

BUILDING: Senate Offices Open After Anthrax Scare

Continued from A1
contaminated in an attack in which deadly spores were sent through the U.S. mail, killing five people.

Left behind in the rush to get out were senators' briefcases, computer files, personal checkbooks and half-empty cups of coffee. The Washington work force that serves half the U.S. Senate was abruptly displaced, flung all over the Capitol complex. Republicans lent space to Democrats, and vice versa. Workers made do with borrowed computers and not enough phones. Some wondered whether life here would ever feel normal again.

"Wooo-hooooo!" rejoiced Michele Hall, communications director for Sen. Tom Harkin (D-Iowa), as she walked back in, a trolley of boxes, files and a roll of wrapping paper in tow. "I cannot put into words how good it is to be back. It feels like going into the dorms after summer vacation—except it smells a lot like a swimming pool."

The smell was unmistakably abnormal, and people sniffed the air as they cleared the security X-ray machines, endeavoring to describe it.

"It smells like bleach," said one. "Like a new plastic toy."
"It's that new car smell."

It might have been the remains of the chlorine dioxide gas used to decontaminate the place, or maybe the thorough scrubbing delivered this weekend by work crews trying to restore a building weeks in hibernation. Whatever it was, it was giving some people a headache and others a sore throat, and some aides said they were less concerned about the anthrax than the stuff used to kill it.

"You know anthrax is a strong bacteria, so what took it out had to be strong too," said Dan Kunsman, press secretary to Sen. Craig Thomas (R-Wyo.). Kunsman returned to the office to find a 12-week-old apple and banana that looked nothing like they did.

Officials Say Building 'Safe and Clean'

Officials from the Environmental Protection Agency and the Centers for Disease Control and Prevention declared the building "safe and clean," although they would not go as far as to say it was "risk-free."

"Extraordinary measures have been taken using the safest technology available to us . . . for the lowest possible risk that can be

achieved," Dr. Patrick Meehan of the CDC said at a news conference. "But as with any public health problem, we cannot eliminate any risk entirely."

Still, the staffers came back. Daschle said he knew of no one in the Hart building's 5,000-member work force to resign out of safety concerns. But a twinge of ambivalence was in evidence.

Sen. Joseph I. Lieberman (D-Conn.) said he was going in "with confidence and a prayer."

Sen. Harry Reid (D-Nev.) led his office entourage into the building in a demonstration of his good faith, however measured. "It feels fine. This is good for government," he said, adding later, "I think we are all waiting for the next shoe to drop."

The worker sentiment was probably best described by the ebullient Hall, who whooped for joy to be back herself but had no intention of letting her children visit any time soon: "They are 5 and 7, and they were concerned about me going back. I told them I felt safe—but I won't be bringing them back here for a long, long time."

The building's reopening was delayed several times, most recently last week when a bag with gloves

and a protective suit—left behind by the cleanup crew—was discovered above a hallway ceiling outside the Daschle suite, prompting another flurry of precautions. The delay made Tuesday's homecoming all the sweeter.

"So this is a great day. It's good to be back," Daschle said. "It's good to be confident that we can return to normalcy. And it is good that the Senate is working again with all eight cylinders."

Daschle made the pronouncement at noon as he officially reclaimed the building but not his infected office. Stripped of all furniture, the walls knocked down, it is free of spores but will take weeks to rebuild.

After 45 minutes inside, a lot of people said they felt as though they had never left. The phones started ringing again. The cafeteria churned out chili.

But the day-to-day rituals remained small reminders that something is different. Hall's job description now includes opening the mail, a task now deemed too dangerous for a volunteer or an intern like the one who opened the Daschle letter Oct. 15. "My job went from mundane to life-threatening overnight," she said.



Reuters
A Senate staff member moves back into the Hart Senate Office Building.

High Court Tightens Rules for Confining Sex Offenders

By DAVID G. SAVAGE
TIMES STAFF WRITER

WASHINGTON—The Supreme Court made it somewhat harder Tuesday for states to lock up sex criminals after they have served their prison time, ruling that states must prove these inmates have both a mental disorder and a "serious difficulty" in controlling their behavior.

The 7-2 ruling clarifies the standard for defining who is a "sexual predator."

Legal experts predicted that the decision will allow some of the more than 1,200 men now being held in California and 15 other states to seek their release through a new hearing. Currently, 301 people are confined as sexual predators in California.

But prosecutors in several states

said they were confident they would be able to convince a jury that these dangerous offenders must not be released, regardless of the higher standard set by the court.

The "sexually violent predator laws" were an innovation of the early 1990s. They were designed to cope with serial rapists and child molesters who appeared to have an irresistible impulse to commit sex

crimes.

State laws authorized officials to keep these sex criminals in custody after they had served their prison terms.

They were transferred from a prison to a prison-like treatment center, sometimes located within the prison grounds. There they could be held indefinitely.

Five years ago, the high court upheld these laws in principle on a

5-4 vote in the case of Leroy Hendricks, a Kansas pedophile.

Forced confinement of such offenders was not double punishment for the same crime, Justice Clarence Thomas wrote then, because the inmates were being treated, not just incarcerated.

The court majority also said that the government has long had the power to commit mentally ill people who are judged to be a danger

to themselves or others.

But until Tuesday, the court had not said what state prosecutors must prove to win a civil order that confines an inmate due to be released from prison.

Justice Stephen G. Breyer announced something of a middle-ground position.

It is important to distinguish between ordinary criminals, who may choose to commit crimes after they are released, from sexual predators, he said.

Criminals, whether they are burglars, drug dealers or rapists, should be imprisoned and punished for their crimes but released once they have served their term, he said.

This is so even if prosecutors think an inmate is dangerous and is likely to commit further crimes.

Sexual predators, he said, are in a different category. They are not just criminals who have committed sex crimes; they also have been diagnosed as suffering from a "serious mental illness (or) abnormality" and show "a special and serious lack of ability to control their behavior," he said.

State prosecutors must prove both of these elements to a jury, Breyer said, before the inmates can be incarcerated in a treatment center.

However, his opinion did not go as far as civil libertarians preferred. The Kansas Supreme Court, taking an even more liberal position, said prosecutors should be required to prove that these offenders "cannot control" themselves, a standard that incorporates the notion of an irresistible impulse.

Breyer conceded that his opinion did not draw a clear "bright line" but said an "absolute approach is unworkable." Even the worst of pedophiles do not try to molest a child if a police officer is standing nearby. They can control themselves to some degree, he said.

In dissent, Justices Antonin Scalia and Clarence Thomas said juries will have a hard time deciding whether someone has a "serious difficulty" in controlling himself.

Tuesday's ruling came in the case of Michael Crane, a 39-year-old former landscaper who was arrested for two attempted assaults on store clerks.

In both instances, he grabbed a female clerk, exposed himself, demanded oral sex and threatened rape, but then fled.

He pleaded guilty to one count of aggravated sexual battery and served a five-year prison term.

When his term ended in 1998, state prosecutors moved to confine him in a treatment center, saying he suffered from an "antisocial personality disorder." A jury agreed to order his commitment.

But last year, the Kansas Supreme Court ordered a new civil hearing for Crane in which prosecutors would have to prove that the "defendant cannot control his behavior."

Tuesday's decision in Kansas vs. Crane, 00-957, overturns the state court's ruling, but it is nonetheless likely to lead to a new hearing for Crane under the standard announced by Breyer.

Kansas Atty. Gen. Carla J. Stovall said she was pleased with the outcome. "It's a good decision for victims' rights, and it's a workable standard. If they had upheld the Kansas court, we would have been put out of business."

Hallye Jordan, a spokeswoman for California Atty. Gen. Bill Lockyer, also predicted the ruling will cause little trouble for the state.

"We require evidence of a mental disorder that predisposes someone to commit sexually violent acts. We think that pretty much meets the test set in Crane," Jordan said.

Times staff writer Maura Dolan contributed to this report.

Obituaries

VOICE: Peggy Lee, Jazz, Pop Singer, Dies

Continued from A1
All There Is?", Lee also was a gifted songwriter and arranger.

She also was the voice of Peg in the Disney film "Lady and the Tramp" and won a \$2.3-million lawsuit against the Walt Disney Co. to recoup royalties from videocassette sales of that movie.

A fine actress, she was nominated for an Academy Award for her role as an alcoholic blues singer in the 1955 film "Pete Kelly's Blues."

But it was the voice that captivated generations of audiences.

"If you don't feel a thrill when Peggy Lee sings, you're dead, Jack," the jazz critic Leonard Feather said some years ago.

Jazz singer Cleo Laine said Lee "came from a big band era and knew how to swing. She knew how to sing on the beat when necessary. A lot of people don't know how to do that. Her simplicity had a lot of nuances that other people just couldn't grasp, that they just couldn't imitate to save their lives," Laine said Tuesday.

Diana Krall, a leading singer in jazz today, offered similar praise.

"I love everything about her: her elegance, her wit. And she is one of the greatest influences in what I do as an artist," Krall said in a statement released Tuesday.

Lee's work seemed to transcend changing tastes.

"She was never part of any kind of fashion," said jazz critic Nat Hentoff. "She never engaged in pyrotechnics. She was subtle and enticing in contrast with the belters who show off everything but their musicianship."

"She had some of [Maurice] Chevalier's ability to connect with the audience to make them think she was singing just to them."

Born Norma Dolores Egstrom in Jamestown, N.D., Lee was the seventh of eight children. Her mother died when she was 4, and her father, a railway agent, married a woman who by all accounts was physically and emotionally abusive to her stepchildren.

Undaunted by the abuse at home and encouraged by the recognition she received in her school glee club and the church choir, Lee decided to pursue singing. Still a teenager, she found work on a radio station in Fargo, N.D., where the station manager changed her name to Peggy Lee.

At the age of 17, she left Fargo for Hollywood, arriving with \$18 in her pocket. She got small singing gigs, but took jobs as a waitress and worked in a carnival at the Balboa midway.

Discouraged, she returned to the radio job in Fargo and eventually made her way to Chicago, where she got her break.

Lee was singing at the Ambassador West Hotel when Benny Goodman, on the advice of his wife, stopped in to hear her one night.

"I couldn't believe he was sitting

there listening to me," she recalled years later in an interview with Howard Reich of the Chicago Tribune. "See, I was a big fan of his. . . . So here was Benny Goodman in the room . . . and Benny had a funny way of chewing on his tongue and staring at you at the same time. So when you were performing, you couldn't really think that he loved it. . . ."

"Of course at the time, I didn't realize that I was really auditioning, that Benny was looking for a replacement for Helen Forrest, who had left the band. . . ."

"When I was told that Benny was offering me a job, I thought it was some kind of joke."

After some initial unpleasantness with Goodman fans who wanted to hear Forrest, the 21-year-old Lee settled into her new job.

"It was like a beautiful dream," she told Reich. "I would sit there on the bandstand, night after night, just reveling in the music. I could hear the arrangements over and over and never got tired of them."

Lee's work with the Goodman band yielded several hits, including "Blues in the Night," "The Way You Look Tonight," and "Why Don't You Do Right."

Her time with the Goodman band also yielded another benefit: her first husband, Dave Barbour, a guitarist with the band.

After leaving the Goodman band in 1943, she had hits with records such as "That Old Feeling," and with three songs she composed with Barbour: "It's a Good Day," "Don't Know Enough About You" and "Manana (Is Soon Enough For Me)."

The 1950s were a particularly active time in Lee's career. She made several popular recordings for Capitol, wrote the title song for the 1954 film, "Johnny Guitar," and wrote songs for other films including "Tom Thumb."

"Fever" with its minimal jazz arrangement was released in 1958 and helped establish her as an artist who could cross into pop.

She had film roles as well, appearing in the 1953 version of "The Jazz Singer" opposite Danny Thomas, and was nominated for an Academy Award for best supporting actress for "Pete Kelly's Blues."

"I loved acting," she later said, "but my agents never brought me another script. I was worth a lot more to them on the road."

Her most memorable role of that period came in her off-screen work on Walt Disney's "Lady and the Tramp." With Sonny Burke, Lee co-wrote the song "He's a Tramp" and provided the voice for "Peg" as well as the three other characters: Darling, the woman who owns Lady, and Si and Am, the malicious Siamese cats.

It was her off-screen role in "Lady and the Tramp" that led decades later to one of the biggest



Reuters

Singer Peggy Lee died at her home in Bel Air. Her daughter said she died of a heart attack.

fighters in her life.

In 1991, she won a legal judgment against Disney after she sued for a portion of the profits from the videocassette sale of the movie, citing a clause in her contract with the studio barring sale of "transcriptions" without her consent.

And just last week, a Los Angeles Superior Court judge gave preliminary approval to a \$4.75-million settlement between Vivendi Universal's Universal Music Group and as many as 300 artists in a battle over royalties. Lee was the lead plaintiff in that suit, stemming from her years recording for Decca, which Universal now owns after a series of takeovers.

"I wouldn't be surprised if she thought, 'I accomplished that. That was the last big thing. Now I can go,'" her attorney, Cyrus V. Godfrey, said Tuesday.

Lee had told him, Godfrey said, that "the case was important to resolve the issues not only for herself but for other artists."

Though Lee will be remembered for her sultry, sophisticated stage presence, she was still a North Dakota farm girl.

"There was a lot of down-to-earth that was part of her too," said Foster, her daughter. Until her health began to decline, she was a cook and a gardener.

"She had a terrific sense of humor, an absolutely fabulous one," Foster said. Her mother even expressed that sense of humor in a song about her childhood abuse in her song, "One Beating a Day."

"I think it took her a long time to get over and deal with that part of her life," Foster said. "But once she was able to put it behind her, she was even able to joke about it. And of course, there's very little humor in something like that."

Her marriage to Barbour ended in divorce, as did marriages to actors Brad Dexter and Dewey Martin and musician Jack Del Rio.

In addition to her daughter, Lee is survived by grandchildren David Foster, Holly Foster-Wells and Michael Foster, and by great-grandchildren Teagan Foster, Caleb Foster and Carter Wells.

Services will be private.

Times staff writers Ann O'Neill and Barbara Thomas contributed to this report.

Stanley Marcus, 96; Shaped Fabled Store

By PETER PAE
TIMES STAFF WRITER

Stanley Marcus, a Harvard MBA graduate who turned a family-run women's apparel store into a pioneer of high-end retailing and extravagant gift-giving, died Tuesday in Dallas. He was 96.

The chairman emeritus of Neiman Marcus, a company synonymous with opulence and highbrow tastes, was hospitalized Sunday and died with family members at his side, a spokeswoman for Stanley Marcus Consultancy told the Associated Press.

His daughter, Jerrie Smith, told the Dallas Morning News that Marcus died of "old age" at Yale Lipshy University Hospital. "He died gently," she said.

Known as the "merchant prince of Texas," Marcus spent 50 years at Neiman Marcus, shaping fashion and retail trends while helping transform Dallas from its early rough-and-tumble image into an international shopping destination. In 1938, Marcus originated the Neiman Marcus Awards, considered the Oscars of fashion, introducing what are now household names such as Christian Dior and Muccia Prada.

Marcus, fondly known to employees as "Mr. Stanley," kept a simple philosophy for the business: "I do believe the best is discernible to the observant eye."

Of German and Jewish descent, Marcus was born in Dallas on April 20, 1905, to Minnie and Herbert Marcus, who along with his sister and brother-in-law, Carrie and Al Neiman, opened their first store in downtown Dallas in 1907 with \$25,000 from the sale of a sales promotion business.

Marcus began working at the store in 1926, shortly after receiving his master's degree in business administration from Harvard's business school. Twenty-one years old at the time, his first duties included working as a salesman in the store's women's apparel section.

It was during his first year at the store that he introduced weekly fashion shows, the first of its kind by a department store in the United States and the first of a number of pioneering moves by the legendary retailer. The oldest of four children, Marcus eventually rose through the ranks, getting promoted to secretary, treasurer and director of the company, a new position that included managing the sportswear shop. In 1949, Marcus was named president of the company as it launched its boldest move yet to open a branch store in suburban Dallas.

Under Marcus' direction, Neiman Marcus was the first to offer personalized gift wrapping for customers and started a Christmas tradition of selling exotic his-and-hers gifts, which continues today. The first his-and-hers category de-

buted in the 1960s with a pair of Beechcraft airplanes.

The company was the first retail apparel store outside New York to advertise in national fashion magazines and in 1953 prompted Vogue magazine to describe the store as "Texas with a French accent." Indeed, early Neiman Marcus customers included cowboys, Indians and women from rural outposts where land had yielded oil and newfound wealth.

"As far back as 1934, Marcus realized that his greatest competition was from leading retailers in New York and San Francisco," the American Advertising Federation said as it inducted Marcus into the Advertising Hall of Fame in 2000. "Defying conventional wisdom, he boldly pursued a national advertising campaign for his local store with two ads in Vogue and in



STANLEY MARCUS

Architect of the upscale retailer is shown in 1994.

Harper's."

The company operates 32 Neiman Marcus stores nationwide, as well as two Bergdorf Goodman stores in New York. It also publishes a popular catalog that has featured custom-made Lexus convertibles, a helicopter in Neiman Marcus colors and \$2.5-million necklaces.

For a man who sold extravagance, his tastes were pragmatic and simple. Asked a few years ago to define elegance, Marcus replied: "It's the antithesis of sumptuousness. It's understanding that what is right for one occasion at 8 o'clock in the morning is wrong for 8 o'clock at night. If you visit airports, particularly, you see the antithesis of elegance. People wear everything from bikinis to sleeveless tank tops. . . . I think a sense of appropriateness is probably the best qualification for elegance."

Although Marcus had retired from the company in 1975, he continued to provide business advice and consultation.

Marcus is survived by his wife, Linda Cumber Robinson; a son, Richard; two daughters, Wendy Raymond and Jerrie Smith, along with numerous grandchildren and great-grandchildren.