

WEDNESDAY

BEST AVAILABLE COPY

Benes signs

Team is getting armed and dangerous Sports, 1D



Pedestrian aid Big crossing signs ease dash. 1B
Mandatory warranty Used-car dealers may face it. 1B
Quietly stunning 'Kundun' is brilliant. 1C

Valentine's treat

Setting the mood with a picnic basket Food & More

The Arizona Daily Star

Serving Tucson and Southern Arizona Vol. 157 No. 35 4099 Final Edition, Tucson, Wednesday, February 4 50¢ U.S./\$1.00 in Mexico 48 Pages

Affirmative action ban moves to full Senate

By Rhonda Bodfield The Arizona Daily Star Amid references to white sheets and Jackie Robinson, a Senate committee yesterday took a step closer to asking voters to scrap all state affirmative action programs based on race and gender. The proposal would amend the Arizona Constitution to prohibit discrimination or preferential treatment based on race, sex, color, ethnicity or national origin by state, county or local governments. Some gender-based exceptions could be made, such as allowing only female counselors at a battered-women's shelter. About 150 people crowded the Senate Govern-

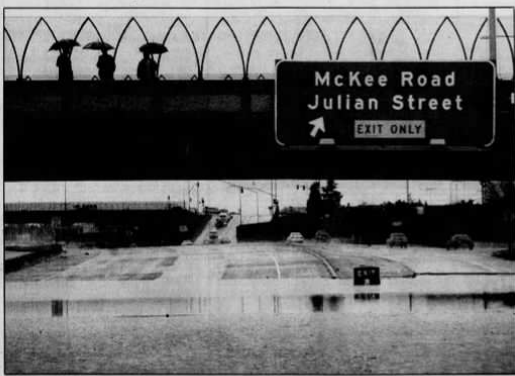
ment Reform Committee meeting yesterday to debate the controversial measure, modeled after a California law passed by 54 percent of that state's voters in 1996. More than 60 people signed up to speak yesterday, with only a handful in support. Among the opponents were city of Tucson representatives and the three state university presidents. University of Arizona President Peter Likins said it was too early to guess the effects of the resolution. The UA doesn't give preference based on race or gender in its admissions or hiring practices, he said. Unlike at California's universities, demand in Arizona does not exceed the number of enrollment

spots, so everyone who qualifies for the university system is admitted automatically. But the universities do have recruitment and retention programs geared toward minority and women students. It also offers race-based financial aid, although Likins said most of that is through private sources. Likins said, for example, there is a program designed to prevent women from dropping out of the engineering program. There are tutorial programs and cultural assistance programs for Indian, black and Hispanic students. As a result, minority enrollment rates have increased from 12 percent in 1988 to nearly 23 percent in 1997. This is a solution in search of a problem, and

that's bad law," Likins said. Speaker after speaker agreed. George Dean, president of the Greater Phoenix Urban League, said the state is still nursing a black eye after its initial rejection of the Martin Luther King Jr. holiday, and another setback could come with economic ramifications. An Urban League national conference scheduled for 1999 was pulled from California in protest of the recent vote, and plans to hold it in Arizona could be changed, he said. Although the bill had been expected to fail, it passed on a 4-3 party-line split. Senate Majority Leader Marc Spitzer, R-Phoenix, had made it no secret that he did not share the enthusiasm for the

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Bad-boy El Niño



Passers-by gather in San Jose, Calif., to see floodwaters that closed U.S. 101. Many commuters sat in traffic for more than three hours yesterday due to floods caused by a storm that lashed the West Coast. Thousands fled to higher ground, and power outages were common. Story, Page 8A.

Prosecutors in accord: He's likely free for now

Maneuvers expected to aid ex-governor

By Joe Burchell The Arizona Daily Star There's a good chance former Gov. Fife Symington Sr. won't see the inside of a prison any time soon, three current and former federal prosecutors indicated yesterday. U.S. District Judge Roger Strand, in Phoenix, has scheduled a March 9 hearing on a motion by Symington's lawyers that he be allowed to remain free on bail while they appeal his conviction on six counts of bank and wire fraud. Strand sentenced Symington Monday to 2 1/2 years in prison. If Strand rejects his motion to remain free, Symington can appeal that ruling to the 9th U.S. Circuit Court of Appeals, which will also hear the appeal of his conviction. On Monday Strand ordered Symington to report March 20 to the Bureau of Prisons to begin serving his sentence. Symington has asked that if he is incarcerated it be at a minimum-security facility at Nellis Air Force Base near Las Vegas, Nev., but that's not guaranteed. David Schindler, the lead federal prosecutor in Symington's case, said he will oppose letting Symington remain

free for the 12 to 16 months it's expected to take for the appeal to be decided. Bail is supposed to be the exception, not the rule," he said. To be eligible for bail, someone who's been convicted needs to show the appeal would likely result in a reversal or a new trial, which Schindler said he doesn't believe is likely in Symington's case. Nonetheless, Schindler said there's no assurance Symington will start serving his sentence on time. The law in the 9th Circuit tends to be a bit more lenient on the issue of bail pending an appeal," he said. "It really is an impossible thing to predict." Former U.S. Attorney A. Melvin McDonald, now in private practice in Phoenix, said he thinks Symington "has an excellent chance of remaining out pending an appeal." Federal court rules have tightened in recent years so that there needs to be a feeling that an appeal has a good chance of being successful before a convicted person is allowed to remain at liberty, McDonald said. "If you follow the strict wording of the law, Mr. Symington's chances look bleak," he said. "In practice, however, judges don't always adhere to the strict interpretation of the law," he said. Former U.S. Attorney Janet Napolitano, who resigned last year to run for

See SYMINGTON, Page 4A

Many groups could save under new CAP plan

By Keith Bagwell The Arizona Daily Star A proposed agreement with the federal government could save money for Tucson Water customers or Pima County property owners, or both. The Central Arizona Project proposed a settlement yesterday for the three-county water district's lawsuit against the U.S. Department of the Interior. It would give Arizona Indian tribes rights to an additional 223,000 acre-feet a year of the CAP's Colorado River water. But water users and property owners in Pima, Pinal and Maricopa counties would pay less for up to 50 years. The federal government paid \$4.4 billion to build the 336-mile CAP canal and pump

system. Property-tax payers and the three beneficiary counties must pay back part of that cost. The three counties' payments go to the CAP's Central Arizona Water Conservation District, which operates the system, collects revenues from the counties and water users, and pays off the Interior Department. The district filed a lawsuit in June 1995 against the Interior Department, claiming the \$2.3 billion tab it handed the district was excessive. The two sides dispute cost overruns and who is to blame for faulty materials that had to be replaced or repaired. The proposed lawsuit settlement would allow the counties to pay less than \$1.7 billion for the water system, said Larry Dauter,

district deputy general manager. The debt is paid off with water-use charges and a three-county property tax, so the debt reduction could yield lower consumer rates or tax bills, he said. The property tax now is 14 cents per \$100 assessed value. The district's 15-member board will be briefed on the proposal tomorrow in Phoenix. Tucson and the other cities in the three counties would not lose any CAP water to Indian tribes, some of which have pending water-rights claims, Dauter said. But industrial contracts for a total of 65,000 acre-feet a year of CAP water would have to be voided and 107,000 acre-feet a year of uncontracted CAP water earmarked

See CAP, Page 8A

Texas executes woman for 1983 pickax murder

Dallas Morning News Karla Faye Tucker, a pickax killer turned Christian, was executed yesterday, spending her last minutes apologizing to her victims and expressing love for her family. "I love all of you very much. I will see you all when you get there. I will wait for you," were Tucker's final words. Tucker, the first woman executed in Texas since the Civil War, was pronounced dead at 6:45 p.m. CST (5:45 p.m. in Tucson), eight minutes after receiving an injection at the state prison in Huntsville. The case drew international attention because of both the rarity of a female execution and Tucker's religious conversion that she said should save her from capital punishment. Tucker and her lawyers argued for clemency, saying she had become a repentant and religious role model. But they lost their final appeals in the courts and with Republican Gov. George W. Bush. Tucker, 38, was convicted of using a 3600-pound pickax to hack Jerry Dean to death during a burglary at his Houston apartment in 1983. Also killed was an overnight guest, Deborah Thornton. Bush was Tucker's last hope for mercy. Earlier in the day, the U.S. Supreme Court had rejected Tucker. See EXECUTE, Page 4A

In tomorrow's Star



A burst of speed Avid long-distance runners know that a little speed, in the form of interval training, can help lower their times.

WEATHER

El Niño's here. Look for rain and scattered thunderstorms today, with snow starting at 5,000 feet, a high in the upper 50s and a low in the upper 30s. Yesterday's high was 77. The low was 45. Details on Page 8A.

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A car fell about 300 feet and "opened up like a cardboard box."

U.S. military plane cuts Alps cable-car line; 20 die

TRENTO, Italy (AP) - A U.S. military plane on a low-level training flight over the Alps sliced through a cable-car line, sending a gondola full of skiers crashing hundreds of feet to the ground. At least 20 people inside the car died. The car was flattened by the 250- to 300-foot drop. It "opened up like a cardboard box," one police official said, and bodies were in pieces. Officials at the U.S. air base in Aviano in northern Italy, where the Marine EA-6B Prowler was based, said all low-level missions by U.S. military aircraft in Italy have been suspended. See GONDOLA, Page 6A