

Romney: No One's Asked To See My Certificate

COMMERCE, Mich. (AP) — Republican Mitt Romney raised the discredited rumor that President Barack Obama wasn't born in the United States, jokingly declaring "no one's ever asked to see my birth certificate" as he campaigned Friday near his own Michigan birthplace.

Romney later insisted the remark was just a joke and not meant to question Obama's citizenship. But the comment risked creating an unwanted distraction for Romney in his last few days of campaigning before the Republican National Convention begins Monday. It came a day after Romney caused another stir by declaring that big business was "doing fine" in the current struggling economy in part because companies get advantages from offshore tax havens.

Romney made his birth certificate remark at a large outdoor rally in Michigan, where he grew up and where his father, George Romney, served as governor. He was joined onstage by his wife, Ann, and running mate, Wisconsin Rep. Paul Ryan.

Romney told supporters that he and Ann had been born at nearby hospitals.

"No one's ever asked to see my birth certificate. They know that this is the place that we were born and raised," Romney said.

Akin Flap The Latest Snag For Republicans

WASHINGTON (AP) — It's not just Todd Akin. The fallout from the Missouri Senate candidate's "legitimate rape" comment was the latest signal that the Republican path to the majority in the Senate may have just gotten tougher.

Democratic prospects have improved in states where Republicans had long been favored, like North Dakota and Arizona. And Republicans also now face the possibility of losing a seat in Maine.

The GOP argues that it still has a strong path to power, given improved prospects in states like Wisconsin, Nevada and Connecticut.

On Capitol Hill, Republicans are expected to keep control of the House and need to gain four seats claim the Senate majority—or three if Mitt Romney is elected, making Wisconsin Rep. Paul Ryan the tie-breaking vote.

Which party controls the Senate has vast influence over the future of major policies, such as President Barack Obama's health care law and the tax code, as well as the makeup of the Supreme Court. Four of nine current justices are over the age of 70.

Mexican Navy: Fed. Police Fire On U.S. Vehicle

MEXICO CITY (AP) — The Mexican Navy said Friday that federal police opened fire on a U.S. Embassy vehicle carrying two U.S. government employees, after the vehicle entered an area where the Mexican officers were conducting anti-crime operations.

The two U.S. Embassy employees were hospitalized, one with a wound to the leg and the other hit in the stomach and hand, according to a government official who spoke on condition of anonymity. The U.S. Embassy said it could not release details of the shooting or the names of the victims.

The Navy said at least four vehicles opened fire on the Americans' sport utility vehicle on a road south of Mexico City, but did not make clear if any of the four carried federal police officers.

The shootings appeared to have been the result of a confused running gunbattle that broke out on a rural road in a mountainous area that has been used by common criminals, drug gangs and leftist rebels in the past.

The Navy said the embassy personnel were heading down a dirt road to a military installation when a carload of gunmen opened fire on them and chased them, along with a Navy officer accompanying them.

Court Upholds Decision On Health Warnings

RICHMOND, Va. (AP) — The federal government can't require tobacco companies to put large graphic health warnings on cigarette packages to show that smoking can disfigure and even kill people, a divided federal appeals court panel ruled Friday.

In a 2-1 decision, the U.S. Court of Appeals in Washington affirmed a lower court ruling that the requirement ran afoul of the First Amendment's free speech protections. The appeals court tossed out the requirement and told the Food and Drug Administration to go back to the drawing board. The decision is considered a blow to one of the Obama administration's major public health initiatives, raises the prospect of another U.S. Supreme Court tobacco battle and opens the door to further challenges of FDA's regulatory scheme.

Some of the nation's largest tobacco companies, including R.J. Reynolds Tobacco Co., sued to block the mandate to include warnings to show the dangers of smoking and encouraging smokers to quit lighting up. They argued that the proposed warnings went beyond factual information into anti-smoking advocacy. The government argued the photos of dead and diseased smokers are factual in conveying the dangers of tobacco, which is responsible for about 443,000 deaths in the U.S. a year.

The nine graphic warnings proposed by the FDA include color images of a man exhaling cigarette smoke through a tracheotomy hole in his throat, and a plume of cigarette smoke enveloping an infant receiving a mother's kiss. These are accompanied by language that says smoking causes cancer and can harm fetuses. The warnings were to cover the entire top half of cigarette packs, front and back, and include the phone number for a stop-smoking hotline, 1-800-QUIT-NOW.

In the majority opinion, the appeals court wrote that the case raises "novel questions about the scope of the government's authority to force the manufacturer of a product to go beyond making purely factual and accurate commercial disclosures and undermine its own economic interest — in this case, by making 'every single pack of cigarettes in the country (a) mini billboard' for the government's anti-smoking message."

2 Killed, 9 Wounded Outside Empire State Building In New York City

BY COLLEEN LONG AND TOM HAYS
Associated Press

NEW YORK — A laid-off clothing designer fatally shot an executive at his former company outside the Empire State Building on Friday, setting off a chaotic showdown with police in front of one of the world's best-known landmarks. Officers killed the gunman and at least nine others suffered minor wounds, likely all of them by stray police gunfire, authorities said.

The gunshots rang out on the Fifth Avenue side of the building at around 9 a.m., when pedestrians on their way to work packed sidewalks and merchants were opening their shops.

"People were yelling 'Get down! Get down!'" said Marc Engel, an accountant who was on a bus in the area when he heard the shots. "It took about 15 seconds, a lot of pop, pop, pop, pop, one shot after the other."

Afterward, he saw the sidewalks littered with the wounded, including one person "dripping enough blood to leave a stream."

Wearing an olive suit and tie and carrying a briefcase, Jeffrey Johnson walked up to the import company vice president, Steven Ercolino, put a gun to his head and fired without saying a word, authorities said. A witness told investigators that Johnson shot Ercolino once in the head and, after he fell to the sidewalk, stood over him and shot him four more times.

"Jeffrey just came from behind two cars, pulled out his gun, put it up to Steve's head and shot him," said Carol Timan, whose daughter, Irene, was walking to Hazan Imports at the time with Ercolino.

The gunman walked away and calmly turned up 5th Avenue, where he blended in with the crowd, police said.

A construction worker who saw the shooting followed Johnson and alerted two police officers, a detail regularly assigned to patrol city landmarks like the 1,454-foot skyscraper since the 9/11 terror attacks, officials said.

The two officers drew their weapons and fired 16 rounds, killing Johnson, Police Commissioner Raymond Kelly said.

A witness had told police that Johnson fired at the officers, but authorities say ballistics evidence so far doesn't support that. Johnson's .45-caliber weapon held seven rounds, they said. He fired five times at Ercolino, one round was still in the gun and one was ejected when officers secured it, authorities said.

"These officers ... had absolutely no choice," Kelly said. "This individual took a gun out very close to them and perhaps fired at them."

Another loaded magazine was found in Johnson's briefcase.

Johnson legally bought the gun in Sarasota, Fla., in 1991, but he didn't have a required permit to possess the weapon in New York City, police said.

"New York City, as you know, is the safest big city in the country, and we are on pace to have a record low number of murders this year," Mayor Michael Bloomberg said. "But we are not immune to the national problem of gun violence," he said about the shooting, which comes in the wake of mass shootings inside a



WANG LEI/XINHUA/ZUMA PRESS/MCT

Police work at the shooting scene near the Empire State Building in New York, Friday, August 24, 2012. A disgruntled laid-off women's accessories designer, Jeffrey Johnson, 53, shot a former co-worker to death in front of the Empire State Building, causing a chaotic showdown with police in front of one of the world's best-known landmarks. Police killed the suspect and at least nine others were wounded, some possibly by police gunfire, city officials said.

Colorado movie theater and a Sikh temple in Wisconsin.

Robert Asika, who was shot in the right arm, said he was "100 percent positive" that a police officer had shot him.

Asika, 23, sells tickets for the Empire State Building's observatory.

"When I woke up this morning, I didn't even want to go to work," he said. "Something told me not to go to work."

The wounded victims were five women and four men, aged 20 to 56, authorities said. All were from New York City, except a 35-year-old woman from Chapel Hill, N.C. They suffered graze wounds or other minor injuries, and police believe that at least some of the injuries were caused by bullet fragments that ricocheted off security planters.

Johnson, 58, and Ercolino had traded accusations of harassment when Johnson worked there, Kelly said. Johnson had been laid off about a year ago. Police said he blamed the victim, believing Ercolino had failed to aggressively promote his line of women's T-shirts.

Ercolino's profile on the business networking site LinkedIn identified him as a vice president of sales at Hazan Import. It said he was a graduate of the State University of New York at Oneonta.

He was single and had recently moved to New Jersey after living for a time in Warwick, just north of New York City, said his eldest brother, Paul Ercolino. He grew up in Nanuet, N.Y.

"He was in the prime of his life," Paul Ercolino said, adding that the family was in shock. He said his brother was a gregarious salesman — known to nieces and nephews as "Uncle Ducky" because of his nearly blond hair — who had followed his father into the garment industry, then later worked in women's handbags and accessories.

He never mentioned to the family that he had any problems

with a co-worker, Paul Ercolino said.

Hazan Import Corp. imports women's clothing and accessories, according to public records. Calls to its executives weren't immediately returned.

Johnson worked at the company near the Empire State Building for about six years and was laid off because of downsizing, Kelly said.

Even after he was laid off, Johnson would leave his Upper East Side apartment building each morning in a suit, and often returned about a half hour later after going to get breakfast at McDonald's, his neighbors said.

"He was always alone," said Gisela Casella, who lived a few floors above him. "I always felt bad. I said, 'Doesn't he have a girlfriend?' I never saw him with anybody."

His superintendent, Guillermo Suarez, said he lived alone in a one-bedroom apartment that he was subletting. He called him a "very likable guy," who always wore a suit.

"We were just working here and we just heard bang, bang, bang!" said Mohammed Bachchu, 22, of Queens, a worker at a nearby souvenir shop. He said he rushed from the building and saw seven people lying on the ground, covered in blood.

Queens resident Rebecca Fox, 27, said she saw people running down the street and initially thought it was a celebrity sight-

ing, but then saw a woman shot in the foot and a man dead on the ground.

"I was scared and shocked and literally shaking," she said. She said police seemed to appear in seconds. "It was like 'CSI,' but it was real."

Gunshots so close to one of the city's leading tourist attractions immediately prompted fears of terrorism, but federal officials said that wasn't the case, and a guard at skyscraper said it didn't involve the parts of the building where tourists gather to visit the skyscraper.

Metal detectors and bag searchers have been standard at the 102-story skyscraper since 1997, when a gunman opened fire on the 86th floor observation deck of the Empire State Building, killing one tourist and wounding six others before fatally shooting himself.

Millions of tourists ascend its heights to gape over the city from its observation deck, made famous in films such as "Sleepless in Seattle." It was 1933's "King Kong" that showed a giant ape clutching Fay Wray and fending off airplanes atop the tower. The skyscraper and its observatories remained open throughout the mayhem Friday, the building's owner said.

"This unfortunate event had nothing to do with the Empire State Building and with terrorism," said Anthony Malkin of Malkin Holdings.

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