

Obama Setting Up Supreme Court As Campaign Issue

BY ANNE GEARAN

Associated Press

WASHINGTON — President Barack Obama is laying groundwork to make the majority-conservative Supreme Court a campaign issue this fall, taking a political page from Republicans who have long railed against liberal judges who don't vote their way.

The emerging Democratic strategy to paint the court as extreme was little noted in this week's hubbub over Obama's assertion that overturning his health care law would be "unprecedented."

His statement Monday wasn't completely accurate, and the White House backtracked. But Obama was making a political case, not a legal one, and he appears ready to keep making it if the high court's five-member majority strikes down or cuts the heart out of his signature policy initiative.

The court also is likely to consider several other issues before the Novem-



Obama

"We haven't seen the end of this," said longtime Supreme Court practitioner Tom Goldstein, who teaches at Stanford and Harvard universities. "The administration seems to be positioning itself to be able to run against the Supreme Court if it needs to or wants to."

While Obama has predicted victory in the health care case now before the court, his administration could blame overreach by Republican-appointed justices if the law is rejected, said Goldstein, who wrote a brief supporting the law's constitutionality.

This can be dangerous ground, as Obama discovered. Since Franklin Delano Roosevelt, few presidents have directly assailed the Supreme Court. In Obama's case, he issued an indirect challenge, but the former constitutional law professor tripped over the details.

Obama told a news conference on Monday that he was "confident that the Supreme Court will not take what would be an unprecedented, extraordinary step of overturning a law that was passed by a strong majority of a democratically elected Congress."

The Supreme Court does sometimes overturn laws passed by Congress. Obama later clarified that he was referring to a narrow class of constitutional law, but even then Republicans and some court scholars took issue. What's not in question is that the law wasn't approved by a strong, majority — the vote was a slim 219 to 212 in the House.

A Republican-appointed federal judge took umbrage at the suggestion that federal courts might be powerless to over-

turn such laws, and ordered the Justice Department to provide written assurance. He insisted the response be at least three pages, single-spaced.

Attorney General Eric Holder took on that task himself, telling the judge Thursday that "the longstanding, historical position of the United States regarding judicial review of the constitutionality of federal legislation has not changed."

He also took the opportunity to cite Supreme Court case law supporting the premise that laws passed by Congress are "presumptively constitutional."

The Supreme Court heard a rare three days of argument on the 2010 health care overhaul last week, and the court's conservative majority appeared deeply skeptical of the key provision, a requirement for individual health insurance. Justice Antonin Scalia, for one, appeared strongly in favor of striking down the entire law. A decision is expected by July.

Also Thursday, Senate Republican Leader Mitch McConnell had his say on presidents and the Supreme Court.

"The president did something that as far as I know is completely unprecedented. He not only tried to publicly pressure the court into deciding a pending case in the way he wants it decided; he also questioned its very authority under the Constitution," McConnell said.

The constitutional issue aside, Obama made it clear that the thrust of his argument is political. He ticked off popular elements of the law that are already in force, and said the consequences of losing those protections would be grave for young people and the elderly, in particular.

"I'd just remind conservative commentators that for years what we've heard is, 'The biggest problem on the bench was judicial activism or a lack of judicial restraint,' — that an unelected group of people would somehow overturn a duly constituted and passed law," Obama said. "Well, this is a good example. And I'm pretty confident that this court will recognize that and not take that step."

Connecticut Moves To Abolish Death Penalty

BY SHANNON YOUNG

AND ANDREW WELSH-HUGGINS

Associated Press

HARTFORD, Conn. — After executing just one prisoner in more than 50 years, Connecticut moved Thursday to become the fifth state in five years to do away with the death penalty for good.

But the repeal wouldn't be a lifeline for the state's 11 death row inmates, including two men who killed a woman and two children in a horrifying home invasion supporters touted as a key reason to keep the law on the books. The state Senate debated for hours Thursday about whether the law would reverse those sentences before voting 20-16 to repeal the law.

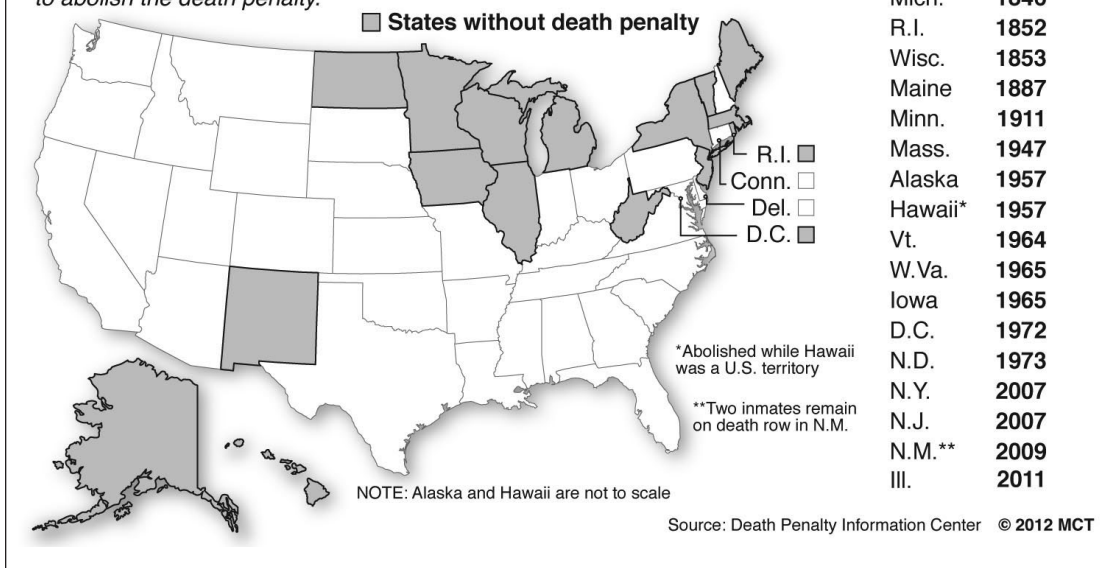
After the state Senate's 20-16 Thursday vote to repeal the law, the heavily Democratic state House of Representatives is expected to follow with approval within weeks. Gov. Dannel P. Malloy, the first Democratic governor elected in two decades, has vowed to sign the same bill vetoed by his Republican predecessor.

The wealthy, liberal state is one of the last in the Northeast to have a death penalty law and would join New Mexico, Illinois, New Jersey and New York as the most recent to outlaw capital punishment. Repeal proposals are also pending in several other states including Kansas and Kentucky, while an initiative to end the death penalty goes before California voters in November.

Like Connecticut, states that have recently decided to abolish capital punishment were among those that in practice rarely executed inmates. New Jersey, for example, hasn't executed anyone in more than 40 years; Connecti-

Death penalty

Connecticut is vying to become the fifth state in five years to abolish the death penalty.



cut's death row population is more than seven times below the national average.

Death sentences and executions are also plummeting around the country as fewer prosecutors push capital punishment cases, often because of new laws that allow life with no possibility of parole as a sentencing option.

The possibility of executing the innocent, driven by the rise of DNA as a tool to exonerate wrongfully convicted defendants, is the biggest overall factor driving states to reconsider capital punishment, said Doug Berman, an Ohio State University law professor.

"That has the most profound and enduring resonance as an argument and one that can never be pushed back," Berman said.

The Senate debate Thursday focused on how the law could affect the state's 11 death row in-

mates, including the two men sentenced to death for the 2007 home invasion attack in the New Haven suburb of Cheshire. They include two men sentenced to death for killing a woman and her two daughters after tormenting the family for hours in the New Haven suburb of Cheshire. The lone survivor of the attack, Dr. William Petit, successfully lobbied state lawmakers to hold off on repeal last year when one of the killers was still facing trial.

"We believe in the death penalty because we believe it is really the only true, just punishment for certain heinous and depraved murders," Petit said Wednesday. "One thing you never hear the abolitionists talk about is the victims, almost never. The forgotten people. The people who died and can't be here to speak for themselves."

Connecticut would become

the 17th state without a death penalty. Executions in the U.S. have declined from a high of 98 in 1999 to 43 last year, said Richard Dieter, executive director of the Death Penalty Information Center. The number of people sentenced to death each year has also dropped sharply, from 300 a decade ago to 78 last year, he said.

Dieter, a leading anti-death penalty advocate, attributed the states' decision to repeal to "the revelation of so many mistakes," wrongful convictions exposed by new DNA evidence. Executions have also been delayed in several states as supplies of the drugs used to put inmates to death have become scarce. States such as Ohio and Texas have limited supplies of pentobarbital, used in lethal injections, and have not said what they will do when those supplies run out.

Syrian Assault Undermines Hopes For Cease-Fire

BY ZEINA KARAM

AND ELIZABETH A. KENNEDY

Associated Press

BEIRUT — Syria launched a blistering assault Thursday on the outskirts of its capital, shelling residential areas and deploying snipers on rooftops as international envoy Kofi Annan demanded every fighter lay down arms in time for a U.N.-brokered cease-fire.

The bloodshed undermined already fading hopes that more than a year of violence will end soon, and France accused President Bashar Assad of trying to fool the world by accepting Annan's deadline to pull the army back from population centers by April 10.

According to the plan, rebels are supposed to stop fighting 48 hours later, paving the way for talks to end Assad's violent suppression of the uprising against his rule. The U.N. says more than 9,000 people have died.

"Can we be optimistic? I am not. Because I think Bashar Assad is deceiving us," French Foreign Minister Alain Juppe told reporters in Paris.

U.N. Secretary-General Ban Ki-moon said the crisis was getting worse, even though the Syrian government accepted Annan's plan March 27. Activists have accused the regime of stepping up attacks across the country, and they described Thursday's assault in Douma as among the worst around the capital since the uprising began.

"Cities, towns and villages have been turned into war zones. The sources of violence are proliferating," Ban told the U.N. General Assembly. "The human rights of the Syrian people continue to be violated. ... Humanitarian needs are growing dramatically."

"Cities, towns and villages have been turned into war zones. The sources of violence are proliferating. The human rights of the Syrian people continue to be violated. ... Humanitarian needs are growing dramatically."

BAN KI-MOON

He said the violence has not stopped and the situation on the ground "continues to deteriorate."

Black smoke billowed from residential areas of Douma, about 8 miles (12 kilometers) outside Damascus, amid heavy cracks of gunfire. Douma, which has seen anti-Assad activities since the uprising began, has been subjected to several campaigns by Assad's regime over the past year.

Activists said soldiers occupied Douma's Grand Mosque, one of the largest in the area.

"No one dares to walk in the streets because of the snipers," Syrian activist Omar Hamza told The Associated Press by telephone. "They are like stray dogs attacking sheep."

He said the shelling went on for eight hours, damaging homes and setting shops on fire. Hamza said the government appeared to be trying to put the heavily populated suburb under control before the cease-fire goes into effect for fear that there will be massive anti-government demonstrations near the capital if regime troops withdraw.

Douma-based activist Mohammed Saeed reported that troops shelled residential areas Thursday with tanks in one of the most violent campaigns against the area since the uprising started.

He said troops were using detainees as human shields as they marched into one of the suburb's main squares.

"Soldiers in the Ghanam Square near the vegetable market were walking behind detainees," Saeed said via Skype. "They do that so that members of the (rebel) Free Syrian Army do not open fire at the troops."

The Britain-based Syrian Observatory for Human Rights also said troops clashed with army defectors in the northern towns of Hraytan and Anadan near Syria's largest city of Aleppo.

Observers have expressed deep skepticism that Assad will abide by the peace plan, in part because large swaths of the country could slip out of his control if he pulls back the troops.

Analysts say Syria likely will try to manipulate the terms of the plan to buy more time, or to argue that the regime cannot lay down its arms when "terrorists" are on the attack.

The regime denies that the uprising is the result of a popular will in Syria, calling it a foreign conspiracy being carried out by terrorists and gangs.

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