FREE

TUESDAY, SEPTEMBER 17, 2002

Volume 1, Issue 266

Santa Monica Daily Press

A newspaper with issues

Back on the beach



Carolyn Sackariason/Daily Press

LA Lakers' Rick Fox (left) and surfing champion Megan Abubo (right) host clinics in their respective sports this past weekend at Back on the Beach restaurant as part of a promotion that will send participants, who put their new skills to the test, to 'CuervoNation,' a tiny island in the Caribbean.

Lawyers take aim at Santa Monica City Hall

BY CAROLYN SACKARIASON
Daily Press Staff Writer

Imagine a target painted on Santa Monica's City Hall and an invitation to all the town's attorneys to a party there. That might still not explain the number of lawsuits filed against it.

Known for its deep pockets and its controversial, and often times highly public battles, Santa Monica is a target for hundreds of lawsuits each year. To combat them, there is an arsenal of attorneys who sit on the top floor of City Hall ready to battle them all.

Santa Monica has not only an unusually large flock of attorneys, but also an extraordinarily high number of claims against it.

"This is a city that has people waiting in the wings to sue us."

— KEN GENSER
Santa Monica City Councilman

The Santa Monica city attorney's office has an annual budget of $5 million. Most of it pays for its 23 lawyers and 19 support staffers. There also is an entire department dedicated to investigating the 600 claims that are filed against the city each year. About 140 end up as lawsuits, said City Attorney Marsha Moutrie. And on any given year, the city pays out about $1.5 million in settlements.

But that's not to say the city doesn't have a good track record in court. Santa Monica is known for not backing down and it won't settle a lawsuit just because of its nuisance value. However, its sometimes rigorous defense policies translate into high attorney fees that ultimately come out of taxpayers' pockets.

Some say Santa Monica's $375 million budget and strong financial condition are the main reasons why it's such a target for lawyers. Others argue that because it's a tourist destination where the population swells from 84,000 to 350,000 during the day, Santa Monica provides so many different services that statistically the chances are greater for litigation against it.

Throw in the fact that Santa Monica sits in one of the most litigious counties in the country and it becomes a hotbed for lawyers salivating to collect fees from relatively minor slip and fall cases and auto accidents, officials say.

Many of the claims are groundless but lawyers file suit anyway in an attempt to collect attorney fees. But what they find is that it's not that easy to win a suit in Santa Monica.

"We are presumed to be a deeper pocket than the insurer," Moutrie said. "A lot of litigators will sign clients on with the intent on settling but we defend the city rigorously so we don't appear as a target."

She added that the lawyers she oversees are experienced and are trained to

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SM covers its backside

BY CAROLYN SACKARIASON
Daily Press Staff Writer

Dozens of people provide a swarming defense for the City of Santa Monica each time it gets sued.

They are there for two reasons: To protect the city, and provide a deterrent against those thinking of knocking over City Hall.

The city has a host of weapons to protect the public's money from being squandered on frivolous claims, officials say.

Santa Monica is ready to take on legal battles big and small. It has its own attorneys, its own insurance and an entire department assigned to reducing the city's liability.

"We have enough to justify in house," said Tom Phillips, who heads up the city's risk management department. "We can do better and at a lower cost with better results."

Unique to many cities of its size, Santa Monica has its own criminal prosecutors and attorneys. It's fairly common for cities to contract with law firms and have only one city attorney. Santa Monica has 23 lawyers and a risk management department, which acts like an insurance company that investigates and adjusts claims.

The benefit of having experienced attorneys on staff instead of hiring outside counsel is twofold. They will give city officials more objective advice, and

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Sea creatures not an omen of expected El Nino, experts say

BY ANDREW BRIDGES
AP Science Writer

LOS ANGELES — All summer, a parade of warm-water sea creatures has appeared off the coast of Southern California in what some have called a harbinger of an El Nino to come.

From tiny red crabs to 800-pound mako sharks, giant squid to yellowtail tuna, the creatures are normally found only in warmer waters far from California.

In places like La Jolla, thousands of dead and dying crabs carpeted beaches one month, only to be replaced by giant squid the next.

Mike Bernardino said 1,000 or so of the squid washed ashore last week while he was body boarding off the coast of the neighborhood north of San Diego.

"It was just a little burst of them that popped up," said Bernardino, 23. "It's pretty weird. It makes you think something must be going on."

In summers past, that something typically has been El Nino, when unusually warm water piles up in the tropical Pacific Ocean. The large-scale shift is accompanied by changes in both Pacific marine life and, on shore, the weather across the Americas.

While warmer-than-usual water probably accounts for the various species cropping up this time around, it is probably a local phenomenon, experts said.

"There are certainly some weather trends that would make us think El Nino, but it's not necessarily El Nino," said Bob Burhans, curator of the Birch Aquarium at Scripps Institution of Oceanography in La Jolla. "We can get them without an El Nino."

In the absence of evidence of a clear El Nino — or its cold-water counterpart, La Nina — forecasters said it becomes more difficult to determine what the rainy season will bring for states like California.

"Since it is not strong, trying to draw a conclusion about winter weather, there is a lot more uncertainty about that," said Pierre Stephens, lead water supply forecaster in the state Department of Water Resources.

Forecasters believe Southern California, which recently limped through its driest year on record, will see an increased chance of above-average precipitation this coming season.

For the rest of the state, the picture is

See EL NINO, page 6

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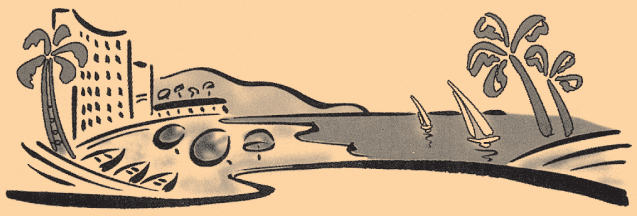
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HOROSCOPE

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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)
★★★★★ Follow the crowds. Attend meetings. Be available to friends. You might hear more than you want from a partner, but look at this information as knowledge. You will deal with someone else in a more sensitive manner as a result. Tonight: E-mail someone at a distance or make a call.

TAURUS (April 20-May 20)
★★★ Take a stab at doing something different at work. A boss appreciates your innovative streak. Extremes pull you in other directions. Worry less, and remain confident that you have the necessary energy. A partner might need you to readjust your plans. Tonight: Catch up with an older relative.

GEMINI (May 21-June 20)
★★★★★ Take an overview. A lot could be dropped on your plate. Your imagination takes you in a new direction if you just let it happen. Make a decision involving a partner or a child. If single, accept an invitation that could lead to meeting new people. Tonight: Seek out important information.

CANCER (June 21-July 22)
★★★★★ Work with individuals. Look at each person independently. You'll get a better idea of what is going on at work and within a project, where others need to work as a team. Make time for a leisurely meal and discussion. Tonight: Give a loved one a back rub.

LEO (July 23-Aug. 22)
★★★★★ Defer to those around you. Others ask for more than usual. Speak your mind clearly when you have had enough. Discussions prove to be animated and informative. What starts out as serious could end up as a real romp if you let it. Know what you're doing before you plunge in. Tonight: Go along with plans.

VIRGO (Aug. 23-Sept. 22)
★★★ Proceed on a nice and easy level when dealing with associates. Your instincts help you zero in on what you feel is significant. Consider doing something healing for others, if not yourself. A change of pace fits the bill. Tonight: Put your feet up.

LIBRA (Sept. 23-Oct. 22)
★★★★★ You speak your mind in a manner that others can hear. You can make a difference. Mobilize your imagination in a conversation in which you want to leave your mark. Don't do anything halfway right now. Tonight: Enjoy a special friend.

SCORPIO (Oct. 23-Nov. 21)
★★★ Follow your instincts with someone you consider close to your heart. Sometimes you push way too hard to have things tumble your way. Others might react just to oppose you, not because they thought through their responses. Tonight: Happy at home.

SAGITTARIUS (Nov. 22-Dec. 21)
★★★★★ Express yourself in a more exact manner. Others listen and ask questions. You might be particularly good in a group setting or teleconferencing. You're able to incorporate many different points of view. You reverse direction. Tonight: At one of your favorite places.

CAPRICORN (Dec. 22-Jan. 19)
★★★★ Information finally heads your way. You might have to sort through a substantial amount of paperwork. Sift out the important details. Reach out for a boss or higher-up who might have even more facts and needed details. Tonight: Treat someone to a meal.

AQUARIUS (Jan. 20-Feb. 18)
★★★★★ Verbalize your thoughts, but be careful to express sometimes-oblique ideas as simply as possible. Keep communication as your goal. Don't show off or let another think you're trying to outdo him or her. Explain as much as you can. Tonight: You draw many to you.

PISCES (Feb. 19-March 20)
★★ Do a lot of observing and listening right now. You could be overwhelmed by everything that goes on. An individual might not be able to push you into his or her way of thinking. Let this person know that you're carefully evaluating his or her suggestions. Tonight: Do something you utterly enjoy.

QUOTE of the DAY

"Divorce is the sacrament of adultry."
— French Proverb

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LOCAL

Going nuts



Carolyn Sackariason/Daily Press

A squirrel hangs from a screen door at a local resident's home looking for a few nuts to munch on.

Alleged vandals arrested

By Daily Press staff

Santa Monica police have arrested four people who allegedly vandalized planters on the Promenade last week, causing $6,000 in damage.

On Thursday at 11:35 p.m., police responded to the 1300 block of the Third Street Promenade after they received a call that city property had been vandalized.

When officers arrived they saw eight concrete planters and the plants had been broken. Officers spoke to several witnesses to the crime and photographed the damage.

On Friday, a follow-up investigation revealed the identities of the alleged vandals. Police arrested them the same day. All the suspects were booked for felony vandalism. The suspects have been identified as:

- Marc Thomas Murphy, 18, transient. Bail set at $20,000.
- John Michael Adams, 19, resides in Escondido. Bail set at $20,000.
- Jennifer Francis Millar, 26, transient. No bail due to felony probation violation.
- Sidney John Clements, 18, transient. Bail set at $20,000.

surf report

Information compiled by Jesse Haley

Last week's huge swell is gone. Nothing new is expected until the middle of the week. Today's surf will be slightly smaller in size and more limited in consistency than previous days.

Surfers should see mainly knee-high surf on a fading swell.

There is a minor, south-southwest swell building, but not enough to make much of a difference.

Today's Tides:

High-	6:32 a.m.	3.51'
Low-	10:32 a.m.	3.02'
High-	4:44 p.m.	5.07'

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

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The Q Line

A recent demonstration on the beach by housekeepers who work at a half dozen different hotels begs the question of whether or not they are entitled to more money because their employers are feeling the pinch of the economy's downturn.

The housekeepers want a higher wage, more breaks, a longer lunch, less hotel rooms to clean and family health insurance, among other things.

They say many of their co-workers were let go last year and now the ones that have been spared their jobs are being asked to work harder for the same amount of money.

So this week, Q-Line wants to know: **"Is it the hotel ownership's responsibility to give their workers more money or is more work for the same amount of money just part of keeping your job given the current economic climate?"**

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

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OPINION

LETTERS

It just makes sense

Editor:

In his lengthy letter, Francis Khoury clouds the issues and misses the point about the living wage, both as a movement and as a choice facing voters as Measure JJ on the November ballot.

The living wage is one of the most important social justice issues of our time. It is supported by a broad cross section of the community including activists, educators, clergy and business people, in addition to the workers themselves. The living wage is designed to lift workers out of poverty. It is not, as Mr. Khoury implies, a battle of unions versus hotel managers.

Eighty jurisdictions around the United States have passed living wage laws, and studies by economists verify that these laws achieve their desired effect — reducing poverty. A comprehensive study of Santa Monica's living wage law found that it will enable hard working men and women to pull themselves and their families out of poverty. The living wage makes sense for Santa Monica.

That's what Measure JJ is all about.

Sonya Sultan
Santa Monica

Electric vehicles ARE the way to go

Editor:

The article "Confusion, conflict stall spread of alternative cars" (Sept. 16, 2002) states that cost, limited range and charging time have hampered the popularity of electric vehicles. That is not the case.

After tax incentives, current electric vehicles lease for approximately $320 a month, and sell for approximately $28,000. That is in line with the cost of many gasoline vehicles. Moreover, electricity is half the cost of gasoline on a per-mile basis. There are no oil changes, smog checks or tune-ups to pay for. The reliability of electric motors, solid state electronics and batteries goes without saying; when is the last time your refrigerator or television broke? Batteries last five years and 100,000 miles before replacement.

As for range, the 100 plus miles per charge is enough to carry the typical driver for two to three days, and charging is conveniently performed while sleeping; each day starts with a full tank. Plus, a single driver can use the carpool lane, and parking is free at meters in Los Angeles and Santa Monica.

Popularity has been limited only by the scant number of available electric vehicles. Every EV is gobbled up as soon as it becomes available. There is a waiting list for the latest — Toyota's RAV4-EV — so plan on waiting a few months.

The negative spin you read in the press comes from the auto industry and its lobbying groups. Why are the auto companies anti-EV? It's a vehicle that needs little or no maintenance. It makes the manufacturers' engine-production machinery obsolete. Remember the auto industry's position on seat belts? Catalytic converters? Air bags? Talk to an EV driver. See what they tell you.

Gasoline also requires tax subsidies ... to defend oil fields among other breaks to the oil industry. Studies have shown that the true cost of gasoline is $3.50-$5 per gallon when these costs are factored in.

Moreover, gasoline requires notoriously emissive tankers to ship the oil to the U.S., refineries that pollute the air while gobbling up huge amounts of electricity themselves, and diesel trucks to take the gasoline to the filling stations (which leak toxins to the air when you fill up, and to the water supply via leaking storage tanks). All these are eliminated by EV's.

Tests by reputable agencies have shown that EV's are 95 percent cleaner than the cleanest available gasoline car, even when power plant emissions are taken into account for the EV (but not for the refineries and filling stations).

I have been driving electric for five years. Number of times stranded: 0. Number of repairs needed: 1 (the air conditioner). Top speed: In excess of 70 mph. Acceleration: 0-60 in 7.5-11 seconds, depending on the vehicle.

Like I said ... talk to the drivers. Then think about what you and your kids are breathing.

Bob Seldon
Santa Monica

'Sloganeering' reigns in living wage campaign

Guest Commentary
By Tom Larmore

(Editor's note: This is one of a series of weekly columns editorializing on the hotly contested living wage ordinance. The city council passed an ordinance last July requiring businesses located in the coastal zone that generate more than $5 million in annual revenue to pay their employees up to $12.25 an hour. Those businesses and their supporters have asked for the ordinance to be rescinded, which is before voters this November.

The Daily Press has asked organizers of Santa Monicans Allied for Responsible Tourism, which supports the living wage, to provide a counter-point opinion to balance out the debate. Those opinions will be printed each Friday until election day.)

Supporters of Proposition JJ — the city's minimum wage ordinance — have recently attempted to defend their position by referring to a study commissioned by the city two years ago and prepared by Robert Pollin of the University of Massachusetts, Amherst. The Pollin study, these folks contend, concludes that JJ will benefit local workers and can be implemented without harm to local businesses or the city. They also have said David Freeman of Harvard, one of the two "peer reviewers" of the Pollin report, supports these views.

Not surprisingly, there are several critical points which JJ advocates fail to mention about the Pollin study that make it irrelevant in this debate, even if you accept its conclusions as gospel instead of the politically-inspired fiction that it is. Most interesting is what the Pollin report says, and doesn't say, about elements constituting the major flaws in JJ: Its coverage of tipped employees; its impact on the city budget; and its negative effect on our youth.

Tipped employees: One of the major problems with JJ, as I have pointed out in prior articles, is that it mandates a $12.25 minimum wage for tipped employees irrespective of their actual income. Businesses, such as restaurants and hotels, having employees who receive the bulk of their income from tips, typically pay them minimum wage (currently $6.75) or somewhat above that level, but less than $10.50. (In fact, tipped employees constitute the only class of workers being paid less than JJ requires by the purportedly evil luxury hotels.) By requiring an increase of over 80 percent, JJ's economic effect on restaurants is devastating.

Perhaps recognizing this problem, the Pollin report assumed that workers receiving at least one-half of their income from tips would be excluded. This means that only those minimum wage employees making less than $13.50 per hour, including tips, would be covered by the law. As the report says, "(We) interpret the intention of the City Council as seeking to increase the take-home pay, not the wages per se, of coastal zone workers." As a result of this assumption, the Pollin report did not analyze the impact on businesses, including all tipped workers. Similarly, professor Freeman concluded that the tipped worker exemption was important to protect restaurants against excessive cost increases.

If an employee receives $6.75 per hour in tips, then the law essentially mandates that his or her income go from $13.50 to $19, soon to increase to almost $20! (And, of course, the effective minimum wage would be even higher as tips increase. It is not unusual for a waiter or waitress to earn $25 per hour or more from tips at a major restaurant, making the minimum wage $37.25!)

Because labor costs constitute about one third of a restaurant's sales, this increase would wipe out profits several times over. This is what leads restaurants, such as Ocean Avenue Seafood and P.F. Changs to seriously consider closing for lunch to keep below the $5 million sales threshold, thereby costing many people their jobs.

City employees: The Pollin study did not consider the effect of forcing the city to divert millions of dollars away from city services because, at the time his study was commissioned, no such provision was anticipated. Pollin was asked to consider the impact of the law on city residents and would certainly have looked at this issue had he been asked to do so.

As I pointed out earlier, one of the many differences between JJ and the typical "living wage" law is the inclusion of the city as a covered employer. While this element constitutes another of the major flaws in JJ, it is certainly not supported by the Pollin study.

Impact on youth: It is self-evident that employers who currently provide part-time or seasonal employment to teenagers will be unwilling to do so at wages of $12.25 or $13 per hour. Yet JJ requires covered employers, even non-profit organizations, to pay wages at this level to all of its employees no matter their level of experience and irrespective of whether they are full-time or part-time. (One major retailer has told me that they will be forced to eliminate all part-time positions if JJ is approved. And don't forget that each and every non-profit organization that provides services funded by the city is covered by the law and, unless specifically exempted, will be required to pay all employees working on that contract the new minimum wage.)

Americans have historically relied on experience and common sense to solve problems, appreciating methods that actually work rather than yielding to emotion, ideology or political, religious or scientific dogma. Adoption of JJ would, like Prohibition, be a major departure from that tradition — an effort to force into law an unworkable and counterproductive system in response to emotional and ideological slogans.

(Tom Larmore is a Santa Monica resident and a property rights attorney.)

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.

STATE

City covered up to $20M

CITY, from page 1

they will give officials reliable predictions on likely outcomes, said City Attorney Marsha Moutrie.

Moutrie points out that the city needs lawyers who will be honest, while outside attorneys generally bill more hours and will often tell city officials what they think they want to hear.

"I think it would be much more expensive to contract out than to have in-house counsel," she said. "It's unusual for a city of this size to have in-house counsel but it's unusual to get sued this much."

The city attorney's office has many divisions including criminal misdemeanor prosecution, civil liability, consumer affairs and municipal law.

Santa Monica has chosen to prosecute all of its misdemeanor cases instead of contracting with the District Attorney's office in an attempt to get faster justice for its citizenry.

About one-third of the city attorney's office is dedicated to law enforcement and criminal prosecutions while another third deals with civil liability cases.

The criminal cases, which usually involve domestic violence, drunk driving and petty theft prosecutions, are resolved much more quickly because they're handled within the city, Moutrie said. As a result, the city can control the quality of life for residents and citizens better, she asserted.

If those cases were sent through the District Attorney's office, many would never see the light of day because of its heavy caseload. If a business owner is the victim of a shoplifter, his or her chances of being reimbursed by the thief are far greater if the case is prosecuted within the city, Moutrie said.

"The DA's office wouldn't touch them," she said. "I can't believe the DA's office would have the resources to prosecute all of them."

The city attorney's office focuses its other resources on two full-time attorneys in the consumer affairs division, which enforces tenant harassment, weight and measure laws and the state's anti-smoking laws in bars and restaurants, among other things.

The city dedicates six attorneys to its civil liability division, which involves litigation seeking monetary damages.

The city's risk management team examines the estimated 600 claims filed each year and either adjusts them or sends them to the city attorney's office for litigation. Phillips said between 35 and 50 claims are filed each month against the city.

"We don't get involved in ordinance challenges or breach of contracts," he said. "The typical claims are trip-and-falls and bus accidents. We'll make a determination of whether to settle the claim or dismiss it. We adjust the claim just like an insurance company would."

The risk management department budgets each year for potential liabilities and damages it guesses will be paid out. Because the city is heavily self-insured, it must be able to financially anticipate and project losses from legal claims, Phillips said.

"You make educated guesses and try to be accurate as we can," he said. "But when you are dealing with claims and litigation there are always uncertainties. You don't know what judges and juries will do."

Risk management's primary job, however, is to minimize potential liability for the city. Phillips said his department's job is to look at areas where the city is open for liability and find trends relating to where the claims originate. If there are a high number of claims stemming from auto and bus accidents involving city vehicles, then it's risk management's job to look at the city policies regarding them. Or, if there are a high number of cases that involve trip-and-fall injuries, risk management investigates how departments manage their public works projects where people may get hurt as a result of construction or unsafe conditions.

"We don't get involved in ordinance challenges or breach of contracts. The typical claims are trip-and-falls and bus accidents."

— TOM PHILLIPS
City's risk manager

"When you are self-insured you determine your own destiny," Phillips said. "We try to minimize the impacts."

Moutrie said the system works not only because risk management scrutinizes each claim, but also points out the city's weaknesses. Such an analysis can ultimately benefit both the taxpayer's pocketbook and safety.

"We are always looking at why we are being sued," she said. "Are there things that we could do to decrease our exposure? If we see an area we try to fix it."

The city attorney's office and risk management will charge other departments for time spent on claims that originate from them so managers are keenly aware of liabilities that have been created as a result of their practices or policies.

The city is part of a risk-sharing program with 10 other California cities to protect itself against potentially huge losses. The system was set up in the mid 1980s when commercial insurance costs skyrocketed. Insurance companies all over the country jacked up their premiums and limited their coverage.

"What happened was municipalities were opened up to liability," Phillips said.

Santa Monica, along with other cities like Anaheim and Palo Alto, pooled their resources together to purchase one large insurance policy. But then in the 1990s, the insurance industry dropped its rates. Risk sharing disappeared for the latter part of the decade. But since the Sept. 11 terrorist attacks, the nature of insurance has changed once again and Santa Monica has gone back to a risk sharing program.

Any claim over $1 million is paid by the Joint Powers Authority fund, which has coverage up to $20 million, Phillips said.

"The benefit is that we stand 11 tall," he said, referring to the number of cities in the joint powers deal. "We strategically finance our risks according to the market."

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Santa Monica Daily Press

LOCAL

Lawsuits keep Santa Monica in the national spotlight

SUITS, from page 1

avoid backing down on threats.

"We actually think that keeps the number of cases down," Moutrie said.

And as the city continues to grow and expand its services like owning and operating its own bus system, airport, pier and beachfront, the city opens itself up to more liability.

"Public works are a perfect example of the more you do, the more you get sued," said Moutrie, who cited a lawsuit filed by homeowners along the Pacific Coast Highway as an example. The homeowners, not happy with months of construction outside their front doors and the traffic problems created by it, sued the city and state in 1999, alleging the city's sewer replacement project violated the state's environmental quality act. The sewer project is now complete and the suit most likely will be dropped. But it's still pending. A judge recently ruled that the city must pay some of the homeowners' attorney fees. But they asked for $48,000 and got $18,000.

City not intent on settling

Out of the hundreds of claims against the city, an average of five suits end up at trial each year. This year, about 10 trials are likely. While the number of actual lawsuits fluctuates between 90 and 140 a year, the number of suits that could potentially cost the city more than $100,000 has increased, Moutrie said.

And the number of claims filed in the past few years has increased by about 100, including how sympathetic the situation will be to a jury because we are constantly mindful of reserving public resources," Moutrie said.

The city last year also paid $425,000 to the family of a man who was shot in the leg during a police shoot-out with Los Angeles gang members at the Santa Monica pier on July 4, 2000. Police were attempting to arrest two felons on the pier near the arcade. The victim, who was not involved in the incident, ran from the arcade in an attempt to get out of harm's way. He fit the description of one of the suspects and police shot him by mistake.

City plays defense in public spotlight

While the smaller suits, which are the most common, don't get much play in public, the more bizarre ones appear to make up for it. Santa Monica routinely finds itself in national battles that wind up in the spotlight largely because the majority of politicians won't back down on policies in which they believe. They also are the cases that usually end up at trial.

Those cases aren't so much about financial gain as they are about fundamental rights — whether they're civil, constitutional, property or land use. And while there may be no payment to plaintiffs, the cases can end up costing the city hundreds of thousands of dollars to defend them.

"Those are more about whether or not you can do it or can't do it," Moutrie said.

Ironically, as a city known for its liberal governance and protecting Constitutional freedoms, Santa Monica is sued frequently by citizens who claim their constitutional and first amendment rights are being squashed by local government regulations. Street performers like Henna artist Luke Chanthadara sue the city often, arguing they have a right to express their first amendment rights despite city council bans on certain performances.

"If we are wrong, we'll pay it. We try to be pragmatic. There is no agenda here not to pay the suits."

— TOM PHILLIPS
City's risk manager

said Tom Phillips, who heads up the city's risk management department.

A majority of the 100 pending suits against the city involve bus and auto accidents. There are only about a dozen lawsuits over $15,000 apiece that the city council actually settles in a year. Anything under that amount can be approved without council consent by the city attorney's office and the risk management department. On any given year, the total pay-out ranges from $1 million to $1.5 million.

"One case in and of itself could skew the numbers," Phillips said, adding there are currently about 470 open claims against the city. "If we are wrong, we'll pay it. We try to be pragmatic. There is no agenda here not to pay the suits.

"If we get 600 claims we don't settle on 300 of them, I can tell you that but it's not that we shy away from responsibilities either," he added. "But the majority of the cases involved don't get settled."

The largest pay-out last year was the $825,000 settlement which went to the family of a man who drowned in the municipal swimming pool a few years ago. Moutrie said the city attorney's office made an assessment of the case and its chances of winning in front of a jury. Fearing the jury might be sympathetic to the victim's family, the city chose to cut its losses.

"We take the circumstances of the case

Take David Busch, a homeless man who is suing the city. He says his civil rights were violated when he was arrested for "camping" on a sidewalk June 1, 2001. It's illegal to camp on public property in Santa Monica, but perhaps not to just snack there. Busch maintains he was merely sitting on the sidewalk outside of a homeless shelter eating a muffin.

Then there are the cases that critics say the city council brings on itself. In 1999, the city took on the banking industry by trying to eliminate exorbitant ATM fees. The consumer protection division in the city attorney's office has been fighting US Bank and Wells Fargo for more than three years, and was joined by the City of San Francisco. The case is currently in the Federal Court of Appeals awaiting a decision.

In July 2000, U.S. District Judge Vaughn Walker in San Francisco struck down the two ATM fee bans after Bank of America, along with other California banks, sued to get them overturned. Santa Monica was the first city to enact the ban on what officials — and many consumers — regard as "double dipping" by banks.

City Councilman Kevin McKeown brought the issue to the forefront after he realized he was charged twice when he used ATM machines in San Francisco's Chinatown. It irked him enough to bring the issue to the council, where the ban passed 4-3 in October of 1999. The council felt banks who allowed customers to be charged twice were ripping them off.

"We were told, 'this is a slam dunk case' but we are still in court," said City Councilman Bob Holbrook.

"The attorney fees for these cases is outrageous. I have a sense that some people view city money as monopoly money — it's not real money."

— BOB HOLBROOK
Santa Monica City Councilman

The banks claim federal law gives an obscure federal agency the sole power to regulate such fees.

Then there's the suit brought against the city by Dr. David Levy, who has been legally fighting the city over his son's playhouse in their Sunset Park backyard.

The Levys' backyard neighbor, Tunde Garai, complained to then-Mayor Ken Genser that the family's playhouse for their son, Jacob, was too big and violated city zoning laws. Dr. Levy claims that Genser ordered city staff to reverse its decision that the playhouse was legal after he received Garai's complaint.

The Levys' suit, filed in September 2000, says the city first decided the playhouse was a legal one-story structure. A planning official later determined the elevated playhouse was two stories instead. Dr. Levy sued rather than comply with a city order to tear it down. The city offered to let the playhouse stay if Levy agreed it wasn't technically legal. Levy refused.

Holbrook thinks the case should have been settled long ago.

"I see things in black and white and gray while my colleagues sometimes see things only in black and white," he said. "You have to weigh the risks of each battle and we need to pick our battles better," he added. "The attorney fees for these cases is outrageous. I have a sense that some people view city money as monopoly money — it's not real money."

Genser has served on the city council for 14 years. He said the lion's share of lawsuits against City Hall don't arise out of its policies.

"We certainly do what we can to discourage them and when they are frivolous we don't settle them," he said, adding some lawyers make it their specialty to take on municipalities. One firm in particular — Harding, Larmore, Kutcher & Kozal — has represented many clients in land use and property rights battles against the city. Some think the firm serves as a watchdog on local government. They point to Dr. Levy, who was never involved in local politics until the playhouse debacle unfolded.

"This is a city that has people waiting in the wings to sue us," Genser said, adding that because the city has a good portion of rent-control apartments and affordable housing, the stakes are even higher for developers who don't hesitate to sue.

"There are a lot of people who think there is money to be made by evicting people and rebuild their apartments into luxury condominiums," Genser said.

Holbrook cited another case which cost the city $278,700 in attorney fees against the Jack in the Box fast food restaurant chain. Holbrook said the suit should have been filed by the angry neighbors living near the restaurant, who claimed that the drive-up window was a nuisance to their lives.

But the city got involved, claiming an ordinance prevented the restaurant from operating a drive-up window from 10 p.m. to 7 a.m. Jack in the Box officials said they had a pre-existing right to operate during that time. When the trial court ruled that the city's ordinance was unconstitutional, the city settled.

"The council's objective was to get the night hours reduced, which happened," Moutrie said, adding that it's another example of why the city gets sued so much. "Santa Monica has commercial uses and residential uses right next to each other all over the city. We are doing a lot of things in a small space."

The case is a classic example of of how a dispute landed in the courtroom even though elected officials ignored the advice from city attorneys to not engage in the battle — another reason Santa Monica finds itself a target for litigation, some argue.

"We could have bought five Jack in the Boxes for the time and energy spent on it," Holbrook said. "The council said 'let's take it on' even though the city attorney's office advised us not to. It cost us a fortune and we accomplished hardly anything."

El Nino's effects expected

EL NINO, from page 1

murkier, Stephens said.

"It could be dry, wet or average," he said.

In North America the result of an El Nino tends to include the movement of abnormally warm air into western Canada, Alaska and the extreme northern portion of the contiguous United States. Storms also tend to be more vigorous in the Gulf of Mexico and along the southeast coast of the United States, resulting in wetter than normal conditions in that region.

Even a moderate El Nino could spell dry weather in places like the Colorado River basin and California's northern Sierra. Both are key sources of water for Southern California, which imports most of what it consumes.

"This is not going to bring us much relief," Bill Patzert, an oceanographer at the National Aeronautics and Space Administration's Jet Propulsion Laboratory, said of a possible mild El Nino.

Patzert said an El Nino would not be felt until late December or January.

STATE

Credit card scam exposes hole in e-commerce security

BY MICHAEL LIEDTKE
AP Business Writer

SAN FRANCISCO — A mysterious credit card scam involving more than 100,000 bogus Internet transactions has delivered another alarming reminder about online commerce's security weaknesses.

Although no money was actually transferred in the scheme, more than 60,000 of the illicit transactions received authorization codes during a con job exposed late last week.

The authorization codes verified the validity of those account numbers, opening the door for more widespread theft had the ruse not been detected.

All the affected account numbers have been deactivated and investigations have been opened by federal authorities, said John Rante, president of Online Data Corp., a Chicago-based credit card processor that authorized the bogus transactions.

"People have nothing to be concerned about," Rante said. "We are cooperating with the authorities and we will catch the people behind this."

It's unclear how many account numbers and merchants accounts were targeted in the ruse.

Spitfire Ventures, a startup whose novelty items include a talking toilet paper holder, received 140,000 credit card submissions in 90 minutes on Sept. 12 and 62,477 were authorized at $5.07 each, said Paul Hynek, the company's chief executive.

Los Angeles-based Spitfire discovered the fraud after getting swamped with calls from worried credit card holders swept up in the scam.

"The scary part is that more than 60,000 people had their credit card accounts violated and a lot of them don't even know about it," Hynek said.

Online Data pegged the number of bogus transactions at 104,000. All the transactions involved just a few cents or dollars.

Spitfire's Web site usually processes five to 30 daily transactions, but the Sept. 12 surge in activity didn't immediately trigger security concerns.

Mountain View-based Verisign, the online security firm that handled the transactions, said fewer than 20 merchants received bogus credit card purchase requests. But Hynek said he was told by Online Data that 25 merchants got hit.

Last week's wave of bogus credit card transactions could be a sign of an even bigger problem if the crooks got the numbers by hacking into the customer database of a major Internet merchant.

"The bigger story is where the thieves got this information," said Dan Clements, who follows credit card fraud for Cardcops.com. "It's possible that the thieves found a hole in a database that still needs to be plugged. They could still be mining for credit card numbers."

The scheme's method indicates the culprits relied on a computer program to spit out randomly generated account numbers in search of authorization codes to verify their existence, Rante said. "I'm pretty confident that this didn't originate with a block of stolen credit cards."

The scam's successful retrieval of so many authorization codes exposed cracks in the online credit card processing system.

The credit card processors say the breach probably wouldn't have happened if the perpetrators hadn't been able to crack the affected merchants' passwords.

"This underscores the importance of using strong passwords," said Verisign spokesman Tom Galvin.

When a merchant opens a credit account, Online Data issues a default password and advises the password be changed every few weeks, said Nicole Mondia, the processor's executive vice president of operations.

"When you don't change the password, that leaves the system vulnerable," she said.

Spitfire Ventures never received any advice about its password after it started accepting credit cards three months ago, Hynek said.

"If the passwords are so important, why did they start us off behind the eight ball by giving us an easy-to-break password?" Hynek said.

Palo Alto man's body flown to Greece instead of Mexico

BY RON HARRIS
Associated Press Writer

SAN FRANCISCO — The body of an East Palo Alto man mistakenly flown to Greece instead of his hometown in Mexico for burial was expected to return to San Francisco on Monday on a flight the family hoped eventually will route him to his final resting place.

Instead of finding the body of family patriarch Robert Castaneda, 68, in the casket that arrived in his hometown of Apatzingan in the Mexican state of Michoacan, weeping relatives found the body of a black man with a cigar and a book with a picture of the World Trade Center on the cover.

Castaneda was nowhere to be found. A relative in Mexico immediately phoned family members in East Palo Alto to say Castaneda's body was missing.

Luis Quinones, Castaneda's son-in-law, flew on the Mexicana Airlines flight to Mexico, and said that the original casket was silver and that the one that arrived in Mexico was gold and brown.

He said Monday the family was extremely upset over the mix-up. He even said he had to take extraordinary steps to prove to Jones Mortuary in East Palo Alto that the body that arrived in Mexico was not his father's.

"I took some pictures of the dead man to prove to them that it was not (Castaneda)," Quinones said.

Neither the funeral home nor the airline has admitted any wrongdoing, Quinones said.

"They didn't apologize for anything," Quinones said.

The family had raised about $8,000 in donations from neighbors to pay for the travel costs and burial expenses and suddenly had no idea where the body was — until Sunday, when Delta Airlines officials called the family to inform them that Castaneda's body had been located in Greece.

Castaneda's body was flown back from Greece to New York, according to the San Jose Mercury News, and was expected to make the flight back to San Francisco on Monday afternoon. The other man's body was expected to arrive at San Francisco International Airport on Monday as well.

Calls to the funeral home's owner, Charles Jones, and Delta Air Lines were not immediately returned. A spokeswoman for Mexicana Airlines said she was unfamiliar with the incident, but said she would try to get more information about the mixup.

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NATIONAL

Scandal events make hiding millions in mansions harder

BY JILL BARTON
AP Business Writer

BOCA RATON, Fla. — Executives and celebrities have long poured millions into magnificent estates in Florida and a few other states, knowing that if they file for bankruptcy their grand homes can't be touched.

With the recent string of corporate scandals, some disgraced executives might not be able to take advantage of the provision much longer.

Tired of millionaires taking advantage of liberal bankruptcy laws, U.S. lawmakers are pursuing legislation to curb alleged abuses of the so-called homestead exemption. One provision would require a person to live in a home for 40 months to claim the exemption.

"The goal is if some famous person moves to Florida and buys a huge home, you can force them involuntarily into bankruptcy and they won't get to keep the house," said University of Florida law professor Jeffrey Davis.

Under the legislation, if someone like ousted WorldCom chief financial officer Scott Sullivan were to declare bankruptcy, he could not keep the lavish $15 million estate, complete with movie theater and six Jacuzzis, that he is building in Boca Raton. Sullivan was arrested last month on charges of falsifying the books by more than $3.8 billion; he used the home as collateral for his $10 million bail.

Florida, Texas, Iowa, Kansas and South Dakota have unlimited homestead exemptions that allow people who declare bankruptcy to keep their homes while creditors scramble to seize everything else.

Experts said the vast majority of the nearly 1.5 million people who file for personal bankruptcy each year have homes valued at less than $125,000. Attorney Stuart Young said new restrictions could hurt people who need protection, such as retirees who become overwhelmed with medical bills or college students who run up too much credit card debt.

Sen. Herb Kohl, D-Wis., who has been pushing for reforms, said that while people have been abusing the system for years, the Enron debacle has heightened the concerns. Authorities are trying to seize millions in assets from Enron executives.

Florida's rules were derived from its past as a Spanish possession and were designed about a century ago to lure people to its mosquito-infested, steamy climate.

"The concept was even if you owe debts, it wasn't responsible to make you homeless, so the family was protected even if the dad was a drunkard or a gambler," said G. Ray Warner, resident scholar at the American Bankruptcy Institute and a law professor at the University of Missouri.

With Florida's population booming, the rules long ago lost their original purpose.

Corporate raider Paul Bilzerian walked away from $300 million in debts while keeping a $5 million Florida mansion, despite a conviction on fraud charges and a 13-month prison sentence in the 1980s.

Actor Burt Reynolds declared bankruptcy in 1996, but creditors could not touch Valhalla, his $2.5 million estate in Hobe Sound. O.J. Simpson used the rules to exempt his home from the $33.5 million civil verdict against him over the slayings of his ex-wife and her friend.

Other disgraced executives have homes in Florida and Texas but have not filed for bankruptcy. They include former Tyco International chief executive Dennis Kozlowski, who is accused of using a $19 million no-interest loan from his company to pay for his personal palace in Boca Raton.

Even if the laws are amended, experts said the wealthy will find ways to protect their assets.

Ex FBI agent gets 10 years for protecting mob informants

BY DENISE LAVOIE
Associated Press Writer

BOSTON — A former FBI agent who tipped off two mobsters that they were about to be indicted was sentenced to more than 10 years in prison Monday in a case that exposed an overly cozy relationship between the bureau and its underworld informants.

The case against agent John Connolly proved a major embarrassment to the FBI and led to new Justice Department guidelines for handling informants.

Connolly, 62, declined the opportunity to speak at his sentencing. He blew a kiss to his wife and other family members in the courtroom as he was led away without handcuffs. Under federal rules, he must serve at least 8 1/2 years.

Connolly was considered a star agent for his help in breaking up the New England Mafia in the 1970s and '80s by using information he got from top-echelon FBI informants James "Whitey" Bulger and Stephen "The Rifleman" Flemmi, leaders of the Winter Hill Gang, a Boston Irish mob.

But a jury found that Connolly become too close to his informants and went too far to protect them.

Connolly was convicted in May of racketeering, obstruction of justice and lying to an FBI agent for tipping off Bulger and Flemmi about criminal investigations and warning them about an upcoming indictment in 1995.

Bulger fled and remains a fugitive on the FBI's "Most Wanted" list. Flemmi is serving 10 years for money laundering, extortion and obstruction. He is awaiting trial for his alleged role in 10 murders, all of them committed while he was an FBI informant.

U.S. District Judge Joseph L. Tauro gave Connolly the maximum under federal guidelines of 10 years and one month, saying he wanted to show that the justice system has "zero tolerance" for what the agent did.

At Connolly's trial, his former supervisor, John Morris, testifying under a grant of immunity, admitted pocketing $7,000 in bribes from Bulger and Flemmi. Another agent was suspended during the trial after he was accused of taking a bribe from Bulger.

Documents obtained by The Associated Press in July showed a pattern of conduct in the FBI that went beyond Connolly and a few other agents in Boston.

Connolly's lawyer, Tracy Miner, said Connolly cultivated Bulger and Flemmi as informants at the urging of his FBI superiors.

NATIONAL

Public mental health system in bad shape, report says

BY SIOBHAN MCDONOUGH
Associated Press Writer

WASHINGTON — The U.S. mental health system is in crisis, unable to provide even the most basic services and supports to people with psychiatric disabilities, according to a federal report released Monday.

The fundamental problem: emphasizing medicating people over fostering ways to help them lead productive lives.

The report by the National Council on Disability, a 15-member independent federal panel, provides an overview of the current state of public systems providing mental health services to children, adults and seniors.

Expanding Medicaid eligibility and reimbursable services are the most significant steps that can be taken to improve the system, the panel said.

Mental health systems must develop the expertise to deliver not just medication and counseling, but housing, transportation and employment supports as well.

"Public mental health systems must be driven by a value system that sees recovery as achievable and desirable for every person who has experienced mental illness," the report said. "Systems also must commit to serving the whole person, and not merely the most obvious symptoms."

The report recommends preventive services and supports such as counseling, peer support, respite care, supportive housing and job training as ways to improve a failing system.

"The recommendations embrace mental health services and supports that transcend the purely pharmacological and medical supports," said Michael Allen, senior staff attorney at the Judge David L. Bazelon Center for Mental Health Law in Washington, D.C. The center is a nonprofit civil rights law firm focusing on the rights of people with mental disabilities

The report found that children who get caught in the public mental health system are underserved and have a much higher dependence on the adult system later in life.

Also, adults whose mental health service and support needs are not met are likely to become seniors who are dependent on inadequate care.

Many mental health systems are crisis-oriented and do not focus on the resiliency of people with serious illness, creating a self-fulfilling prophecy, said Johanna Ferman, medical director at the Center for Mental Health, a nonprofit agency regulated by the Washington, D.C., Department of Mental Health.

"They are not really focused on recovery," said Ferman, a psychiatrist who has consulted for mental health organizations and government agencies.

Some of the findings in the report include:

■ State mental health systems create ineffective service-delivery programs.

■ Homelessness, poverty, criminalization and unemployment increase with misdirected services and supports.

■ In many cases, the lack of home- and community-based mental health services results in unnecessary institutionalization.

■ In many communities, jails and prisons have become the largest providers of mental health services, and homeless shelters and nursing homes have become a last resort for people with mental illnesses.

■ Beyond funding, one of the most significant barriers is that the public mental health system generally works from 9 a.m. to 5 p.m.

Better funding and expanding models such as consumer-directed programs are key to providing better mental health care, the report said.

The report was forwarded to President Bush's New Freedom Commission on Mental Health, which is tasked with studying both private and public sector mental health providers.

Administration at odds with groups over single-sex schools

BY GREG TOPPO
AP Education Writer

WASHINGTON — When she peeks into classrooms at the Young Women's Leadership Charter School of Chicago, Joan Hall sees girls working quietly, free from the distractions of teenage boys. The girls pay attention to their teachers, work confidently at lessons and speak up freely in class.

"They have a feeling that they can do whatever they want to do," said Hall, president of the school's board of directors. The public charter school has begun its third year with 325 girls — about 260 of whom are black or Hispanic — in grades 7-11. The school has a waiting list of 400.

Noting high demand for the nation's 11 single-sex public schools, the Bush administration is poised to let other school districts open more, making more money available and relaxing federal rules that now limit them.

Advocates say single-sex schools are good for girls and minorities, but women's and civil rights groups are urging President Bush to drop the idea. They contend the schools promote sexism and distract from proven ways to improve education.

They also say school programs geared toward girls generally get less public financial support than coeducational ones.

The foundation is joined by the National Organization for Women and the National Council of Women's Organizations in opposing any changes to federal rules, which now allow such schools in just a few cases.

Taking the same position are the Leadership Conference on Civil Rights, the Citizens Commission on Civil Rights, the American Civil Liberties Union and the National PTA.

The government, however, will almost certainly change the rules, allowing more new schools to begin operating next fall, a top Education Department official said.

Critics cite the Supreme Court's landmark 1954 decision in Brown v. Board of Education, which found that racially segregated schools are inherently unequal.

Feminists maintain that separating students by gender promotes boys' sexism and is poor preparation for increasingly integrated workplaces.

"We live in a real world, and that world has got men and women in it," Smeal said. "They must compete."

The critics say the idea distracts from the attention that should be paid to other pressing school issues.

"It's a gimmick, much like vouchers, where you don't know the impact on the other kids who are left behind," said Nancy Zirkin, deputy director of the Leadership Conference on Civil Rights, an umbrella group of 185 civil rights organizations.

Zirkin said schools should focus more on academics, discipline, increased funds, smaller classes, more parental involvement and better teacher training.

Research on single-sex education, done mostly in private schools, is inconclusive. It suggests the schools are more orderly and that girls tend to do better in math, science, athletics and social situations. But it found the self-esteem of girls attending such schools is not necessarily better than that of girls in other schools.

Overall academic results are mixed. In studies that show academic improvements in single-sex schools, the results don't hold up when factors such as socio-economic and ability levels are factored in.

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Notice of Public Hearing

Annual Review of the City's Coordinated Plan for Homeless Services

Tuesday, September 24, 2002

City Council meeting starts at 6:45 p.m.
The exact time of the public hearing is unknown

City of Santa Monica™

Phone: 310.458.8701 Fax: 310.458.3380
TTY: 310.458.8696
Email: human-services@santa-monica.org

As required by Municipal Code Section 2.69.030, the City Council will hold a Public Hearing on the Annual Review of the City's Coordinate Plan for Homeless Services to gain public input on:

■ The impact of the City's homeless population on other residents

■ The effectiveness of the delivery of services to homeless persons by the city and various social service agencies

■ The cost of those services

■ The changes which should be made in the plan in order to carry out its primary goals and objectives.

For more information, call 310.458.8701; TTY: 310.458.8696. Para informaciòn en español pida hablar can Silvana Quesada. City Hall and the Council Chambers are wheelchair accessible. If you have a disability-related accommodation requests or language interpretation, please contact the City's Clerk Office at 310.458.8211; TTY: 310.458.8696 at least 3 days prior to the scheduled meeting. This flier is available in alternate format upon request. Santa Monica Blue Bus Lines #2, #3 and #8 serve City Hall. Limited parking.

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NATIONAL



Susan Walsh/Associated Press

Secretary of Defense Donald Rumsfel, standing with Vice Chairman of the Joint Chiefs of Staff Gen. Peter Pace, answers a question during his briefing at the Pentagon on Monday. Rumsfeld made the case that waiting for Saddam to use any chemical, biological or nuclear weapons would be a mistake.

U.S. pilots attack targets that are more damaging to Iraq's air defenses

BY ROBERT BURNS
AP Military Writer

WASHINGTON — U.S. pilots patrolling the skies over Iraq are taking a new approach to defending themselves, and the switch may be chipping away at Iraq's ability to resist a full-scale U.S.-led invasion.

Defense Secretary Donald H. Rumsfeld disclosed Monday that more than a month ago he ordered that pilots attack command and communications links in Iraqi's air defense network rather than the guns and radars that are frequently used to target or shoot at U.S. and British pilots.

"The idea that our planes go out and get shot at with impunity bothers me. And I don't like it," Rumsfeld told reporters.

The goal of the new approach — more than a decade after American and British pilots began enforcing "no-fly" zones over northern and southern Iraq — is to reduce dangers to the fliers while increasing the damage they can inflict on an Iraqi air defense system that has grown more sophisticated.

U.S. officials rarely discuss specifics of tactics used in patrolling the "no-fly" zones, which Iraq claims are illegitimate violations of its sovereignty. These patrols rarely get much public attention in the United States, but they provide important experience for allied pilots and information about Iraqi activities for U.S. officers who are preparing plans for a possible war against Iraq.

Destroying or neutralizing Iraq's air defenses would likely be the opening stage of a U.S.-led invasion.

Rumsfeld said Bush has not made a decision to go to war.

In Iowa on Monday, the president pressed his case for deposing Iraqi leader Saddam Hussein. Outside the Mississippi Valley Fairgrounds he called him a "tyrant (who) must be dealt with." About 100 demonstrators held signs that read, "Drop Bush Not Bombs" and "Please No War in Iraq."

Bush issued a fresh challenge to the United Nations to show resolve against the Iraqi leader, whom Bush attempted to link — if only in rhetoric — to the al-Qaida terrorists behind last year's Sept. 11 attacks.

The war on terror is more than hunting down al-Qaida, Bush said. "It also means dealing with true and real threats that we can foresee. One of the most dangerous threats America faces is a terrorist network teaming up with some of the world's worst leaders who develop the world's worst weapons.

"If Iraq's regime continues to defy us and the world, (the United States) will move deliberately yet decisively to hold Iraq to account" with or without the U.N., Bush said.

At the United Nations, Secretary-General Kofi Annan announced that Iraq had agreed to allow, without conditions, the return of U.N. inspectors assigned to seek out and destroy weapons of mass destruction.

In his remarks at the Pentagon, Rumsfeld said the United States cannot afford to put off dealing with Iraq until it has proof that he possesses a nuclear weapon or intends to strike at U.S. interests.

"There isn't a single smoking gun that everyone nods and says, 'Aha, that's it,"' he said. "If we wait for a smoking gun in this instance, it obviously would be after the fact. ... You'd find it after lethal weapons were used against the United States, our friends and allies. And that's a little late."

In New York, Secretary of State Colin Powell said he was certain the United States will move ahead on a new Security Council resolution ensuring a tough U.N. stand against Iraq to force the country to accept weapons inspections.

The Bush administration is still working to win congressional support.

Braving the curfew



Nasser Nasser/Associated Press

Two Palestinian women brave the curfew as they pass an Israeli soldier patrolling a street in the West Bank town of Ramallah on Monday. The Israeli army maintained a strict curfew on the besieged town for the second day Monday under heavy security precautions for the Jewish holiday Yom Kippur.

Iraq unconditionally accepts return of weapons

BY DAFNA LINZER
Associated Press Writer

UNITED NATIONS — Iraq agreed Monday to allow the return of U.N. weapons inspectors without conditions, a spectacular turnaround coming days after President Bush warned Baghdad to comply with U.N. resolutions or face military action.

Iraq's Foreign Minister Naji Sabri said Iraq agreed to unrestricted inspections in a letter he gave to U.N. Secretary-General Kofi Annan, who announced the decision Monday night.

The White House called the Iraqi offer "a tactical step by Iraq in hopes of avoiding strong U.N. Security Council action."

"As such, it is a tactic that will fail," it said in a statement.

In the letter addressed to Annan, Iraq said it had "based its decision concerning the return of inspectors on its desire to complete the implementation of relevant Security Council resolutions and to remove any doubts that Iraq still possesses weapons of mass destruction."

The end to four years of stalemate came days after Bush addressed the U.N. General Assembly debate and said that Iraq must comply with Security Council resolutions or face a military strike.

Alluding to talk of a possible attack, Iraq called on the members of the Security Council, which includes the United States, to "respect the sovereignty, territorial integrity and political independence of Iraq."

The letter further said that Iraq was responding to an earlier appeal by Annan for Baghdad's compliance with Security Council resolutions calling for unfettered access to inspectors, and to an appeal by the Arab League and other Islamic countries.

Annan forwarded the letter to all 15 members of the council and to the chief weapons inspector, Hans Blix.

It was not clear when the council would meet to consider the letter, a first step before sending inspectors back. Blix has said he could have inspectors on the ground within days, but it would take his teams several months to set up on the ground before they could start monitoring Iraqi sites.

In Baghdad, there was no word of the news on state-run media, but the letter was released after high-level meetings between Iraqi President Saddam Hussein and top officials in his Baath party and his Cabinet, including his deputy prime minister and vice president.

"I can confirm to you that I have received a letter from the Iraqi authorities conveying this decision to allow the return of inspectors without conditions to continue their work," a pleased Annan told reporters.

"There is good news," Sabri said moments earlier. The Iraqi foreign minister refused to comment further and left U.N. headquarters after a day of negotiations on the text of the letter.

Sabri and Arab League chief Amr Moussa had met late with Annan to transmit the letter from the Iraqi government.

Under Security Council resolutions, sanctions imposed on Iraq after its 1990 invasion of Kuwait cannot be lifted until U.N. inspectors certify that its weapons of mass destruction have been destroyed. Inspectors left the country in December, 1998 ahead of U.S. and British airstrikes to punish Iraq for not cooperating with inspections.

Since then, Iraq has said it would only allow inspectors to return if the sanctions were lifted. The five powers on the Security Council — the United States, Britain, Russian, France and China — have remained divided over what the next steps should be.

But on Thursday, Bush told the U.N. General Assembly, at the opening of its annual debate, that the world body could no longer tolerate Iraq's defiance of council resolutions.

"We cannot stand by and do nothing while dangers gather. We must stand up for our security and for the permanent rights and hopes of mankind."

Annan credited Bush late Monday.

"I believe the president's speech galvanized the international community," Annan said.

Qatar relishing its role of small state with bold policies

BY TAREK AL-ISSAWI
Associated Press Writer

DOHA, Qatar — Qatar has an Israeli trade office, a U.S. military base — and a satellite television channel that regularly criticizes the United States and refers to Palestinian suicide attacks against Israeli civilians as "martyrdom operations."

It's a tiny country packed with contradictions and eager to assert itself. It's also a place on which the United States may have to rely if it wages war on Iraq.

By the time Saudi Arabia hinted this weekend it might let the United States use it as a base for strikes on Iraq, Qatar was already in line. Qatari Foreign Minister Sheik Hamad bin Jassem bin Jabor Al Thani said in Washington last week that if the United States asked to use a U.S. air base to strike Iraq, "we will consider it carefully."

The element of openness toward the West, and America in particular, is evident on its streets and shopping malls, with youngsters wearing Snoop Dogg and Metallica T-shirts gathering at McDonalds or Starbucks, or searching for the latest Britney Spears CD at one of Doha's new malls.

About 1,000 U.S. military personnel are posted in Qatar, along with a few thousand civilian Americans working in the energy sector.

Abdullah, a Qatari civil servant who gave only one name, said he opposes U.S. and other foreign military presence in the Persian Gulf, but believes "the main reason they are here is because of Arab disunity and Iraq's adventures in Iran and Kuwait."

"In any case, I'm against attacking Iraq because the main victim will be the Iraqi people," he said.

Elsewhere in the Gulf, the U.S. presence also is generally accepted. But in Bahrain, where the U.S. Navy's 5th Fleet has a base, anti-Israel and anti-U.S. protests grew violent earlier this year. Demonstrators' Molotov cocktails set a satellite dish and a sentry box afire inside the U.S. Embassy compound in the Bahraini capital. Bahraini police guarding the embassy fired tear gas and rubber bullets. A protester who was hit in the head by a rubber bullet died two days later.

There have been no such protests in Qatar.

The U.S. military presence in Saudi Arabia is one of the grievances fueling the anger of Saudi-born Osama bin Laden, the accused terrorist mastermind blamed for the Sept. 11 attacks.

Until a few years ago, Saudi Arabia was the undisputed power in this oil-rich region, devising foreign policy its much smaller neighbors silently followed.

Qatar began to assert itself in the mid-1990s, seeking its own role in the Persian Gulf, Arab and international scene.

Qatar allowed Israel to open a trade office in Doha in 1996 and staffers are believed still working quietly there even though Qatar, under pressure from Saudi Arabia and Iran, officially suspended ties with Israel last year to protest what many Arabs saw as Israel's excessive use of force against Palestinian protesters. Also in 1996, Qatar launched Al-Jazeera, a satellite channel that has angered many Arab governments as well as the United States with its bold, independent editorial policies.

Qatar's stance on Iraq is being closely watched by other Arabs, who call for solidarity with the Iraqi people in the face of U.S. threats to topple Iraqi President Saddam Hussein. An Egyptian newspaper last week ran a front-page story that purportedly was an account of a meeting between Saddam and Sheik Hamad in which the Iraqi threatened to "wipe Qatar from the earth" for lending bases to the United States. The unconfirmed story seemed as much fiction as fact, but reflected sentiment about Qatar in the region.

A Western diplomat based in the Gulf said in an interview that the scrutiny was unfair.

He said Saudi Foreign Minister Saud al-Faisal's assertion on Sunday that if the Security Council adopts a resolution authorizing force against Iraq, "everybody is obliged to follow through," proved Qatar's insight all along.

U.S. defense officials have said core staff of the U.S. military command responsible for operations in the Gulf and Central Asia will be shifted from headquarters in Florida to the al-Udeid air base in Qatar in November, suggesting further preparations by the Pentagon for a possible military assault on Iraq.

The base, 22 miles south of Doha, is a command center with a 15,000-foot runway and can shelter nearly 100 aircraft.

"Qatar wants an alliance with the United States, the Western world and to be part of the free market economy. It believes in the right of each country to be independent and to determine its own policies," said Qassem Jaafar, an expert on Middle East affairs. "It is a small, rich country that believes it has a lot to lose and everything to gain."

Abdulkhaleq Abdulla, a political analyst based in the United Arab Emirates, said after years of following in the footsteps of Saudi Arabia, Qatar has chosen to play a larger role in the Gulf.

"They want to assert their independence. They are following their own policies that serve their own national interests. They are trying to play the maverick role in the region," he said.

SPORTS

Twins celebrate title from season that almost wasn't

BY LARRY LAGE
AP Sports Writer

DETROIT — After the champagne dried, the Minnesota Twins reflected on a remarkable accomplishment: winning the AL Central Division just months after the courts stopped major league baseball from eliminating the team.

"You've got to feel good for these guys, because we had an awkward winter and a bit of an awkward spring," general manager Terry Ryan said. "A lot of things surrounding us weren't anticipated. Ultimately, you get through them and here we are. What a story."

"You've got to feel good for these guys, because we had an awkward winter and a bit of an awkward spring. A lot of things surrounding us weren't anticipated. Ultimately, you get through them and here we are. What a story."

— TERRY RYAN
General manager

While skepticism remains that a "small market" team like Minnesota can only get so far in the postseason, Ryan said the Twins have the same goals as any other contender.

"We've accomplished one of the pieces. Now we have to get down to business," Ryan said. "I don't think anybody is satisfied just to get to the playoffs in this clubhouse."

The Twins clinched the division Sunday with a 5-0 win over defending champion Cleveland and a Chicago White Sox loss at Yankee Stadium. Atlanta became the first team to clinch a division title last week.

"Being the second team to clinch is nice, but we're the team that had to go through contraction," Denny Hocking said. "It might be sweeter than this, but right now I don't see how it could be."

Hocking was asked whether Minnesota's improbable success this year is a victory for the sport's little guys.

"That's a question you're going to have to direct to Bud Selig," Hocking said. "I know we're not supposed to act like idiots in the media. But you know what, I've earned the right to."

Hocking was referring to the commissioner's plan last year to get rid of the Twins and Expos, which would have reduced the major leagues to 28 teams. Twins fans responded by circulating petitions and lobbying legislators for a new ballpark. A court injunction, and eventually a labor settlement between the players and owners, ended talks of contraction.

Champagne, beer and smiles were everywhere as the Twins celebrated in Cleveland before traveling to Detroit for their next series that begins Tuesday. After having to play under the cloud of contraction, the Twins deserved the party and the day off.

"We really didn't know if we would be playing this year," Mike Jackson said. "It's a great feeling. I wasn't here last year when they went through all this stuff. But when they asked me to come over here and play, I looked at everything they had and knew I wanted to come and be a part of it. Guys responded well to all the things that went on last winter and last year with contraction and all that."

Unlike last year when the Twins started strong before a second-half collapse, their consistency this season under first-year coach Ron Gardenhire has them in the playoffs for the firs time since winning the 1991 World Series.

Minnesota, which also won the 1987 Series, took advantage of the unbalanced schedule with plenty of AL Central games against Detroit, Kansas City, Cleveland and the Chicago White Sox.

The Twins are 43-21 in the division and 44-42 against the rest of the league, which may give skeptics even more reason to believe they can't eliminate the New York Yankees or any other team in the playoffs.

Doug Mientkiewicz said the Twins can be more than a one-year wonder if management can keep the team together.

"I don't want to go anywhere," he said. "We have a lot of special individuals. The whole reason we didn't want to get contracted is because we have great guys in this room, from the general manager to the equipment manager.

"Small market teams can compete, it's just a matter of for how long. We'll see if we can keep this thing together."

A Pedro pitch



Charles Krupa/Associated Press

Boston Red Sox starting pitcher Pedro Martinez delivers a pitch during the first inning against the Cleveland Indians at Fenway Park in Boston on Monday.

U.S. hope to master clay in Davis cup semis against France

BY MICHAEL MCDONOUGH
Associated Press Writer

PARIS — On the final day of practice for the Davis Cup semifinals, Andy Roddick launched his racket into the empty stands. The day before, he broke another of his rackets.

The red clay of Roland Garros had frustrated another American, and the challenge isn't likely to get any easier when the United States plays defending champion France this weekend.

Roddick, a rising star who lost to Pete Sampras in the U.S. Open quarterfinals, said his racket-flinging and repeated exclamations ("Why didn't I stick with baseball?" went one) were nothing to worry about.

"I can go off the court and two minutes later I'm OK," he said. "It's no big deal for me. I felt I was starting to play a little better at the end."

If the 20-year-old Nebraskan is feeling nervous about playing in Paris again, it wouldn't be too surprising. Last year he won two matches in his French Open debut, which ended prematurely because of a thigh strain, but this year he was knocked out in the first round.

"It's just a matter of getting used to the points and the way they develop on clay," Roddick said. "I just have to get a couple more sets in me."

Roddick is being tutored by U.S. team coach Jim Courier, a two-time French Open champion.

"The magic doesn't work unless you believe," Courier said softly from the back of the court as Roddick's anger mounted.

"It's just a matter of getting used to the points and the way they develop on clay. I just have to get a couple more sets in me."

— ANDY RODDICK
Tennis pro

"Jim's great. We get along really well," Roddick said. "It seems like he always knows the right to say, especially when I'm getting frustrated. He knows this court as well as anybody, so it's nice to have him here."

The U.S. hasn't played France at Roland Garros since 1932, when it lost 3-2.

The French team chose this year's venue hoping it would benefit its players, who practically are reared on clay courts. But American captain Patrick McEnroe said the hosts could get a surprise.

"They chose clay more because of us than because of them," he said. "We'll find out if that was a mistake."

Sampras, who traditionally is weak on clay, chose not to play in the Davis Cup semfinals, to be held Friday through Sunday. The team instead is made up of Roddick, James Blake, doubles specialist Todd Martin and Mardy Fish.

Roddick and Blake are likely to play singles against France's Sebastien Grosjean and Arnaud Clement. Blake and Martin likely will play the deciding doubles match against Fabrice Santoro and Mickael Llodra.

The French team is captained by Guy Forget, who with Henri Leconte won the 1991 Davis Cup by beating a U.S. team that included Sampras and Andre Agassi.

"Roddick and Blake are not like Sampras and Agassi at the time," Forget said. "They've done less, for the moment. But maybe they won't make the same mistakes as their elders."

Pete Sampras lost both his singles matches in that final, despite having won the 1990 U.S. Open, and France took the title 3-1. The only American victory was Andre Agassi's singles win over Forget in the opening match.

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28 Barters
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35 Caustic stuff
36 "Roses — red ..."
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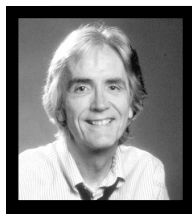
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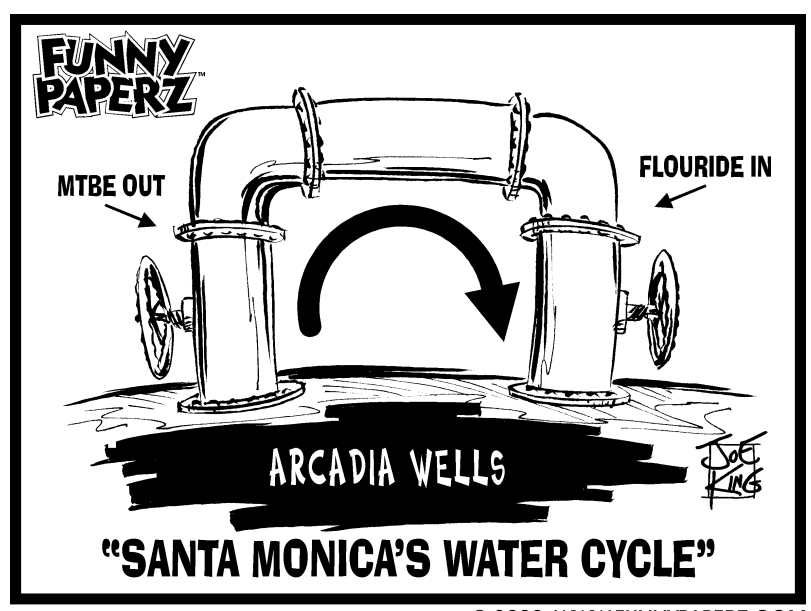


NEWS OF THE WEIRD

by Chuck Shepard

Man lives among hyenas in Ethiopia

According to a BBC News dispatch from Harar, Ethiopia, in June, Mulugeta Wolde Mariam ("the hyena man of Harar") has trained about 80 local wild hyenas to congregate around him at night and be fed by grabbing pieces of meat out of Mulugeta's mouth with their teeth. Said he, "There is no danger unless you are scared, as the hyenas sense fear."



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

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Calendar

Tuesday, September 17, 2002

movies

Loews Broadway Cinema
1441 Third St. at Broadway
City by the Sea (R) 12:20, 1:40, 3:00, 4:20, 5:40, 7:00, 8:20, 9:40. Igby Goes Down (R) 12:00, 1:15, 2:30, 3:45, 5:00, 6:15, 7:30, 8:45, 10:00.

Mann Criterion
1313 Third St.
Spider Man (PG-13) 1:50, 7:15. Men In Black II (PG-13) 11:30, 4:40, 10:00. Austin Powers in Goldmember (PG-13) 11:50, 2:20, 5:00, 7:30, 10:15. My Big Fat Greek Wedding (PG) 11:40, 12:20, 2:10, 2:45, 4:50, 5:30, 7:20, 8:00, 9:50, 10:30. XXX (PG-13) 12:00, 3:30, 7:00, 10:10. Stealing Harvard (PG-13) 11:45, 2:00, 4:30, 7:10, 9:40.

AMC Theatre SM 7
1310 3rd Street
Signs (PG-13) 2:10, 4:40, 7:25, 9:50. Feardotcom (R) 9:40. Road to Perdition (R) 1:40, 4:20, 7:05, 9:45. Barbershop (PG-13) 2:20, 4:50, 7:35, 10:00. Blue Crush (PG-13) 1:30, 4:00, 7:10. Spy Kids 2 (PG) 2:05, 4:30, 7:00,| 9:25. Blood Work (R) 4:10, 9:35. Swimfan (PG-13) 2:00, 5:00, 7:15, 9:30. Serving Sara (PG-13) 1:50, 7:10.

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

Laemmle Monica
1332 2nd St.
Possession (PG-13) 1:45, 4:25, 7:05, 9:50. The Good Girl (R) 1:00, 3:15, 5:30, 7:50, 10:10.

Aero Theatre
1328 Montana Ave.
Tadpole (PG-13) 5:00, 7:30, 10:00.

Today

Community

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

BEREAVEMENT SUPPORT GROUPS AT SMC'S EMERITUS COLLEGE. Santa Monica College offers free bereavement support groups in the summer session through it's Emeritus College, a widely praised program designed for older adults. Two support groups will meet Tuesdays on an ongoing basis. One group will meet from noon to 1:50 p.m. and the other from 7 p.m. to 8:50 p.m. For information and registration, call Emeritus College at (310) 434-4306.
Santa Monica Public Library Auditorium will host a presentation by William Osteck about Irving Berlin: A Hundred Years of Music. This presentation, with film and music, explores Berlin's early beginnings, his long, prolific career, and the bitterness and misanthropy of his later years. 1343 6th Street, 1:30 p.m. For more information please call (310)458-8646.

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

Learn to Square Dance! New beginners class starting 09/10 is open for three weeks on Tuesday evenings from 7:30 p.m. To 9:30 p.m. @ Marine Park in Santa Monica. 1st class is free! Sponsored by the Red Ribbon Squares. The official Square Dance Club of Santa Monica.

Theater & Arts

"The Big Wheel," an exhibition of photographs of the historic Santa Monica Pier and Pacific Park by Juanita Richeson, is on display until September 20 at the Main Library Art Gallery, second floor, 1343 Sixth Street. The exhibition is free and open to the public. For more information about the program, the public can contact the Santa Monica Public Library at (310) 458-8600, or visit the photographer's web site www.metropolisphotos.com .

"The Day that Changed the World," a dramatic 9-11 photo exhibit will be shown at the Grand Salon of Kerckhoff Hall near the center of the UCLA campus from Sept 15th through Sept 20th. The exhibit consists of 140 photographs by veteran photojournalists in New York, Washington and Pennsylvania taken in the aftermath of the Sept. 11 attacks. A memorial book will be available at the exhibit for guests to sign and express their thoughts. The book will be presented to the New York City Fire Museum at the conclusion of the tour. Viewing times are as follows: Sept. 15, 1-5pm; Sept. 16-19, 9am-4pm; Sept. 20, 9am-1pm. The exhibit is free, parking is $7.00. For more information contact (310)206-0632.

Entertainment

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

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

Wednesday

Community

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

Santa Monica Commission on Older Americans. Ken Edwards Center, 1527 4th Street - Room 104-105. 1:30 p.m. Everyone is invited! Share issues of concern regarding the programs, and services for Seniors in Santa Monica. For more information please call (310)458-8300

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

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Music& Entertainment

Wed. 9/18, new standup show
Ted's Night....$5.00....9 PM.
Comedy Underground, 320 Wilshire in Santa Monica
Show entrance is in the ALLEY. Class info and reservation line:310-451-1800

Cara Rosellini hosts The Gaslite's Comic Review, followed by open-mic comedy karaoke, at The Gaslite, 2030 Wilshire Blvd. 7:30 p.m. FREE! (310)829-2382.

Poetry N Go Club, 8 pm. UnUrban Coffeehouse. 3301 Pico Blvd., Santa Monica, (310)315-0056.

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

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

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

KEEP YOUR DATE STRAIGHT **Promote your event in the Santa Monica Daily Press Calendar section. Fax all information to our Calendar Editor: Attention Angela @ 310.576.9913**

BACK PAGE

Iceman's last meal included venison, scientists say

BY RANDOLPH E. SCHMID
Associated Press Writer

WASHINGTON — The Iceman, whose 5,000-year-old frozen mummy was discovered in the Alps in 1991, had last meals including venison and wild goat, a team of Italian scientists reports.

The researchers also joined the speculation over his death, suggesting he may have been killed in a dispute among hunters.

"We have analyzed the intestinal content and found compelling evidence that the Iceman was a high-ranked hunter," said Franco Rollo of the University of Camerino.

The Iceman, also known as Oetzi, had an empty stomach at the time of death, researchers found. By analyzing the contents of his intestines, the team was able report on his final two meals.

Their study appears in Tuesday's issue of Proceedings of the National Academy of Sciences.

Oetzi's body was found frozen in a mountain area, and pollen on the body indicated he had passed through a coniferous woodland on the way there, the researchers said.

During that trip he apparently ate the first of the two meals analyzed. That included meat from an Ibex, a type of wild goat once common in the Alps, plus cereal grains and some type of plant food.

That was followed by a final meal including red deer meat and, possibly, more grains, the Italian team reported.

While other early people included rabbit, squirrel and even packrat in their diets, Oetzi's differed.

"We think, in this view, that it is somehow remarkable that Oetzi obtained his animal proteins from big game only. It adds to the idea that he occupied an elevated social position," Rollo said.

Kathleen Gordon, a physical anthropologist at the Smithsonian's National Museum of Natural History, said the findings add to the knowledge of Oetzi and his community — showing that it was a mixed economy including both hunting and farming.

"We have analyzed the intestinal content and found compelling evidence that the Iceman was a high-ranked hunter."

— FRANCO ROLLO
University of Camerino

"This, I think, puts a nail in the coffin of the idea the Iceman was a vegetarian," added Gordon, who was not part of the research team. She is currently preparing an exhibit on the Iceman for the Natural History museum.

Oetzi's remains are in the South Tyrol Archaeological Museum in Bolzano, Italy. Two years ago, his body was temporarily thawed for researchers to take samples to study.

Following that, botanist Klaus Oeggl of the University of Innsbruck, Austria, reported on microscopic studies showing that Oetzi's last meal had included unleavened bread made of einkorn, a type of wheat, as well as some greens.

Rollo and his colleagues were able to expand on that finding by extracting DNA from the contents of the intestines and comparing the material to animal, plant and fungal DNA. They found that greens outnumbered cereals, which they say is consistent with hunters who tended to eat what they found or caught rather than carrying quantities of bread with them.

By estimating how fast food moves through the intestines they were able take samples from different areas and report on the two meals.

While little is known about Oetzi himself, he was carrying a bow, a quiver of arrows and a copper ax, leading to speculation that he was a hunter or warrior.

"The finding of Ibex and deer meat certainly strengthens" the likelihood that he was a hunter, the researchers said.

Last year, X-rays revealed that Oetzi was killed by an arrow, with the flint arrowhead remaining in his left shoulder. That has led to speculation ranging from death in battle to ritual killing.

Johan Reinhard, an expert on the mummies found on the mountains of South America, speculated last year that because Oetzi still had his valuable copper ax he may have been killed in some sort of ritual.

In the new paper, the Italian team noted that previous studies have concluded that stone age hunters of deer and wild boar tended to aim their arrows at the animal's left shoulder blade as this gave them the best chance of killing with one shot.

"As the arrow that struck Oetzi actually pierced his left shoulder blade, it seems to us much more reasonable to assume that rather than of a ritual sacrifice, he had been the victim of some rivalry among big game hunters," the researchers say.

Gordon said she tended to agree with the Italians, noting that the Iceman had been shot in the back, perhaps by someone chasing him.

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