

Santa Monica Daily Press

A newspaper with issues

LOTTO

FANTASY 5

14, 8, 23, 24, 27

DAILY 3

Afternoon picks: 0, 5, 3

Evening picks: 9, 9, 5

DAILY DERBY

1st Place: 12, Lucky Charms

2nd Place: 1, Gold Rush

3rd Place: 5, California Classic

Race Time: 1:49.60



NEWS OF THE WEIRD

by Chuck Shepard

■ A 7-year-old boy was arrested and charged with sexually molesting a 5-year-old girl (Morristown, N.J., November).

■ An 8-year-old boy, accused of fondling four 7-year-old girls, agreed to enter sex-offender rehabilitation (Mount Clemens, Mich., December).

■ A 12-year-old girl, who was improperly touched by a 40-year-old man (resulting in his conviction for lewd conduct), was revealed by court investigators to have voluntarily performed oral sex on, or intercourse with, at least 40 men (Monterey, Calif., February).



QUOTE OF THE DAY

"Diplomacy is the art of saying 'Nice Doggie!' until you can find a rock."

— Wynn Catlin



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Playhouse lawsuit torn down by high court

Legal games are over for City Hall and SM family

BY CAROLYN SACKARIASON

Daily Press Staff Writer

SUPREME COURT — A nearly four-year court battle over a child's playhouse ended in City Hall's favor Tuesday when the Supreme Court refused to hear the lawsuit, levied by a Santa Monica family.

The high court denied a petition to consider an appeal, brought by lawyers for David and Beth Levy, who earlier this year failed to prove Councilman Ken Genser violated the law when he responded to a neighbor's complaint that a playhouse next door to her was too tall.

The 2nd Appellate District Court ruled in January that Genser didn't violate the city charter when he asked staff to check into the legality of the 12 1/2-foot-tall playhouse, built by David Levy for his son, Jacob. That's when prominent land use attorney Chris Harding, who represented the Levys pro bono, took the case to the Supreme Court.

The Levys sued City Hall in September 2000 after building inspectors backed out of their decision that the playhouse was a legal one-story structure. The reversal came after the Levys' backyard neighbor, Tundai Garai, complained to then-mayor Genser. Harding argued that Genser influenced city staff's decision.

Genser said that he only asked staff



File photo

Jacob Levy's playhouse has been a bone of contention between City Hall and his parents for years.

through two e-mails to check on the legality of the playhouse and never directed staffers to take a position on it, which is what the lawsuit alleged. And the appeals court's ruling was clear that Genser didn't advocate that

See PLAYHOUSE, page 5

Judge: Suit over late meetings lacks merit

BY JOHN WOOD

Daily Press Staff Writer

CITY HALL — A lawsuit levied against City Hall by two elected politicians who complain City Council meetings run too long and discourage public input lacks merit and may be tossed out of court, a judge ruled Tuesday.

Los Angeles Superior Court Judge David Yaffe said he will consider letting City Councilmen Bob

"I've seen members of the public grow frustrated, give up and go home before they speak."

— BOB HOLBROOK
City Councilman

Holbrook and Herb Katz amend their lawsuit, but not until he reviews a request from City Hall to dismiss the lawsuit altogether.

A decision is expected in the next few days.

Half of the last 50 City Council meetings have run past midnight, with some going until 2 a.m. or later. Many meetings were prolonged when dozens of speakers turned out to address particular hot-button items, like funding for schools or the approved homeless shelter at Cloverfield Boulevard and Michigan Avenue.

While some officials have sug-

gested the lawsuit is politically motivated in an election year, Holbrook said long meetings are unfair to public speakers who want to address issues not on the agenda because — by design — they speak last.

"The reason that Herb and I did this wasn't because I watch our colleagues fall asleep (on the dais). It wasn't because I've seen chief staff members asleep at their desks. It was because of the public. I've seen members of the public grow frustrated, give up and go home before they speak," Holbrook said.

"I just think that — in

See LAWSUIT, page 5

A chance meeting



Photo courtesy

Christophe Boisson, 3, of Santa Monica, met up with a sea lion at Santa Monica Beach this past weekend.

Feeding the meters fills City Hall's coffers

(This is the second article in a series examining the parking ticket process in Santa Monica).

BY JAMIE WETHERBE

Special to the Daily Press

CITY HALL — In Santa Monica, parking is a multi-million dollar business.

While City Hall is poised this year to collect more than \$10 million in parking tickets alone, Santa Monica takes in about \$20

million in parking revenue — including \$12 million in parking citations, which amounts to almost 6 percent of the city's roughly \$350 million budget. The rest of the revenue comes from parking fees and meters.

"It's a big deal," said Lucy Dyke, City Hall's manager of transportation planning.

City Hall hired a Dallas, Texas-based company with a Los

See TICKETS, page 6

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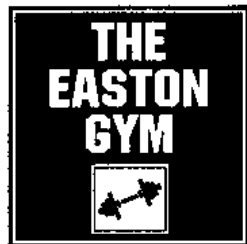
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JACQUELINE BIGAR'S STARS

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

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

ARIES (March 21-April 19)
★★★★★ Express your playfulness through brainstorming and creativity. You cannot say "no" to someone's great idea, even if you think it is awful. Your more dynamic side emerges when dealing with finances. Tonight: Romp away.

TAURUS (April 20-May 20)
★★★★ Investigate what is going on within your immediate circle, especially on the home front. Think before you leap into action. Not everything is quite the way it appears. Mercury moving into your sign contributes to more bright ideas. Tonight: Stay close to home.

GEMINI (May 21-June 20)
★★★★★ Speak your mind, but don't be surprised if someone just doesn't get it. Your concepts might be unusual or too highbrow for someone to comprehend. Try simpler words, and you'll score results. Do not keep your feelings to yourself. Tonight: Out and about.

CANCER (June 21-July 22)
★★★★ Investigate financial options, even if you think they could be a bit far out. A partner has a totally different perspective from yours. Aim for an amiable solution that works for everyone. Remain steadfast in your search. Tonight: An active discussion with a pal.

LEO (July 23-Aug. 22)
★★★★★ Your smile is a winner. The planets put you on the right path, even if someone close is rather nebulous. Discussions need to involve those in charge as well as a personal associate. You know what you want — go for it. Tonight: Whatever makes the Lion purr.

VIRGO (Aug. 23-Sept. 22)
★★★★ Know when to back down. Even if you feel certain of yourself, too much confusion surrounds you to reach a conclusion. Allow your work to inspire you, but know when to call it quits. You might need to rest. Tonight: Get some extra zzz's.

LIBRA (Sept. 23-Oct. 22)
★★★★★ You come into a situation in control and ready to take command. Why would anyone give you flak? Walk through a partner's upset and focus on your long-term desires. Laughter comes out of a meeting. Demonstrate your gregarious personality. Tonight: Where the gang is.

SCORPIO (Oct. 23-Nov. 21)
★★★★ Take charge and handle what others can't. You might be distracted by a personal matter, but do try to wipe your mind clean at least during work hours. Others come toward you with a lot of information. Tonight: In the limelight.

SAGITTARIUS (Nov. 22-Dec. 21)
★★★★ Use your spectacular insight and willingness to look beyond the obvious to clear out immediate confusion. One person says one thing, while another thinks he or she heard something different. Maintain a sense of humor. Tonight: Talk about a spring project.

CAPRICORN (Dec. 22-Jan. 19)
★★★★ You cannot avoid it — someone close carries the final say in what is happening around you. Relate with others individually. Brainstorm, letting ideas pop out of your mouth without judging them first. Tonight: Dinner for two.

AQUARIUS (Jan. 20-Feb. 18)
★★★★ You might confuse others, but certainly understand what someone else says. Your imagination could be a bit far-out for someone else to grasp. Learn to simplify concepts if you want to be understood. Tonight: Hook up with friends.

PISCES (Feb. 19-March 20)
★★★★ Concentrate on whatever you are doing, as you might have a tendency to daydream a lot. Anchor in on the here and now. Your effectiveness is tested. Swap ideas at work. Make sure all messages are returned. Tonight: Play it low-key.

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LOCAL



COMMUNITY BRIEFS

Cesar Chavez Day at Samohi today

By Daily Press staff

The Pico Youth & Family Center is inviting the community to celebrate the life and work of Cesar E. Chavez today. The event will take place at Santa Monica High School's Barnum Hall from 7 p.m. to 9 p.m. There will be a traditional food court following the performances.

The event marks the second annual Cesar E. Chavez Day Celebration at Santa Monica High and organizers hope to exceed last year's turnout of 300 attendees. The event will feature performances in poetry, ballet folklorico dance from various regions in Mexico, a short video on the life of Cesar E. Chavez, a keynote speech and Aztec dancers will conduct a closing ceremony. Elementary school children will also be performing a short skit on the lives of influential leaders who stood for social justice.

Playwright gets into the minds of therapists

By Daily Press staff

The Powerhouse Theatre Company will present the world premiere of "The Family Room," a searing look at the minds and hearts of therapists as they struggle to reconcile the practice of their profession with the emotional realities of their personal lives.

The production — a semi-autobiographical work by Los Angeles playwright Aron Eli Coleite — will run April 2 through May 8 at the award-winning Powerhouse Theatre, 3116 Second St., between Rose Avenue and Marine Street just off Main Street in Santa Monica. Performances are at 8 p.m. Fridays and Saturdays and 3 p.m. Sundays. There will be no performance Easter Sunday, April 11.

The play follows 15-year-old David and his parents, both psychotherapists, through a series of rotating therapy sessions as they come to terms with their own failings as human beings.

"Many of the issues that come up in this play — dysfunctional relationships, 'addiction' to patients, co-dependency and alcoholism — are reflections of the realities of many therapists' private lives," said Andrew Barrett-Weiss, Powerhouse artistic director and producer. "The play forces us to ask the question: What's in the hearts of those who are treating our minds?"

"The Family Room" is directed by Justin Yoffe, an award-winning playwright, director and producer. Production design is by Mark Bowerman, and the production stage manager is Matt Richter.

In the cast are Gary Carter, Mary Cobb, Jennifer Dithridge, D. J. Harner, Hubert Hodgins, Annie Quinn, and Jonny Vincent as David.

Coleite has been working in the television industry since 1998. Most recently he wrote a story for the NBC forensic drama "Crossing Jordan," on which he has served as head researcher. Coleite has worked closely with the Powerhouse Theatre in Santa Monica, serving as board member, literary manager and artistic director. He is a graduate of UC Santa Cruz and the Hebrew University in Jerusalem.

Since taking over the Powerhouse Theatre in 1995, the Powerhouse Theatre Company has produced or co-produced a long list of critically acclaimed productions, including the award-winning "J.B.," "The Apollo of Bellac," and the current hit "Golden Prospects." Its recent co-production of "The Shaggs" received eight Garland Awards and has been nominated for several Los Angeles Drama Critic's Circle Awards and L.A. Weekly Theater Awards.

Tickets for "The Family Room" are \$18 general admission, and \$15 for students, senior citizens and therapists.

For tickets, call The Powerhouse Theatre at 1-866 OFF MAIN or go to <http://www.powerhousetheatre.com>.

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surf report

A mix of building WNW swell, holding S swell and some building local windswell hits local beaches today. Most spots will continue to see waist- to chest-high surf, while the better breaks see some shoulder-high sets.

OUTLOOK: On Thursday and Friday, the mix of longer-period S and WNW swells will slowly fade while the local windswell stays fairly steady.

Write us at wood@smdp.com and tell us what the surf is doing today at your local break.

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SUNDAY	10:25	0.8	N/A	N/A	1:02	4.1	N/A	N/A
MONDAY	11:29	0.4	11:01	3.0	3:01	4.0	7:10	3.4
TUESDAY	12:10	0.1	11:52	2.6	4:33	4.2	7:12	3.7
WEDNESDAY	N/A	N/A	12:42	-0.1	5:32	4.6	7:22	3.9
THURSDAY	12:28	2.0	1:09	-0.3	6:18	4.9	7:37	4.2
FRIDAY	1:03	1.5	1:35	-0.4	6:58	5.1	7:55	4.6

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The Q Line

The Supreme Court is currently debating whether or not "under God" should be removed from the Pledge of Allegiance. The question arose when the parents — one an atheist and the other a born-again Christian — of a 9-year-old girl got entangled in a custody battle.

Now the issue has gone all the way to the high court and in 2002, the 9th U.S. Circuit Court of Appeals declared that reciting the pledge in public schools is unconstitutional because the words "under God" amount to an endorsement of religion — and is not a separation of

church and state. If upheld, the ruling would overturn 50 years of common practice in America's schools.

So this week, Q-Line wants to know: "Should the words 'under God' be removed from the Pledge of Allegiance? Why or why not?"

Call (310) 285-8106 with your responses before Friday at 5 p.m. We'll print them in the weekend edition. 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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LETTERS

Laws take away our freedoms

Editor:

Another new law. No smoking allowed at Santa Monica Beach. Last time I was at the beach, there was a steady breeze and plenty of open space. And if the law has to do with the butts on the ground, why aren't there laws for no soda cans, no potato chip bags and no babies under 2 who still wear diapers? I think the State of California and their local governments are getting carried away with all of these new laws, bans and ordinances.

From what I remember, it started with the seat belt law. If people want to take the chance of killing themselves by not wearing seatbelts, that should be their choice. After all, if they are driving, then they are adults and therefore, capable of making decisions, whether right or wrong. Children riding in the car should be the responsibility of the adult driver.

Then came the helmet law. No motorcycling without a helmet. Same thing here. If you are driving a motorcycle, you are an adult and old enough to decide whether or not you should wear one. Children riding bikes with or without a helmet should be the responsibility of the adult parents. The risks are public knowledge. Give the adults of California some credit. We don't need a baby-sitter the size of the state.

The city of Glendale is passing out notices to homes that do not have green lawns. My mother's neighbor was given a notice in the winter month of January. When I was a kid there were never green lawns in the winter months, but now they expect us to buy seed to keep our lawns green all year. What's wrong with dead grass in the winter? And speaking of "grass," don't even get me started on that law. Glendale, also has a new law that says no fences around the front yard. What happened to the American dream of owning a house with a white picket fence? Our freedom is being whittled away.

So, back to the ban on smoking. Who are the people thinking up these laws? I do know one thing, they are people who are never satisfied. Don't they remember how it was a little under 15 years ago? Smoking was allowed in movie theaters, grocery stores, department stores, hospitals, restaurants, the workplace, and in buses, planes and trains. You might think these people would be grateful for how much has changed in such a short time, but I guess they don't have time to reflect. They are much too busy thinking up a new law to stop us from doing something that they don't like.

Let's not give up our right to a dead lawn in the winter, to owning a white picket fence, or to enjoying a cigarette on the beach in Santa Monica.

D.J. Lee
Cypress

Pedestrian fed up with nasty, rude drivers

Editor:

This morning, a scene that is becoming more common occurred at the corner of Wilshire Boulevard and 20th Street. My infant girl was in her jogging stroller and I was hustling to beat the stale green light. A typical Santa Monica car — a money-colored green Explorer with a whale tail license plate — was waiting to take a left. As I got to the safety of the sidewalk, the environmentalist or beach-lover shouted through his open window, "You stupid f---ing b---h!"

Now, I have been shouted at and honked at plenty during my 10 years of living in Southern California, both behind the wheel and in the crosswalk. I took it as a given when I lived in Westwood that type-A people, using Wilshire as their highway from Beverly Hills to Brentwood or vice versa, would honk at me if my jogging was too slow across the

intersections at Sepulveda or Veteran. This kind of behavior is typical of the anonymity of those intersections and the sense of entitlement that often accompanies living on the Westside. However, in my four years of living in Santa Monica I have been disappointed to find more and more hostility directed at pedestrians, particularly in residential neighborhoods. It makes me wonder just what kind of traffic offense the police will actually stop. For example, I don't think anyone will be pulled over in the intersections around Douglas Park (Wilshire at Chelsea or 25th Street and California Avenue at Chelsea or 25th Street) until a mother or a nanny and her children are actually struck and killed by a speeding or clueless driver.

Mind you, I am not one of the lackadaisical pedestrians who walk slowly, talk on the phone, and act like nobody's schedule but my own is important. I usually walk quickly and give the thank-you wave to people who seem like Mother Theresa because they actually obey the law. Nor do I think that having a child with me gives me the right to have any more decency shown to me than if I didn't. But having the baby with me slows me down, as anyone with a brain might imagine, and the motorists who imperil me daily don't seem to realize this or care.

When did it become acceptable to intimidate or simply refuse to stop for families crossing the street? Will we need another incident like the one that happened last July at the Farmers' Market to increase law enforcement and protect us?

In my neighborhood, near Beth Shalom Temple on California, I routinely feel uneasy in a crosswalk with my child, my dog, or both, and listen to an impatient driver revving his/her engine as he/she gabs on a cell phone. Every day I play chicken with drivers on Washington or California who come within a foot or so of the stroller, or me as they speed through the intersection. Apparently, we inconvenience people by walking to most of the places we go.

Unfortunately, this is one of the reasons we live where we live, in Santa Monica.

I have been disappointed to find that the nastiness I was used to on the other side of the 405 freeway has found its way over to our beach community. We are, of course, in the city and on the grid, so the rules and mores of urban living have always applied. For example, it's just plain stupid to imagine that living in our beautiful, green city means that it's reasonable to ask dog owners to stop their dogs from peeing on the lawn. It is reasonable, however, to require them to pick up after the dogs. If the behavior were only rude, then we could not stop it nor legislate against it. But in the case of mowing down pedestrians because they inconvenience you or slow you down, the nastiness is actually dangerous and unlawful, and must be stopped.

About once a week in my neighborhood I see a Santa Monica Police car roll through a stop sign and turn without signaling. The siren and lights are always off, so I assume there's no emergency. Maybe the police would be aware of the problem and set an example if they actually drove according to the law.

We need speed bumps on the streets, like California Avenue, that motorists are using as detours for busy streets like Wilshire or Montana. Let's put that measure back on the ballot.

And do those automatic cameras in the intersections still work? I don't ever see them flashing anymore when a car rushes through a red light. The more tickets motorists receive for breaking traffic laws, the more incentive there will be to drive like human beings.

Currently the police ignore the sudden U-turns, lack of turn signal use, and speeding through intersections, that are going to get us killed, whether we're in a car or walking. I urge the Santa Monica Police to get on the stick and protect us from the motorists that have forgotten that the pedestrian has the right of way.

Susan Sheu
Santa Monica

Kiss-and-tell books of late hint at new Watergate



POLITI-GIRL

By Beth Solomon

Cry, "Havoc!" and let slip the dogs of war.

—Julius Caesar *III.i.270*

The attacks are mounting against former Bush counterterrorism czar Richard Clarke since the release of his book that claims Bush administration officials ignored Al Qaeda before and after Sept. 11, focusing America's might against an unsavory but irrelevant enemy in the War on Terror, Saddam Hussein.

Clarke's charges in "Against All Enemies" are the latest in a series of whistle-blower accounts that describe President Bush as obsessed with Saddam — and willing to find any excuse to go to war on Iraq.

Clarke says the war on Iraq has undermined the War on Terror and put America at greater risk of attack.

"I think it's obvious," he told Tim Russert on NBC's Meet the Press. I think so too, but in this capitol, the obvious is often

the most difficult thing to see.

There are three major ways the war on Iraq has hurt efforts to prevent terror, Clarke says.

First, the war on Iraq has vaporized efforts within the Islamic world to reign in radical fundamentalists.

"Instead, we've enflamed the ideology, we've played right into (fundamentalists') hands. We've done what Osama bin Laden said we would do," Clarke said.

Clarke says 90 percent of Muslims in Morocco, Jordan, Turkey and Egypt — allies of the U.S. — said they now hate the United States. Those are our allies. When 90 percent of Muslims hate us, it's fertile ground for fundamentalists, whose ideology also needs the fuel of poverty and hopelessness to breed. Our policies of aid reduction and aggressive natural resource extraction have given the fundamentalists another assist.

"We're going to catch bin Laden," Clarke told Tim Russert. "I have no doubt about that. But it's two years too late, because during those two years, Al Qaeda has morphed into a hydra-headed organization, independent cells like the organization that did the attack in Madrid."

And that leads to the second way the war on Iraq has made us sitting ducks in the War on Terror. During the last two years, while terrorist cells have been growing and

spreading, we've been spending our money on a fruitless war in Iraq instead of beefing up security at U.S. nuclear and chemical plants, on trains, etc.

Thirdly, Clarke says, the war in Iraq is causing a massive drain on intelligence and military resources not being used to reduce terrorist threats.

"But Saddam is gone, and that's a good thing, right?" Russert asked.

"But what price are we paying for this war in Iraq?" Clarke answered. The true answer is, we have no idea.

Clarke's charges would be less disturbing if they didn't follow on similar and ever more frightening accounts of what has gone on inside the Bush White House.

Santa Monica residents, who have admirably joined with Friends of the Earth, Greenpeace, and the cities of Boulder, Oakland, and Arcata in a suit against federal agencies which have exacerbated global warming, might be interested in a passage from former Treasury Secretary Paul O'Neill's memoir "The Price of Loyalty." In the book, Wall Street Journal reporter Ron Suskind describes attempts by O'Neill and EPA Administrator Christie Todd Whitman to follow through on Bush's campaign promises to reduce global warming.

While Whitman and O'Neill finalized a comprehensive plan to pursue reduction of

fossil fuel emissions, the office of Vice President Dick Cheney was orchestrating a fatal blow to the effort in the form of an organized protest by powerful Republican senators.

Suskind describes Cheney's method: "Quietly select an issue, counsel various participants, manufacture the exchange of seemingly impromptu letters or reports — the bureaucratic version of a media event — and then guide unfolding events toward the intended outcome. This was the puppeteer's craft, all done with strings and suggestions. In the end, there are no fingerprints. No accountability."

Sounds a little like the war on Iraq — I mean, the War on Terror. I mean, the war on Richard Clar ... wait which war are we on?

There was a time that most of you are too young to remember, back in the early '70s, when another Republican administration egregiously misused the power of the presidency to undermine political opponents in the pursuit of questionable goals. The scandal rocked the country to its foundations and changed American politics forever.

But in terms of deaths, dollars, and our future global security, this scandal makes Watergate look like child's play.

(Beth Solomon is a Left Coast writer living in Washington, D.C., reachable at bethsolomon@earthlink.net)

LOCAL



Playhouse dispute not over, attorney fees now at issue

PLAYHOUSE, from page 1

the playhouse be deemed illegal, but that he just asked about it.

"I was absolutely confident that I did nothing wrong," Genser said. "I inquired about it, I didn't instruct them to do anything."

Genser said he thinks Harding filed the suit for two reasons — to try and embarrass him politically, and to try and get the city charter interpreted in such a way that council members cannot discuss issues with city staff, therefore making government less

effective. Genser said the suit was so potentially dangerous in stifling government officials from communicating with city staff that nine other cities in the region filed legal briefs in support of Santa Monica.

Harding said he's disappointed with the Supreme Court's decision and it now leaves the door open for further government intrusion.

"We think it will create a more hostile environment for staff to work in," he said. "The city charter was set up to insulate intrusion from government officials to city

staff and an environment of favoritism."

Harding has in the past denied that the suit is politically motivated, but is an issue about how politicians hold sway over staff, and how citizens are treated by government agencies.

After City Hall deemed it legal and David Levy, a psychiatrist who lives in Sunset Park, spent \$11,000 to have it meet specifications, the playhouse was in jeopardy of being torn down. However, City Hall eventually deemed the structure legal and the playhouse was treated as a "non-conforming use." But the Levys moved forward with the suit, saying the process was unfair and illegal.

The issue before the three-judge Appellate panel earlier this year was whether Genser violated the law when he communicated with city staff. City law mandates that elected officials not order or request a city employee to carry out any action. The law exists so that city employees don't feel their jobs are on the line if they fail to comply with an elected official's request.

The appeals court ruled that Genser is protected under the First Amendment to respond to constituents' complaints.

Genser hopes City Hall will counter sue Harding and the Levys for attorney fees, which are unknown.

"They wasted taxpayer funds and we have a duty to recover that money," Genser said.

Collecting attorney fees will likely go before a judge in Los Angeles Superior Court, a battle Harding plans to fight.

"We believe they are not entitled to legal fees," he said. "We think the issues were important and worth pursuing."

Harding, who said his case garnered the support of several trade associations concerned with governments acting within the law — including the National Lawyers Guild — is adamant the approval process for the Levys' playhouse was illegal, despite the court's ruling.

"If this was anyone else's playhouse, not next to a neighbor who was friends of the mayor, it would not have gone down this way," he said.

Judge to decide fate of lawsuit over council hours

LAWSUIT, from page 1

extraordinary circumstances — we should go until midnight, and then come back the next night," he added.

Rosario Perry, a local attorney who is representing the councilmen, said he can prove City Hall officials intentionally limit public input by putting it last on their meeting agendas. The lawsuit claims that hearing public input at the end of the meeting is illegal because most people aren't willing to wait into the night and early morning to speak. It doesn't allege that the City Manager and Mayor — who are charged with setting the agenda — intentionally schedule it that way.

"Any time a meeting goes until one or two in the morning, it's not a public meeting," said Perry, who is working on the case pro bono.

Holbrook said City Hall should look at other cities like Redondo Beach, where public input on some items is limited to 30 or 40 minutes. But more importantly, an attitude adjustment is needed, he added.

"(We need to) try and somehow change this culture where people think, even on a routine matter ... 30 or 40 people show up, because they've been told that's how you get the result you want," Holbrook said.

Holbrook also suggested that perhaps the council should follow the lead of the school board, which hears some public comment at the beginning of its meetings.

Assistant City Attorney Joe Lawrence, who is arguing the case for City Hall, said Holbrook and Katz both voted on Feb. 24 to approve the current council guidelines, which govern how the meetings are scheduled.

"They voted in favor of the rules that they now say they don't like," Lawrence

said. "And they, as of last week, at least Herb, voted to extend the meeting they now say they don't want to extend."

The council must approve by vote to extend a meeting if it goes beyond 11 p.m., which was the case last week.

What's more, City Hall lawyers argued Santa Monica goes far beyond what's required to accommodate public input and added that cutting off the meetings at 11 p.m. would only serve to further stifle public input.

Lawrence on Tuesday convinced Judge Yaffee not to immediately allow the councilmen to submit an amended lawsuit, as he had tentatively decided to do. Instead, Lawrence pointed to a court of appeals ruling that he said requires the court to consider City Hall's motion to dismiss the case first.

"He was clearly not impressed with the lawsuit," Lawrence said.

Called an anti-SLAPP motion, City Hall's argument is based on a law that protects people who are being prevented from exercising their First Amendment rights. If the SLAPP motion is granted, the lawsuit would be automatically dismissed and City Hall could pursue Holbrook and Katz for lawyer fees.

The City Council discussed the lawsuit in closed session last week, but Holbrook and Katz weren't allowed to be part of the discussion. They find themselves in a precarious position — the entity they serve on is being sued, but they can't discuss the litigation because they're the plaintiffs.

Lawrence declined to say what has been discussed in the closed session meetings. Perry said no offer has been made to change the meetings.

"Nothing, nothing," Perry said. "They don't want to change a thing."

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LOCAL

Small number of Santa Monicans contest tickets

TICKETS, from page 1

Angeles branch about a year ago to keep track of parking fines and enforce delinquent fees, officials said.

Calling the 800-phone number on the back of a parking ticket issued in Santa Monica, a customer service representative from ACS State and Local Solutions will handle the matter — not a Santa Monica official.

City Hall officials estimate that the company's services this year will likely cost Santa Monica more than half a million dollars, an amount which is based on the percentage of parking fines collected.

Part of the contractor's estimated \$550,000 payment includes a cut of the revenue collected in parking tickets and a percentage of delinquent fees collected on overdue parking tickets.

When a parking ticket is paid, the money first stops at ACS in Los Angeles before it reaches Santa Monica, city officials said.

ACS receives per ticket about \$1 or

"(An administrative hearing is) supposed to make it easy to contest a ticket that's just plain wrong. We only want people to have to pay for tickets that are good tickets."

— LUCY DYKE

City Hall's manager of transportation planning

more depending on how many thousands of parking citations it collects, said City Hall spokeswoman Judy Rambeau. Tickets typically range between \$35 and \$50, depending on the violation.

The contracted company also has the responsibility of notifying in- and out-of-state residents of their parking fines before any late fees are added.

ACS is required by law to notify people, regardless of their home address, of parking tickets within 30 days, and company officials said they contact the DMV in the state where the license plate is from.

"That's the main thing we pay them for," Rambeau said.

If parking citations continue to go unpaid after 30 days, ACS can send a collection agency after the delinquent ticket-holders, possibly affecting an individual's credit report and his or her wages can be garnished until the ticket is paid, according to ACS officials.

ACS receives 25 percent of the money generated by the delinquent fees for tickets from those with California plates and 33 percent of the delinquent fees for those with out-of-state plates, according to city officials.

So far, the city has been billed through February \$85,355 for out-of-state collection and \$120,865 for other delinquent collections, Rambeau said.

ACS also plays a part in managing contested parking citations, according to city officials.

The company typically handles contested tickets mailed or called in, and then passes them onto the Santa Monica Police Department for an initial review, city officials said.

But under unusual circumstances, City Hall might intervene. After the attacks on Sept. 11, 2001, the city dismissed several parking tickets in certain areas of the city, Rambeau said. City Hall didn't want to add any more stress to the situation, she added.

To contest the police department's initial review, ACS will set up another review but not with a Santa Monica official, Rambeau said.

It's "somebody ACS uses, an independent third party," she said.

An administrative hearing is held, designed to keep contesters from having to go to court, Dyke said.

"It's supposed to make it easy to contest a ticket that's just plain wrong," she added. "We only want people to have to pay for tickets that are good tickets."

The next line in parking citation contesting is the Santa Monica Municipal court. In order to get any of these reviews, the ticket must be contested within certain time periods.

In Santa Monica, 4 percent of parking tickets have been contested from 1994 through 2003, city officials said.

The City Council decided last year after a decade of status quo to increase the cost of parking tickets.

City Hall last June approved about a \$10 increase to most parking violations, raising most ticket costs to \$35 and \$47, a move that has upped city revenue an additional \$2.2 million, according to city officials.

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STATE



Kerry and Cheney spar over economy, taxes

BY NEDRA PICKLER
Associated Press Writer

SACRAMENTO — John Kerry lashed out at Vice President Dick Cheney on Monday, accusing Cheney of distorting his Senate record on taxes as the Democrat sought to shift the debate to President Bush's stewardship of the economy.

"This administration has one economic policy for America — 3 million jobs lost and driving gas prices towards \$3 a gallon," the presumptive Democratic nominee told students at a jobs training center in Sacramento.

Hours after Cheney called him "one of the most reliable pro-tax votes in the Senate," Kerry delivered a sharp rebuke, faulting the Bush administration for waging a campaign of "half-truths."

"They found Dick Cheney in an undisclosed location and brought him out to attack me," Kerry said at the start of a town hall meeting at the Charles A. Jones Skills & Business Education Center. "That seems to be his designated role, not to create jobs, but to attack John Kerry."

"They are running a campaign in March of mid-October desperation," said the four-term Massachusetts senator.

Two weeks ago, Kerry and Cheney engaged in a cross-country, rhetorical fight over national security and the Democrat's credentials to be commander in chief. On Monday, they sparred over taxes and the economy.

Kerry is on a two-day campaign swing through four California cities, where he is raising money and talking to voters about the need for jobs. While Kerry blames Bush for rising unemployment, Bush's campaign portrays Kerry as a habitual tax-raiser.

Cheney said Kerry had voted for higher taxes some 350 times in his Senate career and was likely to seek huge tax increases to help pay for nearly \$1 trillion in his spending proposals.

"That averages to one vote for higher taxes every three weeks for almost two decades. At least the folks from Massachusetts knew who was on the job," Cheney told a receptive audience at the U.S. Chamber of Commerce.

Cheney's biting criticism was an attempt by President Bush's re-election campaign to shore up the Republican's standing on handling the economy. Kerry has tried to outflank Bush on tax cuts in

recent weeks, promising to lower corporate tax rates while arguing that he and the president agree on the need to extend some personal income tax cuts due to expire this year.

Cheney questioned Kerry's commitment to extending several of those tax cuts: an increase in the child tax credit; tax reductions for some married couples who would pay more than they would as individuals; and an expansion of the bottom 10 percent tax bracket. Kerry has said he would keep those tax cuts in place.

"They found Dick Cheney in an undisclosed location and brought him out to attack me."

— JOHN KERRY
Democratic candidate for president

Cheney said Kerry voted against creating the new 10 percent bracket; against repealing the inheritance tax; against cutting taxes on dividend income; and against raising the amount of investment expenses that businesses can write off.

"He has given the usual assurances that in those first 100 days he's planning, only the wealthiest Americans can expect higher taxes," Cheney said. "But voters are entitled to measure that campaign promise against Senator Kerry's long record in support of higher taxes for every income group."

Kerry said he voted against Bush's tax cuts for wealthy Americans because the country could not afford them. He voted for a Democratic alternative that would have given tax cuts to the middle class.

Kerry would repeal cuts for Americans who earn more than \$200,000 a year to pay for deficit reduction, middle class tax relief and health care.

"Let's say it once loudly and clearly, and I hope the vice president and the president hear it and I hope they will for once stop misleading Americans and tell Americans the truth," Kerry said. "Here's the truth — under my plan, 98 percent of Americans will get a tax cut at the federal level from John Kerry's administration."

Bush plans to give speeches on the economy this week in the electoral battleground states of West Virginia and Wisconsin.

California quarter features conservationist John Muir

By The Associated Press

SACRAMENTO — Gov. Arnold Schwarzenegger unveiled the design of California's new quarter Monday, which shows conservationist John Muir, a California condor and Yosemite National Park's Half Dome mountain on the coin's tails side.

More than 2 billion of the coins will be placed in national circulation in January 2005, said California State Librarian Kevin Starr.

Los Angeles artist Garrett Burke designed the coin that Schwarzenegger selected from five finalists including images of sun and waves, a redwood tree, the Golden Gate Bridge and a gold panner.

California's new quarter commemorates the state's Sept. 9, 1850, entry into the United States, and is the 31st 25-cent coin to be unveiled as part of a 10-year, 50-state quarters program conducted by the U.S. Mint. States release their quarters to mark the order in which they ratified the U.S. Constitution and joined the union.

California entered between Wisconsin and Minnesota.

"These three images will show California's wildlife, California's magnificent landscape and our commitment to preserving it for generations," said Schwarzenegger, unveiling a coin that emerged from thousands of designs submitted between September and November 2002.



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DAYS ON THE MARKET

By Jodi Summers

Santa Monica was founded in 1875 and incorporated in 1886. By 1900, more than 5,000 people were settled here. Crowds gathered in the 1920s, when the McDonnell Douglas military manufacturing company built four world-cruisers that left Clover Field — now the site of the Santa Monica Airport — for the first successful flight around the world.

Airplanes are a mixed blessing in Sunset Park. In the '40s, Douglas Aircraft brought 40,000 factory workers to labor at the Clover Field facility. Property development boomed. Today, homes in Sunset Park currently start in the low \$700,000s, making it one of Santa Monica's more affordable family neighborhoods.

"I like walking the tree-lined streets in the morning with my wife, evening fog carrying the sound of kids voices from Marine Park, fresh fruits and vegetables within walking distance, the meat at Bob's Market,

small neighborhood businesses, the fact that I know the neighbors on both sides of the street well enough to borrow their truck for an hour, or use that 20-foot ladder, or ask them to help me carry in a new couch," said resident John Reynolds. "I like having a golf course nearby with all that open space. I like the matter of fact, understated sense of pride I hear in people's voices when they say, I live in Sunset Park."

In 2003, Sunset Park had 2,708 single-family houses, 739 condominiums and 699 apartment units. Most of the homes are traditional, one-story houses built in the mid-20th century. The view streets — Hill, Sunset, Ashland and Bryn Mawr — feature fancier homes at higher prices. In excess of \$1.3 million.

A recent LA Times report stated that Sunset Park schools boast 2002 Academic Performance Index scores of 759 and 808, respectively, out of 1,000. John Adams Middle School scored 739 and Santa Monica High, 705. The district also offers a Spanish-immersion school and an alternative school. Santa Monica College, a two-year community college also in the neighborhood, enrolls 31,000 students.

The local neighborhood association, Friends of Sunset Park, works to improve the quality of life in the neighborhood —

improve safety, reduce air, pollution and noise, ease traffic, and support the schools and library.

The biggest issue with Sunset Park is the reason the area first developed — the airport. Santa Monica Airport is one of the busiest single-runway airports in the nation. Neighborhood representatives advocate strict aircraft noise enforcement and weight-based landing fees. Airport Commissioner Ofer Grossman is pushing for bimonthly Air Quality Management District tests to better address aircraft emissions.

Current weight restrictions on planes at Santa Monica Airport allow roughly 65,000 pounds at landing and 73,000 at take-off (the additional weight is for fuel). Today, the maximum wingspan is 78 feet.

At a recent meeting of the Santa Monica Airport commission, the topic of conversation was not the March 16 crash of a single-engine plane into a two-story house on Mountain View Avenue in Mar Vista but the noise and the vibration of the corporate jets that use the airport.

"Sometimes I'll be in my kitchen, and a jet will go overhead, and everything rattles," said a Sunset Park resident. "I get scared. I wonder, 'is this jet going to crash into my house, my kitchen?'"

Locals say that the airport noise at Santa

Monica Airport has increased more than 150 percent since 1997, when jet airplane landings increased. A jet is an airplane powered by one or more engines. In 2003, there were 142,859 aircraft operations recorded — 16,210, up from 9,608 in 1999. In 2003 there were 302 noise violations — mostly from jets — down 20 percent from 2002.

"Throughout the country people are filing lawsuits over noise and air pollution. These airports are literally ruining people's lives. Constant loud noise exposure can be a horrible nuisance," said environmental attorney Stuart Lieberman.

Ironically the business that built the neighborhood is also the biggest bone of contention in Sunset Park.

"The planes were here long before I was, so I just accept it," said Gabrielle, who lives near SMC. "There are so many things to like about Sunset Park. It has no pretense and no tourists. Sunset Park is a neighborhood. When we go to Bob's Market, my kids almost always find someone they know."

(For your real estate needs, e-mail Jodi Summers at jodis@boardwalkrealty.com, or call (310) 309-4219).

SANTA MONICA RESIDENTIAL REAL ESTATE TRANSACTIONS

SOLD	446 19TH ST	SANTA MONICA	90402
Date Sold	SqFt: 1,717	List Price: \$1,595,000	Bed: 3
03/24/2004	Lot Size: 8,940	Sold Price: \$1,800,000	Bath: 2
SOLD	2512 4TH ST	SANTA MONICA	90405
Date Sold	SqFt: 709	List Price: \$575,000	Bed: 2
03/24/2004	Lot Size: 1,585	Sold Price: \$580,000	Bath: 1
SOLD	710 21ST PL	SANTA MONICA	90402
Date Sold	SqFt: N/A	List Price: \$3,050,000	Bed: 5
03/23/2004	Lot Size: 8,940	Sold Price: \$3,050,000	Bath: 3.5
SOLD	1314 ASHLAND AVE	SANTA MONICA	90405
Date Sold	SqFt: 2,332	List Price: \$1,428,000	Bed: 3
03/23/2004	Lot Size: 10,563	Sold Price: \$1,490,000	Bath: 3
SOLD	3216 17TH ST	SANTA MONICA	90405
Date Sold	SqFt: N/A	List Price: \$725,000	Bed: 2
03/27/2004	Lot Size: 6,300	Sold Price: \$775,000	Bath: 1
SOLD	610 12TH ST	SANTA MONICA	90402
Date Sold	SqFt: 1,939	List Price: \$1,499,000	Bed: 3
03/24/2004	Lot Size: 7,500	Sold Price: \$1,779,610 Pool Bath: 1.75	
SOLD	2308 CALIFORNIA AVE	SANTA MONICA	90403
Date Sold	SqFt: 1,230	List Price: \$925,000	Bed: 2
03/25/2004	Lot Size: 5,057	Sold Price: \$1,125,000	Bath: 2

SOLD	728 LINCOLN BL #B	SANTA MONICA	90402
Date Sold	SqFt: 569	List Price: \$359,000	Bed: 1
03/22/2004	HOD: \$200	Sold Price: \$432,000	Bath: 1
SOLD	2454 4TH ST #6	SANTA MONICA	90405
Date Sold	SqFt: 1,502	List Price: \$1,099,000	Bed: 2
03/23/2004	HOD: \$268	Sold Price: \$1,115,000	Bath: 2
SOLD	2909 ARIZONA AVE #3	SANTA MONICA	90404
Date Sold	SqFt: 1,301	List Price: \$549,000	Bed: 3
03/25/2004	HOD: \$250	Sold Price: \$552,000	Bath: 2.5
SOLD	701 OCEAN AVE #108	SANTA MONICA	90402
Date Sold	SqFt: 1,451	List Price: \$965,000	Bed: 2
03/25/2004	HOD: \$1,010	Sold Price: \$965,000 Pool Bath: 2	
SOLD	521 MONTANA AVE #315	SANTA MONICA	90403
Date Sold	SqFt: 1,470	List Price: \$579,000	Bed: 2
03/26/2004	HOD: \$287	Sold Price: \$715,000 Pool Bath: 2	
SOLD	823 17TH ST #10	SANTA MONICA	90403
Date Sold	SqFt: 1,526	List Price: \$799,000	Bed: 2
03/25/2004	HOD: \$350	Sold Price: \$955,000	Bath: 2.5
SOLD	829 14TH ST #4	SANTA MONICA	90403
Date Sold	SqFt: 2,097	List Price: \$899,000	Bed: 3
03/22/2004	HOD: \$328	Sold Price: \$890,000	Bath: 3.5

SOLD	846 21ST ST #2	SANTA MONICA	90403
Date Sold	SqFt: 1,760	List Price: \$835,000	Bed: 3
03/23/2004	HOD: \$300	Sold Price: \$912,000	Bath: 2.5
SOLD	1013 21ST ST #A	SANTA MONICA	90403
Date Sold	SqFt: N/A	List Price: \$689,000	Bed: 3
03/24/2004	HOD: \$250	Sold Price: \$760,000	Bath: 2.5
SOLD	1018 2ND ST #4	SANTA MONICA	90403
Date Sold	SqFt: 2,043	List Price: \$1,079,000	Bed: 3
03/23/2004	HOD: \$256	Sold Price: \$1,151,000	Bath: 2.5
SOLD	511 WASHINGTON AVE	SANTA MONICA	90403
Date Sold	SqFt: 1,492	List Price: \$659,000	Bed: 2
03/24/2004	HOD: \$350	Sold Price: \$750,000	Bath: 2.5
SOLD	1337 PRINCETON ST	SANTA MONICA	90404
Date Sold	SqFt: 2,378	List Price: \$901,000	#Units: 2
03/26/2004	Lot Size: 5,597	Sold Price: \$901,000	GRM: 18.31

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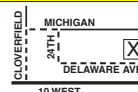


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REAL ESTATE



Tenants in common: A way to defer capital gains taxes



IN YOUR SPACE

By Christina S. Porter

Anyone who is involved in investment real estate today is aware of the challenge in finding an exchange property.

In 2002, the IRS issued a set of 15 guidelines under which investors looking for an exchange property can utilize the "Tenant in Common" ownership structure, which provides an additional avenue for deferring the payment of capital gains taxes when selling an investment property. Tenants in common is defined as a form of asset ownership in which two or more persons have an undivided interest in the asset, where the ownership shares are not required to be equal, and where ownership interests can be inherited.

There are many ways to become a tenant in common but there are two that I am most familiar. The first is by joining a group of investors who are interested in being tenants in common that are usually sponsored by a company with a good deal of experience in commercial real estate. This company/sponsor could also be known as a "Tenant In Common Investment Fund." A sponsor arranges to purchase a property, raising the funds from investors and borrowing any additional capital necessary to complete the purchase. This company also will deal with the management transaction and of course, charging a fee for the service.

Some of the advantages of a TIC owner-

ship interest are:

■ The ability of a small investor to become part owner of a much larger asset, many times of properties that only institutional buyers have access to.

■ Investment property owners whose properties have reached their full value or who are tired of managing their property can sell and diversify into different property types (become a tenant in common in more than one asset), collect the money and let someone else manage it.

■ Sponsors will generally be more "connected" than the small investor and very possibly have added sophistication in commercial real estate transactions with very detailed knowledge of the market place.

■ I am sure that all investment funds/sponsors operate differently but you might expect that they will develop a business plan for each property that will include an exit strategy. I think a few of the more significant advantages of this type of ownership in today's market, are:

1. It is a less stressful way to find a suitable replacement property.

2. Dealing with people who are experts in this business (be sure to check all references carefully).

3. Not being personally involved in the day-to-day management and in most cases maintaining the same, if not increasing, your previous cash flow.

Attempting to purchase a property under the pressure of 1031 exchange required restrictions could put an investor at a tremendous disadvantage. Dealing with a TIC Investment fund/sponsor removes some of that pressure. They will most likely

already have their eye on a property and have the ability to make a very clean deal, paying a much more reasonable price than a single investor might.

There are disadvantages to TIC ownership, most of which apply to single ownership as well. The one that stands out for me is the lack of liquidity. If you need to get your cash out you will have to find a buyer for your share of the property, or wait until it is sold. As of today there is no secondary market for TIC shares. As with any investment, you weigh your risks going in, and liquidity may or may not be an issue for you. One thing to note is that there is an ongoing debate as to whether a TIC is a real estate

transaction or a securities transaction. Some say that it's both. It's a real estate transaction because it's required that each investor owns title to a piece of real estate. It's a securities transaction because TICs fall into the Securities and Exchange Commission regulations decree that revenue pooling like that of a TIC constitutes a securities offering. Be sure to look into this aspect of the deal carefully.

(Christina S. Porter specializes in the leasing and selling of office and industrial buildings on the Westside of Los Angeles and beyond. You can contact her at cporter@naicapital.com.)

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2800 28th St	Office	3/29/2004	2,785	\$1.95-\$2.15/fs
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1813 Centinela Ave	Office	3/25/2004	2,700	\$1.85/nnn
2120 Colorado Ave	Office	3/29/2004	1,000	Negotiable *
1807 Wilshire Blvd	Office	3/26/2004	3,228	\$3.25/fs *
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NATIONAL

Lawmakers give first approval to gay marriage ban

BY JENNIFER PETER

Associated Press Writer

BOSTON — Gov. Mitt Romney wants the state's highest court to put gay marriages on hold now that the legislature has backed a proposed constitutional amendment to bar them. The state's Democratic attorney general is balking at making the request.

Legislators approved a constitutional amendment Monday that would ban gay marriages while legalizing civil unions. If passed a second time during the next Legislative session, the measure would go before voters in November 2006.

Under the November decision by the Supreme Judicial Court, gay marriages are scheduled to begin in Massachusetts on May 17.

Romney, a first-term Republican, has said that allowing the marriages to go forward in the interim would create massive legal confusion, for both the couples involved and the state.

"Given the conflict, I believe the Supreme Judicial Court should delay the imposition of its decision until the people have a chance to be heard," Romney said Monday.

Attorney General Tom Reilly, whose represents the state in court, said he would not seek to delay the May 17 deadline on Romney's behalf. Without court action, Monday's decision will not affect the deadline.

"It was very clear to me as attorney general that the majority of the Supreme Judicial Court have made up their minds," said Reilly, considered a possible Democratic candidate for governor in 2006. "Do I agree with their decision? No. Absolutely not. But that is the law of the state."

Romney communications director Eric Fehrstrom said that he hopes Reilly will reconsider after reading the governor's written legal arguments, which he is expected to deliver later Tuesday.

Gay-rights advocates felt little joy Monday in seeing a proposed amendment include civil-union rights. They'd already witnessed the state's highest court award full mar-

riage rights only to see lawmakers try to water it down.

"I believe many of them are going to feel very ashamed of what they've just done today," said Arline Isaacson, co-leader of the Massachusetts Gay and Lesbian Political Caucus.

"I believe many of them are going to feel very ashamed of what they've just done today."

— ARLINE ISAACSON

Massachusetts Gay and Lesbian Political Caucus

Conservatives also weren't quick to embrace the compromise amendment, calling it blackmail to force citizens to approve civil unions as part of a marriage ban.

"We are giving the people a false choice," said Rep. Vinny deMacedo, a Republican. "We're saying, 'No problem, you can vote to define marriage as between a man and a woman, but the only way you can do it is if you create civil unions that are entirely the same as marriage.'"

The constitutional convention took place in front of thousands of citizens, who crowded the Statehouse each day to watch from the gallery and protest in the hallways.

After each intonation of "Jesus" by gay rights oppo-

nents inside the building Monday, gay rights advocates tacked on "loves us." The two opposing sides then shouted "Jesus Christ!" and "equal rights!" simultaneously, blending into a single, indistinguishable chant.

The debate in Massachusetts has unfolded in the national spotlight, continuing to move forward as mayors across the country permitted unsanctioned gay weddings in their cities.

"This entire debate ... has occurred in the eye of a social and cultural and even spiritual storm," said House Speaker Thomas Finneran. "Massachusetts is hesitant about what the appropriate course of action might be. The nation seems to be similarly divided."

Monday's action shifted attention to the fall elections, when lawmakers will have to defend their votes on the contentious social issue and fend off attempts to change the makeup of the Legislature.

All 200 legislative seats are up for grabs in November, and the amendment was approved Monday with only four votes to spare. It now becomes critical for opponents of gay marriage to ensure the re-election of their allies this fall.

In Kentucky, lawmakers failed to pass a proposed constitutional amendment to ban same-sex marriages Monday, the last day that the General Assembly would ordinarily pass bills. Speaker Jody Richards said the bill might still get revived when lawmakers return in two weeks for a wrap-up session.

Unanimous Supreme Court decision allows border searches of car gas tanks

By The Associated Press

WASHINGTON — The Supreme Court ruled unanimously Tuesday that government agents can search and even dismantle a car's gas tank as part of drug and other smuggling interdiction at the nation's borders.

Border officers can randomly search gas tanks, despite the absence of specific indication that a particular car is suspect, the high court said. People crossing the border have less expectation of privacy than elsewhere, and searching the inner reaches of a car is not the same thing as a strip search or other intrusive search of the driver, Chief Justice William H.

Rehnquist wrote for the court.

"The government's interest in preventing the entry of unwanted persons and effects is at its zenith at the international border," Rehnquist wrote.

A federal appeals court in California had said that officers can visually inspect gas tanks, but not dismantle them unless they have reason to suspect wrongdoing.

Critics, including the White House, had argued that the lower court decision would make it easier to sneak weapons, drugs and even people into America. Lawyers on the other side argued that it's unconstitutionally intrusive and potentially hazardous for vehicles to be taken

apart at border stops.

The Supreme Court ruled in the case of Manuel Flores-Montano, whose station wagon was searched at the Otay Mesa Port in California in February 2002. After a mechanic removed the gas tank, officers found 37 kilograms of marijuana bricks.

The 9th U.S. Circuit Court of Appeals said that the government could not use the marijuana as evidence because the search was unconstitutional.

The Fourth Amendment protects people from unreasonable searches and seizures, but the Supreme Court has carved out numerous exceptions.

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NATIONAL □ INTERNATIONAL

Rice allowed to testify publicly to Sept. 11 commission

BY PETE YOST

Associated Press Writer

WASHINGTON — Bowing to pressure, the White House will allow National Security Adviser Condoleezza Rice to testify in public under oath before the commission investigating the Sept. 11 terrorist attacks. President Bush and Vice President Dick Cheney also agreed to speak with the full panel privately.

The administration said Tuesday it had won agreement from the commission that it would seek no further public testimony from White House officials and that Rice's appearance would not be viewed as a precedent.

The commission welcomed the decision in a statement which said, "We will work with the White House to schedule both sessions promptly."

Bush and Cheney have agreed to a single joint private session with all 10 commissioners, with one commission staff member present to take notes of the session, White House counsel Alberto Gonzales said in a letter to the panel. Previously, the administration was only offering private interviews of Bush and Cheney with just the commission chairman and vice chairman.

The decision to have Rice testify follows the publication of former White House counterterrorism chief Richard Clarke's book, in which he charges that

the Bush administration was slow to act against the threat of al-Qaida.

Commissioner Slade Gorton, a former Republican senator from Washington, said the Sept. 11 panel accepted the proposal in a meeting Tuesday morning, including the stipulation that it not call other White House officials because "we hadn't planned to."

"I think the White House would have been better off if it had made the agreements sooner, but I'm delighted," said Gorton. "I have felt all along that her public testimony would be good for the country."

Commissioner Bob Kerrey, a former Democratic senator from Nebraska, said the president and vice president will not be under oath in their meeting with the commission. Kerry said Rice's testimony will be critical in determining what the Bush administration could have done to prevent the attacks and that the White House "made the right decision."

Aboard Air Force One, White House spokesman Scott McClellan said Bush had decided over the weekend to pursue an arrangement with the commission for Rice's testimony "provided that we can uphold this important principle. It's important to protect the principle of separation of powers between the executive and legislative branch." The president was to make public remarks about the agreement later Tuesday.

The session with the president and vice

president would be without set time constraints, Gorton said. Originally, Bush and Cheney had wanted to restrict any meeting to one hour, although Bush relaxed that requirement earlier this month. Former President Bill Clinton and former Vice President Al Gore agreed last month to private meetings without restrictions. Regarding Rice, Gorton said a previous proposal to make public notes from her private meeting with the panel in February is now moot and won't be done.

Gonzales' letter conditioned the White House's decision on written assurances from the commission that such a step does not set a precedent and that the commission does not request "additional public testimony from any White House official, including Dr. Rice."

Subject to the conditions, the president will agree "to the commission's request for Dr. Rice to testify publicly regarding matters within the commission's statutory mandate," Gonzales' letter said.

"The president recognizes the truly unique and extraordinary circumstances underlying the commission's responsibility to prepare a detailed report on the facts," Gonzales added.

Sen. Charles Schumer, D-N.Y., said, "The administration's reversal shows that it was using executive privilege as an excuse to keep Dr. Rice from testifying. ... The dedication and bull's eye integrity of the commission has succeeded and

now hopefully we will be a lot closer to the truth."

"The Bush administration has finally come to its senses," said House Democratic Leader Nancy Pelosi of California.

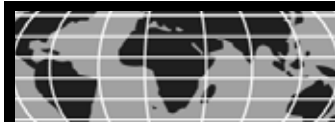
Republican leaders focused their praise on Bush. "We applaud the decision of the President to allow the National Security Adviser, Dr. Condoleezza Rice, to testify before the 9/11 Commission," House Speaker J. Dennis Hastert and Senate Majority Leader Bill Frist, both Republicans, said in a joint statement. "This is a unique event given the extraordinary nature of September 11, 2001."

Hastert and Frist added, "We do not believe Dr. Rice's testimony ... should be seen as setting any precedent, and it should not be cited as setting precedent for future requests for a National Security Adviser or any other White House official to testify before a legislative body."

On Sunday, Rice offered a rebuttal to criticism by Clarke that President Clinton "did something, and President Bush did nothing" before Sept. 11 and that both "deserve a failing grade."

Rice responded in televised news interviews. "I don't know what a sense of urgency _ any greater than the one that we had _ would have caused us to do differently," she said.

Clarke testified before the commission last week.



WORLD BRIEFLY

Masterpiece Theatre host dies

By The Associated Press

LONDON — Alistair Cooke, the broadcaster who epitomized highbrow television as host of "Masterpiece Theatre" and whose "Letter from America" was a radio fixture in Britain for 58 years, has died, the British Broadcasting Corp. said Tuesday. He was 95.

Cooke died at his home in New York at midnight, a spokeswoman at the BBC's press office said. No cause of death was given, but Cooke had retired earlier this month because of heart disease.

Cooke's family informed BBC reporter Nick Clarke of the death, the BBC spokeswoman said. Clarke has written a biography of Cooke.

"Letter from America," which was carried on the BBC World Service and on Radio 4 in Britain, started in 1946.

Born Alfred Cooke in Salford in northern England in 1908, he earned an honors degree in English from Cambridge University. In 1932 he came to the United States to study at Yale University, and he journeyed across the country by car.

Returning to England and, having changed his name to Alistair, Cooke joined the BBC in 1934 as a film critic. He has been the BBC commentator on American affairs since 1938.

Cooke published 12 books including "Alistair Cooke's America" (1973) which sold more than 800,000 copies in hard cover.

He was host of the "Omnibus" television program in the United States from 1952 to 1961, and presented "Masterpiece Theatre" on the PBS network from 1971 to 1992.

London nabs suspected terrorists

By The Associated Press

LONDON — Police arrested eight men Tuesday and seized half a ton of ammonium nitrate, a fertilizer that can be used to make bombs, in anti-terror raids in and near London, the capital's Metropolitan Police force said.

All the suspects were British and were arrested as part of an operation targeting alleged international terrorist activity, Deputy Assistant Commissioner Peter Clarke said.

He added that the operation was not connected to the Madrid train bombs earlier this month or Irish republican terrorism.

Clarke said 700 police officers took part in the early morning raids which targeted residences and business properties. The ammonium nitrate was recovered from a self-storage facility in west London.

Tyco jury sent back to deliberate

By The Associated Press

NEW YORK — Jurors in the Tyco trial were sent back to the deliberating room after the judge denied a request for a mistrial, calling such a move "inappropriate" after six months of testimony and after meeting with a panelist whose behavior has caused a furor.

Judge Michael Obus on Monday said he had spoken with the juror, a 79-year-old woman who had left the impression on some court watchers that she was holding out for acquittal. He determined she could continue to deliberate properly.

"It seems to me that it would be inappropriate to declare a mistrial when all 12 jurors, who have devoted six months of their lives to this trial, are prepared to continue," he said. The jury was to begin its ninth day of work on Tuesday.

The trial against former Tyco International chief L. Dennis Kozlowski and former chief financial officer Mark Swartz was thrown into turmoil last week when jurors told the judge that the atmosphere in the jury room had become "poisonous." A note to the judge said the source of the acrimony was a juror who "does not have an open mind" and had "stopped deliberating in a good faith."

The Tyco defendants are accused of stealing \$170 million in unauthorized compensation and taking another \$430 million by inflating the value of Tyco stock.

Bush appeals to Wisconsin voters

By The Associated Press

WASHINGTON — Dueling with Democratic rival John Kerry over the economy, President Bush is promoting lower taxes and free-trade policies in a state that has lost 80,000 manufacturing jobs since he took office.

Bush's trip to Appleton, Wis., on Tuesday was billed as an official visit but carried political overtones. Bush lost the state by fewer than 6,000 votes in 2000 and it is regarded as a battleground again this year.

Kerry holds a 46 percent to 43 percent lead over Bush in the state, according to a poll released Friday by the American Research Group. Independent candidate Ralph Nader was at 4 percent, with 7 percent undecided.

The trip was Bush's ninth to Wisconsin. The president had only one appearance, a speech at the Fox Cities Performing Arts Center, and was to be in Wisconsin a total of 90 minutes from landing to takeoff.

Mayor campaigns amidst allegations

By The Associated Press

MILWAUKEE — Acting Mayor Marvin Pratt enters the final week of campaigning before the general election with a legal headache: five civil counts alleging campaign finance irregularities.

"Mistakes were made and I accept responsibility," Pratt said. "I would ask voters to judge me on the issues that are really important to the citizenry of Milwaukee and those are jobs, unemployment, underemployment, crime, education."

Milwaukee County District Attorney Michael McCann accused Pratt of filing a false campaign finance report and failing to deposit personal campaign contributions in a campaign account.

Pratt admitted that he made careless mistakes, but denounced the investigation as politically motivated. He faces a forfeiture of \$2,500, which he said he will pay.

Former U.S. Rep. Tom Barrett, Pratt's mayoral opponent, said Monday he would move Milwaukee in a new direction. "Today's announcement by the district attorney leads to only one conclusion _ that Marvin Pratt has trouble managing money," Barrett said.

Pratt and Barrett, both Democrats, advanced in last month's primary to compete in the April 6 nonpartisan election.

COMICS

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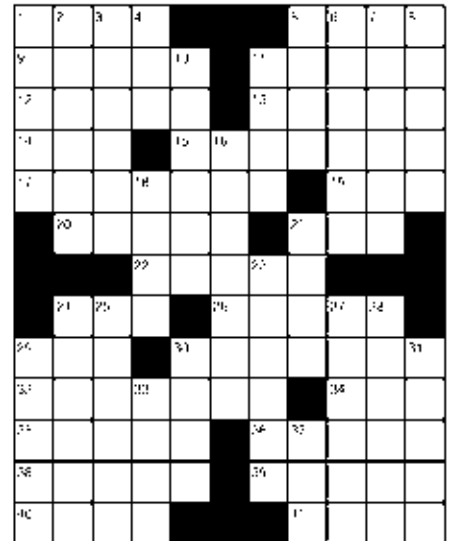
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 - "Vive —!"
 - Greene of "Bonanza"
 - Laughable
 - Debate side
 - Inclination
 - Born loser
 - High trains
 - New Hampshire city
 - Use a towel
 - Mix up
 - Convened
 - Unspoken
 - Fellow
 - Means
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 - Computer key abbr.
 - Saucer occupant
 - Rolling
 - Dustin Hoffman film
 - Stellar hunter
 - Actor Montand
 - Rational
- DOWN**
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 - Pullover jacket
 - Walked purposefully
 - Desk set item
 - Fix
 - Classroom item
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 - Losing plans
 - Send back
 - Chain part
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SANTA MONICA, pet ok, upper, balcony, crpt, lg closets, pool, laundry, m to m, \$893 www.westsiderentals.com

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Obituaries

LOIS ODLE, age 84, died on January 14 in Portland, Oregon. She was born in Pittsburgh on March 4, 1919. She received a B.A. in Music from Carnegie Mellon University when she was 19. Her husband Sydney Nashner died in 1955, and she raised her three children Marjorie, Lewis, and Robert. At the age of 50 she earned a Master's degree in Public Administration at UCLA and worked as a Human Relations Management Consultant. She was an accomplished concert pianist and performed at chamber music and other recitals in Los Angeles and Santa Monica, where she lived for 30 years with her partner Kark Kreuter. She leaves her three children, her sisters Sylvia Lilley and Jeanne Perlman, two grandchildren and two great-grandchildren.

Announcements

ALZHEIMER'S SUPPORT GROUP meeting. Last Wednesday of the month; at Sunrise Assisted Living, Pacific Palisades call (310)573-9545/Linda.

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**Your Total
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STK#432529
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Rebate \$3,000

*0% in lieu of rebate. Subject for approval thru Ford motor credit.

**Your Total
\$19,295***



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**Your Total
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STK#432306
Ford Explorer
Dealer Price . . \$23,995
Rebate \$3,000

**Your Total
\$29,995**



2004 ID#4F180718
STK#42376
Mustang Coupe
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Rebate \$3,000

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OEM tire price**

**10% OFF any body repair over \$2500
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**2-wheel alignment
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\$39.95**

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for only \$39.95**

Oil Change & Oil Filter Replacement, Lube Hinges, Latches & Applicable Chassis Parts, Silicone Protection of Window Weather Strips, Check Fluid Levels & Top Off to Factory Specifications, Inspect Cooling System, Hoses & Belts, Check Running Lights for Proper Operation, Check Suspension System, Inspect Exhaust System for Corrosion, Inspect & Rotate Tires, Adjust Pressures, Multi-Point Inspection Report Card

Must mention this ad at time of write up.
Excludes diesels & HD "E" & "F" series vehicles/OP code PMinor.
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