

Santa Monica Daily Press

A newspaper with issues

Court denies city appeal on banning ATM fees

Next step could be U.S. Supreme Court

BY ANDREW H. FIXMER
Daily Press Staff Writer

If Santa Monica wants to ban ATM fees, it's going to have to convince the U.S. Supreme Court.

A three judge panel in the 9th U.S. Circuit Court of Federal Appeals in San Francisco ruled Friday that the case against Santa Monica's ban on ATM fees is airtight and not worth hearing again.

"The full court has been advised of the petition for rehearing ... and no active judge has requested a vote on whether to re-hear the matter," wrote Judge Joseph T. Sneed in the court's opinion.

Santa Monica attorneys had asked for their case to be heard before a panel of 11 federal judges in hopes the larger panel would overturn a previous federal appeals court decision.

However, the same three judges who overturned ATM laws in Santa Monica and San Francisco in October

"The full court has been advised of the petition for rehearing ... and no active judge has requested a vote on whether to re-hear the matter."

— JOSEPH T. SNEED
9th U.S. Circuit Court judge

also turned down the city's request for the new hearing.

The court of appeals, in upholding an earlier judge's ruling, said only the federal government, not city councils or local voters, may create such ATM fee regulations.

Federal banking regulations adopted by Congress allow banks to charge fees for ATM usage, the court said in its opinion. That being the case, the Santa Monica City Council and San Francisco voters had no authority to approve identical laws in 1999 banning banks from charging ATM fees to customers who are not members of that bank.

"We find that the ordinances are pre-empted by federal law and regulations

and thus invalid," Sneed wrote.

No one from the Santa Monica City Attorney's Office was available for comment Friday.

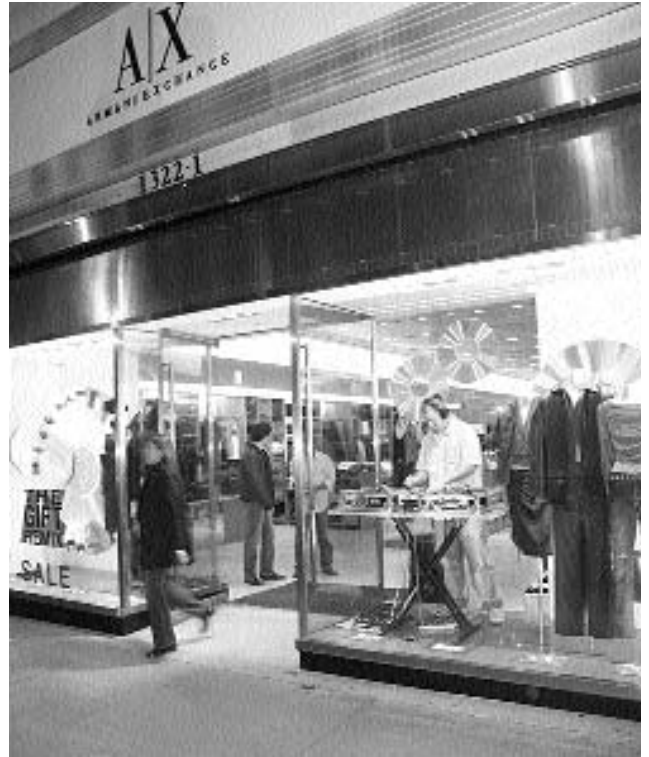
The court's decision leaves the city with the U.S. Supreme Court as the last place to take its case. It's unclear yet, after spending thousands of dollars on attorneys' fees, whether the city will take the case to the top.

Santa Monica was the first city in California to take on the banking industry by banning what officials — and many consumers — regard as a "double charge."

City Councilman Kevin McKeown brought the issue to the forefront in October

See FEES, page 5

A spinning Christmas



Andrew H. Fixmer/Daily Press
DJ Bob Nice spins his tunes for Christmas shoppers at the Armani Exchange store on the Third Street Promenade Friday night.

Woman captured in local hotel charged with child stealing

By Daily Press staff

A woman who was captured by police at a Santa Monica hotel this week after she allegedly kidnapped a child she was baby-sitting has been charged with child stealing.

Rochelle Garrett, 29, who is homeless and on felony probation for child stealing from a previous incident, allegedly agreed to take care of a 2-year-old girl on Sunday but failed to return the child at an agreed upon location near Skid Row in downtown Los Angeles.

She was found three days

later by Los Angeles police and Santa Monica police at the Holiday Motel on 11th and Pico Boulevard with 2-year-old Shanyia Payton. Police were tipped off by a citizen who saw a news report about the kidnapping and had seen Garrett in Santa Monica. Garrett was supposed to return Payton to her mother at the corner of Sixth and San Pedro streets on Sunday at about 3:30 p.m. When she didn't show up, the mother, who also is homeless, called police.

Garrett was scheduled to be

arraigned Friday in Los Angeles Superior Court on one count of felony child stealing. Her friend, Lawrence Williams Jr., 27, is charged in the same case with one count of felony child stealing with the allegation that he has two prior convictions. Both are being held in lieu of \$500,000 bail each.

Payton was found unharmed and returned to her mother, authorities said.

Garrett is on probation after pleading no contest last year to a similar charge of child stealing.

Get Sushi with a Big Gulp

BY BRENT HOPKINS
Daily News of Los Angeles

LOS ANGELES — Borrowing to the limit on a credit card, Mary DeMartinis and Laura Ellis turned an odd idea — mass-produced sushi — into a \$20 million-a-year business.

And that's before they cut a deal in recent weeks to supply nearly 700 7-Eleven stores with California rolls, to go with all the hot dogs and Big Gulps.

Their sushi is already familiar to many who shop at Costco and Trader Joe's stores (among many others) across the country, and the two hope to snare a larger national presence soon.

"In the beginning, no one would talk to us," Ellis said. "We were two women trying to make a very traditional food. We couldn't even speak to people at the companies to get our supplies."

After leaving the studio catering business in 1996, the partners started off making rolls by hand in space borrowed from DeMartinis' brother's bakery.

To finance the operation, they maxed out Ellis' credit cards and gambled that the investment would pay off.

Conscious of their status as women running in traditionally male circles, they dubbed the fledgling venture Okami, which DeMartinis translates from Japanese as "women in charge."

In time, they learned ways to procure their supplies and found a sympathetic manufacturer willing to supply them with a production line.

Rolling along, they switched from the hand-prepared method that killed

See SUSHI, page 6

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★★-So-so ★-Difficult

ARIES (March 21-April 19)
★★★★ Plans might have you a bit confused. Clearly you do need to meet some responsibilities. Give up feeling pressured. Whether it is a holiday gathering or a must visit with someone who can be trying, you aren't getting out of it! Tonight: Head home as early as you can.

TAURUS (April 20-May 20)
★★★★★ Keep communication flowing, even if you might have the impulse to slam the door. Ultimately, your openness to different ideas will help you make all the difference. Others appreciate your calmness. Little do they know! Tonight: Spread Christmas cheer.

GEMINI (May 21-June 20)
★★★★ You might feel pulled in different directions, trying to deal with some last-minute expenses. You might not be comfortable with what you have to do, but ultimately, having others feel cared about could be more important. Tonight: Express your generosity.

CANCER (June 21-July 22)
★★★★★ Others turn to you for answers and meaningful responses. You might not like everything you hear, but on the other hand, you find it important to remain responsible and open. Your popularity peaks in the next few weeks. Tonight: Where you want to be.

LEO (July 23-Aug. 22)
★★★ Step back and allow others to share more of themselves. Sometimes the strength of your personality can be quite intimidating. You also seem to do certain things better than many. Learn to play the role of follower. Tonight: Be discreet.

VIRGO (Aug. 23-Sept. 22)
★★★★★ Understand more of what others want from you. When a child or loved one complains, he or she lets you know much more about his or her desires. You have a rare opportunity to grace this person with unusual happiness. Tonight: Let love filter through the evening.

LIBRA (Sept. 23-Oct. 22)
★★★★ What you are experiencing might be the result of having pushed others way too hard. You could be miffed, but if you really are honest with yourself, you'll gain another perspective. Don't kid yourself about what you're seeing. Tonight: You might not have much choice.

SCORPIO (Oct. 23-Nov. 21)
★★★★★ News might force a readjustment of plans. Yet with your happy ways and dynamic energy, you'll find it more than easy to integrate everyone's needs. Consider someone at a distance. You might need to make an extra effort for this person. Tonight: Let your imagination lead the celebration.

SAGITTARIUS (Nov. 22-Dec. 21)
★★★★★ Try another approach with a loved one or an associate who seems bent on confusion. Show your strong ability to think through problems. Give more careful consideration to your options that surround an important relationship. Tonight: Say "yes."

CAPRICORN (Dec. 22-Jan. 19)
★★★★★ Others might test your ideas, but you will prevail without a problem. Be sensitive to others and what they are trying to do. Air out ideas, leading others to your conclusion. Knowing how to move a touchy topic can and will make a difference. Tonight: Just don't be alone.

AQUARIUS (Jan. 20-Feb. 18)
★★★★ Dig into a project and express the zest and energy your sign is known for. Put anxiety on the back burner, allowing yourself to let go of a problem. Tension dissipates as a result of your new focus. Indulge a child or associate. Tonight: Where the fun is.

PISCES (Feb. 19-March 20)
★★★★★ Others need your feedback but might push you in a way you don't like. Ask a friend a question if you need an answer. Avoid making a guess right now. Allow yourself to express your loving and caring side. Tonight: Enjoy the specialness of the night.

QUOTE of the DAY

"Wit is educated insolence."
— Aristotle (384-322 B.C.)

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1427 Third Street Promenade, Suite #202 • Santa Monica, CA 90401

PUBLISHER Ross Furukawa ross@smdp.com	CLASSIFIED REPRESENTATIVE Angela Downen angela@smdp.com
EDITOR Carolyn Sackariason sack@smdp.com	CLASSIFIED REPRESENTATIVE Paula Christensen paula@smdp.com
STAFF WRITER Andrew H. Fixmer andy@smdp.com	MEDIA CONSULTANT William Pattnosh william@smdp.com
NIGHT EDITOR Patrick McDonald PRMcDonald@aol.com	CIRCULATION MANAGER Kiutzu Cruz kiutzu@smdp.com
PRODUCTION MANAGER Del Pastrana del@smdp.com	SPECIAL PROJECTS Dave Danforth dave@smdp.com
PRODUCTION ASSISTANT Alejandro C. Cantarero alex@smdp.com	STAFF MASCOT Maya Furukawa ross@smdp.com



LOCAL □ STATE



Driver hits pedestrian, arrested for drunk driving

By Daily Press staff

Santa Monica police responded to the 1600 block of Fourth Street around 1:20 a.m. regarding a traffic accident involving a vehicle and a pedestrian Friday.

A preliminary investigation revealed that the pedestrian, a male African American, was crossing eastbound in a crosswalk that was posted "No Pedestrian Crossing." A vehicle, traveling southbound on Fourth Street, struck the pedestrian in the crosswalk. The pedestrian was transported to a local hospital for treatment of his injuries. He was listed in critical condition.

The driver of the vehicle was arrested at the scene for investigation of felony driving under the influence of an alcoholic beverage. He is identified as William Edgar Walk, IV, a male Caucasian, 22, a resident of Hermosa Beach. He was booked at the Santa Monica Jail and his bail has been set at \$50,000.

The investigation is on going to determine the exact cause of the accident. Anyone with information is encouraged to contact the Santa Monica Police Department at (310) 458-8993.

County implements program targeting criminal aliens

BY NADA EL SAWY
Associated Press Writer

LOS ANGELES — A high-tech program that links the efforts of local, state and federal crime-fighting agencies in tracking criminal aliens was launched this week in Los Angeles County.

Authorities said the High Intensity Criminal Alien Apprehension and Prosecution program is the product of more than 10 years of research on the problem of illegal immigrants who repeatedly commit crimes.

One study estimated that 17 percent of Los Angeles County's 20,000 inmates in 1997 were deportable aliens. Within a year of their release from custody, 45 percent would be re-arrested an average of 1.8 times, according to the study.

"Illegal immigrants committing crimes

likely cause more harm and more damage than one singular terrorist attack," said county Sheriff Lee Baca.

About 18 percent of criminal aliens are also gang members, Baca said.

HICAAP is funded through a \$2.3 million grant from the U.S. Department of Justice.

Using links to the statewide and federal Automated Fingerprint Identification System databases, local officials are able to identify criminal aliens at the time of arrest. The project also allows the U.S. Immigration and Naturalization Service to place an automatic hold on those positively identified, officials said.

"HICAAP will assist the INS in identifying serious criminal offenders ... who have caused or who have the potential to cause a great amount of harm," said U.S. Attorney Debra Yang.

surf report

Information compiled by Jesse Haley

New northwest swell is due today. We should see good sized surf as it builds this afternoon, peaking in the evening.

Today's size will hold in the shoulder- to head-high range at exposed breaks. Sunday things are expected to mellow slightly as swell should begin to decline.

Full moon was Thursday so tides are fairly extreme. Low tides are dropping to negative while highs hit over six feet.

Regardless, the waves are good enough that even the county's 72 hour rain advisory can't keep surfers out of the water.

Up to date beach ratings are not currently available, but you can be sure the water is far from clean. So ask yourself if it's worth it, are great waves worth risking some moderate skin irritation?

Today's Tides:

Low-	3:01 a.m.	2.50'
High-	9:17 a.m.	6.08'
Low-	4:50 p.m.	-0.74'
High-	11:34 p.m.	3.52'

Location	Saturday	Sunday	Water Quality
County Line	4-6'/Fair	3-5'/Fair	N/A
Zuma	5-7'/Fair	3-5'/Fair	N/A
Surfrider	2-3'/Fair	2-3'/Fair	N/A
Topanga	4-5'/Fair	3-4'/Fair	N/A
Breakwater	5-7'/Fair	4-6'/Fair	N/A
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Officer acquitted of assault

By The Associated Press

TORRANCE — A jury on Friday acquitted a Manhattan Beach police officer of charges of assault and filing a false report stemming from the alleged beating of a suspect with a flashlight.

Eric Eccles, 27, was cleared of the felony charges after a jury deliberated for less than two days.

Eccles was indicted by the Los Angeles County grand jury in May — six months after the arrest of 20-year-old Daniel Wayne Chance.

Prosecutors told jurors the policeman was a "bully with a badge" who used a flashlight to club a suspect who wasn't

resisting arrest.

But defense attorney Bill Seki told the Superior Court panel that Eccles chased down and subdued Chance in a manner that should make the community proud.

Seki, who said Chance struggled when confronted by Eccles, told jurors the officer who reported Eccles was trying to cover up his own wrongdoing.

Eccles has been on paid administrative leave from duty.

The incident followed a chase that began when Chance ran from the front passenger seat of his friend's car. Eccles and another officer had pulled the vehicle over for speeding.



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OPINION

Modern times: Lose weight and get rich with 'spam'

"Lose Weight," "Make a Fortune In Your Own Home," "Buy A Car For \$100" and "Spy On People Online" are just some examples of the kind of junk e-mail, or "spam," that we get every day. Then, of course, there is all the porn spam. I hate spam, and you probably hate it, too. The good news is, I think I know who could stop it. The bad news is, I doubt that they will.

I don't get how the spammers find out our names and e-mail addresses. I understand that if, for example, I buy a book about boxing, I might get e-mails about other boxing books or maybe even an ad for a punching bag. But I have never gone to a Web site, hoping to see pictures of women who like to date farm animals. I don't like red meat, but I got one that said, "Buy 4 Steaks And Get 2 More For Only 1 Cent." I'm very happy with my reading ability, but I was just offered a bargain price on "Hooked On Phonics."

I guess sometimes the computers who peek at our computers get excited when they see things similar to products

they're trying to foist on us. I know of an 80-year-old woman who ordered tickets online to the play "The Puppetry of the Penis." Ever since then, she's been receiving Viagra ads as well as ads for products guaranteed to enlarge her penis. I don't know if this kind of mistake happens often, but I'm certainly not going online to order tickets to "The Vagina Monologues."

The annoyance factor of spam doesn't bother me as much as the incorrect profile of me that the spammers evidently have. I don't want to be thought of as someone who has fallen behind in my credit card payments because I have a mortgage at a bad rate that I got because I never got a degree online because I was too busy arranging my collection of angel figurines from Texas or daydreaming about how I might "attract men or women fast."

Who can stop all this? The big com-

puter guys like Microsoft and Yahoo and the others. These people are smart enough to invent a way for us to communicate with anyone in the world instantaneously at almost no cost. They make computers that can talk better than some of our friends and can listen better than most of our relatives. They figured out how we can take a photo of Uncle Bert and give him a full head of hair and a smaller waistline. Does anyone honestly think that they aren't smart enough to do away with spam?

But why would they want to? These companies and their clients want to keep looking at our computers and sending us spam. And they'll keep sending it unless somebody stops them.

The only one who can probably stop them is the government. Laws need to be passed and enforced that ensure our privacy. But like the computer guys, the government doesn't want to increase our

privacy. U.S. Attorney General John Ashcroft and those who agree with him feel that being able to peek at our computers is necessary for the security of the country. I've never met Mr. Ashcroft, but I know what the people from his home state of Missouri think of him and his ideas. The last time he ran for office there, he lost to a dead guy.

So, unless we all complain louder and louder, spam will keep coming to us. And it will probably increase in number and vulgarity. Although it's hard for me to believe that it could get any more obscene than one I got last week. This vile spam was actually from someone who didn't like my last column.

Lloyd Garver has written for many television shows, ranging from "Sesame Street" to "Family Ties" to "Frasier." He has also 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@lloydgarvermoderntimes.com

Guest Commentary

By Lloyd Garver

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

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LOCAL



Libraries are on the move: renovations are progressing

BY SARA VAN DYCK
Special to the Daily Press

The first step in updating the city's libraries is now complete. Montana Branch, renovated and with the addition of a community room, has just re-opened, and Fairview Branch will re-open in January. "The renovation has made it much more attractive and light-filled," according to Montana librarian Janet Hunt, adding that it is more welcoming to children.

Many of the new features at Montana have been provided through the sale of pavers sponsored by the Friends of the Library, which has raised over \$100,000. Contributors will see their engraved, personalized pavers set in the front walkway in a few months. The pavers for the front patio at Montana are completely sold, according to Friends board vice-chair Sherrill Kushner, although opportunities remain for the back patio. Residents who use the Fairview Branch will soon have a similar opportunity to purchase pavers. Funds in both cases are used to purchase furnishings, books, CDs, DVDs and other materials and equipment for the specific branch.

Although Main Library is scheduled to close early in 2003, the branches and convenient sites throughout the city will offer activities for all ages. Children's pro-

grams will continue at the branches, and Ken Edwards Center will host the popular "Tuesdays with Books," starting on Jan. 7 at 1:30 p.m. Youth services is currently accepting applications for a new program that invites high school students who live or attend school in Santa Monica to join a professional Web designer in creating a Web site by and for local teenagers. For details call librarian Catherine Ronan, (310) 458-8976.

In another opportunity for teens who live or attend school in Santa Monica, the library board is sponsoring a citywide photography contest. Guidelines can be found at all branches of the library, or visit www.smlpteens.org.

Planning for the "Citywide Reads" event during the spring continues as the library is calling for book discussion group leaders. The library will conduct training sessions for volunteers willing to lead discussions of the selected novel "Balzac and the Little Chinese Seamstress" by Dai Sijie. This highly-praised novel, set in China during the Cultural Revolution, centers on two teenage boys who discover a hidden stash of banned books.

For information on any of the above programs or on Friends' membership, visit the library Web site, www.smlpl.org, or call library administration at (310) 458-8600.

Money from ATM fees held in escrow until court decides

FEES, from page 1

1999 after he realized he was charged twice when using ATM machines in San Francisco's Chinatown. It irked him enough to bring the issue to the council, where the ban passed 4-3. The council indicated that banks who allowed customers to be charged twice were ripping them off.

City officials and consumer advocates explain it this way: Customers who use an ATM machine at a bank other than their own pay not only a \$1.50 fee, but \$2 more tacked on by their own bank. Then there's a third fee that is rarely discussed publicly called an "interchange fee." That's a fee customers don't see because the banks privately charge each other for their customer's withdrawals.

Adam Radinsky, a Santa Monica deputy city attorney, said federal banking regulations do allow local governments or city voters to adopt such rules. He said Arkansas, Mississippi and Wyoming have rules limiting the amount of ATM fees banks may charge.

He also argued that California consumer protection laws allow such ordinances.

"The ATM surcharge is an outrageous and duplicative fee that is unfair to consumers," Radinsky previously told the Daily Press. "We're disappointed with the court's decision because it appears the court failed to address the opinions of cases in other cities."

The decision upholds U.S. Circuit Judge Vaughn Walker, the San Francisco federal judge who blocked the ordinances from being enforced at the request of Bank of America, Wells Fargo Bank and others. In July 2000, Walker ruled that any local ordi-

nances restricting automated teller machine surcharges violate both the National Banking Act and the Home Owners Loan Act, which govern nationally chartered banks and federal savings banks.

In essence, Walker said those congressional acts precluded local entities from enacting such legislation, a decision the appeals court affirmed Friday.

But Radinsky has argued that Walker's interpretation of the law is wrong. The National Banking Act actually leaves open cities' ability to regulate bank fees, he contends.

"The United States Congress has repeatedly spoke on this issue and emphasizes the right for cities to pass consumer protection laws like this," Radinsky told the Daily Press in January. "The district court got it wrong, and we are confident that the law is on our side."

The law doesn't challenge fees a bank charges its own customers to use a different bank's ATM. Those fees range around \$2.

Banks in Santa Monica were forced to drop the extra fees for a couple of weeks directly after the ban went into effect in 1999. Later, Wells Fargo and Bank of America — the state's two largest banks — filed the suit in San Francisco.

The original hearing convinced a judge to make the banks put ATM fees collected into escrow for possible return to customers. As a result, banks were ordered to put all the fees into that escrow account until the issue is decided in court. That account has grown to well over \$1 million.

Banks say they need the surcharges to expand their ATM networks. Consumer organizations that back the bans say the fees merely pad bank profits.

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STATE

Two women start up business on credit card

SUSHI, from page 1

profits to a specially built conveyor belt.

To avoid production hassles and ensure longer shelf life, they opted for only fully cooked sushi. While raw sushi's freshness is measured in minutes, their variety can last up to five days.

They concede that their surimi crab-pollack cooked and shaped to resemble shellfish pales in comparison with a sushi bar's. But then they note that the \$2.99 price tag for six rolls is more than competitive.

Ellis and DeMartinis found a niche market in convenience stores in Northern California that helped them win contracts with Trader Joe's and Costco, eventually landing their products in hundreds of stores nationwide.

Last year, the rolls brought in \$20 million in revenue, a figure they expect to grow substantially with added distribution and more sales contracts.

The 7-Eleven deal could prove to be their biggest catch yet. This month Okami's products got a major boost as the firm began distributing daily to 692 7-Elevens throughout Southern California, part of the convenience-store chain's attempt to go upscale.

That's another kink in the company's strange six-year history — the king of convenience was long the haven for late-night revelers on the hunt for greasy nachos or harried workers grabbing hot dogs on the run.

DeMartinis, an avowed sushi lover, didn't think her own products would fit in.

"At first, we thought, 'Oh, my God, this will never sell in 7-Eleven,'" she said with a bemused smile. "It's too gourmet; it'll never work. ... But it's really taken off."

The low-price point integrates well with 7-Eleven's traditional fare, as does its slim packaging.

Des Hague, the convenience chain's vice president of fresh food, agrees that a premium product like sushi doesn't jell well with the store's old image, but he thinks it will synchronize nicely with its attempts to add more produce, fresh sandwiches and baked goods.

"We want to offer something unique and different for the consumer," he said. "We don't want to be a 14-day-old sandwich and

the same tired hot dogs on a grill."

While those treats have been strong sellers for most of the chain's 75-year history, food expert Phil Lempert said it needs the change.

"At first, we thought, 'Oh, my God, this will never sell in 7-Eleven.' It's too gourmet; it'll never work. ... But it's really taken off."

— MARY DeMARTINIS
Okami co-founder

By adding products like Okami's, he said, 7-Eleven can attract an upscale, professional clientele to complement its junk-food audience.

"Sushi has become more universal," said Lempert, editor in chief of Supermarketguru.com. "It's spread to more demographics than you'd think. People want taste, and they want quality. Since this isn't heavy, it's a good, quick pickup for someone who's working. Eating a few of those hot dogs with chili won't give you a very productive afternoon."

Early this month, the mention of soy sauce and the thought of wasabi got the Okami partners licking their lips and debating whether to go with yellowtail tuna or eel rolls.

"Mmm ... I've got to have it," DeMartinis said. Surrounded by fish photos and with 120,000 pieces of the rice and fish rolls sitting right behind them in the chilly warehouse surrounded by auto yards, they have decided to order out.

"For what we make, it's good, (but) we can't compare to a sushi bar," DeMartinis said.

She has a 28-year love affair with sushi, she added, savoring the memory of her first bite of the Japanese food.

"It's addicting," she said, her hand twitching toward the phone, waiting to place her order. "The soy sauce, the rice, the sugar, the salt. I still crave it."

California jail term may delay fugitive's return to Nebraska

BY MARK THIESSEN
Associated Press Writer

OMAHA, Neb. — A florist who fled to California while awaiting sentencing for sexually torturing another man won't be returned to Nebraska until he has served a sentence for evading California authorities.

Roger Van, 56, was sentenced to 16 months in prison Tuesday for leading authorities on a high-speed chase Dec. 6. The pursuit ended in the California desert when the car he was driving ran over a spiked strip placed by the California Highway Patrol.

Deputy Wayne County Attorney Chris Connolly said that with good behavior Van could be released within eight months.

"We're still in the process of trying to

get him back here," the prosecutor said Friday.

Van was convicted in July of sexually assaulting, torturing and holding a Texas man captive in the basement of his Wayne flower shop. Police said the man came to visit Van after corresponding with him over the Internet.

Van, who faces up to 85 years in prison on those charges, failed to show up for sentencing in September.

He was captured after a Las Vegas police officer noticed the Nevada license plates on the car he was driving were not registered to that vehicle.

A chase ensued, and authorities said at one point Van was traveling 80 mph when he rammed his vehicle into a Nevada Highway Patrol car. The pursuit ended when he crossed the state line and ran over the spike strip.

STATE



Critics say detention of Mideast men harms terrorism fight

BY ROBERT JABLON

Associated Press Writer

LOS ANGELES — A federal policy that led to the detention of hundreds of Middle Eastern immigrants was a blunder that may have caused more harm than good in the battle against terrorism, lawmakers and community leaders charged Friday.

The arrest of some immigrants who showed up to register under a new security policy drew comparisons to the internment of Japanese-Americans in World War II.

"People are selected on the basis of their ethnicity without regard to any particular crime being committed," said Ken Inouye of the Japanese American Citizens League.

Critics said the detentions probably failed to net a single terrorist but did rile law-abiding Muslims who already feared being scapegoated.

"Muslims are now guilty until proven innocent," said Sabiha Khan of the Council on American-Islamic Relations.

About 3,000 male temporary visa holders, ages 16 and older, from Iran, Iraq, Libya, Sudan and Syria were required to register at Immigration and Naturalization Service offices by last Monday to comply with new federal guidelines to be fingerprinted and photographed.

Those who failed to register risk being deported.

But some who showed up said they found themselves put into packed cells for overstaying visas or because their immigration papers were not in order, caused in some cases by government backlog.

Dozens of others are believed to have been arrested since the registration process began in November.

About 400 people had been detained in Southern California, said Jorge Martinez, a U.S. Justice Department spokesman.

Southern California is home to very large communities of Iranian-Americans and Iraqi-Americans. A minimal number were detained elsewhere in the United States.

Only 23 remained in custody Friday. Their names came up in law enforcement data bases in connection with various crimes, Martinez said.

Lawyers of detainees met Friday afternoon with Jane Arellano, INS acting deputy director of the Los Angeles district.

She promised to look into any complaints of mistreatment of the detainees and said the INS would provide cultural sensitivity training for its employees, attorney Patrick Ashouri said.

"There has been some use of physical restraints. There has been some inaccessibility to medicine," Ashouri said of detainees. He refused to provide specifics but said formal complaints would be made.

Pooya Bakhtiari, 26, a Canadian who was visiting Los Angeles, said his 70-year-old father was detained Monday. Bakhtiari said he paid bail for his father, who also is a Canadian citizen, but the INS has been unable to find the man, who has a heart condition. He planned to head down to the San Pedro detention center in hopes of finding his father and freeing him.

"I'm very worried," he said. "If they weren't ready to process them, they shouldn't have brought them all in," he said of the registrants. "This is not a Third World country. This isn't Iran. That is why we left."

The registration is part of new federal security guidelines that resulted from the Sept. 11, 2001, attacks. In the next phase, male visa holders from 13 additional countries — including Afghanistan, Algeria, Lebanon and North Korea — will be required to register by Jan. 10. Males

from Saudi Arabia and Pakistan must register by Feb. 21.

The INS argued that the registration program was an important way of protecting America by making sure it knew who is living within U.S. borders.

But critics said it only served to frighten law-abiding immigrants and tar the U.S. image as a country of law and liberty. "People fear that they could be dragged into jail any day if anybody accuses them of anything," said Salam Al-Mayarati, executive director of the Muslim Public Affairs Council. "They fear the government now. It reminds them of the dictatorships they fled."

"This has only alienated moderate, mainstream people and pushed them further to the margins of society," Al-Mayarati said. "In that kind of environment, extremists can just watch and do their dastardly deeds. It's ineffective counterterrorism policy."

The group planned to vote on a resolution condemning the registration policy at its annual meeting Saturday in Long Beach.

Rep. Darrell Issa, R-Vista, who is the grandson of Lebanese immigrants, said Department of Justice and immigration officials are not claiming that the detainees were being held "for known activities relating to the war on terrorism."

Issa said the House Judiciary subcommittee on immigration is putting together questions for the INS and may hold a hearing. A committee spokesman did not immediately provide comment.

In a letter Thursday, Rep. Jane Harman, D-Redondo Beach, asked acting INS Commissioner Michael Garcia to hold a series of town hall meetings to explain the detentions, which she said could "set back our nation's fight against terrorism."

Amin Maghsoodi of Woodland Hills

spent three days in INS detention.

The 24-year-old university biology major, whose green card application is years old, is an Iranian-born Canadian citizen who has lived in the United States since 1987. He said he just wanted to obey the law when he went to register Monday morning. He said he wound up being handcuffed, held for hours in a crowded room, then was bused 50 miles to an immigration detention center in Lancaster where he and others stripped, had their body cavities searched by a flashlight-wielding guard and spent the night shivering in a chilly barracks.

"I felt like an animal," Maghsoodi said. "I am not a criminal. ... If they had put a gun to my head and handcuffed me at home, I would have felt much better."

He added, "The worst thing that has ever happened to me is maybe a speeding ticket. I just couldn't handle it. Nobody there was criminal."

He doubts the detentions for background checks were useful.

"If you pose a security threat, you're a criminal, you're not gonna introduce yourself to the government and say, 'Here I am.' I don't believe there were any terrorists in there."

He was freed late Wednesday after his family posted \$1,500 bail but Maghsoodi still must go before an immigration judge. He doesn't fear deportation to Canada because his papers are in order, he said. What he fears is going through the process all over again next year.

"I love America. This is where I'm gonna stay," Maghsoodi said. "All in all, I agree a lot with what the government does. ... It's just, some bad things happen."

"Unfortunately, we had to go through it."

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STATE

More stormy weather



Joe Jaszewski/Associated Press

Greg Hunter of Gridley, Calif., installs chains on his minivan near Blue Canyon, Calif., along Interstate 80 before continuing to Reno, Nev., Thursday, as another storm moves through the region.

Hollywood sues maker of DVD backup copy software

BY RON HARRIS
Associated Press Writer

SAN FRANCISCO — Hollywood fought back against a maker of DVD copying software, saying the company is allegedly trafficking tools of digital theft.

Seven major motion picture studios filed a counterclaim Thursday in U.S. District Court, Northern District of California against 321 Studios, makers of DVD Copy Plus and DVD X Copy.

The software sold at stores nationwide allows the user to make a copy of a DVD to a blank CD or DVD by defeating the copy protections encoded onto the original movie disc — activity the studios say is a legal no-no.

The movie studios say the software contains the power of digital piracy, and asked the court to enjoin 321 Studios from selling it or distributing it further. The studios also seek damages from any proceeds derived from the company's software sales.

"It's like somebody selling a digital crowbar. It's like breaking into the castle if you will," said Patricia Benson, an attorney for the studios.

When 321 Studios' first product — DVD Copy Plus — came out and the company sought a declaration that it did not violate federal law, Hollywood shrugged and the studios simply sought to have the case dismissed, stating there was no "case or controversy."

DVD Copy Plus copies DVD movies to blank CDs, though in a compressed video format.

But with the advent of 321 Studios latest offering — DVD X Copy — the stakes are a little higher. The software allows the user to burn an exact copy of the original DVD to a blank DVD, without any diminished quality or "lossy" compression.

"When the second product came out and 321 Studios started marketing it very aggressively, the landscape kind of

changed," Benson said.

The studios still hold that both 321 Studios products violate the Digital Millennium Copyright Act, which makes illegal the distribution of any technology or device that allows the user to circumvent copy protections put in place by the content owner.

Elizabeth Sedlock, a spokeswoman for 321 Studios, says the company has sold about 150,000 copies of both software titles combined. The software titles may offer the user a hotly debated solution to making back-up copies of "Shrek," but it's not illegal, she said.

"We allow consumers to make a back-up copy of their DVDs," Sedlock said.

DVD movies commonly contain technology called Content Scramble System (CSS), a scheme to prevent the disc from being illegally copied. That CSS scheme has been defeated by a small bit of software code called DeCSS, short for decrypted CSS.

321 Studios software similarly gets around the CSS scheme, though the company sought to divert attention from the method it uses to do so.

"Whether or not (the software) decrypts is not the issue. It's whether the primary purpose of it is to decrypt — which it isn't," Sedlock said.

321 Studios won't give up the fight for what it considers the consumer's right to make "fair use" copies of their store-bought DVDs.

"We didn't choose this battle. This battle chose us and we're willing to fight it," Sedlock said.

321 Studios is based in Chesterfield, Mo. The studios that filed the joint counterclaim are Columbia Pictures Industries, Inc., Disney Enterprises, Inc., Metro-Goldwyn-Mayer Studios Inc., Tri-Star Pictures, Inc., Time Warner Entertainment Company LP, Universal City Studios, Inc., and The Saul Zaentz Company.

FIND OUT YOUR FORECAST IN TODAY'S
HOROSCOPE'S ... PAGE 2

NATIONAL



Top brokerages agree to pay \$1.5 billion to settle conflicts of interest

BY MICHAEL GORMLEY
Associated Press Writer

ALBANY, N.Y. — The nation's top brokerages have agreed to pay \$1.5 billion to resolve conflict-of-interest allegations, in one of the largest settlements ever levied by securities regulators, officials said Friday.

The settlement calls for 10 firms, including Citigroup, Goldman Sachs and Credit Suisse First Boston, to sever the links between research and investment banking and to fund independent stock research for investors that would complement their own analysts' work.

Citigroup's Salomon Smith Barney unit will pay the heaviest fine: \$325 million.

Credit Suisse will pay \$150 million. Goldman Sachs, J.P. Morgan Chase, Bear Stearns, Morgan Stanley, Lehman Brothers, Deutsche Bank and UBS Paine Webber will each pay \$50 million, regulators said.

In May, Merrill Lynch, the nation's largest brokerage firm, agreed to a settlement that included a \$100 million fine and the separation of its analysts from investment banking.

The 10 firms also will pay \$450 million over five years to pay for independent research for investors and \$85 million for a nationwide investor education program.

"Every investor knows that the market involves risk," New York state Attorney General Eliot Spitzer told a news conference outside the New York Stock Exchange. "Nobody expects a guaranteed profit. But what every investor expects and deserves is honest investment advice — advice and analysis that is untainted by conflicts of interest."

The settlement excludes two smaller firms, US Bancorp Piper Jaffray and Thomas Weisel Associates, that had raised objections to the settlement this week. Negotiations are continuing and those firms are expected to pay \$20 million each, Spitzer spokesman Darren Dopp said.

"It's an important day for investors, and I think from this point forward they ought to be able to follow the recommendations of the professionals on Wall Street with a lot more confidence," said Sam Hayes, professor of finance at the Harvard University Business School.

Under the settlement, analysts will be barred from being paid for equity research by investment banking arms and won't be allowed to accompany investment bankers "on pitches and road shows" to lure investment banking clients.

The agreement will also:

- Ban the "spinning" of Initial Public Offerings (IPOs). Brokerages won't be allowed to allocate lucrative IPO shares to corporate offices that could "greatly influence" investment banking decisions.

- Require firms to provide independent research to investors by contracting with no fewer than three independent research firms. A monitor will be appointed with final authority to procure independent research from independent analysts.

- Require disclosure of rating and price target forecasts within 90 days to

allow for evaluation and comparison of performance by analysts.

NASD chairman and CEO Robert R. Glauber said the settlement "marks a vital step in restoring investor confidence. It underscores that the industry's highest duty is to investors. It makes plain that cleaning up research and IPO practices is not just good ethics, it's good business."

In agreeing to the fines, the firms neither admitted nor denied they had misled investors.

It was not clear how much of the fines will go to a restitution fund for investors.

Rep. Michael Oxley, chairman of the House Financial Services Committee, said it is essential that the settlement compensate investors whose trust was misplaced.

"As the final details are revealed, I will be closely watching to ensure that appropriate funds are returned to investors who were misled by tainted Wall Street research."

— MICHAEL OXLEY
Congressman

"As the final details are revealed, I will be closely watching to ensure that appropriate funds are returned to investors who were misled by tainted Wall Street research," Oxley, R-Ohio, said before the announcement. "The concept of making investors whole should be central as we move forward."

Spitzer and the Securities and Exchange Commission began investigating brokerages following the decline of Enron Corp. and revelations that small investors lost millions of dollars after they were advised to buy stocks that analysts privately derided in order to bolster the stocks' value and lure the companies as investment banking clients.

The two sides had been meeting for months, with talks intensifying in a series of meetings in New York City over the last two weeks with representatives for Spitzer and Steven Cutler, the SEC's enforcement director.

The brokerages gave their initial support in October, but squabbles over the fines and which firms would pay how much had held up the settlement.

Spitzer had released documents and e-mails showing that Merrill Lynch analysts privately used words like "disaster" and "dog" to describe some stocks while publicly recommending that investors buy the companies' shares.

Shares in many of those firms were trading higher Friday. Citigroup gained \$1.08 to \$38.08 in trading on the New York Stock Exchange. J.P. Morgan Chase rose \$1.27 to \$24.60, Morgan Stanley was up \$1.74 to \$42.04 and Goldman rose \$1.66 to \$71.96.

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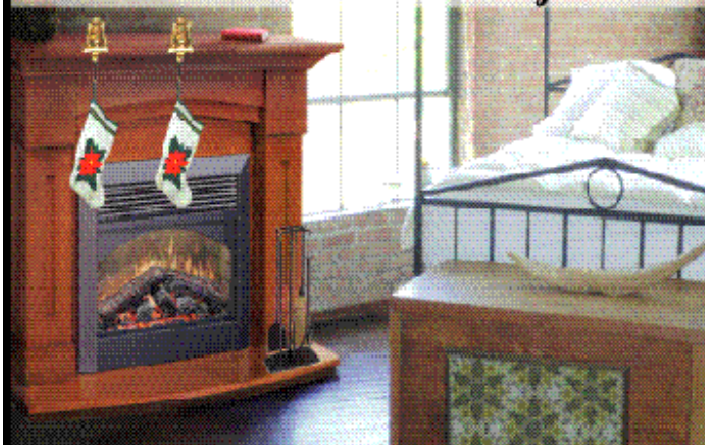
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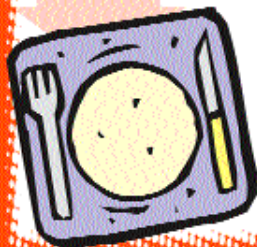
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NATIONAL

'Sadness in the air'



Dennis Cook/Associated Press

Sen. Pete Domenici, R-N.M., gives his support to Tennessee Sen. Bill Frist, on Friday, after having backed Trent Lott to remain Senate majority leader on Monday. Domenici, said there is "a bit of sadness in the air" for Lott, but that he would like Frist installed as leader between Christmas and Jan. 1.

With new Senate, will Vermont face retaliation?

BY CHRISTOPHER GRAFF

Associated Press Writer

MONTPELIER, Vt. — The knives are drawn for Vermont on Capitol Hill. At least, that was the way it looked after last month's elections.

Both of Vermont's senators — independent Jim Jeffords and Democrat Patrick Leahy — have made strong enemies on the Republican side of the aisle, and after the GOP retook control of the Senate last month, it looked like payback time for the two men.

Jeffords had made the Republicans mad by abandoning the party a year and a half ago to become an independent and vote with the Democrats, a move that put Democrats in control of the Senate. And Leahy was widely denounced by Republicans for blocking some of President Bush's appeals court nominees as chairman of the Senate Judiciary Committee.

Within days of the election, there was fear that when the new Senate arrives in January, the Republicans might try to punish Vermont and its senators when it came to such things as public works projects or agricultural subsidies. One newspaper story even jokingly suggested that Vermont might suddenly be a good site to store the nation's nuclear waste.

"For a while there it sounded like Vermont was going to be carved up and given to Canada," said R.L. "Skip" Vallee, a member of the Republican National Committee from Vermont. But he added: "I think it is clear now that's not going to happen and neither will the Republicans do things to harm Vermont."

The fears of Republican retribution have eased over the past month because of a growing sense that the Republicans cannot afford to freeze out Jeffords and Leahy in such a closely divided Senate.

"The thing you have to remember about the Senate is they all hate you until they need you," said Emerson Lynn, pub-

lisher of the St. Albans Messenger and a former staffer on Capitol Hill. "In a Senate that's 51-49, they are going to need Jim Jeffords."

Jeffords agrees. He said that he expects there will be some payback — "I wouldn't say there won't be any of it" — but that Republicans will need his vote.

He helped his case among some Republicans this month, coming to the defense of embattled GOP Leader Trent Lott, saying that he believed Lott to be "a man of honor and good conscience."

How the situation plays out could offer a civics lesson in the role of collegiality, seniority and party loyalty in the Senate, where every state has an equal voice and where even the fiercest disagreements are conducted with an exaggerated, 19th-century type of courtesy.

Leahy said he, Jeffords and Vermont will retain considerable clout in the new Senate because of their seniority. "Being in the majority certainly has its advantages, but 28 years in the Senate have taught me that seniority counts even more," Leahy said.

In the new chamber of 100, Leahy will rank eighth overall in seniority and fourth on the Senate Appropriations Committee. Jeffords will move up to 35th overall.

Ross Baker, a professor of political science at Rutgers University in New Jersey, agreed seniority is crucial and said Leahy's ranking on the Appropriations Committee gives him "great bargaining chips to use with colleagues."

"I don't think we'll see any Vermont projects on the chopping block," Baker said.

Baker and others agreed, though, that neither Leahy nor Jeffords will escape unscathed.

"Will there be a bias to be uncooperative with what Senator Jeffords is trying to do?" Rogers asked. "Probably. Will there be a silent benign attitude about not helping and not cooperating with Senator Leahy? Probably."

INTERNATIONAL



Violence on the Gaza Strip



Adel Hana/Associated Press

A Palestinian inspects damaged vehicles near the destroyed house of the family of an Islamic Jihad militant in Deir al-Balah in the southern Gaza Strip, Friday. Israeli tanks entered the town early Friday, surrounding the house of an Islamic Jihad activist, and one Palestinian was killed in an exchange of fire, Palestinians said.

Council votes on U.S. proposal to lift sanctions on terror finance suspects

BY KIM GAMEL
Associated Press Writer

UNITED NATIONS — The U.N. Security Council on Friday relaxed a freeze on the assets of more than 200 people suspected of having links to terrorism so they can pay for basic needs like rent, medicine and in some cases, legal expenses.

The individuals had complained that they were left facing poverty by the U.N. resolution adopted in January, which orders countries to freeze the funds and other assets of individuals and groups suspected of links to Osama bin Laden and his al-Qaida terrorist network.

The new resolution approved unanimously by the 15-member Security Council allows the country in which the individuals live to determine the amount of money that can be released.

Expenses that can be exempted include food, housing, health care, taxes, insurance premiums and utility bills, the resolution said.

It also allows the release of funds to pay for legal charges connected to the maintenance of the frozen funds, and "extraordinary expenses," which would have to be approved by the U.N. committee overseeing the sanctions.

A U.S. official said extraordinary expenses could cover a broad range of unexpected needs, including the death of

a relative or the desire to fly in a legal team to aid in the suspect's defense.

"There was great concern that we had to work on a humanitarian exemptions resolution so that people who have had their assets frozen at least have some sort of access to funds for their daily lives," the official said, speaking on condition of anonymity.

Suspicious funds worth \$115 million have been frozen since the Sept. 11 terrorist attacks, with two-thirds of that from countries outside the United States, the U.S. official said.

The resolution also added that any interest earned on frozen assets and any payments under contracts or other agreements to individuals whose assets have been frozen, also will be frozen.

According to the United Nations, the sanctions list currently has 324 names, including 232 individuals and 92 groups.

The individuals on the list come from a range of countries including Afghanistan, Egypt, Saudi Arabia, Pakistan, Somalia, Italy, the United States, Britain, Yemen, Libya, Tunisia, Germany, Kenya, Tanzania, Jordan, Uzbekistan and Switzerland.

It ordered all nations to impose a travel ban and an arms embargo and freeze the assets of individuals and groups on a list compiled by a council committee monitoring the sanctions.

Court finds George Soros guilty of insider trading

BY JOHN LEICESTER
Associated Press Writer

PARIS — A French court convicted George Soros of insider trading in a 1980s stock deal and fined him \$2.2 million. The American billionaire investor and philanthropist said he was "astounded and dismayed" by Friday's ruling.

The fine by the court was in line with the request by prosecutors — the same amount the Hungarian-born magnate was accused of having made from buying stocks at French bank Societe Generale with insider knowledge 14 years ago.

Soros, the 72-year-old president of Soros Fund Management, said he would appeal "to the highest level necessary."

"At no point was I in possession of inside information regarding Societe Generale. The charges against me are unfounded and without merit," he said in an e-mail to The Associated Press. He was not in court.

His lawyer, Bernard du Granrut, said the court "did not acknowledge the essential elements of the arguments we presented."

The court cleared two other men — Jean-Charles Naouri, former top aide to France's then-Finance Minister Pierre Berezgoy, and Lebanese businessman Samir Traboulsi — of any wrongdoing.

Prosecutors had sought fines of \$290,000 for Naouri and \$1.98 million for Traboulsi.

Societe Generale was privatized in 1987. A year later, its stock price went up during an unsuccessful takeover bid. Soros was accused of having obtained insider information before the abortive corporate raid pushed up the stock price.

French stock market regulators first noticed anomalies in the Societe Generale stock surge in 1989. Soros was put under judicial investigation — one step short of

being charged — in June 1993.

Soros has said he was interested in Societe Generale based on information he claims was widely known: France's leftist government of the time favored takeovers to change the leadership at recently privatized companies.

Soros said he was buying stock in many companies and had no reason not to include Societe Generale. Afterward, he sold the stock, saying he felt the takeover attempt was politically motivated and was not going to benefit the company.

In court testimony in November, Soros said: "I have been in business all my life, and I think I know what is insider trading and what isn't."

Soros reportedly was the first American to earn \$1 billion in a single year. Born in Budapest in 1930, he emigrated to the United States in 1956 and became a citizen five years later. He made his fortune managing investment funds.

Forbes magazine ranked him this year as the 37th-richest person in the world, with an estimated fortune of \$6.9 billion.

Prosecutors said the case dragged on because Swiss authorities took years to respond to requests for information. Defense lawyers argued unsuccessfully that the case should be thrown out because it took so long to bring to court.

The Soros Fund was created in 1973 with about \$12 million and evolved into the multibillion-dollar Quantum Group of Funds.

Soros also heads the Open Society Institute, a philanthropic network that has funneled more than \$1 billion into education, public health, science and non-governmental groups in the former communist bloc.

A Soros spokesman, Michael Vachon, said the billionaire does not have any other court cases pending against him.

Year leaves heavy death toll for reporters, group says

BY PAUL AMES
Associated Press Writer

BRUSSELS, Belgium — The slaying of Wall Street Journal reporter Daniel Pearl highlighted the intensified targeting of investigative reporters in 2002, a year when up to 67 media professionals were killed, the International Federation of Journalists said Friday.

In its annual report on media casualties, the IFJ listed Colombia, Russia and Pakistan as the most dangerous countries for journalists. The global figures include 48 confirmed killings and 19 still under investigation.

Pearl's kidnapping and beheading by Islamic militants in Pakistan in January was but one of many slayings aimed at stopping journalists investigating terrorism, drug trafficking, corruption and other crimes.

"If there is one terrible theme that runs through the year, it is that journalists are being targeted for pursuing stories that others do not want told," the IFJ said.

It listed cases in India, Russia, Bangladesh, Bolivia, Mexico, Brazil, Philippines and Colombia where investigative reporters were deliberately sought out for assassination.

The overall toll of journalists slain is down from last year, when the IFJ listed 100 fatalities. Those figures included seven killed in the attacks on New York's twin towers and eight killed covering the fighting in Afghanistan.

Cases this year included Tim Lopes of Brazil's TV Globo, who disappeared while investigating drug gangs in a Rio de Janeiro shantytown. Drug lord Elias Pereira da Silva was arrested in September and charged with torturing Lopes and executing him with a Samurai-style sword.

In one of nine reported journalist killings in Russia, Valery Ivanov was gunned down April 29 in the city of Togliatti. His paper had published a series of articles about contract killings, local gangsters, and alleged embezzlement by city officials.

In India, newspaper editor Ram Chander Chatterpatti was shot four times outside his home in October. He had reportedly received death threats after reports uncovering a sex scandal involving members of a religious sect in the northern state of Haryana.

Other cases involved four journalists shot to death while covering Arab-Israeli violence in the West Bank and a Ugandan journalism student shot and killed by a police officer in Kampala while covering his first assignment.

IFJ General Secretary Aidan White said his organization would set up an International News Safety Institution next year to work with media groups, labor unions and other organizations to improve "a culture of safety awareness."

Based in Brussels, the IFJ represents more than 500,000 journalists in over 100 countries.



SPORTS

Documents suggest protocol breach by Oracle team

BY STEVE MCMORRAN

Associated Press Writer

AUCKLAND, New Zealand — San Francisco's Oracle racing team took a step toward the final of the America's Cup challenger series Friday then found itself facing accusations it broke Cup protocol.

Oracle might have obtained prohibited

construction drawings and plans when it bought yachts belonging to the defunct San Francisco team AmericaOne after the 2000 Cup regatta, according to documents delivered anonymously to The Associated Press.

The America's Cup protocol allows current challengers to buy yachts used by

2000 challenge syndicates and to use those yachts for the establishment and development of later campaigns.

However, the protocol prohibits teams from acquiring plans, specifications or other design information, including performance data, on those yachts even though they own the boats.

Oracle beat OneWorld by 4:08 in the first race of the best-of-seven repechage semifinals Friday. OneWorld took a one-point penalty into the series after admitting to the American's Cup arbitration panel that it had inadvertently obtained rivals' design information.

The arbitration panel said Saturday it cannot consider alleged protocol breaches until an application is made by a competing syndicate for a rules interpretation. Panel officials also would not comment on any possible penalty because they have not officially received the material.

OneWorld indicated Saturday it may draw the matter to the panel's attention.

Spokesman Bob Ratliffe said his syndicate had obtained copies of the documents suggesting a protocol breach by Oracle and given them to its lawyers.

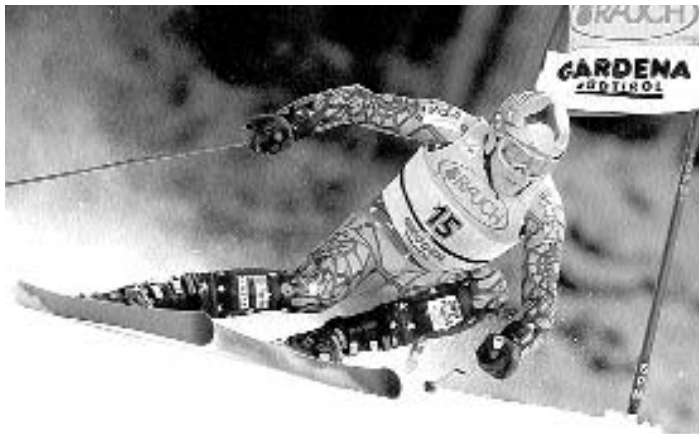
"We have asked Oracle to let us know what the story is, to come clean if you like, which we believe is right thing to do," Ratliffe said.

"We think that's the proper way to handle it, to ask Oracle to come forward on their own behalf and explain what happened, whether they have these plans or not."

Oracle rules adviser Tom Ehman, who had the same job with AmericaOne, was upset about the allegations and insisted they were untrue. He said he was unable to comment further until he had seen the documents.

"It's insulting to ourselves, insulting to the event and insulting to the integrity of the people who have been drawn into it," Ehman said.

Cruisin'



Armando Trovati/Associated Press
Bode Miller of the United States speeds down the course during a World Cup men's Super G, in Val Gardena, Italy, Friday. Miller finished in sixth place.

After daughter drops fight, Williams' body stays frozen

BY MIKE SCHNEIDER

Associated Press Writer

INVERNESS, Fla. — Ted Williams' eldest daughter dropped her objections Friday to her siblings' decision to have the Hall of Famer's body frozen at a cryonics lab in Arizona.

Bobby-Jo Williams Ferrell relented after Circuit Judge Patricia Thomas agreed to allow a \$645,000 trust to be distributed equally among Ferrell, half-brother John-Henry Williams and half-sister Claudia Williams.

The trust was written so that no money would have been distributed until 2012, 10 years after the Boston Red Sox slugger's death July 5.

Ferrell could not afford to continue the legal fight to have her father unfrozen and cremated. The legal fight would have cost \$250,000 and Ferrell already had spent \$87,000, said her husband, Mark Ferrell.

"The financial cost of my struggle would be extraordinary and would result in significant difficulties for my family," Ferrell said in a statement read by her husband over the telephone. "I'm at peace with the decision and I know that my father will understand."

Added Mark Ferrell, "We were whipped."

Ferrell had sued to have the court decide whether her father should be cremated and his ashes scattered in the ocean off Florida, as the avid fisherman specified in his 1996 will. Her siblings maintained they signed a handwritten pact with him in 2000 agreeing that their bodies would be frozen.

Shortly after Williams died at 83 of cardiac arrest, John-Henry had his father's body moved to the Alcor Life Extension Foundation in Arizona, where it was frozen. Cryonics supporters believe that bodies might one day be brought back to

life, but most experts say that is highly unlikely.

The siblings had been in negotiations for the past several months.

"Mr. Williams would be proud of all three of them today," said Bob Goldman, an attorney for John-Henry and Claudia Williams.

The 1986 trust represents only a portion of Williams' wealth. The value of his estate has not been made public.

Williams, known as the "Splendid Splinter," was the last major leaguer to bat over .400 in a season, hitting .406 in 1941. He was a two-time MVP and two-time Triple Crown winner with the Boston Red Sox.

Now that money from the trust has been distributed, said John Heer, an attorney and friend of Ferrell, two items will likely be decided in the coming weeks:

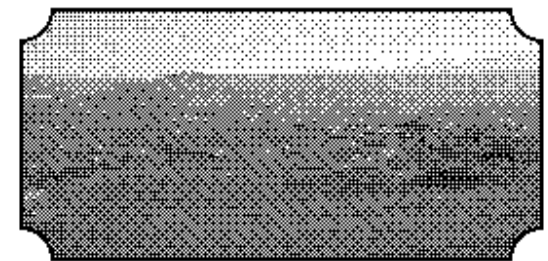
— The distribution of hundreds of bats autographed by Williams. Ferrell is expected to receive 38 bats, while her siblings receive the rest. A survey of several Internet sites Friday showed that the price of a Williams autographed bat ranges from \$1,999 to \$4,500.

— The dividing of a small benefits plan from major league baseball among the children.

Under the original terms of the trust, written in 1986, the Williams children could have up to one-third of their money at age 40, no more than half at 45, and the full amount at 50. Both John-Henry and Claudia Williams are in their 30s. Ferrell is in her 50s.

Fans at the Ted Williams Museum and Hitters Hall of Fame in Citrus County said they were glad to see the family dispute resolved.

"It was a blemish on this guy's life after he died," said Joe Hallinan, a 50-year-old visitor from Turnersville, N.J. "Now the publicity will go away."



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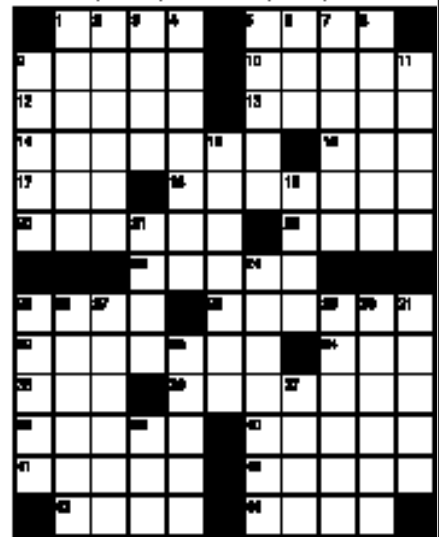
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Yesterday's answer

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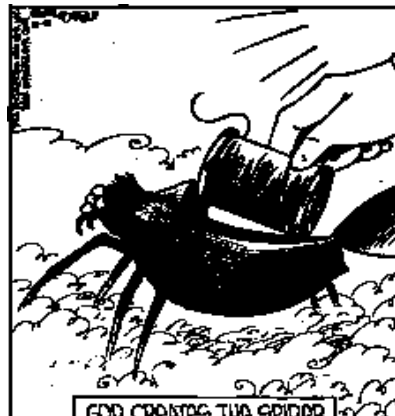
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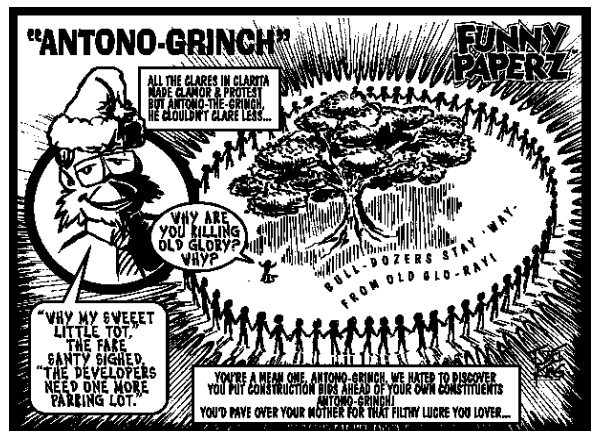
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NEWS OF THE WEIRD by Chuck Shepard

New reality television ... celebrities-in-detox

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SANTA MONICA SCENE °CALENDAR EDITION

SATURDAY, DECEMBER 21, 2002

SATURDAY

The annual Santa Monica Nativity Scenes is on display at Palisades Park along Ocean Avenue near Arizona. The 14 lighted scenes with life-size figures depicting events surrounding Christ's birth will remain on display through January 1. For more information please call (310) 453-4445.

Weekly Storytime, 11:00 a.m. Come to Barnes & Noble for Saturday readings with the kids! Call 310-260-9110 for more information.

Puppetolio! presented by the Santa Monica Puppet & Magic Center. All ages, 3 and up. This musical revue features marionettes, ventriloquism, magic and more. Shows are always followed by a demonstration, Q & A, and a tour of the Puppet workshop and Museum. Saturdays and Sundays at 1pm and 3pm. Wednesdays and Holidays at 1pm. Seats are \$6.50. 1255 2nd Street in Santa Monica. Reservations/Information (310)656-0483. www.puppetmagic.com

Santa Monica High School Theater Arts Department presents Romeo & Juliet. Friday and Saturday nights at 8:00pm. November 22nd through December 21st. \$10.00 for students, children, and seniors, \$15.00 for adults. Humanities Center Theater at Santa Monica High School, 601 Pico Blvd. For more information please call (310)458-5939.

MAGICOPOLIS presents HOCUS POCUS! (Fish Bones Choke Us). The stage explodes with a colorful mix of Magic, Special Effects, Sleight of Hand, Comedy and Music that's sure to delight audiences of all ages. At MAGICOPOLIS, 1418 Fourth Street, Santa Monica. Fridays & Saturdays at 8pm, \$20. Saturday & Sundays at 2pm, \$15. For tickets call 310-451-2241.

Music Showcase. UnUrban Coffeehouse. 3301 Pico Blvd.,

Santa Monica, (310)315-0056.

The Red Ribbon Squares, Santa Monica's official square dance club, invites you to enjoy an evening of plus level square dancing, alternating with round dancing, with an A-1 tip during break time. We dance every Saturday at Marine Park from 7:45pm to 10:30pm. Pre-rounds begin at 7:15pm. Admission is \$5 for dancers, including refreshments. Spectators are free. For more information, please call (310)395-3383

SUNDAY

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Almost Vaudville. 2 pm and 5 pm. UnUrban Coffeehouse. 3301 Pico Blvd., Santa Monica, (310)315-0056.

MOVIE °GUIDE

LOEWS CINIPLEX BROADWAY CINEMA

1441 Third St. at Broadway
Empire (2002) (R) 3:00, 10:30. **About Schmidt** (R) 12:15, 1:15, 3:15, 4:15, 6:15, 7:15, 9:15, 10:15
Two Weeks Notice (PG-13) 11:30, 12:30, 2:00, 4:30, 5:30, 7:00, 8:00, 9:30.

MANN CRITERION

1313 Third St.
Harry Potter and the Chamber of Secrets (PG) 11:30, 3:15, 7:05, 10:30. **Adaptation** (R) 12:30, 3:45, 7:10, 10:20. **Treasure Planet** (PG) 12:00. **The Hot Chick** (PG-13) 2:30, 5:00, 7:45, 10:10, 12:35. **Gangs of New York** (R) 11:15, 3:00, 7:00, 10:40. **Narc** (R) 11:00, 1:45, 4:30, 7:15, 10:00, 12:30. **The Wild Thornberrys Movie** (PG) 11:45, 2:15, 4:45, 7:30, 9:50.

AMC THEATRE SM 7

1310 3rd Street
Analyze That (R) 11:35, 1:50, 4:30, 7:15, 9:45. **Die Another Day** (PG-13) 10:25, 1:20, 4:25, 7:30, 10:35. **Drumline** (PG-13) 11:25, 2:10, 5:00, 7:55, 10:45. **Maid in Manhattan** (PG-13) 11:45, 2:30, 5:15, 8:00, 10:40. **Star Trek: Nemesis** with **Captions** (PG-13) 11:15, 2:00, 4:50, 7:40, 10:30. **The Lord of the Rings: The Two Towers** (PG-13) 10:20, 11:00, 2:15, 3:00, 6:15, 7:00, 10:15, 11:00.

LANDMARK NU-WILSHIRE

1314 Wilshire Blvd.
Bowling for Columbine (R) 1:30, 4:15, 7:30, 10:15. **Far From Heaven** (PG-13) 2:00, 4:30, 7:00, 9:30.

LAEMMLE MONICA

1332 2nd St.
Rabbit-Proof Fence (PG) 12:15, 2:40, 5:05, 7:30, 9:55. **Frida** (R) 1:45, 4:30, 7:15, 10:05. **Evelyn** (PG) 1:00, 3:20, 5:40, 8:00, 10:15.

AERO THEATRE

1328 Montana Ave.
Bloody Sunday 5:00 **Secretary** 7:30, 10:00



BACK PAGE



Mother, daughter graduate

By The Associated Press

EAU CLAIRE, Wis. — Mary Berg plans to attend her daughter's graduation ceremony this weekend at the University of Wisconsin at Eau Claire. She's going not as a spectator, but as a participant.

Both women have earned bachelor's degrees in business administration with a major in management-human resources.

They took far different paths to graduation.

Mary Berg, 47, took one class a semester for more than 13 years. She had expected to complete her degree before her daughter, Amanda, finished high school, but that didn't happen.

Her daughter, now 22, went full-time for four years.

"I always worried about when we would be graduating, and that it would steal her thunder a little bit," said Mary, who works at Hutchinson Technology Inc. as a materials lead worker.

The family plans to hold a joint graduation party for the two in mid-January, with more than 100 friends and relatives.

'Bat' burger

By The Associated Press

JACKSON, Tenn. — What would you like on your burger? Lettuce? Mayo? Pickles?

Perhaps some bat?

A Lexington teenager faces up to six years behind bars for placing a dead bat on a bun as a joke and giving it to a man who took a bite, thinking it was a burger, police said.

The girl, whose identity is being withheld because she is a juvenile, will be charged with violating a new law that prohibits tampering with someone's food and giving it as a gift, according to Lexington Police Investigator Donna Hetherington.

"It appears to be a practical joke that went very bad. She just wasn't using a whole lot of common sense," Hetherington said Thursday.

Timothy Gooch, 21, went to a local hospital's emergency room after biting into the bat Tuesday night. He was not injured and the bat tested negative for rabies, state Health Department spokeswoman Diane Denton said Thursday.

Hetherington said the bat had been killed when someone ran over it and that the teen had never seen one before. "She thought this would be funny, but it wasn't," Hetherington said.

Returning Jesus

By The Associated Press

EMBARRASS, Wis. — Whoever stole the baby Jesus from a church nativity scene in this central Wisconsin community apparently was too embarrassed by news reports to keep it.

After The Post-Crescent of Appleton ran a story on the theft Tuesday and area television stations reported on it, the Waupaca County Sheriff's Department called the Rev. Todd Jerabek to say the person who took the statue wanted to return it.

The statue and attached manger, a single unit that had been screwed to the floor of the nativity set outside Zion Lutheran Church, were delivered Tuesday evening. The identity of the thief wasn't made clear.

Jerabek, pastor of Zion Lutheran, said the church did not plan to pursue the case with the sheriff's department, making any legal charges unlikely. He said the theft was "a bit disconcerting to many people."

"Some people were really disappointed," he said. "They wondered why would somebody do this, especially with Christ in front of a church."

They'll likely hear about it. When asked if the incident would be the topic for his holiday services, Jerabek smiled and said, "I don't want to give my sermon away."

Transfer out of town

By The Associated Press

OMER, Mich. — Michigan's smallest city is getting even smaller, after a vote to detach one disgruntled family's land.

Upset by the lack of water service, Cheryl and Kevin Perry and her parents asked to have their land transferred out of the city of Omer and into surrounding Arenac Township in Arenac County.

The two communities agreed to put the request to a vote Tuesday. And by an 82-58 margin, the public gave the split its blessing.

The township vote was 54-20 for the de-annexation, while the city vote was 38-28 against. Michigan law says the combined results determine the outcome.

Omer, with 337 residents, is Michigan's least populous city. It is about one mile square and about 120 miles north of Detroit.

"We are so happy," Cheryl Perry said. "It was definitely worth going this route. We got rid of what we think is an unjust tax."

The Perry family of four pays a \$40 yearly water tax, though it gets no water service in return. Cheryl Perry's parents next door also get no city water.

Omer officials told the family the city was not obligated to extend its water line and not financially able to do so.

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on Mondays, Tuesdays,
Wednesdays & Thursdays
from 7:00pm to 11:00pm
on Fridays & Saturdays



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Every Tuesday**

From 5:00pm to 11:00pm
on Tuesdays
from 11:00pm to 1:00am
on Wednesdays

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on all bar orders. Valid only on Fridays from 7:00pm to 11:00pm. Not valid on holidays. Tax & tip extra.

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