

Parties struggle for votes in tight races

Adam Nagourney
New York Times

In the final weekend of one of the closest congressional campaigns in years, Democratic candidates returned Sunday to the issues that they had once hoped would sweep them to victory, warning of a deteriorating economy and a Republican threat to Social Security.

Republicans, led by President Bush, urged voters to elect a Republican Congress that would enact initiatives from a domestic security bill to tax cuts.

From a street walk in the suburbs of Las Vegas to a fly-around in South Dakota, from small-town coffee shops to a huge presidential rally at a

Minnesota hockey arena, Democrats and Republicans struggled to strike the right closing themes in a campaign that has been notable for its absence of any sharp divisions.

In this campaign season's final weekend, Democrats sounded themes they had been talking about since last summer: An unsteady economy, prescription drug coverage for the elderly and the future of Social Security.

"You know who the real important person is to me?" said Sen. Jean Carnahan, D-Mo., who is struggling to hold her Senate seat in one of the closest election fights of the season. "The man who told me he's cutting his pills in half every day. He needs prescrip-

tion drug benefits in Medicare. That will be one of the very first things when I return to the Senate."

In Arkansas, Mark Pryor, a Democratic challenger fighting to unseat Sen. Tim Hutchinson, a Republican, struck a similar theme Sunday night in Pine Bluffs: "Arkansans want a senator in Washington who will fight for them whether it is for prescription drugs, education, highways or the economy," Pryor said to a burst of applause.

For Republicans — personified in three states Sunday by none other than Bush, in the midst of an exhaustive campaign swing — it was a domestic security bill, a push for making tax cuts permanent, and the

frustration Bush voiced at Democrats in the Senate who have blocked his judicial nominees.

"I need someone to help me fulfill one of my most awesome responsibilities, which is to pick good judges for our federal benches," Bush said in Springfield, Ill., as he campaigned on behalf of candidates for governor, the Senate and the House. "The current Senate has done a lousy job on the judges. We've got a vacancy crisis in America, which means Americans aren't getting justice."

This last Sunday of campaigning came on the eve of an election in which voters will choose 435 voting members of the House, 34 members of the Senate and 36 governors. Be-

fore the death of Sen. Paul Wellstone, D-Minn., the Democrats held a one-seat edge in the Senate; Republicans hold a six-seat edge in the House. There are 21 Democratic governors and 27 Republicans; the other two are independents.

Leaders in both parties said Sunday that it seemed likely that Democrats would hold on to, or slightly expand, their edge in the Senate, while Republicans would at least hold on to control of the House.

But Democrats seemed poised to make significant gains among governorships, notably in states that could prove pivotal in the 2004 presidential campaign, including Pennsylvania, Michigan and Illinois.

Supreme Court to consider 'three-strikes' law

Shannon McCaffrey
Knight Ridder Newspapers (KRT)

WASHINGTON — Gary Ewing was slapped with 25 years-to-life for sneaking out of a pro shop with three golf clubs stuffed down his pants leg. Shoplifting "Free Willy 2" and eight other videotapes worth \$153.54 earned Leandro Andrade 50 years behind bars.

Both men are repeat offenders sentenced under California's tough "three-strikes" law, which mandates long prison terms for those convicted of at least two prior felonies. On Tuesday, the Supreme Court will examine whether these stiff prison terms for

relatively minor offenses constitute cruel and unusual punishment.

Other states will be watching the two cases with an eye toward how far they can go in punishing repeat offenders. Such anti-recidivist measures were especially popular in the crime crackdown of the 1990s amid studies showing that a small number of criminals were responsible for a large number of crimes.

The 1993 abduction and murder of 12-year-old Polly Klaas, of Petaluma, Calif., by Richard Allen Davis, a twice-convicted kidnapper out on parole, inspired the California three-strikes law. About half the

states followed suit and have some type of three-strikes law.

California's statute is believed to be the harshest in the nation because the third strike can be a less serious misdemeanor crime, such as petty theft.

Lawyers for Ewing, 40, and Andrade, 43, said the sentences are unconstitutional because they are "grossly disproportionate" to the crimes.

Prosecutors argue that the two felons had long rap sheets of serious crimes and would continue to break the law unless they were put back behind bars.

Andrade already had five nonviolent felonies on his record — three for burglary and two for transporting marijuana — when he was arrested for stealing five children's videotapes from a K-Mart in Ontario, Calif., in November 1995. Out on bond two weeks later, Andrade was caught stealing four more tapes from another K-Mart, in Montclair, Calif.

Because of his record, the petty theft charges were upgraded to felonies under the three-strikes statute, and he received two consecutive 25-years-to-life sentences. Only first-degree murder and small handful of other violent crimes would

receive a sentence as harsh, his lawyer Chemerinsky said.

In November 2001, a divided Ninth U.S. Circuit Court of Appeals ruled that the sentence was "grossly disproportionate" and ordered that Andrade either be re-sentenced or released. The state attorney general's office appealed.

California Attorney General Bill Lockyer argued in his petition to the high court that Andrade's criminal history makes him "a danger to society."

© 2002, Knight Ridder/Tribune Information Services.

Mentally ill man, sedated at trial, faces execution

Jim Yardley
New York Times

HOUSTON — Barring an unexpected reprieve, James Blake Colburn will be executed Wednesday for the 1994 strangulation and stabbing death of Peggy Murphy.

He admitted he committed the murder, just as prosecutors admitted the other salient point in the case, that Colburn is severely mentally ill.

Psychiatrists first detected Colburn's condition, later diagnosed as paranoid schizophrenia, when he was 14. At 17, he was raped. He soon began hearing voices and suffering delusions. He told his mother

he saw a devil slither out of his stomach. Often, his medical records show, the voices told him to kill himself or his family. He has tried to commit suicide at least 15 times.

The unsettled question in Colburn's case — one upon which his life hangs — is whether it matters that he dozed through his own murder trial because he was so heavily medicated with antipsychotic drugs. His lawyers argue that the trial was unconstitutional, because his condition rendered him incompetent to stand trial or to help in his defense. The federal appeals courts, so far, have disagreed, and the issue is now before the Supreme Court.

"On a number of levels, it's wrong to execute him," said Philip H. Hilder, one of Colburn's lawyers.

"He wasn't competent to stand trial. He wasn't aware of what was transpiring because he was so heavily medicated."

In many ways, Colburn, 42, offers a typical example of how a mentally ill person becomes a violent criminal.

Since childhood, Colburn has been treated in mental health programs, halfway houses and support groups. Records show that as an adult, Colburn often tried to check himself into public health crisis units because of suicidal thoughts

or an inability to cope.

Often, he wound up discharged with a bottle of pills. He was voted out of one support group because he tried to kill himself. One neighbor in the apartment complex where Murphy was murdered recalled that Colburn could be heard banging his head against the walls, apparently trying to quiet the furies inside his head.

Peggy Murphy, 55, was murdered on June 26, 1994, in Conroe, a small town about 40 miles north of Houston. Prosecutors say Colburn invited her into his apartment for a drink. He attempted to rape her, and when she resisted, he strangled

her and stabbed her with a steak knife. He then asked a neighbor to call the police.

One juror said Colburn's lack of emotion during the trial convinced her he was mean and uncaring, not insane. That juror, Kimberly Queener, who said she would not again vote for the death penalty, said the jury did not realize that Colburn's demeanor could be explained by chronic schizophrenia.

"Had I been informed at trial that Colburn's appearance on tape and in court was due to his disease," Queener said in an affidavit, "I would have formed an entirely different opinion of him."

Berkeley coffee measure gives some brewers jitters

Charles Burress
San Francisco Chronicle

BERKELEY, Calif. — The great Berkeley coffee war has turned into a conscience-bruising roast.

Measure O, the internationally watched ballot initiative, would require all cups of coffee sold in the city to be "fair trade," organic or shade-grown. Ground coffee and whole beans are not affected.

In the hothouse of campaign images, a vote for O would put a Star-

bucks barista behind bars; a vote against would starve the child of a peasant coffee farmer.

Voters are told the measure would put handcuffs on the Statue of Liberty by depriving consumers of freedom of choice. Not supporting it is equated to destroying the rain forests.

Never has such a coffee law been on a ballot, which is one reason why it has touched a nerve far beyond the city's borders. The fear and the

hope is that as Berkeley goes, so goes the geopolitical neighborhood.

Remember the grape boycott and the anti-apartheid divestment campaign, say the measure's supporters. Berkeley was the first city to endorse those movements, which, respectively, strengthened the United Farm Workers and doomed apartheid in South Africa.

So alarmed are Starbucks, Peet's and the National Coffee Association that they each had spent at least

\$10,000 as of the latest filing period to defeat the measure.

Their biggest thrust so far is a glossy mailer sent to Berkeley households this week showing a man being led away in handcuffs by police.

"The crime: serving the wrong kind of coffee," the ad says. "The punishment: six months in jail."

"That's so misleading," responded the measure's author, Rick Young, a recent graduate of the University of California at Berkeley's Boalt School

of Law, who now works for a San Francisco law office. "Nobody's going to spend six months in jail unless they beg the judge."

Violations of the proposed ordinance would be a misdemeanor, punishable by fines up to \$100 and up to six months in jail. Enforcement would be up to the city manager's office and could range from complaint-driven monitoring with existing inspectors to hiring a special inspector.



Auto Pros Inc.

LOCALLY OWNED

LUBE, OIL, FILTER, TIRE ROTATION
 • Chassis Lube • New Oil Filter • Up to 5 Qts. 10W-30 Chevron Oil
 • Clean Front Window • Vacuum Front Floor Boards

- No Appointment necessary
- Most cars & light trucks
- 3/4 or 1-ton & Extra Cab Trucks Additional

\$19⁹⁹

Chevron
MOTOR OIL
POUR IN THE PROTECTION

DOWNTOWN 1320 Willamette • 485-2356
2975 West 11th 344-0007 • OPEN Sundays 11-4

Selling your ballot?

**It's more than giving up your right to vote this year...
It's a felony.**

Felons:

- Lose access to many public and private forms of financial aid, including grants and loans.
- Find it difficult to gain employment or admission to undergraduate and graduate programs.
- Potentially lose the right to vote ever again.

Oregon Law: 260.718 Sale or purchase of ballot, replacement ballot or ballot envelopes prohibited. It is unlawful to sell, offer to sell, purchase or offer to purchase, for money or other valuable consideration, any official ballot, replacement ballot, return identification envelope or secrecy envelope. [1999 c.1002 §6]

Oregon
VICTORY 2002 Paid for by the Oregon Republican Party. Please call (503) 968-0225 to report voter fraud.