

Supreme Court limits federal judges' redistricting ability

WASHINGTON (AP) — The Supreme Court made it harder Monday for federal judges to invalidate election districts drawn by state legislatures just because they suspect race was the major factor in setting the boundaries.

The unanimous ruling in a North Carolina case could have great influence on redistricting disputes nationwide after the 2000 census by forcing judges to be more certain of the role race played before striking down a reapportionment plan.

The decision did not mark any change, however, in the Supreme Court's consistent

hostility to making race the prime factor for drawing election district boundaries. The court has been intent since 1993 on minimizing such use of race.

In a series of decisions, the court has said that drawing districts primarily to maintain or enhance minority voting power unlawfully discriminates against white voters.

But the justices voted Monday to overturn a three-judge federal court's conclusion that North Carolina's 12th Congressional District was unlawfully drawn by the state Legislature in 1997.

The district is represented

by Democrat Mel Watt, one of two blacks elected to Congress in 1992 from a state that had not sent a black to Washington since 1901.

Justice Clarence Thomas, writing for the court, said the lower court wrongly chose not to conduct a full trial before ruling last year that the 1997 election map was too race-conscious.

The three-judge court made that ruling in what lawyers call a "summary judgment" after considering the 12th District's shape and its racial makeup.

"Evidence tends to support an inference that the state drew its district lines to

support an impermissible racial motive — even though ... (the challengers) presented no direct evidence of intent," Thomas said. "Summary judgment, however, is appropriate only where there is no genuine issue of material fact." In the North Carolina case, Thomas said, "The Legislature's motivation is itself a factual question" and should have required more evidence.

In a series of decisions since 1993, the Supreme Court has scuttled attempts by state and local lawmakers to draw districts to help minority political clout if race was the "predominant factor." Most

of those rulings were reached by 5-4 votes that traced the court's ideological divisions.

Thomas, Chief Justice William H. Rehnquist and Justices Sandra Day O'Connor, Antonin Scalia and Anthony M. Kennedy united in those cases to control the outcome.

Dissenting in those previous cases were Justices John Paul Stevens, David H. Souter, Ruth Bader Ginsburg and Stephen G. Breyer.

Those four justices joined in the final result Monday but not in Thomas' opinion. Stevens wrote separately for the four.

"The record supports the

conclusion that most loyal Democrats living near the borders of District 12 happen to be black Democrats, and I have no doubt that the Legislature was conscious of that fact when it enacted the apportionment plan," Stevens said. "But everyone agrees that that fact is not sufficient to invalidate the district."

The North Carolina dispute now will return to the three-judge federal court, with the justices having offered precious little in the way of new guidance on just how much evidence is needed to conclude that race played too large a role in the drawing of an election district.

Democrats, civil activists criticize police proposal

WASHINGTON (AP) — Some House Democrats and civil rights activists say another proposed study of police brutality would be a waste of time and are calling for meaningful reforms, including tougher penalties.

"I don't think that this bill is going to help at all if police departments don't get it yet," Rep. Maxine Waters, D-Calif., said Wednesday at a House Judiciary Committee hearing on legislation to set up the study. She said tougher penalties are needed to deter officers from "using the badge and the gun to violate people's civil rights."

Committee Chairman Henry Hyde, R-Ill., and Rep. Jose Serrano, D-N.Y., have proposed creating a five-member panel to study the "effectiveness of training, recruiting, hiring, oversight and funding policies and practices in law enforcement" in New York, Chicago, Los Angeles and Washington, and report to Congress.

The bill also authorizes \$3 million in grants for these cities next year. Hyde said the measure proposes solutions "to bolster the confidence the citizens have in their police and to provide effective training for police officers" that cannot be achieved through action in the civil and criminal courts.



MAXINE WATERS

Serrano, who represents the Bronx district where the fatal police shooting of Amadou Diallo, an unarmed street vendor from Guinea, has come to symbolize excessive use of force by police, said racism wasn't the only factor.

Police departments, he said, "must do a better job of recruiting, teaching use-of-force policies and selecting assignments for officers" because many lack the skills and training to deal effectively with people from other cultures.

Rep. John Conyers of Michigan, the committee's senior Democrat, said a study was unnecessary. "This is not a new subject in criminal jurisprudence," he said.

Police groups expressed concern about the objectivity of the study panel; its members would be appointed by House and Senate leaders.

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Family protesting sale of Malcolm X diary

NEW YORK (AP) — The bloodied, bullet-riddled diary of Malcolm X, which was in his coat pocket when he was assassinated, is going up for auction.

But his family insists they are the rightful owners of the 146 pages once used as evidence in the trial of the men convicted of killing the black Muslim leader.

"This should go back to the family," Kenneth Cobb, director of New York's Municipal Archives, said on Saturday. "This is the personal property of



MALCOLM X

Malcolm X."

The red, mock-leather booklet was People's Exhibit

60 at the trial of the three men found guilty in Malcolm X's killing on Feb. 21, 1965, in a Harlem ballroom.

An auction house in San Francisco, Butterfield & Butterfield, is to sell the diary on May 27 for possibly as much as \$50,000. Marred by three bullet holes and blood stains, it contains phone numbers of Malcolm's friends and associates, other personal notes, and his schedule on days he never lived to see.

New York City officials are now investigating how

the item got into the hands of a private collector, who then sold it to the current owner, reportedly a New York resident.

The archives took possession of Malcolm X's case files from the Manhattan District Attorney's office in 1993, officials said.

The personal effects of a murder victim usually are returned to family members, police Inspector Michael Collins told The New York Times.

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