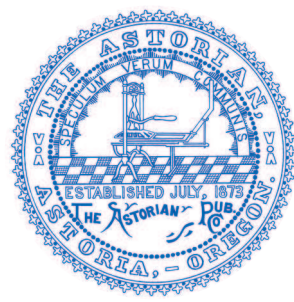


# THE DAILY ASTORIAN

Founded in 1873



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## Water under the bridge



Compiled by Bob Duke  
 From the pages of Astoria's daily newspapers

### 10 years ago this week — 2007

Saturday and Sunday were relatively uneventful in Seaside, even though it probably was the busiest weekend of spring break. "As spring breaks go, it was a very quiet weekend," Seaside Police Chief Bob Gross said today. "For the most part, this appeared to be more family-oriented," he said. This was the first time the city did not ask the Oregon State Police response team to do foot patrols downtown, Gross said. "We decided we could handle it ourselves," he said.

An Astoria High School alumnus got a taste of the Hollywood limelight this weekend when he and fellow students received top honors at a national college film awards ceremony in Los Angeles.

Chris Lang, AHS Class of 2001 and a 2006 graduate of the University of Oregon, landed third place in the documentary category at the College Television Awards for a film he created with four college classmates on Oregon's prison work programs.

On Wednesday, U.S. Sen. Gordon Smith (R-Ore.) headed up the second federal delegation in less than a week to view the Astoria landslide. Standing at the edge of the gaping drop-off at what used to be the intersection of First and Commercial streets, he seemed amazed at the devastation and the awesome power of nature. He promised to help the city secure federal financial assistance.

Astoria's City Hall might be the only one in America that houses six big walk-in bank vaults. Relics from the building's past life as Astoria Savings Bank, the vaults are filled with file folders and office supplies instead of cash these days. Removing them and freeing up the space they occupy is part of a plan to remodel the venerable old building, which was constructed around 1925.

### 50 years ago — 1967

Wintertime tourist travel is on the increase in the Sunset Empire. This past winter has been the busiest in history for establishments dealing with tourists and visitors, reports from various sources indicate. The Astoria Bridge apparently has been an important factor in bringing more people through the area. More travelers from the north than usual have been visiting here this winter.

Location of the new route of Highway 30 between Burnside and Astoria is still not completed although parts of it are definitely down on paper, resident Highway Department engineer Lorne Weber reported this week.

Location work has been done from Burnside as far as Claremont Road, but the route traverses two swampy patches which may require minor relocation.

From Claremont road to Astoria, the location is still under investigation. Seismic tests are being made in John Day River to determine nature of foundation.

Tongue Point Job Corps Center has made little news since the first corpswomen arrived more than three weeks ago, and that in itself is considerable news.

Sixty young women arrived March 14 and another 108 March 28-29.

Of these groups, only two have gone home and the 166 girls now on the station have made no impact on the community. One would hardly know they were here.

### 75 years ago — 1942



The Daily Astorian/File

Pictured at the fishermen's mooring basin is the new 36 foot crab fishing boat Clara B, just built by Session and Shipley of Bay City for Alfred Berthelson of this city.

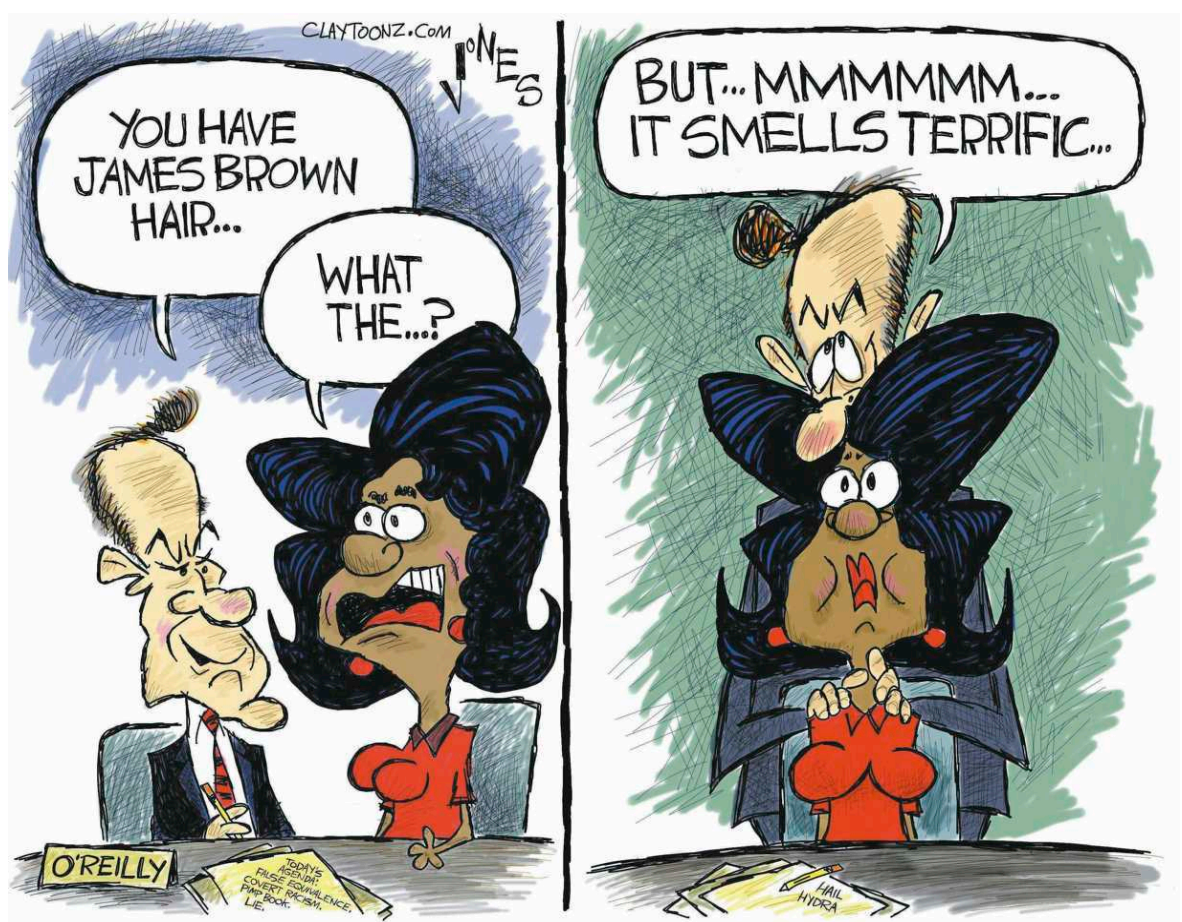
Tongue Point naval air station placed first among 26 similar naval stations from Trinidad to Dutch Harbor in a public works competition in February sponsored by the Navy's bureau of yards and docks, 13th naval district headquarters announced today.

Rear Admiral Ben S. Morell, chief of the bureau in Washington, D.C., made the award for "temporary outstanding progress" among a class of stations where less than \$300,000 is spent every month on construction.

Under the streets and in the sewers and below the docks of downtown Astoria there is a secret, undisturbed and populous city of rats.

An intensive campaign to depopulate this community — a menace to Astoria's wartime health — is under way under sponsorship of the Clatsop Health Department and the federal Fish and Wildlife Service.

Sometimes at late night hours when the streets are quiet, Astoria's rat population comes out of its underground hideaways and rats can be seen scampering along downtown streets and in those of the residential sections.



## How to put an end to the politicization of the court

By DAVID LEONHARDT  
 New York Times News Service

Mainstream news coverage has a hard time making subtle distinctions between the behavior of the two political parties. When Democratic and Republican tactics are blatantly different — on voter suppression, for instance — journalists are often comfortable saying so. And when the parties act similarly — both soliciting large donors, say — journalists are good at producing "both sides do it" stories.



But when reality falls somewhere in between, the media often fails to get the story right. Journalists know how to do 50-50 stories and all-or-nothing stories. More nuanced situations create problems.

The 2016 campaign was a classic example. Hillary Clinton deserved scrutiny for her buck-raking speeches and inappropriate email use. Yet her sins paled compared with Donald Trump's lies, secrecy, bigotry, conflicts of interest, Russian ties and sexual molestation. The collective media coverage failed to make this distinction and created a false impression.

Now the pattern is repeating itself, in the battle over the federal courts.

Democrats are on the verge of filibustering Neil Gorsuch's Supreme Court nomination. If they do, Mitch McConnell, the Republican Senate leader, has signaled that he will change the rules and bypass the filibuster. The move may change the nominating process for years to come.

Much of the media coverage has described the situation as the culmination of a partisan arms race: Both sides do it. And that description is not exactly wrong. Democrats have engaged in some nasty judicial tactics over the years.

Most famously, they blocked the highly qualified, and extremely conservative, Robert Bork from joining the Supreme Court in 1987. Democrats also blocked a few qualified George W. Bush nominees to lower courts, like Miguel Estrada and Peter Keisler.

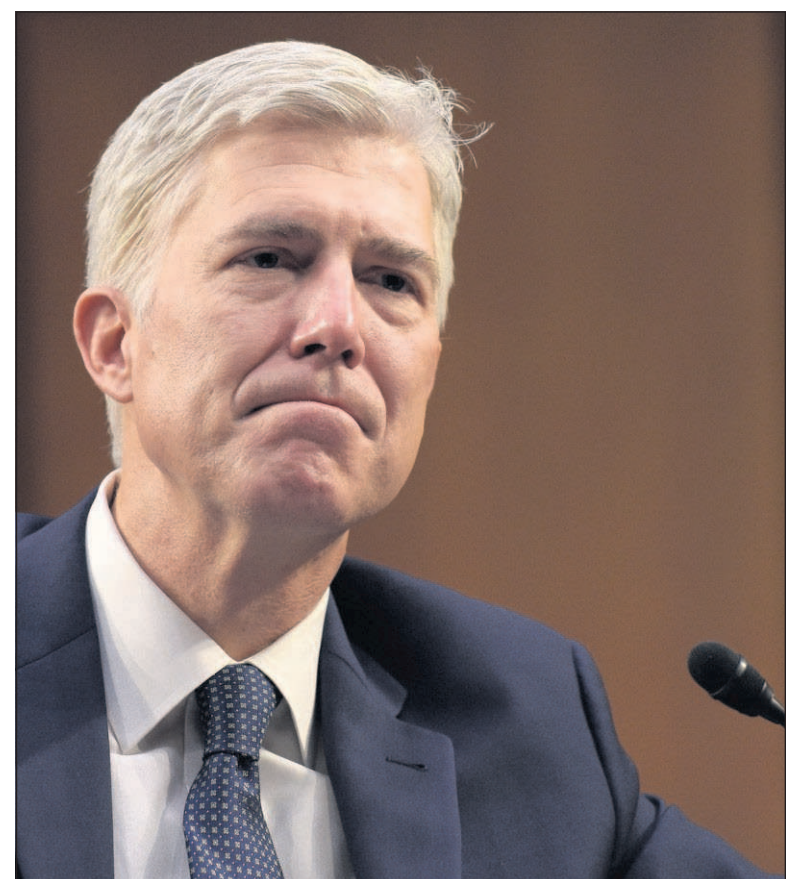
But if judicial politics isn't an all-or-nothing story, it's also not a 50-50 story. Too much of the discussion about Gorsuch's nomination misses this point.

Anecdotes aside, Republicans have taken a much more aggressive, politicized approach to the courts than Democrats. The evidence:

— Republicans have been bolder about blocking Democratic nominees than vice versa.

The failure rate of Democratic nominees to federal trial courts since 1981 has been almost twice as high as the Republican failure rate: 14 percent versus 7 percent. There is also a gap among appeals court nominees: 23 percent to 19 percent.

The gap between the parties would be even larger if Democrats hadn't eliminated the filibuster on lower-court nominees in 2013, allowing Barack Obama finally to fill more judgeships. Even so, Trump has inherited a huge number



AP Photo/Susan Walsh

Supreme Court Justice nominee Neil Gorsuch listens as he is asked a question by Sen. Mazie Hirono, D-Hawaii, on Capitol Hill during his confirmation hearing before the Senate Judiciary Committee in March.

of vacancies.

The numbers above (which I put together thanks to Russell Wheeler of the Brookings Institution) apply only to two-term presidents, to keep comparisons consistent. But the sole recent one-term president makes the point, too: In 1990, a Democratic Congress created dozens of new judgeships, even though George H.W. Bush could then fill many.

**Paeans to bipartisanship may sound good, but in this case they don't ultimately promote bipartisanship. Right now, the status quo is working quite well for one of the two parties.**

Can you imagine Republicans expanding the judiciary for a Democratic president?

— Republican nominees have been less centrist than Democratic nominees.

Republican activists have built a strongly conservative network of judicial candidates. Democratic candidates are more idiosyncratic. Some are more sympathetic to prosecutors, others to the defense. Some are more pro-business than others.

No wonder, then, that Samuel Alito, Clarence Thomas and

Antonin Scalia are among the most conservative justices ever, according to research by Lee Epstein of Washington University. By contrast, every Democratic-nominated justice of the last 50 years has been closer to the center.

— Merrick Garland, Merrick Garland, Merrick Garland.

The Republicans' strategy has been straightforward. They have tried to deny Democratic presidents a chunk of judgeships, hoping the nominations will roll over. Then Republicans have made sure their nominees are very conservative.

The strategy reached its apex last year, when the Senate blocked Obama from filling a Supreme Court vacancy, even with the highly qualified, and notably moderate, Garland. It was unprecedented. Republicans set out to flip a seat and succeeded. Now the Senate is preparing to confirm Gorsuch, likely to be another historically conservative justice.

Republicans are bragging a lot about Gorsuch's qualifications, which are legitimate. But this debate isn't really about qualifications. If it were, Gorsuch wouldn't have been nominated, because Garland would be on the court.

What can Democrats, and anyone else who laments legal politicization, do about it? Absorb the lessons of game theory.

Republicans have benefited from their partisan approach. They won't stop just because Democrats ask nicely and submit to Gorsuch. Democrats are right to force McConnell to be the one who takes the partisan step of eliminating the Supreme Court filibuster. Likewise, Democrats should be aggressive in blocking Trump nominees to lower courts.

Paeans to bipartisanship may sound good, but in this case they don't ultimately promote bipartisanship. Right now, the status quo is working quite well for one of the two parties. The country won't return to a less politicized judiciary until both parties have reason to want it.