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A newspaper with issues

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DAILY 3

Daytime: 8 5 6

Evening: 7 5 2

DAILY DERBY

1st: 05 California Classic

2nd: 08 Gorgeous George

3rd: 04 Big Ben

RACE TIME: 1:42.98

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NEWS OF THE WEIRD

BY CHUCK SHEPARD

In July, film director David Lynch announced that he had formed a foundation to raise \$7 billion to fund 8,000 Transcendental Meditation practitioners to bring world peace by creating a "unified field" of stress-free brain waves over the Earth (which TM'ers accomplish, as they unironically describe it, by detaching their minds from the "thinking process"). Training expenses have increased dramatically in 12 years, for TM maven Dr. John Hagelin needed only \$4.2 million in 1993 to bring 4,000 TM'ers to Washington, D.C., to reduce crime for eight weeks, and TM founder Maharishi Mahesh Yogi asked for only \$1 billion in 2002 to train 40,000 meditators to calm the world after Sept. 11.

TODAY IN HISTORY

Today is the 243rd day of 2005.
There are 122 days left in the year.

On Aug. 31, 1886, an earthquake rocked Charleston, S.C., killing up to 110 people.

In 1962, the Caribbean nation of Trinidad and Tobago became independent within the British Commonwealth.

QUOTE OF THE DAY

"Fashion can be bought.
Style one must possess."

EDNA WOOLMAN CHASE
AMERICAN FASHION EDITOR (1877-1957)

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Fabian Lewkowicz/Daily Press

Police apprehended the driver of the Ford Probe involved in Monday's crash. A police spokesman said officers suspected the driver was under the influence of drugs and alcohol, but no charges had been filed at press time.

Collision witnesses come to rescue

Police apprehend one driver on suspicion of drug and alcohol use.

BY RYAN HYATT

Daily Press Staff Writer

MID-CITY — A driver whom police believe was under the influence of drugs and alcohol yesterday collided with an oncoming Jeep, propelling it through the air into a fire hydrant — water from which nearly drowned the driver, until witnesses came to the rescue.

At 7:44 a.m. on Tuesday, Santa Monica police officers responded to the intersection of 11th Street and Santa Monica Boulevard regarding a traffic accident with injuries. When officers arrived to the scene, an investigation determined that a person driving westbound in a gray Ford Probe on Santa Monica Boulevard crashed into a silver Jeep Grand Cherokee that was traveling southbound on 11th Street.

Witnesses said the Jeep flew into the air and landed on a fire hydrant located on the southwest

See COLLISION, page 7



Morgan Bennett/Special to the Daily Press

Water from the broken hydrant threatened to drown the driver of the Jeep that hit it.

Santa Monica Red Cross mobilizes for relief

BY RYAN HYATT

Daily Press Staff Writer

CITYWIDE — The hurricane that pulverized the Gulf Coast this week is being felt far and wide, including in Santa Monica, where the local Red Cross is rallying to help victims.

Representatives from the Santa Monica Chapter of the American Red Cross said on Wednesday they are supporting the national disaster relief effort being mounted in the wake of Hurricane Katrina. The effort, already the largest in the national organization's history, involves Santa Monica volunteers, with more local residents expected to participate in weeks ahead.

Karen Donoho, a disaster ser-

See RED CROSS, page 6

STATE

Bush won't see governor on CA trip

BY BETH FOUHY

AP Political Writer

On his two-day swing through Southern California, President Bush's agenda included a stop Monday in Rancho Cucamonga to discuss Medicare and an address Tuesday to veterans in San Diego.

Conspicuously absent is a meeting with the state's most prominent Republican political figure, Gov. Arnold Schwarzenegger.

Schwarzenegger has "no plans" to meet with Bush privately or publicly, said his communications director, Rob

See BUSH TRIP, page 7

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LOCAL



COMMUNITY BRIEFS



Kiwanis Club passes out college funds

By Daily Press staff

The Kiwanis Club of Santa Monica did its part to help some local students stay in school recently, as the organization passed out 10 scholarships to continuing students at Santa Monica College.

The club announced the scholarships at its weekly luncheon on Aug. 17. The 10 awards are based on scholastic achievement, community service and students' goals.

Nine of the ten scholarships are given in the names of past Kiwanis members active in their local communities.

The Kiwanis Club gives away these scholarships each year, based on a spring interview process by the Kiwanis Vocational Guidance Committee.

This year's recipients include Erin Stretten, Dione Surdez, Sai Duhamel, Michell Molina, David Wetheimer II, Purna Gouriseti, Richard Goodman, Samira Zarbakhsh and Hui-Ju Liao.

Lance Armstrong fights cancer with cash

By Daily Press staff

Biking champ and cancer survivor Lance Armstrong took another step toward finding a cure recently.

The Lance Armstrong Foundation passed out 30 grants of \$40,000 each to cancer-fighting, nonprofit organizations, including the John Wayne Cancer Institute.

The LAF community program provides financial assistance and practical advice for community-centered cancer survivorship initiatives.

"The LAF community program grant plays a vital part in the furthering of John Wayne Cancer Institute's mission," said Rachel Beller, director of the program, in a press release. "We are honored and excited to be among such an extraordinary group of recipients who all share a passion for helping people with cancer live strong."

Armstrong founded LAF in 1997 to provide support for people with cancer through public health, advocacy, research and education.

The John Wayne Cancer Institute, founded in 1981, has made advances in melanoma, breast and colon cancer in its 24-year history.



SURF REPORT

On Wednesday the SW energy backs down to waist high or so as the NW wind swell begins to decline as well. West-facing breaks can also expect waist-high surf, although some chest-high sets are still likely.

Today the water is:

67°

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

	LOW TIDES				HIGH TIDES			
	Morning	Height	Evening	Height	Morning	Height	Evening	Height
MONDAY	1:42	0.2	12:57	3.1	8:46	3.9	6:53	5.3
TUESDAY	2:21	0.0	1:41	2.8	9:08	4.0	7:38	5.6
WEDNESDAY	2:52	-0.1	2:14	2.4	9:27	4.2	8:14	5.8
THURSDAY	3:18	-0.1	2:45	2.1	9:44	4.3	8:47	5.9
FRIDAY	3:42	0.0	3:15	1.9	10:12	4.0	8:17	5.9

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The Q Line

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According to recently released numbers, Santa Monica's students continue to show improved performance on standardized tests — a trend that has been ongoing ever since such test results started being tracked in the 2000-01 school year. However, officials acknowledge there is still plenty of room for improvement.

So this week, Q-Line wants to know, "What does the Santa Monica-Malibu Unified School District have to do to ensure this upward achievement trend among students continues?"

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

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OPINION

LETTERS TO THE EDITOR

City should be ashamed of itself

Editor:

I recently read in your newspaper that the trial of the man who drove his car through the Farmers' Market in Santa Monica, killing people, has been delayed because the prosecutor has to take a maternity leave. I have never seen such a blatant and obvious attempt to avoid a trial as I have in this case. Does the prosecutor's office think that people are so stupid that we believe that story? Why can't another prosecutor handle the case?

I knew when I saw Mr. Weller on the news, leaving the police station laughing an hour after of his horrific joyride, that this case was going to be treated differently than if it had been anyone else.

If the driver of that car would have been a Mexican-American or anyone other than a white citizen of Santa Monica, and the people killed were white citizens of Santa Monica, he would have never been released from jail and he would have been tried and convicted by now.

I believe that the hope of the city is that Mr. Weller will die before he can be tried because they know a jury will find him guilty and then the city will be sued into bankruptcy. The city knows that they can't try a dead man.

The city of Santa Monica, the police and the city attorney's office should be ashamed of themselves. They have effectively announced to the world that it is perfectly acceptable to murder in the public square with no penalty.

I hope that the family of every victim sues the city to such extent that it must file for bankruptcy. I hope that Mexican-American groups realize that this is just as bad as what happened to blacks in the South in the '50s and '60s.

In addition to the city of Santa Monica allowing a citizen to get away with murder, they should be sued for allowing it to happen. Why wasn't money spent on putting barriers up at the end of the Farmers' Market that can be raised and lowered like they have for the Third Street Promenade? Because spending money on protecting the lives of Mexican farmers is not as important as protecting the tourists on the Promenade who spend millions of dollars.

The "after-the-fact" effort the city has made to post a police car at each end will not bring back the people who died, and it costs much more than to install barriers. What goes on in the minds of the city planners and managers? It makes one wonder.

Shame on the city of Santa Monica.

I personally will not spend another dime in Santa Monica until the city starts acting responsibly and stops protecting only a certain class of people. I hope others do the same. None of us is safe if one of us get preferential treatment.

Erik Erikson
Venice

Country needs to take care of its own

Editor:

I am writing this letter in response to those who do not like the fact that H.U.D. is giving \$700,000 to get people off the streets. Your arguments that because people are impoverished they cannot live in your neighborhood is the same reason many people become homeless these days. Even Alan Greenspan echoed the cry to stop pushing the real estate prices up, or suffer dire consequences within the economy. You scream about being able to afford a place to live, scream about how you pay taxes and that gives you the right to dictate where people can and cannot live. But you seem to forget the main reason why you have the right to live where you live. It is called the Constitution. It was created to give all men and women freedom and was put there because of the taxation without representation and the religious persecutions of the settlers from England and then the rest Europe. The Constitution, which allows you the right to own property and basically do what you want with it, is the same Constitution which allows me the right to live where I please. Being able to "afford" property right now has become a tool to create economic discrimination by further eroding the middle class and creating a huge divide between the rich and the poor.

I recently spoke to someone from Italy, and she told me a few of her observations about America. First off, we are not free here as they are in Europe, that our society is, in many ways, repressed. Her second observation was the huge divide between the rich and the poor and the fact that there are so many homeless here. She told me that in most of Europe there are not that many homeless, that each country takes care of its poor and homeless population and the only ones who are homeless are the ones who choose to be. This is what the tourists see when they come here. And the comments I hear are the same: "Why doesn't the government take care of its own people?"

This is what stops the tourists from coming here. Not the homeless community as a whole, but the fact that America boasts of being the richest, most powerful country in the world, yet it cannot take care of its own people. This is what angers other countries about our government telling them how to run their affairs and meddling. And now that this is beginning to happen, some of you want to complain about any of us not being able to "afford" it. You should really think long and hard about this, it is something you complain loudly about and when a solution begins to present itself that is totally outside of the "norm," you complain. It is something which would work, and I feel it is about time for this. I also feel the warning from Mr. Greenspan is a very real one which should be heeded, unless you would like to join us on the streets.

Charles Springer
Santa Monica

GUEST COMMENTARY **BY ALEX EPSTEIN**

The injustice and destruction of Sarbanes-Oxley

Imagine opening tomorrow's newspaper and reading this: "Citing all-too-frequent child abuse and neglect, Congress has proposed the Parenting Reform Act. Under the proposed law, all parents must sign a sworn statement pledging that they have not 'caused unreasonable physical harm or danger' to their children. To verify their compliance, all parents will be required to submit their children to a monthly full-body inspection by the new Parental Oversight Board, and account for every cut, scrape and bruise that inspectors find. If a parent cannot prove the 'reasonableness' of any injuries to the Board's satisfaction, it could result in a loss of custody and 20 years in prison."

"If a child has a bruised leg," one of the bill's supporters said, "we need to know about it — and we need to know how it happened. If it happened playing soccer, we need signed accounts from the coach and the referee. Otherwise, how can we be sure his father didn't just get drunk and beat him? And if a child gets a lot of bruises playing soccer, we need an explanation of why his parents continue to expose him to such danger."

Our reaction to this proposed law would be outrage. It is unjust and destructive, we would say, for the government to make arbitrary accusations of abuse and neglect, to conduct baseless investigations, and then to force an innocent parent to try to disprove them.

We should say the same about an existing law that perpetrates such horrors, not on America's parents, but on its businesses: Sarbanes-Oxley.

Sarbanes-Oxley was passed three years ago, in the anti-business frenzy following the Enron and WorldCom accounting frauds — crimes that were characterized not as the work of a handful of cheats, but as a black mark on all businesses. Instead of simply gathering evidence and prosecuting individual perpetrators accordingly, our leaders passed a law that forces all businesses to prove to the government that they are not cooking their books.

Under Sarbanes-Oxley, the government, without any evidence of possible fraud, has free reign to scour a company's books to determine whether they "fairly" represent the company's finances and do "not contain any untrue statement of a material fact or omit to state a material fact."

What is "fairly?" What is "material?" Since these terms are undefined, they mean anything government bureaucrats want them to mean. Just as the government under the fictional Parenting Reform Act could declare a parent a child-abuser for enrolling a child in soccer, so the government under Sarbanes-Oxley can declare a CFO a defrauder for reasonably deciding to capitalize an expenditure instead of to expense it — there are many such judgment calls in accounting.

Further, how can the government

hold a businessman criminally responsible for any mistake in a financial report, which is the product of hundreds of people making thousands of individual judgments and decisions? Sarbanes-Oxley says the mistake is "knowing" if the internal controls management establishes to prevent error and fraud are not "adequate." But since the government does not define "adequate," anytime a regulator decides there "should have been" still one more control to prevent even the most inconsequential of errors — management is guilty of fraud.

If parents knew that the government could throw them in jail for every judgment call and innocent error that resulted in a skinned knee, they would avoid "risky" situations like trips to the park, and spend their time tracking their and their child's every move so that they could rebut the government's arbitrary accusations. The same is true for businesses under the potential guillotine of Section 302 of Sarbanes-Oxley — behavior practically mandated by the extensive testing and documenting of internal controls required by Section 404. Whole companies avoid any action the government might frown upon, and pour endless time and energy into monitoring and cataloging anything that a government inspector might conceivably believe is relevant to financial reporting.

Such behavior is now rampant in corporate America. One study documents businesses engaging in practices like "requiring an auditor to attend a meeting to prove it took place" and "proving that all of the physical keys to an office in Europe have been accounted for since it opened in 1995."

"Even a completely harmless error that nobody cares about takes up hundreds and hundreds of hours of the auditors, the CEO, the CFO and the audit committee," says a lawyer who handles Sarbanes-Oxley compliance.

That America's honest, productive businesses owners are spending their time and shareholder money to "prove" they are not criminals — when they could be spending those hours and dollars on research and development, new product launches, or mergers and acquisitions — is a monumental injustice. Is it any wonder that misery among top executives is reported throughout corporate America, that top executives are departing at record rates, that businesses are "hunkering down?" Is it any wonder that the direct and indirect costs of Sarbanes-Oxley to shareholders have been estimated by a University of Rochester economist as \$1.4 trillion?

Sarbanes-Oxley is a moral and economic atrocity. It is past time to repeal this monstrous law and start treating business executives as American citizens: innocent until proven otherwise.

(Alex Epstein is a junior fellow at the Ayn Rand Institute in Irvine.)

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

STATE



Prospective jurors in Blake case show strong views

BY LINDA DEUTSCH

AP Special Correspondent

BURBANK, Calif. — Several prospective jurors summoned for the civil wrongful death case against Robert Blake lashed out Monday at the lawyer representing the four children of the actor's slain wife, saying they are suing for money and should leave him alone.

"To me it's a deep-pockets affair," said one male prospect. "I think you ought to leave Blake alone. He's gone through enough. It's sort of like how his wife tried to get in with him and get his money."

The man was among 70 people called for possible service in the civil case 5 1/2 months after a jury in a criminal trial acquitted Blake of charges that he murdered Bonny Lee Bakley in 2001.

The man said he believed Bakley's children are "trying to break him" and he could not understand why they think they are entitled to Blake's money.

"I don't think Blake was even close to the family," he said. He added, "If he was a poor man I don't think they would be going after his underwear."

After that man spoke other prospects chimed in with similar feelings and plaintiffs' attorney Eric Dubin at one point said to Superior Court Judge David M. Schacter, "Your honor, this is a tough crowd."

Among other prospects with strong opinions was a man who said he was offended because "to me it seems like double jeopardy. He is being tried for the same set of actions twice."

A woman panelist then said, "I agree. The man was not convicted of the murder. Why go back to it? There's no sense. It's people out to get money."

The woman shook her head as she spoke. "To go through all this again," she said. "I'm sorry for the family. That's too bad. But I don't think we should go through this again. Whether he did do it or didn't do it he's been exonerated."

The woman said the family should understand that "a life is taken. Money does not bring that life back."

One man said he felt that it would be OK if Blake voluntarily chose to give something to the family, but "people are after everything he has. They want him to be penniless and it's disgusting." He also said he thought Blake probably would give money voluntarily.

Asked by Dubin why he believed that, the man said, "Just looking at him, he doesn't look like a cheapskate to me."

Two other prospects spoke out against the concept of a civil trial after a criminal trial.

"It's the same as being tried again for the exact same thing," said one man. "The family is looking for some kind of healing and they won't get it until they let go."

A woman said the situation was unfortunate but that the case was "not right."

Two other prospects, a man and a woman, said they had no problem with the concept of two trials because it was within the law. The man also noted that he thought Blake was guilty.

"I thought he had a motive, means and opportunity. He didn't offer a reasonable explanation," that man said.

In further questioning, Dubin made comparisons between Blake's situation and that of O.J. Simpson, who was acquitted of murder and then was sued for wrongful death. After a number of questions, a male prospect blurted out: "I think you should stop mentioning the O.J. trial. There's no comparison."

On the Hollywood aspect of the case, one man expressed opinions that celebrities should be treated differently than others and that "I know he's a movie star but he's gone through a lot."

One man said he had never heard of Blake.

Blake and co-defendant Earle Caldwell, his former handyman, watched the proceeding with their attorneys.

At the outset of the day Schacter emphasized to the prospects that the nature of a civil case is different than a criminal trial.

"It's very important to realize this is a civil case. Everything you do in your private life could wind up in civil court. This is something that could happen to every one of us," he said.

He also told the prospects not to expect a trial like ones they see on television.

"Cut out anything you've seen on TV and in the law shows," he said. "They're cartoons."

Bakley, 44, was shot as she sat in Blake's car outside a restaurant where they had dined. Blake has asserted that he had re-entered the restaurant briefly and found his wife shot when he returned to the car.

Blake did not testify in the criminal trial. Caldwell was initially charged in that case but was dropped.

In the civil case the jury need only determine that there is a preponderance of evidence to find the defendants liable for damages, unlike the criminal case, which required proof beyond a reasonable doubt.

Dubin told reporters outside court that the difference in the standard of proof means that "I don't have to put a gun in Robert Blake's hand to show he's responsible."

Dubin said another difference is that he can call Blake and Caldwell to testify.

"It's a different case with Mr. Blake taking the stand," he said.

Dubin acknowledged that Blake offered to settle the case for \$250,000 and that he rejected the offer.

Asked if he would be satisfied if jurors were to find that amount was all that the family was entitled to receive, Dubin said, "Yes, if it came with a tag saying that Robert Blake is a murderer."

But he acknowledged that the jury will not be asked to decide if Blake murdered Bakley, only whether he is liable.



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Katrina has killed more than 70 people

RED CROSS, from page 1

vices volunteer from the Santa Monica chapter, left for Florida on Monday. She will be stationed in Miami, where the American Red Cross is conducting ongoing relief efforts.

Christy Courtemanche, another local chapter member, leaves today for Houston, Texas, a staging area for the Red Cross. From Houston, Christy will most likely be assigned to a location in Louisiana or another affected state.

As of press time, more than 70 people were believed to be dead as a result of Katrina, which had winds of up to 100 miles per hour along the Gulf Coast and is believed to have caused \$26 billion in damage to parts of Alabama, Mississippi and Louisiana.

Breaches in at least one levee allowed water from Lake Pontchartrain to inundate sections of New Orleans. Canal Street was literally a canal, according to some reports. Dozens of people have been rescued from roofs and attics.

Meanwhile, organizations such as the Red Cross are hoping to be able to assist some 485,000 people ordered to evacuate. In addition, 370,000 people are believed to be without power in southeast Louisiana, and that number is expected to rise, according to reports.

New Orleans water is unsafe to drink without boiling.

Disaster relief officials said it could be months before many families can return home. In response, the American Red Cross has launched the largest mobilization of resources for a single natural disaster in its history, involving thousands of trained disaster relief workers, tons of supplies and many shoulders on which to lean.

Courtemanche is expected to assist with Red Cross efforts for three weeks. She worked for Federal Express before she took an opportunity to do relief work in Kosovo and Albania almost 10 years ago.

That work changed her life, she said. Courtemanche has been volunteering with the Red Cross and other organizations like it since.

"I don't feel special, I feel lucky," Courtemanche said. "I feel lucky that my life allows me to be called at any moment

to the scene of a hurricane, fire or some other disaster, and help.

"I think a lot of people would like to do what I'm doing."

Robert Chapman, a Red Cross Santa Monica chapter representative, said local volunteers who go out on national disaster calls such as Katrina are listed in a national database. They are certified in first aid and CPR, as well as having received extensive training in areas such as shelter management, mass care, damage assessment, logistics, family services, mental health or other areas.

Five volunteers from Santa Monica's chapter are currently enrolled in the database and have served in New York City during the Sept. 11 attacks, worked the Arizona wildfires in 2003 and 2004, and provided disaster relief services in Florida after Hurricane Charley last year.

Working at a major national disaster is excellent training for chapter volunteers in terms of being prepared for when a local disaster strikes, Chapman said.

The American Red Cross, based on current damage assessments, estimates that the Red Cross' portion of the Katrina relief effort will cost more than the total damage caused by the four major hurricanes that struck the United States in 2004.

At this time, the Red Cross has 230 shelters open, serving more than 40,000 evacuees in five states. Arrangements have been made in association with Southern Baptist churches to provide more than 500,000 hot meals daily.

The \$130 million needed for Red Cross disaster services as a result of Katrina is only an estimate and may change, depending on updated damage assessment figures and the amount of assistance needed by the families affected by the event.

The Red Cross is committed for the long haul to meeting the immediate emergency needs of disaster victims in the weeks and months ahead, Chapman said.

"The organization anticipates the costs of this disaster to be significant and that financial help from the public is needed and appreciated," Chapman said.

For donations or information, call (310) 394-3773 or visit www.redcrossof-santamonica.org.



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Witnesses said driver roamed street aimlessly after collision

COLLISION, from page 1

corner of the intersection. The broken fire hydrant reportedly began filling the Jeep with water.

The Ford Probe veered in the same direction and caused extensive damage to a traffic signal.

The drivers of both vehicles were transported to the hospital and treated for injuries. Lt. Frank Fabrega with the Santa Monica police said it's still being determined who was at fault in the collision. However, Fabrega said the driver of the Probe was believed to be under the influence of drugs and alcohol when the wreck occurred, and witnesses said he ran a red light and caused the collision.

The collision prompted authorities to block traffic on Santa Monica Boulevard between Lincoln Boulevard and 10th Street, during which time police conducted their investigation and emergency personnel helped clear the scene.

Traffic resumed on Santa Monica Boulevard after 9:30 a.m.

Police have not yet revealed the identities of those involved in the wreck.

At least a dozen local mechanics and construction workers responded to the scene, witnesses said. They ran out from the nearby Audi dealership and a construction site after hearing the collision. Working together, they moved the Jeep away from the fire hydrant, broke a window, and hoisted the partially submerged driver out of the vehicle, witnesses said.

The driver was laid on a stretcher and transported by ambulance to the hospital.

Meanwhile, the Probe driver, described by witnesses as a bare-chested Caucasian male wearing purple athletic shorts, emerged bloody and angry from his car. According to witnesses, who said both cars involved in the wreck carried only one passenger, the man wandered around the intersection for several minutes while shouting, "Where's my brother?"

From the intersection, he walked toward a Big Blue Bus, which had pulled over on the north side of Santa Monica Boulevard.

The suspect, rubbing his hands against the bus windows, continued to shout as passengers watched him in silence — an experience one passenger described as "surreal."

Soon after, the suspect was apprehended by five police officers, witnesses said. At press time, no charges had been filed against the man, according to police.

Maria Gonzales, who works in the service department at the Audi dealership, said she was on the telephone and gazing out at the intersection when she saw the collision.

"I saw the Jeep fly into the air and land on the fire hydrant," Gonzales said. "There was water and debris all over the place. I couldn't believe it."

Gonzales said she was surprised and touched by the quick response of the mechanics, construction workers and other onlookers.

"It's too bad it takes something so tragic these days for people to pull together and help each other out, but I'm really glad they did."

Schwarzenegger doesn't fit into schedule

BUSH TRIP, from page 1

Stutzman. White House spokesman Ken Lisaius said Bush's busy schedule in California didn't accommodate an appearance with Schwarzenegger.

"The president has a full schedule out there, and I would imagine the governor is equally busy," Lisaius said. "The president enjoys a good relationship with Governor Schwarzenegger, and if we don't see him on this trip we'll see him another time."

The two have long had a tentative relationship.

Just days after Schwarzenegger's victory in the 2003 recall election, the governor-elect told a cheering crowd in San Bernardino that "there is no greater ally this Golden State has in Washington" than Bush, who stood beaming nearby.

But Schwarzenegger also has been careful to maintain a certain distance from Bush, who has never been popular in California. The president lost the state resoundingly to Democrat John Kerry in the 2004 presidential contest and to Vice President Al Gore in 2000.

Bush, meanwhile, has taken advantage of the Republican governor's celebrity, most notably at the Republican National Convention last year in New York and in a campaign appearance in Ohio days before the 2004 election. Schwarzenegger was credited with helping Bush narrowly win that pivotal state.

Still, the president and Schwarzenegger have sharp differences on social issues such as abortion, gay rights and stem cell research.

Political observers said it's understandable that the two leaders would keep their distance now, given their low approval ratings in California and their different

political agendas.

Bush has focused his second-term energies on overhauling Social Security and rebuilding support for the war in Iraq. Schwarzenegger, meanwhile, is struggling to promote three initiatives on a Nov. 8 special election ballot that have stirred little voter interest so far.

He wants to set a state spending cap, strip lawmakers of their power to redraw legislative districts and lengthen the probationary period for teachers to get tenure.

"President Bush is in California for specific reasons that do not involve Governor Schwarzenegger, and the governor is involved in a special election that has nothing to do with the president," said Allan Hoffenblum, a Republican strategist who now publishes the influential California Target Book. "Both are having political problems now, so other than cordiality, there's really no reason for them to be together."

A statewide poll released last week by the nonpartisan Public Policy Institute of California held bad news for both leaders. Only 38 percent of respondents said they approve of the job President Bush is doing in office. Schwarzenegger's job approval was just 34 percent, and none of the three initiatives he is backing showed majority support.

Democratic strategist Garry South said Schwarzenegger's popularity dropped in part because of his public support for Bush during the president's re-election campaign.

"That's not what Democrats and most independents wanted when they voted for Schwarzenegger," said South, now an adviser to Democratic gubernatorial candidate Steve Westly. "This is California, not Texas."

On Tuesday, Bush is scheduled to address veterans and tour the Naval Medical Center in San Diego.



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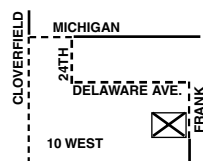
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Regulators want to put cork in wine pollution

BY JULIANA BARBASSA

Associated Press Writer

FRESNO, Calif. — Napa and Sonoma may attract wine connoisseurs and tourists to their bucolic settings to taste well-known wines, but the San Joaquin Valley has long been the industry workhorse, producing most of the nation's wine.

Now environmental regulators say the same process that gives the region's affordable reds, whites and blushes their pleasant punch is also producing a share of the smog that makes the valley one of the nation's dirtiest air basins — and they aim to do something about it.

The San Joaquin Valley Air Pollution Control District is considering imposing the nation's first air quality control on wineries — companies such as E&J Gallo, Delicato, and Constellation Wines.

Wineries are the latest target of the district, which has struggled for years to clean up the valley's persistent pollution, by first going after manufacturers, the construction industry, and even home fireplaces.

Recently it has turned to agriculture, which had long been exempt from the controls imposed on municipalities and other businesses. The district has already asked farmers to keep the dust down during harvest, and is even looking at controlling emissions from dairy cows.

Wineries have come under scrutiny because the fermentation process that turns grape sugars to alcohol releases ethanol, methanol and other organic compounds into the atmosphere, where they react with sunlight and heat to form ozone, one of the components of smog, air regulators said.

With the region producing roughly 70 percent of California's table wine, that results in 788 tons of pollutants a year.

Of the 109 wineries in the valley that put out about 338 million gallons of wine each year, 18 are responsible for about 95 percent of the emissions that lead to smog, regulators said.

Pollutants emanating from the three- to four-month fermentation process hit the atmosphere mostly in September and October, when federal smog limits are most often violated, according to the air district.

Since no other country asks vintners to control emissions, the regulations will cut into profits, producers said, and could hurt the position of valley vintners in the international market.

California is the world's largest producer of wine after France, Italy and Spain. Much of the San Joaquin Valley's produc-

tion ends up in \$5 to \$10 bottles, attracting customers looking for an affordable product. An increase in the cost of production would translate into a price hike that could hurt their market share, producers said.

"This is going to be another increase in cost that is going to put me at a disadvantage," said Steve Kautz, president of Ironstone Vineyards, which has about 5,000 acres of wine grapes.

His Bear Creek Winery in Lodi produces 600,000 cases a year of Leaping Horse, a popular line that retails at \$5 to \$6 a bottle.

Equipment proposed to suck up vapors released in the winemaking process would be required on the largest stainless steel fermenting tanks — those holding 50,000 gallons or more. That would mean outfitting 20 tanks at Ironstone's Bear Creek facility, potentially a large investment, said director of operations Craig Rous.

Industry representatives said they want to work with the air district, but complained untested equipment could hurt their product and cost tens of millions of dollars — too much for the amount of pollution it would eliminate.

"When you look at the amount of ethanol that wineries are accountable for, and for the amount of emissions — it's a very small fraction," said Wendell Lee, an attorney for the Wine Institute, which represents about 800 California producers.

Regulators are trying to be flexible, and are looking for other ways in which vintners could cut back emissions, such as by cleaning up their diesel fleet, said Scott Nester, the air district's planning director.

The air district plans hearings on the subject in October and a vote on the rule in December.

Pollution controllers realize what they're asking wineries to do is expensive — but not out of line with what they've asked other industries to do, Nester said.

"Cost is a consideration," Nester said. "But that's not to say wine companies can't afford it."

Wine consumption in the U.S. has been increasing steadily for years, bolstering the industry's growth. Domestic consumption grew 63 percent between 1991 and 2004, when California shipped 428 million gallons of wine to the rest of the country — a \$15 billion retail value.

Community activists dedicated to cleaning up the dirty air said the area can't afford to make exceptions. Pollution forces some residents to stay indoors for months, when emergency rooms see a spike in visits from people with respiratory problems.

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NATIONAL



Body count still rising in the wake of Katrina

BY HOLBROOK MOHR
Associated Press Writer

GULFPORT, Miss. — Rescuers in boats and helicopters searched for survivors of Hurricane Katrina and brought victims, wet and bedraggled, to shelters Tuesday as the extent of the damage across the Gulf Coast became ever clearer. Mississippi's governor said the death toll in one county alone could be as high as 80.

"At first light, the devastation is greater than our worst fears. It's just totally overwhelming," Louisiana Gov. Kathleen Blanco said the morning after Katrina howled ashore with winds of 145 mph and engulfed thousands of homes in one of the most punishing storms on record in the United States.

In New Orleans, meanwhile, water began rising in the streets Tuesday morning, apparently because of a break on a levee along a canal leading to Lake Pontchartrain. New Orleans lies mostly below sea level and is protected by a network of pumps, canals and levees. Many of the pumps were not working Tuesday morning.

Officials planned to use helicopters to drop 3,000-pound sandbags into the breach, and expressed confidence the problem could be solved within hours.

Gov. Haley Barbour of Mississippi said there were unconfirmed reports of up to 80 deaths in Harrison County — which includes devastated Gulfport and Biloxi — and the number was likely to rise. An untold number of people were also feared dead in Louisiana. At least five other deaths across the Gulf Coast were blamed on Katrina.

"We know that there is a lot of the coast that we have not been able to get to," the governor said on NBC's "Today Show." "I hate to say it, but it looks like it is a very bad disaster in terms of human life."

Along the Gulf Coast, tree trunks, downed power lines and trees, and chunks of broken concrete in the streets prevented rescuers from reaching victims. Swirling water in many areas contained hidden dangers. Crews worked to clear highways. Along one Mississippi highway, motorists themselves used chainsaws to remove trees blocking the road.

Tens of thousands of people will need shelter for weeks if not months, said Mike Brown, director of the Federal Emergency Management Agency. And once the floodwaters go down, "it's going to be incredibly dangerous" because of structural damage to homes, diseases from animal carcasses and chemicals in homes, he said.

Officials warned people against trying to return to their homes, saying that would only interfere with the rescue and recovery efforts.

More than 1,600 Mississippi National Guardsmen were activated to help with the recovery, and the Alabama Guard planned to send two battalions to Mississippi.

"We know that last night we had over 300 folks that we could confirm were on tops of roofs and waiting for our assistance. We pushed hard all throughout the night. We hoisted over 100 folks last night just in the Mississippi area. Our crews over New Orleans probably did twice that," Capt. Dave Callahan of the Coast Guard Aviation Training Center in Mississippi said on ABC.

National Guardsmen brought in people from outlying areas to the Superdome in the backs of big 2 1/2-ton Army trucks. Louisiana's wildlife enforcement department also brought people in on the backs of their pickups. Some were wet, some were in wheelchairs, some were holding babies and nothing else.

In New Orleans, a city of 480,000 that was mostly evacuated over the weekend as Katrina closed in, those who stayed behind faced another, delayed threat: rising water. Failed pumps and levees apparently sent water from Lake Pontchartrain coursing through the streets.

The rising water forced one New Orleans hospital to move patients to the Louisiana Superdome, where some 10,000 people had taken shelter, and prompted the staff of New Orleans' Times-Picayune newspaper to abandon its offices, authorities said.

Downtown streets that were relatively clear in the hours after the storm were filled with 1 to 1 1/2 feet of water Tuesday morning. Water was knee-deep around the Superdome. Canal Street was literally a canal. Water lapped at the edge of the French Quarter. Clumps of red ants floated in the gasoline-fouled waters downtown.

"It's a very slow rise, and it will remain so until we plug that breach. I think we can get it stabilized in a few hours," said Terry Ebbert, New Orleans' homeland security chief.

As for the death toll in Louisiana, the governor said only: "We have no counts whatsoever, but we know many lives have been lost."

The biggest known cluster of deaths was at the Quiet Water Beach apartments in Biloxi, a red-brick beachfront complex of about 100 units. Harrison County, Miss., emergency operations center spokesman Jim Pollard said about 30 people died there.

"This is our tsunami," Mayor A. J. Holloway of Biloxi, Miss., told The Biloxi Sun Herald.

Joy Schovest, 55, was in the apartment complex with her boyfriend, Joe Calvin, when the water began rising. They stayed despite a mandatory evacuation order.

"The water got higher and higher," she said, breaking into tears. "It pushed all the doors open and we swam out. We grabbed a lady and pulled her out the window and then we swam with the current. It was terrifying. You should have seen the cars floating around us. We had to push them away when we were trying to swim."

Teresa Kavanagh, 35, of Biloxi, shook her head in disbelief as she took photographs of the damage in her hometown.

"Total devastation. Apartment complexes are wiped clean. We're going to rebuild, but it's going to take long time. Houses that withstood Camille are nothing but slab now," she said. Hurricane Camille killed 256 people in Louisiana and Mississippi in 1969.

The hurricane knocked out power to more than 1 million people from Louisiana to the Florida Panhandle, and authorities said it could be two months before electricity is restored to everyone.

Oil prices jumped by more than \$3 a barrel on Tuesday, climbing above \$70 a barrel, amid uncertainty about the extent of the damage to the Gulf region's refineries and drilling platforms.

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The real estate market is giving stocks and bonds a run for their money



BUYING AND SELLING
BY THOMAS KHAMMAR & BRENT PARSONS

Real estate has taken a backseat to stocks and bonds for far too long. As the national home-sales boom slows just a little bit — existing home sales are expected to dip by 2.4 percent this year — analysts are way too quick to predict that real estate will lose its attraction as an investment compared to securities. Such is the opinion of David Lereah, senior vice president and chief economist for the National Association of Realtors.

When one considers the fact that vacation and investment properties accounted for more than one-third of home sales nationally last year, clearly Americans still see real estate as a good investment, not to mention as a sound tangible alternative to paper equity shares whose value fluctuates with the economy, corporate management ability (or inability), and artificially inspired market competition.

Helping to enhance the attraction of real estate as an investment are improvements in the “buying and selling process,” which is no more a long, drawn-out, awkward, overwhelming, intimidating and expen-

sive endeavor. The demographic of the typical homebuyer looks very different these days. Those who once felt that investing in real estate was far too daunting and risky are now stepping up to the plate, thanks to the simplification of procedures and the increased availability of mass education, largely fueled by zealous infomercials, promising huge gains over a short period of time. Add to that the liquidity that mortgage innovations have brought to holding property, and owning real estate looks not less, but, rather, far more appealing than ever before.

Real estate investors are reaping benefits not available to those devoted to other forms of investing. For example, property owners enjoy pride of ownership, income tax deductions, equity against which funds can be borrowed, and the tremendous leverage afforded by the ability to purchase real estate with only a small percentage of the purchase price, i.e. the down payment.

From purely an investment standpoint, the sale of a home, as opposed to other types of investments upon which capital gains are taxable, is entitled to certain tax advantages. For example, \$250,000 of the profit on the sale of a home is tax free if you are single, and double that, or \$500,000, is tax free if you are married and file a joint tax return, as long as you have owned

the home for at least two years and have lived in it as your primary residence for at least two years out of the last five (IRS Publication 523).

So, providing you meet this criteria, using the above example, if you and your spouse purchased your single-family residence in July 2000 for the then-median price of \$482,993 and decided to sell five years later in July 2005 for the going median price of \$1,190,038, the equity gain on the sale of your home would be \$707,045 — but only \$207,045 of that would be taxable, if you file a joint return, resulting in a tremendous tax savings on the gain. Likewise, if you and your spouse had purchased a condo, instead of a single-family residence, your gain of close to \$300,000 would be entirely tax free, since it is less than the \$500,000 allowable exemption.

In short, real estate offers the potential for great income and wealth gains, as well as a safe haven, given the tangibility of the asset. As an increasingly liquid asset, real estate is finally giving stocks and bonds a run for their money, so to speak.

(If you have any questions, call The Powerhouse Team at 310-482-2015 or e-mail brent@pwrhteam.com.)

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Sold Santa Monica 08/26/2004	211 11TH ST SqFt: 3,144 Lot Size: 7,500	SANTA MONICA 90402 List Price: \$2,488,000 Sold Price: \$2,702,000	Bed: 4 Bath: 3.00
Sold Santa Monica 08/24/2004	135 OCEAN WAY SqFt: 3,000 Lot Size: 4,356	SANTA MONICA 90402 List Price: \$1,795,000 Sold Price: \$2,100,000	Bed: 4 Bath: 3.50
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Sold Santa Monica 08/27/2004	806 GEORGINA AVE SqFt: 1,600 Lot Size: 7,190	SANTA MONICA 90402 List Price: \$1,399,000 Sold Price: \$1,430,000	Bed: 2 Bath: 1.50
Sold Santa Monica 08/27/2004	806 GEORGINA AVE SqFt: 1,600 Lot Size: 7,190	SANTA MONICA 90402 List Price: \$1,399,000 Sold Price: \$1,430,000	Bed: 2 Bath: 1.50
Sold Santa Monica 08/27/2004	912 16TH ST #1 SqFt: 2,471 HOD: \$335	SANTA MONICA 90403 List Price: \$989,000 Sold Price: \$990,000	Bed: 3 Bath: 2.50
Sold Santa Monica 08/30/2004	1761 BRYN MAWR AVE SqFt: 1,416 Lot Size: 5,837	SANTA MONICA 90405 List Price: \$929,000 Sold Price: \$860,000	Bed: 4 Bath: 2.00
Sold Santa Monica 08/26/2004	1513 9TH ST #1 SqFt: N/A HOD: \$323	SANTA MONICA 90401 List Price: \$899,000 Sold Price: \$850,000	Bed: 2 Bath: 2.00
Sold Santa Monica 08/27/2004	1108 MAPLE ST SqFt: 1,172 Lot Size: 6,300	SANTA MONICA 90405 List Price: \$899,000 Sold Price: \$880,000	Bed: 3 Bath: 1.50
Sold Santa Monica 08/30/2004	2305 30TH ST SqFt: 1,073 Lot Size: 6,000	SANTA MONICA 90405 List Price: \$889,000 Sold Price: \$889,000	Bed: 2 Bath: 1.50
Sold Santa Monica 08/24/2004	3407 PEARL ST SqFt: 1,543 Lot Size: 5,772	SANTA MONICA 90405 List Price: \$819,000 Sold Price: \$809,000	Bed: 3 Bath: 2.00
Sold Santa Monica 08/27/2004	1127 9TH ST #103 SqFt: 1,458 HOD: \$333	SANTA MONICA 90403 List Price: \$617,000 Sold Price: \$625,000	Bed: 2 Bath: 2.50
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Sold Santa Monica 08/27/2004	2329 KANSAS AVE #2 SqFt: N/A HOD: \$198	SANTA MONICA 90404 List Price: \$379,000 Sold Price: \$379,000	Bed: 1 Bath: 1.00

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Western states sue feds over decision to open pristine forests

BY TERENCE CHEA
Associated Press Writer

SAN FRANCISCO — California, New Mexico and Oregon sued the Bush administration Tuesday over the government's decision to allow road building, logging and other commercial ventures on more than 90,000 square miles of the nation's remaining pristine forests.

In the lawsuit, attorneys general for the three states challenged the U.S. Forest Service's repeal of the Clinton administration's "roadless rule" that banned development on 58.5 million acres of national forest land, mostly in western states.

"The Bush administration is putting at risk some of the last, most pristine portions of America's national forests," California Attorney General Bill Lockyer said. "Road building simply paves the way for logging, mining and other kinds of resource extraction."

In January 2001, just eight days before he left office, President Clinton put almost one-third of the nation's 192 million acres of national forest land off-limits to road construction, winning praise from conservation groups and criticism from the timber industry.

Those roadless areas included more than 6,800 square miles in California, about 2,500 square miles in New Mexico and nearly 3,000 square miles in Oregon.

But in May, the Bush administration replaced the regulation with a new policy requiring states to work with the Forest Service to decide how to manage individual forests. Governors were given 18 months either to petition the agency to keep their states' forests protected or to open the undeveloped areas to roads and development.

Mark Rey, the Agriculture Department's undersecretary for natural resources and environment, called Tuesday's lawsuit "unfortunate and unnecessary."

"The quickest way to provide permanent protection is through the development of state-specific rules, not by resuscitating the 2001 rule," Rey said.

He pointed out that the Clinton-era rule has been struck down in federal court. In 2003, a federal judge in Wyoming ruled

that the executive branch had overstepped its authority by effectively creating wilderness areas on U.S. Forest Service land. In July, the 10th U.S. Circuit Court of Appeals dismissed environmentalists' appeal of that ruling, saying the new Bush rule made the issue moot.

In Tuesday's lawsuit, filed in federal court in San Francisco, the states allege that the Bush administration's repeal of the roadless rule violated federal law because the government didn't conduct a complete analysis of the new regulation's environmental impact.

"The federal government acknowledges that road-building and timber harvest will result in decreased water quality, increased sediment and pollutants, yet they refuse to protect our state's few remaining pristine areas," New Mexico Attorney General Patricia Madrid said.

Environmentalists praised Tuesday's challenge to the Bush administration. They said remote roadless forests contain some of the country's best drinking water, wildlife habitat and recreational areas.

"Whether it's the Sierra in California or the Cascades in Oregon, I think we owe it to our children and grandchildren to keep chain saws and bulldozers out of these places," said Steven Pedery, wildlands advocate for the Oregon Natural Resources Council.

But Chris West, vice president of the American Forest Resource Council, said the lawsuit was politically motivated, pointing out that the three attorneys general were Democrats.

"It's just ironic that the states are given all the opportunity in the new rule to determine what's in the interest of the lands within their states and they don't want to take that on," West said. "This is all about politics and not about protecting wildlife, watersheds and forests."

Elliot Marks, a natural resources policy adviser to Washington Gov. Christine Gregoire, said Washington did not the join the suit because officials learned of it too late to review it. But he said Gregoire supports restoration of the 2001 Clinton rule.

Gregoire said last month she would work to protect most, if not all, of roadless areas protected by the Clinton rule.

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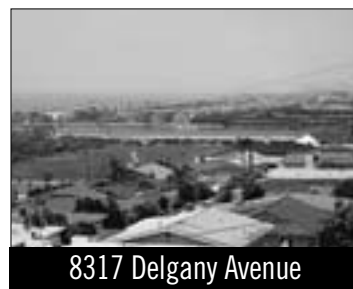
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With new technology, workers disappearing from hay fields

BY JUDI BOLAND
Associated Press Writer

OKLAHOMA CITY — Summer used to be the season for country boys across the United States to bale hay into 50-pound blocks, stack them on a trailer and haul them to the barn for use as cattle feed.

This idyllic picture of farm life is slowly becoming outdated. With advances in technology, what used to be a four- or five-person job now takes just one or two workers.

It's a more efficient, less labor-intensive process that helps farmers at a time when it's difficult to find seasonal labor and federal labor regulations make it more difficult to employ teenage workers, experts say.

Allen Baker, an economist with the U.S. Department of Agriculture, said that in the last 30 years the hay business has become almost completely mechanized.

"It's a matter of trying to find people who would do that kind of work when you needed them. You just don't need someone on a full-time basis because you might have just two or three cuttings a year," Baker said.

Walter Fick, professor of range management at Kansas State University, said years ago a farmer could produce enough hay using existing manpower on smaller acreage. When he was a teen, he said he stacked hay with his father and other relatives into piles as heavy as 10 tons, which they would then run through a bailer.

It was dusty work performed under a blazing sun.

"Now in order to make a livelihood the size of the farm has gone up and the labor pool has gone down," he said.

The face of hay fields across the country began to change in the 1970s with the advent of the machine invented by Gary Vermeer of Pella, Iowa, that makes the large, round bales, said Dan Belzer, marketing manager for Vermeer Manufacturing.

"I have heard it said that when they went out to demonstrate the bailer people would follow from county to county just to watch it operate," Belzer said.

Despite the changes in the industry, though, the smaller hay bales didn't disappear immediately. Nor is everyone signaling their death knell.

Jack Carson, a spokesman for the Oklahoma Department of Agriculture, said he thinks they could become a niche market for the smaller producer or the hobby farmer.

But the heavy labor required to make the smaller bales is not something that typically inspires farmer nostalgia.

Mark Hughes, of Bristow, started working in the hay fields in the early 1970s while in high school. He and two of his friends would work from daylight to dark. If the barn had lights, it would often be later.

Accidents were often a concern, he said. Hay bales would fall, dust would infiltrate the lungs, snakes could even hide in the hay. Sunburn and dehydration were common and baling machines could be dangerous to life and limb.

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INTERNATIONAL



Ambassador: There may be further changes to constitution

BY BASSEM MROUE

Associated Press Writer

BAGHDAD, Iraq — The U.S. ambassador suggested Tuesday there may be further changes to the draft constitution in order to win Sunni Arab approval, saying he believed a “final, final draft” had not yet been presented.

Meanwhile, U.S. F-16s launched airstrikes near the Syrian border, destroying three houses and killing a “known terrorist,” the U.S. military said. Iraqi authorities said fighting had broken out in the area between a tribe that supports foreign fighters and another that backs the government.

U.S. Ambassador Zalmay Khalilzad spoke two days after Shiite and Kurdish negotiators bypassed Sunni Arab negotiators and finished the draft, despite Sunni objections to federalism, references to Saddam Hussein’s Baath Party and the country’s identification as an Islamic but not Arab state.

“I believe that a final, final draft has not yet been, or the edits have not been, presented yet, so that is something that Iraqis will have to talk to each other and decide for themselves,” Khalilzad told reporters.

The law says the version signed off on by parliament Sunday cannot be amended. But Khalilzad said the door could be open for changes declared as “edits” to the approved text. There was no official comment from the Shiite parliamentary leadership on whether it shared that opinion.

However, influential Shiite lawmaker Khaled al-Attiyah, a member of the constitution drafting committee, insisted that “no changes are allowed to be made to the constitution” except for “minor edits for the language.”

Shiite leaders consider some of the Sunni objections — especially on federalism and references to the Baath Party — as matters of principle.

An Arab League official in Cairo, meanwhile, said Arab diplomats were urging the Iraqis to amend the constitution to strengthen references to the country’s role in the Arab world.

Iraqi Sunni Arabs cited the phrase among reasons they rejected the draft. Although the law forbids further changes in the draft, the stakes are so high that Iraqis may overlook legalisms in a bid for unity. A Sunni constitution negotiator urged all opponents of the constitution, including radical Shiite cleric Muqtada al-Sadr, to join a national front against the charter.

Khalilzad spoke alongside prominent Sunni leader Adnan al-Dulaimi, who urged Sunnis to reject the constitution in the Oct. 15 referendum as it stands. He also denounced the Shiite-led Interior Ministry for allegedly murdering Sunnis.

It was unclear if negotiations among the factions were actually under way. But the presence of Khalilzad with a respected Sunni figure was a clear sign the Bush administration has not given up on its campaign to win Sunni endorsement before the referendum.

“With regards to the constitution, as I said before, if Iraqis among themselves, in the assembly and those from outside, decide to make some adjustments compared to the draft that was presented three, four days ago, it’s entirely up to them,” Khalilzad said.

The airstrikes, which included 500-pound GBU-12 guided bombs, began about 6:20 a.m. in a cluster of towns near Qaim along the Syrian border 200 miles northwest of Baghdad.

A U.S. statement made no mention of tribal fighting but said four bombs were used to destroy a house occupied by “terrorists” outside the town of Husaybah. Two more bombs destroyed a second house in Husaybah, occupied by Abu Islam, described as “a known terrorist,”

the statement added.

“Islam and several other suspected terrorists were killed in that attack,” the statement said. Several of Islam’s associates fled his house in Husaybah for the nearby town of Karabilah, the statement said, citing intelligence reports.

“Around 8:30 a.m., a strike was conducted on the house in Karabilah using two precision-guided bombs,” the statement said. “Several terrorists were killed in the strike but exact numbers are not known.”

Iraqi officials said 45 people had been killed in the fighting between the pro-government Bumahl tribe and the pro-insurgent Karabilah tribe, including some in the airstrikes. The officials spoke on condition of anonymity for fear of reprisal. The area is among the most dangerous in the country, and access is difficult.

Elsewhere, the U.S. military said an Army helicopter made a forced landing late Monday under hostile fire near the northern city of Tal Afar, and one soldier was killed and another injured.

U.S. Navy F-18 jets were flying close air support in the Tal Afar area, the military’s regional command said. It was unclear if that included airstrikes.

The outcome of the border clashes could affect the ease with which foreign fighters can slip into the country from Syria. Tensions have been rising over the presence of foreign fighters linked to al-Qaida, and fighting has flared in the area sporadically for months, U.S. officials have said.

One of the Sunni objections to the draft was that it identified Iraq as an “Islamic” but not Arab country — a concession to the non-Arab Kurds. But many Sunnis felt the change threatened the nation’s ties to the Arab world and lumped Iraqis together with non-Arab, Shiite-dominated Iran.

Concern about the constitution’s impact on Iraq’s identity and role in the Arab world was shared by Iraq’s Arab neighbors.

In Cairo, an aide to Arab League Secretary-General Amr Moussa said officials were trying to contact Iraqi authorities “to ensure that the Arabism of Iraq is stressed in the Iraqi constitution that will be put to a referendum.”

“We think that the phrasing that had been reached earlier did not satisfy the Arab world and has caused grave worries,” said the aide, Hisham Youssef, adding that the wording “weakened (Iraq’s) belonging to the Arab world.”

Youssef said there were “contacts and we’re hoping for the best.”

In Baghdad, Saleh al-Mutlaq, a Sunni negotiator, said rumored plans to add a reference to Iraq’s Arab League membership would not be enough to overcome Sunni objections.

He said the Sunnis were demanding “clear wording saying that Iraq is part of the Arab nation” but the main sticking point “is federalism,” which they fear would lead to the breakup of the country.

Al-Mutlaq called on all Iraqi sects and ethnic groups to set aside their differences “to form an anti-constitution front.”

On Tuesday, hundreds of Sunnis rallied three miles north of Ramadi to denounce the proposed constitution.

Protesters carried portraits of former dictator Saddam Hussein and al-Sadr, who also opposes the draft, along with banners reading “No to federalism, no to dividing Iraq.”

Sunni Arabs form about 20 percent of Iraq’s 27 million people but are the majority in four of the 18 provinces. Under elections rules, a “no” vote by a two-thirds majority in any three provinces would defeat the referendum.



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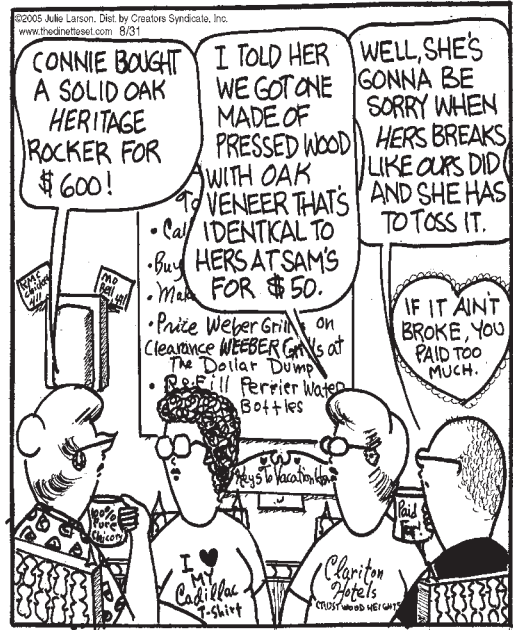
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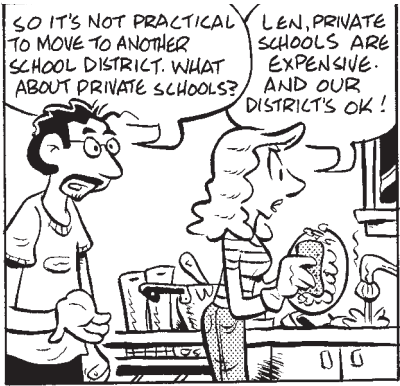


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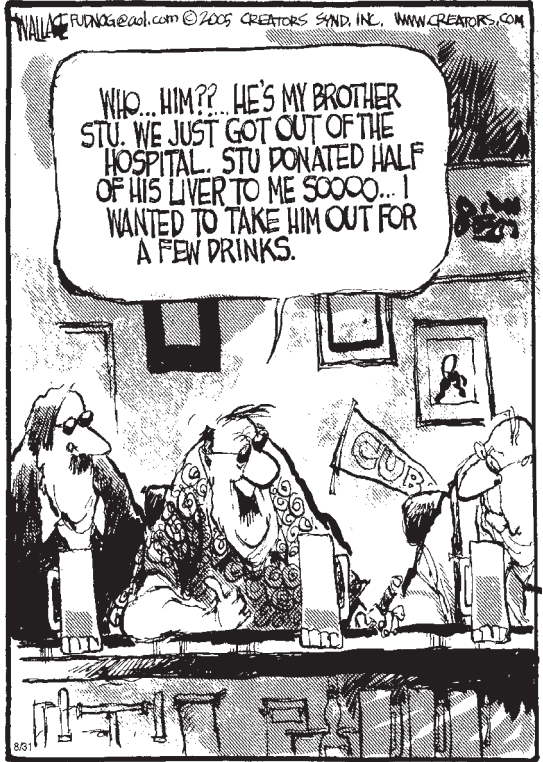


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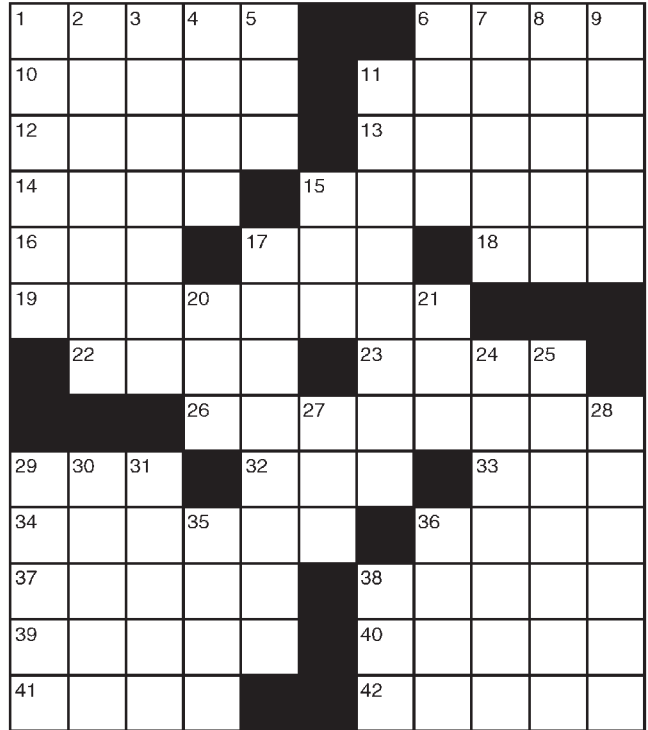
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- 10 Studio sign
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- 12 Tubular pasta
- 13 National symbol
- 14 Drunken party
- 15 King of song
- 16 Opponent
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- 18 Undoing word
- 19 Pleat
- 22 Night light?
- 23 Close
- 26 Defer
- 29 Stick up
- 32 Owns
- 33 Rink surface
- 34 Early hominid
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- 37 "Not in a million years!"
- 38 Mass language
- 39 Coffee add-in
- 40 Be penitent
- 41 Sentry's order
- 42 Kitchen gadget

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- 6 Tolerate
- 7 Inert gas
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