

Kavanaugh keeps mum on White House subpoenas, pardons during hearing

By MARK SHERMAN AND LISA MASCARO
Associated Press



AP Photo/Andrew Harnik

President Donald Trump's Supreme Court nominee, Brett Kavanaugh testifies before the Senate Judiciary Committee on Capitol Hill in Washington.

WASHINGTON — Pressured by Democrats with Donald Trump on their minds, Supreme Court nominee Brett Kavanaugh rejected repeated efforts at Wednesday's Senate confirmation hearing to reveal his views about a president pardoning himself or being forced to testify in a criminal case.

For a second day, the judge nominated by Trump insisted to probing senators that he fully embraced the importance of judicial independence. But he refused to provide direct answers to Democrats who wanted him to say whether there are limits on a president's power to issue pardons, including to himself or in exchange for a bribe. He also would not say whether he believes the president can be subpoenaed to testify.

"I'm not going to answer hypothetical questions of that sort," Kavanaugh said in response to a question from Sen. Patrick Leahy of Vermont about pardons. Still, he began his long day in the witness chair by declaring that "no one is above the law."

The Senate Judicial Committee hearing has strong political overtones ahead of the November congressional elections, but as a practical matter Democrats lack the votes to block Kavanaugh's confirmation.

They are concerned that Kavanaugh will push the court to the right on abortion, guns and other issues, and that he will side with Trump in cases stemming from special counsel Robert Mueller's investigation of Russian interference in the 2016 election and possible ties to the Trump campaign. The 53-year-old appellate judge answered cautiously when asked about those matters.

Protesters continued their efforts to interrupt the hearings, but senators basically ignored their shouts as they were removed by police. Democrats' complaints also persisted that they were being denied access to records from Kavanaugh's time in the George W. Bush White House.

One TV viewer gave Kavanaugh a rave review.

Trump said he had been watching the hearings and thought the Democrats were "grasping at straws" in questioning the man he chose to replace retired Justice Anthony Kennedy. He said he "saw some incredible answers to very complex questions."

The committee's top Democrat, Dianne Feinstein of California, disagreed. "He's not being very specific," she said during a break in the proceedings.

The Democrats weren't the only ones who recognized the importance of questions about Trump and the Russia investigation. Committee Chairman Chuck Grassley, an Iowa

Republican, asked Kavanaugh right away whether he would be independent from the president who chose him for highly prestigious lifetime position.

Kavanaugh said, "The first thing that makes a good judge is independence, not being swayed by political or public pressure."

He cited historic cases including the Brown v. Board of Education ruling that desegregated schools and the U.S. v. Nixon decision that compelled the president to turn over the Watergate tapes — a ruling that Kavanaugh had previously questioned.

"That takes some backbone," he said of the justices who decided those cases.

But when asked more specific questions, including whether a president can be required to respond to a subpoena, Kavanaugh said, "I can't give you an answer on that hypothetical question."

The Supreme Court has never answered that question, and it is among the potentially most important since Trump

could face a subpoena from special counsel Mueller.

Sen. Amy Klobuchar, a Minnesota Democrat, asked whether a president could be criminally investigated or indicted. Kavanaugh again said he had never taken a position on those issues, though he did write in a 1998 article that impeachment may be the only way to hold a president accountable while in office.

"The Constitution itself seems to dictate, in addition, that congressional investigation must take place in lieu of criminal investigation when the President is the subject of investigation, and that criminal prosecution can occur only after the President has left office," he wrote in the *Georgetown Law Review*.

On abortion, Kavanaugh said the landmark 1973 *Roe v. Wade* decision that ensures access to abortion has been affirmed "many times."

"Respect for precedent is important. ... Precedent is rooted right in the Constitution itself," he said.

BRIEFLY

Trump rips searing *New York Times* op-ed from unnamed senior official

WASHINGTON (AP) — In a striking anonymous broadside, a senior Trump administration official wrote an opinion piece in *The New York Times* on Wednesday claiming to be part of a group of people "working diligently from within" to impede President Donald Trump's "worst inclinations" and ill-conceived parts of his agenda.

Trump said it was a "gutless editorial" and "really a disgrace," and his press secretary called on the official to resign.

Trump later tweeted, "TREASON?" and in an extraordinary move demanded that if "the GUTLESS anonymous person does indeed exist, the Times must, for National Security purposes, turn him/her over to government at once!"

The writer, claiming to be part of the "resistance" to Trump but not from the left, said, "Many Trump appointees have vowed to do what we can to preserve our democratic institutions while thwarting Mr. Trump's more misguided impulses until he is out of office." The newspaper described the author of the column only as a senior official in the Trump administration.

"It may be cold comfort in this chaotic era, but Americans should know that there are adults in the room," the author continued. "We fully recognize what is happening. And we are trying to do what's right even when Donald Trump won't."

The makeover of the Democratic Party

WASHINGTON (AP) — The Democratic makeover is in full swing.

With just a few primaries remaining before the decisive midterm elections in November, voters have dramatically reshaped the Democratic Party to become younger, more diverse and unquestionably liberal.

The latest turn came Tuesday in Massachusetts, where Boston City Councilor Ayanna Pressley, 44, trounced 10-term congressman Mike Capuano, 66, in a Democratic primary. It reprised a June primary upset in which self-proclaimed democratic socialist Alexandria Ocasio-Cortez, 29, toppled New York congressman Joe Crowley, one of the House Democrats' top leaders. They join minority candidates like Democratic gubernatorial nominees Stacey Abrams of Georgia and Andrew Gillum of Florida and a host of younger white candidates — including dozens of women and a gaggle of veterans — who are offering voters an antidote to President Donald Trump.

"We are at a crossroads," Pressley declared during a party unity rally Wednesday. "This can be our darkest hour or it can be our finest."

Outsider candidates are taking on establishment-aligned Democratic incumbents in the final primaries of the season over the coming week in states such as Delaware and Rhode Island.

Blamed in baby's death, weakening Gordon spreads rain inland

DAUPHIN ISLAND, Ala. (AP) — Blamed for the death of a Florida baby and intense wind and rain that pummeled parts of the northern Gulf of Mexico coast, Tropical Depression Gordon weakened Wednesday but still spread bands of heavy rains across a swath of the South as it swirled over central Mississippi.

It promised more of the same on a forecast track expected to take it northeast into Arkansas, which was forecast to get heavy rain from the system by Wednesday night. By Saturday, what's left of the storm was forecast to hook to the north, then northeast on a path toward the Great Lakes. National Weather Service offices in Missouri and Oklahoma said Gordon's remnants could add to the rain caused by a frontal boundary already causing heavy rains in parts of the Midwest. Flash flood watches stretched from the Florida panhandle through parts of southwest Alabama, Mississippi, Arkansas, Oklahoma, Kansas, Iowa and Illinois.

Gordon never reached hurricane strength by the time it came ashore Tuesday night just west of the Mississippi-Alabama line. Its maximum sustained winds reached 70 mph. It knocked out power to at least 27,000 utility customers in Florida, Alabama and Mississippi. By Wednesday afternoon the numbers were down to about 5,800 in Alabama, 3,000 in Mississippi and a little more than 2,000 in Florida.

Pictures on social media showed damaged roofs and debris-strewn beaches and roads. However, no major damage or serious injuries were reported, other than the one fatality — a baby in a mobile home, struck by a large tree limb in Pensacola late Tuesday.

Neighbors told a newspaper the victim was about 10 months old, but the Escambia County Sheriff's Office confirmed the child was 2 years old.

No immediate ruling in GOP's latest 'Obamacare' lawsuit

AUSTIN, Texas (AP) — The latest push to scrap the Affordable Care Act once and for all pressed ahead Wednesday as Republican-controlled states asked a federal judge to finish what Congress started last year and bring the law that insures 20 million Americans to a halt.

A small group of protesters, some holding signs reading "Save the ACA," shouted across the street from a Fort Worth, Texas, courthouse where former President Barack Obama's health care law is again under attack. At issue are core principles of the law, including protections for people with pre-existing medical conditions and limits on how much older customers can be charged.

U.S. District Judge Reed O'Connor made no immediate ruling following a four-hour hearing. Twenty GOP-led states brought the lawsuit, arguing that the entire health care law was rendered unconstitutional after Congress repealed the "individual mandate" that required most Americans to buy insurance or risk a tax penalty.

"Texans and other Americans should be free again to make their own health care choices," said Republican Texas Attorney General Ken Paxton, who is leading the court challenge.

Quake in northern Japan causes landslides, power loss

By MARI YAMAGUCHI
Associated Press

TOKYO (AP) — A powerful earthquake rocked Japan's northernmost main island of Hokkaido early Thursday, triggering landslides that crushed homes, knocking out power across the island, and forcing a nuclear power plant to switch to a backup generator.

The magnitude 6.7 earthquake struck southern Hokkaido at 3:08 a.m. at the depth of 40 kilometers (24 miles), Japan's Meteorological Agency said. The epicenter was east of the city of Tomakomai but the shaking also affected Hokkaido's prefectural capital of Sapporo, with a population of 1.9 million.

The Japanese national broadcaster NHK, citing its own tally, reported that 125 people were injured and about 20 were feared missing. Hokkaido's local disaster agency put the number of injured at 48.

The Fire and Disaster Management Agency said a man was found without vital signs in Tomakomai, but his status was unclear. Several people were reported missing in the nearby town of Atsuma, where a massive landslide engulfed homes.

Reconstruction Minister Jiro Akama told reporters that five people were believed to be buried in the town's Yoshino district. Some of the 40 people stranded there were airlifted to safer grounds, NHK said.

Aerial views showed dozens of landslides in the surrounding area, with practi-



Kyodo News via AP

This aerial photo shows houses destroyed by a landslide after an earthquake in Atsuma town, Hokkaido, northern Japan, Thursday, Sept. 6, 2018. A powerful earthquake rocked Japan's northernmost main island of Hokkaido early Thursday, triggering landslides that crushed homes, knocking out power across the island, and forcing a nuclear power plant to switch to a backup generator.

cally every mountainside a raw slash of brown amid deep green forest.

Airports and many roads on the island were closed following the early morning quake.

Prime Minister Shinzo Abe said that 25,000 troops and other personnel were being dispatched to the area to help with rescue operations.

National broadcaster NHK showed the moment the quake struck the city of Muroran, with its camera violently shaking and all city lights going black moment later. In Sapporo, a mudslide on a road left several cars half buried.

Power was knocked out for Hokkaido's 2.9 million households. Economy, Trade and Industry Minister Hiro-

shige Seko told reporters that the extensive power outage was caused by an emergency shutdown of the main thermal power plant that supplies half of Hokkaido's electricity.

Utility officials were starting up hydroelectric plants, Seko said, adding that he hoped to get power back "within a few hours." In the meantime, authorities sent power-generator vehicles to hospitals so enable them to treat emergency patients, he said.

Chief Cabinet Secretary Yoshihide Suga told a news conference that the authorities were doing their utmost to rescue and assess damage after receiving hundreds of calls about people missing and buildings collapsing.

The central government set up a crisis management taskforce at the prime minister's office.

Three reactors at the Tomari nuclear plant were offline for routine safety checks, but they are running on backup generators that kicked in after losing external power because of the island-wide blackouts, Japan's Nuclear Regulation Authority said. Spent fuel in storage pools was safely cooled on backup power that can last for a week, the agency said.

The powerful earthquake and tsunami in March 2011 that hit northeast Japan destroyed both external and backup power to the Fukushima Dai-ichi nuclear plant, causing meltdowns.

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