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DAILY DERBY

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NEWS OF THE WEIRD

BY CHUCK SHEPARD

Two groups of Aryan supremacists who fled Germany to establish utopias in South America were in the news recently, regarding their descendants' colonies in southern Chile ("Colonia Dignidad") and in Paraguay ("Nueva Germania"). Colonia leader Paul Schafer, 83, who reportedly commanded total obedience from his sect of 300 farmers (who remain, culturally and technologically, in the 1940s), was arrested in Argentina as a fugitive from charges of having sex with his camp's children. And prominent California musician-composer David Woodard was reported by the San Francisco Chronicle in March to be carrying musical and electronic equipment to Paraguay to reinvigorate Nueva Germania as an "Aryan vacuum in the middle of the jungle" as per composer Richard Wagner's vision of an aesthetic outpost of Germanic culture.

TODAY IN HISTORY

Today is the 173rd day of 2005.
There are 192 days left in the year.

On June 22, 1945, the World War II battle for Okinawa officially ended; 12,520 Americans and 110,000 Japanese were killed in the 81-day campaign.

QUOTE OF THE DAY

"To understand is hard. Once one understands, action is easy."

SUN YAT-SEN
CHINESE STATESMAN (1866-1925)

INDEX

Horoscopes

Follow your instincts, Aries

2

Surf Report

Water temperature: 62°

3

Opinion

Identity theft is everywhere

4

State

Sentencing guides upheld

9

Real Estate

Homes for the workforce

12

National

Adelphia father, son face jail

15

Classifieds

Ad space odyssey

17-19

Hammer accepts plea bargain

BY RYAN HYATT

Daily Press Staff Writer

LAX COURTHOUSE — A Santa Monica High School band director who was facing felony charges for having a sexual encounter with a teenaged girl pleaded to a lesser charge on Tuesday, thereby escaping jail time.

Attorneys said they have reached a settlement agreement in

the underage sex case against Carl Hammer, who is in his mid 30s. A last-minute agreement was reached between prosecutors and defense attorneys at the Los Angeles Airport Courthouse to avoid a trial.

Hammer pleaded no contest to a felony charge of false imprisonment related to a sexual encounter that allegedly occurred with a 15-year-old girl on June 6, 2004.

Hammer worked in the Santa Monica-Malibu Unified School District for nine years before his August 2004 arrest. Hammer, who was widely respected within the community, is on leave from his position with no pay.

Deputy District Attorney Eva Jabber said by pleading no contest to the false imprisonment charge, Hammer avoids facing at least three years in prison and the status

of being a registered sex offender for the rest of his life.

As a result, Hammer is set to receive five years of probation and one year of counseling. He will be required to sleep 60 days in a residential facility, from which he could leave for work during the day.

Also as part of the agreement,

See **HAMMER**, page 6

Bay waters still dirty despite dry weather

BY CAROLYN SACKARIASON

Daily Press Staff Writer

SM BAY — Even though summer has officially started, it doesn't mean it's safe to swim at local beaches.

Three Santa Monica beaches in the past week have received a failing grade from Heal the Bay, a Santa Monica-based nonprofit group dedicated to cleaning up the bay. Santa Monica Canyon, the Pico/Kenter area near Bay Street and just south of the Santa Monica Pier received an "F" for water

quality. That rating is typical in the winter months, when rainfall washes pollution directly into the ocean through stormwater runoff. Typically by the end of May, bacteria levels should dissipate as does the rainfall, officials said.

However, due to the 30 inches of rain the region got hit with throughout the winter and early spring, the bay is taking longer to recover. Topanga, a popular surf spot just north of Santa Monica Canyon, also received an "F" this past week.

"We are still seeing heavier flows

mixing into the ocean," said James Alamillo, a Heal the Bay spokesman who tracks the beach report card. "The watershed is still draining."

The northern region is better off than the southern region because it has large watersheds draining from the Santa Monica Mountains that allow the water to percolate and the area is less populated, Alamillo said. The south portion of the bay is heavily urbanized and has small watersheds.

"All that water flows quickly

See **DIRTY WATER**, page 7

Big dig at beach will save money, curb city's liability issues

BY CAROLYN SACKARIASON

Daily Press Staff Writer

SM BEACH — The "big dig" just north of the Santa Monica Pier is aimed at preventing any more sinkholes in a nearby parking lot.

The Los Angeles County Public Works Department is spending a few hundred thousand dollars to replace a major segment of the storm drain, which has proven to be the culprit of repeated sinkholes and flooding at a beach parking lot off Pacific Coast Highway, said Craig Perkins, director of the city of Santa Monica's environmental and public works management.

"Over the past few rainy seasons, that drain has been causing a lot of problems in the parking lot," he said. "They are replacing



Fabian Lewkowicz/Special to the Daily Press

Tractors, working on behalf of Los Angeles County Public Works, drop sand into a storm drain at Santa Monica Beach just north of the pier.

a major segment from the PCH to the outfall at the ocean."

The flooding of the parking lot has cost City Hall several thousand dollars, Perkins said, adding that the county has reimbursed a portion of the cost. Also as a result of the flooding, fewer park-

ing spaces have been available to the public and it has caused liability issues for the city, Perkins said.

He added that officials from the county's public works department expedited the project to ease Santa Monica's problems.

SM police nab America's Most Wanted murder suspect

BY CAROLYN SACKARIASON

Daily Press Staff Writer

POLICE HDQRTS. — Santa Monica police have captured one of America's Most Wanted.

Mark Damon Grossi, 42, who was wanted for murder in San Diego, was arrested on Sunday on Main Street. The SMPD arrested Grossi for providing false information to a peace officer.

At about 10:30 a.m., a witness reported to police that they saw a man masturbating in a parked vehicle on the 2900 block of Main Street, between Ashland and Pier avenues.

Officers approached Grossi, who was sitting in a maroon Volkswagen, and asked him if he had been masturbating, to which he replied, "Only for a few minutes."

SMPD officers noticed that the California identification card Grossi had given them didn't match his physical description and was only a color copy. The ID card bore someone else's name and information.

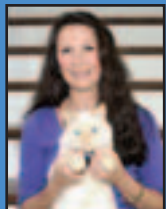
Officers took Grossi to police headquarters, where his fingerprints showed that he had an outstanding murder warrant in San Diego. He appeared in court

See **CAPTURED**, page 6

Jacquie Banks

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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)
★★★ Today's Full Moon could add to your stress level. Everyone wants something from you. Fulfill a career demand or public commitment first. Curb a tendency to lose your cool. Take a walk around the block instead. Tonight: Follow your instincts.



TAURUS (April 20-May 20)
★★★★★ The Full Moon keeps your phone ringing and adds to your social commitments. You might wish you could clone yourself. So many people want you. Rather than scatter, detach and prioritize. You will be able to meet your commitments. Tonight: Go with a surprise.



GEMINI (May 21-June 20)
★★★★ A partner does not see eye to eye with you on a financial or an emotional matter. Rather than go to blows over this issue, incorporate your different perspectives. Both of your views have strengths. Tonight: Someone important does the unexpected.



CANCER (June 21-July 22)
★★★★ Suddenly, you find others pushing hard for what they want. Discussions could have surprising overtones. Avoid overreacting, and keep your cool. An investment or family matter puts a smile on your face. Tonight: Go along for the ride.



LEO (July 23-Aug. 22)
★★ Know when to hide out. You could be unduly pressured by a work-related issue or some other daily matter. You have a strong reaction. Ask for feedback from someone you trust. Could you be overreacting? Tonight: Early to bed.



VIRGO (Aug. 23-Sept. 22)
★★★★★ If you have been complaining about your love life, a child or a creative project, today you will have the opportunity to change the direction. This Full Moon will have others in a tizzy. Keep your perspective with them, please. Tonight: Let your libido speak.



LIBRA (Sept. 23-Oct. 22)
★★★ Your family makes tremendous demands, or it could be that your home needs immediate attention. You feel like a piece of salt-water taffy being pulled in two different directions. Use a dynamic, new approach with work, health or a daily life issue. Tonight: Lie low.



SCORPIO (Oct. 23-Nov. 21)
★★★★★ You find that you are on overload. Listen to your calls and return your messages. You have the creativity to work through anything you might need to. Trust yourself to make appropriate choices. Tonight: Still a busy bee.



SAGITTARIUS (Nov. 22-Dec. 21)
★★★ You pull the wild card financially. Avoid risking anything that you cannot afford to lose. Others could make unusual requests. Use your instincts with those in powerful positions. Everything can change overnight. Tonight: Gather your bills.



CAPRICORN (Dec. 22-Jan. 19)
★★★★★ The Full Moon in your sign promotes high energy and magnetism. Still, an associate or partner might want to test the waters. Keep thinking about your long-term goals. Unexpected developments could have you pondering. Tonight: It's your night to howl.



AQUARIUS (Jan. 20-Feb. 18)
★★ Vanish, as this Full Moon could hit you where it hurts. Others demand a lot from you, but sometimes you need time off. Take a personal day for yourself. Use your instincts with a money decision, or hold off until you are sure. Tonight: Not to be found.



PISCES (Feb. 19-March 20)
★★★★ An offer might derail your plans, forcing you to stop and think. You might be pressured to make a fast decision. Buy yourself as much time as possible. A partner or trusted adviser has good instincts here. Tonight: Celebrate a friendship.



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LOCAL



The fight against cancer continues

By Daily Press staff

Santa Monicans next month will rally together for 24 hours to battle cancer.

The American Cancer Society Relay For Life is an overnight team event that raises awareness of cancer in the community and raises money to fight the disease. Teams are made up of people who will walk or run around a track in shifts. The registration fee is \$150, and

each team member is encouraged to raise a minimum of \$100. Team participants camp out and enjoy music, entertainment and refreshments as well as build team spirit in the fight against cancer.

Organizers say the power of the event relay allows the community to grieve for those who have been lost to cancer and to celebrate the lives of those who have successfully survived. It gives everyone, from the newly diagnosed patient to the caregivers of those who have struggled with the disease, an opportunity to be with others who have been touched by cancer.

The event begins on Saturday, July 23, at 9 a.m. and runs continuously until 9 a.m. on Sunday, July 24. It will be held at Santa Monica College's Corsair Field, 1900 Pico Blvd.

Leading up to the event, the Daily Press will highlight volunteers' stories.



Joanne Sell

Age: 44

Residence: Torrance

Profession: Purchasing and logistics specialist at Toyota Technical Center in Gardena.

What is your role in the Relay for Life and what is your committee responsible for?

"Registration chairperson. The committee is responsible for welcoming all visitors and participants at the event, for ensuring that all participants have submitted waivers for walking, for providing T-shirts, and for maintaining team rosters."

How did you get involved in Relay for Life?

"I was recruited three years ago by my college friend, Linda Lovett, team captain of the now infamous "Fighting Flamingos." Lovett was diagnosed with breast cancer in 2001, so many of our college friends and family rallied to support her recovery. When she asked us to participate in Relay, we gladly accepted."

What has been your experience so far?

"This is my third relay. At the first, I wasn't sure what to expect and was pleasantly surprised by all the people having such a good time. It seemed so organized, and I've always loved being a team member, so I volunteered last year and this year to be on the committee. I love the group commitment to this single cause, knowing that cancer has touched almost everyone is sobering and you can feel this intensity at relay. I love the stories, the success stories and the sad stories."

What has been your experience with cancer?

"I lost four people that I loved in four years during the late 1980s, one of them being my mother at age 46. I was 26 at the time, newly married, just getting to the age where she and I were beginning to be more friends than mother/daughter. She was so charged with life and energy that it seemed impossible for anything like that could strike her down. I watched her for nine months as she struggled with all the physical, emotional, financial and spiritual challenges that come with a cancer diagnosis. Her dying was the most difficult thing I've ever had deal with. It took me years to be able to walk into a church without breaking down, remembering her funeral. It took me years to look at a mother- daughter pair in a mall without feel-

See RELAY FOR LIFE, page 8



SURF REPORT

The SW is expected to give one last hurrah for dawn patrol sessions with chest-high+ surf, and then back off later in the day to waist high or so. Minimal NW is anticipated with knee- to possibly waist-high energy.

Today the water is:

62°

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

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	Morning	Height	Evening	Height	Morning	Height	Evening	Height
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WEDNESDAY	4:32	-1.7	3:24	2.4	11:10	3.8	9:49	7.2
THURSDAY	5:19	-1.7	4:17	2.4	12:00	3.9	10:38	7.0
FRIDAY	6:05	-1.2	5:09	2.3	12:52	3.7	11:25	6.7

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For the first time in a few years, the city's budget shows a surplus. The majority of the surplus already has been earmarked for programs intended to improve the quality of life in the Pico neighborhood; help better address homelessness; streamline the planning process; better maintain streets, parks and landscaping; increase the focus on the arts; and build the new library.

So this week, Q-Line wants to know, "Where do you think the budget surplus should be spent? Are the city's major needs being covered or has something been overlooked?"

Call (310) 285-8106 before Friday at 5 p.m. and we'll print your responses in the weekend edition. Please try to limit your comments to a minute or less. It might help to think first about the wording of your response.

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LETTERS TO THE EDITOR

SMC offers apology to governor

Editor:

(Editor's note: This letter was originally addressed to Gov. Arnold Schwarzenegger from Carole Currey, chair of the Santa Monica College Board of Trustees.)

Dear Gov. Schwarzenegger:

On behalf of the Board of Trustees and the college, I want to thank you for coming to Santa Monica College and delivering the commencement address in celebration of our 75th anniversary. We were honored to have you here at your alma mater and hope that you enjoyed participating in this celebration of student success.

I do want to extend our deepest apology for the disrespectful behavior of a few faculty members. They did not represent the majority of those participating in the graduation, as evidenced by the thousands who came to celebrate.

Your address to the graduating students was inspirational and insightful; hopefully it will challenge the graduates to pursue their goals with persistence and commitment. Your remarks were delivered with incredible aplomb in a most challenging environment, which, in itself, was a real lesson in leadership for our students.

We appreciate your recognition of the value of community colleges, and, in particular, Santa Monica College. Again, thank you for participating in our 2005 commencement. We will take your words to heart as we look towards the future and continue to provide a place of special opportunities.

Carole Currey,

Chair, Board of Trustees, Santa Monica Community College District

No apologies necessary to Schwarzenegger

Editor:

The SMC Board of Trustees deserve thanks for inviting Arnold Schwarzenegger as commencement speaker, not because of what he said but for forcing him to have to listen to opinions and questions different from those in his cloistered bubble of canned campaign events.

This governor assumed office by ousting the last governor who had serious shortcomings. Unfortunately, since taking office on a promise to work for the people and stop the perpetual campaigning and fundraising, Arnold has made it clear that he only works for a few very select wealthy groups of people. Granted, Gray Davis spent far too much time fundraising and campaigning, but that is all Arnold does anymore. And as far as Gray's fund raising, Arnold has not only broken the previous records, he has shattered them. Perhaps Gray could have done better if he were on steroids. Instead of talking about himself during the commencement, Arnold could have learned a lot if he listened to the people on Pico Boulevard. He might have learned that California ranks 44th out of 50 states when it comes to per pupil spending for primary education. Or that California ranks 49th out of 50 states when it comes to class size. Or, that we built more than 20 prisons in the last two decades while building only one university. Or, that prison guards make more than teachers, but of course, with the governor's tuition increases, the teacher starts her job with anywhere from \$70,000 to \$150,000 worth of student debt while the prison guard only needs a high school diploma.

The paid campaign consultant who organized the handful of Arnold supporters at the commencement said our teachers are to blame for our struggling school system. He conveniently forgets that a teacher's responsibility and workload have increased exponentially over the last generation, while we have cut funding for supplies, teachers' aids, art teachers and librarians. We are asking them to do significantly more with less and then complaining because they cannot do it as well as before.

If only Arnold heard the disabled SMC student who talked about struggling to pay the 30 percent tuition increase this year, on top of the 30 percent tuition increase from last year. But as the student quipped, this "tax increase" would have been partially offset if he could afford a Hummer with its now lower registration fees. Arnold could have explained why his campaign director was quoted saying to multimillion and billionaire contributors that in order to take pension benefits away from thousands of different people, the campaign team would have to "create anger toward government workers, nurses, teachers, firefighters and cops." Arnold perhaps could tell us why he wants to "create anger" toward them, instead of thanking them for the difficult jobs they do.

Arnold could have tried to explain why he promised to fully fund our schools this year in exchange for a \$1 billion cut to last year's budget, and what he was thinking when he reneged on this deal when the bill came due. If Arnold had listened he could have heard the parents, neighbors and students who want and demand a decent education system, and, yes, are even willing to pay for it. It is a shame that our governor talks but refuses to listen. To paraphrase another speaker, Arnold has been exposed as a radical right winger wearing a reform mask. So how does this all end?

I am reminded of an old action movie, where a cyborg from the future has come to our time and is out to kill a young, petite woman and her unborn child. The cyborg is relentless, she is warned. He cannot be talked to, he cannot be reasoned with, he will never stop until he destroys her. But she does the only thing she can do, she fights back. And even though she is bloodied and badly beaten, she keeps fighting back until the cyborg is inches away from destroying her, then she summons strength from deep within herself and destroys the cyborg while proclaiming, "You're terminated ... (jerk!)"

All of us are like that woman, even though we are not movie stars, we are workers, nurses, teachers, firefighters, cops, parents and students, and we have more strength and power buried deep within us than we even realize, and we will prevail.

Joel C. Koury
Santa Monica

No identities would be better than stolen ones



INCITES

BY ED SILVERSTEIN

As you cruise along the road, On-Star tracks your every move. Speed, braking and a host of other information is recorded by the black box that has been standard equipment on new cars for years.

A swipe of your credit card makes where you've been and what you buy part of the public record. A plethora of discount cards turn your reading habits into an open book, advise the police that you bought a wood chipper from Ace Hardware a day after your wife disappeared and lets Vons know exactly when you went off your diet, which flavor of Ben and Jerry knocked you off the wagon and what laundry detergent you used to get out the hot fudge stains.

Thanks to Tivo, cable and satellite, we are now broadcasting our every viewing habits. That love e-mail you sent from your office is being read by your boss and may be the entertainment at the next Christmas party. Your computer may be giving up your darkest secrets, and the Internet makes any achievement or foible permanently accessible.

Security cameras crisscross our streets, offices and shops, and nab us as we shoot through that red light. Ubiquitous camcorders capture police brutality and celebrity indiscretions. Picture phones slip unobtrusively into locker rooms or prevent us from living down an embarrassing moment. And Baby Bell's have turned the yellow pages into a protection racket, making us to pay to not be listed.

And from the most secretive administration in history have come the greatest intrusions into our private life. The Bush Administration has knocked down any state effort to protect our personal information. They have created a medical privacy law that does little more than provide insurers with easier access to our medical records. And the Patriot Act, which allows unfettered and unannounced access into our lives and our homes, is enough to make even Big Brother jealous.

Of course, there are benefits. Your grocery receipt includes a coupon for that mustard you like. Amazon.com recommends a new author who writes the type of depraved serial killer thriller you love, or can find an author even more brainlessly conservative than Ann Coulter. You can hit a few keys and know the name and address of every sex offender within a 20-block radius. And when you slam into a tree because you were trying to sip a frappacino and close a \$40 million, three-picture deal while doing 60 in a school zone, On-Star will have an ambulance to your exact location 10 minutes ahead of the paparazzi.

And while these benefits make life easier and safer, thanks to political pandering and corporate interests, the dangers far outweigh the good. Today, more and more of our most personal information is

being used against us.

Every time we get a mortgage, buy a car, apply for a credit card or even give to a charity, our information is recorded, stored and brokered the same as pork bellies. Privacy protections are a joke, with the onus on the consumer to endlessly opt out with every company with whom we do business. Those who don't are deluged with junk mail and dinnertime telemarketers.

Among the worst invaders of our privacy are the insurance companies. These behemoths maintain information on our every traffic citation, accident, leak, fire, theft, disease and just about everything else.

Sometimes they get it wrong, such as when my wife and I were denied an inexpensive auto policy because of an accident. The accident resulted when an elderly driver back-ended a car, which was propelled into my wife's car. She just happened to be parked at the time. And, of course, there is no appeal.

Those black boxes in your car already are being used to assign blame in traffic accidents, even though they are unable to record extenuating circumstances such as a child darting into the street. And how long do you think it will be before insurance companies deny us coverage because the black box ratted us out for speeding or braking too hard?

If a homeowner makes a single claim, there is a good chance they will be dropped. And thanks to information sharing, no other insurer will touch them. One insurer canceled a policy after it used a satellite to determine a house was too close to the trees. And a friend was unable to get medical insurance because his doctor prescribed a painkiller — information that was readily available thanks to the medical privacy scam. The problem was he had never filled the prescription.

In this respect, insurers have become extortionists. Consumers feel compelled to pay out of pocket for insured damages rather than chance being uninsured. More insidious, many of us now routinely weigh medical treatment, not on its benefits, but on its potential to lose us coverage. And this will only get worse if a national medical database is approved.

And from there it is only a short slide down the slippery slope to denial of coverage due to genetic predispositions or because our supermarket records reveal our fondness for red meat and Twinkies.

Thanks to spy ware, viruses, cookies, wireless Internet, hackers and the lack of computer security at banks, credit reporting agencies and insurance companies, our very identities are being stolen with increasing regularity. And in the cruelest joke of all, the insurance companies now want to sell us insurance to protect us from the misuse of information stolen from them.

Back in the '70s we were concerned that we were all becoming anonymous numbers. These days that doesn't sound half bad.

(Ed Silverstein can be reached at incites@incites.net.)

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 editor@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.

COMMENTARY

GUEST COMMENTARY BY ANDREW BERNSTEIN

Capitalism is the cure for Africa's problems

The current plan of George Bush and Tony Blair to send billions more in aid to Africa is futile. History demonstrates that brutal dictatorships and savage tribes engaged in internecine warfare are not transformed by handouts. After all, billions of dollars have already been poured into Africa. What Africa needs is freedom, not welfare. The West should reject the idea that it is our responsibility to lift Africans out of their poverty — and then tell them of the system that enabled the West to gain its current wealth and power: capitalism.

Most people forget that pre-industrial Europe was vastly poorer than contemporary Africa and had a much lower life expectancy. Even a relatively well-off country like France is estimated to have suffered seven general famines in the 15th century, 13 in the 16th, 11 in the 17th and 16 in the 18th. And disease was rampant. Given an utter lack of sanitation, the bubonic plague, typhus and other diseases recurred incessantly into the 18th century, killing tens, sometimes hundreds of thousands at a time.

The effect on life expectancy was predictable. In parts of France, in the middle of the 17th century, only 58 percent reached their 15th birthday, and life expectancy was 20 years old. In Ireland, life expectancy in 1800 was a mere 19 years old. In early 18th century London, more than 74 percent of the children died before reaching 5 years old.

Then a dramatic change occurred throughout Europe. The population of England doubled between 1750 and 1820, with childhood mortality dropping to 31.8 percent by 1830. Something happened that enabled people to stay alive.

What did that early period lack that the later period had? Capitalism. What does Africa lack today that the West has? Capitalism, or, more accurately, partial capitalism.

What is capitalism? It is an economic system in which all property is privately owned, a system without government regulation and government handouts. It is a free economy, a system in which individuals are free to produce, to trade, and to make — and keep — a profit.

More fundamentally, capitalism is the social system that upholds individual rights, the right of every individual to life, liberty, property, and the pursuit of happiness. The thinkers of the Enlightenment, including John Locke and the Founding Fathers, brought these ideas to the forefront in Europe and America. The result was an economic revolution, which — in a relatively brief

time — transformed the West from a poverty-stricken region to one of great productive wealth. This system of freedom liberated the most creative minds of Western society, resulting in a torrent of innovations — from James Watt's steam engine to Louis Pasteur's germ theory to Henry Ford's automobile to the Wright Brothers' airplane and much more. This new freedom, and the Industrial Revolution it spawned, resulted in vast increases in agricultural and industrial production.

Creative minds — from Thomas Edison to Steve Jobs — flourish only under freedom. The result is new products, new jobs, new wealth, and in short, the furtherance of life on earth, in length, quantity and quality. Under the kingdoms, theocracies, military dictatorships and socialist regimes that dominate Africa, such minds are stifled. The result is stagnation, poverty and death.

Africa has the identical natural resource fundamentally responsible for the West's rise: the human mind. But it has neither the freedom nor the Enlightenment philosophy of reason, individualism and political liberty necessary for creating wealth and health. Africa is mired in tribal cultures that stress subordination to the group rather than personal independence and achievement. All over the continent brutal dictators murder and rob innocent citizens in order to aggrandize themselves and members of their tribes.

What Africa desperately needs is to remove its political and economic shackles, and replace them with political and economic freedom. It needs to depose the military dictators and socialist regimes, and establish capitalism, with its political/economic freedom, its rule of law, its uncompromising respect for individual rights. And to accomplish that, it first needs to remove its philosophic shackles and replace tribal collectivism with a philosophy of reason and freedom.

The truly humanitarian system is not the one still espoused by most Western intellectuals, viz., Marxism and its offshoots, but the system based on the individual's right to pursue his own life and happiness: capitalism.

(Andrew Bernstein, Ph.D. in philosophy and author of "The Capitalist Manifesto," is a senior writer for the Ayn Rand Institute in Irvine. The institute promotes the philosophy of Ayn Rand, author of "Atlas Shrugged" and "The Fountainhead.")

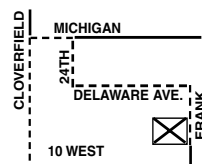
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Sentencing for Hammer case set for July 15

HAMMER, from page 1

Hammer for five years must stay out of contact with the victim, who was a neighbor, as well as all minors not related to him, unless accompanied by an adult.

Sources said it would be up to the school district to decide if Hammer could resume teaching during his probation. If he does, a teacher assistant would likely have to be in the classroom with him.

John Deasy, Santa Monica public schools superintendent, said district and union attorneys would have to review the exact language of the agreement before a course of action is decided.

Los Angeles Superior Court Judge Joseph Shiro Biderman is expected to sentence Hammer on July 15. The victim's family said they wouldn't comment until then.

Richard Hirsch, Hammer's attorney, said the decision to pursue a plea bargain was due to the uncertainties of a jury trial.

"Considering the horrible consequences of going to trial was too much, we reached a compromise, while believing he is innocent," Hirsch said.

Jabber declined to comment about the case or the evidence against Hammer.

Hammer and attorneys spent more than two hours shuffling behind closed doors Tuesday morning dealing with issues

related to the case. Hammer, wearing a dark blue suit, appeared in court at 11:30 a.m. He was calm and clean shaven, and accompanied by an unidentified woman.

When entering his plea, Hammer had his hands folded behind his back.

On July 8, 2004, the Santa Monica Police Department was contacted by the California Department of Children and Family Services regarding a child-abuse investigation. Police then conducted their own investigation and issued a warrant for Hammer.

Hammer was freed immediately after his arrest on \$40,000 bond. He pleaded not guilty in October of 2004.

The Daily Press is not identifying the

victim or her family. Though the victim was not a Samohi student, her siblings are.

Hammer was placed on leave by the district. The court ordered him to stay 100 yards away from the victim and not associate with minors, except his own children, who attend local schools.

Samohi's award-winning band is widely respected, thanks in part to the tutelage of department chair Terry Sakow and Hammer, who also played trombone for the Santa Monica College orchestra.

"He is anxious to get this behind him and get on with his life," Hirsch said. "He has had a distinguished career as a teacher.

"He is looking forward to moving on."

Truck driver left for dead on the road in 2004 murder

CAPTURED, from page 1

Tuesday and is currently being held in a Los Angeles County detention facility with no bail.

Police in San Diego sought Grossi for a deadly road rage incident. According to officials, on Oct. 13, 2004, Grossi was heading down I-5 in San Diego and soon found himself on a collision course that left one man dead.

Jorge Negrete, a 47-year-old long-distance truck driver, also was driving down I-5, along the same route at the same time as Grossi. Police say that at some point, one of the men cut off the other, igniting a fit of anger that escalated into a war of words between the two men, according to the America's Most Wanted Web site.

Witnesses say the two men were swearing at each other while driving

along the highway. Suddenly, both men pulled off onto the shoulder. Negrete pulled over in his big rig, and Grossi stopped behind him, according to the Web site profile of the case. Police say Negrete's size, at over 300 pounds, might have intimidated Grossi, because witnesses have said Grossi returned to his truck as Negrete continued to approach him. The enraged Grossi put his pickup truck in

reverse, backed up a distance, then put it in gear and stepped on the gas. Police say he slammed into Negrete with an impact that forced the 300-pound man into the air and then sped off. Negrete died on the way to the hospital.

According to America's Most Wanted, hours after the murder, Grossi was captured on ATM surveillance tape withdrawing everything he had in his saving account.



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Montana Ave. beach a summer 'bummer'

DIRTY WATER, from page 1

into the ocean, and they are still draining," he added. "What that means to the beachgoer is you have to be aware of where they are swimming."

While many are familiar with the saying "don't swim near the pipe" in an effort to avoid direct contact with high bacteria levels near storm drains, Alamillo advises people to swim at County Line near Ventura County or head to the South Bay, where water quality is normal.

Alamillo said he expects the areas with poor water quality ratings to return to normal levels by mid-July.

"This is not uncharacteristic in high rain years," he said, adding most people expect water quality to return to adequate levels before the summer months, especially if there hasn't been any rain. "Out of sight, out of mind. People think that if we aren't getting rain then water quality is better."

Water quality near Santa Monica Pier is almost always an issue because of pollution from human activity. Swimming 50 feet on either side of the pier is off limits for that reason, as well as for safety reasons.

"Things get tossed over the pier," Alamillo said. "Usually the problem's associated with large piers where you have restaurants, fishing and lots of peo-

ple, it attracts a lot of birds and they can become a problem as well. They roost and it contaminates the water."

The report card grades about 350 locations year-round and about 460 locations in dry weather from April to October on an A-F scale, based on the risk of adverse health effects to swimmers and surfers. The grades are based on daily and weekly fecal bacteria pollution levels in the surf zone.

Water samples are analyzed for bacteria that indicate pollution from numerous sources, including fecal waste. The higher the grade a beach receives, the lower the risk of illness to ocean users.

Another area that officials expect to be problematic this summer is off Montana Avenue, one of the biggest "beach bummer" listed in Heal the Bay's annual report card released in May.

Santa Monica Beach at Montana Avenue plummeted from a 2003-2004 summer dry weather grade of "A" to an "F" with bacteria levels in June 2004 far exceeding the threshold for what's healthy.

That area of the beach received a "D" grade for water quality during the dry months, between April through October 2004, and an "F" between April 2004 and March 2005.

Engineers from Los Angeles County are currently designing a diversion for the



Crill Hansen/Special to Daily Press

Beachgoers are urged to consider where they are swimming. Water quality levels are still low along some local beaches, but this stretch at Temescal Canyon has been given an "A" grade.

area, which should be completed by the fall or winter, said Craig Perkins, director of the city of Santa Monica's environmental and public works management. For the past year, stormwater runoff has gone straight into the ocean at that location and is expected to continue until the

next rainy season. The \$1 million project is being mostly paid for through grants — about \$800,000. The engineering work is being provided with in-kind services from Los Angeles County, saving Santa Monica City Hall between \$200,000 to \$300,000, Perkins said.

St. Monica High School graduates diverse class of 2005 into the world

BY JASON FARMER

Special to the Daily Press

With the inspirational words of their salutatorian and double valedictorians echoing beneath their tasseled mortarboards, the 122 members of St. Monica Catholic High School's Class of 2005 claimed their diplomas earlier this month.

The boys wore green gowns and the girls gold ones, but it would have taken a rainbow of colors to capture the diversity of the class, which is 35 percent Caucasian, 13 percent African American, 33 percent Hispanic, 11 percent Asian, 3 percent Filipino and 2 percent Alaskan Indian.

Co-valedictorians Christina Yamada and Cina Tabatabaee, who compiled identical 4.67 grade point averages over their four years, typified the diversity. Yamada, 18, is ethnically Japanese and Tabatabaee, 18, Iranian. Yamada's twin brother, Brian, is class president.

Diversity also defines the class of 2005 by where graduates will continue their education. Ninety-eight percent will go on to 81 two- and four-year colleges nationwide that include UCLA, Berkeley and Irvine and seven other colleges in the University of California system; 19 state universities; 15 state private schools that include USC, Loyola Marymount and Occidental; and 31 out-of-state institutions.

For their salutatorian, the class of 2005 chose Andrew Lennig, 17, who will study chemistry at Santa Clara. From the podium, Lennig said: "Each of us had our circle of friends, our place to sit in the yard. But being a member of the class of 2005 has given us common experiences and memories we will all share. We have prayed together, all gone on retreats, done service hours, struggled through days at

school, celebrated victories and endured defeats.

"Msgr. (Lloyd) Torgerson (pastor of St. Monica Catholic Church) always says 'It's not how you start, but how you finish.' Well, we have finished, and I believe we have finished strong. So let us carry that strength, our knowledge, our faith, our friendships and our memories into the future and into everything we do."

Valedictorian Tabatabaee, who plans to study mechanical and aerospace engineering at Berkeley, recalled what Walt Disney told an 8-year-old boy: "Think, believe, dream and dare." Wherever their path takes the class of 2005, Tabatabaee said, "We know that we are in this together."

Co-valedictorian Yamada, who has enrolled at Scripps College for Women, warned that "naysayers with their razor sharp red pens filled with doubts and criticisms (are) ready to suck the life right out of us. They will tell us that we are the apathetic generation who is more interested in why Brad and Jen broke up than the plight of millions of AIDS victims in Africa. They have written us off as hopeless and shallow. With these for enemies, why would we want to leave the safety and security of our parent's wallets (and) homes? I'll tell you why: because we are strong enough and smart enough for the battle."

As their names were called out by new Principal Thomas Gasper, the class of 2005 accepted their diplomas from outgoing Principal Tamara Martinez-Payne and Msgr. Torgerson.

The new graduates waved and gave thumbs up to their parents and friends, who cheered, clapped and took pictures from the bleachers of LMU's Burns Recreation Center.



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LOCAL □ STATE



U.S. Supreme Court sides with the government in a land-rights case

BY GINA HOLLAND

Associated Press Writer

WASHINGTON — The Supreme Court said Monday that people who lose state lawsuits claiming the government improperly took their property cannot count on federal courts for help.

Land rights is a major issue at the high court this year, and so far the justices have made it tougher for people to win lawsuits claiming that local and state laws amount to an unconstitutional “taking.”

The biggest of three cases dealing with government authority to seize properties will be decided in the next week, before the Supreme Court begins a three-month break.

In Monday’s decision, the justices ruled against a historic San Francisco hotel that wanted to convert rooms — previously designated for permanent residents — to accommodate tourists.

The city had restrictions on hotel changes, as part of an ordinance intended to preserve housing for the poor, disabled and elderly.

When the San Remo Hotel was ordered to pay \$567,000, it sued in state court and narrowly lost at the California Supreme Court in 2002. Then-California Supreme Court Justice Janice Rogers Brown supported the hotel and wrote a strongly worded dissent, used by some senators in opposing her recent elevation to a federal appeals court.

“Theft is theft even when the government approves of the thievery,” she wrote. “Turning a democracy into a kleptocracy does not enhance the stature of the thieves, it only diminishes the legitimacy of the government.”

There were no harsh words in Monday’s 9-0 Supreme

Court ruling that found the 62-room hotel could not pursue a federal case because state courts had already addressed all the issues.

“This is a big victory for local governments,” said Nicole Garnett, a Notre Dame law professor.

Chief Justice William H. Rehnquist, in a rare admission, wrote in a concurring opinion that he and his colleagues may have made a mistake 20 years ago when they told people in such property fights that they must exhaust state court options before filing federal suits.

Rehnquist, who has cancer and is expected to retire soon, seemed to encourage a challenger to step forward and give the Supreme Court an opportunity to reconsider.

Joined by three other conservative justices, Rehnquist said, “Further reflection and experience lead me to think that the justifications for its state-litigation requirement are suspect, while its impact on takings plaintiffs is dramatic.”

Eric Claeys, a former Rehnquist clerk who is now a law professor at Saint Louis University, said state court fights in takings claims can last for years. In some states, it would be quicker and better strategy to go straight to federal court, if the Supreme Court allows it, he said.

The ruling was the second in a land rights case. Last month, the Supreme Court ruled that Hawaii did not overstep its authority in putting caps on the rent paid by dealer-run gas stations, part of an effort to control gas costs.

The one pending land rights case will determine when local officials may take people’s homes and businesses through eminent domain to make way for economic development projects like shopping malls. The government is likely to win that case too.

Relay set for its fourth run in Santa Monica

RELAY FOR LIFE, from page 3

ing resentment. It was so difficult when I had my own child to realize that I didn’t have my mother to call and get advice from. Finally, about 13 years after her death, I made a therapeutic photo album dedicated to my mother. It sounds a little corny, but I really believe this small action kicked off a flow of healing that has directed me to relay. I feel strong enough to want to help others who are touched by cancer. This is my gift to my mother’s memory.”

What would you tell someone about this event that doesn’t know about it?

“Go. Participate. There are so many activities at Relay that are bound to interest each and every person. Remember that even if you don’t have cancer close to you now, the odds that you will be touched in some way are still pretty high. Bring the kids to Relay. What an excellent way to teach them about giving back.”

Why are you involved in this event, and not others that raise money for cancer?

“I’m in it for the fact that I’ve been personally touched by this disease more so than any other. Last year, my cousin died of lung cancer, age 44. My boyfriend’s mother has survived cancer twice, my friend Aly is a two-time breast cancer survivor. And I’ve already mentioned Linda. There are many more. I want to see these wonderful people continue to survive, and for those that haven’t survived, I want to be part of a group that honors their memory.”

What does your committee need?

“I think we have everything we need at this point for registration. But I know we can always use donations of food, drinks, and of course, money for the cause.”

(For more information on Relay for Life, contact the American Cancer Society at 310-348-0356 or www.acsevents.org/relay/ca/santamonica)

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STATE



Judges' broad sentencing leeway upheld

BY DAVID KRAVETS

AP Legal Affairs Writer

SAN FRANCISCO — The California Supreme Court upheld state sentencing guidelines Monday amid challenges judges were unconstitutionally justifying steeper sentences based on elements not considered by the jury.

Leaving intact the sentencing guidelines avoided what might have been the resentencing of thousands of prisoners. The decision was the third this year by California's justices interpreting new precedent established by the U.S. Supreme Court involving a hodgepodge of topics including sentencing, executing the mentally retarded and limiting the amount of damages jurors could award to punish business for egregious conduct in civil lawsuits.

Ruling 6-1 Monday, the justices said California's sentencing guidelines, which allow judges to issue three sentences for many crimes, did not give judges too much power over the defendant or the jury. The case was forced on the justices after California's lower courts issued conflicting rulings on how to apply recent U.S. Supreme Court precedent that had invalidated federal sentencing rules.

California Attorney General Bill Lockyer welcomed

the ruling upholding sentencing laws state lawmakers imposed in 1977.

"The court's important ruling validates a 28-year sentencing structure that has served well the criminal justice system and, more importantly, public safety," Lockyer said.

The case concerned a Tulare County child molester who challenged a 16-year term, the highest of three choices possible, for sexually molesting his preteen stepdaughter. The judge chose the high term instead of the middle range of 12 years or the lower term of six years on grounds that defendant Kevin Black abused his position of trust with the stepdaughter and that he physically and emotionally injured her.

The court upheld that sentence, and another for 30 years imposed for other sexual misconduct on the stepdaughter and one of her friends. Among other things, the justices said the judge, when issuing the highest term, did not base his sentence on facts the jury did not find.

That is an important finding. The U.S. Supreme Court has ruled it unconstitutional to require judges to increase sentences based on facts not decided by a jury, such as adding more years based on the amount of drugs being sold even though a jury never determined that amount. That would violate a defendant's Sixth Amendment right

to a jury trial, the nation's top court ruled.

But to prevent retrying perhaps thousands of defendants, the U.S. Supreme Court changed course this year and said judges could increase terms based on facts not found by a jury on the condition that judges were no longer obligated to do so.

Given that, California's chief justice, Ronald M. George, said California's sentencing scheme comported with precedent from the nation's top court. George said California's law was constitutional because the sentencing judge had some leeway on whether to max out a defendant.

"The level of discretion available to a California judge in selecting which of the three available terms to impose appears comparable to the level of discretion that the high court has chosen to permit federal judges," George ruled.

Black's attorney, Eileen Kotler, and dissenting Justice Joyce Kennard said the state's sentencing rules are unconstitutional because they require judges to increase sentences above the middle term based on the "seriousness" of the offense — a subjective element — even if a jury did not declare the crime was of a serious nature.

"I do not think they wanted to change the sentencing scheme so they found a way to uphold it," Kotler said.

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BY THOMAS KHAMMAR
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Communicating with the sellers and their tax advisor is very important. The trust also has some pretty specialized estate planning tools, which allow the seller to purchase more real estate at a later date if they choose. The trust also is set up to pass the money in the trust, less capital gains tax, on to the heirs estate-tax and gift-tax free at the time of the grantor's death.

(Real estate investors or residential sellers can contact The Powerhouse Team in Santa Monica. The direct telephone number is 310-482-2015 or e-mail brent@pwrhteam.com.)

SANTA MONICA RESIDENTIAL REAL ESTATE TRANSACTIONS: SINGLE FAMILY HOMES, CONDOS AND INCOME HOMES

Sold	1514 MAPLE ST	SANTA MONICA 90405	
Santa Monica	SqFt: N/A	List Price: \$899,000	Bed: 2
06/17/2005	Lot Size: 6,299	Sold Price: \$900,000	Bath: 2.00
Sold	2622 30TH ST	SANTA MONICA 90405	
Santa Monica	SqFt: 3,302	List Price: \$1,365,000	Bed: 4
06/14/2005	Lot Size: 5,998	Sold Price: \$1,450,000	Bath: 2.50
Sold	856 YALE ST	SANTA MONICA 90403	
Santa Monica	SqFt: 1,255	List Price: \$1,499,000	Bed: 2
06/14/2005	Lot Size: 7,900	Sold Price: \$1,605,000	Bath: 1.50
Sold	2928 16TH ST	SANTA MONICA 90405	
Santa Monica	SqFt: 3,291	List Price: \$1,899,000	Bed: 4
06/17/2005	Lot Size: 6,202	Sold Price: \$1,930,000	Bath: 3.00
Sold	1036 22ND ST	SANTA MONICA 90403	
Santa Monica	SqFt: 1,220	List Price: \$1,695,000	Bed: 2
06/14/2005	Lot Size: 9,450	Sold Price: \$0	Bath: 1.50
Sold	302 MARGUERITA AVE	SANTA MONICA 90402	
Santa Monica	SqFt: 4,184	List Price: \$3,395,000	Bed: 3
06/17/2005	Lot Size: 11,130	Sold Price: \$3,940,000	Bath: 3.00
Sold	1139 YALE ST #4	SANTA MONICA 90403	
Santa Monica	SqFt: 1,514	List Price: \$860,000	Bed: 3
06/16/2005	HOD: \$250	Sold Price: \$890,000	Bath: 2.50
Sold	1925 WASHINGTON AVE	SANTA MONICA 90403	
Santa Monica	SqFt: 1,709	List Price: \$999,000	Bed: 2
06/16/2005	HOD: \$250	Sold Price: \$1,100,000	Bath: 2.50
Sold	849 14TH ST #2	SANTA MONICA 90403	
Santa Monica	SqFt: 0	List Price: \$1,650,000	Bed: 3
06/15/2005	HOD: \$470	Sold Price: \$1,755,000	Bath: 2.50
Sold	2233 4TH ST #4	SANTA MONICA 90405	
Santa Monica	SqFt: 1,012	List Price: \$565,000	Bed: 2
06/16/2005	HOD: \$199	Sold Price: \$585,000	Bath: 1.50
Sold	2325 20TH ST #3	SANTA MONICA 90405	
Santa Monica	SqFt: 1,464	List Price: \$699,000	Bed: 3
06/15/2005	HOD: \$250	Sold Price: \$710,000	Bath: 2.50
Sold	1447 STANFORD ST #E	SANTA MONICA 90404	
Santa Monica	SqFt: 1,250	List Price: \$669,000	Bed: 3
06/16/2005	HOD: \$271	Sold Price: \$669,000	Bath: 3.00

THOMAS AT THE POWERHOUSE TEAM:
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Listed at \$1,189,000
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1736 Palisades Dr. Pacific Palisades.....2BR, 2BA 1,776 sq.ft.(A).....\$699,000.....Sold and Saved \$34,990
6479 Kanan Dume Rd. Malibu.....2BR, 2BA, 1,056 sq.ft.(A).....\$558,500.....Sold and Saved \$15,170
7909 Winsford, Los Angeles.....2BR, 1BA, 792 sq.ft.(A).....\$558,600.....In Escrow
1330 Yale Street, Santa Monica.....2BR, 1.5BA, 1,552sq.ft.(A).....\$499,800.....In Escrow

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Helping Buyers and Sellers Save

Workforce still priced out of housing market



DAYS ON THE MARKET

BY JODI SUMMERS

California State law requires cities to plan for and provide affordable housing for low-income households. Ironically, cities are not required to build mid-priced housing, meaning many working people can't afford to buy a home. That trend is changing. As we all know, in SoCal you've got to be in a pretty plush position to buy into the housing market. In April, in the Golden State, the minimum household income needed to purchase a median-priced home was in the \$147,000 range. The average home price was \$509,230.

According to the Santa Monica Community Voices Profile, the median household income around town is \$50,714 with 12 percent making \$150,000 or more and 16 percent making less than \$15,000. Sixty-five percent of the city's residents are renters, while 28 percent are homeowners. That means if you live in Santa Monica, and don't already own property here, it's probably not going to happen anytime soon.

State and local governments are offering incentives to builders who incorporate "workforce housing," which are price-reduced homes for middle-income earners into new and redevelopment projects. Perks to deliver workforce housing along with traditional market units include fee waivers, reduced parking requirements, modified zoning, expedited permitting, tax credits and funding options, inclusionary zoning provisions — requiring developers to set aside a predetermined percentage of units for affordable housing — and density bonus programs.

The concept is not new. Universities have long offered more affordable housing to recruit and retain staff and professors. Now the trend is building homes for households earning 80 percent to 120 percent of an area's median income.

The city of Santa Monica's inclusionary housing program requires that 30 percent of multi-family residential developments be affordable to and occupied by low- and moderate-income households.

The Community Corp. of Santa Monica is our nationally praised champion of low-income housing. At last count, Community Corp. (CCSM) oversees more than 2,400 low-income units on 78 properties throughout Santa Monica.

As of late, Community Corp. has been grappling with home affordability issues by proposing to sell two- and three-bedroom condos for less than half of their current market value.

"We are not shifting our major focus, commitment away from very low-income rental housing," notes Joan Ling, executive director of Community Corp. "It's just that we want to try something different, because we know the teachers and the classified workers in the district are priced out of being here."

Local workforce housing buyers would have to fall into the "moderate income" category — \$45,000 to \$60,000 a year, per household. It's not yet clear how pricing would be set for owners of the condos who later chose to sell.

It is estimated that close to \$100,000 in subsidies from the federal, state and local

Where to find out more about workforce housing:

- Avenue 26 Condominiums in Lincoln Heights: www.ave26.com, (323) 262-6636.
- Fuller Lofts in Lincoln Heights: www.livableplaces.org/development/lincolnheights.html, (213) 622-5980.
- Irvine Byrne Building Lofts in downtown Los Angeles: www.urbanpacific.com, or e-mail info@urbanpacific.com.
- Marlton Square in the Crenshaw district in South Los Angeles: www.lee-homes.net/home/contacts/contacts.html, (310) 827-0171.
- Olive Court in Long Beach: www.olivecourt.com, (866) 654-3300.
- Vista Del Rio in the cities of Bell Gardens and Commerce: www.lee-homes.net/home/contacts/contacts.html, (310) 827-0171.

government will be needed for each workforce housing condo in order for CCSM to sell them below market rates. Obviously those details still need to be worked out before this program goes forward.

Los Angeles currently offers a 35 percent density bonus to developers who build within 1,500 feet of a major transit hub, university campus or economic activity center. A 100-unit condominium building with a 35 percent density bonus could include 35 workforce housing units.

One workforce housing project is going up in the Lincoln Heights neighborhood. The four-phase multi-use development will feature workforce condominiums, a senior center, a child-care center and a retail site. The project is adjacent to the Avenue 26 Metro Gold Line station.

Normal market value for the 165 will be from \$210,000 to \$375,000. Fifteen percent will be workforce housing units offered to buyers earning 80 percent to 200 percent of the area's median.

Although our local housing prices are high, we are in no way unique. The most expensive markets for middle-income workers to buy or rent a home were in the Bay Area cities of San Francisco, Oakland and San Jose. And throughout the country, our elementary school teachers, police officers, licensed practical nurses, retail salespeople and janitors don't qualify to purchase the median-priced home, based on the median income, according to the National Housing Conference's (NHC) "Paycheck to Paycheck: Wages and the Cost of Housing in America."

Solutions are in the works. Recently Bank of America teamed up with the largest mortgage investor, Fannie Mae, for a targeted-financing concept they call "neighborhood champions" mortgages. The "champions" program will attempt to remove as many barriers as possible to home buying.

"Homeownership continues to be one of the most solid and durable investments a California family can make," said California Housing Finance Agency Executive Director Theresa A. Parker. "And our recent revisions give even more strength and versatility to our homeownership programs."

(Jodi Summers is director of the investment division at Boardwalk Realty Santa Monica. Contact her at jodis@boardwalkrealty.com, or call 310-309-4219.)

JODI SUMMERS

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Sierra growth could bring more congestion

BY DON THOMPSON

Associated Press Writer

SACRAMENTO, Calif. — The population of the Sierra Nevadas could more than triple in the next 35 years, threatening many of the mountain range's Gold Rush-era towns with sprawl, gridlock and pollution, according to a report released Tuesday.

Much of the 400-mile-long range is designated as

national forest, park land or wilderness. It also holds plenty of private land where development could change the face and feel of the mountains, warns the Sierra Nevada Alliance, a 12-year-old coalition of more than 60 environmental organizations.

About 600,000 people live in the 20 California and three Nevada counties that divide the Sierra, a population projected to grow to between 1.5 million and 2.4 million by 2040.

Poor planning for that growth invites the problems that have plagued more populous areas, warns the Alliance in the first of a planned series of reports on the health of the range's natural resources.

Seven of the 20 California counties have general plans more than 10 years old, although five of them are expecting updates. But fewer than a third have plotted areas that deserve protection from development, and most have no conservation plans.

"Population in and of itself really isn't a problem. It's how well we plan for it," said Joan Clayburgh, the alliance's executive director. "Ten years ago, they weren't expecting all these population increases. ... The tripling (of the population) would come by 2040, but even in 2020 we see a doubling."

California state Assemblyman Tim Leslie, R-Tahoe City, fears overburdening private property owners with restrictions on developing or altering their land. That's one reason he backed this year's creation of a Sierra Nevada Conservancy charged with protecting resources, promoting tourism and enhancing recreation in the area.

"I think the idea isn't to close it down, but to rather be smart and make it work for everybody," Leslie said. "The Sierra needs to have a vital economy just like the rest of

California. ... I think there's a balance that needs to be struck."

Overall, a third of the Sierra is privately owned, but that percentage varies among counties. Private landowners own half the land in 10 of the 20 California counties, and two-thirds or more of the acreage in five of those counties.

The amount of developed land could double over the next half-century, even using conservative projections. Traffic congestion already has followed an increase in home building, and the environmental coalition fears a cascading effect on air and water quality in a region that provides much of California's water storage and hydroelectricity.

The counties most affected are Placer, El Dorado and Nevada, all within commuting distance of Sacramento. Placer County's population is expected to grow by 84 percent, El Dorado's by 42 percent and Nevada County's by 38 percent by 2020.

More isolated counties are affected, too, as they develop what Clayburgh called "a mailbox economy" — retirees who get their income from retirement accounts instead of working in the region.

Much of the environmental focus has been on the region's old growth timber, particularly as the U.S. Forest Service fights to implement a sweeping management plan for the 11 national forests that dot the range.

But the oak woodlands that grow at lower elevations are most in danger from sprawl, particularly in the western foothills, where 70 percent of the current population resides. That pressure is likely to continue as the region is within ready commuting distance of Central Valley cities.

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NATIONAL



Adelphia founder John Rigas gets 15 years; son gets 20

BY ERIN MCCLAM

Associated Press Writer

NEW YORK — With frail Adelphia Communications Corp. founder John Rigas looking on, his lawyer portrayed him as a selfless giver who cared deeply for tiny Coudersport, Pa., where he built the cable company.

An exasperated Judge Leonard Sand cut him off.

"Do you see what he did?" the judge demanded. "What he did to Coudersport, what he did with assets and by means which were not appropriately his? To be a great philanthropist with other people's money really is not very persuasive."

Moments later, the Manhattan federal judge sentenced the 80-year-old Rigas to 15 years in prison for his role in the looting and debt-hiding scandal that plunged Adelphia into bankruptcy three years ago.

Rigas' son Timothy, 49, who like his father was convicted last year of bank fraud, securities fraud and conspiracy, was sentenced to 20 years in prison. Both could have been sentenced to life.

The sentences are among the harshest handed down in any U.S. court since the fall of Enron in 2001 touched off a rash of corporate scandals that rocked the markets and have cost investors billions of dollars.

The judge, citing the elder Rigas' poor health, said his sentence might be cut short if he serves at least two years and prison doctors believe he has less than three months to live.

"This is a tragedy lacking in heroes," the judge said.

Adelphia prosecutors had accused the Rigases of using complicated cash-management systems to spread money around to various family-owned entities and as a cover for stealing about \$100 million for themselves.

They were accused of spending the money on a lengthy list of personal luxuries. Prosecutors said John Rigas had ordered two Christmas trees flown to New York for his daughter at a cost of \$6,000, ordered up 17 company cars and had the company buy 3,600 acres of timberland at a cost of \$26 million to preserve the view outside his Pennsylvania home.

Worse still for investors, the company collapsed into bankruptcy in 2002 after it disclosed a staggering \$2.3 billion in off-balance-sheet debt that prosecutors said was deliberately hid by the Rigases.

"Our intentions were good. The results were not," Timothy Rigas told the judge.

Adelphia, founded by John Rigas in tiny Coudersport, Pa., and the lifeblood of that town for 50 years, now operates under bankruptcy protection in Greenwood Village, Colo. The nation's fifth-largest cable company, Adelphia has more than 5 million customers in 31 states and Puerto Rico.

The judge declined to force the two men to pay restitution, noting the family has already agreed to forfeit more than \$1.5 billion to settle regulatory charges.

At the most dramatic moment of a hearing that stretched nearly three hours, John Rigas slowly rose from his chair just before being sentenced, shuffled to a lectern and addressed the judge, speaking slowly and softly.

"In my heart and in my conscience, I'll go to my grave really and truly believing that I did nothing but try to improve the conditions of my employees," he said.

He said repeatedly he had led a blessed life. "If I did anything wrong, I apologize," he said.

Just after he was sentenced, the elder Rigas, hunched forward in his seat, held his right hand over his mouth and dabbed at his eyes and nose with a white tissue.

The judge, while expressing concern for Rigas' age and poor health, made repeated reference to the investors who had placed their trust in the Rigas family, many losing their retirement security.

Both men were ordered to report to prison Sept. 19.

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President faces thorny decision on dropping John Bolton nomination

BY LIZ SIDOTI

Associated Press Writer

WASHINGTON — President Bush faces a politically thorny situation now that Senate Democrats twice have blocked John Bolton's confirmation as U.N. ambassador.

The president could withdraw the nomination, authorize further concessions to Democrats over access to information they seek or bypass lawmakers altogether by appointing the former State Department official to the job temporarily without the Senate's OK.

Any of those options could leave the president appearing weak as he confronts sagging poll numbers and fights to stave off a lame-duck label just six months into his final term.

The White House on Tuesday issued a new call for a vote on Bolton's nomination and accused Democrats of being unwilling to compromise. "They're only interested in blocking this nomination from moving forward," presidential spokesman Scott McCellan said.

At a White House news conference Monday, the president left open the possibility of circumventing the Senate when he sidestepped a question on whether he would appoint Bolton to the ambassador's post when Congress leaves Washington for a July 4 recess.

"It's time for the Senate to give him an up-or-down vote. Now," the president said.

Democrats made clear they weren't budging and most stood together to defeat a GOP effort to force a final vote on Bolton. The Senate voted 54-38, six shy of the total

needed to advance his nomination. The vote represented an erosion in support from last month's failed Republican effort.

Sen. John McCain, R-Ariz., said Tuesday the United States urgently needed a U.N. ambassador and that the prospects of Bolton's being confirmed weren't good.

"We are without a U.N. ambassador at a critical time in history," McCain said on NBC's "Today" show. "We need to move forward. I hope that we can get this worked out still, but it's looking pretty dim."

Sen. George Voinovich, R-Ohio, who voted in May to advance the nomination, switched positions and urged Bush to consider another candidate, while only three Democrats crossed party lines.

Democrats have demanded that the administration check a list of 36 U.S. officials against names in secret national security intercepts that Bolton requested and received. They also want documents related to the preparation of testimony that Bolton planned to deliver — but ultimately never gave — in the House in July 2003 about Syria's weapons capability.

Sen. Joseph Biden of Delaware, the lead Democrat on the Senate Foreign Relations Committee and a chief critic of Bolton, said White House Chief Staff Andrew Card had offered to provide some of the Syria information but that "was not sufficient." Rather, Biden said Democrats want the administration to turn over all information they seek.

Senate Majority Leader Bill Frist, R-Tenn., accused Democrats of being unwilling to compromise.

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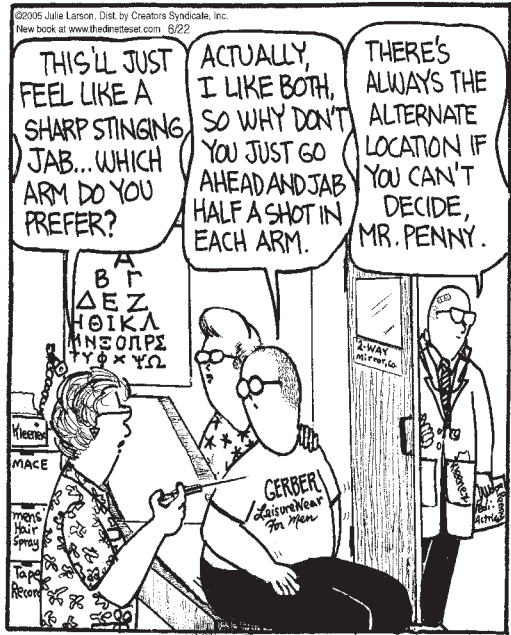
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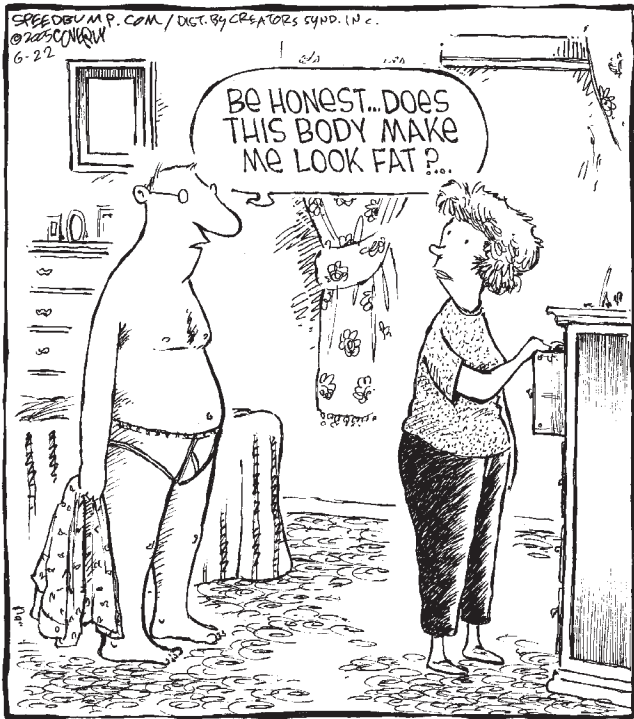
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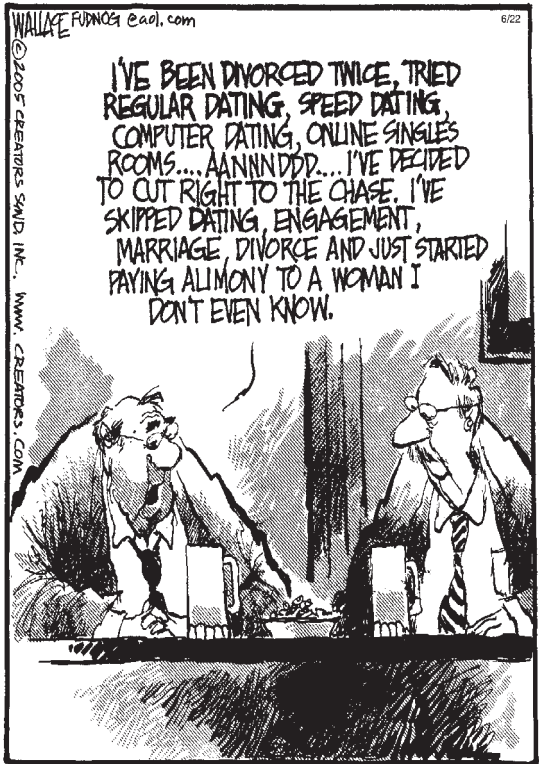


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- 5 Countenance
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- 13 Film trophy
- 14 Drink cooler
- 15 Medieval weapon
- 17 Steve McQueen movie
- 19 Wine choice
- 20 Winter weather
- 21 Turf
- 22 Home of the Southwest
- 24 Opening
- 26 Start of a Hitchcock title
- 29 Rep.'s counterpart
- 30 Novel makeup
- 32 Digging tool
- 34 "Evil Woman" group, for short
- 35 Theater worker

36 Basil-based sauce

38 French river

39 Fills up

40 Like lemons

41 Muscle quality

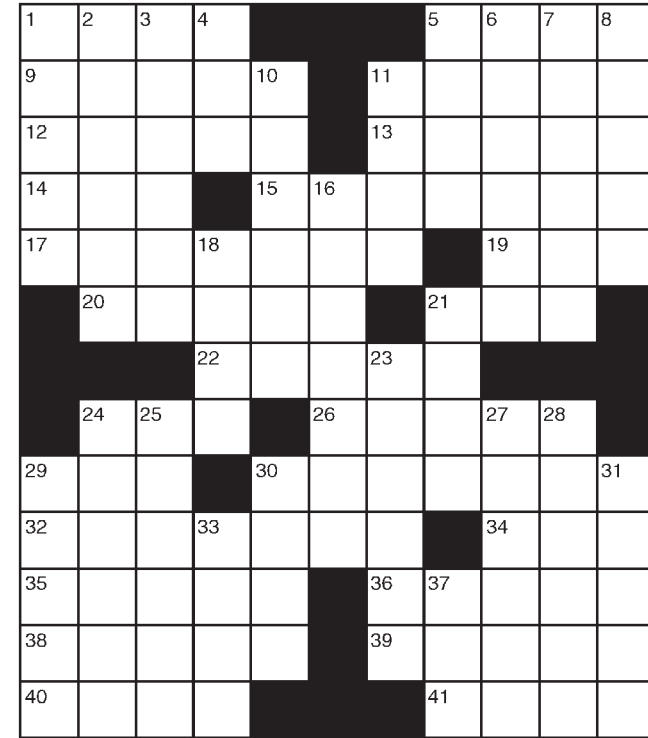
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- 1 Improvise
- 2 Spring flower
- 3 "Gilligan's Island" millionaire
- 4 First woman
- 5 Electrical protector
- 6 Five-time Derby winner

- 7 Sweet-talked
- 8 Blundered
- 10 Spotted
- 11 Sudden shock
- 16 German painter
- 18 Bound
- 21 Pants part
- 23 Arm muscle
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