

Santa Monica Daily Press

A newspaper with issues

LOTTO

FANTASY 5

01, 16, 23, 32, 33

DAILY 3

Afternoon picks: 5, 2, 2

Evening picks: 2, 6, 6

DAILY DERBY

1st Place: 11, Money Bags

2nd Place: 05, California Classic

3rd Place: 02, Lucky Star

Race time: 1:49.02



NEWS OF THE WEIRD

by Chuck Shepard

■ A 23-year-old professional snowboarder (in Nagano, Japan, for a competition) fell about 50 feet to his death while playfully sliding down the handrail of a staircase at the Panorama Land Kijimadaira hotel (February).

■ A 13-year-old boy drowned while trying to swim with a heavy tow chain around his waist (inspired by a scene in the movie "Blue Crush," where a surfer trains by swimming while towing a large rock) (Port Salerno, Fla., February).

■ A 28-year-old student actor accidentally hanged himself while rehearsing, alone, a scene in which his character survives a hanging (Baton Rouge, La., December).

THOUGHT OF THE DAY

There are two kinds of pedestrians ... the quick and the dead.

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Arm amputation suit now in jurors' hands

Local artist claims his doctors are negligent

BY JOHN WOOD

Daily Press Staff Writer

After 19 days of trial, a Santa Monica jury began deliberating Tuesday in a malpractice lawsuit over the amputation of a local artist's left arm.

Manfred Muller, a 46-year-old sculptor and public works artist, spent months in the hospital after rolling his SUV off of Interstate 5 in October of 1999.

In the crash, which knocked him unconscious, Muller broke his leg, pelvis, shoulder, hip, several ribs and both ankles.

He suffered from a collapsed lung, a concussion and burns to his forearm — and he separated the bones connecting his hand and wrist, according to court documents.

At issue in the case is whether Muller's caregivers should have diagnosed and treated him for a condition in his hand called "compartment syndrome," where strained muscles expand and the blood running to them is cut off.

After the accident, Muller was taken to the University Medical Center in Fresno, where he underwent several surgeries, including an operation to install pins in his damaged left hand.

Two weeks later, the artist was transferred to Daniel Freeman Hospital in Inglewood to receive care from a team of specialists.

"Communication is not a strong thing for the doctors. If we win, we win against the system."

— MANFRED MULLER
Artist and plaintiff

Though he was badly banged up, doctors expected Muller to recover at least partial use of his hand and arm, said Patsy Colvin, a specialist who worked with Muller. But 16 days after being admitted to DFH, Muller developed an infection.

"He was so sick," testified Colvin last week, breaking into tears on the stand. "He looked toxic. He looked like he was going to die."

DFH doctors decided to delay prescribing antibiotics, said Dr. James London, one of the

See SUIT, page 5

Plan for new government in Iraq under U.S. scrutiny

BY DAVID ESPO

AP Special Correspondent

Iraqis met under American auspices to shape a new government Tuesday and said "the rule of law must be paramount" following Saddam Hussein's fall. In a war dividend, U.S. officials said they had taken Palestinian terrorist Abul Abbas into custody in Baghdad.

Four weeks after U.S.-led forces unleashed their assault, President Bush promised to "liberate every corner" of Iraq and American troops hastened to redeem his pledge. Marines solidified their grip on Tikrit, Saddam's

hometown, and American officials said fighting had ended in Qaim, a town near the Syrian border.

Acting on a tip, commandos searching a home in Baghdad found a weapons cache with a sizable chemical laboratory and documents they said were instructions on making chemical and biological weapons. They also reported finding a bomb concealed inside a bottle, another in an umbrella and a third in a telephone.

The U.S.-organized meeting on a new government drew scores of Iraqis to a gold-colored tent erected in Ur — biblical birthplace of

See WAR, page 10



Del Pastrana/Daily Press

Post office customer service supervisor Lynette Vandever sets up an easy access station on Fifth Street just outside of the Santa Monica Post Office on Tuesday afternoon for taxpayers to conveniently drop off their returns.

Procrastinators fill out forms, line up at post offices on Tax Day

By staff and wire reports

As tax procrastinators in Santa Monica continued to file through the doors of the U.S. Post Office to make the government deadline on Tuesday, they were not alone across the country.

Los Angeles resident Marilyn Alex, 72, said she had a good reason to wait until the last minute to file her tax return.

"I'd just as soon not give Mr. Bush another penny for his war," she said, adding this was the first time in her life that she's waited until April 15 to file her taxes.

Alex was one of thousands of Americans lining up at post offices Tuesday.

New York resident Tom Petrany said he wanted to hang on to his money as long as possible.

"Not much of a (federal) refund this year — and on the state you've always got to pay something," said Petrany, 41, standing at the city's main post office and leaning over his tax forms.

Across the country, the annual rush was in full swing as Americans

scrambled to file their tax returns by the midnight deadline.

"I did them a week ago, but I'm just dropping them off today. It's just tradition, I guess."

— SCOTT MILLER
Taxpayer

Of 132 million returns filed nationally, 28 million are filed the week before the deadline, Internal Revenue Service spokesman Kevin McKeon said. That includes some of the 47 million people or so who are now filing their returns by computer, he said.

Waiting in line at an Indianapolis post office, Scott

See TAXES, page 5



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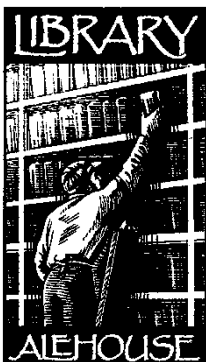
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★★★★★-Dynamic ★★★★★-Positive ★★★★★-Average
★★-So-so ★-Difficult

HAPPY BIRTHDAY for Wednesday, April 16, 2003:

You often see both sides of a story, but making the right decision could be difficult. In emotional situations, you could have difficulty setting boundaries. Understand more of what you need to do to head in the right direction. With relationships, you wonder if you're giving up too much of yourself, or perhaps not giving enough of yourself. You could feel a bit crazy. If single, you might think you want a close relationship, but back off if it becomes too snug. Still, you are going to meet someone important this year. If attached, you need to stay open to discussion as you rebalance your relationship. Your needs could constantly change. SCORPIO can be pushy.

ARIES (March 21-April 19)

★★★★★ Deal with things on a more basic level. Though you sometimes tend to over-explain, you might be able to clear out a problem. Still, someone close could be on a rampage, no matter what you do. Unfortunately, you might not be able to tame this person. Tonight: Dinner for two.

TAURUS (April 20-May 20)

★★★★★ Work with someone close to you and be understanding. The Full Moon drops many choices on you. Which way do you want to go? Laugh and don't get uptight when others go to extremes. Right now, it is the way it is. Tonight: Say "yes" to an invitation.

GEMINI (May 21-June 20)

★★★★★ Deal with others carefully. You might discover that friends and loved ones are a bit more reactive than you would like. Detach and don't worry about someone's push to have you agree with them. Realize more of what you need. Tonight: Remain playful.

CANCER (June 21-July 22)

★★★★★ Review a personal matter more carefully that involves a child or loved one. Pressure builds in perhaps the most unanticipated manner possible, i.e., someone loses his or her cool. You discover a lot more of what's going on in this person's head. Tonight: Play the night away.

LEO (July 23-Aug. 22)

★★★★★ You cannot change the direction of others, but you can make suggestions. Do not be surprised by what happens. You could be pulled in two different directions. Your family demands one thing, and work also requires a lot of attention. Tempers could flare. Tonight: Happy at home.

VIRGO (Aug. 23-Sept. 22)

★★★★★ Speak your mind carefully with loved ones. Others prove to be emotional and demanding. Juggle different concerns as best as you can. Demands come forward involving a child. Find solutions to what appears to be chaos. Tonight: Hang out.

LIBRA (Sept. 23-Oct. 22)

★★★★ You are personality plus, though you could feel challenged by others. Demands seem to surround you no matter which way you turn. Allow greater happiness to surround your life. Family members make demands and could be touchy. Tonight: Your treat.

SCORPIO (Oct. 23-Nov. 21)

★★★★ You could be overly tired and pushed to the limit. Don't become ballistic. Don't give into ballistic tactics. Take your time making decisions, as the Full Moon looms over you. Keep the peace. Tonight: Do your thing.

SAGITTARIUS (Nov. 22-Dec. 21)

★★★★ What you want could cause unusual pressure and discomfort. Still, ask for more of what you want. Examine your long-term goals more carefully before even considering an expenditure. Review a decision carefully. Tonight: Vanish while you can.

CAPRICORN (Dec. 22-Jan. 19)

★★★★ Your temper doesn't help you deal with others. Examine more of what you need and want from others. Read Cancer for a hint. You could feel as if you are in a pressure cooker. Be calm and give a situation some space. You could be delighted by what goes on. Tonight: Swap war stories with your friends.

AQUARIUS (Jan. 20-Feb. 18)

★★★★ Your perspective helps, if others would just listen. You have difficulty coming to a decision that works. Worry less and simply take your time, even if you're feeling pressure. Mistakes could easily be made. Work as late as need be. Tonight: Burn the midnight oil.

PISCES (Feb. 19-March 20)

★★★★ You cannot change how a friend feels, but you can make a decision that works for you. You need to take care of your finances. A decision that heads your way might be unusually pertinent. Still, take your time. Do needed research. Tonight: Surf the Net. Get on the phone.

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LOCAL



COMMUNITY BRIEFS

Earth Day is approaching

By Daily Press staff

Santa Monica-based Heal the Bay has organized three events on April 19 to celebrate Earth Day and help create a healthier and safer environment. Earth Day is based on the philosophy that people, working together, can achieve extraordinary things.

Volunteers from Heal the Bay will run trash cleanup efforts at Compton Creek, Playa Del Rey Beach/Ballona Creek and Malibu Creek State Park.

In the past, everything from cars to debris have been collected.

Heal the Bay's "Stream Team" also will be working to replace non-native plants with native species to help restore habitat and prevent stream bank erosion.

Here's the schedule:

9 a.m. -noon (Compton Creek)

10 a.m. -noon (Playa del Rey Beach/Ballona Creek)

10 a.m.-3 p.m. (Malibu Creek State Park)

For more information, call 800-HEAL-BAY or log onto healthebay.org.

Since 1985, Heal the Bay's programs and work throughout Southern California have made dramatic improvements in the safety of local waters, effectively improving coastal and ocean quality as well as the health of Southern California residents, aquatic life and the local economy, officials said.

A day for seniors

By Daily Press staff

The Third Street Promenade will be filled with older Santa Monicans on Thursday, May 8.

The Bayside District Corp., in collaboration with the city's Commission on Older Americans, will host Senior Day on the outdoor mall.

Senior Day is one way to recognize that particular segment of the Santa Monica community and is presented for adults 50 years old and older.

The first 400 seniors to register for the day's activities will be treated to free dancing and live entertainment, with raffle prizes to be awarded during the day. Lunch will be served, a \$1.50 donation is suggested.

Senior Day will kick off at 9 a.m. when check-in starts on the Promenade between Arizona Avenue and Santa Monica Boulevard. The day's festivities run until 2 p.m.

The Bayside District Corp. is a non-profit entity established in 1984 to oversee the activities of downtown Santa Monica and the Promenade.

The Commission on Older Americans works in an advisory capacity to the Santa Monica City Council and city management on matters pertaining to the senior community.

For more information or to volunteer, call (310) 458-8644 or (310) 576-4754 at least three days prior to the event.

Crossroads awarded for excellence

By Daily Press staff

Three upper school student publications from Crossroads School in Santa Monica recently received top honors for scholastic publications at the 79th Annual Scholastic Convention at Columbia University in New York City.

The school's student newspaper, "Crossfire" received the Gold Crown Award and literary journal, "Dark As Day" and academic journal, "7 Dials," both received Silver Crown Awards. Publications are judged on writing, editing, design, content, concept, photography, art and graphics.

Crossroads student journalists and Crossfire editorial staff also received several awards. Crossroads is the only school in the country to have three separate publications earning Crown Awards for the 2001-2002 academic year.

Crossroads is considered one of the leading college preparatory schools in the nation, school officials say. Crossroads offers a notable arts program, as well as highly-acclaimed academic studies. In its 31-year history, Crossroads School has developed a reputation for academic excellence with virtually 100 percent of its students graduating to distinguished colleges, school officials say.



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surf report

Information compiled by Jesse Haley

Surf is good today, west facing breaks see the best of it.

Venice on Tuesday was hitting shoulder- and head-high on sets and even though it was somewhat windy, shape was still decent.

Bacteria levels in the water are extremely high thanks to the rain.

Pollution in the bay has improved slightly over Tuesday, but water quality remains below health department standards.

Northwest ground swell fades further while southwest fills in better today, and also some northwest wind swell helps out at southern breaks.

In the north, surf looks decent, the points working well under the southwest swell.

Surf has mostly the same outlook Thursday.



Today's Tides:

Low- 3:38 a.m. -0.58'
High- 9:47 a.m. 5.12'
Low- 3:38 p.m. 0.16'
High- 9:50 p.m. 6.09'

Location	Wednesday	Thursday	Water Quality
County Line	3-4'/Fair	2-3'/Fair	NA
Zuma	3-4'/Fair	2-3'/Fair	NA
Surfrider	1-3'/Fair	1-3'/Fair	NA
Topanga	2-3'/Fair	2-3'/Fair	NA
Breakwater	3-4'/Fair	3-4'/Fair	NA
El Porto	3-5'/Fair	3-4'/Fair	NA

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The Q-Line

State Sen. Sheila Kuehl, who represents Santa Monica in Sacramento, is leading an effort that would guarantee healthcare for every Californian.

Kuehl's bill would provide free coverage to every resident of the state, mainly by raising income taxes roughly 3 percent. Under the plan, insurance co-payments, deductibles and insurance premiums would be eliminated entirely.

However, some think it should be up to employers to provide health insurance coverage to their employees and a

universal plan won't bring the estimated cost savings.

So this week, Q-Line wants to know, "Do you support a universal health plan in the state? Should every Californian be entitled to health insurance? Why or why not?"

Call (310) 285-8106 with your response before Thursday at 5 p.m. We'll print them in Friday's paper. Please limit your comments to a minute or less. It might help to think first about the wording of your response.



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OPINION

LETTERS

The fleecing of Santa Monica

Editor:

I'm just giddy with anticipation to discover how the brain trust that is the Santa Monica City Council will invent new and clever ways to fleece its residents. Yes, it's a wonderful idea to raise business license fees, after all, Santa Monica is so pro business that all the love and support they offer is well worth any increase. Let's also increase the city sales tax rate, stick it to the consumer! Never mind how all the added fees will translate into higher consumer prices, driving them away.

How about the evil, greedy developers and homeowners? Increase all the permit fees, make the permit process last two years instead of the prompt one year it takes now. After all, how dare these people want to tear down a 60-year-old, two-bedroom house or apartment building and build something livable. It's not city money that is being tied up, they got paid first.

Anyone get a construction loan lately? You get a lower vig in Las Vegas, yet they arrogantly tell you to wait and jump through hoops as your dollars just float away. And don't leave out the schools, they need some of the pie also because our poor children don't have pencils and paper and have to eat sand for lunch so we need a parcel increase.

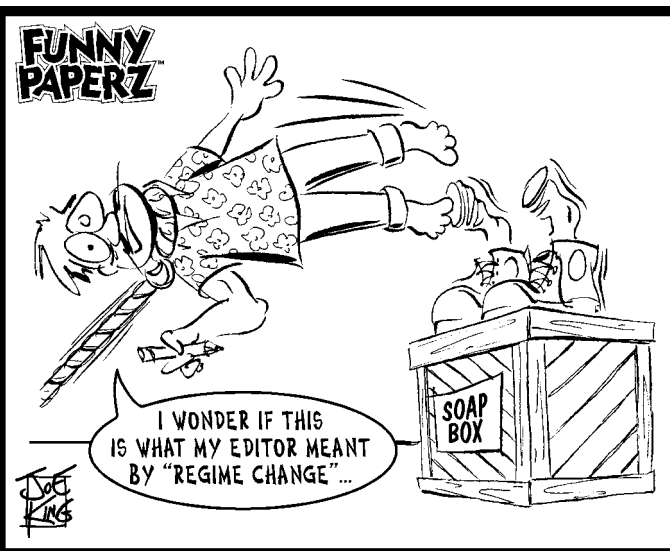
How about firing 80 percent of the administrative staff, giving the teachers a raise with some of the money and teach our children to read instead of fundraiser. I can tell you my children won't be going to Roosevelt because we don't want to have to de-program them when they get home, then be nicked and dined to death because the teacher told little Johnny that we don't care about children because we didn't donate as much as little Timmy's parents.

Does anyone else think something is wrong here? Tax revenue has increased every year, the Santa Monica City Council has just been spending it faster than a drunken sailor on leave, causing our tragic deficit. Stop wasting OUR money on your personal agendas and feel good programs. Run this city like a business, a real business, not Enron. Get rid of all the dead wood roaming the halls of City Hall and every other administrative building like zombies, make people and programs accountable.

The only thing that makes any sense is increasing the parking fines, but make sure and do it to the extreme like everything else here ... \$950 minimum fine first viola-

tion, second violation, impound the Lexus and lease it back to a low-income family for half its value and tax the other half ... it worked for rent control right?

John Linfesty
Santa Monica



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Forget tightening our belts, let's open our minds



TITTINGER'S TAKE

By Michael J. Tittinger

A dark, black cloud billows skyward above the city. Statesmen, officials and leaders congregate to finagle a roadmap of the future in attempts to forge a smooth transition. An anxious constituency awaits its fate, seemingly helpless amid the mounting chaos.

Scenes from Baghdad?

Nah, Santa Monica.

Our city by the sea is suddenly facing uncertain times, with the dark cloud of multi-million dollar deficits looming large. Whispers of city services cuts and layoffs are giving way to projected cries for help. While city officials grapple with a potential \$12 million deficit for this fiscal year alone, the general consensus of how to resolve the city's woes is a knee-jerk reaction — cut expenses (lay-offs) and increase revenue (i.e. raise taxes and increase fines).

The Santa Monica City Council will adopt a budget in June that, as it stands, will slash approximately 5 percent of the city's operating budget. But that is just the tip of the iceberg as the city stares down

an estimated \$30 million budget gap over the course of the next three years.

Must the answers to the city's financial woes have to be in black and white?

Need more money? Raise taxes. Need to cut spending? Eliminate city services and capital improvements. When did our government's thirst to lead and sense of deriding-do become so staid and commonplace?

According to City Manager Susan McCarthy, the 5 percent cuts still won't suffice if the government fails to identify at least two additional sources of revenue. Therein could lie the key — additional sources of revenue. If our City Council truly wants to be seen as innovative and do its constituents the best possible service, then this is the time for leaders to stand up. Every extra dollar raised could save one more of our neighbors from the unemployment line. Every creative means of revenue garnering might just keep the streets clean, bright and a little safer at night.

It is all too easy for elected officials to look from side to side in times of crises, as Santa Monica appears to be doing just now, comparing itself with neighboring municipalities. Hotel room taxes might be raised, but officials will strategize to keep them lower than those in surrounding cities. Parking fines might be increased, but city officials tout how they are lower than some of its neighbors' fines.

Now voters could be asked next year to

approve increases in sales tax and business license fees. But they haven't been raised since way back in the 1990s, according to McCarthy. Taking into account Gov. Gray Davis' proposed 1 percent sales tax hike statewide, Santa Monica residents could be staring at a whopping 10 percent sales tax rate.

How far are those tax refund checks gonna go in our fair city? Most likely, they're gonna go right out of the city as residents opt to stretch their rebates elsewhere.

Most importantly, when did our elected leaders become "elected followers?"

A city whose constituency is comprised of some of the most innovative and creative people in our country needs to be able to look for innovative and creative solutions to its problems, and not just settle for the reflex tax hikes and personnel cuts. The Council needs to stop debating topics on which it has no say (i.e. the war in Iraq) and start brainstorming on how to keep Santa Monica such a desirable place in which to live. Atop the agenda: Alternative means of revenue.

Maybe we can start with the Main Library, perhaps the most glaring example of fiscal mismanagement in our city today, as construction costs skyrocket for what is becoming a \$72 million Trojan Horse. Rather than robbing Peter to pay Paul, as the city is re-routing money earmarked for other projects to the new

library building, why not try to offset some of the costs through creative means? Any means. Sell bricks. Sell benches. Sell books. How about fundraisers or auctions, or better yet, sell the naming rights to a corporate sponsor?

A recent Los Angeles Times article detailed that an advertising firm had enlisted more than 40,000 Americans who are willing to wrap their automobiles with an advertisement sheath, akin to some municipal buses, and were seeking out corporate sponsors. Why shouldn't our city capitalize on the naming rights phenomenon? It beats selling seat licenses for residents to mosey up to the microfiche machine.

For that matter, hell, we got plenty of streets we could rename. It's not like Main Street or 15th Street are the most idiosyncratic of monikers or have a lot of historical significance. And I'm sure there's a certain Seattle-based coffee shop chain that wouldn't mind slapping its black and green logo on the Third Street Promenade.

Million dollar ideas? Maybe not. But sometimes one simple idea begets another simple idea and so on. Ideas are what we need in times or crises, not obligatory cuts and lay-offs. It's time for Council to reclaim their role as a trail blazing entity, not a band of skittish elected followers.

(Mike Tittinger is a freelance writer living in Santa Monica.)

Opinions expressed are those of the writer and do not necessarily reflect those of the Santa Monica Daily Press staff. Guest editorials from residents are encouraged, as are letters to the editor. Letters will be published on a space-available basis. It is our intention to publish all letters we receive, except those that are libelous or are unsigned. Preference will be given to those that are e-mailed to sack@smdp.com. All letters must include the author's name and telephone number for purposes of verification. Letters also may be mailed to our offices located at 1427 Third Street Promenade, Suite 202, Santa Monica, 90401, or faxed to (310) 576-9913. All letters and guest editorials are subject to editing for space and content.

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LOCAL



Local artist awaits verdict

SUIT, from page 1

defense's expert witnesses. London said there was no point in giving Muller antibiotics until lab tests were returned. Any drugs that could have been prescribed wouldn't have fully addressed the infection, he said.

After surgeons went to drain the infection and found it had spread, Muller was transferred to UCLA where his arm was amputated just below the elbow.

If jurors find Muller's caregivers guilty of negligence, lawyers will make a second round of arguments. Jurors will then determine how much compensation to award Muller. Muller wouldn't say how much money he is seeking.

Five attorneys are defending the case for the two hospitals and handful of physicians that cared for Muller.

In their closing arguments on Tuesday, defense lawyers challenged Muller's expert witness and said he never had compartment syndrome. The attorneys said Muller's "miraculous" recovery proves that he received top-notch medical care.

"The force that caused all these injuries ... caused irreversible muscle and nerve damage to Mr. Muller," said Andrew Weiss, who represents two surgeons that worked with Muller. "It takes time for that death to manifest."

Susan Schmid, who represents the rehabilitation specialist for Muller's hand, said there was never any indication of compartment syndrome.

"It's not a gradual come-and-go, come-and-go," she said. "It's a very vicious cycle. (The doctors) clearly feared the worst but treated for the best."

Muller's attorneys told a different story. They said Muller exhibited all the symptoms of compartment syndrome and said doctors misdiagnosed his case.

Because none of the caregivers are accepting blame, Muller's attorneys asked jurors to hold all of the defendants responsible.

"This is an absolutely rotten situation," said attorney Skip Keesal. "A man doesn't have an arm. It couldn't have happened without negligence and where is the guy to step forward and tell you what happened?"

"Somebody's got to step up or everyone gets put into a bag with a rock and thrown off the bridge."

"Somebody's got to step up or everyone gets put into a bag with a rock and thrown off the bridge."

— SKIP KEESAL
Attorney

Dressed all in black, Muller watched the closing arguments calmly from the front of the courtroom. His wife Rose sat next to him and a handful of friends and art colleagues came to show their support.

Muller said he was pleased with the presentation of his case.

"It pointed out the most important thing," said the German-born Muller. "Communication is not a strong thing for the doctors. If we win, we win against the system."

The three-week trial has left some jurors looking worn out. At lunch recess Tuesday, Santa Monica Superior Court Judge Patricia Collins reminded defense attorneys of their promise to keep comments short.

Muller is credited with the bright red Dorries that are attached to the pilings under Santa Monica Pier, among other works.

The inconveniences of having one arm have not veered him away from his work, Muller said. On Sept. 3, an installation piece titled "The Body Shop" — which recreates his car accident — will open at the USC Fisher Gallery.

Group urges people not to pay taxes in protest of war

TAXES, from page 1

Miller wasn't sure why he always waits so long to file.

"I've been doing it on the last day for 30 years," said Miller, 48. "I did them a week ago, but I'm just dropping them off today. It's just tradition, I guess."

In downtown Chicago, illegally parked cars began lining up outside the main postal facility around noon.

"I had my taxes done last Friday, but I procrastinated," said Art Gutierrez, with one eye on a refreshment stand offering free popcorn and soda. "I don't know why. I always say I'll change and file earlier, but I don't."

If taxpayers are still procrastinating, at least some aren't waiting in line any more. In the Latham post office outside Albany, N.Y., officer-in-charge JoAnne Swint said more people have been doing their taxes electronically, shortening the lines there.

Some who don't like the way the government spends money urged people not to pay. Members of the War Resisters League stood outside an IRS office in New York, handing out fliers with pie charts listing how much tax money is spent on the military, schools and social services.

Priscilla Backman, 80, said some members submit returns that subtract the part of their federal payment that they estimate would go to defense.

FIND OUT YOUR FORECAST IN TODAY'S
HOROSCOPES ... PAGE 2

Santa Monica Daily Press

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STATE

Vivendi Universal sued over tax dispute

BY GARY GENTILE
AP Business Writer

LOS ANGELES — Barry Diller's USA Interactive sued Vivendi Universal on Tuesday over a tax dispute, saying that the French entertainment company reneged on its partnership agreement with USA to save much-needed cash.

USA and Vivendi formed a joint venture, Vivendi Universal Entertainment, last year combining Universal's film, television and theme park properties with USA's cable channels and television production company. Diller recently stepped down as VUE chairman.

As part of the deal, USA has claimed Vivendi must make annual payments to reimburse USA for taxes that will become due on income it receives from the preferred shares it owns in VUE. The unusual arrangement was negotiated with Jean-Marie Messier when he was Vivendi Universal chief executive in 2001, USA claims.

USA also holds a 5.4 percent common stock interest in VUE.

Vivendi Universal disputed that claim in December and the two sides have been negotiating since then. Those talks presumably have ended with USA's lawsuit, filed in state court in Delaware, where VUE is incorporated.

USA is asking the judge to order the payments.

Vivendi Universal declined to comment on the lawsuit, spokeswoman Anita Larsen said.

The deal, according to the lawsuit, was struck to maintain the "full value" of USA's preferred investment. This means that not only is USA entitled to payments from the partnership, but also additional payments to cover the taxes that will eventually come due on that income.

The lawsuit claims that during negotiations in 2001, Vivendi resisted USA's condition, but that Messier eventually agreed because he "was extremely anxious to complete the USA/VUE transaction as part of his long-term vision for Vivendi."

USA also claims that Vivendi never

disputed the payments until after Messier and his top executives were ousted and the French company, saddled with debt, began to look for ways to conserve cash.

Vivendi is considering bids for all or part of VUE. Most recently, reports have surfaced that Apple Computer and Microsoft are interested in buying the Universal Music Group. Vivendi is also talking to oilman Marvin Davis about his \$20 billion bid for all of VUE. Other companies, such as Viacom, are interested in specific cable channels.

**"Vivendi's refusal
to honor the clear
commitment it made
under the Messier regime
is a classic case of
buyer's remorse."**

— LAWSUIT CLAIM

"Vivendi's refusal to honor the clear commitment it made under the Messier regime is a classic case of buyer's remorse — an unjustified refusal to live up to obligations clearly and knowingly made," the lawsuit states.

Along with the lawsuit, USA also filed a lengthy document with the Securities and Exchange Commission to answer a series of questions about its rights to block or participate in the sale of assets controlled by VUE.

The document asserts USA's right to block the sale of individual properties unless the buyer agrees to guarantee the value of USA's preferred investment — up to \$2 billion.

The document also says that VUE must reimburse USA for any taxes that would become due if the partnership sells the cable channels, such as the Sci-Fi Network, that USA contributed to VUE.

Federal judge prohibits L.A. police from Skid Row 'sweeps'

By The Associated Press

LOS ANGELES — A federal judge issued a preliminary injunction Monday prohibiting police from randomly sweeping the city's Skid Row district in search of probation and parole violators.

U.S. District Judge Nora Manella ruled that the American Civil Liberties Union and the National Lawyers Guild presented sufficient evidence to indicate that Skid Row residents' rights against unwarranted searches and seizures were being violated.

"This is wonderful news," said ACLU spokesman Tenoch Flores. "There's no reason homeless people should have their civil rights violated just because they're homeless."

The ACLU and National Lawyers Guild represent Skid Row residents in a suit filed March 18 alleging that police sweeps of the depressed area near downtown have resulted in officers stopping people who are not on parole or proba-

tion. The suit also accuses police of conducting unwarranted searches of shelters, encampments and hotels frequented by homeless people.

The judge's action extends a temporary restraining order issued last month until the suit is resolved.

The suit asks that the city halt the searches and pay court costs.

City officials have denied that the searches represent a "sweep" of the area.

"This was a carefully designed, multi-agency effort focused on identifying parole violators and taking them into custody," city attorney spokesman Eric Moses said last month.

An estimated 3,000 to 5,000 people live on Skid Row, just south of the downtown business district. It is one of three areas Police Chief William Bratton has targeted for his "broken windows" policy, which holds that citing and arresting those who commit minor offenses helps prevent more serious crime.

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STATE



Voters don't like Gov. Davis, or effort to recall him

By The Associated Press

SAN FRANCISCO — Gov. Gray Davis' popularity has reached a record low, but most voters still think an election to recall him would be bad for California, according to a poll released Tuesday.

Two of every three people — or 67 percent of respondents — in the new Field Poll said they have an unfavorable opinion of Davis, compared with 27 percent who approve of him.

In September, the last time the Field Poll surveyed voters on their attitudes toward the Democratic governor, 46 per-

cent gave a negative appraisal.

Mark DiCamillo, the poll's director called the results "by far voters' worst assessment of Davis ever."

Davis earned similarly poor marks for his job performance. Sixty-five percent of those surveyed said they disapprove of his work in office, giving Davis the worst job performance rating of any sitting governor in the poll's 55-year history.

However, respondents were not enthusiastic about efforts to unseat Davis that were launched in February. In response to a question about the effort to gather signatures for a recall, 59 percent of respon-

dents said they wouldn't sign.

One explanation they gave is that it would be bad for California, the Field Poll said.

Still, 33 percent said they would sign a recall petition, and recall organizers need less than 900,000 signatures to get the measure on the ballot.

If faced with a recall, 46 percent of those surveyed would vote to remove Davis from office, the poll found. Forty-three percent would vote against a recall, and 11 percent were undecided.

Pollsters also asked voters to choose among six candidates as a successor to Davis. The top three candidates were Lt. Gov. Cruz Bustamante, with 22 percent; actor Arnold Schwarzenegger, with 17 percent; and businessman Bill Simon, with 15 percent. Simon lost to Davis last November. Davis cannot seek a third term under California term limits.

The poll, which was based on a survey of 695 voters and conducted April 1-6, has a sampling error of 3.8 percentage points.

Tonight Show's McMahon settles toxic mold lawsuit

By The Associated Press

LOS ANGELES — Former "Tonight Show" sidekick Ed McMahon settled a lawsuit against the last of several defendants he sued for toxic mold that allegedly sickened him and his wife, killed his dog and made his Beverly Hills mansion unlivable.

McMahon, 80, agreed to accept \$230,000 to resolve the dispute, court documents revealed Monday.

He had sued American Equity Insurance Co., two insurance adjusters and several cleanup contractors for \$20 million last year, claiming his 8,000-square-foot mansion was ruined.

The other defendants made settlements over the past few months. The settlement

reached Friday was paid by Controlled Environmental Solutions.

McMahon filed suit in April 2002 claiming that a plumbing pipe in his home ruptured in July 2001, flooding his den. The company he hired to clean the mess, Alliance Environmental Group, allegedly painted over the stachybotrys chartarum, and didn't tell him about the mold.

Soon afterward, McMahon claimed he and his wife became sickened and their sheepdog, Muffin, developed respiratory illness and died. The couple moved — per doctor's orders — in September 2001, and rented another home at \$23,000 a month. Toxic mold later was found in McMahon's master bedroom.

The case was scheduled to go to trial this week.

L.A. suburb repeals law banning 'immoral conduct'

By The Associated Press

ROLLING HILLS — A law against adultery in this Los Angeles suburb will soon be history.

The City Council voted Monday to repeal an old ordinance that prohibited immoral conduct, including extramarital sex. The law was passed after the city incorporated in 1957.

"So this is a pro-adultery thing?" joked Councilman James Black in an interview with the Daily Breeze before the meeting. "Good for us!"

The ordinance banned immoral conduct defined as "any person exposing his or her person or the private parts thereof; or the doing of any other act with the intent of arousing, appealing to or gratifying the lust or passions or sexual desires of any person to whom he or she is not married."

Violating the law could result in a \$250

fine or three months in jail, or both.

The repeal issue arose when a resident scouring the municipal code mentioned it at council candidates forum. They were unsure if anyone had been cited for breaking the law and why it was enacted.

"Why this particular law has been dormant and allowed to remain on the books all these years is anyone's guess," City Attorney Mike Jenkins said. "I can only venture to say that when a new city incorporates it's not unusual for it to borrow heavily from an already existing city for its municipal code so they don't have to start from scratch. I doubt it had anything to do with the rate of adultery in Rolling Hills."

Local laws criminalizing sexual behavior were superseded by a California Supreme Court decision in 1962 that ruled the state has authority over such matters, Jenkins said.

BY ERICA WERNER

Associated Press Writer

LOS ANGELES — Sen. John Kerry got \$1.5 million in donations from California residents during the first three months of the year, barely \$100,000 less than he picked up in his home state of Massachusetts, his campaign reported Tuesday.

Kerry has been among the most aggressive of the nine Democratic presidential hopefuls in fund-raising in donor-rich California and the efforts paid off. The dollars helped push him to the front of the Democratic pack with a total of \$7 million raised.

Kerry also benefitted from transferring \$3 million left in his Massachusetts Senate campaign account and he ended the quarter with \$8.1 million cash on hand after expenditures.

Ohio Congressman Dennis Kucinich reported raising \$33,950 in California for a total of \$173,080 raised, and former Illinois Sen. Carol Moseley Braun reported \$4,600 from California residents for a

total of \$72,451 for the quarter.

Kucinich reported \$50,397 cash on hand and Moseley Braun had \$45,005.

Kerry, Kucinich and Moseley Braun were the first candidates to file the detailed campaign reports due by the end of the day with the Federal Election Commission.

The totals covering campaign activity from Jan. 1 through March 31 are considered an important sign of a campaign's viability.

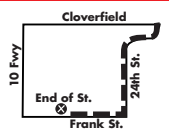
Several other presidential hopefuls revealed their overall contribution totals shortly after the fund-raising period ended March 31.

Among those, Sen. John Edwards of North Carolina raised about \$7.4 million; Missouri Rep. Dick Gephardt \$3.6 million; Sen. Joe Lieberman of Connecticut around \$3 million; former Vermont Gov. Howard Dean at least \$2.6 million; and Florida Sen. Bob Graham just over \$1 million.

President Bush has not committed to seek re-election and has not yet begun fund-raising for his campaign.

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NATIONAL

American Airlines says union has one more chance to save company from bankruptcy

BY ANGELA K. BROWN
Associated Press Writer

FORT WORTH, Texas — American Airlines teetered on the brink of bankruptcy Tuesday after its flight attendants balked at approving \$340 million in wage concessions. The union was given one more day to vote.

Members of American's two other major unions — representing pilots and ground workers — approved more than \$1 billion in concessions, but the flight attendants' union said its members had rejected their share of the cuts by fewer than 500 votes among 19,000 cast.

The world's biggest airline says it will file for bankruptcy unless all three unions approve their portions of \$1.8 billion in labor cuts. It set a Tuesday deadline, but later said flight attendants would be allowed to continue voting — and change their votes — until Wednesday evening.

"This is our last chance to avoid bankruptcy," said Don Carty, chairman of American parent AMR Corp.

If the flight attendants fail to back the cuts, Carty said, American will immediately file for bankruptcy.

United Airlines is already in bankruptcy and the industry overall is mired in its worst-ever slump, compounded by fears of terrorism, the SARS virus and the war in Iraq. Analysts say labor concessions would help American Airlines, but might not solve its long-term problems.

Concessions were approved by 69 percent of the pilots and 53 percent of the ground workers who voted, the Allied Pilots Association and the Transport Workers Union said.

Unlike the flight attendants, those groups had a chance to change their votes before Tuesday. They had some incentive to do so because American sweetened its offer last week.

The voting was conducted by phone

and over the Internet. The flight attendants union sought an extension Monday, complaining some members were having trouble casting votes.

Leaders of the three unions are reluctantly supporting the concessions, which would cut labor costs by more than 20 percent, because reductions under bankruptcy could be even more painful. But angry employees had packed union meetings to complain that terms of the concession deals were too harsh.

"This is our last chance to avoid bankruptcy."

— DON CARTY

Chairman of American parent, AMR Corp.

American was seeking \$660 million in concessions from its 12,000 pilots, \$620 million from 34,000 ground workers and the \$340 million from 24,000 flight attendants. The agreements include layoffs for 2,500 pilots, about 2,000 flight attendants and up to 1,400 ground workers.

Carty had warned that if American went into bankruptcy, it would seek \$500 million in additional labor concessions. Pilots' union president John Darrah said he feared bankruptcy would mean another 500 to 1,500 pilots would be laid off.

American has been battered by a weak economy, terrorism and competition from low-cost airlines on 80 percent of its routes. Those factors have hit hard at business travel, which was a lucrative part of American's business.

American says it has cut other costs \$2 billion per year, but its Fort Worth-based parent, AMR Corp., continues to lose about \$5 million a day and has lost nearly \$5.3 billion in the past two years.

Suspects will not be charged in stabbing over smoking ban

By The Associated Press

NEW YORK — The district attorney will not file charges against two men arrested in the fatal stabbing of a nightclub bouncer who police say was trying to enforce the city's new ban on smoking in bars and restaurants.

Police officials announced the decision early Tuesday following an investigation into the stabbing of Dana Blake, 32, who died about 11 hours after a fight Sunday at an East Village nightclub.

"There are facts and circumstances that we are still investigating," said district attorney's spokeswoman Barbara Thompson.

Police had arrested two brothers, stockbroker Jonathan Chan, 29, and medical student Ching Chan, 31, shortly after the fight on charges of assault, criminal possession of a weapon and resisting arrest.

Investigators initially believed Blake was stabbed in a fight with the brothers, but the medical examiner's office now is trying to determine whether he may have been cut by a piece of glass from a broken

bottle, police said.

The medical examiner's officer did rule the death a homicide, the classification used for any death resulting even indirectly from human action.

No weapon was recovered at the scene, police said.

Neither the brothers nor their attorneys could immediately be reached for comment Tuesday.

According to police, Blake approached the men about 2:30 a.m. Sunday to tell them they could not smoke in the bar.

Police spokesman Michael O'Looney said witnesses told police that harsh words were exchanged and the brawl began when Blake tried to eject Jonathan Chan. A third man and a woman, identified as the brothers' older sister, then intervened. But no one had a clear view at the point when Blake was injured.

The ban that took effect last month, pushed by Mayor Michael Bloomberg, extended smoking curbs to bars and small restaurants. Owners whose patrons smoke can be fined or have their licenses suspended.

NATIONAL



Wireless industry argues over customers keeping numbers

BY DAVID HO
Associated Press Writer

WASHINGTON — Cell phone companies asked a federal court Tuesday to block a regulation that would force them to let consumers keep their phone numbers when switching wireless carriers.

Consumer advocates say not being able to retain numbers is one of the biggest barriers preventing more cell phone users from switching in search of better service and prices. Wireless companies say the Federal Communications Commission requirement and its Nov. 24 deadline will raise costs while doing little to increase industry competition.

"It's very speculative to say this even offers consumer benefits," said Andrew McBride, an attorney representing Verizon Wireless and the Cellular Telecommunications and Internet Association, an industry group.

McBride told the three-judge panel of the U.S. Court of Appeals for the District of Columbia that the FCC overstepped its authority by imposing the requirement.

A court ruling is not expected for several months. Congress decided in 1996 that people can keep their traditional local phone numbers when they change phone

companies. The FCC decided that wireless carriers would have to offer the same service in the top 100 U.S. cities by June 1999.

"Wireless companies will have stronger incentives to provide better service and lower prices if consumers can take their numbers."

— CHRIS MURRAY
Consumers Union attorney

The FCC has extended that deadline three times, most recently granting a yearlong extension last summer after Verizon Wireless asked the commission to eliminate the requirement.

"Many consumers tell us that they are not satisfied with their wireless service, but they are unwilling to switch because they can't take their numbers with them," said Chris Murray, an attorney for Consumers Union,

publisher of Consumer Reports magazine. He said small businesses and self-employed people are particularly harmed when switching carriers because they lose numbers known by their customers.

"Wireless companies will have stronger incentives to provide better service and lower prices if consumers can take their numbers," Murray said.

Most wireless companies argue that their industry is competitive enough and doesn't need a regulatory boost. They say there are about 145 million U.S. cell phone subscribers and about a third of them change carriers each year.

"The wireless industry is the most competitive telecommunications market on the planet," McBride said after the hearing. He said the expense of providing the number switching service will make it harder to provide better cell phone coverage and cheaper phones.

The wireless industry estimates that the requirement will cost more than \$1 billion in the first year and \$500 million each year thereafter.

Many cell phone users outside the United States, in places such as Britain, Australia and Hong Kong, already have the option of keeping their numbers when they switch carriers.

Show celebrates anniversary of first ascent of Mount Everest

BY CARL HARTMAN
Associated Press Writer

WASHINGTON — Half a century ago a beekeeper's son from New Zealand and a Nepalese guide made the first successful ascent of Mount Everest, the world's tallest peak.

The May 29, 1953, anniversary of the climb to the top of the 29,035-foot peak was being marked beginning Tuesday with an exhibition at the National Geographic Society's Explorers Hall.

Edmund Hillary, 83, plans to visit the exhibit later in the year. His companion on the climb, Tenzing Norgay, died in 1986.

The exhibition shows that since the Hillary expedition Everest has become a popular destination.

More than 1,600 climbers have made the ascent in the past half century. Earlier this month, 14 disabled Americans, five of them in wheelchairs, reached a base

camp at 17,160 feet.

Brent Bishop, son of Barry Bishop, who was part of the first U.S. team to make it to the top in 1963, has taken up the job of removing the trash that climbers have left behind over the years.

"He makes a trip whenever he can get the financing."

— SUSAN E.S. NORTON
Explorers Hall director of exhibits

"He makes a trip whenever he can get the financing," said Susan E.S. Norton, director of exhibits at Explorers Hall.

Norgay's people, the 70,000 Sherpas, have grown prosperous in the tourist trade. The National Geographic Society estimates that Sherpas who work in tourism have

an average income of \$7,000 a year, about five times the Nepal's national level.

More than 300 lodges and hotels, most run by the Sherpas, serve climbers and other tourists in the region. There is an airstrip, but no roads.

The Washington exhibit is a collaboration between the National Geographic and the Auckland War Memorial Museum in New Zealand's capital, where it was on view until last month.

Among the curiosities is the ice ax Hillary used to carve steps for the last few feet of the climb. Visitors can try crossing a crevasse on an aluminum ladder with a back pack weighing more than 50 pounds — the crevasse is actually just about six inches deep.

They can also sit on the benches of a schoolhouse, modeled after the one Hillary gave the Sherpas, to watch a 20-minute video on his career.

The exhibit will be on view until Sept. 1. Admission is free.

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INTERNATIONAL

Critics at conference say 'no' to U.S. anti-drug campaign

BY WILLIAM J. KOLE

Associated Press Writer

VIENNA, Austria — Critics of a U.S.-led global crackdown on illicit drugs declared the policy a failure Tuesday, calling it "the war that America cannot win" and urging a United Nations commission to consider other approaches to the problem.

Activists, think tanks and non-governmental organizations asked the U.N. Commission on Narcotic Drugs to examine what they called a disturbing lack of progress midway through a global campaign to curb drug cultivation, trafficking and consumption by 2008.

Their harsh assessment came as delegates from 116 countries met in Vienna to review the ambitious anti-drug effort, launched by the U.N. General Assembly in 1998 and loosely modeled after the United States' "war on drugs."

"This strategy has failed," the European Drug Policy Fund said in a statement. "Far from making progress toward the goal of a 'drug-free world by 2008,' drug consumption is in effect on the rise in both industrial and developing countries, as are drug-related crime and other social ill-effects."

Consensus is building in Europe "that after years of continuous setbacks, and with billions of dollars spent on destroying crops and putting people in jail, it is now time to look at more promising alternatives," it said.

The Open Society Institute, a private foundation started by financier George Soros, said the U.N.'s strict drug control treaties are undermining efforts to prevent the spread of AIDS because they discourage countries from introducing effective public health measures.

It pointed to Russia and Ukraine, two

countries it said have paid more attention to cracking down on traffickers than on the health consequences of intravenous drug use — and now have some of the world's fastest-growing rates of HIV infection.

AIDS cases also are rising rapidly in Iran and Pakistan and across Central Asia where, the OSI said, authorities are cracking down on drug cultivation and trafficking at the expense of treatment and prevention programs.

"In countries that are experiencing a rapid increase of drug use, the reflex reaction is to become tougher on drug users," said Kasia Malinowska-Sempruch, an OSI drug abuse expert.

"Locking up users in prisons is not a solution. It only serves to drive users underground, making them less likely to seek out what few services do exist for them."

Despite the criticism, this week's con-

ference — organized by the Vienna-based U.N. Office on Drugs and Crime — appeared unlikely to steer the United Nations away from its goals of ridding the world of as much drug use and crime as possible over the next five years.

Hassela Nordic Network, a Swedish organization, presented the U.N. agency Monday with 1.3 million signatures collected from people in 48 countries supporting the ongoing anti-drug campaign.

However, the campaign's goals remain elusive, U.N. drug agency chief Antonio Maria Costa conceded in a report issued ahead of the conference.

Although heroin and cocaine abuse have stabilized or declined in some countries, the use of marijuana and illicit synthetic drugs such as amphetamines, methamphetamines and Ecstasy is growing in others, the report said.

Administration accuses Syria of developing weapons program

WAR, from page 1

the Jewish patriarch Abraham — and anti-American protest in a nearby city.

"No to America and no to Saddam," chanted thousands of Shiite protesters in Nasiriyah, exercising their new freedom of speech to object to the imminent creation of an American interim governing authority.

Inside the meeting, White House envoy Zalmay Khalilzad said the United States has "no interest, absolutely no interest, in ruling Iraq."

He added, "We want you to establish your own democratic system based on Iraqi traditions and values."

A 13-point statement released after the

session envisioned a democratic country where "the rule of law is paramount." It said Saddam's "Baath party must be dissolved and its effects on society must be eliminated."

It wasn't immediately clear whether the paper was drafted by U.S. officials in advance of the meeting.

Abbas, the leader of a Palestinian group that killed an American on the hijacked cruise liner Achille Lauro in 1985, was captured by U.S. commandos on Monday, U.S. officials disclosed.

A number of his associates also were detained during raids at several sites around Baghdad, these officials said on condition of anonymity.

Abbas, whose name actually is Mohammed Abbas, led a faction of the Palestine Liberation Front, a Palestinian splinter group. His faction was in Tunisia until the attack on the Achille Lauro, after which it relocated to Iraq. Leon Klinghoffer, an elderly American, was shot and tossed overboard in his wheelchair during the hijacking.

There was no major combat during the day, but at least 10 Iraqis were reported killed and 16 injured in a clash between U.S. Marines and a stone-throwing crowd in Mosul in northern Iraq. The New York Times reported on its Web site. The U.S. Central Command in the Persian Gulf said it could not confirm the report.

Central Command reported an unidentified Marine was shot to death in Baghdad by a member of his unit who mistook him for an Iraqi soldier. Another Marine, Cpl. Ariel Gonzalez, 25, of Hialeah, Fla., was killed Monday when a commercial refueling vehicle collapsed on him in southern Iraq, the Pentagon said.

While anti-American sentiment flared in Iraq, U.S. forces also won cooperation from civilians eager to restore order and vital services.

Some Marines in Tikrit wore flowers in their uniforms, gifts from residents of the city.

Joint Iraqi-U.S. patrols made their first forays into Baghdad. American commanders reported ample assistance from Iraqis eager to help troops uncover regime secrets.

"We're getting millions of these tips, some credible, some not so credible," said Lt. Col. Philip DeCamp. The United States was offering incentives, too. Defense officials said the Pentagon would pay up to \$200,000 for information on the whereabouts of regime leaders.

Soldiers patrolling northern Baghdad found a mobile AM radio station in a warehouse at the Iraqi railroad yard, and worked to clear a city park from hundreds of munitions left from an Iraqi artillery and mortar position.

In Washington, the Bush administration dampened talk of possible military action against Syria. Secretary of State Colin Powell, who suggested diplomatic or economic measures might be taken, said Iraq was "a unique case" that required U.S. military action.

Administration officials have accused Syria of maintaining a program to develop weapons of mass destruction and of harboring members of the Iraqi regime seeking to flee. Syrian officials deny the allegations.

Still, at the Pentagon, Defense Secretary Donald H. Rumsfeld said he believed troops had shut down an illegal oil pipeline said to export up to 200,000 barrels daily to Syria.

For his part, Bush said, "Our victory in Iraq is certain, but it is not complete."

He added, "Today the world is safer, the terrorists have lost an ally, the Iraqi people are regaining control of their own destiny. These are good days for the history of freedom."

There was another sign that the conflict was nearing an end. French President Jacques Chirac, a prominent critic of the war, telephoned Bush. In their first conversation in more than two months, Chirac appeared to soften his demand that the United Nations have a central role in postwar reconstruction.

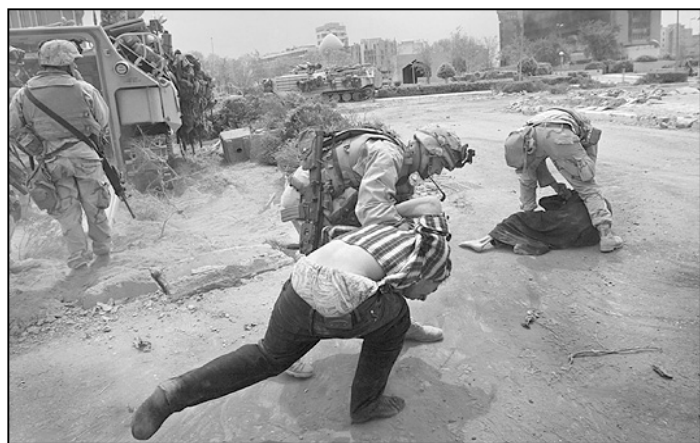
After nearly a quarter-century of living under a regime that punished dissent with death, Iraqis experimented with newfound freedoms.

"Americans are against freedom and democracy," shouted one man in Tikrit, Saddam's birthplace and the last major population center to fall to U.S.-led forces.

And in Kut, military officials said hundreds of protesters blocked Marines from entering city hall to meet a radical anti-American Shiite cleric who has declared himself in control.

The meeting near Ur took place close to a 4,000-year-old ziggurat, a terraced-pyramid temple of the ancient Assyrians and Babylonians. Participants included Kurds, Sunnis and Shiites from inside the country as well as others who have been in exile.

Americans picked the groups to be represented, but each faction selected its own representatives.



David Guttenfelder/Associated Press

U.S. soldiers throw Iraqi men to the ground at a military base in Baghdad where they transported them after they were arrested for allegedly firing shots at U.S. troops from a building in central Baghdad on Tuesday.



Dusan Vranic/Associated Press

U.S. marines hold back a man holding a press card outside a Palestine hotel in central Baghdad on Tuesday. Marines cordoned off the hotel as hundreds of Iraqis tried to enter claiming they work for foreign media, while others were looking for jobs.

SPORTS



Johnson, Schilling, among others, off to rough start

BY BOB BAUM

AP Sports Writer

PHOENIX — Randy Johnson and Curt Schilling are a combined 0-4 in six outings, and they're not alone. Across baseball, aces have started the season like jokers.

Greg Maddux was roughed up twice before he got a victory. Pedro Martinez is 0-1 in three starts with a 5.12 ERA. Barry Zito allowed seven runs in four innings in his last start. Tom Glavine got off to a rocky start before turning things around with his new team in New York.

Nowhere is the situation more startling than with the Diamondbacks, though, because Johnson and Schilling have been one of the most devastating lefty-righty tandems ever.

"The run that those guys have been on the last couple of years has been like nothing I ever saw in the game of baseball," Arizona manager Bob Brenly said. "So that set the bar pretty high to expect that kind of thing every year."

The past two seasons, Johnson and Schilling were a combined 90-24. Last year, while earning his fourth consecutive NL Cy Young Award, Johnson won pitching's triple crown with the NL's most wins

(24-5), strikeouts (334) and best ERA (2.32, a career-best.). Schilling was 23-7 and fanned 316 with a 3.23 ERA. They were the first teammates in baseball history to top 200 strikeouts apiece.

Is it unrealistic to expect them to keep up that kind of pace?

"I don't think it is at all," Schilling said. "We expect it out of ourselves. He's got very high expectations of himself, and I'm likewise. I have a lot of pride in what I do. I'm very proud of what I've done. I want the reputation that I've earned, that you earn through achievement."

Johnson says critics should give him a break. He's especially sensitive when his difficulties are linked to his age. He turns 40 in September and has a new, two-year, \$32 million contract extension.

"Why are you guys making a big deal about it? Holy cow!" Johnson said. "If me and Maddux have a bad game, we're over the hill. Someone that's seven years younger, that's just a bad start, like Pedro or Barry Zito."

As Johnson said after his latest loss, "I don't turn water into wine."

"I haven't had a bad year in 10 years," he said this week. "Am I not entitled to have a couple of bad games? I've always

It may be a different Augusta, but it's the same Masters

BY DOUG FERGUSON

AP Golf Writer

AUGUSTA, Ga. — Hootie Johnson defended more than just the all-male membership at Augusta National.

The chairman sat in his second-floor office three days before the Masters, gazing through a rain-streaked window at droopy, gray clouds that would dump 4 inches of water on the course before the first shot was struck.

It was an ominous sign for anyone who couldn't hit the ball long and high.

With 305 yards added to the golf course over the last two years, it seemed as if only a dozen of the 90-plus players had a chance to win a green jacket. The list figured to become only shorter on a soggy course.

Based on what happened last year — Tiger Woods playing conservatively while everyone else self-destructed — the back nine at Augusta National suddenly became as exciting to watch as The Food Channel.

Did the new Augusta National wreck the old Masters?

Johnson asked an office assistant to bring him the driving statistics from last year's collection of contenders. Retief Goosen, the runner-up, was 105th in driving distance. Two-time Masters champion Jose Maria Olazabal, who finished fourth, ranked 181st.

"I think we did the right thing," Johnson said.

Augusta National has always been a work in progress.

The Masters rarely changes.

Anyone who thought the big hitters would prevail only had to glance at the top 12 positions on the leaderboard Sunday evening, starting at the top.

Mike Weir was 100th in driving distance on the PGA Tour last year, and no one will ever confuse him with an elite power player. He worked magic with his

wedges, none bigger than his 92-yard shot into 5 feet for birdie on the 15th.

His putting was pure, a requirement at any major.

Only three other Masters champions — none since Doug Ford in 1957 — played the final round in regulation without a bogey.

"To go bogey-free at Augusta National on Sunday, I can't ask for anything more," Weir said. "Once it all soaks in, I'll realize how special it is."

Len Mattiace, who ranked 130th in driving distance, delivered the drama, no shot more memorable than his 4-wood from the 13th fairway that barely cleared Rae's Creek and gave him a 15-foot eagle putt.

"All week, I've been practicing the 4-wood off of a right-to-left lie, waiting to hit it," Mattiace said. "When I finally had it, I said, 'This is what I've been practicing all this time for.' And I executed it."

Just because his name is not Jack Nicklaus — or Tiger Woods — didn't make his back-nine charge any less brilliant.

Mattiace followed with a birdie on No. 15 by going for the green in two, and a tee shot on the par-3 16th that caught the ridge and stopped 12 feet away for another birdie.

If not for a drive into the trees that led to bogey on the 18th, Mattiace would have shot 64 and tied Gary Player (1978) for the lowest final round by a Masters champion.

Augusta National has gone through more drastic changes in the last two years than the previous 20, and more Masters are required before anyone reaches a conclusion.

Maybe the rain will stay away next year, and the course will play firm and fast.

Still, Mattiace showed that Sunday charges are still very much a part of the Masters.

Augusta National isn't easier. Mattiace had to play the best golf of his life to get to 8 under par through 17 holes and give himself a chance to win.

That's how it should be on Sunday at the Masters.

First round match



Lionel Cironneau/Associated Press

Albert Costa of Spain hits the ball against Nikolay Davydenko of Russia during the first round of the Monte Carlo Open Tennis tournament in Monaco on Tuesday. Costa won easily 6-2, 6-2.

said that. I have what, 31 more starts? How many games did I lose last year? Obviously, I'm losing more quicker than I did last year, but what's to say that all of a sudden I can't rattle off 10? So let's not make more out of it than what it is."

Schilling has had two decent starts and one bad one. Johnson has had two awful starts and one good one. Each is 0-2.

Last year, Schilling didn't lose his second game until June 14. For Johnson, it was June 9. Johnson's ERA is 8.31, Schilling's 5.40.

Johnson is second to Maddux in earned runs allowed and runs allowed. Schilling,

usually a master of control, has walked a team-high nine in 18 1-3 innings.

"They both set the bar so high where no one thinks they're ever going to lose a game or ever have a bad day," catcher Chad Moeller said. "Both of them are human. Both make mistakes on the mound. That's what it is, and we haven't helped them out with run support."

While both have made costly mistakes on the mound, and Johnson has struggled with command of his awesome fastball, and that's affected the effectiveness of his slider, neither is far from straightening things out, Moeller said.

Michael Jordan's playing career coming to an end

BY JOSEPH WHITE

AP Sports Writer

WASHINGTON — Michael Jordan surely expected a different ending, not a finale amid the turmoil of his self-assembled, crumbling team.

Jordan finishes his NBA playing career — part three — in Philadelphia on Wednesday night. His Washington Wizards teammates will probably try to send him out a winner, but there's no telling what to expect after the tongue-lashing some players got from coach Doug Collins at Jordan's last home game.

After Monday night's 93-79 loss to the New York Knicks, Collins criticized some players for showing "insidious" disrespect to the coach. He implied it could lead to a roster purge in the offseason.

"It doesn't matter how much money you make or what you do, you still respect the people who are trying to bring the best out in you," Collins said. "Somewhere along the line, that's been lost. And I sure hope we can get it back, not just here, but in all cities in the NBA."

Caught off guard by Collins' remarks, Jordan supported the coach but said the timing or the method might not have been the best.

"These are things you have to deal with," said Jordan, who plans to return to the Wizards' front office. "I'd rather for

them not to be out for everyone's opinion. Those are things I'd like to field internally, but I think Doug felt very disrespected."

At least this is helping the 40-year-old Jordan with one wish: He didn't want a big, somber fuss over his retirement. Instead, he's got a big mess.

His next job probably will be to fix it and continue his quest to turn around a franchise that hasn't won a playoff game in 15 years. Even with Jordan on the court, the Wizards have had back-to-back losing seasons marred by bad chemistry.

He'll sit down with team owner Abe Pollin after the season.

"My ending is going to be when this team is successful," Jordan said. "I am sure everybody would love to see me hit the game-winning shot in the finals. Sometimes not being able to be as successful is a great signal because it lets you know that it is the right time to move on and do other things."

Jordan said he would give himself just an average grade for his three years as the Wizards de facto general manager. In the future, he said he'll concentrate more on finding players with desire, passion and a willingness to be learned and be coached — even if they are considered marginal by the NBA's talent standards.

"I would take 12 guys who have a strong passion to play this game over 12 stars who don't respect the game," Jordan said.

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ACROSS

- 1 Serious
- 6 Job
- 10 "The Velvet Fog"
- 11 Before dawn
- 12 Strike caller
- 13 Some skirts
- 14 High point
- 15 Film edit
- 16 Unusual
- 17 Soup bit
- 18 Poetic contraction
- 19 Summaries
- 22 Tiny sound
- 23 Newspaper section
- 26 Messages
- 29 Way off
- 32 Grazing spot
- 33 Alley —
- 34 Ark spot
- 36 Gin
- 37 Like ellipses
- 38 Up
- 39 Old gold coin
- 40 Like some jackets
- 41 Grove item
- 42 Abrasive stuff

DOWN

- 1 Daze
- 2 Got fit
- 3 Daughter of Minos
- 4 Reassurance after a fall
- 5 Cub's cave
- 6 Kite part
- 7 "L.A. Law" lawyer
- 8 Pizza buy
- 9 Band-leader
- 11 Tijuana turnover
- 15 Stitch
- 17 Masses
- 20 German article
- 21 Hit show letters
- 24 Like many roads
- 25 Pool variety
- 27 Wager
- 28 Fast

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Yesterday's answer

- 20 German article
- 21 Hit show letters
- 24 Like many roads
- 25 Pool variety
- 27 Wager
- 28 Fast
- 29 Gem side
- 30 Cheering loudly
- 31 Grazing area
- 35 Annoy
- 36 Do some laps
- 38 Drink with a head

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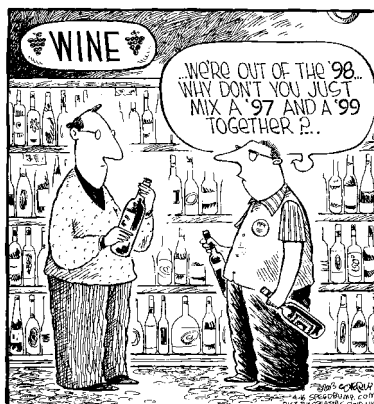
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SANTA MONICA °SCENE your guide to dining, entertainment and events

WEDNESDAY, APRIL 16, 2003

EVENTS

UNURBAN COFFEE HOUSE presents Poetry and Spoken Word every Wednesday evening. Hosted by Tony Perez. 8pm, 3301 Pico Blvd. (310)315-0056

ONGOING SUPPORT GROUPS FOR PEOPLE 55 AND OLDER. Current openings in, So, What Are You Going to Do With the Rest of your Life? Tuesdays, 10:00 to 11:30am. Center for Healthy Aging, 2125 Arizona Avenue. Sliding scale fee. Not drop-in groups. Phone interview required. Call Information and Referral. (310)576-2550.

FREE MEDITATION WORKSHOPS sponsored by Sahaja Yoga. Every Wednesday night at 7pm in the Community Room at the Wilshire Wild Oats, 500 Wilshire Blvd. At 5th St. Open to all. (310)395-6443

SENIOR SUPPERS - Discounted meals for people AGE 55 or older are served daily, from 3:30 p.m. To 7 p.m., in the cafeteria at Santa Monica-UCLA Medical Center, 1250 16th Street in Santa Monica. \$3.69 Info only: (310)319-4837.

SANTA MONICA PUBLIC LIBRARY presents Preschool Story Time, every Wednesday at 11:15am, 1343 Sixth Street. Stories for children between the ages of three and five who are ready to participate on their own. (310)458-8600

FARMER'S MARKET every Wednesday, 9am to 2pm, Arizona between Second and Fourth Streets. Come and enjoy one of the largest and best farmer's markets in California!

RUSTY'S SURF RANCH. 256 Santa Monica Pier. Walls and ceiling are lined with one of the area's largest collections of pre-1970s surfboards. Cover varies. Full bar. All ages. (310)393-7386, Saturday - Villya Bera & the Beaters, Pure.

TORAH READINGS: Hosted by Rabbi Aaron Shaffer. This popular class examines the text of the Bible verse by verse with explanations. Every Wednesday at 12:15pm, 1111 Montana Ave. Fee is \$7 per class. Gourmet salad lunch is served. (310)394-5699.

° DINING

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DK DONUTS - Best fresh baked donuts in Santa Monica. Also serving excellent breakfast sandwiches & muffins. Classic favorites include: refreshing ice blended mochas, smoothies and bobas. New sub sandwiches & more. Open 24hrs. a day, 7 days a week. 1614 Santa Monica Blvd., 310.829.2512

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SONNY MCLEAN'S - A perfect Irish pub that attracts a variety of people. It's the hotspot to kick back, enjoy a beer and watch a ball game. Good Happy Hour specials. 2615 Wilshire Blvd., 310.828.9839

ORIGINAL THAI DISHES - Best Thai food in Santa Monica! Family owned restaurant since 1980. A local favorite serving classic Pad Thai noodles, pineapple fried rice and seafood specialties. All dishes can be made vegetarian. 1910 Wilshire Blvd., 310.828.5634

EARTH, WIND & FLOUR - "Great Italian cooking. Just slightly west of Italy." This restaurant celebrates 22 years in the neighborhood for its friendliness and freshness. Pizza, pastas, salads, subs and more. Lunch and dinner specials and happy hour. 2222 Wilshire Blvd., 310.829.7829

ACADIE'S - Voila! Fresh from the south of France, Homemade Crepes have just arrived in Santa Monica! Located right off the 3rd St. Promenade, this authentic French storefront radiates charm and ambience with indoor seating and a quaint side patio for an outdoor experience. The menu offers a range of options to suit your individual mood. 213 Arizona Ave. (310)395-1120

MOVIE °GUIDE**LOEWS CINIPLEX BROADWAY CINEMA**

1441 Third St. at Broadway
Phone Booth (R) 11:45, 12:50, 1:55, 3:00, 4:05, 5:10, 6:15, 7:20, 8:25, 9:30, 10:35. **A Mighty Wind (PG-13)** 12:00, 1:05, 2:30, 3:35, 5:00, 6:05, 7:30, 8:35, 10:00.

MANN CRITERION

1313 Third St.
Bringing down the House (PG-13) 11:30, 2:05, 4:50, 7:30, 10:20. **Basic (R)** 11:35, 2:15, 4:45, 7:15, 10:05. **Chasing Papi** 11:45, 2:10, 4:30, 7:00, 9:30. **Old School (R)** 12:15, 2:40, 5:10, 7:45, 10:15. **A Man Apart (R)** 11:15, 2:00, 5:05, 8:00, 10:35. **House of 1,000 Corpses (R)** 12:00, 2:30, 5:00, 7:35, 10:00.

AMC THEATRE SM 7

1310 3rd Street
Piglet's Big Movie (G) 11:20, 1:00. **Anger Management (PG-13)** 11:15, 12:00, 1:55, 2:35, 3:15, 4:35, 5:15, 7:20, 8:00, 10:00, 10:45. **Chicago (PG-13)** 1:15, 4:00, 7:05, 9:50. **The Hunted (2003) (R)** 7:45, 10:10. **What a Girl Wants (PG)** 11:30, 2:05, 4:40, 7:10, 9:40. **Boat Trip (R)** 7:25, 9:40. **Head of State (PG-13)** 12:45, 2:50, 5:20, 7:50, 10:20. **The Pianist (R)** 12:10, 3:30, 7:00, 10:15.

LANDMARK NU-WILSHIRE

1314 Wilshire Blvd.
XX/XY (R) 5:00, 7:30, 9:45. **Laurel Canyon (R)** 4:30, 7:00, 9:30.

LAEMMLE MONICA

1332 2nd St.
Levity (NR) 12:00, 2:30, 5:00, 7:30, 10:00. **Bend it Like Beckham (PG-13)** 12:00, 2:35, 5:10, 7:45, 10:20. **Assassination Tango (R)** 1:30, 4:15, 7:00, 9:45.

BACK PAGE



Bird man squawks

By The Associated Press

CENTER LINE, Mich. — Although a city ordinance prohibits residents from owning more than 10 pigeons, a man who claims to own special racing pigeons wants a judge to make an exception for his flock of up to 80 birds.

Nikola Dimeski was ticketed after city officials found out about the birds living in a loft in his back yard. They said the birds amounted to a nuisance and a sanitation threat.

But Dimeski has challenged his ticket for two years claiming that he has trained his pigeons to compete in intensive flying races that span hundreds of miles.

City officials haven't bought his defense. Judge John Chmura was expected to rule on whether Dimeski's birds are legitimate "racing pigeons" and should be exempt from the ban.

Dimeski could face a \$500 fine or three months in jail if the pigeons are not exempt.

Center Line City Manager Nancy Bourgeois said the city's ordinance was adopted in 1999 after Dimeski's neighbors repeatedly complained about noise and bird droppings. Regardless of whether Dimeski's pigeons are special, Bourgeois said neighbors considered them a nuisance.

Pay rent, win a vacation

By The Associated Press

GARDNER, Mass. — A landlord, tired of chasing down tenants who do not pay their rent on time, is giving them a little extra incentive to pony up — the chance to win a free vacation.

Douglas Rau, who has more than 100 tenants across central Massachusetts, held a drawing Friday for all tenants who have paid their rent in full. Resident Pablo Gallero won a four-day, three-night stay for two at a resort in the Bahamas along with \$250 in spending money.

"It's pretty bad that you've got to do this to get people to do what they're already supposed to do on their own accord," Rau said. "But it seems like everybody thinks somebody owes them something."

The vacation package cost Rau about \$1,000, but that pales in comparison to the approximately \$5,000 it can cost to take a tenant to court to get them evicted and to fix the damage a disgruntled tenant can do to an apartment.

"They don't sweep up and vacuum on their way out the door, if you know what I mean," he said.

Rau said he will hold similar drawings every month, although the prize may not always be as generous.

The gesture already appears to be working. Although some of Rau's tenants were skeptical of the giveaway and called his office to ask what the catch was, four chronically late tenants quickly paid their rent in full after the drawing was announced in March, he said.

Deer in the window

By The Associated Press

LINCOLN, Neb. — It wasn't lightning that struck twice in the same place; it was a deer.

Workers and patrons at the Curves for Women fitness center saw the deer looking scared and disoriented early Monday.

The animal came running up and went through one window, then exited the same way, manager Tonia O'Hare said. The animal then came back and crashed through a second window, she said.

The deer died after the second crash. No one in the fitness center was hurt.

A goose of a cruise

By The Associated Press

LONG BEACH — A last group of passengers were dropped off in San Pedro and, with a farewell horn blast, the Carnival Cruise ship Ecstasy moved across the harbor to its new home port and \$40 million terminal where the Spruce Goose once roosted.

The 70,000-ton ship left later Monday afternoon for a four-day Baja cruise.

Carnival Cruises struck the deal to move to Long Beach nearly four years ago, but the move was postponed until the terminal was completed for passengers aboard Carnival's Ecstasy and Elation.

The new facility, near the Queen Mary, has a 1,450-space parking garage within walking distance of the dome that once housed Howard Hughes' wooden Spruce Goose seaplane.

"We're looking at approximately 200,000 to 250,000 people a year (from the new cruise business)," city spokeswoman Kathy Parson said. "We're hoping they come early, fly into Long Beach Airport and spend the night here before taking off."

Known as Carnival "Fun Ships," the Ecstasy and the Elation are medium-size cruise ships, each carrying 2,052 passengers.

DID YOU KNOW?: The longest kiss in a movie is in Andy Warhol's 'Kiss.' Rufus Collins and Naomi Levine kissed for the entire 50 minutes of the movie.

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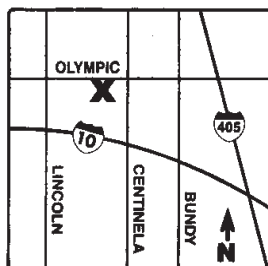
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