

Obama Says He Can't Fix Immigration Alone

WASHINGTON (AP) — Facing weakening support among Hispanics, President Barack Obama expressed deep frustration Wednesday over what he called an inaccurate and damaging perception that he can fix the nation's flawed immigration system on his own.

"This notion that somehow I can just change the laws unilaterally is just not true," Obama said during a White House roundtable targeting Hispanic voters, a key constituency for the president's re-election campaign.

The president said comprehensive immigration reform continues to be a "top priority" for his administration. But he blamed Republicans in Congress for failing to join Democrats in supporting legislation that would address the flow of foreigners into the U.S. and deal with illegal immigrants already in the U.S.

"Only a few years ago, as I said, you had some Republicans who were willing to recognize that we needed to fix our immigration system," Obama said, noting that his predecessor, George W. Bush, was among them. "Right now you do not have that kind of leadership coming from the Republican Party."

A strong majority of Hispanics supported Obama's election in 2008. But his support among Hispanics has declined, as it has in the broader population. A recent Gallup survey found 48 percent of Hispanic voters approving of Obama's job performance, compared with 60 percent in January.

Health Officials: Deaths Linked To Cantaloupe

WASHINGTON (AP) — Federal health officials said Wednesday more illnesses and possibly more deaths may be linked to an outbreak of listeria in cantaloupe in coming weeks.

So far, the outbreak has caused at least 72 illnesses — including up to 16 deaths — in 18 states, making it the deadliest food outbreak in the United States in more than a decade.

The heads of the Centers for Disease Control and Prevention and the Food and Drug Administration said consumers who have cantaloupes produced by Jensen Farms in Colorado should throw them out. If they are not sure where the fruit is from, they shouldn't eat it.

Neither the government nor Jensen Farms has supplied a list of retailers who may have sold the fruit. Officials say consumers should ask retailers about the origins of their cantaloupe. If they still aren't sure, they should get rid of it.

"If it's not Jensen Farms, it's OK to eat," said Thomas Frieden, director of the CDC. "But if you can't confirm it's not Jensen Farms, then it's best to throw it out."

Afghan. Insurgents Carry Out Complex Attacks

KABUL, Afghanistan (AP) — The monthly average of armed clashes, roadside bombings and other violence in Afghanistan is running 39 percent ahead of last year's figure, U.N. reported Wednesday, with more complex suicide operations involving multiple bombers and gunmen.

The statistics show that the intensity of the nearly decade-old war is growing, not abating, as the U.S. and other nations start to withdraw some forces with an eye toward pulling all combat troops out by the end of 2014. The Taliban's resilience raises questions about whether the Afghan government and its Western allies have a solid grip on security — and whether the Afghan forces can ever secure the nation by themselves.

NATO says it has made progress in taming the Taliban insurgency by routing its strongholds in the south. But the Taliban have hit back with several high-profile attacks in the capital and assassinations of government officials and senior Afghan leaders.

In its quarterly report on Afghanistan, the U.N. said that as of the end of August, the average monthly number of incidents stood at 2,108, up 39 percent over the same period a year earlier. It did not provide comparable data. The figures include insurgent attacks as well as assaults by NATO and Afghan forces on Taliban figures and positions.

"Armed clashes and improvised explosive devices continued to constitute the majority of incidents," U.N. Secretary-General Ban Ki-moon said in his report. "The south and southeast of the country, particularly around the city of Kandahar, continued to be the focus of military activity and accounted for approximately two-thirds of the total security incidents."

Monument Rappelled Looking For Damage

WASHINGTON (AP) — In what looked like a scene from a Hollywood action movie, an elite team of professionals rappelled down the Washington Monument on Wednesday — not to carry out a covert mission but to inspect the damage done to the 555-foot marble obelisk by last month's earthquake.

As tourists squinted at the tiny figures, two men and two women climbed from a hatch and observation windows at the top of the monument and slowly began lowering themselves with ropes and harnesses down its pyramid-shaped cap, where a large, inch-wide crack was located and where they expected to find the most damage.

From the ground, their movements appeared methodical and deliberate, but it was still enough to make family members and gawkers nervous.

"It's kind of freaky. I'm terrified of heights. I'll bet everything looks all swirly up there," said Brandon Guy, 14, of Windsor, Calif.

Engineers said that the 1884 landmark is structurally sound but that they need to catalog every defect so they can determine how long it will take to repair it and reopen it to the public.

Maine The Only State In East With 75 mph Limit

AUGUSTA, Maine (AP) — If you drive along Interstate 95 in the nation's far northeastern corner, "it's trees, trees, trees" for mile after mile, says one motorist. So why not set the cruise control on 75 mph?

That's what a lot of drivers have been doing for years, but now it's legal on one lonesome stretch, making Maine the only state east of the Mississippi River where drivers aren't breaking the law by driving 75 mph.

The new law authorizing the higher limit went on the books Wednesday, though it actually takes effect when new signs replace the old 65 mph ones next Tuesday.

Obama Appeals Health Care Set Back Sets Up Likely Election Year Showdown

BY MARK SHERMAN
Associated Press



Obama

WASHINGTON — Raising prospects for a major election-year ruling, the Obama administration launched its Supreme Court defense of its landmark health care overhaul Wednesday, appealing what it called a "fundamentally flawed" appeals court decision that declared the law's central provision unconstitutional.

Destined from the start for a high court showdown, the health care law affecting virtually every American seems sure to figure prominently in President Barack Obama's campaign for re-election next year. Republican contenders are already assailing it in virtually every debate and speech.

The administration formally appealed a ruling by the federal appeals court in Atlanta that struck down the law's core requirement that individuals buy health insurance or pay a penalty beginning in 2014.

At the same time, however, the winners in that appellate case, 26 states and the National Federation of Independent Business, also asked for high court review Wednesday, saying the entire law, and not just the individual insurance mandate, should be struck down.

The Supreme Court almost always weighs in when a lower court has struck down all or part of a federal law, to say nothing of one that aims to extend insurance coverage to more than 30 million Americans.

The bigger question had been the timing. The administration's filing makes it more likely that the case will be heard and decided in the term that begins next week.

Repeating arguments it has made in courts across the country in response to many challenges to the law, the administration said Congress was well within its constitutional power to enact the insurance requirement.

Disagreeing with that, the 26 states and business group said in their filings that the justices should act before the 2012 presidential election because of uncertainty over costs and requirements.

On the issue of timing, their cause got an unexpected boost from retired Supreme Court Justice John Paul Stevens, who said voters would be better off if they knew the law's fate before casting their ballots next year.

The 91-year-old Stevens said in an Associated Press interview that the justices would not

shy away from deciding the case in the middle of a presidential campaign and would be doing the country a service. "It would be better to have that known about than be speculated as a part of the political argument," Stevens said in his Supreme Court office overlooking the Capitol.

Though the Atlanta appeals court struck down the individual insurance requirement, it upheld the rest of the law. The states and the business group say that would still impose huge new costs.

In another challenge to the same law, the federal appeals court in Cincinnati sided with the administration. In a separate Supreme Court filing Tuesday night, the Obama administration said it does not appear necessary to grant review of the Cincinnati case and the government added that consolidating the two cases could complicate the presentation of arguments "without a sufficient corresponding benefit."

The law would extend health coverage mainly through subsidies to purchase private insurance and an expansion of Medicaid. The states object to the Medicaid expansion and a provision forcing them to cover their employees' health care at a level set by the government.

The individual insurance mandate "indisputably served as the centerpiece of the delicate compromise that produced" the law, according to the states, with Florida taking the lead.

The administration said in the Atlanta-based 11th U.S. Circuit Court of Appeals that the law's changes in the insurance market, including requiring insurers to cover people without regard for pre-existing health conditions, would not work without the participation mandate.

The insurance requirement is intended to force healthier people who might otherwise forgo insurance into the pool of insured, helping to reduce private insurers' financial risk.

Both appeals stressed the importance of resolving the overhaul's constitutionality as soon as possible, which under normal court procedures would be by June 2012.

While a decision in that time frame would come in the midst of a heated presidential cam-

paign, the NFIB said it is more important to resolve uncertainty about costs and requirements than drag out consideration into 2013 or beyond.

"When you talk to our members and other small-business owners about what is the biggest problem they're facing, they say uncertainty," said Karen Harned, executive director of the NFIB's legal division. "When you ask what, one of first answers is the health care law."

Stevens, who retired last year, said his former colleagues would not be affected by the potential impact of their decision on Obama's re-election chances.

"They'll decide it on the law. I'm totally convinced of that," he said.

Obama appointed Stevens' successor, Elena Kagan.

Stevens said that if he still had a vote on the court on timing, he would cast it in favor of hearing the case sooner rather than later. He would not say how he would vote on the issue of the law's constitutionality, although he said the court's 6-3 decision in a 2005 case involving medical marijuana seems to lend support to the administration's defense of the law.

Stevens wrote the opinion that held that the Constitution allows federal regulation of home-grown marijuana as interstate commerce. A central dispute in the health care case is over Congress's power under the Constitution's commerce clause to mandate the purchase of health insurance.

In addition to the competing rulings on the law's validity, a federal appeals court in Richmond, Va., ruled that it was premature to decide the law's constitutionality. Citing a federal law aimed at preventing lawsuits from tying up tax collection, that court held that a definitive ruling could come only after taxpayers begin paying the penalty for not purchasing insurance.

The administration suggested that the Supreme Court should consider that issue because of the appellate ruling.

The federal appeals court in Washington, D.C., also heard arguments in yet another lawsuit against the overhaul last week. That court has no timetable for its decision.

The other states aligned with Florida are: Alabama, Alaska, Arizona, Colorado, Georgia, Idaho, Indiana, Iowa, Kansas, Louisiana, Maine, Michigan, Mississippi, Nebraska, Nevada, North Dakota, Ohio, Pennsylvania, South Carolina, South Dakota, Texas, Utah, Washington, Wisconsin and Wyoming.

USS Cole Trial At Guantanamo To Be Capital Case

SAN JUAN, Puerto Rico (AP) — A Pentagon legal official has approved charges that carry a possible death penalty for a Guantanamo prisoner accused of planning the attack on the USS Cole, the U.S. Defense Department said Wednesday.

Abd al-Nashiri would face charges that include murder in violation of the law of war for allegedly planning the attack that killed 17 sailors and wounded 40 while the Navy destroyer was stopping in Yemen on Oct. 12, 2000. The U.S. must now bring him before a judge within 30 days for his arraignment before a military judge at the U.S. base in Cuba.

This would be the first death-penalty war crimes trial for a prisoner at Guantanamo under President Barack Obama, who had pledged to close the detention center but ran into Congressional opposition to moving detainees to the U.S.

A Saudi of Yemeni descent, al-Nashiri was captured in Dubai in November 2002 and flown to a CIA prison in Afghanistan known as Salt Pit before being moved to another clandestine CIA facility in Thailand, where he was water-boarded and threatened with a power drill during interrogation, according to a report by the CIA's inspector general that was released in 2009.

His Pentagon-appointed lawyer, Navy Lt. Cmdr. Stephen Reyes, said the treatment amounted to torture and he had asked the Convening Authority to drop the charges or at least remove the potential death penalty.

Reyes also argues that the military commissions, despite being revamped in 2009, are still flawed, allowing defendants to be convicted with hearsay evidence or without the government being compelled to put all its witnesses on the stand.

"All this can be done and the client can get the death sentence,"

he said. "How can we have any confidence in whatever is the outcome of this trial?"

Denny LeBoeuf, an expert on death penalty law at the American Civil Liberties Union, condemned the decision.

"All of our concerns about the inherent unfairness of the military commissions are compounded in cases like this one, in which the result could be death," she said. "The Constitution and international law rightly require enhanced protections in death penalty cases, but the military commissions have shown themselves to be unwilling

or unable to provide those necessary measures."

There have been six prisoners convicted of war crimes, four through plea bargains, at Guantanamo. None have received the death penalty. The U.S. is preparing charges against five defendants accused of orchestrating the Sept. 11 attacks, including self-proclaimed mastermind Khalid Sheikh Mohammed in what is also likely to be a capital case.

There are 171 prisoners at Guantanamo, and the government has said about 35 could eventually face war crimes charges.

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