

Rehnquist, O'Connor Mull Retirement

-- What will happen if one of the Supreme Court Justices decide to step down this summer? --

BACKGROUND:

More than two centuries have elapsed since President George Washington nominated John Jay as Chief Justice and five other lawyers as Associate Justices. Since the Court first convened in New York, 108 Americans have sat on the the bench, an average of 16 years each. The president's choices for appointment to the Court have all been lawyers, although there is no constitutional or legal requirement to that effect.

George Washington established a pattern of geographical distribution, with three southerners and three northerners from six different states. Generally, but by no means always, Presidents seek to appoint Justices from their own political party, and those who share their political and philosophical views.

With the passage of years, the make-up of the Court has tended to reflect the dominant threads in the weave of American society. All the Justices were Protestants until 1835, when President Andrew Jackson chose Roger B. Taney, a Catholic, as Chief Justice. President Woodrow Wilson appointed the first Jew, Louis D. Brandeis, as an Associate Justice in 1916. The first African-American Justice, and only the second Justice to lie in state in the Great Hall following his death, was Thurgood Marshall, who was appointed by president Lyndon B. Johnson in 1967. The first nomination of an Italian-American was that of Justice Antonin Scalia in 1986.

The invisible wall that had kept women off the Court was shattered in 1981 when President Reagan nominated Sandra Day O'Connor, a 51-year-old judge on the Arizona Court of Appeals. On November 14, 1980, in anticipation of the possible appointment of a woman, the Justices had decided to drop the "Mr." in front of "Justice,"

which until that time had been used in published opinions and official records for 190 years. Twelve years after O'Connor's appointment, President Bill Clinton chose another woman to be his first nominee to the Court. Ruth Bader Ginsburg, age 60, had served for 13 years on the United States Court of Appeals for DC.

Sandra Day O'Connor, Associate Justice

The first woman ever appointed to the Supreme Court, Sandra Day O'Connor grew up intending to go into her family's business of cattle ranching. Born in Texas in 1930, O'Connor spent her early years on her family's ranch in Arizona before moving to El Paso to live with her grandmother and attend school. She proceeded to Stanford in 1950 to study economics, and later law. O'Connor finished law school in two years (instead of three) and graduated third in her class.



When O'Connor graduated from law school, she did not find a welcoming job market and was only offered a position as a legal secretary. She turned instead to public service and took a job in 1952 as deputy attorney general for San Mateo County in California. O'Connor's husband, also a lawyer, was drafted into the Judge Advocate General's Court in 1953 and the couple moved to Frankfurt, Germany where O'Connor served as a civilian attorney for the Quartermaster Market Center from 1954 to 1957.

After returning from Germany, O'Connor and her husband settled in Arizona. She again encountered difficulty finding a position with a private law firm so she began a small practice of her own. She also became an active community volunteer while strengthening ties with the

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Republican Party. In 1965, she took a position as an assistant attorney general of Arizona and three years later was appointed to the Arizona state Senate when a state senator resigned.

O'Connor was re-elected to two more terms in the Arizona Senate, becoming the first female Republican majority leader in the country in 1974. That same year, she was elected judge of the Maricopa County Superior Court where she served until 1979 when she was appointed to the Arizona Court of Appeals.

President Reagan nominated O'Connor to the Supreme Court in July of 1981 when Justice Potter Stewart retired, fulfilling a campaign promise to nominate a woman to the court. The U.S. Senate unanimously confirmed her. Traditionally a conservative who tends to vote with Chief Justice William Rehnquist, O'Connor has favored liberal ideology on some issues and has become a key voice on swing votes.

O'Connor and her husband John have three children.

William H. Rehnquist, Chief Justice

Chief Justice William Rehnquist has been charged with steering the high court through groundbreaking legal and political disputes as well as guiding it through a docket full of potentially



controversial cases in the 2002-03 term.

Born in Wisconsin in 1924, Rehnquist served in the Army during World War II as a weather observer in North Africa. After leaving the military, he enrolled at Stanford where he received a degree in political science, and later earned master's degrees from both Stanford and Harvard. He went on to study at Stanford's law school, graduating first in his class in 1952.

While practicing law in Phoenix from 1953 to 1969, Rehnquist became increasingly involved with the Republican Party. When Richard Nixon became president in 1969, Rehnquist was tapped

to be assistant attorney general in the Justice Department's Office of Legal Counsel.

In 1971, an ailing Supreme Court Justice John Harlan retired and Nixon nominated Rehnquist to replace him. The Senate approved his nomination by a vote of 68-26 and Rehnquist was sworn into the court in January 1972. Rehnquist served as an associate justice until 1986 when Chief Justice Warren Burger retired and President Ronald Reagan nominated Rehnquist to head up the high court. Despite concerns from liberals in the Senate about what Rehnquist's conservative philosophy would mean to the high court, he was approved by a vote of 65-33.

Rehnquist is seen as the driving force behind the court's far right wing, which includes Justices Antonin Scalia and Clarence Thomas. But his conservative foundations have not prevented him from leading the court to some moderate decisions on key issues such as freedom of speech. The more centrist conservative Justices Sandra Day O'Connor and Anthony Kennedy have provided either the crowning votes for a conservative majority or led to the defeat of many of the opinions he has supported.

"From federalism to criminal procedure to separation of church and state, Rehnquist's long-held views prevailed in the term just ended," Marcia Coyle writes of the 2001-2002 term in the *National Law Journal*. "O'Connor -- clearly now the swing vote with whom to reckon -- not only sealed many of those victories but stole a handful of others from him by giving her vote to the Court's liberal wing in cases involving federal habeas corpus, capital sentencing and health maintenance organization [HMO] regulation."

Rehnquist, a widower, has three children.

By Maureen Hoch, Online NewsHour

STORY:

(AP)- Supreme Court Justice Sandra Day O'Connor can look out on the Capitol from her chambers. Chief Justice William H. Rehnquist's morning constitutional takes him past it every day. The two justices have reason to keep a close eye

on Congress' home. What they see could help determine whether either or both leave the bench.

There has been intense partisan acrimony in the Senate over some of President Bush's choices to fill federal judgeships. If a justice steps down this summer, there is a very real possibility of a political stalemate that would leave the job unfilled for months.

None of the nine current justices has announced plans to retire, but for reasons of age and politics Rehnquist, 78, and O'Connor, 73, are considered the most likely candidates. Each has served decades on the court and would prefer to leave while they have their health. Rehnquist was named to the court by President Nixon and O'Connor by President Reagan. Both justices are part of the court's conservative wing and would prefer that a Republican pick a successor.

SIGNIFICANCE:

Rehnquist and O'Connor must know their exits will provoke confirmation battles far more contentious than either of them faced as new nominees. O'Connor seemed to note the political climate change in her new book, "The Majesty of the Law," which some readers see as a valedictory. A Supreme Court nomination, she wrote, "is an occasion for public interest, as we have been reminded graphically in the last 20 years." That could be a reference to conservative judge Robert Bork's failed nomination to the court in 1987, which set off much of the bickering that continues today, and the spectacle of Thomas' 1991 Senate hearings for accusations of sexual harassment.

As a practical matter, any justice thinking of leaving has a choice of going now and risking leaving the court short-handed as the Senate fights over Bush's chosen replacement. They also could hang on for another court session, but 2004 is an election year and that surely would raise the partisan rancor during the process. Or they could wait until 2005, hopeful that Bush has swept to a second term and Republicans have built on their tenuous 51-48 advantage in the Senate.

Even assuming Bush is re-elected in 2004, from the perspective of Rehnquist and O'Connor

there is a risk in sticking around until 2005: Republicans could lose control of the Senate.

Senate Democrats have successfully held off a vote on two of Bush's nominees for lower federal courts this year, while allowing other nominations to go forward. Unless the Republican majority forces a change in Senate rules, the Democrats seem able to muster a similar filibuster over a Supreme Court nominee, lawyers say. Even without a filibuster, both political parties and the White House are girding for a high-stakes political battle, especially if Bush follows through on a campaign pledge to pick a firm ideological conservative in the mold of justices Antonin Scalia or Clarence Thomas.

The closer to a presidential election, the worse the rancor will get.

By ANNE GEARAN, Associated Press Writer

1996 Olympics Bombing Suspect Arrested

-- Eric Robert Rudolph, the Olympic Park bombing suspect was arrested early Saturday as he scavenged for food behind a grocery store...--

BACKGROUND:

Eric Robert Rudolph moved to WNC from Florida in 1981 with his mother, three brothers and a sister. They moved here after his father died from cancer. He dropped out of high school, later getting his GED. He worked some as a part-time carpenter. He served in the U.S. military for a time, discharged at the lowest pay grade. There is no evidence Eric belonged to a militia or any other kind of group, though there were - and are - such groups in the area. When he fled, he had an AR-15 rifle. He is a skilled outdoorsman. He is also considered a serial bomber, meaning authorities believe he would continue to bomb if able to.

Rudolph is accused in the July 27, 1996, bombing at Atlanta's downtown Olympic Park that killed a woman, wounded 111 others and stunned a world focused on the fanfare of the 25th modern Summer Olympics. Rudolph is also a suspect in a bombing at an abortion clinic in Birmingham, Ala., that killed a police officer, and bombings outside a gay nightclub and an office building in Atlanta that contained an abortion clinic. In all, about 150 people were wounded.

Rudolph first came under suspicion in the Birmingham bombing. A witness jotted down a license plate number of a gray 1989 Nissan pickup that was registered to Rudolph. Authorities who searched a storage locker he rented in Murphy found nails like those used in the attacks.

A task force that once numbered 200 agents scoured a 550,000-acre Appalachian wilderness for any trace of Rudolph, who was last seen July 7, 1998, when he visited a health food store owner in nearby Andrews to stock up on supplies. Early in the search they found some camping sites with cartons of oatmeal, raisins, peanuts, and tuna believed to be his. The FBI had offered a \$1 million reward for his capture.

But the effort dwindled to just a handful of officers and volunteer hunters over the years, and many in the region mocked the government's inability to root out Rudolph. Two country-western songs were written about Rudolph and a T-shirt that bore the words: "Run Rudolph Run."

"This sends a clear message that we will never cease in our efforts to hunt down all terrorists, foreign or domestic, and stop them from harming the innocent," Attorney General John Ashcroft said in a statement.

STORY:

Eric Robert Rudolph, the Olympic Park bombing suspect who became almost a mythic figure during his years on the run in the Appalachian wilderness, was arrested early Saturday as he scavenged for food behind a



grocery store.

After a massive manhunt that included infrared scopes on helicopters and logs rigged with motion detectors, it was ultimately a rookie officer on patrol at 4:30 a.m. who spotted a man with a camouflage jacket, blue work britches and a stubbly beard behind a Save-A-Lot food store. The man who has been on the run for more than five years took off running one more time and finally gave up behind a pile of milk crates. At first, he gave the fake name Jerry Wilson, but officers who recognized him pressed him on his identity for 20 minutes.

When he was captured, the 36-year-old former soldier and survivalist carried a large flashlight and a backpack, but was unarmed. He appeared thin and quickly scarfed down a jailhouse breakfast of biscuits, gravy, eggs and bacon. Authorities said he was in surprisingly good health, clean and still resembled his wanted poster.

And the fact that he was clad in casual clothing and jogging shoes instead of rags reignited speculation that he's been getting help from those in western North Carolina mountains who sympathized with the handsome, charismatic Rudolph and his extreme right-wing views.

Rudolph is thought to be a follower of the white supremacist Christian Identity religion that is rabidly anti-abortion, anti-gay and anti-Semitic.

FBI agent Chris Swecker said investigators were actively looking into whether Rudolph had help, and he believed that the fugitive's entire time on the run had been spent in the same western North Carolina mountains where he had worked as a carpenter, roofer and handyman.

The next step will be a hearing in federal court in Asheville, where authorities will decide whether Rudolph should be taken to Atlanta or Birmingham. He faces six federal counts of using an explosive against a facility in interstate commerce, one for each bomb. There were two bombs at two of the sites. The charges carry the death penalty.

By Kristen Wyatt, Associated Press Writer

THIS WEEK IN HISTORY:

June 2, 1997

McVeigh Convicted!

Timothy McVeigh, a former U.S. Army soldier, is convicted on 15 counts of murder and conspiracy for his role in the 1995 terrorist bombing of the Alfred P. Murrah Federal Building in Oklahoma City.

On April 19, 1995, the two-year anniversary of the disastrous end to the Waco standoff, just after 9 a.m., a massive truck bomb exploded outside the Alfred P. Murrah Federal Building. The blast collapsed the north face of the nine-story building, instantly killing more than 100 people and trapping dozens more in the rubble. Emergency crews raced to Oklahoma City from across the country, and when the rescue effort finally ended two weeks later, the death toll stood at 168 people, including 19 children who were in the building's day-care center.

On April 21, the massive manhunt for suspects resulted in the capture of Timothy McVeigh, a 27-year-old former U.S. Army soldier who matched an eyewitness description of a man seen at the scene of the crime. On the same day, Terry Nichols, an associate of McVeigh's, surrendered after learning that the police were looking for him. Both men were found to be members of a radical right-wing survivalist group based in Michigan, and on August 8, John Fortier, who knew of McVeigh's plan to bomb the federal building, agreed to testify against McVeigh and Nichols in exchange for a reduced sentence. Two days later, a grand jury indicted McVeigh and Nichols on murder and conspiracy charges.

On June 2, 1997, McVeigh was convicted on 15 counts of murder and conspiracy, and under the unanimous recommendation of the jury, he was sentenced to die by lethal injection. Michael Fortier was sentenced to 12 years in prison and fined \$200,000 for failing to warn authorities about McVeigh's bombing plans. Terry Nichols was sentenced to life in prison.

www.thehistorychannel.com

WHO YOU NEED TO KNOW:

Timothy McVeigh

Timothy McVeigh was born April 23, 1968 at Lockport Memorial Hospital, the second of three children of William and Mildred "Mickey" McVeigh, residents of the nearby town of Pendleton.

He graduated from High School in June of 1986. Senior yearbook reports his class voted him "most talkative." He developed a strong interest in guns, receiving his first weapon at age 13. Was an avid reader of *Guns and Ammo* magazine. While still in his teens, Timothy McVeigh acquired a penchant for guns and began honing survivalist skills he believed would be necessary in the event of a Cold War showdown with the Soviet Union. Lacking direction after high school, he enlisted in the U.S. Army and proved a disciplined and meticulous soldier. It was during this time that he befriended Terry Nichols who, though 13 years his senior, shared his survivalist interests.

In early 1991, McVeigh served in the Persian Gulf War and was decorated with several medals for a brief combat mission. Despite these honors, he was discharged from the army at the end of the year, one of many casualties of the U.S. military downsizing that came after the collapse of the Soviet Union. Perhaps also because of the end of the Cold War, McVeigh shifted his ideology from a hatred of foreign communist governments to a suspicion of the U.S. federal government, especially as its new elected leader, Democrat Bill Clinton, had successfully campaigned for the presidency on a platform of gun control.

In December 2000, McVeigh asked a federal judge to stop all appeals of his convictions and to set a date for his execution by lethal injection at the U.S. Penitentiary at Terre Haute, Indiana. McVeigh's execution will be the first federal death penalty to be carried out since 1963.

SPORTS:

Serena Williams In French Quarters



(AP) -- Defending champion Serena Williams emerged unscathed from a first-set scare and a nasty spill to beat Ai Sugiyama 7-5, 6-3 Sunday in the fourth round of the French Open.

Williams worked harder than she wanted on another sunny, muggy day, with temperatures in the 80s. After winning every game in her previous match, the top-seeded American lost seven of the first eight points against Sugiyama, a 10-year tour veteran seeded 16th. Williams fell behind 2-0, reached 2-all and then lost her serve again with a double-fault on break point. She had 13 unforced errors in the first five games and was often on the defensive chasing Sugiyama's deep groundstrokes into the corners. The worst moment for Williams came when she fell racing forward for a shot. Her right ankle bent awkwardly as she went down in a tangle with the net, but she quickly got up and resumed play.

She rallied with the help of some shaky serving by her opponent. Sugiyama double-faulted on break point to make it 4-all, then hit another double-fault -- her eighth -- in the final game of the set to lose it at love. Williams closed the victory in 92 minutes, more than twice the length of her previous match. It was small consolation to Sugiyama that she won as many games as Williams' first three opponents combined.

The victory was the 32nd in a row in Grand Slam events for Williams, who has beaten sister Venus in the past four major finals. Her opponent in the quarterfinals Tuesday will be France's Amelie Mauresmo, who upset Williams in the Rome final May 18. Mauresmo, seeded fifth, advanced by beating Magui Serna 6-1, 6-2.

ENTERTAINMENT:

Court Looms Once Media Ownership Loosened

(Reuters) - Once the Federal

Communications Commission votes on Monday to ease restrictions on media ownership, the ultimate arbiter will be the courts and possibly Congress, industry experts agree. The five FCC commissioners are expected to vote 3-2 to relax decades-old rules, allowing television networks to own more television stations, permit a broadcaster to own two stations in more markets, and allow one company to own a newspaper and a television or radio station in most markets.

Media conglomerates wanted the FCC to go further to ease the rules, if not eliminate them outright. Meanwhile consumer groups and smaller broadcasters have sought strict regulations -- fearing further industry consolidation would reduce local news and diversity in viewpoints.

With the outcome unlikely to please either side, legal challenges at the U.S. Court of Appeals for the District of Columbia are almost guaranteed. In fact, a big reason the FCC is revising media ownership restrictions is the appeals court's scathing criticism of the agency in the past couple of years for failing to justify the need for the rules or where the limits were set.

News Corp., which runs Fox Television, and Viacom Inc., which owns CBS and UPN, called for eliminating the rule that prevents a network from owning television stations that collectively reach 35 percent of the national audience, but the FCC is poised only to raise the limit to 45 percent. The FCC allowed News Corp. and Viacom to creep above the 35 percent limit while the agency revised its rules. Spokesmen at the two companies would not say whether they would challenge the FCC's expected decision.

Lathen predicted the appeals court would probably uphold the new rules, and the case could go to the Supreme Court.

FEATURE:

Over Time, People 'Catch Mood' of Friends, Lovers

Laugh and the world laughs with you, the saying goes, and this is especially true for couples and roommates, the results of a new study suggest. It seems that couples and roommates tend to have similar emotional reactions as time goes by. This so-called emotional convergence seems to help friendships and romantic relationships, making them stronger and longer lasting.

In the first part of the study, 60 heterosexual couples at the University of Wisconsin in Madison answered questions about their personality, their satisfaction with their relationship and the balance of power within it. To test emotional convergence, partners discussed positive and negative situations -- such as a recent success or an ongoing worry. Then each partner privately reported his or her feelings on the issue.

Six months later, the 38 couples that were still together repeated the experiment. The couples maintained distinct personalities, but they were more closely attuned emotionally than they had been at the start of the study, the researchers found. Although couples' emotions converged over time, similar emotions might have drawn them together in the first place. Couples that stayed together during the study were more emotionally similar than couples that broke up, the researchers point out. The team also found that the partner who had less power in the relationship did most of the changing in terms of emotions.

In other experiments, which involved college students who lived together in dormitories, the researchers found that roommates tended to have more similar emotional responses toward the end of the school year. The researchers gauged emotion by having students watch film clips that tend to elicit laughs or tears. Roommates whose emotions converged the most during the school year tended to become closer friends than

roommates whose emotions did not become as similar, according to the report. The study also found that the roommate who had a lower social status in the dormitory tended to change more than popular roommates.

Anderson said these results show that "people's emotional responses to events are not completely fixed and rigid." According to the Illinois researcher, emotional similarity could be helpful in assembling the most productive corporate team, and might be an important consideration when searching for love or friendships.

By Reuters' Dana Frisch, Journal of Personality and Social Psychology 2003;84:1054-1068.

Childhood Obesity Needs Drastic Measures-Doctors

Children are piling on fat at an alarming rate and drastic measures are needed to ensure they do not suffer serious health consequences as adults, doctors warned on Saturday. Changes in diets and a decrease in physical activity have contributed to the growing number of overweight children. Type 2 diabetes, a disease of middle age, is being detected in some.

The World Health Organisation estimates there are 17.6 million overweight children under five. In the United States the number of overweight children has doubled and the number of overweight adolescents has trebled since 1980, according to the US Surgeon General.

An estimated 40-85 percent of obese adolescents will stay obese as adults and have an increased risk of suffering from diabetes, heart disease, stroke, muscle and respiratory problems, certain types of cancer and a premature death. Many overweight and obese youngsters already suffer psychological and social problems. Some are showing early signs of the physical ailments associated with adult obesity.

By Reuters' Patricia Reaney

Quote of the Week:

A brave man struggling with adversity is a spectacle for the gods.

- Seneca

Word of the Week:

panacea (pan*a*se'a) n. A remedy for all diseases.

Fact of the Week:

Per capita, North Carolinians drink more soda than people in any other state.

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And
Have a Great Week!

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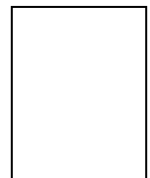
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