

Santa Monica Daily Press

A newspaper with issues

DAILY LOTTERY

SUPER LOTTO

4 5 9 20 34
Meganumber: 23
Jackpot: \$7 Million

FANTASY 5

14 17 20 30 39

DAILY 3

Daytime: 0 7 6
Evening: 0 0 9

DAILY DERBY

1st: 02 Lucky Star
2nd: 04 Big Ben
3rd: 10 Solid Gold

RACE TIME: 1:49.24

NEWS OF THE WEIRD

BY CHUCK SHEPARD

"Anal-wart researcher" (visual inspection being the only way to detect anal cancer from the human papillomavirus) heads Popular Science magazine's second annual November list of the worst jobs in science. However, "worm parasitologist" can be just as challenging, especially for anyone studying the *Dracunculus medinensis* (which can settle in humans to a length of 3 feet and then must be removed carefully after its thousands of offspring burst through the skin). Other contenders: "tampon squeezer" for the study of vaginal infections; a Lyme-disease "tick attractor" (who must sing, to keep bears away, while trolling in the woods); and "monitors" at warm-climate landfills (where garbage has been reduced to steamy, liquid condensates).

TODAY IN HISTORY

In 1967, surgeons in Cape Town, South Africa, led by Dr. Christiaan Barnard performed the first human heart transplant on Louis Washkansky, who lived 18 days with the new heart. In 1979, 11 people were killed in a crush of fans at Cincinnati's Riverfront Coliseum, where the British rock group The Who was performing.

QUOTE OF THE DAY

"It was a book to kill time for those who like it better dead."

DAME ROSE MACAULAY
ENGLISH NOVELIST (1881 - 1958)

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City appeals suit targeted at itself

BY CAROLYN SACKARIASON

Daily Press Staff Writer

CITY HALL — A law passed four years ago by Santa Monica voters aimed at eliminating political corruption and special interest campaign financing is still not being enforced as a lawsuit filed by the city against the city is hashed out in court.

After City Hall sued itself and lost in 2002, it appealed the decision. Oral arguments were made in the Court of Appeals on Oct. 27. A ruling is expected within the next month.

Proposition LL, approved by Santa Monica voters in 2000, limits public officials from receiving gifts and campaign contributions from companies that contract with the city. It blocks officials who award contracts of more than \$50,000 from receiving campaign contributions, gifts or employment from the party to whom the benefit was awarded.

But City Clerk Maria Stewart refused to enforce the law because it's unconstitutional, based on advice from the city attorney. City officials, who are normally supportive of campaign finance reform, think the measure — levied by a local taxpayer and consumer rights advocacy group — violates constitutional rights mostly because it's full of holes. The law was so poorly written that the city was forced to sue itself just to enforce it, city officials said.

The results so far are racked-up attorney fees most likely to be paid by taxpayers, a voter-mandated law still not being enforced and a case that has taken more

than four years to resolve.

The city and Stewart hired separate, outside law firms to represent both sides because the city attorney's office couldn't represent either of them. It's unknown how much lawyers have billed both city entities in the case.

When Prop. LL was supposed to go into effect, Stewart was unsure on how to enforce it because it was riddled with confusing provisions and is widely deemed too broad, therefore it violates due process, city attorneys argue.

The City Council wanted clarification too, but it also wanted to make sure the city was honoring the "will of the people" — the 59 percent of Santa Monica voters who approved the law. And suing the group that forced the measure onto the ballot, the Oaks Project, wasn't an option because city officials didn't want to appear to be going against that will, officials said.

So the only way city officials thought they could clarify the law's constitutionality was to sue its own city clerk for not enforcing it, then wait for a judge to rule.

Santa Monica Superior Court Judge Debra Yang dismissed the suit in April 2002, but not because it's unconstitutional — rather that the city had no legal grounds to sue because no one had challenged the law. Yang left the bench to become the United States Attorney for Los Angeles shortly after her decision.

"We didn't agree that the law was unconstitutional per say, but that there are several provisions

See **SUIT AND THE CITY**, page 5



Carolyn Sackariason/Daily Press

TICKET TO SHOP: Thomas Velazquez gets a pleasant surprise after being pulled over by Officer Rob Dawson ... a \$20 gift certificate to a local mall.

Grin reapers: Police writing up rewards

By Daily Press staff

Chances are that if you have a run-in with the law, it doesn't always work out in your favor.

That's not the case with the Santa Monica Police Department this holiday season. The SMPD, in partnership with Santa Monica Place, is doling out tickets this month to people exuding good driving behavior.

SMPD motorcycle officers and parking and traffic officers are handing out \$20 gift cards for Santa Monica Place to drivers and pedestrians who tow the line.

Officers started handing out the "safe driver tickets" on Wednesday and will continue through Dec. 25. During that time, motorists in Santa Monica

See **TICKET TO SHOP**, page 5

'Tis the season: Santa Monica sheds light on holidays

By Daily Press staff

Happy Days are here for Santa Monicans.

Marion Ross, famous for playing Mrs. Cunningham on the popular sitcom "Happy Days" in the 1970s, will be the guest of honor at tonight's annual lighting ceremony on the Third Street

Promenade. These days, Ross can be seen on the "Gilmore Girls."

Beginning at 5:15 p.m., Ross will flip the switch that lights up the Promenade in a ceremony that marks the beginning of holiday festivities. The holiday lights will shine on the Promenade every evening from 5 p.m. to 6 a.m. through the first week of January.

And Main Street is kicking off its celebration on Saturday with a tree-lighting ceremony at 6 p.m. on the California Heritage Museum lawn, 2612 Main St. The Santa Monica High School choir and Santa Claus will be on hand, and visitors can browse through stores and vote in the window decorating contest. The ballots also

serve as raffle tickets to win prizes, including gift certificates and gift items ranging from \$25 to \$150.

In the past, thousands have turned out for the lighting ceremonies, and organizers don't anticipate this year will be an exception.

See **WINTERLIT**, page 6

Jacquie Banks

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LOCAL
COMMUNITY BRIEFS

What planet are you on?

By Daily Press staff

Studies have shown that girls lose interest in science and technology at age 12. That's why the Girl Scouts hope to pique their interest this weekend with a "planet finding day."

Scouts will observe sun spots with a solar telescope, play interactive games, watch movies about the discovery of new planets, meet amateur astronomers and engage in hands-on science demos.

The workshops will be held on Sunday, Dec. 5, from noon to 2 p.m. and 2 p.m. to 4 p.m. at Santa Monica Place. Scouts are to meet inside the mall in front of Macy's on the first floor.

Citizenship program gets grant

By Daily Press staff

The Santa Monica Adult Education Center has won a \$57,000 grant from the state of California to expand its U.S. Citizenship program.

Since its founding in 1995, SMAEC's Citizenship program has helped 1,546 clients prepare for the citizenship interview and file the complicated forms. Fewer than 1 percent of those students have failed to gain citizenship, according to program coordinator Patricia Hernandez.

Under tight budget constraints, the program has relied only on word-of-mouth referrals by students to neighbors and co-workers. The grant will allow SMAEC to launch an outreach campaign which includes television, radio, print media and postings in key locations around the area.

"We can expand our class offerings and provide additional help to adults wishing to become U.S. citizens," said Stephen R. Martinez, SMAEC director.

For the first time, SMAEC will reach beyond Santa Monica — and as far as San Fernando, Silverlake, and Hollywood — to recruit new students.

"We are extremely honored to have been awarded this grant," Martinez said. "This was a very competitive grant with agencies from all over California vying. In this time of statewide financial cutbacks, grants are becoming more and more difficult to win, and the competition is the tightest it has ever been."

SMAEC offers classes in U.S. citizenship preparation, English, parenting, and high school diploma preparation.

In January, a new distance learning program will bring those classes to people who cannot attend on-campus classes.

For more information, call SMAEC at (310) 664-6222.

Festival of lights coming to the Waldorf

By Daily Press staff

The Westside Waldorf School students will present the fifth annual performance of "Festival of Lights" on Dec. 11.

The magical evening of entertainment features selections and representations from countries near and far. The children learn about the countries, customs, cultures and histories as they learn their roles for the event.

Performances depicting Santa Lucia (Sweden), Los Posadas (Spanish), Kwanzaa (Africa), Duvali (East Indian), Bulgaria, Muslim, Advent and Chanukah represent some of the selections to be enjoyed at the school's main campus at 1229 Fourth St., between Santa Monica and Broadway.

The Snow Fairy Market is designed as a "Children's Only Shopping Spree." All of the fairy holiday items may be selected from the assortment of hand made gifts. Fairy "helpers" will be available to assist with their selections.

The market will be held between 3:30 p.m. to 5:30 p.m. The festival of lights will begin at 6 p.m. and will cost \$5. A nursery will be available for \$6.

The Westside Waldorf School is part of the largest non-sectarian independent school movement in the world, with about 200 such schools in North America and 900 throughout the world. The school is a 501(c) 3 not-for-profit, founded in 1988, and offers classes through sixth grade.



SURF REPORT

On Friday, expect 2-3 ft., knee- to waist-high sets, occasionally 4 ft. and fair conditions.

The NW swell will be winding down on Friday, so the NW exposures will see their surf get smaller. The NW(290+300+) ground swell fades. Spots with a good NW view will be knee- to waist-high. Spots without the NW exposure stay weak.

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

Today the water is:

59°

	LOW TIDES				HIGH TIDES			
	Morning	Height	Evening	Height	Morning	Height	Evening	Height
SATURDAY	2:10	2.3	3:51	-0.5	8:29	6.2	10:27	3.6
SUNDAY	2:36	2.5	4:28	-0.4	8:57	6.0	11:15	3.4
MONDAY	3:01	2.7	5:09	-0.2	9:27	5.8	N/A	N/A
TUESDAY	3:27	3.0	5:54	0.1	12:12	3.3	9:59	5.5
WEDNESDAY	3:57	3.2	6:44	0.3	1:25	3.3	10:36	5.2
THURSDAY	N/A	N/A	7:38	0.5	11:20	4.7	N/A	N/A
FRIDAY	6:57	3.5	8:31	0.7	3:49	3.7	12:22	4.3

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The Q Line

Macerich Co., which owns the Santa Monica Place mall, recently unveiled its plans to raze the current mall and replace it with three 21-story luxury apartment towers. There also will be an extension of the Third Street Promenade to Colorado Avenue and two other high rises with retail and office space, affordable housing and park space.

Some love the plan, which will generate millions of dollars for the city by creating a

new downtown. Others say it will ruin the Santa Monica skyline.

So this week, Q-Line wants to know, "Do you support the idea? Why or why not?"

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

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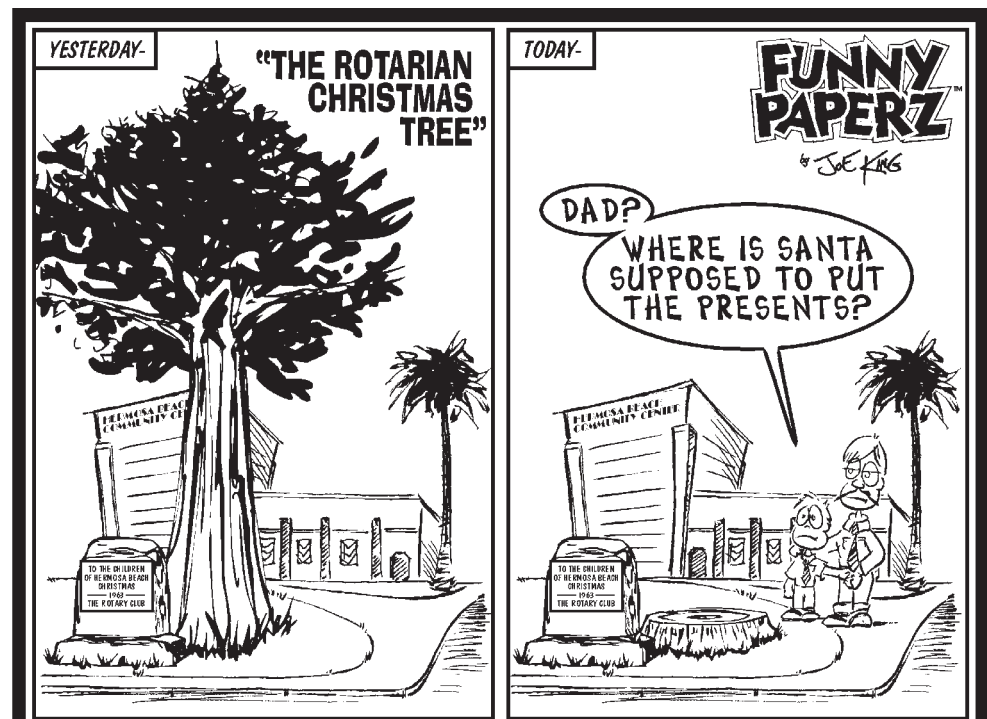
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OPINION



All we want for Christmas is our Christmas Tree!

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LETTERS TO THE EDITOR

Development comes at a price

Editor:

Irene Zivi asserts that the Macerich Company's Santa Monica Place development would generate sufficient new tax revenues to fund additional city services for all of us (SMDP, Nov. 1, page 4). I believe the lion's share of those new taxes would be needed to pay for the additional police and firefighters, waste haulers, building inspectors, traffic officers and other city staff required by a project of this size. I doubt Ms. Zivi or I would see so much as a farthing of new services from the revenues generated by skyscrapers at Santa Monica Place. Nor would we anymore see our views of the mountains and sea.

As staff wages and benefits now consume half of the city's general fund, more development must be approved to expand the tax base. More development means more staff must be hired to shepherd projects and provide services to new residents, businesses and visitors. Does anyone see a vicious cycle here?

We could escape this snare by judiciously revising our land use element and zoning ordinance, a two-year process that's just starting. Downzoning of height and density limits would slow the pace of growth and thus reduce the demand on staff to oversee projects. And a streamlining and simplification of our somewhat byzantine zoning would likewise decrease the need for extensive staff review of remodels and new construction.

Then the planning department could shrink in size through the natural attrition of retirements, and relocations and scarce city funds could truly be freed for other services.

Ted Winterer
Santa Monica

Going through candy cane withdrawal

Editor:

I was raised here in Santa Monica and I always looked forward to Christmas. The big tree in front of the Outlook building on Second Street, the lights hanging across the streets and the candy cane express bus from the Big Blue. Alas, like all holiday traditions, the candy cane express is no more. John Catoe, former director of the Big Blue (now with MTA), decided that the candy cane should be no more. Going with a more PC correct bus, it left a lot to be desired.

With him, the corporate look was in. Which might explain why no Christmas bus at MTA. I had hope that when Ms. Negriff, current director, took over we might get back to the old tradition but alas, she has gone even more PC. The current holiday bus has a few presents plastered on the side with not much else to see but that stupid Big Blue Bus logo on the side. Would it really hurt to bring back the candy cane bus? Are people that PC that we even lose our traditions because someone might get upset? Can't we have a little tradition around here or is that too much to ask? It may seem like a little thing but is it not the little things that make Christmas what it is?

Brian A. Gray, Sr.
Santa Monica

GUEST COMMENTARY BY BENNET G. KELLEY

Catholic abortions values in the 2004 campaign

In seeking to become the second Catholic president, John Kerry instead became only the second post-war Democrat to lose the Catholic vote in a competitive election. This remarkable result, however, says more about today's Catholic Church than either John Kerry or the Democratic Party.

American Catholics have a historical relationship with the Democratic Party, as the Church and the party were the two principal institutions that protected successive waves of immigrants from Europe. This relationship reached its zenith in the early 1960s when 83 percent of Catholic voters backed John Kennedy and nearly 80 percent backed Lyndon Johnson four years later.

This strong bond was a reflection of the Catholic Church's and Democratic Party's shared emphasis on social justice which was rooted in Old and New Testament invocations to "(d)efend the rights of the poor and needy." This was evident in passages from President Kennedy's inaugural address stressing that "if a free society cannot help the many who are poor, it cannot save the few who are rich" and that "here on earth God's work must truly be our own." Sen. Kerry's loss of the Catholic vote, however, confirms that this shared emphasis no longer exists.

The United States Conference of Catholic Bishops' (USCCB) 2004 voter guide compared the major candidates on 50 separate issues in the categories of protecting human life, promoting family life, pursuing social justice and practicing global solidarity, and stressed that Catholics should "appreciate the depth and breadth of church teaching, and not let a political issue ... exhaust our responsibility to the common good." Of the 50 issues, Sen. Kerry was more in line with the USCCB's positions by an overwhelming margin and beat Bush in every issue category, including protecting human life and promoting family life.

Despite Kerry's substantial advantage on matters of concern to the Church, we never heard statements from the Church praising Kerry's and the Democrats' commitment to promoting family life or seeking the common good. Instead, we heard the "Swift Boat" cardinals and bishops who launched an unprecedented assault on Kerry and other Democrats by threatening to withhold communion based solely on their positions on abortion and gay marriage — not whether they promoted "the common good." In contrast, no threat was

made to sanction Republicans who ignored the Church's position on the death penalty or other issues.

The "Swift Boat" cardinals and bishops are the by-product of Pope John Paul II's efforts to create a more conservative church. While the Church still pays lip service to issues of social justice, it has shifted its political muscle almost entirely to the issues of abortion and, recently, gay marriage. Kerry's failure to win the Catholic vote is a clear measure of the success of this effort. But what has the Church won?

The Church encouraged Catholics to embrace President Bush despite the Church's opposition to the Iraq war and the fact that the president's positions were contrary to the Church's on issues such as the death penalty, fair wages, health care, the environment and many others. While the Church may believe that its faithful considered all of these issues but made abortion and gay marriage a priority, it appears that by almost exclusively emphasizing abortion over the past 26 years the Church has undercut support among Catholics for pursuing social justice and seeking the common good.

Kerry's defeat among Catholics should be viewed as the result of both the Church's emphasis on these two narrow issues and its failure to emphasize the importance of "defend(ing) the rights of the poor and needy" and other aspects of Church teaching. As a result, Democrats' hopes of regaining the Catholic vote rests on reminding voters of the underlying moral principles for its agenda since this is a role the Church has largely abandoned in its myopia.

Two generations after Catholic voters almost unanimously supported the Great Society over Goldwater conservatism, the Church was now leading Catholics to embrace Goldwater's heirs. Kerry's loss of the Catholic vote may be a political win for the Church as an institution, but it is a clear defeat for the greater mission entrusted to them.

(Bennet Kelley was the co-founder and former national co-chair of the Democratic National Committee's Saxophone Club and author of "President Bush: The False Prophet of the Religious Right" which appears in "Big Bush Lies." He's also a frequent contributor to Democratic Underground, Media Daily News, the Los Angeles Daily Journal and the publisher of BushLies.net).

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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LOCAL



A house divided: Vague law pits city against 'self

SUIT AND THE CITY, from page 1

that are apparently unconstitutional," said Deputy City Attorney Tony Serritella. "We asked the court to modify the provisions, or strike them from the initiative."

While there are several provisions the city wants either stricken or clarified, it appears the one of utmost importance is to clear up whether appointed officials and low-level employees would be subject to civil and criminal penalties under the law.

The initiative applies to "any elected official or appointed public official acting in an official capacity." The city argues the initiative doesn't specify which employees are deemed to have discretion in conferring a public benefit.

The city argues that if a zoning administrator — an appointed official who has discretion to approve routine applications for zoning permits — would violate the law if he accepts sports tickets from a family friend who happens to be a partial owner of a construction company that does business in Santa Monica.

"Determining which officials are actually covered ... presents a question of some complexity," wrote Serritella in his brief to the Court of Appeals. "While the principal tool of the initiative is the limitation or banning of campaign contribu-

tions, its apparent reach to both appointive as well as elective officials, to both lower-echelon as well as commissioners and department heads is troublesome in its overbreadth and the uncertain burdens which accompany it ...

"This court can save the initiative by reforming the term 'public official' to mean only those persons who hold local elective office."

The city also asks that the initiative not include non-profit organizations, so that the officers, directors and volunteers would still be able to contribute to the campaigns of public officials. In addition, the city argues that the ban on campaign contributions to Santa Monica officials who subsequently pursue federal and state office can be severed without invalidating the law.

The city argues that the criminal and civil penalty provisions of the law could violate due process because "it's hard to imagine how a public official is supposed to know, for example, the identities of all persons who hold more than 10 percent ... equity, participation or revenue interest, or who is a trustee, director, partner or officer of a person or entity receiving a public benefit," according to Serritella's brief. City attorneys have asked that the law be more specific to say that public officials "who knowingly or willingly"

accept contributions are violators.

Santa Monica was a test market for the initiative that has now been tried out in Pasadena and San Francisco. Only San Francisco is currently enforcing it. The Pasadena case has been consolidated with Santa Monica's, said Oaks Project Director Carmen Balber.

Balber contends that the measure is constitutional and the arguments made by

City Hall are "ridiculous," particularly the argument that the law is designed to go after low-level employees. She contends it's intended for elected officials.

"That's a red herring argument," Balber said. "The city had no right, with city money, to challenge what the Santa Monica voters approved."

"We think it's a shame that the city has taken this through the ringer."

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Out of cite: Offenders get welcome surprises

TICKET TO SHOP, from page 1

may be rewarded by an officer if they are observed as being courteous, cautious and promoting public safety on the streets and parking lots.

On Thursday, at least three tickets were given out — two were issued to motorists by officer Rob Dawson, while another was awarded to Jon Mussman, a pedestrian crossing Arizona Avenue at the Third Street Promenade, who obeyed the signal, according to traffic service officer Elaine Vega.

A driver was rewarded by Dawson after she pulled out of a parking structure

on Second Street, yielded to a pedestrian while turning right on Santa Monica Boulevard and used her turn signal. Another driver was picked after yielding at a yellow light at Santa Monica Boulevard and Second Street.

"Normally, people will go through the yellow light," Dawson said. "He slowed down and chose to stop."

Dawson said he pulled over Thomas Velazquez, who was unsure of what he had done wrong.

"I told him I wanted to compliment him on his driving," Dawson said. "He did what he was supposed to do."



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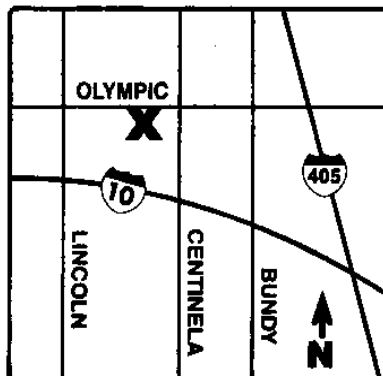
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Free wrapping, movies among holiday offerings

WINTERLIT, from page 1

“A Winterlit Celebration will be full of entertainment and family fun,” said Marivi Valcourt, marketing manager for the Bayside District. “We are focusing on kids this year with Winterlit Fun festivities on Saturday, and there will be lots for them to do and see.”

Starting at 4 p.m., Mark and Kim of KOST radio will emcee the event. Carolers and the Santa Monica High School Orchestra will perform a free concert on the Third Street Promenade at Broadway, and “Surfing Santa” will arrive with his beach-attired elves to join in the festivities.

On Saturday, Dec. 4, from 10 a.m. to 4 p.m., Winterlit Fun will fill the Third Street Promenade and Santa Monica Place with free kid-friendly activities, including a petting zoo, pony rides, bubble mania, holiday crafts, magic shows, kids’ theater, musical groups, a children’s dancing area, a “cool toys” demonstration, story time and more. Also, kids’ prizes and giveaways will be awarded throughout the day from the main stage.

Through Dec. 24, Santa will be in the center of Santa Monica Place to hear children’s holiday wishes.

Santa Monica Place will host Pet Night

with Santa. To raise money for the Society for the Prevention of Cruelty to Animals Los Angeles, pet owners can have their animals photographed with Santa on Monday, Dec. 6 and Monday, Dec. 13.

Saturday, Dec. 11, brings a day of Winterlit Fashion and Film. Models will take to the catwalk wearing casual and festive winter clothing and accessories from area merchants. Two shows featuring styles for men, women and children are scheduled on the Third Street Promenade and inside Santa Monica Place.

Free screenings of “Home Alone” and “Miracle on 34th Street” will be shown outdoors on a 24-foot screen. There also will be shopping spree and dinner certificate giveaways during the day.

In keeping with a pluralistic sentiment, a menorah will be incorporated in the Winterlit composition beginning Hanukkah weekend, and there will be a menorah lighting in Santa Monica Place during the same time period.

Through the holiday season, from Dec. 1 to Dec. 19, CHiPs for Kids will collect toys inside Santa Monica Place. Free gift wrapping will be available on the Promenade during weekends in December.

Sacramento sets what could be toughest affordable housing policy

By The Associated Press

SACRAMENTO, Calif. — Sacramento County is adopting what could be the nation’s toughest affordable housing policy, requiring developers to save 15 percent of all construction in unincorporated areas for low-income residents.

The policy adopted by county supervisors, set to take effect next month over developers’ objections, is projected to provide about 300 homes and apartments a year in the fast-growing and increasingly expensive region.

“Nobody has ever — anybody, no city, county or state — has targeted people in the greatest need,” said Joan Burke, lobbyist for the homeless services organization Loaves and Fishes. Each new unit

required by the policy means “one less family that has to sleep in their car.”

Among the requirements is that 3 percent of housing be reserved for families with “extremely low-income,” under \$17,300 a year. The remaining 12 percent will be split between “very low-income” families earning less than \$28,850 and “low-income” families earning less than \$46,150.

The policy is accompanied by about \$10 million in annual subsidies, enough to pay the projected \$155,500 difference between market price and what the families can afford to pay.

The Building Industry Association of Superior California opposed the policy as putting society’s burden of caring for the poor on one industry, though supervisors made some changes at builders’ request.

Kristine Johnson Fountain of Joy



The Kristine Johnson Fountain of Joy is seeking donations. Situated in a courtyard garden visible to the community, the fountain will be a respite for those seeking faith, peace and hope amongst the challenges of the world.

Donations to the Kristine Johnson Fountain of Joy may be sent to:

St. Augustine By-The-Sea Episcopal Church
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STATE



Fish counting concerns environmentalists in delta

BY DON THOMPSON
Associated Press Writer

SACRAMENTO — A proposed change in how the federal government measures water for fish in the Sacramento-San Joaquin river delta has environmental groups alarmed and California officials concerned about potential harm to wildlife habitat.

A coalition of 22 environmental groups said Wednesday the plan would shift some of the federal water burden — and potentially more than \$20 million in expenses in some years — onto the state-controlled water supply. In some years, hundreds of thousands of acre-feet of water might not be available for wildlife, the groups said.

Federal spokesmen said the plan would protect the environmental water allotment while balancing the needs of farmers and urban residents.

At issue are agreements, federal law and a federal court decision that requires the government to guarantee 800,000 acre-feet of federally controlled water goes to Delta fisheries each year. That's roughly enough water to supply 800,000 households for a year.

"This is a big, thorny issue of water in California," said Diana Jacobs, deputy director of the state Department of Fish and Game.

It all goes back to too many demands on too little water needed by fish, farmers and 22 million residents as far south as San Diego.

"If you put all these things together ... sometimes the federal contractors have to get curtailed. They feel like that's not fair," said Jacobs, referring to water districts that get their supplies through the federal system of dams, pumps and canals.

The San Luis and Delta-Mendota Water Authority, which represents San Joaquin Valley farmers and includes the Westlands Water District, the nation's largest irrigation district, sued and won a federal court decision last year that helped prompt the proposed changes.

"From our perspective, the 800,000 acre-feet allocation magically took a million, a million-two acre-feet of water from the agricultural community" by the time all the environmental agreements were tallied, said water authority spokesman

Tupper Hull. The proposed changes are "encouraging, from what we've seen."

The proposal is designed to make sure the water allocation doesn't exceed 800,000 acre-feet, while guaranteeing fisheries receive that required amount, the Interior Department's Bureau of Reclamation and Fish and Wildlife Service said in a letter last week to their two state counterparts.

Their proposal would merge two water accounts in cooperation with state agencies, and count water allocated under an earlier agreement toward the 800,000 acre-feet. It also would shift the accounting year by three months so early winter rains that refill empty reservoirs could be counted toward water reserved for wildlife.

The environmental coalition alleged the changes would violate the federal court order and the government's own plan to manage the delta.

"Not surprisingly, if you play Enron-style accounting games, you can rip off water from the environment," said Barry Nelson, a senior policy analyst with the Natural Resources Defense Council. "The accounting rules are complicated, but the effect is simple: they're ripping off fish and wildlife to benefit their usual friends."

Not so, said Reclamation spokesman Jeff McCracken.

"It doesn't take any water away from the environment. It will provide the 800,000 as required by law, and as we've always done," McCracken said. "It shifts the use of timing, but it doesn't shift the use of water."

Fish and Game's Jacobs said it's too early to tell, until the state plugs the proposed changes into its model of how the state's complicated, overtaxed plumbing system operates.

"We're concerned we don't go backwards for fish, and we can still do all the fish restoration actions we used to do," she said.

Katherine Kelly, chief of the Bay-Delta Office of the state Department of Water Resources, couldn't comment on the merits of the proposal, but said federal officials need to use a pending public comment period "to make the case that this is an improvement," as it is intended.

California Farm Bureau Federation spokesman Dave Kranz said his organization hadn't had a chance to review the proposal and couldn't comment.



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STATE

Nurses rally to protest delay of new staffing ratios in California

BY JIM WASSERMAN
Associated Press Writer

SACRAMENTO — More than 2,500 California nurses rallied Wednesday at the state Capitol protesting Gov. Arnold Schwarzenegger's decision to delay Jan. 1 requirements that California hospitals reduce the number of patients cared for by a single nurse.

Simultaneously, thousands of employees belonging to the California Nurses Association and Service Employees International Union conducted a one-day strike against nine Sutter Health hospitals in Northern California. Reasons included the number of patients nurses must monitor.

CNA spokesman Chuck Idelson said the union also planned Wednesday to sue Schwarzenegger and the state Department of Health Services, alleging that "they have exceeded their authority to make emergency regulations."

The actions marked the newest chapter in a yearslong struggle between the hospital industry, nurses and politicians over how many nurses can safely tend to hospital patients. While nurses and their Democratic backers in the Capitol say hiring more nurses will make hospitals safer, hospitals say they can't afford it and have won support from the Republican Schwarzenegger administration.

Nurses rallying at the Capitol protested Schwarzenegger's Nov. 4 decision to delay for three years new rules that require one nurse for five patients in a hospital's medical and surgical wings.

The rules, based on a 1999 law and set to begin Jan. 1, would replace the current ratio of one nurse for six

patients. Numerous Democratic officials, including Assembly Speaker Fabian Nunez of Los Angeles, Insurance Commissioner John Garamendi and Treasurer Phil Angelides, addressed the rally in support of fewer patients for individual nurses.

"Between 2001 and 2003, hospitals in California made over \$11 billion in profits," said Deborah Burger, president of the 58,000-member nurses union. Burger said the hospital industry is overstating arguments that new staffing ratios would cause it financial hardship and be hard to implement amid a statewide nursing shortage.

But Jan Emerson, a spokeswoman for the 400-hospital California Healthcare Association, said Wednesday the nurses' union members "are the only ones on the planet who say there isn't a nursing shortage."

Hospitals and Schwarzenegger's Department of Health Services have argued that current standards are safe.

Meanwhile, nine hospitals contended Wednesday with striking workers by hiring temporary nurses and nursing assistants, food service workers, housekeepers and clerical staffers.

"We've had no surgeries canceled, no services interrupted," said Cassandra Phelps, spokeswoman for Eden Medical Center in Castro Valley.

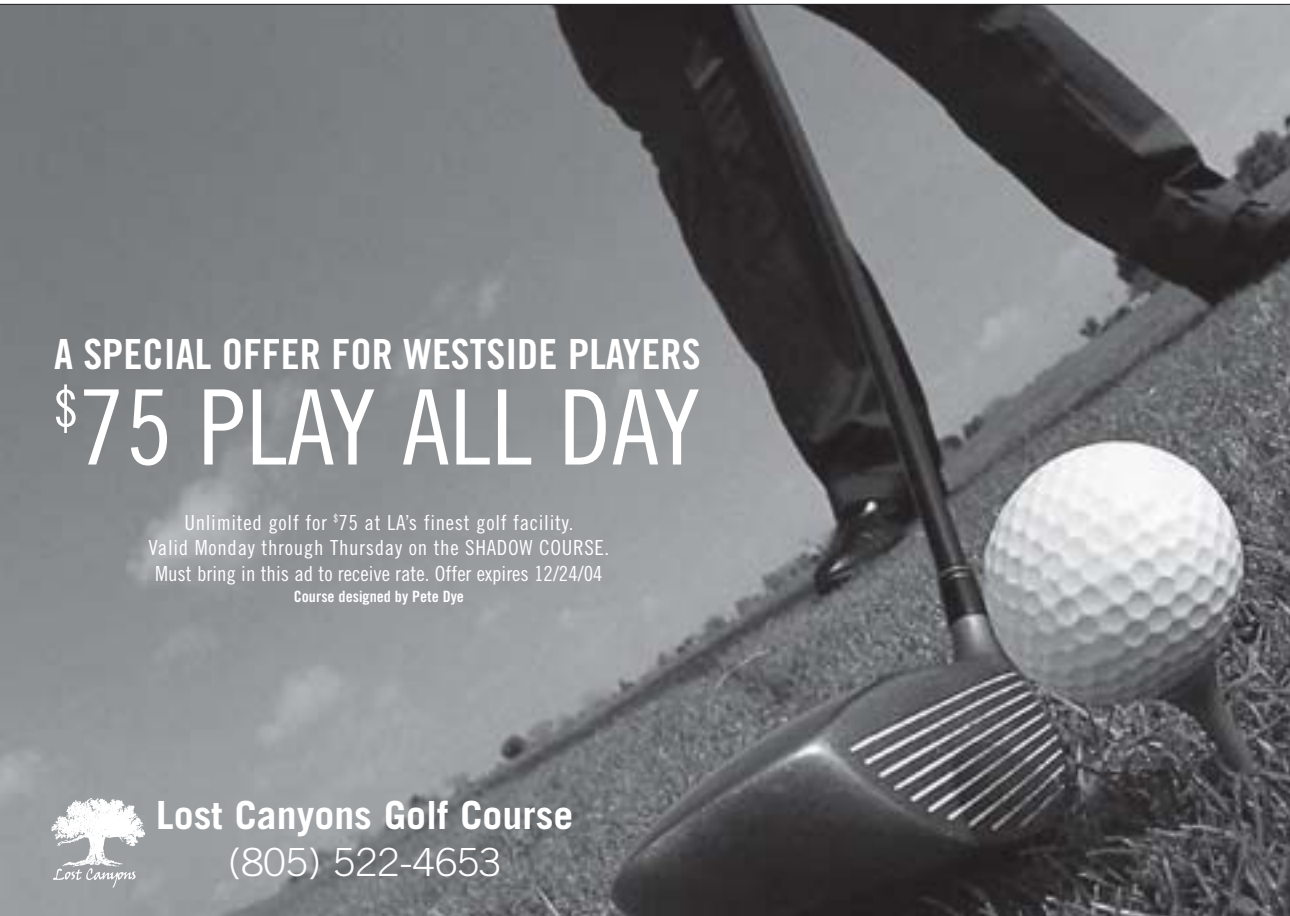
Other hospitals targeted included St. Luke's Hospital and California Pacific Medical Center in San Francisco, Alta Bates Summit Medical Center in Berkeley and Oakland, Sutter Delta Medical Center in Antioch, Sutter Solano Medical Center in Vallejo, Sutter Lakeside Hospital in Lakeport and Sutter Medical Center and Sutter Warrack Hospital in Santa Rosa.



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Scientology primer pips at Powerhouse

BY HANK ROSENFELD
Special to the Daily Press

Who among us has not been charmed by a 9-year-old song-and-dance man in his parent's living room? OK, sometimes it can be embarrassingly lame, but darn that kid is so cute. So, you could do a lot worse than watching a sparkly-sweet group of kidlets-to-pre-tweens facing front and singing about say, Scientology. In fact, a kind of unauthorized musical deprogramming takes place throughout the production, "A Very Merry Children's Scientology Pageant," at Santa Monica's Powerhouse Theater. Giggling has been known to lessen stress, which ain't bad over the holidays. It's how they lower the defenses, that's where they get you. So beware of a fantastical blue-green rainbow world dripping like gumdrops into the warm red, carpeted stage. Once a dreamy overture kicks in, cold and electronic as the "mysterious universe" out there.

Now on tour from New York City but using local actors, Les Freres Corbuisier Theater's new ritual features book, music and lyrics by Kyle Jarow, who concocted this 50-minute twisted taffy with director Alex Timbers. Slurpy-smooth scenic design is created by David Evans Morris, with the strangely discomfiting wartime mini-death sequences done slow motion in the half-light, courtesy of lighting designer Juliet Chia. Cult costumes are provided by Jennifer Rogien.

The evening is rendered in a story theater style, recalling everything from Paul Sills and friends to the San Francisco Mime Troupe. Except that our angel icon diva is 11 years-old adorable. Katie Ellis leads the mighty tiny cast of 12, singing them "flowers in bloom," in case you wondered where they'd all gone, exhorting us to "Rejoice! Rejuvenate! Celebrate!" These angels portend nothing but goodness even while telling the story of Scientology founder L. Ron Hubbard.

One set of theatrical twins chimes through their braces the song "Aloha," irresistibly on so many levels. After all, when was the last chance you had to look straight into a performer's orifice aperture metal thingy? Another set of siblings in white robes and Reading Rainbow socks play like daycare-kids-gone-wacko. And they're all

standouts, aside from the obvious and numinous metaphor, especially Kyle Kaplan as commander Hubbard. Nemesis Donald is channeled by Jamie Dahlke and Molly Elizabeth Matzke plays the mysterious Zenu, a way millions of years-old sacred figure. Lauren Clinton, Nikki and Jessica Haddad, and Mario and Anthony Quinonez appear as delighted local-loco energy bundles, with Chigoziri Ikeme as one brainwashed acolyte and Kristopher Barnett as a robot. Or is that another acolyte? Yes, it's that kind of pageant play, conceivably mocking any religion with pop appeal.

Each spirited actor — some commuting from as far away as Orange County — gets paid \$7 a show. And as long as they're not running wild in the "Celebrity Showcase" parterre.

"A Very Merry Children's Scientology Pageant" comes directly from the John Houseman Theater off-Broadway, where the New York Times found it had "a halo of hipness and daring." Some of that seems to have faded by the time the show went West. Blame it on the smog or Santa Ana time change, but Les Freres is a theater company that dreams up and stages historical epics starring Warren G. Harding as a rock star.

At less than an hour, it'll give you a giggle as you go. A stage picture after the 11 o'clock number brings shivers to the soul, and not just because a window is open. My companion at the Powerhouse said he once saw a Scientology talk given in the nude in Seattle. El-Ron Hubbard once "wrote a book," and said on our way to watch the freaks at The Novel, "so heavy, that when he read it, he died." Now I don't know what is hip, but is that hip or what?

"A Very Merry Children's Scientology Pageant" is held over through Dec. 15. Performances run Thursday through Saturday at 8 p.m.; Sunday at 7 p.m. Tickets are \$25. The Powerhouse Theater is located at 3116 Second St.



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ALEXANDER
Oliver Stone has depicted a hero so shaken and internally conflicted, that it's hard to imagine him being the legendary ruler he was.
Starring: Colin Farrell, Angelina Jolie

NATIONAL TREASURE
This sprawling treasure hunt is cacophonous, eye-popping and unabashedly devoid of nuance. Despite a promising high concept, the best that can be said about it is it could have been worse.
Starring: Nicolas Cage, Diane Kruger

BAD EDUCATION
An uneven stab at film noir in which director Pedro Almodovar indulges cross-dressing fetishes, maligns child-molesting priests and celebrates French New Wave cinema.
Starring: Gael Garcia Bernal, Fele Martinez

BRIDGET JONES: THE EDGE OF REASON
Feels a lot like premeditated cock-up, filled with uneven sitcomish set pieces, credulity-stretching conveniences and humor that is as flat as its buxom, chain-smoking heroine isn't.
Starring: Renee Zellweger, Colin Firth, Hugh Grant

FINDING NEVERLAND
As moving a motion picture as we're likely to see this year, and – as the movie poster contends – one that is sure to unlock even the most immured imagination.
Starring: Johnny Depp, Kate Winslet

KINSEY
Kinsey's history is nimbly recounted, and bristles with fun and, on occasion, arresting poignance. Captivating cinema that feels particularly relevant in these retrogressive times.
Starring: Liam Neeson, Laura Linney

AFTER THE SUNSET
Surely the world doesn't need another weak Elmore Leonard knock-off populated with one-dimensional characters engaging in humdrum high jinks.
Starring: Pierce Brosnan, Salma Hayek

THE INCREDIBLES
Boasts the total package: Great cast, invigorating storytelling, state-of-the-art 3-D animation and, best of all, that elusive quality known as movie magic.
Starring: Holly Hunter, Craig T. Nelson

ALFIE
Remake is lighter in tone, decidedly more farcical than the original. Law's a movie star who's awfully easy on the eyes and boundlessly talented.
Starring: Jude Law, Susan Sarandon

RAY
An instant inductee into the pantheon of great biographic movies. There isn't a moment in the entire picture in which we're not convinced Foxx IS Ray Charles.
Starring: Jamie Foxx, Regina King, Kerry Washington

BIRTH
Even a mildly disappointing third act twist cannot mitigate the intensity of "Birth," which ranks among the year's best.
Starring: Nicole Kidman, Lauren Bacall

SAW
Gratuitously violent, unoriginal and entirely too loud. Proof that atmospherics and gore alone do not a compelling serial killer thriller make.
Starring: Cary Elwes, Danny Glover

IT'S ALL ABOUT LOVE
As the designated interpreters of the director's scattershot musings, Phoenix and Danes are hopelessly lost.
Starring: Joaquin Phoenix, Clare Danes

THE GRUDGE
Americanized version of a commercially successful, albeit humdrum Japanese horror flick is silly rather than chilling.
Starring: Sarah Michelle Gellar

SURVIVING CHRISTMAS
It's entirely likely star Ben Affleck will come to rue this wreck even more than last year's notorious flop, "Gigli."
Starring: Ben Affleck, James Gandolfini

Cast of ‘Closer’ gets their take

BY DAN DUNN
Special to the Daily Press

Jude Law, Julia Roberts, Natalie Portman and Clive Owen star in acclaimed director Mike Nichols' adaptation of Brit scribe Patrick Marber's play, "Closer."

Review

The film, which hits theaters Friday, is an acerbically witty, brutally honest portrait of the intertwining relationships between two couples and the cost of love and betrayal. The actors, sans Roberts (who was busy delivering twins at junket time), sat down recently to chat up a roomful of reporters.

QUESTION: Because the subject matter is so intense, was "Closer" a difficult movie to make?

CLIVE OWEN: The unusual thing about doing a piece like this one is that the scenes are so long, because it's adapted from a play. So it requires a lot of concentration. In terms of the emotional thing, you absorb the piece, you talk about the piece, you work the piece, and then at the end of the day you perform the piece and try to go to the places you must go. I found it quite fun.

Q: Fun, eh? Jude, Natalie, do you agree?

JUDE LAW: A lot of fun, yeah.

NATALIE PORTMAN: Some of the things were hard to do to each other, especially because we all liked each other. To be really awful was very difficult at times.

Q: Why do these characters behave so viciously?

JL: I don't think they're vicious. What you mustn't underestimate is what you don't see. It's a condensed version of four years in these people's lives. In between these moments of falling in love and splitting up, there's presumably a lot of happiness and enjoyment of the sort we all experience. To accuse them of being vicious and nothing else is ... they're not just vicious, but there are vicious acts in (the movie).

Q: What attracted you to the project?

JL: I liked the words. They walk a very fine line of being very dramatic, and at other times unbelievably realistic. To me that's what it's all about — great words. I like great writing.

Q: What was it like working with Mike Nichols.

JL: He has a great kind of impish humor and outlook on life. He also has a deep, sensitive understanding of life. And he's fun to be around, and also inspiring. It's a great mix.

CO: Working with someone so smart and so lovely, you feel in very good hands, so that you'll do pretty much anything. I feel like that's probably why actors love him so much, because you just feel terribly secure. You trust him implicitly.

Q: Natalie, the press notes hail your performance as an "arrival" to adulthood. Is that a fair assessment?

NP: I disagree. I don't really feel like an adult yet, so I don't think I can play adults. It's an arbitrary distinction between adult and child anyway.

Q: But you play a stripper, and pull off a pretty impressive split. Did that hurt?

NP: Did it hurt to do the split? No, I'm extraordinarily flexible.

CO: (laughs) Now there's a headline!

JL: She means, "As an actor!" (all laugh)

Q: Natalie, how are you feeling now that you've completed your commitment to the "Star Wars" series?

NP: It was a big chunk of my life. We're talking about 10 years from the time I signed on until the time the next film comes out. It's sad because I'm not going to go back and see those same people, and then exciting because of what's ahead.

‘Closer’ a star-studded film full of moral depravity



BY DAN DUNN
Special to Daily Press

Director Mike Nichols' provocative relationship drama "Closer" boasts an awfully pretty central foursome that behaves pretty awfully. The film's sumptuous contemporary London setting and lilting score belies the

Review

characters' scatological obsessions with deception, self-pity and abject cruelty. Based on the hit stage production by Patrick Marber (who also penned the screenplay), the sum of this tragicomedy's competing parts adds up to the best-looking portrait of moral depravity on the big screen this year. The heavy-weight cast includes Julia Roberts, the ubiquitous Jude Law, Natalie Portman and scene-stealer Clive Owen all playing pretentious, unpalatable people of the sort you'd expect to encounter at Manhattan publishing parties and in Neil LaBute films. Ah, but no matter how detestable the behavior, it's interesting to watch these selfish souls stick it to one another with such convincing invective. In this character-driven devilish delight, each of the stars gives it bad as good as they get it.

Law's Dan — think Alfie, only less cocksure — is the film's lynchpin. In the opening sequence the nebbishy newspaper obituary writer encounters a free-spirited

American stripper named Alice (Portman) just as she's being run into by a taxicab in London. A romantic connection occurs en route to the hospital before we're suddenly transported three years into the future as a more-confident Dan puts the moves on Anna (Roberts), a seductive portrait photographer hired to shoot the jacket photo for his soon-to-be-published first novel. The book is about Alice, who is now Dan's live-in lover, but so smitten is the author with Anna that he vows to make her his own ... but not before engaging in a little Internet mischief that inadvertently leads Owen's sexy beast of a dermatologist, Larry, into Anna's arms. With the love quadrangle established, Nichols gives his players the green light to unleash the untamed passions that ultimately tears them apart. Owen, who played Dan in the late '90s West End stage version, is wickedly good as Larry, a self-described "caveman" and the group's most accomplished manipulator. Natalie Portman, whose Alice is as close to innocent as anyone comes in this film, adds needed delicacy to the otherwise nasty proceedings. And it's refreshing to watch Roberts, the biggest star in the movie, deliver such an effectively tempered performance.

(Rated R for sequences of graphic sexual dialogue, nudity/sexuality and language. Running time: 100 minutes)



‘Flying daggers’ a great love story with lots of fighting

BY DAN DUNN

Special to the Daily Press

Awash with kaleidoscopic vistas so staggeringly beautiful they appear to have been painted by an impressionist master, this devastating love story disguised as a kung fu flick is one of the year's most astonishing cinematic achievements — an instant classic from celebrated Chinese director Zhang Yimou that bests his only other foray into the genre, “Hero.” It'll be a crime if unheralded director of photography Zhao Xiao Ding isn't recognized by AMPAS for his breathtaking camerawork here, and — while I'm lobbying — Zhang Yimou not only deserves an Oscar nomination, but based on films I've seen thus far this year, ought to be considered the odds-on favorite to take home Best Director gold.

Takeshi Kaneshiro, Andy Lau and the lovely Zhang Ziyi (“Crouching Tiger, Hidden Dragon,” “Hero”) make up the trio of star-crossed lovers at the heart of the story, which is set in the 9th century during the decline of the Tang Dynasty. Lau and Kaneshiro play Leo and Jin, two captains in the government's army charged with capturing the leader of the land's most powerful rebel army, The House of Flying Daggers. To that end, Jin pretends to be a drifter named Wind and stages a rescue of Mei (Ziyi), a blind warrior princess that the government believes to be the daughter of the Flying Daggers' old leader. Jin gains Mei's trust in the hope that she will lead him to the rebels' secret hideaway, but things quickly get sticky as Desire rears its head. Soon we learn that nothing is as it seems and nobody is who they claim to be. Emotions run hot, action sizzles, the plot thickens ... Zhang Yimou melds everything together masterfully, augmenting sincere nods to tradition with some revolutionary techniques. The filmmaker claims his “House of Flying Daggers” is a love story wrapped inside an action film, but fret not martial arts lovers, for the fight sequences are fantastic. But ultimately this movie is about the heart, to be enjoyed by all those who've got one.

(PG-13, for sequences of stylized martial arts violence, and some sexuality. Running time: 119 minutes)



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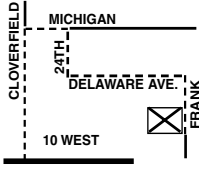
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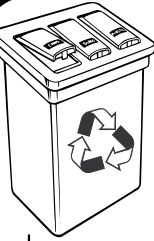




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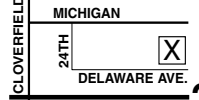
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NATIONAL

Sands looks to be gambling
giant with public offering

BY ADAM GOLDMAN
Associated Press Writer

LAS VEGAS — When billionaire Sheldon Adelson sold his successful COMDEX computer show and decided to build a lavish hotel-casino with thousands of rooms, gambling executives ridiculed his business model.

Adelson’s plan for The Venetian to cater to business travelers and make a hefty profit from hotel rooms and conventions wouldn’t work on the Las Vegas Strip, they said; everyone knew casinos were the true moneymakers.

Critics and competitors told The Wall Street Journal in 1997 that Adelson was “smoking something” and his over-the-top property was doomed because Las Vegas had too many rooms and it couldn’t make enough money outside the casino to support its size. The Venetian might have to “live off the rest” of the overflow from other casino-hotels in the city, one sniffed.

Executives at the Las Vegas Sands Inc., The Venetian’s parent company, have never forgotten that article. But when they recall it now, they smile with satisfaction. The Venetian is the second most profitable hotel-casino in Las Vegas behind the Bellagio.

And perhaps as early as this month, the privately held company could begin trading on the New York Stock Exchange under the Las Vegas Sands Corp. name in what could be one of the hottest initial public offerings of the year.

“My gut tells me this will be a very high-demand or hot IPO,” said Marc Falcone, a Deutsche Bank equity gambling analyst in New York. “You have an outstanding business model with great growth opportunities and you have a management team that has done an outstanding job with their assets.”

With the public offering, the Sands would become the third-largest gambling company in the world in terms of revenue behind Harrah’s Entertainment Inc. and MGM Mirage Inc. — if their recent mergers are approved next year.

Las Vegas Sands executives are aiming at an initial public offering price of \$21 a share, according to documents filed last month with the Securities and Exchange Commission.

The company plans to sell 23.8 million shares of common stock and give underwriters the option to purchase an additional 3.5 million shares. The Sands could raise about \$537 million, if underwriters exercise all their options. Investment firm Goldman Sachs is the lead underwriter.

The IPO figures were calculated before company officials made the requisite visit to Wall Street this week. If analysts are receptive, the offering could be even more bullish, and the target price increased.

Sands officials declined to comment, citing SEC rules that impose a quiet period on companies going public.

Adelson, the Sands chairman who has been described as serious, determined and demanding, doesn’t often give interviews. Raised in Boston and an ardent supporter of Israel, Adelson, 71, is known for his attention to detail, but employees say he doesn’t micromanage.

People in the industry have called him a visionary — a label Adelson might not resist, given his prophetic comments.

“Las Vegas is living in yesteryear’s strategy,” Adelson told the WSJ in the 1997 article. “We’re living in tomorrow’s strategy.”

Once the initial public offering is completed, Adelson and trusts for him and his family will own about 88 percent of the outstanding common stock, according to documents filed with the SEC. Adelson will receive an annual base salary of \$1 million.

Proceeds will be used for the company’s proposed \$1.6 billion, 3,000-room Palazzo hotel-casino on the Las Vegas Strip and the \$1.8 billion Macau Venetian Casino Resort in the Chinese territory. Both developments are scheduled to open in 2007.

The company also is exploring projects in the United Kingdom, which is revising its gambling laws to allow for more and bigger casinos.

Las Vegas Sands
executives are aiming at
an initial public offering
price of \$21 a share.

Adelson’s U.S. business strategy hasn’t changed that much since he first opened The Venetian in 1999. In 2003, he added a luxurious, all-suite, 12-story tower called the Venezia, further driving room revenues at The Venetian complex.

The Venetian’s average daily room rate during the first nine months this year was about \$219 compared with \$89 for all hotels and motels in Las Vegas.

The percentage of gambling revenue for The Venetian is one of the lowest on the Strip because of its emphasis on the group convention and trade show business, and the resulting higher occupancy and room rates on week days.

Adelson also owns the Sands Expo and Convention Center next to The Venetian.

The Palazzo, SEC filings say, will help leverage Adelson’s convention-driven business model and capture a premium clientele, while his resorts in Macau rake in day gamblers and those looking for longer stays that provide an experience similar to Las Vegas, with its amenities.

“Mr. Adelson and his team have a lot of innovative ideas,” said Andrew Zarnett, casino industry bond analyst for Deutsche Banc. “The biggest was creating all-suites and proving that you could create a significant amount of revenue from rooms, food and beverages.”

Adelson’s acumen has not been lost on his competitors.

Mandalay Resort Group has built its own 1,128 all-suite tower and a massive convention center. MGM Mirage will soon open a second tower at the Bellagio with 928 rooms and suites, plus an additional 60,000 square feet of convention space.

“If imitation is the best form of flattery, then Mr. Adelson should be very flattered,” Zarnett said.

Adelson has focused on two of the most lucrative gambling markets in the world: Las Vegas and Macau, the former Portuguese colony 40 miles west of Hong Kong. For more than 1 billion people in

See SANDS, page 13

NATIONAL



Nevada controller's Senate impeachment trial continues

BY BRENDAN RILEY

Associated Press Writer

CARSON CITY, Nev. — Former top aides to Nevada Controller Kathy Augustine testified Thursday at her Senate impeachment trial that she pressured staffers into doing campaign work on state time and threw tantrums if the work wasn't done promptly.

Jeanine Coward, who served as assistant controller, said Augustine threw things at her and told her to handle various 2002 campaign jobs even after Coward objected to the activity.

"I was very cowardly and took the easy way out," Coward said, adding it was easier to do the work than face Augustine's "temper tantrums."

Coward also said she saw another employee, Jennifer Normington, putting in 80 percent of her state time over several months on campaign work. She said Augustine was so demanding that Normington was "hardly allowed to go to the bathroom or get anything to eat."

Besides the work on fund-raiser invitations, candidate questionnaires and finance reports, Coward said Augustine hosted a jewelry sales in her office, with a percentage of the sales going to her campaign.

The former assistant also said that anyone who got on Augustine's bad side was ignored, with the controller "creating an atmosphere so that people she did not like would leave on their own." Nobody was

fired, however.

Also testifying was Jim Wells, Augustine's former chief deputy who quit after refusing to do campaign work for her. Wells told senators that such work by others cut into office productivity.

Wells also said that when Augustine asked him to do a campaign finance report, it was more of an "assignment" than a requested favor. He added he wasn't asked to do the work on state time.

After he refused, citing office and state policies, Wells said he was told Augustine wanted to fire him and conversations between them were "all but cut off" except for minimal office-related discussions.

The trial opened Wednesday with a special prosecutor saying her state employees, fearing for their jobs, turned the office into an illegal "campaign central" for her 2002 re-election bid.

Dan Greco said staffers "did what they were told because they were afraid. They were afraid of losing their jobs. They were afraid of retaliation."

John Arrascada and Dominic Gentile, two of six lawyers representing the two-term Republican controller at the trial — first of its sort in Nevada's 140-year history — argued removal from office was too severe a penalty given the offenses.

The controller has been temporarily removed from office until a conclusion of the Senate trial, but continues to draw her \$80,000-a-year salary.

Casino mogul's stock doubles in just one year

SANDS, from page 12

China, Taiwan and Hong Kong, Macau is the place to gamble.

Adelson landed the first concession from the Chinese government to build a casino there, and Wynn Resorts Inc. and MGM Mirage soon followed with their own deals.

In May, the Sands opened the \$240 million Sands Macau, the first Las Vegas-style casino in the Chinese enclave. It has produced in mind-boggling numbers, generating more than \$41 million in cash flow the first two months after it swung its doors open.

From its opening through Sept. 30, 97.5 percent of the Sands Macau's revenue came from gambling; the remainder from food and beverage.

William Weidner, president and chief operating officer of the Sands, said in May that his company was interested in developing a casino in Singapore.

If the Far East is an untapped gold mine, Las Vegas is a proven winner. This year, the city should top its all-time visi-

tor record of 35.8 million, and is witnessing a wave of development, including the \$2.7 billion Wynn Las Vegas resort that opens April 28 and several hotel tower and high-rise condo projects. MGM Mirage recently announced it will develop a \$4 billion resort on the Strip.

MGM Mirage, Harrah's, Wynn Resorts and other casino operators all have seen their stock surge since 2003.

Wynn's stock has risen more than 100 percent this year, reaching \$64 last month based on the promise of his Las Vegas and Macau projects.

While Wynn's soon-to-open properties aren't yet generating any revenue, Adelson's existing casinos are solid profit machines, which might be a lure for investors.

The Macau and Las Vegas projects on the drawing board should only increase the attractiveness of the Sands company, Zarnett said.

"They have an amazing growth pipeline," Zarnett said. "Las Vegas is very strong. He's got a lot of good things going for him."

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NATIONAL

National beef packing officials 'optimistic' on beef sales

BY DAVID TWIDDY

Associated Press Writer

KANSAS CITY, Mo. — The CEO of the nation's fourth-largest beef processor says he's optimistic the industry can rebound from the mad cow disease scare, citing the expected reopening of Japanese markets next year.

John Miller, CEO of National Beef Packing Co. LLP, also discussed President Bush's promise to allow Canadian-raised cattle back into the United States.

"We think that (with) the Canadian border opening, as well as the eventual opening of export markets, we'll begin to see more historical-type earnings come back into the industry," Miller told analysts during a conference call Wednesday.

The top four beef-producing companies — including industry leaders Tyson Foods Inc., Swift & Co. and Cargill Inc. — provide more than 80 percent of the nation's beef.

The companies suffered after foreign markets banned U.S. beef when a case of mad cow disease, or bovine spongiform encephalopathy (BSE), was discovered last December in Washington state.

The infected cow came from Canada, and officials prohibited U.S. beef packers from importing Canadian cattle or beef. While beef products were later allowed in the United States, cattle was not, which drove up the price of native animals.

Bush last week said he would instruct federal officials to speed up the process of lifting the ban on Canadian cattle and said new regulations could be ready by early next year.

In October, the U.S. Department of Agriculture said it reached an agreement with Japanese negotiators to reopen the market to U.S. beef next spring or summer. Details were being resolved, but Japan said it would allow the import of beef from cattle 20 months of age or younger.

That will require beef producers to install systems to track cattle ages, a process that could take several months or years. National Beef officials estimated that less than 20 percent of cattle is currently tracked by age.

National Beef said its profits for the fiscal year that ended Aug. 28 were \$44 million, or less than half the \$89 million the company made in 2003. Total sales were up almost 12 percent to \$4.1 billion, but chief financial officer Jay Nielsen said that was because of price increases and the company had sold less beef.

National Beef said it expected a small profit in the current quarter, but analysts noted that the company asked its lenders to renegotiate terms of its debt.

Miller cautioned that beef markets are in a delicate position, as shown during last month's false alarm of a second mad cow case and the subsequent dumping of beef and restaurant stocks.

Feds giving business, management important role in Los Alamos bid

BY ERICA WERNER

Associated Press Writer

WASHINGTON — Stung by security lapses at the Los Alamos National Laboratory, the government will consider business and management ability as much as scientific expertise when selecting a new manager for the facility.

The Energy Department's National Nuclear Security Administration released a draft request for proposals Wednesday as it prepares for the first competition to run the New Mexico nuclear weapons lab.

Los Alamos has been managed by the University of California since the lab's creation as a top-secret World War II project to develop the atomic bomb. But problems, including missing computer drives and sloppy fiscal procedures, led the department for the first time to call for an open bidding process last year.

The new contractor will take over when the university's current contract expires at the end of September. The school has not decided whether to bid to continue managing the lab.

"The vision is we want world-class science, enabled by excellent operations, and really, really good business management," said Tyler Przybylek, chairman of the board of National Nuclear Security Administration officials who will evaluate proposals.

The agency will collect comments from prospective applicants, community members and others for 30 days before issuing a final request for proposals. Applicants will then have 60 days to submit their proposals.

The agency plans to select a contractor next summer to begin work on Oct. 1. The new contract will cover five years, with possible extensions for 15 years more.

Recent problems at the lab include the shutdown of most operations in July following the disclosure that two disks believed to contain classified information were missing. Most lab activities have since resumed.

New Mexico Gov. Bill Richardson has encouraged the University of California to seek to retain its contract. Other possible bidders include the University of Texas and Texas A&M.

Federal officials also will seek bids on the two other labs that the University of California manages, the Lawrence Livermore nuclear weapons lab and the non-weapons Lawrence Berkeley lab. The school's Lawrence Livermore contract also expires at the end of September, but the Energy Department plans to extend it.

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INTERNATIONAL



Putin criticizes holding new run-off election in Ukraine

BY MARA D. BELLABY

Associated Press Writer

KIEV, Ukraine — Tens of thousands of upbeat opposition supporters partied in Kiev's main square Thursday, erecting a Christmas tree and waving orange flags, in a show of confidence as the Supreme Court heard final arguments on whether to overturn disputed election results.

With Ukraine's political crisis nearing a decisive turning point, Russian President Vladimir Putin took the government's side in a deepening dispute over how to proceed once the judges issue a ruling.

Putin denounced the opposition's demand for a repeat of the contentious Nov. 21 run-off vote rather than holding entirely new elections for president, as the government wants. Putin said a new run-off "would yield nothing."

"A revote could be conducted a third, a fourth, 25th time, until one side gets the results it needs," a grim-faced Putin said, standing alongside his longtime ally, outgoing Ukrainian President Leonid Kuchma.

The two held a hastily arranged meeting at Moscow's airport just before Putin left for India. Kuchma flew to Russia for support as his government appeared to be losing momentum in the 11-day standoff with the opposition.

President Bush said Thursday that if a new vote is held in Ukraine it "ought to be free from any foreign influence."

Bush did not single out any country, but his words seemed to echo those of Canadian Prime Minister Paul Martin, with whom Bush met this week and who explicitly said Russia must not meddle in the Ukrainian matter.

With a new vote appearing likely, Kuchma wants to ensure an entirely new election is held — rather than a new run-off between his ally, Prime Minister Viktor Yanukovych, and opposition leader Viktor Yushchenko, a reformer who wants to move Ukraine closer to the West.

Kuchma may want to put forward a stronger candidate to replace Yanukovych in the race, which would only be possible if an election is held from scratch.

The mood among the throngs of Yushchenko supporters rallying in a tent city in Kiev's Independence Square was celebratory, confident that the Supreme Court will rule invalid the official results that declared Yanukovych the winner of the Nov. 21 run-off.

A Christmas tree festooned in orange was erected in the tent camp, while a rock band played on stage, their instruments fluttering with orange ribbons.

Other protesters kept up their blockade of the Cabinet building despite an agreement the day before to lift their sieges of government offices.

"We aren't letting anyone through. Why should we? We are so close to victory, why surrender now?" said Natalya Nechipurenko, 38, one of dozens of protesters standing shoulder-to-shoulder to block entrances to the building. They banged cans against the ground to distract whatever workers had managed to slip past.

A court decision had been expected Thursday. After beginning to hear final arguments in the evening, the court's 18 judges adjourned the session for the night without a decision. The final arguments will continue Friday, after which the justices will retreat for deliberations before announcing a decision. It was unclear how long the process would take.

Drinking hot tea to fight off the chill, protesters in the square watched live television broadcasts of the court hearings throughout the day, as the red-robed judges, sitting behind stacks of documents, heard testimony in the cramped chambers.

In talks mediated by European officials, Yushchenko and Yanukovych agreed Wednesday to respect the court's ruling. The opposition charges that government fraud cheated Yushchenko of victory in the runoff, and his campaign has appealed results from eastern regions where the prime minister's support is strongest.

During Thursday's session, the court rejected Yanukovych's objections to parts of the opposition's appeal.

Ruslan Knyazevich told the court that after the polls closed on Nov. 21, "one million more votes were thrown in." He also noted election data from the east came in later than from other regions, after what he suggested was an order to "increase the numbers."

Yanukovych has submitted his own appeal against the results, focusing on pro-Yushchenko western provinces and the capital. But if the Supreme Court rules in Yushchenko's favor and declares the vote invalid, considering Yanukovych's would be pointless.

The two rivals' meeting late Wednesday pointed to the likelihood of a new election in this bitterly divided nation of 48 million. But it remained unclear whether it would be a repetition of the runoff or a whole new election.

Kuchma told Putin that "it seems a compromise has been reached." However, he said, "how events will develop further — I don't have an unequivocal answer."

If an entirely new election is held, Ukrainian media have said Kuchma may pick Yanukovych's former campaign chief, Serhiy Tyhypko, to run. Tyhypko, a young

and charismatic politician, might fare better against Yushchenko than Yanukovych did.

Putin again warned the West not to interfere in the crisis.

"Neither Russia, nor the European Union, nor international organizations will solve the problems," he said in his meeting with Kuchma. "They all can play the role of mediators, but the Ukrainian people have the last word."

Putin told Kuchma that was worried about the possibility of a split in Ukraine — divided roughly between Yanukovych supporters in the east and Yushchenko backers in the west who are wary of Moscow's centuries-old clout in the country.

"We are not indifferent about what is happening there," Putin said.

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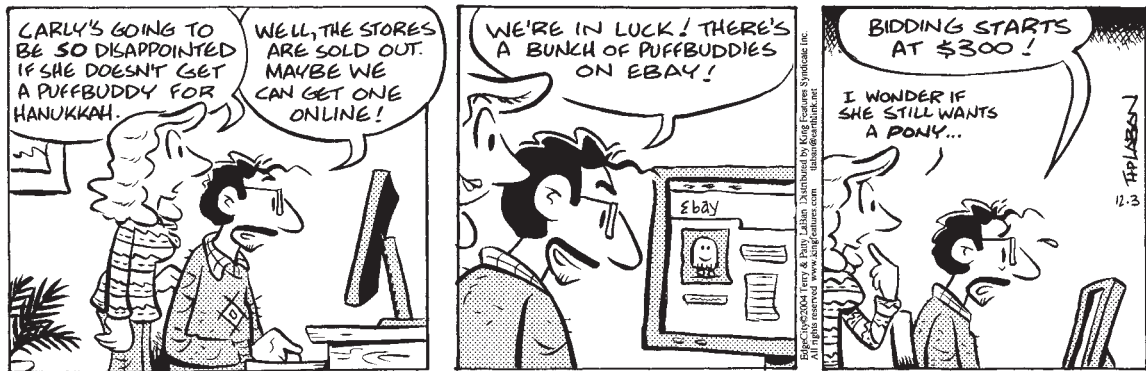


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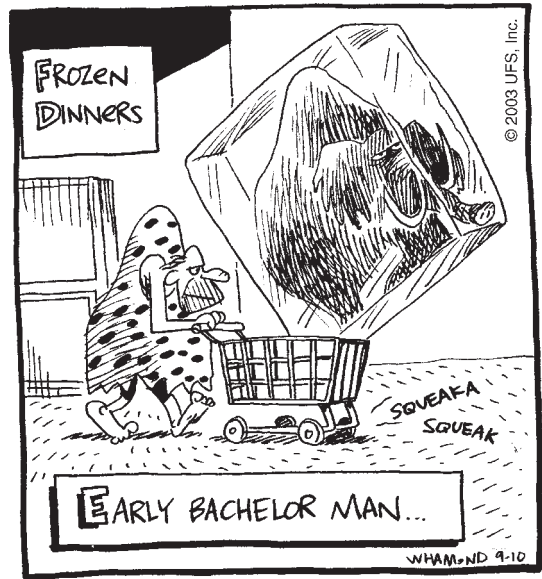
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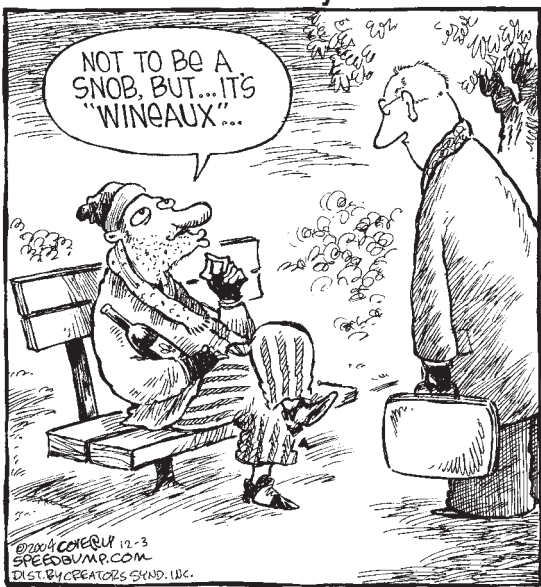
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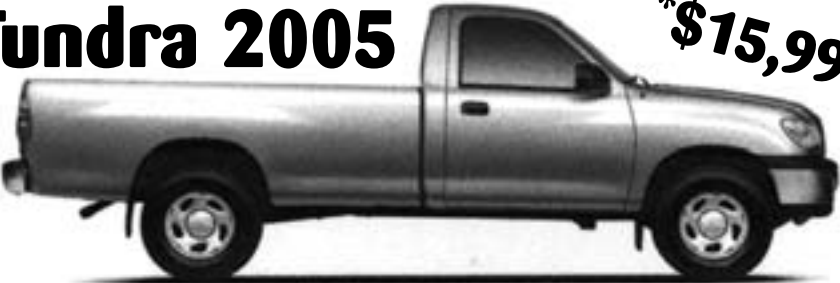


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PEOPLE IN THE NEWS

Pavarotti bids a long farewell; 40 shows worth

By The Associated Press

NEW YORK — Luciano Pavarotti, long a giant in the opera world, has signed a contract for a 40-date world-wide farewell tour.

Pavarotti, whose tenor voice has filled opera halls for more than four decades, will perform in countries throughout North and South America, Europe, Asia, New Zealand and Australia.

"This tour will be very emotional," the singer said in a statement to be released Thursday. "I am looking forward to traveling around the world, meeting many of my colleagues and friends I have made throughout my career, and performing for audiences for the last time."

The concerts will be produced by British producer Harvey Goldsmith. Dates are yet to be announced. Earlier this year, Pavarotti gave his final operatic performance at the Metropolitan Opera House in New York.

Pavarotti, who recently turned 69, has sold over 100 million albums in his career and has done much to popularize classical music and opera, including a tour with Placido Domingo and Jose Carreras as "The Three Tenors" and concerts in New York's Central Park and at the Eiffel Tower in Paris.

LONDON — Apple Computer Inc. has settled a dispute that was keeping the charity single "Do They Know It's Christmas?" off its iTunes music store in Britain.

The song, released Monday, hadn't been available as a download from iTunes, reportedly because Apple declined to sell the song for more than the service's \$1.52 base price.

Rivals including HMV and Napster are selling the

song for \$2.86, the price requested by the Band Aid Trust.

Apple said Wednesday it would sell the single for \$1.52 and donate the difference to the Band Aid famine-relief charity. It quickly became the best-selling iTunes download in Britain.

Apple's decision sparked criticism from its competitors. Napster said it was "disappointed they've chosen to use the biggest charity event of the year to undercut every other music retailer in the U.K."

The original Band Aid single, released in 1984, raised millions of dollars for victims of starvation in Ethiopia. It featured artists including Boy George, Duran Duran and Phil Collins.

The new single, which was released Monday, features artists including Dido, Coldplay's Chris Martin, Paul McCartney, U2's Bono and members of The Darkness. It will raise money for victims of strife in Sudan, where fighting has killed thousands of people and forced 1.8 million people to flee their homes.

MILAN, Italy — Giorgio Armani is upping the fashion stakes, taking on his French rivals with the launch of his first haute couture show in Paris next month.

The Giorgio Armani Atelier collection will be presented as an off-calendar show for 300 guests on Jan. 24, during the Paris Haute Couture fashion week, the Milan fashion house announced Wednesday.

The house said the "luxury to order" collection will focus on eveningwear "produced according to the standards of haute couture but with the accessibility, ease and modernity" that characterize Armani.

The ready-to-wear designer is stepping into the more expensive couture business at a time when luxury high

fashion collections seem to have a shrinking market.

The July program of haute couture in Paris was down to 16 houses, compared with 26 that showed in the couture season five years ago.

Several other Italian designers have shown haute couture in Paris. Valentino has been there for years, Gianfranco Ferre tried Paris but gave it up, and Donatella Versace opted for a smaller, less costly show in Paris last January.

Armani is known for the well-tailored look, although he's been expanding into evening clothes in recent collections.

A small number of the dresses that will show in Paris were previewed in Armani's spring-summer 2005 fashion show, held in Milan in September.

After Paris, the collection will be presented in cities including New York, Los Angeles and Hong Kong, the fashion house said.

VIENNA, Austria — John Malkovich will play the lead in a movie about the life of Austrian artist Gustav Klimt.

The movie, titled "Klimt," will depict the life of the famous art nouveau painter whose masterpieces include "The Kiss." Shooting will begin Jan. 4 in Vienna, the film's leading producer, epo-film, said Thursday.

Producers from London, Paris and Munich, Germany, are also involved in making the film, which is expected to premiere in May 2005.

"I see this film as a waltz," said screenwriter-director Raoul Ruiz in the statement.

Malkovich eagerly agreed to play Klimt, said Susanne Biro, an epo-film official.

"He was our first choice," she said. "He physically resembles Klimt and he is a good friend of Ruiz."

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