

FREE

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Carolyn Sackariason/Daily Press
Leopoldo Torres and his son, Joseph, scoot up and down the bike path along Santa Monica Beach one recent afternoon.

Mall cop on top of it

BY CAROLYN SACKARIASON

Daily Press Staff Writer

The Promenade's new top cop has vowed to clean up the mall, but that doesn't mean the homeless will be swept up in the effort.

"I think nothing happens overnight but I think he has improved the area. If he continues with his plans, the Promenade will be a better place."

— BARBARA TENZER

Tenzer Commercial Brokerage Group
representative

That's much to the chagrin of mall merchants who told city officials in October that they are losing business because the homeless and runaways are sleeping on benches and doorways, as well as urinating and defecating next to buildings.

But there is only so much the Santa Monica Police Department can do to keep the homeless from disrupting business on the mall, said Sgt. Ira Rutan, who recently took over the Promenade beat.

"I don't know if there's as much of a prob-

lem that merchants would lead you to believe," he said. "The homeless have just as many rights .. Being in a public space is not illegal."

People are allowed to sleep on the Promenade from 1-6 a.m., as well as roam freely throughout the day, just like any citizen, which is a concept that some business owners may not understand. Police add that is up to everyone to keep a watchful eye over the mall.

"There are a lot of perceptions from business owners down there," said Lt. Betsy Stratton, who oversees police enforcement on the mall. "We all have a responsibility to the city of Santa Monica to make it a safe place ... the residents, citizens and merchants."

"They have to help us help them," she said, adding many of the concerns merchants raise boil down to quality of life issues rather than law enforcement.

Stratton said business owners should make more of an effort to bring their front line employees to police training sessions so a direct line of communication is established with those who witness crimes regularly.

See PROMENADE, page 3

Students: 'Hang it up'

Cell phones OK, but not during school day

BY ANDREW H. FIXMER

Special to the Daily Press

Cell phones are now strictly an extracurricular activity for Santa Monica students.

The Santa Monica Malibu Unified School District Board enacted a new policy last week permitting students to carry cell phones with them to school, as long as the devices stay turned off during the school day.

"Clearly in the past there was a practice of students using them but an inconsistency on how to monitor them," said Julia Brownley, school board president. "In the last few years we have had a policy on the books that said one thing but we allowed students to do something else. And in my opinion for good reason."

Cell phones and pagers have long been prohibited at schools because of the perception that they were used in the illegal drug trade.

"But that perception is changing, and attitudes are changing at the state level, said Brownley. "Our policy is going to be a test

See PHONES, page 3

New leadership on school board

Board members putting the past behind them

BY ANDREW H. FIXMER

Special to the Daily Press

Departing from its troubled political past, the school board has voted in a new president and vice president to bridge new and longtime members together.

The Santa Monica Malibu Unified school board elected long-time member Julia Brownley as president and new-comer Maria Leon-Vazquez as vice-president.

Since the November elections when voters placed three new board members — including Leon-Vazquez — school board officials have been working hard to forge new personal bonds to avoid the partisan bickering of the past.

"This new cooperative spirit is a good thing (that) we want to continue," said Brownley. "I want to encourage this new attitude of working together."

The school board traditionally elects new leadership every year, even though it's not written into the board's bylaws. Last year, Brownley was vice president and Tom Pratt served as pres-

ident, but Brownley previously served as school board president four years ago.

"This new cooperative spirit is a good thing (that) we want to continue. I want to encourage this new attitude of working together."

— JULIA BROWNLEY

Santa Monica Malibu Unified school board member

"I think bringing someone new in as a vice president is important," said Brownley, who was first elected to the school board in 1994. "By the time it's said and done, I would hope

See SCHOOL BOARD, page 3

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HOROSCOPE

Leo, a nap will do you good

JACQUELINE BIGAR'S STARS

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

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ARIES (March 21-April 19)

★★★ You start the day with a jolt. Use this surprise to help energize you. Others respect your point of view. Still, you could play with facts and figures to make sure you’re heading in the right direction. Call in an expert, if need be. Gather information. Tonight: Find solutions on the Internet.



TAURUS (April 20-May 20)

★★ Others would be perturbed if walking in your shoes. No wonder you get upset with an unpredictable boss. Unexpected news could shake you up, as well as others. Stay as calm as possible, seeking out a trusted adviser for suggestions. Tonight: Relax with your favorite person.



GEMINI (May 21-June 20)

★★★ Prepare to regroup or go back to square one. Unusual news throws another perspective, which causes a total reassessment. Don’t count on others, and you will succeed. Be more in touch with a supervisor’s expectations. Talk about these matters first. Tonight: Out among the crowds.



CANCER (June 21-July 22)

★★★★ Be creative when dealing with the people around you. A partner could be irascible and emotional. You know how to tame someone’s feelings. Realize what is going on and work through his or her erratic behavior. You find solutions when no one else does. Tonight: Cut the romping early.



LEO (July 23-Aug. 22)

★★★ Strap yourself in as others act out. You’re on a roller-coaster ride, whether you like it or not. Don’t push someone too hard; rather, relax. Investigate a real estate investment or property matter more carefully. Don’t take anything for granted. Tonight: Nap first.



VIRGO (Aug. 23-Sept. 22)

★★★★ Keep communicating, even if you want to end talks. A co-worker could unnerve you, or you could be unnerved by a friend. Take a walk rather than trigger. You need to understand the bottom line here and what is getting to you. Stay on top of calls. Tonight: What would soothe your nerves?



LIBRA (Sept. 23-Oct. 22)

★★★ A child or loved one can persuade you to do things you would prefer not to do. Unanticipated surprises move you in another direction. Realize what it is that you want from a key person in your life. Keep your eye on the end result, not the moment. You’ll smile at success. Tonight: Hook up with a friend.



SCORPIO (Oct. 23-Nov. 21)

★★★ Your strong personality causes a shake-up when you least expect it. You might think that someone rebels for no reason. Rather, you are part of the problem. Be honest with yourself and then you can change the pattern. Keep smiling, and it’ll all work out. Tonight: Do your holiday errands, stopping for eggnog with a friend.



SAGITTARIUS (Nov. 22-Dec. 21)

★★★ When it comes to disruption, stand back. You might not be the cause, but you might be affected by these events. Your sense of humor can make a substantial difference in how you view your day. Don’t think you’re the only one! Tonight: Go with a second wind.



CAPRICORN (Dec. 22-Jan. 19)

★★★ Though you believe everything is under control, you might find out otherwise. Listen to the drumbeats. Listen to the echoes. Read between the lines. Make an important meeting, but think very carefully about what you expect. Tonight: Vanish.



AQUARIUS (Jan. 20-Feb. 18)

★★★ Whether you intend to or not, you add a certain element of uproar. You could feel quite out of control as you try to calm down. Others react strongly to this side of you. Please try to don a professional image at work. Tonight: Let off steam with friends.



PISCES (Feb. 19-March 20)

★★★ Continue seeking out information, tapping in on new resources. Your perspective could change as a result. In fact, you could be stunned when a piece of news filters in to you. Make arrangements to work as late as you need to. Tonight: Get as much done as possible.



WEATHER

Today ... Sunny with a high of 60°F. Winds from the Northwest at 7mph.

Tonight ... Clear with a low of 43°F. Winds from the North at 3mph.

Tomorrow ... Sunny High—62°F Low—43°F



QUOTE of the DAY

“An inconvenience is only an adventure wrongly considered; an adventure is an inconvenience rightly considered.”

— GK Chesterton

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LOCAL



Mall business owners being heard by police

PROMENADE, from page 1

"They need to be empowered by their CEOs," she said. "We hope they educate their ground staff as much as possible."

Education is a large part of making the mall a success, Stratton said. Two training sessions are held each year to discuss issues on the mall.

"It is a challenge because the environment itself is changing and you have new merchants coming in," Stratton said.

Rutan and four other officers have stepped up their enforcement partially because of merchants' concerns. At center court on the Promenade, runaways used to congregate and deal drugs. It also was one of the dirtier areas of the mall. But not anymore — Rutan and other officers

have cleaned up the area and no longer allow any bags to be left unattended, which was frequent until a few months ago.

Another issue for merchants is noise violations by street performers, which Rutan said is being enforced much more regularly now with officers patrolling the mall with noise meters.

"I think the merchants are concerned that their issues are being addressed," Rutan said, adding he has talked to representatives from the Bayside District, which oversees mall business. "They've noticed a difference recently. There is an increased perception that it's safe."

Barbara Tenzer, of Tenzer Commercial Brokerage Group, Inc., who represents merchants and landlords on the mall, has seen a noticeable improvement since Rutan

came on the beat.

"I think nothing happens overnight but I think he has improved the area," Tenzer said. "If he continues with his plans, the Promenade will be a better place."

Tenzer said Rutan is one of the best officers she's seen on the mall since she started doing business there 20 years ago because he communicates with the merchants.

"He's very good," she said. "He's wonderful. He's right on top of it and he listens and has been very receptive. The property owners feel the same way."

Rutan, who was one of the first officers to patrol the mall on bicycle, asked for the Promenade beat when he was patrol sergeant.

"I liked it when I was there," he said. "It's a fun environment and there's good people down there."

Phones must be shut off during school hours

PHONES, from page 1

period and we are going to reevaluate it at the end of the school year. If we need to tweak it at that time we will."

Since the Sept. 11 terrorist attacks and a spree of school-related shootings throughout the country, cell phones have proven to be instrumental in saving lives, and parents increasingly want their children to carry phones with them.

Last year the school board began talking about allowing students to carry cell phones in school, but they

delayed the decision until the district administration could further study the legal and security issues. The result is a long policy that spells out who is responsible for lost or stolen phones and precisely when students are allowed to use them.

"We didn't want to leave anything up to the imagination," said superintendent John Deasy, "so we wrote out a detailed policy that left nothing unclear. We took our time but the end result is a better policy."

Originally, the school board was going to allow students

to leave their cell phones on during the school day, as long as the devices were left on mute or set to vibrate instead of ring. Concerned that students may forget to set the phones to not ring, the school board cut the measure out of the final policy.

"Our policy basically is (that) cell phones are permissive but, as long as they do not interrupt the educational process or present a safety issue," said Brownley. "It clears any exceptions up and I think it's a very good policy. When it's said and done I think everybody, the general consensus in the community, is that we need this."

New president ready to hit issues facing school district

SCHOOL BOARD, from page 1

everyone on the board will serve as president at some point."

Members nominate their peers to serve on the board's leadership positions. This year both Brownley and Leon-Vazquez were the only ones nominated for their posts, and subsequently they were unanimously elected.

Leon-Vazquez did not return repeated messages left at her home, and was unavailable for comment.

But Brownley said she is looking forward to serving as president and keeping the school board focused on the issues facing the school district.

Brownley said the school district needs to lower class sizes, especially at the Santa Monica High School where some classes have more than 40 students.

"I think to some degree we are a victim of our own success. It's clear people living

outside of our district — but close enough to come to our schools want to come here — and that's good news for our district," she said.

"But I think on the other hand, that this is not a sound way to address our financial ills. I think what the board did — direct the superintendent to research what we can do — is the right move. We are simply filled to capacity."

Brownley also applauded the district administration and the teachers' union for working together to revolutionize how the district may use its academic performance Index funds, which are given to school districts based on their improvement in state standardized test scores.

"I am excited about this plan," said Brownley. "I think in terms of pooling the funding together and reallocating it more deliberately toward our own student achievement makes complete sense to me."



Newly elected Santa Monica Malibu Unified school board president Julia Brownley (left) and vice-president Maria-Leon Vazquez (right).



Recording academy's achievement honors presented

By the Associated Press

Santa Monica — Count Basie, Perry Como, Rosemary Clooney, Al Green and Joni Mitchell are recipients of the 2002 Lifetime Achievement Award presented by the National Academy of Recording Arts & Sciences.

The recording academy's Trustees Award goes to engineer-producer Tom

Dowd and rock disc jockey Alan Freed.

"The recipients of these awards are in a rarified league all their own. They are a prestigious group of diverse and influential creators who have given us some of the most distinctive and seminal recordings of the last century," academy president Michael Greene said Tuesday.

The awards will be presented Feb. 27 during the 44th annual Grammy Awards

ceremonies at the Los Angeles Staples Center. The show will be broadcast by CBS-TV.

"Their outstanding achievements have left a timeless legacy that has changed the world socially and has given voice to our cultural condition. Their work exemplifies the highest creative and technical standards by which we all measure our own personal and professional contributions,"

Greene said of the Lifetime Achievement and Trustees award recipients.

The Lifetime Achievement Award honors lifelong artistic contributions to recordings while the Trustees Award recognizes outstanding contributions to the industry in a non-performing capacity. Academy trustees voted on the special merit awards during a May meeting.

Actor arrested, booked for investigation of spousal abuse

By the Associated Press

MALIBU — Actor Gary Busey was arrested and booked for investigation of spousal abuse after his ex-wife telephoned deputies to complain the actor left her bruised, authorities said.

Busey, the Oscar-nominated star of 1978's "The Buddy Holly Story," was arrested at his Malibu home about 6 p.m. on Dec. 2, said Sgt. Tim Youngern of the Los Angeles County Sheriff's Department.

The 57-year-old actor was booked at the Lost Hills

station for investigation of spousal abuse and was released a short time later on \$50,000 bond, the sergeant said Tuesday.

Busey's ex-wife Tiani called deputies to the home. The couple's nearly four-year marriage ended in divorce in June 2000.

"Deputies observed bruises and her statement led to his arrest," Youngern said. "We are investigating. The bruises may not have been inflicted by him."

Busey is no longer represented by manager Herb Nanas or attorney Arthur Soll, who handled the actor's

divorce case and said Tuesday he didn't know how to reach the actor. Busey has no representation listed with the Screen Actors Guild.

Busey and Tiani were married Sept. 23, 1996, about a year after paramedics were called to Busey's Malibu home by his future bride, who said he had collapsed after using cocaine. Authorities filed drug charges, but they were dropped after he enrolled in a drug-rehabilitation program.

Busey starred in such films as "Under Siege" and "The Firm."

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STATE

AOL Time Warner chief pleased Turner might stay

BY GARY GENTILE
AP Business Writer

BEVERLY HILLS — Departing AOL Time Warner CEO Gerald Levin said Tuesday he was pleased Ted Turner is considering staying with the company, despite their stormy personal history.

"Ted and I have a relationship that every now and then bursts into the public domain," Levin said. "I am basically the symbol of things that are really troubling Ted. Or where he feels he's been hurt."

Pittman, will become the sole chief operating officer.

"I think Ted is very pleased about this succession, and he has a great respect for Dick Parsons and Bob Pittman and also Steve Case," Levin said.

Levin angered Turner last spring when he named Jamie Kellner to run Turner Broadcasting, stripping Turner of an operational role at the company that Turner had founded and later sold to Time Warner.

"I think Ted is very pleased about this succession, and he has a great respect for Dick Parsons and Bob Pittman and also Steve Case."

— GERALD LEVIN
AOL Time Warner CEO

Company co-chief operating officer Richard Parsons has been trying for some time to renew Turner's contract, which expires Dec. 31, and to persuade him to remain on the board of directors, Levin said before delivering a speech sponsored by Town Hall Los Angeles.

Parsons has been named to replace Levin as CEO. His overture to Turner appears to be an effort to ease tensions after Turner's public rift with Levin, who announced last week that he will step down in May.

Turner had not been expected to renew his contract as vice chairman when it expired Dec. 31.

Turner has said he is pleased with the management team that will succeed Levin. Company chairman Steve Case will keep his position. The company's other co-chief operating officer, Robert

Turner renewed the feud at a November cable conference, where he said he blamed Levin for blocking his dream to own a major television network.

"He has a love-hate relationship with me," Levin said of Turner. "I have a love relationship with him."

Levin reiterated that he is stepping down for personal reasons and not because of behind the scenes quarreling, including a rumored falling out between him and Case.

"I recognize that the action I have just taken this past week probably no one can accept on its face and therefore there will be a continuing inquiry as to what's really going on," he said.

"And although there might be some kind of guessing as to where the intrigues are, the winners and losers, I view this...as a very solid group of people."

San Diego consumer group sues PacBell for overcharges

By the Associated Press

SAN DIEGO — A consumer group has sued the parent company of Pacific Bell, claiming the phone company signed up customers for the Prodigy Internet service without their permission.

In a lawsuit filed in San Diego County Superior Court Monday, the Utility Consumers' Action Network asked a judge to order SBC Communications Inc. to end the practice and refund the money. San Antonio, Texas-based SBC owns both Pacific Bell and Prodigy Communications Corp.

"Customers can be assured that any inadvertent discrepancies will be corrected."

Pacific Bell

Pacific Bell is offering its phone customers the Prodigy service for 50 cents for the first two months and \$14.95 each month thereafter, according to lawsuit.

UCAN claims that at least two customers in the San Diego area were signed up for the service without their consent. When they called to complain, they were told to call Prodigy, which refused to issue refunds.

In a statement, Pacific Bell said it will work to protect its customers and ensure phone bills are accurate.

"Customers can be assured that any inadvertent discrepancies will be corrected," the company said.



U.S. closes in on bin Laden's fighters

BY CHRIS TOMLINSON

Associated Press Writer

TORA BORA, Afghanistan — Afghan tribal fighters overran some cave and tunnel complexes in this suspected refuge of Osama bin Laden on Tuesday and gave al-Qaida holdouts an ultimatum to surrender or face annihilation. There was no word if bin Laden was among them.

Eastern alliance fighters swarmed over abandoned al-Qaida positions after devastating U.S. airstrikes, which included 15,000-pound "daisy cutter" bombs that flattened hillsides and scattered debris over the barren, wind-swept hills.

Hundreds of bin Laden's foreign fighters tried to escape but were trapped by shelling in a rocky canyon. Some contacted tribal commanders by radio and pleaded for the chance to give up.

Mohammed Zaman, defense chief for the tribal eastern alliance, gave al-Qaida until 8 a.m. Wednesday (10:30 p.m. EST Tuesday) to surrender or face a new attack.

Zaman agreed to a pause in the fighting after a radio conversation with al-Qaida fighters in the Pashtun language, monitored in part by an interpreter working for The Associated Press.

Afterward, he met some al-Qaida commanders whom he said begged him: "Please don't fight us, we want to surrender." Still, Zaman said he was skeptical all fighters would give up peacefully.

Pentagon officials said the war against terrorism was far from over and that some al-Qaida members might be hiding in the underground network of caves and tunnels. Defense Secretary Donald H. Rumsfeld warned that there might be holdouts willing to fight, saying, "a wounded animal can be dangerous."

Gen. Richard B. Myers, chairman of the Joint Chiefs of Staff, said in Washington that there were "literally thousands" of caves in the Tora Bora area. He said American troops entered some caves, but he did not know if they had been used by al-Qaida.

Myers described Tora Bora, located in the towering White Mountains of eastern Afghanistan along the border with Pakistan, as "the last effective al-Qaida stronghold."

Meanwhile, in southern Afghanistan, U.S. Marines patrolled roads leading from the fallen Taliban city of Kandahar, searching for Taliban and al-Qaida fugitives. Marine spokesman Capt. David Romley said low-ranking Taliban soldiers from Afghanistan who surrender

their arms will be allowed to go free, but those who refuse will be killed.

The whereabouts of bin Laden, who U.S. officials suspected was in Tora Bora, remained unclear. One tribal commander claimed scouts spotted the Saudi exile with al-Qaida troops in the area Monday.

Deputy Defense Secretary Paul Wolfowitz said the best indications point to bin Laden's presence in the area, but he admitted the reports are "not very reliable."

Tuesday's advance on Tora Bora occurred three months after the Sept. 11 terrorist attacks, which the United States blames on bin Laden. President Bush launched airstrikes on Afghanistan on Oct. 7 after the former ruling Taliban refused to hand over bin Laden.

In other developments:

— U.N. special envoy Lakhdar Brahimi met leaders of rival Afghan factions in the Afghan capital, Kabul, and said an interim administration under Pashtun tribal leader Hamid Karzai was on track for its planned Dec. 22 inauguration.

— Secretary of State Colin Powell said Britain will take the lead role in overseeing the peacekeeping force for Afghanistan.

— A U.S. federal grand jury issued the first indictment directly related to the Sept. 11 attacks. Zacarias Moussaoui, a French Moroccan who is in custody, was charged with six counts, four punishable by death.

— The Red Cross said Tuesday it was investigating reports that dozens of Taliban captives suffocated in shipping containers while being taken to prison in northern Afghanistan.

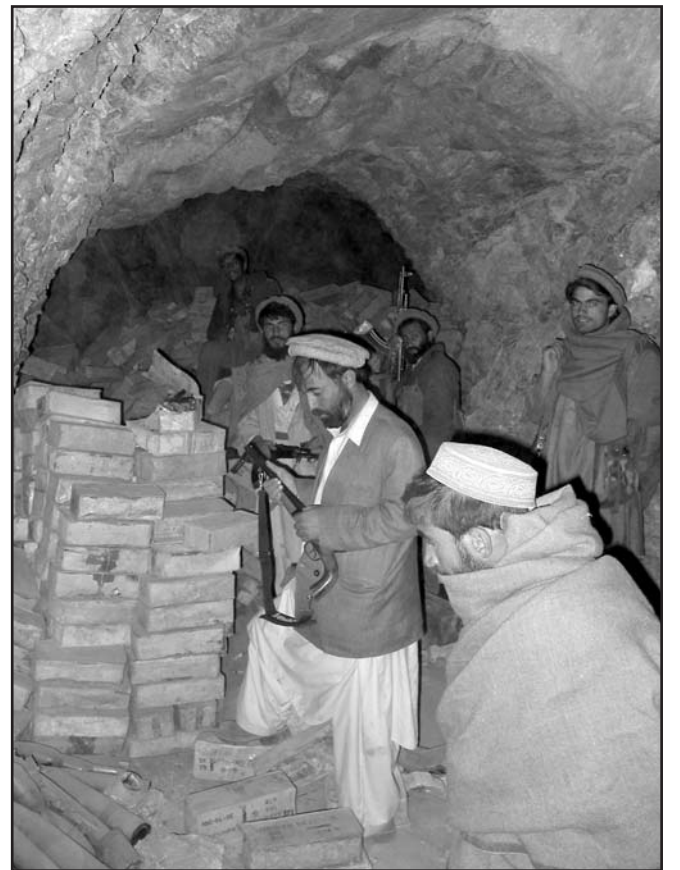
— The United States said James F. Dobbins, the U.S. diplomat who steered rival Afghan factions into an interim government, will reopen the U.S. Embassy in Kabul.

— The new governor of Kandahar, Gul Agha, said his militiamen would begin scouring the countryside for Taliban as soon as he restores order in the city, which the Taliban fled Friday.

At Tora Bora, Afghan fighters cautiously peered into the caves that had been abandoned by al-Qaida and entered some only as far as sunlight extended, fearing booby traps or hidden enemy fighters.

It was unclear how much of the cave complex at Tora Bora had been captured.

Hazrat Ali, a senior commander with the eastern alliance, said fleeing al-Qaida troops had been trying to head south to escape into Pakistan, where intelligence officials said 4,000 troops had blocked all possible escape routes along a 25-mile stretch of border



Associated Press

Afghan anti-Taliban fighters look through munitions left behind in an al-Qaida cave bunker in the Milawa Valley of the White Mountains of northeastern Afghanistan on Tuesday. Anti-Taliban forces, backed by U.S. fighter jets, drove al-Qaida forces from their mountaintop positions in intense fighting which led to at least one al-Qaida group offering to surrender.

in the White Mountains.

Eastern alliance forces launched a three-pronged assault Monday against al-Qaida defenders at Tora Bora.

Shelling and machine-gun fire echoed across the valleys as B-52s and U.S. surveillance aircraft circled above. Afghan troops said dozens of heavily armed U.S. soldiers were seen headed to the front late Monday. After a night of heavy gunfire, the Americans returned before dawn Tuesday to a camp in the nearby village of Pacir.

Fed cuts interest rates one quarter point

BY MARTIN CRUTSINGER

AP Economics Writer

WASHINGTON — The Federal Reserve cut interest rates on Tuesday for the 11th time this year, capping its most aggressive string of rate cuts since the early 1980s.

However, in its latest move, the Fed cut a key interest rate by just a quarter-point rather than the bolder half-point moves the central bank has favored for most of this year.

Many economists saw this change as a clear signal that Federal Reserve Chairman Alan Greenspan and his colleagues believe they have done enough to lift the country out of its first recession in a decade.

Economists did not totally rule out one more quarter-point move at the Fed's next meeting in early January as an insurance policy, but they said that rate reduction would occur only if economic statistics in the next month come in much worse than expected.

"I think the Fed senses the economy is finding a bottom and will begin to turn upward by early next year," said Mark Zandi, chief economist at Economy.com.

Wall Street received an initial lift from

the Fed announcement, but those gains were lost after a disappointing earnings forecast from drug giant Merck. The Dow Jones industrial average finished the day down 33.08 at 9,888.37, its fourth straight losing session.

year low of 1.75 percent. The Fed also reduced its discount rate, the interest it charges to lend money directly to banks, by a quarter-point to 1.25 percent, the lowest level on record.

Commercial banks immediately

"Movement toward a possible compromise on the stimulus package may be the best news of all from the point of view of business confidence."

— DAVID JONES

Chief economist at Aubrey G. Lanston & Co.

In its statement, the Fed said that "weakness in demand shows signs of abating" although it cautioned that as of yet those signs remained "preliminary and tentative."

The Fed's latest action pushed its target for the federal funds rate, the interest that banks charge each other, down to a 40-

matched the Fed's rate reductions by lowering their prime lending rate, the benchmark rate for millions of consumer and business loans, to 4.75 percent, the lowest level since November 1965.

The Fed's hope is that the low borrowing costs will spur consumer spending and business investments, which will in turn

trigger American factories to ramp up production.

In addition to easier credit from the Fed, President Bush is urging Congress to pass close to \$100 billion in additional tax cuts for individuals and businesses, which administration officials contend would boost employment by 300,000 next year and lift economic growth by one-half percentage point.

The plan has been stalemated in Congress for weeks because of Democratic demands that the package include less in tax cuts for the wealthy and corporations and more support for unemployed and low-income workers.

However, the administration made a compromise offer on Tuesday that could lead to the stalemate being resolved.

"Movement toward a possible compromise on the stimulus package may be the best news of all from the point of view of business confidence," said David Jones, chief economist at Aubrey G. Lanston & Co. in New York.

Jones and other analysts said if Congress does pass a stimulus package before Christmas and the economy shows further signs of stabilizing, the Fed will leave rates unchanged at its next meeting at the end of January.

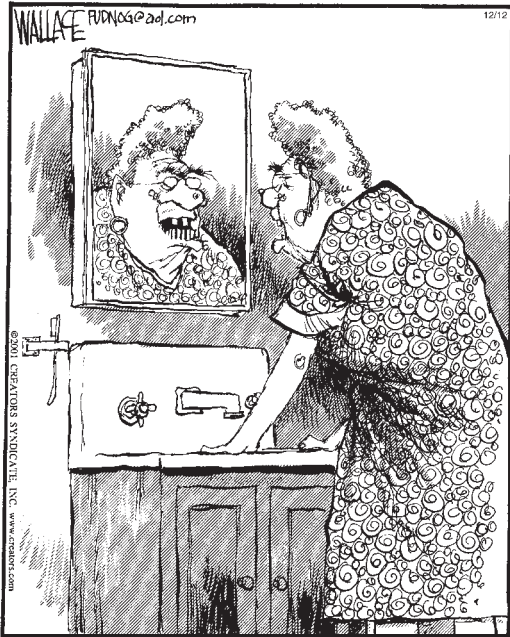


COMICS

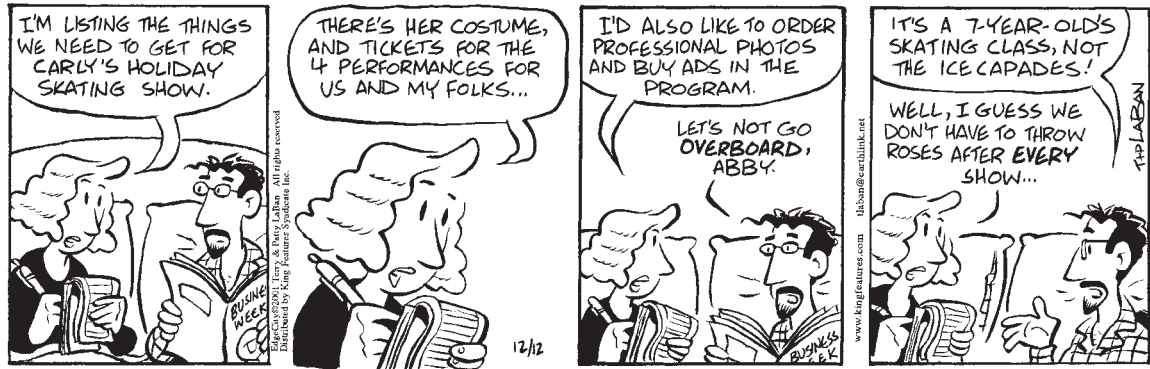
The Dinette Set by Julie Larson



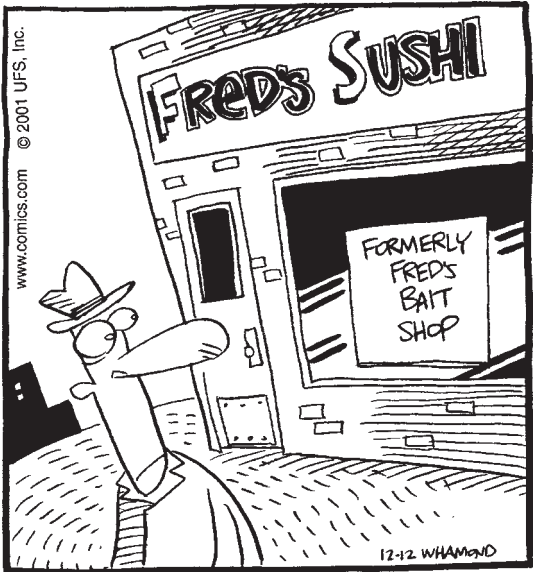
Natural Selection® By Russ Wallace



by TERRY & PATTY LABAN



Reality Check® By Dave Whammond



Speed Bump® By Dave Coverly



CROSSWORD By THOMAS JOSEPH

- ACROSS
- 1 Lukas of "Witness"
 - 5 Spelunker's place
 - 9 Permit
 - 11 Caught a dogie
 - 12 Orchestra member
 - 13 In the midst of
 - 14 Director Burton
 - 15 Hit song of 1929
 - 17 Submits, in a way
 - 19 Conducted
 - 20 Temptress
 - 21 — Alamos
 - 22 Martini garnish
 - 24 Swabbing need
 - 26 Air conditioner parts
 - 29 Upper limit
 - 30 Target of a fill-up
 - 32 Penny inscription
 - 34 Garden tool
 - 35 Secondary study
 - 36 Blazing
 - 38 Avoid
 - 39 Grow toward evening
 - 40 Stationery buy
 - 41 Auction acts
- DOWN
- 1 Axe handles
 - 2 WWII side
 - 3 Homecoming attendees
 - 4 Drunk
 - 5 You may part with it
 - 6 God of sunlight
 - 7 Places of action
 - 8 Moved sideways
 - 10 Ermine, e.g.
 - 11 Monsoon weather
 - 16 SUV's cousin
 - 18 Plummet
 - 21 Spring period
 - 23 Of the hearth goddess
 - 24 Folder material
 - 25 Start talking
 - 27 Gauguin destination
 - 28 Slept soundly?
 - 29 One of Santa's team
 - 30 "First Knight" actor
 - 31 Wails
 - 33 Program makeup
 - 37 Beatles descriptor

S	H	A	R	P	S		L	A	M	A
T	O	B	O	O	T		A	X	I	S
S	T	E	M	W	I	N	D	E	R	S
				P	E	R	I	L		
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L	O	A	D		T	E	S	T	E	D
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S	T	U	D	I	O		P	I	N	T
		S	P	A	N		D	U	P	E
				T	E	N	O	R		
S	I	D	E	W	I	N	D	E	R	S
O	D	O	R		L	A	U	R	E	L
B	O	G	S		S	T	E	A	D	Y

Yesterday's answer

1	2	3	4		5	6	7	8
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12						13		
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32			33				34	
35					36	37		
38					39			
40						41		

12-12

STUMPED?

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NEWS OF THE WEIRD by Chuck Shepard

Hard times for British seniors in October

- A couple in their 70s were recovering in Wythenshawe Hospital (Manchester) after severely overdosing on pills because, they said, their neighbors' kids had long been behaving too rambunctiously.
- A judge at Newcastle upon Tyne Crown Court told John Bushnell, 75, that he had best relocate after finding that, for 40 years, he has been guilty of tacky, petty harassment of his neighbors, out of inexplicable hatred. ("Dying-looking git," "creepy-looking Jesus," "first-class s-house" and "humpty-backed bastard" are a few of his epithets.)
- A manager of a senior-citizens home was convicted of gross negligence at Chelmsford Crown Court for her longstanding obsession with making sure her clients were sufficiently hydrated (except that she went too far, sometimes pouring massive amounts of water down their throats, to the point where two of them died).

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BACK PAGE

Anna Nicole Smith's right to inheritance in federal court

BY ROBERT JABLON

Associated Press Writer

SANTA ANA — The fight between Playboy pinup Anna Nicole Smith and her stepson over the fortune left by her late husband went to federal court Tuesday with lawyers arguing over whether the Texas oilman intended to leave her an inheritance worth \$474 million.

In his opening statement, attorney Phil Boesch, who represents Smith, said J. Howard Marshall had always intended that the former stripper and Playmate of the Year get a share of his inheritance.

But his son, E. Pierce Marshall, used every means to block it, Boesch argued.

There was "a declaration of war" that included commandeering his father's stock in a petroleum company to keep Smith from gaining control of it, Boesch said.

Smith met Howard Marshall at a strip club where she was working as a lap dancer. They married at a drive-in chapel in Houston in 1994, when she was 26 and he was 89.

The current hearing is the latest round in a long-running legal battle in which Smith has tried to claim the huge inheritance from Howard Marshall, who died in 1995.

Pierce Marshall, 63, is appealing a previous California bankruptcy court's decision to award Smith \$474 million from the estate.

At Tuesday's hearing before U.S. District Court Judge David O. Carter, Boesch said he will present a memo to Pierce Marshall from a lawyer in which a plan is allegedly laid out to seize control of Howard Marshall's assets before his death in order to leave "less for mischief and less for 'Miss Cleavage.'"

Boesch said Smith, whose real name is Vickie Lynn

Marshall, did not take advantage of the aging tycoon and even refused his initial marriage proposals to pursue her career.

"She's not taking the money and running," Boesch said. "The fabricated gold digger ...doesn't exist."

"She's not taking the money and running. The fabricated gold digger ...doesn't exist."

— PHIL BOESCH
Anna Nicole Smith's Lawyer

Smith sat quietly in the courtroom dressed in a camel knit sweater and pants, occasionally dabbing at her eyes with a tissue. Pierce Marshall sat grimly across the aisle.

His lawyers argued that his father intentionally left Smith out of a living trust established to oversee his estate because he feared she was unable to handle money and would be easily fleeced.

By doling out more than \$6 million in jewelry, real estate and clothing to Smith, Howard Marshall intended that she would become financially independent while he taught her sound financial practices, lawyer

Rusty Hardin said.

But later, Marshall commented to a friend: "That girl's unteachable," Hardin said.

Hardin said Smith had gone through all the gifts by the time she filed for bankruptcy in 1996.

Both sides, however, agreed that Smith had played an important role in reinvigorating the tycoon who had lapsed into despondency after the 1991 death of his first wife.

"We have never contended that (Marshall) didn't care for Vickie Marshall," Hardin said.

Hardin also defended his client.

"Pierce Marshall is not the evil brother in the attic," Hardin said. "He's a guy who did his father's bidding all his life...J. Howard was in charge to the end."

Judge Carter decided in August that Smith must testify before he can decide on whether the previous ruling granting her \$474 million will be reinstated.

Carter also said he will need to hear testimony from Pierce Marshall.

Smith filed for bankruptcy in 1996 in Los Angeles, where she moved after her marriage. U.S. Bankruptcy Judge Samuel Bufford awarded her the \$474 million last December after sanctioning Pierce Marshall for failing to produce materials requested by the court and interfering with Smith's expectation of a "gift" from her husband's estate.

After a contentious trial, a probate court in Texas ruled in May that the 1993 Playboy Playmate of the Year had no claim to the estate.

Carter then threw out the original ruling in California that awarded the \$474 million to Smith, pending his own review.

The judge said testimony from Smith, Marshall and others is necessary because the claims and counter-claims between the two are too "wildly at odds" for him to rule based on court transcripts alone.



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