

Court takes case of protest at Marine's funeral in 2006

By THE NEW YORK TIMES NEWS SERVICE

WASHINGTON — The Supreme Court on Monday agreed to decide whether the father of a Marine killed in Iraq may sue protesters who picketed his son's funeral with signs that read "God Hates You" and "Thank God for Dead Soldiers." A federal appeals court dismissed the lawsuit on First Amendment grounds and threw out a \$5 million award against the protesters, who are members of Westboro Baptist Church in Topeka, Kan., and maintain that God hates homosexuality and that the death of soldiers in Iraq and Afghanistan is God's way of punishing the United States for its tolerance of it. The fallen Marine was Lance Cpl. Matthew A. Snyder, and his funeral was held in Westminster, Md., in 2006. His father, Albert Snyder, testified at trial in 2007 that the protests continued to haunt and

disturb him. "For the rest of my life," Snyder said, "I will remember what they did to me, and it has tarnished the memory of my son's last hour on earth." He added that he became angry and tearful when he thought about the protest and that the memory of it had caused him to vomit. The protesters complied with local laws and instructions from the police about keeping their distance. They did not know the Snyders, and they had staged similar protests at other military funerals. Snyder's central claim is that the protesters intentionally inflicted emotional distress on him. In 1988, the Supreme Court ruled that the First Amendment barred the Rev. Jerry Falwell from suing Hustler Magazine for intentional infliction of emotional distress. Hustler had published a parody of an

advertisement suggesting that Falwell had incestuous sex in an outhouse. (Coincidentally, Falwell expressed views not wholly different from those of the funeral protesters, saying that the nation's attitudes toward homosexuality and abortion had played a role in the Sept. 11 attacks.) Snyder contends that the Hustler decision should not apply to lawsuits brought by one private person against another. In libel and other cases, the Supreme Court has limited the First Amendment protection afforded to purely private speech. A three-judge panel of the 4th U.S. Circuit Court of Appeals, in Richmond, Va., unanimously ruled against Snyder, though the judges split 2-1 over the rationale. The majority said the messages on the protesters' signs were protected under the First Amendment because they addressed matters of general interest.



DEAN HUMPHREY/The Daily Sentinel
GRAND JUNCTION POLICE INVESTIGATE at the scene of a fatal shooting late Sunday night in the 2400 block of Texas Avenue in Grand Junction. Andrew Boxa died from a gunshot wound to the head.

NEIGHBOR: Married man had two young boys

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disturbance Christmas evening. No action was taken, according to police records. Another resident in that block of Texas Avenue said Boxa was a married father of two young boys and that the family would occasionally go to that resident's home to watch football games. Betty Hill, 78, said she babysat for one of the young girls at McClelland's home. "He was just being a good

Samaritan," Hill said of Boxa's actions. On Monday, McClelland was ordered held on \$1 million bond at Mesa County Jail on suspicion of first-degree murder, first-degree assault with a deadly weapon, menacing with a deadly weapon, prohibited use of a weapon and reckless endangerment. "He's been a good kid his entire life, except for his alcohol issues," McClelland's father told Mesa County Judge Craig Henderson.

According to records on file with the Mesa County Justice Center, Robert McClelland between 1996 and 1999 was charged in seven separate misdemeanor cases of being a minor in possession of alcohol. He pleaded guilty to the charge five times. In two of the cases, the charges were dropped after McClelland pleaded guilty to obstructing a peace officer and possession of less than an ounce of marijuana. He will be formally charged in the shooting case on Monday.

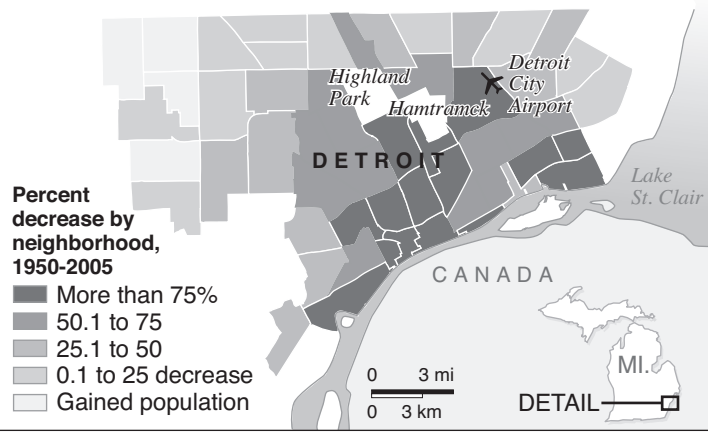
Detroit wants to save itself by shrinking

By THE ASSOCIATED PRESS

DETROIT — Detroit, the very symbol of American industrial might for most of the 20th century, is drawing up a radical renewal plan that calls for turning large swaths of this now-blighted, rusted-out city back into the fields and farmland that existed before the automobile. Operating on a scale never before attempted in this country, the city would demolish houses in some of the most desolate sections of Detroit and move residents into stronger neighborhoods. Roughly a quarter of the 139-square-mile city could go from urban to semi-rural. Near downtown, fruit trees and vegetable farms would replace neighborhoods that are an eerie landscape of empty buildings and vacant lots. Suburban commuters heading into the city center might pass through what looks like the countryside to get there. Surviving neighborhoods in the birthplace of the auto industry would become pockets in expanses of green. Detroit officials first raised the idea in the 1990s, when blight was spreading. Now, with the recession plunging the city deeper into ruin, a decision on how to move forward is approaching. Mayor Dave Bing, who took office last year, is

Detroit's population drops drastically

Year	Population
1950	1,849,568
1990	1,027,974
2005	890,963



SOURCES: Southeast Michigan Council of Governments; U.S. Census Bureau AP

expected to unveil some details in his state-of-the-city address this month. "Things that were unthinkable are now becoming thinkable," said James W. Hughes, dean of the School of Planning and Public Policy at Rutgers University, who is among the urban experts watching the experiment with interest. "There is now a realization that past glories are never going to be recaptured. Some people probably

don't accept that, but that is the reality." The meaning of what is afoot is now settling in across the city. "People are afraid," said Deborah L. Younger, past executive director of a group called Detroit Local Initiatives Support Corporation that is working to revitalize five areas of the city. "When you read that neighborhoods may no longer exist, that sends fear."

RIGGED: Gas pedals are now being shortened

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Gerdes said at the news conference webcast from Torrance, Calif. "Dr. Gilbert provides no evidence that his scenario occurs in the real world." If such damage occurred in the wiring, there would be signs of corrosion, the engineers said. Kristen Tabar, general manager of electronics systems at the Toyota Technical Center in Ann Arbor, said Toyota had examined many components from vehicles reported to have accelerated uncontrollably, and "we've found no evidence of corrosion." **EXPERT: SOME DOUBTS REMAIN** Bill Visnic, senior editor at Edmunds Autoobserver.com, said Toyota scored points. "They refuted fairly damning evidence presented before Congress," he said. "What it doesn't answer, and what it will not silence, are the doubters who

think this could be a software-related issue." Gilbert did not address the criticisms of his experiment Monday but said in a statement that he had watched Toyota's presentation and would visit Exponent next week to look at the information presented Monday. Many of the experts, politicians and others weighing in on Toyota's recalls are linked either to the automaker or to plaintiffs' lawyers. During the Feb. 23 House hearing, Buyer elicited that Gilbert was being paid by Sean Kane, the head of Safety Research & Strategies Inc. and an adviser to plaintiffs' lawyers. Buyer comes from Indiana, home to a Toyota plant. **'CONFIDENT' IN THROTTLE CONTROL** The automaker has recalled 8.5 million vehicles worldwide since November, including more than 6 million in the United States, mostly for acceleration-related issues.

Toyota dealers are shortening or redesigning gas pedals and adjusting the floor area to prevent the risk of pedal entrapment by a floor mat. They also are adding an electronic failsafe, a brake override feature. And they are fixing pedals that can return slowly or get stuck. Toyota said Monday it was investigating a report that police in California were dispatched on a 911 call from the driver of a Prius hybrid who said the gas pedal was stuck. The Prius has been recalled, but not for sticking pedals. Toyota insists that it has not found a problem with its electronic throttle control, despite extensive testing. "We're confident in our electronic throttle control systems," said Toyota spokesman Mike Michels. Referring to Exponent's review, he said: "The testing was commissioned to reassure and revalidate what we know."

This time, Aspen man escapes canyon's wrath

By DENNIS WEBB
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When the man who lost his family in 1995 to a rockslide in Glenwood Canyon heard Monday morning about the boulders that crashed onto Interstate 70 the previous night, he felt relief. "Thank heavens that there was no one underneath this rock," Aspen attorney Art Daily said. "That was my only reaction, was thank God this rock didn't hit anybody. A lot of my friends were coming through (the canyon Sunday) night." That's not to mention that Daily himself drove through some 90 minutes before the midnight torrent of boulders that tore holes in the interstate. But Daily isn't dwelling on how remarkably close he came to having a second encounter with the canyon's wrath. "I came through almost an hour and a half ahead this time. I almost didn't relate it to

myself. In a sense I did, but you know that's not going to happen to me again. If that sounds weird, you know you almost have to believe that." Fifteen years ago, Daily lost his wife, Kathy, and their two sons, Tanner, 10, and Shea, 6, when a boulder struck the vehicle he was driving through the canyon. Daily eventually remarried and had two more sons, and just last year, he and his wife, Allison, coauthored "Out of the Canyon," a story about coping with loss and moving on with life. Ironically, on Sunday night Daily was returning from one of his son's hockey games, same as before the 1995 incident. This time his son, Burke, 12, and Burke's friend were in the car. Daily said he remains "intensely aware of the power of the canyon and what the canyon can do." He thinks state highway officials work hard to

use fencing to try to safeguard the canyon from rockfall, but he also doesn't think complete protection is possible. At the same time, he can't hole up in Aspen and avoid driving through it, especially with sons who are active in sports. Daily estimates that he goes through the canyon about 10 times a year. "It's the only effective way to get from there to here," he said. He added, "You have to keep doing things. There's no way to collectively protect ourselves against fate." The whole concept of fate remains a mystery to Daily, but he accepts its reality. He can't explain why fate claimed his whole family in 1995, while leaving him alive to deal with their loss. But he also welcomes fate's role in sparing him and his passengers Sunday night. "I guess this was my turn to come through OK," Daily said.

CRISIS: Protective fencing may be considered

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EXECUTIVE DECISION

Gov. Bill Ritter declared a 17-mile stretch of Interstate 70 that was closed by an early morning rockslide in Glenwood Canyon a disaster area Monday. The governor's office said the executive order was a necessary first step helping the state to get reimbursement for repairs from the Federal Highway Administration. In his order, Ritter said it could take weeks for highway crews to clear the roadway, and that detours would add "at a minimum" two hours of travel time for anyone trying to get around the closed road. The northern detour is at least 200 miles of Hanging Lake Tunnel. Rocks punched several holes into the roadway, part of which is elevated above the canyon wall, and the largest hole is one about 10 feet by 20 feet in size. No one was injured and no vehicles were damaged, although Stegman said two semitrailers came across the scene shortly afterward and had to be turned around. The rocks ranged from 3 feet to 10 feet in diameter. Crews used dynamite to splinter larger boulders, including one weighing about 66 tons, into smaller pieces that could be hauled away. Meanwhile, geologists made a two-hour climb up the canyon side Monday to determine the likelihood of more rocks falling. Stegman said crews typically bring down threatening rocks through means such as blasting or inflating an airbag that loosens them. She said they presumably would try to dynamite the rock that concerns them to shatter it so it doesn't cause more major damage to the highway as it falls. As Joe Elsen peered into the biggest of the holes left behind

by the rock, it brought back memories for the program engineer in the transportation department's Glenwood Springs office. He saw similar damage in almost the exact same location after a rockfall on Thanksgiving Day of 2004. Although it took only a day to reopen the interstate to two-way travel then, repairs required a couple of months, Elsen said. Stegman said the repairs cost about \$1.2 million. Elsen said Monday's rockfall damaged fewer 23-foot-long retaining wall panels than last time. The state also may benefit from the lower bids that have been typical since contractors have struggled to find work as a result of the recession. Whatever the repairs cost, they will begin soon, under emergency contract bidding

provisions. Engineering and planning work will be occurring this week. "We're looking forward to getting a quality contractor in here to make the repairs in a timely manner," Elsen said. No protective fence is in place above the part of the interstate hit by the rockfalls Monday and in 2004, but one may be considered now, Stegman said. She said the 2004 rockfall came from higher up the canyon wall and wouldn't have been stopped by a fence. "This one is a little bit lower. I think they're going to be looking at that," she said. Monday's incident came at a time of year when there's high rockfall danger because of thawing and freezing cycles that widen fractures and loosen rocks.

Petraeus for president? 'No' a handy answer

By THE ASSOCIATED PRESS

WASHINGTON — For a guy who professes to have no interest in running for president, Gen. David Petraeus can come off as surprisingly eager to talk about it — sometimes without even being asked. In a recent appearance at the World Affairs Council of Philadelphia he turned a question about his retirement plans into an opportunity to deny he has political ambitions. An audience member asked if he planned to write a book when he left the Army. He responded by saying he'd feared the politics question. "The answer is 'no,'" he said

— and he didn't mean no book; he meant no race for the White House. Part of his stock reply to the politics question — even when it's not asked — is to cite lyrics from a Lorie Morgan country-western song about rejecting an unwanted suitor: "What part of 'no' don't you understand?" Then he chuckles as if to suggest he's a bit embarrassed by the fuss — fuss sometimes of his own making. Is he keeping his options open?



GEN. PETRAEUS

As the most popular and widely known general of his generation, Petraeus, 57, is approaching a new juncture in a career that catapulted him to fame when President George W. Bush sent him to Baghdad in early 2007 to carry out a long-shot "surge" strategy that arguably rescued Iraq from collapse. Ambitious, shrewd, articulate, famously competitive — Petraeus has a three-decade record of accomplishment, a penchant for publicity and a reputation for toughness that sets him apart in today's military.