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By LISA W. FODERARO

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NEW YORK, Aug. 17 — A Federal appeals panel here subjected both sides in the Yonkers desegregation case to hard questioning today as the city and four councilmen appealed a judge's contempt order against them. The panel then extended the suspension of fines against them until it issues a ruling.

The three judges from the Second Circuit of the United States Court of Appeals, who are hearing the case during their vacations because of its urgency, asked for more documents to be sent to their homes, and it was unclear when the ruling might come.

The city and the Councilmen were found in contempt on Aug. 2 for the Council's 4-3 refusal to approve a zoning amendment needed to adopt the second part of a housing desegregation plan ordered by a Federal judge. Today the city asked that the housing plan be taken from the Council and placed in the hands of an independent housing commission.

But lawyers for the Justice Department, one of the original plaintiffs, suggested the city itself could have the city manager remove the Councilmen blocking the zoning amendment. And lawyers for the Councilmen continued to argue that as elected officials they could not be coerced into voting for the housing plan.

The judges, meanwhile, raised their own questions.

"Do these people have any word that they're going to keep, or do they just

hang around Federal Court saying they're going to do this, they're going to do that, and then not do it?" said Judge Roger J. Miner, after listening to a lawyer for Councilman Nicholas Longo, who voted against the zoning change two weeks ago even though he and other city officials had agreed to the housing plan in a consent decree last January.

After a lawyer for Councilman Peter Chema declared in his opening argument that Mr. Chema had a "First Amendment right" to vote as he wanted, Judge Jon O. Newman said: "Did the elected members of school boards throughout the South have a First Amendment right to vote in favor of school segregation in the face of a desegregation order?"

When a Justice Department lawyer, Linda Thome, argued that the contempt order should be upheld for both the city and the four Councilmen, Judge J. Daniel Mahoney said, "Suppose there's a situation where it would be political suicide for any one of the four City Councilmen to break ranks. Under those circumstances, as a matter of discretion, do these doubling fines make a lot of sense?"

Under the contempt ruling of Judge Leonard B. Sand of Federal District Court in New York City, Yonkers is fined for each day that the Council does not approve a zoning amendment needed to institute the second part of a housing desegregation plan, for 800 apartments for families with incomes between \$13,000 and \$32,000.

Fines Double Daily

The city's fines began at \$100 on Aug. 2 but double daily. They totaled \$12,700 on Aug. 9, when an appeals panel suspended them pending today's hearing. But, if reinstated, they would bankrupt the city by the end of the month, when their total would approach the \$64 million that the city has in invested funds, Mayor Nicholas C. Wasiczko said today.

Ms. Thome responded that the city administration, under the statute that established the Emergency Financial Control Board for Yonkers, which took control of the city's finances last Tuesday, gave the city manager the power to remove the Councilmen. That power was disputed, however, by the city's lawyer.

The four councilmen have indicated in the past week that they intend to go to jail, but they have not said for how long or whether they would eventually change their votes to end the contempt.

After the appeal hearing today, Judge Sand indicated that if the fines are restored he would safeguard money for the Yonkers school system by ordering the city to pay part of each daily fine into an account reserved for the schools.