



VIEWPOINT

THE BATTALION
TEXAS A&M UNIVERSITY

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Supreme Court and Carter:

Chance to appoint a justice would help campaign

by DAVID S. BRODER
WASHINGTON — Jimmy Carter has the reputation among his aides and admirers of being a "lucky" politician, but in one respect, at least, Lady Luck has turned her back on this President. He is the first occupant of the White House since Andrew Johnson, more than a century ago, not to place anyone on the Supreme Court.

Johnson succeeded the assassinated Abraham Lincoln only 41 days into Lincoln's second term, but left office without putting anyone on the high court. The Senate, angry at Johnson over Reconstruction policies, voted to reduce the size of the court by attrition from ten members to seven, and took no action on Johnson's one nominee in 1866.

Carter has gone 41 months without a vacancy, and some of his leading associates are now convinced that he, like Franklin D. Roosevelt, will have to win a second term if he is to have the privilege most Presidents enjoy of putting their personal stamp in the summit of the judicial branch.

Even if a vacancy were to occur in the next four months, precedents and parliamentary procedures would permit Senate Republicans to delay confirmation of a Carter appointee until the presidential contest is decided.

Nonetheless, among Carter's political advisers, there is an almost poignant yearning for just such an opportunity. Nothing else except the sudden release of the hostages in Iran would be so helpful to Carter's re-election, they believe,

as a chance to name someone to the Supreme Court.

None of those involved in this game of make-believe claims to know what Carter would do with such a vacancy, although First Lady Rosalynn Carter is on record as saying her husband covets the opportunity to be the first President to place a woman on the court.

Since they are free to let their imaginations roam, they can fantasize about the effect on the coming campaign if Carter, for example, picked ex-Rep. Barbara Jordan for the high court — a black, a woman, a liberal and a Texan, all in one talented, eloquent person.

Suppose, they say, there were another vacancy and Carter could reach into the judiciary and elevate someone he had named to a lower court, someone like Circuit Court of Appeals Judge Abner J. Mikva — a Jewish congressman from the key state of Illinois, with impeccable liberal credentials and close political ties to organized labor.

As they talk, it sounds suspiciously like patronage politics raised to the level of the Supreme Court. There are lawyers in the White House who believe that Carter would feel constrained to make a much more traditional choice — thus thwarting those eager for an "affirmative-action" appointment. "He might easily alienate more people than he would please," one adviser cautioned, "particularly if he failed to appoint a woman."

But in Carter's peculiar political position, the opportunity for a Supreme Court appointment

would go much beyond patronage to the symbolism of what is at stake in this election, making the kind of choice that a Ronald Reagan could hardly be imagined making — a black, a woman, a liberal and a Texan, all in one. It could dramatically remind the dissident constituencies of the Democratic party whatever their misgivings about certain policies, they do have a stake in his re-election.

Lacking such an opportunity, the President can only assert that "more women, black, Hispanics have been appointed to judgeships during my administration than in all previous administrations in history."

The statistics are there: 39 blacks, 38 women, 12 Hispanics. But they are not so impressive a single Supreme Court appointment in those categories might be.

Presidents can do no more than hope for an opportunity to knock, in the form of a vacancy from the court; any faint hint of pressure to retire could produce a scandal.

Noting that five of the nine sitting judges past age 70 (Chief Justice Warren E. Burger and Associate Justices William J. Brennan, Thurgood Marshall, Harry A. Blackmun, Lewis F. Powell, Jr.), one of Carter's aides observed, "Somebody's going to have to chance to appoint a majority pretty soon."

That is a fact that some voters will remember in the polling place. But it is not the motivator that a flesh-and-blood Supreme Court appointment might be — or might have been, had one come Carter's way.

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Senator shouldn't be Carter's go-between

by STEVE GERSTEL
United Press International
WASHINGTON — No one was more mystified than Sen. Joseph Biden Jr. to find himself aboard a jetliner headed for Germany.

No one except, perhaps, Secretary of State Edmund Muskie and, presumably, Jimmy Carter, the president of the United States.

Why had the 37-year-old, two-term Democrat from Delaware been summoned to Bonn by Chancellor Helmut Schmidt?

Nor is summoned too strong a word. The West Germans had been insistent that Biden meet with Schmidt. Twice, Biden begged off because he had previous commitments that could not be broken.

The West Germans then asked Biden to suggest two alternative days, which he did and presumed the flirtation was over.

But Biden was wrong. The Germans telephoned him in his Capitol office on a Tuesday and told him the appointment with Schmidt was the following day.

The trip was arranged in such a hurry that Biden, who commutes to Washington from his home in Delaware, had to get his son a train to bring him a clean shirt and shaving gear.

Biden himself is not sure why he was selected and why Schmidt was so insistent.

The Delaware senator has some good credentials. As chairman of the Senate's European subcommittee, he knows almost all of the leaders in the area. He even claims to have engaged

in a "shouting match" with Schmidt in his past. Biden feels that one of the reasons Schmidt wanted to meet with him is to send a message to the Senate stressing the importance of the German chancellor places on SALT II — the strategic arms limitation treaty with the Russians that was shelved when the Soviets invaded Afghanistan.

That may well have been an influencing factor. Yet, the Schmidt-Biden talks, which lasted about an hour and a half, ranged over many more matters that only indirectly affect the Senate.

In fact, Biden's written report to Muskie — presumably relayed to Carter — has in it a complaint that "communications between the United States and Germany seem to be through distorted press releases."

If true, that is an ominous complaint. Although it is known that Carter and Schmidt have a poor rapport, a total breakdown in communications between two of the key leaders in the Western alliance poses a danger.

The main message that Biden brought back was that Schmidt, when he goes to the Soviet Union at the end of the month, is not going to break with the allies on Afghanistan or nuclear disarmament in Europe. As Schmidt put it — in English to Biden — the United States can "depend on the bloody Germans."

That's welcome news for the administration. What is disquieting is that Schmidt felt forced to relay the message through a U.S. senator hastily summoned to Bonn.

Global population problems becoming unmanageable

The aspiration bomb keeps ticking

by R.M. SORGE
United Press International
UNITED NATIONS — World fertility will decline in the next decade. But United Nations experts say global population problems will become even more unmanageable in coming decades.

The reason: the poorest people still propagate at an annual rate of more than two percent, and that means a scary expansion of mass poverty.

The present world population of roughly 4.5 billion will increase by another 2 billion in the next two decades, according to the latest estimate by Rafael M. Salas, Executive Director of the U.N. Fund for Population Activities, the world's largest venture in the population field.

"Over 90 percent of this increase will occur in the less developed countries, and their population alone by the year 2000 would be nearly twice the population the world had in 1950," he estimates. "By the year 2000, nearly 80 percent of the world population would be living in the less developed countries."

In his latest report, "The State of World Population 1980," Salas, a Filipino, also warns against another new danger from human overbreeding, the "aspiration bomb." He cautions against future upheaval stemming from the fact that the new masses of the poor will not accept permanent subsistence.

"While the so-called population bomb may have been defused," he notes in the report, "the aspiration bomb has not. Every one of the 125 million babies born each year is a bundle of aspirations and the drive to fulfill these will become the most dynamic and unpredictable force in world affairs in the years ahead."

"And the explosion of aspirations in the last two decades and the next two is likely to become a tremendous problem in its impact on limited resources, fragile ecosystems, on struggle against mass poverty and on the world's political, economic and social fabric."

The danger is compounded by an irreversible movement of populations into the cities, particularly in developing countries.

"There were only six cities with populations

of 5 million and over in 1950 and their combined population was only 47 million," he points out. "This has already risen to 26 million in 1980 with a combined population of 230 million. Projections indicate that this number will rise to approximately 60 with an estimated population of nearly 650 million by the year 2000."

Of these 60 cities, he says, 45 will be in developing countries.

Salas quotes estimates of the U.N. Food and Agriculture Organization that the number of undernourished people in the less developed countries (excluding China and the Soviet Union) rose from 400 million in 1971 to 450 million in 1972-74.

"They constituted about a quarter of the population of these countries," he says. "Prospects for dramatic increases in food production appear dim unless significant technological breakthroughs in high yielding varieties of seeds for a number of crops materialize. A considerable increase in inputs enables agricultural productivity."

It's Your Turn Dishonest Ags draw readers' wrath

Editor:
Friday afternoon I was preparing to go home for the weekend. As I approached my car I noticed all four of my hubcaps had "disappeared." I thought they were plain, simple wheel covers until I found out how much it's going to cost to replace them. I don't understand why anyone would want my hubcaps. I just hope whoever took them gets as much money for them as I have to pay for new ones.

Fiona McCracken '82

much merchandise as he and she could carry.

The above male opportunist was heard to say, as he removed the thirty cents I placed in the machine, how he wished there was a change purse in the machine since he needed some weekend spending money.

Later some secretaries from the same building, among others who vandalized what they could, were seen climbing the stairs near this machine with "goods" in both hands.

Now I do not try to be a "good-doer" and these sort of actions would not bother me so

much if it happened in Boston, New York, Houston, but they did not.

They happened in College Station, on the A&M campus, folks. This is appalling to me that "good Ags" could rationalize this kind of behavior, even to the point of taking moral offense. One cannot rationalize this is simply theft.

I am just sorry that it happened and hope it is an isolated case. I would think Aggies would be more honest than this instance demonstrated.

Timothy W. P...

Behavior 'shocking'

Editor:
This memo is not written in response to last Thursday's plea from this column for more opinions. Rather, it is written to express my shock at the behavior of a few "Ags" in the old engineering building.

Last Thursday the candy machine on the first floor was left unlocked. I found this after I attempted to get a bag of corn chips. After a few vain attempts at this the door swung open. I then took my bag of chips, left my thirty cents in a box in the machine and shut the door.

Later I was told about a couple who made this same discovery and proceeded to remove as

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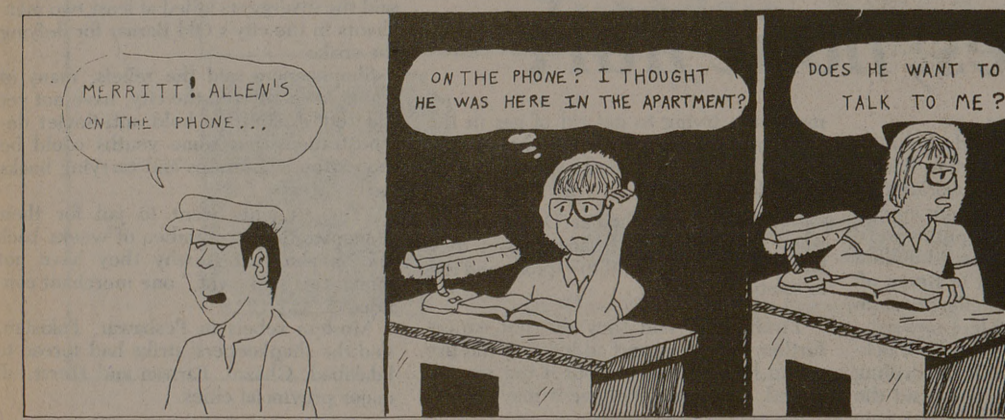
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Warped



by Scott McCullar