

Santa Monica Daily Press

A newspaper with issues

LOTTO

FANTASY 5

14, 18, 2, 36, 19

DAILY 3

Afternoon picks: 7, 2, 4

Evening picks: 6, 7, 0

DAILY DERBY

1st Place: 8, Gorgeous George

2nd Place: 4, Big Ben

3rd Place: 12, Lucky Charms

Race Time: 1:43.57



NEWS OF THE WEIRD

by Chuck Shepard

David Mitchell, 35, was arrested in June in Omaha, Neb., on charges of false imprisonment and making terroristic threats, accused of having locked up his wife, Polly, every time he left the house over a two-year (and maybe longer) period. He was always with her in public, and intimidated her from reporting him. David always had only a cell phone so he could take it with him when he left the house, but he had recently gotten a home phone for Internet access, allowing Polly to call her sister one day when he was out.

QUOTE OF THE DAY

"Fashion is a form of ugliness so intolerable that we have to alter it every six months."

— Oscar Wilde

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Vendors struggle with market overhaul



John Wood/Daily Press

Above: Olive Rose, a volunteer at the American Cancer Society Discovery Shop, helps shopper Gloria Martel, of Brentwood. The Discovery Shop is one of the merchants at the Brentwood Country Mart that fears rising rents will push them out. **Right:** The courtyard of the Country Mart in the 1950s.

Shopkeepers worried rising rents will force them out of Brentwood Country Mart

BY JOHN WOOD

Daily Press Staff Writer

A plan to rejuvenate the Brentwood Country Mart threatens to force out small merchants who have been in business at the shopping mall for years.

The merchants, who range from a thrift shop for cancer survivors to a toy store and a cookie shop, face higher rents because of Santa Monica developer James Rosenfield's future plans. Rosenfield, who recently bought the 1948 colonial-style mall, plans to spend millions of dollars renovating the once-thriving mall.

"Everybody is so scared of this guy, they don't know what he's doing," said Adrienne Fayne, a volunteer at the

American Cancer Society Discovery Shop, a non-profit thrift store that's been at the mart for the past eight years. "He's got everybody on a month-to-month lease. Everybody is kind of precarious at this point ..."

"Rents do need to go up somewhat because the property was struggling so much that rents had fallen."

— JAMES ROSENFELD
Owner, Brentwood Country Mart

Rosenfield in January bought the 30,000-square-foot mall on the southeast corner of 26th Street and San Vicente Boulevard from John E. Anderson, the namesake of UCLA's Anderson Business School.

Rents at the mall are likely to double or triple once the existing leases expire, shopkeepers say.

That appears to have spelled the end for the mall's gift shop, whose owner on Monday said her goodbyes to the other merchants and closed her doors for

See COUNTRY MART, page 5

Police, fire to beef up terrorist attack protection

BY JOHN WOOD

Daily Press Staff Writer

City Hall on Tuesday accepted more than \$400,000 to protect Santa Monica against possible terrorist attacks.

Most of the money will be used to purchase better supplies and protective equipment for local firefighters and police, as well as for search and rescue teams, and those that respond to hazardous materials.

About \$75,000 will be spent to install bullet-proof windows on the perimeter of the third and fourth floors of the new Public Safety Facility. The first two floors of the building, which will house all of Santa Monica's fire and police personnel, already are equipped with bullet-proof glass.

The top floors were originally slated to receive the bullet-proof glass but the funding for those windows was taken away because of City Hall's budget deficit.

Besides the \$75,000 in bullet-proof glass, City Hall will split the remainder of the \$418,029 in grants in three categories. The first is for

chemical-resistant coveralls and air-filtering cartridges so fire and police officials can spend extended periods of time in contaminated areas.

Urban search and rescue teams, which are called into action when buildings collapse, or during earthquakes and serious traffic accidents, also will receive money to upgrade the tools and equipment they use.

And Santa Monica's hazardous materials

response team will be given funding for more sophisticated detection equipment used to locate hazardous material leaks or possible biological outbreaks.

All of the grants are federal and don't require any matching funds from City Hall. The state distributes the grants to counties throughout California based on their size and

See GRANT, page 6

Trader Joe's is smart, not snooty

BY MARY MCNAMARA

Associated Press Writer

LOS ANGELES — Traditionally, Los Angeles has been depicted in film and on television in two ways: the really violent moral corruption of South-Central and the really tacky moral corruption of Beverly Hills.

But in the first season of HBO's "Six Feet Under," there was a tiny ray of hope. Two of the characters — David Fisher and his male lover — were seen chatting and pushing a cart

through a Trader Joe's parking lot.

Trader Joe's! A local store not on Rodeo Drive! The brown paper bags rustled convincingly, the cars jockeyed for parking in the signature impossibly small lot ... why, it seemed just as if someone who actually lived in Los Angeles had something to do with the script.

Then, two stupid-looking white guys, waiting for David's parking space, shouted out a homophobic epithet. This worked as a plot point but not as a reality check.

See TRADER JOE'S, page 6

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★★-So-so ★-Difficult

HAPPY BIRTHDAY FOR MONDAY, AUGUST 18, 2003

A New Moon on your birthday implies new beginnings. Decide what would make you happy, and start making a wish list, even as soon as today! In the next few months, you could see many of your desires come true, and in surprising ways. You begin a new life/luck cycle tomorrow, which could impact the quality of your life. You have unusual appeal to others. Allow your imagination to guide you. If you are single and you would like to have a relationship, it becomes a distinct possibility this fall. You will have another opportunity in spring 2004. If you are attached, your relationship will flourish if you're willing to adjust and adapt to your sweetie's requests. VIRGO proves to be an anchor.

♈ ARIES (March 21-April 19)

★★★★ Get it together before you get to work, as much will be going on at the office. A dream could bring on an unusual insight, which you might mull over for a while. Start fresh with a work project or health resolution. Tonight: Easy does it.

♉ TAURUS (April 20-May 20)

★★★★ Just when you thought it was impossible, you get a new beginning, creatively or emotionally. You might question what is happening behind the scenes with a friend or associate who seems a bit unreasonable. Be understanding. Tonight: Dig into your bag of creativity and make plans.

♊ GEMINI (May 21-June 20)

★★★★ Your family and personal life become your highest priorities right now, which could be extremely upsetting on some level to you. Work demands your attention. Though you are the Twin, you haven't exactly managed to split yourself into two people yet. Tonight: Happy at home.

♋ CANCER (June 21-July 22)

★★★★ Reach out for someone at a distance. Of course, he or she might find you first. Politically speaking, making the first move might be best. Research and sleuth through a problem. In the interim, use all the diplomacy available. Tonight: Out and about.

♌ LEO (July 23-Aug. 22)

★★★★ Make a decision about finances, and stick to it. You might be a bit uncomfortable with what comes up, but financial matters, especially those involving a demanding or touchy partner, need to be handled. Protect your investment by putting together a "play" budget. Tonight: Your treat.

♍ VIRGO (Aug. 23-Sept. 22)

★★★★ Your personality blossoms, but at the same time, it could trigger someone close. You might want to rethink a project or evaluate what is going on. Ultimately, make decisions for yourself. A resolution made with today's New Moon sticks. Tonight: As you like it.

♎ LIBRA (Sept. 23-Oct. 22)

★★ Knowing when to beat a path to the nearest hiding place could be important, considering an associate's or co-worker's mood! You might need to simply focus or consider making a major change in your life. Happiness surrounds those who are willing to grow and change. Tonight: Be nice to an ailing pal.

♏ SCORPIO (Oct. 23-Nov. 21)

★★★★ Whereas everyone else might be in some stage of uproar, you're hanging in there. Assume that more might be going on than meets the eye. A child's and/or a new friend's reaction could be over the top. Keep in mind your long-term goals. Tonight: Where your friends are.

♐ SAGITTARIUS (Nov. 22-Dec. 21)

★★ Handle a work-related matter more directly. Others, especially a boss or superior, admire and praise the quality of your product. Think about what you want professionally, and start getting your ducks in a row. Tonight: Work as late as need be.

♑ CAPRICORN (Dec. 22-Jan. 19)

★★★★ Seek out advisers if you have any questions. You will find that the answers are readily available. A new beginning becomes possible if you relax. Take strong actions once you're sure of what you want. Tonight: Work with spontaneity.

♒ AQUARIUS (Jan. 20-Feb. 18)

★★★★ A new beginning becomes possible with a partner who frequently tests his or her limits. Be understanding, yet know when to say it is enough, especially if your finances are impacted. Work with others individually. Tonight: Make nice.

♓ PISCES (Feb. 19-March 20)

★★★★ Coming on gangbusters might not be your normal self, but it might be behavior you exhibit right now. A partner or associate might be indulgent today, but don't count on this attitude being long term. Know when to say "enough" to yourself. Tonight: Go along with a partner's request.

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LOCAL

COMMUNITY BRIEFS

Public Safety Building grand opening tonight

By Daily Press staff

The long-anticipated opening of the \$66 million Public Safety Building will take place tonight.

The grand opening and formal dedication of the police and fire department's new home behind City Hall has been a long time in the making since the project first broke ground in 1999.

To celebrate, city officials will give tours of the building, exhibits and demonstrations, as well as offer food donated by local vendors, live music and give away commemorative items to each guest.

The Santa Monica Police Department also will use the grand opening to hold the annual "Night Out Against Crime" in an effort to curb crime in the community.

Police Activities League kids will be accepting \$1 donations for license plate frames bearing the slogan, "Let's Watch Out For Each Other."

The event will take place between 5:30 p.m. and 8:30 p.m. at the Public Safety Building, located on Olympic Drive, between Fourth and Main streets. Parking is free at the civic auditorium beginning at 6 p.m., but participants are encouraged to arrive on foot or by Big Blue Bus lines 1, 5 and 9. The event is wheelchair accessible.

Youth opera camp receives \$35,000

By Daily Press staff

Santa Monica College has been awarded a \$35,000 grant from The Dwight Stuart Youth Foundation for SMC's youth opera camp.

The opera camp is designed for children from 9 to 17 years old and runs from Oct. 4 through Dec. 7.

Students are taught by Los Angeles Opera professionals and get voice, movement and drama training, but also get a behind-the-scenes visit to the opera company and learn about set design, props, costume and lights.

The program is offered through SMC's Madison Project, a proposed education and arts center to be built at the college's Madison campus on Santa Monica Boulevard at 11th Street.

The grant funding will cover teachers, production costs, rental of the Miles Memorial Playhouse in Santa Monica for rehearsals and performances, 30 "need-based" scholarships for students and transportation from downtown to the Westside.

"We are so thrilled to have received this very important support from The Dwight Stuart Youth Foundation," said Adam Philipson, Madison Project and opera camp coordinator. "This will allow us to really reach out to include more young people in Los Angeles that might not otherwise have this amazing opportunity to discover the magic of opera and their individual potential."

Philipson said the college will work with several after-school arts programs to offer scholarships to their students. The opera camp hopes to have about 40 young people from as near as Santa Monica and as far away as East Los Angeles.

The students will perform the opera on Dec. 5 at the Miles Memorial Playhouse in Santa Monica and Dec. 7 at the Museum of Tolerance in Los Angeles.

The camp will culminate with performances of "Brundibár," a piece written during the Holocaust and performed more than 50 times by children in the Terezin concentration camp in Czechoslovakia.

This is the third year the opera camp has been offered in partnership with Los Angeles Opera.

The Dwight Stuart Youth Foundation supports organizations that provide services and experiences to underserved children and youth to enhance their potential and gain values and confidence to develop into responsible individuals.

For information on the opera camp, call (310) 434-3431.



surf report

Bay Street's been hurting in the morning, barely good enough for learning to ride a foamy. So sleep in and wait for the ankle biters to make way for some real swell sometime soon.

And watch out for the wind.

OUTLOOK: Better swell next week. Maybe even some head-high bombers. Keep your quiver crossed.

Get stoked on an epic sesh? Get burned by a bad report? Write us at wood@smdp.com and tell us what the surf is doing today at your local break.

Today the water is:

58°

Sunrise: 6:28 a.m.
Sunset: 7:37 p.m.

	LOW TIDE				HIGH TIDE			
	Morning	Height	Evening	Height	Morning	Height	Evening	Height
SATURDAY	2:01	0.3	1:01	2.9	8:51	3.8	7:10	5.6
SUNDAY	2:33	-0.1	1:43	2.6	9:12	4.0	7:50	6.0
MONDAY	3:04	-0.3	2:21	2.3	9:34	4.2	8:28	6.3
TUESDAY	3:33	-0.5	2:58	2.0	9:57	4.4	9:06	6.4
WEDNESDAY	4:02	-0.6	3:37	1.7	10:22	4.7	9:44	6.4
THURSDAY	4:32	-0.5	4:20	1.4	10:50	4.9	10:25	6.2
FRIDAY	5:02	-0.2	5:06	1.2	11:20	5.2	11:09	5.7

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The Q Line

More than 2,000 homeless people live in Santa Monica.

City Hall spends about \$2 million each year in social services for the homeless and untold dollars more in police and paramedic hours dealing with the large transient population.

Recently, City Hall approved \$9.2 million to relocate and expand the city's largest provider of social services.

Some say all the services are necessary because of the large amount of homeless people in Santa Monica who desperately need help.

Others say the mere fact that the resources exist continues to attract more homeless to

Santa Monica than can be helped. They say we should limit our services in accord with what neighboring cities spend.

The debate has raged on for decades.

So, this week Q-Line wants to know, "Is Santa Monica making itself a magnet for more and more homeless people or are we simply doing our fair share for society at large?"

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



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OPINION

LETTERS

Palestinians making peace impossible

Editor:

There can be no peace or a Palestinian state living side by side with Israel until the Palestinian terrorist organizations are dismantled and the Palestinians leadership stops teaching and glorifying martyrdom for the killing of Jews. When the Palestinian organizations talk about the return to their land, they mean "all of Israel."

Let's not forget that the Jews have been living in the land of Palestine for over 35,000 years. After the UN approved the independent state of Israel in 1947, the Arab nations massed together and attacked Israel, and in the ensuing war, 750,000 Palestinians fled their homelands and they became refugees and political pawns. In 1967, Egypt, Syria and Jordan attacked Israel. After six days of war, Israel won, and to protect its borders, occupied the West Bank and Gaza Strip. Prior to the Six-Day War of 1967, there was never a serious movement for a Palestinian state.

Barbaric Palestinian violence, such as blowing up Israeli buses, kibbutz nurseries and ice cream parlors, does not justify the means — that an end to the so-called Israel "occupation" justifies premeditated murder of any and all Jews. Looking at the history of Israel, it is very apparent who is to blame for "occupation."

Fred Alexander
Santa Monica

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"ARIANA'S THEME"

:(SUNG TO THE TUNE OF "GREEN ADRES")



"Sacramento is the place for me.
Capitol livin' is the life for me.
Fame spreadin' out so far and wide.
Moth ball the place in Brentwood,
just give me that statewide ride.
Public Service is where I'd rather stay.
I get allergic tax-paying.
I just adore my ex-husband.
Dah-ling I love you but give me more alimony."

-Apologies to Vic Mizzy

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Labor Day is a time to celebrate the man's mind

It is fitting that the most productive nation on earth should have a holiday to honor its work. The high standard of living that Americans enjoy is hard-earned and well-deserved. But the term "Labor Day" is a misnomer. What we should celebrate is not sweat and toil, but the power of man's mind to reason, invent and create.

Several centuries ago, providing the basic necessities for one's survival was a matter of daily drudgery for most people. But Americans today enjoy conveniences undreamed of by medieval kings. Every day brings some new useful household gadget, or a new software system to increase our productivity, or a breakthrough in biotechnology.

So, it is worth asking: Why do Americans have no unique holiday to celebrate the creators, inventors and entrepreneurs who have made all of this wealth possible — the men of the mind?

The answer lies in the dominant intellectual view of the nature of work. Most of today's intellectuals, influenced by several generations of Marxist political philosophy, still believe that wealth is created by sheer physical toil.

But the high standard of living we enjoy today is not due to our musculature and physical stamina. Many animals have been much stronger. We owe our

relative affluence not to muscle power, but to brain power.

Brain power is given a left-handed acknowledgment in today's fashionable aphorism that we are living in an "information age" in which education and knowledge are the keys to economic success. The implication of this idea, however, is that prior to the invention of the silicon chip, humans were able to flourish as brainless automatons.

The importance of knowledge to progress is not some recent trend, but a metaphysical fact of human nature. Man's mind is his tool of survival and the source of every advance in material well-being throughout history, from the harnessing of fire, to the invention of the plough, to the discovery of electricity, to the invention of the latest anti-cancer drug.

Contrary to the Marxist premise that wealth is created by laborers and "exploited" by those at the top of the pyramid of ability, it is those at the top, the best and the brightest, who increase the value of the labor of those at the bottom. Under capitalism, even a man who has nothing to trade but physical labor gains a huge advantage

by leveraging the fruits of minds more creative than his. The labor of a construction worker, for example, is made more productive and valuable by the inventors of the jackhammer and the steam shovel, and by the farsighted entrepreneurs who market and sell such tools to his employer. The work of an office clerk, as another example, is made more efficient by the men who invented copiers and fax machines. By applying human ingenuity to serve men's needs, the result is that physical labor is made less laborious and more productive.

An apt symbol of the theory that sweat and muscle are the creators of economic value can be seen in those Soviet-era propaganda posters depicting man as a mindless muscular robot with an expressionless, cookie-cutter face. In practice, that theory led to chronic famines in a society unable to produce even the most basic necessities.

A culture thrives to the extent that it is governed by reason and science, and stagnates to the extent that it is governed by brute force. But the importance of the mind in human progress has been evaded by most of this century's intellectuals. Observe, for example, George Orwell's

novel "1984," which depicts a totalitarian state that still, somehow, is a fully advanced technological society. Orwell projects the impossible: Technology without the minds to produce it.

The best and brightest minds are always the first to either flee a dictatorship in a "brain drain" or to cease their creative efforts. A totalitarian regime can force some men to perform muscular labor. It cannot force a genius to create, nor force a businessman to make rational decisions. A slave owner can force a man to pick peanuts. Only under freedom would a George Washington Carver discover ways to increase crop yields.

What Americans should celebrate is the spark of genius in the scientist who first identifies a law of physics, in the inventor who uses that knowledge to create a new engine or telephonic device, and in the businessmen who daily translate their ideas into tangible wealth.

On Labor Day, let us honor the true root of production and wealth: The human mind.

(Fredric Hamber is a senior writer for the Ayn Rand Institute in Irvine, Calif. The Institute promotes the philosophy of Ayn Rand, author of *Atlas Shrugged* and *The Fountainhead*. Send comments to reaction@aynrand.org.)

Guest
Commentary

By Fredric Hamber

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LOCAL



Shop for cancer survivors may be forced to move

COUNTRY MART, from page 1

good. And it may also mean the end for stores like Country Mart Toys, which has been at the mall since it first opened 55 years ago.

Toy store owner Nelly Lavarreda said she's hoping her lease, who is set at \$4.99 per square foot with all the fees included, won't be increased too much when it expires next August.

Rosenfield, who recently reopened the old post office at the mall, said his main goal is to bring the Brentwood Country Mart back to its original state. He said there will be some turnover because of rent increases and other reasons, but overall the type of merchants at the mall will remain the same.

"People were very concerned that the Country Mart was going to be torn down and altered," he said. "None of that happened. We're just improving the place."

"Tenants have been doing poorly at the Country Mart, unfortunately, for many years. Some tenants have been in such bad shape that they either don't feel any benefit (from recent improvements and events to attract shoppers) or it's too little too late."

"Rents do need to go up somewhat because the property was struggling so much that rents had fallen," he added. "And now, as we improve, as sales improve, as visits improve, rents will naturally increase."

While shopkeepers hold their breath and wait for Rosenfield to set the new rates, stores like Mrs. Beasley's, a cookie and cake vendor, have already found new locations. Mrs. Beasley's, which is moving to a location across 26th Street, faced a 200 percent increase in monthly rent, despite that Anderson is a co-owner of the business and still owns the land where the mall sits. Anderson only sold the buildings to Rosenfield, not the property.

"We created the monster, but we're leaving," said Anthony Crisafulli, a general manager for the chain cookie shop. "He's not saying, 'Leave.' We can stay. But we can barely do it now."

Unlike Mrs. Beasley's, not all the vendors can afford to move. And leaving the immediate area would be a real setback to stores like the Discovery Shop, workers said.

"Everyone who works in the store is a volunteer, lives in the neighborhood," Fayne said. "We shop here, we donate. We're really here not just to sell but to talk to cancer survivors and people going through chemotherapy now."

The Discovery Shop sells high-end, second-hand items that are donated to benefit the American Cancer Society. Larry Meisner, vice president of Discovery Shops throughout California, said Rosenfield has talked about raising the rent from \$3.10 to \$8 per square foot when their lease expires in January of 2005.

"What he said to me is, based upon his vision for the new shopping center, is the rent per square foot will most likely be prohibitive for our type of store," Meisner said. "He was preparing us for seemingly the inevitable."

Meisner said he is hoping Rosenfield will reconsider the rent hike and work with the shop to set a more affordable rent level.

Terry Masi, the manager and only paid employee at the Discovery Shop, said Rosenfield apparently wants to make the Brentwood Country Mart more upscale and geared towards the affluent neighborhoods



James Rosenfield, the owner of the Brentwood Country Mart.

in northern Santa Monica and Brentwood.

"The whole press that he's getting about how he wants to bring it back to the way it was, there really is another side to it," Masi said. "It's not going to be the way it was."

"The whole press that he's getting about how he wants to bring it back to the way it was, there really is another side to it."

— **TERRY MASI**
Manager,
American Cancer Society Discovery Shop

Volunteer Olive Rose agrees.

"He's not doing what he said he was," Rose said. "People know us and we've been here all this time. He had said he was going to make it like it used to be. But instead of coming, everyone is going."

Dedicated patrons of the Discovery Shop, where brand names such as DKNY and Polo Ralph Lauren are sold at thrift-store prices, said they've come to rely on the presence of the small retailer.

"It's too bad," said Arlene Fisherman, of Brentwood, as she perused the store. "They should give them some kind of a break."

Rosenfield, whose mother died from breast cancer, said he doesn't have anything personal against the Discovery Shop but that rents have to increase. He pointed out the space used to be a hardware store that he said was as much of a benefit to the community, if not more than the thrift shop.

New leases already have been signed for some longtime merchants at the Country Mart like the pharmacy, the barber and the shoe repair shop, Rosenfield added. Meanwhile, there are at least six empty shops and more may become vacant soon if shopkeepers decide they cannot afford the rent.

Asked if shoppers at the Brentwood Country Mart could expect designer stores like Gucci and Prada, Rosenfield responded, "Absolutely not. I think that what you'll see is tenants in keeping with the nature of what's been there in the past. The Country Mart is a different place, it's not Montana Avenue and in my mind it never should be."

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LOCAL

Grants will fund bullet-proof glass for new facility

GRANT, from page 1

potential for a terrorist attack. Cities then apply for funding from the county.

Santa Monica Fire Department Fire Marshal Jim Hone, who oversaw the grant application process, said City Hall was among the first to receive the grants because it already had designated hazardous materials and urban search and rescue teams in place.

"We were very successful," he said. "We were able to move up to the front of the line because of the programs we've established since the 1980s."

Los Angeles County has received \$38.8 million in federal grants this year alone, said Bob Garrett, the assistant manager of the Los Angeles County of Emergency Management, which distributes the grants to the 88 cities in LA County.

Sheryl Tankersley, spokeswoman for the California Homeland Security's Office of Emergency Services, said money from the federal government isn't

sent only to cities. She said the state also gives funding to the California Highway Patrol, the Governor's Office and other public agencies.

In the past year, Tankersley said the federal government has allocated nearly \$300 million to her department.

Hone said Santa Monica received another federal grant for \$26,400 earlier this year and last year was awarded \$148,000 from the Fire Act Grant, which was established in the wake of the September 11 terrorist attacks. That money was used to buy a fire safety trailer, which teaches children how to respond in case of a fire.

The grants that were accepted Tuesday require City Hall to spend the money first and then send in their receipts for reimbursement.

"It doesn't cost us anything at the end but we have to purchase the equipment up front," Hone said Tuesday. "If we approve it tonight, tomorrow the fax machines will be flying."

TJ is all about the discount

TRADER JOE'S, from page 1

Because homophobic-epithet-shouters do not shop at Trader Joe's.

Trader Joe's began in the late '60s when Joe Coulombe, owner of a handful of convenience stores, was sitting on a Caribbean beach trying to figure out how to fight the barbarians at the gate — that new chain called 7-Eleven.

In the grand tradition of Disneyland's Tiki Room, he decided to go with a tropical adventure theme. He decided to focus on low-priced gourmet items, to keep it simple — small stores, few frills — but make it fun: breezy explanations of where items come from; product names that refer to literature and philosophy; and often include really bad puns.

Coulombe said at the time, and again in 1988 when he sold the chain to the Albrecht family, that Trader Joe's aimed for "the educated customer." The person who would appreciate sprouted wheat bread and Ghirardelli's chocolate, who might actually be looking for black rice, unpressed soap, soy milk and really good New York cheesecake, a canny Argentine merlot and a frozen spinach lasagna offered by "Trader Giotto."

One could argue that he was appealing to yuppies before there were yuppies, but it has gone much deeper than that. Trader Joe's has changed somewhat since the Albrechts took over. Where there were once 27 stores, there are now more than 200. In 15 states.

Many of the original stores have been redesigned. The aisles are wider, there are automatic doors, and in some, the fishnets and nautical-themed tchotchkes have been replaced by colorful but tasteful murals, often depicting the local neighborhood.

Trader Giotto and Trader Juan are not so much in evidence, and most of the food labels are free of those windy yet clever back stories. The Fearless Flyer, with its Victorian clip art, is still around, though, and the Web site looks like something out of Monty Python.

But Trader Joe's' expansion has been as spiritual as it has been physical. Over the years, as more and more people picked up those orange baskets and head-

ed through its door, Trader Joe's has created a unique demographic, a decidedly local lifestyle TJ Culture.

TJ Culture dips into the health food movement, the gourmet food, wine and booze craze, and the ever-popular discount ideal. But all in moderation.

In mixing these three, along with a recognition that you can't have too many kinds of chocolate chip cookies, corn chips or cheap but decent wine, TJ Culture creates a safe haven at the intersection of several groups known for their competitive testiness.

Few people have the time, money or frequent-flier miles to become Truly Educated about Spanish cheese or Chilean wine.

But a TJ shopper knows that upon entering the store, there will be a few bargains without having to walk the warehouse equivalent of the Appalachian Trail. TJ Culture is all about being prepared but relaxed, knowing but never condescending, being clever but not trendy.

This is why, when asked what they are bringing to the picnic or the party or the farewell dinner, many people will simply say: "Dunno. I'll just go to Trader Joe's." They know that whatever they need — a bottle of single-malt scotch, a mess of spinach dip and pita chips or just an armful of really cheerful sunflowers — will not only be available, it will be of the Right Sort.

In return for such bounty, TJ Culture requires, as many relationships do, a large amount of trust. Although some of the stores have expanded lately, most Trader Joe's remain about a quarter of the size of other markets, and so the selection, and the parking, oh the parking, is quite limited.

Unless you have the time to run around to other markets, you have to simply surrender to Joe. You have to have faith that what is on those shelves is really, give or take a disposable diaper or too, all you need, that man can live on olive bread, lemon curd and excellent mushroom risotto alone.

"Our favorite customers are out-of-work college professors," says Tony Hales, captain of the store in Silver Lake. "Well-read, well-traveled, appreciates a good value."

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Rights of landlords are limited in Santa Monica



DAYS ON THE MARKET

By Jodi Summers

Offering yet another point of view on landlord tenant relationships, this week we feature local attorney Gordon Gitlen. With 25 years experience, Gitlen's specialty is real estate and business transactions.

JODI SUMMERS: When it comes to landlord tenant rights, what rights does a landlord have?

GORDON GITLEN: Not that many. He has the ability to put a roof over somebody else's head and he has the ability to enforce his rental agreement. He doesn't have the ability to ask his tenant to leave. He doesn't have the ability to raise the rent to any level he wants. He doesn't have the ability to charge the tenant substantial sums of money unless the city's rent control board essentially gives permission.

JS: What responsibilities does the landlord have toward the maintenance of the unit?

GG: The rent control board in Santa Monica does not have a specified program that says after so many years you will re-carpet, after so many years you will repaint. If it's normal wear and tear, for instance if the paint is peeling, the landlord is required to provide a habitable dwelling. Peeling paint is not necessarily habitable. If the

landlord doesn't fix the problem of peeling paint upon notice of the tenant, the tenant can go to the rent control board and get a rent decrease.

A lot of times the tenant causes damage to the unit. In the instances when the landlord can prove that the tenant has caused the damage, the tenant should pay for it.

JS: Define damage to an apartment.

GG: Something beyond normal wear and tear. Modifying the premises. If the tenant wants to redecorate as far as their home furnishings they can do that without any violation of the rent control law. But if they start moving walls and they start repainting walls, things of that sort, even removing the carpet, that's a modification and alteration that requires prior written consent. It's not the tenant's property. It's the owner's property.

JS: Can a landlord evict a tenant for abusing a unit?

GG: If the tenant has put holes in the walls or has redecorated by painting the walls black, the landlord does have recourse because that is destroying the property. It constitutes waste and it is devaluing the property. The tenant can be evicted for that upon service of appropriate notice.

Think about it. If a tenant has a secured deposit of one month's rent, or two month's rent, that's not going to cover that amount of damage. If you wait for the tenant to vacate, you will not have enough money to fix the apartment. The nature and the definition of the tenant is that they don't own real estate so the first issue is that you may not find

them again to sue them. Secondly, you're going to have to sue them to collect and if they don't have any assets you're not going to collect on the bill. The easier way is to enforce the provisions of the law that allow you to force the tenant to repair the damage or be evicted, at which point they lose their rent-controlled apartment.

JS: How does a landlord tap into the security deposit to repair a property?

GG: The landlord gives notice to the tenant of the damage and the amount of the repair. The landlord can then do that repair and deduct that amount from the security deposit. Next, they give the tenant a three-day notice to repay the security deposit.

JS: When should a landlord go forward with eviction proceedings?

GG: When the tenant does something that's incorrect. If there is a violation of the law or a violation of the renter relationship, the landlord should immediately serve the tenant with a notice to correct the default, and if the default is left uncorrected, he should file proceedings to solve the problem.

JS: Can mediation solve the problem? And how long does it take?

GG: Mediation is purely voluntary, so if either party doesn't want to attend the mediation, they certainly don't have to. Eviction proceedings normally take between four and six weeks.

JS: What happens if the tenant counter files a suit against the landlord?

GG: There is no cross complaint allowed in an unlawful detainer complaint, which is

an eviction proceeding. The tenant obviously sets forth a defense, but there is no cross complaint. Either the tenant prevails in his defense or the tenant loses. It takes about a month-and-a-half from the time the landlord serves the notice to the date of trial.

JS: What are the fees for this?

GG: Typically we charge a flat fee of \$250 to file the summons and the complaint, and then we charge an hourly rate of \$200 thereafter. The process moves along rather quickly, so the costs of the unlawful detainer are generally not that large. In most instances, the landlord really has no choice. If the tenant has damaged the property, the tenant is only going to continue to cause further damage to the property because they don't realize that what they're doing is wrong.

JS: Is there a way for a landlord to recoup their attorney fees?

GG: In some written rental agreements there is a clause where the prevailing party can also get an award of attorney's fees, so in the judgment there may be the attorney's fees and court costs. The problem is still collecting from the tenant. There may be a problem that the tenant has no assets. So the landlord immediately upon a defaulted tenant, should take action. Because by the time he does, there's only going to be more due, which will only lead to a higher judgment that is uncollected.

(If you would like to know more information of interest to property owners, e-mail Jodi Summers at jodis@boardwalkrealtty.com, or call at (310) 309-4219. We like real estate.)

SANTA MONICA RESIDENTIAL REAL ESTATE TRANSACTIONS

SOLD — 813 WILSON PLACE, SANTA MONICA 90405				SOLD — 1228 14TH STREET #306, SANTA MONICA 90404				SOLD — 502 SAN VICENTE BLVD #301, SANTA MONICA 90402			
Date Sold	SqFt: N/A	List Price: \$659,000	Bed: 2	Date Sold	SqFt: 802	List Price: \$359,000	Bed: 1	Date Sold	SqFt: 1,792	List Price: \$749,000	Bed: 2
08/19/2003	Lot Size: 4,865	Sold Price: \$659,000	Bath: 2	08/25/2003	HOD: \$185	Sold Price: \$362,000	Bath: 1	08/20/2003	HOD: \$375	Sold Price: \$749,000	Pool Bath: 3
SOLD — 3030 LINDA LANE, SANTA MONICA 90405				SOLD — 1432 YALE STREET #4, SANTA MONICA 90404				SOLD — 954 14TH STREET #3, SANTA MONICA 90403			
Date Sold	SqFt: 1,742	List Price: \$745,000	Bed: 3	Date Sold	SqFt: 1,037	List Price: \$375,000	Bed: 2	Date Sold	SqFt: 1,811	List Price: \$799,000	Bed: 2
08/18/2003	Lot Size: 5,148	Sold Price: \$722,000	Bath: 1.75	08/18/2003	HOD: \$275	Sold Price: \$368,000	Bath: 2	08/21/2003	HOD: \$256	Sold Price: \$795,000	Bath: 2.50
SOLD — 511 MARINE STREET, SANTA MONICA 90405				SOLD — 2317 5TH STREET #4, SANTA MONICA 90405				SOLD — 938 LINCOLN BOULEVARD #2, SANTA MONICA 90403			
Date Sold	SqFt: 0	List Price: \$945,000	Bed: 2	Date Sold	SqFt: 894	List Price: \$389,000	Bed: 2	Date Sold	SqFt: N/A	List Price: \$849,000	Bed: 2
08/25/2003	Lot Size: 7,496	Sold Price: \$925,000	Bath: 1	08/22/2003	HOD: \$229	Sold Price: \$394,000	Bath: 2	08/19/2003	HOD: \$275	Sold Price: \$845,000	Bath: 2.50
SOLD — 1327 PACIFIC STREET, SANTA MONICA 90405				SOLD — 1552 HARVARD STREET #3, SANTA MONICA 90404				SOLD — 837 15TH ST #C, SANTA MONICA 90403			
Date Sold	SqFt: 1,941	List Price: \$999,000	Bed: 3	Date Sold	SqFt: 1,147	List Price: \$379,000	Bed: 2	Date Sold	SqFt: 1,902	List Price: \$839,000	Bed: 3
08/22/2003	Lot Size: 5,998	Sold Price: \$1,150,000	Bath: 2	08/21/2003	HOD: \$180	Sold Price: \$395,000	Bath: 1.50	08/19/2003	HOD: \$275	Sold Price: \$915,000	Bath: 2.50
SOLD — 2414 30TH STREET, SANTA MONICA 90405				SOLD — 1749 12TH STREET #E, SANTA MONICA 90404				SOLD — 844 3RD STREET #C, SANTA MONICA 90403			
Date Sold	SqFt: 2,234	List Price: \$1,250,000	Bed: 4	Date Sold	SqFt: 1,245	List Price: \$399,000	Bed: 2	Date Sold	SqFt: 2,200	List Price: \$959,000	Bed: 3
08/20/2003	Lot Size: 5,998	Sold Price: \$1,250,000	Bath: 3	08/22/2003	HOD: \$160	Sold Price: \$420,000	Bath: 2.50	08/22/2003	HOD: \$300	Sold Price: \$950,000	Bath: 3.50
SOLD — 1110 HARVARD STREET, SANTA MONICA 90403				SOLD — 2022 DELAWARE AVENUE #7, SANTA MONICA 90404				SOLD — 37 SEA COLONY DRIVE #37, SANTA MONICA 90405			
Date Sold	SqFt: 1,829	List Price: \$1,290,000	Bed: 3	Date Sold	SqFt: 1,500	List Price: \$429,000	Bed: 3	Date Sold	SqFt: 1,855	List Price: \$1,149,000	Bed: 2
08/18/2003	Lot Size: 7,897	Sold Price: \$1,290,000	Bath: 2	08/22/2003	HOD: \$150	Sold Price: \$422,000	Bath: 2.50	08/21/2003	HOD: \$875	Sold Price: \$1,045,000	Pool Bath: 3.00
SOLD — 235 14TH STREET, SANTA MONICA 90402				SOLD — 2020 DELAWARE AVENUE #3, SANTA MONICA 90404				SOLD — 1524 2ND STREET, SANTA MONICA 90401			
Date Sold	SqFt: 2,200	List Price: \$1,595,000	Bed: 3	Date Sold	SqFt: 1,489	List Price: \$435,000	Bed: 3	Date Sold	SqFt: 5,200	List Price: \$1,975,000	Bed: 3
08/18/2003	Lot Size: 7,548	Sold Price: \$1,595,000	Bath: 2	08/20/2003	HOD: \$190	Sold Price: \$437,500	Bath: 2.50	08/22/2003	HOD: \$0	Sold Price: \$1,975,000	Bath: 3.00
SOLD — 307 25TH STREET, SANTA MONICA 90402				SOLD — 2339 34TH STREET #3, SANTA MONICA 90405				SOLD — 1524 10TH STREET #2, SANTA MONICA 90401			
Date Sold	SqFt: 3,449	List Price: \$1,995,000	Bed: 3	Date Sold	SqFt: 1,371	List Price: \$399,000	Bed: 3	Date Sold	SqFt: 617	List Price: \$295,000	Bed: 1
08/19/2003	Lot Size: 9,560	Sold Price: \$1,997,000	Pool Bath: 4.50	08/18/2003	HOD: \$265	Sold Price: \$448,000	Bath: 2.50	08/21/2003	HOD: \$130	Sold Price: \$2,150,000	Bath: 1.00
SOLD — 310 22ND STREET, SANTA MONICA 90402				SOLD — 914 LINCOLN BOULEVARD #103, SANTA MONICA 90403				SOLD — 1332 OCEAN PARK BOULEVARD, SANTA MONICA 90405			
Date Sold	SqFt: 6,505	List Price: \$2,995,000	Bed: 5	Date Sold	SqFt: 1,135	List Price: \$499,000	Bed: 2	Date Sold	SqFt: 0	List Price: \$759,000	Units: 4
08/19/2003	Lot Size: 7,548	Sold Price: \$2,650,000	Bath: 5.50	08/25/2003	HOD: \$283	Sold Price: \$483,500	Bath: 2	08/18/2003	Lot Size: 6,987	Sold Price: \$742,500	
SOLD — 525 15TH STREET, SANTA MONICA 90402				SOLD — 627 STRAND STREET #3, SANTA MONICA 90405				SOLD — 1336 OCEAN PARK BOULEVARD, SANTA MONICA 90405			
Date Sold	SqFt: N/A	List Price: \$2,960,000	Bed: 5	Date Sold	SqFt: 0	List Price: \$525,000	Bed: 2	Date Sold	SqFt: 0	List Price: \$759,000	Units: 4
08/21/2003	Lot Size: 7,500	Sold Price: \$2,850,000	Bath: 5.50	08/18/2003	HOD: \$250	Sold Price: \$505,000	Bath: 2.75	08/18/2003	Lot Size: 6,987	Sold Price: \$742,500	
SOLD — 1524 FRANKLIN STREET #A, SANTA MONICA 90404				SOLD — 2960 NEILSON #206, SANTA MONICA 90405				SOLD — 1237 25TH STREET, SANTA MONICA 90404			
Date Sold	SqFt: 514	List Price: \$225,000	Bed: 1	Date Sold	SqFt: 1,305	List Price: \$579,000	Bed: 2	Date Sold	SqFt: N/A	List Price: \$867,000	Units: 2
08/25/2003	HOD: \$166	Sold Price: \$225,000	Bath: 1	08/18/2003	HOD: \$600	Sold Price: \$579,000	Pool Bath: 2	08/19/2003	Lot Size: 6,892	Sold Price: \$867,000	
SOLD — 1222 PRINCETON STREET #2, SANTA MONICA 90404				SOLD — 1118 3RD STREET #601, SANTA MONICA 90403				SOLD — 3025 2ND STREET, SANTA MONICA 90405			
Date Sold	SqFt: 635	List Price: \$275,000	Bed: 1	Date Sold	SqFt: 1,538	List Price: \$675,000	Bed: 2	Date Sold	SqFt: 7,911	List Price: \$1,599,000	Units: 14
08/25/2003	HOD: \$176	Sold Price: \$280,000	Pool Bath: 1	08/22/2003	HOD: \$478	Sold Price: \$630,000	Pool Bath: 2	08/22/2003	Lot Size: 4,500	Sold Price: \$1,480,000	
SOLD — 1119 LINCOLN BOULEVARD #3, SANTA MONICA 90403				SOLD — 1247 23RD ST #C, SANTA MONICA 90404							
Date Sold	SqFt: 656	List Price: \$289,000	Bed: 1	Date Sold	SqFt: 1,510	List Price: \$645,000	Bed: 2				
08/21/2003	HOD: \$183	Sold Price: \$305,000	Bath: 1	08/21/2003	HOD: \$270	Sold Price: \$661,000	Bath: 2.50				

REAL ESTATE

It's a tenant's market in commercial real estate



IN YOUR SPACE

By Christina S. Porter

You should never underestimate the commitment of a lease agreement.

If you have not noticed, the current leasing market officially belongs to tenants. With this in mind I contacted a client of mine to discuss the renewal of her lease, recommending that she begin negotiations early.

Her response was that she felt that she could get a better deal if a broker was not involved. On the surface this way of thinking makes sense because there are no brokerage fees for the owner to pay, making a better deal for the tenant. However, committing to a lease is not something to take lightly. A lease or a lease renewal is an enormous, legally binding, financial commitment.

In most leases, there are monetary obligations not included in the monthly base rent and a variety of non-monetary obligations to consider that may or may not be negotiable, depending on market conditions. Informing a tenant about the market conditions is not the responsibility of an owner or an owner's broker.

It's important to make sure that you receive expert advice from a commercial real estate broker who knows your area and product type (office, retail, industrial) and is on your side, exclusively. The point is that

you take your car to a mechanic, you go to a dentist and you go to an attorney for legal advice so don't underestimate the weight of the obligation you enter into when you sign a lease.

Employing the skills of a commercial real estate professional will almost always save you money if not now, later. Some might even give you a guarantee. In regard to the legal ramifications of the terms and conditions agreed to in your lease, it's highly recommended that you consult an attorney that has experience in real estate law and practices in your area. It's a broker's job to structure the most competitive deal possible. The attorney's job is to make sure the deal structured by the broker is legally sound.

The current office leasing market is, without a doubt, a tenant's market and now is the time to start negotiations on the re-leasing of your space. Don't forget to at least consult with a qualified commercial real estate broker. If you have more than two or three years left on the term of your lease, it might be premature (but don't assume that it is). Vacancy rates are high and owners should be very interested in a long-term commitment. Your broker can negotiate a rate (and possibly other things) lower than the one you may get later on, and the owner of your building gets a better night's sleep.

(Christina S. Porter is a senior associate at NAI Capital Commercial Real Estate, specializing in leasing and selling office and industrial buildings.)

COMMERCIAL REAL ESTATE PROPERTIES LEASED & SOLD

SOLD

Date	Location	Type	Sq.Ft	Price
6/09/03	6th Street	Office	4,970	\$1,950,000
6/17/03	Olympic	Office	4,840	\$1,250,000
07/15/03	Franklin St.	Office/Land	1,100/2,200	\$575,000
7/10/03	Wilshire	Restaurant	3,840	\$1,900,000

LEASED

Date	Location	Type	Sq.Ft	Rate PSF
7/09/03	2nd Street	Office	3,750	\$2.50 mg
8/01/03	3rd Street	Retail	3,000	\$4.80 nnn
8/04/03	Arizona	Office/Sublet	8,225	\$1.50 fs
8/09/03	Wilshire	Office	4,072	\$2.70 - \$2.85fs

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STATE

Trade secrets outweigh free speech, top court says

BY DAVID KRAVETS

AP Legal Affairs Writer

SAN FRANCISCO — The California Supreme Court ruled Monday that courts may block computer users from posting on the Internet code that could be used to illegally copy DVD movies in a case that pitted trade secret rights against free speech.

The justices did not resolve whether the code was in fact a trade secret, leaving that for a lower court to determine. They did rule, however, that they would not tolerate the posting of legitimate trade secrets online and reversed a lower court that said disseminating trade secrets was protected free speech.

The case centered on San Francisco computer programmer Andrew Bunner, who in 1999 posted the code to crack the encryption technology and, according to the movie industry, helped users replicate thousands of copyright movies per day.

The DVD Copy Control Association, an arm of Hollywood studios, said it controls the encryption system, which scrambles data to prevent unauthorized copying of a movie sold in the DVD format. The association sued Bunner and others under the Uniform Trade Secrets Act, a California law designed to protect trade secrets.

A San Jose judge ordered Bunner to remove the encryption-cracking code from the Internet. But the 6th District Court of Appeal in San Jose lifted that injunction, a move the DVD Copy Control Association said was akin to giving crooks the technology to reproduce protected material such as movies on a large scale.

The court of appeal ruled that protecting trade secrets is not as important as "the First Amendment right to freedom of speech."

A unanimous Supreme Court, however, ruled otherwise Monday.

Justice Janice Rogers Brown, in reversing the appeals court on a 7-0 vote, said an order to remove the code "does not violate the free speech clauses of the United States and California Constitutions."

The justices agreed that Bunner was free to post his own opinions on the Internet — but ruled neither he nor others could post protected secrets as protected free speech. The case is not fully resolved, however, because the Supreme Court also ordered the San Jose-based appeals court to analyze whether the code is still a protected trade

secret given its widespread exposure.

The DVD association hailed Monday's decision.

"This opinion has wide applications to trade secret law," said association attorney Robert G. Sugerman. "Owners of trade secrets can now protect those trade secrets through injunctive relief, which is clearly now available."

California Attorney General Bill Lockyer joined the group in arguing that industry secrets would be plundered if computer users could post them without court intervention.

"The ruling makes it clear that the First Amendment may not be used as a shield for the blatant piracy and theft of trade secrets," Lockyer said Monday.

Companies including Boeing Co., Ford Motor Co. and AOL-Time Warner urged the justices to side with the DVD association, arguing that trade secret protections trump First Amendment speech protections.

Bunner did not devise the decryption code, but instead posted it on one of his Web sites. The Norwegian teen who cracked the code, Jon Johansen, was acquitted in January of charges he stole trade secrets.

Bunner, 26, said he has removed any reference to it from the Internet and is fighting the case to stand up for free speech rights. He is one of dozens of people throughout the United States that the association is suing for posting the code.

He said Monday he believed his actions were lawful, and said he posted the code to let others play digital versatile discs on their computers.

"The idea was to get it out there for an open-source DVD player," Bunner said.

His attorney, David A. Greene, said the appeals court could still ultimately support Bunner's actions because the code's global dissemination may not grant it trade-secret status anymore.

"The question is, is this restriction on speech necessary to advance an important government interest — trade secret protection," Greene said.

In a related legal front, a federal judge in San Francisco is considering a case in which the movie industry is seeking to block 321 Studios Inc. of the St. Louis suburb of Chesterfield from selling DVD copying software. A decision in that case is expected soon.

Mother locks daughter in car

By The Associated Press

CORONA — The mother of a 2-year-old locked inside a sweltering car was arrested after a passer-by shattered the glass and rescued the toddler.

The semiconscious girl was pulled from the car, where temperatures inside exceeded 120 degrees, and she was taken to Corona Regional Hospital. She was treated and released Monday to county child protective services.

"It was a situation where a citizen noticed a child in the car, and basically saved the child from lasting injuries or possible death," police Sgt. Tom Weeks said. "We're just thankful a citizen was there and noticed there was a need to intervene."

The girl's mother, Samanta Ward, 23, of Ontario, was arrested and booked for investigation of child endangerment. She was later released on \$15,000 bail.

The woman allegedly parked her car Sunday near the Target department store at the Tuscany Hills Shopping Center. She was in the store about 14 minutes when resident Jeff Belmont noticed the child locked inside the car.

The child wasn't moving so he punched through the window with his fist.

"Being a parent, I'm educated that you don't leave your child alone in the car," Belmont said Monday. "I'm infuriated that there are people out there that are stupid enough to leave their child in their car when it's 105 degrees or however hot it was yesterday."

Weeks said it was 100 degrees outside at the time of the incident and a thermometer showed the temperature inside the vehicle was still 122 degrees about 10 minutes after the window was smashed.

STATE



Arnold Schwarzenegger goes after Bustamante

BY ERICA WERNER
Associated Press Writer

LOS ANGELES — Arnold Schwarzenegger attacked Democratic front-runner Cruz Bustamante while taking his campaign to conservative talk radio programs in search of support from Republicans whose votes may be splintered among three major GOP candidates. "It's like one newspaper pointed out, Bustamante is Gray Davis with a receding hairline and a mustache. It's the same person. Same philosophy," Schwarzenegger said Monday on "The Roger Hedgecock Show" in San Diego.

Schwarzenegger's appearances on that show and the syndicated "Hugh Hewitt Show" came as a Los Angeles Times poll showed him trailing Bustamante 35 percent to 22 percent with the Oct. 7 recall election just six weeks away. The poll had a margin of error of plus or minus 3 percentage points.

Bustamante consultant Richie Ross said Schwarzenegger was "not being fair or completely honest."

"He chose Pete Wilson to chair his campaign. Does that mean that he agrees with all of the former governor's policy positions, including signing the largest tax increases in the history of California?" Ross said.

Schwarzenegger used his radio appearances to sharpen his opposition to taxes.

"I would not increase taxes in order to get the financial situation improved because I think it's the wrong way to go," he told Hedgecock.

Schwarzenegger refused to pledge not to raise taxes. But his comment went beyond his earlier statements on tax increases. He told a press conference last week, "We could have next year an earthquake. We could have a natural disaster. We could have a terrorist attack, or something like that. So you can never say, 'Never, never' to tax hikes."

Another major development awaited the fast-moving campaign Tuesday, when the California Labor Federation AFL-CIO was to decide at a convention whether to endorse Bustamante's "No on recall, yes on Bustamante" theme or stick with flatly opposing the recall.

Several unions, including the state's powerful teachers' union, have already endorsed Bustamante's strategy. But backing by the California Labor Federation would be particularly significant, as the group has been a key oppo-

nent of the recall and played a leading role in trying, unsuccessfully, to keep Democrats off the ballot.

Schwarzenegger, a fiscal conservative who is moderate on such social issues as gun control and abortion, led two other Republicans in the Times poll, state Sen. Tom McClintock, a conservative, and former baseball commissioner Peter Ueberroth.

GOP leaders warned that Republicans must unite behind one candidate or risk losing the race to replace Davis.

With businessman Bill Simon's exit from the race, McClintock can claim to be the conservative choice, Schwarzenegger's appearance on the talk shows popular among GOP activists appeared partly designed to keep McClintock from collecting votes that would have gone to Simon.

McClintock finished third in the poll with 12 percent while Simon had 6 percent. Analysts also said that although Schwarzenegger's campaign so far has sought to appeal to a cross-section of Democrats, Republicans and independents, he can't win without the backing of conservatives.

"The arithmetic is such that he understands he can't do it simply by being the moderate guy," said University of Southern California political scientist Sherry Bebitch Jeffe. "He's not going to be able to bring in, I think, as many Latinos, as many Democrats, as they thought they might be able to, so he's got to move his party's base, and he's got to prevent Tom McClintock from looking like a serious opponent."

Schwarzenegger was set to make a third talk-radio appearance Tuesday morning in Sacramento. The actor's talk-radio debut comes as GOP leaders continue to suggest that more Republicans drop out of the race.

"Without prejudging who the strongest candidate is, what I'm sure of is that four weeks from now, if we still have three active Republican candidates, then Cruz Bustamante will finish first in the recall ballot test," Senate Minority Leader Jim Brulte said.

Bustamante got another boost Monday when Democrats in the state Senate endorsed his "No on recall, yes on Bustamante" strategy.

Schwarzenegger hasn't called for fellow Republicans to clear the field for him, but he told Hedgecock: "I think mathematically speaking it will be much better if they drop out, that's clear."

Indian casino approved

By The Associated Press

HESPERIA — The City Council wants an Indian casino.

After a 6 1/2-hour meeting at Sultana High School, the council voted at 12:30 a.m. Tuesday to enter into a 20-year municipal services agreement with the Timbisha Shoshone Tribe of Death Valley.

The tribe plans to build an Indian casino at Main Street and Interstate 15.

"The decision I came to is based on the facts," Councilman Jim Lindley said. "This is something I believe in my heart that is the best decision for the city of Hesperia."

More than 90 of the 500 people attending the meeting spoke to the council.

Proponents said it would bring more police and fire protection to the Mojave Desert city, while those opposed questioned casino developer Gary Fears.

Fears was part of a casino-lease agreement that was allegedly a violation of the Indian Gaming Regulatory Act, according to an official at the National Indian Gaming Commission. The developer is also involved in a lawsuit with the state of Illinois that originated in 1982 after he and partners defaulted on a \$28.9 million state loan.

"Our agreement is not with Mr. Fears, it's with the tribe," Mayor Dennis Nowicki said, adding that state and federal regulators will scrutinize Fears' background.

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STATE

Federal judge limits Navy use of sonar amid marine life concerns

BY DAVID KRAVETS

Associated Press Writer

SAN FRANCISCO — Citing concerns for marine mammals, a federal judge on Tuesday limited the Navy's use of a new sonar system designed to detect enemy submarines.

The decision here by U.S. Magistrate Judge Elizabeth Laporte scuttles the Navy's plans to experiment with the low-frequency sonar throughout the majority of the world's oceans, confining it instead to areas with few marine mammals and endangered species.

The case stems from a lawsuit by the Natural Resources Defense Council and other environmental organizations that claimed the powerful sonar system harasses and can even kill marine mammals.

The judge ordered NRDC and the Navy to determine where in the world's oceans testing the sonar would have a minimal impact on marine life and set a hearing for Oct. 7 to review the matter.

The geographical areas, she wrote, "should be carefully tailored to reduce the risk to marine mammals and endangered species by restricting the sonar's use in areas that are particularly rich in marine life."

The order does not preclude the Navy from using the submarine-detection system during wartime, and acknowledges that the Navy must be allowed to train with it beforehand in various oceanic conditions.

"The public has a compelling interest in protecting national security by ensuring military preparedness and the safety of

those serving in the military from attacks by hostile submarines," Laporte wrote in a 73-page opinion.

Environmentalists, who say sonar is dangerous, point to a different system the Navy used in March 2000. Hours after it was deployed, at least 16 whales and two dolphins beached themselves on islands in the Bahamas. Eight whales died and scientists found hemorrhaging around their brains and ear bones — injuries consistent with exposure to loud noise.

Navy spokesman Whit DeLoach offered no comment, saying the decision was still being reviewed. The Navy can appeal the decision.

Environmentalists sued last year, after the National Marine Fisheries Service gave the Navy the green light to train with the Surveillance Towed Array Sensor System Low Frequency Active sonar.

The system can send signals hundreds of miles and as loud as 215 decibels — the equivalent of standing next to a twin-engine F-15 fighter jet as it takes off. Some scientists said shooting such loud sonar throughout the oceans could harm entire populations of whales, porpoises and other animals that use sound to navigate.

The Navy had planned to use the system in about 14 million square miles of ocean. Last year, as it fought the lawsuit, the Navy tentatively agreed to limit its experiments to about 1 million square miles of remote Pacific Ocean surrounding the Mariana Islands but well off the coasts of Japan and the Philippines.

Solar-powered winery is something new for Napa

BY ERIC RISBERG

Associated Press Writer

NAPA — In the bucolic hills of the Carneros wine country, a winery known for its sparkling wine and its 18th-century-style Louis XV chateau has worked behind the scenes to create something unusual for the region: an understated, solar-powered and energy-efficient facility devoted exclusively to making pinot noir.

The 23,500-square-foot facility at Domaine Carneros was completed in June, on time and under budget, and is now ready to start large-volume production. The whole venture required a leap of faith, at a time when the economy has been in a downturn, the wine market is experiencing a glut and tourism has waned.

The winery, co-owned by Champagne Taittinger of France and Kobrand Corp., began producing pinot noir wines about 11 years ago and currently produces 9,000 to 10,000 cases per year. The new facility will let production double over the next 10 years.

Coordinating the entire construction project was a major undertaking, but the winery managed to pull it off without

major disruptions. "Winemaking is in tune with nature — construction is converse," said Eileen Crane, president and winemaker of Domaine Carneros.

While other wineries have opened outlandish new buildings that dominate their surroundings, this new winery is tucked discreetly into a vine-covered hillside behind the chateau.

It was important not to detract from the original winery building, Crane said. "It is magical to be in California with a chateau in the background. It is what you picture wine country to be."

Unlike traditional wineries, this building's rooftop is covered with solar panels, which will provide 40 percent of its energy needs. Skylights and energy-efficient refrigeration will save even more energy and money that in turn can be invested in more equipment.

In a region ideal for growing grapes that benefit from cooler weather, Domaine Carneros believes the future of winemaking is in pinot noir.

"It's a new cycle, a time to bring in new things, a great challenge," Crane said. "The new energy will help move us forward."

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NATIONAL



Academy official to dress down cadets after incident

BY ROBERT WELLER

Associated Press Writer

AIR FORCE ACADEMY, Colo.

The entire cadet corps will get a dressing down because of a weekend underage drinking incident that gave the Air Force Academy a new black eye as it struggles to overcome a sexual assault scandal, the new superintendent said Tuesday.

All 4,000 students at the elite school outside Colorado Springs will be lectured Thursday about the consequences to their military careers and to the institution, Lt. Gen. John W. Rosa told The Associated Press.

"We're going to try to turn this around Thursday to a positive, say, 'Look, if we knock this behavior off we're going to move forward,'" Rosa said. "Every time we have this kind of behavior, we backstep. We backstep in the eyes of ourselves, of our peers. We backstep in the eyes of Colorado Springs, of Colorado, of this nation. We cannot afford to do that."

The speech will be given by Brig. Gen. Johnny Weida, commandant of cadets.

Seven 20- and 21-year-old male cadets were caught in an off-campus hotel room early Saturday with two female teens, 16 and 18 years. Those under 21 were ticketed by police for drinking.

Rosa said any cadet found to have supplied alcohol to a minor would most likely be expelled under a zero tolerance drinking policy that is part of the "agenda of change" ordered by the Air Force.

Rosa, who took command of the academy in July, said he and his staff are reviewing the policies on alcohol, which has been involved in many of the assault cases.

Rosa and Weida replaced commanders who were ousted after failing to correct a

climate in which female cadets said they were ostracized after they reported being assaulted by fellow cadets. At least 146 sexual assault cases have been reported to the academy in the last decade, ranging from improper touching to rape.

"If cadets don't understand it, they shouldn't be here."

— AARON DONNE
Senior cadet

"We're all just college kids," senior cadet Aaron Donne of Corvallis, Ore., said on the academy grounds. "But we are held to a higher standard. We have to accept it. If cadets don't understand it, they shouldn't be here."

Freshman Daniel Kimmich of San Diego agreed. "We heard about alcohol twice a day during basic training and if you drank underage you would be out of here," he said. "There's just no other way to put it. There is no excuse for committing these acts."

Rosa noted that drinking and attendance problems are common on college campuses nationwide, but drew a distinction between other schools and the academy where future military leaders are trained in warfare and discipline at a cost to taxpayers of \$300,000 each for four years.

"They're young people," Rosa said. "Some of them get it and some of them don't. Unfortunately, in an institution that's on the front page of every newspaper, like the United States Air Force Academy, the 1 percent that don't get it harm the entire organization."

Environmental impact of Mexican trucks to be studied

BY SUZANNE GAMBOA

Associated Press Writer

WASHINGTON — The Bush administration will comply with a federal appeals court order and study the environmental impact Mexican trucks would have on U.S. roadways, the Transportation Department said Tuesday.

The 9th U.S. Circuit Court of Appeals stopped allowing Mexican trucks on American roads in response to a lawsuit filed by environmental, labor and trucking groups. The groups said the Bush administration had not determined the impact of emissions from the trucks on the environment.

In a news release, the Transportation Department's Federal Motor Carrier Safety Administration said it awarded a \$1.8 million contract to Fairfax, Va.-based ICF Consulting to prepare an environmental impact statement.

The study will analyze short- and long-term environmental impacts of the Mexican trucks being driven in the United States and should take a year to 18 months.

Transportation officials decided to go ahead with the study, though it is still considering appealing to the U.S. Supreme Court, so roadways can be opened to the trucks expeditiously, said Andy Beck, spokesman for the motor carrier safety administration.

Joan Claybrook, president of the consumer group Public Citizen, said the government should drop its court appeals.

"I think they just ought to bite the bullet and do the environmental impact statement and then move on," Claybrook said.

Transportation officials had until June 30 to file court documents asking the Supreme Court to review the case, but the court has twice extended that deadline. The department now has until Sept. 9 to seek the review. A decision could take longer than the study, Beck said.

Comment from the White House was not immediately available.

President Bush wanted Mexican trucks to ply U.S. roadways by late 2001 but his hopes have suffered repeated setbacks. The most recent delay came in January when a three-judge panel of the court ruled the Transportation Department acted "arbitrarily and capriciously" by not preparing a full study on the trucks' impact on air quality as required by federal law. The full court upheld the ruling.

Since 1982, Mexican trucks have been prohibited from carrying cargo beyond a border commercial zone that extends varying distances along the nation's southern border.

Under the North American Free Trade Agreement, Mexican trucks were to have gained full access to U.S. roads beginning in 2000. But the Clinton administration, under pressure from labor and consumer groups, refused to grant them entry. Mexico successfully challenged the moratorium through a free trade tribunal.

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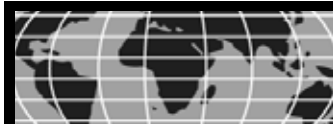
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WORLD BRIEFLY

Palestinian gunmen taken from hospital

By The Associated Press

NABLUS, West Bank — Israeli undercover forces snatched two wounded Palestinian gunmen from their West Bank hospital beds in a pre-dawn raid Tuesday, the latest Israeli military operation in the wake of a deadly bus bombing a week ago.

The troops locked down the hospital, knocked on the door of the intensive care unit and carried the two men — members of the Al Aqsa Martyrs' Brigades, a militant group loosely affiliated with Yasser Arafat's Fatah faction — out of the ward and into military ambulances, said a doctor, who spoke on condition of anonymity.

The men — Othman Younis, 27, and Fahid Bani-Odeh, 25 — are in Israel's Beilinson Hospital and being treated for moderate injuries, military sources said.

Israel accuses Younis of helping to plan several attacks in which at least 10 people were killed, including an Aug. 12 suicide bombing that came in the middle of a ceasefire declared by the militant groups on June 29.

Younis and Bani-Odeh are "hardcore" members of Al Aqsa, said the group's spokesman, Abu Mujahed. He confirmed that Younis helped plan the suicide bombing.

Labor unions support Bustamante

By The Associated Press

LOS ANGELES — Several labor unions have already endorsed Lt. Gov. Cruz Bustamante's "No on recall, yes on Bustamante" option in the state's referendum on Gov. Gray Davis, but backing by the California Labor Federation AFL-CIO would be particularly significant.

The group has thus far flatly opposed the recall and played a leading role in trying, unsuccessfully, to keep Democrats off the ballot.

On Tuesday afternoon, the politically powerful group was to decide at a convention in Manhattan Beach whether to endorse Bustamante's theme — already

avored by the state's powerful teachers' union and others — or stick to its "No recall" guns.

Also Tuesday, Republican Arnold Schwarzenegger was set to make a third talk-radio appearance in Sacramento, as GOP leaders continued to suggest that other Republicans drop out of the race.

The actor took his campaign to conservative talk radio Monday in search of support from Republicans whose votes may be splintered among three major GOP candidates. Schwarzenegger went on the offensive, for the first time attacking Bustamante.

Bush to continue fighting terrorists

By The Associated Press

CRAWFORD, Texas — Despite continuing violence in postwar Iraq, President Bush's top advisers say he will not back away from fighting terrorists there or anywhere else.

Bush was to make the case himself Tuesday before veterans at the 85th annual convention of the American Legion, meeting in St. Louis.

"He will talk about fighting the war on terrorism, the importance of winning that war to the United States and to the world," White House spokeswoman Claire Buchan told reporters on Monday.

"The best way to win the war on terrorism is to be on the offense whenever we confront it, whether that be in Baghdad or Afghanistan or Gaza, so that we don't fight that war at home," she said.

Monument supporters files lawsuit

By The Associated Press

MONTGOMERY, Ala. — Supporters of a Ten Commandments monument have filed a last-ditch lawsuit to prevent its apparently imminent removal from the Alabama Judicial Building.

While the judge who put the monument there said

he's up against those who "are offended at looking at God's words," his supporters asked a federal court Monday to block the removal of the 5,300-pound granite marker.

The lawsuit to block the monument's removal was filed in federal court in Mobile on behalf of a Christian radio talk show host and a pastor. It says a forced removal would violate the constitutional guarantee of freedom of religion.

U.S. District Judge William Steele set a hearing for Wednesday.

Chief Justice Roy Moore installed the monument in the building's rotunda two years ago, and was suspended by a state judicial ethics panel last week for disobeying a federal court order to remove it.

In a brief speech Monday, Moore told a cheering crowd he would fight to return to his elected position.

At least 300 protesters were there to hear Moore. The crowd grew even larger Monday evening.

India mourns for bombing victims

By The Associated Press

BOMBAY, India — Hindus and Muslims alike mourned on Tuesday for victims of the worst terrorist attack in a decade in India's financial heart of Bombay, while the death toll from the twin car bombings rose to 46, with 150 people wounded.

As relatives went to morgues to claim their dead or visited the injured in hospitals, investigators of Monday's bombings focused their probe on Muslim militants.

These included groups that Hindu-majority India alleges are backed by Muslim Pakistan — sparking fears of increasing tensions just when relations between the nuclear-armed neighbors appeared on the mend.

Pakistan, however, condemned the carnage as "wanton targeting of civilians" as world leaders also expressed outrage.

The United Nations, the United States and other nations joined Pakistan in condemning the attacks.

Indian police and officials said they had no direct evidence of who carried out the bombings and no group immediately claimed responsibility for the attack, which killed Hindus as well as Muslims.

Soldiers storm northern Iraqi town to smash crime ring

BY ANDREW ENGLAND

Associated Press Writer

KHALIS, Iraq — Hundreds of U.S. soldiers raided a northern town Tuesday in a bid to smash a crime ring wanted for murder, gunrunning and a terrorist attack on a police station that killed an American soldier earlier this month.

Separately, the toll of U.S. troops killed in postwar Iraq surpassed the number killed in major combat on Tuesday, reaching 140 with the death of a soldier in a roadside bombing and another in a traffic accident.

In Tuesday's raid, soldiers backed by tanks, helicopters and Bradley fighting vehicles stormed Khalis, 42 miles north of Baghdad, hunting for the gang's notorious leader, Lateef Hamed al-Kubaishat — known as Lateef by U.S. forces, said Col. David Hogg, commander of the 4th Infantry Division's 2nd Brigade.

Soldiers caught 24 members of the "terrorist organization" but Lateef appeared to have eluded capture, Hogg said.

"Their primary focus is probably criminal activity, but they have attacked coalition forces through direct and indirect means," Hogg told The Associated Press. "As long as he (Lateef) is in place we will not be able to establish the conditions for the Iraqi police to establish law and order in the area."

The gang claimed responsibility for a bomb that exploded outside the police headquarters in nearby Baqouba on Aug. 10, killing one U.S. military policeman, U.S. forces said. Lateef is also accused of selling weapons, burning down the Baqouba courthouse to destroy criminal

"As long as he (Lateef) is in place we will not be able to establish the conditions for the Iraqi police to establish law and order in the area."

— DAVID HOGG

Commander of the 4th Infantry Division's 2nd Brigade

records and murdering a prostitute whom he accused of providing services to U.S. troops in the area.

Lateef was imprisoned and serving multiple life sentences for murder until Saddam Hussein granted amnesty to all prisoners in October as the United States ratcheted up its case for invading Iraq, according to U.S. intelligence officers.

U.S. Army officers in the area have said they are being attacked by Baath Party loyalists, Fedayeen Saddam militia fighters and criminal gangs who simply want the region to remain unstable so they can carry out their activities unhindered.

When President Bush declared an end to major combat on May 1, the death toll of Americans stood at 138. Since then, 140 more soldiers have died, counting both deaths announced Tuesday. The total number of soldiers killed since the Iraq war began on March 20 is 278.

One of the soldiers killed Tuesday was riding in a support convoy hit by a bomb in the town of Hamariyah, 16 miles northwest of Baghdad, the military announced. Two other soldiers were wounded in that attack.

The other U.S. fatality was a soldier who was struck by an Iraqi motorist while changing a flat tire in a convoy from Tikrit

to a forward base, the military said.

A third soldier, in another incident, was taken to a military hospital with an apparently self-inflicted gunshot wound.

Tuesday's raid was part of operation "Ivy Needle" launched by the 4th Infantry Division throughout its region of control. It was designed to neutralize paramilitary forces, Saddam loyalists, Fedayeen Saddam militia and other subversive elements, 4th Infantry spokeswoman Maj. Josslyn Aberle said.

The operations consist of "surgical strikes on remote areas ... where in the past we haven't had enduring military presence," Aberle said.

In Iraq's second holiest Shiite city, Karbala, Marine Lt. Col. Matthew Lopez handed over command to a Bulgarian officer whose 250-member force will begin patrolling the region. The Bulgarians are part of a larger 9,500-member international force led by Poland that will try to secure the zone in south-central Iraq that has been under the control of U.S. Marines.

A formal hand-over to a Polish commander for the entire zone will take place Sept. 3. Polish forces have already come under attack. Several mortar shells were fired at a Polish base in Karbala on

Monday night, missing their target and causing no damage or injuries, Defense Minister Jerzy Szmajdzinski said in Warsaw. Polish media reported five to seven shells were fired at the logistics base.

"Those were warning shots indicating that there are still people ready to fight for Saddam Hussein's ideas," Szmajdzinski said.

In Baghdad, thousands of Shiite Muslims protested peacefully Monday night outside the headquarters of the U.S.-led coalition, charging the occupation force was lax on security and did too little to stop a weekend of ethnic bloodshed in the north and the bombing at the house of an important Muslim Shiite cleric in the south.

The Baghdad protest moved, after about an hour, to the Patriotic Union of Kurdistan office in Baghdad. The protesters alleged the Kurdish organization started the fighting Friday night in Tuz Kharmato and continued attacks on Turkomen tribesmen the next day in Kirkuk, 115 miles north of Baghdad. Eleven people died.

The protesters dispersed quietly, ahead of the 11 p.m. Baghdad curfew.

The Baghdad protesters had sided with the Turkomen, also Shiites. A PUK spokesman in Baghdad told The Associated Press the violence was the work of Saddam Hussein sympathizers trying to complicate the already tense security situation in the country by adding the specter of ethnic and religious violence to the mix. Kurds are predominant-Sunni Muslims.

SPORTS

SPORTS IN BRIEF

By The Associated Press

TENNIS

■ **NEW YORK** — Pete Sampras delivered a formal farewell to tennis at an on-court ceremony and earlier news conference at the U.S. Open.

Sampras, 32, leaves with 64 singles titles, including a record 14 at Grand Slam tournaments: seven at Wimbledon, five at the U.S. Open, and two at the Australian Open.

■ **NEW YORK** — Kim Clijsters won her first Grand Slam match since being ranked No. 1 in the world, defeating NCAA singles champion Amber Liu in the first round at the U.S. Open. Three women's seeds lost on Day 1: No. 8 Chanda Rubin, No. 25 Eleni Daniilidou and No. 26 Lina Krasnoroutskaya. On the men's side No. 9 Sebastien Grosjean, No. 17 Tommy Robredo and No. 18 Max Mirnyi were eliminated.

BASKETBALL

■ **SAN JUAN, Puerto Rico** — The United States defeated Canada 111-71 to remain undefeated at the Olympic qualifying tournament.

Led by Steve Nash, Canada was ahead after the first quarter, but coach Jay Triano — apparently viewing the game as ultimately unwinnable — never put Nash back in, hoping to save his energy for later games in the tournament.

Allen Iverson made seven 3-pointers in the third quarter and finished with 28 points.

■ **LOS ANGELES** — Lamar Odom is free to join the Miami Heat after the Los Angeles Clippers refused to match the Heat's \$63 million offer.

Heat spokesman Tim Donovan declined to comment until the team received official notice from the NBA that the Clippers dropped their offer. The offer sheet expires at 11:59 p.m. EDT on Tuesday.

■ **WASHINGTON** — The Washington Wizards signed point guard Chris Whitney. Whitney has played eight of his 10 seasons with the Wizards, who traded him to Denver a year ago.

FOOTBALL

■ **ALAMEDA** — Oakland Raiders linebacker Bill Romanowski was suspended from practice and fined an undisclosed amount after punching and seriously injuring teammate Marcus Williams during a fight in practice a day earlier.

Williams' left orbital bone was broken and his nose was injured, according to coach Bill Callahan. The seldom-used backup tight end will be out four-to-six weeks.

HOCKEY

■ **DETROIT** — Steve Yzerman will return to the Detroit Red Wings for a 21st season after he signed a one-year contract with the club. Yzerman, 38, is the longest serving captain in NHL history.

■ **BUFFALO, N.Y.** — Forward Chris Drury signed a four-year contract with the Buffalo Sabres.

■ **PITTSBURGH** — The Pittsburgh Penguins traded goaltender Johan Hedberg to the Vancouver Canucks for a second-round pick in next year's NHL entry draft.

TRACK & FIELD

■ **SAINT-DENIS, France** — Kim Collins of St. Kitts and Nevis, a Caribbean nation with a population of less than 40,000, won the men's 100-meter dash at the World Championships. Darrel Brown of Trinidad and Tobago won silver and Darren Campbell of Britain was third.

Stacy Dragila, who won the only two previous world crowns in the women's pole vault, failed to win a medal. Svetlana Feofanova of Russia won the gold.

Jacques Freitag of South Africa won gold in men's high jump and Christian Olsson of Sweden won the men's triple jump. Belarus won two golds as Ivan Tikhon won the men's hammer throw and Irina Yatchenko won women's discus.

BASEBALL

■ **PORTLAND, Ore.** — A \$150 million partial financing plan for a baseball stadium won final approval in the Oregon Legislature, a major step in Portland's efforts to lure the Montreal Expos.

The legislation would earmark the income taxes of future team players and executives over 30 years to fund \$150 million of an estimated \$350 million needed to build a ballpark.

Backers must still find a team owner and an entity to issue and guarantee the stadium bonds. They also must craft a Portland tax package to pay the remaining \$200 million of the stadium cost.

AUTO RACING

■ Two-time defending IRL champion Sam Hornish will drive next season for Team Penske, which also announced that Indianapolis 500 champion Gil de Ferran will retire at the end of this year.



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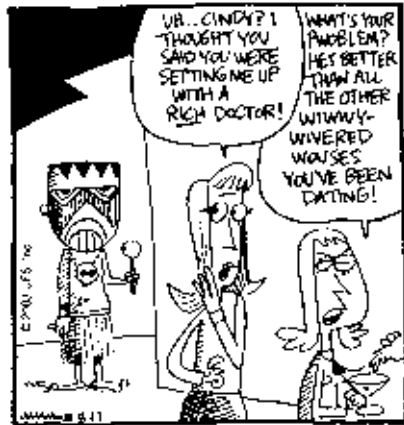
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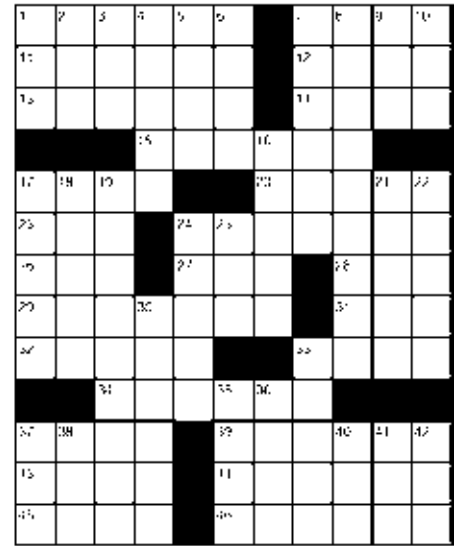
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- Solitary sort
 - January event
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 - Old card game
 - Groom's attendant
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 - Saves
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 - Pay for everyone
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 - Call forth
 - Fluffy wraps
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 - Scold
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 - Bowls
- DOWN**
- Greedy fellow
 - Actor Wallach
 - Yank's foe
 - Billiards shot
 - Press
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 - Speeder's reward
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SANTA MONICA SCENE °CALENDAR EDITION

Compiled by Natalia Aivazova

MOVIE °GUIDE

WEDNESDAY, AUGUST 27, 2003

EVENTS

Puppetolio!

Watch a puppet show at the Santa Monica Puppet and Magic Center. This is a great place to take the kids and to unwind after a long day.
1255 2nd Street Santa Monica, CA 90401
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CULTURE

The Getty Center

Perched on a mountain top just nine miles from Santa Monica, this museum offers a variety of exhibitions from ancient sculptures to the Impressionism of Monet and Van Gogh. Visitors can also enjoy panoramic views from the many balconies. The museum even offers an introductory video for first time visitors. Current exhibitions include:

"Illuminating the Renaissance: The Triumph of Flemish Manuscript Painting in Europe",
Strange Days: Photographs from the Sixties by Winogrand, Eggleston, and Arbus, "Picturing the Natural World", and "The Making of a Medieval Book"
The Getty Center (310) 440-7300
1200 Getty Center Drive
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Zanzibar

Created by the people behind Temple Bar this bar offers a casual and comfortable atmosphere. It has a modest yet fun dance floor and a stage which is often occupied by local bands. Tonight 10pm, RADIO with DJs Carlos Nino and Friends spin rough mixes, Works in Prog, CDR's, Hot Off The Presses, Obscurities and Classics. \$5 cover, 21 & up.
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1332 2nd Street
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The Magdalene Sisters - 1:45, 4:00, 7:15, 10:00,
American Splendor - 12:15, 2:45, 5:15, 7:45, 10:15
The Secret Lives of Dentists - 1:30, 4:15, 7:00, 9:45
All About Eve - Sat&Sun only 11:00 a.m
Songs From the 2nd Floor - Sat&Sun only 11:00 a.m

LANDMARK NU-WILSHIRE

1814 Wilshire Blvd
Le Divorce PG-13 - 1:30, 4:15, 7:00, 9:45
Swimming Pool R - 1:45, 4:15, 7:30, 10:00

LOEWS CINEPLEX BROADWAY CINEMAS

1441 Third Street Promenade
Freddy vs. Jason R - 12:00, 2:30, 5:00, 7:45, 10:30
Grind PG-13 - 11:30, 2:00, 4:30, 7:20, 10:00
Seabiscuit PG-13 - 11:00, 2:15, 6:05, 9:10, also 12:30, 3:30, 7:00, 10:10

AMC SANTA MONICA 7

1310 Third Street Promenade
American Wedding R - 12:10, 2:40, 5:20, 8:00, 10:30
Bad Boys II R 12:30, 3:40, 7:00, 10:15
Finding Nemo G - 12:05, 2:30, 4:55, 7:30, 9:55
Lara Croft Tomb Raider: The Cradle of Life PG-13 - 1:00, 4:00, 7:50, 10:30
Spy Kids 3D: Game Over PG - 12:50, 5:10, 5:30, 7:40, 9:45
Freaky Friday PG - 12:00, 2:20, 4:50, 7:20, 9:50
Open Range R - 12:20, 3:45, 7:05, 10:20

MANN CRITERION 6 THEATERS

1313 Third Street Promenade
Johnny English PG - 11:40, 2:15, 4:40,
The League of Extraordinary Gentlemen PG-13 - 7:00, 9:35 (both p.m.)
Pirates of the Caribbean PG-13 - 11:45, 3:15, 6:45, 10:10
S.W.A.T. PG-13 - 10:30, 11:00, 1:30, 2:45, 4:45, 7:05, 7:35, 10:10, 10:35, 12:40
Passionada PG-13 - 11:30, 2:10, 5:00, 7:45, 10:30,
Uptown Girls PG-13 - 11:15, 1:50, 4:30, 7:15, 9:50,

If you know of an upcoming event which may be included in the calendar please send the information to calendar@smdp.com or fax it to (310) 576 9913



PEOPLE IN THE NEWS

Singer Bobby Brown arrested for violating parole

By The Associated Press

■ **ALPHARETTA, Ga.** — Whitney Houston angrily confronted officers as her husband, Bobby Brown, was arrested outside a seafood restaurant, police said.

Brown has been in jail since his Friday night arrest for violating his probation from an earlier drunk driving conviction. The R&B singer is scheduled for his first court appearance Wednesday.

"She was outwardly frustrated. She was upset. She was yelling and screaming and pointing fingers at one of our officers," Sgt. Chris Lagerbloom said of Houston. "We deal with emotions like that from family members all the time. To say that she was calm about it would be a misstatement."

He said officers didn't consider charging the 40-year-old singer with disorderly conduct.

Brown "was as calm and cordial and professional as you could be," Lagerbloom said.

Brown, 33, was arrested because he apparently didn't show up for court-ordered community service, drug treatment or a random drug test.

He was arrested after being spotted at a suburban Atlanta restaurant with Houston. Another patron at the restaurant saw Brown and called police.

■ **NEW YORK** — A Queens woman has filed a \$5 million lawsuit against rapper-producer Sean "P. Diddy" Combs, claiming a bouncer at his Manhattan restaurant threw her to the ground and dragged her on the pavement.

Stephanie Grieson said that as she stood outside Justin's on Aug. 22, 2002, having an argument with a friend that became physical, the bouncer grabbed her by the neck and dragged her down the sidewalk, saying: "No fighting in front of this restaurant," The New York Post reported Tuesday.

Grieson, 35, said she was left with wounds on both knees, which remained swollen for days, and still has scars on her legs and ankles.

The lawsuit, filed in Queens Supreme Court, seeks damages to cover lost wages, medical bills, pain and suffering, and future plastic surgery.

Benjamin Brafman, Combs' lawyer, told the Post: "This lady is in for a rude awakening because unlike other superstars, Puffy fights these lawsuits."

Combs was also the subject of a lawsuit earlier this month. Two men sued him for \$25 million each, claiming that a security team at the rap mogul's recording studio attacked them for no reason.

■ **NEW YORK** — Melissa Stark has some breaking news of her own to report: the birth of her son.

Stark, a national correspondent for NBC's "Today" show, gave birth to Michael Lilley Jr. on Friday night, the network reported Tuesday. The boy weighed 7.05 pounds and was 19 inches long.

This is the first child for Stark and her husband, Mike Lilley, who've been married two and a half years.

"Mom, Mike and baby are doing great!" NBC said in a statement.

Stark, 29, will help cover the 2004 Olympics in Athens. Previously, she was a sideline reporter for ABC's "Monday Night Football." Before that, she reported for ESPN.

■ **JOHNSTOWN, Pa.** — Oscar-winning actress Olympia Dukakis will speak about her previous job as a physical therapist during the opening of a new neuroscience institute in western Pennsylvania.

Dukakis, 72, who won the Academy Award for best supporting actress for 1987's "Moonstruck," will be the keynote speaker Thursday at the opening of the John P. Murtha Neuroscience Institute in Richland Township, about 50 miles east of Pittsburgh.

Besides neuroscience, the institute named for a Pennsylvania congressman will study post-polio syndrome and Charot-Marie-Tooth disease, which causes nerve degeneration.

Aside from her prior job as a physical therapist, Dukakis "has fought her own successful battle against osteoporosis and helped her mother battle dementia and Alzheimer's disease," said Amy Bradley, a spokeswoman for Conemaugh Health System, which owns the institute.

■ **NASHVILLE, Tenn.** — Less than five months after suffering a near fatal head injury in a fall, Tony Brown is back at work producing records and running the label he co-owns, Universal South.

"I will never take a normal day for granted again," Brown told The Tennessean newspaper. "You don't know how good normal is until you can't do every little thing."

The 56-year-old producer was in Los Angeles on business for the National Academy of Recording Arts and Sciences when he fell down some stairs April 11.

At UCLA Medical Center, a CT scan and a monitor showed bleeding and severe pressure buildup, and Brown was rushed into surgery.

Nashville record producer Garth Fundis, who was with him that night, said Brown underwent an extreme procedure called a craniotomy, in which a significant portion of his skull was removed and stored, for preservation, in his abdomen. That gave the brain room to swell, instead of crushing down on the brain stem.

Following treatment at a Nashville hospital, Brown went home around May 21, far ahead of expectations. With the help of physical and occupational therapy, he made his first public appearance June 26 at an awards dinner honoring Reba McEntire.

Brown, who played piano for Elvis Presley in the 1970s, worked at MCA Nashville for 18 years before he left as president to form Universal South in 2002 with former Arista Nashville chief Tim DuBois.

At MCA, he produced multiplatinum artists including McEntire, George Strait, Vince Gill, Trisha Yearwood and Wynonna Judd. He's also credited with signing alternative acts like Steve Earle, Nanci Griffith and Lyle Lovett.

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