

## Appeals court allows California recall vote

By David Kravets  
THE ASSOCIATED PRESS

SAN FRANCISCO — With stunning decisiveness, a federal appeals court Tuesday unanimously put California's recall election back on the calendar for Oct. 7, sweeping aside warnings of a Florida-style fiasco two weeks from now.

The American Civil Liberties Union, which had sought a postponement, said it would not appeal to the U.S. Supreme Court, removing the final legal roadblock to the recall and setting up a 14-day sprint among the candidates in the historic election to remove Gov. Gray Davis.

The 11-member panel of the 9th U.S. Circuit Court of Appeals swiftly overturned a decision issued last week by three of the most liberal judges on the court.

The three judges had postponed the election until perhaps March to give six counties more time to switch over to electronic voting systems from the error-prone punch-card ballots that caused the recount mess in Florida during the 2000 presidential election. The panel repeatedly cited the Supreme Court's Bush v. Gore decision that effectively decided the 2000 election.

The more conservative 11-judge panel acknowledged that allowing the election to go forward now could cause some votes to go uncounted. But the panel said that the candidates, the voters and the state have already spent a huge amount of time and money on the assumption the election would be held Oct. 7.

If the election is postponed, the court said, "it is certain that the state of California and its citizens will suffer material hardship by virtue of the enormous resources already invested in reliance on the elections proceeding on the announced date."

"In short, the status quo that existed at the time the election was set cannot be restored because this election has already begun," the court said in a ruling issued less than 20 hours after the panel heard arguments.

The judges acknowledged the possibility of lawsuits after the votes are in and counted, saying the ACLU is "legitimately concerned that use of the punch-card system will deny the right to vote to some voters who must use that system."

But the court added: "At this time it is merely a speculative possibility, however, that any such denial will influence the result of the election."

Some observers thought a delay would have benefited Davis by allowing voter anger over the state's problems to cool, and because many Democrats would be drawn to the polls for the presidential primary in March.

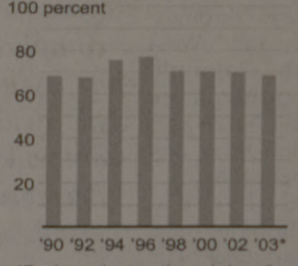
But even Davis said in recent days that he wanted to see the election go forward next month, and campaigns from both parties hailed the court's decision.

"I think we have the momentum and I think we should strike while the iron is hot," the governor said while campaigning with presidential candidate Sen. Joe Lieberman. "I think people are deciding as the date narrows, as the date is around the corner,

### Recall limbo didn't deter registrations

Thousands of people registered to vote as late as Monday, the last day to register, California election officials said. Los Angeles County had 7,000 registrations in a seven-hour span despite the unclear fate of the recall election at that time. Officials haven't yet released statewide data that includes Monday's new voters.

#### Percent of eligible voters that are registered to vote



\*Registered voters through Aug. 8

SOURCE: California Secretary of State AP

that this is not good for California. I'd rather have the election now."

Arnold Schwarzenegger, the leading Republican in the race, said: "This legal process has made clear that a March election would deprive the people of California the opportunity to vote without delay and without confusion. It is time for the legal wrangling to end."

Davis, a Democrat, has seen his approval ratings sink for his handling of California's ailing economy and energy crisis. Lt. Gov. Cruz Bustamante is running as a fallback Democratic candidate if voters oust Davis, and Republicans Schwarzenegger and state Sen. Tom McClintock are

among 135 candidates also campaigning for Davis' job.

Legal scholars had predicted Tuesday's outcome, if not a unanimous vote. A day after the three-judge panel delayed the vote, the court announced it would reconsider the case with 11 judges — a sign the court has misgivings.

The 11 judges — none of whom were on the original three-judge panel — based the decision on the California Constitution, not any precedent set by Bush v. Gore.

Among other things, the court cited the time and money that have been spent to prepare voter information pamphlets and sample ballots, mail out absentee ballots, and hire and train poll workers.

It noted that candidates have raised money and "crafted their message to the voters in light of the originally-announced schedule and calibrated their messages to the political and social environment of the time."

Also, it said that if the election is postponed, the hundreds of thousands of absentee voters who have already cast their ballots "will effectively be told that the vote does not count and that they must vote again."

Dorothy M. Ehrlich, the ACLU's executive director for Northern California, said the ACLU will not pursue its case to the Supreme Court.

"With the election just two weeks away, we do not believe we should prolong the uncertainty any longer," she said. "At this point it is important that the candidates, the campaigns and the voters know that the election will be held on a date that is certain."

## World leaders demand collective efforts

By Edith Lederer  
THE ASSOCIATED PRESS

UNITED NATIONS — Meeting for the first time since the United States went to war against Iraq without U.N. authorization, world leaders on Tuesday criticized President George W. Bush's policy of "pre-emptive" military strikes and demanded that conflicts and global threats be resolved collectively by all nations.

The fallout from the divisive Security Council battle over the war, which sidelined the United Nations after more than a decade of trying to disarm Saddam Hussein, was a focal point of every speech on the opening day of the U.N. General Assembly's annual ministerial debate.

Despite lingering differences over the war, nations rallied behind Secretary-General Kofi Annan's call to join forces to build a peaceful democracy in Iraq, but sharp differences remained over the timetable and the U.N. role.

French President Jacques Chirac, who led the opposition to the war, criticized the United States for launching a war without U.N. approval and undermining the international system of collective security. That system, he said, must now be modernized and restored.

"The war (in Iraq) has created far more problems than those it intended to solve," Chirac said.

— Megawati Sukarnoputri  
Indonesian President

The problems facing the world today — including Iraq — can be addressed only in a multilateral forum like the United Nations, which guarantees "legitimacy and democracy, especially in matters regarding the

use of force or laying down universal norms," he said.

South African President Thabo Mbeki said Iraq raised questions about "the very future of the United Nations." He said it was a test of whether the world body enjoyed the confidence of the world and was capable of being "the principal guarantor of international peace and security."

"The poor of the world expect an end to violence and war everywhere," Mbeki said. "For us, collectively, to meet these expectations, will require that each and every one of us, both rich and poor ... commit ourselves practically to act. This includes the most powerful."

Annan set the stage for the two-week session, challenging the 191 U.N. member states before they arrived to re-examine the way the international community is dealing with wars, terrorism, poverty and other threats to international security. He urged world leaders not to shy away from recommending "radical" changes — including to the United Nations.

His call brought 86 presidents and prime ministers, three vice presidents, 99 foreign ministers, and three heads of delegation to U.N. headquarters, a very large turnout for the annual session. Chirac said it "definitely shows that the U.N. is not discredited as some have tried to say or have

us believe."

In his keynote address at Tuesday's opening, the secretary-general criticized Bush's "pre-emptive" attack on Iraq, warning that unilateral action could result in a proliferation

### World leaders debate rebuilding Iraq

In the first gathering of the U.N. General Assembly since the United States invaded Iraq and ousted Saddam Hussein, world leaders are debating how to handle the postwar transition.

	ON THE WAR	ON POSTWAR IRAQ
United States President George W. Bush	"The deadly combination of outlaw regimes, terror networks and weapons of mass murder is a peril that cannot be ignored or wished away."	"This process must unfold according to the needs of Iraqis — neither hurried nor delayed by the wishes of other parties."
French President Jacques Chirac	"In an open world, no one can isolate themselves, no one can act alone in the name of all."	The transition needs to be conducted "according to a realistic timetable." "The transfer of sovereignty to the Iraqis, who must have sole responsibility for their future, is essential for stability and reconstruction."
U.N. Secretary General Kofi Annan	Bush's "pre-emptive" attack on Iraq "could set precedents that result in a proliferation of the unilateral and lawless use of force, with or without credible justification."	The U.N. is "prepared to play a full role" in Iraq "as part of an international effort." "If it takes extra time and patience to forge ... a policy that is collective, coherent and workable, then I ... would regard that time as well spent."

SOURCE: Associated Press

of unlawful attacks "with or without credible justification."

He underlined that all nations should collectively address the threats that prompt pre-emptive action — terrorism and weapons of mass destruction.

Indonesian President Megawati Sukarnoputri pointedly began her address with praise and gratitude for the United Nations from the world's largest Muslim nation and strong criticism for "the big powers" for their attitudes toward Islamic countries and for failing to resolve the Israeli-Palestinian conflict.

"The war (in Iraq) has created far more problems than those it intended to solve," she said. "I do believe that a great many lessons can be learned from the Iraq war."

Rejecting unilateralism, she said all nations "must have the courage to review, revitalize and empower" the United Nations and other regional institutions to strengthen international cooperation.

Brazil's President Luiz Inacio Lula da Silva said the impasse over reconstruction in Iraq "can only be overcome under the leadership of the United Nations — leadership not only in re-establishing acceptable security conditions, but equally in guiding the political process toward the restoration of Iraqi sovereignty as soon as possible."

"We must not shy away from our collective responsibilities," he said. "A war can perhaps be won single-handedly. But peace — lasting peace — cannot be secured without the support of all."

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