

THIS TIME, THEY SAY, DEAD MAN IS NO TALE CHICAGO FRAUD ARTIST ONCE FAKED DEMISE

Section: NATIONAL/FOREIGN;

Byline: By Eric **Ferkenhoff**, Globe Correspondent

CHICAGO - The last time Chicago swindler Joseph Kalady was pronounced dead, federal agents showed up at a crematorium expecting to view his 450-pound body. Instead, they found the corpse of a man weighing 175 pounds.

Chicago police had been duped. Kalady was gone.

Last week, word came again that Kalady, arrested a year and a half ago in Mansfield, Mass., for allegedly killing a handyman to fake his own death and avoid federal prosecution for fraud, had died of acute renal failure.

"He is - as far as we can determine - dead," said T. Markus Funk, the assistant US attorney in Chicago who had been investigating Kalady the past two years.

Just to be sure, Funk said, the US Attorney's office will wait for official paperwork on Kalady's death before dismissing the murder indictment against him.

Kalady's Chicago case began in October 2001, when he was arrested on charges of running a fake document mill, producing passports and Social Security cards. It wasn't the first time Kalady had been arrested: He had spent nearly 20 years in prison, including time for a federal fraud case in Wyoming that he skipped out on. While hiding, Kalady worked as a cook at a Wisconsin monastery.

In the Chicago forged-document case, the prosecution was routinely interrupted by claims of ill health, Funk said. Each time, Kalady's family doctor, Gabriel Tiganyi, would testify that Kalady was too ill to attend, including once when Kalady supposedly fell into a diabetic coma.

Federal agents became suspicious, and just as Kalady was set to plead guilty, Funk got the call that Kalady had died on Dec. 2, 2001.

On the North Side of Chicago, inside Kalady's home, a man sat slumped in an easy chair, dead. Chicago police got assurances from Kalady's brother and Tiganyi that the man was Kalady.

So the body was carted off to the crematorium.

"I just decided that there was something too convenient about the timing," Funk said. "Just as a precaution, we took the trip to [suburban] Romeoville to view the body. . . . It was a small, narrow box. The Joe Kalady I knew wouldn't have fit in there."

With that, the case began to unravel. But Kalady was already gone.

Chicago police and the FBI said Kalady had wanted to fake his own death to avoid prosecution, so he, his brother, his doctor, and a couple of friends began hatching a plot. At the center of it was finding someone to take Kalady's place.

Unable to find someone of Kalady's size, they settled on William White, a 47-year-old transient and handyman. Police said the group lured White to Kalady's home, sat him down in the easy chair, and turned on "The Wizard of Oz."

According to the federal charges, Kalady jumped on White from behind, wrapped a plastic bag around his head, and suffocated him.

Kalady, who was on a home monitoring device, apparently didn't flee until the next day, Dec. 3. His ankle bracelet alerted officials that a dead man was walking.

He allegedly used his connections to change his identity and fled to the Boston area, holing up in an apartment in Mansfield, to meet an associate who would help him change his identity again.

On Dec. 4, 2001, after learning that authorities had arrested his brother, his doctor, and two others, Kalady called Funk to confess to the murder. He refused to say where he was and they agreed to talk the next day.

On the phone, Kalady again confessed to the murder but also threatened suicide, apparently injecting himself with insulin as his attorney and various law enforcement officers listened in.

Federal authorities were able to trace the call, and soon agents were at the apartment in Mansfield, where Kalady lay sprawled on the floor.

He was briefly hospitalized, arrested, and returned to Chicago. A month ago, he was hospitalized at a federal facility in Springfield, Mo.

"I was with him [recently], and he wasn't well," said his attorney, Kent Carlson. "He just didn't have the fight that he used to have."

Suffering from various ailments, including ulcers and diabetes, Kalady succumbed to kidney failure at 11:55 a.m. Tuesday, a day before a hearing to give an update on his health.

"He's dead and now we go on," Funk said.

Eight others, including the doctor and Kalady's brother, are still facing prosecution in the case. Four of them could face the death penalty.

"I doubt that I'll ever be involved in a case this bizarre and with as many twists and turns as this case," Funk said.

ILLINOIS PREPARING BROAD REFORMS ON CAPITAL PUNISHMENT

Section: NATIONAL/FOREIGN;

Byline: By Eric Ferkenhoff, Globe Correspondent

CHICAGO - A once vocal opposition to reforming Illinois' capital punishment system has been silenced by the acknowledgment of blunders that sent at least 13 people to death row, and the state is preparing sweeping reforms for how it investigates and punishes murderers.

The debate has quieted so much here that police and prosecutors no longer object to videotaping interrogations and confessions in murder cases, a move they previously said would jeopardize their investigations.

Governor Rod Blagojevich is hearing few complaints as he reviews two pieces of legislation now before him that would dramatically change how police and prosecutors in the state conduct death penalty investigations.

"No one wants to be on the losing side. No one wants to be the guy casting a vote against something being cast as a landmark reform," said Thomas Needham, a former prosecutor and Chicago police chief of staff who sat on a 14-member commission to author capital punishment reforms. "Who wants to be the one group who's out there saying no to this?"

In recent weeks, the Illinois Senate passed a broad death penalty reform package by 56 to 3; the House passed it 117 to 0. Similarly, the Senate passed a companion bill allowing videotaping of confessions, 58 to 0, and the House passed it 109 to 7. The dissenters were concerned that local police won't receive adequate funding to meet the new requirements.

Blagojevich, a former prosecutor elected to office last year, has 60 days to sign the legislation. It is widely expected he will soon make the bills into law.

The legislation seeks to reshape every aspect of the legal process, from police lineups to reviews of death penalty cases by the Illinois Supreme Court. It also is viewed as a model for other states seeking to reform their capital punishment systems.

Lineups, both in person and photo arrays, would be "blind" and no longer be conducted in groups. Beginning with a pilot project, the cops conducting the lineups would not know who the suspect is, and they would have to tell the witness that the real suspect may not be in the lineup. Also, instead of a group of potential suspects being paraded into a lineup, reviews would be conducted individually, giving a witness time to study each person.

Another provision would require a hearing on jailhouse informers to verify their credibility at special hearings before they are allowed to testify at trial. And a jailhouse informer could no longer be the only witness in a capital case.

Police would be required to turn over their field notes, allowing defense attorneys an opportunity to check whether evidence discovered early in the investigation may point toward a suspect's innocence.

There would be greater access to DNA testing, an IQ of 75 would be set for establishing who is mentally retarded and thus ineligible for the death penalty, and the number of crimes subject to the death penalty would be limited.

Also, the state's Supreme Court would no longer be required to find fundamental errors in a case to overturn a death sentence, and police found to have lied at trial would face decertification, a move opposed by police unions.

After a pilot project, police and prosecutors would have two years to put in place the necessary equipment and safeguards to videotape or audiotape virtually every murder confession. Among those supporting the move was Cook County State's Attorney Richard Devine, whose spokesman, John Gorman, said Chicago has conducted more than 700 taped confessions with great success.

State Senator John Cullerton, a Chicago Democrat and sponsor of the death penalty legislation, said the changes were the product of tough compromises. "Any one of these provisions would be a major piece of legislation in any other year," he said.

The legislation comes after 13 people were released from death row - as many as had been executed since the death penalty was restored in Illinois in the 1970s - after it was determined that someone else committed the crimes for which they had been convicted.

The state's previous governor, George Ryan, placed a moratorium on the death penalty in 2000, and before leaving office, commuted all death sentences and pardoned four other death row inmates. He also established the 14-member commission to study the death penalty in Illinois and chastised the Legislature for moving too slowly to fix a system that was obviously broken.

The commission issued a 200-page report, and the legislation now before Blagojevich incorporated many of its proposals.

"There's a lot of our recommendations that are adopted, but not by any means all of them," said attorney Thomas Sullivan, cochair of the commission. "We hope this is the beginning of a process."

The commission also had proposed setting up a review panel to pore over every potential capital case and determine whether it warrants the death penalty. Another recommendation that was not adopted would have allowed a trial judge to override a death sentence decided by a jury.

Sullivan said the legislation does not go far enough in limiting the number of crimes subject to the death penalty.

The commission wanted to pare the list to five crimes. The legislation would limit the death penalty sentence to murders committed as part of another violent crime, such as burglarly or rape.

Still, Sullivan said the legislation addresses a failed system, and he and others expect other states will heed Illinois' example.

US WIDENS PROBE OF POLITICAL CORRUPTION IN ILLINOIS

Section: NATIONAL/FOREIGN;

Byline: By Eric Ferkenhoff, Globe Correspondent

CHICAGO - Illinois has had a long string of politicians with sticky fingers, judges bought off to fix murder cases, and aldermen who have been taped receiving envelopes stuffed with cash.

Now comes word that federal investigators are stepping up a wide-ranging probe into the marriage of politics and government. Top state officials have been subpoenaed for records that may show their staffers were doing political work on state time.

The investigation is expanding just as Governor Rod Blagojevich promises to rewrite and toughen recently passed state ethics legislation.

So far, three of the four legislative caucuses in the Illinois House and Senate have been subpoenaed.

The most recent target of the investigation was state Treasurer Judy Baar Topinka, also the state GOP chairwoman, whose office disclosed on June 5 that it received a subpoena requesting records, apparently on campaign activities of employees of the office.

Topinka took over the state party when its former leader, powerful state Representative Lee Daniels, was forced to step down and not seek another term as the House minority leader after his legislative office was subpoenaed for the same records.

And last month, the Senate president, Chicago Democrat Emil Jones Jr., disclosed to colleagues that his office, too, has been subpoenaed as part of the investigation. The office of House Speaker Michael Madigan, who is also head of the state Democratic organization, was subpoenaed last summer.

"There has been a commingling of government workers and political work," said political consultant David Axelrod. "In past generations of political life, it's been an accepted practice. Right now, it's really being criminalized."

The probe comes at a time when federal authorities have reportedly intensified their investigation of former governor George Ryan, whose campaign, Citizens for Ryan, and former chief of staff, Scott Fawell, were recently convicted of a host of charges for diverting state resources to do political work. During the trial, witnesses testified how they were pressured to sell campaign tickets, traded favors for campaign contributions, and traveled on state time to do political work in sensitive legislative races.

The former president of the Senate, Republican James "Pate" Philip, who resigned from office after his party was trounced in the 2002 midterm elections, was forced to testify in the trial to allegations he did political favors in return for campaign contributions. He denied it, and was accused by the federal prosecutor leading the case of telling "bald-faced" lies from the witness stand.

The defense in the case said federal prosecutors were trying to hold one man, Fawell, accountable for a political culture as old as the state.

Randall Samborn, the spokesman for the US attorney's office in Chicago, would not comment on any current investigations. "The jury in the Fawell case sent a message that this conduct will not be tolerated," he said.

The political investigation dates to an automobile accident in 1994, in which a piece of a truck fell off and ignited the fuel tank of a family van, killing the family's six children. The truck's driver was determined to be illegally licensed, opening up a probe into the selling of illegal licenses that has so far resulted in 57 convictions and mushroomed into a far-reaching investigation of political corruption.

Ryan was secretary of state at the time, and the investigation into the licenses-for-bribes scandal dogged him during his four years in the governor's mansion. Ryan has not been charged.

The investigation hurt the Republicans in last year's election, with both the House and the Senate going to the Democrats and only one Republican, Topinka, winning statewide office.

Still, the notion that Illinois's political system is suspect is nothing new.

"We have had a political culture of corruption that dates back to the 1860s," said Dick Simpson, a former Chicago alderman and current political science professor at the University of Illinois at Chicago. "It isn't surprising to see their records subpoenaed. It won't be surprising if some of their staff go to jail."

Public corruption has been part of the Chicago story since Al Capone was greasing palms to keep the heat off his bootlegging business. A federal probe of the Cook County courts launched in the 1980s, dubbed "Operation Greylord," led to the convictions of 15 judges, 47 lawyers, and 24 other court and police personnel. In the 1990s, another federal investigation, "Operation Silver Shovel," netted six aldermen for accepting bribes.

To repair a sullied reputation, the Chicago City Council has passed various versions of an ethics ordinance, and the state recently followed suit, passing legislation that would put a strict line between government and political work.

Blagojevich said the legislation does not go far enough, and he recently threatened to hold the Legislature in session through the winter holidays if they didn't accept some changes he has proposed, including setting up an inspector general's office to investigate allegations of abuse in various executive and statewide elected officials.

AS AIRLINES STALL, AIRPORT EXPANSION PLANS TAKE FLIGHT MAJOR CITIES EXPECT TURNAROUND; CRITICS CITE DEBT CONCERNS

Section: NATIONAL/FOREIGN;

Byline: By Eric **Ferkenhoff**, Globe Correspondent

CHICAGO - Times have not been kind to the aviation industry, which has lost a collective \$20.5 billion since Sept. 11, 2001, and laid off more than 100,000 workers, from pilots to baggage handlers. The world's second-largest airline, United, was forced into bankruptcy, and the largest, American, threatened to file for court protection.

So it may seem a peculiar time for airports in cities like Boston, Chicago, Los Angeles, and San Francisco to be pushing major expansion plans, ensuring higher fees for airlines and massive borrowing for local governments, at a time when local, state, and federal budgets are squeezed.

Earlier this month, however, Mayor Richard M. Daley of Chicago and Governor Rod R. Blagojevich of Illinois shrugged off these concerns and signed into law a \$6.6 billion expansion of O'Hare International Airport, United's home base and the world's busiest airport, with nearly 1 million takeoffs and landings each year.

"This is the right time and the right thing to do, to expand even in down times," said Roderick Drew, a Daley spokesman. "So when the economy turns around, when the flying public returns to the airport in numbers that the industry has projected, O'Hare will be in a position to handle that capacity."

By signing the expansion into law, Daley and Blagojevich were trying to ensure that no future administration would side with opponents and derail a project they say will solidify Chicago's economic standing well into the future.

Because O'Hare is central to the nation's aviation network, any improvements there would benefit aviation everywhere, officials say. Also, the city says the expansion will add 195,000 jobs and pump an additional \$18 billion into the economy annually.

The only real hurdle is the Federal Aviation Administration, which must sign off on the plan and has raised some concerns about whether the blueprint put forward would add the necessary capacity to cut down on delays significantly.

Chicago's plan calls for adding an eighth runway, lengthening two others, and relocating three more. The plan calls for the construction of a new terminal, a new western entrance to the airport, and a new parking garage. Once done, the city predicts that the added capacity will reduce weather-related delays by 95 percent and overall delays by 79 percent.

To its critics, the plan is a boondoggle. They say the price tag will soar to at least double the city's \$6.6 billion estimate while providing little, if any, of the capacity relief the project seeks to achieve.

Chief among the critics is Craig Johnson, mayor of Elk Grove Village, a suburb ringing the airport, and the vice chairman of the antiexpansion Suburban O'Hare Commission.

"It is not going to meet the capacity," he said, referring to the city's projected increase of more than 600,000 additional takeoffs and landings to 1.6 million each year. "It can't meet the capacity. They don't have the room to spread the runways out to allow for all-weather landings." Johnson is particularly irked because the plan would require the city to acquire 433 acres ringing O'Hare, demolish some 600 neighboring homes, and relocate two cemeteries.

Just as worrisome, Johnson said, is the financing that the city is counting on to make the expansion work. The project banks on existing airport revenue and passenger ticket taxes to back bonds sold by the city, as well as airline contributions through debt-service payments beginning around 2007.

"They're banking on two airlines - one in bankruptcy, the other one teetering on bankruptcy," Johnson said. "It's like me taking out a second mortgage to make my mortgage payments."

United spokesman Jeff Green said, "The project is critical to the long-term future of United, its employees, and the economy of the Chicago area." Green said the project should save the airlines at O'Hare some \$370 million annually once the increased capacity is realized and United should see roughly 43 percent of those savings.

Peter Stettler, an airline analyst with the international rating agency Fitch Ratings, said there are always risks when a plan calls for assuming such heavy debt, but he said the city's financing plan roughly matches what is seen in expansion projects in other cities.

"As long as the plans stay basically at the level they describe, it should get them to a point where they're competitive with other airports across the country," Stettler said.

Chicago is not alone in pushing airport expansion. In Boston, a judge is expected to rule soon whether the Massachusetts Port Authority can go ahead with plans to build a new runway at Logan International Airport that the agency hopes will reduce delays on days with high northwest winds. Opponents say a new runway will invite more traffic and pollution.

In San Francisco, politics, the financial devastation to airlines, and the concerns of environmentalists have stalled plans for two new runways, a project that would require filling in part of the bay.

In Los Angeles, City Council members are urging a measured approach to a proposed \$9 billion modernization project at Los Angeles International Airport. Dallas is moving ahead with a \$2.6 billion expansion at Dallas/ Fort Worth International Airport that includes a new international terminal.

Seattle, Atlanta, Philadelphia, and St. Louis are also moving forward with renovations.

Richard Marchi, of Airports Council International, said the airport projects make sense despite the weak economy because the airline industry is cyclical. And once it rebounds, airports need to be in a position to cater to a public eager to fly.

"The city of Chicago is clearly taking the long view," Marchi said. "Pressing ahead is probably a good tactical move."

There is little argument that O'Hare and Midway International, Chicago's other airport, are near their limits and that more capacity is needed. The questions are about timing and whether Chicago is wise in expanding O'Hare instead of building a new airport in the suburbs, a proposal that has been floated for years.

Joseph Schwieterman, a DePaul University economist who monitors the airline industry, said: "O'Hare simply can't remain the center of two of the world's greatest airline alliances without more runway capacity. The city never should have let this problem linger."

Schwieterman and Stettler say the financial woes at United and American are not a major hurdle since there is plenty of demand to enter the O'Hare market.

HARSHER PENALTIES SOUGHT FOR ATTACKS ON HOMELESS

Section: NATIONAL/FOREIGN;

Byline: By Eric **Ferkenhoff**, Globe Correspondent

CHICAGO - The first two hours of the videotape found during a routine traffic stop Aug. 14 by Chicago police are unremarkable.

The tape shows four teenage boys driving around, smoking marijuana, honking at girls, and pretending to be rap stars. Kid stuff.

But just before the tape ends, police said, it shows the teens pulling up to a homeless man and asking for a lighter. The man digs in his pocket to find one, but is quickly overtaken and pummeled by the youths as the camera rolls. The tape next shows them punching and stomping a second homeless man. Then another. And another. One of the men was sleeping on a bench when he was attacked.

"It's sick," said Les Brown, policy director for the Chicago Coalition for the Homeless. "The viciousness of it. What's making kids or anybody do this kind of thing?"

Police tracked down three of the four homeless men, who denied the teens' claims that they had agreed to be beaten as part of a documentary. All of the teens have been charged with felonies.

Homeless advocates like Brown said the attacks, while disturbing, are nothing new for the 800,000 people who the National Coalition for the Homeless estimates are without permanent shelter on a given night. And they are stepping up efforts to get states and the federal government to study the violence and to designate attacks against homeless people as hate crimes - which would result in much stiffer penalties.

The Chicago attacks followed by five days the arrests of four teenage boys in Cleveland for using a stun gun in an attack on six homeless men. One of the men was urinated on, homeless advocates said. As in the Chicago attacks, the teens in Cleveland recorded theirs with a video camera.

On July 15, a homeless man in New Jersey lost his left eye after being shot some 20 times with paintballs by a group of teenage boys.

"Maybe with these two videotaped incidents, it might prick the conscience of the American people to say that homeless people are being terrorized," said Michael Stoops, an official with the National Coalition for the Homeless.

The national group has been lobbying the House and Senate to amend hate crime laws to include such attacks, but has so far met with little success.

US Representative Dennis Kucinich, Democrat of Ohio and a presidential candidate, sent a letter Aug. 11 to US Attorney General John Ashcroft, asking for a wide investigation into "the scope of violent acts and hate crimes against homeless persons."

Mark Corallo, a Justice Department spokesman, said Kucinich's letter would be reviewed by the department. The National Coalition for the Homeless has been calling for a similar study by the General Accounting Office, Stoops said.

According to a study released by the national group in April, there were 123 murders of homeless people by "housed" people from 1999 to 2002. They were beaten, stabbed, shot, or set on fire. The study, which also detailed 212 nonlethal assaults, used a point system to determine the most dangerous cities and states. Denver was ranked as the most violent city and California as the most dangerous state.

Stoops said the group decided to do the study after seven homeless people were murdered in Denver in a span of several months in the late 1990s, including two who were decapitated.

"It makes you wonder whether the word is out that it's OK to hurt homeless people in any city in this country," he said.

Teenagers and young adults were responsible for the majority of the attacks in the study, Stoops said.

There are no official statistics detailing violence against the homeless. The federal Bureau of Justice Statistics, which tracks crime trends for federal agencies, has never done such a study, though a spokesman said one could be forthcoming. And the national advocacy group for the homeless acknowledges that the homeless, a disenfranchised population with a high incidence of mental illness and fear of police, probably do not report every assault.

AN ILL WIND SWEEPS POLICE-CHIEF FINALISTS LIST FOR CHICAGO JOB LACKS BLACK CANDIDATE

Section: NATIONAL/FOREIGN;

Byline: By Eric **Ferkenhoff**, Globe Correspondent

CHICAGO - With the rhythm of gospel music thumping in the background, the Rev. Jesse Jackson gripped the lectern earlier this month at his organization's South Side headquarters and began preaching about, of all things, percentages.

Chicago is almost 40 percent African-American, he said, the largest population segment in the city. The percentage of blacks shot, stabbed, arrested, and in jail is far higher than any other group. He's right: Nearly 75 percent of the city's homicide victims are black, while almost 80 percent of those arrested for murder are black.

Given those numbers, Jackson asked, why is it that none of the recently announced finalists for the job of police superintendent is black?

"We must be in the pool," Jackson preached. "You can't swim unless you're in the pool."

The three finalists are a Hispanic male and two white males, including the acting superintendent. That man, Phil Cline, has been running the department since Terry G. Hillard, a soft-spoken black man with the respect of those in the field, retired Aug. 15.

Chicago's Hispanic candidate, Joseph A. DeLopez, is a former Chicago police official who now runs a suburban department, and the other white candidate, Garry McCarthy, is a top police official in New York.

Jackson also noted there were no women among the finalists. But his rage was saved for the racial imbalance.

Jackson said the three finalists should be set aside, and more names should be submitted by the Chicago Police Board, an oversight body appointed by the mayor and led by a black lawyer. Jackson announced a multiracial blue-ribbon commission to review how the Chicago Police Board selected its candidates and to propose a new list of candidates to submit to the mayor. It will be chaired by US Representative Danny K. Davis, Democrat of Illinois, who is black.

But it may be too late. Richard M. Daley is expected to announce the hire as early as next week. "He's going to stay the course," said Daley spokesman Roderick Drew. "He's said that to alter the process because you're not happy with the outcome is not fair."

In Boston, Mayor Thomas M. Menino said this month that he would hire the best candidate available to replace Police Commissioner Paul F. Evans, and race would not be a factor. Evans announced his resignation on Sept. 8.

Race politics have always figured large in Chicago, and Jackson is regularly at the front of debates on policing, jobs, or education. Other black leaders, including the Rev. Paul Jakes Jr., have also voiced concern about there being no black finalists.

Not every black leader agrees, and some have questioned whether race is clouding the more important goal of finding the right person to lead a department locked in a battle against gangs and drugs.

"My concern is the eradication of crime," said Alderman Isaac Carothers, who is black and the chairman of the City Council's police and fire committee. "African-Americans fought and died that they not be judged by the color of their skin. . . . If white people came out and said there had to be a white superintendent, there would be mass hysteria."

For the last 20 years, Chicago's police superintendent has been a minority. When Daley took office in 1989, he inherited a black superintendent, who retired in 1992, and race was seen as playing a big role in the two picks Daley has made since then. In 1992, he named a Hispanic, Matt L. Rodriguez, who was forced to resign amid controversy in 1998. Daley then named Hillard to the post.

But the department as a whole still does not reflect the racial makeup of the city, and white men still hold a majority of the high-ranking positions. Of the 88 command positions, for instance, 48 are held by white men.

Still, Daley is popular among blacks and Hispanics in the city, and some observers therefore suspect Daley does not feel as much pressure this time around to pick a minority.

"As long as this is not a trend, as long as this is not the beginning of him appointing whites all the time," said Dick Simpson, a political scientist and former Chicago alderman.

The city's fire commissioner is white, but many in Daley's cabinet are black and Hispanic.

When Hillard announced his retirement, 23 people applied for the position. The Chicago Police Board then whittled down the list of contenders to 10. That list included six whites (two of them women), two black men, and two Hispanic men. The board then cut the list to three and forwarded the names to Daley.

Early on, it was expected that the finalists would include John Richardson, a black official who is well-regarded in the department. But he pulled out at the last minute, citing his wife's health and the fact that he is building a home in the suburbs.

POLITICIAN PLANS COMEBACK EX-ILL. CONGRESSMAN SPENT TIME IN PRISON ON SEX, FRAUD CHARGES

Section: NATIONAL/FOREIGN;

Byline: By Eric Ferkenhoff, Globe Correspondent

CHICAGO - Back in 1992, when Chicago Democrat Mel Reynolds was elected to Congress, there was no telling how high he would climb.

He had escaped Chicago's public housing to study at Harvard and Oxford and, on his third try, ousted a longtime congressman from Chicago's South Side and southern suburbs. He became a darling of local Democrats, made his presence known on Capitol Hill with an appointment to the powerful Ways and Means Committee, and was even invited to jog with President Clinton.

But then he fell. Hard. Convicted of criminal sexual assault and bank and campaign fraud, he spent six years in prison before his sentence was commuted just hours before Clinton left office.

Now Reynolds, 51, is hoping time will be forgiving. As he stood last week under a banner reading "Never Give Up," Reynolds announced he is returning to politics and mounting a campaign to retake Illinois' Second Congressional District from US Representative Jesse Jackson Jr.

"I am not a perfect servant," he acknowledged in a prepared statement. "But you know that I am your servant."

Then, giving advice he could take as well, he told his audience, "When it appears impossible to go on, never give up."

Reynolds said he would run as an independent Democrat in the primary next March and acknowledged that it would be a difficult - and embarrassing - comeback.

He told his staff to be prepared for "vicious attacks," and warned that the media would focus on his misdeeds rather than his accomplishments. But he also said "there will be response in kind," a promise clearly aimed at Jackson's staff.

He called Jackson "detached" from the people in his district. Dick Simpson, a political science professor at the University of Illinois at Chicago, said Reynolds might score some points criticizing Jackson's time in office, but doubts Reynolds can unseat Jackson, who he said has built a national profile.

"He's going to be damaged goods," Simpson said of Reynolds. "He can't win."

Simpson, a former Chicago alderman, lost two Democratic primaries to Dan Rostenkowski, a former congressional heavyweight convicted of fraud in a House Post Office scandal. He said it is possible for politicians to overcome rumors of misconduct, but much more difficult to win office following a conviction.

Reynolds did not take questions after the news conference, opting for one-on-one interviews with reporters. In an interview with WLS-TV in Chicago, he said polling in the Second District showed that 66.8 percent of those surveyed believed he was treated unfairly and would back his return. He also pleaded his case.

"I've never been given anything," he told the station. "I've had to earn everything in my life, and I worked very hard at that. I was a poor person."

Reynolds didn't learn to read until he was 8, picked cotton as a boy in the Mississippi Delta, and shined shoes in Chicago, where he was raised in the city's notorious public housing.

But he made it out. After finishing his Rhodes scholarship at Oxford, he went to work for IBM. He then joined the Rev. Jesse Jackson's 1984 presidential campaign.

Jackson, in fact, lobbied Clinton for Reynolds's sentence commutation, and there were reports that the younger Jackson also approached Clinton to give Reynolds leniency. That wasn't lost on reporters covering Reynolds's announcement, but he countered questions about his loyalty by saying Jackson showed him no respect when Jackson announced he was running for Reynolds's seat soon after Reynolds was indicted on criminal sexual assault charges.

A married father of three, Reynolds was convicted of having an affair with a 16-year-old girl in 1995 after a trial featuring dirty phone calls, requests for child pornography, and payoffs. Two years later, while in prison on the sex and obstruction of justice charges, federal prosecutors indicted Reynolds for bank and campaign fraud.

Around the same time, his wife, who had twice filed for divorce, went public with accusations that Reynolds beat her. Marisol Reynolds, who also was convicted in the fraud case, was present at last week's news conference but took no questions, even though she was listed as a contact for Reynolds's campaign.

Jesse Jackson Jr.'s camp would not comment on Reynolds's bid except to release a statement that referred to Reynolds simply as "a candidate."

"I take all opponents seriously, but I will run on my record of accomplishment, of which I am very proud," Jackson said in his statement.

Some in the district fear Reynolds's entry into the race will ruin the chance for candidates to have meaningful debate on real issues - jobs, education, health care.

Harold Davis, director of the African American Task Force Council in Chicago, is among them. "I think it is an insult to the black community," Davis said. "He seems to think that the community has forgiven him. I don't understand why he seems to think that."

RECRIMINATIONS STILL BLAZING IN AFTERMATH OF CHICAGO FIRE

Section: NATIONAL/FOREIGN;

Byline: By Eric Ferkenhoff, Globe Correspondent

CHICAGO - Choking back anger and tears, Captain Michael Gubricky of the Chicago Fire Department stood before 40 reporters and recounted how a deadly fire, searing at 2,000 degrees, had swept through a government high-rise in the Loop, filling the building with black smoke and killing six people trapped behind locked doors in a stairwell.

"The first thing I said to myself," Gubricky said, "was this fire has an attitude, and it wasn't going to get the best of us."

It was a rare show of emotion for a tough-guy firefighter, part of a three-hour news conference on Oct. 24 designed to get the news media to focus on the heroics of firefighters a week earlier. But it raised as many questions as it answered, adding to second-guessing that has turned the search for answers into a political mess.

In this city, where politics is a contact sport, little else has been talked about for two weeks.

Three overlapping investigations have been launched: by the city, the county and the state. Nine lawsuits have been filed. Critics have called for the fire commissioner to resign. And the mayor and County Board president have been accused of being too cozy with the building's management.

"I think part of it is people have different agendas," said Alderman Isaac Carothers, chairman of the city's Police and Fire Committee. "Some people's agendas are different than finding out what happened that day."

The most demanding critic has been Cook County Public Guardian Patrick Murphy, a caretaker of the city's abused and neglected children and elderly who lost three top employees in the fire.

He has called on Mayor Richard M. Daley to sack his fire commissioner, James Joyce, and urged the convening of a grand jury to conduct a criminal investigation.

"That is typically the way Chicago works," Murphy charged. "The chumminess of those in government - they're all in bed together. They're like a bunch of people in a slimy pot. They know they can't point fingers, because they would be pointing at each other."

Daley said last week that he had confidence in Joyce. "I know you want to hang him," Daley told reporters. "You want someone fired. You like that."

The fire broke out about 5 p.m. Oct. 17 on the 12th floor of the 37-story County Administration building, where 2,500 government employees work.

Initially, the fire looked small. Quickly, though, the smoke turned black, as the blaze ate up office furniture and as flames shot through broken windows. One firefighter described the blaze as so intense that it seemed as if "gasoline was coming out of the hose."

As firefighters attacked the flames, survivors, including the county's top prosecutor, began pouring from the building, giving harrowing accounts of escape after they were ordered out.

Still, it appeared everyone had made it out. Then, just before 7 p.m., 90 minutes after the first 911 calls, firefighters found six dead and several more seriously injured. All were trapped in the stairwell near the 22d floor.

The city was stunned, and the questions mounted:

* Who gave the evacuation order? (The Fire Department said it did not give the order and suggested people might have been safer if they had stayed put. * Why did the building, which was extensively rehabbed in 1996, not have sprinklers above the first floor or an override system to unlock the stairwell doors?

* Why was there no top-to- bottom search of the stairwells?

* What happened in those 90 minutes?

"It was one of those things, that if you picked that one day where a lot of little things could go wrong, they did," Joyce said at the news conference.

The Daley administration promised answers. But critics insisted the city could not be trusted to do an objective study, since, among other things, principal managers are generous contributors to Daley.

In recent days, there have been reports that the order to evacuate the building, apparently given by building security officials, contradicted the building's emergency plan.

Also, there have been reports that the Fire Department, according to its own general orders, should have taken over the emergency communications system in the building to give direction and advice to those in the building. It appears that did not happen.

With concerns about the city probe, John Stroger, the County Board president, announced the formation of a five-member investigative panel led by Abner Mikva, a former federal appeals judge and White House counsel. Stroger's panel was also met with questions, since he too has ties to the management team.

Governor Rod Blagojevich, who had said he would leave the inquiry to local authorities, then stepped in, saying the county panel was thin on expertise. He said he would hire a former Federal Emergency Management Agency head, James Lee Witt, a disaster investigator, for an inquiry.

Carothers, the alderman, says it may be wasteful to have so many competing inquiries.

"How many do you have to have?" he asked. "It just doesn't make sense to have all of these dual investigations when you could share resources."

Still, he said he was confident answers will come and that changes will be made. Already, the Fire Department has said it would consider changing its search-and-rescue procedures, and at least one alderman is pressing for all city high-rises to have sprinklers.

UNSOLVED CASES STUMP CHICAGO AS HOMICIDES DECLINE, QUESTIONS ON RISE OVER INCREASE IN OPEN PROBES

Section: NATIONAL/FOREIGN;

Byline: By Eric Ferkenhoff, Globe Correspondent

CHICAGO - On Nov. 26, 2001, someone reached from the window of a red Cadillac and trained a gun on Jose Sanchez, a 14-year-old who liked to cock his hat just so and walk with a fake limp, in an apparent effort to proclaim himself a gangster.

Police said Sanchez was hit in the right chest and leg and died, realizing the fears of his mother, Rosa Sanchez, who said she once warned him, "You're going to be in jail or six feet under."

Two years later, the case remains unsolved. It is one of a growing number of unsolved homicides in this city, where detectives have a reputation among the nation's best, but have struggled in recent years to close homicide cases even as their numbers have dropped.

Consider this statistic: Of the 555 homicides committed in Chicago this year, just 222 - 40 percent - had been solved, meaning police have enough evidence to make an arrest, as of Wednesday. As recently as the 1980s, police routinely solved 70 percent or more of the city's homicides.

More people are getting away with murder, and Chicago officials are scrambling to give answers and close the gap.

"Do we have work to do? Yes," said James Molloy, who was named Chicago's chief of detectives on Nov. 14. "We have a lot of work to do." Molloy, who fills a post vacant since April, knows his tenure will in part be measured by how successful he is in closing open cases.

Last week, he appointed Lieutenant Joseph Murphy, among the city's better known detective supervisors, to a new position auditing homicide investigations by visiting Chicago's five detective headquarters to review each of the 333 open cases for this year.

But Chicago is not alone, according to specialists who say that the growing presence and sophistication of gangs, coupled with tighter city budgets and a more mobile society, make homicides harder to solve even as technology, such as DNA testing, has improved.

"The gee-whiz technology doesn't get out and interview witnesses who don't want to talk," said Eric Monkkonen, a homicide specialist at UCLA.

Other cities - including Washington, Los Angeles, Detroit, and Phoenix - are struggling. In Washington, for example, detectives have closed just 73, or 34 percent, of the city's 215 homicide cases this year, Washington police said.

Calculating clearance rates is tricky as different cities use different models. For example, Chicago's 40 percent accounts only for homicides committed and solved this year. It does not factor in old killings that were solved this year, but the FBI's Uniform Crime Reporting model does. Using that model, Chicago's rate jumps to 55 percent - still well below the national average of 64 percent.

Using the FBI model, Boston, which has solved 21 of its 34 homicides this year and also cleared two old homicides, has a clearance rate of 68 percent; New York, 77 percent; Dallas, 65 percent; Washington, , 57 percent; Phoenix, 41 percent; and Detroit, 53 percent. Los Angeles ended last year with a rate of 53 percent.

In many cities, including Chicago, the clearance rate has dropped even as overall violent crime - especially homicide - has declined over the past decade.

One reason, Monkkonen said, is that tight budgets can limit the number of detectives working on homicide cases, which can prove long and expensive.

Allen Jaglowski, head of the Chicago Police Detectives Association, said Chicago has cut overtime and downsized the detective division from a staff of about 1,400 in the 1980s to 900 now. New York, by comparison, has about the same number of homicides, but more than 6,300 detectives. Jaglowski also said that many supervisors have never been detectives, and that there is an experience gap - 500 detectives, roughly half the total, have been promoted since 1998.

Complicating matters is the demand on detectives by prosecutors and juries for more evidence in light of the high number of murder convictions overturned because of DNA testing, allegations of coerced confessions, and witnesses recanting key testimony. The problem in Illinois was so acute that former governor George Ryan declared a moratorium on executions in 2000 and commuted all death sentences to life in prison before he left office in January. The Illinois legislature recently passed a bill to reform the capital punishment system.

But the simplest explanation, Molloy said, is that the nature of the crime itself has changed.

It used to be that more homicides were committed in the home, at work, in bar brawls, or in altercations on the street. The victim and the killer knew each other. Even gang killings were easier to solve because the killer and victim were usually from the same neighborhood.

"The solvability goes down with the different ways that they do them now," Molloy said.

Gang- and drug-related murders account for about half of all cases in Chicago where the motive is known.

Gangs are more mobile, Molloy said, traveling from one part of the city to another, where they are unknown to potential witnesses, to commit a killing. Or, because of alliances with other gangs to traffic in drugs, they contract a killing out to a member of another gang.

Some gang and narcotics specialists say the department's gang intelligence, while improving, has not kept up. And it is increasingly difficult to find credible and willing witnesses in gang slayings. "This thing feeds on itself," Monkkonen said. "The fewer the murders that are cleared, they less likely people are to talk because there's more killers on the loose."

FORMER ILLINOIS GOVERNOR FACES CORRUPTION CHARGES

Section: NATIONAL/FOREIGN;

Byline: By Eric Ferkenhoff, Globe Correspondent

CHICAGO - Former Illinois governor George Ryan, who drew worldwide attention for his efforts to reform the capital punishment system, was charged yesterday in a 22-count indictment of accepting kickbacks and lying to federal investigators during a wide-ranging federal corruption probe.

Ryan, 69, was charged along with longtime associate and lobbyist Lawrence Warner, who is accused of funneling money from landlords and state vendors to Ryan and another lobbyist.

The charges announced in Chicago by US Attorney Patrick Fitzgerald painted a picture of a politician who abused his public office - first as Illinois secretary of state and later as governor - to enrich himself and friends. "Basically the state of Illinois was for sale," Fitzgerald said.

The indictment alleges Ryan's family received gifts, vacations, loans, and various services totaling \$167,000. It also accuses Ryan of steering \$300,000 in illegal payments to a prominent lobbyist. In all, he faces charges of racketeering conspiracy, mail fraud, making false statements to investigators, tax fraud, and filing false tax returns.

To date, the federal investigation, dubbed "Operation Safe Road," has led to 66 indictments and 59 guilty verdicts, including top officials in his administration.

Ryan, a former pharmacist who lives in Kankakee, about 40 minutes south of Chicago, entered politics as a county board member in 1968. After five years in that post, he was elected to the state Legislature, working his way up to House minority leader and speaker of the House.

In 1983, Ryan won election as lieutenant governor, serving eight years under then-Governor James Thompson. In 1991, Ryan won the first of two four-year terms as secretary of state, an office where, according to federal authorities, Ryan began using his influence to line the pockets of associates and relatives.

Allegations of corruption under Ryan surfaced as a result of a fiery crash that killed six children of one family. The crash was caused by a chunk of metal that fell from a truck driven by an illegally licensed driver, and an investigation of the accident turned

up charges that workers in the secretary of state's office were trading bribes for licenses, allowing dangerous truck drivers on the road.

Despite the allegations, Ryan won the governor's mansion and took office in 1999. As the federal probe widened, it became clear investigators were looking beyond the licenses-for-bribes scandal and focusing on the state's highest offices.

Ryan made no comment yesterday. While he was governor, he denied charges that he traded political favors.

Outside Illinois, Ryan is best known as an ardent critic of capital punishment. He declared a moratorium on executions in Illinois after it was discovered that 13 wrongfully convicted men had been sent to death row. Last January, just before leaving office, he cleared out Illinois's death row, pardoning four condemned prisoners and commuting the death sentences of 167 others to life in prison.

The scandal was a factor in his decision not to seek a second term, and his unpopularity was considered a major reason GOP candidates were routed statewide in the 2002 elections.

"Justice works in Illinois," said Terry Brunner, the former head of the Better Government Association, which investigated allegations against Ryan for years. "He's personally destroyed the GOP in Illinois. That's his legacy."

IND., ILL. EYEING REGISTRY OF MURDERERS

Section: NATIONAL/FOREIGN;

Byline: By Eric Ferkenhoff, Globe Correspondent

CHICAGO - Earlier this month, as police dug up the basement of a small Hammond, Ind., home and discovered the bodies of three teenagers, many questions nagged at Robert Raganyi, an uncle of one of the victims.

But one seemed especially salient: How could David Edward Maust, a twice-convicted child killer with a history of psychological problems, be let out of prison and live in their midst without the public's knowledge?

The answer is simple: Unlike sex offenders, there are no laws requiring convicted murderers to register with police about their whereabouts once they have been released from parole.

Now, officials in both Indiana and Illinois, where Maust spent 17 years in prison for killing a teenager, are considering whether those states should create a registry for convicted murderers. Montana has one for violent offenders, including murderers, but it appears no other state has followed suit.

"I don't understand our laws," said Raganyi, the uncle of James Raganyi, 16, one of the slain boys. "The justice system has me completely baffled now."

Last week, two Indiana representatives, Robert Kuzman and Linda Lawson, Democratic leaders of House Judiciary committee, announced they would introduce a bill or an amendment next month to change the sex-offender registry law to include murderers.

In Illinois, officials were researching this week whether a similar move was necessary here.

"I have an open mind," said Senator Kirk Dillard, chairman of the Illinois Senate Judiciary Committee. "I think if you polled most Illinoisans, they would prefer they have the option to see if a killer might live in their neighborhood."

Still, he said he would wait to hear from the law enforcement officials about how such a registry would work before committing to any legislation.

"We're having our legislative people look at it to see if it's a viable proposal - whether it would be viable to do for everyone, fair to do it for everybody," said Jerry Lawrence, spokesman for the Cook County state's attorney's office, which prosecuted Maust for the 1981 murder of 15-year-old Donald Jones.

The question, at least in Illinois, is whether to monitor all murderers or only those with the predilection for violence shown by Maust.

There are some safeguards built into Illinois law now. All murderers of children convicted since 1996 have to register as a sex offender for 10 years. Those convicted of killing children since 1999 are considered sexual predators under the law, even if the crime did not involve a sexual component, and must register for life.

But of the 7,000 or so people now in prison for murder in Illinois, most were convicted before 1996. They would not have to register.

Officials, led by Attorney General Lisa Madigan, are now are considering broadening the law to include killers of children convicted before 1996 or, perhaps, all murderers, regardless of the victim's age.

"The issue really is what can and should be done for the Mausts that we have right now," said Cara Smith, policy director for the Illinois attorney general's office. "If there's anything we can do, we'll do it."

Arthur Lurigio, a criminologist at Loyola University in Chicago, wonders whether it would be worth the cost to register all convicted killers, given that murderers, unlike sex offenders, have a low recidivism rate.

Consider: In the year 2000, 308 inmates were paroled on murder charges from the Illinois Department of Corrections. Of those, 93 were sent back to prison, but only 10, or 3.2 percent, were sent back after committing another murder.

Some sort of risk-assessment tool - including such factors as a history of violence and of substance abuse or mental illness, and whether there was a sexual element to their crimes - should be created to determine whether inmates pose a substantial risk upon release, Lurigio said.

"By [Maust's] own admission, he wasn't a good risk," Lurigio said.

"He let people know, 'I'm likely to do the same thing again, because of some pathology that drives me to do it.' "

Indeed, Maust wrote an 87-page diary before he was extradited to Illinois in 1983 for the murder of Jones that detailed a history of violence and his inability to control urges to hurt others and murder. He even wrote how he wished to receive the death penalty, so he wouldn't hurt others again.

While awaiting trial, he was repeatedly sent to mental institutions as psychologists described a sad, emotionally troubled, and violent man. He finally pleaded guilty to Jones's murder in 1994 and was sentenced to 35 years.

But with credit for time served in Cook County Jail, he was released from prison in 1999 and spent three years on parole. By the time Maust moved to Hammond in 2002, he was off the radar.

Maust has been charged in the deaths of Raganyi, Michael Dennis, 13, and Nick James, 19.

"You have to have faith in our system," said Robert Raganyi, "but it needs repair."

CHICAGO INITIATIVE NEARS A CONCLUSION CONTRACT PROGRAM IS RULED ILLEGAL

Section: NATIONAL/FOREIGN;

Byline: By Eric Ferkenhoff, Globe Correspondent

CHICAGO - Almost 20 years ago, Harold Washington, Chicago's first black mayor, decreed that a share of all city contracts be set aside for minorities and women. It was an early experiment with affirmative action, and it was seen as a major step toward ensuring equality in a city known for doling out lucrative contracts to cronies - typically rich white men.

But Chicago's set-aside program, as it is known, has been called into question after a federal judge ruled last week that the program is illegal because, among other things, it amounts to a quota system.

The judge, James B. Moran, stayed his order for six months, meaning that the program can remain in effect until early summer while city officials work on amending it. The ruling marks another blow to government set-aside programs designed to aid minority- and women-owned firms that have suffered numerous setbacks as courts question the programs' constitutionality.

"The judge ruled the city program cannot stand," said Tim Conway, a lawyer who represented the Builders Association of Greater Chicago, which brought the suit against the city in 1996. "Formulistic percentages cannot survive strict scrutiny."

Under Chicago's program, 25 percent of city contracts are allotted to minority-owned firms; 5 percent go to women-owned companies. The suit focused on contracts for the construction industry - which, the judge agreed, is dominated by white men - but the ordinance covers all city contracts, from food vending to ambulance services.

In his decision, Moran cited several flaws in the city's program.

He said the city was too generous in setting a ceiling on revenues for qualified companies. The ceiling, \$27.5 million, meant that too many rich and established companies would qualify, he said.

Also, Moran said the city had set quotas, not goals; had erred in making the program permanent; had not been flexible in granting waivers when a qualified minority- or women-owned firm could not be found; and had not evaluated the wealth of company owners to make sure the program helped the disadvantaged.

Conway said he had read Moran's ruling as a death knell for the city's set-aside program.

"I don't know what the city is going to do, and I don't know what the city could possibly do," to make the program constitutionally sound.

But city officials noted that Moran stopped short of striking down the law, instead giving the city six months to rewrite its ordinance. They seized on that fact to declare his ruling a success.

"If you look at what could have happened, following a national trend, he could have said this program was unconstitutional and struck down the entire program," said the city's chief lawyer, Mara Georges.

A number of programs across the country - in Richmond, Atlanta, Philadelphia, Michigan, Tampa, and Hillsborough County, Fla., - have been struck down by the courts. And in California, voters endorsed a measure that reduced the level of set-asides, halving the goal of 20 percent to 10 percent for minority contractors.

In 2000, the program for Cook County (which includes Chicago but is a separate entity) was ruled unconstitutional because it did not gather the necessary evidence to show that discrimination existed and that the program was needed. That suit also was brought by the Builders Association of Greater Chicago. Still, Moran said he thought the city had to do something to ensure participation among minority- and women-owned businesses. "The city has a compelling interest in not having its construction projects slip back to near-monopoly domination by white male firms," he wrote.

At trial, the city presented witnesses who cited numerous examples indicating that the level of minority- or women-owned participation in construction projects dropped off sharply once a set-aside program was eliminated, said Jennifer Hoyle, spokeswoman for the city's Law Department.

When Atlanta's program was invalidated in 1989, minority participation dropped from 35 percent to 14 percent. In Philadelphia, which lost its program the following year, minority participation on projects dropped off by 97 percent in the first month, Hoyle said, citing the testimony.

Similar drops were seen in Hillsborough County, Fla., and in Tampa, while in Michigan, minorities were virtually shut out of highway projects within six months of the courts striking down a set-aside program.

The Rainbow/ PUSH Coalition, founded by the Rev. Jesse Jackson, said it is pleased the judge did not strike down the entire law.

"So often, these qualified individuals are not even invited to the table to prove they are capable because historically, they have been systematically excluded from the process," said a spokeswoman for the group, Keiana Peyton-Barrett. She added that the group is not an advocate for quotas but thinks some sort of set-aside program is needed to even the playing field for minorities and women.

BAGHDAD DATA SAID TO TIE SPY PLOT TO PUBLISHER TESTIMONY IN CASE OF IRAQI-AMERICAN

Section: NATIONAL/FOREIGN;

Byline: By Eric Ferkenhoff, Globe Correspondent

CHICAGO - An intelligence dossier found in Baghdad implicated the publisher of an Arabic-language suburban newspaper in a scheme to spy for the government of Saddam Hussein, prosecutors alleged yesterday in a trial that is shedding light on Hussein's efforts to gather intelligence against Iraqi opposition leaders in the United States.

Khaled Abdel-Latif Dumeisi, 61, was charged in July with being an unregistered agent of Iraq. According to the government, Dumeisi traveled to Iraq to learn the trade of spying, passed on phone records and other sensitive material about Iraqi dissidents, produced news credentials for Iraqi intelligence officers, and alerted his spy handlers to Hussein opponents who phoned in complaints to Dumeisi's newspaper because of coverage favorable to Hussein's regime.

Dumeisi has asserted that he's simply a journalist who cultivated contacts in Iraq as part of his job.

Prosecutors introduced what they said were incriminating documents against Dumeisi during the testimony of a man they said was a former high-ranking intelligence official. The reputed spymaster, identified in court only as "Mr. Sargon," had no personal knowledge of Dumeisi but vouched for the document's authenticity.

Defense attorneys tried to suggest that Dumeisi was not the newspaperman mentioned in the documents, and they had objected to allowing the dossier into evidence. But Judge Suzanne B. Conlon sided with prosecutors, noting that three pages in the dossier were in Dumeisi's handwriting.

At one point, Mr. Sargon was asked how many American journalists were "sources" for the Mukhabarat, Iraq's intelligence service. He said that he could not recall, but that he did know of one American journalist who acted as an "agent" on behalf of the Mukhabarat. He said Dumeisi was not that agent, but Conlon blocked him from saying who it was.

During testimony Tuesday, Mr. Sargon said the Iraqi mission to the United Nations was staffed with diplomats who doubled as spies. To protect the witness, Conlon forbade reporters from describing him and sketch artists from drawing his likeness.

The records released yesterday showed that an opposition leader, former Iraqi General Fawzi Al-Shammari, was tracked during visits to Chicago, including on occasions when he gave speeches opposing Hussein's rule. The intelligence documents portray Shammari as a leading opposition figure in the United States.

The documents alleged Dumeisi secured Shammari's phone records through a friend, a woman who worked at a phone company and who had a romantic relationship with the former general.

The documents were contained in a slim blue dossier obtained by defense officials following the fall of Baghdad last year. Despite the government's allegations, the documents make clear that the credibility of the agent alleged to be Dumeisi had not been established. Also, Mr. Sargon suggested the documents show Iraqi intelligence officials were not sure whether his information was worth a possible payment schedule of \$500 per month.

Dumeisi is not referred to by name in the documents, but prosecutors say he is the agent code-named "symbol Sirhan." At one point, the documents discuss "the plan prepared for the symbol Sirhan, which is to move against the hostile organizations in Chicago and Detroit, and to monitor the activities of the gang of traitors in America."

OFF DEATH ROW, AND ON THE BALLOT PARDONED PRISONER ENTERS ILLINOIS RACE ON MISSION FOR REFORM

Section: NATIONAL/FOREIGN;

Byline: By Eric Ferkenhoff, Globe Correspondent

CHICAGO - Out of bed at 5:30 most mornings, Aaron Patterson hits the streets early, glad-handing commuters and pedestrians, trying to convince them that he, a former gang leader and death row inmate, should represent them in the state Legislature.

Patterson, 39, knows it's a tough sell. But as a man who received a governor's pardon, he thinks he has a duty to what he says are hundreds, if not thousands, of "innocent" people still locked up in Illinois prisons.

So Patterson bundles up against the cold and trudges through the snow on the city's South Side to meet and greet prospective voters in its Sixth Legislative District, which is mostly poor. He usually does not return home until 10 at night.

"I could just sit back and wait on my lawsuit and enjoy life," he said, referring to a \$30 million lawsuit for wrongful imprisonment filed against police and prosecutors in the case. But "if I run for state representative, I can change the very laws that put me on death row."

The message Patterson carries to voters reflects his experience: He talks of judicial reform, of jobs for people exiting prison, and of creating programs in the community to keep people from going to prison in the first place. But he also talks of hiring minorities for construction projects and fighting gentrification on the South Side.

"I'm not one-dimensional," he said. "I'm not trying to be the poster boy for the death penalty."

So far, he said, the reaction has been mostly positive.

"A lot of people are getting motivated and inspired," he said. "Normally, they wouldn't vote. But now they feel like their vote will make a difference."

Still, there have been some glitches. On Jan. 23, while campaigning outside a soup kitchen, Patterson got into an argument with a pastor and was arrested on misdemeanor assault charges. Police also charged him with impersonating a public official because, they said, he claimed he was already a state legislator while being arrested. The case is pending.

Patterson said that he never made such a claim and that it was the pastor, not him, who behaved in a threatening way.

Patterson, who spent 13 years on death row (17 total in prison) after being convicted in a double slaying in 1986, said the idea to run was his and there is no big political network or machine backing his candidacy for the Democratic primary next month. He said he has received encouragement from the lawyers and legal groups that saw him through to his pardon in January 2003 by former Illinois governor George Ryan.

They have promised support, he said, but "haven't cut the checks yet. It's dangerous to back me because I'm too radical. I'm not trying to be like the regular status quo. I'm trying to be like a revolutionary."

Patterson said his Democratic opponent, first-term Representative Patricia Bailey, had persuaded a woman living at a shelter in the district to challenge the signatures he had collected in order to be listed on the ballot. The woman's attorney dropped the challenge after more than 300 signatures - the amount required to be a candidate - were verified, and Patterson's name was officially added to the ballot Jan. 23.

Bailey did not return calls seeking comment.

"Right now, I'm testing the waters," Patterson said. He visits churches and soup kitchens, restaurants, gas stations, and shopping malls.

Patterson's case became a symbol of the flaws in Illinois' capital punishment system before Ryan put a moratorium on the death penalty in 2000.

Patterson, an altar boy while growing up, gave in to the lure of gangs and rose to leadership ranks. He shot a man, severely beat another, and stabbed a third while in jail over the 1986 killing of a South Side couple. He was found guilty the same year in that case and condemned to die despite no physical evidence or eyewitness tying him to the crime. Patterson maintained over the years that he had been beaten by detectives into confessing.

Ryan believed him innocent, and just before leaving office, he pardoned Patterson in a sweeping move that also set free three other death row inmates in Illinois and commuted all death sentences to life terms.

After so many years on death row, Patterson said, he wanted to make a difference after getting out of prison. In December, he threw his hat in the political ring.

Political specialists, including Dick Simpson at the University of Illinois at Chicago, say it may be hard for Patterson to earn citizens' trust despite a very public clearing of his name. "It's going to be difficult to convince the voters that he was actually innocent of the crime," he said.

Patterson knows the odds are long but said: "My whole life has been a long shot. Asking for a pardon was a long shot."

NEW PLAN FOR CHICAGO SCHOOLS SETS HIGH EXPECTATIONS CRITICS DECRYING STRICTER STANDARDS

Section: NATIONAL/FOREIGN;

Byline: By Eric Ferkenhoff, Globe Correspondent

CHICAGO - The school board has adopted a strict new accountability plan that would place nearly half the city's 600 public schools on academic probation, a move decried by critics as extreme but embraced by officials as necessary to shock the system into higher performance.

Chicago public schools have come a long way since former US education secretary William Bennett declared in 1987 that the nation's third-largest school system was also its worst. All major indicators - test scores, truancy, and dropout and graduation rates - have since improved. But officials acknowledge that much remains to be done. "We really want to jar the system," schools chief executive officer Arne Duncan said. "Mediocrity is not acceptable."

The new rules, passed late Wednesday, require elementary schools to have at least 40 percent of students meeting state and national testing norms, up from 25 percent; the standard for high schools increases to 25 percent from 15 percent. Under those rules, 293 of

the system's 602 schools face probation, up from 82 now. A school can get off probation by reaching the 40 percent or 25 percent cutoff on tests given in the spring, or showing substantial progress - 10 percentage points - on the tests.

Duncan said that as much as 40 percent of the schools now facing probation are within 5 percentage points of the cutoff. "It's a jump," Duncan said, "but we think it's very attainable."

Under probation, local school councils - made up of teachers, principals, parents, and community leaders - would lose control of discretionary money. The funds, as much as \$1 million per school, typically used for supplies or hiring extra teachers, aides, administrators, or security, instead would be used to offer after-school programs, hire reading specialists, reduce class size, add counselors, and train teachers.

Also, if the schools do not improve, the school councils could be disbanded, the principal could be replaced, and in extreme cases, the school could be shut down.

Duncan said that over the past 10 years, the number of students scoring in the bottom quartile on standardized tests has been halved, from 48 percent in 1993 to 24 percent now. The problem is that too many students are now stuck in the mid-range. Critics have reacted sharply, saying that the plan offers no extra money and that it stigmatizes struggling schools and unfairly targets poor schools and those with predominantly minority students.

"It's going to triple the number of schools that are labeled as failures," said Deborah Lynch, president of the Chicago Teachers Union. "These are schools that are already struggling. They're raising the bar on the test scores, but not providing the resources and support."

Julie Woestehoff, head of the reform group PURE, said the plan stinks of a power grab.

She said there is also concern that putting so many schools on probation gives the wrong impression of public education in Chicago: "It sounds like we haven't made any progress and we're falling off the cliff."

In the past year, there have been reports that the school system misspent money intended for poor students and technology; that the system faces a gaping budget hole and narrowly averted a teachers' strike; that some test scores have flattened and fallen well short of other big cities; and that the system faces a troubling dropout rate among black students.

But Duncan said there is plenty of evidence that the system continues to move away from where it was when Bennett embarrassed the city with an insult that is still raw for many Chicago educators.

That comment ushered in dramatic reforms. And in 1995, the state Legislature gave control of the schools to Mayor Richard M. Daley, who has kept a jealous eye on the schools, preaching fiscal restraint, tough new standards, and accountability.

The impact was immediate and Daley, and his new management team, structured like a corporation, quickly became darlings of the education world.

They achieved labor peace, balanced the budget, eliminated millions in waste, and instituted more after-school and preschool programs, while dramatically expanding summer school and ending the practice of advancing students simply because of their age.

"To me, this is sort of an evolutionary process," Duncan said. "Now we've really got to challenge ourselves."

ILLINOIS EYES LAW TO PROTECT BREAST-FEEDING

Section: NATIONAL/FOREIGN;

Byline: By Eric Ferkenhoff, Globe Correspondent

CHICAGO - Kasey Madden had just sat down on the floor of her gym's day care center to breast-feed her crying 6-month-old daughter when a gym manager ordered her to move to a more isolated place in the building.

Furious, Madden refused, and thus began a campaign that has forced a large fitness company to adopt a new policy on breast-feeding in its gyms across the country and prompted an Illinois state senator to draft a bill requiring restaurants, shops, gyms - effectively anywhere in the state open to women and children - to drop restrictions on breast-feeding.

If it succeeds, the legislation would add Illinois to a growing list of states taking steps to protect women who want to breast-feed their children in public. The bill, which has passed out of committee, is expected to be voted on by the full Senate later this month, according to Senator Don Harmon, a suburban Chicago Democrat who drafted the legislation.

"I think we'd like an affirmative statement in the books in Illinois that women have the right to breast-feed their babies in any public location where they otherwise have a right to be," he said.

Harmon said the bill would exempt places of worship, but force any other business or public facility open to women and children to allow women to breast-feed without restriction. The bill includes a provision allowing women to sue businesses or other facilities that restrict breast-feeding, although the legislation would not allow monetary damages.

"Illinois is another state seeing that although breast-feeding is not illegal, there is a certain protection that is needed for breast-feeding mothers because they may be at a restaurant or a park or someplace else and people will ask them to leave," said Mary Lofton, spokeswoman for La Leche League International, a breast-feeding advocacy group based in suburban Chicago.

There are now 24 states that have some law on the books to protect the rights of breast-feeding mothers. Illinois would be the 25th.

Illinois already has some breast-feeding-related laws, including one passed in 1995 that says women cannot be charged with public indecency for breast-feeding, and another that requires businesses to accommodate breast-feeding employees, according to the La Leche League.

The group said Massachusetts does not have a law to protect women breast-feeding in public, although a bill was introduced in 2001. Such laws "inform the public that breast-feeding is an important issue in the health of the baby and that it's not just a lifestyle choice. It's a health issue," Lofton said.

Specialists agree the health benefits are unmistakable.

"It's certainly the best nutrition that newborns and babies can get," said Dr. Irwin Benuck, a pediatrician at Children's Memorial Hospital in Chicago and a professor of clinical pediatrics at Northwestern University Medical School. "Studies have demonstrated over and over again that babies who are breast-fed have fewer respiratory problems and illness in general. From a social point of view, it's the best bonding between a mother and baby."

A father of two with another on the way, Harmon hadn't given a bill much thought until he was approached last fall by Madden.

Madden, 38, said she contacted the company, Life Time Fitness, based outside of Minneapolis, and told officials the company may be in violation of laws in other states where it has gyms, such as in Texas and Minnesota, if a similar incident happened there because those states have laws protecting public breast-feeding.

The company has since clarified to its employees that breast-feeding is allowed in the open areas of its gyms, and that women should never be interrupted while breast-feeding or told to go to a more isolated area, said company spokesman Jason Thunstrom.

Still, Madden was irked that Illinois was not one of the states offering protection. So she wrote to Harmon, encouraging him to draft a bill.

"It's such a no-brainer. Of course, we should affirm this right," she said. And it's foolish, she said, to think that women are being immodest or offensive. "No one uses breast-feeding as a terrific excuse to expose themselves. This isn't pole dancing."

Lofton said the bias against breast-feeding in public dates back generations and discourages women from a healthy practice. As recently as the early 1970s, she said, breast-feeding rates were as low as 25 percent. The rate now is about 70 percent, she said.

Lofton said New York was the first state to pass breast-feeding-related legislation in the mid-1980s. But the law drew little interest and it wasn't until a writer in Florida wrote about being harassed for breast-feeding, prompting a law in that state, that the issue began generating publicity.

"We're not exactly a culture that shuns the breast," said Madden. "We're all for it as long as it's not used for its most functional purpose."

FIREFIGHTERS ACCUSED OF RACIAL SLURS OFFICIALS IN CHICAGO CALL FOR PROBES, FIRINGS

Section: NATIONAL/FOREIGN;

Byline: By Eric Ferkenhoff, Globe Correspondent

CHICAGO - The city's mayor and aldermen are calling for swift investigations and firings amid repeated disclosures over the past month that firefighters here have used department radios to spout racial slurs over open frequencies.

The incidents have proved a major embarrassment for Fire Commissioner James Joyce and have dredged up a history of discrimination and racial strife in a department that remains predominantly white despite statistics showing the city is roughly 60 percent black and Hispanic.

Joyce, testifying before a City Council committee last week, said there have been five incidents in which slurs, including repeated use of a derogatory term for African-Americans, were heard on the radio since Feb. 2. The most recent incidents - reportedly including a comment about black members of the City Council - happened Tuesday and the morning of Wednesday, he said.

Meanwhile, an alderman who was outspoken about the racial epithets and the department's need to bring quick and serious sanctions, reported getting several threatening phone messages that were filled with racist language and questioned the intelligence of black firefighters. The alderwoman, Emma Mitts, said she suspects the caller, a man, was a firefighter.

And there were reports that a 22-year veteran of the department maintained an unofficial Fire Department website on which a number of firefighters had posted racial messages, including references to firehouses in minority neighborhoods as "ghetto houses" and a quick how-to guide for anyone looking to transmit a message over the radio without being caught.

The rash of slurs has infuriated Mayor Richard M. Daley, who said any firefighter found responsible for making the comments should be dismissed.

"If he doesn't like being a fireman, he can quit," Daley said when questioned about one of the incidents. "If he doesn't like people of different races or colors or religious or ethnic origin, he should quit."

Joyce was just as adamant, telling the council's Police and Fire Committee, "I consider this so serious I'm putting the department on notice that offenses like these will be fireable offenses."

Captain Ezra McCann, a black activist within the department and a frequent critic of its leadership, said the spate of slurs is simply a reflection of a segregated city and a department that has stubbornly refused to diversify.

"The average white fireman on the department hasn't had the luxury of working with a black firefighter," he said. "We're the most polarized city in the country. We're split up. We don't live together as neighbors. It's the same thing that exists in the Fire Department."

The first incident occurred Feb. 2 when a firefighter, unaware that he was broadcasting, used a racial slur against a black motorist in an apparent traffic altercation. A second incident followed on Feb. 26, then another on March 1 in which the firefighter targeted a list of ethnic groups. The fourth and fifth incidents occurred last week.

Fire officials were able to trace the first broadcast and suspended the firefighter for 90 days and transferred him out of the predominantly black firehouse where he worked. His supervisor was suspended for 30 days. "It just shows a total lack of respect for the black community," said Alderman Ed Smith, who is black. "It's not all of the white firemen. It's just some of the white firemen who feel this is still 1863."

Smith warned there could be a serious backlash from poor black residents who feel cheated in the level of fire service in their communities and maligned by Fire Department employees.

Furious as Daley and other city officials were about the recent incidents, they also had to contend with questions about the department's history as a hotbed of racial strife. Alderman Isaac Carothers, chairman of the city's Police and Fire Committee, said the answer may be greater diversity in the Fire Department.

Of the city's 4,900 firefighters, 3,370 - nearly 70 percent - are white, 950 are black, and 510 are Hispanic, according to Chief Dennis Gault, a Fire Department spokesman.

"I'm offended by it but not to the point where I'm outraged, because I know racism exists," said Carothers, who is black. "I'm not surprised that there are people who are racists and bigots on the Fire Department. Racism is alive and well in America."

The city admitted as much in federal court in 1997, saying the department had a long history of "deliberate, invidious discrimination." The admission was made as proof that the city needed to keep in place a controversial affirmative action program that critics said cheated more qualified personnel out of promotions. (A similar affirmative action policy in Boston was ruled illegal last March in a case involving five white applicants who were passed over for jobs. In 1998, the Equal Employment Opportunity Commission found that Chicago continued to discriminate in the hiring and promotion of firefighters and that the city's affirmative action efforts had "utterly failed." The following year, a report commissioned by the city found pervasive racial problems in the department.

The embarrassment for the department was especially high after the release in 1997 of a video of a drunken firehouse party several years earlier in which firefighters were captured exposing themselves and making racist remarks.

Among those in attendance was James McNally, the current head of the firefighters' union who once appeared in blackface to protest affirmative action policies.

"Obviously, we don't condone that or the use of slurs of that nature," McNally said, referring to the offenders as "idiots."

But he defended the department's record. "I think the people who are doing this - I don't know what the hell their motivation is - are certainly not representative of the Fire Department and what we do every day."

IN ILL. SENATE RACE, CHARACTER IS THE ISSUE TALK OF MONEY, DIVORCE, DRUGS DOMINATES, WITH
PRIMARIES TOMORROW

Section: NATIONAL/FOREIGN;

Byline: By Eric Ferkenhoff, Globe Correspondent

CHICAGO - At some point in the race for the US Senate seat being vacated by Republican Peter Fitzgerald, the weighty issues like health care, jobs, and education were talked about.

But given the events of the past two weeks - allegations of spousal abuse, intrigue about divorce and custody records, admissions of cocaine abuse, personal confrontations, and challenges about individual net worth - Illinois voters may not remember.

In a nationally watched contest that could tip the balance of power in the Senate and possibly elect the chamber's only black member, the issues normally up for debate have been all but muffled recently as the race devolves into an ugly character contest.

"People are throwing things against the wall and seeing what sticks," said Democrat Barack Obama, who recently grabbed the front-runner position in polls from political novice Blair Hull. "My hope is that we can return to how to get jobs to the workers, provide accessible health care, and how do we make sure our children are receiving a quality education." He recently described the constant talk of "drugs and divorces" - which include his own history of cocaine and marijuana use - as "very depressing."

Hull, a blackjack whiz who built a fortune in the securities trade, has pulled a record \$29 million out of his own pocket to finance his campaign and seemed a cinch to capture tomorrow's primary until allegations broke two weeks ago that he abused his former wife.

As the Democrats sort through their mess, it is getting equally ugly on the Republican side, where the leader in polls, Jack Ryan, a former investment banker who has also spent millions of his own money on the campaign, has had to fight divorce rumors. Ryan would not release his complete divorce records, holding back several pages, he said, to protect his 9-year-old son. Ryan put out a statewide automated phone message saying he was the victim of a smear campaign.

Among those calling for the records' release was rival John Borling, a retired Air Force general, who had suggested Ryan was hiding damaging information. Borling later backed off, but was forced Thursday to fire his campaign manager for shopping details of what he claimed were the divorce records to reporters.

While Ryan has maintained his lead in polls, Hull - who paid his campaign manager \$20,000 a month - has been pummeled the past two weeks and slipped to third place among likely voters.

Illinois politics has a well-deserved reputation for sharp tongues and sharper elbows, but this race is wide open with seven Democrats and eight Republicans. It attracted few veteran politicians, and it is remarkable for its viciousness.

"It's ugly because there is a background to make it ugly," said Gayl Ferraro, chairwoman of the Democratic Party of Du Page County.

Kenneth Janda, professor emeritus of political science at Northwestern University, said the apparent front-runners should expect such attacks. "People look for chinks in your armor," he said. "What happens here is people feel that they are good judges of character. They may not know the political issues, but by golly, they understand character."

It's unclear what effect stories about Obama and Hull having a history of marijuana and cocaine use will have on the race. Currently running second is Dan Hynes, the state comptroller, who has strong political connections in Chicago but hasn't been able to gain much traction in the race. Hynes and fellow Democrat Gery Chico, a Chicago lawyer and former Chicago public schools board president whose once prominent law firm went belly up last year, also acknowledged past marijuana use. Chico was polling fifth.

Hynes's campaign said that many voters remain undecided and that internal polling shows him picking up ground.

Hull used gambling winnings in the 1970s to start a brokerage account, and eventually built an investment business that sold in 1999 for \$531 million. He used a portion of his fortune to finance his campaign and put his name out early and often with television commercials and billboards highlighting liberal causes and the gap in prescription costs between the United States and Canada. Hull reportedly paid up to \$75 a day to homeowners to stick his campaign signs in their yards.

As late as Feb. 23, a Chicago Tribune/WGN-TV poll suggested he was in the lead with 24 percent and Obama was in second place, with 15 percent. Then, on Feb. 27, Hull and his former wife bowed to pressure and unsealed divorce records that included allegations he threatened and verbally and physically abused her.

The former wife, Brenda Sexton, initially defended Hull, but went on the offensive when Hull suggested she had made the allegations to squeeze him for money. Hull has tried mightily to stop his slide, pleading his case with reporters and even taking out a full-page ad in the Tribune suggesting the allegations boil down to a minor spat: "Here are the facts: She kicked me three times, I asked her to stop before finally hitting her leg, and I used some bad language."

But the political toll may be more severe. A poll released Tuesday indicated Obama had 33 percent and Hull just 16 percent.

Hull's camp said he is staying the course. "The issues the voters want to hear about are health care and jobs," spokesman Jason Erkes said. "We have trust in those voters to look through the stories of the last couple of weeks."

Ferraro said the allegations of spousal abuse made women's groups turn against Hull. "You don't support someone who is accused of abusing his wife," she said.

Making Hull the Democratic nominee, she said, would be a gift to Republicans.

But Obama's camp, which has raised just \$4.3 million - including \$10,000 from Michael Jordan - said his climb should be attributed to his recent airing of campaign ads.

Obama has secured the endorsement of Chicago's two major newspapers and the largest suburban newspaper, as well as large papers in southern Illinois and St. Louis. His resume boasts of his being a state senator, a constitutional law professor at the University of Chicago, and the first ever African-American to be elected president of the Harvard Law Review.

He has been questioned about missing certain votes while a state senator, but has had his stamp on recent high-profile bills including a law requiring the taping of interrogations in capital murder cases.

Obama has an obvious base in the African-American community but also appeals to white liberals. Analysts like Janda expect the prospect of electing the Senate's only black member should be a strong draw in the general election.

"I'm rooted in the African-American community, but I'm not limited by it," Obama said. "My general focus has been to try to use government as a tool to bring about fairness and opportunity to all people."

CHICAGO FIRE CHIEF STEPS DOWN; ; ANNOUNCES RETIREMENT AMID DUAL CONTROVERSIES

Section: NATIONAL/FOREIGN; Pg. A2

Byline: BY ERIC FERKENHOFF, GLOBE CORRESPONDENT

CHICAGO - The city's fire commissioner unexpectedly announced his retirement yesterday amid twin controversies about the department's handling of a deadly downtown high-rise fire and disclosures that firefighters had made racial slurs over department radios.

Mayor Richard M. Daley immediately named Cortez Trotter, head of the city's Office of Emergency Management and Communications, to replace James Joyce as commissioner. Trotter, who previously served under Joyce as a top deputy, will be the first African-American to hold the job after Joyce officially steps down at the end of April after 4 1/2 years in the post.

"I am as excited about retirement as I was the day I walked into a firehouse in Chinatown in 1965," said Joyce, a 39-year veteran of the department, during a news conference announcing the leadership change. "My wife and I are looking forward to the best summer of our lives."

For Joyce, he said he felt "betrayed" by at least six instances in which racial slurs were heard over open frequencies. "Not as a fire chief, I feel betrayed as a citizen of the city," Joyce said.

Daley also spoke of the slurs, which have added to years of charges that racism is pervasive in a department that remains 70 percent white, though the city is 60 percent black and Hispanic.

While saying that Joyce has his continued support, Daley acknowledged the ongoing debate over the response to the high-rise fire in the Loop that killed six people last October.

"The performance of the department and the behavior of a few firefighters - a few - are being questioned," Daley said. "Those questions must be resolved if the department is to maintain the confidence of the citizens of the City of Chicago."

Joyce was not at the scene of the fatal fire but was in contact with officials and had been told that people were trapped in the stairwells. Neither he nor senior officers on the scene ordered a full search of the stairs and the victims were not found until two hours after the fire began.

As to the racial slurs, Trotter was quick with a warning to the city's 4,900 firefighters.

"Let me serve notice to those who wrongfully believe that the department is a haven for small-mindedness, offensive behavior, and stagnation," he said. "We are entering a new era for the Chicago Fire Department."

Trotter, whom Joyce praised yesterday, said, "In order for every community to feel confident in the Fire Department and EMS service they receive, our department must reconcile our operational issues that we face, but more importantly, we must address our human relations and diversity problems."

DEMOCRATS PINNING HIGH EXPECTATIONS ON AN ILLINOIS SENATOR

Section: NATIONAL/FOREIGN;

Byline: By Eric Ferkenhoff, Globe Correspondent

CHICAGO - Go back one month, and Barack Obama seemed destined to be an also-ran in a messy Democratic primary for a US Senate seat in Illinois. He had little money, no name recognition, and no support from this city's Democratic machine.

Yet Obama won, big.

The state senator from Chicago's South Side is no longer a quiet stranger in political circles. Obama, 42, is suddenly a darling of the party - someone who could tip the balance of power in the US Senate as an early favorite in the general election race. If he wins, he will become the third black member of the US Senate since Reconstruction.

With a deep-pocketed Republican, Jack Ryan, as his opponent, victory is no cinch for Obama. But these are heady times. On the night of the primary victory, the Rev. Jesse Jackson said Martin Luther King Jr. "and the martyrs" were smiling on Obama. Pundits compared his win to the day in 1983 when Harold Washington became Chicago's first black mayor. Obama seemed to step into history.

But if he is anything, it is modest, according to those who work with him. They say voters should not expect a fiery leader who pounds his fists, but rather, a measured collaborator similar to the late Paul Simon, who represented Illinois in the Senate from 1985 to 1997.

"He knows why he's in public life," said David Axelrod, a political consultant who works for Obama.

The son of a Kenyan economist and a white anthropologist from Kansas, Obama moved as a young boy, after his parents separated, from Hawaii to Indonesia. He soaked up the culture of that Southeast Asian nation and made friends with the poor children of rice farmers. He later returned to his grandparents in Hawaii for school. There he strayed, taking up with the wrong crowd and dabbling in drugs. "I went through a phase that was self-destructive, a phase that is not untypical of African-American males, particularly in this culture, where some think to act black is to reject education and push away from conventional values," he said.

That waywardness behind him, Obama enrolled first at Occidental College in Los Angeles, then at Columbia University in New York. He briefly worked at a New York trade publication but soon left for Chicago, where he landed work as a low-paid director of a church group striving to lift up the down-and-out.

Four years later, Obama enrolled at Harvard Law School. In just his second year, he put his name in for the post of president of the Harvard Law Review. Against the odds, he beat out nearly 20 other candidates and became the first African-American to head the review.

With the education to make big money after graduation, Obama instead decided to carve out a life in public service.

First elected to the state Senate in 1996, Obama is in his third term in the Illinois Legislature. In 2000, he tried to reach the national stage with a challenge to US Representative Bobby Rush, a Democrat, but was soundly defeated.

Obama, his wife, Michelle, and two daughters live in Hyde Park, a pocket of Chicago's South Side full of mansions and lovely gravestones and home to the University of Chicago, where he teaches part time in the law school.

His opponent in November, Ryan, 44, is a graduate of Harvard's business and law schools, and a former investment banker with Goldman Sachs who left the world of finance to teach at a parochial school on Chicago's South Side.

Obama said that if he wins and becomes the only black member of the US Senate, he would not seek to speak for all African-Americans. "The community is not monolithic," he said. "We need a lot of voices and a lot of leaders."

Still, he cannot shake the expectations. "You become the highest African-American elected official in the country," said US Representative Elijah E. Cummings, a Maryland Democrat who chairs the Congressional Black Caucus. "That brings . . . a lot of responsibility."

Cummings notes that the last black senator was also from Illinois, Carol Moseley Braun, and thinks the state and the country are demanding a more diverse chamber. In 1967, Edward W. Brooke, a Republican from Massachusetts, became the first black member of the Senate since Reconstruction.

Obama has worked on civil rights causes and crafted health care and criminal justice legislation to help the state's poor. Repeatedly during his campaign, he emphasized he was not limited by being black, that "there are a lot of people of all stripes that are suffering."

It was clear in the March 16 primary that whites as well as blacks bought the pitch. Obama won 60 percent of the vote in a seven-candidate field. "He shattered a lot of old assumptions about race and geography in Illinois politics," Axelrod said. "We absolutely ran wild."

CHICAGO TARGETS DEALERS IN HEROIN DEATHS

Section: NATIONAL/FOREIGN;

Byline: By Eric **Ferkenhoff**, Globe Correspondent

CHICAGO Local prosecutors and police are investigating whether they can use a tough antidrug law to charge a handful of street dealers in the deaths of as many as five people who overdosed on lethally pure heroin.

Under the law, which has rarely been used in the state, prosecutors can charge dealers and suppliers with drug-induced homicide to hold them directly responsible for fatal overdoses.

"Just holding the drug dealer accountable for the actual dealing is not enough," said Anna Demacopoulos, a narcotics supervisor in the Cook County state attorney's office. "You need to hold them accountable for the effect it has on individuals and communities, and that is that it results in death a lot of them."

Already, one suspect, Felix Garcia, 43, has been charged with drug-induced homicide in the death of a man found in a West Side apartment in January. Now, police are exploring whether they can use the same charge against Garcia, or dealers connected to him, in the deaths of as many as four other people who overdosed in a span of two days in early January in the same neighborhood.

Police reportedly have found markings on packets of heroin that seem to tie Garcia to other dealers. Demacopoulos's office is prosecuting the Chicago case, but she declined to elaborate.

A new study indicates a deadly surge in the use and purity of heroin in the Chicago area, which has the most heroin-related emergency room visits of any city in the country, at 12,982. The Boston area ranked fifth in the Roosevelt University study with 3,999 visits.

Garcia's arrest marked the first time Chicago police used the law, which the state Legislature passed two years ago to crack down on dealers of some of the most dangerous narcotics.

Under the law, upheld in December by a suburban judge, dealers can face up to 30 years in prison. In addition to the Chicago case, authorities in DeKalb County in northwestern Illinois recently logged their first arrest on the charge and officials in DuPage and Lake counties in northern Illinois recorded their first convictions.

The DuPage trial, which ended in a guilty plea in December, was thought to be the first successful prosecution in the state under the law. The Lake County trial, which ended in February, is apparently the state's only jury conviction.

The charge of drug-induced homicide had been on the books since 1989, but prosecutors urged a rewrite because the old law demanded that a sale involve a high quantity of drugs.

"Drug addicts don't buy 5 grams [of heroin] at a time, so you could never use it," said Joe Ruggiero, former chief of narcotics for the DuPage County state attorney's office.

Still, the law has rarely been used because drug-induced homicide is hard to prove. There is no easy way to prove that a specific batch of drugs caused a person's death. At best, a medical examiner could rule that a death resulted from a certain type or derivative of a drug, such as opiates.

Another obstacle is the difficulty in finding witnesses.

"People don't usually stand next to their drug dealers and inject," Demacopoulos said.

In the Chicago case, officials said, the pieces finally fit.

Police initially figured Emilio Chavez Garcia, who was found with a syringe at his side, for just another of the hundreds of drug overdose victims in this city each year. But 10 minutes after his body was found, and just five blocks east, the body of another man was discovered along with a needle and three bags of heroin on the floor tipping police that a lethally pure batch may be circulating in the Humboldt Park neighborhood on Chicago's West Side.

As many as three other victims turned up in the same area over the next couple of days. But another victim survived and helped police link some of the heroin to Felix Garcia, officials said.

Still, in Chicago, a key hub for the distribution of heroin with all four major suppliers South America, Mexico, Southeast Asia, and Southwest Asia flooding the market, Felix Garcia is a bit player in a vast enterprise, officials said.

The goal of the law, Demacopoulos said, is to eventually go after "the suppliers, the silent partners, the ones you don't see on the street."

The Roosevelt study suggests that the heroin market has spiked in the Chicago area since the mid-1990s. The number of emergency room visits per 100,000 people, for example, increased nearly 170 percent, from 83 in 1995 to 220 in 2002, the study said.

In the Boston area, the increase was from 83 in 1995 to 111 in 2002. The same study indicated 352 heroin-related fatalities occurred in the Chicago area in 2001 (the latest figures available), slightly lower than the 391 deaths in the Philadelphia area. The Boston area had 195 heroin-related deaths in 2001.

The steepest increase in heroin use in the Chicago area was found in the suburbs, where young, white and increasingly, female residents make regular treks to Chicago to buy the drug.

IOWA GOVERNOR WEIGHS FIGHT ON GAY APPOINTEE

Section: NATIONAL/FOREIGN;

Byline: By Eric Ferkenhoff, Globe Correspondent

CHICAGO Governor Tom Vilsack of Iowa is exploring whether he can skirt a Senate panel's vote and install an openly gay lawyer to the state education board despite a narrow rejection of the appointment following a divisive two-day debate in the state capital.

The Senate Education Committee voted, 24 to 22, against the appointment of Jonathan Wilson, a contract and real estate lawyer at one of Iowa's top firms who previously served on the Des Moines school board before a defeat in 1995 after admitting he was gay. Three Republicans joined 19 Democrats Tuesday in favor of Wilson's appointment. All of the no votes were cast by Republicans.

"One has to ask the question: Who's next?" Wilson said in an interview after the vote. "Will it be the Jews because they're not Christian? Will it be the Catholics because they're not Protestant? I believe it is an example of grown-up bullying and name-calling that we see on school playgrounds."

Vilsack, a Democrat, said the Senate's action shamed the state while opponents portrayed it as a victory to safeguard the state's children against Wilson and others who would push "a gay agenda" in Iowa's public schools.

"People should acknowledge what this vote was about," Vilsack said. "It was a vote because Mr. Wilson happens to be openly gay."

The governor said after the vote that "we are going to consider what our options are." A Vilsack spokesman, Matt Paul, said Friday that going ahead and putting Wilson on the nine-member board is one option being studied. Short of that, he said, the governor would have to slate a new candidate.

There is debate whether Vilsack has the authority under state law to go around the Senate vote, but some lawmakers said the governor could make Wilson an interim member of the board, allowing him to serve for one year before another vote is taken.

"They would have to vote to remove him, and by then, hopefully we'll have had some time to see that he doesn't have a secret plan to convert children to another team," said Senator Matt McCoy, a Des Moines Democrat and one of only two openly gay elected officials in the state.

During the debate, many Republicans tried to cast the vote as a referendum on Wilson's credentials, pointing to his 1995 defeat to the Des Moines school board and that city's struggling test scores. But privately, most confided that Wilson should not be confirmed because he is gay, said Senator Ken Veenstra, among the few Republicans who publicly charged Wilson's gay lifestyle would damage the state's schools.

Voting no, Veenstra said from the Senate floor, "is the wish of God-fearing people that insist on basing their values on a divine law, rather than a misguided culture that man has created."

Senator Nancy Boettger, the Republican head of the Senate Education Committee, said rejecting Wilson reflected the wishes of Iowans who "don't want any hint of pushing the gay lifestyle through our school system."

The Iowa vote appears to fly in the face of national trends in recent years showing voters are increasingly tolerant of gay public officials, said Dave DeCicco, a spokesman for the Victory Fund, a Washington-based group that supports gay political candidates.

"The Iowa Legislature seems to be behind the curve in this area," DeCicco said. "They also seem to be intent in their desire to stay there. Young Iowans are the ones who really pay for the ignorance of the adults."

Tuesday's vote which the Des Moines Register, the state's largest newspaper, said "branded" Iowa came just weeks after the same Iowa chamber narrowly voted against a state constitutional amendment against gay marriage. Some gay activists saw that vote as a step forward for the state.

Still, Wilson knew last week's hearings would be hostile.

In 1995, while running for another term on the Des Moines school board, Wilson admitted to voters that he was gay. The threats were immediate and so alarming, he said, that local police outfitted Wilson with a bulletproof vest and kept a watchful eye on the Des Moines home he shared with his two children from a previous marriage. He lost the election.

Bitter as the hearings were, Wilson said he believes some good has come of the debate as it forced many senators to reveal their sentiments on a tough topic and "put the issue into coffeehouses and assembly lines and kitchens all over the state."

SUPREMACIST CASE GOES TO JURY

Section: NATIONAL/FOREIGN;

Byline: By Eric Ferkenhoff, Globe Correspondent

CHICAGO A white supremacist whose fiery rhetoric was blamed for a 1999 Midwest killing spree was a violent man so bent on revenge after being forced to change the name of his white-power church that he ordered the murder of a federal judge, prosecutors said yesterday in closing arguments.

Defendant Matthew Hale, dressed in an orange jail jumpsuit, sat expressionless as Assistant US Attorney Victoria Peters told jurors he was a "zealot for hate."

Lead defense attorney Thomas Anthony Durkin, who didn't call a single witness in the seven-day trial, acknowledged that "the venom he spews" and Hale's "lack of moral basis" may repulse the jurors. But he argued that the prosecution fell far short of proving its case that Hale, 32, from East Peoria, Ill., solicited the murder of US District Judge Joan Lefkow and obstructed justice. Particularly troubling, he argued, was the government's reliance on two former members of Hale's church who contended that Hale directed them, on separate occasions in late 2002, to murder Lefkow.

One of them, Jon Fox, had ambitions to replace Hale as the church's leader and didn't tell authorities about the alleged plot until 10 months after Hale suggested it, Durkin said. The other, Anthony Evola, who secretly recorded hundreds of conversations with Hale for the government, actually approached Hale about killing the judge not, Durkin said, the other way around.

While Evola and Hale are heard talking about "exterminating the rat" on the tapes, at no point does Hale explicitly order Lefkow's murder. The alleged plot was never carried out, and Lefkow was never injured.

Hale, the "Pontifex Maximus" of the former World Church of the Creator, gained national attention by leading white-power demonstrations in various parts of the country, including one in Wakefield in fall 2002, and another in Lewiston, Maine, in winter 2003.

But he is perhaps best known as the white supremacist whose failure to get a law license in Illinois in 1999 is believed to have touched off a two-state shooting spree by follower Benjamin Smith. Two people, including the former basketball coach at Northwestern University, were killed over the July 4 holiday, and nine others were injured before Smith took his own life on a southern Illinois highway.

It was in the days before the Lewiston rally against Somali refugees where some 4,500 people shouted down the 45 or so supremacists who showed up that Hale was arrested in the alleged murder plot.

Lefkow had presided over a federal trademark infringement case in which an unrelated Oregon group with a similar name filed suit to get Hale to change his group's name. Lefkow initially ruled in Hale's favor, but an appeals court overturned her. She ordered Hale and his group to change the name and remove it from any literature, including the White Man's Bible, put out by the church.

Hale immediately began plotting the murder of Lefkow, Peters said. "He viewed [the ruling] as an attack on his struggle to rid this country of minorities, an attack on his efforts to establish an all-white, non-Jewish country."

The government said Hale turned to Fox to kill Lefkow and lawyers for the Oregon group and asked that Fox burn down the Oregon church with its pastor inside.

When Fox refused, Hale enlisted Evola, the head of Hale's security detail, the White Berets. By then Evola had been cooperating with the FBI for more than three years. He testified earlier in the trial that he approached the FBI because he was perturbed that a member of Hale's church asked him to pass out racist literature in summer 1999 at a school where he worked.

The jury is scheduled to receive instructions this morning and then begin deliberations.

EXECUTIVE ADMITS LINKS OF FIRM FOUNDER, SLAVERY BUT J.P. MORGAN CO. DEFENDS CHICAGO DEAL

Section: NATIONAL/FOREIGN;

Byline: By Eric **Ferkenhoff**, Globe Correspondent

CHICAGO A senior officer with J.P. Morgan Chase & Co. acknowledged to aldermen yesterday that J.P. Morgan Jr.'s grandfather, Junius, had a business relationship in the 1800s that profited from the slave trade but said that should not preclude the financial giant from doing business with the city in the 21st century.

The partnership between Junius Morgan and businessman George Peabody was not a "predecessor company" to what is now J.P. Morgan Chase & Co. and should not be considered proof of a legacy of profiteering from slave labor on the part of the current company, said Frederick W. Hill, the firm's executive vice president and chief of marketing and communications.

"The institution of slavery and all that it stood for is completely antithetical to everything that we stand for," Hill, who is black, told aldermen at a meeting of the City Council's Finance Committee.

Hill's testimony was given during ongoing hearings into whether officials at the New York-based financial firm lied about ties to the slave trade on financial disclosure records to secure lucrative bond underwriting deals with the city. Such a finding could cost the company future underwriting fees.

Alderswoman Dorothy Tillman, a council activist who has long pressed the issue of slave labor and reparations, had introduced in hearings last week what she said was proof that Peabody's firm, in the 1830s, purchased items for slaves, had a client who placed newspaper ads for the sale of slaves, and helped transport slaves aboard at least one ship.

Tillman said the documents, including receipts, were found by her daughter, Ebony Tillman, 33, while doing research.

Hill did not dispute the documents and proposed an amendment to the company's original disclosure statement acknowledging that firms tied to Peabody and Junius Morgan "may have profited from business relationships with persons or companies that owned or used slaves." The proposed amendment would add that J.P. Morgan Sr., Junius's son, "was affiliated with the Peabody firm before he founded Drexel, Morgan, and Company, the New York partnership that in 1895 became J.P. Morgan and Co."

The proposed amendment would also state that Junius Morgan and his son used their own capital as seed money to launch Drexel, Morgan, and Company in 1871. What remained unclear, Hill said after the hearing, is whether that seed money amounts to profits or compensation they received from the Peabody firm and, therefore, profits from the slave trade.

Chicago's City Council has been outspoken in recent years about persuading companies to confront past ties to slavery, and in 2002, aldermen passed an ordinance the first of its kind in the country requiring that all firms seeking to do business with the city disclose whether the company, or any of its predecessors, profited from slave labor.

Hill said J.P. Morgan Chase & Co. researchers had traveled to Europe and to several US states, but found no evidence directly tying the company to forced labor.

"We searched our corporate records, including those of our predecessor entities, and located no documents on investments or profits from slavery, the slavery industry, or slaveholder insurance policies," Hill said.

Tillman questioned why Hill, and not a more senior company official, appeared before the committee. Tillman, who said other business entities linked to the Morgan empire also had ties to slavery, said chairman and chief executive William B. Harrison should have been called to testify. The Finance Committee could vote next month on whether to subpoena other J.P. Morgan Chase officials.

"They lied," Tillman said after the meeting.

The company said Tillman was wrong. "Our disclosures were proper, and we strongly disagree with the alderman's assertions," said company spokesman Joseph Evangelisti.

"The [disclosure statement] was filled out accurately," Hill said later. "In a political environment like [Tillman] has created with this issue, anyone that disagrees with her, she casts aspersions on."

Tillman spearheaded a council resolution in 2000 calling on Congress to study slave reparations. At the time, Mayor Richard M. Daley said he believed reparations were due, and urged the nation to formally apologize for its slavery history.

CHICAGOANS HOPE HIGH-RISE DEMOLITIONS RAISE BAR FOR POOR SOME CRITICS SAY RELOCATIONS NOT HANDLED WELL

Section: NATIONAL/FOREIGN;

Byline: By Eric Ferkenhoff Globe Correspondent

CHICAGO At the midpoint of the nation's largest, most watched project to transform public housing, critics say the city has been slow and sloppy in relocating Chicago's most down-and-out residents. The old high-rises are coming down much faster than new low-rise, mixed-income developments are going up, and housing analysts worry that residents are getting lost in the shuffle.

Many residents share the uncertainty of John Wilson, according to housing advocates like Alex Polikoff, with the Business and Professional People for the Public Interest in Chicago.

Wilson's Near South Side building will come down sometime in the coming months. The Chicago Housing Authority promises that a better life new walls and appliances, fresh paint, and neighborhoods with less crime awaits him. But so far, the 43-year-old has no idea where he will call home.

"If what they're saying is true, I'll find out when I get there," Wilson said.

The city, meanwhile, celebrates progress. Officials like housing authority chief Terry Peterson point to the State Street Corridor on the Near South Side, once a 3-mile stretch of pale brick or red high-rises along the Dan Ryan Expressway, pillars of a failed low-income housing strategy that warehoused the city's poorest residents in what housing specialists said is the most concentrated tract of public housing in the country.

"I see an opportunity to undo something that shouldn't have ever been done, and that is the stacking of poor people," Peterson said. "I see now, with those buildings being down, the opportunity to rebuild a community."

There used to be 36 high-rises along the corridor, buildings where as many as 60 percent of the apartments were vacant, inviting squatters and drug dealers. Today, just four buildings remain.

The demolition of the corridor, including the four remaining buildings (three at Robert Taylor and one at Stateway Gardens), will make way for new mixed-income developments with lofty names such as the Parkway.

But there are plenty of other projects, Peterson said. There is new construction at the West Side's Henry Horner homes, where new low-rise units are designed to blend seamlessly into a revitalized neighborhood or the ongoing demolition of Cabrini Green, the notorious complex of high-rises that sits just west of the city's priciest neighborhood, the Gold Coast.

The \$1.5 billion transformation plan is a 10-year project, now in its fifth year, being watched by housing advocates and specialists around the country grappling with how best to create affordable and safe housing for the nation's neediest citizens.

The goal is to rid Chicago, which once counted 39,000 public housing units, of most of the high-rise developments and many of the squat, low-rise buildings. These would be replaced with mixed-income communities where some apartments will be saved for the destitute, some for the working poor, and some for wealthier residents.

"The high-rises have been like a millstone around the neck of the city," said Polikoff. "And removing that millstone is going to be a good thing in the long term."

If the plan succeeds and the time line sticks, some 25,000 units will be built or rehabbed to replace the old units by 2009. (The population of public housing residents has declined over the years, so the remaining 14,000 units will not be replaced, said housing authority spokeswoman Kim Johnson.) Those who don't move into the new or rehabbed units will be given vouchers to live elsewhere.

"It's a massive undertaking," said Susan Popkin, a housing specialist at the Urban Institute in Washington, D.C. "The magnitude of the problem is so big."

Popkin said many cities, from Washington and Baltimore and Louisville, are trying to overhaul their public housing stocks, but legal battles and the sheer volume of residents to be moved in Chicago makes it not only the most watched but perhaps the most complicated experiment.

This summer, in a bid to soften the image of housing authority residents so wealthier Chicagoans will buy into the mixed-income developments, an advertising campaign will showcase some of the system's success stories. The faces of men and women who shunned gangs and drugs and landed jobs that lifted them up financially will be featured in ads in newspapers and on buses and trains.

Like Polikoff, Popkin said the plan's chief failing so far is the inadequate efforts to relocate. Complaints include that buildings are coming down faster than replacements are going up, residents aren't getting necessary counseling and support needed for such a vast change, and many residents are being relocated to developments or apartments in areas nearly as poor and just as segregated.

"The relocation has been badly botched," Polikoff said. "The CHA keeps trying to fix it year by year, but they haven't gotten it right."

Success or failure will be found in people like Wilson, who moved to Robert Taylor when he was 8 and watched over the years as gangs and the culture of guns and drugs grew more dominant.

When asked his feelings about the razing of the graffiti-stained world he's called home for 35 years, Wilson is torn. There's the promise of better housing. But Wilson and several of his neighbors said there's a sense of community in the old buildings where residents, by living so close, know and look out for one another.

Still, most residents are resigned to the change. They point out that real estate here, just blocks from Lake and near revitalized neighborhoods in the Near South Side, is simply too pricey.

"They're pushing us further and further away," said Laurkee Wiggins, 26.

NEW MAYOR OF SCANDAL-PLAGUED MILWAUKEE FACES BIG CLEANUP JOB

Section: NATIONAL/FOREIGN;

Byline: By Eric Ferkenhoff Globe Correspondent

MILWAUKEE Tall, soft-spoken with an easy smile, Mayor Tom Barrett ticks off the headlines from the past year, and it's clear that this beer-and-brats town is faced with some big-city challenges.

The divisive mayoral race that put Barrett in office last month included issues of race. Three aldermen are sitting in federal prison (a fourth investigation is underway). The former mayor, John O. Norquist, resigned amid a sexual-harassment scandal. And the city may face a \$36 million budget deficit. Sounds more like Chicago.

"It's not Milwaukee-esque," said Barrett, 50, a career politician who has represented the city as a state representative and senator, a US congressman, and now mayor. "This is a city, a state that was always sort of made fun of because of its squeaky-clean image. I'd rather have David Letterman and Jay Leno making jokes about how clean we are than the next alderman going to prison."

Getting that back is going to take some work and, he said, a little patience from Milwaukeeans who have tired of the deluge of bad news.

"When it first started happening, people were like, 'What?' " said Tracy Modjeski, 35, a new mother and former sales and marketing agent. "People just buried their heads in the sand and said this isn't happening to us."

The most immediate problem is the budget. If all city services remain at the current levels, Milwaukee could have a \$36 million shortfall by year's end. Such a deficit may not seem crippling, but the total tax levy is about \$200 million, and Barrett left little wiggle room during this year's mayoral campaign, when he pledged to cap property taxes.

Barrett, a Democrat, said that an audit has been ordered on city spending and that the heads of city departments have been asked to trim the fat. The city is also pushing downtown redevelopment and seeking to carve itself a piece of the technology sector, recently snaring software maker PKWare Inc. to locate its 14,500-square-foot headquarters downtown.

City government is not alone in its woes. The Milwaukee public schools, citing rising staff costs and falling state aid, plan to cut 449 jobs next year, including 300 teaching positions, while increasing property taxes by more than 15 percent, prospects that have drawn the ire of Milwaukeeans and led to teacher protests.

As mayor, Barrett does not control the school system. He suggested changing that during the campaign, but said voters and state legislators weren't buying it. Instead, Barrett said he will use his job as a bully pulpit to force change and may add the school superintendent as an ex officio Cabinet member. Milwaukee has had six superintendents in nine years, he said, and has among the largest racial achievement gaps of any American city.

But Barrett said that fixing the school system's budget and the city's finances, while certainly difficult tasks, are mostly matters of belt-tightening. A much higher hurdle to overcome, he said, is reestablishing trust with residents and easing the hangover from the racial politics that so dominated last month's mayoral election.

"It clearly has cast a cloud over city government," said Alderman Willie Hines, who is black and president of Milwaukee's 15-member Common Council. "The biggest issue that we're confronted with is restoring integrity."

Barrett supports a ban on gifts to top city officials, a merger of the ethics and elections boards, and a requirement that candidates post finance reports online.

Barrett won 54 percent of the vote, defeating Acting Mayor Marvin Pratt, also a Democrat, who received 46 percent. Pratt was bidding to become the city's first black mayor but suffered amid a flurry of reports that he mispent campaign funds. Late last month, Pratt, the former council president who had been acting mayor since January, pleaded no contest to five campaign- finance violations.

It was a bruising campaign, with Barrett seizing on Pratt's financial problems and the media making much of what was shaping up to be a black vs. white vote.

The final tally split along racial lines, reminding Milwaukeeans that while the city has a folksy Midwestern charm, it is largely compartmentalized by ethnic groups that have carved out neighborhoods and stayed put. A US Census study last year listed the Milwaukee area as one of the top five segregated urban centers in the country, alongside Newark, St. Louis, Cleveland, and Detroit.

Barrett said that he doesn't kid himself that some, perhaps many, in the black community are angered over the election, but added that he believes that Pratt's support was more indicative of the black community's pride its desire to see an African-American in the mayor's seat than its suspicion of him.

Hines, the council president, said that the divisions are clear, but that the segregation does not necessarily translate into an overt racism. The city is 45 percent white, 38 percent black, and 12 percent Latino. "We have natural barriers that separate communities," he said. "I have not felt any hostility, and I'm not intimidated or afraid."

Barrett, who represented a large black section of the city in Congress, said he is sensitive that "there are racial issues in the city that city government did not acknowledge." It is unfair, he said, to cast him as the white guy, deaf and dumb to the needs of the city's minorities who crave jobs, economic development, better education, and less crime.

Success will hinge largely on his ability to work with the Common Council, a relatively inexperienced body in which nine of the 15 members are serving their first full terms, he said. "I'm the great unknown for them, they're the great unknown for me, and we're both the great unknown for the city," Barrett said.

Actually, Barrett is hardly an unknown here. A graduate of the University of Wisconsin at Madison who paid for part of his schooling by working for one of the city's best-known businesses, Harley-Davidson, Barrett earned his law degree from UW and practiced a few years before entering politics in 1984 with election to the State House. After a stint in the state Senate, he was elected in 1992 to Congress, representing northern Milwaukee and surrounding suburbs. He lost a bid for governor two years ago. "It's not inconceivable that I would be a pretty good mayor," he said. "On paper, I'm not a bad candidate."

JURY IN ILL. RETURNS INMATE TO DEATH ROW

Section: NATIONAL/FOREIGN;

Byline: By Eric Ferkenhoff, Globe Correspondent

PONTIAC, Ill. A jury deliberated for an hour yesterday before sentencing Andrew Urdiales to death, making the former US Marine the state's first inmate to be sent back to death row after his first capital sentence was commuted in 2003 by Governor George Ryan.

The case will automatically be appealed to the state Supreme Court.

As Illinois continues its moratorium on executions, many state's attorneys are pressing ahead with capital cases. In the penalty phase of Urdiale's trial, prosecutors here spent two weeks detailing how Urdiales slashed and shot eight women in Illinois and California. If anyone deserves to die, they argued, it is the 39-year-old from Chicago.

"The evidence was overwhelming that he deserved the death penalty," said State's Attorney Tom Brown of Livingston County, who prosecuted the case. "If he's not the type of person who deserved to get the death penalty, I'd be interested in knowing just what type should."

Ryan made headlines worldwide when he emptied death row last year, commuting the sentences of 167 inmates, having argued that the system was "haunted by the demon of error."

Critics said it was a political move, designed to shore up a legacy tarnished by Ryan's indictment on federal corruption and bribery charges.

Urdiales is now the fifth person in Illinois to receive the death penalty since Ryan commuted all the sentences last year.

"There was this expectation that, all of a sudden, prosecutors would develop this great sense of restraint," following the 2000 moratorium, Ryan's blanket commutation, and a dramatic overhaul signed into law last fall, said Jane Bohman, executive director of the Illinois Coalition Against the Death Penalty. "And yet we are seeing aggressive pursuit of death penalty cases."

A survey of Illinois's 102 counties by Bohman's group nearly 200 pending cases in which local prosecutors have declared they will seek the death penalty, she said.

Four of those cases are in Will County, south of Chicago, where State's Attorney Jeff Tomczak, a Ryan critic, dismissed suggestions that prosecutors do not carefully consider imposing the death penalty. "You can feel it in your heart when you decide to go death penalty," he said.

While prosecutors are not backing down from seeking the death penalty, Bohman said it appears that judges and juries, spooked by death row inmates being released when their convictions were found to be flawed, are much more hesitant to hand down the ultimate punishment.

When Ryan imposed a moratorium on executions in 2000, 13 death row inmates had been exonerated, igniting fierce debate in Illinois and touching off a round of legislative proposals to change the system.

Last fall, sweeping changes in state law required police to turn over field notes, altered lineup procedures, allowed greater scrutiny of jailhouse snitches, established an IQ floor for defendants to be considered for the death penalty, provided more DNA testing, and allowed the state Supreme Court to overturn death sentences.

Brown, the state's attorney prosecuting Urdiales, said that many of his colleagues welcomed such an overhaul as requiring more qualified defense attorneys and prosecutors, but that few believed the system was broken, as Ryan contended. And certainly, Brown said, none of the changes have made prosecutors reluctant to seek the death penalty. "I don't believe we're any less inclined to seek the death penalty when we think the facts of the case merit that," he said. "Any prosecutor worth his salt would want to know he convicted the right person."

Relying on the judgment of elected prosecutors is the problem, said Rob Warden, executive director of the Center on Wrongful Convictions at Northwestern University Law School.

"The system is certainly better than it was; there's no question," Warden said. "And probably the reforms would make the criminal justice system in Illinois the fairest and most just anywhere in America. But are they adequate? I think any fair assessment would say clearly not. The capital justice system in America is simply, fundamentally too flawed."

Bernard Murray, chief of criminal prosecutions for the Cook County State's Attorney's Office, which includes Chicago, said it is Warden's reasoning that is flawed.

"We should just abolish the criminal justice system because we may convict an innocent person of jaywalking," Murray said mockingly. "The evidence will never be good enough" for opponents, he said.

GAY RIGHTS ADVOCATES ARE DENIED COMMUNION SILENT PROTEST STAGED DURING CHICAGO MASS

Section: NATIONAL/FOREIGN;

Byline: By Eric Ferkenhoff Globe Correspondent

CHICAGO A small group of gay Catholics were refused Communion yesterday at Chicago's Holy Name Cathedral, in keeping with the archbishop's directive that priests deny the Eucharist to gay men and women who try to receive the sacrament while wearing rainbow-colored sashes in a campaign to get the church to accept homosexuals.

About a dozen protesters, organized by the Chicago-based Rainbow Sash Movement, attended the afternoon Mass. At the time of Communion, the group, filling two pews in the downtown cathedral, filed in line with the rest of the congregants. When they reached the celebrants, including a parish priest and a bishop, they held out their hands to receive Communion, but were given a handshake and a blessing instead.

Members of the group then returned to their seats and, as planned, stood instead of kneeling, as is customary in the Catholic Church following Communion.

"This is outrageous, this is about personal prejudice," said Joe Murray, head of the Rainbow Sash Movement, after Mass. "We're good enough to be blessed, but we're not good enough to receive the Holy Eucharist. There seems to be some inconsistency there. It hurts."

Archdiocesan officials, including Bishop John Manz, who celebrated the Mass, said the protesters were denied Communion because they were using a sacred moment to make a political statement that was contrary to church teaching.

Cardinal Francis George had issued a letter earlier this month instructing the archdiocese's 375 priests to deny the group Communion if they wore the sashes. He wrote that the sash was an overt statement that the wearer is in conflict with Catholic teachings that sexual relations between people of the same gender are sinful. George was flying back from Rome yesterday.

"We can't have inclusion at the expense of truth," Manz said. "All of us find this to be very painful. You can see the pain in [the protesters'] faces."

Members of the group said they were being denied a seat at the Lord's table.

"What we were taught growing up has been love and acceptance of all," said Michelle Baladad, who attended the service with her partner of nine years, Jennifer Widd. "We are all God's children."

The group had notified officials with the Archdiocese of Chicago and other dioceses across the country of their plans.

It was not clear how many protesters showed up at other churches in Chicago or elsewhere in the country. Murray said they have received a more welcoming response from church officials in other cities, including Los Angeles, Minneapolis, and Rochester, N.Y. The group has chapters in Chicago, Los Angeles, New York, Rochester, and New Orleans.

Manz and other church officials said priests were not trying to alienate gays and lesbians or suggest they were not welcome in the church.

"But when it's an open act of defiance," Manz said, "I have to witness to the truth."

LAWMAKERS RAISE CONCERNS OVER SHADOWING OF ILL. CANDIDATE SEEK 'PRIVACY ZONE' TO BAR VIDEOTAPING

Section: NATIONAL/FOREIGN;

Byline: By Eric Ferkenhoff Globe Correspondent

CHICAGO Anywhere US Senate candidate Barack Obama went, it seemed Justin Warfel, video camera in hand, was just a step away. Giving a speech, shaking hands with supporters, walking to the men's room everywhere.

Obama's Republican rival, former investment banker Jack Ryan, hired the 24-year-old videographer to shadow Obama, an Illinois state senator. The Ryan campaign wanted to record his public statements to see whether the Democrat's message on issues remained consistent. It was up close and personal, but perfectly legal, the campaign said. It then agreed to back off, but is still videotaping Obama's public appearances.

But others in Chicago, including powerful Alderman Edward M. Burke, were outraged by what they said amounted to video stalking. So last week, Burke proposed creating a 20-foot "zone of personal privacy" for city residents, a sort of bubble around people to protect them against unwanted pictures or secret audiotapes.

"It creates a privacy bubble around a person," Burke said. "We thought maybe we could create a code that if people are going to take someone else's photo in public that they have to do it in a way that doesn't affect adversely on their personal space."

Under the proposed ordinance, anyone other than law enforcement or media found to be violating the rule would face a fine up to \$500. Burke, who was joined by Alderman Thomas Allen and Alderwoman Leslie A. Hairston in making the proposal, said the measure would be taken up by the City Council's Police and Fire Committee. It could be considered by the full council next month.

Given the large crowds of downtown Chicago and especially along the Michigan Avenue shopping district, where sidewalks are crammed daily with camera-toting tourists, it may seem an impossible law to enforce. But Burke said, "it wouldn't be applied in an average setting only in situations where someone is being harassed. Who else would complain?"

Still, the proposal raises serious legal concerns, according to Jeffrey Shaman, a constitutional law specialist at DePaul University College of Law in Chicago. "I think there is some valid concern for the people's privacy, given all of the various kinds of cameras and other types of electronic equipment that people can buy," he said. "But it still seems to me that this is not a strong enough reason to justify a law like this."

Obama has told reporters he is not sure such a law is necessary, and Mayor Richard M. Daley ridiculed the proposal as a waste of aldermen's time. Warfel declined to comment, directing inquiries to Ryan's campaign. Officials there would not comment either.

Under a city ordinance passed earlier this year, it is already illegal to use a camera device including video, still and camera phones in areas where people can have a reasonable expectation of privacy, such as restrooms, locker rooms, or lactation rooms.

IN D.C. AND ILLINOIS HOMETOWN, A DAY OF MOURNING AND PRAISE

Section: NATIONAL/FOREIGN;

Byline: By Glen Johnson Globe Staff and Eric **Ferkenhoff** Globe Correspondent

WASHINGTON From President Bush and Mikhail Gorbachev, to US Army Lieutenant Larry Blevins, who wanted to leave his Bronze Star from the Iraq war beside the casket, Ronald Reagan was commemorated in death yesterday by thousands who filed through the soaring rotunda of the Capitol.

The nation's 40th president, who will be buried tonight in California after a dignitary-laden funeral this morning in the National Cathedral, continued to be the focus of an outpouring of grief, as tourists scrapped museum visits for an opportunity to view his casket, and others drove to Washington to pay their respects.

Bush and his wife, Laura, also made their first visit to Reagan's casket, heading for the Capitol after the Group of Eight economic summit concluded in Georgia. Among those honoring Reagan were members of his Secret Service detail, who made a solemn visit to pay tribute to the man who entrusted his life to them.

Blevins filed by the casket at midafternoon and asked to leave behind a blue leather box bearing his Bronze Star, ribbons for serving in Operation Iraqi Freedom and the war on terror, a combat medical badge, and a badge signifying his unit, the 377th Field Artillery Regiment, stationed at Fort Bragg, N.C.

The 33-year-old, who returned from 11 months of service in Iraq in February, drove eight hours and then stood in line for three hours before entering the quiet sanctuary afforded by the 185-foot expanse under the Capitol dome.

"This is the greatest thing I ever did, so I just felt obligated to give it away as a symbol of what living here means to me," Blevins said as he cradled his medals. A Capitol Police officer asked him to take the memento outside so that it could be catalogued by the National Park Service for possible inclusion in the collection at the Reagan Presidential Library in California.

"Once you go to a country like Iraq, living in the Third World where somebody makes decisions for you, you just realize how great the freedom is in our country," Blevins said. He said he was drawn to Reagan because the 93-year-old was the same age as his grandfather, was the first president he remembered as a child, and was serving as president in 1987 when his father died.

"He stood, for me, for what America was," the Army medic said.

Bush and his wife paused by Reagan's casket, bowed their heads, and closed their eyes. The president swept his hands along the flag-draped casket and the couple left to visit Nancy Reagan.

At Blair House, Nancy Reagan received visitors who had shared the world stage with her late husband.

"To Ronnie," former British Prime Minister Margaret Thatcher wrote in the Blair House condolence book. "Well done, thou good and faithful servant."

Former Canadian Prime Minister Brian Mulroney, who shared an Irish ancestry with Reagan, also visited the former first lady, with his wife, Mila. "For Ron with affection, admiration, and respect," the Mulroneys wrote in the Blair House book. "The Gipper always came through!"

In Reagan's hometown of Dixon, Ill., he was remembered by US House Speaker J. Dennis Hastert as "an ordinary man who did extraordinary things."

Hastert joined local politicians and hundreds of mourners as they said goodbye to their local hero during a ceremony in the church where Reagan was baptized.

"The faith and courage he learned right here, on the prairie of Illinois," said Hastert, a Republican whose district covers this farming town of 16,000 about 100 miles west of Chicago. "Ronald Reagan stood up when many leaders in the world stepped back."

Reagan was baptized in First Christian Church (Disciples of Christ) in 1922, when he was 11, and often made the half-mile walk for Sunday services with his mother, Nelle. The service lasted just under 90 minutes. Young girls snuggled with their mothers, boys played in the pews, and grown men cried.

After the service, more than 175 invited guests poured from the church onto Hennepin Avenue, joined by 450 mourners who watched the service on closed-circuit television from First United Methodist Church across the street. About 100 others stood out in the rain and listened to the service over loudspeakers.

Slowly, most of them gathered on Hennepin, forming a wide column with umbrellas up, walking the seven blocks south to Reagan's boyhood home. American flags lined the path.

"It's such an honor to be walking in his footsteps," said Pam Waters, 57, of St. Charles, Ill., choking back tears. "He touched the people in so many different ways with his kindness."

The procession ended at a small park next to the two-story, white frame house where the Reagan family had moved in 1920. A life-size statue of Reagan, now wrapped in flowers, wreaths, flags, and notes, sits in the middle of the park at Ninth Street and Hennepin Avenue.

The Reagan family moved to the three-bedroom house when Reagan was 9, from tiny Tampico, about 30 miles southwest of Dixon. Over the years, Reagan visited his hometown a number of times, and President Bush made the home, now a museum, a national historic site in 2002.

Johnson reported from Washington, and Ferkenhoff reported from Dixon, Ill. Material from the Associated Press was used in this report.

SIDEBAR:

TODAY'S EVENTS

Today's television coverage of Ronald Reagan's funeral:

10 a.m.: Coverage of the procession from the Capitol and the funeral in the National Cathedral will begin on most major networks. (9 a.m. on MSNBC).

7:30 to 8 p.m.: Coverage from the Reagan Presidential Library, including the arrival of the motorcade and the burial service, will begin on How the day will be observed around Massachusetts:

At the State House: There will be a moment of silence for Reagan at noon. A photo of the former president and a condolence book will be in Doric Hall.

Memorial service: Mayor Thomas M. Menino will host a service at 10:15 a.m. in the Boston Public Library's Raab Lecture Hall.

SIDEBAR:

TODAY'S FUNERAL EVENTS

PLEASE REFER TO MICROFILM FOR CHART DATA.

\$2.3B DEFICIT HAS ILLINOIS DEMOCRATS AT ODDS OVER SOLUTION

Section: NATIONAL/FOREIGN;

Byline: By Eric **Ferkenhoff**, Globe Correspondent

CHICAGO Politics is something of an art form in Illinois, but it's rarely pretty.

The ugliness has become increasingly clear in recent weeks as some of the biggest names and largest egos in the Democratic Party have engaged in a row over how to rescue the state from its fiscal woes.

The state is facing a \$2.3 billion deficit, and much of the squabbling centers on competing state budget plans proposed by Governor Rod Blagojevich, with the backing of Democratic Senate President Emil Jones Jr., and one supported by House Speaker Michael Madigan, the powerful Democratic Party leader and frequent Blagojevich critic who has courted Republicans for support.

Blagojevich, saying he has an obligation to push a Democratic platform and fight special interests, has proposed increasing education and social service spending while shuttering two state prisons and closing business tax loopholes, and increasing spending by about \$1 billion. Madigan says the state must be prudent, hold the line on spending, and avoid higher business taxes.

Because of the budget fracas, the legislature, which was scheduled to adjourn May 21, has been working overtime and there is real concern that a budget will not get passed before the next fiscal year starts July 1. That could force a special legislative session or, worse, a state shutdown.

The internecine struggle has cost Democrats, who have majorities in both houses, a key advantage by extending past the adjournment date. Prior to May 21, a budget had needed only a majority vote; now, a three-fifths vote is needed, meaning Republican support is required for any deal.

Blagojevich met with legislative leaders to discuss the budget crisis two times last week, and further meetings are expected this week.

"We have a lot of work ahead of us," the governor said Thursday, while attending a memorial service for Ronald Reagan. "You have to stick to your principles, stand by your convictions."

Steve Brown, Madigan's spokesman, acknowledged a divide in the party, but said that is a function of debate, not animosity among leaders. "If everyone was getting along, people would be out there saying we're stifling debate," he said. "We've got a difficult budget situation."

Political observers said the fighting could doom legislation important to the party and spell trouble in future elections.

"It's a clash of egos, made worse by a difficult financial situation," said Dick Simpson, a University of Illinois political science professor.

The infighting comes at a particularly odd time. Considering that the Democrats romped in the last election, capturing the governor's mansion and both houses of the legislature for the first time in nearly 30 years, Democratic leaders might be expected to shepherd programs through the legislative process with relative ease.

But the party discord extends beyond the state capital, Springfield.

Flare-ups have occurred between Blagojevich and Chicago Mayor Richard M. Daley, whose proposal to build a huge downtown casino to boost state and city coffers was immediately shot down by the governor. There also has been sniping between Blagojevich and Lisa Madigan, the speaker's daughter, who, as attorney general, ruled unconstitutional a plan by the governor to mortgage the downtown James R. Thompson state building to raise much-needed cash for the state.

"Any time you're going to change the way things are being done, and have been done for decades, you're going to make some people angry," said Abby Ottenhoff, a spokeswoman for Blagojevich. "That shouldn't surprise anyone."

Gayl Ferraro, chairwoman of the Democratic Party of DuPage County, said things have not gone as the party faithful hoped. "It's gotten a little bit crazy," she acknowledged. "Everyone's saying the Democrats can't get along."

After so many years of Republican rule, Ferraro said, it may be that the political leaders still are learning to deal with one another in the unfamiliar perch of leadership. "They're all grown-ups, and I'm just hopeful they'll be able to work this out."

CANDIDATE DROPS OUT OF ILL. SENATE RACE SEX ALLEGATIONS DERAIL RYAN'S ELECTION HOPES

Section: NATIONAL/FOREIGN;

Byline: By Eric Ferkenhoff, Globe Correspondent

CHICAGO Republican US Senate candidate Jack Ryan, battered for days over embarrassing sexual allegations, pulled out of the Illinois race yesterday as local and national GOP leaders signaled they no longer supported his run.

Ryan, who made the announcement in a terse statement that blamed the media for unfair coverage, had insisted as late as Thursday that he had no intention of abandoning his bid to replace Senator Peter Fitzgerald, a conservative Republican who chose not to seek a second term. But discussions with party leaders and a poll by the Ryan camp Thursday night reportedly made clear he no longer had the support of the GOP leadership or likely voters.

"It's clear to me that a vigorous debate on the issues most likely could not take place if I remain in the race," Ryan said. "What would take place, rather, is a brutal, scorched-earth campaign, the kind of campaign that has turned off so many voters, the kind of politics I refuse to play."

Ryan singled out the Chicago Tribune, saying it was "outrageous" that the newspaper had sued to get access to divorce records that previously had been sealed to protect Ryan's 9-year-old son. The Tribune was joined in the suit by local television station WLS.

The records included allegations by his former wife, actress Jeri Ryan, that Ryan had taken her to sex clubs and pressured her to have sex in public.

Dozens of reporters and cameramen crowded in front of Ryan's downtown campaign office for several hours yesterday, waiting for the beleaguered candidate to make the announcement. But he chose not to appear, and instead sent the statement to news outlets.

Reporters then hustled to the Hard Rock Hotel, where party leaders attempted a promising tone.

"It's certainly a setback, but it's not one that's fatal," said Bob Kjelander, the Republican National Committeeman of Illinois. "We're going to move ahead here."

State GOP chairwoman Judy Baar Topinka added that, "Sometimes lemons are thrown at you, but we also know how to make lemonade from it." She said the allegations that dogged Ryan are simply evidence that politics "is a rough-and-tumble sport. In Illinois especially, it's a blood sport."

Ryan's withdrawal puts the GOP in a tight spot, having to field a candidate late in the game to take on widely popular Barack Obama, a Democratic state senator and constitutional lawyer who is bidding to become only the third black US Senator since Reconstruction.

The Illinois race has become increasingly important to both parties as it could decide the balance of power in the Senate.

Ryan, who has trailed Obama in recent polls, struggled to keep his campaign afloat since Monday evening, when, on the orders of a California judge, he released records from his 1999 divorce.

In the records, Jeri Ryan accused the investment banker-turned inner city schoolteacher of pressuring her to visit sex clubs in New York, New Orleans, and Paris.

Ryan denied the allegations in the records, but Jeri Ryan, star of "Boston Public" and "Star Trek: Voyager", stood by her story in interviews this week.

Jack Ryan had cited the support of Fitzgerald, the National Republican Senatorial Committee, and some Republican state lawmakers as an endorsement to continue his campaign.

"I think the public stoning of Jack Ryan is one of the most grotesque things I've seen in politics," Fitzgerald told the Associated Press earlier yesterday.

But quickly after the documents' release, other GOP leaders began hinting that they felt betrayed by Ryan and that the tawdry disclosures were too much to overcome in such an important election. Several newspapers also called on Ryan to pull out.

On Thursday, Ryan abruptly pulled out of a fund-raising trip to Washington and House Speaker J. Dennis Hastert met with members of the Illinois Republican congressional delegation. Hastert and the other members agreed that Ryan had to withdraw from the race, according to press reports.

"Scandal has destroyed any chance of Ryan winning the election and made it more likely that Republicans running in state legislature and congressional races would lose as well," said Dick Simpson, political science professor at the University of Illinois at Chicago. "He would bring down the whole ticket."

The trick for the GOP now is to find a well-known and if possible a well-funded replacement. A lesser-known candidate, Simpson said, would not only risk losing the Senate seat, but perhaps cost congressional and state legislative seats as well.

Topinka said the Republican State Central Committee would probably select a new candidate within three weeks. Republican fundraiser Ron Gidwitz, a State Board of Education member and former head of the City Colleges of Chicago, has been floated as a possible replacement, as have former Senate candidates Steve Rauschenberger, a state senator, and dairy owner Jim Oberweis.

Ryan beat both Rauschenberger and Oberweis in the Republican primary.

But big GOP names such as former governors James R. Thompson and Jim Edgar, now the Illinois chair of the Bush-Cheney campaign, are not viable, according to Topinka and Kjellander.

Ryan's pullout is the latest blow for the state GOP, which was trounced in the 2002 elections that gave Democrats control of the governor's mansion and both houses of the Illinois General Assembly for the first time in 30 years. The party has also been hard hit by indictment of former Governor George Ryan, who was indicted last year in an ongoing corruption scandal.

OFFICIAL MILWAUKEE ADDS A LATIN ACCENT ELECTIONS BRING HISPANIC CLOUD

Section: NATIONAL/FOREIGN;

Byline: By Eric Ferkenhoff Globe Correspondent

MILWAUKEE - County Board elections are small affairs, typically drawing few voters and little ink or airtime from the media. But something important happened with the election in April of Peggy West to the 19-member Milwaukee County Board. For the first time in Milwaukee, there is a Latino at every level of local office.

"It says we're here to stay and we're ready to contribute," said West, who is of Mexican descent. "We've been waiting. We're realizing now that we have a strong voice, and we're learning how to use that voice now."

Latinos sit on the Milwaukee Common Council, the Milwaukee County Board, the Milwaukee School Board, the Circuit Court, and the state Legislature.

Mayor Tom Barrett cited the election milestone as proof that Milwaukee is a "kaleidoscope," a once strongly German brewing town that these days seems to welcome any and all. Because there is no clear majority in the city Milwaukee is about 45 percent white, 38 percent black, and 12 percent Latino Barrett seems to have a point. Even 10,000 Hmong, a group of Laotian and Thai refugees, call Milwaukee home; they make up about 1.7 percent of the city's population.

But others, including some Latino politicians, say the city still has a ways to go. For example, the liaison officer for the Second Police District on the near South Side, which is heavily Hispanic, is highly trained and has 11 years of experience in the community, but doesn't speak a lick of Spanish. Nada.

That will soon change, police have said. But politicians like West and Pedro Colon, Wisconsin's only Latino state legislator, said the oversight underscores the growing pains of a population that has swelled by more than 100 percent since 1990 and that accounts for about 70,000 of the city's 600,000 residents.

"I don't know if it was blatant; it was at least negligent," Colon said. "The Latino community was not a focus."

Still, important strides are being made, said Enrique Figueroa, who runs the Roberto Hernandez Center at the University of Wisconsin at Milwaukee, where two regents are also Latino. "If you get in on the ground floor, that gives you a base from which to operate," he said. "Those voices are going to have a say."

The Latinos in Milwaukee are mostly young and working-class, many are poor, and a high number are undocumented and speak no English, Colon said. But inroads are being made in business, politics, and the legal community. And the neighborhood, just south of downtown, is no longer a forgotten strip of a few thousand residents, with Mexican eateries, shops, taverns, and markets.

"We're moving south and we're going west, and we're buying homes, and we're making our mark," West said.

Big business has started to take notice, said Colon, adding that Walgreens and banks such as Firststar and Bank One have set up branches on the near South Side. Business is bustling, he said, making it perhaps the most active economy in the city.

As the population grows, services, including access to translators and bilingual education, must catch up, West said.

"It's real; it's good," Barrett said of the growth. "They're certainly coming of age politically."

Barrett, who is white, beat Marvin Pratt, who was bidding to become the first black mayor in a divisive contest that split along racial lines. Both courted Latinos. Barrett, according to television polls, received 58 percent of the Latino vote, compared with Pratt's 42 percent. Colon, an early mayoral candidate, cochaired Barrett's campaign.

"I don't know if he could have done it without the Latino vote," West said. "He's very cognizant of the fact that we contributed a great deal to his success, and he's done an awesome job of getting out in the Latino community and making his presence known."

Nationally, Latinos have been the fastest-growing population, and Republicans and Democrats have pursued the Latino vote. The nonpartisan National Association of Latino Elected and Appointed Officials recently released estimates that 7 million Latinos, about 6 percent of the electorate, will cast votes in November.

Figueroa said Republicans have started airing Spanish-language ads in Milwaukee that promote President Bush, an apparent nod to the belief that the Latino vote which seems split between the GOP and Democrats could prove the swing vote in a swing state in this year's presidential contest.

"Instead of being just marginal voters, they're going to be the decisive voters in a number of states," Figueroa said.

Colon said some of the Latino population in Milwaukee is spillover from Chicago, a 90-minute drive south. But most come directly, drawn by work in manufacturing and service.

"You can have your family dream," said Colon, whose family arrived from Puerto Rico when he was 11. "It doesn't take long before you tell your uncle: The winters stink, but you can have a nice house and you can have a good education."

CHICAGO TO SHUTTER MOST TROUBLED SCHOOLS SEEKS PRIVATE FUNDS TO CREATE 100 FACILITIES

Section: NATIONAL/FOREIGN;

Byline: By Eric Ferkenhoff Globe Correspondent

CHICAGO In nine years of school reform here, scores of schools were placed on probation, students no longer were automatically sent to the next grade, budgets were balanced, bad teachers and principals dumped, labor peace achieved, graduation and attendance rates rose, and test scores improved.

But some of the most troubled schools remain mired in failure, and Mayor Richard M. Daley asserts the fix is to shutter dozens of the worst performing schools and, with private funding and management, divide large buildings to create 100 small schools, many free of government and union control.

Supporters and education specialists call it the boldest move in recent years to remake education under a mayor who probably will count school reform as part of his legacy. The six-year plan will put Chicago, the nation's third-largest school district, at the forefront

of urban systems turning to corporations and private foundations such as the Bill and Melinda Gates Foundation, which has already invested \$20 million in Chicago to prop up struggling schools

"We have a sacred obligation to our children to give them the best education possible," Daley said. "Fear of the unknown can never relieve us of this obligation."

Critics of the plan contend Daley is playing with unproven ideas at the expense of children, parents, and community members who have been so much a part of past reforms.

"Parents are very sensitive about their children being experimented on," said Julie Woestehoff, director of Parents United for Responsible Education. Union officials also worry the plan puts too much control in the hands of businessmen instead of educators.

Under the plan, called Renaissance 2010, the city will shut down schools that have failed to show improvement on test scores, attendance, graduation rates, and other indicators. With \$50 million in seed money channeled into a nonprofit corporation those schools would reopen as a charter school, a contract school, or a new school run by the city.

About 60 schools will be closed over six years as new models come online, for a total gain of 100 new schools. There will be some new construction, but in many cases especially in large high schools the buildings will be divided into several smaller schools. Daley said the curriculum could vary widely from school to school, with some focusing on job training or college prep while others are turned into military academies, or art, language, math, or science centers.

"This is genuinely the most ambitious effort to improve schools in any urban area in the country," said Timothy Knowles, who helped shepherd a similar, albeit much smaller effort as a former deputy superintendent for Boston's public schools until last year. He now runs the Center of Urban School Improvement at the University of Chicago. "The schools need increased flexibility to make room for innovation."

New York City is creating about 200 schools, and there are smaller public-private efforts underway in cities such as Los Angeles and Milwaukee.

Daley persuaded the state Legislature to give him control of the public schools in 1995, eight years after President Reagan's education secretary, William Bennett, declared Chicago's the nation's worst school system. Immediately, Daley borrowed ideas from the private sector replacing the schools superintendent with a new position of CEO, trimming the school board, and instituting charter schools and private partnerships on a small scale.

Millions in waste was discovered, reading and math scores improved, dropout and truancy rates fell. The new administration became the darling of the education world. But Daley said it is now time for "an educational rebirth for Chicago's struggling schools." In too many neighborhoods, parents have no choice but to send their children to failing schools.

"It's trying to be very honest," said Arne Duncan, chief executive officer for Chicago's public schools. "We have a set of schools that haven't changed over the years, and I think I have a moral obligation to do something different."

Chicago's rich business and civic community will eagerly step forward with financial and human capital, said R. Eden Martin, president of the Civic Committee of The Commercial Club of Chicago.

The current system "is like having one supermarket in a little town; monopoly breeds relative inefficiency and high costs," Martin said. "Those who don't fare well in the competition tend to fall by the wayside."

Each school will be given a five-year contract, but the city will be quick to shut them down if they are lagging, said Greg Richmond, director of New Schools Development for the schools.

"We're not afraid to do it," Richmond said. "They have to earn their keep. No one has a perpetual right to run a bad school."

The law firm of Sonnenschein Nath & Rosenthal, a Chicago-based general practice, will be an early participant, with plans to launch a charter school in the city's North Lawndale neighborhood in September 2005. The firm will spend about \$200,000 a year to start its school with pre-K classes and kindergarten, then add a grade each year.

"If we have good schools and develop good students, we improve the workforce and also deal with recidivism and crime and drug use," said senior partner Don Lubin.

Also key to the effort will be the Bill and Melinda Gates Foundation. "We think [the plan] is both bold and prudent," said Tom Vander Ark, the foundation's executive director for education. "This is very disruptive work, but it's the right thing to do for kids."

Vander Ark said Chicago should expect some level of opposition from unions and other groups who may feel their grasp on power loosening.

FIRE AGENCY FAULTED OVER SIX DEATHS IN CHICAGO

Section: NATIONAL/FOREIGN;

Byline: By Eric **Ferkenhoff** Globe Correspondent

CHICAGO - Six people who died in a Loop high-rise blaze last fall could have survived if not for a series of blunders by Chicago fire personnel and building management, according to a scathing report by an investigative panel that also questioned fire department promotion policies, leadership competence, and firefighter fitness.

The 94-page report sure to add to the political controversy that contributed to the ouster of former fire commissioner James Joyce was released yesterday by a five-member commission that spent almost nine months reviewing records, interviewing witnesses, and holding hearings into how the victims became trapped inside a smoke-choked stairwell in the 37-story Cook County Administration Building on Oct. 17.

The report lays much of the blame on the fire department but also faults building management and an outdated city building code that does not require sprinklers in older high-rises.

"There was a plethora of miscues, and the combination of these miscues led to the tragic deaths that occurred," said commission member William Cousins, a retired judge. "The fire is not the primary cause of the tragedy."

Miscommunications prevented firefighters from locating the victims despite emergency calls from cellphones signaling their whereabouts and reports from evacuees of people still trapped inside, the report said. (Witnesses testified that firefighters ordered fleeing occupants to retreat back up the stairs, possibly trapping them. Many of the calls to 911, heard by some supervisors but apparently not relayed to all on-scene bosses or front-line firefighters, "went into a black hole," said Abner J. Mikva, a former federal judge who chaired the county-appointed commission.

The department also fought the fire from the wrong stairwell, did not properly ventilate the stairwell after propping open a door to attack the fire, did not take control of the public address system, and did not conduct a top-to-bottom search until well after the quick-burning fire was under control, the report said.

"Had the fire department done its job the way it was supposed to, nobody would have died," said Daniel Kotin, an attorney representing some of the victims.

Building management and its security firm also were faulted for not sufficiently training building staff and tenants, and for ordering a complete evacuation instead of just the affected floors, as the building's safety plan directs.

Building management also failed to clearly communicate important building information to responding fire officials and did not maintain the building's smoke tower that should have ventilated the heavy black smoke, the report said. All six victims died of smoke inhalation.

The report criticized the city for not requiring sprinklers in older high-rises, and it suggested the victims could have escaped the smoke and survived if the stairwell doors automatically unlocked during an emergency or had not been locked in the first place.

The newly appointed fire commissioner, Cortez Trotter, said the department convened a task force to review commission recommendations, such as an overhaul of promotions policies, regular fitness tests, and improved training and communications.

"Were there areas where we could have done better? Absolutely," Trotter said. "Will we do better? Absolutely."

Trotter said some changes already have been made, increasing emphasis on search and rescue efforts as well as high-rise training.

Control of the fire switched several times as more-senior members of the department arrived on the scene, adding to the confusion, the report said. The report questioned the competence of some of those leaders and suggested that all senior members of the department, except those just below the commissioner, should have to test into their jobs rather than be appointed.

The report emphasized the need for annual physical exams. Evidence was presented during the hearings about how some firefighters, apparently worn out, retreated during the fire to get more oxygen and rest.

The report also urged the city to rewrite building codes "in favor of a model building code," such as those put out by the International Code Council or the National Fire Protection Association. The county and state also should adopt one of these plans to provide uniformity.

The fire department concluded the fire was "incendiary," based in part on traces of what seemed to be gasoline found in a storage room. The police have not ruled it as arson. The commission said the cause has not been determined.

MIDWESTERN MEDIA TUNE IN THE DEMOCRATS

Section: NATIONAL/FOREIGN;

Byline: By Eric Ferkenhoff, Globe Correspondent

CHICAGO In Illinois, home to a powerful Democratic political legacy, there is little question which camp will win the state's 21 electoral votes come November.

Even Chicago Mayor Richard M. Daley has said John F. Kerry should not waste time and money in the state, but should concentrate instead on the "weaknesses" in states that could swing the election.

A survey of local media coverage of the Democratic National Convention suggests that Kerry's message, relayed Monday night by an all-star cast led by Bill Clinton, is getting out in the swing states of Wisconsin, Ohio, Michigan, Missouri, Iowa, and Minnesota. Most large newspapers in these states have been running a main story about the convention above the fold with large color photos. News websites are prominently featuring the convention, and television stations at least in Chicago are leading their newscasts with lengthy spots.

The Cleveland Plain Dealer, for example, carried a large photo of Clinton animatedly delivering his speech, above a story on the night's key speeches and another on Representative Stephanie Tubbs Jones of Cleveland taking to the podium to push for Kerry and the needs of her economically struggling state.

Every major paper in those Midwestern states has sent correspondents to cover the event the Chicago Tribune, which circulates in many border states, sent 13 reporters, five editors, and four columnists. Many television stations sent their political reporters to do live shots, and the leading Chicago news station sent its chief investigative reporter to cover convention security issues.

There have been profiles of Kerry, Teresa Heinz Kerry, and John Edwards, in addition to notes about Boston and pieces about the Democratic platform, rebuffs of the Bush administration, and news blogs.

The Des Moines Register ran a story under the headline "Spotlight Repeatedly Finds Iowans," noting the state's coveted spot in the center of the convention floor, a nod to the state's role in jump-starting Kerry's run and the tightness of the presidential race in Iowa. President Bush, according to a recent Register poll, had the support of 46 percent of Iowans polled, while Kerry had 45 percent.

"They live 1,300 miles from Boston, but this week they are being treated like they own it," the story said of Iowa's delegates.

The St. Louis Post-Dispatch wrote of the favorable treatment for Missouri's 88 delegates. Although they were seated within a corner on the FleetCenter floor, the delegation, the paper said, received "prime treatment" with its hotel accommodations, thanks not only to the clout of retiring Representative Richard A. Gephardt, but also to the state's anticipated status as a battleground in the election.

Like many papers, the Post-Dispatch also wrote about the overwhelming security: "With two layers of 10-foot black steel fences erected around its perimeter, the FleetCenter's security is palpable at every step and visible in the multiple hues of security force uniforms: The deep navy blue of the Boston officers who stand in front of the double rows of steel barricades that surround the center's perimeter. The starched white shirts of Secret Service officers operating the metal detectors. The ominous black jumpsuits of SWAT teams. And the camouflage of Army sniper teams pacing among the train platforms draped with razor wire."

The Cincinnati Enquirer, meanwhile, noted that the convention is a convenient venue for politicians to start scouting support for reelection or higher office, because so many prominent Democrats are present. The Detroit Free Press, which ran a Wall Street Journal piece about Boston's ubiquitous doughnut shops, also wrote about the worries among Democratic leaders of losing political appeal in Detroit's western suburbs, an area that has been a barometer in presidential elections. The Detroit News wrote about union influence at the convention.

The Chicago Sun-Times ran a piece about the influence of Senator Edward M. Kennedy of Massachusetts, who "dominates the Senate as no other member today," and ran a column item about powerful Chicago Alderman Ed Burke singing "My Mother's Love Is a Blessing" with former Boston mayor Raymond L. Flynn at J.J. Foley's bar near Downtown Crossing.

The Chicago Tribune included a short note about Bostonians making fun of Chicago-speak "You hang around here long (pronounced "laaahng") enough and we'll teach you to speak English," a Boston carpenter was quoted as saying and a jab at Kerry's opening throw at the Red Sox matchup with the Yankees on Sunday.

Generally, coverage has been straightforward, with most newspapers and television stations, which set aside six to 10 minutes at the top of the 10 p.m. news, leading with speeches by Clinton, Al Gore, and Jimmy Carter.

Notes

THE DEMOCRATIC NATIONAL CONVENTION / COVERAGE IN THE SWING STATES

\$18M PROJECT IN CHICAGO HELPS FIGHT AIDS

FORMER PRIEST SEES 1984 DREAM BECOME 5-BUILDING CAMPUS

Section: NATIONAL/FOREIGN;

Byline: By Eric Ferkenhoff, Globe Correspondent

CHICAGO In 1984, as the general public was learning about AIDS, Jim Flosi, then a Catholic priest, was called to a local hospital. A young man, frail from the disease and abandoned by his family, was dying. Flosi held the man and prayed over him.

"There wasn't anyone there for him," Flosi said. "His breath was labored, he was very thin, and he died with his head on my shoulder. At that point, I really knew I had to do something."

Twenty years later, Flosi's concern has been transformed into something tangible a three-story, yellow-and-red brick building, which opened July 27, tucked off a busy street in North Lawndale, a struggling pocket on Chicago's West Side with a high rate of HIV and AIDS. The building, with 18 two- and three-bedroom apartments, is lined with flowers and new trees is the first of what will become a five-building campus serving more than 100 people infected with HIV or AIDS.

Flosi, who now heads AIDSCare, a Chicago not-for-profit, bills the campus as a first-of-its-kind in the country. Most cities have organizations offering to HIV patients housing options, most of them scattered. Some cities, including San Francisco, have large developments. But AIDSCare said it has found no other example of an entire campus with onsite medical, occupational, and social services.

The idea is to surround HIV victims, or those with full-blown AIDS, with all they need, Flosi said. Unlike other housing projects, this campus makes no secret of the residents' condition. "We're not trying to closet the disease," he said. "The community needs to own up that it needs to take care of its poor and its sick without hiding it."

The \$18 million, government-funded campus will include 66 apartments, a wellness center, a dental clinic, a multipurpose center, meeting rooms, and a chapel. Some neighbors worry the campus could draw scorn as an AIDS ghetto. But advocates hail the project as a unique answer to a scattered health care system that leaves too many HIV and AIDS patients untreated.

Inside the building, there are stories of struggle but also hope.

After a woman learned in 1990 that she had contracted HIV, it took another six years for her to shake the lifestyle of drugs and needle-sharing that she believes led to her disease. She cleaned up, got a job, and found a committed doctor. She is now 42.

But, adding to the stress of battling her disease, home was a cramped apartment in a high-rise amid the chaos of the West Side. She felt herself slipping.

"I didn't have peace of mind," said the woman, who, still shy about her illness, refused to give her real name. "We were crowded up in there and my health problem and going through all the changes it was hard."

Then, earlier this year, she learned the campus was to open. "When I saw the apartment, it was just awesome. It was peace of mind," she said, standing in her two-bedroom apartment. In the center of the small, tidy space is a coffeetable; on it is a ceramic of two hands pressed together in prayer.

"I got better, I gained weight, and take my medicine on a regular basis," she said.

Seventy five others applied to live at the AIDSCare campus, 56 qualified after background checks and interviews, and a lottery was held to choose the 18 who moved in this summer.

Nancy Bernstine, executive director of the Washington-based National AIDS Housing Coalition, said federal funding for AIDS housing is threatened, making such innovations necessary. More than a third of the country's estimated 900,000 people with HIV or AIDS is homeless or at risk of losing their homes, she said.

"Absence of stable housing is like a death sentence for someone with HIV or AIDS," Bernstine said. "You need a refrigerator for meds; you need a clean bathroom."

The idea for the campus hit Flosi after visiting the dying patient in 1984. Deciding his real calling was to tend to those afflicted with the virus, Flosi left the priesthood and began scouting housing for people infected with HIV or AIDS. He linked with a group of nuns in the North Side Lakeview neighborhood to set aside part of their residence for a small number of HIV-positive men and

women. But as he studied AIDS in Chicago, he found his attention belonged on the West Side, where the rate of infection in some areas was double that for the rest of Cook County.

"That's where the need is," Flosi said. "There's enough people in that area living with HIV to fill 10 buildings."

After Flosi made his case, the city agreed to hand over 27 lots for \$1 each. More than two dozen meetings were set up to gauge community reaction.

Flosi and Alderman Michael D. Chandler said some concerns expressed during those meetings were indicative of the ignorance that surrounds AIDS. Some worried about the spread of the disease, or whether research would be conducted at the facility. Others said they were worried that the campus would be a drag on housing prices.

But just as many, Flosi said, had the opposite worry that the development, with stylish construction and plans for a park and health center for the entire community, would increase real estate values and price mortgage holder, renters, or potential buyers out of the area.

"People just don't know," Chandler said. "If they're not in a facility getting taken care of, they're going to be somewhere else. The virus is spread because of ignorance."

But much of the reaction, officials said, echoed neighbor Mike Holman, 42, who noted the West Side poses greater dangers. "People got to live," Holman said. "AIDS is part of life, and you can't get it just by looking at a person. What you need to worry about is catching a bullet out here."

An estimated 16,000 people are infected with HIV in Chicago. To respond, AIDSCare officials say the group would ultimately like to construct similar campuses elsewhere. "What we're doing," Flosi said, "is basically a drop in the bucket."

KENNEDY SMITH, FACING ACCUSATION OF RAPE, QUILTS AS FOUNDATION LEADER ADMITS RELATIONSHIP BUT DENIES WRONGDOING

Section: NATIONAL/FOREIGN;

Byline: By Eric Ferkenhoff, Globe Correspondent

CHICAGO Facing a lawsuit alleging rape, William Kennedy Smith announced yesterday that he was stepping down from the humanitarian foundation that he founded.

Smith officially resigned Sunday as chairman and president of the Center for International Rehabilitation, in Chicago, which opposes land mines and aids their victims. He made the announcement yesterday during a crowded downtown news conference in which he admitted to a brief relationship with the woman but denied her allegations that he raped her after a night of drinking five years ago.

"I know that some people will interpret this as an admission of guilt," he said. "But the truth of the matter is, I am simply doing everything I can to protect the organization I love."

Smith, 43, the son of former ambassador Jean Kennedy Smith and nephew of Senator Edward M. Kennedy and the late President Kennedy, suggested he could return to the foundation. "I hope in the days ahead to clear my name and return to the work I love."

Audra Soulias, 28, a former assistant to Smith at the foundation, filed suit last week in Cook County Circuit Court, alleging emotional distress because of a phone call Smith made to her in January after learning she was making allegations he sexually assaulted her.

(The suit, while filled with details on the alleged assault, does not actually charge rape because the civil and criminal statutes of limitations have expired. Rather it accuses Smith of causing emotional distress by contacting her. Smith, acquitted in 1991 in a rape case, acknowledged making the January phone call but denied pressuring Soulias. "Naturally, I was concerned," he said. "I simply did not believe Ms. Soulias would say these kinds of things."

The suit, which seeks at least \$50,000 in damages, alleges that Smith joined Soulias as she celebrated her birthday in January 1999, buying her drinks and eventually taking her to his East Lake View apartment on Chicago's North Side. The suit alleges he then dragged Soulias into his bedroom and sexually assaulted her.

Soulias said she continued to see Smith romantically for several months before leaving the organization in mid-1999. Smith acknowledged the relationship, but said, "it was in no way forced or coerced. I cannot dignify her allegations by repeating them even to deny them. So I can only say they are false."

At a news conference announcing the suit last week, Soulias said she was "putting William Kennedy Smith on notice. You will not victimize another woman and be able to keep it silent, if I can help it."

The suit also contends several other women who worked at the Center for International Rehabilitation had filed sexual allegations, including harassment, against Smith, but that those cases had been settled out of court. Smith's attorney, Dan Webb, a former US attorney, said yesterday that there had been prior claims, but added, "There is no pattern of misbehavior on my client's part."

At the time the suit was filed, Soulias and her attorney, Kevin E. O'Reilly, insisted money was not the motivating factor behind the suit. But Webb said yesterday the suit was a money grab, noting that a day before the suit was filed O'Reilly had sent a letter to an attorney for Smith demanding \$3.3 million to make the suit go away.

"The motivation is solely and exclusively money," Webb said, adding that Smith "was determined not to cave into that kind of extortion."

O'Reilly refused to comment yesterday following Smith's news conference, but he told reporters over the weekend that he made the \$3.3 million demand, saying such demands were routine in negotiations before suits are filed.

Smith, a medical doctor who trained in New Mexico and Chicago, started Physicians Against Land Mines in 1996 and, two years later, founded the Center for International Rehabilitation, which now has offices in Chicago, Washington, D.C., El Salvador, Nicaragua, and Bosnia.

In a statement, the center said Smith "has provided a solid foundation for which the organization always will be grateful. The Board's acceptance of Dr. Smith's resignation does not indicate its belief in the allegations against him."

FRIENDS, COWORKERS IN CHICAGO SPEAK UP FOR SMITH

Section: NATIONAL/FOREIGN;

Byline: By Eric Ferkenhoff Globe Correspondent

CHICAGO - It has been impossible for William Kennedy Smith, as a scion of the nation's most celebrated political family, to fly completely below the radar in the 13 years since his acquittal in a sensational Florida rape case. Since then, there have been both

positive and negative stories: of bar fights, of women shouting him down, of his medical training, philanthropy, and brief flirtations with politics.

It is difficult for someone to hide in Chicago, a city with eager media outlets that has been his home for the last 11 years. But those who know and worked with Smith over the years said he has been hesitant to trade on the Kennedy name, has shied from celebrity, and has focused his energies on building the Center for International Rehabilitation, a foundation serving the disabled and land-mine victims, and from which he resigned this week following a lawsuit alleging he raped a coworker five years ago.

So intent on carving a niche or perhaps distancing himself from his past Smith, 43, rarely introduces himself with his full name, preferring instead to simply use Will Smith or Dr. Smith, according to friends. "Here was a person who was obviously well off, with a name that would carry him, and still he chose to pursue a difficult career, and on top of that, chose to work with the poor," said a friend and center board member, Dr. Michelle L. Kosik.

Smith was in the national spotlight in 1991, when he was charged with sexually assaulting a woman at the Kennedy estate in West Palm Beach, Fla. The trial was televised, and while Smith was acquitted after just 77 minutes of deliberation, the fallout stained his name.

The following year, he headed west, taking a medical residency that paid \$24,900 annually at the University of New Mexico. Drawn there by his experience working on the Jicarilla Apache reservation, Smith stayed a year before family friend Dr. Henry Betts brought him to the Rehabilitation Institute of Chicago for a three-year residency.

That year, 1993, brought headlines of Smith getting into a bar brawl in Arlington, Va., after some patrons started hassling him about the Florida trial, and news of the Kennedy's sale of their longtime Florida estate.

But those stories were short-lived, and Smith seemed to slide into the background of Chicago, which is home to Smith's cousin, Christopher Kennedy. In fact, he didn't make substantial news again until 1995 when, as a founding member of the National Organization on Fetal Alcohol Syndrome, he helped launch a program for medical students to learn more about the problem.

The following year, after completing his residency, he founded Physicians Against Land Mines, a small foundation mainly funded by the government, which aids victims in war-torn nations around the globe. Smith would later say it was his life's work, and he quickly built the group (renamed the Center for International Rehabilitation in 1998) into an international organization that now has offices in Chicago, Washington, Bosnia, Nicaragua, and El Salvador, with 25 employees and a \$1.6 million budget. The group has faced criticism from the Mine Action Information Center, based at James Madison University, which has complained that it has stacked its board of directors with big names but has contributed little to eliminating the threat of land mines.

Intellectual, with a quick, self-deprecating wit, Smith "is more the person in the corner at the party than the person who's the life of the party. But conversation with him is very engaging," said friend and fellow board member Mellody Hobson. "The scrutiny that he's under every day, it's a huge cross to bear."

"He wasn't one of those people who you would see out and about every night," said Chicago Sun-Times columnist and friend Bill Zwecker. "You would see him occasionally at Gibson's (a popular downtown restaurant) or an opening, but 99 percent of the time it had connections to the rehab center or the Kennedy family."

There has been very little news here about Smith showing up at galas or functions with women on his arms. The few times that romantic connections surfaced, according to Zwecker, they involved relationships with people with whom Smith worked. One of those was apparently former assistant Audra Soulias, who filed suit last week accusing Smith of raping her after a night of drinking five years ago. Smith has denied the charges, and his lawyer has labeled the suit extortion. At least two other women who worked with Smith, according to the suit, have received cash settlements after filing sexual harassment claims against him, a charge his lawyer did not deny.

Since then, life for Smith has been about his work, building up his organization and speaking out against land mines. And it was that work that drew quick praise and support, including from Chicago Mayor Richard M. Daley, after the filing of the suit last week.

"I know him personally, dealing with land mines and rehab," Daley said, adding he thought Smith made for an easy target. "He had a problem in the past, and he overcame that. He's a doctor. He's very committed . . . I have to give him a lot of credit. I like him. He's well-respected."

And once more, his reputation is under siege.

LAWSUIT OVER CEMETERIES DELAYS O'HARE EXPANSION

Section: NATIONAL/FOREIGN;

Byline: By Eric **Ferkenhoff**, Globe Correspondent

CHICAGO Five generations of Bob Sell's family are buried in St. Johannes Cemetery, a 156-year-old graveyard that stretches 2 acres at the southern edge of O'Hare International Airport.

It's a place of solitude, Sell says, even with the parade of planes overhead.

"When you're in a state of prayer, and a state of reflection and a state of thinking about your own place in the world, everything else is irrelevant," he said.

But that peace, according to Sell and others who oppose an airport expansion plan, is being threatened by the city, which they accuse of pushing families to immediately dig up their loved ones' graves to clear the way for a \$15 billion expansion of the world's busiest airport.

Chicago officials say that by as early as 2013, the planned expansion of new terminals, runways, and access roads will pump \$18 billion into the local economy and create 200,000 jobs. They also say the plan will cut delays by up to 80 percent at O'Hare, which is ranked last among major US airports in on-time flights.

Opponents in the state, including several suburban mayors as well as US Representative Jesse Jackson Jr., a Democrat, and Senator Peter Fitzgerald, a Republican, say the plan will cost too much, hurt the airline industry, and decrease safety while failing to substantially cut into delays. A better solution, they say, is to build a third airport in the southern suburbs.

Attorney Joseph Karaganis filed an objection to the city's plan last month with the Federal Aviation Administration, saying the project's high cost does not meet key legal requirements to move forward because funding is not in place and financially devastated airlines would be expected to pick up much of the tab.

Also, as part of a federal lawsuit challenging the city's right to seize cemeteries, Karaganis has filed complaints against the city and a city consultant for allegedly contacting relatives of about 1,300 people interred at St. Johannes, and at smaller Rest Haven Cemetery nearby, and warning that they needed to hurry plans to move the graves.

"The conversations they had with our family members was telling people [the airport expansion] was a done deal," Karaganis said. "But it's not a done deal, and there are some serious problems and hurdles," such as approval from the FAA and his clients' lawsuit.

The consultant, O.R. Colan Associates, did not return calls. City officials deny any calls were made, either by employees or consultants. "Neither the city nor its contractors have been proactively contacting any family," said city spokesman Roderick Drew, noting the city has agreed in federal court not to acquire the cemeteries or nearby homes until the FAA rules on the city's expansion plan next year. "It would be disrespectful in our estimation to move forward with any calls to families."

Drew said one family contacted the city earlier this year to ask about relocating the graves of relatives from the cemetery, but has since dropped its plans. Karaganis and others say any question about the city's efforts is answered by a large sign posted near the entrance to the two cemeteries; the sign tells visitors that the cemeteries must be moved and that they should contact the city to make arrangements.

Karaganis argues that state and federal laws protect the rights of the church to refuse government efforts to take its land. The city has moved cemeteries for other public works projects, including the Eisenhower expressway and Lincoln Park, along Lake Michigan. But in those cases, the cemeteries were public and secular, Karaganis said.

Part of the cemeteries' suit charges that the state law allowing the expansion of O'Hare specifically exempted St. Johannes and Rest Haven from state laws protecting religious institutions, thus denying the cemeteries the same rights afforded other religious sites.

"If the city and the FAA were successful here," Karaganis said, "it would open the way for government acquisition of religious property willy-nilly without going through the substantial burdens that were put in place to protect the freedom of religion."

The city says the cemeteries are part of O'Hare land, but Karaganis said opponents have documents proving that St. Johannes's land belongs to St. John's United Church of Christ and that Rest Haven belongs to the Rest Haven Cemetery Association, a religious group.

Many of the graves in the cemeteries are of first-generation Germans. Some headstones bear important local names now commemorated with major streets. There are Civil War veterans, early settlers of northern Illinois, and founders and early mayors of nearby suburbs. According to Sell, many were abolitionists.

A CHANGE IN MARIJUANA PROSECUTION EYED CHICAGO CONSIDERS BID TO ISSUE FINES IN CERTAIN CASES

Section: NATIONAL/FOREIGN;

Byline: By Eric Ferkenhoff, Globe Correspondent

CHICAGO Mayor Richard M. Daley has endorsed a proposal to issue fines for possession of small amounts of marijuana rather than clog the courts with cases that tend to be thrown out by judges.

Daley said the volume of marijuana cases that are tossed out by local courts upwards of 90 percent, according to one recent study mean minor possession is virtually decriminalized in Chicago now.

"If 99 percent of the cases are thrown out, when is there a credible arrest for marijuana?" Daley said last week. "They throw all the cases out. It doesn't mean anything."

Much of the national debate on decriminalizing marijuana has focused on its medicinal use. But Bruce Mirken, a spokesman for the Marijuana Policy Project based in Washington, D.C., said a growing number of cities and states are developing alternatives to prosecuting minor marijuana busts to unclog jammed court systems and free officers to focus on more serious crimes.

"There's a growing sense among people who just look at the hard-nosed practicality of the situation that this is not a sensible use of police and criminal justice system time and resources," he said.

Mirken said his group has tracked at least 11 states California, Colorado, Maine, Minnesota, Mississippi, Nebraska, Nevada, New York, North Carolina, Ohio, and Oregon that have fashioned laws relaxing criminal penalties in minor marijuana cases. In many cases, police are now allowed to issue citations instead of making arrests.

The Marijuana Policy Project argues that states should go even further, decriminalizing marijuana use and possession entirely, since Mirken contends there are no studies indicating a definitive link between tough laws and lower marijuana usage.

"If you go into a store that sells cigarettes, you see yellow and red signs warning buyers they have to be 18," he said. "Have you ever seen a drug dealer with a sign like that? Regulation gives society some control, but prohibition . . . just turns the market over to gangsters."

Daley stopped short of calling for state or city laws to legalize marijuana possession. His comments Tuesday came a day after the release of a report written by a South Side police sergeant indicating 94 percent of the 6,954 cases filed in Chicago in 2003 involving 2.5 grams or less of marijuana were either dismissed by the judge or dropped by prosecutors. The same report showed that of the 6,945 cases involving 10 grams or less, 81 percent were dropped, along with 52 percent of the 1,261 cases involving up to 30 grams.

"While officers are doing everything to keep the streets safe, the offender gets arrested and is walking the street in just a few hours," wrote Sergeant Thomas Donegan in the seven-page report sent to police officials. "To me, this is a slap in the face to the officers."

Officials in the Police Department and the Cook County State's Attorneys office said prosecutions often fail because of weak cases brought by police, officers or lab technicians don't show up for court, or a lack of interest in such minor cases among some judges and prosecutors.

Donegan, who did not return a request for comment, in his report suggested fines of \$250 for 10 grams or less, \$500 for up to 20 grams, and \$1,000 for up to 30 grams. Using those numbers, Donegan wrote the city could have collected "well over \$5 million" in fines in 2003. Donegan wrote the city could also have saved millions more by not having the officers process the suspects, do paperwork, and testify in court.

Daley said he agreed a smarter approach might be to free officers from wasting a day in court or filling out reams of paperwork by slapping offenders instead with a fine that could raise millions for strapped city coffers.

"It's always a priority to make sure officers are spending as much time on the street as possible," said police spokesman David Bayless. "We need to strike a balance to make sure the offenders are penalized in some way and making sure officers on are not taken off the street for cases that aren't going anywhere."

Bayless said the department chief of staff and legal advisers to Superintendent Phil Cline would study Donegan's proposal. But it was too early, he said, to say whether the department would push for such a change in city ordinances. John Gorman, spokesman for Cook County State's Attorney Richard Devine, said prosecutors will soon meet with Police Department officials to consider the proposal.

CHICAGO TURNS TO MINORITY CLERGY TO RECRUIT POLICE BLACK, LATINO OFFICERS ARE SOUGHT TO IMPROVE COMMUNITY RELATIONS

Section: NATIONAL/FOREIGN;

Byline: By Eric Ferkenhoff, Globe Correspondent

CHICAGO Standing at the pulpit of his church in the Cabrini-Green housing development, the Rev. Walter Johnson preaches to the thump of a bass guitar, telling the all-black congregation about love, hope, and forgiveness. Then he asks members to consider a new life, to get in shape, get their education, and become, of all things, police officers.

It seems an unusual pitch for a clergyman in a neighborhood racked by gangs and drugs. But in a bid to diversify its ranks, the Chicago Police Department has enlisted thousands of clergy across the city to recruit young, minority residents.

Police officials know it's a tough sell. Trust between police and minorities in this city is tenuous, weakened by allegations of racism and brutality. But Superintendent Phil Cline said he believes that trust can be rebuilt by getting those same residents to join a force that is about 55 percent white, even though the city's population is roughly 60 percent black and Latino.

"For the type of people that we're looking for, people with high morals and an ethical character, what better place to look than in the churches, the mosques, and the synagogues?" Cline asked. "It's an untapped pool."

Cline made the pitch last month to about 2,000 local clergy, of all faiths, asking each to identify at least two congregants who would make model officers, to fill the roughly 600 vacancies every year. But the charge is more than gathering names. Clergy are being asked not only to recruit men and women, but to shepherd them through the entire process, from signing up and taking the Nov. 20 entrance exam to getting in shape for physicals, Cline said.

"The faith community is open without being co-opted by the police," said Johnson of Wayman AME Church. "We're willing to come in. In order for us to be truly diversified in this city, we need more diversity in the Police Department."

Don Polk, 35, a telecommunications manager and a member of Johnson's church, is intrigued. It's steady work, he said, a chance to make a difference.

"It used to be you really didn't see officers who mirrored yourself," he said. "But it has been getting better, and I think there's room for improvement if you have officers from the neighborhoods and they can relate to what's going on. You need people who don't have a problem doing what's right."

The idea makes sense to some specialists. "Ministers are seen by all to be nonthreatening," said James Alan Fox, a professor of criminal justice at Northeastern University. "If the Police Department looks like a cross section of the community, it doesn't foster the we-them dynamic."

Chicago's force is not as dominated by white men as it once was. Minority representation has steadily increased, jumping 6 percentage points in the past three years, to about 45 percent black and Latino. But that does not reflect the city's population. The problem is more severe in the upper ranks, where 45 of the 76 command staff members are white and 75 percent of the roughly 1,600 sergeants, lieutenants, and captains are white.

"It's a slow process to change the face of the department," said Cline, who is white. His second-in-command is black.

In the late 1990s through early 2001, the department struggled against a strong economy that sapped the applicant pool, as potential recruits sought jobs in the private sector. In 2001, 3,750 people applied to be police officers, compared with 36,000 in 1991.

Last year, the total shot up to 8,350 applicants, but the number of minority candidates has slipped. Ten years ago, blacks made up 49 percent of applicants; today, it's closer to 30 percent, Cline said.

A large factor in the decline, Cline said, is the requirement of at least two years of college or a combination of college and military experience.

Cline recognizes the difficulty, but said the department must maintain high standards. "We're using more and more technology, and we need people with an education," he said.

But the greater hurdle may be selling minority residents on joining a department that they have historically viewed with suspicion.

"The distrust is real; there's credibility to it," said the Rev. Michael Pfleger of St. Sabina Catholic Church in the African-American Auburn-Gresham neighborhood. "When you have the distrust on both sides, you'll have racial-profiling and some brutality and the lack of respect. You have the ugliness."

But Johnson and Pfleger agreed that the faith community can go far in bridging the gap.

"There's a lot of negative contacts with the police they're only coming because such and such is going on in the community or because of gangs or violence or drugs," Johnson said. "What the faith leaders have going for them is they probably see more people on a Sunday morning than most folks, and they can stand up from that venue and say this is a way we can get more actively involved."

CONGRESSMAN'S VULNERABILITY CASTS UNCERTAINTY IN ILL. RACE DEMOCRATS SEE CRANE AS OUT-OF-TOUCH INSIDER

Section: NATIONAL/FOREIGN;

Byline: By Eric **Ferkenhoff**, Globe Correspondent

CHICAGO Representative Philip M. Crane, the longest-serving Republican in the House of Representatives, finds himself in a tight battle for reelection this year against a challenger who has characterized Crane as a lazy legislator who has lost touch with his constituents. The GOP is pouring extra resources into the race to defend Crane's seat.

Political observers disagree on why Crane, 73, seems vulnerable. But most agree that Democrat Melissa Bean, 42, who lost to Crane in 2002, has won support by attacking Crane as an insider who has forgotten his roots after more than 35 years in Washington.

Both parties are watching the race closely as they jockey for congressional seats during the hotly contested general election. Crane's prospects could be complicated further by the fact that Democrats at the top of the Illinois ticket are looking particularly strong this year. John F. Kerry is favored to win the presidential contest in Illinois, and Barack Obama has all but sewn up the race for the state's open Senate seat.

"This is a very Republican district, and by the numbers we shouldn't even be talking about this district," Amy Walter, an analyst with the Cook Political Report based in Washington, said of Crane's district. "This has everything to do with Phil Crane. [Bean is] saying he's too cozy in Washington and this isn't what we elected him to do." Crane also has been stung by newspaper editorials, including from the Chicago Tribune, which this month wrote, "it has become evident that Crane's interest in serving his constituents has evaporated." The editorial endorsed Bean, a technology consultant.

Vice President Dick Cheney and House Speaker J. Dennis Hastert have been asked to campaign with Crane, and the National Republican Congressional Committee, or NRCC, started airing television ads Oct. 14 in Crane's district. The NRCC reportedly has spent \$70,000 on cable television spots, while Crane's campaign, which has raised about \$1.2 million, has run cable ads since September and recently spent \$400,000 on network ads for the closing days.

Both the NRCC and Crane ads criticize Bean for supporting higher taxes and for not living in the district. (Her home was cut out after the 2000 redistricting. Bean has raised more than \$1 million. The Democratic Congressional Campaign Committee has spent \$260,000 on mailings for Bean, who said internal polls indicate a neck-and-neck race with Crane. "He doesn't have any positive legislative accomplishments," Bean said of Crane. "What has he done? He's a career politician who feels he's entitled to the job."

Crane's supporters call such criticisms nonsense, noting his work on free trade and environmental projects in his district, as well as securing transportation funds and winning a federal grant to keep open an investigative cold-case unit.

"The congressman's not somebody who runs to the mike and brags," campaign manager Dennis O'Sullivan said. Crane, as a House veteran and vice chairman of the Ways and Means Committee, has the political muscle to bring home jobs and money, O'Sullivan said.

Crane's camp has painted Bean as a liberal. But she describes herself as a social moderate and fiscal conservative who would rein in federal spending and push tax code reform to favor small businesses.

Crane's district is considered among the state's most conservative, although some political specialists say Chicago Democrats have started moving in. And Bean expects to top her showing in 2002, when she captured 43 percent of the vote.

"Forty-three percent that was a big number, and she's been working at it for two years," said Gary Skoien, chairman of the Cook County Republican Party. "Anytime someone starts getting into these numbers and has a substantial amount of money, you're going to have concern. . . . The race is tighter than it should be."

The reason is that Crane has failed to distinguish himself, other than on trade and during his bid for the Republican presidential nod in 1980, political consultant Kevin Conlon said. "He's a creature of a Republican district who has coasted over the years," Conlon said.

Paul Green, professor of political science at Roosevelt University, agrees that many district residents may have tired of Crane.

"There's been a growing discontent, and there's a group of people who want a new person," he said.

HOST OF TAX HIKES PROPOSED AS CHICAGO FACES \$220M GAP

Section: NATIONAL/FOREIGN;

Byline: By Eric Ferkenhoff Globe Correspondent

CHICAGO - Striding along Michigan Avenue recently, his arms weighed down with shopping bags filled with a new overcoat, two jackets, a sweater, and three ties, Dan Nalbor considered the news that he may soon have to dig deeper to pay for the city life. In hopes of balancing a \$5.1 billion budget, Mayor Richard M. Daley has proposed increasing a host of city taxes.

"It's terrible. I buy lots of stuff, and I don't want to pay more money," said Nalbor, 24, a recent college graduate who has not found steady employment. But new taxes may be necessary, he added, "if that's what it takes to make the city better."

Chicago, the nation's third-largest city, faces a \$220 million budget gap. To close the hole, Daley proposed in a Nov. 9 speech to increase the sales tax a quarter point to 9 percent on all purchases except food and medicine. The move, which requires City Council approval, would put Chicago sales-tax rates above those of most major US cities, including New York, at 8.625 percent, and Los Angeles, at 8.25 percent.

The rate in Memphis is 9.25 percent, and in New Orleans it is 9 percent, according to the Chicago-based Sales Tax Institute. Boston has no separate city sales tax.

Daley, who said the budget crunch is the worst in his 15 years as mayor, also proposed reducing personnel by 1,250, doubling a cigarette tax, and increasing the liquor tax by about 20 percent. He also proposed boosting fines and a long list of fees and taxes, including on tickets to professional sports events and concerts, as well as hotel rooms, rental cars, and garage parking.

Daley promised no increase in the property tax, a politically sensitive issue. All told, new taxes and fees should generate about \$87 million. The budget includes \$50 million in spending cuts, and much of the remainder would be made up through a lucrative deal to lease the Chicago Skyway, a toll road.

"This continues to be the most challenging financial time we've faced," Daley said. "Revenues are slow. The cost of personnel continues to increase. And we're not getting all the support we need from Springfield and Washington. . . . I know this won't be easy or painless for anyone."

The City Council is expected to vote on the budget by year's end. If so, the plan would take effect Jan. 1. Some of the new taxes would not be in force until July.

By not acting now, Daley said, the city would face cuts in services, such as police and fire; slower capital improvements; and possible damage to the city's bond rating.

Daley, who also has proposed a city-based casino to generate about \$250 million a year, said the city has saved millions through the elimination of some jobs, privatization of others, outsourcing city services, and a crackdown on overtime. But he said the city was hit by a sluggish economy and by federal and state mandates, such as the No Child Left Behind law and the Homeland Security Act, which added heavy costs to the city.

All the while, expenses, especially from personnel and healthcare, have continued to rise, with the costs to update fire and police stations, among infrastructure projects.

"Do we keep Chicago moving forward, or do we fall behind?" Daley said. "To me, there's only one path."

Daley acknowledged that some Chicagoans may be skeptical given recent scandals, including questionable hiring practices in the buildings department and bribes in a troubled trucking program. But he promised more transparency in city government to earn the trust of taxpayers.

Daley's speech to the City Council was interrupted numerous times by applause. But not everyone was cheering. Some aldermen, including Budget Committee chairman William M. Beavers, said increasing taxes on cigarettes and alcohol would hurt ordinary people and push some city residents to shop outside the city. Labor leaders bristled at Daley's promise to push hard to privatize city services and jobs, including hundreds of janitorial positions at O'Hare International Airport.

"We're balancing the budget on the backs of the working men and women," said Dennis Gannon, president of the Chicago Federation of Labor. "When the mayor talks about privatization, it doesn't mean the taxpayers aren't going to pay. City employees are more efficient, more dependable, and more affordable."

Daley is proposing the price increases despite a landmark deal to lease the Chicago Skyway for \$1.82 billion to a Spanish-Australian group, which will manage the toll road for 99 years. The deal was billed as a historic agreement that would go a long way to fix the city's financial woes. But Daley said it would be unwise to spend the lot too quickly.

Still, he said \$825 million from the deal would be funneled into special funds to generate interest and investment income to pay future operating costs. Much of the balance would be used for neighborhood and human services projects and to pay off the Skyway and other city debts.

VOTE EMPOWERS IRAQI EXPATRIATES SOME JOURNEY TO REGISTRATION SITE FOR ELECTION

Section: NATIONAL/FOREIGN;

Byline: By Eric Ferkenhoff, Globe Correspondent

CHICAGO After watching the devastation of his country under Saddam Hussein, and suffering torture at the hands of Hussein's son Uday, Ihsan Abdulhadi fled Iraq in 1998 and eventually ended up in Omaha, never thinking free elections would be held in his homeland.

So when word spread that some 240,000 Iraqi expatriates living in the United States would have their chance to cast ballots in the Jan. 30 Iraq elections, the first free elections there in 50 years, Abdulhadi did not hesitate.

He loaded his wife, her sister, and another relative into their sport utility vehicle at 3 a.m. Wednesday and made the 10-hour trek to the Chicago suburb of Skokie, one of several US sites for voter registration.

"I never thought I'd see it," said Abdulhadi, 31, a Shi'ite Muslim and former civil engineer in Baghdad who delivers phone books in Omaha. "It's the first time in our life, in Iraqi history. It's been like a dream for us, free elections. It's a chance for everybody to make a new Iraq."

His excitement is tinged with frightening memories of Hussein's rule. A member of the Iraqi Olympic basketball team, Abdulhadi recalled losing a game in 1993 and showing up at a bus station in Baghdad, where Uday Hussein loaded up the team and shuttled them to an unknown site for three days, where team members were tortured for their failure. For 20 hours, Abdulhadi recalls, a team member was kept in a steel, coffinlike structure lined with nails that would pierce the skin if he fell asleep and lost his balance.

He would not discuss his own treatment.

"It's very important to make this trip and make our country hopeful," he said.

Inside the site in Skokie, an Assyrian community center, Abdulhadi and his family were ushered to one of several small rooms. There, they showed the two required pieces of identification, including proof of Iraqi citizenship or that their father was born in Iraq and completed the registration in about 10 minutes. They were back on the road for another 10-hour drive back to Omaha that evening. "We have work to do," he said. At the end of this week, they will return and cast their votes.

The site in Skokie, which was guarded by police and used a metal detector, is one of two Chicago-area registration facilities, and attracted families from Nebraska, Missouri, Minnesota, and elsewhere. But there were also plenty of locals showing up from Chicago and its suburbs, where an estimated 30,000 eligible Iraqis live.

There are also registration sites in or near Detroit, Nashville, Washington, and Los Angeles.

In Nashville, expatriates trekked from Florida. In Irvine, Calif., people were arriving from Phoenix; Detroit saw arrivals from Dayton, Ohio; and families were driving from Raleigh, N.C., to register in New Carrollton, Md.

"I don't care about coming," said Malek Saadi, 39, a grocer in St. Louis who made the five-hour trip to Chicago to register with his cousin and a friend in Skokie. "We're looking for the freedom, especially. I want to see the families with a good living. The children cannot go to school. The people cannot go to work because they're scared about the terrorists."

Saadi said he fought alongside the Americans in the 1991 Gulf War but left in the midst of the fighting. He took a taxicab out of his hometown of Basra, then walked into Saudi Arabia, where he was given refugee status and eventually met up with his two brothers before moving to the United States.

"We had a hard life when Saddam was in power killing too many people, arresting too many people," said Saadi, whose two brothers were jailed "just for no reason" over the years and were both shot and wounded.

Officials with the Geneva-based International Organization for Migration, which two months ago was tapped to organize the voting in the United States and 13 other countries, said 12,079 people had registered at the US sites through Friday. It is a small fraction of the estimated 240,000 eligible voters, but officials said they expected a surge this weekend. In Chicago, 2,948 had registered through Friday.

Registration was to end today, but was extended through Tuesday by the International Organization for Migration because of low turnout in many countries, including the United States. By Friday, about 131,635 of the estimated 1.2 million eligible expatriate voters around the world had registered.

The vote, in Iraq and around the world, will elect a 275-member transitional Assembly to draft a constitution, and from its members, choose a president, two deputies, and a prime minister.

Voting in the United States takes place from Friday to next Sunday at the same US sites. Expatriate voting is also taking place in Australia, Britain, Canada, Denmark, France, Germany, Iran, Jordan, the Netherlands, Sweden, Syria, the United Arab Emirates, and Turkey. Worldwide, some 70,000 people had registered, according to the International Organization for Migration.

As violence continues in Iraq ahead of the elections, worries about security have also emerged in the United States.

Last week, International Organization for Migration officials were forced to vacate their offices in Niles, which is near Skokie, and move to new offices in Chicago because Niles officials said they could not ensure security. The move will not affect the voting site in Skokie.

Local police secured the entrances to the Chicago-area sites, but few Iraqis seemed deterred. Wiping tears from his eyes, Shamsi Killidar, 80, described a day he thought he would never see.

"When I give my voice, I become important," said Killidar, whose family ran one of Karbala's two main mosques.

Routinely threatened by the government, including midnight visits telling Killidar's family they were not welcome, Killidar finally fled Iraq with his wife in 1982 to the United States, where his oldest daughter was a citizen, and settled in the Chicago suburb of Elmhurst.

Six years later, in 1988, Killidar's older brother, who ran the mosque in Abbas, was found strangled, his body dumped at his home.

Killidar, his wife, and two daughters registered at the second Chicago site, the Rosemont Convention Center, where a crush of Iraqis showed up on the first day of registration on Monday.

During the week, the flow was much slower, but every few minutes, another Iraqi, full of hope and painful stories of the past, would show up with identification and register to vote.

SIDEBAR:

IRAQIS IN THE UNITED STATES

PLEASE REFER TO MICROFILM FOR CHART DATA.

FOR EXPATRIATES, DISTANCE NO OBSTACLE
THOUSANDS HEAD TO 5 SITES FOR A SAY

Section: NATIONAL/FOREIGN;

Byline: By Alan Wirzbicki and Eric Ferkenhoff GLOBE CORRESPONDENTS

NEW CARROLLTON, Md. - Madafer al-Ziyadi, an Iraqi-American from Weymouth, endured a 10-hour van ride and a snowstorm Saturday night because he wanted to send a message to President Bush through a ballot box.

"What is causing terrorism to grow in Iraq is the occupation," said Ziyadi, 38, an auto inspector whose family remains in Baghdad. "Getting an Iraqi government in Iraq is the only way out and the only way to stop the insurgency."

Ziyadi, along with the 11 other expatriates who joined him in the trek from Quincy to the voting station in the Washington suburb of New Carrollton, cast his vote for the United Iraqi Alliance, the Shi'ite coalition that is expected to dominate the Iraqi National Assembly.

Shi'ites make up the majority of Iraqis but faced oppression under Saddam Hussein's regime.

About 26,000 Iraqi expatriates in the United States, and 280,000 worldwide, registered to vote in the election, a small fraction of the eligible voters outside Iraq. Despite bad weather and tight security, turnout at the five US polling places over the weekend was expected to top 90 percent, according to the Geneva-based International Organization for Migration, which organized the election outside Iraq.

In Chicago, where 6,400 people had registered at two sites, expatriates made long journeys from Lincoln, Neb., El Paso, Milwaukee, and the Dakotas to cast their votes.

"If bullets were coming down all 600 miles, I was coming to vote," said Qadir Aware, 52, a Kurd who runs a multicultural center in Sioux Falls, S.D. Aware, who voted for a Kurdish slate at the Rosemont Convention Center just outside Chicago, arrived with 10 other Kurds from North and South Dakota and Minnesota. His finger was stained with the purple stamp proving he had voted.

Aware, a former Kurdish freedom fighter from Sulamani in Kurdistan, left Iraq in 1975 and took refuge in Iran, where he met his wife. During Hussein's rule, he said, 39 members of his family were killed. One, a cousin, was an artist who had both eyes mutilated; another cousin, a political poet, had his fingers cut off to prevent him from writing. Both died within six months, Aware said.

"The life of Iraqi people, and especially the Kurdish people, fought to see this day, and it is shameful for us if we don't come to vote and bring freedom and democracy," Aware said. "Given the chance, they can be a mecca of democracy in the Middle East."

About 90 percent of the estimated 30,000 Iraqis in the Chicago area are Assyrian Christian, a minority that had little voice under Hussein's rule. Casting a vote yesterday was a chance to be heard, many of them said. Among them was Edward Odisho, 66, a linguistics professor at Northeastern Illinois University who also taught at a university in Baghdad before fleeing Iraq in 1980, the year after Hussein took power.

"It's something that really is larger than words for us," said Odisho, who voted at the second Chicago-area site, the ChaldoAssyrian Community Center in Skokie. "It's the transformation from the culture of bullets into the culture of ballots."

Considered an intellectual in Iraq, but an opponent of the Ba'ath party, Odisho was under continual surveillance. He was questioned by the secret police and eventually subjected to a travel ban. Once the ban was lifted, he made his way to Britain and Rome before moving to the United States in 1981. Odisho, who voted for a slate led by an Assyrian, recently has worked with the State Department on linguistic and education issues for a postwar Iraq.

Through Saturday, about 3,500 expatriates had voted at the two Chicago sites, and officials expected most of the rest to turn out yesterday. In Washington, a little more than 2,000 had voted as of yesterday morning, a turnout of about 80 percent.

Polling also took place in and around Detroit, Nashville, and Los Angeles. Security was high at the polling locations, with bomb-sniffing dogs and metal detectors.

Despite the fortifications outside, a celebratory mood prevailed at the Ramada Inn conference room where votes were cast in Maryland yesterday. "It's a new hope," said Washington resident Reem Khalil, 42, like Ziyadi a Shi'ite who voted for the United Iraqi Alliance. "It's a right that I never dreamed of having."

To register, Iraqi expatriates needed only to prove that they or their fathers were born in Iraq. Many of the voters in New Carrollton were US citizens, but only one interviewed said she had also voted in the American presidential election. Neither Ziyadi nor Radhi al-Janabi, the organizer of the Quincy van trip who skipped several days of work to cast a ballot in Maryland, voted in November.

Iraqi voters questioned yesterday had mixed feelings about the US invasion but expressed unanimous contempt for the insurgents.

"They're not going to stop us. They are bad people, killers," said Karwan Faraj, 32, who fled from Kurdistan in 1997 and settled in Bucks County, Pa.

CHICAGO POLICE SUSPEND DISTRIBUTION OF STUN GUNS DEATH, INJURY PROMPT SAFETY STUDY OF TASERS

Section: NATIONAL/FOREIGN;

Byline: By Eric **Ferkenhoff** Globe Correspondent

CHICAGO - The Police Department has suspended the distribution of 100 additional stun guns to officers pending an investigation into the use of the devices following the death of a 54-year-old man and the serious wounding of a 14-year-old youth in separate altercations this week.

The incidents, which drew quick criticism, added to the national debate over the safety and effectiveness of Taser stun guns.

Police have about 200 of the stun guns and were planning to add 100 in the near future under a pilot program in two districts.

The death Thursday of Ronald Hasse of Cedar Lake, Ind. which occurred three days after the teenage boy was stunned and suffered cardiac arrest worried department officials enough that Police Superintendent Philip J. Cline halted the expansion on Thursday. Cline's order, however, will not prohibit police sergeants, the only rank assigned the devices, from using the stun guns currently deployed while the review is being conducted.

Cline, speaking to reporters Thursday, said he was "convinced that we initially began using Tasers for all the right reasons," adding that, "our confidence in Taser's ability to save lives, prevent injuries and make our city safer remains."

A few Tasers were first deployed in Chicago in late 2003. The full 200 have been in use since April. Chicago police have used Tasers on 156 occasions prior to this week's incidents. Police reported no deaths before Thursday, but there have been at least 20, mostly minor injuries related to Tasers, which shoot up to 50,000 volts of electricity through barbs fired from 20 feet or more.

Cook County Public Guardian Robert Harris said police overreacted and he accused the department of using excessive force in Monday's incident involving the 14 year old, who is a ward of the state.

The state Department of Children and Family Services has sued the city and the officer, arguing that the officer used the device without knowing if it was safe to do so on a minor and without knowing what medications the boy may have been taking.

Police say the youth, living in a residential facility, became unruly, broke several windows in the home, assaulted three workers, and jumped from a couch to attack the sergeant who used the Taser to subdue him. The youth, described as about 6-feet tall and more than 200 pounds, went into cardiac arrest and was to a hospital, where he is reportedly recovering.

Harris's office said there was no need for the use of the stun gun; he said the boy had calmed down and was seated on a couch by the time police arrived.

In the second incident, on Thursday, paramedics were called to a North Side apartment building where where the visiting Hasse reportedly began acting oddly. Hasse, according to police, told the paramedics that he had HIV and began threatening that he would kill with his blood. He allegedly repeated the threat and became combative when police arrived and tried to handcuff him.

An autopsy done yesterday failed to pinpoint a cause of death. The Cook County Medical Examiner's Office said an official determination was pending further study and police investigation. In both cases, police said, the sergeants repeatedly warned the victims that the Tasers would be used.

"Until all the facts surrounding this tragic incident in Chicago are known, it is inappropriate to jump to conclusions on the cause of Ronald Hasse's death," said Steve Tuttle, spokesman for Scottsdale, Ariz.-based Taser International.

Some 7,000 police agencies in the United States and Canada, including more than 300 in Illinois, use Tasers. While company officials say that use of the weapons has cut down on police-related fatal incidents, the human rights group Amnesty International recently released a report tying Tasers to 74 deaths since 2001.

Amnesty International acknowledged that other factors, including preexisting health conditions and drug use, could have contributed to these deaths. Still, the volume of deaths raises concerns and the group is calling for a suspension of Taser use by all law enforcement agencies, said Christopher Watson, field organizer for Amnesty International's Midwest regional office.

"Our problem is not enough testing has been done to say that they are safe to be used," he said.

The American Civil Liberties Union also voiced concern.

"It's really important that police agencies put in place proper oversight of these sorts of tools so we don't have a continuing series of events like this," said ACLU Chicago spokesman Ed Yohnka. "When you suggest something is nonlethal . . . it sends a subtle message that it's OK to use them more often than is necessary."

The Arizona Republic has reported finding 84 deaths following Taser strikes since 1999. Last month, the Arizona attorney general and the federal Securities and Exchange Commission said they were investigating Taser International's safety claims.

ILL. COUNTY EYES CHARGING INMATES FOR ROOM, BOARD

Section: NATIONAL/FOREIGN;

Byline: By Eric Ferkenhoff, Globe Correspondent

CHICAGO With its jail already near double capacity, officials in Will County, just south of Chicago, began scouring the books last month to recoup the costs of a \$50 million jail expansion that will double the number of inmate beds.

What they hit on seemed to county auditor Steve Weber to be a simple solution: charge inmates for their stay in the jail, the three daily meals, the lodging, the security, and the healthcare that many of them wouldn't otherwise receive.

"In the old days, they used to make them work to pay off their own room and board," Weber said. "I thought, let's go, nobody's doing it" in the state.

The proposal, to charge inmates from \$6 to \$58 per night, has drawn wide interest from other Illinois counties. But it has also sparked worries from civil libertarians and defense attorneys who argue that charging inmates will heap another burden on criminals, many of them indigent, and perhaps even encourage some to commit further crimes to get the cash needed to repay the county.

"We have a criminal justice system to remove people from our streets who we think pose a threat, and the notion that somehow they're responsible for their care and comfort seems to cut against the grain of the system," said Ed Yohnka, Chicago spokesman for the American Civil Liberties Union.

Charging inmates, in fact, is a lazy way of raising capital, he said.

"We understand what drives these kinds of issues this notion that somehow it's an easy way to raise funds," Yohnka said. "These communities get into these financial difficulties because they haven't looked hard enough into alternatives."

Under the program, only those convicted of their crimes would have to pay for their stay in Will County Adult Detention Center, which was built for 320 inmates but houses up to 550 daily. The jail houses pretrial detainees and those sentenced up to one year or less. The amount to be paid would be set by the judge at sentencing, and payment would be due within 90 days of their release. Those unable to meet that deadline would be given a monthly payment plan. Those who default would be referred to a collection agency.

The board directed its lobbyist, former state senator William Mahar, to push state legislators to draft a bill allowing Will County, and perhaps all 102 counties in the state, to begin charging inmates. Last week, Mahar lined up state Representative Caren M. Gordon, a former prosecutor who sits on the House civil and criminal judiciary committees, to sponsor the bill, which must be drafted and introduced by the end of the month to be considered by this session of the General Assembly.

"I believe I can easily pass this," said Gordon, who brought the idea to colleagues Wednesday. "The chances are very good."

If the Legislature approves the plan, the Will County program is expected to raise about \$1.8 million annually, with roughly \$700,000 coming from low-income inmates and \$1.1 million from those with more means to pay, Weber said.

Andrea Lyon, president of the Illinois Association of Criminal Defense Lawyers, said it is folly for the county to think they will reap any real resources.

"People who go to jail for the most part are poor; they don't have resources," said Lyon, also a criminal law professor at DePaul University. "When they get out, they remain poor because we won't employ them. Is it fair to tell someone . . . you get to pay for the privilege of having all your freedom taken away? There's a moral question that it raises."

But Ronald Svara, chairman of the Will County Board's legislative committee, said the plan makes simple economic sense. "There's a basic philosophy: The user of the services pays," he said. Svara said he realizes most criminals are indigent, but he contends that a greater share of the crime in Will County is financial, including identity theft, which is often committed by more sophisticated and well-off people.

A grant writer in Weber's office raised the idea after searching the Internet last month and reading about Macomb County, Mich., which borders Detroit. There, inmates have been charged for their stay in the county jail for 20 years, said Macomb Sheriff Mark A. Hackel, whose father initiated the program as sheriff in 1985.

Hackel said the county charges "whatever we can get," but generally caps the cost at \$56 per night. With roughly 1,500 inmates, but many indigent and unable to pay, the county collects about \$1.5 million a year.

Since the program started, a number of Michigan counties, including Wayne, which covers Detroit, copied the idea, as have Minnesota, Washington, North Carolina, Ohio, and Texas.

The American Jail Association is neutral on the programs' merits, but executive director Stephen J. Ingley said it is a growing trend as counties seek to recover the escalating costs of maintaining the nation's 3,200 jails.

Unlike the Will County program, not all states require a conviction to collect room and board costs, he said.

"You're finding the costs of incarceration are astronomical, and people are tired of it," Hackel said. "People are looking for ways for people committing these crimes to not only do the time, but to pay for that time."

Will County Sheriff Paul J. Kaupas said forcing repayment may actually steer inmates from future crimes. "It may deter someone from coming back," he said. "Nothing else is."

The county, a major intersection for national rail and truck traffic, is one of the fastest growing in the country in terms of population, leading to higher taxes and the need for infrastructure improvements. And the population growth, according to Kaupas, suggests a growth in crime and a desperate need for more jail beds.

The county signed off on a \$50 million bond issue in December to build an annex for which ground should be broken this spring. It will increase the bed total to about 1,000 by early 2007. It currently costs the county about \$87 per inmate per night, and sheriff's spokesman Pat Barry said that cost could swell to \$180 with the new annex.

Will County inmates do not work on public works projects, such as cleaning highways. But some inmates are detailed to food services inside the jail, laundry, and maintenance around the building. The inmates are currently not paid for such work, but Barry said the county would rethink that if the bill passes and inmates are charged for their stay.

GRADUATION RATES ARE LOWER THAN REPORTED, STUDY INDICATES

Section: NATIONAL/FOREIGN;

Byline: By Eric Ferkenhoff Globe Correspondent

CHICAGO - As the nation's governors meet this weekend in Washington, D.C., to plan ways to fix America's high schools, a sobering report out of Chicago underscores the crisis: Only about half of the city's public high school students graduated on time.

The 76-page report, released earlier this month by the University of Chicago's Consortium on Chicago School Research, found a graduation rate for 2004 of 54 percent at Chicago's public high schools, with some schools graduating only 20 percent of their students on time.

That rate is far below the 71 percent reported by the Chicago Public Schools and the state. It underscores a national problem documented in a host of recent studies. Many researchers contend that there is no uniform system for calculating graduation rates and that most states inflate their numbers.

The National Center for Education Statistics, for example, reports 85 percent of students nationally graduate. But last week, a study by the nonprofit Educational Testing Service in Princeton, N.J., found that nearly a third of America's high school students fail to graduate, and that the graduation rate 70 percent nationally in 2000, compared with 72 percent in 1990 fell in all but seven states.

Part of the problem, according to Paul Barton, the ETS study's author, and others is that so much emphasis has been placed on higher standards and testing that educators have lost sight of the graduation problem.

"It hasn't been the focus of education reform," said Governor Mark Warner of Virginia, chairman of the National Governors Association, which is hosting the weekend meeting and made redesigning high schools a priority for 2005. "The thought was if you get the kid early and the appropriate preschool activities, and get quality teachers in the elementary school, then by the time they're in high school, things would work themselves out. That just hasn't proven to be the case."

Arne Duncan, chief executive of the Chicago Public Schools, does not dispute the University of Chicago report and agrees that much needs to be done to rescue high school students. "No matter how you measure it, the number is unacceptably high," said Duncan, who is attending the Washington conference. "We're still losing far too many children. There used to be a time when you could drop out and get a job at the stockyards. But now, you're basically doomed."

The University of Chicago report arrived in the midst of perhaps the most ambitious overhaul of the city's public schools in the 10 years since Mayor Richard M. Daley took control of the schools.

The city is planning to shutter scores of failing schools over the next several years and open 100 new ones, many of them small schools that have been shown to be more effective. Last week, the district shut down four schools, including one high school where only 4.7 percent of students met state exam standards. Based on those tests, 211 of the system's 613 schools are on academic probation, including 45 high schools.

"We know the reality, and we're pushing hard," Duncan said, noting that the University of Chicago study, as well as reviews by the district, also indicated vast improvements in some schools.

It is difficult to compare Chicago's graduation rate with those of other cities because many states and districts calculate the rate differently.

Illinois, for example, does not count transfers who drop out of their new schools which would bring down the rate but does include transfers who graduate at their new schools.

Neither the Boston public schools nor the state of Massachusetts tracks graduation rates, according to Boston school spokesman Jonathan Palumbo. The best estimate for Boston, he said, is to look at the percentage of students who passed both the math and English portions of the Massachusetts Comprehensive Assessment System test last year; that figure was 85.5 percent.

But another study, done last year by Christopher B. Swanson of the Urban Institute, indicated that Boston public schools had a graduation rate of 42 percent in 2001.

Palumbo said that rate "doesn't seem realistic. It's just not accurate as far as I can tell."

JUDGE'S KIN ARE SLAIN

MOTHER, HUSBAND SHOT; POLICE PROBE SUPREMACIST LINK

Section: NATIONAL/FOREIGN;

Byline: By Eric **Ferkenhoff** Globe Correspondent

CHICAGO - A federal judge who was once targeted for assassination by a white supremacist returned to her North Side home Monday night to find her husband and mother murdered in the basement, each shot with a .22-caliber bullet in the forehead.

The execution-style killings occurred a month before white supremacist Matthew Hale is scheduled to be sentenced for soliciting the murder of US District Judge Joan H. Lefkowitz.

At a news conference yesterday, police were guarded with details and said the investigation into the slayings of attorney Michael Lefkowitz, 64, and his mother-in-law, Donna Humphrey, 89, who was visiting from Colorado, was not limited to white supremacist groups.

"There's much speculation about possible links between these crimes and the possible involvement of hate groups. This is but one facet of our investigation," said James Malloy, the chief of detectives for the Chicago police. "It would be far too early to draw any definitive links. The case is too new."

But a detective familiar with the investigation, who spoke on condition of anonymity, said police, the FBI, and the US Marshal's Office have formed a task force of at least 26 investigators and were pursuing the white supremacist link as their strongest lead.

The Cook County medical examiner's office listed the cause of death for each as multiple gunshot wounds, but the detective said both victims were shot once in the forehead with a .22-caliber gun. Lefkowitz found their bodies in a basement office of her Edgewater home when she returned home from her office at the Dirksen Federal Building.

Hale, the founder and self-proclaimed "pontifex maximus" ("supreme pontiff") of a white supremacist group he called World Church of the Creator, was arrested in January 2003 and charged with soliciting Lefkowitz's murder. A month before, she had held him in contempt for continuing to call his group by that name after an appellate court had ruled that such a use was a trademark infringement.

At the time, Hale issued a release in which he said Lefkowitz was committing "unbridled terrorism" against his group and suggested that Lefkowitz was a "probable Jew or married to a Jew." The Lefkowitzs are Episcopalian, and Michael Lefkowitz was an official with the Chicago diocese of the Episcopal Church.

US Marshals began protecting Lefkowitz after Hale was arrested in January 2003. But the protection did not last long.

US Marshal's Service spokeswoman Shannon Metzger said the protection lasted only a few weeks after it was "deemed not viable." Chicago police, however, stepped up their patrols around the Lefkowitz home; the patrols continued until Hale was found guilty in April 2004. Security cameras were also installed at the home.

Heightening the concern, Lefkowitz's address was circulated on the Internet following Hale's arrest on the solicitation charge.

The Associated Press reported yesterday that articles about the killings on some supremacist sites were accompanied by the phrase "RAHOWA," which stands for racial holy war.

Hale is being held pending sentencing next month.

"This is a tragic case, and we are committed to getting to the bottom of what happened in that home," said Hiram Grau, Chicago police deputy superintendent for investigative services.

The source close to the investigation said two .22-caliber shell casings were found in the basement.

"They were sloppy," the source said. The killer or killers apparently entered by removing a screen and breaking a window, according to the source, who added that nothing appeared to be missing from the home and that the assailants apparently left through a side door.

An attorney familiar with the case said there was blood on a stairway and possible fingerprint evidence left behind.

The casings are among the evidence being analyzed by technicians in Chicago and in Washington, D.C. "We have a lot of physical evidence from the scene," said Malloy, who would not elaborate.

The bodies of Humphrey and Michael Lefkowitz were found about 5:30 p.m. Monday. It was not clear when the judge's husband and mother were killed, although Malloy said Humphrey answered a phone call from a granddaughter at 10:30 a.m. One of the Lefkowitz daughters returned home around 4 p.m. to pick up a gym bag. The teenager did not see her father or grandmother, and police said they believe the victims were killed before she arrived home.

Yesterday, police roped off the street, not allowing reporters near the gray, wood-sided home. A lone condolence card was posted on a nearby wood fence, left by a neighbor. Hale's attorney during the solicitation trial, Thomas Anthony Durkin, refused to comment yesterday, saying Hale who passed the bar but was denied a license because of his white power beliefs represents himself.

Reached by phone last night, Hale's father, former police officer Russell H. Hale, 71, scoffed at any suggestion that his son could be involved in the killings.

"He hasn't seen the light of day for over two years" the elder Hale said. "He's in solitary confinement and doesn't see anybody besides prison guards and his mother and father twice a month." Matthew Hale ran his church out of his parent's house in East Peoria, Ill.

Police would not disclose what other leads they were pursuing, but a Chicago police source said FBI agents were reviewing cases where Lefkow convicted a defendant going back at least a year. In those cases, the FBI was interviewing defendants, victims, witnesses, and informants, the source said. A lawyer familiar with the case said investigators were looking into "a Mexican drug case," among others.

Poring over the cases could prove daunting.

"She handled literally thousands of cases in US District Court and Bankruptcy Court," said Daniel J. Lehmann, spokesman for the US District Court's Northern District of Illinois.

Lefkow was hired as a US magistrate in 1982, and worked in both District Court and Bankruptcy Court until 2000, when she was appointed District Court judge by President Clinton.

SUICIDE LINKED TO SLAYING OF JUDGE'S KIN POLICE INVESTIGATE NOTE LEFT BY MAN

Section: NATIONAL/FOREIGN;

Byline: By Eric Ferkenhoff, Globe Correspondent

CHICAGO A Chicago man who was pulled over Wednesday evening by West Allis, Wis., police in a routine traffic stop shot himself in the head as an officer approached, police said yesterday, and inside his minivan was a suicide note in which he claimed responsibility for the murder of the husband and mother of US District Judge Joan Humphrey Lefkow.

DNA tests completed last night definitively linked the man, Bart A. Ross, to a cigarette butt found at the murder scene, Chicago Police Superintendent Philip J. Cline said.

Ross, 57, had filed numerous rambling lawsuits alleging that botched oral cancer surgery had left him disfigured. One complaint filed last June was dismissed by Lefkow in September, and she ruled it could not be refiled.

A Chicago police detective, who read the suicide note and spoke on condition of anonymity, said Ross described being found in a basement utility room in the Lefkow home by Michael Lefkow about 9 a.m. on Feb. 28, and shooting the attorney. Donna Humphrey, 89, heard the shots, called out to her son-in-law, and came to investigate, so Ross said in his note that he shot her as well. The detective said Ross's note is remorseful and describes shooting them a second time, both in the head, to make sure they died quickly.

The suicide note indicated that Ross thought Lefkow's ruling against him cost the out-of-work electrician his livelihood, according to the detective. The note also listed about 20 names of doctors, lawyers, and state and federal judges whom Ross wanted to kill.

The suicide note said Ross had been living in his minivan since Feb. 16.

Bradley Sullivan, an attorney for Ross's former landlord, said Ross's lease ran out Feb. 5 and he was being evicted for nonpayment of \$530 in back rent. Sheriff's deputies tried to serve an eviction notice the day after the killing, but Ross was already gone.

Ross is not thought to be connected to white supremacist or hate groups. Immediately after the killings, suspicion focused on white supremacist Matthew Hale, who had been convicted of soliciting Lefkow's murder after she ruled against him in a dispute over a trademark.

Clothing matching that in a police sketch was found in the van, along with .22-caliber ammunition the same used in the killings.

"Results from DNA analysis by the state crime lab and the totality of the information gathered during this investigation now lead us to conclude that Ross alone is responsible for these homicides," Cline said. Fingerprint and ballistic tests were still pending last night.

WMAQ-TV in Chicago yesterday reported it had received a handwritten letter, signed Bart A. Ross, that states, "Judge Lefkow was No. 1 to kill because she finished me off and deprived me to live my life through outrageous abuse of judicial power."

At a news conference, Cline said Ross was on a list of individuals who had appeared before Lefkow that investigators should interview. Ross had not yet been questioned.

Ross had no criminal record, according to sources, which would explain why DNA testing done on a fingerprint and a cigarette butt found at the crime scene previously yielded no match.

Ross emigrated from Poland in 1982 as Bartlomiej Ciszewski, changed his name, and became a US citizen in 1988, according to the US Citizenship and Immigration Service.

Some of Ross's legal filings compared federal judges to Nazis and Osama bin Laden, and despite the inflammatory language of his filings, Cline defended investigators for not getting to Ross for an interview.

"There are over 600 leads, plus there are hundreds of names that were generated just by their cases," Cline said. "I am pleased with the progress that the task force has made."

Joan Lefkow and her daughters are under federal protection and were en route to Denver yesterday for Humphrey's funeral, which is to be held tomorrow.

Thomas Robb, one of the Lefkows' closest friends for the past 20 years, said Ross's suicide does not end the pain.

"The sadness is, these people [the Lefkows] have fought for the bottom all their life and done the best for our country," Robb said. "These are the closest people to righteous as I know."

Ross first filed suit in 1995 in state court alleging negligence by doctors at the University of Illinois Medical Center at Chicago for bungling a 1992 oral cancer operation, primarily by using radiation treatment. But that suit was dismissed two years later.

He then filed a civil rights claim in federal court. That case was finally vacated in July 2003, but Ross filed a separate civil rights suit before Lefkow on June 23, 2004. Lefkow dismissed the case "with prejudice." Ross again appealed, and the Appellate Court affirmed the dismissal last November.

In a filing last June seeking a court-appointed attorney, Ross, who had been representing himself, wrote:

"To me, the violators of my constitutionally guaranteed civil rights: the doctors, the attorneys and the state and the federal judges, are Nazi style criminals as much as those Nazi henchman US Military Tribunal was hanging at Nuremberg . . . and are to me terrorists as much as Osama bin Laden and al Qaeda who are murdering me Nazi style for almost 12 years."

The university medical center, in a statement, said, "Ross became our patient in 1992 when he faced a grave diagnosis of metastatic head and neck cancer. He received a series of treatments for his malignancy that were conservative and appropriate. Mr. Ross was fully informed of the risks, benefits, and alternative treatment options at all stages of his care, and he provided full, written

consent at every step. The treatment, while successful, does cause some disfigurement. He was cancer-free in 1995 when he was last seen at the medical center."

It was not exactly clear yesterday why Ross, described by neighbors as quiet but who solicited as much as \$10,000 from them for legal and medical bills, was in West Allis, a Milwaukee suburb.

Chicago and federal law enforcement sources said there were perhaps two judges involved in Ross's appellate case who have homes in the Milwaukee area.

MURDERER'S ARREST ENDS FUGITIVE LIFE AS CHICAGO POET

Section: METRO/REGION;

Byline: By Donovan Slack, Globe Staff and Eric **Ferkenhoff**, Globe correspondent

In Chicago, he is one of the city's most beloved antiwar poets, an author of two books and a congregation leader at a West Side church. But in Massachusetts, he is notorious for executing a clerk at a Saugus clothing store in 1960, aiding in the murder of a Middlesex County jailer in 1961, and then escaping from a Norfolk County correction center in 1985.

Yesterday, his past and Massachusetts authorities caught up with Norman A. Porter Jr.

Now 65, the man on the "Most Wanted" list has been living in Chicago for at least a decade as Jacob Jameson. As J.J. Jameson, he has been a frequent performer at Chicago lounges and was named Chicagopoetry.com's poet of the month in March 2004.

Illinois State Police arrested Porter about 11:30 a.m. in a Chicago church after a monthlong investigation, triggered by an FBI fingerprint search that matched Porter with the poet. Investigators from the Massachusetts State Police aided in the apprehension and said Porter did not put up a fight.

"He told us the same thing he told the Illinois State Police, that 'I had a good 20 years,' " said Detective Lieutenant Kevin Horton, one of the Massachusetts investigators. Horton said Porter acknowledged who he is and "said he was expecting this day to come."

After an extradition hearing today in Chicago, Porter is expected to be returned to Massachusetts, where he has been indicted on a felony charge of prison escape and faces additional penalties for parole violations. Prison escape carries a 10-year maximum penalty, in addition to whatever remains on a convict's sentence. For Porter, that sentence is life.

His life in Chicago held few clues of his criminal past, save perhaps a verse or two from a poem. One, listed on e-poets.net, is called "Thoreau's Grave."

"His grave is outside a walled prison. His grave, his grave, wrapped around a prison. A quiet desperation he would not have understood," Porter reads on an audio file on the website.

One neighbor in Chicago said she nearly fell off her couch when news reports identified Porter as a fugitive.

"He was a beautiful person," said 48-year-old Debra Selby, who lives across the street from the apartment where Porter was living. "He helped a lot of people. Whatever you needed, he did. You went to him, you talked to him, and he made it happen."

Porter's criminal history in Massachusetts began with a string of robberies. On Sept. 29, 1960, he robbed a Robert Hall Clothing Store in Saugus, brandishing a sawed-off shotgun. Porter herded customers and employees into a back room and ordered them to give up their valuables, according to the state Department of Correction.

"As a part-time clerk was reaching into his pocket for his cash, Porter, with no known provocation, placed his shotgun's muzzle against the back of the clerk's head and pulled the trigger, killing him 'execution style,' " the department's website states.

Porter was caught in New York, and while awaiting trial in a Middlesex County jail the following year, Porter assaulted the chief jailer, while an accomplice, Edgar Cook, shot and killed the jailer. Both escaped. Cook committed suicide, and Porter was caught a week later in Keene, N.H., while he was robbing a grocery store, the Correction Department's website says.

Porter pleaded guilty to second-degree murder in both slayings and was sentenced to two consecutive life terms.

During his time in prison, Porter earned a degree from Boston University, published poetry, and started a prison newspaper and radio station.

In 1975, Governor Michael S. Dukakis commuted Porter's first life sentence, and he began serving his second sentence. Dukakis tried twice in 1978 to commute that sentence, as well, but was unsuccessful.

On Dec. 21, 1985, Porter walked out of a minimum-security facility, the Norfolk Prerelease Center, and didn't come back. He has been one of the 12 most wanted fugitives in Massachusetts ever since.

Records show he has been living in the Chicago area for at least the past decade. Friends said he has been in the Chicago area since his escape.

In 1999, a Chicago press published his "Lady Rutherford's Cauliflower," a well-received book of poetry that has gone into multiple printings, according to e-poets.net. He later published a second book, "Lord Rutherford's Rutabaga."

A biography on the website says Porter is "a New Englander by birth, a progressive by politics, labor activist by ethical necessity, and a working man by trade." He is a labor-rights activist who has appeared on local radio and television programs, as well as on stages around the city, according to the biography.

During his time as a fugitive, Porter had run-ins with the law at least five times, including once in Washington state and three times in the Chicago area, according to a Massachusetts law enforcement official involved in the investigation.

In 1989 as Jacob A. Jameson of LaGrange, Ill. he was arrested and charged with drunken driving and driving without a license. In 1990 or 1991, he was arrested and charged with shoplifting in Olympia, Wash., said the law enforcement official.

In 1993, he was arrested, finger printed, and charged with theft after he allegedly wrote a check to a handyman that bounced, a case that was later dismissed, according to Chicago's Cook County Circuit Court Clerk's office. That same year, he was arrested on a warrant on a fleeing offense, though the law enforcement official could not provide details.

Within the next year, Porter was pulled over by police and cited for driving without a license again. This time, he gave a Maywood, Ill., address, and because authorities did not have a Jacob Jameson at that address in their records, they created a file for him, according to the Illinois Secretary of State's office.

At some point last month, FBI investigators running Porter's fingerprints through a database came up with a match to the 1993 theft arrest, according to the law enforcement official. FBI investigators notified the Massachusetts Department of Correction, which notified State Police, and the hunt for Porter began anew.

After running Porter's alias, Jameson, through Internet searches, investigators discovered their fugitive was an established poet who also had ties to a progressive Unitarian church on Chicago's West Side.

Horton, the State Police Investigator, was at a loss yesterday to explain why, after trying to run Porter's prints for all these years, authorities finally got a match.

"We don't know," he said. Illinois officials could not immediately say yesterday when the state began putting fingerprints of all known criminals into a nationwide database.

Three Massachusetts State Police investigators and three Department of Correction officials arrived in Chicago Sunday and turned up nothing. Yesterday, they decided to go to the Third Unitarian Church.

"Honest to God, he just walked in," Horton said.

Horton said Porter is not married and "looks like a sick old man who hasn't eaten a good meal in about 10 years."

Horton described Porter's home, a tiny second-floor apartment across the street from the church, as a wreck.

"He was living like a pig," Horton said, adding there was dog feces on the floor and clothes strewn about. "It was a mess."

Selby, Porter's neighbor, said Porter helped run a food pantry and helped out with the homeless at the church. He was also the church historian and helped arrange a memorial for Selby's 15-year-old son, who died in 2002 of a seizure disorder.

"It's unbelievable," she said about his criminal past. "He appeared on the news, and I thought, 'Ah, no, this can't be this man.' "

Gordon T. Walker of Boston, Porter's longtime attorney, said Porter has called three or four times over the past two decades just to say hello.

Yesterday, Porter tracked down Walker's cellphone number and called to say that he had been caught and that he will waive extradition and be back in Massachusetts by tonight.

"He sounded a little relieved, actually," Walker said, "and resigned."

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Notes

Material from the Associated Press and Suzanne Smalley of the Globe staff contributed to this report. Ferkenhoff reported from Chicago.

COLLEGE IN ILL. EVACUATES MINORITIES AFTER THREATS

NOTES TARGETED BLACK, HISPANIC STUDENTS

Section: NATIONAL/FOREIGN;

Byline: By Eric **Ferkenhoff** Globe Correspondent

BANNOCKBURN, Ill. - Officials at a small Christian college north of Chicago evacuated scores of minority students from campus after menacing letters, including one in which a threat to shoot a black student was made, were received by at least three minority students.

The partial evacuation was carried out late Thursday, but classes resumed at Trinity College as scheduled yesterday morning. At least some of the undergraduate students who left campus remained holed up at an unidentified hotel or with relatives and friends in the area while the FBI, local police, and the college's administrators investigated the threats.

Two letters targeting African-Americans and one sent to a Hispanic student were received in the past two weeks, and at least two came through the school's internal mailing system. The similarity of the threats, handwritten on notebook paper, and the use of the

school's mail has led authorities to suspect that one person, possibly a student, was responsible. Professors were asked to examine the notes to see whether the writer could be identified.

Police and school officials would not disclose the entire contents of the letters, although the last note, received Thursday, mentioned a weapon, said Bannockburn Police Chief Kevin Tracz.

"When the third letter came to the attention of the administration on Thursday, we decided to act with the utmost precaution," said Trinity spokesman Gary Cantwell. He denied media reports that they were sent to white female students who were dating black athletes.

Tracz said Trinity officials were right to act because this week coincides with the anniversaries of the nation's deadliest school shooting at Columbine High School in 1999 near Denver, the 1995 bombing of a federal courthouse in Oklahoma City, and Adolf Hitler's birthday. "They just didn't want to take any chances, and I agree with them," he said.

School officials said about 260 minority students enrolled in the college, mostly black and Hispanic, were advised to leave. Many did, including some from the area who went home. The college, with a total enrollment of about 1,000, of whom 695 live on campus, said 43 students stayed in hotel rooms paid for by the school, which is part of Trinity International University and affiliated with the Evangelical Free Church of America. The university has campuses in other states.

After the last note was received, by a black female student, college administrators asked school security and members of a diversity council at the school to call and go door to door. They gathered the minority students in the student center before sending them off-campus.

"We are absolutely committed to diversity . . . a diversity that reflects the Kingdom of God, which includes people of all nations and races," said Trinity International University president Gregory Waybright during a news conference yesterday attended by the Rev. Jesse Jackson and a number of students who vouched for the college's tolerance. No other incidents of racial tensions or violence had been reported on the campus recently.

Jackson, who met with students, said, "It would have been the height of irresponsibility to have taken three threatening letters not seriously."

While not in class, many students stood in the rain, talking. School administrators, on the advice of police, had ordered them not to speak to the media. But several said privately they were disgusted by the incidents. "We were afraid, and we have to take the threats seriously in this day and age," said one African-American student who asked not to be identified.

The parent of another black student, who had attended a high school near Columbine that was locked down when the shootings there occurred, said, "There are no pranks anymore."

"My son had been enjoying the school, but they told him the letter said someone was going to start shooting black students this morning," said Darby Love, mother of football player Lamont Love, 20. "He's scared. It's confusing."

But Watson Jones, an African-American student who was at the news conference, suggested that minority students would persevere. "We're not letting a situation like this get us down," he said.

Chicago FBI spokesman Ross Rice said agents were dispatched to the college late Thursday. While there is no federal jurisdiction over the case at present, he said, that could change if a suspect is captured and is found to have violated federal civil rights or hate crime statutes.

PANHANDLING CRACKDOWN PROMPTS DEBATE

Section: NATIONAL/FOREIGN;

Byline: By Eric Ferkenhoff Globe Correspondent

EVANSTON, Ill. - This Chicago suburb, an old, picturesque town noted for Northwestern University and multimillion-dollar mansions lining Lake Michigan, has long been considered a liberal bastion. Its politics lean left, and social services are aplenty.

But for the most marginalized individuals, those forced to beg to pay for a meal or a place to stay, Evanston is clearly not the place to be following the launch last week of a campaign to stop residents from sparing a dime or a dollar for panhandlers.

About 1,000 posters full color and reading "Please find another way to give" are being placed in storefronts, on Northwestern's campus, and at train stations; fliers are being handed to shoppers asking them to save the change in their pockets for social service agencies in town.

Critics see the move, paid for by a private foundation and organized by businesses, social service agencies, and the city, as a cruel waste of funds better spent on education, housing, jobs, and rehabilitation to make a real dent in homelessness.

"Nobody's getting rich panhandling," said Edward Shurna, head of the Chicago Coalition for the Homeless. "They're doing it because they don't have enough money to survive and sometimes programs aren't enough for day-to-day expenses."

Shurna added, "I'm surprised that Evanston, known as such a liberal, progressive town, is doing this. This is not going to end homelessness. Giving is a human act and it doesn't create homelessness."

While crackdowns on panhandlers have been occurring across the country, some longtime Evanstonians, who take pride in the city's liberal bent, found the initiative troubling.

"This is just uncharacteristic of this city," said longtime resident Kenneth Janda, a professor emeritus of political science at Northwestern. "We voted for McGovern here. I'm puzzled. We had one of the earliest busing programs [for desegregation], a church here served as a refuge for the Weathermen, and it's very diverse."

Not all homeless advocates are upset. "It's fostering dependence on handouts when they give money to them directly," said Will Sundblad, executive director of Connections for the Homeless. The Evanston group, which estimates the city has at least 200 homeless people, runs a 36-bed shelter, food pantries, soup kitchens, and programs to link people with job opportunities and housing. "Panhandling can hurt. It's not good for the community and it's not good for our services."

The city of more than 74,000, where the average price of a single-family home is around \$290,000, is big on the environment and has many residential services. Evanston offers Dutch elm disease insurance and free compost and wood chips, hosts an annual "global village" fest, has poetry awards. Politically, the area is bedrock Democratic.

Evanston's history is more conservative. Nine devout Methodists founded Northwestern and helped build the town in the 1850s. It was where The Women's Christian Temperance Union was founded in 1874. Evanston was dry until the 1970s and voted Republican for its first 100 years.

A political metamorphosis began after World War II. By 1997, the city had become the first Illinois municipality by unanimous vote to extend civil rights protections to the transgendered.

Evanston officials insist that the panhandling campaign, which began Tuesday, fits its reputation and that it shows compassion for those on corners holding out paper cups for loose change.

"It's a double-edged sword," said police Chief Frank Kaminski, "because it's a caring community that takes care of its needy. But there are people who are aggressive in panhandling people can feel intimidated and you're not helping them by putting money in a cup." Evanston has laws against panhandlers who harass passersby or ask for money near an automatic teller machine.

Kaminski said the city tried a similar ad campaign with some success in the mid-1990s, and over the years police have tried to track local panhandlers. Many, he said, were not Evanston residents, or even homeless, and most used donations to feed their addictions.

But some panhandlers think the real motive might be protecting downtown boutiques.

"I can see their point us standing in front of their store asking for money, because their clientele is coming in to spend money in these stores," said Larry Jones, 55, who says he sometimes stays at a shelter and has been panhandling for the past 17 years. "A lot of guys are aggressive, trying to force people, and people are getting tired of it. So I can understand where they're coming from, but I can't let that stop me from trying to survive."

The campaign is being paid for by a local private foundation. City officials refused to name the foundation or give an exact price tag for the campaign other than to say it cost "several thousand" to print the posters and fliers.

Around the country, cities are cracking down on homeless people who beg. Last week, the chief of police in Minneapolis recommended jail and fines for panhandlers who fail to register and wear IDs. In Chicago last year, aldermen approved fines up to \$100 on panhandlers who "aggressively" beg by touching people, blocking paths, or using abusive language.

Evanston officials say they are not trying to banish the homeless. "Rather than just sweep panhandlers off the street they have a right to be there we wanted to target the supply and put that money with organizations that can really help," said Jonathan Perman, executive director of the Evanston Chamber of Commerce. "We are a community that offers an extraordinary set of services and has compassion."

Bob Thompson, pastor of Evanston's Lake Street Church, understands the city's pitch that social service agencies, not money from panhandling, provide the best safety net. But he doubts it's the answer to homelessness's underlying ills, saying, "These agencies deal with problems after they present themselves."

Thompson also predicts the program will be short-lived. "My guess is a year from now, there won't be signs in windows, there will still be panhandlers, and in three or four years the conversation will emerge again."

IN CHICAGO, ANIMAL DEATHS PUT SPOTLIGHT ON ZOO

Section: NATIONAL/FOREIGN;

Byline: By Eric **Ferkenhoff**, Globe Correspondent

CHICAGO The Lincoln Park Zoo, established in 1868, is a beloved Chicago institution, with free admission for the 3 million visitors who flock to the Lake Michigan shorefront facility that touts itself as a "world-class zoological garden."

But the zoo is under investigation by federal authorities and the nation's top zoo accreditation body after the recent deaths of nine animals, including three monkeys last week, which prompted the zoo's president to submit his resignation.

Kevin Bell, who has run the 1,200- animal zoo since 1993, offered to quit his \$310,000-a-year job Thursday afternoon, but it was rejected by zoo board chairman Jay Proops, who suggested that the offer was hastily made during difficult circumstances.

"We've had a rash of animal deaths that we all feel very, very bad about, and we're committed to finding out what's going on," Proops said. But he added, "I do not feel it is in the best interest of the institution to even consider his resignation until . . . the board can make clear judgments based on fact, rather than speculation."

Since October, the zoo, which is nestled in the lush park lining Lake Michigan, has been confronted with the deaths of two gorillas, three elephants, and a camel, as well as the three Francois langur monkeys that died last week.

Although the zoo has invested about \$200 million over the past decade to expand exhibits, modernize the facility, and hire top scientists and healthcare providers, some animal rights groups worry that the zoo has some of the same problems that have rocked other old, urban zoos, such as the Smithsonian's National Zoo. Those include insufficient space and taking on animals that do not adapt well to climate changes.

Some animal welfare groups urge caution in the Lincoln Park case, even as they express growing concern. "It's certainly a bad sign that so many animals have perished in such a short span, but it's easy to call for someone to be fired," said Wayne Parcelle, [SEE ATTACHED CORRECTION] president of the Humane Society of the United States.

"Zoos are here to stay, but even in the more established zoos, there are a whole host of fundamental problems that really require examination, such as . . . whether certain animals belong in certain climates: Do polar bears belong in Miami or Phoenix ,and do elephants belong in Chicago and Minneapolis?"

Other activists, such as the People for the Ethical Treatment of Animals, have protested that Lincoln Park has cramped quarters for many animals and not enough shelter or indoor space to protect animals during Chicago's cold winters charges denied by zoo officials.

"The old zoo had all the space for the visitors and not as much for the animals," said Lincoln Park Zoo spokeswoman Kelly McGrath. "We've flipped that around in recent years. The size of the zoo is still the same, but the room for animals has greatly expanded."

The American Zoo and Aquarium Association, which accredits zoos, including Lincoln Park, has opened an investigation into the zoo's entire operations.

"We will look at animal management at the zoo, and this cluster of deaths in particular," said Bill Foster, head of the Birmingham Zoo and president of the zoo association. The audit will examine living conditions for all animals, veterinary care, and the zoo's management structure.

After such examinations, the association makes recommendations for whatever changes are needed. In extreme cases, the association can suspend or strip a zoo's accreditation.

The Zoo at Ross Park in Binghamton, N.Y., was stripped of its accreditation last year and two Hawaii aquariums forfeited their association membership due to financial and management concerns. The Los Angeles Zoo fell into disrepair in the 1990s had its license briefly suspended, and the Birmingham Zoo lost accreditation in 1997 and did not earn it back until 2001.

Foster, who took over the Birmingham Zoo last year, cautioned against rushing to judgment in the Chicago case. "The zoo is being very open, and it may be nothing more than a bad set of unfortunate circumstances and it's too early to say [the deaths] were caused by malfeasance or neglect."

Parcelle said his group works closely with the American Zoo and Aquarium Association, but said a more independent study of Lincoln Park may be warranted, given the high number of deaths.

The zoo is also under investigation by the US Department of Agriculture, an inquiry that was launched this month after department officials reported that the December death of a Bactrian camel might be tied to unsuitable shelter at the zoo. Zoo officials said the camel suffered gastrointestinal problems. But animal rights activists had filed a complaint with the USDA, saying the camel was found dead after being left overnight outside on in chilly weather.

Death galvanized critics

The protest movement gathered strength after the May 1 death of an African elephant that had been moved with two companions to the Lincoln Park facility from San Diego. The elephant Wankie, who was being shipped to a new home in Salt Lake City, became ill en route and was euthanized upon arrival .

A preliminary pathology report released Friday suggested Wankie suffered from a long-term bacterial illness that ruined her lungs. An official cause of death is pending, but PETA has tried to tie Wankie's death to zoo conditions during her 2-year stay in Chicago, saying there was very little space for the elephants and the temperatures were too low.

Necropsies on the monkeys that died last week are pending.

"There's an inherent problem at that zoo," said Debra Leahy, who monitors zoos, circuses, and other animal exhibits for PETA. "It is small and the animals pay a terrible price for living in such cramped quarters."

Leahy said the elephant exhibit was poorly planned. "These elephants were put into a new exhibit that they spent millions on, and anyone could have seen it was a bad idea on paper, and it was unconscionable that they could have created such an exhibit," she said, adding that the elephants, weighing about 10,000 pounds, were given less than a third of an acre to roam. "A 100-mile walk before breakfast is a mere stroll for these animals."

McGrath, of the zoo, dismisses the criticism. "Elephants have lived here for 115 years," she said. "Our exhibits exceed AZA standards for elephants. Their daily care includes a staff of veterinarians, animal behaviorists, nutritionists, epidemiologists, and animal keepers."

Lincoln Park Zoo has not decided whether to take on more elephants. The decision to move Wankie to Utah, in fact, followed the death in October of a 35-year-old elephant of lung disease and the January death of a 55-year-old elephant, who had suffered various complications because of old age. Both elephants had arrived with Wankie from San Diego.

After the monkeys' deaths last week, the zoo emptied the exhibit that housed the monkeys and quarantined a fourth monkey pending necropsies. Zoo officials said they had not pinpointed the cause of deaths, but suggested that the monkeys fell ill after being moved from one exhibit space to another in recent weeks.

Concerns raised elsewhere

Lincoln Park is not alone in drawing criticism from activists and queries from the government. Many of the nation's premier zoos are old, built in the late 1800s or early 1900s. Parceller says zoos have come a long way since the 1970s when, he said, the zoo situation was "very grim" by investing in more naturalistic habitats and putting more emphasis on science and conservation.

But he said there is still much room for improvement, by putting more focus on conservation and showcasing rescued animals, and by tightening laws to govern the 1,000 or so "roadside menageries" that are not under the zoo association, which lists 211 accredited zoos nationwide.

The National Zoo in Washington D.C., for example, drew heavy scrutiny following the deaths of several animals, including two red pandas and a macaque.

The head of the National Zoo resigned in December, about a month before a National Academy of Sciences committee issued a report saying the zoo, while improved, needs to do a better job tending to its 2,500 animals before regaining its reputation.

National Zoo spokeswoman Peper Long said the zoo suffered a decline in facilities and funding for about 10 years. But with investment in sciences and facilities, Long said "the National Zoo is very much on the way back."

In Boston, the Franklin Park Zoo drew inquiries from the Agriculture Department and the accreditation body after the gorilla Little Joe broke out of his habitat in the fall of 2003, injured a zoo employee and the employee's 2-year-old niece before briefly terrorizing the neighborhood.

The incident led to changes at the zoo and more secure exhibits. But in March, the mother of the injured child filed suit in Suffolk Superior Court alleging the zoo failed to protect the public from an animal with "superhuman strength." And PETA's Leahy said conditions at the zoo, especially for Little Joe, remain lacking.

"We're very concerned that he's being kept in isolation, and not being let outdoors still," she said. "That's just cruelty to keep him by himself, off exhibit."

"That's totally inaccurate," said Melissa Grossenbacher a spokeswoman for Zoo New England, the nonprofit that runs both the 92-year-old Franklin Park and Stone Zoo in Stoneham. "It's not the ideal situation [for Little Joe], but we are doing the best we can by him. He's certainly not alone." She said Little Joe interacts with other gorillas during the day and night, and with zookeepers.

Grossenbacher said there is an outdoor area for Little Joe to visit, but he can't be put back on exhibit because the modifications to allow that would cost "upwards of \$2 million." In the meantime, she said, the zoo continues to seek another home for Little Joe.

HISTORIAN TO SHOW TWO SIDES OF BLACK LIFE

Section: NATIONAL/FOREIGN;

Byline: By Eric Ferkenhoff, Globe Correspondent

CHICAGO As the first African-American to head the Chicago Historical Society, Lonnie C. Bunch has spent the past four years immersed in a city rich in black culture, from the legendary blues of Buddy Guy to the art of Richard Hunt and Alan Stringfellow. This is also home to such powerful black voices as Jesse Jackson, Louis Farrakhan, Oprah Winfrey, and the late poet laureate Gwendolyn Brooks, as well as Jet and Ebony magazines.

But the city, about 34 percent black, still bears the scars of the 1968 riots following the death of Martin Luther King Jr. It remains largely segregated and has elected just one black mayor, Harold Washington in 1983. Black babies die at about twice the rate of white babies, and blacks account for about 53 percent of HIV cases and 73 percent of murder victims.

It's that rounded picture of black life that Bunch wants to bring to his new venture, which begins next month: He will be director of the Smithsonian's new National Museum of African American History and Culture.

"The museum has got to be much more than a place of famous firsts and positive images," said Bunch, who is 52. "To be an honest historian, I have to find the tension between those wonderful stories of achievement and those that illuminate the darker side."

First proposed in the 1920s, the idea of an African-American museum resurfaced in the 1960s, when it was thwarted by Southern lawmakers during the divisive civil rights debate. Representative John Lewis, a Georgia Democrat who marched with King, resurrected the museum idea after he was elected to Congress in 1986.

Although the Smithsonian had started an outreach program in southeast Washington, D.C., in 1967 that grew into a respected African-American center, studies done by the Smithsonian in 1991 and a presidential commission in 2003 found that a more comprehensive institution was needed. That year, President Bush signed a law to build the museum, which may not open for 10 or 15 years.

So far Congress has dedicated about \$4 million for planning, with the final cost estimated at \$300 million to \$400 million.

To capture the breadth of the black experience, Bunch envisions exhibits on black Civil War heroes, Malcolm X, and King, as well as presentations on such modern realities as street gangs, single mothers, and the disastrous experiment with high-rise public housing.

"There is a gap between how the young and the older generation understand the black experience," said anthropologist and museum consultant Deborah Mack, who served on the search committee. The museum "will have to reflect a different worldview than we know right now."

One definite display will be the lunch counter from Greensboro, N.C., at which black students staged a sit-in in 1961 to protest the restaurant's refusal to serve them. The counter is currently housed in the Smithsonian's museum of American history. Bunch also expects to display slave shackles and the worn shoes of civil rights marchers.

"There will be Spike Lee just as well as there will be Frederick Douglass," Bunch said.

Charles J. Ogletree, a Harvard Law professor and search committee member, said Bunch's challenge will be "telling a story as old as yesterday and as modern as tomorrow. It's hard to live in both worlds, but he has to have that."

In February, during an event marking Black History Month, President Bush supported building the new museum on the Mall, where 10 of the Smithsonian's 18 museums are located. Bunch said four sites are being considered, only two of which are on the Mall.

Many African-American groups have said they would consider it a slight if the museum is not built on the Mall. The National Museum of the American Indian opened last year on the Mall and is the only Smithsonian facility concentrating on a racial minority. It opened 15 years after Congress passed legislation to create it.

Bunch says his biggest challenge will be how to teach black America about itself while drawing in people of all races and every generation. "It has to be this lens into what it really means to be an American, so everyone is interested in it," Bunch said.

Smithsonian chief operating officer Sheila Burke said there is a loose timetable for the museum to be built. "I don't have patience for 15 years," Bunch said. He insists the museum will be a visible presence before there is a building, through collaborations on exhibits throughout the country, outreach, education, and a virtual museum on the Internet. "Once I start work, the museum exists," he said.

Bunch comes to the job having twice worked at the Smithsonian. "Let's face it, this will be one museum in a constellation of museums, and being able to appreciate the politics of the Smithsonian will be critical," said Rodney E. Slater, a lawyer, a transportation secretary under President Clinton, and a member of the museum's search team. "Lonnie brings that. But he also had the perspective."

Bunch also has a track record of raising cash, including about \$19 million for the Chicago Historical Society. "I know I have to be the drum major for this" who "holds out his hand," he said.

The son of teachers, Bunch grew up outside Newark, earned undergraduate and graduate degrees in history from American University in Washington, and worked his way up the museum ranks. He worked in education programs at the Smithsonian's Air and Space Museum until the early 1980s. He also taught at the University of Massachusetts at Dartmouth from 1979 to 1981 before moving to Los Angeles, where he was curator and program manager for the city's African-American museum.

"I like to say when you're from New Jersey, you learn to fight, but when you go to school and work in Washington, you learn to be diplomatic. And both of those skills will serve me well," Bunch said.

His last project at the Chicago Historical Society will be an exhibit next month on lynching in America, which will feature original courtroom sketches from the only artist who covered the trial of the two white men charged with killing a black teenager, Emmett Till, for allegedly whistling at a white woman.

But the timing of the Bunch's job offer from the Smithsonian, which was made in March, was difficult, coming just days after announcing a \$22 million expansion of the Historical Society. Leaving this city, he said, will not be easy. "There's never enough time to learn Chicago," he said.

Born at the beginning of the civil rights era, and a lifetime academic, historian, and curator, Bunch acknowledges that he still has plenty to learn about African-American history as well.

"It's daunting because the stories are so grand and the issues are so important, so close to the surface . . . it's too important to be mediocre."

A TANGLED WEB OF SEX, TECHNOLOGY, AND CIVIL LIBERTIES
POLICE POST SUSPECTS OF SOLICITATION ONLINE

Section: NATIONAL/FOREIGN;

Byline: By Eric Ferkenhoff, Globe Correspondent

CHICAGO Every year, some 4,000 men and women are arrested on prostitution charges in this city, about a quarter of them johns who troll the streets looking for people who will trade their bodies for a quick high, a meal, or a few bucks.

It is a problem that has been attacked mostly by rounding up the prostitutes and customers, charging them with minor offenses, and releasing them. But last week, Mayor Richard M. Daley said he is borrowing a controversial tactic tried in a few other cities: shaming the customers by plastering arrest photos on the Internet.

But not one of the 200 or so men and women who so far have been shown on the website have been convicted, which concerns defense attorneys, civil libertarians, and constitutional scholars.

They say a Police Department disclaimer that the individuals have not been convicted is not enough to prevent them from having permanent notoriety.

"When you are arrested, people will know," Daley said in announcing the website, which started Tuesday. "I don't have to tell anyone how fast information travels on the Internet." By last night, there had been nearly 180,000 hits on the site, which also lists the block on which the suspects live and their ages.

The site's disclaimer states "these individuals are presumed innocent until proven guilty in a court of law."

That, according to some critics of the tactic, is exactly the problem. Police will update the site daily, removing old pictures after 30 days. But there is no stopping people from copying the pictures even of those eventually found not guilty or who have charges dropped and sending them to co-workers, friends, and loved ones of the suspects, or just about anyone.

"It's analogous to the old days when people were put in stocks in the public square to shame them," said Michael Linz, legal counsel for the American Civil Liberties Union of Texas, where in Dallas, police post pictures of people charged with solicitation, as well as indecent exposure and public lewdness. "Is there any legitimate police service in the public interest with this? I would suggest not. And since when is public shame a police or public concern? And who visits these websites anyway?"

According to police in Akron, Ohio, plenty of people. Their Internet posting, which was launched in late 2003, draws more viewers than any other page on the Police Department's site. Other cities looking to shame customers out of the trade are Denver, which puts information on people charged with soliciting on a public access station, and Oakland, Calif., which puts the mugshots of people convicted of soliciting on billboards in the city.

"It's great to show who these guys are, but they should get the same penalties as the women," said Lucretia Clay, 40, who said she got out of the sex trade two years ago after suffering beatings and rape at the hands of pimps and customers. "It needs to go further, because if these men weren't out there, the women wouldn't be turning dates."

Samir Goswami, a senior policy analyst with the Chicago Coalition for the Homeless, has been pushing for ways to shift blame to the customers and pimps and away from the prostitutes. Daley agreed, saying they were often "victims of sexual abuse and domestic violence from a very young age [and] spend their lives surrounded by criminals and drugs."

Goswami said the Internet page was just one of many ideas considered in the past two years by a group of law enforcement, social service, and city officials to cut into the prostitution problem.

"Only a fraction pick up prostitutes on the street, which this deals with," Goswami said, noting that the bulk of the sex industry operates indoors, including escort services, strip clubs, and massage parlors.

One of the coalition's chief projects is pushing a bill to allow prostitutes to sue pimps and customers for physical and emotional damages in state civil courts. The proposal won overwhelming approval in the Illinois House last session and will be taken up by the Senate Judiciary Committee, whose chairman, John Cullerton, said he expects wide support.

David Bayless, spokesman for the Chicago Police Department, acknowledged that far more arrests are made of prostitutes than customers and that the penalties are tougher for prostitutes, but he said this is a step in the right direction.

But whether the program will cut into Chicago's prostitution problem is an open question.

A spokesman for the Boston Police Department said yesterday that the department has never put pictures on the Internet of suspects in prostitution cases. Cities that have tried such public postings report mixed results.

Starting in 1997, police in Kansas City, Mo., posted for several years the pictures of men and women arrested but not yet convicted of soliciting prostitutes on a municipal cable station called John TV. But the program is currently on hold, in part because prostitution arrests started creeping back up after an initial drop after the program was launched.

"Later on, the benefits started to drop somewhat," said Captain Rich Lockhart, who worked on teams targeting the trade along Independence Avenue, a storied prostitution site in Kansas City.

"Still there was success, I'd say, because we certainly changed the clientele," Lockhart said. "We used to have the suburbanites coming down to Independence, but that changed. They stopped coming. The shame factor worked on them."

The Chicago Internet site shows plenty of men from the suburbs. But Goswami said he thinks the effort could fail. "You may shame some of them, and you may deter some of them, but it's not going to make a dent in the industry."

SIX YEARS AFTER FIRST 'SAFE HAVEN' LAWS, BATTLES STILL RAGING

Section: METRO/REGION;

Byline: By Eric Ferkenhoff, Globe Correspondent

CHICAGO For two years, Tracy and her husband had been waiting for word that a baby was available for the central Illinois couple to adopt. Finally, on a Saturday morning in April 2001, they received a call. Would they adopt a newborn who had been abandoned at a hospital under a new law that allows mothers to drop off their babies within 72 hours of birth at hospitals and police and fire stations without risking prosecution?

Two days later, baby Matthew was theirs.

"I can't say how, but my husband and I just knew this was the right call," said Tracy, 37, who gave only her first name to protect the identity of her son, the first child turned over after the Illinois law passed. "Who knows what could have happened to him if this law wasn't in place?"

The Illinois law, which was due to expire next year, will become permanent in coming weeks when Governor Rod Blagojevich signs the bill, which passed the Illinois Senate 57 to 0. Yet despite success stories like baby Matthew's, such so-called "safe haven" laws have generated great controversy in the six years since states first started enacting them.

Only four states Vermont, Nebraska, Alaska, and Hawaii do not have safe haven laws. California's law is due to expire in the fall and has been the subject of debate in Sacramento this legislative session. A bill to extend the law recently was approved by a House committee, but more hearings will be held before a final vote.

"We're fighting this," said Marley Greiner, executive chair of an adoption advocacy group called Bastard Nation, who has testified before California's Legislature against safe haven laws. "We know there are legislators who object to this law, but not many are going to come out and say it because people will accuse them of voting not to save a baby. It's a tough spot. But we're trying to make the point that these laws hurt more than they help by actually encouraging women to abandon their babies."

Greiner's group and sister organizations throughout the country are fighting an uphill battle. But they promise to be vocal in the few states without laws, including Hawaii, where a bill originally vetoed by Governor Linda Lingle in 2003 is hung up in the Senate. In Vermont, a bill to allow safe havens stalled in the House Judiciary Committee and will be taken up again in January. In Nebraska, a state committee is studying whether such a law is needed. The Massachusetts safe haven law took effect last October but will expire in 2008 unless it is made permanent.

Idaho and New Mexico may tighten their safe haven laws, specifying where a child can be left and how much information needs to be shared with authorities about the baby's health history.

"You don't need a law to tell a woman it's not a safe idea to leave a baby in a trash can," said Adam Pertman, head of the New York-based Evan B. Donaldson Adoption Institute, which has lobbied against safe haven laws. Pertman, who authored "Adoption Nation," said the heinous cases of infant deaths fuel demands for better laws. But while these laws may seem like an obvious solution for troubled mothers who might otherwise kill, abuse, or neglect their children, the laws can have a negative effect, he said.

"Are [babies] being left in safe havens? Yes. But there's no reason to think these same women wouldn't have been placed in safe areas, with an adoption agency, with a grandmother, anyway," Pertman said. "Now, [the newborns] don't have an identity, they don't have medical information."

It's the ease with which babies can be legally abandoned that concerns adoption advocates. Women who may be thinking twice about having a baby, or who may be suffering the initial stress after delivery, might use these laws as an excuse to simply dump on someone else rather than seek counseling or place them with a relative, according to Pertman and a 2003 Donaldson Institute study.

"Those who are in enough of a crisis to abandon a baby will probably still do so, and they're not getting the help, the true social services they need," said Melissa Barrigar, vice president of Ethica, an adoption advocacy group in Tennessee, who testified against extending the Illinois law.

Groups such as Ethica also worry that abandoned newborns could be funneled into overburdened state child-welfare agencies and bounced between foster homes, or end up in state-run children's homes instead of with stable families screened by adoption agencies.

The idea of safe havens first took hold in Alabama's Mobile County in 1998, after what District Attorney John Tyson described as a "very rough" murder in which a baby was drowned in a toilet upon birth by the mother and grandmother. Both women were convicted of murder.

The first statewide law was passed in Texas in 1999. Alabama adopted a state law the following year.

There is no official count of babies recovered through safe haven laws because of confidentiality concerns of hospitals and police, although safe haven advocates keep track in some states.

Dawn Garris, head of Save Abandoned Babies Foundation in Illinois, said she has found 561 cases across the country, though she says the count is unofficial and based largely on reporting by groups like hers and from news accounts.

Critics contend that number is greatly exaggerated because many abandoned babies were counted as "saved" under the law, regardless of where they were abandoned.

"Here in California, they include a 2-day-old baby who was left alone outside a bar in a shopping cart," Greiner said. "Is that a safe haven?"

MICH. BEACHGOERS WIN ROUND IN THEIR FIGHT FOR PUBLIC ACCESS

Section: NATIONAL/FOREIGN;

Byline: By Eric **Ferkenhoff**, Globe Correspondent

UNION PIER, Mich. - Having shelled out \$10,000 to spend four summer weeks in this quaint lake town, Michele Flanagan assumed she had the right to walk the shores of Lake Michigan.

But 30 yards to her left, as she sat last month on a small stretch of public beach, was a sign warning that the sand stretching from the water's edge to a large hill leading up to multimillion dollar homes is private. Off-limits. Another sign was posted about 30 yards to her right.

"Ridiculous," said Flanagan, 45, a vice president of planning and marketing at Chicago's Rush University Medical Center. "It's silly. It's all the same beach, and who's to say whose it is."

Michigan has become the latest front in the ongoing war between beachfront property owners and the great masses who are, in the first chapter of Herman Melville's "Moby-Dick," "pacing straight for the water."

In a much anticipated decision this summer, the Michigan Supreme Court overturned an appellate ruling that had effectively barred what Melville called "crowds of water-gazers" from much of Michigan's 3,200 miles of Great Lakes beaches and shoreline.

Richard and Kathleen Goeckel, property owners on the Lake Huron side of the state, were sued by Joan M. Glass, a landlocked neighbor, for access to their beach property. The couple lost in a lower court. But a state appellate court agreed with their argument that the beach in front of their home belonged to them, giving the couple the right to prevent Glass from trespassing.

The Supreme Court's July 29 ruling, which said walking on a beach in Michigan "is inherent in the exercise of traditionally protected public rights," appears to settle an issue that sharply divided many haves and have-nots in a state that boasts it has more shoreline than any other besides Alaska. (In addition to Lake Michigan, the state borders the Great Lakes of Erie, Huron, and Superior. "We conclude that the public trust doctrine does protect her right to walk along the shores of the Great Lakes," the ruling said. "American law has long recognized that large bodies of navigable water, such as the oceans, are natural resources and thoroughfares that belong to the public."

Supporters of the ruling say it simply reaffirmed the state's tradition of letting anyone enjoy a stroll along the beaches so long as they didn't set up camp too close to someone's home.

But opponents of the ruling are promising to press on, by asking the state high court to reconsider or by filing a new case in federal court.

"We're not going to just lie down and let these justices get away with it," said Ernie Krygier, president of Save Our Shoreline, a property owner's advocacy group.

"This was a feel-good decision, and it's just a sad decision for Michigan," said Krygier, who lives on Lake Huron. "The homeowners are true environmentalists, and they make sure the shorelines are nice and safe."

But the fight is not isolated in this Midwestern state. Across the nation along the lakes, in the gulfs and harbors, and along the Pacific and Atlantic the issue of who owns the coastline continues.

"These cases are coming up more often because the public is getting tired of being denied this right to the beach by property owners," said Michelle Kramer, legal director of the Surfriders Foundation, a national advocacy group for open and clean beaches.

Though Kramer said different states have different definitions of what's public the mean high tide mark or the dune mark, for example many abide by codes set during Roman times. The Justinian Code states that the ocean is part of the public trust, said Alexandra Dawson, an environmental lawyer and former head of the Massachusetts Association of Conservation Commissions.

"Here in Massachusetts, we have a disproportionate amount of coastline given the size of our state, but most of it is private," Dawson said. "Unless you're fishing or fowling, you can't be there. People literally have fences up running down into the water."

"Squabbles come up, and maybe what needs to happen is we and other states update public use laws to recognize public use of beaches today people want to sunbathe, kick back, put up their umbrellas."

The fight is also being waged in states that have open-access laws to coastal beaches. In places like Galveston, Texas, some areas are becoming so heavily developed that there are no easy access points, according to some open-beach advocates.

"What's happening in some places down here is why they passed such a law in 1959," said Thomas Brown, a former Fall River, Mass., resident who now runs the Galveston-based Texas Open Beach Advocates. He said his group will hold a fund-raiser in October to challenge "a deterioration of the law."

And in California, a celebrated case involved Hollywood executive David Geffen, who tried unsuccessfully to block the public from reaching accessing the beach next to his Malibu home despite that state's open-beach laws.

The Michigan court included some limits on access. While all seven justices found the public can walk the state's beaches, there was dissent about exactly how much of the beach was open. Two justices ruled that the public could walk only in the wet sand closest to the water. But five issued the opinion that the public had rights of access up to the "ordinary high-water mark," leaving much more of the beaches accessible.

That, according to Krygier, is the problem, since there have been great fluctuations in the water levels of the Great Lakes.

The battle in Michigan has drawn ugly accusations: about the wealthy doing a land grab, about the courts catering to political whims, about the public not caring about maintaining beaches.

Pamela Burt, Glass's lawyer, dismissed any suggestion the decision was political, noting that the court includes both conservative and liberal justices.

"For [foes] to say they have the lakes' best interests at heart rings pretty hollow with me," Burt said. "It's people trying to get property that belongs to the world."

Keith Schneider, deputy director of the Michigan Land Use Institute, agrees. "It's selfishness, this sense of entitlement when you hear people claim this ruling is going to cause some sort of calamity on the beach. Sure there will be people who litter; there are slobs everywhere. But to me, cleaning up in those rare instances is the right and the privilege that comes with living on this state's beaches."

For Kathy Goeckel, a dispute between neighbors "got blown up into a beach-walking issue."

"We paid a lot of money for the privilege to own a place on the lake, and we've dumped way too much money into trying to make this right," she said. "It just didn't work out exactly as we wanted."