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Our recycling ethic is a valuable asset

Thirty-five years ago, few voices in our region were promoting recycling. An Astoria city councilor named Doug Thompson, Astorians Susan Borgardt, McLaren Innes, Richard Hurley and Peg Christie were leaders.

The nonprofit Clatsop Recycling (1983) preceded by one year the first state legislative mandate. The city of Astoria awarded a recycling contract not to the city's trash hauler, but to the local group, Recycle Now!

How times have changed. With successive state mandates and an aggressive trash hauler, Astoria gained curbside recycling, which makes it much easier to participate.

Erick Bengel's two-part series, Talking Trash, which concludes today, has depicted the recycling stream that extends from our streets to industrial manufacturers.

In today's installment, Bengel details Trails End Recovery, which extends recycling well beyond household

waste. When buildings are demolished, materials such as wood and concrete find their way to Trails End.

One of the most useful points that Bengel makes is that, "Because fossil fuels are burned in the manufacturing of recycled products, releasing greenhouse gas into the atmosphere, the act of recycling alone, however virtuous, will not create a sustainable world.

"But using recycled materials cuts down on the demand for landfill space while extending the life of existing landfills. And it reduces the needless squandering of virgin materials, like trees, precious metals and the fossil fuel inputs used to harvest them."

Our region's recycling ethic is a great asset.

It's a judicial choice, not a litmus test

U.S. Supreme Court Justice Antonin Scalia's death Saturday threw another hen into the fox house of 21st century American politics, giving our political class an unexpected new thing to fight about during an already tempestuous election year.

Although theoretically above politics, the Supreme Court wields incredible power to shape and warp national laws and policies. Appointed for life by the president with the Senate's advice and consent, justices are supposed stay above the fray. The court is, in essence, the nation's thermostat, relying on the Constitution to moderate the gyrations of elected politicians.

In keeping with their strategy since 2009 of reflexively trying to block President Barack Obama at every turn, Senate Republicans — and the party's slate of presidential contenders — immediately insisted on leaving the now-vacant Supreme Court seat empty until after Jan. 20, 2017, when a new president takes office.

By so doing, Senate Republicans are effectively turning 2016 into an election for both the presidency and the Supreme Court. This is unlikely to rebound in their favor. Most American voters are not driven by the ideological purity tests applied

by GOP activists. The prospect of a President Donald Trump or Ted Cruz naming a key member of the Supreme Court is likely to increase voter interest in who gets to fill this vacancy. Imagine Trump vetting potential court members for their favorable views on prisoner torture, or Cruz requiring a new justice who comports with his idea that the U.S. adhere to conservative Southern Baptist doctrine.

As conservative as he was, Scalia was confirmed 98-0 by the Senate. No Democrats opposed him, despite his politics, because our Constitution and traditions give the sitting president authority to appoint who he or she wishes, so long as they are qualified.

Current senate leadership seriously errs in turning this appointment into a political litmus test on the president, who won in 2012 with a 5 million vote majority. Obama should appoint a qualified, rational jurist. The Senate should give this person a fair hearing.

Beyond this, as we have observed in the past, it is time for this president (and all presidents) to make Supreme Court appointments from the West. The court is dominated by a narrow and elite East Coast demographic. Its membership should reflect the nation's geographical diversity.

Scalia, conservative legal giant

By ROSS DOUTHAT
New York Times News Service

Antonin Scalia, dead unexpectedly this weekend at 79, was not the most politically powerful justice during his three decades on the Supreme Court.

That distinction belonged to the court's two swing votes, Sandra Day O'Connor and then Anthony M. Kennedy, respectively the philosopher queen and king of our fraying republican order.

Unlike them, Scalia did not have the opportunity to write all his preferences into the law of the land. For every victory he won, there was a sharp defeat; for every important majority opinion a stinging, quotable dissent. And on the issues he cared the most about — abortion, above all — his defeats were famous and his dissents often not just eloquent but anguished.

But in every other respect, he was the most important Supreme Court justice of his era.

He was important because of his intellectual influence. There were and are many legal theories and schools of constitutional interpretation within the world of American conservatism. But Scalia's combination of brilliance, eloquence and good timing — he was appointed to the court in 1986, a handful of years after the Federalist Society was founded, and with it the conservative legal movement as we know it — ensured that his ideas, originalism in constitutional law and textualism in statutory interpretation, would set the agenda for a serious judicial conservatism and define the worldview that any "living Constitution" liberal needed to wrestle with in order to justify his own position.

This intellectual importance was compounded by the way he strained to be consistent, to rule based on principle rather than on his partisan biases — which made him stand out in an age when justices often seem as purely partisan as any other office holder. Of course there were plenty of cases ("Bush v. Gore!" a liberal might interject here) in which those biases probably did shape the way he ruled. But from flag burning to the rights of the accused to wartime detention, Scalia had a long record of putting originalist principle above a partisan conservatism. And this, too, set



Charles Rex Arbogast/AP Photo
 U.S. Supreme Court justice Antonin Scalia looks into the balcony before addressing the Chicago-Kent College Law justice in Chicago in 2011. He died Saturday at the age of 79.



Ross Douthat

Scalia's death in a presidential year promises to be a nightmare for the republic.

an example for his fellow conservatives: The fact that today the court's right-leaning bloc has far more interesting internal disagreements than the often lock-step-voting liberal wing is itself a testament to the premium its leading intellectual light placed on philosophical rigor and integrity.

Finally, Scalia's eloquence and brio ensured that his influence was not just intellectual but also personal. Countless conservative legal eagles who came of age after 1986 will talk about how it was Scalia who inspired them to pursue a career in the law, Scalia who showed them what it meant to be an intellectually fulfilled right-winger in a profession that tilts left, Scalia whose good-humored zest for intellectual combat shaped their own approach to controversy. Indeed, there are few professional conservatives, period — academics or think tankers or even newspaper columnists — who have not been influenced in some sense by Scalia's words, his writing, his mind.

And not only conservatives: From the first, but more so as he aged, liberals recognized Antonin Scalia as their side's Great Antagonist, the kind of larger-than-life personality that you despise and admire in equal measure, a foe who inspires not just self-right-

teousness but also, occasionally, self-doubt.

It is because of all of this — because of his immense influence, his intellectual clout, his long cultural shadow — that Scalia's death in a presidential year promises to be a nightmare for the republic.

As absurd as it often feels to have Anthony Kennedy as the last arbiter of everything, in a way we've been weirdly fortunate in the court's long-running 5-4-with-a-swing-vote split. It's allowed both halves of our polarized republic to feel somewhat represented on the highest court, to feel as if they have at least a fighting chance in the majority of controversies, to feel as if there's some legitimacy — not a lot, maybe, but some — to the decisions of our unelected guardians. (As much as liberals may hate the Roberts court for Citizens United, it also gave them same-sex marriage and protected Obamacare; as much as conservatives object to Kennedy's ruling in Obergefell, they're grateful for his ruling in Hobby Lobby.)

To have the intellectual godfather of the conservative bloc replaced by a liberal appointee would upset this balance, perhaps irrevocably. As it was for a time — and not a happy time — in the 1960s and 1970s, the court would simply become the Enemy to half the country, a vanguard force pulling the political order to the left.

This reality trumps the patterns of (very modest) compromise that enabled Samuel Alito, John Roberts, Elena Kagan and Sonia Sotomayor to win confirmation, and it makes it impossible to imagine Republican senators confirming an Obama appointee in the next 11 months. And it's probably a good thing for the republic that they won't: If there is to be a liberal replacement for a figure as towering as Scalia, if the court is about to swing sharply to the left, it's far better for the judicial branch's legitimacy if that swing follows a democratic election, a campaign in which the high court stakes are front and center in the race.

But because they will be front and center, Scalia's death promises a war like none other between here and November, and an extra layer of insanity in a campaign already defined by radicals and demagogues.

The irony is that this kind of high-stakes collision of law and politics is precisely the thing that Scalia's legal philosophy strained to curb and check and roll back, by promoting a more limited and humble vision of the Supreme Court's role in our republic.

But for all of his importance, all his influence, in this effort he clearly failed — and what's about to come will prove it.

How did America get into this mess?

By PAUL KRUGMAN
New York Times News Service

Once upon a time, the death of a Supreme Court justice wouldn't have brought America to the edge of constitutional crisis.

But that was a different country, with a very different Republican Party.

In today's America, with today's GOP, the passing of Antonin Scalia has opened the doors to chaos.

In principle, losing a justice should cause at most a mild disturbance in the national scene. After all, the court is supposed to be above politics. So when a vacancy appears, the president should simply nominate, and the Senate approve, someone highly qualified and respected by all.

In reality, of course, things were never that pure. Justices have always had known political leanings, and the process of nomination and approval has often been contentious. Still, there was nothing like the situation we face now, in which Republicans have more or less unanimously declared that President Barack Obama has no right even to nominate a replacement for Scalia — and no, the fact that Obama will leave soon doesn't make it OK. (Justice Anthony Kennedy was appointed during Ronald Reagan's last year in office.)

Nor were the consequences of a court vacancy as troubling in the past as they are now. As everyone is pointing out, without Scalia the justices are evenly divided between Republican and Democratic appointees — which probably means a hung court on many issues.

And there's no telling how long that situation may last. If a Democrat wins the White House but the GOP holds

the Senate, when if ever do you think Republicans would be willing to confirm anyone the new president nominates?

How did we get into this mess?

At one level the answer is the ever-widening partisan divide. Polarization has measurably increased in every aspect of American politics, from congressional voting to public opinion, with an especially dramatic rise in "negative partisanship" — distrust of and disdain for the other side. And the Supreme Court is no different. As recently as the 1970s the court had several "swing" members, whose votes weren't always predictable from partisan positions, but that center now consists only of Kennedy, and only some of the time.

But simply pointing to rising partisanship as the source of our crisis, while not exactly wrong, can be deeply misleading. First, decrying partisanship can make it seem as if we're just talking about bad manners, when we're really looking at huge differences on substance. Second, it's really important not to engage in false symmetry: Only one of our two major political parties has gone off the deep end.

On the substantive divide between the parties: I still encounter people on the left (although never on the right) who claim that there's no big difference between Republicans and Democrats, or at any rate "establishment" Democrats. But that's nonsense. Even if you're disappointed in what Obama accomplished, he substantially raised taxes on the rich and dramatically expanded the social safety net; significantly tightened financial regulation; encouraged and oversaw a surge in renewable energy;



Paul Krugman

moved forward on diplomacy with Iran.

Any Republican would undo all of that, and move sharply in the opposite direction. If anything, the consensus among the presidential candidates seems to be that George W. Bush didn't cut taxes on the rich nearly enough, and should have made more use of torture.

When we talk about partisanship, then, we're not talking about arbitrary teams, we're talking about a deep divide on values and policy. How can anyone not be "partisan" in the sense of preferring one of these visions?

And it's up to you to decide which version you prefer. So why do I say that only one party has gone off the deep end?

One answer is, compare last week's Democratic debate with Saturday's Republican debate. Need I say more?

Beyond that, there are huge differences in tactics and attitudes. Democrats never tried to extort concessions by threatening to cut off U.S. borrowing and create a financial crisis; Republicans did. Democrats don't routinely deny the legitimacy of presidents from the other party; Republicans did it to both Bill Clinton and Obama. The GOP's new Supreme Court blockade is, fundamentally, in a direct line of descent from the days when Republicans used to call Clinton "your president."

So how does this get resolved? One answer could be a Republican sweep — although you have to ask, did the men on that stage Saturday convey the impression of a party that's ready to govern? Or maybe you believe — based on no evidence I'm aware of — that a populist rising from the left is ready to happen any day now. But if divided government persists, it's really hard to see how we avoid growing chaos.

Maybe we should all start wearing baseball caps that say, "Make America governable again."

The passing of Antonin Scalia has opened the doors to chaos.