

U.S. SUPREME COURT: ALITO CONFIRMATION HEARINGS



Supreme Court nominee Samuel Alito ponders a question while testifying Tuesday before the Senate Judiciary Committee.

On the second day of his confirmation hearings, Alito said he would not be swayed by public opinion when making decisions.

Keeping an open mind

Alito says public, personal opinion will not sway decisions

By MARA LEE
SCRIPPS HOWARD NEWS SERVICE

WASHINGTON

Judge Samuel Alito testified Tuesday that if he were confirmed to the U.S. Supreme Court, he would ignore his personal feelings about Roe v. Wade and make decisions according to the law.

Tuesday was the first day senators questioned Alito during his nomination hearings, expected to last all week. The two hottest topics of the day were abortion and presidential power.

Alito ruled on abortion restrictions three times on the appeals court: twice to uphold them and once to reject them.

"In each instance, I did it because I thought that's what the law required," he said.

"If I'd had an agenda to uphold any regulation of abortion that came before me, I would've ruled the other way."

Alito told Judiciary Chairman Arlen Specter, R-Pa., that the fact that judges

have upheld the right to an abortion for 30 years is important.

"There needs to be a special justification for overriding prior precedent," he said.

Sen. Dianne Feinstein, D-Calif., asked Alito to give her an example of a special justification. He talked around the question for several minutes, until she complained he had not answered.

Then he said if the ruling is so disputed that it's constantly being litigated, that's one reason the court could decide it's unworkable. Then, the problem could be sent back to politicians, he said.

Several senators were equally passionate as they talked about what they see as the abuses of presidential power that have been revealed in recent news stories and their feeling that only the Supreme Court has the power to restrict it.

Alito said at first that the Supreme Court would have to hash out the issue, but when repeatedly pressed, he said the president cannot override a law that is constitutional.

WHAT SENATORS HAD TO SAY



"I think Judge Alito went farther than Chief Justice Roberts did" in discussing abortion, said Specter, signaling satisfaction with his responses.

Sen. Arlen Specter, R-Pa.



"We're going to keep asking questions until we find out specific answers to how he feels about major issues confronting Americans today."

Sen. Charles Schumer, D-N.Y.

Alito not saying anything that might hurt his confirmation

By TOM RAUM
THE ASSOCIATED PRESS

WASHINGTON

Samuel Alito is no John Roberts. Roberts wooed senators of both parties with a dazzling command of legal precedent and social ease to win confirmation as Chief Justice of the United States.

And, as Democrats on the Senate Judiciary Committee kept reminding Alito, neither is he another Sandra Day O'Connor.

Alito navigated his way through Day Two of his confirmation hearings with mild manners and a course that seemed charted to not upset his chances of Senate

ANALYSIS

confirmation, which now seems likely.

His day's mission, hour after hour, seemed to be to say nothing particularly attention-grabbing, out of character, or reflecting anger or lack of preparation.

When he defended his writings and opinions of the past, including divisive ones on abortion, presidential powers and strip searches, he sought to provide context and to signal flexibility.

He dryly recited case law and details.

"He was ... confident," said James Thurber, a political scientist at American University. "He's smart, articulate and polite."

Although not as smooth as Roberts, Alito did show "a mixture of being totally non-confrontational while also standing up for his position and being able to summon up a lot of detail," said Fred Greenstein, a Princeton political science professor.

On the role of the courts, Alito remained vague. While the courts have an important role to play, he said, it is a limited one.

"It's important for them to do a good job of doing what they're supposed to do, but also not to try to do somebody else's job." Something there for everyone.

Sole survivor's family told trapped miners tried to escape in mine car

The Associated Press

TALLMANSVILLE, W.Va.

The men trapped inside the Sago Mine tried to bulldoze their way out in a mine car before following their training and barricading themselves behind a makeshift protective curtain, according to the family of the disaster's sole survivor.

By the time rescuers reached the 12 trapped miners, all but one had died of carbon monoxide poisoning. It was West Virginia's worst coal-mining accident in more than 35 years.

Rick McGee, the brother-in-law of survivor Randal McCloy Jr., said Tuesday that International Coal Group Inc. chief executive Ben Hatfield told the family that the

miners apparently tried to use the same mechanized mine car they rode into the mine to force their way out, but debris blocked their path.

"They found footprints," said McGee. The men "tried to go back out of the mine. This ain't hearsay. This came from Hatfield's mouth."

Lara Ramsburg, a spokeswoman for Gov. Joe Manchin, said Tuesday that it's also the state's understanding the men tried to escape.

Hatfield did not return repeated requests for comment Tuesday about whether the miners made an escape effort. In a statement issued to The Associated Press, he said it was probable the miners believed a fire or debris from the explosion was blocking their path.

McCloy remains in critical condition at a West Virginia hospital.

OTHER NEWS

Final funerals

A morning service was conducted for 59-year-old Fred Ware at Sago Baptist Church. The last funeral, for 50-year-old Terry Helms, followed in Masontown.

Investigation continues

Federal officials said Tuesday they did not know how long it would take to complete their joint investigation with the state into the disaster.

Richard Gates, the lead federal investigator into the accident, said he hoped the venting at the mine would be complete within a week. Until then, no one will be allowed inside.

Church at heart of mine disaster transformed into a place for comfort

The Associated Press

TALLMANSVILLE, W.Va.

Shortly after news broke about the explosion at the Sago Mine, families rushed to the closest place they could find to begin their harrowing wait.

That place ended up being the Sago Baptist Church, just a quarter-mile away, up a hollow filled with mud and shrouded in fog.

Through it all — the torturous wait, the false hours of jubilation when family members believed most of the trapped miners had survived and then the cruel blow of truth that only one had — the church was the gathering place for



The Sago Baptist Church in Tallmansville, W. Va., served as a gathering place during the recent mine disaster.

news from inside the mine.

"My own belief and feelings is that God put this church here just for this week," said Ron Linger, a church trustee. "We always knew that something good was going to come to this church. Something big.

But we didn't know it would be this."

For almost two days, the families of 13 miners trapped deep underground believed that if they prayed hard enough, sang hymns loud enough, God would deliver their fathers, brothers, sons and friends safely through the doors of the little church founded 150 years ago.

"I can't understand why it happened, but we don't question God," said church trustee John Casto.

He said nearly 2,000 people milled about the grounds, with 700 crammed into the church at one time.

"When people have sorrow and they need something ... we try to take care of it and help them," Linger said.

"It's always been that way."

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