

Santa Monica Daily Press

A newspaper with issues



NEWS OF THE WEIRD BY CHUCK SHEPARD

■ In 1998, Josh Hempel, then 16, in Calgary, Alberta, became the then-latest person to be hit by lightning shortly after ending an argument by inviting God to strike him with lightning if he was wrong. (The subject of this argument was whether God exists.) He was hospitalized but recovered. And at the Bathgate Golf Club in West Lothian, Scotland, two months before that, Father Alex Davie was playing in the Clergy Golfing Society tournament when lightning struck the tip of his umbrella and then, when he sought refuge under a tree, struck that, too. He suffered a sore arm but continued his round.

■ On the morning of Nov. 11, 1997, two best friends, ages 27 and 41, residents of Whitney, Texas, about 25 miles north of Waco, did what they often enthusiastically did when they encountered each other on the empty farm roads: They drove their pickups directly at each other in a game of chicken. That morning, they collided at about 60 miles an hour. The younger man was saved by his seatbelt; the older man, unbelted, died at the scene.

TODAY IN HISTORY

ON JULY 30, 1945, during World War II, the USS Indianapolis was torpedoed by a Japanese submarine; only 316 out of 1,196 men survived the sinking and shark-infested waters.

■ In 1729, the city of Baltimore was founded.

■ In 1792, the French national anthem "La Marseillaise," by Claude Joseph Rouget de Lisle, was first sung in Paris.

■ In 1844, the New York Yacht Club was founded.

■ TEN YEARS AGO: The first U.S. troops landed in the Rwandan capital of Kigali to secure the airport for an expanded international aid effort.

THOUGHT OF THE DAY

"Innovation is mightier than the pen."

— WILLIAM RUIZ

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Landlord group to challenge rent control

BY JOHN WOOD

Daily Press Staff Writer

Propelled by two recent landlord victories in federal court, a local group plans to sue Santa Monica City Hall to have its 25-year-old rent control law invalidated.

Action Apartment Association, which members said represents some 1,000 landlords — most of

them in Santa Monica — plans to file its lawsuit sometime in the next 30 days, according to Rosario Perry, a local landlord attorney.

"Every minute of my waking hour I'm writing this lawsuit," Perry said. "Action feels that a lawsuit to declare rent control as unconstitutional would be successful in federal court."

The new lawsuit will be based

on two recent landlord victories, — one for oil companies in Hawaii, the other for landowners at mobile home parks in Cotati, Calif. Both lawsuits were based on landlord claims that rent control laws violated their constitutional rights.

Lawyers at City Hall and rent control experts said any new lawsuit is likely to fail.

"There are numerous U.S. Supreme Court and California Supreme Court (rulings) upholding rent control," said Doris Ganga, one of three lawyers at City Hall who defend its rent control law. "I don't think that the courts are going to legislate rent control out of existence. Their role is to uphold the constitution, not to be legislators — as apparently Action would like them to be."

Both of the recent landlord-friendly rulings were handed down from the Ninth Circuit Court of Appeals. The Cotati case, which was decided earlier this month, was based on landlord claims that they were essentially subsidizing their tenants, who could sell the mobile homes for more than they were worth because they were sitting on rent-controlled lots, Perry said.

Decided this past spring, the Hawaii case was based on claims from Chevron Oil Co. that its franchisees were selling gas stations for huge amounts of money because they enjoyed rent-controlled leases. Perry said the courts agreed the rent control law was a violation of landlords' Fifth Amendment rights because lawyers failed to show a countervailing benefit to the general public.

Action Apartment Association plans to raise \$100,000 to further its goal.

"We need it to pay lawyers and filing fees," Perry said. "The city's going to take a tremendous toll against us. They might hire outside counsel and they'll bury

See LANDLORDS, page 6

Timber!



Carolyn Sackariason/Daily Press

City workers and Santa Monica firefighters work to remove a tree branch on Seventh Street between Idaho and Washington avenues early Thursday. The branch snapped from a large tree, which closed the street for more than two hours. No one was injured.

Community leader's brother arrested and charged

BY JOHN WOOD

Daily Press Staff Writer

SM PIER — Prosecutors this week charged a 21-year-old Santa Monica man with allegedly attempting to rob a parking lot attendant after an outdoor evening concert here.

David de la Torre, who has pleaded not guilty to one charge of second degree attempted robbery, is the younger brother of Pico neighborhood activist and local school board member Oscar de la Torre. The younger de la Torre

"We feel confident that this will be resolved in the next few weeks."

— OSCAR DE LA TORRE

School board member and local activist

allegedly demanded money from a pier parking attendant on July 22 at about 10:40 p.m., said Santa Monica Police Department Lt. Frank Fabrega.

The attendant shut the kiosk

door and David de la Torre allegedly kicked the kiosk and threatened the attendant verbally, Fabrega said. Officers responding to the scene held multiple suspects and the attendant positively identi-

fied David de la Torre, who was booked on \$50,000 bail.

David de la Torre, who family members said recently returned from a vacation in Mexico and is a student at Santa Monica College, was released from jail Wednesday. A preliminary trial conference is set for Sept. 9, said Sandi Gibbons, a Los Angeles County District Attorney's Office spokeswoman.

In the meantime, family members maintain David de la Torre's innocence.

See ARREST, page 6

Jacquie Banks

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Just take off, Gemini

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)
★★★ Pressure builds to a new level, and you simply cannot get a consensus of opinion. Try as you might, others simply are difficult. Focus on your responsibilities — the ones that you can take care of by yourself. Don't make anything more frustrating than necessary. Tonight: A must show.

TAURUS (April 20-May 20)
★★★★ You might put your best foot forward, but others simply feel negative. Keep your own counsel if need be. Understand that it is the end of the week and maybe others are tired. Do not jump to conclusions. Tonight: The later it gets, the better it gets.

GEMINI (May 21-June 20)
★★★★ Close relating draws strong feelings and reactions. You might feel uptight about what you have to offer. Don't worry if everyone tends to be out of kilter. Relate individually to each person in your day. Excitement surrounds a relationship. Tonight: Take off for a favorite resort.

CANCER (June 21-July 22)
★★★★ Try as you might, you have a difficult time relating to others. Understandably, you might want to cocoon. Consider your options for handling those you must handle. Be a listener rather than a reactor — at least for now. Tonight: If you want, join friends.

LEO (July 23-Aug. 22)
★★★★ You'll get a lot done if you relax and just tackle one project at a time. Your biggest problem could be taking on too much all at once. Let go of negativity, and you'll find that your day passes more easily. Share a joke and lighten up the atmosphere. Tonight: Run your errands tonight so you can be free for the weekend.

VIRGO (Aug. 23-Sept. 22)
★★★★ Your ability to sleuth through problems comes out. You realize that a problem is serious, but your positive attitude makes all the difference. Your imagination and refusal to take no for an answer make you a winner. Romance heats up. Tonight: Have all the fun you deserve.

LIBRA (Sept. 23-Oct. 22)
★★★★ Don't get involved in others' issues. In fact, you might want to close the door and finish what you need to get done. A loved one could be testy for a while. If you can stay home, all the better. You will feel better. Tonight: Hang close to your pad.

SCORPIO (Oct. 23-Nov. 21)
★★★★ Say what you think, but know that someone else might find you limited in your thinking. Listen to this person rather than reject his or her ideas outright. Make an effort to return your calls and touch base with key people. Tonight: At a favorite spot.

SAGITTARIUS (Nov. 22-Dec. 21)
★★★ You might want to avoid a partner, but cannot. You find this person unusually negative. You might feel the need to separate yourself from this person, especially financially. Take stock of your personal finances. Tonight: Visit with a friend.

CAPRICORN (Dec. 22-Jan. 19)
★★★★ Though you are all smiles, someone else might not be in the same frame of mind. In fact, you might feel like your world is out of sorts. Be yourself and worry less about others. It is simply a phase. You might be more challenging than you think. Tonight: What would make the Goat happy?

AQUARIUS (Jan. 20-Feb. 18)
★★★ You might be more tired than usual. Everything feels like a problem or a burden right now. Pull back and relax. You might need to watch, observe and only do what you must. Your mood will change soon enough. Tonight: Take time for yourself.

PISCES (Feb. 19-March 20)
★★★★ Your smile and happy ways help someone who might be a bit of a Scrooge come out of his or her hole. You have the unique ability to change someone's mood no matter how stiff he or she is. Aim for what you want. Tonight: Where you are, the party is.

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LOCAL



DNC: Parties and ticket swapping continue on day 3



(Editor's note: Politics, positioning and partying is the name of the game at the Democratic National Convention this week. Santa Monica Daily Press columnist Dr. Lara Brown is spending the week in the thick of it. Here, she'll give readers on the Left Coast a taste of the Beantown scene).

BY LARA BROWN
Special to the Daily Press

WEDNESDAY'S WILD RIDE: We went to an early morning breakfast hosted by New Mexico's Attorney General Patricia Madrid, who if you haven't been watching is one of the rising stars in the

Democratic Party. It was at the Harvard Club on Commonwealth Avenue, which is appointed in exactly the way one would picture an old Bostonian private club to be decorated — antique furnishings, dark red leather chairs, worn, yet ornately woven carpets. Basically, it looked like a Ralph Lauren home furnishings catalog. After three nights of four hours of sleep, the strong coffee, scrambled eggs, piles of bacon, home-style potatoes, and fresh bagels were all welcome sights. The best part was that I had an opportunity to catch up with Arizona Attorney General Terry Goddard, who I hadn't seen in a while, and whose gubernatorial campaign I had worked on back in 1994 when I was doing a masters in political science at the University of Arizona in Tucson.

Following the breakfast, a number of us headed over to the Sheraton Hotel for a DNC Hispanic Caucus Event. It was an extraordinary lineup of speakers that included everyone from Howard Dean to Henry Cisneros. Some other VIPs in attendance and speaking were: New Mexico Attorney General Patricia Madrid, Democratic Candidate for U.S. Senate Ken Salazar (Colo.), House Democratic Whip Steny Hoyer, Al

See DNC, page 7

SM little league advances

BY RAY LONG
Special to Daily Press

The Santa Monica Little League Senior Division All-Star team will advance to the Southern California Divisional Tournament in Yucaipa on Saturday.

The winner will advance to the Western Region Tournament of the Little League Senior Division in San Juan Capistrano. The winner of the regional advances to the Little League Senior World Series in Bangor, Maine.

Santa Monica started by winning the District 25 tournament in Beverly Hills. District 25 is comprised of Westside leagues including North Venice, Beverly Hills and Playa Vista. Santa Monica won the championship game by defeating Playa Vista 13-3. This was the first Senior Division title for Santa Monica Little League since 1989.

Santa Monica then moved onto the

Section 3 tournament, which was held in Bellflower. The sections were composed of teams from Harbor City, Inglewood and Long Beach. Santa Monica won the Section 3 title game defeating Harbor City 11-0. Santa Monica was led by the strong pitching performances of Stuart Boardman, James Nedleman, Jordan Sigman and Justin Gordon-Cooper.

The team starts their quest for the Southern California Divisional title on Saturday in Yucaipa at 7 p.m. The tournament runs through the week.

The team includes Stuart Boardman, Dylan Early, Ricky Garcia, Kevin Gonzalez, Justin Gordon-Cooper, Garrett Griffin, Johnny Huerta, Brian Little, Joe McGrew, Kenny Mirch, James Nedleman, Neal Pourroy, Ryan Rodriguez and Jordan Sigman.

The team is coached by Tyrone Powell, Michael Sigman and Peter Brinkerhoff.



SURF REPORT

We will see a mix of mostly NW windswell and SSW swell. Northern LA County spots will see surf in the knee- to waist-high range, while the standouts see a few bigger sets up to chest-high on occasion. South Bay spots see mostly the NW windswell for 1-3' surf, with more consistent waist- to occasional plus-sized sets at best SSW/combo breaks in the north half of the bay. Watch for a few small tropical lines starting to filter in late in the day. Look for light and variable to light onshore winds in the morning with building W winds 8-12 knots by the afternoon.

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

Today the water is:

71°



LOW TIDES

HIGH TIDES

	Morning	Height	Evening	Height	Morning	Height	Evening	Height
SATURDAY	8:19	1.5	10:24	1.7	2:11	3.6	3:22	4.9
SUNDAY	9:07	2.0	11:49	1.0	3:56	3.2	4:15	5.3
MONDAY	10:11	2.4	N/A	N/A	6:00	3.1	5:13	5.7
TUESDAY	12:55	0.3	11:26	2.6	7:31	3.3	6:10	6.2
WEDNESDAY	1:50	-0.5	12:36	2.6	8:31	3.6	7:06	6.7
THURSDAY	2:38	-1.1	1:37	2.5	9:17	3.9	7:59	7.0
FRIDAY	3:23	-1.4	2:31	2.2	9:58	4.2	8:49	7.2

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The QLine

A Santa Monica judge recently agreed to release to the public a 914-page police report that details the events surrounding the July 16, 2003 Farmers' Market tragedy in Santa Monica.

Criminal lawyers — those who are prosecuting 87-year-old Russell Weller, who killed 10 people and injured 63 others — as well as his defense attorneys, argued the report should be sealed in an effort to give him a fair trial.

But the First Amendment won out and the judge ordered that the report be made public.

However, Weller's statements, as well as his those of his wife, remain sealed.

So this week, Q-Line wants to know, "Do you agree with the judge's decision to keep Weller's statements private? If you were a juror, would it change how you looked at the case?"

Call (31) 285-8106 with your responses by Friday at 5 p.m. We'll print them in the week-end edition. Please limit your comments to a minute or less. It might help to think first about the wording of your response.

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LETTERS TO THE EDITOR

SMC faculty leaders should go

Editor:
I don't care for the letters and opinion pieces by CSEA or the SMC faculty union. They have said some very nasty things about hard-working people, personally attacked Margaret Quiñones and Dr. Piedad Robertson, and embarrassed the union movement. CSEA and the faculty association needs new leadership.

Yolanda Martinez
Santa Monica

Citizens aren't fooled

Editor:
Dennis Frisch doesn't fool me. He asks the question: Why would the California Community College Independents pass a resolution opposing Margaret Quinones? (SMDP, July 29, page 4). For starters, you're on the board. What do you take the community for, idiots? Or how about this point: Phil Hendricks sent a letter to CSEA in Sacramento opposing her appointment (which can be found at <http://www.smc.edu/csea/Documents/Quinones%20Appointment.doc>). You say that other statewide organizations are concerned. Well, name them. I don't believe you. And spare me that State Senator John Burton hasn't moved on it. When does he ever move fast on anything?

Jan Keller
Santa Monica

City Councilman sets record straight

Editor:
I don't always respond to what is published about me, but David Pisarra's recent column (SMDP, July 27, page 5) distorted my position so much that it's necessary to clarify my thoughts for your readers.
For several decades, the residents of Santa Monica's multi-family districts have had the right to comment on the design of virtually all buildings proposed for their neighborhoods. After consideration of public input, a board of seven volunteer members with design expertise can approve the project, or order revisions to the design. This design review process has worked well and Santa Monica is better for it.
Some people, including Mr. Pisarra, argued to the council that some projects in multi-family neighborhoods should be exempt from the review process. Mr. Pisarra and the others, want a streamlined process that would have projects approved by city staff, in private, with no opportunity for public review and comment.
I respect Mr. Pisarra's position, but I disagree with it. I am strongly committed to policies that allow residents to comment on development proposed for their neighborhood as a part of the city's review process. I also believe we can shorten this review to a period of two or three weeks.
In my mind, this short delay is worth the benefit of assuring an opportunity for public comment prior to project approval.

Unfortunately, Mr. Pisarra wrote that I wanted to personally decide the aesthetics of his house and every other project. This is nonsense. The City Council is not — and would not — be involved with design review. But Mr. Pisarra's criticism notwithstanding, I am committed to ensuring that the residents of Santa Monica remain an integral part of the review of projects affecting their neighborhoods.

Ken Genser
Santa Monica City Council Member

(Editor's note: It is the policy of the Daily Press not to run letters to the editor or opinion pieces from City Council candidates leading up to November's election. However, if candidates such as Mr. Genser need to respond to direct criticism or inaccuracies, they will be given the opportunity).

Pisarra needs a new wardrobe

Editor:
I am continually appalled by the gap between the beauty of the setting of Santa Monica and the ugliness and meanness of so many of the people here. So many of them appear in your letters to the editor.
And now this brutishness is appearing in your columns.
Before I proceed, let me ask you something about Mr. David Pisarra's "Legal News and Views" column (SMDP, July 27, page 5). Why the word "legal?" It just seems like political opinion, and, in the most recent column, a particularly low and tasteless form of political argument.
I refer to his attack on Ken Genser's appearance and drawing a parallel between his appearance and his right to opine on the appearance of new buildings in the city.
"I'd like to know where a public figure who dresses the way he does," Pisarra said, is entitled to declare that the Architectural Review Board "should have the right to review a proposed home design."
To drag in Martha Stewart and suggest that she was sentenced to jail for trying to be "the arbiter of good taste and design" surely doesn't show a rigorous legal mind on the part of Mr. Pisarra, nor does it advance his argument against City Councilman Ken Genser.
Nor does his final argument that if Mr. Genser dares suggest that a board of the city dedicated to reviewing the architecture of buildings (not simply a review of their building for safety) should have the right to prevent an ugly building, then Mr. Pisarra should have the right to take over Genser's dressing — his shoes, his pants, his shirts, his health regimen, and his grooming — how he appears in the world. What he eats, who he is seen with, what car he drives, and where he shops.
Let me try to follow this: Since Mr. Genser does not dress or groom himself the way Mr. Pisarra wishes, he should shut up on even general statements about some building designs being ugly and that a City Council board should have the right to review such a building design. Does Mr. Pisarra really believe that the elected city officials and their appointed boards simply say that anything goes when it comes to appearance of buildings in the city?

See LETTERS, page 5

The verdict is in: American juries need reform



POLITIGIRL

BY BETH SOLOMON

In Washington, politics is everywhere. Living here means participating in politics, whether you like it or not. Whether you vote or not.
Jim Hayter avoided voting for three decades. But early this year, he registered. It was a casual decision, he said ñ he checked a box on his driver's license renewal form, and voila — Jim Hayter became a registered voter, prepared for one of the most contentious elections in history.
But Hayter wasn't prepared for a biblical-style flood of jury summons he would receive due to that seemingly innocent flick of the pen. In one year, Hayter has been asked to serve on three local and federal juries.
It's an untenable situation for an entrepreneur like Hayter. It's untenable for many people who have demanding careers.
"I'm so sorry that I registered to vote,"

Hayter, a former MCI executive, says ruefully. "I probably won't even vote, but I'm paying for it anyway."
The D.C. Superior and Federal courts are some of the most efficient bureaucracies operating here. So what's wrong with this picture?
The truth is, other things are amiss in the American jury selection process. Juries tend to be populated by retired and unemployed people. They usually aren't representative of the average population. Yet, the decisions they make affect us profoundly.
I sat on a jury once. It was a murder trial. Serious stuff. I honestly felt that my fellow jurors were not able to adequately sort the facts. It wasn't their fault.
But the situation, whether it's about a homicide or medical malpractice, cries out for the most competent, truly representative juries we can find.
New legislation aims to alleviate the burdens of jury service and encourage all people to serve. It's called the Jury Patriotism Act.
The legislation:
■ Allows jurors to reschedule their jury service around business and personal

commitments by providing one automatic postponement of jury service.
■ Provides greater convenience for jurors by limiting jury duty to no more than one day, unless the juror is selected to serve on a longer trial.
■ Limits the frequency upon which a citizen may be called to serve.
■ Protects small businesses by requiring courts to reschedule the service of an employee if another employee of that business is serving on a jury during the same period.
■ Provides additional compensation to jurors selected to serve on lengthy trials, thus encouraging participation by working people. A "lengthy trial fund" would provide income protection to any juror serving on a long trial who is not fully compensated by his or her employer during jury service.
The idea is to ensure that juries represent all the members of a community ñ including working people. The legislation would also limit excuses to true hardship and require everyone to serve.
"Making jury service more appealing and rewarding to citizens is so critical,"

said Kristin Armshaw, director of the Civil Justice Task Force of the American Legislative Exchange Council. "Plaintiffs and defendants in both civil and criminal cases deserve to receive a fair trial before a true jury of their peers."
In the past year, Arizona, Louisiana and Utah have enacted legislation to increase broad participation on juries. Similar legislation is pending in Vermont, Ohio and Colorado.
If we don't change the system to recruit a more representative jury pool, jury duty becomes like the draft in Vietnam. Those who can avoid it — the privileged, the wealthy, the politically connected — find a way out.
The verdict on such practices is clear — unequal participation hurts all of us. Our jury system can only achieve consistent, less arbitrary and fairer results if juries reflect a full range of knowledge and experience among jurors.
Uncle Sam ñ and the rest of us — need you.
(Beth Solomon is reachable at bethsolomon@earthlink.net.)

OPINION

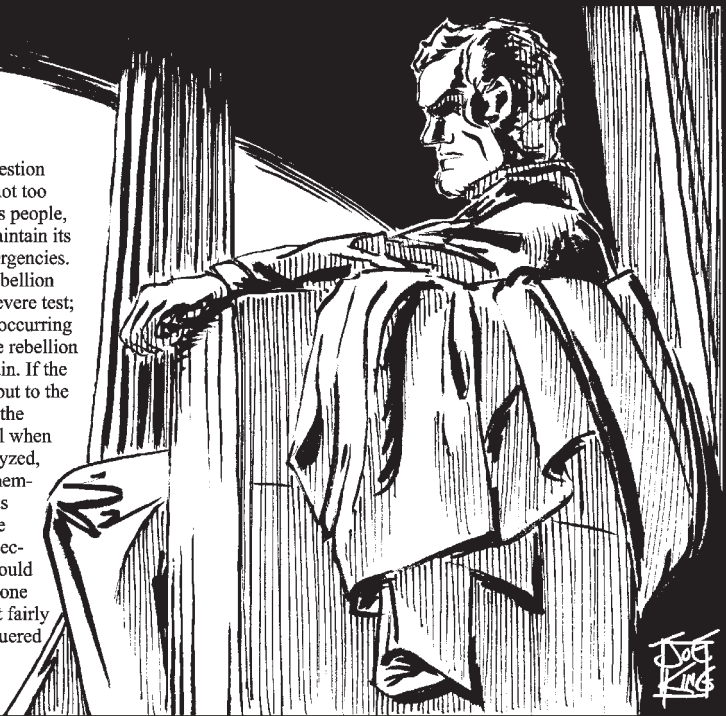


FUNNY PAPERZ

November 10, 1864

It has long been a grave question whether any government, not too strong for the liberties of its people, can be strong enough to maintain its own existence in great emergencies. On this point the present rebellion brought our republic to a severe test; and a presidential election occurring in regular course during the rebellion added not a little to the strain. If the loyal people, united, were put to the utmost of their strength by the rebellion, must they not fail when divided, and partially paralyzed, by a political war among themselves? But the election was a necessity. We cannot have free government without elections; and if the rebellion could force us to forego, or postpone a national election, it might fairly claim to have already conquered and ruined us.

-- Abraham Lincoln



Who guards the Guardsmen?

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LETTERS TO THE EDITOR

LETTERS, from page 4

Finally, the imperceptiveness of Mr. Pisarra when it comes to the difficulties faced by a significantly physically disabled person such as Mr. Genser in getting dressed and then maintaining the finery of grooming during long days should raise some red flags when it comes to Mr. Pisarra's ability to make quality judgments. As a person who is still able bodied, Mr. Pisarra should bless how quickly and easily he can slip in and out of a range of clothing designs each day and move his arms freely and without pain. Then he should spend just a little time watching how difficult it is for Mr. Genser to walk, move, or even swivel his neck. Instead of dragging Genser's appearance into an issue that has nothing to do with grooming, polished shoes or cool clothing, he should give Genser an extra portion of respect for his commitment to public service despite his physical difficulties.

How would Mr. Pisarra like it if we ridiculed his name? Well, Mr. Genser may have more difficulty in changing his appearance than Pisarra would have in changing his name.

PS. In the same issue was a "Funny Paperz" cartoon critical of another City Councilman Michael Feinstein, which was critical but right on point in that it humorously pointed out how Feinstein was avoiding the central issue of his honesty — a valid public concern about any public official — by focusing on his commitment to grassroots campaigning. The cartoonist was pointing out the irrelevance of Feinstein's responses. His glad handing of voters has nothing to do with whether he can be trusted with money. On the other hand, the political columnist Pisarra was committing an irrelevancy against a public figure: Genser's dress and grooming disqualifies him from exercising aesthetic judgment on architecture or advocating that an architectural board exercise such judgment and the power to prevent gross building designs.

Bill Bolt
Santa Monica

It's the state's fault

Editor:

I'm disappointed with Leroy Lauer (SMDP, July 29, page 4) and his comment that: "The classified staff is aware of the state funding problems." The state funds SMC, so you better be more than "aware." You must focus your energies on addressing that sole issue, which I think is the fault of the SMC unions. They go after everyone except the people who they should be attacking, the state of California.

Bill Yates
Santa Monica

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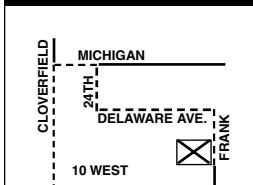
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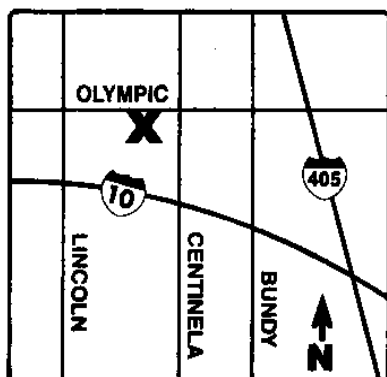
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Landlord lawsuit could benefit SMRR group

LANDLORDS, from page 1

us with pleadings, fights, motions to strike and discovery. They'll do everything they can to throw us out of court."

There are some 30,800 rent-controlled units in Santa Monica, said Tracy Condon, a spokeswoman for the Rent Control Board. Despite being targeted in the legislation, leaders of the rent control movement may benefit from any fallout it causes in Santa Monica.

Denny Zane, co-chair of the powerful Santa Monicans for Renters Rights group, which long has controlled the majority on the City Council, said the lawsuit under-

scores how crucial it is to have elected leaders that back rent control. SMRR on Sunday will pick candidates to endorse in the November election.

"It just shows the importance of political vigilance to protect rent control," Zane said. "It certainly highlights the importance of political success in both the Rent Control Board and the City Council ... When you're challenged in court, you have to have elected officials who are prepared to fight back."

Asked what Santa Monica would look like without rent control, Zane replied, "It would be a forced evacuation, that would be a social calamity. The perfect triumph of greed."

Arrest not connected to youth center, de la Torre says

ARREST, from page 1

"This is totally out of character for David," Oscar de la Torre said Thursday. "The fact remains that no money was taken, no force was used, no violence occurred and this is a huge misunderstanding. We feel confident that this will be resolved in the next few weeks."

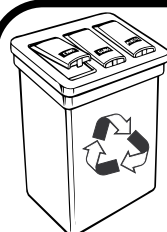
After refusing to comment for two days, Oscar de la Torre, who heads the Pico Youth and Family Center, on Thursday denied reports the youth center had organized an outing to see Quetzal, a popular Chicano band that played until nearly 10 p.m. the night of David de la Torre's arrest. The Pico center receives nearly \$300,000 a year from City Hall and often takes field trips to the pier.

"The PYFC had no official outing or field trip whatsoever," Oscar de la Torre said. "The arrest is unrelated to any program or service that the Pico Youth and Family Center offers."

"We are in the business of helping young people make wise decisions," he added. "Our job is extremely difficult, considering the fact that we work with low-income families who cannot afford legal representation, and therefore justice, when incidents such as these occur."

Officials from City Hall said they didn't track the center's events closely enough to know whether or not the group was on the pier last Thursday. It likely wouldn't have jeopardized funding anyway, they added, because of the difficult nature of the center's work.

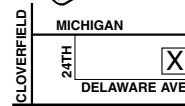
"They're working specifically with an at-risk population, so I think it's likely they're working with a population that's been involved with the police in the past," said Tracy Scruggs, City Hall's supervisor of human services. "They're trying to get youth engaged in these activities. They try to do fun things as well — do fun things instead of hanging out in streets."



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Edwards wows Democrats, movers and shakers

DNC, from page 3

Ybarra, and Dolores Huerta.

The afternoon involved credential and ticket chaos. All of the Edwards's supporters were dying to (a) get in the hall, get on the floor, or get in a suite to view his speech at the Fleet Center, and (b) get tickets for the late night event at Wang Theater with John Mellencamp and John Edwards himself, while all the Kerry folks were trying to get tickets for the Red Hot Chili Peppers concert, which started at 9 p.m. and went until midnight. As a result of the scheduling conflict between events, a significant amount of trading occurred between the two camps. Who says we are not united? Everyone seemed to be cooperating just fine, despite the inevitable logistical headaches that accompany so many pass swaps.

We arrived at Fleet by 5 p.m., hungry and uncertain about where would be the

"best" viewing of the speech. Should we go to the floor? Should we stay in the suite? Should we go to the Premium Club Banners (where I watched Monday night's line-up)? A few of us were certain that after the lock-down on Tuesday, there was no doubt that lock-downs would occur on Wednesday, so we all knew we had to make our decisions early on. By 7 p.m., our fates were decided. I stayed in the suite and persuaded a friend to go for a pizza run (yes, we ate more of that bad cheese pizza). My roommate and fellow Edwards's delegate, Sonia Lopes, who has had the privilege of being on stage every night from 6 p.m. to 8:30 p.m., knew she would likely not be able to get back up to the suite afterwards, so she would head to the floor, and we would reconvene after we go to Wang's. She also knew that after his speech she would have to vote (for Kerry's nomination), whereas, since I serve on the Platform

Committee, we have already performed our work for the Convention.

Decisions made, we split up. By 9 p.m., the hall was getting hot and the energy of the crowd was building. By the time John Mellencamp played, the place was rocking. Then Edwards came on and there wasn't a dry eye in the arena.

I was especially thrilled with my decision to stay in the suite because in the suite next to me were all the cool people — Senator Hillary Clinton, Norman Lear, Larry David, John Cusack, Ben Affleck, and Leonardo DiCaprio. They all seemed to enjoy the speech, but I was a bit surprised at how unanimated each of them were during the night's program. They were all so serious and very intense. Granted everyone was watching them and a lot of folks (including the media) were "zooming in" and taking pictures, but still I kept thinking are they enjoying themselves at all?

I say this only because I was with a number of trial attorneys who, like me, had been on the road with "Johnny Reid" since long before Iowa, and we were all laughing and crying and clapping, in general, whooping it up in response to Edwards's speech. I thought to myself more than once as I watched the dynamic occurring, how awful not to get to be a person, but to only get to be a celebrity.

Late night at Wang's, we were all exhausted. We had worked so hard to get tickets for the event and had expended so much energy at Fleet that by the time Edwards finished speaking at Wang's (which was about 1 a.m.), we were all dead tired — looking for the few sparse chairs that were around. Nevertheless, John Mellencamp gave a rousing performance, Edwards was once again fantastic, and the band that played in the cellar was pumping. We partied late into the night and finally made our way back to the hotel around 2:30 a.m.

Assembly approves state budget, sending it to Senate

TOM CHORNEAU

Associated Press Writer

SACRAMENTO — After surviving a partisan skirmish in the Assembly, California's \$105 billion state budget has one more hurdle before going to Gov. Arnold Schwarzenegger for his signature.

The budget, which languished for several hours when three bills needed to implement the budget struggled to attract necessary votes, ultimately passed the Assembly on a 69-11 vote Wednesday night.

The budget bill and 21 trailer laws now goes to the Senate, which is expected to approve it Thursday. If so, Schwarzenegger is scheduled to sign it Saturday.

The budget protects most of the state's key programs including education, public health and local government services, but it also relies on billions in borrowing and one-time savings that may increase the state's future spending imbalance.

"We need to keep in mind that this is in fact, not going to fix the systemic problems of the state of California," said Assemblyman Rick Keene, R-Chico. "This is the beginning."

While the budget plan was crafted and endorsed by party leaders and Schwarzenegger after a rough month-long standoff, the package appeared to hit a major snag during debate in the Legislature's lower house.

Three bills caused the impasse — one that eliminates an income tax break for school teachers and would also close a tax loophole for buyers of luxury yachts, another that imposes new environmental controls and on that suspends a voter requirement next year that sales taxes on motor vehicle fuel be used for transportation programs. All three failed to get the necessary two-thirds majority for passage and thus held up the budget itself.

Republicans and Democrats exchanged accusations over which party was to blame for the hang-up. Even the governor himself was drawn into the dispute. Eventually the issue was resolved after minor changes were made to each of the bills.

Both sides said that overall the budget represents a good compromise between the often fighting parties.

"There are elements that each of us like and elements that we don't like," said Assemblyman Darrell Steinberg, D-Sacramento. "It maintains critical investments in educa-

tion, higher education, social services and transportation."

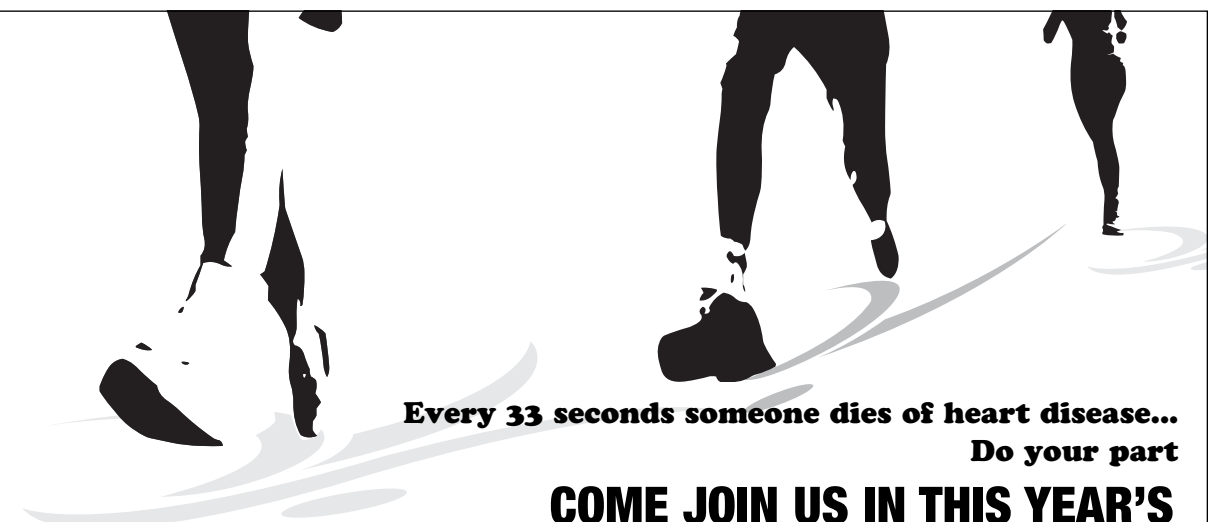
The governor invested himself deeply in the budget process and may have lost some of his political luster after the bruising fight.

Almost one month late, the budget comes after difficult negotiations between Schwarzenegger, the Legislature's Democratic majority, Republican legislators and local government officials who objected to losing a chunk of their share of state money. After talks stalled, Schwarzenegger revved up his campaign machine, which angered Democrats, particularly when he called them "girlie men" slavishly following special interests.

After promising voters during last year's recall campaign that he would cut spending, he backed away from many of the cuts he first proposed in January, which would have hit public health and welfare programs.

He also agreed to lift an enrollment cap at state universities, to drop a proposal to slash wages of home health care workers and to provide a cost-of-living increase for welfare recipients.

But supporters said the budget closes a deficit estimated in January at \$17 billion without raising taxes. Steinberg said it includes almost \$5 billion in spending cuts.



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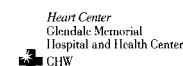
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Entertainment

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Starring: Halle Berry, Benjamin Bratt

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Starring: Will Smith, Bridget Moynahan

THE DOOR IN THE FLOOR
Combines the whimsy of "The World According To Garp" with the profundity of "The Cider House Rules." An amply-layered study of relationships and how they form and come apart.
Starring: Kim Basinger, Jeff Bridges

A CINDERELLA STORY
A rapid collection of clichés and stereotypes that have already been exhausted in at least three other teen-girl-in-turmoil films this year.
Starring: Hilary Duff

METALLICA: SOME KIND OF MONSTER
Head-bangers with feelings. We knew they had them, and now they're accessible and cleverly juxtaposed.
Starring: Metallica

MARIA FULL OF GRACE
It's easy to see why this gut-wrenching film won the Dramatic Audience Award at the 2004 Sundance Film Festival.
Starring: Catalina Sandino Moreno

ANCHORMAN
Ron Burgundy is Will Ferrell's most side-splitting character to date.
Starring: Will Ferrell, Christina Applegate

RIDING GIANTS
There's plenty here to capture the imagination of damn near anyone with the slightest sense of adventure. An entertaining and highly informative tutorial on the history of big-wave surfing.
Starring: Laird Hamilton, Greg Noll

KING ARTHUR
Nothing but another bromidic sword-fighting flick. A hocus-pocus-less downer from the Jerry Bruckheimer factory.
Starring: Keira Knightley, Clive Owen

‘Garden State’ a decent summer diversion

BY DAN DUNN
Special to the Daily Press

"I wanted to make a smart love story for young people, and I wanted to make a movie that got across the genuine feeling of what it's like to come home," said writer-director Zach Braff of his funny and heartfelt feature debut, "Garden State." Had he the chutzpah to add something about wanting to make a movie that deserves serious consideration come award-season (at the very least, in the best screenplay category), well, I'd enthusiastically report that Braff has hit a triple. Hell, give 'em an extra base and make it a home run. Don't let the sports metaphor throw you off, however, as this is a movie about a young man who, when we meet him, isn't game for very much.

Andrew Largeman (Braff, star of the NBC sitcom "Scrubs") is a television actor ensconced somewhere near the bottom of Hollywood's D-list. Thanks to a lithium dependency that dates back to his pre-pubescence, the 26-year-old New Jersey native is insentient almost to the point of nihilism. After the death of his mother brings him back to the Garden State for the first time in nine years, Large — with the help of a free-spirited young woman named Sam (Natalie Portman) and a former high school acquaintance turned burnt-out gravedigger (Peter Sarsgaard) — kicks the pill habit and uncorks the bottle that had held his emotions for so long. His reawakening leads to a long-overdue confrontation with his glacial psychiatrist father (Ian Holm) and to the realization that, axioms be damned, you really *can* go home again. Quirky, with pitch-perfect performances from a fantastic young cast and a soundtrack that melds contemporary and classic cool (Nick Drake, The Shins, Remy Zero), "Garden State" feels much like a Wes Anderson film ... with a little Ted Demme thrown in for good measure. It's certainly a welcome diversion from all that cacophonous summer noise at the multiplex.

(Rated R for language, drug use and a scene of sexuality. Running time: 109 minutes)

‘Manchurian Candidate’ cast makes film stellar

BY DAN DUNN
Special to the Daily Press

The fact that this is a remake of a film released 42 years ago probably won't matter much to modern audiences. What will be relevant, however, is that on the heels of an awful remake of "Charade" (renamed "The Truth About Charlie") Academy Award-winning director Jonathan Demme returns to "Silence of the Lambs"-type form. Working from a highly involved script by Daniel Pyne and Dean Georgaris (adapted from Richard Condon's classic book), with a stellar cast that includes Denzel Washington, Meryl Streep and Jon Voight — who count five gold statuettes between them — Demme takes us on an suspenseful journey rife with intrigue and fueled by paranoia.

When we meet U.S. Army Captain Bennett Marco (Washington, handling the heavy lifting with natural ease), he's leading his platoon on a routine reconnaissance mission in Kuwait, circa Desert Storm. During an ambush, Marco is knocked unconscious, and later recalls that his unit — with the exception of two casualties — was single-handedly saved by one of his soldiers, Sergeant Raymond Shaw (Liev Schreiber), a member of one of America's most influential political families. Back in the present, Marco is recounting Shaw's Medal of Honor-winning heroics to a Boy Scout troop when he's approached by another former member of his platoon, Al Melvin (Jeffrey Wright). Melvin's been having strange dreams suggesting that per-

Review



haps Shaw's rescue in the desert didn't go down as widely reported. Marco's been having similar dreams — about he and his men wired to strange machines, being probed and prodded by a sinister scientist. After Melvin turns up dead, and Shaw becomes a vice-presidential nominee on the strength of his war record, Marco decides to confront him with a bizarre brainwashing theory. Little does Marco know, he is about to be ambushed again.

Streep exudes iciness as Shaw's domineering mother, Senator Eleanor "Ellie" Shaw, a Beltway power-player who will stop at nothing to get her son into the White House. Voight, as a good-guy Senator squeezed out of the VP nomination, is equally up to task. A tense score from Rachel Portman and Wyclef Jean, along with Hitchcock-esque visuals courtesy of longtime Demme DP, Tak Fujimoto, combine to enhance the uneasy sensation that hangs over this film from beginning to end.

(Rated R for violence and some language. Running time: 130 minutes)

Howard ready to shed light on ‘The Village’ ending

BY DAN DUNN
Special to the Daily Press

She's been on the periphery of fame all her life, but now the spotlight is shining brightly on 22-year-old Bryce Dallas Howard. The daughter of Hollywood icon Ron Howard, Bryce cut her acting teeth in New York

Q&A

City — first at NYU's prestigious Tisch School of the Arts, then in several well-received off-Broadway plays. After catching her performance as Rosalind in the Public Theater's production of "As You Like It," director M. Night Shyamalan was moved to offer her the lead role in "The Village" without even so much as a screen test. Yes, she's that good. And if there's a more genial, erudite young actress working in film today, we've yet to meet her. The following are highlights from a recent press conference Bryce participated in to promote "The Village" and her stellar film debut as the film's visually-impaired heroine, Ivy Walker.

QUESTION: You attended a 19th Century "boot camp" prior to shooting "The Village." What did you learn from that experience?

BRYCE DALLAS HOWARD: I learned that you become extremely filthy after seven days without showering. Mostly, I just bonded with the cast, and we got to see different sides of each other.

Q: You're very convincing as a blind woman. What sort of preparation did you do?

BDH: I went to a place called the Lighthouse in New York City, and they really instructed me on what I would have to do as a sighted person to have any understanding

of what it would be like to be blind. I've tried my best, but I will never truly know what it is like to be blind because I always had the option to remove the blindfold.

Q: Describe what it was like with the blindfold on.

BDH: I spent a large portion of every day blindfolded. After 90 minutes of wearing a blindfold, your brain starts rewiring itself, essentially, and your other senses become heightened. It was extraordinary what I learned about myself and my own body while doing this.

Q: Were you frightened?

BDH: Eventually I tried to venture out into the woods blindfolded, which was terrifying. My two biggest fears, ironically, are darkness and being alone in the woods. My imagination can really get to me in those states, and they certainly did. But I felt like I would have been a phony if I didn't confront my own fears.

Q: How difficult has it been to keep mum about the film's surprise ending?

BDH: Good lord, it's difficult. I'm pretty good at keeping secrets, but this has been strenuous and quite grueling to keep this locked away in my brain. I'm so relieved that on July 30 I'm going to finally be able to release my sweet little secret that I've been keeping for over a year now.

Q: When you were a kid, how aware were you of your father's prominence?

BDH: It's like when a child is asked, "What does your daddy do?" and they say "I don't know, he works in an office." I had sort of similar situation. I knew that he went to a set and that he worked with his friends — I thought they were just his friends because he worked with the same crew over and over again — but I really didn't know the details of what he was doing, honestly.

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ENTERTAINMENT

'Harold & Kumar' is funny, stoned or not

BY DAN DUNN

Special to the Daily Press

Those expecting this to be another half-baked comedy (and I'll admit that I was), may be surprised to learn that "Harold & Kumar Go To White Castle" — with its fully-baked titular characters — is hands-down the funniest film of the summer. Well-deserved kudos to director Danny Leiner ("Dude, Where's My Car?") for entrusting the lead roles to — as the film's trailer boasts — "that Indian guy from 'Van Wilder'" (Kal Penn) and "that Asian guy from 'American Pie'" (John Cho), but what's most impressive about "Harold & Kumar" isn't its multi-ethnic cast, but its relentless sense of humor. Sure, it's a stoner flick

at heart, and one that deserves mention alongside classics such as "Up In Smoke" and "Bill & Ted's Excellent Adventure," but even those who've never inhaled will find plenty to laugh at from start to finish.

The plot is succinctly summed up in the title: Harold Lee (Cho) is an overworked investment banker and a pushover. His roommate, Kumar Patel (Penn), is a diehard slacker doing everything in his power to piss off his parents and avoid an inevitable stint in medical school. After many bong hits at their Hoboken pad, the duo is overcome (thanks to a commercial featuring mouth-watering White Castle hamburgers) by a mean case of the munchies and set out into the night, determined to satisfy their jonze. Their quest down the New Jersey Parkway becomes an all-nighter, and along the way Harold and Kumar

encounter racist cops, an escaped cheetah, a marauding group of extreme-sports punks and, hilariously, Neil Patrick Harris of "Doogie Howser, M.D." fame — playing himself as a drugged-out sex freak. The screenplay by newbies Jon Hurwitz & Hayden Schlossberg, while unabashedly bawdy, consistently eschews the genre's predictable gags (such as painting the stoners as inarticulate doofuses) and offers refreshingly well-rounded characters in clever scenarios. Cho and Penn are funny and lifelike, and get solid support from Eddy Kaye Thomas, Christopher Meloni and Fred Willard. Jamie Kennedy's brief cameo appearance is uproarious.

(Rated R for strong language, sexual content, drug use and some crude humor. Running time: 87 minutes)

Natalie Portman engages herself in 'Garden State'

BY DAN DUNN

Special to the Daily Press

Though she's just 23 years old, it seems like Natalie Portman has been around for ages. In actuality it's been 10 years since the always-in-demand actress made her film debut in "The Professional," followed by a string of critical and commercial successes that includes "Beautiful Girls," three "Star Wars" prequels and "Cold Mountain." Between acting gigs, Portman found time to earn a degree in psychology from Harvard University. The brainy beauty's latest film, "Garden State," is an engaging romantic comedy that co-stars Zach Braff and Peter Sarsgaard.

QUESTION: What's usually the first indication that a role is right for you?

Natalie Portman: I can always tell when I'm reading a script that if I start saying the lines out loud as I'm reading it, that it's something I'm excited to do.

Q: Your "Garden State" co-star, Zach Braff, also wrote and directed the film. How would you rate him as a triple threat?

NP: He was great — so confident and relaxed, especially for being a first-time director. He really moved fluidly between the roles of writer, director and star of the film.

Q: You went from doing a huge film — "Star Wars, Episode 3" — to a little indepen-



dent that was shot on a shoestring budget in less than a month. Was it a hard adjustment to make?

NP: On a big film, they've got enough time and money to take lots of time to set up a shot. So as an actor you wind up spending two hours in your trailer looking up at the ceiling. A lot of energy drains out during those times. One of the biggest challenges on big films is to keep yourself stimulated and involved while you

wait. Smaller films, like ("Garden State"), you've just got to keep shooting. There's so much energy, and you can feel it in the film.

Q: The scene in which you meet Zach's character calls for him to have his leg "violated" by a horny German shepherd. Must have been a lot of fun shooting that one, eh?

NP: The dog had a two-part cue for humping: The mounting cue was "Love him up." So the trainer would go, "Ice" — that's the dog's name — "love him up, love him up." And the gyration cue was "Who's your bitch?" So we kept losing it while Zach was getting, like, raped by this dog. It was the funniest thing.

Q: How have you applied things you learned in college to your career?

NP: To study psychology, which is learning about people, was really a great way to grow up and understand the world a little better, and to understand myself a little better. And as an actor, obviously there was much to learn — from so-called "normal behavior" to the deviations from that, which is what a lot of movies are about. When I'm working I always remember little weird tidbits from classes that help inform the characters.

Q: What's the best part about being an actress?

NP: The thing I like most about this job is that I get to practice empathy. It's practicing looking at someone else and saying, "What is your life like?" and "How do you feel?" It's sort of the antithesis of what celebrity is like, too. Acting and celebrity are total opposites.

'The Village' ending not worth enduring 2 hours of watching

BY DAN DUNN

Special to the Daily Press

As we've come to expect from M. Night Shymalan, there's a surprise ending to "The Village," Night's gloomy saga of a 19th Century hamlet whose superstitious inhabitants live in constant fear of flesh-eating monsters that purportedly lurk in the surrounding woods. The studio has strongly urged critics not to reveal anything that might spoil the denouement. I'll admit I wrestled with the dilemma of whether telling readers that the final act shocker isn't worth enduring the rest of the film for it amounts to a betrayal of trust. But if a guy's

got the arrogance to drag us through two hours of dreck for the sole purpose of springing a cheap trick just as our eyelids are about to finally cave under the weight of abject boredom, well, that guy — Shymalan — needs to be called out on it. So that's what I'm here to do. And it's oh so disappointing, as I — like so many of you — had high hopes for this one, certain that "Unbreakable" and "Signs" were merely an extended sophomore jinx and not a true measure of Night's filmmaking ability. Now, it seems, the brilliant "The Sixth Sense" may have been an aberration.

On the bright side, a star is born in "The Village." Bryce Dallas Howard, daughter of director Ron, flaunts her impressive pedigree

as a fearless young blind woman who risks everything for love — which comes to her in the form of a reticent blacksmith named Lucius Hunt (Joaquin Phoenix). William Hurt and Sigourney Weaver chew up the authentic-looking scenery as two of town's mysterious tribal elders, while a histrionic Adrien Brody — as the village idiot — does a really bad impression of Leonard DiCaprio in "What's Eating Gilbert Grape?" Apparently Brody caught the same acting bug that plagued Halle Berry in "Catwoman" (that's what they get for kissing on the lips at the Oscars!)

(Rated PG-13 for a scene of violence and frightening situations.)

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STATE

Torture memo writer described as ‘not dogmatic’

BY DAVID KRAVETS
Associated Press Writer

SAN FRANCISCO — Jay S. Bybee, the federal judge and former Bush administration lawyer who advised the White House that torturing al-Qaida captives “may be justified” in the war on terror, has added a new flavor to an appeals court many consider the nation’s

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A review of the 28 precedent-setting decisions Bybee has participated in on the 9th U.S. Circuit Court of Appeals shows he regularly sides with the government’s position, especially in criminal cases involving criminal appeals.

However, he has sided with defendants in some cases — dismissing the drug importation conviction of a boater caught with 1,500 pounds of marijuana because he was n’t read his Miranda rights, for example. And when it comes to business interests, the environment and immigration, Bybee’s record is mixed.

“He’s not dogmatic,” said Frederick Gedicks, a close friend of Bybee’s who teaches law at Brigham Young University. “He’s very careful. He’s very open to opposing points of view.”

Bybee’s judicial temperament has been overshadowed by the June disclosure of the internal White House torture memo he signed as chief of the Justice Department’s Office of Legal Counsel two years ago, at a time when the Bush administration felt tremendous pressure to get better intelligence in the terror war.

The 50-page memo said international laws against torture “may be unconstitutional if applied to interrogations” conducted during terrorism investigations of overseas captives, and defined torture as “equivalent in intensity to the pain accompanying serious physical injury, such as organ failure, impairment of bodily function, or even death.”

That definition is much less restrictive than the definition of torture barred by the Geneva Conventions and U.S. military law, and sparked speculation that such thinking in the Bush administration’s upper echelon cemented a foundation for the prison abuse scandals in Iraq and Afghanistan. When The Washington Post disclosed the memo, the Bush administration subsequently repudiated it.

Some senators are enraged that the White House did not disclose the memo before Bybee was confirmed in March 2003 on a 74-19 vote, and that his nomination most likely would have gone nowhere had they known about it.

“If his nomination were up today, knowing now what we weren’t permitted to know then, the Senate — this senator included — might not be so willing to give him the same benefit of the doubt for this lifetime appointment,” said Sen. Patrick Leahy of Vermont, the senior Democrat on the Judiciary Committee.

Aides to Senate Democrats said privately that the Bybee affair has made their bosses even more cautious about Bush’s judicial picks, which may explain the continued filibuster against a handful of Bush nominees that the Senate’s Republican leadership has tried to push through.

Bybee, 50, also has been cautious. He has not spoken to reporters since the memo’s disclosure, and declined an interview request for this story.

A Mormon who studied economics and law at Brigham Young, Bybee taught law at the University of Nevada before joining the Justice Department. Born in Oakland, he now lives in Las Vegas where he keeps his chambers.

For all of Bybee’s detractors, he has many supporters,

including former law school colleagues and high-ranking senators like Orrin Hatch, the Utah Republican who chairs the Senate Judiciary Committee.

“Senator Hatch feels that Bybee is an outstanding lawyer and is doing an outstanding job as a judge,” said Hatch spokeswoman Margarita Tapia.

The 9th Circuit is the nation’s largest appeals court. Despite the San Francisco-based court’s reputation for liberal rulings — such as overturning the Pledge of Allegiance because of the words “under God” — the court includes proven conservative thinkers among its 47 judges, whose rulings cover the nine western states of Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon and Washington.

Legal scholars suggest the best way to measure a junior judge on the 9th Circuit is to look where he stands on cases decided with 11 judges, a so-called “en banc” panel that sometimes reviews the circuit’s opinions generated by three judges.

Bybee was in the minority in one such case, when the seven-judge majority spared a California death row inmate hours before his execution in January. The majority said unresolved questions about DNA demanded further court proceedings, a decision the Supreme Court declined to review.

Bybee said the condemned inmate, Kevin Cooper, had failed to demonstrate his innocence to the extent required under a 1996 law intended to expedite death penalty cases. “He has not met this burden,” Bybee said, joining a dissent by Judge Richard Tallman, a Clinton appointee.

Bybee’s decisions, when viewed together, suggest he’s not as extreme as some say.

For example, he dismissed a lawsuit seeking to protect bald eagles in Montana, and yet, in one of the few precedent-setting decisions he has written, he ruled against giving the city of Phoenix more time to comply with air pollution rules. He denied asylum to a Sikh from India who said he was repeatedly arrested for his political opinions, and yet ordered the government to reconsider its denial of asylum for a political prisoner whose life was threatened in a Congolese jail.

And while he showed no sympathy for Cooper, he joined an opinion in December ordering a lower court to determine whether another California death row inmate had adequate legal counsel at trial.

Some say he has been wrongly vilified.

“Bybee is a fair guy,” said James Comey, the No. 2 at the Justice Department under Attorney General John Ashcroft. “It would be unfair for people to be tough on a lawyer writing a legal opinion.”

Comey also said that the government never used the memo to justify torture — that it merely concerned “theoretical issues” and is “in the process of being redrawn.”

Gedicks noted that the memo his former economics classmate signed was written at the request of the CIA, which asked how aggressively it could interrogate terror suspects in the wake of the terror attacks.

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INTERNATIONAL



Iraqi national conference postponed for two weeks

BY SABAH JERGES

Associated Press Writer

BAQOUBA, Iraq — A national conference considered a crucial first step in the country's fledgling move toward democracy was postponed for two weeks, an organizer said Thursday, a day after a massive car bombing that killed 70 people.

The conference had been due to start Saturday. But it has been plagued by difficulties before it even began.

Key political groups have been promising to boycott, leaders in ethnically diverse areas have been unable to agree on delegates to send.

Abdul Halim al-Ruhaimi, one of the organizers, said that after U.N. requests, the Iraqis agreed to a postponement until mid-August to give officials time to speak with groups that had been reluctant to attend.

U.N. officials told The Associated Press they had repeatedly called on organizers to delay the conference for as long as a month to encourage wider participation and ensure it was properly prepared.

Al-Ruhaimi denied the suicide attack had any role in the decision to postpone the conference, which is to select a national assembly that will have some semi-parliamentary powers.

The delay highlighted how Iraq's new government has struggled to get momentum in the democratic process even as violence has shown no sign of easing.

An American soldier was killed Thursday in clashes between U.S. forces and insurgents in Hawija, a town about 150 miles north of the Iraqi capital, the military said. Two U.S. Marines were killed in clashes a day earlier in Iraq's western Anbar province. The deaths brought to at least 909 the number of U.S. personnel killed in Iraq since the war began.

The insurgent group of Jordanian militant Abu Musab al-Zarqawi kidnapped the Somali truck driver and threat-

ened to behead him in 48 hours if his Kuwaiti company doesn't stop working in Iraq, according to a videotape aired Thursday. The new abduction came a day after another militant group announced it had killed two Pakistani hostages.

Another militant group that kidnapped seven foreign truck drivers said Thursday it would kill one of the hostages within 24 hours if its demands were not met, according to a video shown on Al-Arabiya television.

The group, calling itself "The Holders of the Black Banner," is holding three Kenyans, three Indians and an Egyptian and would begin beheading them last Saturday if the truck drivers' Kuwaiti employer did not cease business in Iraq and the hostages' countries did not withdraw all their citizens from Iraq.

Iraqi health officials, meanwhile, raised the death toll by two to 70 from Wednesday's suicide car blast, which devastated a busy, shop-filled street Wednesday in Baqouba. The bomb targeted Iraqi men waiting outside a police station to sign up for the force.

Also Thursday, an Iraqi official told Al-Jazeera television that deposed dictator Saddam Hussein suffers from a chronic prostate infection and has refused to have a biopsy to prove he does not have cancer. X-rays and blood tests did not show anything more serious than the prostate infection and the 67-year-old Saddam seemed to be in good health otherwise, despite rumors to the contrary, Iraqi Human Rights Minister Bakhtiar Amin said.

A Polish soldier was killed and six wounded when a series of roadside bombs set off by remote control went off Thursday and showered their patrol with shrapnel on a road south of Baghdad, the Polish Defense Ministry said.

Poland sent troops in support of the U.S.-led invasion of Iraq and now commands some 6,200 forces from 16 countries in south-central Iraq, including 2,400 of its own.

Iraqi Prime Minister Ayad Allawi said Thursday that Muslim must close ranks against "those gangs, those terrorists and those criminals" who he said are threatening the Arab world. He said that if the 15-month old insurgency in Iraq prevails, countries such as Saudi Arabia, Syria and Lebanon would not be safe.

With Secretary of State Colin Powell standing at his side during talks in the Saudi city of Jidda, Allawi voiced support for a Saudi-led initiative under which Muslim countries would be encouraged to contribute to a new force that would try to bring stability to Iraq.

"The leaders of this region must unify and must stand as one group," Allawi told a news conference.

Ukraine is planning to reduce and eventually pull out its 1,650 troops from Iraq.

The war has long been unpopular in Ukraine, and the government faces upcoming elections. The soldiers' mandate was up for renewal in August, and President Leonid Kuchma had previously suggested that they would remain.

A Defense Ministry spokesman, Vyacheslav Bolotniuk, said Ukraine is negotiating its plans with the United States and Poland, but he gave no timeline, saying only, "There will be a decrease of troops."

News of the latest hostage drama in Iraq followed Wednesday's announcement by a militant group calling itself the Islamic Army in Iraq that it had killed two Pakistani hostages because Pakistan was considering sending troops to the region.

Pakistan's leaders and parliament on Thursday condemned the apparent killings, while the slain men's grieving families pleaded with their killers to release the bodies for proper burial.

"Those who have committed this crime have caused the greatest harm both to humanity and Islam," Pakistani President Gen. Pervez Musharraf said Thursday.

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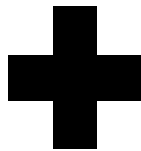
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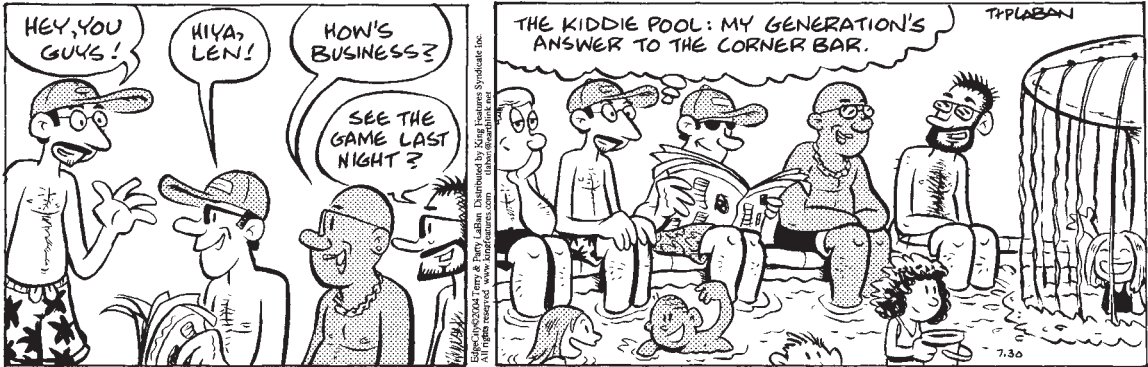


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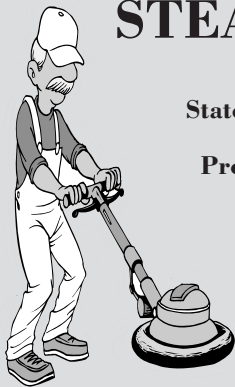
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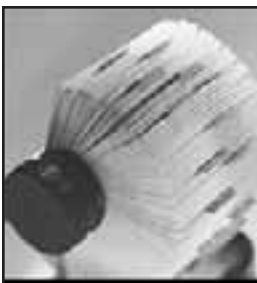
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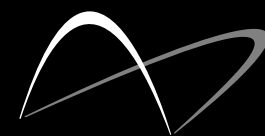
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