



Student-entrepreneur Kobe Bryant starts his season with a 16-point performance.

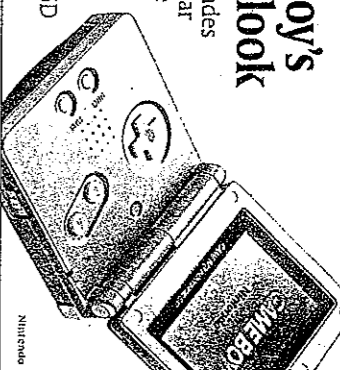
A rookie, 'true stud'
Just out of high school, Phoenix forward Amare Stoudemire is already more productive than Kobe Bryant was at this stage. **7/C**

USA TODAY

NO. 1 IN THE USA

THE NATION'S NEWSPAPER

Game Boy's newest look
Nintendo upgrades the most popular handheld game in history. Take a first peek at changes and features of the Advance SP. **5D**



Nintendo Game Boy Advance SP



NFL's Peyton blew final call

Giants deserved another shot at field goal in dramatic loss to 49ers. **1, 5C**

Tuesday, January 7, 2003

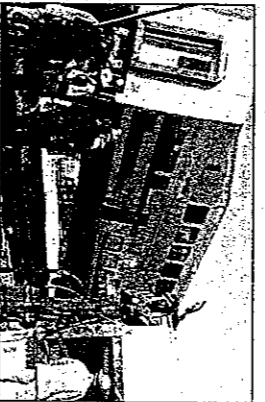
Newsline

■ News ■ Money ■ Sports ■ Life

■ **Stocks rise on word of Bush tax-cut plan**

Index	Close	Change
Dow Jones industrial average	8723.57	▲ 171.86
Nasdaq composite	1421.33	▲ 34.25
S&P 500	498	▲ 0.03
USA TODAY Internet 50	74.73	▲ 2.31

Source: USA TODAY research, MarketWatch.com.



One dead in California train wreck

Rescue workers are on scene Monday at crash in Burbank, Calif., where a commuter train collided with a truck at a railroad crossing. The truck's driver, who may have ignored warnings, was killed. **3A**



USA TODAY

Kuwait seeking smallpox vaccine from U.S. agency

Fearing it could be target of biological attack by Iraq, Kuwait has requested supplies from the United States and is "waiting to hear," says Salem Abdullah Al-Jaber Al-Sabah, the ambassador to the U.S. **7A**

United States considers South Korean plan

Deal would mean U.S. assures it won't attack North Korea if it freezes nuclear weapons program. **6A**

Money: FTC move could ease gas prices

Federal Trade Commission antitrust enforcers recommend challenging Unocal clean-fuel patents that rival ExxonMobil says lead to higher prices. **1B**

Sports: Murray a Hall of Fame favorite

Former Baltimore Orioles slugger Eddie Murray could go into baseball history today, on his first try. Gary Carter's other top pick, Baseball 4C.

Life: Journalist cuts cloning ties

Lack of cooperation prompts Michael Guillen, former science editor for ABC-TV, to suspend efforts to oversee DNA testing that would prove whether first human clone has been produced by Clonaid. **8D**

By John O. Buckley

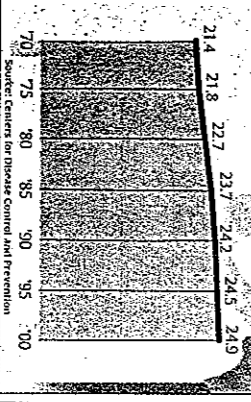
Corrections

USA TODAY committed an error. The rock hit, e-mail editor@usatoday.com or call 800-812-0001.

USA TODAY Snapshots®

Women waiting longer to begin families

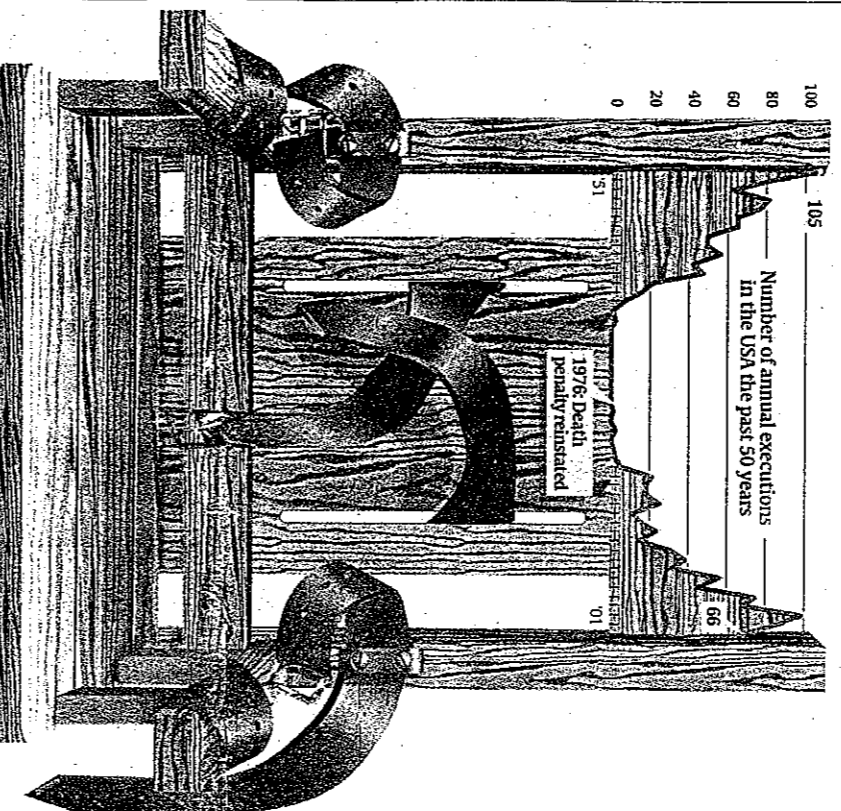
The average age of American mothers giving birth to their first child.



0.2
Editorial Opinion 10-11A
Letters 7-9D
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Death penalty gains unlikely defenders

Professors speak out in support of executions



Percentage of Americans who favor the death penalty

Year	Percentage
1968	68%
1972	72%
1976	76%
1980	80%
1984	84%
1988	88%
1992	92%
1996	96%
2000	100%

By Richard Willing, USA TODAY

NEW YORK — Robert Blecker sat quietly as other professors ticked off their reasons for opposing the death penalty. It's unfair to blacks. It doesn't really deter crime. Innocent people could be executed.

But Blecker, a professor at New York Law School, was having none of it. When it was his turn to speak at the recent death-penalty forum at John Jay College, he summed up his support for executions in three words: "Barbuda to brown."

Blecker then launched into a staccato description of the 11-year-old Louisiana girl's slaying in 1981, how she was abducted, raped and tortured by a man who later was executed. The story drew gasps from a crowd accustomed to dealing in legal theories and academic formulas.

"We know evil when we see it, and it's past time that we start saying so," Blecker said later. "When it comes to the death penalty, too many in academia can't face that."

For years, professors and civil rights leaders have led the charge against the death penalty, raising questions about its fairness that caused two states to suspend executions. But now death-penalty supporters have found some unlikely allies: a small but growing number of professors and social scientists who are speaking out in favor of the ultimate sanction.

Challenging themes that have been the foundation of the anti-death penalty movement, about a dozen professors and social scientists please see COVER STORY next page ▶

Extra weight shaves years off lives

By Nancy Helmlund, USA TODAY

People weighing 30 or more pounds too much could lose up to seven years from their lives. And carrying even 10 to 30 extra pounds could shorten a person's life span by about three years, a study reports today.

Although scientists have known for years that being overweight increases the risk of dying early and causes serious health problems such as diabetes, heart disease, arthritis and some types of cancer, this study is one of the first to estimate how much extra weight reduces life expectancy in a large group followed for decades.

Weighing too much is a serious health problem in the USA, where more than 120 million people are either overweight or obese, government statistics show. That's the highest level ever recorded.

Researchers in the Netherlands examined data from the Framingham Heart Study in Framingham, Mass., which has been tracking people for years.

The scientists pored over the records of 3,457 participants who started the study when they were 30 to 49. The data were from 1948 to 1990. The average life expectancy for non-smokers with normal weight during that period was nearly 85 years.

Among the findings, which are reported in the *Annals of Internal Medicine*:

- ▶ 40-year-old male and female non-smokers who were overweight (defined as roughly 10 to 30 pounds over a healthy weight) lost about three years of their life expectancy.
- ▶ 40-year-old female non-smokers who were obese (about 30 or more pounds over a healthy weight) lost seven years of their lives; obese men lost 5.8 years.
- ▶ Smoking cost men and women nearly seven years of life, but being both obese and a smoker cost them 13.5 years.

"These numbers are higher than we expected," says Luc Bonneau, one of the study leaders at the Erasmus Medical Center in Rotterdam. "If you want to live a healthy life, just think about two things: Don't get fat and don't smoke."

David Williamson, a scientist with the U.S. Centers for Disease Control and Prevention in Atlanta, says these "scary statistics" might or might not motivate people to lose weight.

"It's hard to maintain an ideal body weight in the real world," Williamson says. "It's challenging for many busy people to find time to exercise and plan healthy meals."

Demms counter Bush on economy

Clash expected over tax cut on dividends

By Judy Keen and William M. Welch, USA TODAY

WASHINGTON — The years' first clash between President Bush and Democrats over ways to stimulate the economy.

Bush is expected to call for a 10-year, \$600 billion tax cut package. It would eliminate the income tax that investors pay on stock dividends. It would speed up income tax breaks set to fade in 2004 and 2006. And it would give \$400 rebate checks to middle-class parents.

Administration officials said Monday night that the plan also would include \$3.6 billion over two years to help the unemployed find jobs. Those who qualify could receive up to \$3,000 to pay for child care, job training, transportation, moving costs and other job-search expenses. People who find jobs within 13 weeks could keep any leftover money.

House Democrats countered Monday with a \$136 billion plan for families and businesses, as well as aid to states and the unemployed. The tax cuts would take effect this year. They said Bush's plan favors the wealthy and would boost budget deficits.

Republicans hold majorities in both houses of the 108th Congress, which opens today. They are likely to approve a version of the president's plan. Even so, Sen. Chuck Grassley, chairman of the Senate Finance Committee, said Monday that changes will be needed.

Some economists say neither plan would have a big effect on the nation's estimated annual \$10 trillion economy. Both are dwarfed by the 10-year, \$1.35 trillion tax-cut package Congress passed in 2001.

Democrats say Bush is insensitive to working Americans and the \$145 billion deficit for the fiscal year that began Oct. 1. The Democrats' plan, said Rep. John Spratt, D-S.C., would "go to the people who need it..." Without wrecking the budget in the long term, "things that are needed for long-term investment."

The president defended his proposal Monday. "It's a plan that recognizes when somebody has more of their own money, they're likely to spend it, which creates more jobs."

The biggest battle is expected over the Bush's proposal to eliminate income taxes on stock dividends. A study by the Urban Institute and the Brookings Institution, two liberal think tanks in Washington, shows that a typical taxpayer with taxable annual income of \$30,000 to \$40,000 would receive a tax cut of \$42 in 2003. Those with taxable income of more than \$1 million would receive an average \$27,097.

The Democrats' plan includes:

- ▶ \$55 billion in tax relief for working families. It would include a one-time rebate of \$300 for individuals and \$600 for married couples. Most income taxpayers got a similar rebate in 2001; the new rebate also would go to those who pay only payroll taxes.
- ▶ \$32 billion in business tax cuts. Small businesses could write off up to \$50,000 in investments; all businesses could speed up depreciation of equipment.
- ▶ \$31 billion for cash-strapped state governments. It could be used for homeland security, roads and bridges, Medicaid and aid to the unemployed.
- ▶ A 26-week extension of federal unemployment benefits, costing \$18 billion.

Bush will ask Congress to extend unemployment benefits for more than 750,000 Americans whose benefits expired Dec. 28. Senate Republicans plan to offer today a 12-week extension.

Most Americans want tax cuts to stimulate the economy. A USA TODAY/CNN/calling poll shows 51% say Bush's policies favor the wealthy; 46% say his policies are fair to all on the income class. The poll shows 63% favor the job Bush is doing while 45% approve of his handling of the economy.

Contributing: Richard Benedetto and Judy Kley
Markets gain on word of proposal, 1B
Potential impact on investors, corporations, 3B

When my wireless network works... Where I do... AT&T Wireless

Death-penalty supporter says it should be for the 'worst of the worst'

Continued from 1A

have produced unprecedented research arguing that the penalty deters crime. They also are questioning studies that say it is racially biased, and they are attacking one of the anti-death penalty movement's most effective talking points: that more than 100 people released from death row during the past 30 years were "innocent."

The researchers say that only about a third of those released from death row could show they were innocent of murder and that the rest were released for other reasons, often legal technicalities. The researchers say that those convicts' names have remained on the "innocent" list to exaggerate the case against the death penalty.

The pro-death penalty researchers are still a tiny minority in U.S. academia, which Blecker guesses is "99%-plus" against executions. But the researchers are changing the nature of the death-penalty debate.

Justice Department lawyers have cited their work in legal briefs defending the death penalty. Republican senators have used the new research to try to stave off proposals to make it more difficult to execute inmates. Some death-penalty supporters, noting that more than two-thirds of Americans back capital punishment, say the research validates the views of a relatively silent majority.

And victims' rights groups that have felt excluded from the debate over executions say the professors give them moral support.

"It's been easy for the media to dismiss (death-penalty supporters) as just a rabble that wants to hang 'em all," says Dudley Sharp, resource director for Justice For All, a victims' rights group in Houston. "Now we've got research, respectability — things that have always been conceded to the other side. It's more of a real debate."

Some death-penalty foes say the new research is a desperate reaction to successful efforts to stop executions. "If the public wasn't concerned with (the possible execution of) innocents, if courts and the Congress and state legislatures weren't beginning to get involved again, (pro-death penalty academics) wouldn't be noticed," says Richard Dieter, executive director of the Death Penalty Information Center, a group in Washington, D.C., that opposes capital punishment.

Fairness of executions questioned

Executions had been declining in the USA for years when states halted them in 1967, in anticipation of a Supreme Court ruling on whether death-penalty laws violated the constitutional ban on "cruel and unusual punishment."

The court banned executions in 1972, ruling that the death penalty was being imposed arbitrarily. But the court reinstated the penalty four years later, backing new laws that guided judges and juries in imposing death sentences. Since then, more than 800 killers have been executed in the USA.

Soon after executions resumed, studies suggested that blacks were more likely than whites to receive death sentences, especially when their victims were white. Other studies compared murder rates in the 38 death-penalty states with lower rates in the 12 states that don't have the penalty, and concluded that capital punishment does not deter homicides.

In 1993, a U.S. House of Representatives panel led by a death-penalty foe, Rep. Don Edwards, D-Calif., found that 68 people had been released from wrongly imposed death sentences during the previous 20 years. The report was the basis for the list of 102 "innocents" that anti-death penalty groups now promote.

The idea that innocent people had been sent to death rows across the nation was politically potent, and capital punishment foes exploited it. The Edwards list was taken over by the Death Penalty Information Center, which has added to the list 34 death-row inmates who have been exonerated. Among those were 12 who were freed by DNA tests done on evidence years after their convictions.

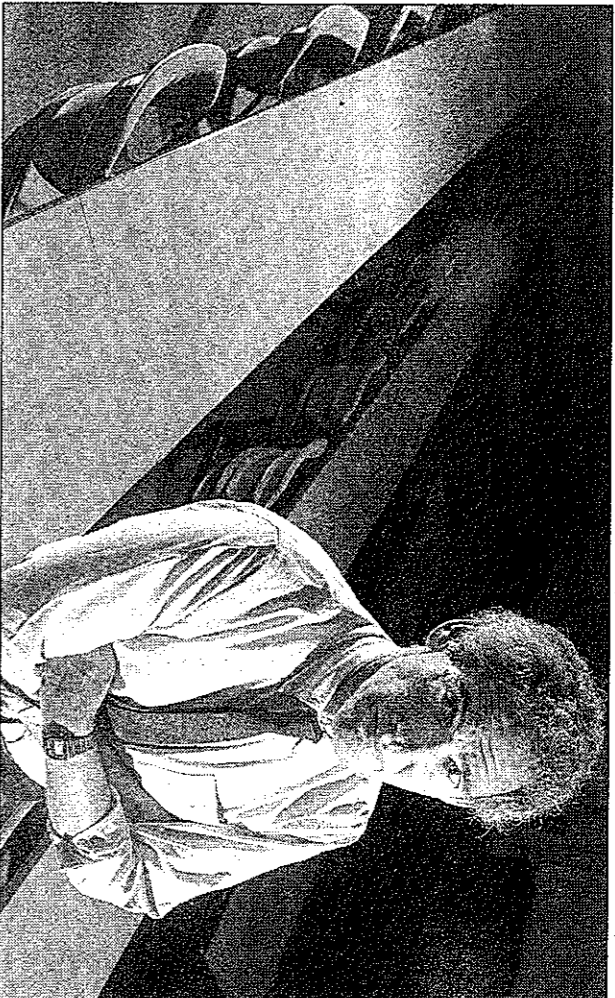
The center doesn't vouch for the validity of the initial 68 cases. To be added to the center's "innocents" list, a condemned inmate must have his conviction overturned and be acquitted at retrial. Ex-prisoners also are added to the list if prosecutors don't pursue a retrial.

The ongoing campaign against the death penalty has been effective. Analysts say it likely contributed to a dip in the still-strong public support for capital punishment. (Surveys in October said that about 70% of Americans back the death penalty, down from 80% in 1994.)

Meanwhile, the governors of Illinois and Maryland have suspended executions in their states to study whether the death penalty is being imposed fairly. The U.S. Supreme Court ruled last year that states cannot execute killers who are under 18 when they commit their crimes and that juries, not judges, must impose death sentences. In the latter case, Justice Stephen Breyer called studies of the death penalty's impact on deterring crime "inconclusive."

And last July, a U.S. district court judge here declared the federal death penalty unconstitutional, a decision that applied only in his court and that was appealed by the Justice Department. Judge led Rakoff based his ruling on research, including the list of 102 "innocents," that he said suggested there is a high risk that inmates could be wrongly executed. A U.S. appeals court panel reversed that ruling on Dec. 10, saying that the matter should be left to the U.S. Supreme Court. That decision, too, is likely to be appealed.

"There's no way to underestimate the importance of the innocence issue," Dieter says. "It's created an ir-resolvable concern on the part of the public."



By Justin S. Lane for USA TODAY

"**Tion in a den of Daniels?**" Robert Blecker, a professor at New York Law School in Manhattan, is seen as a rare supporter of the death penalty among academics. He is studying the death penalty as a deterrent.

Osborne was acquitted in a second trial. He made the "innocents" list in August.

Dieter says convicts whose sentences have been overturned "truly are innocent in the legal sense." A spokesman for Sen. Patrick Leahy, D-Vt., sponsor of a bill aimed at eliminating wrongful convictions, says that "quibbling over numbers" misses the point.

Even the staunchest defenders of the status quo must admit that... innocent people have been sent to death row," Leahy spokesman David Carle says.

Pro-death penalty professors say the number of innocents does matter.

"The idea that 100 innocent people have just missed execution has undermined the public's confidence" in the death penalty, says Barry Latzer, a political scientist at John Jay College. "If it's substantially

fewer, it's not nearly as powerful a story," Latzer and his colleagues are challenging death-penalty foes on other fronts as well.

John McAdams, a political science professor at Marquette University in Milwaukee, acknowledges that African-Americans appear to be overrepresented on death row where they account for about 42% of the prisoners, compared with about 12% of the U.S. population. (Since 1977, 57% of those executed have been white; 35% have been black.)

McAdams notes the widely held belief that black defendants are more likely to receive the death penalty than whites convicted in similar slayings. But he says that doesn't take into account that blacks make up nearly 50% of all murder victims, and that all but a few are killed by other blacks. Blacks who kill blacks,

he argues, are far less likely to get the death penalty than whites, blacks or Hispanics who kill whites.

"Why are the lives of black victims less valued?" McAdams asks. "There's a subtle kind of racism going on here, and it's got to do with the victims of crime, not how we treat the perpetrators." He realizes that his analysis has a provocative implication: that more black killers should be executed. He favors "more executions generally."

But fellow death-penalty supporter Blecker says that the death penalty should be reserved for the "worst of the worst, the ones almost everyone can agree are worthy."

Death-penalty supporters also say there is plenty of evidence that executions deter homicides.

A study last year by researchers at Emory University in Atlanta examined the nearly 6,000 death sentences imposed in the USA from 1977 through 1996. The authors compared changes in murder rates in 3,000 U.S. counties to the likelihood of being executed for murder in that county. They found that murder rates declined in counties where capital punishment was imposed. The researchers said a statistical formula suggested that each execution saved the lives of 18 potential victims.

Recent studies at the University of Houston and at the University of Colorado at Denver had similar findings. Blecker, who is researching deterrence, says they square with what he found in interviews with 60 killers. "They are cognizant of whether they are operating in a death-penalty state before they pull the trigger," he says. "They're operating in the real world, not the realm of political theory."

To McAdams, the debate over deterrence is unnecessary. "If you execute a murderer and it stops other murders, you've saved innocent lives," he says. "And if it doesn't, you've executed a murderer. Where's the problem?"

Academics who back executions are gaining some acceptance. Senate Republicans countered Leahy's bill by citing research from pro-death penalty academics. The bill was approved by the Judiciary Committee but is stalled in the Senate.

Meanwhile, Blecker says he's getting asked to more academic conferences on the death penalty — usually as the only voice in favor. "A lion in a den of Daniels is one way I've been introduced," he says.

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Letters



By JUSTIN S. LAINE for USA TODAY

Making his case: Robert Blecker, a professor at New York Law School in Manhattan, is among a growing list of educators who support the death penalty.

Victim's voice is finally heard in death-penalty debate

Congratulations to USA TODAY for reporting the pro-death-penalty side of a highly debatable society dilemma. My hat is off to professors such as Robert Blecker for taking a stand on a most undesirable issue among academia ("Death penalty gains unlikely defenders," Cover Story, News, Tuesday).

The problem with those in society who oppose the death penalty is they have forgotten about the victims. Sadly, the victim's voice is often silenced by the grave — only heard when people such as Blecker speak out. Murderers on death row chose their path, a decision made the first time they killed someone. They have total disregard for human life and must suffer the consequences for taking a life.

Why should a murderer be allowed to breathe as his or her victims lie 6 feet under? Murderers no longer serve a useful purpose to society.

Our system of government, in my view, has enough checks and balances to ensure that criminals are treated fairly. We only have to look at the number of appeals and years it takes before anyone is executed in this country.

Charlie Carpenter
Greenville, S.C.

Homicides tel different story

I am a professor who has researched the impact of the death penalty. I have documented 22 cases in which the presence of this sanction has itself led to murder in sick, suicidal people seeking a dramatic and indirect way to die.

Many people in prison now are suicidal. The risk is that they will think of killing a guard or cellmate to get state-assisted suicide.

The death penalty, therefore, is an attraction to violence in the states that have it. It is clearly not a deterrent, judging by the homicide rates in Texas and Florida, states with high numbers of executions.

Katherine van Wormer
Professor of social work
University of Northern Iowa
Cedar Falls, Iowa

Rethink 'innocent' label

I am one of the professors USA TODAY must be referring to in its death-penalty Cover Story. I gave a speech at the National Communication Associa-

tion annual meeting in November 2002 about my qualified support for the death penalty. I was the only one on that side of the issue, and the audience was about 90%-100% against the death penalty.

But in debate after debate, I have heard references to the 100-plus former death-row inmates who were imprecisely labeled as having been found "innocent," whereas they were really found legally not guilty.

Even if there are some murder convicts who are actually innocent, reasonable people must contrast this number with those who are killed by released murderers. This is especially true in states that do not even sentence first-degree murderers to life without parole.

It is also the case in many states that tend to release such killers after a number of years.

Moreover, there are the matters of retribution for victims' friends and loved ones, as well as the incapacitation of the murderer, two neglected classic purposes of punishment.

Those considerations too often are forgotten when people's sympathy goes disproportionately to the perpetrators of capital crimes.

Richard E. Vatz, professor
Towson, Md., University

Pay attention to instructors

USA TODAY's report on the death penalty badly illustrates professor Robert Blecker's views at the John Jay College forum. Blecker favors executions for the "worst of the worst," but convincingly shows that the death penalty is far too broadly applied in most states.

His plan to limit the penalty is similar to the proposal of a governor's study commission in Illinois, which led Gov. George Ryan to commute all of the state's death sentences.

I also am amazed that USA TODAY devoted so much space to the possibility that one of the 102 death-row inmates exonerated since 1973 may have been guilty without mentioning the high probability that some of the 800 people executed in the period were innocent.

James S. Liebman, Professor of law
Columbia Law School
New York