

High court joins affirmative-action fray

Shannon McCaffrey

Knight Ridder Newspapers (KRT)

WASHINGTON — The Supreme Court set the stage Monday for what could be a landmark ruling on affirmative action, agreeing to decide whether universities can use ethnicity as a factor in admitting students.

The high court in recent years has chipped away at government affirmative-action programs dealing with such things as government contracts. But it has not spoken on the use of ethnic preferences in higher education in more than two decades, which leaves legal experts wondering how it will rule.

At issue is whether the University of Michigan in Ann Arbor and its law school violated the Consti-

tution by rejecting white applicants while accepting minority students with lower grades and test scores.

If the high court strikes down such public university programs, it would be a near-fatal blow to the use of affirmative action, which was conceived of as a remedy for discrimination. If it supports the university, it could provide a blueprint for how such programs should work.

James Cott, associate director of the NAACP's Legal Defense and Education Fund, called the pending challenges to affirmative action, both involving the University of Michigan in Ann Arbor, the "most important civil rights cases to come before this court in a quarter of a century."

The high court's rulings in the Michigan cases will apply directly only to public colleges and universities. But experts say all schools, public or private, that use ethnicity-conscious admission policies are likely to take cues from the high court's ruling.

The white students who were turned away claim they were discriminated against in violation of federal civil-rights laws that ban ethnicity-based bias, and the Constitution's guarantee of equal legal protection. The university says its intention was simply the enhanced educational benefit that comes when students of diverse ethnic backgrounds live and learn together.

The 6th U.S. Circuit Court of Appeals in Cincinnati ruled in fa-

vor of the University of Michigan's law school in a 5-4 decision handed down in May. The court heard arguments in the undergraduate case but has yet to rule. The high court's decision to hear that undergraduate case before the lower federal court had ruled is unusual.

Attorneys called on the Supreme Court to clear up confusion from its 1978 ruling on affirmative action.

In that case, Allan Bakke, a white man, was turned down for admission to medical school at the University of California at Davis while minorities with lower scores were admitted. The school reserved 16 percent of its admission slots for minorities.

In a 5-4 decision, the Supreme

Court ruled that such quotas were impermissible. But Justice Lewis Powell wrote in a separate opinion that schools could consider ethnicity as long as they did not use quotas. Universities often have used the late justice's opinion as a benchmark for affirmative action. It also has been criticized as vague.

Attorneys in the current case said there was a "sharp and substantial disagreement in the lower courts about the lawfulness of using race and ethnicity as a factor in admissions to achieve a 'diverse' student body."

The court is expected to rule by the end of June.

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Venezuelans strike, seeking ouster of president

Tod Robberson

The Dallas Morning News (KRT)

CARACAS, Venezuela — Venezuela's political crisis deepened Monday as business leaders, labor unions and millions of middle-class consumers joined forces in a nationwide strike — the fourth this year — to demand President Hugo Chavez's ouster.

The increasing radicalization of both sides, underscored earlier this year by a bloody military coup that briefly forced Chavez from power, has prompted calls from Washington and international mediators to find a negotiated solution quickly before the country explodes in civil conflict.

Leaders from both sides as well as

independent analysts acknowledged Monday that the prospect of renewed violence, possibly involving armed conflict, has reached dangerous levels. Chavez deployed troops on the streets of Caracas on Monday, four days after the dismissal of 15 high-ranking military officers who were accused of encouraging civil disobedience.

"There are indications that both sides are arming. The risk of violence is high," said a Latin American diplomat who asked not to be identified. "If the country continues on its current path, Venezuela will be heading toward civil war. I'm not saying it will happen tomorrow, but it is a possibility in the future."

Chavez claims to be fighting for social and economic reforms and the redistribution of the nation's oil wealth among Venezuela's poor. The opposition says he is trying to introduce a Cuban-style communist system.

Monday's strike occurred without violence, although there were isolated reports of confrontation between opposition members and supporters of Chavez. Strike leaders announced late Monday that they would continue their general work stoppage at least through Tuesday.

Earlier, the leader of the nation's largest labor union, Carlos Ortega, appearing alongside chamber of commerce and industry leader Car-

los Fernandez, urged government representatives to return to the negotiating table after talks mediated by the Organization of American States were suspended over the weekend. Both leaders demanded that the government agree to a national referendum on whether Chavez should step down.

Cesar Gaviria, the president of the Organization of American States and the chief mediator in talks between the two sides, said the talks had been advancing toward a negotiated solution until they were suspended over the weekend. He said he was optimistic that negotiations would resume and that an accord was possible.

Gaviria said he was trying to move

both sides toward invoking elections that would settle the issue of Chavez's legitimacy once and for all.

Political observers doubted that the government would agree to an electoral solution along those lines. They said the opposition, likewise, has rejected any solution that would allow Chavez to remain in office.

"Chavez is a proud man. He has made up his mind, and he would never agree to a vote that shows the country how much power he has really lost," said Anibal Romero, a political scientist who supports the opposition.

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Soldiers kill two Palestinians, injure 37 in West Bank

Christine Spolar

Chicago Tribune (KRT)

JENIN, West Bank — When Israeli armored jeeps pulled into the market square Monday, Mutaz Odeh, a husky boy carrying a sack of nuts and seeds for his diabetic dad, moved too slowly to avoid the barrage of bullets that followed.

One sliced through the 15-year-old's back, and Odeh died before reaching the hospital.

His death was one of two Monday in the West Bank — not remarkable

in the two-year-old spasm of unrest between Palestinians and Israelis — but it marked a day of extraordinary calamity for Palestinian civilians.

In Jenin, 23 people were injured by the bullets and shrapnel, according to doctors there. In nearby Tulkarem, a 19-year-old was killed and 14 people injured by shrapnel and bullets fired Monday afternoon by soldiers chasing a suspected militant across a downtown area, witnesses and doctors said.

In both cases, army spokesman

said Monday night, Israeli forces opened fire on Palestinians who were breaking curfew in the center of their cities and, in Jenin, one Israeli soldier was lightly wounded.

The Palestinian Red Crescent organization, which tracks death and injuries from Israeli gunfire each month, claims that, on average in the last six months, about 92 people are injured per month by live ammunition. The West Bank injury toll on Monday comes close to about half of the average monthly total.

Palestinians who saw the shootings in Jenin said soldiers moved into the market as people left their homes to shop for food in anticipation of Eid al Fitr, the first day after Ramadan. In Tulkarem, witnesses said, Israeli forces drove into a crowded market in search of a suspect. Gunfire followed. Among the injured were four teen-age boys, a 10-year-old boy and a 39-year-old woman.

"It's one of the worst days of injuries and shooting that I can re-

member," said Mahmoud Abu Ghadi, director of the General Hospital in Jenin. "We haven't had these numbers in Jenin for a while."

Ahmed Abu Bakr, director of the Thabet Hospital in Tulkarem, said people got caught trying to shop for the feast at end of Ramadan, likely to be Thursday or Friday depending on the lunar schedule.

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Stomach illness strikes on third cruise ship, sickens 200

Tom Stieghorst

South Florida Sun-Sentinel (KRT)

FORT LAUDERDALE, Fla. — The remarkable run of illness on cruise ships continued on Monday, with nearly 200 passengers on the Miami-based Fascination showing symptoms of Norwalk virus.

Passengers disembarking on Monday morning said many people got sick, including some children, on their three-night cruise to the Bahamas.

Vonda Mazzarella sat glumly after

disembarking, still recovering from the effects of the virus. "Vomiting, diarrhea, chills like crazy. I couldn't get warm," said the Pittsburgh homemaker. Her husband, David, a computer consultant, said they visited the infirmary Sunday night.

"There were 176 people signed in at 10 p.m., and they were still coming in," he said.

Health authorities say they can't find a common cause of the outbreak, other than sick passengers. Norwalk virus has hit at least three

ships in the past month. The ships, Amsterdam, Disney Magic and Fascination, sail from different ports for different cruise lines.

Holland America Line's Amsterdam left Port Everglades on Sunday after a 10-day scrubbing. No one was reported sick on Monday, spokeswoman Rose Abello said.

Norwalk is a common gastrointestinal bug spread by personal contact. It can also be transmitted through food or water contamination. About 75 percent of those sick

on Fascination ate in one of two main dining rooms, but that could mean they infected each other, said Steve Williams, Carnival's medical director.

A spokeswoman for the U.S. Centers for Disease Control and Prevention said it was investigating the Fascination illness but it would be at least a few days before it could confirm it as a Norwalk outbreak. Carnival is treating it as if it is, said line President Bob Dickinson.

Separately, the CDC boarded the

Radisson Seven Seas Cruise ship Mariner when it docked at Port Everglades on Monday morning, after it reported that 21 people fell ill from salmonella bacteria on the ship during its 10-day Transatlantic voyage from the Canary Islands.

CDC spokeswoman Susan McClure said the agency was reviewing medical logs on the ship, but that the outbreak appeared to be over.

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