

High court examining discrimination in elections

WASHINGTON (AP) — The Supreme Court pondered last week the federal government's power to squelch changes in state and local elections as discriminatory even when the new plans would leave racial and ethnic minorities no worse off.

Clinton administration lawyer Paul Wolfson told the justices hearing arguments in a Louisiana case that targets of a key voting-rights law are "not limited to an intent to make matters worse for minorities."

But Michael Carvin, a Washington lawyer representing the Bossier Parish, La., school board, said the law seeks only to thwart a new plan if it abridges minority voting rights.

"If there is no change, it has not abridged the right to vote," he argued.

At issue is whether the Voting Rights Act of 1965 authorizes Justice

Department vetoes of election plans that are non-retrogressive.

A three-judge federal court in the District of Columbia ruled no such authority exists.

The justices' ruling, expected by late June, could affect many of the voting-rights disputes likely to arise after the 2000 Census and ensuing reapportionment efforts.

The decision will dictate how vigorously the government can invoke one part of the 1965 law.

In a separate case, the justices heard arguments over Hawaii's policy of letting only people with Hawaiian blood elect leaders of a state program benefiting descendants of the islands' original residents.

A white citizen of Hawaii says the provision amounts to unlawful racial discrimination.

A decision in that case also

is expected by summer.

The Voting Rights Act's Section 5 requires federal pre-clearance of proposed electoral changes, and authorizes denials if the changes are deemed to have a discriminatory "purpose or effect."

State and local governments covered by Section 5 have the burden of proving the changes are not motivated by racial or ethnic bias.

Several justices recently commented how difficult it can be to prove such a negative, and also how hard it is determining the motives of multitember governmental bodies.

The parish school board for years has had its members elected to four-year terms from 12 different districts.

About 20 percent of the parish's population is black, concentrated in two areas, but none of the 12 districts has a black majority.

As of 1990, no black ever had been elected to the school board.

After the 1990 census required a redrawing of the school board election map, the local NAACP chapter proposed creating two black-majority districts.

The school board opted instead for a new map in 1992 with no such district, the same map that was adopted by the parish's chief governing body, called the police jury.

Even though the police jury's plan had received Justice Department pre-clearance, the school board's proposed redistricting plan did not.

Government lawyers decided the plan would dilute minority voting strength because it would not maximize it.

The Voting Rights Act's Section 2 is more stringent than Section 5 because it prohibits any voting practice that would dilute minority

voting power.

In a 1997 decision, the nation's highest court ruled that Justice Department lawyers cannot refuse to approve a proposal under Section 5 by deciding the change would violate Section 2.

The court said in that ruling that an election change has a prohibited Section 5 "effect" only if it would be retrogressive - leaving

minorities worse off than under a current system.

Now it must decide whether the same is true for judging a proposed change's "purpose" under Section 5.

While the Louisiana case wended its way through federal courts, two black candidates were elected to the 12-member school board in 1994 and were re-elected in 1998, along with a third black candidate.

Court strikes down race-based school policy

ROCKVILLE, Md. (AP) — Montgomery County public school officials should not have relied solely on race to deny a white couple's request to transfer their 7-year-old to another school, according to an appeals court ruling.

The ruling was recently handed down by the same Fourth U.S. Circuit Court of Appeals that struck down a similar race-based school admissions policy in Arlington, Va., last month.

At issue in those and similar cases around the country is whether school

districts can allow or deny students admission into schools, classes or special programs because of their race or ethnicity.

"As I read it, it sounds like they have invalidated the policy," said Patricia Brannan, the school district's attorney who argued before the appeals court in June.

"I don't know what this means in terms of impact on other students," she said.

"We're just going to have to figure that out."

Jeffrey Eisenberg, father of 7-year-old Jacob and a lawyer who handled his own

appeal, says he feels vindicated by the ruling.

When Jacob was about to enter first grade last year, his parents sought to enroll him in Rosemary Hills Elementary School's math and science magnet program.

The request was denied because of its so-called "impact on diversity," according to a letter the Eisenbergs received.

"Race is a difficult and unsettled issue in this country. I regret being on the opposite side of the dispute of those who are trying to solve the problem," Eisenberg said.

Philly mayoral race neck-and-neck

PHILADELPHIA (AP) — The businessman trying to become the first Republican mayor of Philadelphia in 52 years is in a dead heat with his Democratic rival. And, according to a poll released last week, race has become an important factor.

The poll showed Republican Sam Katz with 39 percent support and Democrat John F. Street with 38 percent. More than one in five voters were still undecided.

Philadelphia has seven Democrats for every two Republicans.

The poll also showed race could be a decisive factor. More than 40 percent of Philadelphia's 1.4 million residents are black.

Katz, who is white, has

the support of about two-thirds of white voters, while Street, who is trying to become the city's second black mayor, is backed by roughly the same proportion of black voters, according to the poll by the Center for Politics and Public Affairs at Millersville University.

Although neither candidate has made race an issue in the campaign, only 19 percent of white

Democrats are backing Street, while just 33 percent of black Republicans are leaning toward Katz.

"Race is trumping party affiliation," said G. Terry Madonna, the poll's director.

The telephone poll of 520 registered voters was conducted for the Philadelphia Daily News and Fox News and has a margin of error of 4.3 percentage points.

Southwest Gas asks for rate decrease

Special to Sentinel-Voice

Customers of Southwest Gas will have something to celebrate before the holidays, as the public utility company wants to decrease its rates.

The Public Utilities Commission of Nevada (PUCN), which approves the increases and decreases of utility rates, supported a measure that will bring 20.9 million in savings to customers.

"We are very pleased to be able to decrease customers' rates by so much," said Roger Montgomery, vice-president of Southwest's Pricing. "Especially since the winter heating season is just starting."

The reduction rate in natural gas was due to adjustments in cost from the Purchased Gas Adjustment (PGA). The PGA, with the blessing of the PUCN, annually adjusts rates for Southwest patrons.

Southwest provides gas for more than 360,000 homes and businesses in Southern Nevada. The new rates will take effect Nov. 1.

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