

# Poll: Most oppose life tenures on Supreme Court

WASHINGTON (AP)—Six in 10 Americans say there should be a mandatory retirement age for Supreme Court justices, according to an Associated Press poll.

The survey found public support for an idea that has arisen periodically in Congress without ever making headway.

Only one of the nine current justices is younger than 65. Chief Justice William H. Rehnquist, 80, appointed to the court by President Nixon, has thyroid cancer. In the survey, people were asked if they could identify what job Rehnquist held, and 59 percent did not know.

The appointment of justices without term limits or a mandatory retirement age historically has helped to insulate the court from politics, said Dennis Hutchinson, a Supreme Court expert from the University of Chicago Law School. At the same time, that can have the unintended consequence of letting some justices serve beyond their most effective years.

People over 65 were among those most likely to favor mandatory retirement, according to the poll conducted for the AP by Ipsos-

Public Affairs.

The question on retirement mentioned no specific retirement age. Lifetime appointment of Supreme Court justices is dictated by the Constitution and could be changed only by an amendment.

"The justices hold office year after year," said Opal Bristow, an 84-year-old Democrat and retired teacher who lives near San Antonio. "Some of them are old codgers who need to get out of the way and let the younger folks with fresh ideas come in."

Over the years, justices frequently have served into their 70s and 80s and often have died in office. In the past few decades, it has become more common for justices to step down when they face serious illnesses.

If President Bush has to nominate a replacement for any of the nine justices, the landmark 1973 Roe v. Wade decision that allowed legal abortions in the first three months of pregnancy is certain to be a central issue.

The survey found that 59 percent of respondents said they favor choosing a nominee who would uphold Roe v. Wade, while 31

percent wanted a nominee who would overturn the ruling.

While the public is generally divided on the abortion issue, polling consistently has found a clear majority of people who think abortion should be legal in at least some cases.

The preference for Supreme Court nominees who would uphold Roe v. Wade could be found among both men and women, most age groups, most income groups and people living in urban, suburban and rural areas. Fewer than half of Republicans, evangelicals and those over 65 said they favored a nominee who would uphold the abortion ruling.

"While I don't have a strong feeling about abortions personally, I wouldn't want the law overturned and return to the days of backdoor abortions," said Colleen Dunn, 40, a Republican and community college teacher who lives outside Philadelphia.

The survey found that 61 percent of respondents said Supreme Court nominees should state their position on abortion before being approved for the job.

Most of those who have taken a position

on whether a nominee should uphold or overturn Roe v. Wade say they wanted a nominee to state his position on abortion before confirmation. Almost two-thirds of each group said they would want to know.

"In a perfect world they wouldn't have to talk about it," said Kenneth Cole, 39, a consultant from Columbus, Ohio, and a Republican who leans toward wanting Roe v. Wade overturned. "But whoever President Bush nominates, people will know where they stand. They won't be able to avoid the issue."

Another issue the Supreme Court will have to deal with at some point is homosexual marriage.

By 61 percent to 35 percent, people opposed gay marriage, with young adults between 18 and 29 about evenly split. Recent polls have indicated people are about evenly divided on the question of civil unions, which would provide many of the same legal protections as gay marriage.

The AP-Ipsos poll of 1,000 adults was taken Nov. 19-21 and has a margin of sampling error of plus or minus 3 percentage points.

## Mfume

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Bush at the organization's annual convention in Philadelphia. The IRS has strict prohibitions on tax-exempt groups participating in partisan politics. Bond says he was exercising his First Amendment right to free speech at time, not participating in partisan politics.

"My decision to move on should be seen for what it is; another choice to seek another challenge, and another chance to make a difference," Mfume said.

It is widely known that Mfume is considering a run for the U.S. Senate from Maryland. The next competition for a Senate seat in Maryland will be in 2006, when Paul S. Sarbanes completes 30 years in the Senate.

"With one Black with a funny name [Obama Baraka, D-Ill.] joining the Senate, I guess he figured another one with a funny name can win, too," a NAACP source joked.

In his autobiography, "No Free Ride," written with Ron Stodghill, the former five-term Congressman from Baltimore recalls that he changed his name from Frizzell Gray to Kweisi Mfume, a Ghanaian name meaning "Conquering Son of Kings" to symbolize his decision to shed his rough-and-tumble ways of the streets.

Civil rights scholars say Mfume's greatest contribution was helping restore fiscal health to an organization that was rocked by a sexual scandal that abruptly ended the controversial tenure of Benjamin Chavis as executive director of the NAACP. The organization sunk nearly \$4 million in debt under the leadership of Chavis and



DENNIS HAYES

Board Chairman William Gibson, a Greenville, S. C. dentist.

Myrlie Evers-Williams, the widow of slain Mississippi civil rights leader Medgar Evers, succeeded Gibson in 1995 and after a national search, Mfume, former chairman of the Congressional Black Caucus, was picked the following year to replace Chavis, who later joined Minister Louis Farrakhan in the Nation of Islam. After several years, Chavis, who changed his name to Muhammad and then back to Chavis, left the Nation and began working with Hip-Hop mogul Russell Simmons in New York.

"Myrlie had already raised a million or so dollars when Mfume came aboard, but he was the reason the NAACP was able to raise several million dollars to get us out of debt," a board source explains.

Board Chair Julian Bond, a longtime civil rights activist, said: "Kweisi Mfume came to the NAACP when we were nearly bankrupt and our reputation under siege; he left sure re-election to the Congress to help save the NAACP. In short order, he and our former chair, Myrlie

Evers-Williams, restored us to solvency and to primacy among civil rights organizations. He has been one of the most effective spokespersons for justice and fair play. We are saddened by his departure, but wish him well in his future pursuits."

Mfume was also credited with expanding youth involvement in the NAACP and bringing more professionals on staff. However, he was not viewed as a strong office administrator, opting for high-profile activities in Hollywood and national television appearances. For a while, Mfume hosted a weekly TV show in Baltimore but now hosts a monthly syndicated television program called "Remarkable Journey."

As he explores the possibility of a Senate bid, Mfume is expected to continue his paid speaking engagements and might serve as a political analyst for one of the cable networks, some of his advisers say.

Although each man denies it, insiders say there was also friction between Mfume and Julian Bond over who would serve as the official face of the NAACP. Although that role has been traditionally played by the president (formerly called the executive director), for years the organization has always had a strong-willed board chair and Bond continues in that mold.

"Although this infighting has been going on for a while, you could tell that Mfume was getting tired," one board source says. "You have two former politicians (Bond served in the Georgia House and Senate) with strong egos. And they both want to be the

leader."

Mfume's resignation caught many NAACP members by surprise, especially since he sent a conciliatory letter to President Bush less than a month ago requesting a meeting to set aside past differences. Both Mfume and Bond had been extremely critical of Bush for not addressing the group's annual convention while in office, something no sitting president had done since the early 1920s.

"Julian would have never written that letter to Bush," one board member says. "Julian is really sharp on the issues and Mfume is forever the politician."

Forever might be an overstatement.

When Bush refused to address NAACP delegates last summer, Mfume said at the time: "We're not fools. If you're going to court us, court us in the daytime, but not like we're a prostitute where you run around at night or behind closed doors and want to deal with us, but not want to deal with us in the light of the

day."

Several board members interviewed say they don't know if Mfume would have agreed to serve another four years if he had been presented with that option.

"You have the unwieldy 64-member board [of the NAACP]," one board member notes. "But the organization is controlled by the 17-member executive committee. And Julian controls that. There was no way for Kweisi to get another contract unless that's what Julian wanted."

Evidently, what Bond and other board members want is a national search to select the next president and CEO of the organization. Francisco L. Borges, treasurer of the board and two-time state treasurer in Connecticut, is expected to co-chair the search committee, members say.

Hayes, the interim president of the NAACP, said, "While the search for a new president is conducted, the NAACP will continue to lead the fight for civil rights and will move aggressively to strengthen the relationship

between our 2,000 affiliates (adult branches and college chapters) and the national office."

There has always been intrigue and power struggles within the NAACP. The infighting became so intense during the 1970s that then-chair, Margaret Bush Wilson, a St. Louis lawyer, suspended Executive Director Benjamin L. Hooks for insubordination. But the bitterly-divided board reversed Wilson at its next meeting.

Regardless of internal bickering at the national level, the strength of the NAACP has always been its chapters, operated by volunteers.

"People bad-mouth the NAACP, but when they get in trouble, that's the first place they run to," one NAACP executive says.

Mfume said, "In order to win the fight against poverty, eliminate discrimination and foster greater tolerance for the persons and things that we find different from ourselves, we are obligated to work together in coalition for the greater good."

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