

FREE

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Santa Monica Daily Press

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Juvenile charged in Maran murder case

BY CAROLYN SACKARIASON

Daily Press Staff Writer

Charges were filed Tuesday against a 15-year-old Brentwood girl for her alleged role in the Nov. 17 murder of Santa Monica High School student Deanna Maran.

The girl, who will be tried as a juvenile, has been charged with one count of battery and one count of making a terrorist threat. The first charge is a misdemeanor that carries a maximum penalty of six months in jail. Making a terrorist threat is a felony and carries a maximum of three years in prison.

However, those penalties apply to criminal law for adults, not juveniles. The punishment likely will be less severe, said Los Angeles Deputy District Attorney Rebecca Noblin.

"Criminal law for adults is concerned with punishment and juvenile is interested in rehabilitation," she said.

She added that some courts are now recognizing that juveniles should be treated as adults in some cases if they are viewed as criminals before they become adults.

The girl, whose name is withheld because

she is a juvenile, will be arraigned on April 26 in Inglewood Juvenile Court.

"Criminal law for adults is concerned with punishment and juvenile is interested in rehabilitation."

— REBECCA NOBLIN

Los Angeles Deputy District Attorney

The 15-year-old allegedly held Maran down while her half-sister, 17-year-old Katrina Sarkissian allegedly attacked and stabbed her at a party where dozens of people looked on —

some of whom prevented anyone from rescuing Maran.

Sarkissian died of an overdose while in police custody on Nov. 18 — the day after the murder, the Los Angeles Coroner's Office ruled in

February.

Maran was stabbed with a knife after she found the 15-year-old girl breaking potted plants behind an upscale Westwood home where the

See MARAN, page 3

City Hall sues itself, loses

BY CAROLYN SACKARIASON

Daily Press Staff Writer

City Hall has lost a bizarre legal attempt to attack the wording of a voter initiative by suing itself.

But a judge shot down the suit, and the group that proposed the initiative said the city's attempt amounted to an extraordinary waste of legal fees.

Los Angeles County Superior Judge Yang has dismissed a lawsuit that attempts to thwart a voter-approved law that limits public officials from receiving gifts and contributions from companies that contract with the city.

Yang on Friday threw out the city of Santa Monica's suit against its own clerk, who refused to enforce Proposition LL, passed by Santa Monica voters in 2000, because she feels it's unconstitutional.

The suit, filed in June by the city against city clerk Maria Stewart, sought to clarify the legal validity of the measure, which blocks officials who award contracts more than \$25,000 from receiving campaign contributions, gifts or employment from the party to whom the benefit was awarded.

Stewart argued she could not enforce the

See SUIT, page 5

Environmentalists upset over city council's snub

BY ANDREW H. FIXMER

Daily Press Staff Writer

There won't be any official tree hugging happening in Santa Monica.

The eco-friendly Santa Monica City Council voted last week against endorsing an initiative designed to protect old-growth trees.

Only Mayor Mike Feinstein and Mayor Pro Tem Kevin McKeown, both Green Party activists, endorsed the "Save California's Remaining Ancient Trees" campaign, while the other four council members argued the cause

had little relevance in Santa Monica.

"I just don't think it has to do with city business," said Councilman Ken Genser. "Even though we could be concerned about an issue, it doesn't mean the city council needs to get involved in it."

The initiative, which is slated for the November 2002 ballot if the group can gather the needed 420,000 signatures by April 21, would prohibit logging of trees that were alive before 1850 — the year California became a state.

See TREES, page 3

Words of war in Westwood



Franklin Smith/Special to the Daily Press

Some 500 people carrying signs, flags and balloons demonstrate peacefully in favor of Israel on Tuesday, urging motorists passing the Federal Building in Westwood to honk their horns if they agreed.

Americans are rude people

BY MATT CRENSON

AP National Writer

NEW YORK — People say you're rude.

You walk around bleating into that cell phone as if you're the only person for blocks. You curse like Madonna on Letterman, your kids think the world is their personal playground, and you drive like a maniac.

That's what respondents to a national survey had to say about America's manners.

A full 79 percent of the 2,013 adults surveyed by telephone in January

See RUDENESS, page 8

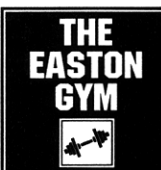
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The stars show the kind of day you'll have:

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

♈ ARIES (March 21-April 19)
★★★★ Come in to work ready to lead others. Unexpected developments toss you into the lime-light. You seem to have the right answer. Your ingenuity separates you from others. Your family pressures you; they, too, want your attention. Tonight: A must show.

♉ TAURUS (April 20-May 20)
★★★★ Do your homework, expecting many to question your facts and figures. If you're confident and know you've done a good job, you flow and are not defensive. Screen calls until you've completed as much work as possible. Tonight: Chitchat away.

♊ GEMINI (May 21-June 20)
★★★★ Pay attention to how another answers your questions. You might shake your head at the discrepancy between what you thought as opposed to what is. Keeping your feelings inside might not always be the best decision. Flow with an opportunity, especially a monetary one. Tonight: Go along with another's plans.

♋ CANCER (June 21-July 22)
★★★★ Others seek you out. Your popularity mounts because you're able to center on what you want. Financial matters could waver if you're not careful. Network and reach out for others. Your instincts, as usual, guide you when dealing with a boss or higher-up. Tonight: Where your friends are.

♌ LEO (July 23-Aug. 22)
★★★★ Dig in and expect a long day. Much drops on your plate because someone simply approves of your work style. Take the compliment for what it's worth, but don't let another get away with overworking you. Ask for that pay raise. Tonight: Sink into your favorite chair.

♍ VIRGO (Aug. 23-Sept. 22)
★★★★ Your mind could drift from the here-and-now to even more pleasurable topics. A meeting provides a special opportunity to relax and network. You might not be ready to share your news with everyone just yet. Tonight: Where the fun is.

♎ LIBRA (Sept. 23-Oct. 22)
★★★★ Deal with family matters directly. You might not be comfortable with another's demands. You continue to juggle work and pleasure. You might not be able to make a difference with an in-law or distant friend. Someone spouts his or her "brainy" ideas. Tonight: Home.

♏ SCORPIO (Oct. 23-Nov. 21)
★★★★ Speak your mind to others. You might want to consider the impact of a situation that revolves around a loved one or another that really cares about you. An associate helps you clear out your work or, perhaps, work involving taxes. Tonight: A midweek break.

♐ SAGITTARIUS (Nov. 22-Dec. 21)
★★★★ Deal with money matters head-on. You might have an idea that could use some testing before you implement it. Check in with another who might be more serious-minded than you. Co-workers support you in a key project. Tonight: Pay bills first and then decide.

♑ CAPRICORN (Dec. 22-Jan. 19)
★★★★ Your personality melts another's barriers. You might not decide to follow through on a capricious idea. Work demands your full attention right now. Worry less about what is occurring with friends and associates. Tonight: Make light.

♒ AQUARIUS (Jan. 20-Feb. 18)
★★★★ Let others lead. Meanwhile, close your door and finish up a project. Your vision of what needs to happen could be considerably different than that of your cohorts. As usual, do your thing and worry less about others. Tonight: Let a roommate dote on you.

♓ PISCES (Feb. 19-March 20)
★★★★ Your plate becomes full so quickly that you might not be able to make appropriate decisions. Consider a change of pace before you become tired or bored. Friends surround you. Why not have a personal lunch? Tonight: A meeting develops into more.

QUOTE of the DAY

“The future is much like the
present, only longer.”

— Don Quisenberry

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PUBLISHER Ross Furukawa ross@smdp.com EDITOR Carolyn Sackariason . . .sack@smdp.com STAFF WRITER Andrew H. Fixmer andy@smdp.com PRODUCTION MANAGER Del Pastrana del@smdp.com CLASSIFIED REPRESENTATIVE Angela Downen angela@smdp.com	SALES REPRESENTATIVE Steve Kenedy steve@smdp.com SALES REPRESENTATIVE William Pattnosh william@smdp.com CIRCULATION MANAGER Kiutzu Cruz kiutzu@smdp.com PUBLIC RELATIONS Jennifer (JT) Tate jt@smdp.com TEST SUBJECT Dave Danforth dave@smdp.com
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LOCAL



Witnesses say others are responsible in Maran murder

MARAN, from page 1

party was held. Maran told her to stop, but the girl began fighting with Maran.



Deanna Maran

Partygoers broke up the confrontation but another one ensued after Sarkissian and her friends showed up at the party.

But based on witnesses' accounts in the press, there were others involved in Maran's murder that have escaped justice and Los Angeles Police probing.

According to several teenagers who saw the fight escalate, Maran was allegedly jumped by Sarkissian, the 15-year-old and a Santa Monica High School senior who has since dropped out.

They allegedly pinned Maran down to the ground, beat her and stabbed her while older, college students prevented some of her friends from helping.

Sarkissian is believed to have been the one who stabbed Maran.

Maran's friends drove her to Santa Monica Hospital where she was pronounced dead at 12:15 a.m. on Nov. 18.

Sarkissian and the 15-year-old were arrested about 14 hours later. But after

collapsing while being questioned by police, Sarkissian was rushed to UCLA Medical Center and died at 5:26 p.m., police said.

Families of the accused could not be reached for comment.

Prosecutors and investigators have been gathering evidence against the 15-year-old for the past four months, which they say has been difficult because so many of the witnesses were chemically induced and are teenagers.

But Maran's mother, Harriet Maran, continues to seek justice.

For months, she has received information from teenagers at the party that suggests many more people are responsible for her 15-year-old daughter's death.

Harriet Maran wonders just how hard LAPD detectives tried to gather evidence if students who witnessed the murder are willing to publicly say that others helped kill her daughter.

She's concerned that not all of the information has gotten to the prosecutors by the detectives assigned to the case.

"Whatever they are fed is whatever they are fed," she said, adding she thinks the charges filed against the 15-year-old Brentwood girl are weak.

Harriet Maran and her husband, Ilja Maran, who live in the Ocean Park neighborhood, were just brought into the process a month ago.

The parents of the high achieving and popular sophomore have had little contact with LAPD detectives and prosecutors.

Harriet Maran has told the Daily Press in the past that she also is frustrated and disappointed that she hasn't been contacted by either the family of the girls who allegedly attacked and murdered her daughter or the owners of the house where the murder occurred.

Ancient tree group takes its fight throughout California

TREES, from page 1

City council members Pam O'Connor, Herb Katz, Bob Holbrook and Genser argued there weren't any 150-year-old trees in Santa Monica, or in Southern California. Councilman Richard Bloom was absent from the meeting.

But when it came time for a vote, Genser abstained.

During the council's debate over whether to endorse the initiative, Feinstein said the city council had unanimously endorsed a similar federal initiative in 2000 that would have protected all forests from logging — not just California.

"The contradiction, if not hypocrisy, of council members supporting the previous measure and their lack of support for this one should make anyone question their stated reasons and wonder about their real motivations behind their negative votes," Feinstein said.

McKeown, who introduced the initiative for consideration, said the council's lack of support for the environmental cause suggests a disconnect between Santa Monica voters and their elected council members.

"The argument that old-growth redwoods don't matter to Santa Monicans, because none grow here, takes a chainsaw to logic," McKeown said. "Residents have been clamoring for a local tree protection ordinance, and these ancient heritage trees are a resource for all Californians."

Genser said in other instances the city council endorsed environmental causes because they directly

affected the city or the way it does business. He cited a city council vote a few years ago that forbids the city from using paper products made from the wood pulp of old-growth trees because "that directly affected how we did business."

"I just don't think it has to do with city business. Even though we could be concerned about an issue, it doesn't mean the city council needs to get involved in it."

— KEN GENSER
Santa Monica City Councilman

"I urge people to support this issue personally," Genser said. "There's a lot of good causes in the world, but the city council can't support them all."

Environmentalists argue the majority of the state's population lives in the region and to win a statewide ballot measure they need the support of Los Angeles-area voters.

"In order to pass this initiative a majority of the voters have to support it, and the vast majority of the population

lives in the southern part of the state," said Susan Moloney, the initiative's spokeswoman. "And just because (the trees) are not very, very close doesn't mean we can't enjoy them and it doesn't mean that we all have the opportunity to protect the fate of those trees."

Moloney said her group is appearing before boards, commissions and councils that are sympathetic to environmental issues, like Santa Monica. In the coming weeks, they will appear before councils in Hawthorne and Santa Cruz.

"Quite frankly, (Santa Monica) has a reputation for being an environmentally friendly city," said Moloney. "It goes without question that we thought they would support something like this."

Moloney compared the situation to a coal factory opening up near the border of Santa Monica, threatening to pollute its air and damage its quality of life. Then, she said, city council members would surely react.

"So while these ancient forests are not really close," she said, "the benefits are there."

Now the group is taking the fight to the streets, asking concerned residents to pick up petitions at Patagonia and at the local Green Party headquarters. Many environmental groups have endorsed the initiative and will help with petition efforts in Santa Monica.

"Because we're doing it all volunteer right now, people have to take the initiative to do something on their own," Moloney said. "Hopefully, we'll be able to afford to pay people real soon to get out there."

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OPINION

Historic district opposer strikes back

Barbara Schnitzler's guest commentary on historical districts, although undoubtedly sincere, entirely misses the point (Daily Press, April 2, 2002). It is no secret that as a 27-year resident of Santa Monica and owner of a home listed in the city's historic resources inventory as a potential structure of merit, I have concerns about the city's landmarks ordinance. However, those concerns are not generated by any of the strawman arguments contained in Ms. Schnitzler's column.

The fundamental issue is one of the freedom of homeowners to determine for themselves, subject to generally applicable zoning laws, the nature of the home which they find suitable for their families. We all live in a society which imposes general development restrictions dealing with issues such as height, lot coverage and setbacks. But within those broad parameters, we assume that we will have the right to design, build or remodel our homes as we see fit. The landmarks ordinance substantially curtails that right because it gives power to an unelected body to determine, on a very microscopic level, whether we will be allowed to make those decisions for ourselves.

The essence of the landmarks ordinance is that a homeowner must be subject to detailed, time-consuming and expensive regulations with respect to the design of his or her home because others want it left substantially the way it is or at least want to decide how it can be changed. It's absolutely remarkable to me that this loss of liberty isn't immediately obvious and objectionable to everyone. Can anyone imagine telling Samuel or John Adams, Thomas Jefferson or James Madison that they were creating a country in which a homeowner could be prevented from building a new home in order to maintain an outdoor museum?

Ms. Schnitzler argues that historic structures are eligible to receive property tax discounts of up to 50 percent and that these discounts can be passed on to new buyers. This is a common, but entirely misleading, statement. Historic properties are taxed based upon their potential net income as rentals rather than upon sale prices. Therefore, if, like me, you have owned your home for many years, there will be no tax reduction for you. The fact that you can pass the benefits on to a buyer are of little comfort if all you want to do is remodel rather than sell. It seems odd to trumpet the merits of a "benefit" which you can achieve

only when you leave Santa Monica.

Even this argument entirely misses the point. If there are real benefits available from historic designations, the owners should be made aware of them and be able to determine for themselves whether those benefits are sufficient to justify subjecting their properties to the landmarks commission. To attempt to justify the law based upon the supposed existence of benefits is yet another example of the government attempting to decide what is good for you rather than letting you make that decision.

Ms. Schnitzler also contends that property values increase rather than decrease in historic districts. If this is true, it is probably because most historic districts are created in older areas where homes have not been kept up and property values are declining. This is certainly not the case in any part of Santa Monica. Again, however, if the creation of such districts benefit property values, that is another argument which can be used to convince owners of appropriate properties to allow their homes to be so designated; it is not an argument in support of mandatory designation.

Ms. Schnitzler argues that the commission has no jurisdiction over interior improvements. While I believe that the commission is not interested in improvements which do not affect the exterior, the section she cites is precisely opposite to her point. Section 9.36.140 of the zoning code deals with situations in which the commission can issue a "certificate of appropriateness" for alterations to a landmark or a home in an historic district. Because the owner cannot obtain a permit for any alteration to such a home without commission approval, the commission obviously has jurisdiction over the proposed alteration; otherwise, why would the owner have to seek the approval? To say that the commission will grant the approval is quite a different statement than to say that no such approval is needed.

The problem with the manner in which the ordinance operates is illustrated by the commission's recent denial of an application for a certificate of appropriateness by a homeowner in one of the existing historic districts to add a garage underneath the current home. Attending that hearing led to two important conclusions.

First, there were owners in the district who supported the application and others

who opposed it and, like most city bodies, expressions of opinion by neighbors was quite important to the commission. What this leads to, and what was evident to me at the hearing, is that neighbors use this application as a forum to vent old grudges and raise irrelevant issues.

Second, the commission, at least in part, denied the application based on considerations which are not found in any part of the ordinance; in this case issues relating to parking and the "cultural history" of shared driveways. For those of us who might wish to believe Ms. Schnitzler's analysis of the law, it is frightening to watch a homeowner's plans go down the drain due to difficult neighbors and commissioners willing to base their decisions on irrelevant issues.

Ms. Schnitzler points out that before properties can be landmarked or historic districts can be created, there are a number of public hearings giving owners an opportunity to be heard. However, anyone who has watched the commission recently ignore the wishes of owners both north of Montana and in Sunset Park will agree that they would feel much more protected if the law required their approval.

Finally, Ms. Schnitzler gets to what I think is the heart of the issue. She states that many Santa Monica residents have been concerned "about the rapid pace of demolition of older homes" resulting in "mansion-

ization" and the loss of "neighborhood character." No doubt there are people with such feelings, particularly those who already live in large and recently remodeled homes.

Recently, the council adopted the "monster mansion" ordinance to deal with the scale of homes being built north of Montana and we may see such an ordinance created for Sunset Park as well somewhere in the future. While I support the imposition of generally applicable controls to keep new houses from overwhelming neighboring homes (and, in fact, supported the first such ordinance when I was on the planning commission almost 20 years ago), it is duplicitous to use the landmarks ordinance to attempt to further impair the property rights of homeowners.

I believe that people should be able to design and build their homes in a manner which suits them rather than in a manner decreed by others so long as they abide by generally applicable and reasonable development standards. I do not believe the government or my neighbors have the right to interfere with this very personal decision.

For this reason, I support the Homeowners Freedom of Choice Initiative which will allow for historic preservation on a voluntary basis rather than by government fiat. If the government response is that preservation will not occur unless it is mandatory, my point is more than proven.

(Tom Larmore is a property owner north of Montana and a property rights attorney.)

Guest Commentary

By Tom Larmore

LETTERS

I got the joke

Editor:

I get your April Fool's joke, I think. It was the ad on page 6 for Chicago Ribs offering 2-for-1 good until "3/31/02."

Right?

Hank Rosenfeld
Ocean Park

P.S. April Fools!! Just kidding, I loved the issue, congratulations on fooling everybody I met and showed it to along Main Street today!

Seeing is believing

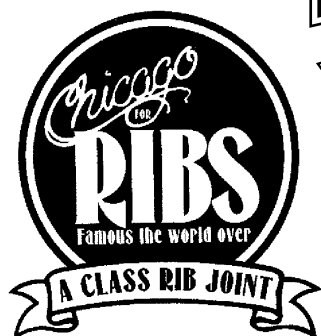
Editor:

For a moment, I thought about rushing into the pier to see the wheel in the ocean, only to realize, it was April Fool's day. What a great issue!

Please keep your voice up in little Santa Monica.

Kaz Matsune
Santa Monica

Opinions expressed are those of the writer and do not necessarily reflect those of the Santa Monica Daily Press staff. Guest editorials from residents are encouraged, as are letters to the editor.



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LOCAL



City Hall hires law firms to argue its suit against itself

SUIT, from page 1

initiative because it violates state and federal rights of free speech and free association. Hers is an argument routinely used against campaign finance laws. Some also argue that such measures are vague and unfairly restrict elected officials' rights.

Stewart's defense rested on the argument that it's unfair to limit only those who vote in favor of a contract when an official could also benefit from denying one, a notion that isn't considered in the voter-approved law.

Sources said the city felt that the measure was so poorly written that it needed clarification, and it hoped Yang would provide some.

Instead, Yang's decision means the city will have to enforce the measure, which was originally introduced by the Oaks Project, a Santa Monica-based organizing branch of the Foundation for Taxpayer and Consumer Rights.

The Oaks Project intervened in the case, challenging the city's position as plaintiff and defendant. It argued that there was no real controversy between them.

Judge Yang agreed. Because she dismissed the case on procedural grounds, she skirted the question of whether the measure is valid. Yang ruled that the city had no legal grounds to sue, because it didn't stand to sustain "direct or threatened injury." Neither the city nor its clerk had a legal basis to sue, Yang noted.

The city and Stewart hired separate, outside law firms to represent both sides because the city attorney's office couldn't represent either of them.

It's unknown how much lawyers have billed both city entities in the case.

However, Oaks Project Director Carmen Balber said her organization will seek damages to ensure that taxpayers don't foot the bill on an attempt by "the city council to avoid taking the preventive medicine prescribed by the people of

Santa Monica."

"The city proceeded to spend money in the prosecution and defense to thwart this initiative," she said. "Someone other than the taxpayer should be on the hook for this."

"It's a joke of a case and quite frankly, completely beyond us," she added. "The posture of the city's case was so outrageous."

David Pettit, the attorney representing the city, said the council would have supported the measure with a few changes that addressed First Amendment rights.

The city wanted to know to what extent the Santa Monica measure would inhibit free speech based on Stewart's arguments, he added.

"Maria Stewart took the view that she wasn't going to enforce it because it was unconstitutional," Pettit said. "I really don't have a problem with a staff person standing up on their own beliefs. We recognized the obligation by the city to enforce the initiative but we wanted clarification."

Voters in Claremont, Pasadena and San Francisco passed similar measures promoted by the Oaks Project but only San Francisco is currently enforcing it. Claremont and Pasadena tried to kill the laws but were denied last fall, according to the Oaks Project.

It is unclear whether the city will appeal Yang's decision and when the law will take effect.

Oaks Project volunteer Susanne Griffin is relieved by Yang's decision because she knows that her efforts are not in vain.

"We can be thankful that Judge Yang saw through Santa Monica's attempt to nullify a tough reform law and the foolish waste of taxpayer dollars," she said. "It is now time to pick up the pieces of voters' shattered confidence and implement the good government measure embraced by 59 percent of Santa Monica voters."

Judge Yang nominated by Bush for U.S. Attorney post

By staff and wire reports

LOS ANGELES — Former federal prosecutor and Santa Monica Superior Court Judge Debra W. Yang has been nominated by President Bush to become the U.S. Attorney in Los Angeles.

If confirmed by the Senate, she would become the first Asian American to hold the seven-county post — the largest federal prosecutor's office outside Washington, D.C.

"I'm anxious to get into the office and begin assessing what its current needs are, and what changes need to be put into place," said Yang.

While the prosecutor's offices' headquarters are in Los Angeles, there are branches in Santa Anna and Riverside. The U.S. Attorney's office prosecutes federal crimes in Los Angeles, Orange, Riverside, San Bernardino, San Louis Obispo, Santa Barbara and Ventura Counties, as well as represents the Justice Department in civil lawsuits.

Yang, 42, would replace former U.S. Attorney Alejandro Mayorkas, a Democrat, who stepped down last April

after almost all the 92 U.S. attorneys in the country were replaced by the new Republican administration.

The office has been headed on an interim basis by John S. Gordon, a career prosecutor.

Yang, a Los Angeles native, was recommended for the job by the White House counsel's office. She graduated from Boston College Law School in 1985 and then practiced civil law for three years.

Yang moved onto to a clerk position for U.S. District Judge S.W. Lew before joining the U.S. Attorney's office in 1990.

She was appointed to the Los Angeles Municipal Court in 1997 by then-Gov. Pete Wilson. The county's court system was unified in 2000, and she became a Superior Court judge.

The Senate Judiciary Committee has not scheduled a vote on Yang's nomination. A spokeswoman said the committee is awaiting documents from the White House, but no opposition against her nomination is expected.

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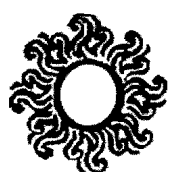
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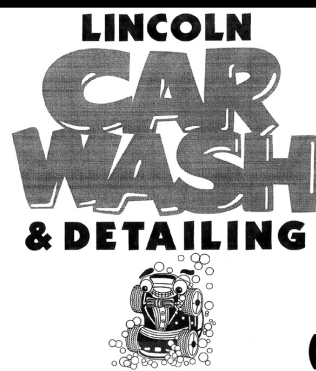
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STATE

Movie studios join to promote digital cinema

BY GARY GENTILE
AP Business Writer

LOS ANGELES — The seven major movie studios are forming a joint venture to establish technical standards for the development of digital cinema.

The goal of the new company will be to agree on a set of open technical standards so that competing digital projectors, software and distribution systems will be able to operate using the same language.

The unstated goal of the venture is to avoid the mistakes made when digital sound was introduced to movie theaters in the 1990s. Without common standards, theaters spent millions of dollars equipping auditoriums to show films using each of the three major sound technologies.

"Digital sound was a problem," said Rick King, a spokesman for AMC Entertainment Inc., one of the largest theater chains. "It took some time and money to get all those problems resolved. The differences in time and money on digital projection will be exponential, compared to that."

To avoid those problems, the new joint venture hopes to establish minimum standards for picture quality as well as decide the thorny issue of protecting the studios' films from piracy.

When digital cinema becomes widely available, studios will replace bulky and expensive prints of movies with digital copies that can be beamed by satellite or over high-speed Internet lines directly to theaters or delivered on computer disks.

One of the main stumbling blocks to the studios embracing digital projection, other than the enormous cost, is the fear of pirates breaking the security systems and distributing perfect digital copies of first-run films.

"In the same way that 35 mm film now works in all the projectors, we'd like to make sure the same content, authored once, can play on all the equipment, no matter who the vendor is," said Robert Lambert, senior vice president for new technology and development at The Walt Disney Co., one of the investors in the new joint venture.

**"We're still proponents
of the digital evolution.
We're just unable to
predict when widespread
distribution of digital
feature film might happen."**

— RICK KING
AMC Entertainment Inc. spokesman

The new venture will not decide who will pay for the digital projectors, which, along with computer hardware and software, can cost as much as \$200,000 for each movie screen. Theater chains, many of which are just emerging from bankruptcy protection after years of overbuilding, are reluctant to finance the shift to digital, which is seen as mainly benefiting the studios by cutting the cost of making and distributing prints.

About 50 theaters worldwide are equipped with digital projectors.

"There are just a lot of balls in the air, a lot of pieces in this digital equation," King said. "We're still proponents of the digital evolution. We're just unable to predict when widespread distribution of digital feature film might happen."

Many rape, murder cases missing biological evidence

BY PAUL WILBORN
Associated Press Writer

LOS ANGELES — Biological evidence gathered in as many as 6,000 unsolved rape and murder cases is missing and presumably destroyed, according to a county forensic specialist.

"We should not be destroying evidence in unsolved sexual assaults and homicides," said Lisa Kahn, the deputy district attorney in charge of the forensic science section. "Every one of these cases we can't solve now means a violent perpetrator remains on the street."

The missing evidence involves cases investigated by the Los Angeles Police Department and the Los Angeles County Sheriff's Department. The cases were not under active investigation but fell within the statute of limitations for sexual assaults.

Homicide cases have no statute of limitations.

Using a state grant, prosecutors had planned to extract DNA from the samples and put that information into a database. When the DNA of a new suspect is tested, it would be compared to the database in hopes of finding a match with an old case.

Kahn believes the missing evidence

could have helped catch some rapists and killers. However, she did not speculate on how many.

**"We should not be
destroying evidence in
unsolved sexual assaults
and homicides."**

— LISA KAHN
Deputy district attorney

"But there is a chance we could solve those cases today," she said.

The DNA matching is being done under the California Cold Hit grant program.

Los Angeles police officials did not immediately comment on the findings. But Detective Rick Jackson told KCBS2 News the evidence should not have been destroyed. However, that sometimes happens due to a limited amount of storage space.

"We will look into that," Jackson said.

Sheriff's officials were not immediately available for comment.

NATIONAL



On trial



Douglas Healey/Associated Press

Michael Skakel, center, arrives with unidentified lawyers at court in Norwalk, Conn., on Tuesday for the opening day of jury selection in his murder trial. Skakel, a nephew of Ethel Kennedy, is charged with the 1975 murder of Martha Moxley, his neighbor in Greenwich, Conn. Both were 15 at the time of the murder.

IRS sees obesity as disease; qualifies for tax deduction

BY CURT ANDERSON
AP Tax Writer

WASHINGTON — Overweight Americans now have a new pocketbook reason to shed some pounds. Recognizing obesity as a disease, the IRS says it will begin allowing taxpayers to claim weight loss expenses as a medical deduction.

"It really opens the gate for everybody to be at a healthier weight. America really needs to wake up," said Linda Webb Carilli, a spokeswoman for Weight Watchers International Inc.

Apart from the tax break, the Internal Revenue Service ruling could pave the way for insurance companies and such government programs as Medicare to offer coverage for obesity treatment, experts say. Now, it is usually considered a symptom or precursor to some other disease.

"It legitimizes an important area that's been on the fringe," said Morgan Downey, executive director of the non-profit American Obesity Association.

Taxpayers have been able to deduct the costs of weight loss programs as a medical expense since 2000 only if they were recommended by a doctor to treat a specific disease. Obesity itself was not recognized by the IRS as an ailment that qualified for the weight loss expense deduction.

Tuesday's ruling qualifies obesity itself as a disease.

"It's going to help a lot of people," Downey said. "Most of the services are not covered by insurance and they can be fairly expensive."

There is mounting evidence that obesity takes a huge toll on the nation's health. In 1998, the National Institutes of Health estimated that 97 million adult Americans were overweight or obese; the Obesity Association estimates that 300,000 unnecessary deaths a year can be attributed to the disease.

Obesity is defined by the federal government as excessive mass for a given

person's height. Some examples: a 5-foot-5 person is considered obese at 180 pounds; for a 6-foot person, 221 pounds is listed as obese.

Obese people are at heightened risk of high blood pressure, diabetes, heart disease, stroke, several types of cancer and gall bladder disease. A social stigma also is frequently attached to being extremely overweight, the Obesity Association noted.

The IRS ruling cited this growing body of research, including a recent World Health Organization finding, for why it now believes "obesity is medically accepted to be a disease in its own right."

To take the deduction, a taxpayer will have to participate in a weight-loss program for medically valid reasons. Simply joining a gym or a weight control program to "improve the taxpayer's appearance, general health and sense of well-being" and not under a physician's guidance will not qualify, the IRS said.

Also not deductible are diet foods, even if they are an integral part of the weight loss plan. The IRS reasons that people have to pay for their food whether or not they are trying to lose weight.

The deduction comes in the area of medical expenses, which must in total exceed 7.5 percent of adjusted gross income and can only be taken by taxpayers who itemize their deductions.

The ruling applies not only to 2001 income tax returns — which are due April 15 in most of the country — but as far back as 1998. Taxpayers who want to take a deduction for past expenses need only file an amended return for the tax year in question.

The IRS has included smoking cessation programs as deductible medical expenses, as well as treatment and other costs related to alcoholism. IRS Publication 502 has the details on the medical deduction.

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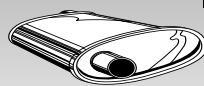
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NATIONAL

Drug bust nets a ton of cocaine; captain dies

By The Associated Press

TAMPA, Fla. — The captain of a ship found to be carrying a ton of cocaine jumped overboard while handcuffed and drowned, federal authorities say.

Last month's bust was part of "Operation Panama Express," an investigation of drug smuggling in the Eastern Pacific and Caribbean. More than 185 people have been arrested and 120 tons of cocaine seized.

Authorities said a Coast Guard team was aboard a Dutch warship on March 23 when a military aircraft spotted the 187-foot freighter Liv off Aruba in the southern Caribbean.

During the seizure, the captain of the Liv, Kelly Nikinor Diosio Ceballos, jumped over the side of the ship. He was pulled from the water within five minutes, but could not be revived, U.S. attorney's officials said Monday.

Nine others aboard the Liv were brought to Tampa to face charges of conspiracy and possession with intent to distribute cocaine. They come from Ecuador, Guyana, Jamaica, Peru, Panama and Colombia.

Americans admit they are rude individuals

RUDENESS, from page 1

by the research group Public Agenda said a lack of respect and courtesy in American society is a serious problem. Sixty-one percent believe things have gotten worse in recent years.

"You really do see the majority of Americans pretty anxious about these issues," said Jean Johnson, director of programs at Public Agenda, a New York-based nonprofit organization. "People do think this is an area of the society that they would like to see some improvement on."

Poor customer service has become so rampant that nearly half of those surveyed said they have walked out of a store in the past year because of it. Half said they often see people talking on cellular telephones in a loud or annoying manner. And six drivers in 10 said they regularly see other people driving aggressively or recklessly.

Many people admitted to rude behavior themselves. More than a third said they use foul language in public. About the same percentage confessed to occasional bad driving.

However, at least half of those surveyed said they think things have gotten better when it comes to the treatment of blacks, the physically handicapped and gays.

The results were remarkably consistent geographically, with little difference in rudeness awareness between the heartland and the coasts. Opinion on only one issue — the use of foul language — split significantly among regions of the country. While three out of four Southerners said it is always wrong to take God's name in vain, half of those surveyed from the Northeast said that there is nothing wrong with it or that it falls somewhere between right and wrong.

The survey had a margin of sampling error of plus or minus 2 percentage points.

The researchers followed up their telephone survey with focus groups held in Cleveland; Fort Lauderdale, Fla.; St. Louis; Frisco, Texas; Danbury, Conn.;

Fort Lee, N.J.; and Berkeley, Calif.

In those discussions, some people blamed overcrowding in malls, stadiums and other public places. Others said Americans' increasingly busy lives are making them ruder. And one woman in Texas blamed The King.

"It was shocking when Elvis was shaking his hips up there, but now we see whole naked bodies," she said. "It started with Elvis, and that was a little overboard, but that was the beginning of what we have today."

"People do think this is an area of the society that they would like to see some improvement on."

— JEAN JOHNSON
Public Agenda, director of programs

Harvard University professor Robert D. Putnam said the rudeness epidemic is a symptom of growing social isolation. In his 1999 book "Bowling Alone," Putnam argued that television, automobiles, suburbanization and other forces have led to the decline of community organizations that once held Americans together.

"That's causally linked to all sorts of other bad things, like schools not working as well," Putnam said. "Lots of things are connected to this collapse of social connectedness."

People surveyed by Public Agenda had few solutions. Thirty-six percent said that when confronted with rude behavior, the right thing is to respond with excessive politeness. Twenty percent said it is best to point out the bad behavior. But 42 percent said the best thing to do is just walk away.

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INTERNATIONAL



Israel seizes control of Bethlehem, West Bank town

Palestinian gunmen take shelter in birthplace of Jesus

BY LAURA KING
AP Special Correspondent

RAMALLAH, West Bank — Israel seized control of Bethlehem and another West Bank town Tuesday in a day of wild fighting that left at least 13 Palestinians dead.

Palestinian gunmen forced their way into the Church of the Nativity, where tradition says Jesus was born, and Israeli tanks and helicopters pounded the headquarters of a Palestinian security chief.

Amid what has become the fiercest Israeli offensive in 18 months of conflict, Palestinian leader Yasser Arafat angrily rejected an Israeli offer to free him from confinement in his compound in the West Bank town of Ramallah — provided he goes into exile. Arafat spent a fifth straight day pinned down by Israeli troops and tanks, his compound now ringed by barbed wire.

Israeli troops pressed ahead with house-to-house searches for Palestinian militants and weapons as part of what Israel calls "Operation Protective Wall" — aimed at halting terror attacks targeting Israelis.

In the seventh such attack in as many days, a Palestinian man blew himself up Tuesday night when security forces stopped him at a checkpoint in Baka al-Sharkeyeh, a Palestinian village along the line between Israel and the West Bank. The man detonated explosives strapped around his body, killing himself but not injuring others, the military said.

In a dramatic gesture that underscored hardships caused by the Israeli incursion, Palestinians buried 15 of their dead in a hospital parking lot in Ramallah. Families of the dead had been unable to claim the bodies, which were decomposing in a hospital morgue because power cuts made refrigeration impossible. Relatives wailed and gunfire from fighting echoed as the bodies were placed in common graves carved out by a bulldozer — one for 13 men, one for two women.

Ramallah residents, though, got a respite of a few hours from a curfew that has been in effect since Israeli tanks and troops moved in on Friday. People poured into the shops, lugging away canisters of cooking oil and plastic bags bulging with pita bread. Canned goods were popular, as many people have no electricity and perishable food has been rotting in refrigerators.

By nightfall, most of the about 400 Palestinians trapped in the compound of West Bank security chief Jibril Rajoub near Ramallah had surrendered to Israeli troops, in a deal brokered by U.S. and European officials. About eight men remained inside. The sprawling compound was battered by the Israeli onslaught, with gaping holes punched in rooftops and building facades by shell-fire and rockets.

Holy places were not immune from violence that raged the length and breadth of the West Bank. Dozens of armed Palestinians were holed up inside the Church of the Nativity in Bethlehem, which is built over the grotto where tradition says Jesus was born. About 20 of the gunmen were wounded and being tended to by nuns, according to witnesses trapped in the church compound.

The armed men, some of them Palestinian policemen, forced their way into the church after running battles with Israeli troops firing from helicopter gunships and from tank-mounted machine guns. At nightfall, the bodies of four gunmen lay sprawled just off Manger Square, where the church is located.

As the fighting intensified, Prime Minister Ariel Sharon proposed publicly for the first time that diplomats fly Arafat into exile. Sharon noted such a move would require Cabinet approval, but the Palestinians rejected the offer out of hand.

The Palestinian leader denounced the suggestion, saying he would rather be a "martyr" than go into exile.

Battles have been raging almost around the clock. Tanks rolled into the West Bank towns of Tulkarem and Bethlehem before dawn, and the assault on the headquarters of Rajoub, in the West Bank village of Beitunia, also came in the pre-dawn hours.

Israeli Foreign Minister Shimon Peres said the offensive would last three to four weeks, the first senior Israeli official to give a time frame. However, Sharon has said the campaign was open-ended.



Associated Press

Palestinian leader Yasser Arafat is surrounded by his bodyguards at his office in the West Bank town of Ramallah on Tuesday. Israeli Prime Minister Ariel Sharon said Tuesday he has proposed that European Union envoy Miguel Moratinos or other diplomats fly Arafat into exile, raising the idea in public for the first time. Arafat has been in Israeli confinement in an office in his headquarters in the West Bank town of Ramallah since Friday.

In Washington, Secretary of State Colin Powell said Israel should end the campaign quickly, but suggested the United States would not insist on an immediate Israeli withdrawal.

Powell also spoke to Jordanian Prime Minister Ali Abul-Ragheb, who told him that Israeli aggression was threatening the stability of the region, the Petra news agency said.

The State Department, citing a "deteriorating security situation," warned Americans to defer travel to Israel, the West Bank and Gaza and said dependents of American diplomats in Jerusalem were being encouraged to go home. Similar warnings to Americans to stay away from Israel were issued in December and January. Americans living in Jerusalem, the West Bank and in Gaza were advised to consider relocating.

Mass roundups of Palestinian men ranging from their mid-teens to their mid-40s continued Tuesday — a tactic denounced by Palestinians as collective punishment, but defended by Israel as a legitimate means of hunting down wanted men. About 700 suspects have been rounded up since Friday in Ramallah, according to the army spokesman, Brig. Gen. Ron Kitrey.

Palestinian civilians have mainly tried to stay out of

harm's way by huddling inside their homes, and the streets proved deadly dangerous again Tuesday. A 56-year-old Palestinian woman was fatally shot on her way home from Ramallah Hospital, apparently by an Israeli sniper, doctors said. She had gone to the hospital to have a plaster cast removed from her leg, they said.

Lately, each day of fighting has brought another first. The forces of Rajoub, who formerly had close links to U.S. intelligence, had not previously come under Israeli attack. Until now, the fighting had not spilled over into the Church of the Nativity, one of Christianity's holiest shrines.

There was also a heavy exchange of fire outside the Santa Maria Convent in Bethlehem run by the Salesians, a Roman Catholic order. Near the convent, 64-year-old Samieh Abdeh and her 38-year-old son Khaled were wounded by Israeli fire at their home, Abdeh's son Sami said. Israeli troops prevented ambulances from reaching the home, and the two bled to death, Sami Abdeh said.

Also Tuesday, two Israelis died of wounds sustained in last week's suicide bombing during a Passover banquet in an Israeli hotel. That brought the total number of victims to 24, making it the deadliest Palestinian attack in 18 months of fighting.

Turkish court arraigns five after seizure of base morphine

By The Associated Press

ISTANBUL, Turkey — Seven suspects, including one Iranian, have been arraigned in Turkey in connection with the seizure of an estimated \$29 million worth of unrefined morphine from Afghanistan.

Some 7.5 tons of crude morphine, an opium extract used to produce heroin, were confiscated over the weekend in a raid on carpenter's studio in a village in the northwestern province of Sakarya.

Police said the amount was the largest seized in a single raid anywhere in the world, a claim that could not immediately be confirmed.

By Tuesday an Iranian and six Turks had been arraigned in Istanbul on smuggling charges stemming from the drug haul, a Turkish news agency reported. Another suspect was released on bail and four others detained in the operation were set free, the Anatolia agency said.

The drugs were found hidden in packets of macaroni and salami, said Maj. Gen. Abdulkadir Yilmaz of the paramilitary police. He said the drug originated in Afghanistan and entered Turkey via Iran, adding that it was destined for U.S. and European markets.

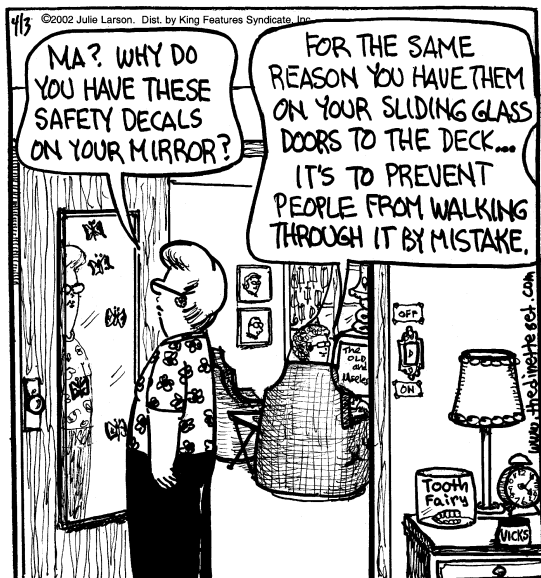
The raid was part of a wider operation that included searches at dozens of houses and offices in Sakarya, Istanbul and other northwestern provinces, police said.

Turkey is a transit point for drugs on their way from Asia and the Middle East to Europe, and Afghanistan became the world's leading source of opium in the early 1990s.

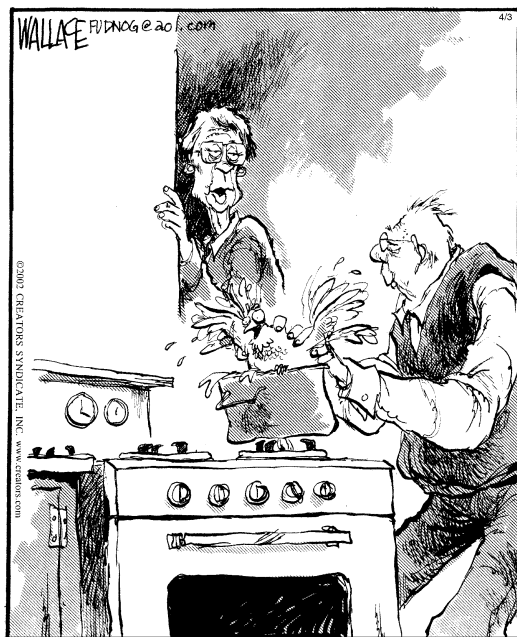
The Taliban reduced the supply when it was in power in the late 1990s. International narcotics police are concerned the Taliban's ouster by U.S.-led forces late last year could result in a revival in the supply of opium from Afghanistan despite a ban imposed by the interim government.

COMICS

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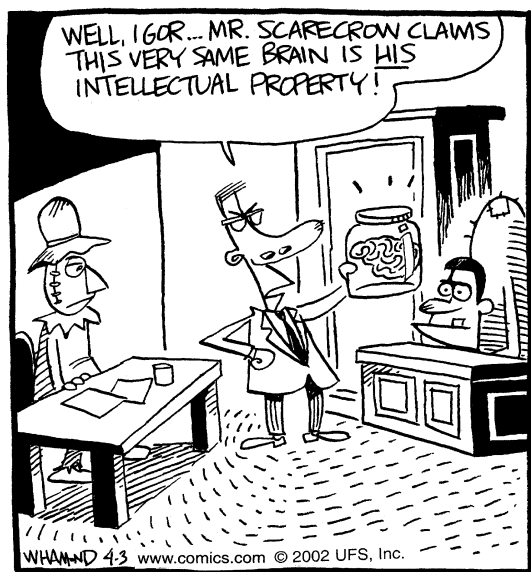


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 - 17 Reverse
 - 19 Decimal base
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 - 21 Newsman Koppel
 - 22 Kitchen pest
 - 24 Blue
 - 26 Manners of walking
 - 29 In support of
 - 30 Car hoods, in Britain
 - 32 Stuck, so to speak
 - 34 Immediately
 - 35 Moroccan capital
 - 36 Gene Tierney film
 - 38 Mixes up
 - 39 Long-plumed bird
- DOWN**
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 - 41 Hardy heroine
 - 1 Amor-phous masses
 - 2 Ever-green shrub
 - 3 Fancy home
 - 4 Unite
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 - 6 Fancy
 - 7 Flattened
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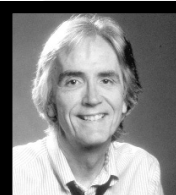
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- 11 Went under
- 16 Stop sign, e.g.
- 18 Poet-singer
- 21 Svelte
- 23 Wicked thing
- 24 Bach work
- 25 Like our numbers
- 27 Prof protector
- 28 Mall businesses
- 29 Primary
- 30 Drill parts
- 31 Smacks
- 33 Pound sound
- 37 Rep.

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NEWS OF THE WEIRD

by Chuck Shepard

Cow-patty bingo frowned upon by PETA

Charity cow-patty bingo games at state fairs continue, such as those in Connellsville, Pa., in April and Calgary, Alberta, in June (in which a field is divided into squares, money bet on the squares, and a winner declared by which square receives the first cow deposit). But in February, People for the Ethical Treatment of Animals protested the cow-patty bingo fund-raiser at Florida Southern College (Lakeland, Fla.), accusing the organizers of both physical abuse (feeding the cow laxatives, which the organizers denied) and emotional abuse (because it is such a "demeaning" and "silly" game).

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BACK PAGE

Embattled Colorado mayor loses recall election

BY COLLEEN SLEVIN

Associated Press Writer

GEORGETOWN, Colo. — Mayor Kileen Brooks, a former stripper accused of baring her breasts in a bar and mishandling her job, was ousted by a landslide vote in a recall election Tuesday.

The final tally was 339 votes to recall the mayor and 176 against.

Brooks said she would run for mayor again next year. She said she wasn't disappointed over losing the position after a con-

tentious year in office.

"It probably just saved me 10 years on my life," she said.

Town Clerk Phyllis Mehrer said 61 percent of Georgetown's registered voters cast ballots. More than half had been cast by mid-afternoon, including several absentee ballots.

Brooks, 37, was elected mayor of this old mining town 45 miles west of Denver last April. Zoning changes are the stated reason for the recall, but people are also angry about Brooks' actions — allegedly baring her breasts in a bar and telling

reporters she smoked pot. She also faces criminal charges for faking an attack.

Four members of the town Board of Selectmen survived recall votes Tuesday after being criticized for approving new zoning regulations without a public referendum.

Mehrer said the campaign was intense. "There's been a lot of signs put up and a lot of signs taken down. Frankly, it's gotten ugly," she said.

Brooks has said her opponents are resisting change. As mayor, she has supported increasing the tax base by encourag-

ing new business, starting a skatepark for children and building a footpath across Clear Creek.

"I've got my year in, and if they think they're going to go back to the old ways, they're wrong," she said. "There are more people like me who are going to speak up."

The zoning regulations have divided townspeople. Some believe the new regulations would tarnish the town's Victorian architectural feel by allowing contractors to build newer structures. Others hope the new regulations will draw people to the town.

McCoys sue Hatfield descendant over access to cemetery

BY ROGER ALFORD

Associated Press Writer

PIKEVILLE, Ky. — In the 1880s, disputes between the Hatfields and McCoys often were settled with a gun. Now, descendants of the nation's most famous feuding families are using another weapon — a lawsuit.

Bo McCoy and his cousin, Ron McCoy, filed suit Friday against John and Barbara Vance, seeking access to a cemetery where three McCoy boys were buried after being tied to pawpaw trees and executed by the Hatfields in 1882.

John Vance, a Hatfield descendant, has posted "no trespassing" signs to keep people out of the cemetery.

"We've been put in this position where, as family members, we have been told we cannot have access to this cemetery," said Bo McCoy of Waycross, Ga., one of the organizers of the annual Hatfield-McCoy Reunion

Festival in Pikeville. "We had no choice but to file suit. We regret that it was necessary."

The basic dispute is over whether the road leading to the cemetery is a public road, as the McCoys contend, or a private driveway, as the Vances claim.

John Vance said Monday that he refuses to allow people to cross his property to get to the cemetery because of liability concerns.

"If someone falls and gets hurt on our property, then we are liable," he said. "I question their right to force their way through my property."

Tolbert, Pharmed and Randolph McCoy, who were killed in the pawpaw patch execution, are among those buried in the cemetery. Local tradition holds that the three McCoy boys had been shot to death in retaliation for the death of Ellison Hatfield, whom they allegedly killed in an election day fight.

Also buried in the cemetery are Alifair McCoy and Calvin McCoy, who were killed in an attack on their father's cabin in January 1888.

"From a historical point of view, it's one of the most hallowed sites, because it does contain the bodies of five of those slain in the feud," Bo McCoy said. "It also has an emotional significance."

"We personally don't think this is of interest only to the McCoys. A lot of Hatfields we've talked to want to see the site, too," he said.

It's not clear what exactly initiated the gunfire, but competition over timber resources and a trial over a stolen pig escalated tensions between the two families. The feud left 12 dead.

The McCoys, of Kentucky, and the Hatfield, of West Virginia, have tried to make amends in recent years by holding the reunion.

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