WEEKEND EDITION

Santa Monica Daily Press

April 15-16, 2006 A newspaper with issues Volume 5, Issue 132

DAILY LOTTERY

SUPER LOTTO
7 31 32 36 41
Meganumber: 18
Jackpot: $7 Million

FANTASY 5
3 4 5 9 37 38

DAILY 3
Daytime: 8 6 3
Evening: 3 1 4

DAILY DERBY
1st: 04 Big Ben
2nd: 12 Lucky Charms
3rd: 03 Hot Shot

RACE TIME: 1:41.68

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NEWS OF THE WEIRD
BY CHUCK SHEPARD

■ In February, the Oregon Court of Appeals ruled that the neck is a "sexual or intimate (part)" and thus that a forcible kiss there is a felonious touching that allows sentencing the offender to life in prison under the state's "three strikes" rule.

■ Also in February, a Florida appeals court upheld a jury's simultaneous findings that Nicholas Cappalo was not guilty by reason of insanity in the burglary of a home in May 2002, but guilty and sane during the ensuing getaway, in which he led sheriff's deputies on a 15-mile, high-speed chase.

TODAY IN HISTORY

Today is the 105th day of 2006. There are 260 days left in the year.

In the early hours of April 15, 1912, the British luxury liner Titanic sank in the North Atlantic off Newfoundland, less than three hours after striking an iceberg. About 1,500 people died.
In 1850, the city of San Francisco was incorporated.

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LOCAL

Lena Muniz/Special to the Daily Press
Private gardens like this one will be featured during the Green Gardens Tour.

City's sustainable gardens keep it real

BY KEVIN HERRERA
Daily Press Staff Writer

OCEAN AVENUE — Sustainability is once again the theme for the second annual Green Gardens Tour — Santa Monica, in which ticket holders will be introduced to a wide variety of native plants and new technologies that conserve water, protect the environment and beautify open space.

Proceeds from the tour, which runs from 10 a.m. to 4 p.m. on Saturday, April 29, will go towards programs provided by The Virginia Avenue Project, a 14-year-old charity that provides one-on-one mentoring for at-risk youth, as well as after school programs at the Police Activities League. The nonprofit uses the performing arts to help build self-esteem and foster creativity.

Eight private gardens will be featured in the tour, including both newly planted and the fully mature variety. Three of the gardens were funded partly by the city as part of City Hall's Landscape Water Efficiency grant program, which will pay up to $20,000

See GARDEN TOUR, page 12

DNA key to '98 murders

BY CAROLYN SACKARIASON
Daily Press Staff Writer

POLICE HDQTRS. — Capital murder charges were filed on Friday against two imprisoned gang members believed to be responsible for the deaths of two men who were shot in a Santa Monica clothing store nearly eight years ago.

David Robles and Jessie Garcia, both 29, are alleged to have fatally shot Michael Juarez, 27, and Anthony Juarez, 19, on Oct. 27, 1998. The Juarez brothers were visiting their cousin's business, Westside Clothing, when masked gunmen stormed into the store and fired numerous rounds from an assault rifle and pair of handguns.

The shooting spree also left two others severely injured. Frank Juarez Jr., the proprietor of the store, was critically wounded, but survived. A customer who was in the store also was shot and survived.

Robles, also known as "Puppet," is currently serving an eight-year sentence in Corcoran State Prison. He was convicted of voluntary manslaughter in February 2001. Garcia, also known as "Psycho," was convicted of carjacking and assault with a deadly weapon with a firearm causing great bodily injury in May 1999. He is currently in Ironwood State Prison.

The two suspects, who are cousins, have admitted to and are

See MURDER CASE, page 12

ANTHONY JUAREZ

MICHAEL JUAREZ

"It is our hope that the solution of this crime brings some measure of peace to the family."

JAMES T. BUTTS JR.
SMPD Chief

Justice Dept. fights suit by Santa Monica

BY KEVIN HERRERA
Daily Press Staff Writer

SAN FRANCISCO — Attorneys with the U.S. Department of Justice argued before a U.S. District Court judge today that a lawsuit involving Santa Monica City Hall should be thrown out on grounds that it has no merit.

The suit, which was filed by Friends of the Earth, Greenpeace, and the cities of Santa Monica, Oakland and Boulder, Colo., charges two federal development agencies with funding projects oversees that have contributed to global warming.

This marks the second attempt

See EARTH LAWSUIT, page 13

A couple of good eggs

Fabian Lewkowicz/Daily Press
Jasmine Terrel, 9, (at right) and Mia Casillas, 8, work together to put the final touches on a painted Easter egg. The girls joined other students from John Muir and SMASH this week in decorating the eggs in preparation for Sunday.

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Santa Monica Daily Press

JACQUELINE BIGAR'S STARS The stars show the kind of day you'll Have:
★★★★★-Dynamic ★★★★-Positive ★★★-Average ★★-So-so ★-Difficult

ARIES (March 21-April 19)
★★★★ You will want to do something very different and avant-garde. Others will be impressed by your actions and your follow-through. The unexpected takes you to a new limit or level with a key person. Tonight: A little fiscal sense could go a long way.

TAURUS (April 20-May 20)
★★★★★ Others surprise you, not only with their ideas but also with their overtures. You will handle someone a lot differently if you relax and enjoy. Many people seek you out. Relationships work. What's not to smile about? Tonight: Easy does it.

GEMINI (May 21-June 20)
★★★ Accept your responsibilities by moving forward and accepting more responsibility. You have the energy to meet the moment and finish a situation. You do what's necessary to get ahead. Tonight: Be your effervescent self.

CANCER (June 21-July 22)
★★★★★ Your fun way and style helps everyone enjoy themselves. Exciting news comes your way. Think positively. Be willing to risk a bit. A partner or dear friend might be extremely delighted by what goes on between you. Tonight: Ask, and you shall receive.

LEO (July 23-Aug. 22)
★★★★ Your family and domestic life take higher-than-usual priority. You might want to think through a situation differently than many. Your ebullient and positive attitude makes everything easier. Be sure you are seeing someone in his or her true light. Tonight: Entertain from home.

VIRGO (Aug. 23-Sept. 22)
★★★★★ Make the first overture and handle a situation more completely. A neighbor, sibling or close friend might have an awful lot to share. Bring others together for a fun and special time. A lot happens very quickly. Tonight: Know when you have had enough.

LIBRA (Sept. 23-Oct. 22)
★★★ You could go on a wild spending spree. Risking might be fun, but as you could see, it has its ramifications. Nevertheless, you revitalize and get ahead of the game. Think positively. Tonight: Try to rein yourself in.

SCORPIO (Nov. 22-Dec. 21)
★★★★★ Your positive attitude gets you far. Investigate new ideas and see situations differently. You understand much more than you realize. Move forward, making the most of an opportunity. You know what you want. Tonight: Beam in what you want.

SAGITTARIUS (Nov. 22-Dec. 21)
★★★ You might smile and enjoy yourself to the max if you go solo. You need time to relax and zoom in on what you want. Recognize your limits and what needs to happen. Amaze yourself as you walk onto new turf. Tonight: Remember, being unavailable can be a turn-on to some people. (After all, you could be doing your taxes!)

CAPRICORN (Dec. 22-Jan. 19)
★★★★★★ You might want to think before you say yes to an invitation. Make sure you really want to do what someone proposes. You will find that others want your company too. The question lies in your preferences. Tonight: What would put an ear-to-ear smile on your face?

AQUARIUS (Jan. 20-Feb. 18)
★★★★ Your innate sense of what is right takes you a long way in dealing with the many people in your life. You might want to revise your plans because of immediate demands. Don't worry, you have what it takes. Tonight: A must appearance!

PISCES (Feb. 19-March 20)
★★★ You might want to carefully rethink a situation that taps into your life. If you detach, your vision could be a lot deeper and more intense than you thought. Relax to a movie, a drive in the country or a funny sharing. Tonight: Reach out for someone at a distance.

CIRCULATION AUDIT BY CIRCULATION VERIFICATION COUNCIL

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LOCAL

COMMUNITY BRIEFS

Cross to bear: New faces come aboard SM chapter

By Daily Press staff

Shirley Strom has been named Director of Resource Development for the American Red Cross of Santa Monica.

The Santa Monica American Red Cross has announced three new staff members.

Shirley Strom, new director of resource development, will be responsible for fund raising activities and working with individuals, corporations, foundations and other charitable groups to secure financial support for the Santa Monica Red Cross.

Strom has been executive director for three other nonprofit organizations and an independent consultant for fund-raising and special events for nonprofits before coming to the Santa Monica Red Cross.

Strom first became acquainted with the chapter as a member of the resources development committee and as a local volunteer working on Hurricane Katrina disaster relief.

Her work as a volunteer and nonprofit resource development background led to her present position. She has a political science degree from Webster University, in St. Louis, MO. She lives in Santa Monica and is married with two grown children. Her daughter attends college and her son lives in St. Louis.

Michele McKean, new development associate, will assist Strom in the chapter's fund-raising activities. McKean will be responsible for building and maintaining the chapter's donor data base. She worked on assignment at the Getty Villa Museum in Malibu where she assisted in the preparations for its recent public re-opening.

Michele McKean joins the Santa Monica Red Cross chapter staff as a development associate.

McKean moved to the Los Angeles area from New York City in 2002 where she was a buyer and inventory control manager for Felissimo, a luxury retailer. She is a graduate of the University of Vermont, is married and lives in Woodland Hills with her husband.

Betty Martinez, new customer service supervisor, is working in the reception area, where she provides general supervision and guidance to volunteers who help with phones. Martinez is bilingual and assists the chapter's Spanish speaking clients.

Betty Martinez recently joined the American Red Cross of Santa Monica as a customer service supervisor.

Martinez's main responsibility is with health and safety services in records and reports where she assists with enrollment of students in classes and student certification. In coming months, her duties will expand to include business and industry sales of CPR/first aid and emergency supplies to local residents and businesses.

Martinez came to Santa Monica from the Los Angeles Chapter of the American Red Cross where she worked as a health and safety assistant and nurses assistant coordinator. She is a Los Angeles resident and a part-time student at LA City College.

Martinez is a single mom raising twin boys, 9, and one 14-year-old.

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SNOW AND SURF REPORTS

CONDITIONS DATA PROVIDED BY ONTHESNOW.COM

BEAR MOUNTAIN

NEW SNOW (24 Hrs)	BASE DEPTH	LIFT HOURS	RUNS OPEN	LIFTS OPEN
0"	24" - 48"	8:00 am - 4:00 pm	27	12/12

CONDITIONS: Machine Groomed, Spring, Variable

JUNE MOUNTAIN

NEW SNOW (24 Hrs)	BASE DEPTH	LIFT HOURS	RUNS OPEN	LIFTS OPEN
0"	144" - 168"	8:30 am - 4:00 pm	50	6/6

CONDITIONS: Powder, Packed Powder, Machine Groomed

MAMMOTH MOUNTAIN

NEW SNOW (24 Hrs)	BASE DEPTH	LIFT HOURS	RUNS OPEN	LIFTS OPEN
0"	216" - 240"	8:30 am - 4:00 pm	150	20/28

CONDITIONS: Powder, Packed Powder, Machine Groomed

MOUNTAIN HIGH

NEW SNOW (24 Hrs)	BASE DEPTH	LIFT HOURS	RUNS OPEN	LIFTS OPEN
0"	12" - 36"	8:30 am - 10:00 pm	27	8/16

CONDITIONS: Spring

MT. BALDY

NEW SNOW (24 Hrs)	BASE DEPTH	LIFT HOURS	RUNS OPEN	LIFTS OPEN
0"	18" - 34"	8:00 am - 4:30 pm	26	4/4

CONDITIONS: Machine Groomed, Spring

SNOW SUMMIT

NEW SNOW (24 Hrs)	BASE DEPTH	LIFT HOURS	RUNS OPEN	LIFTS OPEN
0"	24" - 48"	8:00 am - 6:00 pm	26	10/14

CONDITIONS: Machine Groomed, Spring, Variable

SNOW VALLEY

NEW SNOW (24 Hrs)	BASE DEPTH	LIFT HOURS	RUNS OPEN	LIFTS OPEN
0"	24" - 60"	8:30 am - 4:00 pm	24	5/11

CONDITIONS: Machine Groomed, Spring, Frozen Granular

CONDITIONS WATER TEMP: 59°

DATA PROVIDED BY WETSAND.COM

SWELL FORECAST (2-4 FT)

Today is looking like a small day with meager NW wind swell and traces of SW, making for waist high surf most everywhere. Given the fact that we'll likely have gusty onshores and bacteria from runoff, Saturday is not looking too pretty.

LONG RANGE SYNOPSIS

NW to affect NCal this weekend, SoCal sees some...

Tracking NW for 21st...

Tracking SW for 26th...

TIDE FORECAST FOR SANTA MONICA

SATURDAY				
LOW TIDE	5:10AM	-0.2FT	4:17PM	1.7FT
HIGH TIDE	11:22AM	3.6FT	10:38PM	5.5FT
SUNDAY				
LOW TIDE	5:51AM	-0.2FT	4:37PM	2.0FT
HIGH TIDE	12:12AM	3.2FT	11:07PM	5.5FT
MONDAY				
LOW TIDE	3:29AM	0.4FT	3:18PM	0.7FT
HIGH TIDE	9:29AM	4.4FT	9:31PM	5.2FT
TUESDAY				
LOW TIDE	4:00AM	0.1FT	3:38PM	1.0FT
HIGH TIDE	10:04AM	4.2FT	9:51PM	5.4FT
WEDNESDAY				
LOW TIDE	4:33AM	-0.1FT	3:57PM	1.4FT
HIGH TIDE	10:41AM	3.9FT	10:13PM	5.5FT

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The Q Line

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RESPONSES ON PAGE 4.

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OPINION

The Q Line

Marion Davies Makeover Kicking Up Sand

This past week, Q-line asked:
"How should city officials weigh the opinions of residents regarding the proposed redevelopment of the old Marion Davies Estate into a public beach club on the Pacific Coast Highway since the general public supports it but a handful of nearby residents of the property do not?"
Here are your responses:

✆ "It's not a question of the local residents' concerns about building the public beach club on PCH, it's a matter of common sense. Such a project would cause havoc on an already overcrowded roadway, plus it would bring in even more undesirables from the outside areas. What are the powers-that-be thinking of? That's the trouble right there. They're not. All they see are dollar signs as usual."

✆ "I assume a public beach club is a club in which public members can join with a more reasonable membership fee and less personal scrutiny than a private club. This is fine with me. Any club form is better than the construction of condos. Condo developers are always lurking in the background."

✆ "The rich people that live in the area of the public beach club don't want it. After all, that would get the public there, and most people there want their own private beach, not a public beach. I think we should go ahead and open it up to the public, and if those rich people don't like it, they can move out."

✆ "Why do you assume most Santa Monica residents want this beach club? Have we voted on it? I think it's a bad idea. The location on PCH is fairly inaccessible, not really in the city, and quite dangerous, leaving the city open to liability issues. And will it become the next transient magnet? It's minor claim as an historical site is part of Hollywood history, not Santa Monica's. Furthermore, the stable structure is no longer there. Even with the grant, this would be a major and ongoing investment of money better used elsewhere."

✆ "Forget a beach club. This is an old movie star's home. It is a great opportunity for us to create a great movie museum. We have always had as many movie stars living here and movies made here as Hollywood did. We could get all sorts of movieland memorabilia dedicated to the Marion Davies Museum from local Hollywood celebrities and the studios. It could be really fantastic, and it's close to the newly re-opened Getty Museum."

✆ "The city's going to build whatever it wants to build, but I think it's a wonderful idea. The city can participate and most of the people can have a beautiful gem of a beach club, so I say go for it."

✆ "City officials should treat the creation of a public beach house and entertainment venue as if the project were to be operated in their own backyard. The opinions of those most affected by this operation are very important. What size parties in the party house, and how many? Music, and if so, how loud? Late hours, and who is to enforce any curfew? The general opinions supporting this development may not live anywhere nearby, and thus will not risk having their dinners, their evenings or their sleep disturbed by large and possibly noisy or rowdy crowds. I am sure that if city officials lived next door they would say, 'not in my backyard.'"

✆ "This club is located in a residential neighborhood where there are more than a handful of people who would be affected by traffic, noise and crowds created by the public attending various events. Residents want assurances they would not be disturbed by the (events) suggested by the city. I'm sure if any of the planning commissioners lived close to the club, they also would be demanding some type of the restrictions that have been requested by the neighbors. It is unreasonable of the city not to listen to those people most affected by the plans."

✆ "If you had over a $5 million investment in your home, wouldn't you want to protect it? Has anyone driven on PCH at 5 p.m. or on an August weekend? The proposed signal light on PCH is another City Hall traffic disaster waiting to happen. The Annenberg Foundation gave $28 million to this project. Why? Now the State Parks Department is involved? Bobby Shriver serves on the State Parks board. Is there something odd about this connection? Who will benefit from a beach club? I bet most of the use will come from low-income people who are not from Santa Monica. Still, it's better than a hotel or a Coney Island-like development."

Shock and aw shucks: Bush feigned ignorance

MODERN TIMES
BY LLOYD GARVER

We learned last week through Dick Cheney's former aide, "Scooter" Libby, that it was President Bush who authorized the leaking of a classified document that detailed certain conclusions about Iraqi weapons of mass destruction. Since then, politicians, lawyers, and Constitutional experts have been debating whether the president has the legal right to de-classify classified material whenever he wants. I'll leave that debate to the lawyers. What concerns me is why didn't President Bush just come out and say that he was the leaker? Instead, when this leak first became public, the president said that anyone in his administration involved in the leak would be fired. Is he going to fire himself now?

If he didn't mislead us when he acted outraged about the leak, what was he doing? It reminds me of the famous scene in "Casablanca" when the Claude Raines character closes the café saying, "I am shocked, shocked to find that gambling is going on here!" A moment later, a croupier hands Raines his winnings. If Bush not only knew about the leak but authorized it, wasn't he being dishonest with us when he claimed he was "shocked, shocked" to hear about the leak?

As with the wiretapping flap, why didn't he just come forward and cowboy up? Why didn't he say, "I'll tell you who was responsible for the leak. It was me. And as president, I have every right to declassify material whenever I want to. I did nothing illegal, and nothing I need to apologize for." Then the lawyers could have debated the issue, but at least the president would have been honest with us.

Instead, after some pressure, the administration appointed an independent special prosecutor, Patrick Fitzgerald, to investigation. That investigation reminds me of another movie: "No Way Out." In that one, Kevin Costner was put in charge of an investigation in which, unbeknownst to anyone else, he was the culprit everyone was looking for. President Bush has been saying that this investigation should run its course, but he's known all along who the big leaker was — him.

Now that it's public knowledge, the president has come forward and acknowledged that it was his decision to declassify the material and get the information — which turned out to be misinformation — to the American public.

But why did they leak it in the first place? If the administration really believed in the "intelligence" about weapons of mass destruction and that Saddam Hussein was seeking nuclear material from Africa, why not just say this was the case? If it's not illegal for the president to decide to declassify something, why not just declassify it and tell everyone what's in it instead of secretly leaking it?

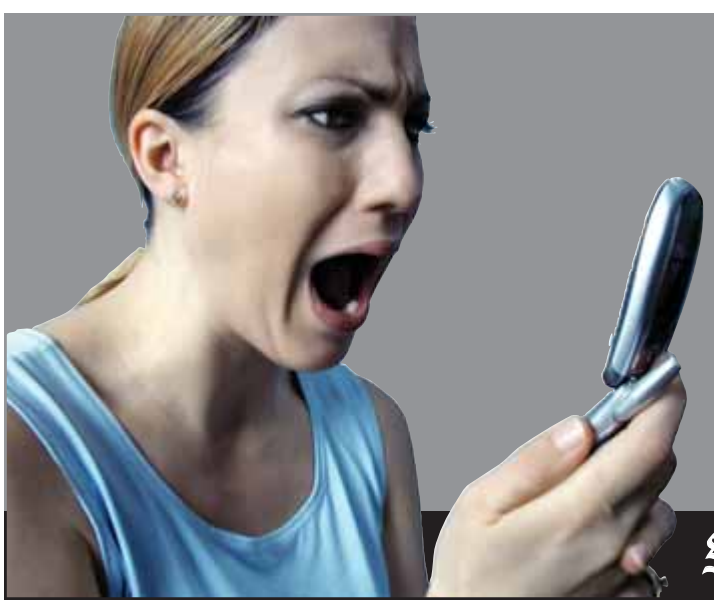
If they primarily wanted the threat from Iraq to appear greater than it really was, we should know about that. If they leaked the report to discredit one of their critics, Joseph Wilson, and/or his CIA wife, Valerie Plame, we should know about that. Now is not the time for more "movie acting." Just tell us the truth.

When the wiretapping that the administration was secretly doing became public, President Bush said, "It was a shameful act for someone to disclose this very important program in a time of war." Is it less shameful to leak information from classified documents? Last time I looked, that same war was going on.

Way back in 2003, White House spokesman Scott McClellan denied that Administration officials had anything to do with the leaking of the identity of Plame. He said, "I'm telling you flatly that that is not the way this White House operates." Oh, really? It sounds exactly the way this White House operates — in shadows, in secrecy, in defining its own power. Their position has consistently been, "If you're against our policies and you do something we don't like, you're disloyal and hurting the war effort. If we do the same things, we're just doing our jobs."

So, what was my reaction when I found out that not only Vice President Cheney, but President Bush was behind this leak? I was shocked, shocked that such a thing could take place in this administration.

(Lloyd Garver has written for many television shows, ranging from "Sesame Street" to "Family Ties" to "Frasier." He also has read many books, some of them in hardcover. He writes the "Modern Times" column for CBSnews.com's opinion page and a weekly column for SportsLine.com. He can be reached at smdp@lloydgarvermoderntimes.com.)



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STATE

Robot birth simulator irons out caregiver kinks

BY PAUL ELIAS
AP Biotechnology Writer

VALLEJO, Calif. — She's given birth in Afghanistan, California and dozens of points in between.

Her name is Noelle and she's a life-like, pregnant robot used in increasing numbers of medical schools and hospital maternity wards.

Noelle is in demand because medicine is rapidly moving away from centuries-old training methods that use patients as guinea pigs and turning instead to high-tech simulations. It's better to make a mistake on a $20,000 robot than a live patient.

The Institute of Medicine estimates that as many as 98,000 U.S. patients die annually from preventable medical errors.

"We're trying to engineer out some of the errors," said Dr. Paul Preston, an anesthesiologist at Kaiser Permanente and architect of the hospital chain's 4-year-old pregnancy-care training program, in which Noelle plays a starring role. "We steal shamelessly from everybody and everywhere that has good training programs."

Noelle is used in most of Kaiser's 30 hospitals nationwide and other hospitals are putting in orders.

The Northwest Physicians Insurance Co. is sponsoring similar training programs in 22 hospitals in Oregon and Idaho, rolling out Noelle initially at five hospitals.

She can be programmed for a variety of complications and ultimately gives birth to a plastic doll that can change colors, from a healthy pink glow to the deadly blue of oxygen deficiency. The baby mannequin is wired to flash vital signs when hooked up to monitors.

Miami-based Gaumard Scientific, which makes Noelle, is one of two Florida companies making so-called "patient simulators." Sarasota-based Medical Education Technologies Inc. sells a $68,000 robot called "Stan" — short for "standard man" — for training paramedics.

Noelle models run from $3,200 for a basic, non-computerized model, to a $20,000 computerized Noelle that best approximates a live birth.

The computerized mannequins emit realistic pulse rates, can urinate and breathe.

"If she is bleeding, there will be ample blood in evidence everywhere," Preston said one rainy day last month as he put Noelle through her paces at Kaiser Permanente's Vacaville hospital for about 50 doctors, nurses and others involved in caring for pregnant women.

The training session started in a hospital room, where Noelle was hooked up to monitoring machines and tended to by nurses and doctors.

David Isaza, an engineer with Gaumard, sat in a corner of the room with a laptop sending wireless signals to Noelle. With a keystroke, he can inflict all sorts of complications. Noelle can labor for hours and produce a breach baby or unexpectedly give birth in a matter of minutes.

In Vacaville, Noelle's heart rate increased, prompting the nurse to examine her under the sheets. An umbilical cord was visible — not a good thing. Immediately, the nurse called a "code 777." Several more medical personnel burst into the room and wheeled Noelle off to the operating room where she gave birth to twins after a frenzied 20-minute operation.

Then it was time for the debriefing back in a conference room.

"We wheeled her through the hallway with her gown open," complained one nurse.

"It was too loud," another said of the chaotic scene that include more than 30 people jammed into a small operating room.

And so it went for another 30 minutes until it was a second group's turn with Noelle.

"The mannequins are cool," Preston said. "But it is only one training tool."

Nobody knows this better than Robbie Prepas, a Laguna Beach midwife who is a consultant to Gaumard.

In 2004, Prepas was working for the U.S. Centers for Disease Control and Prevention on a $1 million Gates Foundation grant to train Afghan medical personnel in the care of women and children. Afghanistan has the highest death rate among pregnant women and newborns, and doctors and nurses had little training during the Taliban years.

Prepas and her colleagues hauled three different models of Noelle, including one that worked by hand crank, for medical training at the only women's hospital in Kabul. But while the Noelle mannequins were helpful, power failures and other technological glitches hindered the mannequins' effectiveness.

Still, Prepas said Noelle is becoming standard issue in the United States.

"It's a really effective way to teach people how to take care of patients without harming actual patients," said Prepas, a Laguna Beach midwife who is a consultant with Gaumard. "It is used in every medical school and nursing school and more hospitals are buying Noelle.

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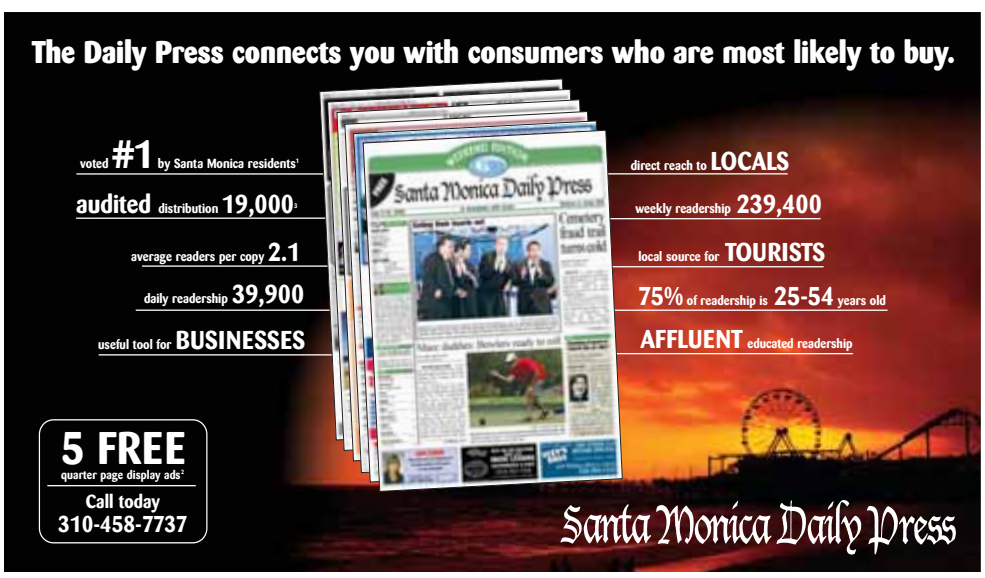

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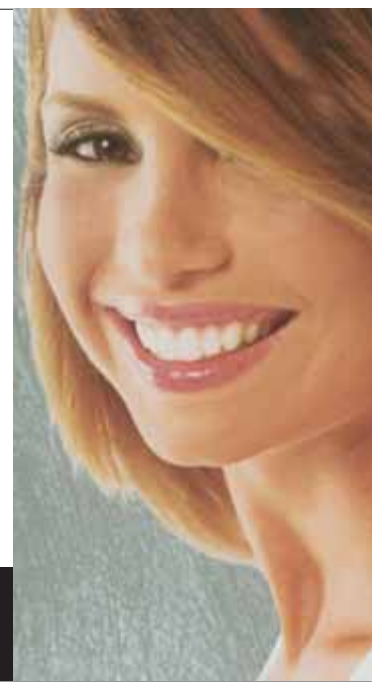

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PAL SANTA MONICA

STATE

Brothers, like nation, split on immigration

BY ELLIOT SPAGAT
Associated Press Writer

OCOTILLO, Calif. — Growing up in Southern California, Duncan Hunter and his younger brother, John, shot geese together and fished for bass.

As adults, they chat by phone nearly every day and meet up for an occasional round of golf. They remain close even though their views are sometimes at odds — notably on the latest hot-button topic before Congress, immigration.

Many siblings agree to disagree on politics; the Hunter brothers' divide goes deeper than arguments around the dinner table.

Duncan Hunter, chairman of the House Armed Services Committee, is a hero to immigration hard-liners. The California Republican is almost single-handedly responsible for a super-fortified stretch of border — a 14-mile barrier in San Diego that is nearing completion.

John Hunter, toy inventor and physicist, is trying to prevent the deaths that many consider an unintended consequence of his brother's fence. His pioneering work providing water in the California desert to illegal border crossers is revered by liberals.

Their differences underscore the complexity of the immigration debate as Congress tackles the most sweeping reforms in 20 years.

Duncan Hunter joined a House majority in December that approved a tough enforcement bill that included a measure to expand the definition of migrant smugglers to people who help them — potentially even his younger brother. If the House bill became law, John Hunter says he would disobey it.

Behind the wheel of a white Ford F350 pickup, stopping every mile to plant water stations, John said, "Rosa Parks broke the law. We would break the law. I'm not going to let someone die because of some dumb law."

Behind the fancy tombstones in the California desert town of Holtville, about 400 plain, white wooden crosses are marked with black lettering: "No Olvidados" — Not Forgotten. Next to the crosses, bricks read John Doe, Row 9-29; John Doe, Row 10-29; John Doe, Row 11-29.

These are the graves of unidentified migrants who died crossing the border. John Hunter takes his volunteers here to show them why what they do matters.

Laura Hunter, one of his first volunteers — who was raised in Mexico and became his third wife in 2004 — leads a prayer. John holds hands with people singing alongside him but says nothing. He doesn't understand Spanish.

More than 3,000 migrants have died crossing the border since U.S. authorities beefed up enforcement in California in the mid-1990s. Last year, 460 people perished, surpassing the record of 383 set in 2000.

John Hunter was horrified by news reports of migrant deaths in the late 1990s. His pleas with the Border Patrol to install cameras in remote areas got nowhere.

Over dinner with frustrated migrant advocates at a Wendy's restaurant in 1999, he came up with the idea for Water Stations Inc., a nonprofit group that has about 150 dispensaries.

Now in his seventh season, John places 19-foot flagpoles in the California desert topped with blue streamers designed to catch the eyes of thirsty migrants.

Alongside the flags, he places blue plastic barrels that hold about seven gallon-sized water jugs. Throughout the summer, as temperatures soar into triple digits, John, 50, replenishes the barrels with jugs every week or two.

A Ph.D. in particle physics who drives around with a notebook full of his scribbled equations, John says he's a pro-military Republican, "the token redneck" in a crowd of liberals. He has helped design and build an Army truck that withstands roadside bombs and other war-fighting hardware.

But playing political roles does not interest him. He doesn't hold news conferences and shares his views on immigration policy only when pressed.

"We're actionists, not activists," he told 35 volunteers one Saturday morning in Ocotillo, a desert hamlet about 70 miles east of San Diego. "Everyone has an opinion (about immigration) but that's not why we're here. Our only issue is survival."

At Tyler's Taste of Texas, catfish and mesquite-smoked ribs are the house specials and a portrait of George W. Bush hangs next to the cash register. A poem in the menu skewers politicians as lazy spendthrifts.

"Of course, this does not apply to my good friend, Congressman Duncan Hunter," writes owner Roy Tyler.

This eatery in the working class San Diego suburb of El Cajon is the heart of the congressman's district. On a recent Friday, Duncan sipped morning coffee at Tyler's and recalled that before he first ran for the House in 1980, immigration wasn't on his radar.

The decorated Vietnam War veteran had a law practice in a former barbershop in Barrio Logan, a Hispanic enclave in San Diego, and said he worked free for clients who couldn't afford to pay.

One client was a Hispanic man accused of selling marijuana on a trip to Mexico. In return for sparing the man prison time, Duncan got a bowl of Mexican pudding and his wife got some lingerie.

At 32, Duncan rode Ronald Reagan's coattails to unseat a nine-term Democratic congressman. His parents helped direct his first campaign, and John knocked on thousands of doors.

See A HOUSE DIVIDED, page 7

STATE

Duncans standing on opposite sides of fence

A HOUSE DIVIDED, from page 6

He recalled how his district turned into a "war zone" of human and drug smugglers who made daily runs across a wide-open border. He championed a 1990s crackdown that dramatically reduced border crossings and violence in San Diego and pushed traffic into deserts.

In San Diego, the government erected two fences about 150 feet apart with a patrol road in between. A mesh fence rises 14 feet and tilts at the top. Even John Hunter credits Duncan's fence with helping to restore order in San Diego.

Americans for Better Immigration, a group that advocates tighter immigration controls, gives Duncan an A-plus.

In December, Duncan, 57, slipped an amendment the immigration bill approved by the House that called for 698 miles of fencing along the U.S.-Mexico border. It was a partial victory: He wanted to wall the entire 1,951-mile border, from the Pacific Ocean to the Gulf of Mexico.

The fencing has angered Mexicans, with President Vicente Fox calling it "shameful."

Duncan is unapologetic.

"The real question for the politicians in Mexico is what are you doing to your people to make them want to cross burning deserts to get away?" he said.

Currently, the Border Patrol has fencing on less than 4 percent of the U.S.-Mexico divide, or about 70 miles.

Let Freedom Ring, a group that advocates tighter border security, pegs the cost of building a fence along the entire border at $8 billion. An AP-Ipsos poll in late March found that two-thirds of those surveyed do not think it would work.

Duncan reluctantly acknowledges that tougher enforcement in San Diego pushed some migrants into the desert, where many have died. His remedy: extend San Diego's steel-and-mesh barriers along the entire border.

"If you had 400 high school students dying in a canal each year, the first thing you'd do is fence it," he said.

John said he has never voted for Duncan, figuring that his brother didn't need the support. But he has called on his brother to help his effort to save lives. Duncan once joined him in the desert and, according to John, gave $3,000 to Water Stations from his campaign fund.

"John Hunter is real people," Duncan said. "He's a great guy with a big heart who has saved a lot of lives."

When the U.S. Bureau of Land Management balked at giving permits for the water stations, Duncan made some calls and got John a green light. John remains bitter toward BLM.

"They were worried that we might hurt bones that were 12,000 years old but didn't care about bodies that were 48 hours old," John says.

Duncan declined to support John's $7 million plan to build 18 cell phone towers along the border in the desert to allow stranded migrants to call for help.

The brothers don't air their differences publicly, though John faulted the barrier Duncan backs as an "Iron Curtain-type" fence.

Both men are over 6 feet tall, natural athletes and gifted storytellers. Duncan's graying hair is more closely cropped than John's thick mane of black hair. Duncan's paunch is little bigger.

Their differences on immigration are hardly irreconcilable to those who know them.

Their sister, Bonnie Kane, understands both Duncan's position, considering the strain that illegal immigration poses in California, and John's desire to save lives.

Roberto Rubio, 67, signed up to help John in 2000 because he knew Duncan's record on immigration and feared that the water stations were really a trap to capture border crossers. The would-be spy became one of John's most reliable volunteers.

"That's what a family is — you have different kids with different thinking," said Rubio, a retired building contractor.

The Rev. Robin Hoover, who heads Humane Borders Inc., a group that maintains water stations in Arizona and works closely with John, said family friction is normal.

"I'm close to my brother," he said, "but I tell him he's full of it all the time."

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The stars fail to align on immigration debate

BY LYNN ELBER
AP Entertainment Writer

LOS ANGELES — Tim Robbins, Susan Sarandon and Sean Penn protest the war. Leonardo DiCaprio has taken on global warming and Mike Farrell stands vigil against the death penalty.

But when it comes to immigration reform — a controversy in Hollywood's own backyard — stars have largely been unseen and unheard.

Fear of career damage, confusion over a complex issue abruptly supercharged by waves of nationwide protests, and historic detachment from Hispanic realities are among the explanations offered by industry insiders and observers.

Not that the movement has needed famous standard bearers — it has been notable for its bottom-up genesis that has left it without recognizable leaders.

Still, there are no good excuses for the celebrity vacuum, Hispanic rights groups contend.

"I remember the (black) civil rights struggle, when we had people like Harry Belafonte coming forth and being at the head and knowing the subject matter really well," said Alex Nogales, president of the National Hispanic Media Coalition. "We're missing that here."

Do famous Hispanics have a moral obligation to get involved?

"Of course," Nogales said. "This is part and parcel of being a Latino and having the responsibility to safeguard our community. The more visible ones have to take a stand. They can't always be safe."

There have been only scattered celebrity sightings at marches, with Academy Award-nominated actor Edward James Olmos (the new HBO movie "Walkout," "Stand and Deliver") the best-known.

A few other prominent Hispanics, including actor-comedian George Lopez and filmmaker Gregory Nava, candidly address the public debate and the role they will — or won't — play.

"I agree with them (Hispanic advocates) in saying we should get involved," Lopez told The Associated Press. "I think the thing that frightens Hollywood right now is it's such a powder keg they're afraid of getting burned, as public figures."

For Olmos, his involvement represents yet another chapter in a lifetime of activism. He considers the immigration issue central to the crucial debate over humane economic treatment of people worldwide.

"I think it's important (to get involved) because of the complexity of the issues that are involved," he said. "I wish there was a simple answer to this but I think both sides have to come to terms with the realities of what we're facing."

Another prominent activist of Hispanic background, Martin Sheen, was away after wrapping "The West Wing" and unavailable, his agent said. Sheen has been a highly visible supporter of immigrants rights in the past.

Sarandon, Ed Begley Jr. and Ed Asner, all known for their political outspokenness, were contacted for interviews but either were unavailable (in Sarandon's case) or did not return phone calls or e-mail requests.

Lopez, among television's best-known Hispanics as star and executive producer of ABC's comedy series "George Lopez," said that what gives him personal pause is the intricacy of the issue, which has stymied Congress as well as the average citizen.

And in an industry that has only begun to crack the door for Hispanic talent, Lopez's success can't help but seem vulnerable to fallout from political activism.

"I've managed to cross over" and draw both Hispanic and non-Hispanic fans, he said. "A lot of us try and don't succeed. Are you willing to risk it all. ... Are you willing to become a lighting road for immigrant rights?"

The equation is different for Hispanic performers who have gained fame through Spanish-language media. A publicist representing stars from Univision, the popular Spanish-language network, called the National Hispanic Media Coalition to offer their services.

There are risks in speaking out politically, acknowledged former "M-A-S-H" TV star Farrell, and that may preoccupy some celebrities with a history of activism.

"There are some people who have been battered and beaten as a result of their opposition to the war," he said, "that I think they are a little less willing to stick their heads out from their shells."

The people-powered protests have made celebrity involvement seem inconsequential, added Farrell, who said he's taken part in immigration-related events in recent months, including a protest against the Minuteman Project civilian border patrol group.

Olmos refused to criticize colleagues who haven't spoken up.

"Everybody has to deal with their own situation and their own insights and own feeling about their passion," he said. "I'm sure everybody is trying to do the best they can."

There are other ways to engage in and influence social debate besides marching, said writer-director Nava, whose "El Norte" (1983) was a landmark depiction of the forces pushing people north across the U.S. border and the dangers they face.

"As a filmmaker, I can put a face and a heart and a soul to these numbers and statistics, these `shadows' in our society, people from all over Mexico, Latin America, that are here to work," said Nava. "I feel the most powerful thing filmmakers can do is make movies."

Lopez is considering that path — it's possible, he said, an immigration story line may pop up on his sitcom next season.

Nava, who created the Hispanic TV saga "American Family" and is completing the upcoming film "Bordertown" with Jennifer Lopez and Antonio Banderas, suggested it may be premature to call out Hispanic artists for their lack of activism. Everyone was staggered by the protest turnouts, he said, and predicted other stars will join in time.

One person unsurprised by the white-dominated industry's inability to connect with the issue is Lisa Navarette, spokeswoman for the National Council of La Raza, a Hispanic civil rights organization.

Stars jump into debates over global warming and the Iraq war because their friends and peers are talking those subjects up, Navarette said. Most in the industry don't deal with Hispanics beyond their presence as domestic help.

"You drive by your gardener, you walk by your maid, but you're not necessarily connected to them in any way," she said.

STATE

Whistle-blower says NSA's web expanding

BY DAVID KRAVETS
AP Legal Affairs Writer

SAN FRANCISCO — AT&T Inc. and an Internet advocacy group are waging in federal court a privacy battle that could expose the reach of the Bush administration's secretive domestic wiretapping program.

The Electronic Frontier Foundation said it obtained documents from a former AT&T technician showing that the National Security Agency is capable of monitoring all communications on AT&T's network.

"It appears the NSA is capable of conducting what amounts to vacuum-cleaner surveillance of all the data crossing the Internet, whether that be people's e-mail, Web surfing or any other data," whistleblower Mark Klein, who worked for the company for 22 years, said in a statement released by his lawyers.

U.S. District Judge Vaughn Walker is considering whether to unseal documents that Klein provided and AT&T wants kept secret. EFF filed the documents under seal as a courtesy to the phone company, but is seeking to unseal them.

The EFF lawsuit, filed in U.S. District Court, seeks to stop the surveillance program that started shortly after the 2001 terror attacks. The suit is based in large part on the Klein documents, which detail secret spying rooms and electronic surveillance equipment in AT&T facilities.

The suit claims AT&T company not only provided direct access to its network that carries voice and data but also to its massive databases of stored telephone and Internet records that are updated constantly.

AT&T violated U.S. law and the privacy of its customers as part of the "massive and illegal program to wiretap and data-mine Americans' communications" without warrants, the EFF alleged.

Klein said the NSA built a secret room at the company's San Francisco central office in 2003, adjacent to a "switch room where the public's phone calls are routed." One of the documents under seal, Klein said, shows that a device was installed with the "ability to sift through large amounts of data looking for preprogrammed targets."

Other so-called secret rooms were constructed at AT&T sites in Seattle, San Jose, Los Angeles and San Diego, the statement said.

Other documents under seal show that fiber optic cables from the secret room tapped into WorldNet Internet subscribers, Klein said. The documents also instructed technicians how to connect cables to the secret room. Klein said he was required to connect circuits that fed information to the secret room.

The NSA declined directly to address the lawsuit or Klein's allegations, which covered activities at AT&T Corp. before SBC Communications Inc. bought it and became AT&T Inc. late last year.

"Any discussion about actual or alleged operational issues would be irresponsible as it would give our adversaries insight that would enable them to adjust and potentially inflict harm to the U.S.," NSA spokesman Don Weber said.

Michael Balmoris, an AT&T spokesman, said the San Antonio-based telecommunications company "follows all laws with respect to assistance offered to government agencies." He declined further elaboration, saying AT&T is "not in a position to comment on matters of national security or litigation."

President Bush confirmed in December that the NSA has been conducting the surveillance when calls and e-mails, in which at least one party is outside the United States, are thought to involve al-Qaida terrorists.

In congressional hearings last week, Attorney General Alberto Gonzales suggested the president could order the NSA to listen in on purely domestic calls without first obtaining a warrant from a secret court established nearly 30 years ago to consider such issues.

He said the administration, assuming the conversation related to al-Qaida, would have to determine if the surveillance were crucial to the nation's fight against terrorism, as authorized by Congress following the Sept. 11 attacks.

Ex-congressman wins nomination from GOP in race for 'Duke' seat

BY ALLISON HOFFMAN
Associated Press Writer

SAN DIEGO — Lobbyist and former GOP Rep. Brian Bilbray will face Democrat Francine Busby in a June runoff to fill the House seat left vacant by jailed former Rep. Randy "Duke" Cunningham.

The addition of nearly 9,000 last-minute absentee and provisional ballots on Thursday widened Bilbray's second-place lead over millionaire challenger Eric Roach to 1,053 votes, out of about 137,000 cast.

Only 880 votes had separated the two Republicans following Tuesday's special election in California's 50th District.

Bilbray had 20,880 votes or 15 percent of the updated total, while Roach had 19,827 votes or 14 percent.

County officials reported that some 1,000 last-minute votes still remained left to be counted. Final election results are expected to be released Friday.

Busby, a local school board member, had 44 percent of the vote to lead all 18 candidates.

The winner of the June runoff will serve the eight months remaining in Cunningham's unfinished term — and immediately begin campaigning for November.

Cunningham resigned late last year after pleading guilty to accepting $2.4 million in bribes from defense contractors. He was sentenced in March to more than eight years in prison.

Before the latest tally, Roach, a venture capitalist who ran on a fiscally conservative platform, had remained unwilling to concede defeat. Roach made a concession call to Bilbray Thursday afternoon.

"We had a very cordial call. I congratulated him. He ran a hard race and won," Roach said.

Bilbray, a surfer, one-time lifeguard and San Diego-area native, held a San Diego seat south of Cunningham's wealthy coastal district from 1995 to 2000. Local and national GOP leaders rallied behind him after Tuesday's election.

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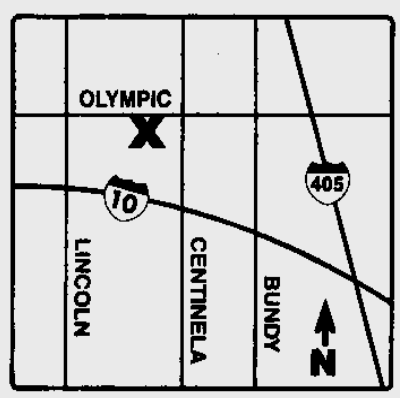

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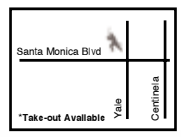

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STATE

STATE BRIEFS

License plate scanner cuts into thefts

By The Associated Press

LONG BEACH, Calif. — An automated system that can scan thousands of car license plates has reduced the rate of stolen cars, police said.

Four police cars have been equipped with $20,000 camera systems that can even scan the plates of speeding cars so they can be checked against local and state databases to see if the driver is wanted for a crime or the car was reported stolen. If the plate turns up in a database, the system sounds an alarm.

The system can handle as many as 5,000 plates during an officer's shift.

Since the cameras debuted on Dec. 15, more than 640,000 plates have been read and compared with databases, 250 lost or stolen license plates have been identified, 121 stolen vehicles have been recovered and 31 people have been arrested, Officer Jason Wong said. The system also can reduce controversy over whether officers "profile" drivers based on racial or other characteristics.

"It can almost eliminate any problems with profiling," Sgt. Chris Morgan said. "The camera doesn't distinguish the color of a driver's skin or the condition of the car."

The California Highway Patrol and police departments in Las Vegas and Michigan also have mobile camera systems. The Los Angeles Police Department is looking into a similar system, Morgan said.

Comic not so funny for some parents

By The Associated Press

SAN BERNARDINO, Calif. — San Bernardino County libraries have been ordered to remove a comic book that contained pornographic cartoons.

"Manga: Sixty Years of Japanese Comics," was an overview of the internationally popular comics that range from superhero stories to sexually graphic fantasies. The book was available in branches in Victorville, Hesperia, Apple Valley and Barstow.

It became controversial after a Victorville woman said her 16-year-old son told her that the book contained some cartoons of sex acts.

On Wednesday, First District Supervisor Bill Postmus ordered the book removed and called on library officials to draft a plan to control which books are available for children to check out.

"This book is absolutely inappropriate for a public library," he said.

His spokesman, David Zook, said 13 copies of the book will be removed.

Farmer 'super-duper enthused' about saving land

By The Associated Press

SAN BERNARDINO, Calif. — An 83-year-old woman will have her day in court as she tries to save her farm from being razed to build a new school.

A Superior Court judge ruled Thursday that Ellen Disparte can fight eminent domain in court and may remain on her 100-year-old farm property pending the start of trial on July 28.

"We're super-duper enthused, and I've had hope forever," Disparte said.

The Redlands Unified School District wants to take the 80-acre property in order to build a much needed high school. It has been barred from taking ownership by a temporary stay order issued about three months ago. An attorney representing the school district said he didn't believe Thursday's ruling was a setback.

"We fully expect to be successful," Keith McCullough said.

Ranch gets a hand from conservancy

By The Associated Press

MONTEBELLO, Calif. — The City Council has agreed to spare a ranch house and 100-year-old barn from the wrecking ball.

The council on Wednesday voted unanimously to reverse its decision of last month to demolish the Taylor Ranch Cultural Arts Center, one of the oldest structures in this Los Angeles suburb.

The Montebello Historical Society, the Los Angeles Conservancy and local residents had formed a coalition to save the center.

"It's sad that we, as a community, have gotten so far away from our heart," said Brian Rosas, the society's secretary. "We always want to tear everything down if it gets a little old, rather than preserving our memories."

Councilman Bill Molinari said the city had wanted to demolish the ranch house, which is used for public events, because it is structurally unsound.

Councilman Jeff Siccama said the city could solicit help from local businesses, developers and nonprofit groups to fund preservation efforts.

"We definitely have to save Taylor Ranch," Siccama said.

The building will be boarded up and remain closed until a preservation plan can be developed, said Norma Salinas, city parks and recreation director.

Only room for one sheriff in this town

By The Associated Press

LOS ANGELES — The union representing Los Angeles County sheriff's deputies is opposing the re-election of Sheriff Lee Baca. The Association for Los Angeles Deputy Sheriffs said Thursday that it endorses retired Capt. Ken Masse in the June 6 election.

Deputies are unhappy because they often are forced to work overtime due to staffing shortages, and they think Baca is more focused on social problems such as homelessness than street crime, union President Steve Remige said.

Baca took office in 1998. The union endorsed an opponent during Baca's successful 2002 re-election campaign.

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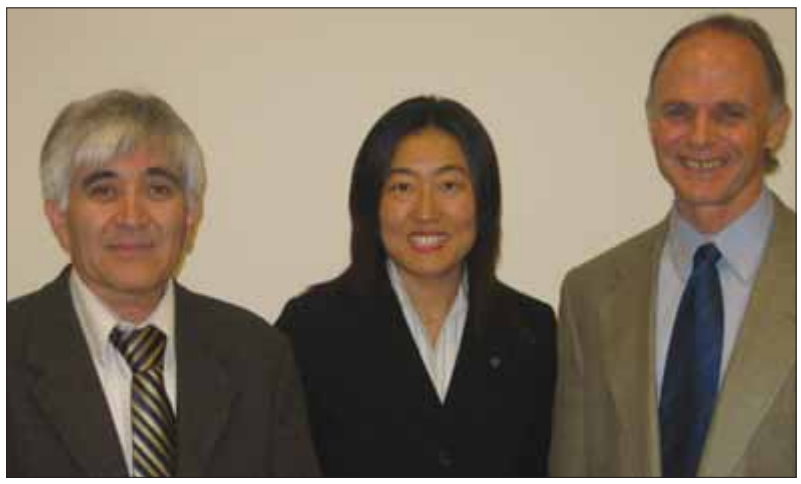

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Tour benefits budding youth

GARDEN TOUR, from page 1

of the cost of the garden.

Homes scheduled for a visit range in style from contemporary and Craftsman, to Santa Monica Saltbox and Spanish Mission. Apartments will also be on the docket.

"Through this tour we hope to educate people about the possibility of building a garden that is sustainable, and in turn, help sustain the self-esteem of the children (who are part of the Virginia Avenue Project,)" Marilee Kuhlmann, the chair of the Green Gardens Committee, said during a press conference held last week at the Fairmont Miramar Hotel, which is donating employees to serve as guides along the tour.

"What I like is that the gardens are not like those in 'House & Gardens' (magazine) that are so elaborate and expensive that you could never dream of doing it yourself," said John Lyons, a Green Gardens committee member. "These are actually attainable gardens that people can not only imagine in their own backyards, but are gardens they can do themselves without hiring some big designer."

The conservation of water is crucial in Santa Monica, according to Andrew Basmajian, an environmental outreach specialist with City Hall's environmental programs division. The city currently imports all of its water from outside sources, mainly the Sacramento River delta, which Basmajian said comes at a great cost, both financially and environmentally.

"Every time someone flips a switch to pump water to Santa Monica, they are using a tremendous amount of electricity, which is primarily generating from the burning of fossil fuels," Basmajian said.

For quite some time, City Hall has looked at ways to reduce the use of water inside all public buildings with the installation of water-free toilets and other measures.

Lena Muniz/Special to the Daily Press

Several gardens will be highlighed during the second annual Green Gardens Tour of Santa Monica, which showcases an array of private gardens throughout the city that employ sustainable practices like water conservation.

"We still use water very inefficiently, a lot of that having to do with how we use water at home," Basmajian said. "The great thing about the tour is not only are we helping youth by raising money, but we are also helping the environment by educating people about the possibility of installing sustainable gardens, but it also gets people thinking about other uses of water at home and how they can cut back."

The tour is set to begin with a start garden at 629 16th Street, but those who buy their tickets in advance will be able to start at any garden they choose.

"It's a great way to avoid the crowds," Kuhlmann said.

The tour raised just under $5,000 last year for The Virginia Avenue Project, according to Tom Carroll, a mentor with the project. Tickets for this year's garden tour are now available by calling (310) 265-4224.

"This is an incredible resource for us and really gives us an opportunity to reach out to the community and make new friends," Carroll said. "We can always use more mentors."

DNA may bring closure for families in murder case

MURDER CASE, from page 1

documented as participating in a Los Angeles-based criminal street gang known as the Culver City Boyz.

Both men face two counts of first-degree murder with special circumstances; two counts of attempted murder; four counts of personal use of a firearm; four counts of participating in a street gang and committing the crime in furtherance of the gang.

Evidence recovered at the crime scene was processed with current DNA technology. The DNA evidence was sent to the California Department of Justice, Bureau of Forensics Services DNA Laboratory and entered into their databank of known offenders. The samples submitted were matched with Robles and Garcia, said SMPD Lt. Frank Fabrega.

Santa Monica Police Detectives on Friday presented their investigation to the Los Angeles District Attorney's Office for review. Within hours, the DA's office filed charges on both suspects. Because they are in state prison, the DA's office must seek no-bail arrest warrants for Robles and Garcia. They will likely be transported to Santa Monica Jail, booked and arraigned next week, police said.

Robles' criminal past includes attempted murder, assault with a deadly weapon and weapons violations. Garcia's criminal past includes burglary, auto theft and narcotics violations.

SMPD Chief James T. Butts Jr., along with Santa Monica Mayor Bob Holbrook, personally called the victims' parents, Bill Juarez and Ginger Berg, on Friday to inform them of the new developments in the 7 1/2 year old investigation.

"We have fulfilled our promise to the parents and family of Anthony and Michael Juarez to be relentless in bringing the murderers of these innocent young men to justice," Chief Butts said. "It is our hope that the solution of this crime brings some measure of peace to the family."

The murders were believed to be in retaliation for a homicide which occurred just days before the Juarez brothers were gunned down in broad daylight. Apparently, a gang member who was attending a drug class at the Clare Foundation on Lincoln Boulevard was shot while waiting for the bus, sources said, prompting the Culver City Boyz to retaliate against Santa Monica gang members.

Michael and Anthony Juarez were simply in the wrong place at the wrong time. Westside Clothing was known on the streets as a place for gang members to buy clothing and their cousin, Frank Juarez, who co-owned the store, had gang affiliations but had removed himself from that life, sources said.The Juarez brothers weren't from Santa Monica, nor affiliated with any gangs. They were interested in opening a store like Westside Clothing where they lived in Cayucos, a small town in San Luis Obispo County. They had come into Santa Monica the night before to check out their cousin's operation.

The shooters wore masks when they entered the store — which was located between Pacific and Strand streets on Lincoln Boulevard — shortly before noon, opened fire and ran out. Michael and Frank Juarez ran toward the back door to escape the gunfire. Michael Juarez was shot multiple times and Frank Juarez was shot in the leg. Anthony Juarez never made it to the back of the store.

The masked men ran out of the store and got into a car awaiting them on Lincoln Boulevard, driven by an unknown suspect. The SMPD has a composite sketch posted on its Web site of the driver, which is based on witness descriptions. The car was discovered near LAX later that day, wiped clean.

"It was 10 days of hell. It was horrible. People were afraid to go out on Halloween."

BOB HOLBROOK
Santa Monica Mayor

Just a half hour after the murder of the gang member on Oct. 12, a tourist from Germany was killed at the beach. The murder was not related to gang activity.

The wave of killings left an entire community on edge.

"It was 10 days of hell," recalled Holbrook, who was mayor at the time. "It was horrible. People were afraid to go out on Halloween."

Holbrook has stayed abreast of the investigation since 1998, checking with the SMPD periodically to see if there were any breaks in the case.

"I'm so happy that the police department's hard work has paid off," he said.

Over the years, SMPD detectives had been holding out hope that they'd get a break in the case, especially with modern advances in DNA technology. DNA testing was applied at the outset of the case, but the technology wasn't as advanced eight years ago, detectives said. DNA evidence had been reapplied and reevaluated to the cases, but until recently there had been no hits in the Department of Justice databank.

Michael Juarez was living in his father's triplex in Cayucos with his wife and daughter at the time of the shooting. He owned and operated a landscaping business. His younger brother Anthony lived next door with his girlfriend and was going to college to earn a degree in business administration and landscape architecture. His plan was to help his brother run the landscaping business.

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City says global warming will hit home

EARTH LAWSUIT, from page 1

by the Department of Justice to have the suit thrown out.

Attorneys for City Hall argue that the Export-Import Bank, or Ex-Im, and the Overseas Private Investment Corp., or OPIC, provided over $32 billion in financing and insurance for oil fields, pipelines and coal-fired power plants over the last 10 years without studying the impacts these projects would have on global warming back in the United States, a requirement under the National Environmental Police Act, or NEPA.

In a complaint filed with the U.S. District Court, attorneys for City Hall argued projects funded by Ex-Im and OPIC are responsible for 8 percent of the annual, worldwide greenhouse-gas causing emissions — the equivalent of 31.7 percent of annual emissions in the U.S.

This affects Santa Monica tremendously, the complaint contends. From 1903 to 2000, annual mean temperatures have increased in Los Angeles County by about 2.85 degrees, a "significant increase" over the Santa Monica mean temperature of about 61.5 degrees.

Rising temperatures have caused ice caps to melt, increasing the sea level of the Santa Monica Bay by three inches. Rising tides threaten the city's beaches and bluffs, and could destroy the pier and overwhelm the city's state-of-the-art drainage system, according to the complaint.

Local officials said the stakes are high in Santa Monica, with rising tides threatening the health of a $788 million tourism industry that employs more than 11,000 workers and pumps nearly $24 million a year into city coffers.

An increase in storm activity will not only lead to beach erosion and the possible destruction of the pier, a main tourist attraction, it could also erode the Palisades bluffs, endangering motorists and pedestrians.

Attorneys for Ex-Im and OPIC told Judge Jeffrey S. White on Friday that the agencies are exempt for NEPA and there is no evidence to support impacts from climate change are foreseeable results of decisions by Ex-Im and OPIC to provide financing to projects overseas.

Attorneys argued those projects would have been built without assistance from the two entities, according to a motion seeking to have the case dismissed.

A spokesman for OPIC would not comment because the case is ongoing. Calls to the Department of Justice were not returned.

Ex-Im and OPIC are self-supporting agencies that provide financing and loans to U.S. corporations for overseas projects that commercial banks deem too risky, including new oil field developments in South America, Mexico, the Caspian region and Southeast Asia. Companies that have benefited from Ex-Im and OPIC funding include Exxon, Halliburton and Enron.

Ron Shems, the attorney who argued on behalf of City Hall and the other plaintiffs, said he felt "very confident" about the day's proceedings.

"The court has ruled in our favor before when (attorneys with the Department of Justice) tried to have the case thrown out on grounds that we didn't have a leg to stand on," Shems said. "This judge seemed very knowledgeable of the issues, and I feel good with where we stand today."

Shems did not know when a ruling might be issued.

"It could be next week or next month," Shems said.

The case — the first in which private citizens were allowed to sue organizations for air pollution — was originally filed in 2002, with City Hall signing on in January 2004.

Renaissance men

Fabian Lewkowicz/Special to the Daily Press

Koji Avalos (left), 7, and Francisco Rodriguez, 8, adorn the pavement with colorful artwork alongside fellow students from John Muir and SMASH.

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NATIONAL

Snow pack proved treacherous for skier

BY TIM MOWRY
Associated Press Writer

FAIRBANKS, Alaska — As he skied up the Tanana River from Nenana to Fairbanks, Alan Kendall couldn't get over how fortunate he was to have the whole river to himself as the sun came up.

It was about 8:30 a.m. Saturday and Kendall had been on the river since 6 a.m.

"The sun was a nice, red ball and I was skiing right into it," Kendall said. "I was just thinking it was a beautiful morning."

The temperature was about 15 degrees and rising. The glide was fast. The trail was wide and firm. A skate skier couldn't ask for better conditions.

Kendall, 57, was clipping along at a good pace when he rounded a bend in the river and spotted what at first he thought were a couple of stray dogs loping down the trail toward him. It struck him as odd, considering he was in the middle of nowhere and there wasn't a house for miles.

As he continued to ski around the bend, the number of "dogs" increased from three to five to six to seven.

"I thought, 'Gosh how many of them are there?' " he said.

That's also about the time Kendall realized they weren't dogs, but wolves. There were 10 of them and they were trotting downriver toward Kendall about 150 yards away, oblivious to his presence.

They were strung out, sniffing the snow and playing with each other, he said. Three were gray or silver, two were black and the remaining five were different shades of brown.

The first thing that struck Kendall was how big the wolves were. The paw prints in the snow were larger than his outstretched palm, he said.

"They were huge," said Kendall, a middle school teacher. "They were tall and lanky."

The wolves didn't notice Kendall for about 30 seconds after he saw them.

"During that 30 seconds I looked for an escape route," he said in an e-mail. "I couldn't go left or right to either riverbank; the snow was too crusty/deep and the banks were too far away."

The thought of turning around occurred to Kendall but "I didn't dare turn my back to them," he said.

Not that Kendall is a wimp. He flew Cobra helicopters in the U.S. Army during Vietnam and is a hard-core athlete who runs, bikes, hikes and skis more than most people half his age. He tries to ski from Nenana to Fairbanks a couple of times each spring, taking advantage of the skate-friendly conditions on the river. Last weekend's trip up the Tanana was his second in two weeks.

When the wolves finally spotted him, they stopped in their tracks. By then, they were about 50 yards away, Kendall said.

"We stared at each other for a few minutes," he said. "I felt like a pork chop. They looked at me like I was a pork chop."

It was the same kind of feeling Kendall used to get when the enemy was shooting at him in Vietnam, he said.

"I've always read that wolves won't bother humans and that there's never been a substantiated case of North American wolves killing a human," he wrote. "However, I guarantee when you're in the middle of a vast expanse of wind-swept, ice-covered river, 35K from the nearest human, facing a pack of large wild beasts, and the only weapon you have is your wits — I guarantee the substantiation of stories becomes meaningless in your mind.

"I thought, 'Wolves can take down an adult moose; I'm smaller than an adult moose. If I turn and ski back down the trail, I'm going to look like a fleeing pork chop."'

The wolves, on the other hand, didn't show any inclination they were going to flee. They stood there eyeing Kendall, whose only weapon was his ski poles, which he said "felt like toothpicks."

"When you're out there by yourself, all of sudden you start thinking about survival," Kendall said. "You're thinking, 'God, what does this group of animals want?"'

Contemplating his choices, Kendall did the only thing he thought he could do.

"I charged toward them, skiing as fast as I could, yelling at the top of my lungs," Kendall said. "Every two or three pole strokes, I'd just yell."

Immediately, five of the wolves took off — two to his left and three to his right. They bounded across the snow in long, graceful powerful strides that made Kendall realize how fast they were. The five fleeing wolves disappeared into the woods on each side of the river while the remaining five wolves turned and loped up the trail, staying about 50 yards in front of Kendall.

"They were clearly not afraid, but wary," he said.

Over the next 20 minutes the five wolves peeled off one by one and circled around behind Kendall.

"To get my scent, I assume, since the wind was coming down the river," he said.

As he pulled away from the wolves, two remained behind him before going off into the woods. Even then, Kendall didn't relax.

"I didn't know what they were up to," he said. "I wondered, 'Is this their tactic or are they just curious?"'

His adrenaline pumping, Kendall kept skiing. He passed a bloody smear on the trail a short distance upriver. It appeared the wolves had killed a snowshoe hare and devoured all but a couple pieces of fur, Kendall said.

Concerned the pack might regroup and follow him, Kendall continued skiing hard for the next hour, constantly looking over his shoulder. He didn't see the wolves again during the remaining four hours of his ski into Fairbanks.

"After I knew they weren't following me I thought, 'All right, that was interesting."'

"I'm glad it happened and I'm glad it's behind me," he said.

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NATIONAL

$25 billion natural gas pipeline hinges on proposed production tax

BY MATT VOLZ
Associated Press Writer

JUNEAU, Alaska — A new photograph hangs in the governor's conference room in the Capitol.

Five smiling men in suits stand in a semicircle, their arms extended as though they were about to perform a cheer.

The description says the picture captures the "historic agreement" between Gov. Frank Murkowski and Alaska's three largest oil producers on Feb. 21 to develop a $25 billion North Slope natural-gas pipeline that would run through Canada to Midwestern markets.

Nearly two months later, the deal is still under wraps and nobody has signed anything.

The governor and the producers say the pipeline project could still be tripped up if the Legislature passes the changes being made to the proposed production tax that was negotiated between the governor and the three companies.

Changing the state's production tax is a condition set by BP PLC, ConocoPhillips and Exxon Mobil Corp., who say they need long-term tax stability to invest the amount of cash needed to build the pipeline.

The governor expects the Legislature to pass his bill unchanged and then lock in the new tax rate for 30 years.

If lawmakers change his tax or fail to lock it in for multiple years, they risk the pipeline, the governor says.

The oil industry has been waging an in-state television and print advertising campaign warning that the higher tax rates lawmakers are considering could have dire consequences for future industry investment.

Many legislators and their consultants dispute that. The amount they are considering raising the tax wouldn't be enough of a disincentive by itself to tank the pipeline, they say.

Even to legislators within the Republican governor's own party, pushing lawmakers to pass his tax bill unchanged seems to be too much for Murkowski to ask.

"The governor suggested that it's not OK to tinker. I would respectfully suggest to the governor that it's my job to tinker, and I can tinker all I want until I think the shareholders that I represent are satisfied and I can defend my position," said Senate Finance Co-Chairman Gary Wilken, R-Fairbanks.

The gas pipeline is touted as Alaska's next Prudhoe Bay, the mammoth field that is in decline but still provided about 9 percent of the nation's supply until last month, when a pipeline leak reduced its normal production.

The gas pipeline would be the largest construction project in the nation's history and would extend by decades the life of Alaska's flagging oil and gas production.

There are 35 trillion cubic feet of proven natural-gas reserves in Alaska's North Slope, which the state for decades has been trying to develop and sell. Only in recent years, since natural-gas prices have skyrocketed, has the expensive gas pipeline been a realistic project for the three energy companies.

Talks between the companies and the governor's negotiating team have gone on for well over a year. The resulting gas contract, which sets tax and royalty terms to recover Alaska's natural gas, was negotiated in secret under the state Stranded Gas Development Act's confidentiality clause. The act set into law how the state can negotiate with private companies the recovery of its North Slope natural-gas reserves.

Even though the contract is finished, Murkowski continues to keep it out of the public eye. The new production tax has to be passed first, the governor says, then it can be incorporated into the contract.

After that, the contract will be released to the public and for ratification by the Legislature, and a key precursor to building the gas pipeline will have been met.

But some legislators are calling for the contract's release now. They want to see it side-by-side with the oil tax, and how one would affect the other.

The governor has refused requests by lawmakers and news organizations, including The Associated Press, to release the contract.

Jim Clark, Murkowski's chief of staff and his lead pipeline negotiator, said the tax bill has to be passed and inserted into the contract before it can be released.

"I think that you start carving the thing up and you start presenting it piecemeal, it becomes very hard for people to then remember how the pieces fit together and see how it works," Clark said. "There may have been a more elegant way to deal with the chicken-and-egg problem. I haven't figured it out."

But skeptics say Murkowski has tried to use the confidential contract as a cudgel against lawmakers to get them to pass his version of the tax bill, which would tax companies based on their net profits instead of on their production.

The governor's 20 percent tax is more favorable to the oil industry than the changes made in legislative committees. House and Senate versions added escalated tax rates when oil prices reach certain levels and trimmed some of the industry tax incentives Murkowski had proposed.

The changes have drawn warnings from the governor and industry. The message from the Murkowski administration has been for lawmakers to keep their eyes on the prize. Higher industry taxes mean nothing if the oil companies walk away from further development, Clark said.

"We think the gas line is the absolute jewel in the crown," Clark said. "I hope everybody here realizes that in terms of the realized gas, 35 trillion cubic feet represents (the equivalent of) 10 billion barrels of oil. That is our Prudhoe Bay, our next Prudhoe Bay."

Lawmakers say they want to see the contract for themselves before they'll believe higher taxes will kill a pipeline deal.

"I simply can't trust them. I have to see the gas line (contract) to know if that's true," said Sen. Hollis French, D-Anchorage. "It's the biggest decision I'll make in this building, and to make it with half of the equation hidden, it seems to me I'm not fulfilling my job expectations."

The bigger issue may be the 30-year lock on the tax rate. The state Constitution forbids the Legislature to give away its taxing authority, and whether this provision runs counter to that clause is something that may ultimately be decided in court.

If the three producers walk away from a pipeline deal, there are two other pipeline applications before the state. TransCanada Corp. proposes a pipeline similar to the producers' line, running along the Alaska Highway and tying into TransCanada's Alberta hub from where pipelines stretch across North America.

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NATIONAL

Meth takes a toll on Indian reservation

BY MARY CLARE JALONICK
Associated Press Writer

WASHINGTON — Leah Fyten believes that every family on her South Dakota reservation has been affected by methamphetamine use.

The drug has torn apart these families, led to increases in crime and bumped mortality rates. And now, the director of the Flandreau Santee Sioux Housing Authority says, it's affecting the reservation's already desperate housing situation.

Housing is not only ruined by meth labs, which are highly poisonous and often difficult to spot, but also by the destructive habits that often accompany drug use. The housing authority on the Flandreau reservation has spent countless dollars fixing up holes in the walls, broken windows, ruined appliances and other damage wrought by bad hygiene and the violent habits of drug users, Fyten said.

"We have a small budget that decreases every year and families are growing," she said. "Housing gets worse every year. And to try to repair houses that are damaged by alcohol and drug abuse puts a strain on your budget."

Last year, Fyten and others recruited Jay Barton to help alleviate the problem. Barton, an Oklahoma police officer who also works for the National American Indian Housing Council, is traveling around the country teaching tribal housing officials what the drug does and how to spot it. Fyten and others say Barton is breaking through in communities that have so far ignored and denied the problem, helping reservations lessen meth's collateral damage.

Barton likes to say he is shocking his students out of complacency.

"The response has been tremendous," he said. "Especially with the funding cuts that tribes have received, this is really important."

Barton teaches his students all about the drug — its effects, origins, market and chemistry. He shows them photos of users with their teeth rotting out and tells them about the drug's poisonous effect on children who come anywhere near it.

Statistics on Indian meth use are scarce, but a Substance Abuse and Mental Health Services Administration survey found in 2004 that almost 2 percent of the American Indian population was using meth. Robert McSwain, deputy director of the Indian Health Service, told a congressional panel earlier this month that the rate of meth use among Indians appears to have dramatically increased in the past five years.

This poses a major problem for states and Indian reservations, Barton said, as some states have passed laws that essentially punish property owners for meth contamination. Some landlords — including Indian housing authorities — could be forced to pay for cleanup of meth labs, which can cost thousands of dollars.

In addition, few states have published standards for cleanup. Congress is pushing the Environmental Protection Agency to develop federal guidelines, as there is still some confusion about the effects of chemicals involved in producing the drug.

Because it is often up to the reservations to pick up the work and also the tab, and because most of these reservations have dramatic housing shortages, Barton said there is a critical need for education about meth.

"If we can make them aware of the costs and also the people that are abusing meth, then hopefully we can cut down on the costs," he said.

His seminars have led to at least one drug bust in Juneau, Alaska, where a maintenance worker who had attended a seminar identified a meth lab in his hotel.

Ron Peltier, director of the Turtle Mountain Housing Authority in North Dakota, said he hopes Barton, who is giving a seminar there in early May, will be able to similarly help his reservation.

"We have a lot of workers who are unaware of how meth labs look, and we have a feeling that some of our units are being used," Peltier said. "We hear a lot of rumors. But when we go there, we don't know what to look for."

Tim Horan, director of the Round Valley Indian Housing Authority in California, said Barton's seminar on his reservation last year inspired the community and the tribe to form an anti-meth group.

"There's a lot of shock value to this, and I think that's good because people aren't aware of how dangerous meth is," he said. "We have limited resources in terms of housing and if any of it is destroyed, that is a huge setback."

Despite its success, federal cuts to Indian programs have threatened Barton's seminars. He conducted about 50 last year, but he said fewer are scheduled in 2006 because of less federal dollars allocated for the National American Indian Housing Council, a quasi-government organization. After that, Barton said, organizers will have to come up with some sort of alternative.

The meth problem in Indian country has shown few signs of slowing. At the congressional hearing earlier this month, IHS deputy director McSwain said the situation could be described in a single word: "crisis."

"I think what we are seeing now is that if communities don't take action it's going to get a whole lot worse," said Fyten of South Dakota's Flandreau tribe. "It's very sad, and it's very scary. People have to wake up. There's a lot of people that don't understand meth and how to detect it."

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NATIONAL

The debate over whether to delist Yellowstone grizzlies splits scientists

BY BECKY BOHRER
Associated Press Writer

BILLINGS, Mont. — The government's call to remove federal protections for grizzly bears in and around Yellowstone National Park has sparked sharp debate among some of the country's leading bear experts, who are divided over whether the bear population has recovered enough.

On one side, some experts believe delisting the bears now — without greater habitat protections or long-term funding commitments — would mean erasing gains made over the past 30 years, and could once again leave the grizzlies in peril.

Other experts, however, insist recovery goals have been met and that it's time for the federal government to focus on lesser-known, struggling bear populations in the West.

"The Endangered Species Act was set up to get to what we have now in Yellowstone, a recovered population, and not set up to immunize a species against any kind of threat somebody's imagination might think would happen in the future," said Sterling Miller, who's studied bears for three decades and is now a senior wildlife biologist with the National Wildlife Federation in Missoula, Mont.

How scientists working with the same data can reach such wildly different conclusions about the fate of the bears is partly a matter of specialty: Many of those who have taken sides are considered either conservation biologistas or wildlife biologists — and tend to view the issue and science from those sometimes contrasting perspectives.

But mixed in with the debate are elements of mistrust — including skepticism of the numbers used to make the case for delisting — as well as, some say, politics.

"I can't think of anything else that's this polarized," said Craig Pease, the co-author of a study on the grizzly population and one of more than 250 scientists and researchers who recently signed onto a letter opposing delisting as premature.

The U.S. Fish and Wildlife Service in November said it no longer considers the grizzly population in the greater Yellowstone area — the park and the national forests that surround it — to be threatened, and it proposed handing bear management to the states of Idaho, Montana and Wyoming; portions of all three states comprise that area.

The rift among scientists became more evident and public in recent weeks, as the government closed the comment period on its delisting proposal. Environmental and wildlife groups quick to take sides in the debate publicized the positions of researchers that seemed to bolster their cases.

On March 20, the opposition letter, signed by more than 250 scientists and researchers and circulated to reporters by the Natural Resources Defense Council, was sent to the agency's grizzly recovery coordinator, Chris Servheen. Two days later, the National Wildlife Federation distributed the statement of conditional support for delisting that was passed by The Wildlife Society, one the nation's leading groups of wildlife scientists.

Without fanfare, the North American section of the Society for Conservation Biology, whose membership an official says overlaps that of The Wildlife Society, opposed delisting. And the International Association for Bear Research and Management, a group that includes biologists, wildlife managers and bear specialists, officially took no side, but advocated effective monitoring of how the bears respond and a workable means to restore protections, if necessary.

"It's a situation where there are considered opinions — good, scientific opinions — that have value on either side," said Harry Reynolds, president of the international group, a bear researcher for decades and a member of both The Wildlife Society and Society for Conservation Biology. "We have no crystal ball. We can't tell what will happen in the future."

"The bottom line," he said, "is the long-term conservation of the bear."

How best to achieve that, though, depends on whom you ask.

Conservation biologists, many of whom signed the letter opposing delisting, say they're less willing to take risks with the bear's future. Some wildlife biologists, who often deal with bears and the conflicts that arise with people, say they take a more realistic, pragmatic approach to the issue.

"In some cases, I think they've failed to look at the real world and real world limitations and what we can and cannot do," said Dave Moody, trophy game coordinator with the Wyoming Department of Game and Fish and part of the interagency team that studies Yellowstone-area grizzlies.

To not move ahead with delisting now, he and others argue, would constitute the government reneging on its promise to the states, landowners and others and could erode support not only for the bears but also the Endangered Species Act.

The government's own grizzly expert agrees: "I think it's harmful to the act not to do what we set out to," Servheen said. "The future of the bears, not only in Yellowstone but other areas, will be built on those that live, work and recreate in bear habitat. When recovery is built on their efforts, on the promise to delist and we don't, they'll ask, Why invest?"

Not all bear experts and conservation biologists believe that investment is secure: Many of them question the accuracy of government population estimates of between 500 and 600, and fear that even if the figure is accurate, the population is still too small and isolated to be secure. Such a small population runs a greater risk of going extinct, they say in their letter.

State and federal wildlife officials say the estimate is conservative and that the population may easily top 600 now. They say it's impossible to get an accurate count — even of what is considered the world's most studied bear population — because bears are so solitary and the cost of doing so would be astronomical.

Delisting opponents, including renowned bear expert and co-founder of the conservationist Great Bear Foundation, Charles Jonkel, say more must be done to protect habitat and to link the Yellowstone bear population to other grizzly populations in the Northern Rockies for a larger breeding pool and genetic diversity.

The grizzly details

By The Associated Press

THE DETAILS: Federal wildlife officials have proposed lifting Endangered Species Act protections for grizzly bears in and around Yellowstone National Park.

THE DIVIDE: Scientists and researchers, including leading bear experts, are split over whether this is premature or overdue.

THE DEBATE: On one side, experts argue for such things as greater habitat protections, saying the future for bears is still not secure. On the other, experts say recovery goals have been met and that it's time to build on success.

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NATIONAL

Hunters cleared for takeoff

BY CHRISTOPHER SMITH
Associated Press Writer

BOISE, Idaho — Idaho's congressional delegation and the administration of Gov. Dirk Kempthorne spent the past two years convincing the Federal Aviation Administration to give ranchers permits to shoot coyotes and other wild predators while flying overhead in powered parachutes and ultralight flying machines.

After initially refusing to allow the state to issue aerial gunning permits for experimental aircraft operated by non-certified pilots, FAA Administrator Marion Blakey relented last spring and agreed to come up with "the most appropriate means of accommodation," according to correspondence obtained by The Associated Press under the Freedom of Information Act.

The FAA is now allowing Idaho to issue permits to ranchers for aerial shooting of predators to protect livestock if their vehicle qualifies as a "light sport aircraft" under new FAA regulations. The new category has spawned a squadron of unconventional flying craft known as "aerial ATVs."

"These are the newest, hottest things for ranchers," said Allen Kenitzer, a spokesman for the FAA in Renton, Wash. "This is something people out West really wanted, to be able to use these aircraft out in the middle of nowhere to do the things they need to do."

But wildlife activists say the use of kit-built and experimental flying contraptions for airborne attacks on wild animals is dangerous and absurd.

"I'm covering my eyes and laughing," said Wendy Keefover-Ring of Boulder, Colo., coordinator of a national coalition of environmental groups that wants to end aerial gunning of wildlife. "It's unsafe even when you are in a plane that has a stronger engine than these ultralights have."

State law authorizes the Idaho Department of Agriculture to issue permits for people to "shoot, capture, harass or kill" wildlife that is threatening livestock while the person is airborne in an aircraft. The practice did not get FAA scrutiny until 2003, when a southeastern Idaho rancher was cited by the FAA for illegally using his powered parachute — a cage-like cockpit with a motorcyle-size engine and propeller suspended from a parachute — to shoot coyotes.

The federal agency determined that because ultralight craft could only be flown for sport and recreation. Using them for livestock protection or to collect a bounty on predators was prohibited.

"It was animal rights people who turned him in," said Eulalie Langford, a former state legislator from Montpelier who took up the fight on behalf of the rancher, whose name was not released by the FAA. "Baby lambs have rights too, and I told our officials that people might be getting a lot of sport and recreation out of shooting these coyotes that were eating their lambs."

In April 2003, the state formally asked for a waiver to allow the use of powered parachutes in airborne predator control.

"As technology has improved, it has become apparent that powered parachutes are an ideal vehicle for airborne predator control," wrote Stanley Boyd, a lobbyist for woolgrowers, elk breeders and cattle ranchers who heads the Idaho Animal Damage Control Board.

The application was denied, prompting Idaho's all-Republican congressional delegation to write an appeal to FAA Administrator Marion Blakey.

"It is important to note that these activities occur in the vast open spaces of rural Idaho and pose no real threat to human safety," Sens. Larry Craig and Mike Crapo, along with Reps. Mike Simpson and C.L. "Butch" Otter wrote in the September 2004 letter.

After several months of investigation and negotiation, Blakey responded, writing that FAA "does not want to unduly restrict these activities, but only wants to ensure they are conducted safely and in appropriately certificated aircraft."

The solution came with the creation of the new light sport aircraft category and new sport pilot certificate issued by FAA. Under the new rule, lighter-than-air balloons, gliders, airships, flying trikes, gyroplanes, powered parachutes and other ultralights that meet certain weight, speed and capacity standards can be certified and receive a tail number just like a full-size private airplane. The test required for a light sport aircraft pilot's certificate is not as extensive as a traditional pilot's license.

"Now, ranchers can take eight hours of instruction, pay a small certification fee and then just take a felt pen to write your 'N' number on the side of your craft and bingo, you're legal," Boyd said in an interview. "We didn't issue any permits for ultralights this past year, but ranchers are just learning this is available to them."

Keefover-Ring, who tracks aerial gunning accidents for the conservation group Sinapu, said although she has never seen a report of an ultralight crashing while aerial gunning, her group has records dating back to 1989 of 24 crashes of standard airplanes or helicopters during airborne predator flights that killed 32 people.

"There is so little margin for error when you are flying 10 feet off the ground shooting a gun at a moving target," she said.

But Langford maintains the ultralights are safer than standard airplanes for picking off coyotes, foxes and other livestock predators.

"Airplanes, even small planes, can travel over 100 miles an hour, while these aerial ATVs move along about the speed that a coyote can run," she said. "If there's a mountain coming up, you have plenty of time to see it and take evasive action."

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Pentagon's spending on training Afghan, Iraqi troops is lagging

BY LOLITA C. BALDOR
Associated Press Writer

WASHINGTON — The U.S. military has spent just 40 percent of the $7 billion appropriated in 2005 for the training of Iraqi and Afghanistan security forces, a top Pentagon priority that is lynchpin for the withdrawal of U.S. troops from Iraq.

The slow pace of spending was outlined in a congressional report that also raised questions about whether the Pentagon needs the full $5.9 billion it has requested for training this year in an emergency spending bill that is pending in Congress.

The report comes as Defense Secretary Donald H. Rumsfeld and the Bush administration have complained about cuts in the funding for Iraqi forces that is included in the House-passed version of the bill.

In a report obtained by The Associated Press, the nonpartisan Congressional Research Service said the Pentagon is spending at a slower rate than Defense Department officials initially expected. As of Jan. 1, the report said, the Pentagon had allocated $2.1 billion, or just 37 percent, of the $5.7 billion in Iraqi training funds for the 2005 fiscal year that ended Sept. 30.

CRS also said Congress may want more advance notice and details of the Pentagon's plans to provide equipment to the Iraqi and Afghan forces.

Army Lt. Col. Michael J. Negard, spokesman for the training mission in Iraq, said the military's focus on increased security there during the recent elections caused some of the delay in spending. He said the Multi-National Security Transition Command-Iraq is responsible for nearly $5.4 billion of the $5.9 billion, and the pace of spending has picked up since the beginning of the year.

"By June, July we will have obligated about 95 percent of the appropriated funds overall and are on a good glide path to achieve that goal," Negard said. "We are responsible with the funding and closely scrutinize the projects" to ensure the money is spent to best support the transfer of control to the Iraqi security forces.

Defense officials had projected they would have spent 75 percent of the money by Jan. 1.

The spending for Afghanistan is moving a bit more quickly. As of Jan. 1, the Pentagon had appropriated $733 million — or 56 percent — of the $1.3 billion set aside for training and equipping Afghan troops. Defense officials had projected they would spend 64 percent during that time period.

That means that in Iraq and Afghanistan combined, just over $2.8 billion of the $7 billion 2005 appropriation, or 40 percent, had been spent by Jan. 1.

In a radio interview last week, Rumsfeld complained about the difficulty in getting Congress to quickly approve funds to help develop the Iraqi and Afghan armies and police.

"Our government and our Congress are not really organized effectively to build partner nation capabilities," the defense secretary said WTN in Nashville, Tenn. "We can sustain financially five or six or seven or eight Afghan or Iraqi soldiers for the expense of one of ours, and yet we have a terrible time getting approval through the Congress to use some of the funds to develop the capacity."

Over the past year, military officials have stepped up the training of Iraqi security forces, saying that as the local army grows stronger and a unified government takes hold, the U.S. will be able to withdraw troops. There are about 132,000 U.S. troops in Iraq, but officials have said they'd like that number reduced to about 100,000 by the end of the year.

So far, Negard said, 135,000 Iraqi police and 115,000 military troops have been trained. The goal is to train roughly 195,000 police and 130,000 military, he said.

Defense officials have acknowledged that Iraqi police training is lagging behind. There have been persistent reports of Shiite militias or death squads kidnapping or killing Sunnis, and as a result, eroding public confidence in Iraqi police.

PEOPLE IN THE NEWS

Cosby gives a shout out to parents

By The Associated Press

CINCINNATI — Bill Cosby's first appearance here in five years wasn't for telling jokes, but to implore parents to be involved in all aspects of their children's lives.

"If you're not doing that, then you should be ashamed of yourself," Cosby said Thursday as the moderator for discussions on parenting, education and social responsibility at Xavier University.

The 68-year-old comedian's appearance was part of the nationwide tour "A Call out With Cosby."

Speaking to a crowd of about 1,200, Cosby said parents should have a network of people who can help look after kids who might be headed for trouble.

During a question-and-answer session, he granted a local minister's request to speak with Rodney Lee, 18, whom the minister said had lost direction in his life. Cosby and Lee spoke privately for nearly 45 minutes as the audience continued to question a panel of child experts.

Cosby was making his first visit since he canceled two shows following race riots in 2001, when an unarmed black man was shot and killed by a white police officer trying to make an arrest.

Activists called for a boycott until leaders agreed to pay more attention to police, racial and economic issues. Cosby's publicist has said Cosby wasn't supporting the boycott, but felt it wasn't an appropriate time for comedy.

NEW YORK — That new Janet Jackson music making the rounds on the Internet is apparently not as new as you might think.

The 39-year-old pop superstar, who is working on a new album, says someone has leaked songs she recorded at least two years ago when working with hit-making producer Rich Harrison. At least one song has already made the rounds, titled, "Put It on Me."

"A couple of years ago I recorded some tracks with Rich Harrison. But none of that music will appear on my new album," Jackson said in a statement released to The Associated Press on Friday. "I have a tight rein on all of the music that has been recorded."

Jackson's new album, tentatively titled, "20 Years Old," is expected to be released later this year. She hasn't released an album since 2004's "Damita Jo."

PIGEON FORGE, Tenn. — Dolly Parton knows how to whip up a tasty banana pudding, and the singer explains how to make the dessert and more than 125 other recipes in a new cookbook to raise money for her Imagination Library.

Advance sales for "Dolly's Dixie Fixin's" began last week, and people who buy the cookbook will enter to win a backyard barbecue and bluegrass festival with Parton as a special guest, Dollywood Foundation officials said.

All proceeds from the cookbook will go to Parton's Dollywood Foundation, which supports the Imagination Library. The program, which provides a free book a month for children from birth to age 5, has been established in 42 states since it began in 1996.

Parton's cookbook features recipes from her mother, Avie Lee Parton, and her mother-in-law, "Mama" Ginny Dean, as well as Dollywood restaurants and the Dixie Stampede Dinner and Show. It also includes recipes inspired by restaurant dishes she discovered while touring over the last 40 years.

The cookbook will be sold only at Dollywood and Dixie Stampede in Pigeon Forge, Branson, Mo., and Myrtle Beach, S.C., and online on several Web sites.

"Dolly's Dixie Fixin's" must be purchased by Sept. 1 for buyers to qualify for the barbecue with Dolly prize.

NASHVILLE, Tenn. — Artists and celebrities at this year's CMA Music Festival will donate their share of proceeds from the June 8-11 event to support music education in Nashville's public schools.

"Music education in the public schools is where it all begins," Tammy Genovese, chief operating officer of the Country Music Association, said Wednesday.

The expected $300,000 will be donated to the Nashville Alliance for Public Education, a private group that seeks to improve education for the city's 73,000 public school students. All the money will be used for music education.

The donation is part of an initiative started by the CMA in 2001 on behalf of the artists, who appear and perform at the festival for free. The organization donates half of the net proceeds from the festival to charities selected by the artists.

To date, the CMA has donated more than $800,000 to 100 different charities.

Genovese said the organization decided it could accomplish more by focusing on one charity. Last year, the Nashville Alliance for Public Education was the artists' No. 1 choice for funding and seemed the perfect fit for this year's donation, she said.

"What I want to be able to do as an artist, and with this donation, is to reach out to the kids who haven't found that talent yet or don't have those opportunities," said Kix Brooks of the duo Brooks & Dunn and a member of the CMA board.

NEW YORK — Katie Holmes was raised a Catholic, but, says fiance Tom Cruise, their soon-to-arrive baby will not have a Catholic baptism.

"No," Cruise tells Diane Sawyer in an interview on ABC's "Primetime," airing Friday, 9 p.m. EDT. "No, I mean you can be Catholic and be a Scientologist. You can be Jewish and be a Scientologist. But we're just Scientologists."

The 27-year-old Holmes' switch to Scientology has sparked reports of a rift between her devout parents, Ohio natives Martin and Kathleen, and the 43-year-old actor, who introduced her to Scientology.

However, Cruise shrugs off the stories of family friction, telling Sawyer he's close with "the whole family" and — "absolutely, yes" — they approve of Scientology.

The superstar dad-to-be also confirms to Sawyer that Holmes, in the final stages of her pregnancy with the couple's first child, will adhere to Scientology's practice of quiet birth. Cruise explains that "quiet birth," which aims to minimize talk and other noise inside the delivery room," is "basically just respecting the mother."

"She does what she's gotta do," he explains, addressing speculation that such a practice would somehow muffle Holmes completely and deny her pain medication. "If she needs medicine, she needs medicine."

The star of the upcoming "Mission: Impossible III" has two children, Connor, 11, and Isabella, 13, from his marriage to Nicole Kidman.

As the baby's birth approaches, Cruise says "it feels a little unreal."

Cruise said last week that he and Holmes plan to wed in the coming months. They have been engaged since June.

Santa Monica Daily Press

MOVIEGUIDE

SHOWTIMES FOR APRIL 15-16, 2006

Broadway Loews Cineplex
1441 3rd Street
(310) 458-6232

Brick (R)
1:30, 4:05, 7:00, 9:45
Failure to Launch (PG-13)
2:10, 5:00, 7:40, 10:15
Phat Girlz (PG-13)
7:20, 10:00
Shaggy Dog, The (PG)
2:30, 5:30
She's the Man (PG-13)
1:50, 4:30
Stay Alive (PG-13)
8:00, 10:30

Mann's Criterion Theatre
1313 3rd Street
(310) 395-1599

Ice Age: The Meltdown (PG)
11:30am, 12:00, 1:50, 2:20, 4:10, 4:40, 6:30, 7:00, 9:00, 9:30
La Mujer de Mi Hermano (R)
12:20, 2:40, 5:10, 7:40, 10:10
Lucky Number Slevin (R)
12:10, 2:50, 5:20, 7:50, 10:30
Take the Lead (PG-13)
1:20, 4:20, 7:10, 10:00
V for Vendetta (R)
1:00, 4:00, 7:20, 10:20

AMC7 Santa Monica
1310 3rd Street
(310) 289-4262

16 Blocks (PG-13)
10:15
Benchwarmers, The (PG-13)
11:50am, 1:10, 2:20, 3:40, 4:40, 6:00, 7:20, 8:30, 9:30, 11:35
Inside Man (R)
11:40am, 12:30, 2:35, 3:25, 5:35, 6:40, 8:25, 9:50, 11:20
Scary Movie 4 (PG-13)
11:00am, 12:00, 1:00, 2:20, 3:20, 4:30, 5:30, 7:00, 8:00, 9:40, 10:30, 11:30
Wild, The (G)
11:10am, 1:20, 3:30, 5:40, 7:50, 10:00

Nuwilshire Theatre
1314 Wilshire Blvd
(310) 281-8228

Notorious Bettie Page, The (R)
12:00, 2:30, 5:00, 7:30, 10:00
Thank You for Smoking (R)
11:45am, 2:15, 4:45, 7:15, 9:50

Laemmle 4-Plex Theatre
1332 2nd Street
(310) 394-9741

Friends With Money (R)
12:45, 3:00, 5:20, 7:40, 10:00
Kinky Boots (PG-13)
11:45am, 2:20, 4:55, 7:30, 10:10
Maxx (NR)
10:00
Our Brand Is Crisis (NR)
1:00, 3:10, 5:30, 7:50, 10:00
Tsotsi (R)
11:45am, 2:10, 4:45, 7:10

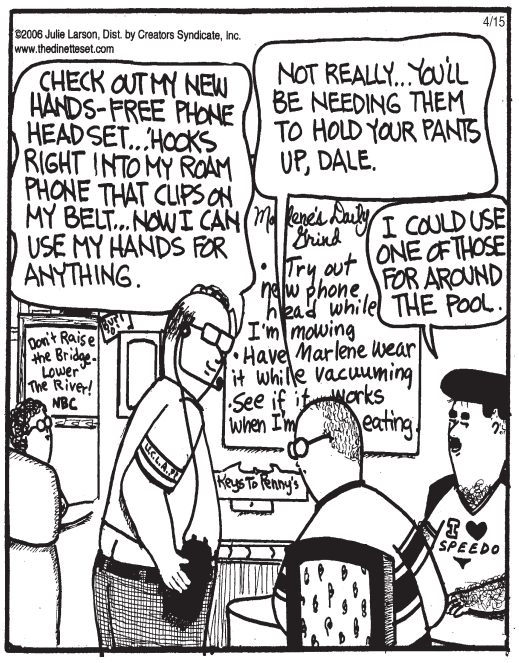
Information: calendar@smdp.com

MORE TODAY IN HISTORY

In 1861, three days after the Confederate attack on Fort Sumter, President Lincoln declared a state of insurrection and called out Union troops.
In 1865, President Lincoln died, several hours after being shot at Ford's Theater in Washington by John Wilkes Booth. Andrew Johnson became the nation's 17th president.
In 1945, during World War II, British and Canadian troops liberated the Nazi concentration camp Bergen-Belsen.
In 1945, President Roosevelt, who had died April 12, was buried at the Roosevelt family home in Hyde Park, N.Y.
In 1980, existentialist philosopher Jean-Paul Sartre died in Paris at the age of 74.
In 1990, actress Greta Garbo died in New York at age 84.
In 1998, Pol Pot, the notorious leader of the Khmer Rouge, died at age 73, evading prosecution for the deaths of 2 million Cambodians.

COMICS

The Dinette Set by Julie Larson

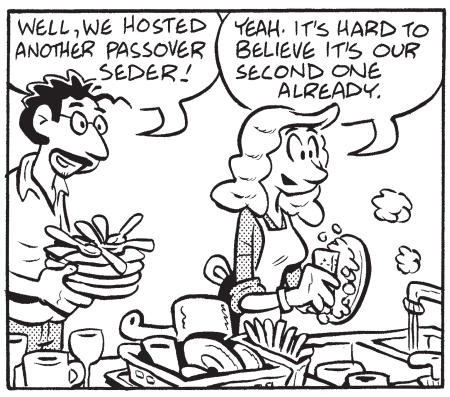


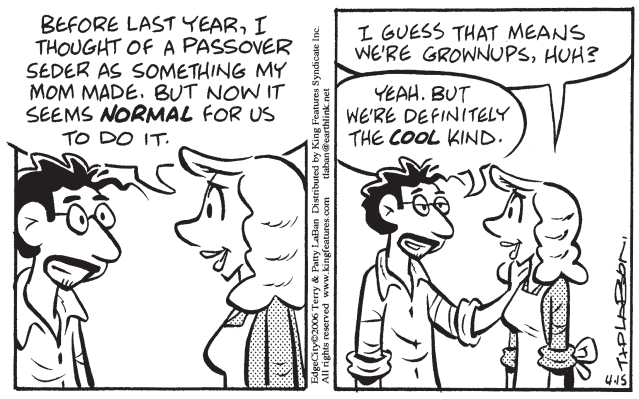
Natural Selection®

By Russ Wallace

edge City

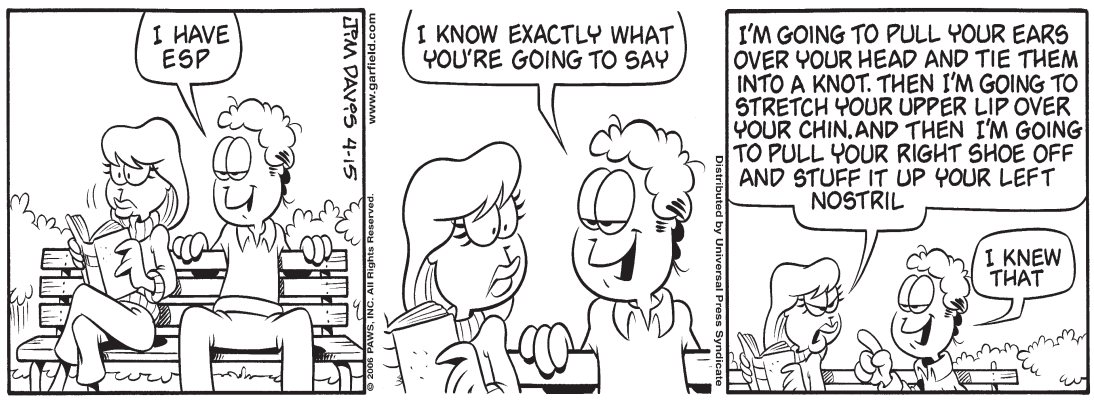
by Terry & Patty LaBan





Garfield®

By Jim Davis



Speed Bump®

By Dave Coverly

CROSSWORD

By THOMAS JOSEPH

ACROSS

1 Parroted
7 Yanks' foes
11 Anxious
12 Track
13 Highway divider
14 Drug unit
15 Man of power
16 Submerged
17 Pay phone part
18 Power of film
19 "Body Count" rapper
21 Homer's neighbor
22 It may cancel an action
25 Women's wear buy
26 Tuscany city
27 Made a quick thrust
29 Foolhardy
33 Venomous snake
34 Chip choice
35 Race length
36 Affected
37 Harrow rival
38 One way to repay
39 — precedent
40 Irritates

DOWN

1 Part producers
2 Cager Shaquille
3 Director Almodóvar
4 Foolish
5 Actor Richard
6 Bear lair
7 Weatherman Al
8 The Devil
9 Nonsense
10 Decelerated
16 Memory units
18 Lukewarm
20 Crime outing
22 Learned
23 Softball game setting
24 Singalong music
25 Points a finger at
28 Davis of "Commander in Chief"
30 When Ophelia drowns
31 Was bright
32 Car parts
34 Less than any
36 Service reward

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S	E	A	■	A	R	I	■	H	O	E
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A	L	L	O	T	■	T	R	I	E	D
S	L	E	W	S	■	H	A	R	D	Y

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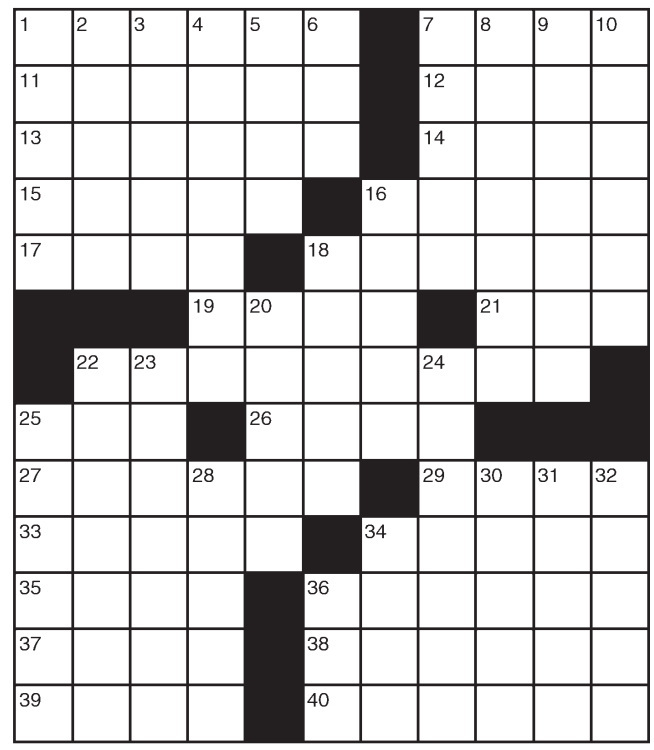

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Notices

NOTICE OF PETITION TO ADMINISTER ESTATE OF HOWARD L. SHUKEN aka HOWARD LEONARD SHUKEN
Case No. SP006803

To all heirs, beneficiaries, creditors, contingent creditors, and persons who may otherwise be interested in the will or estate, or both, of HOWARD L. SHUKEN aka HOWARD LEONARD SHUKEN

A PETITION FOR PROBATE has been filed by Nettie Shuken in the Superior Court of California, County of LOS ANGELES.

THE PETITION FOR PRO-BATE requests that Nettie Shuken be appointed as personal repre-sentative to administer the estate of the decedent.

THE PETITION requests the decedent's will and codicils, if any, be admitted to probate. The will and any codicils are available for examination in the file kept by the court.

THE PETITION requests authority to administer the estate under the Independent Administra-tion of Estates Act. (This authority will allow the personal representa-tive to take many actions without obtaining court approval. Before taking certain very important ac-tions, however, the personal repre-sentative will be required to give notice to interested persons unless they have waived notice or consented to the proposed action.) The independent administration authority will be granted unless an interested person files an objection to the petition and shows good cause why the court should not grant the authority.

A HEARING on the petition will be held on June 9, 2006 at 9:15 AM in Dept. No. F located at 1725 Main St., Santa Monica, CA 90401.

IF YOU OBJECT to the grant-ing of the petition, you should ap-pear at the hearing and state your objections or file written objections with the court before the hearing. Your appearance may be in person or by your attorney.

IF YOU ARE A CREDITOR or a contingent creditor of the deceased, you must file your claim with the court and mail a copy to the personal representative appointed by the court within four months from the date of first issuance of letters as provided in Probate Code section 9100. The time for filing claims will not expire before four months from the hearing date noticed above.

YOU MAY EXAMINE the file kept by the court. If you are a per-son interested in the estate, you may file with the court a Request for Special Notice (form DE-154) of the filing of an inventory and ap-praisal of estate assets or of any petition or account as provided in Probate Code section 1250. A Request for Special Notice form is available from the court clerk.

Attorney for petitioner:
PHILLIP L TANGALAKIS ESQ
TANGALAKIS & TANGALAKIS
4264 OVERLAND AVE
CULVER CITY CA 90230
Santa Monica Daily Press
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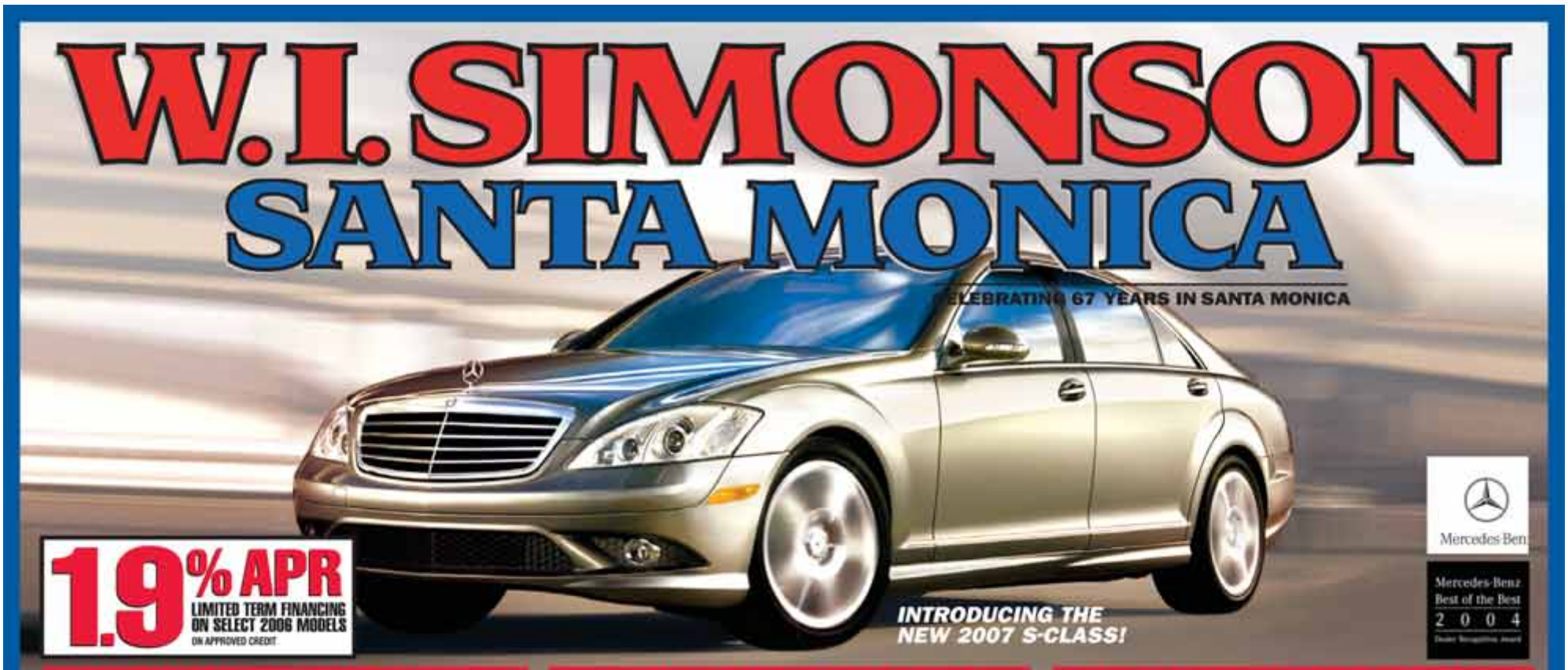

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