

Santa Monica Daily Press

A newspaper with issues

DAILY LOTTERY

SUPER LOTTO

7 13 16 37 38
Meganumber: 14
Jackpot: 10 Million

FANTASY 5

4 5 12 22 30

DAILY 3

Daytime: 0 9 6
Evening: 6 7 4

DAILY DERBY

1st: 08 Gorgeous George
2nd: 01 Gold Rush
3rd: 09 Winning Spirit
RACE TIME: 1:46.33

NEWS OF THE WEIRD

BY CHUCK SHEPARD

■ A woman was summonsed for dangerous driving after she tied the child's seat carrying her 20-month-old infant to a backseat door to keep it from swinging open (Perth, Australia).

■ About 50 inmates at a Portuguese prison refused to eat special Christmas lunches because the bread, usually freshly baked, was not, due to bakeries having closed early the day before (Belas, Portugal).

■ Police said a 29-year-old woman ordered her 11-year-old daughter to help her shoplift clothing, including some items the woman later returned to the girl as Christmas presents (Fort Myers, Fla.).

TODAY IN HISTORY

ON OCT. 5, 1947, President Truman delivered the first televised White House address.

■ In 1830, the 21st president of the United States, Chester Arthur, was born in Fairfield, Vt.

■ In 1892, the Dalton Gang, notorious for its train robberies, was practically wiped out while attempting to rob a pair of banks in Coffeyville, Kan.

QUOTE OF THE DAY

"There are two kinds of statistics, the kind you look up and the kind you make up."

REX STOUT, AMERICAN WRITER

INDEX

Horoscopes

Pay your bills, Gemini 2

Local

We have a winner! 3

Surf Report

Water temperature: 65° 3

Opinions

City reeks of human waste 6

Mommy page

How to stop that baby from crying 8

State

Mushrooms not so magic 13

International

Americans win Nobel prize 15

Crossword

15 across: Print measures 16

Classifieds

Get to work 17

People in the News

Madonna dissed by Elton John 20

Council hopefuls grade city staff on customer service

Candidates give thoughts on government responsiveness

(Editor's note: This is the first in a series of questions posed to City Council candidates. Each Tuesday leading up to Election Day, candidates will answer a question posed by the Santa Monica Daily Press. Readers are encouraged to submit questions to sack@smdp.com, which may be posed to the candidates. The responses are presented in random order on pages 8 and 9).

By Daily Press staff

CITY AT LARGE — It's no secret that some residents and business owners have felt City Hall has treated them in an adversarial manner.

When polled, many residents say that government bureaucracy is a top concern for them. For some City Council candidates, they agree there's too much

bureaucracy. Others say it's the current majority on the City Council that directs unresponsiveness to certain issues.

However, some incumbents say most of their feedback from residents is positive, and believe the staff within City Hall does everything they can to service the public. Many pointed to the City Clerk's office, the police and fire

See CANDIDATES, page 8

CEPS backs 3 for school board

By Daily Press staff

The powerful parents' group that leveraged City Hall this spring for millions of extra education dollars has picked its favorites for the local school board.

The Community for Excellent Public Schools announced it will back incumbents Dr. José Escarce and Maria Leon-Vazquez, alongside education activist Dr. Kathy Wisnicki. Parent and Pico neighborhood activist Ana Jara failed to win the group's support.

All four candidates are running

for three open seats on the seven-member Santa Monica-Malibu Unified School District school board, which oversees the 13,000-student district.

It's unclear what exactly the CEPS backing will entail, but the group is expected to fund at least one election mailer that will be sent to residents' homes.

CEPS leaders said in a statement that their endorsements followed a month-long evaluation and the results reflect strides being made in the district.

See CEPS, page 4

City liability key issue in West Hollywood crosswalk case

BY KATHLEEN BISHOP

Special to the Daily Press

SM COURTHOUSE — Defense attorneys cross-examined an expert witness Monday in the second week of a civil trial involving a lawsuit against the city of West Hollywood, levied by a man who was permanently injured when he was hit by a car in a crosswalk.

Jason Eli Sayers sued the city of West Hollywood in 2001 for

negligence and dangerous condition of public property, claiming that the motion sensor and flashing lights surrounding the crosswalk weren't working.

D. Michael Lyden, the attorney representing West Hollywood, questioned traffic safety engineer Robert Crommelin, attempting to cast doubt on the city's responsibility and the danger posed at the intersection.

Crommelin, a witness for the plaintiff, fielded questions about

petitions signed by citizens lobbying for improvements at the intersection, as well as the CalTrans traffic manual, and the effects of a traffic signal at the intersection.

Lyden's questions meant to show that a traffic signal was not warranted at the intersection, according to a CalTrans manual, and that nothing the city could do would predict or prevent driver and pedestrian behavior. Lyden attempted to prove that West

Hollywood exceeded standards with pedestrian crossing signs and a crosswalk, and is not responsible for the accident.

Lyden and Crommelin calculated that there had been seven pedestrian accidents at the intersection in roughly 11 years, which equals 31 million vehicles per accident. Crommelin agreed that was a "number to be expected."

Santa Monica-based attorney

See TRIAL, page 4

Over the hedge



John Wood/Daily Press

Motorists zip past Scotland's Meikleour Beech Hedge, touted as the tallest hedge in the world. Planted in 1745, the hedge is 580 yards long and stands as high as 120 feet. The Santa Monica City Council is currently reviewing a controversial 56-year-old law that limits front yard hedges to 48 inches. Offenders had been threatened with fines of up to \$25,000 a day, though officials said actual fines were much lower.



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Pay your bills, Gemini

JACQUELINE BIGAR'S STARS The stars show the kind of day you'll have:

*****-Dynamic *****-Positive ***-Average **-So-so *-Difficult



ARIES (March 21-April 19)

***** Be more nurturing to a family member, even if you don't feel like it. Your efforts do count, as others demonstrate. Your ability to have heartfelt communications emerges. Be authentic and true to yourself. Tonight: What's this? A loved one is on the warpath. Refuse to engage.

TAURUS (April 20-May 20)

***** Your ability to communicate enhances your personal and professional lives. Finally, you come to an understanding with a boss or an associate. You might not believe how easy a discussion can be. Don't push yourself too hard. Tonight: Go from fifth gear into neutral.

GEMINI (May 21-June 20)

***** Finances become a prime issue during a discussion about a potential trip or opportunity. You don't want to say "no," and you don't have to. Use your abilities to think, create and find solutions. You will get where you want to go. Tonight: Pay bills.

CANCER (June 21-July 22)

***** Your smile soothes others. A partner or associate could be troublesome. Check into an investment involving property, or consider refinancing. A partner has great ideas. Listen. Be careful moving furniture. Tonight: Only what you want.

LEO (July 23-Aug. 22)

*** Assume a low profile. You have to do very little. Be honest with yourself and how you view a friend, loved one or child. Much changes quickly. Refuse to get into an argument or take a comment personally. Tonight: Question why another's comment triggers you.

VIRGO (Aug. 23-Sept. 22)

***** Your hard work pays off. You finally see the rewards and get the respect you have wanted. Focus on long-term desires, especially those involving health and work. A meeting might drop good news in your lap. Say "no" to extra spending. Tonight: Follow your friends.

LIBRA (Sept. 23-Oct. 22)

***** You are in the limelight, getting praise for a job well done. Your originality and creativity impress colleagues. Be careful not to push an authority figure. Express your feelings using your especially diplomatic Libra style. Tonight: Don't count on this being an early night.

SCORPIO (Oct. 23-Nov. 21)

***** Your vision and ability to see the big picture help everyone. A family member or roommate leans on you. Check out facts and be sure of information. Test out an idea before announcing it. Tonight: Express your dismay so another can hear you.

SAGITTARIUS (Nov. 22-Dec. 21)

***** A partner has so many suggestions, you could be exhausted. Work with one person at a time, even though a meeting might be on your calendar. Express your creativity so that others can grasp your ideas. Tonight: A friend could be difficult. Let him or her chill out.

CAPRICORN (Dec. 22-Jan. 19)

*** Others run with the ball, but in the long run, you will benefit. Gather information. Listen to others. You can be sure many people have a lot to share. Don't let an aggressive associate ruin your day. Tonight: Out late.

AQUARIUS (Jan. 20-Feb. 18)

***** You have a way of opening others' minds and presenting different points of view. Focus on your daily life and clear out what you must do. Though you could brainstorm all day, remember that you have responsibilities. Tonight: Don't push yourself.

PISCES (Feb. 19-March 20)

***** Your instincts help you with a money venture. Don't spend more than you can afford to lose. Romance and creativity flourish in your life, at work or in personal ties. Don't let an angry partner get the best of you. Tonight: If you want, go for romance or play with a kid. Let go of work.

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LOCAL



'Art heals'



Adrea Peters/Special to the Daily Press
Mayor Richard Bloom (center) congratulates artist Michael Kort (left) and Step Up on Second CEO Tod Lipka during 'Art Heals,' a fundraiser celebrating the 20th Anniversary of the organization held at the Lowe Gallery in Santa Monica last week. More than 400 attended the opening night exhibit. The art show, which contains works created by clients of Step Up over the last 20 years, will continue to exhibit at the Community Focus Gallery inside Santa Monica Place through the end of October.

COMMUNITY BRIEFS

Last drive-in at the pier movie is 'Lord of the Rings'

By Daily Press staff

The audience choice results are in. The last movie in this year's Santa Monica Drive-In at the Pier series will be "The Fellowship of the Ring," the first film in the Lord of the Rings series.

Enthusiastic guests should feel free to dress the part. Due to the length of the film and earlier sunset times, the screening will start at 7:30 p.m. tonight. Admission is free but tickets will be required for entry. Free tickets can be picked up between 10 a.m. and 5 p.m. at any Santa Monica visitors center location: Santa Monica Place mall, second floor west; the visitor kiosk at 1400 Ocean Ave.; and the new visitor information cart on the Third Street Promenade between Arizona Avenue and Wilshire Boulevard. Check www.smff.com, or call (310) 458-8900 for additional outlets and more information.

More than 1,000 fans of the drive-in voted in the audience choice web poll. The Santa Monica Drive-In has been held for the past few months, featuring 10 movies in as many weeks, representing several different genres, time periods and interests. Crowds of between 2,000 and 4,000 each week, the Drive-In raised an average of nearly \$1,000 each week to help individuals undergoing cancer treatment.

See BRIEFS, page 4



Kari Rudolph is this week's mystery photo winner. The photo was taken of the boat sculptures underneath the Santa Monica Pier. Rudolph has won a free Santa Monica Daily Press T-shirt. Check out Monday's edition for the next mystery photo.



SURF REPORT

Today the trend of small surf will continue as we see the mix of left-over SW and NW swell hold steady. Most spots will continue to see ankle-knee high waves while the best exposed combo breaks see some waist high sets.

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

Outlook: Wave heights start to creep slowly back up on Wednesday as new southern hemi energy and local windswell begin to build. Look for wave heights to gradually start to increase as new swells come in from both Northern and Southern Hemispheres later this week.

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

Today the water is:

65°



LOW TIDES

HIGH TIDES

	Morning	Height	Evening	Height	Morning	Height	Evening	Height
SATURDAY	5:14	2.2	6:49	0.8	12:12	3.9	(11:35	5.5)
SUNDAY	5:28	2.7	7:53	1.0	1:15	3.4	12:04	5.2
MONDAY	N/A	N/A	9:26	1.2	N/A	N/A	12:42	4.8
TUESDAY	N/A	N/A	11:03	1.1	N/A	N/A	1:49	4.5
WEDNESDAY	10:20	3.7	N/A	N/A	8:03	3.8	3:50	4.3
THURSDAY	12:08	0.8	12:04	3.4	7:44	4.0	5:22	4.5
FRIDAY	12:50	0.6	12:48	2.9	7:51	4.2	6:20	4.8

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The Q Line

The City Council recently adopted a new law that limits the size of storefronts on the Third Street Promenade to 50 linear feet as a way to discourage more chain stores from coming to Santa Monica's outdoor mall.

Chain stores typically need a lot of space and by limiting how much they can have on the Promenade might deter new corporate stores from coming here. The City Council has been concerned for years about the homogenization of the street — there aren't enough independently owned retail stores and restaurants, they say. But critics

argue the Promenade is thriving and constantly attracting shoppers, making it a significant sales tax revenue generator for Santa Monica.

So this week, Q-Line wants to know, "Should the city government get involved in regulating the free market?"

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

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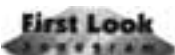
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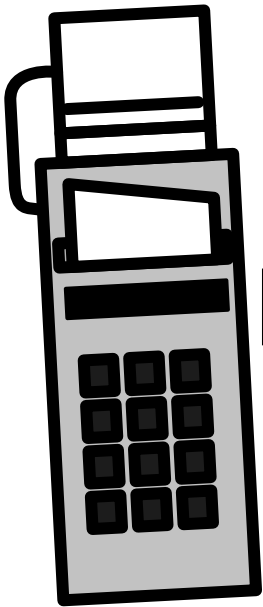
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LOCAL

PTA group to evaluate city council candidates

CEPS, from page 1

"CEPS believes the current (school board) is making significant progress during financially difficult times," the statement said. "This is evidenced by increasing test scores particularly for English language learners and students on the bottom end of the achievement gap ... CEPS strongly supports this progress and applauds the efforts of both board president Dr. José Escarce and immediate past board president Maria Leon-Vazquez in shepherding and overseeing these efforts."

Leon-Vazquez also was credited for her work overseeing and improving special education in the district. Wisnicki was praised for her past experiences.

"Wisnicki has a Ph.D. from UCLA in educational research and applied statistics, and was awarded a postdoctoral fellowship to study at-risk children," the statement said. "She has also been a dedicated, thoughtful, courageous and effective supporter of all our public schools."

"She co-chaired both Measure EE and Measure S, she is a former PTA president, serves on the PTA Council, is a member of the district's financial oversight committee, and has been a political force in Malibu, helping to found a teen center, working to elect a youth-friendly Malibu City Council and successfully lobbying for increased city of Malibu funding for our public schools."

Before winning the CEPS endorsements, candidates submitted answers to a

long list of questions and on Sept. 20 participated in a candidate forum at Franklin Elementary School. CEPS leaders said they then analyzed the candidates' backgrounds and qualifications in respect to the challenges currently facing the school board before making a final determination.

CEPS is expected to release its assessment of City Council candidates this week, but will not weigh in on the race for three open seats on the college board. Assessments are unlike endorsements because there may be more positive assessments than there are open seats — there are more than a dozen candidates running for four open seats on the City Council this November.

A powerful nucleus of parents and education activists with broad support in the community, CEPS' goal is "To promote a shared community vision for excellence in our public schools that includes early childhood and post-secondary education; to evaluate and pursue a range of short and long term funding measures through state, city and school district policies and elections; to identify and support issues that will support education and public schools, including early childhood education, after-school programs, and post-secondary public education; to increase public awareness of the value and uniqueness of our public schools; (and) to promote accountability for high quality public education by public institutions and public officials."

— John Wood

Trial to last through next week

TRIAL, from page 1

Mark Quigley, who is representing Sayers, said the city's own studies show that city officials knew of dangerous conditions at the intersection and chose to do nothing about them.

"They know the pedestrian traffic is heavy, they know the vehicle traffic is very heavy ... their own studies show that zero out of 42 motorists yield for pedestrians at night," he said.

The accident happened in 2001, when Sayers, then 26, was walking across the crosswalk at Sunset and Alta Loma. He was struck by a vehicle driven by Danielle Mason. Sayers was tossed 28 feet in the air and landed on his head, suffering

major brain damage.

The city of West Hollywood argues that the responsibility rests on those involved. Since the lights and sensors on the crosswalk had not been working for a long time, neither Sayers nor Mason could have been depending on them for their safety, Lyden argued.

The case is being heard by Santa Monica Superior Court Judge Valerie Baker. Both sides waived their rights to a jury trial. Quigley said he expects to rest his case on Wednesday, after putting a total of 15 witnesses on the stand. Lyden said he expected the trial to last through the middle of next week.

BRIEFS, from page 3

All proceeds from the events support Cinema Fighting Cancer programs and help fund the Cancer Relief Fund. Last year's Drive-In helped support 13 families going through treatment. Founded in 1999, Deep Ellum Film, Music, Arts and Noise, Inc., (DEFMAN) is a non-profit organization working to promote the art of filmmaking while raising funds to improve the quality of life for individuals fighting cancer. For more information on DEFMAN and "Cinema Fighting Cancer," visit www.smff.com.

Grammy flautist to perform at SMC

By Daily Press staff

A Grammy-award winning musician is sending a message today on how to get your voice heard.

Latin Grammy award winning jazz flautist Nestor Torres will perform at Santa Monica College's clock tower today during the student hour from 11:15 a.m. to 12:35 p.m. He is sharing his message of peace through his music, and will hold a question and answer session with students, speaking on the power of youth, democracy, personal responsibility and the power of culture. The event is sponsored by SMC's Value Creation Society Club. There also will be voter registration during the event.

STATE



Governor's vetoes rile up Hispanic activists

BY MICHELLE MORGANTE

Associated Press Writer

SAN DIEGO — Last year, as he ran for governor criticizing the passage of a law that would allow illegal immigrants, most of them Hispanic, to get driver's licenses, Arnold Schwarzenegger was criticized for not being sensitive enough to Hispanic issues.

Now, after his round of bill signings and vetoes as governor, that criticism has emerged again.

Bills championing causes important to many Hispanics — such as a revived driver's license bill to replace the law repealed early in Schwarzenegger's administration or reparations for Americans illegally deported to Mexico in the 1930s — were vetoed by Schwarzenegger last month.

That's why some observers and legislators said the governor missed a chance to win favor with the state's largest ethnic group, a move that could cost him politically.

In addition to vetoing the driver's license bill, which Schwarzenegger said would weaken national security, he vetoed bills to allow survivors of the forced repatriation to Mexico the chance to file claims against the state.

Other vetoes nixed creation of an advisory commission on Latino affairs; a ban on grape growers requiring farm workers to taste unwashed grapes in the field; and required minimum rest periods for hotel maids in temperature-controlled break rooms.

"It was very disappointing that so many of these bills were in fact vetoed," said Francisco Estrada, public policy director for the Mexican American Legal Defense and Education Fund.

Margita Thompson, Schwarzenegger's spokeswoman, disagreed with the perception there was an anti-Hispanic cast to the governor's vetoes.

Schwarzenegger, she said, is addressing the needs of the state as a whole, with his greatest attention going toward improving the climate for businesses and jobs and strengthening education, which will benefit all Californians regardless of ethnic group.

The governor, Thompson said, backed bills that will help Hispanics, such as laws to provide more housing options for farm workers, assistance for low-income home buyers and victims of hate crimes, and legislation to help cover the costs of treating people exposed to pesticide drift.

Still, Estrada said, the veto of the bill regarding the forced deportations, which may have affected as many 2 million people nationwide, particularly stung.

That bill, written by Sen. Joe Dunn, D-Garden Grove, would have given survivors a two-year window in which to file claims. It was modeled after a law to help victims of the World War II internment of Japanese Americans and others, Estrada said.

It would have been a harmless and fruitful gesture for the governor to allow establishment of the privately funded commission to investigate the deportations, Estrada said.

"We would have thought at the very

least, since so very little is known about this particularly shameful period in history, that the commission bill would have been signed," he said.

Dunn said he believes Schwarzenegger vetoed the measures to avoid putting state at risk financially for reparations to the victims, which he called "hypocrisy at its worst."

"An injustice is an injustice," Dunn said, "and it must be corrected the way we're done it for other survivors, to give them their day in court."

Schwarzenegger's veto message said no law was needed to create the commission, which Dunn called "nonsensical."

The senator said he would raise the issue again in January, just as supporters of the driver's license bill said they would try again.

Harry Pachon, president of the Los Angeles-based Tomas Rivera Policy Institute, said Schwarzenegger's vetoes of bills dear to Hispanics were "drops of water" that will build opposition to him.

"He's going to have to overcome that sort of nagging suspicion that he automatically vetoes anything that comes up that's tied to Latinos," Pachon said.

Just because some Hispanic activists wanted some bills doesn't mean all Hispanics did, said Assemblyman Robert Pacheco of Walnut, head of the Hispanic Republican Caucus.

"When you talk about them in that form you make an assumption that the entire Latino community feels one way, and that's just not true," Pacheco said.

He said Schwarzenegger made decisions that helped Hispanics, such as his veto of an increase in the minimum wage, which Pacheco said would have eliminated entry-level jobs that often go to Hispanics.

Pacheco also noted Schwarzenegger's settlement of a 4-year-old lawsuit to improve conditions in 2,400 low-performing schools, many of them in heavily Hispanic neighborhoods.

"The millions and millions of dollars that are going to be poured into schools with Latino children are going to be very beneficial to the community," he said.

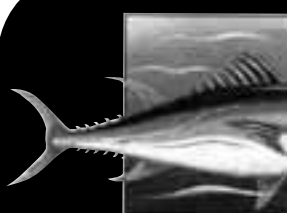
But Pachon said Schwarzenegger missed opportunities to at least symbolically reach out to Hispanics, such as recently canceling a trip to the border region of northern Mexico. His predecessor, Democratic Gov. Gray Davis, went to Mexico shortly after taking office in 1999.

Thompson said while Schwarzenegger hasn't visited Mexico yet, he has met with governors of key Mexican border states.

Nevertheless, Pachon said, "what looks like a pattern is emerging. And that pattern is that he's not sensitive to Latino issues. It's going to be brought up against him."

Dunn, whose own district is about 60 percent Hispanic, said that with Hispanics making up a third of the state's population, Schwarzenegger would be wise to act more cautiously.

"The governor must ensure that he's never perceived as turning his back on any single community as large as our California Latino community," Dunn said. "That perception has clearly settled in."



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OPINION

LETTERS TO THE EDITOR

City stinks and so does City Hall's response

Editor:

(This letter was originally addressed to the Santa Monica City Council).

I just wanted to again complain about the continued filth within our city of Santa Monica and bring to your attention yet another sickening incident my family and I experienced.

Last Thursday night, Sept. 30, my wife, 3-year-old, and myself drove to the Toys-R-Us at Fourth Street and Santa Monica Boulevard to pick up a piece of furniture that we had ordered. After paying for our merchandise, we were instructed that it could be loaded into our car in the rear alley behind the store. My wife and son left the store to pick up our car that was parked at a meter two blocks away while I stayed with our merchandise in the alley.

Immediately upon entering the alley, I observed a makeshift cardboard shelter on the ground at the back of the business with an overwhelming smell of urine and fecal matter surrounding the area. As I looked down at the ground behind a parked car where I was standing, I located what I thought was the source of the smell. It was a deep hole that was now a pool, 25 inches in diameter filled with remnants of what you might expect to find in a toilet. In addition was an empty food can and what appeared to be two empty pint-sized bottles of vodka floating on top.

Being overwhelmed at the sight as well as the smell, I picked up my merchandise and walked south through the alley. Twenty yards from where I started was yet another human waste site with a horrendous odor. I continued walking south through the alley all the while smelling urine. I stopped in the alley behind Michaels hoping my ride would soon arrive and waited. Sensing the same type of smells, I looked to see yet another cardboard shelter against the business wall with a nearby puddle of vomit in addition to miscellaneous clothing and "Old English" beer cans scattered about the ground. The smells as well as the hazardous materials my family and I have been exposed to in this city are outrageous as compared to our surrounding cities where they rarely exist on this scale.

Let it be known that I have notified the city on several occasions regarding prob-

lems of the same nature over the last several years — only to be told that city crews were on scene and cleaning the site. I was once actually told by a city official that the smell of urine I reported was actually blooms on a tree? I'm well aware of what the smell of urine is like, I live in Santa Monica.

Cleaning crews and orange-scented disinfectants are not the answer to the problems regarding the homeless of this city. Time after time, complaint after complaint, the city has failed to take action and do their best to help eliminate the problems other than disinfectants. I will tell you firsthand that the problem exists because throughout the western states, Santa Monica has become known as "the place to be for free."

These are complaints from a citizen who lives in this city. Please listen, look and act. This citizen would simply like to see more of the homeless programs closed to eliminate the nationwide attraction, and the money diverted to the school system in the city. My family and I have not shopped or used restaurants in the Santa Monica area for the last several years due to the filth and escalating aggressive panhandling everywhere we go and look. It's simply intolerable.

One example, the simple act of going to Fromin's on Wilshire Boulevard with the family for dinner and Rite Aid afterwards for an ice cream has become an unnecessary danger. Constantly throughout the day and night, there are always homeless loitering in the area arguing with you in front of your family as to why you aren't giving them money, usually followed by an insult or challenge to fight. The daily drinking in public, and urinating on the surrounding property are constant. Although the local police have been notified each time, the problem continues to thrive.

Thank you for your attention to my complaint.

And please make appropriate notification to the division within the city which responds, once again, to our homeless waste sites for cleaning.

Matt Schabe
Santa Monica

See LETTERS, page 7

Health care propositions spell trouble for businesses



WHAT'S THE POINT?

BY DAVID PISARRA

There are 28 days until the election, and this year there are two major new taxes on the ballot for businesses.

They don't look like taxes at all. They are cloaked, as usual, in language that looks like "better health care." Health care being the hot button issue that it is, most people will likely want to vote in favor of these two propositions.

Proposition 67 is the emergency medical services proposition. What this bill does is provide funding for the state mandated emergency care that doctors and emergency rooms provide to those who do not have insurance, or the funds to pay for their emergency health care.

The goal of the proposition is to put an additional tax on our phone bills. It is called a surcharge, and it is only applicable to intra-state calls. Your long distance calls are not effected by this legislation. If passed there will be a 3 percent surcharge on your residential phone bill, up to a maximum of 50 cents. There are provisions whereby those who are on a reduced fee service agreement will be eligible to avoid this surcharge.

The hidden costs in this bill, like much legislation, is what it doesn't say. It doesn't put a limit on cellular calls, and there are no provisions in this bill for a maximum surcharge on business lines. That means that your cell phone bill will be increased 3 percent and if you have a busi-

ness, you have just been taxed an additional 3 percent on your intra-state phone calls, with no maximum limit.

The purpose of the bill is to provide compensation to doctors and hospitals who have a state-mandated duty to provide services and care to the indigent. Any treating hospital or physician must provide emergency care to everyone who comes through the door of an ER. Hundreds of millions of dollars of care is provided this way each year to people who cannot afford health insurance. The problem is that the doctors and hospitals have a legal obligation to provide care to those who cannot afford it. In essence, this is a form of forced employment, which used to be called slavery, but there is a 13th amendment to the United States Constitution that forbids slavery.

When a government legislates something to be done, but doesn't pay for it, that is called an un-funded mandate, and Proposition 67 seeks to fund the emergency care mandate through this surcharge. This is not a bad deal for residential customers.

It is not all that bad a deal for businesses, and it is great for doctors and hospitals. Hopefully this type of proposition would not only pay doctors and hospitals for the services they provide, but maybe would help stem the tide of hospital closures throughout the state. And potentially, it could make it economically feasible for some medical groups to open new hospitals or re-open closed ones.

The deadlier of the two propositions on the ballot for businesses is Proposition 72. This proposition is a nightmare cloaked in a happy childhood dream world.

In theory, what it does is provide

statewide health insurance by forcing employers to either pay or play.

In 2003, Senate Bill 2 was passed, and signed by the governor. That bill required all employers over a certain size to provide health insurance for their employees or pay a state fee, and the government would then provide health insurance.

That bill is on hold pending the results of this year's Proposition 72. A "yes" vote for this proposition means that SB2 as enacted and enrolled, will be enforced. A "no" vote would repeal it.

This proposition plays on the heartstrings of all who believe in universal health care. It sounds wonderful. Mini employers, those under 19 employees, do not have to comply; small employers (20-49 employees) have to provide employee coverage if a specified tax credit is passed; medium-size employers (50-199 employees) have to provide employee health care; and large employers (200 or more employees) have to provide employee and dependent care.

The program would be administered by the managed risk medical insurance board and the employment development department, so at least it is not creating a new government body. However, it is the government getting involved in the quagmire of health care and that can never be good.

In reality this is probably not going to effect the large corporations who have more than 200 employees because most already have a health plan in place. Where it gets dicey is for the small- and medium-sized companies. This is the sort of hidden costs of doing business in California that will make someone think twice about opening up a shop here.

When going from a 19-person firm to a

20-person firm, it means that an owner now has to provide health insurance, if they haven't been. It means that the 20th employee has a huge effective cost to the company. That one employee is changing the economics of the bottom line.

In companies that have many minimum wage employees, such as a fast food outlet, or a small manufacturer, this can be a huge cost.

Granted, it is really just a shifting of costs, because either the money comes from employers in the form of insurance premiums, or it will come in the form of some other tax because eventually the unfunded mandate must be funded or the hospitals will all close, and the doctors will go into private practice where they can get paid.

The big concern I have with this proposition is it seems extremely similar to the worker's compensation system. A system that I feel no guilt in saying is the most corrupt, backwards, inept, and anti-business system ever devised short of communism, and it is a gross failure in providing workers with quality care, or employers with rehabilitated employees.

I like the thought behind the two propositions. I just think they need to be more carefully crafted, otherwise all we've done is tax talking, and created another worker's compensation nightmare for business.

(David Pizarra is a business development lawyer in the Santa Monica firm of Pizarra & Grist. He welcomes your questions and comments. He can be reached at dpizarra@pizarra.com or (310)664-9969).

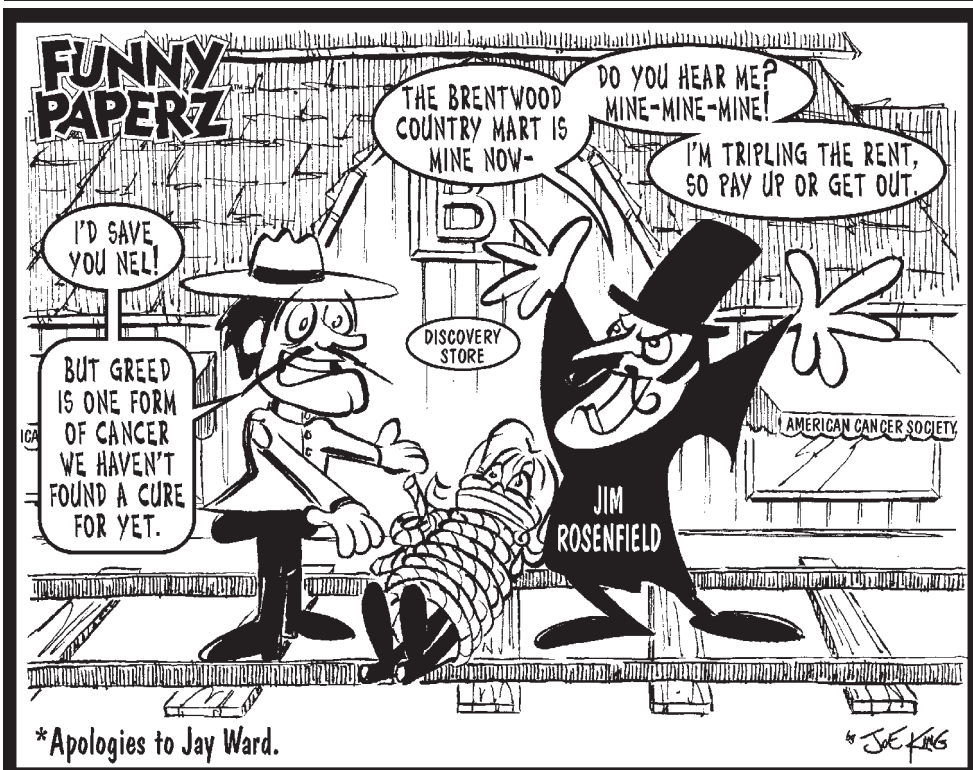


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OPINION



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LETTERS TO THE EDITOR

LETTERS, from page 6

Finding inner peace comes in all sizes

Editor:

Regarding Susan Ann Connor's column about the perpendicular gal in her yoga class (SMDP, Oct. 1 page 5) struck me. OK, I enjoyed your sense of righteousness over Miss-Not-Sharing-Space. Did you have to put yourself in the same ugly position as her and to use the last-remaining acceptable prejudice against plus-sized people? Yes, you made an attempt to be nice by calling them "bountiful lovely yoginis," but in the end, your message was that Miss Perpendicular got her comeuppance only by being sandwiched between two fat people — snicker, snicker.

I don't suggest that being overweight is desirable and we do consider it unattractive in our society, however your yoga "integration and balance of body, mind and spirit" has, it seems, not evolved beyond playground cruelty. If you have generosity of spirit, it is not reflected in this column. It was just plain mean.

Carol Hastings
Santa Monica

Let shoppers decide where to shop

Editor:

Regarding Geneva Whitmarsh's "Chain reaction: Council limits stores," article (SMDP, Oct. 1, page 1), the 50-foot rule on retail development on the Promenade is another example of how city government and their minions in the planning department use cheap legal tweaking to enforce their own narrow vision of what Santa Monica should be according to Marxist aesthetics that were taught by many urban planning graduate studies programs in the late 1960s and early 1970s.

Of course the needs of the people usually come in second behind the self-satisfaction of the city rulers and their need to adhere to an flawed intellectual formula. Why? Because people enjoy shopping at the national bookstores, clothing stores and others. All stores national or local exist only to supply goods and services to shoppers.

If you prefer locally owned stores you can easily visit Main Street in Ocean Park. For the most part the restaurants and stores unable to pay the rent on the Promenade may choose to relocate to the surrounding streets and this only makes the whole area more interesting and multi-dimensional. Let's not allow the one-dimensionality of certain city rulers to keep Santa Monica's citizens from enjoying the good life.

Ken C. Arnold
Santa Monica

LA litmus test: Have they gotten to you too?



ANY DAY IN LA

BY HEIDI MANTEUFFEL

A group of my friends went to see "Shaun of the Dead" for my roommate's birthday Friday night. Although it's not the movie I'd want to see after a 24-hour bout with stomach flu, she seemed to really enjoy the film, and so did I.

With characters singing to zombies and staking out a local pub, "Shaun of the Dead" is the funniest horror movie I've ever seen. But I couldn't help being swept up in the pseudo zombie world an hour so afterwards. Usually after a good horror flick, I double-check the deadbolt, search the closet, under the bed and in the shower, which is something I will never understand. This time, though, as we got out of the car to go to Swingers, I was obsessed with watching how people walked. I wanted to make sure they weren't zombies who were going make me a part of the living dead, because let's be honest, I'd rather not be.

But as we sat there sipping chocolate shakes, staring at the swinging patrons of Swingers, it made me wonder if I wasn't turning into something from an entirely different epidemic.

I've lived in LA for five years now. I've had an apartment in Malibu, Calabasas and now Santa Monica. I've traversed on every highway known to California man. Is it possible without my knowing that some of LA has rubbed off on me?

At first it was obvious from my long braids and fresh-off-the prairie look that I wasn't from here. However, later when I'd come home for Christmas and friends would see me in my camel leather jacket with muppet collar, I'd invariably get comments along this line: "You are so LA."

I should have seen some of the warning signs, like wearing Uggs inside the house due to thinned-out blood cells. Just like in "Shaun of the Dead," there are ways to determine if someone is a zombie, so I'm going to find out right now if I've been bitten. Feel free to take the LA litmus test with me, and share your results with loved ones. It's only fair they know.

Please fill in each answer truthfully and appropriately.

1. You have blonde hair: I'm German and Norwegian — it's not my fault.
2. You drive a luxury car: No.
3. You want a luxury car: No.
4. You are exercise oriented: I've always been.

5. You own Uggs, or something made by Von Dutch, Juicy, Roxy or Quiksilver: Yes.

6. You own jeans more expensive than \$50: No comment.

7. You have a California license: Yes.

8. You go to the beach often: No.

9. You know more about movies and film than before you moved to LA: Yes.

10. You freeze to death when you go anywhere north of California: I like wearing five pairs of socks at once, thank you.

11. Girls: Wear high heels with cuffed jeans. Guys: Wear pastel shirts: Yes and yes.

12. You are willing to spend \$10-\$15 for parking: Yeah ... no.

13. You have become a more aggressive driver. Lady in the blue Volvo station wagon, you were right.

14. You talk on the cell phone in restaurants or public events: I'm not inconsiderate cell phone user.

15. You make "exciting" weekend plans to avoid an embarrassing answer to the question, "what did you do this weekend?" No.

16. You practice that religion Madonna does: No.

17: You slip Madonna or any celebrity you've seen into everyday conversation: It happens naturally.

18: You have increased your soy intake: I'm allergic to milk so BACK OFF.

19: You not only know what tofu is but you eat it: Not that often ...

20. Someone in your family is a vegetarian, vegan, or on the Atkins diet: No.

Tally up the number of questions you answered yes and divide the number by 20. Any number over 75 percent means you are positive with the LA Bug.

OK, I'm checking my results — holy crap — 65 percent positive. How did I become nearly infected without even knowing? Grant it an allergy to milk and having the name Heidi isn't my fault, the rest are a clear warning sign — I'm nearly bitten with the LA Bug.

Being from the Midwest, I'd like to point out that I still wear pig-tails and say "goh on da boat" when really tired. I strike up pleasant conversations with strangers, which is totally uncouth. I still eat at KFC on Sundays, buy toilet paper in bulk, and refuse to wear winter accessories above 40-degree weather. Doesn't that count for anything?

And of course, there's nothing wrong with being from LA, it's just surprising when it creeps up on you.

(Heidi is an advertising account executive, freelance writer and lover of pug dogs. To contact her, e-mail her at any-dayinla@gmail.com).



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LOCAL

CANDIDATES, from page 1

departments and City TV as examples of good public service.

Nearly all of the candidates said the planning department needs a lesson in customer service, or least more staff to handle the influx of people seeking help. Measures are currently being taken to improve customer service in that department, as well in code enforcement.

This week's question is, **"Do you think residents and businesses are treated with an adversarial tone when seeking services and needing response from City Hall? What would you change? What is city staff doing right?"**



DAVID COLE:

As a former neighborhood group president of Mid-City Neighbors, I would like to say I have often been poorly treated even though I was a voice for 18,000 residents. I know from experience that the department heads are really only responsive to the whims of our City Council members. They all need their jobs and fear losing them.

This having been said, I would want to complement the city clerk's office. They are the model of how this city should be serving its employers (the residents). In addition, the City TV staff is excellent and a true asset to our community. They recently won an Emmy for one of their programs. Way to go.

On the other hand, I am aware of problems in the planning department, traffic and parking departments and the absolute worst department of our city government, code enforcement.

Most residents have little need to contact City Hall. But, when they do it's invariably related to noise, construction and parking permit zone violations.

One candidate for City Council is running because he felt he was not respected by the city's staff after receiving a warning about his hedges. His response to seek a council seat is admittedly extreme but it does reflect that many who contact City Hall walk away disgusted, insulted and dismissed.

As a council member, I would turn to the City Manager and demand that residents are treated as valued customers and given the respect they deserve. The City Manager's continued employment should be in part based on customer satisfaction. After all, the City Council currently speaks only for special interest groups and the leading candidates are all backed by groups that have little regard for residents.

That's why I'm running. I want to give the residents back their City Hall.



KATHRYN J. MOREA:

Yes. Perhaps not every time and every case, but I do feel that my concerns and problems were "bothering" city employees and that they had better things to do than to help me. This same scenario has been echoed many times by others in the community, especially when it concerns the planning department. The Matrix report (an outside consulting firm hired by City Hall) outlined this. Unfortunate behavior when you realize that our city supposedly exists to serve us.

I'd change the City Council. Staff respond to the policies and priorities of the leaders. Our current City Council

majority have an agenda that is at odds with the homeowners, renters and businesses in Santa Monica. Their allegiance is directed at special interest projects, grants, and non-profit agencies instead of the people who live here. They've lost touch. With new leadership, the city employees will be guided towards serving the taxpayers who live here instead of the special interest groups that take advantage of Santa Monica.

I think staff are trying very hard to please the City Council, and others in charge.



MAYOR RICHARD BLOOM:

Santa Monica residents expect and deserve the highest level of service from city employees. Surveys and constituent feedback tell me

that the experience the large majority of people have when they interact with our city staff is very positive. This is gratifying, given the complexity of city government. After all, the city assists residents with problems running the gamut from finding a polling place on election day to obtaining a permit for remodeling a home.

Unfortunately, we all know that one bad experience can easily overshadow many good ones. Most of our 1,200 employees in 17 departments receive very high marks for customer service. But, there are some that need improvement.

One such department is planning and community development. The causes are complex — ranging from high turnover rates to city policies that tend to make performance difficult. Even the space from which this department operates is not conducive to serving the public in an efficient and easy manner.

That is why I, along with the City Council, directed a consultant to conduct a thorough review of the planning department. The Matrix study makes scores of recommendations, many of which have already been implemented and many of which will be over the next months.

Our city staff is among the best trained, most professional and dedicated anywhere in the state of California. The City Council and our City Manager, Susan McCarthy, share residents' goals for excellence. We have made it our mission to make certain that every city employee and department meets and exceeds the highest of standards.

We cannot rest until we are absolutely the finest in every respect. To this end, I promise my continued dedication.



BILL BAUER:

Residents don't always get the services they deserve from city staff. There especially seems to be a high degree of public dissatisfaction with the planning department. On the

other hand, I've always received a high level of service and respect from the city clerk's office.

The real problem in City Hall begins with elected council persons. They've demonstrated repeatedly that their personal political agenda has priority over residents' needs. Resources are squandered, money is wasted and things that should get done are ignored or delayed. As a result, our beautiful city has become a dangerous and dirty place that no longer serves its citizens.

Elected officials have designated that their misplaced priorities must be carried

out no matter what the public thinks. Minds are made up and policies are dictated. And, city department heads respond accordingly. This "adversarial" mindset filters down through city staff.

Take how the city handles our large transient population. The City Council, fully supported by staff, deliberately does everything it can to make problems worse. All we can do is avoid our own parks and downtown area because nobody cares about the hundreds of complaints that come into City Hall monthly.

City traffic increases annually but the city's unrealistic goal is to reduce it by 10 percent. Streets are reconfigured to slow traffic and carry fewer vehicles. Complain? City Hall's response: "You'll learn to like it."

Permit parking is doled out like candy, but are largely unenforced. Retail zoning codes don't require enough on-site parking. Now, there are even plans to allow business employee parking in residential neighborhoods.

Residents are victimized by a mis-focused elected leadership driven more by idealism than practicality and a city staff whose loyalties are to a leadership totally out of touch with its electorate.



JON MANN:

I don't know how all those seeking services are treated but my experience has been from very good to condescending.

However, when exercising my rights of free speech, I was threatened with arrest by the SMPD until I said I was a candidate for City Council. I do consider the City Council to be arrogant and insensitive to many residents. Even when they are courteous it is often a façade and they could care less about the hoops we have to go through, dealing with everything from parking tickets to permits to adding on a room to a single family residence. At the same time, they are almost obsequious to any special interests who might be able to help their campaign for re-election.



BOBBY SHRIVER:

Is there an adversarial tone? Is the Pope Catholic?

I got into this City Council race because City Hall was treating residents as adversaries

— slapping many of us with criminal citations because our hedges were too high, according to a 1948 ordinance. We convinced the city to rescind those citations, only to be threatened a few months later with \$25,000-a-day fines for the same "offense."

A year later, the council and staff seem ready to do what a non-adversarial city would have done in the first place: Listen to the residents and write a new hedge ordinance to suit 21st Century neighborhoods.

Over the past year, I've realized that the city's hedge "crackdown" was merely a symptom of a more pervasive disorder: City leadership that puts itself first — and its residents a distant second.

For me, it was never about the hedges. It's about changing the culture at City Hall to one of respect for the people who live and work here.

What is city staff doing right? I've heard glowing reports about the city's environmental people. Our police officers, firefighters, and paramedics are great.



MARIA LOYA:

I believe that many of our residents and businesses perceive city staff as being disrespectful and inflexible in dealing with policy implementation. There

is a growing disconnect between City Hall and our residents. If elected, I will work to improve customer service in City Hall by advocating for a more responsive and accountable city process for homeowners and renters alike. I will work to change the culture of City Hall to better serve our residents in a respectful and courteous manner. Our residents deserve better treatment. I appreciate and acknowledge the work that city staff provides our residents. Our city workers are the backbone of Santa Monica. They provide the work needed to run our city and in many areas it is done in a seamless manner. If elected I will work to eliminate the "us" versus "them" culture that exists in some sectors of our government.



CITY COUNCILMAN HERB KATZ:

I am certainly concerned that residents and business people who deal with Santa Monica city government — even for insignificant, seemingly non-controversial matters — often find themselves in an adversarial situation.

I do not attribute this problem primarily to our city staff, who as a group are knowledgeable, hardworking and courteous to the residents and business people they serve. Unfortunately, our excellent staff is hampered by the policy direction set by the current council majority, which seems based on whim and ideology — and the belief that government's answer should always be "no" — than on any concept of serving the public that elected them. Those who deal with Santa Monica city government regularly know this is true.

The biggest problem areas seem to be in the understaffed planning and building and safety departments. Following the lead and policies of the current council majority, the process in these departments nearly always involves stumbling blocks, shifting requirements, incomplete and incorrect information and costly delays on even the simplest requests. The approach seems to be consistently negative, instead of trying to help the public with creative ways to solve problems.

Apart from these specific problem areas, there are many things being done right by City Hall staff and much progress has been made in the last year to improve service. Staff now tries to return calls from the public within 36 hours. The planning department has instituted a program of assigning a single staff member to each project to coordinate its progress through the approval process. This is a good start but some matters still fall through the cracks. Planning has instituted a pre-submittal process with pertinent departments. This is of great help, and more initiatives like this are necessary.

Improvements require the current City Council majority to change its attitude that service is a low priority, and motivate staff to shift towards a "service first" approach, and then make sure staff is trained to deliver that high level of service.

LOCAL



CANDIDATES, from page 8



CITY COUNCILMAN KEN GENSER:

From the mail and comments I receive, I think most people are treated respectfully by a staff that wants to help people resolve their issues. I receive far more comments about how a member of the city staff went out of his or her way to help a constituent than I receive complaints about the service they provide.

On the whole, most departments deliver excellent service. But this is not to say that there aren't problems. Certainly there have been problems with the delivery of service with respect to planning and permit matters. But even though people haven't received the responsiveness they should expect, it isn't a problem caused by an adversarial staff.

The problems have been caused by unnecessarily complex policies and administrative procedures, as well as the need for additional department resources. City and department management have analyzed the cause of the problems and the City Council unanimously committed substantial resources to improve service delivery.

It is important to acknowledge that some recent zoning enforcement actions were unnecessarily heavy handed. This action was not in conformance with council policy, and it should not occur again. The people of Santa Monica expect a high level of service. On the whole, the city staff delivers it.



PATRICIA HOFFMAN:

City Hall should be user friendly and service oriented. Some departments and/or individuals seem to forget that their

only reason for existing is to meet the needs of the residents, businesses and visitors to Santa Monica. I also think that there are departments and people who go out of their way to provide exemplary service.

I would review our management practices since they are crucial to maintaining high standards and good morale. The city staff needs to be clear that its job is to serve the public. Community members have an expectation that their questions will be answered and that they will be guided through the necessary steps when they call or visit City Hall.

We should be assessing and improving the quality of our services on an ongoing basis.

We need to create a supportive working environment that includes career development with equal opportunities for advancement, good wages and benefits, and fair management practices. I also believe that we need to show our appreciation to those departments and employees who are doing a good job. We need to recognize the sacrifices employees make to ensure the safety, security and high functioning of our city.



MATT DINOLFO:

I believe that City Hall's current relationship with residents and business owners is generally adversarial and inefficient. The City Council and by extension, the City Manager

and staff should have as their primary objective improving the quality of life for Santa Monica residents.

The City Hall culture is an entrenched bureaucracy that has fallen out of step with the needs of residents and business owners. The capricious, arbitrary enforcement of outdated ordinances with unreasonable fine structures has had the effect

of alienating residents and business owners alike. Instead, the staff should focus on improving services, particularly in the areas of planning, architectural review and permitting. Conversely, when an ordinance is passed, it should be enforced. Consistency, responsiveness, and accountability are much needed.

Residents and business owners involved in the review process should have clear timelines for obtaining responses, and those timelines should be strictly enforced. Communication needs to be streamlined and made more of a priority.

To achieve these goals, a shift in current practices needs to occur. Presently the City Council's authority over the city staff is limited. Greater scrutiny of the role of the City Manager and timely performance reviews of the City Manager and her staff emphasizing increased accountability are needed.

Acceptable services for citizens should be evaluated by periodic audits using resident and business-owner satisfaction surveys. The current culture will only change when the City Council composition reflects broader representation from various stakeholders in the city. We need council members that will challenge the current "business as usual" attitude.

In closing, as a practicing physician I have been impressed by the response times of firefighters and police. Their user-friendly atmosphere, particularly when I have needed information, is outstanding. They have established a relationship with hospital staff that is mutually beneficial and respectful.



CITY COUNCILMAN MIKE FEINSTEIN:

Good customer service should be just as important in Santa Monica as being a world-class environ-

mental city, or any of the other many lofty goals we share.

We have over 1,400 municipal employees, not even counting police and fire. Overall the quality of their work is high and their attitude productive and positive (granting the individual exceptions that come with a workforce of this size.) If it were otherwise, our city would not be as successful as it is.

At the same time, there are areas in need of systematic and structural change, in particular as regards planning, building and safety, and code enforcement. Recognizing this, our 2003-2004 budget had as one of its primary work objectives:

"Ensure the public receives timely and responsive service from all departments and that the city's regulatory process are fairly, efficiently and courteously administered with a high degree of predictability for customers moving through a process"

Since that time, we've engaged an outside consulting firm to undertake a comprehensive study of our city's planning and enforcement processes, and advise us of best practices. We'll be reviewing those recommendations in depth in late October.

Looking further ahead, in the next two years we'll be revising the city's general plan for the first time in 20 years. Among many goals, we hope to resolve confusing and contradictory language in the code, which makes the planning process frustrating for the public, and difficult even for staff to interpret (which in turns leads to inconsistent messages from City Hall.)

Turning to code enforcement, we also hope to also use the general plan process to update community standards, so that enforcement will be in keeping with today's community norms, rather than outdated standards. This, and a positive attitude can make an otherwise difficult process less adversarial and confrontational.

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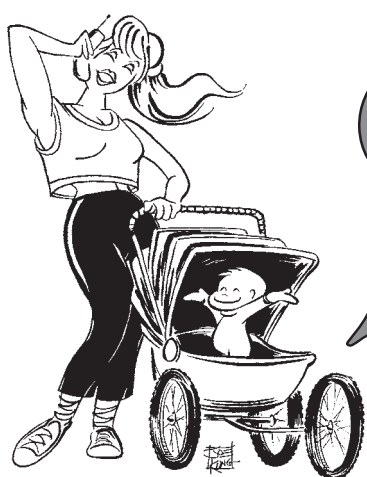
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Santa Monica Daily Press



Santa Monica

A weekly look at events and programs for

GUEST COMMENTARY

BY DONNA J. WARREN

Babies who are calm translate into calm parents

The tiny, crying baby was inconsolable and her mother was at her wit's end, sleep deprived for several weeks and unable to put down her baby for even a few moments.

The mother wondered how her long-awaited bundle of joy had so quickly become a joyless bundle, and struggled to fight off feelings of desperation and helplessness.

Fortunately for her and other new parents, there are simple, proven soothing techniques to calm even the biggest cry babies. At Santa Monica-UCLA Medical Center, we teach these techniques based on research by Dr. Harvey Karp, a staff pediatrician and clinical professor at the David Geffen School of Medicine at UCLA.

Dr. Karp, author of "The Happiest Baby on the Block," examined the techniques women in other cultures and countries have been using for decades or longer to calm and comfort crying babies.

Dr. Karp embraces the theory that babies are born fetuses for the first 3 months of life, and to keep them calm, mothers must mimic their time in the womb. This led him to enhance the theory by developing strategies for calming babies.

He said there are five things that parents must do to calm and comfort their babies. He calls them the five "Ss": Swaddling, side lying, shushing, swinging or jiggling and sucking. When used correctly, these techniques can work like magic to calm even the most distressed babies.

The first step is swaddling or tightly wrapping babies with their arms down. Dr. Karp calls it the "du du wrap" because you wrap the blanket down, up, down, up, thereby restricting movement and making them feel safe.

The next technique is side lying. Babies have what Dr. Karp calls the "comfort reflex," and by turning them face out on their sides with gentle pressure applied to the abdomen, you can trigger this mechanism. Personally, I have witnessed numerous babies stop crying immediately after these two steps.

For the more challenging babies, the third step is "shushing," a fairly loud noise designed to mimic womb sounds such as a mother's heartbeat. To employ this step, parents must get close to their babies' ears and begin making "shushing" sounds until their babies stop crying.

Similar noises from a radio station with static, vacuum cleaner or hair dryer also can be used to mimic womb sounds.

According to Dr. Karp, the louder the baby cries, the louder those sounds must be. As the baby starts quieting, then the volume should be lowered.

The fourth technique is swinging or jiggling a baby. Sometimes, just lightly swinging a baby or jiggling his or her head can take him or her to "la la land" with a smile. Dr. Karp theorizes that women are fairly active during their pregnancies and their babies are constantly being moved and lightly jiggled and jostled while in the womb. Consequently, why should all this movement stop when their babies enter the world?

The fifth and final technique is sucking, a technique Dr. Karp calls "icing on the cake." Babies love to suck and Dr. Karp offers lots of advice on pacifiers and "pacifier aerobics" in his book.

(Lynn Sullivan is community programs manager for The BirthPlace at Santa Monica-UCLA Medical Center).



DEAR DORIE

Dear Dorie:

My husband and I are considering pulling our 2-year-old out of preschool. I am a stay-at-home mom and although I need the time off, it is not an absolute necessity for him to go to school. He attended summer camp at the same preschool and did great. Now that the school year has started and he is in a different room, he is telling us that he does not want to be there.

In the mornings, he tries to convince me to not take him to school. He is quite verbal and smart and has figured me out completely. My gut feeling is that he resents all the structure of school, and the lack of one-on-one attention. Although he has a little sister, I have always worked hard to

make them feel special and loved individually. So, my son would rather be home. A compliment of sorts, no doubt, but I feel that getting a taste of procedure, rules and socialization is of vital importance to children. My husband is afraid that an early negative experience with school might turn him against academics in the future. Is he right? Please help us make that best decision for our son.

Dear mom,

Let me get this right, he has a new baby sister and started a new program in a new room with a new teacher and a new group of toddlers and now he wants to stay home. I would too. His world is full of confusion and anxiety, and he's trying to make sense of it.

You're right. Preschool at 2 years and 10 months is not a necessity but I wouldn't recommend pulling him out of a program at this point. The last thing he needs is more confusion. I would, however, arrange to speak with the teachers and program director immediately. They may have — and should have — some insight into his resistance. It could be typical transition/separation anxiety or something more

complicated. Their response to your concerns should be respectful and thorough. An observation plan should be made with regular follow-up on his progress.

Outside the school, I would attempt to "connect" him to his new classmates. This is where play dates come in. Talk to the other parents at drop-off or pick-up and invite them to come over. Start with two hours at the most and watch what happens. True interactive play dates will come later. That is not your goal — you're just trying to help him connect with his new classroom buddies.

Now, when it comes to structure, procedure, rules and academic experience, slow down, we're talking preschool here. The goal is to prepare your child to enter kindergarten ready to learn, not have him read Shakespeare next year. Your program should provide an integrated and age-appropriate curriculum, a well-educated staff, state license, which is required, and preferably, an NAEYC accreditation. Most importantly, a safe, nurturing environment where children can learn through their play is key. If this doesn't describe your program, start looking for a better one.

Tell you husband that I know of no studies that correlate a negative preschool experience with future academic performance. But any negative preschool experience is worth reviewing in a variety of contexts: Social, emotional, physical, as well as cognitive.

Here's the bright side: Separation anxiety means your son has already learned to care about you and is aware the he is separate from you. He just needs more experience in trusting that you come back. Hang in there and good luck.

(Dorie Meek is director of the Infant & Family Support Program, provided by Saint John's Health Center in partnership with the Santa Monica-Malibu Unified School District. Meek answers questions concerning children ages birth to 5 years old. Submit your questions to "Dear Dorie" at meek@smmusd.org, or call (310) 452-6132; fax (310) 452-6392).

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nica Mom or Santa Monica mothers and mothers to be

SPECIAL EVENTS

A PLACE for PARENTS in the KIWANIS COTTAGE – Newly open at the YWCA!

Featuring Mommy & Me classes, Parent Support Groups and one day workshops led by Barbara Olinger who has her Masters in Social Work and over 20 years experience working with children and families. Tuesday and Thursday Mommy and Me classes are in partnership with the SMMUSD's Infant and Family Support Program. Check our daily calendar for detailed class schedule. Call 452-3881 for more info or pick up a brochure at 2019 14th St.

SATURDAY, OCT. 9th

KIWANIS PARENT & CHILD FAIR – NOON – 4:00 p.m.
Exhibits and fun for the whole family at the Santa Monica Pier Carousel.

RHYTHM CHILD FAMILY JAM – 4:30 P.M.

Families are invited to discover drumming at this monthly jam session. For all ages. \$15 child and parents, \$10 sibling, Santa Monica Studios, 3025 W. Olympic Blvd.; www.rhythmchild.net; 204-5466.

MONDAY, Oct. 11th - FAMILY CONNECTIONS - 10:00 a.m.

This free program from SMMUSD's Infant and Family Support Program, provided by St. John's Health Center, features a different speaker each week. Immediately following Lap Time(story time for ages 0-24 months) at Joslyn Park, Craft Room, 633 Kensington Rd. Call 452-6132 or e-mail ifsp@smmud.org for more info.

REGISTER NOW! – FAMILY ENRICHMENT AND PARENT EDUCATION COURSE – brought to you by the SMMUSD's Infant & Family Support Program.

Tuesdays Oct. 12 – Nov. 16, 6:30 – 8:30 p.m. Instructor: Marilyn McGrath, M.S., Director of Early Childhood Institute at SMC. The class is FREE, but a \$20 refundable registration fee is required. Classes will be held at Child Development Services, Library, 2802 Fourth St., Santa Monica. Call the IFSP at 452-6132 to register or for more info.

SATURDAYS, OCT. 16th & 23rd – COMMUNITY CPR, 9:00 a.m. – 3:30 p.m.

Brought to you by the SMMUSD Infant and Family Support Program, provided by St. John's Health Center. The sessions are FREE, but a \$20 refundable registration deposit is required. Contact the IFSP at 452-6132 to register. October 16th in Spanish, October 23rd in English.

WEDNESDAY – SUNDAY, OCT. 27th – 31st – SESAME STREET LIVE!

All of your favorite Sesame Street characters singing and dancing live on stage. Oct. 27 – 31 at the Grove of Anaheim; Nov. 5 – 7 at Arlington Theatre in Santa Barbara. Visit www.sesamestreetlive.com for details or call Ticketmaster at 213-480-3232.

Special Note – Mommy Care classes at the Dance Factory have moved to 11606 San Vicente Blvd., Brentwood. Please see the

calendar listings for schedule updates.

TUESDAY

Movies for Moms!

Oct. 5th – “The Motorcycle Diaries” starring Gael Garcia a Bernal, Rodrigo dela Serna and M'a Maestro. Biography/drama, rated “R.”
11:00 a.m., Loews Broadway, 1441 3rd St. Promenade – for Moms and babies newborn – 1 year old. Doors open early for socializing and getting comfortable.
Visit www.enjoytheshow.com/reelmoms for details.

Storytelling

Main Library – held at Reed Park, corner of 7th and Wilshire.

Toddler Storytime; 10:00 & 10:30 a.m. For 2 year olds with adult.

Fairview Branch Library – 2101 Ocean Park Blvd – 310-450-0443.

Cuentos Para Pequeños – 10:00 a.m., six-week series in Spanish for 24 – 36 month olds with adult. Thru Oct. 12.

Lap Time – 11:00 a.m., six-week series for babies 0-24 months, co-sponsored by the SMMUSD Infant & Family Support Programs. Thru Oct. 12.

Twilight Story Time -7pm – an ongoing program for 3-5 year olds.

Montana Avenue Branch Library – 1704 Montana Ave – 310-829-7081.

Family Story Time – 7:00 p.m., all ages.

Ocean Park Branch Library – 2601 Main St. – 310-392-3804.

Toddler Storytime, 10:00 and 10:30. Music, rhymes and stories for 24-36 month olds with adult. Next session begins Sept. 21, registration required.

Tiny Tuesday Storytime at Storyopolis
Themes change weekly; for ages infant to 3. 11:00 a.m. 116 North Robertson, Plaza A, LA. 310-358-2500, www.storyopolis.com
Barnes and Noble at the Grove
Storytime for ages 2 – 6. 10:00 a.m. 189 Grove Drive, LA, 323-525-0270

Classes

YWCA – A Place for Parents – Toddler & Me (1-3 years) – 9:15 – 10:15 a.m.; Infant & Me, Transitional Group (7 – 14 mos.) – 10:45 – 11:45 a.m.; Infant & Me (0-12 mos.) – 1:30 – 2:30 p.m.; classes in partnership with the Infant and Family Support Program. 2019 14th St. Call 452-3881for details and prices.

Yoga & Exercise

Prenatal Aqua Aerobics at the Santa Monica YMCA

10:00 – 11:00 a.m and 7:30 – 8:30 p.m.; Free for members, non-members \$90 for 10 classes. (also Thursday nights 7:30 – 8:30 p.m.) 393-2721. ext. 117 for more info.

Yoga Works – 2215 Montana Ave, 310-393-5150; Pre/postnatal – 12:15 – 1:40 p.m., \$15. Mommy and Me – 1:45 – 3:00 p.m.

Mommy Care – at the Dance Factory, 11606 San Vicente Blvd., Brentwood, 310-394-6711. Combined Pregnancy/Recovery Exercise Group – 7:00 – 8:00 p.m.. (babies welcome, includes baby massage and

workout at the end)

Breastfeeding Group

The Pump Station, 2415 Wilshire Blvd., 310-826-5774 - no pre-reg required, first class free, \$10 fee thereafter. Moms/babies 0-4 months, 1:00 – 2:30 p.m.

WEDNESDAY

Storytelling

The Talking Stick Coffee Lounge – 1630 Ocean Park Blvd., 450-6052

10:30 a.m. Free story time for moms and kids ages 0-4 at this neighborhood coffee shop.

Fairview Branch Library – 2101 Ocean Park Blvd – 310-450-0443.

Preschool Story Time – 10:30 a.m.,; six-week series for 3-5 year olds with adult. Thru Oct. 13.

Montana Avenue Branch Library – 1704 Montana Ave – 310-829-7081.

Lap Time - 10:00 & 10:30 a.m., for ages 0-2.

Toddler Story Time – 11:15 a.m., for 2 year olds.

Ocean Park Branch Library – 2601 Main St. –392-3804.

Preschool Twilight Story Time – 7:00 – 7:30 p.m. Parents/children ages 3-5.

Barnes and Noble, Westside Pavilion – 2 pm – ages 2-5 – 310-475-4144

Border's, Westwood – 11am – 310-475-3444.

Classes

YWCA – A Place for Parents – Parent Support (3 – 5 years) – 9:15 – 10:15 a.m.; Infant Plus (0-12 mos.) – 10:30 a.m. – noon; Parents of Adolescents Support Group – 7:00 – 8:30 p.m. 2019 14th St. Call 452-3881for details and prices.

Yoga & Exercise

Yoga Works, 2215 Montana Ave, 310-393-5150 Pre/Postnatal – 12:15 – 1:45pm, \$15 Fitness for Moms – Babies Welcome! Step Aerobics, 10:30 a.m. at the YMCA, 393-2721, ext. 117 for more info. Free for members, non-members pay \$90 for 10 classes.

Breastfeeding Group

The Pump Station, 2415 Wilshire Blvd., 310-826-5774, no pre-reg required, first class free, \$10 fee thereafter. Moms/babies 0-4 months, 1:00 – 2:30 p.m.

Other

Puppetolio – 1:00 p.m., 310-656-0483, 1255 2nd St., ages 3 & up, reservations suggested

THURSDAY

Storytelling

Babystyle, 1324 Montana Avenue, 434-9590

10:30 a.m. Free story time for moms and kids ages 0-4.

Main Library – held at Reed Park, corner of 7th and Wilshire.

Toddler Storytime; 10:00 a.m.; for 2 year olds with adult.

Preschool Story Time; 10:30 a.m.; for ages 3-5.

Fairview Branch Library – 2101 Ocean

Park Blvd – 310-450-0443.

Toddler Story Time – 10:30 a.m; for ages 2 –3. Thru Oct. 14.

La Hora Del Cuento – 7:00 p.m. Spanish stories, songs and rhymes for all ages.

Montana Avenue Branch Library – 1704 Montana Ave – 310-829-7081.

Toddler Story Time – 10:15 a.m., for 2 year olds.

Preschool Story Time – 11:15 a.m.; for 3-5 year olds.

Ocean Park Branch Library – 2601 Main St. – 310-392-3804.

Lap Time – 9:20 & 10:20 a.m., 6-week series for babies 0-24 months, co-sponsored by SMMUSD Infant & Family Support Program. Thru Oct. 14.

Classes

YWCA – A Place for Parents – Toddler & Me (1-3 years) – 9:15 – 10:15 a.m. and 10:45 – 11:45 a.m.; classes in partnership with the Infant and Family Support Program. Parent Support (3 – 5 years) – 3:30 – 4:30 p.m. 2019 14th St. Call 452-3881for details and prices.

Yoga & Exercise

Prenatal Aqua Aerobics at the Santa Monica YMCA

7:30 – 8:30 p.m; Free for members, non-members \$90 for 10 classes. (also Tuesdays at 10:00 – 11:00 a.m. and 7:30 – 8:30 p.m.) 393-2721. ext. 117 for more info.

Yoga Works – 2215 Montana Ave, 310-393-5150; Pre/postnatal – 12:15 – 1:40 p.m., \$15. Mommy and Me – 1:45 – 3:00 p.m.

Breastfeeding Group

The Pump Station, 2415 Wilshire Blvd., 310-826-5774 - no pre-reg required, first class free, \$10 fee thereafter. Moms/babies 4-8 months, 1:00 – 2:30 p.m.

FRIDAY

La Leche League of LA/Mar Vista – meets the 2nd Friday of each month at 10:00 a.m. Call 310-390-2529 for info.

Classes

YWCA – A Place for Parents – Toddler & Me (1-3 years) – 9:20 – 10:20 a.m.; Parent Support (1-3 years) – 10:30 – 11:30 a.m. 2019 14th St. Call 452-3881for details and prices.

Mommy and Me Dance– celebrate the wonderful world of imagination Fridays at the Electric Lodge. 9:45 – 10:45 a.m. ages 14 - 24 months; 10:45 – 11:45 a.m. ages 2 – 4.

6 classes for \$75 or \$14 per class. First class free! 1416 Electric Ave, Venice, 306-1854.

Hot Topics for Moms – at the Pump Station – 1:00 p.m. A discussion group for parents of small children led by a qualified speaker/leader. Different topic each week. \$25 per session or \$80 for four sessions. Current session runs thru Oct. 22. Call 826-5774 for more info or pick-up a brochure. 2415 Wilshire Blvd.

Yoga & Exercise

Fitness for Moms – Babies Welcome!

Indoor Cycling, 10:30 a.m. at the YMCA, 393-2721, ext. 117 for more info. Free for members, non-members pay \$90 for 10 classes.

Yoga Works – 2215 Montana Ave, 310-393-5150; Pre/postnatal – 12:15 – 1:45 p.m., \$15.

Prenatal Breath and Movement – a Continuum Movement and Yoga-based program designed to support women through various sound and movement explorations that celebrate pregnancy and labor as powerful rites of passage. 9:30 – 11:30 a.m.

With Deborah Raoult at the Continuum Studio, 1629 18th St., #7. For more info call 625-3739, www.openskymovement.com. \$108 for a six-week session.

New to our Calendar!

Baby Attuned - Fridays, 9:00 a.m. – 2:00 p.m., A new program promoting sensitive parenting and developmental awareness. Learn about and keep a record of your baby's unique development, ages 3 to 60 months. Parent-completed developmental screening, with review and feedback from a licensed clinical developmental psychologist and experienced pediatric nurse practitioner, Eileen Escarce, PhD, MSN. (PSY 18819). Introductory fee: \$15 per screening with feedback. 1137 2nd Ave, Suite 208. By appointment only 310-367-1155.

SATURDAY

Storytelling

Barnes and Noble, 3rd St. Promenade – Kid's Story Time – 10am – 310-260-9110

Barnes and Noble, Westside Pavilion – 10:30am – ages 2-5 – 310-475-4144.

Children's Book World, 10580 1/2 Pico Blvd, LA - 10:30 a.m., 310-559-B00K.

Village Books, 1049 SwarthmoreAve, Pacific Palisades – 10:30 a.m. – 454-4063.

Yoga & Exercise

Santa Monica Yoga – Pre- & Post-Natal Yoga, Saturdays – 12:30 – 2:00 p.m.

1640 Ocean Park Blvd, 396-4040, www.santamonicaayoga.com

Mommy Care – at the Dance Factory, 11606 San Vicente Blvd., Brentwood, 310-394-6711. Combined Pregnancy/Recovery Exercise Group – 8:30 – 9:30 a.m.(babies welcome, includes baby massage and workout at the end)

Other

Snowwhite and Mary-Mary Quite Contrary at the Santa Monica Playhouse

Alternating Saturdays & Sundays at 12:30 & 3:00 p.m. thru Dec. 19th , \$12 adults, \$10 kids ages 12 & under. 394-9779 ext. 2 for reservations, www.santamonicaplayhouse.com

Puppetolio – 1:00 and 3:00pm, 310-656-0483, 1255 2nd St., ages 3 & up, reservations suggested

Magiopolis – 2 and 8 p.m., 1418 4th St., Admission is \$20 for evening, \$15 for matinee. Call 310-451-2241 for info.

Precious Prints – Ceramic Heirlooms for a Lifetime

Second Saturday every month at The Pump Station, 1:00 – 4:00 p.m. Contact Kristan Ritchie at 310-802-8013 or visit www.preciousprintstudios.com for more info.

Breastfeeding

Working Mother's Support Group

The Pump Station, 2415 Wilshire Blvd. - 10:00 – 11:30 a.m., \$12 fee, led by Ilka Sternberger, certified lactation educator. Call 826-5774 for more info.

Oct. 9 - Nature Walk (Children's Nature Institute)
Topanga State Park, 1501 Will Rogers State Park Road, Pacific Palisades, 10:00 a.m. Reservations – 998-1151 or www.children-snatureinstitute.org.

SUNDAY

Snowwhite and Mary-Mary Quite Contrary at the Santa Monica Playhouse

Alternating Saturdays & Sundays at 12:30 & 3:00 p.m. thru Dec. 19th , \$12 adults, \$10 kids ages 12 & under. 394-9779 ext. 2 for reservations, www.santamonicaplayhouse.com

Main Street Farmer's Market – 9:30 a.m.

– 1:00 p.m., corner of Main St. and Ocean Park Blvd. Pony rides, live music, lots of vendors and great family socializing.

Puppetolio – 1:00 and 3:00pm, 310-656-0483, 1255 2nd St., ages 3 & up, reservations suggested

Magiopolis – 2 p.m., 1418 4th St., Admission is \$15. Call 310-451-2241 for info.

Family Fundays at the Will Geer Theatrum Botanicum

Ages 4 and up, 11:00 a.m., \$8, 1419 N. Topanga Blvd., Topanga Canyon, 310-455-3723.

MONDAY

Storytelling

Main Library – Lap Time at Joslyn Park, Craft Room, 9:30 a.m. A series for babies up to two years old.

“Family Connections” - 10:00 a.m. Joslyn Park, Craft Room.

Ocean Park Branch Library – 2601 Main Street, 310-392-3804.

“Spanish for Little Ones”, 11:15 a.m. Thru Oct. 18.

Barnes and Noble, 3rd St. Promenade – Toddler Story Time – 10am – 310-260-9110

Classes

YWCA – A Place for Parents – Toddler & Me (1-3 years) – 9:20 – 10:20 a.m.; Parent Support (1-3 years) – 10:30 – 11:30 a.m. 2019 14th St. Call 452-3881for details and prices.

Breastfeeding Group

The Pump Station, 2415 Wilshire Blvd., 310-826-5774 - no pre-reg required, first class free, \$10 fee thereafter. Moms/babies 0-4 months, 1:00 – 2:30 p.m.

Yoga & Exercise

Yoga Works, 2215 Montana Ave, 310-393-5150 Pre/Postnatal – 12:15 – 1:45pm, \$15 Yoga Garden, - Restorative yoga for pre/postnatal – 6:30 p.m., 310-450-0133. www.yogagardenstudios.com

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STATE

Supreme Court won't disturb Indian gaming

BY GINA HOLLAND

Associated Press Writer

WASHINGTON — The Supreme Court on Monday sidestepped a dispute over tribal gambling, a victory for California tribes and their new high-profile supporter, Gov. Arnold Schwarzenegger.

Justices refused to consider whether states can let tribes operate casinos while barring others from this enterprise. More than 20 states allow tribes to run gambling businesses, but not private companies, the court was told.

The appeal had been filed this past spring by four San Francisco-area card clubs and some charity organizations. They contended that California tribes were wrongly given a \$6 billion a year monopoly on gambling.

Since then, Schwarzenegger has banked on an expansion in Indian gambling to help the state's ailing finances. In August, he announced agreements with five Indian tribes to add thousands of new slot machines statewide and create one of the world's largest casinos in the heart of the Bay Area. Plans for that urban Indian casino have been scaled back because of

criticism over the size.

California voters agreed in 2000 to change the state's constitution to permit tribes to operate casinos. Some gambling is allowed by private companies, but American Indians have a monopoly on Las Vegas-style gaming, like slot machines and blackjack.

The San Francisco-based 9th U.S. Circuit Court of Appeals had ruled that giving Indians special gambling rights is not racial discrimination, saying tribes have special privileges because they are regarded as sovereign nations under the law.

The Bush administration had urged the high court to reject the appeal, arguing that Congress never said that states that allow tribal gambling must open gambling to others as well.

The stakes in the case were high.

James Hamilton, a lawyer for the group challenging Indian gambling in California, told justices that Schwarzenegger's compacts with the tribes would give them exclusive rights to unlimited slot machines until the year 2030.

He said the court should intervene "before tribal monopolies become an entrenched feature of American life."

Supreme Court turns away appeal by gun-rights advocates

BY DAVID KRAVETS

Associated Press Writer

SAN FRANCISCO — The U.S. Supreme Court refused Monday to review a lower court decision allowing a California county to ban gun shows at its fairgrounds.

The justices turned away an appeal of a 9th U.S. Circuit Court of Appeals decision upholding an Alameda County ordinance banning possession of firearms on municipal property.

The 9th Circuit upheld the ordinance on grounds that gun enthusiasts had neither a First Amendment nor Second Amendment right to possess weapons for sale on county property.

Monday's action could lead to a host of similar ordinances across California. Los Angeles, Marin and San Mateo counties already have adopted similar measures.

"It leaves that door open, obviously," said attorney Richard Gardiner, who filed a brief on behalf of the National Rifle Association urging the justices to review the case.

Representatives from at least 20 California cities and counties asked the 9th Circuit last year to let stand Alameda County's ordinance, which bars possession of firearms on municipal property.

That measure outlawed weapons outside county courthouses, government offices and health centers, while forbidding gun shows at the Alameda County fairgrounds if weapons were on the premises. Operators said it was impossible to hold gun shows without guns.

"You can't have a dog show without

dogs," said Donald Kilmer, the attorney representing TS Trade Shows, which used to operate a gun show at Alameda County's fairgrounds before the law was adopted.

Alameda County's rule, which does not ban gun sales on private property, was in response to a shooting at the fairgrounds in Pleasanton, just east of San Francisco, in 1998. Following the ban, TS Trade Shows sued Alameda County and asked the Supreme Court to review it after the 9th Circuit shot down the group's suit.

Kilmer said he would try to keep the challenge alive on allegations that the ordinance violates gun enthusiasts' right of association.

The 9th Circuit based its decision upholding the ordinance on a 2002 case from the same circuit, one that upheld California's assault weapons ban. Ruling 2-1, the circuit said the Second Amendment guarantees the right of the states to maintain armed militias but does not grant individuals the right to bear arms.

The Supreme Court declined to hear that case last year.

Richard Winnie, Alameda County's chief counsel, was pleased with Monday's outcome. "This is a simple case of a county trying to protect its citizens and secure its property from danger," he said.

There are 2,500 licensed firearms dealers in California. The same 10-day waiting period for persons to purchase weapons at a California gun store applies to weapons purchased in California's gun shows. Only licensed firearm dealers can sell weapons in the state. Convicted felons are banned from buying them.

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STATE



CALIFORNIA BRIEFS

Magic mushrooms become deadly nightmare

By The Associated Press

VENTURA — Three teenagers charged with giving hallucinogenic mushrooms to a 17-year-old girl who was killed while walking in a stupor on Highway 101 dramatizes the surging popularity of the 1960s-era drug

Experts say users of mushrooms think it is less harmful than LSD and heroin. Victoria Nugent, 17, was walking naked on the freeway when she was hit by a car and killed after taking so-called magic mushrooms while partying Aug. 14 with friends, who are now charged with providing the drug that led to her death.

Deputy District Attorney Ryan Wright said each person reacts differently to mushrooms.

“You just don’t know until you start taking them. In my opinion, they are an extremely dangerous drug,” the prosecutor said.

Seizures of hallucinogenic mushrooms rose early last year, leading the Drug Enforcement Administration to issue an alert to law enforcement in June 2003. Homemade chocolate candies containing psilocybin mushrooms were showing up nationwide, authorities said.

DEA spokesman Jose Martinez said young adults see mushrooms as a “soft drug” that is not going to hurt them.

“It’s one of those things that comes and goes,” he said. “It’s a concern. When it does pop up, we will target it.”

Wright said that until recently he had not filed any mushroom-related cases in years.

“In the past six months, I’ve probably had nine or 10 cases come in,” Wright said.

Brian Mitchell and Alissa Ruef, both 18, of Thousand Oaks and Jonathan James “J.J.” Martinez, 19, of Camarillo have pleaded not guilty to drug-related charges. Preliminary hearings are scheduled in November and December.

Mitchell and Martinez are accused of furnishing the mushrooms to Nugent. Ruef is believed to have arranged the get-together where the drugs were distributed.

“J.J. and Brian were the ones directly responsible for giving those drugs — and Alissa aided and abetted in that process,” Wright said.

‘Mushroom man’ busted for faking his own death

By The Associated Press

VENTURA — A 23-year-old drug merchant convicted of possessing a small amount of psychedelic mushrooms was given a stiff jail sentence, in part, because he faked his own death.

Jesse Murphy was stopped in March on Highway 126 by a sheriff’s deputy who found the mushrooms and drug paraphernalia and arrested him. Before his preliminary hearing, his girlfriend said he paddled out in the Oregon surf and never came back.

He was never found despite a 40-square-mile sea search, which cost \$100,000.

Then, Murphy reappeared in Washington, where he was arrested for smoking marijuana. It was that arrest that led to his return to Ventura for prosecution on the hallucinogenic mushrooms charge.

Superior Court Judge Bruce Clark sentenced him Friday to 365 days in jail, nearly twice the penalty normally given for possessing with intent to sell the relatively small amount of 12.5 grams of mushrooms.

He’d be out of jail by now if it wasn’t for the fake death scheme.

“I would have understood it more if he was facing 100 years of prison; you could understand why someone would think that if it was the only way out. But this didn’t make any sense to me,” Deputy District Attorney Ryan Wright said.

Murphy’s troubles may not be over after his time in Ventura County Jail.

The U.S. Attorney’s Office in Washington is reviewing his case, deciding whether to pursue charges against Murphy and his girlfriend.

Non-smoking jails could lead to corruption

By The Associated Press

NORCO — A new prison tobacco ban designed to reduce inmate health care costs at California’s 32 prisons could lead to a thriving black market trade for cigarettes that could rival illegal drug sales behind bars, authorities said.

At the Norco California Rehabilitation Center, one of the first prisons already instituting a tobacco ban, officials said the black market for smokes is a lucrative one that involves violence and corruption.

The tobacco ban bill authored by Assemblyman Tim Leslie, R-Tahoe City, was signed last week by Gov. Arnold Schwarzenegger and it goes into effect statewide next year.

“I don’t think the (other prisons) know what’s going to hit them,” warned Officer Greg Atha, an investigator at the Norco prison.

“They need to know that a black market is going to develop, and that means an increase in assaults and the corruption of staff,” added Lt. Tim Shirlock.

Health care costs in California prisons have reached \$1 billion a year and the California Department of Corrections pays an estimated \$266.5 million a year for tobacco-related illnesses.

At the Norco California Rehabilitation Center, a \$13 can of tobacco can generate between \$500 and \$800 in profits, officials said. Cigarettes sell for \$2 to \$4 a piece. The flick of a lighter costs \$1, but inmates are willing to pay \$2 for a guaranteed light in case it takes multiple flicks of a lighter to get the job done, prison officials said.



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NATIONAL

Colo. voters face issue of splitting electoral vote

BY ANNE GEARAN

Associated Press Writer

WASHINGTON — Along with their ballots for president, Colorado voters will decide on Nov. 2 whether to try an electoral experiment that grew out of the 2000 Florida debacle — and could end up sending a new postelection case rocketing to the Supreme Court.

If the ballot initiative passes, Colorado will change the way it awards its nine Electoral College votes for president. The electoral votes would be apportioned according to the popular vote instead of all going to the candidate who comes in first.

The change would take effect with this election, all but assuring an immediate court challenge.

For example, Democrat John Kerry could win four Electoral College votes even though he trails President Bush in Colorado opinion polls. If the proposal had been in place four years ago, Democrat Al Gore would have earned enough electoral votes to win the presidency.

If either candidate ends up just four or five electoral votes shy of victory this time, the election could hang on two questions from Colorado: Will the initiative pass and will it withstand a constitutional challenge almost certain to race to the nine Supreme Court justices in Washington.

"Colorado could be the Florida of 2004," said Ted Halaby, chairman of the Colorado Republican Party and an opponent of the ballot measure.

Proponents say the change, if adopted nationally, would prevent puzzling outcomes like the one of four years ago when Gore won more votes overall but lacked the Electoral College votes to claim the presidency.

"It's simple — we want every vote to be counted," said Julie Brown, director of the lobbying effort to pass the ballot initiative.

Colorado's proposal is unlikely to be adopted in every state, at least in the short run. If upheld in court, however, similar ballot initiatives could be an attractive strategy for Democrats in particular states that tend to vote Republican, and for Republicans in states that tend to go Democratic.

For example, Republicans could claim a share of California's enormous pot of 55 electoral votes that would otherwise go entirely to the Democratic presidential candidate, and Democrats could snatch some of the 34 electoral votes that Texas would otherwise award to the Republican candidate.

Brown said she has heard from partisans in both those states who are watching the Colorado vote.

The effort to pass the Colorado ballot question is officially nonpartisan, although a Democratic state legislator first proposed scrapping Colorado's winner-take-all Electoral College rules out of frustration over the 2000 election. The effort has received funding from people with Democratic ties.

Polls last month indicated enough support to pass the measure, but opponents note that they have only recently organized a "vote no" campaign.

Opponents, including Colorado's Republican governor, say the effort would serve Democrats' short-term national political aims while costing Colorado political clout.

If the initiative passes, Colorado would become the third state to reject the winner-take-all approach, but its system would be unique. Two states, Maine and Nebraska, award electoral votes according to which candidate wins in each congressional district. Even with that system, all the electoral votes from those states have always gone to a single candidate.

The Constitution sets up the Electoral College as a buffer between the popular vote and the White House, and gives states room to choose how they will select electors. That power, however, is given to state legislatures. There is no mention of whether voters could make the decision directly, as they would in Colorado by voting yes on the ballot question.

A Supreme Court challenge would probably focus on whether the voters were an extension of the Legislature in this instance, a question that could, like the Bush v. Gore case in 2000, require the justices to decide matters of law and politics at once.

"Both sides see that it's a serious and difficult question that doesn't have an obvious answer, which is what makes the prospect of litigating it while the votes for the presidency are being counted so shocking," said Washington lawyer Thomas Goldstein, a Supreme Court specialist.

Lawyers could also challenge the timing of the Colorado measure, arguing that it is unfair to ask voters to decide the question while also picking a candidate whose fortunes could hinge on the answer.

Lawyers for the Bush and Kerry campaigns are lying low for now, unsure whether the ballot initiative will help or hurt. Lawyers on both sides must prepare to play either offense or defense in any court fight, said Loyola Law School professor Rick Hasen.

"From the point of view of the parties you might want to wait to see if it's to your advantage," he said.



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INTERNATIONAL



Americans win Nobel for studies on sense of smell

BY MATT MOORE

Associated Press Writer

STOCKHOLM, Sweden — American researchers Dr. Richard Axel and Linda B. Buck shared the 2004 Nobel Prize in physiology or medicine Monday for their work on the sense of smell.

Their genetic work revealed a family of proteins in the nose that recognizes odors, and they illuminated how the information is transmitted to the brain, letting it perceive and remember smells.

Axel, 58, of Columbia University in New York, shared the \$1.3 million prize with Buck, 57, of the Fred Hutchinson Cancer Research Center in Seattle. Both are investigators with the Howard Hughes Medical Institute.

In 1991, when Buck was working in Axel's lab, they reported finding genes for "receptor" proteins that respond to particular odors. They have since worked independently.

Axel and Buck clarified the intricate biological pathway from the nose to the brain that lets people recognize smells. A whiff of an odor brings a mix of different molecules into the nose, where each molecule activates several odor receptors. This pattern of activation is interpreted by the brain, letting people identify and form memories of about 10,000 different odors, the Nobel Assembly said.

Informed of his award, Axel told Swedish public radio: "That's really marvelous, I'm so honored."

When asked if he had thought about becoming a

Nobel laureate, he replied: "No, this is nothing I have been thinking about, I think about my science."

Asked what he would do first, he replied: "I'm going to have a cup of coffee."

Buck told The Associated Press she did not know she was under consideration.

"People have said things like, 'You should win the Nobel Prize,'" she said. "I feel very honored, of course."

The Nobel Assembly at the Karolinska Institute said the sense of smell "helps us detect the qualities we regard as positive. A good wine or a sun ripe wild strawberry activates a whole array of odorant receptors."

Academy members told the AP that the decision to give the pair the award was not in light of any medical or commercial payoffs, but rather to honor their exploration of one of the humanity's most profound senses.

For two scientists to single-handedly map one of the major human senses is unique in the history of science, Nobel assembly chairman Goeran Hansson told the AP.

Previous winners included several scientists who first explained different areas of how sight and sound are perceived by humans. Figuring out the human nose took longer than understanding our eyes and ears because it needed modern microbiology and DNA technology to find the microscopic cells and proteins, he said.

"It's pretty amazing to be able to sit here in the 21st century and reward discoveries that explain one of the human senses," Hansson said.

Throughout the 1980s, scientists offered several theories of how people perceive odors, most of which were

"ill-founded and wrong," said Sten Grillner, deputy chairman of the assembly. "This system was completely unknown before" Axel's and Buck's discoveries.

The assembly said it's still unclear what the medical and scientific implications of their discoveries will be, but that the work could affect areas as diverse as psychology and cooking, as scent and taste are deeply connected.

"It's possible, I guess, that someone down the road could use this knowledge to cook up something really delicious," Hansson said. "But I think that's pretty far in the future."

Axel and Buck studied mice, which have about 1,000 odor receptor types. People have somewhat fewer.

Last year's medicine prize winners were Briton Sir Peter Mansfield and American Paul C. Lauterbur for discoveries that led to the development of MRI, which is used by doctors to get a detailed look into their patients' bodies.

The award for medicine opens a week of Nobel Prizes that culminates Oct. 11 with the economics prize. The peace prize, the only one bestowed in Oslo, Norway, will be announced Oct. 8. The physics award will be announced Tuesday and the chemistry prize will be announced Wednesday in the Swedish capital.

A date for the Nobel Prize in literature has not yet been set by the Swedish Academy, but is likely to be Thursday, Nobel watchers said.

The awards always are presented on Dec. 10, the anniversary of Nobel's death in 1896.

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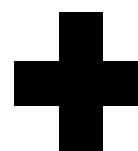
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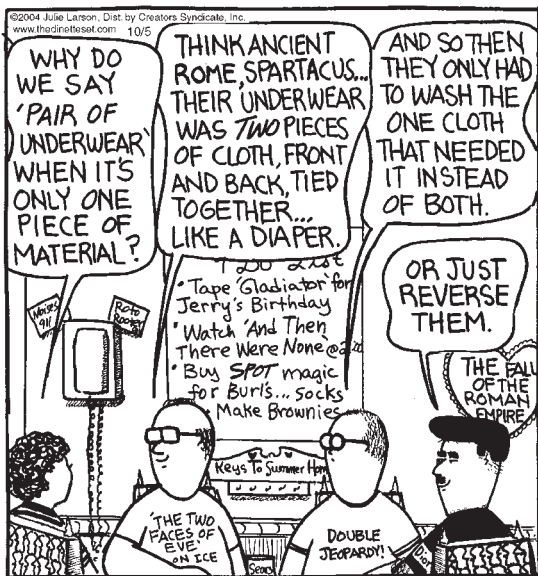
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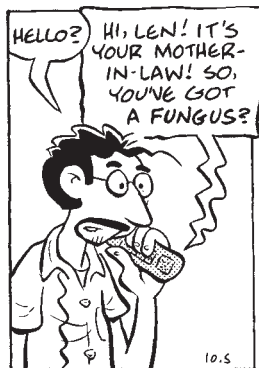
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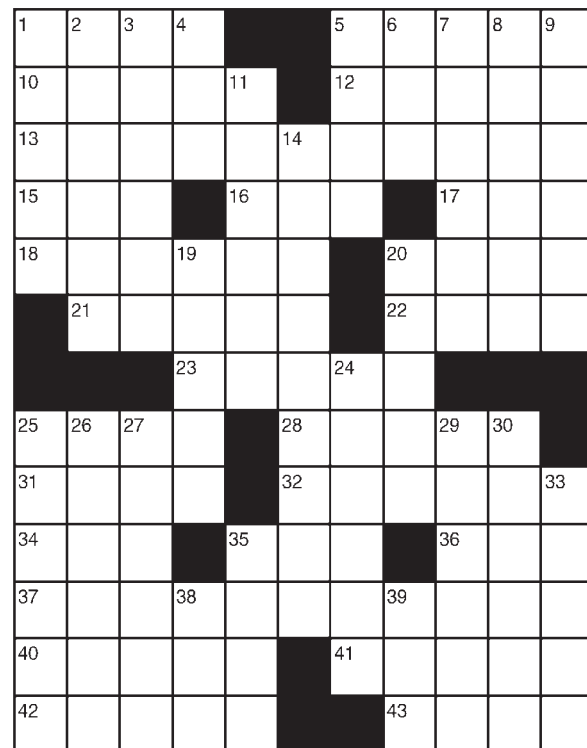


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PEOPLE IN THE NEWS

Elton John disses Madonna at music awards show

By The Associated Press

LONDON — It seems Elton John isn't a Madonna fan. Taking the stage at a music awards show Monday, John accused the queen of pop of lip-synching and said he was astonished that she had been nominated for best live act.

"Since when has lip-synching been live?" he said. "Anyone who lip-synchs in public onstage when you pay 75 pounds (\$134) to see them should be shot."

"That's me off her ... Christmas card list," he added. "But do I give a toss? No."

Madonna's spokeswoman, Liz Rosenberg, rejected John's allegations.

"Madonna does not lip-synch nor does she spend her time trashing other artists," Rosenberg said in a statement. "She sang every note of her Re-Invention tour live and is not ashamed that she was well paid for her hard work."

John, 57, was receiving a songwriting award at the Q awards, sponsored by a British music magazine.

Madonna, whose Re-Invention world tour stopped in Britain in August, didn't win the best live act award. It went to British band Muse.

Last month John made headlines in Taipei, Taiwan, by telling photographers they were "rude, vile pigs."

Rosenberg indicated Madonna wasn't taking John's remarks too seriously.

"Elton John remains on her Christmas card list whether he is nice ... or naughty," she said.

NEW YORK — "Saturday Night Live" unveiled the newest face on "Weekend Update" on its season premiere Saturday. Cast member Amy Poehler joined Tina Fey for the first all-female "Update" team in the show's history.

Poehler replaces Jimmy Fallon on the segment. Fallon left in May after six years on the NBC live sketch-comedy show. Fallon and Fey had read the fake news together since 2000.

Poehler became a regular cast member in January

2001. Fey has been head writer for five years, and also starred with Poehler in the Lindsay Lohan comedy "Mean Girls."

"Weekend Update," long a trademark segment of "Saturday Night Live," has a storied history of hosts including Chevy Chase, Dennis Miller and Kevin Nealon.

"Saturday Night Live," now in its 30th season, airs Saturdays at 11:30 p.m. (ET) on NBC. This week's show will be hosted by Queen Latifah, who will also be the musical guest.

BERLIN — Daniel Barenboim pulled out of several conducting appearances at Berlin's Staatsoper because of a back problem that first surfaced earlier this year.

Barenboim decided against conducting two performances of Arnold Schoenberg's "Moses and Aaron" and three evenings of ballet by Igor Stravinsky over the past week. He turned over conducting duties to Julien Salemkour, but played the piano at the Stravinsky performances, spokeswoman Ursula Nussbaum said Monday.

Barenboim, the Staatsoper's musical director, also missed performances earlier this season with the Chicago Symphony Orchestra as he recuperated from herniated disks in his back.

He is next scheduled to perform with the Staatsoper in November, and now "he can rest for a bit," Nussbaum said.

NEW YORK — Richard A. Clarke, the former anti-terrorism adviser whose best-selling "Against All Enemies" offered a harsh, insider's portrait of the Bush administration, has written a novel.

Clarke's "cutting-edge geopolitical thriller," not yet titled, will be published next year by G.P. Putnam's Sons, an imprint of Penguin Group USA.

"Fiction can often tell the truth better than nonfiction; characters and plot can drive home that truth to the read-

er more effectively than cold facts and analysis," Clarke, an anti-terrorism adviser at the time of the Sept. 11, 2001, attacks, said in a statement issued Monday by his publisher.

"And there is a lot of truth that needs to be told, about the threat from terrorism and our response to it, both as a nation and as individuals. ... It is a story I think America needs to hear, and a story I am excited to tell."

Financial terms weren't disclosed.

In "Against All Enemies," Clarke alleged that President Bush was so preoccupied with Iraq both before and after the Sept. 11 attacks that he failed to effectively confront threats from the al-Qaida terror network.

Clarke, who also held senior posts under former Presidents Reagan, Bush and Clinton, resigned in 2003. He made a dramatic appearance earlier this year at the Sept. 11 commission hearings, when he offered an apology to "the loved ones of the victims of 9-11. ... Your government failed you. Those entrusted with protecting you failed you and I failed you."

According to Putnam, Clarke's novel will feature "terrorism, intelligence failures, weapons of mass destruction, bureaucratic infighting, personal and professional loyalties, courage, integrity and the clash of cultures."

LOS ANGELES — A street near Olive View-UCLA Medical Center will be renamed for former President Ronald Reagan and his family as a tribute to their support for the hospital.

Reagan, his mother, Nelle Wilson Reagan, and son Michael Reagan "have all played vital roles in the history of Olive View Medical Center," said Tony Bell, an aide to county supervisor Mike Antonovich.

Bledsoe Street near the Sylmar-area hospital was to be renamed Reagan Road in a ceremony Monday. The tribute honors "a family that has given so much to Los Angeles County, our state, our nation," Bell said.

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