



FREE

Santa Monica Daily Press

December 18-19, 2004

A newspaper with issues

Volume 4, Issue 31

DAILY LOTTERY

SUPER LOTTO

1 7 10 28 40
Meganumber: 2
Jackpot: \$21 Million

FANTASY 5

3 17 20 28 29

DAILY 3

Daytime: 5 2 1
Evening: 0 2 4

DAILY DERBY

1st: 7 Eureka
2nd: 1 Gold Rush
3rd: 12 Lucky Charms
RACE TIME: 1.49.15

NEWS OF THE WEIRD
BY CHUCK SHEPARD

In October, prominent Albany, N.Y., pediatric neurologist Phillip Riback was sentenced to 48 years in prison after his conviction on 28 sexual-abuse counts against 12 boys, but he continued to insist that his actions were simply "misconstrued," disputing testimony not only that he touched the boys inappropriately but that he had them spit on his face and into his mouth. Riback's lawyer said his client suffers from a disorder that makes socializing difficult: "He has a pattern of quirky, entertaining behavior as a way of relating that simply goes too far."

TODAY IN HISTORY

In 1956, Japan was admitted to the United Nations.
In 1969, Britain's Parliament abolished the death penalty for murder.
In 1972, the United States began its heaviest bombing of North Vietnam at that time during the Vietnam War (The bombardment ended 12 days later).

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Alleged killer to face bevy of accusers

BY JOHN WOOD

Daily Press Staff Writer

DOWNTOWN LA — Accused rapist and murderer Victor Paleologus will face a line of alleged prior victims in court, after a judge on Friday ruled the 2003 killing of a Santa Monica woman continued a disturbing pattern.

Kristine Johnson, 21, was found dead in a Laurel Canyon ravine in early 2003, partially nude, with her ankles bound by shoelaces. She had told roommates she was going to a photo shoot in Beverly Hills with a man she met at a shopping mall, and

was instructed to wear stiletto heels, a black miniskirt, nylons and a collared blouse.

Paleologus tried a similar ruse on at least eight other women, according to prosecutors, who convinced Los Angeles Superior Court Judge Robert Perry to allow the other women to testify against Paleologus in front of a jury. Judge Perry on Friday also set a trial in the case for early next year and agreed to let a television crew film the proceedings, on the conditions that witnesses' faces be censored and no footage be aired until after the trial is completed.

Defense attorney Andrew Flier

VICTOR
PALEOLOGUSKRISTINE
JOHNSON

said the alleged victims should be excluded because the earlier incidents weren't sufficiently similar. He called the judge's ruling an unfair and possibly terminal blow to his defense.

"A lot of people try to meet

ladies, pick up on them, and a lot of people lie," Flier argued during the hearing at the downtown Los Angeles courthouse. "It seems like the court, with all due respect, is trying to fit the people's theory into this case ... I can't think of anything more unfair in a trial."

Judge Perry countered by outlining what he called unique similarities between Johnson's disappearance and subsequent murder, and the scenarios described by the other alleged victims. In the earlier cases, Paleologus allegedly met the women in malls, posed as a photographer or entertainment

See **ACCUSED**, page 6

Feeling swell



Nicky Five Aces/Five Aces Photo

With the Santa Monica Pier as backdrop, a surfer smacks the lip of a waist-high wave at Bay Street Friday afternoon. The westerly swell was expected to fill in over the night and be biggest this morning, with sets up to 10-foot high in the South Bay. See the surf report on page 3 for full details.

Drunk tank's effect on region debatable

BY JOHN WOOD

Daily Press Staff Writer

CITY HALL — A proposed sobering center for public drunks may do little towards reducing vagrancy, City Manager Susan McCarthy said this week.

Elected leaders have pledged to open a sobering center in Santa Monica within a year, saying homelessness continues to plague the city. McCarthy said officials are actively studying the proposal, including looking at the old jail behind City Hall as a possible site, but warned against inflated expectations.

"Sobering centers in other communities do not solely treat the homeless and, in fact, the mentally ill homeless who are also inebriated seem to be a category not served in many of the model programs," McCarthy told the City Council.

McCarthy said police and human services staffers are discussing the concept with other communities, and studying whether there are peak times the sobering center would be in demand,

like after paychecks are issued and on weekends. A detailed report is expected to be delivered to the council in January.

Newly elected City Councilman Bobby Shriver championed the issue of homelessness during his campaign and pledged when he took office earlier this month to open a sobering center before his first year in office was complete.

"During the time that I did my dozens and dozens of coffees that I did in my campaign, there was no bigger issue than homelessness," Shriver said at the council meeting. "People are very, very energized about it."

Shriver was joined by City Councilmen Bob Holbrook and Herb Katz in urging City Hall to expedite its study of a sobering center, something that was backed unanimously by the rest of the council. McCarthy said staffers recently had begun looking at the sobering center concept in a more focused way, though it has been looking at the option since a dialogue started in the community more than a year ago.

See **SOBERING THOUGHTS**, page 7

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Go with the flow, Libra

JACQUELINE BIGAR'S STARS The stars show the kind of day you'll have:

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



ARIES (March 21-April 19)

★★★★ Use the morning for you. By the afternoon, the Moon slides into Aries, encouraging you to reach out for others. Think of those who are at a distance. Make plans to get together. Accept an invitation that involves music and/or a new experience. Tonight: Just ask.



TAURUS (April 20-May 20)

★★★★ Meet a friend for brunch. Fatigue or a need to be alone marks the afternoon and evening. Recycle and recharge. Write a letter or get cards ready to toss in the mail. A loved one you confide in helps you. Tonight: Get extra sleep, if possible.



GEMINI (May 21-June 20)

★★★★★ Touch base with a parent or someone you might have been avoiding. By the afternoon, you have cleared out obligations. Let your hair down and be a wild thing. Others enjoy being around you. A relationship heats up. Tonight: Just don't be alone.



CANCER (June 21-July 22)

★★★★ Meet someone halfway. Don't let others intimidate you. You could be overwhelmed by all that you need to do. Don't trigger; detach. Make a point of getting some extra work done or some errands taken care of. Tonight: You are the lead actor.



LEO (July 23-Aug. 22)

★★★★ Indulge a loved one, even if you feel a bit uncomfortable. Let go of tension and enjoy this person, as he or she is here with you now. Try something new this afternoon. Don't get uptight. Go for adventure. Tonight: Follow the music.



VIRGO (Aug. 23-Sept. 22)

★★★ You do not have any control over others. This thought might not be a new realization. Accept facts. Let others reveal themselves. You have your choice of plans. Design your afternoon with a loved one or dear friend. Tonight: Heat up the night.



LIBRA (Sept. 23-Oct. 22)

★★★ Put the finishing touches on a project, whether it is work or personal. Accept an invitation to meet up with others. A Christmas party delights you and warms up the emotional climate. If you are single, someone attractive draws in closer. Tonight: Go with the flow.



SCORPIO (Oct. 23-Nov. 21)

★★★★ Make the most of the daylight hours, when others or that special someone relishes hanging with you. Add more caring to a relationship. Use your imagination with your choices. Plan to chill out later. Tonight: Don't push yourself.



SAGITTARIUS (Nov. 22-Dec. 21)

★★★★ Be careful when dealing with a family member. He or she might be unusually uptight or difficult. Instead, reach out for someone special you don't often chat with. Use your imagination as you get into the holiday spirit. Tonight: Anything is possible. Love the one you're with.



CAPRICORN (Dec. 22-Jan. 19)

★★★★ Run errands during the daylight hours. A partner or loved one could be unusually withdrawn. Share a fun happening with this person. Opt to make it an early day. Handle Santa matters late in the afternoon. Tonight: Choose an easy dinner.



AQUARIUS (Jan. 20-Feb. 18)

★★★★ Juggle your finances. You might want to do more for others that is experience-oriented and less expensive. Offer a backrub to a loved one for Christmas. A get-together with others might go on and on. Why shouldn't you enjoy yourself? Tonight: Swap stories and jokes over eggnog.



PISCES (Feb. 19-March 20)

★★★★ The daylight hours demand more than usual. You find someone you look up to to be quite difficult. Quickly clear the way for better times. Your smile wins the moment. Curb spending if you can. The holidays require a lot of thought. Tonight: Stick to your budget.

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LOCAL



COMMUNITY BRIEFS

John Adams raises bar on donations

By Daily Press staff

The National Junior Honor Society at John Adams Middle School has been congratulated for its dedication and hard work gathering 4,000 cans of food for the Salvation Army Annual Holiday Canned Food Drive. The food collected is used to create food baskets for hundreds of low-income families on the Westside.

Ring in the new year anti-Bush style

By Daily Press staff

Buck Fush. That's the theme for the "Buck Fush New Year's Eve Comedy Showcase and Dance Party," which will take place on Friday, Dec. 31, from 7 p.m. to 10 p.m. at the Church in Ocean Park, 235 S. Hill St.

Highlighting the evening's entertainment will be the "Buck Fush Comedy Showcase," featuring comedians Rick Overton, Cathy Ladman and David Zasloff. Also featured will be live music and dancing with rock band Working Class Heroes and a special folk music performance by "Singer-Songfighter" Ross Altman. There also will be a "Buck Fush Midnight Candlelighting Ceremony" to usher in the new year in a satirical, yet politically determined manner, party organizers say.

Admission is \$30 per person and \$20 for low-income individuals. Admission price includes a complimentary buffet dinner, complimentary champagne and complimentary reserved parking. Doors open and the buffet will be served at 7 p.m. The program will begin at 8 p.m.

The party is being sponsored by and proceeds will benefit the Alliance for Survival peace and environmental organization.

For further information and advance reservations, call the Alliance for Survival at (310) 399-1000.



SURF REPORT

Weekend warriors, rejoice. Strong WNW swell is biggest this morning and gradually backs down through the afternoon. The better exposed beaches of Northern LA see chest- to shoulder-high surf, with some bigger sets. Standout spots see slightly overhead sets.

Most South Bay spots see head-high surf, with bigger sets. Best breaks in the north half of the South Bay see sets several feet overhead and occasionally bigger — up to 10-foot faces. Look for smaller surf by the afternoon. Winds are offshore in the morning in the 5-15 knot range, turning light onshore for the afternoon.

If you're up for traveling, the best breaks in San Diego and parts of Ventura will see sets up to double overhead. Look for the surf to drop off quite a bit by Sunday morning.

Today the water is:

59°

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



LOW TIDES

HIGH TIDES

	Morning	Height	Evening	Height	Morning	Height	Evening	Height
SATURDAY	9:17	2.3	9:18	0.6	3:28	4.6	2:38	3.1
SUNDAY	10:44	1.7	10:10	1.1	4:17	5.0	4:12	3.7
MONDAY	11:50	1.0	10:57	1.5	4:59	5.3	5:38	3.5
TUESDAY	12:42	0.4	11:40	1.9	5:37	5.6	6:48	3.5
WEDNESDAY	N/A	N/A	1:25	-0.1	6:11	5.8	7:45	3.5
THURSDAY	12:19	2.1	2:03	-0.4	6:43	6.0	8:32	3.6
FRIDAY	12:53	2.3	2:37	-0.6	7:14	6.1	9:13	3.6

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THE Q-LINE RESPONSES ARE IN!

WE HAVE THE QUESTIONS.
YOU HAVE THE ANSWERS.
CHECK OUT THIS WEEK'S Q-LINE RESPONSES ON PAGE 4.



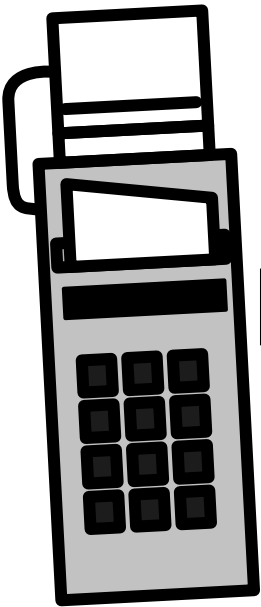
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OPINION

The Q Line

A HOUSE DIVIDED: RAND SITE STIRS IT UP

This past week, Q-line asked:

Should the vacant RAND building be converted into a homeless shelter, or torn down to make room for a park?

Here are your responses:

© “The RAND building should not be converted into a homeless shelter. The best idea that has been put forward for the homeless and their condition is the one proposed by Mr. Shriver, where the drunks and the addicts would be temporarily housed in the old jail building, and that the vacant building on the west side, the Veteran’s Association property, be made available for the homeless, and the drunks and the addicts. This is, by far, the best suggestion. If you use the RAND building, which is right in the heart of our economic contributors’ base, I think it will exacerbate the problem, rather than assist it.”

© “I think it’s a great idea, particularly since the idea floated by Shriver in West LA is apparently D.O.A.”

© “I think it’s an excellent idea for that vacant RAND building to be turned over to some of the homeless services.”

© “In a way, the use of the RAND Corporation vacant building for the homeless and associated projects would be a good idea, however the fear is that they will be here forever. The object and hope is to get them out of Santa Monica altogether. We have been plagued by these vagrants, crazies, drunks, muggers and downright criminals long enough.”

© “I think you should make the RAND building into a homeless shelter. That would prevent people from stepping over homeless, people laying and sleeping on the sidewalks. To make a park would be another problem. Then you’ll have all the Santa Monica residents complaining about people sleeping in the parks. Instead of adding another problem to a problem already there, give these homeless people someplace to sleep.”

© “I do feel the RAND building should be turned into a homeless shelter. We should have a place for the homeless to go to, one specific facility. The park is gonna be more of the same if they decide to build it. It would be a homeless park. No one residential would be able to walk through the park. Transportation should be supplied by Big Blue Bus. Things could come together. Santa Monica has plenty of revenue to make this a happening thing. They have tourists coming in every day. Get the homeless off the street in a facility where they can be taken care of.”

© “Santa Monica is a very beautiful town, and it has all kinds of great shops, great housing, and yet when you walk past the Third Street Promenade, it’s sad to see the homeless outside, sleeping in sleeping bags outside of Armani. To not treat those individuals as human beings

is incredible and reprehensible. You never know when you could be homeless. You never know when tragedy could strike you. It is so incredibly easy to become homeless. You could be totally healthy one day, and mentally ill the next. That could be you in that sleeping bag.”

© “If they use the RAND building, it will just be a few years before they trash it and we’ll have to tear the building down anyway. We might as well get a few years out of it, before we tear it down.”

© “The RAND center should not be used as a homeless shelter. It will just transfer more homeless downtown. It’s the wrong place to do it. Shriver mentioned West LA. The idea is to funnel them out of Santa Monica.”

© “No, it is not a good idea. The welcome signs for Santa Monica really have to come down. There’s been a big, fat, bring-’em-all welcome sign here for 20 years, and it’s time the sign be pulled down.”

© “I think it’s a horrible idea to have all the homeless congregating in the old RAND building. All we need is to have them in Mid-town Santa Monica, where all the tourists are. It’s bad enough down there already, but to have them all there in one place sounds horrendous.”

© “I think it’s a great idea. First of all, it will save tearing it down. It’s a wonderful structure and it’s big. I think there’s too much destruction of buildings already, those with use still left in them throughout the city. I hope that they do it.”

© “No, I do not think it’s a good idea. The whole point that residents have been trying to make, is that we want them out of here, not smack downtown. A much better idea would be to reactivate old remote — and that’s the key word — military bases, and set up all these wonderful programs out there, where these people would be stuck there until they are trained. Bases have facilities for training and for working. That’s my solution.”

© “This is the dumbest idea I have heard in a long time. You have to look at the people who have been responsible for the leadership in this town for the past few years, that have given us rent control, historic preservation, low-income housing and the pseudo-bum problem. These people are New York-progressive liberals. There is no bum problem in Santa Monica. The money should go to the Salvation Army and aid the rescue mission in downtown LA. Bums will go where the money and food are. Let’s get rid of these socialist do-gooders and get some real leadership.”

Being bad can be good for the homebody’s soul



MODERN TIMES

BY LLOYD GARVER

Last week, Jim Taricani, a Providence, R.I., television reporter was sentenced to six months of house arrest for refusing to reveal who leaked him an FBI video of a city official taking a bribe. Whether the First Amendment guarantees the press to keep its sources secret has been a controversial issue for quite some time. But I’m not going to debate the legal merits here. What I want to talk about is the concept of “house arrest.” How serious is it for citizens to have the basic freedom of being able to go wherever they want taken away from them?

There are certain situations in which being confined to your home for six months would definitely be serious punishment — perhaps even cruel and unusual. Here are some examples:

You’re not allowed to leave your house for six months, and the entire time, your next-door neighbor is doing construction.

■ The cable guy is supposed to show up somewhere between this week and two weeks from now, and you have to make sure you hear that doorbell.

■ Your new puppy isn’t close to being paper-trained.

■ You can’t find the remote.

■ You’ve got house guests who just love your house.

■ You can’t figure out what that smell is coming from the basement.

■ Your next-door neighbor is trying to teach his parrot to talk in the backyard.

■ The painter arrives and wants to know which shade of white you want for the dining room.

■ The kid next door takes up drum lessons.

But, generally, I’m not so sure that it’s really such a bad punishment. If I were

sentenced to six months of house arrest, it could be a very productive time. I could look at those papers on my desk and throw out all the ones that have phone numbers and no names. I could go through my T-shirts and get rid of those purchased before 1990. I could get a really great shave every day. Every pencil in the house would be sharpened. I could actually have all our clocks set to the exact same time. I could organize all our photographs. Well, some of them.

My confinement also would mean that for six months, I wouldn’t ever be stuck in traffic, or have to look for a parking place. I wouldn’t have to stand in line at the grocery store behind that woman who takes forever and then decides to pay by check ... and then can’t find her checkbook.

I’d have an excuse not to go to the gym. I wouldn’t have to buy any new clothes. I wouldn’t have to go out to dinner with people I don’t want to eat with. I’d never be in a crowded mall. I wouldn’t run into anybody who looked familiar whose name I’d have to pretend to remember. I wouldn’t have to listen to some stranger talking on her cell phone in an elevator. I wouldn’t have to sit next to anyone at a movie theater who smelled like they just came from a perfume factory. I wouldn’t have to stand in that line to get my driver’s license renewed. I’d have a zero-percent chance of getting mugged. I couldn’t have gum surgery.

Overall, this house arrest thing sounds like a pretty good deal. In fact, let me go on record right now as saying that if any judge asks me what my source was for this column, I’m not telling.

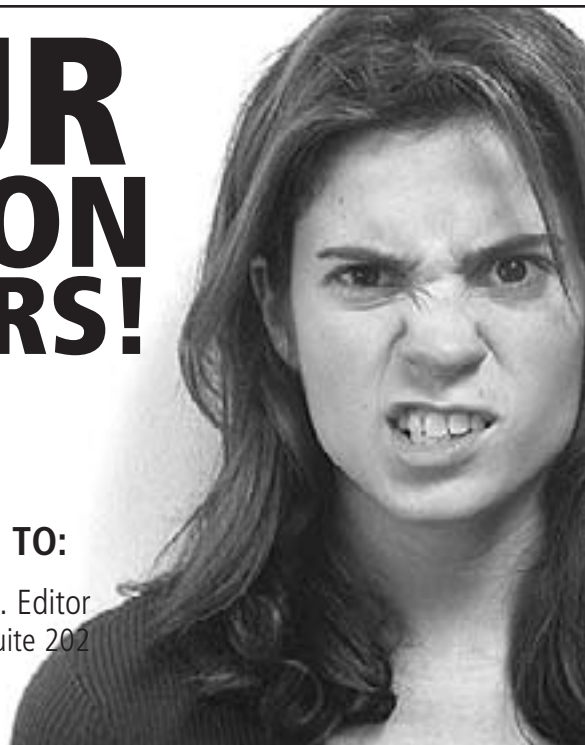
(Lloyd Garver has written for many television shows, ranging from “Sesame Street” to “Family Ties” to “Frasier.” He also has read many books, some of them in hardcover. He writes the “Modern Times” column for CBSnews.com’s opinion page and can be reached at smdp@lloydgarvermodern-times.com).

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RECREATION



Don't be biting off more than you can chew



EXERCISE YOUR RIGHT

BY THADDEUS REICHEL

Flipping through the channels on the old "boob tube," I stumbled upon a show called, "The Biggest Loser." I did not see the whole thing, so I may have missed something, but from what I can gather it is some sort of a competition that pits fat people against, well, other fat people.

Apparently, the producers of this show scoured the country to find a group of obese Americans looking to lose weight. Once this daunting task was completed, two teams were created and the losing began. Week after week, these teams work with a trainer, complete challenges, and follow a strict diet. All of which is carefully filmed to capture every bit of drama that arises when you have a group of hungry people being forced to do things they don't want to do. I only caught the tail end of the show, which is when they do the big weigh-in. Here, contestants are forced to get on a scale in front of all 13 of us watching, wearing nothing but their shorts, to find out how much weight they have lost that week. This alone would be enough to make the fittest person want to trim down. Still, one by one, they guiltily stand on the scale and look totally deflated as their 3-5 pounds of weight loss for the week is added to the collective pot. In the end, the losing team has to send someone packing while the winning team gets a bagel and a massage.

Watching this show, I was struck by two things. First, TV is really stupid and it makes you stupider just watching it. And second, I couldn't help but wonder why these people were so disappointed with weight loss that is totally in line with healthy dieting? All of the people on the show were probably 25 or older, and by my observations, had probably spent a large portion of this time, like so many Americans, making very unhealthy choices. Then, as so many people do, they all of a sudden decided it was time to lose weight. Maybe it was sparked by a wake-up call from a friend or doctor, or worse, maybe it was from an actual health condition or a heart attack. Whatever the rea-

son, the people on this show realized that they desperately needed to lose some weight. The same thing happens to thousands of Americans across the country every day, especially at this time of year.

Yes, the new year is approaching, and people are thinking about resolutions. All of December can be spent in complete gluttony because come January 1, everything is going to change. Sound familiar? The problem is that we often make lofty resolutions, and start out with the greatest of intentions. This year, I will lose those 60 pounds, stop smoking, cut out the beer and run a marathon, all while I become a better spouse, spend more time with my family, volunteer at a local charity and learn to play an instrument! We all do it. We think about all of the things we want to change and decide to do it all at once. Then, come February, the frustration sets in with the realization that running is hard, you've only lost 4 pounds, and you can't even remember the rest of the stuff you were going to do this year because all you can think about is having a cigarette or a beer.

Just like the "Biggest Losers" on TV, you feel deflated because you have set unrealistic goals and wanted all of the changes to come right away.

We live in a society of instant gratification. We want everything yesterday, and if we can get it online or in a pill, all the better. Weight loss, however, like most things in life, is not achieved with a quick fix. It requires a lifestyle change, and the only way to be successful is to set small, attainable goals, and to be realistic with yourself.

Rather than deciding that you are going to lose 60 pounds this year, try making a commitment to get a little more exercise and cut out those morning doughnuts. Don't just focus on the weight, think about the habits you have that have helped put those extra pounds on. And, realize that losing a few pounds a week should not be disappointing. In fact, if you are losing more than that, it is probably not healthy. I don't care who you are, how much you weigh, or what your goals are. The fact is that a plan to lose weight that does not involve a balanced diet and physical activity will never work, and will only set you up for the chance to make more resolutions next year! Think about it. If all of those diet pills, drinks, and books real-

ly worked, why are they selling more and more instead of less and less?

I probably won't find out who ends up being the "Biggest Loser" on the show, and I really don't care. Whoever it is, I hope that they are able to reach their goals and stay there. I am not too optimistic though because something tells me that losing weight to beat other people is not the type of motivation that is needed to

help someone change their lifestyle. Until they make a choice to change for themselves, there is little chance for sustained success. So, whatever your resolutions this year, don't be a "loser." Decide what is really important to you, and what is truly reasonable and manageable in your life right now. Start small, and see what happens. And remember, if it is important, it probably won't be easy.

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LOCAL

Film crew is permitted to tape SM murder trial

ACCUSED, from page 1

industry executive casting for a new James Bond movie, asked the women to wear miniskirts and stiletto heels, took them to a vacant restaurant or hotel room, tied them up and aggressively assaulted them, the judge said.

"Your argument is stronger if there weren't so many," the judge told Flier.

The 42-year-old Paleologus may face the death penalty if convicted. He agreed to serve three years of probation after a jury in 1991 deadlocked on charges of attempted rape, assault and false imprisonment. In that case, he allegedly lured a woman into a hotel room after telling her she would meet famous people, including Madonna, at a party for record executives. Paleologus then allegedly tied the woman to a hotel bed and attempted to rape her. The woman managed to escape.

Paleologus has been convicted of six felonies, ranging from grand theft to burglary and assault. He was released from state prison on Jan. 20, just three weeks before Johnson's disappearance. Calls were made from both Johnson's and Paleologus' cell phones the day Johnson disappeared, in the area where her body was found.

Dressed in an orange jumpsuit and wearing black slippers with white socks, an unshaven Paleologus sat silently next to his attorney through most of the proceedings on Friday, speaking only when asked by the judge if he agreed to postpone his trial until next year so the final evidentiary issues could be ironed out.

"Yes, your honor," replied Paleologus, whose wrists remained cuffed to a chain around his waist.

Though the circumstantial evidence against Paleologus appears strong, Flier maintained that not one shred of physical evidence ties Paleologus to the Johnson murder. As to the previous alleged vic-

tims, Flier said two of the women have no corroborating evidence and another two claim they were approached by Paleologus at a time when he was serving time in prison. He accused the women, who contacted police after Johnson's disappearance, of seeking media attention by getting involved in the case.

"This really comes down to fundamental fairness," Flier said, before the judge issued his decision. "Without this type of evidence, this man is going to be found not guilty, with me as his lawyer."

"I think it's unfair, that's what I want to say," Flier later added. "I think the system's unfair ... These are going to be eight, and I'll make sure of it, these are going to be eight separate trials. I just think it's too much."

Judge Perry countered that a jury should be permitted to hear all the evidence.

"I realize there are issues of credibility, Mr. Flier, and will impeach the testimony of some (of the alleged victims), perhaps," the judge added. "These are issues to be dealt with at trial."

While both sides prepare for trial, Deputy District Attorney Eleanor Hunter, the lead prosecutor in the case, is believed to be a top candidate for a judicial appointment by Gov. Arnold Schwarzenegger. Hunter assured Judge Perry she would bring an assistant up to speed before appointments are announced next year.

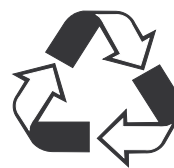
Judge Perry, who has tried 17 other capital cases, said the trial already had been delayed too long.

"We had a preliminary hearing in June of 2003 and here we are at the end of 2004 still without a firm trial date," he said. "I think we should definitely try this case in the early part of next year, and I'm very firm in that belief."

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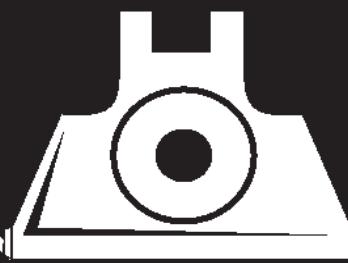
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LOCAL



Sobering center could save city \$3M per year

SOBERING THOUGHTS, from page 1

"We understand there is a feeling of urgency about getting to a set of solutions," she said.

The earlier sobering center proposal, which targeted a site at 911 Pico Blvd., surfaced in the summer of 2003. It was quashed after neighbors complained about safety issues. Santa Monica Fire Department Capt. Bruce Davis championed that effort, saying a sobering center would be like fast-tracking the local jails and would free up valuable resources.

In 2002, the Santa Monica Police Department received 3,106 calls related to intoxication and booked an average of 4.5 people per day on public drunkenness charges. The SMFD responded to another 963 alcohol-related calls, and Santa Monica and St. John's hospitals lost a combined total of \$250,000 by devoting medical resources to intoxicated people

who were sobering up, according to Davis.

By giving public drunks some place to go other than jail or the hospital, the city would save more than \$2.9 million a year, Davis added.

One location now being studied is the old jail behind City Hall. Though the rest of the old police building is to be demolished, the three-story jail is part of City Hall's historic structure. Judy Rambeau, a spokeswoman for the city, said officials were also considering moving the city's cable TV operations into the old jail.

"Everybody's looking at what might be the possibilities," Rambeau said Friday. "It's an interesting space ... You can't change it too much, you want to retain the historic nature of it. So what are you going to do with it?"

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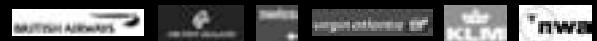
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STATE BRIEFS

Errant teen driver sentenced for manslaughter

By The Associated Press

VENTURA — A teenager who was behind the wheel of a speeding pickup truck that crashed, killing a 13-year-old passenger, was sentenced to a month in juvenile hall and four months under house arrest.

The 16-year-old boy, who admitted to a charge of gross vehicular manslaughter, got his provisional driver's license just two months before the July 10 crash. A provisional license prohibits driving with other teenagers for the first six months without an adult.

The family of victim Gregory Chase Arnett urged Superior Court Judge John Dobroth on Thursday to hand down a stiff sentence and send a strong message to other teenagers and their parents.

"Our anger and sorrow are not the reasons we ask for punishment, but rather the egregious act. This is about consequences for behavior that is dangerous," said Judi Arnett, the victim's mother.

The driver, whose identity was withheld because of his age, was traveling almost twice the posted 35 mph limit on a winding road when the teen's high-performance Ford pickup veered off the road, rolled down an embankment and hit a tree.

"He was driving like a madman," said a 15-year-old boy who was also riding in the pickup. "Suddenly, he just took off into an uncontrollable speed nightmare. Both Chase and I told him to slow down, but he did not listen."

Dobroth ordered the 16-year-old driver to transfer from Westlake High School when he's released from juvenile hall. He will be on an electronic monitor, restricted to trips between home and school, for four months followed by 15 months of performing community service five hours a week.

Long Beach cries foul

By The Associated Press

LONG BEACH — The city wants a judge to set aside a \$22.5 million verdict against Long Beach because a juror allegedly committed serious misconduct during deliberations in a federal discrimination case.

The 53-year-old juror allegedly failed to disclose that he was involved in a building code dispute with the city of Pico Rivera and then talked about the dispute at length during deliberations, attorneys said in a motion filed this week on behalf of Long Beach.

"The magnitude of this is difficult to overstate," attorney Russell Petti wrote in the city's motion.

Shirley and Jason McClure alleged in the U.S. District Court suit that city officials used building-code violations as an excuse to prevent them from opening a series of homes for Alzheimer's patients in upscale Long Beach neighborhoods.

Additionally this week, the McClures' counsel has filed a \$19 million claim for attorney's fees, which would subject the city to costs and reparations in excess of \$41 million.

The city's largest-ever payout was about \$11 million, City Attorney Robert Shannon said Thursday. That case involved a woman paralyzed when the car she was riding in was struck by a domestic violence suspect being pursued by Long Beach police.

U.S. District Court Magistrate Judge Charles F. Eick will hear arguments on the motions Feb. 4.

A Press-Telegram story last month detailed the unorthodox behavior of many jurors in the case. Several jurors interviewed revealed that they drank alcohol with their lunches during the trial, took weekend vacations together and ran up lunch tabs paid by taxpayers.

But it was alleged misconduct by juror Steven Ortiz that was the focus of the city's motion for a new trial. Code enforcement officials with Pico Rivera tried to take action against Ortiz for building a non-permitted carport at his house, the motion said.

Not only did Ortiz keep the information from the judge during jury selection, but he allegedly compared his situation with the McClures' during deliberations, Long Beach attorneys said in the motion.

"Defendants were clearly deprived of this fundamental right to be tried by an impartial jury, and on the evidence presented in court," the motion stated.

Botched robbery lands high schoolers on trial

By The Associated Press

RANCHO CUCAMONGA — Three Chaffey High School students were ordered to trial for the killing of an 89-year-old grandfather during a botched robbery at an Ontario park At Thursday's end of a two-day preliminary hearing, Superior Court Judge Dennis Cole ordered Trayvon Patterson, redrick Stewart and Jamal Rhone, all 16, to stand trial for the Oct. 28 shooting death of Fidencia Guzman in John Galvin Park.

Police testified that Patterson and Stewart told officers Rhone pulled out a gun and shot Guzman after the old man wouldn't give up his money.

"(Stewart) said he remembered the victim saying he didn't have any money, and he didn't think the victim spoke English," Ontario police Detective Al Parra testified. In addition to murder, the defendants face charges of robbing two younger boys of money and food at the park. It is also alleged that all of the crimes were committed for the benefit of a gang.

Schmauss said she will file a special-circumstance allegation of murder during a robbery. The teenager isn't eligible for the death penalty because of his age, but the allegation makes him eligible for life in prison with no chance for parole.

STATE



Activists call for lead ammo ban to aid condors

BY DON THOMPSON

Associated Press Writer

SACRAMENTO — Eighteen months after state wildlife managers started a voluntary plan to protect California condors from lead poisoning, a coalition of environmentalists, American Indians and hunters is asking regulators to issue an emergency ban on lead ammunition in the condor's feeding territory and eventually statewide.

"This is imperative to get this going. We feel this is an emergency issue for the condor," said Jeff Miller, a researcher with the Center for Biological Diversity, one of the groups filing the petition with the state Fish and Game Commission.

Separate studies for the state and federal wildlife agencies last year found condor lead poisoning increased during the fall hunting season. A problem has been hunters who leave an estimated 30,000 unburied carcasses or entrails across the condor's range, which are eaten by the scavengers.

But state condor preservation officials said survival is at an all-time high. Also, hunting regulations aren't up for routine review until 2007, leaving it uncertain if they will consider the plea from the activists who say traditional ammunition is too toxic. The next commission meeting is in February.

"We were losing a half-dozen to a dozen a year either to death or having to bring them in (to captivity) for bad behavior or something," said Fish and Game Department biologist Ron Jurek, a member of the California Condor Recovery Team. But none has died in 14 months. "We've never had such good survival. Things are looking up now."

Part is due to better management of the condors, including keeping them away from carcasses killed with lead bullets, Jurek said. Most condors are tracked with radio collars, allowing managers to spot sick birds and recapture them for treatment. And veterinarians are better able to treat acute lead poisoning, as they are doing now with a condor in Arizona.

But as more condors are released and forage naturally over as much a 150-mile range, they'll encounter more lead-laced carcasses, said the environmental group's Miller. "We're going to see lead mortality go way up."

The wild condor population dropped to just 15 in 1984, but the population in California now tops 100. About 10 condors since 1995 have died or undergone intense treatment for lead poisoning in California, Jurek said.

Nonlead shotgun ammunition already is required nationwide for hunting waterfowl. But wildlife agencies in Arizona, Utah and California — which each have reintroduced populations of the giant bird — hope a voluntary program will work without requiring an outright ban on lead bullets.

They recently completed a survey of hunters and ranchers about their use of lead-based ammunition. Now they're beginning an education program, coupled with encouraging sporting goods stores to carry alternatives to lead ammunition. Then they'll resurvey hunters and ranchers to see if the programs worked.

The petition was filed Thursday by the Center for Biological Diversity, Natural Resources Defense Council, Public Employees for Environmental Responsibility, Ventana Wilderness Alliance, and the Wishtoyo Foundation, founded by a Chumash Tribe ceremonial leader in Ventura County, which is prime condor habitat.

It asks the game commission to phase out the use of lead bullets to kill large game like deer and wild pigs in south-central California, where the condors reside. The groups eventually want the commission to phase out the ammunition statewide, as a danger to other scavengers like eagles.

Anthony Prieto and three fellow hunters founded Project Gutpile after they volunteered with the U.S. Fish and Wildlife Service's condor recovery team and saw the damage lead can do. Their Web site advises about alternative ammu-

nition and how to remove or safeguard contaminated carcasses.

Prieto, who joined the petition, said focus groups of hunters showed many resented having to switch to different ammunition.

"They were just like, 'Why do we have to suffer? How do we know the contaminants come from us?'" said Prieto, of Santa Barbara.

While he and Jurek said individual hunters feel strongly, no organized oppo-

sition has surfaced among hunting organizations. But the condor project itself opposes a ban, partly for fear some irate hunter might retaliate against condors, Jurek said. Calls seeking comment from the National Rifle Association and National Shooting Sports Foundation were not immediately returned.

Prieto said he switched to copper bullets and that it would be easier transition if lead was phased out while alternatives were phased in.

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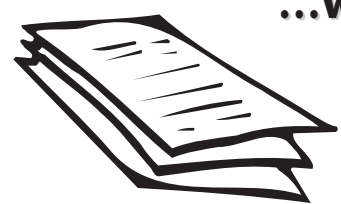
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EPA says California counties among those without clean air

BY JOHN HEILPRIN

Associated Press Writer

WASHINGTON — The Environmental Protection Agency on Friday identified 224 counties in 20 states that don't meet new clean air standards designed to protect against one of the tiniest but most harmful pollutants — microscopic soot.

All but three of the states — California, Missouri and Montana — are east of the Mississippi River. The counties and states at issue might modify transportation plans, require new pollution controls when factories expand or impose stricter vehicle emission and inspection programs.

The counties and the District of Columbia will have to move quickly to come into compliance. They have three years to devise a pollution-reduction plan for fine particles and then must meet federal standards by 2010.

Failure to comply could mean a county will have to limit development and its state could lose federal highway dollars.

EPA Administrator Mike Leavitt announced the list, which included 19 fewer counties than the agency identified in a preliminary report in June. He emphasized the agency was for the first time specifically regulating for fine particles, or soot, that are 2.5 micrometers in diameter — 1/30th the width of a human hair. Such pollution comes from power plants, car exhaust, diesel-burning trucks, wood-burning stoves and other sources.

EPA considers it potentially the most significant air quality health standard, because soot can penetrate deeply into the lungs.

"This is not a story about the air getting dirtier," Leavitt told a news conference. "It is a story about higher, more stringent standards and healthier air."

About 95 million people live in the 224 counties and the nation's capital. EPA estimates the new standard, once met, will prevent at least 15,000 premature deaths, 95,000 cases of bronchitis and 10,000 hospital admissions for respiratory and cardiovascular diseases.

"We're going to implement over the course of the next few months new national tools," Leavitt said. "In essence we're going to do the same thing for smokestacks that we have done for tailpipes."

In some cases, the EPA could grant five-year extensions, letting jurisdictions take up to 2015 to comply with

the new rule.

Environmentalists say states will find it tough to impossible to meet the standard without accompanying action to reduce soot pollution from power plants. President Bush decided last week to delay at least until March putting in place a companion regulation he promised on the campaign trail that would address pollution drifting among states.

"This is also a story about EPA failing to finalize rules to clean up power plant pollution," said Michael Shore, an air policy specialist at Environmental Defense, an advocacy group. "The Bush administration frankly deserves a lump of coal for its failure to protect the health of our children from power plant pollution."

The largest concentrations of counties in noncompliance with the new soot standard are in the Los Angeles basin and interior central California; the urban corridor from New York City to Washington; the Ohio River Valley; Atlanta; St. Louis; Chicago, and Detroit. The only other Western area was a small corner of northwestern Montana.

In May, governors gave EPA a list of 141 counties they viewed as failing to meet the soot requirements. EPA broadened that to include many other counties, not because their air is too dirty but because their pollution contributes to nearby areas that are out of compliance.

Counties were placed on the list or removed due to factors such as emission rates, recent air quality, population density, traffic and commuting patterns, expected growth, weather and geography, legal boundaries and the level of pollution controls.

The regulations have been a long time coming. The Clinton administration devised them in 1997, but they were held up because of court challenges by industry that went all the way to the Supreme Court, which upheld the standard. They are also meant to update and complement the 1987 standard for reducing soot particles 10 micrometers in diameter, or 1/7th the width of human hair. Those had mostly targeted dusty air from things such as mining tailings, factory debris, unpaved roads and windblown dust.

The states with counties in violation are Alabama, California, Connecticut, Delaware, Georgia, Illinois, Indiana, Kentucky, Maryland, Michigan, Missouri, Montana, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Tennessee, Virginia and West Virginia.

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NATIONAL



Debate continues over the wording on exit polls

BY WILL LESTER

Associated Press Writer

WASHINGTON — It was a simple, multiple choice question. The reaction to the answers has been anything but.

On Election Day, exit pollsters posed a string of questions to voters after they cast their ballots, including the following: "Which one issue mattered most in how you voted today? Taxes, education, Iraq, terrorism, economy/jobs, moral values, health care."

"Moral values" was chosen by 22 percent, with "economy/jobs" at 20 percent and "terrorism" at 19 percent.

In the aftermath of President Bush's victory, analysts of all political persuasions seized on the results of that single question, with some arguing that it reflected the nation's conservative shift and widespread rejection of gay rights, abortion and indecency in entertainment.

Others contended that far too much was being extrapolated from just 22 percent choosing moral values, two words that were too broad to provide specifics let alone worthy analysis.

Soon after the elections, the Pew Research Center asked a similar question — without offering a laundry list. In that survey, moral values slipped to 9 percent behind Iraq at 27 percent and the economy at 14 percent.

Just over four in 10 of those who picked "moral values" mentioned issues such as gay marriage and abortion, but others cited qualities such as religion, helping the poor, and candidates' honesty and strength of leadership.

Some public opinion researchers such as Jon Krosnick of Stanford University question whether a term such as "moral values" should be included on a list of specific

issues such as health care, education and the economy.

"The responses mix policies that have clear meanings" and a broad term like moral values, Krosnick said, adding that "moral values" could refer to many different concerns.

Republican pollster Whit Ayres said the role of moral values in the election goes far beyond the debate over one poll question.

"While this was a national security election, any way you read the data, moral and cultural values were a very important factor in the president's vote," Ayres said.

Words and how they are used in poll questions can elicit a strong response. Or, as in some cases, prove to be highly suggestive. Consider this question from the late 1930s: "Would you vote for a woman for president if she were qualified in every other respect?"

When asked that question, 33 percent said "yes," and 64 percent said "no" — close to 20 years after the 19th Amendment to the Constitution gave women the right to vote in the first place.

In the 1990s, this question stirred controversy: "As you know, the term Holocaust usually refers to the killing of millions of Jews in Nazi death camps during World War II. Does it seem possible, or does it seem impossible to you that the Nazi extermination of the Jews never happened?"

When Gallup questioned the findings of the poll by another organization that suggested more than one in five doubted the Holocaust occurred, it tried its version of the poll question. Asking a question that avoided "does it seem impossible ... that it never happened," Gallup found that 9 percent doubted the Holocaust ever happened.

In a more recent example, The Associated Press asked

the following question about abortion and the Supreme Court in mid-November: "The 1973 Supreme Court ruling called Roe v. Wade made abortion in the first three months of pregnancy legal. Do you think President Bush should nominate Supreme Court justices who would uphold the Roe v. Wade decision, or nominate justices who would overturn the Roe v. Wade decision?"

Six in 10, or 59 percent, said they preferred justices who would uphold the court's decision. Critics questioned the question, specifically the phrase — "in the first three months of pregnancy."

The court ruling actually does more than make abortion legal in the first three months — also making it legal farther into a pregnancy, depending on the circumstances.

In early December, the AP asked a slightly amended poll question, saying simply that Roe v. Wade "made abortion legal" and removing the reference to the first three months.

In response to the new question, 57 percent said they favored justices who would uphold the court's landmark ruling — essentially no change.

Public opinion researchers offered various theories on the lack of change, mostly focused on the strength of attitudes about a highly publicized issue. Robert Shapiro of Columbia University suggested such shifts in question wording may have little or no effect on strongly held beliefs.

"On longstanding issues that have been debated for a long time such as abortion and capital punishment," Shapiro said, "small changes in question wording tend to make little difference unless it substantially changes the substance of the question."

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Judge blocks ballots
in tight governor’s race

BY REBECCA COOK

Associated Press Writer

TACOMA, Wash. — A judge granted a state Republican Party request Friday to block the counting of hundreds of recently discovered King County ballots in Washington’s incredibly close governor’s race.

Superior Court Judge Stephanie Arend’s decision hinged on whether it was simply too late for counties to reconsider ballots from the November election, even if such ballots were erroneously rejected by election workers.

From reading state law and state Supreme Court decisions, “it is clear to me that it is not appropriate to go back and revisit decisions on whether ballots should or should not be counted,” Arend said.

State Democratic Chairman Paul Berendt said the party would appeal the decision.

“We’re going to fight for every vote to count in the state of Washington,” he said. “I guess we’re headed to the (state) Supreme Court.”

King County Elections Director Dean Logan said the county also planned to appeal.

“These are legitimate voters who cast legitimate ballots,” he said. “It’s just a travesty if we do not include these ballots.”

Republican Dino Rossi won the Nov. 2 election over Democrat Christine Gregoire by 261 votes in the first count and by 42 after a machine recount of the 2.9 million votes cast.

State GOP spokeswoman Mary Lane said the judge made the right decision.

“If King County were allowed to keep adding more ballots, elections would never end,” Lane said.

As for those whose ballots aren’t counted, she said: “That is King County’s fault. We cannot be held responsible for the fact that King County made a mistake.”

Friday afternoon, with all but two of Washington’s counties reporting results of the hand recount, Rossi had picked up just one net vote over Gregoire. Pierce County’s results shrank his overall lead from 74 to 43.

King County — the state’s most populous and a Gregoire stronghold — and Spokane County are the only two that haven’t finished their manual recounts.

Jack Oxford is one of the voters whose ballots Arend said should not be counted.

“She said, ‘Jack, your vote doesn’t count,’” said Oxford, 50, an electrical field supervisor from Enumclaw.

“I’m very upset, very distressed,” he said.

King County officials and Democrats had wanted to include 723 newfound ballots in the hand recount, saying they are valid ballots that were mistakenly rejected because of county workers’ errors.

But Republicans went to court, saying it was too late.

Specifically, Republicans were granted a temporary restraining order to stop elections workers from taking the newly discovered ballots out of their outer envelopes, which bear the voter’s signature.

County elections officials had said ballots would not be separated from their security envelopes until the lawsuit was decided.

Party observers and reporters watched Friday morning as King County election workers searched for more mistakenly rejected ballots, and found 150 to add to the 573 identified earlier in the week.

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NATIONAL



Bridge dig uncovers hundreds of Indian remains

BY MELANTHIA MITCHELL

Associated Press Writer

PORT ANGELES, Wash. — The remains of hundreds of ancient Indians unearthed at a large bridge construction site have state officials ready to cut their losses — millions of dollars and months of delays — and find another site.

“It is true we’ve spent money we won’t get back, but we also have found a major historical site that’s important to understanding the culture of the Pacific Northwest Coast,” state Transportation Secretary Doug MacDonald said Friday.

The state has already spent \$55 million on a project initially slated to cost \$283 million.

State officials have all but decided to abandon the waterfront site they planned to use to build new pontoons and anchors for the aging Hood Canal floating bridge. But MacDonald said before an official decision is made the agency must clarify future plans for the site with the Lower

Elwah Klallam Tribe, the city of Port Angeles, and federal and state leaders.

He would not give specific details, but said talks would include what will happen to the site and how it will be used.

“We don’t just want to be in a position of lurching forward. We have to be able to give people a sense of what’s going to happen,” MacDonald said.

The 22.5-acre site on Olympic Peninsula was the favored spot for the state’s dry dock because other sites were too small or presented permit and hazardous waste issues. But on Aug. 20, 2003, the first human bone fragment was found and work was shut down six days later.

The site is where the Klallam village of Tse-whit-zen stood for 1,700 years before it was leveled in the 1920s to make way for a sawmill.

Both the state and the tribe were aware of the former village, and the department hired Western Shores Heritage Services to

survey the site for archaeological remains.

Limited by onsite concrete slabs and buildings, Western Shores concluded there was no evidence of significant ancient remains within the boundaries of the proposed project site. The tribe’s analysis of an 1853 U.S. Coast Survey map also showed the village was south and east of the planned dry dock.

No one was anticipated the hundreds of full or partial remains that have been found.

The discoveries continued this week at the waterfront site where archeologists painstakingly brushed away heavy, compacted dirt to reveal what may be a grass mat, or perhaps remnants of a ceremonial costume.

Each find is bittersweet for the Klallam, whose tribal chairwoman, Frances G. Charles, sent a letter last week to MacDonald demanding a halt to all excavation.

“I was angry. I was hurt. How could another human being treat another human

being that way?” Charles said, tears welling in her eyes as she struggled to describe how she felt upon seeing her elders’ crushed skulls and human remains resting atop metal and concrete water pipes.

Onsite Thursday, tribal members moved another 18 cedar boxes filled with remains of their ancestors to a nearby storage building.

So far, they have filled 278 makeshift coffins made of cedar planks and wooden pegs. They’re at most 3 feet long, although those carrying infant remains are much smaller, and some contain the remains of as many as 11 people.

The coffins and the 800 isolated skeletal parts and other artifacts discovered is a collection that the tribe and state archaeologists have said is the largest archaeological find in the region.

“We will all undoubtedly be thinking for a long time could it have been found,” MacDonald said. “But for me the important thing is we did the best to look for it, and the tribe did its best to look for it.”

All over for snowy plover? Habitat could be cut

BY JEFF BARNARD

Associated Press Writer

GRANTS PASS, Ore. — The federal government proposed Friday to protect smaller but more numerous sections of West Coast beaches as habitat for the western snowy plover, saying it hoped to reduce conflicts between the tiny shore bird and people playing in the sand.

The new critical habitat proposal, prompted by a federal court order won by Coos County commissioners on grounds the original did not include a proper economic impact statement, comes as the U.S. Fish and Wildlife Service is also considering petitions to lift Endangered Species Act protection for the bird.

Paul Henson, assistant manager of the agency’s California-Nevada Operations Office, said he hoped to use the critical habitat process to open as much beach as possible to recreation while providing what the plover needs to recover, without having to resort to heavy-handed regulation.

“There are going to be areas where beach recreation should be a priority,” Henson said from Sacramento, Calif. “If that impacts plovers, hopefully they are doing well enough in other areas that they

can withstand that contact.”

The proposal calls for establishing 35 units covering 17,299 acres, a reduction of 11 percent in area from the 28 units covering 19,474 acres designated in 1999. Federal land comprises 26 percent of the proposed area, state or other public land 51 percent, and private land 23 percent.

The reductions came from eliminating military land where habitat protections are in place, fine-tuning mapping, and a better understanding of the habitat needs of the plover, the agency said.

An estimated 2,600 snowy plovers are distributed along the coast in California, Oregon and Washington, with the highest numbers in California and fewest in Washington. The birds forage for food in the surf and lay camouflaged eggs in depressions in bare sand. They are down to 28 nesting sites, due primarily to European beach grass being planted to stabilize shifting dunes. Gains in populations have been made recently by killing foxes and crows that prey on the nests and clearing beach grass.

During nesting season, restrictions have been imposed on driving, running dogs and walking on beaches near nesting areas, prompting loud complaints from

some beach users.

Several popular beaches on the Oregon Coast were considered for critical habitat, but not proposed. They include the Necanicum, Nahalem, and Netarts areas. Oregon has suggested its own plover protections.

Fish and Wildlife is almost done with a review of whether the plover should stay on the threatened species list at all. It was sought by the Surf Ocean Beach Commission of Lompoc, Calif., and the city of Morro Bay, Calif. They argue that plovers on the beach are no different from more numerous inland populations.

Coos County Commissioner John Griffith, who has battled restrictions on beach access intended to protect plover nests for years, said the new critical habitat proposal is still too large, and includes areas uninhabited by plovers.

He added that it will be difficult to offer comment to Fish and Wildlife on the proposal, because the economic impact study is not finished.

The plover habitat proposal represents a far smaller reduction than the Bush administration has recently proposed for salmon and bull trout.

Wendell Wood of the Oregon Natural

Resources Council, an environmental group, said he thought that was because the plover inhabits areas unsuitable for development or exploitation of natural resources, resulting in less political pressure on the Bush administration.

After gathering public comment, Fish and Wildlife is to make a final decision on plover habitat by Sept. 1, 2005. A final plan for rebuilding plover populations is also due next year.

Fish and Wildlife has long maintained that critical habitat provides no more protection for wildlife than being listed as a threatened or endangered species, arguing that recovery depends on voluntary steps by various interests more than government regulation.

Environmentalists counter that the critical habitat section of the Endangered Species Act calls for restoration of a species, while listing just provides for survival. Last August, they won a federal appeals court ruling directing Fish and Wildlife to provide for the recovery of the northern spotted owl when considering logging in critical habitat on national forests, not just survival.

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NATIONAL

President signs overhaul of U.S. spy operations

BY JENNIFER LOVEN

Associated Press Writer

WASHINGTON — President Bush on Friday signed the largest overhaul of U.S. intelligence-gathering in a half century, aiming to transform a system designed for Cold War threats so it can deal effectively with the post-Sept. 11 scourge of terrorism.

“Instead of massed armies, we face stateless networks. We face killers who hide in our own cities,” Bush said in a somber ceremony in an ornate Commerce Department auditorium where the treaty creating NATO was signed. “To inflict great harm on our country, America’s enemies need to be only right once. Our intelligence and law enforcement professionals in our government must be right every single time.”

The new law creates a national intelligence center and a powerful new position of national intelligence director to oversee the nation’s 15 separate intelligence agencies.

Bush sat at a small desk adorned with a “Protecting America” placard to sign the legislation that endured a difficult, month-long path to passage. The president was flanked by CIA Director Porter Goss, FBI

Director Robert Mueller, several members of Congress involved in the legislation and the co-chairs of the independent commission whose findings about the Sept. 11 attacks were the impetus for the bill and who lobbied tirelessly for its approval.

Not on stage but in the audience were several relatives of people who died in the 2001 attacks that killed nearly 3,000 people in New York, Washington and a Pennsylvania field. Families of some attack victims were also central to the bill’s passage, walking the halls of Congress with pictures of loved ones in hand and persistently pressing sometimes-reluctant lawmakers.

The next step is for Bush to choose someone to fill the new post of director of national intelligence. Potential candidates include Goss; Lt. Gen. Michael Hayden, the head of the National Security Agency; Deputy Secretary of State Richard Armitage, and White House homeland security adviser Fran Townsend.

Establishing such an intelligence chief was a principal recommendation of the Sept. 11 commission. It also was one of the legislation’s most controversial provisions as lawmakers tangled over the

extent of the director’s budget authority and how the person would work with the military.

But Bush gave a clear job description, saying the new DNI would be the “principle adviser to the president on intelligence matters” and making plain that the director could move intelligence assets around the globe as needed to keep an eye on terrorist groups like al-Qaida.

The president also made a point of saying the intelligence director would have complete control over spending — Washington’s best indicator of power — by being responsible for both determining the intelligence agencies’ annual budgets and directing how the funds are spent. That was an idea, like the creation of the Sept. 11 commission itself and the Department of Homeland Security, that Bush initially opposed before changing his mind and accepting it.

Under the legislation, the CIA remains in charge of collecting human intelligence and analyzing all intelligence gathered. But the new law puts the DNI over the CIA, along with all 15 of the nation’s military and civilian intelligence agencies to make sure those sometimes disparate interests work together to predict and pre-

vent future attacks.

It also includes a host of anti-terrorism provisions, such as letting officials wiretap “lone wolf” terrorists and improving airline baggage screening procedures. It increases the number of full-time border patrol agents by 2,000 per year for five years and imposes new federal standards on information that driver’s licenses must contain.

“The many reforms in this act have a single goal: to ensure that the people in government responsible for defending America have the best possible information to make the best possible decisions,” Bush said.

The new law makes the most far-reaching changes to U.S. intelligence gathering and analysis in nearly 60 years, since the CIA, Department of Defense and National Security Council were created as the Cold War emerged in the wake of World War II.

The Sept. 11 commission, said in its July report that the intelligence operation left over from the Cold War era wasn’t effective against such new threats. Disharmony among the intelligence agencies and the failure to fully recognize the danger posed by al-Qaida contributed to the government’s inability to thwart the attacks, the report said.

Bush mulls over putting a freeze on spending

BY ALAN FRAM

Associated Press Writer

WASHINGTON — President Bush is considering asking Congress to freeze domestic spending next year or cut it slightly, even as he prods lawmakers to allow younger workers to divert some of their Social Security taxes into personal investment accounts.

The two plans, which promise to be dominant issues next year, share a common thread: massive federal deficits that have set consecutive records, peaking at \$413 billion last year. The shortfalls have prompted Bush to seek savings from non-defense, non-domestic security programs, and have limited his options for shoring up Social Security for the looming retirement of baby boomers.

“This is an issue on which I campaigned and I’m still standing,” Bush said of revamping Social Security at a White House economic conference, words he hoped would prompt support from lawmakers loathe to meddle with the giant retirement system.

Bush wants to let younger workers take part of the Social Security taxes they now pay and invest the money in private accounts. Democrats say the proposal would enrich Wall Street bankers while further weakening the solvency of Social Security.

In 2018, Social Security will start paying out more in benefits than it collects in payroll taxes. In 2042, the system will be able to cover 73 percent of promised benefits, according to Social Security’s trustees.

Bush said the country can’t afford to wait any longer to fix the problem.

“The crisis is now,” the president told the economic forum.

On the spending side, Bush is moving toward holding programs Congress must approve annually — except domestic security and defense — to the same \$388 billion they received this year, say con-

gressional aides and lobbyists speaking on condition of anonymity. The part of the budget he would restrict also excludes automatically made payments like Medicare and interest on the federal debt.

The president has yet to make final decisions on the \$2.5 trillion budget he will send Congress in February, administration officials say. Even so, he and his aides have made it clear that domestic programs will be squeezed.

I look forward to working with Congress on fiscal restraint,” the president said. “And it’s not going to be easy.”

House and Senate aides, speaking on condition of anonymity, said the White House was considering cutting such programs as housing, grants for community development, purchases of new equipment for the Federal Aviation Administration, and Army Corps of Engineers water projects.

Even the National Aeronautics and Space Administration, an administration favorite, was facing an increase of just 1 percent, pending appeals to the White House by outgoing NASA Administrator Sean O’Keefe, a lobbyist said.

The zero-sum game that is federal budgeting means that if spending for next year is held flat, for every dollar increase that administration favorites like education or veterans receive, another dollar must be cut elsewhere. Even a program receiving the same as this year would lose purchasing power due to inflation, now running about 3 percent annually.

Bush’s spending blueprint would be among the toughest for domestic programs since President Reagan’s budgets of the 1980s. Overall domestic spending has grown every year but three since 1987 — in 1995 and 1996, when Republicans first recaptured Congress, and in 2000, immediately after a one-time influx of U.S. aid to help poor and debtor countries.



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INTERNATIONAL



Arafat's death seen breaking diplomatic logjam

BY STEVE WEIZMAN

Associated Press Writer

JERUSALEM — Mideast diplomacy has taken off after the death of Yasser Arafat.

Foreign policy chiefs from around the globe have been lining up to visit Israeli and Palestinian officials, proclaiming a new era of opportunity has arrived.

Diplomats caution that a resumption of Israeli-Palestinian peace talks will take time. But they are eagerly looking forward to next month's Palestinian presidential elections as an important test and are offering cash and other assistance to make sure the vote goes smoothly.

"I think the present situation with the coming election is a great opportunity ... to move toward a resumption of the peace talks, which will lead to two states living peacefully side by side," German Foreign Minister Joschka Fischer said during a stop in Israel last week.

Fischer was the latest in a series of high-profile visitors since Arafat's Nov. 11 death. First was European Union foreign policy chief Javier Solana, who attended Arafat's funeral in the West Bank town of Ramallah before huddling with Palestinian officials.

He was followed by Secretary of State Colin Powell and foreign ministers from Russia, Britain, Egypt, Spain and Germany. British Prime Minister Tony Blair is expected shortly before Christmas.

Israel has agreed to attend a Mideast conference in London early next year, backing off its earlier reluctance to participate, a senior official said Thursday.

The official, speaking on condition of anonymity, said Prime Minister Ariel Sharon has sent a letter to Blair agreeing to attend the conference, tentatively scheduled for February.

In the past, Israel has been cool to participating in international Mideast conferences, fearing outside intervention in its conflict with the Palestinians.

Palestinian officials have welcomed talk of a Mideast conference, hoping to use the event as a springboard for restarting peace negotiations.

The Israeli official said the meeting should focus on reforming the Palestinian Authority and reviving the Palestinian economy.

"There is definitely an understanding between the prime minister and Blair's office on the focus of the conference," the official said.

Earlier Thursday, Dov Weisglass, a top aide to Sharon, expressed high hopes for the London conference, calling it "maybe the most significant development in the near future."

The diplomacy is a dramatic contrast to the atmosphere when Arafat was alive.

Israel and the United States described Arafat as an obstacle to peace, accusing him of backing militant attacks against Israel. U.S. officials did not call on him, and Israel made it clear that foreign officials who visited the Palestinian leader would not be welcome in Israeli government offices.

U.S. Embassy spokesman Paul Patin said Powell's visit and the White House's stated intention to make the Israel-Palestinian conflict a top priority were a recognition of a changed political landscape. "We didn't only say that Arafat was an obstacle, he was an obstacle," said Patin.

European diplomats acknowledge that officials couldn't visit while Arafat was alive.

"The disappearance of President Arafat gives an opportunity for a new dynamic," Spanish Foreign Minister Miguel Moratinos said earlier this month.

After years of disparaging Sharon, Egyptian President Hosni Mubarak recently praised the Israeli leader as the region's best chance for peace. Egypt last week released an accused Israeli spy, and speculation is high that the Egyptian ambassador to Israel will soon return.

Egypt also has played an important role in promoting Sharon's plan to withdraw from the Gaza Strip next year, offering to help ensure security after the pullout.

For now, the world's attention is focused on the Jan. 9 Palestinian presidential vote. Both Israel and the international community have given tacit support to interim Palestinian leader Mahmoud Abbas.

Israel has pledged to pull troops out of Palestinian population centers for 72 hours during the vote, while the international community has offered millions of dollars

in aid and international observers.

Announcing \$3.5 million in election assistance, U.S. Mideast envoy William Burns spoke of the bloodshed and loss of hope in recent years.

"Palestinians deserve credit for their careful management of a difficult leadership transition, and their commitment to the electoral process. Israel has been commendably clear in its commitment to facilitate elections," Burns told a gathering of Mideast donors in Oslo, Norway.

The U.S. election aid was in addition to \$20 million in direct assistance to the cash-strapped Palestinian Authority.

The European Union has allocated about \$18.6 million for preparing the Palestinian elections, while Japan has committed \$1.1 million and will send electoral observers.

Diplomats say the ultimate goal is to resume talks on the "road map," an internationally backed peace plan that seeks to create an independent Palestinian state alongside Israel next year. They also warn that the road forward has potential hazards.

They say Israel must keep its pledge to allow free movement of candidates and voters around the Palestinian territories, and the U.S. administration must live up to its public commitment to take a more hands-on approach than it did in President Bush's first term.

Palestinian officials said they were concerned about recent comments by Bush, who described Palestinian democracy as "the heart of the matter." They said Bush is ignoring the Palestinians' first priority: ending Israeli occupation.

"I don't think that democracy can exist under occupation," said Palestinian Cabinet minister Saeb Erekat.

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PEOPLE IN THE NEWS

About face: Stone sues doctor over cutting talk

By The Associated Press

LOS ANGELES — Actress Sharon Stone claims a Beverly Hills doctor slandered and libeled her by allegedly telling magazines that he performed cosmetic surgery on her famous face.

The lawsuit cites articles in *Us Weekly* and *In Touch* magazines that raise the question of whether Stone had a face-lift and suggest it was done by plastic surgeon Dr. Renato Calabria.

The "Basic Instinct" star maintains that such allegations damaged her reputation and hurt her ability to find work. She seeks unspecified damages in the lawsuit, filed Monday in Superior Court.

Neither of the articles cites Calabria as saying he performed the surgery.

Arturi Barens, a lawyer for Calabria, called the lawsuit "not well thought out," and said, "Dr. Calabria has never told anyone that he has (performed) surgery on Sharon Stone."

Stone alleges it was Calabria or his associates who contacted the magazines and that such statements tended to expose her "to shame and ridicule, and discourage others in the film industry from association ... or dealing with (her)."

"Sharon Stone has a reputation for her natural beauty and glamour," according to the lawsuit. "While she certainly respects others' choice to do so, Sharon Stone has never undergone a face-lift in order to improve her physical appearance."

The 46-year-old actress also accuses Calabria of putting the magazine articles on his Web site to "boast" of his purported professional relationship with her.

Barens said Calabria put the articles on the Web site because they highlight a particular kind of face-lift he innovated.

"He has a right to choose any articles that reference his name and his practice," Barens said.

LONDON— A bamboo cane that Charlie Chaplin used in the classic 1930s spoof "Modern Times" sold for \$91,800 at a sale of movie memorabilia.

Christie's didn't release the buyer's identity.

Two prop mustaches Chaplin wore in "The Great Dictator" fetched \$23,000 and \$34,300 at Tuesday's auction.

The Planet Hollywood restaurant chain bought a moon buggy used in the 1971 James Bond film, "Diamonds Are Forever," for \$45,900.

"We're very excited to get this important piece and will be driving it straight back, where it's going to our new Las Vegas casino," said Planet Hollywood chairman Robert Earl.

Also on Tuesday, a signed 1982 photo showing the members of the band U2 looking pensive in a grassy field sold for \$15,960 at an auction in Dublin, Ireland.

"We are delighted with the price. It has more than exceeded expectations," said the James Adam & Sons auction house in Dublin, the band's hometown.

The black-and-white picture, taken by Dutch photog-

rapher Anton Corbijn, had been expected to fetch between \$8,000 and \$13,000.

Corbijn took the cover pictures for some of U2's biggest albums, including "The Joshua Tree" and "Achtung Baby."

The picture sold in Dublin shows Bono in a wide-brimmed black hat staring sideways while the other band members stand behind him, gazing straight ahead.

ROME— The U.N. World Food Program released a new music video by Wyclef Jean to help Haitians who have suffered through heavy floods and rising violence.

"Gonaives," the title of the video song with Creole lyrics, is named after the Haitian city stricken by the September floods.

"What we wanted to do was capture the raw essence of Gonaives and what we saw during the floods," Jean said in a statement. "The song is not a song of sadness."

The video, released Tuesday, shows the 32-year-old hip-hop star, who launched a humanitarian effort in November for his native land, distributing relief food, giving people clean water to drink and chatting with Haitians.

The World Food Program is now feeding more than 600,000 people, including 100,000 flood victims, in Haiti.

Long impoverished, Haitians also have been reeling from violence. At least 100 people, 19 of them police officers, have been killed since September, when supporters of ousted President Jean-Bertrand Aristide stepped up protests to demand his return from exile in South Africa.



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