

California court overturns ruling to block Proposition 209

1 SAN FRANCISCO — A federal appeals court upheld California's voter-approved ban on affirmative action Tuesday, saying the state can dismantle programs that favor women and minorities in hiring and education.

In a 3-0 ruling, the 9th U.S. Circuit Court of Appeals overturned a judge's order that had blocked enforcement of Proposition 209 not long after it was approved in November.

Judge Diarmuid O'Scannlain, writing for the appeals court, said the U.S. Constitution "barely permits" preferential programs.

The affirmative action programs affected by Proposition 209 "work wholly to the benefit of certain members of one group

and correspondingly to the harm of certain members of another group," he wrote.

The ruling is scheduled to take effect in 21 days. Supporters of affirmative action said they will ask for a rehearing by 11 members of the 9th Circuit and press it to continue the ban on enforcement in the meantime.

The ruling foreshadows "a re-segregation of society," warned Eva Paterson, executive director of the Lawyers' Committee for Civil Rights of San Francisco, among groups opposing the measure.

Supporters of Proposition 209 were jubilant.

The ruling "sends a strong, clear signal that the people of

California were right when they stated that there should be no discrimination," said Sean Walsh, spokesman for Republican Gov. Pete Wilson.

The initiative, passed by 54 percent of the voters, would prohibit racial or gender preferences in state hiring, awarding of contracts and college admission. University of California Regents voted separately to eliminate affirmative action programs effective with 1998 admissions.

Last fall, U.S. District Judge Thelton Henderson blocked enforcement of the measure, ruling it would unfairly abolish programs that benefit minorities and women while leaving others intact, including those for veterans.

President Clinton, who opposed Proposition 209 during the campaign and in court, said Tuesday that "we'll all have to regroup and find new ways to achieve the same objective" if the measure is upheld.

"I believe if states are precluded from trying to take appropriate steps that are not quotas and that do not give unqualified people a chance to participate in whatever it is — economic or educational life — but do recognize the disadvantages people have experienced, I think that will be a mistake," he said.

Opponents of Proposition 209 relied chiefly on a 1982 Supreme Court ruling striking down a

Washington state initiative prohibiting school boards from ordering busing for integration. The high court said the measure discriminated against minorities.

But O'Scannlain said the ruling probably does not apply to women, who make up a majority of the population. He also said affirmative action programs are less benign than school busing.

"Unlike racial preference programs, school desegregation programs ... do not work wholly to the benefit of certain members of one group and correspondingly to the harm of certain members of another group, and do not deprive citizens of rights," O'Scannlain said.

Zaire invokes martial law as rebels advance

2 MBUJI-MAYI, Zaire — Savoring his victories in central Zaire, rebel leader Laurent Kabila set his sights Tuesday on Kinshasa and claimed a startling advance — denied by the government — to within 160 miles of the capital.

"Where else is there to go?" Kabila told a cheering crowd of 50,000 supporters in Mbuji-Mayi, Zaire's diamond mining center about 600 miles from the capital. He is on a triumphant tour of recently captured mining country.

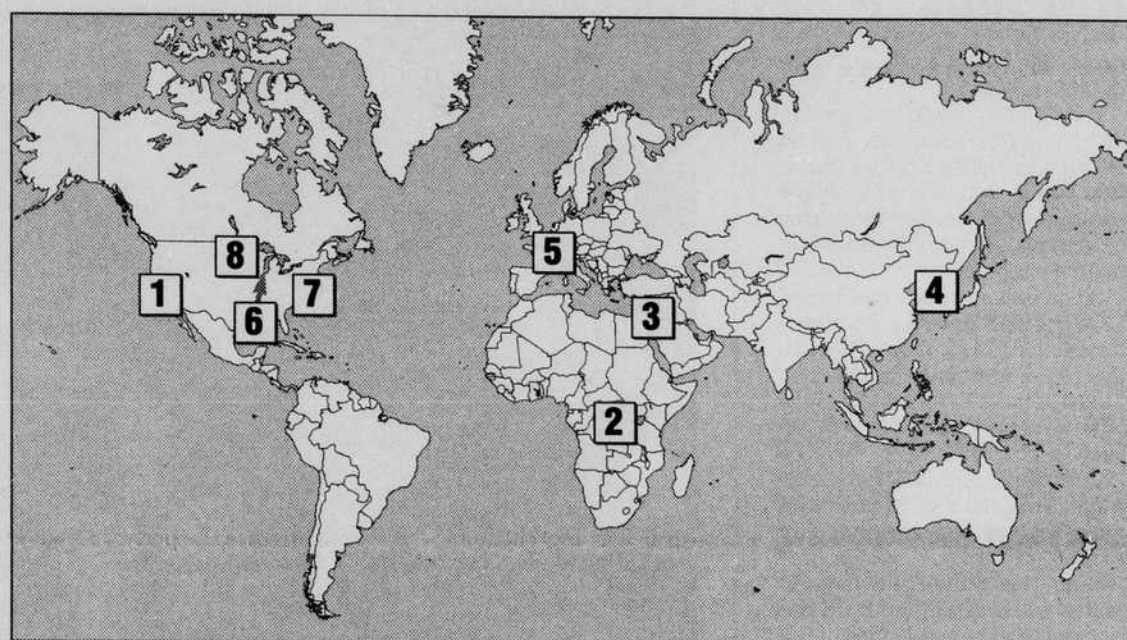
The rebels, whose six-month sweep through Zaire shows no sign of slowing, are also within a few miles of Lubumbashi, Zaire's second-largest city, in the far southeast.

Rioting occurs after murder of Palestinian

3 HEBRON, West Bank — Jewish seminary students shot and killed a Palestinian on Tuesday, sparking fierce riots in which Israeli troops killed two Palestinians and injured dozens. It was the West Bank's worst violence in months.

The rioting in Hebron raged for more than five hours, with hundreds of protesters hurling stones and firebombs at the Israelis, who fired back tear gas and rubber bullets.

The violence in Hebron — where 500 Jewish settlers live in uneasy coexistence with 130,000 Palestinians — came amid Arab dismay over the failure of Monday's summit between President Clinton and Netanyahu to break the deadlock.



Hall witnesses famine crisis in North Korea

4 TOKYO — Their rations reduced to five ounces of rice a day, rural North Koreans stripped grass and weeds from the fields and bark from the trees — feeding them to their starving families before the eyes of a stunned American lawmaker.

In a four-day tour of North Korea, Rep. Tony Hall had one of the most revealing looks yet at the starvation in the secretive communist nation: orphans whose growth was stunted by hunger and diarrhea; children going bald for lack of nutrients; rural families desperately feeding on bark.

The North Korean health ministry told U.N. workers that 134 children died of malnutrition in 1996, UNICEF spokesman Hans Olsen said in Geneva.

Hoechst drops all rights to abortion pill

5 PARIS — Threatened by boycotts from American anti-abortion groups, the European pharmaceutical giant Hoechst on Tuesday unloaded its remaining rights to the abortion pill RU-486.

The company gave the rights to one of the drug's creators, Dr. Edouard Sakiz, who plans to form a smaller company that will be less vulnerable to consumer pressure.

The move was a further attempt by the French drug company Roussel-Uclaf — a Hoechst subsidiary — to distance itself from the controversial drug. Just two years ago, in the face of boycotts, it ceded U.S. rights to RU-486 to The Population Council, a New York-based nonprofit group.

Portland archbishop heads Chicago church

6 CHICAGO — The Vatican replaced the late Cardinal Joseph Bernardin on Tuesday with a staunch supporter of Catholic doctrine who differs from his predecessor more in style than in politics.

Archbishop Francis E. George of Portland will be installed as head of the nation's second-largest archdiocese May 7, six months after Bernardin's death from cancer. The 60-year-old George is a Chicago native.

Like Bernardin, George is in line with the pope in opposing abortion, doctor-assisted suicide and the ordination of women. In Portland, he was a vigorous opponent of the state's law permitting physician-assisted suicide.

Smith set to preside over NATO hearings

7 PORTLAND — Republican U.S. Sen. Gordon Smith of Oregon will preside over closed-door hearings on expanding NATO, the most important task he's undertaken in his young Senate career.

As chairman of the Senate Foreign Affairs' European affairs subcommittee, Smith will explore the possibilities and pitfalls of expanding NATO and the potential impact on U.S.-Russian relations.

Smith said he wanted to be sure the Clinton administration carefully weighed the new and costly military responsibilities, as well as the political benefits, that come with NATO expansion.

Flooding in Minnesota may hit a second time

8 MONTEVIDEO, Minn. — People along the lower Minnesota River stacked sandbags and measured the rising flood Tuesday while Montevideo residents watched to see if they would get hit a second time.

About 80 miles downstream, high school students in New Ulm were hard at work piling sandbags along the Minnesota.

The river rose 1.6 feet Tuesday at New Ulm and is expected to crest there on Wednesday. Although the Minnesota was receding at Montevideo on Tuesday, a day after cresting nearly 10 feet above flood stage, experts warned that temperatures warm enough to melt snow on Wednesday mean the river could rise again.

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