



Juice out of jail
O.J. Simpson, facing robbery and kidnapping charges, has been freed on bail in Las Vegas./4A

Up-Titan
Titans' coach Jeff Fisher says QB Vince Young is not too emotional, just experiencing growing pains./1C

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50¢

BRIEFING



High **85**
Low **57**

Warm forecast, Page 3A

NEWS



Lawmaker slain/2A
An anti-Syrian lawmaker was assassinated in a bombing in Beirut, Lebanon, Wednesday.

Full plate/1B

The Johnson City Commission has several development projects on its agenda tonight.

ENTERTAINMENT

Former anchor sues CBS/7B

Former CBS news anchor Dan Rather has filed a \$70 million lawsuit against the network, saying he was made a "scapegoat."



BUSINESS



Opening set/2D

The latest addition to The Mall at Johnson City, Dick's Sporting Goods, is scheduled to open its doors on Friday.

ALSO INSIDE

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Deaths/2A

■ **JOHNSON CITY**
Jerry Cross
■ **BLUFF CITY**
Audrey Jones
■ **ELIZABETHTON**
Paul Livingston
■ **UNICOI**
Fannie Livingston

Front Page Design/Don Dale



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UNCONSTITUTIONAL: Court rules state lethal injection method 'cruel'

THE ASSOCIATED PRESS

NASHVILLE — A federal judge ruled Wednesday that Tennessee's new lethal injection procedures are cruel and unusual punishment, interrupting plans to execute a killer next week.

The protocol "presents a substantial risk of unnecessary pain" and violates death

row inmate Edward Jerome Harbison's constitutional protections under the Eighth Amendment, U.S. District Judge Aleta Trauger said.

The new protocol, released in April, does not ensure that inmates are properly anesthetized before the lethal injection is administered, Trauger said, which could "result in a terrifying, excruciating death."

A spokeswoman for the state attorney

general's office said officials are reviewing the ruling and haven't decided whether to appeal. Gov. Phil Bredesen's office had no immediate comment.

Harbison was scheduled to be executed early next Wednesday for beating an elderly woman to death during a burglary in 1983.

Trauger did not issue a stay or throw out the death sentence for Harbison, who has

lost all his appeals. He can be legally executed once the state adopts a valid method of execution, she said.

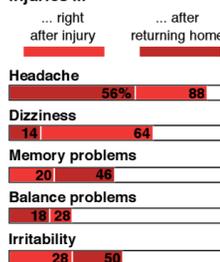
Kent Scheidegger, legal director for the Criminal Justice Legal Foundation, a non-profit group that supports the death penalty, said the 6th Circuit Court of Appeals might reverse Trauger's ruling.

► See **INJECTION**, Page 8A

Troop brain injuries

The Army has begun brain-function tests on soldiers before war to give doctors critical data for treatment if a soldier returns with a traumatic brain injury.

Symptoms of soldier brain injuries ...



SOURCE: Walter Reed Army Medical Center AP

Brain tests of soldiers precede deployment

■ New Army program could aid in later treatment for traumatic injury.

By KRISTIN M. HALL
Associated Press Writer

FORT CAMPBELL, Ky. — Before they leave for Iraq, thousands of troops with the 101st Airborne Division line up at laptop computers to take a test: basic math, matching numbers and symbols, and identifying patterns. They press a button quickly to measure response time.

It's all part of a fledgling Army program that records how soldiers' brains work when healthy, giving doctors baseline data to help diagnose and treat the soldiers if they suffer a traumatic brain injury — the signature injury of the Iraq war.

"This allows the Army to be much more proactive," said Lt. Col. Mark McGrail, division surgeon for the 101st. "We don't want to wait until the soldier is getting out of the Army to say, 'But I've had these symptoms.'"

The mandatory brain-function tests are starting with the 101st at Fort Campbell and are expected to spread to other military bases in the next couple of months. Commanders at each base will decide whether to adopt the program.

The tests provide a standard, objective measurement for each soldier's reaction time, their short-term memory and other cognitive skills. That data would be used when the soldiers come home to identify mild brain trauma that can often go unnoticed and untreated.

One veterans group wants to ensure the Army doesn't use the results to deny treatment by claiming that soldiers' problems came from pre-existing conditions.

"We certainly think these tests should not be used to reduce the responsibility that the Army has to treat the soldiers who have served," said Jason Forrester, director of policy for Veterans for America.

About 7,500 Fort Campbell soldiers have completed the tests,

► See **BRAIN**, Page 8A

FIRE RACES THROUGH HOME



Lee Talbert/Johnson City Press

A Wednesday afternoon fire caused extensive damage but no one was injured at the home of Richard and Beverly Sheldon, 223 Lake Meadow Drive off Pickens Bridge Road. Units from Gray, Sulphur Springs and Jonesborough Volunteer fire departments were dispatched to the scene and the Johnson City Fire Department assisted following a call for help in battling the blaze. See Page 1B for a story and more photos.

Officials: Those most at risk not getting flu shots

■ Data: Tennessee better than national average, but still could use improvement.

THE ASSOCIATED PRESS

WASHINGTON — Only a fraction of the people who need flu shots the most are getting them — including just one in five babies and toddlers, say health officials who hope to boost those numbers as a record vaccine supply heads out this fall.

The government sounded the alarm Wednesday, worried that a string of mild flu seasons and the vaccine confusion of recent years are deterring people from this simple lifesaver.

In data from the 2005-2006 flu season, Tennessee ranked above the national average in the percentage of adults at high risk who got vaccinated:

- 31.8 percent of people from 18 to 49 years old.
- 40.5 percent from 50 to 64 years old.
- 71 percent of those 65 years and older.

Manufacturers expect to ship more than 130 million doses of flu vaccine in coming months. The message: Anyone who wants to avoid the flu should seek out this ample supply, especially those at high risk of flu complications because of age or underlying

► See **FLU**, Page 8A

Groups to unite for march, rally calling for war's end

By JAMES BROOKS
Press Staff Writer
jb Brooks@johnsoncitypress.com

This time the coalition forces are uniting to end the war in Iraq with a march and rally set for Saturday beginning at 1 p.m.

Concerned Citizens, along with East Tennessee State University student groups and other area organizations will form the march in downtown Johnson City at the Cherry Street parking lot, located next to the farmer's market, and will proceed down West State of Franklin Road to the ETSU campus for a rally at Borchuk Plaza in front of the Sherrod Library.

"This rally is a call to Congress and the administration to bring our troops home," said Sandra Garrett of Concerned Citizens.

She said the original hope was for about 50 people to attend the march, but from the response their e-mailings are getting from as far away as Rogersville, Asheville, N.C., and Abingdon, Va., the forecast has been revised to "hundreds of people," Garrett said. "There's a lot more interest than we expected."

When asked how 100 marchers

► See **MARCH**, Page 8A

2 cities' rail line interests at odds

■ Elizabethton sees possible industry link while Johnson City eyes recreational plan for property.

By JEFF KEELING
Press Business Writer
jkeeling@johnsoncitypress.com

Industrial lifeline or "rails to trails?"

Those are the primary possibilities for 11 miles of railroad up for sale between Johnson City and Elizabethton, and the two cities' opinions represent widely different schools of thought about the future of short-line rail in the metro area.

Both cities submitted bids to Genesee and Wyoming, the line's owner, at the end of July, and Elizabethton resubmitted a bid last week at the company's behest. Elizabethton's initial bid was less than \$1.3 million, while Johnson City's was \$1.8 million.

The tracks, part of the former "Tweetsie" line, run from the intersection of Legion and Alabama streets in Johnson City through Elizabethton and south along U.S. Highway 19E for several miles toward Hampton.

"We did respond to their offer to submit an amended proposal," Elizabethton City Manager Russell Treadway said Wednesday, adding that the only change was in the amount of the offer. He said Genesee and Wyoming told him it hopes to

► See **RAIL**, Page 8A



Lee Talbert/Johnson City Press

From left, Sandra Garrett, Lori Benelisha and Bradley Smith prepare for a peace march and rally scheduled for Saturday at 1 p.m. The march will start at the Cherry Street parking lot and continue to ETSU's Sherrod Library.