

Santa Monica Daily Press

A newspaper with issues

DAILY LOTTERY

FANTASY 5

2 19 27 32 37

DAILY 3

Daytime: 7 6 2

Evening: 3 6 8

DAILY DERBY

1st: 04 Big Ben

2nd: 11 Money bags

3rd: 07 Eureka

RACE TIMES: 1:44.28



NEWS OF THE WEIRD BY CHUCK SHEPARD

■ In April, the Alaska Court of Appeals upheld the legality of a police traffic stop of a car that an officer believed was the same car about which a report of occupants fighting had just been called in. The officer said he saw, through the rear window (according to an Anchorage Daily News report) that "the woman in the passenger seat was facing the driver (while the car was stopped for a red light), her left leg on top of the driver's seat, wrapped around his head rest," followed by the man's moving to "lean over" the passenger. That the activity was sex, instead of fighting, was irrelevant, said the court, because either one creates a traffic-safety problem.

■ Lame: Mr. Angel Jones, 27, was convicted of aggravated assault against his girlfriend, specifically, biting off most of her nose in a rage; he admitted the nose was in his mouth but said that due to her using weight-loss medication, her nose had become brittle, and that it just fell off (Toronto, May). And Maurice Williams, 24, was charged with perjury after he told a judge he was not "Williams," even though "Williams" was tattooed on his back. Said Maurice, "I can't see what's on my back. If there's some tattoos on my back, somebody's been bothering me when I'm asleep" (Muncie, Ind., May).

THOUGHT OF THE DAY

"Cinema is a matter of what's in the frame and what's out"

— MARTIN SCORSESE

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City Hall employs new tactic in legal battle with landlord

Prosecutors use California's unfair competition law to sue land owner for allegedly harassing his tenants

BY JOHN WOOD

Daily Press Staff Writer

DOWNTOWN — Prosecutors have used a state business law to sue a local landlord for the first time, alleging he repeatedly harassed his tenants over the past four years, it was announced Tuesday.

The lawsuit accuses Isaac Gabriel, 73, of charging too much in rent, illegally entering apartments, using bodily force against a tenant, stealing a renter's satellite TV dish, attempted fraud, and illegally taking away a tenant's laundry facilities and cable TV.

Gabriel was sued under California's unfair competition law, which targets illegal and fraudulent business practices. Prosecutors said they called upon the law because it allows for stiff penalties and a permanent injunction, which would explicitly ban the illegal behavior.

"Mr. Gabriel has consistently thumbed his nose at City Hall, the courts and the law itself," said Deputy City Attorney Adam Radinsky, who has pursued Gabriel in the past. "He's the rare landlord for whom the unfair competition law is the best remedy."

Gabriel maintained his innocence Tuesday and pledged to fight City Hall. He said a handful of tenants have complained because they want to live virtually free under rent control.



Carolyn Sackariason/Daily Press

Prosecutors are suing Isaac Gabriel, the landlord of this 10-unit building on Fifth Street downtown, over alleged tenant harassment.

"All these allegations are incorrect, and I will go and get a lawyer to fight the city," he said. "We'll see who's going to win the case and who's going to pay money."

This isn't the first time City Hall has targeted Gabriel. He was convicted in 1998 of locking out and confiscating property from a Japanese immigrant tenant who spoke little English. Both of those charges were misdemeanors, and Gabriel, who represented himself at trial, was sentenced to 30 days of house arrest and 480 hours of community service.

See LANDLORD, page 6

Market crash report still sealed to public

Judge orders prosecutors to release edited version, but only to attorneys

BY JOHN WOOD

Daily Press Staff Writer

SM COURTHOUSE — A Santa Monica judge ordered prosecutors to release an extensive police report of the July 16

Farmer's Market crash on Tuesday, but only to lawyers working the case, and only with the driver's license numbers and other personal details of witnesses deleted.

Lawyers involved in the civil cases against driver Russell Weller, 87, of Santa Monica, and



Russell Weller

the City of Santa Monica have waited six months to review the 914-page report, which was prepared by a special team of investigators from the California Highway Patrol. Weller left ten people dead and dozens injured by driving through a downtown market last summer.

Though she ordered the censored report released to lawyers, Santa Monica Superior Court Judge Valerie Baker decided against making it public for fear that pre-trial publicity may impinge on Weller's right to a fair criminal trial, scheduled to begin in October. Weller, whose health is failing, has remained secluded in

See FARMER'S MARKET, page 6

Iraqi volunteers persevere amid constant threats

BY CHRIS TOMLINSON

Associated Press Writer

BAGHDAD, Iraq — Even in a country ravaged by 15 months of war, the scene was horrific: a woman's head had been placed on a box containing the ashes of her cremated body. This was her punishment for working as an interpreter for U.S. forces in Iraq.

Another interpreter was pur-

sued on his way from work by men spraying his car with an assault rifle. They left him for dead after his car flipped over in a ditch. Insurgents entered the home of an Iraqi National Guard battalion, tied his family up and threatened to kill them if the commander didn't quit.

In the weeks running up to the establishment of a new Iraq government, insurgents have stepped

up attacks on Iraqi civilians who cooperate with and work alongside coalition forces. The message from the guerrillas is clear: anyone who helps build the new, U.S.-supported Iraqi government faces death.

"We still believe in democracy and freedom," said Sheik Saud al-Shibley, a tribal leader and vice president of the national farmer's union, who has survived three assassination attempts. "Everybody

sees us and at anytime we can get hit ... (but) I don't care about these things, I carry on with life."

While several senior Iraqi officials have been assassinated — including two members of the former Iraqi Governing Council — no one knows for sure how many Iraqi civilians have been killed for having contact with U.S. forces.

See IRAQ, page 7

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Scorpio, check out expenses

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)

★★★★★ Toss a new perspective on a work-related situation. Brainstorming with co-workers opens doors to many new possibilities. A meeting helps everyone get on the same track. You, as well as others, feel inspired. Get the facts. Tonight: Switch plans if you want.



TAURUS (April 20-May 20)

★★★★★ Working with individuals one at a time inspires you to a whole new realm of thinking. Decide what you need to happen, and allow a trusted adviser or superior to crunch out his or her ideas. Tonight: Revamp your thinking.



GEMINI (May 21-June 20)

★★★★★ Others reveal inspiring news, which permits you to take off in a whole new direction. Your security builds because you know what you are doing. Express your good will to those in your immediate environment. Lucky are those who come into contact with you. Tonight: Whoop it up!



CANCER (June 21-July 22)

★★★★ You plunge into work, knowing what you want to get done. Interruptions could prevent you from advancing as quickly as you would like. Screen your calls if you are determined to finish your work. Tonight: Get a good night's sleep.



LEO (July 23-Aug. 22)

★★★★★ Look for a new route to a long-term objective. Stop and ask yourself if you are being frivolous or carefree. Risking won't work, especially financially. Use your imagination where it counts. Tonight: Invite a friend to join you for a midweek break.



VIRGO (Aug. 23-Sept. 22)

★★★★ You're raring to go, but your enthusiasm could bowl others over. Is there such a thing as too much enthusiasm? You'll find out. You're full of energy, which helps you apply some of your special dreams to your daily life. Tonight: Prepare for a late evening.



LIBRA (Sept. 23-Oct. 22)

★★★★★ You might have more than your share of ideas about which way to go. Present one at a time, as others could go on overload. Use your peaking ingenuity to turn dreams into realities. Tonight: Go with changing plans.



SCORPIO (Oct. 23-Nov. 21)

★★★ Financial dealings could cause problems if you want to help a couple of friends out. Rein yourself in and be realistic. Take care of yourself first. Keep in mind that special purchase you wanted to make for your home. Tonight: Check out expenses.



SAGITTARIUS (Nov. 22-Dec. 21)

★★★★★ You make a splash wherever you go. Enjoy yourself, and make the most of work, meetings and general good will. Your instincts will tell you what to do. Now all you need to do is follow through. Your smile makes you the star of your crowd. Tonight: Whatever puts a smile on your face.



CAPRICORN (Dec. 22-Jan. 19)

★★★ You might be getting a lot of information that would be best processed quietly on your own. Don't make any major decisions just yet, especially financially. There is much more to the story than you know. Put on your investigator's hat. Tonight: Think but don't act — yet.



AQUARIUS (Jan. 20-Feb. 18)

★★★★★ Your imagination enthalls others, be it in your personal or professional life. You're the idea person everyone is looking for. You could be close to unstoppable, given your drive and the support you get from others. Tonight: Do what makes you happy, even if it means changing plans.



PISCES (Feb. 19-March 20)

★★★ Your imagination helps you with a must appearance, a talk or a simple discussion with a superior. You choose the right words at the right time. Others flock to your side. Don't bother trying to relates to those who might not be in tune with your present objectives. Tonight: Burn the candle at both ends.

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COMMUNITY BRIEFS

Strumming to an international harmony

By Daily Press staff

International Guitar Night will bring artists from across the globe to McCabe's in Santa Monica on July 16. The one-night gathering of guitarists will feature Pierre Bensusan, the Grammy-nominated steel guitarist, composer and producer from French Algeria, as well as music from artists from as far as Brazil and New York.

The IGN gathering focuses not only on bringing together a community of artists, but also on breaking down artistic and cultural barriers and promoting a spirit of global harmony. The event has been hosted across the United States as far back as October 1999. IGN was originated in the U.S. by Brian Gore, a California native and steel string guitar player.

"The ultimate goal of the IGN is to awaken new audiences to the many possibilities of the guitar, as well as to foster a sustainable culture for original acoustic guitar music of all types," according to the organization's Web site.

Bensusan will perform songs from "An Evening With International Guitar Night Live," which gathered 14 nylon and steel string acoustic guitar performances from the IGN 2004 Winter Tour. He began playing at IGN's in 2001 representing, according to Gore, "what we're all about, trying to cross boundaries and have a varied collaborative spirit."

"Bensusan has shown that the steel string guitar can be a forum for a high form of art," said Gore. "He's one of the first people in the history of folk to successfully blend world music impulses with the music of his cultural upbringing."

Bensusan began studying piano at age 7. At 11, he taught himself guitar. By the age of 17, he landed his first recording contract and recorded his first album "Pres de Paris." He is well known for incorporating many musical languages into his melodies and creating innovative recordings. His latest recording was released in 2001 and is entitled "Intuite"

"Solo guitarists have a way of expressing the vast poetry of life with a unique signature which you can't find on other instruments," said Gore. "They tap into a special dialogue of emotions."

"(Bensusan's production) is a celebration of how the guitar can facilitate global harmony and contribute peace and healing to a world so in need of it."

Woman on mend after mountain lion attack

By Daily Press staff

Shannon Parker, 27, is in stable condition and is healing at the UCLA Medical Center after being attacked by a mountain lion over the weekend. Parker was hiking with her boyfriend and two others in the Giant Sequoia National Monument area about 15 miles north of Kernville. She was attacked on a narrow part of the trail as she walked alone to her car to retrieve sunglasses.

When Parker screamed, her friends ran to her rescue and stabbed the lion two times and threw rocks at it until it ran away. Authorities later killed the 2-year-old animal.

Correction: The address of the UnUrban Coffeehouse, where Overeaters Anonymous for youth is held each Monday, was inaccurate last week. The address is 3301W. Pico Blvd.

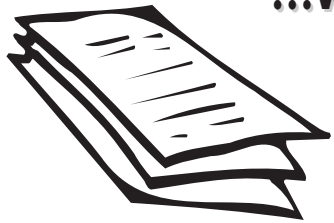
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SURF REPORT

On Wednesday, look for a fading mix of SW swell and NW wind swell. North LA spots will see knee- to waist-high zone surf at the better exposed breaks.

South Bay spots pick up the mostly wind swell for 1-2-3' faces, while best combo breaks in the north half of the Bay see bigger sets — occasionally. Look for light SE wind in the morning to build out of the W to in the 8-12 knot range for the afternoon.

High tide in the morning means better cruisers at your local beach breaks for the pre-work session.

Today the
water is:

69°

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



LOW TIDES

HIGH TIDES

	Morning	Height	Evening	Height	Morning	Height	Evening	Height
SATURDAY	10:15	1.2	N/A	N/A	4:11	3.4	5:14	5.0
SUNDAY	12:08	1.3	11:04	1.6	5:47	3.3	5:53	5.6
MONDAY	1:05	0.4	11:56	1.9	7:09	3.4	6:35	6.1
TUESDAY	1:55	-0.4	12:47	2.1	8:18	3.5	7:15	3.6
WEDNESDAY	2:44	-1.1	1:39	2.2	9:16	3.7	8:06	7.0
THURSDAY	3:32	-1.5	2:30	2.2	10:08	3.9	8:53	7.2
FRIDAY	4:20	-1.8	3:22	2.2	10:58	4.0	9:42	7.2

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The Q Line

For the first time since the laws were put in place, city officials have decided that regulations pertaining to street performers on the Promenade are sufficient and do not need any significant revisions this year. Merchants on the Promenade and the performers themselves, however, have voiced concerns that the regulation requiring performers to be 40 feet away from each other does not provide enough room, forcing performers to increase their decibel levels

and risk noise-violation tickets.

So this week, Q-Line wants to know, "Are the ordinances governing street performers on the Promenade sufficient? If not, what needs to be changed?"

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



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OPINION

LETTERS TO THE EDITOR

Shuttering at the thought

Editor:

I hope Shuttters Hotel manager Klaus Mennekes has a better grasp of his own budget than he showed of the city's in his letter to the Daily Press Monday (SMDP, June 26, page 6).

Santa Monica is not \$4 million short. With the dedicated expertise of City Manager Susan McCarthy and her staff, we have successfully cut costs without compromising resident services. We have also managed to provide \$6 million a year, ongoing, to our local schools.

The living wage I suggested for our new budget is for city employees and contractors. This affords our workers the dignity of making ends meet through their paychecks, not through food stamps. We taxpayers support the workers either way, but an honest living wage is far preferable to a hidden subsidy.

Santa Monica's move toward economic justice can be funded for the most part by shifting already-budgeted employee benefits, and comes nowhere near the \$1.4 million Klaus mentions.

Klaus and Shuttters have long been critical of our City Council's concern for the working poor, and their firm helped fund the referendum against our previous living wage. They may have fooled voters into letting them continue to underpay their employees, but the city has too much respect for our own municipal workers to follow suit.

Kevin McKeown
Mayor pro tem

Waiting to exhale at Barnes & Noble

Editor:

(This letter was originally addressed to Jack Kelleher, vice-president of store operations at Barnes & Noble).

My husband and I are frequent shoppers at your Barnes & Noble store on the Third Street Promenade in Santa Monica.

Your store management abruptly closed the third floor bathrooms to the public in the latter part of March 2004. When we asked the front desk why the bathrooms were closed they stated, "the homeless were making a mess." They weren't even polite when they made their statement.

I can't even complain to the Santa Monica Chamber of Commerce because Barnes & Noble has never seen fit to become a part of this community by joining the chamber and supporting other businesses in the community.

The Third Street Promenade Barnes & Noble is one of your top 10 producing bookstores in the country. That means you are taking oodles of money out of our community. What have you given to our community? Now, you choose to close your bathrooms to the public.

I have e-mailed the Santa Monica City Council, the city manager, the editor of the Santa Monica Daily Press, the executive director of the Bayside District Corp. and the president and CEO of the Santa Monica Chamber of Commerce.

The City of Santa Monica is a very close community — there are many community activists. I am one of them. My husband and I told your front desk at Barnes & Noble we would not be using your bookstore until those bathrooms are opened again. It has been three months and the bathrooms haven't been opened to consumers who purchase books at your bookstore.

Jean McNeil Wyner
Santa Monica

UCLA should put choke-hold on smokers

Editor:

When visiting the UCLA campus recently, I noticed that there were a number of people smoking cigarettes near building entrances. Given this experience, I'm of the opinion that very few people know about AB 846. AB 846 is a new California law which prohibits smoking with 20 feet of main entrances, exits and operable windows of any building owned and occupied, or leased and occupied, by the state, county, or city and buildings of the University of California, California State University and California community colleges.

It's time for UCLA to get the word out. The student organization called COUGH, Campuses Organized and United for Good Health, can help. Contact the group at (562) 985-5740.

Stafford G. Cox, Ph.D., M.P.H.
Long Beach

Who moved my cheese and better mousetrap?



INCITES

BY ED SILVERSTEIN

The stunning Montana landscape, passing across my windshield, went unappreciated as my pick-up pirouetted toward the frozen lake and certain — or at least possible — death. At the last possible instant fate smiled, sniggered actually, as the tires made a tenuous grab at the snow and catapulted me into a drift.

A quick examination revealed that the Nissan Frontier's Firestone Firehawk GTA 02 tires were, after barely 15,000 miles, in need of replacement.

Tom Whalen, owner of the Whalen Tire chain, quickly dashed my hopes that the warranty would cover part of the replacement cost. Many car companies no longer cover the original tires and, not surprisingly, many of these tires are designed to wear out after half the normal mileage. But even if there had been a warranty it would have likely been invalidated because I hadn't rotated my tires after 6,500 miles, even though the most practical time to rotate the tires would be at 7,500 miles, which is when most cars require normal service.

But this was beside the point because, according to Mr. Whalen, the tires on my 4X4 pick-up, outfitted with an off-road package and advertised as capable of ripping across every type of rugged terrain imaginable, were appropriate only for dry highway conditions. A Bridgestone/Firestone technician would later confirm that the tires were not suitable for the rough roads and heavy snow in Montana. It also was admitted that the "high-performance" Firehawk GTA 02 had an expected tread life of only 15,000 to 20,000 miles. And according to a customer survey on the Tire Rack Web site, the Firehawk GTA 02 was rated dead last in its group and scored lowest in every one of the nine performance categories. Yet, it's one of the more expensive tires.

Since I didn't relish the thought of meeting an icy death (and I could barely make it up my driveway without putting on snow chains), I decided to spring for a brand new set of snow tires. And that's when the real fun began.

After a fruitless two-hour search, Mr. Whalen explained that no snow tire existed that would fit the unique wheel size of my vehicle. In fact, there were no other tires of any type available except for the exact model that I was replacing.

Then it got worse. None of the distributors or other tire stores had these tires in stock. And worse still, neither did Firestone. And worst of all, the next manufacturing run wouldn't occur until January which meant I would not be able to safely use my vehicle for more than four months.

Why would Nissan produce a vehicle that had such a unique tire size? Was there a mutually beneficial deal in place? Had Nissan provided tire exclusivity in return for reduced prices? I was never to find out.

The small claims action I filed, after a

futile attempt to rectify the situation with Nissan, was settled in full without admission of guilt and before I received subpoenaed documents related to this specific issue. One thing is for certain — unique tire sizing is becoming increasingly common in the auto industry. This can often result in higher prices, lower quality and reduced safety. But such practices are not exclusive to tires.

In order to utilize the hands-free phone system that is pre-wired into my Mercedes, I must purchase a phone and voice recognition system at a cost of \$2,995. The handset alone costs \$495 and looks identical to my Motorola telephone that I got for about \$300, which has built in voice recognition. And if I tried to avoid this fleecing by, God forbid, installing a third party system, the entire vehicle warranty would be invalidated.

Non-standard, manufacturer unique roof rack shapes are another scheme. This practice makes it difficult for third party accessory makers to compete and forces consumers to purchase over-priced accessories from the car dealership.

And it isn't only automobile companies that are out to get us. I could easily write 20 columns on airline industry scams. For instance, you used to be able to change airline reservations for free. Then it was \$25, then \$50 and now it can even cost \$100 to change a travel date, but at least you had a year to use the ticket. No more. The latest gimmick is that you are required to book the new reservation date at the time you change your existing reservation or you forfeit your ticket. And car rental companies, no longer satisfied with sky-high and often unnecessary insurance charges, now require that you pay an additional fee for each additional driver.

The computer industry also is no exception. Many companies have drastically reduced or even eliminated free technical support despite systems and software becoming increasingly complex, not to mention buggy. The two Apple computers I recently purchased were shipped with the previous version of their operating software even though the new version had been out for six months. Apple's "free" update came with a \$20 handling fee — per computer — which I can't believe costs them more than \$10.

Also, have you noticed that all of a sudden nearly every product in existence carries a freshness date? Does anybody really believe that flour will only be fresh for a few months or that a bottle of water goes bad after a year or two? And have the prescription drug companies given us a single reason to trust their expiration date on that \$150 bottle of pills?

It seems businesses are no longer interested in making a better mousetrap and having the customers beat a path to their door. Instead, the rats are using ever more creative schemes to trap their customers into providing an endless supply of cheese.

(Ed Silverstein is a freelance writer living in Santa Monica. He will read all comments addressed to incites@incites.net for free. However, there will be a slight charge for all amusing responses).

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Santa Monica Daily Press

OPINION



‘And justice for all’ not just empty pledge



POLITIGIRL

BY BETH SOLOMON

WASHINGTON — Democracy seems fragile these days. Iraq’s “sovereignty” is maintained by huge numbers of occupying U.S. military troops. The U.S. government, according to Michael Moore’s “Fahrenheit 9/11,” is using tax dollars to infiltrate and undermine citizen political activities. A new documentary called “Control Room” shows how the U.S. military has used propaganda to severely misrepresent its activities to the media and the public. Such activities damage democracy — and worse.

But in a surprising moment in Jehane Noujaim’s “Control Room,” Al-Jazeera senior producer Sameer Khader, who points out repeated distortions and media manipulation by the U.S. military, says the solution to the U.S. government’s wrongdoing is not the destruction of America — but the American people themselves. In fact, Khader says he plans to send his children to American universities, in hopes that they will someday be U.S. citizens.

This is not just a desire for American cars and consumer comforts. It is a resounding — and moving — affirmation of the basic ideas that America embodies.

In an age of Orwellian politics, where “freedom” actually means occupation, where “coalition” actually means going it alone, it’s easy to lose sight of the simple, revolutionary and benevolent principles that this country was based on, and can still stand for.

This week the Supreme Court struck a huge blow on behalf of those principles. In several rulings, the court said that even in wartime, the U.S. government does not have the right to strip people of basic rights, and no president is above the law.

In Hamdi vs. Rumsfeld, the court delivered an overwhelming rejection of the notion that the executive branch can use a war rationale to impose open-ended detention on citizens and non-citizens. Eight justices, with the exception of Clarence Thomas, joined Sandra Day O’Connor in the opinion that “A state of war is not a blank check for the president when it comes to the rights of the nation’s

citizens.” In that ruling, the court overturned the Bush administration’s argument that the War on Terror entitles the president to strip a citizen’s rights by declaring them an “enemy combatant.”

Justice O’Connor upheld the government’s power to detain an American citizen under certain circumstances, but said citizens must have access to the courts to challenge their detention. The case involved an American named Yaer Esam Hamdi, who was taken prisoner in Afghanistan and held for two years without due process. Hamdi’s case now returns to a lower court.

In a second case involving the hundreds of prisoners locked up in the legal no-man’s land of Guantanamo Bay, the court rejected the argument that the area is outside of U.S. legal jurisdiction, saying U.S. courts have the authority to hear claims of illegal detention by the prisoners. Here again, the court ruled unequivocally that U.S. laws apply, and the War on Terror is not an excuse to strip people — even non-citizens — of basic rights.

In a third case, the court sent a so-called “enemy combatant,” Jose Padilla, back to a lower court, without ruling. The Supreme Court thereby invited lower courts to engage in the decision-making about rights during wartime. Such engagement — hijacked for a time by the Bush administration — is welcome, and overdue.

The Supreme Court rulings will affect many people. There are 600 detainees in legal limbo in Guantanamo alone. There are hundreds more detainees in places like Abu Ghraib, Iraq and Afghanistan.

But the significance of the rulings does not stop there. This week’s Supreme Court decisions affirm the rights of all citizens of our country, and every person on this earth. The Supreme Court stated unequivocally that every American — even the president — must respect and obey the laws and principles on which our system is based.

That makes the system work for all of us, and it shows the world that democracy is possible — and preferable.

For that, even the skeptics, the dissenters, the activists and agents of change among us can take a moment this Fourth of July to say, “God bless America.”

(Beth Solomon is a Left Coast writer reachable at bethsolomon@earthlink.net).

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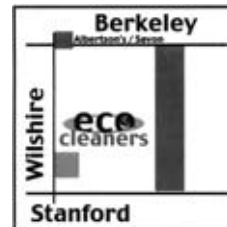
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LOCAL

Landlord was convicted of harassment in 1998

Radinsky filed charges against Gabriel a second time in 1999 for battery and harassment of a female tenant. Those charges were subsequently dropped after Gabriel agreed to paint and re-carpet the woman's apartment, avoid contact with her and serve another year of probation. Further criminal charges were levied against Gabriel in 2003 for alleged battery, but later dropped.

Gabriel accused prosecutors of waging a relentless campaign against him, with little evidence to back it up. Though he lost his first criminal trial, Gabriel pointed

to the 1999 case, adding that all 19 counts were dropped.

"My point of view is, what justice system in the whole world drops criminal charges for painting and changing carpet?" Gabriel asked, during an interview in the Daily Press newsroom. Gabriel, who speaks with an accent, insisted on coming to the newspaper's offices to be interviewed after he was contacted by a reporter over the telephone.

Gabriel said he has a good relationship with eight of his 14 tenants. Asked about his ongoing dispute with the other six

renters, Gabriel replied, "All of them ... they live for free, almost for free. They're always harassing me, because there is always something wrong in my apartments, like putting cable TV without my permission, putting washer and dryer without my permission. Even if it's illegal. Even if they don't have permit from the City of Santa Monica.

"And the worst thing is this city is against landlords."

Gabriel owns a 10-unit building at 1035 Fifth Street downtown and a four-unit building at 1007 16th Street. Rent levels in the downtown building, where Gabriel keeps an apartment, range from \$348 for a one-bedroom unit to \$1,909 for a one-bedroom at market rate. The Wilshire-Montana building commands rents ranging from \$402 for a one-bedroom unit to \$1,941 for a two-bedroom apartment at market rate, according to rent control documents.

Both buildings were bought in the summer of 1995, months before vacancy decontrol went into effect. Before vacancy decontrol, rent control kept rates low even for new tenants. Gabriel estimates his buildings are worth between \$4 million and \$5 million together, but said he

doesn't profit from them and is actually losing money because of rent control.

In addition to filing more than a dozen complaints with local prosecutors, tenants in Gabriel's buildings have petitioned the Rent Control Board for rent decreases and complained of excess rent being charged, said Tracy Condon, a spokeswoman for the rent control board.

Radinsky said he decided to pursue Gabriel using the unfair business law because it can be used to address violations of any other state or local laws. He said it provides a "powerful remedy" of a permanent injunction, which bars further illegal activity, and it carries stiff fines. Each illegal act carries a penalty of up to \$2,500, or \$5,000 for acts involving a senior citizen.

The exact number of violations remains to be investigated in the lawsuit, Radinsky said.

"Mr. Gabriel was clearly not deterred by his experience with the criminal justice system," added the deputy city attorney. "Given his long history of disregard for tenants' rights and the law, we felt this was the most appropriate remedy."

Judge plans to edit CHP report further before making it public

FARMER'S MARKET, from page 1

his home north of Montana Avenue since the fatal crash. He faces 10 counts of vehicular manslaughter in the criminal case and may serve time behind bars, if convicted.

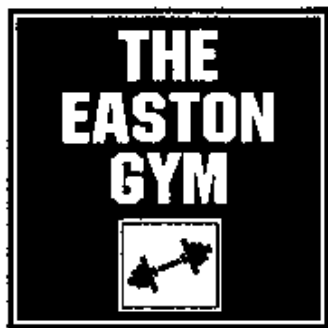
Included in the CHP report were accident accounts from more than 300 witnesses, reports from the various investigating law enforcement agencies, a detailed re-creation of the car accident, and extensive details about Weller's medical history and current condition, as well as his driving record. The Los Angeles Times obtained a copy of an 80-page executive summary shortly after the report was filed, but no major news outlet has reported on the full 914-page document.

Dana Fox, an outside attorney hired to represent City Hall, said he would prepare electronic copies of the report and mail them out to all lawyers involved in the case by July 15. City Hall has been targeted in the civil suits because it failed to erect barriers like the ones on the Third

Street Promenade, which would have prevented Weller's 1992 Buick LeSabre from entering the market. Bayside District Corp., the nonprofit organization that runs downtown, also has been named in the civil suits.

Judge Baker will take suggestions privately in her chambers next week regarding which further portions of the report should be deleted before the document is made public. She said the protective order will be temporary, and she will rehear the issue after the criminal trial gets underway.

At the request of prosecutors and Weller's criminal defense lawyers, Judge Baker indicated she likely would agree to delete the portions that may be deemed inadmissible in Weller's criminal trial. Included are Weller's statements at the Santa Monica Police Department after the crash; his wife's statements; information about Weller's medical condition and medications; DMV records, including applications for handicap placards and license renewal forms; and reports from prior accidents.



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STATE □ NATIONAL

Iraqi-Americans uncertain about future of homeland

BY TIM MOLLOY
Associated Press Writer

LOS ANGELES — As news was breaking in the United States about the early hand-over of power in Iraq, Ban Al-Wardi received an e-mail from a cousin in Baghdad that made her wonder if the transition would make the country any safer.

Al-Wardi, an immigration attorney and president of the Arab-American Anti-Discrimination Committee of Los Angeles and Orange County, said the presence of U.S. troops in Iraq has drawn al-Qaida and other terrorists across the country's border, endangering the lives of ordinary citizens. The letter from her cousin, a 29-year-old pharmacist, only added to her fears.

"It says, 'We're all afraid to leave the house. We're afraid something is going to happen. What kind of freedom is this?'" Al-Wardi said.

"The people of Iraq are demanding that the U.S. get out right away. Our destiny should not be controlled by some foreign country," she added. "What kind of security do they have right now?"

U.S. administrators gave Iraq official sovereignty Monday in a secretive ceremony that was moved up two days to thwart attempts by insurgents to undermine the transfer. Some Iraqi-Americans living in California said the transition was a historic moment for their home country, but others saw it as symbolic at best.

Alan Zangana, program director of Kurdish Human Rights Watch in San Diego, said he hoped the hand-over would begin a new era of acceptance and equal-

ity for the Kurds, who suffered decades of repression under Saddam Hussein.

"This is a historical event after 35 years of dictatorship," Zangana said. "The Kurdish community of Iraq hopes to see Iraq commit itself to a Democratic and secular Iraq."

He wants the new government to end Saddam's policy of forcing Kurds to move from their lands, and that U.S. troops stay in Iraq for as long as necessary to secure the borders and keep terrorists out.

But other Iraqi-Americans said power would not truly change hands until the people of Iraq were able to elect their own leaders.

"America did a good job occupying the land of Iraq, and they did a horrible job of occupying the hearts and minds of the Iraqi people," said Basam Alhussaini, a spokesman for the Ahlul Beyt Mosque in Pomona and for the Iraqi-American group Future of Iraq. "The occupation itself created a great deal of sentiments of hate toward America, and the same thing happened throughout Muslim and Arab counties."

Salam Al-Marayati, director of the Muslim Public Affairs Council in Los Angeles, said he wanted to see what would come of the hand-over before trying to gauge its significance.

"If this is going to end up in January 2005 with full and direct elections, it will have been a full step forward. But if this is going to spiral into more repressive laws that will cause more suffering of Iraqis, then we're just handing over to a caretaker government," Al-Marayati said. "Saddam is gone but a dictatorship has been replaced by terrorism that Iraqis have never seen before."

Iraqis working towards democracy paying price

On Tuesday, two women working as interpreters for an American company in Basra were ambushed and killed while driving home from work. In the last three weeks, two of the 10 farmers' union leaders have been killed and three out of a group of 24 interpreters have died at the hands of insurgents.

Every slaying takes a toll on the thousands of unarmed Iraqis who cooperate with U.S. forces.

"Any person who goes to the Americans is considered a spy," said Sheik Wadah Maliek el-Sayed, a tribal leader who has acted as a mediator between U.S. forces and hardline Iraqi religious leaders.

He said the purpose of the interaction determined whether a meeting with Americans is allowable.

"When we come to visit the Americans to solve some problem, people know we are speaking for them," Wadah said. "If (an Iraqi) is only helping themselves, they will be killed."

Two elected neighborhood council members have been killed in the last two months, U.S. army officers said. Col. Michael Formica, whose 2nd Brigade of the 1st Cavalry Division controls west Baghdad, warned members of one council to change their meeting times and locations, and to be careful when driving between work and home.

"You must change your daily routine,"

Formica told the council. "If you could take a few weeks off, that would be a good thing."

Many of the council members asked for special weapons permits to arm bodyguards.

The next day, Formica attended a memorial service for Maytham Taleb Hammed Habib, a former lieutenant colonel in the Iraqi army, who worked as an interpreter for a new Iraqi National Guard battalion. He had suffered under former dictator Saddam Hussein's regime and was passionate about helping build a new, democratic Iraq.

He was killed by insurgents while returning home from work. Most of the interpreters do not want to be named or interviewed for fear they may be next.

U.S. and Iraqi soldiers and civilians gathered at their base in Baghdad for prayers, both Christian and Muslim, Sunni and Shia. The one by one, everyone walked up to Habib's portrait in front of U.S. and Iraqi flags.

After the service, Formica met with his officers and described what he called an especially touching ceremony.

"I talked to a group of people who know their names and addresses have been put on a list and they are marked for death and they keep coming to work," Formica said. "I'm glad I was sweating otherwise they would have seen what else was on my face."

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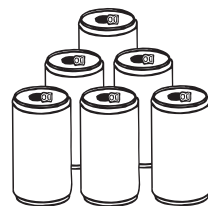
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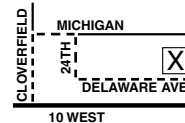
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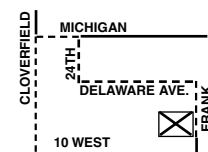
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Real Estate

Where there's a will there's some reassurance



DAYS ON THE MARKET

BY JODI SUMMERS

Trusts are not just for the rich looking for tax breaks. They're resourceful tools in estate planning, allowing you to accomplish a variety of objectives, including providing for heirs who are minors, disabled or of previous marriages. They also allow you to name a loved one to manage your assets should you become incapacitated.

Known in legal circles as a "revocable inter vivos" trust, a living trust is created for the purpose of holding ownership to an individual's assets during the person's lifetime, and for distributing those assets after death.

"Their number-one asset is always their real estate," notes attorney John Hilbert, who specializes in probate and estate legal matters. "Not to demean anybody, but Ma and Pa Kettle left Kentucky

in the '30s, came to California and bought up a small piece of property, for maybe \$8,000. Through the passage of time it's now worth \$400,000 if not more. With a minimum of foresight, they've created a sizable estate."

The individual who creates the trust (the grantor) names a person who will serve as trustee and will follow the trust's terms after the grantor dies. While alive, the grantor usually may serve as a trustee and control the assets even though they belong to the trust.

"If you have noteworthy assets, your estate planner will probably recommend a living trust," Hilbert said.

Many estate-planning experts now recommend using a living trust as the foundation of your estate plan. This is progressive thinking and until recently, a will was considered the cornerstone of any estate plan. A will is vital if your children are minors because it allows you to nominate guardians for them should they be orphaned.

"If you're going to use a will, try to get rid of the ambiguities, don't make it late

in life," Hilbert said.

A will is adequate if you have few assets. For transferring sizable or complicated estates, estate-planning attorneys favor living trusts — which allows you to place your property that does not have a named beneficiary — in the trust during your lifetime. You can change the trust terms at any time, and maintain control of the assets until a time when you choose not to. When you die, the trust assets are distributed to the beneficiaries you named, according to instructions you set forth in the trust document.

"With a living trust, I have control until I choose not to have control," notes Edna, a Santa Monica resident with a living trust. "I can also change the inheritance should one of my grandchildren misbehave."

When considering a will or a living trust take the following aspects into consideration:

Probate: Assets you transfer via a will must go through probate, the court process of administering your will. Assets you transfer via a living trust avoid probate.

Privacy: When a will is probated, its contents are made public. Living trusts have no public records.

Incapacity: In a living trust, you can name a successor to oversee the trust assets if you become unable to do so. If you don't have a living trust, someone with power of attorney will name someone to manage your assets if you are unable to do so.

Hassle: With a will, you bequeath your separately owned assets that do not have a named beneficiary. In a living trust, all assets must be retitled to the trust. Anything that is not so titled when you die will be probated.

Cost: An efficient attorney can draw up basic wills for a husband and wife starting at about \$200. A living trust can run about \$1,500.

As your circumstances evolve, think about updating your estate plan.

(For your real estate needs, e-mail Jodi Summers at jodis@boardwalkrealty.com, or call (310) 309-4219).

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Date Sold	SqFt: 898	List Price: \$625,000	Bed: 2	06/24/2004	HOD: \$325	Sold Price: \$628,000	Bath: 2	Sold	1212 OCEAN PARK BL #8	SANTA MONICA	90405
06/22/2004	Lot Size: 6.850	Sold Price: \$680,000	Bath: 1	Sold	2311 4TH ST #112	SANTA MONICA	90405	Date Sold	SqFt: 1,790	List Price: \$649,000	Bed: 3
2460 BEVERLY AVE	SANTA MONICA	90405	Date Sold	SqFt: 671	List Price: \$359,900	Bed: 1	06/22/2004	HOD: \$298	Sold Price: \$650,000	Bath: 2.5	
Date Sold	SqFt: N/A	List Price: \$1,295,000	Bed: 3	06/23/2004	HOD: \$189	Sold Price: \$329,000	Bath: 1	Sold	1317 12TH ST #7	SANTA MONICA	90401
06/21/2004	Lot Size: 3,541	Sold Price: \$1,100,000	Bath: 2	Sold	420 PACIFIC ST	SANTA MONICA	90405	Date Sold	SqFt: 0	List Price: \$489,000	Bed: 3
Sold	1436 SAN VICENTE BL	SANTA MONICA	90402	Date Sold	SqFt: 1,046	List Price: \$625,000	Bed: 2	06/23/2004	HOD: \$129	Sold Price: \$500,000	Bath: 2
Date Sold	SqFt: 2,148	List Price: \$1,865,000	Bed: 3	06/21/2004	HOD: \$150	Sold Price: \$612,000	Bath: 1.25	Sold	2621 S CENTINELA AVE #4	SANTA MONICA	90405
06/25/2004	Lot Size: 10.200	Sold Price: \$0	Bath: 2.5	Sold	1517 HARVARD ST #6	SANTA MONICA	90404	Date Sold	SqFt: 634	List Price: \$310,000	Bed: 1
Sold	3218 COLORADO AVE	SANTA MONICA	90404	Date Sold	SqFt: 612	List Price: \$349,000	Bed: 1	06/23/2004	HOD: \$209	Sold Price: \$315,000	Bath: 1
Date Sold	SqFt: N/A	List Price: \$649,000	Bed: 2	06/22/2004	HOD: \$184	Sold Price: \$355,000	Bath: 1	Sold	302 ASHLAND AVE #102	SANTA MONICA	90405
06/22/2004	Lot Size: 5,158	Sold Price: \$685,000	Bath: 1	Sold	2035 4TH ST #203C	SANTA MONICA		Date Sold	SqFt: 660	List Price: \$395,950	Bed: 1
Sold	624 23RD ST	SANTA MONICA	90402	Date Sold	SqFt: 699	List Price: \$439,000	Bed: 1	06/24/2004	HOD: \$230	Sold Price: \$397,000	Bath: 1
Date Sold	SqFt: 2,410	List Price: \$1,899,000	Bed: 3	06/23/2004	HOD: \$262	Sold Price: \$440,000	Bath: 1	Sold	2002 4TH ST #313	SANTA MONICA	90405
06/24/2004	Lot Size: 8.851	Sold Price: \$0	Bath: 2	Sold	810 STANFORD ST #1	SANTA MONICA	90403	Date Sold	SqFt: 986	List Price: \$549,000	Bed: 2
Sold	363 21ST PL	SANTA MONICA	90402	Date Sold	SqFt: 2,020	List Price: \$879,000	Bed: 2	06/22/2004	HOD: \$216	Sold Price: \$549,000	Bath: 2
Date Sold	SqFt: 2,567	List Price: \$1,895,000	Bed: 4	06/22/2004	HOD: \$325	Sold Price: \$900,000	Bath: 2.5	Sold	2035 4TH ST #201C	SANTA MONICA	90405
06/24/2004	Lot Size: 7,600	Sold Price: \$1,930,000	Bath: 3.75	Sold	1424 26TH ST #4	SANTA MONICA	90404	Date Sold	SqFt: 630	List Price: \$419,000	Bed: 1
Sold	2336 22ND ST	SANTA MONICA	90405	Date Sold	SqFt: 1,239	List Price: \$539,000	Bed: 2	06/21/2004	HOD: \$270	Sold Price: \$415,000	Bath: 1
Date Sold	SqFt: N/A	List Price: \$979,000	Bed: 4	06/25/2004	HOD: \$200	Sold Price: \$554,000	Bath: 2.5	Sold	1119 LINCOLN BL #5	SANTA MONICA	90403
06/25/2004	Lot Size: 6.750	Sold Price: \$1,285,000	Bath: 2	Sold	1107 19TH ST #F	SANTA MONICA	90403	Date Sold	SqFt: N/A	List Price: \$535,000	Bed: 2
Sold	937 12TH ST #101	SANTA MONICA	90403	Date Sold	SqFt: 754	List Price: \$429,000	Bed: 1	06/22/2004	HOD: \$220	Sold Price: \$535,000	Bath: 1.75

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REAL ESTATE



Added bonus given to investment, consumption



IN YOUR SPACE

BY CHRISTINA S. PORTER

The House and Senate passed the "Jobs and Growth Tax Relief Reconciliation Act of 2003" in May of that year. The intent of the act is to provide incentives to stimulate investment and consumption. The act represents an acceleration of tax reductions enacted in 2001.

There are several provision made in the act, but one of the provisions directly relating to commercial real estate is "Title

II: Growth Incentives For Business: Section 201: Increase and extension of bonus depreciation."

It is my understanding that section 201 provides for an increase and extension of the 30 percent accelerated depreciation of all equipment and leasehold improvements as enacted in March of 2002. The 30 percent bonus depreciation has been increased to an amount equal to 50 percent of the cost of the improvements that can be taken in the first year that they were made, in addition to the regular straight-line depreciation (1/39th). The so-called "close out" provisions of current law remain in effect, so remaining balances may be deducted at the termination

of the lease. The 50 percent bonus depreciation provision applies only to leasehold improvements that were made after May 5, 2003 and before January 2005. The 30 percent bonus depreciation applies to leasehold improvements made prior to May 6, 2003 and after Sept. 11, 2001.

When using the bonus depreciation for leasehold improvements, the building must have been "in service" (has been leased, but not necessarily to the lessee that the property is currently leased to) for at least three years prior to taking the bonus depreciation and only the person paying for the improvements may take that depreciation. For example, an owner may not take the bonus depreciation for

leasehold improvements paid for by the tenant and vice versa. There are limited circumstances when a property will remain eligible for bonus depreciation until January 2006. The bonus depreciation does not apply to residential income or owner/user properties.

As always, the above information should be discussed carefully with your tax professional to weigh the advantages or possible disadvantages of taking such accelerated depreciation.

(Christina S. Porter specializes in the business of leasing and selling office and industrial buildings in Santa Monica. Contact her by calling 310 806 6140 or e-mail at cporter@naicapital.com)

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Office Broadway Plaza

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Sale Date 03/10/2004 Sale Price \$27,000,000 Square Footage 64,780 Price/SF \$416.80 Address 120 Colorado Ave

Santa Monica Medical Plz

Sale Date 05/07/2004 Sale Price \$23,000,000 Square Footage 88,000 Price/SF \$261.36 Address 1260 15th St

Stegeman-Kastner Bldg

Sale Date 04/15/2004 Sale Price \$8,300,000 Square Footage 43,751 Price/SF \$189.71 Address 2601 Ocean Park Blvd

Santa Monica Studios(Former)

Sale Date 03/31/2004 Sale Price \$6,957,800 Square Footage 37,840 Price/SF \$183.87 Address 1810 Berkeley Ave

Santa Monica Studios(Former)

Sale Date 03/31/2004 Sale Price \$5,126,100 Square Footage 23,200 Price/SF \$220.95 Address 1820 Berkeley Ave

Santa Monica Studios(Former)

Sale Date 03/31/2004 Sale Price \$4,500,000 Square Footage 15,640 Price/SF \$287.72 Address 3060 Nebraska Ave

Retail Free Standing Buildings

Sale Date 02/19/2004 Sale Price \$4,500,000 Square Footage 4,534 Price/SF \$992.50 Address 3021 -3031 Santa Monica Blvd

Office

Sale Date 03/18/2004 Sale Price \$3,600,000 Property Square Footage 12,477 Price/SF \$288.53 Address 2448 -2458 Wilshire Blvd

Retail

Sale Date 04/22/2004 Sale Price \$3,400,000 Square Footage 2,161 Price/SF \$1,573.35 Address 1671 20th St

Office

Sale Date 01/12/2004 Sale Price \$2,500,000 Square Footage 7,500 Price/SF \$333.33 Address 1148 4th St

Office Sale Date 01/21/2004 Sale Price \$2,105,000

Square Footage 8,000 Price/SF \$263.13 Address 1424 Lincoln Blvd

Retail Year Built 1947

Sale Date 04/15/2004 Sale Price \$2,060,000 Square Footage 3,750 Price/SF \$549.33 Address 510 -514 Wilshire Blvd

Retail Year Built 1924

Sale Date 04/20/2004 Sale Price \$1,840,000 Square Footage 7,032 Price/SF \$261.66 Address 2300 Lincoln Blvd

Office

Sale Date 02/10/2004 Sale Price \$1,740,000 Square Footage 8,335 Price/SF \$208.76 Address 2803 Colorado Ave

Industrial Land

Sale Date 03/31/2004 Sale Price \$1,330,000 Square Footage 11,900 Price/SF \$111.76 Address Nebraska Ave s/o Centinela

Retail

Sale Date 01/07/2004 Sale Price \$1,200,000 Square Footage 6,666 Price/SF \$180.02 Address 1853 Lincoln Blvd

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Sale Date 03/29/2004 Sale Price \$1,033,345 Square Footage 2,227 Price/SF \$464.01 Address 2025 Lincoln Blvd

Retail

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NATIONAL

High Court deals Bush administration a blow

BY ANNE GEARAN

Associated Press Writer

WASHINGTON — The Bush administration must regroup legally and politically after the Supreme Court dealt a major setback to the government's anti-terrorism tactics since the Sept. 11, 2001 attacks.

The high court refused to endorse the White House claim of authority to seize and detain terrorism suspects and indefinitely deny access to courts or lawyers while interrogating them.

Monday's rulings in a trio of cases dealing with the rights of prisoners mean that detainees, whether potential terrorist threats or victims of circumstance, have greater rights to challenge their captivity in U.S. courts and force the government to explain itself.

"We are reviewing the court's decision to determine how to modify existing processes to satisfy the court's rulings," Justice Department spokesman Mark Corallo said.

A State Department spokesman said only that the rulings were under review.

In the short term, administration lawyers must prepare to fight scores of new court challenges filed on behalf of

hundreds of detainees held more than two years at the Navy's prison camp at Guantanamo Bay, Cuba.

The administration lost its high court argument that those detainees could not take their complaints to U.S. courts, because they are foreigners held on foreign soil. A 6-3 majority said the men may sue.

"The lesson of the decision is that there is no prison beyond the reach of domestic law," said Joe Margulies, a Minneapolis lawyer who was lead counsel in the Supreme Court case on behalf of two Australian detainees and the Center for Constitutional Rights.

A number of questions remain about how cases will proceed and how the military will respond to lawyers' requests to meet with detainees. So far only four have been allowed to meet attorneys, and only three prisoners have been charged.

"Whatever we're told to do we'll do," said Army Lt. Col. Leon Sumpter, a spokesman at Guantanamo. "We'll definitely get guidance on how to implement that."

Soon, the administration will also return to federal courtrooms for new arguments in the cases of two American-born terror suspects whose cases challenged the premise that the war on terrorism required a new view of civil liberties.

The high court ruled 6-3 that Louisiana-born detainee Yaser Esam Hamdi can continue to argue for his freedom in court, repudiating administration arguments that presidential say-so was enough to keep Hamdi locked up without charges or trial.

"A state of war is not a blank check for the president when it comes to the rights of the nation's citizens," Justice Sandra Day O'Connor wrote.

The court declined to rule on the merits of a third case arising from the hunt for terrorists. The court sent back to a lower court the case of Jose Padilla, a former Chicago gang member and convert to Islam being held as an enemy combatant amid allegations he sought to detonate a radiological "dirty bomb" and blow up apartment buildings in the United States.

The Bush administration contends that all the men at

issue in Monday's cases are enemy combatants, an indistinct legal term. The administration claimed enemy combatants are neither prisoners of war protected by the Geneva Conventions nor ordinary criminal suspects with automatic rights to see a lawyer and know the charges against them.

Eight justices rejected the Bush administration's treatment of Hamdi on some grounds. Only Justice Clarence Thomas, by many measures the court's staunchest conservative, found no fault with the government.

In one bright spot for the government, a majority of five justices held that the president had authority to hold Hamdi as an enemy combatant.

Hamdi was born in Louisiana in 1980, while his Saudi father worked in the oil industry there. He grew up in Saudi Arabia. Hamdi's family says he is innocent — a 20-year-old relief worker swept up in the chaos of Afghanistan in the weeks following the terrorist attack.

The Bush administration says he was fighting with a Taliban unit and carrying a gun.

Hamdi was initially shipped to Guantanamo with other so-called battlefield detainees but transferred to a Navy brig in South Carolina after authorities verified his citizenship.

Padilla, also being held at the brig, was arrested at Chicago's O'Hare International Airport as he got off a flight from Pakistan in 2002, allegedly with plans to carry out terror attacks in America.

Both men have been held more than two years and interrogated repeatedly. Until recently they were not allowed to meet with their lawyers.

The Padilla case ended Monday with what is at best an incremental victory for the government. Led by Chief Justice William H. Rehnquist, the court voted 5-4 to throw out the lower court ruling on a technicality. The court's more liberal wing dissented.

Padilla may now refile his case and challenge the government on stronger legal footing, although several lawyers said the government may choose to file criminal charges instead.

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A tangled Web we weave, when 'Scob' deceives

BY ANICK JESDANUN

AP Internet Writer

NEW YORK — A computer virus designed to steal valuable information like passwords spread Friday through a new technique that converted popular Web sites into virus transmitters.

Though the impact of the "Scob" outbreak was mild compared to recent infections like "Sasser" and "Blaster," security experts worried about its method of delivery.

With Scob, virus writers have discovered yet another way — beyond e-mail and network techniques — of distributing their malicious code.

Now that the exploit is out, it won't be long before others adapt it for spamming and for launching broad attacks to cripple the Internet, said Alfred Huger, senior director of engineering at security company Symantec Corp.

The infection, first discovered by Microsoft Corp. on Thursday, appears to take advantage of three separate flaws with Microsoft products and can be difficult to detect.

Stephen Toulouse, a security program manager at Microsoft, said software updates to fix two of them had been released in April, but the third flaw was newly discovered and had no patch available yet.

He recommended that computer owners obtain the latest security updates for Microsoft products and their anti-virus and firewall programs. For the flaw that lacks a patch, he said, users should also turn up security settings on Microsoft's Internet Explorer browsers to

the highest levels.

Users could also turn off the "JavaScript" feature on their Microsoft browsers, though doing so could cripple functions on some sites.

The virus does not affect Macintosh versions of Internet Explorer, nor does it spread through non-Microsoft browsers like Mozilla and Opera.

Users can search their computers for the files "Kk32.dll" or "Surf.dat" to see if they are infected. Removal tools are available from major anti-virus vendors.

Experts said the infection was unusually broad but wasn't substantially interfering with Internet traffic.

The U.S. Computer Emergency Readiness Team warned that any Web site, even those trusted by users, might be a vector for spreading the virus.

Security experts worked Friday to pin down how hackers managed to infect hundreds and possibly thousands of Web sites. It appears to target at least one recent

version of Microsoft software for operating Web sites, called Internet Information Server.

Hackers made subtle changes to the Web site so visitors get a piece of code that's designed to retrieve, from a Russian Web site, software that records a person's keystrokes.

The virus, however, does not attempt to spread itself, helping to limit its effect.

Web sites have been used before to spread a form of spyware called "browser hijackers." One, known as Qhosts, disables access to major search engines and resets the Internet Explorer browser home page to a little-known site.

But those typically have involved "users having been visiting shady sites," Chris Kraft, senior security analyst at Sophos Inc. Here, hackers plant the code on business, government and other everyday sites they do not normally control.

"This is kind of ingenious," Kraft said.

Canada in for a change

By The Associated Press

OTTAWA — Voters stripped the long-dominant Liberal Party of its outright control of Parliament, but left it enough seats to take charge of Canada's first minority government in 25 years.

"It's unfamiliar terrain," said Prime Minister Paul Martin, relieved at avoiding even heavier losses in Monday's election at the hands of Quebec separatists and a newly unified Conservative Party.

Tarnished by financial scandal, the Liberals lost more than 30 seats to end an 11-year monopoly on power. In nearly complete returns, they had 135 of the 308 seats in the House of Commons, compared to 99 for the Conservatives, 54 for the separatist Bloc Quebecois and 19 for the left-wing New Democratic Party.

The New Democrats, who are aligned with trade unions and advocate higher taxes on the rich, were viewed as the most likely partners for the Liberals in an informal governing coalition.

"We as Liberals have lost votes," Martin acknowledged to supporters. "The message in this regard was unmistakable — Canadians expect more from us, and as a party and a government we will do better."

As for minority government, "we are up to the challenge," said Martin, 65. "We will make it work for all Canadians."

Karzai: Kick it into gear

By The Associated Press

ISTANBUL, Turkey — Afghan President Hamid Karzai appealed Tuesday for NATO to speed up a planned expansion of its peacekeeping force in his country to protect against terrorists, private armies and drug gangs ahead of September's key elections.

"Please hurry," Karzai urged a NATO summit a day after the alliance decided to expand its peacekeeping forces in Afghanistan from 6,500 to 10,000 over the election period. Officials clarified on Tuesday that about 1,300 of those troops will be held in reserve outside the country for emergency use.

The expanded NATO forces should allow the separate, 20,000-strong U.S.-led force to intensify its focus on pursuing insurgents from the old Taliban regime and its al-Qaida allies in the troubled south and east, but it has been criticized as insufficient.

Karzai thanked the 26 NATO leaders for expanding the force.

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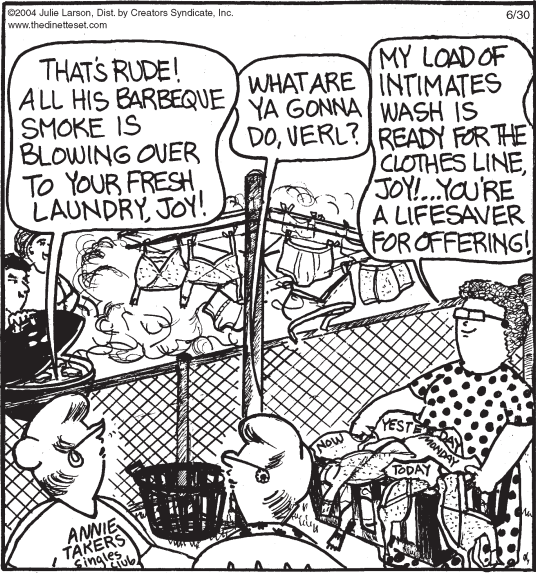
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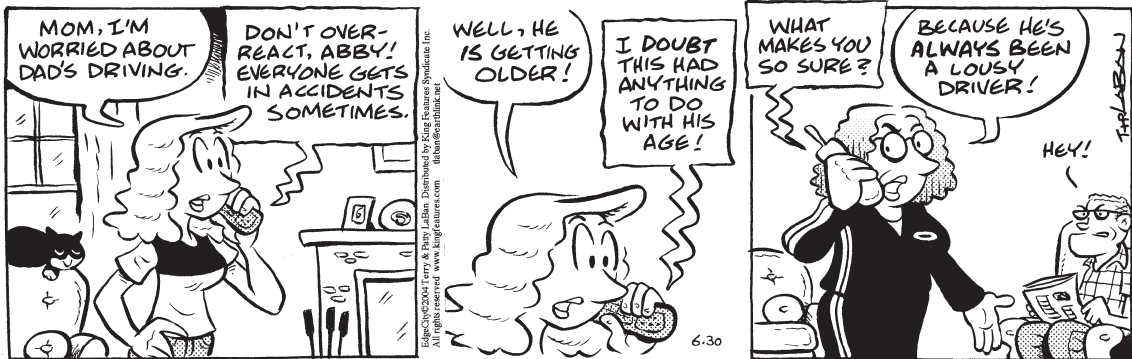


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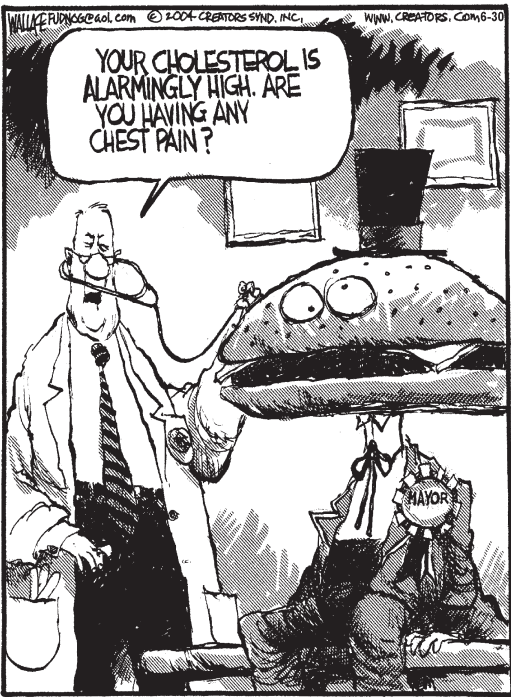
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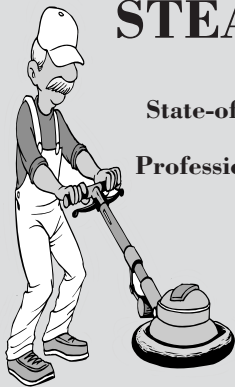
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CLASSIFIED ADVERTISING CONDITIONS :REGULAR RATE: \$2.50 a day. Ads over 15 words add 20¢ per word per day. Ad must run a minimum of twelve consecutive days. PREMIUMS: First two words caps no charge. Bold words, italics, centered lines, etc. cost extra. Please call for rates. TYPOS: Check your ad the first day of publication. Sorry, we do not issue credit after an ad has run more than once. DEADLINES: 4:00 p.m. prior the day of publication except for Monday's paper when the deadline is Friday at 4:00 p.m. PAYMENT: All private party ads must be pre-paid. We accept checks, credit cards, and of course cash. CORRESPONDENCE: To place your ad call our offices 9 a.m. to 5 p.m., Monday through Friday, (310)458-7737; send a check or money order with ad copy to The Santa Monica Daily Press, P.O. Box 1380, Santa Monica, CA 90406 or stop in at our office located at 1427 Third Street Promenade, Ste. 202. OTHER RATES: For information about the professional services directory or clas-sified display ads, please call our office at (310)458-7737.

**CLASSIFIEDS
ARE EASY!**



CALL NOW!

ALL CLASSIFIEDS \$2.50 A DAY UP TO 15 WORDS
20¢ PER WORD THEREAFTER 12 DAY MINIMUM

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Pay tribute to a loved one.

The Santa Monica Daily Press Obituaries.
Call us [310 - 458-7737]

SANTA MONICA RESIDENTS ...

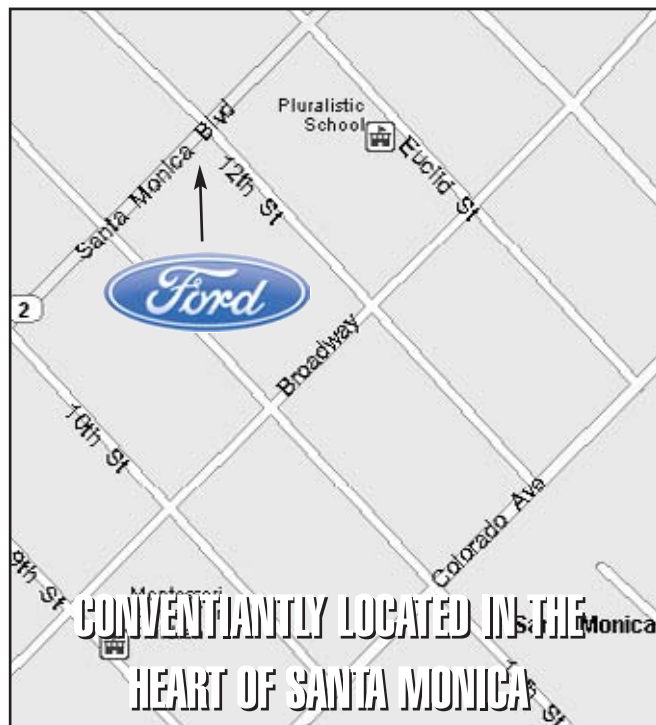
SANTA MONICA FORD IS THE

We are currently the #11 volume Ford dealership in the U.S.A. *based on a combination of retail and fleet sales and to maintain this distinction we **MUST** not lose your business.

It is imperative you contact us before you purchase that next Ford.

#1

**VOLUME FORD
DEALER IN THE U.S.A.***



☆ **FORD GT** ☆

AVAILABLE SOON AT SANTA MONICA FORD

Ask for Walt or Rob

HAVE WE GOT SERVICE DEALS FOR YOU!

Tire Rotation & Brake Inspection \$19.95

Inspect brake friction material, caliper operation, rotors, drums, hoses and connections. Inspect parking brake for damage and proper operation. Rotate and inspect four tires. Dual-rear-wheel vehicle extra. See Service Advisor for details.

Must mention this ad at time of write up. Taxes extra.
Expires 6/30/04

4-wheel alignment & Tire Inspection \$69.95

Check and adjust camber and toe. Check tread depth and condition all four tires. Additional parts and labor may be required on some vehicles. See Service Advisor for details.

Must mention this ad at time of write up. Taxes extra.
Expires 6/30/04

10% OFF SERVICE BILL

Bring this coupon to your Service Advisor and receive the above savings applied to your entire service bill, when it does not include services listed on this ad.

Must mention this ad at time of write up. Taxes extra.
Expires 6/30/04

Santa Monica Ford will meet or beat any OEM tire price

10% OFF any body repair over \$2500
10% OFF of parts purchased
from the parts dept.

2-wheel alignment & Tire Inspection \$39.95

Check and adjust camber and toe. Check tread depth and condition all four tires. Additional parts and labor may be required on some vehicles. See Service Advisor for details.

Must mention this ad at time of write up. Taxes extra.
Expires 6/30/04

Minor Service for only \$39.95

Oil Change & Oil Filter Replacement, Lube Hinges, Latches & Applicable Chassis Parts, Silicone Protection of Window Weather Strips, Check Fluid Levels & Top Off to Factory Specifications, Inspect Cooling System, Hoses & Belts, Check Running Lights for Proper Operation, Check Suspension System, Inspect Exhaust System for Corrosion, Inspect & Rotate Tires, Adjust Pressures, Multi-Point Inspection Report Card

Must mention this ad at time of write up.
Excludes diesels & HD "E" & "F" series vehicles/OP code PMinor.
Expires 6/30/04

If you purchased elsewhere ... you probably paid too much!

SANTA MONICA  **1230 Santa Monica Blvd. • 310.451-1588**