FREE

SATURDAY, NOVEMBER 22, 2003 Volume 3, Issue 9

Santa Monica Daily Press

A newspaper with issues

LOTTO

FANTASY 5
31, 6, 22, 26, 10

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

DAILY DERBY
1st Place: 12, Lucky Charms
2nd Place: 4, Big Ben
3rd Place: 5, California Classic
Race Time: 1:40.39

NEWS OF THE WEIRD
by Chuck Shepard

An 18-year-old student with the rare vasovagal syncope syndrome was ordered to begin stuffing himself with junk foods in order to drastically increase his salt intake (Scunthorpe, England). A 39-year-old man was arrested for burglary after police found his name-imprinted dentures at the scene, surmising that he had stumbled over something in the dark, but was forced to flee before he could find them (Muncie, Ind.). A 27-year-old man was charged with poisoning a drinking-water reservoir, hospitalizing at least 42 people, in order to boost sales of his water purifiers (Henan province, China).

QUOTE OF THE DAY

"Every time a friend succeeds, I die a little."
– Gore Vidal

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City reaches landmark settlement

BY CAROLYN SACKARIASON
Daily Press Staff Writer

WEST LOS ANGELES — By far the biggest settlement of its kind, three major oil companies have agreed to pay City Hall hundreds of millions of dollars to clean up the city's drinking water.

The settlement allocates an additional $92.5 million to cover costs the city of Santa Monica has incurred since its water supply was tainted by a gasoline additive seven years ago.

The agreement comes after more than three years of litigation and thousands of hours spent trying to get the oil companies to pay for allowing Methyl Tertiary-Butyl Ether to leak into the city's drinking water supply.



The small amount of MTBE, a gasoline additive, in this bottle could contaminate half of the city's water supply for a day — about six million gallons.

The Santa Monica City Council on Friday morning approved the settlement with Shell, ChevronTexaco and ExxonMobil, who have acknowledged their responsibility in contaminating half of the city's drinking water in 1996 by allowing MTBE to seep into the groundwater. The contamination forced the closure of five of Santa Monica's 11 drinking water wells.

The settlement will clean up and restore the Charnock Well Field — the city's main water source — located in West Los Angeles. A new treatment facility, the first of its kind, will be built specifically to clean up the city's water. Santa Monica is one of a handful of cities in California that controls its own, independent water supply.

"This settlement is a landmark achievement. We have reclaimed our water independence," said Mayor Richard Bloom. "Clean water is vital to everyone, especially in these difficult financial times. The settlement is all the more important because the cleanup will not cost the taxpayers."



Carolyn Sackariason/Daily Press

City Attorney Marsha Moutrie announces a multi-million dollar settlement between City Hall and three major oil companies relating to MTBE-contaminated water on Friday at the Arcadia Well Field in West Los Angeles, the city's central water processing facility. Behind her, from left to right, are Santa Monica Mayor Richard Bloom, City Councilwoman Pam O'Connor, Councilmen Ken Genser, Herb Katz and Kevin McKeown.

The settlement ensures that the oil companies will pay for all costs to construct, operate and maintain a treatment plant that officials expect will clean the city's water supply by 2008. The cleanup costs, which could exceed several hundred million dollars, will be

See MTBE, page 5

Filling a need, one frantic woman at a time

BY JAMIE WETHERBE
Special to the Daily Press

MID-CITY — Pharmacist Allen Lieberoff knows full well that, sometimes, even the best-laid plans can go awry.

Toiling away behind his counter during the graveyard shift at Walgreen's on Wilshire Boulevard, he knows what the frantic women entering his store want. Lieberoff, one of just two pharmacists in Santa Monica that can sell the "morning-after pill," said he gets up to a half-dozen customers a night looking for a quick way to undo what they may have done.

Sunday nights seem to be the busiest, he notes, perhaps because people "throw caution to the wind" during their weekends — a missed birth control pill here, a broken condom there — that is, if anything was used at all.



Photo courtesy

Pharmacist Allen Lieberoff is one of just two in Santa Monica that sells the 'morning after pill.'

The Walgreen's at 20th Street and Wilshire Boulevard is the lone Santa Monica pharmacy equipped at night to provide patients with emergency contraceptives, which cost about $20.

"Ninety-nine percent of the time, (patients) can count on somebody at night here," Lieberoff said.

Lieberoff has b een providing the service for more than a year, and often assists customers from beyond Santa Monica's borders.

Of the roughly 15,000 licensed pharmacists in the state of California, only 2,000 can supply emergency contraceptives to their patients, according to Jane Boggess, director of the Pharmacy Access Partnership, which works to expand consumer access to contraceptives.

In the United States, there are about 3 million unintended pregnancies each year, and about half of those result in abortion, said Boggess. Emergency contraceptives have the potential to eliminate 700,000 abortions annually.

While it doesn't protect against sexually transmitted diseases, more than 95 percent of women who use the morning-after pill

See CONTRACEPTIVE, page 5

Police search for shooter

By Daily Press staff

PICO NEIGHBORHOOD — A man suffered minor injuries when he was shot in a Santa Monica eastside neighborhood Friday afternoon.

The shooting occurred at 1:35 p.m. on the 1900 block of 17th Street, which is located in the Pico neighborhood — a frequent area for gang violence. However, it's not known whether Friday's shooting was gang related.

Santa Monica Police were pursuing leads Friday night and had identified a suspect. As of presstime, no arrests had been made.

The victim, a black male, was standing on the street when a man got out of a four-door Chevrolet Impala and shot at him, police said. The victim was grazed by the bullet and treated at the scene for his injuries.

Another shooting occurred on the same block on Monday at 8:32 p.m. Witnesses said they heard shots being fired, but police were unable to locate any victims or suspects.

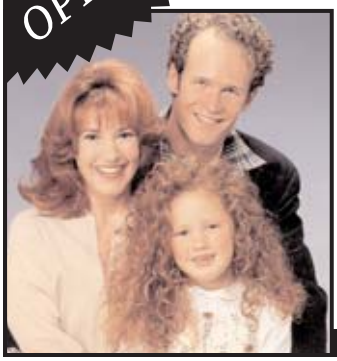
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JACQUELINE BIGAR'S STARS

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

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

HAPPY BIRTHDAY for Saturday, November 22, 2003:

You often will decide to stand back, especially with your work, and watch what comes down. Your sixth sense tells you when to get involved. Your career and public image bloom this year. Others admire your clearness as well as your sense of timing. In October 2004, many of your desires — personal and professional — come to fruition. You will have many opportunities drop in your lap this year. If you are single, you will meet someone of significance from September on, not that you won't have a good time in the meantime. If you are attached, your relationship will become better in the fall, unless you choose to involve your sweetie in your work or share more about it. SCORPIO reads you cold.

ARIES (March 21-April 19)
★★★★ Feel happy that today isn't a workday, hopefully for the majority of you. You get many mixed signals. Hop in the car and take a day trip or take off for the weekend. Getting away from your immediate surroundings revives you. Tonight: You could go overboard. Do you care?

TAURUS (April 20-May 20)
★★★★★ Stay anchored when you deal with others. A serious discussion might be necessary with a partner, loved one or friend. Then you can enjoy yourself to the max. Flirt, play and enjoy, if single or attached. Your sweetie might become jealous. Ouch! Tonight: Go along with another's plans.

GEMINI (May 21-June 20)
★★★ Others dominate your day, though you might not like the circumstances. Take time out for a difficult parent, older relative or friend. This person appreciates your attention more than you know. A partner verbalizes more of what he or she wants. Tonight: Put your feet up.

CANCER (June 21-July 22)
★★★★★ Allow your imagination and creativity to come out. Speak your mind, and another will listen. Make a long-distance call and reach out for a loved one. Make plans to stay close to home for the afternoon. You will be a lot happier. Tonight: Let naughtiness reign!

LEO (July 23-Aug. 22)
★★★ Stay close to home, if possible. In fact, you might opt to throw a party at your place. Go with the excitement of the moment. You might enjoy organizing something a bit differently. Whether single or attached, romance flickers. Tonight: Let it all happen.

VIRGO (Aug. 23-Sept. 22)
★★★★ You might feel tense and upset without knowing why. Take a walk. Find a friend you can have an open heart-to-heart talk with. Others respond more positively toward the later part of the day. Follow the fun and friends. Tonight: At a favorite hangout.

LIBRA (Sept. 23-Oct. 22)
★★★★ Others reach out and talk more easily today and in the next few days. Clear out a project. Also, do some footwork to effectively price a key purchase. Become your own personal Ralph Nader. Say what you feel, and others will respond. Tonight: Vanish with a favorite person.

SCORPIO (Oct. 23-Nov. 21)
★★★★★ The Moon in your sign highlights you. You need to say "no" to going overboard with spending today and in the near future. Friends invite you out; ask your sweetie along, if you don't want a problem. Your instincts head you in the right direction. Tonight: What would make you happy? Make it so.

SAGITTARIUS (Nov. 22-Dec. 21)
★★★★ The Sun moves into your sign, adding a sense of relief. Still, you might choose to stay internal and do some additional thinking. Someone you care about does listen to your opinions. Expect an earful back. Tonight: You don't have to tell anyone what is on your mind.

CAPRICORN (Dec. 22-Jan. 19)
★★★★★ Where your friends are is where you want to be. You might need to run an errand or get involved with something at a distance. Take your time making decisions and expressing your opinions. People listen. Tonight: Where the action is.

AQUARIUS (Jan. 20-Feb. 18)
★★★★ Demands involving work or your personal life fall on you. As could be predicted, you meet the need. Though a partner might want to spend more time with you, he or she could be disappointed. Schedule some private time later. Tonight: Togetherness is the theme.

PISCES (Feb. 19-March 20)
★★★★★ Take off for a day trip with a loved one. You will like getting together with someone at a distance and catching up on news. A change in scenery helps you recharge. Don't call home unless you want to head home. Someone has something you are needed for. Tonight: Go exotic.

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LOCAL

COMMUNITY BRIEFS

Picture perfect: Top photojournalist spells ailing teacher

BY ALICIA ANDERSON
Special to the Daily Press

World-renowned photojournalist Boris Yaro paid a visit to the campus of Santa Monica College this past Tuesday to give a special guest lecture to Bryan McLellan's photojournalism class and members of the SMC newspaper, The Corsair.

Yaro was the first lecturer to visit McLellan's photojournalism class after the teacher was hospitalized last week for Leukemia. McLellan was diagnosed with the disease just 10 days prior to the lecture, officials said.

"It is saddening that Bryan had to leave so abruptly. He was such a wonderful teacher and we all miss him," said Anastasiya Shapovalova, 18, a freshman photojournalism major.

Yaro showed some of his most famous images during the one-hour session, including pictures of car crashes and fires, coverage of the Northridge Earthquake and — perhaps most famously — his images of Robert Kennedy's assassination. A photographer for the Los Angeles Times for 40 years, Yaro has worked with everything from black-and-white to color, from negatives to digital.

Although he wouldn't reveal his secrets about how he took many of his famous photos, Yaro did say that he was able to capture many of his images due to the relationships he developed over the years with the police department, as well as the pure luck of being in the right place at the right time.

Yaro said he never received any comment from the Kennedy family about his images of the last moments of Robert Kennedy's life, despite their wide publication.

Seeing Yaro's photographs appeared to lift the spirits of many of the students in the class. McLellan, who also heads The Corsair, is a role model to many students.

"Having Boris was such an inspiration to us," said Jonathan Derby, 21, a junior. "One day, I aspire to take photographs like that, with that same intensity he has."

Still with McLellan in mind, many of the students and prospective photojournalists said they looked to Yaro for the new motivation needed to carry them through the rest of the semester at SMC.

The best of times for CSU Northridge library

By Daily Press staff

Westside resident Harry Stone has agreed to donate one of the world's largest collections of Charles Dickens literature to the Oviatt Library at CSU Northridge.

A Dickens scholar who has authored or edited nine books on Dickens, and contributed sections to more than a dozen others, the 77-year-old Stone has spent the past 60 years building his personal Dickens collection. The collection includes books from Dickens' personal library, drawings and illustrations about Dickens' work, books on Dickens by other authors, handwritten letters and photos from throughout the author's life. The collection also boasts an array of other items relating to Dickens and his many works.

"This Dickens collection is one of the three or four best in the world," said Stone, a retired English professor who taught at CSU Northridge from 1960 to 1992. "Cal State Northridge will have a treasure that I hope will be utilized by the world, and one that also will add greatly to the prestige of the university."

University President Jolene Koester praised Stone for his generosity in donating the vast collection through a bequest in his estate plan.

"These kinds of gifts are so special because we would never have them without the extraordinary generosity of our very dedicated faculty members, such as professor Stone," Koester said.

Stone began collecting Dickens materials in his late teens and became more active in the early '50s, when he was doing research for his doctoral degree in English literature and his dissertation on Dickens.

Dickens, a 19th century English author who wrote such classics as "David Copperfield," "Oliver Twist" and "A Tale of Two Cities," is considered by many literary critics to be one of the greatest English-language novelists of all time.

A sampling of the "Harry Stone Dickens Collection" is currently on display at the Oviatt Library.

surf report

In SoCal, the latest SW and NW swells have dropped, but an increase is on the way. Conditions, however, are for the short term, as stronger winds and colder weather are heading to the California coast.

South-facing breaks are doing best with waist-high sets, chest-high on the better set waves at standouts.

West-facing breaks are running waist-high, bigger in southern SD into Baja.

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: 6:43 a.m.
Sunset: 4:52 p.m.

	LOW TIDE				HIGH TIDE			
	Morning	Height	Evening	Height	Morning	Height	Evening	Height
SATURDAY	**12:57**	**1.1**	**2:08**	**-0.9**	**7:15**	**6.7**	**8:23**	**4.5**
SUNDAY	1:34	1.4	2:55	-1.4	7:51	7.0	9:18	4.4
MONDAY	2:12	1.7	3:44	-1.5	8:30	7.2	10:15	4.1
TUESDAY	2:53	2.1	4.36	-1.5	9:13	7.1	11:17	3.9
WEDNESDAY	3:38	2.4	5:33	-1.2	9:59	6.8	N/A	N/A
THURSDAY	4:31	2.8	6:34	-0.8	12:28	3.8	(10:50	6.2)
FRIDAY	5:43	3.1	7:40	-0.4	1:48	3.8	(11:51	5.6)

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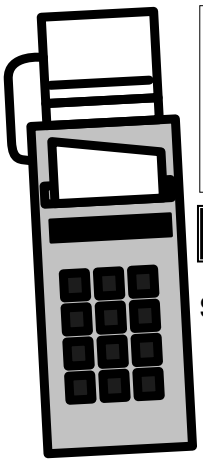
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OPINION

LETTERS

Mourning the loss of a 'best friend'

Editor:

I am writing regarding the article on the front page of your paper about the death of Bobby Ray Capps (SMDP, Nov. 19, page 1). I knew his brother, Albert Williams. I had also met Bob about three years ago. In 2000, I worked at Tower Records on Santa Monica Boulevard right by the Promenade and Albert (who had told me his name was David) used to sit in front of the store with a little cardboard sign requesting help in the form of money or food. He was always there, sitting quietly, never bothering anyone around him. A few weeks after I met him he modified his sign to include the words "or just a smile" to his requests.

After working at Tower for a while, and spending many a break outside right next to David, we started talking. I don't know how it started or who spoke first, but I found him to be so kind. We introduced ourselves and chatted about our days. When I would go to La Salsa to get lunch, I would bring him a burrito, too. He stopped me one day and asked, "How much do those burritos cost you at La Salsa?" I said "Around $6." He said, "You know, $6 can buy a lot of bread and bologna..." I realized how inconsiderate I was being. I spent on my lunch what could feed him and Bob for a few days. I stopped buying him burritos and started just funding his groceries as much as I could. He never asked me for anything — not once. I wanted to make him and his brother as comfortable as I could. I was 25 years old and made $7.25 an hour at Tower Records as a supervisor, but, unlike David, I had a free place to stay that my mother luckily was providing. That is all that kept me from the lifestyle he had forced upon himself. A lot of my fellow employees were in the same boat as David and Bob.

The article you wrote said that "It's unclear how or why they became homeless." I know how and why. David told me one day after we had been friends for some time. I finally asked. He told me that he and his brother had had a painting business. They had a truck full of their supplies — it was their whole business. And it wasn't insured. One day, they got up to go to work and the truck was gone. Someone stole it — that which made up their entire business. Everything they had was in that truck, including that month's rent. It was all gone. Unlike a lot of us, they didn't have someone who would put them up until they got back on their feet. They did what a lot of people are forced to do and they went to live on the streets. Where else do you go when you have no one to fall back on? They didn't have anyone. That isn't true. They had each other.

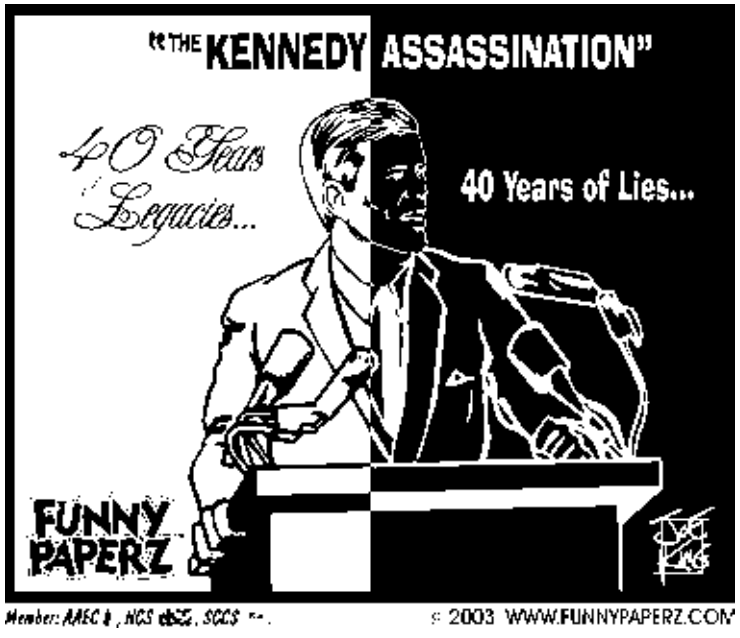
David and Bob lived together in a camp on the side of the 10 Freeway. Every once in a while, David told me, Caltrans workers would force them out or tear up their camp, but they always went back. They always set up again. They panhandled around the Promenade for money to buy food and supplies. David saved enough every year so that they could spend Christmas in a motel. He would check in and shower and just lay there and watch television the whole time. He looked so happy when he told me that was where he'd be for Christmas. I couldn't help but laugh and smile right back at him.

David had his backpack stolen once by some terrible evil man who was handing out leaflets or something along the street. The man denied it, of course, but he had David's backpack and we both knew it. David got it back, but it was empty — without his pictures he had been carrying around for so long. Those couldn't be replaced. Ever. He also now had no reading glasses — they were also thrown away by the man that stole his backpack. How can people just discard the things of a man who has nothing else? I hope that man that stole David's pack gets a swift boot in the butt from karma. I still feel so helpless at not being able to do anything for him when that happened. How can I not?

About six months after I met David and Bob, I got a new job. I stopped my daily walks from my mom's at Sixth Street and Santa Monica Boulevard down to the Promenade. I didn't see David anymore. In fact, I haven't seen him since. When I told him, he was so excited that I had gotten a better job, but still made me promise to come by and see him once in a while. I never saw him again. I saw him once out the window of the car I was riding in, but that was it. Our paths just never crossed anymore. I should have made them. I always wondered about them and hoped they were doing all right. I really hoped that they had gotten back on their feet and managed to get a place to live and be safe.

Hearing the news that Bob had died broke my heart. I am so worried about David/Albert. I am sitting here crying at my desk, having recently lost my best friend, but knowing that my sister is right there if I need her. David doesn't have that anymore and that must be killing him. He is one of the kindest people I have ever encountered in my life and I just want him to know that. I think of him often and I want to help him through this as much as I can.

Neely Bogad
San Francisco



Today's lesson: Confronting schoolyard fears is liberating



MODERN TIMES

By Lloyd Garver

Recently, I was invited to a creative writing class at my kids' old high school. I accepted the invitation because it's always fun to see what young writers are up to and, well, like most writers, I'll do anything to avoid writing. A few hours before the class, I got the feelings that I often get before I go into a school — nausea and the fear that I'm about to get into trouble.

When I walk into a school, all the old feelings come back — some teacher is going to get mad at me, the principal is going to make me take a note home, and somebody is going to want me to eat something I don't want to eat.

I'm not alone in having lasting feelings from school days. Often people talk about dreams they still have about being unprepared for a big test. Others say that being picked on, or not chosen for a team, or having to shower with other kids are still traumatic memories for them.

So it's no wonder that adults sometimes act like they're still in school. They still don't want to get in trouble with authority figures, they still get nervous that they didn't do their homework perfectly, and they still worry that somebody is making fun of them. A pattern of behavior was established while we were in school, and we remember our old feelings better than our multiplication tables.

My worst memories are about teachers getting mad at me. I was often guilty of the serious crime of talking out of turn. I was considered "disruptive," a wiseguy who couldn't keep his mouth shut. They wouldn't use those words to describe me if I were a kid today. I'd be thought of as someone with "special challenges." They'd probably say I had something like AKD — Annoying Kid Disorder.

The way such kids are dealt with today is probably an improvement over the "good" old days. Schools are more nurturing, and while we might feel that this is excessive at times, maybe today's kids won't become adults who still feel a little uncomfortable around small desks and foreboding principals.

The answer for the rest of us is to face our feelings rather than avoid them. I'm doing this myself. I volunteer at an elementary school once a week (I told you I'll do anything to avoid writing), and I honestly believe that I'm starting to conquer my school-a-phobia. Each week, I'm a little apprehensive when I walk into the office to sign in. And I admit that sometimes when the principal greets me with a smile, I assume he's making a mental note to call my mother to say I could dress a little nicer when I visit his school. But by the end of my time there, I feel strong. I stride into that office to sign out, no longer cowed by the smell of disinfectant or the sight of rarely touched, perfectly ordered library books.

It's time for all of us to rid ourselves of the silly, irrational feelings that we still harbor from our school days. We are adults. It shouldn't matter anymore if we got to eat lunch with the cool kids. We have the power to make ourselves see that a school is just a building, not a place that can magically reduce us to quivering children. We should make our decisions based on what we think is best, not on some deep-rooted desire to avoid getting in trouble. Nobody is going to give us a surprise quiz or extra homework if we're bad. School is out for us!

I think we'll all find this new attitude liberating. I know I do. I'm wholeheartedly looking forward to my next volunteer day at school. In fact, I might get there a little early so I can spend even more time there.

Also, that way, they won't mark me down as tardy.

(Lloyd Garver has written for many television shows, ranging from "Sesame Street" to "Family Ties" to "Frasier." He has also read many books, some of them in hardcover. He writes the "Modern Times" column for CBSnews.com's Opinion page and can be reached at smdp@lloydgarver-moderntimes.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.

Record settlement marks light at end of tunnel

MTBE, from page 1

entirely paid for by the oil companies.

City Hall's lawsuit was levied against 18 oil companies and manufacturers in 2000. City Hall has reached separate settlement agreements with other companies and the money will be used to cover out-of-pocket costs, and other city needs like continued water quality improvements and water security.

Since levying the suit in 2000, City Hall has negotiated more than $18 million in separate settlements. The City Council accepted $4.5 million from oil giant Ultramar Ltd., while Atlantic Richfield Co. paid City Hall $9.75 million. Conoco Phillips paid $6 million and Conoco Inc. settled for more than $4.5 million.

Litigation is still ongoing with Lyondell Chemical, which has refused to settle.

Dozens of cities throughout the country are currently battling with oil companies because of MTBE contamination. Before Santa Monica's settlement, the largest payout by oil companies relating to MTBE was in Lake Tahoe for $69 million, said Joe Lawerence, City Hall's assistant city attorney who led the lawsuit against the companies.

"It was always joked about that we were the posterchild for MTBE," he said. "This is by far and away the biggest settlement."

Lawrence said $30 million will go into an interest bearing escrow account, and money will be withdrawn as it's needed for the construction and operation of the treatment facility.

City Councilman Kevin McKeown said all of the money will be dedicated to water cleanup and protecting Santa Monica's precious resource.

"This is not a windfall, it's a waterfall," he said. "To me what's really important is not getting the money, but getting our water back."

Other cities will look to Santa Monica's new treatment facility once it's built to determine how to clean up their own water supplies.

"I think we will use this as a model for other communities to get their water where it needs to be," said Wayne Nastri, the U.S. Environmental Protection Agency's regional administrator in the Pacific Southwest

While he's still unsure as to what technology will be used, Craig Perkins, City Hall's director of environmental and public works, said his department will immediately begin designing the facility.

"Finally, we will see the light at the end of the MTBE tunnel," he said.

An Orange County Superior Court judge is expected to finalize the settlement by approving the agreement on Dec. 19.

Because of its frequent monitoring, the city in 1996 was able to detect the contamination and cut off the water supply before it reached residents. Since the discovery of MTBE in the wells, the oil companies have been purchasing imported water to supply about half of the 12-plus million gallons of water used by Santa Monica residents and businesses every day. It has cost oil companies about $3 million each year to buy the water from the Metropolitan Water District, which imports the water from an aqueduct located north of Sacramento.

Officials said having an independent water supply is key to the city's economic future, while at the same time reducing dependence on importing water from northern California. City officials said depending on the oil companies to pay indefinitely for imported water is like having someone burn down your home and then offer to put you up in a motel for the rest of your life — you have a roof over your head, but you don't have your quality of life or the security you once had.

"It was always joked about that we were the posterchild for MTBE. This is by far and away the biggest settlement."

— JOE LAWERENCE
City Hall's assistant city attorney

It's expected that Santa Monicans will be able to drink their own water again in 10 years. However, once the treatment plant is operating, residents will be able to drink that water in about five years.

MTBE was designed as a gasoline additive to boost fuel performance and reduce emissions. It has been used in California since 1986 and is a colorless chemical compound, which smells like turpentine at very low levels and is a suspected carcinogen.

Beginning on Jan. 1, it will be illegal to use MTBE in gasoline throughout California. However, most oil companies stopped using MTBE last year, said Rod Spackman, ChevronTexaco's manager of public and government affairs.

The settlement was reached with the help of four outside attorneys hired by City Hall, two mediators and state and federal agencies, including the EPA and the Los Angeles Regional Water Quality Control Water Board.

"Although there were days when I'm sure some people questioned whether or not we would ultimately arrive at this point, I am happy to say, in the end, it has been a productive journey," Spackman said.

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Oops: Pharmacist at ready for couples who were not

CONTRACEPTIVE, from page 1

won't become pregnant.

"We don't really know how it works, just that if you're already pregnant it doesn't work," said Bob Holbrook, a Santa Monica City Councilman and pharmacist. "It's not a pro- or anti-abortion" issue.

Emergency contraceptives are a "second-chance birth control" that won't interfere with an established pregnancy, Boggess said. They are birth control pills taken at special doses. Nausea and vomiting are the most common side effects.

For emergency contraceptives to work, they must be taken within 72 hours of unprotected sex — but preferably within 24 hours. Scheduling a visit to the doctor can prove difficult within such tight time constraints, so pharmacists have stepped in.

While pharmacists cannot prescribe emergency contraceptives, physicians allow pharmacists to initiate the therapy to patients. For a California pharmacist to furnish the pills, he must attend a minimum four-hour training session and arrange with a doctor a signed protocol detailing how and when to supply the pills to patients, Boggess said.

But that's about to change.

New legislation, effective Jan. 1, will simplify pharmacist participation by reducing training requirements to a minimum of one hour, and a state-approved protocol will be available online for pharmacists to download and doctors to sign.

"I personally, myself, won't teach any one-hour courses," said Kathleen Besinque, a Santa Monica pharmacist and associate professor at USC, who has trained thousands of pharmacists to furnish the pills.

Besinque points out that it's difficult to cover all of the information needed in just one hour, but some pharmacists with more background in contraceptives will be better served by shorter sessions. The classes, heavily subsidized by foundations to encourage attendance, cost pharmacists $45 to attend. The training also counts toward the required continuing education pharmacists need to renew their licenses.

Most of those who support patient access to the morning-after pill said patients should use pharmacy resources.

"Be glad you have this. When I was (younger), we didn't have" emergency contraceptives, said Lieberoff, adding that when he was young and a condom broke, he just had to wait ... and sweat it out.

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STATE

CALIFORNIA BRIEFS

Embattled singer's 'cold man' has Jackson in crosshairs

By The Associated Press

LOS ANGELES — The bad blood between Michael Jackson and the prosecutor who filed child molestation charges against him goes back more than a decade.

It even spawned a song in which the pop star calls Santa Barbara County District Attorney Tom Sneddon a "cold man."

Ten years ago, Sneddon tried to build a child-molestation case against Jackson. But it fell apart when the singer's accuser reportedly accepted a multimillion-dollar civil settlement and refused to testify in any criminal case.

Sneddon "believed Jackson to be guilty of the first offense, and given Tom's personality, he would not let go of that," retired Superior Court Judge James Slater, who handled portions of the 1993 case, said this week. "He would certainly be thinking back on the last time when Mr. Jackson walked away from the judge."

On Wednesday, Sneddon said a new law that allows prosecutors to halt civil suits during related criminal cases should prevent a replay of the 1993 scenario. "I think there's a sense in the public that he did" buy his way out of that investigation, the district attorney said.

Some observers said Sneddon, a former boxer at Notre Dame who earned the nickname "Mad Dog" for his tenacious courtroom demeanor, had waited a long time for another shot at Jackson.

Sneddon, however, rejected suggestions that he had a vendetta against Jackson or timed the arrest to coincide with the release of Jackson's latest album, a greatest-hits collection.

The spin begins as Spector is charged with murder

By The Associated Press

ALHAMBRA — Record producer Phil Spector was charged this week with murdering an actress who was shot in his hilltop mansion early this year.

Spector, the 1960s recording-studio wizard who created the "Wall of Sound" and worked with such stars as the Beatles, The Ronettes and Ike and Tina Turner, pleaded innocent at a quick arraignment.

Spector acknowledged the charge and waived his right to a speedy trial. The judge set a Jan. 23 hearing to choose a date for the preliminary hearing to examine the evidence.

Spector, his hair falling to his shoulders in curls, wore a long black frock coat and platform shoes with 3-inch heels. He refused comment outside court.

Defense attorney Robert Shapiro refused to talk about the case at the courthouse but issued a statement declaring that Spector will be exonerated.

"We have assembled a team of scientific experts which is among the most respected and prestigious in the world," Shapiro said. "Based on this team's findings of this horrible human event, any jury will conclude that Phil Spector is not guilty."

Lawmakers look to Schwarzenegger for guidance

By The Associated Press

SACRAMENTO — Gov. Arnold Schwarzenegger must quickly give state lawmakers more direction if he expects them to act within two weeks on his plan to resolve the state's budget imbalance, frustrated legislators said this week.

"We need detailed information, and we haven't gotten that yet from the administration," said Sen. Wesley Chesbro, D-Arcata, chairman of the Senate Budget and Fiscal Review Committee.

But Michael Genest, Schwarzenegger's chief deputy finance director, didn't have that information Thursday, leading lawmakers of both parties to complain about that and the new administration's emphasis on borrowing money, not cutting spending, to fix the state's budget problems.

As part of his plan to restructure the state's finances, Schwarzenegger wants lawmakers to put a $15 billion bond deal on the March ballot. Those bonds would replace about $13 billion worth of bonds approved this summer — now the subject of court challenges — and make up some of the $4.2 billion lost when Schwarzenegger repealed the increase in the car tax Monday.

Accompanying the bonds on the March ballot would be a second measure to impose spending limits to keep the state from lurching from huge surpluses to crippling deficits.

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STATE

Schwarzenegger pumped about terminating sprawl

BY JIM WASSERMAN
Associated Press Writer

SACRAMENTO — Activists trying to slow suburban sprawl in California see reason for hope in Gov. Arnold Schwarzenegger — even if the guy does drive a Hummer and received $2.5 million in campaign contributions from real estate interests.

The Republican has been taking advice from a Los Angeles environmental group and has embraced many ideas of the "smart growth" movement, which favors mass transit, rebuilding cities and slowing development of farmland.

His Web site has pledged wholesale restoration of declining urban areas, criticized "fiscally unsustainable sprawl" and promised new incentives to clean up blighted or contaminated industrial sites and build homes on them.

The action hero-turned-governor has also named the chief of the group Environment Now, Santa Monican Terry Tamminen, to run California's Environmental Protection Agency. And he appointed a prominent Democratic critic of "dumb growth," Sunne Wright McPeak, as his secretary of business, housing and transportation.

Julie Spezia, director of the California Futures Network, which advocates smart growth, said she "was really encouraged" by Schwarzenegger's plans, because "those are all things we really care about."

This state of 36 million people swells with 600,000 newcomers yearly, mostly from births, but is widely known nationally as a laggard in growth management. The state has not approved a statewide growth plan in 25 years, and millions of California motorists endure marathon commutes between the suburbs and their jobs.

Some activists believe Schwarzenegger could follow in footsteps of other Republican governors in growth management, including New Jersey's Tom Kean, Utah's Mike Leavitt and Massachusetts' Mitt Romney.

That could put him in a delicate spot with powerful development companies that contributed generously to his campaign to recall Gov. Gray Davis. Five of Schwarzenegger's eight biggest contributions came from national builders, including $344,000 from A.G. Spanos Cos. and $192,000 from William Lyon Homes.

Despite some policy differences, however, many builders are optimistic about the new governor, who is an active real estate investor himself.

"The philosophy of Arnold Schwarzenegger is likely to be compatible with homebuilders in terms of getting hostile policies out of the way," said Tim Coyle, vice president of governmental affairs for the California Building Industry Association, a lobbyist group.

Schwarzenegger spokeswoman Karen Hanretty also offered assurances that "more regulation is not the answer to poor land-use planning." Instead, she said, "We need to invest in existing urban areas and remove current barriers to smart growth."

In another encouraging sign to the building industry, Schwarzenegger has come out against "urban growth boundaries" such as those established in Oregon and 32 California cities. An urban growth boundary is an imaginary fence around a community beyond which there can be no more development.

California Building Industry Association officials said Schwarzenegger can get more growth in existing cities by limiting builders' legal liability for building on blighted industrial sites and relaxing environmental laws often used by project opponents to stall builders into giving up.

"It's become a way to stop things and that's a miscarriage of the law," Coyle said.

Fishing for bottom-feeders allowed until month's end

BY TERENCE CHEA
Associated Press Writer

SAN FRANCISCO — California's groundfish fisheries were scheduled to close Friday but will remain open at least into December after a judge ruled state regulators didn't provide enough notice about the closure.

A San Luis Obispo County judge ruled this week that fishing of bottom-dwelling species would be permitted until further notice, the state Department of Fish and Game said.

Recreational fishermen can continue to harvest nearshore rockfish, shelf rockfish, California scorpionfish also known as sculpin and lingcod, in state waters, which extend three miles off the coast.

Earlier this month, the department said it would shut down the fisheries for the rest of the year after the Pacific Fishery Management Council voted to close nearshore waters in California, Oregon and Washington to bottom-fishing.

The federal council, which sets limits on West Coast fishing, made the decision after new assessments showed that harvest limits for two depleted species — lingcod and canary rockfish — had been reached.

To conform with the council's decision, state fish and game officials moved to close California groundfish fisheries starting Friday.

But on Thursday, the judge ruled that those fisheries can't close yet because the state only provided nine days notice — not the required 10 days.

The state is refiling papers to close the fisheries, but they will remain open at least until Dec. 8, said fish and game spokesman Chamois Anderson.

"Recreational fisherman can go fishing in state waters this weekend and will be able to fish through the remainder of November," Anderson said. "Party boat operators are canceling their trips. We're saying, 'Don't cancel your trips.'"

Federal restrictions on nearshore fisheries are scheduled to begin Friday, but they won't be official until the new regulations are published in the Federal Register, Anderson said.

In 2001, 11,400 metric tons of groundfish, generating $16.7 million in sales, were caught off the California coast. About 1,600 commercial vessels catch and sell groundfish in the state, according to Department of Fish and Game figures.

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STATE

Arnold's order to halt regulations may take a toll on environment

BY JENNIFER COLEMAN
Associated Press Writer

SACRAMENTO — Gov. Arnold Schwarzenegger's order to halt all pending regulations will delay proposed rules on power plants, air quality and water conserving appliances, state officials said.

The governor's second executive order, issued Monday, gave state agencies, boards, commissions and departments a week to inventory all pending regulations. The proposed rules will be stalled for up to six months while the new administration reviews them for their effect on businesses.

About 85 regulations will be stalled, although Schwarzenegger's aides said they didn't know which would be frozen. In some cases, the freezes could conflict with Schwarzenegger's campaign pledges to preserve California's environment, as they stop regulations created by laws aiming to improving air quality and reducing the state's use of water.

Among the regulations that state departments said would be stopped:

■ Recent changes that relaxed the zero-emission vehicle regulations that car manufacturers sought because they said the original rule was too expensive.

■ Rules about importing transgenic tropical fish to California pet stores and home aquariums. The Fish and Game Commission was set to consider an exemption to the state's ban on genetically altered fish next month, but that would mean amending state regulations that restrict ownership only to research facilities.

■ Proposed rules that would allow industrial businesses to go off the grid and build their own power supplies.

The order also slow air quality regulations for some diesel engines, allowing higher levels of pollution, said Shannon Eddy, an air quality representative for Sierra Club California. "I don't think anyone would agree that we should put these public health regulations on hold."

Energy Commission spokeswoman Claudia Chandler said her office pulled back proposed water efficiency standards for residential washing machines that will eventually save up to 6,000 gallons of water each year per washing machine, Chandler said.

After state agencies review the regulations, they'll be prioritized "to ensure that no federal funding is imperiled," said Margita Thompson, the governor's press secretary. The administration will also put public safety regulations at the top of the list for review, she said.

The California Chamber of Commerce applauded the governor's order, saying it would allow the state to balance economic interests with protection of the environment.

The state is required to consider a proposed regulation's economic affect, but that has been largely ignored in recent years, said Fred Main, the chamber's senior vice president.

In particular, he said, when rules on ergonomics were being crafted, "it was very difficult to get the concerns of the business community before the department."

Schwarzenegger also ordered a review of the last five years' worth of regulations, which spokesman Vince Sollitto said was vital to the governor's agenda of improving the economic and business climate in California.

"The review is to assess the impact on a variety of factors, including the economic climate, the ability to foster jobs and economic growth," he said, but not that the administration will reopen regulations already on the books.

If that happened, however, the California Healthcare Association wouldn't mind.

"We have had concerns about the night-shift requirements, and the fact that the regulations require continuous compliance — every minute."

— JAN EMERSON
Vice president,
External affairs for the association

The trade group for California hospitals fought the recently approved nurse-to-patient staffing ratios, which were approved by the Legislature and signed by then-Gov. Gray Davis in 1999.

The association also took issue with the final regulations, which are set to take effect Jan. 1. The state Department of Health Services estimated the new ratios will cost hospitals $422 million next year, and the costs will rise to $956 million in 2008, when all of the ratios have been put in place.

"We have had concerns about the night-shift requirements, and the fact that the regulations require continuous compliance — every minute," said Jan Emerson, vice president of external affairs for the association.

That will require hospitals to have enough staff to allow nurses to take breaks, she said. If they don't have enough nurses, they may have to close some wards.

The association isn't seeking a wholesale rewriting of the rules, Emerson said, but would like to see rules that are "reasonable, yet avoid a wholesale shutdown" of patient care if hospitals can't find enough nurses.

The Schwarzenegger administration "has asked for input about what our concerns are, as they did from other stakeholders, I'm sure," Emerson said.

The California Nurses Association, the union representing about 55,000 registered nurses, wasn't asked for input, said spokesman Chuck Idelson, but the union sent the new governor a letter urging him to keep the regulations as they are.

In the four years since the bill was signed, the Department of Health Services held public hearings, took written testimony and conducted its own study to craft the regulations, Idelson said.

The hospitals have "had a full public airing of these issues," he said. "We don't think it's necessary or appropriate for there to be additional changes."

NATIONAL

Power chief warns Canada, West of dark days to come

BY WILLIAM MCCALL
AP Business Writer

PORTLAND, Ore. — The chief of the Bonneville Power adminstration says the West and Canada need to move quickly to expand electric generating and transmission capacity in order to sustain economic growth and prevent another crisis like the one that short-circuited the region in 2001.

Steve Wright told a conference of regional energy and utility industry leaders that the 2001 crisis was triggered by record drought that reduced hydroelectric capacity, failed utility deregulation in California, and illegal market manipulation by Enron Corp.

"But I believe if you did an analysis of the root cause, I think you'd find the fundamental problem was a lack of investment in energy infrastructure," Wright told the Pacific Northwest-Western Canada Energy Forum on Friday.

Wright noted that Bonneville operates 75 percent of the high-voltage tranmission lines in the Pacific Northwest but there has been very little expansion of the system in the past 15 years.

Since he took over the Portland-based federal power marketing agency in the middle of the energy crisis, he said Bonneville has doubled its investment in the transmission system.

The Pacific Northwest energy system is a linchpin in the Western grid that stretches across 11 states, but it depends on hydropower for 60 percent of its capacity, compared to an average of about 15 percent for other regions.

The distinction, Wright said, is a key issue in the effort to build regional transmission organizations under a mandate by the Federal Energy Regulatory Commission, which has asked the utility industry to develop a better system of sharing power and preventing breakdowns like the one that caused the massive Northeast blackout last August.

Generating plants in the East and South can compete more easily on prices and run on coal, natural gas or nuclear power that allows a steady flow of electricity which can be adjusted to respond to local demand.

But Bonneville has to deal with unpredictable weather and seasonal fluctuations in the water supply to maintain a steady flow of electricity from the system of dams along the Columbia and Snake rivers, Wright said.

If demand increases, it is not always possible to generate more power through the hydroelectric system.

"The Northwest is different from the rest of the country," Wright said. "A system of competition between plants doesn't work as well for us."

Yakout Mansour, vice president of the British Columbia Transmission Corp., warned the Northwest remains vulnerable to a blackout like the one that crippled cities from New York to Detroit last summer.

Like Wright, he urged increased generation and transmission development or the energy supply will fail to keep up with expected growth.

Conservationists still hopeful, despite contrary mining law

BY SCOTT SONNER
Associated Press Writer

RENO, Nev. — The hardrock mining industry is cheering a federal court ruling that upheld most of the Bush administration's mining regulations on public lands, but environmentalists say it also gives them a new tool to challenge operations that generate toxic waste and other pollution.

Assistant Interior Secretary Rebecca Watson said the conservationists are trying to find a silver lining in a significant legal setback.

"As a lawyer, I admire their attempt to put a spin on the law, but they lost. They challenged the Bush administration's ... rule-making and the court upheld the rule-making," the assistant secretary for land and minerals management told The Associated Press.

The conservationists admit they lost key battles in the complicated ruling issued Tuesday by U.S. District Judge Henry H. Kennedy Jr. in Washington, D.C., including their bid to overturn the rules altogether.

But they said the opinion makes it clear the Interior Department wrongly interpreted the 1872 Mining Law and Federal Land Policy and Management Act in concluding the agency has no authority to deny mining permits if resulting environmental degradation is "necessary" to the operation.

At issue is the act's mandate that the interior secretary "take any action necessary to prevent unnecessary or undue degradation of the (public) lands."

William Myers III, interior's solicitor general, said in an opinion before the new regulations were issued in 2001 that "unnecessary" and "undue" were not two distinct categories, rather that any prohibited activity would have to be both unnecessary and undue.

Kennedy's ruling said Myers was wrong. The judge agreed with conservationists' claims that Congress intended to prevent unnecessary degradation as well as undue degradation.

The land management act "vests the secretary of the interior with the authority — and indeed the obligation — to disapprove of an otherwise permissible mining operation because the operation, though necessary for mining, would unduly harm or degrade the public land," Kennedy wrote.

The judge went on to say it was clear that in many cases the mining regulations "prioritize the interests of miners ... over the interests of persons ... who seek to conserve and protect the public lands."

But he stopped short of striking them down, saying there was not enough evidence to prove they were implemented unreasonably or that Interior Secretary Gale Norton had acted "arbitrarily or capriciously" in writing them.

Leaders of the Mineral Policy Center, Western Mining Action Project, Guardians for the Rural Environment in Arizona and Great Basin Mine Watch in Nevada insist the ruling is one of the most significant in decades.

"We lost the procedural battle, but we may have won the greater legal war," said Stephen D'Esposito of the Mineral Policy Center in Washington. "This ruling sends a strong message that mines that threaten community health and clean water can be rejected."

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NATIONAL

8.8 million acres in Alaska earmarked for oil drilling

JOHN HEILPRIN
Associated Press Writer

WASHINGTON — The Bush administration intends to open 8.8 million acres of Alaska's North Slope to oil and gas development, including areas considered environmentally sensitive.

The Interior Department was to announce the oil and gas leasing plan this week, just as the Senate was taking a critical vote on a massive energy bill endorsed by President Bush but denying him his top energy priority, opening an Alaskan wildlife refuge to drilling.

None of the 8.8 million acres are in the wildlife refuge, but they do include some sensitive areas in Alaska that are important for the protection of migratory birds, whales and wildlife.

Geologists believe the 22.5 million acres in the government's National Petroleum Reserve-Alaska may contain 6 billion to 13 billion barrels of oil. But it is widely scattered and costlier to develop than in the wildlife refuge.

Henri Bisson, the Alaska director for the Interior Department's Bureau of Land Management, said the leasing plan would "maximize the production of oil and gas resources in an environmentally safe manner while protecting the important biological, subsistence and cultural values also found in this area."

Bisson, in a statement obtained Thursday by The Associated Press, said he expects BLM to hold a lease sale for selected tracts next June. The Clinton administration had opened much of the eastern section of the reserve to oil and gas exploration in 1998, but under tight restrictions with some areas fenced off.

Environmentalists said the plan, based on a proposal in January, would jeopardize Arctic tundra, lakes and ponds that provide sanctuary for wildlife and migratory birds but were set aside in the 1920s for potential energy development.

Charles Clusen, director of the Alaska lands project for the Natural Resources Defense Council, an environmental group, said the leasing plan rewards friends of the Bush administration in the oil and gas industry.

"Instead of being a wilderness area," he said Thursday, "it will be an industrial zone subdivided by roads, pipelines, associated facilities, drill pads, maintenance facilities, etc., etc."

The Interior Department described its action as a compromise that will offer large areas for drilling, while cordoning off some sensitive lands because of environmental concerns.

The land is west of Prudhoe Bay, long-used oil fields on Alaska's North Slope, and also west of the Arctic National Wildlife Refuge's 1.5 million-acre coastal plain that Bush and Republicans in Congress fought unsuccessfully to open. The coastal plan is believed to contain 3.2 billion to 11.5 billion barrels of oil.

Under the leasing plan, BLM would:

■ Defer leasing on about 1.5 million acres of the reserve for the next 10 years to see if it needs more environmental studies.

■ Protect from development another 1.5 million acres along the coast and in deep-water lakes and key rivers.

■ Recommend creating a 102,000-acre Kasegaluk Lagoon Special Area, a particularly sensitive area in the far western part of the reserve, that would be fenced off from leasing. It is known as home of beluga whales, spotted seals and the black brandt, a migratory wild goose.

■ Designate special study areas for the black brandt and caribou.

■ Conduct habitat studies for eiders, a bird whose existence is imperiled, and yellow-billed loons.

■ Set restrictions to minimize loss of foraging habitat for raptors around the Colville River Special Area.

Wildfire legislation approved

BY MATTHEW DALY
Associated Press Writer

WASHINGTON — Congress approved legislation Friday that lawmakers said would reduce the risk of wildfires in national forests by speeding removal of overgrown brush and diseased trees, especially near homes and towns.

The Senate passed the bill by a voice vote less than an hour after the House approved it 286-140. The rapid-fire votes came after a three-year impasse on wildfire legislation.

The final bill, which now goes to President Bush for his signature, resembles the president's "Healthy Forests Initiative" that would streamline approval of projects to thin overgrown forests.

The measure would limit appeals and environmental reviews so that forest-thinning can be completed within months rather than years. The combination of dry underbrush and legal opposition had turned some Western forests into tinderboxes, supporters of the bill said.

Pombo, chairman of the House Resources Committee, said the bill will be seen as a significant turning point, "when scientific management began to regain dominance over benign neglect, and when communities began to regain influence over the federal lands surrounding them."

Wildfires in California burned nearly 750,000 acres this fall, causing 22 deaths and destroying more than 3,600 homes. They also softened opposition to the bill, and Democrats accused Bush and other Republicans of using the wildfires as an excuse to open up remote forests to logging.

Some Democrats argued in the House debate that the bill was a giveaway to the timber industry because it limits public participation and leaves old-growth trees and remote, roadless areas of forests at risk of logging.

Rep. Greg Walden, R-Ore., who co-sponsored the original bill, said the final product would create jobs, improve forest health and protect communities.

Rep. Peter DeFazio, D-Ore., said the bill, if properly implemented, "will begin to undo 100 years of mismanagement of national forests."

The measure would authorize $760 million a year for thinning projects on 20 million acres of federal land — a $340 million increase. At least half of all money spent on those projects must be near homes and communities.

The bill also creates a major change in the way that federal courts consider legal challenges of tree-cutting projects.

NATIONAL

Mountain cemetery as close to nature as possible

BY ERIN GARTNER
Associated Press Writer

WOODLAND PARK, Colo. —Tucked into thick forest at the base of Pikes Peak, the small cemetery is almost indistinguishable from the mountain terrain.

Beneath towering pine trees, cremated remains are worked into the ground and marked by a flat brick with a bronze plate inscribed with a name, dates and sometimes a short phrase. Some are decorated with pine cones, native stones and branches. Aside from a small gathering area with 10 log benches and a stone podium, the two-acre site is natural.

"It's peaceful, it's serene. I think it's a good alternative for people who don't want the traditional cemetery," said Joleen Schneider, whose first husband is buried in the park. "My husband didn't want it to be a sad thing, he wanted it to be positive.

"And that's how we look at the garden. It really fit into how we lived. We kind of homesteaded our 40 acres up here, so it's a back-to-nature kind of thing. It's really perfect."

Mountain Wilderness Memorial Park is among a handful of "green" cemeteries devoted to environment-friendly burials. The idea is to leave the sites looking natural by not allowing headstones or artificial landscaping.

Some say such sites help bridge a modern-day division between humans and nature.

"If your father is buried there, you have a deeper connection to the land, whether you have strong connections to the environment or not," Dr. Billy Campbell said.

In 1996, the South Carolina physician founded Memorial Ecosystems to help people create environmentally friendly burial sites alongside nature preserves.

Hundreds of green burial sites exist in the United Kingdom, where they are called woodland cemeteries. As open space diminishes, nature preserves that maintain a small area for green burials help protect the environment and provide a peaceful setting, Campbell said.

"The idea is to make these graves look almost natural —woodland in England, prairie in Colorado," he said. "The idea of dust to dust in a real literal sense."

Mountain Wilderness owner Don Blehm came up with the idea after years in the funeral business, tucking the cemetery at the end of a dirt road outside this small town about 80 miles south of Denver.

Too often, people would feel pressured to spend more than they could afford on a loved one's funeral, he said.

"It's peaceful, it's serene. I think it's a good alternative for people who don't want the traditional cemetery. My husband didn't want it to be a sad thing, he wanted it to be positive.

— JOLEEN SCHNEIDER
Widow

As cremation became more popular, some families wanted to spread the ashes in the mountains —prohibited in national and state parks —but needed a place they could visit.

Some people chose Mountain Wilderness for its simplicity or to protect the environment; others wanted an inexpensive burial.

The cemetery contains more than 300 gravesites although it resembles a common hiking trail. Small statues, American flags and other mementoes left at sites are gathered every other week to keep the area natural.

Prices range from $545 to $1,045, said Blehm, who provides services through his Mountain Memorial Funeral Home in nearby Divide.

An entire service, including cremation, a memorial service, the plot and bronze plaque, is less than $2,000.

The average funeral in the United States costs $5,320 excluding cemetery costs, according to the National Funeral Home Directors Association.

A portion of Campbell's 33-acre Ramsey Creek Nature Preserve in Westminster, S.C., is a green cemetery that allows full-body burials. Vaults and toxic embalming fluids are prohibited. Only biodegradable caskets are allowed.

Campbell wants to expand to a 70-acre site in metropolitan Denver. Like his South Carolina park, it would be a nature preserve with a small cemetery.

Brothers John and William Wilkerson sought Campbell's advice to preserve their family's 350-acre farm in Glendale, a tiny town in the Florida Panhandle.

They created a preserve to maintain the farm's ponds, streams and woodlands and provide a small cemetery in the natural setting.

Blehm also is looking to open a larger site because many people have inquired about body burials, which are prohibited at Mountain Wilderness. The new site would allow biodegradable caskets but embalming chemicals would be prohibited.

Blehm does not advertise Mountain Wilderness, only offering it to people if they ask about scattering ashes. But word-of-mouth has attracted people from across the country, from different economic backgrounds and from various religious beliefs.

Hospice nurse Linda Shelhamer's son is buried in the park. The 15-year-old died in February, but the family waited until June to spread his ashes.

"When they actually put the stone down, we were really dreading going out there —seeing it in writing would make it more real. But when we went out there, there was a double rainbow. Pikes Peak was in the background. The view was beautiful," Shelhamer said.

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NATIONAL

Glitz of Sun Valley blinds some to hunger, poverty

BY REBECCA BOONE
Associated Press Writer

KETCHUM, Idaho — Idaho's wealthiest county is also home to one of its quietest tragedies, local hunger advocates say. Amid the luxury homes and swanky boutiques around Sun Valley Resort, live and work people for whom hunger is the norm.

"In a resort area sometimes you create poverty by the higher cost of living," said Eileen Rodman with Blaine County Welfare Services. "In this little microcosm of the world with so much affluence, it's almost unimaginable that there would be hunger and poverty. But there is."

The problem is nearly invisible to many who live and play in the region. Throughout Idaho, Blaine County is known as a place where visitors might sit next to Demi Moore at the local coffee shop or spot Tom Hanks across a crowded restaurant.

"Nine out of 10 people I talk with don't realize there's hunger here and don't believe that it could be a problem," said Tom Iselin, a Ketchum resident who is starting a coalition to help relieve hunger. "But once they see the statistics, they realize there's a need."

The statistics are rosy compared to some Idaho regions, but Iselin said they are unacceptably high for a place of wealth. Nearly 24 percent of school-age kids in the region participate in free or reduced-price lunch programs at school, Iselin said, and the number of kids receiving food stamps grew by 49 percent between 2001 and 2002.

A drive down the county's southern canyons during the summer reveals camps of residents who can't afford rent or hotels, said Iselin. It's also common to have several families sharing a small apartment or trailer, Rodman said.

Lynn Flickinger, co-coordinator of the Souper Supper in Hailey, sees more of the area's hungry than most.

> **"In a resort area sometimes you create poverty by the higher cost of living."**
>
> — EILEEN RODMAN
> Blaine County Welfare Services

"We have homeless, we have people who are way below the poverty level, people who have a place to live but no place to cook. We have elderly people, construction people who come during the work season and live in the park. We have single people and families who come," she said.

In recent months, about 30 people a night have been taking advantage of the twice-weekly meals. One of the Souper Supper regulars is Jean Dickenson, a 58-year-old Hailey resident recovering from a stroke, the latest setback in a series of health problems.

Dickenson said she has never had to skip meals, but her rations have been small.

"I did eat very leanly. I remember buying 10 packets of Ramen noodles on sale. I was very fortunate because last winter the county also gave me some game meat, some food which lasted me quite a while. This time, since I got sick, friends have taken care of me," she said.

Wealthy people in the region are very generous, Dickenson said, but they may not be aware that there's a problem with poverty because the economic classes don't mix.

"I've lived up here for a while, and I mostly stay in Hailey instead of Sun Valley or Ketchum so the money isn't so much in my face," she said.

Rodman said some residents just don't want to feel uncomfortable.

"In general, the Blaine County community is pretty generous, but to acknowledge poverty and hunger in a place like this is somewhere a lot of people don't want to go," Rodman said. "We have that illusion of wealth and nobody likes to look at the people who are just barely surviving."

Iselin is starting the Blaine County Hunger Coalition to gather and distribute food.

He hopes to recruit enough volunteers that the perishable food thrown out by restaurants and supermarkets — often because it has reached its "sell-by" date — can be rescued and given to the poor.

But first Iselin needs a building to store the food and a community that believes hunger exists in their hometown.

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NATIONAL

General's assault on White House has echoes of Clinton's

BY DARLENE SUPERVILLE
Associated Press Writer

WASHINGTON — They are sons of Arkansas, born to doting mothers of modest means and fathers who died before either child had entered kindergarten. While the public lives of presidential candidate Wesley Clark and former President Clinton differ, their personal lives offer striking similarities.

Both carry the last names of adopted fathers, not the men who gave them life. Neither man's wife is a daughter of the South. Both were raised as Baptists and learned in adulthood about brothers they had never met.

Clinton's life story of the "boy from Hope" helped him reach the White House and stay for eight years. Now Clark is at the beginning of his own presidential quest, hoping his life story will likewise help him connect with voters.

Jay Barth, a political science professor at Hendrix College in Conway, Ark., sees something else the two men share: the "combination of having some understanding of who they are and where they came from, but also that there's a lot to be learned from the rest of the world."

Both Clinton and Clark earned Rhodes scholarships to study at Oxford University in the late 1960s. They did not know each other in England, but had met at a Georgetown University conference in 1965.

Clark, 58, trekked around the globe during a decorated 34-year Army career that included service in Vietnam, where he was seriously wounded, and command of the 1999 NATO bombing campaign in Kosovo, when Clinton was commander in chief. Clinton, 57, never served in the military but traveled the world extensively during his two terms as president.

Both overcame early hardship to succeed.

Clark was born in Chicago on Dec. 23, 1944, to Benjamin Kanne of Chicago and Veneta Updegraf of Little Rock, Ark. After his father died when he was 4, Clark's mother moved back to Little Rock with her young son. Clark's mother later married Victor Clark, a banker and recovering alcoholic whose last name Wesley assumed after Clark adopted him.

Clinton was born William Jefferson Blythe IV in Hope, Ark., on Aug. 19, 1946, but never met his father. William Blythe, a traveling salesman, died in a car accident just months before the future president's birth. The boy changed his last name to Bill Clinton after his mother married Roger Clinton, an alcoholic.

Clark's spokesman says the two men "definitely like and respect each other" but are not "bosom buddies."

Both Clark and Clinton were raised as Baptists. In his 20s, Clark learned that his biological father was Jewish and developed friendships with members of the Kanne branch of his family tree. He converted to Catholicism while in Vietnam.

Neither man's wife is a Southerner. Hillary Rodham Clinton is a Chicago native and Clark's wife, Gertrude, was raised in New York City.

Well into adulthood, both Clark and Clinton learned the whereabouts of long-lost stepbrothers.

Clark says he knew his stepfather had a family before the marriage to his mother but didn't know how to find his stepbrother. Kennard Clark, a 71-year-old surgeon in Arlington, Texas, turned up last weekend after the Arkansas Democrat-Gazette located him and notified candidate Clark. Both men say they want to meet.

Ten years ago, Clinton learned that Blythe, his biological father, also was the father of Henry Leon Ritzenthaler of Paradise, Calif. The two spoke by phone days after The Washington Post broke the story.

Clark will occasionally make light of the similarities with Clinton, but doesn't take it too far.

"He kind of makes jokes about Rhodes Scholars from Arkansas that run for president tend to do well," said Clark campaign spokesman Matt Bennett. "He doesn't make a big deal about it."

Much has been made of Clark's Clinton connection and the former president's role in Clark's campaign. A number of Clinton's Arkansas allies and veterans of his White House staff are advising the retired Army general. Clark's campaign headquarters is just down the street from where Clinton's team once labored.

Clark's spokesman says the two men "definitely like and respect each other" but are not "bosom buddies."

Author David Halberstam wrote of the Clark-Clinton parallels in his 2001 book, "War in a Time of Peace."

"They had not overlapped at Oxford, and they had never been pals during their parallel rise to the top," he wrote. "But they were both small-town boys from the same region who had made good in the big time a long way from home, and there was, if not a friendship, a kind of kinship."

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NATIONAL

World's largest tsunami research lab seeks to save lives

BY FAWN PORTER
Associated Press Writer

CORVALLIS, Ore. — A low rumble broke the silence. Swelling and cresting, large waves slammed into the concrete basin containing them. The powerful waves were quelled when Dr. Daniel Cox signaled the control room to shut off the tsunami simulator.

"That's how it works," said Cox, the lab director. "We control the tsunamis."

Here at the world's largest tsunami research lab, scientists and graduate students are conducting experiments to better prepare tsunami-prone regions for these massive waves.

"The likelihood of tsunamis is not increasing," Cox said. "However, more people are moving to the coast, and it's our job to see that they live there safely."

Tsunamis, enormous waves caused by earthquakes or undersea volcanoes, can be devastating. A 1992 tsunami washed away two-thirds of an Indonesian island. A 1964 earthquake set off a tsunami that devastated many towns along the Gulf of Alaska and caused damage all along the West Coast.

Tsunami research began in September at the O.H. Hinsdale Wave Research Lab housed in a hangar-like building in Corvallis. Its goal is to help coastal communities around the world plan for more efficient evacuations and construct buildings and bridges able to withstand the impact of tsunamis.

The lab's floors are littered with objects that have been used in experiments — boats, driftwood, rocks, metal siding.

Researchers create miniature tsunamis inside a rectangular, 50-yard concrete basin that looks like a swimming pool. Although the water depth inside the basin is only 3 feet, the scientists are able to simulate 150-foot-tall tsunami waves.

Inside the basin are rocks and gravel, to gauge the effect of giant waves on shorelines.

"The goal is to make sure it actually looks and acts as a shore so we can gather accurate data on a wave's effects," Cox said.

"The likelihood of tsunamis is not increasing. However, more people are moving to the coast, and it's our job to see that they live there safely."

— DR. DANIEL COX
Lab director,
O.H. Hinsdale Wave Research Lab

In one room of the hangar is a 372-foot long flume built in the 1970s to determine what effect wave forces would have on manmade structures and the erosive forces on beaches.

Scientists create miniature structures — such as a simulated marina — and send waves of water crashing against them, said Javier Moncada, an undergraduate student in the program.

At the basin where tsunamis are simulated, Cox explains how it works.

Inside the tank is a large metal paddle used to create waves and to control their height and direction. A scientist tells the control room operator to move the paddle to a certain position. With a rumbling sound, the paddle creates a wall of water that simulates the way a tsunami moves.

Scientists don't actually have to be there to conduct research. Cox pointed to a moving camera beneath the lab's second-floor control room.

"That camera is called our 'wave cam.' Using this camera, remote scientists can see their experiments in progress via the Internet," he said.

Using online resources, researchers are able to share data and seek advice from one another. "When you get several people together, it amplifies the effects of the research," said Harry Yeh, a wave expert and professor at Oregon State University.

The compiled data and results are stored online for easy reference.

"In times past," Yeh said, "a scientist would spend so much time conducting research, write a paper — only to have it placed in a book and shoved away for 15 years.

"But with this, with collaboration, lots of people can immediately be involved while the interest and information is still current."

The lab is part of nationwide seismographic research that's being conducted at 15 sites. Only in Corvallis are tsunamis studied.

The overall research is sponsored by the National Science Foundation and the Network for Earthquake Engineering Simulation, with a $4.8 million grant from the foundation.

The tsunami lab has been used in experiments for alternative energy and the effects of bioterrorism. It conducts research for private consulting firms and fish hatcheries, and the U.S. Navy has expressed interest.

Internationally, the basin has begun to generate interest in regions such as Japan. Data received from the recent earthquake and subsequent tsunami near Hokkaido in northern Japan will give researchers here new insights.

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WORLD BRIEFLY

Bush and Blair do lunch

By The Associated Press

LONDON — President Bush is trading the pomp, pageantry and protests of London for Tony Blair's home in tranquil northeast England.

By taking Blair up on the rare invitation to visit Sedgefield, Bush was looking to decompress a bit after two intense days in London. Tea at Blair's house, lunch at a pub and a school visit were on the schedule.

While Bush was in London, he gave a foreign policy speech defending the Iraq war; was jeered by tens of thousands of protesters; was the star of a state dinner at Buckingham Palace; met with relatives of British victims of Sept. 11 and of British soldiers killed in Iraq; and faced sharp questioning at a news conference with Blair just after terrorist bombs in Istanbul exploded at a London-based bank and the British consulate.

Bush and his wife, Laura, left Buckingham Palace, where they had stayed three nights, just before 10 a.m. Friday on a drizzly London morning.

Officials to fight Sept. 11 subpoena

By The Associated Press

NEW YORK — Citing victims' privacy, the mayor's office vowed to fight a subpoena by a federal commission investigating the Sept. 11 attacks that seeks documents detailing the city's response at the World Trade Center.

The commission said this week it wants tapes and transcripts of 911 calls and firefighter interviews conducted by the Fire Department after the 2001 attacks.

"The city's failure to produce these important documents has significantly impeded the commission's investigation," the panel said in a statement.

The 10-member commission is investigating the nation's preparedness before Sept. 11 and its response to the attacks, and will make recommendations for guarding against similar disasters.

Ed Skyler, a spokesman for Mayor Michael Bloomberg, said the city plans to fight the subpoena.

"It will take a court order to make the city violate the privacy of those we lost and those who responded to that horrific event," said Skyler.

Skyler accused the commission of "trying to distract the public" by focusing on the city's response instead of finding out "how this savage terrorist attack was planned and executed without any warning— so that we never again have to endure such a tragedy."

World trade talks continue

By The Associated Press

MIAMI — Pushing for a victory after failed world trade talks in Mexico, officials from across the Americas agreed to move forward on a watered-down outline for the world's largest free trade bloc.

Trade ministers from 34 countries in the Americas, excluding only Cuba, were originally scheduled to finish their negotiations on the Free Trade Area of the Americas on Friday. But after days of debate, they said they had achieved all they could in Miami.

Ministers hailed their final declaration as a victory, with both the United States and Brazil— which have been locked in a trade feud— saying it showed there had been progress in bringing countries together since World Trade Organization talks collapsed two months ago in Cancun, Mexico.

Dean wants to double education dollars

By The Associated Press

MANCHESTER, N.H. — Democratic front-runner Howard Dean says he would double the nation's investment in early childhood education by spending $110 billion over 10 years.

His "Invest for Success" plan would fully fund Head Start, double enrollment in Early Head Start, offer preschool to every 4-year-old and provide child care for another 1.4 million children, according to an outline of the plan obtained by The Associated Press.

Dean staffers said repealing President Bush's tax cuts and ending billions of dollars in "corporate welfare" would pay for the plan.

"Our youngest children are being hurt. The president is underfunding programs like Head Start in order to pay for tax cuts which benefit those at the very top," Dean said in remarks prepared for delivery Friday at a Manchester child care center.

Only 60 percent of children eligible for Head Start are served by the program, he said, which caters to young children from poor families.

Conservatives criticize Medicare bill

By The Associated Press

WASHINGTON — Some congressional conservatives have little faith that the cost of the Medicare prescription drug bill can be held to its projected $395 billion over 10 years.

Sen. Don Nickles, R-Okla., who helped negotiate the proposal, said, "I will predict right now. It will come out double that."

Undecided about the bill, Nickles used meeting this week to formally clear the way for quick floor action on the measure to air conservative complaints about the bill.

Too much government and too much money were Nickles' chief criticisms of the measure that Republican leaders support and President Bush has pledged to sign. "I think we're falling short of a market-oriented approach," said Nickles, who is Senate Budget Committee chairman.

Both chambers hope to complete the bill before Thanksgiving.

Officials push to derail energy bill

By The Associated Press

WASHINGTON — A far-reaching energy bill is meeting its biggest challenge in Congress as a group of Democrats and Republicans, for various reasons, are pushing to derail it with a Senate filibuster.

Both philosophical and geographic differences could interfere with final approval of the bill, which President Bush has demanded be finished this year and considers one of his top domestic priorities.

It would be the first overhaul of U.S. energy policy in 11 years.

A growing number of Democrats, with at least six Republicans, criticized the legislation Thursday, claiming it is too costly, would dole out billions of dollars to special interests and hurt the environment.

The bill breezed through the House earlier this week, but ran up against opposition from senators who hoped to get 41 votes needed to block its passage.

Senate leaders scheduled a vote Friday on whether to cut off debate on the 1,148-page energy blueprint. If they succeed, opponents likely will fold their tents and agree to bring the issue up for a final congressional vote.

Brazen attacks target hotels, oil ministry in Baghdad

BY NIKO PRICE

Associated Press Writer

BAGHDAD, Iraq — The U.S. military dismissed rocket attacks launched from donkey carts Friday against the Oil Ministry and two hotels as "militarily insignificant," but acknowledged they point to weaknesses in the ability to gather intelligence on insurgents.

More than a dozen rockets slammed into the buildings Friday morning.

Two other donkeys were found within hours, one 30 yards from the Italian Embassy. U.S. officials said the targets were the headquarters of a Kurdish political party and a law school.

A civilian contractor was seriously injured at the Palestine Hotel, where many foreign journalists and U.S. workers are staying. No other casualties were reported at the Palestine or at the Sheraton Hotel across the street, and police said no one was hurt at the ministry.

"They're trying to break our will. They're trying to seize the headlines ... but they're militarily insignificant," Brig. Gen. Mark Kimmitt, the U.S. military deputy director for operations, said at a news conference.

He conceded that the insurgents were playing off American weaknesses, specifically in terms of gathering intelligence that could have prevented the attacks.

"A very clever enemy who knows that we don't have the best intelligence in the world will find some seams, will run some vulnerabilities," Kimmitt said. "But our intelligence is getting better every day."

A U.S. soldier from the 82nd Airborne Division was killed and two were injured near the city of Ramadi, west of Baghdad, on Thursday when a roadside bomb exploded next to their convoy, the military said Friday. Another soldier was killed Thursday in northern Iraq, Kimmitt said.

To the south, in the city of Karbala, at least four mortar shells were fired into a Thai military camp Thursday, officials in Bangkok said Friday. They reported no casualties.

The colorful donkey carts presumably were used because they are so common in Baghdad and attract little attention from security forces on the alert for car bombs. Painted on one of the carts was a traditional inscription: "My heart is with you, my dear."

U.S. officials said one of the donkeys was strapped to a propane tank and an explosive device. After the explosions, U.S. soldiers were seen searching donkey carts around Baghdad.

"He's an inventive, ingenuous enemy, but he has shown us another of his tactics ... and I would guess he won't be using that again anytime soon," Kimmitt said.

The attacks occurred at the height of "Operation Iron Hammer," the U.S. counteroffensive against rebels in and around the capital. The U.S. commander in the capital, Brig. Gen. Martin Dempsey, said Thursday that the 12-day crackdown had contributed to a 70 percent decrease in rebel activity.

Kimmitt said the rocket attacks could have been intended to demonstrate that the operation hasn't defeated the rebels. Nobody claimed responsibility and there were no immediate arrests.

The attacks occurred about 7:20 a.m. At least eight rockets were fired at the Oil Ministry, but only two of them detonated, said Col. Peter Mansoor of the U.S. 1st Armored Division.

The ministry was closed Friday for the Muslim day of prayer and no injuries were reported there. A ministry official told Dow Jones Newswires that a fire was quickly extinguished and caused no major damage to the building. He said oil production would not be affected.

Mansoor said one rocket hit the Palestine Hotel, but at least five rocket holes could be seen on the eighth, 15th and 16th floors of the 18-story structure. Another rocket hit the Sheraton.

"This is the work of terrorists," said Loay Yunis Khalil, manager of the Palestine Hotel.

Employees of U.S. agencies met in the Palestine lobby for impromptu security briefings from military consultants.

At least one man, who was bleeding from his head, was carried away from the Palestine Hotel by U.S. military medics on a stretcher. Kimmitt said he was a civilian contractor and was "seriously injured."

Mansoor said the attacks bore a close resemblance to a strike last month on the Al-Rasheed Hotel, just across the Tigris River, which housed many U.S. military officials and occupation authorities. One soldier was killed at the hotel, which has since been evacuated.

Police and soldiers found a rocket launcher on Saadoun Street, which runs beside the Palestine, hidden inside a donkey cart.

Iraqi police 1st Lt. Amar Arshad said the launcher had the capacity to fire 30 rockets. It was unclear how many were launched, but five unfired rockets were in it.

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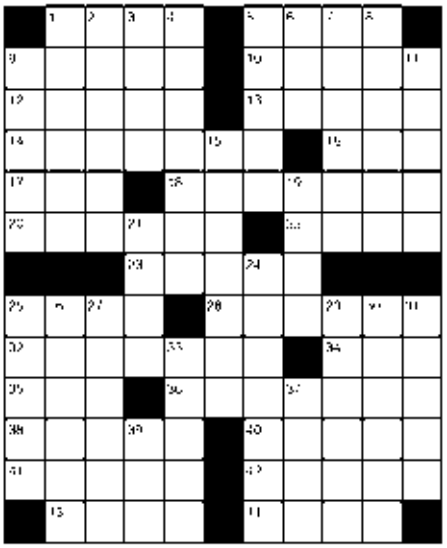
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Harrison's 'horrible little guitar' is sold for $469K

By The Associated Press

■ **LONDON** — George Harrison's first guitar — "a real cheapo" his parents gave him — has sold at auction for more than $469,200.

The guitar was part of an annual Beatles sale by music memorabilia firm Cooper Owen, conducted this week at the Hard Rock Cafe in London. Bids were taken at the cafe, by phone and on the Internet.

Harrison's father spent about $5.95 for the Dutch-made Egmond guitar. In "The Beatles Anthology" book, Harrison described it as "a real cheapo, horrible little guitar but it was OK at the time."

Another guitar, which Harrison gave to his late friend Spike Milligan of The Goons, sold for about $25,500.

Auction items also included autographed photos, a contract to play a club show and a corduroy coat that John Lennon once wore.

■ **LOS ANGELES** — Leonardo DiCaprio is urging elected officials to reduce American dependence on oil and slow global warming.

The 29-year-old actor and conservationist narrated an online film called "Global Warning" as part of an Internet campaign organized by Global Green USA, an affiliate of Green Cross International.

The campaign, which began this week, asks people to oppose the energy bill that's under debate in Congress by signing a "Pledge of Allegiance to American Energy Independence." The bill would provide $23 billion in tax incentives and includes measures to produce more coal, oil, natural gas and nuclear power.

The "Titanic" star said people should use energy more efficiently by supporting renewable energy sources such as wind and solar power.

In the film, DiCaprio criticizes elected officials who "gained too much money and power off our addiction to oil" as being resistant to change.

"We must demand a separation between oil and state," he says. "We can vote for leaders who care about protecting your health, the air and the environment."

DiCaprio owns two hybrid cars powered by both gasoline and electricity, said Global Green president Matt Petersen, who worked with DiCaprio on the campaign.

■ **LOS ANGELES** — A photographer who allegedly used topless photos of Cameron Diaz in an attempt to extort $3.3 million from her must stand trial, a judge ruled.

John Rutter of Los Angeles is scheduled to be arraigned Dec. 8 on felony charges of attempted extortion, attempted grand theft, forgery and perjury.

"This wasn't simply a case of someone calling and saying, 'Hey, I just came across these photos from 11 years ago, do you want them?'" Superior Court Judge Michael Luros said Thursday. "This was someone saying, 'Pay me $3 million or else.'"

Rutter's attorney, Ron Richards, said his client had a signed release and the right to sell the pictures, which were taken during a 1992 photo session.

Rutter has been free after posting $250,000 bail.

Prosecutors allege that the 41-year-old had no right to sell the photos and forged the actress' signature on a photo release form.

A detective in the district attorney's office said earlier during the preliminary hearing that the "majority" of the 20 photos depicted Diaz topless.

Prosecutors said Rutter demanded the money in a June meeting with the 31-year-old actress at her attorney's office. Detective Brian Bennett also testified that Diaz told him in an interview that Rutter threatened to sell the photos to a European group for $5 million.

Rutter was negotiating with Diaz and offered her right of first refusal before trying to sell the photos, his attorney said.

Rutter's apartment was raided and authorities seized the photos, which are being kept in a safe deposit box.

Diaz, whose films include "There's Something About Mary" and "Gangs of New York," also has sued Rutter in civil court to keep the photos from being published.

■ **CHARLOTTE, N.C.** — It'll be pop and circumstance at UNC Charlotte's graduation ceremony next month, with Clay Aiken among the graduating class.

The "American Idol" runner-up will pick up his diploma Dec. 20, his publicist said. And for only the second time in the school's seven-year history, graduation guests must have tickets to attend. Each ticket will be printed with a bar code and scanned at the door to prevent the use of counterfeits.

The university already has heard from television entertainment shows interested in attending, UNCC spokesman Tony Hoppa said. School officials will meet next week to determine how to accommodate the media.

Hoppa also said Aiken has asked not to perform at the ceremony and declined a seat on the stage, saying he wants to sit with his fellow students.

"He really desires to come back just as Clay Aiken," Hoppa said Thursday. "He doesn't want to inconvenience the rest of his classmates. He doesn't want to inconvenience the rest of the college."

Aiken will, however, be able to invite more guests — including family, friends and business associates — than most students, Hoppa said, and they'll attend as guests of the chancellor. Other high-profile students, such as the senior class president and student speaker, can do the same.

"That's not a unique thing because of Clay," Hoppa said.

Aiken, 24, is finishing an independent study course at UNCC now, his last requirement toward a bachelor's degree in special education.

The last time UNCC issued graduation tickets was in 1997, Hoppa said, when crowds were large and before the school began scheduling two ceremonies.

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