

Santa Monica Daily Press

A newspaper with issues

Economists critical of living wage proposal

Local businesses would carry the load, not city

BY ANDREW H. FIXMER

Daily Press Staff Writer

Two economists critical of Santa Monica's living wage proposal said the city's ordinance would lack many of the benefits found in other cities.

Former Michigan University Economics Professor David Neumark and UCLA Professor Richard Sander told Santa Monica Chamber of Commerce members Tuesday that local businesses would bear the brunt of the proposed wage increase.

If voters approve the city's living wage law this November, it would raise the minimum, hourly wage for low-income workers at coastal Santa Monica businesses that earn more than \$5 million a year from \$6.75 to \$10.50 with health benefits or \$12.25 without benefits. The wage for workers without benefits would increase to \$13.00 after one year.

Sanders and Neumark said Santa Monica's ordinance would likely be ineffective because it would fall heavily on private businesses instead of local governments, like those in Baltimore and Los Angeles, which have carried most of the weight of the wage increase.

In other cities, living wage laws affect

businesses that are directly subsidized with public assistance or have contracts with the city.

Living wage supporters disagreed with those statements.

"It's hard to see how it could be more targeted," said Madeline Janis-Aparicio, director of the Los Angeles Alliance for a New Economy, or LAANE. "Low-income workers tied to the tourism trade would benefit, so I don't see how it could be any more focused."

The city contracted University of Massachusetts, Amherst, Professor Robert Pollin to examine its living wage proposal in 2000. His six-month study resulted in a 250-page report that concluded the proposal was feasible and would have some effect of lifting families out of poverty.

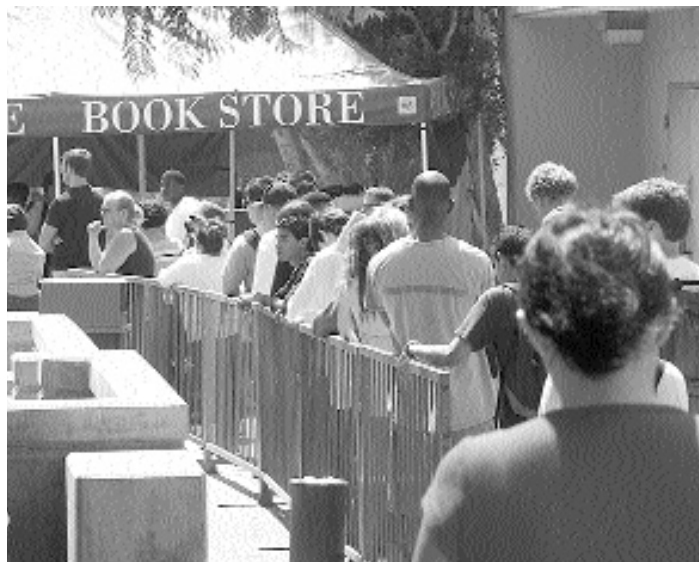
Harvard University Professor Richard Freeman later conducted a peer review of Pollin's study, which found it was conducted properly and came to sound conclusions.

Neumark also conducted a peer review of the Pollin study, but his findings were more critical. He concluded Santa Monica's living wage law would not lift families out of poverty.

Sander also conducted a study, which was paid for by a coalition of coastal luxury hotels and the Santa Monica Chamber of Commerce that opposes the living

See PROPOSAL, page 6

School's starting up



Seth Kotok/Special to the Daily Press

Santa Monica College students prepare for the fall semester and line up to buy books on campus Wednesday.

Test scores rise district-wide

BY ANDREW H. FIXMER

Daily Press Staff Writer

Results of state-mandated tests taken by all Santa Monica students last school year revealed scores have improved steadily at all grade levels and in each subject matter over the past four years.

The results of the SAT-9 — a state-mandated exam administered to students to gauge their understanding of subject matter in math, language and reading — were released this week by the Santa Monica-Malibu Unified School District. The tests indicated the district's students were per-

forming at or above the national average in almost every grade and subject matter.

"We are going to be focusing even tighter on certain programs, such as literacy in K-12," said Superintendent John Deasy. "We have a sense of what is working now and how to bring that to scale to all children."

The mean national percentile scores from the exam taken in the district's ten elementary schools ranged from the 81st percentile in fifth grade math to the 70th percentile in fourth grade reading. These

See SCORES, page 6

Man shot at Palisades Park

Robbery victim fighting for his life

BY CAROLYN SACKARIASON

Daily Press Staff Writer

A man is listed in critical condition after he was shot in the head at Palisades Park Wednesday. Apparently he was shot by one of three men, who appeared to be homeless and attempted to rob him, police said.

At about 1 a.m., an acquaintance of the victim, who also appeared to be homeless, called police from a pay phone reporting that a robbery was in progress, police said. When Santa Monica police officers arrived at the scene, located at Montana and Ocean avenues, they found the man standing upright in the park with a gunshot wound to his head, said SMPD Lt. Frank Fabrega.

He was transported to UCLA hospital.

The first suspect is described as a white male, in his 20s, 6'1", 185 lbs. with reddish/blonde hair and a beard and mustache. He was wearing a dark hooded sweatshirt and dark pants.

The second suspect is described as a white male, in his 20s, 5'9", 120 lbs., wearing dark clothing and carrying a light gray or purple backpack.

The third suspect is described as a white male, with no further information.

They are wanted for attempted murder. The investigation is ongoing, Fabrega said.

"We haven't gotten a lot of information because the victim is in critical condition and was in surgery," Fabrega said.

It is unknown how much money the suspects fled with.

Anyone with information about the crime should call SMPD's robbery/homicide unit at (310) 458-8451 or dispatch at (310) 458-8491.

Couple sues airline for \$5M after cat is lost during flight

By The Associated Press

SAN FRANCISCO — A couple that alleges Air Canada lost their tabby cat are seeking \$5 million in compensation, according to a suit filed against the airline.

Their suit is the largest ever filed over a cat, said their lawyer in San Francisco, where the couple now lives.

Andrew Wysotski and Lori Learmont, a couple formerly of Oshawa, Ont., were headed for San Francisco with their 15-year-old cat, Fu, and four other cats last August.

Their suit claims that Air Canada, its cargo-handling company and San Francisco

See SUIT, page 7

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★★★-So-so ★-Difficult

♈ ARIES (March 21-April 19)

★★★★ Out of the blue, you become fastidious, especially with work and health matters. Your efficiency works for you, but might be very annoying to others. Be reasonable with your requests. Remember, not everyone thinks as you do. Tonight: Organize your bills.

♉ TAURUS (April 20-May 20)

★★★★★ You might suddenly become far more frisky than you have been in recent months. Allow yourself to express your libido more often. Treat a child carefully, as he or she might be up for a rebellion. Tonight: Start Labor Day weekend early.

♊ GEMINI (May 21-June 20)

★★ Upbeat surrounds your home or personal life. To be sure, someone might not see an emotional issue in the same light as you do. Meanwhile, muzzle yourself and detach. You could be overreacting. Be smart and find out what's needed here. Tonight: Get as much sleep as possible.

♋ CANCER (June 21-July 22)

★★★★ You might speak your mind a little too easily in the next few months. You need to pull back and do some thinking. You might not be on-target about a personal matter. Loosen up when dealing with a difficult neighbor or sibling. Tonight: Accept a friend's invitation.

♌ LEO (July 23-Aug. 22)

★★★★ Your energy level drops after a very strong few weeks. Be careful, as with the changing of the season, you might go overboard financially. Work on being reasonable with your spending, making a budget ahead of time. You don't want to sing the blues. Tonight: A must show.

♍ VIRGO (Aug. 23-Sept. 22)

★★★★★ Mars moves into your sign, encouraging you to take off and visit with others in the near future. Use your fine mind to see ways to clear out your work more efficiently. Your high energy makes you an unbeatable force. Tonight: Try unusual.

♎ LIBRA (Sept. 23-Oct. 22)

★★★★ A partner expresses a high level of caring. You feel more comfortable now to express your feelings. You might not be as happy as she or he thinks. Wouldn't it be better to express your qualms in a nice way rather than blowing your fuse? Tonight: Chat over dinner.

♏ SCORPIO (Oct. 23-Nov. 21)

★★★★★ Your friends drive a hard bargain in the next few weeks. Clearly, others want you with them. A partner or associate also might be unusually demanding right now. Do what you need to in order to fit in all your obligations. Do what you want, also! Tonight: Just say "yes."

♐ SAGITTARIUS (Nov. 22-Dec. 21)

★★★★ In the next few weeks, you could be unusually busy. Others demand a lot, and you'll deliver. Be direct with associates. If everyone understands or knows what is expected, they are likely to fill the bill. Avoid getting bossy. Tonight: Clear your desk.

♑ CAPRICORN (Dec. 22-Jan. 19)

★★★★★ Reach out for those at a distance. Plans point to getting together in the near future, if not this Labor Day weekend. Creativity flourishes in an unprecedented manner. Help others get into the holiday mood. Let go and enjoy. Tonight: Where the fun is.

♒ AQUARIUS (Jan. 20-Feb. 18)

★★★ Dig into a project with an associate or loved one in the next few weeks. You could be amazed at what you can accomplish together. Bring extra work home if you can. You might be able to concentrate better in your own environment. Tonight: Make it easy.

♓ PISCES (Feb. 19-March 20)

★★★★ How you say what you think could make a big difference in the response you receive, not only today but also in the next few weeks. Others dominate the scene right now. You might need to defer to another. Don't take every word that comes out of this person's mouth personally. Tonight: Join a loved one at a preferred spot.

CORRECTION — In the Aug. 28 edition it was inaccurately reported that Sonya Fox Sultan, a local estate attorney, is a chamber of commerce member. She quit the chamber two years ago.

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LOCAL



surf report

Information compiled by Jesse Haley

Our fading swell gives way to a new one from that familiar southwest direction. The near identical southwest ground swell is expected late today, building into Friday.

While many breaks will miss out on the new southwest because of shadowing from near shore islands, exposed spots should hit waist- to chest-high. Reports show a lot of activity around Venice Beach, so locals may see some big sets at the Breakwater and Pier.

Conditions look similar to Wednesday.



Today's Tides:

High-	1:35 a.m.	3.31'
Low-	7:00 a.m.	2.26'
High-	1:51 p.m.	4.51'
Low-	9:26 p.m.	1.92'

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

The Q-Line

It's election season in Santa Monica and for many that means the games are about to begin. Politics in Santa Monica can be quite a spectator sport, especially for those who are deeply involved in it.

But for the average Joe citizen, politics doesn't mean much. He just wants to make sure his trash is collected and can live in a safe community.

The leading political party, Santa Monicans For Renters Rights, which holds the majority on many city boards, most likely will keep its power.

Its causes are noble and just, but some wonder if basic city issues are lost in bettering society as a whole.

So this week Q-Line wants to know: "What local issues do our elected and appointed officials need to focus on during their campaigns?"

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.

An inside look at the Santa Monica Police Department

By Daily Press staff

The next Santa Monica Police Department Citizen Police Academy, which provides an inside look at local police work, will begin on Wednesday, Sept. 11.

The 11-week program, one night per week for three hours, gives participants an overview of the department's functions, responsibilities and operational procedures. Classes are taught by police officers, police executives and highly specialized non-sworn employees of the SMPD.

Included in the course are demonstrations, discussions, lectures and personal participation in mock exercises. Units involved include the defensive tactics team, metro team, K-9, traffic enforcement and internal affairs.

Enrollment is open to anyone 21 years old, who lives, works or attends school in Santa Monica. Applications will be accepted until Aug. 30, or until the class is full. To obtain an application or to ask questions, call the SMPD's community relations unit at (310) 458-8474.

Mechanic accused of murder waiting for his day in court

BY ANDREW H. FIXMER

Daily Press Staff Writer

The wheels of the justice system are slowly rolling along for a Santa Monica mechanic accused of murder.

Michael Ward Bell, 53, a resident of Los Angeles, appeared in Santa Monica Superior Court on Wednesday with his public defender John Raphling to set a date for a preliminary hearing. The accused also received a copy of the Los Angeles County Coroner's report on the victim, Andre Watson.

Watson, a black male, had been seen by witnesses loitering outside BT Automotive on 2600 block of Pico Boulevard during the entire day of July 1. Around 8:20 p.m., Bell emerged from his shop and allegedly shot the man. Sources said Watson appeared to be a transient.

Bell has plead not guilty to killing the victim, and he remains in the Los Angeles County Jail on \$2 million bail.

The coroner's report found Watson had died from a gunshot wound to the abdomen, said Deputy Los Angeles County District Attorney Christine Johnston, who is prosecuting Bell's case.

Raphling said the case is moving forward and both sides are currently gathering evidence and interviewing witnesses. "There were quite a number of people at the scene," he said. "So I'm in the process of finding out what they saw and heard."

However, setting a date for the preliminary hearing, which determines whether there is enough evidence to proceed with a jury trial, will be delayed until Sept. 23, when the Santa Monica Police Department detective handling the case will be

available to appear in court.

Santa Monica police were called to the area at 8:24 p.m. on July 1 when several residents reported shots being fired, said Lt. Frank Fabrega, a SMPD spokesman.

When officers arrived, they found Watson lying on the sidewalk in front of a parking lot on Pico Boulevard. The victim had been shot multiple times in the lower torso, and he was transported to UCLA Medical Center where he was pronounced dead.

Minutes later, SMPD officers found Bell in the parking lot of BT Automotive, where he was arrested.

According to an employee at a nearby repair shop, Watson stood on the street outside of BT Automotive most of Monday afternoon. Bell stayed late that night waiting for a customer to pick up his car, which he did at about 8 p.m. He was arrested nearly 30 minutes later.

Business owners in the area who know Bell were shocked to hear he had been arrested for murder.

"He was a mechanic that I could trust," said Ron Winkelman, owner of a business near to BT Automotive, the day after the shooting. "I liked him, he was a good guy ... I feel bad for the guy."

Though Raphling would not cite specific reasons for his client's actions until the preliminary hearing, the lawyer said he had a solid defense.

"I'm still investigating," Raphling said. "I do know some of what was going on, but I'm still investigating."

"The whole story will come out soon enough," he added.

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OPINION

LETTERS

Sticking up for columnist

Editor:

Michael Beattie recently wrote a letter in the Daily Press personally attacking writer Bill Bauer for his recent article on the homeless. Beattie accused Bauer of making up research, but it was in fact Beattie who made things up. Contrary to what Beattie claimed, Bauer never said there were "40 feedings in Palisades Park with up to 1,000 people at any given feeding."

He did say there are "drug addicts" and "anti-social" persons within the city's homeless population and this is true. Beattie resorted to childish name calling by referring to Bauer as a "Nazi wannabe," which I found to be very inappropriate.

Had Beattie read Bauer's article carefully, he would have noted that Bauer praises Samoshel and people, such as Beattie, who are working toward making a better life for themselves. He supported making programs that help people trying to return to self-sufficiency more efficient and effective, while eliminating those which enable persons to live in misery on the streets indefinitely.

My advice to Beattie: If you disagree with Bill Bauer, disagree on the facts ... don't make things up.

Greg and Margaret Lloyd
Santa Monica

Homeless should check out 11th and Colorado

Editor:

Regarding the bums of Santa Monica. Over on 11th Street, between Olympic and Colorado, is that area where the day laborers hang out. Whenever I go by there, it looks like all the guys there are "Mexican," meaning those whose ancestry is from south of the border. I didn't see any of the local bums waiting for work. The ones there

may be illegals, perhaps not. Or maybe all the bums went there and got hired first, or perhaps not. There still seems to be quite a few downtown asking for money though.

Mike Kirwan
Venice

Loews employees are paid fairly

Editor:

In reference to Ron Scott Smith's article in the Aug. 14 issue, I would like to point out the following:

The wages for the housekeepers at Loews are already an average of more than \$10.50 per hour. Additionally, we provide free meals, free parking and free life insurance along with a myriad of other benefits. Further, since the start of the year we have incorporated gratuities into many of the contracts we have with visiting groups, adding additional income to our housekeeping staff.

We pay 91 percent of the medical insurance for a family. That equates to \$2.30 per hour — more than is mandated by the living wage ordinance.

A vast majority of our housekeepers do not support the union. Why should they ... our 90-day rate is higher than that of the union. Since the start of the year, our turnover with housekeepers is zero ... that speaks volumes.

And, contrary to the assertion made in the article, we have had no "teammates dropped from the hotel roster recently by a not so generous management because they dared to stand up and defend their ten bucks an hour." The allegation is simply not true.

John Thacker
Regional Vice President/Managing Director
Loews Santa Monica Beach Hotel

Trading in our beach caps for thinking caps this fall



TITTINGER'S TAKE

By Michael J. Tittinger

Ever more increasingly, summertime has come to represent a time for fun, a time for relaxation, and most troubling of all, a time to completely let our minds go to mush. Of course, residing in Southern California, where the weather is inviting year-round and the sun remains a constant presence throughout the so-called winter doldrums, we have even less excuse for allowing our minds to resemble a pre-packaged tuna sandwich in an Igloo cooler at the beach.

School is back in session and I, for one, am ready to throw my arms around a return to academia, intelligent thought and weighty debate.

An envelope inserted neatly into the crack of my front door provided a wake-up call: I had won a free one-year membership to Gold's Gym. The blank, standard business envelope was anonymous; the company didn't even bother with the facade of a fake salutation alerting "Mr. Tittinger" of his being handpicked to take advantage of this very exclusive offer. With tongue planted firmly in cheek, it all sounded too good to be true. Then I read the fine print and was incredulous.

"Your only obligation is to pay a monthly service fee, plus first month's pro-rated dues and a one-time card fee."

I thought it must be a joke. Mortgages are less involved than this "free" offer.

Then I remembered it's still summertime.

That same afternoon I was leafing through the newspaper in search of what was playing at the local movie theaters. A big mistake considering the season, when "XXX" and "Blue Crush" are considered high art films and getting thumbs-up due to the dearth of genuinely engaging, intelligent movies in the summer. After reading the advertisement for the Matthew Perry-Elizabeth Hurley feature "Serving Sara," I had to close the paper and find an alternative way to pass the time.

We all know that movies tout their positive reviews in black-and-white, with attributable quotes the size of the marquee atop the film's title and synopsis in order to gleam credibility. We all know a film is trouble when there are no Ebert-onion or Reed-esque quotes appearing on the ad like Dana Carvey's stinker "Master of Disguise," which tries to pull the woolen beach blanket over our eyes with the tagline "See the movie the critics are talking about." Of course, what the critics are saying may not be printable.

Then there is the trouble with "Sara," a film that still tries to go the customary route with glowing review blurbs but goes to the well two (sic) many times. Earl Dittman apparently thinks the movie is the greatest thing since sliced bread and says so in BOTH of his quotes, subtly separated so as to appear as two different people, on the advertisement. Who is Earl Dittman, you ask? The ad attributes his work to Wireless Magazines, whatever that is. I'm tempted to see the movie just to investigate whether or not his moniker appears in the closing credits.

I was getting all worked up over these blatant insults to the human condition and

our evolutionary standing, then I remembered ... it's still summertime.

With issues such as an all-out assault on Iraq looming, a battle that will inevitably produce a large number of American casualties, as well as a maelstrom of ethical and philosophical debates locally as the bodybags accumulate, we need to return our focus in full. Summer is over, and we are on the precipice of the first Sept. 11 calendar date since our nation unwittingly fell under siege. Surely we will require all our faculties as we sort out the past year and debate, as we are called upon to do in a democracy, our next steps as a nation.

But we mustn't drag our feet here and hold on to the summer like a faded family vacation photograph with dog-ears because decisions are being made for us without our input. We need only read the small print and between the lines. The Bush administration's PR machine is going full throttle to sell the idea of a war on Iraq to the American public. Vice President Dick Cheney used a Monday speech to the Veterans of Foreign Wars in Nashville, Tenn., to unveil the administration's latest propaganda tact — the fear factor — hinting that Saddam Hussein will have atomic weapons "fairly soon."

No doubt the timing of the Sept. 11 anniversary will prove pivotal in whether or not a case can be made for the effort to topple Hussein, a mission that will likely require our troops' presence in the Middle Eastern nation for years, and we, as a nation, must be in the right frame of mind to support or rebuke such propositions. Make no mistake, we are going to attack Iraq, we need only to read between the lines.

As the summer sun begins to set, there

are a bevy of other issues, including those on the local level, which requests our attention. Or else, decisions will be made for us and those in power will not be accountable.

Case in point: The city's planning commission reluctantly approved development on a 133-unit housing and retail monster to swallow two entire city blocks along Santa Monica's showpiece thoroughfare — Main Street. It's obvious to all those who read between the lines and review commissioner comments that not one member of the board was enthralled with the project, but approved it nonetheless when the developer, Howard Jacobs, tied their hands with a multi-million dollar lawsuit in which he claims the city dragged its feet reviewing the initial proposal.

The commission subsequently approved the conceptual plans under the watchful gaze of deputy city attorney Barry Rosenbaum, requesting the developer make a series of architectural redesigns he is under no real legal obligation to make.

Attempting to paint a rosy picture, Gary Gordon, staff member of the Main Street Merchants Association, said, "all of these things create the ambience of Main Street. It's a jumble. The cities we love are jumbles."

A jumble is defined as "to mix in a confused way; to confuse." Nobody designs a jumble, nor desires one. We need only read between the lines.

Summer is over. Let's trade in our beach caps for thinking caps.

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

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

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OPINION



Homelessness issue is rife with misinformation

Bill Bauer's recent article (Homeless: Services without goals and accountability, Aug. 24) contains many inaccuracies. As one of the largest providers of social services in Santa Monica, and not just homeless services, Ocean Park Community Center has more firsthand knowledge and experience dealing with "the homeless problem" than all the comfortably housed writers and aspiring politicians who use your paper as a platform to disseminate misinformation about the service delivery system.

Contrary to Mr. Bauer's assertions that "there is no attempt at reducing the number of homeless in the community" and "service providers such as OPCC receive funding based on the number of people and services they provide...there is no incentive to reduce the client base, but there is real financial incentive to provide additional services," every contract we have to provide services requires us to show measurable outcomes that either reduce the number of people living on the streets or facilitate change in behavior that will assist people in connecting with services.

We don't get paid based on the number of people we serve. In fact, in the last two years our public funding has decreased by 7 percent while our client base has increased by 12 percent. The idea that funders throw money at us based on the number of people we can keep on the streets, without any accountability about how the money is spent and what impact it has, is a complete fabrication. All funders require monthly, quarterly or annual program and fiscal reports detailing how the funds are being used backed up with documentation. In today's economic climate, with all levels of government facing significant deficits, service providers are pressured to provide ever-increasing services with fewer dollars.

The accusation that OPCC, or any service provider, has a vested interest in keeping people homeless and creating more homelessness to maintain our jobs is not only insulting, it's contrary to the facts. Homeless services developed in response to meeting a need that has become a social phenomenon across this country since the mid-1980s. Homelessness is growing in Santa Monica, and in every other community, for a variety of reasons. Lack of affordable housing and decent paying jobs, the proliferation of cheap and highly addictive street drugs and untreated mental

illness and substance abuse.

Homelessness, and the service delivery system, will disappear when we address the root causes of the problem and there is no longer a need for those services. Working with people who have lost hope and often feel less than human is demoralizing for the staff who show up every day and do their best to assist people in finding their way off the streets. Staff celebrates when they are able to help a person obtain shelter, not when they turn the person away because there are no beds available. To suggest that we get a kick out of seeing hundreds of people a day remain on the streets because we are enriched by their misery is not true.

Our agency devotes significant time, energy and resources serving homeless people. Nothing would please me more than to shut down our access center because there was no longer a need for our services. The 250 people a day coming to us would all be housed and we could use our resources to break the cycle of domestic violence, break stronger families, treat people with mental illness or address any of the dozens of other social problems facing this community.

I agree with one of Mr. Bauer's points. The current system is overwhelmed and incapable of providing adequate help for all those in need. Not because the providers are incompetent or greedy, but because the capacity of the system is limited and will always keep people out. Until we get serious about increasing the number of beds to provide alternatives to living on the streets, we will continue to listen to the same tired complaints. Our continuum is far from perfect. Yes, we all have staff who could do a better job, and we have clients who are unable or unwilling to make the changes in their lives necessary to help themselves. Activities not linked to the continuum of care make it harder to coordinate between agencies and do a disservice to the people who need help. Other local municipalities haven't done their fair share in providing resources to solve these problems. We all can do more to eliminate homelessness, and not just manage it. Blaming those who are doing the hard work to end this national disgrace does nothing to move us forward and make Santa Monica a safe and clean community for everyone.

(John Maceri is executive director of the Ocean Park Community Center.)

Guest Commentary

By John Maceri

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LOCAL

Restaurant would stop lunch to avoid living wage

PROPOSAL, from page 1

wage. The professor found that the living wage law would do more harm than good.

Neumark, who was paid by the chamber of commerce for his appearance Tuesday, said the living wage "tax" would fall on labor, which can easily be changed, instead of "inflexible" variables such as land or office space. Under the circumstances in Santa Monica's proposal, businesses would find a way to avoid paying the higher rates.

"I call it the law of unintended consequences," he said. "That's when you pass a law that people can find a way around."

He said the result will be that businesses will cut down on hiring new employees or expanding their businesses. He also suggested restaurant patrons could be charged a fixed gratuity to make up for the difference.

At least one local restaurant owner who spoke at the function agreed. Jeff King, owner of Ocean Ave. Seafood and several other restaurants from San Diego to Calabasas, said he would cut serving lunch so that revenues at his business would fall below the \$5 million threshold for the living wage.

"This law would cost Ocean Ave. Seafood \$500,000 a year," he said. "We

would rather cut 40 jobs and stop serving lunch than pay that."

"I call it the law of unintended consequences. That's when you pass a law that people can find a way around."

— DAVID NEUMARK
Economist

However, an employee at Doubletree Guest Suites Hotel on Fourth Street said it was unlikely many coastal employers had much room to trim. Ty Kirk, who is actively trying to help the Hotel Employees & Restaurant Employees union represent his fellow workers, said many local hotels and restaurants are already running on skeleton crews.

"At the Doubletree and other hotels where I have talked to employees, staffing is already bare bone," he said. "They say if the wages are increased, hotels will cut staffs, but we are already way understaffed."

Scores illustrate disparities among district schools

SCORES, from page 1

scores significantly exceed those of most school districts in the nation, according to district officials.

Scores continued to rise at the district's middle schools at all subject grade levels compared to four years ago. The mean national percentile scores ranged from the 76th percentile in sixth grade math to the 66th percentile in eighth grade math.

The percentage of middle school students scoring at least at the 50th national percentile ranged from 77 percent in the eighth grade language exam to 66 percent in eighth grade math exam.

While a few scores only held constant at both Santa Monica and Malibu high schools, the vast majority improved. Malibu 10th graders, for example, improved by double digit scores when compared to four years ago.

The mean national percentile scores ranged from the 73rd percentile in ninth grade math to the 47th percentile in 10th grade reading.

When compared to four years ago, scores at the high schools improved in six of the nine grade categories and held essentially stable in the others. The percentages of students scoring above the 50th national percentile ranged from 71 percent in ninth grade math to 51 percent in 10th grade reading.

Stephen Frankel, the district's director of standards, assessment and data, said the increases would have been more drastic if compared to lower test scores from five years ago.

"This is a very conservative presentation," he said. "But since 1999 when our efforts became focused at all schools, we opted to use that year as our baseline (for comparisons)."

The test scores also illustrated the disparities between schools within the school district.

For example, students from Franklin Elementary School, which is located in one of Santa Monica's wealthiest neighborhoods, posted scores in the high-80s and low-90s. Meanwhile, students at Edison Elementary, a bilingual school located in one of the city's poorest neighborhoods, scored in the low-to-mid 40s to the low-60s.

"We have a sense of what is working now and how to bring that to scale to all children."

— JOHN DEASY
SMMUSD Superintendent

However, Edison — along with John Muir Elementary — also had some of the district's greatest gains in test scores over the past four years. There were double-digit gains in at every grade level except for third grade students at Edison, and math scores at John Muir improved by more than 30 points in every grade.

At this rate of improvement, Deasy said he has high expectations for the district's students.

"We would expect to see us achieve our long-term goal of (having test scores) in the low 90s for all students," he said. "That would be a phenomenal achievement for us to do."

STATE



Assembly OKs bill setting up office to fight homelessness

By The Associated Press

SACRAMENTO — California would create an office to deal with homelessness if a bill approved Tuesday by the state Assembly becomes law.

The measure by Senate President Pro Tem John Burton, D-San Francisco, cleared the Assembly on a 41-27 vote and was returned to the Senate for consideration of Assembly amendments.

The bill would make the Office of Homelessness part of the governor's office and direct it to coordinate state services to the homeless and identify gaps in those programs.

Assemblyman John Campbell, R-Irvine, questioned whether the state could afford the cost of the bill, given its budget problems.

"Anyone considering voting for this bill should consider which \$500,000 in the budget they want to eliminate," he said.

But Assemblyman Manny Diaz, D-San Jose, said the cost of setting up the office would be covered by the governor's budget.

Police find 20 pounds of cocaine during speeding stop

By The Associated Press

GENESEO, Ill. — Illinois State Police arrested two men and recovered nearly 20 pounds of cocaine after a routine traffic stop for speeding.

Alberto Viero, 29, of Los Angeles, and Hector Rauda, 30, of Clearfield, Utah, are charged with narcotics trafficking, possession of a controlled substance and possession of a controlled substance with intent to deliver.

A canine officer stopped Viero's 2001 Ford pickup truck just before noon Monday on Interstate 80 for speeding just outside Geneseo. The trooper found the cocaine hidden in a secret compartment in the truck, State Police spokesman Tom Burek said.

The cocaine has an estimated street value of about \$1.4 million, Burek said.

Viero also was charged with a misdemeanor for having a vehicle with a hidden compartment.

Digital Software Association donates games to sailors

By The Associated Press

LOS ANGELES — Some 10,000 Navy submariners are skateboarding, racing cars and playing hockey — all thanks to a donation from the video game industry.

Each of the Navy's 72 subs has been given a video game console and about 20 top-selling games as part of the industry's post-Sept. 11 effort to boost morale of soldiers fighting terrorism.

The donation comes from members of the Interactive Digital Software Association, a trade group for the video game industry. Consoles donated include Microsoft's X-Box, Sony's PlayStation 2 and Nintendo's GameCube.

"While overseas on active duty, our troops can't enjoy many of the things they relax with at home, so we decided to bring the games they love to them as our small way of saying 'thanks,'" said Doug Lowenstein, IDSA president.

About 1,700 games were donated, including titles ranging from "Star Wars Rogue Leader" and "Delta Force Urban Warfare" to "Tony Hawk Pro Skater 3."

Also included are sports and racing games, games featuring British spy James Bond and even a fishing game.

Tabby causes major ruckus

SUIT, from page 1

International Airport personnel are guilty of negligence, negligent infliction of emotional distress, fraud and false advertising.

"It's not about the money," Wysotski said. "It's more the attention to the problem than the money."

"We hope to make changes by making people aware of what goes on year after year," he added.

Papers filed Aug. 16 in the San Francisco Superior Court by animal rights lawyer David Blatte allege that before Wysotski and Learmont boarded the flight at Pearson International Airport, they got airline-approved plastic crates for Fu and

the other cats.

Upon arrival in San Francisco, it was discovered that Fu's crate had a large hole in a corner, the front door was broken and open, and the cat was gone, the claim states.

An Air Canada spokeswoman said that because there is litigation pending, it "will confine its comments to legal proceedings."

Blatte, the couple's lawyer, has experience in high profile Bay Area cases regarding animals. Last year he represented Marjorie Knoller and Robert Noel in their fight to save Hera, one of two dogs that attacked and killed Diane Whipple in front of her San Francisco apartment last year.

Hera was eventually destroyed.

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Santa Monica Daily Press





STATE

Danielle van Dam's killer likely to die an old man

BY DAVID KRAVETS
Associated Press Writer

SAN FRANCISCO — The man who kidnapped and killed 7-year-old Danielle van Dam of San Diego isn't likely to be executed any time soon, perhaps not ever, even if jurors vote for it.

Prosecutors began arguing on Wednesday for the death penalty against David Westerfield, telling a jury that the 50-year-old engineer "deserves" to be executed for murdering his neighbor.

But California is home to the nation's most clogged death row, housing 616 condemned inmates. Juries add nearly two dozen inmates each year. Rarely are they executed.

Politicians, defense attorneys and prosecutors have been saying for years that the process will soon speed up. Death row, though, keeps growing.

Ten inmates have been executed since California resumed the death penalty in 1977 after the U.S. Supreme Court lifted a temporary ban on capital punishment nationwide. The last execution was January. Twenty-two of the condemned died of natural causes.

By contrast, Texas, the most active death penalty state, has executed more than 240 inmates since the high court allowed executions to resume.

To pick up the pace, the California Supreme Court recently adopted a wide range of measures, including increasing its capital punishment staff. The Legislature has funded more capital defense lawyers. Congress has sped up deadlines for inmate appeals.

Still, 1 in 4 California's death row inmates haven't yet been given a lawyer for their first appeals to the state Supreme Court. Justices face no deadlines to appoint these lawyers, or rule on their appeals.

The absence of timelines leads to lengthy delays. On Monday, for example, the justices ruled that Jesse James Andrews should die for a 1979 Los Angeles triple murder — 23 years after the crime and 18 years after the conviction.

Now Andrews' case will weave through the federal district and federal appellate courts, and eventually to the U.S. Supreme Court. These courts also face no deadlines; when they will rule on Andrews' case is unknown.

What is known is that only two living California condemned inmates are currently approved for execution by the 9th U.S. Circuit Court of Appeals.

One case was cleared in July 2001 and is pending before the U.S. Supreme Court. The other was cleared Monday and is pending petitions for reconsideration.

Timelines aside, the 9th Circuit set aside nine California death sentences this year. Most claimed ineffective counsel, a typical theme in death penalty appeals.

If Westerfield is sent to death row, he may argue that his jury was prejudiced because prosecutors also tried him on child pornography charges after police discovered digital photos in his home of children being sexually assaulted.

Some legal experts say the 9th Circuit has been reversing more death sentences because the California Supreme Court has been upholding about nine of every 10 since 1986, when state voters removed three justices who repeatedly reversed death sentences from the California Supreme Court.

Dane Gillette, who supervises all death row appeals for California's prosecutors, said Westerfield will likely be executed in about a dozen years if he lands on death row. But that's just a rough guess — and it's still more likely that he'll die of natural causes than a lethal injection.

"We can't spend a lot of time worrying about whether all of them will be executed or not," Gillette said. "We've got to focus on each individual case."

Lynne Coffin, California's chief public defender, said there was no need to speed up executions.

"The courts want to ensure that people who deserve it get it," she said. "Do you want a system like China where they take you out back and shoot you after your conviction?"

'Women Helping Women' is a pyramid scheme, police say

By The Associated Press

SACRAMENTO — A pyramid scheme that promises women a \$40,000 payoff on a \$5,000 investment has spread to California, police say.

The program called "Women Helping Women" has popped up nationwide.

Now the "dinner meetings" at which the money is exchanged are becoming common in California as well.

There have been meetings recently in Auburn, Folsom, Rocklin, Citrus Heights and Sacramento, and previously in the Lake Tahoe area and El Dorado County, police and prosecutors said.

The spread is prompting law enforcement officials to step up efforts to stop what they say is variation on an old scam that eventually collapses of its own weight.

A woman pays upfront, with the promise she will reap a large return once enough other women have joined so that she rises to the "dessert level" or becomes the "birth-day girl," depends on variations in the program.

However, the program only produces rewards so long as new women keep joining.

"The people on the bottom when that collapses are all out money," Auburn Police Officer Dale Hutchins told The Sacramento Bee. "It's almost unbelievable that someone thinks there's \$40,000 in the air and all they have to do is pay \$5,000 to grab it."

Sacramento County Sheriff's Detective Jan Carter said the con may be imported to new areas by people who profit and move on, though they may initially attract participants with talk of contributing to a charity.

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STATE □ NATIONAL



Closing arguments in McDonald's scam trial

BY RON WORD
Associated Press Writer

JACKSONVILLE, Fla. — Five men charged with redeeming stolen high-value McDonald's game pieces are guilty of a being in a conspiracy fueled by greed, a prosecutor said in closing arguments Wednesday.

The men are accused of conspiracy to commit mail fraud for recruiting winners or acting as winners in

McDonald's "Monopoly" and "Who Wants to be a Millionaire" games from 1989 to 2001.

"This is a single conspiracy," argued Assistant U.S. Attorney Mark Devereaux, who outlined how each of the defendants violated federal laws in connection with the popular games.

"It's sad that there are no winners here, no real winners at all," Devereaux said.

Defense attorneys were to give their closing arguments

Wednesday afternoon before the case goes to the jury.

The accused are: George Chandler of Walhalla, S.C., Kevin Whitfield of Savannah, Ga., Jerome Pearl of Miami, Thomas Lambert of Bowling Green, Ohio, and John Henderson of Las Vegas.

The government's key witness in the trial was Jerome Jacobson, 59, of Lawrenceville, Ga., who pleaded guilty to stealing tickets from his employer Simon Marketing and then recruiting friends and relatives to help find people to redeem the winning tickets.

Simon Marketing had been hired by McDonald's to run its "Monopoly" and "Who Wants to be a Millionaire" games.

Jacobson was head of security for the Atlanta-based company. He testified he stole about 80 percent of the high-value tickets from 1995 to 2001.

Jacobson said he and one of the recruiters told some of the people who redeemed a game piece that the legitimate winner was involved in a divorce case and did not want his estranged wife to know about the prize.

Jacobson, a former police officer in two Florida cities and Atlanta, also testified that none of the recruiters knew the other recruiters.

Jacobson bought more than \$1 million in homes, cars and other property with the cash kickbacks. He forfeited those purchases when he pleaded guilty April 5 and faces up to 15 years in prison.

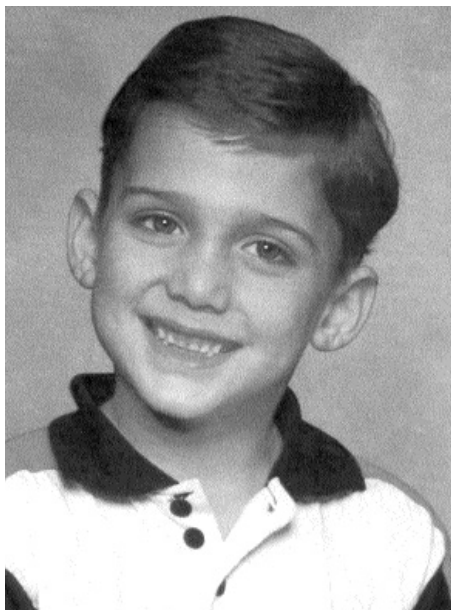
He testified under cross-examination that although he promised to pay back \$12.5 million, his assets going to the government are only worth about \$350,000.

When asked how much money he received, he replied, "I don't know."

Since the first arrests last August, 51 people have pleaded guilty for their roles in the 12-year scam and are awaiting sentencing. About two dozen more arrests are expected.

Prosecutors said the conspiracy began in 1989 and involved more than \$20 million in fraudulently redeemed game pieces. The pieces were attached to McDonald's drinks and food boxes or obtained through advertising.

In search of a missing boy



Palm Desert Police Dept./Associated Press



Steven K. Doi/Associated Press

Nicholas Michael Farber, 9, seen in this undated police handout photo, was abducted from his home in Palm Desert, Calif., on Wednesday, Aug. 28. (Right) A privately owned auto mall message board along Interstate 10 in Palm Desert, Calif., displays a regional child abduction alert for the missing boy. Farber was taken at gunpoint early Wednesday by two men who attacked the child's father, police say, in the latest in a series of child abductions in Southern California.

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NATIONAL

Six men indicted in al-Qaida network conspiracy

BY JOHN SOLOMON

Associated Press Writer

WASHINGTON — Federal grand juries charged six men with conspiring to support Osama bin Laden's al-Qaida network Wednesday as the government escalated its efforts to stifle the flow of money and assistance from U.S. soil to overseas terrorist groups.

In Seattle, American citizen and Muslim activist James Ujaama was accused in a two-count indictment of trying to set up a "jihad (holy war) training camp" on the West Coast and providing support and resources to al-Qaida.

Separately, four men who had been in the United States since at least 2000 were charged in Detroit with operating a "covert underground support unit" and a "sleeping operational combat cell" for a radical Islamic movement allied with al-Qaida. A fifth man whose full name isn't known by the government was also named in the indictment.

Their indictment said the men plotted attacks on sites in Turkey and Jordan and possessed a videotape that surveilled U.S. landmarks such as Disneyland in California and the MGM Hotel and Casino in Las Vegas.

"The object of the conspiracy was, among other things, to cause economic harm to U.S. businesses," the indictment said.

Both indictments used a law barring people living in the United States from providing "material support and resources" to terrorist groups.

U.S. officials said Wednesday they

expected several more such indictments in coming months as the FBI, Customs Service and other federal agencies attempt to block money and operational support from the United States from reaching terrorist groups overseas.

"The evidence that is being developed suggests that America has been a piggy bank for certain terror organizations to the tune of tens of millions of dollars," said a senior law enforcement official directly involved in the investigation.

Agents believe they have uncovered a broad effort by U.S. residents — many who are citizens or legal residents — to use credit card thefts, illegal cigarette sales, diverted charitable funds and cash smuggled in airline luggage to enrich anti-American and anti-Israeli terror groups, the officials said.

One law enforcement official said agents also recently began investigating possible terrorist funding schemes that employ the Internet or defrauding of federal aid programs. That official said evidence so far indicates the anti-Israel groups Hamas and Hezbollah receive far more support from U.S. soil than al-Qaida.

The indictment handed up by a federal grand jury in Detroit named Karim Koubriti, Ahmed Hannan, Youssef Hmimssa, Farouk Ali-Haimoud and a man only known by the first name Abdella. Koubriti, Hannan, Hmimssa and Ali-Haimoud have been in custody since shortly after the Sept. 11 attacks. Abdella remains at large.

The indictment charged the men with conspiracy to provide material support or resources to terrorists and conspiracy to

engage in fraud and misuse of visas and identification documents.

Hmimssa was named at the top of the indictment, where the charges were listed, but was not further mentioned in the indictment. U.S. officials offered no immediate explanation, although legal experts said it probably signaled that the details of Hmimssa's indictment are sealed by a court.

The indictment said the men used a "coded form of communication" to speak about terrorist plans and were "involved in plans to obtain weaponry to benefit operatives overseas."

"Their planning involved specific violent attacks, including ones that targeted an American air base in Incerlik, Turkey, and a hospital in Amman, Jordan," the indictment said, citing plans found in a daybook planner.

Four of the men have been in custody for months since a raid on a Detroit apartment shortly after the Sept. 11 attacks.

The indictment suggested the men were involved with an Islamic extremist movement known as Salafiyya, which became associated with al-Qaida.

The indictment said the men were taking actions to "engage in or support holy war or global jihad" and that three of them had discussed in June 2001 that "Islam permitted the killing of innocent civilians."

It said the men checked Detroit's airport for gaps in security and that a federal raid on an apartment some of the men shared recovered a videotape that "appears to depict surveillance of such U.S. landmarks as Disneyland in Anaheim, Calif., and the MGM Hotel and Casino in Las Vegas."

Ujaama's indictment in Seattle came weeks after he was first arrested in Denver and held as a material witness in the terrorism investigation.

Ujaama was charged with conspiracy to provide material support and resources for al-Qaida and with using, carrying, possessing and discharging firearms during a crime.

The indictment contends Ujaama, a Muslim who was born James Ernest Thompson, led a conspiracy to set up a training camp in Bly, Ore.

In October and November 1999, at meetings with co-conspirators there and in Seattle, the indictment alleged, Ujaama led discussions about the need "for further training, in order to be able to attend violent jihad-training camps in Afghanistan, the commission of armed robbery, the building of underground bunkers to hide ammunition and weapons, the creation of poisonous materials for public consumption, and the firebombing of vehicles."

"In or about October 1999, after visiting the property in Bly, Ore., Ujaama proposed ... the establishment of a jihad training camp on the Bly property," it says.

Ujaama has repeatedly maintained his innocence. In a written statement Tuesday, he accused the government of conducting a witch hunt.

"Should it be the policy of this government to convict innocent people before any hearing or before any trial?" Ujaama asked. "My constitutional rights, my civil liberties and my future have been grossly violated in a bid to seek political gain, not justice or truth."

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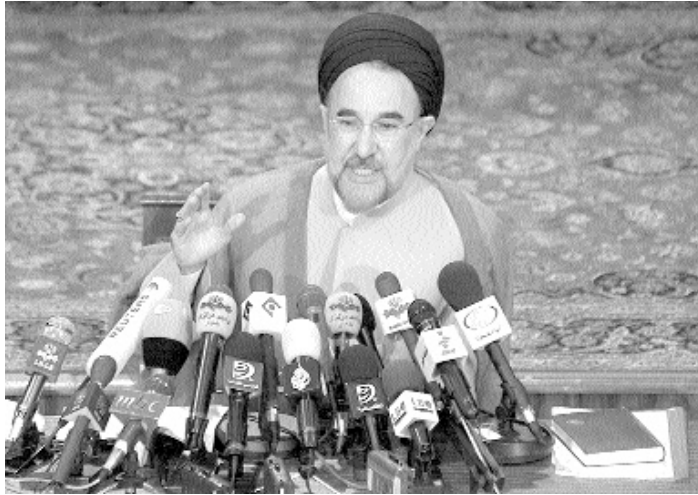
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INTERNATIONAL



Reform in Iran



Hasan Sarbakshian/Associated Press

Iranian President Mohammad Khatami gestures as he answers questions during a news conference in Tehran, Wednesday. Khatami outlined how he will make Iran more democratic, declaring that he must assert his constitutional powers to loosen the hard-liners' grip on the country. Khatami added that two groups are betraying Iran: Those who seek freedoms at the cost of religion, and those who use religion as an excuse to oppose freedoms.

Trail for world's most wanted man grows cold

BY KATHY GANNON
Associated Press Writer

TORA BORA, Afghanistan — As Taliban defenses around Kabul crumbled under the fury of American bombs, the man responsible for it all — Osama bin Laden — was far away in the safety of this mountain fortress.

Then, by the time the Americans zeroed in on Tora Bora in December, unleashing 15,000-pound bombs on the caves and tunnels, bin Laden was gone, according to his former driver, a Taliban regional security officer and the former chief of Taliban forces here in eastern Afghanistan.

Since then, the trail has gone cold. Sightings have been replaced by rumors and U.S. officials admit they are baffled.

"We don't know whether he's alive or dead, in Afghanistan or Pakistan," Bryan Whitman, the U.S. deputy assistant secretary of defense for public affairs, said late Tuesday.

Afghan Foreign Minister Dr. Abdullah told The Associated Press in an interview Sunday that he believes bin Laden is across the border in Pakistan. Pakistani authorities dismiss such talk as speculation.

But an Afghan intelligence official, Rehmat Shah, said bin Laden was sighted in June in Pakistan's South Waziristan region, a rugged border area where U.S. special forces and Pakistani soldiers are searching for al-Qaida fugitives.

Speaking Monday in Kabul, Gen. Tommy Franks, commander of U.S. forces in Afghanistan, would only say there was no "convincing proof" bin Laden is dead.

Although bin Laden's whereabouts are a mystery, former Taliban officials and others are now willing to talk about where he was around the time of the Sept. 11 attacks.

"Immediately after Sept. 11, Osama traveled around the country," said Mullah Mohammed Khaksar, who was the Taliban's deputy interior minister at the time. "He didn't stay in one place for

more than 24 hours. He went to Kabul, Khost, Jalalabad, Uruzgan, Helmand, Jozjan, Faryab, Ghor and Badghis provinces, visiting the Arab camps. They were all over Afghanistan."

According to a retired Pakistani general, who spoke on condition of anonymity, bin Laden was at an al-Qaida camp in the Bagran district of Helmand province when hijackers steered jetliners into the Pentagon and the World Trade Center.

The general, who was in Kandahar, about 100 miles southeast of Bagran, on Sept. 11, said bin Laden's whereabouts were relayed to him by senior Taliban officials.

When the U.S. bombing of Afghanistan began Oct. 7, bin Laden was in Kandahar along with Taliban supreme leader Mullah Mohammed Omar, according to Khaksar. Omar sent his family to Maruf, the center of his Hottaq tribe. Bin Laden's family fled the country through Pakistan.

It's unclear when bin Laden took refuge in Tora Bora, a complex of caves and tunnels south of Jalalabad near the Pakistani border that was a guerrilla refuge during the war against the Soviets in the 1980s.

However, Afghans in the area reported seeing "the sheik," as bin Laden was known, on Nov. 19, three days after the Taliban abandoned Jalalabad, capital of Nangarhar province.

An Afghan who described himself as bin Laden's former driver said that four passports were brought to Jalalabad for bin Laden after Sept. 11. The man, who spoke on condition of anonymity, said he believed the passports were provided by Pakistani intelligence but did not know the nationalities of the travel documents.

Maulvi Mohammed Towha, a senior Taliban security official, fled Jalalabad on Nov. 16 along with the Taliban governor, Maulvi Abdul Kabir, who was also deputy prime minister. They were accompanied by about 2,500 men, including Arabs and Pakistanis from al-Qaida and its affiliated movements.

Iraq takes reporters on tour of suspected chemical weapons site

BY SAMEER N. YACOB
Associated Press Writer

BAGHDAD, Iraq — The Iraqi government took reporters on a tour of what it said was an insecticide plant that had been wrongly stamped a weapons factory, continuing a diplomatic and public relations campaign to combat allegations it is stockpiling weapons of mass destruction.

The United Nations has said the plant is suspect, and wants trained inspectors to have full access to any site it deems suspicious.

U.S. officials, who accuse Iraqi President Saddam Hussein of rebuilding the facilities, are unlikely to be swayed by events like Wednesday's tour for reporters. The Bush administration has said it considers Saddam a threat and wants him toppled, and the tour came amid increased speculation that the United States will attack Iraq.

Reporters were taken to a site at Falluja, 65 miles west of Baghdad. There, they were shown a plant floor littered with dusty barrels and sacks marked as containing agricultural pesticides. Scores of workers were busy fixing machines or checking pesticides.

"The plant is producing domestic insecticides and agricultural pesticides and it has nothing to do with weapons of mass destruction," plant manager Haidar Hassan said.

In New York on Wednesday, the spokesman for the U.N. weapons inspection agency, Ewen Buchanan, said the United Nations monitored more than one site at Falluja from about 1994 to 1998, when the inspectors left Iraq ahead of U.S.-British airstrikes. It was unclear whether reporters were taken to any of those sites Wednesday.

In an area described as the agricultural pesticides unit, large tanks bore labels reading UNSCOM, the acronym for the U.N. inspectors that took charge of dismantling the mass destruction weapons following the Gulf War. The significance of the labels was not explained.

Buchanan said the reporters saw pieces of equipment that UNSCOM had tagged and had been monitoring to ensure they

were being used for peaceful purposes, and not to make banned weapons.

Iraq has barred U.N. weapon inspectors since 1998. Three rounds of talks between the United Nations and Iraq this year failed to persuade Baghdad to readmit inspectors.

U.N. Security Council sanctions imposed on Iraq after its 1990 invasion of Kuwait cannot be lifted until U.N. inspectors certify that Iraq's nuclear, biological and chemical weapons programs have been dismantled along with the long-range missiles to deliver them.

An expert on chemical and biological weapons at the Stockholm International Peace Research Institute, Jean Pascal Zanders, said Wednesday that Falluja was "a name that has recurred time and time again in the context of chemical weapons in Iraq."

Zanders said taking journalists to alleged weapons sites was "an exercise in trying to influence world opinion, possibly to avert U.S. military action."

"With all due respect, I don't think journalists would be the people to make a snap judgment as to whether a facility is designed and equipped for purposes prohibited by U.N. resolutions on chemical and biological weapons," said Zanders, who was reached by telephone.

He added that much of the equipment for producing chemical and biological weapons can have legitimate purposes. To find out what is really going on, requires "particularly intrusive inspections, not just to sites designated by the Iraqi authorities," Zanders said.

On similar tours earlier this month, Iraqi authorities took reporters to what appeared to be a livestock vaccination laboratory and a complex of food warehouses.

Baghdad also dispatched senior officials this week to Syria and China, the latter a permanent member of the U.N. Security Council.

Iraq's neighbors have expressed fears a U.S. strike would further destabilize the region and have urged Iraq to allow in weapons inspectors to defuse the crisis.

Record crowd takes part in annual food fight in Spain

By The Associated Press

BUNOL, Spain — Tens of thousands of people stripped off their shirts and hurled tons of ripe, juicy tomatoes at each other in the annual Tomatina food fight, creating knee-deep rivers of tomato sauce on the streets of this Spanish town.

The festival, which has its roots in a food fight between childhood friends, is gaining in popularity. Wednesday's crowd numbered around 38,000 — more than four times the population of Bunol — and 8,000 more than last year, Spanish news agency Efe reported.

At noon, municipal trucks hauled in 132 tons of plum tomatoes and dropped them at the feet of the crowds in the main square of Bunol, a town 190 miles south-

east of Madrid.

Within seconds, the square was covered in a sheen of red slime and clouds of tomato-colored mist as people threw, tossed, pitched and aimed the vegetables at everyone and everything.

The participants, including many women, had ripped off their shirts and many wore goggles to keep the tomatoes from stinging their eyes.

At 1 p.m., a rocket fired from the balcony signaled the end and Bunol residents uncoiled garden hoses to spray down the tomato tossers and the rest of the town.

The event has become something of a calling card for Bunol. The Tomatina, held the last Wednesday in August, is said to be the world's largest tomato fight.



SPORTS

Tommy Haas survives five-set test at U.S. Open

BY HAL BOCK

AP Sports Writer

NEW YORK — Third-seeded Tommy Haas survived a five-set marathon at the U.S. Open on Wednesday, overcoming a controversy over his shirt and an aching right arm to wear down unseeded David Sanchez 7-6 (1), 3-6, 3-6, 6-4, 7-5.

The match stretched 3 hours, 23 minutes, and Haas had to overcome a sudden rash of double faults at the end to prevail.

Earlier, former champions Pete Sampras and Serena Williams had easy victories while fifth-seeded Jelena Dokic and Wimbledon finalist David Nalbandian were upset losers.

Haas seemed headed for the exit, struggling mightily against Sanchez. Haas won a first-set tiebreak but dropped the next two before he came back for the victory. Even at the end, it was not easy. He double-faulted on two match points after having just five double faults in the match. There was one more double before Haas finished off Sanchez.

It was a long and difficult match for Haas, already struggling with tendinitis in his right arm and shoulder. When he showed up for the match wearing a sleeveless shirt, he was ordered to change into more traditional tennis garb.

Sampras, a four-time winner of this event but seeded at No. 17 and still seeking his first tournament championship in 25 months, posted a 6-1, 6-4, 6-4 victory over Albert Portas.

Williams, who won the Open in 1999 and is seeded No. 1, cruised past Dinara Safina 6-0, 6-1.

Sampras, who has not won a tournament since taking his record 13th Grand Slam at Wimbledon 2000, boomed serves at up to 131 mph and was never troubled by the Spanish clay-court specialist in his first match of this year's Open.

It was a promising start for Sampras, runner-up at this tournament each of the last two years and convinced that he still has at least one more major victory left in him.

"It felt really good," Sampras said. "I felt like I played really well. I have no complaints with the way it went. It's been a struggle this year. I've lost some confidence. But this is the U.S. Open."

Williams, winner of the last two Grand Slams at the French Open and Wimbledon, moved comfortably into the

third round, whistling 16 winners to just two for Safina.

Earlier, Nalbandian, the No. 16 seed, and Dokic were upset victims while No. 33 Greg Rusedski advanced.

Other winners Wednesday included Francesca Schiavone, who upset No. 12 Elena Dementieva 7-6 (7), 6-3; No. 15 Anastasia Myskina 3-6, 7-5, 6-1 over Denisa Chladkova; No. 13 Silvia Farina Elia 6-2, 6-2 over Els Callens; and Paradorn Srichaphan 6-1, 6-3, 6-0 over Prakash Amritraj.

Nalbandian, seeded No. 16, was defeated by unseeded Sargis Sargsian 6-1, 6-4, 6-4. Dokic fell to unseeded Elena Bovina, a Russian teen-ager ranked No. 61 in the world, 6-3, 6-2. Rusedski got started with a 6-1, 4-6, 7-6 (1), 6-3 victory over Alex Kim that included 19 aces.

Sargsian hit 12 aces to just one for Nalbandian and capitalized on 43 unforced errors by his 20-year-old opponent.

In Nalbandian's fifth Grand Slam, it was the first time he lost in the first round and a dramatic reversal from his success at Wimbledon, where he lost in the finals to Lleyton Hewitt. Sargsian had been a first-round loser in each of his last three appearances at the Open.

Dokic struggled with injuries through the early part of the season but prepared for the Open by playing five straight weeks. She never seemed comfortable against Bovina, who pushed her to three sets in their only previous meeting at Indian Wells.

This time, Bovina made fast work of her, ripping four aces and taking advantage of Dokic's 29 unforced errors in a match that lasted just one hour.

"I didn't play well, I didn't move well," Dokic said. "I made too many errors. I didn't play the points smart. She was dictating."

The victories by Sargsian and Bovina were the first major upsets of the tournament. But Hewitt, the defending men's champion, thinks there will be others. Suggest to Hewitt that this U.S. Open is his to lose, that there are few challengers to the world's No. 1 player, and he just bristles.

"That's rubbish," he snapped. "There's a lot of challengers. Most people know who they are."

Then he rattled off the names of the usual suspects — Andre Agassi and Marat Safin. Andy Roddick, too. Also Haas, Tim Henman, Rusedski and Juan Carlos Ferrero.

"I'm forgetting guys, I know I am," said Hewitt, who left Sampras off the list. "There's a lot of guys. I think it's getting more and more open. I think it's an extremely tough field this year."



Amy Sancetta/Associated Press

Serena Williams of the U.S. reacts during the first set of her match against Dinara Safina of Russia Wednesday at the U.S. Open.

Selig to join talks; players say drug-testing deal reached

BY RONALD BLUM

AP Sports Writer

NEW YORK — As baseball moved within two days of another work stoppage, commissioner Bud Selig arrived at major league offices and negotiators kept up their talks to try to avert Friday's planned strike.

Players are set to walk out unless there is an agreement for a labor contract. Because of the threat, four of the 12 teams traveling for weekend series pushed back their flights until Friday, waiting to see if compromises could be reached on the main sticking points: levels for a luxury tax and revenue sharing.

"I still think we're going to get something done," said Atlanta pitcher Tom Glavine, the NL player representative. "I just think we're all too close on too much of this to let it fall apart. I believe that. I still think there's going to be a lot of gamesmanship in the last 24 hours."

Selig, who presided over the 1994-95 strike that led to the first cancellation of the World Series in 90 years, said upon his arrival that he hadn't decided whether to enter the talks directly. He said he hoped to "have a constructive 24, 36 hours."

Many players had wanted him to be on hand, saying no deal could be agreed to without Selig giving his approval in person.

"I'm very grateful and appreciative that the commissioner of baseball feels that 48 hours before another work stoppage, it's

important enough for him to leave Milwaukee and go to New York," New York Mets pitcher Al Leiter said.

Negotiators met Wednesday afternoon for about 45 minutes at the commissioner's office and met again in the evening, with two lawyers representing each side.

"It's coming down to the deadline," St. Louis player representative Steve Kline said. "We'll find out if the owners are trying to get a deal. We've moved on a lot of issues. Hopefully, they can manage to reach us."

Owners want to slow spending by high-payroll teams with a luxury tax and want to increase the amount of locally generated revenue that teams share from 20 percent to 36 percent. Players are at 33.3 percent and want to phase in the increase.

Management also wants to tax the portions of payrolls above \$107 million, with the threshold increasing to \$111 million in 2006, and proposed tax rates of 35-50 percent. Players offered thresholds of \$125 million to \$145 million, and tax rates of 15-50 percent, with no tax in the final year.

The sides also discussed contract language that dealt with the owners' desire to fold two franchises, one general manager said on condition of anonymity. The union has opposed contraction.

Pressure on the negotiators increased with each passing hour as they tried to prevent the sport's ninth work stoppage since 1972. The first game affected would

be at Chicago's Wrigley Field, where the Cubs are to play the Cardinals at 3:20 p.m. EDT Friday.

"No there is not going to be any extension," Toronto player representative Vernon Wells said. "We set a date, we'll stick by it and, hopefully, something will get done before then."

Since the union set the strike date Aug. 16, fans have expressed anger and frustration. A sign in the right-field bleachers at Chicago's Comiskey Park on Wednesday read: "On Strike/Who Cares/Go Bears."

"We see the signs, and you hear comments from time to time about strike-related stuff. Sometimes those things are harsh," the Brewers' Mark Loretta said in Milwaukee. "It's so hard to try to explain to people what the issues are when you're talking about those kinds of dollars and this kind of industry, and the fans are in the middle of it."

Just in case there is a strike, some Cleveland players gave the clubhouse attendants their season-ending tips Wednesday. The White Sox, also off Thursday, might have ended their season with Wednesday's 8-0 win over Toronto.

"We're packing our bags for Detroit. It doesn't feel like the last game," Chicago's Paul Konerko said. "Even if there is a strike, it will probably only last a couple of days."

Oakland's Barry Zito, his team fighting for a playoff berth, wanted to know what would happen to the schedule if there was

a brief stoppage, such as the two-day August strike in 1985. He said union officials told him any missed games would be made up if a strike is short.

"It could be a situation where we could play into October again in the regular season," Zito said, referring to last season, when the season was extended a week because of the Sept. 11 terrorist attacks.

Player representatives held a 30-minute conference call to get an update from the union staff and scheduled another call for Thursday. Much of the talk concerned minor issues such as interleague play and scheduling, according to players.

Atlanta, Boston, the White Sox and Colorado rescheduled their charters for Friday. It's unclear when an agreement would have to be reached to allow Friday's games to take place.

On Tuesday, players said the sides agreed to a drug-testing plan, one of the components management said was necessary for an agreement. Rob Manfred, management's chief labor lawyer, refused to confirm a drug agreement.

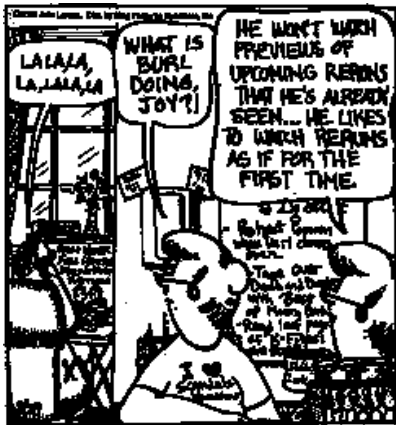
Los Angeles player representative Paul Lo Duca, who revealed the agreement, was scolded by players on the conference call for misstating it. Lo Duca said the deal covered mandatory random testing for steroids, marijuana and cocaine, but other players corrected him Wednesday.

"Cocaine and marijuana — we're not testing for that. Just steroids," Kline said.

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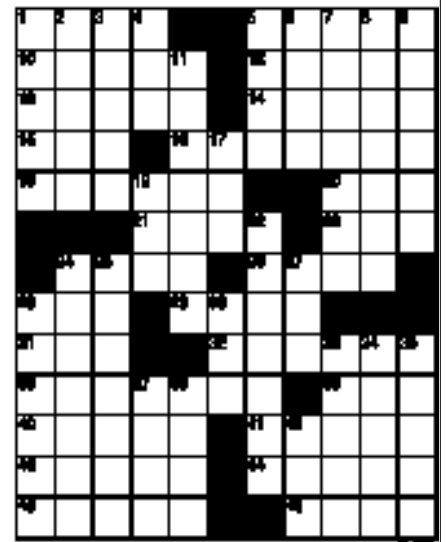
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NEWS OF THE WEIRD by Chuck Shepard

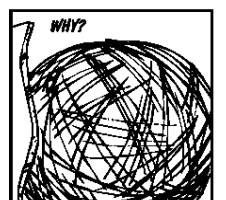
Cow manure tea used as cold remedy

The traditional, manure-based "Many Weed Tea," taken by generations of rural black families in Alabama as a cold and flu remedy, is fading away despite continued testimonials to its effectiveness, according to a June Birmingham News story. Its recipe calls for forming a tea bag of cloth and filling it with two open lemons, stalks of the lavender plant, honey and several dried cow patties, preferably containing visible, undigested leaves and twigs. The brew is supposedly safe for humans provided that it is boiled long enough before steeping.

WEBSTER by Joe King

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SANTA MONICA \$1350.00 Cozy Gst Hse, PET OK, hrdwd flrs, patio, w/d, pkgng. Westside Rentals 395-RENT

SANTA MONICA \$1550.00 Lovely Hse, hrdwd flrs, lrg clsts, Indry, pkgng, a must see! Westside Rentals 395-RENT

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Personals

PLATONIC SOCIAL/SPIRITUAL companion to religious occasions, weddings, dance clubs, dining, movie theaters, singing, shopping malls, comedy shows, galleries, museums, sports events, conventions, weekend getaways, boat cruises, chopper rides, sight seeing, limousine rides, horseback riding, parks, walks on the beach, concerts, visiting family and friends, company parties, thanksgiving, ceremonies, anniversaries, etc. Where would you like to go? What would you like to do? Leave your worries and troubles behind. Come to fun public places and create happy memories. Rent me! The girl next door type. Casual or business attire are acceptable. Female bodyguard and driver with four door car or limousine wanted. Dorothy (310)201-5553.

Personals

MATCH MAKER for marriage minded singles. Are you celibate? Are you still a virgin? (Primary or secondary?) Your body is the holy temple of the lord where god lives. Get to know your partner as a best friend first. Abstain from sex before marriage. When you trust God, then yourself, it's very easy to trust your future partner completely with God's blessing. It's also easy to be disciplined in other areas of your life. If you have tried everything else, and couldn't keep a partner - Try to align your body with your soul and holy spirit. Dorothy (310)201-5553.

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Calendar

Thursday, August 29, 2002

movies

Loews Broadway Cinema
1441 Third St. at Broadway
Blue Crush (PG-13) 11:15, 1:00, 2:00, 3:45, 4:45, 6:30, 7:30, 9:15, 10:15. Blood Work (R) 11:00, 1:45, 4:30, 7:15, 10:00. Simone (PG-13) 10:45, 1:30, 4:15, 7:00, 9:45.

Mann Criterion
1313 Third St.
The Adventures of Pluto Nash (PG-13) 8:15, 10:30. Minority Report (PG-13) 11:50, 3:15, 7:10, 10:20. Austin Powers in Goldmember (PG-13) 11:30, 2:00, 4:40, 7:15, 9:45. My Big Fat Greek Wedding (PG-13) 11:40, 2:10, 4:50, 7:20, 9:50. XXX (PG-13) 12:00, 12:30, 3:30, 4:00, 7:00, 7:30, 10:00, 10:30. Little Secrets (PG) 12:15, 3:00, 6:00.

AMC Theatre SM 7
1310 3rd Street
The Bourne Identity (PG-13) 4:55, 9:35. Signs (PG-13) 1:30, 3:15, 4:15, 5:45, 7:05, 8:15, 9:40. The Master of Disguise (PG) 2:00, 7:30. Road to Perdition (R) 1:20, 4:25, 7:10, 9:55. K-11: The Widowmaker (PG-13) 7:00, 10:00. Spy Kids 2: The Island of Lost Dreams (PG) 1:55, 4:35, 7:10, 9:55. Serving Sara (PG-13) 1:45, 4:45, 7:20, 9:50. Stuart Little 2 (PG) 1:00. Undisputed (R) 1:05, 3:20, 5:30, 7:45, 10:00.

Landmark Nu-Wilshire
1314 Wilshire Blvd.
The Kid Stays in the Picture (R) 12:15, 2:30, 4:45, 7:15, 9:30. Mostly Martha (PG) 11:00, 1:30, 4:15, 7:00, 9:45.

Laemmle Monica
1332 2nd St.
Tadpole (PG-13) 1:45, 3:45, 5:45, 7:45, 9:55. The Good Girl (R) 12:30, 2:50, 5:10, 7:30, 9:55. Possession (PG-13) 12:00, 2:30, 5:00, 7:45, 10:15. 24 Hour Party People (R) 1:30, 4:15, 7:10, 10:05.

Aero Theatre
1328 Montana Ave.
Lovely and Amazing (R) 5:30, 7:30, 9:30.

Today Community

The Westside Walkers, a FREE program sponsored by UCLA Healthcare's 50-Plus Program! Walking programs for adults 50 or older looking for safe, low-impact exercise in a comfortable environment. The Westside Walkers meet Tuesdays and Thursdays, from 8 a.m. to 10 a.m., at Westside Pavilion, Pico Blvd. Between Overland Ave. and Westwood Blvd. In West LA. For more information about the program, call (800)516-5323.

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

Classes / Lectures

Dharma at the Clubhouse. A weekly book and multi-media study group, no fee. Applying studies of Buddhism-Dharma into our daily lives. Every Thursday night at the Clubhouse at Douglas Park, 25th & Wilshire, 7:30 - 9pm. Dan (310) 451-4368 www.santamonivcalksg.org Theater / Arts

Santa Monica Playhouse is proud to present Picon Pie! The World Premiere of a joyous and poignant musical play about the life and loves of legendary Molly Picon. Admission is \$23.50. Show starts at 8:00 p.m. 1211 4th Street, Santa Monica. For more information please call (310)394-9779 or visit www.santamonica-playhouse.com.

Music / Entertainment

Rusty's Surf Ranch, 256 Santa Monica Pier. Walls and ceilings are lined with one of the area's largest collections of pre-1970's surfboards. Cover varies. Full bar. All ages. (310)393-7386.

O'Briens Irish Pub, 2941 Main St., Santa Monica, pours A Pint of Funny, every Thurs., 8 p.m. FREE! (310)396-4725.

Anastasia's Asylum, 1028 Wilshire Blvd., Santa Monica. Board games, cushiony sofas, a full veggie menu, juices, teas, and coffee that grows hair on your chest. No cover. (310)394-7113.

LUSH 2020 Wilshire Blvd., Santa Monica. Three bars, plenty of booths, sofas, leopard-print carpet and a sunken dance floor. Mexican grill serves dinner after 5 p.m. Full bar. Over 21. Cover \$5 - Free. (310)829-1933.

The Joint, 8771 W. Pico Blvd., W. LA. One of the most exotic rooms in the local rock-facility pantheon. Pizza. Cover \$10 - \$5. Full bar. Over 21. (310)275-2619.

Komdey Krunch. UnUrban Coffeehouse. 3301 Pico Blvd., Santa Monica, (310)315-0056.

Friday Community

Santa Monica Strutters, a FREE program sponsored by UCLA Healthcare's 50-Plus Program! Walking programs for adults 50 or older looking for safe, low-impact exercise in a comfortable environment. The Santa Monica Strutters meet Mondays, Wednesdays, and Fridays, from 8 a.m. to 10 a.m., at Santa Monica Place, Fourth St. and Broadway Ave. in Santa Monica.

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

Theater/Arts

Beauty and the Beast - Fridays, Saturdays and Sundays through September 15 6:00 p.m. Santa

Monica Playhouse, 1211 4th Street.

Music/ Entertainment

CHARLOTTE MARTIN performs for the Summer Concert Series beginning at 12 Noon. The Summer Concert Series finishes with performances by the LOVESICK LUNATICS, JELLYGUN and CHARLOTTE MARTIN at Center Court on the 1300 block between Santa Monica Boulevard and Arizona Avenue.

The Comedy Underground presents an all-improv nite! Showtimes will be as follows: Addle Essence...8 PM. OFF THE WALL...9 PM. Unusual Suspects...10 PM. All tickets are \$5.00.

Open Mic Music. UnUrban Coffeehouse. 3301 Pico Blvd., Santa Monica, (310)315-0056.

The Joint, 8771 W. Pico Blvd., W. LA. One of the most exotic rooms in the local rock-facility pantheon. Pizza. Cover \$10 - \$5. Full bar. Over 21. (310)275-2619.

14 Below, 1348 14th St., Santa Monica. If the band stinks, take advantage of commodious booths, pool tables, and fireplace. Full Bar. Over 21. (310)451-5040.

Calendar items are printed free of charge as a service to our readers. Please submit your items to todaypaper@smdp.com for consideration. Calendar events are limited by space, and will be run at the discretion of the Calendar Editor. The Daily Press cannot be held responsible for errors.

KEEP YOUR DATE STRAIGHT

Promote your event in the Santa Monica Daily Press Calendar section.

Fax all information to our Calendar Editor: Attention Angela @ 310.576.9913



BACK PAGE

Summer art in Washington sparks political disputes

BY CONNIE CASS

Associated Press Writer

WASHINGTON — The idea seemed simple enough. Scatter some whimsical donkey and elephant statues around the nation's capital to coax some smiles. So what do the locals do? Turn it into politics, as usual.

Washington's venture into one of those citywide art projects inspired by Chicago's Cows on Parade has landed the city in court — twice. Organizers were accused of being too political in one case and, in the other, of not letting an artist be political enough. The American Civil Liberties Union got involved.

One painted elephant even drew a complaint from the Marines.

"We're in a city that tends to take itself very seriously," said Tony Gittens, executive director of the D.C. Commission on the Arts and Humanities, which organized the summertime exhibit modeled after projects in dozens of cities over the past four years.

Some legal opponents say the commission created the problem by choosing to bedeck Washington with the symbols of the Democratic and Republican parties.

After all, no one sued Orlando, Fla., over its lizards or raised a stink about the painted pigs in Peoria, Ill.

"Why would we get sued?" librarian Sue Herring, who served as Peoria's "pig lady," said between hoots of laughter when asked about any legal troubles. "You're just living in the wrong area of the country, that's all. I think that's the saddest thing I've heard in a long time."

The Green Party isn't chuckling. It considers the "Party Animals" display of 100 donkeys and 100 elephants, each 4 1/2-feet tall and weighing 800 pounds, an affront to all other political parties, as well as to independent voters.

"What if the commission had chosen just the elephant?" said Scott McLarty, spokesman for the D.C. Statehood Green Party. "The Democrats would have gone on the warpath."

The Greens demanded equal time — giant sunflowers,

their symbol, displayed in polyurethane alongside the other parties' animals.

U.S. District Judge Henry Kennedy threw out their lawsuit.

But animal rights activists, aided by the ACLU, refused to be muzzled.

The People for the Ethical Treatment of Animals convinced another judge that the city violated their First Amendment right to protest the treatment of circus animals when it rejected their portrayal of a weeping, shackled elephant.

The elephant, which cost PETA \$5,000 to sponsor, was scheduled to be installed on a busy street corner Thursday, about a month before the temporary exhibit

begins coming down.

It wears a feathery headdress and a blanket proclaiming, "The circus is coming, see shackles — bull hooks — loneliness all under the big top."

The city's argument that the elephant will dampen the exhibit's festive tone, designed to foster "an atmosphere of enjoyment and amusement," was rejected by U.S. District Judge Richard Leon.

Leon said the arts commission was inconsistent, accepting other entries with political messages: A mosaic-covered elephant bears the words "Just Say No to Ivory." A Monopoly board-style elephant, called "GOPoly," has squares labeled "\$TAX CUTS\$" and "Social Security?"

Shrimp beats out canned tuna as nation's favorite seafood for first time

BY RANDOLPH E. SCHMID

Associated Press Writer

WASHINGTON — Sorry tuna hot dish, you're number two now. Shrimp has become the nation's favorite seafood, boosted by eager etouffee eaters and poppers of popcorn prawns.

"For the first time in recorded history, Americans are eating more shrimp than canned tuna," the National Oceanic and Atmospheric Administration proclaimed Wednesday. Records go back to the mid-1950s.

The National Marine Fisheries Service's annual assessment of the

population's piscatorial preferences showed that Americans ate a record average of 3.4 pounds of shrimp last year.

That was up from 3.2 pounds the year before.

During the same period canned tuna — long the reigning seafood — plunged from 3.5 pounds per capita to 2.9 pounds.

Randi Thomas of the U.S. Tuna Foundation said that growing sales of fresh tuna account for some of the decline in sales of the canned product.

In addition, she said, delicatessen sales account for a lot of canned tuna and after the terrorist attacks last fall there was a sharp decline in business

at delis, especially in New York.

Overall consumption of fish and shellfish dipped last year, from 15.2 pounds to 14.8 pounds, NOAA's fisheries service reported.

Canned seafood consumption fell from 4.7 pounds to 4.2 pounds per person, while consumption of fresh and frozen seafood edged up, from 10.2 pounds to 10.3 pounds. The amount of cured seafood eaten was unchanged at 0.3 pounds per person.

Fish filets and steaks — including all types of fish — totaled 3.4 pounds per person, a 0.1 pound increase; while fish sticks and portions fell slightly from 0.9 pound to 0.8 pound.

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