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THURSDAY, FEBRUARY 13, 2003

Volume 2, Issue 79

Santa Monica Daily Press

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FANTASY 5

12, 13, 17, 21, 25

DAILY DERBY

1st Place: 10, Solid Gold.

2nd Place: 02, Lucky Star.

3rd Place: 09, Winning.



NEWS OF THE WEIRD

by Chuck Shepard

■ Margie Schoendinger of the Houston suburb of Missouri City, Texas, filed a lawsuit in December against George W. Bush for a lengthy series of alleged actions while he was governor, including "watching" her and "having sex" with her and her husband. The rambling and non sequitur-laden complaint, filed in Fort Bend County Court and reported on by the weekly Fort Bend Star, names the Sugar Land (Texas) Police Department as corroborating many of the plaintiff's allegations (example: that "plaintiff had seven dates, which became seven lovers, had told no lies, committed no crimes, gotten two traffic tickets, and dated George W. Bush as a minor"), but a department spokesman said no one had any idea what Schoendinger was talking about.



THOUGHT OF THE DAY

In a great romance, each person basically plays a part that the other really likes



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City council calls for repeal of Patriot Act

Politicians say act is 'unjust'

BY ANDY FIXMER

Daily Press Staff Writer

Santa Monica joined nine other California cities Tuesday calling on the federal government to repeal the USA Patriot Act.

Local librarians were forced last year by federal agents to turn over lists of what patrons were checking out, a right awarded to law enforcement personnel under the USA Patriot Act, which was signed into law by President George Bush on Oct. 21, 2001.

"Our Santa Monica public librarians have been strong-armed for reader records by the FBI," said Mayor Pro Tem Kevin McKeown. "To their credit, they said 'no way' without a specific subpoena."

The incident sparked community protest. Santa Monica librarians are now considering posting signs near check-out

counters warning patrons that federal officials can find out what they are reading.

The USA Patriot Act's name is an acronym for Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism.

It increases the powers of federal agencies like the FBI to

See REPEAL, page 6

City takes stand against possible Iraq war

BY ANDY FIXMER

Daily Press Staff Writer

Heeding the calls of more than 100 residents and peace activists, the Santa Monica City Council voted Tuesday to sign a resolution opposing a possible war with Iraq.

Many council members said a peace rally attended by dozens of Santa Monica High School students before the City

See ANTI-WAR, page 6

Woman was murdered near Palisades Park

By Daily Press staff

The woman found dead on the bluffs below Palisades Park last October was murdered, according to the Los Angeles County Coroner's Office.

Dana Victoria Caper, who would have turned 42 years old on Wednesday, was found by a passerby on Oct. 29, lying on the bluffs about 30 feet below the park near Idaho and Ocean avenues.

The autopsy report from the coroner was completed on Tuesday, which shows the cause of death as a probable neck compression and other unknown factors, said Capt. David Campbell of the coroner's office. Toxicology reports also show that Caper suffered from uterine leiomyomata, which is a non-cancerous growth on her uterus.

Caper, who was homeless, was found partially clothed — she was nude from the waist down.

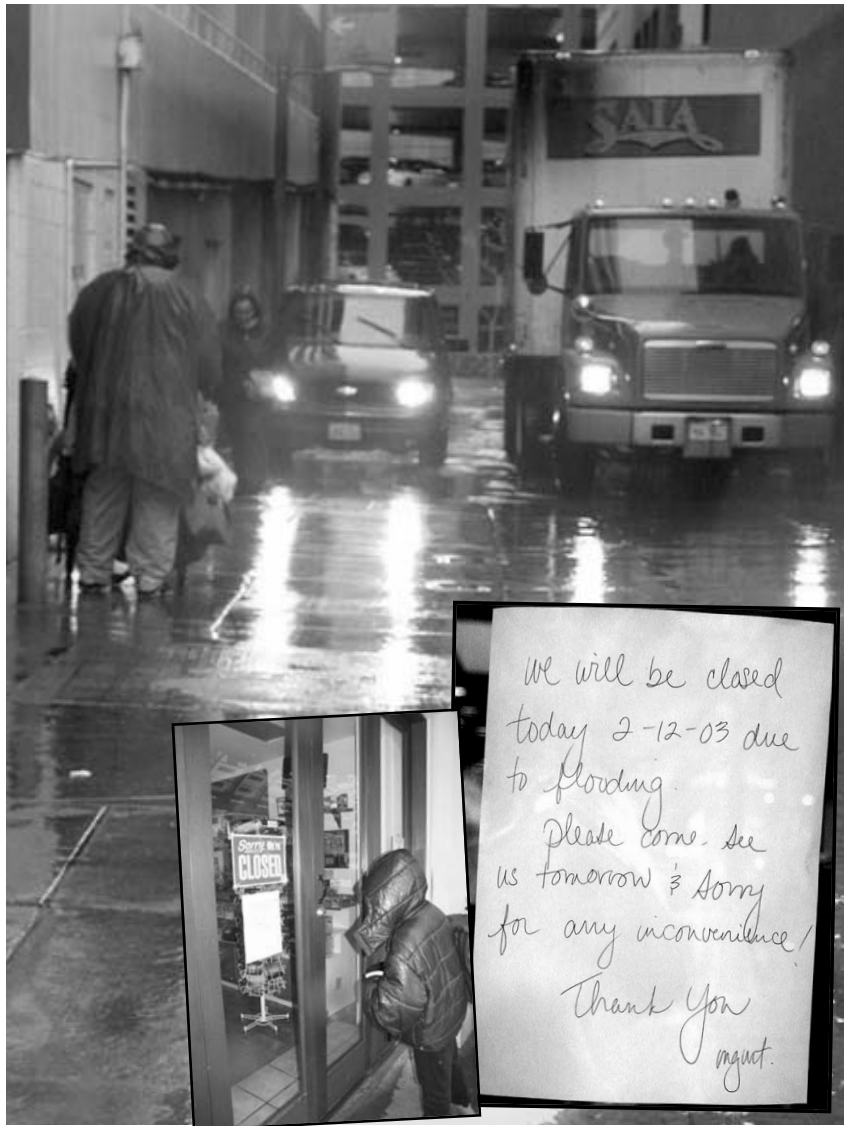
"Right from the beginning, it was ruled as a possible homicide and sexual assault," Campbell said.

The day Caper was discovered, it took a few hours to retrieve her body from the small shelf surrounded by rugged terrain. After the coroner's office tried unsuccessfully to carry the body out, Santa Monica Firefighters eventually lifted Caper from the bluffs.

The Santa Monica Police Department is investigating the homicide, which was the eighth murder in 2002. In 2001, there were two homicides in the city.

"Currently, we are waiting for evidence to be returned from the crime lab," said SMPD Lt. Frank Fabrega.

It's a 'hard rain'



Carolyn Sackariason/Daily Press

A homeless person navigates through a downtown alley which by Wednesday afternoon had become a river from the constant rainfall in the past 48 hours. (Inset) It appears that many buildings in Santa Monica weren't built to withstand rain as many businesses were forced to shut down because of water leaks. Bebe clothing store on the Third Street Promenade flooded and was forced to close for the day while the Candy Baron on Fourth Street had electrical problems because of the rain, which was so troublesome it closed down City Hall. See related story, page 7.

Smoking banned in parks

BY ANDY FIXMER

Daily Press Staff Writer

Lighting up a cigarette in a Santa Monica park will soon be a punishable offense.

The Santa Monica City Council approved a ban on smoking in any areas of the city's 15 public parks, hoping to protect children from the harmful effects of second-hand cigarette smoke. Those caught breaking the law face a \$250 fine when the ordinance becomes law in 60 days.

Residents who spoke at the City Council meeting Tuesday said young children playing in the parks are being harmed by smokers, many of whom leave cigarette butts lying on the ground.

Dr. Laurie Kaufman said when she took her son to a Santa Monica park and placed him in a sand box, the child found a cigarette butt and put it into his mouth before she could stop him.

Another resident, Lou Mensch,

See BAN, page 7

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HOROSCOPE

Follow your friends tonight, Sag



JACQUELINE BIGAR'S STARS

The stars show the kind of day you'll have:

★★★★★-Dynamic ★★★★★-Positive ★★★-Average
★★-So-so ★-Difficult

HAPPY BIRTHDAY for Thursday, Feb. 13, 2003:

Understand your limits, and you might stay out of trouble. You do have a tendency to go overboard. Consider options more carefully that involve your professional life. This year you get to prove that some things can come easily, such as your work. You might have a tendency to overindulge a bit too much. Learn when to say "no." Learn to express when you have had enough. You gain through networking. If single, you are likely to meet someone quite special this year who just might be the one! If attached, the two of you will just plain enjoy yourselves together, no matter where you are. CANCER chips in.

ARIES (March 21-April 19)

★★★★ Opportunity knocks on your door. You might feel as if you would like to take off and head in a new direction. The question is: Why not? Allow more pleasure, laughter and interaction into your work situation. As a result, you will notice that others respond better in general. Tonight: In the limelight.

TAURUS (April 20-May 20)

★★★★ You will want to reach out for others and keep conversations rolling. You know how extreme a situation can get and just how much can happen if you let go. You're inclined to run with the ball right now and let it all happen. Tonight: Say "yes" to a loved one.

GEMINI (May 21-June 20)

★★★★ Handle finances in your normally astute manner, knowing what you want and what works for you. Communication ties you in closer to a loved one you care about. Before you let go and celebrate, take time to balance your check-book. Tonight: Indulge a little.

CANCER (June 21-July 22)

★★★★ The Moon beams you into the limelight. Now stop and take a good look at what will make you happy. Laughter surrounds interactions, especially those with associates and people in your day-to-day life. Don't push when charm might work. Tonight: Keep smiling.

LEO (July 23-Aug. 22)

★★★★ Step behind a situation. A co-worker lets you know just how much he or she cares about you. Carefully review a heartfelt, personal matter that involves your work. Through sensitivity, you can make your workplace all the better. Take your time with a decision. Tonight: Wander off by yourself.

VIRGO (Aug. 23-Sept. 22)

★★★★ Handle a personal matter more directly that involves a child or loved one. This person depends, in some sense, on your good graces. A meeting proves to be unusually beneficial if you keep your objectives in mind. Reach out for those around you. Tonight: Find your friends.

LIBRA (Sept. 23-Oct. 22)

★★★★ If you're not a boss, put yourself in the position of "leader of the gang." Your understanding grows because of your ability to identify with others. Others push and pull in different directions. Curb a need to go to extremes. Stay on top of decisions. Tonight: Work late.

SCORPIO (Oct. 23-Nov. 21)

★★★★ Reach out for someone. Consider what is important, and find that information. You have unusual sources. Use them to the max. You come up with a most appealing idea that others can back. Learn to keep a secret just that — a secret. Tonight: Follow your friends.

SAGITTARIUS (Nov. 22-Dec. 21)

★★★★ Listen to a friend. This person might have good intentions, but he or she is also a source of general wildness. You might want to think twice before jumping on this bandwagon because of the end results to your life. Just decide how much you can withstand. Tonight: Allow the good times to roll.

CAPRICORN (Dec. 22-Jan. 19)

★★★★ Others put their best foot forward; why shouldn't you? With all the good will that surrounds you, you could make waves. Work as a team, and you'll gain results quickly. Let others express their feelings. Teamwork proves very powerful. Tonight: Allow another to have it his or her way.

AQUARIUS (Jan. 20-Feb. 18)

★★★★ Take your time finishing up details. You could be much happier if you just keep a low-key pace. Clear your desk and get done what you need to. A co-worker could choose to clear the air in an important discussion. Feelings run deeper than you were aware of. Tonight: Play it easy.

PISCES (Feb. 19-March 20)

★★★★ You understand much more than you realize about a loved one or a child. Think through a decision more carefully that surrounds a long-term love relationship. Feelings are abundant. Sort them out before you make a major decision. Tonight: Play away.

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LOCAL

Couple held liable for plumbers' repair work

BY JOHN WOOD
Special to the Daily Press

A Santa Monica couple were held responsible for shoddy repair work by plumbers who attempted to fix a water heater problem that ruined their neighbor's condo.

A Santa Monica judge ruled that even though it wasn't the couple's fault that water damage ruined their neighbors' condo, the couple's homeowner insurance would cover the repairs.

Jimone and Sharona Berookhim couldn't find a lawyer willing to take on their \$24,000 negligence lawsuit, so they took their case to small claims court last month, claiming their upstairs neighbors were responsible for flooding their Santa Monica condominium.

On three different days, water poured through their walls and ceilings, ruining an expensive Persian rug, their computer and carpeting, and caused extensive repair costs, the couple told the court.

"The whole roof came down," Jimone Berookhim said, "it just collapsed. It was so bad, even the garage below us got flooded. It was absolute chaos."

On Aug. 23, 2001, at 11 p.m., the Berookhims first noticed a section of their wall had caved in because of gushing water coming from above, Jimone Berookhim said. He immediately called his upstairs neighbors, who shut off the main water valve and agreed to allow maintenance workers into their apartment the following day.

Plumbers inspected Saeed and Narmeen Humayun's condominium but found nothing out of the ordinary, so the water was turned back on.

But two days later, the problem got worse. Water gushed into the Berookhims' bedrooms and bathrooms, they said. The main water valve again was turned off and a different set of professionals came to survey the situation.

The new plumbers said the old water heater in the Humayuns' unit was to blame. A new heater was installed and the water was turned back on.

Two more days later, the Berookhims said their roof crashed in. The second

plumbers apparently didn't attach one of the hoses connected to the new water heater.

"We've been accused of negligence, and I think the records show we called the professionals and did everything we could in an expeditious manner. It's unfair (that the damages occurred), but it's not because of our negligence."

— SAEED HUMAYUN
Defendant

Though the Humayuns admitted the water came from their apartment, they argued they weren't responsible for the repairs because they had done everything in their power to solve the problem.

"We've been accused of negligence, and I think the records show we called the professionals and did everything we could in an expeditious manner," Saeed Humayun said. "It's unfair (that the damages occurred), but it's not because of our negligence."

But Judge Pro Tem Thomas Flattery didn't see it that way. After confirming that the Humayuns had homeowner's insurance, he awarded the Berookhims \$5,000, the maximum award in small claims court.

"I'm not saying you didn't do all you could," Flattery said to the defendants. "But I'm persuaded there was a problem and the plaintiffs were damaged — and unfortunately it came from your property."

After his ruling, Flattery said the plumbers could ultimately be held liable for what appeared to be lapses in judgment and workmanship.

DID YOU KNOW?: According to the US Census Bureau, 19% of US children live in poverty. (1999)

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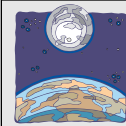
Tuesday's rains raised pollution to worrisome levels at our cherished local surf spots. The Department of Public Health has issued a 72-hour rain advisory.

Regardless, surfable waves have proven few and far between lately, though a bit of south wind swell hit some of L.A.'s beaches Tuesday and should continue today.

In the north, expect waist-high surf on average, some chest-highs occasionally with poor to fair conditions.

In the south, wind swell won't matter so much, so those breaks will be smaller; knee- to waist-high for the most part.

With the rain advisory in effect through the weekend, the best thing is to stay out of the water, but if you need to get a wave, head north, and don't swallow.



Today's Tides:

High- 5:40 a.m. 4.91'
Low- 1:26 p.m. -0.15'
High- 8:08 p.m. 3.29'

Location	Thursday	Friday	Water Quality
County	1-3'/Poor	1-3'/Poor	N/A
Zuma	2-3'/Poor	2-3'/Poor	N/A
Surfrider	1-2'/Poor	1-2'/Poor	N/A
Topanga	1-2'/Poor	1-2'/Poor	N/A
Breakwater	1-3'/Poor	1-3'/Poor	N/A
El Porto	2-3'/Fair	2-3'/Fair	N/A

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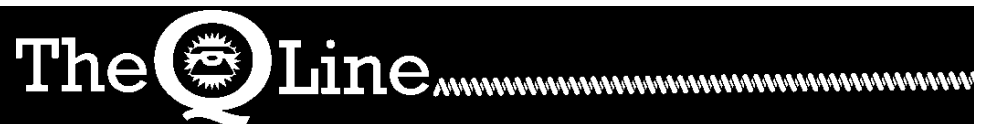
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Plans have been in the works the past few years to rebuild the Santa Monica Pier's breakwater so it can become a harbor again for sailboats, sport fishing and other recreational opportunities.

But, of course, because of the city's budget crisis, the City Council may divert the \$4 million needed to match the federal government's share of the project toward other projects that are more needed.

Some say having a harbor will give Santa Monica another reason for people to come here, which will fuel the economy.

Others say a harbor will add traffic and attract too many people here.

This week, Q-Line wants to know:

"Do you think the city should use its financial resources to build a new harbor? Would it be bad or good for Santa Monica?"

Call (310) 285-8106 with your response before Thursday at 5 p.m. We'll print them in Friday's paper. Please limit your comments to a minute or less; it might help to think first about the wording of your response.

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OPINION

LETTERS

Undecided voter glad for election

Editor:

Evelyn Jerome (Daily Press, Feb. 11) is wrong when she criticizes the city for calling an election for Measure A. She says that because 10,000 people signed the petition to place Measure A on the ballot, the City Council should have adopted the measure, rather than call the election.

Evelyn Jerome is wrong, not the City Council. Many of us signed the petition because we believe people should have the opportunity to vote on important issues, not because we necessarily agree with the petitioner's point of view. I am one of the 10,000 signers, but I haven't decided how I am going to vote on Measure A.

By signing the petition, all I agreed to was that this issue should go before the voters at an election. I'm glad that we have a City Council that believes in democracy and will allow us to vote. And, I'm grateful that we don't have a council that thinks like Evelyn Jerome who says that 10,000 signatures (a small fraction of the number of voters in Santa Monica) should be able to decide important policies for all of us.

Matilda Berger
Santa Monica

The real deal on 18th Street

Editor:

Bea Nemlaha (Feb. 7, 2003, Daily Press) has absolutely no right to speak for the people of 18th Street, since she clearly has no idea what happened here, or any sense of the emotions and prevailing attitudes of the people who live here (which generated Proposition A). She makes a serious blunder by attempting to rewrite our recent history.

When our neighbor, Marc Schrobilgen, attempted to get a demolition permit for his house, one person complained to the Landmarks Commission, which subsequently froze his property under its draconian "structure of merit" designation. Over 75 of his neighbors came to the commission in Marc's defense, presenting them and the City Council with WRITTEN opposition to what they were doing to him. We attended their meetings and asked them to release him, and they refused. Our frustration grew, and as we realized that any one of us could be next, the result was Proposition A.

The suggestion that Marc was a developer who was stopped by "concerned" 18th Street neighbors is a complete misrepresentation. His neighbors supported him in overwhelming numbers, and this is very well documented in the city record. If anything, his case proves that under the current law an individual homeowner can be grievously harmed by the will of a few, even if he enjoys the support of the majority of the community. The arguments repeated in Bea Nemlaha's letter are not the arguments of the people of 18th Street.

They are the arguments of the Landmarks Commission, an UN-ELECTED bureau-

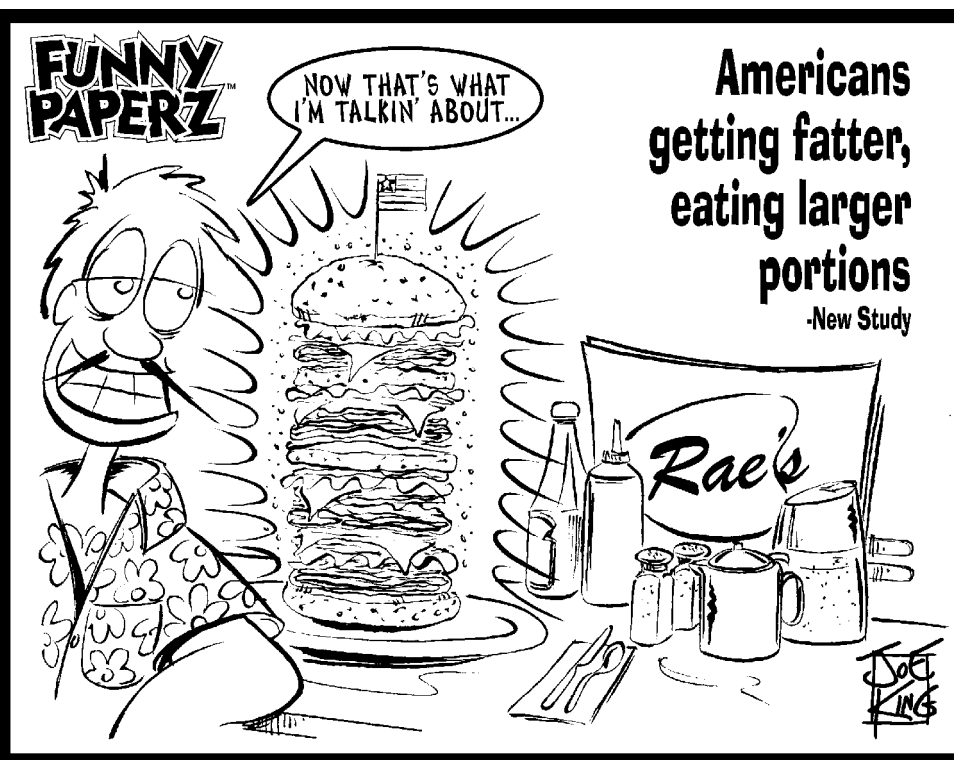
cracy which is trying desperately to hang on to its ability to hurt citizens like Marc, while disregarding the wishes of his neighbors in the face of an overwhelming popular uprising against them.

They are the arguments of organizations from outside Santa Monica, such as the Los Angeles Conservancy, who are making an incursion into our city to attempt to defeat the people's initiative.

They are the arguments of one side of the inhabitants of the Third Street Historic District, where a small group of people can prevent a neighbor from adding a garage because they have a personal grudge against her. Believe me, the citizen in question (who still has nowhere to park) has a completely different view of life in a city-run, committee-controlled district.

They are, perhaps, the arguments of the Landmarks Commissioner who lives on 18th Street, who extensively remodeled his house at exactly the same time that Marc was being denied his permit a few doors down. Yes, this really happened.

See LETTERS, page 5



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Colors make it easy for all of us, thank Tom Ridge



TITTINGER'S TAKE

By Michael J. Tittinger

Should I wear a hat? I probably should, my hair's a mess. Still, where am I going, around the corner for a slice of pizza? Who's going to be looking at me? If I hadn't moved to Southern California, I wouldn't be worried about the hat. I'd have walked right into the local deli and ordered a hoagie with my hair askew. And they would have liked it.

It's raining out. There's my excuse. A hat it is. It's not that often that I have this opportunity. The hat's not helping me write this week's column, however. I should be home putting fingers to keyboard, pounding out the week's dose of sarcastic logic. Instead, I'm waiting on two slices with sausage and roasted peppers trying to avoid the blinking cursor. That cursed cursor!

What should I write about? I need a topic now that I have a thinking cap. I

could write about the rain. No, that's a horrible idea. Did you ever experience a great conversation that begins with, "Some weather we're having?" Besides, talking about the weather is what you do when you haven't read a newspaper.

Yesterday I was leaning towards a column about Homeland Security Secretary Tom Ridge and his color-coded pie charts warning us of impending doom. I thought about Tom Ridge and then thought some more about Tom Ridge, then I began wondering why I was thinking about Tom Ridge at all. Who thinks about this guy beyond the color-coded swatches he clips out and pastes on to presidential letterhead? I think his office might be a little school desk outside the Oval Office hallway, where he sits busily coloring with a box of crayons. Is it his face we put on our anti-terrorism fight? His is the face I picture when I think of a boy with his tongue in the corner of his mouth making "drawings."

This really doesn't smell like a column, or is that the bleach the pizza guys are mopping the floors with? Maybe they're telling me it's closing time with each slap of the mop on the tile. Thwack. Schlop. Hey, I'm trying to eat over here!

No, I think the whole Ridge idea was just an overblown notion for a comedy sketch, not a column, whereby the cabinet member could sport a brightly colored suit jacket matching his terrorism warning meter. Yellow jackets for moderate threat levels, orange when they're heating up. Sadly, we may never get to see the man in a peaceful blue blazer, though I'm sure it would bring out his eyes.

Then I was thinking I could expand upon Ridge's color schemes for the sake of my column, with each hue representative of a different topic. "Orange" would cover the elevated threat warning and "Yellow" could address the growing number of war protesters. "Red" could be, let's see, the Reds, as in communists, as in North Korea. Except do people still even refer to communists as "Reds?" What was that Warren Beatty movie all about anyway? Would President Beatty have subscribed to pie charts?

More and more questions, as biting as they are, are not what I need right now. Besides, there weren't anything green or blue in the news this week in regards to the war. At least not that I read, maybe I was too busy talking about the weather and worrying about my hair.

I wonder if that girl I saw in Rite Aid before heading to the pizza shop was flirting with me? She must have noticed the hat and wondered why I was wearing it. Did he not shower? Is he balding? Plugs? None of the scenarios paint a real rosy picture, yet she just may have been flirting, waiting for me before walking outside past scary stragglers. Hmm. I'm sure my purchase of cigarettes and M&Ms weren't a real grabber. If he doesn't die of cancer, maybe he'll just get fat. Of course, she disappeared into the Santa Monica rain soon after, and I never did get to the bottom of the matter. I was thinking about my slices ... and my column ... and my hair.

I thought of Ridge walking to the pizza shop, observing the colored candies in my bag. Maybe he had a similar epiphany when he dreamt up his charts.

I don't even think the pizza shop workers noticed my hat. They had no idea I tried on two others before opting with the black baseball cap. They didn't appreciate the effort at all. I think my hair was fine.

(Mike Tittinger is a freelance writer living in Santa Monica.)

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

OPINION



LETTERS

LETTERS, from page 4

If you personally want a city bureaucracy dictating to you whether you can add a room on your house, or even change the paint color, then do as the city tells you and vote against Prop. A. After all, they are doing such a great job on every other local issue ... the schools, traffic, homelessness ... I'm sure you will enjoy your hearings while they try and decide what color you can paint your front door.

But do not believe them when they say they speak for the majority of people of 18th Street. We have taken a stand, and we are speaking for ourselves. Join us, and stand up for your rights, because your house could be next. Vote yes on Prop. A.

Gregory Poirier
Santa Monica

The Sting

Editor:

Police officers recently conducted an undercover sting
At a Santa Monica campus,
And did bring
Some able bodied students to fall into disgrace
When using a designated disability space.
Each thought they could park gratis and not be seen
But in this endeavor
Were caught clean!

The officers stopped individuals as they exited their car
Showing no sign of disability,
But walking with capability, a distance quite far,
Looking considerably agile
And certainly quite mobile from their automobile

Of course, when they alighted
They were immediately cited
And the violators charged with a misdemeanor fifty dollar fine.
This made the culprits grumble and whine —
But it was no gaming lark
misusing someone's bonafide claim to park.

So when they were caught,
Hopefully, a good lesson was taught
And they will refrain
From abusing and using a disability parking space again!

Betty Tomson
Santa Monica

Malibu schools shouldn't be subsidized

Editor:

The school funding crisis is just one aspect of the breakdown of the social contract and can't be remedied in the current political climate. Anyone who wants to contribute \$300 to the schools, following Councilman Bob Holbrook's exemplary lead, should certainly do so. But a parcel tax, which equates a small condominium with a monster mansion, is patently unfair.

And why should Santa Monica residents subsidize the schools of Malibu, a remote enclave of some of the richest people on earth?

Marjorie Campbell
Santa Monica

Bush administration is all about oil

Editor:

As our nation approaches a risky war with Iraq, it makes sense to save billions of gallons of gas with SUVs that get higher gas mileage. The Bush administration has caved in to industry, giving them just what they want: No real change, but a fig leaf to say they are doing something. The Bush proposal would increase the fuel economy of SUVs and light trucks by only 1.5 mpg over a three-year period. This administration is influenced by an oil industry which contributed \$7.4 million to candidates in the 2002 election cycle.

We have the technology to increase fuel economy by at least 20 percent over the next decade, and even by 50 percent in the following decade. This would reduce foreign oil consumption by up to 60 billion gallons by the year 2030 and would go about half the way toward the U.S. commitment to reduce greenhouse gases under the neglected Kyoto protocol. Better yet, increasing the standards would be good for the economy and jobs. Raising the standards by 20 or 50 percent would respectively net up to 70,000 and 350,000 new jobs.

We should urge federal officials to raise the SUV and light truck fuel standards by at least 20%. This will improve air quality, reduce health costs and cut back our dependence on foreign oil.

Hoyt Johnstone
Santa Monica

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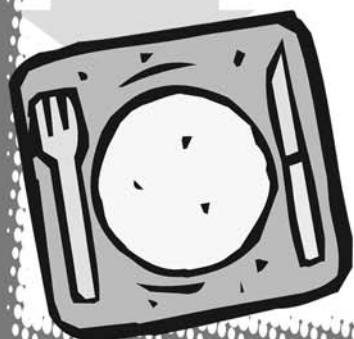
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LOCAL

Activists accuse federal agents of local snooping

REPEAL, from page 1

spy on Americans' e-mail and telephone conversations. The act allows for racial profiling by federal law enforcement agencies, as well as the detention of those suspected of crimes against the state for up to six months.

Also, the act allows ethnic profiling, the denial of rights to some detainees and permits law enforcement agencies access to records of books people purchase, or take out of the library.

"Meanwhile, we'll be posting signs warning everyone from school kids to senior citizens that their reading and Internet habits may be spied upon," said McKeown. "How dare the Bush Administration look over our shoulders?"

Already Arcata, West Hollywood, Berkeley, Oakland, San Francisco, Santa Cruz, Fairfax, Point Arena and Sebastopol, as well as Yolo County, have passed resolutions opposing the USA Patriot Act and calling for its repeal.

Civil liberty activists said that fear after the Sept. 11 terrorist attacks lead Americans to believe they had to give up personal freedoms in exchange for better protection and safety. But now many Americans realize that trade-off doesn't have to be made, activists say.

"The USA Patriot Act is wrapped up in enough red, white and blue to strangle its citizens," said Jan Goodman, a Santa Monica resident and member of Southern California Americans for Democratic Action. "And that's exactly what it's doing. It's strangling out civil liberties."

But not every resident was in favor of the council's action. Dr. Michael Gruning, a Santa Monica resident and businessman who is president-elect of the Santa Monica Chamber of Commerce, said the council had no authority to comment on

foreign policy.

Besides, the USA Patriot Act is a necessary tool in the battle against international terrorists, he said.

"The USA Patriot Act is wrapped up in enough red, white and blue to strangle its citizens."

— JAN GOODMAN
Santa Monica resident

"These are exceptional times and law enforcement needs the flexibility to deal with these individuals who mean us harm," Gruning said. "These individuals do not play by the traditional rules, and they intend to use any means possible to exact great damage to our way of life."

Others at the meeting told the council they worry about "secret police" arresting neighbors in the middle of the night with little or no warning. They said the act would allow the government to create concentration camps and give federal officers unfettered access to personal and financial information on any American.

While some council members said those fears may not be realistic, they agreed the threat to personal freedoms and liberty is being threatened on a local level and called for local action.

"This threat is greater in the long-run for this country than possibly any other we face," said Councilman Ken Genser. "We expect the Constitution to be upheld in this community and we place that ... as one of the highest of our local concerns."

Students influence city councilman on anti-war vote

ANTI-WAR, from page 1

Council meeting convinced them that war with Iraq would have enough local impacts that they should respond to the possible conflict.

"War is a national issue," said Mayor Pro Tem Kevin McKeown. "I recognize that. But many of the impacts of a war would be felt locally."

McKeown cited a likely drop-off in tourism, which generates a huge amount of tax revenue for the city; an increase in homeless war veterans, many of whom already can be found living on Santa Monica's streets; and a diversion of federal dollars away from local police and fire services to pay for the conflict.

Councilwoman Pam O'Connor disagreed. She said while she opposes a war against Iraq, she did not feel it was within the council's purview to act upon it.

O'Connor, who was elected to another four-year term last November, said during her campaign she received no feedback from residents that Iraq was a concern for them. For that reason, O'Connor said she couldn't represent the views of her constituents on the issue of war.

"I think this is fraught with problems,"

she said. "I wasn't elected to act on foreign policy matters. That's not my place."

However, Councilmen Herb Katz and Ken Genser said they were convinced from the public testimony and outcry that residents truly are against an Iraq war and want the City Council to take a stand against it.

"What got me was the students," said Katz. "As the oldest City Council member on the dais, I want them to know that I get it."

Genser said the council's action probably wouldn't add much to the national debate over war and was mostly a "feel good" resolution. But he said an Iraqi war would be "such a catastrophic event that it requires our attention."

Some in the audience hoped when Santa Monica was added to a list of more than 70 cities nationally that have already passed resolutions opposing a possible conflict with Iraq, that a "critical mass" would be reached.

"Perhaps," said Santa Monica resident Patricia Hoffman, "you will be the one last municipality to pass such a resolution that will create the critical mass necessary to avoid this plunge into insanity."

LOCAL □ STATE

Pols try for TV, movie production tax breaks

BY MARK SHERMAN
Associated Press Writer

WASHINGTON — Two California lawmakers introduced legislation Wednesday to offer tax credits to keep television and movie productions from going to Canada and other countries.

The bill by Reps. David Dreier, R-San Dimas, and Howard Berman, D-North Hollywood, is aimed at small and independent productions with a payroll of less than \$10 million and is identical to a measure they introduced a month after the Sept. 11 attacks.

By offering a 25 percent wage tax credit to each employee on wages of up to \$25,000, the lawmakers hope to neutralize the generous tax breaks offered by Canada and increasingly, Australia, Ireland, Mexico and New Zealand. Caterers and other small business associated with film productions also would qualify.

So-called runaway production cost the U.S. economy \$10 billion in the 1990s, according to a 1999 study prepared for actors' and directors' unions.

"Countries like Canada are providing tax incentives that make it cheaper for productions to work north of the border," Dreier said. "We need to be able to compete by making it just as enticing to do that work here at home."

Movie and television production rebounded last year from a three-year slump caused by a backlog of material and the threat of a writers and actors strike. But productions continue to go abroad in alarming numbers, Berman said.

"And the problem is escalating. The sound stages, editing facilities and increased experience of Canadian crews makes it easier and easier to shoot films and TV there," he said.

The bill would cost \$200 million to \$400 million annually in lost tax revenues, Berman spokeswoman Gene Smith said.

Brent Swift, who heads a group of entertainment industry workers fighting runaway production, said he has been told the bill would cost \$1 billion a year. "More power to them, if they can make it happen," Swift said. "The problem is, where is the money coming from?"

Swift's Film and Television Action Committee is trying to raise enough money to file petitions with the Commerce Department and the International Trade Commission contending the Canadian tax credits are illegal. An investigation could lead to tariffs equal to the subsidies received by Canadian-made productions when they are brought to the United States for distribution.

The lawmakers and the Hollywood studios oppose that effort.

Kids pick up used butts

BAN, from page 1

told a similar story to the City Council, and he said cigarette butts have been found to contain many carcinogens.

"So here they are, picking up these little toxic-waste bins and out of childish curiosity, putting them into their mouths," he said.

The Santa Monica Recreation and Parks Commission unanimously voted last June to recommend the City Council ban smoking in all current and future public parks.

Already the cities of Beverly Hills, Carson, Huntington Beach and El Monte have taken advantage of a January 1, 2002, state law that allows municipalities to extend smoke-free zones from playgrounds to entire parks.

City officials say they will enforce the ban by posting signs in the city's parks and educating the community about the new ordinance. The same approach resulted in a nearly complete compliance with a

similar smoking ban enacted by the City of Beverly Hills, city officials said.

"We talk about smokers' rights, and we want them to be able to still enjoy those," said Robert Berger, a member of the Committee for Smoke-free Zones, "but what about the rights of the non-smokers, many of whom have harsh reactions and allergies to tobacco smoke?"

Councilwoman Pam O'Connor voted against the ordinance, saying she felt the state's law banning smoking on playground areas went far enough.

But Mayor Richard Bloom said the advantages of forbidding smoking in parks far outweighs the rights of smokers.

"We all know, unfortunately, in our own lives someone who smokes," he said. "Some do it by choice, others are stuck in an addiction. But when you measure the benefits of a smoke-free environment in our parks against their rights, there's just no comparison."

Rain closes down City Hall

By Daily Press staff

Rain water flooded a power substation at City Hall, forcing officials to turn off the electricity and send employees home.

A leaky roof at the city's new Public Safety Building, which is still under construction, allowed rain water to flood a room containing electrical equipment. Fearing the water could short-circuit City Hall's entire electrical system, officials turned off the power.

"To make sure nothing blew, we decided to turn everything off," said Judy Rambeau, a City of Santa Monica spokeswoman.

With the power turned off, only emergency lights remained. But the lights were too dim for employees to continue working, so they were sent home at about 1 p.m., Rambeau said. "We had to send people home," she said. "Even with the emergency lighting, it's not enough to work by safely."

Rambeau said officials were busy all day trying to pump out the water and bring City Hall's electricity back online. But she warned the lights at City Hall could still be off this morning, preventing the city from opening for business until the situation is fixed.

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NATIONAL

Beyond the bake sale: Public schools look to professionals to raise money in face of cuts

BY CHAKA FERGUSON
Associated Press Writer

NEW YORK — For years, public schools sponsored car washes, dances and raffles to raise extra cash. Now, in increasing numbers, they are hiring professionals to solicit donations from rich people, corporations and foundations.

"Fund-raising for America's schools has gone way beyond the bake sale," Howie Schaffer, managing editor of Public Education Network, a Washington group that supports increased government funding of public schools. "You can't bake enough cookies to give America's schools the money they need."

New York City, for example, has launched a campaign to solicit private aid and hired Caroline Kennedy as its chief fund-raiser. Kennedy, a lawyer, author and daughter of President Kennedy, directs the system's Office of Strategic Partnerships.

Schaffer said fund-raising "has increased tremendously" at public schools, especially with many cities facing deep budget cuts because of a sagging economy. New York City is facing a \$3.4 billion projected deficit and may have to lay off nearly 2,000 teachers if state aid is reduced.

"Kennedy will provide the visibility for the needs of public schools at a time when they are asked to squeeze every last drop of a penny out of already limited resources," Schaffer said.

Ray Clements, vice president of the American Association of Fundraising Counsel, said about 4,000 of the nation's 15,000 school districts — or about 27 percent — have hired professional fund-raisers or established private fund-raising foundations.

Some fund-raising efforts are as ambitious and sophisticated as those found in colleges: The nation's oldest public school, Boston Latin, is in the midst of a \$50 million fund drive. Outside Akron, Ohio, Ravenna High School helped finance construction of its new athletic complex by selling people the right to put their names on seats.

In New York, Kennedy brokered her first deal last month, an agreement with the History Channel in which the cable network will donate \$1 million in scholarships, materials and staff hours to city schools.

Still, Clement said, many school districts remain unaware of how to tap into the billions in philanthropic aid that is available. More than \$212 billion was donated to charitable causes in 2001, 15 percent of that to education, according to the association.

"A lot of superintendents say, 'I wasn't hired to fund-raise. I was hired to run the district,'" Clements said.

Some say public schools should not be in the business of fund-raising. The

national Parent Teacher Association has expressed concerns that private fund raising is inequitable and does not address the needs of most public school students.

School choice supporter David Salisbury, director of the Center for Educational Freedom at Cato Institute, said donating to public schools is "throwing good money after bad." Private aid, he said, would be better spent providing alternatives such as school vouchers or charter schools.

"Kennedy will provide the visibility for the needs of public schools at a time when they are asked to squeeze every last drop of a penny out of already limited resources."

— HOWIE SCHAFFER
Public Education Network, Managing editor

And a 2000 study by the Thomas Fordham Foundation, titled "Can Philanthropy Save Our Schools," found that "while students in some schools surely benefited from this unprecedented private generosity, the system as a whole was largely unresponsive."

"Short-run innovation can be bought with money, but durable reform takes something more powerful," the study concluded.

Caren Austen, a parent volunteer who organizes bake sales, dances and fund drives at the public Manhattan School for Children, said donations at her school help pay for such things as field trips, supplies and books.

A dental hygienist with a sixth-grader and kindergarten, Austen said she was "thrilled" when Kennedy took over. Organizing fund-raising events, she said, is like having a second job.

"We are desperate for other sources of income," Austen said. "Public schools need to have someone like that in our corner, getting corporate funding."

Education consultant Stan Levenson, author of "How to Get Grants and Gifts for the Public Schools," said "nickel and dime" fundraising — such as bake sales and raffles — will always have a place. But, he said, schools will have to look to big donors in the future.

"Schools are recognizing they need to go beyond taxpayer dollars to do the job," he said.

DID YOU KNOW?: About 27% of food in developed countries is wasted each year. It's simply thrown away.

NATIONAL



Americans prepare: Duct tape? Check. Sheeting? Check.

BY PAUL SINGER

Associated Press Writer

KIDRON, Ohio — America's terror alert has some people buying wood stoves, drums to collect rainwater, duct tape and plastic sheeting — just in case.

At Lehman's Hardware and Appliances, which specializes in non-electric household products and serves a large Amish community, sales are up among the non-Amish, much as they were during the Y2K scare and again after Sept. 11.

"Whenever something like this happens, we get a lot of phone calls," said Glenda Lehman Ervin, whose father opened the store in 1955. "We get a lot of questions, like, 'Do you have a wood stove that will cook and heat my house?' or, 'How hard is it to dig a well?'"

On Friday, the government raised the nation's terror alert from yellow to orange, the second-highest level, because of intelligence information indicating that al-Qaida was planning attacks on the United States.

Federal officials have recommended that Americans take basic disaster-preparation steps such as maintaining a three-day stockpile of food and water. They also recommend obtaining duct tape and plastic sheeting to seal a house in a chemical or biological attack.

Around the country, many Americans say they do not think there is much they can do to defend themselves from terrorism. But others are taking steps to prepare themselves.

Paul and Melissa Jackson of Tulsa, Okla., bought two 1,000-square-foot rolls of plastic sheeting and 11 rolls of duct tape Tuesday at Home Depot.

The couple said they have also agreed to rendezvous with about 30 family members at their vacation house near Grand Lake northeast of Tulsa if there is an attack. Their families have also secured satellite phones in case communications are disrupted by terrorists.

"These people are crazy," said Melissa Jackson, 29. "You don't know what they're going to do. We don't think anything's going to happen, but it's better to be safe

than sorry."

Paul Jackson, 34, said he had spent less than \$100 on supplies, "so it's worth the risk if nothing happens."

Jim Ash, 50, of Overland Park, Kan., stopped by a Home Depot to buy a generator cord that he said he would have needed even if the terror alert level had not been raised.

"I don't think we really have that big of a risk around here, but it just doesn't hurt to be prepared," Ash said. "We do make sure that we have enough food on hand, like you would for a storm."

In Seattle, Federal Army & Navy Surplus has seen more sales in the past week of gas masks, which cost \$20 to \$111, said Jon Anderson. Other popular items have been first-aid kits, emergency supplies for cars, and mil-

itary-surplus meals.

Lehman's, about 50 miles south of Cleveland, said calls picked up when the terror alert was raised. "Those big 50-gallon drums for rainwater — we've gotten two calls for them today. I haven't heard that in a year and a half," Ervin said Tuesday.

The store is also stocking up on jumbo jugs of lamp oil.

JoAnn Ekey, 55, drove about 30 miles from her home in Ashland to Lehman's to browse, not to prepare for a terrorist attack. Nevertheless, she said she is thinking about getting ready for an emergency.

"The water supply would be my major concern," Ekey said. "I'll probably buy some bottled water and make sure I have enough canned food around." She also planned to buy batteries for flashlights and radios.

Colorado considers jury to ask questions

BY COLLEEN SLEVIN

Associated Press Writer

DENVER — Jurors would be able to question witnesses in criminal trials under a proposal before the Colorado Supreme Court.

The court scheduled a Wednesday hearing to gather comment from lawyers, former jurors and the public about the proposal, although a decision was not expected immediately.

The practice has been endorsed in Arizona since 1995, but is left to the discretion of judges in criminal cases in 34 other states.

Under the Colorado proposal, judges would be required to tell jurors they can submit questions, and jurors would be able to submit their queries after prosecutors and defense lawyers complete their own. The judge would ask the questions if they meet legal standards.

"The jury trial has become much more complex and we need to give jurors the tools to get the job done," said Tom Munsterman, director of the Center for Jury Studies at the

National Center for State Courts in Williamsburg, Va.

He said jurors are becoming more sophisticated about the legal system, whether from reading legal novels or watching courtroom dramas, and want to be told what they can and cannot know and why.

Colorado, Arizona and New Jersey allow jurors to ask questions during civil trials.

Five states ban the practice — Georgia, Texas, Mississippi, Nebraska and Minnesota.

The Supreme Court's rules committee members and defense lawyers oppose the proposal, worrying it would make jurors less impartial and lessen the prosecution's burden to prove guilt beyond a reasonable doubt.

"They're there as a watchdog and when you allow jurors to step out of that role and become investigators that undermines the system," said Guss Guarino, Colorado Criminal Defense Bar president.

Adams County District Attorney Bob Grant disagrees: "It's kind of an elitist idea that the only ones who can talk in court are lawyers. These are the people's courts."

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INTERNATIONAL

U.N. nuclear chief says agency committed to peace

BY GEORGE JAHN

Associated Press Writer

VIENNA, Austria — The U.N. nuclear agency on Wednesday raised the stakes in the standoff with North Korea, reporting the reclusive communist government to the Security Council for violating its international obligations.

The International Atomic Energy Agency's 35-nation board of governors made the decision — a last resort after months of intransigence by Pyongyang — in an emergency session at the agency's headquarters in Vienna.

In Washington, meanwhile, intelligence officials warned that North Korea has untested ballistic missile capable of reaching the western United States. The North Korean missile is a three-stage version of the Taepo Dong 2, said Vice Adm. Lowell Jacoby, director of the Defense Intelligence Agency.

White House spokesman Ari Fleischer praised the IAEA action, calling it a "clear indication that the international community will not accept North Korea's nuclear program." He said the conflict pits North Korea against the world, not just the United States.

"This is a matter to be settled through diplomacy," Fleischer said. "North Korea has taken provocative steps that cause great concern across the world." He accused Pyongyang of marching back in time by defying the international community.

But Mohamed ElBaradei, the agency's chief, said the IAEA would continue to work for a diplomatic end to the crisis. "It was the unanimous view of all the board members that we're looking for a peaceful resolution," ElBaradei told reporters.

"The agency of course is not washing its hands of the matter," ElBaradei said, pledging to "make every effort to bring the DPRK into compliance." DPRK stands for the Democratic People's Republic of Korea.

"I hope we will see movement in the right direction," he said.

Russia and Cuba abstained from the vote, which sets the stage for possible sanctions against Pyongyang.

"We consider the sending of this question to the U.N. Security Council to be a premature and counterproduc-

tive step," Russia's representative said in a statement. Cuba called for a "negotiated solution" to the conflict and said there were still "diplomatic options to exhaust."

China, which like Russia opposes sanctions and has veto power as a permanent Security Council member, urged all sides "to exercise restraint and refrain from taking any actions that could escalate the issue."

But ElBaradei, who gave the board a report last month saying North Korea is not keeping its promises, made it clear that the IAEA had little choice after having been backed into a corner.

"The current situation sets a dangerous precedent," he said Wednesday.

North Korea has not met its obligations under international nuclear accords, the IAEA said, adding that it "remains unable to verify that there has been no diversion of nuclear material" for weapons use.

The IAEA urged the North to comply, but also said it "stresses its desire for a peaceful resolution of the nuclear issue and its support for diplomatic means to that end."

In a statement, South Korea's representative called the action "a direct and inevitable consequence" of the North's withdrawal from the Nuclear Nonproliferation Treaty.

"North Korea's actions seriously endanger the peace and stability on the Korean peninsula and in the whole East Asian region. It also threatens to undermine the international non-proliferation regime," the South said. But it added that reporting the North to the council "does not mean the end of diplomatic efforts."

At U.N. headquarters in New York, U.S. deputy ambassador Richard Williamson said Washington was "pleased" but added: "The United States first feels this can be dealt with diplomatically, and we're confident that we can resolve this issue diplomatically."

The crisis began in October, when U.S. officials said North Korea had admitted having a nuclear weapons program in violation of a 1994 agreement.

The United States and its allies suspended oil shipments to the impoverished communist country. North Korea in turn expelled IAEA inspectors, disabled the agency's monitoring cameras, withdrew from a global nuclear arms-control treaty and said it would reactivate

its main nuclear complex, frozen since 1994.

The nuclear agency's board had been expected to refer the dispute to the Security Council at its last emergency meeting on Jan. 6. Instead, hoping to give diplomacy a final chance to ease the standoff, the agency urged North Korea to seek a diplomatic solution and reverse its withdrawal from the Nuclear Nonproliferation Treaty.

Wednesday's meeting originally was set for last week but was postponed at the urging of South Korea, which has launched an all-out diplomatic effort to ease tensions on the populous peninsula. Japan urged the North to respond "immediately and positively" to the IAEA's demands for compliance.

Formally reporting North Korea to the Security Council is a grave diplomatic step opening the way for economic sanctions or other punitive measures against the country. But it was unclear whether the council would support such action, which Pyongyang has made clear it would regard as an act of war.

The European Union, noting the recent activity at the North's nuclear complex, said it supported Wednesday's referral to the council. But EU foreign policy chief Javier Solana said earlier that the time for sanctions had not yet come.

"I don't think it is the moment to do sanctions," Solana told reporters Wednesday in Seoul. "I do think that sanctions will contribute to the opposite of what we want to obtain, which is defusing of the crisis."

The standoff comes at a particularly trying time for the nuclear agency, whose inspectors have been in Iraq since late November searching for evidence of atomic weaponry. ElBaradei, however, has taken what he calls a "zero tolerance" approach toward what he termed North Korea's "nuclear brinkmanship."

Despite a flurry of diplomatic efforts to ease the crisis, a rift widened Tuesday when China dismissed a request from Washington that it become more involved in the standoff.

The North accuses the United States, which maintains 37,000 troops in South Korea, of using concerns over nuclear weaponry as a pretext to invade. Russia said Tuesday it plans to launch fresh efforts to encourage direct talks between the United States and North Korea.

NATO seeks compromise reducing European role

BY PAUL AMES

Associated Press Writer

BRUSSELS, Belgium — The United States sought Wednesday to overcome objections by France, Germany and Belgium to NATO preparations in case of an Iraq war. A U.S. compromise focused on defending Turkey and dropped a request for NATO troops to replace any allied forces sent from the Balkans to the Persian Gulf.

The three European countries have been blocking a proposal backed by the United States and 15 other nations to prepare to send anti-missile batteries and surveillance aircraft to protect Turkey from Iraqi reprisals.

Washington and the 15 other NATO nations have argued the division weakens NATO's solemn bond of mutual defense and sends a dangerous message of disunity to Saddam Hussein at a critical juncture.

Under the U.S. compromise, the preparations would deal solely with measures for Turkey and drop peripheral requests: that NATO countries step up guards at U.S. bases in Europe and fill in for any allied troops on peacekeeping duty in the Balkans who may be moved to the Gulf.

"We entered a new phase of the discussions," U.S. Ambassador Nicholas Burns said. But, he added, "It may take some time to get to the end."

Turkey expected it would be accepted, according to a statement issued by the Foreign Ministry in Ankara.

But others were less optimistic. Diplomats indicated the three holdouts still wanted to link any decision at NATO

to Friday's report to the U.N. Security Council on Iraq's cooperation with U.N. weapons inspectors.

"Our position has not changed," said Francois Rivasseau, a French Foreign Ministry spokesman. He said supporting NATO action now could "prejudice decisions that are up to the Security Council" on how to deal with Iraq.

Talks resumed Wednesday evening after a day of frantic telephoning among

capitals. German Foreign Minister Joschka Fischer also made an unscheduled flight to Paris for talks on the Iraq crisis.

The proposed change would leave the plan focused entirely on Turkey's request for help through the dispatch of AWACS radar planes, Patriot anti-missile batteries and specialized units to counter poison gas or germ warfare attacks.

German Chancellor Gerhard Schroeder said he believed Turkey's request would

eventually be met. "What has been requested, as far as Germany is concerned, will be granted," he said at a summit in the Canary Islands with the Spanish prime minister.

France, Germany and Belgium have said they are not opposed to defending Turkey, but that launching preparations to do so now would send the signal that an Iraq war is inevitable. Of the rift in NATO, Schroeder said, "I hope we can resolve it."

Key developments concerning Iraq crisis

By The Associated Press

Developments in the Iraq crisis:

■ Secretary of State Colin Powell said he still holds out hope that reluctant European allies will support military action to disarm Iraq, but added "the moment of truth" was fast approaching.

■ CIA Director George Tenet said officials were studying an audiotape in which a voice identified as Osama bin Laden exhorts his followers to come to the aid of Saddam Hussein. "Whether this is a signal of impending attack is something we're looking at," Tenet told Congress.

■ Chemical weapons experts headed into the desert to destroy their first batch of prohibited Iraqi arms under the new U.N. inspections regime, 10 leftover artillery shells filled with mustard gas.

■ NATO members met for a third day to try to find a compromise that would persuade France, Germany and Belgium to drop their veto of plans to boost Turkey's defenses against a possible Iraqi missile attack.

■ France unveiled a plan to triple nuclear inspectors in Iraq from the current level of about 110; significant reinforcement of security units to monitor suspicious sites; more Arabic translators; mobile customs teams to check goods entering Iraq;

stepped-up aerial surveillance; a U.N. coordinator in Iraq and a new intelligence unit in New York.

■ The Pentagon activated 38,600 National Guardsmen and reservists in the past week, by far the largest such call up since the Sept. 11 attacks. The total now serving under an order signed by President Bush after the 2001 attacks was now more than 150,000, the Pentagon said.

■ The U.S. military dumped a half million leaflets over southern Iraq in an escalating psychological warfare campaign.

■ U.S. planes attacked a ballistic missile system in southern Iraq, the Pentagon said. It was the first operation against Iraqi weapons that are meant to hit ground targets instead of aircraft or ships.

■ U.S. objectives in any war with Iraq include preserving its territorial integrity and getting Iraqis inside and outside the country to work together to establish a government that represents various ethnic and religious groups, Bush administration officials said. They said the oil industry should remain under Iraqi control, with the proceeds used to support Iraqis in all parts of the country.

■ The United Arab Emirates said it will send tanks, attack helicopters, warships and about 4,000 troops to Kuwait to help defend that country from a possible Iraqi attack.

SPORTS



Tiger Woods collects another round of golf trophies

BY DOUG FERGUSON
AP Golf Writer

SAN DIEGO — Tiger Woods collected another set of trophies Wednesday, the fourth straight season he has swept the major awards on the PGA Tour.

The biggest was the Jack Nicklaus Award as the tour's player of the year. Woods won five times in 2002, and he became the first player since Nicklaus in 1972 to win the Masters and the U.S. Open in the same season.

Woods also won the Arnold Palmer Award for winning the money title with \$6.9 million, and the Byron Nelson Award for leading the tour with a 68.56 scoring average.

"The tour is getting deeper and better," Woods said. "I'm looking forward to the challenge."

Woods is the first player since Tom Watson (1977-80) to win the money title four years in a row. He already is \$1.8 million behind Ernie Els this season and hasn't played since having knee surgery Dec. 12.

Woods makes his first start Thursday in the Buick Invitational.

Jonathan Byrd won rookie of the year for winning the Buick Challenge last fall and finishing 39th on the money list, tops among PGA Tour newcomers.

Gene Sauers won the Air Canada Championship for his first PGA Tour victory in 13 years and was voted comeback player of the year. Patrick Moore, a three-time winner on the developmental circuit, was the Buy.com player of the year.

Hale Irwin was the Senior PGA Tour player of the year after becoming the first one to earn more than \$3 million on the

50-and-older circuit.

Woods has won player of the year five of the last six years. The exception was in 1998, when he won only one time while retooling his swing. The award that year went to Mark O'Meara, his best friend on tour. O'Meara presented him with the Nicklaus Award.

"He would have won six out of the last six, except for an old guy with gray, balding hair who clipped him one year," O'Meara said.

CBS Sports announcer Jim Nantz presided at the ceremony and ended the evening by saying Woods claimed the awards despite "sub-par audio equipment."

That was a dig at Phil Mickelson, who said last week that Woods was the only player good enough to overcome the "inferior" Nike equipment that Woods plays.

Woods and Mickelson talked about the comments briefly Wednesday morning, and Woods said it was no longer an issue.

First woman hired to coach Division I men's team

By The Associated Press

NASHVILLE, Tenn. — Teresa Phillips' first game as coach of Tennessee State's men's basketball team will be one for the record books.

Phillips, the school's athletic director, will become the first woman to coach a men's Division I college basketball team when the Tigers play at Austin Peay in Clarksville, Tenn., on Thursday night.

Phillips suspended interim coach Hosea Lewis for one game Tuesday and announced she would coach the team a day after 19 players were ejected following a brawl between Tennessee State and Eastern Kentucky.

It's believed to be the first time that a woman will coach male players in a major team sport.

There are plenty of men coaching women's college basketball teams. Connecticut coach Geno Auriemma has won three NCAA titles and two out of the last three.

But the only women to ever serve as coaches for a men's Division I team were assistants: Mary Fenlon at Georgetown and Bernadette Locke at Kentucky.

Phillips coached the Tennessee State women to a 212-189 record from 1989-2000. She took over a program that had been 2-25 and went 12-14 in her first season.

The Tennessee State men are in an even worse state of affairs than Phillips' early

teams. The Tigers are 2-20 and 0-11 in the Ohio Valley Conference and previously dealt with coaching turmoil this season.

Nolan Richardson III, the son of former Arkansas coach Nolan Richardson, resigned Jan. 8, two weeks after Phillips suspended him indefinitely for bringing a gun into the school's gym. Richardson admitted he got the gun out of his car during an argument with Lewis, who was then his assistant. Phillips hired Lewis as interim coach upon Richardson's resignation.

Monday night's brawl broke out with 8:13 to play in the Tigers' 89-72 loss at Eastern Kentucky. Eastern's Shawn Fields had the ball when a hard foul was called on TSU's Cedric Bryson, prompting players from both benches to run onto the floor.

Fields, Bryson and Eastern's Kenyatta Dix and Champ Slaughter were ejected for fighting, while nine players from both teams were ejected for leaving the bench. The rest of the players who were in when the fight started also were ejected.

The game resumed with only four players on each side; Tennessee State finished with three players after one fouled out.

The conference is investigating the brawl, but Phillips didn't wait to take action.

"Monday night's altercation is certainly not indicative of the outstanding athletic spirit of the OVC or Tennessee State University," Phillips said. "We look forward to completing our season on a positive note."

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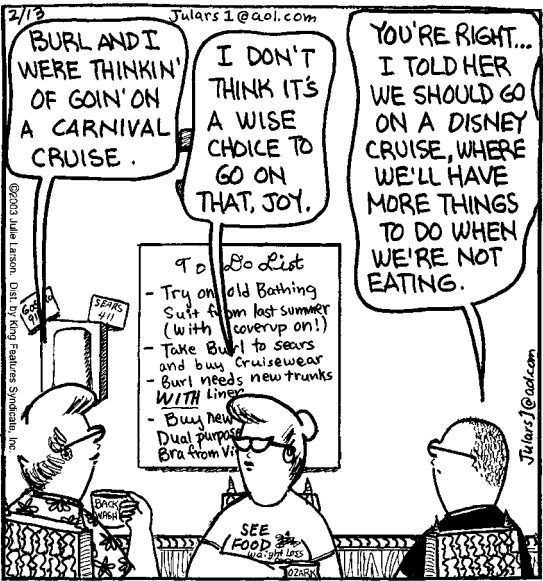
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 - 23 Corp. bigwig
 - 24 Team
 - 26 Good pair
 - 28 — Tin Tin
 - 29 Long story
 - 31 Crunch targets
 - 32 Famous Ford
 - 36 Cry to a freeloader
 - 39 Misery
 - 40 Refrain bit
 - 41 Writer John
 - 43 Alvin of dance
 - 44 Hick
 - 45 Strong winds
 - 46 Lady's man
- DOWN
- 1 Farm machine
 - 2 Pedro's pal
 - 3 Ladder parts
 - 4 Jargon suffix
 - 5 Research spots
 - 6 Help
 - 7 Daily grind
 - 8 Brings into harmony
 - 9 Handled
 - 11 Menu choices
 - 17 Needle part
 - 19 Affix
 - 22 Short hairdo
 - 24 Much of Russia
 - 25 Ensnore
 - 27 Train unit
 - 28 Motley
 - 30 Before now
 - 33 Up

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- 35 Gave hands
- 37 Out of the wind
- 38 Crested birds
- 42 Greedy one

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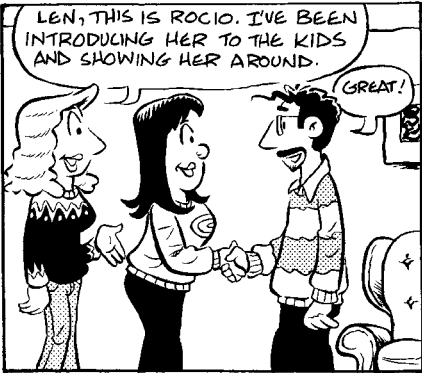
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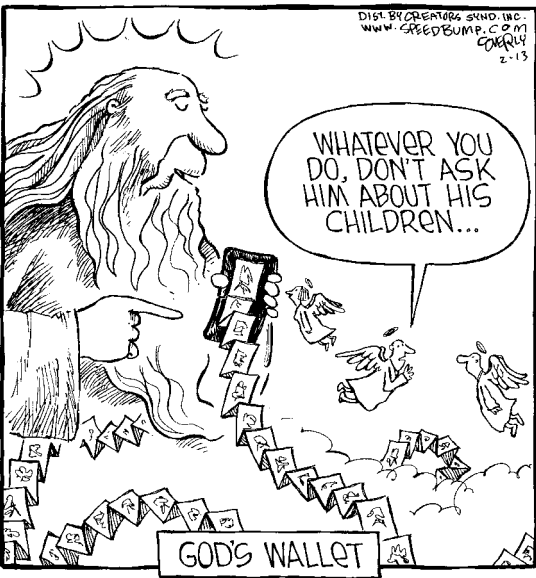
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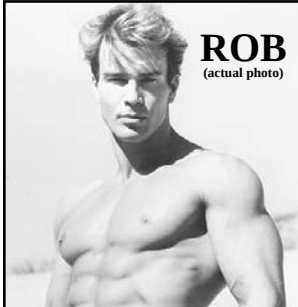
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KEEP YOUR DATE STRAIGHT

Promote your event in the *Santa Monica Daily Press* Calendar section.
Fax all information to our Calendar Editor: Attention Angela @ 310.576.9913

SANTA MONICA SCENE °CALENDAR EDITION

THURSDAY, FEBRUARY 13, 2003

TODAY

Johanna Israel presents **Gotham Comedy Night!** with top headliners every Thursday. February 13 will feature Ken X. Gotham Hall, 1431 3rd Street Promenade, Santa Monica at 7pm. \$5 + 2 item min., 21/over. (323)525-5254.

Ongoing support groups for people 55 and older. Current openings in Men's Group. Thursdays, 11:15 to 12:45. Center for Healthy Aging, 2125 Arizona Avenue. Sliding scale fee. Not drop-in groups. Phone interview required. Call Information and Referral. (310)576-2550.

O'Briens Irish Pub, 2941 Main St., Santa Monica, pours A Pint of Funny, every Thurs., 8 p.m. FREE! (310)396-4725.

Senior Suppers - Discounted meals for people AGE 55 or older are served daily, from 3:30 p.m. To 7 p.m., in the cafeteria at Santa Monica-UCLA Medical Center, 1250 16th Street in Santa Monica. \$3.69 Info only: (310)319-4837.

Unurban Coffee House presents Komedy Crunch every Thursday evening. Showtime is 7pm. 3301 Pico Blvd. (310)315-0056

FRIDAY

Artful Science: The Social-Cultural Relationship Between Built and Natural Environments. Sam Francis Gallery at Crossroads School in Santa Monica presents an exhibition of drawings, paintings, photographs, and

sculpture. Mon-Fri, 10am to 4pm through February 14. 1714 Twenty-First St., 2nd Floor, Peter Boxenbaum Arts Building. For more information please call (310)829-7391 ext. 425.

Santa Monica High School Theater Arts Department presents Romeo & Juliet. Friday and Saturday nights at 8:00pm. November 22nd through December 21st. \$10.00 for students, children, and seniors, \$15.00 for adults. Humanities Center Theater at Santa Monica High School, 601 Pico Blvd. For more information please call (310)458-5939.

MAGICOPOLIS presents HOCUS POCUS! (Fish Bones Choke Us). The stage explodes with a colorful mix of Magic, Special Effects, Sleight of Hand, Comedy and Music that's sure to delight audiences of all ages. At MAGICOPOLIS, 1418 Fourth Street, Santa Monica. Fridays & Saturdays at 8pm, \$20. Saturday & Sundays at 2pm, \$15. For tickets call 310-451-2241.

Santa Monica Strutters, a FREE program sponsored by UCLA Healthcare's 50-Plus Program! Walking programs for adults 50 or older looking for safe, low-impact exercise in a comfortable environment. The Santa Monica Strutters meet Mondays, Wednesdays, and Fridays, from 8 a.m. To 10 a.m., at Santa Monica Place, Fourth St. and Broadway Ave. in Santa Monica.

Jazz Night with Saxophonist-Flutist Wendell Mew hosted by Kua'aina Burger. Music begins at 8pm. Located at 119 Broadway, Santa Monica. For more information please call (310)394-0100.

MOVIE °GUIDE

LOEWS CINIPLEX BROADWAY CINEMA

1441 Third St. at Broadway
About Schmidt (R) 12:30, 3:30, 6:30, 9:30. **Biker Boyz** (PG-13) 1:30, 4:15, 7:00, 9:45. **The Hours** (PG-13) 1:45, 4:30, 7:15, 10:15. **The Guru** (R) 12:00, 2:30, 5:00, 7:30, 10:00.

MANN CRITERION

1313 Third St.
How to Lose a Guy in 10 Days (PG-13) 11:00, 12:45, 1:50, 3:45, 4:45, 7:10, 7:45, 10:05, 10:45. **The Recruit** (PG-13) 12:15, 3:30, 7:05, 10:00, 12:50. **Confessions of a Dangerous Mind** (R) 1:00, 4:00, 7:15, 10:15. **Gangs of New York** (R) 11:30, 3:15, 7:00, 10:30. **Darkness Falls** (PG-13) 12:00, 2:20, 5:00, 7:20, 9:45.

AMC THEATRE SM 7

1310 3rd Street
Shanghai Knights (PG-13) 1:30, 4:10, 7:05, 9:50. **The Lord of the Rings: The Two Towers** (PG-13) 1:35, 5:15, 8:45. **Deliver Us From Eva** (R) 2:15, 5:00, 7:30, 10:05. **Chicago** (PG-13) 1:45, 4:30, 7:20, 10:00. **Kangaroo Jack** (PG) 12:10, 2:30, 4:45, 7:20, 9:30. **Final Destination 2** (R) 2:20, 4:40, 7:10, 9:30. **Catch Me If You Can** (PG-13) 2:00, 5:15, 8:30.

LANDMARK NU-WILSHIRE

1314 Wilshire Blvd.
The Pianist (R) 12:30, 3:45, 7:00, 10:15.

LAEMMLE MONICA

1332 2nd St.
City of God (R) 1:00, 4:00, 7:00, 10:00. **Frida** (R) 1:45, 4:30, 7:15, 10:05. **The Quiet American** (R) 1:45, 4:20, 7:00, 9:40. **Shanghai Ghetto** (NR) 1:00, 3:20, 5:40, 8:00, 10:20.

AERO THEATER

1328 Montana Ave.
Far From Heaven (PG) 5:00, 7:30, 10:00.

BACK PAGE

Sassier than ever, 'The Simpsons' hits its 300th episode

BY LYNN ELBER

AP Television Writer

LOS ANGELES — The characters may be yellow but "The Simpsons" hasn't mellowed as it marks its 300th episode Sunday.

If anything, the Fox animated comedy born in 1989 is more boldly iconoclastic in the 21st century. Given that timidity is programmed into television's very DNA, how does "The Simpsons" thrive?

By being very good at being naughty, so much so that Fox simply can't afford to tinker with success. In its 14th season, the series (8 p.m. EST Sunday) can still field top 20 episodes and is the heart of a merchandising empire.

Fox just renewed the program for two more seasons, which will carry it at least through May 2005 and make it the longest-running sitcom ever (with "The Adventures of Ozzie & Harriet" set to fall to second).

The pattern of commerce trumping controversy was set early, when the show helped fledgling Fox establish itself as a brash alternative to the big three networks.

"There were many reasons the show was successful, one of which was we were in the right place at the right time," said series creator Matt Groening. "I don't think 'The Simpsons' could be on any other network, even today."

At the beginning, the clout of James L. Brooks smoothed the way. Brooks, a force in TV ("The Mary Tyler Moore Show," "Taxi") and movies ("Terms of Endearment") brought "The Simpsons" to Fox. Brooks, Groening and Al Jean have been the show's executive producers since its beginning.

"Periodically we get in trouble. We offend somebody and Fox feels intimidated by them."

— MATT GROENING

"The Simpsons" creator

The animated format also helped the series zoom below Fox's radar. The mustard-hued Simpsons, including dimwitted dad Homer, patient mom Marge, and children Bart, Lisa and Maggie, got away with cartoon murder.

"There's nothing glamorous about a network executive peering over the shoulders of people making goofy drawings," said Groening. "They'd rather hang around the edges of a sitcom set and say an actress needs to have a more revealing blouse."

That unusual TV freedom has resulted in comedy and satire of often breathtaking proportions, especially since the show's creators and actors pride themselves on their democratic approach to targets.

"We go after everyone," said Yeardley Smith, who provides the voice of brainy Lisa. "Nobody's safe."

The series has mocked capitalism (through the evil empire of industrialist C. Montgomery Burns), entire cities (Rio de Janeiro threatened to sue over its depiction) and the news media (anchors may itch to sue over shallow Kent Brockman). "Welcome to Atlanta — Home of Ted Turner's mood swings," a sign read in one episode.

"We haven't figured out a way to take on George W. Bush because he's such an

obvious target," said Groening. In a previous episode, Bart accidentally shredded the memoirs of former President Bush, and the show has toyed with bringing the current president in to avenge dad.

"But the writers decided Homer and George W. would become really good friends. They're so much alike," said Groening, who delivers such zingers in the mildest of tones.

Religion doesn't get a pass. In last Sunday's episode, Homer won a personal injury lawsuit against the First Church of Springfield, was awarded the deed to the church and took up residence. Havoc ensued.

Among the eye-popping bits involving Christianity's most sacred symbols: An underwear-clad Homer grabs a cross for an air-guitar solo a la Tom Cruise in "Risky Business," and the chalice is turned into a cocktail cup, complete with tiny umbrella.

(The barbs cut across denominational lines. When the jury issued its million-dollar verdict for Homer, the stricken reverend exclaimed: "Your honor, we don't have that kind of money. We're not a synagogue!")

In the end, Homer provoked the wrath of God and was forced to repent. Faith prevailed again in "The Simpsons," which

has been praised by some religious commentators for its realistic depiction of American devotion.

Such consistently provocative material, however, inevitably draws criticism.

"Periodically we get in trouble," acknowledged Groening. "We offend somebody and Fox feels intimidated by them." Turns out the riskiest targets are closest to home: The network doesn't like to see itself, its properties or its advertisers slammed.

Fox howled one year when "The Simpsons" included a scene in which a bus drove by bearing an ad for "Mad About You" — the NBC sitcom airing opposite "The Simpsons" at the time.

"They said it was Fox policy not to promote competing shows," Groening recounted, dryly.

Apparently, it's also Fox policy not to denigrate a fellow corporate property.

"We have an upcoming show in which we poke gentle fun at the Fox News Channel. It's such an easy target the jokes write themselves," Groening said. "There was some murmuring in the executive offices."

While Fox endures such barbs, it reaps impressive returns from "The Simpsons." The show is widely syndicated and is seen in overseas markets including ones in Europe, Asia, Australia and Africa.

A marketing push has reinvigorated the multimillion-dollar "Simpsons" brand of products in the last several years, said Peter Byrne, executive vice president of Fox licensing and merchandising. About 500 companies worldwide sell an array of items including figurines, board games, apparel and snacks.

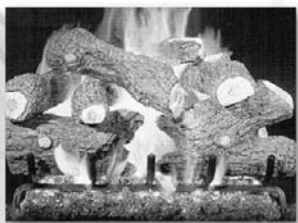
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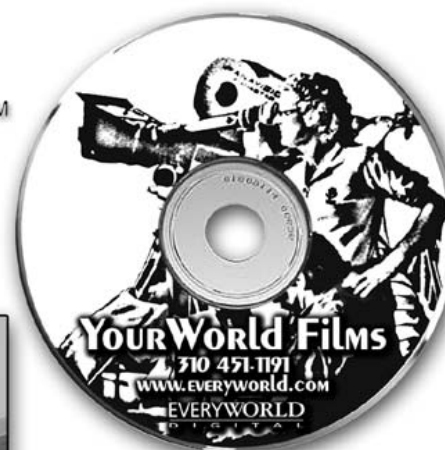
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