

Santa Monica Daily Press

A newspaper with issues

LOTTO

SUPER LOTTO PLUS

18-24-33-35-4

Megamember: 27
Jackpot: \$34 million

FANTASY 5

39, 29, 31, 12, 7

DAILY 3

Afternoon picks: 0, 8, 6
Evening picks: 3, 9, 7

DAILY DERBY

1st Place: 6, Whirl Win
2nd Place: 1, Gold Rush
3rd Place: 11, Money Bags
Race Time: 1:47.06



NEWS OF THE WEIRD

by Chuck Shepard

The Oakland (Calif.) Tribune reported in November that a City of Oakland building inspector's employee, fired in February 2002, took a government car (with logo) with her when she left and that no one noticed it was missing for 18 months, until the ex-employee had accumulated \$1,500 in traffic tickets. At that point, the owner of the car was called to get the car out of the impound lot.



QUOTE OF THE DAY

"He who hesitates is not lost, but miles from the next exit."

— Unknown



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Market crash: Police seek manslaughter

DA must now decide what charges to file in Farmers' Market tragedy

BY CAROLYN SACKARIASON

Daily Press Staff Writer



Carolyn Sackariason/Daily Press

Santa Monica Police Chief James T. Butts Jr., flanked by Deputy Chief Phil Sanchez, Capt. Jacqueline Seabrooks and Lt. Ray Cooper, speaks to the media about the Farmers' Market investigation on Wednesday in front of the Public Safety Building.

POLICE HEADQUARTERS — The Santa Monica Police Department is seeking manslaughter charges against Russell Weller, the elderly driver who killed 10 people and injured 63 when he sped through the Farmers' Market in July.

The SMPD and the California Highway Patrol concluded their investigation and turned over a report to the Los Angeles District Attorney's Office this week. The DA's office, which is expected to make a decision on whether to file criminal charges within weeks, accepted the 917-page report on Wednesday.

SMPD determined that Weller, 86, was traveling at an unsafe speed — the primary cause of the accident. Police also said Weller suffered from reduced mobility and that may be why he didn't stop after rear-ending a Mercedes Benz at the intersection of Fourth Street and Arizona Avenue. He then accelerated 245 feet and through the market's entrance.

Police say it appears as though Weller hit the gas pedal instead of the brake when his 1992 Buick LeSabre struck the left rear of the Mercedes, which was preparing to make a right turn onto northbound Fourth Street from Arizona Avenue. The Mercedes, driven by an unidentified female, was waiting for a pedestrian to cross the street when she was hit.

After the collision, Weller's car pushed the Mercedes out of the way and into the crosswalk. According to witnesses, Weller accelerated rapidly toward the market and struck a pedestrian standing on crutches near the "road closed" sign on the edge of the market. The pedestrian was thrown about 60 feet, said

See CHARGES, page 6

SM joins car tax lawsuit

\$3.8 million annually hangs in the balance

BY JOHN WOOD

Daily Press Staff Writer

COUNCIL CHAMBERS — Santa Monica will join a host of California cities and counties suing the state for \$4 billion in missing car tax revenue.

The City Council voted unanimously on Tuesday night to join the attack, sparked when Gov. Arnold Schwarzenegger made good on his campaign promise to repeal the tax.

Council members described the lawsuit as unfortunate but important. They said Gov. Schwarzenegger should be held responsible for his campaign promise that local governments wouldn't suffer from the tax cut.

Statewide, the cuts have cost government \$4 billion. For Santa Monica, that means \$3.8 million in missed revenue, said Steve Stark, City Hall's director of finance.

Mayor Richard Bloom said both the legislature and Schwarzenegger need to work together and come up with the missing money, which is meant for the

"I think that everybody wanted to take him at his word and now we see that there is no plan. He doesn't have one."

— MAYOR RICHARD BLOOM

general fund and is typically used for police and fire budgets, and for other community services.

"This is a problem that the governor said he could solve, said he would solve and now he doesn't really have a solution, and is simply saying to the legislature, 'You fix it,'" Bloom said. "That's not the kind of leadership that we're expecting from the governor."

Council members voted 6-0, with City Councilman Bob Holbrook absent, to join the lawsuit. Already three other cities — Los Angeles, Sacramento and San Juan Bautista —

See LAWSUIT, page 5

Consultant to review planning department

It could cost \$75,000

BY JOHN WOOD

Daily Press Staff Writer

CITY HALL — Local officials expect to spend up to \$75,000 to figure out how to fix City Hall's planning department.

A private consultant will be hired next year to review the department, which has already launched an in-house effort to shorten waiting times and improve customer service.

Residents and merchants have long complained that City Hall's planning process is too slow, burdensome and costly. They said the bureaucracy is unfair to businesses and residents suffer extensive delays on minor projects.

In October, the Planning Commission suggested an outside consultant be hired. That recommendation received broad support when it went before the City Council Tuesday night.

"I hope we can approach this now in a very positive way, that we can look to increase the effectiveness of our process (and) certainly aim for absolute fairness," City Councilman Kevin McKeown said. "And fairness in this sense is not an absence of favoritism. It's more a presence of consistency."

McKeown echoed comments from City Councilman Ken

See REVIEW, page 5

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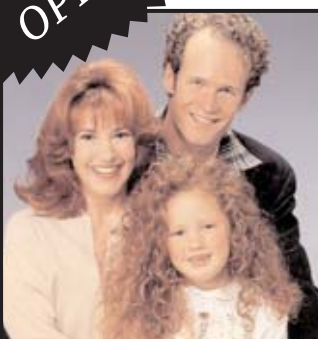


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The stars show the kind of day you'll have:

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

HAPPY BIRTHDAY for Thursday, December 18, 2003:

Investigate offers that come your way this year. What happens could be very exciting if you make the right choices. You have an unusual talent or gift that helps you make money, or at least allows you to draw unusual business opportunities. Curb a tendency to go overboard. You might even be looking at a sweet tooth. If you are single, no one can or will question your desirability. The real issue is what you want. Again, you might need to determine how you want to "experience" yourself with someone. Only then will you know where you are going. If you are attached, the more you share, the closer you will become. Both of you could have a banner year. LIBRA helps you get what you want.

ARIES (March 21-April 19)
★★★★★ Others reach out for you; as a result, you could easily go on overload. How much can you handle? That might be the real question. You feel very good about a boss or close associate. Share your feelings more often. You will like the results. Tonight: Go along with another's wishes.

TAURUS (April 20-May 20)
★★★★ An even, gentle pace allows you to see a situation differently. You could feel over-worked. Examine what is going on with a key associate who controls the purse strings. Through detaching you'll get the answers. Tonight: Do what you find most relaxing.

GEMINI (May 21-June 20)
★★★★★ You still might be more playful than you realize. A partner or dear friend might adore your uproar, but others seem a bit jumpy or on edge. You have the ingenuity to get around obstacles — yours or others'. Tonight: Beam in what you want.

CANCER (June 21-July 22)
★★★★ Slow down and spend some long-overdue time with a child or loved one. How you say what you need could make all the difference in its reception. Deal with basics at home or with whatever daily activity you choose. Tonight: Get some extra zzz's.

LEO (July 23-Aug. 22)
★★★★★ Take the initiative, especially at work. Again, be careful with that special someone who often expresses or demonstrates stronger feelings than you are comfortable with. Actions often speak more than gifts; remember that fact this holiday season. Tonight: Join a favorite pal.

VIRGO (Aug. 23-Sept. 22)
★★★★ You make money through a natural talent or gracefulness. Still, be careful with spending, as you could easily go overboard in wanting to indulge a loved one. Carefully think through a decision that revolves around family. Tonight: Order in.

LIBRA (Sept. 23-Oct. 22)
★★★★ You cruise over any problems you encounter. You express unusual effectiveness and caring by just being yourself. A purchase for your home or family could make a big difference in the quality of your life. Others gravitate toward you. Tonight: You're the cat's meow.

SCORPIO (Oct. 23-Nov. 21)
★★★★ Knowing when not to get involved is a unique Scorpio talent. Use it. You might like to reverse direction and steer away from trouble. Express your unusual financial sense and gentle way. Others want to be around you. Tonight: Vanish while you can.

SAGITTARIUS (Nov. 22-Dec. 21)
★★★★★ Don't hem and haw. The moment is now to ask for more of what you want and desire. Someone close to you might question what you are doing. Could there be such a thing as explaining too much? Tonight: Where the action is.

CAPRICORN (Dec. 22-Jan. 19)
★★★★ Venus bestows a kindness and gentleness upon you that others cannot deny. Your happy ways will take you in a new direction professionally if you play your cards correctly. The boss wants to show you how exceptional your work is. Tonight: Work as late as need be.

AQUARIUS (Jan. 20-Feb. 18)
★★★★★ Your ability to see the big picture is helpful to you, but maybe not to others if you cannot explain it. A meeting might be very important. You easily could be overly sensitive right now. Use caution with someone you meet today or in the near future. Tonight: Rent a movie on the way home.

PISCES (Feb. 19-March 20)
★★★★★ Let a partner share what he or she thinks he or she has to offer. You might be delighted by news from another source but might not be sure what to do with it. The best action right now is no action. Tonight: Snuggle in.

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LOCAL



COMMUNITY BRIEFS

Inner-city students learn expression via theater arts

By Daily Press staff

Television professionals recently provided at-risk high school students with a glimpse into the thespian world.

Last Friday, 17 inner-city students of LA's Venice High School concluded "The Word First," a literacy and writing program sponsored by the Writers Guild Foundation, with a performance of their newly composed one-act play before a packed Venice High auditorium.

The performance in front of 700 students, family members and faculty culminated the two-week program instructed by veteran television writer/director/producer Tom Greene from Magnum, P.I. and Knight Rider.

"The Word First," developed by Greene and targeted to at-risk children, is an up-close examination and workshop of the written word and how it evolves into visual imagery. Utilizing that relationship with film and television, Greene guided the specially selected students as they tapped their own imaginations to collaboratively create a short and dramatic, visually active story in the form of a written script.

"This was one of the best sessions I've ever seen in the 10 years I've been conducting this program," Greene said. "The enthusiasm and creativity that emerged from these students after such an initial reticence is really a phenomenal and inspiring thing to see."

School faculty members were equally pleased with the results.

"This program gave the students a glimpse of what can be done with collective and individual imagination — a gift many of them have not envisioned before and others not for too long a time," said Jane Koehler, Venice High's literacy coach.

The finished one-act screenplay was performed by film/television actors Alex Raben (Up to the Roof), and Kimberly Huie (C.S.I., Philly). Titled "The Naked Truth," the 22-page script was about the accidental reunion of two best friends from high school who have lost touch with each other. Courtney, played by Huie, is a dancer in a strip club, where Isabella, played by Raben, happens to see her perform. As the two revisit their long ago friendship they discover painful truths about themselves back in their prep days as well as the present.

The program is conducted at varying host schools in the Los Angeles area, and takes students through their favorite scenes of movies and television shows, working backward, studying the words needed to put those scenes together. The students delve deeper into the composition of the scenes, discovering the words' use and value, while also taking on a one-book reading assignment during the same period.

Santa's on his way to the SM Pier

By Daily Press staff

Santa Claus and some of his musical friends will make a stop at the Santa Monica Pier's Carousel Building this weekend to celebrate the season.

On Saturday Santa will be joined by the choral group Eva's Angels from 12 p.m. to 2 p.m. and the Samohi Chamber Orchestra from 2 p.m. to 4 p.m. Eva's Angels will be singing popular holiday selections from all genres. The orchestra also will be performing holiday selections and selling raffle tickets to support their program. The raffle drawing will be held on Feb. 27 at the orchestra's "On a Sweet Note" fundraiser at UCLA and prizes will include front-row-and-center tickets to a Lakers game, a Clippers game and a Kings game. The winner will be contacted by phone if not present at the UCLA event.

On Sunday, the pier will present a special holiday performance by "LA Hip Kids," a group of young singers and dancers from the Los Angeles area with professional aspirations. The performance begins at 2:30 p.m. on the pier's "center stage" between the police substation and Surf View Cafe.

All performances are free and open to the public. For more information, call the pier information line at (310) 458-8900 or visit www.santamonicipier.org.



NW swell looks solid this morning. Look for 4-7' surf at many of the better exposed breaks.

OUTLOOK: Those waves will be on the way down by Friday. New W swell will be on the rise by Friday afternoon.

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

Today the water is:

57°

Sunrise: 6:59 a.m.
Sunset: 4:53 a.m.

	LOW TIDE				HIGH TIDE			
	Morning	Height	Evening	Height	Morning	Height	Evening	Height
SATURDAY	4:26	3.1	6:42	0.1	1:15	3.4	(10:46)	5.2
SUNDAY	5:40	3.3	7:32	0.3	2:17	3.6	(11:37)	4.8
MONDAY	7:31	3.2	8:23	0.6	3:07	3.9	12:47	4.3
TUESDAY	9:21	2.8	9:14	0.8	3:45	4.2	2:21	3.8
WEDNESDAY	10:40	2.0	10:04	1.1	4:20	4.7	4:00	3.6
THURSDAY	11:39	1.1	10:52	1.3	4:54	5.3	5:24	3.6
FRIDAY	(12:30)	0.1	11:39	1.6	5:30	5.9	6:35	3.8

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The Q Line

U.S. officials and its allies celebrated the capture of former Iraqi dictator Saddam Hussein over the weekend. Hussein was discovered in a cramped hole near one of his sumptuous palaces, a humiliating fate for one of history's most brutal dictators.

During the arrest of Saddam, U.S. troops discovered "descriptive written material of significant value," a U.S. commander told The Associated Press. He declined to say whether the material related to the anti-coalition resistance.

Saddam, who waged and lost two wars

against the United States and its allies, could face trial before a new Iraqi tribunal for war crimes. Many feel his capture could have a detrimental effect on the insurgents' resisting occupation.

Will the coalition's capture of Saddam Hussein turn the tide in the war with Iraq?

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

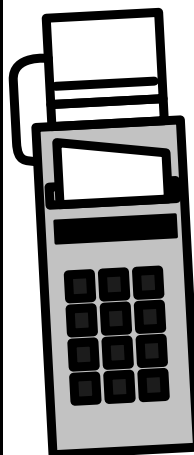
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LETTERS

Saddam may have faired better here

Editor:

I want to congratulate the U.S. armed forces for the capture of the brutal dictator, Saddam Hussein.

The way Saddam looked you have to wonder whether he would have been more successful eluding capture if instead of hiding in Iraq he had fled to Mexico, entered California illegally, obtained a California drivers license without documentation as an illegal immigrant, and then hid amongst our large homeless population in Santa Monica.

Just wondering.

Jeremy Bloomberg
Santa Monica

Aging hippie not apologizing

Editor:

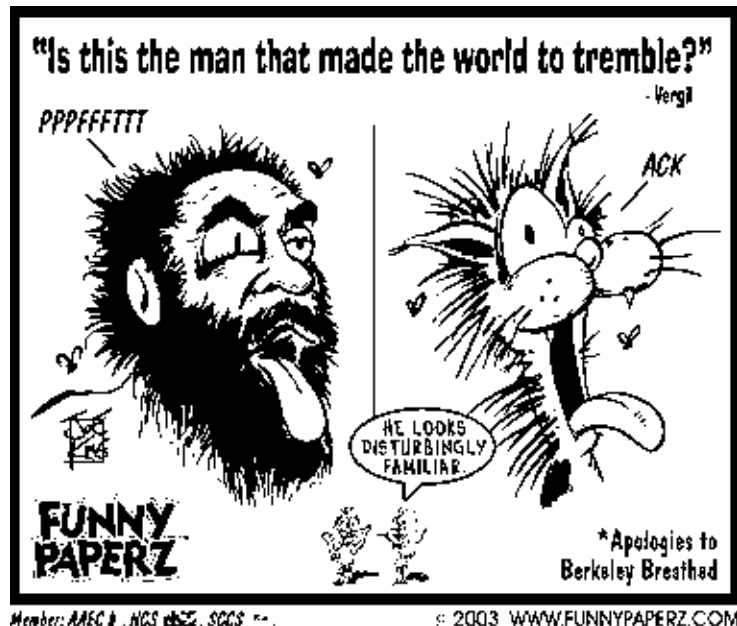
Lucky us. Tony Street broke his promise to himself that after moving away, he would no longer write to SMDP (SMDP, Dec. 9, page 6).

However, after a visit to Santa Monica he just couldn't resist enlightening us on what we already know and have written about ourselves — and is alive and well in most cities (but thankfully not in Tony's new place of residence). I am truly glad also that he didn't have his 2-year-old son with him when he came across the kids with the punk look and the bad language. I wasn't as lucky myself. My little granddaughter and I were treated to a woman defecating in front of us and the rest of the people by a crowded restaurant. A lot worse than hearing two kids saying the "f" word. And I hope he continues to shelter his son and take extra care, so that in about 13 years the boy will make choices dad approves of.

I was particularly amused by the thought that Ed Silverstein, Ron Scott Smith and myself were told by Mr. Street to take Charles Springer into our homes. And while I don't presume to speak for anyone but myself, we have all spoken out on this very same overwhelming situation. Myself, to the point where I have been accused of being too harsh on the ever increasing transient population (not shipping them to us from your new place, are you, Tony?) and the city government's handling thereof. I guess it's not what I write, but rather the individual's interpretation. So be it.

And while I do not wear a pony tail, or sport a comb-over, I am proud to say I am guilty of being an aging hippie. And I am in very good company. Just think, if you stick around planet earth long enough, Tony, you'll be an aging something or other yourself, someday.

Marilyn Brennan
Santa Monica



‘All-clear’ sounded in U.S. — The wicked witch is dead

NEWS
on the
EDGE

By Ron Scott Smith



■ “Good riddance.”

■ That might be what you said or what I said, but really — the President of the United States of America, the Commander-in-Chief of the 200,000 invading forces who’ve just laid massive destruction and now attempt massive reconstruction upon the ancient “cradle of civilization” — that’s the best he can come up with? How much deeper does he have to “put a boot up your ass, it’s the American way”, as tough-guy country singer Toby Keith so compellingly put it in his super-patriotic hit song which made him millions of dollars carried to his bank squarely on the shoulders of the young soldiers over there doing more than singing about it. “Courtesy of the Red, White, and Blue.” You got that right, Toby.

■ “Good riddance,” was the first public utterance to come out of the president’s mouth on the day “the greatest thing that ever happened to this country” happened. That’s how one blissed-out caller to the right-radio echo chambers described the capture of Saddam Hussein on the morning after.

■ Six hundred American troops from the 4th Infantry Division were dispatched

to a mud hut on a run-down farm to do battle with the evil tyrant, one of many lurking about the planet earth, truth be known. But those elite special forces, the tanks, and the missile-laden Apache helicopters sent out there weren’t necessary on this night. A couple guys with a flashlight and some Band-Aids would do, as they pulled the disheveled, disoriented, 68-year-old Butcher of Baghdad out of an underground hole the size of a coffin where he laid face down, scraggly beard in the mud, offering no resistance, and just like that, everything was right again in Bushamerica. Four hundred — and counting — American troops who have given their lives to get to this unparalleled day of victory will not be so easily pulled from their holes in the ground any time soon.

■ Was there something extremely unnerving about that videotape they released of the American doctor with the white surgical gloves probing into the mouth of the infamous new prisoner? If you’re scared of dentists and have ever seen the movie, “Marathon Man,” you know what I’m talking about. Listen, we can all assume Saddam Hussein’s picture is the one that will forever sit beside the word “evil” in the Websters if even half of what we’ve been told about him is true, but why, of all possible video footage to put out to the waiting world, why that? Rub their noses in it? The “boot-up-your-ass” thing?

■ “Please Nominate This Man,” screams the headline on the current cover of the conservative National Review magazine, under a less than flattering picture

of Democratic front-runner, Howard Dean. “That’s the one we want,” exhorted Bush puppet-master Karl Rove, as a group of the former Vermont governor’s supporters marched by him at a Fourth of July parade last summer. Well, be careful what you want, cowboys, you just might get it. Dean stayed firm in his opposition to the war on the day after the capture of the tyrant: “My position on the war in Iraq has not changed. The administration launched the war in the wrong way at the wrong time and at the extraordinary cost of \$166 billion,” a mere fragment of the colossal \$500 billion total deficit rung up by this gang so far. “The arrest of Saddam has not made America safer,” Dean went on to say, and that one really struck a nerve. His Democratic rivals, sensing an opening, went ballistic, oblivious to the fact that Dean’s lonely anti-war stance is what has the guy way out in front of them. Joe Lieberman had the cleverest metaphor, saying, “Dean has put himself in his own spider-hole of denial,” while Kerry, Gephardt and Edwards all seized upon the moment to bash the front-runner. And if these are his Democrat friends, I’ll leave it up to you to imagine what the arch enemies — Bush, Rove and Toby Keith have in store for the governor as we draw closer to next November.

■ That’s when “are you safer now than you were four years ago” will replace the more traditional “are you better off now than you were four years ago” as the question that will determine who leads America for the next four years, and

“security moms” will replace “soccer moms” as the key swing vote coveted by both sides. Because America has become a fearful nation. So fearful that we were willing to go halfway around the world to take down a modern-day sovereign nation with brute military force in a one-sided war that left 3,240 innocent Iraqi civilians dead, according to the Associated Press, because they might have had bad intentions towards us. Is America safer now that Saddam Hussein is behind bars and soon to be dead? Soon to be dead because Bush said, “he should pay the ultimate penalty” and do you think the U.S. hand-picked Iraqi Ruling Council was listening? Has this capture chilled the world-class terrorists who apparently had nothing to do with Iraq until they saw the 150,000 gun-toting, strange-looking foreign occupiers in camouflage suits patrolling Arab streets, and selling Arab oil? Suddenly, it looks like they have everything to do with it.

■ I asked myself that “are we safer” question, and here’s my answer. Right here, right now, the United States of America has opened itself up to the most unimaginable of retaliatory strikes. If ever we have set the stage for, or given motive to, the unleashing of everything that we have come to fear, it is now and I’ll never hope I’m as wrong about anything as I hope I’m wrong about this.

(Ron Scott Smith isn’t holding his breath while hoping. To reach him, e-mail to EdgeoftheWest@aol.com.)

LOCAL



Council: Santa Monica owed \$3.8M in car tax funds

LAWSUIT, from page 1

and 19 counties have agreed to sign onto the lawsuit, according to a press release issued Wednesday by the League of California Cities.

"Counties and cities up and down the state have either acted or are expected to act shortly to join the coalition effort," said Chris McKenzie, executive director,

in a prepared statement. "The league and CSAC will invite every interested city and county to join. Many will probably be joining in the days ahead.

"They're all motivated by the same reality," McKenzie added. "We can't sustain these losses, and maintain the public safety and other services the public has a right to expect."

Planning: In-house effort to get aid of private consultant

REVIEW, from page 1

Genser, who said he has been inundated with horror stories from residents. Many say they go in for a small fix and find themselves confronted with a massive bureaucracy.

Genser, himself a development consultant, pointed to Los Angeles, where he said staffers seem to be more knowledgeable and solve problems more quickly. Fellow City Councilman Herb Katz said getting through the planning approval process needs to be simple, fair and fast.

Spokeswoman Judy Rambeau said the in-house effort to address the community's concerns has so far included focus groups and staff interviews, among other research. The report calls for hiring an outside consultant before the end of this fiscal year to examine various aspects of permit processing in the department, including workload and workflow, and compare it to those in other cities.

A total of \$75,000 has been set aside for this fiscal year, but Rambeau said City Hall may hire a consultant for less money after officials review bids from consultants early next year.

In her report earlier this month, City Manager Susan McCarthy said the planning department has recently made vast strides in improving customer service.

She said with new performance standards now in place and vacant positions recently filled, even more improvements will come early next year.

That's welcome news to area businesses. The Chamber of Commerce recently commandeered a handful of students to conduct their own study of the planning department and compare it to other cities. Preliminary findings released earlier this month showed Santa Monica lags behind its inland neighbors in project approval times and customer service. Final results aren't expected until next month.

In the meantime, planning department head Suzanne Frick has said she welcomes outside critiques. Not everyone has been critical, she added.

City Council members Mike Feinstein and Pam O'Connor stood up for the department Tuesday, saying because Santa Monica is almost entirely built out and situated in a desirable location, planning issues tend to be more complicated.

"Our staff has been professional to high standards," O'Connor said, pointing out that it has "layer upon layer upon layer" of ordinances to enforce.

Genser offered this suggestion to his colleagues: "Maybe we need a chapter of 'Ordinance Adopters Anonymous' in Santa Monica."

With the lawsuit pending, officials said there also is a movement underfoot to draft a November ballot measure that would guarantee local governments get "every penny" coming to them under the state constitution.

Though retired finance director Mike Dennis anticipated the car tax may dry up, his forecasts were gloomy. If left alone, Dennis in March projected the deficit, which was \$16 million this year, to grow to \$28 million by 2005-2006.

It is unclear where exactly cuts will be made for next year, though workers are expected to be laid off and managers expect to be asked to trim their departments. Stark said his department is working on a five-year forecast that it will present at budget deliberations in late January or early February.

The dispute over car tax revenue pre-dates Schwarzenegger. Several years ago, when the car tax was lowered, the legislature promised to "backfill" local governments from Sacramento's coffers. But when the budget situation worsened earli-

er this year, ousted Gov. Gray Davis again raised the tax to generate revenue.

Schwarzenegger repeatedly promised in his campaign to lower the car tax but make sure local governments weren't hurt in the process. On his first day in office he repealed the tax, but so far has not been able to replenish the income lost to local governments. He has said he is pressuring the legislature to act.

Bloom said Schwarzenegger's campaign promise was bold and added that he should be kept to it.

"The last straw, I think, for the City of Los Angeles and the counties that preceded us, was Gov. Schwarzenegger's promises that local government would not be hurt by the repeal of the car tax," he said. "I think that everybody wanted to take him at his word and now we see that there is no plan. He doesn't have one.

"He's throwing it back at the legislature to figure out and the only reason there is a car tax is because the legislature didn't have a plan."



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LOCAL

City Hall a target in civil lawsuits over market crash



File photo
A body is what stopped Russell Weller's Buick after he traveled nearly 1,000 feet through a crowded Farmers' Market in July. The pedestrian, the 10th and final victim, hit the windshield and was then dragged underneath the car before it finally came to a stop.

CHARGES, from page 1

SMPD James T. Butts Jr. at a press conference on Wednesday.

Of more than 200 witnesses interviewed, no one saw the Buick's brake lights illuminate in the 1,000 feet Weller traveled. The Buick stopped as a result of rolling friction and objects trapped beneath the car, including a body, the final fatality. There were more than 100 separate collisions during the incident, Butts said.

Head LA Deputy District Attorney John Lynch, also at the conference, said up to 10 counts of manslaughter could be filed, but it's too early to speculate.

Butts said hit and run charges were not filed against Weller relating to the collision with the Mercedes because it's not considered a primary cause of the fatal accident. Weller was conscious during the entire incident and had no other health conditions that would have prevented him from taking the car out of gear, Butts said.

Manslaughter charges could range from voluntary — which carries intent to kill — to involuntary — which doesn't require Weller acted with intent.

Without intent, the most serious charge Weller may face is vehicular manslaughter, lawyers said. Even so, prosecutors would have to show that Weller's behavior was aggravated, reckless or flagrant to prove gross negligence. Without gross negligence, vehicular manslaughter is a misdemeanor and carries a maximum sentence of four years in prison. In California, a finding of negligence depends on what a "reasonable" person would do.

Lynch said the manslaughter charges could fall anywhere on the spectrum from simple negligence to gross negligence. Based on the most serious of charges, Weller could face as many as 10 years in jail, Lynch said, adding it's only speculation.

Some legal experts have said that the DA's office is likely to charge Weller since a judge or jury would still have to agree to get a conviction. It's accepted that Weller may have committed various "moving violations." More complex may be tying the fact that lives were lost to the idea that Weller apparently intended no harm.

Weller's attorney, James Bianco, has said in the past that Weller is extremely

distraught and remorseful over the incident. Bianco said in a statement that he's anxious to see what the DA's charges will be and that Weller's health has deteriorated — he's been hospitalized three times since the tragedy. Weller's license was suspended shortly after the accident.

**Head LA Deputy
District Attorney John
Lynch said up to 10
counts of manslaughter
could be filed, but it's too
early to speculate.**

Aside from the criminal charges, civil lawsuits are expected. Local attorneys already have been retained by victims and their families.

Santa Monica trial attorney Brian Panish said a week after the incident that he has been retained by several of the victims and their family members, who will now pursue Weller for compensation in civil lawsuits.

Panish said the city of Santa Monica, which is responsible for the twice-weekly market, and General Motors, which manufactured the 1992 Buick LeSabre Weller drove, will likely also be sued.

Experts said establishing liability against those deeper-pocketed entities will be a crucial factor in any pending litigation, as the assets of Weller, a retired wholesale grocer, are likely to be exhausted rather quickly.

As of Wednesday, 28 claims had been filed against City Hall, Deputy City Attorney Jeanette Schachtner said.

City officials held a special meeting in July to discuss possible lawsuits arising out of the crash. In order to find the city liable, attorneys must prove that a "dangerous condition of public property" existed and that City Hall either knew or should have known about it.

STATE



Joey Buttafuoco back in the courtroom for fraud

By Daily Press staff

LOS ANGELES — Joey Buttafuoco is one of nine owners or employees of area auto repair shops who were arrested and charged Wednesday with auto insurance fraud following a lengthy investigation by a multi-agency task force headed by the LA District Attorney's Bureau of Investigation, District Attorney Steve Cooley said.

Two other were charged but were not yet in custody.

A total of 11, including Buttafuoco, co-owner of California Collision, a Chatsworth auto body shop, allegedly prepared fraudulent estimates for car repairs and auto body painting, and allegedly helped undercover investigators file fraudulent insurance claims on cars that were not damaged. The task force headed by the DA's Bureau of Investigation included the California Department of Insurance, the California Bureau of Automotive Repair, the California Attorney General's Office and the National Insurance Crime Bureau.

"We want to slam the brakes on insurance fraud in California that costs consumers and companies millions of dollars annually with this kind of ongoing targeted investigation and prosecution," Cooley said.

Buttafuoco, 47, allegedly advised undercover investigators in September on how to file false insurance claims and how to best scam the insurance company. Buttafuoco, who gained notoriety with his affair with a 16-year-old Amy Fisher in the early 1990s, was charged with three counts of insurance fraud and one count of grand theft. He is being held in lieu of \$50,000 bail. If convicted, he faces up to six years, four months in state prison.

"We want to slam the brakes on insurance fraud in California that costs consumers and companies millions of dollars annually with this kind of ongoing targeted investigation and prosecution."

— **STEVE COOLEY**
LA district attorney

The DA's office got help in its investigation from the state's Bureau of Automotive Repair. The bureau has filed a separate administrative action to suspend or revoke California Collision's license. That action alleges that the shop engaged in fraudulent activity by charging customers more than \$12,000 for parts and services that were not provided on seven vehicles, according to the DA's office.

"The Bureau of Automotive Repair stands united with the Los Angeles County District Attorney's office in its efforts to protect California consumers," said BAR Chief Patrick Dorais. "When the bureau finds shops cheating their customers, strong disciplinary action must be taken to make certain consumers are protected."

Also charged:

■ Oscar Herrera, 43, who manages an El Monte auto repair shop, Star Auto Haus, is charged with two counts of insurance fraud. He is being held in lieu of \$30,000 bail. If convicted, he faces up to

five years in state prison.

■ Manuel Vargas, 52, owner of M&J Auto Body & Detailing in La Puente, charged with two counts of insurance fraud. He is being held in lieu of \$30,000 bail. If convicted, he faces up to five years in state prison.

■ Alfredo Ruiz, owner of Alfredo's Auto Body in La Puente, and his son, Robert Ruiz, both charged with two counts each of insurance fraud. Alfredo Ruiz, no age available, is being held in lieu of \$30,000 bail. Robert Ruiz, no age available, was not yet in custody. If convicted, each faces up to five years in state prison.

■ Carlos Jara, 49, owner of C&R Auto Body Shop in La Puente, charged with two counts each of insurance fraud. He is being held in lieu of \$30,000 bail. If convicted, he faces up to five years in state

prison.

■ Arthur Gutierrez, 52, owner of Art's Auto Body and Paint Shop in Pomona, charged with two counts of insurance fraud. He is being held in lieu of \$30,000 bail. If convicted, he faces up to five years in state prison.

■ Ivan Sandoval, 40, owner of M&B Paint in Pomona, charged with two counts of insurance fraud. He is being held in lieu of \$30,000 bail. If convicted, he faces up to five years in state prison.

■ Francisco Macias, 41, owner of M&F Auto Paint and Body in Pomona, charged with two counts of insurance fraud. He is being held in lieu of \$30,000 bail. If convicted, he faces up to five years in state prison.

■ Nick Michaels, 35, an employee at ABC Auto Body Repair in El Monte, charged with two counts of insurance fraud. He is being held in lieu of \$30,000 bail. If convicted, he faces up to five years in state prison.

■ Giovanni Diaz, no age available, an employee at M&D Auto Body in Canoga Park, charged with two counts of insurance fraud, was not yet in custody. If convicted, he faces up to five years in state prison.

Those arrested are scheduled to be arraigned on Friday in the Foltz Criminal Justice Center in downtown Los Angeles.

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DID YOU KNOW?: Pete Rose, who played for the Cincinnati Reds and then was banned from baseball for life for betting on games while managing the team, holds the all-time record for hits (4,256) and games played (3,562).

STATE

Small, disadvantaged cities face biggest car tax hit

BY TOM CHORNEAU
Associated Press Writer

SACRAMENTO — Armando Lopez, mayor of the hard scrabble San Joaquin Valley town of Parlier, faces laying off a big part of his city's 12-member police force next month because lawmakers remain deadlocked over how to pay for Gov. Arnold Schwarzenegger's repeal of the increase in the car tax.

City leaders in the Butte County town of Biggs can delay layoffs by using a small reserve for now, but one-third of the town's general fund comes from the car tax. In the small farming town of Calipatria in the Imperial Valley, the car tax cut has already cost them \$200,000 and while they too are holding off any big cuts, officials note they have no money in reserve.

Big-city mayors have captured most of the attention as they rail against the Legislature's failure to solve the car tax problem, but the state's smallest and poorest communities are the ones taking the biggest hits.

"We're a city of 12,000 and we should have a police force right now of 22 officers — but we've only got 12," Lopez said. "If they don't do something soon, we are going to have to lay people off, police officers."

Schwarzenegger fulfilled a popular campaign promise by wiping out the tripling of the tax paid by car owners, a hike imposed by former Gov. Gray Davis to help solve last summer's budget deficit.

But Schwarzenegger cut the tax without determining how to maintain the state's obligation to send local governments the

"If they don't do something soon, we are going to have to lay people off, police officers."

— **ARMANDO LOPEZ**
City of Parlier mayor

\$4 billion a year they received from the tax. He wants to tap state reserves to pay local governments, but Democratic legislative leaders say the state can't afford it and have blocked the idea.

Car tax money goes directly to local governments, which use it mostly to pay for police and fire services.

Lawmakers cut the tax in 1998 and the state made up the difference to local governments. But last summer's budget deficit led lawmakers to pass a budget that did not include the car tax "backfill," and reinstated the higher tax rates on car owners.

Schwarzenegger had the authority to repeal the increase, but he lacked the legislative approval to keep sending that money to local governments.

Cities and counties lost millions of dollars waiting for the collection of the higher rates to begin this fall. Last week was the first week they were supposed to receive their full share of the tax but because of the governor's action, they only got one-third of the money owed.

State officials say no checks will be sent in January and probably none February too, because the governor has promised to send tax rebates to car owners who had to pay the higher rates before he

rolled back the rates.

That means the city of Los Angeles stands to lose \$19 million this month; San Diego faces a \$4 million monthly loss; San Jose will lose close to \$3 million a month.

Los Angeles County Sheriff Lee Baca said Tuesday his department will lose \$175 million this year, which could force him to lay off deputies for the first time.

While that's a lot of money, the car tax represents only a small share of the overall budgets of the big jurisdictions. Los Angeles County's total budget, for example, is more than \$16 billion. Most big cities and counties attract a much bigger share of property and sales taxes and some even can rely on large reserves.

In small towns without much commercial activity, however, the car tax represents a much bigger portion of their budgets.

Although legislators agree the state must provide the backfill, they haven't done it. Last week's budget session recessed amid much cheering over an agreement to place a \$15 billion bond and spending measure on the March ballot, but little effort was made to sort out the car tax dispute.

Paul Hefner, spokesman for Assembly Speaker Herb Wesson, D-Culver City, said Democrats want the governor to pro-

vide greater detail on how he intends to not only pay for the car tax cut but also how he would balance next year's budget overall. "The speaker has said that he wants a clear understanding where the money is coming from."

Democrats are concerned the governor wants to pay for the car tax with cuts aimed almost exclusively at public health and social service spending. Hefner said Democrats don't like the idea of imposing hardships on local government either, but "the situation is pretty dire not matter who you talk to," he said.

While the political hand is playing out, however, local officials say their options are growing limited.

Contra Costa County Administrator John Sweeten said his county faces an annual loss of \$54 million from the car tax rollback, which he might be able to handle if he had an entire year to collect the savings.

"But here, we might only have six months to come up with those cuts," he said.

It means the real threat to public safety, Sweeten said.

"I could cut all my administrative functions and shut down all the financial services and I'd still need to find \$39 million to cut," he said, noting that in his county that would mean sheriff deputies would be next.

In Parlier, Lopez said Schwarzenegger and lawmakers need to find a solution soon.

"The Democrats and the Republicans are always trying to position themselves," Lopez said. "We have thousands of residents that are going to be put into dangerous situations — this will happen."



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BUSINESS

New tax legislation will affect your finances



IT'S YOUR BUSINESS

By John Kim

The recently enacted "Jobs and Growth Tax Relief Reconciliation Act," also known as "JGTRRA," introduces a \$330 billion tax and economic growth package designed to stimulate the U.S. economy through a variety of tax cuts and credits. The results of these changes may cause you to want to re-think your current investment strategy. Following are the highlights of the new legislation and some steps you may want to consider.

Lower ordinary income tax rates: You will see less federal tax withholding from your paycheck this summer. Consider contributing this excess cash into your company's 401(k) plan, flexible spending plan or even a payroll deduction 529 plan. If you pay estimated taxes, be sure to recalculate your payments based upon the new rates.

Dividend-paying stocks may become more attractive. The maximum tax rate on dividends for individuals falls to the more generous capital gains rate of 15 percent, (or 5 percent if your capital gains rate is currently 10 percent). If you are seeking current income with some growth opportunities, you may want to consider shifting a larger percentage of your portfolio to high-quality equities that have a history of increasing their dividend payment over time. Most, but not all, will qualify for the lower dividend rate so check with your tax advisor for the tax treatment of specific securities.

Lower taxes on capital gains: Long-term capital gains rates are lowered to 15 percent and 5 percent. Distributions from 401(k) plans and other tax-deferred retirement accounts are not eligible as either capital gains or dividends available for the reduced rate. So if you are drawing from a retirement account, you may want to consider favoring equities in your taxable accounts, and fixed income in your retirement accounts. Also, if you are heavily invested in highly appreciated securities, now may be the ideal time to realize your gains at the lower capital gains rate and diversify your portfolio.

Higher child tax credit: In 2003 and 2004, the \$600 child tax credit is increased to \$1,000. In 2005, the child tax credit reverts to present laws, currently scheduled to be \$700. You would realize the \$400 savings in the form of a refund check later this summer based on filing status and income on your 2002 return.

Establish or add to an education savings account for your child. These accounts allow your money to grow tax-free, provided

you use the money for education expenses (including grades K-12). The maximum annual contribution is \$2,000.

Relief of the marriage penalty: For couples filing a joint return, the standard deduction will increase to twice that of a single filer and the 15 percent bracket will expand in 2003 and 2004. In 2005, this provision reverts to present day levels.

Consider putting the savings into a traditional or Roth IRA. For couples where one spouse works, establish a spousal IRA for the non-working spouse and contribute the maximum annual contribution of \$3,000.

Relief of the alternative minimum tax. The AMT exemption is increased to \$58,000 for married-joint filers and \$40,250 for single files for 2003 and 2004.

Slightly fewer taxpayers may be subject to the alternative minimum tax. If you reside in a state with high income taxes, exercise incentive stock options or realize a substantial capital gain, you may unexpectedly find yourself subject to the alternative minimum tax. Be sure to work closely with your tax advisor throughout the year to assess your potential liability and address this alternative tax.

Special depreciation allowance for businesses: The recently introduced first-year depreciation allowance of 30 percent for certain property has been increased to 50 percent for property acquired after May 5, 2003 and before Jan. 1, 2005. Businesses looking to expand operation should consider making any necessary capital expenditure by December of 2004, the scheduled sunset date for this provision.

Expansion of section 179 expensing for small businesses: The existing \$25,000 section 179 deduction limit on certain property is increased to \$100,000 for property purchased in tax years 2003 through 2005. Additionally, the \$200,000 income threshold for phase-out is increased to \$400,000 during tax years 2003 through 2005.

Eligible business owners should consider reinvesting the tax savings in a qualified retirement plan. Recently, many new retirement plans have been introduced, including the One-Person 401(k), which makes economic sense for small business owners. Before taking any action, contact your tax, legal and financial consultant to see how the new legislation may benefit you and to determine whether changes to your financial plan may be appropriate.

Although many provisions are retroactive to Jan. 1, 2003, the legislation expires or "sunsets" beginning in 2009 — some provisions expire sooner.

(John S. Kim is a financial consultant with Smith Barney in Beverly Hills. Call (310) 205-4939 or visit his Web site at www.fc.smithbarney.com/jkim.)

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NATIONAL

Federal panel backs 'morning-after' contraception

BY LAURAN NEERGAARD

AP Medical Writer

WASHINGTON — Women may soon have an easier way to help prevent pregnancy after unprotected sex now that government advisers have recommended that morning-after birth control should be sold without a doctor's prescription.

"It's extraordinarily safe," said Dr. Alastair Wood of Vanderbilt University, an adviser to the Food and Drug Administration.

In fact, he said, women probably should keep emergency contraception in their medicine cabinet just in case it's ever needed. "We don't tell people to buy a fire extinguisher after the fire started."

The panel on Tuesday voted in favor of over-the-counter sales of emergency contraception amid concerns from anti-abortion critics and worries from others that easier access to morning-after pills may increase unsafe sex, particularly among teenagers.

But proponents argued there was no evidence that emergency contraception lulls women into complacency about regular birth control or disease. They said wider use of the morning-after pill could cut in half the nation's 3 million unintended pregnancies each year and in turn prevent hundreds of thousands of abortions.

"There is a public health imperative to increase access to emergency contraception," said Dr. Vivian Dickerson, president-elect of the American College of Obstetricians and Gynecologists.

"I'm concerned there will be an exploitation of young women's fears about becoming pregnant."

— DR. SUSAN CROCKETT
Gynecologist

The FDA isn't bound by its advisers' recommendations but usually follows them. A decision is expected in late February.

Asked whether political considerations would be taken into account, FDA Commissioner Mark McClellan said, "We have a lot of information coming in. It's very much a science-based process."

The morning-after pill is simply a higher dose of regular hormonal contraception, and is sold by prescription under the brand names Plan B and Preven. Plan B's manufacturer wants to sell the drug without a prescription, putting it on pharmacy shelves next to the aspirin and cough medicine.

Taken within 72 hours of intercourse, the pills cut the chances of getting pregnant by up to 89 percent. But it can be hard to find a doctor to write a prescription in time, especially on weekends and holidays, contraceptive advocates and the nation's largest gynecologists group told the FDA on Tuesday.

Morning-after pills prevent ovulation or fertilization, and possibly interfere with implantation of a fertilized egg into the

uterus, the medical definition of pregnancy.

If a woman already is pregnant, they have no effect. Consequently, emergency contraception hasn't proved nearly as controversial as RU-486, the abortion pill.

It does have critics who oppose any interference with a fertilized egg, and who argued Tuesday during a daylong hearing that broader access could increase sexually transmitted diseases, especially in teens.

"Without medical advice, use of Plan B by teens will be disastrous," said Dr. John Bruchalski of the Catholic Medical Association.

Some of FDA's advisers did want teen access to nonprescription Plan B restricted, arguing there wasn't enough study of the drug in minors.

Also, "I'm concerned there will be an exploitation of young women's fears about becoming pregnant," leading them to overuse, said panelist Dr. Susan Crockett, a Texas gynecologist.

But the FDA responded that there are no age restrictions on prescription Plan B and that it couldn't enforce any on an over-the-counter version. Other advisers said

teens in particular should avoid pregnancy.

The FDA asked its scientific advisers whether women could use the drug properly without professional advice. They could, the panel decided, voting 23-4 to recommend over-the-counter sales.

The key, they cautioned, would be clearer wording on the package so that women understand:

■ The drug must be used as soon as possible after unprotected sex. Although it's effective for 72 hours, and possibly a little longer, it works best in the first 24 hours.

■ Like other hormonal contraceptives, it does not protect against sexually transmitted diseases.

■ It is a backup contraceptive, and should not be used instead of routine birth control.

Cost could deter some women from using emergency contraception too regularly. Each one-time-use pack today costs \$20 to \$30, about as much as a month's worth of regular birth control pills. It's not clear if the over-the-counter price would change.

Manufacturer Barr Laboratories promised a massive consumer education campaign, including a 24-hour hot line for advice on using the drug.

To improve access, California, Washington, Alaska, Hawaii and New Mexico already allow women to buy the morning-after pill directly from certain pharmacists without a prescription.

The FDA should not require pharmacists to dispense Plan B, most advisers agreed.



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Truck explosion accident in Baghdad kills at least 10

BY CHRISTOPHER TORCHIA

Associated Press Writer

BAGHDAD, Iraq — A fuel tanker exploded after a collision in a Baghdad intersection, killing at least 10 Iraqis, U.S. military officials said. They said the blast was an accident, not an attack.

Earlier, Iraq's Deputy Interior Minister Ahmed Kadhim Ibrahim said the truck was packed with explosives and the intended target was a police station.

After U.S. experts investigated, Capt. Jason Beck of the 1st Armored Division, which oversees security in Baghdad, said: "It was a fuel truck that had a traffic accident, caught fire and exploded. ... There was no evidence of a bomb."

Military explosives experts concluded the blast was accidental after conducting crater analysis and other tests at the site, Beck said. In Washington, a senior Pentagon official said on condition of anonymity that it was an accident.

North of Baghdad, U.S. forces launched a major sweep in the town of Samarra, breaking down doors and searching shops for pro-Saddam Hussein guerrillas in an effort to stamp out the insurgency in the area, which has seen a number of ambushes on U.S. forces.

The coalition scored a major victory Saturday by nabbing Saddam, who Iraqi officials revealed Wednesday was being held in the Baghdad area. But violence has continued in the capital and in predominantly Sunni areas west and north of Baghdad, once Saddam's power base. In the northern city of Mosul, assailants shot

"It was a fuel truck that had a traffic accident, caught fire and exploded. ... There was no evidence of a bomb."

— CAPT. JASON BECK
1st Armored Division

and killed a policeman Wednesday, police said. And Iraqi security forces there opened fire on pro-Saddam protesters, injuring nine, witnesses said.

The truck explosion in al-Bayaa, a poor district in southwestern Baghdad, raised immediate suspicions of a new suicide attack after several in the capital and elsewhere since Saddam was seized.

The truck collided with a bus not far from a police station that has been attacked in the past. The resulting explosion wounded 20 people, hospital officials said. The charred, crumpled bus lay in the intersection, and body parts were scattered in the area. Two nearby cars were destroyed.

In Wednesday's raid, dubbed Operation Ivy Blizzard, the 4th Infantry Division and Iraqi forces detained at least a dozen people in Samarra, which in recent weeks has emerged as center of anti-U.S. attacks in the so-called "Sunni Triangle" north and west of the capital.

Backed by armored vehicles and Apache helicopters, U.S. troops conducted door-to-door searches in the predominantly Sunni town of 200,000 people.

"Samarra has been a little bit of a thorn

in our side," said U.S. Army Col. Nate Sassaman. "It hasn't come along as quickly as other cities in the rebuilding of Iraq. This operation is designed to bring them up to speed."

Sassaman's deputy, Capt. Matthew Cunningham, said Samarra has a core of about 1,500 fighters.

On Tuesday, U.S. troops captured a leading guerrilla, Qais Hattam, and 78 others in a nearby village. Maj. Josslyn Aberle, spokeswoman for the 4th Infantry, said all those captured in the raid were in one room and apparently conducting a meeting to plan future attacks. The night before, guerrillas ambushed a U.S. patrol in Samarra, sparking a gunbattle in which 11 of the attackers were killed.

A member of the U.S.-appointed Iraqi Governing Council said the U.S. military is holding Saddam in the Baghdad area. U.S. officials have previously said the former dictator was at an undisclosed location in Iraq.

"He is still in greater Baghdad," said council member Mouwafak al-Rubaie. "Maybe he will stay there until he stands trial."

Al-Rubaie spoke at a news conference

where council members issued a statement asking for Iraqis to seek reconciliation following Saddam's capture. The council has established a war crimes tribunal and hope to put him on trial for human rights abuses.

Council member Adnan Pachachi said "all stages of the trial will be public." He added that international experts "are always welcome" because the tribunal allows for the appointment of foreign judges.

Saddam's capture sparked an outpouring of anger in Sunni Triangle cities Monday and Tuesday, with loyalists storming the office of a U.S.-backed mayor in Fallujah and clashing with American troops in Ramadi. On Tuesday, a pro-Saddam demonstration in Mosul ended in violence, with a policeman killed and a second injured.

A roadside bomb wounded three American soldiers in Saddam's hometown of Tikrit.

President Bush said Saddam deserved the "ultimate penalty" but it would be up to the people of Iraq to decide whether he should be executed. In an interview with ABC News, the president also said Iraqis are "capable of conducting the trial themselves."

The United Nations, the Vatican and many countries oppose putting Saddam on trial before any court that could sentence him to death.

The chairman of the Joint Chiefs of Staff, Gen. Richard Myers, said Tuesday in Baghdad that military planners were preparing for U.S. troops to stay in Iraq for up to two more years.



WORLD BRIEFLY

It's getting hot in here

By The Associated Press

GENEVA — The year 2003, marked by a sweltering summer and drought across large swaths of the planet, was the third hottest in nearly 150 years, the United Nations weather agency said Tuesday.

The World Meteorological Organization estimated the average surface temperature for the year to be 0.81 degrees Fahrenheit higher than the normal 57 degrees.

The agency said that warmer weather could not be attributed to any one cause but was part of a trend that global warming was likely to prolong.

The agency, which collects data from forecasters worldwide, said the three hottest years since accurate records began to be kept in 1861 have all been in the past six years.

The hottest was 1998, when the average temperature was up 0.99 degrees.

Bin Laden still planning attacks

By The Associated Press

ISTANBUL, Turkey — Osama bin Laden proposed attacking a Turkish military base used by the United States, but militants stymied by tight security bombed civilian targets instead, killing Muslims and upsetting al-Qaida leaders, Turkish officials told The Associated Press.

The information came from interrogations of a top suspect in last month's deadly bombings in Istanbul that authorities believe were carried out by Turkish militants trained by al-Qaida in Afghanistan, according to the officials.

The suspect, Fevzi Yitiz, told interrogators that bin

Laden approved attacks in Turkey on condition that Turks were not killed, a top intelligence source told the AP this week.

But the militants instead bombed two synagogues, a London-based bank and the British Consulate, killing 62 people, mostly Muslims.

The sick ones flooding ER rooms

By The Associated Press

NASHVILLE, Tenn. — Sniffling, achy people suffering from the flu are crowding hospital emergency rooms around the country, creating long waits in the ER and frustrating doctors who can do little more than treat the symptoms.

Hospitals in Arizona and North Carolina report patients swamping pediatric emergency rooms. Health departments are scrambling to get vaccines. Paper masks are being handed out in waiting rooms in Rhode Island and Tennessee.

The ER at Vanderbilt Medical Center in Nashville has seen a sharp increase in flu patients — even though doctors try to discourage most flu patients from visiting the emergency room.

"In most cases the patient faces increased wait times, and then they're told they have a viral illness and should go home," Vanderbilt spokesman John Howser said. "There's no treatment that will make flu go away."

What will get to Saddam?

By The Associated Press

WASHINGTON — Defense Secretary Donald H. Rumsfeld sounded intrigued when asked how to get

Saddam Hussein talking to his interrogators.

"Does he have any interest in his family? ... I don't know," Rumsfeld told reporters Tuesday, ruminating about the possible pressures that could be applied to the former dictator. "He obviously doesn't care anything about his country or the Iraqi people. ... I'm not a psychiatrist ... I have no idea what might affect him."

Fear of dying might, the defense secretary suggested. President Bush said Tuesday he believes Saddam deserves "the ultimate penalty."

"He had a pistol, but he's alive. That's got to tell you something about him. He's clearly not like the folks who he gave \$25,000 to, to go do suicide bombings and kill themselves and be done," Rumsfeld said, referring to reports that Saddam paid families of Palestinian suicide bombers.

Rumsfeld said the CIA will oversee the interrogation.

NYSE to get overhaul

By The Associated Press

WASHINGTON — Federal regulators are giving their blessing to a proposed overhaul of the New York Stock Exchange while urging further governance changes in the future as the exchange emerges from a scandal prompted by its former chairman's lavish pay.

The Securities and Exchange Commission was voting Wednesday to approve the plan proposed by the NYSE's interim chairman, John Reed, and endorsed last month by 98 percent of the exchange's members. The plan would establish a smaller and more independent board of directors to oversee regulation of the nation's largest stock exchange and appointment of a chief regulatory officer.

A lawsuit alleging fraudulent trading, filed against the NYSE by the biggest U.S. pension fund and announced Tuesday, may have been at least partly intended to grab the SEC commissioners' attention as they prepared to vote on the proposal.

SEC approval is required for the plan to go forward.

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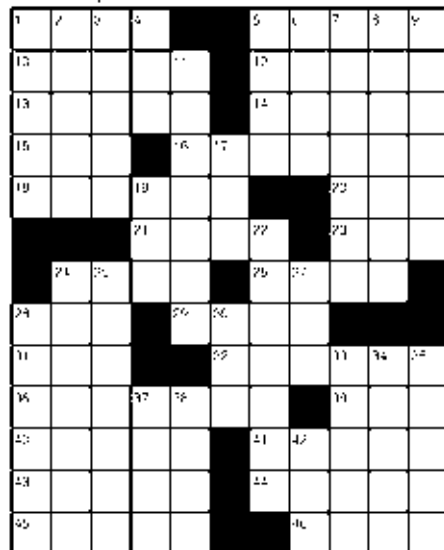
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24 Reading-lamp spot
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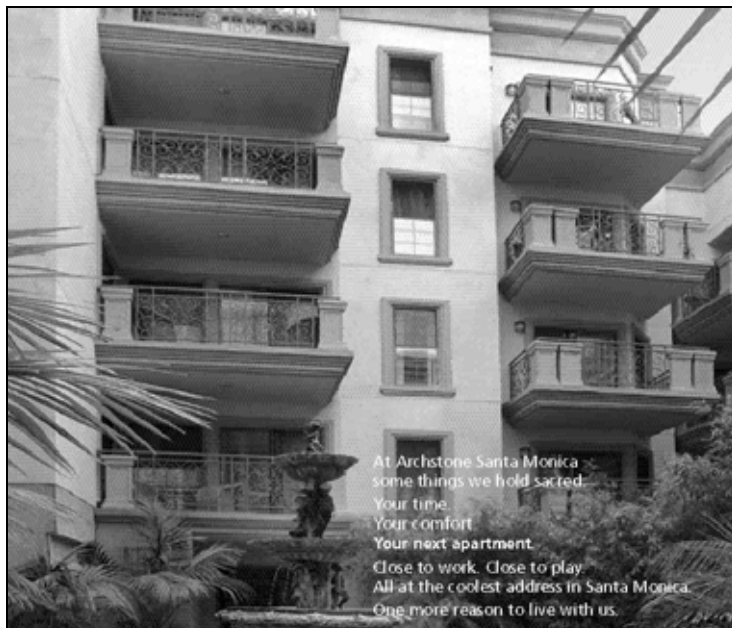
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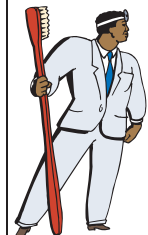
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PEOPLE IN THE NEWS

Nicole Kidman thrills crowd in land down under

By The Associated Press

■ **SYDNEY, Australia** — Nicole Kidman thrilled local fans at the Australian premiere of her film "Cold Mountain" Wednesday, shaking hands and signing autographs for some who'd waited hours for her arrival.

With her trademark red curls dyed blond and wearing a gold Karl Lagerfeld dress, the statuesque Oscar-winner said she was happy to be home and would spend Christmas in Sydney.

"I am relieved, relieved to have made it," Kidman told reporters.

Local celebrities walked a white carpet rather than the traditional red one, in honor of director Anthony Minghella's Civil War epic, which also stars Renee Zellweger and Jude Law.

Minghella said the film couldn't have been made in North Carolina, where it was set, because the landscape had changed so much since the 1800s. Instead, much of it was shot in Romania.

"When you see the film, you see the landscapes look like the 19th century in a way that nowhere in America looks like the 19th century now," he said.

Kidman shrugged off the Oscar buzz surrounding her performance as Ada, a woman born into privilege who's forced to fend for herself, protecting her father's farm from ruin and attack.

"I don't buy into any of that until it happens," she said.

The 36-year-old won the best-actress Oscar this year for her portrayal of troubled author Virginia Woolf in "The Hours."

"Cold Mountain" opens in the United States on Christmas Day.

■ **BEVERLY HILLS, Calif.** — It didn't take William H. Macy long to create the memorable character Tick-Tock McGlaughlin in "Seabiscuit."

Director Gary Ross wrote the role of the rapid-fire

radio reporter specifically for Macy.

"A lot of my fellow actors in this film worked very, very hard and I walked in and in four days knocked this thing off," Macy said Monday night at a party marking the release of "Seabiscuit" on DVD.

Tobey Maguire and Chris Cooper co-starred in the summer movie hit about the race horse that became a symbol of hope during the Depression.

Although Macy wasn't on the set long, he appears throughout the film.

"It looks as if I shot as much as Tobey," the 53-year-old said. "I didn't realize that it would have the impact that it did."

In September, Macy won an Emmy as best actor in a miniseries for "Door to Door," which earned three other awards. He plays a Vegas loser in his latest film "The Cooler," which is already playing in New York and Los Angeles and opens nationwide Friday.

■ **PARIS** — French actor Jean Reno, star of "The Professional" and "La Femme Nikita," has been named an officer in France's National Order of Merit.

President Jacques Chirac decorated Reno at a ceremony Monday at the Elysee Palace.

Reno, 55, is both a dramatic actor and an action hero and has found success in Hollywood, appearing in "Mission Impossible" and "Ronin."

The National Order of Merit, which ranks below the Legion of Honor, was created in 1963 by late President Charles de Gaulle.

■ **NEW YORK** — Mary J. Blige married record producer Kendu Isaacs at her Bergen County, N.J., home on Dec. 7, says People magazine.

A guest played "Here Comes the Bride" on the piano, and Blige's mother, Cora, and sister LaTonya whipped up a menu of oxtail, barbecued chicken, crab, red rice and salad, the magazine reported in its Dec. 22 issue.

A photo showed Blige wearing a sleeveless white dress.

"He completes me in the areas that I'm weak in. He's an analytical brain. I'm a creative brain. We pray together. We read the Bible together," the 32-year-old singer is quoted on her Web site. "I've never seen a man who loves the Lord like he does. He loves his family. He's a good person. He makes me laugh."

Blige won critical acclaim and commercial success with 1992's "What's the 411?" — groundbreaking for its then-novel mixture of hip-hop beats and R&B melodies.

Her latest album is "Love & Life."

■ **NEW YORK** — Former U.S. Sen. Alfonse D'Amato is engaged to be married to Katuria Smith, a Manhattan lawyer and his girlfriend of four years.

D'Amato proposed to Smith at a party Saturday at the Bridgeview Yacht Club on Long Island. The gathering had been planned as a celebration of Smith's 38th birthday. Instead, the 66-year-old D'Amato unveiled a cake reading: "Will you marry me?"

The wedding will be held next summer.

D'Amato, who runs a Manhattan consulting firm, has four children with his first wife, Penny D'Amato.

■ **DAYTONA BEACH, Fla.** — Ben Affleck will be the grand marshal at next year's Daytona 500.

The 31-year-old actor and NASCAR fan will begin the Feb. 15 race with the traditional command to the 43-car field: "Gentlemen, start your engines."

"He is delighted," Affleck spokesman Ken Sunshine said Tuesday.

Actor John Travolta handled the grand marshal duties for the famed race at Daytona International Speedway last year.

Affleck's latest movie, "Paycheck," is set to open on Dec. 25.

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