

Santa Monica Daily Press

A newspaper with issues

THIS MONTH IS NATIONAL BED CHECK MONTH

DAILY LOTTERY

3 16 25 30 44
Meganumber: 42
Jackpot: \$135M

7 10 11 12 25
Meganumber: 15
Jackpot: \$13M

3 7 10 12 38

MIDDAY: 3 7 9
EVENING: 1 0 0

1st: 07 Eureka
2nd: 04 Big Ben
3rd: 03 Hot Shot
RACE TIME: 1:44.11

Although every effort is made to ensure the accuracy of the winning number information, mistakes can occur. In the event of any discrepancies, California State laws and California Lottery regulations will prevail. Complete game information and prize claiming instructions are available at California Lottery retailers. Visit the California State Lottery web site at <http://www.calottery.com>

NEWS OF THE WEIRD
BY CHUCK SHEPARD

ExxonMobil, the company that announced jaw-dropping profits of \$18.7 billion for the first half of 2006, said in June that it would fight the U.S. Justice Department over \$92 million that the government said the company owes in the still-uncompleted 1989 Exxon Valdez oil-spill cleanup.

TODAY IN HISTORY

Today is the 256th day of 2006.
There are 109 days left in the year.

1788 The Congress of the Confederation authorized the first national election, and declared New York City the temporary national capital.

1851 American medical pioneer Walter Reed was born in Gloucester County, Va.

1922 The highest shade temperature on the earth's surface was recorded in El Azizia, Libya, which reached 136.4 degrees Fahrenheit.

1996 Rapper Tupac Shakur died at a Las Vegas hospital six days after he was wounded in a drive-by shooting; he was 25.

QUOTE OF THE DAY

"Revolt and terror pay a price. Order and law have a cost."

CARL SANDBURG
AMERICAN POET AND AUTHOR (1878-1967)

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That's a stretch Fabian Lewkowicz/Daily Press
Santa Monica High School senior Christopher Andrews, 17, from the Associated Student Body club (ASB), changes the marquee to advertise the arrival of the author of 'Funny in Farsi,' Firoozeh Dumas. She will be speaking at Samohi on Friday.

Weller gets his day in court

BY KEVIN HERRERA
Daily Press Staff Writer

DOWNTOWN LA — They came from different worlds, drawn together by fate and forever linked by tragedy.

There's Leroy Lattier, 55, a homeless man living on the streets of Santa Monica; Diana, 41, and Kevin McCarthy, 50, a married couple from New York visiting the city while on vacation; and Cindy Valladares, a 3-year-old who, along with her mother, was on her way to deliver shoes to her father.

They were strangers to one another with nothing in common except for one thing — each would be killed in a matter of seconds by one man, George Russell Weller, now on trial for their deaths and those of

See **FARMER'S MARKET TRIAL**, page 5



File photo
GEORGE RUSSELL WELLER

LA County joins lawsuit to clean up the bay

BY JESSICA ROBERTS
Special to the Daily Press

DOWNTOWN LA — Los Angeles County officials voted Tuesday to join as plaintiffs in a lawsuit against the United States Environmental Protection Agency in an attempt to force the entity to complete its stud-

ies on the effects of pathogens on human health and to develop new water quality criteria for the polluted Santa Monica Bay.

The Los Angeles County Board of Supervisors unanimously voted to bring the county government into the lawsuit, filed by the Natural Resources Defense Council

(NRDC). The environmental group filed the suit on Aug. 2 after the EPA failed to meet deadlines outlined in the Beaches Environmental Assessment, Cleanup & Health (BEACH) Act, which is an amendment to the Clean Water Act. The deadline to complete the studies was October 2003, and the deadline for

publishing new pathogen criteria was October 2005, according to environmentalists.

The BEACH Act requires the EPA to complete studies to determine the human health risks associated with exposure to pathogens in coastal

See **FECAL MATTER**, page 6

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Horoscopes

2

WEDNESDAY, SEPTEMBER 13, 2006

Santa Monica Daily Press

A newspaper with issues



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Cancer: Take the high road

Santa Monica Daily Press

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)

★★★★★ You do have valuable insights, even if some people choose to buck your suggestions. A child could be unusually rebellious. Good will permeates through your efforts. At the same time, you gain very unusual insights. Tonight: Share news.

TAURUS (April 20-May 20)

★★★★ Expenses stop you dead in your tracks. You might feel as if you are spending way too much. Still, you do like to enjoy yourself and make the most of each event, person and experience. Trust what is happening. Tonight: Your treat.

GEMINI (May 21-June 20)

★★★★★ You are on top of the world, ready to rock and roll. You enjoy yourself to the max. You make the most of the moment. Still, someone you count on could be disruptive and touchy. Understand what is going on with this person. Tonight: Do what makes you happy.

CANCER (June 21-July 22)

★★★★ Realize more of what is happening with a special relationship. Sometimes you find others disruptive and touchy. Step away from the trouble. Intuitively, you know how to handle a curious matter. Tonight: Take the high road.

LEO (July 23-Aug. 22)

★★★★ You are fiery, dramatic and know what you want, especially when it involves friendship and your goals. Others like to be around you, for good reason. Your positive nature encourages changes and more dynamic interactions. Tonight: Hang with the crowds.

VIRGO (Aug. 23-Sept. 22)

★★★★ Understand your priorities, especially those involving commitments and public appearances. You might be unusually attractive or magnetic at this time. Consider your options more carefully. Know what you want, even if someone gives you flak. Tonight: A must appearance.

LIBRA (Sept. 23-Oct. 22)

★★★★★ Take the high road. Look at the implications of a changing situation. Understand more of what you want. Talk turkey in a way that others can grasp what you are saying. Travel might involve a special opportunity. Tonight: Let your mind relax.

SCORPIO (Oct. 23-Nov. 21)

★★★★★ You might want to understand more of what is happening. Your sixth sense comes through when dealing with a key partner. Think about what would work for him or her as well. A meeting brings ear-to-ear smiles. Tonight: A close encounter.

SAGITTARIUS (Nov. 22-Dec. 21)

★★★★ Others knock on your door. You could be pleasantly surprised to see others respond as positively as they do. The unexpected occurs when you least anticipate it. Family and domestic matters cause a bit of excitement. Let others give you more feedback. Tonight: Say yes.

CAPRICORN (Dec. 22-Jan. 19)

★★★★ Others see life in a new and different manner. Think through an offer that comes in from left field. You could be overwhelmed by what is happening on a daily level. You have the ability to settle in. Tonight: Be a wild thing. Let loose.

AQUARIUS (Jan. 20-Feb. 18)

★★★★★ Let others express their innate enthusiasm. Fun and laughter will occur as a result. You might very well think that you have pushed the line or your limits. Curb a general wildness when it comes to spending and risking. Tonight: Enjoy yourself.

PISCES (Feb. 19-March 20)

★★★★ The unexpected occurs out of the blue. You have a tendency to move a project forward when others don't. You do the unexpected. You respond to a different drummer. Anchor in and get feedback from family. Tonight: Happy at home.

BORN TODAY Actress **Jacqueline Bisset** (1944), singer, songwriter **Fiona Apple** (1977)

Jacqueline Bigar is on the Internet at <http://www.jacquelinebigar.com> © 2006 by King Features Syndicate Inc

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COMMUNITY BRIEFS

SMFD feels the pressure

By Daily Press staff

If you see a geyser coming from your neighborhood fire hydrant, don't be alarmed, it's only a test.

During September and October the Santa Monica Fire Department will be testing all the fire hydrants within the city limits.

Testing consists of opening and closing hydrants to meter proper water flow. SMFD officials say the testing is done in a timely manner so as not to waste any resources or disrupt any local traffic patterns. Tests will be conducted during regular business hours. The tests are necessary to ensure proper hydrant operations at the time of emergencies.

Tests are conducted by the local fire companies.

Surf shack shindig to save Trestles

By Daily Press staff

Hosted by Neptune's Net Seafood Restaurant in Malibu, Surfrider Foundation's Save Trestles Fundraiser will be held on Sept. 14 from 5 p.m. to 9 p.m.

"It's time that the communities of Orange County and beyond begin to make the environment a priority over growth and development. We must protect our natural resources for future generations to enjoy," said Richard Woolcott, CEO of Volcom.

Sponsored by Budwieser and Pepsi Cola, surfers and environmental activists can enjoy free drinks from 5 p.m. to 6 p.m. with a \$5 minimum donation. Also, participants can buy \$1 raffle tickets and possibly win surfboards, T-shirts and other prizes.

In addition, live music from ska musician Chris Murray will be played, followed by the upbeat reggae tunes from the San Diego-based band, Burnt. After sun down, the music of Magic Box will fill Neptune's Net.

The goals of the fundraiser are to encourage surfers and environmental activists and the community at large to not only get the facts of the issue but also to take action.

Donations and support will further lead the Surfrider team to keep Trestles pristine and untouched.

All proceeds go to Surfrider Foundation National Headquarters located in San Clemente.

For more information contact Margaret Lee at (310) 590-6201 or www.SaveTrestles.org.

Teacher benefits from fellowship

By Daily Press staff

A local teacher has been given the riches to enrich her students' drama skills.

Santa Monica resident Flora Plumb, who is a theatre teacher at the Los Angeles County High School for the Arts, has been chosen to receive a \$2,300 fellowship from the Surdna Foundation. Arts High, where Plumb has taught for 19 years, also has been awarded a complementary grant of \$1,500.

Plumb was among 20 educators from 14 specialized public arts high schools nationwide to receive the grant, which aims to help teachers increase their effectiveness in preparing young people for careers or advanced study in the visual and performing arts. Award recipients were evaluated by a peer review panel based on demonstrated excellence both as artists and teachers.

Plumb plans to use the money to learn the Suzuki Method of Actor Training and the Viewpoints technique of improvisation.

"This training will enhance and enrich all my classes," she said. As part of the fellowship, Plumb and her advanced acting students will develop a performance based on the works of Anton Chekhov, set for Dec. 1 and 2 at the Luckman Intimate Theatre, California State University, Los Angeles (CSULA).

Plumb is a resident director and actor with Theatre 40 in Beverly Hills, a company she has worked with for 30 years. She is currently in rehearsal for Lillian Hellman's "Another Part of the Forest" in the role of Lavinia. The show will open in October at Theatre 40

See BRIEFS, page 5

CORRECTION In the Sept. 12 edition, the front page story regarding the Santa Monica Democratic Club's endorsements for the City Council race contained an error. There are three open seats in the upcoming election.



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SURF REPORT



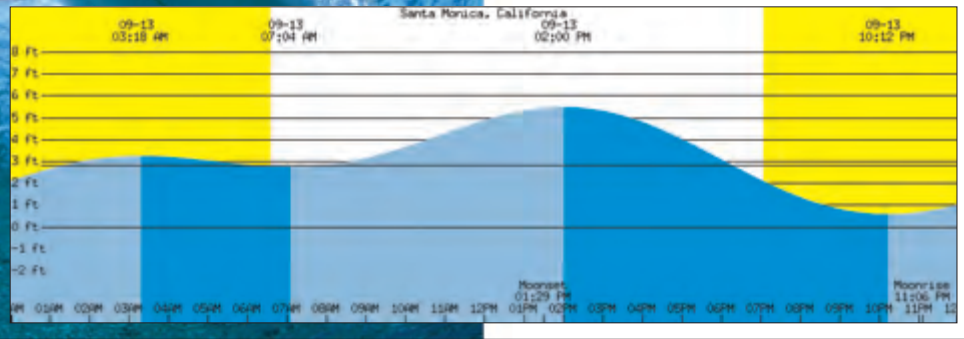
SURF CONDITIONS

WATER TEMP: 69°

SWELL FORECAST (3-5 FT)
Minor southern hemi swell continues with a slight increase from Tuesday. Size at south facing spots should bump up to a more steady chest high or better. The NW is also expected to be about the same as what we're seeing now: chest high or so with standouts pushing towards head high on the better set waves.

LONG RANGE SYNOPSIS
LIGHT SOUTHERN HEMIS OFF AND ON THIS WEEK...
NW GROUND SWELL TO FILL IN, THEN TURN TO WIND SWELL IN THE NEXT COUPLE OF DAYS...

TIDE FORECAST FOR TODAY IN SANTA MONICA



8 ft
7 ft
6 ft
5 ft
4 ft
3 ft
2 ft
1 ft
0 ft
-1 ft
-2 ft

09-13 03:18 AM 09-13 07:04 AM 09-13 02:00 PM 09-13 10:12 PM

09 00PM 02PM 03PM 04PM 05PM 06PM 07AM 08AM 09AM 10AM 11AM 12PM 01PM 02PM 03PM 04PM 05PM 06PM 07PM 08PM 09PM 10PM 11PM 12M

Noon: 01:29 PM Noon: 11:06 PM

The Q-Line

There appears to be a mass exodus of middle-class residents in Santa Monica. The average resident only lives here for about two years before they end up moving on. Those who can't benefit from rent control prices capped years ago find it difficult to live here. And actually owning a home is nearly impossible. So those who actually make the town tick and contribute to Santa Monica's economy end up moving to the suburbs or outside of the state so they can live the American Dream.

This week, Q-Line wants to know, "How can city leaders address this growing issue?"

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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GUEST COMMENTARY BY ALEX EPSTEIN

The real terror of 'animal rights'

Over the last decade members of the animal rights movement have committed thousands of acts of terrorism against people and property involved in life-saving animal research. At one major animal-testing company, Huntingdon Life Sciences, so-called protesters have for several years attempted to shut down the company by threatening employees and associates, damaging their homes, firebombing their cars, even beating them severely.

Animal rights terrorists are often cast as extremists who take too far the allegedly benevolent cause of animal rights. But as a recent story in the Los Angeles Times demonstrates, the terrorists' inhuman tactics are an embodiment of the movement's inhuman cause.

The Times profiled Dr. Jerry Vlasak, a surgeon who, according to the story, argues "that killing scientists to stop animal research would be 'morally justifiable.'" He advocates taking "five lives, 10 lives, 15 human lives" in the hopes of saving "a million, 2 million, 10 million nonhuman lives." Vlasak runs the Animal Liberation Press Office, through which he suggests targets for terrorists to hit, and welcomes and publicizes terrorists' "communiqués." What justifies advocating murder and being a terrorist ringleader? In the words of the story, "his belief that animal life is as valuable as human life."

While most animal rights activists do not openly advocate killing animal testers, they do share the view that animal life is sacred.

According to People for the Ethical Treatment of Animals, the basic principle of animal rights is: "animals are not ours to eat, wear, experiment on, or use for entertainment" — they "deserve consideration of their own best interests, regardless of whether they are useful to humans." This is in exact contradiction to the requirements of human survival and progress, which demand that we kill animals when they endanger us, eat them when we need food, run tests on them to fight disease.

Consider the issue of animal testing, which is universally opposed by animal rights activists, and the object of much ani-

mal rights terrorism. There is no question that animal research is absolutely necessary for the development of life-saving drugs, medical procedures, and biotech treatments. According to Nobel Laureate Joseph Murray, M.D., "Animal experimentation has been essential to the development of all cardiac surgery, transplantation surgery, joint replacements, and all vaccinations."

Explains former American Medical Association president Daniel Johnson, M.D., "Animal research — followed by human clinical study — is absolutely necessary to find the causes and cures for so many deadly threats, from AIDS to cancer."

Millions of humans would suffer and die unnecessarily if animal testing were prohibited. Animal rights activists know this, but are unmoved. Chris DeRose, founder of the group Last Chance for Animals, writes: "If the death of one rat cured all diseases, it wouldn't make any difference to me."

The death and destruction that would result from any serious attempt to respect animal rights would be catastrophic — for humans — a prospect the movement's most consistent members embrace.

"We need a drastic decrease in human population if we ever hope to create a just and equitable world for animals," proclaims Freeman Wicklund of Compassionate Action for Animals.

To ascribe rights to animals is to contradict the purpose and justification of rights — to protect the interests of humans. Rights are moral principles necessary for men to survive as human beings — to coexist peacefully, to produce and trade, to provide for their own lives, and to pursue their own happiness, all by the guidance of their rational minds. To attribute rights to non-rational, amoral creatures who can neither grasp nor live by them is to turn rights from a tool of human preservation to a tool of human extermination.

(Alex Epstein is a junior fellow at the Ayn Rand Institute (ARI) in Irvine. The institute promotes the philosophy of Ayn Rand, author of "Atlas Shrugged" and "The Fountainhead.")

A return to truth



**THE
WITNESS
STAND**
BY CLIFF NICHOLS

I was talking with a friend last week who manages a large apartment complex that houses more than 1,000 people. As such, she is exposed on a daily basis to what I would consider a pretty good cross-section of our society. That is why I found one comment she made to be particularly interesting. She said that, as time goes by, she finds fewer and fewer people she interacts with have what she considers to be integrity. I asked what she meant, and she said to her integrity is measured by the importance a person attaches to the virtue of telling the truth. In short, most people she deals with seem to have a predisposition to lie, even when, as she says, the truth would help them more. I think she's on to something.

Sadly, it was my generation that initiated the "so I lied" mentality many years ago. According to that philosophy, a lie was perfectly acceptable if it served their personal needs, even to the extent that if they were caught lying, it didn't matter. "So what" they would say. "Everybody does it, and so, even if you catch me doing it, I don't care." Then, the next generation gave birth to the flip side of that coin, whereby the "truth" was further degraded to the sphere of relativity. Those inconvenienced by it simply mischaracterized truths as only someone else's perception, while what used to be lies eventually came to be described as "spin." The result? Between your spin and everyone else's, the truth was ultimately mutilated and discarded along the way.

For example, take the recent announcement by Democrats that they intend to initiate a Web site devoted to appealing to "faith-based" voters. Apparently, the last several elections have taught them that their party's endorsement of Christian-bashers, not to mention abortion, gay rights, and the legalization of illegals, has not played particularly well in America's heartland. So now, we are told, the Internet shall be used to persuade members of the Bible-belt that voting Democrat is a good idea, even though everybody knows that the Democrat leadership still despises the beliefs of these people whose votes they covet. So, it would appear that Democrats are now admitting their willingness to tell whatever lies may be necessary to get the votes they need to advance agendas they know would remain offensive to certain voters unless they are lied to. I know. So what's new?

From one perspective, this effort is humorous. It reminds me of the old Milton Berle joke: "There's so little trust in the country today. Yesterday, I heard a politician confess that he'd lied, and I didn't believe him."

This is probably true about the Democrats, "faith-based" Web site. Most likely, few will believe it. On another level, however, the problem created by such behavior has more serious adverse implications for us all when we consider the costs associated with our predisposition Berle jokes about to discard the truth even when it is made available. As his joke rightly points out, the hardening of our hearts caused by repeated lies eventually impedes our ability to recognize the truth for what it is. And for that, I can guarantee we could be made to

pay dearly.

When truth ceases to be the common currency exchanged and relied upon by the citizens of a society, certain adverse consequences become predictable. Among other things, the importance of attorneys increases; the number of laws, rules and regulations explodes exponentially; surveillance and infiltration activities become more pervasive; governments become more corrupt, and the virtue of concepts like the democracy our founding fathers envisioned ultimately loses whatever appeal it may have once had. As fraud and deceit become the norm, the value of people's freedom to interact with each other and their government degrades over time.

Historically, people then have shown an increasing willingness to exchange their freedoms for security and that is the point where many societies in the past have unwittingly welcomed a totalitarian dictatorship to govern them with open arms.

What concerns me is that with the advent of a living Constitution, it now means whatever judges and politicians may want it to mean. I no longer see anything that remains unique about us that would prevent a similar result from occurring in America. The only difference would be that the totalitarian regime we would be burdened with would be afforded far greater powers than have ever been available to tyrants in the past. Imagine a Hitler today that would have access to satellites that can not only photograph, but monitor our homes and at the same time use our cell phones to triangulate everyone's exact location wherever they may be on the face of this planet. And that's before we even get to a consideration of all the cameras and video cams that have been installed at almost every intersection we drive through and on most buildings we pass by. Such technology in the hands of a man like Hitler or Stalin should also give us a heightened concern about things like the existence of secret prisons and the comfort some have today with justifying things like warrantless wiretaps and the use of torture upon those they unilaterally have determined to be enemies of the state. The point is not whether these things are good or bad today, but were such things to fall into use by the wrong people the potential for horror would most certainly be tremendous.

Berle also once joked that, "Truth is stranger than fiction, but not nearly as popular." His joke should be a warning to us all. In light of today's technology, the only thing that keeps our nation from becoming even more evil than the Nazis and Soviets once were is our integrity based on our tradition of respecting truth. So perhaps we had better seriously consider restoring the foundation of those truths that this country was built upon or we may soon find that we will not remain a "great" nation for very much longer. Although those truths may not be as popular as some fictions progressives would have us believe today, I would suggest that without them, even progressives could soon find their lives to be less abundantly fulfilling than they were when those truths prevailed. So, all things considered, I think my friend's point is well taken. Our increasing reliance upon lies makes no sense. Clearly the truth could set us free.

(Cliff Nichols is an attorney practicing criminal defense in Santa Monica. He may be contacted at either (310) 917-1083, cliff@cliffnicholslaw.com or www.cliffnicholslaw.com. You may join his blog at www.thedailystand.com.)

ODDS OF A CHILD BEING IN A FATAL AUTOMOBILE ACCIDENT: 1 in 23,000

ODDS OF A CHILD BEING DIAGNOSED WITH AUTISM: 1 in 166

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Defense, prosecution present their cases

FARMER'S MARKET TRIAL, from page 1

six others who were struck by the then 86-year-old's Buick LaSabre as it barreled down a crowded Farmers' Market in the afternoon of July 16, 2003.

If convicted on all 10 counts of vehicular manslaughter with gross negligence, Weller, 89, faces a maximum sentence of 18 years in prison. He has pleaded not guilty.

During the first day of what is expected to be a six-week trial, prosecutor Ann Ambrose told the story of that tragic Wednesday afternoon when Weller drove his car through the market, hurling bodies several feet into the air before coming to a rest nearly 1,000 feet later, his sedan buckled and broken, the windshield shattered from the weight of 78-year-old Movsha Hoffman's body.

In addition to the 10 deaths, 63 people were injured.

On Tuesday in a courtroom in the Clara Shortridge Foltz Criminal Justice Center, Ambrose and Weller's attorney, Mark Borenstein, spent 2 1/2 hours with their opening statements.

One witness for the prosecution, Pauline Kokozyon, testified that she was rear-ended by Weller seconds before the carnage ensued.

During cross examination, Borenstein suggested that Kokozyon's memory of the accident may be cloudy and therefore unreliable.

Ambrose told a jury comprised of eight men and four women that Weller made no attempts to stop his car as it slammed into unsuspecting shoppers, knocking them "right out of their shoes," some hit so hard that their flesh was ripped from their bones.

Two witnesses will testify that after the accident, amidst the chaos and confusion, a "surly and uncooperative" Weller walked calmly to the side of the street and said, "If you saw me coming, you should have gotten out of my way," Ambrose said.

"No vehicles were damaged at any time, not even a scratch," Ambrose said as she described a scene in which Weller's LaSabre weaved from one side of Arizona Avenue to the other, striking pedestrians, but none of the farmers' trucks, which were parked all along the perimeter of the market.

Borenstein told jurors that there is no doubt Weller was in the driver's seat that day three years ago. However, Borenstein said the deaths were the result of "an accident" that involved the long-time Santa Monica resident mistakenly pumping the gas pedal

instead of the brake.

Attorneys from both sides agreed that there was nothing wrong with the car or with Weller.

"As tragic and as horrible and as sad as it all was, the accident on July 16 was just that, an accident," Borenstein said. "It could have happened to anybody. It was completely unperceivable — no more predictable than a heart attack ... or a stroke or a seizure. It was the result of a completely innocent mistake compounded by extreme panic. The evidence will show no negligence and certainly no gross negligence."

As Borenstein spoke, Weller — dressed in a blue blazer, white dress shirt and gray slacks — sat motionless in a wheelchair, staring straight ahead at Los Angeles Superior Court Judge Michael Johnson with his hands neatly folded in front of him. Occasionally, Weller would look up at a screen where graphic images of the accident were projected for jurors and members of the audience, which was filled with nearly a dozen journalists and two of Weller's supporters.

Weller only said a few words to the judge, mumbling "yes" when asked if he understood his right to not attend the trial. Weller, who had to have a family member put on his tie for him and wheel him in and out of the courtroom, has opted to waive his right to be present during the remainder of the proceedings, having to only appear for opening statements, or if called upon by the judge.

There is some concern from Weller's attorneys about his health and his ability to sit through the many hours of testimony, some of which will be difficult for Weller to hear considering he "lives every day with the knowledge" of what happened, Borenstein said.

He noted that Weller said during a police interview soon afterward that he was "scarred in my soul."

"I'm in big trouble with my heart and soul — that you can't fix," Borenstein said, quoting Weller's comments to police investigators that day.

The day of the accident had started off as a happy one, Borenstein said, with Weller deciding to drive to the post office on Fifth Street and Arizona Avenue to drop off a letter to his great niece, who was getting married the upcoming Saturday. Weller apparently told his wife that he feared the letter would not arrive on time if he gave it to his mail carrier Ernie and, therefore, decided to drop it off himself.

It was then that he got into a minor accident with a gold Mercedes Benz driven by Kokozyon at the intersection of Arizona Avenue and Fourth Street. Borenstein said he believes his client went to press the brake quickly to stop the car following the accident — a movement he had performed thousands of times before — but instead hit the accelerator sending him into the market, which started just yards from the scene of the accident.

Borenstein plans to call experts with the California Highway Patrol's accident investigation team to testify about the possibility that the accident was caused by "pedal error."

After striking several pedestrians, Borenstein said the car's air bag deployed at a speed of "200 miles per hour," blasting Weller back, preventing him from gaining

control of the steering wheel.

"This was not a hit and run," Borenstein said.

Ambrose, with the support of Kokozyon's testimony, suggested Weller tried to flee the scene of the accident and that's why he sped into the market.

"I was expecting him to pull over," Kokozyon said. "But he just drove around me and sped off ... going from zero to 60 just like that."

Testimony from witnesses who were at the scene of Kokozyon's accident are expected to take the stand today. The prosecution will call about a dozen witnesses and experts before resting its case.

Along with the criminal charges, Weller faces civil wrongful death lawsuits filed by members of the victims' families.

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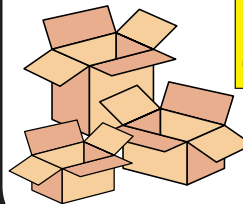
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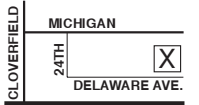


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COMMUNITY BRIEFS

BRIEFS, from page 3

and includes Arts High student Andrea Tzvetkov in the production.

The Los Angeles County High School for the Arts offers conservatory-style arts training and a rigorous college-preparatory academic curriculum. The tuition-free school is run by the Los Angeles County Office of Education on the campus of CSULA.

The Surdna Foundation, a national family foundation established in 1917, helps support organizations in five program areas: environment, community revitalization, effective citizenry, the nonprofit sector and arts. The Surdna Foundation's arts program seeks to improve the artistic abilities to teens; the teachers fellowship supports the artistic revitalization of their arts teachers.



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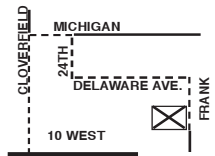


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Pollution rises to surface

FECAL MATTER , from page 1

recreational waters, especially nongastrointestinal effects, and to release revised water quality criteria for pathogens and their indicators.

The water quality criteria would set limits on the amount of pollutants that can be allowed in a body of water without disrupting its designated use, like swimming or fishing, according to environmentalists.

LA County Supervisor Zev Yaroslavsky, who represents the westside of LA, said getting involved in the lawsuit was "part of a strategy to join with the Natural Resources Defense Council to get the EPA to establish rules ... to hold us accountable for clean discharge into the bay."

Water quality criteria will get more attention on Thursday, when the Los Angeles Regional Water Quality Control Board (RWQCB) is scheduled to vote on whether to make bacteria pollution limits easily enforceable, by placing the requirements in the LA County stormwater permit. In order to be enforceable, the bacteria pollution limits need to be incorporated into the permitting process, environmentalists said. Otherwise, many of the Santa Monica Bay beaches will continue to be unhealthful for the 50 million annual visitors to the coastline, environmentalists said.

More than three years ago, with no opposition, the RWQCB approved the Santa Monica Bay Beaches Dry-Weather Bacteria Total Maximum Daily Loads (TMDLs). Cities and other dischargers of pollutants were given until July 15, 2006 to meet the bacteria pollution limits and be in compliance with the TMDLs, requiring all of Santa Monica Bay beaches to be safe for beachgoers 100 percent of the time in the dry season from April through October.

Even with three years lead time since the standards were set, many of Santa Monica Bay's beaches still have elevated bacteria levels. Twenty-three of the 65 beaches tested in Santa Monica Bay — more than one-third — have violated the Clean Water Act since the July 15 deadline to meet clean water

standards at area beaches, environmentalists said.

In July, the RWQCB decided to postpone a vote to make the beach water quality standards more easily enforceable, rescheduling the issue for a Sept. 14 meeting. However, the board has begun sending letters to LA County and various cities violating pollution standards, asking them to identify the pollution source and provide other information within two weeks. Failure to comply could result in a \$1,000 per day fine.

The departments of Public Health, Public Works and Beaches and Harbors made a joint report on water quality in Santa Monica Bay at Tuesday's Board of Supervisors meeting, announcing new plans to inform the public about water quality test results, as well as plans to further test the bay's water.

Jonathan Fielding, director of the LA County Department of Public Health, said more signs will be posted at points of outflow from storm drains, and beaches with consistently low grades in water quality will be posted with signs warning of the health risks associated with swimming in the water.

"The public needs to know what the condition of the water is, where they should swim, where they shouldn't swim," Yaroslavsky said.

Tests also will be expanded to include not only locations 50 yards from storm drains as is the current practice, but also at the point of storm drain outflow, Fielding said.

He added that beaches in the northern and western parts of the bay have the worst water quality, although the causes are uncertain. He said it was possible the pollution was coming from septic tanks and domestic and wild animal waste, but that a task force would begin to work to identify types and sources of pollution in the water.

Yaroslavsky said the county was "taking a more aggressive approach than we have in the past" to protect what he called one of the county's most important environmental and economic resources — Santa Monica Bay.

"We do not want to squander the resource we have here," he said.

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Online mystery of video-diary posting by 'Lonelygirl15' deepens

BY GARY GENTILE

AP Business Writer

LOS ANGELES — A home-schooled teenager named Bree is heating up the Internet like few others today.

But is she for real? Or is she merely an actress, and if so, who are the people responsible for mounting the charade?

This Internet whodunit centers on 16-year-old Bree's "Lonelygirl15" online video diaries posted on sites such as YouTube and MySpace. They've caused a cyber-stir not seen since "The Blair Witch Project."

The mystery has fueled the popularity of the short videos that are a staple on a growing number of Web sites devoted to posting homemade entertainment.

On sites such as Revver and Guba, regular people are posting videos that range from confessional diaries to stunts involving everything from skateboards to breath mints dropped into bottles of Diet Coke.

Many feature people just sitting in front of video cameras, talking about the mundane happenings in their lives or ranting about some issue or another.

On YouTube, one of the most popular sites for amateur videos, 26,930 people are subscribed to the Lonelygirl15 "channel," meaning they regularly view videos posted there. More than 2.3 million people have viewed Bree's videos, according to YouTube.

Lonelygirl15 started posting her dorky adventures in June, with a video that looked like so many others on the Web. "Bree" is sitting in her typical-looking teenage room, introducing herself and making a variety of goofy faces.

In subsequent "episodes" (so far, she has posted more than 30 videos with the latest entry posted Sept. 10), Bree talks about her parents, her friend Daniel and her "religion," which includes a mysterious ritual Bree has been selected for.

The ceremony only takes place "once in a really long while" and attendance is limited to a select few.

"My parents won't even be allowed to come," Bree says.

The ceremony also involves memorization and "special exercises" that Bree's mother is going to help her with. Plus, she has to go on a diet.

"Other than that, it's basically like preparing for a bar mitzvah or a confirmation," Bree says matter of factly.

The mystery deepens. In her room is what looks like a shrine to the occult figure Aleister Crowley, leading many Bree-watchers to assume she is involved in some kind of

ON THE NET

<http://www.lonelygirl15.com>
<http://www.myspace.com/lonelygirl15>
<http://www.youtube.com/user/lonelygirl15>

Satanic cult.

Then, several weeks ago, rumors began to fly that Bree was not a genuine teen blogger at all, but an actress playing a part in scripted and produced drama. The proof, it was said, is that Bree never reacts on-screen to comments posted about her, never wavers from the plot.

So far, even as media attention heats up about her authenticity, Bree has yet to react in her videos.

Fans began to speculate that the videos were part of a big marketing campaign for some movie and bristled at being manipulated by some Hollywood studio.

The most notable Web hoax related to movie publicity was for the 1999 film "The Blair Witch Project." Footage from an alleged documentary about a mysterious video tape and missing teens created a buzz on the Web that helped boost the film's box-office success.

The marketing theory surrounding Lonelygirl15 was bolstered when amateur sleuths uncovered that the name was trademarked recently by Encino attorney Kenneth Goodfried, who did not return a call seeking comment Monday.

Web detectives also concluded that Bree's MySpace account was being controlled by someone using a computer at the Hollywood talent firm Creative Artists Agency. An agency spokesman did not immediately return a call Monday.

And then came the announcement posted on the mock fan site Lonelygirl15.com stating that Bree was indeed an actress.

"Thank you so much for enjoying our show so far," said the note, signed only "The Creators" and addressed to "our incredible fans."

The note, posted Sept. 7, continued: "Right now, the biggest mystery of Lonelygirl15 is 'who is she?' We think this is an oversimplification. Lonelygirl15 is a reflection of everyone. She is no more real or fictitious than the portions of our personalities that we choose to show (or hide) when we interact with the people around us."

The "Creators," who describe themselves as filmmakers but not part of a big corporation, go on to promise a new Web site featuring interactive storytelling where "the line between 'fan' and 'star' has been removed, and dedicated fans like yourselves are paid for their efforts."

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Do they know about you?

Stranger in a strange land

Salvadoran boy searching for mother can stay in U.S. for now

BY PETER PRENGAMAN

Associated Press Writer

LOS ANGELES — A 10-year-old Salvadoran boy who was apprehended while trying to cross the U.S. border on his own to find his mother can stay in America at least until next summer, an immigration judge ruled Monday.

Judge William Martin's decision means Jonathan Martinez can live with his mother in Inglewood while the family prepares an asylum claim to keep him here, lawyer Julianne Donnelly said. That case is expected to be heard in August.

Donnelly said the family will argue that Jonathan does not have anyone to take care of him in El Salvador, making him susceptible to gangs and violence.

"He would be forced to fend for himself

on the streets," Donnelly said.

Jonathan's case illustrates a growing problem with the federal program known as "temporary protective status" under which his mother is staying in the United States. Officials don't know what to do with the thousands of kids from Central America who come to the country illegally to join their parents.

The program provides legal residency to illegal immigrants from El Salvador, Honduras and Nicaragua, all countries that have suffered devastating natural disasters in recent years. The idea is that they can best serve their homelands by working here and sending money home.

But only immigrants in the United States when a program starts — for Salvadorans, after two major earthquakes in 2001 — are

eligible. That means children who come later to join parents don't qualify, putting them in a sort of immigration limbo. Many end up being deported.

Jonathan's mother had left him with an aunt in 2000 to illegally immigrate to the U.S. Since 2001, she has had the temporary status.

When the aunt got sick in late 2004, Jonathan said he and a teenage cousin rode buses north for several weeks to reach the U.S. border. The two were separated, and Jonathan was nabbed in the desert trying to cross the Mexico-Arizona border. He has lived with his mother and 3-year-old half sister since then.

The family said the aunt who took care of him has since left El Salvador, his grandparents are too old to take him in and his father disappeared years ago.

STATE BRIEFS

ASSOCIATED PRESS

SANTA CRUZ

Immigration crackdown

A federal immigration sweep in Santa Cruz, Watsonville and Holister led to the arrest of 107 people for immigration violations.

Those arrested during the sweeps were immigrants with final orders of deportation, criminals and other immigration violators, U.S. Immigration and Customs Enforcement spokeswoman Lori Haley said.

Forty-four have already been returned to their home countries.

"We know who we are going to look for," Haley said. "They have been ordered to leave by a judge and they are ignoring those orders."

Most of those rounded up Thursday and Friday were from Mexico. Others were from El Salvador, Guatemala and India, she said.

FOUNTAIN VALLEY

Dolphins have no players

Coastline Community College finally has a mascot — the Coastline dolphin.

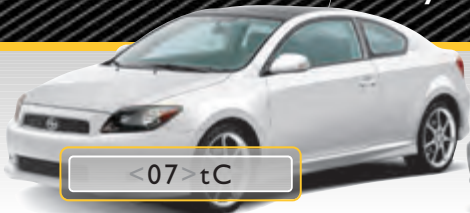
Now it just needs some sports teams. It hardly has a campus.

The school was founded in 1976, offering telecourses so people could study at home. It has since evolved to offer instruction through the Internet, television and 50 classroom sites around Orange County.

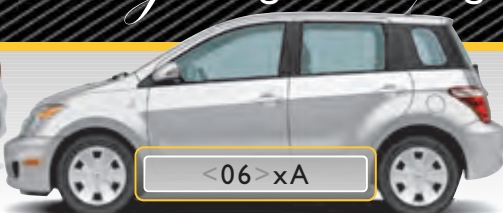
School officials floated the idea of a mascot to inspire pride and school spirit in the far-flung student body and create an identity that separates the college from similarly organized schools, spokeswoman Michelle Sutliff said.

Administrators pushed for an ocean-themed mascot.

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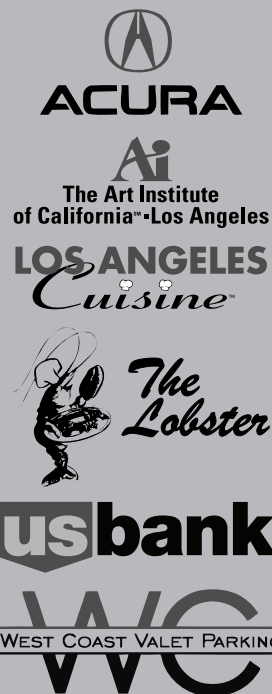
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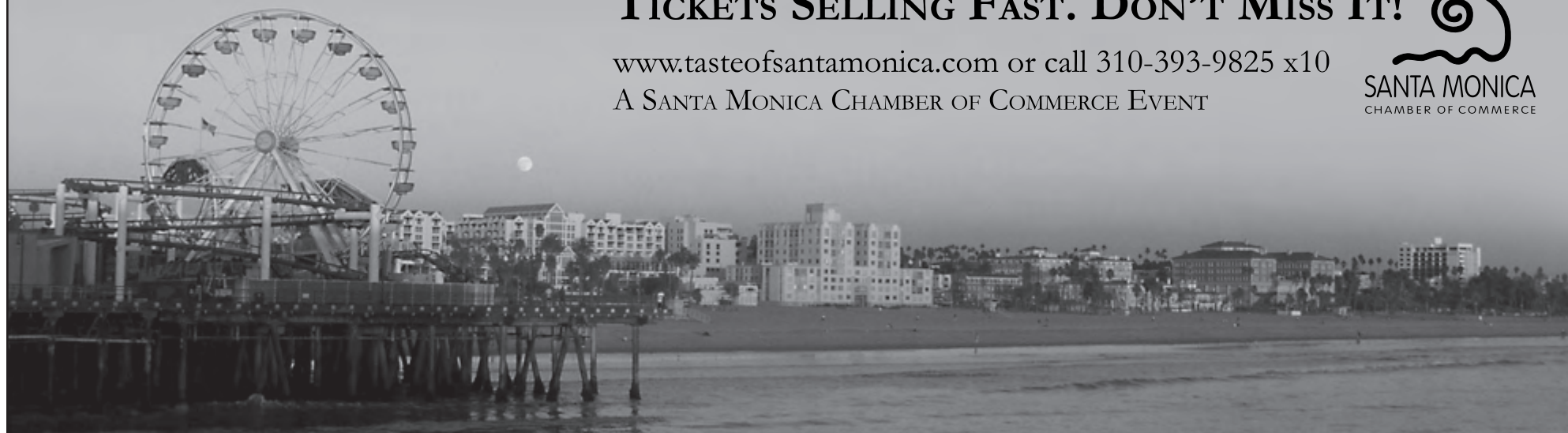
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**DAYS ON
THE MARKET**
BY JODI SUMMERS

Last week we discussed the tangibles of building your rental empire. This week, it's all about the intangibles — tenants and repairs.

An excellent suggestion on how to deal with tenants comes from Mike Butler, author of "Landlording on Auto Pilot." Butler suggests that the property owner never tells the tenant they are the landlord. Instead, refer to yourself as the "property manager." It's nice to have a black hat when it comes to property management. Instead of taking responsibility, you can say, "I'm just the property manager so I will have to check with the owner." That gives you time to think and to pass the buck if the answer is 'no.'

Picking tenants may ultimately be the most important real estate decision you make. A bad tenant can make you lose all interest in landlording. There are many ways and suggestions for selecting tenants. Some go with the wisdom of experience. Older people tend to be easier tenants than college students, but whatever filters you put in place for finding your tenants, be advised of fair housing laws. According to "Barron's Real Estate Handbook," the Federal Fair Housing Law is "a federal law that forbids discrimination on the basis of race, color, sex, religion, handicap, familial status or national origin in the selling or renting of homes and apartments."

Melanie and Gore own two small apartment buildings in the mid-cities area. They require potential tenants to provide Social Security numbers, ostensibly for criminal and credit background checks. She also believes in checking references with employers and prior landlords. "It's more about renters proving that they have nothing to hide," Melanie offers.

If prospects pass those tests, she and her husband always meet them in person.

"I need to get a vibe off of them," she explains.

Another tenant tidbit — when checking references, don't stop with the most recent landlord. Contact the second or third most recent landlords as well.

"The current landlord may just want the tenant out of the property," said Jose, a local real estate investor. Marcia suggests making an unannounced visit to the prospect's current residence. "Explain that your house is important to you, and that you want to get a sense for how they live."

"Your tenants are your employees" is the novel approach Butler uses to manage his residents. Butler admits most of his tenant applicants have less-than-ideal credit reports, but as a retired cop, he has rented to ex-convicts who became some of his best tenants after he leveled with them that he knew their history but was willing to take a chance on them.

If you're hurting for tenants, another option is to sign up with the Section 8 federal government rent subsidy program, which helps low-income renters afford decent housing. Usually Section 8 tenants pay 30 percent of their income for rent and the government pays the balance. There are city-by-city maximum rents.

"My best all-star 13-year tenant was on Section 8 subsidy. And my worst tenant, who only paid \$10 per month rent (when she felt like paying), was on Section 8. I've had other Section 8 tenants who were neither very good nor very bad," offers noted real estate columnist Bob Bruss.

The concept of Section 8 is great, particular if you're dealing with senior citizens. The downside is there is extensive paperwork for both tenant and landlord, and it's hard to check a tenant's credit. For more information go to www.hacla.org/section8/home.htm.

"My biggest complaint is the annual inspections by a local housing authority inspector," notes Bruss about Section 8 tenants. "Some inspectors are very nice. Others are the meanest people you will ever meet."

"My best advice is, unless you have trouble filling your vacancies with good quality tenants, avoid the hassles of Section 8 tenants," Bruss said. "Most Section 8 tenants are extremely appreciative, but dealing with the local housing authority bureaucrats can be very frustrating."

HAVE A BUDGET FOR PROBLEMS

Just when you think your buildings are running smoothly, inevitably something happens. Your best tenants up and leave on a month's notice and minor leaks grow into expensive repair jobs. That's why it's so important to know what you're buying and to have a budget for repairs. Experts suggest putting 15 to 25 percent of the annual rental income aside for maintenance, but you can never be sure.

Renee owns several rental properties around town. Recently, she bought a run-down duplex in Westchester. Her repair budget got blown through the roof.

"The last tenant had turned on the water on purpose and flooded the whole place," she recalls. "The floor, ceiling and walls were all messed up."

MANAGEMENT COMPANIES

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See **DAYS**, page 11



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THE HOA ADVISOR

BY MICHAEL CHULAK

Homeowner ready to boot the board

Q Our homeowner's association is not being run properly by the board of directors. Is there a government agency that has the power to oversee homeowner's associations?

A Unless the developer is still involved as an owner, no such government agency exists in California. Every member of the association has the right to enforce the governing documents through the process of Alternative Dispute Resolution (ADR), which involves either mediation or arbitration, or through use of the courts.

If the developer is still involved, the California Department of Real Estate will have jurisdiction over some matters.

Some disputes are political in nature and have nothing to do with enforcement of the governing documents. Those types of disputes can only be resolved through the election process. A board of directors of an association has the power to do a great deal of good or harm. Consequently, electing a quality board is critical to the success of your association.

Q Is managing a homeowner's association considered property management?

A The California Department of Real Estate (DRE) does not consider the management of associations to be property management. Consequently, a real estate license is not required to manage associations.

Notwithstanding the position of the DRE, most association management companies consider the management of associations to be property management. In reality, the management of associations involves traditional property management responsibilities, plus much more.

Q We live in a large townhome development. My neighbor has been in violation of the Conditions, Covenants and Restrictions (CC&Rs) for several years. The homeowner's association has taken no action and probably will take no action in the future. How long do I have to start an action against my neighbor for violation of the CC&Rs?

A Per the California Code of Civil Procedure, you have five years from the time you discovered, or through the exercise of reasonable diligence should have discovered, the violation. However, your neighbor may have other defenses. Consequently, the matter should be reviewed by an association attorney at the earliest possible time in order to make certain that your rights are not extinguished.

Q I was recently elected to the board of directors of our townhome association. After becoming a member of the board, I reviewed several contracts that the prior board had signed. Notwithstanding the fact that our CC&Rs limit association contracts to one year, the prior board signed a contract for master satellite dish services for a period of five years. Our current board is not unhappy with the contract other than the fact that it violates our CC&Rs. What are your comments?

A There are statutory exceptions to the one-year limitation on contracts commonly found in association CC&Rs. Entering into a contract with a third party to furnish goods or services to the association or its members for a term longer than one year is permitted as follows:

- Agreements for cable television services and equipment or satellite dish television services and equipment are permitted so long as they do not exceed five years.

- Lease agreements for laundry room fixtures and equipment are permitted so long as they do not exceed five years.

- Agreements for the purchase or lease of burglar alarm and/or fire alarm equipment, installation and services are permitted so long as they do not exceed five years.

One stipulation is that contracts exceeding one year may not be entered into with an entity in which the developer has a direct or indirect ownership interest of 10 percent or more. Also, other contracts for a term not to exceed three years that may be terminated by the association, after not more than one year, without cause, penalty or other obligation, upon 90 days written notice of termination also are permitted.

(Michael T. Chulak is the founder of Michael T. Chulak & Associates, a Law Corporation, based in Agoura Hills. Questions can be sent by e-mail to info@MTCLaw.com. Answers are general in nature. An attorney should always be consulted when legal advice is needed. For more information visit www.MTCLaw.com and www.HOAQandA.com. Chulak also schedules free legal seminars throughout Los Angeles and Ventura counties. To look for a legal seminar closest to you, visit www.LegalSeminars.net.)

Getting the boot?



IN YOUR SPACE

BY ROB ROSE

Investors frequently ask what "boot" refers to in a 1031 exchange. There is no mention of boot in the IRS code, so what exactly is boot?

As used in 1031 exchanges, the archaic definition of the word "boot" is being used as "in addition or profit." It's not what you do with your computer on startup or wear on your feet.

In a 1031 exchange the "in addition or profit" is anything of value received by the investor which is not deemed "like kind" in the exchange.

The most common forms of boot are "mortgage boot" and "cash boot." In addition, proceeds from real property used to acquire personal property can create "personal property boot."

Mortgage boot occurs if the debt on the relinquished property is not replaced with equal or greater amount of debt, or with cash from 1031 funds on the replacement property.

For example, if the relinquished property had a \$100,000 mortgage, and the replacement property has a \$90,000 mortgage, the investor will pay tax on \$10,000 unless they add \$10,000 in non 1031 cash to their exchange.

Cash boot is anything received by the investor in the form of money or other property. An example is an investor electing to receive a portion of cash from the qualified intermediary at closing.

An additional example would be if the seller assists in the sale of relinquished property by providing financing. If not handled properly, the seller would pay capital gains tax on the principal payments and ordinary income tax on the interest portion received.

Personal property boot may occur when personal property is included in the sale of the relinquished property. To avoid that, make sure any personal property is explicitly excluded from the sales agreement and handled in a separate sales agreement.

Consult with your tax advisor and or attorney when considering a 1031 exchange.

(You can reach Rob Rose at 1-877-4 TM 1031, or e-mail at rob@tm1031exchange.com to discuss your specific needs. TM 1031 Exchange assists investors in planning and executing successful real estate investment strategies. Visit www.tm1031exchange.com for a complete list of investment properties and to download the TM 1031 Tool Kit.)

The know how to vesting titles



REAL ESTATE 101

BY MIKE HEAYN

When acquiring a property, knowing how to take title can save a lot of heartache down the road. The variety of vestings can have a variety of consequences, including legal and estate planning issues. California, along with several other states, is known as a community property state. Community property means anything you or your spouse own is assumed to be held in shared ownership by both of you. Title can be taken several different ways. Sole ownership, tenancy in common, joint tenancy, and an entity are the most common vestings today.

If you were to purchase a property as your personal residence you would most likely take title as a sole owner. Taking title as a sole owner can leave you vulnerable to liability.

Other options exist such as a trust, which will be described later. As a sole owner you dictate when the property is refinanced or sold. Also, for estate purposes, you can will the property to whomever you want. This type of transfer can have tax consequences that should be discussed with a professional.

Recently, a popular way to take title is tenancy in common (TIC). TICs, as they are known by many real estate professionals, allow several owners to hold different percentages of a property. In a TIC, shares are owned by multiple owners, called "tenants." For example, five friends could own an apartment building and have their names on title in a TIC relationship with each friend owning a share that is proportional to the amount of down payment they contributed. For estate planning purposes, your interest or shares may be divided or gifted however you deem fit. Another benefit to some individuals is that your spouse does not automatically gain your shares in the event of your death. Rather, your heirs receive the ownership interest. On the flipside, partners transfer or sell their interest without the permission of the

remaining owners.

If owning a property equally with another person, such as your spouse, interests you then taking title as "joint tenants" is the way go. In the event of your death, the other joint tenant receives your interest in the property. However, it is good to know that all of the joint tenants have to agree if they want to sell or refinance the property.

Placing a property in an entity is a common way to structure ownership in most commercial real estate. As mentioned earlier, some individuals choose to place title in a trust. A trust is a type of entity that allows a specific person known as a trustee to gain interest in the property. If done correctly a trust can mitigate estate taxes saving your heirs a lot of time and money upon your death or another triggering event.

Other entities that exist are LLCs, corporations, limited partnerships and general partnerships. LLCs need particular mentioning due to their popularity. LLC stands for "limited liability corporation." Designed to protect the owners of a property, an LLC is structured so that there are managing members who control the actions of the LLC. Members, who invest money into the LLC, are only limited to losing the amount of money they invest. LLCs can be set up in thousands of different ways but ultimately are used to protect the owners against liability. LLCs also allow certain pass through tax benefits that other entities may not allow. In today's real estate market, many investors will form one LLC for each property. This ensures that should an LLC go through litigation and lose its interest in a property, the investors will only lose that specific property and not an entire portfolio.

Holding title in the correct form can help you plan for your estate, protect your heirs from taxes, and protect you from liability. Several different ways exist to hold title and you should explore which best fits your unique situation.

(Mike Heayn is a Washington Mutual multi-family loan consultant. He can be reached at (310) 428-1342, or e-mailed at michael.heayn@wamu.net. Visit his Web site at www.re101.net.)

Days on the market

DAYS, from page 10

decide to hire a management company to tend to your property empire. On average, fees run 5 to 10 percent of rental income. Experienced landlords say it's not worth it to be frugal with management companies. Good property managers often work harder to fill vacancies and to maximize rent when they make more money.

Butler's property management style involves an annual Christmas party for his independent contractor suppliers, such as electrician, plumber, maintenance people, handy-

men, roofer, tree trimmer and other vendors. His annual holiday party, which features dinner and an open bar, costs less than \$1,000, but when his properties need fast service his vendors usually put him at the top of the list.

For information on Southern California investment properties there is a great Web site at www.SoCalInvestmentRealEstate.com.

(Jodi Summers is director of the investment division at Boardwalk Realty. For your real estate needs, e-mail Jodi Summers at jodis@boardwalkrealty.com, or call (310) 309-4219, or visit her Web site at www.santamonicalandmarks.com.)

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Bush invokes memory of Sept. 11 victims to argue for continued war in Iraq

BY NEDRA PICKLER

Associated Press Writer

WASHINGTON — The White House quarreled with Democrats Tuesday over whether President Bush was trying to win political points by using a Sept. 11 anniversary speech to defend the war in Iraq and his war on terror.

Bush spokesman Tony Snow said although there were "three or four sentences" in the president's 17-minute address Monday night that could be considered controversial, Bush took pains not to be partisan. He said Bush had to discuss the dominant issue of Iraq, but he wasn't "picking fights" or making any demands of Congress.

"This was not a speech that was designed to single out anybody for partisan reasons, but gave the president's honest reflections and reactions to what has happened since September 11, 2001," Snow said. "The president decided that yesterday wasn't a day for partisanship."

Democrats, in a campaign to win control of Congress from the president's Republican Party, charged that Bush was using a national day of mourning for partisan gain. Senate Democratic Leader Harry Reid of Nevada said Tuesday that Bush was "more consumed by staying the course in Iraq and playing election-year politics."

"The American people deserved better last night," Reid said in a statement. "They deserved a chance to reclaim that sense of unity, purpose and patriotism that swept through our country five years ago."

In the speech broadcast in prime time on the fifth anniversary of the terror attacks, the president described a brutal enemy still determined to kill Americans, perhaps with weapons of mass destruction if they get the chance.

"If we do not defeat these enemies now, we will leave our children to face a Middle East overrun by terrorist states and radical dictators armed with nuclear weapons," Bush said. "We are in a war that will set the course for this new century and determine the destiny of millions across the world."

Bush began with a two-minute tribute to the nearly 3,000 victims of the Sept. 11 attacks, but most of his 17-minute speech was devoted to justifying his foreign policy since that day. With his party's control of Congress at stake in elections less than two months away, Bush suggested that political opponents who are calling for withdrawal of U.S. troops from Iraq would be giving victory to the terrorists.

"Whatever mistakes have been made in Iraq, the worst mistake would be to think that if we pulled out, the terrorists would leave us alone," Bush said from the Oval Office, with a photo of his twin daughters and the American flag behind him. "They will not leave us alone. They will follow us. The safety of America depends on the outcome of the battle in the streets of Baghdad."

While Democrats have been using public opposition to the Iraq war to argue for a

change of leadership in Congress, Bush's prime-time address showed how he has been able to use the power of incumbency to command public attention and make his points. Democrats objected to the tone.

"The president should be ashamed of using a national day of mourning to commandeer the airwaves to give a speech that was designed not to unite the country and commemorate the fallen but to seek support for a war in Iraq that he has admitted had nothing to do with 9/11," Sen. Edward M. Kennedy, D-Mass., said in a statement. "There will be time to debate this president's policies in Iraq. September 11th is not that time."

On Monday, dozens of lawmakers from both parties put aside the campaigning and joined on the steps of the Capitol to remember the attacks. Together they sang "God Bless America" as they had five years ago.

"Partisanship would have been the one casualty the American people would have accepted following 9/11, but it remains the one thing the president refuses to give up," Illinois Rep. Rahm Emanuel, chairman of the Democratic effort to win control of the House, said after the president's speech.

Snow noted that Emanuel, Kennedy and other Democrats attacked the speech shortly after the president was finished speaking, suggesting they were the ones who injected politics. "It appears that there had been a desire immediately after the speech to go ahead and make partisan points," he said.

Bush said Iraq is part of the United States' post-Sept. 11 approach to threats abroad. Going on offense against enemies before they could harm Americans meant removing the Taliban from power in Afghanistan, pursuing members of al-Qaida and seeking regime change in Iraq, Bush said. At least 2,670 U.S. servicemen and women have died in Iraq.

"I am often asked why we are in Iraq when Saddam Hussein was not responsible for the 9/11 attacks," Bush said. "The answer is that the regime of Saddam Hussein was a clear threat."

"America did not ask for this war, and every American wishes it were over. So do I," Bush said. "But the war is not over, and it will not be over until either we or the extremists emerge victorious."

Although his administration has been criticized for trying to link Osama bin Laden to Baghdad, Bush made further comparisons between the al-Qaida leader and Iraq. The president quoted bin Laden as saying the battle in Iraq is the "Third World War" that could bring America's "defeat and disgrace forever."

"If we yield Iraq to men like bin Laden," Bush said, "our enemies will be emboldened, they will gain a new safe haven, and they will use Iraq's resources to fuel their extremist movement. We will not allow this to happen."

Bush delivered a message to bin Laden and other terrorists who are still on the run. "No matter how long it takes, America will find you, and we will bring you to justice," Bush said.

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Hussein's trial on genocide charges against Kurds resumes

BY QAIS AL-BASHIR

Associated Press Writer

BAGHDAD, Iraq — A Kurdish villager testified Tuesday he left behind his mother and two sisters as he fled a 1988 attack by Saddam Hussein's forces. Years later, his relatives' identity cards were found in a mass grave, he said.

"Congratulations! You are in a cage, Saddam," witness Ghafour Hassan Abdullah said as he stared at the ousted president.

Saddam listened silently but lost his temper when a lawyer described Iraqi Kurdish rebels as freedom fighters. "You are agents of Iran and Zionism! We will crush your heads!" he shouted.

Saddam and six others are on trial for their roles in the 1987-88 campaign known as Operation Anfal, launched after a Kurdish revolt in northern Iraq during the final stages of the 1980-88 war with Iran. If convicted, the defendants could face death by hanging.

The trial was adjourned until Wednesday after the court heard four witnesses who implicated Saddam and his forces in gassing the Kurds and conducting mass arrests and killings of civilians.

Abdullah, 29, told the court that Iraqi planes gave cover to advancing ground troops, who shelled his village and other Kurdish communities in February 1988.

"At night, I heard the screaming of women and children," he said. He said he fled to neighboring Iran, but that his mother and two sisters went missing. Years later, their ID cards were found in a mass grave near Hatra, he said.

Before the judge cut off his microphone, Saddam has insisted that the crackdown was directed against Kurdish guerrillas who were allied with Iran, said that "in any coun-

try in the world where there is rebellion, the authorities ask the army to defeat it."

The prosecution demanded that Saddam's statement be considered a confession, a request noted by the presiding judge.

During the session, Saddam also demanded "neutral" experts who were not Americans examine the identities of the witnesses and the bodies of people allegedly found in mass graves.

Tuesday's session is the fifth since Saddam's trial on genocide charges opened on Aug. 21.

Abdullah demanded compensation for the loss of his family and asked rhetorically why the Kurds, a non-Arab minority, were suppressed under Saddam's regime.

"Why? Because we are Kurds. Why did all disasters befall on us? Because we are Kurds," he said.

Another witness, Kurdish farmer Mahmoud Hama Aziz, said he lost a brother in fighting with Iraqi forces in 1987, months before their village was razed. Iraqi forces "stole everything in the village, then burned it down," he said.

Aziz said he fled with two friends to the Iranian border, leaving behind a sister-in-law and her five children who later disappeared. In 2004, he identified bodies of four of them found in a mass grave in northern Iraq.

A third witness, Omar Khudhir Mohammed Amin, 53, said he lost 19 members of his family in the offensive.

On Monday, Saddam accused Kurdish witnesses of trying to create ethnic divisions by alleging chemical attacks and mass arrests in their villages during the Anfal crackdown, which the prosecution says claimed up to 180,000 lives.

Saddam is awaiting an October verdict in the first case against him. He and seven co-defendants also could face the death penalty in that case.

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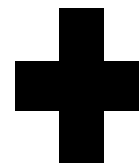


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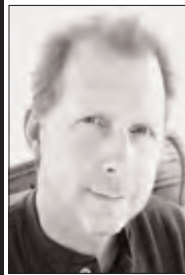
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Crossover (PG-13)
11:40am, 2:00, 4:20, 7:00, 9:45

The Devil Wears Prada (PG-13)
11:30am, 2:30, 5:15, 7:45, 10:30

Hollywoodland (R)
11:20am, 2:10, 5:00, 7:50, 10:45

Idlewild (R)
5:20, 10:15

Scoop (PG-13)
11:50am, 2:45, 8:00

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Accepted (PG-13)
11:30am, 1:50, 4:20, 7:10, 9:30

Barnyard: The Original Party Animals (PG)
11:55am, 2:40, 5:20

The Covenant (PG-13)
11:40am, 2:00, 4:30, 7:00, 9:20, 11:30

Invincible (PG)
11:50am, 2:50, 5:30, 8:00, 10:40

The Protector (R)
11:35am, 1:40, 3:45, 5:50, 8:05, 10:30

Snakes on a Plane (R)
7:30, 10:10

Step Up (PG-13)
11:45am, 2:30, 5:00, 7:50, 10:20

Talladega Nights: The Ballad of Ricky Bobby (PG-13)
11:20am, 2:10, 4:45, 7:25, 10:00

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Factotum (R)
11:15am, 2:00, 4:45, 7:30, 10:00

The Illusionist (PG-13)
11:00am, 1:40, 4:30, 7:15, 9:50

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11:30am, 2:05, 4:40, 7:20, 9:55

Little Miss Sunshine (R)
12:00, 2:30, 5:05, 7:40, 10:10

Quinceanera (R)
1:00, 3:15, 5:30, 7:50, 10:10

Sherrybaby (NR)
1:45, 4:15, 7:00, 9:30

Short Film (NR)
12:10, 12:40

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Beerfest (R)
7:00, 9:40

Crank (R)
12:40, 3:00, 5:10, 7:20, 9:50

How to Eat Fried Worms (PG)
12:20, 2:40, 4:50

Idiocracy (R)
12:10, 2:20, 4:40, 7:10, 9:20

Pirates of the Caribbean: Dead Man's Chest (PG-13)
11:50am, 3:20, 6:40, 10:00

The Wicker Man (PG-13)
12:00, 2:30, 5:00, 7:30, 10:10

World Trade Center (PG-13)
12:30, 3:30, 6:30, 9:30

More information email news@smdp.com

Playing games

Cruise, Holmes visit football arena

Game — what game?

TOM CRUISE and **KATIE HOLMES** threatened to upstage the action on the field on Monday when they watched the Washington Redskins season opener as VIP guests of Cruise's new business partner, Redskins owner Dan Snyder.

On the ESPN premiere of Monday Night Football, the couple were seen sitting in the owner's box, both decked out in shades. They watched the Redskins lose to the Minnesota Vikings 19-16.

The couple were joined by Cruise's daughter Isabella, 13, and son Connor, 11. The family — yes, even Vanity Fair cover-baby Suri — is staying at the Potomac, Md., home of Snyder, the Washington Post reported Tuesday.

Days after Cruise was publicly dumped by Paramount Pictures last month, the actor's production company signed a deal to finance movies through Snyder and others in the investment firm First and Goal LLC.

On Sunday, Cruise and Snyder went to the Snyder-owned Six Flags amusement park in Washington, the Post reported.

ASSOCIATED PRESS

Beatles stamp collection honors band

The Royal Mail is saluting the **BEATLES** in January by releasing six commemorative stamps illustrated with memorable album covers.

The set includes ran image of "With the Beatles," released in 1963, which was the group's second album. In the United States, it was the first Beatles album to be released and was titled "Meet the Beatles."

Others in the series include

AP

Croc hunter gets a private send off

The family and friends of "Crocodile Hunter" **STEVE IRWIN** said farewell to him with an intimate gathering and stories around a campfire. A legion of his fans will get their chance next week at a public memorial expected to be held in a 52,000-seat stadium.

The television star's family and a close friend confirmed on Monday that they held a small funeral service on Saturday on the grounds of Australia Zoo, the wildlife park he turned into a major tourist attraction, and revealed some details of the upcoming public event.

On Monday — one week after his death by a stingray while filming a documentary on the Great Barrier Reef — Australia Zoo's general manager, Wes Mannion, one of Irwin's closest friends, said a private memorial service was held Saturday at the zoo, attended by Irwin's family, relatives of his American wife, Terri, and some of his closest friends.

Bob Irwin, Steve's father, said most of the private service was spent talking about Irwin around a fire.

"Because Steve loved the bush so much and yarning around the campfire, the service was held just like he would have wanted, with everyone telling their favorite stories about him around a candlelit fire," said Bob Irwin.

The public memorial service is expected to be held next Tuesday or Wednesday, probably at the 52,000-seat Suncorp Stadium in the state capital, Brisbane, about an hour's drive from Australia Zoo.

AP

Madonna's concert stirs anger, protests

For even a performer who courts controversy, **MADONNA'S** upcoming concert in Moscow has drawn considerable uproar.

In advance of the Tuesday concert at Luzhniki Stadium, the pop star has haggled with the city over a venue choice and altered her original plan to perform on Sept. 11 after critics said it would be disrespectful to the victims of the terror attacks five years ago.

The show's finale, a segment where Madonna sings while suspended from a cross, is at the heart of religious' groups objections to the show. The practice was protested at earlier stops of the "Confessions" tour in Italy, Germany and the Netherlands — where last week a priest was arrested for phoning in a fake bomb threat.

"This lady has been glorifying human passions with the help of religious symbols for years — crosses, statues and beads. Now she thinks it is time for her to crucify herself in public. It means the singer is in need of spiritual help," Father Vsevolod Chaplin, a spokesman for the Russian Orthodox Church, was quoted as saying by the Pravda news Web site.

Several small protests against the upcoming concert have taken place in the past few weeks, mostly by devout Russian Orthodox believers.

But for tens of thousands of Muscovites, her show is one of the most exciting events of the year's cultural calendar, a sold-out blowout to end the summer. TV cameras staked out Moscow's airports for Madonna's arrival Monday afternoon.

AP

NOVEL ANTICIPATION

The latest work by million-selling novelist **MICHAEL CRICHTON** is a futuristic thriller set in the present. "Next," to be released Nov. 28 by HarperCollins, has an announced first printing of 2 million and a storyline the publisher bills as "fast, furious and out of control."

"Do you want to design your own pet? Change the stripes on the fish in your aquarium? Or sell your eggs and sperm online for thousands of dollars? Did you know one fifth of all your genes are owned by someone else?" reads a press release issued Tuesday by HarperCollins.

"This is not just the world of the future — it's the world right now! Most of the events in this book have already happened. And the rest are just around the corner. Get used to it."

Crichton's best sellers include "Prey," "The Andromeda Strain" and "Timeline." His fans include President Bush, whose admiration of "State of Fear," a novel that doubts the impact of global warming, led to a White House meeting with the author in 2005.

AP



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- 9 Insurance worker
- 11 Annoyed state
- 12 Fresh air
- 13 Change
- 14 Take the title
- 15 Chisholm Trail end
- 17 Ten-sided figure
- 19 Lush
- 20 Kick back
- 21 Lb. and oz.
- 22 Big name in auto racing
- 24 Energy
- 26 Some doors
- 29 Oxford bigwig
- 30 Some computers
- 32 "I should be going"
- 34 Chum
- 35 Ryan's daughter
- 36 Mislead
- 38 Mino-taur's home
- 39 "— alive!"
- 40 Publicity
- 41 "Candy is dandy" poet

DOWN

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- 2 Less motivated
- 3 Without delay
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- 10 Carter's successor
- 11 Aspirin's target
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- 23 Kicks out
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- 27 Kansas city
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- 29 Gully
- 30 Implausible
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* As of August 14, 2006
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Notices

NOTICE OF PETITION TO ADMINISTER ESTATE OF JUDITH ANNE PHILLIPS

Case No. BP100311
To all heirs, beneficiaries, creditors, contingent creditors, and persons who may otherwise be interested in the will or estate, or both, of JUDITH ANNE PHILLIPS

A PETITION FOR PROBATE has been filed by Fred C. Sliney in the Superior Court of California, County of LOS ANGELES.

THE PETITION FOR PRO-BATE requests that Fred C. Sliney be appointed as personal representative to administer the estate of the decedent.

THE PETITION requests the decedent's will and codicils, if any, be admitted to probate. The will and any codicils are available for examination in the file kept by the court.

THE PETITION requests authority to administer the estate under the Independent Administration of Estates Act. (This authority will allow the personal representative to take many actions without obtaining court approval. Before taking certain very important actions, however, the personal representative will be required to give notice to interested persons unless they have waived notice or consented to the proposed action.) The independent administration authority will be granted unless an interested person files an objection to the petition and shows good cause why the court should not grant the authority.

A HEARING on the petition will be held on Oct. 4, 2006 at 8:30 AM in Dept. No. 9 located at 111 N. Hill St., Los Angeles, CA 90012.

IF YOU OBJECT to the granting of the petition, you should appear at the hearing and state your objections or file written objections with the court before the hearing. Your appearance may be in person or by your attorney.

IF YOU ARE A CREDITOR or a contingent creditor of the deceased, you must file your claim with the court and mail a copy to the personal representative appointed by the court within four months from the date of first issuance of letters as provided in Probate Code section 9100. The time for filing claims will not expire before four months from the hearing date noticed above.

YOU MAY EXAMINE the file kept by the court. If you are a person interested in the estate, you may file with the court a Request for Special Notice (form DE-154) of the filing of an inventory and appraisal of estate assets or of any petition or account as provided in Probate Code section 1250. A Request for Special Notice form is available from the court clerk.

Attorney for petitioner:
MARC A BRONSTEIN ESQ

Notices

SBN 75933
MARC A BRONSTEIN
A PROFESSIONAL LAW CORP-RATION
3205 OCEAN PARK BLVD STE 200
SANTA MONICA CA 90405
Santa Monica Daily Press
CN760696 PHILLIPS Sep 6,7,13, 2006

NOTICE OF PETITION TO ADMINISTER ESTATE OF CASSIUS C. BLAKELY, JR.

Case No. BP100415

To all heirs, beneficiaries, creditors, contingent creditors, and persons who may otherwise be interested in the will or estate, or both, of CASSIUS C. BLAKELY, JR.

A PETITION FOR PROBATE has been filed by Ruth Jeanne Blakely in the Superior Court of California, County of LOS ANGELES.

THE PETITION FOR PROBATE requests that Ruth Jeanne Blakely be appointed as personal representative to administer the estate of the decedent.

THE PETITION requests the decedent's will and codicils, if any, be admitted to probate. The will and any codicils are available for examination in the file kept by the court.

THE PETITION requests authority to administer the estate under the Independent Administration of Estates Act. (This authority will allow the personal representative to take many actions without obtaining court approval. Before taking certain very important actions, however, the personal representative will be required to give notice to interested persons unless they have waived notice or consented to the proposed action.) The independent administration authority will be granted unless an interested person files an objection to the petition and shows good cause why the court should not grant the authority.

A HEARING on the petition will be held on Oct. 16, 2006 at 8:30 AM in Dept. No. 9 located at 111 N. Hill St., Los Angeles, CA 90012.

IF YOU OBJECT to the granting of the petition, you should appear at the hearing and state your objections or file written objections with the court before the hearing. Your appearance may be in person or by your attorney.

IF YOU ARE A CREDITOR or a contingent creditor of the deceased, you must file your claim with the court and mail a copy to the personal representative appointed by the court within four months from the date of first issuance of letters as provided in Probate Code section 9100. The time for filing claims will not expire before four months from the hearing date noticed above.

YOU MAY EXAMINE the file kept by the court. If you are a person interested in the estate, you may file with the court a Request for Special Notice (form DE-154) of the filing of an inventory and appraisal of estate assets or of any petition or account as provided in Probate Code section 1250. A Request for Special Notice form is available from the court clerk.

Attorney for petitioner:
STANLEY P GRAHAM ESQ

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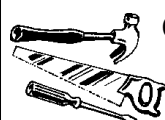
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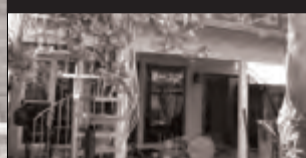
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