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Jan. 20, 2003, 11:53PM

37,000 ordered to gulf

12,500 to deploy from Fort Hood

By JOHN W. GONZALEZ and MICHAEL HEDGES

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About 12,500 high-tech warriors from Fort Hood have been ordered to the Persian Gulf to lead "Task Force Ironhorse," the largest ground-force deployment so far in the buildup for a potential war with Iraq, officials said Monday.

The troops from the 4th Infantry Division (Mechanized) and 3,800 more from its Colorado-based 3rd Brigade Combat Team will be joined by 20,000 soldiers from 10 other installations around the United States, officials said.

"The soldiers of Task Force Ironhorse are trained and ready to deploy on short notice as required to defend America's interest at home and around the world," said Lt. Col. Bill McDonald, division spokesman.

Fort Hood spokesman Cecil Green said the total number of soldiers involved in this deployment is 37,000. The troops are among 125,000 American soldiers, sailors, Marines and airmen and women who have been ordered deployed to the Persian Gulf region since Christmas Eve, the Pentagon said.

Also on Monday, Britain announced it will send a land force of 26,000 troops to the Persian Gulf region. The troops will join a naval force with about 3,000 Royal Marines and 5,000 sailors already training in the gulf.

The military buildup is affecting people in the immediate Houston area. Over the weekend, 70 Marine reservists based in Galveston were notified that they are being activated.

Members of the 3rd Platoon, Bravo Company, 4th Amphibious Assault Battalion, were ordered to report to Galveston by Jan. 27, Staff Sgt. Diana Durden said Monday. Once assembled, Marine reservists will travel to Camp Pendleton, Calif., for training.

Dates for the Texas troops' departures have not been disclosed. Tours of duty overseas tend to be for six months or more, Fort Hood officials said.

The orders represent the Central Texas installation's largest deployment since the Gulf War more than a decade ago, when 25,000 troops were dispatched to the same front. The Killeen-area base is home to about 42,000 troops, many of whom are already serving overseas.

The 4th Infantry Division is the Army's first fully digitalized combat division, with its Abrams battle tanks and Bradley fighting vehicles equipped with an array of computerized systems that leaders say greatly enhance speed and punch.

Inside each of the division's tanks and fighting vehicles is a computer screen that enables each crew to "see" and communicate with everyone else in battalion- and brigade-size units. By clicking on an icon that represents another tank or Bradley, instant messages can be exchanged and a precise picture of unit movements can be gained.

Also, the tanks of some 4th Infantry battalions have the capacity to fire at one target, while locking onto a second target, giving each crew much greater striking power than before, commanders said. Enhanced infrared opticals allow the tanks to move and fire much more effectively at night.

"Our systems give us greater situational awareness than ever before," said Col. Don Campbell, commander of the division's 1st Brigade. "We've overcome a lot of challenges you saw in 1991."

Campbell said the ability to instantly communicate with his entire brigade has simplified the complicated and confusing task of maneuvering on the battlefield. It may also help eliminate friendly fire episodes that accounted for roughly a third of the 148 combat deaths during Desert Storm, commanders said.

Col. Dennis Rogers, who heads the division's 2nd Brigade, said the upgrades in the Abrams tanks will allow for "situational dominance" -- the ability to get to places the enemy can't anticipate and deliver overwhelming fire power.

As an added enhancement, each brigade commander has use of a Shadow 200 unmanned aerial vehicle. The drones can be used to fly over enemy positions, providing detailed, real-time images of an opposing force ahead of an engagement.

Many soldiers at Fort Hood have been undergoing final preparations for a possible deployment to Southwest Asia in recent days. Late last week, as they waited in lines to practice gas mask training and how to avoid land mines, soldiers talked about that looming deployment.

"I tell them it is going to be cold at night, and that the sand is going to get into everything," said Sgt. Leslie Havard, 33, of Port Arthur, who served in Operation Desert Storm.

Under some preliminary plans, one of the Fort Hood-based divisions would be part of a southern striking force based in Kuwait, while the other would be part of a northern pincer attacking from Turkey through Kurd-held northern Iraq.

Those deployed Monday will be at the service of the Pentagon's Central Command, which includes 25 nations, including Iraq, in the Horn of Africa, South Asia, Central Asia, the Northern Red Sea and the Arabian Peninsula. The United States already has at least 12,000 troops positioned in Kuwait.

Also Monday, more than 300 soldiers from Fort Bliss learned they would be leaving their El Paso base to support a new generation of Patriot missiles already deployed in the Persian Gulf. The soldiers are members of the 108th and 35th Air Defense brigades.

Chronicle reporter Kevin Moran and wire services contributed to this story.

Jan. 20, 2003, 11:00PM

Rewards of loyalty

Allegiance of president's lawyer may pave way to Supreme Court

By **BENNETT ROTH**

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WASHINGTON -- When Alberto Gonzales challenged his fellow lawyers at Vinson & Elkins to a racquetball match, he was treated more with pity than fear.

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That low-key but determined style has been a trademark of the 47-year-old Gonzales as he has climbed the legal and political ranks to become one of President Bush's closest advisers. With the possibility of one or more Supreme Court retirements in the near future, Gonzales, who grew up in Houston, is thought to be high on the list of names that Bush is considering for any opening.

As White House counsel, Gonzales has spent the past two years as an architect and loyal promoter of some of the president's most influential and controversial policies.

Last week, he was out front defending Bush's decision to file a brief with the U.S. Supreme Court on behalf of white students opposing the University of Michigan's affirmative action policies. Gonzales would not confirm reports that, during internal White House debates, he took a neutral stance.

"We all had an opportunity to weigh in and tell him (the president) what to do," Gonzales said during an interview in his West Wing office last week. "People had different opinions about what was the right thing to do. Obviously, the president decided what was the right thing to do."

Gonzales' allegiance to the president may pay off in a big way. If nominated and confirmed, Gonzales, who served on the Texas Supreme Court before Bush brought him to Washington, would be the first Hispanic to sit on the nation's top court.

The Supreme Court speculation has brought increasing scrutiny of Gonzales from various groups, who say that his record -- and, thus, a hint of what kind of justice he would be -- is not easily defined.

Liberals have complained that as Bush's chief lawyer, Gonzales has pushed for broader executive branch prerogatives, more government secrecy and a conservative federal judiciary.

They point to his role in drafting rules for military war tribunals and limiting rights of suspected terrorists after the strikes of Sept. 11, 2001. He has backed Vice President Dick Cheney's refusal to make public documents from his energy task force and surrounded himself in the counsel's office with a cadre of conservative lawyers.

Conservatives also have been wary of Gonzales, citing his record on the Republican-dominated Texas Supreme Court where he often sided with moderate GOP justices.

In particular, anti-abortion activists have criticized his decision to join the majority in allowing a girl to bypass state law requiring that she notify her parents before having an abortion. At the time, Gonzales accused Priscilla Owen, one of the justices opposing the majority decision, of engaging "in an unconscionable act of judicial activism."

Gonzales' criticism later was seized upon by Senate Democrats as justification for derailing President Bush's nomination of Owen to the federal circuit court. However, Gonzales backed Owen's nomination and Bush's decision this month to renominate her for confirmation by the GOP-controlled Senate.

Ken Connor, president of the socially conservative Family Research Council, said that while he admired the job Gonzales has done as Bush's lawyer, the prospect of his being named to the Supreme Court "has provoked angst on the part of many who make up the president's political base."

Gonzales warned that those trying to slap an ideological label based on his work in the counsel's office may be off-base.

"You have to remember in my current job, I am an advocate for a client who has an agenda," he said. "And my job is to make sure the president has the tools he needs to pursue that agenda. So there may be some things the president wants that I personally disagree with. I will confess I think those instances are fairly rare."

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"You won't see him straying off course," said Garcia. "It could be midnight and no cars on the road. If there is a stop sign, he will sit there and wait."

Friends say that Gonzales, who now lives in a Virginia suburb, reserves much of his free time for his family. He met his wife, Rebecca, in Houston and they have two sons, Graham, 10, and Gabriel, 7. His wife also has a son from a previous marriage, Jared, 19.

Although he does not dwell on his past, Gonzales offers a compelling life story.

He was born in San Antonio to Pablo and Maria Gonzales, who met when they were migrant workers in Texas.

He was the second of their eight children, all of whom later lived in a two-bedroom house in north Houston near the airport, where Pablo Gonzales took up employment as a construction worker.

Gonzales said the house did not have a telephone until he was in high school and had running cold water but not hot water.

"I remember getting water, putting it in a pot, putting it on the stove, heating it so we could take baths," he said.

Gonzales said his mother still lives in the same house where the family grew up, although he said, "We have hot water now."

His father died during Gonzales' last year in law school, when he fell off a silo at a rice mill where he was head of the maintenance crew.

Gonzales said his father, who did not have a high school diploma, taught him important values.

"Though we were very poor, he always felt a responsibility to take care of his family and he worked extremely hard," he said.

His family still lives in the Houston area, including a brother, Tony, who is a SWAT officer for the Houston Police Department.

A 1973 graduate of MacArthur High School, Gonzales opted for the Air Force rather than college because his family didn't have the money to pay for it and "there really wasn't much encouragement from the high school and from my family. My parents were delighted that I graduated from high school."

After a stint in Alaska, Gonzales was admitted to the Air Force Academy. He left after two years to finish his undergraduate degree at Rice University, a campus he had admired since his teenage years when he sold soft drinks at the school's stadium.

A 1982 graduate of Harvard Law School, Gonzales returned to Houston and eventually became the first

Hispanic to be named a partner at Vinson & Elkins.

Gonzales said politics was not discussed when he was growing up. It was at Vinson & Elkins, where he developed friendships with GOP colleagues, that he decided to become a Republican.

"I liked what I heard about some of the Republican principles about being self-reliant, hard work, and so I just gravitated to it," Gonzales said.

He turned down an offer to work in the administration of the first President Bush, but later agreed to work for his son after the younger Bush was elected Texas governor in 1994.

As his counsel in Austin, Gonzales was instrumental in getting Bush excused from jury duty in 1996 -- a move that allowed the governor to avoid having to disclose that he had been arrested for drunken driving in Maine in 1976. With only a few of his trusted aides aware of the arrest, Bush was able to keep it secret until the final days of his 2000 presidential campaign.

Bush, as governor, tapped Gonzales to be his secretary of state in 1997 and two years later appointed him to a vacancy on the Texas Supreme Court.

Today, as the affirmative action debate heats up, there are those who argue that successful minorities such as Gonzales have benefited over the years from such programs, both in college admissions and in professional life.

Asked about that, Gonzales said, "Like most ethnic minorities, I probably have been hurt and helped by my ethnicity. And the way I look at it, hopefully those things even out in the end."

But he added, "Whatever the reasons I have been given an opportunity, what is more important is what I do with it."

Jan. 21, 2003, 12:08AM

Private donors fund inaugural

By **ARMANDO VILLAFRANCA**

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AUSTIN -- Under a huge canopy streamed in red, white and blue over the southern steps of the Texas Capitol, Gov. Rick Perry and Lt. Gov.-elect David Dewhurst will be sworn into office today.

The 10,000 tickets for tonight's inaugural ball are all sold. But plenty of tickets remain for the \$5 barbecue lunch after Perry and Dewhurst swear on Sam Houston's Bible.

In all, the daylong event will cost \$1.5 million, which would require selling a lot of barbecue if not for the fact that the shindig is being financed -- as it often has been -- by special interest groups.

The largest contributors include businesses and corporations that could benefit from actions taken by the GOP-controlled Legislature. Perry and other Republicans support tort reform and other business-friendly issues.

Atop the list of contributors is ACS, a Dallas-based government services firm awarded a contract last year to become the state's primary Medicaid contractor; telecommunications giant AT&T; and Philip Morris, which has a former lobbyist now serving as Perry's chief of staff.

They were among nine "Gold Underwriters" that contributed \$50,000 each to help pay for the inauguration, which includes a downtown parade.

Sixteen companies and individuals made \$25,000 "Silver"-level contributions, including Houston-based Reliant Energy; TXU, a Dallas-based electrical provider; and the Houston-based law firms of Fulbright & Jaworski and Vinson & Elkins. Forty-one others gave \$10,000 each.

"It's the people who have their dog in the fight, and they're going to be (in the Legislature) trying to get their special piece of the pie," said Reggie James, director of Consumers Union's southwest regional office in Austin.

"These people are doing this to buy influence, and I think if some of us on the public side had been a little clever we could've gotten all of the hundreds of kids who won't get health care to kick up a few dollars," he said.

Some states faced with billions of dollars in shortfalls have canceled inaugural celebrations.

The 2003 Texas Inaugural Committee, in a self-proclaimed spirit of openness, released a list of contributors with their pledge amounts before the June 30 disclosure deadline.

Pam Willeford, inaugural committee chairwoman, said Perry and Dewhurst requested that no state funds be used to pay for the inauguration. The move was little more than a gesture, however, because the state sets aside only \$100,000 -- less than 10 percent of the actual bill for the inauguration -- to help pay for the swearing-in ceremony.

"We have reduced the number of parties and balls from three or four down to one. Although it's going to be a lovely evening, we're going to have less balls, less activities, but it's still an evening to be proud of," Dewhurst said last week.

The balance of the cost for the inauguration will come from the sale of 10,000 tickets to the inaugural ball at \$65 per guest and lunches sold after the swearing-in. Caterers are prepared to feed up to 12,000 people.

The lion's share of inauguration costs, however, will be picked up by corporate sponsors.

Companies say political contributions are part of doing business in the state, and that every inauguration, for both Democrats and Republicans, has had corporate sponsors.

"I've been around here since '85, and it's the way it's always been," said Bill Miller, a consultant whose firm lobbies for AT&T. "It's the way it'll always be."

Kathy Walt, a Perry spokeswoman, said corporate sponsors, by helping underwrite the costs, are making the inauguration more affordable.

"These companies and individuals are helping sponsor inaugural festivities so that the cost to attend can be lowered for Texans from all across the state," she said.

Audrey Rowe, spokeswoman for ACS, said the \$50,000 contribution is among the firm's myriad political and philanthropic activities as corporate citizens.

"If there are a few concerns that this contribution is giving us access, that is an incorrect perception," she said.

Suzy Woodford, executive director of Common Cause of Texas, claims the contributions are a way to ensure corporate agendas get the attention of state leaders.

"When we are in a state that is facing the extremely serious budget that it faces, and since the emphasis is on sending a message to the taxpayer, maybe that message should be hotdogs and beans," she said.

Jan. 20, 2003, 10:52PM

War plans met by French resistance

Americans accused of 'impatience'

By **JULIA PRESTON**
New York Times

UNITED NATIONS -- In unusually blunt terms aimed at pre-empting the United States, France said Monday that it would not support any Security Council resolution for military action against Iraq in the coming weeks.

France's foreign minister, Dominique de Villepin, accused Washington of "impatience" in the confrontation with Baghdad over illegal weapons and added: "We believe that nothing today justifies envisaging military action."

In a highly public rebuff, de Villepin would not rule out the possibility that France would use its veto power if the United States presses the council later this month to authorize war against Iraq for failing to disarm.

But diplomats said that de Villepin told Secretary of State Colin Powell in closed meetings that France would be more inclined to support war if U.N. weapons inspectors confirmed after another two months or so that Iraq is not willing to disarm peacefully.

Stark differences with Washington over the pace and effectiveness of the inspections were also expressed on Monday by China, another veto-bearing council nation, and Germany.

China's foreign minister, Tang Jiaxuan, called a report that the inspectors will present to the council on Jan. 27 a "new beginning," rather than a final accounting.

The German foreign minister, Joschka Fischer, said that "Iraq has complied fully with all relevant resolutions" and that the inspectors should have "all the time which is needed."

Powell seemed to be caught off guard by the resistance, especially the French broadside. It came during a meeting of the foreign ministers of 13 of the 15 Security Council countries, who were convened by France -- as the council president this month -- to discuss ways to defeat global terrorism.

Departing from his prepared remarks, Powell said the council will have to "make a judgment" on Iraq's

cooperation after the chief U.N. weapons inspectors give a report here on Jan. 27 on their work in Iraq.

He summoned the council not to "shrink from the responsibilities" or be "shocked into impotence," although he stopped short of confirming that Washington would seek a resolution to authorize war.

In closed meetings Sunday and on Monday, de Villepin tried to convince Powell that Washington does not yet have a majority on the council in favor of war, and that it should let the arms inspections run for two more months at least, diplomats said.

As pressure mounted here for more time for the inspections, Secretary of Defense Donald Rumsfeld said in Washington that the U.S. timetable for Iraq to disarm is very short, and "we're nearing the end of the long road."

In Baghdad, Iraqi authorities said they would comply with suggestions from Hans Blix and Mohamed ElBaradei, the chief weapons inspectors, and encourage Iraqi scientists to agree to private interviews with the arms teams.

De Villepin made his blunt comments at a news conference just moments after Powell addressed the council, and continued to argue his case at a luncheon that France hosted for the ministers.

"There is no reason to go to war while we can still improve the path of cooperation," de Villepin said late Monday. "We don't believe the world is ready."

Rather than waiting for Jan. 27, diplomats say, France decided to take a strong stand a week ahead of time in an effort to prevent the Bush administration from forcing the issue of Iraqi compliance in the council, diplomats said.

Paris believes that President Saddam Hussein of Iraq has been kept in check by the weapons inspectors who have fanned out across his country, and that he cannot continue work on building prohibited weapons while they are there.

Jan. 20, 2003, 11:36PM

Slave descendants to file suit in Texas

By **R.G. RATCLIFFE**

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AUSTIN -- The descendants of Texas slaves plan to file a class-action federal lawsuit today in Galveston against numerous U.S. corporations, accusing them of profiting from slavery.

Against the backdrop of Martin Luther King Jr. festivities Monday in Austin, the Texas NAACP announced plans for the lawsuit against J.P. Morgan Chase & Co., WestPoint Stevens Inc., Union Pacific Railroad and 100 unnamed defendants on allegations that they profited from slavery, which the lawsuit defines as a crime against humanity.

"As far as we know, this is the first such lawsuit to be filed in the state of Texas," said NAACP Texas President Gary Bledsoe.

The lawsuit will be handled in Texas by Bledsoe; Robert Notzon, lawyer for the National Association for the Advancement of Colored People; and state Rep. Ron Wilson, D-Houston.

The lawsuit is the latest of a number that have been filed in states across the South seeking payments from companies that were either directly or indirectly involved in financing slavery. Lawyers handling the case believe it will be consolidated with the other lawsuits in Chicago.

Bledsoe said the case is a reconciliation lawsuit, not a reparations lawsuit. He said a reparations lawsuit seeks payment for individuals while this lawsuit seeks to have a trust fund set up to benefit African-Americans.

That trust fund governed by a commission might make payments to individuals, he said, but its main goal will be to promote health care for African-Americans, programs to remove the vestiges of slavery and to promote racial healing.

"There wouldn't be individual awards going to individuals the way this is structured," Bledsoe said.

The issue of payments of reparations to individuals has made such lawsuits "divisive" with some in America, Bledsoe said.

Notzon said the lawsuits have a valid basis because the effects of slavery "linger on. There has been no

meaningful reparation for slavery."

He said the lawsuit is being filed in Galveston because it was a center of the state's slave trade. It also was where Texas slaves first learned they were free on June 19, 1865.

The first in the series of lawsuits was filed last year against Aetna insurance and CSX railroad.

Legal experts at the time said the lawsuit was a long shot because of the amount of time that has passed since the offenses. Also, the slaves most directly impacted by slavery have all died.

Reparations cases involving Holocaust survivors and Japanese-Americans interned during World War II were successful in part because the people harmed were still living.

But German corporations hit by lawsuits for their role in the Holocaust settled for billions of dollars in part to avoid unfavorable and continuing publicity.

Notzon said the Texas lawsuit targets corporations that made money from slavery.

"We're looking for economic benefits for the labor that was stolen from them (slaves), the livelihood that was stolen from them," Notzon said.

The lawsuit claims J.P. Morgan Chase was behind a consortium that raised money to insure slaves. It says WestPoint Stevens used cotton from Southern planters. And it claims Union Pacific built railroads with slave labor.

Spokesmen for Chase and WestPoint could not be reached for comment.

Mark Davis of Union Pacific said the lawsuits target rail companies that no longer exist.

"We never did benefit from any of the alleged actions," Davis said. "The modern Union Pacific was formed in 1897. That's almost three decades after the Civil War."

Davis said the target companies were rail lines that Union Pacific bought after the Civil War and no longer exist.

"Today, we are committed to equal opportunity and some of the highest moral and ethical business standards," Davis said.

The plaintiffs in the Texas lawsuit are Julie Mae Wyatt-Kervin, 99, her son, Billy Gene McGee, and his wife, Ina Hurdle McGee.

Wyatt-Kervin's parents were slaves on the Foote plantation in Wharton County. They worked raising cotton, cane and corn.

Ina McGee, 69, is the great-granddaughter of a slave. Her great-grandfather was 10 years old when he was purchased in North Carolina to be the playmate of a boy in Daingerfield. McGee said the boy had a stutter and was shunned by other whites.

She said Holocaust survivors have been paid reparations, as have American Indians.

"The Germans got theirs. The Indians got theirs and may get more," she said. Everyone has received reparations, except African-Americans. It's our turn now."

Jan. 20, 2003, 11:00PM

Rewards of loyalty

Allegiance of president's lawyer may pave way to Supreme Court

By **BENNETT ROTH**

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Gonzales said his mother still lives in the same house where the family grew up, although he said, "We have hot water now."

His father died during Gonzales' last year in law school, when he fell off a silo at a rice mill where he was head of the maintenance crew.

Gonzales said his father, who did not have a high school diploma, taught him important values.

"Though we were very poor, he always felt a responsibility to take care of his family and he worked extremely hard," he said.

His family still lives in the Houston area, including a brother, Tony, who is a SWAT officer for the Houston Police Department.

A 1973 graduate of MacArthur High School, Gonzales opted for the Air Force rather than college because his family didn't have the money to pay for it and "there really wasn't much encouragement from the high school and from my family. My parents were delighted that I graduated from high school."

After a stint in Alaska, Gonzales was admitted to the Air Force Academy. He left after two years to finish his undergraduate degree at Rice University, a campus he had admired since his teenage years when he sold soft drinks at the school's stadium.

A 1982 graduate of Harvard Law School, Gonzales returned to Houston and eventually became the first

Hispanic to be named a partner at Vinson & Elkins.

Gonzales said politics was not discussed when he was growing up. It was at Vinson & Elkins, where he developed friendships with GOP colleagues, that he decided to become a Republican.

"I liked what I heard about some of the Republican principles about being self-reliant, hard work, and so I just gravitated to it," Gonzales said.

He turned down an offer to work in the administration of the first President Bush, but later agreed to work for his son after the younger Bush was elected Texas governor in 1994.

As his counsel in Austin, Gonzales was instrumental in getting Bush excused from jury duty in 1996 -- a move that allowed the governor to avoid having to disclose that he had been arrested for drunken driving in Maine in 1976. With only a few of his trusted aides aware of the arrest, Bush was able to keep it secret until the final days of his 2000 presidential campaign.

Bush, as governor, tapped Gonzales to be his secretary of state in 1997 and two years later appointed him to a vacancy on the Texas Supreme Court.

Today, as the affirmative action debate heats up, there are those who argue that successful minorities such as Gonzales have benefited over the years from such programs, both in college admissions and in professional life.

Asked about that, Gonzales said, "Like most ethnic minorities, I probably have been hurt and helped by my ethnicity. And the way I look at it, hopefully those things even out in the end."

But he added, "Whatever the reasons I have been given an opportunity, what is more important is what I do with it."

Jan. 20, 2003, 11:31PM

Plumber uncovers long-lost class ring in university pipes

Associated Press

LUFKIN -- Rebecca Tarver Robins once again has the high school ring that she lost in 1965 during her second day as a freshman at Stephen F. Austin State University in Nacogdoches.

Robins, 55, of Lufkin got a telephone call Sunday evening asking her if she'd lost her senior ring from Hudson High School.

"Yes!" she exclaimed. She remembered where and when she had lost it.

"Gibbs Hall, Room 110, August 1965. It was my second day in that dorm!"

"I was at the sink brushing my teeth or something. I had taken the ring off, and it fell straight down the drain. I went and told my dorm mom. The next day, a plumber was in there blowing the lines out. I could just hear it clinking all the way to the septic system," Robins said in a story in today's Lufkin Daily News.

Duane Frazar, a Stephen F. Austin plumber, found her ring last week while replacing old pipes. He had his secretary contact Donny Webb, the high school principal at Hudson, which is about five miles outside Lufkin.

Skimming through the 33 names listed in the 1965 Hudson High School yearbook, Webb found two possible matches.

It was Helen Weeks, a member of that graduating class, who tracked down Rebecca Ann Tarver Robins and made the call Sunday night.

The ring no longer fits, Robins said. She's thinking about having it resized to fit.

Jan. 21, 2003, 12:08AM

Private donors fund inaugural

By **ARMANDO VILAFRANCA**

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AUSTIN -- Under a huge canopy streamed in red, white and blue over the southern steps of the Texas Capitol, Gov. Rick Perry and Lt. Gov.-elect David Dewhurst will be sworn into office today.

The 10,000 tickets for tonight's inaugural ball are all sold. But plenty of tickets remain for the \$5 barbecue lunch after Perry and Dewhurst swear on Sam Houston's Bible.

In all, the daylong event will cost \$1.5 million, which would require selling a lot of barbecue if not for the fact that the shindig is being financed -- as it often has been -- by special interest groups.

The largest contributors include businesses and corporations that could benefit from actions taken by the GOP-controlled Legislature. Perry and other Republicans support tort reform and other business-friendly issues.

Atop the list of contributors is ACS, a Dallas-based government services firm awarded a contract last year to become the state's primary Medicaid contractor; telecommunications giant AT&T; and Philip Morris, which has a former lobbyist now serving as Perry's chief of staff.

They were among nine "Gold Underwriters" that contributed \$50,000 each to help pay for the inauguration, which includes a downtown parade.

Sixteen companies and individuals made \$25,000 "Silver"-level contributions, including Houston-based Reliant Energy; TXU, a Dallas-based electrical provider; and the Houston-based law firms of Fulbright & Jaworski and Vinson & Elkins. Forty-one others gave \$10,000 each.

"It's the people who have their dog in the fight, and they're going to be (in the Legislature) trying to get their special piece of the pie," said Reggie James, director of Consumers Union's southwest regional office in Austin.

"These people are doing this to buy influence, and I think if some of us on the public side had been a little clever we could've gotten all of the hundreds of kids who won't get health care to kick up a few dollars," he said.

Some states faced with billions of dollars in shortfalls have canceled inaugural celebrations.

The 2003 Texas Inaugural Committee, in a self-proclaimed spirit of openness, released a list of contributors with their pledge amounts before the June 30 disclosure deadline.

Pam Willeford, inaugural committee chairwoman, said Perry and Dewhurst requested that no state funds be used to pay for the inauguration. The move was little more than a gesture, however, because the state sets aside only \$100,000 -- less than 10 percent of the actual bill for the inauguration -- to help pay for the swearing-in ceremony.

"We have reduced the number of parties and balls from three or four down to one. Although it's going to be a lovely evening, we're going to have less balls, less activities, but it's still an evening to be proud of," Dewhurst said last week.

The balance of the cost for the inauguration will come from the sale of 10,000 tickets to the inaugural ball at \$65 per guest and lunches sold after the swearing-in. Caterers are prepared to feed up to 12,000 people.

The lion's share of inauguration costs, however, will be picked up by corporate sponsors.

Companies say political contributions are part of doing business in the state, and that every inauguration, for both Democrats and Republicans, has had corporate sponsors.

"I've been around here since '85, and it's the way it's always been," said Bill Miller, a consultant whose firm lobbies for AT&T. "It's the way it'll always be."

Kathy Walt, a Perry spokeswoman, said corporate sponsors, by helping underwrite the costs, are making the inauguration more affordable.

"These companies and individuals are helping sponsor inaugural festivities so that the cost to attend can be lowered for Texans from all across the state," she said.

Audrey Rowe, spokeswoman for ACS, said the \$50,000 contribution is among the firm's myriad political and philanthropic activities as corporate citizens.

"If there are a few concerns that this contribution is giving us access, that is an incorrect perception," she said.

Suzy Woodford, executive director of Common Cause of Texas, claims the contributions are a way to ensure corporate agendas get the attention of state leaders.

"When we are in a state that is facing the extremely serious budget that it faces, and since the emphasis is on sending a message to the taxpayer, maybe that message should be hotdogs and beans," she said.

Jan. 20, 2003, 10:41PM

Additional hearings on drainage fee set

City officials seek \$85 million a year

By KRISTEN MACK

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After a false start last month, the city will regroup this week with a new round of public hearings on a proposed stormwater drainage fee for Houston residents and businesses.

With a creative change of wording -- the fee is now being referred to as a "drainage utility enterprise" -- the meetings will be joined with hearings on the city's five-year Capital Improvement Plan, which pays for expensive infrastructure projects.

Few people attended when the drainage fee hearings were first held in December. The poor attendance was attributed to the city's failure to inform the public and members of City Council.

Councilwoman Ada Edwards says her office was not involved in planning the new round of hearings either and that one of the two meetings for her district is scheduled to be held outside the district.

"That, to me, is problematic," she said.

The gatherings are billed as a chance for the public to offer opinions on the fee, which officials say will help reduce flooding around the city.

City officials are considering a fee of \$3.50 to \$5 a month for homeowners, and up to \$70 a month for businesses. They hope the fee will raise \$85 million a year to begin work on an estimated \$1.2 billion worth of drainage projects.

The December meetings got off to such a bad start that Councilman Bruce Tatro questioned Mayor Lee Brown's motives, suggesting that the fee may be a foregone conclusion.

"It was hardly a format for people to give input about our capital priorities. It was amateurish," Tatro said. "The problem with this administration is, depending on the month, you'll have a different priority."

Al Haines, the city's chief administrative officer, acknowledged that storm drainage has not been a high priority of the administration.

City officials say the meetings won't focus on the mechanics of the fee, but will instead talk about its impact on flooding in each area.

"We have the responsibility not to just restate the problem, but to recommend a proposal for how we can address it," Haines said. "There is a way out, but it's not free."

Tatro said that the drainage fee is essentially a tax and should be taken to the public for a vote instead of being left to City Council to decide.

Councilwoman Addie Wiseman said the city should provide storm drainage without requiring a special fee.

"The administration has done a good job of throwing taxpayers' money down the drain already," she said. "They can't go to taxpayers demanding more money every time they foolishly spend the money that is there."

With less than six months left in the current fiscal year, Houston faces a budget shortfall of as much as \$38 million. City officials attribute the shortfall to lower-than-expected collections from property taxes, sales taxes and municipal court fines.

The administration believes that, in addition to helping alleviate flooding, a separate drainage fee could free up about \$15 million a year for the city's operating budget.

Jan. 20, 2003, 10:39PM

Two carjackings keep an officer on the run

Four suspects arrested, one at large

By S.K. BARDWELL

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Houston police officer Janice Hutchinson had a busy Monday morning after encountering two carjacking investigations, one that led to a chase and the arrests of four suspects.

Hutchinson, a 16-year officer assigned to Westside Patrol, was called to the 9700 block of Leawood just before 10 a.m., when a shaken 59-year-old woman reported being attacked at gunpoint.

The woman told Hutchinson she had driven to a store in the 11600 block of Bissonnet and a car with five young men blocked her parked vehicle.

When one of the men pointed a gun at her and ordered her to open her car window, the woman blew the horn and the suspects fled, Houston Police Department spokesman John Cannon said.

Hutchinson broadcast the suspects' description on the radio. As she continued to gather information from the victim, another officer was being called to a gasoline station at Bissonnet and Dairy Ashford, where a 55-year-old man had been pistol-whipped by men matching the description of the first group, Cannon said.

The suspects fled with the man's 1996 Toyota, Cannon said. The man was taken to Memorial Hermann Southwest Hospital for treatment of lacerations to his head, and released later Monday.

Meanwhile, Hutchinson was back on patrol after she interviewed the first victim. While stopped at a red light at West Bellfort and Kirkwood, she saw the stolen Toyoto and the five suspects, Cannon said.

After making eye contact with Hutchinson, the driver slammed into three vehicles in an attempt to flee. Then the suspects got out and ran.

So did Hutchinson.

Hutchinson caught and cuffed two of the suspects. Two more were captured by another Houston officer and a Missouri City officer, Cannon said. The fifth suspect is still at large.

Carlos Anthony Mendoza, 17, of the 10000 block of Heatherford, was charged Monday with aggravated robbery. County records show he is in the Harris County Jail in lieu of \$20,000 bail. Adrian Armando Esparza, 17, of the 10000 block of Hammerly, was being held in lieu of \$1,500 bail on a charge of evading arrest or detention.

The two others in custody are 15 and have been turned over to juvenile authorities, police said.

Hutchinson, whose work has garnered many awards and commendations, "is a very aggressive, very good officer who takes her work seriously," Cannon said.

Chronicle reporter Mike Glenn contributed to this story.

Jan. 20, 2003, 10:48PM

2 lost teens sought on Lake Livingston

Failed to return after day of boating

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GROVETON -- The search continued late Monday for two Houston teenagers lost on Lake Livingston over the weekend.

The hunt for the teens began Sunday evening when they failed to return from a day of boating, said Chief Deputy Richard Steptoe of the Trinity County Sheriff's Department.

The family of Melissa Mercer, 17, had been vacationing at Westwood Shores, a lakeside subdivision near Trinity. They were joined by Kevin Young, 17, also of Houston, Steptoe said.

At about 2:30 p.m. Sunday, Mercer and Young went out on the lake in the family's open-bowed, aluminum boat with an outboard motor. When they had not returned by 7:30 p.m., the Mercers became concerned and called police.

Rescue workers searched the lake, which spans 83,000 acres in Trinity, Polk, Walker and San Jacinto counties, for the teenagers until 2:30 a.m. They resumed the hunt at daybreak Monday using 100 volunteers on foot, horseback and all-terrain vehicles as well as two helicopters.

At about 7:30 a.m., they found the boat floating at the north end of the lake near FM 3188 about three miles north from where the boat had been launched. The boat was empty and the cover of the outboard was removed as if the teens had experienced engine trouble, Steptoe said.

"We're hoping that they got out on the bank and they're trying to walk back to their home now or they're on one of the islands. That's what they're hoping for," Steptoe said. "The weather is favorable. It's not real cold."

Jan. 20, 2003, 10:38PM

James Pate, former Pennzoil CEO

By LYNWOOD ABRAM

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James Leonard Pate, former board chairman and chief executive officer of the Pennzoil-Quaker State Co. and assistant secretary of commerce and economic spokesman for President Gerald Ford, died of cancer in his home Saturday. He was 67.

Pate joined Pennzoil in 1976 after James A. Baker III, the future secretary of state, recommended him to the chairman of the company's board. Pate became Pennzoil's first chief economist.

His association with the company ended in 2002 with its acquisition by Shell Oil Products US, an affiliate of the Royal Dutch Shell Group of Companies.

"He gave so much to the company. His death so soon after retiring is a sad thing," said Jim Postl, who also was a top executive at Pennzoil-Quaker State. "There are lots and lots of people who are going to miss him in a very deep way. He was a warm and caring man and he deserved better than this."

Born on Sept. 6, 1935, in Mount Sterling, Ill., Pate grew up on a farm in Monmouth, Ill. He earned a bachelor's degree at Monmouth College, and master's and doctoral degrees in business from Indiana University at Bloomington.

From 1953 to 1961, Pate served in the Army (Airborne), becoming a master parachutist. He received a direct commission in 1960. His final assignment was with the 101st Airborne Division.

Pate's early career included service as professor of economics at Monmouth College in Illinois, senior economist for the Federal Reserve Bank in Cleveland, Ohio, and chief economist for the B.F. Goodrich Co. in Akron, Ohio.

For 15 months beginning in 1974, Pate as assistant secretary of commerce was one of President Ford's chief economic spokesmen. During that period he also was chief economist for the U.S. Department of Commerce.

In 1976 he became special adviser to Ford, serving as the administration's "point man" on consumer problems during his three months in that job.

Pate also authored or co-authored three books and numerous articles in professional journals.

He is survived by his wife of 47 years, Charlene Sheets Pate of Houston; three children, David C. Pate, Gary L. Pate and Jennifer E. Pate, all of Houston; sisters, Mildred Wilson, Virginia Smith, Doris Dye, Patty Schloss, Terri Swan and Michelle Shirey, all of Monmouth, Ill.; and a brother, Ronald Pate of Decatur, Ill.

Services will be at 1 p.m. today at First Presbyterian Church, 5300 Main. Entombment will be in Forest Park Westheimer Cemetery.

Deaths elsewhere

Al Hirschfeld, show-biz caricaturist who with his curlicued, pen-and-ink drawings captured the biggest stars of Broadway and Hollywood, from Charlie Chaplin and Ethel Merman to Woody Allen and Jerry Seinfeld, Jan. 20, in his sleep, in New York. He was 99.

Shirin Amir Begum, the widow of former Pakistan Prime Minister Zulfikar Ali Bhutto, Jan. 19, of undisclosed cause, in Karachi, Pakistan. She was 87.

Jan. 20, 2003, 11:33PM

News briefs

State

Training center's name to honor female officer

HUNTSVILLE -- A Texas Department of Criminal Justice training center is set to be renamed after the first female TDCJ correctional officer killed in the line of duty.

Minnie R. Houston, 41, a lifetime resident of Trinity, was stabbed to death by an obsessed death row inmate at the Ellis Unit near Huntsville on June 3, 1985.

The Texas Board of Criminal Justice last week unanimously agreed to rename the Ellis Unit Training Facility in honor of Houston. She had been with TDCJ for six years at the time of her murder, the Huntsville Item reported Monday.

In 1981, she was one of the first 10 female correctional officers assigned to the Ellis Unit, then home to death row. It was also the same unit where her husband, Robert, had been assigned.

Toxin concerns to close Barton Springs Pool

AUSTIN -- Barton Springs Pool will be closed for 90 days until environmental testing can be completed, Austin City Manager Toby Futrell said after a newspaper report showed high toxin levels at the pool and just upstream on a hillside overlooking Barton Creek.

Futrell insisted the pool is safe for swimmers but said she wanted to allay community fears spurred by an Austin American-Statesman report that Futrell characterized as "very scary information" taken out of context.

"I would swim in the pool today, if it were not so cold, with the information I have and I know at this time," Futrell said.

The newspaper reported Sunday that the toxin levels have exceeded those found in a dozen of the worst hazardous waste sites in the country. Some toxicologists who reviewed test results said the elevated levels of arsenic and benzene-based compounds warranted closing the pool until questions can be answered.

Nine unaccounted for after fire at Motel 6

BROWNSVILLE -- Nine guests at a South Texas motel destroyed by fire were still unaccounted for Monday, officials said.

Officials still were trying to track down the guests registered at the Motel 6, which caught fire Saturday morning, destroying the three-story complex where 205 guests were staying. The cause of the fire remains under investigation.

Brownsville Fire Marshal Ben Nunez told the Brownsville Herald in Monday's editions that he did not think anyone died in the blaze.

The guests may be traveling and are therefore hard to reach, Brownsville emergency management coordinator Jeff Johnston said.

Area

Man accused of stabbing ex-roommate to death

A man has been charged with murder in the stabbing of his ex-roommate after they spent the night drinking, police said.

Johnny Jackson Jr., 55, is accused of slaying Maurice Reese, 37, at the latter's home in the 3200 block of Rosalie on Sunday.

Reese was the 12th homicide victim in Houston this year.

Courier dies after being hit by vehicle downtown

A Houston courier died at Ben Taub Hospital after being struck by a vehicle at Lamar and Smith.

Charles McCoy, 62, died at 5:21 p.m. Friday, about three hours after being hit.

Officials identify victim of shooting at complex

The victim of a Jan. 5 shooting in the 10100 block of Club Creek has been identified as Jesus Santos, 24.

He was shot in the head and chest at an apartment complex. Police said they interviewed a man but released him pending a grand jury review.

Police said Santos and two companions were walking through the complex when he lunged into the

driver's side of a moving vehicle. Witnesses reported hearing a shot and seeing Santos drop. The vehicle crashed through a security gate and fled.

Man charged in killing in December shooting

A man booked into Harris County Jail Saturday on an unrelated offense has been charged with capital murder in a 2002 shooting.

Michael Tyler, 20, was charged with killing Vlryn Veal, 40, who was getting into his vehicle in the 8300 block of Lockwood on Dec. 24 when someone approached and demanded his wallet.

Police said Veal refused to hand it over and was shot one time in the stomach. He died the next day in Memorial Hermann Hospital.

Spat over loud music sparks killing, police say

A man stabbed his roommate to death in the parking lot of their southeast Houston apartment complex in a dispute over loud music, police said.

Luis Bautista Hernandez, 29, was killed about 8:30 p.m. Saturday at the Versailles Apartments, 8001 Fulton.

Police said the dispute began inside the apartment, then moved outside, where Hernandez was stabbed in the chest. He was the 11th reported homicide victim in the city this year.

The assailant, 21 or 22, sporting a short blond Mohawk hairstyle and wearing a white jogging suit, fled on foot, police said.

From staff and wire reports

Jan. 20, 2003, 10:36PM

Prosecutors to appeal teen's DVD acquittal

Associated Press

OSLO, Norway -- Norwegian prosecutors will appeal the acquittal of a teenager charged with digital burglary for creating and circulating online a program that cracks the security codes on DVDs.

Rune Floisbonn, a prosecutor with Norway's economic crimes police, told the NTB news agency Monday that an appeal would be filed.

Jon Lech Johansen, 19, was found innocent of violating Norway's data break-in laws Jan. 7 in a ruling that gave prosecutors two weeks to decide whether to appeal. That deadline expires today.

"An appeal was expected," Johansen's attorney, Halvor Manshaus, told the AP.

Floisbonn told Nettavisen, a Norwegian online newspaper, that prosecutors would challenge the Oslo City Court's interpretation of the law and the evidence presented in their case against Johansen.

This case was seen as an important test of how far copyright holders can go in preventing duplication of their intellectual property.

Johansen, who was 15 when he developed and posted the program on the Internet in 1999, said he developed the software only to watch movies on a Linux-based computer that lacked DVD-viewing software.

The three-member Oslo court ruled unanimously that Johansen, who works as a programmer in Oslo, could not be convicted of breaking into DVDs that were his own property, since he bought them legally.

Jan. 21, 2003, 12:04AM

A Magic message against HIV

Ads by pharmaceutical giant spotlight basketball great

By **ALEX POLIER**
Associated Press

NEW YORK -- As competition among makers of HIV drugs increases, GlaxoSmithKline is using perhaps America's best-known HIV carrier to spread awareness among urban blacks of treatments and of its products.

Magic Johnson's image is being splashed on billboards, subway posters and full-page ads in newspapers and magazines. The ads include photos of a robust-looking Johnson and feature messages such as: "Staying healthy is about a few basic things: A positive attitude, partnering with my doctor, taking my medicine every day."

The market leader in HIV treatments with its drug Combivir, GlaxoSmithKline said its campaign is being conducted in cities with the highest rates of HIV/AIDS infection among blacks, including Houston, New York, Los Angeles, San Francisco, Miami, Washington, D.C., Chicago, Philadelphia, Atlanta and Newark, N.J.

The campaign also includes educational ads and a speaking tour by Johnson. It is similar to campaigns that have used athletes, movie stars and other celebrities to tout specific drugs and awareness about arthritis, depression and other conditions.

But the GlaxoSmithKline campaign is the first of its kind for HIV, which has created particularly sensitive issues of price and profit for its industry.

"The new wave of this disease is moving toward minorities, specifically African-Americans," said Peter Hare, vice president of GlaxoSmithKline's HIV business unit. "More African-Americans are dying from AIDS than white people. So, from a business perspective, if you want more patients, you have to focus on the African-American community."

Johnson, diagnosed with HIV 11 years ago, does not have full-blown AIDS. To maintain his health, the basketball Hall of Famer takes a combination of GlaxoSmithKline and non-GlaxoSmithKline drugs, including Combivir, the most commonly prescribed HIV drug and one of GlaxoSmithKline's best sellers.

New alternatives, including generics, are turning what was once a limited market into one of fierce competition. Products such as Crixivan and Stocrin, made by Merck & Co., and Kaletra and Norvir, made by Abbott Laboratories, pose a threat to GlaxoSmithKline's profits.

GlaxoSmithKline still controls about 50 percent of the market for HIV drugs, with sales topping \$1.1 billion in 2001, the most recent year for which comprehensive figures are available.

"So if anyone complies with their treatment, or if new African-Americans start using HIV drugs, there will be some benefit for us," Hare said. "But this campaign is beneficial for everyone. There is something in it for African-Americans with HIV, for doctors, and yes, something in it for Magic and for GlaxoSmithKline."

Many major drug companies have educational AIDS campaigns. Abbott, for instance, sponsors free testing at local community AIDS organizations to help raise awareness among blacks.

The Magic Johnson campaign "is good no matter what company is conducting it, as long as it raises awareness about testing and prevention," said Nicole Wesley, an Abbott spokeswoman.

AIDS is the leading cause of death for blacks between the ages of 24 and 44. One in 50 black men and one in 160 black women are believed to be HIV positive today. About one in three does not know he or she has it.

Hare said the traditional methods of marketing HIV drugs do not always reach blacks.

"This group doesn't particularly trust the health care system," he said. "Research shows that they want someone they believe. And they believe in Magic Johnson."

For a long time, rumors abounded that Johnson had been cured or was on some secret treatment formula. According to the company, Johnson, who was not available for comment, feels this campaign gives him a chance to further dispel those rumors.

"We are trying to get across that Magic looks good because Magic takes his meds every day, not because he is taking some tailored potion," Hare said. "The stuff he takes is available to everyone."

HIV treatment is expensive. The drugs are usually taken in combination with one another, and each can cost from \$1,500 to \$6,700 a year in the United States.

GlaxoSmithKline and other leading HIV drug makers froze prices last year as a gesture to the AIDS community, but some activist groups are unhappy that the companies are not offering any low-cost incentives along with the publicity campaign.

"Telling people to get tested and seek treatment and not providing the resources is corporate

irresponsibility," says Michael Weinstein, president of AIDS Healthcare Foundation, the country's largest provider of HIV/AIDS medical care.

"The only issue left to tackle with AIDS is the cost of medication," he said. "There are so many educational and care programs, but no one is getting drugs."

He said the GlaxoSmithKline campaign is clearly a commercial for its products, but is helpful anyway.

"It's identity advertising. But it's inspiring. Putting Magic out there to people is a very positive thing. He is the ultimate symbol of living well with HIV," he said.

Marty Algaze, communications director for the Gay Men's Health Crisis in New York, believes an important first step in reaching blacks is showing that an HIV diagnosis is not a death sentence.

"If Magic can get more people to get tested and get on HIV drugs, then I am all for it," Algaze said.

"It is important to reach out to the most-infected communities," said Jules Levine, an HIV-positive AIDS activist. "This is a hard group to reach. It's important to understand that different communities need different messages and different spokespeople."

While some activists believe that this campaign will raise AIDS awareness among blacks, others like Martin Delaney, founding director of Project Inform, an AIDS advocacy group in San Francisco, thinks it's all about the bottom line.

"Anything Magic does to increase treatment in the black community will be great for them since they are the market leader," he said. "They don't have to hit people over the head with a message about their drugs, since they have market control."

Jan. 20, 2003, 11:56PM

For many major retailers, little zing likely in spring

Knight-Ridder Tribune News

For U.S. retailers, the holiday season mayhem is over. Prices have been slashed to the bone, promotions pushed to the limit, buyers bombarded with advertising and inventories trimmed.

Now what?

It's not a rhetorical question. As merchants trudge into the New Year, retail consultants expect more price slashing aimed at luring consumers to their stores and continued squeezing of expenses to shore up profits.

"The way the Christmas season went is an indication of how the first half of the year will go," predicted Wendy Liebmann, a New York retail consultant.

It's not going well so far for some major merchants. This week, Federated Department Stores, which owns Macy's and Bloomingdale's, said it expects same-store sales to drop 4 percent to 5 percent in January compared with a year ago. And J.C. Penney Co., which will lay off some 2,000 workers, said January sales were lagging behind expectations through the first three weeks -- and expectations were for essentially flat results compared with a year ago.

Wal-Mart Stores on Monday reiterated its January same-store sales growth estimate of about 3 percent to 5 percent for its stores excluding Sam's Clubs -- modest for the giant retailer, whose January 2002 same-store sales jumped by more than 8 percent over January 2001.

Meanwhile, Target Corp. is forecasting that its Target stores will post a same-store sales increase of 1 percent to 3 percent in January, about 1 percentage point higher than the entire corporation, which also includes the Mervyn's and Marshall Field's divisions.

A spokeswoman said Target stores' strongest merchandise categories for the two-week period have been in pharmacy, entertainment, home decor and toys. The weakest departments were sporting goods, domestics and men's apparel.

Such projections are only an extension of what has been bad news for retailers. Many recently released weaker-than-expected December sales figures, overall the bleakest results in years. And of those retailers who posted modest same-store sales gains, many did so only after a month of aggressive sales and

promotions.

The lackluster holiday season already has meant downsizing and restructuring for some retailers. Best Buy Co. recently closed 110 stores in its Musicland division, laying off 700 employees. Toy retailer FAO Schwarz said it was filing for Chapter 11 bankruptcy protection, while Kmart Corp. announced plans to shutter 326 stores and lay off up to 37,000 employees.

Meanwhile, most retailers now are clearing out their holiday and winter merchandise, with final discounts ranging upward of 70 percent. But most retail consultants see promotional sales as an ongoing way of life.

"People need special incentives, mostly price-related, to get them in stores and to buy merchandise," said Dave Brennan, co-director of Minneapolis' Institute for Retailing Excellence at the University of St. Thomas. "In the waiting game, the consumers are winning and the retailers are losing."

George Rosenbaum, a Chicago retail consultant, asserted the dismal, near-term outlook for retailers is a result of the sputtering economy and the threat of a U.S. war against Iraq.

"Consumers are gripped by fear, largely over job security," said Rosenbaum, chief executive of Leo J. Shapiro & Associates. He said surveys show that while three out of four American households have maintained or increased their income in the last year, nearly half of Americans are worried about being laid off or seeing their work income decline.

Jan. 20, 2003, 11:36PM

Secret IRS deals ruled fraudulent

Settlement in cases of 1,300 pilots could cost tens of millions

Staff and News Reports

SAN FRANCISCO -- A federal appeals court has ruled the Internal Revenue Service committed fraud and acted deceptively after giving secret deals to two pilots in return for their testimony against 1,300 pilots who bought into the same tax shelters.

The 9th U.S. Circuit Court of Appeals on Friday overturned a previous ruling against the pilots who were found guilty of tax evasion and were ordered to pay more than \$2 billion in penalties.

To remedy the IRS misconduct, the court ordered that all the pilots should receive the same deal that one of the pilots received.

As part of the secret deal, pilot John Thompson escaped paying the taxes he owed and received a \$60,000 refund through falsified tax returns prepared with help from the IRS. Thompson used the refund to pay his legal fees. He also collected \$20,000 in interest, according to the ruling. The second pilot, John Cravens, also received a secret deal.

IRS lawyers Kenneth McWade and William Sims, who prosecuted the case, never revealed to the tax court that the two pilots' cases had been settled, much less revealed the settlement's conditions.

The appeals court said the lawyers' silence turned into misconduct when, during a trial, it became apparent that Thompson was going to testify about his settlement and McWade shifted his question to unrelated topics.

The ruling requires the IRS to pay tens of million of dollars in tax refunds, interest and legal fees to the pilots who paid the disputed taxes more than 20 years ago.

The court criticized the IRS for not taking serious action against the lawyers who tried the case. McWade and Sims were suspended for two weeks without pay.

The group of pilots participated in a tax shelter designed by now-deceased Honolulu businessman Henry Kersting, which enabled participants to claim interest deductions on their individual tax returns, according to the court.

The IRS discovered the scheme in 1981 and did not allow the deductions, then sent bills to the pilots for additional taxes and penalties.

The ruling will require the IRS to pay tens of millions of dollars in tax refunds, interest and legal fees, said Michael Louis Minns, a Houston tax lawyer who represented some of the pilots. One pilot, who paid the disputed taxes more than two decades ago and then took the IRS to tax court, is due about \$6 million, Minns said.

Some pilots who did not pay the taxes will receive nothing but will have tax liens removed from their homes, Minns said.

IRS spokesman Terry Lemons said over the weekend that the agency had no comment.

"I hope to get the money back, but I'm not holding my breath," said Terry Owens, a retired Continental Airlines pilot who lives on the Hawaiian island of Oahu.

Owens said he expects the IRS to appeal, and if the U.S. Supreme Court hears the case, it will be another year before he'll know what sort of settlement he'll receive.

Jan. 20, 2003, 11:07PM

HP debuts new line of AlphaServers

Bloomberg Business News

PALO ALTO, Calif. -- Hewlett-Packard Co., the world's largest personal computer maker, began selling a new line of server machines based on chips and software acquired last year in the Compaq Computer Corp. purchase.

Prices for the three AlphaServer models start at \$117,000, \$81,000 and \$39,700, the company said in a statement. They use the Alpha chips and Tru64 Unix and OpenVMS operating system software that Compaq obtained when it bought Digital Equipment Corp. in 1998.

When Hewlett-Packard completed the \$18.9 billion Compaq deal, some customers became concerned that the company might immediately scrap support for Alpha and Tru64 in favor of its HP-UX version of the Unix system and Intel Corp. chips. Hewlett-Packard today reiterated it will support Alpha users and make programs to help them eventually move to servers powered by Intel's Itanium chip.

Server rival International Business Machines Corp. makes the Alpha chips based on Hewlett-Packard designs, said Richard Marcello, HP vice president and general manager. Hewlett-Packard expects servers with Itanium chips will outperform Alpha-based machines after 2004, he said.

Servers are powerful computers that manage Internet sites and corporate networks, performing critical tasks such as reconciling account balances and processing customer bills.

Two of the three new Hewlett-Packard machines, which began shipping this month, can use the freely distributed Linux software, Palo Alto-based Hewlett-Packard said.

Jan. 21, 2003, 12:18AM

Bolsa falls as investors watch peso

Reuters News Service

MEXICO CITY -- Stock prices in Mexico on Monday finished lower amid slow volume, with local traders keeping a close eye on the weakened peso currency and the central bank's upcoming monetary policy statement.

Mexico's benchmark bolsa stock index gave away 0.67 percent to close at 6,161.12 points, with extremely low volume of 20.8 million shares. One trade in Grupo Synkro accounted for 7.5 million of that total.

The Finance Ministry said on the weekend that it would raise the prices on government-provided services like electricity and gasoline by an average of 2.7 percent in 2003. As a result, investors will be interested in Banco de Mexico's Thursday monetary policy statement, Prudential Apolo trader Pablo Miller said.

The Banco de Mexico last tightened monetary policy on Jan. 10 by increasing the "short," which is the amount of cash it holds back from the secondary market.

A further increase in the short could hurt stocks as yields on bonds rise, making them increasingly attractive compared with equity investments, Miller said.

Mexican inflation last year was 5.7 percent, above the government's target of 4.5 percent.

Volume on the Mexican market was extremely low at 30 million.

Mexico's peso weakened 2.3 centavos to finish the day at 10.6400 per dollar.

U.S. markets were closed for the Martin Luther King Jr. holiday.

Jan. 20, 2003, 11:08PM

Mexican company tops in Brazil buy

Reuters News Service

SAO PAULO, Brazil -- Brazilian mobile phone company BCP Nordeste said Monday it was in talks to sell a controlling stake amid heavy speculation that Mexico's America Movil may be the first in line to buy the firm.

In a statement sent to Brazil's equivalent of the Securities and Exchange Commission, the CVM, BCP Nordeste said its shareholders were "in negotiations to sell a controlling stake in the company in accordance with current regulatory laws."

BCP Nordeste, which is owned by U.S. telephone company BellSouth Corp. and Brazil's influential Safra family, provides wireless service to more than a million clients in several northeastern Brazilian states.

"Telecom Americas has the biggest interest in buying the company, especially because it already has a good relationship with BCP in Sao Paulo," Andre Pacheco, a telecom analyst at the Yankee Group said.

Telecom Americas is the Brazilian unit of America Movil, Latin America's No.1 wireless operator.

Jan. 20, 2003, 11:43PM

Tax plan offers incentive for SUV purchases

New York Times

DETROIT -- The Bush administration's economic plan would increase by 50 percent or more the deductions that small-business owners can take right away on the biggest sport utility vehicles and pickups.

The plan would mean small businesses could immediately deduct the entire price of SUVs like the Hummer H2, the Lincoln Navigator and the Toyota Land Cruiser, even if the vehicles were loaded with every available option.

Tax experts and environmentalists say the plan would provide enormous incentives for businesses to choose the biggest gas-guzzling trucks because it takes several years to depreciate the cost of passenger cars and smaller sport utility vehicles. The ramifications of the Bush plan on SUV buyers were reported Monday in the Detroit News.

The potential lift for sales of big SUVs comes amid rising tension in the Middle East and increasing criticism of SUVs from environmentalists and regulators.

The tax code now caps deductions for most automobiles. But the largest vehicles -- those that weigh more than 6,000 pounds fully loaded -- are exempt because the relevant portion of the code was written in the 1980s, before the rise of the sport utility vehicle, and was intended to exempt big pickups needed on work sites.

The proposal "makes a glitch in the tax code much worse, and it benefits rich businessmen who want to buy massive SUVs," said Aileen Roder, program director for Taxpayers for Common Sense. "In essence, we're buying these vehicles for these businesses."

But the administration thinks that greater business deductions will be a potent economic stimulant.

Jan. 20, 2003, 10:37PM

Tobacco suit takes consumer twist

Chicago Tribune

Lawyers are trying a new way to go after the tobacco industry.

In a class-action trial set to begin today in Edwardsville, Ill., plaintiffs' lawyers will argue that Philip Morris Cos. broke state consumer protection laws by deceiving people about the dangers of its light cigarettes.

They are demanding the world's largest tobacco company refund billions of dollars to Illinois smokers who bought such cigarettes going back over 30 years.

The case is the first of its kind nationally to come to trial in that it involves claims of economic loss and not personal injury, which up until now has been the cornerstone of tobacco litigation. For that reason, the trial in southwestern Illinois is being closely watched as a barometer for other class-action claims involving light cigarettes.

Philip Morris faces similar allegations in at least 10 other states. R.J. Reynolds Tobacco Holdings and British American Tobacco's Brown & Williamson unit also have been sued.

Philip Morris contends the case is not a class action, arguing the allegations are too varied to be treated collectively.

"Light means many different things to many different smokers," said John Mulderig, associate general counsel at the company. "It might mean lighter taste. It might mean lower tar and nicotine."

Philip Morris first introduced light cigarettes in 1971. These cigarettes have a series of small holes in the filters that dilute tobacco smoke and, as a result, yield lower amounts of tar and nicotine when tested by machines.

But documents in lawsuits brought by smokers and states in the last decade showed the industry knew smokers covered up ventilation holes with their fingers or lips.

Smokers also compensated by taking more-frequent puffs or inhaling more deeply, giving them a higher amount of tar and nicotine than estimated in government tests.

Yet by continuing to market these cigarettes as "light," the tobacco industry deceived consumers, the suit charges.

Aside from precedent, Philip Morris faces an uphill battle in a Madison County court that is notorious for being friendly to plaintiffs seeking damages from big business.

Jan. 20, 2003, 11:03PM

Pair of builders, Best Buy offer home wiring packages

Bloomberg Business News

EDEN PRAIRIE, Minn. -- Best Buy Co., the largest U.S. consumer-electronics retailer, will partner with residential builders Lennar Corp.'s Lundgren Bros. and Pulte Homes to sell networking equipment to home buyers.

The No. 1 and No. 3 U.S. home builders by market capitalization agreed to offer wiring and equipment packages designed by Best Buy. The systems help new-home buyers enhance use of computers and entertainment systems and are being offered in several Minnesota counties, Best Buy said in a statement.

Best Buy wants to increase sales of electronics to homeowners through a variety of programs, including the providing of advice on how to link home computers and on wiring recommendations for entertainment systems. Best Buy has said it hopes to turn the home buyers into long-term customers through the partnerships with home builders.

Eden Prairie, Minn.-based Best Buy's stock has fallen 43 percent in the past year.

Jan. 20, 2003, 10:37PM

Mutual funds may have to reveal votes

Washington Post

The Securities and Exchange Commission will decide this week whether to require mutual funds to disclose how they vote in corporate proxy balloting. Mutual funds are often a corporation's biggest shareholders, and circumstantial evidence suggests funds favor management.

Reformers say the funds are loath to challenge executives who, at other times, will decide which mutual fund company they will use to manage their pension funds or 401(k) plan.

In lobbying against disclosure, the funds tend to ignore that conflict. Instead, they complain of the time and money required to notify customers of how they vote on thousands of issues each year. Even worse, they warn, they would become political targets for every cause and special interest group, distracting them from their core mission of generating the highest returns for investors.

The case was laid out last week in a joint statement by the heads of Fidelity Investments and Vanguard, the nation's two largest mutual fund companies.

Jan. 21, 2003, 12:46AM

Energizer works on deal for Schick

NEW YORK -- Pfizer is near a deal to sell its Schick-Wilkinson Sword unit, the world's No. 2 shaving brand, for more than \$925 million to U.S. battery maker Energizer Holdings, sources close to the situation said on Monday.

Both parties were hoping to announce the deal as early as today, sources said. The sources cautioned, however, that the two sides were still working out final details late Monday and that the talks could yet fall through.

Schick, which ranks behind only Gillette Co.'s namesake brand in the shaving business, would become the St. Louis-based Energizer's first significant foray outside the battery business as it looks to diversify its product line and compete more effectively with conglomerates like Gillette, which also makes Duracell batteries.

To win Schick, Energizer lived up to the mantra of the resilient, drumming rabbit made famous by its battery commercials, sources said.

Discounted early in the auction process after a weak opening bid, Energizer twice made significant improvements to its offer.

Jan. 21, 2003, 12:04AM

What's Online

By CAY DICKSON

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BUMPER APPEAL -- One of the great things about America is freedom of speech. For the most part, you can say exactly what's on your mind without fear of being thrown underneath a jail somewhere. Dumb Bumpers, at www.dumbbumpers.com, houses a batch of bumper stickers that have cropped up and, in some cases, stuck around for a while. There are the old standbys like "Insanity is hereditary; you get it from your kids," to "Honk if you hate noise pollution," plus a sticker for anything in between. Categories include alcohol, animals, breeding, crime and appearance in addition to 20 or so others. You can see the 10 funniest stickers, as decided by visitors who voted for them. If you're feeling especially frisky, let the site choose a random sticker for you. Should you search the site and think you might have a bumper sticker that needs to be included, those running the site are more than happy to hear from you.

TRASHY TALK -- People like to get down and get dirty, and therein lies the problem. They don't clean up their messes. Why is it that there are nonworking cars in front yards or buildings falling in decay or piles of trash on your neighbor's front yard? Filthy Mess, at www.filthymess.com, is a site that is interested in analyzing why people suffer and tolerate filth. This encompasses everything from grime and litter to industrial-grade pollution. The author is based in New York, so most of the content is from places in and around the Big Apple. The author is, however, interested in opening pages for other places, so if you have some pictures of filth in your area, you might think about submitting them. There is also a message board for posting your thoughts and opinions.

DEPRESSED SALARY -- If someone you know is acting superior because they're making a lot of money, this site will level the playing field. Monster Salary Timer, at content.salary.monster.com/timer, is a neat program that will compare your salary to the salary of 53 people who make some significant bucks doing their jobs. Type in an amount for the salary, choose your celebrity and then see how your earnings pile up against your chosen star. Chances are that the measly little salary that you entered will pale in comparison to what you see piling up before your eyes. Currently, the highest annual salary on the list is George Lucas, at \$250 million, while Hewlett-Packard boss Carly Fiorina weighs in at \$2.8 million. Her earnings? Well over \$1,300 an hour.

GIG 'EM -- In this case, "gig" is synonymous with a job or a career, so you Aggies put your pompoms away for now. You remember the vicious cycle of trying to get a job when you don't have any experience, don't you? Well, what if you could get a job that was what you really wanted to do and that was, in some cases, out of the ordinary? Get that gig, at www.getthatgig.com, is actually aimed at young adults who are seeking summer employment or deciding what career path to take, but that doesn't mean

that older folks are excluded. In the "A Day In The Life of" section, you'll find interviews with people who have cool jobs, including a performer with the world-famous Cirque de Soleil and a producer for MTV. They talk about their career paths and the ups and downs of doing what they do in an open, candid way. This could be the start of something new in your life.

OLD LAUGHS -- If you remember "Land Shark," "Church Chat" and "Samurai (fill in the blank)," then you remember when a new kind of television show was in its first prime. That program was *Saturday Night Live*, and it was cutting edge and wonderfully startling. The Saturday Night Live Archives, at snl.jt.org, is your complete guide to anything and everything about the show, from the first season in 1975 through 2002. Learn about the cast members who contributed their talents over the years, the celebrity guest hosts and musical entertainers who starred each week. There are categories for the outrageously funny and creative fake commercials, the ongoing sketches that spawned everyday phrases across the nation, as well as for impressions and characters. You can spend hours on this site as you remember when it all began -- or learn about how it evolved.

Cay Dickson is a Web developer in Houston. Her e-mail address is cayd@ocay.com, and her Web site is www.ocay.com.

Jan. 20, 2003, 10:36PM

Hotlist

THIS DAY

LITERARY CALENDAR --

english.yasuda-u.ac.jp/lc

Lovers of literature and those who create it will get an eyeful of historical happenings related to writers. Scroll below the topic Ephemerids, choose a day and a month, and you'll see a page of momentous occasions.

LIVING ALMANAC OF DISASTERS --

disasterium.com

Choose your disaster from Fires, Earthquakes and Transportation, or see all of the dates on which disasters have occurred around the world. Click on an underlined date and a brief description of that day's disasters will appear.

ANY DAY TODAY IN HISTORY -- www.scopesys.com/anyday

Who would suspect that an industrial electronics company would have such fun information on its site? Use the selection tool and see births, deaths, holidays and even information on Vietnam POW-MIAs.

PLANNING CALENDAR -- www.promomart.com/about/app9.htm

Did you know that January is Get Over It month? Although this page has dates for the year 2000, the recognition of special months should hold true. It's good to know what all the hoopla is about, especially in December, which is International Calendar Awareness Month.

THOSE WERE THE DAYS -- www.440.com/twtd/today.html

This beautifully executed site is loaded with trivia you might hear on the radio. After you're full of history, poke around and find out what some of your favorite radio personalities are doing these days.

HISTORY CHANNEL -- www.historychannel.com/tdih/index.html

You might as well go to a site that is all about history to find out what has happened. There are 12 main categories and you can also find out what occurred on your birthday. If that's not enough, use the search feature and find your special historical desire.

SPACE CALENDAR -- www.jpl.nasa.gov/calendar

It might require some rocket science to appreciate the information here, but it's astonishing to see how much activity there is in space. There are space-related activities and anniversaries for the coming year, and several of them have asteroids coming near Earth.

MOVIE HISTORY -- us.imdb.com/M/on-this-day

What started out as a way to provide useful and up-to-date movie information is now that, and a whole lot more. The site has thousands of facts and dates on movie-related births, deaths and marriages.

ASSOCIATED PRESS: TODAY IN HISTORY -- wire.ap.org/APpackages/todayinhistory

Historical events from around the world and through the centuries are featured. There are some beautiful pictures of some of the featured people and places.

LIBRARY OF CONGRESS: TODAY IN HISTORY -- lcweb2.loc.gov/ammem/today/today.html

Take a gander at today's featured item, then click on the archives to do more searching. You may search by text, month or day, and view images and movies of some of the events.

-- Cay Dickson

Jan. 20, 2003, 10:34PM

Briefs: Houston and state

Michigan ex-governor new EDS president

PLANO -- Electronic Data Systems Corp., the world's second-largest seller of computer services, has named former Michigan Gov. John Engler president of its state and local government business.

Electronic Data made the announcement in a news conference Monday afternoon. Engler served as governor of Michigan from 1991 until this month.

"I'm just delighted with this opportunity and excited about the challenge of working for a major global corporation that I've got high regard for," Engler said.

Offshore profits dry, 2002 analysis says

Profitability for offshore oil and gas drillers was near a low for all of 2002 last month and was down 12 percent worldwide from the previous year, according to GlobalSantaFe's analysis of the industry.

The offshore drilling company, which issues its analysis of offshore rig economics monthly, issued its annual report Monday in which its proprietary SCORE system found offshore rig profitability down 9 percent from last year in the Gulf of Mexico.

Houston-based GlobalSantaFe's system measures rig economics based on the industry's heyday in 1980-81, where day rates peaked and the SCORE is considered to be 100. Comparatively, the worldwide score stands at 40, which means the industry is generally profitable but not robust.

Conversely, the SCORE in the Gulf of Mexico stands at 28, which the company says is barely break-even.

Grande hooks up with TXU telecom

Grande Communications has acquired rights to provide Internet and telephone services to certain customers of TXU Communications.

San Marcos-based Grande said its new customers include nearly 30 apartment communities in Houston as well as 15,000 commercial and residential lines in Houston, Dallas, Fort Worth, Austin and San

Antonio.

Terms of the deal weren't released.

TXU Communications is a subsidiary of Pinnacle One Partners, a limited partnership owned by Dallas-based TXU Corp. and a group of investors.

Grande said it will provide high-speed Internet, and local and long-distance telephone services to its new customers.

Jan. 20, 2003, 11:11PM

Briefs: Nation and world

Five states may see strike at Sprint

OVERLAND PARK, Kan. -- Sprint Corp., the No. 3 U.S. long-distance telephone company by sales, faces a possible strike today by 2,700 workers in five states who seek higher pay and a reduction in the use of contractors.

The Communications Workers of America set a midday strike deadline, union spokesman John Howard said. The union is seeking three-year agreements to replace contracts of the same length that have expired for workers in Sprint's local-phone units in Oregon, Indiana, Tennessee, North Carolina and Florida.

Union demands for increases in pay, health care and pension benefits may clash with Sprint's efforts to pare costs to compensate for seven straight quarters of declining sales. Sprint, which has about 70,000 employees, last month said it would pare 2,100 positions, the second round of job reductions in less than a month, to save \$145 million a year.

Broad effort sought on Japanese deflation

TOKYO -- Japan's price declines of four years is an issue for the entire government to tackle, Finance Minister Masajuro Shiokawa said, reversing his earlier stance that deflation is solely the responsibility of the central bank.

Shiokawa said late last year the central bank must show a stronger commitment to stop the price declines, which have cut companies' profits, eroded the value of real estate and created new bad loans faster than Japanese banks can dispose of old ones.

The finance minister signaled a change of his stance for the first time on Friday, saying the ministry is not requesting the central bank to adopt inflation targeting.

Ontario to keep utility ownership

TORONTO -- All but putting an end to a deregulated electricity market in Canada's industrial heartland, the government of Ontario said on Monday that it would retain full ownership of Hydro One, the Toronto company that operates one of North America's biggest transmission networks.

Less than a year ago, the government said that it intended to sell Hydro One through a public offering that would have been the largest in Canadian history, raising an estimated 5 billion Canadian dollars, or \$3.26 billion.

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

Jan. 20, 2003, 10:25PM

Plane crash raises questions on weight, balance standards

By **TIM WHITMIRE**
Associated Press

CHARLOTTE, N.C. -- Flying too close to the known limits for a plane's weight and balance can have catastrophic consequences for a commuter aircraft -- as the crash that killed 21 people in Charlotte, N.C., earlier this month may very well have shown.

Investigators have yet to establish the cause of the crash of the US Airways Express flight, which went down at the airport Jan. 8 after taking off at an extremely steep angle.

But they are focusing on the possibility that heavy takeoff weight and improper weight distribution combined with a malfunctioning elevator, the tail assembly that controls the plane's pitch, to cause the accident.

The tragedy has focused attention on how the industry calculates the weight of its passengers and cargo. And it has raised questions about whether that method is realistic in this land of expanding waistlines.

Among the weight and balance concerns:

- The plane was full, with 16 men, two women and one child among the 19 passengers. Air Midwest, the airline that operated the turboprop, assumes -- with Federal Aviation Administration approval -- that passengers flying in winter average 175 pounds each, including clothing and carry-ons.

But given the super-sizing of American waistlines (adult men averaged 180.7 pounds in 1994, the most recent year in which statistics from the Centers for Disease Control and Prevention are available) and the increased size and weight of carry-ons, that standard could have been exceeded on the flight.

- Investigators have said the plane's captain and a member of the ground crew debated before takeoff whether the flight was overloaded.

John Goglia, the NTSB member who headed the crash scene investigation, said a ground crew member believed the plane was limited to 26 bags. Goglia said Capt. Katie Leslie decided that all 31 checked bags could remain on board. He said pilots and others interviewed during the investigation thought the plane "looked heavy" as it prepared for takeoff.

Air Midwest assumes -- again, with FAA approval -- that each piece of checked baggage weighs 25 pounds on average. But some in the industry believe that estimate is too low.

The maximum takeoff weight for the Beech 1900 that crashed in Charlotte is just over 17,000 pounds. The NTSB has said that, according to the plane's documentation at least, it was within 100 pounds of that weight.

As for its weight distribution, Goglia has said that on paper, at least, the plane was within 1 percent of the rearward limit for its center of gravity. (The more luggage that is put in the back of the plane, the farther to the rear moves the plane's center of gravity. Flight rules specify the farthest allowable point.)

Given those conditions, said Paul Czysz, a professor emeritus of aviation and engineering at St. Louis University, a miscalculation could have easily made the plane unbalanced. For example, too many bags in the rear baggage compartment or several heavyset men seated in the rear could have upset the balance.

Jan. 20, 2003, 10:29PM

Things heat up aboard shuttle as work goes on

By MARK CARREAU

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Temperatures climbed aboard the space shuttle Columbia and the large Spacehab payload module Monday after a pair of humidity control devices failed.

NASA's Mission Control warned Columbia commander Rick Husband and his six-member crew that temperatures could reach 80 degrees, about six degrees higher than usual, in the bus-size Spacehab module before dropping again.

Mission managers said astronauts would continue work on the 80 experiments under way aboard Columbia while considering how to make the necessary repairs.

The difficulties arose late Sunday, when one of two humidity control devices in the Spacehab module overflowed with water.

"I better stop talking and start mopping," Columbia pilot Willie McCool told the ground-based flight control team in Houston.

The shuttle crew sopped up the moisture and activated a backup humidity control device.

Early Monday afternoon, flight control teams noticed a power surge, possibly caused by water damage, and the backup system was turned off.

While flight control teams worked to find out why the equipment failed, astronauts rerouted cooler air from Columbia's crew compartment through a connecting tunnel to the Spacehab.

Columbia's crew, which includes Israeli astronaut Ilan Ramon, continued work on wide-ranging experiments devoted to medicine, biology, physics and observations of the Earth's environment. All of the investigations rely on the use of heat-producing electronics.

Monday, the astronauts aimed an Israeli-furnished camera at sprites, a little-studied form of lightning that shoots from the tops of thunderstorms toward the edges of space.

The camera was designed to observe the westward migration of dust storms from the Mediterranean and

Africa, but so far the region has been either dust-free or too cloudy for the observations.

Researchers hope to learn more about how the dust clouds influence rainfall, as well as long-term global climate change.

Other experiments conducted Monday studied flame formation in weightlessness. Researchers hope the control ignitions of a gas fuel in a Spacehab lab enclosure will reveal more about the formation of soot, a major pollutant.

Jan. 21, 2003, 12:12AM

San Francisco first city to ban scooter

Safety of pedestrians, seniors at issue

By ANGELA WATERCUTTER
Associated Press

SAN FRANCISCO -- With its love of geek chic and congested streets, San Francisco might have been expected to embrace Segway, the environmentally friendly, self-balancing personal vehicle that promises to entice people out of their smog-spewing cars.

Instead, the city on Monday became the first large municipality to outlaw the Segway Human Transporter on its sidewalks -- more than a month before the chariot-like vehicles are made available to the public.

The Board of Supervisors acted last month following intense lobbying by Segway LLC in state capitols to change laws to permit the two-wheeled vehicles on sidewalks.

Thirty-three states, including California, approved Segway-enabling legislation. But that doesn't mean major cities will roundly embrace the scooters touted by inventor Dean Kamen, when he introduced them to great fanfare in December 2001, as apt to "change civilization." California's law allows cities to opt out.

The upright device -- controlled by body movements with the help of tiny computers and balance-controlling gyroscopes -- has been tested across the country by postal workers, police officers and meter readers. They're on sale to the public at Amazon.com for \$4,950 each and will begin shipping in March.

Critics say the Segway is a safety hazard on sidewalks because it weighs 69 pounds and travels at up to 12.5 mph -- three times faster than the typical pedestrian. No state is requiring that its drivers be trained, although some have set minimum age and helmet requirements.

"We don't want to say that it doesn't ever make sense. But in urban settings there isn't enough room for all the pedestrians," said Ellen Vanderslice, president of America WALKs, a pedestrian advocacy group based in Portland, Ore.

In hilly San Francisco, officials feared the battery-powered Segways would cause more problems than they would solve, particularly for the disabled and senior citizens.

"There were statistics submitted to us about injuries, and the Segways themselves did not have adequate safety features to alert people they might be behind them," said Tom Ammiano, a San Francisco supervisor who supported the ban.

Segway officials say the scooters have been tested for 100,000 hours on city streets across the nation without injury.

In California, Santa Cruz, Oakland and San Mateo are considering joining San Francisco in banning Segways from sidewalks. There is no similar move in congested Los Angeles.

Jan. 20, 2003, 10:07PM

Scorpions frugal with venom

Usually, 1st punch painful, 2nd deadly

Associated Press

WASHINGTON -- Scorpions don't bother to waste venom killing a victim if they don't have to. Instead they use a pre-venom that causes extreme pain, resorting to the deadlier version only when necessary.

A team led by entomologist Bruce Hammock of the University of California, Davis, was researching the possibility of an antivenin for scorpions when they discovered that the stinging creatures produced two kinds of venom.

When first confronted by a threat the scorpion produces a clear liquid on its stinger, Hammock said. The more deadly venom, a thick liquid, "like a milkshake," is produced later, if the threat continues.

It's a clever strategy, Hammock said, because the deadly true venom uses a lot of proteins and peptides that are costly for the scorpion to make.

So instead it tries to get by with a faster acting and more painful toxin that doesn't kill, but is easier to make.

The findings are reported in this week's online edition of Proceedings of the National Academy of Sciences.

The first scorpion weapon, what Hammock calls a pretoxin, gets its kick largely from potassium salts that block receptors in animal cells, rapidly causing severe pain.

"I was surprised" at the discovery of this pretoxin, Hammock said. "We spent years looking at the very complex, highly toxic peptide toxin and the idea that the scorpion was using salt was a real surprise."

It's of more than just biological interest that through evolution the scorpion has developed a way to generate pain and frighten predators and, if necessary, to follow this with a very highly toxic peptide toxin, he said.

Hammock's team was working with *Patabuthus transvaalicus*, a South African scorpion that is reportedly one of the most deadly.

He said the dual-venom release has been seen in all the scorpions his lab has worked with, but he could not guarantee that every type of scorpion does this.

On the Internet: Proceedings of the National Academy of Sciences: www.pnas.org

Jan. 20, 2003, 10:56PM

Study: University endowments see 6 percent decline

By **JUSTIN POPE**
Associated Press

College endowments last year turned in their worst performance since 1974, a stark contrast to the investment boom of the 1990s and a financial blow at a time when many public schools are losing state aid.

The average college endowment shrank 6 percent in fiscal 2002, according to a survey of 660 institutions to be released today by the National Association of College and University Business Officers. The findings matched those of another study released last month by Commonfund Institute.

It was the first back-to-back decline since Washington-based NACUBO began its survey in 1971. The 2001 survey showed an average decline of 3.6 percent.

Belt-tightening is evident at schools such as Boston University, with 29,000 students, which is laying off faculty, and tiny Hillsdale College in Michigan, which is cutting four varsity sports teams. Even wealthy schools like Dartmouth, Duke and Stanford have been forced to cut costs.

"It's forcing academic leadership throughout the country to really think about what's most important," said Scott Malpass, vice president and chief investment officer at the University of Notre Dame, where the endowment fell nearly 10 percent, to \$2.55 billion, in fiscal 2002. "Some of it's healthy, but on the other hand it's a tremendous challenge."

The average school's investments (not accounting for donations and spending) lost 6 percent. The best-performing endowment earned 10.1 percent; the worst lost 19.8 percent. NACUBO did not identify the schools.

Colleges typically spend about 5 percent of their endowment per year. The 6 percent decline outperformed all of the major stock market indexes, however. And while the bear market has made it more difficult to raise money, two-thirds of the institutions in Commonfund's survey said they expected donations to be at least as strong this year as last.

Many schools have also found a silver lining to the slump: They are refinancing debt at lower rates.

And, schools insist, recent losses are a small price to pay for the enormous gains between 1992 and 2000, when endowments enjoyed double-digit investment growth every year but one, according to NACUBO. Those gains funded scholarships, research and an unprecedented campus building boom.

"You had the greatest expansion probably in the history of higher education in terms of scholarship aid, new facilities and new programs," Malpass said.

For now, most such projects are on hold. A few schools have laid off faculty members. Many are reducing staff through attrition.

Illinois Wesleyan University, whose endowment fell 22 percent to \$136 million, will have \$3 million less to spend this year than it projected in 2000. The school has frozen departmental budgets, is slightly accelerating tuition increases and is dipping into some gifts it would normally set aside to prop up the endowment.

"We've slacked off on some of the technology stuff, building smart classrooms, that kind of thing," said Thomas Corts, president of Samford University in Birmingham, Ala., where the endowment is now \$218 million after losing 19 percent of its value last year. But he said he doubts students will notice the effects.

Richer schools tended to do better than other universities. The average school with an endowment of \$1 billion or more lost 2.1 percent, while the average school with less than \$25 million lost 6.1 percent.

At Harvard, the world's richest university with \$17.5 billion, the endowment did comparatively well, finishing last year down just 2.7 percent.

Jan. 20, 2003, 9:30PM

Researchers study falls by the elderly, how to reduce injury

By LAURAN NEERGAARD
Associated Press

WASHINGTON -- The elderly man stepped onto an elevated track and began walking, sensors measuring his gait, muscle use and the force of each step. Suddenly he slipped -- and cameras filmed his limbs flailing as he fought to stay upright.

In the name of science, soapy water was spilled on the track to make it slippery. But don't worry, Virginia Tech researchers had strapped the man into a safety harness so he never hit the floor.

Millions of elderly Americans aren't so lucky, taking tumbles that can cause broken hips and other serious injuries, and about 10,000 seniors a year actually die from falls.

There are precautions that people can take, from getting rid of throw rugs and updating glasses prescriptions to wearing hip-protecting pads. But experiments like Tech's aim to pinpoint the aging-caused physiologic changes that make one senior more prone to a bad fall than another -- and find new, better protections.

One early finding: The young seem almost as likely to slip on a slick track as healthy elderly people, says Thurmon Lockhart, chief of Tech's locomotion research lab. But aging degrades the ability to recover and keep a slip from turning into a full fall.

One in three people ages 65 and older falls each year. The government counts 2.2 million who need medical attention, and one in 10 falls causes a serious injury. Among the worst are the 340,000 annual broken hips, because they too often trigger a downward spiral. A quarter of those patients die within a year; 40 percent need a nursing home; and half who make it to rehabilitation still never walk unaided again.

Medical guidelines call for health workers to evaluate everyone 75 or older for their risk of falling, using easy gait and balance tests, and then to customize precautions they can take.

But too few doctors follow those guidelines, says Dr. Mary Tinetti of Yale University, who recently reviewed proven fall preventions in *The New England Journal of Medicine*.

In addition to age, risk factors include: a dip in blood pressure when suddenly standing up; arthritis; impaired vision, balance or muscle strength; dementia; and using four or more prescription medicines, especially certain antidepressants and epilepsy or heart medications that skew balance.

Jan. 20, 2003, 10:36PM

Feds to test effect of 12 drugs used on children

By DAVID PACE
Associated Press

WASHINGTON -- The government announced plans Monday to begin clinical tests this year on 12 drugs commonly prescribed for children even though their safety and effectiveness have been tested only in adults.

"Children often react differently to drugs than adults do," said Health and Human Services Secretary Tommy Thompson. "We need to conduct testing now to fully understand the effects of these medications in children."

The 12 drugs include azithromycin, an antibiotic that's used to treat different types of bacterial infections, and baclofen, a muscle relaxant used to relieve muscle problems caused by multiple sclerosis or spinal injuries.

Dr. Jane M. Orient, executive director of the Association of Physicians and Surgeons, questioned whether most of the drugs on the list should not be tested in children because of potential risks.

"Safety testing needs to be done, but adults should bear the risks," she said. "Once in use, it would seem that careful aftermarket surveillance of any usage in children, as medically indicated and under the supervision of a personal physician, would be greatly preferable to clinical trials."

The National Institute of Child Health and Human Development developed the list of drugs to be tested in consultation with the Food and Drug Administration and experts in pediatric research. It will be updated annually.

The FDA issued regulations in 1998 requiring drug companies to test adult medicines commonly given to children. A federal judge threw out the rule last year, saying Congress never intended to give the agency the power to require such tests.

Congress enacted legislation last year giving drug makers financial

Medications to be targeted by study

Here are the 12 commonly prescribed drugs which the Department of Health and Human Services will begin clinical testing for use by children.

Azithromycin: An antibiotic used to treat many different types of bacterial infection.

Baclofen: A muscle relaxant used to relieve the spasms, cramping, and tightness of muscles caused by medical problems such as multiple sclerosis or certain injuries to the spine.

Bumetanide: Used to reduce the swelling and fluid retention caused by various medical problems, including heart or liver disease. It also is used to treat high blood pressure. It causes the kidneys to get rid of unneeded water and salt from the body into the urine.

Dobutamine: A heart stimulating drug.

Dopamine: Used to treat Parkinson's disease and schizophrenia.

incentives for conducting the tests. It also set up a grant program to provide federal dollars for pediatric studies that manufacturers won't do, despite the incentives.

Thompson said tests on the 12 drugs listed Monday will be the first sponsored by the government under that new law. The National Institutes of Health, which will oversee the tests, has set aside \$25 million from its current budget, and the FDA, which will review the test results, has set aside \$6.6 million.

Thompson said President Bush's budget request for the fiscal year that begins in October will include another \$61.5 million for the testing program.

He said the administration also will ask Congress this year to clearly establish FDA's authority to require drug manufacturers to conduct pediatric clinical trials on new drugs. Legislation requiring such trials was introduced in the Senate last year.

Furosemide: Used to treat swelling and water retention.

Heparin: Used to decrease the clotting ability of the blood and help prevent harmful clots from forming in the blood vessels.

Lithium: Treatment for bipolar disorder (extreme mood changes from depression or anger to elation).

Lorazepam: Treatment for anxiety.

Rifampin: Used in combination with other medications to treat tuberculosis, and to treat carriers of meningitis-causing bacteria.

Sodium Nitroprusside: A treatment for high blood pressure.

Spironolactone: A treatment for high blood pressure.

Jan. 20, 2003, 9:28PM

Selective reproduction

Parents filter certain genes to avoid diseases

By MATT CRENSON
Associated Press

NEW YORK -- They held a news conference not long after Adam Nash was born.

It was a small affair compared with the international media extravaganza that attended last month's alleged birth of the world's first cloned human.

Maybe that's because Adam's birth had nothing to do with UFO cults, virgin births or secret laboratories in unnamed countries. But unlike the allegedly cloned "Eve," Adam offers a very real glimpse into the future of human reproduction.

For one thing, Adam has been proved to possess the genes he was designed with. Even more important, those genes were not merely copied from another person's, but selected to give Adam specific traits.

"Cloning is a red herring," said Princeton University biologist Lee Silver, whose 1997 book *Remaking Eden* envisions a future time when parents will have the opportunity to fiddle with their children's heredity.

Silver explains that two powerful scientific fields are just beginning to collide in a way that will profoundly change human reproduction. As reproductive technologies are developed and refined, science's knowledge of human genetics also is exploding.

The combination of genetic knowledge with reproductive technology already allows parents to select some of the genes they pass to their children. Someday it may even enable the creation of human genes, and traits, that have never existed. It is possible that our children's children's children will be engineered to live longer and be healthier, stronger and more intelligent than any generation before them.

Adam's parents already had one child when he was born in August 2000. Molly suffered from a rare genetic disease called Fanconi anemia. The Nashes, who live in Englewood, Colo., wanted to make sure Adam would not inherit the genetic defect that caused his sister to be born with a host of birth defects, including missing thumbs and hip sockets.

But they also wanted to be sure Adam would share one of Molly's genetic characteristics. Because their daughter would die without a bone-marrow transplant, the Nashes wanted their children to have the same tissue type so Adam could serve as a donor.

With the help of Dr. Yury Verlinsky, a geneticist at the Reproductive Genetics Institute in Chicago, the Nashes created several dozen embryos by in vitro fertilization and chose one with the proper genetic characteristics.

That embryo became Adam.

Verlinsky has used the same procedure to help parents carrying genes for cystic fibrosis, hemophilia and sickle cell anemia avoid having children with those diseases. He has ensured that older mothers, whose babies have a markedly increased risk of being born with Down syndrome, give birth to healthy babies. Recently he gave a 30-year-old woman with a gene for early-onset Alzheimer's disease the opportunity to bear a child who lacks the trait.

Verlinsky doesn't modify the embryos he implants. He merely creates a number of embryos by in vitro fertilization, screens them for some desired property -- usually the absence of a particular genetic defect -- then implants the one that best fits the criteria.

So far parents have used the procedure, known as PGD (for preimplantation genetic diagnosis) only as a means of preventing inherited diseases in their children.

Using the technology as an enhancement to make children taller or smarter is impractical, partly because PGD merely selects among genes the two prospective parents already possess. That means Junior's height and intelligence are limited by his parents' genetics.

Furthermore, characteristics such as height and intelligence are influenced by a large number of different genes, making it unlikely that the best ones will all come together in single embryo.

Verlinsky dismisses critics who accuse him of playing God, of creating "designer babies" and of trying to fool Mother Nature.

But what if scientists really could simply insert whatever genes they wanted into an embryo's DNA?

In animals, they can. Scientists have been putting genes into mice for more than 20 years by injecting DNA directly into developing embryos.

"It's more powerful in that, unlike preimplantation diagnosis, you can give the embryo traits that the parents themselves don't have," said Stuart A. Newman, a professor of cell biology and anatomy at the New York Medical College.

Today, inserting genes into embryos is a highly imperfect technology. For every individual mouse or cow that picks up the inserted gene and properly incorporates it into its own DNA, there are many more that don't. Some simply reject the introduced DNA. And because researchers have little control over where the new DNA will end up in the animal's genetic code, in many cases it ends up causing birth defects or preventing the animal from ever being born at all.

But, Adam is 2 1/2 now. He turned out to be a perfect bone marrow donor for his sister Molly, who is 7.

Jan. 20, 2003, 10:49PM

London police raid mosque in ricin case

Leader denies connection to terrorists

Associated Press

LONDON -- Police using ladders and battering rams raided a London mosque -- a known center of radical Islam led by a suspected terrorist -- and arrested seven men early Monday in connection with the recent discovery of the deadly poison ricin.

Dozens of officers wearing bulletproof vests stormed the red-brick Finsbury Park mosque and two neighboring houses just after 2 a.m., as helicopters shined spotlights on buildings below.

Police seized computers and documents and found a stun gun, an illegal canister of CS gas, similar to pepper spray, and a blank-firing imitation gun.

They found no evidence of ricin in the mosque, where previous worshippers include shoe-bomber Richard Reid and extremists who plotted to blow up the U.S. Embassy in Paris, officials say.

Mosque leader Abu Hamza al-Masri, whose fiery anti-West sermons have led Britain to order him removed from his pulpit, was not arrested. The Egyptian-born al-Masri is under police surveillance and is wanted in Yemen on terror charges.

Al-Masri has denied any link with al-Qaida or other terror activities, though the mosque was used for a rally marking the first anniversary of Sept. 11, during which radical Muslims praised the attacks as revenge on the United States for its Mideast policies.

He repeated denials of terror connections Monday, and denounced the early morning raid as a propaganda exercise that would alienate Muslims.

"It is disgusting. The police have never been denied access to the mosque," al-Masri said. "You cannot find a reason for this kind of Rambo-like way of attacking the mosque."

Police said the raid was connected to the Jan. 5 discovery of traces of ricin -- a poison derived from castor beans that has been linked to the al-Qaida terror network -- in another part of north London.

The ricin evidence heightened Prime Minister Tony Blair's warnings of possible terror activities in

Britain and sparked an investigation that has seen several raids and arrests.

Four North Africans are charged in the initial ricin find, and three more were arrested Jan. 14 in an apartment raid in the northern city Manchester. During that raid, a policeman was stabbed to death when a suspect broke free and grabbed a knife, leading to complaints that police had been ill-prepared.

Police identified those arrested Monday as six North Africans, ages 23 to 48, and an Eastern European, 22, and said searches continued at the mosque, known officially as the North London Central Mosque .

"There is a national operation against terrorists in this country that led us to this mosque," London police Deputy Assistant Commissioner Andy Trotter said.

A neighbor of the mosque, who gave his name only as Ali, said as many as 100 young men often slept at the mosque, working as cleaners, kitchen help or security guards in return for shelter. He said the mosque drew worshippers from Pakistan, Algeria, France and elsewhere.

But police fear some worshippers are being drawn into extremist groups, and have had the mosque -- as well as its cleric -- under surveillance for months.

Al-Masri, who lost both hands and an eye fighting the Soviets in Afghanistan, has referred to Britain as "the land of the enemies of Islam."

Jan. 20, 2003, 10:25PM

Violence surges in Venezuela

Carter tries again to mediate crisis

Associated Press

CARACAS, Venezuela -- Former President Jimmy Carter renewed efforts to mediate Venezuela's political crisis Monday even as violence surged again between supporters and opponents of President Hugo Chavez. Gunfire during a protest march left one dead and 15 wounded, officials said.

Miranda state Gov. Enrique Mendoza, a Chavez opponent, said Chavez supporters attacked an opposition march in Charavalle, about 20 miles south of Caracas, on the 50th day of a strike against Chavez.

Raul Gonzalez, 38, said he and other Chavez supporters blocked a road as opposition marchers approached and both sides began tossing rocks and bottles.

"I heard shots and fell down," Gonzalez said at Hospital General de Ocumare del Tuy, where he was being treated for a bullet wound in his leg. "There were shots from all over. Everything was in confusion."

Gonzalez said he did not know where the gunfire came from.

Opposition marcher Mayordina Morales, 52, said both sides were throwing objects at each other when police started shooting.

Carter was meeting with Chavez, opposition figures and Cesar Gaviria, secretary general of the Organization of American States. Gaviria has tried since November to mediate an electoral solution to Venezuela's crisis. Carter was participating in a negotiating session Monday.

"I have always hoped for a resolution, and I hope there will be one," said the Nobel Peace Prize winner, whose Atlanta-based Carter Center is sponsoring the talks with the OAS and the United Nations.

Jan. 20, 2003, 9:29PM

Libyan to head human rights group

Associated Press

GENEVA -- The U.N. human rights watchdog elected a Libyan diplomat Monday as its president for this year, despite concern from the United States about the country's poor record on civil liberties and its alleged role in sponsoring terrorism.

The United States had forced the rare vote in the 53-nation Human Rights Commission, after Libya was nominated by African countries. The commission usually names its president by acclamation.

In a secret ballot, 33 countries backed Libyan ambassador Najat Al-Hajjaji as president. Three countries voted against and there were 17 abstentions.

After the vote, U.S. Ambassador Kevin Moley told reporters he was "deeply disappointed" at the outcome.

"Libya's government continues to commit serious human rights violations," he said. "A country with this record does not merit a leadership role."

Jan. 20, 2003, 9:29PM

Israelis denounce Palestinian draft of new constitution

Associated Press

JERUSALEM -- A proposed Palestinian constitution cedes some power from the president to a prime minister and declares Islam the official religion, according to a partial draft obtained Monday by The Associated Press. An Israeli official rejected the document as an effort to preserve Palestinian leader Yasser Arafat's rule.

Meanwhile, with Israeli elections a week away, polls showed Prime Minister Ariel Sharon's Likud Party widening its lead over the more dovish Labor Party.

While that merely confirmed an existing trend, results of another survey indicated that if longtime politician Shimon Peres headed Labor, the race with Sharon would be a dead heat.

Current Labor chief Amram Mitzna -- who supports an immediate return to peace talks on Palestinian statehood with Arafat, whom Sharon has boycotted -- said he would not step down, but it appeared he could face such pressure in coming days.

A new constitution is a key element of a U.S.-backed peace plan, considered a "road map" to Palestinian statehood by 2005. The completion of the constitution is supposed to coincide with the formation of a provisional Palestinian state.

Those parts of the draft Palestinian constitution made available by Palestinian officials to the AP do not address some key issues, including the borders with Israel and a solution for Palestinian refugees.

The strongest figure in the government would be the president, who appoints the prime minister and would be the main policy-maker. The prime

MIDEAST RESOURCES



Israel

- [A country study of Israel](#)
- [Profile of Israel](#)
- [Government homepage](#)
- [Map of Israel and Occupied Territories](#)

Palestinian Authority

- [Government homepage](#)
- [Profile of the Gaza Strip](#)
- [Maps of the West Bank and Gaza](#)
- [U.N. Occupied Territories coordinator's office](#)

Background

- [Mideast in Depth: A multimedia production from The AP](#)
- [Congressional Research Service's brief for Congress on the Mideast Peace Talks, updated Jan. 2, 2002](#)
- [Historical documents from the Middle East 1916-1999](#)

minister would run daily government. Arafat has been president since the Palestinian Authority was created in 1994 as a result of interim agreements.

Israel and the United States have called for Arafat to be replaced, and Sharon spokesman Raanan Gissin rejected the proposed constitution out of hand.

"There is no doubt that all these attempts to put out a constitution and talk of reform are just meant to give legitimacy to Arafat, to give the impression of reform," he said.

Another key element of the constitution is the declaration of Islam as the official Palestinian religion. The state would guarantee the sanctity of places of worship and respect other religions, according to the draft.

Jan. 20, 2003, 10:53PM

Mexico to ask court to stay U.S. executions

Reuters News Service

AMSTERDAM -- Mexico will today urge the World Court to order stays of execution and retrials for more than 50 Mexicans on death row in the United States.

The move reflects the deep disquiet among some of Washington's closest allies over capital punishment, which has led to protests from leading European states and Pope John Paul.

Mexico, which does not have the death penalty, says the United States violated the Mexicans' rights by failing to tell them they were entitled to consular assistance after arrest.

The 54 were condemned in 10 states including Illinois, where State Governor George Ryan this month took the unprecedented and widely lauded step of commuting the sentences of everyone on the state's death row, declaring the execution system "broken."

Three Mexicans were spared death by the Illinois decision, which came just days after Mexico brought its case to the International Court of Justice, or World Court, in The Hague.

A court spokeswoman said Mexico was free to amend details of its application in the light of the Illinois move.

Mexico has clashed repeatedly with the United States over the death penalty in connection with its nationals sentenced to death there.

Mexico's case in The Hague is that the United States violated international legal obligations in its treatment of the Mexicans who should therefore be retried.

The Vienna Convention on Consular Relations obliges local authorities to inform an arrested person without delay of his right to speak to consular officials of his country. Mexico says U.S. authorities breached this convention for the Mexicans.

"Mexico wants to request the U.S. to stay the executions, so that none of these 54 Mexicans is executed before the court comes to a final decision on whether the U.S. violated the Convention," said court spokeswoman Laurence Blairon.

LEGAL URGENCY

The United States and Japan are the only rich, industrial nations to execute convicted criminals: the last person executed in the European Union was guillotined in France in 1977. Pope John Paul has called for a worldwide ban on the death penalty, saying there were practically no cases where it was necessary.

The World Court usually takes years to reach final judgements, which are binding and cannot be appealed. Highlighting the case's urgency, Mexico has said a date may be set as soon as February 14 for one of the executions.

A similar case came before the court in 2001 when the United States was found to have breached the Convention in the case of two German-born brothers executed in Arizona in 1999.

Germany only learned of the situation of Karl and Walter LaGrand -- who stabbed to death a bank manager in a botched robbery -- when they were already on death row, 10 years after the crime and their arrests.

Walter was gassed to death in March 1999, the day after the World Court issued an emergency order to postpone the execution. Karl had been put to death before Germany filed the case.

Mexico recently clashed with the United States on the death penalty when Texas executed a Mexican citizen in August for the 1988 murder of an undercover Dallas police officer despite pleas for his life from the Mexican president.

Following that execution, Fox cancelled a three-day trip to Texas in what his spokesman said was meant as "an unequivocal sign of our rejection of the execution."

Jan. 20, 2003, 11:28PM

How bin Laden gave U.S. the slip

Moroccan bodyguard took phone while his leader fled to Pakistan

Washington Post

RABAT, Morocco -- With U.S. forces closing in on him during the battle of Tora Bora in late 2001, Osama bin Laden employed a simple feint against sophisticated U.S. spy technology to vanish into the mountains that led to Pakistan and sanctuary, according to senior Moroccan officials.

A Moroccan who was one of bin Laden's longtime bodyguards took possession of the al-Qaida leader's satellite phone on the assumption that U.S. intelligence agencies were monitoring it to get a fix on their position, said the officials, who have interviewed the bodyguard, Abdallah Tabarak.

Tabarak moved away from bin Laden and his entourage as they fled; he continued to use the phone in an effort to divert the Americans and allow bin Laden to escape. Tabarak was captured at Tora Bora in possession of the phone, officials said.

"He agreed to be captured or die," a Moroccan official said of Tabarak. "That's the level of his fanaticism for bin Laden. It wasn't a lot of time, but it was enough. There is a saying: 'Where there is a frog, the serpent is not far away.' "

More than a year later, Tabarak, 43, has established himself as the "emir" or camp leader of the more than 600 suspected al-Qaida and Taliban members being held at Guantanamo Bay, Cuba, according to senior officials here who have visited the military compound twice to interview Moroccan citizens.

Tabarak, also known as Abu Omar, is respected even more because he helped bin Laden escape, the official said. The ploy involving the satellite phone is widely known and celebrated among the prisoners at the military prison, now called Camp Delta.

In the Tora Bora battle, U.S. B-52 bombers and attack helicopters, together with pro-Western Afghans and U.S. Special Forces troops, assaulted the high-altitude cave complexes where al-Qaida fighters had fled in November 2001. U.S. officials reported at the time that they believed bin Laden was in Tora Bora; by some accounts, his voice was heard on an intercepted radio transmission there.

Some military analysts argue that by relying heavily on Afghan allies in the battle, U.S. forces missed one of their best opportunities to capture the al-Qaida leader.

When Tabarak was detained, U.S. officials at first didn't realize exactly who they had, despite Tabarak's possession of the satellite phone, according to Moroccan officials. Unlike other captured senior officials, who were taken to secret locations for interrogation by the CIA, Tabarak was sent to Guantanamo Bay with dozens of other captives.

U.S. intelligence officials sent a mug shot of Tabarak, and numerous other captives, to cooperating intelligence agencies around the world, and the Moroccans immediately identified him, officials here said.

Tabarak's dedication to his cause has continued at Guantanamo Bay, where he has steadfastly refused to cooperate with the U.S. interrogators, insisting as he did at the time of his capture that he is a textile trader who was in the wrong place at the wrong time. "He's very solid," said the official, noting that despite his frail physique, Tabarak is disciplined and tough-minded.

U.S. and Moroccan officials have since established his role by examining the phone and interviews with other captives, including a Moroccan who moved with Tabarak as American forces approached.

Jan. 20, 2003, 11:57PM

World briefs

Houston Chronicle News Services

Leftist rebels kill 7 people in ambush

BOGOTA, Colombia -- Leftist rebels ambushed a police car along a northern mountain pass, killing six officers and a civilian at a roadblock. The attack occurred in a special "rehabilitation zone" in Bolivar province where the military has used special arrest and search powers to battle rebels.

North Korean leader hears Russian plan

SEOUL, South Korea -- North Korean President Kim Jong Il heard a Russian plan for ending his nation's nuclear standoff during talks Monday with a Moscow envoy, his first known meeting with a foreigner since the crisis started. The three-part plan, presented by Russian Deputy Foreign Minister Alexander Losyukov, envisions nuclear-free status for the Korean peninsula, and written security guarantees and a humanitarian and economic aid package for the impoverished North.

Ex-Serbian president surrenders to tribunal

THE HAGUE, Netherlands -- The former Serbian president, Milan Milutinovic, surrendered Monday to the U.N. tribunal, which has charged him with crimes against humanity related to the 1999 conflict in Kosovo. He was the last ally of Slobodan Milosevic to hold high office and had enjoyed immunity from prosecution until he stepped down in December.

Canadian avalanche kills 7 U.S. skiers

REVELSTOKE, British Columbia -- An avalanche swept down on a group of skiers from the United States in eastern British Columbia Monday, killing seven of them, officials said. Thirteen others were rescued from the avalanche near the Durand Glacier, outside of Revelstoke, said Bob Pearce, a spokesman for the B.C. Ambulance Service. The party of 20 skiers from the United States had chartered a helicopter to take them to the remote backcountry, Pearce said. Their names and home towns were not immediately available.

Jan. 21, 2003, 12:52AM

Venus first into women's semis with win

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MELBOURNE, Australia -- Venus Williams wasn't fazed a bit when spectators loudly called some of her shots out.

Williams responded with a burst of winners midway through the first set that helped carry her to a 6-4, 6-3 victory over Daniela Hantuchova on Tuesday and into the Australian Open semifinals.

"I was fortunate to get through," Williams said. "I don't think Daniela played as well as she wanted to today."

Williams is one victory away from a potential fourth consecutive Grand Slam tournament final against younger sister Serena, who beat her for three major titles last year.

Serena plays her quarterfinal Wednesday against Meghann Shaughnessy.

In the fifth game, spectators yelled that Venus Williams' previous shot had been out when she won a point with a volley. On the next point, a roar of "out" came from many in the crowd on Williams' forehand. There was no call from the line judge, but she missed the next shot.

After she lost the game for 2-3 on an out call that was loudly applauded, Williams came back to win her serve at love and broke for 4-3.

"In the middle of a point when the crowd starts to be noisy, it's best just to focus on your shot and not to worry if the ball was really in or out," Williams said. "I'd like to think they were in."

She had some shaky moments later, but broke three times in the second set, setting up match point with a backhand crosscourt passing shot on the run and winning when Hantuchova sent a backhand long.

She also served six aces at speeds of up to 125 mph, shown as 201 kilometers an hour on the board.

"I don't know if I served well, but did everyone see the 201?" she asked later. "I was surprised when I saw that speed. I got a bit distracted but I got my focus back."

Since hitting the fastest recorded serve in women's tennis, 127 mph in 1998, Williams said she had been

concentrating more on placement, hitting her fastest serves when she hasn't been trying.

Now, she said, "I'm going to start trying to see if I can serve even bigger than the record."

Hantuchova, a 19-year-old Slovakian seeded seventh, came close to beating Williams at last year's Australian Open, but now has a 0-4 record against her.

Hantuchova had a chance to even the first set at 5-all when Williams, serving at 40-15, netted forehands on the next three points. But with Williams helpless at the net, Hantuchova hit a lob long. She had three errors on the next four points.

Williams advanced to just her second semifinal at the Australian Open. Her best showing was a 6-1, 6-1 semifinal loss to Martina Hingis in 2001.

Belgium's Justine Henin-Hardenne plays Virginia Ruano-Pascual of Spain in today's only other women's quarterfinal.

No. 4 seed Kim Clijsters of Belgium plays No. 8 Russian Anastasia Myskina in Wednesday's last quarterfinal. In late fourth-round action Monday, Clijsters defeated Amanda Coetzer 6-3, 6-1, and Myskina upended 10th-seeded American Chanda Rubin 4-6, 6-4, 6-1.

Jan. 21, 2003, 12:15AM

Organizers look to tie Marathon with Super Bowl

By MEGAN MANFULL

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Only one day after an unprecedented number of runners took part in the HP Houston Marathon, Steve Karpas was too busy to celebrate. In the aftermath of Sunday's races, the marathon manager helped clean up at the George R. Brown Convention Center as his office phone rang off the hook and his e-mail inbox overflowed.

The enthusiasm surrounding the Houston Marathon, run for the 31st time this year, is at an all-time high, and Karpas refuses to let it wane. Participation has doubled in the past three years, and the marathon welcomed a record field of nearly 12,000 runners this year. But the thought of its having peaked is absurd to Karpas. If everything goes as planned, next year's event will be Super Bowl-sized.

"The Super Bowl is going to be a big part of our race next year," said Karpas. "We are already working with the Super Bowl host committee to tie us into that event. It would be like a 'Come for a marathon, stay for a Super Bowl' type of exposure."

The relationship will be invaluable to the marathon, which may need a new title sponsor if Hewlett-Packard decides not to extend its contract in the next two months. An affiliation with the Super Bowl all but promises national and international attention.

For the marathon, it also means more interest from sponsors and a substantial boost in participation.

"The momentum is clearly with us," Karpas said. "The community has really come back and stepped up to support this event. I believe the growth factor is still ahead of us."

There are important details to work out in the upcoming weeks, however, including the marathon's relationship with HP. The contract expires March 31, but Steve Huey, HP vice president of corporate sponsorships, is hopeful for an extension.

It's no coincidence that the marathon's biggest growth spurt began in 2001 when Compaq became the title sponsor. The corporation was focused on turning the marathon into a community-wide event rather than a competition for elite athletes.

The tide has definitely changed, with the Houston Marathon becoming everything Compaq envisioned

when the relationship was forged, Huey said. He is already of thinking of ways to continue enhancing the marathon and hopes HP's relationship with the event continues. HP is based in Palo Alto, Calif., however, and contract discussions will need approval from that office.

"They are aware of everything we do, and Houston is a very important part of the company," Huey said. "This is the second-largest hub of employment. It will always be key in the corporation."

A title sponsor is key for the marathon, especially at this stage when the momentum is reaching new heights. Huey said HP provided an estimated \$500,000 toward the marathon this year, helping defray the costs of running it and publicity.

Karpas said other corporations have stepped up and requested the chance to play a larger role in the marathon, including Halliburton, Landmark Graphics Corp. and the El Paso Corp. The interest gives Karpas hope that monetary support will continue to be available.

"It is important for us to have a sponsorship as large as HP because we do put on an event that requires (us to) have a large sponsorship," Karpas said. "We have the George R. Brown Convention Center; we close the streets for six hours. We have over 500 intersections, which requires a tremendous amount of police. The costs associated with putting on the event the way we choose to do requires that we have a sizable dollar sponsorship."

There is also a substantial amount of planning involved, and it is already under way for the 2004 marathon. After Karpas contacted the Super Bowl host committee, the city called Karpas. The three are now working together in a union expected to benefit everyone involved.

The marathon gave the city an economic boost this year with a record 1,200 runners coming in from out of state, quickly filling up the four host hotels. Next year, Karpas said, he hopes the impact will be even greater.

The marathon committee plans to advertise next year's marathon earlier and possibly increase the prize money, which totaled \$19,000 this year. Tack on help from the Super Bowl host committee, and Karpas can only imagine what everyone will be saying after next year's race.

"Here we have a Super Bowl and a world-class marathon," Karpas said. "The marathon can be that vehicle that really helps showcase Houston to the rest of the world. That's what the city has realized. The Super Bowl committee has realized it, and we want to be a part of that."

Jan. 21, 2003, 12:19AM

TSU powers past Grambling 87-44

By W.H. STICKNEY JR.

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On the day reserved for the annual Martin Luther King Jr. holiday, Texas Southern unofficially helped close out celebrations in the city by hosting Grambling at the Health & PE Arena.

TSU was peaceful yet powerful Monday night in an 87-44 win.

It was the Tigers' second consecutive victory, fourth in five SWAC starts and one of the most lopsided wins in recent memory in the history of the Grambling series.

"The light went on tonight," said coach Ronnie Courtney.

"We played the other games earlier in the year to get ready for (SWAC) competition. And in the SWAC, there's really never a night off. Regardless to what the score was tonight, I guarantee you Grambling is not that bad of a ballclub.

"They'll be back strong when we go to Grambling. I already know that.

"I think they learned something tonight, we learned something, too, that if we come out and play hard, get after people early, we can have those kind of games."

TSU, on the strength of its widest margin of victory this season, improved to 8-6 overall.

Grambling suffered its second straight conference loss and fell to 5-12 overall, 2-4 in the SWAC.

By halftime, the Tigers had doubled the score (42-21) on one of the teams picked during the preseason to dominate in the league.

"We know Grambling, they were picked to be No. 1," said forward Lionel Willis, after his second consecutive strong game (17 points, five rebounds).

"So we knew coming in we can't take anybody lightly. We wanted to send out a message. I think it was sent."

Over the first 20 minutes Monday, the Tigers were the complete opposite from two nights before when they committed 20 turnovers in the first half and had to rally from a 24-10 deficit to beat Jackson State 65-50.

Turnovers weren't nearly so prevalent. Except for one brief lull while trying to adjust to GSU's 2-3 zone, the Tigers were consistent on offense.

They shot 41 percent from the floor in the first half and 53 percent over the second period while outscoring Grambling 45-23.

Over the final 6:15, TSU held GSU to four free throws.

Coach Larry Wright's Tigers shot a miserable 29 percent (14-for-48) from the field overall.

Getting into conference competition has obviously agreed with the TSU, which was so far ahead (77-40) with six minutes left that Courtney sent in an entire team of reserves.

But Allen Lovett, the game's leading scorer with 24 points to go with a game-high eight rebounds and three assists, said there was another factor in the Tigers' free-wheeling.

"Coach just backed up off of us tonight," said Lovett. "He told us to relax and play.

"That's why we played the way we played. We hadn't been relaxed out on the floor. Tonight, we were.

"I had to relax and smile at the beginning of the game."

With Ra'Kim Hollis and Sean Walker quarterbacking the offense effectively and Willis and Lovett getting numerous fast-break baskets, Grambling had no idea how to stop the Tigers.

"We know we've got a bunch of talent on this team," said Lovett, who scored 12 points in each half. "We all put it together tonight. We all came together and played. Everybody played."

Despite a convincing triumph, Courtney, sticking to an old coach's credo, found at least a couple of negatives.

"As a coach, you have to find something," he said. "We had too many turnovers (15), and maybe we didn't get enough rebounds.

"We had 44 (to 30 for Grambling). But guys look for positive information, and we gave them a lot of positive information tonight."

Jan. 21, 2003, 12:07AM

Aeros look to do some road cookin'

By **ANDREW J. FERRARO**
Special to the Chronicle

When the 2002-03 AHL schedule was released in early August, it revealed to the Aeros one stretch of hockey that stood out above all others.

The schedule says the Aeros will play eight straight games from Wednesday to Feb. 7 away from home in what will be their longest road trip of the season.

And the timing couldn't be better for the trip that will take them through Connecticut, Michigan, New York, Pennsylvania and Illinois. The Aeros are playing their best hockey of the season and are coming off a two-game home sweep of the Manitoba Moose in which they outscored the opposition 10-2.

Aeros center Cory Larose said that his team is aware they will not play at home for three weeks, however winning both games against Manitoba should give them the confidence they need to win on the road.

"It's going to be tough going into all those new barns, especially out east," Larose said. "But we've done pretty well on the road this year, so hopefully we can take the momentum from these two wins with us."

Many of the players are looking forward to the trip that will include first-ever visits to Bridgeport, Rochester and Wilkes-Barre/Scranton. And familiar venues at Grand Rapids and Chicago should bring some sense of familiarity to a team that is 13-6-1 away from Compaq Center.

Aeros forward Dan Cavanaugh said that preparing for a long road trip can be tough, but mentioned that no specific goals have been set for the team to accomplish.

"Hopefully, we'll keep our focus. That is key," Cavanaugh said. "If we play simple hockey, we should be successful and come away with a good amount of points."

"You have to be mentally ready for a trip like this, but it should be a lot of fun because all of us guys will be together. We'll eat together, go to the movies. It's a bonding thing, really."

Aeros captain Sylvain Cloutier agrees that being on the road could be good for the team and said that no major changes are needed for the team to continue to play well.

"When you go away like this, it can bring a team closer together heading down the stretch," said Cloutier, referring to the last few months before the playoffs. "Every night, this team wants to win. Our game plan is centered on going out there and getting the win. If we stick to that, we'll be successful no matter where we play.

"We're just going to try to win as many games as we can."

After their first game in Hartford on Wednesday, the Aeros will play in three back-to-back situations before the All Star Break.

Then, after a five-day break, the Aeros will finish the trip in Chicago on Feb. 7.

Aeros coach Todd McLellan agrees that the All-Star Break will provide a much-needed rest for his team and a chance for the team to prepare for the final two months of the regular season.

"We've just got to get through the first part of that trip," said McLellan who was named the head coach for the PlanetUSA All-Star team. "They're going to need that break both physically and mentally."

McLellan confirmed that he has not talked with his team about how many games they'd like to win to deem their excursion a success.

"I don't think there is a player in our locker room that looks any further ahead than our next game," explained McLellan. "Right now we're just looking forward to playing Hartford and trying to take steps forward that night."

Jan. 20, 2003, 5:37PM

Watching television can be detrimental to young kids

By **T. BERRY BRAZELTON, M.D. with JOSHUA SPARROW, M.D.**
New York Times Special Features

Q. My husband and I are wondering about television / video use with children. We were raised with television and have chosen not to make it important in our lives. We have not introduced the television or VCR to our 14-month-old. Instead, we are readers and radio listeners.

On visits to friends' homes, we've seen children younger than our daughter, sitting in front of the television, mesmerized. We're tired of having other kids blast the television during these visits. So far, our daughter ignores it. We're happy. We'd rather have her learn through interactions and discovery.

Do young children receive anything positive from television or videos?

-- M.S., Niskayuna, N.Y.

A. Some television shows for children -- classics such as *Mister Rogers' Neighborhood* and *Sesame Street*, and some newer ones -- bring important perspectives. There are also a number of videos that can open children's eyes to whole new worlds and encourage them to dream.

But you are absolutely right to worry about what kids are watching at "prime times." Many shows contain aggression and/or sexual behavior that young children should not have to deal with, and the commercials are sometimes worse.

Television also takes time away from other important activities, such as physical exertion and make-believe play. It's a passive way to fritter childhood away.

The media are our biggest competitors for our children's hearts and minds. Still, you shouldn't make television and videos into forbidden fruit. If you banish television from your home and talk about it negatively, you are bound to make it all the more fascinating for your child.

Get a television -- preferably a small, poor-quality one that isn't a lot of fun to watch. Put it in a part of your home where no one spends a lot of time -- not in your child's room or in the kitchen.

We recommend that parents maintain control of TV viewing: one hour a day during the week, two hours on weekends (the maximum time tolerated by the American Academy of Pediatrics). Watch with your child so you can be prepared to answer her questions.

Parents who want to focus a child's time and energies on more exciting activities should limit their own television-viewing time. Children will model their interests on yours.

Some parents feel that they must allow their children to watch certain shows so that they won't be left out of conversations about them at school. Nonsense! Why not see this as an opportunity to encourage your children to be leaders, not followers?

Suggest to them that they can listen to what other children have to say and get the gist of the show -- without having to watch it. Later, when everyone's bored with talk about what was on television last night, they can share their own interests.

Questions or comments should be addressed to Dr. T. Berry Brazelton and Dr. Joshua Sparrow, care of the New York Times Syndication Sales Corp., 122 E. 42nd St., New York, N.Y. 10168. Questions may also be sent by e-mail to: nytsyn-families@nytimes.com.

Jan. 20, 2003, 8:12PM

Here comes the judge

Fox has high hopes for 'American Idol 2'

By MIKE MCDANIEL

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Can America stand another "moment like this?"

That's not a knock on Texan Kelly Clarkson and her hit single from last fall's smash *American Idol*. We'll let meanie judge Simon Cowell handle that. But it's a live question: With so much other reality programming now clogging television, can *Idol* hold onto its mega-ratings?

Tonight *Idol 2* kicks off its second season with a two-hour episode, and indications are that it's still hot. One sign: Some 50,000 contestants auditioned in front of Paula Abdul, Randy Jackson and Cowell -- five times the number of people who auditioned for original series.

While Fox does not expect *Idol 2* (7 p.m., Channel 26) to equal the original -- almost 23 million people tuned in last September to see Clarkson win a recording contract -- it does anticipate big numbers. CBS' *Star Search* is averaging a respectable 14 million viewers, and there's no reason to doubt *Idol* also will do well.

After tonight's two-hour premiere, the show will settle into hourlong editions on Tuesday and half-hour shows on Wednesday. Unlike *Idol 1*, which had one episode devoted to the early auditions, *Idol 2* will have three. Other changes: Brian Dunkelman is out as co-host; Ryan Seacrest will host alone. Also, a soundproof room has been set up where contestants can rant in front of a camera after their auditions.

In advance of tonight's opener, Jackson and Cowell, whom many believe are as important to the show's success as the contestants, faced the nation's TV critics Saturday in Hollywood. (Abdul was ill, Fox said.) Here are the highlights.

Question: Are the contestants different this time around?

Jackson: The talent is three times better than last time.

Cowell: To be honest, you can get 5 million people to turn up, and at the end of the day you're going to get three or four who are really, really good. This time we had 50,000 people turn up. We had 40,000

people who couldn't sing.

Q: Were there people who showed up just for the TV exposure?

Cowell: As far as I know, there were three people who got through the net, who were there to get themselves on TV. We spotted them a mile off.

Jackson: Yeah.

Cowell: And every time we let them sing badly, on purpose. And we said, "Actually, you know what? You're really good." And they'd be like, "Oh, OK, thank you very much." And off they went.

Q: Why is there so much bad singing? (The show will air more of the auditions this time around, culling down the 50,000 to 32 finalists in the Jan. 29 episode.)

Cowell: Everyone in the world wants to be famous, and they don't understand you need something called talent. ... What you're going to see is literally all shapes and sizes. It's a very different competition.

Q: Simon, how do you get along with Paula these days?

Cowell: Well, you have your good days and your bad days, don't you? I mean, we're not having dinner tonight.

Q: How many good days vs. bad days?

Cowell: Well, there weren't any good days.

Jackson: Ah, come on, Simon, come on.

Cowell: I'm not going to lie. We don't get on particularly well. But you have to take it a day at a time. You do your job, which is to judge talent. And if she irritates me, which she probably will, I'll tell her to shut up.

Jackson: Ooh.

Cowell: And she'll do the same to me. But it's not something you should be premeditated about. I mean, Randy is just as bad sometimes.

Jackson: Oh, come on.

Cowell: It's true.

Jackson: Come on.

Cowell: It's true.

Jackson: I'm actually the best one.

Q: Kelly Clarkson had done some recording before she was on the show. Does that violate the spirit of the idea behind the show?

Cowell: You will never, ever have a talent show the size of this and have somebody good who hasn't made demos or worked in the music industry before. But you can't have an existing record contract or an existing management contract (and Clarkson didn't).

Q: With all the talent shows out there, isn't the talent pool being diluted?

Cowell: These shows are proving my point, that there aren't that many talented people out there.

Q: What do you think of *Star Search* and the talent on that show so far?

Jackson: I'm really not very impressed. On this show you've got three people with 20 years in the music business each, at the top of the game. You can't get any higher. This is not about modeling. It's not about comedy. And we're not like some (of their judges), who are comedians. This is a serious music show to me.

Q: Simon, do you ever run out of mean words to say?

Cowell: Two points to that. One, they (the contestants) make it very easy. Two, as I reached the end of the first series, I sat there and bit my tongue on the last two or three shows because I thought, I'm going to work with these people. (Cowell is a record producer.). I will never, ever do that again. Because there were certain things I would have liked to have said and didn't. I will next time.

Q: Yeah, like what?

Cowell: I would have told (former stripper and *Idol* finalist) Nikki McKibbin to go back to the strip club.

Jackson: Ooh.

Cowell: I believe you should say what's in your mind. I thought, "You're a better stripper than you are a singer." I know that sounds rude, but that's what I felt.

Q: Do you think you didn't have enough impact in the final shows last time? (The public decides who wins by calling, for a fee, designated phone lines.)

Cowell: I would have loved to overturn the vote when Tamyra Gray was kicked off.

Jackson: Of course.

Cowell: But I think that's perhaps part of the excitement and drama of this show, that your favorite can get kicked off and there's nothing you can do about it. It's frustrating, but you've just got to go along with it.

Q: Are there any songs you never want to hear again for the rest of your life because the contestants have ruined them for you?

Cowell: How long have we got? Let me start with *At Last, I Believe I Can Fly, Crazy ...*

Jackson: *All Cried Out.*

Cowell: Oh, God!

Q: And do you ever want to hear Clarkson's single *A Moment Like This* again?

Cowell: No.

Jan. 20, 2003, 6:10PM

Golden Globes display their special kind of glitter

By **CLIFFORD PUGH**

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Oh, those Golden Globes!

While the Oscars are often derided as stuffy, Sunday night's telecast of the Golden Globe Awards featured a dazzling, often dubious array of fashion highlights.

Perhaps because the awards show is set in a hotel ballroom and has a humongous star quotient, with awards given out for movies and television, those walking the red carpet seemed more willing to have fun with fashion.

The show, which was broadcast on NBC, with fashion commentary by Joan and Melissa Rivers on E! Entertainment beforehand, provided a lot of fodder for water-cooler conversation.

Such as:

- What was Lara Flynn Boyle thinking?

The anorexic-looking actress from *The Practice* looked like a refugee from *Swan Lake* in a David Cardona-designed pink tutu and spike-heeled shoes secured by ribbons that wrapped around her calves.

Even her sometime boyfriend, Jack Nicholson, labeled the get-up "startling." (The couple did not attend the awards together.)

Boyle had a good comeback. She said she figured she was either a prima ballerina or a prima donna. (Bets in Hollywood were on the latter.)

"It's a party, so I wore a party dress," she said. "If they love it or hate it, at least it's fun."

Our verdict: You go girl!

- Maybe Goldie Hawn should take a lesson from her daughter.

Hawn looked like she was trying too hard to recapture her youth in a white Christian Dior gown with a

peekaboo, crisscross pattern from her chest all the way down to her sternum that showed way too much skin. Her daughter, Kate Hudson, looked much more glamorous in a strapless paisley-print gown by Valentino.

- Who tore off Nicole Kidman's gown?

Kidman wore a strapless lilac dress by Tom Ford for Yves Saint Laurent Rive Gauche that featured a long ruffled train in the back. But the front third of her gown was torn off about a foot above the knee, which made for some less-than-flattering photos.

- Trains are best left at the station.

Meryl Streep seemed uneasy in a glittery collarless Giorgio Armani jacket and black slacks with a wispy black train.

Streep, who seemed amazed at winning best supporting actress for *Adaptation*, tugged on her top throughout her acceptance speech. And later, when she joined Kidman and Julianne Moore onstage after *The Hours* was named best dramatic picture, she tripped on the train.

Perhaps she was jet-lagged. She cautioned that she had flown straight from Rome where she was shooting *Angels in America*.

"Don't get near me," she said backstage. "I smell like a camel."

- Accessorize and glamorize.

Richard Gere wore a Tibetan bracelet. U2's Bono sported custom Bulgari sunglasses -- even inside the ballroom. His band member, the Edge, wore a wool cap.

Catherine Zeta-Jones sported a diamond choker the size of an ice-skating rink. Moore wore big green earrings that complemented her red hair. Kidman's earrings were even larger. They nearly dusted her shoulders.

"They're sooo heavy," she complained. "They will be coming off later."

Friends' Jennifer Aniston, voted best actress in a TV comedy, apologized for leaning on a cane, explaining that she broke her toe when she stubbed it on an ottoman in her house. It's not a fashion accessory, she said, "but I got a senior-citizen's discount when I bought it."

- Someone lost his razor.

The Sopranos' James Gandolfini looked gruff in a full beard that needed trimming. And Brad Pitt sported shoulder-length locks more reminiscent of the 1960s.

- Wear red.

While some stars shy away from red to avoid blending into the carpet, Salma Hayek, Susan Sarandon, Kim Cattrall and Lisa Kudrow stood out in red dresses with plunging necklines.

Hayek's form-fitting gown, by Narciso Rodriguez, was so gravity-defying that it gave new meaning to the words "golden globes."

Hayek, who was with boyfriend Edward Norton, said the color reminded her of Frida Kahlo, whom she played in the movie *Frida*.

- Youth has its moments.

Beyoncé Knowles looked glamorous in an understated gown by Les Habitues with elegant embroidered roses on the bodice. Knowles said she wanted to look like a princess, and she did.

The same can't be said for Maggie Gyllenhall, the hot young actress in *Secretary*. Her high-necked white lace dress with a pink ribbon belt by Chanel Couture drew comparisons to a human doily.

- Honor roll.

Renée Zellweger looked elegant in a vintage black Valentino, and the pregnant Zeta-Jones exuded that old Hollywood glamour in a black gown with illusion sleeves that was custom-made by Donatella Versace.

Halle Berry proved again that she never makes a fashion faux pas in a sky blue gown by Reem Acra with a blue shawl. The low-cut gown was highlighted by \$5 million in Harry Winston jewels, including a huge teardrop sapphire.

Queen Latifah also was a fashion standout in a turquoise Escada pantsuit accented with a 73-carat Chopard necklace and 8-carat earrings.

The *Sex in the City* ladies looked fashion forward, as usual. In addition to Cattrall's red Valentino, Sarah Jessica Parker wore black pants and a black corset top by Hedi Slimane. Cynthia Nixon wore a feminine pale yellow tea-length dress by Badgley Mischka, and Kristin Davis channeled Veronica Lake in a luminous silver gown.

- Who cares what Jack wears?

Snagging the award as best actor in a drama for his role in *About Schmidt*, Jack Nicholson sounded surprisingly low-key.

"I took a Valium," he explained.

· Maybe Sharon Stone should ask Jack for a Valium.

Dressed like a lady of the evening in a black Versace get-up featuring a tattered skirt, fishnet hose and hooked boots, Stone wildly yelled out the names of nominees for best actor in a musical. Her demeanor was as goofy as her hairstyle, which looked like she had been through a hurricane.

Chronicle news services contributed to this report.

Jan. 20, 2003, 8:13PM

Non-networks stage a near-coup at Golden Globes

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FX's gritty police drama *The Shield* captured two awards and HBO walked away with seven to dominate the television portion of the Golden Globes.

In Sunday night's biggest upset, *The Shield* won best dramatic series, beating out such favorites as HBO's *The Sopranos* and *Six Feet Under*, NBC's *The West Wing* and Fox's critically acclaimed *24*. The show's star, Michael Chiklis, duplicated his Emmy win and took home the best dramatic actor award for his portrayal of an overbearing L.A. police detective.

Of the 11 categories honored, only one award went to a broadcast network show. Jennifer Aniston of NBC's *Friends* limped to the stage with a cane to accept the trophy for best actress in a comedy series, having recently broken a toe. Asked backstage how much pain she was in from her injury, she replied, "None at the moment -- this is a good anesthetic."

The only other award for a show not aired by HBO went to the USA cable network's *Monk*. Tony Shalhoub won best actor in a comedy series for his portrayal of a detective with obsessive-compulsive disorder.

HBO's wins included best comedy series and best miniseries or TV movie:

- *Curb Your Enthusiasm*, the work of Larry David, who plays a man obsessed with the bleak side of life, won for best musical or comedy series.
- *The Gathering Storm*, a portrait of Winston Churchill shortly before he became a World War II icon, won for best miniseries or made-for-TV movie.
- Albert Finney won the award for best actor for his portrayal of Churchill.
- Edie Falco, whispering her thanks due to a case of laryngitis, won best actress in a drama series for her role as a mob boss's wife in *The Sopranos*.
- Thrice-nominated Kim Cattrall finally won a best supporting actress statue for her lusty portrayal of publicist Samantha Jones on *Sex and the City*, joking, "You have no idea how many men I've had to sleep with to get this award."

- After winning best supporting actor in a series, miniseries or made-for-TV movie, Donald Sutherland paid tribute to his seven fellow nominees with, "I was given this because I am older than you are, which I think is only fair." Sutherland portrayed policy adviser Clark Clifford in *Path to War*, a study of the Lyndon Johnson White House during the escalation of the Vietnam War.
- Uma Thurman won best actress in a miniseries or TV movie for her portrayal of a young, working-class New Jersey woman in *Hysterical Blindness*.

Jan. 20, 2003, 8:06PM

'POV' turns lens to racial strife

By ANN HODGES

Copyright 2003 Houston Chronicle TV Critic

It may be difficult for the people of Jasper to watch what *POV*'s cameras saw during a year in the quiet East Texas town. It was 1999, the year Jasper was caught up in the trials of three white men whose brutal murder of a black man shocked people everywhere.

Now we'll all see what *POV* found in the documentary *Two Towns of Jasper*, at 8 p.m. Wednesday (edited for language), with an encore at 10 p.m. (unedited).

Immediately following each telecast comes Channel 8 host Ernie Manouse's exclusive interview with Stella Byrd, mother of the slain James Byrd Jr. It was her first TV interview in four years, and Manouse says it was difficult for her. She talks about her family, about the impact of the media on their lives. She turned down an interview request from Oprah Winfrey in favor of Manouse.

That's not all. On Thursday, Ted Koppel will host a town meeting -- *America in Black and White: Jasper, Texas* -- live from Jasper at 8 p.m. on PBS. At 10:35 p.m., Koppel's *ABC Nightline* will continue the town meeting.

In June 1998, three white men chained Byrd to the back of a truck and dragged him three miles to a horrible death. In January 1999, TV producers Marco Williams, who is black, and Whitney Dow, who is white, went to Jasper. Over the course of the three murder trials, Williams' black crew filmed Jasper's black residents, while Dow's white crew filmed whites. They talked to 30 people, blacks and whites in equal numbers.

The strategy raises questions: Concentrating the effort on such a small group perhaps doesn't fairly assess attitudes in the town at large.

But it's also a riveting report. There's no narration, no script, no effort to distill or analyze. What they say is how they feel.

Jasper is proud of its record in race relations and its resolve to bring Byrd's killers to justice. But slowly and subtly, it becomes clear that Jasper is racially divided in ways that reflect each person's experiences of race and culture. And in ways that may even surprise some of those who speak out here.

Convicted killers John William King and Lawrence Brewer now are on death row; Shawn Berry is serving a life sentence.

"Never before has a Klan member been sentenced to death for the murder of a black man," county official Walter Diggles exults. "Jasper has made more progress than any other community of this size in the country."

Still, "How, in the name of God, could somebody in this community commit a crime so bizarre?" he asks, shaking his head.

Jasper County District Attorney Guy James Gray offers an answer. "These guys had been in the pen, and when they came out, they were in the mind-set of the 1920s or '30s," he says. They thought nobody would care about the murder of a black man.

Jasper did care -- deeply. The townspeople came together, in churches and other meeting places. As the trials began, they gathered amid the media throng, to watch from the courthouse lawn. Mike Lout, owner of Jasper's KJAS, was the town's radio voice.

This murder made Jasper think of itself as black and white for the first time in a long time, Sheriff Bill Rowles says, as he revisits the scene. The crime still marks that quiet piney woods backroad.

As the trials start, some of *POV*'s chosen 30 are showing their true colors. The press is making Byrd a hero, some members of the white Bubbas in Training Breakfast Club complain.

"In any town, ask any black person if it's racist, and they'll say yes, and white people will say no," says electronics salesman Trent Smith. He's proud of the white supremacy tattoos that cover his torso. The three murderers have similar tattoos.

After the trials, though, Smith has a change of heart. "I don't believe in intermarrying," he says, "but other than that, I'd go to the ballgame or whatever. ... I grew up in prison, where that don't happen. It took a year, though, to realize the difference."

At a neighborhood beauty salon, "It never will be the same again," says black hair stylist Margena Wade. "We didn't rage, we didn't go out and burn things. But why is there just one black person working at the bank?"

Byrd's family offers a show of solidarity and dignity. King's father and Berry's brother also are there.

The old fence that separated black graves from white in the Jasper cemetery became a symbol of the clergy's attempts to help healing. Byrd was buried on the black side; the Rev. Ron Fosage, a Catholic priest, urged that the fence come down.

"Now that it's down, it brings great consolation," says the Rev. Kenneth Lyons of Greater New Bethel Baptist. "Jasper is moving toward oneness. Jasper is moving toward greatness."

Some positive things have happened. A new black church began construction. Black protests convinced the school board not to cut the Martin Luther King Day holiday.

Two Towns of Jasper is a hard lesson for the "two towns" everywhere. I only wish we'd heard from more of the people in these two.

***Two Towns of Jasper*, 8 p.m. Wednesday on PBS/Channel 8. Grade: A-.**

Jan. 20, 2003, 6:01PM

Want to lose weight? Get more sleep

By **FRAN HENRY**

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Weight loss is the No. 1 resolution in America, according to surveys, and possibly the most fragile. Nearly 90 percent of those polled said that they had either lost very little weight or actually gained.

What's the problem here? Perhaps these dieters aren't getting enough sleep.

Too little sleep can lead to weight gain, said Dr. Robert Corser, medical director of the Cincinnati Sleep Management Institute. Therefore, "when people resolve to lose weight, they also should resolve to sleep seven and a half to eight hours a night," he said.

Corser offered these explanations for the link between sleep and weight, based on research published in the Journal of the American Medical Association and the British medical journal Lancet:

- Sleep deprivation can cause high blood levels of glucose, which, in turn, causes the body to overproduce insulin. Overproduction of insulin can predispose people to gain weight.
- Sleep loss can increase production of the stress hormone cortisol, which increases appetite. It also can cause insulin resistance, which can lead to weight gain. People who are prescribed cortisol become ravenous and gain weight, Corser said.
- Lack of deep sleep leads to a growth hormone deficiency, which can cause a person to put on fat, not muscle.

Few Americans get the eight hours or more of sleep recommended by the National Sleep Foundation. According to the foundation's 2002 "Sleep in America" poll, about two-thirds of Americans sleep an average 6.9 hours per night on weeknights and 7.5 hours per night on weekends. That's down from an average nine hours in 1910, the foundation says.

"We live in a sleep-deprived society," Corser said. "Most people, especially those with kids, find it difficult to get eight hours. Those who run into difficulty are those getting five and six hours sleep."

Of course, there are the superhumans who do nicely on minimum sleep, such as Bill Frist, the new majority leader of the U.S. Senate. It is said that he sleeps four or five hours a night and did so even

when he was a practicing heart surgeon. Frist may be among those who are genetically predisposed to require very little sleep, said Dr. Susan Redline, a sleep specialist at Case Western Reserve University.

"While the average person needs seven to eight hours a night, there are people capable of getting much less, and some who need nine or 10 hours."

However, even those who think they can get by with less do better with more, she said.

Dr. Rafael Pelayo blames electricity for the sleep deficit. When Mother Nature dictated sleep patterns, people slept when it was dark and rose when it was light, said Pelayo, a physician at the Stanford University Sleep Clinic and a member of the National Institutes of Health sleep disorders advisory board. Electricity changed that, allowing people to decide how long a "day" lasts.

Some people, however, abuse the privilege, extending their days beyond a healthy length.

"People brag about how little sleep they get," Pelayo said. "It's a symbol of productivity."

But chronic sleep deprivation contributes to impaired mental functioning, not just difficulty with weight management. He cited research that found an association between adequate sleep and improved IQs.

Jan. 20, 2003, 8:13PM

Guest conductor, orchestra outshine play of Eroica Trio

By CHARLES WARD

Copyright 2003 Houston Chronicle

The Eroica Trio helped pump up the house at its Houston Symphony debut, but the orchestra's playing of works by Grieg and Mendelssohn with guest conductor Claus Peter Flor left the better impression.

The Eroica, a female violin-cello-piano ensemble that has made glamour an integral part of its persona, came to Jones Hall Saturday with its major orchestral calling card, Beethoven's Triple Concerto, a work heard only occasionally due to its unusual instrumentation.

Violinist Adela Peña, cellist Sara Sant'Ambrogio and pianist Erika Nickrenz dug into the music animatedly.

They produced a well-balanced, nicely singing sound. Nickrenz was particularly pleasing for the way she folded the piano into the full texture rather than letting it dominate. This keen sense of ensemble produced its most compelling music-making in the brief middle movement.

But the physicality didn't translate into truly energized music-making. In the outer movements, the string players seemed at the limits of technical comfort (and they never really solved the problem of playing just under the center of pitch). The resulting restraint drained the movements of the joyous, carefree atmosphere needed to sell this second-drawer Beethoven work.

Flor and the orchestra gave meaty support to the Eroica. That was just one of the several moods they sketched during the evening.

In Grieg's *Holberg Suite*, the opening work, the focus was on beautiful string playing and crisp characterization of the dance-based music.

The violins consistently offered light, airy, silvery sound. Concertmaster Uri Pianka led the chattering, festive Rigaudon that capped off the exquisitely conceived performance.

In Mendelssohn's *Scottish Symphony* (No. 3), Flor began with a somber introduction that promised just the right stance -- neither superficial nor overbearingly intense.

From then on, Flor and the musicians moved easily through a well-sculpted interpretation -- successively urgent, chattering, introspective and, ultimately, exultant.

The playing was excellent -- in both the obvious melodic leads and important interior details (especially from the horns).

Charles Ward can receive e-mail at charles.ward@chron.com.

Jan. 20, 2003, 5:57PM

Today on TV

Millionaire

Kevin Punwasi, an Internet consultant in Houston, sits in the *Who Wants to Be a Millionaire*'s hot seat today and Wednesday.

2 p.m., Channel 2.

Graduating Peter

This documentary catches up with the boy with Down syndrome featured in the 1992 documentary *Educating Peter*.

6:30 p.m., HBO.

Top talk

Live With Regis and Kelly welcomes Rita Rudner, Wilmer Valderrama (9 a.m., Channel 13). **The View** features co-host Paula Abdul, Jennifer O'Neill, Katey Sagal (10 a.m., Channel 13). **The Tonight Show With Jay Leno** welcomes Julianne Moore, Ryan Seacrest, India.Arie (10:35 p.m., Channel 2). **Late Show With David Letterman** guests: Regis Philbin, John C. Reilly (10:35 p.m., Channel 11). On **Nightline**, Whitney Dow and Marco Williams discuss their PBS documentary, *Two Towns of Jasper* (10:35 p.m., Channel 13).

Jan. 20, 2003, 11:11PM

On Two

The following albums are scheduled to be in stores today:

Pick of the week: With *Lovebox*, the British duo **Groove Armada** embraces elements of hip-hop, Jamaican dancehall, blues, funk, disco and rock. Noted vocal guest performances include Richie Havens, Nena Cherry and Sunshine Anderson.

Local debut: **Solange Knowles**, little sister of Destiny's Child star Beyoncé Knowles, finds her own hip-pop path on *Solo Star*.

We are family: Open your ears to the influence that American R&B and soul has had on musicians all around the globe on world music label Putumayo's *Global Soul*. This fresh, high-flying compilation touches down with France's Melgroove, South Korea's Tasha, Cameroon's Kaissa, Brazil's Aricia Mess and Italy's Traccia Mista.

We will rock you: **The Sea and Cake** gathers in *One Bedroom* for a session of ethereal, post-modern music. ... **Unwritten Law** goes acoustic on *Music in High Places*, the soundtrack to the group's MTV special, recorded in Yellowstone National Park. ... Gothic string ensemble **Rasputina** puts a spell on classic rock songs like Creedence Clearwater Revival's *Bad Moon Rising* on *The Lost and Found 2nd Edition*. ... The ever-worthy **Mission U.K.** spaces out on *Even After ... Live*.

Trib time: *Almost You: The Songs of Elvis Costello* pays respects to the horn-rimmed songwriter with performances by Matt Pond PA, Fastball, Vic Chesnutt and others.

Scandi rockers: Sweden's politically minded (**International**) **Noise Conspiracy** score two releases -- the mixed media *Bigger Cages*, *Longer Chains* and *Up for Sale*. ... Another Swedish export, **Bomb Shell Rocks**, blends garage pop and hard-core punk on *From Here and On*.

Show stoppers: **Lena Horne**'s triumphant stage performance in the 1957 Harold Arlen musical *Jamaica* (opposite Ricardo Montalban) is now available on CD. Collectibles Records has packaged this rarity with Horne's studio-only performance of selections from *Porgy and Bess*, co-billing Harry Belafonte.

-- **Knight Ridder Newspapers**

JOKES ON US

My therapist told me that to achieve inner peace, I should finish things I have started.

Today I finished two bags of potato chips, a lemon pie, a couple of martinis and a box of chocolates.

I feel better already.

-- **Submitted by Jack Davignon, Spring**

CALENDAR

READING SERIES: The Margaret Root Brown Houston Reading Series, co-sponsored by Inprint and the University of Houston, features Colson Whitehead and George Saunders at 7:30 p.m. Monday at the Alley Theatre, 615 Texas Ave.

Doors open at 6:45 p.m. Free for students and seniors; \$5 general admission.

Tickets available only at the door on the night of the reading.

LIGHT THE CANDLES

Actor Paul Scofield is 81. Golfer Jack Nicklaus is 63. Opera singer Placido Domingo is 62. Actress Geena Davis is 46. Basketball player Hakeem Olajuwon is 40. Singer Emma Bunton (Spice Girls) is 27.

TODAY IN HISTORY

In 1793, during the French Revolution, King Louis XVI, condemned for treason, was executed on the guillotine.

In 1861, Jefferson Davis of Mississippi and four other Southerners resigned from the U.S. Senate.

In 1954, the first atomic submarine, the USS Nautilus, was launched at Groton, Conn.

In 1976, the supersonic Concorde jet was put into service by Britain and France.

In 1998, President Bill Clinton angrily denied reports he'd had an affair with former White House intern Monica Lewinsky and tried to get her to lie about it.

IT'S FREE

FOR KIDS: Young People's Concert, an entertaining program for children of all ages by the Shepherd School Symphony Orchestra, will be at 11 a.m. Saturday in Stude Concert Hall at Rice University. The

concert hall is in Alice Pratt Brown Hall, Entrance 8 off University Boulevard.