

# California Immigrant Law Contested

BY CAM NGUYEN  
STAFF WRITER

Proposition 187 is still on temporary restraining order two weeks after it was overwhelmingly approved by voters in California.

Proposition 187 is an anti-immigrant ballot measure that would deny all public services to illegal immigrants. The measure would bar illegal immigrants from attending public schools and from receiving social services and non-emergency medical care. It would also mandate that officials enforce the law by requiring people to show proof of legal residency before providing any services.

The measure was initially devised by two former Immigration and Naturalization Service directors, Alan Nelson and Harold Ezell. It was passed by a 59 percent to 41 percent vote on Nov. 8.

Just one day later, a federal judge and a state judge, ruling separately, announced that 187 was unconstitutional and put it on legal hold.

"Judge William Matthew Byrne of the U.S. District Court issued a temporary restraining order that bars any enforcement of Proposition 187 until we get a court date and make our arguments," said Kathy Parrent, spokeswoman for the

American Civil Liberties Union, which has filed suit against the proposition.

There are currently 12 to 14 lawsuits filed against 187, according to Rosemary Jenks, a senior analyst for the Center for Immigration Studies in Washington, D.C. All areas of the measure have been challenged except one that makes document fraud a felony, she said.

Most of the lawsuits regard the provision that bars illegal aliens from attending public schools.

They cite a 1982 case, Plyler vs. Doe, in which the U.S. Supreme Court ruled that a Texas law was unconstitutional because it was a "violation of the equal protection clause of the 14th Amendment to single out illegal immigrants as a distinct class of people who would be denied services offered to all others," according to a press release from the ACLU.

Schools have challenged 187 because they do not want the responsibility of enforcing the law.

"It is difficult for an administrator to say, 'If you can't produce the (proper documents), I can't let you in this school.' It is hard for them to do that," Jenks said.

According to the press release, the judges said public services could not be denied to illegal immigrants until a resolution was reached involving the legality of the issue.

Byrne has scheduled a conference to discuss the case today.

Ron Prince, a drafter of 187 and chairman of Save Our State, a political action committee, said the measure did not involve discrimination but rather politics and the well-being of California.

"It is necessary because our politicians are not responsive to the state but to special interest groups who are profiting from illegal aliens — from cheap labor," he said.

He said the constant flow of illegal immigrants caused problems for legal California citizens.

"We have only so many tax dollars," he said. "When you are spending 10 percent or more on illegal aliens, you are taking from the legal ones."

According to the INS, the total number of illegal immigrants in the United States in 1994 is 4 million, with 40 percent living in California.

However, despite the logical arguments offered in defense of the measure, 187 cannot be passed, Parrent said.

"It is unconstitutional — a state can't set federal law. It's up to federal ruling and Congress; the whole thing should be thrown out," she said.

According to a press release, recently re-elected Republican California Gov. Pete Wilson wants the state government to en-

force 187 and said "the state would fight appeals of the lawsuits all the way to the Supreme Court."

Despite the raging battle between supporters and opponents of 187, both sides could be left with more in their hands than when they first started out.

"This is a good thing. It means the court is receptive to our arguments. They think that there's enough merit that the matter should be put on hold until we give our arguments," Parrent said.

Jenks said 187 was not going to be effective in stopping illegal immigrants from getting into the United States.

"There are ways around it," Jenks said. "There are very little enforcement provisions in Proposition 187."

However, she said this was the first time a grassroots effort involving anti-immigration laws had succeeded in sending a message to Congress.

"At least since 1976, every single national poll has showed that Americans want better enforcement of our immigration laws. Despite all that, Congress has ignored them. Our borders are a joke," Jenks said.

"So I think the significance of this is that it really sends a message to Washington ... This is essentially a cry for help because they have been ignored for so long."

# Gangster Organizations On the Rise in Japan

THE ASSOCIATED PRESS

TOKYO — Just across the tracks from Tokyo's towering City Hall, in a red-light district drenched in neon and alcohol, a local gangster boss bids a visitor farewell with an odd lament.

"Be careful," he says as an underling eyes two monitors showing the outside entrance. "Even I don't feel safe out there alone at night anymore."

Squeezed by three years of recession and intensified police crackdowns, Japan's "yakuza" underworld — which has operations all over the globe — has grown more sophisticated, more unpredictable and more violent.

In a country where guns are banned and safe streets a point of national pride, headlines over the past month have been alarming:

—A waitress is shot in the head during a robbery. The robbers escaped, but police believe they probably got their guns from gangsters.

—Drive-by shootings are reported at the homes of a mayor and deputy mayor and construction company executive in a town in southern Japan.

Police suspect the gangland-style warning was tied to a dispute over a public works project.

—A gangster shoots a real estate developer to death after an argument at a crowded bar just east of Tokyo.

"We are seeing a daily occurrence of gun crime," said Takaji Kunimatsu, head of the National Police Agency. "It's abnormal, and very disturbing."

To law enforcement experts, the trend is

clear. A leaner, meaner underworld is in the making.

According to the National Police Agency, the number of known career gangsters dropped by about 9,000 to 53,000 last year and 157 gangs disbanded.

The agency attributes that trend to Japan's economic slowdown and a set of anti-gang laws that took effect in 1992.

Police acknowledge that no major gangs have gone out of business, no leading figures put behind bars.

The "big three" syndicates — the Yamaguchi-gumi, Inagawa-kai and Sumiyoshi-kai — appear as stable as ever, although membership is down.

The sudden end three years ago to an economic boom fueled by easy credit and heavy speculation in stock and land prices has shrunk their incomes, but gangs continue to take in billions of dollars each year.

"When I was with the police, gangsters weren't generally that rich," said Raitsuke Miyawaki, a former head of the National Police Agency's organized crime division.

"But in order to understand Japan's economy now, you must take the yakuza into account," he said. "They are a potent economic force, and the impact of their money is immense."

The yakuza — the term is derived from slang used in a gambling game and roughly translated means "good for nothing" — derive much of their money from traditional sources — illegal drugs, gambling, extortion, and the trades in sex and undocumented workers from China, Thailand, the Philippines and Middle East countries.

He thought the medians even at 16 feet were too wide," Brown said.

"One of the concerns I have is that we in Chapel Hill do have traffic problems, but a lot of the problems result from cars going too fast. I think that we're opening up the way for a lot of fast traffic coming into our town."

Brown proposed installing a traffic signal light at the intersection of Stateside Drive. "I think that we need to have four lanes, but I don't think that this kind of fast-moving traffic is what we need," she said.

Although the road may eventually be expanded further, Chapel Hill Mayor Ken Brown said the resolution was the appropriate option for the town to pursue.

"I'm uncomfortable with the depth of the median north of Weaver Dairy," Brown said. "I'm uncomfortable with the amount of lanes that ultimately may go there, but I think this is a reasonable way to proceed right now."

## COUNCIL

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ing of the road would do to their property. UNC journalism Professor Raleigh Mann, who lives on Stateside Drive just off N.C. 86, said he was concerned about the loss of his land and about traffic noise as the road moved closer to his house.

Gordon Mitchell, who owns the property across the road from Stateside Drive, said the widening would encroach on his land, destroying the six rental units he owns that occupy the area.

"The DOT right of way will come to the foundation of the buildings," he said. "I went to Raleigh to talk to the DOT, and these plans will destroy these units. Your job will be to weigh the social costs of destroying these units against the costs of building the road."

Council member Joyce Brown agreed that the current plan needed alterations. "When this came before us before, I

# Investigation Inconclusive in 1953 LSD Death

THE ASSOCIATED PRESS

WASHINGTON, D.C. — Pathologists who examined the remains of a germ warfare researcher say they can't tell whether he was murdered or leaped 13 stories to his death days after the CIA gave him an experimental dose of LSD in 1953.

"We didn't find any smoking gun," said James E. Starrs, professor of law and forensic science at George Washington University. "The nonscientific aspects, though, are rankly and starkly suggestive of homicide. There's no other way I can read them."

A final report of Starrs' six-month forensic probe into the death of Frank R. Olson was released in Washington Monday, exactly 41 years after Olson plummeted to his death at the Statler Hotel in New York City.

Olson's relatives initially were told that the biochemist employed at Fort Detrick in Frederick, Md., committed suicide by crashing through the hotel window.

Twenty-two years after his death, however, the family learned that Olson had been given LSD as part of mind-control research the CIA financed during the Cold War. Upset and depressed after the experi-

ment, Olson was rushed to New York to see a specialist who was working with the then little-known hallucinogen.

To resolve suspicions of foul play, Olson's sons, Eric and Nils, had their father's body exhumed in June.

Members of a forensic team led by Starrs could see an appendectomy scar on Olson's well-preserved body, but there was no evidence of the multiple cuts noted on the original autopsy report.

"What explains that he went right out a window that was closed without getting any cuts on his body?" Starrs asked. "It's not inconceivable that someone could have broken the window after he went through to make it appear as if he had gone through a window as a crazy person would."

"I'm skeptical that anyone could clear a radiator, a 31-inch high window sill, pass through a 3-by-5-foot window opening obscured by a drawn shade, all in the darkness of a hotel room at night," he said.

Starrs, who has conducted forensic investigations into the deaths of explorer Meriwether Lewis, the ax-murdered LSD of Lizzie Borden and assassinated Louisiana Sen. Huey Long, also said he was puzzled by a hematoma, a swollen

area filled with blood, over Olson's left eye.

Dr. Jack Frost, deputy chief medical examiner of West Virginia who examined the exhumed body, said he did not believe Olson suffered the injury in the fall.

"It was smooth," Frost said. "If you hit concrete, you're going to see abrasions."

The injury could have come if Olson had rammed his head through the window, Frost said. Starrs said it was also possible that someone hit Olson on the head and threw his body out the window. "But we can't prove it," he said.

Starrs said today he believed the unexplained hematoma raised enough questions to reopen the case.

Toxicology tests on Olson's body tissues showed no evidence of LSD or any other drug, Starrs said.

"That doesn't mean he didn't have any at the time he died or before he died," Starrs said. "It means that, as of now, we can't find any."

Starrs is still awaiting toxicology results on Olson's hair samples.

Scientists had hoped the forensic evidence would provide a definitive explanation of Olson's death, but Starrs still cannot

say for sure how Olson died. However, he said the fact that CIA researchers continue to withhold information raised doubts about whether Olson committed suicide.

For example, Starrs said Sydney Gottlieb, who oversaw the CIA's mind control research during the Cold War, told him he shredded documents detailing the experiments "so they wouldn't be misunderstood."

"I can't see any reason why some of these people will not talk," Starrs said. "Why lie at this point? The only possibility that I can see from all this is that there is a greater wrong than Dr. Olson out there that they are all trying to cover up."

Olson's sons, who attended today's news conference, declined to comment on the results. They said they would issue a statement after they had studied the report and talked about it with a lawyer.

CIA spokesman David Christian said Monday that Olson's death was extensively investigated by Congress and the Executive Branch in the 1970s. In 1974, then President Gerald Ford formally apologized to the Olson family and the federal government gave the family a \$750,000 settlement.

# Experts Wonder What Went Wrong in Yugoslavian Intervention

THE ASSOCIATED PRESS

SARAJEVO, Bosnia-Herzegovina — Just one month ago, outgunned government troops burst from the isolated Bihac corner of northwest Bosnia and pushed Serb forces backward in their most successful offensive of the war.

Government troops were on the offensive elsewhere, too, and the United States was preparing to announce it no longer would enforce an arms embargo against the Bosnian government.

After 2 years of taking it on the chin, the Bosnian government was taking it to the Serbs.

Weeks later, the government's back is to the wall again. Serbs have retaken most of the territory around Bihac, the U.N. peacekeeping mission is in shambles and the U.S. defense secretary has acknowledged that the Serbs have in effect won the war.

What went wrong? Bosnian army miscalculations played a role. But the story of the Bihac campaign also highlights U.N. failure to meet its basic responsibilities in the former Yugoslavia.

Sources in the Muslim-led government's army say planning for the Bihac campaign began two months ago when the United Nations withdrew a unit of French peacekeepers from Bihac and replaced them with poorly trained and under-equipped Bangladeshis.

That was shortly after the government army had routed renegade Muslims and taken control of the entire Bihac region, which was surrounded by Bosnian Serbs to the south and east and by Croatian Serbs to the north and west.

The Bosnian army concluded that the Bosnian Serbs would attack to secure territory for a railroad that could link the Serbian capital of Belgrade with the farthest-flung parts of Serb-held land in Croatia and Bosnia. The Bihac region was the only missing piece in the railroad plan.

Rather than wait for an attack, the government army struck first, taking 100 square

miles of Serb-held territory.

At the same time, the army and its Bosnian Croat militia allies seized the town of Kupres to the south. The Bosnian army was pressing the Serbs in central and northeast Bosnia. The government appeared to be on a roll.

The United Nations did not react to the government offensives, and they were greeted with some satisfaction in Washington, D.C.

That told the Serbs two things: that the United Nations probably would not react to a counterattack, and second, that stronger U.S. backing for the Bosnian government meant there was no sense in fighting only a defensive war to protect what they had captured.

The Bosnian 5th Corps in Bihac was a threat, and Bosnian Serbs concluded they had to contain it.

Government generals expected a Serb

counterattack from the South, which began in the second week of November. What they did not expect was intervention by Serbs from Croatia to the North.

Now, Serb forces are on the outskirts of Bihac, planes based in Croatia have raided Bosnian towns and artillery has shelled Bosnian government territory.

According to the rules under which the United Nations entered former Yugoslavia, none of that should have been possible.

In January 1992, following six months of war in Croatia, the United Nations established demilitarized zones in the one-third of Croatia controlled by Serbs. Most of that territory borders Bosnia.

Heavy weapons in those areas were to be placed under U.N. control. But some weapons never were under control; others were placed in U.N. storage but were broken out again at moments of tension.

The Bihac region includes a U.N.-mandated safe area around the town of Bihac, meaning that NATO could launch air strikes if the area were attacked.

NATO launched two air strikes last week: once to knock out an airfield in Croatia from which Serb planes attacked the Bihac pocket and once to silence Serb anti-aircraft missile batteries that threatened its jets.

But by the time the United Nations acknowledged that Croatian Serbs actually were in Bihac safe area, there was another problem: the United Nations, which decides when NATO planes strike, said the Serbs were so close to the center of Bihac that any air strike would threaten civilians.

And the U.N. commander in Bosnia, Lt. Gen. Sir Michael Rose, said peacekeepers had "never promised to defend anything."

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