

Santa Monica Daily Press

A newspaper with issues

LOTTO

FANTASY 5

10, 4, 21, 17, 12

DAILY 3

Afternoon picks: 6, 0, 1

Evening picks: 9, 7, 0

DAILY DERBY

1st Place: 11, Money Bags

2nd Place: 1, Gold Rush

3rd Place: 7, Eureka

Race Time: 1:40.37



NEWS OF THE WEIRD

by Chuck Shepard

In Knoxville, Tenn., in September, Thomas Martin McGouey, 51, apparently set on committing suicide, left a note and painted a bull's-eye on his body before arranging a standoff in which he pointed a gun at police officers so they would kill him in self-defense. McGouey's scheme failed because Knox County sheriff's deputies, who fired 28 shots at him, missed with 27 and only grazed his shoulder with the other.



QUOTE OF THE DAY

"Nobody roots for Goliath."

— Wilt Chamberlain



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Carolyn Sackariason/Daily Press
Albert Williams, who is homeless, found his brother dead at their camp along Interstate 10, after nursing him for more than two days.

Transient charged with manslaughter

BY CAROLYN SACKARIASON

Daily Press Staff Writer

INTERSTATE 10 — Police have arrested a transient for allegedly killing Bobby Ray Capps, a 61-year-old homeless man who was found dead by his brother on Sunday at their encampment along the Santa Monica Freeway.

David Brevig, 41, known on the streets as "J.D.," was arrested on Sunday for manslaughter. Brevig allegedly assaulted Capps on

See DEATH, page 5

Celebrity fundraiser still faces state suit

Aaron Tonken is expected to plead guilty to federal charges next month

BY JOHN WOOD

Daily Press Staff Writer

DOWNTOWN — Officials at the Westside Waldorf School on Fourth Street are hoping their civil lawsuit against celebrity fundraiser Aaron Tonken will gain momentum now that he plans to plead guilty to federal criminal charges of fraud.

The U.S. Attorney's Office charged Tonken, 37, on Friday with mail and wire fraud for allegedly setting up elaborate charity fundraisers and keeping profits for himself. Lawyers on both sides said Tonken is expected to plead guilty and receive an unknown sentence less than the 10-year maximum.

Meanwhile, a separate civil lawsuit filed against Tonken in March by the State of California Attorney General's Office is ongoing. Officials from the Waldorf school,

one of the organizations that signed onto the state's lawsuit, said they hope the resolution of the federal charges will reinvigorate their case.

The local, 170-student private school was forced into an economic crisis nearly three years ago after Tonken arranged for a major donation from the Cynthia Gershman Foundation that never fully came to fruition, officials said.

"We've not gotten the money," said Jeffrey Graham, former board

president and finance committee member at Waldorf. "We've been hanging in the background, hanging on their coattails, waiting to see what happens."

"It continues to amaze me that a person would bait and switch organizations that are here to serve our public benefit," he added.

Tonken, who has offices in Beverly Hills, allegedly brought two donors to the school in January 2001 — Cynthia Gershman, a trustee of the Cynthia Gershman Foundation who signed a pledge to

See LAWSUIT, page 6



Beverly Hills-based fundraiser Aaron Tonken (right) with former President Bill Clinton.

City Hall settles lawsuit over handicap ramp accident

BY JOHN WOOD

Daily Press Staff Writer

CITY HALL — City officials have agreed to pay \$26,000 to a woman who broke her ankle when she slipped on a handicap ramp in December of 2001.

Carol Day, 56, who works in Santa Monica Canyon, originally demanded \$150,000 to settle the lawsuit, which said City Hall and the adjacent property owner should have known the ramp was dangerous because it was covered in slippery, decorative stones. Day slipped on the ramp after eating lunch at P.F. Chang's. The ramp is located across the street from the restaurant, on the northeast corner of Wilshire Boulevard.

Both City Hall and Douglas Emmett & Co., the owner of the building at 401 Wilshire Blvd., have agreed to settle the case. Day's husband of 30-plus years, local architect Carl Day, said the

two settlement amounts are about the same. City Hall's \$26,000 settlement was approved by the City Council last week.

City Hall lawyers said it would be difficult to prove that the ramp was dangerous, but it was safer to settle it than to let the case go before jurors.

"She had a bad break, a bad fracture," said Deputy City Attorney Lance Gams. "She did have screws and a plate put in. That was kind of the aspect of the case that was perhaps more problematic ... I think that jurors would have looked at the plaintiff and looked at the injury and felt sympathy for her."

Pedestrians walking by the handicap ramp on Tuesday said they didn't think the ramp was problematic.

"It seems like it's the same as all the other

See SETTLEMENT, page 6



John Wood/Daily Press

People use the ramp at Fourth Street and Wilshire Boulevard, which was at the center of a legal dispute between City Hall and a woman who settled for \$26,000.

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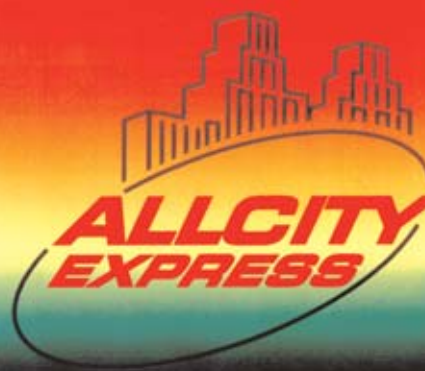
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The stars show the kind of day you'll have:

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

HAPPY BIRTHDAY for Wednesday, November 19, 2003:

You might not be sure what you want or where you're heading. What is clear is that you will get where you want to go this year. You will be able to make a dream a reality if you decide to. Friends and loved ones show their caring by helping you pave the way. Network and broaden your horizons. Still, you will want some spare time to yourself, as you enjoy downtime as well. If attached, your sweetie will understand this need and not take it personally. Schedule plenty of time together, too. If single, you will meet someone significant by October 2004. This person will be capable of being a lover and a friend. LIBRA understands you on a deep level.

♈ ARIES (March 21-April 19)

★★★★ Get to work early. An idea seems to hatch out of the blue; you have been working it out in your sleep. In the afternoon, test this thought or plan on those around you. Don't be upset by a negative reaction or two. Tonight: Join friends or a loved one for a midweek break.

♉ TAURUS (April 20-May 20)

★★★★ A caring exchange could be very touching this morning. You also could be on cloud nine as you walk into work. In this frame of mind, your ingenuity comes out. Don't fret if you need to work later than you'd thought. Tonight: Do what most relaxes you.

♊ GEMINI (May 21-June 20)

★★★★ Getting going might be difficult, but once you do, you cannot be stopped. Whatever you focus on is as good as done, and with that special flair your sign is known for. Brainstorm with a key friend or adviser late in the day. Tonight: Add more spice to your life.

♋ CANCER (June 21-July 22)

★★★★ Get as much done as possible in the morning, especially if it involves interpersonal relationships. By the afternoon, you'll need to close your door and get some major work done. Remember, you would like to have a free weekend. Tonight: Bring extra work home.

♌ LEO (July 23-Aug. 22)

★★★★ Your finances seem to fall into place with just a little bit of work, especially if you take care of it in the morning. Catch up on messages and touch base with key people in your life in the afternoon. Others greet you as if you are royalty. Tonight: Out and about.

♍ VIRGO (Aug. 23-Sept. 22)

★★★★ You wake up on the right side of the bed. As a result, you feel like everything is a piece of cake. You might consider starting your budget for the holidays or making your Christmas list. Decide to treat yourself, as well. Tonight: Shop for something you want.

♎ LIBRA (Sept. 23-Oct. 22)

★★★★ You might be quite mellow as you walk into work. The Moon moves into your sign midday, adding to your energy and charisma. You whirl through work. You clear your desk and return all your calls. Tonight: Just don't stay in.

♏ SCORPIO (Oct. 23-Nov. 21)

★★★★ Use the a.m. for anything critical, as you will find that success greets you more easily then. A plan or project might be put on hold in the afternoon. You can't change this situation, so opt to work with it. Focus on what you need to do for yourself. Tonight: Get some extra sleep.

♐ SAGITTARIUS (Nov. 22-Dec. 21)

★★★★ Plan on taking charge in the morning. The good news is that by the afternoon, the load you are carrying is off of you. A meeting could be critical; don't miss it. Nothing can replace teamwork; it makes your life easier. Tonight: Hook up with your friends.

♑ CAPRICORN (Dec. 22-Jan. 19)

★★★★ Check out facts and figures. Reach out for someone at a distance whom you really care about for a break. In the afternoon, you might want to discuss what you have discovered in your searching and questioning. Tonight: A must show.

♒ AQUARIUS (Jan. 20-Feb. 18)

★★★★ Listen with care to a trusted associate. This person gives you important feedback, which you need to hear. You will gain with this person. Later on, search out alternatives, be it about a trip or gathering information about a work project. Tonight: Wherever there is music.

♓ PISCES (Feb. 19-March 20)

★★★★ Others look for you. You don't need to do a thing this morning. You might want to run away from your desk — don't. This afternoon, you will have the pleasure of dealing with one person who knows what he or she wants. Tonight: Opt to be a duo.

Santa Monica Daily Press

Published Monday through Saturday
Phone: 310.458.PRESS(7737) • Fax: 310.576.9913
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LOCAL



CrimeWatch

SM woman's rapist convicted, sentenced

By Daily Press staff

A registered sex offender who raped a 26-year-old Santa Monica woman in her apartment in March pleaded guilty to sexual assault on Tuesday and was sentenced to 24 years and eight months in state prison.

Darryl Renard Jackson, 28, a parolee and Los Angeles resident, was arrested by Santa Monica Police in connection with the sexual assault and residential burglary five days after the crime occurred on March 14, 2003, on the 1200 block of 21st Street.

Jackson brandished a weapon during the assault, however it was not a firearm.

SM Police respond to shots fired

By Daily Press staff

Santa Monica Police responded Monday at 8:32 p.m. to calls of shots being fired in the 1900 block of 17th Street. Witnesses said they heard several shots fired in the area, but responding officers were unable to locate victims or suspects during their search, police said.

People with information concerning the case can contact the SMPD's robbery/homicide unit at (310) 458-8451 or the watch commander's office at (310) 458-8426.

Molotov cocktails ignite SM home

By Daily Press staff

Santa Monica Police responded Sunday at 7:43 p.m. to reports of two Molotov cocktails being thrown through the window of a residence in the 2400 block of California Avenue. No suspects were seen, and the motive of the incident is under investigation. No one was injured, but the resident and neighbor extinguished a small fire inside the home. The damage is undetermined.

Anyone with information regarding the incident can call the SMPD's robbery/homicide unit at (310) 458-8451.

COMMUNITY BRIEFS

Cancer patients needed for experiment

By Daily Press staff

Researchers in Santa Monica are looking for volunteers with advanced colorectal cancer to participate in two final-phase studies at UCLA's Jonsson Cancer Center that test the cancer-fighting powers of an experimental pill designed to cut off the blood supply that feeds oxygen and nutrients to the tumor.

The experimental drug, called PTK/ZK, is paired with what is considered the best chemotherapy combination available for advanced colorectal cancer. All study volunteers will receive the highest standard of care, hospital officials say. All volunteers enrolled in the studies will get chemotherapy, with half also receiving PTK/ZK while the other half is given a placebo. Researchers hope the PTK/ZK will cut off the blood supply that tumors develop so they can grow and spread.

In addition to offering the studies at the Westwood campus, the clinical trials also are available at the Santa Monica offices of UCLA oncologist Dr. Robert Klein, (310) 829-5471. Santa Monica residents can receive the study in their own communities instead of having to drive to West Los Angeles.

See BRIEFS, page 7

surf report

There's still swell out there but it's dying. Both the S swell and NW swell are on their way out, sending the good breaks waist-high surf. Also watch the water quality, as many area beaches are scoring low, low marks.

OUTLOOK: Look for the ground swell mix to continue to fade on Thursday and into Friday.

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

Today the water is:

62°

Sunrise: 6:39 a.m.
Sunset: 4:53 p.m.

	LOW TIDE				HIGH TIDE			
	Morning	Height	Evening	Height	Morning	Height	Evening	Height
SATURDAY	N/A	N/A	8:36	0.6	11:53	4.6	N/A	N/A
SUNDAY	8:18	3.6	9:36	0.6	5:04	3.8	1:29	4.3
MONDAY	10:11	3.1	10:24	0.5	5:11	4.1	3:12	4.2
TUESDAY	11:10	2.4	11:06	0.6	5:27	4.6	4:33	4.3
WEDNESDAY	11:57	1.5	11:43	0.7	5:48	5.1	5:38	4.4
THURSDAY	N/A	N/A	12:40	0.6	6:14	5.6	6:35	4.5
FRIDAY	12:20	0.8	1:24	-0.2	6:43	6.2	7:30	4.6

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The Q-Line

In an effort to limit the number of corporate chain stores downtown, the Santa Monica City Council last week considered a new law that would require the companies to go through a public hearing and obtain a special permit before they set up shop here. The goal would be to make corporations prove that their presence would be a positive contribution to the downtown core.

Many residents and elected officials lament the loss of locally owned businesses and complain that the Third Street Promenade has become like any other sub-

urban shopping mall.

But local landlords, who can get as much as \$10 a square foot on the Promenade, say it's not the job of politicians to regulate the marketplace.

So this week, Q-Line wants to know, "Should the local government regulate which businesses can set up shop here?"

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



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LETTERS

SM no longer an information wasteland

Editor:

Sorry to be so tardy in congratulating you on your second anniversary. It is exciting and refreshing to have a lively and informative paper which keeps the residents of Santa Monica abreast of the happenings in their community. Otherwise we are operating in a wasteland of little or no information. Thank you for being there for us.

Ruth Prinz
Santa Monica

Measure S makes parenting easier

Editor:

I am a grateful single parent of a sixth grader at John Adams Middle School. As I work full time, I am not able to pick up my child promptly at 2:50 p.m. everyday. Measure S has helped in keeping the library open until 4:30 p.m. and probably supported the after-school care at the "Teen Center." Without these extended-care options, I would not be able to support my child as needed. Working parents still consider their children their first wonderful, loving "job." By passing Measure S, I can perform both of my "jobs."

Thank you.

Allyson Murphy
Santa Monica

Saving Thanksgiving and our schools

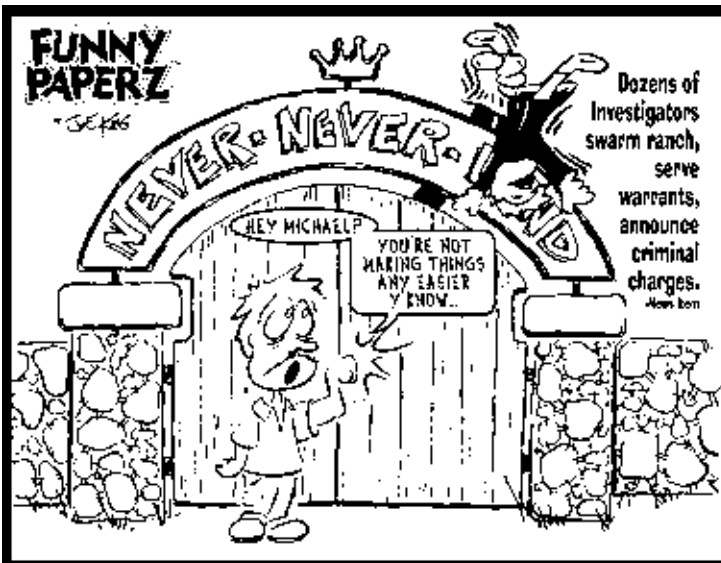
Editor:

One hundred forty years ago, Sarah Hale saved Thanksgiving. By the mid 19th Century, the holiday was fading into history, celebrated only in New England, ignored in the rest of the country. Sarah — a mother of five, a poet, the first female magazine editor in the United States, publisher of Poe, Longfellow and Hawthorne — dreamed of an entire nation celebrating a day of thanks together, like a family. So she began to write letters and inspired the women of America to write letters as well. Thousands of letters. To President Taylor, then President Fillmore, President Pierce, President Buchanan. They all refused the request. But Sarah and her army of volunteers kept

writing to the new president. And finally Abraham Lincoln declared Thanksgiving a national holiday, celebrated for the first time on Nov. 26, 1863 — one week after the president delivered an address dedicating the military cemetery at Gettysburg.

Now it's seven score years later. And this year, just as Sarah Hale and thousands of others came together to save Thanksgiving, this community came together to save something just as precious. Our schools. Our teachers. Our children. Our future. This year, we all share a beautiful new reason to give thanks.

Bennett Tramer
Santa Monica



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Clark's support of flag amendment burns me up



INCITES

By Ed Silverstein

The fabric is composed of cotton, nylon or polyester, approximately 250 threads per square inch, about the same as a standard sheet. It is cut into a rectangle with a length/width ratio of 1.9 to 1. The threads are off white, old-glory red and old-glory blue. And if you set it on fire, you just might go to jail.

That is if Wesley Clark has anything to say about it. The Democratic candidate for president recently announced his support for a constitutional amendment that makes it a crime to burn or desecrate the flag. His view is shared by many in the government, including, at one time, progressive Congressman and presidential wishful-thinker Dennis Kucinich, who voted for the amendment, though he has since changed his position.

Regardless of the support, any amendment banning flag burning would be wrong.

Making a piece of cloth, or any symbol for that matter, into a sacred cow is positively un-American.

It is the type of law one would expect from despotic dictators, such as Saddam Hussein, or countries that are without civil liberties, such as China, where, ironically, most American flags are now made.

It is doubtful that those who fled to America to escape persecution for their beliefs would sanction such an action. Nor is it likely that the framers of the Constitution, who had burned their share of British flags in protest, would ever agree to such a provision. And of course banning flag burning is unconstitutional, which is the very reason it needs to be an amendment.

But the truth is that the flag burning amendment isn't really about elevating a piece of foreign-manufactured cloth to the status of a graven image.

Like gay rights and the ban on late-term abortions, the flag burning amendment is a Republican dirty trick. It was designed to force Democrats to choose

between what is emotionally popular with crucial swing voters and what is morally right, such as defending civil liberties and constitutionally guaranteed free speech.

The Republicans are hoping that Democrats will oppose the anti-flag-burning amendment so they can brand them as unpatriotic during the next election.

That is not to say that Republicans don't believe in free speech. They will fight to the death protecting the rights of corporations and special interest groups to contribute massive amounts of cash to get Republicans elected. But I digress.

Our country was built on liberty and freedom. Many people feel proud to be an American and want to celebrate that pride through a symbol of our country. And I support their right to fly the flag, display it in their windows, sew it onto their jackets, paste it onto their Harleys, hang it from car antennas or wave it at a parade.

But there are those who are disappointed by our country. Some have been treated unfairly or are distressed by the support and participation of the United States in actions and policies that are immoral and illegal. And they too should have the right

to use the flag to express their feelings.

It is difficult to endorse any presidential candidate who would support an amendment that would have allowed the arrest of students who burned flags to protest millions of senseless deaths in Vietnam. And I am disappointed that Wesley Clark would countenance a law that could very well imprison unemployed American textile workers for burning the very Chinese-made flag that took away their jobs.

When burning a symbol of our country's freedom can result in the loss of a person's freedom, then the country is no longer free, and the symbol is worthless.

Thus any amendment that bans flag burning robs the flag of everything worth protecting.

As for General Clark, this is one position that he might want to rethink.

NOTE: Flag specifications were provided by www.gettysburgflag.com, where flags are still manufactured in America.

(Ed Silverstein is a freelance writer living in Santa Monica. He will flag all comments sent to edsincites@aol.com).

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

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Att. Editor: 1427 Third Street Promenade Suite 202 • Santa Monica, CA 90401 • sack@smdp.com

LOCAL



Homeless man distraught over his brother's death

DEATH, from page 1

Thursday night, which led to his death more than two days later. Apparently during the assault, Capps hit his head on a pole.

Although the Los Angeles Coroner's Office hasn't yet ruled on how Capps died, his brother, Albert Williams, said it was the blow to the head that killed him. Williams said he nursed his brother for more than two days at their camp after the assault.

Williams said he watched Brevig allegedly attack and kick Capps. As a result of the assault, Capps hit his head on a nearby pole. When Capps realized blood was pouring from his head and back, Williams walked his brother to Norm's restaurant on Lincoln Boulevard, where he called an ambulance. Capps was taken to Saint John's Hospital, where he received 14 stitches and was sent on his way, Williams said. The two brothers walked 17 blocks back to their camp and arrived at about 4 a.m.

"He was badly hurt," Williams said. "He couldn't move, he couldn't even hold anything in his stomach, he couldn't go to the bathroom. I took care of him all day Friday and made sure he had water."

With rain expected on Saturday, Williams bought a tarp to cover their camp. He took care of Capps through the night and early on Sunday morning, Williams walked into town to get cigarettes at his brother's request.

"I went back to my campsite, and my brother was dead," he said as tears welled up in his eyes. "It was like time had stopped."

Williams immediately ran into town to get help. He knocked on doors, but no one answered. He then went to the animal shelter near the off-ramp at Lincoln Boulevard and the 10 Freeway. The worker at the animal shelter, which is run by the Santa Monica Police Department, called police officers who arrived within seconds, Williams said. Police arrived at the camp shortly before 9 a.m.

As Williams was being interviewed by police, Brevig reportedly walked by the camp, which is located under the Lincoln Boulevard off-ramp. Williams said he pointed Brevig out to police, who then detained him, Williams said.

The Los Angeles County District Attorney's Office on Tuesday filed one count of manslaughter against Brevig, who remains in custody. Manslaughter, which carries a lesser penalty than murder, is the unlawful killing of another person without premeditation or so-called "malice aforethought," which is an evil intent prior to the killing. It is distinguished from murder by lack of any prior intention to kill anyone or create a deadly situation.

Williams, 64, said he and his brother have lived along the freeway for about seven years, and the two have been homeless in Santa Monica since 1991. They had previously lived in a trailer in Long Beach and worked on a woman's property in exchange for rent.

"I've been with him all of his life," Williams said of Capps. "We took care of each other."

While it's unclear what the motive for

the assault was, it appears Brevig was protecting another homeless man with whom Capps had gotten into an altercation earlier Thursday evening. Williams said after Capps punched the homeless man, he walked about 50 feet down the embankment and lay down. Brevig arrived 20 minutes later, learned of the incident and then allegedly jumped Capps, Williams said.

**"He was a kind man.
My brother was a funny
man. He liked to make
people laugh."**

— ALBERT WILLIAMS
Victim's brother

Distraught over his brother's death, Williams said he contemplated committing suicide when he was at the police station on Sunday.

"I was going to jump from the top of the police building on the day he died, but I guess I chickened out," Williams said. "I always said I wouldn't live without him."

Capps grew up with Williams on a farm in Muskogee, Okla. The brothers, who have different fathers, moved to Baldwin Park after their mother's fourth husband got a job at a manufacturing plant there. They attended school and in the late 1950s, they went into the service — Capps enlisted in the Army, and Williams went into the Navy. They both got married and divorced twice. Capps and Williams were house painters in Arizona and California for about 25 years before becoming homeless. It's unclear how or why they became homeless.

According to Williams, Capps is survived by his mother, Oweta Faye Smith, of Okla.; his father, Lloyd Odel Capps, whereabouts unknown; another brother, whereabouts unknown; and children Tammy, Robby and Ronnie, whereabouts unknown. It's unclear if Capps had grandchildren.

Williams said he has been in contact with his mother, Smith. She is making funeral arrangements with her other son, who apparently is an engineer for Hughes Aircraft and is going to pay for Capps' cremation, Williams said.

Unable to deal with going back to his camp, Williams is staying at a motel. Smith, 81, sent him money after learning about Capps' death.

Although calls weren't immediately returned by hospital administrators Tuesday night, a Saint John's Hospital emergency-room worker said the hospital doesn't turn people away for treatment, regardless of their economic situation. Asked whether an ER patient could be admitted to the hospital, the worker said it depends on the situation.

"I think if he stayed in the hospital he would be alive today," Williams said. "He was a kind man. My brother was a funny man. He liked to make people laugh."

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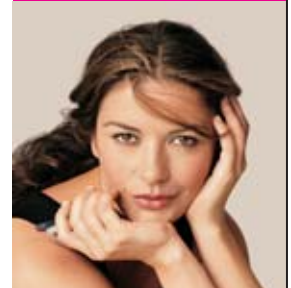
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**LOCAL**

Civil case against Aaron Tonken set for 2004 trial

LAWSUIT, from page 1

Waldorf for \$650,000, and Loren Arbus, who agreed to put on four annual fundraisers.

Waldorf then paid Tonken \$25,000 for consultation services and began expansion and relocation plans for the private school. When Gershman's first \$120,000 check came through, everything seemed to be going well. Officials hired more teachers and brought in an administrator at \$80,000 a year to find a new home for the school and oversee its move, school officials said.

But Tonken's reliability came into question shortly after the first annual fundraiser failed to generate any revenue.

Waldorf put up \$65,000 as a "good faith" deposit, which Tonken was supposed to return after the event, along with any additional revenue generated by the fundraiser. But officials said Tonken lagged on returning their deposit — and the event's vendors, saying they had not been paid by Tonken or Arbus, came after the school seeking reimbursement.

Tonken eventually returned the school's \$65,000 by depositing money into its bank account from a third party. But no extra revenue was ever brought in by the event, Graham said. And shortly after the event fell apart, Gershman withdrew her "irrevocable pledge," which sent the school further into an economic tailspin. Gershman didn't provide any reason for the change of heart, Graham said.

With the money suddenly gone, the school, which charges about \$12,000 in annual tuition, laid off temporary workers, cut back on services, asked vendors for grace periods and sought loans to cover expenses. It had originally hoped to use the money to help it find a permanent location for the school.

Waldorf officials recently arranged for a three-year extension of their lease to stay in the Fourth Street property until money can be raised to move. In order to negotiate the market-rate lease, Waldorf had to raise \$60,000, which was matched by donations collected by its landlord, St. Augustine's By-the-Sea Episcopal Church.

The Waldorf school is just one of many organizations and individuals Tonken allegedly defrauded, prosecutors said. Among them are fundraisers with Diana Ross, Milton Berle and the cast of the television program "Ally McBeal." Those events are attached to the criminal case, to which Tonken is expected to plead guilty.

In the state's civil suit, prosecutors allege Tonken took more than \$1.7 million from Waldorf, charities supported by former President Bill Clinton, comedian Whoopi Goldberg, and actors Michael J. Fox and Michelle Pfeiffer, among others.

The civil lawsuit, which seeks a permanent injunction barring Tonken and the other defendants from fundraising or disbursing donations, is for \$1.7 million in general damages, civil penalties of at least \$350,000 and unspecified punitive damages.

**"... He regrets his
involvement in this activity
that got out of hand despite
his best efforts to control it.
And now he's trying to
make things right."**

— ALAN RUBIN
Lawyer for Aaron Tonken

Named as defendants in the case are Tonken, Aaron Tonken & Associates, Cynthia Gershman, lawyer Kevin Clarke and Los Angeles resident Robert Freedman. A motion by Freedman to have him removed as a defendant in the case is scheduled to be heard today, said Tom Dresslar, a spokesperson for the Attorney General's Office.

Dresslar said lawyers are in the process of gathering evidence against Tonken, and a trial is scheduled for September 2004.

In the meantime, lawyers for Tonken said he has been consumed entirely by his legal affairs.

"He's not doing fundraisers," said Alan Rubin, one of Tonken's lawyers. "He's at the moment coping with the legal situation. And right now that's taking all of his time, and hopefully at some point he'll get through this, and he'll resume his life."

Asked if Tonken acted intentionally to defraud or if he was a victim of bad book-keeping, as lawyers had once suggested, Rubin said, "He's pleading guilty to a crime, and the charges have certain intent elements, but certainly he regrets his involvement in this activity that got out of hand despite his best efforts to control it. And now he's trying to make things right."

Wilshire ramp still unchanged

SETTLEMENT, from page 1

ones," said Santa Monica resident Charlotta Weir, pushing daughters Bella and Mia in a stroller on an afternoon walk.

Carol Day, who lives in Agoura Hills, couldn't be reached for comment. Carl Day said his wife can no longer go for long walks and has had difficulty exercising because of the accident. He added that she's glad to finally be putting the legal dispute behind her.

"The city at first, instead of really investigating — they had somebody drive by and look at the intersection and

kind of kissed it off, which was more than upsetting to us," he said, adding the ramp still hasn't been fixed.

Not only do the coated stones make the ramp slippery, but the slope of the ramp is too steep and therefore dangerous, Carol Day argued in the lawsuit.

Carl Day said the day of the accident was still fresh in his memory.

"She went down, and I grabbed her, and that was that," he said. "She was lying there with the ankle bone protruding through the side of her leg — the bone didn't pierce the skin, it was just bulging out on the side of it."

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LOCAL □ STATE

COMMUNITY BRIEFS

BRIEFS, from page 3

Santa Monicans can now pay utility bills online

By Daily Press staff

Residents and businesses in Santa Monica are now able to pay city utility bills online or by phone using a credit card.

The city of Santa Monica utility bill includes fees for water, sewer, refuse and other city services. The online service is available to anyone with access to the Internet at <http://billpay.santa-monica.org>. Telephone bill payments are part of the "City Hall on call" 24-hour information source. "City Hall on call" is available at (310) 458-8999 to anyone with a touch-tone phone.

Santa Monica was the first city in the world to offer interactive services to the public online. In 1989, the city offered information, electronic mail and electronic discussion forums. Online forms and transactions, including some online payments, were introduced in 1991. Today, the city Web site offers electronic forms, databases, transactions, information and other services for residents and businesses at <http://santa-monica.org>.

In order to pay online or by phone, a utility customer will need to provide the account number and the telephone number for that account. Payments may be made with Visa, MasterCard and Discover.

SM High School Orchestra invited to Prague

By Daily Press staff

The Santa Monica High School Orchestra, which has a history of awards and prizes, is headed to Prague. The group is raising funds through a variety of means.

The orchestra has been invited to perform at the Dvorak Centenary Celebration in Prague, but there is no money to send them. Students are raising the funds themselves through bake sales, silent auctions, bowl-a-thons and drawings to get to Prague next year for the 100th anniversary of the death of Anton Dvorak. They are the only American high school orchestra invited.

"On Nov. 28, we will be part of the featured entertainment for the Winterlit lighting ceremony on the Third Street Promenade that lights up all of downtown Santa Monica for the holidays," said Joni Swenson, the Santa Monica High School orchestra director. "It will be a fundraising performance for the trip to Prague, and we will also do regular fundraising performances for the next year on the Promenade and inside Santa Monica Place."

To contact the Santa Monica High School Orchestra with performance opportunities call (310) 395-3204, Ext. 407 or write to them at 601 Pico Blvd., 90405.

Survivors to mark 25th year of Jonestown tragedy

BY MICHELLE LOCKE

Associated Press Writer

OAKLAND — Twenty-five years later, remembering the tragedy of Jonestown hasn't grown easier.

"It's still an enigma — What happened? How can we stop this from happening again?" says Jynona Norwood, who lost 27 relatives the night Jim Jones ordered more than 900 of his followers to drink cyanide stirred into fruit punch.

On Tuesday, Norwood, a Los Angeles pastor, will mark the 25th anniversary of the tragedy with her annual memorial service beside a mass grave in Oakland where more than 400 victims are buried.

The grave is marked only by a modest headstone. Norwood has campaigned for years for a more substantive memorial, an effort she hopes is now moving forward.

"The dead can't talk," she says. "We're the only people left to speak for them."

Norwood never joined Jones' Peoples Temple, but her mother and scores of other relatives did.

They were drawn by Jones' preaching of interracial harmony and caring for the poor. Jones was a political favorite, too, becoming chair of the San Francisco Housing Authority in 1976.

But as questions mounted about fake healings, beatings, and other unorthodox activities, Jones retreated in 1978 to the South American country of Guyana, along with about 1,000 followers.

Yulanda Williams had joined Peoples

Temple as a 12-year-old along with her parents. Like many, she remained loyal even after seeing the darker side of the temple.

"After you've been in an environment that perpetuates that kind of craziness, you don't see it as odd or strange," says Williams. "We were sick, yet we didn't know we were sick."

But the minute she walked into Jonestown, Williams knew "that was a concentration camp in the making."

By that time, Williams had a husband, a baby and a job buying supplies for Jonestown. She made plans to escape, smuggling a letter to her mother, who was still in the United States, warning her to bring plenty of money to Guyana and not to surrender her passport to temple leaders.

Eventually, Williams says, she was able to convince Jones to let her family go home by pretending they would counter some of the bad press the temple was getting.

In November 1978, Congressman Leo Ryan led a delegation of newsmen and relatives of temple members to Jonestown. Some members chose to leave with him, and their party was ambushed at the airstrip; Ryan and four others were killed.

Back at the compound, Jones ordered his followers to die, starting with the infants, who were killed by poison squirted into their mouths from syringes.

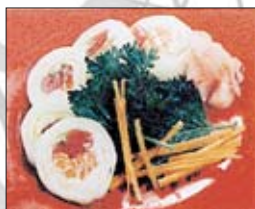
Most victims are believed to have been poisoned, some forcibly. Some were shot.

Jones was found shot in the head. It's not clear who fired it.

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Westside | Real Estate

The fallout from wildfires will mean rising prices



DAYS ON THE MARKET

By Jodi Summers

"The worst thing about a fire evacuation is that you have no idea if your home is going to be there when you return," said "Nick," a resident of Lake Arrowhead, who was forced to leave his home and belongings during the recent wildfire epidemic.

The October fires, dubbed one of the worst disasters in California history, caused the evacuation of thousands of individuals and consumed more than 750,000 acres, killed 20 people and destroyed nearly 3,000 homes.

Now comes the rebuilding process in the wake of the state's already ferocious housing shortage. Skilled construction labor is already in short supply. Housing production is at its highest level since 1989, and low mortgage rates have prompted many property owners to take the equity out of their homes to remodel. Now, 3,000 more homes need to be rebuilt.

"People are going to have a hard time finding skilled contractors, and in the areas where the fires took place, it could increase prices," said licensed contractor Orn Sveinsson. "I'm sure some people will quote ridiculous prices for rebuilding houses, similar to what happened after the Northridge Earthquake. Check references. People have to be wary of out-of-state contractors and local con artists, who may take large down payments and then disappear after doing little or no work."

The state's short housing supply continues to drive up home price appreciation and worsen affordability. Statistics say that fewer than one in five households will be able to afford a median-priced home of \$414,100 in California next year. In the meantime, here on the westside, it is

not uncommon for a desirable property to get more than a dozen offers.

Ray Pearl, executive director of the Greater Los Angeles/Ventura County Chapter of the California Building Industry Association has said that he believes the impact of the fires on California's housing shortage will be short lived, and most homeowners will be able to rebuild because their existing homes were insured.

Bless the federal government that has already stepped up to facilitate the process. In the five-county region affected by the fire, FEMA has awarded more than \$11 million in grants, and the Small Business Administration has made loans of more than \$22 million, according to FEMA spokesman Dean Cushman. Fire victims should register for assistance with FEMA by calling 1 (800) 621-3362. Those interested in low-interest loans can call 1 (800) 488-5323.

Those impacted by the SoCal fires of '03 should look to the victims of the East Bay Hills fire, which scorched Oakland and the Berkeley hills in 1991, destroyed more than 3,000 homes and left 25 people dead. Before the SoCal fires of '03, the East Bay Hills fire was the most destructive urban wildfire in U.S. history. It wreaked some \$1.7 billion in damages and reduced lush middle-class neighborhoods to ashes, which sparked insurance-company battles that stretched on for as long as five years.

David and Nancy's home was unique — an early-century two-bedroom cottage that once served as a bunkhouse for the workers of the Oakland Hills Dairy. After the fire, everything they owned fit into three brown grocery bags.

"After the fire, most people figured, well, we'll just call up our insurance company, they'll just send us a check, and we can get started next week," David told CNN/Money.com. "No one ever dreamed that it would be such a time-

consuming process."

It took five years, but by the mid-1990s the residents who had the money and desire to rebuild — about 1,500 households — had settled with their insurers and returned home. There were those that didn't come back — older residents, as well as those whose lack of enough insurance made rebuilding financially impossible. We'll go into the insurance issues surrounding disasters next week.

INSURANCE LESSONS TO LEARN

Should your home and belongings suddenly incinerate or fall into a black hole, will your insurance cover you? Here are some home insurance issues worth pondering:

■ Do you have enough coverage?

If you suffered the total loss of your home in a fire, you would get from your insurance company the dollar amount on your policy. Most policies include an adjustment for inflation. But if you've renovated or added on in recent years, your current policy might not be large enough. Make sure you're not underinsured.

Be aware that construction costs can rise with demand in the aftermath of an earthquake or fire. You can purchase an extended-replacement cost policy, which usually has a cap of 120 percent to 150 percent on the stated value of your house. A guaranteed-replacement cost policy pays to rebuild no matter how high costs go.

If you have an older home, you might want to purchase code-upgrade coverage. Replacement policies cover the exact house that suffers from a disaster; they might not cover legally mandated modernization in wiring or masonry.

■ Do you have the right kind of coverage?

The cheapest actual-cash value coverage policy pays you the depreciated value of whatever is being replaced. Whether that's a 15-year-old roof or a 5-year-old washing machine, you'll receive less than the cost of replacing the item. You can pay an extra 10

percent for replacement-cost coverage, which doesn't adjust for depreciation.

Personal property coverage is generally calculated as a percentage (often 60 percent or 75 percent) of your home's value. If you have a modest-size house but expensive collections or furnishings, you might want to buy additional coverage for possessions.

■ Do you know the additional living expenses or loss-of-use clause in your policy?

In the months after the 1991 East Bay fire, survivors with good coverage depended upon checks from their insurers to pay for rent; those with limited cash-value policies were forced to pay out of pocket. Does your policy offer 12 months of living expenses? Or do you want 24-month (or unlimited) coverage?

■ Do you have a home inventory?

Use photos or video to create a record of what you own. Include an audio description or a written record of where and when you purchased each item and how much you paid. Share a copy with your insurance agent. Keep a copy of your inventory in a secure place outside your home.

Craig Scheiner said that after the Oakland fire, he struggled to create a list of their possessions for their insurers. "We would sit in the living room with a tape recorder on and our eyes closed, and then we would imagine ourselves going through the house, room by room, opening every closet and drawer and talking about what was inside."

■ What would you take?

Materially, you can put your life back together after a disaster, but you can never get back the family heirlooms or the kiln-fired hand print that your 3-year-old made in ceramics class. What objects would you save if you only had 10 minutes to decide?

(If you would like to receive a newsletter of interest to property owners, e-mail Jodi Summers at jodis@boardwalkrealty.com, or call at (310) 309-4219.)

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SOLD	246 BAY ST	SANTA MONICA	90405
Sold Date	SqFt: 1,514	List Price: \$799,000	Bed: 3
11/14/2003	Lot Size: 2,396	Sold Price: \$833,390	Bath: 2.5
SOLD	1102 BAY ST	SANTA MONICA	90405
Sold Date	SqFt: 1,536	List Price: \$799,000	Bed: 3
11/14/2003	Lot Size: 7,257	Sold Price: \$816,000	Bath: 2
SOLD	1436 20TH ST #8	SANTA MONICA	90404
Sold Date	SqFt: 1,410	List Price: \$499,000	Bed: 2
11/10/2003	HOD: \$160	Sold Price: \$515,000	Bath: 3

SOLD	1107 PRINCETON ST #101	SANTA MONICA	90403
Sold Date	SqFt: 2,200	List Price: \$935,000	Bed: 3
11/14/2003	HOD: \$325	Sold Price: \$935,000	Bath: 2.5
SOLD	1513 BERKELEY ST #9	SANTA MONICA	90404
Sold Date	SqFt: N/A	List Price: \$629,000	Bed: 2
11/12/2003	HOD: \$325	Sold Price: \$610,000	Bath: 2.5
SOLD	1123 10TH ST #H	SANTA MONICA	90403
Sold Date	SqFt: N/A	List Price: \$422,500	Bed: 2
11/14/2003	HOD: \$225	Sold Price: \$415,000	Bath: 1
SOLD	1940 CLOVERFIELD BL	SANTA MONICA	90404
Sold Date	SqFt: 0	List Price: \$1,550,000	#Units: 8
11/13/2003	Lot Size: 25,312	Sold Price: \$1,375,000	GRM: 14.40

SOLD	1311 BERKELEY ST	SANTA MONICA	90404
Sold Date	SqFt: 0	List Price: \$1,150,000	#Units: 7
11/14/2003	Lot Size: 7,853	Sold Price: \$1,035,000	GRM: 24.03
SOLD	1847 18TH ST	SANTA MONICA	90404
Sold Date	SqFt: 2,451	List Price: \$899,000	#Units: 3
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REAL ESTATE



Expand your options with a real-estate syndication



IN YOUR SPACE

By Christina S. Porter

The return on a commercial real-estate investment in the Southern California market has been getting smaller. The industry continues to experience low cap rates and uncertain future income. That makes it difficult to realize even a reasonable return on your cash investment. A quick remedy for this situation is to increase the amount of your down payment, which decreases the amount of borrowed money (less interest paid) and increases the return on your investment.

The obvious problem is more cash. For the past 30 years, real-estate syndication has come in and out of popularity, depending on market conditions. Specifically, the

equity-investment requirements of lenders and the ups and downs of interest rates. Real-estate syndication is a group of investors who combine their money to own part of an investment that they would not be able to afford alone.

There are many advantages to investing in a real-estate syndication. Gene Trowbridge, president of Trowbridge and Associates, stated a few in a recent article he wrote:

■ You can buy a property large enough to afford professional management.

■ You can diversify and invest in several properties instead of one.

■ You can obtain financing you wouldn't normally be able to get.

■ You can invest in properties in other geographical locations.

He also says "investors should know that a syndication property should not only provide adequate returns but also must have sufficient cash flow to pay for the additional layer of management."

One of the advantages of being part of a real-estate syndication that I find particularly significant is the ability to invest in a different region. As an investor, I understand the difficulty with putting your money into a property that is not close by so you can "keep an eye on it."

The problem with this way of thinking is that there could be better investments in other markets. Negative leverage occurs when the cash-on-cash return is less with financing than without. Such a situation occurs when the cost of borrowing money is greater than the rate at which the property is earning a return. The solution is to increase your equity investment. If you can't do this on your own, considering a real-estate syndication might be a good idea. One of the things that would concern me when looking at this method of investing in real estate is who the other players are and their financial histories and stability. Be sure to have legal counsel with expertise

in real estate and look at the deal very carefully prior to committing any funds.

If you are not comfortable in "group investments" and would like to take advantage of better returns in another region, one of the more popular ways to own a property that is not close by is to purchase an absolute triple net investment. An absolute triple net investment is a property that you own that is leased out to, hopefully, a credit tenant with a long-term (10-20 years) lease on it who is completely responsible for the care and maintenance of the property. All you do is cash the check every month. These types of investments usually have a lower return but are considered lower risk. I recommend that you contact a broker who specializes in triple net investments if this product type interests you.

(Christina S. Porter is a senior associate at NAI Capital Commercial Real Estate, specializing in leasing, and selling office and industrial buildings.)

COMMERCIAL REAL ESTATE PROPERTIES LEASED OR SOLD

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10/21/2003	1460 4th St.	\$25.80/fs	2,000 sq. ft.
11/03/2003	1540 7th St.	\$31.20/mg	4,164 sq. ft.
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STATE

Democrats alarmed over energy bill's impact on state

BY ERICA WERNER
Associated Press Writer

WASHINGTON — The Republican-drafted federal energy bill has raised the ire of California's Democratic legislators, who contend it jeopardizes the environment, subsidizes Midwestern states and does little to prevent the type of misconduct that fueled the state's energy crisis.

"I think California's hurt more by this legislation than any other state in the country," said Rep. Henry Waxman, who represents Santa Monica and is a member of the House Energy and Commerce Committee and ranking Democrat on the Committee on Government Reform.

"It could lead to weakening of our environment in California, it gives special breaks to the energy industries and it's going to cost Californians a lot of money for no purpose."

Republicans disagree, saying the bill — the first major overhaul of the nation's energy policy in a decade — will increase supply, streamline bureaucracy and encourage the use of renewable energy sources such as solar, wind and biodiesel.

"It looks at near-term solutions — opening lands and bringing more gas and oil onto the market," said Rep. Richard Pombo, R-Tracy, chairman of the House Resources Committee. "But I think it also ... looks at the future in terms of where we are going to be 10 years from now or 20 years."

"I think the wind and solar businesses will be very happy with what comes out of this energy bill," Pombo added.

Republicans in the GOP-controlled Congress finished a draft of the bill Friday, setting the stage for near-certain approval in the House.

Resistance is likely in the narrowly divided Senate. California Democrats Dianne Feinstein and Barbara Boxer indicated Friday they oppose various provisions, including one that would shield makers of MTBE from product liability lawsuits.

The gasoline additive has emerged as a major water contamination problem in Orange County and communities including Santa Monica and Cambria.

In South Lake Tahoe, four oil companies agreed last year to pay \$69 million to settle claims that MTBE was a "defective product" that could contaminate water supplies.

That legal argument is barred by the energy bill, although supporters say communities still could sue if they can prove someone was responsible for a leak or spill.

Critics say in most cases, that would protect the industry.

"It sounds like those who poisoned our

water with MTBE will get off scot-free," Boxer said in a statement.

California is phasing out MTBE and it is supposed to be banned from gasoline in the state starting Jan. 1.

California officials, including many Republicans, also object to a provision that would double ethanol production to 5 billion gallons a year by 2012. The corn-based additive and MTBE are the only products available that satisfy federal requirements that gasoline include an oxygenate to reduce pollution.

California officials have sought unsuccessfully for more than two years to get a waiver from the oxygenate requirement.

"It's going to make California more vulnerable to shortages, it could drive up prices, and we simply don't need this huge mandate for ethanol to meet the Clean Air Act."

— **HOWARD GANTMAN**
Sen. Dianne Feinstein's spokesman

State officials argue that because of California's cleaner-burning fuel, the additives are unnecessary and costly.

"It's going to make California more vulnerable to shortages, it could drive up prices, and we simply don't need this huge mandate for ethanol to meet the Clean Air Act," said Howard Gantman, Feinstein's spokesman.

However, the provision is extremely popular with lawmakers from farm-belt states where ethanol is produced.

California Democrats also contend the energy bill would crack open the door to offshore drilling, in part by making it harder for the state to control activities off its shoreline.

Supporters deny the legislation will make offshore drilling more likely.

Waxman and other California Democrats also complain that the bill doesn't add any significant new oversight to prevent the type of supply and price manipulation that contributed to the state's 2000-2001 energy crisis.

The legislation does address some issues highlighted by the crisis — for example, strengthening the power of federal regulators to order refunds for overcharges — but supporters said Enron-style market manipulation already has been addressed by federal regulators and others.

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NATIONAL



House-Senate conference finishes energy bill, final plan by House expected

BY H. JOSEF HEBERT
Associated Press Writer

WASHINGTON — After months of sometimes bitter wrangling, Congress is on the verge of approving a far-reaching energy bill that would provide billions of dollars in tax breaks for oil, gas and coal industries and bring an economic boon to farmers who grow corn for ethanol.

House and Senate negotiators finished the bill late Monday after rejecting a string of amendments from Democrats who criticized the GOP-crafted legislation as a "hodgepodge of subsidies" for traditional energy industries and harmful to the environment.

Republicans countered that the bill, including \$23 billion in tax incentives, provided a blueprint for diversifying the nation's energy sources and improving the reliability of electricity transmission systems.

Senate conferees approved the measure on an 8-5 vote after House negotiators approved it by voice vote. Sen. Byron Dorgan, D-N.D., joined the seven GOP senators in supporting the legislation.

The House moved quickly with plans to take up the legislation Tuesday. The Senate could finish the bill by week's end, sending President Bush legislation on one of his top domestic priorities.

"This is a solid agreement," Sen. Pete Domenici, R-N.M., chairman of the energy conference, said as he urged colleagues to reject any amendments that would significantly alter a bill that was cobbled together during 2 1/2 months of closed-door negotiations.

"I don't think we can take a risk of undoing this," Domenici said.

In a series of amendments, Democrats tried unsuccessfully to block liability protection for makers of MTBE, a gasoline additive that contaminates drinking water; require utilities to use more renewable fuels to make electricity, and strengthen laws against Enron-related power market abuses.

The bill would cost the government an estimate \$32 billion over 10 years, according to estimates by the Congressional Budget Office and the Senate Finance Committee staff, including \$22.9 billion in tax incentives and \$9 billion in direct spending and revenue losses.

Among major provisions, the bill calls for:

- Tax incentives totaling \$14.5 billion for oil, natural gas and coal industries over 10 years.

- More than \$5.2 billion in tax credits and other tax benefits for developing renewable energy sources, including tax breaks for corn-based ethanol.

- Doubling the requirement for ethanol in gasoline, a boon to farmers that is widely supported by both Republicans and Democrats.

- Tax subsidies of about \$1.5 billion

over 10 years for energy efficiency and conservation, including tax credits for energy efficient homes, appliances, use of solar panels, and purchase of hybrid gas-electric cars.

- Federal reliability rules and standards for high-voltage power lines to lessen the likelihood of cascading power failures like the one that produced the huge Northeastern blackout in August.

- A \$1.8 billion research project to develop clean coal technology and tax breaks for a new generation of nuclear power plants to ensure diversity in energy sources for electricity production.

"The tax goodies go to huge energy conglomerates, and most subsidize things that the companies already are doing."

— SEN. RON WYDEN
D-Oregon

- Provisions to speed up permits and ease environmental rules to develop oil and gas resources on federal land.

- Loan guarantees of \$18 billion for a pipeline to carry natural gas from Alaska's North Slope to the Midwest.

"We provide billions of dollars in dozens of ways to reduce our dependence on foreign oil," Rep. Billy Tauzin, R-La., chief of the House negotiators, said.

Domenici said the bill's conservation measures would be enough to replace 100 power plants between now and 2020.

But Democrats argued the legislation would not do nearly enough to redirect the nation's energy priorities or reduce the country's reliance on oil imports.

And they argued that some provisions, such as repealing a 1935 law that limits activities of large utility holding companies, could produce "merger mania" and harm consumers. Those supporting the repeal said the law inhibits investment in electricity infrastructure, including power lines.

Sen. Jeff Bingaman, D-N.M., said the bill lacked enough incentives to promote domestic energy production or foster energy conservation and fell short of what may be needed to get Wall Street to invest in a \$20 billion pipeline to bring natural gas from Alaska's North Slope.

"The tax goodies go to huge energy conglomerates, and most subsidize things that the companies already are doing," complained Sen. Ron Wyden, D-Ore., another of the conferees. He described the bill as "a hodgepodge of subsidies for the politically well-connected."

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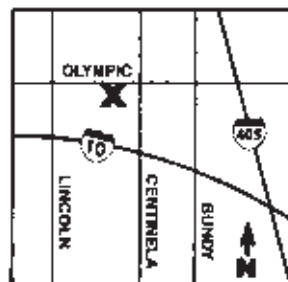


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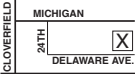
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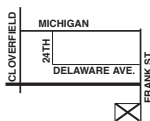
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decision to spare killer's life****BY GENE JOHNSON**

Associated Press Writer

SEATTLE — Like any politician who breaks a promise, King County Prosecutor Norm Maleng expected a heavy dose of criticism for letting the Green River Killer escape death row. By and large, it hasn't come.

“When I made the decision, I felt at peace with it,” Maleng says. “I did then, and I do today.”

If that means that Maleng, a tough-on-crime Republican who has sought the death penalty 20 times in the 25 years he has been in office, is remembered for the execution he didn't seek, so be it, he says.

When Green River Killer suspect Gary Ridgway was charged in 2001, Maleng vowed that his office would not bargain away the death penalty. But after careful consideration, he did just that, allowing Ridgway to avoid lethal injection by confessing to dozens of unsolved murder cases.

On Nov. 5, Ridgway pleaded guilty to 48 murders for a two-decade rampage targeting runaways and prostitutes. He became the deadliest convicted serial killer in U.S. history.

At the time Maleng agreed to the plea bargain, Ridgway was charged with only seven slayings, and investigators had all but given up hope of linking him to the others. Maleng says he made the deal to bring answers — and peace of mind — to the victims' families and to the community. Ridgway has since led authorities to the bodies of four women.

In the past two weeks, Maleng's office has received about 120 letters and e-mails concerning the decision. Most have been supportive, says his spokesman, Dan Donohoe. Both of Seattle's daily newspapers, including the pro-death-penalty Seattle Times, wrote editorials praising him.

The sheriff, Ridgway's attorneys, all of the investigators on the Green River Task Force and most of the victims' relatives have said they are satisfied with the outcome.

One of the few traces of outcry has been on the editorial page of the Times, where letters were running 8-to-1 against the decision until Maleng wrote a piece explaining himself. Since then, the opposition has softened considerably, letters editor Diane Albert says.

Some death-penalty proponents have complained that Maleng's decision will make it tougher to win death sentences against less prolific killers, and that it robbed the community of retribution for his crimes.

“I heard some grumblings from other prosecutors in his office. But he really wrestled with it and he made the right decision,” says Eric Lindell, one of Ridgway's lawyers. “I was pleased he had the courage, being a politician, to make a decision like this. That's a gutty thing to do.”

Three of Ridgway's lawyers met with Maleng in April to propose a plea deal. Maleng's initial reaction, he says, was an emphatic “no”: Prosecutors must not bargain with the death penalty because it can too easily be used to prompt a guilty plea from an innocent suspect.

That is not what he told the defense attorneys, however; he told them he

would consider it.

Maleng, a bespectacled, ruddy-faced 65-year-old, was first elected county prosecutor in 1978, and has developed a reputation for making thoughtful, principled decisions. His office has filed aggravated-murder charges 78 times since Washington reinstated capital punishment in 1981; Maleng has sought the death penalty in 20 of those cases, including Ridgway's.

**“I heard some grumblings
from other prosecutors in
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to make a decision like this.
That's a gutty thing to do.”**— ERIC LINDELL
Lawyer

Juries have voted for execution in five of those cases. Three had their sentences reduced on appeal to life without parole; two remain on death row.

Maleng says he spoke with many people, including friends and detectives, and considered Ridgway's plea offer from all conceivable angles except the millions of dollars it would save the county. He thought about it in terms of his contempt for Ridgway; in terms of his mission, which he says is not only to win cases, but to ensure justice; and in terms of his faith, as a lay Episcopalian minister.

He also considered it as a parent who had lost a child. His daughter, Karen, was killed in a sledding accident in 1989, a month shy of her 13th birthday.

“I know the greatest loss anybody can sustain is for a parent to lose a child,” he says. “That has had a powerful impact on my life, and all aspects of my life. If you haven't been through it, you don't know what kind of experience it is.”

As he was driving to work one morning a few weeks after his meeting with Ridgway's lawyers, he thought of a passage from 1 Corinthians: “For now we see in a mirror, dimly, but then face to face.”

Instead of seeing only Ridgway's face, he says, he began to see the other faces involved: the victims, their families and the community.

“As I went through that process I really grabbed ahold of another principle of justice — the need to know the truth,” he says.

He called Sheriff Dave Reichert, who had investigated the case as a young detective in the 1980s, and told him Ridgway would live. Reichert solemnly concurred, as did every member of the sheriff's Green River Task Force.

“This unit, to the detective, supported that. We knew that this was going to be the only way we were ever going to hear the story,” says Detective Randy Mullinax. “We were very appreciative of Norm Maleng for making a very difficult decision.”

NATIONAL □ INTERNATIONAL

WORLD BRIEFLY

Bush and Blair sync up

By The Associated Press

LONDON — President Bush is joining with America's staunchest ally in the war in Iraq for a state visit that promises contrasting pictures of elegant ceremonies at Buckingham Palace and noisy street protests by thousands of anti-war demonstrators.

Bush says he'll use the three-day visit to confront widespread doubts in Britain and across Europe about the war, which has 9,000 British forces in Iraq, the largest non-American force in the coalition.

On the eve of his trip, Bush said American troops — now numbering about 130,000 in the country — aren't about to leave. He delivered his promise to a visiting Iraqi delegation in Washington, then said: "When they hear me say we're staying, that means we're staying."

Bush and his wife, Laura, will receive a quiet welcome Tuesday evening from Prince Charles. They will fly by helicopter to Buckingham Palace where a royal welcome will be staged Wednesday morning by Queen Elizabeth II. The heart of his visit will be talks with his chief war ally, Prime Minister Tony Blair.

Israelis shot at close range

By The Associated Press

JERUSALEM — A Palestinian gunman, his rifle wrapped in a prayer mat, walked to a West Bank checkpoint and killed two Israelis at close range Tuesday, just a day after both sides hinted a progress toward a truce and a quick Israel-Palestinian summit.

In the Gaza Strip, troops raided a refugee camp, setting off a gun battle that wounded nine Palestinians, one critically.

It was not clear whether the renewed fighting would jeopardize Egyptian-led truce efforts. Egypt proposes that Israel halt military operations in the West Bank and Gaza Strip and that Palestinian militant groups stop attacks on Israelis.

Israeli Prime Minister Ariel Sharon said he would meet his Palestinian counterpart, Ahmed Qureia, "in the coming days." It would be their first summit meeting since Qureia, widely known as Abu Ala, took office more than a month ago.

Free trade zone deal delayed

By The Associated Press

MIAMI — Early conflicts among negotiators trying to turn the Americas into the world's largest free trade zone have focused on the scope of the proposed agreement.

A stumbling block emerged Monday over a Brazilian and U.S. proposal that would create a base of common rules for the Free Trade Area of the Americas, but allow each of the 34 countries to pick which of the more controversial clauses they wish to follow, according to a draft copy of the document.

Agricultural subsidies and tariffs, as well as rules on investment and intellectual property, have been major sticking points in the negotiations.

But Canada and Chile said all the participating countries should follow every clause, according to an official with the Brazilian delegation, who spoke on condition of anonymity.

The negotiators were to return to the bargaining tables Tuesday as trade ministers and officials from every country in the Western Hemisphere except Cuba negotiate the free trade area.

Jury mulls over sniper's fate

By The Associated Press

VIRGINIA BEACH, Va. — In a verdict that could cost him his life, a stone-faced John Allen Muhammad was convicted this week of using a high-powered rifle, a beat-up car and a teenage sidekick to murder people at random and terrorize the Washington area during last year's sniper attacks.

The jury immediately began hearing evidence on whether the 42-year-old Army veteran should get the death penalty or life in prison.

"We reserve the death penalty for the worst of the worst," prosecutor Richard Conway told the jurors. "Folks, he still sits right in front of you without a shred of remorse."

The jury deliberated for 6 1/2 hours over two days before convicting Muhammad of two counts of capital murder. One accused him of taking part in multiple murders, the other — the result of a post-Sept. 11 terrorism law — alleged the killings were designed to terrorize the population.

Muhammad was found guilty of killing Dean Harold Meyers, a Vietnam veteran who was cut down by a single bullet that hit him in the head on Oct. 9, 2002, as he filled his tank at a Manassas gas station. He was also found guilty of conspiracy to commit murder and use of a firearm in a felony.

Fellow suspect Lee Boyd Malvo, 18, is on trial separately in nearby Chesapeake for the killing of FBI analyst Linda Franklin at a Home Depot in Falls Church.

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NATIONAL

United's Ted to compete with low-cost airline carriers

BY CATHERINE TSAI
AP Business Writer

DENVER — United Airlines began selling tickets Tuesday on its low-fare carrier Ted, a venture executives said would play a crucial role in the future of the bankrupt company.

The Ted fleet will begin with four Airbus A320 aircraft and expand to as many as 45 planes by the end of 2004. Each A320 will have 156 seats.

Ted, which will start flying in February, will be based at Denver International Airport, the home of discount carrier Frontier. United's parent, UAL Corp., hopes Ted will be competitive with low-cost carriers that are snatching customers from big airlines.

United is pitching Ted as laid-back fun, with overhead programming — Tedtv — that will include music videos, standup comedy and sitcoms. The headsets for Tedtunes will be free, though merchandise such as children's toys will carry a price tag.

"We want everything about Ted to be a little bit unexpected, a little bit outside the norm," said Sean Donohue, a United vice president. "Ted will reveal even more of its personality as we continue to add destinations and hubs."

Executives said Ted will be different from other low-fare carriers because it will be linked to United's frequent-flyer program. It will also include a 66-seat Economy Plus section with 4 extra inches of leg room.

"We want everything about Ted to be a little bit unexpected, a little bit outside the norm. Ted will reveal even more of its personality as we continue to add destinations and hubs."

— SEAN DONOHUE
United vice president

Ted announced sample fares among its nine destinations, ranging from \$59 from Los Angeles to Las Vegas to \$409 from Denver to Fort Lauderdale, Fla., Las Vegas, Phoenix and Reno, Nev.

Ted is expected to have 106 daily flights by early April. "For the longest time, we would see a lot of customers going to the competition," Ted pilot Luis Castillo said. "It was frustrating to see customers slip away and not do something about it. With the launch of Ted, we're doing something about it."

GOP forges ahead on spending bill despite White House threats

By The Associated Press

WASHINGTON — Top congressional Republicans trying to fashion a huge end-of-session spending bill face decisions on overtime pay and other issues that have prompted Bush administration veto threats.

GOP leaders in the House and Senate planned to meet Tuesday to make some of those decisions. On Monday, some Republicans signaled to the White House that despite the threats, they would charge ahead and include language blocking an administration proposal to let media companies own more television stations.

"As far as we're concerned, it's closed," said Senate Appropriations Committee Chairman Ted Stevens, R-Alaska.

"It's in," said a top House GOP aide who spoke on condition of anonymity. "The White House can't count. They don't have the votes" to take it out of the bill.

Another issue that drew a veto threat is Senate-approved language to derail a proposed administration rule changing which workers are entitled to overtime pay.

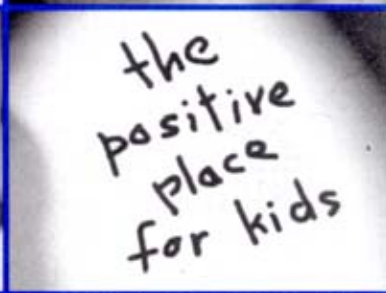
While the administration says the new rules would modernize the workplace, opponents say they would let employers deny overtime for millions of workers.



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INTERNATIONAL

U.S. troops injured in attack, Italian official resigns

BY SLOBODAN LEKIC
Associated Press Writer

BAGHDAD, Iraq — A bomb blast wounded two American soldiers Tuesday in the northern city of Mosul, as insurgents press ahead with attacks despite U.S. raids and airstrikes that earlier killed six Iraqis and resulted in the capture of 99 suspects.

In a blow to Iraq's U.S.-led administration, officials on Monday announced the resignation of an Italian coalition official, who accused the occupation authorities of incompetence.

"The provisional authority simply doesn't work," the Italian daily Corriere della Sera quoted Marco Calamai, a special counselor of the Coalition Provisional Authority, as saying. "It's neither fish nor fowl. Reconstruction projects that were promised and financed have had practically no results."

There was no immediate comment from the staff of authority chief, L. Paul Bremer.

In Mosul, two soldiers on a foot patrol were wounded when a bomb exploded near them at about 6:50 a.m. local time Tuesday, the military said.

The U.S. military has reacted to a recent upsurge in guerrilla activity by launching dozens of infantry raids and aerial and artillery strikes on suspected

staging areas. Ninety-nine suspects were reported detained on Monday during the series of sweeps.

Three American soldiers died Monday — one in an ambush on a patrol, another by a roadside bomb and a third from a non-hostile gunshot wound.

Meanwhile, in Saddam Hussein's hometown of Tikrit, U.S. forces on Monday killed six alleged insurgents as they pressed their search for a former Saddam deputy believed to be orchestrating the attacks.

They continued attacking suspected insurgent positions late Monday with mortar and tank fire, U.S. military officials said. Sporadic explosions could be heard reverberating across Tikrit overnight but there were no immediate reports of casualties in the U.S. attacks.

"Clearly, we're sending the message that we do have the ability to run operations across a wide area," said U.S. Lt. Col. William MacDonald. "We have overwhelming combat power that we will utilize in order to go after groups and individuals who have been conducting anti-coalition activities."

Earlier Monday, U.S.-led troops attacked dozens of suspected guerrilla hideouts as it intensified the search for Izzat Ibrahim al-Douri, No. 6 on the most-

wanted list of 55 Iraqis and former vice chairman of Saddam's Revolutionary Command Council, U.S. military spokesman Brig. Gen. Mark Kimmitt said.

For a second straight day, American troops fired a satellite-guided missile with a 500-pound warhead Monday, this one at a suspected insurgent sanctuary 10 miles south of Tikrit, Saddam's hometown.

Despite the administration's efforts to repair the country's infrastructure, Iraqis frequently complain about the slow pace of reconstruction seven months after the war that deposed Saddam's regime.

In parts of Baghdad Tuesday, residents complained that electricity was on for only two, 30-minute periods during the day, after a major disruption on Saturday of electricity supplies from powerplants in the north of the country.

U.S. administrators have said the outages were a result of maintenance work on the national grid. But Iraqi government officials say they were caused by the collapse of numerous pylons carrying high tension lines after rains and high winds in the north.

In Washington, President Bush said Monday the United States will not pull out of Iraq when a provisional government is established by July 1.

Bush made the promise in a meeting

with Iraqi women who told the president of the hardships they had suffered under Saddam Hussein. "I assured these five women that America wasn't leaving," Bush said in the Oval Office.

"When they hear me say we're staying, that means we're staying," Bush said.

Under a plan reached between the United States and the Iraqi Governing Council, the country's political transition will be sped up with the formation of an interim government by midyear.

Also Monday, an Iraqi militant group called Muhammad's Army claimed responsibility for the downing of a U.S. helicopter on Nov. 2 that killed 16 soldiers. The group warned that U.S. forces would face more attacks if they did not leave Iraq in 15 days. There was no way to independently verify the claims.

In a videotape broadcast by the Lebanese Al Hayat-LBC satellite channel, Muhammad's Army also claimed responsibility for the assassination of a member of the U.S.-backed Iraq government council and another attack on American troops.

The group is seeking to return Saddam to power and consists of several hundred former Iraqi intelligence and security services. A group with this name is one of several that claimed responsibility for the Aug. 19 bombing of U.N. headquarters in Baghdad.

DID YOU KNOW?: There were 5 Marx brothers: Groucho (Julius), Chico (Leonard), Harpo (Adolph), Gummo (Milton), Zeppo (Herbert).

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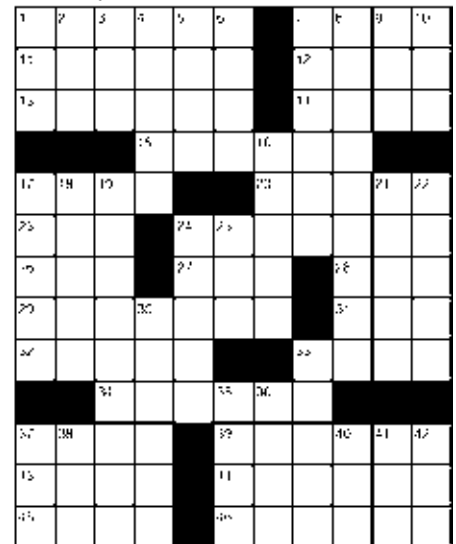
- ACROSS**
- 1 Robin's pal
 - 7 Tater
 - 11 Colorful bird
 - 12 Sharpen
 - 13 Annoys
 - 14 Press
 - 15 Still around
 - 17 Janitors' tools
 - 20 Halls
 - 23 GI address part
 - 24 Campaign loser
 - 26 Damage
 - 27 Middling grade
 - 28 Musical princess
 - 29 Goddess of the hunt
 - 31 Recipe amount
 - 32 Mall business
 - 33 Big snakes
 - 34 Old cash register reading
 - 37 Walked over
 - 39 Secluded spot
 - 43 Worker's home
 - 44 Annette of "Smallville"
 - 45 Swelled heads
- DOWN**
- 46 Gravity beholder
 - 1 Jazz variety
 - 2 Exist
 - 3 Draw
 - 4 Chess turns
 - 5 Trebek of "Jeopardy!"
 - 6 Comfy home
 - 7 Japanese faith
 - 8 Caribbean isle, until 1932
 - 9 Hall of dos
 - 10 Lair
 - 16 Ninnies
 - 17 Half of a '60s group
 - 18 Eye-popping pictures
 - 19 Capital of Benin
 - 21 Petruchio's town
 - 22 Some fasteners
 - 24 Pin-nacles
 - 25 Polynesian garland
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 - 36 Tardy
 - 37 Common little start
 - 38 Equip
 - 40 Parking place
 - 41 "Xanadu" group
 - 42 Itch

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Yesterday's answer

- 18 Eye-popping pictures
- 30 Wears down
- 33 Under
- 35 Stratford river
- 36 Tardy
- 37 Common little start
- 38 Equip
- 40 Parking place
- 41 "Xanadu" group
- 42 Itch

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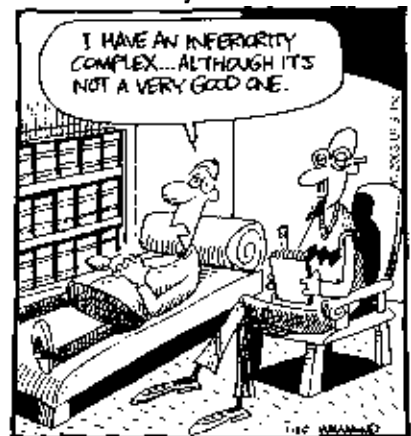


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SANTA MONICA SCENE °CALENDAR EDITION WEDNESDAY, NOVEMBER 19, 2003

EVENTS

Life coaching workshop

Phil Sandahl will lead a workshop about coaching the inspired life. Learn what motivates real change in clients and yourself, and how to sustain change over time in this overview of a process of change that is powerful and functional and that you can use in your life and profession. Phil Sandahl is an international coach, workshop leader and co-author of "Co-Active Coaching." The workshop will be held from 6 p.m. to 8:30 p.m. To register, visit www.icfla.org. Sportsman's Lodge, 12825 Ventura Blvd., Studio City

Mentors needed for at-risk teens

Saint John's Youth Development project, which serves approximately 150 youths, ages 11-18, at three Santa Monica schools, is seeking volunteers for a new mentoring program to help at-risk youth create a better future for themselves. Mentors must: spend four hours per month and have phone contact with their student, attend monthly support and training sessions, be a good listener and be at least 22-years old. For more information, call the Child and Family Development Center at Saint John's Health Center at (310) 829-8495.

CULTURE

The American Clock

Written by Arthur Miller, The American Clock provides a theatrical look at American life during the Great Depression through short scenes describing the suffering

and survival of a selection of people who lived during the 1930s. The play will be shown from Nov. 19 to Nov. 22 at 7 p.m. and from Nov. 22 to Nov. 23 at 1 p.m. Tickets cost \$11 (\$8 for students and seniors) and are available at (310) 434-3000. Performances are held at the Hangar Stage, located at SMC's Airport Campus, 2800 Airport Ave. For more information, call (310) 434-4393.

Puppettoli!

Watch a puppet show at the Santa Monica Puppet and Magic Center. This is a great place to take the kids and to unwind after a long day. 1 p.m. 1255 2nd St. (310) 656-0483

Comedic Lectures by John Lehr

John Lehr explains what he has learned in life during this partly improvisational, partly storytelling lecture. The act is a non-stop tour of recollection from one hilarious experience to the next. 8 p.m. The Powerhouse Theatre, 3116 2nd Street, 1-800-41-FUNNY

Cinderella

The Santa Monica Playhouse presents Chris Decarlo & Evelyn Rudie's version of the romantic musical classic, Cinderella, as part of their Fall Twilight Series. The performance begins at 6 p.m. and will be shown every Friday until Dec. 21. Tickets for kids 12 and under cost \$10 and \$12 for adults. For more information or reservations, call (310) 394-9779, ext. 1. Santa Monica Playhouse, 1211 Fourth Street

Because of You: The Life and Loves of Sholom Aleichem

Evelyn Rudie and Chris DeCalo created 'Because of You' a musical based on the letters and stories of Sholom Aleichem, the creator of the characters in 'Fiddler on the Roof.' Aleichem wrote about the Russian-Jewish experience, including works in Yiddish at a time when there was no literature in the language. Saturday and Sunday. Santa Monica Playhouse, 1211 Fourth St. (310) 394-9779

ENTERTAINMENT

Harvelle's

Established in 1931, Harvelle's is the oldest blues club on the west side. This is the kind of blues joint you'd expect to find in a dark Chicago alley; yet even if it's your first visit, it feels familiar. Tonight Harvelle's features the Legendary Miss Mickey Champion. 1432 4th St., (310) 395-1676

Temple Bar

Here visitors can enjoy concoctions like White Chocolate Martinis, a Gingitini or a Razzmatazz. Those who are really hungry can enjoy a Chicken Tamale Plate with Fried Plantains. Temple Bar even offers vegetarian options like veggie eggrolls and burgers. But no good bar would be complete without live music. Tonight the Temple Bar features the following: Crash Davis at 8:30 p.m., James Combs at 9:45 p.m. and Nikhil at 11 p.m. \$5. 1026 Wilshire Blvd. Santa Monica (310) 393-6611

MOVIE °GUIDE

LAEMMLE'S MONICA 4-PLEX

1332 2nd Street
Exorcism - 1:45, 4:25, 7, 9:40 p.m.
Shattered Glass R - 12:15, 2:40, 3:40, 5:05, 6:05, 7:30, 8:30, 9:55 p.m.
The Singing Detective R - 12, 2:35, 5:10, 7:45, 10:15 p.m.
The Station Agent R - 1, 3:15, 5:30, 7:45, 10 p.m.

LANDMARK NU-WILSHIRE

1314 Wilshire Blvd.
Elephant R - 4:45, 7, 9:30 p.m.
Pieces of April PG-13 - 5, 7:30, 9:45 p.m.

LOEWS CINEPLEX BROADWAY CINEMAS

1441 Third Street Promenade
Tupac: Resurrection R - 11 a.m., 1:30, 4, 6:30, 9:15 p.m.
Love Actually R - 11:30 a.m., 12:30, 2:45, 3:45, 6:15, 7:30, 10:15 p.m.
Mystic River R - 12:45 p.m., 3:50, 7:15, 10:30 p.m.

AMC SANTA MONICA 7

1310 Third Street Promenade
Brother Bear PG - 1, 3:05, 5:10, 7:20, 9:30 p.m.
Elf PG - 2:15, 4:45, 7:30, 9:55 p.m.
Master and Commander R - 2, 5:05, 8:15 p.m.
Intolerable Cruelty PG-13 - 1:50, 4:25, 7:40 p.m.
Scary Movie 3 PG-13 - 2:30, 5:15, 7:50, 10 p.m.
School of Rock PG-13 - 1:40, 4:35, 7:10, 9:45 p.m.
The Texas Chainsaw Massacre R - 10:05 p.m.

MANN CRITERION 6 THEATERS

1313 Third Street Promenade
Good Bye! PG - 10:45 a.m.
Looney Tunes: Back in Action - 11:15 a.m., 1:50, 4:40, 7:20, 9:50 p.m.
The Human Stain - 11:30 a.m., 2:15, 4:50, 7:50, 10:40 p.m.
The Matrix Revolutions - 11 a.m., 12:30, 1:15, 2, 3:30, 4:15, 5, 6:30, 7:15, 8, 9:30, 10:15, 11 p.m.
Radio - 10:50 a.m., 1:20, 4, 7, 9:40 p.m.
Runaway Jury - 1:30, 4:30, 7:30, 10:30 p.m.

If you know of an upcoming event which may be included in the calendar please send the information to calendar@smdp.com or fax it to (310) 576 9913



PEOPLE IN THE NEWS

Michael Douglas to receive Cecil B. DeMille Award

By The Associated Press

■ **LOS ANGELES** — Michael Douglas will receive the Cecil B. DeMille Award for career achievement at this year's Golden Globes, more than three decades after his father, Kirk Douglas, won the honor in 1968.

Douglas is the first second-generation actor to receive the DeMille award, named for the Hollywood producer and director of "The Ten Commandments" and "The Greatest Show on Earth." The decision was announced Monday by the Hollywood Foreign Press Association, which hosts the annual ceremony.

He will receive the award during NBC's live telecast of the 61st annual Golden Globe banquet on Jan. 25. The event will take place at the Beverly Hilton Hotel.

Previous recipients include Gene Hackman, Harrison Ford, Al Pacino, Dustin Hoffman, Shirley MacLaine, Jack Nicholson, Sean Connery and Sophia Loren.

Douglas and his 86-year-old father acted together for the first time this year in the dramatic-comedy "It Runs in the Family," co-starring with Michael's mother and Kirk's ex-wife, Diana Douglas, and Michael's 24-year-old son Cameron Douglas.

The Hollywood Foreign Press Association also announced that Kevin Costner's 17-year-old daughter, Lily Costner, will escort winners off-stage at this year's ceremony as Miss Golden Globe.

Offspring of well-known performers are traditionally chosen for the roles, and past escorts have included Melanie Griffith, Laura Dern, Joely Fisher and Freddie Prinze Jr.

■ **UNITED NATIONS** — Christopher Reeve helped present Italy with the Franklin Delano Roosevelt international disability award at the United Nations.

The 51-year-old "Superman" actor, paralyzed from the neck down in a horseback riding accident in 1995, said Monday his own nation had much to learn from "small countries with big hearts."

Italy's minister for social welfare and labor, Roberto Maroni, accepted the seventh annual award on behalf of President Carlo Azeglio Ciampi. The award includes 1,000 wheelchairs for needy Italians and a \$50,000 check in recognition of Italy's 30-year commitment to make equal opportunity for people with disabilities a top priority.

The award "will give renewed momentum to Italy's commitment to the full social integration of our disabled fellow citizens," Ciampi said in an acceptance speech read by Maroni.

Reeve said he was in awe of Italy's accomplishments, both at home and abroad, where it reached out to "Afghanistan, Uganda and Somalia, exporting technology and exporting the idea of inclusion in those countries that are suffering the ravages of war and poverty and disease."

"It's a lesson to the larger countries of the world, including the United States, where there is not yet full compliance with the Americans With Disabilities Act," Reeve said.

Reminding participants that previous winners included Ireland, Ecuador and Hungary, Reeve said: "The award has gone to small countries with big hearts."

■ **NEW YORK** — Actor Danny Aiello and a group of businessmen have filed a \$30 million lawsuit claiming the city sabotaged their attempt to build a movie studio on a stretch of vacant city-owned land on Staten Island's waterfront.

The group says in court papers it had already spent \$2 million on building the Stapleton Studios when the city moved in September 2002 to evict them from the 36-acre property, a former Navy yard on Staten Island's north shore.

The developers are still occupying the property because they got an order that delayed the city's eviction attempt. The city appealed that order and a ruling from the state Supreme Court's Appellate Division is pending.

Court papers accuse the city and its Economic Development Corp. of breach of contract, unjust enrichment, violation of the state's business law, breach of fiduciary duty and loss of profits and business opportunity.

The lawsuit was filed Monday in Manhattan's state Supreme Court.

"The city has just been served with Stapleton's latest complaint and is evaluating the legal papers," Kate O'Brien Ahlers, spokeswoman for the city's Law Department, said Monday.

Michael Sherman, spokesman for the EDC, would not comment on the lawsuit. Mayor Michael Bloomberg has appointed a task force to study the best possible use of the property, Sherman said Monday.

Aiello, 70, has appeared in more than a dozen New York films, including "Do the Right Thing" and "Moonstruck."

■ **LOS ANGELES** — An ex-boyfriend of Anna Nicole Smith has been convicted of making criminal threats against her.

Mark Hatten, 35, was found guilty of the felony Monday after two days of deliberation by a Van Nuys Superior Court jury.

Jurors acquitted Hatten of two other counts that alleged he stalked Smith and made criminal threats against her neighbor, Rene Navarro.

The jury also convicted Hatten of two other felony counts, assault by means likely to produce great bodily injury and battery. Those counts involved an altercation with Navarro.

Hatten punched, knocked Navarro down and then kicked him after being told to leave Smith alone, Deputy District Attorney David Stuart said.

Hatten is scheduled to be sentenced Dec. 11 and faces up to eight years and eight months in state prison.

During Hatten's trial, Smith testified that she had a brief sexual relationship with him in 2000 that ended when he approached her with a knife in her home.

Hatten claimed they had an on-again, off-again relationship, the prosecutor said.

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