

Santa Monica Daily Press

A newspaper with issues

Sales holding steady on the Promenade

Outdoor mall still pumping revenues into city coffer

BY ANDREW H. FIXMER
Daily Press Staff Writer

Sales at shops and restaurants along the Third Street Promenade held steady in recent months, despite that business throughout the downtown area continues to decline.

The city's economic analysts said sales tax revenue from locations along the Promenade grew by .8 percent during the recent business quarter ending June 30 compared to last year during the same period.

However, sales tax revenue at businesses throughout the Bayside District, which encompasses the city's commercial core — including the Promenade, fell

by 7.3 percent.

"We're holding our own," said Kathleen Rawson, the executive director of the Bayside District Corp., a non-profit organization that helps manage the downtown with the city.

"If you take these figures at face value, the Promenade is in very good shape," she said. "The district as a whole, well that's a substantial dip over last year."

Rawson said she believes slumping sales at stores in Santa Monica Place Mall may have contributed to the drop-off. Currently, the company that manages the mall is planning for a major renovation, which Rawson believes could be having a negative effect on sales.

"They are one of the major players for the area, outside the Promenade, and they are going through significant changes,"

See SALES, page 5

Proposal would ban PTAs from bailing out one school

BY ANDREW H. FIXMER
Daily Press Staff Writer

In the midst of looming budget cuts, the Santa Monica-Malibu Unified school board could make it difficult for PTAs and private donors to restore axed programs.

Superintendent John Deasy has proposed changing the district's gift policy to forbid individual schools from using private donations to reinstate lost programs and services as a result of budget cuts. Money raised or donated would have to be equally distributed amongst all the schools to bring back programs that have been eliminated.

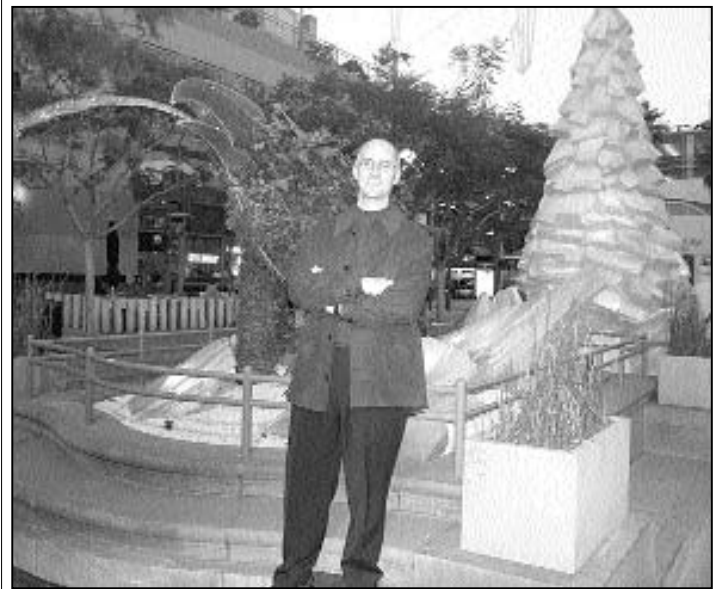
"We live in cities where privilege and poverty exist in pretty clear extremes,"

Deasy said. "There are sections of the community that can replace the cuts and there are those that can't, and I will do everything in my power to prevent further disequity."

Local PTAs have been working diligently to raise enough money to cover the gaps in funding programs and buying extra supplies for their respective schools.

But some PTA organizations raise more than others, giving their school an edge. With more money, wealthier schools can hire more teacher aids to keep class sizes smaller. They can afford to give their elementary school students music and art programs not found at other schools. And their kids have access to better facilities

See PROPOSAL, page 5



Carolyn Sackariason/Daily Press

Set designer Ramsey Avery stands in front of a Promenade courtyard that is adorned by a new holiday theme dubbed 'Winterlit.'

Set designer illuminates Promenade holiday decor

BY CAROLYN SACKARIASON
Daily Press Staff Writer

Downtown Santa Monica is getting into the holiday spirit in true Hollywood fashion.

An award-winning set designer who has done the art direction on two of Steven Spielberg films was hired to design the Third Street Promenade's lighting display and "Winterlit" theme centered around the main sections of the outdoor mall.

Ramsey Avery and his crews just finished adorning the Promenade with 21,000 lights, 22-foot tall illuminated

trees, icebergs jutting up from the ground around the mall's dinosaur courtyards and ice shards dangling from light poles.

Officials from the Bayside District Corp., which manages downtown Santa Monica with the city, as well as downtown merchants, hope the new theme will attract shoppers here. The new set design for the Promenade cost the Bayside District Corp. about \$400,000.

"We are hoping the lifespan for all of it is between three and five years," said Kathleen Rawson, executive director of Bayside District Corp. "We believed we

See LIGHTS, page 6

Los Angeles ready to clean up skid row with new laws

By The Associated Press

LOS ANGELES — The growing homeless population on Skid Row is a public health and safety catastrophe, a group of downtown civic leaders and residents said.

They proposed Monday that the City Council enact an anti-encampment ordinance and other measures to improve conditions. The ordinances are similar to those adopted by the Santa Monica City Council early last month that forbids people from sleeping in downtown doorways and creates barriers for outdoor feeding programs.

The Central City Association backed by City Council members Jan Perry and Tom La Bonge, new Police Chief

William J. Bratton and several other groups, said the number of homeless living in squalor on downtown streets includes many with severe mental illnesses and drug addictions. They said the number of homeless has reached crisis proportions and the situation threatens downtown's economic revitalization.

Bratton, who is staying in a downtown hotel until he finds a permanent home, said he and his wife had been accosted by aggressive panhandlers several times. He said he is studying proposals to beef up patrols downtown but made no commitment.

According to city counts conducted for the 2000

Census, from 9,000 to 15,000 people live on the streets of central Los Angeles, said Perry, with about one-third concentrated on Skid Row east of downtown.

The Central City Association and its allies asserted that current ordinances are ineffective in preventing public urination and defecation, camping on sidewalks and aggressive panhandling.

"We are focusing on a portion of the problem that no one has wanted to talk about, those dwelling on the streets who have set up tents and boxes," said Carol Schatz, the association president. "We need to address that kind of behavior because it takes the streets away from all of us."

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★-So-so ★-Difficult

♈ ARIES (March 21-April 19)
★★★★ Understand that others often do outrageous things. You don't have to join in. In fact, being a detached observer just might improve the situation. Gather others for a meeting. Great ideas multiply in this environment. Tonight: At your preferred haunt.

♉ TAURUS (April 20-May 20)
★★★★ Deal with finances with unusual precision, being aware that a problem could run amok before you know it. Your intuition takes you to a new dimension with a boss. You know when you're walking on eggshells. Try to firm up all agreements. Tonight: Treat someone to dinner.

♊ GEMINI (May 21-June 20)
★★★★ Your personality melts barriers. You might be put off by what someone shares. Sort through what this person's true message is. Reach out for someone close to you who might inspire you to another level. Tonight: Whatever makes the Twin happy.

♋ CANCER (June 21-July 22)
★★★ Knowing when to step back might be as important as taking action. Stay on top of your decisions, though right now you might not want to make a general announcement. Listen and observe. A partner senses what is going on with you. Tonight: Spend quiet time with a loved one.

♌ LEO (July 23-Aug. 22)
★★★ Review a matter close to your heart. Think through the pros and cons of a friendship, which might be putting unique pressure on you. Carefully evaluate a decision that involves a partnership. Could you be looking through rose-colored glasses? Tonight: Where your friends are.

♍ VIRGO (Aug. 23-Sept. 22)
★★★★ Confusion surrounds a professional decision and/or a boss. Take your time clarifying what is happening. You could be seeing a situation in a whole different light from someone else. Communication will count here. Tonight: Work as late as need be.

♎ LIBRA (Sept. 23-Oct. 22)
★★★★ Visualize more of what you need and want. Confusion surrounds communication, so be smart and confirm all meetings and answer your messages. Don't stand on ceremony with others. Make that call or extra effort. Tonight: Try a new dinner spot.

♏ SCORPIO (Oct. 23-Nov. 21)
★★★★ Be careful when dealing with a financial matter involving those around you. Not everyone seems to agree with your thinking or logic. Establish better communication with a child or loved one. You might find this person akin to a muse. Tonight: Share with a partner.

♐ SAGITTARIUS (Nov. 22-Dec. 21)
★★★ Don't count on your message being heard. In fact, count on others distorting what they hear. With this premise, you could be on cruise control while everyone else is in chaos. Your intuitive senses help you read between the lines. Tonight: Accept a dinner invitation with friends.

♑ CAPRICORN (Dec. 22-Jan. 19)
★★ Sort through the day's mixed messages. You will want to verify what is happening, but you might have your hands full just clearing your desk! Take it easy. Understanding will take you far. Tonight: Relax.

♒ AQUARIUS (Jan. 20-Feb. 18)
★★★★ Work on more laughter, especially when hitting a flub-up. Being upset certainly won't make the situation any better. Your vision, mood and creativity can take a project to the finish line or resolve a difficult situation. Tonight: Indulge someone who might not be as easygoing as you.

♓ PISCES (Feb. 19-March 20)
★★ Pressure builds. With so much brewing, something has to give somewhere, somehow. Kick back and do your best to help others through a hassle. You intuitively know what will work right now. Follow through on what you can. Tonight: Be a couch potato.

QUOTE of the DAY

"I have an existential map. It has 'You are here' written all over it."

— Steven Wright

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LOCAL

Santa Monica BMW loses 'deceptive' lawsuit

BY JOHN WOOD
Special to the Daily Press

When Ross Huffman bought a used Mercedes-Benz from Santa Monica BMW earlier this year, salesmen assured the San Pedro resident he was getting the top of the line.

On March 4, Huffman thought he bought an eight-cylinder S420, but what he actually got was a S200 — the cheaper, six-cylinder version of the popular luxury car.

Huffman realized he was cheated out of luxury when the car's pink slip and registration papers arrived later that month.

"I was a little disappointed," said Huffman, who sued the auto dealer Tuesday in Santa Monica Small Claims

Court. "I thought I got a very good deal."

Huffman said the trunk of his car, where the model type is typically displayed, was conspicuously bare. He immediately contacted the dealership, demanding answers.

"They came up with this cockamamie story that they didn't know it was a S320," he said. "But they're in the business of selling cars, they should know."

He sued the dealer for \$5,000, the maximum small claims amount.

Santa Monica BMW sales manager Del Montell testified that the previous owner, who traded in the 1997 Mercedes for a new BMW, told the dealership it was a S420.

Montell claimed he didn't find out it was a six-cylinder until after he sold the

See LAWSUIT, page 6

surf report

Information compiled by Jesse Haley

Surf should remain small today thanks to a diminishing northwest swell. Size will actually increase in northern California, but unfortunately the new, 300-degree northwest is too steep for L.A.

Our local breaks will keep seeing knee- to waist-high surf on average. Better locations will be west facing spots like El Porto and P.V.

South Bay will enjoy inconsistent chest-high sets.

Thursday, conditions continue as we ride out the tail end of the last swell. Expect surf in the one- to three-foot range, mostly.

Friday forecasts are calling for new northwest swell; still a steep angle, but this one may show better in SoCal than the last.

Today's Tides:		
Low-	2:22 a.m.	1.93'
High-	8:30 a.m.	5.77'
Low-	3:47 p.m.	-0.23'
High-	10:02 p.m.	3.60'

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

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CrimeWatch

Woman robbed at gunpoint

By Daily Press staff

■ A woman was robbed at gunpoint on the 1600 block of Appian Way last week.

On Sunday, Nov. 10 at 11:10 p.m., the victim was getting out of her car when two men walked over to her, pointed a gun and demanded her purse, police said. She dropped it on the ground, the suspects grabbed it and drove off in their car.

The loss is \$90 in cash plus the value of the contents in her purse and wallet.

The man with the gun is described as black, 25 years old, 6' 2" tall, 180 pounds and was wearing a white shirt with blue pinstripes.

The second suspect is a black man, 25 years old with a large, heavy build.

The vehicle they were driving is described as a late 1990s or 2000 model black car with tinted windows.

■ A woman chased the man who robbed her of her purse last week, but was unable to nab him.

At 1:49 p.m. on Nov. 10, the woman exited her car on the 500 block of Wilshire Boulevard. A man rushed from behind and grabbed her purse. She screamed, the robber ran and she chased him down the street, police said.

The suspect is described as Latino, 25 years old, 5' 3" tall with a medium build. He was wearing a black hooded sweatshirt, green sweat pants and a black wool hat.

The loss is estimated at \$100 in cash.

■ A 68-year-old man confined to a wheelchair was mugged on the Third Street Promenade on Nov. 5, police said.

At 8:17 p.m., a man approached the victim and asked to borrow \$1. The victim pulled out his wallet and took out a dollar bill. The robber saw there was more cash in the wallet and he threatened to hurt the victim if he didn't hand over all the money. The victim complied.

The suspect is described as white, 35 to 45 years old, 155 pounds and was wearing a short sleeve blue shirt and brown corduroy pants.

If you have any information regarding these crimes, call the Santa Monica Police Department's Robbery/Homicide unit at (310) 458-8451.

The Q Line

Now that Measure EE, the \$300 parcel tax that the Santa Monica-Malibu Unified School District board hoped would inject some needed cash into the public school system, has failed at the ballot box, and SMMUSD Superintendent John Deasy has described the district's financial situation as "catastrophic," things aren't looking too good for teachers and students alike.

But there has been talk that the district may put another measure before the voters during a special election in March, and teacher layoffs, student bus fee hikes and classroom size increases, among

other things, may be avoided.

So Q-line wants to know:

"Should the voters bail out the school district and ensure the public education system won't suffer? Or should the school board find a way to tighten their belts during these lean economic times just like everyone?"

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

Harping on Hegel

Editor:

In his column last week, Michael J. Titinger says "the eyes are the window to the soul," and attributes the phrase to "an old proverb." Actually, it was the philosopher Hegel (Georg Wilhelm Friedrich Hegel 1770-1831), whose idealistic system of metaphysics was highly influential, who described the eyes in this way. At least according to the 20th century philosopher Jacques Derrida, who attributes the line to Hegel in the new documentary "Derrida."

I'm glad the elections are over and we can get back to a more intelligent letters column.

Hank Rosenfeld
Ocean Park

Schools need community support

Editor:

What have I learned?

For 12 years I have had the privilege and honor to serve as a school board member for the Santa Monica-Malibu Board of Education.

I have learned that participating in democracy at the local level is an extremely worthwhile experience. Our incredible form of government allows ordinary people to be elected and to have the opportunity to do extraordinary things, all in the name of public service.

I have learned that despite the fact that California is the fifth largest economy in the world, it ranks 38th in the nation in what it is willing to spend per student on K-12 public education and 48th in expenditures per \$1,000 of personal income. California ranks No. 1 in the population of students and expects all its students to graduate with a first class education, but as a state it is only willing to support it with second class financing.

I have learned dollar for dollar this is not one person's problem, but rather it belongs to all of us. It will change when the political will of Californians recognizes and demands that the state step up to the plate.

I have learned that despite California's lack of adequate funding for public education, our local community members are champions of public education and each day many continually give time, energy, expertise and resources to our local schools.

I have learned that in the state of California our district is exceptional for a multitude of reasons.

I have learned that our teachers, administrators and support staff are committed well beyond the call of duty or required hours in their devotion of preparing all students to be successful in a global society. Without a doubt they are the most talented, educated and dedicated staff in any district in California. Be proud of them and tell them so!

I have learned that the parents, community members, higher education and local businesses continue to work non-stop in supporting the high quality of work in our district. The connection between home, school, higher education and world of work is incredibly alive and well in this district.

I have learned that our local state and federal legislators and city government officials are unique in their commitment to do what ever it takes to ensure the continuation of a quality K-14 education for our communities.

I have learned that the voices of children are heard but not always listened to, and so it is imperative that community members continue to hold their elected officials to high standards and accountability. We must expect no less from adults than what we expect from our children.

I have learned that each of you have the power to ensure the success of those you elect. When you engage in the process after an election, you ensure that those elected continue to represent the interests of the people. It really does take the whole village to raise a child, but more importantly it takes you remembering that you are one of the villagers and with that comes an obligation to engage after the ballot box.

I have learned to listen to each of you and in particular to those whose point of view is different and sometimes more difficult for me to see and/or understand. I thank you all for being willing to take the time to educate me by sharing your thoughts, concerns, frustrations and questions. Thank you for your calls, faxes, e-mails, letters and stopping me in the supermarket for a chat. It is this process that has held me accountable and allowed me to stay real and in touch with your views and issues.

I have learned from all of you that you never really expected me to be perfect, only that I remained accessible, kept an open mind, did my homework and always had the interest of the children at the forefront of any decision.

I have learned that even when you choose to retire from a school board, particularly when it's the school district you attended as a child, it is hard to say good-bye. But most importantly, I have learned to say thank you for the privilege, trust and opportunity to represent you and the interest of our children!

May you all have a joyous Thanksgiving with those you love!

Pam Brady
Santa Monica

Woodstock Nation to Hip-Hop Nation: Peace ... bring it

EDGE of the WEST

By Ron Scott Smith



With our old and new mortal enemy, Iraq, having just said yes to the UN resolution mandating inspections and dismantling of their weapons of mass destruction, the question is — will W take yes for an answer?

The President wants his war and by all indications he won't be at peace with himself until he gets it. His own FBI's bizarre warning of impending "spectacular" terrorist attacks on America that will result in "mass casualties" and "massive damage to our economy" (though the latter seems to be happening without outside interference) seems not to deter or distract him.

There was the hope, in a lesser-of-two-evils kind of way, that Bush's grave and relentless war talk in the months before the elections was just that — talk — in a cynical ploy to keep American voters locked into the foolish notion that "supporting war" equals "patriotic" equals "Republican." Once his boys were securely in charge of Congress again, maybe this

war fever would be broken, the temperature would drop, and the problem facing us in the loyal opposition would be the less deadly one of trying to keep the reigns pulled in on the right-wing social engineering that will surely be coming.

"You will be killed just as you kill," said the infamous illusionist, Bin Laden, just last week. Now you see him, now you don't. The trouble is, as he grows into near-mythological status among his reverent followers, they're hanging on his every word. Going into Iraq with unfathomable new levels of high-tech violence would serve to only inspire that suicidal-murderous bunch to equally unfathomable levels of terrorist violence against America, no? Think this for just one moment: If there is no attack, there is no counter-attack. It has a certain mathematical clarity to it, doesn't it?

But Rumsfeld brings his own unique sense of clarity in trying to explain the whole deal to us commoners. He said this recently: "There are things we know that we know. There are known unknowns, that is to say there are things we now know we don't know. But there are also unknown unknowns — things we do not know we don't know ... well, that's basically what we see as the situation." Get it?

So now that that's clear, what do we do — just sit back with the remote control in hand, and watch the instant replay, 12

years later, of Iraq being blown apart again? And then wait for what we "do not know we don't know" to happen — the "spectacular" counter-attack here in LA, or wherever?

Two weeks ago a couple hundred thousand citizens of America and the world, put the remotes down for a day and took to the streets to offer up evidence that not everybody is walking down this path willingly with Bush. Matter of fact, didn't about a half million more Americans vote for the other guy?

They're coming out, coming out, wherever they are, this new school of anti-war activists, hooking up with the old school which brought you the end to the Vietnam fiasco. Maybe you haven't seen anything yet.

But a peace movement needs a cultural reference — a soundtrack — to galvanize and energize it. So what do we do, bring Dylan's masters of war volumes out of retirement? Bring Lennon back from the grave? No.

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The most pervasive and important social movement since that '60s revolution, this one has made its mark indelibly upon the consciousness of the newest generations and the whole planet. It's the greatest force at work today in laying to rest primitive notions of race-based division and fear. It's turned so many tables

on the culture of America that there's almost no place left for bigotry to sit down. Almost.

Now, show us the peace — hip-hop nation. Not just something to say instead of good-bye, make it a global statement that says something like this: No unprovoked, pre-emptive war-making in our name.

Somebody out there say it in a song.

Jenny from the hood — nobody cares about being fooled by the rocks that you got. It's getting hotter than you think in here, Nelly. There's a war looming in here, a war that might turn out to be the war to end all wars if it ripples out of control as many fear it will.

Give peace a beat, Dre. The cops in South Central, the Marines in Iraq — does might make right? Apolitical is amoral is not an option. Step up your game. Somebody get mad.

Keep an eye on the guy who gets mad better than anybody. If he happens to get mad at this impending war and starts throwing out his machine gun rhymes cutting into it, they might start ducking for cover over there in Washington. If there ever was one, this looks like a job for you, Marshall Mathers. Peace. Lose yourself in it.

(To reach Ron Scott Smith, e-mail him at edgeofthwest@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.

LOCAL



Restaurant sales blamed for declining tax revenue

SALES, from page 1

she said. "Any major shift in their sales would definitely be reflected in how the Bayside performs."

Richard Eichembaum, general manager of Santa Monica Place Mall, was unavailable for comment Tuesday.

Comparatively, the city's revenue from sales has slumped 5.4 percent at stores along Main Street and by 1.6 percent for businesses along Montana Avenue.

But businesses along Pico Boulevard fared well this summer, with sales tax revenue increasing more than 5 percent.

"I think this is still very much related to the drop off in restaurant activity," said Mark Richter, the city's economic development manager. "Both Bayside and Main Street have a fairly large number of restaurants, and when there is a drop off in restaurant activity, those districts are hurt more than others."

"Pico is the result of improved, new and enhanced community serving retail," he added.

Sales tax amounts were not immediately made available Tuesday.

Sales at restaurants and retailers — along with automobile dealers — comprise the bulk of what the city collects in sales taxes. However, as the economy has slowed nationally, local restaurants and retailers are seeing less people eating out and buying less merchandise.

The result has been declining tax revenue for the city, which is battling a multi-million dollar budget deficit next year. By the 2004-2005 budget year, analysts have predicted deficits may swell to more than \$15 million if drastic changes aren't made.

To ensure the Promenade retains its economic vitality, the city has convened a Promenade Uses Task Force, which has been charged with coming up with ways

of improving the commercial corridor.

"We do feel the Promenade is still in a very good economic position," Richter said. "The point of the work being done by the Promenade Uses Task Force is to make sure that success is sustainable over time."

"I think this is still very much related to the drop off in restaurant activity."

— MARK RICHTER
Economic development manager,
City of Santa Monica

Richter said the eclectic nature of the Promenade is the likely cause for its success in otherwise difficult economic times for retailers.

"I think one of the reasons the Promenade has remained strong is that it doesn't offer just a retail experience, but it has movies, street entertainment and events that draw people," he said. "Visitors have multiple reasons to come down to the Promenade that do not exist in the rest of the Bayside District or the mall."

But Rawson said the longer store fronts along the Promenade remain vacant, like the former Discovery Store at the corner of Third Street and Arizona Avenue, the lower the sales tax revenue trend will dip for the Promenade. American Eagle, a national retailer, plans to move into the Discovery location.

"What stores came and went during these periods needs to be determined for these numbers to really have any significance," Rawson said. "We need to understand that before we can say whether the area really had an increase or a decrease."

Policy addresses economic disparities between schools

PROPOSAL, from page 1

and equipment. Franklin Elementary can raise much more from its Montana Avenue neighborhood than Edison Language Academy can from its Pico neighborhood, on the east side of town.

The school board is scheduled to vote on Deasy's proposal at its Thursday meeting, when it's also expected to begin slashing nearly \$2.1 million from this year's budget. The budget cuts recently became reality when the school district's \$300 parcel tax measure failed at the ballot box earlier this month.

School board president Julia Brownley said she believes the equal distribution is needed to prevent economic disparities between schools in poor neighborhoods and those located in wealthier sections of the city.

"We don't want some schools to be able to reinstate programs that have been cut that another school can't afford because that could further increase the divide," she said. "We want to take a more unified approach to bringing back services and programs."

Sherry Orgel, president of the Santa Monica-Malibu PTA Council, said school

boosters believe Deasy's intentions are good, but the organization wants to know more about the proposal before endorsing it.

"I think everyone is waiting to learn more and know more before taking a position," she said. "Everyone is working to preserve our education, and I think that's where the focus is."

Deasy and others have long argued the system creates economic disparities. They fear that during difficult economic times, those disparities will only increase in the district.

"We are not about one child, we are about every child," Deasy said. "We are not one system when it's convenient, we are one system all the time."

However, the school district has a fundraising entity called the Education Foundation. If the gift policy revision is made, the Education Foundation could pool the resources of the PTAs to fund dismantled programs throughout the district, school officials said.

"I think we are a logical entity to facilitate that because we already fund raise on a district-wide basis," said Education Foundation Executive Director Linda Gross. "We are already set up to do that, if the individual schools so chose to use us."

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LOCAL STATE



Mall merchants banking on solid sales this season

LIGHTS, from page 1

needed to find somebody who wasn't an ordinary holiday decor designer but someone who was creative and innovative."

Avery, who did the art direction for the films "A.I. Artificial Intelligence" and "Minority Report," could be described as unique when it comes to holiday decorating. He has been awarded for creating the Animation Pavillion at Disney's California Adventure Theme Park in Anaheim and was the set designer for the "Cosby Show" and "A Different World."

The Santa Monica Winterlit project is Avery's first attempt at outdoor holiday decorating on a large scale, but there are elements of it that would be found on a movie set.

"There are elements that are similar to things I've done in the past but what's different was taking into account safety that a lot of people would be around it and that it should be durable because it's got to last for five years," he said.

Avery said the biggest challenge on the project was pleasing all the merchants whose opinions varied from one spectrum to the other.

"There was a completely wide range of what people expected," he said. "But in the long run, everyone signed off on it."

Set designers and work crews began on

Nov. 1 and finished this week. All of their work will culminate on Saturday with actress Jamie Lee Curtis flipping the switch at the grand lighting ceremony at 5 p.m. at Center Court on the Promenade. Santa Monica Place also will turn on lights at the facade of the Promenade entrance.

Santa Claus is expected to show up on Saturday at about 9 a.m. At noon, strolling carolers will sing up and down the mall. Radio station KOST 103.5 FM will broadcast live from the Promenade. The Winterlit installation will light the Promenade every day from 5 p.m. to 3 a.m. through the first week of January.

Santa Monica Place will unveil its brand new decor, which includes a 30-foot tree, ice elements and snowflakes, a snow fairy and a multi-colored light show which will create a shimmering snow effect on the exterior of the building.

The Macerich Company, owners of the mall, and the Bayside District Corp., have marketed jointly through mailers and other advertising to promote Winterlit. The message they are attempting to send out is to have a shopping experience in Santa Monica.

"We want the decor to help people to make their shopping decisions here," Rawson said. "I'm hoping they'll turn out for it."

Judge rules BMW owner should get cash for bad sale

BMW, from page 3

car. He said he immediately offered to buy it back, but Huffman wouldn't sell it.

"We've been in business for 40 years and we don't make fraudulent statements," Montell said. "It's malicious and it's wrong."

But Santa Monica Superior Court Commissioner Donna Groman said it doesn't matter.

"You sold a car that wasn't as you said," Groman told Montell. "And now we need to determine how you will compensate (Huffman)."

Groman asked Montell if the dealership would still buy back the S320. Montell said the dealership wouldn't because it is now nearly nine months after the initial sale.

Huffman told the court he needed the \$5,000 in order to upgrade to the S420. But Montell, who sold the car to Huffman for \$24,600, pointed out that the retail value of the 1997 Mercedes S320 is \$30,000, according to the Kelley Blue Book.

"We feel that (Huffman) received an exceptional value on that vehicle," said Montell, who told the court he barely profited on the transaction.

But Huffman argued that Santa Monica BMW's profits were actually much higher, because the used vehicle was accepted as a trade-in towards a new car — not bought outright.

Groman fashioned a compromise. She awarded Huffman \$2,000 plus court costs, and explained her ruling reflected the difference in value as estimated by Kelley Blue Book.

San Francisco mayor cashes in on odd World Series bets

By The Associated Press

ANAHEIM — Mayor Tom Daly cashed in on some bets thanks to the Anaheim Angels' World Series win.

San Francisco's mayor wore a Stetson for a week, Minneapolis' mayor donned Mickey Mouse ears and an Angels jersey, and New York City's mayor sent Nathan's Famous hot dogs and H&H bagels.

They did it to make good on bets with Daly. The bets began when the Angels played the New York Yankees in the American League division playoffs.

Daly bet New York Mayor Michael Bloomberg a case of Nathan's hot dogs and bagels against a box of California

oranges and chilis.

When the Angels routed the Minnesota Twins, Minneapolis Mayor R.T. Rybak wore Mickey Mouse ears to work and sent a package of Minnesota products, including flour and cleaning supplies, to Daly.

After the Angels beat the San Francisco Giants in the World Series, San Francisco Mayor Willie Brown agreed to wear a cowboy hat — an homage to the late Angels owner Gene Autry, the original singing cowboy.

Brown paid up by wearing the cowboy hat for a week at City Hall.

"This is miserable," Brown said. "But I always make good on my bets."

STATE



Screeners meet deadline



Eric Risberg/Associated Press
Members of the Transportation Security Administration screen passengers and carry on baggage at San Francisco International Airport on Tuesday. Tuesday was the deadline for federal security screeners to be in place in each of the nation's commercial airports.

S.D. prosecutors file new charges in 'Bumfights' case

BY SETH HETTENA
Associated Press Writer

EL CAJON — Prosecutors leveled new charges against four men who allegedly paid homeless men to hurt themselves and beat each other for a videotape sold over the Internet.

For the first time, prosecutors spelled out what it took to induce two homeless men and a woman known only as "Pork Chop" into frenzied fighting: \$20, beer and doughnuts.

The defendants — Ryan McPherson, 19; Zachary Bubeck, 25; Daniel J. Tanner, 21; and Michael Slyman, 21 — were charged Tuesday with battery, illegal fight promotion and two counts of conspiracy in connection with the "Bumfights: A

Cause for Concern" videotape. All four previously were charged with soliciting an assault with deadly force.

All four entered innocent pleas in San Diego Superior Court in El Cajon, but said through their attorneys that they plan to mount a legal challenge to the charges. Defense lawyers have said much of the action was staged and contend the charges are vague and legally inadequate.

A note posted on the Bumfights Website calls the charges "nonsense" and says a sequel is in the works.

The videotape, promoted by shock jock Howard Stern and denounced on the floor of the U.S. House of Representatives, has sold about 300,000 copies at \$20 each, according to police in the San Diego suburb of La Mesa.

Bank to pay \$1.15M in suit

By The Associated Press

SAN DIEGO — Wells Fargo Securities, Inc. has been ordered to pay \$1.15 million to a former employee who was fired after being falsely accused of money laundering.

Paula Whitsell, a securities consultant at a Wells Fargo branch in Chula Vista, was arrested at her desk in 1997 for allegedly helping doctors to launder cash.

In a decision released Thursday, the National Association of Securities Dealers concluded that Wells Fargo's error led to Whitsell's arrest and awarded her \$900,000 in damages and \$250,000 in attorney's fees.

Wells Fargo also was ordered to indicate on Whitsell's U-4 form authorizing securities work that she "was arrested and indicted because of an error committed by Wells Fargo Bank and through no fault" of her own.

In 1997, an undercover federal agent deposited more than \$10,000 with Whitsell and a Wells Fargo teller, Minerva

McGregor, as part of "Operation Sure Buck," an FBI investigation into insurance fraud along the U.S.-Mexican border.

Due to a filing error, the deposit was not reported to the Internal Revenue Service, as required by law. Whitsell and McGregor were arrested on money-laundering charges and later indicted by a federal grand jury in San Diego.

Prosecutors dropped the charges later that year after finding that a clerical error was to blame.

After the charges were dropped, Whitsell remained on administrative leave earning a fraction of her previous salary, according to her attorney, Robert Uhl. The company also made a notation on Whitsell's U-4 form blaming her for the filing mistake.

Whitsell filed a complaint with the NASD in October 2000 alleging wrongful termination, breach of employment contract and defamation. She was rehired by Wells Fargo within 15 days but was posted in a smaller branch, cut off from previous clients and constantly supervised, Uhl said.

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STATE

Beach reopens after shark attack but posts warnings

BY MATT SEDENSKY
Associated Press Writer

HONOLULU — Julie Glance loved the beach. Not anymore.

A 34-year-old bank executive from San Diego who regularly participates in triathlons, Glance's love of the ocean dissolved on Sunday as her flesh was torn by a shark off the Kaaupali coast in West Maui.

"I loved the water," she said in an interview from her room at Maui Memorial Medical Center, where she was listed in satisfactory condition on Monday afternoon. "But not anymore."

It was the second shark attack on Maui in less than a month. The incident closed a mile-long stretch of beach until noon on Monday. Shark warning signs remained posted a mile in either direction of the attack to alert water enthusiasts of possible danger.

Glance was swimming freestyle about 150 yards offshore from Embassy Vacation Resorts in an area known as Old Airport Beach. She said she had only been in the water about 10 minutes on Sunday when something struck her shoulder at about 10:45 a.m.

"It felt like he collided with me," she said. Glance was bitten on the right shoulder, forearm and wrist. Screaming, she tried to get ashore.

"She was just screaming, 'Help, help, help,'" Steve Bona, a Minnesota visitor,

told the Honolulu Star-Bulletin. Bona said he was about 20 yards from Glance. He said the shark was gray and eight to 10 feet long.

"I pulled my arm against my stomach very tight because it was very badly gashed," Glance said. "And I swam on my back in part of the way."

Bona eventually helped Glance onto his board and ashore, blood dribbling into the water along the way.

A doctor and nurse who were in the area treated the woman until paramedics arrived.

"The doctors say it's pretty miraculous that I wasn't more damaged," she said.

After another Maui shark attack earlier this year, the state Department of Land and Natural Resources installed a number of permanent shark warning signs on Olowalu, a popular beach.

Glance said she wished those signs were erected near Kaaupali.

"If I would have known there was an attack two weeks ago I think I would have not gone out there," she said.

Still, Glance said only one thing matters now.

"I am very happy that I'm alive," she said.

The International Shark Attack File at the Florida Museum of Natural History in Gainesville lists the Maui incident as the 52nd worldwide shark attack worldwide this year, including six for Hawaii.

National film office lost non-profit corp. status in 2000

By The Associated Press

PITTSBURGH — A national film industry promotion group tied to the woman who heads the Pittsburgh Film Office lost its status as a nonprofit corporation more than two years ago.

Los Angeles County prosecutors have alleged that Dawn Keezer, director of the Pittsburgh Film Office, worked with Cody Cluff, the head of a similar agency in California, to funnel more than \$46,834 from Cluff's agency to the Pittsburgh agency — and to a national film advocacy group. The national group, Film US, names Keezer as its chairwoman.

Film US lost its nonprofit charter on Sept. 11, 2000, according to the Corporation Division of Washington, D.C., which had certified the agency as a nonprofit in 1999.

"One of the central questions has always been whether Film US is a legitimate business," said Jane Robison, spokeswoman for prosecutors in Los Angeles County, Calif. "So this raises serious questions."

Neither Keezer nor Cluff, who heads the Entertainment Industry Development Corp. in California, has been charged with a crime in the investigation, which also involves Allegheny County authorities.

Cluff's attorney, Tom Brown, has said his client did nothing wrong. Keezer has called allegations filed in support of search warrants "unsubstantiated."

Keezer referred calls about Film US to its spokeswoman, Jan Lockwood, who also serves as film commissioner for the state of Michigan.

"It looks like something fell between the cracks," Lockwood said. "We take this very seriously because we are entrusted with public money, and Film US has an important message."

Film US was founded in 1994 by several Great Lakes states that were losing film business to Canada and film offices in Palm Beach, Fla., and New York. The group's goal was to lobby for tax credits and develop strategies to make U.S. production costs competitive with Canada, where the exchange rate makes it cheaper for U.S. filmmakers.

Washington, D.C., records show Film US lost its nonprofit status because it "failed and/or refused to file reports and pay all fees." The group could regain nonprofit status if it submitted the missing reports and paid \$80 in penalties.

Lockwood said the group has about \$30,000 in the bank, consisting mostly of fees paid by 200 smaller film offices nationwide.

Allegheny County Controller Dan Onorato, who is auditing the Pittsburgh Film Office at the agency's request, has extended his investigation.

"We have been advised to look back to 1997 or earlier, and we will do that," Onorato said. "We did not know that Film US lost its charter as a corporation in 2000, but that is certainly interesting, and we will follow up on it."

The Pittsburgh Film Office was formed in 1990 and has been headed by Keezer since 1994. Until two years ago, much of its budget came from the city's motel-hotel tax; now the agency raises most of its own funds.

NATIONAL



New government surveillance powers scrutinized

BY GINA HOLLAND
Associated Press Writer

WASHINGTON — Getting spied on by the government got easier with a court ruling that was focused on the war on terrorism but also raised concerns that new surveillance powers will be used on innocent citizens.

Civil liberties groups say the decision makes it easier for the government to listen to telephone conversations, read e-mail and search private property of people who have done nothing wrong.

"The barrier between the citizens and their government has been lowered significantly," said Vermont Law School professor Stephen Dycus, who specializes in national security. "I don't think the American public has even begun to grasp the kind of sacrifices we've been called to make in civil liberties in this war on terrorism."

The court decision Monday will make it easier for the Justice Department's criminal and intelligence staffs to work together to gather information. Attorney General John Ashcroft moved immediately to increase surveillance of suspected terrorists.

The Bush administration had sought more power after being thwarted this spring in seeking a wiretap to collect information for both national security and law enforcement uses. The administration was a winner in the unusual case — settled by a court that had never met in its 24-year history in a ruling that may be final.

The decision by a three-judge panel erased restrictions on information sharing and upheld the government's powers

under a new law passed after the Sept. 11 terrorist attacks.

Lino Graglia, a constitutional law professor at the University of Texas, said national security was most important. "I have very little to hide. From my point of view that's an excellent tradeoff," he said.

Viet Dinh, a special assistant attorney general, said last week during a Federalist Society discussion of surveillance that the government would not be heavy-handed. "We have absolutely no interest in gathering information simply for the sake of gathering information," he said.

At the same event, Graglia said without

surveillance limits "The World Trade Center towers would still be standing."

But Michael Greenberger, who worked on counterterrorism projects in the Clinton administration's Justice Department, said, "The minute you start hearing prosecutors say 'I'm not going to abuse the right,' citizens' ears ought to perk up."

Greenberger, who now teaches law at the University of Maryland, said he was concerned that Americans will be monitored with little evidence they are tied to terrorists.

"The first response would be 'That couldn't happen in America.' Under this court's decision, it could happen,"

Greenberger said.

Ruth Wedgwood, an international law professor at Yale and Johns Hopkins Universities, said the government still must get permission for monitoring. The requests are processed by a special espionage panel, created nearly 25 years ago as a check on the government's power to conduct domestic spying.

The so-called spy court must approve wiretaps and other surveillance specifically for suspected spies, terrorists or foreign agents in the United States. It approved 934 applications in 2001.

Boston judge under fire; faces ethics charges

BY DENISE LAVOIE
Associated Press Writer

BOSTON — A judge facing ethics charges after she sentenced a convicted child molester to probation admitted that she criticized a female prosecutor as "the kind of woman who stays home, does her nails and goes to the beauty parlor."

Suffolk Superior Court Judge Maria I. Lopez made the admission Monday as she took the witness stand in her own disciplinary hearing to answer allegations that she behaved inappropriately during her handling of the child sexual assault case two years ago.

Lopez faces six allegations of misconduct, including abuse of her office and favoring the defense in the case of Charles "Ebony" Horton, a transsexual charged with kidnapping and assaulting an 11-

year-old boy.

During Horton's sentencing hearing in September 2000, Lopez publicly chastised prosecutors, who she claimed were attempting to exaggerate a "low-level" child abuse case. Videotape of her angry remarks were broadcast by local television stations during the public firestorm over her sentence of Horton.

Horton, who dresses as a woman, pleaded guilty to luring the boy into his car, then putting a screwdriver to the neck of the boy when he refused to perform a sex act.

Prosecutors asked for an eight-to-10-year prison sentence. Lopez sentenced Horton to probation and a period of house confinement, prompting a public outcry.

During Monday's Commission on Judicial Conduct hearing, Lopez was questioned about criticisms she made of Assistant District Attorney Leora Joseph.

Lopez acknowledged telling Joseph that she "belonged in the suburbs" and later described Joseph as "the kind of woman who stays home, does her nails and goes to the beauty parlor."

Under questioning from Paul Ware, an attorney for the Commission for Judicial Conduct, Lopez at first denied that those remarks were meant to be pejorative.

When Ware asked if she meant that Joseph was not fit to do her job as an urban prosecutor, Lopez answered: "Right."

Lopez's attorney, Richard Egbert, acknowledged Lopez's impatience with prosecutors in the Horton case. But he said it was because she believed they had exaggerated the circumstances of the case and had tried to influence her sentence of Horton by sparking media interest in the case.

Egbert said Lopez had not violated any judicial conduct rules.



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NATIONAL

Government plans crackdown on drugged driving

BY JONATHAN D. SALANT
Associated Press Writer

WASHINGTON — Federal officials embarked Tuesday on their most comprehensive effort to reduce the thousands of deaths blamed on drivers under the influence of illegal drugs.

The campaign will include public service announcements warning motorists of the dangers and a program to train police officers to identify drugged drivers.

More than 17,000 people are killed each year in alcohol-related accidents. Around 4,500 drivers who were killed in crashes in 2000 — almost one in five — had used drugs other than alcohol, according to the National Highway Traffic Safety Administration.

NHTSA Administrator Jeffrey Runge said police departments will step up enforcement this holiday season, including more checkpoints to catch drivers impaired by alcohol or drugs.

In addition, the government will fund programs to teach police officers to identify drugged drivers through such tactics as checking the size of a motorist's pupils, pulse and blood pressure and gauging reactions. About 5,500 officers have been trained in 35 states so far.

While motorists who have a specified amount of alco-

hol in their blood are automatically considered to be driving while impaired, only 11 states have similar regulations for drugs — Arizona, Georgia, Illinois, Indiana, Iowa, Minnesota, Rhode Island, Utah, and, in certain cases, Nevada, North Carolina and South Dakota, according to NHTSA.

In the other states, prosecutors must prove that a person's ability to drive was impaired by drugs, relying largely on the testimony of police officers who pulled over the motorist. For example, the officer might say that a motorist was driving erratically or couldn't respond to simple commands after being pulled over.

Federal officials said they would work with states to pass legislation establishing drug limits.

States haven't passed such laws despite new technology that makes it easier for police to determine whether drivers are using drugs, according to a report issued this month by the Walsh Group and the American Bar Association's Standing Committee on Substance Abuse. The report said improved tests of urine samples, blood

and saliva make it easier to detect drugs.

Eileen Doherty of the National Conference of State Legislatures said the federal government should offer states increased aid to pass such laws.

"We would rather see them provide the states with incentive dollars than to apply a one-size-fits-all approach or sanctions and mandates," she said.

What concerns some organizations that support overhauling drug laws is that the standard will be zero tolerance, meaning a trace of illegal drugs could be enough to convict a motorist of driving while impaired. For people who use marijuana, traces may remain in the body for days after smoking a small amount.

"The likely result will be to treat somebody who smokes a joint a week before they got pulled over the same as a drunk driver," said Ethan Nadelmann, executive director of the Drug Policy Alliance. "It's not testing for impairment; it's testing for the presence of marijuana. It says nothing about you being impaired. It just says this was in your system."

Half of income going toward housing

BY GENARO C. ARMAS
Associated Press Writer

WASHINGTON — The number of low- to moderate-income working families spending more than half their earnings on housing rose by over 67 percent between 1997 and 2001, according to a study released Tuesday by a coalition of affordable housing advocates.

Experts said some of the over 4 million households last year that used more than half of their income to pay the rent or mortgage fell victim to an affordable housing crunch in some of America's most expensive markets, like San Francisco and Washington.

For other low- and middle-income families, salary raises were not enough to pay rising housing costs — a problem throughout the country, even with the thriving economy in the late 1990s, said Ann Schnare, president of the Center for Housing

Policy, which released the report.

"Our research underscores the need to act now to increase the current supply of affordable housing across the nation," said Michael Pitchford, president of the National Housing Conference, a coalition of industry experts, advocates and academics and the parent organization of Schnare's group.

Other results from the analysis of federal housing data discounted long-held notions that affordable housing problems affected only the urban poor or renters, Schnare said.

"Part of the problem we are seeing today is an erosion of incomes," she added at a news conference Tuesday. "A lot of the problem is also asking the question of how we can create conditions in this country to create affordable housing."

While over 39 percent of those with "critical" housing needs lived in the city, over 42 percent lived in the

suburbs, with the rest residing outside metropolitan areas. Between 1999 and 2001, the number of homeowners who spent more than half their income on housing rose 36 percent, outpacing the 24 percent rise among renters.

Low- and moderate-income families with critical needs were identified as those who paid more than half their income for housing, had substandard housing or encountered both problems.

There has been renewed interest in housing the past year, due in part to growing evidence that housing problems affect not just the poorest families, but many middle-income Americans as well.

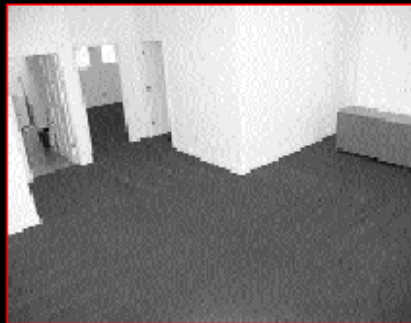
Low- to moderate-income families were identified as those that worked the equivalent of a full-time job and earned between the minimum wage of \$10,712 and 120 percent of the median income in their area.

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INTERNATIONAL



ElBaradei: Iraq promises to meet weapons deadline



Hussein Malla/Associated Press
Iraqi Foreign Minister Naji Sabri, right, meets Chief weapons inspector, Hans Blix, left, at the Foreign Ministry in Baghdad, Iraq on Tuesday.

Iraq after Saddam: could get worse before better

BY HAMZA HENDAWI
Associated Press Writer

CAIRO, Egypt — If Saddam Hussein is ousted, he will leave a legacy of 30 years of repressive divide-and-rule tactics that makes many wonder how the pieces can be put together again without political upheaval and violence.

"For years now, there's been simmering vendettas and old animosities. Some of that anger will be inter-Iraqi, and some will be taken out on any foreign occupier," says Hassan Abu Taleb, an Arab affairs specialist from Egypt and one of a legion of experts trying to imagine a post-Saddam future.

Despite the return of U.N. weapons inspectors to Iraq this week, many believe that a U.S.-led war to depose Saddam is inevitable.

Saddam, whose Baath party seized power in a 1968 coup, belongs to the Sunni Muslim faction, a minority that has nevertheless monopolized power in the country of 22 million people.

Saddam fomented Sunni-Shiite rivalries and has driven wedges between clans and tribes to keep his grip on power. Thousands have been put to death for political crimes; many more were jailed or simply disappeared.

Trusted party members have been given leadership positions in the government and armed forces, and qualified Iraqis of doubtful loyalty to the Baath have been purged.

Britain formed modern Iraq in 1920 by joining together three Ottoman provinces — Kurdish-dominated Mosul, Sunni-majority Baghdad in the center and Shiite Basra in the south. A year later, an imported Sunni Arab king, Faisal, was installed, with former Ottoman officers as his main lieutenants.

Under a British-backed parliamentary system, 58 Cabinets came and went before the monarchy was toppled in a coup in 1958. Ten years later came the Baath takeover.

The political infighting of that era remains evident today and, experts say, is likely to get worse after Saddam is gone.

Seventy opposition parties and groups are thought to exist, and even with Saddam to unite against, they can't set aside their rivalries to hold a much-heralded meeting to organize a post-Saddam democracy.

The same fractiousness prevails in the highly autonomous, Western-protected Kurdish north. Its two main political factions fought a war in the mid-1990s over revenues and influence.

Iraqi opposition politicians warn of another source of instability — a Baghdad administration set up under the wing of a U.S.-led military coalition that would have difficulty gaining public support.

"Foreign intervention is unlikely to bring about genuine democracy," Subhi al-Jumayel of the Iraqi Communist Party told The Associated Press from London. "National forces should bring about the change."

Another problem could arise if Iraq becomes a democracy, Shiites take over from minority Sunnis and neighboring Shiite Iran gains influence. It is already host to 5,000-10,000 armed men of the main Shiite opposition group, the Council for the Islamic Revolution in Iraq.

A Shiite-dominated Iraq, say the experts, would extend Iran's influence all the way to the borders of U.S. allies Saudi Arabia and Kuwait — something the United States forestalled by backing Iraq in its 1980-88 war with Iran.

Jeremy Binnie, Middle East editor of Jane's Sentinel, a risk assessment publication, says the question is how to establish a stable post-Saddam state "without the different factions, most of which have armed militias, basically fighting each other for power."

Shiite leaders say the Iran factor is overrated. "That Shiites are a majority in Iraq is a fact," said Hamed al-Bayati of the Council for the Islamic Revolution. "But in a democracy, everyone will take his share of power."

Stephen Ulph, a London-based expert on Arab and Islamic affairs, said that Shiites are enthusiastic about American efforts to create a new Iraq, but may not stay that way.

BY CHARLES J. HANLEY
AP Special Correspondent

BAGHDAD, Iraq — Iraq pledged to meet a Dec. 8 deadline to disclose all information about its mass destruction weapons programs Tuesday as differences emerged between the United Nations and Washington over what constitutes Iraqi violations.

Meeting the deadline is a key initial demand laid down in the new U.N. resolution aimed at peacefully disarming Iraq. However, neither Iraqi presidential adviser Amir al-Saadi nor Mohamed ElBaradei, head of the International Atomic Energy Agency, said if the Iraqis actually would admit to holding any illegal arms. Iraq maintains the programs were destroyed.

Asked by reporters if Iraq would meet the Dec. 8 deadline, al-Saadi responded in English: "Yes. Within 30 days (of passage of the U.N. resolution), as the resolution says, a report from Iraq will be submitted on all the files of nuclear, chemical, biological and missile files."

ElBaradei said earlier that Iraqi officials committed to delivering their report by Dec. 8 during talks with chief U.N. inspector Hans Blix and other weapons inspectors. President Bush has threatened military action if the Iraqis fail to cooperate fully with the resolution that returned the inspectors to Iraq after a four-year absence.

"Iraq is committed to declare all it possesses regarding weapons of mass destruction, if it still has any of them ... and will also declare all of its activities in the chemical, biological and nuclear fields, even those of civilian use," ElBaradei told Associated Press Television News and Egypt's Nile television.

Speaking in Arabic, ElBaradei said the Iraqis were cooperating so far and had pledged to continue doing so. "We hope that this oral commitment will be translated into fact when we begin inspections next week," he added.

Al-Saadi, asked if Iraq was prepared to grant inspectors unfettered access, replied: "Yes, as stipulated in the resolution and as we have agreed with them."

The inspections are considered President Saddam Hussein's last chance to avoid war with the United States. Washington has said toppling Saddam might be the only way to contain the threat it believes Iraq poses to the world with

nuclear, chemical and biological weapons.

Blix and his team arrived in Baghdad as allied warplanes bombed Iraqi air defense systems Monday in the northern no-fly zone. The U.S. military said the attack was launched after Iraqi gunners fired on the jets during routine patrols.

In Washington, White House spokesman Scott McClellan said the Iraqi anti-aircraft fire "appears to be a violation" of the latest U.N. Security Council resolution.

However, U.N. Secretary-General Kofi Annan took issue with that interpretation, telling reporters in Kosovo that "I don't think the council will say that this is in contravention of the resolution that was recently passed."

The 15-member Security Council never explicitly approved the flights over northern and southern Iraq, which Baghdad considers violations of its sovereignty. U.N. Ambassador Wang Yingfan of China, a veto-wielding member of the council, said Beijing had "a different understanding" than Washington about whether Iraq's anti-aircraft fire violated the new resolution.

The United States is anxious for intrusive inspections to determine as soon as possible whether Iraq is serious about cooperating. Blix, a 74-year-old Swedish diplomat, favors a more cautious approach aimed at building trust with the Iraqis, who resent the entire inspection program.

In Moscow, Iraq's ambassador to Russia repeated Baghdad's long-standing contention it no longer has weapons of mass destruction, saying it would not be possible to hide them in presidential palaces and mosques — sites to which inspectors are now permitted free access.

"It's clear to everyone that for the storage of nuclear warheads, certain conditions, certain procedures, are necessary," Ambassador Abbas Khalaf said. "A nuclear weapon can't be hidden under a pillow."

The U.N. team must verify Iraq is free of proscribed weapons before the Security Council will lift economic sanctions imposed after Saddam's troops invaded Kuwait in 1990.

ElBaradei said that if Iraq cooperates with inspectors, they can report within one year to the Security Council that conditions have been met for suspending sanctions. Later, after further checks, he said sanctions could be lifted.

Michael Jackson dangles child from hotel window in Berlin

By The Associated Press

BERLIN — Michael Jackson rewarded fans outside his Berlin hotel with a brief appearance and a glimpse of his youngest child — dangling the toddler over a fourth-floor balcony.

The boy, his legs kicking, had what appeared to be a white cloth over his head as Jackson, briefly holding the child with one arm, displayed him Tuesday to dozens of fans waiting below the window of the luxurious Adlon Hotel.

The child, in a baby blue jumper, was the reclusive singer's third and youngest, Prince Michael II, said Antje Sigismund, a spokeswoman for the Bambi entertainment award ceremony, which Jackson is attending in Berlin.

About 200 fans gathered outside the hotel, just opposite Berlin's landmark Brandenburg Gate, and security had to remove some from the lobby. Several carried banners, including one that said "Save

the Kids," with drawings of children's faces. Another said "Really good to see you."

Jackson, wearing a bright red shirt, smiled and waved to the fans, at one point tossing a small white towel to the crowd below. The singer then went inside and retrieved the toddler, using one arm to hold the boy out over the iron rail of the hotel.

Fans cheered as the pop star appeared with the child, but Jackson quickly retreated into his hotel room without making any statement.

Little is known about Prince Michael II. People Magazine reported in August that he was six months old. The magazine, citing an anonymous friend, said the boy was not adopted and did not identify the mother.

In Berlin, Jackson was taking a break from a California courtroom where he testified last week in a \$21 million lawsuit claiming he backed out of concerts. He arrived in Berlin to pick up a Bambi for life achievement Thursday.

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 - 7 Dry
 - 11 Singer Newton-John
 - 12 Carson's successor
 - 13 Climber's apices
 - 14 Breathe loudly
 - 16 Fixture for home microbiologists
 - 17 Carpentry tools
 - 20 Mammal's home
 - 23 Epoch
 - 24 Slow tempo
 - 26 "Gosh"
 - 27 Regret
 - 28 Buck's mate
 - 29 Short socks
 - 31 Terminate
 - 32 Writer Gertrude
 - 33 Deuce leader
 - 34 In the vicinity
 - 37 Diane of the movies
 - 39 Like education
 - 43 Sceptic's utterance
 - 44 Attacks
 - 45 Goose egg
 - 46 Wetlands
- DOWN**
- 1 Jazz variety
 - 2 Inventor Whitney
 - 3 Tintin
 - 4 Swears
 - 5 Queue
 - 6 Ultimate
 - 7 Lamer's cousin
 - 8 Driving mishap
 - 9 Tivoli
 - 10 Morse symbol
 - 18 Is ominous
 - 17 Long stories
 - 19 Actor's rap
 - 19 Travel bag
 - 21 Make amends
 - 22 Poor
 - 24 Concert venue
 - 28 Squirm's treat
 - 30 Deceived
 - 33 Highly competitive
 - 35 Cleaning cloths
 - 36 Guest
 - 37 Designer Claiborne
 - 38 "Honest" president
 - 40 Belief, in brief
 - 41 Slacks
 - 42 UFO filers

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SHUTTERBUGS	
TOM	ARM PET
	STAIN
CREPE	TAINT
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NEWS OF THE WEIRD by Chuck Shepard

Cattle truck crash kills driver, nine cows

- A cattle truck crashed, killing the driver and nine cows and injuring four other cows so badly they had to be euthanized (as opposed to the 16 surviving cows, which were loaded onto another truck to continue on to a slaughterhouse) (Marietta, Ga.).
- Researchers writing in the Archives of Pediatrics and Adolescent Medicine reported that putting duct tape over a wart for six days makes the wart easier to remove than does the standard practice of freezing it.
- And German inventor Matthias Knigge said he has developed a desk with an inflatable airbag, for office workers looking for a quick nap (Hamburg).

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movies

Loews Broadway Cinema
1441 Third St. at Broadway
Comedian (R) 11:45, 2:00, 4:15, 6:45, 9:15. Femme Fatale (R) 11:00, 1:45, 4:30, 7:15, 10:00. Jackass: The Movie (R) 12:00, 2:15, 4:45, 7:00, 9:30. Half Past Dead (PG-13) 12:15, 2:45, 5:15, 7:45, 10:15.

Mann Criterion
1313 Third St.
The Ring (PG-13) 12:45, 4:00, 7:30, 10:40. My Big Fat Greek Wedding (PG) 11:20, 2:00, 4:40, 7:20, 10:00. Punch-Drunk Love (R) 11:45, 2:30, 5:15, 7:45, 10:15. Harry Potter and the Chamber of Secrets (PG) 9:30, 10:30, 12:00, 1:00, 2:15, 3:30, 4:30, 6:15, 7:00, 8:00, 10:00, 10:30.

AMC Theatre SM 7
1313 3rd Street
Red Dragon (R) 4:20, 7:20, 8 Mile (R) 1:00, 3:15, 4:00, 6:15, 7:05, 9:15, 10:00. Santa Clause 2 (G) 1:10, 2:10, 5:00, 7:00, 7:45, 10:05. 1 Spy (PG-13) 1:45, 4:05, 4:45, 7:50, 9:25, 10:00. The Transporter (PG-13) 1:20, 10:05. Sweet Home Alabama (PG-13) 1:55, 4:30, 7:25, 9:55.

Landmark Nu-Wilshire
1314 Wilshire Blvd.
Bowling for Columbine (R) 1:30, 4:15, 7:30, 10:15. Far From Heaven (PG-13) 1:30, 2:00, 4:30, 7:00, 9:30.

Laemmle Monica
1332 2nd St.
Real Women Have Curves (PG-13) 1:00, 3:15, 5:30, 7:45, 10:00. Spirited Away (PG) 1:00, 4:00, 7:00, 10:00. Bank Ben 1:45, 4:35, 7:30, 10:05. El Crimen del Padre Amaro (R) 1:30, 4:20, 7:15, 10:05.

Aero Theatre
1328 Montana Ave.
West Side Story 6:00, 9:00

Today

Community

Farmer's Market every Wednesday and Saturday. 9am to 2pm, Arizona between Second and Fourth Streets. Come and enjoy one of the largest and best farmer's markets in California!

Dodd Art Gallery showing Dafne Nesti "Paintings" and Dodd Jolsapple "New Works". Nov. 17th through Dec. 16th, 5pm to 8pm, 1650 20th Street, Santa Monica. For more information please call (310) 828-5825.

Santa Monica Public Library presents Preschool Story Time, every Wednesday at 11:15am, 1343 Sixth Street. Stories for children between the ages of three and five who are ready to participate on their own. (310)458-8600

Puppetolio! presented by the Santa Monica Puppet & Magic Center. All ages, 3 and up. This musical revue features marionettes, ventriloquism, magic and more. Shows are always followed by a demonstration, Q & A, and a tour of the Puppet workshop and Museum.

Saturdays and Sundays at 1pm and 3pm. Wednesdays and Holidays at 1pm. Seats are \$6.50. 1255 2nd Street in Santa Monica. Reservations/Information (310)656-0483. www.puppetmagic.com

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

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

Save the Aero! West Side Story (1961) Shows at 6pm and 9pm. Food and wine will be provided by Buca di Beppo. Tickets are \$20, 1328 Montana Ave. (310)395-4990. www.aertheatre.com.

Thursday

Community

Come practice at SUNSET YOGA, overlooking the Pacific! "Integral Hatha Yoga" every Thursday from 7:15-9pm. Mixed levels. Donations only. Please bring a mat and towel. Located at 1450 Ocean Ave. between Santa Monica Blvd. and Broadway. For more information contact skinnybuddahboy@hotmail.com

Ongoing support groups for people 55 and older. Current openings in Men's Group. Thursdays, 11:15 to 12:45. Center for Healthy Aging, 2125 Arizona Avenue. Sliding scale fee. Not drop-in groups. Phone interview required. Call Information and Referral. (310)576-2550.

Dharma at the Clubhouse. A weekly book and multi-media study group, no fee. Applying studies of Buddhism-Dharma into our daily lives. Every Thursday night at the Clubhouse at Douglas Park, 25th & Wilshire. 7:30 to 9pm. Dan (310) 451-4368 www.santamonicaaksg.org

Dodd Art Gallery showing Dafne Nesti

"Paintings" and Dodd Jolsapple "New Works". Nov. 17th through Dec. 16th, 5pm to 8pm, 1650 20th Street, Santa Monica. For more information please call (310) 828-5825.

O'Briens Irish Pub, 2941 Main St., Santa Monica, pours A Pint of Funny, every Thurs., 8 p.m. FREE! (310)396-4725.

Gotham Comedy Night! Standup at Gotham Hall, 1431 3rd St. Promenade, Santa Monica; every Thursday, 7:30 pm, \$5.00 + 2 item min. 21/ over. (323) 525-5254

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

Unurban Coffee House presents Komedya Crunch every Thursday evening. Showtime is 7pm. 3301 Pico Blvd. (310)315-0056

Comedy Underground presents SPLAT! Admission is \$5.00, show starts at 9pm. 320 Wilshire Blvd. For more information please call (310)451-1800.

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KEEP YOUR DATE STRAIGHT

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



BACK PAGE

Astronomers discover first double galactic hole

BY PAUL RECER
AP Science Writer

WASHINGTON — In a looming collision of giants, two supermassive black holes are drifting toward a violent merger and an eruption of energy that will warp the fabric of space. It is all happening in a bright galaxy 400 million light years away.

Images from the Chandra X-ray Observatory have captured for the first time the circling dance of two black holes — each millions of times the mass of the sun — as they whirl around each other in a 100-million-year pirouette to merger.

"This is the first time we have ever identified a binary black hole," said Stefanie Komossa, an astronomer at the Max Planck Institute for Extraterrestrial Physics and the co-author of a study of the double black hole. "This is the aftermath of two galaxies that collided sometime in the past."

Each of the galaxies was about the size of the Milky Way, with billions of stars, and each contained at its center a supermassive black hole with a mass equal to perhaps 100 million suns, Komossa said Tuesday at a news conference announcing the discovery. When they blended, the galaxies formed a single, extraordinarily bright galaxy known as NGC6240. Because of its distance from the Earth, the image now seen is 400 million years old.

Although NGC6240 is far away, astronomers said the merger is a glimpse of what may await the Earth's galaxy. Astronomers believe that in about four billion years, the billions of stars and the black holes of the Milky Way and of the nearby Andromeda galaxy will collide

and merge.

"We're seeing our own future," said Steinn Sigurdsson, a Pennsylvania State University astronomer who participated in the news conference as a visiting expert.

The astronomers said as the galaxies of NGC6240 merged, the two black holes began circling each other, starting a 100-million-year spiral toward a collision that was expected to spew radiation and gravitational waves across the universe. That collision would not be viewed on Earth for at least another 100 million years, the astronomers said.

Gunther Hasinger, a Max Planck astrophysicist and co-author of the study, said the Chandra images indicate the black holes are about 3,000 light years apart and circling each other at a speed of about 22,000 mph. As they grow closer and closer over millions of years, the circling speed will get faster and faster, eventually approaching the speed of light, about 671 million miles an hour, said Hasinger.

When the black holes do merge, much of the angular momentum of their waltz will be converted into gravitational waves that will race across the universe, touching and affecting everything they pass, Hasinger said.

Joan Centrella, a NASA astrophysicist who did not participate in the Chandra study, said the merger would briefly warp the fabric of space, just as a pebble thrown into a still pond will cause bank-to-bank ripples. The effect of the gravitational waves on other stars, galaxies and planets will be like the way ripples in that pond cause floating leaves to rise and fall slightly, said Centrella.

"The ripple across space will be such that a planet could pulsate," said Sigurdsson. "A whole planet could be squeezed by an inch or so every few minutes," depending on how close it is to the merged black holes. Satellites would jiggle and navigation equipment could wobble momentarily, he said.

The merge will also trigger an enormous eruption of light and X-rays, spewing in all directions, along with jets of plasma matter racing out of the ends of the donut-shaped cloud of dust and gas swirling about the black holes.

Hasinger said the two black holes have enormous appetite — each minute sucking in mass equal to about the mass of the sun.

A black hole is a point in space so dense with matter that its gravitational field will not let anything — not even light — escape. Stellar black holes, equal to a mass 3.5 to 15 times that of the sun,

can be formed by the collapse of a single massive star. But galactic black holes, such as those in NGC6240, are much larger, equal perhaps to many millions of solar masses, and are usually at the center of galaxies. The Milky Way, home galaxy of the sun and its planets, has a black hole at its center.

With its immense gravitational pull, a black hole can suck in gas, dust and other matter from the surrounding space. Entire stars can be stripped and pulled into the bottomless maw. As it spirals in at near light speeds, matter captured by a black hole heats by millions of degrees and gives out intense radiation in several parts of the spectrum, including X-rays. The orbiting Chandra observatory can detect these X-rays down to the very edge of the black hole and relay the data to Earth for study by astronomers.

In search of governor's 'john'

By The Associated Press

FARMINGTON, Mich. — A museum official says a former governor's outhouse could be one of the most valuable archaeological sites on his estate.

Linda Horvath, director of Farmington's Governor Warner Museum, has lined up three volunteers to browse through local records this winter and figure out where Fred Warner, Michigan's progressive Republican governor in the early 1900s, built his family's outhouse.

If found, the latrine could provide a wealth of information about everyday life on the 3 1/2-acre property, archaeologists said.

"Nineteenth-Century privies were used for much more than just body waste," state archaeologist John Halsey said. They held "broken dishes, glassware, garbage of a more general sort. ... It tells you a lot more about the status of the people and their family life."

Researchers say they don't know if the outhouse was close to the back door for cold winter nights or far from the main house to keep odors at bay.

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