

Plaintiffs want McKinney defeat in Ga. overturned

By Eric Ture Muhammad
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ATLANTA (NNPA)—As a lawsuit challenging the validity of the vote that unseated Rep. Cynthia McKinney, D-Ga., winds through the courts, plaintiffs are hopeful that an opinion by conservative U.S. Supreme Court Justice Anthony Scalia actually will help their cause.

The suit charges the State of Georgia, the Board of Elections and Registration of DeKalb and Gwinnett counties and the Georgia Democratic Party with interfering with the rights of voters on account of race. The suit further declares that Republicans engaged in a "malicious crossover" when they voted in the Democratic primary. The suit seeks to declare the crossover vote of more than 47,000 votes unconstitutional. Named as defendants are Gov. Sonny Perdue, who assumed office on Jan. 13; Secretary of State Cathy Cox, as well as Linda Latimore and Lynn Ledford, board of election supervisors in the counties of DeKalb and Gwinnett, respectively. The Georgia Democratic Party is included in the suit because it is responsible by state law for conducting democratic primaries.

While first-term Congresswoman Denise Majette



First-term Congresswoman Denise Majette would not comment on the lawsuit.

would not comment on the lawsuit during a recent meeting before the Richmond Democratic Party breakfast in Augusta, and later during a town hall meeting of supporters in DeKalb, plaintiffs of an amended suit filed in March said they are hopeful there could be a re-election. Those plaintiffs include Rev. E. Randel Osborne, Linda Dubose, Brenda Lowe Clemons, Dorothy Perry and Wendell Muhammad, the southern regional protocol director for the Nation of Islam.

The controversial Aug. 20, 2002, election saw a massive White Republican crossover that practically equaled an all-White state primary. Democrats and Blacks overwhelmingly voted for McKinney. White voter turnout was calculated at 38 percent with 90 percent of that crossover voting for Majette. Blacks represented a 32 percent turn-

geted by crossover votes and tremendous opposition from pro-Israeli groups in support of their challengers. Hilliard lost in a special runoff to Artur Davis.

The suit, in part, relies on the opinion of Justice Scalia and the cases outlined by the High Court in "California vs. Jones" and "Gore vs. Bush."

"A single election in which the party nominee is selected by nonparty members could be enough to destroy the party," Judge Scalia wrote. "As for affording voters greater choice, it is obvious that the net effect of this scheme—indeed, its avowed purpose—is to reduce the scope of choice, by assuring a range of candidates who are all more 'centrist,'" he con-



A lawsuit challenging the validity of the vote that unseated Rep. Cynthia McKinney, D-Ga. declared the crossover vote of more than 47,000 votes unconstitutional.

cluded.

Judge Scalia's opinion, filed in the 2000 election debacle, says the ability of the party leadership to endorse a candidate is simply no substitute for the party members' ability to choose their own nominee or candidate.

The Georgia plaintiffs be-

lieve the High Court's opinion suggests that this principle was violated in the 2000 presidential court selection of George Bush over former Vice President Al Gore, as well as the Georgia Democratic primary.

Eric Ture Muhammad writes for the Final Call.

Race

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computers or risk losing aid.

A three-judge federal panel ruled the Children's Internet Protection Act violates the First Amendment because the filtering programs also block sites on politics, health, science and other nonpornographic topics. Sneaker maker Nike Inc. also has a free speech case before the justices. The company claims it is being unfairly muzzled in its attempt to fend off allegations of exploitative labor practices in the Third World.

Big business is watching that case closely, as are media and public relations companies. If the high court should rule against Nike, it could become easier for consumer activists or others to truth-squad company statements and sue over alleged falsehoods.

The insurance industry is awaiting the court's ruling on a California law intended to help people recover money from unpaid Holocaust-era insurance claims. The state wants insurers to disclose information about old policies, but insurers say that is a daunting, expensive and legally risky task.

Other subjects before the court include campaign donations by certain interest groups; a prelude to a major campaign finance ruling expected next fall; and new restrictions on family visits to state prisoners. Michigan prison authorities say the restrictions protect children, while lawyers for prisoners say the policy is unconstitutional.

The court also will decide whether a mentally ill dentist can be medicated against his will so he can stand trial for fraud and whether states can erase statutes of limitations to revive prosecutions in old child molestation cases.

Retirement rumors are swirling around the court as the session winds down. None of the nine justices has announced plans to leave, but Chief Justice William H. Rehnquist and Justice Sandra Day O'Connor are considered good bets to retire soon. If either should choose to leave this year, it would give President Bush his first opportunity to choose a justice.

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