

# Today's Tabloid

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04 November 2008  
Tabloid.com

## Cheyenne Journal: Cheyenne of Two Minds About Denver-Like Growth

2008-11-04 08:51

NYT > U.S.

CHEYENNE, Wyo. — This city once dreamed in lofty superlatives — that it could become a major metropolis, axis of the Intermountain West and heavyweight hub of the High Plains.

But by the late 1800s, Denver, 95 miles south in Colorado, had won the contest. Gold strikes and good water supplies made the difference. Cheyenne gradually retreated to its roots as a wind-blown provincial town, dependent on a cold war-era missile base and on Wyoming's tiny state government for jobs.

Now the Denver area's relentless growth, with its satellite cities and suburbs that march north toward Wyoming, is grabbing Cheyenne by the lapels.

But maps are political documents, too, and the poll numbers suggest that the same newcomers who have reshaped the Denver metropolitan economy may now be leading Colorado, once-dependably Republican, into the Democratic column by supporting Senator Barack Obama for president. Mr. Obama is ahead in most polls in Colorado going into Tuesday's election. Wyoming, by contrast, with just over 500,000 people, less than one-tenth of Colorado's population, is among the most stalwart of Republican states and shows little sign of budging.

The result is not exactly a collision, but rather a kind of accordion affect, like the two-headed Pushmi-Pullyu from the Dr. Dolittle stories. One force is pulling the two states closer as the juggernaut of urbanization shifts the economic and demographic landscape; the other is carving out a deeper separation as most of Wyoming holds firm to its cowboy, go-it-alone ethos.

Change for old Cheyenne, population 55,000, is the one certainty.

Wyoming's low-rise capital city has long been isolated by virtue of its founding as a railroad town; it was plunked in the state's southeast corner not for loveliness or riches but because it was midway between the Union Pacific's other major depots of the 1860s, in Omaha and Ogden, Utah. Now, it is braced for impact.

About 16,000 passenger vehicles cross the border every day, at least 2,200 of them commuters to jobs on one side of the border or the other, according to Wyoming state figures. The Wyoming Legislature, where "mass transit" is seldom heard, took testimony in October from a state consultant who recommended that the state start conferring with planners in Denver who are hoping to build a commuter rail line of 300 miles or more from Wyoming to New Mexico.

"Economics is what we are really after," said State Senator Michael Von Flatern, a Republican and co-chairman of the Transportation, Highways and Military Affairs Committee. "Denver will be a big megalopolis, and if things move forward on the rail line, and Colorado does their part, I would want Wyoming to tie in."

People like John Brazzale, a 47-year-old electrician from Cheyenne who has worked here and in Denver, say that they think the knot has already been tied. Now it is time for the honeymoon.

"Something's coming," Mr. Brazzale said as he rewired lampposts outside the Union Pacific Depot on a recent morning — old-fashioned bulbs out, energy-efficient fluorescent lights in.

"Just look at the hotels that are going up around here," he said. "They're not building them for fun."

Mr. Brazzale, who described himself as a union man and

a Democrat, said that he welcomed the change, and that, who knows, in 20 years, Cheyenne could even become a kind of high-tech wunderkind like Boulder, a Denver satellite known for its fancy restaurants, liberals and geeks.

In a hint of that possible future, the National Center for Atmospheric Research in Boulder, a climate research institute financed by the National Science Foundation, announced last year that its next-generation supercomputer center would be built in Cheyenne. Scheduled to open in 2011, the center will foster interaction between researchers from Colorado and Wyoming who will now have reason to meet in Cheyenne.

Still, Ron Willis is among those who think the old political boundaries will hold, even as things change.

"Colorado is becoming a more Democratic state, but Wyoming will remain Republican," said Mr. Willis, 32, who runs a state-federal program to help residents weatherize their homes to conserve energy. "I think the two states will remain separated."

Politics aside, Mr. Willis said that Wyoming still held a monopoly on real Western culture and would not surrender the claim to Denver, regardless of dollar signs.

"Denver has never really been the West," he said, repeating a commonly heard insult around here that, in rowdier days, might have sparked a fistfight.

At the Cheyenne Area Convention and Visitors Bureau, the group's president and chief executive, Darren Rudloff, said he thought a greater linkage with Denver was inevitable and mostly positive.

The three conjoined metropolitan areas of northeastern Colorado — Denver-Aurora, Boulder and Fort Collins-Loveland — now press right up to the Wyoming border. Taken together, they are among the fastest-growing areas in the nation over the last two decades, with a population increase of about 44 percent, to just under three million people, according to the most recent Census Bureau estimates.

"I don't think there's any business resistance," Mr. Rudloff said. "But there would be, I think, in some quarters, resistance to losing too much of the Cheyenneness — there would be some push back."

On the other hand, Mr. Rudloff added, many Wyoming residents have already written off Cheyenne, believing that the city has fallen off the map already and into

Colorado. "We're not Colorado and we're not totally Wyoming, according to some people," he said. "So we're kind of stuck in the middle."

But if geography is destiny, there is perhaps a historical twist as well. Political and business leaders here say the growth of metropolitan Denver's population north toward Wyoming, which has no income tax, sharpens the business allure of Cheyenne as a commuting destination for more and more Coloradans, making the city a legitimate contender with Denver for the first time in generations and stirring those old dreams of greatness.

Laura Adams, an accountant with the state government, said she welcomed the new economic connections. "It can only help Cheyenne," she said. "A lot of people still don't even know where it is."

But do not get her started on politics.

Ms. Adams, 51, who described herself as a strong supporter of Senator John McCain, the Republican presidential nominee, is unhappy with Colorado's political direction and with the Denver news media, which often serves Cheyenne as an afterthought. After the Democrats held their national convention in Denver in August, Ms. Adams said, too many locals fell in love with the party.

"I listen to a radio station that comes from Denver," she said. "I had to turn it off. I couldn't stand it any more."

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## Networks May Call Race Before Voting Is Complete

2008-11-04 08:40

NYT > U.S.

At least one broadcast network and one Web site said Monday that they could foresee signaling to viewers early Tuesday evening which candidate appeared to have won the presidency, despite the unreliability of some early exit polls in the last presidential election.

A senior vice president of CBS News, Paul Friedman, said the prospects for Barack Obama or John McCain meeting the minimum threshold of electoral votes could be clear as soon as 8 p.m. — before polls in even New York and Rhode Island close, let alone those in Texas and California. At such a moment, determined from a combination of polling data and samples of actual votes, the network could share its preliminary projection with viewers, Mr. Friedman said.

"We could know Virginia at 7," he said. "We could know Indiana before 8. We could know Florida at 8. We could

know Pennsylvania at 8. We could know the whole story of the election with those results. We can't be in this position of hiding our heads in the sand when the story is obvious."

Similarly, the editor of the Web site Slate, David Plotz, said in an e-mail message that "if Obama is winning heavily," he could see calling the race "sometime between 8 and 9."

"Our readers are not stupid, and we shouldn't engage in a weird Kabuki drama that pretends McCain could win California and thus the presidency," Mr. Plotz wrote. "We will call it when a sensible person — not a TV news anchor who has to engage in a silly pretense about West Coast voters — would call it."

All the networks (and other news organizations with their own Web sites) were engaging in similar debates on Monday about striking the following balance: not relying too much on early exit poll data — which had suggested, at least early on Election Day in 2004, that Senator John Kerry might be on track to defeat President Bush — while not being so cautious as to be beaten to the punch by a competitor who announces an emerging result first.

When asked how Katie Couric, who is leading CBS's coverage, might present the network's projection to viewers, Mr. Friedman said he could imagine her saying, for example, "Given what we know about the results, or the projected results in various states, it's beginning to look like it will be very difficult for John McCain to put together enough votes to win this election."

The decision desk director of ABC News, Dan Merkle, said, "I think at ABC we're going to be more cautious than that, in terms of telegraphing which way the election is going." Mr. Merkle said he was particularly concerned about how much stock to put in exit polls, "which are sometimes fine, and which sometimes have had overstatements on Democratic candidates in particular."

"We may have some indications from that data," Mr. Merkle said. "That's different than going on the air to report that."

With some national polls suggesting that Mr. Obama was heading for a potential electoral landslide, news organizations were preparing for a race that could be far less close than those in 2004 or 2000. The nearest precedent could be 1980, when the networks projected Ronald Reagan to have defeated Jimmy Carter shortly after the polls closed in the East. Later, the secretaries of state from Washington, Oregon and other Western states

argued that, as a result of the networks' early call that year, voter turnout in California dropped by about 2 percent.

Other experts, though, have argued that any impact by the networks on turnout was far outweighed by Mr. Carter's having made a concession speech shortly after the networks broadcast their results.

Whatever the networks decide, it seemed clear that they would disregard a plea by Representative John D. Dingell, Democrat of Michigan, to hold off projecting a winner until polls in the last state had closed. Those would be Alaska's, which are to remain open until 1 a.m. on the East Coast.

"When a candidate gets 270 electoral votes, they're the next president," said Sheldon Gawiser, director of elections for NBC News. "If some states are still voting, it's an unfortunate circumstance, that's what it is. The founding fathers never expected us to count the votes fast."

In something of a compromise, CNN said it might tell its viewers that another news organization had called a particular state, but that it was holding off, and for what reason.

In 2004, early exit poll data suggested that Mr. Kerry was ahead began circulating within newsrooms — and leaking out on Web sites, including Slate's — early in the afternoon on Election Day. This year, the consortium of six news organizations gathering the exit poll data — NBC, ABC, CBS, Fox, CNN and The Associated Press — have agreed to keep the information under quarantine until 5 p.m.

Representatives of those news organizations will begin analyzing that information at a secret location beginning in late morning, but will have to surrender all electronic devices at the door; even restroom visits will be supervised. There were already signs on Monday that the additional security was paying off.

"We won't call off exit polls," Mr. Plotz said, "in part because we don't expect to get them leaked to us much before the first results."

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## Report Backs Palin in Firing of Commissioner

2008-11-04 08:34

NYT > U.S.

ANCHORAGE — A report released on Monday by a state board found that Gov. Sarah Palin did not apply improper pressure to try to dismiss a state trooper who was her former brother-in-law and did not violate state ethics laws in the firing of her public safety commissioner.

The report by the Alaska Personnel Board contradicts the conclusions last month of a separate inquiry into the matter overseen by a bipartisan legislative panel. The earlier inquiry found that Ms. Palin had breached a state ethics act by pressing to have the trooper, Mike Wooten, fired. The panel said, however, that the governor was within her rights to fire the public safety commissioner, Walt Monegan.

The personnel board's report, based on an investigation led by an independent counsel, Timothy J. Petumenos, concluded that there was no evidence to prove Ms. Palin or any state employee had acted improperly in Mr. Monegan's dismissal.

The report said the legislative inquiry had based its conclusions on an incorrect interpretation of state ethics laws and on insufficient evidence. The lawmakers who ordered the first inquiry stood by their report on Monday.

In a statement about the new report, Ms. Palin's lawyer, Thomas V. Van Flein, said, "The governor is grateful that this investigation has provided a fair and impartial review of this matter and upholds the governor's ability to take measures when necessary to ensure that Alaskans have the best possible team working to serve them."

Mr. Monegan has said he believes he was fired because he would not bend to pressure from Ms. Palin; her husband, Todd; and her subordinates to fire Trooper Wooten, who had been through a bitter divorce with the governor's sister. He said that he had received many complaints about Mr. Wooten from the Palins and several members of the administration and that he felt they wanted him to dismiss Mr. Wooten, who is still on the force.

Mr. Petumenos said the governor and other state employees had testified firmly that several conversations Mr. Monegan described had not happened. No witnesses confirmed Mr. Monegan's account of the discussions, he said.

"They didn't happen at all," Mr. Petumenos said.

"Unless someone can be proved to abuse their power," Mr. Petumenos added, "it seems to me they haven't done it."

Mr. Monegan said Monday in an interview: "The conversations absolutely did take place. I've been a police officer for some 35 years. Aren't I supposed to tell the truth? And in this case I did, under oath to both investigators."

"It's not only me," Mr. Monegan said. "There were senior members of the Department of Public Safety who got the calls, felt the pressure and knew exactly what was going on. I will always feel that there were conversations and e-mails that were intended to inappropriately use an official government position to settle a family matter."

He added, "Obviously I'm disappointed with the outcome and the contradictory nature of this investigation, compared to the first one."

The governor of Alaska appoints the members of the Alaska Personnel Board, though all three of the board's current members were appointed by Ms. Palin's predecessor. Ms. Palin reappointed one member to a new term, said a spokesman for the governor, Bill McAllister.

"This is obviously the correct outcome," Mr. McAllister said. "We knew all along that Governor Palin did not abuse her power."

John Cyr, the executive director of the Alaska Public Safety Employees Association, said it was not surprising that a board appointed by the governor's office would reach the conclusion.

"We all knew that the governor's office was putting pressure on" the Department of Public Safety "to take action against Michael Wooten," Mr. Cyr said.

In late July, several weeks after Mr. Monegan was fired, the state's bipartisan Legislative Council ordered an inquiry into his dismissal. The controversy undercut Ms. Palin's image as a reformer, but it did not become prominent nationally until late August, when she was chosen as the running mate for Senator John McCain, the Republican presidential nominee.

Ms. Palin had said earlier in the summer that she would cooperate with the legislative inquiry but after she was nominated she refused to testify. The McCain-Palin campaign said the inquiry had become politically driven

and sent lawyers and staff members to Alaska to help with the governor's legal strategy and to hold "Palin truth squad" news conferences almost daily.

In September, Ms. Palin took the unusual step of filing an ethics complaint against herself to the Personnel Board, which she said was the proper forum for dealing with the matter. The board's report said it was based on "substantially more evidence" than the legislative inquiry, including a three-hour deposition from Ms. Palin.

Mr. Petumenos said the legislative inquiry had determined that Ms. Palin violated the scope of state ethics laws by "inaction," because she supposedly did not stop her staff and her husband from pressuring Mr. Monegan. But Mr. Petumenos said the legislative inquiry had not met requirements for finding a violation because it did not cite violations under specific sections of the ethics code.

In the legislative report, the investigator, Stephen E. Branchflower, a former prosecutor in Anchorage, said Ms. Palin had herself applied pressure to get Trooper Wooten dismissed and also let her husband and subordinates press for his firing. The report concluded that she had violated the Alaska Executive Branch Ethics Act.

State Senator Kim Elton, a Democrat who is the chairman of the Legislative Council, said of the Personnel Board's findings: "I'm surprised. I think the ethics act is very clear and that Mr. Branchflower strung together a series of events that made it clear there was not only smoke but fire."

William Yardley reported from Anchorage, and Serge F. Kovalski from New York. Karen Aho contributed reporting from Anchorage.

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## Justices Agree to Consider DNA Case

2008-11-04 08:04

NYT > U.S.

WASHINGTON — The Supreme Court agreed Monday to decide whether people convicted of crimes have a constitutional right to test DNA evidence that could prove their innocence.

The case pits the value of finality in criminal cases against the possibility of proving an inmate's innocence long after trials and appeals are concluded.

In April, the United States Court of Appeals for the Ninth Circuit, in San Francisco, ordered prosecutors in Alaska to turn over DNA evidence that had been used to convict

William G. Osborne of kidnapping and raping a prostitute. The appeals court said that biological evidence — hairs and semen — could be subjected to more sophisticated DNA testing than had been used by the prosecution to implicate Mr. Osborne.

Prosecutors in Alaska, in their brief urging the Supreme Court to hear the case, *District Attorney's Office v. Osborne*, No. 08-6, said the appeals court had "created from whole cloth" a constitutional right of post-conviction access to DNA evidence. The prosecutors added that the court had made a separate mistake in allowing a right of access to be pursued even if a conviction was not being challenged in a pending case.

The federal government and 44 states — but not Alaska — have laws allowing post-conviction DNA testing.

Mr. Osborne was convicted in 1994 based in part on DNA evidence that had been subjected to relatively unsophisticated testing. It indicated that biological evidence in the case had characteristics consistent with the profiles of 15 percent of African-American men, including Mr. Osborne. His lawyer decided not to pursue more discriminating testing, fearing that it might further incriminate his client.

Mr. Osborne was sentenced to 26 years in prison, with five years suspended. He later confessed to the Alaska Board of Parole but has since said he did so only in the hope of quicker release.

The Supreme Court has in earlier cases left open the question of whether people convicted after fair trials may nonetheless file federal claims based solely on evidence that they are in fact innocent.

Barry Scheck, a director of the Innocence Project at Cardozo School of Law, which represents Mr. Osborne, said he could not understand why prosecutors in Alaska have opposed testing.

"The State of Alaska concedes that DNA testing could prove William Osborne's innocence, while fighting his right to testing," Mr. Scheck said. "Why would anyone be afraid to learn the truth in this case? There is no rational reason to deny DNA testing that could prove innocence or confirm guilt."

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## National Briefing | New England: Massachusetts: Plea Deal in Raid Case

2008-11-04 08:03

NYT &gt; U.S.

The owner of a New Bedford leather-goods factory that was raided last year by immigration agents has pleaded guilty to harboring and concealing illegal immigrants. The owner of Michael Bianco Inc., Francesco Insolita, was charged with conspiring to induce illegal immigrants to live in the United States and conspiring to hire illegal immigrants. As part of a deal with prosecutors, Mr. Insolita agreed to plead guilty to a single charge of harboring and concealing immigrants. The company also pleaded guilty to 18 counts of knowingly hiring illegal immigrants from early 2004 to late 2006. It has agreed to pay a fine of about \$1.5 million and pay about \$460,000 in restitution for overtime owed to employees. Mr. Insolita faces 12 to 18 months in prison and has agreed to pay a fine of \$30,000. In March 2007, the federal authorities arrested 361 workers at the company.

## National Briefing | Plains: Nebraska: Two More Abandoned

2008-11-04 08:03

NYT &gt; U.S.

Two more teenagers have been abandoned at hospitals under the state's safe-haven law, bringing the number of children dropped off to 26 since July, the authorities said. A 16-year-old girl was left at Midlands Hospital in Papillion on Sunday afternoon, and a 16-year-old boy was abandoned at Children's Hospital in Omaha late Sunday, according to the State Department of Health and Human Services. Lt. Chris Whitted of the Papillion Police Department said the girl "was unaware she was being dropped off" and has been placed in state custody. Details of the second case were unavailable.

## National Briefing | Northwest: Idaho: Final Sentences for Killer

2008-11-04 08:02

NYT &gt; U.S.

The confessed child-killer Joseph E. Duncan III received final sentences for the slayings and torture of an Idaho family, with a judge telling him that his cruel rampage "exceeds the bounds of human understanding."

Six life terms in federal and state court were added to the death sentence a federal jury gave him in August. In May 2005, Mr. Duncan kidnapped Dylan Groene, 9, and his sister, Shasta, then 8, from their Coeur d'Alene home and held them for weeks in western Montana. He tortured and

sexually abused both children and eventually killed Dylan. Shasta was rescued after seven weeks. Mr. Duncan had killed their 13-year-old brother, Slade; their mother, Brenda Groene; and her fiancé, Mark McKenzie.

## California Same-Sex Couples Race to Beat Ballot

2008-11-04 07:58

NYT &gt; U.S.

SAN FRANCISCO — Sharna Fey and Kim Broadbeck have married three times. In 2004, they married in a daze. In 2005, they married on an island. And on Monday, when it really counted under the law, they married in a hurry.

"We're doing this while we still can," said Ms. Fey, 44, a life coach who has been with Ms. Broadbeck for 11 years and through two previous same-sex marriage ceremonies, neither recognized as legal. "I mean, trust me, we feel married. But this is a legal response."

With polls showing the outcome of a ballot measure on Tuesday on outlawing same-sex marriage in California a tossup, couples were not taking any chances on Monday. They showed up early here at City Hall, wearing boutonnieres and blouses and holding hands — and their collective breath.

In West Hollywood, a gay-friendly city in Los Angeles County, John Duran, a city councilman, said he had performed 25 ceremonies since Friday, driving all over Los Angeles County to officiate.

"This is the modern-day version of a shotgun wedding," he said. "We're doing as many as we can before tomorrow."

The rush to the altar was in anticipation of Proposition 8, which would amend the State Constitution to define marriage as between a man and a woman and end nearly five months of legalized same-sex marriages in the state. The ban, if approved, would take effect Wednesday.

"We're here in case of what happens tomorrow," said Michael Levy, who married his partner, Michael Golden, here on Monday. They wore identical tuxedo jackets, ties and beards.

"I'm scared," Mr. Levy said. "It's really close."

Same-sex couples filled the hallway in front of the county clerk's office here as weddings started at 9 a.m., with dozens of ceremonies scheduled throughout the day and dozens more already booked for Election Day.

Clerks in several other California counties reported a surge in the number of marriage licenses issued, with some offices booked to capacity. San Francisco has issued more than 800 marriage licenses to same-sex couples since Oct. 20 and nearly 5,000 since mid-June.

Elsewhere, couples held ceremonies on beachfronts and in backyards and living rooms.

"We kind of said Proposition 8 was like our version of getting knocked up," said Benjamin Pither, 28, who married his high school sweetheart, Joseph Greaves, on Sunday at Mr. Greaves's parents' house in Santa Rosa. "We both liked the idea of marriage, but we wanted to do it in our own time. But when it looked like Proposition 8 might pass, we realized that we would regret it if we didn't take the opportunity."

Some couples traveled from afar to make Monday the big day. Allison and Rose, a lesbian couple from Tampa, Fla., said they had come to San Francisco to marry on the advice of friends who suspect that Florida will pass its own constitutional ban on Tuesday on same-sex marriage. The couple, who said they might relocate if Florida passed its ban, did not want their last names used because of fears that they would face discrimination at home.

"It isn't like San Francisco," Rose said.

While defeat of the California ballot measure would probably quell debate — at least for a time — over allowing same-sex unions in the state, it is expected that a victory would lead to a second round of legal wrangling over the validity of the thousands of marriages performed since June, when a State Supreme Court decision legalizing same-sex marriages took effect.

California's attorney general, Jerry Brown, has said he believes that the marriages will remain valid, but Geoff Kors, the executive director of Equality California, a gay rights group that opposes Proposition 8, said he expected challenges.

"It wouldn't surprise me that people trying to eliminate constitutional rights would try to annul or divorce people that are married," said Mr. Kors, who expressed optimism that the ballot measure would fail.

Supporters of the ban say no rights would be infringed by its passage but suggest that the California Supreme Court will "have to deal with the mess that it made" by allowing the marriages in the first place, said Sonja Eddings Brown, a spokeswoman for Protect Marriage, the leading

group behind Proposition 8.

In the spring, opponents of same-sex marriage asked the court to stay its decision until the election, but the request was turned down. "They knew Proposition 8 was going to be on the ballot," Ms. Brown said, "and they decided not to listen to the voice of the people."

Each side has poured more than \$25 million into the fight over Proposition 8, making it one of the most expensive ballot measures ever in a state known for its proclivities for direct democracy. Airwaves across the state have been blanketed in recent weeks with increasingly overheated advertisements, with opponents likening the measure to the internment of Japanese-Americans in World War II and supporters suggesting that same-sex marriage would be taught to young schoolchildren.

The most recent Field Poll showed a five-point advantage for opponents of the measure, but backers of Proposition 8 say support for bans on same-sex marriage across the country has been traditionally understated in polls.

In 2000, when California voters approved a law defining marriage as between a man and a woman, a Field Poll just before the election showed that 53 percent of those polled approved the measure. The final tally in favor of the law was 61 percent.

The 2000 law was overturned in May by the State Supreme Court. Hundreds of joyous couples were married on balconies and in atriums throughout San Francisco's soaring City Hall after the court's ruling took effect on June 16.

The mood was more subdued Monday, with bureaucracy — "Next, please!" — replacing much of the ebullience of that day. Ms. Fey and Ms. Broadbeck seemed almost to have a touch of same-sex-marriage fatigue. They were among the 4,000 couples that married in San Francisco in 2004, after Mayor Gavin Newsom suddenly ordered the city clerk to marry same-sex couples.

Those marriages were later invalidated by the courts. A year later, Ms. Fey and Ms. Broadbeck married again, in Hawaii, with friends and family in attendance, and "fully seen by those closest to us," Ms. Fey said. But it was an unofficial ceremony in a state that does not allow same-sex marriage.

So it was that this time around, they had almost forgotten to tie the knot.

"All summer long we were like, 'Oh yeah, we should do

that,' " Ms. Fey said. "And then all of the sudden, it was like, 'Uh oh.' "

Paul Ellis, 51, a retail manager in San Francisco, was at City Hall on Monday to witness Mr. Golden and Mr. Levy's wedding. It was Mr. Ellis's seventh same-sex marriage in the last five months, he said, attending most of them in the tartan kilt he wore on a muggy Monday, which he regretted.

"You wouldn't want to wrap six yards of cloth around your hips on a day like this," he said.

Mr. Ellis had also taken matters into his own hands, getting an online certification as a marriage officiate and presiding over two ceremonies for other gay friends — all ahead of Tuesday's election.

"At this point," he said of the ballot measure's fate, "I think it's a complete crapshoot."

Rebecca Cathcart contributed reporting from West Hollywood.

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## Nominees Pack in Visits to G.O.P.-Leaning States as Campaign Closes

2008-11-04 07:54

NYT > U.S.

JACKSONVILLE, Fla. — A campaign waged under the specter of war and financial crisis drew to an anxious finish on Monday as Senators Barack Obama and John McCain raced across nine states and asked voters on both sides to discount polls and predictions on the closing day of a two-year pursuit of the presidency.

Mr. Obama surrendered the race to the judgment of the American people as he told a booming crowd here, "Now, it's all about who wants it more, who believes in it more." Mr. McCain sought to motivate Republicans who worried aloud that it could be a bleak election, declaring, "The Mac is back!"

In the final hours of his second bid for the presidency, Mr. McCain dashed through Republican-leaning states from Florida to Indiana and New Mexico to Nevada. He stopped in Tennessee, hoping to reach voters in adjacent North Carolina and Virginia, and he swung by only one normally Democratic state, Pennsylvania. He planned to return home for a rally in Arizona in the small hours of the night.

Mr. Obama, confident in his standing on Democratic

terrain, devoted his final day of campaigning by trying to push Florida, North Carolina and Virginia into his column. He pressed ahead after he awoke to news that his grandmother, the woman chiefly responsible for his upbringing, had died in Hawaii.

The election eve travels of both men, as well as their running mates, offered a viewer's guide of the states whose outcomes will play a large role in settling who will become the nation's 44th president.

Their last-minute efforts were amplified by their muscular ground organizations and unprecedented advertising barrages in all forms. The Obama campaign tested its text-messaging program to remind voters, particularly young ones, to go to the polls. The McCain campaign activated its automated phone system to check with any voter who had shown an interest in the Republican ticket.

In their pitches to voters, each candidate struck an optimistic chord, delivering a few gracious words about his opponent and offering a vow to change Washington. Yet neither refrained from reprising the piercing criticisms that have become the soundtrack for the five-month general election fight.

"At the end of this long race, I want to congratulate him on the tough race that he has fought," Mr. Obama said of Mr. McCain in a morning speech here at Veterans Memorial Auditorium. "He can point to a few items where he has broken with President Bush, but when it comes from the central issue of this election, the plain truth is John McCain has stood with George Bush."

Mr. McCain delivered a truncated version of his stump speech at each stop but grew hoarser as the day progressed. His aides said he appeared to be catching the bad cold that had waylaid many others in the petri dish of his campaign plane. By late afternoon in Indiana, he was sucking on throat lozenges to try to finish the marathon.

"My friends, you know that I've been fighting for this country since I was 17 years old, and I have the scars to prove it," he said at a rally in Indianapolis as he battled to prevent Mr. Obama from taking a state that has not backed a Democratic presidential candidate since 1964.

Four hours later, Mr. McCain dropped out of the sky into the supposed home of space aliens, Roswell, N.M. "I am pleased to announce that I have received the alien endorsement," he told the crowd, to a roar of laughter.

As the contest headed to its finish, an air of normalcy surrounded Mr. Obama. There was no rush of friends or

advisers on the plane for the final flights. His demeanor, at least from his public appearances, seemed the same as it has for months. His schedule of rallies was no different than at any point in the general election.

Only a few close advisers knew that at 8 a.m. he had received word from his sister that his 86-year-old grandmother, Madelyn Dunham, had died. When he arrived at a rally, he spoke briefly about his grandmother, whom he visited last month in Honolulu.

"She has gone home," Mr. Obama said, his voice tinged with emotion. "She died peacefully in her sleep with my sister at her side, so there's great joy instead of tears."

Mr. McCain, as he sprinted through seven states, warned voters at every stop of the differences between the outlooks and policies of the two tickets. He did not dally, spending 30 minutes at each stop, with his argument boiled down to fit the frenzied moment.

"Senator Obama's running to punish the successful," Mr. McCain said at his opening stop in Tampa, Fla. "I'm running to make everyone successful."

The mood on the McCain campaign plane was upbeat and punchy throughout the day as Mr. McCain's advisers continued to hammer their belief that the polls were tightening and that Mr. McCain's chances of winning the presidency were difficult but not impossible.

"Winning 270 is right in the cards," Rick Davis, the campaign manager, insisted around midnight Sunday, as Mr. McCain's plane headed from New Hampshire to Florida.

Mr. McCain drew stirring applause from his crowds — as well as jeers directed at the Democratic rival — when he said Mr. Obama wanted to "spread the wealth around," Adding,

"He's in the far left lane of American politics."

The barnstorming rallies, the dawn-to-dusk television commercials and the armies of volunteers flooding neighborhoods disguised how the United States now elects its president: with millions of ballots already having been cast in early voting.

In Ohio, voting lines looped in and out of doors, upstairs and around corners at the registrar's office in Columbus, with a record number of voters adding their ballots to those that have been collected for nearly a month. Democrats outnumbered Republicans by more than two

to one.

In Florida, about 37 percent of registered voters have already cast ballots, state officials said, setting the stage for potentially record-breaking turnout.

In Virginia, where more restrictions are placed on early voting, the state has processed 465,962 absentee ballots. And more than 300,000 Virginians voted in person by an absentee ballot. In 2004, a total of 222,059 absentee ballots were cast.

Worried about the outlook in Virginia, where a Democrat has not won the presidential race in more than four decades, Mr. McCain's campaign sued the state's election board on Monday. The campaign asserted that the absentee ballots had not been mailed on time to members of the military serving overseas.

Mr. Obama held his final rally in Virginia, a sign Democrats were waging an all-out push for the state, which is seen as a barometer for the fight with Mr. McCain. In Virginia and around the country, both sides are keeping a close eye on the weather .

"I think if it rained mud, it won't make a difference," said L. Douglas Wilder, the former governor of Virginia, who was the state's first black chief executive. "They're coming out. Trust me, they're coming out."

The First Results Are In

DIXVILLE NOTCH, N.H. (AP) — Mr. Obama easily won early Tuesday in Dixville Notch, N.H., where tradition of having the first Election Day ballots tallied lives on. Mr. Obama defeated Mr. McCain 15 to 6.

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## Obama Pays Tribute to His Grandmother After She Dies

2008-11-04 07:48

NYT > U.S.

CHARLOTTE, N.C. — Madelyn Dunham, who watched from afar as her only grandson rapidly ascended the ranks of American politics to the brink of the presidency, did not live to see whether he was elected.

Mrs. Dunham, 86, Senator Barack Obama's grandmother, died late Sunday in Hawaii after battling cancer, which Mr. Obama announced upon arriving here on Monday for a campaign stop on the eve of Election Day.

"She has gone home," said Mr. Obama, his voice tinged with emotion as he briefly spoke of her death at a

campaign rally here. "She died peacefully in her sleep with my sister at her side, so there's great joy instead of tears."

Mr. Obama learned of his grandmother's death at 8 a.m. on Monday, aides said, but appeared at a morning rally in Florida without making an announcement. A written statement was issued around 4:30 p.m., in the name of Mr. Obama and his sister, before he spoke at an evening rally in Charlotte. The delay was intended to allow his sister, who was six hours behind in Hawaii, time to take care of a few details before the death became public.

Mrs. Dunham was the final remaining immediate family member who helped raise Mr. Obama during his teenage years in Hawaii. He called her Toot, his shorthand for "tutu," a Hawaiian term for grandparent.

Mr. Obama left the campaign trail late last month to travel to Honolulu to bid his grandmother farewell. He spent part of two days with her, as she lay gravely ill in the small apartment where he lived from age 10 to 18.

While Mrs. Dunham was too sick to travel to see her grandson on the campaign trail, Mr. Obama and other family members said that she closely followed his bid for the presidency through cable television. Yet she became a figure in his campaign, seen through images in television commercials intended to give him a biographical anchor.

Mrs. Dunham, who grew up near Augusta, Kan., moved with her husband, Stanley Dunham, to Hawaii.

In the early stages of his candidacy, Mr. Obama spoke wistfully about his grandparents, whose all-American biography was suddenly critical to establishing his own American story. He spoke of how his grandmother worked on B-29s at a Boeing plant in Wichita.

For Mr. Obama, the loss came on the final full day of his presidential campaign against Senator John McCain. Campaigning in New Mexico, Mr. McCain offered his condolences and said: "He is in our thoughts and prayers. We mourn his loss, and we are with him and his family today."

The illness of Mr. Obama's grandmother had been weighing on him in recent weeks, friends said, which is why he insisted on interrupting his schedule to visit her late last month. While she was gravely ill, aides said, he carried on a limited conversation with her. He kept the visit to one day, advisers said, partly out of her own insistence that people not create a fuss.

"She was one of those quiet heroes that we have all across America," Mr. Obama said. "They're not famous. Their names are not in the newspapers, but each and every day they work hard."

"They aren't seeking the limelight. All they try to do is just do the right thing. In this crowd there are a lot of quiet heroes like that."

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## Palin Aides Release Her Medical History

2008-11-04 07:47

NYT > U.S.

RENO, Nev. — Gov. Sarah Palin, 44, is in excellent health and has had no major medical problems, according to a two-page, seven-paragraph letter by her doctor released late Monday night.

The letter is the first information the Palin campaign has provided about her medical history. The release of medical records is common practice for presidential and vice-presidential candidates, but earlier this month, Ms. Palin, the Republican nominee for vice president, declined to provide any health information or be interviewed about her medical history.

She retreated from that position on Oct. 22 in an interview with Brian Williams of NBC News. "If that will allow some curiosity seekers, perhaps, to have one more thing that they can either check the box off, that they can find something to criticize, perhaps, or to rest them assured over, fine," Ms. Palin said.

A spokeswoman for Ms. Palin said the medical information would be released a week ago, but the campaign failed to do so.

The McCain-Palin campaign e-mailed the statement to the news media while Ms. Palin and her traveling press corps were on a flight from Colorado Springs, Colo., to Reno, Nev., en route to her fifth campaign event of the day.

The letter, dated Nov. 3, is from Dr. Cathy Baldwin-Johnson, who works at the Providence Health and Services Alaska clinic in Anchorage.

Ms. Palin, Dr. Baldwin-Johnson wrote, has been a patient at the clinic since 1991. She said Ms. Palin's visits "have been related to routine women's health care and pregnancy."

Ms. Palin gave birth to her five children in 1989, 1990, 1994, 2000 and 2008. Regarding the birth of her fifth

child, Trig, Dr. Baldwin-Johnson said Ms. Palin had "no risk factors other than her age."

Dr. Baldwin-Johnson also wrote that in 1992, Ms. Palin had a breast biopsy for a lesion that turned out to be benign. According to the letter, Ms. Palin is on no routine prescription medications and has no drug allergies. She is said to work out regularly and to be physically fit.

"Governor Palin is in excellent health and has no known health problems that would interfere with her ability to carry out the duties and obligations of the vice president of the United States of America," Dr. Baldwin-Johnson wrote.

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## Findings: Basics | Obama and McCain Walk Into a Bar ...

2008-11-04 07:47

NYT > U.S.

While Americans choose their next president, let us consider a question more amenable to science: Which candidate's supporters have a better sense of humor? In strict accordance with experimental protocol, we begin by asking you to rate, on a scale of 1 (not funny at all) to 9 (hilarious) the following three attempts at humor:

A) Jake is about to chip onto the green at his local golf course when a long funeral procession passes by. He stops in midswing, doffs his cap, closes his eyes and bows in prayer. His playing companion is deeply impressed. "That's the most thoughtful and touching thing I've ever seen," he says. Jake replies, "Yeah, well, we were married 35 years."

B) I think there should be something in science called the "reindeer effect." I don't know what it would be, but I think it'd be good to hear someone say, "Gentlemen, what we have here is a terrifying example of the reindeer effect."

C) If you saw two guys named Hambone and Flippy, which one would you think liked dolphins the most? I'd say Flippy, wouldn't you? You'd be wrong, though. It's Hambone.

Those were some of the jokes rated by nearly 300 people in Boston in a recent study. (You can rate some of the others at TierneyLab, [nytimes.com/tierneylab](http://nytimes.com/tierneylab).) The researchers picked out a variety of jokes — good, bad, conventional, absurdist — to look for differences in reactions between self-described liberals and conservatives.

They expected conservatives to like traditional jokes, like the one about the golfing widower, that reinforce racial and gender stereotypes. And because liberals had previously been reported to be more flexible and open to new ideas, the researchers expected them to get a bigger laugh out of unconventional humor, like Jack Handey's "Deep Thoughts" about the reindeer effect and Hambone.

Indeed, the conservatives did rate the traditional golf and marriage jokes as significantly funnier than the liberals did. But they also gave higher ratings to the absurdist "Deep Thoughts." In fact, they enjoyed all kinds of humor more.

"I was surprised," said Dan Ariely, a psychologist at Duke University, who collaborated on the study with Elisabeth Malin, a student at Mount Holyoke College.

"Conservatives are supposed to be more rigid and less sophisticated, but they liked even the more complex humor."

Do conservatives have more fun? Should liberals start describing themselves as humor-challenged? To investigate these questions, we need to delve into the science of humor (not a funny enterprise), starting with two basic kinds of humor identified in the 1980s by Willibald Ruch, a psychologist who now teaches at the University of Zurich.

The first category is incongruity-resolution humor, or INC-RES in humor jargon. It covers traditional jokes and cartoons in which the incongruity of the punch line (the husband who misses his wife's funeral) can be resolved by other information (he's playing golf). You can clearly get the joke, and it often reinforces stereotypes (the golf-obsessed husband).

Dr. Ruch and other researchers reported that this humor, with its orderly structure and reinforcement of stereotypes, appealed most to conservatives who shunned ambiguity and complicated new ideas, and who were more repressed and conformist than liberals.

The second category, nonsense humor, covers many "Far Side" cartoons, Monty Python sketches and "Deep Thoughts." The punch line's incongruity isn't neatly resolved — you're left to enjoy the ambiguity and absurdity of the reindeer effect or Hambone's affection for dolphins. This humor was reported to appeal to liberals because of their "openness to ideas" and their tendency to "seek new experiences."

But then why didn't the liberals in the Boston experiment like the nonsense humor of "Deep Thoughts" as much as

the conservatives did? One possible explanation is that conservatives' rigidity mattered less than another aspect of their personality. Rod Martin, the author of "The Psychology of Humor," said the results of the Boston study might reflect another trait that has been shown to correlate with a taste for jokes: cheerfulness.

"Conservatives tend to be happier than liberals in general," said Dr. Martin, a psychologist at the University of Western Ontario. "A conservative outlook rationalizes social inequality, accepting the world as it is, and making it less of a threat to one's well-being, whereas a liberal outlook leads to dissatisfaction with the world as it is, and a sense that things need to change before one can be really happy."

Another possible explanation is that conservatives, or at least the ones in Boston, really aren't the stiffers they're made out to be by social scientists. When these scientists analyze conservatives, they can sound like Victorians describing headhunters in Borneo. They try to be objective, but it's an alien culture.

The studies hailing liberals' nonconformity and "openness to ideas" have been done by social scientists working in a culture that's remarkably homogenous politically. Democrats outnumber Republicans by at least seven to one on social science and humanities faculties, according to studies by Daniel Klein, an economist at George Mason University. If you're a professor who truly "seeks new experiences," try going into a faculty club today and passing out McCain-Palin buttons.

Could it be that the image of conservatives as humorless, dogmatic neurotics is based more on political bias than sound social science? Philip Tetlock, a psychologist at the University of California, Berkeley, who reviews the evidence of cognitive differences in his 2005 book, "Expert Political Judgment," said that while there were valid differences, "liberals and conservatives are roughly equally closed-minded in dealing with dissonant real-world evidence."

So perhaps conservatives don't have a monopoly on humorless dogmatism. Maybe the stereotype of the dour, rigid conservative has more to do with social scientists' groupthink and wariness of outsiders — which, come to think of it, resembles the herding behavior of certain hoofed animals. Ladies and gentlemen, what we have here is a terrifying example of the reindeer effect.

## Justices Weigh Effect of F.D.A. Approval of Drug Labels on Suits in State Courts

2008-11-04 07:45

NYT > U.S.

WASHINGTON — It was supposed to be the term's blockbuster business case, one that might put an end to thousands of state-court injury suits. But the argument in the Supreme Court on Monday, in the case of a Vermont musician who lost her arm after receiving an injection of an anti-nausea drug, quickly turned into a search for limiting principles.

The case, *Wyeth v. Levine*, No. 06-1249, concerns an implied form of the doctrine of pre-emption, which bars state lawsuits from people injured by products that met federal safety standards. The drug law at issue in the case says nothing about pre-emption, and the question before the court was whether the Food and Drug Administration's approval of drug labels should knock out state lawsuits contending that the labels did not contain adequate warnings.

A broad endorsement of implied pre-emption based on regulators' actions rather than on statements in laws enacted by Congress could shut down countless injury suits in cases involving not only drugs but also motor vehicles, household products, chemicals and agricultural products.

Several justices appeared open to the idea that pre-emption could follow from the F.D.A.'s approval of a drug label — but only if drug companies remained subject to lawsuits if they failed to disclose new information about potential risks. There was much discussion of what information should be considered new.

Other justices seemed prepared to allow pre-emption — but only if the drug agency had considered the particular risk before approving the label.

Given the justices' interest in those refinements, the court seemed unlikely to rule broadly on the larger issues in the case: whether the agency and other federal regulators set minimum safety standards that states are free to augment or whether they make judgments about the optimal balance between risks and benefits that states must follow.

In February, however, an eight-justice majority of the court ruled, in *Riegel v. Medtronic*, that suits concerning injuries caused by medical devices were pre-empted by a 1976 federal law. But the underlying law in *Riegel*

required pre-emption, in so many words; in the jargon, it involved "express pre-emption."

The plaintiff in the case argued on Monday, Diana Levine, lost her arm after being injected with a Wyeth drug, Phenergan. The drug is safe, Ms. Levine's lawyers said, when administered by intramuscular injection or by intravenous drip. But they said that efforts to inject the drug directly into a vein carry enormous risks.

A Vermont clinic used that third method, known as IV push, and apparently missed the vein. When the drug was exposed to Ms. Levine's arterial blood, it caused swift and irreversible gangrene, requiring amputation of her arm below the elbow.

Ms. Levine settled with the clinic and sued Wyeth, saying the company should have added a warning telling doctors not to use the risky method.

Seth P. Waxman, a lawyer for Wyeth, said the company had provided "ample, lavish warnings" about the risks involved and left it to medical professionals to make the ultimate judgment about how to administer the drug.

Justices Samuel A. Alito Jr. and Ruth Bader Ginsburg both questioned the cost-benefit calculation that allowed the drug to be administered by IV push.

"On the benefit side of this you don't have a life-saving drug, you have a drug that relieves nausea," Justice Alito said. "On the risk side, you have the risk of gangrene."

Justice Antonin Scalia said that what mattered was not whether the agency's decision was sound but whether it had addressed the issue at all. "If you're telling me the F.D.A. acted irresponsibly," Justice Scalia told Ms. Levine's lawyer, David C. Frederick, "then sue the F.D.A."

Chief Justice John G. Roberts Jr. tried to boil down Mr. Frederick's argument to a simple test. If the F.D.A. had considered the risks involved in IV-push administration, Ms. Levine would lose; if the F.D.A. had not considered those risks, Ms. Levine would win.

Mr. Frederick said Ms. Levine would win under that analysis, saying the F.D.A. had never specifically compared the risks of methods of intravenous administration.

Mr. Waxman said he understood that "members of this court are concerned about applying a broad, vague or freewheeling analysis." But Ms. Levine's case, he added, is in the "heartland" of implied pre-emption, given that

the jury had awarded damages for Wyeth's failure to alter the very drug label the F.D.A. had approved.

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## Detainee Convicted on Terrorism Charges

2008-11-04 07:44

NYT > U.S.

A military panel at the Guantánamo Bay naval base convicted a former propaganda chief for Al Qaeda of terrorism charges on Monday and sentenced him to life in prison, giving the Bush administration a second conviction in a war-crimes trial there.

But the conviction of the detainee, Ali Hamza al Bahlul, was a measured victory for the government, which has been struggling for seven years to prove the effectiveness of its military commission system for trying terrorism suspects at the American naval station at Guantánamo Bay, Cuba.

The guilty verdict had been expected because Mr. Bahlul, a Yemeni who prosecutors said was a close aide to Osama bin Laden, did not offer any defense. Saying he did not accept the authority of the tribunal, he insisted that his lawyer remain mute in a weeklong trial that drew little attention.

The Pentagon's response to the verdict was muted. "Al Bahlul received a full and fair trial," said a spokesman, Cmdr. Jeffrey D. Gordon.

The conviction did not appear likely to affect the contentious debate about the use of military tribunals, said Glenn M. Sulmasy, a national security law specialist at the Coast Guard Academy. "This was a victory for the government," Mr. Sulmasy said, "but it may not have positive impact because of the erosion of support and legitimacy for the commission process."

Mr. Bahlul was convicted of conspiracy, solicitation to commit murder, providing material support for terrorism and other charges. Prosecutors said he made a recruiting film, "The Destruction of the American Destroyer U.S.S. Cole," which described the 2000 attack that killed 17 sailors on the ship in the Yemeni port of Aden.

The panel of military officers deliberated for less than an hour on the sentence Monday afternoon, after announcing its guilty verdict in the morning. The only other detainee convicted after a Guantánamo trial, Salim Hamdan, a former driver for Mr. bin Laden, is set to complete his five-month sentence next month, after a military judge gave him credit for more than five years

awaiting trial.

Last year, an Australian detainee, David Hicks, pleaded guilty to providing material support for terrorism in exchange for a nine-month sentence.

Mr. Bahlul's trial came after a series of new challenges to the Pentagon's prosecution efforts. Last week, a military judge undercut the case against another detainee, Mohammed Jawad, by barring the use of his confession to an attack on American soldiers. The judge ruled that it had been obtained through torture by Afghan officials.

Mr. Jawad's case has drawn wide notice because he was a teenager when he was detained in Afghanistan in 2002. His trial, scheduled for Jan. 5, is the only other war-crimes trial expected before President Bush leaves office. The trial of Omar Khadr, a Canadian who was also detained as a teenager, is scheduled for Jan. 26, six days after the start of a new administration.

Pentagon officials have pressed to get the commission system moving quickly, filing charges against nearly two dozen detainees over the last year and expanding the staffs of military lawyers prosecuting and defending the cases. But some lawyers who work on the cases say the prosecution appears uncertain because of the possibility that the next president will close the Guantánamo detention center and stop the trials.

Even so, Pentagon officials have said they are moving ahead with the cases and anticipate bringing many of the detainees to trial.

In recent months, several disputes have stalled cases. In September, a prosecutor, Lt. Col. Darrel Vandeveld of the Army Reserve, stepped down, asserting flaws in the fairness of the system. Last month, the Pentagon dropped charges against five detainees whose cases Colonel Vandeveld had handled. The prosecutors said they planned to file new charges.

The Pentagon official pushing hardest to accelerate the pace of the cases, Brig. Gen. Thomas W. Hartmann, has himself been at the center of disputes that have slowed the prosecutions. Several defense lawyers filed motions seeking his disqualification, claiming he was too aligned with prosecutors.

Three military judges agreed, disqualifying General Hartmann from participation, and Pentagon officials said at least two separate investigations of his conduct were under way. A spokesman for the general declined to comment.

The history of the tribunals has been rocky since President Bush ordered military commission trials in November 2001. The plan has been stalled by court challenges and attacks from numerous military critics, including a former chief prosecutor.

Colonel Vandeveld is the latest former insider to criticize the system publicly. On Monday, he said from his home in Pennsylvania that he expected to be called as a witness by lawyers for numerous detainees. In the meantime, he said, "the commissions are in such disarray and continue to be in such chaos."

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## **DNA in Bones Near Plane Crash Matches Fossett's**

2008-11-04 07:44

NYT > U.S.

Bone fragments found near the wreckage of the plane flown by the adventurer Steve Fossett in the Sierra Nevada were confirmed to be his, officials said Monday.

A California forensics laboratory matched DNA found in the bones to that of Mr. Fossett, 63, who took off from a northern Nevada ranch in a two-seat light plane on Sept. 3, 2007, and never returned.

Hundreds of planes and searchers on foot scoured 17,000 square miles in the most extensive search for a missing aircraft in American history for signs of Mr. Fossett or the aircraft. Last month, a hiker in a remote area of the Inyo National Forest in east-central California came across some of Mr. Fossett's belongings, leading searchers to the crashed plane. The bones that were tested were about a half-mile from the crash site, said Sheriff John P. Anderson of Madera County.

"What his family has wanted for over a year now, what his family has needed, is closure," Sheriff Anderson said Monday in a statement.

Mr. Fossett's wife, Peggy V. Fossett, issued a statement saying she was "hopeful that the DNA identification puts a definitive end to all of the speculation surrounding Steve's death." When neither Mr. Fossett's plane nor his remains turned up for more than a year, some Nevada officials speculated publicly that the wealthy aviator might have faked his own death.

"This has been an incredibly difficult time for me, and I am thankful to everyone who helped bring closure to this tragedy," said Mrs. Fossett, who had a judge declare her husband legally dead in February.

The National Transportation Safety Board is investigating the crash's cause and is expected to release findings next year.

Mr. Fossett held numerous world records in land and air travel, and was best known for being the first person to circumnavigate the world in a hot-air balloon. His close friend Richard Branson said Mr. Fossett might have been searching the area for dry lake beds in which to challenge the world's land-speed record, his latest quest.

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## Few Clues in Killing of 5 in California

2008-11-04 07:43

NYT > U.S.

LONG BEACH, Calif. — Five people who were found shot to death in a homeless encampment near a highway overpass may have been taken by surprise, a Long Beach police commander said Monday.

"Maybe they were sleeping when someone came upon them," Cmdr. Laura Farinelli said. "There's a lot of freeway traffic noise there, and it would have been hard to hear someone approaching or even gunshots."

The Los Angeles County coroner has released the names of two of the victims, Lorenzo Perez Villicana, 46, and Vanessa Malaepule, 35, both Long Beach residents. They and three other victims — two men and a woman — were found clustered in the bushes under a tarpaulin.

The authorities were tipped off by someone calling from a pay phone at 8:30 Sunday morning. The anonymous caller reported several dead people near Santa Fe Avenue and Wardlow Road near Interstate 405, Commander Farinelli said.

None of the five people were related, Commander Farinelli said. She speculated that the encampment might have been occupied for a substantial period because of all the personal items found there.

Investigators were searching other homeless encampments and shelters in the area for information about the victims and possible suspects.

No arrests have been made.

Commander Farinelli said multiple killings were rare in Long Beach, but Andy Bales of the Los Angeles Union Rescue Mission said violence against and among homeless people had long been a problem.

Mr. Bales mentioned the case of John R. McGraham, a

former hotel bellman who was doused with gasoline and burned alive in Los Angeles three weeks ago.

No arrests have been made in that case either.

"I often have policemen bringing me pictures of homeless people who have been beaten to death and asking me information about them," Mr. Bales said. "But whoever did this sounds like they had a car and they took off from the scene. It appears the people who did this were not homeless."

Mr. Bales was referring to a witness's account published in The Los Angeles Times that quoted a resident in a nearby apartment complex who heard a man shouting at someone to get into a car around the time of the killings.

Commander Farinelli would not confirm that account.

Joel John Roberts of People Assisting the Homeless, a Los Angeles advocacy organization, said the killings were a reminder of the vulnerability of the homeless.

Mr. Roberts said that increasing police protection was not as effective as moving Southern California's tens of thousands of homeless people off the streets and into housing.

According to the National Coalition for the Homeless, violence against homeless people increased from 1999 to 2006, even as overall violence decreased nationally.

The coalition reported 142 attacks against homeless people in 2006, compared with about 60 in 1999. Most of the attackers were 25 or younger and about 40 percent were juveniles, the coalition said.

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## Former Chicago Alderman Says He Is Guilty in Kickback Scheme

2008-11-04 07:42

NYT > U.S.

CHICAGO — A former alderman who led an insurrection in the 1980s against this city's first black mayor pleaded guilty on Monday in federal court to conspiracy in a real-estate kickback scheme.

The former alderman, Edward R. Vrdolyak, said he was guilty of agreeing to share a \$1.5 million kickback from a real-estate deal with Stuart Levine, a businessman who was on the board of the medical school selling the property and used his influence to favor Mr. Vrdolyak's buyer.

Mr. Levine was also the key government witness in the corruption trial of Antoin Rezko, a Chicago real-estate developer who was convicted on 16 counts that included fraud, money-laundering and bribery.

"The notion in Chicago that there are certain people who cannot or will not be held accountable took a serious hit today," Patrick J. Fitzgerald, the United States attorney for the Northern District of Illinois, said after court.

Mr. Vrdolyak, nicknamed Fast Eddie, is best known here for helping to lead a group of white aldermen — the Vrdolyak 29 — against Mayor Harold Washington, who was black.

During a racially charged chapter of Chicago history known as the Council Wars, Mr. Vrdolyak and his 28 allies used their majority on the 50-member City Council to block Mr. Washington's proposals and appointments until a federal judge ordered special elections for alderman in seven wards that were remapped to reflect the city's black and Latino communities.

A lawyer known for his shrewd deal-making and tough persona, Mr. Vrdolyak also served as a ward committeeman and chairman of the Cook County Democratic Party before switching to the Republican Party in 1987.

In 1989, days before the Republican mayoral primary, Mr. Vrdolyak announced himself as a write-in candidate, and he won. Mayor Richard M. Daley, who is still in office, defeated him in the general election. Mr. Vrdolyak went on to work as a radio talk-show host.

"He'll be remembered as a colorful character in a certain epoch in Chicago's history," said Dick Simpson, a professor of political science at the University of Illinois at Chicago, referring to the racial divisiveness and corruption that have characterized politics here. "And hopefully we will have a different history in the future."

Prosecutors recommended that Mr. Vrdolyak serve 41 months. His lawyer, Michael Monico, said he would ask for less.

"The fact that this brings closure to this case," Mr. Monico said, "is very meaningful to the family."

Mr. Vrdolyak was not available for comment; he apparently left court through a back exit.

## New Proposal on Snowmobiles in Yellowstone

2008-11-04 07:40

NYT > U.S.

BILLINGS, Mont. (AP) — A new snowmobile plan for Yellowstone and Grand Teton National Parks would cut by almost 40 percent the number of machines allowed into the parks daily.

Parks officials had proposed allowing up to 605 snowmobiles a day in the two parks, but Judge Emmet G. Sullivan of Federal District Court rejected that plan in September, agreeing with environmental groups that filed suit that it would increase air pollution, disturb wildlife and cause too much noise.

John Sacklin, Yellowstone's winter-use planner, said the new proposed cap of 318 daily snow machines in Yellowstone and 50 in Grand Teton would meet Judge Sullivan's concerns while park administrators again tried to hammer out a long-term plan for the machines. The cap would expire after three years.

Last year, an average of 294 snowmobiles a day entered Yellowstone. But the peak daily use was much higher: 557 one day last December. More than 200 snowmobiles would have been turned back that day if the latest proposal was in effect.

Jack Welch, a member of the Blue Ribbon Coalition, a snowmobile advocacy group, said the proposed restrictions were too severe.

"People will be turned away, and consequently it's not fair," Mr. Welch said. "Three-hundred and eighteen, no matter how it's divided up, is not going to be adequate to allow for people to visit their national parks."

Mr. Sacklin defended the new plan as "falling right within the range of use that we have seen."

A potential wildcard in that timetable is a second federal lawsuit over the matter filed by the State of Wyoming and snowmobile advocates who want to increase the number of the machines allowed in the two parks.

The plan released Monday also requires that all Yellowstone snowmobile trips be commercially guided.

## What Was Once a Dumping Ground, Volunteers Turn Into a Park

2008-11-04 07:40

NYT > U.S.

PITTSBURGH — The volunteers came armed for work, with shovels, a jackhammer and mugs of warm coffee in hand on a brisk fall Sunday morning.

Nearly two dozen came to break a sweat, get a little dirty and revel in the feel of a neighborhood brought together through hard work.

"We were just strangers before, and this made us neighbors," said Doug Harper, a sociology professor, still a bit surprised that something as simple as planting crab apple trees, hydrangea bushes and day lilies could have such a profound impact.

Their task this day in the middle-class neighborhood of South Squirrel Hills was the same as at two previous community planting days: to expand and beautify an unofficial two-acre park on city-owned land along Fernwald Road. Not long ago, it was a weed-choked illegal dump, full of engine blocks, car seats, 55-gallon drums and leftover concrete.

"Our hope was that if maybe it didn't look like a garbage dump, maybe people wouldn't treat it like one," said Dr. John Caldwell, an anesthesiologist who is praised by neighbors for doing much of the day-to-day upkeep and planning for the site.

Officials in Pittsburgh hope that this kind of self-motivated activism, which sprang up without city prompting and with minimal official support, can become infectious, leading to beautification of a growing number of vacant, abandoned lots.

"I wish I saw more work like that around the city by residents," said Guy Costa, the city's public works director. "From what it looked like before, it's amazing what they've done."

But after the neighbors began improving the park, they realized they might have a problem on their hands.

"We worried that maybe we had done our job too well and might attract attention," said Paul Pepper, a financial adviser, who is teasingly called "the mayor" by his neighbors for starting the project about eight years ago. "You know, some developer might come along and think, 'Hey, I could build there.'"

Mr. Pepper began contacting city officials to see if they could have the lot designated a greenway to protect their work.

"Everyone seemed to agree with the idea immediately," he said. "But we still don't have a designation. You'd think the city would jump on the idea."

What happened, city officials now say, is that the idea ran into legal complications.

Because the land had been taken over by the city for delinquent taxes, officials had to clear up titles and create a new subdivision that could be designated a greenway — a process that has taken far longer than anyone would have liked, although the city says it can be completed by early next year.

"We'll get it done," said William B. Waddell, real estate coordinator for the city's Department of Finance. "We already recognize this as an area that will become a greenway area. If anyone was to come and try to buy it from us, we'd say, 'Sorry, it's for a greenway.'"

The city has thousands of reasons to support ad hoc projects like this one.

Pittsburgh continues to lose population. It is down more than 20,000 residents this decade, to roughly 312,000. That is less than half the size it was at its peak in 1950, when it had 676,000 people.

In a spiral familiar to many former industrial cities, homes went vacant and fell into tax delinquency as people left. The city then took ownership, and, over time, tore many buildings down as they deteriorated, swelling the number of vacant lots.

The city controls 24,000 vacant lots. Currently, there are 6,000 abandoned buildings, 1,400 of them officially condemned.

But with city finances strained — its budget was put under state control four years ago — it was all Mayor Luke Ravenstahl could do to double the demolition budget to \$4 million this year to tear down 600 more buildings.

And, like his predecessors — Mayor Tom Murphy had a program in the 1990s called Project Picket Fence that largely failed — Mr. Ravenstahl has a program to encourage residents to maintain vacant lots.

Called the Green Up program, it has already found

residents committed to maintaining 60 similar lots.

"It's a challenge, there's no question," said Joanna Doven, spokeswoman for Mr. Ravenstahl. "There's a lot of vacant land in the city. But we're looking at this land as an asset now, not just a problem."

Outside the court, Ms. Hinnant told reporters she believed Mr. Stevens guilty but his actions no different than those of other politicians.

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## Juror's Father Hadn't Died; The Horses Were Calling

2008-11-04 07:38

NYT > U.S.

WASHINGTON — As it turned out, her father had not died. Marian Hinnant merely wanted to go to the races. And, she was not about to let the trial of Senator Ted Stevens get in her way.

On Monday, Ms. Hinnant stunned a courtroom when she confessed she had concocted a story about her father's death to be let off the jury that would, a day later, convict Mr. Stevens of Alaska on ethics violations.

Ms. Hinnant said she had lied to attend the Breeders' Cup at Santa Anita racetrack in California.

Just hours before the jury delivered the guilty verdict on Oct. 27, a new juror was seated to replace Ms. Hinnant. Judge Emmet G. Sullivan of Federal District Court was sympathetic when he learned of Ms. Hinnant's apparent loss but he was troubled that she failed to return phone calls to his chamber and ordered her to appear in court.

Ms. Hinnant, 52, was accompanied Monday by A. J. Kramer, the federal public defender, who said she had lied about the death. "She used that as an excuse," Mr. Kramer said, according to witnesses. Ms. Hinnant then began rambling about horse breeding and other topics, people in court said.

Judge Sullivan interrupted her, saying: "I am thoroughly convinced you would not have been able to deliberate" and dismissed her.

Ms. Hinnant's father, Ralph Harold Hinnant, 71, lives in Kenly, N.C., The Washington Post reported.

Mr. Stevens has said that he will appeal the verdict in which he was found guilty of seven felony counts of failing to disclose gifts and services.

"It is now even clearer this was an unjust trial and a flawed verdict," Mr. Stevens said Monday, according to The Associated Press.