

# Voters likely to hand GOP big governorship

By Tom Raum  
ASSOCIATED PRESS

WASHINGTON — Republicans are anticipating major gains in governorships across the nation's industrial heartland and in several vital presidential swing states.

With a record 37 seats on the line Tuesday, the same antiestablishment wave expected to engulf congressional Democrats is roaring toward Democratic-held statehouses as well.

The damage may not be as devastating as the party of President Barack Obama had once feared. Democrats have a good shot at claiming governor's mansions now occupied by Republicans in California, Hawaii, Vermont and

Minnesota and holding onto ones in New York, Maryland, Colorado, New Hampshire and Arkansas.

Still, Democrats braced for the loss of no fewer than five governorships — and likely far more. Republicans hoped for a net pick-up of up to 12.

Governorships are especially important this year. Those elected Tuesday will help shape national politics and policy beyond the next presidential election.

Governors will not only be behind-the-scenes players in presidential races, but they have a critical say in implementing the new health care law, and will actively participate next year in redrawing congressional and legislative districts based on the 2010 census.

In a last-minute flurry of activity, gubernatorial candidates presented their final arguments to voters on Monday.

Massachusetts Democratic Gov. Deval Patrick touted what he called his "optimistic visions for the future" in New Bedford. His GOP challenger, Charles Baker, shook hands in the pre-dawn dark with train passengers in Beverly, a Boston suburb, and portrayed himself as "the only turnaround candidate in the race."

In Pennsylvania, GOP gubernatorial candidate Tom Corbett told voters: "Don't do it for me, don't do it for yourselves; do it for the children of Pennsylvania, because that's what this race is about. ... This is a generational election."

His Democratic rival, Dan Onorato, planned 11th-hour rallies with former President Bill Clinton and first lady Michelle Obama at his side.

In Texas, trailing Democrat Bill White accused front-running incumbent Gov. Rick Perry, who has served since George W. Bush's presidential victory in 2000, of having "lost touch with reality."

On the eve of midterms, races remained extremely tight or at least highly competitive in California, Florida, Ohio, Illinois, Connecticut, Oregon, Rhode Island and Vermont.

In the California race to succeed Republican Gov. Arnold Schwarzenegger, polls suggested

former Democratic Gov. Jerry Brown was pulling ahead of Republican Meg Whitman in his three-decade-later comeback bid.

Whitman, the former chief executive of eBay, plowed more than \$142 million of her own money into the race, making it one of the most expensive self-financed campaigns in history and keeping her in the game.

Both parties saw Florida and Ohio — states that decided the 2000 and 2004 presidential races, respectively — as top jewels of this year's contests.

Ohio Gov. Ted Strickland, a Democrat, was waging a tough reelection bid against former Republican congressman John Kasich.

## Analyst: I-9 system 'flawed'

By Manuel Valdes  
ASSOCIATED PRESS

SEATTLE — They cost clothing chain Abercrombie & Fitch \$1 million in fines, tripped up Meg Whitman's campaign for California governor, prompted mass layoffs across the country and have been at the center of countless other workplace immigration disputes.

An obscure federal document called the I-9 form has emerged as a contentious element in the national immigration debate since the Obama administration vowed to go after employers who hire undocumented workers. Employers must fill out and sign the form, which requires them to acknowledge, under penalty of perjury, that they examined documents that allow an employee to work.

The Obama administration a year ago announced plans to ramp up I-9 audits — a shift from the notorious work site raids common under the Bush administration.

But most employers with questionable record-keeping aren't being punished for failing to prove their employees have legal status, an analysis of documents obtained by The Associated Press shows.

Most receive only warnings if the I-9s turn out to be based on

fraudulent documents. Some are fined. Few face arrest. And the AP analysis also shows that many of the employers the government has targeted had no violations.

"The I-9 system is deeply flawed," said Daniel Costas, an immigration policy analyst at Economic Policy Institute, a Washington, D.C., think tank. It "relies on employer eyesight for the verification of government identification and documents. ... If this is how the system is going to work, then it's a big waste of time and money."

The system is meant to thwart illegal immigrants from working in the U.S., where about 7.8 million illegal immigrants have jobs, according to a 2009 report by the Pew Hispanic Center.

But at its foundation is a law that requires a promise that employers check their workers' eligibility to work. Those forms are never submitted to the government.

Employers must simply keep them on hand in case the government decides to audit the business and do a check of its workers' immigration status. All employers are required to keep the forms — no matter the size of the business.

Whitman, the Republican hoping to become California governor today, has struggled to overcome a scandal over her forced

revelation that she had an illegal immigrant housekeeper for nine years. The maid was required to fill out an I-9 form when she was hired, and Whitman says she fired her last year when she learned the woman had lied on the form.

During an audit, ICE agents go through the I-9 forms and check Social Security numbers to make sure they're real, matching them against copies of other forms of ID.

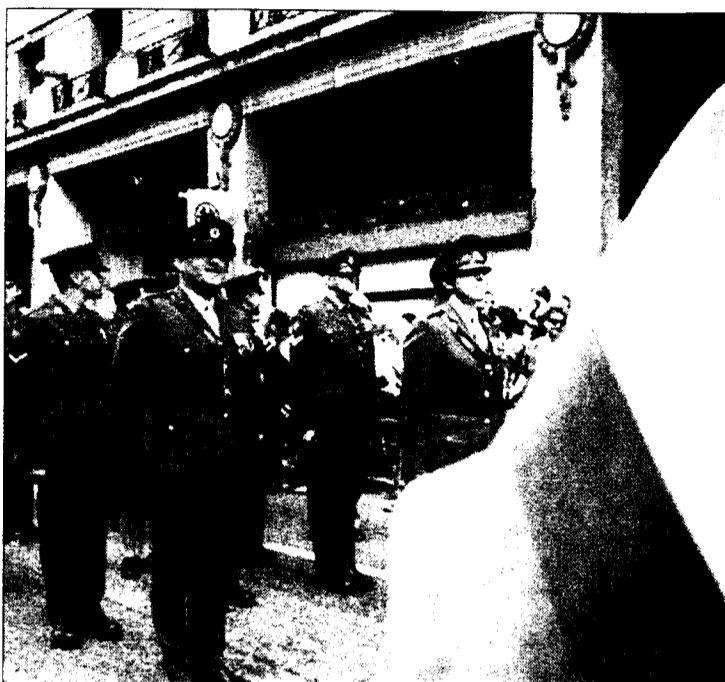
Early this year, the AP asked for each of the audits conducted since the changes to the system were made.

The U.S. Department of Immigration and Customs Enforcement responded just recently with limited details of a sampling of audits covering a seven-month period.

The AP reviewed summaries of 430 audits conducted between July 1, 2009, and Jan. 31, 2010.

During the seven-month period, ICE agents found 22,000 "suspect" documents among the more than 86,000 I-9s reviewed. Suspect documents mean the person's legal authorization to work in the U.S. is questionable.

ICE audited more than 200 companies with fewer than 25 employees, including 50 businesses agents listed as having fewer than five workers. More than 250 of the companies didn't have a single suspect form.



Akira Suemori/Associated Press

Military personnel march during an annual gay pride parade in central London. While the U.S. still debates the issue, most of its closest allies opted years ago to allow gays to serve openly in their militaries.

## Policymakers unsure about 'don't ask' policy

By David Cray  
ASSOCIATED PRESS

NEW YORK — Most of America's closest allies opted years ago to allow gays to serve openly in their militaries. As U.S. policymakers wrestle with the issue, there's sharp disagreement over whether those allies' experiences are relevant to the debate.

More than 25 countries let gays serve openly, including Israel's battle-tested forces and nearly every NATO military except Turkey and the U.S. In each case, there have been too few problems to prompt any high-level talk of abandoning the policy.

Is that track record evidence that the U.S. could and should follow suit? Or is America's military so different, in terms of its size, culture and global mission, that foreign examples are beside the point?

Among those pressing the case for irrelevance is Tony Perkins, a former Marine who is president of the conservative Family Research Council.

"The European culture is more permissive than ours," he said. "And no other military does the work that ours does. When you're looking at a military that has the burden we carry, we can't afford to get this wrong."

Despite such warnings, the U.S. now seems closer than ever to following its allies' examples. A federal judge has ruled the "don't ask, don't tell" policy unconstitutional, and the Obama administration — even while appealing that ruling — wants Congress to repeal the 17-year-old policy that in effect makes gay and lesbian service members stay in the closet to avoid discharge.

The Palm Center, a think-tank at the University of California,

Santa Barbara, that supports repeal of "don't ask, don't tell," acknowledges that the U.S. military differs in many ways from its allies, but says their experiences with gays are relevant.

"The question is not how similar our missions or culture are to those of other nations but whether the United States is any less capable than other nations of integrating gays into its military," the center said in a recent report.

The collective experience of those countries "shows that if the U.S. were to lift its ban, American military performance would not decline," the center said.

To some conservatives, the NATO allies are flawed role models.

"Once a military force puts liberalization above military effectiveness, hallmarks of 'success' only relate to social goals," argues Elaine Donnelly, president of the Center for Military Readiness. "Our politically correct, socially liberal allies ... should be following the lead of the United States armed forces — not the other way around."

Donnelly notes that the countries still barring gays from their militaries include America's Muslim allies and potential rivals such as North Korea and Iran.

Bob Maginnis, a retired Marine colonel who's a national security analyst with the Family Research Council, says U.S. commanders would do their best to comply if ordered to let gays to serve openly. But he argues that step would be risky because of differences between the U.S. and its allies.

One difference, he contends, is a more active and litigious gay-rights movement in the U.S. — ready to place political and legal pressure on the military "no matter the consequences for combat effectiveness."

## Discovery shuttle 'go' for launch

Marcia Dunn  
ASSOCIATED PRESS

CAPE CANAVERAL, Fla. — NASA has cleared space shuttle Discovery for its final flight.

Mission managers gathered at Kennedy Space Center on Monday morning for the traditional flight review. They voted unanimously to press toward a Wednesday afternoon liftoff.

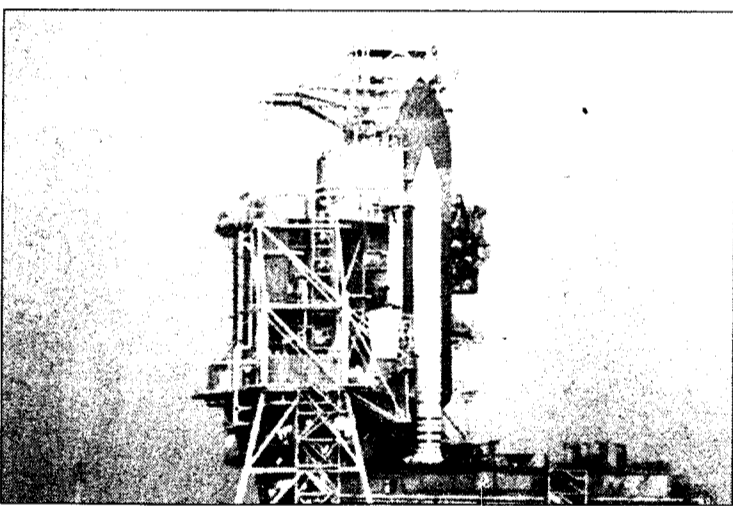
"There's still a certain amount of disbelief that it's really her final launch," launch director Mike Leinbach said at a news conference. "It's difficult to accept emotionally. But rationally, we all know it's coming to an end, and we need to get on with it."

For its grand finale, Discovery and a crew of six will head to the International Space Station with a load of equipment, including a humanoid robot.

It will be the 39th flight for Discovery over 26 years. A museum will be its final destination; the Smithsonian Institution gets first pick.

As of Monday, the forecast called for a 70 percent chance of favorable weather for the 3:52 p.m. launch. But shuttle weather officer Kathy Winters cautioned that storms were expected Thursday, and Wednesday's outlook could worsen if the bad weather arrives sooner than anticipated.

NASA has until Sunday — pos-



Bill Ingalls/Associated Press

The space shuttle Discovery has been cleared to launch after various setbacks arose, including a leak the shuttle experienced.

sibly as late as Monday — to launch Discovery. If the oldest surviving space shuttle isn't flying by then, it will remain grounded until at least December.

Discovery was supposed to blast off Monday, but a pair of gas leaks in the rocketship forced a two-day postponement.

Discovery's last journey puts NASA a step closer to wrapping up its shuttle program and shifting its focus to rockets and spacecraft capable of carrying humans to asteroids and Mars. Only one other shuttle mission remains on the official lineup, by shuttle Endeavour next February and March.

NASA officials would like an extra flight in mid-2011, but lawmakers have yet to fund it. Plans for NASA's shuttle replacements also are in flux in Washington, with no firm date on when they might fly or what they might be.

Everyone at NASA would prefer having a new rocketship ready to fly before giving up the old.

"But the realities are that NASA is on a fixed budget, just like most American families, and without a big infusion of cash, we can only do a couple of things at a time," said Mike Moses, chairman of the prelaunch mission.

## AP Enterprise: Doctors helping make pot available in Calif.

By Lisa Leff and Marcus Wohlsen  
ASSOCIATED PRESS

SAN FRANCISCO — Fourteen years since Californians passed the first-in-the-nation medical marijuana law, pot is not just for the sick. Hundreds of medical marijuana doctors, operating without official scrutiny, have helped make it available to nearly anyone who wants it.

They are practicing a lucrative and thriving specialty, becoming the linchpins of a billion-dollar industry. And yet they do not have to report to whom they recommend the drug to, how many referrals they give or for what ailments.

"There is something inappropriate about doctors being the gatekeepers," said Timmen Cermak, president of the California Society of Addiction Medicine. "They are secretaries here ... All they are doing is telling

the police to keep their hands off."

As voters go to the polls today to decide if they want California to be the first to legalize recreational pot use and sales, the medical marijuana system they helped establish in 1996 has effectively become a legal cover to smoke pot.

The system also stands as a cautionary example for other states crafting their own laws. Among them are Arizona and South Dakota, which have medical marijuana on today's ballot.

Under California's law, medical doctors and osteopaths can recommend the drug for any illness "for which marijuana provides relief," a category that has come to encompass conditions such as alcoholism, anxiety, asthma and insomnia.

Obtaining approval in the other 13 states that allow pot for medical use is far more difficult.

Those states limit the drug to

residents suffering from one or more specific serious conditions, such as AIDS or cancer. Most require patients to register, creating a paper trail for tracking both users and their physicians.

In California, however, there is no central database to track doctors or patients. Beyond a medical license, the pot physicians do not need to have any relevant training, familiarity with the scientific literature on pot's benefits and side-effects or special certification.

They can simply hang a shingle, and start practicing.

Because there are no reporting requirements, figuring out who these doctors are is difficult.

There are more than 100,000 licensed doctors in the state, and medical marijuana advocates estimate that roughly 1,500 of them have recommended pot to at least one patient.

Of those, advocates say, 400 to

500 doctors account for the majority of recommendations.

To identify them, The Associated Press scoured online directories maintained by marijuana advocacy groups; ads in alternative weeklies and pot-themed periodicals; and clinic websites.

Interviews with clinic managers or doctors who own the clinics provided additional names.

The AP's list of 233 doctors is not exhaustive, nor can it be, given the lack of information with the state.

An analysis of the names and state medical board files showed that most marijuana doctors on the list have clean records.

But there were also 68 physicians who have run afoul of regulations.

Some of the disciplinary actions against them included fraud, misprescribing drugs, abusing prescription or illicit drugs them-

selves, as well as negligence.

The pot practitioners with blemished backgrounds include:

— A San Francisco doctor who received four years probation after she failed to heed a psychiatrist's request to reconsider her marijuana recommendation to a 19-year-old patient suffering from depression. The patient committed suicide six months later. The doctor now operates medical marijuana practices in eight cities. She declined to discuss the case.

— A Glendale obstetrician-gynecologist who pleaded guilty last year to billing Medicare for \$77,000 worth of diagnostic tests he never performed while working in Texas.

Since moving to Los Angeles, he helped set up pot evaluation offices in 11 locations. He said that moving to California and becoming a medical marijuana doctor was not related to his criminal case.