



The Decatur Daily

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Recount refusal illegal?

League says City Council not authorized to reject Kirby's request for new tally of District 4 vote

By Evan Belanger
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Marks

The majority decision was based on legal advice from City Attorney Herman Marks, who cited conflicting state laws and a 2002 attorney general's opinion when he told the council not to proceed with the recount. He said state law allows for re-

counts in municipal elections but does not grant municipalities the authority to open sealed election materials necessary to conduct a recount.

But according to the Alabama League of Municipalities, that interpretation is incorrect.

"I would say there is no authority for the council to deny a recount," said Tracy Roberts, an attorney for the league.

Under state law, Roberts said, the council should have acted

'They failed to do what they are required to do.'

Tracy Roberts

Alabama League of Municipalities attorney on the Decatur City Council's refusal to allow a recount

"They failed to do what they are required to do," he said.

As the petitioner, he said, Kirby could bring his case to Circuit Court, seeking a writ of mandamus that would force the council to allow the recount.

Kirby said Thursday he was still investigating his options and had not made a decision on the matter.

In addition to the league's contrary opinion, the council's decision regarding recounts

was also contradicted Thursday by conflicting opinions in the city of Pelham.

While legal concerns prevented the Decatur council from moving forward with Kirby's recount Wednesday, the same legal concerns apparently did not present a problem in Pelham, where election officials began a hand recount for six municipal races Thursday morning.

Please see **Recount**, page A6

REPUBLICAN NATIONAL CONVENTION

McCain vows change in Washington



AP photo by Paul Sancya

Republican presidential candidate John McCain acknowledges the crowd as he prepares to speak in St. Paul, Minn., on Thursday night.

GOP candidate criticizes Obama, reaches out to Democrats, independents

By David Espo and Robert Furlow
Associated Press Writers

ST. PAUL, Minn. — John McCain, a POW turned political rebel, vowed Thursday night to vanquish the "constant partisan rancor" that grips Washington as he launched his fall campaign for the White House. "Change is coming," he promised the roaring Republican National Convention and a prime-time television audience.

To repeated cheers from his delegates, McCain criticized fellow Republicans as well as Democratic rival Barack Obama as he reached

'I will keep taxes low and cut them where I can. My opponent will raise them. I will cut government spending. He will increase it.'

John McCain

out to independents and disaffected Democrats.

"We were elected to change Washington, and we let Wash-

ington change us," he said of the Republicans who controlled Congress for most of the past 15 years.

As for Obama, he said, "I will keep taxes low and cut them where I can. My opponent will raise them. I will cut government spending. He will increase it."

Before McCain's speech, the climax of the final night of the party convention, delegates awarded the vice presidential nomination to Alaska Gov. Sarah Palin, the first female ticketmate in Republican history.

"She stands up for what's right, and she doesn't let anyone tell her

to sit down," McCain said of the woman who has faced intense scrutiny in the week since she was picked.

"And let me offer an advance warning to the old, big-spending, do-nothing, me-first, country-second Washington crowd: Change is coming," McCain declared.

He and Palin were departing their convention city immediately after the Arizona senator's acceptance speech, bound for Wisconsin and an early start on the final weeks of the White House campaign.

Please see **McCain**, page A6

Calhoun evacuees poised to go home

From staff reports

Evacuees bused to Alabama to escape Hurricane Gustav were to board busses to return home no later than 6 a.m. Friday, according to the Alabama Emergency Management Agency.

In a press release issued Thursday night, the EMA said state and local officials in Alabama and Louisiana were able to expedite a plan allowing evacuees to depart shelters Friday morning, a day earlier than officials had said earlier Thursday.

The news ends the frustration and uncertainty that evacuees staying at Calhoun Community College voiced Thursday.

"We feel like we're in prison," said Wanda Young of West Lake, La.

Calhoun Public Relations Director Janet Martin said late Thursday that all evacuees at Calhoun were to board buses and head home at 5 a.m.

About 250 evacuees, mostly from Lake Charles, La., were at Calhoun's Carlton Kelley Gymnasium with almost nothing to do except worry about their families, homes and jobs. Most said they were out of money Thursday.

Statewide, about 200 buses will return an estimated 8,300 Louisiana evacuees sheltered in Alabama, according to the state EMA.

Eyes on
Hanna, A2.

FEMA to cover hotels of Gustav evacuees with damaged homes

By Kevin McGill
Associated Press Writer

NEW ORLEANS — A Federal Emergency Management Agency official says Hurricane Gustav evacuees whose homes remain uninhabitable can have their hotel costs paid by FEMA.

Deputy Assistant Administrator David Garratt said Thursday night that the aid won't be available for short-term evacuees who fled the storm, spent a few nights in a hotel, then returned home.

Rather FEMA's program pays for "extended stays" in hotels for people who can't return to their homes because of power outages, damage or for other reasons related to the storm.

Officials clarified the agency's policies after criticism from some evacuees who said they would have preferred to stay in hotels paid for by FEMA rather than in public shelters.

Homeland Security Secretary Michael Chertoff said Wednesday in Baton Rouge that FEMA would pay hotel costs "to make sure that people don't feel economic pressure to return home prematurely, before it's safe."

Country singer Trace Adkins, left, sings the national anthem at the Republican National Convention in St. Paul, Minn., on Thursday. At center, Bryan Clay, gold medalist in the decathlon at the 2008 Olympics, speaks before the convention. At right, another convention speaker, former Arkansas Gov. Mike Huckabee, arrives at the convention center.

AP photos by Paul Sancya, Ron Edmonds and Charlie Neibergall



TODAY'S WEATHER, A2
High: 84 Low: 67

Cloudy with scattered showers and thunderstorms.



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AREA DEATHS

Marie Clemons, Hartselle
Lawrence Dalton, Decatur
Sherrill Dunlap, Falkville
Emma Eddy, Hartselle
Ophelia Everett, Ohio
Kenneth Flanagan Sr., Athens

Christopher Griffith, Hartselle
A.W. Jones, Falkville
Racine Letson, Kitchen's Mill
Faye Misenhelder, Madison
Mary Pridgeon, Decatur
Death notices, obituaries, D3.

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NATION

EPA issues new limits on lawnmower emissions to stem pollution, B6



WORLD

Delay in troop cuts
President Bush's top defense advisers recommend a delay in troop pullbacks from Iraq. A3