



FREE

Santa Monica Daily Press

February, 12-13, 2005

A newspaper with issues

Volume 4, Issue 79

DAILY LOTTERY

SUPER LOTTO

5 6 7 17 23
Meganumber: 23
Jackpot: \$12 Million

FANTASY 5

5 14 17 24 35

DAILY 3

Daytime: 7 2 8
Evening: 0 4 3

DAILY DERBY

1st: 10 Solid Gold
2nd: 11 Money Bags
3rd: 01 Gold Rush

RACE TIME: 1:47.03

NEWS OF THE WEIRD
BY CHUCK SHEPARD

Nonlethal war tactics suggested by an Air Force research team in the 1990s were made public in December by the military watchdog organization Sunshine Project and included a recommendation to expose enemy troops to powerful aphrodisiacs in order to distract them into lustful hookups with each other (irrespective of gender). (The Pentagon said the idea was dropped almost immediately, but the Sunshine Project said it was discussed as recently as 2001.) Other ideas: giving the enemy severe halitosis (so they could be detected within a civilian population), overrunning enemy positions with rats or wasps, and creating waves of fecal gas.

TODAY IN HISTORY

In 1973, the first release of American prisoners of war from the Vietnam conflict took place.

In 1999, the Senate voted to acquit President Clinton of perjury and obstruction of justice; Clinton told Americans he was "profoundly sorry" for what he'd said and done in the Monica Lewinsky affair that triggered it all.

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City Hall seeks answers

BY JOHN WOOD

Daily Press Staff Writer

PICO NEIGHBORHOOD — Attorneys for City Hall are expected to question the head of Woodlawn Cemetery next week, nearly two months after criminal and personnel investigations were launched into the cemetery's affairs.



Michael Tittinger/Daily Press

With criminal and personnel investigations pending, Santa Monica's municipal cemetery has been without its top two administrators for nearly two months.

No charges have been filed against two top cemetery administrators who were removed from their posts Dec. 17, and police and city officials declined to discuss any allegations against the cemetery workers.

Santa Monica Police Department Chief James T. Butts Jr. said police were still collecting documents and other information related to the criminal probe. Meanwhile, Deputy City Attorney Barbara Greenstein and Karen Bancroft, City Hall's human resources director, said they were conducting interviews, but had not met with the two employees in question. They declined to discuss the details of the case.

"With regards to the cemetery investigation, I can't tell you anything," Bancroft said. "It's a personnel matter. It's confidential."

Several sources close to the investigation said the administrators were under scrutiny for anything from sloppiness to nefariousness, adding questions have been raised about everything from book-keeping to how the deceased were buried.

See WOODLAWN, page 6



Susan Tam/Special to the Daily Press

State Sen. Sheila Kuehl, right, celebrates her birthday over tea at the Tudor House in downtown Santa Monica on Friday with Laurie Newman, her senior field deputy. Kuehl and City Hall will co-host a pair of community workshops on gang violence.

Sen. Kuehl, City Hall target gang violence, announce workshops

Residents, expert panel to address ongoing problems in eastside Pico neighborhood

BY JOHN WOOD

Daily Press Staff Writer

SUNSET PARK — City Hall has joined with State Sen. Sheila Kuehl in an effort to quell gang violence in Santa Monica.

Kuehl and the city will co-host a Feb. 26 community workshop at John Adams Middle School that is expected to draw hundreds of residents, and include experts on gang behavior and violence prevention.

"I'm very optimistic," Kuehl said Friday. "We have people attending who are former gang members. Just the phrase 'former gang member' tells you there is the ability to do something about it."

A 20-year resident of Sunset Park who has held state office since 1994, Kuehl, 64, said she hoped for broad community participation.

"What we need are some realistic community responses to help kids stay out of gangs, to deal with criminal activity, but also to try to find other ways to channel that need for community and channel it away from violence or crime," said Kuehl, adding that her office began planning the workshop a year ago and City Hall asked to partner in the effort several months ago.

Panelists expected at the forum include gang expert Blinky Rodriguez, educator Bill Martinez, behavioral sci-

See GANG VIOLENCE, page 6

When it rains, it fleurs



Susan Tam/Special to the Daily Press

A woman tries to keep dry Friday on the Third Street Promenade. Driving rain and powerful winds struck Southern California, causing hundreds of accidents and snarling traffic.

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Who and what first, Libra?

Santa Monica Daily Press

JACQUELINE BIGAR'S STARS The stars show the kind of day you'll have:
★★★★-Dynamic ★★★★★-Positive ★★★-Average ★★-So-so ★-Difficult





ARIES (March 21-April 19)
★★★★★ You become an expert at reversing situations and turning them in your favor. Your personality and poise help everyone feel at ease with your decisions and ideas. The only response you get is: Why not? Tonight: Make the most out of the moment.



TAURUS (April 20-May 20)
★★★ Sometimes you are best off focusing on your needs and not allowing your immediate environment to dominate. You know what is best. Plug along with a family or personal project. You will feel great once you complete it. Tonight: Make it OK to get some extra sleep.



GEMINI (May 21-June 20)
★★★★★ Friends want you to join in. You have a way of adding a touch of celebration and happiness. Kick up your heels and allow the wild Twin in you to emerge. Everyone adores your fun-loving nature. Tonight: Where the good times are.



CANCER (June 21-July 22)
★★★★ Sometimes you can't duck out of the limelight or kick away your responsibilities no matter how hard you try. Give it a shot anyway. Others clearly need your time and attention. Do the ultimate juggling act, but take a power nap. Tonight: Carry on till the wee hours.



LEO (July 23-Aug. 22)
★★★★★ Encourage yourself to risk and approach life differently. Everyone will gain as a result, especially you. Though communication and invitations could be overwhelming, you'll sort through the possibilities. Tonight: Make the off-beat choice.



VIRGO (Aug. 23-Sept. 22)
★★★★ Acknowledge a loved one's efforts and helpfulness. You'll feel a lot differently as a result. Plan on making it a day to celebrate your closeness. Plan a special, mutually enjoyable activity. You have reason to grin from ear to ear. Tonight: Add more spice to your life.



LIBRA (Sept. 23-Oct. 22)
★★★★ Your desirability is well-known. You take actions that draw others to you. Your popularity and charm melt away others' resistances. Don't be surprised if you are surrounded by a horde of admirers or invitations. Tonight: Who and what first? That is the question.



SCORPIO (Oct. 23-Nov. 21)
★★★ You clearly energize others with your ideas and vitality. Consider plugging your high energy into a favorite hobby or pastime. Remember, you like to give, but you also need to take care of yourself. Tonight: Make it easy.



SAGITTARIUS (Nov. 22-Dec. 21)
★★★★★ You naturally put your best foot forward and express your very spunky personality. Friends clamor around you, but a loved one or child dominates the scene. Let your enjoyment of life come out. Tonight: Give up rigidity.



CAPRICORN (Dec. 22-Jan. 19)
★★★ Your family and your home life occupy your thoughts and plans. Don't worry so much about your obligations; rather, focus your time and interest on your security and those who make your life work. Tonight: Entertain at home.



AQUARIUS (Jan. 20-Feb. 18)
★★★★★ You say it, and others do it. You have a powerful influence on many people in your immediate circle. What you say makes a difference. Revise your thinking rather than stick rigidly to your points. Tonight: You are the vortex. Everything revolves around you.



PISCES (Feb. 19-March 20)
★★★★ Dance to another tune; indulge in different types of people. Choose a new type of happening. While pioneering and breaking new ground, you draw someone much closer. Be willing to reveal your vulnerabilities. Tonight: Treat yourself and your entourage special.



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LOCAL



COMMUNITY BRIEFS

Three-Pete: Santa Monica physician still chief

By Daily Press staff

For the third consecutive year, Dr. Peter Galier has been elected chief of staff at the Santa Monica-UCLA Medical Center.

Dr. Galier is an internal medicine specialist with the UCLA medical group in Santa Monica. A Pacific Palisades resident, Dr. Galier has been with the UCLA Medical Group since 1994. He completed both his medical school training and residency at UCLA Medical Center in Westwood, where he also served as chief resident. He earned his undergraduate degree from Loyola Marymount University.

Among Dr. Galier's immediate goals for this term is working with hospital management and staff physicians to prepare for Santa Monica-UCLA's upcoming licensing and accreditation survey, expected to occur by summer.

Joining him as officers on the hospital's 2005 executive medical board are Dr. David Baron and Dr. Chester Griffiths, who were re-elected vice-chief of staff and secretary-treasurer, respectively. Dr. Baron is a family medicine physician in Malibu. Dr. Griffiths is an ear, nose and throat specialist based in West Los Angeles.

Other members of the physician board, which oversees medical affairs at Santa Monica-UCLA, are Drs. Denise Freese, Jay Gross, William Growdon, Denise Sur, Bernard Weintraub and Dennis Woo.



Wanted: Woman to speak on women's behalf

By Daily Press staff

Women are needed to make recommendations to elected leaders on the status of the female population in Santa Monica.

Applications are being taken for a seat on the Commission on the Status of Women, which is charged with enhancing the status of women in the community. The commission promotes that goal through investigation of, advocacy for, and policy development regarding issues relevant to women and girls, and by creating leadership and career advancement opportunities for women and girls in the community. Currently, commission has a vacancy and is seeking persons interested in serving. Candidates must be residents of Santa Monica. Meetings are held every second Wednesday at 7 p.m. The public is invited to participate.

With a total of nine members and one youth intern, the commission makes regular recommendations to the Santa Monica City Council and staff on programs and policies affecting women and girls. The commission recently prepared a report on the Status of Women and Girls in Santa Monica that includes an analysis of selected demographic and social welfare indicators, including comparisons between women and men in Santa Monica. Currently, the commission is conducting a "Work-Life Survey," to assess how different employment environments affect women's lives and highlight Santa Monica employers who help enhance a positive work-life balance for women through various policies and practices.

Application forms and information are available at Santa Monica City Hall, 1685 Main St. at the information booth in the lobby, or in the City Clerk's office, room 102. You may request an application by mail by calling (310) 458-8211, or you may apply through the city's Web site at www.santa-monica.org. Applications must be received in the City Clerk's office by noon, Tuesday, March 1, to be considered for the vacancy. Applications also are accepted on an ongoing basis for future vacancies. Only those candidates appointed will be notified.

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SURF REPORT

Today looks like another chest-high NW day, but conditions remain sloppy as the passing storm kicks up some nasty southerly wind swell to chop things up. Additionally, bacteria contamination makes surfing a danger sport. On Sunday, we are expecting some NW ground swell to continue a chest-high flow of NW, but sets are expected to be inconsistent as the ground swell fades.

Today the
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59°

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	LOW TIDES				HIGH TIDES			
	Morning	Height	Evening	Height	Morning	Height	Evening	Height
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SUNDAY	6:32	1.1	6:12	1.1	12:11	5.0	12:30	3.7
MONDAY	7:53	1.2	6:41	1.8	12:53	4.8	1:42	2.9
TUESDAY	9:40	1.0	7:07	2.4	1:43	4.7	4:35	2.5
WEDNESDAY	11:20	0.7	8:50	2.9	2:49	4.6	7:33	2.9
THURSDAY	12:24	0.2	11:08	3.0	4:08	4.6	7:54	3.2
FRIDAY	12:24	0.2	11:08	3.0	4:08	4.6	7:54	3.2

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RESPONSES ON PAGE 4.



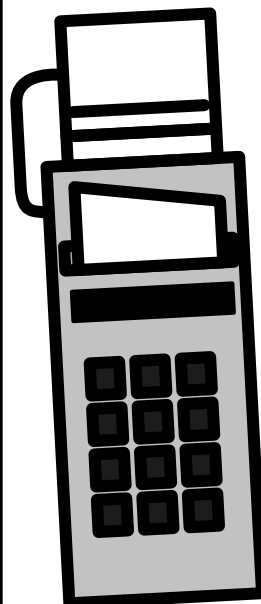
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OPINION

The QLine

NOT ALL ON BOARD WITH CLASS ACTION

This past week, Q-line asked:
Is the creation of up to five new high schools in Santa Monica a good idea?
 Here are your responses:

© “High schools have become an enormous industry that produces a shoddy product. After reading, writing and arithmetic, students are bored to tears with the academic curriculum that is forced upon them. However, I do subscribe to a new high school district for those students who are entering into the high school level from middle school. Then Samohi would be reduced in size by its graduating class each year without the influx of new students.”

© “Yes, I think it’s an excellent idea to have five new high schools in Santa Monica. Because my son attends Santa Monica High School, and I think it’s wonderful because I happen to be a long-time resident of Santa Monica. I think it’s great because I went to a private school up in Monterey and my son doesn’t have that possibility. And I say good so he can be with every class of people, which I think is better in the long run. So, I think it’s an excellent idea to have more individual high schools in Santa Monica so the students can get more individualized attention.”

© “Yes, smaller school is a good idea. Teachers can have a better chance of getting to know their students and their families. If it’s a question of building new schools because of overcrowding what they should do is clear out all the illegal aliens and ship them back to where they came from and then you might not need to build as many new schools.”

© “Samohi is a behemoth. It’s one of the main reasons why our child goes to an independent school. Regardless, why five smaller schools? Why not two? And why the associating with professional careers? High school should exist for obtaining education. It should not be a feeder for careers in Hollywood. And I can only assume that the high school location north of Wilshire will get more resources just as the elementary and middle schools north of Wilshire do. The district needs to rethink its lack of geographic parity too.”

© “Destruction of the neighborhoods is further implemented by planting up to five new high schools in Santa Monica. It is the second wave of demolition to neighborhoods after the No. 1 menace to neighborhoods — Community Corp. of Santa Monica, that buys older buildings in good neighborhoods and immediately plants low-income tenants from outside Santa Monica in said buildings, and at the same time builds new buildings for same said tenants. Where’s the money for the environmental input studies? The engineering? The land acquisition? That will require home buying and leveling by our city. The buildings, the athletic facilities, the teachers, the administrators. It’s a very bad idea and it’s totally disruptive. I say ‘no’ to this trial balloon. Just split up the classes at Samohi for more personalized instruction. It’s an

administrative problem at Samohi.”

© “I’m opposed to having the campus divided up into five campuses because of the fact that all you do is create more bureaucracy and less teaching. If it was important to have five campuses, there would be a lot more children involved, but 3,500 kids in a school is not a lot of kids in a school. They can be maintained in one campus and properly educated. I think the school district is looking for the bigger bureaucracy and a bigger overhead pay load, and not getting anything down to the education.”

© “I have never let my schooling interfere with my education and, therefore, I would not like to see the superintendent of the Santa Monica-Malibu Unified School District, John Deasy, once again create more bureaucracy in our local system. The school system seems to be all about spending more of our money than we have available. Taxpayers need to endorse better choices of the money that the school district already has. Santa Monica-Malibu Unified School District parents who want to raise intelligent children know the cost of local school administration has risen three times faster than the rate of inflation in California, while overall local student performance has fallen steadily. Less than half of our local school tax dollars are used for basic education, little money is spent on arts. Are we, the residents of Santa Monica and Malibu, really buying more value for our students with smaller classes and more administrators? More money and higher teacher and administrator expenses does not mean higher academic achievement. Instead of our school board focusing on inputting more teachers and more administrators, they should be focused on output — student achievement and better test results. And that’s all I have to say.”

© “It is a bad idea. Hundreds of students are lying about living in Santa Monica or Malibu when really they in fact do not live in the school district. Samohi would not be overcrowded if: One, we sent the students who are lying about their residence back to their home school districts, and two, if we eliminated permits that allow students who do not live in the school district to attend school here. Santa Monicans for Renters Rights will want to raise taxes to provide educational services to these non-residents. We are overtaxed in this city already.”

© “I’m a former teacher. I feel that this is essential to address students’ individual needs. It is very important to have smaller class sizes to be able to focus on each student as much as possible, especially at the high school age when students often are more inclined to drop out of school. So, yes, I believe it is a very positive step in addressing students’ individual needs and learning styles.”

Food for thought is nice, but I’d rather have tasty



MODERN TIMES

BY LLOYD GARVER

Sometimes I miss regular food, the kind many of us ate when we were kids. Now, because of health concerns, economics and fashion, there are all kinds of things on our plates that a few decades ago wouldn’t have even qualified as food. Some people have non-eggs with a side order of non-bacon, and then put non-sugar in their decaf to finish off their non-breakfast. After dinner, they’ll have non-ice cream with non-chocolate sauce. Now one restaurant — Moto, in Chicago — has taken non-food foods to a new level. They serve edible paper.

Using a computer printer, Homaro Cantu, the head chef at the place, prints images of food on paper made of soybeans and cornstarch. The inks he uses are flavored. The paper pictures of sushi that he prints out on his inkjet actually taste like sushi, and the pictures of chicken really taste like chicken. The menu is edible, too. It’s an amazing technological triumph. But wait a minute. Real sushi also tastes like sushi, and real chicken tastes like chicken, so why bother?

The answer, of course, is that it’s new, it’s experimental, it’s trendy. And a dinner including paper courses at Moto can run \$240 a person. That’s a tough check to swallow, no matter what it’s made of. Cantu wants to infuse the dining-out experience with fun. He feels people are tired of just ordering conventional food, being served it and going home. I’m not. That’s what I like about going to a restaurant: You order food you like, you eat it and you go home. This chef dreams of cooking with lasers and is currently experimenting with helium to make foods levitate. I dream of going to a restaurant where all the foods on my plate at least look vaguely familiar to me.

These days, when you go to a trendy restaurant, that dish that you always

enjoyed when it was just cooked normally is either served blackened or raw. Vegetables that they now refer to as “baby greens,” used to be called weeds. And I don’t want to try the “pizza of the day” — the one with pineapple and peanut butter. I just want one with cheese and tomato sauce.

But obviously, not everybody is a fuddy-duddy like me. There are people who suddenly decide to try a new brand of jeans instead of buying the ones they’ve been comfortable in for 20 years. There are some adventurous souls who, just to see what it’s like, decide to try to sleep on the other side of the bed one night. I guess these are the people who get excited about trying “different” or “interesting” food.

They’re tired of eating burgers that they’ve loved all their life, so they eat an ostrich burger. They don’t want the same old delicious fish that they’ve enjoyed in the past, so they’ll have some eel. And they try weird and exotic foods that, for some strange reason, were always told, “taste just like chicken.” Chef Cantu is banking on these people eventually even getting bored with exotic foods and turning to munching on his paper goods.

But after a while, his paper concoctions are going to seem mundane to those always chasing the latest trend. Serving edible pictures of normal foods won’t be unusual enough. He’ll have to rev up his Canon i560 and start serving paper versions of stranger and stranger foods. With all his enthusiasm for technology and innovation, he’ll probably pull it off. In a few years, I can imagine a customer there asking the waiter, “What does the rattlesnake taste like?” And then the waiter will answer, “It’s good. It tastes just like a picture of chicken.”

(Lloyd Garver has written for many television shows, ranging from “Sesame Street” to “Family Ties” to “Frasier.” He also has read many books, some of them in hardcover. He writes the “Modern Times” column for CBSnews.com’s opinion page and can be reached at smdp@lloydgarvermoderntimes.com.)

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Santa Monica Daily Press

COMMENTARY



GUEST COMMENTARY BY THOMAS M. SIPOS

It's time to defang regulatory bullies

Americans should demand the government pay the legal fees — in advance — of innocent citizens or businesses who fight City Hall.

Every day individuals and businesses are harassed, fined or suffer civil asset forfeiture by government regulatory agencies such as the IRS, EPA, EEOC, OSHA, FDA, ATF, SEC, Fish & Wildlife, Forest Service, and others too numerous to list, including those regulating the height of Santa Monica Councilman Bobby Shriver's hedges. They say "You can't fight City Hall," but that's largely because of City's Hall's deep pockets. Government prosecutors and regulatory agencies enjoy huge warchests, annually replenished with tax dollars, whereas even large businesses must spend their resources wisely. Assessed a fine or hit with a ruling by some bureaucratic busybody, Joe Average, however innocent, often can't afford a courtroom defense. Or he may decide it's cheaper to pay the fine. If he does defend himself, the state may draw out legal proceedings, bankrupting Joe Average into surrender.

In the name of justice, let us level the playing field with mandatory prosecutorial budget-sharing — require the state to pay for defendants' legal fees in all criminal and civil trials, and in all administrative proceedings. There's even philosophical precedent for this. In 1963, in *Gideon versus Wainwright*, the Supreme Court ruled that if in a criminal trial, the accused cannot afford an attorney, one would be provided by the state free of charge. The Constitution has not been interpreted to extend this right to civil tri-

als or administrative proceedings, but there's no reason we can't do so by statute.

Here's what I propose: Whenever some governmental entity fines, or attempts to expropriate money or other property — as in civil asset forfeiture — or demands compliance to a law or regulation that a defendant feels has been misapplied or misinterpreted, then not only must there first be a jury trial, but the prosecutor shall also be required to estimate his budget at the start of court, or administrative proceedings and turn over an equal amount to the defendant to be used for his legal defense in whatever manner he sees fit. If the prosecutor goes over budget, he shall simultaneously pay an equal amount to the defendant. Only if the defendant is found guilty after expending all appeals shall the defendant be required to refund the amounts. This budget-sharing shall be required in all governmental prosecutions and administrative proceedings on a non-discriminatory basis, irrespective of the defendant's wealth. If the SEC wants to spend \$10 million prosecuting Bill Gates, it must fork over \$10 million for Mr. Gates' defense. Don't want to? Fine. Then the SEC obviously has a weak case and shouldn't be prosecuting Mr. Gates to begin with.

I hear objections from across the political spectrum:

■ "Won't halving the government's legal enforcement budget eviscerate valuable regulations by discouraging necessary prosecutions?" No. It will discourage the government pursuing weak cases because it believes it can scare or bully a defendant of modest means into

some kind of "deal." Instead, it will encourage the government to only fine or prosecute defendants against whom it has ample evidence of wrong-doing. Is this not a good thing?

■ "But shouldn't this right be limited only to poor defendants?" Not if you believe in "innocent until proven guilty." Why should any innocent person come out poorer though he wins? And yes, a court may grant costs at the end of a trial. But since a man is innocent until proven guilty, why must he wait for the money until he proves his innocence? Especially since he needs the money now for his defense (not all lawyers work on contingency) and the government might draw out proceedings for years on end, "bleeding" a defendant to pressure him into a "deal."

■ "But won't it be expensive to pay for the legal defenses of all these 'fat cats'?" It doesn't have to be. Firstly, I doubt most defendants are "fat cats." Secondly, as budget-sharing will encourage prosecutors and regulators to target only those against whom they have ample evidence — which they should be doing anyway — they will avoid squandering their enforcement budgets on innocent but weak targets. They will only target defendants likely to be found guilty or liable, and so from whom they can expect a refund of legal fees. Likewise, guilty defendants will be discouraged from taking advantage of budget-sharing, as they must refund such legal fees. We can even require them to refund it with interest.

See, apart from arming innocent defendants, budget-sharing also will

encourage prosecutorial good conduct. A good thing, no?

■ "What if a defendant is found guilty but has no money to refund?" Better to lose money on 100 guilty men, than force one innocent man to pay a fine, or lose a regulatory battle merely because he could not pay for his defense.

■ "But I don't want to pay for someone else's defense." Neither do I. But still less do I want the government to cherry pick and bully easy targets. The government already takes our money to enforce its regulations. Let's at least require it to use some of that money for our defense. By increasing everyone's legal defense against the state, you increase everyone's liberty.

Here's my plan. The California Libertarian Party's platform committee, to which I've been elected, meets at the CLP convention in February. I will suggest a new platform plank that will advocate legislation to mandate prosecutorial budget-sharing by state agencies in California. If this plank is adopted and proves popular, it might be adopted by other state Libertarian parties, and by the national Libertarian Party at its 2006 convention.

Meanwhile, there's no reason that liberty-lovers in other parties, or in no party, cannot lobby their legislators to mandate prosecutorial budget-sharing, so as to level the playing field against City Hall.

(Thomas M. Sipos is a Santa Monica-based author, and vice chair of the LA-Westside region of the California Libertarian Party. Contacted him at www.CommunistVampires.com <<http://www.CommunistVampires.com>>).

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LOCAL

Abbot Kinney, Leo Carrillo buried at Woodlawn

WOODLAWN, from page 1

Apparent discrepancies in the cemetery ledgers were spotted by Steve Stark, City Hall's finance director, when he attempted to close out an unfinished audit of the cemetery from a prior year.

The Daily Press is not printing the names of the workers under investigation until authorities decide whether to pursue formal charges. In the meantime, the cemetery head, accompanied by civil and criminal attorneys, and his union representative, was expected to meet with city officials this Wednesday.

Asked who already had been interviewed by the city, Bancroft said, "It really just includes people who we think might have pertinent information related to this case ... We're doing the interviews, and once we get them done, we'll complete our report."

Bancroft said it was difficult to estimate when the investigation might be completed, because interviews sometimes uncover new contacts, and lead to further

interviews.

The administrator working directly underneath the cemetery head has not returned repeated calls for comment. The cemetery head declined to discuss the investigation, and instead directed questions to his civil and criminal lawyers.

"We look forward to a prompt resolution, and that's about all I can tell you," criminal attorney Richard Beada said Friday. The cemetery head's civil attorney, Bill Becker, declined to comment on the case.

Sources friendly with the administrators said both were taken aback and dismayed by their abrupt removal, adding neither knew what had triggered the investigations.

Bought by City Hall in 1897, Woodlawn is a gated, tree-lined cemetery located between Pico Boulevard and Michigan Avenue, from 14th Street to 17th Street. As of June 2000, more than 51,000 Santa Monicans had been interred on the 26.6-acre site, including Abbot Kinney, founder of Venice, and actor Leo

Carrillo, son of the first mayor of Santa Monica and namesake of the state beach near the Ventura county line.

Woodlawn is one of the few municipal cemeteries in the state. To be buried there, one either must be a resident of Santa Monica or must be related to one.

The Santa Monica City Council decided in 2000 to continue operating the cemetery as a community resource, rather than close it to future burials. The cemetery oversees about 100 burials a year, and the same number of daily visitors. Several hundred visitors converge on the cemetery on holidays, with even larger crowds attending Woodlawn's annual Memorial Day event.

Budget documents released by the city earlier this week show the cemetery has generated between \$400,000 and \$700,000 annually over the past five years. The cost of running the cemetery, however, has far outweighed revenues, and the cemetery has operated at a net loss between \$320,000 and \$670,000 in each of those years, city records show.

Expenses for personnel services have steadily increased each year.

To cover the difference between revenues and expenses, City Hall often relies on money from the general fund, as well as interest from its "Perpetual Care Fund," which in June of 2004 had a balance of \$6.8 million, according to Stark. Bereaved families typically pay 15 percent of the cost of each plot into the perpetual care fund. Last year, nearly \$45,000 in new money went into the fund, which generated more than \$260,000 in interest for the cemetery.

How much it costs to bury a loved one at Woodlawn varies widely on the type of plot, urn or niche used, and a number of other factors, as spelled out in the cemetery's 30-page fee schedule, Stark said.

With Woodlawn's two top administrators out, the cemetery's offices are being staffed by Gil Borboa and Jean Higbee of the water resources division of City Hall's environmental and public works management department. Part-time staff is providing clerical support as needed, said City Hall spokeswoman Judy Rambeau.

Second workshop set for Mar. 12

GANG VIOLENCE, from page 1

entist John McDonald, youth violence prevention expert Leah Aldridge and former State Sen. Tom Hayden, who authored "Street Wars" and "Future of Violence," city officials announced Friday.

A second workshop has been planned for Mar. 12 to form an action plan, according to Judy Rambeau, a spokeswoman for City Hall.

Residents of the eastside Santa Monica Pico neighborhood called upon officials to convene a meeting after a gunman last fall fired 14 rounds at a 16-year-old bicyclist in front of Edison Elementary School.

The bicyclist was not hit, but many school children witnessed the afternoon incident. Angry over the ongoing violence in eastern Santa Monica and fearing for the safety of their children, a group of parents lashed out at school and city officials, demanding a focused response to the problem.

"We're just going to keep asking and asking and asking until we get something," said Carol Davis, an Edison PTA co-president, during a heated Oct. 4 meeting between parents and school, city and police officials.

An array of so-called stakeholders, including youths, parents, clergy, teachers and social workers, among others, is expected to attend the meeting this month to brainstorm strategies for reducing gang violence. The panel of experts will then discuss the community's ideas, facilitated by Sen. Kuehl.

Elected leaders at City Hall this week named stemming gang violence a top financial priority, meaning additional

funding likely will be earmarked for whatever suggestions are raised through the workshops.

"Every individual and partner agency involved in this work must feel a personal sense of responsibility if we are to succeed locally and regionally to keep our youth out of gangs and our neighborhoods safe," Santa Monica Mayor Pam O'Connor said in a prepared statement.

Kuehl said she was pleased City Hall planned to dedicate resources to gang violence, but warned that state resources were scarce.

"There are programs I know that have received funding in other parts of Los Angeles," said Kuehl, whose district includes Agoura Hills, Beverly Hills, Hidden Hills, Santa Monica, West Hollywood, Westlake Village and part of Los Angeles.

"I also think it's important to identify that we may have some needs in Santa Monica as well but, in terms of state money, there's very little hope this year to get the governor to do anything but cut."

Breakfast and lunch will be served at the Feb. 26 event, which begins at 9 a.m. at John Adams Middle School at 2425 16th St. Free childcare will be provided for children five years old or older, and the entire workshop will be translated for Spanish speakers.

City Hall has budgeted \$10,000 for facilitators, food, translation services, outreach and other materials for the Feb. 26 meeting, Rambeau said, adding it's unknown how much additional money will be needed for the Mar. 12 workshop.

(For more information on the community forums, call 310-458-8301 or log onto www.stopgangviolence.smgov.net.)

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STATE



Vintner goes after restaurants in the spirit of Two Buck Chuck

BY MICHELLE LOCKE

Associated Press Writer

CERES, Calif. — First came Two Buck Chuck, the \$1.99 best seller that gave wine drinkers a thrifty thrill. Now, vintner Fred Franzia is trying to break the dine-and-whine cycle with a campaign to get restaurants to sell his Salmon Creek wine at around \$10 a bottle.

That would still leave room for a markup of about three times wholesale, but restaurants haven't been in a rush to take the plunge, especially at the haughtier end of haute cuisine. Still, Franzia expects to win the sommelier showdown.

The problem is that restaurants are used to such high prices that "they act like it's a right of birth or something," he said. "We're fighting that trend."

Franzia has been fighting trends, or setting them, for years now as the maverick of the California wine world.

You know you're not dealing with the typical Napa wine baron the moment you walk into Franzia's office at the Bronco Wine Co. he co-founded in Central California. No soaring Tuscan villa or fanciful French chateau here; it's a brown-paneled trailer, and a single-wide at that.

Franzia prefers to put his money elsewhere, like in his thousands of acres of vineyards and the huge, modern plant where brands such as Forest Glen and Napa Ridge are produced as well as the popular Charles Shaw wines, aka Two Buck Chuck. (There's no cute nickname for Salmon Creek yet — maybe Sawbuck Salmon?)

The Charles Shaw phenomenon started in early 2002, when Bronco decided to try selling a \$1.99 wine. Industry convention held that customers would be leery of a wine priced that low, but Franzia says "we never doubted the quality of our wines." Sold only at the Trader Joe's grocery chain, it developed into a huge hit.

It takes a calculator to tell the Two Buck story; Franzia punched away at his for a few minutes before proudly estimating that "every hour we put out 10,000 bottles round-the-clock. Cling, cling, cling, cling. I like that."

Some critics have theorized that Franzia can only sell so cheaply because the industry's grape glut has depressed his costs. Franzia said his real secret is eliminating margin — he owns everything from vineyard plantings to bottling plants.

In 2003, Bronco's revenues totaled nearly \$300 million, with Two Buck Chuck accounting for about half of

the 10 million cases sold. Salmon Creek is on course to sell 250,000 cases this year, about double last year's totals, and Franzia figures others will soon fill the \$10 a bottle restaurant niche. "Pretty soon it'll catch a head of steam, it'll take off and then everyone will be doing it."

It's just the latest venture for Franzia, whose family has been in the wine business for more than a century. The family's original company was sold in 1973. Franzia, his brother and their cousin started Bronco the following year.

Decades later, Franzia is 61 and still a fixture at the Ceres headquarters, coming in seven days a week.

"You know, most places you work the boss comes in after everybody's there and he leaves before they go home. Here, he's competing with the sun," said Ed Moody, director of winemaking for Bronco.

There have been some battles over the years. Bronco and Franzia were fined more than a decade ago after pleading no-contest to charges of mislabeling some grapes as a more expensive variety. More recently, he's fought in court with Napa vintners, who say it's illegal for Bronco to sell wines such as "Napa Ridge," that have Napa on the label but are made with grapes grown elsewhere.

Franzia fires back that Napa vintners are trying to prop up a "house of cards."

"Their grapes are overpriced. Their monuments are overbuilt and their cost of doing business is excessive," he said. "We don't back down from them. We think that the consumer in America is ready to enjoy good value wines on a steady basis at the dinner table."

So, are Americans ready to drink supervalues when they go out to dinner, too?

Ron Weigand, a restaurant consultant and publisher of the bimonthly newsletter Restaurant Wine, thinks a \$10 wine "would be wildly popular with the American public."

Oliver Saffir, a retired Silicon Valley engineer who likes to eat out, agrees.

"If they want to charge me an arm and a leg for a piece of prime beef, they can do that. I don't know how much labor the chef puts into it," Saffir says. "But the wine, the guys who are going to drink that stuff buy it themselves at the liquor store, so they know just what it costs."

The last word on that debate, at least for Franzia, is the millions of bottles of Charles Shaw sold.

"I go to bed every night feeling fortunate what we're doing for the industry and for the consumers," he said. "That's the guy we care about, Mr. and Mrs. Consumer."

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STATE

STATE BRIEFS

Copping a plea: Deputy says punishment not fit crime

By The Associated Press

RIVERSIDE —A sheriff’s deputy fired for drinking three beers during a lunch break is suing the county, contending the punishment was too severe.

Bill Conoway, a 14-year sheriff’s veteran awarded the Sheriff Department’s Medal of Valor last year, wants a judge to compel arbitration proceedings or an administrative appeal hearing.

The Superior Court lawsuit, filed Jan. 18, said the deputy’s punishment did not fit the misconduct and that his colleagues who also were drinking received only minor disciplinary sanctions.

“The penalty of termination was a complete surprise, and was an astonishingly harsh punishment for misconduct that consisted of drinking three beers during a three-hour long lunch break with his co-workers at the offsite training seminar,” the suit said.

Sheriff’s spokesman Sgt. Earl Quinata and county spokesman Raymond Smith declined comment on ongoing litigation.

The lawsuit, filed by attorneys Michael P. Stone and Marc J. Berger, said Conoway was in line for a promotion when he was fired. In March 2004, Conoway was awarded the Medal of Valor, the department’s highest honor, for crawling under downed arcing power lines to pull a man from a burning car in Rancho Mirage.

Conoway learned last Aug. 17 that his termination would be effective nine days later. The termination notice referred to a “last-chance agreement” dated Dec. 20, 1999, that allegedly granted the department “sole discretion to terminate” Conoway if he engaged in “serious or significant misconduct,” the lawsuit said.

The suit said high-ranking sheriff’s officials encouraged Conoway to withdraw his timely request for an administrative appeal and suggested that if he did so, there was a good chance he’d get his job back. Conoway withdrew the appeal.

The lawsuit claimed a sheriff’s captain knew that once Conoway withdrew his appeal, the termination would be finalized.

Judge talking trash ... \$1.7 million worth

By The Associated Press

VENTURA — A judge tentatively added \$1.7 million in punitive damages onto a civil judgment against a garbage company executive and two former San Bernardino County officials involved in a corruption scandal.

San Bernardino County lawyers had asked Ventura County Superior Court Judge Vincent O’Neill to add \$12 million in punitive damages. O’Neill, hearing the case because of publicity in San Bernardino County, will make his decision final in coming weeks.

Former San Bernardino County chief administrative officer Harry Mays, who must already pay \$3.8 million in actual damages, will also be assessed \$1 million in punitive damages under the tentative decision filed Feb. 4. It wasn’t made public until Wednesday.

During a civil trial last year, O’Neill ruled Mays had harmed the county by bribing successor James Hlawek to get a \$25 million-plus garbage contract for his new employer, Norcal. Hlawek must pay \$250,000 in punitive damages under the tentative ruling.

O’Neill said he considered Hlawek’s cooperation with investigators while deciding the amount of punitive damages portion.

Norcal vice president Kenneth Walsh was ordered to pay \$500,000 for his role in the bribery scandal.

Show of force will be left up to voters

By The Associated Press

LOS ANGELES — Voters will apparently decide whether to merge the Los Angeles International Airport police with the LAPD.

The City Council on Wednesday gave preliminary approval to asking voters on May 17 to remove a provision from the City Charter that prohibits the 328-officer airport police force from merging with the Los Angeles Police Department.

"We need to have greater control and the right to make changes," Councilman Jack Weiss said. "We have a charter that was adopted prior to 9-11 and we need greater flexibility to respond to a potential emergency."

Members of the Los Angeles Police Officers Association said they will fight the proposal. Airport police Chief Bernard Wilson also objected to the proposal, calling it an overreaction to negative publicity surrounding his force.

bIn May 2004, an airport police SWAT team boarded a jet that was emitting a false hijack alarm, and a hidden-camera report last year by KCBS-TV showed on-duty officers hanging out at a fast food restaurant and chatting while they ignored emergency radio calls about abandoned suitcases.

Some city leaders called for combining the airport police with the LAPD after three people were killed on July 4, 2002, in a shooting at the El Al ticket counter.

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STATE



Suit alleges brokers of living trusts bilked elderly

BY ALEX VEIGA

AP Business Writer

LOS ANGELES — State officials on Thursday sued several financial planning firms and their executives for more than \$110 million, accusing them of bilking thousands of elderly Californians by conning them into making sometimes ill-advised investments.

The firms named as defendants in the lawsuit, filed in Los Angeles Superior Court, are Family First Advanced Estate Planning, Family First Insurance Services, American Investors Life Insurance Co., Group Legal Services Inc., and Senior Law Practice Group.

The lawsuit, brought by the offices of Attorney General Bill Lockyer and Insurance Commissioner John Garamendi, contends the defendants engaged in unlawful business practices, fraud and deception in a scheme to lure elderly Californians into buying living trusts they didn't really need.

"The perpetrators of this fraud deceived seniors into using their hard-earned retirement nest eggs to buy unneeded annuities that actually undermined their financial security," Lockyer said in a statement. "Living trust mills such as this one violate not only the law, but the trust of their elderly victims."

Living trusts, or annuities, commonly function as retirement insurance, paying out a fixed amount of money over a specific span of years or over a lifetime. Such arrangements can be risky venture for the elderly, because the bulk of the funds are

If a consumer already had an existing will or trust, regardless of whether the trust was adequate, the firms' sales representatives would still advise the customer to buy a living trust amendment from Family First, the lawsuit alleges.

locked for years and withdrawing large sums in the event of an emergency results in hefty penalties.

Well over half of the people targeted by the firms were over 65, said Lockyer spokesman Tom Dresslar.

"To go around selling annuities to old people who often will die before the surrender charge period ends, that's just wrong," Dresslar said.

According to the complaint, the defendants combed senior citizen centers and sent mailers out to elderly residents, offering free in-home consultation about living trusts and other investment services, but never disclosed that the primary purpose of their solicitations was to sell annuities.

If a consumer already had an existing will or trust, regardless of whether the trust was adequate, the firms' sales representatives would still advise the customer to buy a living trust amendment from Family First, the lawsuit alleges.

The firms' sales representatives also gave legal advice on their targets' estate planning without being qualified to do so, according to the suit.

violated 18 separate provisions of California's business, insurance and civil codes and securities laws, including several statutes designed specifically to protect seniors.

The lawsuit seeks more than \$40 million in civil penalties, and at least \$70 million in restitution and damages.

Individuals also named in the suit are Nick A. Michaels, a top executive with the Woodland Hills-based Family First companies; John Owen, who also held executive roles at the Family First and American Investors firms; and attorney Thomas R. Lee, also of Woodland Hills.

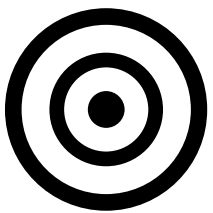
A call to a number listed for the Family First companies and a phone message left for Lee were not immediately returned Thursday. A number listed for San Diego-based Group Legal was disconnected.

Customers also were asked to sign documents with disclaimers and waivers inconsistent with what the sales representatives' had explained during the consultations, and never told of their rights to cancel the transactions, the state contends.

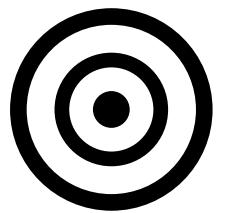
In all, state officials claim, the defendants



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STATE

High Court ruling may have inmates going mental

BY DAVID KRAVETS

AP Legal Affairs Writer

SAN FRANCISCO — The California Supreme Court announced guidelines this week regarding how condemned inmates can claim they are mentally retarded in a bid to avoid execution, an action the state attorney general's office said could create a flood of challenges from the nation's most clogged death row.

The justices' unanimous decision came almost three years after the U.S. Supreme Court ruled it was cruel and unusual to execute murderers deemed legally retarded, a violation of the Eighth Amendment.

The nation's highest court left it to the states to define what constitutes retardation, paving the way for new laws and court challenges in more than two dozen states that did not already outlaw the practice.

California Deputy Attorney General Robert Henry said the guidelines could afford the nearly 640 men and women on California's death row an opportunity to go before a judge to claim they are retarded.

"You got 600 people on death row who are looking at any kind of excuse to get off," Henry said.

Defense attorneys took a more measured approach.

They said that since the nation's highest court ruled three years ago, just 30 California death row inmates have claimed they are retarded.

"I think the attorney general's assertion, I think that's ridiculous," said Harry

Simon, a Los Angeles deputy federal public defender. "The standards of establishing mental retardation are very rigorous."

Thursday's guidelines were issued as part of an appeal involving a former Los Angeles gang member on death row who claims he is mentally retarded.

In part, the guidelines say a mental health expert must agree that the inmate meets the definition of mental retardation as set by the state Legislature. The state defines "mentally retarded" as a "significant sub-average general intellectual functioning" with "deficits in adaptive behavior."

If the expert agrees that an inmate is mentally retarded, the inmate would then be granted a hearing, during which the state could call experts and other witnesses to testify against the finding.

"The judge is going to take expert testimony from both sides and lay testimony and will make a determination," Simon said. "It ends up being a battle of the experts."

Henry said he didn't necessarily believe that hundreds of inmates would prevail before judges. But he said death row inmates could clog the legal system by gaining an evaluation of mental retardation.

"There are a lot of people who are in the social sciences and health fields who think the death penalty is wrong and immoral," he said. "At the hearing, you're going before a superior court judge who is going to listen to the evidence and not be so easily swayed."

California's death row is the nation's

most backlogged, largely because of the volume of inmates, the lack of attorneys to handle appeals and the slowness of the court system.

In a bid to cut down on the number of retardation claims, Henry urged the justices during December oral arguments to rewrite California's 2003 execution law, which defines "mentally retarded" as a "significant sub-average general intellectual functioning" with "deficits in adaptive behavior."

Despite heavy lobbying from prosecutors, California lawmakers did not set an IQ ceiling. Retardation has generally been defined as an IQ of about 70 or below — the standard Henry urged the justices to set.

California's justices rejected Henry's suggestion during arguments and did so again in Thursday's written decision.

The court weighed into the dispute because the Legislature's definition of retardation and the rules it set to make such claims applied only to defendants charged with capital crimes. Lawmakers failed to enact procedural rules or define retardation for those already on California's death row.

The major differences in how the law will treat the two classes is that defendants can challenge their mental status to the jury hearing their case. Death row inmates must go before a judge, the justices ruled. They said the definition of retardation applies to both categories of offenders.

Dane Gillette, California's top death penalty prosecutor, said only a few capital

defendants have challenged their mental status to their juries.

"We have not seen a substantial number of cases in which the claim has been made," Gillette said.

The nation's highest court ruled in 2002 that executing the retarded was unconstitutional after concluding a national consensus against it — 17 states had banned the practice. The justices also said executing the retarded who committed capital offenses did not serve as a deterrent and that there was a greater risk that they might be falsely convicted because they may not adequately assist in their defense.

In Thursday's decision, California's justices granted a hearing to determine whether Anderson Hawthorne Jr. is retarded and should have his death sentence commuted to life without parole.

Hawthorne, a member of the Bloods street gang, was sentenced to death for fatally shooting Crips gang members Jimmy Mamon and Kirk Thomas in a parking lot of a Los Angeles arcade in 1982.

A doctor concluded: "Hawthorne is one of the most profoundly impaired individuals that I have seen within a forensic population."

Hawthorne, 42, has scored between 71 and 86 in the three IQ tests taken in his childhood and early 20s. The attorney general's office maintains Hawthorne's alleged mental infirmities, including fetal alcohol syndrome, schizophrenia and post-traumatic stress syndrome, are a ploy to avoid lethal injection.



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NATIONAL



Death of a playwright: Heart disease fells Miller

BY MICHAEL KUCHWARA

AP Drama Writer

NEW YORK — Arthur Miller, whose dramas of fierce moral and personal responsibility such as “Death of a Salesman” and “The Crucible” made him one of the 20th century’s greatest playwrights, has died at the age of 89.

Miller, died Thursday night of congestive heart failure at his home in Roxbury, Conn., surrounded by his family, his assistant, Julia Bolus, said Friday.

For decades, the playwright, along with Eugene O’Neill and Tennessee Williams, dominated not only American stages, but theaters throughout the world. Broadway marquees were to dim their lights Friday night at curtain time.

“It is the loss of a giant,” said Robert Falls, director of the 1999 Broadway revival of “Death of a Salesman” that starred Brian Dennehy as the iconic title character Willy Loman. “He made tremendous art.”

Playwright Edward Albee, recalling how Miller once paid him a compliment by saying that Albee’s plays were “necessary,” said, “I will go one step further and say that Arthur’s plays were ‘essential.’”

It was Loman and “Death of a Salesman,” which took Miller only six weeks to write, that cemented his reputation when it opened on Broadway in 1949, starring Lee J. Cobb and directed by Elia Kazan. Loman was a man destroyed by his own stubborn belief in the glory of American capitalism and its spell of success.

“I couldn’t have predicted that a work like ‘Death of a Salesman’ would take on the proportions it has,” Miller said in an interview in 1988. “Originally, it was a literal play about a literal salesman, but it has become a bit of a myth, not only here but in many other parts of the world.”

Yet Miller had other powerful plays as well. “The Crucible,” a 1953 drama inspired by the repressions of McCarthyism, told the story of the mass hysteria during the Salem witch trials. And there was “All My Sons” (1947), his earliest Broadway success, about a corrupt businessman who commits suicide after it is revealed he sold defective airplane parts.

Miller’s marriage to film star Marilyn Monroe in 1956, following his divorce from his first wife, Mary Slattery, gave the playwright a celebrity he tried to avoid.

In a 1992 interview with a French newspaper, he called her “highly self-destructive” and said that during their marriage, “all my energy and attention were devoted to trying to help her solve her problems. Unfortunately, I didn’t have much success.”

The marriage, which ended in divorce, did provide material for two of his plays: “After the Fall” (1964), the story of a tempestuous singer not unlike Monroe; and his last major work, “Finishing the Picture,” produced last year at the Goodman Theatre in Chicago. A rueful, yet generous play, it dealt with the misbehavior of a film star on a movie set, similar to “The Misfits,” which Miller wrote and which starred Monroe.

In 1962, he married his third wife, photographer Inge Morath. That same year, Monroe committed suicide.

Miller’s success, so overwhelming in

the 1940s and 1950s, seemed to wane during the next two decades, despite a well-received Broadway revival of “Death of a Salesman” starring Dustin Hoffman, in 1984. But enthusiasm for Miller’s work remained particularly strong in England, which marked his 75th birthday in 1990 with four major productions of his plays.

Nicholas Hytner, director of Britain’s National Theatre, called Miller “the last of the great titans of the American stage” and said British audiences had embraced his work.

“We have felt more comfortable with the uncompromising morality of his world view than his compatriots,” said Hytner, who directed the 1996 film adaptation of “The Crucible.”

“America felt rebuked by him. Over here, we relish the ferocity of his arguments with the way things are.”

Undaunted, Miller continued to write, even as he became increasingly disillusioned with Broadway. In 1991, he premiered a new play, “The Ride Down Mt. Morgan,” in London — the first time he had opened a play outside of the United States.

“It is what I do,” he said in a 1996 interview with The Associated Press. “It is my art. I am better at it than I ever was. And I will do it as long as I can. When you reach a certain age, you can slough off what is unnecessary and concentrate on what is. And why not?”

Among his later plays were “Broken Glass” (1994), a drama about a dysfunctional family that won respectful reviews on Broadway and a Tony nomination, but no big audiences. In London, it won an Olivier award as best play. “Resurrection Blues” had its world premiere at the Guthrie Theater in Minneapolis in 2002. Set in an unnamed banana republic, the satire dealt with the possible televised execution of a revolutionary.

And Miller had a surprise hit with a New York revival of his first Broadway play, “The Man Who Had All the Luck.” It lasted only four performances in 1944, but nearly six decades later, in a Roundabout Theatre Company production starring Chris O’Donnell, this family drama received positive notices.

Born Oct. 17, 1915, Miller was one of three children in a middle-class Jewish family. His father, a manufacturer of women’s coats, was hard hit by the Depression and could not afford to send Miller to college. A tall, imposing man with a gruff Brooklyn accent, Miller worked as a loader and shipping clerk at a New York warehouse to earn tuition money and eventually attended the University of Michigan, where he earned a bachelor’s degree in 1938.

He wrote his first plays in college, where they were awarded numerous prizes. He also published several novels and collections of short stories. Miller also wrote several screenplays. Besides, “The Misfits,” there was “Playing for Time,” (1981) a controversial television movie about the women’s orchestra at Auschwitz.

He also wrote a number of books with Morath, mainly about their travels in Russia and China.

Miller had two children, Jane Ellen and Robert, by Slattery, and he and Morath, who died in 2002, had one daughter, Rebecca, a filmmaker married to actor Daniel Day-Lewis.

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NATIONAL

Lawmakers push to alter Endangered Species Act

BY ERICA WERNER

Associated Press Writer

WASHINGTON — Four leading GOP House members and senators announced a joint effort this week to rewrite the Endangered Species Act to toughen up habitat and scientific provisions. Environmentalists immediately criticized the plan as the latest attempt to gut the law.

The lawmakers said it was the first time members of the House and Senate had banded together at the beginning of a congressional session to amend the 1973 act. Previous attempts to change the law have failed, but they said this time they hoped to produce a single Endangered Species Act reauthorization bill that could be introduced

in both chambers.

"We've been working on this issue for a long time," said House Resources Committee Chairman Richard Pombo, R-Calif. "And to have the opportunity now to sit down and work across the Capitol and try to come up with legislation that does move the ball forward and begins to modernize and update the Endangered Species Act is extremely important."

Joining Pombo were Rep. Greg Walden, R-Ore.; Sen. Mike Crapo, R-Idaho; and Sen. Lincoln Chafee, R-R.I. Chafee, among the Senate's most moderate Republicans, is a newcomer to the issue who chairs the Senate Environment and Public Works Committee's subcommittee on fisheries, wildlife and water.

The lawmakers said they had no specific legislative language yet, but listed goals including increased involvement by states, more incentives for private landowners, and strengthening scientific reviews before species are listed or critical habitat is designated.

They contended the law now creates unreasonable regulatory hurdles for property owners while failing to help many species.

"Overall we believe that the Endangered Species Act can be less contentious and more effective," Crapo said.

Environmentalists said the act works as written.

"For 30 years the Endangered Species Act has been serving as a safety net for species on the brink of extinction, and there can be absolutely no doubt the act is working, and it's one of the most popular laws in the land," said Susan Holmes, senior legislative representative at Earthjustice.

"I think if you look at the efforts that we have seen so far from Congressman Pombo, from Greg Walden, these efforts have been all-out attacks on the Endangered Species Act," Holmes added.

Pombo's committee passed two bills last year to amend the law. One would have changed how critical habitat is designated by requiring that such a designation be "practicable." The other, written by Walden, would have created a peer review board, chosen by the interior secretary, to vet scientific information on a species before it could be listed as endangered.

Neither bill got a vote on the House floor, and earlier attempts to amend the law also went nowhere, including a 1997 effort that cleared a Senate committee. Chafee said that bill, which would have given private landowners incentives to help preserve species, would be a good starting point this time around.

Although President Bush has handed Congress a busy agenda to work on over the next two years, and some in Congress may not be eager to take on a controversial fight over the Endangered Species Act, the lawmakers said Thursday they thought they could get it done.

"If we come together I guarantee you we'll get the floor time," Walden said.

More than 1,800 plants and animals are now listed as threatened or endangered. The Fish and Wildlife Service says about 40 have been taken off the list over the years — fewer than half of those because they recovered, and the others because they went extinct or for technical reasons.

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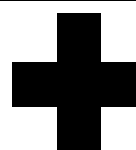
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NATIONAL



H2 whoa: Bill to collect ocean trash gets floated

BY JEANNETTE J. LEE

Associated Press Writer

HONOLULU — A bipartisan group of U.S. senators from coastal states introduced legislation this week calling for removal of the thousands of tons of ocean debris that wash up on U.S. shores each year.

Sen. Daniel Inouye, D-Hawaii, and Sen. Ted Stevens, R-Alaska, said the bill is intended to protect marine ecosystems and human health from ocean-borne trash, including discarded fishing gear, equipment abandoned by commercial fleets and cargo that has washed overboard.

The measure would authorize up to \$50 million over five years for a debris prevention and removal program at the National Oceanic and Atmospheric Administration, and up to \$25 million over five years to strengthen Coast Guard enforcement of laws banning ship-based pollution.

Discarded long line nets and fishing line are most responsible for damaging coral reefs and killing marine animals, including seals, dolphins, turtles and seabirds, according to Seba Sheavly, director for the International Coastal Cleanup.

About 40 percent to 60 percent of debris collected in more than 100 countries during the program's annual worldwide cleanup is abandoned fishing gear, Sheavly said in a telephone interview from Virginia.

"A lot of fishermen are very responsible, but some are not," Sheavly said. "Fishermen by their trade and their own ethics don't want to leave their nets and gear behind. But things happen and there's not always disposal options for a damaged net out at sea or in port."

Isolation doesn't protect the largely uninhabited Northwestern Hawaiian Islands from mounds of ocean waste. Pacific currents funnel thousands of tons of refuse and debris to the eroded volcanic islands and atolls. When explorer Jean-Michel Cousteau visited the islands in 2003 he found hundreds of tons of trash and thousands of dead seabirds.

Seabirds find floating bits of plastic and bring them back to feed their young. They can accumulate as much as 10 ounces of plastic in their stomachs before they die, Cousteau has said. Larger debris, such as fishing gear, can trap endangered Hawaiian monk seals and threatened green sea turtles.

"In a high-tech era of radiation, carcinogenic chemicals and human-induced climate change, the problem of the trash produced by ocean-going vessels or litter swept out to sea must seem old-fashioned by comparison," said Inouye. "Regrettably, that perception is wrong."

Other sponsors include Sen. Maria Cantwell, D-Wash., and Sens. Olympia Snowe, R-Maine; John Kerry, D-Mass., and Frank Lautenberg, D-N.J., from Atlantic Coast states.

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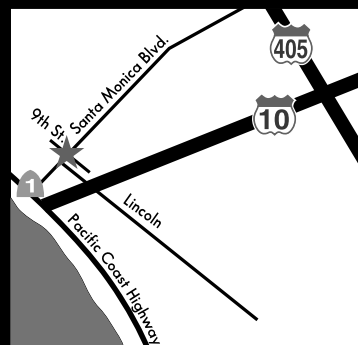
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NATIONAL

Officials want to chat about Valentine's massacre

BY JEFF BARNARD

Associated Press Writer

GRANTS PASS, Ore. — Investigators are subpoenaing Internet chat room records to try to contact dozens of people, including a mother with two children, who may have planned to take part in a mass Valentine's Day suicide set up by an Oregon man, law officials said Friday.

"Our primary goal is to try to locate where these endangered children might be," said Klamath County Sheriff Tim Evinger. "What we are banking on in this investigation is any electronic data that is under subpoena that we may be able to track back."

na that we may be able to track back."

However, privacy protections for chat room participants were making the job of identifying others difficult. Officers had the names of only three of the 32 believed to have taken part, said sheriff's Capt. Chris Montenegro.

"We continue to revise the subpoena," Montenegro said. "The information we are receiving is not what we are wanting."

Acting on a tip from a woman in Canada who took part in a Yahoo chat room that had the words "Suicide Ideology" in the title, authorities arrested 26-year-old Gerald Krein on Wednesday at his mother's mobile

home in Klamath Falls and seized his computer and a webcam, authorities said.

Krein was arraigned Thursday on a charge of solicitation to commit murder and held on \$100,000 bail.

He had moved to Klamath Falls from the Sacramento, Calif., area about a year ago to take care of his ailing father, Evinger said.

"We were contacted by a woman out of Canada who was going to partake in this pact, if you will," Evinger said. "She indicated that she became scared after she learned that there was potentially another woman who had a couple children. This other woman was going to kill her children prior to taking her own life."

The plan was for people to commit suicide in their own locations while keeping in touch through the Internet chat room, Evinger said.

The chat room began in December on Yahoo, about the time Krein moved into his current residence, but is no longer active, Montenegro said.

"We need to investigate where these other computers are. Hopefully we can intervene if anyone still has the notion to follow through with this," Evinger said.

Since news reports have come out, a woman in Oregon who planned to take part has contacted authorities, Evinger said.

Besides Krein, 31 people are believed to have been planning to take part.

Evinger asked that anyone else with information contact the Klamath County sheriff's office.

District Attorney Ed Caleb said he is taking the solicitations seriously.

"There is always a chance this is a joke. But our position is, in this world, any time a person makes these kinds of overt actions, they need to be looked into," said Caleb.

He added that Klamath Falls police questioned Krein last September, but no charges were filed.

A grand jury will convene Monday to determine if Krein will face additional charges, Caleb said.

The mobile home had a picture of actor Don Knotts dressed as the character Barney Fife in a window, along with a life-size figure of a hand making a rude gesture, The Herald and News newspaper reported.

Neighbors told the newspaper that Krein was a burly man who favored tied-dyed T-shirts and looked "like a mountain man."

Nicole Hammond said a woman came out of the mobile home a few days ago to tell a crew of construction workers eating lunch on the tailgate of a pickup they should leave, and "started screaming at them and flipping them off."

Hammond said a plainclothes officer knocked on the front door Wednesday and ended up kicking it in.

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Dean and the Dems: The outsider is *baaaaaaack!*

BY NANCY BENAC
Associated Press Writer

WASHINGTON — There is a sort of swagger to Howard Dean's smile.

Here he is, poised to take charge of the Democratic Party, a striking comeback after his flameout a year ago in the presidential race. He is savoring the moment, yet displaying a new sense of caution.

"There are a lot of people in this city who are afraid I'm going to be very unorthodox _ and I am," Dean chor- tles to a door-busting crowd of supporters in the lead-up to his election Saturday as party chairman. But the bruises from his crash to Earth after flying high at the start of the presidential primary season still are so fresh that Dean is displaying a new, determined effort at restraint.

"I'm going to be a little careful about the directional mike this time," he says at the start of a recent speech, a reference to the microphones that amplified his oft-mocked scream in Iowa. His "wow" at the size of the crowd this time sounds more like a flat statement of fact.

Dean knows he is on probation.
"Double secret probation," suggests Dick Harpootlian, former state chairman of the South Carolina party.

"The question is how he will project the image of the Democratic National Committee," Harpootlian said. "The opinions on this range from disaster to huge success, and it's too early to tell."

Dean's supporters know his chairmanship may well be a wild ride, but they're betting on his proven organiza- tional and fund-raising skills _ he raised a record \$41 million in a single year _ and on his ability to inject energy and enthusiasm into the Democratic ranks. They point to the former Vermont governor's successful tenure as chairman of the Democratic Governors Association, to his tireless work last year for state and local candidates whom national party leaders were neglecting, to his abil- ity to attract legions of new young Democratic foot sol- diers to his presidential campaign.

"The weakness that everyone in Washington is afraid of is almost his strength," said Elaine Kamarck, a Democratic National Committee member who was an early backer of Dean's bid to chair the party. "He actual- ly has the ability to lead people and inspire people. This is not a bad trait in a party chairman."

Still, even Dean's fans stress that he will have to exer- cise discipline to keep his focus on party mechanics and organization, not necessarily an easy thing for a longtime governor with a passion for policymaking.

Gerald McEntee, president of the American Federation

of State, County and Municipal Employees, offers this advice: "OK, Howard, just remember that you're not run- ning for president and you're not running for governor and you're not running to be the head of the Senate or the head of the House. That's the way you have to do it."

Early in the week, as it became clear that Dean was likely to be the next party chairman, House Minority Leader Nancy Pelosi, D-Calif., in a news conference with her Senate counterpart, said she expected Dean to "take his lead from us" on some issues. But she seemed to acknowledge some concern about his selection in adding, "He hasn't been elected yet. Why don't we spend time on the crises we have."

Jim Dean, the candidate's brother, says he can tell from Howard's tone of voice that "he's very much approaching this the way he approached his office when he first became governor. He knows there's plenty to learn and plenty to get acclimated to. He's got some plans and some convictions about what he wants to do, but I think he's taking a very open approach."

No one expects Dean, famously outspoken, to com- pletely muzzle himself. Dean jokes that the Washington insider's definition of a gaffe is "when you tell the truth

and they think you shouldn't have."

His style ever will be blunt: "We have to never be afraid to say what we believe," he insists.

But Bruce Reed, president of the centrist Democratic Leadership Council, which has had its share of differ- ences with Dean, cautioned: "Like any party chair, he'll do fine as long as he remembers the Hippocratic oath: First do no harm."

While many party chairs come into office with a lower profile _ few Americans know much even now about outgoing chairman Terry McAuliffe or GOP chairman Ken Mehlman _ Dean has work to do in reshaping his reputation as a Northeastern liberal, which some in the party believe sends the wrong message. Dean, a doctor who continued to practice medicine even as lieutenant governor, generally was regarded as a moderate during his tenure in Vermont but became the hero of liberals in the presidential campaign with his early denunciation of Bush for going to war in Iraq.

Harpootlian said the image of the party and of Dean has shifted so far left "they look at us as the Haight- Ashbury of parties. There's a perception that he's Ken Kesey. He's got to turn that around."



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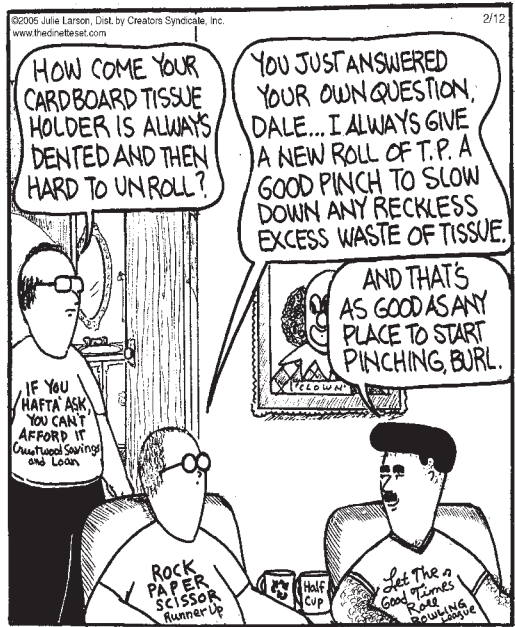
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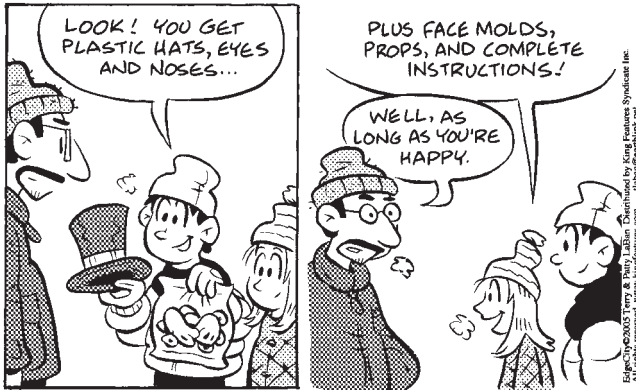


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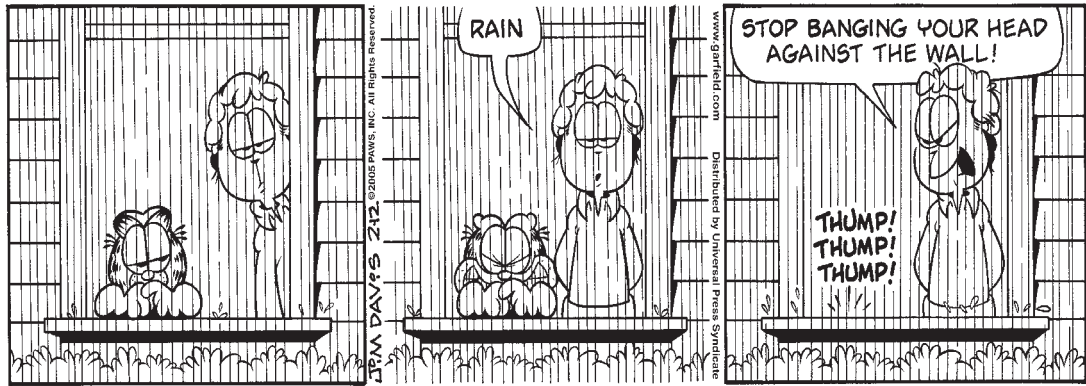
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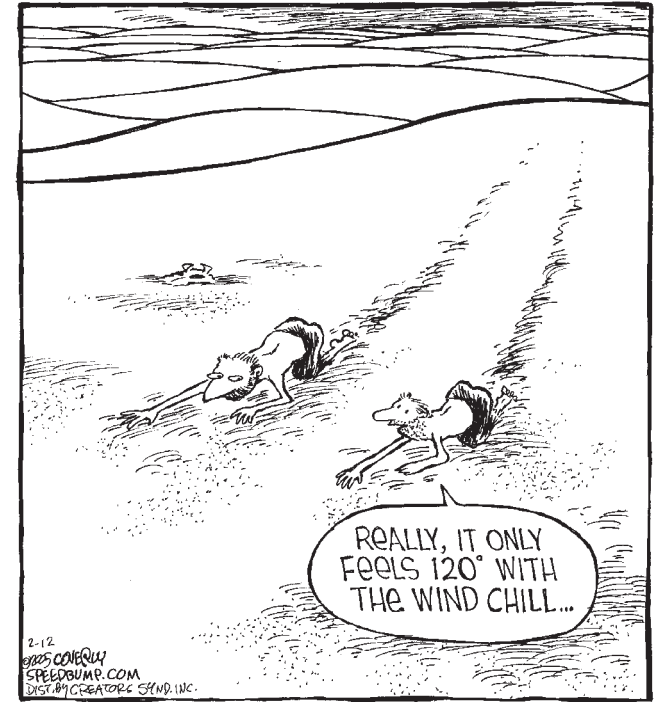
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C	A	B	S			S	N	O	B	
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T	E	R	S	E		M	U	R	A	L
		N	E	T	S			B	E	D

Yesterday's answer

- 26 Hedge worker
- 27 Light
- 29 Car part
- 30 Wakes
- 31 Tenement worker
- 33 Formal fights
- 37 Lunch time
- 39 Smidgen

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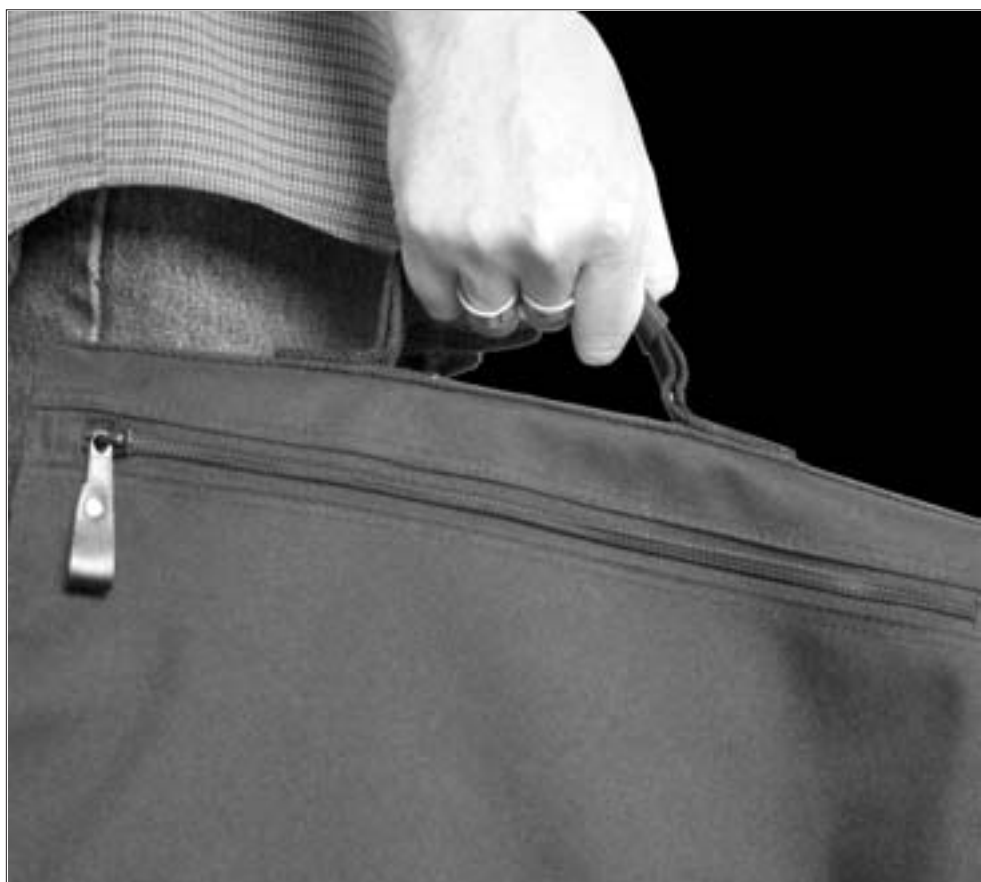
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