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Lawsuits Opening Local Boards To Blacks

GREENSBORO (AP) — Persistent lawsuits are gradually removing the at-large voting systems blamed for keeping blacks out of local government offices for decades, civil rights leaders say.

Since February 1986, at least 20 lawsuits have been filed against local governments, seeking to replace at-large voting with district elections. Since January 1986, at least 18 city councils, county boards of commissioners and school boards have replaced at-large voting with some type of district voting plan. Most were changed after lawsuits were filed or threatened.

Still another lawsuit, filed in October, seeks to change statewide at-large voting for Superior Court judges. In response, the General Assembly passed a bill changing the way Superior Court judges are elected. The bill created several new districts, in predominantly black areas assuring that black judges would be nominated.

"We have to demonstrate that minorities are on the short end of the stick," said Romallus Murphy, a Greensboro lawyer and associate general counsel of the state chapter of the National Association for the Advancement of Colored People.

One reason for the successes is a U.S. Supreme Court decision last year upholding 1982 amendments to the Voting Rights Act saying it is not necessary to prove intentional discrimination was at work in order to displace at-large elections.

"You don't have to prove

there is a smoking gun — just show there is a problem," said Thad Beyle, a political scientist at the University of North Carolina at Chapel Hill.

The Supreme Court ruled that six multimember, at-large legislative districts in North Carolina were indeed violations of the Voting Rights Act. The court also spelled out exactly what was needed to prove that a government was in violation.

"It makes it much easier," said Jim Wall, an attorney for Legal Services of Lower Cape Fear in Wilmington, which sued the Bladen County Board of Commissioners last month.

"If you have to show what went on inside someone's mind, it's very hard to prove they did intend it," Wall said.

Although blacks make up 23% of the state's population, only about 345 or 8%, of the state's 4,220 local government officials are black, according to municipal, county and school board organizations.

That number, however, is "growing geometrically each year," said George Butterfield, a Wilson lawyer who has filed several voting rights suits.

In Wilson County, for example, there are now three blacks on the county board of commissioners and three on the board of education. Before voting rights suits, no black had ever served on either board, Butterfield said.

While black candidates in past years were elected to the High Point City Council, the nine-member council was all white when the American Civil Liber-

ties Union filed suit against the city. Cities, such as Thomasville and Lexington, where the NAACP filed suits, never have had black council members.

Civil rights attorneys have yet to lose a voting rights case in North Carolina. One-third of the 21 lawsuits filed since early 1986 were dropped when local governments agreed to district voting plans, and more pretrial settlements are expected.

"We have a good track record and we're proud of that," Carolyn Coleman, executive director of the state NAACP, told the *Greensboro News & Record*.

Although the number of North Carolina counties using district voting plans has more than tripled — from four in 1984 to 13 this year — 87 counties still elect commissioners by various methods of at-large voting, according to the North Carolina Institute of Government.

Most city councils and school boards use at-large voting systems. Of 364 North Carolina cities with populations over 500, only 27, including Greensboro and Winston-Salem, have district voting plans, according to the Institute of Government.

Fewer than 20 of the state's 140 school systems use district voting to elect board members, according to the N.C. School Board Association. Thirty-four school boards nominate candidates by district but elect them at large.

Murphy predicted more at-large systems will fall as local black communities become more "sensitized" to the issue.

Counties Drawing Swords Over Hazardous Waste Facility

Durham Meeting Set for Sept. 10

(AP) — Residents of eight counties being considered for a hazardous waste plant are sharpening their rhetorical swords for the fight over final site selection, but the state says some locality will have to take the plant.

In Lincoln County, commissioners hope a \$10 million permit application fee will discourage operators of a hazardous waste plant.

In Reidsville, opponents are using notices bearing a skull and crossbones and the message "Let's Fight Back" in a campaign to keep the plant out of Rockingham County.

Selection of a site for North Carolina's hazardous waste incinerator and treatment plant is due by Oct. 1. State officials say North Carolina has little choice over a federal requirement for the plant. Federal officials say the state will lose federal funds for toxic waste cleanup unless North Carolina equips itself to handle hazardous wastes by 1989.

The 15 sites proposed by the North Carolina Hazardous Waste Commission are scattered among the eight counties. Rowan has six of the proposed sites, Lincoln has three and Iredell, Davidson, Guilford and Rockingham have one each.

Lincoln County commissioners voted Monday to adopt the \$10 million permit application fee for the plant and to require a \$25 million emergency cleanup fund.

In Reidsville, city and county leaders are spending \$6,000 on an advertising campaign, have hired an environmental lawyer and are maintaining that their site is inappropriate. It is in an industrial park one mile from the city limits and near the area's water supply.

"They couldn't put it at a

worse location," Reidsville City Manager Bill Gentner told *The Charlotte Observer*.

In Rowan County, officials boycotted a trip that began Wednesday by the N.C. Hazardous Waste Commission, which is ferrying authorities to hazardous waste incinerators in Plaquemine, La., and Deer Park, Texas.

"The only thing you read about systems like this are problems," says Rowan County Manager Tim Russell. "The state has not provided any information that a facility like this can be handled and operated safely."

State officials, directed by the General Assembly to find a site, are touting it as an economic development tool, saying it will create 35 to 45 jobs and draw industries to the host area.

They also say it's necessary to handle the 130 million pounds of hazardous waste that North Carolina ships out of state each year, mostly to South Carolina. The plant would process wastes such as acids used in etchings or paint thinners and solvents. It would not burn radioactive waste.

"We benefit from the industries that produce hazardous waste," said Hazardous Waste Commission spokesman Kathy Neal. "If we are going to have those facilities, it seems like we must have a facility to treat hazardous waste."

Officials and residents in Rowan County, figuring the odds are 2-in-3 that they might get the plant, are angry. Municipalities throughout the county have adopted resolutions opposing the plant and officials are highly critical of the commission's method of selecting sites.

Even the county's economic

developer, Harry Whalen, opposes the plant. He and other local officials say that Rowan ended up with six sites because of the county's aggressive industrial recruiting effort.

Officials with the state Commerce Department, saying they were looking for a site for a large chemical company, contact counties asking for available sites, in addition to using their own list of sites. Whalen, imagining a Dow or Du Pont, happily complied.

"I've been snookered," he says.

The Rowan delegation's boycott of the three-day trip to Louisiana and Texas troubled state officials. The tour is designed to educate potential host counties, not necessarily convince them to accept a plant, Neal said.

"I think it's unfortunate they have chosen not to send anyone, simply from an information standpoint," she said. "But it's certainly their prerogative and certainly elected officials have to be sensitive to the wishes of their constituents."

Lincoln County's adoption of large permit fees may not work, officials said.

"We have tended to discourage county commissioners from fees that large," says Milton Heath, an assistant director at the Institute of Government in Chapel Hill.

Heath says the commission can challenge local ordinances that would prohibit the plant. He suggested counties could instead enact moderate fees and use local zoning laws to put some restrictions on plant sites.

Meanwhile, state and local officials are gearing up for public meetings to begin next week in all eight counties.



What A Race

Canada's Ben Johnson reacts as he crosses the finish line ahead of United States' Carl Lewis to set a world record and win the men's 100 meters at the Athletics Championship in Rome, Italy Sunday, August 30.

UPI Photo

Jackson To Disclose Presidential Decision Monday

WASHINGTON (AP) — After months of campaigning around the country, Jesse Jackson plans to disclose Monday whether he will be a candidate for the presidency in 1988.

Jackson, who has given every indication that he intends to repeat his 1984 bid for the Democratic nomination, will reveal his decision on ABC-TV's "Good Morning America," and then make a Labor Day swing through three Eastern cities.

"All indications are it's positive," said press secretary Frank Watkins.

Watkins added that the statement Monday is intended to signal Jackson's intentions but not yet officially launch the campaign, which will be done at some later date when he will make a formal announcement.

Thus, while stating his plans on Monday on whether he intends to enter the race, Jackson would postpone until later any official announcement of candidacy.

Jackson's schedule calls for him to start the day with the ABC interview from Pittsburgh, then hold a news conference in that city where he will participate in a traditional Labor Day march. He then will attend a Labor Day picnic in Cleveland with Rep. Louis Stokes, D-Ohio, and then travel to New York for a Caribbean parade and festival, said Watkins.

The decision to be disclosed Monday is another step toward formalizing the campaign that

has been going full-steam ahead for several months as he crossed the country on speech-making tours, participated in rallies, met with political and community leaders and intervened in various labor disputes.

Jackson has had a presidential exploratory committee in place since March, but has held off on any announcement saying he was still in the decision-making stage.

His exploratory campaign has a total paid staff of about 20, which includes about four people so far in the early caucus state of Iowa at the campaign's field office in Greenfield, one staffer in Chicago and his headquarters staff in Washington.

Money has been a problem for the Jackson camp, but two large fund-raising events last weekend in Chicago and New York, brought in close to \$400,000, the campaign said. Watkins said that puts his total fund raising at more than \$1 million so far, all of which has been used to pay bills as soon as it came in.

The campaign's goal is to have raised \$5 million by next March, most of which will qualify for federal matching funds, Watkins said.

Watkins said revealing a decision on running should make it easier to raise money.

Because he has not set up a formal presidential campaign committee, Jackson had not yet reported his finances to the Federal Election Commission, as other presidential contenders

have been doing. Jackson has used his exploratory time to try to broaden his base of supporters by wooing troubled farmers in the Midwest and laid-off factory workers around the country.

Jackson also has been trying to mend fences with some he offended in his chaotic 1984 campaign, namely members of American Jewish communities who were put off by his use of word "Hymie" for Jews and relationship with Black Muslim minister Louis Farrakhan, the Democratic Party establishment which he criticized.

The civil rights activist minister has been courting Democratic Party mainstays moderating some of the flamboyant rhetoric that led some officials to label him divisive. Meeting with party leaders participating in Democratic forums, he has refrained from tacks on party rules which in the past he termed exclusionary.

He has centered his effort time around the theme "economic justice," championing the cause of the downtrodden and attacking the Reagan administration's social and foreign policy record.

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