

NATIONAL

Federal Court Denies Injunction to Overturn Districts

TALLAHASSEE, Fla. (AP) — Three federal judges refused to overturn — at least for this year's elections — the 3rd Congressional District boundaries they drew after lawmakers deadlocked in 1992.

The panel on Monday denied an order sought by a Jacksonville attorney who said U.S. Supreme Court rulings invalidated the 3rd district boundary that meanders through parts of 14 counties and 39 cities and communities.

With primary elections scheduled Sept. 8, said Judge Joseph Hatchett: "We find the public interest to be disserved by granting a preliminary injunction."

Though denying the injunction affecting this year's elections, the judges heard arguments and said

they would rule later on attorney Rod Sullivan's claim that the current district boundaries are invalid.

Sullivan said he hadn't decided whether to file an appeal of the injunction denial, which would go directly to the U.S. Supreme Court.

In 1992, Florida's congressional districts were mapped out by the three-judge panel after lawmakers couldn't agree on boundaries to satisfy Republicans, Democrats, and the federal Voting Rights Act.

Sullivan, representing plaintiffs including Jacksonville radio talk show host and former congressional candidate Andy Johnson, called the resulting 3rd District an example of "racial gerrymandering."

Johnson objected to combin-

ing scattered areas of black strength to form a new district capable of electing a black representative in this case U.S. Rep. Corinne Brown, D-Jacksonville.

"It has changed the political landscape," he argued.

Sullivan said more minority representatives would mean different votes in Congress on controversial subjects such as gun control, health care and policy toward Haiti.

George Waas, representing the Florida Secretary of State's Office, noted Johnson ran unsuccessfully against Brown in 1992, but isn't a candidate in this current election. "Presumably he's not satisfied with his congressional representative's votes on some key issues," Waas said.

That doesn't justify changing district maps, Waas said. "No congressional representative, no senator, can ever vote a single vote that satisfies 100 percent of their constituents. It's an impossibility."

"Corinne Brown remains fully qualified to represent any voter in her district," said Rodney Gregory, an attorney for Brown.

In a statement released later Monday by her Washington office, Brown said she was "very encouraged" by the U.S. district court's ruling. "I have strongly supported the Florida Attorney General's efforts to have this case dismissed as groundless and frivolous," Brown said. "The Court's latest ruling demonstrates the weakness of the plaintiff's case."

The judges said they would also rule later on a motion by Waas to dismiss the complaint.

Sullivan asked the court to order the districts set aside for the current election and order them redrawn by the state Legislature.

Elaine New, attorney for the Florida House of Representatives, said if the court does strike down the districts, lawmakers want the right to make the first attempt to redraw them.

The Legislature would be entitled to reopen the battle over reapportionment without court action, New said. But, she said, "no legislation has been filed to do that."

Taxpayers had to shell out \$1.45 million to lawyers for

Republicans, blacks and Hispanics who sued the state in 1992 as lawmakers tried to agree on districts acceptable to the federal courts and U.S. Justice Department.

But they never agreed on the congressional districts.

"They threw it to us," said U.S. District Judge William Stafford.

In June, in a case involving districts of Florida's state lawmakers, the U.S. Supreme Court ruled that blacks and Hispanics must be able to elect politicians in numbers "roughly proportional" to their share of the population — but shouldn't get special treatment when districts are drawn.

"Why Should I Resign?" asks U.S. Surgeon General Joycelyn Elders

LITTLE ROCK (AP) — Surgeon General Joycelyn Elders scoffs at calls for her resignation, and stands by remarks she has made that prompted criticism.

"I took the job for four years," Elders said Monday. "It's a statutory appointment. Why should I resign?"

Elders, formerly director of the state Health Department, was back home to attend the trial of her son, Kevin, on a drug charge. He was convicted Monday of delivery of a controlled substance, cocaine, in a non-jury trial Monday before

Pulaski County Circuit Judge John Plegge.

The sale took place July 29, 1993, but the surgeon general's son was not arrested until Dec. 19, on a warrant issued a week after his mother suggested at a National Press Club luncheon that the government study legalization of drugs as a possible means of reducing the nation's crime rate.

Such remarks have aroused the ire of conservatives. A United Methodist conference in Florida scrubbed a scheduled appearance by the surgeon general because of

her support for abortion, condoms in schools and studying legalization of drugs.

Cardinal James Hickey, the archbishop of Washington, rebuked her for endorsing gay and lesbian adoptions and for denouncing the religious right's views on homosexuality.

On June 24, 87 House Republicans demanded her resignation, partly because of remarks she made to a homosexual audience two days earlier. Rep. Cliff Stearns, R-Fla., said the surgeon general "should be using this office to fight

sickness and disease and not using this office to fight parents and churches."

During a break in her son's trial, Elders said she tries to educate the public and do whatever else she has to do to improve the health of Americans.

"My job description is to improve the health of all Americans and do all the things that go with that," she said. "You can't keep ignorant people healthy." As for the criticism by Republicans in Congress, Elders replied, "the Democrats are in now."



U.S. Surgeon General Dr. Joycelyn Elders leaving a courtroom in Little Rock, Ark., followed by her son, Kevin, Monday during a break in the trial.

Rick James to Begin Serving Jail Sentence

LOS ANGELES (AP) — A judge rejected Rick James' last-ditch appeal to re-enter a drug rehabilitation program and ordered the funk singer to begin serving a five-year, four-month prison term for attacking two women.

Judge Michael R. Hoff told James on Monday that he was lucky he wasn't headed to prison for a dozen years for violent attacks on a woman at his home and another woman at the St. James Club & Hotel in West Hollywood. The

judge called the shorter sentence a gift.

James, famous for the 1981 hit "Superfreak," was convicted of assault last year in the attacks. The jury was hung on a torture charge that carries a life term.

But before prosecutors could retry James on that count, allegations surfaced that a district attorney's investigator had furnished drugs to a jailed witness who testified against James.

The investigator was not

directly involved in the James case. Deputy District Attorney Andrew Flier said.

Hoff told James before sentencing: "You can thank the D.A.'s investigator for your continued luck."

Because of the scandal and the internal probe, James was allowed to plead no contest to assault charges involving the attack at his home. Prosecutors said James and his girlfriend, Tanya Anne Hijazi, imprisoned and tortured a

woman during a weeklong cocaine binge at his gated house in the Hollywood Hills.

Hijazi, who pleaded guilty to an assault charge and eventually testified against the 46-year-old James, is serving two years in prison.

Under terms of the arrangement, James received a shorter sentence and prosecutors said they would not oppose his entry into the drug program instead of prison.

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