetlands and Climate Change.

In addition to sulfur and silicon, samples revealed elevated levels of titanium from pulverized concrete and vanadium and nickel, which result from the combustion of fuel oil.

Lead, most likely from the thousands of computers in the twin towers, and mercury from the buildings' wiring, were also detected, but in lower concentrations. Very little asbestos, a major health hazard, was found.

"There is some good news," Cahill said.

Outdoor pollution may have diminished since Sept. 11, but indoors levels may persist, Cahill said. Researchers recommend indoor spaces be carefully cleaned, avoiding the use of vacuum cleaners, which can stir up dust after it has settled.

BUSINESS



Criminal case urged against French bank

BY PETE YOST

Associated Press Writer

WASHINGTON — Hundreds of thousands of policyholders who say they suffered serious financial harm when a French bank secretly bought a California life insurance company are urging Attorney General John Ashcroft to bring a criminal case against the bank.

Federal prosecutors in Los Angeles recommended indicting Credit Lyonnais last April and are still waiting for the go-ahead from Justice Department superiors in Washington, said lawyers familiar with the investigation who spoke on condition of anonymity.

Representing the financial institution

is George Terwilliger, a deputy attorney general under former President George H.W. Bush and one of the legal strategists who helped the current President Bush during the Florida ballot fight.

More recently, Terwilliger was considered for FBI director and has been a vocal defender of the president's plan to use military tribunals in prosecuting the war on terrorism.

Because the French bank, in acting through a front company, won control of the assets of the insolvent Executive Life Insurance Co., policyholders like Katie Watson who was 20 months old when she was brain-damaged by a hospital error lost 54 percent of her court-ordered

monthly annuity, says Maureen Marr of Los Angeles, an activist who is helping the policyholders.

Federal law bars a bank from owning an insurance company and California law prohibits a foreign government from owning an insurance company. The French bank's secret role as purchaser in the 1992 deal didn't come to light until 1998.

Michael Chertoff, head of the Justice Department's criminal division, planned a videoconference call Monday with California Attorney General Bill Lockyer and state Insurance Commissioner Harry Low.

Lockyer, a Democrat who is seeking re-election, sued Credit Lyonnais seeking \$2 billion in damages, alleging that more than 300,000 policyholders were harmed by the bank's actions.

The policyholders are seeking a meeting with Ashcroft, fearing that the Bush administration may back away from a criminal case.

"We are ... aware that Credit Lyonnais has retained highly influential" attorneys, said a letter signed last week by several of the policyholders, including the parents of Katie Watson.

In an interview Sunday, Terwilliger declined to say whether he has met with Justice Department officials about Credit Lyonnais.

"Without acknowledging what has or has not occurred in this case, in my own experience at the Justice Department it was not unusual to both have discussions internally with prosecutors and externally with attorneys for subjects of the investigations," he said.

Credit Lyonnais may be trying to avoid pleading guilty to crimes that could result in a huge financial payout to the West Coast policyholders, said Gary Fontana, an attorney with the San Francisco firm Thelen Reid & Priest that is representing the California insurance commissioner.

"What I believe is going on is the French have said to the Justice Department, 'Don't make us plead to any of the crimes we are accused of in California because if we do, we may end up owing the policyholders hundreds of millions or perhaps billions of dollars,'" said Fontana.

"Suggestions by interested parties of how one case ought to come out in order to benefit their interest in another case are not particularly helpful," said Terwilliger. "Our position in general about related litigation is that each case presents unique issues and ought to be decided on its own merits."

Spokesmen for the French Finance Ministry and Credit Lyonnais declined comment Monday.

Casino executives optimistic about post-Sept. 11 recovery

BY LISA SNEDEKER

Associated Press Writer

LAS VEGAS — Las Vegas-based casino operators say they are optimistic about the industry's future as they expect demand to exceed supply over the next few years.

The two-day American Gaming Summit opened at the Bellagio hotel-casino on Monday with executives of major gambling corporations reporting on the state of the industry after the post-Sept. 11 tourism decline that left Las Vegas hotel rooms empty, and forced operators to slash rates and lay off thousands of workers in Nevada.

"Profit margins dipped dramatically after Sept. 11," said Glenn Christenson, chief financial officer for Station Casinos Inc., the

Las Vegas neighborhood casinos giant.

In addition to cutting staff, the dramatic drop in visitors forced casino companies to make operational changes to help boost profit margins, said Gary Loveman, Harrah's Entertainment Inc. president and chief operating officer.

"I think many of our businesses are running on a leaner operating basis," Loveman told industry analysts and investors.

On the five-month anniversary of the terrorist attacks, casino executives said that weekday occupancy rates continued to lag.

"The weekend business came back almost immediately," said Glenn Schaeffer, Mandalay Resort Group's president and chief financial officer. "But the midweek business is coming back slowly."

Court: Credit card holders can sue over fee changes

By The Associated Press

PHILADELPHIA — A federal appeals court has ruled that consumers can sue banks over alleged "bait and switch" credit card plans that promise no annual fees but end up imposing them later.

The ruling by a three-judge panel of the 3rd U.S. Circuit Court of Appeals says card holders can sue under the Truth in Lending Act.

"Solicitation disclosures are intended to alert the consumer to the basic costs of the credit card he is considering — a purpose unserved where the issuer conceals the temporary nature of a favorable fee or rate in this manner," U.S. Circuit Judge Anthony J. Scirica wrote in the

decision issued Friday.

The decision reverses a ruling by U.S. District Judge Bruce W. Kauffman, who dismissed the lawsuit against Fleet Bank.

The lead plaintiff, Paula Rossman, said she responded to a Fleet solicitation for a credit card with no annual fee, but the company added a \$35 annual fee six months later.

Fleet's explanation was that the Federal Reserve Board had raised interest rates. The lawsuit alleges that Fleet planned all along to impose a fee if interest rates rose.

Fleet's lawyer, Burt M. Rublin, said the cardholder agreement clearly spelled out that Fleet reserved the right to change the terms at any time.

Toy company stock soars on takeover news

By The Associated Press

LOS ANGELES — Shares of Toymax International Inc. were up 38 percent Monday after it agreed to be acquired by Jakks Pacific Inc. for more than \$54 million in cash and stock.

Shares of the Plainview, N.Y.-based toy company were up \$1.17 to \$4.22 in afternoon trading on the Nasdaq Stock Market. Shares of Jakks, based in Malibu, Calif., were down 24 cents to \$18.56.

Jakks announced Sunday it will pay \$3 per share in cash and \$1.50 in stock to acquire the 64 percent of Toymax controlled by its two founders. The remaining shares will be acquired from stockholders later in the year.

There is no danger the deal could be in jeopardy if Toymax stock rises above the

\$4.50 purchase price, according to William Gibson, an analyst for Banc of America Securities, because Jakks signed a definitive agreement with the founders of Toymax.

Gibson said the purchase, which makes Jakks one of the country's largest toy companies, was a good deal at a good price.

"Jack doesn't overpay," Gibson said, referring to Jakks co-founder and chief executive Jack Friedman. "He buys right and he's doing it again"

Jakks announced Monday it has signed a deal with The Walt Disney Co. to develop arts and activities products and junior sports toys based on Disney characters, including Winnie the Pooh, as well as characters from new films.



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INTERNATIONAL

Israel launches air attack on Gaza City

BY GREG MYRE
Associated Press Writer

JERUSALEM — Israel unleashed another airstrike on Palestinian offices in Gaza City on Monday, while the defense minister declared that Palestinian militants had raised the stakes in the Mideast conflict by firing new, longer-range rockets.

The Islamic movement Hamas sent a pair of Qassam-2 rockets into southern Israel on Sunday, digging large craters in two farm fields. Israel viewed it as a serious military escalation, because rockets launched from the West Bank and Gaza could reach some Israeli cities.

In response, Israeli warplanes fired six missiles Monday into the walled Saraya security compound in downtown Gaza City, setting buildings ablaze and sending black smoke into the sky.

More than 30 people were injured, most of them lightly, including George Kochanec, a photographer for Denver's Rocky Mountain News. He was treated for a hand injury.

The attack came at a time of changeover between morning and afternoon shifts at nearby schools. The streets were crowded with youngsters, who raced away from the explosions, some screaming in panic.

Hundreds of Palestinians ran to the compound, demanding that suspected Islamic militants jailed there be released. Some threw stones at officers, who fired in the air to keep back the crowd. Palestinian police said all detainees were moved to another prison shortly after the Israeli attack.

In the West Bank city of Hebron on Monday, about 300 people stormed a prison and released 17 prisoners as security guards stood aside. One of the prisoners was Islamic Jihad activist Ayub Sidr. Palestinians said he was once the target of an Israeli assassination attempt.

Israel warplanes blasted a separate Gaza City security compound Sunday night near the offices of Palestinian leader Yasser Arafat.

In Washington, State Department Spokesman Richard Boucher criticized Israel's bombing in populated areas, warning that they could intensify the fighting. He also called on Palestinian leader Yasser Arafat to make efforts to stop the rocket attacks.

Speaking about the rocket attack, Israeli Defense Minister Binyamin Ben-Eliezer said it represented "a new level of threat."

"You try to deal with it in all sorts of ways — by intelligence, by prevention and by struggling against those places where you suspect and discover that there are factories or workshops for manufac-

turing those rockets," Ben-Eliezer said.

The rocket attack on Sunday was the first with the homemade Qassam-2 rocket in 16 months of fighting. The Qassam-2 has a range of three to five miles, enough to hit Israeli towns from the West Bank and Gaza Strip. In the past, Hamas has fired several shorter-range Qassam-1 rockets that caused no damage.

**"These attacks prove
that (Israel's) government
is not interested in quiet
and stability."**

— AHMED QUREIA
Palestinian Parliament speaker

Arafat, who has been restricted to the West Bank town of Ramallah by Israeli forces for the past two months, denounced the airstrikes and called for international intervention. That oft-stated plea has brought many foreign diplomatic delegations, but no international peacekeepers.

"These attacks prove that (Israel's) government is not interested in quiet and stability," said Palestinian parliament speaker Ahmed Qureia. "It should be clear there is no military solution to the conflict."



Charles Dharapak/Associated Press

An explosion in the building that houses the Palestinian Public Security Directorate takes a hit from a missile fired from an Israeli F-16 fighter jet in Gaza City, Monday. Israeli helicopters and warplanes used missiles as they continued a second day of strikes.

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SPORTS

Snowboard halfpipe is first U.S. sweep since '56

BY LARRY MCSHANE
Associated Press Writer

SALT LAKE CITY — The Americans swept. Georg Hackl settled. The U.S. snowboarders — the kiddie corps suddenly creating the big Winter Olympics buzz — scored an across-the-board sweep Monday, flying to gold, silver and bronze in the halfpipe before a wildly enthusiastic Utah crowd of 30,000.

In the luge, the 35-year-old Hackl — who prefers Heineken to the halfpipe — piloted his sled to a silver medal, breaking his decade of dominance in the Winter Games event.

In Park City, Ross Powers proved the gnarliest of the U.S. snowboarders, easily soaring to the gold. He stood on the medals platform, his snowboard raised high over his head, before inviting his teammates — silver medalist Danny Kass and bronze medal winner JJ Thomas — to join him.

"I couldn't ask for anything more," Powers said one day after his 23rd birthday. "It's the best birthday present ever. These guys beside me is also huge. Today was just the perfect day."

It was the first U.S. sweep of medals in a Winter Olympics' event since men's figure skating in 1956. And it came one day after Kelly Clark won America's first gold medal here in the women's halfpipe.

The chants of "U.S.A., U.S.A., U.S.A.," were deafening as the Americans flew 10 and 15 feet above the hollowed-out snow chute. The U.S. team took four of the top six spots, with Tommy Czeschin finishing sixth despite a run that many in the crowd deemed medal-worthy.

Powers, the oldest of the three medal winners, had taken a bronze in Nagano. Thomas is just 20, and Kass is 19.

The Americans now have six medals — four from the snowboarding "Gen X" contingent — as the squad seeks to better its Winter Games high of 13 medals.

The U.S. team sits atop the medal board with Austria and Germany.

• **LUGE:** It looked a little strange: Georg Hackl standing in the spot reserved for the silver medalist.

After three straight Olympic gold medals, the German luger's unprecedented run success ended Monday when he settled for a silver medal — finishing behind gold medalist Armin Zoeggeler of Italy.

"It's the best birthday present ever ... Today was just the perfect day."

— **ROSS POWERS**
Snowboarding gold medalist

Hackl did not appear upset by his near-miss at winning an unprecedented fourth straight gold in the same Winter Olympics event. He still won a medal in a record-setting fifth games, he applauded Zoeggeler's winning effort, and his temporary Utah home has a refrigerator full of his beloved German beer.

"I'm getting a silver, and that's great," Hackl said. "Now, two silver medals will frame three gold medals."

Markus Prock of Austria, a 10-time World Cup champion, won the bronze. America's 38-year luge dry spell continued as Adam Heidt finished fourth, the best singles finish in U.S. team history.

• **DOWNHILL:** After waiting four years for a shot at a third Olympic medal, U.S. skier Picabo Street had to wait another day.

Whipping winds at the top of the Wildflower course, 9,016 feet up Mount Ogden, led Olympic organizers to postpone the women's downhill, now expected to take place on Tuesday.

Street hopes to become the first American woman to win three Olympic skiing medals. She captured a downhill silver in '94 and a super-G gold in '98.

• **SPEEDSKATING:** It wasn't the snowboard sweep, but American speedskaters took three of the top seven spots in the 500 meters qualifying. Casey FitzRandolph, who struggled four years ago, set an Olympic record as the fastest qualifier



Associated Press/Laura Rauch

Ross Powers of the United States competes during the men's halfpipe qualifying competition on Monday in Park City, Utah.

American Kip Carpenter was a surprising third, while U.S. record holder Joey Cheek was seventh at 34.78. The finals were set for Tuesday.

Defending gold medalist Hiroyasu Shimizu of Japan had the second fastest time. And Nagano silver medalist Jeremy Wotherspoon of Canada tumbled to the ice shortly after starting, knocking himself out of the competition.

• **BIATHLON:** Andrea Henkel, a 24-year-old German, won her first Olympic medal with a gold in the women's 15-kilometer biathlon. The silver went to Liv Grete Poiree of Norway, while Magdalena Forsberg of Sweden — the most successful female biathlete in history — won her first Olympic medal with a bronze.

In the men's 20-kilometer race, Ole Einar Bjoerndalen of Norway won the gold medal. Frank Luck of Germany won the silver and Victor Maigourov of Russia won the bronze.

• **CURLING:** America's curling team, which finished fourth in Nagano, opened its Salt Lake City bid by upsetting the defending world champion, Sweden. The 10-5 victory came after team skipper Tim Somerville hit a tremendous shot late in the game.

In other first round play

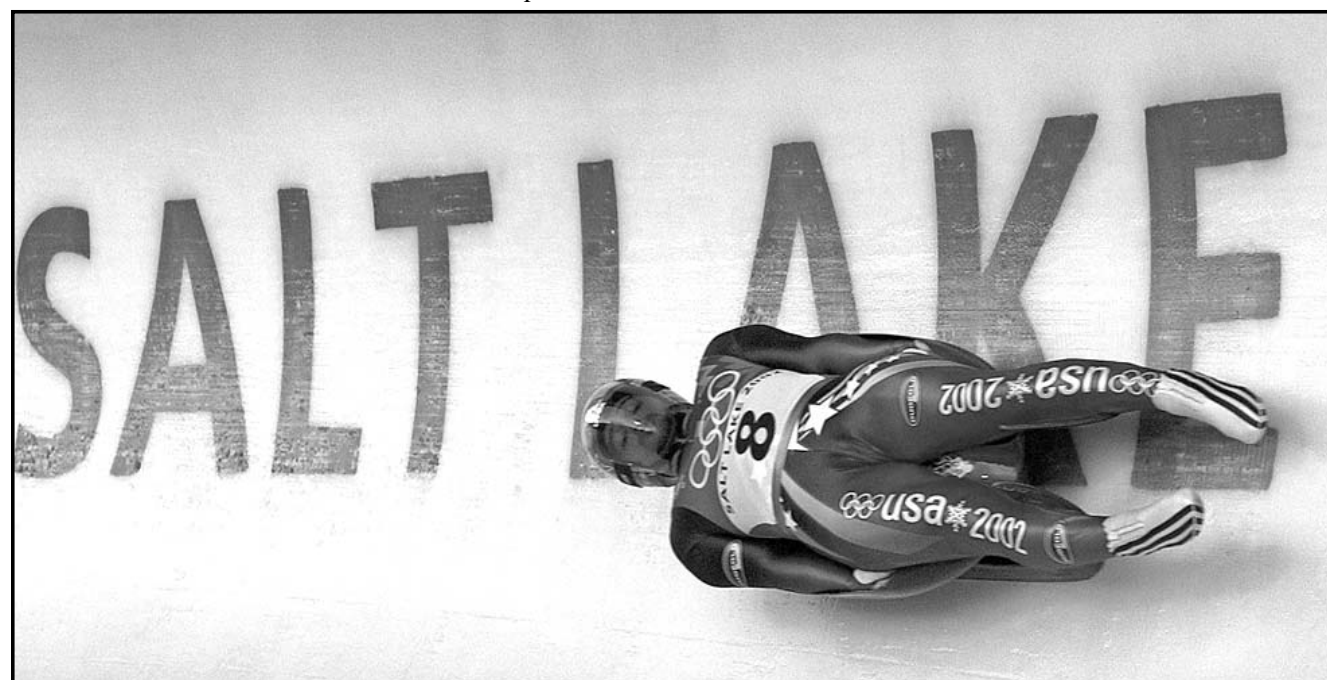
in the 10-team tournament, Finland defeated Denmark, 9-3, Germany topped France, 9-5 and Canada, the 2000 world champion, edged Britain 6-4.

In the women's curling, play opened with four games: Canada beat Sweden, 5-4; Britain topped Norway, 10-6; Germany defeated Russia, 8-5; and Switzerland beat Denmark, 9-8.

• **MEN'S HOCKEY:** Ukraine, led by Valentyn Oletsky's two goals, kept alive its chances of moving past the preliminary round with a 5-2 victory over Switzerland. The loss likely means elimination for the Swiss.

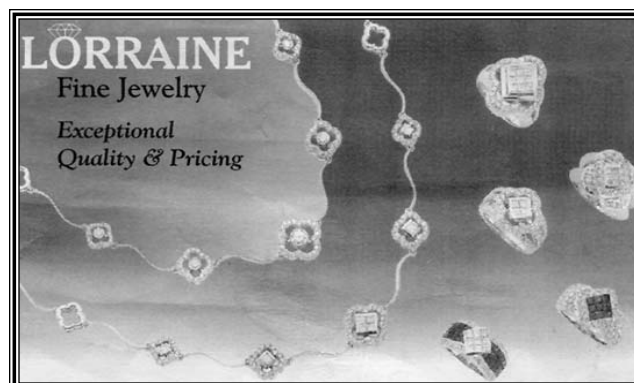
• **WOMEN'S HOCKEY:** Canada, the defending silver medalist, opened the Olympic women's hockey tournament with a 7-0 victory over Kazakhstan. Natalya Trunova made 59 saves for Kazakhstan in the losing effort.

Russia, a 3-2 loser in its first game Monday against Sweden, must now defeat or tie the Canadians to advance to the medal round. Sweden outshot the Russians 44-14.



Associated Press/Elise Amendola

Tony Benshoof of White Bear Lake, Minn., competes for the U.S. during the men's singles luge at the 2002 Winter Olympics in Park City, Utah on Monday.



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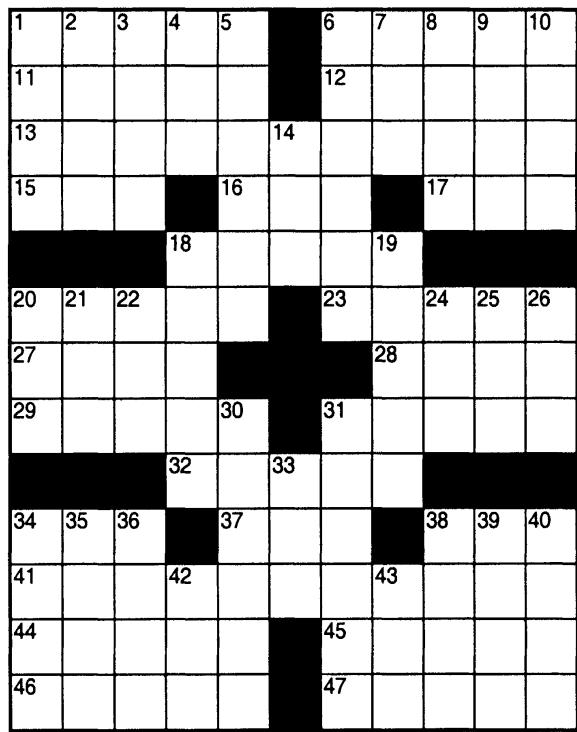


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NEWS OF THE WEIRD by Chuck Shepard

Osama's brother capitalizes on his notoriety

- Yeslam bin Laden, half-brother of Osama, said he will introduce a "bin Laden" designer clothing line that he believes will sell big in Arab countries (but his "bin Laden" trademark application in Switzerland has been held up).
- The director of housing at Princeton University issued a safety directive to students after two undergraduates fell out of bunk beds in dorms; it is believed to be the first warning on how to use a bed ever issued to Ivy League students.
- Probation officers in Staffordshire, England, fresh out of rehabilitation ideas, have started a counseling program based on discussing questions and answers from the board game Scruples.

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BACK PAGE

Ad campaign launched to fight rise in use of Ecstasy

BY KEN GUGGENHEIM

Associated Press Writer

WASHINGTON — Ecstasy use is rising among American teen-agers, many of whom are unaware of its dangers, an anti-drug group said Monday.

The Partnership for a Drug Free America said it is starting an advertising campaign to warn teens about the dangers of Ecstasy, which has been linked to damage to the brain, heart and kidneys.

The group's annual survey found that overall drug use remained steady last year except for Ecstasy, which became popular over the past decade at dance parties known as raves. The number of teens who said they've ever tried the drug rose by 20 percent last year and has increased 71 percent since 1999.

John Walters, director of the White House drug policy office, said anti-drug officials are trying to counter an impression among teens that Ecstasy is harmless.

"This is about heading off a problem before it gets out of control," he said.

Many of the ads in the new campaign feature the parents of Danielle Heird, a 21-year-old Las Vegas woman who died after taking Ecstasy in 2000. She was partying with friends and had taken the drug for only the third time in her life, her parents said.

"We don't want your families to endure the heartbreak and pain we feel," said her mother, Elsa Heird, at a news conference.

But Mark A.R. Kleiman, director of the drug policy analysis program at the University of California at Los Angeles, called the approach dishonest. He said that while long-term use can be harmful, there is limited evidence that a single use is damaging.

"It's not a very fatal drug. Its dangers are different dangers," he said in an interview.

At the news conference, Dr. Glen Hanson, acting director of the National Institute on Drug Abuse, said the danger of Ecstasy varies depending on the health of the person using it. For example, it is more dangerous for

someone with a heart problem.

"What's the likelihood that somebody using this drug for the first time will fall over dead? It really depends on what predisposing medical conditions you're dealing with," Hanson said.

"What's the likelihood that somebody using this drug for the first time will fall over dead? It really depends on what predisposing medical conditions you're dealing with."

— DR. GLEN HANSON

National Institute on Drug Abuse, director

Stephen J. Pasierb, president of the Partnership, said Ecstasy, a synthetic drug considered part hallucinogen and part amphetamine, appears to be expanding beyond

clubs.

"Ecstasy has moved out of the rave scene and into the mainstream," he said.

The survey of 6,937 teen-agers found that 12 percent of 12-to-18 year olds had used Ecstasy at some point in their lives. That compares with 10 percent in 2000. The survey had an error margin of plus or minus 1.8 percentage points.

Marijuana remains the most popular drug among teens, with 41 percent having tried it. Inhalants, such as glue, were used by 18 percent, methamphetamines were used by 11 percent, cocaine or crack by 9 percent and heroin by 4 percent.

The survey found that both alcohol and tobacco use had declined. Fifty-three percent of teens reported using alcohol over the past year, down from 58 percent in 2000. For tobacco, 28 percent reported smoking cigarettes over the previous 30 days, compared with 34 percent in the 2000 survey.

The Partnership is a coalition of communications professionals that seeks to reduce demand for drugs. It relies on volunteers to create anti-drug ads.

10-foot python kills 42-year-old-owner

By The Associated Press

DENVER — A 10-foot-long Burmese python killed its owner Sunday by coiling so tightly around him that the man could not breathe, authorities said.

"He was handling the snake and showing it to someone when the snake wrapped around his chest," said Rory Chetelat, spokesman for the Aurora Fire Department.

Firefighters said the owner was a big man in his 40s, Chetelat said. His name was not immediately released.

The snake weighed 75 to 80 pounds.

Six firefighters and police officers were needed to remove the snake and free the man.

"Two police officers tried to place their batons between the snake and the man's neck so he could breathe," police spokeswoman Kathleen Walsh said.

The man died of asphyxiation, said Bev Petry, spokeswoman for the Medical Center of Aurora in suburban Denver.

Firefighters later herded the snake into its cage and turned it over to animal control. Walsh said an Aurora ordinance bans owning pet snakes longer than 6 feet.

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