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Santa Monica Daily Press

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RACE TIME: 1:44.38



NEWS OF THE WEIRD

BY CHUCK SHEPARD

An econometric study of "happiness" by professors David Blanchflower (Dartmouth College) and Andrew Oswald (Warwick University, England), announced in July, found that a successful marriage brings such a level of joy that those without it would need an additional \$100,000 to compensate. They conclude: Money can buy happiness (but each unit of it is very expensive); increasing the frequency of sex from monthly to at least weekly brings the same happiness as a \$50,000 raise; and those who must buy their sex are the least happy of all.

TODAY IN HISTORY

ON SEPT. 8, 1900, Galveston, Texas, was struck by a hurricane that killed about 6,000 people.

■ In 1664, the Dutch surrendered New Amsterdam to the British, who renamed it New York.

■ In 1921, Margaret Gorman of Washington, D.C., was crowned the first Miss America in Atlantic City, N.J.

■ In 1951, a peace treaty with Japan was signed by 48 other nations in San Francisco.

■ In 1952, the Ernest Hemingway novel "The Old Man and the Sea" was published.

QUOTE OF THE DAY

"There is no happiness; there are only moments of happiness"

SPANISH PROVERB

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School in session: Class size on the rise

Students head back to the classroom today

BY GENEVA WHITMARSH

Daily Press Staff Writer

Budget constraints will cause class sizes at many Santa Monica secondary schools to swell this year, despite that there are fewer students enrolled.

An estimated 12,714 Santa Monica-Malibu Unified School District students are expected to start school today, down 99 students from last year. But at some schools, such as Santa Monica High School, class sizes have ballooned. That's because budget shortfalls don't support participation in the state's program aimed at reducing class sizes.

"We were paying three-quarters of a million (dollars), and the state would give us 'X' amount of money so we could keep the class size down," said schools superintendent John Deasy. "But we don't have the money in our budget to keep it going."

At Samohi, teacher retirements, coupled with funding cuts, have meant the loss of 11 teachers and 55 classes despite a slight increase in enrollment. The redistribution of students means ninth grade English and math classes that were capped at 21 students last year will now have enrollment in the high 20s and

See BACK TO SCHOOL, page 6



Geneva Whitmarsh/Daily Press

Santa Monica teachers were welcomed back to work on Tuesday with a luncheon at Santa Monica High School. School begins today for more than 12,000 local students.

Homeless man's time served for manslaughter

By Daily Press staff

A transient who was charged last fall with killing another transient has been released from jail.

David Brevig, 42, was released on July 1 after pleading no contest to involuntary manslaughter. He was arrested in November, after he allegedly assaulted Bobby Ray Capps at a campsite on an embankment off Interstate 10 and Lincoln Boulevard. The trauma to Capp's head led to his death more than two days later. Apparently

during the assault, Capps hit his head on a pole. The Los Angeles County Coroner ruled that Capps died of cranial cerebral trauma.

It's unclear what the motive for the assault was, but it appears Brevig was protecting another homeless man who Capps had gotten into an altercation with earlier. Witnesses said after Capps punched the homeless man, he walked about 50 feet down the embankment and laid down. Brevig arrived 20 minutes later, learned of the incident and then

allegedly jumped Capps, witnesses said.

Brevig was sentenced to three years in prison and ordered to pay \$200 in restitution, said Los Angeles District Attorney spokeswoman Sandi Gibbons. He was released from jail on probation.

But if he hadn't been released on probation, chances are Brevig wouldn't have spent the full sentence in county jail since facilities throughout LA are overcrowded and prisoners are released after serving 10 percent

of their sentences.

"If you are sentenced to a year, you're lucky if they spend a month (in jail)," Gibbons said.

Four jails have shut down in the past five years in LA County and the system deals with 70,500 inmates on any given day.

"We can't hold as many people as we'd like," said LA Sheriff's Department Capt. Tony Argott. "We are releasing people that should be incarcerated."

— Carolyn Sackariason

Jury dodgers fined, publicly shamed but problem persists

BY RYAN PEARSON

Associated Press Writer

Every month, hundreds of people are summoned to courts across the nation's most populous county for a public scolding. It's no surprise that only a handful show up — after all, they are expert at that all-American custom: dodging jury duty.

Fed-up judges from Los Angeles County to New York have responded by redirecting these scofflaws from the jury box

to the hot seat. Residents who ignore repeated calls to appear can face fines and, in some places, even jail time.

The problem has proven that, as with jury duty in the first place, persuading prospective jurors to attend sanction hearings isn't easy. Those hearings will be held in Santa Monica in January — aimed at the thousands of people who have ignored up to four requests to serve on juries on the

westside.

"It's not an invitation," said jury expert Tom Munsterman of the court orders which regularly pop up in mailboxes nationwide, "it's an obligation."

Tell that to the 217 of 225 chronic offenders who disregarded a demand that they face a judge in Long Beach last week.

Superior Court Judge James L. Wright issued more stern warnings than \$250 fines to the eight

who did show. Those who ducked their duty were all fined, though penalties would be dropped if they actually serve.

A single mother holding her infant had her service deferred a year. A man who told the judge he ignored the summons because he doesn't speak English well was ordered to report next month. He'll face the fine if he skips court again.

Wright watched as tears rolled

See JURY DUTY, page 6

Jacquie Banks

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Tonight, ask you like it, Cancer

JACQUELINE BIGAR'S STARS

The stars show the kind of day you'll have:

★★★★-Dynamic ★★★★★-Positive ★★★-Average ★★-So-so ★-Difficult



ARIES (March 21-April 19)
★★★★ Listen to the reasoning of others. Even though someone might not look at issues and problems the same way you do, there is a lot to be gained by following some suggestions. You don't have the complete perspective anyway. Tonight: Head home to your favorite chair.

TAURUS (April 20-May 20)
★★★★ You will make a difference wherever you are. You are likely to change directions and thoughts quite a bit as the day proceeds. Interesting information emerges in a meeting. Think before you leap, act or talk. Tonight: Hang out.

GEMINI (May 21-June 20)
★★★ Your finances take the highest priority. Some of you might be worrying about your job security, as a boss is so unpredictable and strange. Don't make any judgments; simply flow. You gain important insights by listening. Tonight: Your treat.

CANCER (June 21-July 22)
★★★★★ You get news that leads you in a new direction. Verbalizing these ideas could be more difficult than you'd anticipated. Laugh and enjoy yourself. Digest news before sharing it. Your smile is a winner. Tonight: As you like it.

LEO (July 23-Aug. 22)
★★★ Take in information rather than be a source of it. You might feel that someone has his or her facts and figures wrong. Do what you need to do to verify facts on your own. Others might wonder about your low profile. Let them! Tonight: Don't explain; just vanish.

VIRGO (Aug. 23-Sept. 22)
★★★★★ You buzz through your day knowing what you want to accomplish. Others intervene with valuable but possibly unrelated information. Stay sensitive to associates. Tonight: Take a midweek break. You deserve it.

LIBRA (Sept. 23-Oct. 22)
★★★★ A boss's or authority figure's feedback is important. You might need to change your work or revise a project. Understand that you need to accept a shortcut and new technology. Tonight: Hang in there late.

SCORPIO (Oct. 23-Nov. 21)
★★★★★ Reach out for someone at a distance. You could be surprised at best by the information that comes up. Put on your thinking cap. Innovative ideas are your specialty. Tonight: Try a new type of movie or restaurant. Experiment a little.

SAGITTARIUS (Nov. 22-Dec. 21)
★★★★★ Listen to associates, especially one that might be more important than others. You might have to revamp your schedule or your domestic life if you agree with the suggestions. Tonight: Dinner and talks.

CAPRICORN (Dec. 22-Jan. 19)
★★★★ Imagine what is happening with others and those you deal with on a daily level. Your perspective could change because of another's unexpected statement. Flex and give up ideas of how events and people are suppose to act. Tonight: Be with your friends.

AQUARIUS (Jan. 20-Feb. 18)
★★★★ You are all about work, and, as a result, you achieve a lot more than you thought possible. You might be stunned by a financial matter. You have pulled the wild card financially. Buy a lottery ticket, but don't quit work — yet! Tonight: Finish off whatever you were doing.

PISCES (Feb. 19-March 20)
★★★★ Your unpredictability is sometimes appreciated, but other times it isn't. If you use your unusual thinking for creative ideas at work and in your domestic life, you'll become a hero. Curb flirting until later. Tonight: Pretend it is Saturday night.

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LOCAL



COMMUNITY BRIEFS

Aminoff, Rader and Willis endorsed for SMC board

By Daily Press staff

The California School Employee Association, Chapter 36, which represents the 375 classified staff members at Santa Monica College has endorsed Susan Aminoff, Rob Rader and Doug Willis for Santa Monica College Board of Trustees.

"We are the college's non-teaching support staff," said Phil Hendricks, president of the association. "We are at the college 24/7 and see firsthand the impact the current trustees' cutbacks have had on students. We are the folks that students see first and last, and the ones that faculty and administrators rely on to keep the college running."

"We're committed to providing SMC's students with quality support as they pursue their education, and we are confident that Susan Aminoff, Rob Rader and Doug Willis will put students first when making decisions for the college," he added. "We are proud to support them and will be volunteering hard in their campaigns to help them get elected."

Environmental issues front and center

By Daily Press staff

Learn about eco-tourism, why sustainable development is so important, and what kind of environmental treasures can be found in Santa Monica's local mountains.

The fall environmental lecture series covers those topics and more beginning with the lecture, "Treasures of Our Santa Monica Mountains," on Sept. 16 at Santa Monica College. Featuring a wide range of subjects, the series is sponsored by SMC's Center for Environmental and Urban Studies. The center, which is open to the public, features displays, a library and information center, video collection, native garden, and other services and activities related to environmental and urban studies. SMC has been offering a multi-disciplinary associate of arts degree in environmental and urban studies since fall 2001.

Following the first lecture are, "Climate Change & Energy Policy," "Ecotourism: The Good & the Bad," "The New Green Map is Here," "Irrigation Control Systems," "Pedestrian Planning in Transportation," "Building Smart, Sustainable Cities," "Can Technology Solve Our Transportation Problems?" and "Why is Sustainability so Important?"

All lectures are at 6:45 p.m. in room 145 of the science complex, 1900 Pico Blvd. They are free and seating is on a first-arrival basis. For information, call (310) 434-4743.

Ryan Seacrest producer leads off speaker series

By Daily Press staff

Want-to-be writers, producers, directors and fans of Ryan Seacrest can hear his producer and executive assistant, Claudine Cazian, featured at the first speech at Santa Monica College.

The "Mary Pickford Speakers Series" features leading film and television producers, directors and writers. All aspects of "the story" are examined in the speeches.

Beginning on Sept. 13, the speeches are free and are held every Monday until Nov. 15. Other speakers scheduled include David Milch, Emmy award winning creator, executive producer and head writer for the hit HBO series "Deadwood," David Grae, writer and director of "Joan of Arcadia," Margie Friedman, producer of reality shows and Ira Pincus, a film and TV producer.

The speeches are held in the Academy of Entertainment and Technology's Screening Room at SMC at 7 p.m. Seats are on a first-arrival basis. For more information call (310) 434-3777.

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SURF REPORT

Look for the SSE-S tropical swell (170-180) to be pretty much gone while the SW swell pulses up a touch more and the NW windswell holds. Most spots see waist-high and below waves, while standout S/SW/combo breaks see a few bigger sets, up to chest-high on occasion. Thursday and Friday will see smaller surf as the swell mix backs down through the end of the week.

Expect 2-3 foot, knee- to waist-high and fair conditions.

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72°



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HIGH TIDES

	Morning	Height	Evening	Height	Morning	Height	Evening	Height
SATURDAY	6:39	2.2	8:41	1.5	1:24	3.7	1:17	5.0
SUNDAY	6:57	2.7	10:23	1.4	3:02	3.1	2:05	4.8
MONDAY	N/A	N/A	11:57	1.1	N/A	N/A	3:20	4.6
TUESDAY	10:24	3.4	N/A	N/A	8:14	3.5	4:52	4.7
WEDNESDAY	12:57	0.8	12:11	3.3	8:21	3.8	6:03	5.0
THURSDAY	1:38	0.4	1:02	3.0	8:35	4.0	6:54	5.3
FRIDAY	2:10	0.2	1:38	2.6	8:51	4.2	7:34	5.6

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The Line

A plan to end homelessness in Los Angeles within a decade will be unveiled on Sept. 23. The plan has taken several months to develop and has taken into consideration the input and opinions of hundreds of people.

The planning panel of about 80 people — consisting of everybody from politicians to business leaders to homeless advocates — hopes to end the problem that has plagued this city for decades. It's considered the largest effort ever by community leaders to tackle a problem that some say stands as the biggest

facing the country.

In Santa Monica, homelessness is one of the most hotly debated issues in the community.

So this week, Q-Line wants to know, "What must be included in the panel's plan? How can homelessness most effectively be eradicated in the next 10 years?"

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

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OPINION

LETTERS TO THE EDITOR

Keep the issues alive this campaign season

Editor:

Santa Monica has been my home for more than 27 years. I loved this town when I moved here and I love it today. While change is inevitable, it has not always changed for the better. Many who remember Santa Monica in the '70s or earlier have despaired over the increase in the homeless population, traffic and crowding. Yet, despite these problems, the city continues to prosper. In many ways, this is a tribute to our active, caring community.

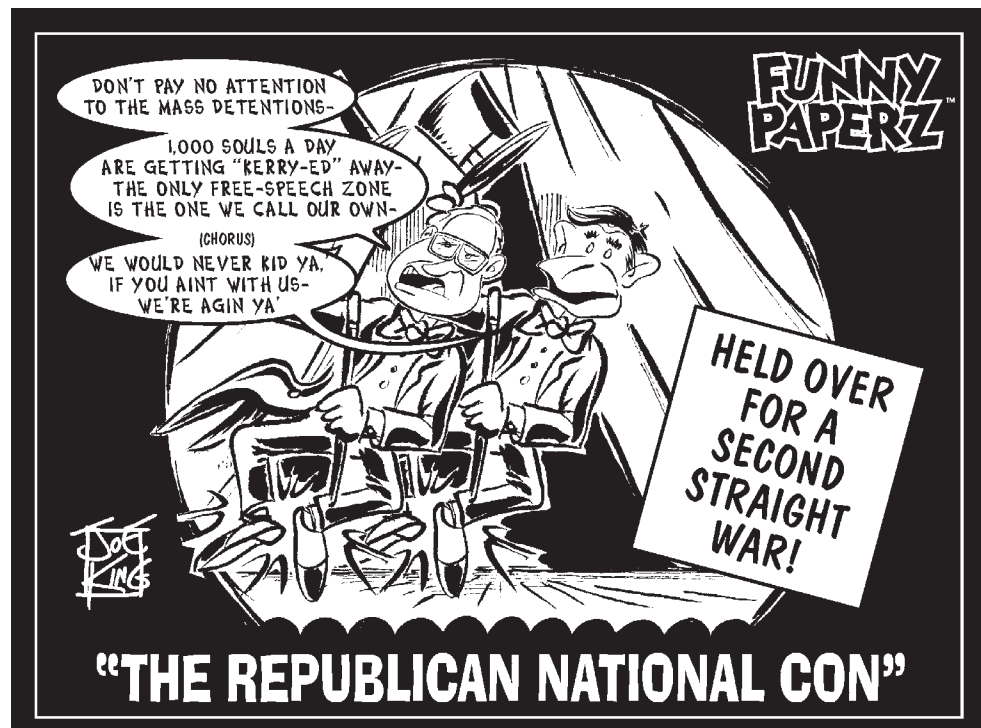
As we head into the upcoming election, the need for public participation is even more imperative. As a resident and member of the business community for many years, I have witnessed the impact of our city government — often positive, occasionally not. What makes Santa Monica so vibrant — its diversity — is also its greatest challenge. Bottom line, we need to work together as a community to see that the divergent interests are served. Whether renter, homeowner, business owner or day worker, everyone's needs deserve to be considered.

That's why it's important to hear all the candidates, listen to all sides and make an informed decision. Too often elections are won on a single issue such as rent control or traffic. Yes, these are important, but so are the issues of homelessness, how we treat our open space and what we can do to balance the needs of business with the needs of residents. Nowhere is this more important than in a town that prides itself on its beautiful location, city services and tourism.

Our city's resources aren't endless. So it is true of the services it can provide. How the city budgets for its parks, senior services, educational institutions and future development should be prominent in the upcoming campaign for City Council. Let's keep the leaders of our community accountable to the citizenry, focused on issues that reflect its core values, not the agendas of a limited few.

I, like most of you, care deeply about Santa Monica. Let's make the best use of this election period to assure that our city maintains its unique and wonderful qualities. It is our home.

Ann Greenspun
Santa Monica



The same old song & dance -- Out of step & out of tune.

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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.

YOUR OPINION MATTERS!

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Lasting impressions made during Republican National Convention



INCITES

BY ED SILVERSTEIN

Last week I abstained from several reruns of Gilligan's Island in favor of the Republican National Convention, with little noticeable difference. The event most reminded me of one of those old Tarzan movies where a herd of crazed elephants stampede through a native village, wrecking havoc and goring anything that moves. And what I came away with was that this party is long on vicious and short on vision.

This brand of Republicans, who have brought us runaway spending, failed policies and broken promises, have little to run on. Which might explain why they went to such great pains to constantly remind us that they are the party of Abraham Lincoln. And while true, if it had been George Bush instead of Lincoln, I have little doubt that today Al Sharpton would be picking cotton on Zell Miller's plantation. And if you think this is offensive, just remember they don't.

With little substance, Republicans have become the party of invective. They did not disappoint. Speaker after speaker launched rabid attacks against Democratic Presidential contender John Kerry. And like the politically motivated fabrications of the Swift Boat commanders, nearly all lacked veracity.

Of course it wasn't all scurrilous attacks. There was duplicitous misrepresentation in which the party paraded out a slew of high profile moderates who no more embody the extremist right wing Republican leadership than Zell Miller represents P.E.T.A. And can anyone really believe that, with lower wages, cuts in education and social programs, higher poverty and record numbers of Americans without

health insurance, that compassionate conservatism is any more real than bigfoot?

And then came the main event, George W. Bush.

In his acceptance speech, President Bush attempted to glorify what is, at best, a spotty record. He extolled his Leave No Child Behind education reform — which has never been properly funded, is deemed a failure by nearly all educators and has left behind nearly 2 million, mostly minority children. He also touted his Medicare prescription drug plan that was passed only because the president lied about the cost and had the House leadership break various rules (and laws) by keeping the vote open for three extra hours while they arm twisted and, in at least one case, bribed fellow Republicans who were against this plan that benefits the drug and insurance industries far more than seniors who, the very next day were treated to the largest increase in Medicare premiums ever because the president refuses to negotiate with his drug company buddies for lower prescription prices.

In fairness, the president did announce plans for creating, or increasing funding for several commendable programs such as an increase in Pell grants, money for community college, education spending and more government health insurance for the poor. The problem is that, with a record \$450 billion deficit, a war in Iraq which will be sucking \$80 to \$100 billion a year for years to come and the president's mule-like insistence on making tax cuts for the rich permanent, there is no way he can pay for any of these programs. In fact, it is more likely we will see drastic cuts in these and other popular and needed programs.

The president again proposed replacing Social Security with private retirement savings accounts. While this might be a good idea if executed properly, the president is being totally disingenuous. The cost to switch to such a program, even by

the most conservative estimates, will be at least \$1 trillion and could be as much as \$2 trillion. And even using the illusory economics of the president's previous campaign — in which he claimed that tax cuts would lead to a surplus — there is no way to make this money mysteriously appear without massive tax increases or unparalleled fiscal irresponsibility.

The president also admitted that there is no longer job security, though he claimed a global economy means new markets for our goods, but increased competition to our workers. And while that sounds OK, what it really means is that outsourcing has allowed big business to bust unions and eliminate better paying jobs with good benefits by exploiting workers in other countries where life is more expendable and issues such as job safety and a living wage are not a concern so that they can earn record profits yet avoid taxes by registering overseas, something the president supports. Bush's solution: More money (that doesn't exist) for job training so that workers can find lower paying jobs with little or no health benefits in new technologies that are already being outsourced to India or being prohibited because of the president's religious dogma or his too-cozy relations with old technology big business.

Bush claimed that his administration wants to improve lives, not control them, except when it comes to stem cell research, abortion, the right to die with dignity and assorted other issues mandated by his Christian right coalition.

In fact, the only issue the Bush Administration can really hang their hats on is the war against terrorism. But is this legitimate?

Look at the real record. The president and his administration, pre 9/11, ignored numerous warnings from terrorist experts, including a specific warning that Bin Laden planned to use airlines in a terrorist attack.

Maybe the president was too busy taking vacations to possibly prevent the 9/11 attacks that took more than 3,000 lives.

And what did the president do when he learned of the attacks? He sat listening to a children's story for seven minutes while his mind went A.W.O.L., then he himself went A.W.O.L. for the rest of the day. This glaring failure of leadership was blamed by the administration on intelligence suggesting a viable threat against Air Force One. We have since learned that there was never any such threat and we can only speculate as to what mental state or events led to the president's desertion.

Post 9/11, the president's record deficits and a highly suspect war in Iraq have left us with scant resources for true homeland security. And just like before the 9/11 attacks, the president is ignoring terrorist experts who have warned him that chemical plants, our ports, and our food and water supplies are highly vulnerable to attack. Worldwide terrorism has exploded and the war in Iraq is creating the next generation of suicide bombers.

There is one thing this administration can brag about. They have successfully used questionable terrorist scares into frightening the American public into supporting a secretive, duplicitous and failed presidency that in any other time would be facing impeachment rather than reelection.

Of course, this is not to say the Republicans were not effective, as was indicated by their jump in the polls. But when you eliminate all the rhetoric and distortion, what remains is a fabricated attack against Kerry's war record and barely more credible labeling him as a flip-flopper.

Their candidate, by contrast, is simply a flop.

(Ed Silverstein is a freelance writer living in California and Montana. Comments or requests for copies of this column can be sent to incites@incites.net.)

OPINION



GUEST COMMENTARY BY LEE SANDSTEAD

Michelangelo's projection of the human ideal expresses a view of man as efficacious

Today marks the 500th anniversary of Michelangelo's "David," one of art-history's greatest masterpieces. Crowds of visitors have been drawn to Florence to experience this magnificent sculpture over the past 500 years — and they continue to visit in record numbers. Why does a work of art created half a millennium ago possess such a timeless, universal appeal? What meaning does this 500-year-old sculpture hold for modern-day man?

To answer these questions, consider the significance of Michelangelo's "David" to the Renaissance Florentines who first revered it.

During the 1,000 years preceding the Renaissance, the West had been mired in the medieval Christian worldview, which divided the universe into two spheres: a heavenly realm of perfection, happiness and truth, and this dark world of imperfection, misery and falsehood. Man, forever paying for his crime of Original Sin, was regarded as powerless and ignorant, with blind obedience to God and his earthly spokesmen as his only recourse.

As expressed by one of the leading Christians of the time, Saint Augustine, man is "crooked and sordid, bespotted and ulcerous." Consequently, man as depicted in medieval art is a deformed beast, wailing for the salvation of his soul. At best, the human ideal was represented as a bloody, beaten and crucified Jesus Christ — a man who resigned himself to his preordained fate: a violent, sacrificial death.

The Renaissance was the rebirth of man's life on earth. Freed from the shackles of authority, man's mind was viewed as able to understand the universe. Far from being a tortured soul trapped in a deformed bodily prison, man was regarded as rational, beautiful and heroic — worthy of happiness and capable of great achievement. Man, in the Renaissance view, need not bow down in passive resignation, praying for salvation. He can choose to undertake great challenges in the face of seemingly impossible odds. He can actively pursue success, fight for victory — even slay a giant.

Michelangelo's "David" is the best expression of this Renaissance sense of life. The sculpture was inspired by the story of the young shepherd boy who chose to fight a far stronger adversary in order to save his people from invasion. Wearing no armor, with a sling as his

only weapon, David defeats Goliath using superior skill and courage.

Although there had been many earlier portrayals of David in art, Michelangelo's was revolutionary. The others depict David after the battle had been won — often standing on the severed head of a defeated Goliath. Michelangelo chose to show David not in victory, but at that point in time that prefigured victory: In that instance between conscious choice and conscious action, that moment when an individual makes a choice — and commits to act on that choice. David stands, with furrowed brow, looking over his left shoulder into the distance for Goliath. Michelangelo shows David not as a triumphant victor, but as a thinking, resolute being — the preconditions for victory.

The key to the "David's appeal is Michelangelo's magnificent projection of man at his best — vigorously healthy, beautiful, rational, competent.

It expresses a heroic view of man and of a universe auspicious to his success. Such a projection is of immeasurable worth to anyone who holds such a sense of life — whether that person lived 500 years ago or lives today.

Unfortunately, this kind of artistic projection has almost entirely been relegated to the past.

Today, intellectuals once again view man as an ugly, corrupt being, trapped in an incomprehensible universe and not in control of his own destiny. Consequently, man and his values are not considered a serious subject for art by Modernists. "Serious art" contains the defecations of an elephant or the rusty steel of a garbage dump.

Michelangelo's "David" thoroughly rejects both the Christian and Modernist conceptions of man. The David projects man as neither a monster nor a hapless victim, but as an efficacious and noble being. The "David" is the ultimate projection of heroic choice and heroic action.

What is the meaning of Michelangelo's "David" for modern-day man? The same as it was 500 years ago — the brilliant projection of the ideal.

(Lee Sandstead, an art historian, is a writer for the Ayn Rand Institute in Irvine. The Institute promotes objectivism, the philosophy of Ayn Rand, author of "Atlas Shrugged" and "The Fountainhead.")

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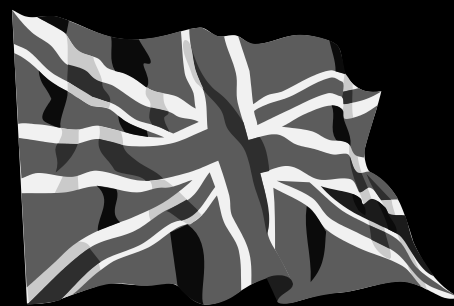
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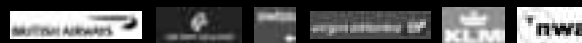
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LOCAL

Teachers prepare themselves for the school season

BACK TO SCHOOL, from page 1

lower 30s, while some upperclassmen classes will increase to the mid and high 30s.

One world history class is currently at 44 students, while a physical education class has a roster of 65, said Al Trundle, student support advisor.

"If you think of it in terms that classes are increasing about eight students and then multiply that by five, that's about 40 more students added to a teacher's caseload," Trundle said. "Just how well are the teachers going to get to know these students?"

Samohi principal Ilene Straus was one of several staff members on the Samohi campus Tuesday in an effort to prepare for the students' arrival today. At schools across the district, officials readied for the start of the school year.

"People expect the schools to do better and better," Straus said. "The public

expects performance — and that's what we're giving them — but you take away 55 classes, and that makes it difficult.

"All the middle and high schools are having to deal with large class size," she said. "It's horrible."

Harry Keiley, president of the Santa Monica-Malibu Classroom Teachers' Association, said statewide K-12 funding has either been cut or deferred at upwards of \$9 billion in the last 30 months. This year alone, he said, K-12 schools will receive \$2 billion less than they were entitled to under Proposition 98, which was passed in 1988 and ensures that schools enjoy a large share of any increase in state revenue. Locally, state and federal cuts in the last two years are near the \$9 million mark.

"The district had been running smaller class sizes in the areas of math in grades 9 and 10, and we were being reimbursed by the state of California," Keiley said. "Over the last couple years, that funding has been cut, so the cost of running that

program is approximately \$1 million. The state is reimbursing the district at the rate of approximately \$200,000 for a \$1 million program. That's a perfect example of the state underfunding our schools."

Keiley said the slight drop in full-time teachers this year will put the district at the same level it was at in 2001-02.

"And that's pretty remarkable given the cuts we have seen," he said.

Meanwhile, Trundle said, the effect on teachers and staff is inevitable.

"They all know they're there for the kids, so they'll suck it up, but when there's more students to handle and less pay, the morale's not going to be so great," he said.

District officials say they are trying to do all they can to make sure teachers and staff feel appreciated.

At several campuses across the district Tuesday, teachers were treated to an on-campus lunch, and last Friday, nearly 1,400 teachers, administrators and staff gathered

at Samohi's Greek Theater for a welcome back breakfast. They were addressed by members of the School Employees International Union, Santa Monica-Malibu Classroom Teacher's Association, and the Santa Monica-Malibu Association of School Administrators.

Deasy told the teachers that overall student test scores have improved significantly and stressed the significance of such an accomplishment in a time of economic distress.

On Tuesday, Deasy said he was expecting a smooth start to the school year. The class size reduction program was in effect for five years, he said, and teachers who have been with the district since before that time are accustomed to larger class sizes.

"We'll watch the state budget as it develops because it still has a huge operational hole," he said. "But I still think this will be a very good year."

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Jury duty a taxing prospect for thousands of Americans

JURY DUTY, from page 1

down the face of Darlene Acevedo, a 52-year-old dock worker from Wilmington.

"My husband's in the hospital for a year. ... I have a certain amount of hours I have to" work, she pleaded. "I don't have the time. Right now the way I feel, I can't be a juror."

The judge deferred her service to next September.

Still teary eyed outside court, Acevedo expressed anger over being required to serve.

"A jury is not something you should be forced to do," she said. "It's something you want to do."

You, who?

Factoring in deferrals, bad addresses and legitimate excuses, an average of 20 to 30 percent of the summonses sent out nationwide net a juror, according to Munsterman of the Virginia-based Center for Jury Studies.

Books explain how to duck the duty, and numerous Web sites list excuses both serious and lighthearted: "I get dizzy if I try to weigh evidence," "I'm allergic to justice" and that old one about the dog.

"I don't think people realize it is a citizenship duty until we put it right in front of their face," Wright said.

Nationwide, courts are trying to do just that — make the consequences of jury dodging more painful.

Since November, state trial courts around Phoenix have sent sheriff's deputies to the homes of jury dodgers with orders to appear.

"Very rarely have we had anybody served with that who fails to appear for the hearing," said Bob James, the district's jury director. "When people call in, they reference it. 'Aw well, I'm calling in because I hear you guys are fining people and arresting people, so I figured I'd do it.'"

Courts across New York are adopting New York County's successful penalty system, which snared 1,443 Manhattan jury dodgers last year with \$250 fines, according to Vincent Homenick, chief clerk of the borough's jury division.

The massive Los Angeles County court system, which sent out 2.9 million summonses in the last fiscal year and had an initial response rate around 25 percent, is also trying to cope.

Sanction hearings like the one in Long Beach catch only a small fraction of jury dodgers and are intended primarily as public outreach.

Until two years ago, they were held solely at the main downtown Los Angeles courthouse. The massive county's 9.9 million people weren't getting the message, so officials began rotating the hearings among various courts.

The county slapped residents with more than \$940,000 in penalties over the first six months of this year, fines that are referred to a collection agency. Court officials couldn't say how many people were fined.

The common refrain isn't that people want to avoid serving — it's that serving can be a pain. Courts say they get the message and are becoming more accommodating.

California has unveiled simplified civil jury instructions and is working to craft the same for criminal cases. Across Arizona, most of California and at least five other states, jury service now operates under a system designed to limit dreaded assembly room waits to one day.

People who aren't called go home. Those who do get put on a jury serve only for one trial. In Los Angeles County, about a third of those who report actually serve, and trials last an average of three or four days.

The so-called "one day, one trial" system makes it even more critical that all those summoned actually go, said Munsterman.

Aided by free publicity from TV programs focusing on trials and juries — as well as celebrities such as Oprah Winfrey who serve willingly and famously — court officials insist they're making progress. Three-quarters of the people in a summer survey by the American Bar Association disagreed with the notion that jury service is a hardship.

Then there's the tiny, reluctant bunch in the Long Beach courtroom, and the thousands more who duck out of service and don't get caught.

"Everybody loves jury duty," Munsterman joked, "but not this week."

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STATE



Visitors, communities protest Yosemite funding

BY JULIANA BARBASSA
Associated Press Writer

FRESNO — Visitors and community leaders are speaking out against funding shortfalls at one of the country's flagship national parks, saying the resulting cuts — to staff, trail maintenance and educational activities — are affecting the quality of visits to Yosemite.

Some longtime visitors enjoying the park's giant sequoia groves and granite cliffs on Labor Day noticed the difference.

At the end of a four-day camping and hiking trip through the park, Miles Millstone said he found that it's harder to get information about wildlife and the environment, and there are fewer guided tours.

Millstone, from San Rafael, said it's "a shame" that kids visiting today don't have the easy access to information he found during his visits in the 1980s and 1990s.

The entire national park system, which drew 265 million visitors last year, is struggling to offer a memorable experience while getting only two-thirds of the funding it needs — an annual gap of about \$600 million, park advocates said.

National parks have seen an 0.6 percent increase in their budget this year,

boosting it to \$988.2 million, but that's the smallest increase in about a decade, and comes at a time when mandatory increases in security costs and federal employee health and pension benefits are eating into the money allotted to basic services.

Yosemite National Park alone needs an extra \$18.5 million per year to adequately maintain infrastructure and meet the needs of its visitors, according to the National Parks Conservation Association, a park advocacy organization with 300,000 members.

"Millions of people visit Yosemite every year to hike the Yosemite Falls trail, learn how half dome was created and have an opportunity to chat with a ranger," said NPCA's Laura Whitehouse from Yosemite, where she was surveying visitors on their impressions of the park. "Funding shortfalls are straining the park service's ability to provide visitors with a meaningful experience and to protect these great places."

At Yosemite, staff positions have been eliminated and the number of rangers who lead educational activities are at their lowest level in more than a decade, Whitehouse said.

The increased cost of running federal

parks often comes from factors outside the park's control, said Rep. Mark Souder, R-Ind., co-chair of the congressional National Parks Caucus and a member of the House Resources Committee and its Subcommittee on National Parks, Recreation and Public Lands.

"Federal employees' health benefits and pension benefits costs are going up far faster than inflation," he said, adding that new security demands mean "some parks will have as many as 10 to 40 percent of their force dedicated to Homeland Security, having to do things they weren't doing before."

In the Sierra Nevada, staff time also goes into policing the area for marijuana plantations, methamphetamine labs, and research into the impact of air pollution on the parks, Souder said.

Sequoia & Kings Canyon National Parks officials announced their largest marijuana to date Thursday, when 18,926 mature plants were pulled up.

Souder said the slight increase in the national parks budget does not make up for these additional costs, or for the new land purchases.

"We have to get that land, or else we're going to lose it to development," Souder said.

Yosemite draws visitors from around the country and the world, but local residents also lose when the park loses, local leaders said.

The national parks draw tourists and their dollars to the Central Valley, and to the towns that surround them.

"We see ourselves as being a gateway community to three national parks; that's an economic engine that needs to be protected," said John Hernandez, a leader in the Central California Hispanic Chamber of Commerce.

The parks help boost the economy of the Central Valley, a region beset by double-digit unemployment, but they're also a fun way to learn about the environment.

"You've got to look at education, and the recreational opportunities that parks provide to our inner city youth," said Henry T. Perea, acting Fresno City Council president and sponsor of a city resolution supporting adequate funding for parks.

Perea's district includes some of Fresno's underserved neighborhoods, and he said that without outreach programs or educational funding, many of these "Latino and Southeast Asian kids wouldn't have the opportunity to go to these parks."

STATE BRIEFS

Parishioners break free from church

By The Associated Press

LONG BEACH — More than 100 parishioners sang hymns and prayed Sunday at All Saints' Church, one of three Episcopal churches that recently broke away from their diocese and linked with an Anglican church in Uganda.

The three parishes, which include St. James Church in Newport Beach and St. David's Church in North Hollywood, split from the Episcopal Church in mid-August because their members believed the mother church was drifting from historic biblical teachings.

Although the split is less than a month old, church members say it has been coming for years. The final straw for many was last year's ordination of an openly gay Episcopal bishop.

The division has been denounced by the Rt. Rev. J. Jon Bruno, the Episcopal bishop of Los Angeles, who has indicated it could end up being resolved not in church but in court.

In a letter read Aug. 22 at Episcopal churches throughout Southern California, Bruno said he intends to "protect and preserve the properties of these congregations as part of the Diocese of Los Angeles."

Courts to decide security ID issue

By The Associated Press

SAN FRANCISCO — The U.S. Department of Justice has asked an appellate court to keep its arguments secret for a case in which privacy advocate John Gilmore challenges federal requirements to show identification before boarding commercial flights.

A federal statute and other regulations "prohibit the disclosure of sensitive security information, and that is precisely what is alleged to be at issue here," the government said in court papers filed Friday with the U.S. Ninth Circuit Court of Appeals. Disclosing the restricted information "would be detrimental to the security of transportation," the government wrote.

Attorneys for Gilmore, a 49-year-old San Francisco resident who co-founded the Electronic Frontier Foundation, said they don't buy the government's argument and that its latest request raises only more questions.

"We're dealing with the government's review of a secret law that now they want a secret judicial review for," one of Gilmore's attorneys, James Harrison, said in a phone interview Sunday. "This administration's use of a secret law is more dangerous to the security of the nation than any external threat."

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STATE

Calif. firefighter numbers double in state’s wine country

By The Associated Press

GEYSERVILLE — An infusion of fresh firefighters allowed officials to get the upper hand early Tuesday on a wildfire that has burned more than 12,500 acres of land in Northern California’s wine country.

Although the moist air and lower temperatures that had been forecast for the region failed to materialize overnight, the number of people assigned to the fire in Sonoma and Lake counties more than doubled, helping to counter poor weather conditions, said Janet Marshall, spokeswoman for the state Department of Forestry and Fire Protection.

With 2,621 firefighters on the lines, up from 1,110 a day earlier, officials said the blaze was 85 percent contained Tuesday morning. The figure was just 35 percent Monday night.

“There is a saying that many hands make light work,

and while this certainly isn’t light work, the extra help has allowed us to make great strides and progress,” Marshall said.

Full containment of the fire, which is burning through terrain that is often very steep, is not expected until Wednesday morning, she said. The blaze, which began Friday afternoon about 60 miles north of San Francisco, has fed on dry brush, unpredictable wind and low humidity.

Forecasts show that the cooler temperatures that were expected Tuesday probably won’t come until Thursday or Friday. But Marshall said the larger firefighting crew made officials optimistic they could keep the blaze from flaring anew.

An electrical equipment storage vault owned by a local utility was added early Tuesday to the handful of structures that have been destroyed in the fire, which already included four modest vacation homes and eight

outbuildings, Marshall said.

Five firefighters sustained minor injuries Monday and early Tuesday, raising the injury total to seven. None of the injuries were considered critical. The cost of fighting the fire had reached \$4.4 million Tuesday morning due to extensive use of 16 water-dropping helicopters, Marshall said.

The Geysers, the world’s largest geothermal power facility, has major power lines from 21 generating plants crossing over rugged terrain near the fire. Possible disruption of those power lines creates the potential for blackouts, said Kent Robertson, a spokesman for Calpine Corp.

After the fire’s status improved overnight, state officials gave Calpine and Pacific Gas & Electric Co. permission Tuesday to fire up power transmission lines serving Sonoma County that were shut down to prevent injuries to firefighters, Marshall said. °

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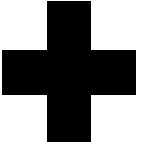
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STATE



Oregon lures California natural foods companies

BY SARAH LINN

Associated Press Writer

PORTLAND, Ore. — Amy's Kitchen — a thriving frozen-food company in California — is being aggressively courted by Gov. Ted Kulongoski, who for a year has been trying to persuade organic and natural food businesses in the neighboring state to move north.

Kulongoski has pointed out to Amy's Kitchen that in Oregon, it could save nearly \$4 million on workers compensation costs, energy and taxes.

The Democrat even paid a personal visit to the company's Santa Rosa headquarters.

"He just came in and said 'Hi, I'm Ted,'" said Andy Berliner, who co-founded the \$100 million-a-year company.

But California Gov. Arnold Schwarzenegger is fighting back, pledging cheaper workers' compensation and other incentives if the company remains in California.

Kulongoski's effort to woo Amy's Kitchen is part of "Oregon Naturally," a campaign to persuade organic and natural food companies in California to move their operations to Oregon.

The governor sees California as an attractive target because the neighboring state has an established natural foods community that's suffering from skyrocketing operating costs, said Marty Brantley, Oregon's director of economic and community development.

Plus, Brantley said, Oregon needs eco-friendly food processors to help keep its 17 million acres of agricultural land profitable and productive.

The "Oregon Naturally campaign," launched last fall, comes as both states are struggling to recover from recession. Oregon has suffered the highest jobless rate in the nation for much of the past three years.

"In these weakened states, there's much more focus on the economy," said John Mitchell, regional economist for U.S. Bank. Across the country, state leaders are getting heavily involved in efforts to attract and keep jobs, he said.

Washington's Gov. Gary Locke, for instance, sparred with other states and sponsored a \$3.2 billion package of tax

breaks to win a bid for Boeing's new 7E7 assembly plant.

Kulongoski has sent letters to 250 California companies advertising Oregon's livability and lower costs for workers' compensation, utilities and taxes. So far, only one company has agreed to move north.

Schwarzenegger has been personally involved in persuading companies to stay, said spokesman Vince Sollitto.

But Kulongoski and his staff aren't giving up.

"It is a long process," said Brantley, noting that the state economic and community development department is currently wooing three California natural foods companies.

"The timing to capture people that are expanding or willing to move is kind of catching lightning in a bottle," he said. "You have to be in the right place, and ready."

Last month, Schwarzenegger launched a nationwide marketing campaign to attract jobs.

The \$600,000 campaign features billboards depicting the actor-turned-governor wearing a California T-shirt and the slogan, "Arnold says California wants your business. (Actually he says Kah-li-fornia.)"

Sollitto said Schwarzenegger has been working actively to keep employers in California, including pushing a package of bills aimed at reforming the state workers' compensation system through the Legislature.

"It's no secret that other states would like to lure companies to them," Sollitto said, "particularly during the last few years when California was a very difficult place to do business."

Dennis Lindberg, who moved his fledgling Mulberry Street Juice Company to Central Point this spring, can attest to the difficulties of commerce in California.

He spent four years trying to establish his company, which makes powdered organic juices, before he was approached by the Oregon Department of Agriculture and a score of Southern Oregon trade groups.

"There were just a lot of voices saying, 'We really like what you're doing and want to help.' It was pretty overwhelming," said Lindberg, who hopes to have 100 employees in four years.

Moving from Chico, Calif., has given Lindberg the opportunity to grow comfortably, he said. "Workers' comp, liability rates, energy ... Everything is more attractive in Oregon."

Amy's Kitchen, an industry giant founded in 1987, employs 750 people in a 107,000-square-foot facility and is looking to expand. The company has two options — open a new plant in California, or move part of its more energy-intensive functions to Southern Oregon.

"Both have strong organic communities," Andy Berliner said.

Oregon is home to one of the company's biggest suppliers of organic fruits and vegetables, Stahlbush Island Farms of Corvallis.

Amy's Kitchen has set November as the deadline to make its decision, Berliner said.

Meanwhile, both states are making pitches to the organic and natural foods industry, which brought in \$13.1 billion in 2002, according to the National Nutritional Foods Association.

"California has many unique and inherent qualities that make businesses want or need to be here," Sollitto said, such as access to capital and the overseas market, and "tremendous weather."

"What we need to do is minimize the barriers," he said.

Besides lower business and residential costs, Oregon has an "innovative, fresh, healthy lifestyle" that makes certain companies a natural fit, said Jerry Gardner, business development manager for the Oregon Department of Agriculture.

Among the state's success stories are Oregon Country Beef, an Eastern Oregon ranching cooperative that raises beef without antibiotics or hormones, and Kettle Foods, which makes all-natural potato chips and other gourmet snack foods.

"Natural foods have always done well here, from the beginning of time," said Jim Green, spokesman for the Salem-based Kettle Foods.

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Real estate 101: A lesson in escrow



**BUYING
AND SELLING**
BY BRENT PARSONS

As a buyer or a seller, you want to be certain that all of the conditions of the sale have been met before the property and money exchange hands. To do this, you will want to have a third party that reviews the purchase agreement and writes the escrow instructions, or the action list for the transaction, and then ensures completion of the list. This third party is an escrow holder.

The technical definition of an escrow is a transaction where one party engaged in the sale, transfer or lease of real or personal property with another person delivers a written instrument, money or other items of value to a neutral third person, called an escrow agent or escrow holder. This third person holds the money or items for disbursement upon the happening of a specified event, or the performance of a specified condition.

Simply stated, the escrow holder impartially carries out the written instructions given to the principals. This includes receiving funds and documents necessary to comply with those instructions, completing or obtaining required forms and handling final delivery of all items to the proper parties

upon the successful completion of the escrow.

The escrow must be provided with the necessary information to close the transaction. This may include loan documents, tax statements, fire and other insurance policies, terms of the sale, and any seller-assisted financing and requests for various services to be paid out of escrow funds.

If the transaction is dependent upon arranging new financing, it is the buyer's or their agent's responsibility to make the necessary arrangements. Documentation of the new loan must be in the hands of the escrow holder before the transfer of the property can take place. A real estate agent can help identify appropriate lending institutions. When all of the instructions in the escrow have been carried out, the closing can take place. At this time, all outstanding funds are collected and fees such as title insurance premiums, real estate commissions, termite inspection charges, etc. are paid. Title to the property is then transferred under the terms of the escrow instructions and appropriate title insurance is issued.

The following items represent a typical list of what an escrow holder does and does not do:

- Serves as the neutral stakeholder and the communications link to all parties in the transaction.
- Prepares escrow instructions.
- Requests a preliminary title search to determine the present condition of title to the property.
- Requests a beneficiary's payoff demand or statement.
- Complies with the lender's requirements specified in the escrow agreement.
- Receives purchase funds from the buyer.
- Prepares or secures the deed or other documents related to escrow.
- Pro rates taxes, interest, insurance and rents according to instructions.
- Secures releases of all contingencies or other conditions as imposed on any particular escrow.
- Records deed and any other documents as instructed.
- Requests issuance of the title insurance policy.
- Closes escrow when all of the instructions of the buyer and the seller have been carried out.
- Disburses funds as authorized by the instructions.
- Prepares final statements for the parties accounting for the disposition of all funds deposited into escrow.

The escrow holder does not:

- Offer legal advice.
- Negotiate the transaction.
- Offer investment advice.

(Brent Parsons can be contacted at bparsons@pacificoceanrealestate.com or at (310) 392-9223).

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521 MONTANA AVE #101	\$650,000	2	2.00	43	1,360	\$700,000
913 17TH ST #1	\$649,000	2	2.50	6	1,309	\$760,000
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1040 4TH ST #105	\$499,000	0.00	1	0	731	\$450,000

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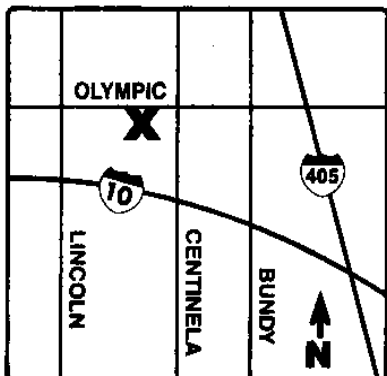
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Santa Monica housing market shows signs of leveling out



DAYS ON THE MARKET

BY JODI SUMMERS

The real estate market is changing, but no one is quite sure what it's doing. June set sales records in Los Angeles County, while July sales were down 5 percent. The downward spiral is believed to have continued into in August. What's happening? The state of our economy is entirely in question.

Never fear, property owners, the real estate market is merely leveling off. If you wanted to buy a home, if you could, you bought when mortgage rates were at a 40-year low, not now when rates are fluctuating.

"These numbers show some expected market adjustments, but are no indication of any impending downturn," notes Marshall Prentice, president of DataQuick information services. "This was the second strongest July ever for sales, behind last year. Appreciation is still strong, just not as strong as earlier in the year."

In Santa Monica in June, 33 single-family properties sold at an average price of \$1.3 million and averaged 26 days on the market. In July, 29 single-family properties sold at an average price of \$1.3 million and averaged 24 days on the market. The August median price rose to \$1.46 million but only 25 homes sold, and the average time on the market was 43 days.

Throughout the state, median home prices have risen 25.3 percent from a year ago. The median price of an existing, single-family detached home in California in June was \$469,170, a 25.3 percent increase over the \$374,540 median cost in June 2003, according to the California Association of Realtors.

"The appreciation over the past year is the largest four-quarter increase since 1979," said Patrick Lawler, chief economist at the office of Federal Housing Enterprise Oversight's House Price Index. "These data show no signs of the long-anticipated, and ultimately inevitable, slowing of house-price inflation."

Economist Douglas Duncan notes that housing has "carried more than its weight for the last three to four years. Over the next few years, the economic focus will gradually move over and let other sectors of the economy — travel and recreation among them — share some of the spotlight."

Over the past four quarters, house price

increases across the nation have far exceeded gains in the prices of non-housing goods and services incorporated into the Consumer Price Index. House prices rose 9.36 percent, while the price of other goods and services rose 3.03 percent. Nationally, the number of homes sold is expected to be approximately 6.56 million for 2004 and 6.4 million in 2005.

National economist Lou Barnes observed that the economy is "no longer firing on all cylinders, but the slowdown is not yet even a trend. On balance, the Fed may be able to continue to withdraw its excessive ease, taking the Fed funds rate from 1.5 percent to 2 percent by year-end. However, if economic data don't pick up quickly, the Fed is going to have to change its rhetoric and plans."

The economy is in a weird state. Barnes points out that corporate profit margins are the highest since the 1920s — yet, fewer employees receive health coverage or retirement benefits, and businesses have backed away from hiring and new investment.

A lot of our economic turbulence is being contributed to the war in Iraq. The ill-defined nature of our predicament, and no sense at all of outcome in time or kind has left the country feeling very uneasy.

Federal Reserve Chairman Alan Greenspan stated that he felt that the inevitable rise in interest rates should not have much impact on debt-service burdens for businesses and households.

"Very large fractions of the total outstanding obligations of businesses and households are long-term, fixed-rate debt," Greenspan said during a semi-annual monetary policy report to Congress. "In short, financial markets along with households and businesses seem to be reasonably well prepared to cope with a transition to a more neutral stance of monetary policy."

If there is a "more dynamic adjustment of interest rates," Greenspan said the economy should be able to weather that storm, but that there is still the possibility of increasing instances of financial strain.

Many household and business balance sheets were restructured during the protracted period of low interest rates, Greenspan concluded, and "homeowners were able to refinance at lower interest rates almost half of total outstanding home mortgage debt" from mid-2002 to mid-2003.

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

Bitch!
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Check out next week's Q-Line Question only on page 3!

The Q-Line

NATIONAL



Frances leaves behind flooding and long lines in Fla.

BY VICKIE CHACHERE

Associated Press Writer

TAMPA, Fla. — Frances wound up a two-prong assault on Florida that pounded both the central part of the state and the Panhandle, leaving storm-weary residents Tuesday with flooding, frayed nerves and shortages of everyday items such as gas, ice and water. At least 14 deaths were blamed on the storm in Florida and Georgia.

About 3 million people were without electricity in Florida, and officials said Tuesday that power wouldn't be fully restored for a week. In Georgia, more than 500,000 homes and businesses were without electricity Tuesday morning and even the Georgia Emergency Management Agency was running on generators.

The one-time hurricane had weakened to a tropical depression early Tuesday as it moved northward across Georgia at about 10 mph, weather forecasters said.

By midmorning, rain was falling across Georgia and South Carolina, and parts of North Carolina, Alabama, northern Florida, eastern Tennessee and southeastern Kentucky. Up to a foot of rain fell on parts of Georgia, the National Weather Service said.

In Tampa, police closed about a mile of a busy thoroughfare because of flooding. More than 100 residents of a retirement home were evacuated in wheelchairs as water sloshed against their feet.

"I'm not scared," said Heather Downs, who moved into the home two weeks ago after her apartment was badly damaged by Hurricane Charley. "I've been through a lot."

Pandhandle residents withstood the tropical storm's heavy rain and wind of 65 mph that ruined Labor Day weekend.

Along the Atlantic coast, motorists waited for gasoline in lines stretching for miles, and there was heavy demand for water, ice and basic supplies. About 1,500 people gathered at a Wal-Mart in Palm Beach County, while up the coast in Fort Pierce hundreds of people stood in a line with buckets and ice chests on a sunny, steamy afternoon.

"This has been a long haul," said 64-year-old Judy Duffy of Fort Pierce, who searched with her husband for ice and water but drove away from a distribution line with an empty cooler. "It's tested my patience. I'm not a nice person today — I haven't had my coffee."

At a Florida Turnpike rest stop in West Palm Beach, a five-mile line of vehicles waited for fuel. "It took a little while, but I'm glad to be here," said Greg McCourt, who waited an hour to get gas for a trip to Georgia.

Frances charged into Florida's east coast early Sunday with 115 mph wind and more than 13 inches of rain, ripping off roofs, smashing boats and flooding West Palm Beach streets up to 4 feet deep.

The hurricane did more damage to the Kennedy Space Center than any other storm in history, ripping an estimated 1,000 exterior panels off the building where space-ships are assembled. No space shuttles were inside the building, but center director James Kennedy said he feared the damage could set back NASA's effort to resume shuttle launches next spring.

Nine deaths in Florida were blamed on Frances, including Florida State University football coach Bobby Bowden's former son-in-law and a grandson in a collision on a wet highway.

In Georgia, officials said five people died in storm-related traffic accidents, including three killed in one wreck. There were two earlier deaths in the Bahamas, where Frances forced thousands from their homes.

The storm pushed across Florida to enter the Gulf of Mexico north of Tampa, its path crossing some of the area hit by Charley, which killed 27 people in Florida last month and caused an estimated \$6.8 billion in damage, reduced from \$7.4 billion.

Florida Chief Financial Officer Tom Gallagher estimated Frances' insured damage Tuesday at about \$2 billion to \$4 billion. The Insurance Information Institute, a trade group, also expected Frances' damage to be less than Charley's. Total damage is typically estimated at double the insured losses.

President Bush was expected to survey damage in Florida on Wednesday, and was asking Congress to approve \$2 billion for "urgent needs" stemming from Charley and Frances. Congressional aides said action on his request could come as soon as late Tuesday.

Some schools were planning for classes to resume after serving as shelters during the weekend. The Federal Emergency Management Agency was ready to distribute 1.5 million gallons of water and 1 million meals.

While Frances headed out of Florida, residents kept a wary eye on another powerful storm. Ivan, the fifth hurricane of the season, had sustained wind of near 115 mph and was centered 110 miles south-southeast of Barbados. It was still about 1,670 miles away from Miami.

Forecasters were not certain whether it would strike the United States, but after a month of damage from Hurricanes Frances and Charley, many Floridians loathed another impending storm.

"We need it like we need a hole in the head," said 93-year-old Harold Samsel of Hutchinson Island, who was waiting to go back to his apartment. "I don't even know if I've got anything to go back to."

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NATIONAL

Traffic problems are getting worse around country

BY LESLIE MILLER

Associated Press Writer

WASHINGTON — The nation's traffic problems are getting worse faster than they can be fixed, even in smaller cities such as Anchorage, Alaska, and Honolulu, Hawaii.

And in the 85 biggest U.S. cities, snarled traffic is costing travelers 3.5 billion hours a year, up from 700 million two decades ago, according to the Texas Transportation Institute's annual Urban Mobility Report released Tuesday.

A solution to ever-growing traffic jams isn't likely to come soon, transit and highway advocates say.

The American Association of State Highway and Transportation Officials estimates it would take federal spending as great as \$400 billion over the next six years to solve traffic problems, according to a 2002 study.

"We just aren't keeping pace," said John Horsley, AASHTO's executive director. "Our capacity improvements — new highways or transit — are growing at 10 percent the rate needed."

The average urban commuter was stuck in traffic 46 hours a year in 2002, a 187 percent increase over the 16 hours lost in 1982.

Congress, though, is likely to approve billions less than what highway and transit advocates say is required.

The House has agreed to \$299 billion over the next six years. The Senate approved \$318 billion, but Senate sponsors say President Bush probably will approve a more recent proposal of \$301 billion.

While lawmakers wrangle, federal spending remains stuck at the rate it has been for the past six years — \$218 billion.

"We need action now," said William Millar, president of the American Public Transportation Association. "Congestion is only getting worse."

Using data from 1982 to 2002, the Texas Transportation Institute, part of Texas A&M University, measured just how much worse it is getting.

Over that period, the study recorded the greatest leap in congestion in Dallas, from 13 hours annually in 1982 for the average peak-period traveler to 61 hours annually in 2002, and in Riverside, Calif., from nine hours annually per rush-hour traveler in 1982 to 57 hours on average in 2002.

The average urban commuter was stuck in traffic 46 hours a year in 2002, a 187 percent increase over the 16 hours lost in 1982.

In 54 cities, traffic jams increased 30 percent faster than roads could be built to alleviate them.

Federal Highway Administration chief Mary Peters said part of the problem is that the main source of road money — the federal gasoline tax — was designed to create the interstate highway system in the

1950s. Under that system, every state gets part of the federal dollars collected.

"We're not necessarily applying money where we need to relieve congestion," Peters said. "We can't say to the Montanas and the Wyomings of the world, 'You're not important.'"

Peters said new ways of paying for roads and transit systems need to be found. The Bush administration is promoting user fees, such as those that would charge motorists to drive in less-congested lanes during rush hours.

Another proposal to solve traffic problems in the short-term is to manage traffic flow better, Peters said.

Tim Lomax, the report's author, said Tampa, Fla., is a good example of a city that has eased traffic in ways other than building roads. Like many cities, it has coordinated its traffic signals, smoothed traffic flow on major roads and created teams to respond quickly to accidents. Such programs have reduced traffic delays in Tampa by 7 percent, or 3.2 million hours a year.

The report is based on data from the states and the Transportation Department.

Salt Lake mayor charged with misusing public funds

BY TRAVIS REED

Associated Press Writer

SALT LAKE CITY — Salt Lake County Mayor Nancy Workman was charged Tuesday with two felonies for allegedly using public money to hire an employee to work for her daughter at a private, nonprofit group.

A bipartisan panel of four prosecutors from neighboring counties said last week that they had found "sufficient credible evidence" to charge Workman with misusing \$17,000 in taxpayer funds.

Workman has acknowledged using the Health Department money to hire a bookkeeper for the Boys and Girls Club, where her daughter is a chief financial officer, but has said she did nothing criminal because it was the right thing "to help those kids."

District Attorney David Yocom, a Democrat who has clashed with the Republican Workman, turned over the

investigation to the panel. It found charges against the mayor warranted, but left to Yocom the decision on whether to prosecute.

"It's always difficult to charge a public official with any wrongdoing. However, under Utah law and the rules of professional conduct, my responsibilities of district attorney are clear," Yocom said.

The charges include a second-degree felony which carries between one and 15 years in prison and a third-degree charge which carries zero to five years.

In a County Council meeting Tuesday, Workman was replaced on an interim basis by Deputy Mayor Alan Dayton. She will be on paid administrative leave. The county, which includes Salt Lake City, has about 925,000 people.

Workman has been defiant since reports of the alleged misuse of money emerged, saying there was no criminal intent in her actions. She dismissed any mistakes as a "procedural problem," and

has accused Yocom of playing politics by ordering an investigation after a whistleblower came forward.

She has also said it was within the county's purview to help groups like the Boys and Girls Club, and county money has funded similar ventures before.

Workman did not immediately return calls seeking comment Tuesday, but said last week after the panel announced its findings, "We're going to prevail in this little deal with the DA's office."

The bookkeeper has been referred to as a "phantom employee," who reported directly to Workman and whose timesheets were signed by Workman.

According to the criminal complaint, Workman signed them as "Health Department Time and Attendance Reports," even though no work was ever performed for the Health Department.

Charging documents further allege that Workman never mentioned the employee would be working for the Boys and Girls

Club when she asked to use Health Department funds for the job.

Yocom called it a "unique arrangement," and said county money has never been legally used in that way.

He also said Tuesday that allegations he was politically motivated were "distasteful" and unfounded.

"I have the legal duty to question the conduct of government officials and perform any additional actions that may be warranted, including the investigation and prosecution of government officials."

The charges are just the latest blows to county officials. Earlier this summer, the Salt Lake County auditor resigned and pleaded guilty to felony attempted misuse of public money for using a county gas card to buy \$10,000 in fuel for personal vehicles.

Two other officials also resigned in the scandal.

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NATIONAL



‘All systems go’ for Genesis space capsule retrieval

BY PAUL FOY

Associated Press Writer

DUGWAY PROVING GROUND, Utah — A few weeks ago, Cliff Fleming was chasing the Batmobile at night in a helicopter 20 feet above the cavernous streets of Chicago.

“It was so tight down there that when we wanted to turn the helicopter around, we had to go to an intersection,” said Fleming, a stunt pilot by trade, who was filming for “Batman 4.”

Fleming equated the difficulty of that maneuver to a task he must perform Wednesday, flying nearly a mile above the Utah desert to capture the Genesis space capsule, which is carrying billions of electrically charged atoms collected from the solar wind.

The capsule will be floating downward on a parafoil, but at that altitude Fleming won’t have any visual reference to judge distance or speed as his helicopter closes in on the capsule with hook and cable.

A sudden updraft could entangle the parachute in the helicopter’s tail rotor.

“Because you’re up nearly in space, you can’t see the wind. You can’t see the thermals. There’s no movement of trees or brush or dust, so that makes it difficult,” Fleming said at a news briefing at a U.S. Army hangar

here Tuesday.

Fleming and a backup helicopter, piloted by Dan Rudert, have replicated the retrieval in dozens of practice runs, and will have five chances to snag the capsule before it hits ground and shatters fragile disks holding invisible atoms. The helicopter will let out the capsule on 70 or more feet of cable to cushion the impact.

The charged atoms — a “billion billion” of them — should reveal clues about the origin and evolution of our solar system, said Don Burnett, Genesis principal investigator and a nuclear geochemist at California Institute of Technology.

“We have for years wanted to know the composition of the sun,” Burnett said. “In some cases we will be analyzing it one atom at a time.”

Genesis has been moving in tandem with Earth outside its magnetic shield on three orbits of the sun. Now on a trajectory back home, it is picking up speed rapidly as Earth’s gravitational pull brings it closer and will hit a top speed of 24,706 mph before the atmosphere abruptly slows the descent.

“All systems are go,” Don Sevilla, Genesis payload recovery leader, said Tuesday when the capsule was 134,000 miles above the Earth’s surface.

The space craft will eject the 60-inch-wide sample

capsule and let it enter the Earth’s upper atmosphere at 2 a.m. MDT Wednesday. The space craft itself will be waved off into outer space, taking indefinite orbits of the sun.

Once the sample container is safely brought down, it will be packed up and driven with a convoy of armed guards to Houston’s Space Center in a truck outfitted with air suspension for a gentle ride. From there, solar particles will be parceled out for analysis to the University of California at Los Angeles and the University of Chicago’s Argonne National Lab.

The Genesis mission marks the first time NASA has collected and returned any objects from farther than the moon, said Roy Haggard, Genesis’ flight operations chief and CEO of Vertigo Inc., which designed the capture system.

Together, the charged atoms captured on the capsule’s disks of gold, sapphire, diamond and silicone are no bigger than a few grains of salt, but scientists say that’s enough to reconstruct the chemical origin of the sun and its family of planets.

Scientists will keep busy for five years after Genesis completes its wild ride back to Earth. It will take at least six months before they expect to learn much from the solar wind particles.

Hawaii law allowing ban on visiting public places challenged

BY B.J. REYES

Associated Press Writer

HONOLULU — A new law allowing police and other authorities to ban people from public property for up to a year without a specific reason is unconstitutional, the American Civil Liberties Union said in a federal lawsuit filed Tuesday.

The law could potentially be used to keep voters out of polling places or bar groups such as Native Hawaiians from the grounds of the state Capitol, thereby chilling their constitutional rights to free speech, the ACLU said.

The law, known as Act 50, prohibits an individual or group from entering a public building, park or other public place for up to one year after a warning or request to leave the premises has been issued. It does not state specifically who can be warned or for what reason, except that actions protected under federal labor laws are allowed.

In its lawsuit, the ACLU of Hawaii said Act 50 is too broad and is being used by authorities to restrict free speech by banning people from public places. The lawsuit asks the U.S. District Court in Honolulu to strike down the law and prevent officials from further enforcing the act.

Gov. Linda Lingle and Attorney General Mark Bennett, in their official capacities, were the only defendants. Lingle was out of her office Tuesday, and Bennett did not immediately return a telephone message seeking comment.

The legislation was passed 47-0 in the House and 21-0 in the Senate this year and signed into law by Lingle on May 4. It was aimed at removing squatters from public campgrounds, parks, beaches and other public places where they illegally put up tents and other shelters.

The ACLU contends that because there are no standards or procedures and no way for someone to appeal a warning, the law potentially could be applied to almost any situation.

For example, the lawsuit said, a police officer could stop someone from filing a lawsuit in court, a lifeguard could ban environmentalists from a beach, elections officials could prevent Democrats from entering voting areas such as public schools, and government officials could bar Native Hawaiians from the the state Capitol and Iolani Palace.

Under the law, “it is enough that the police officer or authorized person finds the individual to be unsavory or disagrees with the content or message of the individual’s speech or activity,” the lawsuit said.

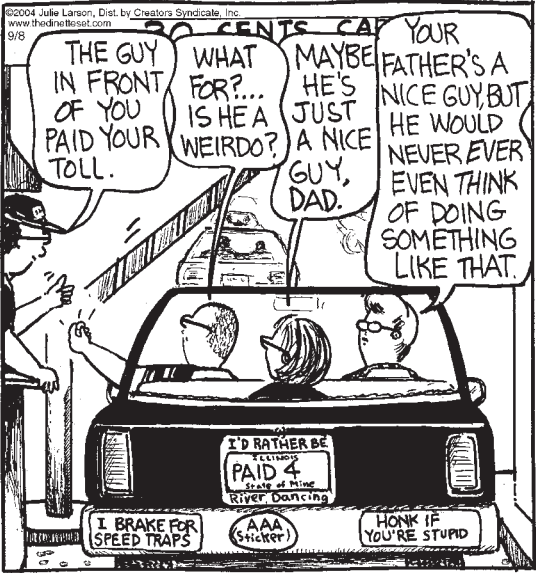
Lois Perrin, legal director for the ACLU of Hawaii, called the law “blatantly unconstitutional.”



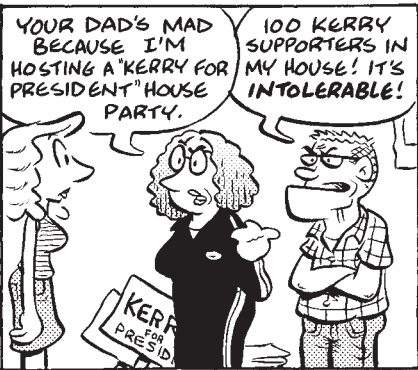


COMICS

The Dinette Set by Julie Larson



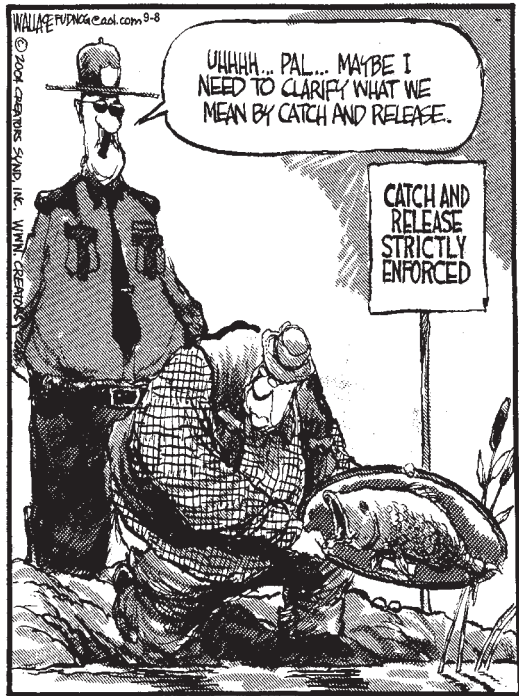
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