

Santa Monica Daily Press

A newspaper with issues

LOTTO

FANTASY 5

28, 15, 27, 17, 1

DAILY 3

Afternoon picks: 6, 7, 2

Evening picks: 8, 1, 7

DAILY DERBY

1st Place: 7, Eureka

2nd Place: 9, Winning Spirit

3rd Place: 1, Gold Rush

Race Time: 1:44.36



NEWS OF THE WEIRD

by Chuck Shepard

While recent drastic budget cuts (and the governor's failure to get a tax increase from the legislature) have limited Alabama's Department of Public Safety to placing only five or six troopers on nighttime highway patrol for the entire state, as many as 17 troopers spend all day each Saturday during football season providing security for the state's 10 college teams. The schools agreed in principle to reimburse the troopers' expenses, according to an October Associated Press report, but their policies vary, and the department has been lax in collecting.



QUOTE OF THE DAY

"A poem is never finished, only abandoned."

— Paul Valéry



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City Hall to tweak rent control law

Suit pits wealthy tenant against big business landlord

BY JOHN WOOD

Daily Press Staff Writer

CITY HALL — A Santa Monica law aimed at weeding out part-time tenants who abuse rent control needs only to be tweaked before it's enforced once again, officials said.

Tenant attorneys disagreed. They said the law, which is favored by landlords, is illegal and added they're confident it will be permanently tossed out when a lawsuit challenging it is heard next year.

The lawsuit was brought by attorney and prominent real estate investor Robert Bisno, who lives in Beverly Hills but keeps a beachfront penthouse apartment in Santa Monica for \$1,000 a month, officials said. It pits Bisno against the rent control board and, ultimately, against his landlord, Douglas Emmett & Co.

At issue in the lawsuit is regulation 3304, which was suspended by a judge last week pending the upcoming trial. The law allowed landlords to raise the rent on tenants who used their units as vacation homes, or for storage or office space. It was passed by the local rent control board earlier this year

See LAW, page 4

SM officials breathe easy after energy bill dies

Bill would've protected MTBE-generating oil companies from liability

By staff and wire reports

WASHINGTON — The hotly debated energy bill that would have protected makers of a gasoline additive responsible for contaminating half of Santa Monica's drinking water has gone down in flames on the Senate floor.

After nearly three months of negotiations and dealmaking, Congress is giving up on energy legislation for this year, falling two Senate votes short of sending a bill to President Bush.

The Senate abandoned the leg-

islation this week after it became clear a dispute over a gasoline additive, MTBE, was not going to be resolved and efforts to find two

See ENERGY BILL, page 5

Failed energy bill's key provisions

By The Associated Press

Among major provisions, the energy bill called for:

- Tax incentives totaling \$14.5 billion for oil, natural gas and coal industries over 10 years.
- More than \$5.2 billion in

See BILL, page 5



John Wood/Daily Press

Checking it twice: Margaret Ratcliffe, of Culver City, crosses off items on her Thanksgiving shopping list Tuesday in the turkey aisle at Co-opportunity on Broadway. The store has seen a jump in sales by as much as 25 percent some days, managers said.

Pickers hold the line

Holiday shopping more challenging this year

BY JOHN WOOD

Daily Press Staff Writer

PICKET LINE — With the grocery store strike and the Thanksgiving shopping rush in full swing Tuesday, most shoppers were finding someplace

other than the major chains to buy their turkey day grub.

Stores like Co-opportunity and Whole Foods reported sales up by as much as 25 percent while most shoppers avoided crossing picket lines in front of Vons and Albertsons.

Though Ralphs recently opened its doors to stem the loss

See PICKETERS, page 12

Woman shot while walking in SM neighborhood

By Daily Press staff

SANTA MONICA BLVD. — A woman is listed in stable condition after she was shot Tuesday while walking in an alley just east of Euclid Street.

Santa Monica Police responded to the 1300 block of Euclid Street at 5:35 p.m. to a call of shots fired. Officers spoke to the woman, who

said she was walking 75 yards north of Santa Monica Boulevard and heard what she thought sounded like fireworks in the far distance.

Seconds later, the woman said she felt pain in her lower back and realized that she had been shot. Neither she nor her male companion saw any person in the area.

Santa Monica Fire Paramedics provided first aid and transported the woman to a local hospital.

While paramedics were treating her, she was conscious, alert, and responded to questions being asked.

It's unknown exactly where the possible gunfire came from. Officers are investigating the incident.

Anyone having additional information is encouraged to contact the Santa Monica Police Department at (310) 458.8491.

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HAPPY BIRTHDAY Wednesday, November 26, 2003

Take a hard look at your public image and your career. Not everything is as you see it or would like it to be, but this year you can change direction and get the acknowledgment you want. Career gains are possible through September 2004. Others recognize what a good job you do. You also have an unusual gift that helps you make money. It could be an artistic talent or a gift for organization. If you are single, your allure is high, and a relationship of the caliber you desire is likely fall 2004. If you are attached, schedule special time together and let your romance build. Buy more cards and token gifts. Do more for each other. The little things do count. CAPRICORN helps you make money.

♈ ARIES (March 21-April 19)

★★★★ Getting work done and celebrations started could have your hands full right now. You might lose your temper, as too many people are making demands. Ask for help when you need it. Remember, you're not alone in this project. Tonight: A must appearance.

♉ TAURUS (April 20-May 20)

★★★★ Explore more options instead of falling into the same old pattern. You could be delighted by what happens, especially if you ask for help. You have so much to do and so little time to do it! Some express their caring on a deep level verbally, others through actions. Tonight: Look toward tomorrow.

♊ GEMINI (May 21-June 20)

★★★★ Deal on a one-on-one level with those around you. Relax with a loved one who sometimes gets touchy. Remember that many are trying to clear their desks and get out for the Thanksgiving holiday. Work with another's tension. Tonight: Too many cooks spoil the broth.

♋ CANCER (June 21-July 22)

★★★★ Others push you hard, and you might need some time off. Carefully review news that an upset person gives you. Help find a solution. It is there. Play the cynic, but appreciate that everyone might be a bit tense. A relative or partner goes out of his or her way for you. Tonight: Enjoy those around you.

♌ LEO (July 23-Aug. 22)

★★★★ You might be left holding the bag with a personal matter as well as work. You can get a lot done, but don't hesitate to ask for help if you need it. Your humor helps you out in a pinch. Pitch in and get as much done as possible. Tonight: A partner or family member comes to the rescue.

♍ VIRGO (Aug. 23-Sept. 22)

★★★★ Your imagination will take you in a new direction if you let it wander. Many family members make demands, but you also can ask them to pitch in. How you ask for help could make all the difference in what comes down. Tonight: Flirt away.

♎ LIBRA (Sept. 23-Oct. 22)

★★★★ Family comes first, though you still have some obligations to attend to. Realize when you need to ask for help — you are not Superman or Superwoman. Others show their caring through actions. A personal exchange means a lot. Tonight: Head home.

♏ SCORPIO (Oct. 23-Nov. 21)

★★★★ Keep asking questions, and you'll come up with reasonable answers. Last-minute errands could be costly if you're not careful. Remember, it is the caring and the feelings that count as well. Don't get caught up in the material side of this holiday. Tonight: Make time for an important person.

♐ SAGITTARIUS (Nov. 22-Dec. 21)

★★★★ You might want to think through a financial matter without family or a roommate pushing you. As a result, you could be quite reactive. Expenses might involve a special gift for a loved one or friend. Tonight: Invite someone who might be alone to Thanksgiving dinner.

♑ CAPRICORN (Dec. 22-Jan. 19)

★★★★ Something might bother you about what another says. Don't take anything personally. Speak to others more directly. You might want to make calls to relatives and friends at a distance. Venus moves into your sign, adding to your allure. Tonight: Do whatever you want.

♒ AQUARIUS (Jan. 20-Feb. 18)

★★★★ Know when to step back and follow orders. You will get a lot farther if you listen. A friend needs your attention and extra time. Be careful with someone you meet in the next few weeks. This person might be emotionally unavailable. Tonight: Remain behind the scenes.

♓ PISCES (Feb. 19-March 20)

★★★★ You might be rather hot-tempered as you aim for more of what you want. Someone clearly could be put off by your behavior or your words. Be careful it is not the boss! This is not the time to turn over the apple cart. Tonight: Do something special for a loved one.

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1427 Third Street Promenade, Ste. #202 • Santa Monica, CA 90401 • www.smdp.com

PUBLISHER

Ross Furukawa ross@smdp.com

EDITOR

Carolyn Sackariason sack@smdp.com

STAFF WRITER

John Wood wood@smdp.com

ADVERTISING SALES MANAGER

Rob Piubeni rob@smdp.com

ADVERTISING ACCOUNT EXECUTIVE

Steve Averill steve@smdp.com

PRODUCTION MANAGER

Del Pastrana del@smdp.com

PRODUCTION ASSISTANT

Alejandro Cesar Cantarero II alex@smdp.com

ADMINISTRATIVE TRAFFIC MANAGER

Elise De Ford elise@smdp.com

CLASSIFIED REPRESENTATIVE

Mitch Troy mitch@smdp.com

CIRCULATION MANAGER

Robert DeAmicis Rob@smdp.com

CIRCULATION

Keith Wyatt keith@smdp.com

SPECIAL PROJECTS

Dave Danforth dave@smdp.com

MASCOT

Maya Furukawa maya@smdp.com

LOCAL



COMMUNITY BRIEFS

SMC tends to nursing shortage

By Daily Press staff

In an ongoing effort to help ease California's nursing shortage, Santa Monica College has joined forces with several Los Angeles area hospitals to train vocational nurses and entry-level health professionals to move into higher level nursing positions.

SMC has a \$102,000 contract with UCLA Medical Center to train some 20 vocational nurses to become registered nurses and a similar \$188,000 contract with Cedars-Sinai Hospital. SMC was recently awarded a \$485,000 contract with the state to provide training of entry-level health professionals — such as nursing aides — to become certified nursing assistants. SMC already has begun training at Kaiser Permanente hospitals in Los Angeles, Brotman Medical Center in Culver City, and Pacifica Hospital of the Valley in Sun Valley. The college expects to expand its program into other medical facilities.

The contracts mark a major step forward for SMC's nursing program, which until recently has been able to serve only about 80 students at one time, school officials said. SMC's student nursing population is now expected to grow substantially over the coming years.

UCLA and Cedars-Sinai are bolstering their nursing staffs by offering SMC's program to their vocational nurses and nursing assistants. The practitioners can fulfill some of the functions of nurses but, without the additional training, can't qualify as registered nurses able to assist in medical procedures.

At other hospitals, the SMC career ladder program will move nursing assistants and other entry-level health professionals into higher-level positions.

SMC's program is part of a concerted statewide effort between California community colleges and hospitals to remedy the acute national shortage of nurses that has already graduated 20,000 new nurses over the past five years.

State seeks voter confidence

By Daily Press staff

New mandates on California's voting system have been made to increase election accuracy and voter confidence, officials say.

Secretary of State Kevin Shelley has announced that beginning July 1, 2005, no county or city may purchase a touch screen voting system that does not include an accessible "voter verified paper audit trail." As of July 2006, all touch screen voting systems used in California, regardless of when they were purchased, must have a VVPAT that can be used by all voters, including the visually impaired, to verify that their preferences are accurately recorded.

In making the announcement, Shelley said a transition period is necessary in order to assure the fair and efficient conduct of elections in California.

"The schedule I have set forth for implementing a VVPAT will ensure that there is adequate time for new voting systems to be properly certified," he said. "This also allows time to train elections officials and poll workers and to educate voters."

To further enhance voter confidence in new technologies, Shelley is adopting voting system reforms and new electronic certification procedures. Shelley also will call upon the federal government to substantially improve its testing process.

"As the state progresses with new technology, all Californians must have confidence that every vote cast is a vote counted," Shelley said. "These new requirements will provide this confidence."

Shelley's reforms call for additional requirements for software testing and auditing, new security protocols for manufacturers, random field testing on election day to ensure proper performance of individual voting machines, and the creation of a state technical oversight committee.

In February, Shelley convened a task force comprised of computer experts, members of the public, representatives of the disabled community and election officials to make recommendations to increase the security of voting equipment software. The task force issued a series of recommendations for Shelley's consideration.

A complete copy of Shelley's directives and the recommendations of the task force are available on the Secretary of State's Web site, at <http://www.ss.ca.gov/elections/touchscreen.htm>.

surf report

The NW wind swell fills in a bit today as the SSW pulse holds. Most spots continue to see waves under waist-high while best NW/combo breaks see waist-high and, occasionally, bigger sets.

OUTLOOK: Look for a gradual drop on Thursday as the NW wind swell weakens. Friday's surf will stay small scale.

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

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58°

Sunrise: 6:34 a.m.
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	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)
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The Q Line

While it may seem that Santa Monicans bicker over plenty of issues, we all have reasons why we have chosen this city by the sea to live, work and play. In the spirit of the Thanksgiving holiday, this week's Q-Line question is not the typical controversial or hot topic of the week.

Instead, it's simply, "What are you thankful for?"

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



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LOCAL

Rent control law in limbo

LAW, from page 1

to appease landlord groups, who had lobbied in Sacramento for a law that would have been even tougher on rent control.

Santa Monica Superior Court Judge James Bascue issued a temporary injunction against regulation 3304 last Wednesday, saying it may be unconstitutional, partially because it allows landlords to set the rent for part-time renters at whatever level they choose.

While tenant groups celebrated victory and said they were confident the law will be permanently tossed out, officials from the rent control board, who met in closed session after the judge handed down his ruling, said only minor changes need to be made before the law is again enforced.

Doris Ganga, an attorney for the rent control board, said she expects the board to amend the law to satisfy the judge's concern. She said that probably will mean having the board determine the higher level of rent, perhaps by comparing it to similar units or by taking public testimony during hearings.

"What he said was that we couldn't allow the landlords to choose the rent ... it had to be the board that sets the rents," she said, adding that until the rent control board determines how to handle the injunction, all pending cases have been stayed.

Since 3304 was adopted in March, 120 petitions for rent increases have been filed with the rent control board. Of the petitions that actually went to a hearing and had a ruling issued before Bascue's injunction, 41 were decided for the owner and 13 for the tenant. But because 16 of those rulings were appealed, only 38 actual decisions have been made — and six of those were for tenants. That means only 32 renters had their rents raised under the law, said Tracy Condon, a spokeswoman for the rent control board.

The rationale behind the law was that rent control is intended to protect full-time residents by stabilizing their living expenses, but wasn't intended to subsidize the lifestyles of part-timers who don't need it. Though residents first coalesced around fears that they would be targeted overzealously by landlords, those fears quickly evaporated when filings sharply dropped off months ago.

Attorney Allan Abshez, who brought the case on behalf of Bisno, said he interprets Judge Bascue's injunction to mean that anybody whose rent was raised under 3304 deserves compensation and can begin paying their old level of rent without fear of eviction.

"The board's created quite a mess by subjecting people to this," Abshez said. "I believe the effect of the court's order is that those people, should they pay their old rent, cannot be evicted."

Abshez added the rent board was acting out of its jurisdiction to create the regulation because it's an administrative body, not a legislative one. If 3304 is to survive, it must be approved by voters, he said.

But Abshez said Santa Monica voters are unlikely to support the law because it calls for the invasion of tenants' privacy by landlords who sift through garbage, rifle through cabinets and check refrigerators to determine if a tenant really lives in his unit.

"Where this is going, is that 3304 is likely to be invalidated," Abshez said. "The fundamental problem here is it's a rent control board, that's what it is. It's not a housing supply board ... This is not a policy that can be enacted by the board. This is a policy that belongs to the voters."

Abshez, who described the law as a "boondoggle for landlords," was retained by Bisno, an attorney and prominent local real estate investor who, according to City Hall documents, lives in an exclusive enclave of Beverly Hills, as well as in a rent-controlled oceanfront place in Santa Monica.

Bisno filed a lawsuit challenging the regulation after Douglas Emmett raised the rent on his apartment at the twin Shores apartment towers south of Ocean Park Boulevard. Bisno pays \$1,064 for a two-bedroom, two-bathroom penthouse that could command \$4,895 on the open market.

"If nothing happens here, I'm sure that Douglas Emmett's going to go to Sacramento."

— ROSARIO PERRY
Landlord attorney

Though Douglas Emmett was successful in winning a rent increase earlier this year, Bisno appealed the ruling and — after the appeal was continued once — it was set to be heard by the rent control board Dec. 11. Because the appeal had not yet been heard when Bascue issued the injunction, the rent increase was not considered final and Bisno's rent was returned to the lower level, Ganga said.

As far as any refund due to him, Ganga said Bisno is on his own.

"There are things that people can do, but we don't do them directly because he has to talk to the landlord about that," she said.

The rent control board will continue discussing its options at the Dec. 11 meeting, Ganga said. Whatever course of action it decides to take, officials will have to gather input from the public and other sources before an amended law ultimately is enforced.

Allan Golad, director of property management for Douglas Emmett, said his company is waiting for the rent control board to tweak the law and bring it back.

"The ball's now in the court of the Santa Monica Rent Control Board to comply with the judge's ruling," he said. "This is really in the hands of the Santa Monica Rent Control Board and we're just hopeful that we'll come up with a solution that the court finds favorable."

Though Golad said he hadn't yet considered it, officials on both sides of the dispute said they expect Douglas Emmett will head to the state capital and lobby for a tougher law if the 3304 isn't enforced.

"If nothing happens here, I'm sure that Douglas Emmett's going to go to Sacramento," said Rosario Perry, a prominent landlord attorney. "With the new governor, it's kind of an open question what side of the coin he's on. With the ambiguity of what's going on in Sacramento, I think the board should be very worried about lobbying, if they don't do something to rectify this ruling."

As to the notion that 3304 is an invasion of tenants' privacy, Perry scoffed. He said landlords have long been subjected to the same type of invasions when applying to the board for a "landlord exemption," which allows live-in owners of buildings with three units or less to charge renters market rates.

"It's ridiculous," he said. "Just ridiculous."

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LOCAL



Bill dies, other cities still able to collect from oil companies

ENERGY BILL, from page 1

additional Senate votes needed to overcome a filibuster by opponents would not bear fruit.

By the far the biggest settlement of its kind, three major oil companies agreed last week to pay Santa Monica 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 the city's costs incurred since the Santa Monica's water supply was tainted by MTBE 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 MTBE to leak into the city's drinking water supply.

Santa Monica officials breathed a sigh of relief after hearing the legislation was taken off the table. City Council members were vehemently opposed to the bill. If MTBE manufacturers were protected from liability lawsuits, the city of Santa Monica wouldn't have been able to get money from the oil companies for clean-up.

"Santa Monica has shown how important it is for all cities that have MTBE contamination to have all the tools possible," said Mayor Richard Bloom. "This bill would have removed the product liability theory from being used and there is no question in my mind that it's one of the reasons that the oil companies came to the bargaining table and settled."

The gasoline additive has emerged as a major water contamination problem — several places, like Orange County and Cambria, are seeking damages from oil companies.

In South Lake Tahoe, four oil companies agreed last year to pay \$69 million to settle claims that MTBE was a

"defective product" that could contaminate water supplies.

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

Critics say in most cases, that would protect the industry. "It sounds like those who poisoned our water with MTBE will get off scot-free," Sen. Barbara Boxer said in a statement.

The bill passed the House easily last week. Failure to get a bill was a disappointment to the White House. Republican leaders vowed to return to the \$31 billion measure early next year.

Most of the manufacturers of MTBE, a petroleum-based gasoline additive that has been contaminating drinking water all over the country, are in Texas.

Resistance came from California Democrats Dianne Feinstein and Boxer, who opposed various provisions, including one that would shield makers of MTBE from product liability lawsuits.

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

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

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

The failure of the bill rests on the inability of House

and Senate Republicans to agree on a range of issues including ethanol tax subsidies, tax breaks for clean coal technology and the future of MTBE.

Energy bill key provisions cont.

BILL, from page 1

tax credits and other tax benefits for developing renewable energy sources, including tax breaks for corn-based ethanol.

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

■ Tax subsidies of about \$1.5 billion over 10 years for energy efficiency and conservation, including tax credits for energy efficient homes, appliances, use of solar panels, and purchase of hybrid gas-electric cars.

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

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

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

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

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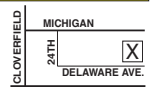
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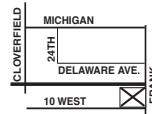


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LETTERS

Leave private donations to schools alone

Editor:

(This letter was originally addressed to John Deasy, superintendent of the Santa Monica-Malibu Unified School District).

With two children currently attending Webster Elementary School, we are writing you to express our strongly held objection to the district's proposal to divert our personal, private and voluntary contributions from our children's school.

As with many families at Webster, we have a vested interest in the quality of education there and are very actively involved in helping to provide it. We currently contribute as much as we are able to through our employer's Community Support Campaign. Through our employer, we request and receive matching funds for the school. Additionally, we have sought and received funds paid directly to Webster from our employer's charitable foundation. Beyond that, we contribute directly to various other Webster fund-raising events, contribute regularly in volunteer time to support various school activities, and volunteer two days a week at the school and in the classroom. Finally, we have also contributed in time and money to the initiatives supporting parcel taxes to support the district's funding needs.

We are happy to be able to contribute but do so with the understanding that our contributions of our time and our money are going to the specific purposes we have chosen to support. We only do so with the knowledge and comfort that local people with whom we have direct relationships, ongoing communications, and shared desires for the substance of education at Webster exercise direct and responsible control over our contributed resources. These people include the PTA officers, teachers and administrators at Webster.

The concept that the district will now attempt to take a portion of our personal, specifically directed, and voluntary contributions for purposes not of our choosing, to be administered by people not at Webster with whom we do not share a relationship or any direct communications, and the net result of which will only diminish the impact of our contribution to the education of our children and reduce the quality of their education itself, is simply odious.

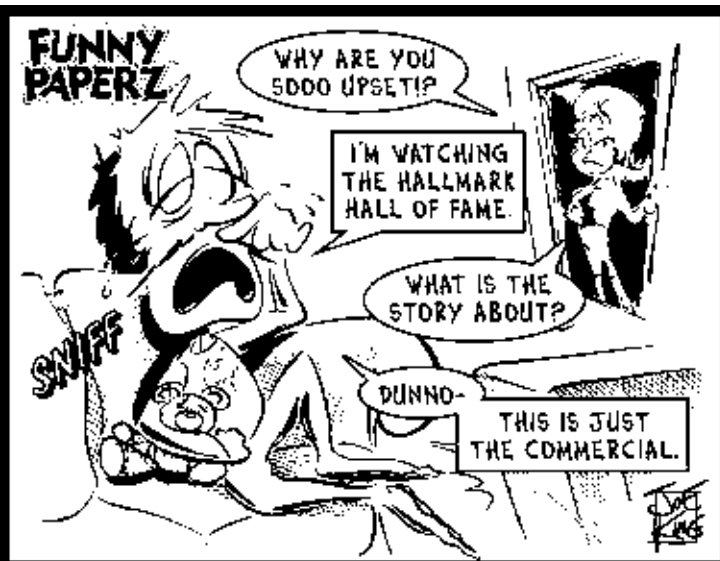
In effect, the district is telling us that we must contribute significantly more money only to maintain the net current financial support for Webster solely to fund a tariff to satisfy an arbitrary and discretionary administrative policy not mandated by law nor sanctioned by state policy. At our current contribution levels, the proposed diversion of funds would directly diminish the quality of our children's education.

As elected officials with a charge to maximize the value of our children's education-

al experience using the public tax funds, we view you as trustees for the benefit of the public good. As beneficiaries of private funds, voluntarily contributed to one of your schools, we view the school, its officers and the district as fiduciaries to apply those funds as intended by the donors, just as you are fiduciaries on behalf of the taxpayers in applying tax revenues pursuant to applicable law, regulations, or public policy.

However, the two roles are not identical. We do not view state and privately donated funds as fungible at your election. Our private donations are not for use for your discretionary administrative agenda. They are given for the purposes we select.

See LETTERS, page 7



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What you don't know about George Bush may kill you



INCITES

By Ed Silverstein

In 1984 a methyl isocyanate gas leak from a chemical plant in Bhopal, India claimed 20,000 lives. Many others were blinded or disabled and in all, 150,000 Indians suffered health effects. And this was from a leak. Imagine the outcome had a group of terrorists blown up the plant, or worse, intentionally released tons of these deadly chemicals.

Of course this could never happen in the United States. George W. Bush has made homeland security his "top priority." If you believe either of these two statements, you would be wrong ... perhaps even dead wrong.

Jonathan Chait, in his eye-opening article for The New Republic (March 3, 2003), details just how low a priority Bush has made Homeland Security. After anthrax attacks on Washington, the House Appropriations Committee's ranking Democrat, David Obey, and ranking Republican Bill Young, went to all major security agencies including the FBI, CIA, NSA and CDC. From those meetings they determined which prime terrorist targets remained vulnerable and were neglected in the initial \$20 billion of homeland security spending. The two Congressmen whittled down the list to those items deemed absolutely necessary for security such as computer upgrades for the FBI, improved security for ports, airlines and

nuclear facilities. The total cost for the measures was \$10 billion.

Obey and Young, along with their Senate counterparts Senators Byrd and Stevens, went to Bush with their proposal. Bush responded that he would veto any measure that proposed spending even one cent more than was already approved for homeland security. Bush then had Vice President Cheney (successfully) lobby Republicans to not even allow debate on the Obey-Young proposal. Bush also has vetoed several other cost-effective measures that would have strengthened security including a \$5.1 billion bill passed overwhelmingly by Congress.

The obvious question is why would Bush actively fight against security measures that would make you and I safer? The answer is simple. Tax cuts.

The first round of tax cuts will cause record deficits, possibly in excess of \$400 billion a year. According to Chait, even Republicans are becoming leery of voting for Bush's new tax cut proposals. As a result, Bush is dead set against anything that will increase the deficit and thus stymie further tax cuts, regardless of the human costs.

This leaves our ports, which receive 95 percent of the country's imports, extremely vulnerable. Only 1 in 50 containers are inspected. That means a biochemical weapon or a nuclear bomb in one of those containers has about a 98 percent chance of getting through. The U.S. Coast Guard has stated that it needs \$1 billion immediately and \$4.5 billion in the next five years to make the ports safe. Bush doesn't seem to care.

There also is poor security at facilities

that build and/or store nuclear materials and bombs. Terrorists could steal radioactive materials or even capture and set off a nuclear bomb. This prompted Bush-appointed Energy Secretary Spencer Abraham to request \$379 million to protect those weapons. The White House approved only \$26 million or a bare 7 percent of what was asked for. Currently there are only 14 agents pursuing 1,200 illegal aliens from countries in which Al Qaeda operates. The INS wants a mere \$52 million to hire additional agents. Bush said "no."

And it isn't only new spending that the president is against. Bush has cut 10 percent from the \$1 billion the United States uses to secure risky Russian nuclear material and hire their unemployed weapons scientists. This was despite a nonpartisan Energy Department study urging an increase to \$3 billion. Bush promised \$3.5 billion in new funding for first responders, but only came up with \$800 million in new funds. The rest was shifted from existing funds and grants already given to police and firefighters. Bush's new budget reduces spending on many previously approved homeland security measures, or fails to fund programs Bush had publicly endorsed such as the Container Security Initiative that would screen cargo at foreign ports. Bush has attempted to shift the blame to congress, but in a March 6 letter Republican Steve Young blasted White House officials stating that their statements were factually inaccurate.

Bush has also obstructed corporate security legislation. An article in the New York Daily News revealed that a chemical release from Matheson Tri-Gas facility in

New Jersey could endanger 7.3 million people. Chemical facilities across the country, which Al Qaeda have studied, could affect many times that number. But Bush and fellow Republicans, kow-towing to an intense lobbying effort by chemical companies, voted down a bill by Senator Corzine to require those companies to increase security standards. Bush also refuses to consider bans of 50-caliber sniper rifles that can take down an airliner as effectively and with greater ease than a shoulder launched rocket.

While I like having a few more dollars as much as anyone, and probably benefit from tax cuts more than most, that extra money won't do me a bit of good if I'm blind, disabled or dead. We need these security measures now. And all can be easily funded if the president is willing to roll back just a small part of his tax cut. But it seems Bush's top priority, maybe his only priority, is to have tax cuts that predominantly make the rich richer, even if it kills us.

AUTHOR'S UPDATE: 60 Minutes recently ran a piece on the danger of chemical plants and their susceptibility to terrorism. Correspondent Steve Croft and his camera crew were able to enter a plant in Pittsburgh and wander among tanks of some of the most deadly agents known to man. Had he been a terrorist over 100,000 Americans could now be dead, yet the Bush Administration is against any regulations that would mandate anti-terrorist security measures at chemical plants. Go figure.

(Ed Silverstein is a freelance writer living in Santa Monica. Comments and confessions from atoning Bush supporters will be accepted at: edsincites@aol.com).

OPINION



LETTERS

LETTERS, from page 6

The absurdity of the logic behind the district's proposed diversion of private funds from one school to another would argue that the private contributed resources benefiting the entire Santa Monica Malibu Unified School District itself, in turn, should be depleted and controlled by people outside the district to support any or all public school districts with lesser means in the state.

Which of the school board members would advocate such a policy? How many parents in this district would advocate such a policy? How many parents who view the district's funds diversion proposal as a potential windfall to their school at the expense and detriment of a neighboring school would donate their private funds away from their own children if the roles were reversed? The hypocrisy is palpable.

Thankfully, we are not yet a fully socialistic society and we trust this logical extension will not be the next proposal emanating from this school district.

Should this measure be instituted, it is very clear to us that our personal recourse will be to redirect our voluntary, private contributions to other support resources dedicated to the education and betterment of our children. We will certainly explore using our limited funds for private school alternatives, outside private tutoring and other outside activity support for our kids. As to employer foundation donations and employer matching funds, we will redirect those funds to our colleges or to other eli-

gible schools where they will not be taxed or diverted for purposes we do not approve.

We have little doubt that the net effect of this private funds diversion scheme (or tax) will actually reduce the private donations currently enjoyed within the district to the detriment of many of the children within the district, very possibly to the detriment of all the children within the district.

If the objective of the district is to raise the level of the lesser-endowed schools (a laudable objective), then appropriate, straightforward approaches would be to solicit donations and support from individuals, foundations or other organizations that choose to contribute to such an effort on its merit or engage in other money raising activities. It should approach funds for discretionary agendas by sourcing them forthrightly and fairly, rather than finessing the diversion of private donations at the expense of neighbors within the district.

It is simply neither appropriate nor productive to attempt to divert private and voluntary contributions for purposes for which they were not intended. We adamantly encourage the district to abandon this ill-conceived, expedient, arrogant, and counter-productive effort.

Ken and Kristina Peterson
Santa Monica

Holiday designed to celebrate not faith, but thought, production

Thanksgiving celebrates man's ability to produce. The cornucopia filled with exotic flowers and delicious fruits, the savory turkey with aromatic trimmings, the mouth-watering pies, the colorful decorations — it's all a testament to the creation of wealth.

Thanksgiving is a uniquely American holiday, because this country was the first to create and to value material abundance. It is America that has been the beacon for anyone wanting to escape from poverty and misery. It is America that generated the unprecedented flood of goods that washed away centuries of privation. It is America, by establishing the precondition of production — political freedom — that was able to unleash the dynamic, productive energy of its citizens.

This should be a source of pride to every self-supporting individual. It is what Thanksgiving is designed to commemorate. But there are those, motivated by hatred for human comfort and happiness, who want to make Thanksgiving into a day of national guilt.

We should be ashamed, they say, for consuming a disproportionate share of the world's food supply. Our affluence, they say, constitutes a depletion of the "planet's resources." The building of dams, the use of fossil fuels, the driving of sport

utility vehicles — they insist — are cause not for celebration, but for atonement. What if, they all wail, the rest of the world consumed the way Americans do?

If only that were to happen we would have an Atlantis. For it would mean that the production of wealth would have multiplied. Man can consume only what he first produces. All production is an act of creation. It is the creation of wealth where nothing before existed — nothing useful to man. America transformed a once-desolate wilderness into farms, supermarkets and air-conditioned houses, not by taking those goods away from some have-nots, nor by "consuming" the "world's resources" but by reshaping valueless elements of nature into a form beneficial to human beings.

Since human survival is not automatic, man's life depends on successful production. From food and clothing to science and art, every act of production requires thought. And the greater the creation, the greater is the required thinking.

This virtue of productiveness is what Thanksgiving is supposed to recognize. Sadly, this is a virtue rejected not only by the attackers of this holiday, but by its

alleged defenders as well.

Many Americans make Thanksgiving into a religious festival. They agree with Lincoln, who, upon declaring Thanksgiving a national holiday in 1863, said that "we have been the recipients of the choicest bounties of heaven." They ascribe our material abundance to God's efforts, not man's.

That view is a slap in the face of any person who has worked an honest day in his life. The appropriate values for this holiday are not faith and charity, but thought and production.

The proper thanks for one's wealth goes not to some mystical deity but to "oneself," if one has earned that

wealth.

The liberals tell us that the food on our Thanksgiving plate is the result of mindless, meaningless labor. The conservatives tell us that it is the result of supernatural grace. Neither believes that it represents an individual's achievement.

But wealth is not generated by sheer muscle. India, for example, has far more manual laborers than does the United States. Nor is it generated by praying for God's blessing. Iran, for example, is far more religious. If the liberal and conser-

vative views of wealth are correct, why aren't those countries awash in riches?

Wealth is the result of individual thought and effort. And each individual is morally entitled to keep, and enjoy, the consequences of such thought and effort. He should not feel guilty for his own success, or for the failures of others.

There is a spiritual need fed by the elaborate meal, fine china and crystal, and the presence of cherished guests. It is the self-esteem that a productive person feels at the realization that his thinking and energy have made consumption possible.

Come Thanksgiving Day, when some success-hating commentator condemns America for being the world's leading consumer, tell him that he is evading the underlying fact: This country is the world's leading "producer." And then, as you sit down to dinner, celebrate the spiritual significance of the holiday by raising a toast to the virtue of your own productive ability and to America's productive giants, past and present.

(Dr. Hull is co-editor of *The Ayn Rand Reader* and is a senior writer for the *Ayn Rand Institute* in Irvine, Calif. The *Institute* promotes the philosophy of Ayn Rand, author of "Atlas Shrugged" and "The Fountainhead." Send comments to reaction@aynrand.org.)

Guest Commentary

By Gary Hull

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

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Entertainment

Something's missing in Ron Howard's 'The Missing'

Review

BY DAN DUNN

Special to the Daily Press

As the title suggests, something's absent from director Ron Howard's western suspense thriller, and it isn't just the abducted girl that Academy Award-winners Cate Blanchett and Tommy Lee Jones chase across the American Southwest. What "The Missing" is missing are the little things that separate good films from great ones. The individual performances are solid, but the relationships never quite jell. And it's puzzling why, at every possible terrifying turn, when he's got the opportunity to nudge us right off the edges of our seats, Howard instead hands us a safety blanket to thaw the chill. We come tantalizingly close to scary

— really scary — but the director is reluctant to take us all the way there. Is it possible his Oscar win last year made him soft? Perhaps he spent too much time visiting the set of long-time producing partner Brian Grazer's other new release, the abysmal "The Cat In The Hat," which could have impaired his usually sound judgment. Howard had the key elements of an extraordinary film at his disposal — great premise, cast — yet, frustratingly, "The Missing" never quite realizes its potential.

Blanchett stars as Maggie, a tough-as-nails medicine woman raising two young girls on her own in the rugged 19th-Century frontier. She's got a doting boyfriend/ranch-hand who goes by the name of Brake (Aaron Eckhart). He wants to make her an honest woman, but Maggie's clearly got a few issues when it comes to men. Turns out that 20 years earlier her father (Jones, playing a guy named Jones) abandoned her family to go off and live with the Apache Indians. When Jones unexpectedly reappears one day, a bitter Maggie sends him away, claiming he was the cause of her mother's death. But a kidnapping forces reconciliation, as Maggie and Jones team up to rescue her teenaged daughter Lilly (Evan Rachel Wood of "Thirteen") from a psychopath (Eric Schweig) intent on selling the girl into slavery in Mexico.

Besides some really good performances,



Cate Blanchett and Jenna Boyd in "The Missing."

what works in "The Missing" is Howard's pacing. Like its protagonists, the film never stops for a breather, accentuating the urgency of the rescue mission. The setting — 19th Century New Mexico — is unique for a thriller, and Howard and cinematographer Salvatore Totino take full advantage of

the yellow and burnt-orange mesas and craggy hillsides, so that it feels as though we're watching a Georgia O'Keefe painting in motion.

(Rated R for violence. Running time: 130 minutes)

There's plenty to haunt 'The Haunted Mansion'

Review

BY DAN DUNN

Special to the Daily Press

The huge box office success of "The Pirates of The Caribbean" guaranteed more adaptations of Disney theme park rides were forthcoming, and the first copycat to arrive, "The Haunted Mansion," is a big bust that could dash the hopes of anyone hoping to see "Space Mountain: The Movie" materialize.

Eddie Murphy continues his unfortunate transformation from a versatile comedic wonder to an unfunny old fart more interested in padding his bank account than challenging himself. Watching him listlessly limp through banal fare like this and "Daddy Day Care," it's hard to believe he's the same guy who flat-out nailed it in "Delirious," "48 Hours" and "Beverly Hills Cop." As Jim Evers in "Mansion," he's a walking cliché — a workaholic realtor who doesn't have time for his family and is sorely in need of a lesson on what's supposed to matter most in life. When a big listing comes his way, he doesn't think twice about canceling a planned outing and dragging his clan along to check out the creepy crib. A sudden storm leaves them stranded, and from there it's a barrage of ghost story gimmicks lifted from films such as "Poltergeist" and "Ghostbusters" — spirits zipping hither and thither, inanimate objects coming to life, even a disembodied head to chat up the kids. All of it leads up to Jim's inevitable change of heart, which feels as artificial as the setting. The special effects in "The Haunted Mansion" are impressive, but certainly don't break new ground. And as we've seen time and time again, even the best CGI wizardry cannot compensate for shoddy storytelling, which is precisely what haunts "The Haunted Mansion."

(Rated PG for frightening images, thematic elements and language. Running time: 99 minutes)

Blanchett: A big year with films and new baby

BY DAN DUNN

Special to the Daily Press

After positioning herself for a run at an Oscar with her celebrated portrayal of slain Irish journalist Veronica Guerin earlier this year, Cate Blanchett is closing out 2003 with a bang. This week, she and Tommy Lee Jones ride into theaters, guns ablazin', in Ron Howard's western thriller "The Missing." In mid-December, she'll appear in another film you may have heard a little something about, "The Lord Of The Rings: The Return Of The King." Two big movies. Both expected to generate big at the box office. Guess that means Blanchett is officially a big star. And you know what we do with big stars at the Daily Press, don't you? We talk to 'em ... for you.

Question: What was it like working with Ron Howard and Tommy Lee Jones?

Cate Blanchett: The experience of working with Ron was pretty close to perfect for me because he has a complete and utter understanding of what it takes to craft an exciting and engaging film that takes an audience along with it. But he never sacrifices the detailed moments; the human moments. Acting is all about revealing what it's like to be human. Now, I don't know whether it's because he's also an actor, or simply because he's Ron, but he's the most uncomplicated, frank person I've ever met in my life. You always know where you stand with him. And I have infinite respect for Tommy Lee as an actor. He has an ability to access such poignant vulnerability, not to mention how generous he was with me.

Q: "The Missing" is not your grandfather's cowboy and Indians movie. What sets it apart from traditional westerns?



CB: To me, the difference is that in the classic westerns the female characters are either nonexistent, or they're the good-hearted prostitute, or the maiden who needs to be rescued. They're not an essential part of the narrative. They're not riding alongside the men. They don't have the same potency as they do in "The Missing."

Q: Your performances in "The Missing" and "Veronica Guerin" have generated Oscar buzz. Would winning a Best Actress statue be the fulfillment of a lifelong dream?

CB: Film was never a Mecca for me, and frankly I never watched the Oscars growing up. It wasn't something my family culture was particularly focused on. But of course I think about it now because you guys talk about it so much.

Q: Speaking of Oscar, Peter Jackson, who directed you in "The Lord of The Rings" trilogy, has been shut out the past

two years. Do you think the third time will be a charm for him?

CB: With or without Oscars, Peter Jackson is a genius and everybody knows it. Awards would be nice, but he's got the absolute respect of his peers and the public and I'm sure deep in his heart that makes him feel great. With or without the Oscars, he will go on to make other genius films.

Q: What was it like to work on an epic project such as "The Lord of The Rings"?

CB: I shot all of that in three weeks about 1,000 years ago (laughs). I've always wanted to work with Peter Jackson, and I'd work with him again in a blink of an eye. But it was a very surreal experience for me because they shot the film for so long, and I was just in and out very quickly.

Q: You're starring as Katherine Hepburn in Martin Scorsese's "The Aviator." Any apprehension about playing someone so well-known and beloved?

CB: I'm trying to represent somebody in the same medium in which they were iconic. The audience rightly feels they have a sense of ownership over her screen persona. But it's for Martin Scorsese, the script is extraordinary, and it's an enormous challenge. I'm not a fearful person, and when I see something that looks insurmountable, I'm likely to charge headlong towards it and give it a go.

Q: What else do you have going on these days?

CB: I'm in the middle of working on a Wes Anderson film, and I'm three months pregnant. So there's a lot going on in my life right now. After this film, I'll be taking a break for my sanity. Having a rich and exhilarating life means I have a lot to draw on when I go back to work.

ENTERTAINMENT



'Timeline' — From dumb action adventure to true comedy

Review

BY DAN DUNN

Special to the Daily Press

There was a point about midway through "Timeline" when I thought the guy sitting next to me was on to something. He'd passed out 15 minutes into the film. And I mean, OUT COLD. No kidding. But just when I figured I couldn't possibly handle any more of the bad acting, ridiculous storyline and wince-inducingly-lame dialogue, something unexpected occurred: I started laughing. So did everyone else in the theater (with the exception of Sleeping Beauty). Not sure how it happened, but in the home stretch "Timeline" went from being one hell of a dumb action-adventure to one of the funnier films of the year. The insipidness somehow became a source of comic relief. I don't think that was director Richard Donner's intention, though.

Based on a novel by Michael Crichton, "Timeline" tells the tall tale of a team of student archaeologists who travel back in time to 14th Century France to rescue their professor, intrepid Scotsman Edward Johnston (Billy Connolly). The search party, disguised in Medieval finery, is led by Johnston's son, Chris (Paul Walker), and never mind that Chris isn't Scottish or that it always seems as though he's on the verge of stripping down to his board shorts and yelling, "Surf's up, French dudes!" This is his excellent adventure, and we get to go along for the ride. And Chris isn't just on a mission to track down



his father, he's doing his best to bed down one of the old man's students, Kate (Frances O'Connor of "Bedazzled"). Kate, however, isn't in the mood for love — at least, not right off the bat. Realizing that Chris' interaction with the French could dramatically alter history, Kate must figure out a way to get everyone back to the future and, hopefully, ensure that 21st Century Parisians aren't all talking like Jeff Spicoli.

So as you've probably deduced from the sarcasm, the casting of Walker was Donner's biggest misstep. A gearhead cop is one thing ("2 Fast, 2 Furious"), but the son of a brilliant European scientist ... uh-uh. Another flub: Setting the French up as the heroes, and the Brits the enemy. It doesn't take an expert on current events to know where American audiences' sentiments lie.

(Rated PG-13 for intense battle sequences and brief language. Running time: 116 min)

'Bad Santa' is terribly good

Review

BY DAN DUNN

Special to the Daily Press

With his outrageously entertaining turn as a debauched department store Santa, Billy Bob Thornton has no doubt secured a spot atop the real Kris Kringle's naughty list this year. "Bad Santa" is rude, lewd and impossibly crude, populated with an assortment of lowlifes that could make the seediest of Washington lobbyists cringe. But if you're game for a little R-rated fun during this most wonderful time of the year, well, "Bad Santa" is a great holiday gift, all wrapped up in F-bombs and slaughtered sacred cows. Imagine "It's a Wonderful Life," had it been written and performed by the kids from "South Park."

Willie T. Stokes (Thornton) is a drunk and a thief. Every year, he and his midget partner in crime, Marcus (Tony Cox) pose as Santa and an elf in order to case and eventually clean out a department store. In Phoenix, the degenerate duo find their annual heist jeopardized by a meddling manager (the late John Ritter in his final film role) and the store's corrupt detective (Bernie Mac). Further complicating matters are Willie's romance with a Santa-fetishist bartender (Lauren Graham) and the presence of a confused 8-year-old boy (Brett Kelly) who believes the foul-mouthed con-man is indeed the real Santa Claus.

Directed by Terry Zwigoff ("Crumb," "Ghost World") and written by John



Requa and Glenn Ficarra (the guys who brought us the decidedly more wholesome "Cats & Dogs"), "Bad Santa" gleefully goes where no other Christmas movie has gone before — the bottom of the gutter. Thornton is flat-out brilliant, delivering an unflinchingly fearless performance as one of the most loathsome creatures imaginable. He's a suicidal, felonious alcoholic who shags women in the store's dressing rooms, chain-smokes, has a vocabulary that would make a sailor blush, and is prone to soiling his Santa suit while children sit on his lap. Yet somehow, in the end, we wind up liking — or at least, feeling for — Willie. He is a hopelessly tragic figure, but tragedy couldn't be more funny. The supporting cast is fabulous as well, especially young Kelly, who never flinches while suffering all manner of indignities courtesy of his unholy houseguest.

(Rated R for pervasive language, strong sexual content and some violence. Running time: 93 minutes)

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Westside | Real Estate

LA home prices reach highest levels in more than a decade

By Daily Press staff

The luxury home market in California is heating up, with Los Angeles values rising to their highest levels in 12 years and San Diego homes reaching another record high, according to the Prestige Home Index™ by First Republic Bank, one of California's leading providers of full-service banking, investment management, and trust services.

In San Francisco, the luxury home market broke a string of three consecutive down quarters and posted a 2.1 percent increase in the third quarter of 2003 — a sign that the market for high-end properties is starting to recover after several years of flat or declining prices.

The Index, which has tracked luxury homes since 1985, found:

■ Los Angeles area values climbed 17.1 percent from the third quarter of 2002 and 4.5 percent from the second quarter of 2003. Los Angeles values are now at \$1.53 million — their highest level since 1991.

■ San Diego area values increased 6.9 percent from the third quarter of 2002 and 4.3 percent from the second quarter of 2003. Values reached \$1.52 million — the region's second consecutive quarterly record.

■ San Francisco Bay area values fell 0.4 percent from the third quarter of 2002, but rose 2.1 percent from the second quarter of 2003. Values in the San Francisco Bay area are still the highest in the state at \$2.23 million.

"The Los Angeles luxury home market is booming because of a strengthening economy, low interest rates, lack of inventory and a rising stock market, while San Diego continues the recent trend of strong appreciation," said Katherine August-Wilde, chief operating officer of First Republic Bank. "In San Francisco, values are beginning to rise, with significant purchasing activity for homes priced up to \$2 million. Overall, the luxury home market in California is heating up."

LOS ANGELES VALUES HIGHEST IN 12 YEARS

The third quarter of 2003 marked the third straight quarter of double-digit gains in Los Angeles year over year. Los Angeles

values soared 17.1 percent in the third quarter and are at the highest level since 1991, when the average value was \$1.6 million.

"The market is as hot as a pistol right now," said agent Myra Nourmand of Nourmand & Associates in Beverly Hills. "It's just absolutely insane." She noted that a property which sold for \$12.5 million 2 1/2 years ago is on the market today for \$29 million.

"There's not a lot of product and there are a lot of buyers," she said. "The number of people moving to Los Angeles keeps growing. People aren't traveling as much as they did and are therefore willing to spend more money at home."

Barry Sloane, an agent with Sotheby's in Beverly Hills agreed.

"In the past two to three months, there's been an amazing hike in prices," he said. "There is little inventory, and more buyers than ever."

Sloane predicted that Los Angeles values would go higher.

"Los Angeles is one of the least expensive cities in the world and has been underpriced for a long time," he said. "There is genuine demand here and lack of supply. I think the sky's the limit in LA I've always said there is no real estate bubble here."

Joyce Flaherty, an agent with Coldwell Banker in Beverly Hills, said prices are the highest she has ever seen, and she doesn't expect the market to cool off any time soon.

"More and more people are coming here, and there are fewer and fewer places to live," she said. "The biggest problem is a lack of land."

SAN DIEGO AREA VALUES HIT RECORD HIGH — AGAIN

For the second consecutive quarter, San Diego values hit a new high. Values rose to \$1.52 million, surpassing the record set in the second quarter of 2003, when values climbed to \$1.46 million. Since the first quarter of 2000, values are up more than \$400,000.

Agents said despite two record quarters, prices may not appreciate much in the short term. They noted that while the lower range of the luxury market remains active, properties above \$3 million are moving slowly.

"It's paradoxical here in La Jolla," said

Bonnie Adams, an agent with Coldwell Banker in La Jolla. "We have a lot of buyers who have the money, but they haven't found the right property. Buyers are being very selective, but I think the market is going to continue to remain healthy."

In the upper end of the market, sales are soft. Linda Sansone, an agent with Willis Allen in Rancho Santa Fe, said 11 homes above \$5 million had been sold by this time last year, but only five have sold thus far in 2003.

"The market at \$5 million and above is slow, but anything under \$2 million is moving along," she said. "Anything under \$1 million can't stay on the market for a day."

SAN FRANCISCO BAY AREA FALLS SLIGHTLY

Values in the San Francisco Bay area fell 0.4 percent from the third quarter of 2002, but rebounded 2.1 percent from the second quarter of 2003, breaking a string of three straight quarterly declines. Despite the slight drop year over year, the market between \$1 million and \$2 million is hot in the San Francisco Bay area.

"The market under \$2 million is really strong," said David Papale, an agent with Ritchie Hallinan in San Francisco. "We're seeing multiple offers on properties, and we're seeing a lot of activity. But above \$3 million, buyers are being selective."

Papale noted that a San Francisco property recently listed for \$1.1 million generated 18 offers, including 10 offers over \$1.2 million.

"Anything under \$2 million is the sweet spot of the market because rates are still very low," he said.

David Gowan, an agent with Coldwell Banker TRI in San Francisco, agreed that the lower end of the luxury market is becoming the entry point for many move-up buyers, but that premier neighborhoods are still out of reach for many.

"What can you get in San Francisco under \$1 million in any decent neighborhood?" he said. "Properties above \$2 million that are not well priced are not moving and we are seeing price reductions. I think the market is going to stay flat over the next

few quarters."

In Silicon Valley, buyers are returning, although activity and prices are still far below where they were before the technology bubble.

"The greatest amount of activity is right around \$1 million," said Jennifer DeGolia, an agent with Alain Pinel in Menlo Park. "We've even seen some multiple offers at \$1.5 million and over. I do really sense that people are getting comfortable with the fact that the economy is recovering. I think we're going to have a very active quarter."

(The First Republic Prestige Home Index™ is the first statistical model of its kind customized to measure changes in homes valued at more than \$1 million in key California urban markets. Some common features of luxury homes in the Index are properties that are 3,000 to 6,000 square feet, have three to six bedrooms, and three to six bathrooms. San Francisco Bay area properties include a cross-section of luxury homes in Alamo, Atherton, Belvedere, Danville, Healdsburg, Hillsborough, Lafayette, Los Altos, Los Gatos, Mill Valley, Moraga, Orinda, Palo Alto, Piedmont, Portola Valley, Ross, St. Helena, San Francisco, Saratoga, Sonoma, Tiburon and Woodside.

Properties in Los Angeles represent a cross-section of luxury homes in Arcadia, Beverly Hills, Calabasas, La Cañada Flintridge, Encino, Los Angeles, Malibu, Marina del Rey, North Hollywood, Pacific Palisades, Pasadena, Playa del Rey, Santa Monica, Studio City and the West Los Angeles enclaves of Bel Air, Brentwood and Westwood. San Diego properties represent a cross-section of luxury homes in Carlsbad, Coronado, Del Mar, Encinitas, La Jolla, La Mesa, Poway, Rancho Santa Fe, San Diego and Solana Beach. In producing the index, Case Shiller Weiss draws upon its economic database and years of experience in tracking single-family home values; collects and cross-checks data from multiple sources; achieves a weighted balance of validation elements such as repeat sales, comparable sales, and physical home characteristics; and combines this with First Republic's extensive local market knowledge).

SANTA MONICA RESIDENTIAL REAL ESTATE TRANSACTIONS

SOLD	528 14TH ST	SANTA MONICA	90402	SOLD	1948 FRANK ST #3	SANTA MONICA	90404	SOLD	753 PIER AVE #A	SANTA MONICA	90405
Date Sold	SqFt: N/A	List Price: \$1,250,000	Bed: 2	Date Sold	SqFt: 775	List Price: \$289,000	Bed: 1	Date Sold	SqFt: 1,414	List Price: \$595,000	Bed: 2
11/18/2003	Lot Size: 7,500	Sold Price: \$1,275,000	Bath: 1.00	11/20/2003	HOD: \$100	Sold Price: \$289,000	Bath: 1	11/17/2003	HOD: \$180	Sold Price: \$590,000	Bath: 3
SOLD	3016 HIGHLAND AVE	SANTA MONICA	90405	SOLD	2628 KANSAS AVE #3	SANTA MONICA	90404	SOLD	1125 PICO BL #204	SANTA MONICA	90405
Date Sold	SqFt: N/A	List Price: \$699,000	Bed: 3	Date Sold	SqFt: 1,186	List Price: \$379,000	Bed: 3	Date Sold	SqFt: 848	List Price: \$389,000	Bed: 1
11/20/2003	Lot Size: 0	Sold Price: \$696,000	Bath: 2	11/20/2003	HOD: \$219	Sold Price: \$379,000	Bath: 1.5	11/21/2003	HOD: \$148	Sold Price: \$385,000	Bath: 1
SOLD	548 14TH ST	SANTA MONICA	90402	SOLD	1228 14TH ST #102	SANTA MONICA	90404	SOLD	1513 BERKELEY ST #6	LOS ANGELES	90404
Date Sold	SqFt: 0	List Price: \$1,445,000	Bed: 3	Date Sold	SqFt: 798	List Price: \$335,000	Bed: 1	Date Sold	SqFt: 1,589	List Price: \$625,000	Bed: 2
11/19/2003	Lot Size: 7,496	Sold Price: \$1,435,000	Bath: 1.75	11/20/2003	HOD: \$185	Sold Price: \$365,000	Bath: 1	11/21/2003	HOD: \$325	Sold Price: \$585,000	Bath: 2.5
SOLD	516 19TH ST	SANTA MONICA	90402	SOLD	1008 6TH ST #F	SANTA MONICA	90403	SOLD	1513 BERKELEY ST #4	LOS ANGELES	90404
Date Sold	SqFt: 3,762	List Price: \$2,100,000	Bed: 4	Date Sold	SqFt: 590	List Price: \$360,000	Bed: 1	Date Sold	SqFt: 1,793	List Price: \$639,000	Bed: 3
11/19/2003	Lot Size: 8,938	Sold Price: \$2,100,000	Bath: 3	11/21/2003	HOD: \$120	Sold Price: \$331,500	Bath: 1	11/21/2003	HOD: \$325	Sold Price: \$620,000	Bath: 2.5
SOLD	428 11TH ST	SANTA MONICA	90402	SOLD	630 RAYMOND AVE #4	SANTA MONICA	90405	SOLD	2402 4TH ST #4	SANTA MONICA	90405
Date Sold	SqFt: 1,272	List Price: \$1,350,000	Bed: 3	Date Sold	SqFt: 1,300	List Price: \$499,000	Bed: 2	Date Sold	SqFt: 756	List Price: \$549,000	Bed: 1
11/17/2003	Lot Size: 7,496	Sold Price: \$1,400,000	Bath: 2	11/17/2003	HOD: \$215	Sold Price: \$525,000	Bath: 1.5	11/21/2003	HOD: \$140	Sold Price: \$540,000	Bath: 1
SOLD	2623 4TH ST #6	SANTA MONICA	90405	SOLD	1139 HARVARD ST #A	SANTA MONICA	90403	SOLD	2254 30TH ST	SANTA MONICA	90405
Date Sold	SqFt: 744	List Price: \$379,000	Bed: 2	Date Sold	SqFt: N/A	List Price: \$869,000	Bed: 3	Date Sold	SqFt: 4,756	List Price: \$1,140,000	#Units: 6
11/17/2003	HOD: \$140	Sold Price: \$379,000	Bath: 1	11/17/2003	HOD: \$238	Sold Price: \$845,000	Bath: 2.5	11/21/2003	Lot Size: 8,995	Sold Price: \$1,075,000	GRM: 15.00
SOLD	1511 16TH ST #304	SANTA MONICA	90404	SOLD	2222 NEILSON #301	SANTA MONICA	90405	Jodi Summers at Boardwalk Realty			
Date Sold	SqFt: 538	List Price: \$299,900	Bed: 1	Date Sold	SqFt: 1,842	List Price: \$899,000	Bed: 2	310.309.4219 • jodis@boardwalkrealty.com			
11/21/2003	HOD: \$178	Sold Price: \$300,000	Bath: 1	11/20/2003	HOD: \$450	Sold Price: \$850,000	Bath: 2.5				

REAL ESTATE



To wire or not to wire your office is fundamental



IN YOUR SPACE

By Christina S. Porter

As wireless technology becomes more sophisticated, many companies are faced with the decision of whether to wire the office with cabling or to go wireless when setting up their network. Being able to access the e-mail/internet/printer/network from anywhere in the office has its advantages. Our company is exceptionally proud of its Web site and our online transaction management system, and the ability to access and demonstrate it in the conference room on a laptop without having to plug in makes it a lot easier. Frankly, being able to add one less wire to the tangled mass in my office is very attractive to me.

The installation process is less invasive and has been said to have a significantly lower cost. The mechanics of installing a wireless local area network include plac-

ing "access points," radio transceivers mounted some where in the office, usually the ceiling, that is connected to the hardwired network via traditional cabling, throughout the office. How many access points are necessary depends on how many people are using it — usually 12 to 20 users per access point. Any more could create congestion.

There are different methods to connect to a wireless network, depending on the type of device that needs to connect. Laptops: Just less than half of the laptop computers hitting the market today come with an internal adapter, or a wireless local area network (WLAN) adapter. It has been predicted that the number will be close to 100 percent within the next four years or so. Desktop computers: Wireless adapters that plug into USB ports can connect desktop computers. PDAs: These connect via PC or CompactFlash wireless cards. Notebook computers: You can insert a PC wireless card into an expansion slot on a notebook computer to connect. Peripherals: As technology improves new printers and other peripherals are being built to be compatible

with wireless technology.

According to an article in a commercial real estate magazine, a serious disadvantage of having a wireless network could be security. Because the wireless signals travel on radio frequencies, anyone with a receiver can tune into your network. In my office there is a large amount of confidential information going in and out of the office via e-mail and my personal business is becoming increasingly dependent on e-mail. There are several steps you can take to securitize your network:

■ Keep access points away from open windows and doors.

■ Limit users' access to their role in the company to increase network security.

■ Access points come programmed with passwords called "service set identifiers" and the "user devices" must be configured with the correct SSID to access the network.

■ Apparently there is an SSID broadcast function that should be turned off that will hide the network from hackers.

■ There are several different ways in addition to the methods mentioned above

to securitize your wireless network, all of which include encryption.

The best one is new technology that was released earlier this year by the Wi-Fi Alliance called "Wi-Fi Protected Access," which is described as a "collection of security enhancements" for both existing and future networks. A very simple way to put it is that it works with mutual authentication, between the network and the user, and employs constantly changing encryption keys.

It appears that high speed wireless technology has still not reached critical mass but is expected to do so in the next two or three years. When signing a long-term lease or purchasing a building for your business, it might be worth a little research to check out the benefits of wireless technology and, possibly, save yourself some time and money in retrofitting your space in the next few years.

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

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SOLD/LEASED

Date	Location	Price	Sq.Ft
11/11/2003	1414-1416 2nd St.	\$28.20/mg	1,130 sq. ft.
10/14/2003	1453 3rd St.	\$35.40/fs	4,020 sq. ft.
10/21/2003	1460 4th St.	\$25.80/fs	2,000 sq. ft.
11/03/2003	1540 7th St.	\$31.20/mg	4,164 sq. ft.
10/30/2003	1510 11th St.	\$23.40/mg	1,165 sq. ft.

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Schwarzenegger seeks \$1.9B in immediate budget cuts

BY DON THOMPSON

Associated Press Writer

SACRAMENTO — Transportation spending would be cut by \$530 million and health and human services by \$440 million this fiscal year under \$1.9 billion in budget cuts proposed this week by Gov. Arnold Schwarzenegger.

Education would absorb \$160 million in cuts this year and next under the proposal Schwarzenegger presented to legislative leaders, a copy of which was obtained by The Associated Press.

The new governor's finance director, Donna Arduin, plans to outline the proposed cuts to the Assembly and Senate budget committees Tuesday, along with details of Schwarzenegger's proposals for a \$15 billion borrowing and spending limit package he wants voters to consider in March.

Legislators have grown increasingly anxious as they await details of Schwarzenegger's borrowing and spending cut proposals, with a Dec. 5 deadline drawing near and a Thanksgiving break looming.

But they're likely to be unhappy as well with his proposals for nearly \$2 billion in cuts, with more to follow when the Republican governor presents next year's proposed budget in January.

"I think there's some real concerns about them — the impact they have on people," said a Democratic legislative budget analyst. "There's things in here we rejected last year."

The proposals include a 10 percent reduction in Medicaid provider rates on top of an already approved 5 percent cut, to save nearly \$152 million; eliminating state wage assistance to the staff of long-term care facilities to save \$46 million; eliminating respite care and recreational activities for the developmentally disabled to save \$69 million.

While health and human services programs would be cut \$440 million in the second half of this fiscal year,

when ends June 30, they would absorb \$1.163 billion in cuts next year under Schwarzenegger's proposal.

The biggest block of cuts is \$1 billion to the Business, Transportation and Housing Agency, more than half of which would be lost transportation spending to help fill the deficit in the state's general fund. That agency would take a \$417 million cut next year as well.

The state also would postpone \$475 million in vehicle license fee reimbursements until 2006-7, and delay \$105 million in reimbursements to local governments for flood control projects.

Also Monday, Arduin named a three-member volunteer panel of experts to advise Schwarzenegger on the \$15 billion in borrowing he wants voters to approve on the March ballot. Schwarzenegger wants lawmakers to

put the borrowing before voters along with a measure that would limit spending, in a bid to resolve the state's current budget crisis and prevent a recurrence.

The advisory panel will be chaired by Carl E. Reichardt, retired chairman and chief executive officer of Wells Fargo & Co. and Wells Fargo Bank. He is a board member and chairs the finance committee of Ford Motor Co.

It also will include John A. Bohn, chairman and chief executive officer of GlobalNet Venture Partners LLC, an international financial advisory and consulting firm. He previously was president and CEO of Moody's Investors Service.

The third member is Robert E. Denham, a finance lawyer with the law firm of Munger, Tolles & Olson. He previously was chairman and CEO of Salomon Inc.

Thanksgiving goods in short supply

PICKETERS, from page 1

of profits for the unionized chain stores, workers at all three are on strike — and that means all three outlets will be closed on Thanksgiving Day this year.

To help handle the boom in business, Whole Foods, which is usually closed on Thanksgiving, has decided to open its doors, but only until 4 p.m. Co-opportunity general manager Will Simon said his store will be closed as it is on every Thanksgiving, to give workers family time.

"We've seen a lot of new faces," Simon, 69, said of the strike. "It's the kind of boost you don't want because people are suffering. But the shoppers have to go somewhere."

While picketers asked shoppers to turn around Tuesday afternoon, some of the tensions of the seven-week strike were apparent.

As people trickled in and out of Vons at Broadway and Lincoln Boulevard, Tom Hancock, 47, of

West LA, a checker at the store for the past eight years, told customers, "How about shopping at Ralphs? There's no picket line at Ralphs. You're hurting 87,000 families."

Some shoppers ignored him. Others defended themselves angrily, saying they were against the strike and not to bother them.

Robert Garcia, 34, a general contractor who lives in Santa Monica, said he was sick of the attitude exhibited by some picketers. Garcia was at the store with his son buying chapstick Tuesday. He said he had already gotten a free turkey from Vons earlier in the week.

"I've got to get out there and work every single day," Garcia said, adding that if the workers aren't happy with their pay and benefits they should start looking for new jobs. "I'm not trying to make or break these people."

Inside, manager Brian Loudermilk wouldn't comment

except to say what was obvious to anybody shopping — it was slow, it has been slow and it will stay slow until the union and the corporate executives settle their differences.

Many of the picketers said they were holding out hope that the recent decision by delivery drivers to join the strike will lend some weight to their cause and initiate some resolution. Inventory on store shelves already is less stocked than it was before the strike.

But until then, Hancock said the workers will continue their picketing, which has been reduced from 24 hours to coincide with store hours. Most unionized grocery stores now close at 10 p.m.

"Because it's in its seventh week, more people are shopping now than in the first week or two," Hancock said. "But I can tell you that a lot of people, a lot of people in this neighborhood have really been caring about us."

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STATE □ NATIONAL

Judge decides no prison for three medical pot workers in West Hollywood center

BY DAISY NGUYEN
Associated Press Writer

LOS ANGELES — A federal judge cited a "lesser harm doctrine" when he ruled Monday that three men who pleaded guilty to running a West Hollywood medical marijuana center shall receive no prison time.

U.S. District Judge A. Howard Matz expressed admiration for the men's work in helping sick patients during the sentencing hearing in which he ordered they serve only one year of probation and up to 250 hours of community service. Each were also ordered to pay a \$100 fee, but their bail of \$25,000 was exonerated.

"Though it was hard to keep faith in the system throughout this process, I know mine was restored today," defendant Scott Imler said as he thanked Matz for his leniency and prosecutors for treating him with "dignity and respect."

Matz conceded he was navigating "somewhat uncharted shoals" in making the downward departure from sentencing guidelines, but was resolute in ruling that Imler, along with Jeff Yablan and Jeffrey Farrington "committed a crime to avoid the harm of the greater suffering of patients" by giving them medical marijuana.

"They didn't do it for money or political leverage," Matz said during an emotional sentencing hearing attended by many of the defendants' supporters, including former patients of the Los Angeles Cannabis Resource Center.

Imler, Yablan and Farrington faced up to 30 months in federal prison after striking a plea bargain with prosecutors. They ran the medical marijuana center for five years until 2001 when federal agents raided the center and shut it down.

During that period, Matz said the men scrupulously adhered to rules established

under Proposition 215, the nation's first medical marijuana law, which allowed Californians with cancer, HIV and certain other chronic medical conditions to grow and use marijuana to ease nausea and other health problems, if a physician recommends it.

The 1996 state law, however, conflicted with federal law banning the cultivation, possession and use of marijuana, even for medical purposes. The conflicting laws have led to numerous raids of medical marijuana centers and lawsuits.

Matz cited letters from local authorities, including county Sheriff Lee Baca and Assemblywoman Jackie Goldberg, D-Los Angeles, who noted that Imler, the president of the Cannabis Resource Center, openly discussed the center's operation with them. The center was providing marijuana to about 960 patients suffering from AIDS, epilepsy, glaucoma, cancer and other serious illnesses before it was shut down, said Imler's attorney, Ronald Kaye.

Matz also read "heartfelt" letters from former patients and friends, including one from a friend of Imler who said he made "a difference in lives that amounted to little else than loneliness, grief and premature extinction." He mentioned a letter from Imler's doctor, who said he was diagnosed with advanced stage lung cancer and was scheduled to undergo surgery next week.

The judge said the entire prosecution was "badly misguided" and he said he was baffled and disturbed that the Drug Enforcement Agency and prosecutors wasted so much time and money in prosecuting the case.

He admonished prosecutors for calling Imler's medical condition "not an extraordinary impairment."

Recall effort against Nevada Governor Kenny Quin fails

BY BRENDAN RILEY
Associated Press Writer

CARSON CITY, Nev. — An anti-tax group trying to recall Nevada Gov. Kenny Quinn gave up this week, acknowledging not enough signatures were gathered to qualify for the ballot.

Chris Hansen of The Committee to Recall Gov. Quinn said more than 51,000 signatures were gathered by volunteers—far short of the 128,109 needed to force a recall vote next year.

The recall leaders filed their petition with the secretary of state's office a day ahead of the Tuesday deadline, listing only three names — Hansen, Tony Dane and Ron Wade, all of Las Vegas.

The recent recall of former California Gov. Gray Davis "really crucified us," Hansen said. "That was such a circus, such a show, with a stripper, a porn star, Gary Coleman as candidates."

"People thought it would probably be the same here, while in truth it would have been an election to keep or not keep Quinn as governor," Hansen said.

Hansen said a controversy over loca-

tions of signature-gatherers in and around state buildings prompted a would-be contributor to back out of the recall effort, and organizers couldn't afford to pay people to collect signatures.

Organizers said they gathered enough signatures if the issue had been an initiative petition or referendum, rather than a recall, but Quinn questioned whether the recall organizers really had all the names they said.

"While the small group of people who started this recall said they collected more than 51,000 signatures, that doesn't make it true," Quinn said.

The Republican governor, who supported a record tax increase this year, said the recall effort failed "because the vast majority of Nevadans support me and the efforts I have made to make Nevada a better place."

The recall committee, a group of conservatives from several political parties, was formed in response to Quinn's proposal for more than \$1 billion in new and increased taxes. After a divisive legislative session that stretched into two special sessions, Quinn signed into law a record \$833.5 million tax package.

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NATIONAL

Protests mark Bush's first visit to Vegas as president

BY KEN RITTER

Associated Press Writer

LAS VEGAS — President Bush came to Las Vegas Tuesday to raise money and support among Nevada residents, but hundreds also turned out to show their anger at his decisions to approve the Yucca Mountain nuclear waste repository and his Medicare proposals.

Bush addressed Medicare at a recently opened Las Vegas hospital and attended a \$2,000 a plate fund-raiser luncheon at the Venetian hotel-casino on the Las Vegas Strip. Protesters picketed both locations.

Security was tight outside The Venetian as about 1,200 people peacefully walked a line separated from tourists by metal barricades. Police reported no arrests.

Many demonstrators carried signs reading "No Nuke Dump in Nevada." Others brought handmade signs referring to broken promises and issues including the Iraq war, union policies, Medicare, abortion policy, and the Patriot Act.

Opponents of Yucca Mountain say Bush broke a campaign pledge to let "sound science" decide if the nation's nuclear repository should open 90 miles northwest of Las Vegas. That was interpreted in Nevada as a chance to stop the Yucca Mountain project.

Congress in July 2002 approved the plan to store 77,000 tons of radioactive waste in the state, and Bush concurred. The Energy Department is preparing to apply to the Nuclear Regulatory Commission for a license to

open the repository in 2010.

The decision came as the Energy Department continued to look at 293 scientific questions.

"As a Nevadan, of course, I'm upset about Yucca Mountain," said protester Diane Hart, 42, a retired Las Vegas businesswoman. "But he's not going to change his mind. What we have to do is change presidents."

"I'd feel real good with a sign saying, 'Stand behind our troops.'"

— LINDA OSBORNE
Tourist

"I think it was a done deal before he ever took office," said Marsha Forkos, Sierra Club southern Nevada group chairwoman and another protest organizer. "We want to make him aware that Nevada is not going to just roll over and play dead."

Not everyone at the Venetian was there to protest.

"I'd feel real good with a sign saying, 'Stand behind our troops,'" said tourist Linda Osborne, 57, of Kingsport, Tenn. She and her husband, Don, were disappointed they didn't see Bush's motorcade, which used a rear hotel entrance and did not pass the protesters.

Earlier, Bush spoke for 30 minutes to about 200 invit-

ed guests at Spring Valley Hospital.

The president called Tuesday's vote by the Senate to approve sweeping changes to Medicare a "major victory" that will strengthen and modernize the system. The legislation that includes a new prescription drug benefit for 40 million older and disabled Americans goes to Bush for his signature.

"We inherited a good Medicare system. It has worked, but it was becoming old and needed help," Bush said.

Jackie Johnson, a surgical nurse at another Las Vegas hospital and a member of the Service Employees International Union, joined about 45 union members who waved signs and chanted as the president's motorcade arrived at the hospital.

Johnson said the Medicare changes proposed by the Bush administration, coupled with changes to worker overtime policies, would mean "more work, less help, sicker patients."

"We need to study the broken system before making changes so fast," she said.

The president left Tuesday afternoon for Phoenix and another campaign stop on his way to Crawford, Texas, to spend Thanksgiving with his family.

Bush didn't campaign in Las Vegas in 2000, but did visit Lake Tahoe to raise \$300,000 for his campaign and \$240,000 for the Republican Party. He carried the state and its four electoral votes in 2000, 49.5 percent to 45.9 percent.

Because of redistricting, the state now has five electoral votes.

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NATIONAL

Senate gives its final approval for Medicare prescription drug benefit

BY MARK SHERMAN
Associated Press Writer

WASHINGTON — The Senate gave final congressional approval Tuesday to the most sweeping changes to Medicare since its creation in 1965, including a new prescription drug benefit for 40 million older and disabled Americans. The 54-44 vote sends the bill to President Bush, who is eager to sign it into law.

Supporters said the \$395 billion measure, which gives private insurers a large new role in health care for seniors, was a long overdue change for the 38-year-old Medicare program.

Drug coverage won't begin until 2006, although seniors next year will be able to purchase a drug discount card that officials said could reduce their pharmacy bills by 15 to 25 percent.

Seniors "will finally have the prescription drug coverage they need and the choices they deserve," Senate Majority Bill Frist of Tennessee said. "At the same time, it preserves traditional Medicare."

Democratic opponents complained that the bill was a giveaway to insurers and drug companies. Sen. Edward M. Kennedy, D-Mass., said it will dump seniors "in the cold arms of the HMOs."

While Frist and others called it a bipartisan vote, the tally fell largely along party lines. Forty-two Republicans, 11 Democrats and an independent backed the legislation. Nine conservative Republicans joined 35 Democrats in opposition.

The GOP-controlled House passed the bill near dawn on Saturday on a 220-215 vote, also split by party affiliation.

Senate Democratic leader Tom Daschle of South Dakota said Republicans would pay a price in coming elections because "seniors by an overwhelming margin oppose this legislation."

Republicans relished their political triumph on an issue that Democrats have long exploited in political campaigns.

Bush sees signing the bill as fulfilling both his and many lawmakers' campaign promises.

"Modernizing Medicare will make the system better and enable us to say to seniors we kept our promise," Bush said after visiting Army troops Monday at Fort Carson, Colo.

When the legislation made it through the Senate for the first time, in June, Daschle and Kennedy were part of the overwhelming 76-21 vote for the bill. In months of closed-door negotiations, majority Republicans and two Democratic senators forged a compromise bill that most Democrats believed was skewed to favor private insurers at the expense of traditional Medicare.

"It didn't have to be this way," Kennedy said.

At its heart, the Medicare legislation was designed as a grand bargain, with the new drug coverage for all Medicare beneficiaries long sought by Democrats combined with a Republican-backed plan to give private insurance companies a vast new role in health care for the program's beneficiaries.

Under the legislation, seniors would be eligible beginning next year to purchase a Medicare-backed discount drug card at a

cost estimated at \$30 a year. The administration estimated the card would mean savings of between 15 percent and 25 percent off retail prices; critics argued those numbers were wildly inflated.

Beginning in 2006, the legislation would allow seniors to purchase coverage for their prescription drugs. GOP officials estimated the drug insurance premium would be \$35 a month, with a \$250 deductible. The coverage would pay 75 percent of costs after that until a recipient's drug costs reached \$2,250. After that, there would be no drug coverage until a recipient's out-of-pocket expenses reached \$3,600, or roughly \$5,100 in overall prescription expenses. Above that level, insurance would pick up roughly 95 percent of costs.

"It didn't have to be this way."

— SEN. EDWARD M. KENNEDY
D-Mass.

The measure included subsidies for low-income seniors.

The scope of the bill went far beyond prescription drugs, though, including an additional \$25 billion for rural hospitals and health care providers, a requirement for higher-income seniors to pay more for Medicare Part B coverage and billions of dollars to discourage corporations from eliminating existing coverage for their retirees once the new government program began.

The bill would satisfy other goals of conservatives, including creation of tax-preferred health savings accounts, open to individuals who purchase high-deductible health insurance policies.

Most contentious of all, the legislation would create a limited program of direct competition between traditional Medicare and private plans, beginning in 2010. Conservatives argued that would help bring down the cost of Medicare over the long run, while critics said it would privatize the program and lead to "cherry picking" of relatively healthy seniors by insurance companies and higher premiums for those seniors who remained under the government-designed benefit.

Arguments for the bill stressed that the pot of money set aside for the drug benefit would disappear in a time of budget deficits if lawmakers did not seize the opportunity now to end years of deadlock. "If we don't do this at this time, it may be years" before another opportunity comes along, said Sen. Charles Grassley, R-Iowa, an architect of the bill.

Democratic critics retorted that a bad bill would be worse than no legislation at all, despite their long-standing support for drug coverage for seniors in Medicare.

The bill's path to passage was cleared in the Senate on a pair of procedural votes, including a cliffhanger decided only when Sen. Trent Lott of Mississippi, the former Senate Republican leader, sided with the current GOP leaders. Lott voted against the overall bill.

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PEOPLE IN THE NEWS

Scorsese: Let freedom ring for all, liberate the lady

By The Associated Press

■ NEW YORK — Martin Scorsese offered his moviemaking talent Tuesday to a campaign to reopen the Statue of Liberty to the public.

The "Gangs of New York" director will produce and narrate a television documentary on Lady Liberty to air in January, as part of an effort to raise money for new security measures.

The federal government has spent millions on upgrades, but about \$5 million in work must still be done before visitors can climb the 151-foot-high statue.

The Statue of Liberty National Monument, a 58-acre island in New York Harbor, was closed to the public immediately after the Sept. 11, 2001, attacks.

The island reopened in December 2001, after airport-type metal detectors were installed to screen visitors boarding the ferry from lower Manhattan. The statue itself has remained closed.

Planned upgrades to the statue include fire and emergency notification systems and more exits from the monument.

Once security improvements are made, the National Park Service must ask Interior Secretary Gale Norton for permission to reopen the statue to visitors. No timetable has been set.

On Tuesday, American Express pledged at least \$3 million to The Statue of Liberty-Ellis Island Foundation, which is overseeing the project. After the terrorist attacks, the company's offices in the World Financial Center were vacated for nine months. Folgers also has pledged funding for the campaign.

■ NEW YORK — Christopher Reeve appeared before a New York audience and proudly pointed out what he was missing: the ventilator he's had to use since the horseback riding accident that left him paralyzed.

"To breathe normally, to be able to smell ... anything

that makes you feel more normal is psychologically so important," Reeve told the crowd at Monday night's annual benefit for his Christopher Reeve Paralysis Foundation.

In February, Reeve became the third person in the United States to undergo a surgical procedure called diaphragm pacing, which involves threading tiny wires through small incisions in the diaphragm. The wires connect electrodes to a control box outside the body. The device allows him to breathe without a ventilator for hours at a time.

Reeve had demonstrated the device, which works like a pacemaker, earlier this month in an interview with Barbara Walters on ABC's "20/20." Monday's event was billed as his first public appearance using the device.

Arriving onstage, Reeve noted that usually he's seen "wearing a necklace of corrugated plastic."

"I'd like you to notice that I'm not wearing it tonight," the 51-year-old announced. Ever since he was a little boy, he noted, "I've been trying to avoid getting dressed up and wearing a necktie. Now I get my wish."

The "Superman" actor, who was paralyzed from the neck down in 1995, said he'd had some trouble learning to use the device. He tried to breathe and eat simultaneously, only to choke on a piece of lettuce, then a piece of tuna fish. He learned that he had to perform one function at a time.

■ NASHVILLE, Tenn. — Country singer Wynonna Judd has wed her longtime bodyguard, D.R. Roach.

The couple married Saturday in a private ceremony in the Leiper's Fork community about 30 miles south of Nashville, said publicist Ashley Eicher.

Sixty friends and family members attended, including Wynonna's mother, singer Naomi Judd, and her sister, actress Ashley Judd.

The church was draped in lavender and ivory, and the

bride wore a custom-stitched and beaded ivory dress.

This is Wynonna's second marriage. She and Arch B. Kelly III split in 1998.

Wynonna and Naomi Judd broke onto the country charts in 1984 as The Judds. The mother-daughter duo sold more than 20 million albums, won six Grammys and had 14 No. 1 hits, including "Why Not Me" and "Mama He's Crazy."

Naomi Judd retired in 1991 because of chronic hepatitis infection. Wynonna, who goes by her first name, had immediate success as a solo artist with hits including "No One Else on Earth" and "Tell Me Why."

Her first album in three years, "What the World Needs Now is Love," debuted at No. 1 on the Billboard country music chart in August.

The 39-year-old singer was in the news the week before the wedding when Nashville police charged her with drunken driving. She said at the time she was celebrating her upcoming marriage.

■ LOS ANGELES — Tori Spelling, whose "Beverly Hills, 90210" character got married at the end of the show's 10-year run, is tying the knot in real life.

Spelling, 30, and actor-writer Charlie Shahan, 34, plan to wed next summer, her publicist, Cece Yorke, said Monday.

The couple met on stage last year in the Los Angeles production of the romantic comedy "Maybe, Baby It's You," which Shahan co-wrote. The play featured the two actors in 11 vignettes about couples in search of love.

Spelling, daughter of television producer Aaron Spelling, played wholesome Donna Martin on his hit series "Beverly Hills, 90210." She also was featured in the films "Scary Movie 2," "Scream 2," and "Trick."

She'll next star in Hallmark Channel's upcoming, "A Carol Christmas," where she'll play a modern day Scrooge, and the WB comedy series "The Help."

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