FREE

FRIDAY, OCTOBER 3, 2003

Volume 2, Issue 274

Santa Monica Daily Press

A newspaper with issues

LOTTO

FANTASY 5
16, 26, 39, 2, 32

DAILY 3
Afternoon picks: **8, 6, 1**
Evening picks: **9, 5, 0**

DAILY DERBY
1st Place: 6, Whirl Win
2nd Place: 7, Eureka
3rd Place: 12, Lucky Charms
Race Time: 1:46.70

NEWS OF THE WEIRD
by Chuck Shepard

■ Egyptian law scholar Nabel Hilmi told a weekly newspaper in Cairo in August that he and other Switzerland-based expatriates are preparing a lawsuit against "all the Jews in the world" for the "trillions of tons" of gold and jewelry that Jews swiped during their exodus from Egypt in the time of the Pharoahs.

■ In August, a 14th-generation descendant of Montezuma asked the Mexican government to reinstate the long-dormant pensions the king of Spain agreed in 1550 to pay the descendants for the appropriation of Aztecs' land.

QUOTE OF THE DAY

"I'm So Miserable Without You It's Almost Like Having You Here."

— Stephen Bishop song title

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Bluffing it

Del Pastrana/Daily Press

Area residents relax at the overlook located at the California incline on a recent afternoon.

Pico shootings net few arrests, charges

BY CAROLYN SACKARIASON
Daily Press Staff Writer

The Los Angeles District Attorney's office has rejected all but one case against the eight men who were allegedly involved in a series of gang-related shootings that occurred in an eastside Santa Monica neighborhood earlier this year.

The Santa Monica Police Department had arrested eight suspects who were allegedly involved in one or more of the five shootings that occurred in the Pico neighborhood between May and June. The charges ranged from attempted murder to parole violations. Three searches were conducted in apartments occupied by several of the suspects, where police found evidence allegedly linking them to the shootings.

But the DA's office recently threw out seven of the eight cases because there wasn't enough evidence to prosecute. Only one suspect — 25-year-old Andre Stephaun Alexander — was formally charged with carrying a concealed firearm in a vehicle and carrying an unregistered firearm.

> **"Most of the cases we didn't file on the grounds of insufficient evidence."**
>
> **— SANDI GIBBONS**
> DA spokeswoman

"Most of the cases we didn't file on the grounds of insufficient evidence," said DA spokeswoman Sandi Gibbons.

But police say evidence collected during the investigation is still being analyzed by the Los Angeles County Crime Lab and will eventually link

See SHOOTINGS, page 6

L.A.'s traffic congestion worst in country by far

BY TIM MOLLOY
Associated Press Writer

LOS ANGELES — Lina Martinez tries to make the best of the three hours a day she spends riding buses to and from her downtown job — and of the hour or so she spends driving to the bus stop and finally home.

Martinez, whose home in Chino Hills is 37 miles southeast of her office, spends her time on the bus reading or studying business education courses as she travels to her job as a legal secretary. In the car she listens to jazz and Christian or motivational tapes, and looks for the bright side of spending hours in gridlock.

"You just do the positive thing," she said. "In life you have to have some time to think."

If there's one thing Los Angeles commuters have, a new study says, it's time to think. And to scream. And to grip the wheel and stare disbelievingly into the maze of gridlock.

The average Los Angeles driver wasted 90 hours in traffic in 2001, according to the annual report released this week by the Texas Transportation Institute at Texas A&M University. Nationally, the average driver spent 51 hours in traffic — four hours more than five years ago.

After Los Angeles, the San Francisco-Oakland area was next at 68 hours, followed by Denver (64), Miami (63) and Chicago and Phoenix, which tied for fifth (61). San Jose ranked seventh national-

See TRAFFIC, page 6

Freedom Riders' long, winding road nears end

BY JOHN WOOD
Daily Press Staff Writer

Fed up with the way immigrants are treated in the United States, a handful of Santa Monica activists will join a rally in New York on Saturday that is expected to attract close to 100,000 people.

The rally is the final stop in the Immigrant Worker Freedom Ride, a national bus tour modeled after the freedom rides of the civil rights movement and designed to raise awareness of the plight of immigrant workers in the U.S.

Four local hotel workers and a living wage organizer were aboard one of three buses that departed from Los Angeles on Sept. 22. Since then, the group has stopped in various cities across the country, holding rallies in such stops as Palm Springs, El Paso and Memphis, among others.

"The spirit is wonderful," said Mar Preston, an organizer for Santa Monicans Allied for Responsible Tourism, a nonprofit group that protects worker rights. "It's been a relentless pace."

Preston said the group has slept in church basements and crammed up to six people into hotel rooms as they made their way across the country, most recently stopping Wednesday in Washington, D.C., where the group lobbied politicians.

"All along the way we've met with large crowds and much enthusiasm," Preston said Thursday from in front of Rep. Henry Waxman's office.

Along for the trip with Preston are Flora Andrade, a housekeeper from the Doubletree Guest Suites, German Casillas, a steward at the Fairmont Miramar Hotel, and Edith Garcia, a housekeeper at Loews Santa Monica Beach Hotel.

More than 900 people on 18 buses are heading for New York,

See IMMIGRANTS, page 3

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HOROSCOPE

Don't disappoint friends, Aries

JACQUELINE BIGAR'S STARS

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

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

HAPPY BIRTHDAY for Friday, October 3, 2003:

Your home life is paramount to your well-being. You might spend many more hours devoted to your family. Ultimately, this investment makes you and your family happy. You seem to gain greater control in your life. You will be ending an 11-year cycle at your next birthday. You will be preparing yourself for something better. No matter what goes down, you are protected. If you are single, you will enter a year with prospects, but settling on the right one might take some talent. Check out each person carefully. If you are attached, your relationship will grow because of a child or an especially romantic period. Travel and break new ground. CAPRICORN pushes your buttons.

ARIES (March 21-April 19)
★★★★ Recognize what heads down your path. Understand what you must deal with in order to get passage out of the office today. Then clearing your desk will be a piece of cake. Tonight: You don't want to disappoint your friends, do you?

TAURUS (April 20-May 20)
★★★★★ Reach out for those at a distance, and your expectations will be more than met. If you feel the need to take off, do so. Others forgive your early exit out of the office. You will find that in a new environment, you'll recharge your close-to-dead batteries. Tonight: Do something totally different.

GEMINI (May 21-June 20)
★★★★★ Refer decisions to a key associate. You will not like carrying the bulk of the weight right now. Others will demonstrate their capabilities if you just lie back a little. Follow an intellectual hunch, and you'll hit bingo. Tonight: Say "yes" to a loving associate.

CANCER (June 21-July 22)
★★★★★ Sometimes you might want to challenge someone close. Use your sixth sense in your dealings with others. You might find answers where you least expect them. Look at a partner as a resource. Follow your intuition. Tonight: Out on the town.

LEO (July 23-Aug. 22)
★★★★ Pace yourself and look at what lies ahead, both this weekend and at work on the immediate front. Be imaginative with your ideas and share them with many. Take your time returning calls, as you might find some of them invigorating. Tonight: Easy does it.

VIRGO (Aug. 23-Sept. 22)
★★★★★ Your playful side emerges and takes you in a new direction, be it at work or at play. Be open to differences, and work with a new friend or loved one. A relationship could be budding in the office. Be very sure that this is what you want. Tonight: Go for introspection.

LIBRA (Sept. 23-Oct. 22)
★★★★ You might want to try another approach with a close family member. How you see a situation could change radically because of information that pops up out of the blue. A relationship becomes even more romantic than you anticipated. Go with the flow and the moment. Tonight: Happy at home.

SCORPIO (Oct. 23-Nov. 21)
★★★★ Reach out for those around you. Your feedback could make a big difference to a friend or an associate. Use your intuition well. Investigate new possibilities that revolve around a relationship or something you want to keep to yourself. Tonight: Get together with friends.

SAGITTARIUS (Nov. 22- Dec. 21)
★★★ Increased financial gain will allow you to indulge a loved one more often. Share your imagination, and brainstorming will begin. Investigate new possibilities within the framework of a meeting. Invite others to celebrate the end of the workweek. Tonight: Treat a loved one to munchies and a drink.

CAPRICORN (Dec. 22-Jan. 19)
★★★★★ Friends deliver suggestion after suggestion, many of which seem excellent. Sorting through which ones are viable might be challenging yet inspiring to a boss or associates. Even if you are excited about plans, try not to take them home. Tonight: Start the weekend in style.

AQUARIUS (Jan. 20-Feb. 18)
★★★ Slow down. Take your time. You don't need to be a freight train all the time. You might be delighted and surprised by how others chip in out of the blue. You would like life to follow this pace more often. Tonight: Get a good night's sleep while you still can.

PISCES (Feb. 19-March 20)
★★★★★ Your friendships extend to many people, be it work or your personal life. How you mix the two could make all the difference in the outcome. You might opt to decide not to mix church and state. Use your instincts with a key personal relationship. Tonight: Where the gang is.

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LOCAL

COMMUNITY BRIEFS

Olney in Venice: Which way, California?

By Daily Press staff

Brush up for the upcoming election by attending Warren Olney's special guest presentation on the Governor Davis recall, as well as many other local and national political subjects.

Olney is currently the host of KCRW's "Which Way, LA?" and "To the Point," which airs throughout the nation. He is an established journalist who has covered local, state and national politics, including presidential primaries, nominating conventions, inaugurations and summit meetings in Washington and Geneva. As a television news reporter and anchor from 1966 to 1991 in Washington, Sacramento and Los Angeles, he won several awards, including the Broadcast Journalist of the Year in 1999 and the Joseph Quinn Award in 1996.

Olney's appearance, sponsored by the Friends in Venice, will be held at the Abbot Kinney Memorial Branch Library at 501 S. Venice Blvd. on Saturday at 1:30 p.m. The event is free and open to the public. For more information, contact Gwendolyn Howard at (310) 314-6916 or call the library at (310) 821-1769.

Sheen to host fete for paralyzed film student

By Daily Press staff

On Saturday, Martin Sheen and Gary Smith will host the third annual Nick Steenolsen Foundation Beach BBQ fundraiser to improve the quality of life for Nick Steenolsen and other victims suffering from spinal cord injuries.

The Nick Steenolsen Foundation was established by Steenolsen's friends and family after he sustained a spinal cord injury during a snowboarding accident in 2000. Since then, the USC Long Beach Film School graduate, who was working on a Disney Imax project at the time of the accident, has teamed up with Sheen and Smith in an effort to rebuild his life and return to the film industry as an editor.

The fundraiser will be held at Zuma Beach at 30708 PCH in Malibu at 3 p.m. The event will be open to the public. A minimum donation of $25 is suggested. For more information, call (310) 458-9603.

Bus tour takes on Big Apple

IMMIGRANTS, from page 1

where tens of thousands of other immigrants and activists are expected to join them. Following the rally, the group plans to fly back to L.A.

The goal of the entire trip is to ease the hardships faced by immigrant workers, according to organizers.

"... today's Freedom Ride will expose the injustice of current policies toward immigrants. Immigrant workers, living and paying taxes in the United States, want to get on a path to citizenship, reunite with their families, have a voice on the job and be treated fairly," said Kurt Petersen, organizing director of the local hotel and restaurant workers' union, in a press release.

The union has been a major supporter of the battle for a living wage in Santa Monica. Most recently called "Measure JJ" on the November ballot, the proposed living wage would have required businesses downtown that gross more than $5 million in revenue annually, mainly hotels and restaurants, to pay workers between $10.50 and $12.25 per hour, depending on whether they also received health benefits.

Unionized businesses would have been exempt under the proposed living wage ordinance. Four of Santa Monica's large hotels already have a union presence and Petersen said organizers will not rest until the other six do as well.

Preston described the Freedom Ride as like "flowing along a river of love," but said the cross-country trek also has been marked by turbulent emotions and terrible stories of oppression and discrimination. She said one stop, near where dozens of white crosses marked graveyards in the desert near the Mexican border, was etched into her memory.

"This is a really big story that needs to be told," she said. "It's time to start talking about a fix."

surf report

Damn that water is cold, but the northerly swell is putting some pretty fun pop-ups in the local waters. Expect most breaks to have knee-to waist-high sets.

OUTLOOK: The NW and the tropics have things in store for next week. But expect the current mix of NW and S to drop over the weekend, though there will still be some pulse.

Get stoked on an epic sesh? Get burned by a bad report? Write us at wood@smdp.com and tell us what the surf is doing today at your local break.

Today the water is: 64°

Sunrise: 6:45 a.m.
Sunset: 7:03 p.m.

	LOW TIDE				HIGH TIDE			
	Morning	Height	Evening	Height	Morning	Height	Evening	Height
SATURDAY	4:21	0.4	4:56	0.1	10:33	6.0	11:05	5.2
SUNDAY	4.53	1.0	5:48	0.0	11.07	6.1	N/A	N/A
MONDAY	5.26	1.6	6.49	0.1	12.01	4.5	11:46	6.1
TUESDAY	6.02	2.2	8:04	0.3	1:11	3.9	12.31	5.9
WEDNESDAY	6.47	2.8	9.37	0.3	2:54	3.4	1:32	5.6
THURSDAY	8:17	3.3	11:07	0.1	5:18	3.5	2:57	5.3
FRIDAY	**10:39**	**3.3**	**N/A**	**N/A**	**6:40**	**3.9**	**4:35**	**5.2**

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OPINION

LETTERS

Grope this!

Editor:

Today's L.A. Times revealed that Arnold Schwarzenegger has a history of groping women. Most men feel it's no big deal. I wonder if they would feel the same if while they were working out in Gold's gym a gay bodybuilder came up behind them, stuck his hand down their pants and, in front of a couple dozen people, said something like, "I'd like to work you out?" Now imagine that person is running for governor.

Grace Santafemia
Santa Monica

Toilet-train your teenager

Editor:

It's nice to know concerned parents won't rest until the administration cleans up the urine, feces, graffiti and piles of tissue paper and seat covers that are found all over the bathrooms by the end of the day. I wonder if this "bathroom behavior" is practiced by parents in their workplace or maybe by their children while at home. I don't think the high school should be responsible to toilet-train students. I suggest parents spend less time meeting with the administration and more time meeting with their children.

Jack Allen
Santa Monica

Five ways to get rid of the stink

Editor:

The school I work at in Minneapolis — Hopkins High School — has fairly decent bathrooms. The automatic flush toilets help.

Here's some suggestions:

1. Automatic flush toilets and automatic faucets.
2. Reminders about being respectful of property posted.
3. Get parent volunteers/student government to monitor the bathrooms for six months, keep a log and discuss the issue after this period.
4. Meet with maintenance folks and find out who checks their work after school hours.
5. Automatic deodorizers — too bad for the folks who are environmentally challenged. Either stink is bad. One is just more natural.

Marilyn Sackariason
Minneapolis, MN.

Aloha, Mr. Murphy

Editor:

I got such a kick out of your story, "Homeless man gets $275,000 settlement" (SMDP, Oct. 1, page 1). Richard Murphy, the former homeless man, received the $275,000 for the injuries he sustained while sleeping in the sand.

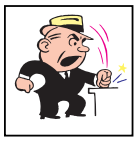
Originally from the Midwest, Mr. Murphy came to Santa Monica, the west coast mecca for the homeless, got injured by a city worker, sued the city and now plans on spending his money on a future in Hawaii. His attorney is quoted in the article as saying, "he's an intelligent guy. He has a plan. He wants to go to Hawaii." After all, what "intelligent guy" would want to stay in Santa Monica and be pestered by the growing vagrant population making demands on his newly acquired money?

I would be interested in knowing the statistics of how many of the homeless Santa Monica serves and plans on serving actually had an address in Santa Monica prior to their homeless condition. Perhaps this could be a question on the intake sheet when they are served by the new facility planned.

So good luck and aloha to Mr. Murphy and congratulations to the city of Santa Monica, who only had to spend $275,000 to rehabilitate one homeless guy. It's something to think about — in the long run, this just might be the most cost effective way to go.

Marilyn Brennan
Santa Monica

Survey says Santa Monica and its leaders are lacking



MY WRITE

By Bill Bauer

Periodically, City Hall conducts its own community needs surveys. Its the city's way of assessing public opinion on what's good and what's bad about our community.

Recently a private sector public opinion survey was commissioned by Southern California Disposal Company and conducted by a professional firm, National Demographics Corp. Three-hundred-fifty residents were surveyed by telephone from April 28 through May 1, and the results were presented to the City Council on Aug. 26.

Although the poll was designed to gauge reaction to a city plan to build a multi-million dollar trash facility that would compete with SCD's operation next door, most of the seven questions dealt with the way the city is governed.

NCD's survey results mirror the city's own polls and recent surveys by various neighborhood groups, political organizations and candidates.

For example, 35 percent of those interviewed said that the homeless was the city's No. 1 problem. There's nothing new here.

Traffic, parking and high housing costs were mentioned by 20 percent of the responders — in line with other recent public opinion surveys.

City politicians should note that the cost of housing is not synonymous with desire to build affordable housing. Rather, it reflects public concern about the high cost of housing, whether it be renting a market-rate apartment or buying a single-family home in tony Santa Monica.

Shortage of funds for city projects was mentioned by 18 percent of those participating in the survey.

A question asking whether the city should spend $6 to $7 million for architects and engineering plans for a new city waste treatment facility revealed that 52 percent of respondents were either uncertain or needed more information.

But when a question about whether that $6 or $7 million could be better spent and how, almost half of the respondents said "schools and education." Parking and traffic control, and the homeless also were mentioned as possible beneficiaries.

Nearly half or 48 percent of respondents felt the city was wasting some (money) on unnecessary things. On the other hand, only 18 percent felt that the city spent money "only on essentials," and 7 percent said "some of each," and 27 percent had no opinion or didn't know.

One question dealt with the City Council's performance. Only 13 percent rated the City Council's performance as "excellent," 46 percent judged it "fair," 18 percent said "poor" and 23 percent weren't sure.

The damming part of the poll shows that nearly two-thirds of those participating in the NDC survey think the City Council is doing a fair to poor job in governing.

I'm surprised their approval rating is even that high.

For example, the city annually spends millions on homeless services and tens of millions of dollars more for police and paramedic services because of vagrants. Our large and increasingly service-resistant transient population has been the No. 1 problem here for two decades. Yet, city leaders seem to have no inclination or desire to solve it.

The city's policy exacerbates other problems, too. Vehicular traffic gets heavier every year. So the City Council responds by spending millions on traffic islands, speed bumps and narrower traffic lanes to bottle things up even more.

Despite claims of "pedestrianization," the city leadership's real motivation is to force you out of your car and onto that Big Blue Bus, bicycle or your feet.

All these traffic calming schemes do is create gridlock, generate air pollution and encourage drivers to use residential streets to bypass impacted main thoroughfares. It makes no sense and we all know it.

Parking problems are "solved" by restricting even more streets, making it harder to work and shop in Santa Monica.

Preferential parking zones are supposed to keep commercial or business parking off residential streets, however, the city is considering allowing business employees to park in restricted residential zones with an employee parking permit. What sense does that make?

And, how do they deal with high market rate rental costs and soaring home prices? They ignore 'em.

Some council members were insulted that NDC's poll rated their performance low.

They should be.

When elected leaders ignore then needs of residents and screw over the good citizens of Santa Monica in deference to their own whacked-out social agenda, they don't deserve a poor rating, they deserve a miserable rating.

Like Smith-Barney, they've earned it.

(Bill Bauer is a longtime Santa Monica resident. If you would like to respond, write a letter to the editor because he doesn't want to hear it.)

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

YOUR OPINION MATTERS!

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OPINION

The Q Line

Community sounds off on the recall election

This past week, Q-line asked:

"What is the deciding factor for you in the election?"

Here are your responses:

■ "If I had a choice between Arnold Schwarzenegger and Maria Shriver, I would vote for Maria simply because, over the years, I have liked her uncles. Now the voter's choice is whether we have rich Republicans or rich Democrats running this state. A 'no' vote on the recall means a 'no' vote on Warren Buffett."

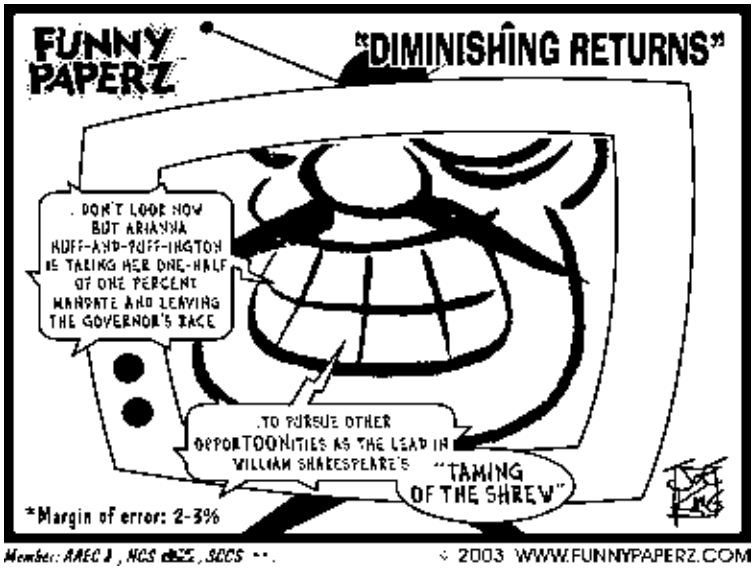
■ "I am voting for Tom McClintock because he is against gay marriages, against pro choice, and he has political experience."

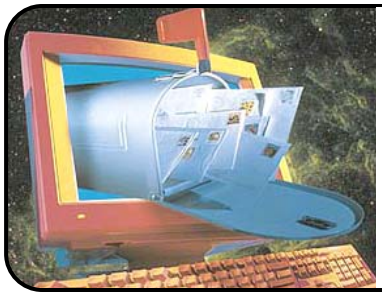
■ "The deciding factor for me in this election is to get someone in there who doesn't favor any single ethnicity, like (Lt. Gov. Cruz) Bustamante does. All Bustamante cares about are his Latino constituencies, and for that reason I'd vote for anyone but Bustamante. (Gov. Gray) Davis is gone."

■ "The biggest deciding factor in the way I vote at the polls is going to be why Gray Davis is giving driver's licenses to illegal aliens, coupled with the fact that Cruz Bustamante is for nobody but his own constituency — the Latino population. Therefore, I have to vote for anyone besides Bustamante and for the recall."

■ "The deciding factor is going to be people who know how to do their correct jobs, and also the use of the touch-screen system."

■ "The deciding factor for me is leadership, ethics and a willingness to make the necessary cuts in the budget."





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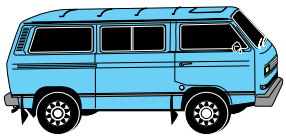

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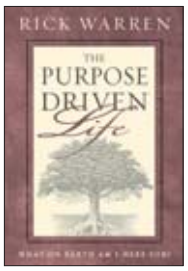

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LOCAL ❑ STATE

Seven of eight suspects in gang shootings free

SHOOTINGS, from page 1

the suspects to the shootings.

In June, Alexander pleaded no contest and was sentenced to 300 hours of community service, 36 months of probation and six days in jail. His alleged partner in the vehicle, Rodney Lenny Crayton, 26, wasn't charged. SMPD arrested the men after they were stopped for a traffic violation on the 1900 block of Pico Boulevard. They matched the description of the suspects involved in a drive-by shooting in the same neighborhood on June 5, police said.

Witnesses and the two victims, both of whom are Latino and are affiliated with a Santa Monica gang, told police that two black men shot at them while they were sitting in a parked car. Both Alexander and Crayton are black.

None of the shootings — which occurred on May 9, 18, 19, 20 and June 5 all within a few blocks of each other — caused any injuries. The May 9 shooting, however, resulted in a stray bullet traveling through two walls before it hit a dresser in a bedroom of a woman's home while her four children were there.

Despite the mass dropping of charges against the seven men, police remain confident that the suspects will indeed be brought to justice.

"A lot of the times, the DA rejects the case for insufficient evidence and we have to wait for it to come back from the lab," said SMPD Lt. Frank Fabrega. "Then everything is resubmitted to the DA."

It's unclear how long the crime lab will take to analyze the evidence.

The suspects who were not charged are:

■ Ashia Boldwar, a 20-year-old black male, arrested on a robbery warrant.

■ Terrence Brown, a 23-year-old black male, arrested for assault with a deadly weapon and outstanding warrants.

■ Richard DeLa Cruz, a 30-year-old Hispanic male, arrested and charged with a probation violation.

■ Richard Hernandez, a 19-year-old Hispanic male, arrested for a felony probation violation.

■ Marshall Lipps, 21, of Santa Monica, arrested for allegedly being involved in the May 20 shooting.

■ Kevin Lamarr Crosby, 24, of Inglewood, arrested for attempted murder and a parole violation.

Meanwhile, police are also still waiting for evidence to be returned from the crime lab relating to the murder of 19-year-old Jalonnie Carter who was shot in the back on Sept. 2.

Arthur Archuletta, 21, was arrested for murder by Santa Monica Police days after the shooting, which occurred in an alley east of 20th Street, but the DA's office rejected that case as well, saying there wasn't evidence for a conviction.

Commuters sitting there watchin' wheels go 'round

TRAFFIC, from page 1

ly in the number of hours lost by trapped travelers: 60 hours.

The price tag was $69.5 billion in wasted time and gas, said the study, which looked at 75 urban areas.

Noreen Kazauchian, a Los Angeles bank employee, said traffic regularly adds 20 minutes to her drive to work. She arrived 10 minutes late Tuesday after half an hour in the car, trying to unwind with an easy listening station.

"If there's no traffic I get here in 10 minutes," she said. "It stresses me. I get mad."

Tim Lomax, the study's co-author, said public transportation, traffic signals on freeway entrance ramps and other congestion-busting measures have kept a bad situation from getting even worse. For example, traffic signal coordination aimed at smoothing the flow of cars, trucks and buses saved commuters 16 million hours, the report said.

Steve Montes said he shaves an hour from his commute each way by taking Southern California's Metrolink commuter rail from Upland to downtown Los Angeles. When his company moved from Pomona to Los Angeles eight years ago, his once short commute stretched to four hours roundtrip and he wondered if the good pay in Los Angeles was worth the time he lost driving from his home in Ontario, 40 miles east.

His company, Access Services, drives people with disabilities around Los Angeles County, and the irony of sitting in traffic to get to a job in transportation was never lost on him. He abandoned the long drive for the train, which allows him to take catnaps and read.

"The worst part was the unexpected," he said of the gridlock he left behind. "We would be held up and waiting to see what was causing the issue and it was really nothing, just an abundance of vehicles."

The study found some areas of the country where gridlock eased. The average delay dropped for commuters in San Antonio, Texas; Fresno, Calif.; and Pensacola, Fla.

But the study said more improvements are needed, including more roads, additional bus and car pool lanes, and adjusted work hours for commuters.

Consulting company Deloitte & Touche is among firms that allow employees to adjust their hours to avoid rush hour. The company also has satellite offices around the Los Angeles area where many employees can opt to work to avoid the commute to the downtown office.

"Some people do come in late because they live far away and don't want to deal with traffic," said spokeswoman Suzanne Thompson.

In response to criticism about its earlier studies, the institute for the first time factored in improvements that cities are making, such as traffic light coordination and ramp metering, as well as the benefits of public transportation, Lomax said.

Data from the Federal Highway Administration and information from state and local agencies was analyzed by the researchers to come up with the rankings.

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STATE

Schwarzenegger details first 100 days in office

BY JIM WASSERMAN
Associated Press Writer

SACRAMENTO — Arnold Schwarzenegger outlined his first 100 days if he seizes the governor's office while Gov. Gray Davis warned voters this week of the stark choice between the two as the latest poll showed Schwarzenegger leading his rivals and Davis at risk of losing his job.

"We are ready to take office," the actor-turned-politician told a crowd of about 400 supporters. "We are ready to take action. We are ready to return California to the people."

In trying to recover from polls that show him in jeopardy of being recalled Oct. 7, Davis continued to focus the campaign as a two-man race that he said provided a "shockingly clear choice."

"Do you want to turn the government over to Mr. Schwarzenegger and the Pete Wilson crowd or do you want to continue with a progressive governor?" he said. Wilson, the previous governor, is co-chairman of the actor's campaign.

Davis was joined by his newest convert, independent Arianna Huffington, as he announced the state would preserve the 2,960-acre Ahmanson Ranch that straddles Los Angeles and Ventura counties. Huffington dropped out of the race Tuesday to focus her energy on taking down Schwarzenegger and defeating the recall.

Once a harsh critic of Davis, Huffington used the dusty oak-dotted hills that had been planned for a golf course community of more than 3,000 homes, to point out the impact a Schwarzenegger administration would have on the landscape.

"If he had the chance, probably this would be a parking lot full of Hummers," she said.

Schwarzenegger, buoyed by his support in the Los Angeles Times poll, arrived in the capital and repeated a number of pledges made earlier in his campaign. On his first day in office, he said, he would repeal the tripling of the state car tax then move to have the state budget audited and call a special session of the Legislature to enact spending cuts.

He also intends to seek a larger percentage of Indian gaming revenue and renegotiate state employee union contracts. The new state budget signed by Davis also calls for $1.1 billion in savings from renegotiated union contracts or layoffs.

Davis campaign spokesman Peter Ragone said it was a mistake for Schwarzenegger to "start measuring the drapes in the offices of the Capitol."

"It's profoundly disrespectful to the people who haven't yet expressed themselves and haven't yet had their voices heard in this election to start naming their transition team or whatever they're up to," he said.

Schwarzenegger's address came a day after a Times poll showed he had support from 40 percent of likely voters. Democrat Lt. Gov. Bustamante had 32 percent, and Republican state Sen. Tom McClintock had 15 percent.

The poll also showed the effort to oust Davis succeeding 56 percent to 42 percent. That marked a dramatic shift from a Sept. 12 Times poll that had support for the recall stalling, with 50 percent of voters supporting it and 47 percent in opposition.

The Sept. 12 survey by the Times also had Bustamante leading with 30 percent. Schwarzenegger had 25 percent, and McClintock had 18 percent.

Schwarzenegger's surge came after his performance at last week's debate and follows the withdrawal of former baseball commissioner Peter Ueberroth, another moderate Republican.

Schwarzenegger also has aired millions of dollars of ads over the last several weeks.

Ragone downplayed the latest poll results, saying the campaign remained fluid.

Davis also turned again for help to one of the party's most popular figures. His campaign released a radio ad featuring former President Bill Clinton criticizing the recall and saying that beating it is "the right thing to do."

The comments were taped during Clinton's campaign appearance with Davis last month.

Davis appeared Wednesday with retired Gen. Wesley Clark. Like other Democratic presidential contenders who came to support Davis, Clark cast the recall as part of Republican power grabs across the nation.

"I'm here to support the efforts of Californians to retain their standard of democracy in this state," he said.

Davis warned that the actor's promises to bring back jobs actually means he would target worker-friendly policies like the state's eight-hour workday law.

Clark also endorsed Bustamante later in the day as a backup in case Davis is removed.

Bustamnate said he would not drop out of the race, which some analysts said could rally Democrats around Davis.

He said his candidacy had excited blacks, Hispanics and progressive voters and that it was important for him to remain in the race so they would vote on Election Day.

Bustamante said he would like Davis' endorsement on his slogan of ``no on recall, yes on Bustamante,'' which has been embraced by most of the state's Democratic lawmakers. Davis had said he would make that decision 10 days before the election, but he has remained quiet on the issue and his campaign said it wasn't focused on that.

"I would have always hoped that the entire Democratic family would have been able to unite," Bustamante said.

Bustamante said little about the poll, except that it showed he fared slightly better than a CNN-USA Today-Gallup poll over the weekend.

The Times survey of 815 likely voters was taken from Sept. 25-29 with a margin of sampling error of plus or minus 3 percentage points.

McClintock campaign director John Feliz said voters remain conflicted with "volatile" opinions and McClintock does not intend to drop out.

"You have to believe in the common sense of the average voters," he said. "I think in the booth they'll search their consciences."

David Schecter, a government professor at California State University, Fresno, said the new poll was "bad news" for McClintock and "horrific news" for Bustamante.

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Entertainment

What's Playing

BY DAN DUNN
Special to the Daily Press

THE RUNDOWN
A rollicking, action-adventure tailor-made for Hollywood's contempo action hero — The Rock. There is no shortage of high-voltage cinematic action.

UNDER THE TUSCAN SUN
A gorgeous, thoroughly enjoyable romantic dramedy about second chances, and the healing power of love.

DUPLEX
Too predictable and ordinary to merit recommendation — this is a retread that disappoints more than it delivers.

ANYTHING ELSE
As Woody Allen flicks go, it ranks in the middle of the pack with the likes of "Mighty Aphrodite" and "Small Time Crooks."

SECONDHAND LIONS
Duvall and Caine try to push this unwieldy family fare along, but the old hands can't quite advance beyond the ordinary.

MATCHSTICK MEN
An evocatively honest look at the dishonest lives of two con men, featuring stellar performances by Nicolas Cage and Sam Rockwell.

ONCE UPON A TIME IN MEXICO
There is no shortage of entertaining, eye-popping pyrotechnics and hyper-kinetic fight sequences, but what this film is sorely lacking is a sense of clarity.

DICKIE ROBERTS: FORMER CHILD STAR
Has a lot in common with star David Spade's filmography: It shows early promise, but quickly degenerates into an unfunny mess.

THIRTEEN
Nabbed the top director's prize at the 2003 Sundance Film Festival, and deservedly so. This is one of the most compelling films of the year.

JEEPERS CREEPERS 2
Relies on far too many stale clichés. The result is a film that is as lifeless as, well, most of the cast is by film's end.

AMERICAN SPLENDOR
Based on the cult-classic comic book series of the same name, the film is funny and sad and disheveled and, most of all, it's us. In his first go as a leading man, Paul Giamatti just flat-out nails it.

STEP INTO LIQUID
Whether you're a SoCal beach bum or a mainlander who doesn't know a point break from a coffee break, you'll likely enjoy this exciting, beautifully crafted love letter to surfing.

THE MEDALLION
The only thing missing from all the new, well-appointed multiplexes are barf bags for use in case of unexpected turbulence or films such as "The Medallion."

OPEN RANGE
Boasts enough eye-popping scenery and well-choreographed gun battles to make it one of the better westerns in recent memory.

THE MAGDALENE SISTERS
Powerful and thought-provoking tale of three young women imprisoned inside a convent in 1960s Ireland.

S.W.A.T.
With a compelling story, strong characters and a plethora of gritty action sequences, the film is a vast improvement over the mediocre television series that spawned it.

FREAKY FRIDAY
This remake strives to be a little more inventive than the 1977 original, and with the help of Jamie Lee Curtis and Lindsay Lohan succeeds to a large degree.

AMERICAN WEDDING
Doesn't succeed like its predecessors, but it's a serviceable send-off to one of the more likable film franchises of the past decade.

SEABISCUIT
A nice film that makes the heart swell with patriotic pride and nostalgia, while the head marvels at the depth and complexity of some truly wonderful performances.

PIRATES OF THE CARIBBEAN
Without a doubt the best Big Screen adaptation of a theme park ride ever, this film goes a long way toward redeeming Disney for the sin that was "The Country Bears" movie.

'Out of Time' clocks in as competent whodunit

Review

BY DAN DUNN
Special to the Daily Press

Like a classic Shakespearean drama, "Out Of Time" is the story of a decent, but flawed man whose seemingly minor foibles threaten to do him in. Denzel Washington plays the tragic hero, Matt Lee Whitlock, in director Carl Franklin's taut thriller — a steamy whodunit reminiscent of "Body Heat" and the director's own impressive debut, "One False Move."

Whitlock is the police chief in diminutive Banyan Key, Florida, a hot and lazy Miami purlieu where crime is of little concern. So the Chief spends his time "investigating" his former high school sweetheart, Ann Merai (Sanaa Lathan), who is stuck in an abusive marriage to ex-football star turned down-and-out security guard Chris Harrison (Dean Cain). Matt cares for Ann, but he's still madly in love with his beautiful estranged wife, Alex (Eva Mendes), a Miami homicide detective.

Eva Mendes and Denzel Washington in 'Out of Time.'

After Ann reveals she's dying of cancer and in need of expensive treatment, Matt comes to the rescue, "loaning" her a half-million bucks seized in a recent drug bust. She, in turn, names him as the beneficiary on a $1 million life insurance policy. And before you can say, "Bad idea, Chief," Ann and Chris are killed in an arson, and the DEA shows up to claim the missing drug money. It isn't long before all the evidence begins to point to Matt, a dilemma further complicated because his wife is the lead investigator on the case.

Washington simply does not turn in a bad day at the office, and his performance in "Out Of Time" is no exception. He effectively juggles an assortment of disparate emotions that run from remorse to anger to fear. Still, you get the feeling that Matt Whitlock could have benefited from a little of the over-the-top swagger Washington employed so effectively in "Training Day." Mendes, on the other hand, is given a lot more to work with than she was in "Training Day" (playing Denzel's love interest in that film as well), and she makes the most of it. If there was any doubt she's going to be a star, it's erased in "Out Of Time." The real find, though, is John Billingsly as the drunken medical examiner who goes to great lengths to help Matt stay a few steps ahead of everyone else. The guy is a scene-stealer, thanks in large part to some very funny comic relief penned by impressive first-time screenwriter Dave Collard. Kudos also go to cinematographer Theo Van De Sande, who deftly layers the delicate hues of the lush Florida keys beneath the frenzy of Whitlock's desperate race against time.

(Rated PG-13 for sexual content, violence and some language. Running time: 105 minutes)

Denzel gives into temptation, at least on film

BY DAN DUNN
Special to the Daily Press

Spike Lee nailed it, all right — Denzel Washington got game. Mad game. He's a prime-time playa in a league all his own. The two-time Academy Award winner boasts a film resume that ranks among the all-time best — "Glory," "Philadelphia," "Cry Freedom," "The Hurricane," "Remember The Titans" and "Training Day" just to name a few. "Crimson Tide," "Mo' Better Blues," and "Antwone Fisher" to name a few more.

He's gone toe-to-toe with Hackman, Hawke and Crowe, and heart-to-heart with Julia, Whitney and Eva Mendes. If they were handing out awards and money to people who are great at pretending to be people they're not, Denzel would have more than a fair share of both … actually, they do, and he does. His latest effort is the turbulent thriller "Out Of Time," which reunites him with "Devil In A Blue Dress" director Carl Franklin, and his "Training Day" co-star, Mendes. Washington sat down recently to give the press some stuff to print.

Question: Your character in "Out Of Time" gives into temptation, and it lands him in a world of trouble. You, on the other hand, seem to be one of Hollywood's model citizens. I can't ever recall seeing any dirt about you splattered in the tabloids. Are you immune to temptation?

Denzel Washington: Nobody's immune to temptation. C'mon. I'm a human being like everybody else. And I don't read the tabloids... what do they say about me?

Q: They say you're a good guy.

DW: Well, they hail you then they nail you, don't they? So sooner or later, they'll be coming my way.

Q: Are you trying to tell us that you aren't as infallible as you're made out to be?

DW: You know, I am an actor and a human being. People can say I'm the greatest thing ever, but I'm like, hey, don't put that on me. You don't know me. You know the parts I played. I played Steven Biko. I'm not Steven Biko. I played Malcolm X. I'm not Malcolm X. I love my family. Family's first, and that's it.

Q: Let's talk about your steamy love scene with Sanaa Lathan.

DW: Why aren't they called love scenes anymore? ... Because there wasn't any love involved, I guess.

Q: How does your wife respond when she sees you getting busy onscreen with a beautiful actress?

DW: When we did "Mississippi Masala," I made the mistake of not showing her the film beforehand, and we went to the premiere … and that wasn't a good day. (laughs) I guess she feels that she should know what's going on before people (in the audience) are snickering, or whatever their response is. So I told her what was going on in this film, and she saw it early on.

Q: You've got a reputation for giving relatively unknown actors, writers and directors their first big shot. Why do you go out of your way to open the door for newcomers, while so many other stars of your stature tend to want to work only with other big shots?

DW: I just like to see young people do well. Nothing makes me happier than to see Derek Luke ("Antwone Fisher") walking around a year later in suits that are more expensive than mine. And seeing Sanaa and Eva and Dean Cain do well — that makes me happy.

Local filmmakers draw on Santa Monica talent pool

Now they're looking for distribution

BY CAROLYN SACKARIASON
Daily Press Staff Writer

When two Santa Monicans decided to make their own independent film, they knew exactly where to go for talent — their own backyard.

"Southern Hospitality," released earlier this year, took more than three to years to complete. Its creators — Madison Miller and Bill Slate — formed Resilient Films in 2000 and began their journey of making one of the first digitally shot independent films.

They wanted talented actors and knowledgeable people behind the camera. But the challenge — as most independent filmmakers know — was money.

Miller and Slate also wanted to keep artistic control of the film so they used their own cash instead of finding investors, who usually want to give their input.

Nearly 50 people — almost all of them from Santa Monica — volunteered their time to be part of the project. Amateur and established actors, cameramen, sound technicians, special effects specialists and a host of others spent hundreds of hours shooting "Southern Hospitality" — for no salary.

"These people haven't been noticed yet," Miller said. "They were given the opportunity to be part of something and they all saw it as a different opportunity in their own way."

"Southern Hospitality" is an action-adventure feature-length film about friends searching for the remains of a lost Indian tribe on The Trail of Tears in Oklahoma. It was shot on location in Oklahoma, as well as in Santa Monica and Topanga.

The making of the film was truly a grassroots effort — actors got behind the camera, operated the booms and helped in the overall direction of the project.

"We let them do what they wanted. It was an opportunity for them to learn and gain experience in filmmaking," Slate said. "They should know what is happening behind the camera."

The team drove to Oklahoma to shoot in the hot summer heat for three weeks, and worked 20-hour days. Most of them didn't know each other, a dynamic Slate and Miller were worried about.

"We stuck them in the car and they drove out there together," Slate said. "But they all worked together surprisingly well."

The location — the Trail of Tears — was in the rugged terrain of Oklahoma's Arkansas mountains about three hours outside of Oklahoma City.

"Most of these guys are not campers. There weren't any showers and we had to give them necessities," Slate said. "It was rough conditions so we had to feed them well, push the vitamins and have plenty of beer."

And there were plenty of challenges, too. Costs rose quickly because transporting equipment like airboats, airplanes and vehicles into the Oklahoma wilderness became expensive. And, of course, the project took longer than expected.

All told, Miller and Slate spent $30,000 of their own money on the project.

"I had to lower my ideals about certain situations," Slate said. "But if you want it to be good, you have to be patient."

When the shooting was done in Oklahoma, the crew shot several scenes in Santa Monica and in the woods of Topanga Canyon.

The film was shot with a Canon XL1 and done mostly by cameraman Seth Kotok, a Santa Monica resident.

"It was cheaper and no one was doing it," Slate said. "(Kotok) really spent a lot of time using it and he got his opportunity to shoot his first feature as a director of photography."

Since Southern Hospitality was shot, many independent filmmakers have used the mini DV.

"The mini DV enables young and upcoming filmmakers to make films in a variety of genres that they would be unable to do in a more expensive medium like film," Kotok said. "We were able go to Oklahoma and shoot on location, giving us high production value without the expense of bringing large amounts of equipment from Hollywood with us."

Although an expensive endeavor, Miller and Slate learned a lot about filmmaking through mistakes. But it appears it has paid off — the film has won three awards since it was completed in February. Earlier this year, the film took the Native American Vision Award, which recognizes the contributions of Native American filmmakers both in front and behind the camera. Miller and Slate also won "Long Format Drama" at the Park City DV Awards, for general storytelling, and the "Best Narrative Feature" at the Bare Bones International Film Festival.

Photo courtesy of Madison Miller

Crews set up on location at the Cimeron River in Oklahoma to shoot a scene in 'Southern Hospitality.

Photo courtesy of Madison Miller

Left: 'Southern Hospitality' director Bill Slate
Right: Madison Miller as 'Ontowana'

They now plan to distribute the film to as many people as possible and get involved in some major independent film festivals like the American Film Institute, held locally.

"We are trying to do truly independent filmmaking — good films at a low cost," Miller said. "And establish ourselves as serious filmmakers."

"Southern Hospitality" is Slate's directorial debut. In 2001, he directed another feature entitled "Shooting Stars," a dark comedy. Slate, who began his producing career in 1998 and produced five features, is currently in development on another project. He also has created and wrote a few dramatic features and started his career as an actor.

Miller — who produced "Southern Hospitality" and played "Ontowana" the Indian spirit — began her career in the entertainment industry in 1997 with a small role in "Scream." She has acted in numerous independent films before forming Resilient Films in 2000. She is currently developing a screenplay she wrote, entitled, "No One's Talking."

The pair, who live in Santa Monica, hope "Southern Hospitality" will serve as the launch pad for many of the crew members' careers, including their own.

"I think you'll be surprised when people see the passion that was put into it by everyone," Miller said.

About to 'Rock'? We salute you

Review

BY DAN DUNN
Special to the Daily Press

While "School of Rock" is certainly one of the most high-spirited films of the year, it is at the same time a black comedy … a Jack Black comedy, that is. The combustible comic is nothing short of brilliant as Dewey Finn, a down-and-out musician who takes a job as a substitute teacher, dispensing rock 'n' roll "lessons" to a group of prematurely ripened grade schoolers. Penned by "Chuck & Buck" scribe Mike White (who co-stars as Dewey's dweebish roommate Ned Schneebly) and directed by Richard Linklater ("Dazed and Confused," "SubUrbia"), "School of Rock" is one of those singular films that combines mainstream appeal and indie credibility. And it is, to get right down to it, the funniest movie of the year thus far.

Dewey is a true believer with an unwavering zest for rock 'n' roll of the sort produced by Led Zeppelin, Aerosmith and Motorhead. He's a frumpy guitar god wannabe who loves doing 20-minute solos and shirtless stage dives. His passion for music is so all-consuming that it causes Dewey to skirt such responsibilities as making a living and bathing, much to the consternation of his roommate Ned and his overbearing girlfriend, Patty (Sarah Silverman). When he's unceremoniously dumped by his heavy metal outfit just weeks before an important Battle of The Bands competition, Dewey vows to rock again, harder than ever. But after Ned threatens to kick him out of the apartment unless he can come up with his rent money, Dewey is forced to get a job — and does so by pretending to be Ned and accepting a teaching gig at a prestigious elementary school.

Once he realizes that his all-day-recess policy isn't going to fly, Dewey begins to share the only real knowledge he has — rock music history — with his fifth-grade class. Linklater and White wisely avoid the "uncontrollable kids" cliché, and instead make Dewey the class clown who "corrupts" his well-behaved charges by assigning Doors music for homework. Things really get going when Dewey decides to mold his students into a pint-sized combo with an eye on the Battle of The Bands title. Not only is he up against it trying to teach the kids to effectively "get the Led out," he must do so without raising the suspicions of prissy, by-the-book Principal Mullins (the always-enjoyable Joan Cusack). The band — dubbed School of Rock — eventually makes it to the big stage, with predictable results.

"School of Rock" flows effortlessly and there's nary a dead spot to be found. Much more than a mere showcase for Black's considerable abilities, it's a film that succeeds because all of the players in it exude real passion. The filmmakers wisely cast children who can actually play instruments and sing, lending authenticity to the numerous jam sessions. On top of all that, the music — much of it original Black and White compositions — kicks serious behind.

(Rated PG-13 for some rude humor and drug references. Running time: 108 minutes)

Music Scene

A range of music this month at SMC

By Daily Press staff

The Santa Monica College Music Department will present an eclectic mix of concerts in October, including orchestral music, jazz and more.

All concerts are in the SMC Concert Hall, 1900 Pico Blvd. The lineup is:

■ Sunday, Oct. 5 at 4 p.m.: SMC Symphony Orchestra. Under the baton of James Smith, the orchestra will pay tribute to the 200th birthday of Hector Berlioz, with works that include the Roman Carnival Overture. Tickets are $10.

■ Tuesday, Oct. 7 at 11:15 a.m.: Michael Sellers Piano Recital. Free.

■ Sunday, Oct. 12 at 4 p.m.: SMC Jazz Band. Featuring conductor Keith Fiddmont, the band plays big band music and modern jazz. Tickets are $10.

■ Friday, Oct. 17 at 7 & 9 p.m.: Jazz: Tony Dumas Quintet. The native Angeleno bassist, who has performed and recorded with such jazz giants as Freddie Hubbard, Grover Washington and Carmen McRae, is renowned for weaving a rich tapestry with distinctive melodic solo lines. Tickets are $10.

■ Sunday, Oct. 19 at 4 p.m.: SMC Concert Band. Under the guidance of conductor Kevin McKeown, the band performs traditional and contemporary music written specifically for it. Tickets are $8.

■ Tuesday, Oct. 28 at 11:15 a.m.: Liuba Sorochkina Piano Recital. Free.

For information and tickets, call (310) 434-3000 or (310) 434-4323.

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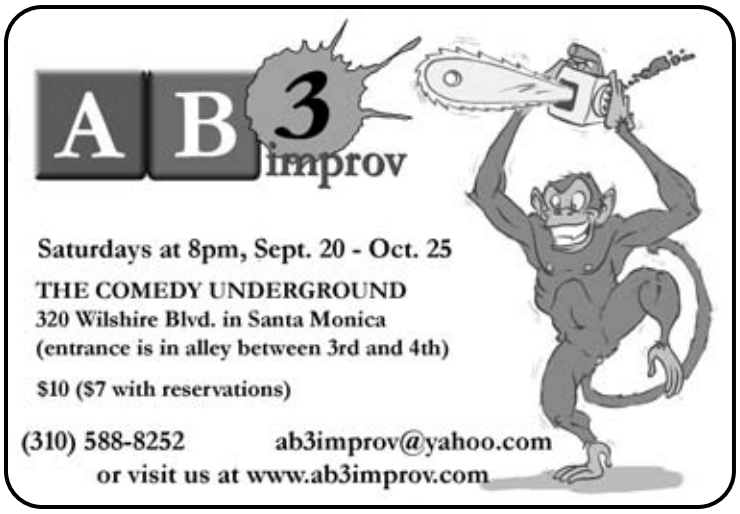

STATE

CALIFORNIA BRIEFS

Stabbing sailor remains in dry dock

By The Associated Press

LONG BEACH — A sailor who pleaded innocent to stabbing a fellow enlisted man in a downtown Navy recruiting office remains in jail with bail set at $210,000.

Petty Officer Marvin Wilson, 36, of Long Beach, was ordered back to court this week for a pretrial hearing on a felony assault with a deadly weapon charge.

Wilson was first arrested on Sept. 22 after an argument he had with Petty Officer Roosevelt Middlebrook turned violent. Wilson posted $30,000 bail the following morning, but was taken into custody again on Sept. 25 after a judge hiked the bail to $210,000.

Investigators said higher bail was sought because they feared for the victim's safety. Middlebrook was Wilson's subordinate in the recruiting office.

Middlebrook, who was stabbed several times, is expected to make a full recovery.

Suspected terrorist didn't want to work

By The Associated Press

SANTA ANA — An Orange County woman was indicted for allegedly calling in two bomb threats to her employer's offices, one of them phoned in when President Bush was scheduled to make an appearance next door at the Irvine Hyatt Regency.

The federal grand jury returned a three-count indictment this week against Patricia Rose Talavera, 24, of Santa Ana, for allegedly making bomb threats against Geneva Co.'s, where she worked as a clerk, and making false statements to the FBI.

Talavera allegedly called from an office phone and left the threats on the investment banking firm's voicemail system.

A July 9 call warned, "There is a bomb in the stairwell between the 18th and 19th floors. Once the doors are released, then everyone has 15 minutes to evacuate." The offices were evacuated and no bomb was found.

The second threat, on Aug. 15, was allegedly made a few hours before Bush's arrival at the hotel. The caller said, "I think it would be pretty cool to see the president's face when I blow up three buildings like the terrorist attacks. I think now would be a great time to just have bodies flying everywhere, dead."

The offices were evacuated and no explosives were found.

Talavera allegedly told investigators later that she made the first threat because she was frustrated with a supervisor who was favoring other employees, and wanted to disrupt things for the day. The second threat was allegedly made because she "was feeling sick that day and didn't want to come to work," prosecutors said.

If convicted, Talavera could be sentenced to 10 years in federal prison on each count.

Kidnapper was out to 'rescue' little boy

By The Associated Press

INDIO — One of four defendants on trial for kidnapping 9-year-old Nicholas Farber last year testified that he thought he was working undercover for Child Protective Services on a mission to rescue the boy.

"I was going to search and rescue," said Elias Gutierrez, who is on trial with the boy's mother Debra Rose, Rodrique Van Blake and Michael Riley for child abduction, assault, burglary and false imprisonment.

The men, also charged with kidnapping, are accused of breaking into a Palm Desert home, beating the boy's father and abducting the boy early on Aug. 28, 2002. He was found two days later near San Diego with Rose, 39, and Riley, 49.

Gutierrez, a 29-year-old father of two boys, testified this week that he was a security officer at an Escondido Kmart when he was approached by co-worker Van Blake about a mission to rescue a boy whose father beat him and gave him drugs.

"Basically, the little boy's life was in danger," he said. "We were supposed to go rescue him and take him to his mother."

Gutierrez testified Van Blake told him they'd be assisting a former Navy Seal who worked for the CIA, but that this job would be for Child Protective Services. The person he knew as "Mark" was Riley, and Van Blake said he worked as a Child Protective Services undercover agent, Gutierrez said.

Criminals to cops: Dude, where's my car?

By The Associated Press

INDIO — People who solicit prostitution, participate in illegal street races, buy drugs or illegally dump cars in the desert city are now going to lose their vehicles.

The City Council has approved a new forfeiture ordinance that allows the seizure of cars used by people who commit crimes in the Coachella Valley community. Vehicle forfeiture would be in addition to other criminal penalties.

"My ultimate goal is my counterparts in the other valley cities would pass a similar type ordinance. Then we can send a message valley-wide. I think, collectively, all nine jurisdictions can make a great impact," police Chief Brad Ramossaid said.

John Horton of the Riverside County Sheriff's Department said the ordinance should help Indio tackle the tough problem of illegal dumping and could lead to ordinances in other desert cities.

"It will be very helpful for other cities and the county to use as a model once we have a chance to look it over fully," Horton said.

Under the Indio ordinance, seized vehicles would be returned to the owners, but only after a monetary settlement that would cover costs incurred by the city for seizing the vehicle.

STATE

Environmentalists take their campaign to suburbs

SETH HETTENA AND LAURA WIDES
Associated Press Writers

SAN DIEGO — A sabotage campaign by the nation's most radical environmental group has moved from the countryside to the doorstep of the nation's biggest cities.

The Earth Liberation Front, a movement that originated in the forests of the Pacific Northwest, has claimed responsibility for a string of arsons in the suburbs of Los Angeles, Detroit, San Diego and Philadelphia in the past 12 months. No one has been charged in any of the attacks.

The attacks, which included the costliest act of environmental sabotage in U.S. history, have targeted luxury homes and SUVs, the suburban status symbols that some environmentalists regard as despoilers of the Earth.

"Their actions used to be aimed at `out in the country' industries," said Ron Arnold of the Bellevue, Wash.-based Center for the Defense of Free Enterprise, who has written several books criticizing the environmental movement's radical wing. "Now they're are moving from a save-the-wilderness focus to an anti-capitalist focus."

This summer, environmentalists in Southern California turned six-figure luxury homes under construction into charred sticks of wood, destroyed an unfinished 206-unit apartment complex and firebombed brand-new Hummers, the mammoth sport-utility vehicles that start at $50,000.

Rod Coronado, a legendary figure in the underground movement who is serving as an ELF spokesman and has drawn scrutiny from the FBI, said the group is being transformed by a new generation of activists.

"When I got involved in the mid-'80s, tree-spiking" — pounding spikes into trees to prevent loggers with chainsaws from cutting them down — "was a big deal," said Coronado, 37, who played a part in sinking two whaling ships in Iceland served time in prison an arson attack at a Michigan State University animal-research lab. "What that's morphed into is a more urban environmental movement, whereby people are fighting for the last wild places in urban areas."

He said the young activists are "doing the only thing they know to do and that is strike a match and draw a whole lot of attention to their dissatisfaction with protecting the environment."

The ELF is the FBI's No. 1 domestic terrorism priority. The organization has done more than $100 million damage — but caused no deaths — since it split off from the radical environmental group Earth First! and surfaced in the United States five years ago.

The ELF first took aim at urban sprawl in 2000, when it burned luxury homes and condos under construction on New York's Long Island. But Phil Celestini, the agent in charge of the FBI's domestic terrorism operations unit in Washington, noted that the San Diego fires "are taking places in more densely populated areas than in the past."

On Aug. 1, a fire destroyed a five-story, 206-unit apartment complex under construction in San Diego's University City neighborhood.

The damage estimate of $50 million made it "the single largest act of property destruction ever committed by one of these groups in the history of the country," Celestini said. "It's sheer dumb luck and providence that someone has not been killed. You set a fire that big, there's no way of predicting what the ultimate consequences will be."

In the wake of the attacks, other San Diego developers have installed security cameras and hire guards to keep an eye on properties around the clock, said Russ Valone, of the California Building Industry Association, which has offered a $25,000 reward for information leading to an arrest in the apartment complex arson.

"Let me tell you who the other victims of this are: You and me," Valone said. "Our insurance pays a price. The more claims an insurance company put out, the more they more they have to raise their premiums. So, everybody in the city, everybody in the county, everybody in the country pays in some small way for the damage created by these maniacs."

Guidelines posted on the ELF's Web site stress the need to take "all necessary precautions against harming life." But the group's message has been mixed.

In a communique issued after a U.S. Forest Service research center in Pennsylvania was attacked last year, the ELF said: "While innocent life will never be harmed in any action we undertake, where it is necessary, we will no longer hesitate to pick up the gun to implement justice."

The ELF operates in a series of anonymous cells and uses the Internet to communicate and broadcast its message. But it has little organization, no fees and no membership list, frustrating FBI efforts to penetrate the group.

The recent case of an Oregon college student serving time in prison for a firebombing in 2001 opened a window into the ELF.

Jacob Sherman, a student at Portland State University, said he fell under the spell of Michael J. Scarpitti, known as Tre Arrow, a forest activist who is now the FBI's most-wanted "eco-terrorist."

According to court documents, Arrow "groomed" Sherman and slowly introduced him to radical protesting. Sherman stopped bathing, refused to wear shoes and began eating a strict vegan diet to imitate Arrow.

Sherman was no James Bond of the forest: His father called the FBI after his son drove home reeking of gasoline the night three logging company trucks were attacked. Sherman, 19 at the time, also blabbed to his girlfriend, who in turn told her father, a deputy state fire marshal, said Sherman's attorney, Andy Bates.

Authorities say Scarpitti, 29, has ties to California, Pennsylvania, Florida, Colorado, Ohio and Oregon. He is a suspect in at least one arson outside Oregon — the fire at the Forest Service research center in Pennsylvania.

In the San Diego attacks, the FBI has focused on Coronado, the ELF's self-described spokesman. Search warrants obtained by The Associated Press show FBI agents raided the homes of two local activists in a search for videotaped copies of a speech Coronado delivered in San Diego on Aug. 1 — the same day of the $50 million apartment arson.

Coronado has said he had nothing to do with the fire.

Mainstream environmental groups have taken pains to distance themselves from the ELF.

"The ELF are not environmentalists. They are arsonists," said Carl Pope, head

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STATE ❑ NATIONAL

Discount jeans line lifts Levi's quarterly results

BY MICHAEL LIEDTKE
AP Business Writer

SAN FRANCISCO — Jeans maker Levi Strauss & Co. this week reported its quarterly profit nearly doubled, boosted by the successful debut of a discount clothing line that offset sagging sales of the company's more famous brands.

The San Francisco-based company earned $26.7 million for the three months ended Aug. 24, up from $13.7 million at the same time last year.

Sales for Levi's fiscal third quarter totaled $1.08 billion, a 6 percent improvement from $1.02 billion last year.

Levi's is privately held, but discloses its quarterly results because some of its debt is publicly held. The results released this week were in line with company estimates released earlier in September.

"We believe the quarter shows that our strategies are working," Phil Marineau, Levi's chief executive officer.

Despite the recent progress, not all is well at Levi's as it tries to reverse a six-year sales slide.

The difficulties still facing the 150-year-old company became painfully apparent during the past three weeks as management outlined plans to lay off nearly 2,000 employees, or 21 percent of the work force.

Marineau believes the streamlining, which includes the closure of five North American plants, will create a more nimble company able to offer more appealing fashions and lower prices amid intensifying competition.

Consumer demand for lower prices prompted Levi's to introduce its new discount clothing line, called Signature, in Wal-Mart stores during the summer.

If not for the Signature brand, Levi's sales in the quarter would have declined from last year, company officials said.

Levi's declined to provide specifics about its Signature sales, but said the consumer reception was strong enough to pursue expansion plans.

The company is negotiating to sell the discount brand through more U.S. retailers next year and plans to export the Signature clothes to Europe, Japan and Australia.

The company's marquee brands — Levi's and Dockers — aren't performing so well. The troubles are most acute in Europe, where quarterly sales declined by 5 percent amid "eroding brand equity," Marineau said.

Some of the recent U.S. sales declines stemmed from the retailers who curtailed orders until they could get a better sense of whether the Signature brand would cannibalize sales of other Levi's products, Marineau said.

But those jitters proved unfounded, Marineau said, citing the company's internal studies of Levi's and Dockers sales at other merchants located within a 7 1/2-mile radius of 1,000 Wal-Mart stores.

"The good news is there is absolutely no cannibalization whatsoever," Marineau said during a conference call Tuesday.

The company is hoping the reassuring signs will encourage retailers to increase orders of clothes sold under the Levi's and Dockers' brands.

As an enticement, Levi's has lowered the wholesale prices on those products by more than 5 percent, management said.

The competitive pressures and upcoming layoff expenses prompted Levi's to restructure its balance sheet and shoulder more debt — a move that prompted Standard & Poor's and Moody's to lower the company's credit rating. As of Aug. 25, Levi's debt totaled $2.37 billion, up 28 percent from $1.85 billion at the end of the company's last fiscal year.

Despite the challenges facing the company, Levi's sales should continue to rise, Marineau predicted, resulting in an increase of about 2 percent for the current year, adjusted for currency fluctuations.

Through the first nine months of this year, Levi's had lost $11.2 million on sales of $2.89 billion. At the same point last year, the company had lost $19.5 million on sales of $2.88 billion.

Hemp experiment dries up

BY BRUCE DUNFORD
Associated Press Writer

HONOLULU — The dream for industrial hemp to become a major Hawaiian crop evaporated this week as federal drug agents supervised the shutdown of Hawaii's 4-year-old hemp research project.

Briane Grey, assistant special agent-in-charge of the Drug Enforcement Administration in Hawaii, said researcher David West notified the agency last week that he was ending the project near Wahiawa.

On Tuesday, West surrendered his DEA research permit, helped agents make sure there were no living plants left and watched them destroy 6 pounds of seeds, Grey said.

Hemp closely resembles its relative marijuana, and even though it contains only traces of THC — the hallucinogenic found in marijuana — it is illegal to cultivate.

State Rep. Cynthia Thielen, R-Kaneohe-Kailua, a leading advocate for hemp production, said the research project was ended because it ran out of money. The DEA's decision to put the project on a temporary permit status during the last two years prevented it from attracting nonprofit and private sector funding, she said.

In December 1999, politicians, business and community leaders gathered on old sugar lands near Whitmore Village in central Oahu to witness the planting of the first hemp seeds in a quarter-acre plot enclosed by a 12-foot-high fence and infrared surveillance.

House Speaker Calvin Say said in time Hawaii might lead the way in industrial hemp technology in the way it advanced the technology for growing sugar and pineapple.

Hemp has been illegal to grow in the United States since World War II and while some states have moved to allow hemp growing, Hawaii was among the first to get a test project going.

Hemp stalk fibers can be used to make clothing, shoes, building materials, strong cords and ropes, and as a substitute for fiberglass and paper, while the seed oil contains fatty acids, protein and other vital elements that serve as a base for skin and hair care products, according to West, a plant geneticist.

NATIONAL

Libertarian group chooses N.H. for 'free state' project

BY KATE MCCANN
Associated Press Writer

CONCORD, N.H. — A group of libertarians announced this week that New Hampshire was the place where it hopes to send 20,000 Americans to create a "free state."

New Hampshire, whose motto is "Live Free or Die," beat out nine other finalists for the Free State Project. Wyoming was runner-up but 10 percentage points behind New Hampshire in balloting conducted by about 5,000 members of the project around the country, Project Vice President Elizabeth McKinstry said.

Following Wyoming in the voting, in order, were Montana, Idaho, Alaska, Maine, Vermont, Delaware, South Dakota and North Dakota.

The 5,000 members have already pledged to relocate to the selected state, Free State Project organizers say. They hope to increase their numbers to 20,000 within two years, move to the chosen state, and start transforming the state into a national model for small government, few laws and individual liberty.

"We won. That's fantastic," said New Hampshire Libertarian Party Chairman John Babiarz. "It's like New Hampshire has won a nationwide popularity contest based on its fundamentals."

McKinstry of Ann Arbor, Mich., said New Hampshire won because it "boasts the lowest state and local tax burden in the continental U.S., the leanest state government in the country ... a citizen legislature, a healthy job market, and perhaps most important, local support for our movement," she said.

Project members also like the state's constitution, which protects the rights to revolution and secession.

The prospective new neighbors worry some New Hampshire residents.

Kathy Sullivan, state Democratic Party chairwoman, said project members "can best be described as anarchists."

> **"We won. That's fantastic."**
>
> — JOHN BABIARZ
> Chairman,
> New Hampshire Libertarian Party

Babiarz said critics have it wrong.

"We're not here to invade or take over. We're here to restore the American dream," said Babiarz, a database consultant.

Some free-staters want to roll back restrictions on gambling, legalize medicinal marijuana and strengthen gun rights. But McKinstry said members also will work for charities and scholarship programs and help citizens take back their government.

Doug Hillman, 39, said he is looking forward to leaving Graham, Ala., and moving his wife and four young children somewhere near Littleton or Lancaster.

Hillman was most impressed with Republican Gov. Craig Benson's attitude toward the project — "Come on up, we'd love to have you," he said last summer.

"That led me to believe that libertarian thought and libertarianism is more accepted in New Hampshire," Hillman said.

Interior's top lawyer quits, eyeing federal appeals post

BY JOHN HEILPRIN
Associated Press Writer

WASHINGTON — The Interior Department's top lawyer is resigning next month, after having been nominated to serve as a federal appeals judge and initiating an agency investigation into his own conduct over cattle grazing dealings.

Williams Myers III, who as solicitor for the department provides legal opinions for Interior Secretary Gale Norton, plans to step down in mid-October to return to his home in Boise, Idaho, where his wife and children are living, department officials said. He also keeps a home in Virginia, where he is from.

Myers still is eager to serve on the federal appeals bench, department officials said. A former aide to retired Wyoming Sen. Alan Simpson, Myers was nominated by President Bush on May 15 to replace Thomas Nelson of Idaho on the 9th U.S. Circuit Court of Appeals. He was selected from a panel of four nominees submitted to the White House by Sen. Larry Craig, R-Idaho.

In Boise, Myers worked at a law firm where he specialized in public land law. He also has lobbied in Washington for the beef industry.

Norton wished Myers luck with his confirmation and said his "professionalism, intellect and grace" would be greatly missed.

The Senate Judiciary Committee has not yet held a hearing or taken any action on his nomination. Myers' investigation into his own conduct was done in response to complaints by an environmental group that he played favorites with former clients on grazing issues.

He had asked Norton to have agency staff review allegations against him by Friends of the Earth and Public Employees for Environmental Responsibility.

The groups also asked the Office of Government Ethics to look at meetings between Myers and cattle interests who may have been former clients, to see if he broke his pledge on May 1, 2001 not to take part in any dealings with former clients for at least a year.

Interior spokesman Mark Pfeifle has described the allegations against Myers as overblown, and defended the meetings as "appropriate" since Myers avoided discussing matters he handled in private practice.

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NATIONAL

Dems delay vote on Levitt, boycott naming EPA head

BY JOHN HEILPRIN
Associated Press Writer

WASHINGTON — Senate Democrats, seizing on an opportunity to try to squeeze information from the Bush administration, boycotted a meeting this week and forced a two-week delay in voting to fill the top job at the Environmental Protection Agency.

Eight Democrats refused to attend the Senate Environment and Public Works Committee meeting to vote on President Bush's nomination of Utah Gov. Mike Leavitt as EPA administrator.

Sen. James Jeffords, I-Vt., who formerly chaired the committee and frequently sides with Democrats on environmental issues, said he and the Democrats simply wanted information on environmental policies that the administration and EPA have refused to share since 2001.

"It has nothing to do with the qualifications of Leavitt," Jeffords said, adding he eventually would vote to confirm Leavitt as EPA chief. "This is an opportunity we have to take. ... We intend to use the leverage to get the answers we want."

Jeffords said he and several Democratic committee members are still being denied several information requests they made two years ago about the changes EPA and the White House were considering making to the Clean Air Act's "New Source Review" program. The Bush administration has since eased the air pollution rules for industrial plants when they modernize.

Sen. James Inhofe, R-Okla., who chairs the committee, and other Republican members said the boycott clearly was more about the 2004 election. He said Democrats submitted nearly 400 questions for Leavitt, compared with 67 that Republicans in 1993 asked of then-President Clinton's EPA nominee, Carol Browner, who was confirmed to the job and held it eight years.

"I think the presidential year started early this time around," Inhofe said. "We have three committee members running for president, I'm sure that's the reason this is going around."

Two committee members, Sens. Bob Graham, D-Fla., and Joe Lieberman, D-Conn., are vying for the Democratic presidential nomination. Sen. Hillary Rodham Clinton, D-N.Y., is not running, but has often been mentioned as a potential contender.

Under Senate rules, 10 members of the 19-member committee must be present to have a vote and two of them must be from the minority.

Inhofe scheduled a vote on Leavitt for Oct. 14, nine weeks after Bush picked Leavitt to become the next EPA administrator.

A committee vote would set up a Senate fight over Leavitt based on Democrats' complaints about Bush administration environment policies.

Clinton, Lieberman and two other senators who are Democratic presidential contenders — Sens. John Kerry of Massachusetts and John Edwards of North Carolina — have also threatened to block a vote on the Senate floor once Leavitt's confirmation clears the committee.

The committee's eight Democrats, along with Jeffords, wrote Inhofe on Tuesday to ask for the two-week delay of the committee vote.

They complained they needed more time to consider Leavitt's written explanations of his views, some of which they felt were incomplete.

"As is Senate custom, committee members expect full responses to their questions," they wrote. Attempts to get a response from Inhofe's office Tuesday night were unsuccessful.

The letter requesting the delay was signed by Jeffords, Clinton, Graham, Lieberman and Democratic Sens. Max Baucus of Montana, Harry Reid of Nevada, Barbara Boxer of California, Ron Wyden of Oregon and Thomas Carper of Delaware.

Even if the nomination emerges from the committee, Clinton said Tuesday she still will block Leavitt's nomination from being taken up by the full Senate unless the White House reveals who directed the EPA to prematurely assure New Yorkers that air pollution from the World Trade Center rubble posed no health threat.

Clinton, who met Tuesday with James Connaughton, chairman of the White House Council on Environmental Quality, to discuss the Leavitt nomination, said it was her "strong belief that we must have a bond of trust between our government and our citizens when it comes to such critical issues as the threat of terrorism and the health and safety consequences."

Despite their opposition to Bush's policies on the environment, Jeffords and several of the committee's Democrats indicated they eventually will support Bush's choice of Leavitt, a three-term governor and former chairman of the National Governors Association, to succeed former New Jersey Gov. Christie Whitman as EPA administrator.

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GOP senators may defy Bush, provide some Iraqi aid

BY KEN GUGGENHEIM
Associated Press Writer

WASHINGTON — Senate Republicans pushing through President Bush's $87 billion request for Iraq and Afghanistan may break with the administration on the key question of whether Iraqis should have to pay back some of the money.

A handful of Republicans have joined Senate Democrats in urging that the United States count at least part of the $20.3 billion Bush is seeking for Iraqi reconstruction as loans or loan guarantees. Appropriations Committee Chairman Sen. Ted Stevens said Tuesday a compromise on the loan issue was possible.

"I think there are some things in the bill that would be really more suitable for grants and others more suitable for loans," said Stevens, R-Alaska.

The loan issue is one of the few areas where Democrats could significantly change the $87 billion proposal. The package was approved 29-0 by the Senate Appropriations Committee on Tuesday and the fight on the Senate floor was beginning Wednesday.

Debate was likely to last until after lawmakers return from a Columbus Day recess in mid-October.

Democrats increasingly have denounced Bush's handling of the Iraqi war and its aftermath, yet many see little choice but to support his request. About $66 billion is for ongoing military operations in Iraq and Afghanistan and has generated little debate.

Democrats have criticized spending billions of dollars to rebuild Iraq at a time of rising deficits and unmet needs at home. They have targeted specific items in Bush's request, such as $20 million to train Iraqi entrepreneurs in "business fundamentals and concepts" with a four-week course costing $10,000 per pupil, and $82 million to start an Iraqi Coast Guard. But few Democrats deny that Iraq will need significant help.

The possibility of using Iraq's vast oil reserves to finance reconstruction costs has at least some bipartisan support. Several Republicans, including Sens. Kay Bailey Hutchison of Texas, Susan Collins of Maine and Arlen Specter of Pennsylvania, are among those who have expressed interest.

"We oughtn't be too fast to give away $20 billion if we can find a way not to," said Specter, who is up for re-election next year.

Senate Democratic leader Tom Daschle of South Dakota said, "Somebody's got to borrow the money.

"Either it's going to be the United States or Iraq," he said. "Well, we're borrowing the money today to give to Iraq so they don't have to borrow the money. Now, you find an American that thinks that makes sense."

The Bush administration strongly opposes using loans for the Iraqi reconstruction request. It argues that Iraq's $200 billion debt is already more than it can handle, that future oil revenues will be needed for additional public works programs, and that there is no Iraqi government in place with authority to take on the additional debt.

They also say that using future oil revenues as a collateral would boost the argument of those who claim the war was fought to gain control of Iraq's oil.

The House isn't expected to write its version of the bill until next week. Its working draft will call for the $20.3 billion to be in grants, not loans, said Rep. Bill Young, R-Fla., chairman of the House Appropriations Committee.

Asked if he was willing to compromise on the issue, Young said, "I'm certainly willing to discuss it."

Ahmad Chalabi, a member of the U.S.-appointed Iraqi Governing Council who is in Washington this week, said, "A loan would be an added burden on the Iraqi people ... and it would also show that the United States was less than sincere on the issue of freedom."

He spoke with reporters after meeting with Senate leaders.

The administration narrowly won the first battle on the loan issue when an amendment by Sen. Byron Dorgan, D-N.D., to use future oil revenues to leverage loans was defeated in a 15-14 party-line vote.

The panel also voted 15-14 against an amendment by Sen. Robert Byrd, D-W.Va., that would have split the rebuilding funds into a separate bill. By the same margin, the committee killed a proposal by Byrd to erase provisions giving Bush flexibility on precisely how the $20.3 billion — and other portions of the bill — would be spent.

In one of the few Democratic wins, the panel accepted an amendment by Sen. Patrick Leahy, D-Vt., and others

Troops nab ex-Baath Party honcho

By The Associated Press

BAGHDAD, Iraq — U.S. troops arrested a suspected former Baath Party official in northern Iraq, officials said Thursday, and three American soldiers were killed in separate attacks as the U.S.-led coalition faced an increasingly sophisticated resistance movement.

Late Wednesday, a soldier from the 1st Armored Division was shot and killed while on patrol in the al-Mansour district of western Baghdad, the U.S. command said.

A female soldier from the 4th Infantry Division also died Wednesday when a roadside bomb exploded about 300 yards from the main U.S. base in Tikrit, Saddam's hometown. Two other soldiers were wounded in the blast. U.S. troops in Tikrit fired mortars overnight into empty fields near the base in a show of force.

Another soldier from the 4th Infantry Division died following a rocket-propelled grenade attack on an American convoy Wednesday near Samara, about 60 miles north of the Iraqi capital, according to the military.

In Tikrit, the military said Thursday that the Baath Party official was arrested overnight near Baqouba. His name was not released, but the military said he was believed to have been helping Izzat Ibrahim al-Douri, a longtime Saddam confidant and one of the most senior members of the former regime still at large

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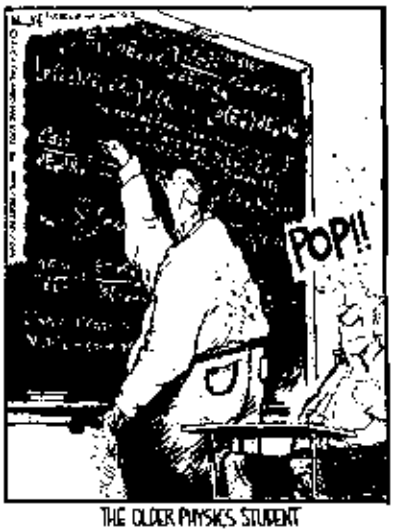

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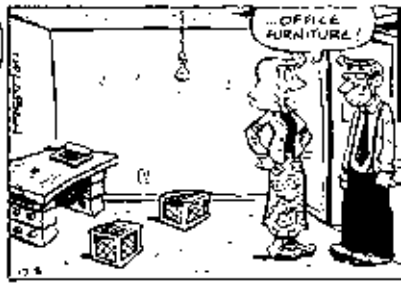

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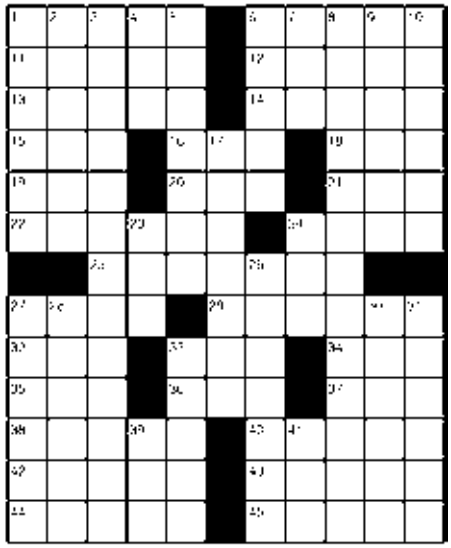

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PEOPLE IN THE NEWS

Nikki Sixx sues magazine, Vans for using his image

By The Associated Press

■ **LOS ANGELES** — Motley Crue bassist Nikki Sixx has sued a skateboarding magazine and the Vans shoe company for allegedly using his image in an ad without his permission.

Sixx, whose real name is Franklin C. Feranna, said in the lawsuit filed this week that the defendants used photographs of him with pro skater Tony Trujillo at a San Francisco ceremony, which Thrasher magazine organized and Vans sponsored.

Sixx said he agreed to present Trujillo with a "Skater of the Year" award at the December 2002 ceremony because he knew Trujillo was a Motley Crue fan.

The 44-year-old musician said he was surprised to see photos taken at the ceremony in an ad for Trujillo's signature Vans shoes. The photo also showed a marquee with the words "Thrasher Magazine's Skater of the Year Tony Trujillo."

The lawsuit said the ad appeared in Revolver, Maxim, Stuff, FHM, Blender and Alternative Press. It said the caption above one photo, "Live Fast, Die Young," was "somewhat reminiscent of the title of Motley Crue's first album, 'Too Fast For Love.'"

Sixx also noted that he has a clothing line, "N. Sixx by Dragonfly," that seeks out the same youthful consumers Vans targets.

Vans attorney Craig Gosselin said the company hadn't seen the lawsuit, but planned to fight it.

Thrasher publisher Ed Riggins said he didn't believe the magazine should be named in the lawsuit because no one from Thrasher had asked that the publication's name be included in the ad.

■ **LOS ANGELES** — Hercules and Xena are joining forces in a lawsuit against Universal Studios over pay.

"Xena: Warrior Princess" star Lucy Lawless and "Hercules" star Kevin Sorbo filed separate breach-of-contract lawsuits this week accusing the company of denying them money from the adjusted gross receipts of their syndicated shows.

Sorbo and Lawless said they had agreements with Universal entitling them to a percentage of the receipts, but that Universal has improperly reduced the receipts and increased distribution expenses and production costs to deny them the money.

Lawless said she was entitled to 5 percent, and Sorbo said he was entitled to 8 percent.

Universal spokesman Jim Benson said the company hadn't seen the lawsuits and doesn't comment on pending litigation.

■ **MINNEAPOLIS** — Late-night wisecracker Craig Kilborn, a native Minnesotan, will suit up with the Minnesota Timberwolves next week when the team meets for training camp.

The host of CBS' "The Late Late Show With Craig Kilborn," who played basketball for Hastings High School and Montana State, is an unabashed Wolves fan.

Wolves coach Flip Saunders has officially invited Kilborn to join the squad for a few workouts, although the visit had been in the works for weeks.

"I am excited about having Craig join us at training camp," Saunders said. "I hope he is in shape and prepared for this. He better not expect any preferential treatment, either."

Kilborn, 41, will practice with the Wolves on Monday and Tuesday at the team's training camp in St. Cloud.

"Two words for you: bounce pass," Kilborn said. "I have two more words for you: groin pull."

■ **APPLETON, Wis.** — Former Soviet leader Mikhail Gorbachev said the United States and the world must again embrace the principles of cooperation and discussion made possible by the end of the Cold War.

"Instead of preventing conflict, we see the practice of pre-emptive force," Gorbachev said this week through a translator. "The military action in Iraq actually reflects these outdated approaches to international affairs."

Gorbachev spoke at the first International Community Partnerships Conference. Delegates from five U.S.-Russian community partnerships are currently in Appleton to improve cooperation and work to reduce stockpiled weapons in both countries.

Gorbachev said the United States must again use an ideological perestroika (the period of liberalization under Gorbachev) to work though the conflict in Iraq.

In 1990, Gorbachev, 72, earned the Nobel Peace prize for his role in arms treaties and ending the Cold War.

"We were able to break the logic of conflict. We were able to develop better trust and cooperation," he said. "Today we need to rebuild the ideas of new thinking."

Nations must acknowledge their differences to enhance, not separate, the world, Gorbachev said.

■ **NEW YORK** — Magic Johnson, the former Los Angeles Lakers star, has joined with Washington Mutual to open a new home loan center in Harlem as part of a nationwide effort to help residents in low- to medium-income neighborhoods buy homes.

"Together, I know that we will bring new opportunity and positive change to our communities," said Kerry Killinger, Washington Mutual's chairman.

The Harlem center is the first of its kind in a five-year partnership between the bank and Johnson Development Corp. that seeks to further economic development in minority communities.

Similar openings will follow in Atlanta, Chicago, Los Angeles and Washington. In all, a total of 15 home loan centers are planned for the first year of the partnership.

"Our mutual passion for educating people about how they can get a mortgage for a new home will make this partnership successful," Johnson said.

The centers are designed to increase accessibility to affordable lending programs and will be staffed by local residents.

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