

Senate considers circuit breakup

BY KYLE CHORPENING
STAFF WRITER

Confirming Supreme Court nominees is not the only judicial issue inspiring debate in the U.S. Senate.

A bill pending in the chamber would divide the 9th Circuit Court of Appeals into two separate circuits, the latest in a long series of proposals to break up the nation's largest federal appellate court.

The measure, sponsored by Sens. John Ensign, R-Nev., and Lisa Murkowski, R-Alaska, would leave California, Hawaii, Guam and the Northern Mariana Islands in the 9th Circuit.

A new 12th Circuit would be created to encompass Arizona, Alaska, Oregon, Washington, Nevada, Idaho and Montana.

Jack Finn, communications director for Ensign, said the circuit is too large to provide effective service for all the states under its jurisdiction.

"The 9th Circuit has grown too

big and is burdened by its caseload," Finn said. "This is delaying justice for Americans."

Finn cited the 9th Circuit's case backlog as a primary justification of the move to split the court.

The 9th Circuit saw 14,274 cases filed in 2004, more than triple the 4,408 case average for the other 11 circuit courts nationwide.

Like previous attempts to separate the 9th Circuit, the latest bill lacks support among the court's judges or from the American Bar Association.

The ABA submitted a statement last month to the Senate Subcommittee on Administrative Oversight and the Courts arguing that the circuit is able to meet the growing demand.

"No compelling evidence exists to support claims that the 9th Circuit needs restructuring," it said.

The ABA cited statistics indicating the circuit went through 8.3 percent more cases in 2004 than

in 2003, even as the total number of cases increased by 10.9 percent.

Dave Madden, assistant circuit executive for the court, said an increased workload is not unique to the 9th Circuit.

"All the courts have seen an increased caseload," he said. "Ours is primarily in the area of immigration appeals."

He said that since the Sept. 11 terrorist attacks, immigration appeals have been made a priority, and much of the backlog results from these cases.

"I don't really think this is a long-term problem for the court," Madden said.

The ABA statement noted that the 9th Circuit is second fastest in the nation with regard to median time between the first hearing and final disposition of each case, about 1.2 months.

Pamela Karlan, law professor at Stanford University, said there are two questions that need to be addressed about any potential

split.

"One is, 'Would it increase the likelihood of more splits being passed?', and the answer to that is, 'Yes,'" she said.

"The other is what to do with California. One of those districts would end up as California and one other state."

Robert Schapiro, professor of law at Emory University, said any new circuit would require time to establish its own unique case history.

"I don't think it will have a dramatic effect, but there will be an issue of how precedent will be considered in the new district," he said.

Regardless of whether Congress decides to divide the court, the process will take a significant effort, Schapiro said.

"There really is no easy solution here."

Contact the State & National Editor at stntdesk@unc.edu.

FOY

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has made ours a strong one."

Foy's campaign was, for most of the election season, relatively uncontested. After a late entry, Wolff — who recently moved to the area from Virginia — remained under the radar until the final weeks of campaigning.

"I'm actually shocked that people voted for (Wolff)," council member Cam Hill said. "It's kind of insulting to the town."

Foy's platform has focused largely on strengthening town-gown relations, bettering the downtown sector and advocating affordable housing and careful growth in projects such as Carolina North, the University's proposed satellite campus.

Many major players in those issues showed up to the party to voice their support for Foy.

"I think Kevin's a great mayor," said Robert Dowling, executive director of the Orange Community Housing and Land Trust. "He's been clear on the big issues."

Foy, a 49-year-old lawyer born in Ohio, has lived with wife Nancy in Chapel Hill since the 1980s. He graduated in 1979 from Kenyon College with a degree in history and later studied law at N.C. Central University.

He first was elected to Chapel Hill municipal office in 1997, when he won a seat on the Town Council.

This election cycle saw Foy net endorsements from all corners of the local political spectrum: The Independent Weekly, The Chapel Hill News, Students for a Progressive Chapel Hill and The Daily Tar Heel, to name a few.

Foy said he would work to address the concerns of Wolff voters.

"I think a lot of successful leadership requires not just working with people who agree with you, but also people who don't agree," he said. "We need to work in a harmonious way."

Foy's friends and colleagues left his party Tuesday night with a clear message for the incumbent.

"Things seem to be heading in the right direction," said Charlie Lancaster, Foy's campaign treasurer. "He really cares about the town."

"I think he'll do just fine."

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CHILTON

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Soon after his wife and two sons left the Open Eye Café to go home to bed, Chilton received the notice from Zaffron, who gathered with supporters just around the corner at the Orange County Social Club.

"I'm not going to change my role as an advocate," Zaffron said of what he hopes to accomplish with his remaining two years in office as an alderman.

"I want to make our downtown a regional center of culture," he said.

Many watching the race said the choice came down to a personality contest, and neither candidate was clearly a front-runner.

The subdued atmosphere at the dimly lit Social Club contrasted sharply with the bright, loud Open Eye, where children with balloons wound through the legs of campaign volunteers and photographers.

Chilton said that when preparing his comments, he decided that, win or lose, he was honored to share a ballot with Zaffron.

"I'm really proud to call Alex a friend of mine," Chilton said, adding that he is certain he can continue to work well with Zaffron.

"He's a really passionate fighter for the things that he believes in," Chilton said of his opponent.

Re-elected Alderman John Herrera, who waited with Chilton for results, said he thinks Chilton realized that he needed to ask for every vote.

"I think he really knows how to run a campaign," Herrera said. "He's a maestro."

Chilton attributed much of his success to knocking on as many doors as possible.

"I think people really responded to the personal contact," he said. "I listened to everyone's concerns. My big challenge now is to deal with all of those concerns."

Zaffron joked that what his campaign lacked was straw hats, a reference to Chilton's favored headwear.

"Clearly, we just didn't have enough straw hats," Zaffron said.

He said that one of his goals for the remainder of his tenure on the board is to continue working on affordable housing.

"It's an issue where Mark and I don't disagree," Zaffron said.

"Over the last few years we've cobbled together a series of ordinances that are starting to show some effect."

Chilton and Zaffron had struggled throughout their campaigns to differentiate themselves.

The two rarely have been on opposing sides of an alderman vote, though they notably disagreed on the decision to annex two tracts of the town's northern transition area into Carrboro in January.

Other town leaders were out Tuesday to show their support for both candidates.

Mayor Mike Nelson, who is giving up his seat after 12 years as mayor, said he was happy to witness an election season without taking part.

"No matter who wins tonight, I'm the big winner," Nelson said.

Before she left, Alderman Joal Broun warned Chilton's wife Quaker to enjoy her last few glimpses of her husband and to ask for gifts to make up for the time his new role will require.

"Now is the time to ask for bigger jewelry and a bigger car," Broun joked.

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TOWN COUNCIL

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affordable housing and wireless Internet access.

She felt a positive kind of stress during her first campaign, she said. "It was lots of fun. You feel good when you accomplish things along the way: your first forum, your first questionnaire."

Kleinschmidt showed his eagerness to work with his new colleague. "I'm so proud of her I could bust my gut," he said. "She put together a great campaign as a challenger and kicked my ass."

Kleinschmidt said his message of making Chapel Hill accessible to all races and classes resonated with voters. "Affordable housing is

a strong priority, along with downtown and townwide economic development," he said.

There had been almost no negative campaigning among candidates, Kleinschmidt stressed. "It seemed like we were speaking off the same page."

But he remarked that residents' interest in the elections was not as intense as in 2001, when he was first elected. That year the hotly contested mayoral race had drawn attention, he said.

Along with Kleinschmidt, Harrison also was elected to a second term. "We've been a generally successful council, and I think that will continue," he said. "It's a group that can work together."

He said he planned to work on

issues he fought for during his first term, such as transportation. "I'll be starting at 9 a.m. tomorrow," he said. "There's not much of a break."

Thorpe also knows what he wants to start work on immediately: an internship in town government for college students. He hopes to set up such a program by January.

Thorpe said he is proud to be back on the council. "I'm ready to get back to local politics. I want to serve the community."

Outgoing council members had advice for their successors. Verkerk said she wants to see continued improvements in town-gown relations. "We are an old married couple," she said of the town and University. "Divorce is not an option. And who really suffers in a

divorce? The children."

The candidates who didn't make it this time reflected on some things they might have done differently.

Fifth-place finisher Will Raymond received 2,332 votes and said that he was pleased with his campaign but that he regretted not trying to raise money until late September.

Raymond also said that it had been difficult to tell if voters were aware of the issues and that incumbents' voting records had not been properly examined.

He said he had addressed issues such as municipal networking.

Baker, a University student who finished last with 1,237 votes, also said the hardest part for him was raising money. "I have a hard time asking people for money," he said.

Baker said that although he was disappointed with the results, the campaign had been the best experience of his life. "I've learned more from my four or five months on the campaign trail than any political science class I've ever had."

Baker said he thought it unlikely that he would run again next time.

Robin Cutson came in sixth with 1,618 votes.

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ALDERMEN

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longtime friend, Melva Okun.

Haven-O'Donnell received 32 more votes than incumbent Herrera — or 1,273 votes.

"I'm glad for every minute I've poured into Carrboro, and now I have so much more to give," Haven-O'Donnell said.

"I saw this as the next step in community service," she said. "Giving to my community means a lot to me, and this is about being capable."

Herrera celebrated his re-election with Mayor-elect Mark Chilton at the Open Eye Café downtown, checking elections results on his

Blackberry.

"At the end of the day, all politics are local," Herrera said.

To fill the seat left by Chilton's promotion, the new board will select a fourth person in January based on an application process.

Katrina Ryan, who finished fourth, with 731 votes, said she likely will not apply for the spot because she doesn't think current aldermen will run a fair, open application process and won't want input from northern Carrboro residents.

Still, she said she was proud of the campaign and her decision to run.

"We had a campaign that was based on reaching out to a lot of people who have been disconnected from Carrboro government," she said.

Catherine DeVine, who received 600 votes, said she plans to apply, while sixth-place finisher David Marshall said he will decide in the next few days.

Sen. Ellie Kinnaird, D-Orange, encouraged Marshall, telling him, "We need you, and we want you."

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THE Daily Crossword

By Philip J. Anderson

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ACROSS

- 1 Largest of our seven
- 5 Sacred service
- 9 Bed supports
- 14 Uncool kid
- 15 The same, on the Seine
- 16 Wilkes-___, PA
- 17 Gambler's choice
- 20 Anti-inflammatory drug
- 21 Med. sch. subj.
- 22 Colorful chalcidony
- 25 Experiment
- 27 Ripen
- 28 Side-to-side
- 31 Family of Indy winners
- 33 MOMA word
- 34 French Open champ
- 38 Gambler's choice
- 43 Disciple
- 44 Stroke gently
- 46 Shells and elbows
- 49 Small trading units
- 52 TV brand
- 53 "Peter Pan" pirate
- 57 Rajah's wife
- 58 Pac-10 team
- 60 Tumbler
- 63 Gambler's choice
- 68 Ms. Lauder
- 69 Lustful look
- 70 Hosiery hue
- 71 Stone pillar
- 72 Not working
- 73 Paper quan-

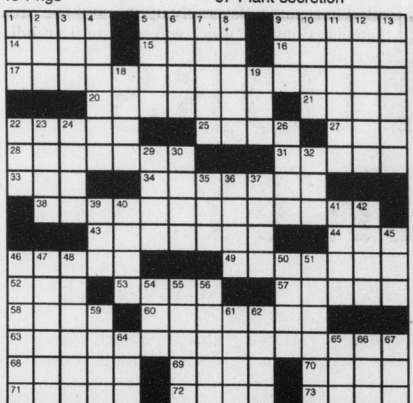
DOWN

- 1 Picnic invader
- 2 ___ of Marmara
- 3 Nettle
- 4 "___ Fideles"
- 5 Bundle of nerves
- 6 Sikorsky of helicopters
- 7 Fortune deck
- 8 Songwriter Greenwich
- 9 Mom-&-pop store grp.
- 10 Red hot flower?
- 11 Sites for fights
- 12 Process for sorting injured
- 13 Hunting dog
- 18 Way of old Rome
- 19 Begley and Meese
- 22 C.S.A. state
- 23 John Irving character
- 24 Aleutian island

- 26 Ballerina's skirt
- 29 Dog food brand
- 30 Country on the Mekong
- 32 Kind of profit
- 35 PC monitor element
- 36 Norway capital
- 37 Cast off
- 39 Create lace
- 40 Arrow-poison tree
- 41 Current (with)
- 42 Rose of Reds
- 45 Mao ___-Tung
- 46 Prigs

- 47 Confront
- 48 Military gesture
- 50 Dang!
- 51 Shaving foam
- 54 Actress West
- 55 Pathogenic bacteria
- 56 Goofed
- 59 Seth's brother
- 61 Like Nash's lama
- 62 Endured
- 64 Grant or Majors
- 65 Rink surface
- 66 Gun lobby
- 67 Plant secretion

SMOGE DUDE VOLEES
HIVE ATOMICPILE
ALOE DEMOCRATIC
RAISE ETO LEEES
INDEPENDENT
APO SICKLE
ANNA EURO VANED
PEOPLENOTVOTING
BASSO SITE STAY
STEELS ESC
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ORAL LAM BOBBY
REPUBLICAN NEAL
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- Ray Boshara, New America Foundation
- Anna Burger, Change to Win
- Bruce Katz, Brookings Institution
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BASKETBALL

PREVIEW

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