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Jan. 29, 2003, 11:53PM

Says department corrupt; claims he was used as scapegoat

By KRISTEN MACK

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The Houston police captain who ordered the arrests of 303 people at westside raids was fired Wednesday, ending a five-month investigation that tarnished the careers of 32 officers and cost the department \$123,000.

Acting Police Chief Tim Oettmeier announced Mark Aguirre's firing during his report to City Council on the August raids targeting drag racing. He said 31 other officers were disciplined.

"The intentional bad acts of a certain few were exacerbated by an ignorance of the law, ineffective management, lackadaisical supervision and just plain sloppy police work," Oettmeier said.

In Aguirre's first public comment since late August, he lambasted Oettmeier and the Houston Police Department, saying they made him a scapegoat for a dysfunctional department.

"They treated me like a department piñata," Aguirre said. "This department is hopelessly corrupt, and this is a grotesque charade posing as justice."

Aguirre, indicted on five counts of official oppression in connection with the raids at the Kmart and James Coney Island parking lots, had been suspended since August.

His lawyer, Terry Yates, said Aguirre will be exonerated at his trial and will prove that he followed procedure and did nothing illegal.

"What we witnessed was nothing more than the political lynching of Aguirre, and they used Oettmeier as the henchman," Yates said.

Aguirre's firing came a day after Sgt. Ken Wenzel, also indicted on five counts of official oppression, announced he was resigning rather than possibly face termination. Wenzel, from the South Central Patrol Division, quit just hours before a scheduled hearing with Oettmeier on Tuesday.

The Aug. 18 raid at the Kmart in the 8400 block of Westheimer was planned to target drag racers. When no racers were found, officers arrested 278 people on charges of trespassing and curfew violations.

Another 25 were arrested the night before at the nearby James Coney Island.

The arrests sparked a public uproar, and all the charges were dismissed and are being expunged at the city's expense, which could cost \$165,000. Several lawsuits have been filed against the city and HPD.

"It would have been impossible to prove any of the criminal cases in court," Oettmeier said of the raids. "There was a blatant disregard of policy and procedures."

The game plan Aguirre executed was not approved by the assistant chief, Oettmeier said. Officers herded people with little guidance and did not ask non-customers to leave or face arrest, as the law requires, he said.

Another 30 officers involved in the raids have been disciplined -- ranging from demotions, suspensions and written reprimands.

Oettmeier said those officers were disciplined because of their conduct, including the way they treated people and their responsibility to know laws and procedures.

Several council members questioned the repercussions an officer would face if they questioned a superior's orders. Hans Marticiuc, president of the Houston Police Officers Union, said officers who question orders are suspended on the spot.

"It's well established that you don't question authority in this department," he said. "This department is ... managed by discipline. There is no room or toleration for questioning authority."

Officers who went on the raids followed what they believed to be lawful orders, Marticiuc said. Even those who questioned the legality ahead of time were assured the plan was sanctioned and that the higher-ups would support them, he said.

"The city is covering its behind on the backs of officers," Marticiuc said. "The department, as well as the city, is looking to limit liability. What we're looking for is leadership to take us out of this rut we appear to be in."

Oettmeier conceded there is a fine line between questioning an order and directly disobeying it, and that there is no template on how to handle a situation.

While council members thought Oettmeier handled himself well and took responsibility for the debacle, they feel it is important now to create department policies to ensure this isn't repeated.

"We have not established a procedure, and you have to do that to protect your rank-and-file officers, otherwise you force them to make subjective judgments that are open to political criticism and that's no

way to police," Councilman Michael Berry said.

After the raids led to the largest internal investigation in HPD history, Oettmeier acknowledged that officers are looking for direction from management.

Councilman Gabriel Vasquez said the probe suggested there is a systemic problem in HPD.

"Somewhere there was a breakdown in the accountability system of control," he said.

It will be up to Police Chief C.O. Bradford to establish follow-up procedures and make corrective actions, Oettmeier said.

Bradford, acquitted last week of aggravated perjury charges in an unrelated matter, was on leave during most of the investigation. He was reinstated, but has been on vacation since, leaving Oettmeier to deliver the news to council. Bradford had no part in the disciplinary decisions, Oettmeier said.

"I have some sense of relief that the investigation is closed, but there is a significant aftermath we have to deal with," he said. "It's premature how to suggest we are going to remedy it."

Jan. 29, 2003, 10:38PM

Congress given a peek at case against Saddam

Powell to lay out evidence at U.N.

By MICHAEL HEDGES and KAREN MASTERSON
Copyright 2003 Houston Chronicle Washington Bureau

WASHINGTON -- The Bush administration Wednesday gave members of Congress a preview of new evidence against Saddam Hussein and indicated it would show the United Nations satellite photographs of Iraq moving what could be chemical and biological weapons.

Next week, Secretary of State Colin Powell will lay out to the United Nations what the White House believes is a persuasive case that Saddam's regime has weapons of mass destruction and substantive links to al-Qaida terrorists, top administration officials said.

President Bush, on the road in Michigan, called for the United Nations to stiffen its resolve for disarming Saddam.

"I wanted the United Nations to be something more than an empty debating society," Bush told an audience to loud applause. "The risks of doing nothing, the risks of assuming the best from Saddam Hussein are simply not worth taking."

He added, "In my judgment, you don't contain Saddam Hussein. You don't hope that therapy will somehow change his evil mind."

As part of an intense lobbying effort to gain backing for war with Iraq, Bush dispatched Powell and Defense Secretary Donald Rumsfeld to Capitol Hill for a classified briefing with members of Congress.

They showed scores of legislators some of the recently declassified evidence Powell plans to use Wednesday in a high-stakes speech before the U.N. Security Council that is aimed at securing that body's backing for disarming Saddam by force.

Opinions about the effectiveness of the briefing varied.

"They will have pictures when they go the U.N. next week," Rep. Ray LaHood, R-Ill., said after the briefing. He said Rumsfeld "laid out a whole list of things that people have never heard before," providing further evidence that peace depends on regime change in Iraq.

"I learned more; I became more convinced," said Rep. Carolyn Maloney, a New York Democrat. She said "concrete evidence" connecting Saddam to the al-Qaida terrorist network was provided.

But Rep. Chris Bell, D-Houston, saw the evidence as less compelling.

"I would characterize it as another building block in making the case for going forward," he said. "I do think the administration has gotten the message they'll have to be more forthcoming with members of Congress and the public."

Neither Bush nor his Cabinet members spoke explicitly Wednesday of a timetable for war. But officials indicated that the "final phase" leading either to war or a clear-cut Iraqi disarmament had begun.

That final phase would not extend much beyond the arrival in Southwest Asia by late February of sufficient U.S. combat power to overwhelm Iraq's defenses, officials said.

One end game being openly discussed by Bush officials Wednesday was for Saddam to accept exile from Iraq.

"If he were to leave the country, and take some of his family members with him, and others in the leading elite that have been responsible for so much trouble during the course of his regime, we would, I'm sure, try to find a place for them to go," Powell said during a State Department briefing. "That certainly would be one way to avoid war."

The full-court press by top administration officials came as polls indicated Bush gained ground with his Tuesday State of the Union speech in his effort to convince Americans that war with Iraq was necessary.

A CBS News poll showed that approval for military action to remove Saddam and his regime among those whom watched the speech was 67 percent before the speech and 77 percent after it.

But those polled were almost evenly split on whether that action should occur now, or after further U.N. inspections.

Among the revelations Powell is likely to make next week is that Iraqi intelligence has penetrated the security of U.N. weapons inspection teams and knows in advance where they are going and what they are looking for, allowing the inspections to be evaded, one official said.

To back up that claim, the United States will provide satellite photographs that show Iraq moving what could be chemical and biological weapons ahead of inspectors, and cleaning out sites before the arrival of U.N. teams.

Intelligence experts said Wednesday that in Powell's speech next week, the United States must carefully

balance the need to make the case for a war with Iraq with protecting informants and the techniques they used to gather information.

"It is more the techniques than the people," said Vince Cannistraro, a former top CIA official. "They are going to talk about the product of electronic intercepts that reveal that Saddam is playing a shell game with the weapons inspectors."

One of the options being considered by the administration is to propose before the United Nations a final deadline for Saddam to comply with disarmament resolutions, or face immediate military action to disarm him, an official said.

That deadline would be finite, about one month, he said. Iraq says it has already disarmed. It was not clear how compliance with that demand would be gauged.

The willingness to share U.S. classified intelligence with the United Nations strongly suggested that the administration is committed to acting within a few weeks, rather than allowing an open-ended inspection process to continue, Cannistraro said.

That message was made repeatedly by Bush officials Wednesday.

"The diplomatic window is closing," said U.N. Ambassador John Negroponte. "What you are going to see unfolding in the next several days is a period of intense diplomatic activity."

Mohammed Al-Douri, Iraq's U.N. ambassador, promised Iraq would resist an "imperialistic invasion."

He said of Bush, "You can accuse as much as you like, but you cannot provide one piece of evidence ... The inspections of suspected sites in the past few weeks dispelled the allegations of Iraqi WMDs (weapons of mass destruction.)"

Texas lawmakers who heard from Powell and Rumsfeld on Wednesday put different interpretations on what they heard.

Rep. Tom DeLay, R-Sugar Land, said he saw "new information" on "the intelligence to link al-Qaida to Iraq."

The briefing was mostly cordial, although Rep. Lloyd Doggett, D-Austin, rankled Powell and Rumsfeld by asking how many casualties they expected. His question was not answered.

Jan. 29, 2003, 9:50PM

Musicians hope walkout strikes a chord in dispute

By CHARLES WARD

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In a historic move, musicians of the Houston Symphony said they will stage a one-day strike Saturday to protest the lack of a new contract with the Houston Symphony Society.

The players have never struck in the orchestra's 90-year history, said Roger Kaza, chair of the musicians' negotiating committee.

"Houston's cultural jewel is at risk," said players representative Dave Kirk in a Wednesday news conference at Jones Hall, where approximately 30 of the orchestra's 97 members gathered. "The prolonged contract dispute now necessitates a show of resolve."

The walkout scuttles the first of three highly anticipated performances with violin superstar Midori and Houston music director Hans Graf. The Sunday and Monday performances will come off as planned, musicians said.

Tonight's gala concert with cellist Yo-Yo Ma also is expected to occur as planned.

"We were surprised and disappointed at the decision of the musicians to stage a walkout," said Art Kent, the orchestra's senior director of public affairs. "We were not expecting this, especially since negotiations are continuing."

Kent said the orchestra's customer service center will attempt to contact patrons holding tickets for Saturday's concert and reseat them for Sunday or Monday.

A performer of Midori's caliber would be expected to attract a near sellout audience of more than 2,000 on Saturday.

"The musicians' walkout causes a major inconvenience for symphony patrons and results in a significant loss of revenue for the Houston Symphony, which is already battling to overcome a severe financial crisis," management said in a statement.

Kent said the symphony would have to pay Midori's fee for the canceled concert and cover refunds to some ticket-holders and the extra costs of reseating others. He said it was too early to estimate the total

loss.

The musicians have performed without a contract since the previous agreement expired Oct. 5. Additional negotiating sessions, covering minimum salary, size of health insurance premiums and other issues, are tentatively scheduled for the week of Feb. 10, Kent said.

The musicians said they scheduled the strike for Saturday because it's the day management intends to impose a 14 percent salary cut, raise health insurance premiums and begin reducing the orchestra by five players through attrition.

The Houston Symphony Society, which operates the orchestra, has not confirmed those terms.

The musicians said they may cancel other concerts, as well.

"We will evaluate our future performance schedule as negotiations proceed," Kirk said.

The confrontation comes after several years of relative calm among American orchestras. No major ensemble has staged a full-fledged strike since 1996, when Atlanta, Philadelphia and San Francisco all walked out in actions lasting between seven and 10 weeks.

The last time the Houston Symphony ceased performances during a labor dispute was in 1976, when management held a 3 1/2-month lockout.

The Houston players threatened to strike in September 1997 after playing without a contract for more than three months. An agreement reached just before the deadline averted the walkout.

Current negotiations have been contentious. The society says it faces a \$2.3 million deficit this season and must address its historic pattern of deficit spending.

The musicians see any cuts as a long-term threat to the artistic quality of the orchestra. They want the society to raise their salaries to the national average by 2007 and improve seniority pay.

Currently, the minimum annual salary in Houston is \$74,100. The national average, according to the musicians, is approximately \$89,800.

Jan. 29, 2003, 11:55PM

Elite club quietly polishes Texas' rising political stars

By JULIE MASON

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WASHINGTON -- Chatting with President Bush at a recent White House reception, Houston Democratic Rep. Chris Bell discovered one thing they have in common: membership in a little-known but increasingly influential Texas organization.

"It was nice to have an icebreaker with the president," Bell recalled recently. "He mentioned several people in the White House and elsewhere who were Lyceum alumni."

Like Bush, Bell is a member of the Texas Lyceum Association, an exclusive nonprofit group based in Dallas that is evolving into a fruitful networking system for those rising in the ranks of federal and state government.

Aimed at identifying and grooming the next generation of leaders, Texas Lyceum was founded in 1980, but only in the past few years has it started seeing members in significant numbers taking top spots in government and the private sector.

Throughout the Bush administration and Congress, Lyceum alumni of both parties fill key posts. Many connected with the organization tout the relationships formed through the group as a major advantage of membership.

"The biggest benefit to Lyceum, I think, is the people, the network you can create," said Rodney Nathan, president of Lyceum and director of global diversity at Houston's Duke Energy. "It's the ability to be sitting next to someone who in the future will become a congressman, a governor or president."

To become a Lyceum member, new inductees must be nominated by other members and vetted for suitability by an applications committee -- meaning you have to know someone to get in and be someone to qualify.

Bob Stein, Rice University political scientist and pollster, noted that such organizations trace their origins to the Freemasons and other clubs, which gained in popularity at the turn of the 19th century.

"It's not unlike the Augusta National Golf Club in theory, because it's not the exclusion, it's the lack of

inclusion" that makes them noteworthy, Stein said. "Of course the members are all promoting each other; it's how things get done, it's how it's always been done."

Republican Sen. Kay Bailey Hutchison is a Lyceum alumna, as is James Glotfelty, a senior policy analyst at the Department of Energy who was a policy adviser to Bush in the governor's office.

"A lot of the contacts I had at Lyceum were people I worked with in the governor's office, and most of the people I knew from Lyceum came up here to Washington when he became president," Glotfelty said. "We always stick together; we have created great friendships."

State government also is salted with Lyceum members, starting at the top with Gov. Rick Perry and including several members of the Texas Legislature.

Lyceum members in the Bush administration include Margaret Spellings, Bush's chief domestic policy adviser; and Clark Kent Ervin, inspector general of the State Department, who was recently nominated by Bush to serve in the same job at the much larger Department of Homeland Security.

Like Ervin, most Lyceum alumni in Washington can cite several others serving in key posts throughout the administration and tout them as friends.

"It was really an opportunity to get to know other people my age who were already in government or likely to be in government and were interested in government and policy issues, like I am," Ervin said. "I have kept in touch with many Lyceum people over the years, to this day."

Lyceum inductees are recruited and nominated by members or alumni and go through an application process to be accepted. The organization cultivates a membership that is balanced among Republicans, Democrats and independents.

Ross Ramsey, editor of the political newsletter Texas Weekly and the only journalist so far accepted into the Lyceum, said networking is a key part of the experience.

"The idea is to pull together people who are already sort of rising in their fields and get them acquainted with each other," Ramsey said, "to do the public policy stuff we all thought was so boring in high school and find so fascinating now."

Once accepted, a member pays \$300 a year and up to \$175 each to attend at least two of the four symposiums held throughout the year in different locations around the state. The organization caps the number of active members at 96 at any given time.

Work sessions typically last a weekend and immerse members in topics such as sports financing, children's health, energy and justice policies, tourism, and public finance.

"I thought it was going to be like watching paint dry," said Bell of the meetings. "But it really became an education."

In terms of prominence and influence, Texas Lyceum is only beginning to emerge as a force in government and politics, owing much of its newfound status to the presence of a Texan and alumnus in the White House.

Private clubs and societies have historically been a vital but often hidden pathway for the lucky and well-connected to move up in Washington.

Some, such as Yale's Skull and Bones club, of which Bush is also a member, are highly secretive and select, with members that include past presidents and leaders of industry.

Others, such as the conservative Federalist Society, a legal organization with many members in the White House, are less exclusive but use their position to promote public policy -- such as pushing particular judges for nomination to the federal bench.

Over the years, sociologists and anthropologists have traced and studied overlapping memberships in groups such as corporate boards of directors and elite private organizations, because many of the private societies have had a measurable impact on public policy and the advancement of members.

Stein said such groups tend to thrive because they are exclusive and because membership has its rewards.

"Issues come and go, but at the end of the day, it's still about people," Stein said.

Jan. 30, 2003, 12:44AM

`I'm going to hit him'

Stepdaughter says Harris was out for revenge

By ALLAN TURNER

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Teen says 'it wasn't an accident' when stepmom ran over dad

By ALLAN TURNER

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Enraged after witnessing her husband and the mistress he had promised to dump emerging hand-in-hand from a hotel, Clara Harris aimed her Mercedes-Benz at her offending spouse and peeled out for revenge, her stepdaughter said Wednesday.

"She said, 'I'm going to hit him,' " Lindsey Harris, daughter of slain orthodontist David Harris, testified in her stepmother's murder trial. "She said it like that's what was going to happen. I screamed, 'No!' lots of times. But she stomped on the accelerator and went straight for him."

As jurors in state District Judge Carol G. Davies' court listened intently, the 17-year-old girl recounted the tale of marital discord that ended in her father's July 24 death in the parking lot of the Nassau Bay Hilton.

Although she was composed through most of her testimony, she occasionally fought back tears.

David Harris' daughter by a previous marriage told jurors that she routinely spent part of each summer at her father's Friendswood home. When she arrived last summer from her home in Columbus, Ohio, however, she discerned a dramatic change.

Clara Harris often abandoned the bedroom she had shared with her husband for that of her twin sons, then age 3, the girl said. And David Harris flirted with his office receptionist, Gail Bridges, a 39-year-old divorced mother of three.

Lindsey Harris, who worked several days a week at her father's office, told jurors she grew suspicious when she saw her father affectionately place his hand on Bridges' leg.

The downward domestic spiral accelerated after Harris confessed the affair to his wife on July 17. Later that morning, Clara Harris accompanied her husband and stepdaughter to his office to fire the receptionist.

"My dad looked very sad. He didn't want Gail to go," Lindsey Harris testified. "Clara told him, 'To save our marriage, we need to get rid of her now.' "

Clara Harris told her stepdaughter of her husband's affair.

"I thought the affair was wrong," the teen told jurors, "but I still loved my dad.

"I told him, 'Don't do this to her. This is wrong. You guys love each other.' He said he knew but that I didn't understand because I didn't live there all the time. He said he got no attention."

Nonetheless, she said, Harris pledged that he would end the affair during a July 24 dinner with Bridges at Perry's Grille and Steakhouse, a Clear Lake-area restaurant.

The next few days passed in relative harmony, the teen said. The family took a weekend trip to Galveston, and the defendant shot photos of her family on the beach.

But as the date for the kiss-off dinner grew nearer, Clara Harris' anxiety mounted. On July 23, she hired a private detective to follow her husband and visited the Nassau Bay Hilton with her stepdaughter to view a room like the one her husband and his mistress had shared.

"I went to comfort her," Lindsey Harris explained.

When a worker at David Harris' office telephoned Clara Harris to tell her that her husband had gone to Bridges' home, the pair went to the receptionist's house to investigate. No one was home.

Then, at the appointed time for David Harris' meeting with Bridges, the girl and her stepmother went to Perry's Grille. The couple wasn't there, either.

Lindsey Harris told jurors that they then received a phone call from a private eye who reported the orthodontist and Bridges were at the Hilton.

Clara Harris telephoned the family's nanny, telling her to collect a few of her husband's suits and put them on the doorstep. All of his other belongings should be discarded, she told her.

Then she headed for the Hilton.

On arriving, Harris and the teen asked hotel clerks if the couple had registered. They were told they had not. Then they walked into the parking lot to search for Bridges' black Lincoln Navigator.

When they found it, the teenager testified, Clara Harris went wild. She scraped the vehicle with a key, then ripped the windshield wiper from the back window and twisted the front wipers.

Then, with the teen following, she returned to the hotel. Inside, they telephoned the orthodontist on his cellular telephone.

Lindsey Harris said she called first and her father answered, claiming to be at a restaurant. The girl made up a story that he needed to come home because one of his sons was ill.

Minutes later, Clara Harris called her husband, telling the same story and asking him to come home.

Then she and the girl waited by the hotel doors.

"She said she could kill my father for what he had done and get away with it," the teen testified. "She was calm, and I didn't think anything of it. I knew she wouldn't do anything like that."

Then the orthodontist and his lover walked from the elevator.

Clara Harris charged Bridges, ripping her blouse and slapping her, the girl said. Before the melee ended, David Harris had kicked his wife, and his daughter had collapsed on the floor.

He and Bridges left separately from his wife and daughter.

In the Mercedes, Lindsey Harris testified, she could see that her stepmother was enraged.

"Her face was red," she said. "She had an evil expression on her face. We backed out -- fast."

The teen testified that her stepmother almost ran down a hotel employee before spotting her husband, who was standing with Bridges near the Navigator.

She gunned the motor and hit her husband, then circled through the parking lot to run over him twice more, Lindsey Harris said.

"I was really upset and was screaming, `You're killing him!' " the teen told jurors. "I could tell the difference of the bump when we went over a big cement curb and when we went over my dad."

When the car stopped, she said, Clara Harris kneeled over her dying husband, wailing, "I'm so sorry! I'm so sorry! It was an accident! Are you OK?"

"It wasn't an accident," Lindsey Harris said. "She knew what she did."

Speaking to reporters after court adjourned for the day, chief defense attorney George Parnham said the girl's testimony surprised him.

"In direct examination, she came across embracing Gail and her father, putting it off on Clara for spending too much time with the twins," he said.

He also noted that Lindsey Harris is a party to a wrongful-death lawsuit filed by her mother against Clara Harris.

Jan. 29, 2003, 11:35PM

Hole swallows whole lotta loot

Council approves spending \$3 million to patch pavement

By KRISTEN MACK

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Houston City Council on Wednesday approved spending as much as \$3 million to fix an 11-foot deep sinkhole on Almeda, probably the most it's ever spent to patch pavement, officials said.

The chasm began as an humble pothole in November but soon grew to car-swallowing proportions, causing the city to reroute traffic through the largely commercial area.

Business owners, who complained they were losing customers to the detour, joined with residents to create an advisory group and spent much of the holidays conducting 12 meetings to get the problem fixed.

"It's a structural and engineering nightmare," said Councilwoman Ada Edwards, whose district includes the Almeda sinkhole. "It's taken us longer than we expected to fix it."

Wes Johnson, a spokesman for the Public Works Department, said this may be the most the city has ever approved to fix a sinkhole.

The monstrous sinkhole, -- approximately 60 feet by 70 feet -- formed after a 30-year-old sewer line collapsed.

Workers have spent the past few months stabilizing the hole by sinking eight water wells beneath the ground to pump water from around the sewer line.

"Not only do we need to make the sinkhole whole again, we also must see that the traffic and pedestrian problems are dealt with effectively and that the community is kept up to date about the progress of the work," Edwards said.

The city plans to complete the repairs by this spring

Jan. 29, 2003, 10:17PM

Deputy given probation in sex case

Conviction could be removed from court records in 3 years

By LISA TEACHEY

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A former Harris County sheriff's deputy was given three years deferred adjudication probation Wednesday for having sex with a female inmate when he worked in the county jail.

Although Randy Reed, 27, pleaded guilty to the state jail felony offense, under the terms of adjudication probation, if he successfully completes the probation there will be no conviction on his record.

State District Judge Mike Anderson ordered Reed to surrender his peace officer's license, pay a \$200 fine, perform 120 hours of community service and write the woman a letter of apology.

Prosecutor Tommy LaFon said he agreed to the sentence because Reed is cooperating with the district attorney's office and providing information that may lead to investigations of other sheriff's department employees.

LaFon would not specify what those investigations entail.

"He's basically provided some information that's prompted some leads on some other issues," LaFon said. "I don't want to go into specifics because those are now ongoing investigations."

Reed, who had worked as a jail guard for 10 years, resigned Sept. 16. LaFon said the misconduct occurred Aug. 27. The female inmate had been convicted of drug possession.

Defense attorney Sam Adamo said Reed did not use coercion to get the inmate to submit.

"It was a voluntary act by both parties and a weak moment for my client," Adamo said. "He accepted responsibility because an officer is held at a higher standard of conduct than an ordinary person. If there had been a nonpolice officer involved there wouldn't be a crime."

Although the sex was consensual, state law prohibits anyone who works or volunteers at a correctional facility from having sexual contact with individuals in custody. A conviction carries a maximum penalty of two years in a state jail facility and up to a \$10,000 fine.

LaFon said the law was enacted to protect inmates from the inherent imbalance of power within jails and prison.

Before Anderson imposed the sentence, Reed briefly addressed the court to apologize.

"I want to apologize to you, to the state of Texas and to myself for letting myself down," Reed told Anderson.

Jan. 29, 2003, 11:48PM

Senators denounce budget 'bombshell'

Strayhorn accused of delayed figures

By POLLY ROSS HUGHES and CLAY ROBISON

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AUSTIN -- Senate budget writers lashed out at Carole Keeton Strayhorn's comptroller staff Wednesday, accusing her of keeping them in the dark by playing politics with the budget shortfall estimates, which recently doubled to nearly \$10 billion.

They also vehemently denied Strayhorn's criticism that they engaged in a spending party two years ago and seemed surprised at the "bombshell" regarding the severity of a cash-flow crisis looming in August.

Sen. John Whitmire, D-Houston, accused Strayhorn of playing politics with her budget revenue estimates, holding back bad news that a \$5.1 billion shortfall was really \$9.9 billion until after last fall's election.

"Y'all held it back," Whitmire told Strayhorn's staff at the first meeting of the Senate Finance Committee on Wednesday. "To quote you, you didn't want to create a crisis in fall. You just wanted to drop it on us in January. If they give an award on accuracy in projections, you better hope they grade on a curve."

Deputy Comptroller Billy Hamilton insisted that revenue estimators had believed the key sales tax would rebound with a recovering economy, especially by the Christmas sales season.

Instead, it got even worse when stronger consumer sales no longer buffered a big dip in business sales tax, he told the committee.

Strayhorn sent committee members a letter after the meeting, denying that her office has a credibility problem. Yet, during her re-election campaign last year, she repeatedly insisted her \$5.1 billion revenue shortfall estimate was "concrete."

Rep. Scott Hochberg, D-Houston and a current member of the House Appropriations Committee, said trouble was obvious by last summer and that Strayhorn might just be "the world's greatest optimist."

He said instead of sales taxes growing at the projected 4 percent for the biennium, they began sloping downward last spring, particularly in May. In order to meet the projection, the sales tax would have to

grow even faster to catch up.

In May, they would have needed to start growing 6 percent and by early December they would have needed to grow 11 percent, Hochberg said. Yet, the gap just kept widening.

Sen. Eliot Shapleigh, D-El Paso, protested the spending spree allegation, noting that Texas ranks last or near last in the nation in several spending categories.

"I think it hurt this process to stand in front of the taxpayers of Texas and make a claim that there's been a spending spree when in fact we're the most parsimonious state, nearly, in the United States," he said.

Confusion reigned concerning a cash-flow crisis the comptroller's office has warned will hit in August. Lawmakers need to come up with \$1.4 billion in cash, the comptroller's office says, double what some lawmakers thought.

"The reason I called it a bombshell is because it was a surprise," Finance Committee Chairman Teel Bivins, R-Amarillo, said of the need for more cash.

Strayhorn had publicly warned two weeks ago that lawmakers needed to pay a \$1.8 billion bill by August to close a shortfall in the current budget year.

Hamilton said only \$400 million of that can be short-term borrowing from unencumbered state accounts. Last week, legislative leaders asked state agencies to immediately cut \$700 million in spending, but that solves only half the problem.

Legislators can come up with the cash a number of ways, Hamilton said. They can delay payments for certain items so that these are covered in the next budget cycle, cut spending more, tap more than \$300 million in tobacco settlement accounts or spend down the nearly \$1 billion Rainy Day Fund.

While lawmakers were criticizing Strayhorn at the Capitol, the comptroller was a few blocks away, criticizing them.

In remarks to the Texas Association of Business, Strayhorn repeated her earlier accusation that the revenue shortfall was caused partly by excessive spending by the Legislature two years ago.

"In short, the last Legislature had a party and left this Legislature with a hangover," she said.

Strayhorn, in comments to reporters, also defended dramatically raising the estimate of the revenue shortfall to \$9.9 billion.

"We told the people exactly what we knew precisely when we knew it. When we closed the books on the

fiscal year last August, we were still cautiously optimistic," she said.

At that time, Strayhorn said, tax collections were keeping pace with her earlier projections, but collections fell in November and December. Hochberg's analysis disputes that.

The comptroller said her latest revenue projection is "precisely on target now," but she said she will change it again, if necessary.

Strayhorn continued to resist calls from some legislators to use money from the state's Rainy Day Fund and said the Legislature needed to build the fund to about \$3 billion.

The comptroller also proposed a constitutional amendment that would divert half of any future budgetary surpluses into the Rainy Day Fund and use the other half to provide new "holidays" on some sales taxes during the Christmas shopping season.

At present, the state has a sales tax holiday on some back-to-school clothes and other items for a few days each August.

Jan. 30, 2003, 12:07AM

GOP victories move think tank to prominence

Conservatives once on fringe

By ARMANDO VILLAFRANCA

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AUSTIN -- When the Texas Public Policy Foundation was created in 1989, the conservative think tank was considered an obscure fringe group with little influence in state politics.

But today, the foundation can command a top-tier list of speakers for a legislative policy conference, reflecting a rise in prominence now that political control has clearly shifted to the Republicans.

Gov. Rick Perry was the keynote speaker Wednesday evening, the first day of the forum, and other top Republicans are on the agenda, including Lt. Gov. David Dewhurst and Texas House Speaker Tom Craddick.

Perry said the foundation's political clout has grown because its conservative principles are shared by many Texans.

"I think the mainstream of the Legislature is reflective of the people that go and vote ... (and) I think the Public Policy Foundation, by and large, reflects the thinking of mainstream Texans," he said.

But some political activists are concerned about the group's rising profile in state politics.

"Ten years ago, the Public Policy Foundation was a fringe organization, and they would be one today if it weren't for the political turnover in Austin and the fact that they have cleverly parlayed political connections over the years into the appearance of influence," said Samantha Smoot, executive director of the Texas Freedom Network, a group that opposes many causes espoused by social conservatives.

San Antonio businessman James Leininger created the foundation to advocate conservative principles, including limited government, low taxes and school vouchers.

In the past three years, Leininger has contributed at least \$1.7 million during state elections, in particular to the campaigns of Perry and Dewhurst. The lieutenant governor once served on the foundation's board of directors.

"What's at stake is placing a tremendous amount of political influence into the hands of one person who is not elected, who's gained this power through making enormous campaign contributions while creating this incredible political infrastructure on the other hand," Smoot said.

While the four-day forum features major Republican officeholders, some room was made on the agenda for a few renegade Democrats -- as long as they share the same views on some issues.

State Rep. Ron Wilson, D-Houston, talked to the group Wednesday about school vouchers -- an idea he supports but one that many Democrats oppose. Wilson said school vouchers are the only solution to a public education system that he said has failed students in poor neighborhoods.

"I think it's important for those who are the bottom of the barrel to subscribe to voucher participation," Wilson said. "I think we need to give those kids a chance at an education of their choice."

He said school districts have become behemoths filled with administrators more concerned about the size of their offices or the number of contracts they secure than with the education of children.

"This is not the same system that it used to be, and I will not support the system in its current configuration," he said.

Last month, Wilson filed a bill that would create a pilot voucher program for children who qualify for reduced-price or free lunches, and who fail a portion of the state assessment test or who are attending a low-performing school. The voucher would enable their parents to apply their share of state aid -- between \$4,700 and \$5,700 depending on the district -- to private school tuition.

The bill applies to schoolchildren in the six largest urban school districts in the state.

Wilson has championed school vouchers for disadvantaged children for years without success. But under the current state leadership, he and supporters of vouchers have a chance to see such legislation passed.

The U.S. Supreme Court ruled last year that using tax dollars to attend religious schools does not violate the separation of church and state.

Although the conference boasts an impressive list of speakers, the foundation came under fire in December for distributing a fund-raising letter listing the endorsements of Perry, Dewhurst and Craddick.

The letter solicited contributions of \$5,000 to \$100,000 from lobbyists to underwrite the \$500,000 conference.

After first insisting it had done nothing wrong, the foundation later admitted it had made a mistake by including the names in the letter.

The three Republican leaders said they were unaware their names had been used.

"We did not know about that letter in advance, and we would not have allowed them to use the governor's name as it was written. Had we known about it, we would not have authorized it," said Kathy Walt, the governor's spokeswoman.

She said the endorsements were an attempt to capitalize on the governor's name and popularity.

Despite his disapproval of the letter, the governor went ahead with plans to address the conference as its keynote speaker. Walt said Perry agreed to speak at the event before the letters were distributed.

Jan. 29, 2003, 10:21PM

Justice Department probes Texas Tech professor's policy

Student alleges religious discrimination

LISA FALKENBERG

Associated Press

The U.S. Department of Justice is looking into the policy of a Texas Tech University biology professor who refuses to write letters of recommendation to students who don't believe in the theory of human evolution, school officials said Wednesday.

Federal officials, in a Jan. 21 letter, asked the university to respond to a complaint alleging that Texas Tech and biology professor Michael Dini are discriminating on the basis of religion.

The complaint was filed by a student and the Liberty Legal Institute, a Plano-based religious freedom organization that calls Dini's policy "open religious bigotry."

"Students are being denied recommendations not because of their competence in understanding evolution, but solely because of their personal religious beliefs," said Kelly Shackelford, chief counsel for the institute. "No professor has the academic freedom to discriminate against students on the basis of their race, sex, or religious beliefs."

Texas Tech spokeswoman Cindy Rugeley said the university stands by Dini and that his policies do not conflict with those of Texas Tech.

"A letter of recommendation is a personal matter between a professor and student and is not subject to the university control or regulation," Texas Tech Chancellor David Smith wrote in an October response to a complaint letter.

Dini, an associate professor who has been at Texas Tech for 10 years, said Wednesday that he didn't know about a federal inquiry. He referred questions about his policy to a Web page that outlines it.

The Web page advises students seeking a recommendation to be prepared to answer the question: "How do you think the human species originated?"

"If you cannot truthfully and forthrightly affirm a scientific answer to this question, then you should not seek my recommendation for admittance to further education in the biomedical sciences," Dini writes.

The institute learned about Dini's policy from Texas Tech student Micah Spradling, who withdrew from Dini's class and the university in the fall and enrolled at Lubbock Christian University after learning about the policy.

Spradling, 22, who plans to be a physician, said he needed a letter of recommendation from a biology professor but, as a creationist, could not "sit there and truthfully say I believe in human evolution."

"It's a theory. You read about it in textbooks. I could explain the process, maybe how some people say it happens, but I could not have said ... I believe in it," Spradling said Wednesday. "I really don't see how believing in the evolution of humanity has anything to do with patient care or studying science."

Spradling re-enrolled at Texas Tech this semester after obtaining a recommendation letter at the other school.

On Dini's Web site, he writes that he has the policy because he doesn't believe anyone should practice in a biology-related field without accepting "the most important theory in biology."

He argues that physicians who "ignore or neglect" the Darwinian aspects of medicine or the evolutionary origin of humans can make bad clinical decisions.

A scientist who denies the "fact" of human evolution, Dini writes, is in effect committing "malpractice regarding the method of science."

"Good scientists would never throw out data that do not conform to their expectations or beliefs," he writes.

In addition to the evolution stance, Dini rejects students he doesn't know fairly well and those who haven't earned an "A" in one of his classes.

Harvey Madison, president of the American Civil Liberties Union of Lubbock, said there is no merit to the institute's complaint.

"This was a student or a group who was looking to re-ignite the creation-evolution battle," he said.

Jan. 29, 2003, 11:56PM

Man executed for killing 2 women in Beaumont clinic

By MICHAEL GRACZYK
Associated Press

HUNTSVILLE -- A former machinist who wrote bad checks to pay for massage treatment at a Beaumont clinic was executed Wednesday night for gunning down the clinic owner and another woman there nearly 12 1/2 years ago.

Richard Dinkins declined to make a final statement, responding to the warden, "No, sir" when asked if he wanted to say anything.

In a written statement, however, he asked for forgiveness and expressed regrets

"I am sorry for what happened and that it was because of me that they are gone," he said. "If there were any way I could change things and bring them back I would. But I can't."

On Sept. 12, 1990, a smoke alarm summoned emergency workers to the massage therapy clinic. When they arrived, instead of discovering evidence of a fire, they found the two wounded women.

Dinkins, 40, contended his gun "just went off" during a struggle that left clinic owner and nurse Katherine Thompson, 44, dead.

Prosecutors said the shooting moments later of the second woman, Shelly Cutler, 32, convinced them and jurors that Dinkins should go to death row.

"The thing that stands out is the murder of the second victim," said Paul McWilliams, who prosecuted Dinkins for the double slaying. Sept. 12, 1990.

Evidence showed Cutler, an Idaho-based traveling nurse who was filling out paperwork as a prospective patient when gunfire erupted, ran to an office, closing the door behind her.

"We believe she was trying to call 911, and he reached through the window and shot her," McWilliams said. "What she must have gone through!"

Both women were shot in the head with a .357-caliber Magnum. Thompson died shortly after the shooting. Cutler died the following day.

Jan. 30, 2003, 12:11AM

Jury convicts man who stole mortgage, settlement money

By ROSANNA RUIZ

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A Houston man sat stony-faced Wednesday as a federal judge announced that a jury had convicted him on 12 of the 13 bankruptcy and mail fraud charges against him.

The jury, which began deliberating late Tuesday afternoon, found that Richard Dragon, 41, had pocketed mortgage payments and insurance settlement checks while he was an office manager for a Houston lawyer from 1994 to 1998.

"I'm shellshocked," Dragon said afterward. "I didn't see this coming."

Dragon's attorneys, Anthony M. Fisch and Scott Shearer, said they intend to appeal. They had argued that the government had gone after the wrong man.

U.S. District Judge Vanessa Gilmore will sentence Dragon on May 5. Dragon, who remains free on bail, could get five years in prison on each count.

Witnesses testified that they sought help from lawyer Bobby Stokes to remedy problems with their mortgage companies. The clients said Dragon handled their cases and insisted that they send him cash only and said he would handle their mortgage payments.

Instead, Dragon kept the money and filed for their bankruptcy without their knowledge to avoid foreclosure, the clients said.

Evidence also showed Dragon had settled clients' personal injury claims without their consent or knowledge .

Florence Green testified that she was arrested in 1998 for failing to appear at a bankruptcy hearing, and she learned only then that six bankruptcy filings had been made in her name from 1995 to 1998.

Jan. 29, 2003, 10:19PM

Illnesses force 2 area schools to close

Some cases at Brazos campuses are like virus that hit other district

By ERIC HANSON

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Two of the three schools in the rural Brazos school district will close today and Friday in hopes of halting a wave of absences caused by illnesses this week.

School officials have not been able to pinpoint the exact nature of the outbreak, saying dozens of students at Brazos Middle and Brazos Elementary schools are exhibiting different symptoms that fall into two basic categories.

"We have had one group with stomach problems, diarrhea and fever, and then we had another group with coughing and congestion," said middle school principal Jack Ellis.

Some of the cases are similar to those in a viral outbreak that struck another Houston-area school district earlier this month.

Ellis said the number of children calling in sick at the 222-student middle school, in Wallis in Austin County, has risen each day this week until 47 stayed home Wednesday.

Another 11 became ill at school and were sent home after classes began.

School officials said 71 of the 398 students at Brazos Elementary school in the town of Orchard in Fort Bend County were reported sick Wednesday and that 12 more became ill in class and went home.

Ellis said district officials hope the closures will halt the spread of the illnesses and stop the cycle of infection.

"This will give them time to go home and get well and come back and start fresh next week," Ellis said.

School board member Michael Scarce said the district's high school did not seem to be experiencing any unusual health problems and the campus will remain open.

Kaye Reynolds, deputy director of the Fort Bend County health department, said the illnesses appear to

be from different causes.

"It is not like all the kids have one illness or something like that. They just have a bunch of the different things that are going around this time of year," she said.

Reynolds said county health officials will closely monitor the situation in the next few days.

The outbreak at the Brazos district resembles a virus that swept through Cypress Creek High School about two weeks ago.

More than 700 students were absent from class after being hit by a bug that caused nausea, vomiting and diarrhea.

Harris County health officials believed that outbreak was caused by a "Norwalk-like" virus that has been plaguing passengers on cruise ships.

Norwalk-like viruses are a major cause of gastroenteritis, sometimes called "stomach flu," in the United States.

The Norwalk name is derived from the identification of the first such virus as the cause of a gastroenteritis outbreak in Norwalk, Ohio, in 1968.

The virus typically occurs in contained populations, such as those in nursing homes, hospitals and schools, and can be spread by food, water and contact with infected people or things they have touched.

There is no specific treatment except for comfort measures for symptoms. Proper handwashing and not sharing food or drinks can prevent transmission.

Jan. 29, 2003, 10:38PM

7 area schools headed to state Academic Decathlon

By TERRY KIEWER

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After handily dominating a recent regional Academic Decathlon contest, seven high schools from the Katy and Fort Bend districts now are headed to the 2003 state championship Feb. 28-Mar. 1 in Garland, officials said Thursday.

The competition, staged annually at regional and then state levels across most of the country, culminates in a national contest that pits more than 50 student teams against one another in tests of scholarly knowledge, essay writing, public speaking and quick factual recall.

Katy Taylor High School's 44,130-point winning score in the recent Region VIII Academic Decathlon qualifier, held Jan. 17 at Northbrook High School, means the six-time state champ is back in the running for another title.

Pasadena Dobie High School, a long-standing Taylor rival, posted the highest score in the state -- 45,803 -- to win its Region VI contest. Taylor's point total was the third-highest in the state, officials said.

Last year saw the state contest marred by a dispute between top-finishers Dobie and Lubbock high schools over scoring practices. At issue was who deserved the state crown.

In the lawsuit that ensued, a judge gave the championship to Lubbock, which subsequently finished third at the national contest in Phoenix.

Officials said the Lubbock campus won its Region VII contest this month and will return to state. The school's 42,764 points was seventh-highest in the state.

The 2002 team from Taylor finished fifth in state, a disappointment for a campus that perennially contends for top state and national honors. The showing stemmed from a transition of Academic Decathlon coaches at the campus and a late start to contest preparation, school officials said.

The recent Region VIII contest ended with Clements and Elkins, two Fort Bend district campuses, finishing second and third, respectively. Katy High placed fourth, Fort Bend Kempner got fifth, Katy Cinco Ranch was sixth, and seventh went to Fort Bend Dulles.

Finishing eighth and just out of the running for the state contest was Katy Mayde Creek High School, officials said.

Forty teams compete in the large-school division at the state level, including all regional winners and teams statewide with the highest scores.

Taylor won state in 1995, 1997, 1998, 1999, 2000 and 2001, going on to win the national contest in 1997 and 2000. In 1998, 1999 and 2001, the school was national runner-up. Dobie was state and national champ in 1992 and 1996.

The national contest this year is April 23-26 in Erie, Pa.

Jan. 29, 2003, 11:06PM

Another lifesaver

Like organs, tissue needed for transplants

By DEBORAH MANN LAKE
Special to the Chronicle

At the tender age of 4 1/2, Chance Wright has two "angels in the sky," as he calls them, and will need at least two more during his lifetime.

Those "angels" -- an infant and an 11-year-old child -- have saved Chance's life through the donation of their tissue, in this case, their aortic valves.

Most people are familiar with organ donation. But they may not realize that tissue donation is just as critical as the donation of a kidney or liver, and can be done after the heart stops beating.

"There are three-quarters of a million tissue transplants annually," said Jeff Orlowski, managing director of tissue recovery services for LifeGift, a nonprofit organ procurement organization in Southeast, North and West Texas. "Tissue donation impacts a tremendous number of lives every year. One person can benefit up to 50 people. It's life-saving and life-enhancing."

Tissue includes skin, bone, eyes, heart valves, veins, tendons and even the dura mater that surrounds the brain. There is no cost to donate.

Because it does not require an immediate blood supply, tissue can be recovered for up to 24 hours after a donor's death. Organs, however, must be recovered when brain death has been declared but the heart is still beating by artificial means. A heart can be out of the body just four hours and a liver 12.

Tissue also has a longer shelf life than organs -- it can be frozen for up to two years and freeze-dried for up to five years. Orlowski said most tissue is used within a year. "The criterion is mostly health, not age, of the donor. And most tissue is used in the Houston area," Orlowski said.

Born with pulmonary atresia, a birth defect that prevented blood from reaching his lungs, Chance survived on an artificial aorta until he could receive one from a donor when he was 8 months old.

He had a second operation last May.

"He's already had the help of two donors and will need the help of two more," said Chance's mother, Temple Wright. "As he grows, he outgrows the valve and it must be replaced. Those donated valves are precious gifts that keep my son alive."

Donated skin can also be life-saving. The primary use for skin is to cover damaged areas of burn victims while they heal and grow their own skin for grafts. When covered in cadaver skin, the patient has less chance of developing an infection or other complication, Orlowski said.

Skin is removed from the back and legs so that a family wanting an open casket can have one.

James Buchinger was 18 when he died in an automobile accident. After he was declared brain-dead, LifeGift approached his family about possible organ and tissue donation.

"They answered a lot of questions and cleared up a lot of misconceptions on our part, such as the open casket," said his mother, Carla Buchinger. "Our younger son said it was what James would have liked, and he was right. James was a sensitive, giving, caring person. We knew it was something he would want to do and we felt an overwhelming sense of peace after our decision."

James Buchinger was a full organ and tissue donor, and a few months after his death, his family received a letter listing the first names and residences of people who received a donation and the organs and tissue they received.

"Knowing that James lives on in other people and getting the list of people he helped has given us the greatest sense of peace and joy that ever could be found out of a tragic event," Buchinger said.

Tissue donations of veins can help reconnect the blood supply to a limb. Bone can help someone who has lost bone to cancer or a traumatic injury. Eyes and corneas can restore sight.

While artificial aortic valves are available, having a human one means Chance does not have to rely on anticoagulants and can therefore lead a more normal lifestyle.

Just recently, he had his first baseball lesson.

"I think it helps people to know that something good and positive can come out of tragedy," Wright said. "We're very grateful. Chance is a reminder to appreciate each day."

Jan. 29, 2003, 11:46PM

Referrals link victims with donors

As a former paramedic for 15 years, Sean Conley had long recognized an area of missed opportunity when it came to tissue donation.

So he spent years working on a program, now under way, to link up with area emergency service personnel to identify people who died at the scene of a traumatic event, such as a car accident, who could be tissue donors.

Tissue donation, which includes heart valves, veins, bone, eyes and skin, is possible within 24 hours of death.

"It seemed natural to get referrals like this because I saw a big hole in potential donors from people who were dying in the field," said Conley, who manages tissue replacement and communications for LifeGift, a nonprofit organ and tissue procurement organization. "The traditional way was to work through hospitals, but these people were going on to the medical examiner's office or funeral home and being missed."

LifeGift launched its referral program with the Montgomery County Hospital District's emergency medical service last July. Since then, EMS workers have referred 15 possible donors to LifeGift, of which five families agreed to the donation of tissue.

For more information, contact LifeGift at 713-523-4438.

-- DEBORAH MANN LAKE

Jan. 29, 2003, 11:39PM

Of note

Hispanic men sought for prostate screening study

The Department of Family and Community Medicine at Baylor College of Medicine is looking for Hispanic men, ages 50 to 70, to participate in a research study. The study seeks to learn more about men's views of prostate cancer screening, and to educate men about prostate cancer screening. The participants cannot have been diagnosed with prostate cancer, or have had a PSA test in the past year. The study will require two interview sessions within six months. The participants will be paid \$30 for each session.

For more information, call Kristin Weidman at 713-798-1668.

UTMB president elected to national health panel

Dr. John D. Stobo, president of the University of Texas Medical Branch at Galveston, has been elected to a three-year term to the national Institute of Medicine Council. The IOM Council is the governing board of the Institute of Medicine, a private, nonprofit organization that advises Congress and various federal agencies on issues relating to medicine.

The IOM is composed of more than 1,300 members who are elected to the organization based on their contributions to the field of medicine.

Stobo was first elected to the IOM in 1986 and has served the group in various leadership positions, including as chairman of the Board on Health Sciences Policy from 1993 to 1999. In 2000, he chaired an IOM task force that prepared a report addressing the training needs for health professionals who respond to family violence.

Eye surgery offered at reduced price for study

The Department of Ophthalmology and Visual Science at the University of Texas Medical School at Houston is offering reduced-rate laser vision correction to qualified participants in a clinical study comparing the results of LASEK performed using LADARVision and Visx laser systems.

The study will use 20 participants, each of whom will have one eye corrected using LADARVision and the other corrected using Visx. The surgery will cost \$1,000 per eye, a significant reduction in cost.

Both of the techniques are approved by the Food and Drug Administration, and will be performed by trained doctors. The study will measure the difference, if any, in the efficacy of the two techniques.

Participants must be over 21. They will be screened to see if their uncorrected eyesight meets the parameters of the study. Those interested in participating in the study should call 713-704-1839.

Study: New antibiotic can fight kids' infections

Pediatricians have another weapon in their arsenal to fight infections that have shown resistance to common antibiotics, says a team of investigators led by Baylor College of Medicine.

Study results showed that linezolid, a new type of antibiotic, is well-tolerated and as effective as the most common antibiotic, vancomycin, in treating infants and children with known or suspected Gram-positive infections, said Dr. Sheldon Kaplan, a Baylor professor of pediatrics.

"Incidence of these infections is increasing at an alarming rate in children in the community without typical risk factors, such as recent hospitalization," said Kaplan, also chief of the infectious-disease service at Texas Children's Hospital. "This underscores the need for new treatments for children with hard-to-treat resistant Gram-positive infections, because there are limited options available for this age group."

The study included children with complicated skin and soft-tissue infections, nosocomial pneumonia and bacteremia caused by resistant Gram-positive bacteria including methicillin-resistant staphylococcus aureus, or MRSA, and methicillin-resistant staphylococcus epidermidis.

Jan. 29, 2003, 10:32PM

Raymond Dabek, 75, pro baseball player

By SALATHEIA BRYANT

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Raymond Dabek, who began his love for baseball playing with his brothers on the sandlots of Buffalo, N.Y., and extended it to a 20-year professional career, died at home here on Sunday from complications associated with diabetes. He was 75.

Dabek joined the Houston Buffs, a farm team of the St. Louis Cardinals, as a catcher in 1956, when the team won the Dixie Series championship.

He was a man with huge shoulders, a strong arm and a lifetime batting average of about .260.

Although he was once on the roster of the Brooklyn Dodgers and Cleveland Indians, the stocky 5-foot, 10-inch catcher never played in a major league game.

Fred McAlister, a former teammate, remembers him as being a motivator who would charge the team up even if it were down five runs.

"He was a real good catcher with a good arm," said McAlister. "He just loved the game so much. He was a good player. He had a little power."

Dabek dated his future wife, Joan, for three winters while playing winter league ball in Panama. They were married nearly 52 years.

"He liked baseball," Joan Dabek said. "He played in the Army. It was just in his blood. He had two TVs in his room for sports. He had a beautiful career. It was hard for him to leave, but he knew it was time to go."

He managed a farm club for the Colt 45s and then for the Astros.

Dabek retired from baseball in 1964 and joined the city's water department full time. But he still worked events at the Astrodome for 25 years.

Friend Hal Wadsworth said Dabek also developed young players through the Greater Houston Baseball School, working with players ages 7 to 18.

"He's only been in heaven a few days and he's probably already started a league up there," said Wadsworth. "Ray helped a lot of kids pursue professional baseball and college."

Dabek is also survived by son Stephen and two grandchildren.

His family and friends remembered him at a service Wednesday at Niday Funeral Home, 12440 Beamer.

Deaths elsewhere

Nedra Volz, character actress who played housekeeper Adelaide Brubaker on *Diff'rent Strokes* and postmistress Miz Emma Tisdale on *The Dukes of Hazzard*, Jan. 20, of Alzheimer's disease, in Mesa, Ariz. She was 94.

John Browning, Grammy-winning pianist, Jan. 26, cause not given, in Sister Bay, Wis. He was 69.

Natalia Dudinskaya, Ballerina and teacher of some of Russia's most acclaimed dancers, Jan 29, in St. Petersburg, Russia. She was 90.

Joseph Wharton Lippincott Jr., retired chairman and president of Philadelphia publishing company the J.B. Lippincott Co., Jan. 25, of respiratory disease, in Bryn Mawr, Pa. He was 88.

James Edward Newton, former Securities and Exchange Commission regional administrator who helped write securities laws in three states, Jan. 16, in Seattle. He was 98.

Ruth L. Swanson Venn, whose Archway Cookie Co. became known throughout the United States and Canada for its soft, chewy cookies, Jan. 27, in Battle Creek, Mich. She was 93.

Diana Menuhin, wife of violin maestro Yehudi Menuhin, Jan. 25, in London. She was 90.

Jaromir Obzina, former communist interior minister, Jan. 24, of cancer, in Prague, Czech Republic. He was 73.

Jan. 29, 2003, 11:54PM

News briefs

Two people honored by Crime Stoppers

Crime Stoppers of Houston on Wednesday honored two people for their efforts in the law enforcement community.

Tim Miller, founder and director of Texas EquuSearch Mounted Search and Recovery Team, was given the Leon Goldstein Award for the group's search and rescue efforts for missing persons. The award is given to those who provide exceptional or longstanding service improving the safety of Harris County citizens.

Houston police homicide Capt. Richard Holland received the Johnny Klevenhagen Award, given annually to those in the criminal justice system who best exemplify those traits the late Harris County sheriff embodied.

Beginning in September 2001, Holland and the HPD Sex Crimes Unit spearheaded a program to spotlight sex offenders who fled parole supervision.

Mother dies on learning of her daughter's death

A Katy woman collapsed and died after learning her daughter had been killed the night before in a traffic accident in far west Harris County.

Esther Cox, 81, died about 12:45 p.m. Wednesday at Christus St. Catherine Hospital in Katy. The medical examiner's office said the preliminary cause of death was myocardial infarction, or cardiac arrest.

The daughter, Judith Cox Cohen, 50, of the 1600 block of Cambridge Oaks Circle in southwest Houston, was killed at 6:55 p.m. Tuesday in the 2000 block of South Fry.

Sheriff's investigators said Cohen's car was entering the road from a private driveway when another car changed lanes to the right. The other driver veered left to avoid Cohen's car, but struck it on the driver's door, investigators said. They said the other driver, who was slightly injured, may have been driving too fast for the wet weather conditions.

They said speed in wet weather conditions by the slightly injured other driver may have contributed to

the crash.

Longtime fugitive in fraud pleads guilty

Billie Jean Garman, 72, a fugitive for almost 10 years, pleaded guilty Wednesday to conspiracy and failing to appear at her 1993 trial for bank fraud.

Garman, arrested in Utah in September, could get a five-year sentence for conspiracy to commit bank fraud, illegal loan participation, misapplication of funds and money laundering.

She also could get another 10 years for the failure to appear. U.S. District Judge David Hittner will sentence Garman April 24 and could fine her \$500,000.

Garman, her son Robert Corson and Billy Wayne Chester were accused in 1991 of pocketing proceeds from fraudulent loans that helped lead to the collapse of Corson's Vision Banc Savings in Kingsville. Garman was vice chairwoman and a member of the loan committee. Corson died before trial. Chester pleaded guilty and has completed probation.

IBM giving boost to Rice nanotechnology research

Rice University will receive a \$1 million supercomputer from IBM for nanotechnology research, the institution announced Wednesday.

The computer will model the behaviors of certain nanoparticles -- about 70,000 times smaller than the width of a human hair -- including small tubes made of carbon.

The computer will help scientists study how their properties change when a few atoms are added or removed from the materials.

Rice won the computer in an IBM competition based upon the merits of the proposed research, and the company will share in the university's findings.

Hot-rod shop owner wounds burglary suspect

The owner of a west Houston hot-rod shop targeted previously by thieves shot and critically wounded a man during a break-in, police said.

Steve Sanford, owner of the Race Car Shop at 10928 Day, told police he spent the night there because of recent burglaries. While investigating suspicious noises, he confronted two people inside the shop about 2:45 a.m. Wednesday, HPD investigators said.

Hiram Martinez, 31, was shot twice during a struggle with Sanford and taken to Ben Taub Hospital. He was charged with burglary of a building, and his companion was turned over to Harris County juvenile authorities, police said.

Tomball police seek help identifying victim

Tomball investigators need help identifying a woman found bound and beaten to death in a wooded field off the 800 block of Persimmon on Friday.

Her body had been in the field several days, said police Sgt. Gary Hammond, who asked anyone with information to call him at 281-351-5451 Ext. 112.

The victim was black and in her 20s or 30s. Her upper right front tooth was gold with a Gothic-style "S" inscribed in it, and the tooth next to her upper left front tooth was edged in gold.

The woman had a strawberry tattooed on her right calf, with "Tasty" above it, and a rose with stem, about 1 1/2 inches long, on her left breast.

2 claiming hate crime are arrested in arson

A northwest Harris County couple who claimed their home was torched in a racially motivated hate crime have been accused of starting the fire themselves in an attempt to collect \$120,000 insurance, officials said.

The blaze was reported early Dec. 7 at the residence in the 9800 block of Tassel Brook. The FBI entered the investigation after racial slurs were found painted outside the home.

Evidence at the scene led to the couple's being arrested Wednesday night on state felony arson and insurance fraud warrants. Charges were pending Wednesday night.

HPD changes planned as crime lab revamped

The Houston Police Department will undergo changes as it revamps its crime laboratory to come in compliance with FBI standards for DNA testing, Acting Chief Tim Oettmeier told City Council on Wednesday.

A recent audit revealed problems in the lab with procedure, training, handling, interpretation and documentation of DNA results.

The Harris County medical examiner's crime lab will handle the department's DNA testing in the meantime. Oettmeier has asked the HPD internal affairs division to determine who is responsible for the

problems, and expects the investigation to be completed in 60 days.

HPD will ask council for \$75,000 to hire a private forensics lab for cases the medical examiner's office cannot handle.

Jan. 29, 2003, 10:16PM

Supply fears push crude up nearly \$1

NEW YORK -- Crude oil futures ended sharply higher Wednesday, buoyed by a rally in petroleum products futures that came amid fresh supply worries.

On the New York Mercantile Exchange, light, sweet crude for March delivery jumped 96 cents to close at \$33.63 a barrel.

February heating oil rose 4.09 cents to close at 97.13 cents a gallon. February gasoline rose 4.41 cents to also close at 97.13 cents a gallon.

In London, March Brent rallied 75 cents to \$31.02 a barrel.

The rally came after data from the Department of Energy and the American Petroleum Institute showed larger-than-expected draws in petroleum stocks. A fire at an Orion Refining plant in Louisiana added to supply jitters.

Natural gas for February delivery surged 21.6 cents to \$5.66 per thousand cubic feet. Also, propane prices surged 13 percent, the biggest gain in three years, after cold weather spurred demand.

Jan. 30, 2003, 12:25AM

Double blow for AOL Time Warner

Poor quarter punctuated by Turner's exit

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NEW YORK -- Fourth-quarter losses skyrocketed at AOL Time Warner after a staggering \$45.5 billion charge to account for the struggling media conglomerate's plunging value. The company also announced Wednesday that former cable TV mogul Ted Turner is stepping down as vice chairman.

In the three months that ended Dec. 31, AOL lost \$44.9 billion, or \$10.04 per share, compared with a loss of \$1.8 billion, or 41 cents per share, in the fourth quarter of 2001.

Revenues rose 8 percent to \$11.4 billion, and AOL said its results without the one-time accounting markdown would actually have beaten Wall Street estimates -- earnings of 28 cents per share instead of the 26 cents and \$11.2 billion in revenues predicted by Thomson First Call.

Turner, a pioneer in cable television who built CNN before selling to Time Warner, will leave in May.

He has long been reported to be unhappy with his diminished role since the merger with AOL, but AOL chief Richard Parsons said Turner wants to spend more time on his philanthropic endeavors.

"He's concluded now is the right time to make more space for his other activities," Parsons said during a conference call with analysts.

Turner said with characteristic bluntness two years ago that the merger between high-flying AOL and staid Time Warner was "better than sex."

Turner, 64, received a large chunk of stock when he sold his Turner Broadcasting Companies to Time Warner in 1996.

Turner is still the company's largest individual shareholder, and, for now at least, will keep his seat on the board.

But some media insiders said a less constrained Turner, who has never been known for tact, could prove a gigantic headache for AOL Time Warner, including concerns that he might dump some of his 132.5 million AOL shares, representing a 3.4 percent stake.

Turner's exit coincides with the pending departure of Chairman Steve Case, the America Online co-founder, putting the disparate histories of AOL Time Warner's divisions even further into the past as the mammoth company plots its turnaround.

Whether Turner will remain on AOL's board will be determined in the next few weeks, spokeswoman Mia Carbonell said.

Analysts had been expecting AOL to take a good will write-down but were surprised by its enormity.

It included a \$10 billion charge to reflect the lower value of AOL's cable assets.

The announcements were made after the markets closed.

AOL stock closed higher, up 30 cents per share at \$13.96 on the New York Stock Exchange.

The shares dropped more than 9 percent in the extended session.

Executives said they expect 2003 revenues to grow "in the mid-single-digits" and earnings before taxes, depreciation and amortization to be essentially flat. Analysts had been forecasting roughly 5 percent growth in revenues.

Two years after AOL and Time Warner's \$106 billion merger, which could be considered the crowning moment of the Internet boom, the company has been forced to justify the rationale for the deal and overcome questions about its accounting.

The bright spot has been Time Warner's media properties, which include CNN, Warner Music, Time and People magazines, and the Warner Bros. film division that boasts blockbuster franchises like *Harry Potter* and *Lord of the Rings*.

The weak link has been the AOL online division, which now hopes for a jolt from expanding high-speed Internet access and rolling out new music, information and shopping services.

AOL's membership now totals 35.2 million, up nearly 2 million in 2002.

Analysts have speculated that AOL might sell the Atlanta Braves, the baseball team Turner brought into the media empire.

In other earnings reported Wednesday:

- Exelon reported a 17 percent rise in profits in the fourth quarter, while Xcel Energy swung to a loss

from a profit, underscoring the chasm dividing power companies since Enron's collapse.

Xcel, which has been grappling with the debts of its energy trading subsidiary, NRG Energy, said it is likely that the unit will end up in bankruptcy.

Exelon, the No. 1 U.S. nuclear plant operator, however, managed to sidestep Xcel's pitfalls by concentrating on its old-line utility operations and cutting costs to offset a weak U.S. economy.

- Alltel is selling its information services business for \$1.05 billion and reported Wednesday that its fourth-quarter earnings were up 11 percent.
- Altria Group, the newly renamed Philip Morris, said its fourth-quarter earnings fell 18 percent from a year ago, including a steep decline in profits because of heavy promotional spending by its industry-leading domestic tobacco division.
- Verizon Communications, the No. 1 U.S. phone company, posts a quarterly profit as strong wireless sales offset a loss of local telephone lines, and it says revenues will be flat or slightly higher in 2003, sending its shares higher.
- Japanese electronics and entertainment giant Sony nearly doubled its profits for the third quarter as hit movies pulled in DVD and video revenues.
- Hershey Foods reported a profit in the fourth quarter that matched Wall Street's expectations, capping a bumpy year that included a strike and an ill-fated attempt to sell the company.
- Tribune Co., the No. 2 U.S. newspaper publisher, said quarterly earnings rose sharply on increased advertising spending.
- Manpower, the world's second-largest staffing agency, warns first-quarter earnings will fall below Wall Street forecasts.
- Reebok International, the No. 2 U.S. athletic-shoe maker, said fourth-quarter profit more than tripled as National Football League licensed clothing and Classic shoes helped boost sales.
- Tupperware posted a 21 percent jump in fourth-quarter net income, thanks to real-estate gains in the latest period and a restructuring charge a year ago.

Jan. 30, 2003, 12:24AM

Same airline, different verse

Delta's discount Song offers key perks, cities

Reuters News Service

NEW YORK -- Delta Air Lines, seeking to win customers lost to discount carriers, said Wednesday it will launch a new low-fare airline with some of the key features and routes that have made JetBlue Airways Corp. a star in a struggling industry.

The new airline, called Song, will offer one-way fares ranging from \$79 to \$299 and operate flights between the Northeast and Florida starting in April. No flights are planned to Houston.

Song's lime-green planes will be equipped with in-flight live satellite television that was pioneered by JetBlue, as well as personal touch-screen monitors, pay-per-view, an MP3 audio library and in-seat Internet connections.

"If executed well, this should be a much more competitive offering than they currently have with Delta Express," Lehman Brothers analyst Gary Chase said, referring to Delta's money-losing lower-fare unit.

Song will replace Delta Express, and it is expected to account for about 10 percent of Delta's total capacity in its first year of operation.

Delta, the No. 3 U.S. airline, hopes Song will lure travelers looking for cheaper tickets and trendier service away from other low-cost -- and profitable -- carriers such as Southwest Airlines, JetBlue and, especially in Delta's Southern markets, AirTran.

Some of the biggest U.S. airlines have tried in the past to create low-fare carriers and run them as subsidiaries, as UAL Corp.'s United Airlines did with Shuttle by United and US Airways Group did with Metrojet.

Both Metrojet and Shuttle by United failed, and both United and US Airways have filed for bankruptcy.

Song, based in Atlanta, will target famously loyal JetBlue customers in particular by flying some of the rival's same New York-to-Florida routes. Song also will operate out of all three airports in New York, where JetBlue is based.

JetBlue spokesman Gareth Edmondson-Jones said JetBlue, which operates out of New York's John F. Kennedy International Airport, was not looking to start up service at other area airports. He said the New York-to-Florida market has always been fiercely competitive.

"It's not like there's a new kid on the block," he said. "Try as you might to launch a new entity, it's still Delta. We're a different animal."

Analysts said that while time will tell whether Delta or JetBlue built the better mousetrap, Delta desperately needed to step in with a stronger, more-appealing product to defend its broad route network from low-cost carriers.

Song will use Boeing 757s with 199 coach seats, starting with one airplane on April 15 and adding a plane each week over 36 weeks. The planes will be completely rebuilt from Delta's current fleet at a cost of about \$30 million, John Selvaggio, Song's president, said in an interview.

Delta expects Song to cross the line into profitability by the end of this year, he said.

Delta hopes to keep Song's costs low by turning airplanes around in less than an hour, employing fewer flight attendants and using its planes for 13 hours each day, which could lower costs by nearly a third compared with Delta Express.

Selvaggio said Song's lower costs will let it succeed in the same business in which other U.S. airlines have failed. But analysts have said Song's costs will still be higher than those at low-fare rivals because its pilots fall under Delta's current labor contracts and will be more expensive.

Delta has no plans to ask Song pilots for wage reductions, Selvaggio said, because similar efforts at other airlines failed in the past to produce long-term cost savings.

"We could have pursued an avenue that would have had a lower cost structure for pilots, but it would not have been sustainable," he said. He said Song's management was searching for more ways to save costs through productivity instead.

Jan. 29, 2003, 11:44PM

Pilots vow backlash at United

Associated Press

CHICAGO -- United Airlines' pilots union lashed out Wednesday at the company's emerging strategy in bankruptcy, saying its plans for a new discount carrier would amount to a breakup of United and vowing to fight it "by every lawful means available to us."

The angry statement from United's most powerful union came on the eve of a meeting today of the company's board of directors at which CEO Glenn Tilton is to present the new business plan.

While United has not disclosed details, a published report Wednesday said it aims to reduce the number of its pilots and flight attendants by up to 25 percent and implement a two-tier pay structure.

The Chicago Tribune, citing unidentified sources, reported that pilots and flight attendants working for a planned discount carrier, to be operated by the airline, would be paid significantly less than those on regular United flights. United declined to comment on the report.

The world's second-largest airline, which has posted heavy losses since mid-2000, filed for Chapter 11 federal bankruptcy protection Dec. 9. It is required to compile a new business plan in the first 120 days of bankruptcy to show its lenders how it intends to return to profitability.

But the head of the pilots' union, Paul Whiteford, who also has a board seat, assailed management of the majority employee-owned company for its approach.

"Inexplicably, in the seven weeks since United filed for Chapter 11 bankruptcy protection, senior management has locked the pilots out of the process and refused to engage in any meaningful negotiations over our future," Whiteford said Wednesday. "Instead, they appear to be proposing a plan to break up United Airlines by giving United routes, aircraft, and other assets to another company -- with a whole set of new managers and employees.

"If so, United's management is now telling us to give up on United Airlines as we know it."

A key to United's revised financial strategy is a planned \$2.4 billion reduction in annual labor costs, which the carrier outlined last month in bankruptcy court.

Jan. 30, 2003, 12:22AM

Case links Microsoft, Compaq donations to terrorist group

Associated Press

CHICAGO -- Microsoft and other large corporations, including Houston-based Compaq, matched their employees' donations worth thousands of dollars to a Muslim charitable foundation now accused of funneling money to Osama bin Laden's terror network.

The donations were disclosed in court papers released Wednesday in the federal racketeering case against Enaam Arnaout, head of Illinois-based Benevolence International Foundation.

Arnaout, 40, a Syrian-born U.S. citizen, is scheduled to go on trial Feb. 10 on charges of conspiracy to commit racketeering and providing aid to terrorist organizations in connection with his Islamic charity.

Arnaout denies his group aided terrorists. He has described the group as a charity helping the poor and downtrodden in Muslim countries.

Arnaout's indictment said the group had a donation program that urged donors to persuade their employers to match their contributions. The indictment never made clear what the matching program entailed.

The court papers quote a memo written by a Benevolence International official naming three corporations that donated money to the group.

The charity "has long received direct employee donations as well as matching gifts from many firms including Microsoft, UBS and Compaq," the memo says.

Microsoft spokeswoman Stacy Drake said Wednesday that the software giant gave \$20,000 in such donations.

She said the company always checked that recipients of such donations were registered as tax-exempt charities with the Internal Revenue Service. She said the company believed Benevolence was a worthy charity that helped widows and orphans in war-ravaged and poverty-plagued Muslim counties as it claimed.

The Treasury Department froze the group's assets in December 2001, and federal agents raided its offices.

Drake said all Microsoft donations to the group were suspended at that time.

Since the memo was written, Hewlett-Packard acquired Compaq. A spokeswoman for Hewlett-Packard, Rebeca Robboy, said Compaq gave about \$2,500 to Benevolence in matching funds between 1999 and 2001. She said the charity no longer meets the company's criteria for matching funds.

UBS-Warburg spokesman David Walker said his company also donated to Benevolence, but he could not recall how much.

"The situation involved an employee gift match to what was believed to be a reputable organization," he said. "Once it came to be known that was not so, matching ceased immediately."

The papers released Wednesday did not mention any other corporations that donated money, but Benevolence's Web site lists several that it says did.

The papers had been sealed at the request of Arnaout's attorneys, but federal Judge Suzanne Conlon unsealed them Wednesday in response to a motion filed by the Chicago Tribune.

Arnaout attorney Joseph Duffy did not immediately return a phone call seeking comment Wednesday. Randall Samborn, a spokesman for the U.S. attorney, declined to comment.

The charges against Arnaout range from funneling money to bin Laden's al-Qaida network to aiding rebels fighting Russian troops in Chechnya. Arnaout also is accused of providing aid to Sudanese forces fighting a jihad, or holy war, against Christians in the southern Sudan.

If convicted, Arnaout faces a possible life sentence.

Jan. 29, 2003, 11:43PM

Write-downs from merger create ConocoPhillips loss

By MICHAEL DAVIS

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ConocoPhillips reported a loss for its first quarter as a combined company as a \$1.1 billion writedown wiped out a big profit from oil and natural gas exploration.

The loss for the quarter and the year reflected the big drop in the estimated value of of 2,000 service stations it plans to sell this year, the company said Wednesday.

The company had previously warned investors it planned to take \$1.3 billion in charges against earnings. With the charge taken in the fourth quarter, the company will take an additional charge against earnings of \$200 million later in the year, Jim Mulva, ConocoPhillips chief executive, said in a conference call.

Other than the remaining charge for the sale of the service stations, Mulva does not anticipate any more large charges related to the merger. "It's just sort of cleaning up as we go through the transition now," he said.

The fourth quarter was the Houston company's first full quarter as the combined entity that was once Conoco and Phillips Petroleum.

Excluding the write-down, the company had fourth-quarter income of \$747 million, or \$1.10 per share, compared with \$212 million, or 55 cents per share, for the fourth quarter of 2001.

Wall Street had expected the company to earn \$1.11 per share from operations, according to the average of earnings estimates compiled by Thomson First Call.

"It was a pretty good quarter even though there were a few items that detracted from earnings, such as the UK refinery shutdown and abnormally high corporate expenses," said Jacques Rousseau, analyst with Friedman, Billings, Ramsey & Co. in Arlington, Va.

ConocoPhillips shares rose sharply Wednesday, along with all of the other major oil companies' shares, as oil prices increased on low inventory figures and the growing belief of an imminent attack on Iraq. ConocoPhillips' shares closed at \$48.01, up \$2.10 per share.

Including special items, the company had a loss of \$410 million, or 60 cents per share. Total revenues were \$23.5 billion, compared with \$8.7 billion a year ago.

ConocoPhillips sold \$600 million of assets in the fourth quarter. The company said it is continuing to evaluate assets that do not meet its return on investment targets.

Bank of America Securities issued a report earlier this week saying industry sources have picked up speculation that ConocoPhillips is in discussions with Amerada Hess to sell its Bayway refinery and related retail stations in New York and New Jersey.

For 2002, the company had operating income, excluding special items, of \$1.5 billion, or \$3.11 per share, compared with 2001 operating income of \$1.7 billion, or \$5.68 per share.

Including special items, the company had a loss of \$277 million, or 57 cents per share, for 2002, compared with net income of \$1.7 billion, or \$5.63 a share, in 2001. Revenues in 2002 were \$57.2 billion, compared with \$24.8 billion a year earlier.

The company's oil and gas exploration and production earnings soared during the fourth quarter to \$824 million, up from \$244 million in the same quarter of 2001. Oil and gas exploration and production income was higher because of increased production and higher oil and natural gas prices, the company said.

ConocoPhillips' daily production for the quarter averaged 1.62 million barrels of oil equivalent, in line with previously stated targets, despite the negative impact of recent events in Venezuela.

The company's refining and marketing operating income was also up, making it the exception to most major oil companies, which have seen profits in this sector decline drastically.

Refining and marketing operating income for the fourth quarter was \$193 million, up from \$79 million in the fourth quarter of 2001. The increase is attributed to higher refining margins, partly offset by an extended shutdown at the Humber refinery in the United Kingdom, the company said.

"Things were better in the fourth quarter than the third, but now with Venezuela, things have turned again," Rousseau said.

In other oil earnings reported Wednesday, Kerr-McGee posted fourth-quarter losses on failed investments. Unocal and Occidental Petroleum had profits spurred by higher prices.

Jan. 29, 2003, 11:44PM

Beating Street no mean feat; it's about lowered expectations

By LAUREN WEBER
Reuters News Service

NEW YORK -- In an earnings season preceded by a flood of warnings, everything seems to be coming up roses.

More than half of the Standard & Poor's 500 companies reporting earnings in the last two weeks that topped Wall Street's expectations -- most by about a penny.

Is it a case of happy surprises? Or are companies playing the old game of guiding expectations to ensure that no one goes home disappointed?

Managing expectations isn't a problem if companies are merely conveying as much information as possible to help Wall Street estimate their earnings, said Thomson First Call research director Chuck Hill.

The practice becomes a problem, he said, if a company purposely lowballs the guidance so it can "beat the Street" and possibly drive up its stock price.

Unfortunately, he added, it's nearly impossible to tell the difference.

In the past five years, an average of 81 companies in the Standard & Poor's 500, or 16 percent of the index, beat analysts' quarterly estimates by just a penny, according to Thomson First Call.

Astute investors track these patterns and factor them into their decisions, but research suggests that the less sophisticated may be at a disadvantage, said Beverly Walther, an accounting professor at Northwestern University's Kellogg School of Management.

Companies that manipulate expectations merit additional scrutiny, she added. There's a difference between exercising caution and misleading analysts and investors, Hill said.

"Honest conservatism" is when a company guides analysts to the low end of its own estimates to make sure it won't disappoint investors, he said.

On the other hand, he said, if the accountants say earnings will come in at 27 cents a share, but the company provides guidance of 26 cents, "that's purposely lowballing it."

This occurs less frequently than the honest conservatism, he said.

In the last two weeks, 60 percent of the companies reporting higher-than-expected results beat the Street by mere pennies.

In rare cases, Hill said, he has heard of companies actually pressuring analysts to keep their forecasts low.

What has changed, he said, is that fewer companies are missing or beating forecasts by significant margins. Hill attributed the change to Regulation Fair Disclosure, which has prompted companies to broadcast their expectations in preannouncements and mid-quarter updates.

For the vast majority of companies that issue outlooks, the ability to match or exceed them is more likely about handling the expectations process better than about manipulating the financial report itself, said Robert Willens, an accounting specialist at Lehman Bros.

The latter practice ended up devastating companies like WorldCom.

"I don't think in this environment people are going to be very aggressive in managing their earnings," Willens said. "It would be perilous at best to do that."

With tighter rules about recognition of revenues and restructuring charges, there are now fewer ways to manipulate profits, he added.

Meanwhile, several corporate icons, including Coca-Cola, McDonald's, Gillette and AT&T, are no longer providing quarterly guidance, saying the focus on short-term forecasts distracts from long-term goals.

Tim Mulligan, president of research firm Forensic Advisors, applauded these companies for abandoning the expectations game. "You get away from this beat-by-a-penny type nonsense," he said.

Such results may look good for a short time, he said, but "it doesn't tell you a heck of a lot about where the company might go."

Jan. 29, 2003, 11:43PM

Luby's may default after rejecting deal

Copyright 2003 San Antonio Express-News

SAN ANTONIO -- Luby's, the cafeteria chain that dots the landscape across the South and Southwest, announced Wednesday that it would default on an \$80 million loan payment due Friday.

Luby's is asking its lender for a waiver after the San Antonio-based company rejected an \$80 million agreement with another lender that would have made the payment, converting the debt from short-term to long-term status. The company does not have the cash to make the payment on its \$113.5 million debt without a second loan.

But the terms of the \$80 million loan were unacceptable, Luby's President Chris Pappas said.

"We are not willing to bind ourselves to the loan proposal recently presented to us because it is clearly not in Luby's best interest," Pappas said.

He also emphasized that the company had been making principal and interest payments separately from the refinancing agreement, and that it would be business as usual in the restaurants.

The Pappases, who operate such private chains as Pappadeaux Seafood Kitchen, have been trying to turn Luby's around since they bought into the publicly traded company in late 2000.

They have been standardizing procedures and experimenting with buffets at certain restaurants, breakfast at others and outdoor signs promoting daily specials.

Jan. 30, 2003, 12:25AM

Stocks rise as Fed leaves rates alone

Choppy trading gives Wall Street a modest advance

Associated Press

NEW YORK -- Investors put their fears about Iraq on hold Wednesday, bidding shares higher for a second straight day despite President Bush's warning that a war is more certain.

Lower prices following two weeks of heavy selling brought bargain hunters to Wall Street. But the market still had to fight hard for its gains -- trading was choppy in response to Bush's State of the Union address Tuesday night and bad earnings news.

Analysts said the market got little, if any, help from a decision on interest rates by the Federal Reserve. As many analysts had predicted, the Fed left rates unchanged at 1.25 percent and said it was not inclined to lower rates further.

The statement issued after the meeting of the Federal Open Market Committee, the central bank's top policymaking group, said, in effect, that the key problem with the economy is the risk associated with the possible war with Iraq, and that there is little monetary policy can do about that risk.

But once the war uncertainties are resolved, U.S. economic growth will pick up again without further interest rate cuts -- and, according to what Fed Chairman Alan Greenspan privately told a group of U.S. senators last week, without any added fiscal stimulus such as that proposed by President Bush.

After dropping as much as 143.84 in early trading, the Dow Jones industrial average closed up 21.87, or 0.3 percent, at 8,110.71. The Dow built on the nearly 100 points gained Tuesday to score its first multiple-day advance in two weeks.

The market's broader gauges also finished higher, having shaken off earlier losses. The Nasdaq composite index rose 15.88, or 1.2 percent, to 1,358.06. The Standard & Poor's 500 index advanced 5.82, or 0.7 percent, to 864.36.

Still, analysts say the market won't continue to move higher or be able to hold on to gains until it is clear what will happen in Iraq -- when and if there will be a war and how successful the United States is in it.

"It's more difficult for the average investor to concentrate on the fundamentals of buying stocks when war

is looming," said Thomas F. Lydon Jr., president of Global Trends Investments in Newport Beach, Calif.

Investors are highly concerned that a war with Iraq will botch an already shaky economic recovery and have been selling stocks for two weeks based on that fear and on disappointing earnings results and forecasts. The economic repercussions of war could include higher oil prices and a drop in consumer spending.

"The situation in Iraq overshadows any news on the economy or corporate earnings. Until we see that we are having rather significant success there, there is going to be enough uncertainty that people aren't going to be able to step in and make commitments to stocks," said Brian Bush, director of equity research at Stephens Inc.

"What we are hearing from investments managers ... is that they would almost rather see us take military action tomorrow, because until then, it is going to be difficult for the markets to do anything," Bush said.

Among Wednesday's gainers, Unocal rose 58 cents to \$28.46 after the oil and gas company surpassed fourth-quarter earnings estimates by 3 cents a share.

And biotech firm Biogen rose 45 cents to \$37.20 and chip equipment maker Applied Materials advanced 36 cents to \$13.60 after UBS Warburg upgraded each of the companies.

But some poor earnings cut into the market's advance. Kraft Foods plunged \$4.91 to \$31.20 after saying that its 2003 earnings will be hurt by higher pension and retiree medical costs.

Advancing issues outnumbered decliners nearly 4-to-3 on the New York Stock Exchange. Consolidated volume was light at 1.96 billion shares, but up from 1.81 billion on Tuesday.

The Russell 2000 index, which tracks smaller company stocks, rose 1.67, or 0.5 percent, to 374.84.

The price of the benchmark 10-year Treasury note slipped point, or \$4.06 per \$1,000 in face value. Its yield, which moves in the opposite direction, rose to 4.02 percent, from 3.97 percent on Tuesday.

In late New York trading, the euro was quoted at \$1.0831, up from \$1.0819 late Tuesday. The dollar was quoted at 118.37 yen, down from 118.66 yen. It was quoted at 10.9492 pesos, up from 10.9410. The peso fell to 9.1331 cents from 9.1399 cents.

In Mexico, the key bolsa index closed up 0.3 percent, or 18.27 points to end at 5,937.97. At the end of 2002, the bolsa stood at 6,127.09.

Japan's Nikkei stock average finished down 2.3 percent. France's CAC-40 rose 1.4 percent, Britain's FTSE 100 fell 0.2 percent and Germany's DAX index gained 1.3 percent.

The Washington Post contributed to this report.

Jan. 30, 2003, 12:24AM

FERC suspects gas manipulation

Bloomberg Business News

WASHINGTON -- Manipulation of U.S. natural gas markets may have increased over the past year because fewer trading companies are active in the business, the Federal Energy Regulatory Commission said Wednesday.

At least 15 companies, including Enron, Dynegy and American Electric Power Co., have quit energy trading or reduced activity since late 2001, making it easier for remaining players to dominate regional markets, the commission wrote in a report.

"Manipulation is more likely where market liquidity is low, price discovery is obscure and capacity is constrained," the report said. "Having fewer traders may reduce the statistical significance of reporting for less-active trading points."

The commission, which said last August that gas prices in California may have been manipulated during the state's energy crisis of 2000 and 2001, has begun investigations of unusual price movements in other parts of the United States, said Lisa Carter, a director in FERC's newly formed market-monitoring office, in an interview.

Federal prosecutors and commodity and energy regulators have been looking into allegations of market abuse and false price reporting since early last year. It's part of a broader probe stemming from California's energy crisis and the collapse of Houston-based Enron, once the largest energy trader, at the end of 2001.

The U.S. Attorney's Office in Houston has brought criminal charges against traders at Dynegy and El Paso Corp. for allegedly lying about gas prices to industry newsletters in an attempt to skew the price indexes they publish.

Jan. 29, 2003, 11:43PM

Enron looking at relocation to lower costs

By RALPH BIVINS

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Enron Corp. is shopping around for new office space in downtown Houston and might give up its 50-story headquarters building.

The bankrupt energy company is seeking proposals from eight downtown office towers as part of its efforts to hold down operating costs, said Eric Thode, a spokesman for Enron.

Enron wants to lease 300,000 square feet -- an amount that is big enough to make a difference in the health of the office market. Thode said Enron is asking for proposals from eight skyscrapers, including the 1500 Louisiana building, Wells Fargo Plaza, Pennzoil Place, Three Allen Center, 1301 McKinney, 1100 Louisiana, Calpine Center and 1111 Louisiana.

"These are buildings we have identified as having enough space for us to use," Thode said.

The proposals from the landlords are due back Feb. 13, Thode said. Enron is looking for a five-year lease.

The company also is considering staying put at its headquarters building at 1400 Smith, which is owned by Brazos Office Holdings. About 1,700 Enron employees work on 26 of the 50 floors in the 1400 Smith building, and the remainder of the tower is vacant.

Enron's lease in the 1400 Smith building will expire March 31, Thode said. But arrangements are expected to be made to allow the company to stay a year longer.

The Houston office market has been declining, and rents have been softening, said Charles Gordon of the Trione & Gordon realty firm, which is assisting Enron in its space search.

The owners of office buildings have been holding firm to their prices, but they may be loosening their grip.

"We're seeing landlords say, 'Yes, we want to make deals,' " Gordon said.

The vacancy rate for Class A downtown office space has risen from 3.3 percent at the end of 2001 to

12.1 percent at the end of 2002, Trione & Gordon said. Downtown Class A rents have fallen from \$27.73 per square foot to \$25.38 in the last year.

"The downtown market has dropped precipitously in the last six months. It makes sense for any large user to investigate what their options are," said Greg Cizik, principal of the Colliers International real estate firm.

The downtown office market is expected to get even softer when two buildings -- the 1000 Main building and Calpine Center -- are completed later this year.

Houston's office vacancy problem will be exacerbated if Enron vacates the 1400 Smith building.

"It's going to have a negative impact," said Lispah Hogan of Newmark commercial realty.

Jan. 29, 2003, 11:44PM

Enron creditors want \$1 billion in Whitewing assets unwound

By ERIC BERGER

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Enron's creditors have asked a U.S. bankruptcy judge to return more than \$1 billion worth of assets now entangled in one of the company's more-complex partnerships.

The assets are wrapped up in what the creditors call the Whitewing Financing Structure, one of the many convoluted off-the-books partnerships that Enron used to buff up its performance.

In some cases, Enron "sold" assets to the partnership -- formed with nominally outside investors -- and received cash in return. But Enron effectively maintained control of the assets, including power plants in Europe and South America, the creditors argue.

The creditors "challenge the Whitewing Structure because Whitewing was, in reality and substance, an economic part of Enron and because Whitewing was, in essence, simply a financing vehicle for Enron," Stephen Lerner, a creditors committee lawyer, wrote in a court pleading.

The creditors are asking Judge Arthur Gonzalez for permission to file a lawsuit that seeks to dislodge the assets from Whitewing and return them to Enron. They argue that Enron never really sold the assets in the first place.

Energy industry consultant Robert McCullough said the creditors want a judge to make the partnerships go away.

The structure of Whitewing is staggeringly complex, even for Enron. How much of the partnership or any of its assets is owned by the dozens of institutional investors may be impossible to determine, he said.

"Effectively when the ball of yarn gets hopelessly tangled around these assets, you have to take scissors to it," McCullough said.

Among the assets Enron sold to Whitewing are Sarlux, a power plant on the Mediterranean island of Sardinia; Trakya, a Turkish power plant; and Elektro, Brazil's sixth-largest electricity distributor.

According to papers filed by the creditors, the "sale" of Sarlux to Whitewing provided \$345 million to Enron, Trakya \$98 million and Elektro \$461.5 million. All told, between September 1999 and January 2001, Whitewing transferred \$2.4 billion in funds to Enron in exchange for various assets, the papers say.

Of those assets, Enron is currently trying to sell several, including Trakya and Elektro, in a bankruptcy auction.

McCullough said Enron is probably having difficulty with the sales because potential buyers would be scared off by not knowing who owned the particular assets.

"I think, to the creditors, it is less a question of blame than a question of getting some clarity," he said.

Enron itself has not taken a side in the dispute.

A bankruptcy examiner is believed to be examining the Whitewing transaction and similar ownership questions and may conclude they should be returned to Enron's creditors. The examiner's next report is due to be made public Feb. 14.

A hearing in Gonzalez's court on whether the creditors can file the lawsuit against Whitewing is scheduled two weeks later.

Jan. 29, 2003, 11:07PM

Local Earnings

Noble Energy said its fourth-quarter increase in net income reflected higher commodity prices, lower operating costs and increased income from international projects.Qtr. to Dec. 31 2002 2001

Revenues 456,120,000 297,553,000

Net income 16,821,000 (27,476,000)

Per share 0.29 (0.48)

Full year 2002 2001

Revenues 1,443,728,000 1,588,275,000

Net income 17,652,000 133,576,000

Per share 0.31 2.36

(Figures in parentheses are losses.) Noble Energy is an independent oil and gas company.

Universal Compression Holdings said its fiscal third quarter included significant fabrication shipments to a large customer in China. But the scheduled fourth-quarter startup of two new projects in Brazil and Venezuela has been delayed by about three months.Qtr. to Dec. 31 2002 2001

Revenues 164,600,000 177,400,000

Net income 8,600,000 13,800,000

Per share 0.28 0.45

Universal Compression Holdings provides a full range of contract compression, sales, operations, maintenance and fabrication services to the natural gas industry.

Jan. 30, 2003, 12:24AM

WORKING@HOME

Grocery and exercise services may help dot-coms' comeback

By CHERYL CURRID

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Be careful if you joke about how the dot-com era turned into the dot-bomb era -- the dot-coms are coming back, better than ever.

As for the home office proprietor, these services can be very helpful.

Take online grocery shopping.

Several years ago Houston had Peapod, working locally with Randalls. It was sometimes inefficient because some orders had a lot of mistakes. Delivery was free. Peapod was replaced by GroceryWorks.com, which seemed to improve accuracy.

Unfortunately, this service was not successful either. Again, setup strains, costs of training people and "free" delivery probably helped lead to its demise.

Now, Rice Epicurean Market offers a service that works better than its predecessors. Rice Home Runs lets you order your groceries online at www.riceepicurean.com. Then you can pick up the order at a predetermined time or have the groceries delivered.

You pay the same prices for the food as you would in the store, you get all the specials and you can use your Rice Epicurean card to get more discounts.

There's a \$15 delivery charge, which is currently lowered to \$9.99 for orders over \$100. Even so, \$15 is a small price to pay to save the time and hassles of going to the store.

I've tried the service for the last two months and am delighted with it. The delivery shows up on time and the groceries are picked perfectly.

For the busy home worker, this service is a great time saver. It takes advantage of your being home

during regular business hours and, even better, they deliver the groceries to your kitchen counter.

There is a downside to getting home delivery. It perpetuates a hidden hazard of working at home: you don't get enough exercise. Home office workers usually move less than couch potatoes. Most activity takes place sitting in front of a computer.

Ah, but there's a returning high-tech solution to help you get moving. SportBrain, www.sportbrain.com, is a pager-sized device worn on your belt. When you take a step or get full-blown aerobic exercise, the SportBrain records the activity and the time and date.

From there, it's only a few clicks to upload your data and get a personalized page from SportBrain, detailing your fitness information and activity level. SportBrain challenges you to get and keep your activity level up, providing the motivation that a home worker doesn't get from co-workers at the coffee bar.

These and other dot-com ideas are rising from the ashes of previous attempts that rushed to market too soon. The ideas were good, but the execution was off.

Since the bust, saner minds are presiding over the dot-com companies making a comeback. Look for the return of more dot-coms, bringing more convenience to the home worker.

Cheryl Currid is president of Currid & Co., a Houston technology research and analysis firm. For more information, visit www.currid.com/labs. E-mail comments to labs@currid.com.

Jan. 29, 2003, 11:06PM

AT HOME

Air battle in WWII realistic, repetitive

By DWIGHT N. ODELIUS
Special to the Chronicle

It's 1943. German forces have overrun Paris, and Great Britain is under siege. Military strategists on both sides have come to one conclusion: World War II will be won or lost in the air.

Part flight simulator, part strategy game, Combat Flight Simulator 3: Battle For Europe is the latest offering in Microsoft's popular combat-oriented enhancement of its own aviation game.

The flight simulator aspect is superb. That should come as little surprise, because Microsoft has been instrumental in developing the genre since the early 1980s.

More than 20 years later, PC flight simulation is a unruly tangle of physics, mechanics, geography and history, all in service of an immersing experience for aviation buffs.

And immersing this one is. Short of enabling the player to experience G-force or wind, there's not too much more developers could do to deliver a realistic sense of flight. Planes react to variations in runway surfaces, stall out on steep climbs, stress under tight turns, and pitch wildly when too close to a bomb's blast.

Damage modeling is highly realistic, too. Take enemy fire, and the computer reports precisely which systems are affected. The plane responds in kind. Take too much damage and it may begin losing altitude or become uncontrollable, forcing the pilot to bail out.

The graphics are of unparalleled quality for a flight simulator. The developers rebuilt the graphics engine from the ground up, and it shows. Unfortunately, such dazzle comes at a price: Only cutting-edge systems will be able to get the most out of the game.

For all that it accomplishes as a flight simulator, Combat Flight Simulator 3 goes somewhat off course as a strategy game.

The single-player campaign can be played as either the Allied or Axis powers. If Allied, players will be either in the British Royal Air Force or in the U.S. Army Air Forces, charged with the task of liberating

Paris. Axis players fly with the German *Luftwaffe*, with the capture of London as its ultimate goal.

Campaign missions are exceedingly repetitive. I'll sum them all up here. Start your engine, release the brake, taxi down the runway until airborne. Retract your landing gear. Proceed to mission objective location. Shoot or bomb purple targets until done. Try not to crash or get shot. Go back to base. Repeat.

And repeat. And repeat.

Because the front line starts out in the English Channel, the vast majority of available missions early on are anti-ship missions. This entails flying offshore 200 nautical miles, dropping a payload on a ship, and flying back. Repeat.

Successful missions gain player and squadron prestige points that can be spent on plane upgrades and health. With enough squadron prestige, the player can launch a ground attack that will push the front line back into enemy territory. Once on land, there's a wider variety of missions from which to choose, but the basic flight plan remains the same.

This may be an accurate representation of life during wartime, but such play will not hold everyone's interest for long.

Fortunately, there is more to the game than just the campaign. Players may also fly historical missions as the American, British or German pilot of their choice. These missions are more complex and interesting than the others, but there are only a few. Also included are a few fantasy "what if" missions.

The game also sports a multiplayer mode for online or network play, allowing airmen wannabes to fly against each other, or work cooperatively on missions. On airplanes with two seats, one player can fly while the other rides in the bombardier position.

This game is best played with a joystick or, for maximum realism, a flight yoke and rudder pedals. Playing by using only the keyboard, while technically possible, is very far removed from anything I've ever described as fun.

Price: \$49.95

Rating: Everyone

System requirements:

OS: Windows 98/ME/2000/XP.

CPU: Pentium II 400MHz.

RAM: 128MB RAM.

Video: 16MB.

Disk: 900MB.

Joystick or flight yoke recommended.

LAN or Internet connection required for online features.

Dwight N. Odelius is an avid computer gamer who, time permitting, works as a freelance technology consultant and writer. His e-mail address is rule42@odelius.net.

Jan. 29, 2003, 11:07PM

Briefs: City & state

Agents approve six-year contract

DALLAS -- Reservation and customer service agents for Southwest Airlines Co. have ratified a contract agreement that covers about 10,000 workers.

The six-year contract includes wage increases, an employee stock option plan and premium pay for bilingual reservation agents, the union said Wednesday.

El Paso names official to lead trading exit

El Paso Corp. has named Clark Smith president of its trading business to oversee the company's exit from energy trading, the company said Wednesday.

Smith was president of El Paso's global power group. The company announced in November that it was getting out of the trading business. Smith will manage the liquidation of its trading portfolio.

Robert Baker, formerly senior vice president and deputy general counsel, will be promoted to president of global power, replacing Smith in that position. In his new capacity, Baker will oversee the company's domestic and international power generation activities.

FERC says pipelines can't confiscate fuel

Pipeline units of El Paso and Warren Buffett's MidAmerican Energy Holdings must allow clients who've had credit ratings reduced and natural gas shipping contracts canceled to keep their fuel, according to a federal order Wednesday.

MidAmerican's Northern Natural Gas and El Paso's Tennessee Gas Pipeline have no right to seize fuel carried on their systems when non-creditworthy clients lose transportation contracts, the Federal Energy Regulatory Commission said. FERC said confiscation might compromise rights of shippers or others with interest in the gas.

In other news ...

• Yao Ming, the China-born star of the Houston Rockets basketball team, signed an endorsement contract

with **China United Telecommunications** as China companies tap celebrities to boost sales in one of the world's fastest-growing advertising markets. China United is the country's No. 2 mobile-phone operator.

- Offshore drilling contractor **GlobalSantaFe** said Stedman "Sted" Garber Jr., 59, plans to retire as president, chief executive officer and a director on May 6, the date of the company's annual meeting. He will be succeeded by Jon Marshall, 51, currently the chief operating officer, who will also stand for election as a director at that time. Garber had originally intended to retire at 60. The change moves the date forward by a few months, a spokeswoman said.

- **Williams Cos.** won federal regulatory approval to sell \$32.8 million worth of natural-gas pipelines in southern Texas to Enbridge.

- **Texas Pacific Group**, the private equity firm headed by investor David Bonderman, is planning a new \$4 billion buyout fund to step up its strategy of buying companies shunned by others, investors say.

Jan. 29, 2003, 11:07PM

Briefs: Nation & world

Wholesale prices rising for cereals

BATTLE CREEK, Mich. -- Kellogg Co. said Wednesday it raised the average wholesale prices of its ready-to-eat cereals by roughly 2 percent, to help absorb its rising costs.

The price increase follows a rise in costs for wheat, corn, cocoa and other commodities, said Wendy Lyon, a spokeswoman for Kellogg.

SEC warns charges possible for Gateway

POWAY, Calif -- Struggling computer maker Gateway said Wednesday it has been notified that the Securities and Exchange Commission is considering civil charges stemming from a two-year-old inquiry into the personal-computer maker's 2000 financial reports.

The company said it is "in discussions" with the SEC and intends to deliver a response in the next few weeks.

Wednesday's announcement came as Gateway posted a fourth-quarter loss that met Wall Street's expectations.

New products helped drive stronger sales at its retail stores.

In other news ...

- Shares of **Sprint** tumbled amid reports that longtime chief executive William T. Esrey and his second-in-command were stepping down. Gary Forsee, currently at BellSouth, is expected to succeed him.
- A federal appeals court dismissed a fraud verdict against memory-chip designer **Rambus**, saying a lower court made mistakes and a jury's decision was not supported by evidence. The appeals court in Washington, D.C., vacated a jury's verdict that Rambus had committed fraud while working with a standard-setting board. Rival chip company **Infineon** alleged Rambus pushed for standards while holding or pursuing patents on the same technology.
- The British computer expert whose research was linked to the weekend's damaging Internet attack

pledged to reconsider publishing blueprints for attack programs that exploit flaws he discovers in popular software. Researchers have concluded that the software in Saturday's attacks was modified by unknown hackers from blueprints published months earlier by David Litchfield of **NGS Software**.

· An Internet cafe chain in London that allowed customers to copy music from the Internet onto compact discs will fight a ruling declaring its activities copyright infringement. Greek entrepreneur Stelio Haji-Ioannou said the court decision against his **easyInternetcafe** chain failed to consider that recordings for private and domestic use were exempt from Britain's 1988 Copyright, Designs and Patents Act.

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

Jan. 29, 2003, 11:57PM

Details vague in Medicare plan

Bush says system must be flexible, cover prescription drugs

By BENNETT ROTH and ALAN BERNSTEIN

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GRAND RAPIDS, Mich. -- Pledging to redesign a Medicare system he described as "stuck in the past," President Bush on Wednesday plugged the concept of providing senior citizens with a variety of options, including prescription drug benefits.

The president, however, was vague about the details of his Medicare proposals, which he highlighted in his State of the Union speech Tuesday. And he did not address Democrats' criticism that his plan would force older people from the current fee-for-service system into less expensive, managed care plans if they wanted drug coverage.

House Majority Leader Tom DeLay glossed over the controversy, indicating that no legislative plan has been set in motion.

"We're not even close to understanding what the president is going to propose," DeLay, R-Sugar Land, said on Capitol Hill.

The White House has been considering different options, including making drug benefits available to those who join health maintenance organizations and preferred-provider organization plans.

Houston has been one of the toughest proving grounds for Medicare HMOs, private companies that provide enhanced medical insurance to seniors and other Medicare beneficiaries who join voluntarily.

More than 60,000 Medicare recipients in the Houston area lost their enhanced coverage when their HMOs went out of business because of what the companies said was an inability to make a profit, according to a George Washington University Medical Center study. Of the three remaining Medicare HMOs in Harris County, one offers no prescription drug benefits and the others offer limited reimbursements for certain generic drugs only. A government subsidy of the private insurance companies could change the picture, however. Bush has proposed a \$400 billion increase over 10 years for Medicare, much of which would go for the prescription drug program.

Speaking to a supportive crowd in this conservative western Michigan city, Bush did not mention

enrolling seniors in HMOs or PPOs. Rather, he said he wanted to offer Medicare beneficiaries the same variety of health plans that are available to members of Congress enrolled in the federal workers health plan.

"Medicare must be more flexible. Medicare must include prescription drugs. Medicare must be available to seniors in a variety of forms," Bush said.

The president said that those seniors who are happy with the current system, which does not provide prescription drug benefits, would not have to change plans. White House aides refused to say whether their internal plans also would provide drug benefits for Medicare beneficiaries who opt to remain in the traditional fee-for-service program.

Although lawmakers in Congress say they want to take up the issue this year, Democrats and some Republicans say they are wary of any proposal that would force people out of the current fee-for-service system.

However, many Republicans argue the only way to keep Medicare solvent over the long term is to move beneficiaries out of the expensive fee-for-service plan into private health plans that are better at controlling costs.

John Rother, legislative director for AARP -- the nation's largest senior citizens organization -- said that although AARP is not opposed to having Medicare support private health plans, the group believes that drug benefits should be available to those in the traditional plan.

Roth was in Michigan and Bernstein was in Houston to report this story. Chronicle reporter Karen Masterson of the Washington bureau contributed to this story.

Jan. 29, 2003, 11:58PM

Border consulate closed

Facility in Nuevo Laredo investigated for visa fraud

By PATTY REINERT

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WASHINGTON -- The U.S. government temporarily closed its consulate in the Mexican border city of Nuevo Laredo on Wednesday as the Justice Department investigates allegations that employees there illegally issued visas.

State Department spokesman Richard Boucher declined to specify how many fraudulent visas allegedly were obtained from the office or whether those believed to have received the visas were Mexicans or other foreign nationals.

But he said the situation was serious enough to suspend all visas operations at the consulate, which last year issued 117,317 visas.

According to the Bureau of Consular Affairs, most of the 10 consulates in Mexico had a higher volume of visas.

"The visa process plays a critical role in the protection of American borders and maintaining its integrity has always been a top priority for the State Department," Boucher said. "We vigorously pursue charges of wrongdoing and take appropriate action against those who are involved."

Boucher said, "All the people that we know about so far who got these allegedly illegal visas have been put on lookout lists for all the law enforcement agencies."

"I can't give you a number at this point because that's part of the investigation," he said.

He declined to say whether any arrests had been made.

Boucher said the State Department's Diplomatic Security Service and the U.S. Justice Department have been investigating the consulate since the allegations were made last year. He added that the consulate would reopen in a few days, "but we won't resume visa operations until we're completely satisfied that all visas are being issued in full accordance with the law."

Thomas Armbruster, the U.S. consul in Nuevo Laredo, told the San Antonio Express-News the consulate has canceled all visa interviews for the next week and a half.

"Those individuals who had visa appointments at the Nuevo Laredo consulate will be contacted to reschedule for either our consulates in Monterrey or Matamoros, or to wait until the consulate reopens," Armbruster said.

He said the Nuevo Laredo consulate will continue to provide services to U.S. citizens traveling or being held by law enforcement authorities in Mexico.

Jan. 29, 2003, 11:51PM

Prison factory supervisor killed by inmate

Associated Press

AMARILLO -- A supervisor at an Amarillo prison shoe factory died Wednesday about four hours after he was attacked by an inmate who slashed his throat, apparently with a knife.

Stanley Wiley, 38, first was taken to the infirmary at the Clements Unit of the Texas Department of Criminal Justice, then was transferred by ambulance to a hospital in Amarillo, prison spokesman Larry Todd said from Austin.

Wiley was pronounced dead at about 11 a.m., he said.

Inmate Travis Trevino Runnels, 26, was charged with murder. A complaint filed in the 47th District Court said Runnels claimed he was reacting to previous disagreements with the supervisor.

"I started boiling inside," Runnels said in a written statement quoted in the complaint, the Amarillo Globe News reported in its Thursday editions.

"It seems like my mind went on overload and I blanked out and started walking toward him. The next thing I know he was turning around looking at me with his hand on his throat with blood running down. I looked down at my hand and a knife was in it," Runnels said in the statement.

About 50 inmates were in the shoe factory when the attack occurred at about 7 a.m.

Wiley, from Amarillo, joined the prison system in June 1994 as a correctional officer at the Clements Unit. In June 2000, he was promoted to the industrial specialist position, where he oversaw inmates making shoes for other offenders in the prison system.

He became the first Texas corrections officer to die in the line of duty since Daniel Nagle was fatally stabbed in December 1999 at the McConnell Unit in Beeville. A convicted murderer from Harris County serving a life prison term, Robert Lynn Pruett, was sentenced to death in Nagle's slaying.

Todd said Runnels is serving a 70-year term from Dallas County for aggravated robbery. Runnels, who is not eligible for parole until 2025, has two previous convictions for burglary.

The prison, built in 1990 and with a capacity of more than 4,000 inmates, was placed on lockdown.

For 2002 through November, the prison system reported 41 serious staff assaults.

Jan. 29, 2003, 9:23PM

Supervisor rapped for inaction after 911 call

Associated Press

NEW YORK -- Authorities criticized a 911 supervisor for failing to alert the rescue squad after a frantic cell phone call from four teens on a sinking rowboat. The last words from the caller: "We're gonna die."

Police released a transcript Tuesday of the brief, harrowing 911 call made as the boat sank in the frigid waters off City Island last Friday night.

"Hello ... uh ... we're ... listen ... we're on the Long Island Sound in a boat off the coast of City I ... we're gonna die," one of the teens says, according to the transcript of the 12-second call.

While noting the call was hard to understand, police officials have recommended disciplinary action for the 911 supervisor in the case, who violated police procedure by failing to notify the police harbor unit, police said.

The search for the boys' bodies continued. Family members said the four friends -- Charles Wertenbaker, 16, Andrew Melnikov, 16, Max Guarino, 17, and Henry Badillo, 17 -- planned to form a band.

The dispatcher entered the boys' call into a log and alerted her supervisor but did not have enough specific information to enter the report into the police department system, police Commissioner Ray Kelly said.

Jan. 29, 2003, 9:25PM

Senators make Texas nominee wait

By JULIE MASON

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WASHINGTON -- The Senate Judiciary Committee went relatively easy on former Texas lawmaker Rob Junell on Wednesday -- but they still made him wait 10 hours for a hearing.

Junell, a San Angelo Democrat nominated by President Bush last year for a federal bench in Texas' western district, is expected to be approved by the committee on Feb. 6.

After that, the full Senate will consider his confirmation.

"I am honored to be considered, and I look forward to the process continuing," Junell said after a brief appearance before the committee. "You're always anxious and nervous, but this is a big moment in my family's life."

Junell, who campaigned for Bush in the 2000 election, stepped down from the Legislature at the end of his term this year.

A former chairman of the Texas House Appropriations Committee, Junell was one of three Bush judicial nominees who waited all day and part of the evening to answer the committee's questions.

The bulk of the committee's day was spent grilling three nominees for circuit court vacancies, including Jeffrey Sutton of Ohio, an adjunct professor of law depicted by critics as a staunch pro-states' rights advocate.

Lawmakers, faced with chanting protesters outside the Judiciary Committee hearing room, relocated the meeting to a larger chamber to accommodate Sutton's detractors.

Junell, by contrast, was notably lacking in controversy for a Bush nominee from Texas. Last year, the Senate Judiciary Committee rejected Bush's nomination of Texas Supreme Court Justice Priscilla Owen to a federal bench, amid criticism that she was too ideologically conservative.

After the Senate passed from Democrat to Republican control in the last election, Bush resubmitted Owen's nomination, along with about 30 others.

Sen. Patrick Leahy, D-Vt., asked Junell about a whistle-blower case in Texas, and specifically why Junell, as chairman of appropriations, recommended the Legislature award the whistle-blower significantly less than the whistle-blower had been awarded in court.

Junell told the committee that the whistle-blower's award greatly exceeded a comparable cap on Texas tort claims, and that the Legislature eventually awarded the man a significant sum in the millions of dollars.

"I've not heard that anyone has been deterred from blowing the whistle since," Junell told Leahy.

Speaking on Junell's behalf were Texas Sens. Kay Bailey Hutchison and John Cornyn, both Republicans who urged the panel to approve Junell's nomination.

Jan. 29, 2003, 9:27PM

White House seeks more funds to curb nuclear materials

Recent report describes proliferation as 'gravest danger in the world today'

By H. JOSEF HEBERT
Associated Press

WASHINGTON -- The Bush administration will propose a 30 percent increase to \$1.3 billion next year for programs aimed at keeping nuclear materials out of the hands of terrorists, officials said Wednesday.

The proposal, much of it to help Russia secure its nuclear material, represents the second year of increased spending for nuclear nonproliferation after the Bush administration -- before the Sept. 11 terrorist attacks -- sought to scale back the programs.

Energy Secretary Spencer Abraham outlined the additional spending Wednesday. It will be part of the proposed budget President Bush will send to Congress next week for the fiscal year beginning Oct. 1.

"We intend to be aggressive" on nuclear nonproliferation, Abraham told members of the Center for Strategic and International Studies.

The proposed budget, he said, will "contain the largest request for nonproliferation programs in U.S. history."

The government currently is spending about \$1 billion on these programs to help Russia secure its nuclear materials and other nuclear nonproliferation efforts. More than \$7 billion has been spent on the effort over the past decade.

Earlier this month, a report developed by 15 international organizations and financed by the Washington-based Nuclear Threat Initiative, called nuclear proliferation "the gravest danger in the world today" and said efforts to deal with it have fallen short.

For example, the report said, less than half of Russia's weapons-usable nuclear material identified by the Energy Department is considered to be in secure locations. And virtually none of its plutonium and only one-seventh of its highly enriched uranium so far has been rendered unusable for weapons use, should

terrorists or rogue states obtain it.

Robert Einhorn, a former Clinton administration nuclear arms specialist now at the Center for Strategic and International Studies and a co-author of the report, said he had not yet analyzed the proposed spending increase to determine its likely impact.

Abraham said the proposal for fiscal 2004 will let the government expand programs to help secure Russia's 600 metric tons of weapons-usable nuclear material.

"We expect to complete most of the work (in securing these materials) over the next few years, in many cases ahead of schedule," said Abraham.

Jan. 29, 2003, 8:33PM

Suspect in officers' deaths caught 46 years later

Associated Press

EL SEGUNDO, Calif. -- Helped by a new FBI fingerprint database, authorities arrested a man Wednesday in the 1957 slayings of two police officers who were gunned down after pulling over a car for running a red light.

Gerald Mason, 68, was arrested without resistance at his home in Columbia, S.C., said Los Angeles County Sheriff's Capt. Frank Merriman. Mason had apparently led a "very well-adjusted, normal life" in the nearly 46 years since the attack, he said.

Fingerprints taken from a stolen car on the night of the killings in El Segundo were traced to Mason through a new FBI database, authorities said. They were linked to Mason through a 1956 burglary in South Carolina.

Mason was charged with two counts of murder along with rape, kidnapping and robbery for alleged attacks on couples at a lovers' lane.

"The message is that we in law enforcement never give up," said Sheriff Lee Baca, whose cold-case unit helped investigate.

The officers "can now rest in peace with the knowledge that the killer has been caught."

Milton Curtis, 25, and Richard Phillips, 28, were shot on July 22, 1957, after pulling over a motorist.

Jan. 29, 2003, 8:34PM

Justice tempered with mercy

Plea deal ends trial of mother, 64, who killed dying sons

By KEN ELLINGWOOD
Los Angeles Times

ATLANTA -- A Georgia woman who was charged with murder after fatally shooting two adult sons suffering from Huntington's disease pleaded guilty Wednesday to a lesser charge of assisting suicide, ending a case that drew national attention to the ravages of the disease.

Under the plea entered in Spalding County Courthouse, 64-year-old Carol Carr will serve up to five years in state prison for violating a law that prohibits aiding in a suicide. It was one of the first such convictions in Georgia.

In exchange, county prosecutors agreed to drop murder charges against Carr, who turned herself in June 8 after shooting her terminally ill sons, Randy Scott, 42, and Andy Scott, 41, as they lay in a nursing home in the town of Griffin, about 40 miles south of Atlanta.

The two were in advanced stages of the degenerative disease.

Carr, who has been held without bail since her arrest, will be eligible for parole in about a year. She had faced the possibility of life in prison if convicted at trial on murder charges that were handed down by a Spalding County grand jury in August.

The case was "difficult from everyone's perspective," said Spalding County District Attorney William McBroom. "You have a woman that never has done any kind of criminal act. She's 64, and has health problems. But she's killed two people. You can't condone that and let her go."

McBroom said a trial could have ended with a hung jury if one or more jurors sympathized with Carr.

By the same token, he said, Carr risked spending the rest of her life behind bars by facing a jury. "Both sides gave up something," the prosecutor said of the plea agreement.

"It's a classic example of the old legal adage that you should always temper justice with mercy," Carr's lawyer, Lee Sexton, said after a court session. "She believes she was 100 percent right -- it was her duty. But legally, she knew it violated the law."

The case underlined the toll of Huntington's disease, a hereditary brain disorder that erodes a person's ability to perform basic functions, such as walking, speaking or even thinking clearly. In the end, it proves fatal.

Carr provided a particularly poignant symbol. Her husband, Hoyt, died of Huntington's in 1995 after a long struggle. The disease also struck his mother, along with a sister and brother.

"We are heartened that Mrs. Carr will not have to face a trial for the murder of her two sons who suffered from Huntington's disease," said Barbara Boyle, national executive director and CEO of the Huntington's Disease Society of America. She urged caregivers facing severe pressures to contact the society.

During grand jury hearings on the matter last year, supporters gathered at the courthouse to urge authorities to have mercy on Carr, who went to SunBridge Care and Rehabilitation and shot both sons in the head with a .25-caliber handgun.

Carr had vowed that she would not let the two sons succumb in the same manner as her husband. She once helped feed the two sons handfuls of anti-anxiety pills in an unsuccessful attempt to end their lives.

Sexton said he hoped the case would inspire Georgia lawmakers to legalize assisted suicide in cases of Huntington's disease.

Carr was "extremely relieved that she's no longer facing murder charges," Sexton said. "There's an end to what she's going through today."

Jan. 29, 2003, 8:38PM

U.S. to seek waiver on pesticide known to harm ozone layer

By **ANDREW C. REVKIN**
New York Times

The Bush administration intends to seek dozens of exemptions for U.S. companies from an impending international ban on methyl bromide, a widely used pesticide and weed killer whose fumes have been shown to damage the ozone layer.

The White House faces a Friday deadline for forwarding proposed exemptions to an international environmental body that administers the Montreal Protocol, a treaty protecting the ozone layer.

But a decision has been delayed because administration officials are having trouble finding a balance between farmers' needs and the need to restore Earth's protective veil of ozone, which blocks harmful ultraviolet rays but has been damaged by various synthetic chemicals.

White House officials are still working on the final list.

After they are submitted, the U.S. exemptions and those sought by other industrialized countries will be reviewed this spring by an international committee of three dozen experts, including U.S. government scientists.

British officials said they planned to seek a very constrained list of exemptions that would ensure that overall use would still decline. But other countries have told U.S. officials that they, like the United States, are considering allowing extensive continued use of methyl bromide.

U.S. officials were concerned that the isolation of the United States on other international issues, including a climate treaty and a possible attack on Iraq, could result in the exemptions being rejected whether or not they were justified. There is no appeal process under the treaty.

A senior federal official involved in assessing the proposed exemptions to the chemical ban said that most of the agricultural users had legitimate worries about whether they could stay in business without methyl bromide.

"I think they have a case for needing it," the official said. "The Montreal Protocol has expressed in this exemption the notion that there are cases where the impact of losing the chemical is so great that they

won't force the ban on people."

Environmental groups have pressed the White House to winnow the requests greatly, pointing to some that have sought increases in uses of the chemical, even as international rules require a steady phasing out.

If the administration endorses most of the exemptions and the treaty organization accepts them, years of progress will be undone, according to David Doniger, an expert in international environmental policy at the Natural Resources Defense Council.

"If the Bush administration abandons the phasing out of methyl bromide, the safer alternatives will wither on the vine, and the hole in the ozone layer will keep growing," he said.

Companies producing substitutes contend that any significant exemptions will delay shifts toward other options.

If the United States seeks and is granted most of the exemptions, use of the chemical -- which has been declining in industrialized countries since 1999 on a timetable set under the treaty -- could start rising again.

Fruit farmers, flour millers, vineyard owners, country club managers and administration and government agriculture officials are among those saying the exemptions are badly needed because no substitutes are nearly as cheap or effective.

Mexico and other developing countries, which compete with U.S. farmers in fruit and vegetable trade, are exempt from the methyl bromide ban for another decade.

Jan. 29, 2003, 11:46PM

Study questions treatment of heart malady

By JANE E. ALLEN
Los Angeles Times

Many people with a common heart rhythm abnormality may not be getting the most effective treatment.

The first step in treating atrial fibrillation, especially among elderly patients, should be controlling the rate at which the heart beats, rather than trying to correct the rhythm, a large comparison study has concluded.

Patients getting either treatment felt better, but those given rhythm-correcting treatments had more hospitalizations and side effects than those taking drugs to control their heart rate, researchers found.

The study of 4,060 U.S. and Canadian patients, published in a recent issue of the New England Journal of Medicine is likely to change the way doctors treat atrial fibrillation. The heart problem affects 2.3 million Americans and is expected to hit as many as 6 million by 2040 as the baby boomers age.

"I think a lot more of them are going to get rate control," said Dr. D. George Wyse, a cardiology professor at the University of Calgary in Canada.

With atrial fibrillation, the upper chambers of the heart, called the atria, contract so quickly that they quiver. As a result, they don't pump blood properly into the lower chambers, called the ventricles. The heartbeat becomes erratic, and blood flow can become stagnant, increasing the risk that clots will form and travel to the brain, resulting in a stroke. Although some patients report no symptoms, others experience heart palpitations, shortness of breath and dizziness.

The problem is chronic; even when fibrillation is brought under control, "it's going to come back," Wyse said.

The treatment of fibrillation changed with the arrival of anti-arrhythmia drugs in the late 1970s and 1980s. Those years marked the arrival of drugs "that had a reasonable chance of getting you back into a normal rhythm," Wyse said. Most doctors moved away from the older strategy of treating the heart rate.

With the anti-arrhythmic drugs, Wyse said, "everybody just assumed there were a lot of advantages."

But the newer drugs were tough on patients, and many people still had recurrences of their fibrillation.

Jan. 29, 2003, 11:14PM

Methodist bishop to appear in anti-war commercial

Associated Press

NASHVILLE, Tenn. -- A high-ranking Methodist bishop will appear in an anti-war commercial aimed at persuading President Bush, a fellow Methodist, that a U.S. attack on Iraq would violate "God's law."

The 30-second commercial, featuring Bishop Melvin Talbert and actress Janeane Garofalo, is expected to be broadcast beginning Friday to New York and Washington viewers of the CNN and Fox cable news networks, said Stephen Drachler, a United Methodist spokesman in Nashville.

The commercial begins with a warning that some scenes may not be suitable for children. Garofalo suggests that up to a half-million people could be killed or wounded if the United States invades Iraq.

"Do we have the right to do that to a country that's done nothing to us?" Garofalo asks.

Talbert, former bishop of Seattle and San Francisco, teaches at Vanderbilt University Divinity School in Nashville. He is the chief ecumenical officer of the United Methodist Church, which has an estimated 8.4 million U.S. members.

"Iraq hasn't wronged us," said Talbert, who joined a 13-person delegation of religious leaders on a five-day peace mission to Iraq that ended Jan. 3. "War will only create more terrorists."

TrueMajority, an advocacy organization started by Ben and Jerry's co-founder Ben Cohen, produced the commercial. It is sponsored by the National Council of Churches.

"It basically raises the issue of letting the inspectors do their work," said Bob Edgar, the council's general secretary and a former Democratic congressman from Pennsylvania.

In a statement, Talbert criticized the Bush administration's push toward war to remove Saddam Hussein.

"No nation under God has that right," Talbert said. "It violates international law. It violates God's law and the teachings of Jesus Christ."

Jan. 29, 2003, 8:33PM

National briefs

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Urologist faces charges for diluting cancer drug

FORT LAUDERDALE, Fla. -- A urologist was charged Wednesday with watering down an expensive drug used to treat people with advanced prostate cancer.

The attorney for Victor Souaid said the doctor's use of new therapies with the drug Lupron are debated within the medical community and are the focus of the government's investigation.

Souaid, 40, is charged in the 60-count indictment with health care fraud, product tampering and the wholesale distribution of prescription drugs without a license. Each count carries a 10-year maximum prison sentence.

Authorities say Souaid failed to properly administer the drug to at least 32 patients between July 2000 and November 2001.

Souaid allegedly tampered with and diluted Lupron to inject the drug into more than one patient, the indictment said. It also accused the doctor of wrongfully distributing Lupron through sales totaling more than \$1.5 million.

Student guilty in killing of high school counselor

SPRINGFIELD, Mass. -- An 18-year-old student was convicted of murder Wednesday for plunging his knife into the heart of a high school counselor who had told him to remove the hood of his sweat shirt.

Corey Ramos received an automatic life sentence with the possibility of parole after 15 years. He stabbed Theodore Brown eight times during a 2001 classroom brawl that erupted after the counselor repeatedly told the student to follow school rules by removing his hood. Brown, a Pentecostal minister who had worked in public schools since 1996, managed to walk to the school nurse's office but died minutes later.

Defense attorney Alan Black argued that Brown provoked the fight by hounding Ramos over the hood and putting his hand on the student's shoulder, something Ramos told him not to do.

Guardian petition for cloned baby is dismissed

FORT LAUDERDALE, Fla. -- The head of the company that claims to have created the first human clone appeared in court Wednesday and insisted under oath that the baby exists and is in Israel.

With that, Circuit Judge John Frusciante said the baby would be outside the jurisdiction of the Florida court, and he threw out a petition seeking the appointment of a guardian for the child.

But the judge warned Clonaid President Brigitte Boisselier: "You cannot pursue human cloning with impunity. All of us must not overlook the weakest among us."

Boisselier said she had seen the child, nicknamed Baby Eve by the company, only on videotape before the parents cut off contact with her last week. The company said it has since cloned two more babies but has not provided any proof of their existence.

War may worsen vets' health care system

WASHINGTON -- The Veterans Affairs health care system doesn't have enough money, has trouble recruiting doctors and nurses, makes some veterans wait months for an appointment, and cuts off others from enrolling.

A war with Iraq could only make the problems worse, lawmakers and officials said Wednesday.

"The word `crisis' is often overused in this town, but clearly VA health care is in crisis and at a crossroads," Rep. Christopher Smith, R-N.J., chairman of the House Veterans Affairs Committee, said at a hearing.

Jan. 29, 2003, 10:38PM

Disparate views make bin Laden, Saddam unlikely pair

By PAUL HAVEN
Associated Press

ISLAMABAD, Pakistan -- It's a nightmare scenario: Al-Qaida terrorists, funded by Osama bin Laden's millions and with access to Saddam Hussein's hidden stockpiles of chemical and biological weapons, unleash carnage that dwarfs even the fury of the Sept. 11 attacks.

In making his case for possible war with Iraq, President Bush warned such a day might come if America fails to act, but there is no known evidence of a link between Washington's chief villains.

The two men -- one married to religious extremism, the other a calculating secularist -- would make strange bedfellows, agreeing perhaps only on their hatred for the United States.

"Ideologically and logically, they cannot work together," said Gen. Hamid Gul, the former chief of Pakistan's spy agency InterServices Intelligence. "Bin Laden and his men considered Saddam the killer of hundreds of Islamic militants," a reference to Saddam's relentless crackdowns on domestic political rivals, including Kurds and Shiites.

In his State of the Union address Tuesday, Bush used the alleged link between Saddam and al-Qaida as a major argument in his push for a tough stance on Iraq.

"Evidence from intelligence sources, secret communications and statements by people now in custody reveal that Saddam Hussein aids and protects terrorists, including members of al-Qaida," the president said.

"Imagine those 19 hijackers with other weapons and other plans -- this time armed by Saddam. It would take one vial, one canister, one crate slipped into this country to bring a day of horror like none we have ever known," he added.

The president offered no new evidence, but said Secretary of State Colin Powell would present the U.S. case against Iraq to the United Nations next week.

Bush's comments were dismissed by Iraqi Deputy Prime Minister Tariq Aziz.

"I absolutely deny that," Aziz told the British Broadcasting Corp. "Historically speaking, everybody in the region, everybody in the world knows Iraq has no connection with al-Qaida. We are quite different people -- different in ideology, different in practice."

Certainly, an alliance between Saddam and bin Laden would have seemed impossible before Sept. 11.

In 1999, bin Laden was considering leaving Afghanistan amid U.S. pressure on the Taliban to kick him out in the wake of the al-Qaida-linked bombings a year earlier of two U.S. embassies in Africa.

Going to Iraq was apparently never an option.

A Taliban commander said at the time that despite Saddam's battle with the United States, bin Laden would not relocate to Iraq because "he has differences with Saddam. He is not a good Muslim. Saddam does not care about Islam like Osama." The commander refused to be identified for fear of reprisal.

Jan. 29, 2003, 10:38PM

Arabs still leery after speech

They want Bush to provide evidence and postwar plan

By NEIL MacFARQUHAR
New York Times

CAIRO, Egypt -- President Bush's recapping of the need to remove Saddam Hussein from power sounded to Middle Eastern ears on Wednesday more like a domestic pep rally for war than a convincing argument to validate such a drastic step.

Those Arabs actually paying attention to the speech found troubling both the lack of damning evidence against Baghdad and the lack of any articulated plan for postwar Iraq, leaving them bracing for what they see as an American misadventure in a region they think has seen far too many.

"So far, any evidence presented has not made a case for war," said Hesham Youssef, the spokesman for the Arab League. "The international community is not convinced, so they need to make a better case if they want support."

Arab governments in general, especially those in moderate states with close ties to Washington, prefer avoiding the topic of a U.S. war against Iraq whenever possible. So there was little official reaction.

The speech came too late to make the papers in the Arab world. In countries like Syria, where the government also controls the broadcast media, it was virtually ignored as something for U.S. consumption.

"It was a rallying speech, a speech by an unbalanced man preparing the Americans for war, not for peace," said Imad Fawzi Shueibi, a Damascus University professor and political commentator.

"Bush as usual has his own double standard, accusing Iraq of flaunting the U.N. while the United States despises the U.N. and all Security Council resolutions" about Israel.

Tariq Aziz, the Iraqi deputy prime minister, denied the charge that Iraq has any connection with al-Qaida or other terrorist networks.

"Until now, this false accusation was repeated many times and no evidence was presented," Aziz told ABC News from Baghdad. "Everybody in the region and in the world knows Iraq has no connection with

al-Qaida."

Iran, also criticized by Bush as trying to develop weapons of mass destruction and lacking freedom, accused the president of interfering in the Islamic republic's internal affairs.

Some Arab governments, especially Egypt, began to switch tacks this week, rolling out accusations that Saddam is to blame for any catastrophe that befalls Iraq for failing to cooperate with the inspectors.

But there are also signs of fatigue with the United States repeatedly saying it has evidence while failing to produce any. "We have been listening to this story for the past six months: Evidence is coming, evidence is coming," said Youssef of the Arab League.

What many also find troubling is that Bush, in addressing the Iraqis, said the day that Saddam was removed from power would be the day of their liberation, while failing to present what the United States has in mind after Saddam.

"I doubt you could find one person who would agree that the Americans are coming just for the sake of the region and they want to bring democracy," said Khaled Batarfi, the managing editor of Al-Madina newspaper in Jidda, Saudi Arabia. "We think it's oil, we think it's Israel, we think it's control. They want a police station in Baghdad like they have in Kabul."

Jan. 29, 2003, 10:50PM

Rebels say they'll free kidnapped journalists

Associated Press

BOGOTA, Colombia -- Colombian rebels said Wednesday they were prepared to hand over two kidnapped foreign journalists to a humanitarian commission but warned the army not to mount a rescue attempt.

Photographer Scott Dalton, 34, of Conroe, and reporter Ruth Morris, a Briton, were seized by the National Liberation Army, known as the ELN, on Jan. 21. The two were on assignment for the Los Angeles Times.

The rebels said Tuesday they would not free the pair until the Colombian military halted its attacks in Arauca state in eastern Colombia where the two were abducted.

On Wednesday, the rebels did not mention that demand, saying only that they would turn the two over to a humanitarian commission.

"The ELN is calling for a commission of the Inspector General's office, the government human rights ombudsman and the International Red Cross to come, so they can hear our version about events in the region and at the same time receive the journalists," a rebel said over the ELN's clandestine radio station in Arauca.

A spokesman for the International Committee of the Red Cross said the agency doesn't participate in commissions to maintain its neutrality.

The spokesman, Carlos Rios, said that the ICRC has been in contact with the rebel group on its own but no time has been set up for handing over the journalists.

The rebels said they could not guarantee the safety of the journalists if the Colombian army mounted a rescue attempt.

During the rebel broadcast, a thump similar to the sound made by a helicopter's rotor blades was heard in the background. The sound was not explained, but the rebel making the broadcast indicated government troops were close.

The rebel said the commander of the Colombian Army's elite Rapid Deployment force was "deaf" to the

guerrillas' warnings that no rescue be attempted.

The ELN, believed to number 3,500-5,000 combatants, was inspired by the Cuban revolution and began fighting in Colombia four decades ago.

In Arauca, the ELN and a larger rebel group have been fighting against illegal right-wing militias and government forces for control of the state's oil-rich plains.

President Alvaro Uribe has made Arauca a centerpiece in his strategy to turn the tide in Colombia's civil war.

Colombia's war pits the 18,000-strong Revolutionary Armed Forces of Colombia, or FARC, and the ELN against the government and the paramilitary groups. About 3,500 people, mainly civilians, die in the fighting each year.

Jan. 29, 2003, 11:40PM

Disgraced king denied chance to ask for support, papers show

By BETH GARDINER
Associated Press

LONDON -- The prince nurtured a burning, hidden love that might block his way to the throne. His chosen one herself kept clandestine trysts. The secret police spied on all of them. And the government massaged the news media to sway public opinion. Sound familiar?

The events might have been taken from just about any of the recent annals of Britain's House of Windsor as Prince Charles, the heir to the throne, Camilla Parker-Bowles, his longtime love, and Diana, Princess of Wales, played out the acts of a tragedy foretold that led to Diana's death in a Paris car crash in 1997.

In fact, the events relate to another royal saga: the abdication of King Edward VIII in December 1936 to permit his marriage to his twice-divorced American mistress Wallis Warfield Simpson.

But what was not widely known to most Britons until now was that the unfolding romance between Edward and Simpson was closely monitored by detectives from the police Special Branch, who reported that she was two-timing the prince with Guy Marcus Trundle, "a motor engineer and salesman" who "is said to be employed by the Ford Motor Company."

The police reports are part of a trove of 120 files that the British authorities in 1967 ordered sealed for 100 years. In 1999, however, secrecy rules changed and the Public Records Office was ordered to open files not related to national security.

The story unfolded like this: Simpson met Edward well before his coronation in January 1936 and was granted a preliminary divorce from her second husband, Ernest Aldrich Simpson, in October of that year. In November 1936, the king expressed his desire to marry her, but was told by government leaders that the public would not accept the marriage.

The king offered a so-called morganatic marriage according to which Simpson would not have become queen. Prime Minister Stanley Baldwin rejected the proposal. In December 1936, the king abdicated.

In June 1937, the ex-king -- now titled the Duke of Windsor -- married her in France.

According to the documents released Wednesday, Simpson navigated a tricky course between her

husband, Edward and her other lovers.

"Mrs. Simpson has also alleged that her husband is having her watched" and "in consequence she is very careful for the double purpose of keeping both POW and her husband in ignorance of her surreptitious love affairs," a police report said, using the initials to describe the Prince of Wales, as King Edward VIII was known before his coronation.

A Special Branch report said in July 1935 long before the crisis burst into the open: "He (Trundle) meets Mrs. Simpson quite openly at informal social gatherings as a personal friend, but secret meetings are made by appointment when intimate relations take place."

The documents include what was said to be the text of an abdication speech that the government prevented Edward from making. In it he hoped to convince his subjects that he should marry Simpson and retain his throne.

"It has taken me a long time to find the woman I want to make my wife," the text said. "Without her I have been a very lonely man. With her I shall have a home and all the companionship and mutual sympathy and understanding which married life can bring. I know that many of you have had the good fortune to be blessed with such a life and I am sure that in your hearts you would wish the same for me.

"Neither Mrs. Simpson nor I have ever sought to insist that she should be queen," the script continued. "All we desired was that our married happiness should carry with it a proper title and dignity for her, befitting my wife."

Any sympathy might well have evaporated had the public known that in October 1937 the newly married couple visited Germany as guests of Hitler, and Simpson boasted about it. Before she went, according to a diplomatic telegram from the British ambassador in Paris, Sir Eric Phipps, the duchess "told a member of my staff last night that when in Germany they would be entertained by Herr Hitler."

Jan. 29, 2003, 10:36PM

World Briefs

Remains of Jesuit may have been found

TEGUCIGALPA, Honduras -- Officials may have found the remains of the Rev. James Carney, an American Jesuit who disappeared in 1983 while accompanying a small leftist rebel group on a doomed invasion. Investigators sent by a local prosecutor found the skeletal remains of about 10 people in a dense jungle near the Nicaraguan border. Carney was chaplain to 100 rebels who were captured and executed by Honduran soldiers.

Kuwait is skeptical about militant group

KUWAIT CITY -- Kuwait's government doubts the existence of a group that claims responsibility for a shooting attack on Americans and said it follows Osama bin Laden. The group, Dawa and Jihad, told an Arab newspaper Tuesday it was behind the Jan. 21 ambush. But Kuwait's defense minister said he had never heard of the group, and said its only communication was via the Internet.

Iran's cleric released from house arrest

QOM, Iran -- Iran's senior dissident cleric has been freed after spending five years under house arrest for criticizing the nation's supreme leader. The hard-line clerics in Iran's Islamic government had been under intense pressure from reformers to free the 81-year-old Grand Ayatollah Hossein Ali Montazeri, whose arrest was lifted because of Montazeri's age and ill health.

Nepal, rebels agree to stop violence

KATMANDU, Nepal -- Rebels and the Nepalese government agreed Wednesday to a cease-fire and peace talks to end nearly seven years of violence that has killed more than 7,000 people. The announcement, which quoted the prime minister's office, also said the government had agreed to stop calling the rebels terrorists, cancel the bounty offer on the heads of rebel leaders and cancel a notice to Interpol seeking their arrest.

French nationalists flee Ivory Coast

ABIDJAN, Ivory Coast -- Hundreds of French nationalists fled the country Wednesday as leading political figures in Ivory Coast renounced a days-old French-brokered peace plan that pro-government

rioters claim gives too much power to rebels. French business people already were sending home their families. In Paris, French authorities declared themselves ready for a full-scale evacuation of their citizens.

Thais evacuate 400 after Cambodian riot

PHNOM PENH, Cambodia -- Rioters looted the Thai Embassy and burned a building in the compound during a violent protest Wednesday. Thailand sent a plane and a team of commandos to Phnom Penh today to evacuate an estimated 400 of its citizens. The protest began after media reports that a Thai TV star claimed Cambodia had stolen the famous Angkor Wat temple from Thailand.

Ex-foreign minister's conviction overturned

PARIS -- An appeals court overturned the conviction of former Foreign Minister Roland Dumas on Wednesday. Dumas, 80, was convicted in May 2001, of receiving gifts and cash from the former state-owned oil company Elf Aquitaine while serving as foreign minister. Three co-defendants lost their appeals, including Dumas' former mistress, whose book *Whore of the Republic* helped open the case.

Missing Algerian found in trunk of car/h3>

PARIS -- The body of missing Algerian lawmaker Abdelmalek Benbara was discovered Wednesday in the trunk of his car on a busy Paris street, officials said. He had been missing for nearly three weeks. The body was found partly decomposed with the ankles bound. Authorities had no information on suspects.

Houston Chronicle News Services

Jan. 29, 2003, 6:26PM

FOCUS: VOLUNTEERING

No debate about speech tournament

Here are some of the many volunteer opportunities available through Volunteer Houston. Office hours are 8:30 a.m.-5 p.m. Mondays-Fridays.

· 713-965-0031

· www.volunteerhouston.org

THE SPOKEN WORD will take on heightened eloquence when students at a Pearland high school vie in a speech tournament on Feb. 7-8. These young people will demonstrate skills they've been developing in debate, acting and speech-making. Volunteer judges will be needed to rate the performance of the contestants. No special experience is required. Afternoon and evening judging assignments are available. Free food and beverages will be on hand.

IMPROVED HEALTH CARE is possible for low-income families, thanks to a church-backed agency based near Sharpstown. You can support the agency's work by assisting mobile health-care providers who periodically dispense services at the agency's site. Duties would include registering clients and answering basic questions about the procedures they will be undergoing. A commitment to two weekday mornings a month is all that's asked.

SIGN LANGUAGE expertise is needed by an HIV/AIDS support network that meets on Wednesday evenings at a church in the Montrose area. If you are skilled in the use of American Sign Language, consider coming by to interpret for a small group of hearing-impaired participants. Sessions last about an hour and a half.

THE LONG JOURNEY toward recovery begins for many cancer patients with a flight to Houston provided by an association of volunteer pilots. The association is recruiting other volunteers to take patients from the airport to various hospitals. If you can spare an hour or two a month transporting a patient in your car, the pilots will try to schedule landings at the airport you find most convenient.

A WOMEN'S ORGANIZATION is recruiting new volunteers. Some available assignments include overseeing school clothing drives, serving on a scholarship committee, staging school-based puppet shows that foster sensitivity toward persons with disabilities, and staffing a thrift shop that supports the organization's services. An orientation for prospective volunteers will be held Feb. 6.

HAPPY VALENTINES will be in store when you join with other volunteers in visiting local nursing homes on Feb. 15. If you have some time available that morning, plan on coming to either of two meeting places (near the Galleria or Willowbrook Mall) to prepare for a visit to any one of several scheduled facilities. You'll be given handmade Valentine's cards and other goodies to share with the persons you visit.

BE AN ADVOCATE for child-abuse victims. An agency that works directly with the courts has numerous volunteer opportunities available. Some volunteers research residential placements for children who have been removed from their homes; others review foster care cases and make recommendations on permanent placement; still others work with families in which abuse has occurred. Comprehensive training is provided.

Jan. 29, 2003, 9:49PM

Tour guide is driven to share her knowledge about Houston

By CLIFFORD PUGH

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With the skills of a responsible race car driver, Faye Sooppan nimbly maneuvers her gigantic tour bus along Allen Parkway as if it were a high-performance Maserati.

"See those gates?" she says taking Kirby Drive into River Oaks. "Those are the gates of paradise."

Cruising the streets of Houston's most exclusive neighborhood, she shares gossip about the mansions, the people who live in them -- and her own 38 years as an informal expert on the city of Houston. Hollywood has tours of movie stars' homes, but Houston also has its share of larger-than-life characters -- and there's no more entertaining guide to them than Sooppan.

As a longtime guide for Coach USA Tours, she takes visitors to see Houston landmarks, including the Astrodome, the Galleria, downtown Houston and River Oaks.

On the first Saturday of every month, she drives a Coach bus on a free, three-hour tour sponsored by the Greater Houston Convention and Visitors Bureau. The monthly tours were started a few months ago to give locals a better idea of what Houston has to offer and have been a big hit.

Reservations are taken on a first-come, first-served basis and fill up quickly. On the most recent tour, so many people showed up that Sooppan, who was on her way to the center's offices in City Hall with a 44-seat bus, turned around and came back with a 68-seater.

We recently tagged along surreptitiously to find out what we could learn about the city. The answer: A whole lot.

"People call me (and ask), 'What can you do in Houston for a week?' You could do different things here every day for a month. Houston has got it going, let me tell you," Sooppan says. "If you want to say something bad about Houston, don't say it in front of me."

"I can't keep my mouth shut," she says, her Texas twang dripping with down-home friendliness. "I can rattle on about Houston all day long."

Sooppan recalls that when she led a tour group through Bayou Bend 30 years ago, she saw the legendary Miss Ima Hogg filling bowls with candy.

"Of course, nobody knew it was her," Sooppan says. "But I did."

While she may occasionally embellish an anecdote, she's quite an entertainer and gives even longtime Houstonians a better idea of what makes their city unique.

She points out a mansion once owned by typewriter tycoon Milton Underwood. It has 56 rooms, a bowling alley and a swimming pool, she says.

The reason she knows so much about the house is that one time, when her bus got stuck in the mud "right down to the bumper" out front, Underwood escorted her inside and gave her a look around. He also had the street repaved so she would never get stuck there again.

Other attractions are the homes of developer Gerald Hines ("it took four years to build"), restaurateur Tilman Fertitta ("it has 110 rooms") and the Brown brothers, founders of Brown & Root (the world's largest construction and engineering company), who were so competitive they built their houses exactly alike.

Sooppan, 61, moved to Houston from Alabama when she was 12. Her brother was a diesel mechanic, and she honed her driving skills at his shop, where she answered the phone.

Oftentimes, he was so grimy that he would ask her to move the bus off the rack and park it. When no one was looking, she sometimes snuck it out and drove around the block.

One time a bus broke down in Oklahoma and her brother told her to drive a new one up there.

"I haven't quit since," she says.

Now she feels more comfortable behind the wheel of a big bus than a car.

"I can parallel-park a bus, but I can't drive a car," she says. "It's a pity. My husband drives me everywhere I go."

She shows off her driving skills during the tour when she turns into a McDonald's near the Astrodome for a pit stop. The turn is narrow, but Sooppan isn't deterred.

"No guts, no glory," she says, as she effortlessly guides the bus into the parking lot.

Just moments earlier, she marveled at the Astrodome, once called the Eighth Wonder of the World. She

recalled the opening in 1965, with a ribbon-cutting that was anything but traditional.

Since the city's baseball team was then known as the Colt 45s, dignitaries "took out their Colt 45s and shot holes in the ground," she says.

At the start of the tour, Sooppan winds the bus through downtown construction work, past the Hobby Center for the Performing Arts and down Texas Avenue, which she notes "is the widest street in downtown Houston, if there are any left."

She explains that Texas Avenue is so wide because in the mid-1800s, Houston was a lumber town and "they needed a wide street to bring the lumber in from Memorial Park."

She points out the Alley Theatre, "the second-oldest repertory theater this side of New York," the symphony hall named for Jesse H. Jones, "who did so much for our city," and Main Street, which stretches for 37 miles -- the longest Main Street in the nation, she says.

She points out the emerald-green Wells Fargo Building, which is shaped like a dollar sign when viewed from above; the Bob and Vivian Smith Fountain on Smith Street, "which is supposed to look like a three-tiered wedding cake," and the Houston Public Library Julia Ideson Building.

"Let me tell you, that sucker is haunted," she says.

She explains that the caretaker of the building used to play a violin and some swear you can still hear him playing it there. At times, she claims, books mysteriously end up on the floor.

In the Galleria area, she points out the stainless steel ovals over the traffic lights -- "they're supposed to resemble space ships hovering overhead" -- and a shopping center at the corner of Westheimer and Post Oak that's modeled after the U.S. Embassy in Switzerland.

After stops at the Williams Tower Water Wall and the McDonald's near the Dome, Sooppan maneuvers the bus through the Texas Medical Center into Hermann Park.

"There's my hero," she says, referring to a large statute of Sam Houston on horseback.

She explains to the non-Texans on the bus -- about a third are from far-flung places such as Alaska, Puerto Rico and Japan -- that Houston was the first and third president of the Republic of Texas.

"Women loved him. I don't know how a man on a horse got around so much," she says, obliquely referring to his philandering. "He died a natural death. He should have died at the hands of a woman."

Back downtown, she points out the fountain in front of the El Paso Energy skyscraper, which was made

out of a drive-through bank entrance. The seven acrylic panels are designed so that no matter how hard the wind blows, the fountain won't spray.

At Tranquillity Park, she comments that the cylinders are supposed to look like rockets going to the moon.

When the bus returns to the Visitors Center, everyone bursts into applause, a tribute to Sooppan's skills.

Showing others the sights is "a lot of fun," she says. "This is the only job in the world to have."

She has so much fun doing it that last year, when her family came to visit, she put all 35 of them on a bus and gave them a tour.

"They're still talking about it," she says.

Free guided city tours are held at noon the first Saturday of every month at the Greater Houston Convention and Visitors Bureau office at City Hall, 901 Bagby. Reservations are required. Call 713-437-5556 or 800-4-HOUSTON.

Jan. 29, 2003, 6:27PM

Summer wear heats up with beach, safari themes

By SUZY PATTERSON
Associated Press

PARIS -- The good, the bad and the beautiful might be one way to describe fashions for spring and summer, as shown in Paris.

Some fashion writers found the creative clothes sensational. Others were perplexed by unwearability for all but teen models headed for the beach.

In any case, the flashy mix of global fashions by designers from Japan to France promises a hot summer, featuring the teeniest minis and hot pants ever, plus sheath skirts split up to the hip -- for walking and for show-off. As French journalist Janie Samet, veteran fashion editor for the daily Figaro newspaper, observed: "They ignore daytime or street fashions, and are going for the night scene."

It's true that a sexy, nocturnal Lolita atmosphere drifted throughout the October shows for the spring -- micros showing legs, bare midriffs sporting navel jewelry.

At Yves Saint Laurent, with Tom Ford in charge, there was also plenty of bust emphasis, with quilting looking like bras on satin jackets, topped with pasties for an extra, unsubtle touch.

Generally, swimsuits were shown to look like disco wear -- something to revive the look of the old TV series, *Baywatch*.

In contrast, trousers either slim or flared look like a wearable alternative. Jackets are often attractive, slightly fitted toppers for the trousers.

Beach vies with desert for inspiration in many of the offerings. Julien Macdonald at Givenchy goes the beachy way, presenting aqua or white bikinis and teeny minis with attractive knit cover-ups, sometimes looking like cages.

Macramé playsuits in turquoise or hot orange and blazing pink dresses with pointed skirts edged in gold beads are showy, Givenchy late-day looks. Slim nailhead-studded white trousers or piqué jackets are peppy summerwear for St. Tropez or Long Island's sandy beaches.

Karl Lagerfeld at Chanel also favors the *Baywatch* look for next season. On the runway, the models were

sashaying around lugging surfboards and wearing brief gear like teeny bikinis in pink, gray or black. The skimpy swatches will cost about \$800.

Then there's *après*-beach, featuring slithery, sleek minis sporting little knit cardigans trimmed in mother-of-pearl. There was plenty in the trouser department for those who reject the micro-mini. Chambray denim-blue trousers are not exactly flattering for the larger sizes, with many pleats at the hip. But an outfit of flared cotton beige pants with a minimal black jacket and crepe de Chine blouse could please classic-minded Chanel fans.

Jean-Paul Gaultier made a foray into a shocking new trouser look, showing the lean styles with waists so low at the hip they revealed the undies or bikini bottoms, beneath transparent ruffled short blouses.

More wearable at Gaultier is an excellent short trench coat. Also to note are billowing toppers printed in ethnic patterns over lean trousers.

This is part of the light-bulb silhouette also shown in Paris by the likes of John Galiano at Dior -- round and large silk toppers over narrow legs. The line works for those who want to show legs rather than midriff flesh.

The beachy gear at Cacharel by Clements Rebeiro looks good. Fun Breton-style striped T-shirts in sharp colors from bright red to yellow or turquoise are worn over white miniskirts with pockets and zipper details. White leather shorts team up with blouses in multicolored circular prints. Also to note are the separates (skirts, shorts, blouses) in pretty and bright madras plaids.

Sweetness and light prevails at Stella McCartney, as the soon-to-be-married designer (and daughter of Beatle Paul) shows delicate short silk skirts in creams, silvery gray and whites, topped with organza or lace blousons with dressy feminine allure.

In the same vein, Marc Jacobs at Vuitton loves the look of sherbet-shaded pastels, with little dresses in pink, sky blue and parma violet. A French editor almost balked at the word "cute," but that's what they are. Naturally, the pretty Vuitton bags are made in the soft spring mood, from little clutch purses to the traveling totes.

The most wearable general style to expect for the summer is variations on the safari suit, and a bit of after-safari evening wear thrown in.

Valentino does this look very beautifully. His fitted taupe jacket with cream linen trousers, plus military-style jackets and classic off-white skirt suits with starry snaps on flaps and epaulettes are exemplary of a sporty-dressy style.

Safari jackets with sequined hot pants are the newest Valentino disco look, along with crystal embroidery and pointillist prints on minis.

Jean-Charles de Castelbajac also favored the desert or safari styles, with pedal pushers and classic desert trouser suits with nailhead details. He shows his fluid silk dresses printed with photographic scenes, from deserts to forests. This style is an ecological Castelbajac signature.

Cerruti's new designer, Istvan Francer, was admired for his handling of structured clothes, a rarity for next season, as clothes are usually nearly nude or very draped and floppy. One light cotton gabardine safari suit, with its short skirt and jacket with pushed-up sleeves and waist nipped by a braided belt, is especially attractive, though Cerruti's other fitted outfits in dressy and dark fabrics also look appealing.

At Guy Laroche, young designer Laetitia Hecht is showing her version of the *Out of Africa* look. Her beige hipster pants with a large hip belt, bare midriff and fitted taffy-colored leather jacket would have looked great on Katharine Hepburn in *African Queen*, though the guides and Humphrey Bogart might have giggled at the midriff.

Hecht's best classic cotton bush jacket and pants can then be followed with some exotic gala looks: bright chiffon or georgette evening wear dolled up with handsome African-art deco gear such as giraffe-neck chokers, breastplates and long arm bracelets.

As usual, high stiletto heels mean everybody who wears them teeters around looking taller and slimmer -- and must pay extra care where to tread, not to turn the ankle, or worse. The more exotic looks are often shown with strapped-up gladiator sandals.

Large leather girth belts for some of the minis and low-slung pencil pants emphasize the hip effect.

You might notice that there is little or nothing to wear to work shown in the Paris shows. But what turns up in the stores will probably look less exaggerated than the runway versions. And remember that fashion is a merry-go-round. What you may have liked a few years ago will undoubtedly come around in some form again.

Jan. 29, 2003, 5:49PM

Brit-pop upstart Coldplay makes its presence felt

By MICHAEL D. CLARK

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It would have been heresy just two short years ago to suggest Coldplay could challenge Radiohead for dream-pop superiority. After Coldplay's Houston debut at the Verizon Wireless Theater on Tuesday, it is now fact.

Radiohead has spent the new millennium dizzying itself and listeners with self-indulgent, increasingly abstract electronic soundscapes. During that time, rookie Brit-pop Coldplay has emerged to create cloud puffs of radio-friendly melodies.

Hints of this success were evident on Coldplay's first album, *Parachutes*. Its most recent effort, the more fully realized *A Rush of Blood to the Head* expanded on that promise. It plays like the rightful sequel to Radiohead's last album with structure -- its strongest -- 1997's *OK Computer*.

New Coldplay singles *In My Place* and *Clocks* have not gone unnoticed by an American music industry awaiting the resurgence of modern rock. This year the group has been nominated for two Grammys: best alternative album and best rock performance by a duo or group with vocals.

Backed by the strong songs on *A Rush of Blood to the Head* and the expanded role of the band -- guitarist Jon Buckland, drummer Will Champion and bassist Guy Berryman -- lead singer Chris Martin no longer looks like a pie-eyed entertainer trying to please with limited resources.

Martin opened the show alone in the shadows, faintly delivering the high-register vocals of *Politik*. As the song's tempo quickened, stage lights came up to introduce a stirring pool of guitar strings.

Coldplay has learned that giving away tricks in small doses heightens drama. Martin started many songs like *Daylight* and new single *The Scientist* with a tinkling of piano keys. By the end he was often pogoing across the stage as Buckland banged out a dynamic electric finish.

A bank of four video monitors, each focused on a band member, wasn't switched on until 30 minutes into the 90-minute set. The prying cameras heightened the suspicion of the already paranoid *Warning Sign*.

The gospel-influenced *Everything's Not Lost* and dancing chimes of yet-to-be-released *Moses* signaled the beginning of Coldplay's lush big finish. Silhouetted by a blinding bank of lemon-colored lights,

Martin belted out the strains of early hit *Yellow*.

Unlike in the past when *Yellow* was Coldplay's highlight, here it was the warm-up for the more recent *In My Place*. Martin sang the group's most defined melody with the ease of a troubadour. He purposely hit a few off-tune piano keys, adding texture to the already overpowering guitar lullaby.

It's the subtle differences that make Coldplay an accessible band and Radiohead more of an ongoing sound experiment.

Coldplay was not the only act on the bill with bright prospects. Canadian Ron Sexsmith opened the night debuting songs from his latest, *Cobblestone Runway*. The contrast of his melancholy-pining set to dance-floor beats was dazzling.

A playful Sexsmith struck a few bars of George Harrison's *Something* as he headed for the close of the somber *Secret Heart*.

For upcoming single *Gold in Them Hills* (which he sings with Coldplay's Martin on the album) he wallowed like ex-Smiths singer Morrissey. A standing bass and cello, however, added a multidimensional flair reminiscent of Elvis Costello's pop orchestrations.

A few more displays of emotional balance like this and Sexsmith could join Coldplay on a new wave of modern rock fragility.

Jan. 29, 2003, 6:48PM

TV REVIEW

Latest 'Columbo' has lots of loose ends, annoying music

By ANN HODGES

Copyright 2003 Houston Chronicle TV Critic

Columbo's back tonight with a caper as rambling and rumbled as he and his trademark raincoat.

Peter Falk has his part of this detective gig down pat, but *Columbo's* scriptwriters walk a tortured path tonight to get our canny hero to the place where he can do his thing. With bare hand, the lieutenant even dips into a toilet bowl to retrieve a minuscule clue.

Never mind that he messes with the crime scene. Columbo does things his way, and he's been doing that since 1968, so he must be doing something right.

Columbo began back then as one of several shows under NBC's umbrella title of "Prescription: Murder." In '71, the title became "NBC Mystery Movie," and *Columbo* shared that umbrella with Rock Hudson's *McMillan & Wife* and Dennis Weaver's *McCloud*. That ended in '77, but after 11 years in limbo, ABC made *Columbo* a new deal, to run as occasional TV movies.

The last one was two years ago, but for Falk and his famous detective, time does seem to stand still.

This time, he's into the "rave" scene, and competing with the most annoying music track (if you can call it music) in the memory of all *Columbo* time. Justin Price (Matthew Rhys of *Titus*) has been running raves, but now he's about to open his own fancy new disco. He's working hard to make opening night and is pressed for money. An SOS from his girlfriend, Vanessa (Jennifer Sky of *Fastlane*), lands him in the middle of something that should have been reported to 911. "Have you called the police?" he asks her. "They'd kill me," is her cryptic reply.

By the time Columbo arrives to clean up this mess with his clever cat-and-mouse game, there's one body out the window, a missing-person case that's looking more like murder all the time, and a touch of surprise casting. Freddie, a Mafia hit man from New York City, has come west to give Columbo a hand, and he's played by Steven R. Schirripa (*The Sopranos'* Bobby Bacala).

Freddie's arrival is fully explained here, but the rest of this convoluted case isn't all that great about loose ends. One murder that wasn't a murder ends in a fish tale, and the other is left high and dry.

Columbo Likes the Nightlife is not one of his finest.

***Columbo Likes the Nightlife*, 7 tonight on ABC/Channel 13. Grade: C.**

Jan. 29, 2003, 6:21PM

10 women named to the Chronicle's Best Dressed list

By SHELBY HODGE

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The wraps came off the Houston Chronicle Best Dressed list Wednesday night, ending weeks of speculation as to which 10 women would take the honors.

Securing positions in the Best Dressed Hall of Fame are Linda Lyons Brown and Clayton Erikson, earning the top spot for being named to Best Dressed ranks for a third year.

Jack Sweeney, Houston Chronicle publisher and president, announced the honorees at a cocktail reception in the couture salon at Neiman Marcus in the Galleria.

Named to the Best Dressed list for the second time are Janet Gurwitch Bristow, Julia Frankel and Effie Worrell. First-time honorees are Judge Eva Guzman, Karen Mayell, Courtney Sarofim, Leticia Trauber and Vicki West.

The 10 will be featured in a runway presentation March 25 at the Westin Galleria Hotel at the Houston Chronicle Best Dressed Luncheon and Neiman Marcus Fashion Presentation benefiting the March of Dimes.

The women were selected on the basis of their community and professional leadership as well as their exemplary sense of style and personal presentation. Selection is made by a Chronicle editorial committee from nominations provided by past Best Dressed honorees.

Joining in the program were Neiman's general manager and party host Bob Devlin, Best Dressed luncheon chair Melinda Berkman and Patsy Fourticq, March of Dimes advisory board member.

Special recognition was given to the \$25,000 major underwriters of the luncheon -- Everyones Internet and the Woman's Hospital of Texas.

Jan. 29, 2003, 6:23PM

Hallmark, four other channels joining cable lineup

By MIKE McDANIEL

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The Hallmark Channel and four relatively obscure niche channels will join Time Warner-Houston's lineup Feb. 7.

The addition of Hallmark is noteworthy. The channel carries the cachet of a brand name provided not only by its famous greeting-card company but also by the success of the "Hallmark Hall of Fame" movie franchise. Hallmark Entertainment-produced films have won 95 Emmys and 380 Emmy nominations.

Hallmark Channel's lineup relies heavily on off-network family programming, including *Bonanza*, *The Waltons* and *Touched by an Angel*. But it also includes original productions. Coming up, for example, is the made-for-Hallmark movie *Straight From the Heart*, a romantic drama starring Teri Polo and Andrew McCarthy. It debuts Feb. 9.

The channel will be available to Time Warner "standard" subscribers. The four other new channels are available only to digital cable subscribers. They are:

Fine Living, a "lifestyle channel" geared toward the affluent and those who wish to be. Shows about home decor and travel dominate.

MBC, which targets African-American families. Its prime-time programming is a mix of off-network series, like the Charles Dutton comedy *Roc*, a music show called *The Lounge* and Christian shows like Sunday night's *Spiritual Impact*.

Goodlife TV Network, aimed at the boomer audience. Its prime-time programming is themed -- you get romance one night, Westerns another, private eyes on another, etc. The lineup includes such off-network shows as *The Days and Nights of Molly Dodd*, *77 Sunset Strip*, *Combat*, *Cheyenne* and *Mayberry RFD*.

FamilyNet, a Christian-influenced network providing family programs hosted by Bill Gaither and Gary McSpadden, as well as the Houston-made children's show, *Mary Lou's Flip Flop Shop*, starring Mary Lou Retton.

New chopper for 26

KRIV (Channel 26) lifted the wraps on a new helicopter this week. What makes the expensive toy (estimated price: \$1 million) a keeper is that it's equipped with a nose-mounted camera and spotlight system capable of providing a vibration-free picture with a 1,000 millimeter lens. That's as good or better than the other news choppers in town.

The Bell Helicopter 407 is equipped with a 15 million-candlepower searchlight capable of making night scenes seem like they were shot in daylight, KRIV said.

At the controls of the chopper, dubbed SkyFox, are James R. Thomas and Steven Lee. Malynda Brandt of Metro Traffic is KRIV's SkyFox reporter.

The station has been without its own helicopter since a crash in River Oaks in November 2000 that was fatal to the pilot, Donald Sumner.

`Dr. Phil' renewed

It may be early in the season, but KPRC (Channel 2) has already renewed the syndicated talk/advice show *Dr. Phil* through 2006.

"Ideally, you'd like to see a couple more ratings books," Channel 2 general manager Steve Wasserman said Wednesday. "But it's obvious that this is a hit."

So far, there's been only one scorecard of how *Dr. Phil* and the other syndicated shows are doing. In Houston, the show is No. 1 at 3 p.m. San Francisco independent station KRON runs the show during prime time, where it regularly beats its competition. In some markets, *Dr. Phil* is doing better than the show that spawned it, *The Oprah Winfrey Show*.

The numbers prompted the show's syndicators, King World, into getting renewals now.

KPRC has also purchased *Living It Up* for fall, a talker featuring Alexandra Wentworth and Jack Ford. It also has an agreement to carry *Entertainment Tonight* until 2010.

Jan. 29, 2003, 6:35PM

MUSIC REVIEW

Orlando Consort gives `Phoenix' new life

By CHARLES WARD

Copyright 2003 Houston Chronicle

The Call of the Phoenix, an evening of very early English church music sung by the Orlando Consort, was a story of music that almost literally rose from the dead -- or at least out of fish wrappers.

The Consort's focus Tuesday at Trinity Episcopal Church was the glorious Roman Catholic choral repertoire that flourished in England before King Henry VIII.

As part of his fight to establish the Church of England in the 1520s, Henry confiscated the property of the great Roman Catholic monasteries and churches. Libraries were ransacked, and the manuscripts containing 500 years of music were destroyed.

Actually, one of the Orlando singers said, the parchment on which the music was written was so valuable that it was saved and used for anything from filling in holes in shoes to wrapping food to binding other books.

Once scholars recognized such recycling, they were able to piece together at least a little of the music that had earned great respect in continental Europe. The reconstructed works, plus compositions Europeans had copied for their own use, give an idea of the extraordinary achievements before the 16th century.

In *Phoenix*, the Consort, a male vocal quartet, took the Houston Early Music audience into a far different world of music-making.

Counterpoint reigned through a complex set of practices (including intricate changes of meter and rhythms that sometimes came across simply as a shift in tempo).

Though composers had to follow rules about consonances, harmony as we now know it didn't exist. Cadences often resulted simply from voices slithering into moments of rest.

The foundation of pieces was a slowly moving line, usually called the tenor and often was based on plainchant. Two or three other voices moved more rapidly against it.

Some of the most stunning moments Tuesday occurred when the extra voices careened along in rapid, parallel flourishes. *Ave mundi rosa* (*Hail rose of the world*) was the most striking example. (It comes from a collection, circa 1350, known as the First Fountains Abbey Manuscript after a monastery in Yorkshire. The composer is unknown.)

Often the additional voices had separate texts. In the evening's opening work, the magisterial anthem *Veni Sancte Spiritus/Veni Creator Spiritus*, John Dunstaple (circa 1390-1453), often identified as John Dunstable, set three texts about the Holy Spirit against each other.

A few moments of distinct individuality appeared. In *Gaude Virgo* (*Rejoice, Virgin Mother*), from the Ritson Manuscript, circa 1450, plainchant alternated with florid, rousing chordal music. (Many of the pieces heard Tuesday had so-called Marian texts praising the Virgin Mary.)

The Call of the Phoenix was a fascinating history lesson. The Consort members sang with exquisite refinement, and their commitment made music, which could have sounded far too similar, consistently vivid and alive.

Charles Ward can receive e-mail at charles.ward@chron.com.

Jan. 29, 2003, 6:43PM

On two

AN EARLY START TO THE PARTY

Houston's official one-year countdown celebration to Super Bowl XXXVIII begins Saturday night with a downtown block party featuring the rockabilly band the Reverend Horton Heat. The four-hour Countdown Houston! party begins at 6 p.m., followed by the presentation of the game ball from Super Bowl XXXVII in San Diego at 6:30 p.m. Austin singer/songwriter Bob Schneider will open the concert at 7 p.m. The night will include food and beverage booths, interactive games, four high school marching bands and appearances by Houston Texans players and cheerleaders. It will conclude with fireworks at 10 p.m. Countdown Houston! will cover the 300 to 500 blocks of Main Street, from Texas Avenue to Congress. Admission to the party is free.

ONE LIST

The most-popular national parks in recreational visits, based on the most recent attendance figures available (for 2001):

1. Great Smoky Mountains, 9,197,697
2. Grand Canyon, 4,104,809
3. Olympic, 3,416,069
4. Yosemite, 3,368,731
5. Rocky Mountain, 3,139,685
6. Cuyahoga Valley, 3,123,353
7. Yellowstone, 2,758,526
8. Grand Teton, 2,535,108
9. Acadia, 2,516,551

10. Zion, 2,217,779

JOKES ON US

Jake was in a coma for several months and his wife, Sadie, stayed by his bedside day and night. One night, Jake awakened and motioned her to come closer. He said, "My Sadie, you have been with me through all the bad times. When I got fired, you were there to support me. When my business failed, you were there. When I got shot, you were by my side. When we lost the house, you gave me support. When my health started failing, you were still by my side. You know what, Sadie?"

"What dear?" she asked gently.

"I think you're bad luck."

-- Submitted by Larry Geoghegan,

Highlands

Send your joke to diane.cowen@chron.com or to Diane Stephen Cowen, Houston Chronicle Features Department, P.O. Box 4260, Houston, TX 77210.

HE SAID

"If everyone could spend some quiet time with a ferret, the world would be a better place."

-- **Richard Bach**, author of *Jonathan Livingston Seagull*, in Modern Ferret magazine.

MINIREVIEWS

MUSIC: Swizz Beatz Presents G.H.E.T.T.O. STORIES, Swizz Beatz (DreamWorks) -- After helping make DMX and Eve household names in the late 1990s, this keyboard-dependent rap producer became one of the genre's most in-demand beat-makers.

An adequate rapper at best, Swizz delivers a few verses on his strong debut album. He remains behind the mixing boards on most of the collection's 17 cuts, allowing such able friends as LL Cool J, Snoop Dogg, Eve and the nearly forgotten Shyne to deliver clever rhymes about life, love and the streets that work well with his thunderous backdrops.

Grade: B+

-- **Los Angeles Times**

LIGHT THE CANDLES

Comedian Dick Martin is 81. Actor Gene Hackman is 73. Actress Tammy Grimes is 69. Actress Vanessa Redgrave is 66. Vice President Dick Cheney is 62. Rhythm-and-blues musician William King (Commodores) is 54. Actor Charles S. Dutton is 52. Actress-comedian Brett Butler is 45. Singer Jody Watley is 44. Country singer Tammy Cochran is 31. Actor Christian Bale is 29. Actor Wilmer Valderrama is 23.

TODAY IN HISTORY

In 1933, the first episode of the *Lone Ranger* radio program was broadcast on station WXYZ in Detroit.

In 1962, two members of the Flying Wallendas high-wire act were killed when their seven-person pyramid collapsed during a performance in Detroit.

In 1968, during the Vietnam War, the Tet Offensive began as Communist forces launched surprise attacks against South Vietnamese provincial capitals.

CALENDAR

ALTERNATIVE METHODS: CenterPoint events next week include:

- Stop smoking using hypnosis, 7:30 p.m. Tuesday; \$15.
- Learn meditation to still the mind to relax, 7:30 p.m. Wednesday; \$10.

Classes are held at 1920 Hollister. Call 713-932-7224 to register.

IT'S FREE

ART TALK: "Donald Judd's Early Work in Context," a free panel discussion, will be held 7-9 p.m. Friday at the Menil Collection, 1515 Sul Ross. Four art scholars will discuss their perspectives on the artist's development in conjunction with *Donald Judd: Early Work, 1955-1968*, at the museum through April 27. Call 713-525-9400.

by John McPherson