

Bush attempts last-minute compromise

Civil rights bill would force employers to qualify hiring practices

By MIKE ROBINSON
Associated Press Writer

WASHINGTON, D.C. — President Bush sought to renew negotiations with Democrats yesterday on major civil rights legislation, floating a compromise designed to fight job discrimination without leading to hiring quotas.

Democratic sponsors of the bill said they would consider Bush's offer in hopes of agreeing on legislation he would sign.

"The president wants us to sign a bill and he wants us to work it out," Sen. John Danforth, R-Mo., told reporters at the White House after he and other GOP senators met with the president.

The behind-the-scenes negotiating involved the bill at the top of civil rights groups' agenda for the year. The measure would overturn five Supreme Court rulings.

Provisions of the bill range from a ban on racial harassment in the workplace to punitive

damages for victims of intentional discrimination.

Most of the controversy, however, has surrounded a provision making it easier to challenge employment practices whose effects fall disproportionately on minority groups.

The Supreme Court's decision in a case involving hiring at a salmon cannery in Alaska held that such practices do not violate the law unless those filing suit can show they were not motivated by business necessity.

The bill, sponsored by Sen. Edward M. Kennedy, D-Mass., would require the companies to prove that the practices involved did represent business necessity.

The Bush administration and other critics of the Kennedy measure say it would guarantee that businesses would turn to minority hiring quotas to avoid the costs of civil rights lawsuits. Danforth told reporters at the White House

that Bush had given his approval to the proposed last-minute compromise.

The specifics were not immediately learned but there were reports of dissatisfaction in both the business and civil rights communities within an hour after Danforth left the White House with Sens. Arlen Specter, R-Pa., and James Jeffords, R-Vt.

Business and civil rights forces said they understood the measure was similar to one that Kennedy and White House Chief of Staff John Sununu had discussed last Thursday and which at that time brought them close to a compromise agreement.

Kennedy and Sununu met again on Capitol Hill Tuesday night but broke up around midnight without reaching an agreement.

On the floor, senators debated a move by Sen. Nancy Landon Kassebaum, R-Kan., to replace Kennedy's measure with a less stringent version.

Her measure would make it easier for companies to win cases in which the negative impact of employment practices fell in heavier than average measure on minority groups.

It would allow courts to award up to \$100,000 to victims of job bias but deny them the right to seek punitive damages in a jury trial.

"This is not the civil rights bill that our country needs," Kennedy said.

Civil rights leader Jesse L. Jackson met with Majority Leader George Mitchell, D-Maine, Tuesday morning and told reporters afterward that Bush was wrong in calling the measure "a quota bill."

"Quota" is a very loaded term . . . that does not inspire hope in anybody, and so just as we appealed to him to stop using Willie Horton as a loaded race signal in the campaign, we urge him not to use quotas as a loaded race signal in the civil rights debate," Jackson said.

Here are the major provisions of the civil rights bill under debate on the Senate floor. The bill:

- Prohibits harassing, firing or otherwise discriminating against employees because of their race.

- Requires employers to justify employment practices whose negative impact falls disproportionately on minority groups by proving in court that they are based on business necessity.

- Bars lawsuits challenging court-approved, fair-employment agreements except in a few unusual instances.

- Makes illegal any reliance on prejudice in making employment decisions.

- Grants all victims of intentional discrimination the right to sue for compensatory damages and, in the most serious cases, punitive damages.

- Eases the way for court challenges to discriminatory seniority plans.

Thousands flee from quake area after aftershocks

By CLARO CORTES
Associated Press Writer

BAGUIO, Philippines — Hundreds of thousands of people fled their homes yesterday after four strong aftershocks shook the earthquake-devastated north. The death toll from the quake reached 376 as more bodies were discovered.

Many people bitterly complained that rescue efforts were poorly organized and ineffective.

"People are losing hope, simply because they haven't received any assistance from the national government," said Ronnie del Moro of the GMA television network, reporting from the town of Agoo in La Union province.

In La Union and Tarlac provinces, thousands of people slept in cars and in their yards because of damage to their homes and fears of another quake. Huge fissures of up to half-a-mile cut highways throughout the area.

In the mountain resort of Baguio, where at least 82 people were killed by Monday's quake, one woman approached visiting military Chief of Staff Gen. Renato de Villa and complained about the rescue efforts.

"These are all piecemeal measures!" the unidentified woman shouted as President Corazon Aquino's spokesman Tomas Gomez tried to pacify her with promises that help was on the way. "Why now, why only now?" she asked. Gomez gave no answer.

The aftershocks delayed the search for survivors in several hard-hit areas.

Two measured 6.3 and 5.8 on the Richter scale of ground motion, according to the U.S. Geological Service in Golden, Colo. There were no precise readings for the other two. Monday's quake measured 7.7, the worst to hit the Philippines since 1976.

In Baguio, hardest-hit by the earthquake, thousands of people began fleeing after the aftershocks. They carried their belongings with them like war refugees.

Scores of people jammed the airport in hopes of leaving the city aboard military helicopters that were ferrying supplies from an air base in a nearby province.

Thousands remained camped in city parks, many with only umbrellas for shelter in the frequent thunderstorms.

"We will just walk," one woman said. "It's dangerous on the road because of the landslides. But it would be much safer than staying indoors. We will be spending the night on the road."

At the Hyatt Hotel, which collapsed in the earthquake, Clarita Gonzales tearfully called out with a megaphone for her 5-year-old daughter trapped in the rubble with her nanny.

"If you are still alive please tap," Mrs. Gonzales sobbed.

In all, eight hotels and 19 other major buildings were destroyed or heavily damaged in Baguio. About 1,500 Americans live there.



Rescue workers continue their operation for a third day at Hyatt Hotel in Baguio after it collapsed due to Monday's earthquake. At least 382 people are dead, 82 from

Baguio. Hundreds more are injured. Four aftershocks yesterday caused people to flee their homes.

Jersey court rules garbage is private, warrant needed

By THOMAS MARTELLO
Associated Press Writer

TRENTON, N.J. — In New Jersey, at least, trash is sacred.

The state's highest court, despite a U.S. Supreme Court ruling in the other direction, says police need a search warrant to rummage through someone's garbage cans, even those at the curb.

"Garbage reveals much that is personal," the state Supreme Court said Tuesday.

Supreme courts in about a dozen other states have agreed with the U.S. Supreme Court that garbage is part of the public domain.

Rubbish! said the New Jersey court, joining only Hawaii in requiring warrants before the law may get within arm's length of a person's trash.

"Undoubtedly many would be upset to see a neighbor or stranger sifting through their garbage, perusing their discarded mail, reading their bank statements, looking at their empty pharmaceutical bottles, and checking receipts to see what videotapes they rent . . ." the court said over the objections of law enforcement officials.

Garbage, which New Jersey produces at the rate of 10 million tons a year, should "remain private from the meddling of the state," the justices said in the 5-2 ruling.

Law enforcement officials say the ruling will offer new protections to criminals. Civil libertarians praised the court's stance.

Trash seems at times to envelop the lives of residents of New Jersey, the most densely populated state. Landfills are bulging but the state has few

places to put new ones. About 55 percent of its trash goes to other states for burial. Separation of newspapers, glass and aluminum cans for recycling is mandatory.

In 1988, the U.S. Supreme Court ruled in a California case that "people lose any reasonable expectation of privacy in their trash by leaving it in bags alongside the street, because such garbage is vulnerable to an unscrupulous person or scavenging animal."

Courts in Alabama, Arizona, Iowa, Massachusetts, Michigan, Nebraska, Ohio, Oklahoma, Pennsylvania, Washington and Wyoming have backed this decision.

The New Jersey court not only said the state Constitution affords residents greater rights to privacy than the U.S. Constitution, it fired a broad-

side at the reasoning behind the federal ruling.

"There is a difference between a homeless person scavenging for food and clothes, and an officer of the state scrutinizing the contents of a garbage bag for incriminating materials," New Jersey's justices said. "A free and civilized society" would not allow police to "pick and poke their way through . . . the vestiges of a person's most private affairs."

The ruling came in response to two cases where police had seized drug paraphernalia and traces of illegal drugs from defendants' trash. The ruling upheld one lower court decision that barred evidence found in garbage, and ordered a new trial for a man who had been convicted with evidence found in his trash.

Court rules inmate must be force-fed

By RICH KIRKPATRICK
Associated Press Writer

HARRISBURG — Commonwealth Court yesterday continued its preliminary order that killer Joseph Kallinger can be force-fed to prevent him from starving himself to death.

After a hearing, in which Kallinger instructed two attorneys to argue both sides of the right-to-die issue, Judge Dan Pellegrini gave attorneys until next Tuesday to prepare written arguments.

Kallinger, who last year declared himself a born-again Christian, has said he has seen God in a toilet and the Holy Spirit told him it was time to die. He began a hunger strike June 22 at Farview State Hospital.

Kallinger, a Philadelphia shoemaker convicted in 1976 in New Jersey for killing a nurse as part of a bizarre crime spree there and in Pennsylvania, has been serving his sentence in Pennsylvania and has been shuttled between Huntingdon state prison and Farview in Wayne County.

Philadelphia attorney David Ferleger, who represents Kallinger in a federal lawsuit demanding that he be kept at Farview, said Kallinger told him Friday to argue that the state must legally keep him alive against his wishes.

But Kallinger's court-appointed attorney, Jeffrey Wander of Honesdale, Wayne County, said yesterday he had talked to Kallinger Tuesday and Kallinger wants the right to starve himself to death. "Joe told me to do everything I can to see that he was not force fed or medicated," Wander said before yesterday's hearing.

Phone records show that Barry called drug sources

By RICHARD KEIL
Associated Press Writer

WASHINGTON, D.C. — More than 2,000 calls were placed from Marion Barry's car phone over a four-year span to homes or businesses of friends who have admitted or been accused of drug involvement with him, a police detective testified yesterday at the mayor's drug and perjury trial.

The list covered calls, beginning in early 1986, to 10 people who have testified — or been accused in other witnesses' testimony — of supplying drugs to Barry, using drugs with him and seeing him use them. District of Columbia Detective James Pawlik said.

His testimony came as prosecutors neared an end to their month-long case in which they have portrayed the mayor as a regular drug user who lied to cover up illegal narcotics activity. R. Kenneth Mundy, Barry's attorney, has promised "lots of surprises" from the dozen defense witnesses he plans to call.

On cross-examination, Mundy attempted to put the calls into context by getting Pawlik to testify that Barry made at least 20,000 car telephone calls

during the period for which the records were examined.

Pawlik also testified that the records do not make clear that it was Barry who actually placed the calls, or, in cases when calls were placed to a business, whether Barry was speaking to witnesses who have testified against him.

The detective said the records did not include local calls made from Barry's home. And there were also four months in 1986 for which the telephone company could not produce records for Barry's car telephone, the detective testified.

Pawlik told the court that Barry made 358 calls to former model Rasheeda Moore, 573 to former girlfriend Theresa Southerland, and 508 to another woman, Bettye Smith.

Southerland has testified that she used drugs repeatedly with Barry, and Smith, who described the mayor as "a close personal friend," made similar statements in court Tuesday.

The telephone records also show that Barry made 243 calls to restaurateur Hassan Mohammadi and 148 calls to local attorney Lloyd Moore. Mohammadi has testified that he and Barry used cocaine, marijuana and opium together.



Violence

A body is removed from the scene of an accident where a bus plunged down the embankment. The accident was caused when the bus was fired on yesterday in faction fighting, killing 28 and injuring 56 people.