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Jan. 18, 2003, 1:42AM

Bush's plan pits oil against environment

Alaska wild would be open to drilling

By KAREN MASTERSON

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WASHINGTON -- The Bush administration Friday released draft plans to open as many as 8.8 million acres of Alaskan wilderness to oil and gas exploration.

The drilling would take place in the National Petroleum Reserve, 24 million acres in northwest Alaska set aside in the 1920s for oil exploration.

The reserve -- home to polar bears, whales, caribou and millions of migratory birds -- recently became more attractive to oil and gas interests because of discoveries that it contains more petroleum resources than originally thought.

Geologists now think the reserve may hold 6 billion to 13 billion barrels of oil.

President Bush's push for expanded drilling there fits his broader energy strategy of boosting oil production in both the reserve and the Arctic National Wildlife Refuge -- which, unlike the reserve, has not been opened to oil exploration because Congress has repeatedly refused to allow it.

In the 1980s, Congress turned back attempts to make the petroleum reserve a wildlife refuge, so the administration has authority to decide how far drilling rights should reach.

To launch a round of leasing sales, the Bureau of Land Management released an environmental impact statement Friday. It charts the potential effects of drilling in the northwest corner of the reserve, which includes rivers, lakes and estuaries and reaches to the coast.

While environmentalists criticized the assessment for failing to focus enough on habitat preservation, oil companies saw it as a positive move.

Anadarko Petroleum Corp., based in The Woodlands, is among the largest leaseholders in the reserve. "We're obviously very interested in the prospects and opportunities for oil and gas development and exploration in Alaska," said company spokeswoman Anne Vincent. "Anadarko believes Alaskan North Slope energy can and should be developed responsibly."

Environmentalists agree. But they said the Bush administration's assessment fails to indicate that oil companies will be forced to be environmentally responsible. And activists said President Bush has already shown he is likely to side with oil companies at the expense of ecologically sensitive areas.

Among the most sensitive areas under discussion is the Kasegaluk Lagoon, protected by barrier islands in the Beaufort Sea, which leads to the Arctic Ocean. The estuary system supports marine mammals, including beluga whales and spotted seals. It's also a rich area for birds, game geese and polar bears.

The Bureau of Land Management, which is part of the Interior Department, outlined four alternatives for drilling, without saying which the administration preferred. Two would specifically protect the lagoon.

"Often the environmental community will draw a line around a big area and try to protect it," said Stan Senner, executive director of Audubon Society-Alaska. "I don't think that's the situation here. There are biological hot spots, and we want to get protection for them."

He said the lagoon protection recognized by the Bureau of Land Management was encouraging but that the bulk of the assessment fails to recognize other coastline areas, lakes and rivers that should be off-limits to drilling.

"The BLM is playing this numbers game, but they're not really focusing on what important habitats are in the overall northwest planning area," said Charles Clusen, Alaska project director for the Natural Resources Defense Council.

He said the Clinton administration was more focused on conservation when it assessed where and how companies could drill for oil in the northeast corner of the reserve. "They had a careful plan," Clusen said. "They went through and zoned the acres, depending on the sensitivity of wildlife habitat."

Edward Bovy, with the Bureau of Land Management's Alaskan headquarters, said Bush plans to do something similar: "Even if leasing were to occupy 100 percent of the amount of acres available, there would still be protection stipulations with the leases. Other alternatives (released Friday) outline additional special management designations and could preclude leasing on portions of that 8.8 million acres."

The American Petroleum Institute is also exploring ways of drilling for oil without disturbing habitat. One way would be to drill horizontally, disrupting surface area not used by wildlife while extracting resources beneath sensitive areas, said Edward Porter, a research manager for the institute.

The public has until March 18 to submit comments in reaction to the alternatives the administration presented. Bovy said a final decision on where leases will be sold and what restrictions will be placed on those leases will be ready in October.

Jan. 18, 2003, 1:41AM

Triple alliance OK'd with limits

Continental code-sharing can grow if conditions are met, regulators say

By BILL HENSEL JR.

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The largest alliance ever between U.S. airlines was approved Friday, with the caveat that alliance members Continental, Delta and Northwest airlines meet stringent conditions to proceed.

Houston-based Continental declined to comment Friday, simply saying the Department of Transportation's decision was still under review.

If the airlines do sign off on the complex conditions set by the Transportation Department, the long-anticipated agreement could be put in place relatively quickly.

The winner in such a deal would be the flying public, with access to more routes, the potential of lower fares, the ability to generate more frequent flier miles and access to more airport lounges.

Continental also stands to benefit, since its existing alliance with Northwest already generates \$140 million in additional pre-tax revenue annually. The addition of Delta would be expected to increase revenues further.

However, it remains to be seen what the actual impact of the conditions imposed would be.

The alliance links the nation's third-largest airline, Delta, with the fourth- and fifth-largest, Northwest and Continental. Combined, the new alliance would have a national market share of 35 percent.

In part because of that fact, the deal won conditional federal approval "despite serious competitive concerns."

The airlines are under mandate to respond promptly to the department's decision, which it maintains was aimed at ensuring maximum competition in the marketplace. In all likelihood, the airlines involved will respond to the decision next week.

Like other alliances, this one does not permit the three airlines to discuss ticket prices with each other and does not allow them to coordinate capacity. So unlike in a merger, they remain competitors.

Under terms of the decision, neither Continental nor Northwest will be able to sell seats on more than 650 of Delta's daily flights. Delta will not be allowed to sell seats on the same number of daily flights on Continental or Northwest.

Additionally, the trio of carriers cannot sell seats on routes where they are in competition with each other on nonstop flights.

The three carriers also have agreed to release surplus gates. For Continental, that means the release of four gates at Bush Intercontinental Airport for common use.

Delta, Northwest and Continental submitted their proposed reciprocity agreements for review several months ago. The Transportation Department reacted negatively to those agreements, saying they could trigger significant adverse impact on airline competition unless the conditions were in place.

"If the airlines choose to implement the agreements without accepting those conditions, the department will direct its aviation enforcement office to institute a formal enforcement proceeding in this matter," the department said.

Aside from the condition that they not coordinate on fares, routes or capacity, another stipulation is that the carriers are restricted in offering joint bids to corporate customers and travel agencies.

The Justice Department, which governs antitrust violations, already had signed off on the decision allowing the alliance to proceed.

Code-sharing agreements allow airlines to sell seats on each other's flights, which reduces the costs they incur because they can make better use of aircraft.

Code-sharing also allows the carriers to tap into frequent flier programs and airport lounge or club programs operated by the other member airlines.

The three airlines contended that code-sharing would increase revenues at critical time for the airline industry, which has been beset by a sluggish economy, Sept. 11 and changing business travel trends.

However, opponents of the alliance, which comes on the heels of the approval of an alliance between US Airways and United Airlines, say it will further concentrate the largest network airlines.

Southwest Airlines, along with six other smaller airlines, formally protested the proposal by the larger carriers. A spokesman for Southwest said Friday that the department's decision was under review.

In its previous filing, Southwest and its allies had called the alliance a "virtual merger." AirTran Airways, America West Airlines, Frontier Airlines, JetBlue Airways, Midwest Express and Spirit Airlines joined Southwest, the nation's sixth-largest carrier, in opposing the alliance.

While considering the alliance, Transportation Department officials extended their review period several times, as allowed under federal statute.

The Continental-Northwest-Delta alliance presented more serious competitive issues than did the alliance between the now-bankrupt US Airways and United Airlines, the government said in its decision.

"This proposed alliance is fundamentally different from that presented to us by United-US Airways, because of the much greater overlap between the route systems of these three airlines and their possession of a substantially larger share (approximately 35 percent) of the national airline market," the decision stated.

All three carriers have a major presence in the East.

The decision said the conditions imposed are intended to lessen the likelihood of "unlawful collusion," to prevent the airlines from hoarding airport facilities at their hubs and to make underutilized facilities available to competitors.

The Transportation Department noted that in contrast to the 35 percent market share the new alliance would have, the United-US Airways alliance represents a market share of 23 percent.

"And that share may be expected to decline if the two airlines' financial difficulties ultimately lead to a shrinkage of their route systems," the decision stated.

Additionally, the Transportation Department found that the new alliance would create neither substantial operating efficiencies nor substantial cost reductions for the three airlines.

"The alliance instead would benefit the three partners by increasing their ability to attract passengers away from competing airlines," the decision stated.

However, it also recognized that travelers will benefit, gaining a greater choice of flights in some markets and a greater ability to earn and use frequent flier awards.

The alliance agreements have a 10-year term.

Jan. 18, 2003, 1:42AM

Retesting ordered for DNA evidence

Problems at police lab here found

By JANETTE RODRIGUES
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Crucial DNA evidence in past and pending criminal cases that came from the Houston Police Department crime lab will be retested because of numerous problems found with the lab, Harris County District Attorney Chuck Rosenthal said Friday.

Acting Police Chief Tim Oettmeier temporarily suspended DNA testing in the crime lab until the issues raised in an audit are addressed. He launched an inquiry to determine who is responsible.

An independent audit conducted after questions were raised about possible lab errors revealed deficiencies in procedure, training of laboratory personnel and handling, interpretation and documentation of DNA results.

Auditors from the Texas Department of Public Safety and the Tarrant County Medical Examiner's Office concluded that the lab does not meet FBI standards for DNA analysis.

The audit "called into question the validity of some of the DNA testing done by HPD," Rosenthal said in a statement. At this time, it does not appear that any cases will need to be retried.

While the audit did not indicate that anyone had been wrongfully convicted or indicted based upon a faulty test, "it is also clear that public confidence in the criminal justice system necessitates the closest of scrutiny," Rosenthal said.

The crime lab came under fire following a November television news report that questioned whether errors had been made by the crime lab and whether innocent people were going to prison or guilty people being set free. The audit was done in December.

"This department has a responsibility to assure that persons are not wrongly sent to prison based on inaccurate DNA testing and that predators are not inadvertently eliminated as suspects," Oettmeier said in a statement.

In November, the acting chief announced a plan to review the lab's work and its procedures after a

KHOU-Channel 11 newscast based on a three-month investigation of the lab.

At that time, Oettmeier asked the district attorney's office to do its own review of seven cases featured in the newscast. A private lab confirmed some of the problems identified by the audit. But it also agreed with the crime lab's decision to include or exclude a suspect or victim based on the DNA samples analyzed.

University of Houston law professor David Dow called the audit results a stunning development.

"It's also disturbing that there are possibly people from Harris County who have been executed based on bad lab work," he said.

Dow is also the director of the Texas Innocence Project at the UH Law Center. The program tries to free people who are wrongly incarcerated, usually with DNA evidence.

He welcomed the news that the district attorney's office plans to look at all the cases involving HPD crime lab DNA evidence.

Dow challenged Rosenthal to review all death penalty cases out of Harris County, including those of inmates who have already been executed.

Harris County sends more people to death row than any other jurisdiction in the nation.

Private laboratories will be contracted to perform the retesting. Officials could not say how many retests will be needed.

Rosenthal said the decision to retest samples is based on statutory and ethical mandates on the office to seek justice.

He added it did not appear that any trials would need to be repeated, and that pending trials will take place as planned.

Assistant District Attorney Marie Munier, felony trial bureau chief, said a judge will likely determine if a case should be retried.

The HPD crime lab analyzes sometimes critical evidence, such as hair, skin cells and DNA, collected by police at various crime scenes, including sexual assaults and homicides.

Houston is the largest city in the nation where a police department crime lab is not accredited by the American Society of Crime Laboratory Directors/Laboratory Accreditation Board, a voluntary program in which any crime lab may participate to show it meets established standards.

The North Carolina-based organization has accredited 238 of approximately 600 crime labs in the United States, including the crime labs of the New York City Police Department, Los Angeles County Sheriff's Office and city of Los Angeles Police Department and the Chicago Police Department.

Oettmeier said steps are being taken to seek bids for DNA testing in cases currently under investigation by the department, and for continued review of those already decided. He directed current crime lab personnel to receive additional training.

"We are going to make sure that we haven't wrongly convicted anyone, and we are going to ensure that the public can have confidence that the system works," Munier said.

Jan. 17, 2003, 11:37PM

Perry wipes slate clean

Sends budget plan on with no cuts, spending

By **R.G. RATCLIFFE** and **POLLY ROSS HUGHES**

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AUSTIN -- Faced with a revenue shortfall of at least \$9.9 billion, Gov. Rick Perry on Friday gave up on writing his own budget and sent a proposal to the Legislature with no suggested spending or cuts.

Starting with no money in the budget will create a "transparent" process that lets Texans know how every tax dollar is spent and forces state agencies to justify spending, Perry said. The unusual budget document listed \$0 for every item of state spending.

Perry said his 2004-05 budget proposal, backed by Lt. Gov.-elect David Dewhurst and House Speaker Tom Craddick, is designed ultimately to limit state spending to the available revenue -- \$54.1 billion for the next two years.

"This budget starts at zero because in tough budgetary times, every dollar spent by government must be scrutinized to determine whether it justifies consideration as a priority," Perry said. "We must reject the notion that government must continue to do things just because that's the way we have always done it."

Since last fall, Perry had made it clear that he wanted to write the state's starting-point budget.

Sources told the Houston Chronicle that Perry and his staff had written a budget to cover a \$5.1 billion shortfall but settled on the zero budget after Comptroller Carole Keeton Strayhorn raised the estimated shortfall to \$9.9 billion last week. Perry's staff found a cut that large to be impossible, sources said.

"The strategy changed after the comptroller gave us the (available revenue) estimate that was somewhat lower than was speculated on," said state Rep. Talmadge Heflin, R-Houston, who is expected to be named chairman of the budget-writing House Appropriations Committee.

"I think you could say he (Perry) was consistent in saying we really need to look at all of our expenditures," Heflin said.

Gubernatorial budgets usually arrive at the Legislature dead on arrival, serving more as a list of a governor's spending priorities.

Perry sent lawmakers a list of his budget priorities in 2001. President Bush, as governor, issued detailed budgets to the Legislature in 1997 and 1999.

When Gov. Bill Clements faced the most serious budget shortfall of the past three decades in 1987, he gave lawmakers a detailed budget outlining specific cuts -- including a proposed \$199 million in public education. He said he wanted to "scrub" the budget of waste and unneeded programs.

By sending the Legislature a budget that set no spending priorities, Perry essentially ceded the budget-writing process to lawmakers.

Craddick and Dewhurst applauded Perry for recommending transparency in the budget-writing process and for saying all programs and spending should be justified. But both made clear who is writing the budget now.

"As the governor is well aware, the House is comprised of 150 very diverse members," Craddick said. "The level of detail will be determined as the House Appropriations Committee prepares the budget bill for consideration by the full body for floor debate."

Dewhurst praised Perry for his proposal, but added, "The final details will be worked out by the legislators."

Perry on Jan. 8 had told the Chronicle that he would release a budget that would let Texans know what programs and services he thought were the most important to finance.

"I will lay out a budget over the course of the next -- it's required by law by the 19th of January -- and at that particular point in time we'll set some clear messages on priorities," Perry said.

Perry's communications director, Phil Wilson, had told the Chronicle in December that Perry was writing a budget that would be used as the starting-point for state lawmakers.

"We're going to develop a budget in this office," Wilson said. "We're going to show where every dollar is spent."

And Perry's budget director, Wayne Roberts, last November got into a heated exchange of e-mails with the head of the legislature's budget-writing agency over his efforts to write a detailed budget for the governor.

Roberts complained to Legislative Budget Board Director John Keel that the LBB was not providing Roberts with enough information to write a budget.

"It seems to me that you're not capable of producing your own budget," Keel shot back before later

apologizing.

Sources said Perry's staff by Jan. 12 had written a budget that set state spending levels at \$5.1 billion less than the current two-year budget.

Strayhorn had predicted in June 2001 that the state would be \$5.1 billion short of paying its bills when it met again this year.

Texas newspapers reported all last fall that the budget shortfall likely would grow to \$8 billion to \$12 billion, but while campaigning for governor Perry kept insisting the revenue shortfall was not that high.

Strayhorn on Jan. 13 lowered her revenue estimate, raising the budget shortfall to \$9.9 million. Strayhorn said the state will have \$54.1 billion to spend over the next two years, but that it has commitments of \$64 billion.

Suddenly, Perry's staff was scrambling to find another \$4.8 billion to cut from the budget. Sources said Perry's staff found the task impossible and decided to turn to a new definition of zero-based budgeting

In accounting, zero-based budgeting does not mean a budget that starts at zero. It means a budget in which every expenditure must be justified.

Perry spokeswoman Kathy Walt said the governor's staff studied the budget in detail and then thought it was best to write a budget with the Legislature with Perry serving as "the chief budget officer" of the state.

"The budget office crunched a variety of numbers and have for some time," Walt said. "The recommendation was that we start from zero and examine every dollar of spending."

Sen. John Whitmire, D-Houston, however, found much to chuckle about in Perry's budget.

"What he's saying is I'm not recommending we spend anything until we go over everything. I guess you could be generous and say that it's zero-based budgeting," he said, laughing.

Scott McCown, executive director of the Center for Public Policy Priorities, saw less humor in the apparent failure of the governor's office to meet its deadline for the revenue-based budget it had promised to draft.

"The governor's budget proves what we've been saying, which is you can't write a budget for Texas with no new taxes. That's the serious point," he said. "Writing a budget within available revenue without seriously damaging Texas proved impossible for the governor."

Sen. Kyle Janek, R-Houston, predicted the budget-writing process will be analogous to cleaning out a junk drawer and chunking items once considered valuable but no longer necessary.

"Maybe we're just feeling our way in the dark," Janek said. "We've got to deliver services by spending \$10 billion less. This is not an irrational way to do it. There may be a method to the madness."

Jan. 18, 2003, 1:29AM

Gunfire tests no help in contested shooting

By JO ANN ZUÑIGA

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Gunpowder tests were "inconclusive" and failed to determine whether a Vietnamese man fired a gun before being killed by a deputy constable here, as police say. His friends say he was an innocent bystander.

After hearing the results from the Harris County Medical Examiner's Office on Friday, the family of Truyen The Pham, 23, of Port Arthur sued the county, its medical examiner's office, the Precinct 6 constable's office, deputy constables Fred Castillo and Danny Avalos and the Houston Police Department.

"We want access to evidence. They are not being open," said Chung Pham, brother of the victim, who was shot outside a Houston nightclub during a fracas on Jan. 5.

The suit claimed evidence was being suppressed, including that Pham's leg was broken during the confrontation and that he could not stand and wave a gun at officers.

Deputies said Pham was armed when he was shot four times in the back outside the Spy nightclub at Travis and Commerce in downtown Houston about 2:30 a.m.

Some witnesses, including two of Pham's friends, have said he was an innocent victim trying to protect his friends when he was mistaken for the gunman.

Medical Examiner Dr. Luis Sanchez said three tests were conducted: on Pham's hands, the paper bags that protected his hands from contamination after the shooting, and his blue jeans and black T-shirt.

All three proved "inconclusive," Sanchez said.

"But," he added, "people would be wrong if they think inconclusive test results show that someone did not fire a gun.

"We need to review the entire case and other factors, including the autopsy, type of ammo, weapon used, how the hands were protected afterward and the proximity of the weapon found to the body."

Atomic absorption spectroscopy testing and even more precise scanning electron microscope testing were used to test for antimony, barium and lead, the main components of gunpowder, Sanchez said.

"We did not find the three elements on his hands," he said.

The tests on the bags and Pham's clothes, he said, showed "no unique particles" that would show gunpowder.

Precinct 6 Constable Victor Treviño has said his deputies are adamant that Pham fired a gun into a crowd and refused their orders to drop the weapon.

Pham "was shot with the gun in his hand, and when he fell, the gun fell on the ground next to him," Treviño said.

He declined comment Friday and his office referred questions to the district attorney's office.

"Certainly, it would be a lot better if we knew one way or another," Tommy LaFon, a prosecutor with the district attorney's police integrity division, said of the inconclusive finding. "But we will present all the evidence in full to the grand jury."

LaFon estimated the case may not be presented for another two months. He is awaiting additional crime scene video, photos and written reports from the Houston Police Department as well as Pham's autopsy report.

LaFon, who went to the scene the night of the slaying, said the gun, an uncommon Stallard 9 mm, was found "at the feet of the suspect," Pham.

Investigators are still tracking the gun's registration, he said, but it appears to have been stolen.

Police have said Pham may have been a member of the "Asian Boys" gang, as he had such a tattoo on his stomach.

The Pham family, whose father owns a shrimp and fishing boat, denied any gang connection.

"All I know is, my brother is innocent," the victim's sister, Thuyen Pham, said at the office of Tammy Tran, the family's lawyer. "I believe my brother did not fire a gun.

"These test results are very confusing. We wanted a yes or no."

Pham's friends say he was trying to help subdue the real gunman and that the gun had already been knocked to the ground when Pham was killed.

The family's lawsuit claimed wrongful death. "Truyen was a U.S. citizen, a devout Christian, a hard-working shrimper and a responsible son," it said.

The lawsuit asks the court to protect the family's rights and grant them access to records.

"Although police, the media and witnesses reported that Truyen was shot four times in the back, and there was no evidence he was shot in the leg, it was discovered later at the funeral home that Truyen's leg was broken," the lawsuit said.

It speculated, "His broken leg indicates Truyen broke his leg while wrestling with the real gunman, which means that Truyen could not stand and wave the gun at police.

"Or it could mean that the medical examiner grossly mishandled his body and perhaps other evidence."

The lawsuit asks for a court order to preserve and grant access to the evidence, including toxicology tests, the autopsy report, witness statements, the videotapes, the photographs, the clothes of the deceased and the bags, to prove the absence or presence of gunpowder.

Jan. 18, 2003, 1:35AM

Student may be suspended for alleged racist remarks

Bellaire High valedictorian posted comments on Internet

By ZANTO PEABODY

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The valedictorian of Bellaire High School faces a possible suspension from school for allegedly racist comments he made on an Internet profile.

Harry Huang, a reputed math whiz and National Merit finalist at the highly competitive school of 3,200 students, made offensive remarks toward Hispanics on a Web site he set up at home, a district official said. A student made copies of Huang's message and distributed them on campus.

Huang was sent home early Friday and is to return to school Tuesday with his parents. Schools in the Houston Independent School District are off Monday for the Martin Luther King holiday. School officials will determine the discipline then, said Heather Browne, HISD spokeswoman.

"The principal felt he needed to take some action to show that racism and derogatory remarks will not be tolerated," she said.

"The fact that it was discussed and brought to administrators and teachers at school obviously meant it created a climate in which students were affected. They were commenting on it and reacting to it."

Huang, 18, apologized during a phone interview Friday afternoon. "Certainly I made a mistake and regret what I said," he said.

"At this time, I don't know whether to say anything else."

Huang would not detail what he said, but HISD said the comments involved his complaints against a Hispanic mechanic.

"He was apparently dissatisfied with work done on his car prior to the Christmas holiday," Browne said. "The derogatory remarks were posted on his own personal site."

In an e-mail Huang sent late Friday, he said three Mexicans who claimed to be auto mechanics hammered the hood of his car earlier this month and demanded repair fees.

"I was afraid for my safety, so I gave them whatever money I had and they let me go," he wrote.

"Afterwards, I became angry and wrote those statements on my computer. I did not publish those statements on a Web site; I never intended for it to reach an audience. I wrote it only to release my anger, to vent over my own stupidity and misfortune during the events of that afternoon. The second I realized the ugliness of my words, I retracted and regretted the statements.

"Even now, my group of friends include many Mexicans, and I respect them and love them deeply. What I wrote was neither true nor fair, and I sincerely apologize."

Bellaire High principal Tim Salem spoke against racism in a speech over the public address system to the student body Friday afternoon. Bellaire, a highly respected college-prep campus, last year graduated more National Achievement Scholars than any other school in the country.

Salem, reached at the school Friday, directed questions to Browne.

Huang's remarks reportedly were made on an AOL Instant Messenger profile. The messenger is a computer program that allows users to hold conversations in real time over the Internet.

Browne said that, based on the district's code of student conduct, Huang could face two days of suspension.

"It's the principal's discretion," Brown said. "Given the fact the disruption of the school day as it was -- student discussion -- he would lean more to a day or two of suspension."

Huang, who hopes to attend the Massachusetts Institute of Technology, so masterfully maneuvered his way to the top of his class that classmates have dubbed his technique the "Harry Huang Maneuver."

By combining a regimen of honors courses and timing them so that the more heavily weighted grades would boost his grade point average before the school calculated rankings, Huang catapulted himself to the top of his class.

Whether Huang's status as valedictorian will change has not been determined, Browne said.

"He is slated at this time to be valedictorian. Whether that changes or doesn't change is yet to be determined at this point," Browne said. "The school -- not HISD -- will make a decision next month about whether his standing will change or not."

Jan. 18, 2003, 1:33AM

Lawyer is convicted of conspiracy

Suit was backdated in plot with official

By ROSANNA RUIZ

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A federal jury convicted McAllen lawyer W. Lassiter Holmes III of conspiring with the then-Hidalgo County district clerk to backdate a lawsuit to beat the statute of limitations.

Jurors took more than five hours Friday to find Holmes, 40, guilty of conspiracy and mail fraud.

Holmes and Pauline Gonzalez, 75, were charged in July with conspiring in 1999 to backdate a medical malpractice lawsuit he was handling.

Holmes drafted the suit in May 1999 and then gave it to Gonzalez in an envelope bearing a 1996 postal cancellation stamp. She allegedly used her official stamp to backdate the suit with a 1996 date.

Holmes will be sentenced in March and could get five years per count and a \$250,000 fine.

Holmes, carrying his infant, declined to comment as did his attorney, Donald Lambright.

Gonzalez's case remains pending because of her illness. She is also accused of state charges of stealing \$44,000 from her office.

Testifying before Laredo U.S. District Judge Keith P. Ellison, Holmes said he mailed a lawsuit to the clerk's office on May 6, 1996, and an amended suit May 14. But the May 6 suit turned up missing and was not found by Gonzalez until 1998, Holmes said. The suit later turned up missing again.

Ron Hole, a McAllen attorney representing the defendant physician's insurance company, said the manufacturer told him a water mark indicated the bond paper on which the suit was written was not made until 1997.

Holmes responded that the clerk's office must have mistakenly filed his copy -- printed on bond paper -- to help in the search for the original.

As a result of the medical malpractice case, Holmes' license was suspended for almost two years.

Jan. 18, 2003, 1:43AM

ANALYSIS

Rhetoric and record don't agree

Brown's speech differs from city's actual state

By MATT SCHWARTZ

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With his six years in office set to end Dec. 31, Mayor Lee Brown's State of the City speech this week was a chance for him to take a victory lap, hitting some highlights and collecting applause.

Intended to tout his accomplishments, the mayor's rhetoric sometimes didn't match his record.

For example, early into the speech, Brown called the city "an efficient enterprise," saying, "Nearly all of the time, things work the way they are supposed to."

Among those efficiencies, he noted that streets get repaired and children get immunized.

But that statement ignores the fact that the city, by its own admission, has fallen far behind the past two years on routine maintenance to its infrastructure, including street overlays, ditch clearing, sidewalk construction and storm sewer cleaning.

In fact, Department of Public Works and Engineering officials announced last year that they were setting aside the city's routine maintenance schedule in favor of a complaint-driven system through the city's 311 customer service line.

Critics say that policy shift will only exacerbate the deterioration of the city's infrastructure.

As for immunizations, the city's child vaccination rate is 71 percent, about 4 percent below the Texas rate and 8 percent below the national average, according to the U.S. Centers for Disease Control and Prevention.

Critics have questioned the city's immunization rate, suggesting that as home to the Texas Medical Center, one of the largest in the world, Houston should have a better track record.

Brown drew his largest applause from the Greater Houston Partnership audience when he cited the construction of three sports venues and the return of the National Football League.

He also took credit for some more mundane but money-saving initiatives, including an electricity contract that will save the city \$10 million this fiscal year.

Under Brown's direction, the city also has started a rail program and eliminated the \$50 million annual cash subsidy from the Metropolitan Transit Authority. Houston also began expanding the George R. Brown Convention Center and building a long-sought convention center hotel.

While talking about "building Houston's future now," the mayor claimed his successor will not have to tackle clean air requirements.

Though Houston's clean air plan was adopted in 2000, the city's efforts will be ongoing, probably until the 2007 deadline for attainment. Even now, the city's plan remains a bit of a work in progress as government regulators and business interests spar over the goals and attainment methods.

And while the next mayor will not have to develop master plans for city parks and libraries, Buffalo Bayou or the Main Street corridor, he or she -- and probably the successor -- will have to fund and execute those projects over a number of years.

Brown also said the next mayor would not have to preside over the revitalization of downtown, an initiative obviously far from complete.

The mayor also suggested the next chief executive will not have to pass "the largest infrastructure bond package ever put to the voters, or pass a bond referendum to build a new terminal for our Port (of Houston)."

Neither did he. The Houston Independent School District's \$808 million bond package approved last year surpassed the city's last debt referendum by \$30 million.

The \$387 million in Port bonds approved by voters in 1999 are to pay only for the first few phases of the \$1.2 billion Bayport Terminal project, a plan expected to take 20 years to complete.

Brown also misspoke while talking about the need for anti-flooding drainage improvements.

"The solution is simple," the mayor said. "You can make it a new fee or you can increase the current water and sewer rates."

Actually, the city is looking at doing both. Further, the Brown administration is using the specter of a rate increase to sell the public on a drainage fee, saying that implementing the fee will lower the size of the increase.

In citing his five guiding principles, Brown said more than half of Houston's neighborhoods participate in his Super Neighborhood Program.

But half of the designated Super Neighborhoods have deigned not to participate. Critics say the program is fraught with high expectations but lacks the support to remain in place after Brown leaves office.

Jan. 18, 2003, 1:37AM

Husband charged with murder in bludgeoning death

San Antonio mother of three had planned to file for divorce

By **JOHN W. GONZALEZ**
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SAN ANTONIO -- Ending seven weeks of suspense, a first-degree murder charge was filed Friday against Richard Marvin McFarland in the bludgeoning death of his wife as she prepared to file for divorce.

The charred remains of Susan Burris McFarland, 43, were found in rural Bexar County on Wednesday, the same day her husband was jailed on three lesser felonies, including tampering with evidence and a witness.

McFarland remained behind bars late Friday in lieu of nearly \$1 million in bail on the four charges. A bail reduction hearing is slated next week.

An autopsy on Thursday concluded the SBC Corp. accounting executive and former Enron employee was slain by blunt trauma to the skull before her body was burned. Evidence gathered after the woman's Nov. 25 disappearance caused the husband to be identified as the lone suspect.

The seven-week delay in finding the body coincided with a tedious examination of DNA and other evidence gathered from the couple's home in Terrell Hills. All the while, Richard McFarland, 45, an unemployed stay-at-home dad for the couple's three young boys, remained with the children. Since his arrest, the boys have been in protective state custody.

In announcing the filing of the murder charge, District Attorney Susan Reed said "domestic violence is a crime with the most disastrous of consequences. This case represents the cruelest of action and the most tragic of results."

Texas Rangers who investigated the disappearance cited instances of suspicious conduct on the husband's part, beginning with his initial lack of surprise at the discovery of his wife's abandoned vehicle. By then, the woman hadn't been seen for four days, yet no missing-person report was on file.

The husband's initial claim that his wife bolted to Amarillo to visit friends soon proved false. At the same time, the friends were among the first to suggest that Susan McFarland was on the verge of filing for divorce and had been planning the action for months.

After the woman's vehicle was found in her neighborhood, the husband waited another half-day to recover it and to file the missing-person report. It was during that interval that investigators contend McFarland was disposing of the woman's body and attempting to destroy evidence of the slaying.

In addition to murder, he stands charged with unauthorized use of a motor vehicle and two counts of attempting to obstruct the investigation. If convicted, McFarland would not face the death penalty but could get a sentence from five to 99 years or life in prison, with a life term being no less than 40 years.

A local memorial service for Susan McFarland, a Missouri native, has not been set.

Jan. 17, 2003, 11:02PM

Prof's action baffles colleagues

Researcher's lie about plague samples remains a mystery

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Dr. Thomas C. Butler, 61, who remained jailed without bond Friday, was arrested late Wednesday after admitting that he had accidentally destroyed the 30 vials, according to court documents.

Earlier, Butler told supervisors and authorities that he had noticed the vials missing from his lab.

A woman who answered the phone at Butler's residence said the family declined to comment.

According to a Texas Tech police report made Tuesday, Butler initially believed the plague samples had been stolen.

Butler told police that on Jan. 1, he had 30 test tubes in a rack on a table in his laboratory. On the morning of Jan. 11, "(Butler) discovered that person(s) had taken the test tubes from the rack," and that Butler had no suspects, the report stated.

The lab is locked at all times, but Butler is not the only one with access, the report stated.

Butler's attorney, Floyd Holder, of Lubbock, said he didn't know if there was a motive.

Butler will plead innocent to a charge of making a false statement to a federal agent, Holder said. The charge carries a penalty of up to five years in prison and a \$250,000 fine if he is convicted.

"Basically, everybody assumes that this is all a hoax," Holder said. "I don't think so."

Dick Baker, the assistant U.S. attorney prosecuting the case, did not return a telephone call Friday.

In a statement to FBI agents after signing a written waiver of his Miranda rights, Butler wrote: "I made a misjudgment by not telling (the supervisor) that the plague bacteria had been accidentally destroyed earlier rather than erroneously first found missing."

He said he didn't realize his story would result in "such an extensive investigation," according to court

documents.

Butler, who was chief of the infectious diseases division of the department of internal medicine at Texas Tech's medical school, has been involved in plague research for more than 25 years and is internationally recognized in the field.

Butler was the only person with authorized access to the bacteria, which must be registered with the International Biohazards Committee and the government.

The university has placed Butler on paid leave, changed the locks on his laboratory, blocked him from computer access and barred him from campus.

Provost said he wondered why Butler would risk his career and reputation by his actions.

"A lot of people are obviously wondering that as well," he said.

A detention and a preliminary hearing for Butler was scheduled for 3 p.m. Tuesday in the courtroom of federal Magistrate Nancy Koenig.

The report of missing vials triggered a terrorism-alert plan and showed how jittery Americans are over the threat of a biological attack, as dozens of federal agents converged on Lubbock and reports of the missing bacteria became instant national news.

Jan. 18, 2003, 1:38AM

King celebrations coexist with Confederate tributes

Weekend events salute activist, Robert E. Lee

By JAMES KIMBERLY

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NAVASOTA -- At the same time that most people in this historic Central Texas city are honoring the memory of Martin Luther King Jr. this weekend, a small group of white men will be paying homage to the Confederacy.

On the surface, it would seem just another sad chapter of racial strife in Grimes County, a community that battled three years ago over a proposal to put a statue of a Confederate soldier on the courthouse lawn. In reality, though, it is the way Martin Luther King weekend is routinely celebrated here and across the South.

There was another historically significant American born in mid-January: Robert E. Lee. The Civil War general continues to be honored from Texas to Virginia.

The juxtaposition of two holidays celebrating such disparate causes seems as counterintuitive as gravy for breakfast, but Southern traditions die hard.

"Confederate Heroes Day was celebrated a long, long time and recognized in most Southern states many, many years before Martin Luther King was even heard of," said Jim Westmoreland of Anderson, a leader of the Sons of Confederate Veterans.

It was the Sons of Confederate Veterans who wanted to place a 6-foot-tall statue of a soldier looking south to honor the dead on the lawn of the Grimes County Courthouse in 2000. Blacks in the community protested, and the dispute was settled when the statue was placed in a park 80 feet south of the courthouse on the one-block stretch of buildings that is South Main Street.

This weekend the Sons will be out placing more than 700 Confederate battle flags on the graves of Civil War veterans buried in cemeteries in Grimes, Leon and Madison counties.

The idea of honoring the Confederacy is not something found only in rural Texas. It is celebrated just as fervently in big Southern cities, including Houston, and in states across Dixie.

Texas has distanced itself more than other states when it comes to remembering the Confederacy. When the Texas Legislature agreed to honor King with a state holiday in 1991, it bumped Confederate Heroes Day from the list of official state holidays.

Now, state offices and public schools close the third Monday in January to honor King, whose birthday is Jan. 15. Confederate Heroes Day is one of a handful of optional state holidays in which state offices remain open but staffed with skeleton crews. Because it falls on a Saturday this year, state employees do not get a holiday. In other states, Lee's birthday continues to be celebrated with fervor.

In Virginia, Friday was Lee-(Stonewall) Jackson day, and Monday is King day. In Alabama, Arkansas and Mississippi, there is one holiday dedicated to both King and Lee. In South Carolina, Lee's Jan. 19 birthday remains a state holiday.

The change in Texas law has caused many people who don't work for the state to forget about Confederate Heroes Day, something even local supporters of the day concede is happening.

"There are probably more people today who know who Martin Luther King Jr. was than know who Robert E. Lee was. I don't know why that is, and I'm not complaining. It's just a fact," said Ray Dickens, a leader with a Sons of Confederate Veterans camp in Houston.

There will be separate celebrations in Houston this weekend.

The Black Heritage Society has a weekend of events planned to honor King. There will be a festival around the reflection pool in front of City Hall today, Sunday and Monday, and on Monday there will be a parade in downtown and a day of activities at the George R. Brown Convention Center. At all the events, food will be collected to benefit local pantries.

Across town tonight, 350 people will put on tuxedos, ball gowns and Confederate uniforms for the 36th annual Confederate Ball at the River Oaks Country Club. Tickets to the ball cost \$120 to \$150, and the proceeds benefit the Houston chapter of the Sons of Confederate Veterans, which is registered as a charity.

Celebrating the Confederacy is solely about history, insists Dickens, marshal of this year's ball.

"I think we have every right to celebrate what these men did. I think they were very sincere in their views. I think they felt their state was right in doing what it did. A lot of them died for it," Dickens said.

Many blacks offered a qualified acceptance of the dueling holidays.

"They're welcome to celebrate whatever they want," said Mildred Edwards, one of the organizers of the King festivities in Navasota. "I just hoped (King's) would be our special day."

Barry Thompson, a senior adviser to the Black Heritage Society, doesn't have a particular problem with the Confederate Ball.

"My personal thought is it is unfortunate, but we can't do anything about it. They have the right to honor a great military man. The problem is the image that it represents. It represents a time in the history of the United States that has not been reconciled fully," Thompson said.

Chronicle reporter Janette Rodrigues contributed to this report.

Jan. 18, 2003, 1:40AM

HABITAT CALAMITY

Court order meant to help endangered bird could be hurting its chances

By **DINA CAPPIELLO**

Copyright 2003 Houston Chronicle Environment Writer

LUFKIN -- Sometimes the best intentions backfire.

An endangered woodpecker is struggling to survive in two of Texas' four national forests partly because of a lawsuit filed by environmental groups to save it.

Foresters in the Angelina and Sabine national forests near the Louisiana border are banned from controlled burning and cutting in red-cockaded woodpecker habitat because of a restraining order stemming from a 1988 lawsuit.

Experts have credited the suit, filed in U.S. District Court by the Sierra Club, Wilderness Society and Texas Committee on Natural Resources, for reversing the bird's steady decline. The number of woodpecker families in the four forests has increased by 51 percent since the court found the U.S. Forest Service failed to protect the bird, clear-cutting the large pine trees in which it nests -- a violation of the Endangered Species Act.

But 15 years later, with a restraining order still in effect, the lack of cutting and burning has become the problem, according to forest managers.

Burns are needed to keep the forest open and grassy, conditions that research has shown red-cockaded woodpeckers prefer.

Yet, more than half of the 304,000 acres of red-cockaded woodpecker habitat set aside in 1995 in Texas' forests has not been burned in five years, and a third has not been burned in a decade, despite a management plan that calls for burning every two to five years.

"We have lots of acres not being maintained. We are not meeting the minimum guidelines," said Eddie Taylor, a wildlife biologist with the U.S. Forest Service in Lufkin. As a result, "the current population of woodpeckers is not expanding ... as rapidly as we want it to."

Because there have been no fires in woodpecker areas on the Angelina and Sabine national forests in four years, the forest has slowly filled in. At the same time, there has been a drop in the number of woodpeckers per family, a statistic that biologists watch closely to gauge the health of a population.

Since 1999, the group size on the Angelina has dropped from 2.8 to 2.1, and on the Sabine it is as low as 1.9 -- not enough to ensure reproduction. Biologists like to see the number closer to 3.

"The suit may have saved the woodpecker in 1988, but all this stuff is now hurting the woodpecker. It's reducing group size. They are disappearing at an alarming rate," said Jeff Reid, a wildlife biologist with the U.S. Fish & Wildlife Service, the federal agency in charge of monitoring endangered species.

The service, as well as the U.S. Attorney's office and the Justice Department, has requested before that the injunction be lifted. The recent decline has prompted new calls to do away with the restraining order.

But while most experts -- including the two scientists whose research precipitated the 1988 lawsuit -- attribute the decline to a lack of fire, environmentalists question whether burning is the answer. Historically, they argue, the forest service has burned and cut too much, using the woodpecker as an excuse.

And other reasons, such as the distance between different woodpecker clusters, could be responsible for the decline. With populations far apart, it's difficult for the woodpeckers to find mates.

Originally found in more than 30 counties in East Texas, red-cockaded woodpeckers now survive in only 15 counties, and most are located on a patchwork quilt of federally owned forest lands.

"The objection we made all along is that the scientific evidence was lacking. But if not burning and not removing trees are responsible, that needs to be fixed," said Janice Bezanson, executive director of the Texas Committee on Natural Resources.

Advocates also say the Forest Service's budget problems and personnel shortages are contributing to the problem, something that forest managers don't deny. With an \$800,000 budget, foresters have been able to burn only 40,000 acres. More than a million additional dollars will be needed to burn on schedule.

But only in the Angelina and Sabine -- the forests with the most land area affected by the restraining order -- is family size declining, according to Taylor.

Forest managers worry the impasse could make the forest service vulnerable to more suits over the Endangered Species Act.

"We are charged to maintain the viability of a species on forest land," said Steve Rickerson, acting forest supervisor for the U.S. Forest Service in Texas. "If we can't implement the plan, we cannot guarantee

viability."

And unless the court order is lifted soon, other rare species -- such as the Louisiana pine snake, wild turkeys and pitcher plants that share the same fire-dependent habitat -- could be affected.

As many as 24 species in Southern pine forests also use abandoned woodpecker nest cavities, according to Richard Conner, a scientist with the U.S. Forest Service's Southern Research Station in Nacogdoches.

"Without this species, the biodiversity of the ecosystem will be severely impacted," he said.

Jan. 17, 2003, 11:43PM

Lean budgets push aside poor kids, officials say

Health care workers claim cuts fall on Medicaid as Medicare spared

By KAREN MASTERSON

Copyright 2003 Houston Chronicle Washington Bureau

WASHINGTON -- Congress has forgotten about the health of poor children on Medicaid while fighting to boost Medicare coverage for senior citizens, Houston hospital officials say.

Clinics, immunization outreach and health education programs run by Texas Children's Hospital could close if lawmakers fail to provide funds.

"Poor kids don't vote, and a lot of times neither do their parents," said Rosie Valadez McStay, a director at Texas Children's, the nation's largest freestanding health care facility for children.

McStay, who was on Capitol Hill last week lobbying Congress to end cuts in Medicaid payments to hospitals caring for poor children, said she felt sidelined by politicians who appeared far more focused on programs for seniors, a powerful voting bloc.

Few politicians will say Medicare and Medicaid -- government-sponsored health insurance plans funded with state and federal grants -- are in competition.

But a weakened economy has slashed revenues at the state and federal levels, choking off funds for many domestic programs. And while Congress has been clear in its intention to broaden Medicare health insurance coverage for the elderly by creating an expensive prescription drug plan and increasing reimbursements to doctors and hospitals, lawmakers have been elusive on how they intend to deal with a nationwide Medicaid funding shortage.

That has employees of Healthy Steps, a walk-in clinic at Texas Children's Hospital, worried.

"Our program is very important to this community," said Claudia Yanez-Garcia, the last of what was once a four-person case-management team at the clinic. Student physicians work there to give Harris County's poorest infants and toddlers the same quality of care higher-income families with commercial health insurance provide their children.

Healthy Steps once had the manpower to work individually with the parents, who tend to be among the

area's most in need of health education.

Routine home visits by caseworkers encouraged mothers to trust the clinic and bring their children in for checkups. Medicaid cutbacks ended that program. Saturday group parenting sessions, in which teenage mothers learned how to care for their babies, also were eliminated.

Texas officials say the state legislature and Gov. Rick Perry soon will decide how to manage Medicaid funding problems.

The program in Texas provides health insurance to poor children, the physically disabled and seniors in need of nursing home care.

But providing the poor with adequate medical services is just one of many challenges, as officials seek to close a nearly \$10 billion budget shortfall.

"Texas, just like other states, is taking a hard look at its budget and competing state government priorities," said Kristie Zamrazil, spokeswoman for the Texas Health and Human Services Commission. "Both Congress and the Texas Legislature are in the early stages of considering their budget options and what those options might mean for the Medicaid program."

Texas' Medicaid enrollment is expected to jump nearly 38 percent by 2005 to 2.9 million recipients per month. At the same time, increasing medical costs are expected to inflate state-paid premiums by \$12 per patient, per month.

The Bush administration recently wrote to states to announce a rollback of Medicaid coverage requirements for certain emergency room and ambulatory care, allowing states to save money by cutting those services.

But Zamrazil said the Texas Health and Human Services Commission will need another \$2.7 billion not yet budgeted to cover increases in costs, including a small funding gap in the Children's Health Insurance Program. CHIP covers lower-income youths not poor enough to qualify for Medicaid.

Making money even tighter is a funding-cutting mechanism created by Congress in 1997 that has imposed automatic cuts in Medicaid reimbursements to hospitals that care for a disproportionate share of the poor.

Texas lost an estimated \$93 million in federal payments this year that would have gone to those hospitals, including Texas Children's Hospital. The state will lose another \$388 million in 2004, according to the National Association of Children's Hospitals, if Congress fails to reverse the cuts.

A recent survey of state Medicaid officials, conducted by the Kaiser Commission on Medicaid and the Uninsured, showed Texas' solution is to slash Medicaid services.

But Texas wasn't alone, the survey found: Every state except Alabama had planned Medicaid cuts.

Texas, according to the survey, had planned reductions in payments to hospitals and doctors who care for people on Medicaid, along with possible cuts in benefits for prescription drugs, dental coverage, physical therapy and inpatient hospital days.

Because Medicaid consumes an average 15 percent of states' budgets -- the single most expensive program, next to education -- it is often among the first to be cut during tough times.

The problem is particularly acute now because of the nation's weakened economy and the cost of the war on terrorism. Unemployment has jumped, driving up Medicaid enrollment. People aren't spending, so state tax revenues are down -- making it even more difficult to pay for safety-net programs.

And states that repeatedly have asked for an increase in the federal government's share of Medicaid costs worry that large projected federal deficits mean they won't get financial assistance.

Unlike the federal government, states are not allowed to run deficits. So without a federal infusion of cash, states must either cut programs or raise taxes -- which Perry said he won't do, although he may seek to raise certain fees and close business tax loopholes to cover part of the shortfall.

President Bush's most recent economic stimulus proposal did not include Medicaid block grants for cash-strapped states, despite requests from governors.

And a massive budget bill to fund government agencies through the rest of the 2003 fiscal year, considered by the Senate on Thursday, provides a temporary boost in Medicare reimbursements but does not address Medicaid.

Even strong supporters of Medicaid say getting extra funds this year will be difficult.

"It's going to be a struggle," said Republican Sen. Kay Bailey Hutchison of Texas, who is taking on the Bush administration by calling for sizable state grants that would help pay for Medicaid and Medicare services.

Several Medicaid bills have been introduced to reverse reimbursement cuts imposed last year and create block grants to increase the federal cost share.

But unlike plans to broaden Medicare for seniors, those bills are not on a fast track.

Jan. 17, 2003, 10:53PM

Stronger oversight of police demanded

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A coalition of local civilian groups Friday said the recent rash of police shootings -- five people in a week's time -- shows an urgent need for an independent civilian review board and a review of the grand jury system.

The coalition, called CopWatch, broke down the 30 civilian fatalities by police in 2002 to 10 Hispanics, seven whites and two blacks, with the ethnicity of the remaining 11 dead listed as unknown.

However, the issue is not racial, but protecting the community's civil rights, said CopWatch representative Marilyn Head.

"All citizens should be concerned. The culture of policing lately has been to shoot first and ask questions later," Head said. "We are urging our state representatives and senators to enact legislation for an independent oversight review board on police shooting."

Houston Police Department spokesman John Cannon said Friday that a civilian review board, appointed by the mayor, has been in place for 10 years.

But CopWatch members claimed it remained under "police domination."

The group also asked for civilian reviews of the grand jury system, claiming "prejudiced evidence" is presented to "selective" jurors by prosecutors and police.

Harris County prosecutor Tommy LaFon, whose office oversees police shootings, said, "We don't necessarily see the grand jury system as broken. We would have to see what new changes would be recommended."

Jan. 18, 2003, 1:36AM

Reward doubled to find those who caused fatal traffic crash

By TERRY KLIOWER

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A previously announced \$1,000 reward was doubled this week for information leading to the identification of whoever moved traffic cones near Eastex Freeway on New Year's Day and caused a fatal two-car collision.

"These monsters must not be allowed to inflict additional harm on others," Lucille Borella of Austin said in a statement addressed to the still-at-large perpetrators. "This was not a cool video game or a nifty fireworks display. You killed my daughter and friend."

Her daughter, Colleen Rachele Atwood of Houston, died in the crash.

Borella announced the increase in the reward money and urged tipsters to call authorities.

Meanwhile, state troopers and Texas Rangers continued to pursue leads in their investigation of the fiery, pre-dawn wreck they say was caused by the relocation of traffic cones on Loop 494 south of New Caney in east Montgomery County.

Investigators say witnesses reported seeing two teenage boys handling the traffic cones at a construction site on Loop 494 prior to the wreck. The cones were left on the highway in a configuration that directed northbound traffic onto southbound lanes, setting the stage for the collision.

Friends and fans of Atwood continued to mourn her death this week. Her mother said "things were starting to turn around" for her daughter, a 28-year-old newlywed who after years of effort was seeing her music career begin to take off.

Borella said her daughter and Bill Cade of Houston, the victim's father, sang often at Anderson Fair, a Montrose-area music spot known for the sort of acoustic folk and blues in which the duo specialized.

An informal wake for Atwood was held at the music venue last Saturday, Borella said. "It was standing room only, and I sang, her father sang and I understand it went on from 2 in the afternoon until 11 that night."

Atwood and her father had released their first CD, under the stage names Bill and Colleen Cade, the day before she died, and the father-daughter team had appeared at Anderson Fair that New Year's Eve.

Any one with information about the investigation should call Montgomery County Crime Stoppers at 800-392-STOP (7867), or Texas state troopers at 281-577-8972 or 281-517-1300.

Jan. 18, 2003, 1:39AM

Group's election ads investigated

DA probes links to corporations

Associated Press

AUSTIN -- The Travis County district attorney is investigating which corporations financed a \$2 million advertising campaign to influence 24 hotly contested legislative elections in November.

The prosecutor also wants to know whether the Texas Association of Business illegally coordinated the efforts with Republican campaigns.

District Attorney Ronnie Earle's office this week issued three grand jury subpoenas seeking records related to the advertising blitz.

The subpoenas request communications between the business group, its corporate donors and the campaigns the association endorsed.

The association, which has touted the effectiveness of its ads in last year's campaigns, has declined to disclose the sources of the money for the television commercials and mailings. The group said it was educating voters, not electioneering.

State law prohibits the use of corporate money in political campaigns.

"According to its press release, the Texas Association of Business collected millions of dollars in political contributions from various sources, including corporations, and then used that money to influence elections," said Rosemary Lehmborg, Earle's chief assistant.

Andy Taylor, the business group's lawyer, said his clients will cooperate with the investigation.

"We feel confident that after they review the documentation, they will conclude we acted within full compliance of the law and everything was constitutionally protected free speech," Taylor said.

State law prohibits candidates' campaigns from coordinating with outside groups that release issue ads. Taylor said that didn't happen.

The grand jury subpoenas were issued for association president Bill Hammond; Don Shelton, the group's

director of information systems; and Bob Thomas with Thomas Graphics, an Austin company that printed the mail pieces.

The subpoenas require them to provide all records since Nov. 1, 2001, including correspondence, mailing lists, memos, journals and copies of the advertisements.

Grand jury proceedings are closed. Jurors will weigh all the information to decide whether criminal charges should be pursued.

The subpoenas come in the wake of the business group's Christmas Eve filing in U.S. District Court in Austin asking the court to declare that it has a First Amendment right to create and disperse issue ads.

If the federal court agrees, it would short-circuit Earle's investigation and kill two lawsuits that several losing candidates filed against the group in state court.

After the November election, the association touted its "aggressive election effort" to win seats for pro-business candidates:

"The Texas Association of Business blew the doors off the November 5 general election using an unprecedented show of muscle," it said in a post-election press release.

The association anticipated flexing that muscle with a Legislature dominated by Republican majorities.

But in the federal lawsuit, Hammond complained that the threat of a criminal investigation and the lawsuits filed by defeated candidates had a "chilling effect" on the group's political speech.

Jan. 18, 2003, 1:37AM

Consumer group knocks proposals on homeowners insurance reform

By JANET ELLIOTT

Copyright 2003 Houston Chronicle Austin Bureau

AUSTIN -- Lawmakers should reinstate the homeowners insurance rate regulatory system that has been undermined by the industry, a leading consumer group said Friday.

Rob Schneider, a policy analyst with Consumers Union Southwest Regional Office, said the "file and use" system proposed by some key lawmakers would provide insufficient oversight of rates. One legislative proposal calls for companies to file their rates with the insurance commissioner, who could freeze the rates if he thinks they are out of line.

Schneider said he is concerned that the commissioner would not have the resources to determine in a timely manner whether the rates were set fairly. He cited the fact that the commissioner has taken more than one year to investigate the rates set by several major carriers.

Since 1991, homeowners insurance companies have shifted 95 percent of their business into unregulated Lloyd's companies. This allows them to avoid the benchmark, a rate set by the insurance commissioner that companies are allowed to exceed or undercut by as much as 30 percent.

Schneider said that while Texas homeowners insurance rates are the highest in the nation, the benchmark system for auto rates has kept Texas in the "middle of the pack."

Sandra Ray, a spokeswoman for the Southwestern Insurance Information Service, said insurance companies have paid more than \$2 billion in claims over the past two years.

"Insurance companies have to charge rates that are adequate to pay claims," said Ray. "The reason consumers are seeing sticker shock is because the benchmark, which was established in 1991, forced insurance companies to charge less than adequate rates."

Homeowners insurance rates for the major companies increased an average of 38 percent last year. "The Legislature should be cautious about listening to the insurance companies because they're the ones that got us into this mess in the first place," Schneider said.

He also called for a ban on credit scoring, in which companies charge higher rates to customers with bad

credit ratings.

Consumers Union will focus early in the session on seeking real solutions to the two emergency issues, insurance reform and changes in the medical malpractice system.

While state leaders have suggested limiting lawsuit damages, consumer groups want the debate to focus on quality of care.

Lisa McGiffert, a Consumers Union health care analyst, said that the public should have more access to information about doctors who have been the subject of complaints and lawsuits.

Reggie James, director of Consumers Union, was critical of a proposal by some lawmakers to require low-income families to reapply for health benefits every month and to reduce the number of pregnant women eligible for Medicaid.

"They're taking us back to the dark ages," said James.

Jan. 17, 2003, 10:58PM

Shipwreck survivors set to return to dock

Fishermen unscathed by 30-hour ordeal

By EDWARD HEGSTROM

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After surviving a shipwreck and 30 hours spent floating in the Gulf of Mexico this week, Marco Antonio Noyola and five fellow Mexican fisherman got a good meal in Houston before flying home to look for a job on another boat.

The fishermen had set out before dawn Sunday from Progreso, in the Mexican state of Yucatan, looking to catch tuna and shark. The boat began taking on water just hours into the journey and it sank in 30 minutes, Noyola said.

The fishermen called for help on the radio, and someone listening back in Mexico promised to call the Mexican navy.

Crew members then scrambled to gather life vests, a few bottles of water and soda, some packaged pastries and flashlights. They jumped into the water one by one and formed a human flotilla.

"And then we waited," Noyola said.

The navy never came, though a plane did fly over Sunday afternoon. It passed again, after spotting the crew members. But no help came.

The crew members spent the night drifting.

Two more planes passed Monday morning, and the crew tried to signal them with flashlights and a mirror. It didn't work.

Monday afternoon, the fishermen saw a cargo ship approaching. They again signaled, and this time a crew member spotted the floating fishermen with his binoculars. An alarm sounded on the cargo ship, and the ship lowered a raft.

The Norwegian-flagged ship, the Gannet Arrow, was bound for Houston. The boat arrived Wednesday night, though the fishermen were not allowed off until Thursday morning. Representatives of the

Mexican consulate provided them food and clothing and put them on a flight back to Mexico Thursday night, according to consular officials.

Just before his plane took off, Noyola said he planned to go back to Yucatan and go straight to the dock to look for another fishing job.

Jan. 17, 2003, 11:12PM

Suit claims clinic targeted by firm

Medicare funds allegedly withheld

By KEVIN MORAN

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GALVESTON -- A minority-owned Houston physical rehabilitation clinic failed financially after a firm illegally refused to pay Medicare claims filed by the clinic, according to a federal lawsuit filed here Friday.

Dallas-based Trailblazer Health Enterprises, L.L.C., discriminated against Loving Care Physical Medicine Inc. of Houston and two other Loving Care clinics in Bryan and College Station, owner Troy Marsaw maintained in a lawsuit seeking \$10 million in damages from Trailblazer.

Trailblazer, a subsidiary of BlueCross BlueShield of South Carolina, handles all outpatient Medicare claims in Texas, Maryland and Washington, D.C., under a contract with the federal Health Care Financing Administration, Marsaw said.

Trailblazer began denying Medicare claims filed by Marsaw's clinics after Marsaw questioned Trailblazer officials about why someone in their company drew up a list of 64 minority clinic owners in 1999 and ordered a special review of each claim they filed, according to the lawsuit.

BlueCross BlueShield spokeswoman Donna Thorne said Friday that the company had not been served with the lawsuit.

Also named as a defendant in the case is Tommy G. Thompson, secretary of the U.S. Department of Health and Human Services. A spokeswoman for the Houston U.S. Attorney's office said government attorneys had not received the lawsuit and could not comment on a pending case.

Friendswood attorney Tony Buzbee, who filed the lawsuit on Marsaw's behalf, said Friday that a black Trailblazer employee secretly sent the list of minority-owned clinics to Marsaw in November 1999.

The supervisor who compiled the list added a note instructing Trailblazer workers to "watch for these names on applications and discuss with me once identified," according to the lawsuit.

Marsaw said that when he told Trailblazer officials he had the list, they threatened financial retribution

and criminal prosecution if he did not return it.

Two Trailblazer employees flew from Maryland to Houston and demanded the list but Marsaw refused to return it, Marsaw said.

His clinic's claim denial rate at Trailblazer quickly jumped from 2 percent to 100 percent, Marsaw said.

"Within 14 days, they placed me on prepayment review, which holds up your claims and your money," Marsaw said. "Unless you have some real money in reserve, that will put you out of business in no time and they ultimately put me out of business in about 90 days."

A federal administrative law judge since has approved 98 percent of the claims, Marsaw maintained in his lawsuit.

Buzbee said he had no information about what, if anything, happened to other clinic owners on the list. He said he still is not sure why the minority care provider list was drawn up.

Marsaw's Houston clinic was located in the 5600 block of Richmond, he said.

Jan. 18, 2003, 1:36AM

Suspended chief seeks funds for legal team

By LISA TEACHEY

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Well-wishers turned out by the hundreds on a chilly Friday to buy a plate of barbecue to support C.O. Bradford, the suspended Houston Police chief who goes on trial next week on charges of lying under oath.

As Bradford mingled among them, shaking hands and accepting hugs, supporters shelled out \$7 each for the home-cooked brisket, chicken, beans, potato salad, bread and cake.

Organizers -- fellow police officers and civilian volunteers -- estimated their efforts would mean a \$9,000 deposit for a defense fund set up by several prominent citizens to help Bradford.

"I believe in the chief. I believe he will be exonerated," said Sgt. Roy Jordan, one of the lunch organizers. "We're doing whatever we can to help him."

Bradford is facing felony charges. He is accused of intentionally lying under oath about whether he called a subordinate a profane name during a grievance hearing for another police captain.

When his trial begins Tuesday he will be defended by three of the city's top private lawyers -- Robert C. Bennett, George McCall "Mac" Secrest and Rusty Hardin.

The fund's creators have not disclosed how much money has been raised so far. Former Mayor Bob Lanier has said he donated \$5,000.

Former City Attorney Gene Locke, who helped set up the legal aspects of the fund, said trustees managing the account are scrutinizing every donation. They will not accept money from anyone who may want a favor from the chief or the police department or from anyone whose donation may appear improper.

Locke said Bradford has no access to the account, but he will reveal the contributions and payments on city financial disclosure statements later this year.

"Not a penny comes to me at all. I don't control it. I don't deposit it," Bradford said. "My name is not even on the account in any form or fashion as a person. If I wanted to get access to it, I can't (because of)

the way they set it up. And I think that's proper.

" ... Everything is on the line here. Like I say, it goes to my honesty, my integrity, my career, my reputation, my law license, my police chief career. ... So, at this point in time, it's an extremely heavy financial burden on my family, and I appreciate people coming forward saying, 'We want to assist.' "

Friday's event in the middle of the Palms Center parking lot on Griggs at Martin Luther King Jr. Boulevard was the latest of several private and public events to raise money.

Earlier this week, Bradford was at a westside coffeehouse for a similar event.

"I am very appreciative and very thankful for the tremendous amount of support that I am receiving and have been receiving throughout the city of Houston," Bradford said Friday. "There are people from all cultures, all walks of life, all socioeconomic statuses that are very supportive."

Bradford is suspended with pay from his \$139,500-a-year post until the outcome of the trial.

Jan. 18, 2003, 12:34AM

Albert R. Gillespie, 77, decorated World War II vet

By LYNWOOD ABRAM

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Albert R. Gillespie, a combat veteran of World War II to whom French Gen. Charles de Gaulle personally presented a medal, died Monday in his Houston home of a heart condition. He was 77.

De Gaulle, later president of France, decorated Gillespie with the Fourrageres medal, one of the highest awards the French bestowed on Americans in both world wars, said Gillespie's niece, Julie Guarino.

Among Gillespie's U.S. decorations were the Purple Heart and the Bronze Star.

Drafted in 1943, Gillespie served with the Army's First Infantry Division, known as the "Big Red One," which he and his buddies in the 18th Regiment referred to as "Bloody Red One."

Two days after his 19th birthday, Gillespie, a private first class, was with the division when it landed on Omaha Beach in Normandy on D-Day, June 6, 1944. The troops soon were involved in heavy fighting.

He received the Bronze Star, Guarino said, for "helping fight off strong enemy action." She did not know the specific action that won him the French decoration.

"He was wounded first on June 13, 1944, when a grenade blew his buddy's foot off and shrapnel injured (Gillespie's) leg," she said.

The wound was soon patched up, Guarino said, and Gillespie returned to combat.

In Germany, a large shell landed near Gillespie in early 1945, inflicting a serious wound on his right knee. After recuperating in England, he again returned to combat.

Gillespie returned to the United States on Oct. 10, 1945.

A native of Terre Haute, Ind., Gillespie had lived in Houston for 40 years. For most of that time, he was a purchasing agent for the Har-Con Corp., a mechanical contractor firm.

He was a life member of Veterans of Foreign Wars Post 9183.

He is survived by a sister, Shirley Sublett; his niece, Julie Guarino; and a nephew, Rob Keefer, all of Cloverdale, Ind.

Services will be at 2 p.m. today at Heights Funeral Home, 1317 Heights Blvd. Burial will be in Terre Haute, Ind.

Deaths elsewhere

Dean Amadon, a renowned authority on birds of prey and former Lamont curator of birds at the American Museum of Natural History in New York, Jan. 12. He was 90.

Elie Borowski, whose vast collection of Middle Eastern artifacts formed the bulk of Jerusalem's Bible Lands Museum, Jan. 14. He was 89.

Frank R. DuPuy Jr., former publisher of Cosmopolitan magazine who worked alongside Helen Gurley Brown to transform it from a lackluster general interest publication into the most successful young women's magazine in the world, Dec. 19. He was 95.

Walter Kerr, a former foreign correspondent and a magazine publisher who was the general manager of the international edition of the New York Times in the 1960s, Jan. 10. He was 91.

Helga Oppenheimer, a clothing designer whose suits, dresses and formal gowns relied on lustrous silk and wool fabrics she found on trips to Europe, Jan. 6. She was 87.

Victor Rosellini, former president of the National Restaurant Association whose warmth and high standards helped bring world-class dining to the Pacific Northwest, Jan. 9 from complications after a fall. He was 87.

William Russo, Chicago Jazz Ensemble founder, Jan. 11 of pneumonia. He was a composer-bandleader who started the music department at Columbia College in Chicago. He was 74.

Luis Andres Vargas Gomez, an economist, diplomat and anti-Castro activist who spent 21 years in Cuban prisons, Jan. 13 died of kidney failure. He was 87.

Wang Tieya, a former judge at the U.N. War Crimes Tribunal in The Hague, Jan. 12 in Beijing after a long illness, the court said Wednesday. He was 89.

George W. Waters, an executive who turned the American Express card into a global brand, Jan. 11. He was 87.

Jan. 18, 2003, 1:38AM

News briefs

State

Baby sitter's trial nears in endangerment case

TYLER -- An East Texas baby sitter, accused of putting rat poison in the food she fed to three children in her care, was arraigned Wednesday on child endangerment charges.

Janet Askins was arrested on Dec. 18 after a grand jury indicted her on three counts of child endangerment with intent to commit bodily injury, said Quitman Police Chief Bill Wansley.

Wansley said police got a call in July accusing Askins of hiding the poison in the children's macaroni and cheese, which he said was also eaten by her husband. The children -- ages 9, 8 and 3 -- have recovered.

The parents said they believe Askins poisoned the children because she was jealous of the time her husband spent with the children.

Visitor's bureau officials resign amid controversy

DALLAS -- Two top officials have resigned from Dallas' problem-plagued convention and visitor's bureau, which has faced questions about spending on expensive car trips, liquor and golf outings.

Chief Executive Officer Dave Whitney and Board Chairman Chris Luna resigned Thursday.

WFAA-TV and The Dallas Morning News began reporting in early November that Whitney spent thousands on chauffeur service to the airport and on liquor that he took home to entertain clients.

His staff expensed out-of-state golf trips and even visits to topless clubs, reportedly to entertain clients. The investigation also found that Whitney had approved paying his wife's law firm to do the bureau's legal work, earning the firm about \$70,000 over four years.

Nephew of officer slain by Oswald in '63 is shot

MOUNT PLEASANT -- The nephew of the Dallas police officer Lee Harvey Oswald killed 40 years ago has been shot after allegedly threatening Titus County sheriff's deputies with a loaded shotgun.

Officials said John Wayne Tippit Jr., 41, of Cookville was in critical condition Friday after being shot Thursday evening.

Tippit is the nephew of J.D. Tippit, who was shot by Oswald hours after President Kennedy was assassinated in Dallas, said Titus County Sheriff Arvel Shepherd.

The shooting Thursday night occurred as deputies tried to investigate a report by Tippit's wife that her husband had struck her.

Area

A&M official recovering from surgery for cancer

Texas A&M University System Chancellor Howard Graves underwent successful surgery in Houston on Friday to remove cancerous nodules from a lung, A&M System officials announced.

Graves, 63, named chancellor in 1999, was diagnosed with cancer two years ago and has been undergoing treatment to his abdomen and lungs. Friday's surgery was performed at the University of Texas M.D. Anderson Cancer Center.

Deputy Chancellor Jerry Gaston will assume some of Graves' responsibilities while he recovers at home during the next several weeks, system officials said. Graves will do some work at home.

Slain man's son-in-law charged with kidnapping

ANGLETON -- A Bay City man is in jail charged with the aggravated kidnapping of his father-in-law, whose body was found in a shallow grave in an oil field north of West Columbia.

Holmes Powell Weems Sr., 61, who operated three coin-operated laundries, was reported missing from his West Columbia home Dec. 26, said Buck Henson, a Brazoria County Sheriff's Department investigator.

Investigators found the body Thursday after arresting Widener Michael Weems, 22, at his home Wednesday. He remains in county jail on \$75,000 bail. Officers are also searching for his brother, Bobby, 20.

The brothers, distant cousins of the victim, were charged with kidnapping after investigators found Holmes Weems' pickup Jan. 7. Henson said Weems may have been beaten to death, and the charges may be increased to murder pending autopsy results.

From staff and wire reports

Jan. 17, 2003, 10:35PM

Reliant, Dynegy see shares move up

Some investors take new look

By LAURA GOLDBERG

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Reliant Resources shares capped off the week with an increase Friday for the eighth day in a row.

And shares in Dynegy, which closed down Friday, have also had a good run of increases in recent days.

Both have benefited from an investor sentiment -- optimism -- that hasn't been associated with their stocks in recent months.

To be sure, neither energy company's stock is at a spectacular level, but some investors have been willing to take another look at each.

Growing confidence that they will be able to negotiate critical financing packages with their lenders is playing a key role.

A report earlier this week by Merrill Lynch's power and gas analyst team said refinancing expectations had been helping shares of Reliant, Dynegy, Mirant and Calpine Corp.

The report said \$1.9 billion of refinancing completed by AES Corp. in December had "raised hopes that other banks are willing to `live with' these companies for the next couple of years."

That means, the report said, agreeing to roll key debt maturities forward, which would avoid potential defaults and involuntary restructurings.

"In general, we agree with this view," the report said.

But the analysts said with recent run-ups the stocks had probably gotten ahead of themselves. They are still concerned about certain issues, including this year's outlook for wholesale power markets.

The main factor driving Reliant's share increase is a belief that it will successfully renegotiate \$2.9 billion in debt that will mature Feb. 19.

Reliant shares closed Friday at \$5.40. That's up 27 percent for the week and up 69 percent since the start of the year.

In a report this week, Goldman Sachs said it expected Reliant to announce a deal for the \$2.9 billion around Feb. 19.

The company is also working with its banks to refinance \$5.9 billion in debt.

Dynegy, which is shifting its business model and working to turn itself around, is also benefiting from investor optimism that it will reach refinancing deals for a \$900 million credit line expiring April 28 and a \$400 million line expiring May 27.

Profitable 2003 earnings projections released last week are also contributing to the upward momentum.

Dynegy shares closed Friday at \$2.43. That's up 26 percent for the week and up 106 percent since the start of the year.

The company faces a \$1.5 billion obligation in November.

"We are fully committed to rebuilding investor confidence in the new Dynegy, but it will take time and continuing to deliver on what we promised," Dynegy spokesman John Sousa said. "We realize we have more to do."

Also, on Friday the company announced that senior vice president and controller Mike Mott had resigned for personal reasons.

His duties, among others, included developing and applying the company's accounting policies.

Jan. 17, 2003, 10:47PM

Regulators go after El Paso records

Los Angeles Times

Federal utility regulators issued a subpoena to El Paso Corp. Chief Executive William Wise on Friday, requesting documents as part of California's massive 100-day hunt for evidence of market manipulation during the state's energy crisis of 2000-01.

El Paso spokesman Mel Scott said the Houston-based company had received the subpoena and is cooperating.

Federal Energy Regulatory Commission Judge H. Peter Young granted the request from the California attorney general's office and other agencies as the state pushes to win \$9 billion in refunds.

Another FERC judge found last month that energy companies overcharged California by \$1.8 billion -- but said the state still owes suppliers \$1.2 billion because it had \$3 billion in unpaid bills. FERC's board has not yet ruled.

In the meantime, California has been rushing to gather market-manipulation evidence as part of a special 100-day "discovery" period granted state officials by FERC in November on orders from the 9th U.S. Circuit Court of Appeals in San Francisco. That effort is set to end Feb. 28.

Jan. 17, 2003, 10:35PM

ChevronTexaco launching unit for natural gas

By LAURA GOLDBERG

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ChevronTexaco Corp. is opening a natural gas marketing unit in Houston with about 100 employees.

It's doing so because Dynegy is getting out of the business of marketing and trading energy for other companies.

Under arrangements that will end soon, Dynegy has been buying and then marketing almost all the natural gas ChevronTexaco produces in the United States, except Alaska, and supplying gas to ChevronTexaco facilities.

The two companies said last year they were in talks to end their natural gas agreements. They announced Friday that terms had been reached, including a payment of about \$11 million by Dynegy to ChevronTexaco and the transfer to ChevronTexaco of certain of Dynegy's third-party contracts.

The agreements will end Feb. 1, though Dynegy will provide some transition services to ChevronTexaco through March 31.

ChevronTexaco Natural Gas, a wholesale natural gas marketing and trading operation, is slated to be ready for business in April and will be located at an existing ChevronTexaco facility.

The unit, which will be staffed by ChevronTexaco employees and selected hires from Dynegy, will market the natural gas of ChevronTexaco and others.

Dynegy, however, will continue its agreements with ChevronTexaco related to natural gas processing and liquids.

Under those agreements, Dynegy, among other activities, buys and then sells ChevronTexaco's natural gas liquids in the United States.

Jan. 18, 2003, 1:14AM

Asbestos progress for Honeywell, ABB

Bloomberg News/Dow Jones/Associated Press

Honeywell International and plaintiffs representing about 90 percent of the asbestos complaints against the company agreed Friday to settlement terms, creating a trust that would cover any current and future damage awards.

In another case, struggling Swiss-based engineering giant ABB released details Friday of a \$1.2 billion plan to settle spiraling asbestos claims, hoping to close its crippling U.S. litigation this spring.

Morristown, N.J.-based Honeywell and its former unit, North American Refractories Co., reached an agreement with 236,000 claimants. The trust calls for claimants to be paid within four years and caps the amount of future claims, Honeywell said in a statement.

The trust would bar more complaints from being filed in state and federal courts, said Honeywell, one of dozens of large companies fighting asbestos-related suits.

The company said last month it will have its second straight annual loss after setting aside \$900 million last quarter for asbestos litigation.

U.S. Bankruptcy Judge Judith Fitzgerald must approve the final terms of the settlement and trust.

The latest ABB plan is \$100 million more than its first proposal in October and will force the company to take a \$250 million to \$300 million fourth-quarter charge.

ABB Chief Financial Officer, Peter Voser, said lawyers for the 111,000 plaintiffs had agreed to the package, and he was confident it would be accepted by at least 75 percent of the claimants, a necessary criterion for it to proceed to court in Delaware.

Jan. 17, 2003, 10:35PM

National Oilwell buys Halliburton division

By NELSON ANTOSH

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Halliburton has sold a United Kingdom-based pump manufacturing business to National Oilwell for \$87 million in cash and stock.

For Halliburton, the world's second-largest oil-field services company, the Mono sale is the most recent in a series of divestitures that are expected to total more than \$500 million.

The most recent sale of major size, for \$200 million, involved its share of a pipe-coating business called Bredero-Shaw, last summer.

National Oilwell, also based in Houston, is paying \$22.7 million in cash and 3.2 million newly issued shares for all of the outstanding stock of a business known as Mono Group in the U.K. and Monoflo in the United States.

For National Oilwell, the Mono deal is part of a long string of acquisitions to round out its offerings to companies that drill for and produce oil and natural gas.

Mono employs about 600 people worldwide and produced revenues in 2002 of approximately \$80 million.

It has three plants: one in Manchester, which is also the division headquarters, in Houston's Park 10 business park, and in Australia.

The Manchester plant employs about 350 and the Houston plant about 200, according to Steve Krablin, chief financial officer of National Oilwell.

Products manufactured include the power sections for downhole drilling motors, downhole artificial lift pumps, progressive cavity fluid transfer pumps, grinders and screens.

The progressive cavity pumps are designed to move heavy liquids like crude oil, and are used outside the energy business.

National Oilwell has been buying the power sections for the drilling motors that it manufactures but now

will be able to make them in-house, Krablin said.

The acquisition is expected to add about \$18 million to National Oilwell's operating profit and add more than 5 cents per share to its 2003 earnings.

Based on the price of its stock as of the closing date Wednesday, the total value of the deal is about \$87 million.

On Friday, Lehman Bros. raised its 2003 earnings estimate for National Oilwell to \$1.10 per share, from \$1.05, and boosted its 2004 estimate by 5 cents to \$1.50.

Jan. 17, 2003, 10:49PM

Trader receives seven-year sentence

Bad bets, manipulation at Allfirst resulted in \$691 million loss

BALTIMORE (AP) -- A former currency trader was sentenced to 7 1/2 years in prison Friday for hiding \$691 million in losses at Allfirst Financial after bad bets snowballed into one of the largest bank frauds.

John Rusnak, 38, apologized during his sentencing and said he wanted to try to make restitution that could lead to "some redemption later in life."

He could have faced up to 30 years in prison. The 7 1/2-year sentence was part of a plea bargain with prosecutors. Upon his release, he must start paying \$1,000 a month for the five years of his probation.

Rusnak will remain on the hook for the full \$691 million he lost, but prosecutors said the amount he pays back will depend on how much money he is able to make after leaving prison.

"If he does get (a) book deal or a movie deal or something like that, we're going to get that money," said U.S. Attorney Thomas DiBiagio.

DiBiagio said Rusnak would not do his time at a halfway house or "some golf course."

"He is going to go to prison with the bank robbers and the drug dealers and the other criminals because that's what he is," DiBiagio said.

Rusnak was indicted in June in the biggest bank fraud case since Nick Leeson lost more than \$1 billion on futures trades and caused the 1995 collapse of England's Barings Bank.

At Allfirst, Rusnak ran up the losses over five years, mostly from trading Japanese yen. Prosecutors said he dug himself a deeper hole by taking ever-larger risks as he tried to recoup the money he had lost.

Rusnak didn't directly profit from the losses. However, prosecutors said he racked up bonuses over \$650,000 by making it look as if the bank was making money between 1997 and 2001 instead of losing vast sums.

Prosecutors said the father of two collected about \$433,000 in bonuses before the fraud was discovered.

DiBiagio said Rusnak's white-collar crime was devastating to the bank and precipitated hundreds of

layoffs announced this week.

Jan. 17, 2003, 10:49PM

Tough talk on Iraq lifts crude further

Bloomberg Business News

NEW YORK -- Crude oil rose Friday to its highest price in more than two years, after Secretary of State Colin Powell said the United States has proof Iraq is hindering United Nations inspections.

Oil prices gained 89 percent in the past year, partly on concern the United States will disarm Iraq by force, threatening shipments from the Persian Gulf.

Light, sweet crude oil for February delivery rose 25 cents, or 0.7 percent, to \$33.91 a barrel on the New York Mercantile Exchange. It was the highest closing price for such a contract since Nov. 29, 2000.

Trading ended early, and the exchange will be closed Monday for the Martin Luther King holiday.

February heating oil closed up 0.19 cent at 89.86 cents a gallon. February gasoline futures edged up 0.35 cent to close at 91.11 cents a gallon.

Natural gas for February delivery dropped 10.9 cents to \$5.536 per thousand cubic feet.

March Brent futures slipped 4 cents to close at \$30.54 a barrel.

Jan. 17, 2003, 10:47PM

New figures show a rickety economy

Associated Press

WASHINGTON -- Manufacturing stumbled in December, and November's trade deficit swelled to a record. The figures underscored challenges that still face a struggling U.S. economy.

The Federal Reserve reported Friday that production at the nation's factories, mines and utilities fell by 0.2 percent in December, ending a turbulent year on a disappointing note.

Industrial production fell for a second straight year in 2002, the first time that has happened since the early 1970s.

"The dangers and risks remain that manufacturing could fall into a new full-blown recession," said economist Clifford Waldman, president of Waldman Associates.

It was a sickly manufacturing sector that eventually pushed the economy into a recession in 2001. Although most economists don't foresee that happening this time around, they do believe manufacturers are the weakest link in the economy's recovery.

At factories, production fell 0.2 percent in December, largely reflecting a sharp drop in automobile production.

In other somber news for U.S. manufacturers, the trade deficit bulged to a record \$40.1 billion in November. Imports soared as West Coast ports got back to business after a fall labor dispute.

The Commerce Department report showed the imbalance between what the United States sells abroad and what it imports swelled by 13.9 percent in November from the October deficit of \$35.2 billion.

"The trade deficit ... in November was simply incredible. No, make that incomprehensible," said economist Joel Naroff of Naroff Economic Advisors. "No matter what, it happened. ... Oh, well, I guess we really like foreign products."

Also Friday, the University of Michigan's midmonth report on consumer sentiment for January fell to 83.7 from 86.7 in December, according to Dow Jones Newswires. The reading fell short of economists' expectations of 86.4.

The trio of disappointing economic reports weighed on stocks. Wall Street slid to its first weekly loss in 2003, as sluggish outlooks from Microsoft and IBM fed investor pessimism.

The Dow Jones industrial average declined 111.13, or 1.3 percent, to close at 8,586.74 on Friday, for a three-day loss of nearly 256 points.

The broader market also finished sharply lower. The Nasdaq composite index dropped 47.56, or 3.3 percent, to 1,376.19, the largest decline since Dec. 9, when it fell 55 points. The Standard & Poor's 500 index fell 12.82, or 1.4 percent, to 901.78.

For the week, the three gauges snapped a two-week winning streak, with the Dow losing 2.3 percent, the Nasdaq declining 4.9 percent, and the S&P 500 falling 2.8 percent.

Declining issues outnumbered advancers about 5-to-2 on the New York Stock Exchange. Consolidated volume was light at 1.70 billion shares, compared with 1.91 billion traded Thursday.

The Russell 2000 index, a barometer of smaller company stocks, fell 6.78, or 1.7 percent, to 388.10.

The price of the benchmark 10-year Treasury note rose point, or \$5 per \$1,000 in face value. Its yield, which moves in the opposite direction, fell to 4.02 percent, from 4.08 percent Thursday.

Late in the New York trading day, the euro rose to \$1.0666, up from \$1.0617 late Thursday. The dollar was quoted at 117.82 yen, down from 117.83 yen.

Overseas, Japan's Nikkei stock average finished 0.9 percent higher Friday. In Europe, France's CAC-40 fell 2.7 percent, Britain's FTSE 100 lost 1.6 percent and Germany's DAX index dropped 4.4 percent.

U.S. financial markets will be closed on Monday for Martin Luther King Day.

Jan. 18, 2003, 1:17AM

Briefs: Nation and world

Recipients of loans told to hit the road

DETROIT -- Kmart Corp. said Friday it has fired the five remaining executives who received millions in retention loans just months before the retailer filed for bankruptcy protection last January and demanded that all 25 recipients repay the \$28 million.

Kmart said it had "severed employment relationships" with all remaining executives who received the loans during former CEO Charles Conaway's tenure.

The FBI and Securities and Exchange Commission are investigating Kmart.

On Tuesday, the retailer announced it will close 326 stores, including all 17 remaining ones in Houston, and eliminate 37,000 jobs with the goal of emerging from Chapter 11 bankruptcy by the end of April.

In other news ...

- **General Electric** said its profits for the fourth quarter had matched its reduced forecast in November and reaffirmed its profit outlook for the first quarter and all of 2003. But GE, one of the world's biggest manufacturing and financial services companies, said that it saw little evidence of a strong economic recovery.

- Now that the biggest firms on Wall Street have agreed to pay \$1.4 billion to end investigations into their stock analysts, some are trying to get their insurance companies to write the checks. Representatives of two big insurers, the **American International Group** and **Chubb**, have asked regulators to include a clause that the firms must pay the penalties themselves, the New York Times reported. **Citigroup** is among the firms hoping to recover part of its share of the settlement, the Times said. Some regulators favor the clause because letting the firms pass on their punishment would violate the spirit of the pending agreement.

- **Adelphia Communications'** board of directors has voted to hire two former **AT&T Broadband** executives to revive the struggling cable provider from bankruptcy. William Schleyer will take over as Adelphia's CEO and Ron Cooper will be chief operating officer. Earlier, John Rigas, the indicted founder of Adelphia agreed to relinquish 34 apartments, condos and vacation homes that were bought with company money.

- New York's attorney general is exploring whether **Medco Health Solutions**, a **Merck & Co.** subsidiary that was supposed to find discount drug prices for companies and health plans, violated state laws by steering consumers to more expensive drugs.
- **Constellation Brands** said it is acquiring Australian vintner BRL Hardy for \$1.1 billion in cash and stock in a deal that would make it the world's largest wine business. Constellation produces wines such as Arbor Mist, Franciscan, Simi, Almaden, Vendange and Ravenswood. Aside from wine, its U.S. brands include Corona beer, Paul Masson brandy and Black Velvet whiskey.
- Employees at **Rambus** were given burlap bags to help gather and destroy potentially incriminating documents in the late 1990s, the **Federal Trade Commission** alleged in court filings. Rambus, a Silicon Valley computer memory chip maker, engaged in a campaign of "massive" document destruction partly out of concern that some documents could be used to press antitrust charges against the company and invalidate its valuable patents, the FTC charged.
- A bankruptcy judge accepted **US Airways'** plan to emerge from bankruptcy by March 31 and gave the airline the go-ahead to ask creditors to approve the proposal.
- **SonicBlue**, a pioneering manufacturer of portable MP3 players and video recorders that skip commercials, announced it is "evaluating available strategic options" for reducing its debt, including selling all or part of its assets.
- The online job site **Monster.com** deals in millions of résumés, but its chairman, Jeff Taylor, was less than careful with his own. A "misunderstanding" led Taylor to list a type of MBA from Harvard University on his résumés, a company spokesman said, when in fact he holds no postgraduate degree and the type of MBA he described does not exist.

Bloomberg News, Reuters, the Associated Press and Chronicle staff contribute to this report.

Jan. 18, 2003, 1:16AM

Briefs: Houston and state

Second Enron auction brought \$2.85 million

Enron's second auction of oversized E's, computer equipment and company memorabilia in December netted \$2.85 million, bankruptcy documents released Friday show.

The auction included a 7-foot "disco E" that sold for \$33,000, two other large company logos and several company vehicles, including a 1999 Lincoln Navigator and a 2000 Cadillac DeVille.

The two auctions raised more than \$6 million. The company spent more than that in the first month of its bankruptcy on legal fees for the primary firm handling its case.

Enron is also in the midst of making a decision on its 12 most valuable assets, including pipelines and power plants. It will decide within a few weeks whether to sell them or try to bundle the assets together into a new company, officials say.

Baker Botts chooses managing partner

Baker Botts has a new managing partner: Walter J. Smith.

Smith, a corporate and securities partner in Baker Botts' Houston office, fills the job vacated by the retirement of Richard C. Johnson. During Johnson's four years on the job, the Baker Botts roster grew from 500 to 700 attorneys.

Smith has practiced corporate law with the firm since 1975. For the past two years he has served as the partner-in-charge of the firm's Houston office.

Weatherford lowers quarterly expectation

Oil-field services company Weatherford International said Friday its fourth-quarter earnings will be lower than the forecasts of analysts because of a drilling slowdown in important markets such as the North Sea and Venezuela.

It expects to earn 24 cents to 26 cents per diluted share, against the Thomson First Call consensus of 29 cents. The company will announce fourth-quarter results Feb. 4.

Jan. 17, 2003, 10:48PM

Panel urges more cautious plan for smallpox vaccine

Associated Press

WASHINGTON -- Federal officials on Friday prepared to ship smallpox vaccine to about a dozen states as a scientific advisory panel urged them to move cautiously. The panel said reactions to the first round of inoculations should be analyzed before giving shots to millions of health care and emergency workers.

The scientists also recommended that health workers being offered the vaccine be told that it carries real risks, and that they are likely to receive only minimal compensation if they are injured.

"The committee suggests explicitly stating that the benefit of the vaccination program is to increase the nation's public health preparedness, but that the benefit of vaccination to any one individual might be very low," the panel convened by the Institute of Medicine reported.

The last case of smallpox in the United States was more than 50 years ago. Routine vaccinations here ceased in 1972, but experts fear the disease could return in an act of bioterror.

Still, the risk of such an attack is unknown, and the chances that any given person will encounter the virus are particularly small, the Institute of Medicine noted. Meantime, the risks of the vaccine are well documented: Based on historical information, as many as 40 people out of every million being vaccinated for the first time will face life-threatening reactions, and one or two will die.

A plan announced last month by President Bush calls for quickly vaccinating nearly a half-million people working in hospital emergency rooms and on special smallpox response teams, with inoculations set to begin next Friday. With little time remaining, the panel recommended a series of safeguards aimed at educating people who may receive the vaccine, tracking their reactions to it and communicating with the public about the smallpox program.

Officials at the Centers for Disease Control and Prevention said they were confident that people offered the vaccine would be given the information they need and that they would carefully track reactions.

"Protecting the public is our core business and it's certainly our highest priority," said Dr. Julie Gerberding, CDC director.

Chiefly, the committee said, people being offered the shot must understand that they are helping to

prepare the nation should bioterrorism strike -- unlike other vaccines which primarily protect the individual.

The experts also recommended that people be specifically told that they may not receive any compensation if they are injured by the vaccine.

Congress acted to protect people and institutions delivering the vaccine from most lawsuits that could be filed by those injured by the inoculation, leaving such patients with little recourse. Under the policy, injured people may have access to state workers' compensation programs.

An existing compensation fund helps people injured by other vaccines, but it does not cover smallpox. The administration has not proposed a fund for smallpox.

Without a way to reimburse people for their lost work time and medical expenses, the panel said, "some, perhaps many" people may decline to get vaccinated, undermining the effectiveness of the program.

The first phase of the program is set to begin next Friday, and Gerberding said CDC planned to ship more than 50,000 doses of vaccine to 11 states on Tuesday. She would not name them, but officials in South Dakota, Pennsylvania, Colorado and New Hampshire were among those who said they had placed their orders.

The Texas Department of Health has asked that vaccine for Texas not be shipped until after Friday.

"That's the earliest the Homeland Security Act would go into effect, and that act offers some liability coverage associated with the vaccine," explained state health department spokesman Doug McBride.

About 40,000 Texas health care workers -- 6,000 in Harris County -- will be vaccinated against smallpox beginning in mid-February.

The Institute of Medicine also recommended that federal officials move slowly to the program's second phase, when the vaccine will be offered to some 10 million people, including other health care workers and emergency responders.

Friday's report recommended that the CDC evaluate the rate of serious reactions, the effectiveness of its educational material and the variation in vaccination policies from round one before moving to the second group.

Chronicle medical writer Leigh Hopper contributed to this report.

Jan. 17, 2003, 10:47PM

Ridge says homeland task ahead enormous

Associated Press

WASHINGTON -- Tom Ridge sailed through Senate confirmation hearings Friday on his way to becoming the nation's first Homeland Security Department chief and taking on the task of harnessing a giant federal bureaucracy responsible for protecting America from terrorist attack.

"The inertia of the old way of doing things will be enormously difficult to change," Sen. Robert Bennett, R-Utah, told Ridge before the Senate Governmental Affairs Committee unanimously approved him for the new Cabinet post. The full Senate is expected to vote on the nomination next Tuesday.

Ridge, in a hearing before the committee Friday morning, said "terrorism directly threatens the foundations of our nation" and eradicating that threat will be "a long struggle."

Lawmakers said the fight should not come at the expense of civil rights or the free flow of commerce.

Ridge spoke of the "enormity of our task" of bringing together 22 federal agencies with 170,000 employees to lead the security campaign. The new department, he said, "will not in and of itself be able to stop all attempts by those who wish to do us harm."

The department will officially come into being next Friday, although it won't assume operational control of the agencies until March 1. The government has yet to decide where the headquarters will be.

Ridge is a former congressman and governor of Pennsylvania who since the Sept. 11, 2001, attacks has been President Bush's chief adviser on homeland security.

While there was no dissent over Ridge's qualifications for the job, senators used the four-hour hearing to question the administration's anti-terrorism policies and ask how the focus on homeland security could affect civil liberties.

"Overall it's been too weak," Sen. Joe Lieberman, D-Conn., a presidential hopeful, said, referring to the administration's record on homeland defense. "Its vision has been too blurry and its willingness to confront the status quo, including with resources, has been too limited."

Lieberman's comment came a day after the Senate rejected a Democratic attempt to add \$5 billion to this year's budget for homeland security, primarily to fund programs at the state and local levels. "I hope that

this administration will not give us a hollow homeland security," Sen. Dick Durbin, D-Ill., said at the hearing.

Ridge said there would be additional money in the 2004 budget for first responders and others on the ground floor of the fight against terrorism.

Sen. Susan Collins, R-Maine, who on Friday formally took over from Lieberman as chairman of the committee, also expressed concern that the law creating the new department did not assure coordination and communication between the federal agency and the 2 million firefighters, police and other first responders across the country.

Ridge said there would be a direct line of authority from the president down "to a single on-site response coordinator."

The new agency will combine the Secret Service, Coast Guard, Customs Service, Immigration and Naturalization Service, Transportation Security Administration, Federal Emergency Management Agency and other offices with security-related functions. It will mark the biggest government reorganization since the Defense Department was formed in 1947.

Jan. 17, 2003, 10:49PM

Security system tracks shipments at seaports

Associated Press

SEATTLE -- Eleven of the world's busiest seaports have started using an electronic container security system that was developed to help the U.S. military keep track of food, ammunition and other gear shipped overseas.

The technology, created by Savi Technology of Sunnyvale, Calif., relies on electronic seals placed on container closures. Using radio signals, the seals can transmit information about where the container is, what is inside it and whether it has been opened -- all crucial in thwarting smugglers or terrorists.

"There has been, up to now, no means of tracking and tracing containers," said John Meredith, managing director of Hutchison Port Holdings, a subsidiary of the world's largest port operator, Hutchison-Whampoa Ltd. "This way, you can know that what's said to be in the box is actually in there."

The system, called Smart and Secure Tradelanes, was expected to be a big topic of conversation Friday in Seattle, where people involved with ports -- from shippers to U.S. customs officials -- were to meet to discuss security.

So far, the system has been rolled out modestly. About 100 containers equipped with the seals have been shipped from Hong Kong and Singapore to Seattle, Los Angeles and Long Beach, Calif., over the past two months. A similar number have been shipped from Europe to East Coast ports.

Several million cargo containers -- about 95 percent of U.S. international trade -- enter the United States every year through its 361 sea and river ports. Since Sept. 11, many people have worried that terrorists might use the 40-foot containers to sneak biological weapons or other arms into the country.

The ports that have started using the technology are: Hong Kong; Singapore; Seattle; Tacoma, Wash.; Los Angeles; Long Beach, Calif.; New York; New Jersey; Rotterdam, Netherlands; Antwerp, Belgium; and Felixstowe, Britain.

Jan. 17, 2003, 10:51PM

Official sees dispersal of al-Qaida cells

Reuters News Service

WASHINGTON -- Al-Qaida is unlikely to find another operating haven similar to Afghanistan, so the militant network is seeking to disperse in small cells into a larger number of countries, a senior U.S. official said Friday.

"I don't see at this point a replication of Afghanistan," the official said in an interview.

"I think the reality is that they are seeking to disperse, to blend into local populations that can support their activities, and there is a scramble under way."

The network may seek areas with a large, poor, sympathetic population with a Muslim orientation that can support and cover its movements, the official said.

He said al-Qaida was constrained by needing a place where the population can support the types of training and financial activities it needs to remain a major threat.

The official, speaking on condition of anonymity, did not disclose the information on which he based his judgments about al-Qaida activities and intentions.

Jan. 17, 2003, 10:47PM

Rice supports race factor

Bush adviser candidly backs college diversity measure

By RON FOURNIER

Associated Press

WASHINGTON -- National Security Adviser Condoleezza Rice said Friday race could be a factor in selecting colleges' students, embracing a cornerstone of affirmative action that President Bush has avoided.

"It is appropriate to use race as one factor among others in achieving a diverse student body," the president's most prominent black adviser said in a written statement.

The statement distanced Rice from some of Bush's most conservative advisers -- and to an extent from Bush's own position.

In a narrowly tailored brief for a Supreme Court case, the president's lawyers argued Thursday that the University of Michigan's admissions system fails the constitutional test of equal protection for all and ignores race-neutral alternatives that could boost minority presence on campuses.

The Supreme Court could use the Michigan case to review a 25-year-old affirmative action ruling that said quotas were unconstitutional but left room for race being a factor in admissions. While Bush and his lawyers did not address whether race could ever be a consideration, Rice's statement endorsed that aspect of the landmark 1978 Bakke decision.

Rice said she agreed with the president's position "which emphasizes the need for diversity and recognizes the continued legacy of racial prejudice, and the need to fight it."

"The president challenged universities to develop ways to diversify their populations fully," she wrote.

In a significant step beyond Bush's own statements, she added: "I believe that while race-neutral means are preferable, it is appropriate to use race as one factor among others in achieving a diverse student body."

Rice, former provost at Stanford University, made a rare foray into domestic policy when she participated in intense internal debate over the Michigan program, which offers points to minority

applicants and sets goals for minority admissions.

White House officials said she firmly argued her point to Bush that race could be used as a factor in admissions, though she agreed with his view that the Michigan program went too far. Officials said she did not object to Bush remaining silent on the issue in the brief.

They said Rice was stung by a Washington Post story that said she helped convince Bush that favoring minorities was not an effective way of improving diversity on college campuses.

Rice discussed the article with Bush, who urged her publicize her differences, officials said.

Her statement quickly led to speculation that there were sharp differences between Rice and Bush. The adviser made a series of calls to reporters in an effort to dispute such talk.

"I could not be more supportive of what the president did and the way that he did it," Rice told one group of reporters.

In an interview with the American Urban Radio Network, Rice said she agreed that affirmative action is needed "if it does not lead to quotas."

Jan. 17, 2003, 10:49PM

Colleague testifies pilot was ordered to hold fire

Associated Press

BARKSDALE AIR FORCE BASE, La. -- An American pilot who mistakenly bombed Canadian troops in Afghanistan last year, killing four of them, was under orders to hold fire when he dropped the bomb, a fellow airman testified Friday.

Maj. John Milton spoke at a hearing to determine whether two members of his Illinois National Guard squadron should be court-martialed.

Majs. Harry Schmidt and William Umbach are charged with involuntary manslaughter and could face up to 64 years in a military prison if convicted.

An audio and videotape of the incident, taken from Schmidt's F-16, has been the key piece of evidence during the hearing and it was played again Friday.

On it, a flight controller is heard saying "hold fire" after Schmidt requests permission to fire his 20 mm cannons. Schmidt had spotted fire on the ground and thought Umbach was under attack.

Milton said the order meant Schmidt must refrain from attacking.

Schmidt said he was "rolling in" to drop the guided bomb and he did so 39 seconds after the "hold fire" order. Besides killing the four soldiers, the blast wounded eight other Canadians who had been performing anti-tank exercises with live ammunition.

Survivors testified earlier that they were not firing into the air at the time. Defense lawyers have suggested the pilots thought they were under fire from enemy forces.

Under cross-examination, Milton indicated that a hold-fire order does not apply when a pilot believes he is under attack. Official reports on the incident from the U.S. and Canadian governments say Schmidt cited self-defense at the same time he said he was "rolling in."

Milton, who has flown similar F-16 missions over Afghan combat zones, was not involved in the April 17 bombing. He was called as a government witness to explain, as a pilot, how he understood the events that led up to the bombing. He has testified he "is biased" in his colleagues' favor.

The defense has suggested that a breakdown in military communications kept the pilots from knowing there were allied troops in the area that night.

Milton indicated that he was never briefed or given written materials about allies at Tarnak Farm, the firing range near Kandahar where the Canadians held their anti-tank exercises the night of the bombing.

"There is no doubt in my mind that (the bombing) never would have happened" had the pilots been informed that the Canadians would be in the area, he said.

Milton's statement contradicted earlier testimony from Col. Lawrence Stutzriem, who at the time of the bombing was with the agency responsible for coalition air operations. Stutzriem said Air Force pilots flying missions in the area had received written orders warning that allied troops would intermittently use live ammunition.

Milton said the 40-page booklet was "unworkable" because it included so much information. The pilot also said an investigation into communication problems would do more than the hearing to prevent friendly fire incidents.

"This should be a safety investigation, to find the problem and fix the problem," Milton said.

Schmidt is a combat-decorated Navy pilot who transferred to the National Guard in 2000. Umbach is a United Airlines pilot who had served in the Air Force. They are also charged with aggravated assault and dereliction of duty.

Jan. 18, 2003, 1:28AM

Missionaries say rhetoric raises risks

Associated Press

RICHMOND, Va. -- A group of Southern Baptist missionaries working in Muslim countries has asked the U.S. leaders of their denomination to tone down their harsh criticism of Islam for safety reasons.

The missionaries said denigrating Islam puts them at risk as they spread Christianity under dangerous conditions overseas.

On Dec. 30, a suspected Islamic militant killed three workers at a Southern Baptist hospital in Yemen -- the latest in a series of attacks over the last year on American religious workers abroad.

"We are not sure if you are aware of the ramifications that comments that malign Islam and Muhammad have -- not only on the message of the gospel but also upon the lives of our families as we are living in the midst of already tense times," the missionaries said in the Jan. 10 letter.

The statement was signed by "a group of Southern Baptists serving in the Muslim world," who did not give their names. The two dozen missionaries were from 10 countries in the Mideast, North Africa, East Africa and South Asia.

Several Southern Baptist leaders have condemned Islam since the Sept. 11 terror attacks.

Jan. 18, 2003, 1:28AM

Laity wants him out, bishop told by panel

New Hampshire head says he'll stay

By J.M. HIRSCH
Associated Press

MANCHESTER, N.H. -- A group of church members appointed to recommend policy changes to prevent and punish sexual abuse by priests told Bishop John McCormack on Friday that many New Hampshire Catholics think he should step down.

"The most common sentiment expressed on the part of those speaking at listening sessions was that Bishop McCormack should resign," the 12-member group said in its report.

"There was considerable concern that Bishop McCormack does not have the moral authority to implement the revised policy on sexual misconduct nor to lead the church forward in the healing process," the group's report said.

In a news release, McCormack praised the group's work but said nothing about resigning. Still, in a private meeting Friday with an alleged victim of priest abuse, McCormack indicated that day could come.

Gary Bergeron met with McCormack for over an hour and said McCormack told him he plans to remain bishop so long as he is able to help victims heal and lead the church effectively.

"He said right now he believes he can do that; however if the time came when it was better for the church that he would make a decision to go," Bergeron said in a telephone interview.

The mainly lay Diocesan Task Force on Sexual Misconduct Policy, appointed by McCormack last fall, was supposed to limit the 21-page report to policy recommendations, but it devoted the final 2 1/2 pages to criticism from public meetings, though it took no position on resignation.

"We've heard them so often we couldn't let them go and not include them in the report," Chairwoman Donna Sytek said, referring to the resignation calls. "I don't think that will come as a surprise to him."

The report's recommendations centered on preventing abuse, showing compassion to alleged victims and respecting the rights of accused priests. Among other things, it recommended alleged violations of abuse-

prevention policy be reported to the bishop, and alleged violations by the bishop be reported to the Vatican and U.S. Conference of Catholic Bishops.

McCormack is not bound by the recommendations, and some of what will be in the diocese's revised sexual abuse policy is beyond his control because it must conform with canon law.

The report comes against a backdrop of a nationwide scandal over sexual abuse by priests that erupted in Boston a year ago. Boston Cardinal Bernard Law resigned after months of criticism and lawsuits accusing him of turning a blind eye toward molestation and protecting accused priests.

McCormack was a top aide to Law from 1984 to 1994 and is named in lawsuits seeking to hold the archdiocese responsible.

In December, McCormack avoided criminal indictment of the diocese by agreeing to a settlement with the state attorney general's office. In that settlement, he admitted the church failed to protect children from abusive priests. He also agreed to five years of diocese audits by prosecutors and that church workers immediately report suspected molestation.

Jan. 18, 2003, 1:28AM

Church lawyers subpoena abuse victims' therapists

By DENISE LAVOIE
Associated Press

BOSTON -- Lawyers for the Boston Archdiocese, which offered to pay for counseling for people who say they were abused by priests, have begun issuing subpoenas to the therapists to get details about the sessions.

The subpoenas issued this week require therapists to answer questions under oath about the counseling, a move that has outraged alleged victims and their lawyers.

"As a moral institution, the church has touted how much it wants to take care of the victims," said Roderick MacLeish Jr., an attorney who represents more than 200 alleged victims. "Well, don't be touting your pastoral mission of how you're helping victims and then destroy the key element of treatment, which is confidentiality."

The archdiocese publicly extended the offer for therapy in October.

Donna Morrissey, a spokeswoman for the archdiocese, did not return a phone call seeking comment Friday. She told the Boston Globe she did not know whether Bishop Richard Lennon, who took over after Cardinal Bernard Law resigned last month, knew about the subpoenas.

MacLeish said church lawyers had agreed not to subpoena therapists who were treating victims.

But Timothy P. O'Neill, an attorney for Bishop Thomas Daily, of Brooklyn, N.Y., a former aide to Law, said he was never told of any such agreement. O'Neill questioned one of the therapists this week, and MacLeish said church lawyers have indicated that they will subpoena others.

Communications between therapists and their clients are confidential, but that privilege is sometimes waived in cases where psychological harm is alleged, said Wendy Murphy, a Boston attorney who represents victims of sexual violence.

"If you can show that the psychological state of being for either the plaintiff or the defendant is a fair issue in the case, then the records are fair game, to some extent," Murphy said.

Lennon has called for negotiated settlements of the more than 400 civil lawsuits against the archdiocese.

While plaintiffs' attorneys have refused to stall their lawsuits, they have agreed to settlement talks.

On Friday, a church attorney told a judge the lawsuits should be dismissed because the separation of church and state bars civil courts from getting involved in how church officials supervise priests.

"The government here cannot get into the business of defining what a reasonably prudent bishop would do," said L. Martin Nussbaum, a First Amendment specialist.

The archdiocese has said the legal challenge was required to satisfy its insurance carriers, in hopes that a portion of any settlement costs, estimated at millions of dollars, will be covered.

But church spokesman the Rev. Christopher Coyne said the archdiocese believes it has a responsibility to protect its "unique constitutional inheritance of the separation of church and state."

"We reiterate today that our motion in no way seeks to diminish the serious nature of what has been experienced by victims in this archdiocese," he said.

Attorney Mitchell Garabedian, who represented 86 alleged victims in a \$10 million settlement reached with the archdiocese in September, scoffed at the argument.

"Where would we be now if we couldn't use the civil courts to prevent this from happening in the future?" Garabedian said after the hearing. "It would still be going on."

In court, attorney Jeffrey Newman, whose firm represents more than 200 alleged victims, said church leaders were attempting to hide behind canon law to avoid being held responsible in court.

Newman also said the separations of church and state do not protect the conduct of church supervisors or priests. "We are saying that allowing these priests to prey on children ... despite specific knowledge, is a violation of common law," he said.

Jan. 17, 2003, 10:48PM

Storm catches Tennessee, host of states by surprise

Associated Press

NASHVILLE, Tenn. -- Abandoned cars and school buses littered the side of roads across Tennessee early Friday, a day after a fast-moving storm dropped a layer of snow that was blamed in at least one death.

The storm hit Tennessee on Thursday and moved into the mid-Atlantic states early Friday, leaving a blanket of snow stretching to Delaware.

Twenty-three inches of snow fell in the mountains of West Virginia, and Virginia and Tennessee were digging out from under as much as 8 inches in some parts. Maryland's Eastern Shore received 7 inches and North Carolina's higher elevations got 6 inches. Delaware reportedly received up to 4 inches.

In West Virginia, at least 30 counties canceled classes, and most schools and some colleges were closed in Virginia.

Jan. 17, 2003, 11:00PM

Tyson execs plead guilty in alien smuggling case

Associated Press

CHATTANOOGA, Tenn. -- Two former Tyson Foods managers pleaded guilty Friday to conspiring to smuggle illegal immigrants from Mexico, Guatemala and Honduras into the United States to work at the poultry plants of the nation's largest meat producer.

The pleas come less than three weeks before Tyson and three other current and former employees are to face trial in the case.

In separate federal court hearings, Spencer Mabe, 50, and Truley Ponder, 59, both former managers at Tyson's complex in Shelbyville, Tenn., pleaded guilty to one conspiracy count each.

Ponder's attorney, Aubrey Harwell, said his client would testify against Tyson if subpoenaed. Mabe's attorney, W. Thomas Dillard, declined to say whether his client would testify.

Gary Mikelson, spokesman for Springdale, Ark.-based Tyson, said the plea bargains did "not change the company's position or the facts, which show our company is serious about our responsibility to hire only properly documented workers."

Mikelson's statement said "it was a violation of company policy that led us to relieve Truley Ponder and Spencer Mabe from their job duties in September 2000, before the government's case against our company was filed."

A former Tyson employee, Amador Anchondo-Rascon of Shelbyville, has said Tyson managers asked him to supply and transport illegal immigrants to the company's poultry plants and to provide the workers with fraudulent identification. Anchondo-Rascon, 43, made a deal with prosecutors and plans to testify at the Feb. 4 trial.

Other defendants in the case are Gerald Lankford, 63, of North Wilkesboro, N.C., a former employee; Robert Hash, 49, of Greenwood, Ark.; and Keith Snyder, 42, of Bella Vista, Ark. Hash and Snyder remain on administrative leave from Tyson.

Another former Tyson manager, Jimmy Rowland, 36, of Shelbyville, committed suicide in April 2001 after he was indicted.

Jan. 17, 2003, 11:34PM

Lewis and Clark expedition still draws curious

Once-ridiculed crossing grows in stature as bicentennial nears

By TIMOTHY EGAN
New York Times

MONTICELLO, Va. -- All this week, the smell of buffalo hide and musty wool has permeated the home of Thomas Jefferson, a man who never ventured much farther west than the Shenandoah Valley but dreamed of filling in the blanks on the map still labeled Parts Unknown.

Jefferson's bedroom faces west -- away from England, toward the distant Pacific. In asking a nation of 5 million people to send an expedition led by Meriwether Lewis and William Clark to the far edge of risk, the third president launched a journey that would be ridiculed, puzzled over, even forgotten at times.

But this weekend, the 200th anniversary of Jefferson's request to Congress for money that would pay for a cross-continental odyssey by two Virginians, a black slave, a teenage Indian girl and her baby, a motley support crew, and a dog, Lewis and Clark have never been more popular.

Every new nugget about the Corps of Volunteers for North Western Discovery, as Lewis called the expedition, is devoured by citizen scholars.

Over the next four years, upwards of 30 million people are expected to retrace some part of the 8,000-mile journey, according to state and federal officials who have quizzed tourist boards and conducted several national surveys.

They will likely walk on hard prairie ground where Lewis cut his feet on cactus, paddle over the river where Sacagawea salvaged precious cargo when the pirogue nearly went under, and stare out at the Pacific surf that prompted William Clark's stirring words: "Ocian in view! O! the joy."

Perhaps not since the bicentennial of the Declaration of Independence 27 years ago, officials say, have so many Americans been moved to connect to a part of their past.

"Willa Cather said there are really only two stories, and we all tell versions of them over and over," said James Ronda, a Lewis and Clark historian and professor at the University of Tulsa who will be giving the keynote speech at Monticello today. "One of them is the story of the journey."

After Lewis and Clark came Huck Finn and Jim, "lighting out for the country," Jack Kerouac taking the open road in great gulps over Route 66, and even Warren Schmidt, the retiree in a Winnebago played by Jack Nicholson in a new film.

The Monticello gathering, the first of 15 Lewis and Clark commemorative events from here to the Pacific over the next four years, has drawn nearly 5,000 people, including representatives from 130 tribes, scholars, groups as divergent as the Sierra Club and the Army Corps of Engineers, and hundreds of otherwise average people who live to dress in buckskin and eat pickled ham.

They have been discussing George Drouillard, the son of a Shawnee mother who was the expedition's best all-round scout, and sampling typical meals of bison, elk, and dried camas bulbs. Stewed dog meat, which provided the corps crucial calories during times of near starvation, is not part of the commemorative cuisine.

This renaissance for all things Lewis and Clark is a rare feat for icons of the American West, where onetime heroes have been hammered by historical revisionism.

"I went back and looked at American history college textbooks since 1820, and for most of the 19th century, Lewis and Clark rated barely a mention," said Robert Archibald, a historian who is president of the National Council of the Lewis and Clark Bicentennial. "But now all the survey data shows a huge upwelling in interest, and of course their place in history has never been higher."

The moody, gutsy Lewis, whom many historians think killed himself in a deep bipolar funk, and the conflicted, spelling-challenged Clark, who allowed his slave York to vote on equal terms with others while in the Far West but kept him in captivity once they returned to St. Louis, have been embraced in the 21st century.

"Lewis and Clark described something that America had too much of at the time," said Archibald. "Americans weren't that impressed by wilderness then. But after the frontier is gone, and wilderness starts to disappear, then what they described begins to take on a whole new meaning."

And Ken Burns, the documentary film maker whose Lewis and Clark series drew record ratings in many cities, notes that one of the things that first surprised him about the expedition's stature was a survey of historians who were asked by American Heritage Magazine to rate the one historic event they would most like to witness.

What came back was not the Civil War or the moon landing -- but the Lewis and Clark expedition.

In recent years, many founding moment history parties have been squeamish affairs, bogged down by guilt and recriminations over slavery, environmental plunder, and the near genocide of American Indians. The 1992 commemoration of the 500th anniversary of the sighting of America by Columbus, for example, is widely considered a disaster.

By contrast, the Lewis and Clark commemoration has been guided, and in many cases led by descendants of tribes who helped along the way, only to get the back hand of the American government in later years. They see the bicentennial as a chance to find a bigger, and more accurate, niche in the national narrative.

"The tribes are on board because we never allowed them to tell their story by themselves until now; it's always been interpreted for them," said Gerard Baker, a Mandan Hidatsa Indian who is superintendent of the Lewis and Clark National Historic Trail. He also is leader of Corps of Discovery II -- three tents and a truck and trailer that will follow the trail over the next four years, under the aegis of the National Park Service.

"Here I am, a full-blooded Indian and I'm leading this thing," said Baker, bundled against the winter chill outside of Monticello.

For each group, for every amateur historian just setting out to follow the trail, there seems something in the journals of Lewis and Clark to match modern sensibilities.

"Lewis and Clark were not Sierra Club environmentalists, but you can find a love of the land there that inspires environmentalists," said Gary Moulton, a history professor at the University of Nebraska who has spent the last 20 years editing the exhaustive, 13-volume journals of Lewis and Clark. "Nor were they gun nuts, but they certainly knew how to use a firearm."

One of the biggest moments of the expedition -- now held up as a high point of the young American democracy pushed into the wild -- was the famous vote of Nov. 24, 1805, when the two Army officers in charge allowed everyone, including the slave York and the Indian girl Sacagawea, equal say in determining which side of the Columbia River to build a camp on.

Of course, when they returned, Clark did not free his slave, and was said to be a tough taskmaster, though he did later raise Sacagawea's son.

It was on Jan. 18, 1803, that Jefferson sent a confidential message to Congress asking for \$2,500 for an expedition across North America. The trip began in earnest in May 1804, as the Corps ventured up the Missouri River, looking for its headwaters in the Rockies, and ended 28 months later in St. Louis.

Historians say more was known about the moon before Neil Armstrong touched down on the Sea of Tranquility in 1969 than was known about the land between the Mississippi and the Pacific in 1803.

Jan. 17, 2003, 11:38PM

100 years ago, wireless era born

Bush message to mark Marconi's feat in 1903

By **BRIAN CAROVILLANO**

Associated Press

WELLFLEET, Mass. -- One hundred years ago today, a young Italian inventor named Guglielmo Marconi stood on a sandy bluff on Cape Cod and sent a 54-word greeting from President Theodore Roosevelt across the ocean to England's King Edward VII.

A few hours later, the king responded, completing a dialogue that at the time seemed like pure magic.

Marconi had launched the era of global wireless communications.

"It rivals the Wright brothers at Kitty Hawk," says Bob Doherty, president of the Marconi Radio Club. "Marconi's experiments evolved into radio as we know it today. The events of 100 years ago paved the way for today's other wireless tools, including cell phones and pagers."

To mark the centennial, members of the club have been staging a weeklong radio marathon, communicating with other amateur radio enthusiasts around the world from an old Coast Guard post not far from the site of Marconi's original radio station. Working around the clock, the radio hams expect to log more than 10,000 transmissions by week's end.

The event culminates tonight with the worldwide transmission of a message from President Bush. Marconi's daughter, Princess Elettra Marconi, will be on the Cape, while her son, also named Guglielmo Marconi, will be at the family's ancestral home in Bologna, Italy, to receive the message from his mother.

Marconi, who was 28 at the time of the breakthrough, "had everybody against him," says the princess, who is in her early 70s and gained her title by marrying an Italian nobleman. "He was so young and all the big scientists, like Edison, were saying it wasn't possible. He had the intuition. He knew he could succeed. And he succeeded."

Each summer thousands of tourists visit the beach that now bears Marconi's name. Yet few realize that this was the place where modern communications were born.

Today, the site is under water because of erosion. At very low tides, a few remnants of its concrete

foundations are visible beneath the surface. The events of Jan. 18, 1903, are commemorated with a small monument high on the sandy bluff.

"Every time you dial your cell phone, every time you turn on the car radio and hear a reporter broadcasting live via satellite from Saudi Arabia -- all of that was made possible by what Marconi did," says Maria Burks, superintendent of the Cape Cod National Seashore. "That's how far we've come in 100 years."

Marconi's station was at the easternmost point of the cape. Its four 210-foot wooden towers rose from the dunes and beach grass. He built a similar station in Cornwall, at England's southernmost tip, and one on Cape Breton Island, Nova Scotia.

Using Morse code, Marconi tapped out Roosevelt's message, which was relayed through Nova Scotia and on to Cornwall via radio waves.

The invention was crude by contemporary standards; no actual voice was transmitted. But up until then, telecommunication consisted of telegraph transmissions that required a cable.

Marconi had conducted similar experiments over shorter distances. And in 1901, he made his first successful trans-Atlantic radio transmission, broadcasting the letter "S" in Morse code from St. John's, Newfoundland, to Cornwall.

But his early work was largely regarded as "crackpot technology," Burks says.

That changed with Marconi's broadcast from Wellfleet. He won the Nobel Prize for physics in 1909.

The Wellfleet radio station operated until 1918, receiving perhaps its most compelling message in 1912, when its operator received a transmission from the Titanic just hours before it sank.

Jan. 18, 2003, 1:31AM

Scientists reveal mystery of 'glue' attaching embryo

Infertility treatments could benefit

By **PAUL RECER**
Associated Press

WASHINGTON -- Scientists have identified the gluelike action that causes embryos to stick to the lining of a woman's uterus, a discovery that could lead to new treatments for infertility and new kinds of contraceptives.

The research, appearing Friday in the journal *Science*, explains for the first time what causes the embryo, floating freely in the reproductive tract, to stop and burrow into the wall of the uterus.

Researchers found the explanation by analyzing carbohydrate molecules on the surface of the uterus during different times of the female cycle and by identifying a protein, called L-selectin, on the surface of the embryo.

Susan Fisher of the University of California, San Francisco, and a co-author of the study, said coatings on the uterus and on the surface of the embryo act like puzzle pieces that touch and quickly lock.

"One piece of the puzzle is a protein on the embryo and the other is a very specialized carbohydrate sugar structure," Fisher said.

The sugar molecule on the surface of the uterus is secreted for only a short time during a woman's monthly cycle and the embryo, with its L-selectin coating, must arrive at the uterus during this time.

"It has to take place in exact synchrony or you don't get pregnant," said Fisher, noting that failure to implant on the uterus is one of the most common causes of a failed conception.

"Only 50 to 60 percent of all conceptions advance beyond 20 weeks and of pregnancies that are lost, 75 percent represent a failure of implantation," she said.

With this understanding of implantation, researchers may find new ways to help women time their efforts to get pregnant, both naturally and in fertility clinics.

Fisher said it may be possible in fertility clinics to coat embryos with the sugar molecule and help uterus

adhesion.

"If we can launch the implantation (process) in the culture dish, then you might be able to implant fewer embryos and have greater certainty" of a successful pregnancy, she said.

Currently, fertility clinics can prompt successful pregnancies 25 percent to 40 percent of the time. By more precisely timing implantation, based on the readiness of the uterus to adhere to the embryo, these chances could improve, Fisher said.

The new research also may help develop contraceptives that are not based on hormones, but on blocking the implantation of the embryo.

"A lot of women don't use the pill because of the hormonal effects," said Fisher. "If you had a drug that went directly to the molecules that control adhesion, it would be not only very successful, but also have many less side effects."

Fisher said the new research also may help control the risk of pre-eclampsia, which is the most common cause of maternal death in the industrial world. She said the fundamental cause of the disorder is a shallow attachment of the placenta to the uterus wall. Normally, the placenta forms a strong connection to blood vessels deep within the uterus, but this fails to happen in pre-eclampsia. The placenta grows from both the uterus and the embryo and is the organ that provides nourishment and blood supply to the developing fetus. But it all starts with implantation on the uterus wall.

"We are theorizing that if the initial stages of adhesion are faulty, then it could lead to less robust placenta formation," she said.

Pre-eclampsia can cause maternal high blood pressure, kidney failure, swelling, seizures and death.

Dr. Phyllis Leppert, chief of the reproductive science branch of the National Institute of Child Health and Human Development, said the discovery by Fisher and her co-authors is a breakthrough that may lead to fundamental new treatments for pre-eclampsia and for a major cause of infertility, poor adhesion to the uterus after conception.

"This is a new lead that we can pursue," she said.

On the Net:

Science: www.sciencemag.org

Jan. 18, 2003, 1:32AM

National briefs

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Three Yale students die in crash with rig

FAIRFIELD, Conn. -- A tractor-trailer lost control on a slippery highway Friday and collided with a sport utility vehicle filled with nine Yale University students, including members of the football and baseball teams, killing three students, officials said.

Eight others were injured when the SUV slammed into the back of the rig, which had partially crossed over the barrier separating the northbound and southbound lanes of Interstate 95, state police said. Four vehicles were involved in the crash, but the only serious injuries were in the SUV, authorities said.

The crash near Bridgeport led Yale and Brown University to postpone Friday night's basketball game between the schools. State police identified the dead as Andrew Dwyer, Sean Fenton and Kyle Burnat, who is listed as a pitcher on Yale's baseball roster. Their ages and hometowns weren't immediately released. Another baseball pitcher, 19-year-old Nicholas Grass of Holyoke, Mass., and football player Eric Wenzel, 21, of Garden City, N.Y., suffered critical injuries.

Boston's new Big Dig tunnel officially opens

BOSTON -- A 1.3-mile tunnel that represents the latest major piece of Boston's \$14.6 billion Big Dig was officially opened Friday.

The tunnel, which at \$6.5 billion is one of the most expensive stretches of road in America, connects the Massachusetts Turnpike to Logan Airport.

When traffic begins flowing through the tunnel sometime during the next three days, the trip from downtown Boston to the airport will be reduced from about 45 minutes in traffic to maybe eight minutes.

Weather data satellites used in 171 U.S. rescues

WASHINGTON -- Environmental satellites equipped to detect emergency radio beacons helped rescue 171 sailors, hikers, downed pilots and others across the United States last year.

The National Oceanic and Atmospheric Administration said its satellites, along with Russia's Cospas

satellites, form an international search and rescue system. The satellites, best known for collecting weather data, can detect emergency radio broadcasts and relay them to the ground.

NOAA said the U.S. rescues last year were 133 people saved at sea, 27 in the Alaska wilderness and 11 from downed airplanes across the country. Worldwide the number of rescues is expected to total about 1,500 for the system, which also uses satellites operated by the European Space Agency and India.

Agents seize arsenal of weapons from locker

QUEEN CREEK, Ariz. -- Federal investigators working on a nationwide illegal-weapons case discovered an arsenal of rocket launchers, hand grenades, machine guns and military explosives in a storage locker.

Authorities said among more than 200 weapons seized by agents of the Bureau of Alcohol, Tobacco and Firearms were at least 10 rocket launchers and bazookas, some with rockets.

ATF agents said the arms found Thursday are not linked to any known terrorist operation and are owned by an Arizona ex-convict who divulged their location after he was arrested in Massachusetts as part of an investigation into machine-gun trafficking.

Landlord collecting rent finds bodies in trailer

TOPPENISH, Wash. -- A landlord trying to collect rent at a rural trailer found a man dead from stab wounds just inside the door, and sheriff's deputies found two more people dead inside.

Detectives said they had few leads and no one in custody.

The bodies of the man and two women were found Thursday morning at a small mobile home park off a dirt road about halfway between Toppenish and Wapato, about 130 miles southeast of Seattle. The deaths did not appear to be murder-suicide, Sheriff's Lt. Stew Graham said. The victims were identified as Toni Marie Green, 43, and Charmaine Rose Sanchey, 47, who rented the 20-foot burnished aluminum trailer, and Steve Varela Alvarado, 52, who had been staying with them, authorities said.

Fifth-graders allegedly try to poison schoolmate

DENVER -- Police said a group of fifth-graders tried to poison a schoolmate by putting pills, glue, lead and chalk in her drinks.

Officers planned to ask prosecutors to file reckless endangerment charges against two 10-year-olds they said led the plot at Harrington Elementary in northeastern Denver.

Police learned of the case Tuesday after the 11-year-old complained to teachers that she had found the items in her water bottle and soda over three days. Five girls and two boys, all in fifth grade, were suspended for five days, and some face possible suspension. Investigators declined to elaborate on why the group allegedly targeted the 11-year-old.

Man charged in slaying of sheriff pleads guilty

SOMERSET, Ky. -- A man charged in the politically motivated assassination of a Kentucky sheriff at a political rally pleaded guilty to murder Friday in a deal expected to spare him the death penalty.

Danny Shelley, 31, the alleged triggerman in the slaying of Pulaski County Sheriff Sam Catron, also agreed to testify against former sheriff's candidate Jeff Morris and campaign helper Kenneth White.

Morris, 35, and White, 55, are charged with complicity to murder a police officer. Both have pleaded innocent.

Jan. 17, 2003, 10:49PM

In brief

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Bush praises service by wounded soldiers

WASHINGTON -- President Bush on Friday thanked five soldiers who were badly injured in Afghanistan, calling their service "noble and strong and good" as he considered sending more American troops into military conflict in Iraq.

The president and first lady Laura Bush went to Walter Reed Army Medical Center, where the soldiers were recovering from wounds suffered during the military's operation in Afghanistan.

Bush spent about an hour going room to room, visiting with the men and family members.

Rumsfeld urges officials to curb Web sites' data

WASHINGTON -- Defense Secretary Donald Rumsfeld, noting the likelihood that terrorists regularly check Pentagon Web sites, has told officials to cut down on posting sensitive, unclassified material.

A review in the past year found 1,500 instances where posted material deemed sensitive had been inadequately reviewed or not protected, Rumsfeld wrote in an internal memo this week. "This continuing trend must be reversed," he added.

Rumsfeld began his memo by quoting from a training manual for Osama bin Laden's al-Qaida terror network: "Using public sources openly and without resorting to illegal means, it is possible to gather at least 80 percent of information about the enemy."

Impasse threatens case against Muslim

SEATTLE -- A standoff between the Pentagon and the Justice Department is threatening the prosecution of James Ujaama, an American Muslim charged with trying to set up a terrorist training camp in Oregon, a newspaper reported.

Federal prosecutors want access to three men who purportedly have information about Ujaama. The three have been classified as enemy combatants, and are believed to be in custody at U.S. military bases in Cuba and Afghanistan.

The Defense Department has refused to allow access, the Seattle Times reported Thursday, citing the transcript of a federal court hearing the newspaper obtained before it was sealed last month.

Jan. 17, 2003, 10:49PM

Troops raid Venezuela bottling plant

Beverage trucks seized to allay food shortages

Associated Press

CARACAS, Venezuela -- National Guard troops raided a privately owned bottling plant Friday, taking water, soda and malt beverages to distribute to Venezuelans suffering through food shortages caused by a 47-day-old general strike.

Heavily armed troops, accompanied by consumer protection authorities, raided the plant in the central city of Valencia, 66 miles from Caracas. The plant is owned by Panamco, the Coca-Cola bottler in Venezuela.

Soldiers fired tear gas and used flat-edged swords to disperse protesters before commandeering stocked trucks and driving away.

President Hugo Chavez warned food producers he would send soldiers to seize plants and distribution centers hoarding staple foods. Fresh milk, flour and bottled water have become scarce in many regions.

"Taking into account that collective rights preside over personal rights, we are proceeding to distribute these products to the population," said National Guard Div. Gen. Felipe Acosta, a Chavez ally.

He then grabbed a malt beverage, drank it and belched in front of television cameras.

Romulo Salazar, Panamco's sales manager, said there was "no reason whatsoever" for the seizures.

"We don't understand why they are taking bottles of soda when they came here to check up on distribution of the mineral water we produce," he said.

Salazar said the company has not operated because its transport fleet uses gasoil, which has become scarce due to the strike, and it does not have sugar, a prime ingredient in its products.

Chavez's opponents -- including the country's largest labor union, business chamber and dissident executives at the state-run oil company -- called the strike Dec. 2 to force the leftist leader from power.

The stoppage has caused severe food and fuel shortages throughout this oil-rich -- yet poverty-stricken --

South American country of 24 million.

Jan. 17, 2003, 11:00PM

Hamas gunmen storm settlement; 2 killed in attack

Associated Press

JERUSALEM -- Two Palestinian gunmen infiltrated the Jewish settlement of Kiryat Arba on Friday, killing an Israeli man as he opened the door of his home and wounding three other people. One gunman was shot and killed in the attack.

Army troops were searching the settlement and nearby town of Hebron for the other gunman, who escaped, the army said. The Islamic militant Hamas group claimed responsibility for the attack in a leaflet distributed in Hebron.

Hamas said the attack was in retaliation for Israeli military occupation of Palestinian towns. Israel says the troop deployments in seven of the eight major West Bank towns are necessary to prevent suicide bombings and attacks.

Meanwhile, thousands of Palestinians marched Friday in support of Saddam Hussein in Gaza City, while Israelis waited in lines to receive gas masks in case of chemical or biological attack by Iraq.

Also Friday, the Islamic militant group Hamas claimed it was behind a foiled attack with a booby-trapped raft.

Jan. 18, 2003, 1:34AM

Suspect linked to terror group charged in detective's slaying

Los Angeles Times

LONDON -- British prosecutors filed murder charges Friday in the stabbing death of a detective by a suspect whom European investigators describe as a member of an Algerian terrorist network -- with links to al-Qaida -- that has been active in Britain, France and Chechnya.

Nine police guards in body armor surrounded Kamel Bourgass, 27, as he was arraigned in the murder of Detective Stephen Oake and the attempted murder of four other officers injured during a fracas in a Manchester apartment this week. A judge in Belmarsh Magistrates court ordered Bourgass held without bail.

Although British authorities had little more to say about Bourgass, other law enforcement officials in Europe told the Los Angeles Times that Bourgass is allegedly a known member of the dangerous Algerian network, which includes members recently returned from separatist Chechnya intent on carrying out attacks. Bourgass is believed to be Algerian, but British police said only that he is North African.

Through Bourgass, whose arrest resulted from an alleged plot to produce ricin poison in London, the detective's murder is linked to a cell that plotted attacks on Russian targets in Paris and a cell dismantled in November that allegedly scouted the London subway for a cyanide gas attack, investigators said. In addition, Russian investigators believe the ricin plot has ties to similar activity involving al-Qaida and anti-Russian rebels in Chechnya and neighboring Georgia.

An Algerian arrested in the subway case, Rabah Kadre, was a leader of a network that included the remnants of a longtime London-based organization involved in a plot to bomb Los Angeles International Airport in 1999 and Algerian veterans of the conflict in Chechnya, a magnet for itinerant holy warriors. Chechnya and training camps in Georgia's Pankisi Gorge took on increasing importance after the loss of al-Qaida's bases in Afghanistan in late 2001, police say.

The killing set troubling precedents. It was the first slaying of a police officer in Western Europe by an Islamic extremist since al-Qaida and its allied networks became a threat in the 1990s, law enforcement officials said.

And it showed the increasingly violent, global and unpredictable nature of Islamic terrorism today. The

network drew first blood in Britain, a country where the North African foot soldiers of al-Qaida had carefully refrained from violence because the country was a hub for recruiting, ideological activity and directing attacks in France and elsewhere, police say.

Jan. 18, 2003, 1:30AM

Germans tracked 9/11 terrorists

Documents disprove claim that cell was little known

New York Times

HAMBURG, Germany -- Three years before the Sept. 11 attacks, Germany's domestic intelligence service was tracking key members of the Hamburg terrorist cell that planned and executed the aircraft hijackings, according to newly obtained documents.

The documents, including intelligence reports, surveillance logs and transcripts of intercepted telephone calls appear to contradict public claims by German authorities that they knew little about the members of the Hamburg cell before the attacks.

As early as 1998, the records show, the Germans monitored a meeting between men suspected of plotting the attacks. The surveillance would lead a year later to the Hamburg apartment where Mohamed Atta and other main plotters were living while attending universities.

While the records do not indicate authorities heard any mention of a specific plan, they depict a surveillance mission extensive enough to raise the politically sensitive question of whether the Germans missed a chance to disrupt the cell during the initial stages of planning the attacks.

Some American investigators and officials have said that the Germans, in the past, missed evidence that could have stopped the Sept. 11 plot. The Germans have maintained the information they had was too scanty to warrant serious alarm, and that their intelligence agencies were not focused on al-Qaida at the time.

The documents come from the files of various German police and intelligence agencies. They detail how close an investigation of al-Qaida contacts in Hamburg begun in 1997 by the Constitutional Protection Agency, Germany's domestic intelligence service, came to the key cell members. They were provided to the New York Times by someone with official access to the files of the continuing investigation into the events leading up to the Sept. 11 attacks.

When the documents were described to officials at the German Interior Ministry and the German intelligence agency, the official declined to answer any questions about them but did not dispute their authenticity.

In the days immediately after the Sept. 11 attacks on the World Trade Center and the Pentagon, Hamburg emerged as the focal point of the U.S. and German investigation. Three of the four suspected of being the suicide pilots, including Atta, had lived in Hamburg as students and three other suspected plotters had fled Hamburg shortly before the attacks.

The German police rushed to gather details on the pilots and their suspected accomplices. They questioned several other people suspected of being associated with the Hamburg cell.

One of the men questioned and later arrested was Mounir El Motassadeq, a Moroccan now on trial in Hamburg on charges of providing logistical support for the attack planners. El Motassadeq has maintained in trial testimony that he did not know that the suspects were planning to attack the United States.

But the intelligence agency documents show that by August 1998 he was subject to surveillance that soon led to most of the suspected key participants in the Sept. 11 attacks.

According to the German documents, the surveillance was in place on Aug. 29, 1998, when El Motassadeq and Mohamed Haydar Zammar, accused of helping to recruit several of the Sept. 11 hijackers in Hamburg and who had already been identified by police as a suspected extremist, met at the Hamburg home of Said Bahaji, a German-born Muslim who is believed to have been in charge of logistics for the local cell of al-Qaida. The police monitored several other meetings between the men in the months that followed, the documents said.

The record of the meeting shows that police had identified Bahaji as having been intimately involved in the planning and logistics of the plot. Bahaji later moved in with Atta and Ramzi Binalshibh in the Hamburg apartment. He fled to Pakistan days before the attacks.

Transcripts of telephone calls recount conversations between Zammar, Bahaji and Marwan Al-Shehhi, one of the suspected pilots that crashed into the south tower of the trade center.

In October, Zammar was taken into custody by Moroccan police, apparently in cooperation with the CIA. He was then deported to his native Syria, where he was taken into custody by Syrian authorities.

Jan. 18, 2003, 1:36AM

Russia fires American as network head

Washington Post

MOSCOW -- A state-controlled monopoly on Friday fired American financier Boris Jordan as head of a subsidiary that runs one of Russia's three major television networks, a move that critics said shows the Kremlin is tightening its control of the media in advance of elections late this year.

Jordan's removal comes after President Vladimir Putin publicly criticized how the network covered the October seizure of a Moscow theater that led to the deaths of 129 hostages.

Two years ago, Jordan, who is of Russian descent, was the Kremlin's choice to run the NTV network after the state-run energy monopoly Gazprom wrested it away from Russian businessman Vladimir Gusinsky. Under Jordan's management, NTV became markedly more positive in its coverage of the Kremlin but still managed to preserve a measure of editorial independence.

That the government was still dissatisfied, Kremlin opponents said, shows that limits on the media in Russia are tighter than they suspected.

"I am surprised, because NTV wasn't as critical as the old NTV, but even this level of freedom was an irritant," said Vladimir Ryzhkov, a politically independent legislator from southern Siberia. "Censorship exists, de facto. The Kremlin thinks there must not be any national television network that criticizes the president."

Jan. 17, 2003, 11:31PM

World briefs

Army trainers visited by U.S. ambassador

ARAUCA, Colombia -- U.S. Ambassador Anne Patterson visited one of Colombia's bloodiest war zones Friday to meet with U.S. commanders training Colombian troops. Patterson told reporters 70 U.S. Army trainers had arrived in Arauca over the past few days, and that they would stay for about three months to train 6,500 Colombian soldiers to protect a key oil pipeline from attacks by rebels. On Friday, authorities said members of the Revolutionary Armed Forces of Colombia, or FARC, have killed 16 peasants in remote villages in northwestern Colombia.

Bolivians fight plan to eradicate coca

COCHABAMBA, Bolivia -- Security forces fired tear gas and rubber bullets to disperse scores of protesters Friday in the fifth straight day of demonstrations against a coca eradication program. Protesters since Monday have used boulders and logs to shut down the main highway linking this key central city to Santa Cruz, 200 miles to the east. The group opposes a U.S.-sponsored, government plan to destroy illegal coca crops.

Trevi's backup singer agrees to extradition

CHIHUAHUA, Mexico -- Pop star Gloria Trevi's backup singer and alleged accomplice announced Friday she has agreed to be extradited back to Mexico from Brazil. Maria "Boquitas" Portillo was arrested together with Trevi and her ex-husband and manager Sergio Andrade in Rio de Janeiro in January 2000. Trevi recently returned from Brazil to face Mexican charges of rape, kidnapping and corruption of minors whom she and Portillo allegedly lured into Andrade's control.

Russians reveal files on '53 criminal case

MOSCOW -- Russian prosecutors on Friday presented a criminal dossier on feared Soviet secret police chief Lavrenty Beria, including a list of hundreds of women he had allegedly stalked and raped. Officials presented Beria's 47-volume criminal case to disprove media reports that they had been stolen. His case ended with a death sentence and quick execution in 1953. The dossier will be opened to the public in 25 years, Russian television stations reported.

Chernobyl waste still threat, Ukraine says

MOSCOW -- Workers cleaning up the radioactive remains of the Chernobyl nuclear power station have hauled 315 tons of contaminated metal into radiation-free areas, threatening untold numbers of people with a new wave of radioactive poisoning, Ukraine's prosecutor general charged in a statement. Svyatoslav Pyskun said workers had improperly dumped the debris in part because Ukraine lacked money to provide safe disposal sites for the continuing cleanup of the world's worst nuclear accident, which occurred in April 1986.

Czechs fail to pick successor to Havel

PRAGUE, Czech Republic -- Czech legislators will try again next week to choose a successor to President Vaclav Havel, a parliament spokeswoman said Friday. Lawmakers failed to do that in three rounds of voting Wednesday. Havel, barred by the constitution from seeking a third term, leaves office Feb. 2. Former Prime Minister Milos Zeman is considered the favorite.

Protestant groups refuse to disarm

BELFAST, Northern Ireland -- Two outlawed Protestant groups withdrew from negotiations Friday with disarmament officials in Northern Ireland, dealing another blow to peacemaking efforts. The Ulster Volunteer Force and an affiliated gang, the Red Hand Commando, announced they would no longer join efforts to persuade all of Northern Ireland's illegal groups to disarm. The groups also said they would not surrender any weaponry.

Houston Chronicle News Services

Jan. 17, 2003, 9:50PM

UH hopes to be tough for Saint Louis today

By **JERRY WIZIG**

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University of Houston coach Ray McCallum tried to make a point at the start of Friday's practice, holding his ground to take about five charges from freshman walk-on Justin Kostohryz, at 6-9 and 240 pounds, the team's huskiest player.

"We have to be tough. It's part of the teaching process that little things are important, taking a charge, getting a loose ball, making hustle plays," McCallum said. "If I can take them as an old man, maybe it shows that this is the way you do it. I feel fine now but that may change before morning."

Losing their last seven starts, the Cougars will show if McCallum's lesson took when they meet Saint Louis at 1 p.m. today in Hofheinz Pavilion.

The Billikens (6-8) have lost their last three to start their Conference USA schedule, but those were against Marquette, Louisville and Cincinnati, the league's top three teams. UH is 2-10, 0-1 in conference.

SLU prefers a half-court, grind-it-out style of play.

"That's what they like to play, and they're the No. 2 defensive team in the conference," McCallum said. "I'm worried about our ability to score. It's vital that we execute our offense on the break and in the half-court, and obviously we have had a problem doing that consistently."

The Billikens are holding teams to 60.2 points per game, and UH is shooting only 38.4 percent and scoring 57.5 points per game, both figures last in the conference. Part of the Cougars' problem is defending senior point guard Marque Perry, SLU's leading scorer (15.5 points per game) and, at a generously listed 6-1, its No. 2 rebounder (4.9).

"We'll probably have to do it by committee," McCallum said, "and change up our looks. It's going to be tough."

Cincinnati had moderate success during its 66-56 win Wednesday, putting 6-6 Leonard Stokes on Perry, who finished with 20 points, five rebounds and four assists.

"The area where Marque has really picked up his game is his defense," first-year Saint Louis head coach

Brad Soderberg said. "I challenged him at the start of the year and he's taken it seriously."

Soderberg, promoted to head coach last year when Lorezo Romar went to Washington, has been released from a St. Louis hospital after being treated for flu-like symptoms, but will miss his second straight game.

Assistant coach Anthony Beane again will be in charge during today's game.

Jan. 18, 2003, 12:37AM

Rice hits the road with confidence

By **BRIAN McTAGGART**

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EL PASO -- There might be no better barometer of how much the Rice men's basketball team has improved from last season than to take into consideration how well the Owls are playing away from cozy Autry Court.

Not only have the Owls won two consecutive games on the road -- matching last year's season total -- but they have rallied from seven points down twice to do it, beating Texas-Pan American 85-79 on Jan. 8 in Edinburg and Boise State 74-65 in Boise, Idaho, on Thursday. Rice came from behind after halftime to win only twice last season, both times at home.

"I think last year was a learning experience for a lot of us," sophomore guard Jason McKrieth said. "The vets are doing a great job showing leadership and getting us prepared this year. Having that year under our belt, we know what to expect now.

"We've always been a good team at home, but it's always been our road record that doesn't put us over the top. This year we're putting more focus in hanging in on the road and giving ourselves a chance to win."

The Owls (10-4, 2-2 in the Western Athletic Conference), who are on pace to win 20 games for the first time since 1991-92, will try to make it three wins in a row on the road at 8:05 tonight when they meet UTEP at the Don Haskins Center.

"There's a much smaller margin for error than there is when you're at home," Rice coach Willis Wilson said. "(Winning on the road) helps them believe in themselves a little bit more, it helps them believe in the guys next to them a little bit more, it helps them believe in the coaches and the system a little more."

Rice lost its first two road games of the season in difficult settings -- 79-62 at Stanford on Nov. 24 and 95-56 at BYU on Nov. 30. The Owls played the Cardinal tight before allowing a 17-0 run midway through the second half as Stanford won its 17th non-conference home game in a row. BYU owns the nation's longest home-court winning streak of 42 games.

"We started off with Stanford and BYU, which were two good teams, and we played with them early on, especially Stanford, and that just helps us now," senior guard Omar-Seli Mance said.

Since then, the Owls have won three of their last four road games, beating Navy 82-60 on Dec. 23 and

losing at Fresno State 71-70 on Jan. 4 before the UTPA and Boise triumphs.

Trailing Boise State 28-21 at the half Thursday, the Owls exploded for 53 second-half points to bury the Broncos. Mance had 22 of his season-high 24 points in the second half, and McKrieth scored all of his 17 in the second half.

The Owls put pressure on the Broncos with their motion offense, which helped Mance and McKrieth get on track. They also did a better job in defensive transition in the second half, which was perhaps their downfall in last Saturday's 94-77 loss to Tulsa.

"I think at halftime it really sunk in with our guys we're not a track-meet kind of team," Wilson said. "We're going to push the ball and get up and down the floor and take advantage of those opportunities, but if those opportunities aren't there we're not going to force things and force ourselves into unnecessary turnovers."

After beating San Jose State at home on Jan. 4, UTEP (3-11, 1-4) has lost three in row and is down to seven healthy players.

Rice starting point guard Rashid Smith, who has missed the last two games with back spasms, rejoined the team Friday and could return to action today.

"We already matched last season's win total, but we're not happy yet," McKrieth said. "We're a bunch of young guys, and we're still trying to prove that being picked seventh in the preseason (in the WAC) was a mistake."

Jan. 18, 2003, 12:39AM

Marathoners thrive when race interactive

By MEGAN MANFULL

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There's no doubt in David Chester's mind that spectators lied to him as he charged along in past marathons. He appreciated the encouragement, but he didn't believe it when they screamed, "You look great!"

Chester felt lousy, and he can only imagine how he looked. But he never appreciated lies so much.

"They are lying to me, but it's nice to hear," said Chester, now the marathon's elite athlete coordinator. "Any kind of encouragement is good. Runners love to hear their name or number."

As a record number of runners hit the streets Sunday for the HP Houston Marathon, more than 200,000 spectators are expected to line the 26.2-mile route. The crowd is as much a part of every Houston Marathon as the athletes. Just as runners have individual race strategies, experienced fans also hit the streets prepared.

There are rules of etiquette, prime places to watch and special technology to use. But the basic key is merely showing up Sunday morning. The vast array of spectators make the marathon thrive.

Drew Prisner, the defending men's champion, can picture the 2002 race in his mind. But it's not certain miles or post-race celebrations Prisner loves to remember.

"The thing that stands out most is making that final turn and seeing the finish line 200 meters ahead and the crowds of people behind the barricades and the reception I got," said Prisner, who will compete in the four-miler this year. "I actually slowed down and looked side to side and waved a little bit, because I wanted to take it all in."

Thousands of spectators are expected to pack the start and finish line Sunday at the George R. Brown Convention Center. There are many hot spots along the route, though.

One favorite includes Tanglewood Boulevard, where the residents throw a "Breakfast on the Boulevard" party as they watch the runners trek through mile 18. Rice University and the Galleria also are favorite spots to watch.

But runners said the most-needed fan support is after they exit Memorial Park and approach mile 23.

"Close to mile 23 is where the runners can see the end, but their bodies are questioning whether or not they can keep going," said marathon manager Steven Karpas.

Screaming and noisemakers go a long way, Karpas said. He encouraged fans to be creative by bringing whistles, cowbells or pans to bang on.

Allison Willbern, the second seed in the women's masters, loves to hear her name yelled, and no one will need her No. 122 bib to spot her.

"I know I'll hear my name called out along the way because I write my name on my stomach," Willbern said. "I cheat for them."

Willbern also loves high-fives from fans, but marathon organizers discourage spectators from stepping on the course.

Karpas added fans should not hand out food or drinks to runners along the way. Water stations are set up for the participants every 1 1/2 miles, and food also is supplied.

The race even caters to those spectators who would rather sleep or cannot be downtown for the 7 a.m. start. With a competitor's name or bib number, spectators can log on to www.hphoustonmarathon.com to track constantly updated results. Runners in all three races also can have their times e-mailed to friends' cell phones or personal digital assistants (PDA).

For those at the convention center, computer monitors will allow access to updated splits from all competitors. The updated technology, made possible by a computer chip placed in each athlete's shoes, is brought to Houston by the companies that supply the same services for the Boston Marathon.

"The HP Houston Marathon is the only event in the country providing this type of tracking technology for three races simultaneously," said Steve Huey, HP vice president of sponsorship. "This technology allows fans an opportunity to really be part of the action."

Prisner said fans should not underestimate the importance of their presence.

"Any distance runner that tells you they don't feed off the crowd is lying," Prisner said. "When you're hurting -- you've got 10 miles to go and you've already run 16 -- and you hear somebody in a nondescript voice say, 'Go Drew!' It perks you up.

"It makes you realize that it's not just you, but there are other people that are concerned and interested in how you do. And I think that as a competitive runner that means a lot."

Jan. 18, 2003, 12:10AM

Men's field has high drama

Skaters jockey for spots on team for world championships

By DAVID BARRON

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DALLAS -- Twelve months removed from the 2002 Olympic trials and 11 months from the Salt Lake City Winter Olympics, the primary elements on the line at tonight's U.S. Figure Skating Championships veer more toward record book fodder.

Can Timothy Goebel, for example, become the first skater to land four quadruple jumps in the same program? And can Michelle Kwan win her sixth consecutive ladies championship, becoming the first skater to do so since Gretchen Merrill in the 1940s?

Barring injury or collapse, both will make the U.S. team for the world championships March 24-29 at MCI Center in Washington, D.C. Kwan will probably be joined by 2002 Olympic gold medalist Sarah Hughes and Sasha Cohen.

Goebel's teammates are less certain, and that's one of the intriguing elements of today's long programs.

With former world junior champion Johnny Weir in second place and Matt Savoie in third, former two-time national champion Michael Weiss needs Weir or Savoie to falter if he is to skate in his hometown.

Weiss has staged comebacks in the past. He was fifth after the short program at Trophée Lalique in Paris last November and rallied to win. He was fifth at the Olympic trials but passed Savoie and Weir to claim the final spot on the team at Salt Lake, where he finished seventh.

Weiss, who performs last of three contenders behind Goebel today, is expected to open with a quad lutz and quad toe-triple toe combo. Neither Savoie nor Weir is scheduled to perform a quad, although Weir could insert a quad salchow.

Goebel, meanwhile, will revive his 2002 long program to George Gershwin's *An American in Paris*. He plans a quad salchow-triple toe loop combination, quad toe-triple toe combo, quad toe and quad salchow. If he lands all four, he will add that distinction to last year's Salt Lake program, when he became the first to land three quads at the Olympics.

Cohen has the most adventuresome program among the top three women with a triple lutz-triple toe combination and a triple toe-half loop-triple salchow later in her performance to Rachmaninoff's *Piano Concerto No. 2*. Hughes, who had two triple-triple combinations in her gold medal performance at Salt Lake, plans only one tonight.

Appropriately, Cohen sounds most optimistic about the potential of her long program.

"I want it to be perfect. I want it to be *the* long program," she said. "It will be tough to take home, but if I can focus and pull out a clean long, it is possible."

Kwan has a new long program, to *Aranjuez* by Joaquin Rodrigo, but the same characteristic caution with no triple-triple combos.

"Maybe I haven't been in front of the judges, but I've been active," she said. "I haven't been sitting on the couch eating potato chips."

Hughes has been off the ice, too, because of injury. But she also has been training hard for six weeks while trying to decide what role competition plays in her life as she approaches high school graduation and a decision on whether to attend Harvard full-time next fall.

"Nationals used to be the biggest event for me," she said. "It definitely will have the same feel of the Olympics, and it certainly is different than what I expected going in."

So what does it mean, she was asked?

"Ask me after the long program," she said.

Houston skaters Jennifer Don and Andrea Gardiner, meanwhile, will try to improve from 10th and 13th, respectively, perhaps moving up enough for byes into the 2004 nationals.

Jan. 18, 2003, 1:27AM

Scott-Dulebohn capture pairs

By DAVID BARRON

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DALLAS -- 2002 Olympians Tiffany Scott and Philip Dulebohn overcame two falls in their long program to win the pairs competition at the U.S. Figure Skating Championships on Friday night, but their struggles were hardly unique on a night when few of the 16 pairs were able to stay upright for the entire 4 1/2 minutes.

Scott and Dulebohn held on to their lead after the short program and clinched a spot at the upcoming world championships, but the race for the other two medal spots dissolved into a night of mistakes, falls and bandages.

Kathryn Orscher of Glastonbury, Conn., and Garrett Lucash of Granby, Conn., who were fourth after the short program, moved into second by managing to stay on their feet through their long program at American Airlines Center.

Rena Inoue and John Baldwin Jr., both of Santa Monica, Calif., moved from fifth to third despite a fall that resulted in Inoue requiring seven stitches in her left knee after she crashed into a rink wall.

Stephanie Kalesavich and Aaron Parchem, who were third last year and second after the short program, dropped to fifth place. Larisa Spielberg and Craig Joeright suffered two falls and fell from third to fourth.

Scott fell on the team's side-by-side triple toe loop jumps, then fell again on a throw triple toe loop. Despite the errors, the pair received marks ranging from 5.3 to 5.7 to retain their lead.

They succeed Kyoko Ina and John Zimmerman, who are no longer in Olympic-eligible skating, as national champions.

"Not quite the program that we hoped to put out," said Dulebohn, from Germantown, Md. "The lifts were a little wild for some reason, which is very uncharacteristic."

Inoue, a two-time Olympian for Japan, and Baldwin, who skated at his first nationals in 1986, were popular medalists. Baldwin, who said he had contemplated retirement at least five times in his 17 years in the sport, said Friday's success made up for past failures.

"There was a lot of frustration with singles and not being able to come through and maybe not being treated fairly," he said. "But, you know what? Tonight makes up for it. It was a crazy mix-up how everything worked out, but I'll take it."

Jennifer Don of Sugar Land and partner Jonathon Hunt, who entered the long program in sixth place, also struggled in the middle of their performance but remained in sixth.

The pair completed a throw triple salchow and a throw triple loop, but Don fell on a double flip, and the pair struggled with their back outside death spiral. Marks ranged from 4.7 to 5.5.

"That was the first time we hit both throws in the program, so we were pleased with everything but the silly mess-ups," said Don, who competes tonight in ladies singles. "We put all the things we've learned in the last six months out there today, and I'm ready to go back home and start polishing things for next time."

Don and Hunt are ranked third in the world on the junior Grand Prix circuit and could be picked by the U.S. Figure Skating Association for the junior world championships this year.

Jan. 17, 2003, 9:48PM

Joy, pain bring Sellers to Gold Cup

By **RICHARD DEAN**

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This time around, Shane Sellers is enjoying the moment. Just being back in the saddle is more than enough to make this jockey happy.

A serious knee injury sidelined Sellers for most of two years.

Sellers, who has ridden in 11 Kentucky Derbies and has 22 Breeders' Cup mounts, was unsure if he would ride again.

Not only has he returned to the horse track, he's prospered.

Sellers, 36, can live with the pain. He just couldn't live with being on the sidelines.

"The reality is, I'm going to have to ride in pain," Sellers said. "It's tolerable, and it doesn't affect my riding."

Sellers has been on his game, enough that he's won six stakes races at the current thoroughbred meeting at the Fair Grounds.

His second-place finish aboard Seainsky last month in the Woodchopper Stakes at the Fair Grounds, has brought him to Sam Houston Race Park, for today's \$100,000 Maxxam Gold Cup.

Sellers will ride for trainer Wes Hawley and owner Jack L. Gullett in today's eighth race in what is his first at Sam Houston.

At one point, Sellers was in demand all over the country. He rode at 30 tracks in both 1997 and 1998.

But Sellers can't pick and choose like he used to. What happened Dec. 9, 2000, changed that.

He suffered a serious knee injury in a pre-race accident at the Fair Grounds and underwent surgery Jan. 10, 2001, to repair a torn anterior cruciate ligament.

The accident altered Sellers' career. He was one of the nation's top jockeys and in 2000 was the third-

leading jockey in North America in earnings with nearly \$15 million.

He's captured riding titles at Churchill Downs (1995, '97), Gulfstream Park ('97) and Arlington International ('91, '93).

He finished third in the 1993 Kentucky Derby and Belmont Stakes on Wild Gale.

This is Sellers' third and longest of his comebacks.

"I tried twice to come back, but there was too much pain," Sellers said. "But I wasn't ready to quit."

Sellers said he didn't savor all he could before his injury.

"The first time around, I didn't enjoy it," said Sellers, who got his first win in 1983 at Evangeline Downs. "I put too much pressure on myself. It got to be work, and I got in this because of the fun."

His next decision was where to race.

"I couldn't go to Gulfstream without an outfit and go against (Edgar) Prado and (Jorge) Chavez," Sellers said. "I couldn't just ride 20-1 long shots."

So New Orleans won out.

Sellers is fourth in wins at the Fair Grounds despite not getting an abundance of rides.

"I don't have a lot of everyday horses but my stakes record is good," Sellers said. "My plan is going well. People can see I can still win the big races."

A versatile rider who can convert to any type of horse, Sellers will ride Seainsky, a turf specialist, on the dirt today.

Seainsky, whose last seven races have been on turf, will break from the rail in the 1 1/8-mile race for 4-year-olds and up.

Jan. 18, 2003, 1:17AM

Despite flub, Serena reaches fourth round

Clijsters also advances in Australian Open

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MELBOURNE, Australia -- One embarrassing swing-and-miss aside, Serena Williams is steadily sharpening her game as she draws within four victories of a "Serena Slam."

Williams needed only 46 minutes to beat Thailand's Tamarine Tanasugarn 6-1, 6-1 today and advance to the fourth round of the Australian Open.

She hit 27 winners, but her eight errors included a complete miss on an overhead smash in the second set's first game.

"I've picked up my game. If I'd been at lower level it would have been a lot closer," said Williams, who came close to losing her first-round match against France's Emilie Loit.

The key is staying relaxed, Williams said.

"I'm a perfectionist and everything has to be perfect, so if it's not going like that on the practice court, then when I get out there for the match I tense up," she added.

On the missed overhead, Williams said, "I didn't look at the ball, my head was down, my racket was up. It's kind of hard to hit the ball like that."

Older sister Venus is in the other half of the draw, and could meet Serena in their fourth consecutive Grand Slam final.

Next up for Serena is No. 18 Eleni Daniilidou, a 6-4, 6-3 winner over No. 16 Nathalie Dechy.

Kim Clijsters, considered one of the most likely to stop Williams from winning a fourth consecutive Grand Slam tournament, won 6-2, 6-1 in 55 minutes against Tatiana Poutchek. She has lost just six games in six sets.

If she and Serena keep advancing, they would meet in the semifinals.

Meanwhile, Marat Safin, last year's runner-up, withdrew with a wrist injury from a fall in his first-round match.

The 2000 U.S. Open champion's withdrawal sent No. 31 Rainer Schuettler into the fourth round against No. 23 James Blake, a 6-3, 4-6, 6-2, 6-2 winner over Spain's Alberto Martin.

Safin, recovering from a shoulder injury, said an injection helped him through his second-round victory over Spain's Albert Montanes, but afterward his left wrist swelled up badly.

Safin, a righthander who hits a two-handed backhand, said the injury was diagnosed as a cut ligament.

"It's very bad luck because I started to play better and to fly 24 hours to get here without any success is not really good. But that's life," Safin said.

But another Russian, Mikhail Youzhny, who led his nation to its first Davis Cup title last year, advanced by ousting seventh-seeded Jiri Novak, a 2002 semifinalist here, 6-1, 3-6, 6-3, 6-2.

He faces another 20-year-old, No. 9 Andy Roddick, who lost only nine points on his own serve as he beat Spain's Fernando Vicente 6-2, 6-3, 6-2.

Jan. 17, 2003, 6:36PM

Keep hardware close at hand : Houses absorb wide variety of spare parts

By JIM BROWN

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BUILDING without making a trip to the store is both timesaving and convenient.

You could argue that tying up money and space for items that might be needed between now and the end of time is a bad use of resources. But lately, things have been failing here.

Last week we mentioned the light socket and switch. I've also broken the saw three times and a vise. (It takes a special type of handyman to break a vise.) Then a faucet started to drip.

The first two times the saw broke I was able to fix it using parts on hand. Faucet washers and seats also are part of the Bedlam parts department's inventory, so that was a quick fix.

I had saw parts on hand because Dad was a dealer for this brand of saw long ago; I intercepted the spare parts on their way to the dump. I am glad I saved the parts, which generally would fall into the "buy as needed" category.

Faucet parts, on the other hand, often are inexpensive and take little space to store. I also keep some toilet parts, a spare light switch and an outlet or two, light bulbs and pounds of fasteners. It's a good idea this time of year to have a plumbing first aid kit that includes a couple of pipe repair clamps and Dresser couplings or a package or two of Pipe Wrap.

The key is to keep spare parts where they can be found. Most of ours are organized in the old screw bin from Dad's store.

If you don't have a multibinned 4-foot-wide, 6-foot-tall store fixture, consider storing your spare parts in a single box kept in a convenient (but out-of-the-way) space. A good place for faucet parts is a bag taped under the sink.

Jim Brown will teach a home maintenance course at the School of Continuing Studies on the Rice University campus. For information, call 713-348-4803, ext. 847, or access www.scs.rice.edu.

For answers to your questions, call Jim Brown at 713-523-5533 during his "Houston's Home Handyman" radio program, 7-9 a.m. Saturdays on KBME, 790 AM.

Jan. 17, 2003, 6:51PM

Marriage turns sour after pregnancy

DEAR ABBY

Universal Press Syndicate

Dear Abby: After three years of marriage, my husband, "Jeff," and I decided to have a child. I became pregnant immediately.

What I thought would make us both happy and bring us closer actually did the opposite. I had a miserable pregnancy and felt abandoned. Jeff grew emotionally distant and stopped communicating almost completely except for our constant battles.

Our son is now 16 months old and the apple of my eye. Jeff has a new job with a good future. We bought a house and live in a great neighborhood, but he is still distant and picks fights constantly. He agrees counseling might help, but refuses to go. I have tried to improve our relationship, including private counseling, but it's not working.

Jeff is a great father but a lousy husband. We both changed with my pregnancy -- he went from a helpful, happy husband to a miserable, frustrated man. Divorce is expensive -- financially and emotionally -- and a battle will most likely ensue over our son. Where can I go from here?

-- Unhappy in North Carolina

Dear Unhappy: With no input from your husband about what is wrong, it's difficult to say. However, one line in your letter, "What I thought would make us both happy actually did the opposite," makes me wonder if your husband felt trapped by the pregnancy -- and his subsequent behavior is the result of feeling pushed into fatherhood he didn't feel ready for.

Where you go from here depends upon how much longer you're prepared to tolerate your living situation. One thing is certain, nothing will change until you both have laid your cards on the table. If your husband refuses to go to counseling, perhaps your next step should be to consult a lawyer about what your options are. There are worse things than divorce. A contentious marriage like yours is one of them.

Dear Abby: I am an 11th-grade girl. Our student handbook states that "public display of affection is discouraged at school and could result in disciplinary action." If this is true, shouldn't a student also get in trouble for sexual harassment?

A guy in one of my classes has been touching, grabbing and pinching me. I told some of my girlfriends, and two of them said he does the same thing to them. We hadn't wanted to tell each other, but now we're glad we did.

We went to the assistant principal's office with our complaint. He gave the boy one day of detention. After that, things got worse. The creep is still picking on us, and our school isn't doing anything to make him stop.

What do we do now, Abby? Were we wrong to tell? If not, how come nobody is doing anything to protect us? School is supposed to be a safe place, right? Please help us.

-- Three Girls from

Zanesville, Ohio

Dear Girls: Document each instance -- date, time and place -- in order to establish a record. Tell your parents what's going on. It's time for your parents to discuss this matter with the school principal.

If that does not stop the harassment, take it up with the board of education. They need to know what's going on before it's necessary to take legal action.

Dear Readers: Here is a gem. It was submitted by Tom Berilla of Silver Spring, Md.:

My daughter, Claire, told my 3-year-old granddaughter, Hanna: "We plan to remodel the kitchen and dining room, and move the walls from `here to there.' "

Trying to include her little girl in the project, she asked: "And what would Hanna like?"

Hanna's reply: "Take away the time-out corner!"

Dear Abby is written by Abigail Van Buren, also known as Jeanne Phillips, and was founded by her mother, Pauline Phillips. Write Dear Abby at www.DearAbby.com or P.O. Box 69440, Los Angeles, CA 90069.

Jan. 17, 2003, 6:39PM

Soup up dinner menu

By **LINDA GASSENHEIMER**
Special to the Chronicle

With today's fast pace, we tend to forget about homemade soups. This pesto and bean soup is easy, healthy and delicious.

A simple pesto sauce adds body and flavor. Considered one of the world's best pasta sauces, it comes from Liguria, a northwestern province of Italy. Use the pesto sauce in this recipe or use two large tablespoons of a purchased pesto sauce.

This recipe calls for acini pepe, which is a very small pasta that is perfect for soups. You can use orzo, a rice-shaped pasta, or any type of small pasta. You also can use any leftover pasta you have. Break it up into equal-size small pieces.

The soup on its own is a meal, or make the roasted red pepper bruschetta to serve alongside.

Helpful hints

Great Northern beans can be substituted for cannellini beans.

Thick sliced country bread or a French baguette can be used instead of Italian bread.

Buy good-quality Parmesan cheese and ask the market to grate it for you, or chop it in the food processor. Freeze extra for quick use. You can quickly spoon out what you need and leave the rest frozen.

Roasted Pepper Bruschetta

2slices Italian bread or 2 Italian rolls split in half

1teaspoon olive oil

1/4cup sweet roasted red peppers, sliced

Preheat broiler and line a baking sheet with foil.

Brush bread with olive oil and place under broiler for 1 minute. Remove and spoon roasted peppers evenly over bread.

Return to broiler for 1 minute. Remove and serve with soup.

Makes 2 servings, each: 126 calories, 3.3 grams fat, 3.3 grams protein, 19 grams carbohydrates, 0.6 gram fiber, 316 milligrams sodium.

Linda Gassenheimer's latest book is "Low-Carb Meals in Minutes." Write to her at dinnerlin@aol.com.

Jan. 17, 2003, 6:45PM

Caulfield sheds light on `Darkness Falls'

By IAN SPELLING

New York Times Special Features

Actress Emma Caulfield, who co-stars as the demon Anya on *Buffy the Vampire Slayer*, has no fear of typecasting as she makes her feature-film debut in another chiller, *Darkness Falls*.

"I'm not worried about typecasting because *Darkness Falls* is not a horror movie. It's not at all. There's no gore," Caulfield said.

"It definitely is a scary movie. I suppose I'd be worried about typecasting if there were anything remotely similar between *Buffy* and *Darkness Falls*, or between Anya and Caitlin, my character in *Darkness Falls*, but they're just so different."

Jonathan Liebesman's PG-13 rated film, opening Friday, is set in the town of Darkness Falls, where a decade earlier a boy named Kyle (Josh Anderson) looked on in terror as a ghostly figure known as "The Tooth Fairy" killed his mother. Now, with her little brother Michael (Lee Cormie) experiencing nightmares, Caitlin turns for help to the grown-up Kyle (Chaney Kley), her childhood sweetheart and the only person to have survived the Tooth Fairy's wrath.

Caulfield reportedly had a hand in developing her character, if only by insisting that she wouldn't play Caitlin unless the character were more fully developed. She addresses that issue as diplomatically as she can.

"Let's put it this way: The director and myself were very committed to trying to create a heroine who could really handle herself, a la Sigourney Weaver as Ripley in the *Alien* films. By no means is she the victim.

"There were a few movies that I watched repeatedly in my hotel while shooting *Darkness Falls*," she said. "When we were shooting the film, it was a slow-paced psychological thriller that ended up becoming a very different movie, albeit a much scarier one, when they brought Stan Winston on board to do the special effects for the creature, for this otherworldly creature, for this woman named Matilda.

"Once that happened, inevitably there were reshoots, and there were a lot of changes made as to what the idea of the film should be," Caulfield said. "It became more of an action-thriller, a very eerie, scary action-thriller. So how my character comes off is anybody's guess at this point. I think she definitely still

does hold her own."

As far as her *Buffy* character, Caulfield announced several months ago that this season would be her last. "The best analogy I can give is to ask you a question," she said. "How did you feel after four years of high school? When you were a senior, you probably thought four years was enough. I'm on my fifth year of *Buffy*, so I've repeated a grade."

But how would Caulfield like to see Anya go out?

"I'd like to see her be alive," she said, laughing. "I don't want Anya to die. I'd like to see her healthy and alive, but not necessarily happy. Really, is anybody ever happy on *Buffy*?"

On the other hand, no one every really dies on *Buffy*, either.

Jan. 17, 2003, 6:37PM

Antiquing technique adds charm

Show your patriotic colors in this project from Better Homes and Gardens' *Garden Style Projects: Decorating Ideas for Indoors and Out* (Meredith Books, \$24.95).

Finding the right aged piece to accommodate the dimensions of a room in your home can be difficult. This project helps you take a previously painted or unfinished bench or table and "antique" it to fit your modern needs. The red reflects American spirit; try a golden yellow on French blue for a more European look or pale green with white for a spring-garden effect.

-- SARAH OLIVER BONASSIN

Materials

Sandpaper, medium grade

Primer

Painted or unfinished piece

Tack cloth

Base paint

Wax

Top coat, interior latex (use exterior latex paint if piece will be used outside or on porch)

Drop cloth

Polyurethane

Instructions

Sand and prime unfinished piece. If painted, wipe with tack cloth and paint base color. Or prime again and paint with base color. Allow to dry. Rub wax over paint with grain. Concentrate on edges and areas of natural wear. Brush on top coat.

Allow to dry thoroughly before continuing. Place bench on drop cloth. Sand with medium-grade sandpaper until you achieve effect. (Repeat with waxing, painting and sanding for third color, if desired.)

Wipe bench with tack cloth and seal with two coats of polyurethane.

Jan. 17, 2003, 6:28PM

MARTHA STEWART

Create a perfect cake

By MARTHA STEWART
New York Times Syndicate

The holiday season may be over, but celebrating never really ends. Birthdays of friends, loved ones and colleagues pop up throughout the year. What better way to honor someone on his or her birthday than to make a cake from scratch?

Preparing a beautiful, delicious cake may seem like a daunting task, but all you really need to ensure success is your favorite recipe and a few baker's tricks.

You will get the best results, for example, if you use aluminum pans with a dull finish (shiny pans and those made of stainless steel can reflect heat and result in undercooking; black bakeware can absorb too much heat and cause burning). Always set the pan in the center of a rack placed in the middle of the oven so the heat will be distributed evenly. Because temperature is as crucial as time, you should use both an oven thermometer and a minute timer.

Cereal-cube tower

My daughter, Alexis, likes to build castles of colorful cereal blocks for birthday parties. They are festive and delicious. You can make them as large or small as you like, using just one or several varieties of crunchy, puffed cereal.

For different tastes and colors, I like to use crisp rice, chocolate crisp rice, fruit-flavored rings, puffed corn and chocolate puffed corn. These treats couldn't be simpler to make; just follow these steps.

Melting: To make a batch of 16 2-inch cereal blocks, combine in a large saucepan 5 tablespoons unsalted butter, 1/2 teaspoon salt and 7 cups minimarshmallows (you can use regular marshmallows instead, but they will take longer to melt). Cook the ingredients over medium-low heat, stirring, until the mixture becomes smooth.

Mixing: Turn off the heat. Add 5 cups of a cereal of your choice all at once, stirring it into the melted marshmallows until thoroughly combined. Be sure to scrape all the marshmallow from the bottom of the pan.

Transferring: With nonstick cooking spray, coat an 8-by-8-by-3-inch professional baking pan (such pans, available at baking-supply stores, have straight sides that produce perfect cubes). Cut an 8-by-20-inch sheet of waxed paper. Set it in the pan, with excess extending from two sides; coat with nonstick spray. Spoon in mixture.

Pressing: Coat the palms of your hands with nonstick spray. Press mixture firmly into pan, making sure there are as few air pockets as possible. For uniform cubes, press the mixture into the corners of the pan. Level the top, and let cool before cutting.

Cutting and stacking: Remove from pan by lifting the overhanging waxed paper. Cut into 2-inch cubes using a serrated knife. Repeat these steps with as many types of cereal as you like, then stack cubes into a tower.

Layer-cake tips

Many people love a classic layer cake, so I have listed some tips for baking one perfectly every time.

Lining a pan: Cut a circle of parchment paper to fit inside your cake pan. Butter the pan, insert paper, then butter paper. This will keep cake from sticking.

Flouring the pan: To further discourage sticking after buttering your pan, sprinkle a few tablespoons of flour into it, then tap the sides of the pan to coat the bottom evenly. Tilt to coat the sides as well, then tap out excess flour over the sink.

Measuring dry ingredients: Never scoop flour from the bag or canister with your measuring cup. This packs it in too tightly, and you'll get more than you want. Instead, spoon it into the cup gently, then level the top with a knife or spatula.

Releasing the cake: After baking, let the cake cool in its pan on a wire rack. It will contract slightly and pull away from the metal. Run a paring knife around the edge to loosen the cake before turning it out.

Halving layers: To divide one cake into layers or to trim the top of a cake for stacking, set the cake on a rotating stand on a level surface. Using a long serrated knife, cut horizontally to the middle; then turn the cake as you move the knife in a sawing motion, keeping the blade parallel to the work surface.

Separating layers: Move sliced layers delicately so they don't crumble. Carefully wedge a cardboard cake round (available at baking-supply stores) or a thin, rimless cookie sheet under the top layer after slicing, and slide it into place. Remove layer. After icing the layer underneath, return the layer to sit atop the icing by sliding it back off the cake round or sheet.

Jan. 17, 2003, 10:12PM

THEATER REVIEW

'Slanguage' speaks of urban experience

By EVERETT EVANS

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Wearing its streetwise spirit like a badge of honor, *Slanguage* assembles poetry, song and movement into a theatrical collage depicting the contemporary urban landscape.

From subway trains to tenement crime scenes, the locales are conjured with immediacy and authenticity.

The Bronx-born troupe Universes created and performs the show, making its Texas debut through tonight at DiverseWorks.

Slanguage has much in common with *Russell Simmons' Def Poetry Jam*, the showcase of hip-hop performance poets currently on Broadway. Indeed, Lemon, one of the five core Universes members who created *Slanguage*, is not performing the show here because he's on Broadway in *Def Poetry Jam*. Indio Melendez has stepped in for this tour, joining co-creators Steven Sapp, Mildred Ruiz, Gamal-Abdel Chasten and Flaco Navaja.

In solo turns or the more frequent joint endeavors, each participant contributes mightily to this ingenious, high-energy performance. Fresh and frank, displaying plenty of attitude, *Slanguage* is invigorating.

In contrast to the wide-ranging material of *Def Poetry Jam*, *Slanguage* casts a narrower net, focusing on a particular aspect of urban experience.

Yet like the cast of *Def Poetry Jam*, the *Slanguage* team revels in language. They are eager to stake their claim to a tradition that extends from John Milton to John Keats to Langston Hughes (among the many poets mentioned), but with their own stamp and style.

One sequence refers to Edgar Allan Poe's *The Raven*, while the style of Dr. Seuss is (sporadically) evoked in a rhymed tale about rival gangs.

The joy of wordplay can come in sly substitutions, as in a line referring to the quintet's a capella singing as "Acapulco singing." More prominent is Sapp's solo "alphabet" of alliterative phrases, spanning A to Z with such lines as "grateful for this ghetto gift of gab." A later scene is specifically a paean to beat poets

and their legacy.

One scene creates a vivid picture of a subway train in motion, using onomatopoeic words, the slapping or stomping sounds of the performers and the addition of sound effects and flashing lights. The scene typifies director Jo Bonney's simple but effective staging.

Another highlight is a round of fairy tales and nursery rhymes, retold in modern urban terms.

"Humpty was a brother who fell off 'cause he put himself above everybody else. ... "

"Mother Goose was a single mother with nine kids. ... "

"Cindy didn't put out on the first date. ... "

The final scenes are especially strong, beginning with a subway song about the "million different stories on the train," followed by scenes of domestic violence and the plague of urban indifference, neighbors striving to remain uninvolved.

Overall, *Slanguage* could be better shaped and structured. There are spots where the writing of individual sequences could be sharpened, the delivery clarified (some parts are lost in the whirl of sound effects and overlapping voices).

Some of the show's best moments and ideas are not fully exploited. For instance, the nursery tales and the "stories on the train" song could profitably be extended and further developed. These sequences are so good one wants more of them before the cast moves to the next piece.

Nonetheless, when the show connects, which is pretty frequently, it speaks a potent *Slanguage* everyone can understand.

Slanguage

When: 8 tonight

Where: DiverseWorks, 1117 East Freeway

Tickets: \$20; 713-335-3445

Jan. 17, 2003, 10:12PM

Soprano gives 'Lucia' a strong voice to follow

By CHARLES WARD

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The question at Thursday's opening of Houston Grand Opera's *Lucia di Lammermoor* was simple and the answer emphatic.

Would American soprano Laura Claycomb create as big a stir in Donizetti's tale of a bride gone crazy as she did last season in Verdi's *Rigoletto*?

She did.

This time, people knew what to expect. So perhaps Claycomb's brilliant work, from first note to last, didn't have the wow factor that comes with hearing someone for the very first time. But in a bravura mix of compelling acting and breathtaking singing, Claycomb sealed her status as a soprano with a major future.

Buzz certainly was about.

Houston Symphony musicians with a night off, senior arts administrators from other local groups, opera aficionados and out-of-town fans partly made up for the absent patrons who left the orchestra level less full than it should have been, especially after intermission.

Claycomb was the primary reason for the interest, but another important draw was tenor Vinson Cole, who sang Edgardo, lover of Lucia and enemy of her brother, Enrico.

In his first complete HGO appearance, he was an elegant singer, especially captivating for his magnetic delivery of text.

With HGO music director Patrick Summers guiding the performance, the pair made the evening.

The bel canto *Lucia di Lammermoor* (1835) came from a Sir Walter Scott novel that, in turn, was based on the Scottish tale of a young girl forced to marry against her will.

Enrico's political empire is near collapse. To shore it up, he arranges Lucia's marriage to a wealthy ally. He gets her to accept by forging a letter from her lover, Edgardo, suggesting that he has abandoned her.

With additional pressure from the family chaplain, Raimondo, Lucia caves in.

Edgardo finds out and confronts her. The emotional pressure causes her to snap. On her wedding night, she emerges, near death, from her bridal chamber. Her clothes are drenched with the blood of the husband she has murdered.

The opera isn't over, though. Edgardo, who is waiting for a duel with Enrico, succumbs to grief over Lucia's death. The tenor gets the final swoon.

From her first scene, where Lucia secretly meets Edgardo, Claycomb sang with crystalline tone and brilliant coloratura. She had the communicative skill of a stage actor. Changes in mood didn't simply reside in the sung text; they were physically visible. She made some of her colleagues seem like zombies.

Summers and Claycomb rethought the *Lucia* traditions. They shed most of the arbitrary slowdowns heard in her first aria, and rewrote the Mad Scene cadenza with flute. The new version was brilliant, exploiting Claycomb's skill and reinforcing the decaying of her mind.

Here, Claycomb's work was the most sensational and the applause the most ferocious.

Cole did his acting through his mouth. His beautiful, liquid singing was the foundation for diction that made the listener wait on every word. There was no need for extraneous physical motion, though his acting effectively reinforced Edgardo's ardor, brusqueness and despair.

In comparison, the rest of the cast was wan. A couple of decades ago, HGO had artistic staff who could cast an opera from top to bottom with voices that fit each other. That skill needs to be reacquired.

Former Houston Opera Studio baritone Chen-Ye Yuan sang his first Enrico. His voice was strong and the top notes came easily, but the sound didn't have the focus of his two main colleagues. While malice didn't ooze from his pores, he made Enrico's desperation clear and dangerous.

Bass Raymond Aceto warmed up slowly as Raimondo to become the anguished agent of death, revealing the demise of Arturo, then Lucia.

As Normanno, an aide to Enrico, former Opera Studio tenor Scott Scully sang brightly and authoritatively in solo passages but didn't carry well with the chorus. Current studio members Nicholas Phan, tenor, and Marjorie Owens, soprano, were sturdy as Arturo and Lucia's servant Alisa.

James Robinson, who staged HGO's fall production of *La Bohème*, offered an austere production from Minnesota Opera. Two giant vertical slabs, looking like highly stylized icebergs, were moved around to create outdoor glens and indoor rooms. Lighting gave them a surprisingly large palette. For the Mad Scene, part of one slab was stripped away to reveal a ferociously red wall, through which Lucia entered.

The staging was to-the-point, giving both Claycomb and Cole plenty of dramatic space for their fatal scenes.

Summers conducted effectively, occasionally allowing the pace to get a bit too leisurely but then gathering force for intense finales.

With its fine playing, the HGO Orchestra added to its steady growth as an ensemble, Harpist Joan Eidman and flutist Tom Robertello were the excellent soloists for, respectively, Lucia's first appearance and the Mad Scene.

Finally, Richard Bado's HGO Chorus continued its tradition of excellent work with dark, firm singing.

Lucia continues through Feb. 2.

Charles Ward can receive e-mail at charles.ward@chron.com.

Jan. 17, 2003, 6:23PM

GLAZING AND AGING

Do-it-yourself paint processes dress up walls

By JURA KONCIUS

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RICHMOND, Va. -- "Trouble in Tuscany," flashed the subject line of an e-mail received at the headquarters of Sunny's Goodtime Paint Products.

A panicked customer had written for help, saying the entrance hall she hoped would have the ruddy glow of weathered fresco plaster looked more like the terra-cotta clay of the Grand Canyon after an application of the company's Take Me to Tuscany aging patina.

Sunny Stack Goode and Dede Keyser Davis sprang into action, calling the customer back and talking her through the application technique. Seems that the walls she inherited in her home had never been properly primed, so too much of Sunny's water-based patina soaked into the surface. With a proper primer and a coat of any tan-colored latex paint, they assured her, their product could indeed make her walls resemble the rich, time-worn look she was after.

Another day, another satisfied customer at Sunny's Goodtime Paint, a specialty paint-finishes business located in a garage warehouse in the fashionably hip historical neighborhood known as the Fan.

Goode and Davis, founders of the 18-month-old firm, are tireless cheerleaders for DIY wall-glazing. As professional decorative artists, the pair can command \$2,500 to glaze a living room the color of translucent tobacco or sheer apricot sorbet. But as inventors of Sunny's Goodtime Paint Products, they also are in the business of showing novices how their color washes and glazes make plain vanilla walls pop: Dip a crumpled T-shirt into Buttercup Baby, Black Leather or one of 21 other premixed colors and rub over the painted surface of walls, floors or furniture. Then stand back to admire color that glows with an illusion of depth and texture typically associated with painstaking layering and no small amount of money.

"I've never done any painting before, and it was really easy," said Lucy Ackerly, 28, a Richmond kindergarten teacher who painted Sunny's Gator Green Glaze stripes over a base coat of Benjamin Moore's Wales Green in her dining room. Emboldened, she tried Sunny's Apricot Colour Wash in her bathroom. Then she got her husband hooked, and now they are taping-off large diamonds to treat with Sunshine Daydream Everything Glaze up their white stairway walls.

That's what Goode and Davis like to hear.

"We love to see people try it. That's the most rewarding part. It's therapeutic," said Goode, wiping a swath of Plainly Plum glaze on a display board in the company's bare-bones headquarters. "There's no need to be scared of color. You can't make a mistake."

"We wanted to show people that you should be laid-back about this," Davis said. "If you get obsessive, it will show on the wall. If you relax, it will look better." Green and yellow Sunny's cans bear a similar message: "Shake well. Have Fun! ... Relax. Grab a cold drink and crank up the tunes." (Davis likes disco; Goode prefers the Dave Mathews Band and Matchbox Twenty.)

Sunny's line has three basic products: color washes that give a light pigment, glazes to give depth, and aging patinas -- more earthy finishes that create the texture of aged walls. The products, \$29.95 per quart, are applied over ordinary latex wall paint. One can covers 400 square feet. Stencils of their own design complete the line.

Goode and Davis have been spreading the word about their products by staging demonstrations in design shops and paint stores from Connecticut to Florida. They are finding a receptive audience. Interior designers like the products because they can show clients exactly what the special paint effects will look like. Professional painters appreciate the fact that they require no mixing. Customers range from undergrads spiffing up dull dorm rooms to salesmen glazing a home office.

Since getting a Small Business Administration loan to launch their business in the apocalyptic month of September 2001 with the mission statement "bring out the artist in all," the pair have sold more than 5,000 cans of paint online and at 31 stores in 10 states.

At the warehouse that serves as office and design lab, they run a phone and Web hot line for harried home decorators: A decorative artist from Minnesota needs help choosing between Rosey Rosey and La-La Lilac; a woman from New Hampshire just ripped a page about Sunny's out of This Old House magazine at her doctor's office and wants some right away. A man from Charlotte is looking for glaze the color of butterscotch. (They suggest that he combine Sunshine Daydream glaze and Original Aging Patina.)

E-mails come in day and night to their Web site, www.sunnysgoodtimepaint.com, where they have posted photos of their customers' projects, including a powder room with French Gray Colour Wash diamonds and a bathroom ragged in Cappuccino Everything Glaze. The site averages 66,000 hits a month, plus hundreds of e-mail questions.

Decorative painters have been glazing walls for hundreds of years, but until recently most do-it-yourself custom treatments involved messy mixing with oil-based products and hours of labor. Sunny's water-based products dry quickly and don't smell. You can use cheesecloth, sponges or brushes to produce a variety of effects.

Goode, 34, said even as a child growing up in Atlanta she was always changing the color of her bedroom. After college in 1990, she offered to work for free as an apprentice to Nancy Baker, an established Northern Virginia decorative artist: "I said I'd work for nothing until I was worth something."

She also took decorative-painting courses at New York's respected Isabel O'Neil Studio Workshop. By the time she married and moved to Richmond in 1993, she had built a reputation in the Washington/Virginia area for custom-mixing her glazes, washes and paints. She continues to paint for clients, even now with three kids under the age of 6.

At Hollins, Davis, 35, majored in studio art and English. After graduation she worked in the movie business, advertising and marketing while keeping up her painting on her own time. After moving to Richmond in 1997 to take a job with an ad agency, she reconnected with Goode, who was looking for some part-time help. Before long, Davis was ready to quit her day job. "My boss could not believe I was leaving to paint walls," she says now.

The duo was glazing and stenciling homes around Richmond in the summer of 2000 when they were featured in an article in *Windows & Walls*, a publication of *Better Homes & Gardens*: A photograph with the story showed an entrance hall in a Richmond brick Georgian home that Goode and David had glazed in 12-inch stripes in a color they called Gator Green. The phone started ringing nonstop.

"All the 250 voice-mail messages said the same thing: 'Can you send me a can of that green glaze?' " said Goode.

The pair realized a business opportunity had fallen into their lap. They contacted a paint manufacturer and began experimenting with a glazing formula that could be canned for home use. The glazes would have to be easy to apply and not too thick. Goode's 1907 Queen Anne house here became a laboratory for experiments. They wrote a business plan and applied for the \$80,000 SBA loan. "We went on our gut. No focus groups. No research. But we knew there was a demand for it," Goode said.

They personally delivered their first order of 200 cans to several Richmond shops. Their husbands, Read Goode and Wilson Davis, both in the commercial real estate business, helped build furniture in the office and unloaded pallets of paint cans. As recently as last week, Goode's mom was helping out at the warehouse by sticking labels on a new line of stencils.

The partners are still developing new products. One of the latest is Deck-o-Rator cards, a \$20 pack of 36 clear acetate cards that lets consumers see how the various glazes and color washes will look over their chosen base coat. They've applied for a patent on the cards.

Davis recently did a demo in Charleston, S.C., and convinced a woman who said she'd been looking for a custom color for 10 years to try Palm Beach Pink Colour Wash.

"She just e-mailed me that she applied it, and it worked wonders," said Davis. "Her husband came home and wanted to know who she'd hired to paint the walls."

Jan. 17, 2003, 7:55PM

Tune in tomorrow

By NANCY M. REICHARDT

ALL MY CHILDREN: Kendall kissed Aidan to prevent Derek from spotting him at the bus station. Aidan returned to the condo with Kendall and Maria after he saw Archie, the man who shot him.

AS THE WORLD TURNS: Paul was not thrilled when Lily excitedly told him that Rose was returning to Oakdale. Barbara worried that Will would be prosecuted for arson when Hal wanted to push Will to accept responsibility for setting the barn fire.

THE BOLD AND THE BEAUTIFUL: Clarke learned that Macy is alive when he heard Sally and Thorne's conversation. As Macy and Lorenzo exchanged marriage vows, Sally (who was nowhere near Macy) clutched her heart, then collapsed.

DAYS OF OUR LIVES: Craig told Nancy he is going to find the medical error that made her believe years ago that Dr. Sykes was Chloe's father. Sami vowed to get rid of Lexie, who is determined to end Sami's relationship with Brandon.

GENERAL HOSPITAL: Brenda told Jax and Jason she saw Ric outside Alcazar's suite the night he died, but said she would keep mum to avoid making things worse for her and Jason. Lucky found Summer, who was badly beaten after a "visit" from Jordan.

GUIDING LIGHT: After learning Annie's location from Alan, Reva went to the mental hospital and was surprised to see Josh already there. Gus warned Eden he would disown her if she lies during Harley's custody hearing for Zach.

ONE LIFE TO LIVE: Antonio confessed to Cris that he fathered Liz's baby. To get even with Max and Asa, Roxy "caught" Rae with Max, then Rae told Roxy she and Max were having an affair.

PASSIONS: Theresa and Fox bonded further after she admitted taking money that Ivy told her to send to him and purchased gifts for him in Ivy's name.

PORT CHARLES: To protect Tess, Jack asked Rafe to teach him to be a vampire slayer. Tess told Stephen (Caleb) she wants to free him from his dark world.

THE YOUNG AND THE RESTLESS: Wes was furious when Dru told him that she accepted the invitation for her and Lily to move in with Neil. Larry teamed with Diego to get at Robert and Seth by

stealing (fictitious) drug money from Victor.

United Feature Syndicate, Inc.

Jan. 17, 2003, 5:44PM

Sundance gives unusual films a chance to shine

By DAVID GERMAIN
Associated Press

PARK CITY, Utah -- Documentaries on Fidel Castro and Tupac Shakur, a Thai epic about a martyred 16th-century queen, and a film-noir musical starring Robert Downey Jr. are among highlights at this year's Sundance Film Festival.

America's top showcase for independent movies, the festival, which opened Thursday, has rounded up some unusual suspects for its 11-day run.

"It's as eclectic and as differentiated a program as we've ever had," festival director Geoffrey Gilmore said of the 124 feature-length and 90 short films.

Castro is the subject of *Comandante*, an HBO documentary premiering at Sundance that was culled from three days of intimate conversations the Cuban president had with director Oliver Stone.

The life of slain rapper Shakur is recounted in another documentary, *Tupac: Resurrection*, while *Legend of Suriyothai* is a Thai-language epic about a queen slain in battle against Burmese invaders in 1548.

Holly Hunter, to be honored with the festival's independent-vision award, appears in two Sundance films, including *Levity*, the opening-night feature. It co-stars Billy Bob Thornton, Morgan Freeman and Kirsten Dunst. Dustin Hoffman appears in the mob tale *Confidence*, while Bob Dylan plays a cult music star in the satiric *Masked and Anonymous*, co-starring Jeff Bridges, Jessica Lange, John Goodman and Penelope Cruz.

Downey has the title role in *The Singing Detective*, his first movie since completing rehabilitation and probation after years of drug and alcohol problems.

Adapted from Dennis Potter's novel, *The Singing Detective* is among the hot prospects for film buyers prowling Sundance. It co-stars Robin Wright Penn, Katie Holmes and Mel Gibson, whose production company made the film.

Distributors have picked up such critical and commercial successes as *The Blair Witch Project*, *In the Bedroom* and *You Can Count on Me* at Sundance in recent years. Just as often, though, hot Sundance acquisitions tank at the box office, among them last year's *Tadpole*.

Hollywood types joke that distributors can lose perspective in the thin mountain air and embark on bidding wars that have pushed some film prices into the \$10 million range, beyond the box-office potential of most indie movies.

Filmmakers hope to land their movie with a company that will market it to the right audience.

"You really want to get that distributor that isn't just going to go, 'This movie's got Mel and Robert in it,' " said *The Singing Detective* director Keith Gordon, who came to Sundance three years ago with *Waking the Dead*. "You want that person who loves the movie and thinks they know how to turn it into the next *Being John Malkovich*. You want somebody going, 'We know how to sell this movie.' "

Organized by Robert Redford's Sundance Institute, the festival has grown into a hybrid as a film market, a spot for stars to pitch upcoming flicks and a showcase for talent working outside the studio system.

"Strip away the paparazzi and the folderol that goes with the stars, and you see an institute underneath it that's really committed to providing a space and place where people can work on storytelling and take risks on scripting without fear of, 'Oh, my studio deal won't let me do that,' " said John S. Wilson, co-chief program executive for PBS, which is showing 10 documentaries at the festival.

Lions Gate Films caught the indie movie *Everything Put Together* at the festival a few years ago. That film went virtually unseen among commercial audiences, but Lions Gate hired its director, Marc Forster, to make *Monster's Ball*, which became the company's biggest hit and earned Halle Berry an Oscar.

Sundance also encourages unknown filmmakers to persevere in a tough and thankless industry.

Director Rebecca Miller's debut, *Angela*, won two prizes at Sundance in 1995, but she spent years trying to raise funds for a follow-up. She finally returned to Sundance last year with *Personal Velocity*, which won the festival's top dramatic honor and now is playing at art-house theaters.

"In both cases, Sundance sort of validated my struggle to make films," Miller said. "In my own little stubborn way, I've kind of stuck to my guns, and Sundance has kind of been there to say, 'You're doing good. Keep going.' "

Jan. 17, 2003, 6:55PM

TV'S MIDSEASON

NBC prepares for change

By MIKE McDANIEL

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HOLLYWOOD -- Cybill Shepherd will play Martha Stewart, *Let's Make a Deal* will return, Madonna will appear on *Will & Grace* and the renewal of *The West Wing* for two more seasons were among many program announcements made Friday by NBC Entertainment president Jeff Zucker.

Zucker's appearance here at the Television Critics Association's winter press tour was preceded by a recording of Bette Midler singing *You've Got to Have Friends*, appropriate in that the NBC chieftain landed the linchpin series *Friends* for another season. But fans of the nation's No. 1 comedy should not count on the show coming back after that, Zucker said.

"Next year will be its 10th and final year," he said, and next season's series allotment will be 17 episodes and a one-hour finale versus 23 episodes and an hourlong season finale for the series in previous years.

The West Wing, which has suffered a ratings decline thanks to aggressive counterprogramming of reality shows by NBC's competitors, will be back for two seasons "and possibly a third," Zucker said. The show "is as valuable to us as it's ever been," he said.

Zucker would not speak about the renewal of other slumping shows, including *Frasier* and *Just Shoot Me*. But he did say that after a re-examining of the issue, *Providence* will not return.

But *Hunter* will. A pair of *Hunter* movies scored well enough in the ratings for NBC to ask Fred Dryer and Stephanie Kramer to reprise their roles in a *Hunter* series to begin airing Saturdays as of April 12.

In an effort to boost Saturdays, NBC will also bring back the game show *Let's Make a Deal* in prime time. It will be launched March 1 with *Access Hollywood* reporter Billy Bush as host. Monty Hall, the show's original host, will serve as executive producer.

In other announcements:

· *Kingpin*, a six-episode series to run Sundays and Tuesdays in February, will launch with a premiere episode eight minutes longer than usual, most of which will be devoted to commercial interruptions. The

series, which follows a family-run Mexican drug cartel, will also air simultaneously in Spanish on NBC to those who access the secondary audio program feed available on most televisions. It will also air on sister networks Telemundo and Bravo in March. On Bravo, the series will contain "adult-themed" scenes not included in the NBC version.

- *Boomtown*, which will be pre-empted in February by *Kingpin*, will return March 2. In addition, the show's first 12 episodes will be shown consecutively March 2 on Bravo.
- "Super-size" episodes of *Friends*, *Scrubs* and *Will & Grace* will air during the February sweeps, pre-empting *Good Morning, Miami*. Demi Moore and Minnie Driver will guest star on *Will & Grace* in February, and Madonna will appear on the show in May. Jeff Goldblum and Jon Lovitz are *Friends* guest stars in February.
- *Watching Ellie*, the comedy series starring Julia Louis-Dreyfus, will return in March. This time the show will shoot with four cameras in front of a studio audience versus last season, which was filmed with one camera and without an audience. The clock counting down the number of minutes in the show will not be back.
- Shepherd will play Stewart in *The Martha Stewart Story*, and it will be a straight biopic, not a satire or comedy, Zucker said. It will air in May.
- The network will offer a Three Stooges 75th-anniversary special in February and celebrate Bob Hope's 100th birthday with a special to air in May.
- LeAnn Rimes will appear as Connie Francis on the March 30 episode of *American Dreams*. Vanessa Carlton will portray Dusty Springfield, and India.Arie will play Nina Simone on episodes to air in February. And Art Garfunkel will join the show's cast in a recurring role beginning Feb. 16. "This is my favorite show," Zucker said, a signal that the show will be back next season. Already, *American Dreams* has been given an unusually long 25-episode commitment this season.
- Houston's Brent Spiner will appear on the Feb. 4 episode of *Frasier*.
- *Dateline NBC* will devote an hour in February to the topic "Michael Jackson Unmasked."
- NBC will counterprogram ABC's telecast of the Super Bowl with a 60-minute edition of *Fear Factor*, a 20-minute "Weekend Update" from *Saturday Night Live* (which will air opposite the Super Bowl halftime), a 30-minute edition of *Fear Factor*, a new episode of *Dateline NBC* and an original episode of *Law & Order: Criminal Intent*.
- Harry Connick will appear in "three or four" more episodes of *Will & Grace* this season, Zucker said, then will be back for at least six next fall.

· A movie, *The Making of Three's Company*, will air in April.

Zucker said the network will present 12 nonscripted series next summer, including the return of *Crime & Punishment* and *Dog Eat Dog*. Zucker said 60 percent of the prime-time schedule will contain original programming. That's a direct response to the inroads cable makes during the summer months.

One of the shows sure to stir controversy is *The Fast and the Furious*, a reality show about street racing. "We are taking all precautions to ensure the safety of everyone involved," he said. "We feel comfortable putting it on."

Another reality show on tap for summer is called *The Restaurant*. Developed by Mark Burnett (*Survivor*), the show, described as a "reality drama," will be set in a New York City restaurant and will follow the ups and downs of a chef. No word on who the chef will be, but it's not Emeril Lagasse, Zucker said. The show will air for six episodes.

Jan. 17, 2003, 6:47PM

Hits of the Week

MLK Day

Celebrate Martin Luther King Jr. Day in Houston and Galveston. Festivities include:

The Scott Joplin Chamber Orchestra celebrates with a *Musical Tribute to Martin Luther King Jr.* The show is planned at 5 p.m. Sunday at Texas Southern University's auditorium, 3100 Cleburne. Tickets are \$10; \$5 for students and senior citizens. Call 713-523-9710.

The annual **Martin Luther King Jr. Grande Parade** returns to downtown Houston, starting at 10 a.m. Monday on Texas at Hamilton, continuing west to San Jacinto, south to Walker, west to Fannin, north to Prairie, east to Crawford and ending at Congress at approximately 1 p.m. Call 713-953-1633.

The **Black Heritage Society's** annual Martin Luther King Jr. Parade will follow the same route as the Grande Parade, starting at 2 p.m. Monday. The society is also hosting other events, including a fashion show 4-7 p.m. today at the Third Ward Multipurpose Center, 3611 Ennis. Tickets for the fashion show are \$5 each. Call 713-645-9598.

Galveston plans a 7 p.m. celebration Monday at the Grand 1894 Opera House, 2020 Postoffice. Call 800-821-1894 for details.

The Children's Museum of Houston explores the philosophies and history of King via activities, games, performances, presentations by community leaders and exhibits. Festivities are planned 9 a.m.-5 p.m. Monday at 1500 Binz. Admission is \$3. Call 713-522-1138.

Shakira

Rock star Shakira could enjoy a long career and still never have another year like 2002, which was a whirlwind of international touring, chart-topping hits, magazine covers and video shoots. She comes to Houston for a Wednesday performance at Compaq Center.

7:30 p.m. Wednesday. Compaq Center, 10 E. Greenway Plaza. Tickets are \$36.35-\$76.35; call 713-629-3700.

Mad for `Lucia'

American soprano sensation Laura Claycomb returns to Houston Grand Opera to sing in Gaetano Donizetti's *Lucia di Lammermoor*. And tenor Vinson Cole will join her as her lover, Edgardo.

2 p.m. Sunday and 7:30 p.m. Wednesday, with additional performances through Feb. 2. Wortham Theater Center, 501 Texas. Tickets are \$15-\$250. Call 713-228-6737.

Fertle fun

Still haven't had your fill of holiday fare? Then catch one of the final performances of *A Fertle Holiday*, Radio Music Theatre's annual holiday comedy about the trouble-ridden Fertle family reunion.

Final performances are at 8 and 10:30 tonight. Radio Music Theatre, 2623 Colquitt. Tickets are \$18; reservations required. Call 713-522-7722.

Wayne Newton

Wayne Newton -- Mr. Las Vegas himself -- comes to town to perform on behalf of the Houston chapter of Hadassah. The entertainer will light up the stage tonight at H'Town's Arena Theatre.

8 tonight. H'Town's Arena Theatre, 7326 Southwest Freeway. Tickets are \$60 and \$85. Call 800-955-5566.

Wieners and Elvis

Gulf Greyhound Park will host the Wiener Dog Nationals and a celebration of Elvis Presley's birthday today. More than 60 dachshunds will compete, and there will be a "Quivering Lips and Swinging Hips" contest for Elvis wannabes of all ages.

Gates open at noon today, with a 1:30 p.m. post time for matinee races. Evening activities start at 6 p.m., with a 7:30 p.m. post time. General admission is \$1; \$4 to enter the Horizon Clubhouse; and free for ages 3 and younger and Elvis look-alikes. The park is on Interstate 45 South at Exit 15 in La Marque. Call 800-275-2946.

'Triple Focus'

They could be stars of tomorrow. Dance Month at the Kaplan's *Triple Focus* program offers a peek at three of the city's talented "junior" companies. Houston Met Too, Houston Dance Theatre and Uptown Dance Company perform tonight at the Jewish Community Center.

8 tonight. Jewish Community Center, 5601 S. Braeswood. Tickets are \$8-\$12. Call 713-551-7255.

Spotlighting Albee

Works by Edward Albee are in the spotlight at the Alley Theatre. The theater's Large Stage offers a 40th-anniversary production of *Who's Afraid of Virginia Woolf?*, while the regional premiere of the playwright's 2002 Tony Award winner, *The Goat, or Who Is Sylvia?*, is in previews on the Neuhaus Stage. Here are the details:

In *Who's Afraid of Virginia Woolf?*, a modern classic, a diabolical middle-aged couple parade their distinctive brand of marital discord and psychological games while playing host to an insecure younger couple. Showtimes are at 7:30 p.m. Tuesdays-Thursdays, 8 p.m. Fridays, 2:30 and 8 p.m. Saturdays, 2:30 and 7:30 p.m. Sundays, through Feb. 8. Alley Theatre, Large Stage, 615 Texas. Tickets are \$37-\$50. Call 713-228-8421.

The Goat, or Who Is Sylvia? is about a successful architect whose own revelation of his extramarital affair throws his life and family into turmoil. Previews are at 8 tonight and 7:30 p.m. Sunday and Tuesday. Opens Wednesday. 7:30 p.m. Tuesdays-Thursdays, 8 p.m. Fridays, 2:30 and 8 p.m. Saturdays, 2:30 and 7:30 p.m. Sundays, through Feb. 16. Alley Theatre, Neuhaus Stage, 615 Texas. Preview tickets are \$25; tickets for regular performances are \$45. Call 713-228-8421.

'America's Music'

The Conrad Johnson Music and Fine Arts Foundation, along with jazz artist in residence Joe Sample, present their annual *Jazz Extravaganza: A Tribute to America's Music* with guest performers Joe Carmouche, Tom Cummings, and Conrad Johnson and his orchestra.

7 p.m. Sunday. First United Methodist Church West, 10570 Westpark. Tickets are \$25. Call 281-852-1979.

Kronos meets NASA

The Kronos Quartet reaches for the stars with *Sun Rings*, a new work commissioned by NASA. Data from Earth, Jupiter, Saturn, Neptune and Uranus -- collected by the Voyager probe -- have been recorded and translated into sound, then combined with music composed by Terry Riley and visual images gathered by NASA spacecraft. The quartet strings it all together, as it were. Sounds like it'll be out of this world.

8 p.m. Thursday. Wortham Theater Center, 501 Texas. Tickets are \$29-\$45. Call 713-227-4772.