

Santa Monica Daily Press

A newspaper with issues

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NEWS OF THE WEIRD BY CHUCK SHEPARD

As traditionally domineering husbands reach retirement age in Japan, the wives of as many as half of them may suffer some degree of Retired Husband Syndrome (rashes, ulcers, other stress symptoms), according to an October Washington Post dispatch. Said one morose, 63-year-old woman, "I had developed my own life, my own way of doing things, in the years when he was (working long hours)," but, she told the Post, she now can't stand even to look at her husband across the dinner table and sits at an angle so she can stare out a window instead. According to psychiatrists treating RHS, the numbers may soon explode further unless husbands lower their expectations of spousal servitude.

TODAY IN HISTORY

Today is the 313th day of 2005.
There are 52 days left in the year.

Forty years ago, on Nov. 9, 1965, the great Northeast blackout occurred as a series of power failures lasting up to 13 1/2 hours left 30 million people in seven states and two Canadian provinces without electricity.

QUOTE OF THE DAY

"I think charm is the ability to be truly interested in other people."

RICHARD AVEDON
AMERICAN FASHION PHOTOGRAPHER

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A 'no' vote across the board

Preliminary election results show a resounding defeat for Schwarzenegger

BY RYAN HYATT

Daily Press Staff Writer

Santa Monicans opposed to several ballot measures in Tuesday's special election took to the streets and to the polls in an effort to defeat Governor Arnold Schwarzenegger's attempt at state reform.

Apparently it worked.

A group of Westside Democrats, teacher union advocates and other community leaders were cautiously optimistic with Tuesday's initial election results, which showed all eight measures defeated, with nearly 70 percent of precincts reporting.

Harry Keiley, president of Santa Monica-Malibu Classroom Teacher's Association, watched the results trickle in at the Westside Democrats' Santa Monica headquarters at 1508 18th St. before heading to downtown Los Angeles for a victory party.

Keiley's group specifically opposed Propositions 74-76, which they argued would undermine public education throughout the state and put power in the hands of the wrong people, namely special interest groups funded by corporations.



Fabian Lewkowicz/Daily Press

Santa Monicans cast their votes in the special election on Tuesday at City Hall.

"At this hour, we're very optimistic we'll be successful at the end of the day," he said. "It is a 'no' across the board."

"The voters didn't want this election," Keiley added. "(Gov. Schwarzenegger) picked this

fight and the teachers, the nurses and the firefighters ended the fight."

The teachers' association a few months ago offered its office space in Santa Monica to the Westside Democrats in an effort

to help them wage their campaign against the special election.

The fruits of their efforts hadn't been completely solidified late Tuesday night but they

See SPECIAL ELECTION, page 5

LAPD joins the Venice gang coalition

BY RYAN HYATT

Daily Press Staff Writer

VERA DAVIS CENTER — Los Angeles law enforcement officers have agreed to partner up with social service groups committed to overcoming gang violence in their communities.

Members of the Venice Gang Coalition (VGC) on Tuesday began developing strategies to tackle the long-term problems of ignorance, unemployment and hopelessness believed to be associated with the gang lifestyle while welcoming their newest partner in combatting the problems, the Los Angeles Police Department.

"We need to be part of the gang coalition," said Capt. Bill

"We need to be part of the gang coalition."

CAPT. BILL WILLIAMS
LAPD's Pacific Division

Williams with the LAPD's Pacific Division. "All of the agencies here have a part to play, including us, because what do you do once the guy gets out of jail to make sure he stays out of jail?"

Capt. Williams said that while he believes there are individuals in society who would pursue a criminal life regardless of opportunities

made available to them, he also believes there are those who may overcome a criminal life through better guidance, support and alternatives. In the case of the latter, he said the LAPD could become more effective at identifying those individuals so the VGC members could intervene.

Capt. Williams promised the VGC that he and other higher-ups within the LAPD would continue to participate in the group's endeavors.

At the same time, other police representatives pointed out that although the situations that foster gang life could greatly improve, criminal activity in the Venice

See GANG COALITION, page 6

STATE

Homeless booked for nonexistent crimes

By The Associated Press

VENTURA — Homeless people are being arrested for crimes that don't exist as part of the city's effort to get them off the streets, the county public defender's office said in motions seeking dismissal of the cases.

At least nine homeless people were jailed at least two nights for alleged illegal camping or storing belongings in public, violations that should have resulted in tickets and fines rather than arrest and jail, Deputy Public

See HOMELESS, page 7

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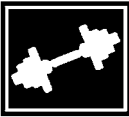
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Santa Monica Daily Press



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



ARIES (March 21-April 19)

★★★★ If you approach a wild situation differently, you are likely to get a different response. Break out of the mold and past your normal thinking, and you'll finally find agreement and solutions. Slow down as the day gets older. Tonight: You need some downtime.



TAURUS (April 20-May 20)

★★★ You are in the limelight, and others seem to respond to your ideas. In fact, someone is finally going to revise his or her thinking so he or she can understand where you are coming from. Now you might be able to move on a project. Tonight: Join friends.



GEMINI (May 21-June 20)

★★★★★ Others finally adapt, relax and can open their eyes. You will see life much differently as a result, and so will those you deal with. Open up to possibilities. You might need to take a stronger position than usual. Tonight: A force to be dealt with.



CANCER (June 21-July 22)

★★★★★ You need to work with others more and bend in their direction. You will find that a different approach will work much better, especially if you are working with a team player. Step back and think before making any strong decisions. Tonight: Rent a movie or relax to music.



LEO (July 23-Aug. 22)

★★★ Others respond to your creative ideas. You can be an enormous source of solutions, humor and perspective. You are quite capable of turning situations around. Use this skill. Touch base with others. Tonight: Get together with a dear friend.



VIRGO (Aug. 23-Sept. 22)

★★★★ Your ability to get through hassles and still get the job done makes a big difference. Others admire your persistence and ability to adapt. Anything could be possible. Think positively. A change in attitude could affect everything. Tonight: Accept an invitation out.



LIBRA (Sept. 23-Oct. 22)

★★★★★ Your ability to verbalize the same concept in many different ways could make all the difference. You'll get your message across. Be ready to put in extra time in order to make an idea a reality. Tonight: Get into a new project.



SCORPIO (Oct. 23-Nov. 21)

★★★★ You have a way of stating issues that others might not be able to grasp. Learn to be more precise in your communications. Learn to get past power plays, though you don't necessarily have to change your mind. Tonight: Enjoy the evening.



SAGITTARIUS (Nov. 22-Dec. 21)

★★★★★ You will find that a new openness on your part allows life to feel renewed. You have a lot going on, but you make headway because of your attitude. Your sixth sense will guide you. Tonight: A lazy night.



CAPRICORN (Dec. 22-Jan. 19)

★★★ If you revise your thinking, you will see life differently. Open up to a new beginning. You might need to employ a more creative touch with your financial patterns. An investment near water might be very good. Tonight: Find your pals.



AQUARIUS (Jan. 20-Feb. 18)

★★★★★ You have a way of disarming others that you might not be too conscious of. Perhaps that lack of awareness is why this ability works so well. Rethink a meeting or get-together. Tonight: Gather your bills.



PISCES (Feb. 19-March 20)

★★★ You find that a boss changes his or her attitude. At the same time, you might need to revise your thinking on a project. Go within and think through your attitude. What you do will make a difference. Tonight: Nap and then decide.



Santa Monica Daily Press

Published Monday through Saturday

Phone: (310) 458-PRESS (7737) • Fax: (310) 576-9913

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LOCAL



COMMUNITY BRIEFS

Free lecture examines SoCal wildlife

By Daily Press staff



Photo courtesy

Biologist Ray Sauvajot will speak about urban encroachment effects on wildlife in Southern California at a free lecture at Santa Monica College.

professor at UCLA and Cal State Northridge. He has published numerous scientific articles and has been quoted in such publications as Los Angeles Times Magazine.

The lecture series is sponsored by the SMC physical science and life science departments, and the SMC Associates, a private organization that funds speakers and special events on campus. For information, call (310) 434-4003.

California Coastal Commission seeks art, poetry

By Daily Press staff

Have a creative kid on your hands?

The California Coastal Commission invites California students in kindergarten through 12th grade to submit artwork or poetry with a California coastal or marine theme to the annual Coastal Art & Poetry Contest.

Up to eight winners will be selected to win \$100 gift certificates to an art supply or book store, and each winner's sponsoring teacher will receive a \$40 gift certificate for educational supplies. Students may have their work featured on CCC Web pages and materials. Entries must be postmarked by Jan. 31 to be eligible. For contest rules and an entry form, call (800) Coast-4U.

Believe it or not, Southern California is home to a large variety of carnivorous wildlife.

This Thursday, Nov. 10, "Surviving on the Edge: Carnivore Ecology in Southern California" will be the topic of the third and final of Santa Monica College's fall 2005 "Distinguished Scientists Lecture Series," a free series of talks designed for all audiences.

The lecture will be at 11:15 a.m. and will be held in science lecture hall 145, 1900 Pico Blvd. on the SMC campus. The lecture is free and open to the public.

The speaker will be Dr. Ray Sauvajot, chief of planning, science and resource management at the Santa Monica Mountains National Recreation Area. He will discuss his research on how urban encroachment and habitat fragmentation are affecting bobcats, coyotes and other wildlife in Southern California.

Sauvajot has held several positions as a scientist and scientific advisor to such organizations as the National Park Service. He has received several awards for his work and is an adjunct biology



SURF REPORT

Wednesday the NW wind swell should increase a bit, but local winds may completely trash morning sessions. Rain is also expected. Size is estimated around chest to shoulder high for west-facing breaks, but with only 10-12 second periods. A slight touch of southern hemi SW is also due, so south-facing breaks should see some waist-high sets.

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	LOW TIDES				HIGH TIDES			
	Morning	Height	Evening	Height	Morning	Height	Evening	Height
MONDAY	5:11	3.3	8:25	0.0	3:02	3.4	12:07	5.4
TUESDAY	7:37	3.45	9:33	0.0	4:14	3.8	1:38	5.0
WEDNESDAY	9:43	3.0	10:29	0.1	4:52	4.2	3:16	4.8
THURSDAY	11:01	2.3	11:15	0.2	5:24	4.7	4:38	4.8
FRIDAY	11:42	2.1	11:43	0.0	5:49	4.1	5:16	4.6

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The QLine

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After years of preparation, Bubba Gump Shrimp Co. opened this past weekend on the Santa Monica Pier. City officials say the restaurant will enhance the family atmosphere of the pier and bring in more revenue for City Hall. Opponents say that allowing a chain restaurant to become established on the pier goes against guidelines that give preference to locally owned businesses.

So this week, Q-Line wants to know, "What impact, if any, do you think the opening of Bubba Gump Shrimp Co. on the pier will have?"

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

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LETTERS TO THE EDITOR

Stop blaming the homeless

Editor:

I hear complaints all the time about how the homeless community wastes taxpayer dollars for police involvement. If the crime is violent, one that does serious damage to a person or property, or the person is just a nuisance, I can see the sense in it. However, to call the police for something as petty as sleeping in public, urinating in public or just because the person is homeless, the taxpayer's grievance is not really a well-founded one. Some of you, instead of looking at the causes of homelessness and helping alleviate those problems, would rather treat the homeless community as the problem.

Some of you would rather waste the taxpayer dollars on giving a homeless person a urinating in public ticket, for example, and then complain about it, thereby wasting taxpayer dollars and the officer's time. Some of us within the homeless community would rather work together with the housed community and the governments of the cities in which we live to solve the problems that lead to homelessness than sit and urinate in the alleys.

Some of you fail to realize calling the police for these petty infractions is like crying wolf. When a real problem arises within the homeless community, one that is a real threat to your community as a whole, if you have repeatedly called for the minor infractions, and the officer is tired of it, the response time may be slower. Moreover, you become the ones who waste taxpayer money, not the homeless person who just sleeps and leaves.

Some of you fail to realize any of this because you are just plain cold-hearted and compassionless, and, like little children, do not know how to play nice, and live and let live. Some of you have nothing better to do with your lives than to make others' lives miserable, which leads me to believe that your own lives might be miserable and you do not want to be alone in your misery.

Charles Springer

Homeless in Santa Monica

VA system has gone mental

Editor:

Bravo for the editorial "Fighting for the vets" (SMDP, Nov. 4, page 4). Our nation's newspapers and periodicals intentionally and routinely underreport the fact that the federal government disserves most of our military veterans. This is a horrific shame and a disgrace of an order most heinous and foul.

A significant portion of my pre-doctoral clinical training in psychology came from internships at Veterans Administration Medical Centers (VAMCs). For many reasons, I have long identified with our military veterans, and over my years of experience, I have found that the federally managed Veterans Administration is incessantly under-funded and awash with bureaucratic corruption. This mismanagement has created a situation wherein a small number of veterans (primarily those who are politically connected, white-skinned and Christian-affiliated) are granted relatively substantial disability compensation and better aftercare, while the much larger and typically more-economically disadvantaged remainders (primarily those not politically connected, non-Caucasian or non-Christian) are often shortchanged. I repeatedly witnessed these inequities at VAMCs in New Mexico and Louisiana, where American Latino/Hispanic and black veterans predominated, respectively.

I found VAMC physicians and psychologists very good for the most part, at both sites (and those doctors were often also affiliated with universities and other well-regarded hospitals). The VA nurses, social workers and other health care professionals that I worked with were also typically good. But, I found that the inequities and disservices rendered were mostly the result of all-but-entirely-insurmountable administrative "red-tape" enabled by Congress and sanctioned by bureaucratic sinecurists of the federally run Department of Veterans Affairs.

Soon after earning my doctorate in 1992, I qualified to be placed on a national registry whereby I could be notified by the VA of job openings for clinical psychologists they had at their various hospitals. This national registry had been in place for many years, but it dissolved very soon after I had earned my way onto it. Henceforth, for the past 12 years or so, the federal government, with its incessant efforts to undermine mental health — and both the Republicans and Democrats are guilty of this — has shifted the burden of filling psychologist positions to individual VA hospitals, while they have simultaneously slashed funding for such positions.

These policies have made it more difficult for psychologists to find jobs at VA hospitals and more difficult for veterans to receive the psychological care they absolutely require. By dispensing with the national registry, the federal government also, I believe intentionally, made it harder for better psychologists to find jobs at their hospitals, because it thereby became harder for good psychologists to timely discover the job openings — when there are any — and compete on fairer and more objective grounds for those jobs. Now, when those positions are filled, it is more likely that the new psychologist is a friend or crony of someone at a particular VA hospital.

I very much intend to contact Citizens for Veterans Rights in order to add my name to those who prefer that VA Secretary Nicholson abandon the notion of commercial enterprises on the grounds of the VA's West LA property. I think your editorial hit the nail on the head where it read, "Anything other than increased services for veterans on the property shouldn't even be considered for a nanosecond." Unfortunately however, such common sense does not seem to be the order of the day — whatsoever.

Ivan Smason, Ph.D., J.D.
Santa Monica

Truth should not be based on perception

THE
WITNESS
STAND

BY CLIFF NICHOLS

In case you haven't noticed, our nation is in the throes of a cultural paradigm shift. Our notions of who we are, what our institutions stand for and even the meaning of our Constitution are in a state of disequilibrium due to a cultural war being fought on many fronts, and our reverence for truth has been one of its first casualties.

Consider this: We say democracy is a good thing to export around the world, though few even in this country would probably be able to agree on a common definition of exactly what that is. Does it include the concept that all men and women are imbued with unalienable rights and should be treated equally? Probably not. For if that were true, would we not find it difficult to explain why we extend to others fewer unalienable rights than are held by us? Yet we seem unbothered by our indefinite incarceration of foreigners without bringing charges against them, allowing them legal representation or bringing them to court to confront the evidence and witnesses against them. Moreover, though we claim an unalienable right to be protected from cruel and unusual punishment, at the same time we approve our government urging Congress to exclude our very own C.I.A. from a ban on torturing foreigners. Go figure.

Does democracy include the concept of having separate branches of government that are to hold each other in check? Probably not. For if that were so, could we be expected to rationally justify our complacency with the notion that judges are now somehow entitled to ride roughshod over our elected officials by legislating from the bench? Yet isn't it undeniable that we now permit our courts free reign to be the sole arbiter of what laws shall be created and which others shall be vitiated under the guise that only judges are able to interpret our constitution because it is a "living" document that can only mean whatever they want it to mean? The result is that neither we nor our duly elected officials feel qualified anymore, much less entitled, to challenge even contradictory rulings that confound logic — like the instance of the Texas statute prohibiting sodomy being declared an "unconstitutional" invasion of privacy, while parents have now been found to have no "constitutional" right to privacy when it comes to what their children shall be taught in elementary school regarding various sexual practices. Figure that.

Of course, this brings us to question next whether democracy any longer includes the concept of majority rule. Again, probably not. For if it does, why then do we permit judges to order our legislators to create laws those judges just happen to think should be the law? But we do. Isn't that what the Massachusetts Supreme Court did when they misused their own state's constitution to order their legislature to enact laws permitting same-sex marriage by mysteriously declaring that the absence of such laws violated their constitution — notwithstanding the absence of any language in that constitu-

tion that could even remotely be used to justify their "finding" and, rather than telling that court to pound sand, the legislature allowed them to get away with it.

Finally, we also may wonder today whether a definition of democracy would include even the idea that government should exist to protect the health, safety and welfare of individuals. Yet again, however, probably not. For if that were so, how could we accept being told by courts that a woman's right to a late-term abortion is so constitutionally protected that even the excruciating pain suffered by partially born infants in the process is "irrelevant" by comparison? Yet, at the same time we vigorously prosecute people like Laci Peterson's husband for the death of his unborn infant. Is this even possible to go figure?

As confusing as all this may seem, at least it affords us a glimpse into the overall magnitude of the paradigm now shifting in this country where even truth has retained little value. And that, in turn, may help us to understand why a Supreme Court nominee who has been approved by the U.S. Senate as a fit and well-qualified judge, not only once, but twice, can now be disparaged by those same senators who characterize him as a catalyst for a political Armageddon. It is because the truth is that whether or not he is qualified to be a Supreme Court Justice is no longer relevant, notwithstanding that it is the constitutional standard against which he should be measured. The only question that concerns these senators today is whether he will advance their agendas, and so, we are soon to witness the character assassination of Judge Alito. Sadly, the biggest loser, second only to Alito, is likely to be our nation.

This tragedy may well be a by-product of the inordinate amount of energy we as a people now expend to make "truth" illusory. To promote our self-interests we devalue it and call it "spin." When caught lying, we have come to embrace as acceptable a "So, I lied" mentality.

And where even that doesn't get the job done, for convenience sake we fall back upon the disingenuous argument that what is or is not truth is simply a matter of one's "perception." The ultimate end of all this behavior, however, can only be the eventual degradation and destruction of the structural integrity of our social institutions and mores, and if we are not careful, we may find that as Rome fell, so shall we. A society that chooses to no longer protect and cherish the notion of truth is one that is approaching the zenith of social narcissism — where we, both as individuals and as a nation, believe that truth will be nothing more or less than what we want it to be, and thereby consign the beliefs, concerns and opinions of others to irrelevance. That is a belief system that will most certainly accelerate our fall from the state of preeminence we now take for granted. And if that is true, is it not the height of effrontery for us to be compelling other cultures around the globe by force of arms to adopt a form of democracy that even we appear unable to prevent from sliding toward Gomorrah? Probably.

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



SM voters turn out to defeat special election

SPECIAL ELECTION, from page 1

remained hopeful.

"It ain't over 'till the fat lady sings," said Marc Saltzberg, president of the West LA Democratic Club, who was at the Santa Monica headquarters late Tuesday. "At this point in time, it looks real good but with only 2.7 percent of LA County reporting, we don't know what's happening."

"We've got a long way to go. I've got my fingers crossed."

Democrats say they were outspent by Republicans, and therefore their activism had to make up for their smaller war chest.

As a result, Saltzberg said local Democratic voter turnout was crucial to the special election. On Tuesday, westside Democrats stepped up efforts with a "get out and vote" drive. The headquarters' office doors opened at 8 a.m. and at least 10 volunteers were available until the polls closed at 8 p.m., reminding their supporters to vote "no" on Propositions 73 through 78, and "yes" on Propositions 79 and 80, Saltzberg said.

Proposition 74, which Schwarzenegger has dubbed the "Put Kids First Act," was a measure that its supporters said was intended to improve teacher accountability in the classroom by putting them on probation for five years before they can obtain a permanent position.

Firefighters, teachers and other public workers are among those who opposed Proposition 75, claiming that if it were to be approved, their ability to take political action would be significantly diminished. Meanwhile, Gov. Schwarzenegger's campaign office, which supported the measure, said Prop. 75 would empower public workers by forcing unions representing them to request permission to use their funds for political action.

Proposition 76, which Schwarzenegger dubbed the "Live Within Our Means Act," was intended to improve the manner in which the state manages its financial affairs by preparing a "rainy day fund" for future economic downturns, supporters said. It also would've allowed Schwarzenegger to make mid-year cuts to some groups that receive funding, including the public school system, opponents said.

Proposition 77 aimed to amend the process for redistricting California's Senate, Assembly, congressional and Board of Equalization districts. It would've required that a panel of three retired judges, selected by legislative leaders, adopt a new redistricting plan.

Propositions 78 and 79 were targeted to prescription drug pricing — one would have required drug companies to offer discounted prices to low-income residents and the other would have made it a voluntary program.

Proposition 80 would have required electric service providers to be regulated by the California Public Utilities Commission by imposing restrictions on electricity customers' ability to switch from private utilities to other electric providers.

More than 100 volunteers opposing Prop. 73 participated in phone banking efforts starting at 8 a.m. at Planned Parenthood, which has an office on the Third Street Promenade, said Susan Dunlap, campaign organizer.

Volunteers have been going door-to-

door within area precincts to urge citizens to vote against the ballot measure.

In addition to the phone banking, hundreds of westside Democrats took their message to the streets, talking to supporters and leaving vote-reminder literature on doors.

On Tuesday, Saltzberg said he heard of long lines at polling stations in precincts immediately outside of Santa Monica. The long lines were of concern to westside Democrats because there was an indication the county registrar might not have anticipated the number of voters and failed to provide appropriate staffing, he said.

Saltzberg attributes the long lines, in part, to a reduction in the number of polling places available for the special election. According to a recent report, more than half of the 3,842,887 county residents registered to vote in the special election had a different polling place from the one used in the last general election.

The report said that because officials only had weeks instead of months to prepare for the statewide special election, they reduced the number of polling places in the county from 5,000 to 2,172. As a result, the report urged voters to check the back covers of their sample ballots to be sure of the right voting location.

Saltzberg said on Tuesday the change seemed to be causing difficulties at the polls.

"In many cases people are going to where they voted in the presidential election, only to find the doors locked," Saltzberg said. "Every voter gets a sample ballot with the voting place on it, but people tend to read what's inside the ballot, about the propositions, and they may not notice where the (new) polling place is."

To help voters find their proper polling station, Saltzberg said westside Democrats placed signs at the previous poll locations which indicated where voters needed to go for the special election.

One of the Santa Monica polling locations was in City Hall's lobby, where people trickled in and out throughout the day.

At about 5:30 p.m., a small line began to form near the polling booths, caused by an influx of voters who said they had just been released from work and wanted to weigh-in before the polls closed.

In general, voters said they voted for the "people's" and "worker's" choice and to "defeat" Gov. Arnold Schwarzenegger.

Santa Monica resident Hashen Modjarab, who voted with his wife, said he was horrified by reports that voter turnout was expected to be in the range of 24 percent.

Modjarab said he voted because a democracy is only as healthy as the citizens who participate in it.

"The question is, what's the meaning of democracy if we do not vote?" Modjarab said.

Modjarab said he and his wife voted against most of the propositions.

So did Santa Monica resident Melanie Heath. She described the special election as a waste of taxpayer money, adding she hopes that the result of the special election is that it will stop Schwarzenegger's political career.

"I hope the governor is soundly defeated and it sends him a message," Heath said.



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LOCAL

VGC hopes LAPD support will spread

GANG COALITION, from page 1

area is far less than it was 10 years ago.

They acknowledged that many of Venice's problems spill over into other communities, including Santa Monica and Culver City, which have rival gangs fighting against each other.

The police department's gesture of support was well-received by the VGC, a loose association of several local social service providers that have been seeking the attention of local police. At an Oct. 11 meeting, the VGC discussed the importance of the LAPD participating in their anti-gang efforts.

VGC members said police participation is necessary because officers are in charge of public safety and the group's legitimacy depends on their endorsement.

With an endorsement from the police,

it's believed the fledgling group can overcome a crucial obstacle in achieving legitimacy through the political chain of command, members said. Support from the business community, as well as sources of funding for programming could follow, members said.

On Tuesday, the VGC continued to identify what it needs to do to be effective assisting the community.

"The strongest need is to fill the gap between where they are and where they can be, and that's (by providing) hope," said Mark Hall, a field deputy for Los Angeles City Councilman Bill Rosendahl.

Hall described a "disenfranchised" society consisting of groups of individuals who feel powerless to make effective changes in their daily struggles, while advertisements for riches are unrealistically dangled before their faces.

VGC members said the need for better education and employment opportunities, as well as being able to provide a form of spiritual nourishment, would go far to counteract society's negative influences.

The VGC identified key areas where it needs to focus its efforts. Those areas include: providing better post-prison services to ex-convicts; stepping up anti-drug awareness; providing better mentoring to struggling youth; breaking generational cycles of criminal lifestyles; providing more transitional housing to struggling 18 to 25 year olds; identifying clear sources for program revenues; cracking down on drug sales at the Venice Recreation Center; and providing better incentives to lure some away from criminal life through educational and job opportunities.

A representative from the office of Los Angeles Mayor Antonio Villaraigosa noted the focus points and said he would

be discussing them with officials to see what projects may be available using public money.

Bard Carlson, a county employment coordinator who has worked to reduce gang violence in Venice for more than 10 years, said the VGC is embarking on a timeless but worthwhile cause. As such, they can learn from past lessons to be more effective.

The biggest lesson the VGC members can learn is that efforts to counteract criminal life in the community rest largely with them. As such, the task in finding long-term solutions depends heavily on the VGC and its ability to institutionalize its purpose, he said.

"We all are here because we have a systemic problem, and what we need is a systemic solution," Carlson said.

The VGC's next meeting is set for Dec. 12.

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STATE



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Gang rape might have been retaliatory

By The Associated Press

APPLE VALLEY, Calif. — A woman allegedly gang raped by 10 men may have been targeted by a street gang bent on retaliating against rivals, investigators said.

Robert Naron, 18, Douglas Brandon, 20, and two 17-year-olds were arrested after Sunday's attack and six others, all believed to be desert members of the Hoover Street Crips gang of Los Angeles, have eluded capture.

"The victim was at her Apple Valley home early Sunday when she was attacked by 10 black men," police spokeswoman Trish Hill said Monday. "It appears that gang retaliation was involved, but I can't elaborate."

Hill wouldn't say if the woman has gang ties.

The victim went on a date with a man who was one of the 10 who attacked her, Hill said.

Woman dies in tragic fall from bridge

By The Associated Press

RANCHO SANTA MARGARITA — A woman retrieving belongings that fell out of her truck during a move plunged 75 feet to her death when she hopped over a bridge guard rail and landed in the dry Trabuco Creek.

Jennifer Lee Hashimoto, 35, and a friend were moving her belongings from Rancho Santa Margarita to Irvine on Sunday when the items fell out of the truck. She spotted the items while driving the route at about 7 p.m., said Jim Amormino of the Orange County Sheriff's Department.

Hashimoto and her friend parked the truck in the left-turn lane to Alicia Parkway and started walking in the fast lane, he said. Looking for a safer place to walk, Hashimoto jumped over the guardrail and fell into the dry creek bed, Amormino said.

She apparently died on impact.

"It was a tragic accident," Amormino said. "She thought there was solid ground on the other side."

She was probably not able to see the drop, he said, because it was dark and the area is poorly lighted.

New ordinance takes effect in January '06

HOMELESS, from page 1

Defender Jay Leiderman said.

Leiderman filed a motion last week to dismiss all the cases.

City Attorney Bob Boehm said Monday that the charges against the nine homeless people were made "by mistake" and his office also wants the cases dismissed.

In a separate complaint, the public defender's office alleged reckless misconduct by two assistant city attorneys who filed jailable misdemeanor offenses for violations they knew or should have known were only infractions punishable by fines at most.

The public defender's office is seeking a finding of prosecutorial misconduct and contempt of court, which could result in fines or possible sanctions.

Boehm said there is no basis for the allegations of misconduct against Assistant City Attorneys Sonia A. Hehir and Peter Lemmon.

"The public defender's allegations are completely unnecessary," Boehm said.

The city is in the process of increasing penalties against people who repeatedly have ignored the city's no-camping rules in public parks, beaches and other public spaces.

The City Council voted last month to boost violations of the city's illegal camping rules from an infraction, or a ticket, to a misdemeanor. The new ordinance doesn't take effect until Jan. 16.

"The city has been going around wrongfully incarcerating homeless people," Leiderman said. "The Public Defender's Office finds this behavior outrageous."

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Cruise replaces sister as publicity handler

By The Associated Press

LOS ANGELES — Tom Cruise has replaced his sister with a Hollywood insider as chief handler of his publicity.

The 43-year-old actor hired veteran publicist Paul Bloch, who's also a co-chairman for publicity firm Rogers & Cowan, according to the Daily Variety trade paper. Bloch also will oversee publicity for the actor's production company, Cruise-Wagner Productions.

Bloch replaces Cruise's sister, Lee Anne DeVette, who took over as his publicist in March 2004 after he left longtime representative Pat Kingsley.

"Lee Anne has done a wonderful job on behalf of myself and Cruise-Wagner Productions over the last few years," Cruise said in a statement. "But she has always expressed a desire to oversee and expand the day-to-day activities of my charitable endeavors."

A call by The Associated Press to Rogers & Cowan wasn't immediately returned Monday night.

The shake-up comes after Cruise generated some negative publicity earlier this year by criticizing Brooke Shields for taking anti-depression drugs and by berating "Today" co-host Matt Lauer for suggesting that psychiatric treatment might help some patients.

He also created a sensation on "The Oprah Winfrey Show" when he got down on his knees and repeatedly jumped up on the talk-show host's couch, saying his love for Katie Holmes was "beyond cool."

Cruise and Holmes, 26, became engaged in June. She is now pregnant with the couple's first child.

LONDON — Kate Hudson has launched legal action over photos she claims wrongly portrayed her as having an eating disorder, her lawyers said.

Hudson asked the London law firm Schillings to take action on images she said were misleading.

The 26-year-old actress has starred in more than a dozen films, including "Almost Famous," "Raising Helen" and "The Skeleton Key." She is the daughter of Goldie Hawn.

Schillings said Hudson instructed lawyers "to make legal complaint of those who took and published images of her which circulated widely and prominently in September and October."

News reports on Monday said the firm had sent letters to publications including the Daily Mail newspaper, the National Enquirer and the magazines Heat, Closer and Star.

The images, Schillings said, were "used to accompany and illustrate articles which suggested that she had an eating disorder that was so grave and serious that she was wasting away to the extreme concern of her mother and family, and although not stated, of commercial and artistic concern to those who might cast her in movies and choose to use her image to endorse products."

The lawyers will argue in court that Hudson's weight and diet are healthy, but the images portrayed her as dangerously thin with an eating disorder.

An analysis of how the photographs came to be taken, sold and published will form a key aspect to the proceedings, which are expected to be heard at the High Court in London next year.

LONDON — Kate Moss is back at work after checking out of an Arizona rehabilitation clinic last month.

The 31-year-old British supermodel entered The Meadows clinic outside Phoenix after photos allegedly showing her snorting cocaine were published in a British tabloid in September. Moss left the clinic in late October.

She spent two days on the Spanish island of Ibiza last week for a photo shoot for Roberto Cavalli, said a statement issued Tuesday through her London spokesman.

"Kate looks absolutely fantastic. She is confident and stylish and she works well with the Cavalli look. She is back working and doing what she does best and, like usual, she was really professional," Cavalli said.

Moss modeled the Italian designer's spring and summer collection for photos that will appear next year in Vogue, W and other magazines, the statement said.

Her spokesman, Stuart Higgins, said Moss wouldn't make any public comments about her experience at the clinic or her work.

The Storm agency has said Moss will be working on modeling assignments in Los Angeles, Paris and New York.

She has lost contracts with H&M, Burberry and Chanel.

Moss, who began modeling at 14, issued a statement after the photos were published saying she was addressing her problems and took "full responsibility" for her actions.

NEW YORK — Tom Cruise wasn't the reason for his breakup with Katie Holmes, says Holmes' ex-fiance, Chris Klein.

"Her being with Tom has nothing to do with her and I discontinuing our relationship," Klein said in an interview to air Monday night on "Access Hollywood."

"People move forward, people move on, it's what we do," the 26-year-old-actor said. Klein and Holmes called off their engagement earlier this year after dating for five years.

Cruise, 43, and Holmes, 26, went public with their relationship in April. They became engaged in June, and she is now pregnant with their first child.

"For me, what we had was very, very special, and I hope that she's making deci-

See PEOPLE, page 9

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'Get Rich' produces far too few rhymes

BY DAN DUNN

Special to the Daily Press

THE MOVIE: Get Rich or Die Tryin'

THE DIRECTOR: Jim Sheridan

THE STARS: Curtis "50 Cent" Jackson, Joy Bryant, Terrence Howard, Adewale Akinnuoye-Agbaje

"Get Rich or Die Tryin'" presents one of the more interesting director-leading man pairings in recent years, with 50-something Irish filmmaker Jim Sheridan ("My Left Foot," "In America") guiding gangsta rap superstar Curtis "50 Cent" Jackson through his first ever professional acting gig. A similarly unusual arrangement worked out very well a few years ago when director Curtis Hanson ("Wonder Boys") teamed with Detroit hip-hop crooner Eminem in the critically acclaimed drama "8 Mile," but here the results aren't as impressive.

"Get Rich or Die Tryin'" was penned by Terence Winter of "The Sopranos," who focuses mainly on former drug dealer Jackson's troubled past, including a stint in prison and an attempt on his life during which he was shot nine times at point blank range. Jackson's lack of experience in front of the camera is evident but doesn't constitute a serious liability. After all, as Marcus, he's essentially playing himself. What is problematic, however, is that "Get Rich" features too much gangsta and far too little rap. Whereas "8 Mile" and Craig Brewer's "Hustle & Flow" effectively linked the challenges rappers face on the mean streets with their creative energy, "Get Rich" gets stuck in New Jack City. It



would be far more entertaining to watch a young 50 Cent spewing rhymes instead of spraying bullets.

(Rated R for strong violence, pervasive language, drug content, sexuality and nudity. Running time: 134 minutes)

Kid Rock and Anderson reunite—on screen only

PEOPLE, from page 8

sions that are making her happy and that she doesn't have people in her life leading her astray from what she wants and what she believes," replied Klein when asked about Holmes becoming involved in Cruise's faith of Scientology.

Klein's new movie, "Just Friends," co-starring Ryan Reynolds and Amy Smart, opens in theaters later this month.

NEW YORK — Although ex-fiance Kid Rock guest stars this week on the season premiere of Pamela Anderson's sitcom, "Stacked," the actress says they're not dating.

"I took one for the team," she said Monday on "The Ellen DeGeneres Show." The second season of her Fox comedy series begins Wednesday (8:30 p.m. EST).

Anderson said she's friendly with both Rock and her ex-husband, Tommy Lee, but added: "I'm not seeing either of them."

"But anyone else?" DeGeneres asked.

"There is enough to handle," Anderson replied. "My kids and Tommy are enough to handle."

Lee and Anderson, who divorced in 1998, have two sons, Brandon and Dylan.

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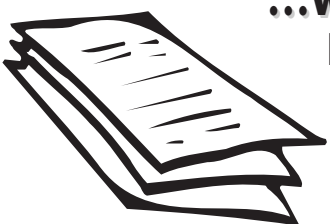
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McMansions: The high side of the housing cycle



DAYS ON
THE MARKET

BY JODI SUMMERS

Lifestyles, like fashion, run in cycles. Studies show that our standard of living ideals swing from extravagance to simplicity in approximately 30-year cycles. As we are living in the age of “McMansions” and oversized SUVs, you can assume that Americans are at one of our peaks of excessiveness.

Houses just grow and grow. In the last two decades, the average floor area of new homes has increased some 40 percent. Ironically, while house sizes have been growing, the number of members that make up a household has shrunk — from 3.7 people in 1981 to 2.7 in 2001.

Many of these oversized homes have been dubbed “McMansions.” This architectural term first appeared in the 1980s, and implies that a house is as large as a mansion, and is as culturally ubiquitous as McDonald’s. McMansions are intended to fill the gap between the modest suburban tract home and the upscale custom-designed home often found in gated communities.

On June 9, 1999, Santa Monica took steps to stop the spread of McMansions by reducing the size of new houses permitted in the residential zone north of Montana Avenue. Three years later, the City Council expanded that ordinance to Sunset Park. Currently, a home’s buildable lot area is 35 percent for the first floor and 26 percent for the second floor. Prior to the change in zoning codes, the buildable area was 40 percent for both the first and second floors.

“Many of the new, larger structures are not compatible with adjacent structures, resulting in negative impacts in terms of the neighborhood’s access to light and air, privacy and the overall amount of open space,” noted a city staff report. The “modifications are designed to reduce building mass and enhance the pedestrian orientation between the building and the streetscape by governing parcel coverage, side setbacks, and garage and garage door orientation.”

McMansions are our most current version of excessiveness, but the trend started with the Victorian era in the second half of the 19th century. The Victoria era was a rebellion against the formal classical styles that had dominated architecture, and can be known for overblown houses full of baroque eccentricities.

The dawn of the 20th century saw a return to simplicity. The arts and crafts movement, with its appreciation for simplicity and hand craftsmanship blossomed. As a result, the Craftsman bungalow came of age. Stressing harmony between the home and environment, the houses were built close to the ground with low-pitched roofs. The Craftsman era coincided with the rise in simplistic Mission architecture, which romanticized the simple Spanish churches of colonial America.

This innocent aesthetic survived into the economic gaiety of the roaring ’20s — when the style and panache of Art Deco became all the rage. Mission architecture evolved into the more wild and expressive Spanish Revival style, which borrowed

elements from the entire history of Spanish architecture, from Moorish to Byzantine to Renaissance.

Then came the Great Depression and World War II. The frill of Art Deco was toned down to the aesthetic simplicity of Streamline Moderne. Baroque touches were exchanged for more simple aerodynamic lines.

Post-World War II prosperity brought the United States into another period of opulence. Spacious and sprawling ranch houses with two-car garages became the style du jour during the Eisenhower era.

Then came the Cold War and Vietnam. California became the most populous state, and pollution became a national issue. Practicality again reared its ugly head, and houses returned to a neo-traditional simplicity.

The rise of Capitalism and the double-income family gave people a need to be rewarded for their hard work, and thus bloomed the McMansion. Another factor contributing to the growth in home sizes is the shift in the house and land equation. A house used to cost twice as much as the land. Now that land prices have skyrocketed, land costs twice the price of the house. Just check out all of the \$1 million teardown properties for sale around town.

The National Building Museum defines a “McMansion” as a “suburban homes that are almost, but not quite, mansions. They typically make a show of pretentious ornament and grandiose interior spaces. Windows are distinctly shaped and highly decorative creating historical allusions.”

The traditional backyard has gone, leaving fewer trees for kids to climb and less room for them to run and invent games. Now kids play on computers and are driven to soccer practice.

McMansions are twice the size of the homes many American adults grew up in. Sociologist Gabrielle Gwyther notes that McMansion owners are “tremendously house proud, raising their nice children to share their high aspirations, get good educations and good careers, and not get into trouble with teenage gangs. They love cocooning inside their McMansions, which are like castles, fun factories and mini resorts in one.”

In October, thanks to the hurricanes, the Federal Energy Information Administration announced that winter heating bills are likely to jump by about 48 percent for Americans who use natural gas.

According to Michael Carliner, an economist at the National Association of Home Builders in Washington, D.C., energy crises do not change people’s preferences.

“They don’t tend to buy smaller houses or houses with lower ceilings or houses that are closer to work, to any significant extent,” Carliner concluded. “They tend to be more conscious of how efficient the equipment is in the house and how well-insulated it is. There will be increased attention to things like that.”

Will the economic shift instigate a change in construction styles? Tighter times mean simpler homes — perhaps the nine-seat media room will downsize 33 percent to a six-seat media room.

(Jodi Summers is director of the investment division at Boardwalk Realty Santa Monica. Contact her at jodis@boardwalkrealty.com, or call (310) 309-4219. Visit her community history Web site at www.santamonicalandmarks.com.)

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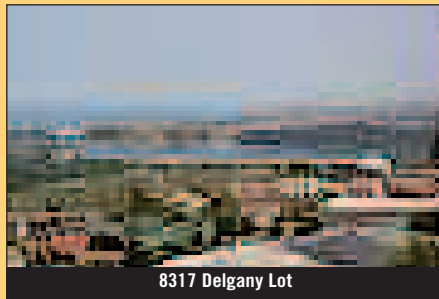
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Uptake of up tick in office real estate continues



IN YOUR SPACE

BY CHRISTINA S. PORTER

The office market in the Los Angeles Basin is rapidly tightening and rents are starting to spike in some areas.

The industrial, retail and apartment markets have been tight for the past two to three years and have reached hyper-tight status in some markets. Both local and national investors have placed Los Angeles Basin real estate on their target lists, and users are leveraging very low interest rates to buy properties that meet their needs.

Sale prices have hit record highs and cap rates have hit record lows. Some are worried that this has been "too much of a good thing for too long" and that a correction is imminent. Others point to the fact that construction is still greatly lagging growth in demand in most areas, and that opportunities will continue to exist unless we start to overbuild again.

In order to provide insight to this and other real estate issues, we have once again conducted a survey of NAI Capital brokers about what they are seeing in the marketplace. As pointed out in previous survey reports, the brokers at NAI Capital are among the first to spot a trend in the marketplace. They have day-to-day exposure to a wide variety of players — including tenants from different industries, landlords, developers, investors and financiers. They are part of the decision-making process, and the decisions that their clients are making today won't show up in the market statistics for another three to six months. We first formally tapped into this resource in a survey of NAI Capital brokers in the fall of 2002, and repeated the survey in the falls of 2003 and 2004. Those surveys accurately predicted a number of trends that have since taken place, including the tightening that has taken

place in all property types and the strong growth in demand among investors and owner-users. In the fall of 2005, we repeated that survey.

The major findings from this survey include:

■ Interest in future office requirements continues to accelerate. Construction activity, while up, remains below projected demand. Vacancy rates are projected to continue to drop and strong effective rent growth is projected (+4.5 percent). Interest rates did not climb significantly in 2005 as expected. As a result, for-sale industrial product continued to capture market share from for-lease product. This situation is expected to reverse itself in 2006, and leasing activity is expected to increase significantly. Market conditions are expected to remain tight, or to tighten even further, keeping rental rates and sale prices firm. The retail market is projected to remain tight into the foreseeable future. Rental rates and sale prices are projected to climb from their current high levels at a moderate pace.

■ The apartment market is projected to tighten even further, with vacancy rates in urban areas falling to the low 3 percent range. Rents and prices are projected to continue to climb at a strong pace (+4.3 percent and 5.5 percent respectively). The greatest opportunities continue to be seen in Class B and C properties. However, a growing number of respondents expressed concerns about the heights to which sale prices have climbed and cap rates have fallen. The greatest concern expressed was whether prices might take a hit if interest rates were to suddenly and/or significantly climb.

OFFICE

As predicted in the survey held last year, the Los Angeles Basin office market has tightened significantly in the past 12 months. Vacancy rates are down 3 percentage points — to 11 percent — and rental rates are up 6 percent. Importantly, according to our survey, this trend is expected to continue into 2006.

Seventy-five percent of the office brokers surveyed

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1919 Broadway	Retail	6/24/2004	1,200	\$2.25/nnn
903 Colorado Ave	Office	6/30/2004	2,105	\$1.75/nnn
903 Colorado Ave	Office	7/1/2004	1,407	\$1.75/nnn
2425 Olympic Blvd	Office	6/30/2004	2,354	\$3.00/fs
1630 Stewart St	Office	6/30/2004	4,500	\$2.00/nnn
1811 Wilshire Blvd	Office	6/30/2004	1,344	Negotiable
1831 Wilshire Blvd	Office	6/30/2004	1,848	\$2.85/fs
3130 Wilshire Blvd	Office	7/1/2004	3,694	\$2.25/fs

reported that interest in future requirements is up. This is substantially higher than 12 months ago (62 percent); 24 months (50 percent) and 36 months ago just 8 percent. Clearly interest is accelerating. The increase in interest is broad-based, including from firms in professional services, finance (particularly mortgage related), entertainment, and for the first time since 2000, technology (including dot.com firms, as well as communications). Nearly half — 48 percent — of the brokers surveyed expect that leasing activity over the next 12 months will pick up — from a level that is already high — and slightly more than half, 52 percent, expect it will maintain its current healthy pace. No one expects a slowing. Construction is currently restrained. Only 3.3 million square feet is underway, which, when complete, will expand the existing base by just 1 percent.

Most of those surveyed expect construction activity to remain restrained for another 12 months. However, in some markets, including South Orange County, an uptick is expected. As a result of the projected increase in demand and restrained construction, nearly two-thirds — 63 percent — of those surveyed anticipate a contin-

See OFFICE SPACE, page 13



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Panel could shrink benefits of mortgages

BY MARY DALRYMPLE
AP Tax Writer

WASHINGTON — That most sacred of tax breaks, the mortgage interest deduction that has helped millions buy homes, could vanish if President Bush and Congress follow the recommendations of his tax advisory board.

Nine tax experts, tasked with developing simpler and fairer tax laws, concluded that the deduction does more for wealthier taxpayers than for people struggling to buy a home. But mortgage bankers and real estate agents see irreparable harm if the tax break disappears.

The National Association of Realtors estimated that housing prices could decline 15 percent, bad news for owners who have seen the value of their homes increase.

"You're going to be taking away from Middle America," said David Lereah, the association's chief economist. "Everyone, whether you use the mortgage interest deduction or not, the value goes down. You've just reduced the retirement nest egg for everyone."

The current tax break lets homeowners deduct interest paid during the year on a mortgage up to \$1 million and a home equity loan worth up to \$100,000. Homeowners also benefit from breaks that let taxpayers deduct state and local property taxes from the federal bill.

Almost 36 million taxpayers claimed the deduction in 2003, according to the most recent statistics compiled by the Internal Revenue Service.

The President's Advisory Panel on Federal Tax Reform urged the administration to do away with the deduction and replace it with a credit worth 15 percent of interest paid during the year. They would scrap the deduction for property taxes, too.

Mortgages eligible for the tax break would be limited by a formula reflecting the average regional price of housing. If in place today, that range would spread from \$227,000 to \$412,000. Mortgages for second homes and interest paid on home equity loans would not be eligible for the

credit.

Taxpayers who currently own homes would have five years before they had to use the new credit. During that period of transition, a taxpayer could still take a deduction but the size of the mortgage eligible for a tax break would gradually fall. At the end of five years, everyone would be using the proposed credit.

Connie Mack, a former Florida senator and chairman of the tax panel, said less than 5 percent of mortgages in the nation exceed the proposed cap. "It is a fair plan. It shares the benefits," he said.

For homeowners with a small mortgage who don't itemize their deductions, the credit means a new tax benefit defraying the cost of housing.

Taxpayers who bought \$1 million homes expecting a generous tax break could be in for a shock, said Michael Fratanponi, senior director of single family research and economics at the Mortgage Bankers Association.

"That's going to really bite," he said.

Greg McBride, senior financial analyst at Bankrate.com, said the proposed credit won't help homeowners in regions of the country, like New York and California, where housing prices have skyrocketed.

"It seems to ignore the plight of a first-time buyer in an expensive market," he said.

Because the panel would convert the deduction to a credit, taxpayers who pay income tax at marginal rates over 15 percent will see their benefits shrink.

Clint Stretch, director of tax policy for Deloitte Tax, calculated that housing gets more expensive, for example, for a family carrying a \$500,000 mortgage and earning income in the 25 percent tax bracket. The proposal would take away \$4,400 of the tax benefit.

Stretch said the shock might be as much psychological as financial.

"It also has a piece of American dream about it," he said. "It's not just what people get now, but what they hope and dream they're going to have someday. I think a lot of taxpayers who would never have a mortgage above the (limits) sure hope they would."

Few respondents think market will soften soon

OFFICE SPACE, from page 12

ued tightening in office market conditions over the next 12 months. Few expect a softening. This is consistent with the outlook 12 months ago, when the majority also projected a tightening, which turned out to be the case. Fifty-seven percent of those surveyed expect effective rental rates to climb by a moderate 1 percent to 4 percent, and a third expect more robust growth of 5 percent to 15 percent. This is down from 12 months ago, when half expected strong rent growth. Effective rents are projected to climb by 4.5 percent on average. Sale prices per square foot are expected to climb by approximately 1.4 percent in the next 12 months. Twenty percent of those surveyed thought that a correction would take place in response to the superheated growth in prices witnessed

in the past two years, while 25 percent saw strong growth continuing.

The primary risks seen in the market are high existing sales prices and low cap rates, with a large amount of investment capital seeking office properties in the Los Angeles Basin. The greatest opportunities are seen in Class B product and in medical office space. The most interesting trends observed were a sharp increase in tenant improvements — tenants want quality, and are increasingly willing to pay for extra improvements themselves — and strong growth among owner-users.

(The above information is deemed reliable but not guaranteed. Christina S. Porter is in the business of leasing and selling office and industrial buildings on the Westside of Los Angeles and beyond. She can be reached at 310-806-6104 or at cporter@naicapital.com.)

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State court hears case on medical marijuana use in the workplace

By The Associated Press

SALEM, Ore. — An attorney for Columbia Forest Products Inc. argued before the Oregon Supreme Court that voters who approved the Oregon Medical Marijuana Act never intended to force companies to let employees come to work with the drug in their systems.

But Philip Lebenbaum, an attorney representing a mill worker who was fired after failing several drug tests, told the justices Monday that his client's medical condition left him legally disabled, requiring his employer to make reasonable accommodations for him in the workplace under the Oregonians with Disabilities Law.

The case pits an employer's right to ensure a safe workplace against a worker's right in Oregon to use marijuana at home to treat pain. It started in 2001, when Robert Washburn was fired from the company's mill in Klamath Falls after several failed urine tests.

Washburn had a state-issued card allowing him to use marijuana to ease neck and muscle pain that disrupted his sleep. Washburn, who said he used the drug at home, sued the company, claiming it should have made an allowance for his disability.

A circuit court dismissed the lawsuit, citing a provision in the state medical marijuana law that employers don't have to "accommodate the medical use of marijuana in the workplace."

But the state Court of Appeals disagreed, setting the stage for a high-court review. A key question is whether "in the workplace" includes employees using it at home and having it in their systems when they arrive at work.

Voters approved physician-approved medical marijuana use in 1998.

Since then, more than 11,000 residents have received state-issued medical marijuana registry cards.

Voters approved physician-approved medical marijuana use in 1998. Since then, more than 11,000 residents have received state-issued medical marijuana registry cards.

The company argued that state law does not provide workers a blanket exemption allowing them to come to work under the influence.

Portland truckmaker Freightliner, Boise-based grocer WinCo Foods Inc. and Portland roofing material manufacturer CertainTeed Corp. filed briefs on Columbia's behalf. All three say they found workers in "safety sensitive" positions carrying state-issued medical marijuana cards. Columbia and Freightliner also argue that their government contracts require them to enforce federal drug-free workplace laws.

Justices aren't expected to issue a ruling on the case until 2006.

Employees evacuated from Idaho nuclear lab after a propane leak

BY CHRISTOPHER SMITH

Associated Press Writer

BOISE, Idaho — About 650 employees of a radioactive waste treatment plant on the federal Idaho National Laboratory site were evacuated Tuesday after a propane heating system sprang a leak.

No injuries were reported and crews were working Tuesday afternoon to determine the best way to stop the leak of the flammable gas at the site, about 65 miles northwest of Idaho Falls in eastern Idaho. Officials said there was no chance the incident could lead to a radiation release.

"They're taking their time to do it right because there is no threat to the environment or the community," said Ray Grant, a spokesman for CWI, a Department of Energy contractor at the site. "They do not want to go into the building and cause an accidental spark."

Detectors found no detectable readings of propane 100 yards from the building where the leak occurred.

Even if the propane were to be accidentally ignited, officials said the resulting explosion would not disperse radioactive material into the atmosphere. The 177-acre Radioactive Waste Management Complex handles the cleanup of buried Cold War-era defense nuclear waste and low-level radioactive waste, but the excavated

"They're taking their time to do it right because there is no threat to the environment or the community. They do not want to go into the building and cause an accidental spark."

RAY GRANT
CWI spokesman

radioactive material is isolated from the facility where the propane leak was discovered.

"The chances of a radiological episode are none whatsoever," said Grant.

The leak occurred in a pipe or valve connecting two 1,000-gallon propane tanks that fuel the space heating system. The 350 employees there were evacuated to a parking lot about 500 yards away when the leak was first discovered early Tuesday. An additional 300 employees from a nearby facility also were evacuated. Around noon, the evacuated employees were sent home for the day.

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NATIONAL



Governors: Disasters best left to locals

BY JACQUES BILLEAUD

Associated Press Writer

SCOTTSDALE, Ariz. — States should continue to rely on their local authorities and National Guard troops to respond to disasters, rather than have the active military take a greater role in the aftermath of such emergencies, three western governors said Tuesday.

President Bush has suggested a greater role for the military in responding to disasters, saying in September that the military's training, command structure and resources put it in a position to lead recovery efforts.

The governors of Arizona, Montana and Utah said it makes more sense for disaster response efforts to be coordinated by local authorities and National Guard units, because they have expertise in confronting those types of emergencies.

"You really have to begin with your first-responders and work upward and outward, as opposed to working from Washington, D.C., downward," Arizona Gov. Janet Napolitano said at a news conference Tuesday at the opening of a Western Governors' Association meeting in Arizona.

A portion of the group's two-day meeting will focus on whether western states are prepared for large-scale disasters. Napolitano, chairwoman of the group, said

Bush's idea may come up during the conference.

Governors from states outside of the West, such as Mississippi, Michigan and Delaware, also have criticized the idea.

Montana Gov. Brian Schweitzer said Bush's idea is an unconstitutional attempt to usurp the states' authority over their National Guard units, which are heavily invested in the Iraq war.

"They take away our assets and say, 'Since you can't do your job, we are going to send somebody else in,'" Schweitzer said.

Schweitzer criticized the Bush administration earlier this year for its overseas use of the National Guard, saying his state needed troops at home for fire season.

Utah Gov. John Huntsman said emergencies in his state have been well managed because local and state authorities have expertise in disaster response and familiarity with their communities.

"Those closest to disaster, those closest to the emergency, are best equipped to deal with it," Huntsman said.

If local and state authorities can't handle the demands of a disaster, they can reach out to the federal government for help, Huntsman said.

"It should not work the other way around," Huntsman said.

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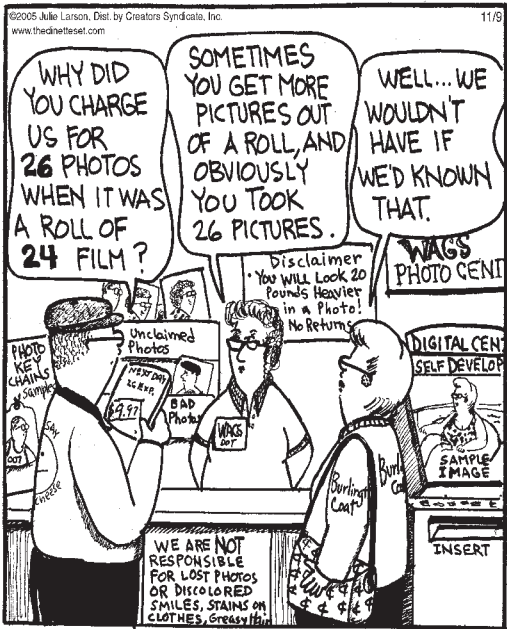
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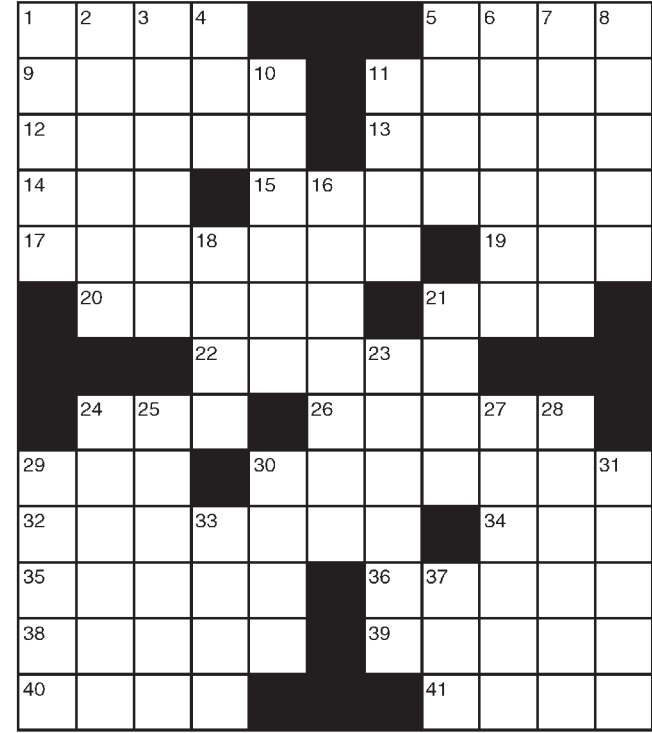
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