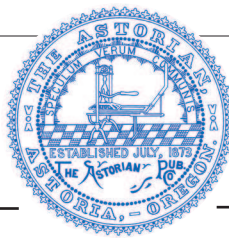


OPINION

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OUR VIEW

Kennedy is no hero on the Supreme Court

As if national politics needed another contentious issue, appointment of a U.S. Supreme Court justice to replace the retiring Anthony Kennedy might make Ultimate Cage Fighting look tame as a Victorian cricket match.

In recent decades, by means both fair and foul, presidents and U.S. senators have tended to replace departing justices with men and women viewed as likely to maintain a rough balance between the court's liberal/moderate and conservative wings. Kennedy, appointed by President Ronald Reagan in 1988, has been the justice most likely to bridge the gap between the sides.

Though he has in no sense been a liberal, his belief in the legal principle of stare decisis — standing behind the court's past decisions — meant that Kennedy served as an impediment to efforts to roll back reproductive rights and other elements of modern civic freedom. On a nine-member court, decisions made on a 5-4 basis often have relied on Kennedy for that fifth vote.

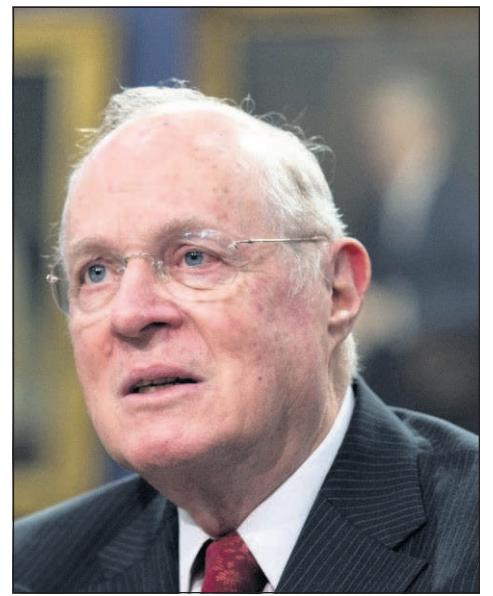
Although a significant percentage of citizens are narrowly focused on abortion — with Kennedy mostly voting to preserve the legal precedent of Roe v. Wade, which was decided before he joined the court — other decisions made by the court actually have a far greater impact on American society. One of the biggest of these, commonly called Citizens United after the right-wing group that pursued it, resulted in corporations being granted political rights similar to those of flesh-and-blood people. By allowing easier manipulation of elections, Citizens United has been one of

the single biggest factors in making sure our nation's rich get richer, while everyone else struggles. Kennedy's fifth vote allowed this to happen. He is no hero.

In decisions during the just-concluded court term, Kennedy often landed on the pro-Trump side. He was for example the deciding vote approving of President Donald Trump's controversial travel ban, which started out as transparently biased against Muslims and then gradually was modified to arguably qualify as a legitimate exercise in barring visitors from countries that don't adequately screen air passengers.

while the West also lives day in and day out with issues that are unique to our region. As we said in 2010 when President Barack Obama nominated Elena Kagan to the court, there should be some effort for a regional balance.

Only token attention was given in 2010 to the fact that with Kagan's confirmation, four of New York City's five boroughs were represented on the court. Since then, Coloradoan Neil Gorsuch has replaced one of the New Yorkers, Antonin Scalia of the Queens borough. Kennedy, with solid roots in Sacramento, is now departing.



AP Photo/Manuel Balce Ceneta

Supreme Court Associate Justice Anthony Kennedy in 2015.

from Arizona, was the last member who really knew about Western life. No matter her politics, she brought knowledge of water-allocation issues and other regional matters that were only purely theoretical to her Supreme Court peers. O'Connor's firsthand life experiences were invaluable.

If all 100 U.S. senators came exclusively from the most elite East Coast universities, there would be a second American Revolution. No one would see such an Eastern bias as being acceptable for our republic and democracy. At a time when pundits already are writing of us being in the midst of a "cold" civil war, we can ill-afford to have more power concentrated in the hands of the East Coast moneyed class.

Trump can do us all a favor by defying expectations. He should nominate a non-Ivy Leaguer from the West who will not rubber-stamp every item on the ultra-wealthy wish list, but honor Western traditions of self-sufficiency, egalitarianism and good-neighborliness. Otherwise, he will further intensify the feelings of anger and disenfranchisement that are threatening to pull this great nation apart.

'If all 100 U.S. senators came exclusively from the most elite East Coast universities, there would be a second American Revolution.'

Much of the sound and fury in coming weeks over Trump's forthcoming nomination will focus on such hot-button issues. The scripts of these fights were prepared long ago and will play out along tiresome, predictable lines. But we and our U.S. senators who will debate the issue can better spend our time pushing for openness from the nominee on questions like corporate power, fair elections and subjects important here in the West, such as water rights, tribal relations and federal land management.

Fair elections and maintaining some sense of fundamental economic balance in the U.S. are key to national harmony and success,

Six of the nine current justices received their legal educations at Harvard, while the other three went to Yale.

This bias to the Northeast and the implicit assumption that only Harvard and Yale are capable of producing top legal minds is bound to skew the cultural, social and intellectual underpinnings of the men and women on the court. While it is superficially comforting to have a Colorado native among "the supremes," it is questionable to what extent Gorsuch's presence is representative of prevailing views and issues in the three populous mainland West Coast states.

Former Justice Sandra Day O'Connor,

SOUTHERN EXPOSURE

Rock 'n' roll 101 with KISS' Thayer

Tommy Thayer of the rock band KISS, a Pacific University trustee, recently earned an honorary doctorate of humane letters for his philanthropic leadership efforts. He grew up in Beaverton and frequented Cannon Beach in his youth. He worked for KISS as a producer, songwriter and business manager before becoming the band's lead guitarist in 2003.

Q: Honored to be speaking with you, Tommy. How did you get involved with Pacific University?

Thayer: Dad (Brigadier Gen. James B. Thayer) made the board suggestion and they ran with that. They thought that would be great — Tommy Thayer, a local boy, with the profile of being in KISS — an interesting combination of background and experience.



R.J. MARX

Q: Are you a college graduate?

Thayer: No, I did not go to college. I was straight out of high school and into "rock 'n' roll 101." I'd had a few bands, but ended up forming a band called Black 'n Blue in 1981. It was five guys from the Portland area.

We played clubs for a certain amount of time, but then decided if we ever wanted a chance of really making it, we needed to get out of Portland and head to Los Angeles, where there were record labels and management companies.

We took a shot at the big time in early 1983. We moved and within six months we were signed with a major label — Geffen Records — and put together a real nice recording contract. Then we were on our way.

Q: Those were the glory days of heavy metal.

Thayer: The new wave of British heavy metal was happening at the time: (Iron) Maiden, (Judas) Priest, Def Leopard — these bands were coming up out of England, and making a real splash so that kind of carried over into the U.S.

Ironically, one of the early tours we did was opening for KISS in 1985, and that is when I met (singer-songwriter) Gene Simmons and (bass player) Paul Stanley.

Q: Tell me about your time with KISS.

Thayer: KISS's first record came out in 1974. And they have been plugging right along ever since, I should say "we" now because I've been with them for the last 15 years.



Pacific University

Pacific University trustee Tommy Thayer.



Tommy Thayer

KISS guitarist Tommy Thayer.

When Black 'n Blue ran its course in the early '90s, Gene and Paul asked me to come aboard with the KISS organization behind the scenes.

I did everything from getting the coffee to directing and producing documentary videos. Then they did a reunion tour in '96, and I became the road manager. A couple years went by and they had problems with their lead guitar player. They decided to make a change in 2002 and I was the heir apparent.

Q: Has it been a smooth transition?

Thayer: Absolutely. It's like a five-way marriage in a lot of ways. The key, really, is being with people who are professional, can get along, support each other, and respect each other. It just doesn't happen a lot of times.

People always ask, "What happened with this or that?" "Why did this guy leave?" "Why do they hate each other?" It really comes down to personality issues.

We've been able to circumvent that and make it work, Gene, Paul, (drummer) Eric (Carr) and I all get along famously. We actually enjoy being together when we tour. We love hanging out, having dinner and sharing time together. It's a huge plus.

Q: Where do you live now?

Thayer: My primary residence is in Southern California. I live about 45 minutes outside of Los Angeles in an area called Thousand Oaks.

Q: What is your experience on the Oregon Coast?

Thayer: I grew up in Beaverton. Cannon Beach is a big part of my life and my background.

Q: In what way?

Thayer: My dad, the general, grew up in a small town called Carlton, Oregon. His parents and his grandparents took him to Seaside, Cannon Beach, back in the '20s, when he was just a young kid.

When we were growing up, we were in Cannon Beach all the time.

Ten years ago I built a house in Cannon Beach on Jefferson Street in Midtown. I sold it just a year or two ago. It didn't make sense for me to continue it because I just wasn't getting there enough, so I actually sold the place.

Two of my brothers, Mike and John, have homes there. To me, it is one of the most special places in the world. It's so beautiful and unique, and I love being there.

When I go into the Driftwood in Cannon Beach, my favorite spot, it's kind of like old home week to see all your friends and all the locals.

Q: Bringing this full circle to your honorary degree — what do you say to kids who say he didn't go to school and now you're promoting education at Pacific University. What are you trying to impart to a new generation?

Thayer: For me, I had the opportunity to go to music and it worked. Whether you're in school or pursuing a career, perseverance is the key to success.

Q: Do you have plans to come back to Cannon Beach?

Thayer: I hope so. I would love to be there for the Fourth of July, but KISS is going to Europe, to headline festivals in Spain and Portugal, so I won't have an opportunity to be there.

Q: When do you hit the road?

Thayer: We start in Barcelona, Spain, on July 7.

R.J. Marx is The Daily Astorian's South County reporter and editor of the Seaside Signal and Cannon Beach Gazette.