

Editorial

Role of media chooses candidates

The media has taken over the role of the party bosses in screening presidential candidates, John Sears, Ronald Reagan's campaign manager in 1980, said last month. By scrutinizing presidential candidates in the media, public opinion has become the deciding factor for candidates unsure of staying in the race.

But as television and newspapers, the most influential forms of media, are being bought and produced by conservatives, the pressure on the democrats has intensified. Joe Biden and Gary Hart are two primary examples of how the media screens candidates through public opinion.

The media "has been asking in public a lot of the questions that party leaders used to ask the candidates in private," Sears explained. In the past, party bosses would interview a candidate. If he was rejected, "quite often the public never would know the exact reason," he said.

In the early campaigning for the 1988 presidential election, press coverage has caused Hart and Biden to drop out of the race. This has strong ramifications on morals and standards in the United States that are ultimately formed by the information they receive.

Granted, Biden and Hart's actions were irresponsible, but so were Reagan's actions, or lack thereof, in the Iran/Contra affair. The public's opinions, however, rely on media coverage and who it projects as good or bad. Reagan ultimately has come out ahead while Biden and Hart were forced to resign.

Sears stated the differences between Biden and Reagan in terms of displaying facts is that "Reagan has never misled anyone about who he is."

The press has portrayed Reagan as a remote leader not responsible for his workers' actions and the public has accepted it. Overall, it appears that honesty and sincerity, or the illusion of honesty and sincerity, is the best policy. Biden's and Hart's mistakes came from trying to cover up their indiscretions.

This technique has worked for Democratic candidate Michael Dukakis. Although he tried to deny his campaign manager's role in releasing a tape of Biden and the speeches he plagiarized, Dukakis has managed to maintain a steady second place (following Jesse Jackson) in the polls.

The key has been his openness during his campaign. His national apology to Biden for his part in the scandal emphasized his sincerity. Even his wife willingly admitted her past drug addiction rather than have it come up later in the race.

The Democrats also have lost candidate Patricia Schroeder due to the scrutiny of the press. Schroeder said she "would shrivel" under the "artificiality and isolation" of a presidential campaign. This reasoning also has kept other qualified candidates from even attempting to join the race.

Sears' analysis of the media's role is accurate, but reveals nothing new. The media has been the screening room for candidates for years. In the end, however, it is the readers and viewers responsibility to be aware of this power, and any biases the execution of this power may entail. The information received from television and newspapers is only a superficial basis for a deeper account of the story.



Commentary

Bork's views distorted by critics

Why are so many people hostile to the nomination of Robert Bork to the Supreme Court? Is it because — as his detractors maintain — that he is a "conservative activist" (which is something of an oxymoron, if not a contradiction in terms)? Is it because he is a

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H.C. Hutto

bigot and a sexist who would deny racial minorities and women equal rights? Or is it because Bork is not intellectually and professionally qualified? In short, what accounts for the vociferous opposition to Bork that has increased in volume almost to the point of hysteria?

I'm not an expert on legal matters. I don't know much about law or constitutional history. But what I think inflames the opponents of Bork is not so much intellectual or legal arguments as much as emotional and — dare I say it — ideological concerns.

In the 1960s the Supreme

Court, under the leadership of Chief Justice Earl Warren, ruled on a series of constitutional cases that had the effect of dramatically enlarging the scope and purview of the court itself. These cases, such as *Roe v. Wade*, interpreted the constitution in such a way as to extend and enlarge civil rights. *Roe v. Wade* gave women the "constitutional right" to an abortion. Other rulings confirmed and broadened the rights of racial minorities, in particular blacks. The Warren court, as a result, was an "activist" court. It sought to interpret and enlarge certain rights in light of social and political developments — developments that the framers of the constitution, in spite of their acumen, could hardly envision.

Were such actions proper? Were they legally and constitutionally sound? Judge Bork apparently has reservations about many of the Warren court's decisions — not so much because of their consequences (or so he has asserted), but because of the questionable methods the justices used in arriving at their decisions.

Bork is an advocate of judicial restraint. In essence it is a view that believes the judiciary should not impose its own socio-political views in its decisions, but should rule on cases with the original intent of the framers of the constitution foremost on their minds. (This is a valid and even admirable position to take, but not a simple one. After all, it's not always clear what the framers had in mind in the first place.)

People who oppose Bork, most of whom can be crudely described as "liberals," are disturbed by Bork's philosophy of judicial restraint, although perhaps they don't know it. They have grown accustomed to an activist court, especially one that is liberal in temperament and seeks to broaden the scope of individual rights, even if it means extending the authority of the court into areas that some

people (such as Judge Bork) believe are not within its domain. Liberal philosophy, after all, is essentially a visionary philosophy. Society needs to be changed, to be improved, so as to be more like the ideal envisioned. Such a philosophy sees political "activism" as an important instrument in enacting these changes. Therefore, it's understandable why a man like Bork, who advocates judicial restraint, would be vilified by those who advocate judicial activism, and in fact, have depended on it to bring about some of the most significant changes of the last two decades.

Laws, however, are made by the legislatures. The judiciary is supposed to decide whether these laws are constitutional. The Warren court enlarged and expanded this role, which, from a strictly judicial point of view, may not be proper. But we have to keep in mind that at the time of the Warren court this country was undergoing a social revolution. It's quite likely, for instance, that if the Warren court had not been so vigilant in affirming civil rights for minorities and instead left such matters to the legislatures, black people in the South would still be regarded as "second class citizens."

But 1987 is not 1967. Society has undergone dramatic — and in many cases, particularly civil rights, beneficial — changes. Judicial activism is no longer desirable. And the argument that judicial activism usurps the role of the legislature is a compelling one. Abortions were performed before *Roe v. Wade*, but each state legislature permitted or forbid it, according to the (indirect) wishes of the voters. *Roe v. Wade* changed that. The Supreme Court decreed that abortion was more than just a question to be decided by state legislatures. It was of such importance that it became a "right" equal to freedom of speech and freedom of worship, and that individual state

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