



FREE

Santa Monica Daily Press

March 12-13, 2005

A newspaper with issues

Volume 4, Issue 103

DAILY LOTTERY

SUPER LOTTO

1 12 30 38 40
Meganumber: 2
Jackpot: \$22 Million

FANTASY 5

2 9 26 34 35

DAILY 3

Daytime: 9 0 8
Evening: 4 8 2

DAILY DERBY

1st: 12 Lucky Charm
2nd: 04 Big Ben
3rd: 06 Whirl Win

RACE TIME: 1:46.98

NEWS OF THE WEIRD
BY CHUCK SHEPARD

A survey of 500 arts experts, conducted in November by the sponsor of Britain's prestigious Turner Prize, named as the most influential work of modern art (beating out two works by Picasso) Marcel Duchamp's 1917 "Fountain," which is merely a white porcelain urinal. (Duchamp was a central figure in the movement to present ordinary objects as art.)

TODAY IN HISTORY

In 1951, "Dennis the Menace," created by cartoonist Hank Ketcham, made its syndicated debut in 16 newspapers.

In 1980, a Chicago jury found John Wayne Gacy Jr. guilty of the murders of 33 men and boys. (The next day, Gacy was sentenced to death; after years on death row, he was finally executed in May 1994.)

In 1985, conductor Eugene Ormandy, director of the Philadelphia Philharmonic for more than four decades, died at age 85.

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Taking it lightly



Fabian Lewkowicz/Special to the Daily Press

Newly-strung lights along Main Street add a festive flare to the area.

SMPD off hook, jury says force wasn't excessive

BY JOHN WOOD

Daily Press Staff Writer

DOWNTOWN LA — It took a federal jury less than one hour to decide Friday that the videotaped Santa Monica police beating of an admittedly drugged-up suspect was justified.

Jeremy Naidoo, 30, ran and was tackled by officers after being pulled over for running a stop sign in Ocean Park in May 2002. Amateur video footage captured

the ensuing events, which included two officers restraining Naidoo as a third struck him with police-issued nunchakus, a martial arts weapon.

At issue in the case was when exactly the officers had control of Naidoo, who in the video is seen laying face-down in the middle of the 3000 block of Third Street. Jurors described as "the clinching factor" evidence presented late in the trial that showed Naidoo was

See JUSTIFIED, page 10

Protesters have burr in their saddles

BY KIM CALVERT

Special to the Daily Press

MAIN STREET — On any given Sunday, animal rights activists line the sidewalk here, yelling at parents and children for participating in the Farmers' Market pony rides.

If Santa Monica resident Colin Walkden had his way, the ponies would be "liberated" and their owner banned from a venue he says should be about "fruit, flowers, fun and music."

"For some reason, people in this country equate pony rides with apple pie and the flag," the British-born Walkden said. "But you only have to look in the pony's eyes to see they're suffering."

Despite the drama routinely played out in front of the pony ring, parents and their children continue to line up to pay \$3 for a ride. Last Sunday, Santa Monica resident Sonia Metz-Vancott, with her two children Cassidy, 15 months, and Hunter, 4, were among them.

"They (the protesters) say the



Fabian Lewkowicz/Special to the Daily Press

Protesters take to Main Street to ask passersby not to partake in Farmers' Market pony rides, which they claim exploit mistreated animals. The ponies' owner contends the animals are well-treated and the accusations unfounded.

ponies are sad. But how do they know that?" Metz-Vancott asked. "I see the ponies every week and I've never seen any animal abuse."

Metz-Vancott said was concerned about the effects the protesters might have on children.

"They chant, 'Shame on you. Shame on you!' over and over," Metz-Vancott said. "It's terrible.

They're ruining everyone's fun."

Another protester, Brenda Carey, who identified herself as a trained "human enforcement officer," said she observed the ponies for several hours and did not see any urine or fecal matter — which she said indicated the ponies had not been fed — surmising it was to

See SADDLE SORES, page 11

State slams brakes on fraud scheme

By Daily Press staff

LOS ANGELES — A jury Friday convicted a Rancho Palos Verdes businessman and a Marina del Rey attorney of operating a sophisticated auto insurance fraud ring that stole more than \$3 million, according to the Los Angeles District Attorney's Office.

Deputy District Attorney Al Botello with the Auto Insurance Fraud Division said Solomon Morris Davis, 61, was found guilty of conspiracy and 20 counts of insurance fraud. The jury found co-defendant Robert Doran Belshaw, 56, guilty of multiple counts of money laundering and tax evasion.

Botello said it's the largest money loss fraud case ever prosecuted in California under a new program, called the Organized Automobile Fraud Interdiction Activity Urban Grant. The

See SCAM, page 12

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JACQUELINE BIGAR'S STARS The stars show the kind of day you'll have:

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

ARIES (March 21-April 19)

★★★ You swing between feeling restricted and wanting to break all restraints. If you are out of kilter, you have no idea how unpredictable others might be. Avoid trying to control, and center on solo activities. Tonight: Meet a friend halfway.

TAURUS (April 20-May 20)

★★ Though you might want to fly solo or keep to yourself, others have a way of upsetting your solitude. You could find some unusually controversial messages heading in your direction. You suddenly find yourself in the midst of turmoil. Tonight: Do your best to mellow out. Tomorrow is another day.

GEMINI (May 21-June 20)

★★★★ Friends have a way of upsetting the apple cart. Perhaps at the same time you are realizing that you might not have the financial strength you would like in order to keep up with your activities. This situation needs to be temporary only. Tonight: Let go of stress. Go for spontaneity.

CANCER (June 21-July 22)

★★ Your grumbling or dissatisfaction might be coming through despite yourself. The end results could be disruptive to others, especially those who can impact your life. Take responsibility for your share of a problem. Tonight: Soothe the soul and relax the mind. Go to a concert or movie.

LEO (July 23-Aug. 22)

★★★★ Knowing when to say "enough" can mark the quality of your day. Frustration could make you a bit hyper; use this nervous energy to clear out a project or two. Don't forget someone at a distance. He or she will be delighted to hear from you. Tonight: Follow the music.

VIRGO (Aug. 23-Sept. 22)

★★★★ A partner wants to relate more intensely, but your obligations could put a downer on his or her plans. A friend could be difficult, obstructing you from doing what you would like most. Follow your passions. Tonight: A special outing.

LIBRA (Sept. 23-Oct. 22)

★★ No matter which way you turn, obligations and responsibilities knock on your door. You might be in a maze of frustrations and demands. Instead of reacting, just jump over obstacles. An invitation might be most appealing. Tonight: Go along with another's plans.

SCORPIO (Oct. 23-Nov. 21)

★★★ A hobby or fun project could help you escape from a hassle that keeps emerging. You aren't getting the whole picture, and you won't until you distance yourself from the situation. Use care with machinery and driving. You could be distracted. Tonight: Easy does it.

SAGITTARIUS (Nov. 22-Dec. 21)

★★★★ A risk could backfire. On some level, you are angry, as someone doesn't come through for you. You have come to depend on this person more than you realize. Mend bridges rather than burn them down. Tonight: Add an element of fun.

CAPRICORN (Dec. 22-Jan. 19)

★★★ How you present yourself could reflect your anger. Some Goats might adapt passive-aggressive behavior; others could be downright angry. Observe a tendency to give too much of yourself lately. Tonight: Quiet at home.

AQUARIUS (Jan. 20-Feb. 18)

★★★ Keep conversations going rather than internalize your anger or frustration. You will find a way to let others know that you are tired of certain patterns. Fatigue also could play into potential crankiness. Tonight: Hang with favorite people at favorite places.

PISCES (Feb. 19-March 20)

★★★★ Friends could push you, or you might be pressuring yourself. You might choose to spend money in order to enjoy yourself or achieve a long-term goal. A child or loved one could be remote. He or she will only change when ready. Tonight: Treat time.



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LOCAL



COMMUNITY BRIEFS

History on the side of Conservancy honorees

By Daily Press staff

Where else in Los Angeles can you go to find a 1939 style movie theater? Nowhere except in Santa Monica, thanks to a local developer and a preservationist.

The Santa Monica Conservancy has awarded local developer Jim Rosenfield and Tom Cleys, the conservancy's former president, with its highest honors for their accomplishments in promoting preservation in the city.

The conservancy recognized Rosenfield for his dedication and success in restoring the Aero Theater on Montana Avenue. Rosenfield purchased the building in order to save it, while maintaining its use as a movie theater. The single-screen theater was built in 1939 by aviation pioneer Donald Douglas as an entertainment venue for Douglas Aircraft employees. Like the aircraft plant, the theater was open 24 hours a day so that workers could see movies any time during their off hours.

The Aero is one of the few surviving neighborhood movie theaters in the Los Angeles area today, officials said. Rosenfield worked for eight years to find the right operator who would reuse the building in its original configuration and restore it to its original glory. The theater reopened in January under the auspices of the American Cinematheque.

"Jim's efforts are important, not just because he has saved the last neighborhood movie theater in our city, but because he has demonstrated that preservation can be good business," said Joel Brand, president of the Santa Monica Conservancy. "He's a developer with passion and vision that goes beyond the easiest way to make a profit, and that's a combination we don't see enough of, unfortunately."

The second award was presented to Cleys, the conservancy's first president.

"His service has been so critical that without him, the preservation movement in Santa Monica would not be where it is today," Brand said. "Without Tom, there would be no Preservation Award and likely no conservancy. He has been the lifeblood of the organization."

When Cleys moved into Santa Monica in 1998, he became active in the neighborhood group Friends of Sunset Park, and then worked with Doris Sosin to form the conservancy. Elected to serve as the first president of the new nonprofit by his co-founders because of his initiative and energy, Cleys brought the Santa Monica Conservancy from concept to practical reality. He continues to contribute to the work of the conservancy, and is in the forefront of raising preservation awareness and support in his home neighborhood.

Each year, the Santa Monica Conservancy presents awards to individuals or organizations in recognition of outstanding accomplishments in preserving Santa Monica's unique heritage, and for promoting the value of historic preservation in the city.

The Santa Monica Conservancy is a nonprofit organization, dedicated to the preservation of the city's historical, architectural and cultural heritage through tours and educational programs. For more information on the conservancy, check out www.smconservancy.org, or call (310) 485-0399.



Photo courtesy of Santa Monica Conservancy
Tom Cleys, left, and Jim Rosenfield display their awards.



SURF REPORT

The water is warmer, but the swell is dropping. Still, it's not gone altogether. Saturday looks like a chest-high NW day as the lagging periods of this incoming NW swell finally hit the coast. Sunday looks a bit smaller.

Today the water is:

63°

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	LOW TIDES				HIGH TIDES			
	Morning	Height	Evening	Height	Morning	Height	Evening	Height
SATURDAY	4:21	0.8	4:23	0.4	10:25	4.7	10:39	5.4
SUNDAY	5:09	0.2	4:49	1.1	11:13	4.0	11:11	5.2
MONDAY	6:03	0.4	5:10	1.7	12:20	3.2	11:44	5.0
TUESDAY	7:11	0.6	5:19	2.3	N/A	N/A	1:41	2.7
WEDNESDAY	8:47	0.8	N/A	N/A	12:24	4.6	N/A	N/A
THURSDAY	10:36	0.7	N/A	N/A	1:26	4.3	N/A	N/A
FRIDAY	11:14	0.5	6:24	1.4	2:12	4.1	3:01	4.9

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CHECK OUT THIS WEEK'S Q-LINE
RESPONSES ON PAGE 4.**

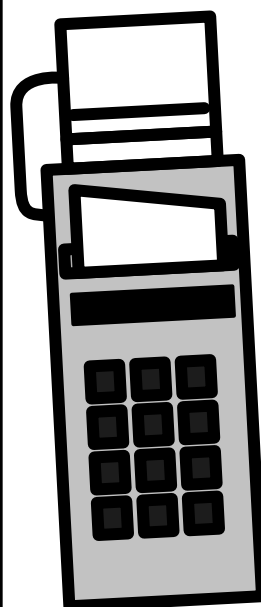


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The QLine

LET IT FLOW: ADDRESSING BUMPS IN THE ROAD

This past week, Q-line asked:

“What do you think will improve traffic in Santa Monica?”

Here are your responses:

© “The City Council and the powers that be have for the past several years done a good job lousing up traffic flow in our city by misguided innovations and overbuilding. Now they want citizens to help solve the mess they’ve created, which is now all but unsolvable. Bike lanes and bicycle riders are a menace in this heavy traffic. The roundabouts and angle parking can also be a nuisance. Next idea?”

© “Let traffic engineering do their job. Remove the speed bumps everywhere. Remove traffic-calming measures such as bulbouts and roundabouts. Bring back the one-way streets. Stop focusing on bus lanes or rapid buses. Think big. Bring in the Wilshire Red Line Subway all the way to the beach. Extend the Green Line Light Rail elevated down Lincoln and complete the Expo line.”

© “Nothing can be done about the traffic. The name ‘City of Santa Monica’ is a misnomer. The best way to describe the city of Santa Monica would be to refer to her as a reservoir of seven major east and west highways, including the 10 Freeway and two major north and south highways, plus a magnitude of side streets and alleyways that criss-cross and that, for the most part, empty out onto Ocean Avenue. It would take a learned Asian accountant with an abacus to calculate the thousands of vehicles that travel on Pacific Coast Highway alone on a daily basis. Only the creator of the universe can do an accurate accounting of the rest of the city’s traffic at all hours of the day. All of the congestion renders down to the influx of new people into the bayside areas. In 1935, there were approximately 35,000 people residing between Palos Verdes and Malibu. With the exception of our freeway system, we have the same highways today we had then with only 35,000 people using the same roadways that carry millions of people on an annual basis. Angle parking will cause more rear-end collisions and is not a solution. With angle parking, it would create more parking spaces, but it takes up more roadway.”

© “The best way to improve traffic in Santa Monica is to fire the morons who are in charge of it. Get rid of all of these roundabouts and one-way streets and put normal traffic lights and normal streets like they used to have in the old days. We shouldn’t let all of these developers come in apartment after apartment because that brings more traffic. The only way to improve traffic is to get rid of these morons that allowed this to happen.”

© “If Santa Monica is to remain a livable city and not just an alternate freeway route, traffic flow has to be tempered with other concerns. The Santa Monica department of transportation is completely oblivious to pedestrian safety ... The streets have to be shared with pedestrians.”

© “I drove a taxi in Santa Monica for almost 23 years. I know one thing, for sure, would be to turn Broadway back to one-way from Ocean Avenue to Lincoln. It would break up all the congestion around the mall and would let traffic flow more freely towards the freeway and would greatly reduce hazards.”

© “It seems to me that there is only one way to keep traffic contained, and that is to stop developing, stop bringing more people to Santa Monica, and stop packing more people into this small city. There aren’t big enough streets wide enough to carry traffic in and out. I think we put a freeze on all development and concentrate on how to deal with the traffic we have. Then, maybe we can at least listen to the impact it is having now. It is never going to go away in this overbuilt place.”

© “The fact that city officials are trying to tap the community for ideas on how to improve traffic in Santa Monica is probably one of the biggest jokes of the year. I mean, they are putting up all of these massive apartment complexes, which are going to put more and more people and more and more automobiles to each apartment in an already horrible situation. They are looking for Band-Aids when there are wounds.”

© “When you got a pile of crap that you can’t get rid of, all you can do is just shovel it from one place to another. That’s traffic.”

© “You need left-turn indicators on every busy section in this town and you need to be able to control the traffic flow at rush hour in the morning by having a computerized system that allows the light to facilitate that flow.”

© “Synchronize the signals all over the town for between 25 and 30 miles per hour. Currently, it’s impossible not to stop at every signal, and that is very annoying. Second, put a moratorium on all high-occupancy buildings in this area. There should be no more office buildings and huge apartment complexes and things of that nature. Next, limit replacement buildings to the number of units they are actually replacing ... Another one that has been used in many cities successfully and should be used here, is to have one-way streets in downtown with good signage indicating the streets. We had them briefly and then someone complained. I thought they worked beautifully and there they went. Last but not least, the city should just knock off all of the traffic-calming endeavors. They do not work. It is anything but calm to resolve these things when it takes 30 minutes to get from my house, which is a mile and a half from downtown, to anything resembling parking. It’s ridiculous. If I had the feet for it, I would walk, and my feet will not do that.”

Bush should learn to pick on someone not his age



MODERN TIMES

BY LLOYD GARVER

When I first heard that friends of the Bush Administration were going to start attacking AARP, I didn’t think it could be true. First of all, what could possibly be objectionable about the “seniors lobby,” and secondly, was it really politically wise for anyone to attack an organization of those over 50? But as is often the case, I was wrong: Bush supporters are actually going after AARP, apparently not worried about getting yelled at by their own mothers and grandmothers.

They aren’t saying they’re against everyone over 50. They’re just against this organization. But what could they possibly not like about a group that opposes age discrimination, promotes physical and economic health for seniors, and projects an image of vitality for those over 50? It comes down to two magic words: “Social Security.” AARP is against sweeping changes in Social Security, and the Administration is for them. One White House official has said, “The AARP is an ossified bureaucracy that isn’t always responsive to its membership.” You read that correctly. Someone in the federal government actually referred to another organization as “ossified” and “not always responsive.” The Republicans are saying AARP is “too conservative.” What are they going to say next — that some of its spokespeople talk in a folksy way and sound “too Texan?”

Get ready to hear all kinds of charges about AARP’s “secret agendas.” These people can make their anti-AARP charges because they’re pros. They’re political mudslingers. If slingers could smear John McCain about his adopted child, if they could turn a war hero like John Kerry into a near-traitor, they’re certainly not going to have qualms about attacking AARP. One group behind this is USA Next, which has received millions of dollars from pharmaceutical companies. Another contributor is Bob Perry, one of the key people behind the “Swift Boat Veterans” group. So, it should be interesting to

watch these guys try to turn the image of AARP from “Mom and apple pie” to “Seniors Without Family Values.”

But don’t underestimate AARP. It’s a well-oiled machine, as anyone who has celebrated a 50th birthday knows. On the very day that you hit the big five-oh, right after you’ve looked in the mirror and told yourself, “I don’t really look 50,” the AARP magazine arrives in the mail. They don’t even give you a few days to kid yourself. I don’t know how they know everybody’s birthday and everybody’s address, but they do. Does that sound like an organization that’s going to take an attack sitting on its IRAs?

There may be some gray hair in AARP, but there’s also a lot of gray matter. They have 38 million members. That’s a lot of educated, experienced people to tick off. And this isn’t a bloc of people who’s shy about voting or writing to their representatives in Washington. Speaking of Washington, I wonder how many people in the Bush Administration are members of AARP. Can they all honestly say that they’ve never been tempted to take an AARP discount or read about the latest Hollywood celebrity to turn 50? And now that the president has been telling everyone that he reads before bed, is it really a stretch to picture him in his presidential p.j.’s, reading his personal copy of the AARP Magazine? Maybe he bases some of his diet and exercise program on things suggested by AARP. That’s a lot more likely than his picking up pointers from “The Playboy Advisor.”

It should be an interesting, if unfortunate fight. It still amazes me that these guys have chosen AARP as an opponent. Who are they going to pick on next? Poor people who can’t afford prescriptions? The little guy who wants to sue the huge corporation? Silly cartoon characters? Oh, that’s right. They’ve already gone after all of them.

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

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STATE



Concern over California cloning donors surfaces

BY PAUL ELIAS

AP Biotechnology Writer

SACRAMENTO, Calif. — Of all the questions about California's ambitious plans to publicly finance human cloning projects for medical research, one of the thorniest may be how scientists plan to gather the thousands of eggs they'll need from women.

It's an ethical dilemma that has made unlikely allies of Christian groups — who believe cloning immorally creates and destroys life in the name of science — and women's rights activists who fear that poor women will be exploited by commercial interests willing to pay thousands of dollars for human eggs produced by fertility drugs.

The issue is not abstract. A small, non-profit lab outside Boston has been quietly paying a handful of women for the last four years to take hormone injections to "superovulate" several eggs at once and donate them for research.

The Bedford Stem Cell Research Foundation has paid about 20 women about \$4,000 each plus expenses to take fertility hormones. It is the only U.S. organization known to be actively collecting eggs for research purposes.

Bedford has had to suspend its egg collection program four times since 2001 because it ran out of money. The foundation says each donor costs the lab about \$25,000 because each woman undergoes

40 hours of counseling and medical checkups and gets paid child-care and traveling expenses, highlighting the daunting task facing California researchers who want to clone.

The California Institute for Regenerative Medicine, which was created when voters approved Proposition 71 in November, prohibits cloning to create babies but plans to fund human cloning projects designed to create stem cells.

To do that, California researchers will need eggs.

"This new technology will require eggs from thousands of women," said Francine Coeytaux of the Pro-Choice Alliance for Responsible Research in testimony before state legislative committee on Wednesday. "Women will be the first human subjects of Proposition 71."

Scientists say cloning can help cure diseases, or at least better understand them. Some scientists say extracting and observing the growth of stem cells from an embryo cloned from an ailing patient will give them unrivaled insight into how diseases develop.

Those scientists vow to never remove the embryo from the petri dish and to destroy the creations after extracting the stem cells, in accordance with the ballot language that forbids keeping experimental embryos longer than 12 days.

The basic idea is to take the genetic material — from the cell nucleus — from a patient's body and plop it into an unfer-

tilized human egg. The implanted DNA then drives the egg to develop into an embryo.

The problem is how to obtain the eggs, especially considering how inefficient cloning technology is. South Korean researchers in 2004 used 242 eggs from 16 donors to yield just one cloned embryo, from which they were the first to extract stem cells.

About 100,000 American women are injected annually with hormones to stimulate their ovaries to "superovulate" each year at fertility clinics in attempts to conceive babies. The process is arduous, and there's a 1-in-50 chance a patient will over-respond to the hormones, causing complications.

Critics of collecting eggs for research contend that there may be long-term health consequences of fertility drugs and that a small percentage of women who go through the process may suffer adverse effects.

"Payment to these women for their eggs, even if it is considered reimbursement, would create an economic inducement for women to put themselves at risk," said Marcy Darnovsky, associate director of the Center for Genetics and Society in Oakland. "This would be especially true for poor and young women."

The California Institute for Regenerative Medicine, according to the fine print behind the ballot measure, can only reimburse donors for their expenses.

The Bedford foundation's director,

Ann Kiessling, said that's a mistake.

"Most ordinary people who would love to help, but are paid by the hour, can't take the necessary time off," Kiessling said. "If you aren't going to compensate them, then the only people who can donate are the wealthy or are on welfare."

The Bedford donors are recruited through newspaper ads placed periodically in The Boston Globe, and some 383 have responded over the last four years, said Kiessling.

Of those, only 20 served as donors because of the rigorous mental and physical screening process, she said.

"The whole idea of exploitation trivializes women. They can choose," Kiessling said. "Our donors are bright young women who understand the basic biology and have someone in their family with a terrible disease."

Kiessling's foundation recruits women between the ages 21 and 35 who have at least one child. The foundation pays the donors' travel and child care expense. It also pays the same expenses and about \$12 an hour to the women who are screened out of the program.

It collected four eggs in January from a single donor for the first time in about year. It used those eggs in parthenogenesis experiments, which seek to trick the egg into developing into an embryo without the need for sperm or cloning.

Kiessling said her lab hopes to begin its own cloning experiments later this year.

Report: Washington needs tougher cruise ship pollution laws

BY ELIZABETH M. GILLESPIE

Associated Press Writer

SEATTLE — As the cruise ship business booms, Washington laws lack sufficient teeth to keep the giant vessels from polluting the state's waters, according to a new report from an environmental group.

Without stronger incentives to prevent sewage and toxic waste spills and tougher penalties for polluting, cruise ships pose too great a threat to Washington's waters and the shellfish and fishing industries, said the Washington Public Interest Research Group.

Those industries, the group noted, contribute nearly \$2 billion a year to the state's economy.

"Washington's marine waters are too precious to the state, its citizens and its economy — and already far too endangered — to accept anything less than strong, specific and enforceable standards for what the cruise ships may leave here," a group researcher wrote in the report released Thursday.

John Hansen, president of the North West CruiseShip Association, said he could not comment on the report because he had not seen it but defended the industry's record.

"We're meeting really, really high standards," Hansen said. "If a ship has an accidental spill or a piece of malfunctioning equipment, they report it to the state and the state comes back and says, 'How are you going to correct this?'"

Last spring, several cruise lines signed a voluntary agreement with the state Department of Ecology that, among other things, bans all wastewater discharges unless vessels are equipped with advanced treatment systems certified by the Coast Guard.

The memorandum of understanding, or MOU, has no penalty for ships that break the rules, and not all ships that sail through Pacific Northwest waters signed onto it.

Chris Wells, a WashPIRG oceans specialist who wrote the report, noted that there have been three wastewater discharge violations since the agreement was signed in April.

Both cruise ships involved in the three violations had advanced sewage treatment

systems and reported the mistakes. The Princess Line detailed steps it would take to prevent problems in the future. The other discharge, from a Holland America Line ship, happened in Port Angeles and hinged on paperwork and a provision the state agreed to revise, clarifying that it applies to all ports of call in Washington, not just Seattle.

"All of these violations of the MOU would not have been known to us if we didn't have the agreement in place, which gives us a view of the ship operations we

didn't have before," Ecology spokesman Larry Altose said.

Hawaii and Florida have voluntary agreements with cruise lines similar to Washington's. There were 16 violations of Hawaii's pact the first year it went into effect, the report said.

In Alaska, where cruise ships can be fined up to \$100,000 each time they dump untreated sewage, wastewater discharge violations dropped from 39 between 1999 and 2001 to just one from 2002-2003, the report said.

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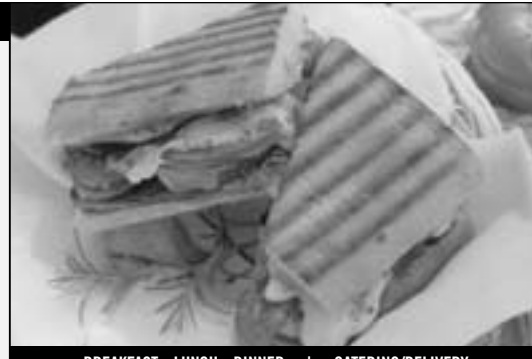
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STATE

Dyer not dead yet: Ski trails envisioned for town

BY BRIAN MELLEY

Associated Press Writer

WESTWOOD — For most of the last century, axes and saws carved a healthy living from the forest around this old lumber town. Now, years after logging declined and the mill closed, a developer envisions ski trails snaking their way through the remaining trees on Dyer Mountain.

If Dyer Mountain Associates achieves its dream, it will be the first new ski resort in California in more than a quarter century, complete with golf courses and homes for some 8,000 people in this one-time company town where the Sierra Nevada bows to the Cascades.

The vision is a grand one, intended as a more affordable alternative to Lake Tahoe, the state's premier ski destination 90 miles to the south. It is planned at a time when the ski industry remains flat following years of declines, but as California continues to grow.

Under the ambitious plan, expected to cost up to \$120 million in its first phase, promoters say development will blend into the natural setting. Meadows will be preserved, trails will encourage people to leave their cars behind and houses will be clustered on small lots in the woods.

"We think we can do this thing environmentally conscious, people-conscious and give an experience you can't get anywhere else," said Jerry Duffy, a spokesman for the company.

Some in this town of about 2,000 are skeptical it can be done in a way that doesn't threaten wildlife habitat, spoil a reservoir and ruin small town life in rural Lassen County 192 miles northeast of San Francisco.

"I've been in those mountains all over. I don't want to see a golf course go in, a ski hill, condos," said Tony Finchem, 62, a disabled painter who moved here from Santa Cruz 29 years ago. "They're talking about a little Tahoe there."

A report is due soon assessing the environmental impact of putting a resort across the Hamilton Branch of the Feather River from this town, setting the stage for a battle over the project's future. But an early round in the fight favored the developers.

Voters approved a county zoning change five years ago that only required a building permit for a ski area, golf courses and a clubhouse. The company, however, submitted the plan to the more rigorous environmental review process so it could build housing to turn a larger profit.

During a tour of the project, an aging grooming machine lurched its way up a logging road, spitting snow from its tank-like treads. Duffy, a retired forester, pointed out the village site where condos will sit atop shops.

From the top, sweeping views include snowcapped Mount Lassen, the 10,457-foot peak that marks the southernmost gem on the volcanic chain of the Cascades. Lake Almanor sits at the western edge of the peak and the Mountain Meadows Reservoir stretches out of view to the east.

If the developers have their way, in two decades there will be about a dozen lifts carrying skiers from lake level, at 5,100 feet, to the 7,500-foot summit and lower peaks.

Opponents want to see the mountain remain the way it's preserved on a mural on the side of Young's Super Market, with geese swooping over Mountain Meadows Reservoir, a mature buck standing guard near a doe and fawn and a bald eagle sitting in a treetop nest. The only sign of man in the painting is a single motorboat plying the placid waters.

Steve Robinson, president of the Mountain Meadows Conservancy, is worried that the serenity will be disrupted, causing air and water pollution and harming wildlife. There are 54 rare or endangered species in the meadows, ranging from sandhill cranes to eagles to plants such as the volcanic rayless daisy and the marsh skullcap, he said.

Robinson, a former hippie who fled from San Diego in 1973 after getting out of the military, is typical of urban refugees who found paradise in the remains of the town built in 1915 by the Red River Lumber Co.

"It was isolated and no one knew we were here," he said. "We were hiding out."

He found a two-bedroom house for \$37.50-a-month rent among the many abandoned houses and worked as a carpenter, tearing down the remains of the partly burned sawmill that closed in 1956.

Robinson said he's proud to live in a place derided by outsiders as "Wasteworld." He figures the moniker might discourage newcomers, though speculators have snapped up old homes recently and driven up prices.

Some homes are neatly kept. Others have fallen into disrepair or are abandoned and boarded up. Rusting pickup trucks emerge from withering grit-covered snow banks. Lighted Christmas decorations still hang from lamp posts in March.

A marketing study commissioned in 2000 found conditions were favorable to locate a ski area at the northern end of the Sierra, said Greg Cory, a vice president at Economics Research Associates, a resort planning firm.

"The big thing they're probably facing is the financial issue," Cory said. The company has spent \$5.5 million on environmental studies and planning, Duffy said, but he's not discussing future funding.

Cory said he recommended scaling back housing and lodging because the resort planned to accommodate more than the 5,000 skiers the slopes could handle. There also were concerns that despite its north-facing slopes, which hold snow longer, the mountain — with a base 1,000 feet lower than Tahoe resorts — was not high enough to keep snow late in the season.

On Tuesday, with the temperature in the mid-60s in the valley below, the snow softened to a heavy cream on the mountain. Duffy cut a couple turns in the ungroomed cover and tumbled.

Then he worked his way down an open slope, along a ridge where the mountain rolled over knobs and spilled into different drainages. He dropped between firs and pines and emerged in a clearing where wispy alders, buried earlier in the season, were poking from the snow.

Tom Mooers, of Sierra Watch, an environmental group critical of the project,

STATE



Governor's news spots might go down the tube

BY STEVE LAWRENCE

Associated Press Writer

SACRAMENTO — The Legislature's attorneys said Thursday they doubted the Schwarzenegger administration had the authority to put out a series of videos shaped as television news stories to promote its policies on worker meal breaks, teacher pay and nurse staffing levels.

"We would be looking for specific statutory authority but we can't find it," Deputy Legislative Counsel Cecilia Modellmog told a Senate budget subcommittee in what she called a preliminary analysis.

Administration officials said their lawyers considered the videos legal. "This is not something that the administration did knowingly against the law," added Sen. John Campbell, R-Irvine.

The administration's use of videos tailored for television news programs has come under increasingly sharp criticism in recent days from Democrats and labor leaders, who say the videos, some of which included images of Gov. Arnold Schwarzenegger, amounted to campaign propaganda that shouldn't have been paid for by taxpayers.

Last year, the federal Government Accountability Office said the Bush administration violated a prohibition against using public money for propaganda when it created similar videos made to resemble news reports to promote changes in Medicare.

"When the governor produces official government propaganda and tries to fake it to look like news it's very, very corrosive to democratic values," said Barry Broad, a labor lobbyist who likened the videos to "news" put out by totalitarian regimes.

Sen. Mike Machado, D-Linden, said the videos were a "reflection of the arrogance of this administration."

But Campbell said the Legislature produces its own video releases. He called the criticism a "smoke screen" generated by opponents of the administration's policies.

"This whole thing is like a charade," he said. "Every one of us does a lot of propaganda on lots of things every day."

"We all communicate," responded Sen. Gloria Romero, the Los Angeles

Democrat who chairs the subcommittee. "The question is do we advocate while concealing the source?"

The videos include suggested opening remarks for a news anchor, a narrative by a state employee and interviews with supporters of the administration policies.

There's no opposition expressed and, critics say, it's not evident that the television viewer is seeing a government-produced video.

"In essence, those are all mock news stories," said Romero. "There's a concealment of the identity of who produced it and who is speaking. ... It sounds like a news report."

But Rick Rice, undersecretary of the Labor and Workforce Development Agency, said the videos were news releases. "It's done in a format that television news stations are familiar with," he added.

The criticism initially focused on a video that promoted regulations that opponents say would threaten workers' meal break guarantees and proponents say would give workers more flexibility in when they take those breaks.

But the administration later acknowledged doing similar videos on Schwarzenegger's efforts to reshape state government, delay tougher nurse staffing requirements at hospitals and alter teacher pay and tenure requirements, Romero's aides said.

The administration also produced a draft video on Schwarzenegger's plan to lower prescription drug prices, but it has not been released.

Romero was incredulous when Rice said the videos probably cost as much to produce — about \$1,200 each — as a paper news release.

"Your budget is on the line big time if we find it cost you \$1,262 to put out a piece of paper ... that would cost you pennies, pennies in this day of the Internet, to produce," she said.

She suggested that lawmakers needed to draft budget language that "spells out more clearly the prohibition of creating propaganda at taxpayer expense."

The subcommittee delayed acting on the agency's budget until it gets written opinions from the legislative counsel's office and the attorney general on the legality of the videos.

Talk is cheap for residents still awaiting mountain resort

DYER, from page 6

said lack of snow could become a bigger problem when factoring in global warming. But he thinks other problems will derail the resort.

"People talk about this development and they see it as the poster child for irresponsible Sierra development," Mooers said. "Conventional wisdom in the Sierra is that this development will never be built."

After more than 30 years of talk, even backers of the resort question whether they'll see it built anytime soon. They reluctantly support the project as a means to bring jobs, boost a slumping rural economy, and maybe keep more the town's youth from fleeing after high school, though change may be hard to accept.

"It's coming, it's started, the ball is rolling," said Don Biggs, 44, the town butcher. "But it's hard to let go of all the freedom we've had."

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NATIONAL

Bankruptcy law narrows path to debt redemption

BY MARCY GORDON
AP Business Writer

WASHINGTON — The biggest rewrite of bankruptcy laws in 27 years is about to turn the path to a debt-free second start, undertaken by more than 1 million Americans each year, into a road less traveled.

A bankruptcy overhaul bill the Senate passed by a 74-25 vote on Thursday would require people with incomes above a certain level to pay credit-card charges, medical bills and other obligations under a court-ordered bankruptcy plan.

Between 30,000 and 210,000 people — from 3.5 percent to 20 percent of those who dissolve their debts in bankruptcy each year — would be disqualified from doing so under the legislation, according to the American Bankruptcy Institute.

The legislation would set up an income-based test for measuring a debtor's ability to repay debts. It would require people in bankruptcy to pay for credit counseling and stiffen some legal requirements for debtors in the bankruptcy process.

Eighteen Democrats and the Senate's lone independent joined Republicans in approving the legislation. It goes to the House next month and then to President Bush, who made it a priority after the GOP increased its majorities in the fall elections.

That would mark a second victory for Bush this year on pro-business legislation he had sought.

"I applaud the strong bipartisan vote in the Senate to curb abuses of the bankruptcy system," the president said in a statement. "Reforming the system with this commonsense approach, more Americans — especially lower-income Americans — will have greater access to credit."

Congressional and industry backers of the legislation have been pushing for it for eight years, arguing that too many people with the ability to repay at least a portion of the money they owe were walking away from all their debts.

"This legislation restores personal responsibility and fairness to an abused system," said Senate Majority Leader Bill Frist, R-Tenn.

Democratic opponents argued that the changes would keep people who are overwhelmed by medical costs or loss of a job hopelessly in debt for the rest of their lives.

"The concerns and interests of consumers, poor and middle-class families, our uniformed service members and their families, and veterans were cast callously aside," said Sen. Patrick Leahy, D-Vt.

Over the past two weeks, Republicans knocked down Democratic attempts to ease the impact of the legislation on people facing huge debts they cannot pay, including single parents, the unemployed

and the ill.

Wall Street investment bankers won a provision in the bill that will enable the same firm to work for a company both before and after it files for bankruptcy. Securities and Exchange Commission Chairman William Donaldson opposed the move; he said it would further undermine investor confidence already shaken by the Enron, WorldCom and other corporate scandals.

The bill orders the most sweeping overhaul of U.S. bankruptcy laws in more than a quarter-century, reworking a system created soon after the Republic was founded under which indebted people met their obligations to creditors while also being able to get a fresh start.

Supporters of the bill said bankruptcy often was the last refuge of gamblers, impulsive shoppers, divorced or separated fathers avoiding child support, and multi-millionaires — often celebrities — who buy mansions in states with liberal homestead exemptions to shelter assets from creditors.

**Current law allows
a bankruptcy judge to
determine under which
chapter of the bankruptcy
code a person falls.**

Under the new income test, those with insufficient assets or income could still file a Chapter 7 bankruptcy, which if approved by a judge, erases debts entirely after certain assets are forfeited. But those with income above the state's median income who can pay at least \$6,000 over five years — \$100 a month — would be forced into Chapter 13, where a judge would then order a repayment plan.

About 70 percent of the people who file for bankruptcy now do so under Chapter 7, while the other 30 percent or so fall under Chapter 13, according to the American Bankruptcy Institute.

Most of the Chapter 7 filers "don't have the income to fund a (repayment) plan that won't fail," said Samuel Gerdano, executive director of the group of bankruptcy judges, lawyers and other experts.

Current law allows a bankruptcy judge to determine under which chapter of the bankruptcy code a person falls.

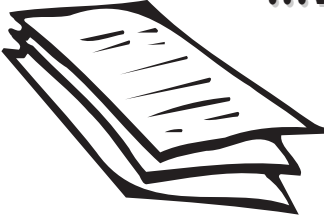
The bill is the second piece of pro-business legislation on which Congress has acted quickly this year. Last month it sent Bush a bill placing most large multi-state class-action lawsuits under federal court jurisdiction, making it more difficult for plaintiffs to join together and win multimillion-dollar judgments in state courts.

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Santa Monica Daily Press



NATIONAL



Cigarette butt connects suicide victim to killings

BY MIKE ROBINSON

Associated Press Writer

CHICAGO — A DNA match from a cigarette butt convinced police that a Chicago electrician was the killer of a federal judge's husband and mother, authorities said.

The cigarette butt found in Judge Joan Humphrey Lefkow's house was matched to the electrician, Bart Ross, who killed himself during a traffic stop in Wisconsin this week, and the evidence points to him as the lone killer, police spokesman David Bayless said.

Investigators returned to the judge's home Friday to search for the murder weapon, a .22-caliber gun that might have been thrown on the roof, police spokesman Dave Bayless said.

Ross, whose rambling lawsuit over his cancer treatment was dismissed by Lefkow, had claimed responsibility for the killings in a suicide note found in his minivan. He shot himself with a 9 mm handgun, officials said.

"The DNA match, with all the other evidence, certainly convinces us that Ross is the offender in the Lefkow family homicide," Bayless said Thursday night.

The judge had returned home from work on Feb. 28 to find her husband and 89-year-old mother fatally shot in the

basement. She described Ross as "a very pathetic, tragic person," in an interview with The New York Times published in Friday's editions.

"I guess on one level I'm relieved that it didn't have anything to do with the white supremacy movement, because I feel my children are going to be safer," the judge said. "It's heartbreaking that my husband and mother had to die over something like this."

The judge and her daughters have been in protective custody since the slayings.

Authorities initially focused on associates of white supremacist Matt Hale, who was convicted last year of soliciting Judge Lefkow's murder. A letter found Wednesday night after Ross's suicide instead tied him to the killings, police Superintendent Phil Cline said.

Hale's father, Russell, said he felt terrible for the Lefkow family but "great relief" for his own family when he learned of Ross' link to the slayings.

Lefkow last fall dismissed a rambling lawsuit in which Ross claimed that cancer treatments had disfigured his face and that the U.S. judicial system, which dismissed his medical malpractice claims, "is the Nazi style criminal and violator" of his civil rights. Lefkow's ruling was upheld by a federal appeals court in January.

Ross, a 57-year-old Polish immigrant with no known ties to extremist groups,

killed himself on a suburban Milwaukee street after an officer pulled him over for broken brake lights.

"We came upon a note, written presumably by the victim, where he implicated himself in the murders of Michael Lefkow and Donna Humphrey," Cline said. "In the note, the offender outlined in some detail the events of Monday, February 28th."

"We're satisfied that there's information in the letter that would point us to Ross being in Lefkow's house," he said.

Besides the suicide note, police were reviewing a handwritten letter received by WMAQ-TV on Thursday and signed by a Bart Ross; the writer described breaking into the Lefkow home before dawn on Feb. 28 with a plan to kill the judge.

The letter said he killed Lefkow's husband and mother around 9 a.m. after they discovered him hiding in the basement.

"After I shot husband and mother of Judge Lefkow, I had a lot of time to think about life and death. Killing is no fun, even though I knew I was already dead. I gave up further killings on about 1:15 p.m. on Feb. 28, 2005, and left Judge Lefkow's house," the station quoted the letter as saying.

Neighbors said Ross, who changed his name from Bartłomiej Ciszewski after he emigrated from Poland in 1982, lived alone

with his dog and kept to himself. They described him as intelligent but increasingly angry as his legal fight over his treatment for mouth cancer repeatedly failed.

After Ross's suicide, federal marshals also began calling judges named in a letter found in his van.

Authorities said they didn't know why Ross was in the Milwaukee area on Wednesday. Two federal appeals court judges who upheld dismissals of his lawsuits have offices in Milwaukee. One of those, Terence Evans, said marshals called at 3 a.m. to inform him of the situation. A person answering the phone for the other judge, John Coffey, said he would have no comment.

"As any federal judge who may be involved in a decision, we have concerns, and we took those concerns seriously and acted upon them," said U.S. Marshal William Kruziki.

Ross' vehicle was issued a \$20 parking ticket in downtown Milwaukee Wednesday afternoon about four blocks from the federal courthouse, where Evans and Coffey have offices, said Cecilia Gilbert of the City of Milwaukee Department of Public Works.

Courthouse security saw Ross walking around the building, the Chicago Sun-Times reported, citing unidentified sources.



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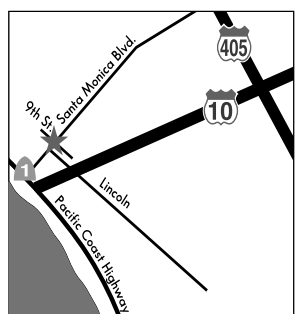
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Excessive force case comes to speedy resolution

JUSTIFIED, from page 1

not cuffed until after he received a fifth and final blow.

"My take is they did what they had to, within the confines of the law," said jury foreman David O'Connell, 38, a director of production for NBC. "He ran ... It was pretty easy, actually."

Santa Monica Police Department Officers Salvador Lucio and Michael Bambrick, and former SMPD Officer Michael Lanam, each of whom was sued for their part in the taped incident, thanked jurors outside the courtroom. Lucio said being a policeman was tough, but credited jurors for strengthening his faith in the system.

"They're all relieved," said Deputy City Attorney Carol Rohr, who wouldn't allow the officers to comment on the verdict, saying the case may be appealed. "As their counsel, I would say that it would be difficult for anyone who is doing their job to be accused of police brutality or violence or intentionally hurting someone."

Earlier on Friday, attorneys for Naidoo had asked the federal jury to find the policemen liable for as much as \$850,000 for the early morning May 31, 2002 incident. In the tape, Naidoo can be heard pleading for help as Lucio, a backup officer just arriving on the scene, strikes him

with the nunchakus. Lanam can be seen pinning back Naidoo's right arm, while Bambrick stands behind Naidoo, who suffered only minor injuries.

Naidoo, a slight, balding man who wore a dark blue suit and tie throughout the trial, sat motionless in his chair as United States District Court Judge Audrey B. Collins read the jury's verdict. He said afterward he was upset, but accepted the decision.

"I have my freedom, which is the best thing I could have," Naidoo said. "I have my health. It wasn't really so much about the money. It was about them being wrong."

Accompanying Naidoo on Friday was his young son Jeremy and his father Vassie, owner of a Santa Monica martial arts studio and long-time proprietor of Palisades Bakery, along with Naidoo's uncle, brother, and several other relatives.

Lucio's parents also were present, as were his sister and brother, a junior SMPD officer.

The jury's decision came after four days of trial in the federal civil suit, including testimony from two eyewitnesses. One was videographer Evan Brown, who flew in from Honduras to take the stand. Brown said he heard an officer say "Yeah, f*ck him up" before the fight began. Also testifying was eyewitness

Daniel Weitzel, who was so outraged by the late-night beating that he called 911 and insisted that authorities send out an officer so he could record a statement.

Jurors said they believed both eyewitnesses, but added the beating likely sounded worse than it was. The nunchakus used to strike Naidoo were made from two pieces of heavy, polyurethane plastic tied together by a short piece of braided nylon. Lucio held the two pieces together when he hit Naidoo, and the impact of the two pieces hitting one another made a loud "whacking" sound.

Rohr throughout the trial, and in her closing arguments Friday, referred to the fact that Naidoo had been smoking crack and cocaine the day and evening before the taped incident. Before he was tackled by officers, Naidoo admitted he threw away a bag containing methamphetamines, cocaine, marijuana and a Viagra pill.

A list of previous criminal charges Naidoo was convicted of as a youth were kept out of trial, as was a previous excessive force suit against Bambrick, who had been accused of breaking Dr. Lawrence Ring's thumb and other bones in his hand after stopping him for suspicion of driving under the influence.

City Hall initially sought to keep the video out of trial, arguing it didn't reflect

the "totality of the circumstances" because it didn't depict the events that preceded the beating.

Judge Collins denied that request, along with Rohr's attempt to exclude from trial slow-motion copies of the video and the actual nunchakus used to strike Lucio, which she suggested could be substituted with photographs. Rohr also was denied her motion to exclude reporters from pre-trial hearings.

The video footage was kept secret by Naidoo's lawyers until last summer, when City Hall asked the case be heard in federal court, where the rules governing how evidence is shared are stricter. Meanwhile, seven felony charges initially levied against Naidoo in connection with the May 2002 traffic stop were dropped. Naidoo pleaded guilty to one misdemeanor charge to be dropped after he completed a drug diversion course, according to his lawyers.

After the jury delivered their verdict Friday afternoon, Carmen and Salvador Lucio, Lucio's parents, said they were proud of their son and were confident all along their son would prevail. Lucio is married and has three young girls of his own.

"He's putting his life on the line every day," Salvador Lucio Sr. said. "Every hour of every day."



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LOCAL



Fabian Lewkowicz/Special to the Daily Press

Children ride ponies recently at the Main Street Farmers' Market, a business that has spawned regular protests from animal-rights activists.

Protesters not horsing 'round

SADDLE SORES, from page 1

avoid having the animals make a mess at the market.

She also pointed out the ponies were walking on concrete, which she claims is hard on their feet and legs.

"They should at least turn the ponies so they don't have to always walk in the same direction," she said.

The protesters have been demonstrating at the Sunday Farmers' Market since November, prompting complaints to the Santa Monica Police Department that resulted in Walkden's arrest and incarceration Jan. 30 on charges of aggressive solicitation in a public place and for being under the influence of a controlled substance. The charges have since been dropped.

Tawni Angel-Nestor, who owns the ponies, alleges that Walkden and his fellow protesters have been verbally abusive to her, her employees and her customers.

"They're over-the-top extremists," Angel-Nestor said. "They tell people things that aren't true. They say I beat my ponies, that I starve them ... it's making me a nervous wreck."

According to Angel-Nestor, her ponies live on a five-acre pasture in Ventura County during the week and receive excellent care that includes appropriate food, water, hoof-trimming and vet care.

She said the protesters were trying to ruin her reputation and destroy her business. She's also concerned they will follow her back to her farm and turn the ponies loose.

"If they did something like that, there's a good chance the ponies would wander out in the road and get hit by a car," Angel-Nestor said, adding that the ponies

get regular breaks and are given plenty of food and water.

Walkden said, that although he and the protesters get support from many Farmers' Market patrons, they have received a "torrent of abuse" from other bystanders and from Farmers' Market supervisor Laura Avery.

"Once Laura got involved, we were routinely harassed by police," he said. "She and the ride operator told police I spit at people — well, maybe when I shout, I inadvertently spit — but I don't intentionally spit on anyone."

Walkden said Angel-Nestor also told police that he threatened to shoot her.

"I said 'we're going to shut you down, not shoot you down,'" he said.

Regardless of what is said on the sidewalk, Avery believes the protesters are taking their cause too far.

"They intimidate the children," she said. "They scream at the kids. They point to the ride operators and call them 'slave owners.' I heard them say, 'the slave owner must be killed.'"

"I respect people's right to free speech, but not when it was an incitement to violence."

Dr. Beth Stolvey, who has been an equine veterinary specialist for more than 20 years and cares for Angel-Nestor's ponies, said the ponies are treated well.

"Those ponies are like weekend warriors," she said. "They do a small amount of work and then they hang out in a grassy pasture and play the rest of the week."

"I think Tawni's doing the public a service," Stolvey added. "She's giving city kids the chance to develop an interest and familiarity with animals they might not otherwise be able to develop an interest in."

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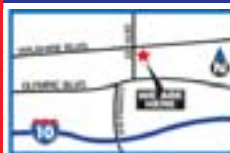
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Undeveloped land in Hawaii sold amid protests

By The Associated Press

KAUNAKAKAI, Hawaii — A large tract of pristine undeveloped oceanfront land on Molokai was auctioned to an anonymous bidder for \$3.1 million over the objections of more than 200 protesters who fear the land sale will open the way to overdevelopment on their quiet rural island.

The winning bidder, a woman representing a New York company, flew to Molokai in a private jet for Thursday's auction and outbid 42 others for the land put up for auction by software tycoon John McAfee. She told the auction company she "simply wanted a place to watch the whales swim by."

The woman, wearing a Tommy Bahama blouse and accompanied by a man with a similar-style aloha shirt and a

"Cancun Mexico" cap, did not identify themselves publicly. Their bodyguard and the auction company said they wanted to remain anonymous.

Bidding started on the property as five separate parcels, with high bidders offering a total of \$2.5 million for three oceanfront and two mountain lots.

Under auction rules, the property was then offered as a whole.

The woman, wearing sunglasses and a necklace with a silver whale's tail, bid \$2.6 million and then waved her bidding paddle No. 47 against an unidentified bidder on the phone, finally winning the auction at \$2.85 million. The auction company adds 10 percent for the final sale price of \$3.1 million.

Announcement of the winning bid was posted on the Web by The National

Auction Group, the Gadsden, Ala.-based company hired to handle the sale.

McAfee, 60, founder of the antivirus software company that bears his name, bought the 1,046 acres of land for \$1.3 million in July 2003 with the idea of building a house on it. But McAfee said he decided to sell because of permitting hassles.

"I was afraid I was going to take a loss, so I was glad that didn't happen," he said.

Molokai residents had been upset by the sale since the auction company first advertised the property in The Wall Street Journal, describing it as McAfee's "historic oceanfront plantation."

Protesters carried signs that said "Developers Go Home," "Auction Canceled Today," "Don't Buy" and "Stop the Sale" to try and dissuade bidders. The

entire 12-member Molokai police force was called out to control the protesters, who tried to push their way onto the property.

"I hear you, I appreciate you, but it's too late," McAfee told the protesters just before the auction began.

Native Hawaiian community activist Walter Ritte Jr., a protest organizer, said residents were upset because McAfee had assured them when he bought the land that he would not try to use it for development or speculation.

Some residents worry that wealthy investors will drive up property values and taxes so that families who have lived there for generations won't be able to afford homes. Others objected to the way the land, which is zoned for conservation, was advertised as having "excellent development potential."

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Fraudulent medical clinic issued exaggerated billings

SCAM, from page 1

California Department of Insurance and the California Franchise Tax Board conducted a two-year investigation that uncovered the ring, the DA's office said.

Botello said Davis was the ring's mastermind. He set up Total Medical Healthcare, a medical clinic in the mid-Wilshire area under his wife's name, Dr. Judy Hunter-Davis. His wife, a physician, did not practice medicine at the clinic and was not a suspect in the case.

Under the scheme, the signatures of doctors who worked part-time at the clinic were forged on medical reports to sub-

stantiate inflated billings. Davis then recruited attorney Belshaw to allegedly run a law practice as a ruse to negotiate the fraudulent billings to the various insurance carriers. The charges alleged that from September 1999 to April 2003, the ring collected more than \$3 million in fraudulent billings.

Belshaw was acquitted of insurance fraud, but convicted on five counts of money laundering and three counts of tax evasion, Botello said.

Davis faces up to 24 years in prison when he is sentenced April 8 by Judge Curtis Rappe. Belshaw faces up to 17 years in state prison.



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NATIONAL

Melodious Mitchell gets the boot from court for singing yet again

BY MARK THIESSEN

Associated Press Writer

SALT LAKE CITY — Elizabeth Smart kidnapping suspect Brian David Mitchell was kicked out of court again Friday for breaking into song during a hearing to gauge his mental competency for trial.

Mitchell had already been removed from his last three hearings after singing religious hymns and Bible verses.

Friday's hearing was only minutes old when Mitchell reprised one of his favorites: "Repent for the kingdom of heaven's at hand." He sang the words at a February hearing, too.

After the judge ordered Mitchell escorted out, testimony resumed from defense expert Stephen Golding, who has said Mitchell has become more mentally disturbed and unfit for trial.

Golding said that if Mitchell goes to trial, the defendant has vowed that he won't let Elizabeth take the witness stand and that he would do everything possible to disrupt the proceedings.

"He will not permit you to question Miss Smart, because she is still his wife, and they will still be reunited," Golding said, paraphrasing Mitchell's statements.

Golding also testified that he doesn't believe Mitchell is being willful when he acts out in court.

Mitchell, 51, and his wife, Wanda Barzee, 59, are charged with kidnapping, aggravated sexual assault, aggravated burglary and attempted aggravated kidnapping in the 2002 abduction. He's also charged in the attempted abduction of Elizabeth's cousin seven weeks after Elizabeth's kidnapping.

Mitchell reportedly believes he's a messenger of God, and allegedly kidnapped Elizabeth, then 14, to keep her as a second wife.

Barzee, who has filed for divorce, has been ruled incompetent to stand trial, and is being treated at a state facility.

Friday's testimony was also expected to include Noel Gardner, a mental health expert for the prosecution who has concluded the homeless street preacher is fit for trial.

At a hearing last month, Golding testified that Mitchell has "a long history of tension, which has gotten into the psychotic spectrum."

Defense expert Jennifer Skeem, a University of California-Irvine assistant professor, also said at the hearing that Mitchell had become "recently delusional and more distressed."

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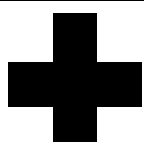
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NATIONAL

Waste manifest jargon confuses responders

BY LEON D'SOUZA

Associated Press Writer

SALT LAKE CITY — When a brew of acids leaked from the corroded sides of a railroad tank car last weekend, forcing the evacuation of 6,000 people from South Salt Lake, first-responders say they faced the emergency armed with a baffling invoice of chemical codes that left the tank's contents a mystery.

The spill at the Union Pacific rail yard sent an orange cloud of potentially lethal gases over a several-block area. Several roads and highways were shut down, including a stretch of Interstate 15, for almost a day.

Watching a crew member poke a pen through the tanker's solid steel wall, South Salt Lake Fire Chief Steve Foote had no clue exactly what he was dealing with.

"It wasn't until two days after the incident that we had

the state lab bring the results," Foote said on Wednesday. "There was a lot of misinformation."

At issue is the tanker's Uniform Hazardous Waste Manifest, a federal government form as bureaucratic as it sounds — full of confusing numbers and dry legalese.

It's supposed to provide a complete paper trail of a hazardous shipment, and it should be a source for police, firefighters and any others who need accurate and accessible information to safely respond to toxic spills.

But critics say that police and firefighters, who respond to a wide range of emergencies, can't be expected to make sense of the arcane jargon used on the form.

"It's a whole plethora of numbers, codes and abbreviations, and that makes it difficult to follow through on what these things mean," Foote said. The manifest for last weekend's tank car was so puzzling that he assigned an entire team to make sense of it.

"Their whole responsibility was to research this prod-

uct, find out what we could or could not do and how to neutralize it," Foote said.

The cost of Sunday's response and resulting cleanup will easily top a half-million dollars, Foote said. He's convinced the operation could have cost a lot less — and been a lot safer — if crews had full information to respond quickly.

Allan Moore, environmental program manager with the Utah Department of Environmental Quality, said the manifests often don't spell out contents in plain English.

The Environmental Protection Agency says it is working now on making the manifest less burdensome for generators and transporters. A 2001 proposal, currently under review, would enable electronic manifest tracking, a big cost-saver. But the benefit in clarity is less evident.

"On an emergency like this, you'd want to see more," Moore said. "But how much information needs to accompany these shipments so that you can have it immediately? And do you need to have access to company files? I don't know."

The most visible signal to first-responders that the contents of a tanker may be dangerous — a multicolored, diamond-shaped placard on the container's side — also may be wiped out under a Homeland Security proposal that aims to keep tanker contents out of plain view.

Lawmakers have pointed to the Utah spill in arguing against the plan.

Sen. Charles Schumer, D-N.Y., wrote in a Monday letter to Homeland Security Secretary Michael Chertoff that the Utah spill "raises serious concerns about the ramifications of your plan. ... The only information first-responders have to go on ... is the placard information."

Even that wouldn't have helped hazmat crews in South Salt Lake, however, because the car carried an acid mix it was not designed for. The placard showed only sulfuric acid, the chemical the tanker was designed to hold.

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INTERNATIONAL



Four slain Mounties remembered en masse

BY JOHN COTTER

Associated Press Writer

EDMONTON, Alberta — They turned out in the thousands: a sea of Mounties, police from across North America, dignitaries, grieving family members, schoolchildren, everyday citizens, all of them filling up a cavernous pavilion to honor four young officers gunned down a week ago by a longtime cop-hater.

They came to remember Royal Canadian Mounted Police Constables Peter Schiemann, 25; Leo Johnston, 32; Anthony Gordon, 28; and Brock Myrol, 29, in an unprecedented police memorial service Thursday that transformed Edmonton into the setting for a national day of mourning that seemed destined for the history books.

"They have fallen in service to us," Prime Minister Paul Martin told the crowd of more than 10,000 crammed into the pavilion. "The people of Canada owe an untold debt to these four officers and their families."

Thousands more listened to the service outside under sunny skies as Gov. Gen. Adrienne Clarkson offered words of comfort to the families of the slain Mounties.

"What must never leave you is the gratitude of a nation," she said. "These men so cared about the public good that they were willing to die to serve it. As we have always known, true honor is not for those who have received, but to those who have given."

The four RCMP officers were shot to death a week ago by James Roszko in a Quonset hut near Mayerthorpe, northwest of Edmonton.

The shootings marked the worst massacre of Mounties in Canadian history, surpassing even the deaths of three members of the Northwest Mounted Police at Duck Lake, Saskatchewan, during the Northwest Rebellion of 1885.

Near Mayerthorpe, on top of the hill overlooking Roszko's farm, four RCMP officers blinked back tears as they listened to the ceremony on their car radios.

Other officers were still investigating the crime scene, listening to the service within meters of the spot where Roszko ambushed their colleagues.

"The feeling was indescribable," said Cpl. Rodney Koscielny. "Everybody on site here hasn't had much of a chance to think about it. When you hear today's broadcast you start to think of it. It's been overwhelming for all of us."

At the service, family members and friends of the constables recalled their loved ones with fondness and tears.

"The pain of our loss is beyond anything we could have imagined," Don Schiemann said of his son as he fought back tears. "Peter, we shall see you in heaven, but we can hardly wait."

Constable Lee Johnston, twin brother of Leo Johnston, struggled to maintain his composure as he spoke about the man born just nine minutes before him — someone

he called the "most important person in my life."

"In his final moments ... he did not give up. He fought, refusing to believe in any outcome but victory," Johnston said, before pausing briefly in front of his brother's portrait and choking back tears.

Hundreds of Mounties in their world-famous red serge tunics filled row upon row in the pavilion. Four Mounties placed black pillows with the slain officers' Stetsons on top of a traditional RCMP horse blanket just before the service started.

"Let there be no mistake that our strength is found in the morality of our cause and we will prevail in this test of faith," said Bill Sweeney, the RCMP's commanding officer of Alberta.

The service followed the stirring sight of a mass of Mounties, eight abreast in a scarlet ribbon that stretched for more than a half-mile, marching solemnly along a city thoroughfare. People lined the parade route two-deep

in bright sunshine, brushing away tears, sobbing or staring straight ahead.

The somber mood was punctuated by the rhythmic clicking of boots on pavement, senior officers barking the cadence — "Left. Right. Left. Right!" — the steady thump of helicopters overhead and the mournful skirl of the bagpipes from the RCMP pipe band.

A rainbow of colors streamed by — the navy blue of the Edmonton police, the green of the U.S. Border Patrol, the sky blue of air ambulance pilots. There were officers from Ohio, New Hampshire, Alaska and from a host of other states. There were Parks Canada wardens, Calgary firefighters and Canadian Pacific Railway Police.

At the RCMP training depot in Regina, where the slain constables had recently graduated, about 300 cadets, instructors and support staff watched the service.

"Today is a very sad day," said Sgt. Bob Bourget, a supervisor at the facility. "It has been a very sad week."



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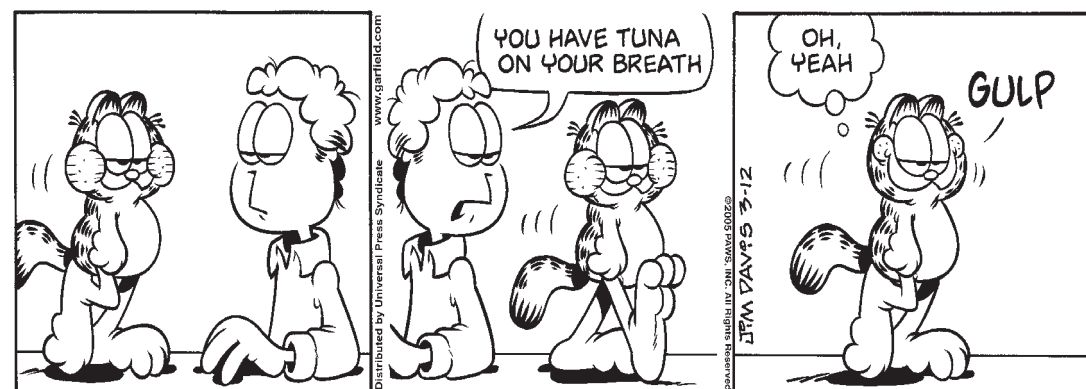
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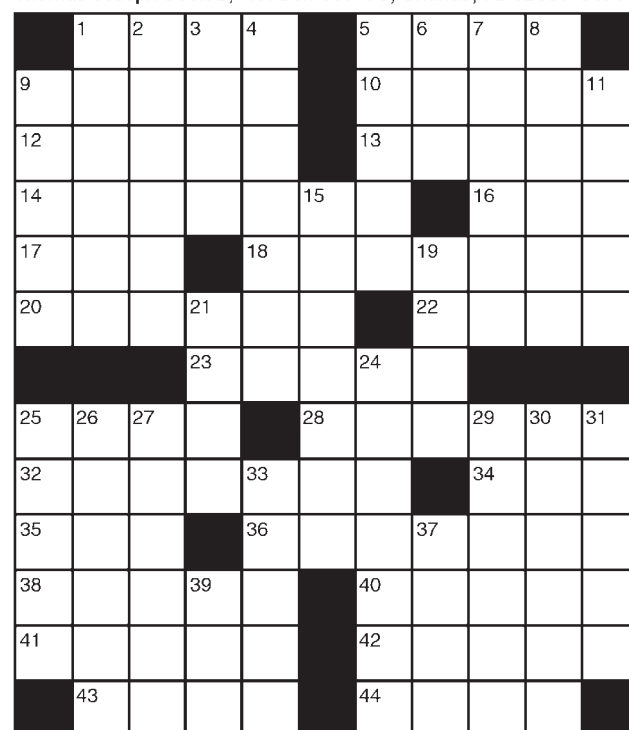
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