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Court strikes down D.C. ban on guns



UNYIELDING: Mayor Adrian M. Fenty (second from left) stood with other city officials yesterday when he expressed opposition to an appeals court ruling that overturns the city's ban on gun ownership.

Fenty 'outraged' at overturning of 30-year-old law

By Tarron Lively and Daniel Taylor
THE WASHINGTON TIMES

A federal appeals court yesterday struck down the District's 30-year-old gun ban, ruling that the right to bear arms as guaranteed in the Second Amendment applies to individuals and not only to militias.

"The Second Amendment would be an inexplicable aberration if it were not read to protect individual rights as well," the 58-page ruling said.

The 2-1 decision by a three-judge panel of the U.S. Court of

Appeals for the D.C. Circuit overturned a 2004 lower-court decision against six D.C. residents who filed suit to keep guns for self-protection.

"The District insists that the phrase 'keep and bear arms' should be read as purely military language, and thus indicative of a civic, rather than private, guarantee," the ruling said. "The term 'bear arms' is obviously susceptible to a military construction. But it is not accurate to construe it exclusively so."

The court did not consider whether city officials could ban

guns in public or in vehicles.

Senior Judge Laurence H. Silberman wrote the majority opinion, which was supported by Judge Thomas B. Griffith. Judge Karen LeCraft Henderson dissented, arguing that the Second Amendment does not apply to the District because it is not a state.

D.C. Mayor Adrian M. Fenty said he was "outraged" by the court's decision, which overturns a law that "has been un- questioned for more than 30 years."

"Today's decision flies in the face of laws that have helped de-

crease gun violence in the District of Columbia," he said. "The ruling also turns aside long-standing precedents and marks the first time in the history of the United States that a federal appeals court has struck down a gun law on Second Amendment grounds."

Linda Singer, the District's acting attorney general, said the city will appeal the decision to the full 14-member federal appeals panel. The District's gun laws will remain in place through the appeals process.

see GUNS, page A4

Brazil, U.S. eye trade accord

Bush defends role in region

By Stephen Dinan
THE WASHINGTON TIMES

SAO PAULO, Brazil — President Bush yesterday bristled when told the United States has ignored Latin America, responding that people here are ignoring the care and increased U.S. aid his administration is sending to the region.

Mr. Bush also met with Brazilian President Luiz Inacio Lula da Silva, and they promised to make their top trade negotiators try to hammer out an agreement that could restart the Doha round of trade talks.

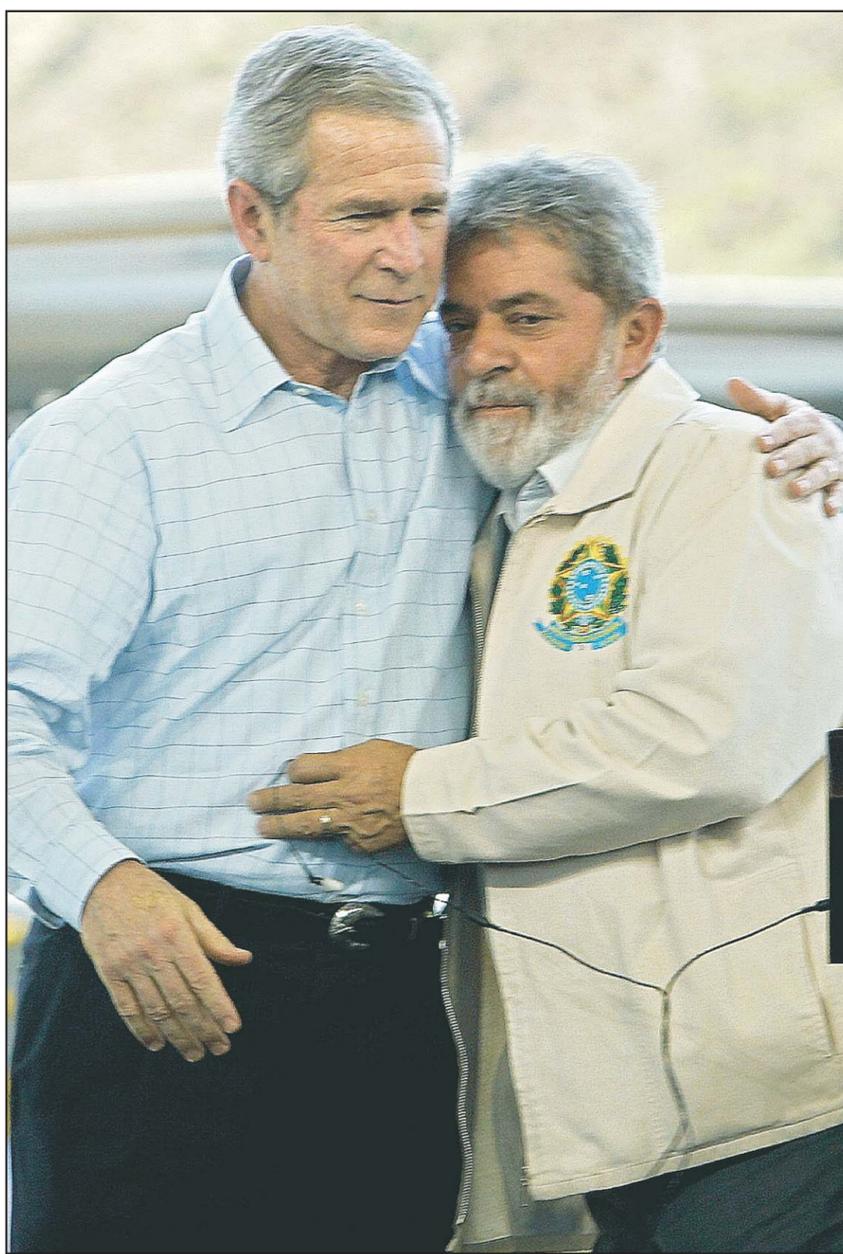
"We will work together. We will lock our trade ministers in a room, all aimed at advancing this important round," Mr. Bush said as he and Mr. Lula da Silva talked to reporters after a day of meetings and a tour of an ethanol distribution terminal.

Those meetings ended with an alternative-fuels pact between the two nations.

As part of the agreement, signed by Secretary of State Condoleezza Rice and her Brazilian counterpart, the United States and Brazil will promote more ethanol use in nations lying between Brazil and the United States. The deal

see BUSH, page A14

• Chavez: Bush's trip is cynical bid to improve U.S. image. A14



GETTING CLOSER: President Bush and Brazilian President Luiz Inacio Lula da Silva yesterday promised to take steps to restart trade talks after a meeting and a tour of an ethanol distribution terminal.

Leader of group tied to al Qaeda reported caught

U.S. tries to verify Iraqi action

By Qassim Abdul-Zahra
ASSOCIATED PRESS

BAGHDAD — The shadowy leader of the Islamic State of Iraq, an al Qaeda-inspired group that challenged the authority of Iraq's government, was captured yesterday in a raid on the western outskirts of Baghdad, an Iraqi military spokesman said.

Abu Omar al-Baghdadi was arrested along with several other insurgents in a raid in the town of Abu Ghraib, said Brig. Gen. Qassim al-Moussawi, spokesman for the Baghdad security operation. U.S. officials had no confirmation of the capture and said they were looking into the report.

A senior adviser to Prime Minister Nouri al-Maliki also said al-Baghdadi had been taken into custody.

Gen. al-Moussawi said al-Baghdadi acknowledged his identity, as did another "of the terrorists" who confirmed "that the one in our hands is al-Baghdadi."

The arrest comes at a time when the Baghdad security operation is showing early signs of progress in curbing violence. Car bombings have decreased in frequency, despite last Monday's devastating blast that

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• Hill braces for bitter debate over Iraq pullout plan. A5

Congressman's video blunder shows Democrats split on war

By Christina Bellantoni
THE WASHINGTON TIMES

A video of Rep. David R. Obey criticizing anti-war Democrats as "idiot liberals" circulated on Capitol Hill yesterday, with Republicans using it as an example of Democrats' split over the Iraq war.

The 20-term Wisconsin Democrat, who voted against authorizing force in Iraq in 2002, was caught in an unflattering

light on tape by the Occupation Project, an anti-war group making the rounds on the Hill.

Yesterday, the chairman of the House Appropriations Committee apologized for yelling at the group and said his outburst was "another example of a country needlessly and painfully divided on a war that I have opposed from the beginning."

see OBEY, page A5



ON REPLAY: In a taped conversation with an anti-war group, Rep. David R. Obey said, "We're trying to use the supplemental to end the war... it's time these idiot liberals understand that."

Marshals book trans-Atlantic flights

By Audrey Hudson
THE WASHINGTON TIMES

Homeland Security Department officials are beefing up protection of specific overseas flights after the arrest of a London man linked to last year's terrorist plot to blow up planes over the U.S. and the discovery of 31 liquid bombs designed for such an attack.

More armed federal air marshals are guarding multiple

Bomb cache, arrest spur tactic

flights out of Heathrow, Gatwick and Manchester airports since the discovery of the bombs in Lebanon was revealed late last month. It was followed by the arrest of a 27-year-old man from the borough of Waltham Forest on Feb. 27.

"If you drained the pond, you would be up to your neck in air marshals," said one federal air

marshal. "It's pretty hairy right now; we're very aware of what transpired last year, so [Homeland Security] is very aware of that and doing everything they can possibly do to ensure the safety of air travelers coming into the U.S."

"This is the most effective response to a threat I have ever seen the department do," the

air marshal said.

U.S. airline pilots who are trained to carry weapons in the cockpit are not permitted to carry guns on overseas flights. One flight attendant said every flight she's flown since the end of February has been protected by a team of air marshals.

Conan Bruce, spokesman for the Federal Air Marshal Service, confirmed that the number

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Greenspan still the guru, now with recession twist

By Martin Crutsinger
ASSOCIATED PRESS

During the 18 1/2 years Alan Greenspan was chairman of the Federal Reserve, he scrupulously avoided forecasting recessions. Now, it seems he can't stop using the word, and that has created headaches for his successor, Ben S. Bernanke.

Mr. Greenspan delivered a speech via satellite to an in-

vestor group in Hong Kong last week in which he said it was possible that the United States could be in a recession by the end of this year.

Those comments, coming from a man who gained near legendary status for his forecasting acumen as Fed chief, were blamed for contributing to a 416-point plunge in the Dow

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SPRING FORWARD

Remember to set your clocks ahead one hour tomorrow.



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Frozen pizza industry stays hot with lobbying

By Bryce Baschuk
THE WASHINGTON TIMES

Frozen pizza is big business. The average American eats most of his or her meals at home, and many time-pressed consumers want meals that are quick and convenient.

As a result, the frozen pizza industry has really been cooking. Supermarket sales have increased more than 60 percent

during the past five years, with 2006 sales topping \$3.3 billion, officials from the National Frozen Pizza Institute said.

"The industry has had unprecedented growth," said Mark Jansen, president of the National Frozen Pizza Institute and vice president of product strategy at Schwan's Consumer Brands, in Marshall, Minn.

see PIZZA, page A4

Around
the nationStore reiterates
'morning-after' policy

ATLANTA — Kroger Co. said yesterday it was reiterating its drug policies to all of its pharmacists after a Georgia woman claimed she was denied the so-called "morning after" pill at one of the company's stores.

The Cincinnati-based grocery chain said if its pharmacists object to fulfilling a request, the store must "make accommodations to have that prescription filled for our customer."

"We believe that medication is a private patient matter," said Meghan Glynn, a Kroger spokeswoman. "Our role as a pharmacy operator is to furnish medication in accordance with the doctor's prescription or as requested by a patient."

Carrie Baker said a Kroger pharmacist in her hometown of Rome, Ga., refused to supply her with the contraceptive. The 42-year-old married mother of two said she asked the store's manager in December to order the contraceptive but was told that the pharmacist refused, even though the decision contradicted company policy.

"I believe this was a responsible decision and the best way to care for my family and myself," she said. "But Kroger doesn't care."

Seventh person
dies after bus crash

ATLANTA — A college baseball player pulled from the wreckage of his team's charter bus died of his injuries yesterday, raising the death toll from last week's crash to seven.

Zach Arend, 18, had been in critical condition since the bus went off a highway overpass before dawn on March 2.

He died about 6 a.m., said Grady Memorial Hospital spokeswoman Denise Simpson. Four of Mr. Arend's Bluffton University teammates, the bus driver and the driver's wife were killed when the bus plowed off an overpass in Atlanta

and crashed onto the Interstate 75 pavement below. More than two dozen others aboard were injured.

Brown's body to be
placed in crypt today

ATLANTA — James Brown can finally rest in peace — at least for now. The body of the late "Godfather of Soul" will be placed in a crypt today at the Beech Island, S.C., home of one of his daughters, four persons close to the family told the Atlanta Journal-Constitution yesterday.

Today's service for Mr. Brown, who died Christmas Day in an Atlanta hospital, will be at the home of Deanna Brown Thomas, one of several grown children born to the legendary entertainer.

Mr. Brown's body has been in a funeral home since his heirs had it moved from the singer's Beech Island estate in mid-January. The embalmed body has been kept in a refrigerated room since that time at an undisclosed location.

Mr. Brown's body will be moved again when a mausoleum is built for him.

Lead singer
of Boston dies

ATKINSON, N.H. — Brad Delp, the lead singer for the band Boston, was found dead yesterday in his home in southern New Hampshire. He was 55.

Atkinson police responded to a call for help at 1:20 p.m. and found Mr. Delp dead. Police Lt. William Baldwin said the death was "untimely" but there was no indication of foul play.

Mr. Delp apparently was alone at the time of his death, Lt. Baldwin said.

The cause of his death remained under investigation by the Atkinson police and the New Hampshire medical examiner's office. Police said an incident report would not be available until Monday.

Mr. Delp sang vocals on Boston's 1976 hits "More than a Feeling" and "Longtime." He also sang on Boston's most recent album, "Corporate America," released in 2002.

From staff reports and wire dispatches

FROM PAGE ONE

FED

From page A1

Jones Industrial Average on Feb. 27.

Mr. Greenspan then gave another speech, this time to investors in Tokyo, in which he sought to modify his earlier remarks by saying that "it is possible we could get a recession toward the end of this year, but I don't think it's probable."

He has also given a couple of press interviews since the market plunge, seeking to elaborate on his recession concerns, including one in which he put the risk of a downturn this year at "one-third."

All of this from a man who spent nearly two decades at the Fed making sure never to raise the possibility of a recession out of concern that such talk, by jolting confidence, could turn into a self-fulfilling prophecy.

Mr. Greenspan developed his famously opaque speaking style as a way of avoiding direct answers to tough questions, answers that could have gotten in the way of his desire to project the most optimistic views possible about the economy.

In his first year as chairman,



Ex-Federal Reserve Chairman Alan Greenspan said in a speech via satellite to an investor group in Hong Kong last week that it was possible the U.S. could be in a recession by the end of this year.

Mr. Bernanke has been praised for avoiding Mr. Greenspan's habit of obfuscation, but he definitely errs on the side of optimism, lest markets be jolted by too dour an assessment from the Fed chief.

Testifying before Congress on Feb. 28, the day after the market's big fall, Mr. Bernanke said

that markets had been functioning well and he had not seen anything in recent economic data to alter his view for "moderate growth going forward."

Mr. Bernanke earned good marks for his calming words during his first market crisis, but that effort was blunted by Mr. Greenspan's remarks, leaving economists to wonder what Mr. Greenspan was up to.

"I don't think this was aimed at deliberately undercutting Chairman Bernanke, but Greenspan's comments certainly haven't made Bernanke's job any easier," said David Jones, head of DMJ Advisors and the author of four books on the Greenspan Fed.

Mr. Jones said he thought that Mr. Greenspan, 81, who has spent a lifetime forecasting the economy, was simply getting back to his first love — studying the economic data and making predictions.

"This is Greenspan being Greenspan. His favorite pastime is forecasting the economy," Mr. Jones said.

Since leaving the Fed, Mr. Greenspan has been delivering speeches for money to private groups and working on a book due out in September titled "Age of Turbulence."

In an interview last week with the Wall Street Journal, Mr. Greenspan said in his appearances he had avoided answering "any questions [that] refer directly to monetary policy, what the Fed is doing or what it should do."

Until last week, Mr. Greenspan had been largely successful in keeping his views out of the headlines after a bad experience just days after leaving the Fed in 2006 when he roiled markets with comments he made at a private event for a small number of clients of Lehman Brothers.

Published reports say Mr. Greenspan is usually paid \$150,000 for his speaking engagements. To keep from being a competing voice to his successor, he has provisions in his speaking contracts that reporters can't be admitted and no recordings of the event can be made.

Those restrictions, while keeping Mr. Greenspan's comments more private, also work to the advantage of the investors who are putting up big bucks for the appearances by making the time with Mr. Greenspan more exclusive.

Analysts contend that it is naive for Mr. Greenspan to think

that his views, especially on such hot-button topics as recessions, won't quickly gain a wider audience.

"Greenspan is entitled to make a living, but even when he thinks his comments are not on the public record, they will be because people will talk," said Lyle Gramley, a former Fed governor who is now with Schwab Washington Research Firm, an economic consulting firm.

Among economic forecasters, Mr. Greenspan's views on a possible recession are mainstream. His one-in-three probability is only slightly more pessimistic than the 20 percent to 25 percent chance of a downturn that other forecasters are using.

But other forecasters, who have not been Fed chairman, think Mr. Greenspan may have learned from this recent episode and may more carefully chose his words for his next speaking engagement.

"I think Mr. Greenspan miscalculated on the amount of attention he would get," said Mark Zandi, chief economist at Moody's Economy.com. "I think he will go back under the radar screen for awhile and allow Mr. Bernanke to have more time to establish his own forecasting credentials."

GUNS

From page A1

Wayne LaPierre, executive vice president of the National Rifle Association, celebrated yesterday's decision, though he acknowledged the battle is far from over.

"We're happy to see there's a crack in the door for [the District] to join the rest of the country in full constitutional freedom," Mr. LaPierre said, adding that his organization would be "watching the appeals process like everyone else."

Alan Gura, an attorney for the plaintiffs, called the ruling a "tremendous victory for the civil rights of all Americans."

"The case has implications far beyond the Second Amendment's right to keep and bear arms," he said. "Had the city prevailed, no individual right would be secure from governmental claims that it is no longer practical or beneficial, or from arguments that 'the people' protected in the Bill of Rights are merely a euphemism for the government."

The District has some of the nation's strictest gun laws, prohibiting ownership of most guns that were not registered before 1977. Privately owned rifles and shotguns must be kept at home and stored unloaded, disassembled or bound by a trigger lock or a similar device.

But gun violence has continued to plague the city.

In 2005, firearms were used to commit 157 of the District's 196 homicides, or about 80 percent. That percentage has remained relatively consistent since 2001, when a five-year low of 78.4 percent of homicides were committed using guns.

FBI crime statistics for 2005 show 10,100 of the country's 14,860 homicide victims, or 68 percent, were killed by guns.

So far this year, violent crimes involving guns in the District are on the rise, while all other violent crimes are decreasing, ac-

ording to police statistics.

Congressional attempts to repeal the District's gun ban in recent years have been criticized as attacks on the District's right to home rule.

In 2004, the House of Representatives voted in favor of repealing the city's restrictions on gun ownership and registration, even though the measure was opposed by the District's mayor, 13 council members, the police chief and the city's congressional delegate. The bill was not brought to a vote in the Senate.

Delegate Eleanor Holmes Norton, the District's nonvoting congressional representative, implored the District to maintain its gun law while under appeal.

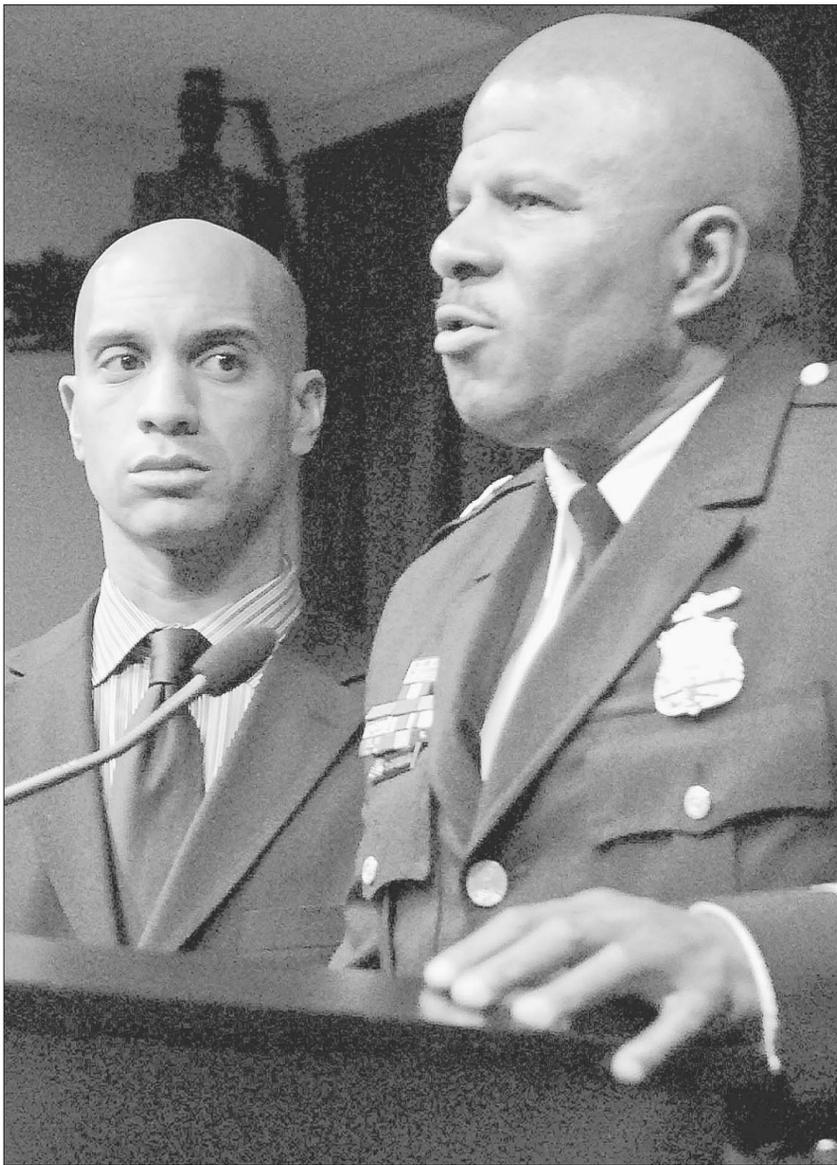
"We are not intimidated by this court's virtual partnership with the NRA," said Mrs. Norton, a Democrat. "We have successfully fought four attempts by Congress to overturn the District's gun-safety laws. No gap in gun-safety protections for the citizens of the District of Columbia must be permitted."

D.C. Council member Phil Mendelson, chairman of the Committee on Public Safety and the Judiciary, said he was concerned that the logic of the decision could be extended to prevent the city from prohibiting guns in public as well.

"There has been an effort over the last couple decades to make the judiciary more conservative, and today is some of the fruits of that, and it's not good for public safety," Mr. Mendelson said.

Paul Helmke, president of the Brady Campaign to Prevent Gun Violence, called the decision "judicial activism at its worst."

"By disregarding nearly 70 years of U.S. Supreme Court precedent, two federal judges have negated the democratically expressed will of the people of the District of Columbia and deprived this community of a gun law it enacted 30 years ago and still strongly supports," he said.



Assistant Metropolitan Police Chief W. Robinson Jr. joined D.C. Mayor Adrian M. Fenty (left) yesterday to denounce an appeals court's 2-1 decision striking down the District's ban on gun ownership.

PIZZA

From page A1

Schwan's produces popular names such as Red Baron, Freschetta and Tony's frozen pizzas. "We've pumped up a lot of our innovation, and we are headed back to a 5 percent growth rate."

The National Frozen Pizza Institute lobbies from McLean for its 20 members, which include the makers of Celeste, DiGiorno and Tombstone pizza, to ensure that the Department of Agriculture doesn't leave them out in the cold.

The USDA is in charge of inspecting frozen pizzas and sets labeling standards to guarantee that the pepperoni pizza you bought actually has pepperoni on it. But sometimes strict regulations can hurt the quality of frozen pizzas, and that's where the National Frozen Pizza Institute steps in.

For example, one former USDA standard specified there should be at least 12 percent cooked meat or 15 percent raw meat on a frozen pizza for it to be called a "meat pizza."

In 1999, the National Frozen Pizza Institute asked the USDA Food Safety and Inspection Service to reduce its regulations on meat content, arguing that restaurant pizzas had less stringent regulations.

"They were handcuffed from an economic standpoint and from a nutritional standpoint," said Rick Frank, a senior policy attorney at Olsson, Frank &

Weeda P.C., a Washington law firm that represents the pizza group.

The USDA relented and changed its standard in 2003 to let frozen pizza companies sell their pizzas with a minimum meat content of 2 percent cooked or 3 percent raw meat.

It was a big victory for the industry, said Mr. Frank, because "the decision has led to more variety and greater choices for the consumer."

This is important, because consumers are demanding better ingredients and more interesting or diverse flavors, said officials from the organization.

Some frozen pizza companies have begun offering organic pizzas and restaurant-inspired pies such as those from California Pizza Kitchen to keep up with consumer demand.

"The quality of the pizza has been upgraded," said Giacomo Fallucca, a former president of the group. "From a consumer standpoint, the quality of frozen pizza has risen considerably."

Mr. Fallucca's father emigrated from Palermo, Sicily, in the 1950s and founded a small Italian bakery called Palermo Villa in Milwaukee using recipes he carried with him in his suitcase.

Today, Mr. Fallucca uses his father's recipes to sell and ship Palermo's frozen pizzas all over the nation.

"There is no doubt I would rather be in the [frozen food] industry rather than the restaurant business," said Mr. Fallucca. "We can be innovative; I personally walk the floor and

taste the ingredients myself."

Palermo Villa is in a trademark dispute with Trader Joe's Co. Inc. over Trader Joe's labeling of a pizza called "Trader Giotto's Pizza Palermo."

Palermo Villa said the name is confusing to consumers who may think that the Trader Joe's pizza is made by Palermo Villa.

Attorneys for Trader Joe's said the company named its pizza "Palermo" to describe the style of pizza made in the Italian city, not the maker of the pizza.

The National Frozen Pizza Institute has supported its members in disputes like this before. They want to make sure consumers won't be fooled, said Mr. Frank, who recalled a memorable dispute the frozen pizza industry had in the early 1980s.

"Back then, dairy cheese was twice the price of nondairy cheese," Mr. Frank said. "That made it hard to sell a \$1 pizza."

To compensate, frozen pizza companies began using nondairy cheese, much to the chagrin of the dairy industry, which then insisted the USDA force the pizza companies to label their products as having "nondairy cheese."

The debate made it all the way to Capitol Hill and was inserted into an appropriations bill for the USDA, Mr. Frank said.

"The bill passed in one chamber of Congress but froze up in the other," Mr. Frank said.

"It wasn't the world's most earth-shattering issue," Mr. Frank admitted. "Congress had better things to debate."



Frozen pizza, such as this DiGiorno slice, is a sizzling industry with sales increasing by more than 60 percent during the past five years.

A TON OF DOUGH

Frozen pizza is the second best-selling product in the frozen food industry.

