

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.

INDIANA GENERAL ASSEMBLY: 2006 LEGISLATIVE SESSION

Daniels' State of State to focus on roads, education

By MIKE SMITH
THE ASSOCIATED PRESS

INDIANAPOLIS
Republican Gov. Mitch Daniels has been touting a major highway plan for weeks and has talked often about his desire to steer more dollars to classroom instruction and give local governments more tools to consolidate and modernize services.



DANIELS

He was expected to play up that wish-list to the full General Assembly and radio and television audiences across the state tonight during his State of the State speech, when governors get a spotlight to highlight their legislative agendas.

Daniels said late last week that he had written much of the speech over the Thanksgiving holiday, and although he was tinkering with it a bit, "the basic outline I think I've already been clear about."

That means roads, schools and local government.

With help from fellow Republicans who control the General Assembly, Daniels got much of what he wanted during his first session last year. That included an overhaul in economic development policy, tax incentives for businesses and a law that will mandate statewide observance of daylight-saving time beginning April 2.

The speech, to last about 25 minutes, was scheduled to begin at 7 p.m. before a House chamber packed with legislators, judges and justices and other state dignitaries.

Topping the governor's agenda is a proposal seeking legislative authority to lease the Indiana Toll Road to a private venture, something he says could bring in more than \$2 billion to fund numerous highway projects around the state. He plans to increase tolls on the highway stretching across northern Indiana on his own this spring.

He also wants authority to consider making the planned expansion of Interstate 69 through southern Indiana a toll road and leasing it. He said the overall plan could create up to 100,000 jobs, and without it, many highway projects could be delayed for years.

Daniels said he would talk about proposals designed to give schools clearer authority to make spending decisions, such as band-

TUESDAY'S DEVELOPMENTS

Video gambling bill delayed
Rep. Win Moses, D-Fort Wayne, was the major proponent of legislation that would legalize and regulate video gambling machines in taverns and other places that sell alcohol, but he did not file a bill on the issue by a Tuesday deadline. He said he did not believe any other bill to legalize the machines had been filed either and said that any serious push likely would have to wait until next year.

Telecom bill advances
A Senate committee advanced a bill that supporters say would increase broadband Internet service and revamp outdated state regulations of telephone companies.

Consumer groups, however, believe the legislation would drive up prices for basic telephone service.

The governor's office, the Indiana Telecommunications Association and several businesses also support the bill, which would deregulate basic, residential phone service by 2009 and allow telephone companies to set their own rates. Currently, the Indiana Utility Regulatory Commission limits those phone rates.

The sweeping and complex bill would also create one statewide agency to award video programming contracts. Currently, local governments work out their own agreements with cable companies and other video service providers.

Military funerals bill endorsed
Recent protests by an anti-gay group at military funerals prompted a legislative panel to endorse a bill that would make disorderly conduct a felony if it occurs within 500 feet of funerals or memorial services.

Disorderly conduct is defined by Indiana law as engaging in fighting or tumultuous conduct; making unreasonable noise and continuing to do so after being asked to stop; or disrupting a lawful assembly of people. Under Sen. Brent Steele's, R-Bedford, bill, it would be a Class D felony carrying a maximum three-year prison term and \$10,000 fine if committed within 500 feet of funeral activities. It already is a class D felony if committed at airports.

ing together to make bulk purchases at lower prices. He says reducing regulations and overhead costs would enable schools to direct more money to classroom instruction.

He also wants to modernize local government by allowing them to consolidate and perhaps give them new ways to raise revenue to reduce their reliance on property taxes. And he said he expected to mention support for revamping regulations on the telecommunications industry in Indiana.

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



AP PHOTO

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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LETTERS TO THE EDITOR
P.O. Box 699
Franklin, IN 46131
letters@thejournalnet.com

MANAGEMENT TEAM

Publisher
Jeffrey W. Owen 736-2744
jowen@thejournalnet.com

Editor
Scarlett Syse 736-2749
syse@thejournalnet.com

Assistant managing editor
Michele Holtkamp-Frye 736-2774
mholtkamp@thejournalnet.com

Assistant managing editor
Jennifer L. Gaskin 736-2721
jgaskin@thejournalnet.com

Circulation director
Mike Warren 736-2711
mwarren@thejournalnet.com

Delivery manager
Bruce Powell 736-2702
bpowell@thejournalnet.com

Administrative manager
Linda Wirey 736-2751
wirey@thejournalnet.com

Information technology manager
Kathy McDermott 736-2782
kmcdermott@thejournalnet.com

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