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Opinion

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WILL

Barry Goldwater leaving his mark

By GEORGE F. WILL

WASHINGTON — Zeke Bonura was a large and remarkably immobile first baseman whose slowness did not grieve him because he understood a vital principle of baseball: You are rarely charged with an error when you do not touch the ball.

Conservatives have hoped the Supreme Court would adhere to the Bonura Insight, sometimes known as judicial restraint. The Burger Court has not. Indeed, its judicial activism has been as marked as, and arguably more destructive than, the Warren Court's.

None of the Warren Court's most important rulings has been overturned, and none has even been significantly circumscribed, in the 17 Burger years.



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The sweep of the Miranda ruling on the rights of suspects has been only slightly circumscribed. The Burger Court is responsible for the ruinous spread of forced busing as a "remedy" for segregation. The Burger Court misconstrued the 1964 Civil Rights Act to permit reverse racial discrimination on behalf of government-approved minorities.

Burger Court activism extended procedural due-process guarantees to public-school students accused of behaving badly. The Burger Court has done nothing significant to reassert reason in the interpretation of the ban on "establishment of religion" — nothing, that is, to re-establish the principle that government must be neutral between sects, not between religion and secularism.

And nothing the Warren Court did was as raw and radical an exercise of judicial power as the 1973 decision that swept away the laws regulating abortions in 50 states.

Supreme Court appointments are the premier spoils of presidential politics. Each appointee is 20 percent of a majority at the apex of one of the three branches of government, the branch that has assumed custody of the issues, (race, abortion, etc.) the political branches have been pleased to relinquish.

The high court is where American public philosophy is published as an unending serial. The departure of Burger, the elevation of William Rehnquist and the nomination of Antonin Scalia are important episodes in the process of lengthening the shadow today's president will cast into tomorrow.

The court is a small, face-to-face society where politics has subtle dynamics. The players are strong-willed professionals reasoning about hot issues in the cool climate of a written Constitution, changing statutes and a vast body of case law. The building of coalitions is influenced by intellectual nuance and the power of personality. On both counts, Scalia and Rehnquist will augment the power of conservative jurisprudence.

Scalia is an intellectual in a way that Burger is not by training and inclination. Scalia has taught at several of the finest law schools. He has the theoretical turn of mind that deepens analytic powers and does not dispose a judge to try to split all differences. That disposition can make intellectuals ineffective politicians but forceful judges. With Scalia leaving the court, it may be less inclined to torture itself, and all who love logic, with ever-more-baroque criteria for distinguishing permissible from impermissible "race-conscious" state action.

No one ever looked more like a chief justice than Burger, who if he ever as an infant played in a sandbox must have done so in striped trousers and a swallowtail coat. Rehnquist's clothes come from the factory pre-rumpled. The New York Times locates Rehnquist on "the court's extreme right wing." (The Times' style book probably says the phrase "the court's extreme left wing" is an oxymoron.) Actually, Rehnquist has neither the abrasive philosophy nor, as important, the jagged temperament of an extremist.

What he has is the keenest mind on the court, which is why critics complain that he writes too well. When person A can not cope with person B's arguments, A says B is not wise, only articulate. In the administration of the court, Rehnquist's affability and intellectual effervescence will enhance his effectiveness.

The rise of Rehnquist to the pinnacle of his profession with the last ascent achieved from the hand of Ronald Reagan, illustrates the geology of our politics. Rehnquist, an Arizonan, was pulled toward public life by the conservative movement energized by another Arizonan, Barry Goldwater, whose 1964 campaign brought political prominence to Ronald Reagan.

Rehnquist serves now with another Arizonan, a law-school classmate who was active in state politics, Sandra Day O'Connor. As Barry Goldwater takes his leave of Washington, he sees around him abundant evidence that the significance of 1964 is not that he lost 45 states, but that he won the Republican Party and, doing so, seeded the future.

Let's start again on WTCC future

The bids have been opened and the next move in determining the future of radio station WTCC-FM is up to Springfield Technical Community College President Andrew M. Scibelli and the college's board of trustees.

The campus radio station, which has broadcast primarily ethnic and minority-oriented programming, was put on the market, Scibelli said, because the college no longer could afford to operate it. He called for minimum bids of \$200,000.

Initially, interest was expressed by public television's WGBY, public radio station WFCR, Connecticut Educational Telecommunications Corp., which runs public radio and TV in that state, as well as community groups in Springfield's inner city.

WGBY dropped out of the bidding last week, saying the price was too high; then WFCR dropped out. The Connecticut organization bid \$232,000; a Springfield minority-based group called Save WTCC bid \$255,000, and some of the students and community volunteers who now run the station bid \$244,600, not in cash but representing their estimate of the value of their past work.

We hope Scibelli and the STCC trustees reject all the offers, then go back to the drawing board to see if the station can be saved and under what terms.

The Connecticut offer should be rejected for several reasons. If WTCC stays on the air, it should be Springfield-based and Springfield-oriented; that's its reason for being. There's also reason to fear that the Connecticut organization wants to buy the station to kill it because its signal conflicts with Connecticut public radio in this market or to use it to enhance that signal.

As well-meaning as it is, the volunteer offer represents no cash and the station cannot run on volunteer efforts and good intentions. And the Save WTCC organization must demonstrate its ability not only to raise the money it bid but to keep the station operating.

We recognize that STCC cannot afford to run the station independently and needs the space for other purposes. But if it wants the station to survive so it can serve the community, STCC should enter into talks with others who have the same goals to see if a way can be found.

'Cruelest thing'

On Tuesday, Len Bias was drafted by the Boston Celtics. It was a dream come true.

On Thursday, the 22-year-old student athlete died in his University of Maryland dormitory of an apparent heart attack.

Within minutes of the reports of his death, shock waves spread throughout the sports world and beyond. How could it be? Several recent physical examinations had shown him to be in excellent health.

Within hours, unofficial reports said tests had found traces of cocaine in his urine.

Had he used cocaine just once in his short life? Had he been a long-time user whose system had been drug-free during the physicals?

Whatever the answers are, the death of Len Bias was, as Celtic Larry Bird said, "the cruelest thing I ever heard."

LEWIS: French want less razzle-dazzle in their government

By FLORA LEWIS

PARIS — French "cohabitation" is working in the sense that there is no crisis of government. But the atmosphere is turning sour and politicians on all sides are chafing at unaccustomed restraints.

The voters and the Constitution combined three months ago to impose a regime of a conservative coalition cabinet, headed by Premier Jacques Chirac, and the Socialist President Francois Mitterrand, whose term has two years to run.

Sharing power goes against the grain. The politicians hate it, and their preoccupation is to maneuver for position as soon as it seems advantageous to force new elections.

Meanwhile, they are manacled to each other, facing a probably severe electoral penalty if they buck the popular will for balance and at least the appearance of harmony. This is a new mood for France. It may be a sea change from the old habit of die-hard political confrontation. The gap between political assumptions and public attitudes has never seemed wider.

When he saw Chirac sweeping maximum power into his large, mobile hands and reducing the president's role to a minimum, Mitterrand adopted a cannily passive strategy.

In the Fifth Republic founded by Charles de Gaulle, the president had almost complete power so long as he commanded a parliamentary majority. Lacking that, Mitterrand intervenes only on matters of basic principle and protocol.

Whatever happens, he can say, is entirely Chirac's doing against his own better judgment. As a result, his polls are improving, and Chirac's poll results are sagging.

There are some complaints that the new government isn't going fast enough in dumping Socialist reforms. But there is more complaint that it is going too far.

People seem to be just as irritated that Chirac's team is implementing its program as they were when the Socialists practised what they preached.

There is an intriguing parallel in the politicians' disconcerted reaction. Pierre Mauroy, who was Mit-



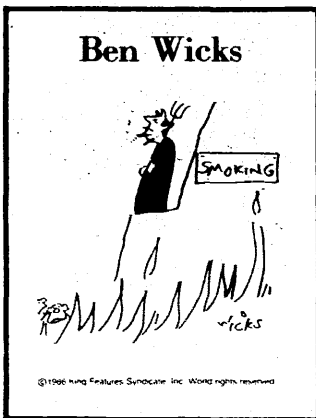
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terrand's first premier, issued a plaintive rebuke to intellectuals after some months in office for not providing the enthusiastic support he thought he had earned by simply winning.

In the same way, Chirac recently ticked off employers for not investing and creating jobs that he had promised in their name, thus letting him down.

Chirac backed off after a huffy response, instead seeking to cajole

Ben Wicks



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Tax-paid abortions

Since 1981, Massachusetts has been under court order to pay for elective Medicaid abortions. For 1982, 1983 and 1984, the state used \$3.5 million in tax dollars to pay for 22,835 abortions, while the federal government paid for 1,851 abortions nationwide.

In that period, Massachusetts spent almost \$2.5 million more to pay for elective abortions than the federal government spent for abortions when the life of the mother would have been endangered if the baby were carried to term.

Abortion services for minors who

went out of state to avoid the Massachusetts parental/judicial consent law were paid for by tax dollars. Tax dollars also were used to pay for repeat abortions.

A total of 35 percent of Planned Parenthood's clients were repeat abortion recipients; 44 percent of Preterm Clinic's (in eastern Massachusetts) business consisted of repeat abortion recipients.

It is curious that proponents of publicly funded elective abortions do not regard forcing taxpayers to finance elective abortions to be a denial of freedom. Their position seems incompatible with their stated view that the government should remain neutral and uninvolved with the issue of abortion. Certainly, as long as our state government is paying for abortion services, it is deeply involved with the issue.

As Judge Hennessey said in his dissent to the 1981 court decision, "It is clear that the matter in which the court now intrudes is a matter for the Legislature."

GLORIA J. BOURBEAU

Ludlow

Tragedy worsened

We would like to express our sadness at the events surrounding the death of Karen McNamara. It is a tragedy that a young person should be mentally ill, that she should take her own life, and that the family should experience the loss of a daughter.

Ludlow

However, it compounds the tragedy that Dr. David Honeyman, who experienced the loss of a young patient, also should have his professional competence called into question. For people who work in the front line of the mental health system and whose jobs entail suicide prevention, this court decision is frightening.

We do the best we can to put safety measures into place, but suicide is a human phenomenon and despite an increasing social awareness and an increase in social services, we cannot always prevent people from taking this action. The end result of the recent court decision could be that those people in greatest need will find professionals who are limited by their fear of litigation.

On a personal note, we want to express our admiration and support for Dr. Honeyman. In our work with people in crisis, we find Dr. Honeyman to be one of the most accessible, involved and concerned psychiatrists in the Springfield area.

Signed by 13 staff members
Psychiatric Crisis Service
Northampton

'Respect' doubted

Mr. Steven Mulak, whose recent protestations against Ms. Vivien Crumly for describing hunting and hunters as "violent" and "exploitative of animals," said all outdoorsmen, including hunters, "have more than just a passing respect for life — they live in awe of it."

For shame! How can men who kill and/or maim animals — and call this a sport — be considered respectful of life? Big, brave man kills defenseless animal! Such a credo demonstrates primarily a need to bolster an ego among bragadocios of the same ilk.

MARGARET D. DEMARCO
Wilbraham

Sign badly needed

Please, won't someone return a weather sign to downtown Springfield? We need one badly.

CONRAD BRETON
Springfield

They want the governors to get down to running the country efficiently, tackling unemployment — which is still going up — and avoiding enervating crises and tension.

get down to running the country efficiently, tackling unemployment — which is still going up — and avoiding enervating crises and tension. The French no longer seem to crave circus politics. They just want results.

Some commentators surmise that the country may be signaling a wish for a more or less permanent cohabitation that would reduce the concentration of power and set limits on swings between governments. That would be a whole new game for what the French call "the political class." It fogs all prediction.

So far, the Chirac administration has taken some strong measures on money, cutting out the wealth tax, lowering company taxes, restoring the right to own gold anonymously

and to pay big bills in cash. Most prices have been decontrolled, and it will be easier for employers to fire workers. Landlords are favored, and exchange controls have been relaxed, though not removed. Election by proportional representation has been revoked. The police have been given stern, arbitrary powers to make identity checks and to expel foreigners.

But there hasn't been a "Reagan revolution." Denationalization is yet to come and deregulation is limited. France is evolving rather differently than the United States. It apparently doesn't want to be roused, flattered or frightened. It wants to be put to productive, rewarding work. That makes it hard on combative, image-making politicians.

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1860 Main St.
Springfield, Mass. 01102

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