

STOP JUDICIAL ACTIVISM?
NO WAY!

For a number of years, we have listened to Republican pundits who keep blasting decisions handed down by the US Supreme Court's "liberal majority." The charge regularly levied is that the intentions of Congress have been cast aside, and the high court has seized the job of "legislating from the bench." So who are the culprits? Left-wing Democratic appointees you ask? You might be surprised!

All this talk about the Courts "liberal activism" is generally traced back to Chief Justice Earl Warren. He was an Eisenhower appointee. The next member of the liberal elite was Justice William Brennan, also an Eisenhower appointee. Then came the author of Roe vs. Wade, Justice Harry Blackmun. The Republicans strike again. Blackmun was appointed by President Richard Nixon.

The consensus of most court watchers is that the most liberal member of the present Supreme Court is Justice John Paul Stevens. He was Republican Gerald Ford's appointee. (Hang in there now. We are bound to find some Democratic liberal in the mix.) Then finally, we get the first Bush in office, and he appoints Justice Warren Rudman. It turns out that Rudman is much more of a liberal activist than either one of the two justices appointed by President Bill Clinton. (Ginsburg and Breyer)

And what about Justice David Souter? Conservative voices were going nuts just a few weeks ago when Souter joined the gang of five in a ruling that private property could be seized by public bodies and passed on to developers. Who was Souter's creator by appointment? None other than President Bush 41.

Oh, and we cannot forget Justice Anthony Kennedy, who Reagan picked after he could not get Robert Bork appointed. At the time, Kennedy supporters argued that their candidate shared Bork's "strict constructionist" philosophy. As it turns out, when it comes to intervening in-state rights, there is not a whole lot of difference between Kennedy's philosophy and that of Souter.

So when all is said and done, we find that seven of the nine current Supreme Court justices were appointed by Republican presidents. And the concerns of a number of conservative groups are that numerous social disputes have been hijacked from Congress, and therefore taken from the will of the voters.

So what about the newest nominee, Judge Roberts? A great smile and a wonderful family. But no one seems to know much about this guy. Conservatives are apprehensive, and there is not a lot of hollering from the Democratic camp. Certainly conservative, but how much so? At this stage, no one knows for certain, even the President, as to how far over the fence and in exactly which direction he will lean. By this time next year, we should be able to see just who will get the last laugh.

THE GENERAL HAD NO REGRETS

General William Westmoreland was the commander a lot of us remember from Vietnam. He was the guy who oversaw all the buildup from a few thousand "advisers" to more than 500,000 soldiers, for what many felt was a wasted war. The General thought otherwise.

It was 1992, some 20 years after his retirement. My wife and I were attending an outdoors Sunday morning Episcopal Church service in the mountains of North Carolina. Sitting in front of me was an imposing figure, with gray hair and shoulders back. When he stood up after the service, he towered above the crowd, and looked like he was still in charge. When someone in the adjoining row referred to him as "General," I knew right away it was Westmoreland.

I introduced myself, and we visited for awhile following the service. He had retired to this mountain community, and had no reservations about remembering the past. I told him I had attended officer's training school at Fort Benning, Georgia, and could have been sent to Vietnam. I ended up finishing my basic training at Fort Polk in Louisiana, and spent another 10 years in the Louisiana National Guard. Probably a blessing for me, I didn't end up in Vietnam.

Did we lose that war? No said the General. "Vietnam would've been just the beginning. Other surrounding countries would have fallen like dominoes. I'm convinced it was worth the effort."

I saw him on several other Sundays during that summer. He would give a friendly wave, but we never spoke again. I always felt he did what generals do. Build up massive troop support, and beat down the enemy. But in Vietnam, more was required. We never won the hearts and minds of the South Vietnamese. Maybe this is the General's fault, or maybe that of the President's. Or maybe this initial war of containment's never should have been allowed to grow and consume some 45,000 American lives in the first place. And are there lessons for what's going on half way around the world right now?

History will judge him as a contradiction. In 1965, he was named in Time magazine's Man on the Year. Yet, just a few years later, historian Arthur M. Schlesinger Jr., wrote that Westmoreland was "possibly our most disastrous general since Custer."

He was 91 years old when he passed away last week.

Finally, would you like to talk to Mayor Bloomberg, the mayor of New York City? If you live in New York, and want to complain about your garbage not being picked up or a pothole in front of your house, it's easy. Just make a quick flip through the Manhattan telephone book, look up the mayor's name, and his phone number is listed.

The Mayor says there's nothing unusual about keeping a public phone number, and answering at himself. "If I'm at home and the phone rings , like anyone else, I pick it up." So how many mayors and other elected officials have listed phone numbers in Louisiana? You might want to check it out.

"Other than telling us how to live, think, marry, pray, vote, invest, educate our children and, now, die, I think the Republicans have done a fine job of getting government out of our personal lives."

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Peace and Justice.

Jim Brown