

Editorial

To preserve justice: Vote no on Bork

The Reagan administration and other supporters of Judge Robert Bork's nomination to the U.S. Supreme Court have used two distinct strategies to facilitate his confirmation.

Initially, Bork's supporters argued that he should be evaluated on the basis of his qualifications and not opposed on irrelevant, ideological grounds.

The Reagan administration, however, nominated Bork for the purpose of advancing the conservative Republican agenda well after Reagan leaves office. If confirmed, Bork would be the third conservative justice appointed by Reagan to the Supreme Court, providing the conservative agenda with a swing vote for years to come.

As Bork was nominated for ideological purposes, he should be opposed on ideological grounds regardless of whether he is qualified to occupy a seat on the Supreme Court.

After the Reagan administration's qualification argument failed, the administration embarked on a disinformation campaign to reflag Bork as a mainstream moderate.

The White House, for example, distorted Bork's record on First Amendment cases by claiming, "he would be a powerful ally of First Amendment values on the Supreme Court." But Bork would be an ally only toward "political speech."

Under Bork's narrow interpretation of free speech, he might deny constitutional protection to speech — such as artistic and literary — that is not explicitly political, scientific or moral in content; and he probably would deny protection to speech that "advocates forcible overthrow of the government or the violation of any law," such as civil disobedience.

Furthermore, the campaign to portray Bork as a moderate has led to a philosophical discrepancy between his past academic writings and his current articulated views. From this discrepancy evolves an inconsistency that makes it difficult to predict how Bork will deliberate as a Supreme Court Justice.

Bork's ideological schizophrenia, coupled with his conservative judicial activism, translates into a concern with regard to whether he will seek to overturn the decision of Roe vs. Wade, the 1973 ruling that outlawed state bans on abortion.

In testimony before the Senate Judiciary Committee last week, Bork mitigated his views toward Roe vs. Wade as compared to his 1981 opinion. Bork did not promise he wouldn't seek to overturn the landmark abortion ruling, but instead stated that it is "not worth reconsidering." He did, however, continue to heavily criticize the constitutional reasoning behind the decision, especially with regard to a constitutional right to privacy.

But, in light of Bork's historically strong opposition to Roe vs. Wade, his assertion that it is "not worth reconsidering" may be a rhetorical misrepresentation of his true beliefs, merely for the purpose of being confirmed. Bork, whose jurisprudence poses a potential threat to this landmark ruling, should be unequivocally denied confirmation to the Supreme Court because he may ignore precedent and seek to overturn Roe vs. Wade.

Although the administration also has misrepresented Bork as a strong supporter of civil rights, he has opposed consistently civil rights issues such as open housing, affirmative action and the public accommodations bill.

If confirmed to the Supreme Court, Bork, a member of the "Chicago" school of economics, which holds that government intervention to promote a competitive economy is an imprudent form of regulation, would attempt to eliminate most restrictions on "horizontal mergers" — mergers that take place between two or more directly competitive firms.

These mergers consolidate the market power of an individual firm within an industry, thereby increasing its monopoly power and enabling it to charge a higher price for its product. The aggregate result is an unfair redistribution of wealth from the poor to the rich.

A competitive market where a large number of firms actively compete with one another is one of the nation's best barriers against economic injustice. And if confirmed, Bork's anti anti-trust, big-business crusade will threaten the antitrust laws that guard distributive justice.

When the members of the Senate Judiciary Committee vote Tuesday on the nomination of Judge Bork to the Supreme Court, they should confer to block his confirmation in order to preserve civil rights and social justice.



Perhaps the only people who can truly show unbounded tolerance are those mindless couch potatoes whose reading pursuits tend toward "TV Guide" and whose intellectual capacities are taxed by "MTV" or a Jane Fonda video workout.

Jon Wollander
Eugene

Other side

John Moore's letter of Sept. 30 recounted his attempt to retrieve a quarter lost in the arcade at the EMU Rec. Center. I was the cashier on duty at the time and would like to clear up a few matters.

To begin with, it is indeed a new policy of the Rec. Center to refund quarters lost in broken machines only at the end of each week. Though many arcade customers have expressed surprise at this change, the only problem worthy of mention has been Mr. Moore himself.

Upon learning that he would have to wait a week to collect his 25 cents, Mr. Moore launched into a tornado of insults, assertions and caricatures, which, while succeeding to offend, lacked verve and wit.

Despite his being a nuisance, and contrary to what his letter claimed, I did not threaten him with arrest (though in retrospect, the idea seems hardly impeachable). I did suggest he return at a later time and discuss the matter with the Rec. Center's manager, who was out of her office.

When this too failed to calm him, I asked whether he would perhaps like to review his behavior with campus security. At the very mention, Mr. Moore vanished.

From there he sought out the Club Sports director, whose jurisdiction covers the Rec. Center, and demonstrated to her what I'd call the "John Moore Experience." When this too proved fruitless, he pulled out all the stops, hence the letter of Sept. 30.

Daniel Monk-Kowalsky
EMU Rec. Center

Letters Policy

The Emerald will attempt to print all letters containing fair comment on topics of interest to the University community. Letters to the editor must be limited to 250 words, typed, signed and the identification of the writer must be verified when the letter is turned in.

Letters

Tolerance

Those University liberals holding any commitment to rationality should be embarrassed at the glaring inconsistencies of a brochure entitled "Discrimination" (published by the Council for "Minority" Education).

Its lead sentence quotes a sanctimonious President Paul Olum: "Intolerance has no place at a university." Then only a few sentences later, it begins a hit list of items that "will not be tolerated."

Hey come on folks, you can't have it both ways.

This "Discrimination" brochure is full of logic gaps. First, it most appropriately condemns "treating people of color differently from whites."

But then it just blissfully proceeds to push discriminatory University programs that, in fact, patronizingly "treat...people of color differently

from whites;" i.e.:

- 1) "Council for Minority Education"
- 2) "Office of Affirmative Action"
- 3) "Free" tuition, and reduced entrance requirements for "minorities."

Let's face reality. All those self-righteous claims to some sort of ecumenical "tolerance" are simply blatant hypocrisy. In fact, discriminately applied intolerance is an appropriate response of anyone who thinks deeply enough to form convictions.

Both liberals and conservatives are intolerant of many things. One example: Just as liberals are intolerant of what they call "discrimination," conservatives are equally intolerant of the sex/race-demeaning reverse-discrimination policies of "affirmative action."

Truth is, "tolerance" actually is directly akin to "indifference" and "apathy."

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