

Court upholds assisted-suicide law

Chief Justice Roberts among three dissenters, but doesn't write own opinion

By GINA HOLLAND
THE ASSOCIATED PRESS

WASHINGTON

The Supreme Court on Tuesday blocked the Bush administration's attempt to punish doctors who help terminally ill patients die, protecting Oregon's one-of-a-kind assisted-suicide law.

It was the first loss for Chief Justice John Roberts, who joined the court's most conservative members, Antonin Scalia and Clarence Thomas, in a long but restrained dissent.

The administration improperly tried to use a federal drug law to pursue Oregon doctors who prescribe lethal doses of prescription medicines, the court said in



"Congress did not have this far-reaching intent to alter the federal-state balance."

Justice Anthony M. Kennedy
in a 6-3 ruling upholding Oregon's assisted-suicide law

a rebuke to former Attorney General John Ashcroft.

The 6-3 ruling could encourage other states to consider copying Oregon's law, used to end the lives of more than 200 seriously ill people in that state. The decision, one of the biggest expected from the court this year, also could set the stage for Congress

to attempt to outlaw assisted suicide.

"Congress did not have this far-reaching intent to alter the federal-state balance," Justice Anthony M. Kennedy wrote for the majority, which includes himself, retiring Justice Sandra Day O'Connor and Justices John Paul Stevens, David Souter, Ruth Ba-

der Ginsburg and Stephen Breyer. With this decision Kennedy showed signs of becoming a more influential swing voter after O'Connor departs.

He is a moderate conservative who sometimes joins more liberal members on cases involving such things as gay rights and capital punishment.

In some ways, the decision was an anticlimactic end to the court's latest clash over assisted suicide.

The case was argued in October on Roberts' second day on the bench, and he strongly hinted that he would back the Bush administration.

Some court watchers had expected O'Connor to be the

decisive vote, which could have delayed the case until her successor was on the court. The Senate is set to vote soon on nominee Samuel Alito.

Justices have dealt with end-of-life cases before, most recently in 1997 when the court unanimously ruled that people have no constitutional right to die.

That decision, by then-Chief Justice William Rehnquist, left room for states to set their own rules.

The Tuesday ruling, and dissents, were tinged with an understanding about the delicate nature of the subject.

The court itself is aging and the death of Rehnquist this past September after a yearlong fight

with cancer was emotional for the justices.

Scalia said that the court's ruling "is perhaps driven by a feeling that the subject of assisted suicide is none of the federal government's business. It is easy to sympathize with that position."

At the same time, Scalia said federal officials have the power to regulate doctors in prescribing addictive drugs and "if the term 'legitimate medical purpose' has any meaning, it surely excludes the prescription of drugs to produce death."

He was joined in the dissent by Thomas and Roberts. Roberts did not write separately to explain his vote.

Thomas wrote his own dissent.

Sole mine survivor taken out of intensive care

Doctors say 26-year-old unconscious, improving

By VICKI SMITH
THE ASSOCIATED PRESS

MORGANTOWN, W.Va.

The sole survivor of the Sago mine disaster was moved out of the intensive care unit at Ruby Memorial Hospital in Morgantown, W.Va., on Tuesday as his condition continued to improve.

Randal McCloy Jr., 26, was

transferred to a step-down unit with less intensive monitoring because his condition, while still serious, has become more stable, Dr. Larry Roberts said.

McCloy, the only miner on a crew of 13 to survive the Jan. 2 explosion and its aftermath, has not yet regained consciousness.

Roberts said McCloy's heart and liver functions were recovering slowly, but he remains on dialysis because of his kidney damage.

McCloy, of Simpson, has been

breathing without assistance for several days.

Meanwhile, state and federal investigators began interviewing the first in a long string of witnesses Tuesday at a federal courthouse in Clarksburg.

The exact number of people subpoenaed was not immediately clear.

Nor was it clear how long those interviews might take.

The meetings are being conducted in private, with officials from the Mine Safety and Health

Administration and the state Office of Miners' Health Safety and Training.

Representatives for Ashland, Ky.-based International Coal Group Inc. also were expected to attend.

Lara Ramsburg, spokeswoman for Gov. Joe Manchin, said public hearings will be held later, probably in March.

Efforts to ventilate deadly gases from the mine also continued Tuesday.

A spokeswoman for ICG said

the company does not know when it will be safe for investigators to re-enter and begin collecting physical evidence.

Twelve miners were killed in the disaster.

One is believed to have died immediately in the blast, while state officials have said the others died of carbon monoxide poisoning.

They were remembered Sunday, along with McCloy, at a community memorial service in Buckhannon.

Captors threaten to kill American journalist if prisoners aren't freed

By QASSIM ABDUL ZAHRA
THE ASSOCIATED PRESS

BAGHDAD, Iraq

Hostage American reporter Jill Carroll appeared in a silent 20-second video aired Tuesday by Al-Jazeera television, which said her abductors gave the United States 72 hours to free female prisoners in Iraq or she would be killed.



CARROLL

The tape showed the 28-year-old reporter sitting in front of a white background and speaking, but her voice could not be heard. On the tape, Carroll is pale and appears tired, and her long, straight, brown hair is parted in the middle and pulled back from her face.

Al-Jazeera would not say how it received the tape, but the station issued its own statement calling for Carroll's release.

An Al-Jazeera producer said no militant group's name was attached to the message that was sent to the station with the silent tape on Tuesday.

However, a still photograph of Carroll from the videotape that later appeared on the Al-Jazeera Web site carried a logo in the bottom right corner that read "The Revenge Brigade." The group was not known from previous claims of responsibility of violence in Iraq.

Carroll was a freelance reporter for The Christian Science Monitor, and the newspaper released a statement from her family pleading with her captors to set her free.

"Jill is an innocent journalist and we respectfully ask that you please show her mercy and allow her to return home to her mother, sister and family," the statement said. "Jill is a friend and sister to many Iraqis and has been dedicated to bringing the truth of the Iraq war to the world. We appeal for the speedy and safe return of our beloved daughter and sister."

The State Department responded to the videotape with a statement that U.S. officials were doing everything possible to win Carroll's freedom.

"We continue to make every effort we can, working with Iraqis and others, to see Miss Carroll is returned safe and sound," spokesman Sean McCormack said.

Carroll was kidnapped Jan. 7 in one of Baghdad's most dangerous neighborhoods. Gunmen ambushed her car and killed her translator shortly after she left the offices of a Sunni Arab politician, who failed to show up for the interview.

The U.S. military raided a prominent Sunni mosque a day after Carroll was kidnapped, sparking a demonstration by hundreds of worshippers.

A U.S. military official said the raid was a necessary immediate response to the kidnapping based on a tip provided by an Iraqi citizen.

Carroll, who speaks some Arabic and wore a head covering while moving around Iraq, has been described by her editor as an aggressive reporter but not a reckless one.

Insurgents in Iraq have kidnapped more than 240 foreigners and killed at least 39 of them.

IN OTHER NEWS Deputy expected to replace trial judge

BAGHDAD, Iraq — The chief judge who resigned from Saddam Hussein's trial amid claims of government interference is expected to be replaced by his deputy, the top Iraqi investigator in the case said Tuesday.

Judge Raid Juhi, who investigated Saddam before his trial started but is not one of those trying the deposed Iraqi leader, said the court was set up under a law stipulating the chief judge's deputy would take over for him if needed. Saad al-Hamash is the second-ranking member of the five-judge tribunal headed by Rizgar Mohammed Amin.

The tribunal said Amin wanted to quit for "personal reasons" and not because of government pressure. His resignation was not expected to prevent the trial from resuming Jan. 24 as scheduled.

Pakistan says strike killed foreign terrorists

PESHAWAR, Pakistan — Pakistani provincial authorities said Tuesday four or five foreign terrorists were killed in the purported U.S. missile strike that has severely strained relations with the Muslim nation, a key ally in President Bush's war on terror.

Prime Minister Shaukat Aziz, on the eve of a trip to Washington, said that despite the importance of ties with the United States, attacks inside Pakistan "cannot be condoned."

Eighteen residents, including women and children, were also killed in the strike, the government said Tuesday. Pakistani intelligence officials said the target of the attack was Ayman al-Zawahiri, who they said was invited to a dinner celebrating an Islamic holiday but sent aides instead.

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