

FREE

TUESDAY, FEBRUARY 25, 2003

Volume 2, Issue 89

Santa Monica Daily Press

A newspaper with issues

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FANTASY 5

14, 21, 25, 33, 38

DAILY 3

Afternoon picks: 7, 4, 2

Evening picks: 0, 8, 0

DAILY DERBY

1st Place: 04, Big Ben

2nd Place: 01, Gold Rush

3rd Place: 10, Solid Gold

Race time: 1:43.68



NEWS OF THE WEIRD

by Chuck Shepard

■ Marcos Martin Parra, 18, hit the basketball court again in January, only six months after having his head nearly severed from his body in a traffic collision caused by a drunken driver. Parra's skull had been ripped from the cervical spine and neck ligaments, leaving the head fragilely attached, only by the spinal cord. At St. Joseph's Hospital in Phoenix, Dr. Curtis Dickman performed first-of-a-kind surgery, which worked so well that Parra lost only about 5 percent of his neck's range of motion.

THOUGHT OF THE DAY

First secure an independent income, then practice virtue.



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Man overboard



Carolyn Sackariason/Daily Press

Los Angeles County lifeguards perform a missing swimmer drill Monday south of the Santa Monica Pier off the Bay Street Beach.

Missing woman's parents come to Santa Monica

Candlelight vigil planned for her birthday on Thursday evening

BY ANDY FIXMER

Daily Press Staff Writer



Kristine Johnson

As police continue to search for leads, the parents of a woman who has been missing for more than 10 days have joined the local hunt.

Kristine Louise Johnson disappeared Saturday, Feb. 15 when she was reportedly on her way to meet a Beverly Hills photographer, according to police.

Johnson's parents, who divorced in 1990, acted separately to help police and her friends locate their

See MISSING, page 4

Council may approve \$2.3M in cost overruns

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

BY ANDY FIXMER

Daily Press Staff Writer

Cost overruns on two public works projects may account for more than \$2.3 million in council spending tonight.

The Santa Monica City Council has been asked to allocate \$2.3 million to J.A. Jones Construction, which is building the city's new public safety facility.

The council already approved increasing the cost of the project by \$3,020,128 at its Feb. 26, 2002 meeting. The money being allocated tonight will be taken from that amount, which was raised from a bond the city took out in anticipation of changes to the project.

When it is completed, the building will house the city's police department, city jail and fire department administration.

As the building was under construction, city staff members made changes to the building that

increased its final cost. Items to be paid for today include:

■ Relocating air conditioning equipment to the north side of the building to preserve the urban design features of the new Olympic Drive, which is currently

under construction between City Hall and the County Courthouse.

■ Moving the main point of entry for the building's computer network so the system won't be

See OVERRUNS, page 4

Photographer dodges another hearing

BY JOHN WOOD

Daily Press Staff Writer

A Santa Monica wedding photographer failed to show up for her criminal arraignment Monday, continuing a long-standing pattern of flaking on her court dates.

Juli Anne Armitage, who is accused of conning 40 local couples out of between \$1,500 and \$2,900 each, told the public defender's office she was suffering from "car troubles" and was running late to her hearing.

This is the first time Armitage, who faces 17 counts of grand theft and one charge of doing business without a license, has failed to appear on these particular criminal charges.

However the local photographer has a long history of missed court dates, spanning 12 cases over the past eight years.



Juli Anne Armitage

And her explanation Monday — that her car broke down in Ventura — wasn't a new one. She used it late last month in a small claims case brought against her by newlyweds who hired her to capture their special day but wound up pictureless and empty-handed.

"That's kind of been her M.O. with previous court dates," said city attorney Adam Radinsky, who asked the court to issue a bench warrant for Armitage's arrest.

Santa Monica Superior Court Judge Bernard Kamins complied with the request, but said he would hold on to it until next week, allowing Armitage "one last chance" to appear before handing the warrant over to police.

The city's complaint lists 17 couples who allege Armitage collected money from them then either

See PHOTOGRAPHER, page 4

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HOROSCOPE

Relax your mind, Taurus



JACQUELINE BIGAR'S STARS

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

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

HAPPY BIRTHDAY for Tuesday, Feb. 25, 2003:

Recognize the pros and cons of the many different situations you create and put yourself in. Certainly you're gregarious, but at what point should you focus more? Your long-term goals star in your activities, even if you sometimes feel a bit uncomfortable with taking a risk. Many of you will do some deep thinking. Work flourishes this year. If you are single, an opportunity for a relationship will come forth after August 2003. This person might be quite special. If you're attached, you, as a couple, will benefit from more time together. An unusual closeness develops fall 2003. CAPRICORN remains your friend.

ARIES (March 21-April 19)

★★★★ Accept responsibilities as graciously as possible. You often take on more than your share, but complaining gets you nowhere very quickly. You might want to revamp your schedule to accommodate all that you have to do. The alternative is to learn the word "no."

TAURUS (April 20-May 20)

★★★★ Read between the lines as you try to seek out new information. Your sense of humor helps you understand a lot more than you realize. When others are sometimes in a flurry, you seem to be able to remedy the situation. Seek out experts. Tonight: Relax your mind.

GEMINI (May 21-June 20)

★★★★ Recognize what is in your best interests when dealing with a key associate or partner. You find that a loved one has a greater understanding of a financial matter than you do. You could hesitate when making a decision or deferring to this person. Tonight: Do what is good for you.

CANCER (June 21-July 22)

★★★★ Others come forward with suggestions. In times of uncertainty, seek out experts! You'll be much happier once you get feedback. Many of you need to plan a trip or vacation in the near future. Are you simply dragging around? Tonight: Flip through a travel brochure.

LEO (July 23-Aug. 22)

★★★★ Dig into work, even if you're distracted by someone close. You don't have to make any decisions just yet, but you might want to in the near future. Consider options that surround a personal matter involving a partnership. Nurture more. Tonight: Off to the gym.

VIRGO (Aug. 23-Sept. 22)

★★★★ You need to let someone run with the ball. If you want to gain a better understanding, do more listening. Ask creative, intuitive questions in order to get good answers. Your personality helps you bring out another's personality. Be sensitive to possibilities. Tonight: The only answer is "yes."

LIBRA (Sept. 23-Oct. 22)

★★★★ Consider working from home if you can. You could be a bit overwhelmed and exhausted because of some unexpected developments. You know what has to happen in order to recover from a recent loss. Are you willing to do this? A relationship needs your attention. Tonight: Order in.

SCORPIO (Oct. 23-Nov. 21)

★★★★ Keep a conversation flowing, despite your surprise at personal news or someone's revelation. You find ingenious solutions when others are simply baffled. Think in terms of greater success and a better relationship with a key associate. Tonight: Pretend it's Friday.

SAGITTARIUS (Nov. 22-Dec. 21)

★★★★ You might not always come up with the right solutions immediately, but you do know when to seek out help or another's advice. Someone you trust on a deep level gives you powerful feedback. Digesting the information could be a completely different story. Tonight: Buy a new outfit or CD. Treat yourself.

CAPRICORN (Dec. 22-Jan. 19)

★★★★ Putting a concept into a vision that might relate to someone else could make a difference in how your ideas are received. Encourage communication. Encourage questions. You find agreement quite easily. Give more. Tonight: At your favorite place.

AQUARIUS (Jan. 20-Feb. 18)

★★★★ Knowing when to do nothing and when to take action could make all the difference in what goes on. Timing is such that you might want others to lay their cards on the table before you reveal what's up with you. Head in a new direction, if possible. Tonight: Some things don't need to be discussed.

PISCES (Feb. 19-March 20)

★★★★ Meetings and networking star. "Accomplishment" becomes your middle name. You could surprise yourself by how you decide to deal with someone very close to you. You might reveal way too much to a boss or authority figure. Tonight: Where your friends are.

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LOCAL



COMMUNITY BRIEFS

St. Joseph Center celebrates black history, culture

By Daily Press staff

St. Joseph Center celebrated black history, culture and community last Saturday with singing, dancing, poetry reading, and a live D.J.

There was free soul food, cultural activities for adults and children, a talent show, and raffles and prizes for all.

Raffle prizes included African candle burners, black art, and African-American literature. Vocalist, performer and songwriter, Angie Whitney, was featured. More than 100 members of the community turned out to help the center celebrate those people who have contributed to black history and culture over the years.

"This is a part of history that we always want to remember and celebrate," said Rhonda Meister, executive director of the center.

Last year, St. Joseph Center helped more than 7,500 homeless and low-income men, women and children by providing food, child care, case management, referrals to health care, shelter, job training, job opportunities and housing.

Environmental justice groups receive grants

By Daily Press staff

A Santa Monica based foundation concerned with environmental justice recently awarded \$383,000 to 17 like-minded groups.

The groups will use the money to address issues such as truck and train exhaust, toxic fumes and waste, lead poisoning and ground and water pollution in the Los Angeles area. The organizations are also trying to develop local leadership, ensure citizen participation in environmental policymaking and raise public health awareness.

Liberty Hill Foundation's Environmental Justice Fund grants are dedicated to improving public health in low income communities.

Organizations receiving grants included Communities for a Better Environment, California Communities Against Toxics, Union de Vecinos, East Yard Communities for Environmental Justice, among others.

Since 1996, the foundation — which has been based in Santa Monica for more than 25 years — has given away more than \$1.6 million to environmental justice community organizations in Los Angeles.

Actors unions may join forces against giants

BY GARY GENTILE
AP Business Writer

LOS ANGELES — Rapid changes in technology and massive media consolidation that have cut 26 major employers to six are forcing the two major actors unions to consider joining forces.

The Screen Actors Guild and the American Federation of Television and Radio Artists have always shared a common membership — even as they pursued sometimes conflicting agendas. A merger has been discussed in the past, but egos and complacency have kept the unions apart.

In recent years, however, the consolidation of firms like America Online and Time Warner and the creation of Vivendi

Universal have concentrated entertainment industry power in fewer hands while performers remained split. That trend convinced leaders of the two actors unions to reconsider working together.

"What we found is that instead of just being a good idea or a convenience, this kind of unity is more and more becoming an absolute necessity," AFTRA President John Connolly said.

Earlier this month, the boards of the two unions approved a framework for consolidation. They will meet again April 5 to consider a specific business plan and constitution, along with a new name. A vote by members is expected in May, with 60

See MERGER, page 4

surf report

Information compiled by Jamie Seborer

Look for a building NW swell to gain size later in the afternoon Tuesday. There will be chest high surf at many exposed spots, with slightly overhead sets in the south bay. The waves should be choppy because of a cold front moving toward the coast.

Rain across the Los Angeles basin yesterday likely has polluted the water significantly. More rain is predicted for today.

Water temperatures will drop a little to the mid-50 degree range, while the waves could clean up by the middle of the week.

Today's Tides:		
High	3:09AM	5.08'
Low	11:10AM	0.01'
High	6:22PM	3.03'
Low	9:47PM	2.66'

Location	Tuesday	Wednesday	Water Quality
County Line	4-6'poor	5-7' poor	A
Zuma	3-5'poor	4-6'poor	A
Surfrider	3-5'poor	4-6'poor	A
Topanga	2-3'poor	3-4'poor	A
Breakwater	3-5'poor	4-6'poor	A
El Porto	4-6'poor	5-6'poor	A

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The QLine

Late last year, the Santa Monica City Council passed a law that would make it illegal to sleep in downtown doorways at night.

It was made law partially because of pressure from the business community and tourism industry who felt Santa Monica was too soft on the city's homeless population.

Now, more than four months later, the law isn't being enforced because City Hall hasn't outlined the process for

doing so.

This week, Q-Line wants to know:

"Has the homeless situation improved downtown? Is the law still necessary?"

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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LOCAL

Johnson's friends post 'missing persons' fliers around city

MISSING, from page 1

21-year-old daughter.

Kirk Johnson, who lives in Saugatuck, Mich., was in Santa Monica last weekend to be interviewed by police and help his daughter's co-workers tack-up "missing persons" fliers around the city.

"I asked police what else we could do and they said the best thing is for us to stay at home," said Johnson, who boarded a flight back to Michigan on Monday.

Her mother, Terry Wark, lives in Los Gatos, Calif., and has scheduled a candlelight vigil on her daughter's 22nd birthday, which will be Thursday, Feb. 27. The

vigil will be held at 7:30 p.m. at St. Augustin by the Sea, an Episcopal church located at 1227 Fourth St.

A similar vigil will be held the same day at 7:30 p.m. EST in Johnson's hometown of Saugatuck, Mich.

"I love and adore Kristi so much," Wark said recently. "I just want to hear that she's all right."

Police on Monday said they don't have the specific name of the photographer Johnson may have gone to see, which makes finding him difficult.

They received the scant information about the photographer from a friend of Johnson's and released it hoping that she

may have mentioned the appointment to another friend or acquaintance, said Lt. Frank Fabrega, a Santa Monica Police spokesman.

Another lead police are pursuing is Johnson's car, a white 1996 Mazda Miata with a license plate 3RSV484.

"The car holds a lot of information for us," Fabrega said.

An "all points bulletin" was issued nationwide for the car though it had not been found as of Monday.

Her mother reported Johnson missing to the Santa Monica Police Department after the 21-year-old failed to show up for work on Monday, Feb. 17. Wark said Johnson, a data entry worker at Marina Del Rey-based CNCG Cellular, was supposed to be in her office on President's Day.

Wark left messages on Johnson's cell phone Saturday afternoon and Sunday evening, but her calls weren't returned. That struck Wark as odd since the two spoke on a daily basis, she said.

Wark said Johnson's cell phone and bank account haven't been used since Saturday morning, according to those records.

Police officers continue to interview Johnson's friends and co-workers, searching for clues to her whereabouts.

Johnson was last seen on Saturday afternoon at her Santa Monica apartment, which she shares with two roommates, on the 2200 block of 29th Street, Fabrega said.

Wark said she spoke to her daughter Saturday morning and she didn't mention an appointment with a photographer. She said her daughter was more concerned with getting into a Spring semester course at Santa Monica College, where she has been taking night courses with the hope of attending UCLA in the future.

Johnson found a full-time job at CNCG Cellular in November 2002 and she moved to Santa Monica at that time to begin taking classes at SMC.

CNCG, located at 13453 Beach Ave. in Marina Del Rey, is a small company with about eight employees, said James LaPointe, the company's warehouse manager.

CNCG workers organized themselves into groups to go out into the neighborhoods surrounding where Johnson lives and went to school to post "missing persons" fliers. They began tacking up fliers last Thursday and continued through the weekend.

Kinkos, a printing store, has donated office supplies and up to 2,000 copies of Johnson's "missing persons" flier from the police department to help friends find her.

Anyone with information about Johnson's disappearance is encouraged to call the SMPD's tip line at (310) 458-8449. Or anyone interested in helping Johnson's co-workers post fliers can call James LaPointe at (310) 822-4321.

Police receive \$90K state grant for traffic stops

OVERRUNS, from page 1

affected by the future demolition of the current police department building.

■ Consolidating City Hall's back-up generators into the new public safety building.

■ Installing communication wires for the building's phone system and computer network.

■ A future update and synchronization of traffic signals after the Olympic Drive construction is finished.

In another cost overrun related to city facilities, DMR Team, Inc., the company hired by the city to manage construction of the newly opened municipal pool, may be paid \$64,000 more than its original contract.

The overruns resulted when the original contractor defaulted on the project. The process of finding a new contractor added a year of work to the municipal pool project.

Funds for the extra work will be taken from the security deposit put up by the original contractor that defaulted.

Also on today's consent agenda, the Big Blue Bus is asking the council to cut the hours of its Tide Shuttle, which runs from Main Street to the Santa Monica Pier and other downtown locations. The bus agency also wants to cut the frequency of three other bus lines for a combined sav-

ings of \$157,000.

Routes and times being reduced are some of the slowest in the bus system, Big Blue Bus officials wrote in a report to the council. Bus officials propose that the Tide Shuttle cease operating at 8 p.m. They also want to eliminate the first and last trips taken by buses on Lines 2, 5, 8 and line 9.

The savings will be used to add buses to congested routes during peak times with a high number of riders, bus officials said.

Finally, Santa Monica Police want to start a multi-year traffic safety program called Community Resource Education And Traffic Enforcement, or CREATE. The program will be partially paid for by a \$90,000 grant from the California Office of Traffic Safety.

The goals of the program are to reduce the number of alcohol-related collisions, reduce the number of pedestrians and bicyclists killed or injured in traffic collisions and increase compliance with bicycle safety laws, seat belt laws and child safety seat laws, police officials wrote in a report to city council.

The funds will also be used for traffic safety education efforts, including community outreach activities such as a bicycle safety workshops and community presentations on driving under the influence.

City to seek restitution for 40 couples duped by woman

PHOTOGRAPHER, from page 1

didn't provide photos of their wedding or never showed up at all — an allegation Armitage has denied. Armitage faces 17 counts of grand theft and one count of doing business without a license.

The alleged fraud occurred between 2000 and 2002, according to the complaint.

Armitage has said the city is preventing her from completing the work for her clients because all of her property — including client files, computer hard drive, negatives and all information relating to her business — was seized.

"Truly, this is a situation of running late and I had every intention of following through with my clients," Armitage said in an earlier interview. "I would never intentionally fraud somebody and just take their money and not follow through."

If convicted, she faces a maximum penalty of one year in jail and \$2,700 in fines and penalties for each of the 17 counts of grand theft, according to the city

attorney's office. Additionally, the city attorney's office said it will seek restitution for 40 couples who they say were duped by Armitage — even ones who didn't sign on to the city's lawsuit.

One of those couples, Philip and Kristina Deco of Woodland Hills, said they didn't join the city's lawsuit because they wanted to give Armitage one last chance to make good on her promise.

Philip Deco came to court Monday hoping to talk to Armitage. He said he had tried calling but she didn't return his calls, and he tried stopping by her home but she had been evicted. Deco said he will keep coming to hearings in the hopes of speaking with Armitage and do whatever it takes to get the pictures that he and his wife paid for.

"Yeah, we got screwed and everything, but I just want the damn negatives back," Deco said. "Now, with her not showing up, it looks like we might have to get on the case."

Actors unions seek merger

MERGER, from page 3

percent approval required by each union.

The move has been put on the fast track to increase union clout when negotiations begin this fall on a new contract for commercial actors. Other major pacts expire next year.

The futility of working separately came into sharp focus last year as the unions fought over who would represent performers on television shows shot using digital cameras.

Traditionally, SAG has negotiated for performers when television shows were shot on film, while AFTRA represented actors on shows done using video tape. A complicated agreement also gave SAG jurisdiction over shows shot in movie studios while AFTRA handled productions done in television studios.

The arrival of digital technology caused friction between the unions. In a deal negotiated last year among the unions and the Fox network, SAG won jurisdiction over five shows but not before agreeing to allow producers to pay actors with five lines or less lower AFTRA rates. The compromise pleased neither union.

On the other side of the bargaining table, media consolidation has led to drastic cost cuts as companies scramble to reduce debt and justify their mergers. AOL Time Warner, Vivendi Universal and other companies have cut thousands of jobs over the past few years, and producers are expected to be especially cost-conscious when their pact with actors expires next year.

"Our employers have a responsibility to try and generate the greatest income they can, and if they have to pit us against each other to do that, that's their job," SAG President Melissa Gilbert said. "What we have to change is the way we approach that."

In 1985, there were 26 major employers of performers and media artists,

according to union officials. Mergers and acquisitions have reduced that number to just six, with five making both movies and television shows.

Industry observers believe the new landscape will add momentum to a possible union merger.

"Given the fact that there is already a large crossover among the members and a large crossover of employers, it makes sense to consolidate their resources and have a unified voice," said Kent Wong, director of the University of California, Los Angeles Center for Labor Research and Education. Already, 60 percent of AFTRA's 80,000 members are also SAG members, while 40 percent of SAG's 120,000 members also belong to AFTRA.

The last merger attempt came in 1999, a time when the two unions could only warn about a media consolidation that was feared but not yet reality. SAG members vetoed the deal after becoming miffed that under the plan, broadcasting talent would be voting on the contracts of actors.

To sidestep such turf fights, the two unions are now proposing to create a unified umbrella group and three autonomous affiliates representing actors, broadcasters and recording artists. The unions are also proposing a merger of health and pension plans, a move that would significantly cut overlapping costs. That proposal would have to be approved separately.

Media consolidation has broader consequences than just wages.

The unions have joined independent television producers in lobbying the Federal Communications Commission to prevent networks from airing only shows that the networks produce.

The reduction in scripted shows has also meant fewer jobs for actors.

If the merger proposal fails, the unions could be at a distinct disadvantage when they begin their next round of contract negotiations in the fall.

"Failure is not an option," Gilbert said.

STATE



Order upheld to remove baby from life support

BY CHELSEA J. CARTER
Associated Press Writer

SANTA ANA — A state appeals court Monday upheld a lower court order that life support be discontinued for a 1-year-old boy who has been in a coma-like state for more than a year since he was allegedly beaten by his father.

The three-justice panel of the 4th District Court of Appeal unanimously upheld the juvenile court order, which found Christopher Ibarra was in a persistent, vegetative state, neurologically devastated and was receiving no benefits from life support.

"Based on clear and convincing evidence, the juvenile court determined that continuation of Christopher's life-sustaining medical treatment would not be in his best interests. We hold this determination was supported by substantial evidence, and the juvenile court did not err in reaching its conclusion," the justices wrote.

The ruling could ultimately result in murder charges being filed against Moises Ibarra, 24, the child's father. He was jailed on felony child abuse charges after allegedly beating and shaking his son on Dec. 17, 2001.

It was not immediately clear whether Ibarra would appeal the justices' ruling. Telephone calls to Ibarra's attorney, John L. Dodd, were not immediately returned.

Ibarra appealed the juvenile court judge's ruling, arguing the judge did not

have the authority to make the decision to remove life support.

But the justices said the judge used proper authority because the child was under the court's jurisdiction.

The juvenile court judge took jurisdiction over making medical decisions for Christopher in May after he faulted both parents for the boy's condition. He said Ibarra inflicted the near-fatal injuries and Tamara Sepulveda, 23, failed to protect her son.

"The evidence also showed that Christopher was under the age of five and had suffered severe physical abuse by Moises, and that Tamara knew or reasonably should have known Moises was abusing Christopher," the justices wrote.

Sepulveda's attorney, Donna Chirco, did not immediately return a telephone call seeking comment.

Ibarra also appealed the juvenile court order on the grounds his son may be of American Indian heritage and therefore the tribe, under the Child Indian Welfare Act, should have a say in any medical decision about Christopher. The justices dismissed Ibarra's claim.

Medical experts have testified Christopher suffered massive brain damage when his father allegedly shook him and threw him against a crib.

Although experts have disagreed over the length of time Christopher would survive on life support — from a few months to a few years — all agreed that without life support the boy would die.

Deadlock eases over license fee increase, budget cuts

BY STEVE LAWRENCE
Associated Press Writer

SACRAMENTO — A deadlock over budget cuts and vehicle license fee increases showed signs of breaking Monday as the Senate approved a package of mid-fiscal-year cuts that weren't tied to raising the VLF.

"It gives the Assembly an option," Senate President Pro Tem John Burton, D-San Francisco, said after the Senate sent a package of about \$8.6 billion in cuts and funding shifts to the other house. "What they do with it is their prerogative."

Speaker Herb Wesson, D-Culver City, said Assembly Democrats would meet Tuesday and discuss what to do with the measures.

Lawmakers approved virtually the same package of cuts two weeks ago. But those bills were tied to enactment of a measure designed to boost the VLF to head off the possibility of about \$4 billion in local government budget cuts.

Gov. Gray Davis has said he'll veto the VLF bill, even though it could kill budget cuts he's seeking.

Wesson, the author of the VLF bill, has said members of his caucus might be willing to send the governor a package of midyear cuts without linking it to the VLF if they're convinced that current law would trigger a VLF hike later this year.

He said Monday that he's sure that increase will take place but had to sound out the other 47 Assembly Democrats.

"I think that most people that follow

what's going on here believe that it's just a matter of time," Wesson said. "I personally feel that it will happen."

The VLF-cuts battle is the first round of fighting over how to erase a state budget deficit that could reach \$34.6 billion over the next 16 months.

As part of his deficit solution, Davis has proposed eliminating about \$4 billion in so-called back-fill payments the state makes to compensate local governments for the revenue they lost when the state adopted a series of cuts has reduced the VLF 67.5 percent since 1998.

Assembly Democrats, insisting on a combination of revenue increases and budget cuts to deal with the deficit, tied an initial round of cuts to Wesson's bill, which is intended to roll back the VLF to 1998 levels except for vehicles costing \$5,000 or less.

Current law says the fees go up when the state can't afford to make the back-fill payments, but it doesn't say who makes that finding.

Wesson's bill would give the state finance director the authority to determine if the state can afford the payments and would bar him from counting money borrowed by the state in making his decision.

Republican critics of the bill say that last provision would make the rollback permanent.

The annual fees are based on a percentage of the vehicle's value. Rolling them back to 1998 levels would cost the owner of the average vehicle an extra \$115, according to Department of Motor Vehicles' figures.

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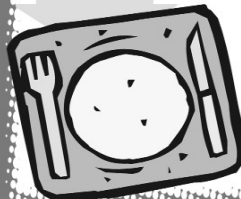
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NATIONAL

Lawsuit seeking to bar war on Iraq rejected

BY JUSTIN POPE
Associated Press Writer

BOSTON — A federal judge on Monday threw out a lawsuit that raised constitutional concerns in seeking an injunction to bar President Bush from launching a war against Iraq.

The lawsuit, filed earlier this month by six Democratic members of Congress and three unidentified service members and their parents, maintained that only Congress has the constitutional authority to declare war.

The plaintiffs argued that the resolution Congress approved in October supporting military action against Iraq did not specifically declare war and unlawfully ceded the decision to President Bush. One of the plaintiffs, Rep. John Conyers, D-Mich., cited the passage of the U.S. Constitution that states: "Congress shall have power ... to declare war."

However, U.S. District Judge Joseph Tauro ruled Monday that the court did not have jurisdiction to issue an injunction against Bush.

Tauro said the lawsuit engaged "political questions in the legal sense that are beyond the jurisdiction of the court."

The judge added that, considering the October congressional resolution, he could not find evidence of any conflict between the will of the executive and legislative branches.

"Case law makes clear that the Congress does not have the exclusive

right to determine whether or not the United States engages in war," he said.

An attorney for the government, Joseph Hunt, had argued that the court had no standing to issue an injunction because there was no conflict between Congress and the president. Hunt said it was also premature for the court to become involved because no one could say whether war was truly imminent or whether the president was merely using the threat of war as a bluff.

Congress has not formally declared a war since World War II. The War Powers Act, passed in 1973 in response to the war in Vietnam and the actions of President Nixon, requires the president to seek congressional approval before or shortly after ordering military action abroad. It also requires the president to report to Congress.

A similar lawsuit was filed against Bush's father before the Gulf War by 54 members of Congress but was rejected by a federal judge in 1990.

That judge said the elder President Bush had not clearly committed the country to a course of action. The judge also noted that only about 10 percent of the Congress had asked for the injunction — a percentage he said was not representative of the entire body.

The other members of Congress named as plaintiffs were Dennis Kucinich, D-Ohio; Jesse Jackson Jr., D-Ill.; Jim McDermott, D-Wash.; Jose Serrano, D-N.Y.; and Sheila Jackson Lee, D-Texas.

Ex-hitman 'Sammy the Bull' to face murder charges

BY STEVE STRUNSKY
Associated Press Writer

HACKENSACK, N.J. — Former mob hitman Salvatore "Sammy the Bull" Gravano will face murder charges for allegedly arranging the 1980 shooting death of a New York City police officer, a prosecutor said Monday.

The charges come just days after another hitman, Richard Kuklinski, pleaded guilty to killing Peter Calabro, 36, of Upper Saddle River. Kuklinski was charged after he confessed to the slaying in an interview broadcast May 20, 2001, on the HBO series "America Undercover."

In a statement issued early Monday, County Prosecutor John L. Molinelli said Gravano, the onetime hitman for the Gambino crime family who later became a government informer, hired Kuklinski to kill Calabro. It said he provided Kuklinski with "the specific weaponry and equipment needed to carry out the homicide."

Gravano also was in the area at the time Calabro was killed, the statement said. Calabro's body was found inside a station wagon with two shotgun wounds on March 14, 1980.

The statement said Gravano would be charged with murder. Molinelli didn't return a phone call Monday morning but his statement said he would provide further details about Gravano's connection to the slaying later Monday.

Gravano is now in prison in Colorado, where he is serving state and federal sentences for masterminding an Ecstasy drug ring when he lived in Arizona.

Gravano was the government's star witness in the case against crime boss John Gotti Sr. in 1992. Gravano admitted to plotting 19 murders as a mob hitman but served only five years in prison on racketeering charges under a deal with prosecutors. He had settled in Arizona after leaving prison.

Gotti was found guilty on 14 counts, including murder, racketeering and tax evasion and received a life sentence. He died last year at a prison hospital in Missouri.

Kuklinski, known as The Iceman because he kept some victims' bodies in a freezer, is serving a 60-year prison term on four murder convictions. He accepted a plea bargain Thursday that calls for him to serve a concurrent 30-year state prison term. He will be sentenced April 11 and will not be eligible for parole until 2046.

DID YOU KNOW?:
George Washington's last words were, "'tis well"?

NATIONAL



33,000 Nike basketball shoes drifting toward Alaska

By The Associated Press

ANCHORAGE, Alaska — Enough soggy Nike basketball shoes to outfit every high school team in Alaska are drifting through the Pacific Ocean toward the state after spilling from a container ship off Northern California.

There's just one hitch.

"Nike forgot to tie the laces, so you have to find mates," said Curtis Ebbesmeyer, an oceanographer who tracks flotsam patterns. "The effort's worth it 'cause these Nikes have only been adrift a few months. All 33,000 are wearable."

A beachcomber told Ebbesmeyer about the shoe spill after finding two new Nikes washed up near Queets on Washington's Olympic Peninsula on Jan. 9 and 16.

Unfortunately, they were sizes 10 1/2 and 8 1/2. Both were left.

A little research by Ebbesmeyer confirmed that a ship lost cargo Dec. 15 during a storm off Cape Mendocino, including three 40-foot containers each carrying an estimated 5,500 pairs of shoes.

"Nikes will be soon in your neck of the sea," Ebbesmeyer said in an e-mail message to the Anchorage Daily News last week. "Only two have been found, so your readers can be amongst the first to report in!"

The Washington scientist studies currents by charting the paths taken by lost cargo. Over the past decade, Ebbesmeyer has tracked 29,000 duckies, turtles and other bathtub toys; 3 million tiny Legos; 34,000 hockey gloves; and 50,000 Nike cross-trainers that went overboard in the Pacific in 1999. He and federal oceanographer Jim Ingraham have published their results in academic journals as well as Ebbesmeyer's newsletter Beachcombers' Alert.

The endeavor has a serious side, offering oceanographers insight into sea and wind patterns.

Last fall, Ebbesmeyer and Ingraham analyzed the drift of the derelict squid boat Genei Maru from the middle of the Pacific Ocean to its grounding on Afognak Island. They found evidence that currents were veering much farther north than normal.

This time, Ebbesmeyer took the serial numbers off the shoes to trace the shipment. Nike officials told him that

the shoes, made at an Indonesian factory last fall, were being shipped from Los Angeles to Tacoma, Wash., when the vessel hit 25-foot seas about 30 to 40 miles offshore.

About 5:18 p.m. on Dec. 15, the vessel rolled hard 20 degrees to each side and at least 10 containers tumbled into the sea, Ebbesmeyer said. Once the containers broke open, the shoes were bobbing in the Davidson Current, which runs north along the Pacific Coast during winter and fall.

After two shoes washed ashore on the Olympic Peninsula in January, Ebbesmeyer calculated that they had moved more than 450 miles in a month — up to 18 miles a day. At that pace, the Nikes could bob and weave another 1,600 miles by the time the current eases in mid-April, sprinkling basketball shoes along the Gulf of Alaska and Aleutian coasts.

Transplant teenager's family criticized for refusing to donate girl's organs

BY EMERY P. DALESIO
Associated Press Writer

RALEIGH, N.C. — As Jessica Santillan's family grieves her death after a botched heart-lung transplant and a rare second one, they have become the target of criticism for refusing to make the girl an organ donor herself.

"We have received several scathing e-mails from people who are concerned that the family refused to donate Jessica's organs," said Mack Mahoney, head of the foundation created to pay for the girl's medical bills.

Like most details surrounding Jessica's death and the bungled transplant that preceded it, survivors and doctors at Duke University Medical Center differed Monday on why a family that benefited from two transplants in as many weeks would refuse to donate organs.

One medical ethicist said the criticism is unfair.

"My bottom line is — let the family grieve now," said Thomas Murray, president of The Hastings Center, a medical ethics think tank in Garrison, N.Y. "It's a horrendous thing to lose a child."

Laura Wright, who received a transplant of a kidney and a pancreas six years ago and heads a Charlotte transplant support group, said she doubted that any of Jessica's organs could have been reused.

Jessica, a 17-year-old Mexican girl who moved to the United States with her family to receive care for a heart deformity, spent three years on a waiting list before receiving a heart-lung transplant at Duke Feb. 7.

But surgeons discovered they had mistakenly transplanted organs of the wrong blood type, causing the body to immediately reject them. She was near death by the time the second set was placed in her body last Thursday. Irreversible brain damage soon followed, and after more than a day without brain activity, she was declared dead

Saturday afternoon.

According to Mahoney, Jessica's mother asked doctors about donating the girl's new heart and lungs as well as other organs. She was told the heart and lungs could not be reused and the kidneys and liver were ruined from being on life support machines for too long.

Other organs and tissues were so saturated with medications and anti-rejection drugs that they also would not be reusable, Mahoney said.

"By the time the doctors got around to telling the family that they may be able to use the corneas of Jessica's eyes," Mahoney said, "the family had been put through the worst ordeal a family could face."

"And a very tired and emotionally worn out mother took the advice of her legal counsel to leave Jessica as is, for the pending autopsy."

That autopsy was performed Monday by state medical examiners, but results won't be released until a final report on the case in six to eight weeks, said chief medical examiner Dr. John Butts.

Duke officials said doctors were told by Carolina Donor Services, the state's organ procurement agency, "that based on their initial assessment several organs may be viable for donation."

Jessica's mother declined to speak with the procurement agency, Duke said in a statement. A spokeswoman said hospital officials could not describe which organs were fit for donation because of patient confidentiality laws.

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OPINION

LETTERS

Who's the real liar?

Editor:

Your Friday columnist, Bill Bauer, charged that Save Our Neighborhood's (SON) campaign against Proposition A was loaded with "white lies."

He claimed that SON is telling renters that they could lose their apartments if Prop A passes.

I am a Santa Monica renter who has received two pieces of literature from SON and neither says anything remotely similar to what Bauer alleges. The first was an argument that the city's Landmarks Commission has been mostly fair and the second was a tastefully designed color folder depicting a few of the homes that have been preserved as historically significant.

It also answers Prop A questions.

Now I wonder who has been telling the biggest white lies?

Joanne Gamlin
Santa Monica

Woman's visit to Iraq a case of naiveté

Editor:

Naiveté can be seen as innocent, sweet, even charming. But, in the serious case of war considerations, naiveté muddies the water of clarity, can besmirch truth and actually cause unintentional damage to those it claims to be protecting. All of this applies to an organization calling itself CodePINK, and specifically a woman from this area, Kelly Hayes-Raitt, who embarked on a two-week fact finding journey to Iraq.

She joins a list of sanctimonious "guests," from bureaucrats, celebrities, and human shields, wanting to become instant experts, movers and shakers, reporters commenting on "what is really going on in Iraq" ... in their opinion.

Now, I ask you, in an iron clad country, dominated by a brutal tyrant who, reportedly tortures people should they merely interrupt a comment he is making — do you really think that outsiders are going to be allowed to get the real scoop? One keeps hearing about the "useful idiots" theme attributed to Stalin. He was amused by the helpfulness of their interference during his diabolical regime. However, no matter how much this comment has saturated the press, one can't deny how applicable it is to today's containment advocates.

Somehow, in light of all the information collected by Iraqi expatriates and defectors, documenting the massive human abuses, murders, rights violations that this one man, Saddam Hussein, has done in a single lifetime, the question begs to be asked, "Where is the love and empathy for the Iraqi people?" Why aren't peace advocates protesting against

this vile dictator who has violated UN agreements, lied to everyone and starves his people in order to feed his own need for self aggrandizement and absolute power? Are we so caught up in knots of hatred for our own government that we just can't see the real enemy?

There is simply no moral honesty in Hayes-Raitt's well publicized outreach to the Iraqi people. At best, it was a superficial gesture. How can one possibly ascertain the truth, in a matter of days, to a complex problem that has existed for decades? This is like trying to do an organ transplant by scratching the skin. Please, get real lady!

Foolish people are perfectly within their rights to engage in foolish ventures. However, when these (mis)adventures become the basis for arguments, in rallies and speeches,

See LETTERS, page 9



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War resolutions: Appropriate or not?



Evelyn Jerome

QUICK!

Someone call Colin Powell! Santa Monica is opposed to war with Iraq! Turn the ships around!

I don't want to make light of individual citizens voicing their political views — I have nothing but respect for those who have expressed their opposition to the possibility of war with Iraq. Our ability to voice our opinions about political issues is what separates us from the rest of the world.

However, I do not vote for local city council members based on their experience, knowledge, or judgment in the area of foreign policy. We elect city council members

to create and implement local policies and establish our city's budget, which consists mostly of police and fire protection, land use planning and zoning issues, local recreation, and other projects and services. We elect our senators and congressmembers to carry out policies related to our national interests, including our foreign policy.

Both Santa Monica and Los Angeles passed resolutions opposing a war with Iraq. Many who voted in favor of the respective resolutions said that they did so because the high cost of the war would detract from federal funding for education, health care, housing, homelessness and other important local issues. True enough, these programs may suffer — that's most unfortunate.

But war or no war, federal and state

funding to localities has already shrunk with the downturn in the economy. What has our City Council done to prepare for it? At their last meeting, Santa Monica City Councilmembers discussed the Sustainable City Plan, the new smoke-free parks regulation, and building outdoor dining facilities on Santa Monica Boulevard before summertime. These are perfectly appropriate programs for our City Council to debate.

But instead of tackling real issues, like the budget issues that will affect our everyday lives, they debated Iraq. Where's the budget cutting? Where's the realistic planning for the future?

How much time did the City Council and its staff take discussing a non-binding resolution opposing war with Iraq, which will be

filed in the White House's circular file?

The anti-war folks say that I'm not "progressive" if I don't support the anti-war resolution. I say, "I am." I just don't believe it's the appropriate role for city councils — ours or anyone else's — to dabble in foreign affairs.

By the way, I'm not "too afraid to admit" that I think Saddam Hussein is a threat to his own people and to the world, and that taking him out would be in itself a humanitarian act.

(Evelyn Jerome is a past president of the Los Angeles County Young Democrats, and a member of the New Democrat Network. To respond or to reach Jerome, e-mail her at evelyn_thinktwice@yahoo.com.)



Todd Flora

The anti-war resolution recently passed by the Santa Monica City Council begins, "Whereas, the government has estimated that a war would cost from \$60 to \$200 billion dollars, not including a post-war occupation, resulting in less federal funding for education, health care, transportation, job training, housing, and environmental concerns in a time of increasing need for residents of Santa Monica ..."

It makes perfect sense to me. Councilmember Kevin McKeown and L.A.'s Eric Garcetti deserve kudos for their courage and wisdom to sponsor resolutions in their respective council chambers.

Some, too afraid to admit they favor a first strike against Iraq, and others who may even be Democrats but don't want to be associated with (gasp) "liberals" opposed to the war, are trying to make the issue about jurisdiction. They seductively argue that cities should not spend time debating international affairs during regularly scheduled council meetings.

But would opponents of war resolutions be satisfied if city governments called "special sessions" on days they don't normally meet to discuss the matter? My guess is we would only hear stammering from them over the suggestion. Whether they like it or not, there ARE numerous ways to connect the dots between war's cost to the federal budget and its dire effect on states and localities.

The Santa Monica resolution continues, "... a war will cost the State of California at least \$10.1 billion in individual income taxes, and the City of Santa Monica \$36.1 million, at a time when the state already suffers from at least a \$25 billion deficit ..."

Whether you favor military action or not, there is CLEARLY enough fiscal evidence alone to warrant a city council's time. It makes particular sense to debate the matter given the public's divided attitude over national priorities.

And look at the residual benefits to democracy. L.A.'s Garcetti said on local radio that the issue filled council chambers like no other has in some time. In Santa Monica, more than 100 persons rallied before the vote on the resolution. People are coming to City Hall to deliberate one of

the major issues of the day, and as a result are feeling more connected to government. This is a GOOD thing.

Bottom line: We must not be distracted by a cranky, thinly veiled attempt to avoid "all things liberal" under the guise of misguided priorities. The pending war is not only on everyone's mind, but would also have a clear effect on state and local programs.

(Todd Flora is the former state director of the California Clean Money Campaign, a campaign finance reform effort, and the former western regional director of the Concord Coalition, a fiscal watchdog organization. To respond or to reach Todd, e-mail him at junkfood6@aol.com.)

OPINION



LETTERS

LETTERS, from page 8

aimed to change or charge opinion, then I think it is more detrimental than educational. Dicing our government by extolling the validity of such personal experiences that are laced with bias and folly is beyond reason.

I, for one, feel that anyone really working for peace, should do so on more than one front. They should advocate for this country to go slow, and implement military action if Iraq doesn't disarm in a reasonable amount of time (which is about now). And, they should condemn Saddam Hussein for all of his terrible atrocities, on his countrymen and women, demanding that he honor his word, give up his weapons, and step down as a disgraced dictator for the good of the Middle East, and ultimately the world.

All the other gibberish is merely a distraction to meaningful solutions and genuine concern for world peace, as well as a continuance of progressive, democratic civilizations as we know them today.

Jan Tournant
Santa Monica

Hey, where's my opinion in print?

Editor:

My wife and I want to express our deep concern regarding your failure to print all of your Q-Line responses.

This past week each of us thoughtfully and sincerely reflected on the issue relating to the upcoming war in Iraq.

I called in our individual responses well before the deadline, but unfortunately they were not included in your Friday issue.

Friday morning I called the SMDP, and spoke to a very helpful woman. She said that she personally had typed up 15 responses and had submitted them all to the editor. Sadly, it appears that only five made it to print.

The woman said that she thought that maybe all the responses were not printed because there was space problem, and that perhaps the left-out responses would be printed on Saturday.

I then left a message for the editor, expressing our disappointment, but with hope that the left-out responses would be printed on Saturday. However it appears that the decision was made not to include them.

There currently seems to be a 16-page format to the SMDP. Even though we often find many of the AP articles that you select as filler to be quite interesting, and sometimes funny, I request that you first focus on local news and comments from people in the community who read your great little paper.

Gerard Tretton
Santa Monica

Jaywalking is still an offense

Editor:

Being poor is not a crime, but, breaking the law is. The truth is that jaywalking is a crime, and I experienced it first hand when I first moved to Santa Monica some time ago. I was not poor, and neither was I rich. I broke the law, and even my unfamiliarity with jaywalking laws did not excuse the fact that I "innocently" broken the law, and therefore, I

had to pay the fine. Where I come from, people jaywalk all the time. So, I learned a good lesson.

I am curious why Michael Golan is defending the individual who received a citation jaywalking at 6:30 a.m. on Skid Row in downtown Los Angeles (SMDP, Letters to the Editor Feb. 20). The fact that this individual "safely crossed a quiet and empty street" very early in the morning does not negate that fact that the law was being broken.

If the driver of an automobile breaks the law "safely," he may still be cited, even if the street is empty while doing so. It is my contention that drivers are cited all the time for "safely" breaking the law. The poor and the homeless are subject to the same laws and infractions thereof as everyone else. Whether they are the target of the police is a speculative and open to question.

The fact that this person cannot pay the purported \$70 citation fee and therefore will not show up in court is inadvisable. Perhaps arrangements can be made with the court, and if this person does not show up, then he is only going to get another strike against his record. I question the validity of Mr. Golan's statement which reads as follows:

"As in most cases the judge sides with the police; he will be likely found guilty and if he accepts community service, he will only find out that he has to pay \$60 to the community-based organization for the processing fee. Since he will not be able to do so, he will have to go to jail."

How has Mr. Golan become so versed in the goings on in the court system, and community service, I wonder? I suggest that the person who received the citation appear in court, no matter what the outcome, to prevent further infringements.

Julia Reeves
Santa Monica

How about a homeless/historic tour?

Editor:

I'm still laughing about Joanne Gamlin's letter, "Don't give the developers any more fuel," where she says, "Tourists like to see a few homes of historic significance" and that "a no vote on Prop. A will energize the city's tourism industry creating a boom that eventually will help everyone."

Sweet thought. However, I think that the real problem with the city's tourist industry (and yes, it is the engine that drives the Santa Monica economy) is all the homeless people.

I have a theory that our "gonna change-the-world" city council actually wants tourists to see and "interact" with (most of us call it be annoyed by or intimidated by) the homeless as a way of educating society on the plight of the homeless (kind of an updated version of the Chinese or Cambodian re-education plan).

So, based on this theory, I have a great idea. We make a combo Historic Homeless tour. It's a great idea ... see, we put homeless encampments on the lawns of historically significant homes. Then we entice our tourists to go on a tour of our historic homes. When our happy little tourists look disappointed as the bus pulls up to its first stop, we start the lecture ...

Tom Fuller
Santa Monica

Big money behind pro-Proposition A campaign

Reporter Andy Fixmer's Feb. 12 article titled "Prop. A campaigns raise nearly \$100,000" is breathtakingly incomplete in its reporting of the amount and sources of funds raised by the organizers of Prop. A. It gives the false impression that Prop. A organizers and opponents are running pretty much neck and neck in fund-raising. Unfortunately for those of us who oppose Prop. A, that's not true.

Fixmer says Prop. A organizers have raised approximately \$54,700 in 2003 compared to \$40,500 for Save Our Neighborhoods ("SON"). Prop. A's opponents. If Fixmer's numbers were the full story, here's the comment he would have gotten from me, had he asked: "We started from behind, we're gaining, and when voters know the truth about Prop. A, we can win."

Fixmer's article also gives the false impression that Prop. A opponents have more big donors, appearing to lend support to the claims of Prop. A organizers that theirs is a "grassroots" effort. That's also not true. Prop. A has been organized and funded by big money contributions from real estate interests and their sup-

porters who have much to gain by gutting our landmarks ordinance.

Here's just some of the missing information Fixmer should have included for an accurate comparison of the fund-raising efforts of Prop. A's supporters and opponents.

Prop. A organizers started fund-raising in early 2002, over a year ago. Prop. A opponents started fund raising this year.

The Prop. A organizers have raised a total of \$151,700 and counting since they began their fund-raising efforts in 2002, not the significantly lower \$54,700 Fixmer reports for 2003.

\$151,700 is almost four times as much as Save Our Neighborhoods' \$40,500.

Coming in to January 2003, Prop. A organizers had already raised \$111,500 and owed \$14,500 in unpaid loans on the books.

Through January 2003, Prop. A organizers had already spent almost \$174,000 since their campaign began, approximately \$19,000 more than they had collected. (\$65,000 alone was spent to pay people to

gather signatures on Prop. A's petition.)

Any reasonable reader has to wonder where Prop. A's organizers will get the \$19,000 they need to make up their overspending and the \$14,500 they need to pay back loans. That kind of money will not come from \$5 and \$10 contributions from their "grassroots" base.

At least 37 of Prop. A's contributions have been \$1,000 or more, not just the six

Fixmer reports for 2003. That's almost two and a half times the number of \$1,000 or more donors opposing Prop. A.

Since big donors usually give at the beginning of a fund-raising effort, comparing both campaigns when the organizers of Prop. A have been at it for over a year and SON has been fund-raising for a month is grossly prejudicial and misleading.

Fixmer describes campaign donors opposing Prop. A as "... mostly elected and appointed city officials ..." He can only count nine out of 69 donors, which is hardly "mostly."

Prop. A organizers include five principles (including one couple), all but one of whom, incidentally, have described themselves in public campaign reports as real estate attorneys, realtors, and property managers. Among the five they have contributed \$44,300 to the Prop. A campaign, almost 30 percent of the \$151,700 collected so far. One alone contributed \$17,500. \$44,300 is more than Prop. A's opponents have raised from all sources!

By overlooking more than it includes, Fixmer's article seems to lend support to claims of Prop. A organizers that they are just a grassroots group of homeowners trying to protect their homes against the City and "outside" preservation organizations. I'm sure that some of Prop. A's supporters are individuals giving small sums to the cause, just as most of Prop. A's opponents are. But come on, now. When all the facts are reported that should be reported, who can really believe that there isn't big money behind Prop. A?

(Bea Nemlaha is the spokesperson for Save Our Neighborhoods and a resident in the Third Street Historic District.)

Guest Commentary

By Bea Nemlaha



INTERNATIONAL

Colombia rebels declare Americans 'prisoners of war'

BY SUSANNAH A. NESMITH
Associated Press Writer

BOGOTA, Colombia — Colombian rebels declared Monday that three captured Americans were "prisoners of war" and will be freed only as part of a broad prisoner exchange with Colombian government.

The Revolutionary Armed Forces of Colombia, known as the FARC, demanded a demilitarized zone from the Colombian government in order to exchange the three Americans and dozens of Colombian soldiers and police — who are also held by the rebels — for insurgents who are in Colombian prisons. The rebels posted their statement on their Internet site.

The three Americans were captured on Feb. 13 after their U.S. government plane went down in FARC territory. A fourth American and a Colombian were shot and killed near the scene of the crash.

"The three gringo prisoners of war in the custody of our organization will be liberated along with other

Colombian prisoners of war once an exchange materializes in an large demilitarized zone," the FARC said in its statement.

President Bush authorized the deployment of up to 150 more troops to Colombia to help in the search for the three Americans, U.S. Southern Command spokesman Art Merkel said Monday.

The FARC said in its statement that the decision to send more troops to Colombia, where more than 200 military personnel are already training Colombian forces, was "a bald-faced invasion by the United States of our country."

U.S. officials said Monday the additional troops would not be allowed to take on combat roles.

The U.S. government has not announced what specific mission the Americans were on when their plane went down over southern Colombia's Caqueta state. Officials said they were contractors with the Miami-based Southern Command.

The United States has been helping Colombia fight production of cocaine and heroin in this South American country. The drug trade is controlled by the rebels and a rival right-wing paramilitary group. Washington recently expanded its assistance — including the training of Colombian troops by U.S. special forces and millions of dollars worth of helicopters and other gear — to counterinsurgency aid.

The mountains and jungles of Caqueta state are a prime cocaine-producing region and a rebel stronghold. During three years of failed peace talks, the rebels controlled a vast demilitarized zone that encompassed part of Caqueta and Meta states. The government ended the peace talks and sent troops back into the region a year ago, but rebels still control much of the area.

The Colombian government had ruled out a prisoner exchange with the rebels, but recently said such a deal might be possible. However, President Alvaro Uribe has said it would never give the rebels another safe haven.

Chinese rescuers struggle to save earthquake victims

BY CHRISTOPHER BODEEN
Associated Press Writer

BEIJING — With bloodied hands, survivors dug through rubble and called for their missing loved ones after a powerful earthquake knocked down homes and schools on Monday in western China, officials said. At least 257 people were killed and more than 1,000 injured.

The quake toppled farmhouses on people eating breakfast and schools collapsed on students in Bachu county, near China's mountainous border with Kyrgyzstan, officials said.

Thousands were left homeless and without shelter overnight in 14-degree temperatures. More than 1,000 homes and schools collapsed in Bachu, a town of 30,000 people, officials said.

The government put the quake's magnitude at 6.8, while the U.S. Geological Survey in Golden, Colo., said it was magnitude 6.3.

"Survivors and injured people were digging in the debris around their collapsed houses with bleeding hands, calling the names of missing relatives," said a Bachu County official, who gave his name as Mimati.

The dead ranged from elderly people to infants, he said. A Bachu County police officer reached by telephone

A line in the sand



Laura Rauch/Associated Press

Members of the 1st Marine Regiment from Camp Pendleton, Cal. unload from a CH 53 Marine Super Stallion helicopter at Life Support Area 1 in the Kuwaiti Desert south of Iraq on Monday. The marines were arriving from U.S. ships deployed in the Persian Gulf.

said he had seen battered bodies of adults and children pulled from the rubble, some missing heads or legs.

The official Xinhua News Agency said the death toll from the 10:03 a.m. quake was at least 257 people.

At least 10 students died when their junior high school collapsed in the county's most badly damaged town, Chongku Qiake, government official Maimai Qiming

said. A primary school in the town also was felled by the quake, killing two students, said another Bachu county official, who gave only his surname, Wu.

More than 2,000 soldiers and paramilitary policemen joined rescue efforts in the area, which lies on the western edge of China's Xinjiang region. Troops were using about 100 pieces of heavy equipment to move rubble, Xinhua reported.

Government units have sent more than 6,000 tents, emergency food and medical supplies to the area, Xinhua said. Insulated clothing and blankets have also been sent out by the Red Cross, although much of the relief supplies are not expected to arrive until Tuesday, it said.

A specially trained 42-member earthquake rescue team departed Monday evening from Beijing with dogs and detention equipment to search for buried victims, government television reported. Pictures showed uniformed crew members loading a container of equipment aboard a transport plane which then flew off into the night sky.

It wasn't clear when the team would arrive at the quake site, about 1,750 miles west of Beijing.

China's Cabinet authorized the release of emergency funds, state television reported. It said Communist Party General Secretary Hu Jintao and other senior leaders contacted local officials and ordered them to ensure that survivors had adequate water, food and shelter.

Secretary of State Colin Powell, who was visiting Beijing, said at a news conference, "I send my sympathy and condolences to the families of those who have been lost in this tragedy."

Russian President Vladimir Putin sent Chinese President Jiang Zemin a telegram on Monday expressing deep condolences over the loss of life in the earthquake, the Kremlin said.

Reporting on the death toll, Xinhua reported that the quake was the most severe to hit Xinjiang — a region populated mostly by Turkic-speaking Muslims — since the start of communist rule in 1949.

Pop star Michael Jackson starts legal proceedings against television company

BY ED JOHNSON
Associated Press Writer

LONDON — Michael Jackson's lawyers requested a court injunction Monday to block a television company from releasing unused footage filmed during the making of a documentary about his life.

The singer has complained he felt "more betrayed than perhaps ever before" by the program "Living with Michael Jackson," by British journalist Martin Bashir for Granada.

In the 90-minute documentary, Jackson said he sometimes lets children sleep in his bed. Bashir expressed concern about the king of pop's treatment of his three children.

Jackson and his company MJJ Productions Inc. said in a statement Monday they were seeking an injunction against Granada so that it cannot use unseen footage until wider disputes are settled — specifi-

cally whether Bashir "breached the terms on which he was permitted to film Jackson."

Granada said it would fight the proceedings vigorously. A hearing is expected Friday.

Jackson's lawyers allege that Granada has refused to place the disputed footage in the care of a third party, until legal questions have been resolved.

"Consistently Michael Jackson has argued that Martin Bashir and Granada broke the agreement by which he was permitted to film Michael, concerning ownership of the filmed material and permissions relating to the inclusion of the Jackson children," said the statement, released by his London-based publicists Bell Yard Communications.

"In particular, Granada has failed to honor an agreement reached earlier this month to deliver up to Michael Jackson unused film footage

of his children, where recognizable," it added.

Granada confirmed it had been contacted by Jackson's lawyers about the proceedings.

"They relate to attempts by Michael to claim copyright in our footage," said a spokesman on customary condition of anonymity. "We shall be resisting such claims vigorously."

In the Bashir documentary, Jackson said he had slept in a bed with many children. "When you say bed you're thinking sexual," the singer said. "It's not sexual, we're going to sleep. I tucked them in. ... It's very charming, it's very sweet."

The program showed the singer with his children — his 5-year-old son, Prince Michael I, 4-year-old daughter, Paris, and infant son, Prince Michael II. Their faces were always covered, either by masks or veils, so they could not be identified.

SPORTS



Different top five teams for 10th week in a row

BY JIM O'CONNELL
AP Basketball Writer

Arizona and Kentucky were 1-2 in The Associated Press college basketball poll for a second straight week Monday, while Memphis entered the Top 25 for the first time this season.

It was the third week in a row and 11th time this season the Wildcats (21-2) have been ranked No. 1. Arizona beat Arizona State 92-72 in its only game last week and received 58 first-place votes and 1,786 points from the national media panel.

Kentucky (22-3), which beat Arkansas and Mississippi State last week to extend the nation's longest winning streak to 16 games, was No. 1 on 14 ballots and had 1,741 points.

For the 10th straight week, the top five changed.

Oklahoma, which beat Kansas in a matchup of Nos. 5 and 6, moved up two spots to third. Florida, which won in overtime at Vanderbilt, jumped three places to No. 4.

Texas, which lost to Oklahoma State on Saturday, fell from third to fifth and was followed in the Top 10 by Duke, Kansas, Pittsburgh, Notre Dame and Marquette. The Golden Eagles moved up one place to No. 10, their first appearance in the Top 10 this season.

Louisville (19-4) doubled its loss total last week by dropping games to Memphis and Cincinnati and fell from No. 4 to No.

11, ending its run of five weeks in the Top 10. The Cardinals reached as high as No. 2 then dropped when their 17-game winning streak was snapped by Saint Louis.

Wake Forest was 12th and was followed by Xavier, Maryland, Syracuse, Oklahoma State, Creighton, Illinois, Stanford and Mississippi State.

The last five ranked teams were Georgia, Utah, California, Memphis and Dayton.

Memphis (18-5) moved into the poll on a seven-game winning streak, including last week's 80-73 win over Louisville, the Cardinals' first home loss of the season. The Tigers were ranked for the first four polls last season.

Purdue (16-8) fell out after one week in the poll for the second time this season. The Boilermakers, who were ranked 24th, lost to Michigan and Ohio State last week and have lost four of five.

Memphis' appearance gives Conference USA three ranked teams (Marquette, Louisville), meaning six leagues have at least that many schools in the Top 25. The Southeastern Conference and Big 12 both have four ranked teams, while the Pac-10, Atlantic Coast Conference and Big East also have three.

The Atlantic 10 has two teams in the Top 25. With Purdue out and only Illinois still ranked, the Big Ten joins the Missouri Valley and Mountain West as conferences with one school in the poll.

Local Sports

Samohi boy's soccer wins first round playoff battle

By Daily Press staff

The Santa Monica High School's boys soccer team won their first round playoff match against Newport Harbor of the Sea View league this past Saturday.

The Vikings, who played at John Adams Middle School, led at half time 2-0. The final score was 3-1, Vikings.

The first goal came in the 16th minute off a long throw-in by senior sweeper Cem Mangir. The Newport goalkeeper jumped inside of his six yard box to catch the ball, but then allowed the ball to slip through his hands. Samo sophomore Artur Szeznepanek saw the opportunity and headed the ball in. The second goal came in the 36th minute by Samo sophomore Omid Shokoufandeh who passed the ball across the Newport goal to find wide open junior Ryan Natale. Natale kicked the ball past the Newport Harbor goalkeeper.

In the second half, the Vikings continued to apply offensive pressure and in the 56th minute they were awarded a free kick 23 yards outside of the Newport 18 yard box. Senior defender and Captain Jordan Kurland stepped up to take the kick from the right side of the goal. His kick landed in the back upper left hand corner of the goal giving Kurland his first goal of the year and Samo a 3-0 lead.

Newport Harbor scored their goal in the 72nd minute.

The Vikings they will play on Wednesday in the second round of the Division II playoffs against St. Francis. Kickoff is scheduled for 3 p.m. and will be played at John Adams Middle School, weather permitting.

The Vikings' record is 17-8-1.

St. Mark girls basketball comes in second place

By Daily Press staff

The St. Mark A Girls basketball team lost 30-17 to Our Lady of Miraculous Medal of Montebello in the finals of the Los Angeles Catholic Youth Organization playoffs this past weekend.

St. Mark, 8th grade and under, finished the season 30-6 overall. Our Lady of Miraculous Medal, defending CYO champions, finished the season 20-0.

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31 Elevator man	13					14				
32 Fencing weapon	15				16				17	
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2-25

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Attorney for Petitioner Newlon Rouge, L.L.C.

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

In the Matter of the Petition
of Newlon Rouge, L.L.C. To Have The
Standing of the SANTA MONICA DAILY
PRESS as a Newspaper of General
Circulation Ascertained and
Established.

CASE NO. **SS011597**

**VERIFIED PETITION TO
ESTABLISH STANDING AS A
NEWSPAPER OF GENERAL
CIRCULATION FOR THE COUNTY
OF LOS ANGELES AND STATE OF
CALIFORNIA**
(Gov. Code §56000, §620)

Petitioner, Newlon Rouge, L.L.C., alleges: **TERRY B. FRIEDMAN**

1. Petitioner is the California limited liability corporation
which owns the newspaper known as the Santa Monica Daily Press,
hereinafter referred to as the "Newspaper".

2. The Newspaper is a newspaper of general circulation
published for the dissemination of local news and intelligence of a
general character in Santa Monica, California. The business address
of the Newspaper is 1427 3rd Street Promenade, Suite 202, PO Box 1380
Santa Monica, CA 90406-1380.

3. The Newspaper has a bona fide subscription list of paying
subscribers in Santa Monica. It is published every day except
Sundays. The Newspaper has an average daily circulation of 15,000
copies.

VERIFIED PETITION: SANTA MONICA DAILY PRESS

4. For more than one year proceeding the filing of this
petition the Newspaper has been established under the name of Santa
Monica Daily Press. The Newspaper has been printed and published
regularly six days per week (Sundays excluded) by the use of off-set
internet "web" publishing in the County of Los Angeles, City of Santa
Monica.

5. During the whole of the one year period preceding the
filing of this petition, the mechanical work of producing the
newspaper through the use of off-set internet "web" printing has been
performed in the County of Los Angeles, City of Santa Monica. The
Newspaper has been issued from the same city and county where it is
published, namely the County of Los Angeles, City of Santa Monica.
The Newspaper has been published as a daily newspaper, Sundays
excluded.

WHEREFORE, Petitioner prays for judgement ascertaining and
establishing the Santa Monica Daily Press as a newspaper of general
circulation, as defined in Section 6000 of the Government Code, for
the County of Los Angeles and State of California.

DATED: February 5, 2003

Nicholas Tepper
Nicholas Tepper
Attorney for Petitioner
Newlon Rouge, L.L.C.

VERIFIED PETITION: SANTA MONICA DAILY PRESS

VERIFICATION

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I have read the foregoing **VERIFIED PETITION TO ASCERTAIN AN ESTABLISH STANDING AS A
NEWSPAPER OF GENERAL CIRCULATION FOR COUNTY OF L.A.** and know its contents.

☐ I am a party to this action. The matters stated in the foregoing document are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.

☒ I am ☒ an Officer ☐ a partner ☐ a ☐ of **PETITIONER NEWLON ROUGE, LLC**

I am a party to this action, and am authorized to make this verification for and on its behalf, and I make this verification for that reason. ☒ I am informed and believe and on that ground allege that the matters stated in the foregoing document are true. ☐ The matters stated in the foregoing document are true of my own knowledge, except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.

☐ I am one of the attorneys for a party to this action. Such party is absent from the county of **Santa Monica** where such attorneys have their offices, and I make this verification for and on behalf of that party for that reason. I am informed and believe and on that ground allege that the matters stated in the foregoing document are true.

Executed on **2/5/03** at **SANTA MONICA**, California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

ROSE FURUKAWA (Type or Print Name) *Rose Furukawa* (Signature)

PROOF OF SERVICE
(Type or Print Name)

STATE OF CALIFORNIA, COUNTY OF **LOS ANGELES**

I am employed in the county of **LOS ANGELES**, State of California.

I am on the age of **18** and not a party to the within action; my business address is: _____

On, _____, I served the foregoing document described as _____

_____ on _____ in this action

☐ By placing the true copies thereof enclosed in sealed envelopes addressed as stated on the attached mailing list.
☐ By placing _____ the original ☐ a true copy thereof enclosed in sealed envelopes addressed as follows:

☐ BY MAIL

☐ I deposited such envelope in the mail at _____, California.

The envelope was mailed with postage thereon fully prepaid.

"As follows: I am "ready, willing and able" to make this verification for and on behalf of that party for that reason. I am informed and believe and on that ground allege that the matters stated in the foregoing document are true. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

Executed on _____ at _____, California.

"BY PERSONAL SERVICE" I delivered such envelope by hand to the office of the addressee.

Executed on _____ at _____, California.

☐ I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

☐ I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Type or Print Name _____ Signature _____

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VENICE BEACH \$795.00 Single w/lots of charm and original hardwood floors. 1 block from the beach. Close to shopping and restaurants. 1 year lease, no pets, paid parking available. (310)396-4443 ext. 102.

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WeHo \$750.00 Classic New York style brick building hardwood floors, pet ok, stove, ceiling fan, crown molding. Close to shops and restaurants. Parking available.

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SANTA MONICA \$490.00 Apartment, prvt rm, r/s, crpt, month to month, cble.

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Announcements

"I SOLD it one day! When I put
my futon for sale in the Daily
Press, it took me one day to sell
it...thanks!" Nina Stewart, Santa
Monica.

THE FIRST day I put my laptop
for sale in your paper, I got several
offers and sold it that day!
Thank you Daily Press!
Jamie Schuler, Santa Monica

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SANTA MONICA SCENE °CALENDAR EDITION

TUESDAY, FEBRUARY 25, 2003

TODAY

Ann Sagan Tuesdays with Books Program will review "The Quiet Street" by Zelda Popkin. Reviewer: Juliet Popkin. Ordinary people living through the grueling 1948 siege of Jerusalem weave together into a dramatic portrayal of life in times of deep unrest. To be held at the Ken Edwards Center, 1527 5th Street, Room 100, Santa Monica. Begins at 1:30 pm.

Ongoing support groups for people 55 and older. Current openings in, So, What Are You Going to Do With the Rest of your Life? Tuesdays, 10:00 to 11:30am. Center for Healthy Aging, 2125 Arizona Avenue. Sliding scale fee. Not drop-in groups. Phone interview required. Call Information and Referral. (310)576-2550.

Crossroads Schools in Santa Monica invites local musicians (grades 3-7) to join orchestra rehearsals. Rehearsals are ongoing and are held each Tuesday of the school year, from 3:15 to 4:15. Students may join at anytime. Cost is free, students must bring their own instruments. 1714 21st Street, SM. For more information please call (310)829-7391

Santa Monica College Emeritus College Band invites adult musicians who play a band instrument to join the band. Rehearsals are held each Tuesday

evening in the Band room at Lincoln Middle School, 14th and California Streets from 7pm to 9:15pm. Concerts are given during the year. For more information call (310)474-5271.

Blue 7 presents 'Near and Far - Photographic Images of Nature.' The featured photographers are Scott Connell, Michael Gordon and Gavin Lauchenauer. Exhibit ends April 5th. Blue 7, 3129 Pico Blvd. (310)449-1444

Canned food drive sponsored by Eclectic Ave. Furniture located at 2307 Main Street in Santa Monica. Now through Sunday March 2nd. A 15% discount is being offered on purchases with any donated food. Non perishable food items will be accepted and delivered to the Daybreak women's Day Center and Shelter. Donations can also be made at any time to the shelter located at 1610 7th street in Santa Monica.

WEDNESDAY

Farmer's Market every Wednesday. 9am to 2pm, Arizona between Second and Fourth Streets. Come and enjoy one of the largest and best farmer's markets in California!

Santa Monica Public Library presents Preschool Story Time, every Wednesday at 11:15am, 1343

Sixth Street. Stories for children between the ages of three and five who are ready to participate on their own. (310)458-8600

Torah readings: Hosted by Rabbi Aaron Shaffer. This popular class examines the text of the Bible verse by verse with explanations. Every Wednesday at 12:15pm, 1111 Montana Ave. Fee is \$7 per class. Gourmet salad lunch is served. (310)488-7151.

Free Meditation Workshops sponsored by Sahaja Yoga. Every Wednesday night at 7pm in the Community Room at the Wilshire Wild Oats, 500 Wilshire Blvd. At 5th St. Open to all. (310)395-6443

Unurban Coffee House presents Poetry and Spoken Word every Wednesday evening. Hosted by Tony Perez. 8pm, 3301 Pico Blvd. (310)315-0056

Canned food drive sponsored by Eclectic Ave. Furniture located at 2307 Main Street in Santa Monica. Now through Sunday March 2nd. A 15% discount is being offered on purchases with any donated food. Non perishable food items will be accepted and delivered to the Daybreak women's Day Center and Shelter. Donations can also be made at any time to the shelter located at 1610 7th street in Santa Monica.

MOVIE °GUIDE

LOEWS CINIPLEX BROADWAY CINEMA

1441 Third St. at Broadway
About Schmidt (R) 6:30, 9:30. The Hours (PG-13) 7:00, 9:45. The Guru (R) 7:30, 10:00. Gods and Generals (PG-13) 7:45.

MANN CRITERION

1313 Third St.
How to Lose a Guy in 10 Days (PG-13) 5:05, 7:15, 7:45, 10:15, 10:35. The Recruit (PG-13) 7:10, 10:10. Gangs of New York (R) 7:00, 10:30. Old School (R) 5:00, 7:00, 7:30, 9:30, 10:00.

AMC THEATRE SM 7

1310 3rd Street
Jungle Book 2 (G) 2:00, 4:00, 7:00, 9:00. Shanghai Knights (PG-13) 5:25, 8:00, 10:25. Chicago (PG-13) 5:20, 7:55, 10:20. Daredevil (PG-13) 5:25, 7:00, 7:50, 9:30, 10:15. Dark Blue (R) 5:20, 7:55, 10:25. The Life of David Gale (PG-13) 6:50, 9:50.

LANDMARK NU-WILSHIRE

1314 Wilshire Blvd.
The Pianist (R) 7:00, 10:15. Bowling for Columbine (R) 10:00. Gerry (R) 7:30.

LAEMMLE MONICA

1332 2nd St.
Till Human Voices Wake Us (R) 7:30, 9:55. The Quiet American (R) 7:20, 9:55. All the Real Girls (R) 7:15, 10:00. City of God (R) 7:10, 9:55.

AERO THEATER

1328 Montana Ave.
Far From Heaven (PG) 5:30, 7:30, 9:30.



BACK PAGE

Police say snowball fight led to shooting of 10-year-old girl

BY JOANN LOVIGLIO
Associated Press Writer

PHILADELPHIA — A man whose daughter was hit with a snowball by a group of girls returned to the scene and opened fire with a gun, critically wounding a 10-year-old youngster, police said.

Joseph Best, 32, was arrested Monday and jailed on charges including attempted murder.

The victim was in critical condition with a head wound.

Best's daughter was hit with a snowball as she and her friends walked past a group of girls having a "friendly snowball fight" Sunday, police Capt. Charles Bloom said.

A scuffle then broke out among the dozen or so girls, who ranged in age from 10 to 15. The groups soon parted ways, but Best returned with an older daughter and another brawl erupted, this time between adult relatives of both groups, Bloom said.

Police broke up that fight, but said Best came back again hours later, leaned out the passenger side of a mov-

ing car and fired at least five shots into the group of children still playing on the street. Authorities were trying to determine who was driving.

Police said the girl who was shot had been inside during the scuffles.

"This little girl had nothing to do with anything. She wasn't involved in the fight," Bloom said. "He just seemed to be randomly shooting into the crowd."

It could not be immediately determined Monday if Best had a lawyer.

Peanut arena money surprises congressman who asked for it

BY JEFFREY MCMURRAY
Associated Press Writer

WASHINGTON — Call it pork for peanuts. More than \$200,000 to pay for an arena at Alabama's National Peanut Festival was tucked into the huge spending package Congress approved this month.

The money surprised even the congressman who asked for it.

Rep. Terry Everett, R-Ala., figured his request stood little chance in a year Congress was trying to cut domestic spending to pay for war. Instead, Everett learned the day after the bill was approved that the project had received \$2,500 more than even he requested.

Fellow Republican John McCain, the Arizona senator, criticized the project in a floor speech on government waste. And it's drawing fire from a taxpayer watchdog group that contends the arena is a prime example of local pork-barrel projects that have bloated the federal budget and sent the country back into deficit spending.

"In the cases of these types of projects like the peanut arena, you can argue there's really no significant national interest," said Keith Ashdown, spokesman for Taxpayers for Common Sense. "Any time we spend this type of money, it reduces the amount of money that can go to bigger, more important federal priorities."

Everett largely agrees but blames runaway federal

spending, in which Congress can approve a spending package without knowing everything in it.

"Any time we spend this type of money, it reduces the amount of money that can go to bigger, more important federal priorities."

— KEITH ASHDOWN

Taxpayers for Common Sense, spokesman

Earlier this month, Congress approved a \$397.9 billion spending bill financing most government operations for the rest of the year. The papers stacked more than 13 inches high, weighed 32 pounds and exceeded 3,000 pages, inviting opponents to use it as a prop to argue that few knew exactly what was in it.

"I can understand why there are those who would call it pork, but the industry is very important to us," Everett said. "In all honesty, this (appropriations bill) is so large,

so wrong of a way to do legislation or spend money, that I doubt many people even realized it was in there."

Organizers of the Dothan, Ala., peanut festival are scrambling now to come up with at least \$300,000 more to finish the arena — equipped with an aluminum roof and seats — for this year's festival, which begins in late October.

About 65 percent of American peanuts are produced within 100 miles of Dothan, in southeastern Alabama. The nine-day festival includes livestock competitions, fair rides, country music and a pageant to crown Miss National Peanut Festival. Tens of thousands attend each year.

Alabama is the nation's third-largest peanut producing state, while Georgia, just a few miles from Dothan, is first.

The arena gained momentum last year when a group of senior citizens watching a concert in a tent had to be rushed out when a tornado was spotted nearby.

Festival President Wayne Palmer says the proposed building, which he calls "an outdoor, rodeo-type arena with a cover on it," would primarily be used for festival events for elderly and disabled residents. But he predicts it will take on other functions in the off-season.

"We don't have any firm architecture plans developed yet," Palmer said. "Quite frankly, though we've been working on it for two years, we haven't got that far."