

Getting to know Supreme Court nominee

By JESSE J. HOLLAND
THE ASSOCIATED PRESS

WASHINGTON

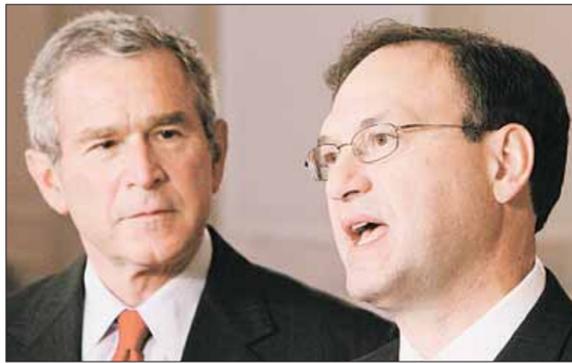
The Senate Judiciary Committee will conduct its second Supreme Court confirmation hearing in four months when it turns next week to U.S. Appeals Court Judge Samuel Alito's nomination.

The questioning of Alito is likely to be more intense than it was in September for Chief Justice John Roberts since Alito would replace retiring Justice Sandra Day O'Connor, a moderate swing vote and the court's first female justice.

Alito has been a federal appellate judge for 15 years and has written considerably more opinions than Roberts, who had been an appeals court judge only two years. Alito's 300 written opinions gives senators more material from which to draw questions.

Alito also was clearer about his opinions on abortion than Roberts was as a young government lawyer. Alito is expected to get some pointed questions about the Supreme Court's 1973 Roe v. Wade decision establishing a woman's right to an abortion.

Democrats could ask for a delay



AP PHOTO
President Bush watches Judge Samuel Alito, right, speak at the White House after Bush announced Alito as his nominee for the Supreme Court, in Oct. 31. Alito's nomination hearing is set for next week.

the Senate Judiciary Committee's vote on Alito for at least a week, slowing what could have been a quick confirmation process.

Senate Majority Leader Bill Frist, R-Tenn., has been pushing for a Jan. 20 vote in the full Senate, and the longer a confirmation process takes, the tougher it can get for a nominee.

Here is a look at the nomination:
Q: If Alito is confirmed, will

there be enough conservative justices on the court to overturn Roe?

A: If Roberts and Alito were to join veteran conservatives Antonin Scalia and Clarence Thomas in opposing Roe, one more vote still would be needed to reverse the 1973 decision. In that case, the fifth vote to overturn Roe would come only if one of the Roe supporters — Anthony Kennedy, David H. Souter, John Paul

Stevens, Ruth Bader Ginsburg or Stephen Breyer — were replaced by a justice opposing the decision.

Senators who have met privately with Alito say he told them that 1985 written comments stating that there was no constitutional right to an abortion were part of a job application for the Reagan administration, which opposed abortion.

At the same time, he wrote in a separate legal memo while at the Justice Department that the department should try to chip away at abortion rights rather than mounting an all-out assault.

Q: What has Alito been doing since President Bush nominated him Oct. 31?

A: His first act was to visit the Capitol for the viewing of civil rights icon Rosa Parks, who lay in honor in the Rotunda.

He has made courtesy visits to Senate leaders, members of the Judiciary Committee and other senators.

In a letter to committee members, he also defended himself against Democratic charges that he violated conflict of interest rules as well as a 1990 pledge to the Senate not to participate in

cases involving an investment company in which he is invested.

Q: Who is on the Judiciary Committee?

A: There are 10 Republicans and eight Democrats. Arlen Specter, a Pennsylvania Republican, is the chairman. The other nine GOP senators are Orrin Hatch of Utah, Charles Grassley of Iowa, Jon Kyl of Arizona, Mike DeWine of Ohio, Jeff Sessions of Alabama, Lindsey Graham of South Carolina, John Cornyn of Texas, Sam Brownback of Kansas and Tom Coburn of Oklahoma.

The committee's senior Democrat is Patrick Leahy of Vermont. Other Democrats are Edward Kennedy of Massachusetts, Joe Biden of Delaware, Herb Kohl of Wisconsin, Dianne Feinstein of California, Russ Feingold of Wisconsin, Charles Schumer of New York and Dick Durbin of Illinois.

Q: Where will the hearings take place?

A: In the Hart Senate Office Building.

Q: What happens on the first day?

A: Senators will deliver opening statements, up to 10 minutes each for up to three hours total.

Specter and Leahy will go first, with their parties alternating after that.

When they are finished, Alito will be introduced by Democratic Sen. Frank Lautenberg of New Jersey and former GOP New Jersey Gov. and former Environmental Protection Agency Administrator Christine Todd Whitman. Alito then will introduce his family and deliver his opening statement. Questioning begins on the second day.

Q: Will Alito be under oath?

A: Yes, as are all judicial nominees appearing before the Judiciary Committee.

Q: Who will question Alito, and for how long?

A: Committee members will be given 30 minutes to question Alito during a first round. A second round will allow for 20 minutes per senator, and future rounds, if any, remain to be determined.

Q: What happens when Alito finishes his testimony?

A: There is time for public witnesses, selected separately by Republicans and Democrats. Afterwards, the committee meets privately to review Alito's FBI background check.

Senators hope for new chapter on reading with state program

By DEANNA MARTIN
THE ASSOCIATED PRESS

INDIANAPOLIS

Four-year-old Brooklyn McClung comes running when her mom tells her she received something in the mail.

Just like every month, the package contains a new, free book for Brooklyn, whose mother signed her up for the program offered in Connersville.

"The first thing we do is sit down and read them," said Lea Ann McClung, Brooklyn's mom.

Senate Democrats announced an early education agenda this week that would give all Indiana children a free book each month, from the day they are born until they turn 5.

Imagination Library is meant to encourage reading to babies and young children.

"By exposing our children to books and book ownership at an early age, we hope to instill a real love of reading in each of them that will have long-term benefits and better prepare them for school," said Sen. Billie Breaux, D-Indianapolis.

The program is already offered

BOOKS FROM BIRTH

The program: An early education program called Imagination Library started by singer Dolly Parton gives children one free book each month from the time they are born until they turn 5 years old.

The proposal: Senate Democrats want to use \$1.5 million in seed money to allow every Indiana child to participate in the free book program.

The politics: Part of a bill that also includes a \$138.9 million proposal for full-day kindergarten. However, the bill does not outline funding sources.

in nine Indiana communities and more than 500 communities in 40 other states, including Tennessee, where the program was founded by singer Dolly Parton.

David Dotson, executive director of the Dollywood Foundation, said Imagination Library helps kids learn to love books before they even enter a classroom.

"That will carry through the rest of their lives," he said.

Senate Democrats want to start a statewide free book program with \$1.5 million of seed money. It is part of their overall early education agenda, dubbed

"Start Smart," which also includes a \$138.9 million proposal for full-day kindergarten.

All the components of Start Smart are included in one bill. However, the legislation does not outline ways to pay for the proposals, which could concern some lawmakers.

Judy Briganti, president of the Indiana State Teachers Association, said the programs are worth the cost. She taught first-graders in Elkhart for more than 25 years and said disadvantaged children come to school lagging far behind their peers.

"They just didn't have enough help," she said.

Briganti said Imagination Library could help close that gap before school begins.

While many supporters say the program would help poor and minority students, children from all backgrounds can benefit from free books, said Karolyn Buckler, who heads the Imagination Library run in partnership with the Community Education Coalition in Connersville.

"It's kind of that gentle, parental reminder that books are important," Buckler said.

Court upholds domestic diva's conviction

By LARRY NEUMEISTER
THE ASSOCIATED PRESS

NEW YORK

A federal appeals court Friday upheld the conviction of celebrity home maker Martha Stewart for lying to investigators about selling stock that plunged in price soon after her trade.

Stewart completed her sentence in the case in the summer but pursued the appeal anyway.

The 2nd U.S. Circuit Court of Appeals in Manhattan issued a written ruling upholding the 2004 convictions of Stewart and former stockbroker Peter Bacanovic

for lying about why Stewart sold nearly 4,000 shares of ImClone Systems Inc. stock in 2001.

The sale came just before the stock took a dive on a negative government report about the drug company.

The appeals court said that none of the numerous grounds upon which Stewart and Bacanovic challenged their convictions provided a basis to disturb the jury's verdict.

Stewart, 64, and Bacanovic, 43, had claimed the verdict was tainted by prosecutorial misconduct, juror misconduct, extraneous influences on the jury and erroneous evidentiary rulings and jury instructions.

Stewart served five months in prison and five months of home detention, finishing her sentence last summer.

Bacanovic completed his five

month prison sentence last year as well.

Allyn Magrino, a spokeswoman for Martha Stewart Living Omnimedia Inc., said: "We are disappointed for Martha, but this does not affect her ability to continue to do everything she's been doing for the company since coming home."

Prosecutors declined to comment on Friday's ruling. A lawyer for Bacanovic did not immediately return a telephone message for comment.

Stewart had sold her shares in ImClone Systems on Dec. 27, 2001, after learning from Bacanovic that ImClone Chief Executive Officer Samuel Waksal was selling all of his shares in the company.

A day later, ImClone announced that the Food and Drug Administration had rejected its application to approve the cancer-treating drug Erbitux.



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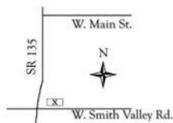
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