

FREE

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Santa Monica Daily Press

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City forced to sue itself, officials say

Law designed to protect taxpayer's cash may pay for attorney fees

BY CAROLYN SACKARIASON
Daily Press Staff Writer

A voter-approved law preventing officials from getting kickbacks was so poorly written that the city was forced to sue itself just to enforce it, elected leaders say.

Los Angeles County Superior Court Judge Debra Yang recently threw out the case on the simplest of legal grounds called "standing," ruling that neither side stood to be harmed by the issue.

But the question remained: Why would the city of Santa Monica sue itself and pay two sets of lawyers?

The answer, which arose over a recent anti-corruption ballot initiative, still isn't clear. Neither are the two sets of legal bills to taxpayers from the unusual legal move.

The ill-fated suit took seed in 2000, when voters approved Proposition LL, limiting public officials from personally profiting from

their decisions. It prevents campaign contributions, gifts or employment from flowing to officials who award contracts worth at least \$25,000 to a successful bidder.

Santa Monica is usually a supporter of campaign spending reform, and the measure was initiated by the Oaks Project — a Santa Monica-based taxpayer and consumer rights advocacy group.

But in the eyes of many, Prop LL was far from a mandate by voters.

City clerk Maria Stewart refused to enforce the law, citing advice from the city attorney that it was unconstitutionally vague. City staffers studying the wording of the initiative decided it was full of loopholes and confusing provisions.

The Oaks Project cried foul, claiming the city was nursing sour grapes because it wasn't consulted when the question hit the ballot.

But within City Hall, a question of strategy was unfolding.

"I said to them 'this is a law. Now what do we do?'" Stewart said. "I needed clarification on how to go about enforcing it."

The city council, which agreed to sue itself, wanted clarification too.

See LAWSUIT, page 3



Carolyn Sackariason/Daily Press

"Nacho" rides her bicycle at the Santa Monica Police Department, illustrating how dangerous it can be if kids don't wear a helmet. The parrot travels throughout the city, educating children with safety tips.

Police department's safety lessons are bird brained

BY CAROLYN SACKARIASON
Daily Press Staff Writer

Santa Monica's finest may be a bit flighty.

That's because one of the Santa Monica Police Department's trained resources is a bird. Not just any bird — a yellow Amazon parrot, who has an extensive vocabulary built into her repertoire that is used to teach school children safety tips.

Nacho recently showed off her skills in front of Beverly Hills police officers who are considering enlisting a bird of their own.

The 18-year-old parrot travels to 77 public and private schools throughout the area with SMPD officer Joe Analco, teaching students basic rules. Using a bird to capture the attention of children has worked for decades in the department, Analco said. Nacho performs her shtick about 500 times a year.

"She's the key and really the one that the kids relate to," Analco said.

Nacho and Analco spend about 30 minutes with students performing their bird-brained act that includes tips about wearing helmets, how to cross a street safely and what to do when there's fire — "stop, drop and roll," which Nacho does on command. Nacho also can ride a bicycle, a scooter and can hold a conversation with Analco.

Nacho responds to the sound, level and

tone of Analco's voice. She can purr like a kitten, whistle, sing, cry like a baby and make kissing sounds when asked.

"She picks up on voice inflections," Analco said.

When he asks her a question, Nacho responds accordingly. Only one time did she respond inappropriately, which Analco quickly smoothed over so elementary students didn't notice that she swore. It took him nearly six months to deprogram the word out of Nacho's vocabulary.

"You have to play off of it," Analco said. "One thing I've learned with her is improv. Nobody knows your shtick so sometimes you make it up as you go."

It takes about eight months for Nacho to master a new trick. Analco has been with her since she was a rookie in the department, which has been most of her life.

She was bought by an officer, who has since retired, for the purpose of teaching public service lessons to school children. The retired officer at the time used magic to capture students' attention and thought a bird might be a valuable tool.

"Birds have a personality and kids love her," Analco said. "And Nacho is the only employee in the police department that works for peanuts."

A city ready to rid itself of the homeless?

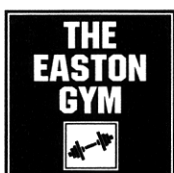
Some politicians think it's a campaign platform that won't be hotly contested

BY MARGIE MASON
Associated Press Writer

SAN FRANCISCO — Boldly staking his claim to an issue that has proved to be political suicide for a succession of mayors, an up-and-coming politician is pushing a "tough-love" approach to the city's in-your-face homelessness.

Gavin Newsom, an urbane city supervisor some say is positioning himself to replace Mayor Willie Brown in 2004, has found a surprising degree of support for his campaign — suggesting that even liberal San Franciscans are fed up with the problem, which has been growing steadily despite the city's \$200 million a year commitment to resolve it.

See HOMELESS, page 7



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Santa Monica's Daily Calendar



GET OUT!

The Arts Commission will meet at the Ken Edwards Center today at 4 p.m. Agenda: Live-Work Studio Committee. 1527 Fourth Street. (310) 458-8350.

The Landmarks Commission will meet tonight at 7 p.m. Council Chamber, 1685 Main Street. For more information please call (310) 393-8341.

Shiatsu Massage School of California is hosting Kung Fu classes for beginning students from 4:15 to 5:15 every Monday. Suggested Donation per class is \$4.00. Free

class for first-time visitors. 2309 Main St., (310) 396-4877.

Want to be on the A-List?

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★★-So-so ★-Difficult



ARIES (March 21-April 19)

★★★★ Make it OK to start the week at a slower-than-normal pace. Perhaps personal matters demand greater attention and feedback. Check out investments. If your taxes aren't complete, now is the time to tackle them! Tonight: Close your door and clear out bills, taxes and mail.



TAURUS (April 20-May 20)

★★★★ Reach out for others and speak clearly to them. You have an important message. Treat your missive as such, and it will be received as you would like it to be. Meetings prove to be provocative but, on some level, entertaining. Network subtly. A friendship could develop into more. Tonight: Where your friends are.



GEMINI (May 21-June 20)

★★★★ Consider the ramifications of another's folly and choose not to participate. Take your time with a boss who has many good ideas. You will find success working within the system rather than out of it. Think of different approaches. Tonight: In the limelight.



CANCER (June 21-July 22)

★★★★ Remain positive in the presence of new information, experts' suggestions and your own ingenuity. What you can be sure of is that there is an answer that might be eluding you right now, but not for long. Brainstorm away. Solutions will appear. Tonight: Make sure to videotape a favorite show.



LEO (July 23-Aug. 22)

★★★★ Work with someone, using his or her resilience and ideas. You know how to bring out the best in others; jump at the opportunity and do just that. You realize that there are many avenues to create a better partnership and financial relationship. Tonight: Talk over dinner.



VIRGO (Aug. 23-Sept. 22)

★★★★ Dig into your imagination for answers, especially if the questions involve a loved one or friend. Work for the common good, listening to others' preferences. Getting feedback could be helpful designing the best course of action. Tonight: Follow another's lead.



LIBRA (Sept. 23-Oct. 22)

★★★★ Much drops on you out of the blue, though if you step back, you'll see it is for the best. Unless you focus, your dynamic energy could easily diffuse in several different directions. Funnel your concentration into each project, one at a time. Tonight: Tame a tendency to be a whirlwind.



SCORPIO (Oct. 23-Nov. 21)

★★★★ Follow through on emotional responses rather than diffusing your energy in many different directions. Your knee-jerk reaction proves to be the correct one. Start thinking in terms of a vacation or getaway. Seek out information. Tonight: Ask a loved one for his or her vacation ideas.



SAGITTARIUS (Nov. 22-Dec. 21)

★★★★ An opportunity to enhance your financial well-being might be too good to say "no" to. Think in terms of gain and growth. Not everything is as plain as you would like it to be. Someone might have a convoluted way of presenting financial matters. Tonight: Order in. Work easy.



CAPRICORN (Dec. 22-Jan. 19)

★★★★ Express yourself as concisely as possible. Others listen and might be disposed to following your ideas. Though you might not be totally aware of it, right now you're in a leadership position. Make what you want a reality. Tonight: Join a friend for munchies after work. Catch up on the weekend news.



AQUARIUS (Jan. 20-Feb. 18)

★★★★ Review paperwork, especially as a mistake could be costly. Carefully think through a decision that involves work and business. You might not be as clear about a project as you would like to be. Keep asking and answering questions. Dialogue away. Tonight: Treat someone.



PISCES (Feb. 19-March 20)

★★★★ Others look to you for decisions. Your imagination gives your work a boost. Schedule a lengthy lunch with a co-worker or associate to catch up on weekend news. This friendship might go past work. Tonight: Play away.



QUOTE of the DAY

"I'll probably never have any children because I don't believe in touching people for any reason."

— Paula Poundstone



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LOCAL



Oaks project director says suit is 'petty politics'

LAWSUIT, from page 1

But it wanted to make sure that it was honoring the "will of the people," 59 percent of whom voted for it. Suing the Oaks Project — the group that forced the measure onto the ballot — wasn't an option for the same reason, according to Mayor Mike Feinstein.

The only way the city thought it could get clarification of the law's constitutionality was to sue its own city clerk for not enforcing it, and then wait for a judge to rule.

City Hall complaints about the proposition fall into two categories. First, staffers say it isn't well worded — it bars officials from benefiting if they approve contracts or proposals, where they should also be barred from profiting from their denial. Second, they cite confusion over to whom the initiative applies within city government.

"We either had to wait for someone to sue us for not enforcing it or wait for someone to sue us for violating their civil rights," Stewart said. "I don't particularly like my name as defendant on any lawsuit but I felt that I was going to get sued one way or another."

Some in City Hall feel voters were duped into approving a poorly-worded measure that was used as a spring board for a statewide issue the Oaks Project was pushing.

"If the Oaks Project had written this better, then we wouldn't be in this situation," said Councilman Kevin McKeown. "The intent is good but the execution is flawed."

Prop LL also are seeking clarification in the courts, city officials say.

But the city may pay a price beyond the cost of the twin sets of legal fees. By having its suit dismissed by Judge Yang on a simple procedural ground, some argue that city staffers made a rookie error in their legal strategy.

Beyond that, city administrators and officials still aren't escaping fears that

members, including tales of kickbacks.

Both McKeown and Councilwoman Pam O'Connor say they overheard such claims from initiative workers who didn't know who they were.

Further, Feinstein says Santa Monica already has progressive campaign spending limitations on the books, which the Oaks Project ignored.

In the wake of the judge's ruling, the city has a little less money, its reputation for flawless execution is flawed, and it's still confused about how to enforce a law it believes is flawed.

City officials will discuss the case behind closed doors on Tuesday when they decide whether to appeal Yang's ruling.

Oaks Project Director Carmen Balber defends the initiative and said the suit is nothing more than an attempt by city officials to thwart a law designed to keep them honest.

"Santa Monica is grasping at straws on this and I've been astonished at every turn in this case," she said. "They are mad we didn't consult with the powers that be and didn't get their stamp of approval first. It's petty politics."

"I don't particularly like my name as defendant on any lawsuit but I felt that I was going to get sued one way or another."

— MARIA STEWART
City clerk

McKeown and Feinstein claim Santa Monica was a test market for the initiative that is now being tried out in Claremont, Pasadena and San Francisco. Only San Francisco is currently enforcing it. The municipalities that refused to enforce

they in fact oppose campaign spending reform locally.

It's clear that the Oaks Project miffed the city when rumors flew that its signature gatherers were telling voters about widespread corruption among city council

Trail run will benefit September 11 victims



Photo courtesy of the trail runners club

Runners are asked to hit one of the area's trails to benefit WTC victims.

By Daily Press staff

The Trail Runners Club is sponsoring a new race, the "Malibu Creek Trail Challenge" on Saturday at Malibu Creek State Park to benefit children who lost parents on Sept. 11.

The scenic course winds along Malibu Creek then climbs to ridges with rock formations and views of the Pacific ocean and surrounding countryside.

The challenging 14-mile race begins at 8 a.m. Newcomers to trail running or those preferring a shorter course can run a four-mile race beginning at 8:30 a.m. The members were propelled by the tragedy of Sept. 11 to mount the race as a benefit for the children who lost a parent in the attacks.

All proceeds from the race will go to the Kiwanis 911 Victims Children's Fund.

For further race information contact Rudy Westervelt at 909-279-0798 or runwest_50@yahoo.com. For information on becoming a sponsor for the cause contact Bob Pietzke at bob@sanderkessler.com.

To be a volunteer, e-mail to: adventure.ten@gte.net

The trail runners club meets every Sunday morning to run a new trail in the Santa Monica Mountains. Springtime finds the club running the bucolic Backbone Trail in seven weekly installments from Point Mugu to Will Rogers Park in the Pacific Palisades.



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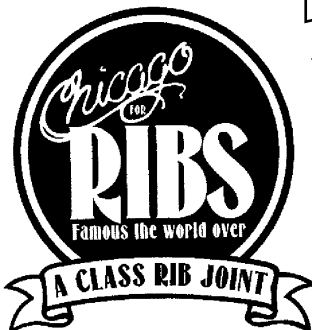


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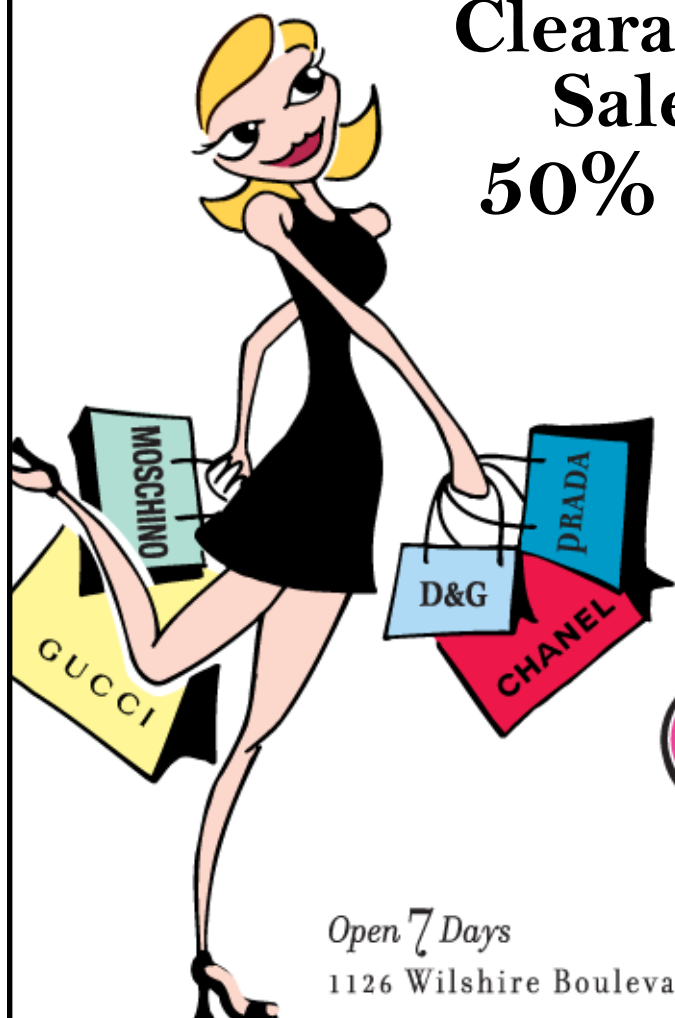
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OPINION

Landmarks initiative will hurt community

As a landmarks commissioner, I would like to offer my perspective on the Homeowners Freedom of Choice Initiative which would prohibit the city from designating parcels in residential neighborhoods as landmarks or "structures of merit," or including them within any historic district without prior consent of the owners.

A supporter said that the fundamental issue here is "one of the freedom of homeowners." Sounds reasonable on the surface, but this initiative, in fact, constitutes a loss of freedom for homeowners, renters, business owners and every other member of our community who has a stake in how our city grows.

Landmarking is part of zoning. Leaving it up to individual homeowners gives them unchecked control over something that affects everybody. This initiative is not only an attack on the specifics of the landmarks ordinance itself but on the extent to which different voices can be heard in our city. No one individual should have the right to determine something that affects the development of an entire neighborhood. No one individual should be able to choose to be above a local ordinance that doesn't suit them. (No law that makes compliance voluntary is worth the paper it's written on.) No one individual should have the right to prevent a historic district or single designation that the rest of an area wants but that could require unanimous approval.

The landmarks commission system is, in fact, very democratic. The commission is comprised of seven volunteers from the community. When an item comes before us it is reviewed in a systematic way. A professional consultant makes a report on the property in question based on the criteria set forth in the ordinance. We learn the background of the building, the builder, the owners and the neighborhood through this research.

Detailed descriptions of architectural features are included. If an alteration is proposed, the changes are evaluated through the Secretary of the Interior's Standards which are nationally accepted.

This research is standard and impartial. It is not based on beauty or, more importantly, taste. In addition, we receive a city staff report which studies the consultant's findings and from there make a recommendation. At least two commissioners a month are required to visit all the sites that appear on the agenda. Based on all of this information, we may step onto the podium with an opinion but the final element in our decision-making is yet to come.

Public input. If these were not decisions that needed to be made on a case by case basis, if they didn't require judgment calls, we wouldn't need a commission.

Staff could simply rubber stamp projects according to criteria. The fact that people support historic preservation to varying degrees and the fact

Guest Commentary

By Nina Fresco

that we have the ordinance for the public benefit needs to be carefully weighed with each decision. How can we leave this important aspect of our city's development in the hands of individual homeowners?

Public input is the most important and most variable element in the commission's deliberations. When the commission takes up an issue, it is not considered a done deal at all. It is a decision to proceed with study. Is 18th Street the kind of street that we would like to protect as a district? How do the neighbors feel? Are there other types of historic resources that would be more valued by the community? We want to do the right thing for our city and we want to know what everyone thinks. These considerations cannot be the sole responsibility of individual homeowners who are planning only for their own parcels without peripheral vision.

Our landmarks ordinance may be finally coming of age. I hope we can see it through this crisis and that the thinkers, planners and organizers among us will see that taking all the power out of the law is not the way to improve it.

(Nina Fresco is a landmarks commissioner for the city of Santa Monica).

LETTERS

Tree huggers or tree cutters?

Editor:

It would have been a tad hypocritical of the city council to go on record favoring the preservation of California's old-growth forests while presiding over the destruction of the beautiful, stately — and, for anything around here, pretty old — trees on Ozone, Navy and Marine. Of course, it's a little hard to take the Greens seriously anyway, what with their tenure

in City Hall coinciding with the city's thoroughfares becoming increasingly hazardous for that greenest of all forms of transportation, the bicycle. Ozone: Double irony there, huh?

John Gabree
Santa Monica

Henna is not a tattoo

Editor:

I deeply appreciated your article "Henna gets backing from city arts com-

See LETTERS, page 5

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.

LOCAL



The FunHog

By Dan Dunn

This year I promise not to be sick

I'm usually not one for making resolutions, but this spring will be an exception. Make no mistake, The FunHog is resolute! It's not something I intend TO DO, however, rather something I vow NOT TO DO ... in short, I've sucked my last toe.

I won't lie to you — up until now, the Toe Suck has been the biggest gun in my foreplay arsenal. Followed closely by a maneuver known as the Ungrateful Henry ... but that's another story altogether. In fact, had loyal reader Typholishion asked me how to score with the ladies LAST YEAR (see "Girls" posting in "Talk to the Funhog" section), I'd have certainly advised him to brush up on his "foot in mouth" skills. But that was then, this is now.

Why the sudden moratorium on toe sucking? Simple — I just found out that women flush toilets with their feet.

That's right, their feet.

Hey, I know what most of you guys out there are thinking: Not my gal, not those feet. It's hard to swallow, but true. In an informal FunHog survey, eight out of 10 women reported having used their feet instead of their hands to flush waste away in public restrooms.

Like many of my fellow fellas, I was in the dark about this odious practice.

Had a female friend of mine not let the foot-flushing secret slip, I'd likely have lived out my days believing men were the only violators of bathroom decorum.

Sure, we leave the seat up from time to time, but damnit, we've been taking crap for it forever. Had we known the ladies were drop-kicking the head all the while, we'd have surely fired a few shots back.

But we never knew. It's just another skeleton in the cupboard in what amounts to an Amusement Park Ride-sized Line of deep, dark women's secrets.

For example, I bet most men don't know women cup farts with their hands so they can throw them in the direction of the prettiest girl in the room. And the reason they take so damn long to go to the bathroom at nightclubs is they've got big couches, huge make-up counters, telephones and computer terminals in there. Ladies rooms are designed for dawdling.

Men don't know these things because the deepest secret of all is that women NEVER tell men the truth about ANYTHING they do when we're not around! If

they did, they'd lose their membership to the Girls Club.

Frustrated, I called the National Organization for Women (NOW) to take them to task about foot-flushing. "We don't have an official position on that," said a NOW spokeswoman, who later 'fessed up under intense interrogation to being a foot-flusher.

Officials at The League of Women Voters declined to comment, but an office manager named Elaine offered "I'm sure lots of women do it."

They sure do, and as is often the case with women, there's no reasonable explanation for their behavior.

"Washing your hands will accomplish the same thing as using your feet to flush the toilet," said a physician I'll call Dr. Woman, who specializes in infectious diseases.

Dr. Woman suggested gals who flush with their feet may be squeamish about touching the handle, wary of bathroom germs that can cause Hepatitis A. Such germs are spread the fecal-oral route — once excreted, they get on the hands and eventually make it onto the mouth (I pass this valuable information on with apologies to everyone reading this on their lunch break).

Foot flushing, she believes, is silly and unnecessary. The most effective way to combat germs is to simply use soap and water.

Yet, with women being as predictably unpredictable as they are, you can bet I wasn't surprised to learn that despite it all, Dr. Woman's a foot flusher, too. Yep, she admitted it. Claimed it's a behavioral pattern passed down by generations of women in her family. Caught red-handed ... er, footed, she tried to turn the tables.

"There must be things men do in bathrooms that women don't know about, right?" Dr. Woman asked me, fishing for ammo in the treacherous water-closet war of the sexes.

There might be, doc, but you aren't going to hear about it from me. As I said before, I'm done putting feet in my mouth ... and that includes my own!

(Dan Dunn, a Santa Monica resident, writes for Warner Bros. Online. For more FunHog fun, check out www.thefunhog.com)

LETTERS

LETTERS, from page 4

mission" March 21, 2002, and your ongoing coverage of the unfortunate henna ban in Santa Monica, but I would like to add some clarifying information.

First, henna body art is not a tattoo, not even a temporary tattoo. Tattoo is defined as a skin-puncturing design.

Second, your article reported that "the three councilmen that voted to keep henna in the city agreed that it's an art form and should be included under the city's street performer ordinance just like a clown who does face painting."

Sadly, however, your readers need to

know that the same ordinance that bans henna body art on the Promenade and pier also makes it a criminal defense for clowns or others to face paint little hearts, flowers or other designs on a child, or anyone for that matter. I imagine Santa Monica is the only city in America with such a restrictive ban. How sad! Especially in a city that always goes out of its way to find supportive solutions for promoting artistic diversity and creativity.

Jerry Rubin
Santa Monica

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ENTERTAINMENT

Ashley Judd riding high on movie release

BY SEAN DALY

Special to the Daily Press

"I have no luck with movie husbands at all," laughs Ashley Judd, as she sweeps into her second floor hotel suite at the Marina del Rey Ritz-Carlton sporting pink stretch pants, a pink and blue striped jacket and virtually no make-up. "Fortunately, I have better luck with real life husbands ... but that's not up for discussion today."

What a tease!

Judd, 33, who once dated Matthew McConaughey, Michael Bolton and Robert DeNiro (at different times, of course) prefers to avoid conversations about her December 2001 marriage to race car driver Dario Franchitti, 27. And don't even try to ask when she plans to start a family. "It's for God to know and for us to find out," she says. "We'll see what happens."

Today, in between sips of bottled water, the daughter and younger sister of country singers Naomi and Wynona Judd would rather talk about her latest movie, "High Crimes," which opened April 5. In the drama, based loosely on the Joseph Finder novel of the same title, Judd stars as Claire Heller Chapman, a San Francisco lawyer, who joins forces with a former military attorney (Morgan Freeman) to help defend her husband in military court.

(He has been declared a deserter and is charged with participating in a mass killing in El Salvador).

Judd says she prepared for the role by conferring with a female attorney from northern California.

"I was real interested in the mindset of 'I'm 32, I can conquer the world, this might be morally ambiguous, but according to the letter of the law, it's a fact,'" she says.

"High Crimes" also has a lot to say about injustice and cover-ups within the military, the actress adds.

"But I want to be careful not to pontificate and remember that movies are entertainment and a diversion and actors aren't necessarily great geniuses walking around with all the answers."

That's exactly why director Carl Franklin ("One True Thing") made sure to have an expert military consultant on set at all times.

"I wouldn't say we got (the proceedings) down to the punctuation mark," Judd admits. "But we were definitely down to the letter. Authenticity is incredibly important to Carl. Obviously we are starting with a plot that is credible, but we have this issue of marriage where the husband has this secret that he is concealing."

Which, of course, raises an interesting question: How can a woman live with her husband for so many years and not have

any idea what he is up to?

"I think everyone has secrets in their hearts," Judd laughs.

One of hers, it turns out, is that she was not entirely prepared for her signature role in the 1997 drama "Kiss The Girls."

"I would never have admitted it at the time, but I was probably a little green," she blushes.

That's the movie that first paired Judd and Freeman as a detective and a young woman who escapes the clutches of a serial killer.

"Today," she gushes, "I can loosen up around him and enjoy his Moran-esque Morganism."

There are a few other personal tidbits Judd is willing to share as she runs her fingers through her newly-bobbed haircut. For starters, she is a big fan of running, rock climbing and mountain hiking. She has also developed a passion for yoga — "When I'm on a roll, I will do it six days a week," she says. And you can forget those reports about Judd being a strict vegetarian.

That went out the window last New Year's Eve, she confesses.

"I was frying everybody chicken and I decided to partake, which was bizarre. I never thought I would eat another chicken in my life. I was repulsed by chicken. But it was damn good."

Judd was born in Granada Hills, Calif.,

but named after the small town of Ashland, Kentucky. She was raised in the Bluegrass State, and attended four different high schools, where she "played soccer badly, played basketball badly ... but was a good cheerleader."

While her family name is synonymous with country music, Judd says she "only sings for her nephew." In an interview last spring, Judd said she would consider singing with her sister "if the right opportunity came up." But now she jokes: "Somebody told me she said I was a really bad singer, so I changed my mind."

Judd family lore tells of Ashley earning a wage of \$10 per hour cleaning out the family tour bus as a teen. These days, her time is more valuable — she earned a reported \$4 million for last year's romantic comedy "Someone Like You."

Judd has said she intends to use some of her fortune to renovate her new dream house, a 100 year-old estate in Tennessee.

"I'm modeling it after C.S. Lewis' 'Chronicles of Narnia' with cubbyholes and secret passageways, old gun cabinets and medicine chests built of chestnut," she shares. "That was the first book ever read to me as a child, and my house needs to be a magical place."

(Sean Daly is president of Showtime Entertainment and is a Santa Monica-based writer).

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STATE



'Tough love' to crack city's homeless problem

HOMELESS, from page 1

Newsom would fine or jail the panhandlers who stake out the city's most busy intersections, and cut monthly homeless cash allowances that range from \$320 to \$395 a month — the state's most expensive.

The supervisor has traveled everywhere from Seattle to Chicago researching how others are tackling their problems. But even his visit to New York, where former Mayor Rudy Giuliani's "quality of life" crackdown made the homeless much less visible, hasn't created an unconquerable uproar in this city of protesters. Only one group of homeless advocates has organized against him, shouting him down at a news conference outside City Hall last month.

And that, some say, is proof San Francisco's tolerance is waning.

"You would expect sits-ins and screaming, but we didn't get any of that kind of shrieking," said Richard DeLeon, a political science professor at San Francisco State University.

Despite his proposal to fine panhandlers \$500 or send them to jail, Newsom says he isn't advocating incarcerating the city's estimated 7,300 homeless or shoving them out of sight. He says the answer hinges instead on a "combination of tough love but adequate services."

That combination is what worked in New York, said Steven Cohen, a professor of public affairs at Columbia University. Giuliani banned sleeping on sidewalks and enforced crimes such as public urination, but he also increased services. "The question is whether you can do both, and Giuliani did it," he said.

Newsom says he isn't trying to introduce hard-line politics to San Francisco.

Newsom's proposal calls for reallocating the homeless cash allowances —

nearly \$11 million annually given in bimonthly checks to about 2,500 people — to affordable housing and treatment programs. As they stand, the handouts fall short of paying for any type of housing in one of the nation's most expensive cities.

Instead, he says, much of the money is being drank, smoked and injected into bodies that can be seen sprawled out 24 hours a day on the city's streets.

Brown promised to convene a summit on homelessness before he took office in 1996, but later said the problem couldn't be solved. He backed off after kicking up a cloud of protest over his proposal to seize the stolen shopping carts used by many to carry around their meager belongings.

The city now takes unattended carts — spending nearly \$650,000 annually to collect, clean and store them. The belongings are kept for 90 days, even though most are never retrieved.

Before Brown, Mayor Frank Jordan's "Matrix" plan to have police crack down on street people helped get him tossed out of office. Mayor Art Agnos also lost re-election, after failing to quickly break up a homeless encampment that became known as "Camp Agnos."

But it's Newsom's campaign that is getting the most attention. He's already received a mound of applauding letters, e-mails and phone calls from disgusted San Franciscans.

"I see the same folks out panhandling. One person has been there for 16 years sitting in front of a business," said one supporter, Bog Begley, director of the Hotel Council of San Francisco. "Imagine the visitors who come here with their children, and here's somebody urinating and defecating. What do you think they take away with them?"

Poet was part of Beat Scene in Venice Beach

By The Associated Press

LOS ANGELES — John Thomas, once described by his friend, noted writer Charles Bukowski, as "the best unread poet in America," has died. He was 71.

Thomas died of congestive heart failure on March 29 at the Veterans Administration hospital in West Los Angeles, according to his wife, Philomene Long.

Born John Thomas Idlet, he grew up in Baltimore, attended Loyola College there and briefly considered joining the priesthood. During the Korean War, he was a cryptographer with the Air Force. He returned home after his 1953 discharge, married the first of four wives and became a computer programmer for Univac.

His life changed when he was hit by a truck and broke his ankle. During weeks of recovery, he grew a beard and began to write. Eventually he produced three

unpublished novels. After reading a book about the Beat scene in Venice — 1959's "The Holy Barbarians" by poet Lawrence Lipton — he left home with \$14 in his pocket and hitchhiked West.

He became one of the painters, writers and other artists who called Venice their home, although he later lived briefly in San Francisco and then in the Echo Park and Silver Lake areas of Los Angeles.

His four decades of work, most of it unpublished or out of print, includes "From Patagonia," a poem about Los Angeles written in the form of a diary, and the collections "Epopoeia and the Decay of Satire," "Abandoned Latitudes" and "John Thomas," all published in the 1970s and early 1980s.

"He was the sage of Venice," said Fred Dewey, director of Beyond Baroque, a Venice literary arts center that is selling a CD of Thomas's poems. Some of the proceeds will help cover funeral expenses.

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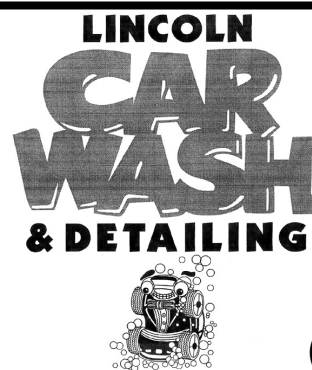
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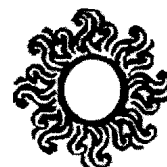
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STATE

Jelly fish 'oil slick' found off the northern coast

By The Associated Press

HALF MOON BAY. — At first, Coast Guard sea marshals trolling the California coastline thought they had another oil spill on their hands.

But upon closer inspection last week, they realized the sheen on the beach actually was from millions of deep-blue jellyfish-like creatures known as hydroids, distant cousins of the mighty Portuguese Man-of-War.

These so-called "by-the-wind-sailors" have air-filled pockets within their gelatinous bodies that keep them floating, and use a cellophane-like fin to propel themselves, like little sailboats.

They live life where the wind takes them, and that's usually sailing together in thick schools through temperate and tropical seas around the globe.

"They're normally out to sea, happy and away from the beaches," said George Matsumoto, an oceanographer with the

Monterey Bay Aquarium Research Institute.

During the spring months, however, strong winds occasionally send the spineless, brainless critters to their deaths on Central Coast beaches, where they put up quite a stink as they decompose, leaving their internal skeletons to float away on the breeze.

"You might start getting calls from people wondering what all these little bits of clear plastic are," Matsumoto said.

Coast Guard Lt. Brenden Kettner said the agency last recorded a visit two years ago.

Now the hydroids are washing ashore from Point Reyes to Santa Cruz at the mercy of winds and tides, Matsumoto said. The creatures, formally known as Velella velella, are too small to be a navigation hazard, and their stinging cells aren't powerful enough to penetrate human skin, he added.

Ralphs must pay \$30.6 million in sex lawsuit

BY SIMON AVERY
AP Business Writer

SAN DIEGO — In what could amount to the largest sexual harassment verdict in U.S. history, a Vista jury awarded \$30.6 million to six women who alleged they were subject to violent behavior and gender harassment by a store director at Ralphs Grocery Co.

The plaintiffs were awarded \$5 million each Friday in punitive damages and a total of \$550,000 for pain and suffering

Philip Kay, a San Francisco lawyer who represented the six women, said the jury verdict is the largest ever in a sexual harassment case.

"It's going to have national impact. Women who work in this type of position need to be protected," he said. "This will send a message to companies that they must not tolerate this kind of action any further."

The six women complained that Misiolek touched them inappropriately, abused them verbally and threw phones, shopping carts and 40-pound mailbags at them.

The women were initially afraid to complain because Misiolek controlled their hours and could get them fired, Kay said.

Ralphs took no action until the husband of one of the women complained to human resources that Misiolek "slammed her into a chair and in the same week grabbed at her breasts," Kay said.

Helene Wasserman, Ralphs' attorney, told the jury that was the first time the company's human resources department received any complaints. Misiolek was subsequently disciplined and moved to another store. When complaints continued, the company demoted him to a receiver job at a warehouse, she said.

In 1998, another jury awarded the plaintiffs \$3.3 million in punitive damages. But a judge set aside the award after she learned a juror improperly researched Ralphs' net worth from documents outside the court and then shared the information with other jurors.

A state appeals court upheld the first jury's harassment verdict and \$550,000 judgment for emotional distress and ordered a second trial to re-decide the punitive damages.

Two other women have similar sexual harassment lawsuits pending against another former Ralphs store director in Los Angeles. Their case is scheduled for trial in May.

"This will send a message to companies that they must not tolerate this kind of action any further."

PHILIP KAY
San Francisco lawyer

they said they incurred while working at several Ralphs supermarkets in the 1990s.

The women claimed they had unsuccessfully complained to managers at the grocery chain for years about the behavior of Roger Misiolek, but the company only transferred him from store to store.

Representatives for Ralphs could not be reached Saturday for comment. But spokesman Terry O'Neil told the North County Times that the company will appeal the decision.

"Obviously, Ralphs is very disappointed with the result," O'Neil said. "We believe there are many issues with this case that still need to be resolved. We are looking forward to the ultimate resolution of the case."

NATIONAL □ INTERNATIONAL



Heavy fighting continues in 'holy land'



Mohammed Sadek/Associated Press

An Israeli soldier in an APC heads towards the center of the West Bank town of Bethlehem on Sunday, about 330 feet from the Church of Nativity. The Israeli army continues to surround the Church of the Nativity, where some 200 Palestinian gunmen are holed up, amidst rising international pressure to end the sieges on several West Bank towns.

BY MOHAMMED DARAGHMEH

Associated Press Writer

NABLUS, West Bank — Israeli troops fought fierce battles with Palestinians in the West Bank on Sunday, encountering stiff resistance in the crowded Jenin refugee camp and in the winding alleyways of Nablus' Old City.

At least 14 Palestinians were killed in Nablus, where dead bodies were sprawled along narrow, rubble-filled streets on the 10th day of Israel's offensive to weed out militants staging deadly terror attacks on its civilians.

The renewed fighting came as Secretary of State Colin Powell, due in the region this week to try to resolve the crisis, said that Israeli Prime Minister Ariel Sharon has "taken very much to heart" President Bush's call Saturday for an immediate withdrawal from Palestinian areas.

But Powell noted that the Israeli leader has yet to set a timetable for a pullback and Bush has not demanded one. "The president doesn't give orders to a sovereign prime minister of another country," Powell said on NBC's "Meet the Press."

On another front, there were exchanges of fire between Lebanese guerrillas and the Israeli military Sunday. Six Israeli soldiers were wounded, the military said.

In a phone conversation late Sunday, Israeli Foreign Minister Shimon Peres asked Powell to intervene with Lebanon and Syria to calm the border. They also discussed possibilities for a ceasefire between Israel and the Palestinians, according to a statement from Peres' office.

At the beginning of the weekly Cabinet meeting Sunday, Sharon defended the offensive, calling it "a war for our homes."

"We have no interest in dragging it out, but we have to do the job," Sharon told Israel TV.

With international pressure mounting and the U.N. Security Council scheduling consultations on

the crisis later Sunday, there were hints of friction between the Israeli government and its military command. Officers sought more time for the West Bank military operation, but Cabinet ministers talked of bringing it to an end.

Defense Minister Binyamin Ben-Eliezer said the military should operate as long as possible to "clean out terrorism" in the West Bank, but acknowledged that in light of Bush's demand, "our hourglass is running out."

However, the army's Chief of Staff Lt. Gen. Shaul Mofaz told the Cabinet he needed eight weeks to complete the job, according to Israel Radio.

"The critical element is time," he said later in a briefing to reporters. "We need time to get to all the centers of terrorism in the West Bank and Gaza."

Maj. Gen. Dan Harel, chief of military planning, warned that if the army pulls out too soon, "then another series of devastating terror attacks will hit Israel's cities and streets. And then we'll go (back) in."

Israeli troops have taken over most Palestinian population centers in the West Bank in their 10-day-old offensive, Israel's biggest in two decades. But the fighters in Jenin and Nablus have prevented the Israelis from taking full control of the cities and conducting house-to-house searches for militants, as has been the case elsewhere in the West Bank.

Powell said both sides would have to do more to end the fighting.

"Until the violence goes down at least to a level where you can see that both sides are acting in a responsible way and trying to cooperate in a ceasefire, you're not going to get to a peace agreement," Powell said.

He said he would meet with Palestinian leader Yasser Arafat "if circumstances permit" — depending on security, access and the meeting agenda.

Reservists, guardsmen happy to serve, but it's hurting wallets

BY CAROLYN SKORNECK

Associated Press Writer

WASHINGTON — Bob's Pizzeria in upstate New York was still wobbling in its second year when owner Robert Francis Banas abruptly shut it down and marched off to the war on terrorism.

A National Guardsman for six years, Banas was called to duty Sept. 11, the day the terrorists struck. After a few days in New York City, he spent a month guarding the Lewiston-Queenston Bridge on the U.S.-Canada border.

"Everyone was expecting another attack," the soft-spoken Buffalo Bills fan said from his North Tonawanda pizza shop. "We were right near the power plant that provides the power supply for a lot of the state."

Nearly seven months after the terror attacks — six months since the Afghan war started Oct. 7 — more than 83,000 reservists and guardsmen are on active duty for the federal government. That's the most since the Gulf War a decade ago.

An additional 7,000 guardsmen have been called up by governors to provide airport security.

As they went off to fight, protect bases, fly refueling missions or perform myriad other suddenly crucial tasks, many left jobs that pay far more than they now earn on duty. Those duties are creating some precarious family financial situations and endangering the existence of some small businesses.

Banas padlocked his fledgling enter-

prise on Sept. 11. He ended up serving for about a month after the attacks.

"We weren't sure how long we were going to be gone, and no one else was really capable of keeping the place open. I didn't reopen until November 9th," Banas said, apologizing for frequent interruptions as he took some of the 40 to 50 pizza orders he gets on an average

has shrunk to 1.4 million troops from a high of 2 million during the mid-1980s. As a result, the Pentagon must turn to its 1.3 million reservists to shoulder part of any military campaign.

By law, companies must let reservists and guardsmen go on duty, and rehire them to equivalent jobs on their return — including raises and other benefits they

"We weren't sure how long we were going to be gone, and no one else was really capable of keeping the place open. I didn't reopen until November 9th,"

—FRANCIS BANAS
National guardsman

night.

A \$10,000 Small Business Administration loan, designed especially for his situation, enabled him to reopen and rehire the part-timers he laid off while he was gone.

Despite the title "reserves," such forces are far from the last resort, mobilized only when the entire active duty military is at war.

In the post-Cold War era, the military

would have earned had they stayed at work all along.

For most reservists and guardsmen, the part-time military duty is a source of extra cash in peacetime. But when mobilized, they earn only what active duty service members get, and that often is much less.

No law requires compensation for money they lose while serving.

"If you're serving in Afghanistan or

you've been called to duty at an airport, you still have to pay your mortgage," said Army Maj. Hunt Kerrigan. "If your salary has been cut in half, how do you deal with that?"

Some employers are voluntarily paying on-duty employees at least part of the difference between their military pay and on-the-job earnings.

The \$4,200 a month Senior Master Sgt. Fritz Vogel is earning at McGuire Air Force Base in New Jersey is about half his normal income, he says.

To his 13-year-old daughter and 12-year-old son, that means the twice-a-week karate classes are history, movie trips are a rarity, and bowling is out.

"You have to re-examine where every penny goes," said Vogel, 48, who closed his construction business — Fritz's Welding Co., in Birdsboro, Pa., near Reading — when he was called up Oct. 22 for a year.

The youngsters have "gotten the brunt of it," he said. While they understand why their father is away — a reality that hit home when he told them about updating his will — they still are youngsters who make demands on their parents.

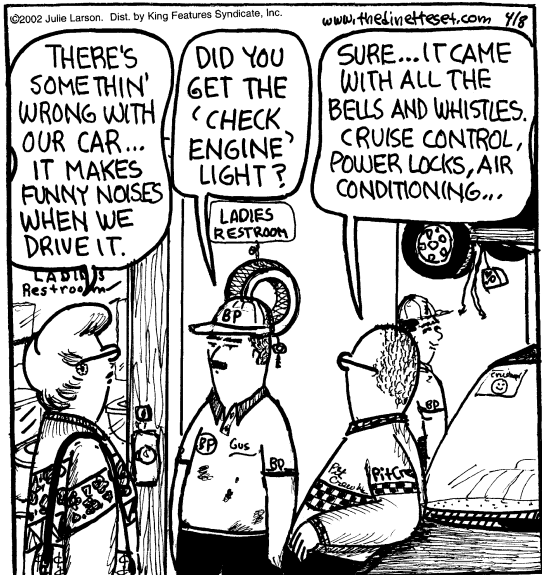
"We get hammered every weekend," he said. "They want to do this, want to do that." We've got to say, "No, no, no."

Also sacrificing are their two older sons, 26 and 25. Vogel laid them off because he is the one who writes the bids, gets the jobs and oversees the work, primarily the steel end of construction.



COMICS

The Dinette Set by Julie Larson



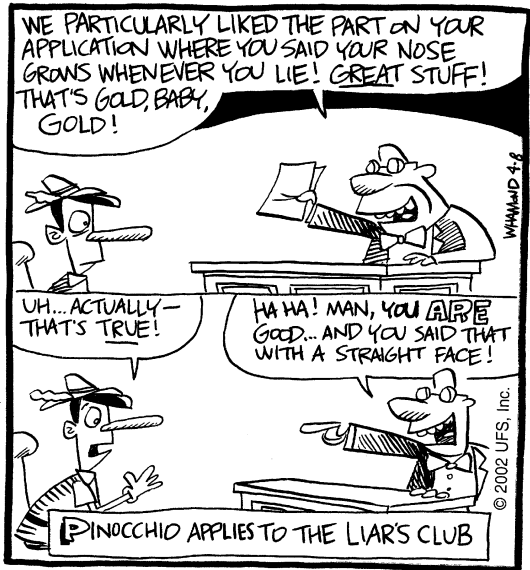
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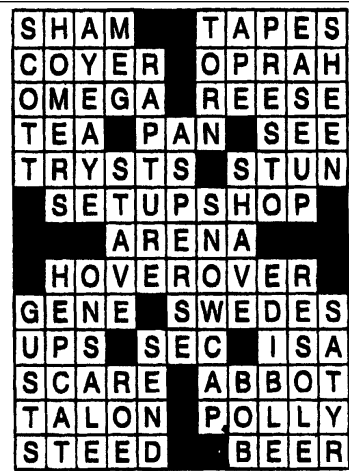


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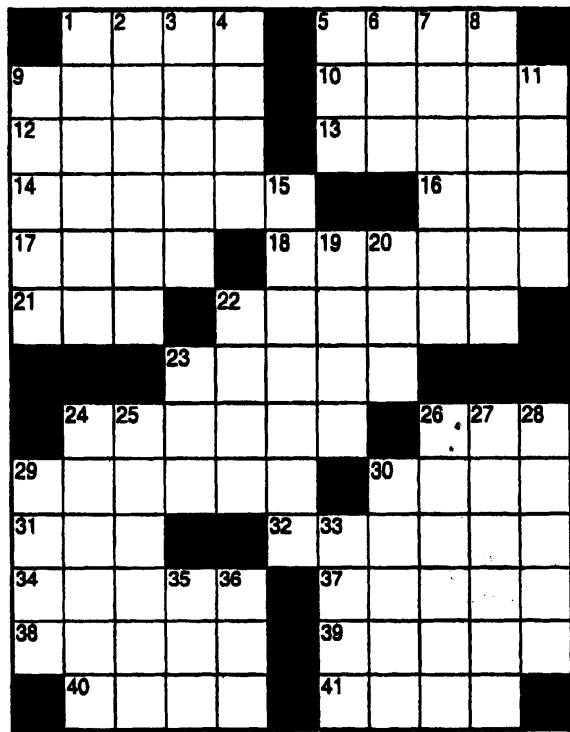


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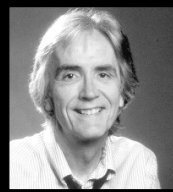
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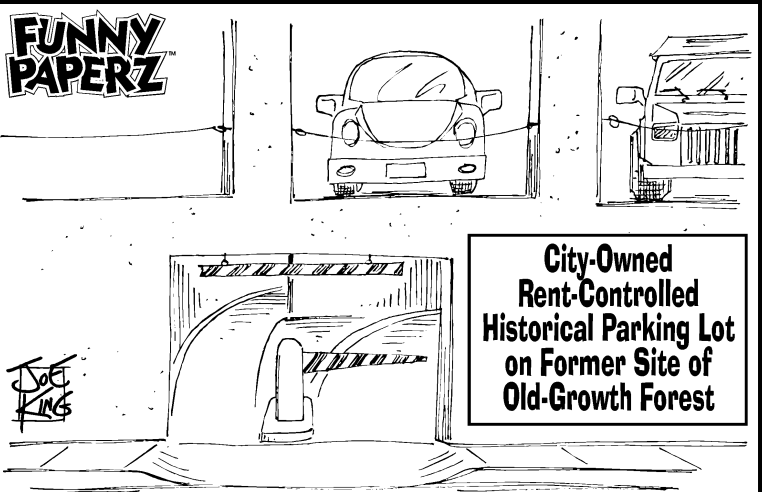


NEWS OF THE WEIRD

by Chuck Shepard

Pizza delivery in 30 minutes or less, regardless of murder crime scene

In February, a workplace-dispute murder in Menlo Park, Calif., was facilitated by the killer's phoning in a pizza order to Domino's and waiting until the delivery man innocently got the victim to open the door and present himself as a gunshot target. After the shots were fired, according to a neighbor (interviewed by the San Francisco Chronicle), the Domino's deliverer fled in fear but a few minutes later, another Domino's man arrived, gathered up the left-behind pizzas, and resumed the delivery route.



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BACK PAGE

Government study finds a nation of couch potatoes

BY ERIN MCCLAM
Associated Press Writer

ATLANTA — Americans refuse to get off the couch.

A new government report says seven in 10 adults don't regularly exercise and nearly four in 10 aren't physically active at all.

And despite repeated warnings about the link between a sedentary lifestyle and heart disease and diabetes, the figures haven't budged from 1997 to 2001.

The National Center for Health Statistics released the report Sunday to mark World Health Day as officials prodded Americans to do something — anything — to become more active.

"Good health is literally a walk away," said Health and Human Services Secretary Tommy Thompson, who planned a 10-mile run to mark the day. "You don't have to work up a big sweat at the gym or become a long-distance runner."

The report found only three in 10 adults were regularly physically active — defined as a half-hour of light to moderate exercise five times a week, or 20 minutes of vigorous exercise three times a week.

The study showed 38 percent reported no such physical activity at all.

The study was based on household interviews with 68,000 American adults in 1997 and 1998, the latest year for which complete data are available.

Preliminary data for 2001 show virtually no change, the NCHS said.

The findings are particularly bleak in light of an alarming rise in diabetes, especially among Americans in their 30s. The blood-sugar disease is closely tied to obesity.

About 300,000 people a year in the United States die from diseases related to inactivity. In addition to diabetes, lack of exercise can increase the risk of heart disease and stroke.

The Centers for Disease Control and Prevention issued a new booklet for local leaders, exhorting them to motivate communities to become more active.

"People can take the stairs instead of the elevator, or even park the car farther

away at the grocery store," said Dr. David Fleming, the CDC's acting director.

The new report also provides a glimpse into some of the factors that may influence how active a person is, and shows demographic groups that need improvement.

For example, adults who make four times the poverty level are twice as likely to exercise than poor adults. The poverty level for single adults is just under \$9,000.

Adults with better educations also tend to exercise more.

Married people, both men and women, were more likely than singles to be active. Single adults are more likely to prefer body-strengthening activities, like lifting weights or calisthenics.

Rain forest group's 'tree-free paper' made of wood

BY DON THOMPSON
Associated Press Writer

SACRAMENTO — An environmental group's fund-raising letters to save the rain forests that claimed to be written on "tree-free paper" actually used unrecycled wood, according to two scientific analyses.

John Campbell, a conservative Los Angeles fund-raiser, said he spent about \$100 on a whim for an initial test after noticing San Francisco-based Rainforest Action Network said its materials were "printed on 100 percent tree-free paper."

The solicitations also asked donors to give more to "help compensate for the extra costs of using tree-free paper."

The letter and its accompanying reply card turned out to be "virtually all chemical wood pulp" that was not recycled, according to Walter Rantanen of Integrated Paper Services Inc. in Appleton, Wis.

"These pulp fibers appear to be from North American tree species," Rantanen wrote in a report for Campbell.

A subsequent analysis of seven additional pieces of Rainforest Action Network literature found two were made of unrecycled North American wood, and a third made from recycled wood fiber.

"The tree-free portion is an extremely small percentage," Rantanen wrote.

Campbell asked the U.S. Postal Inspector to investigate the group's claim after he received the first analysis in February. After receiving the second analysis in March, this week Campbell threatened to sue the group under a California law that lets individuals allege unfair and deceptive practices, including false advertising.

Environmental groups have used that law against businesses, Campbell noted. He's demanding the group offer to return contributions solicited with the letters.

"I think what they're doing is sort of noble, but I don't like their tactics," said Campbell. "I do a lot of direct

mail and I like people to be a somewhat honest with their fund-raising."

Rainforest Action Network spokeswoman Sara Brown Riggs said Saturday that the group uses 100 percent recycled paper or paper made of a combination of 90 percent post-consumer waste and 10 percent of an alternative fiber, such as hemp.

She said the groups are having its own lab tests done to make sure the paper meets those criteria.

"We're confident the paper sent out for the fund-raising letter met those specifications," she said.

The group says on its Web site that it has worked since 1985 to protect rain forests and their inhabitants through education, grass-roots organizing, and nonviolent direct action.

"We are committed to tree-free alternatives," Riggs previously told the Washington Times, "and are flattered that so much attention is being paid to our organization."

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