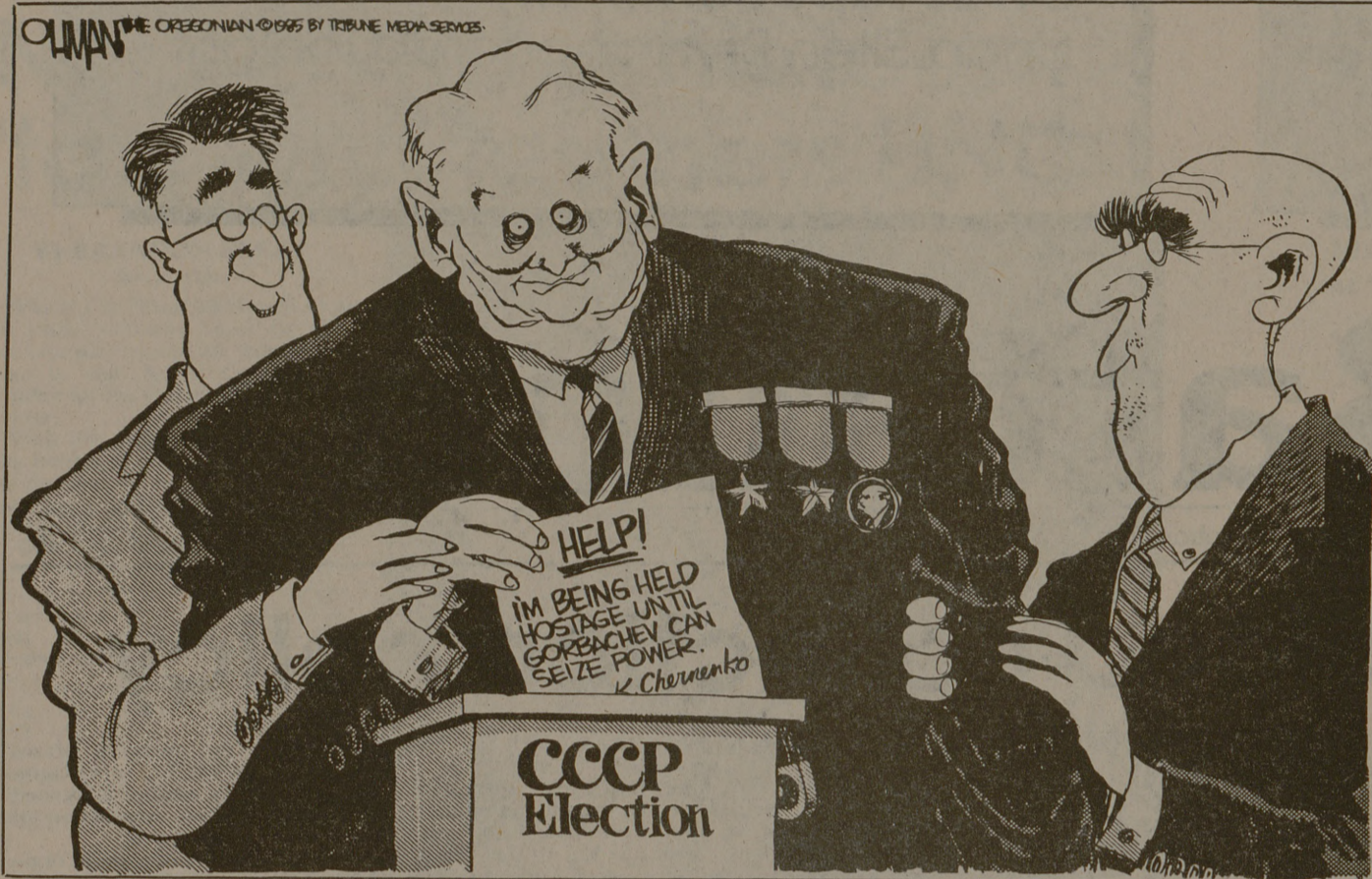


OPINION



'Correct thinkers' are Hamiltonian thinkers



George Will

WASHINGTON — The Supreme Court was tidying up after itself. It sort of shrugged and muttered, "Well, on the other hand . . ."

It said that ruling it rendered in 1976 (with eight of today's nine justices involved) was, well, eer . . . The word of five justices tried to avoid is "incoherent," so let us just say: mistaken. The result was a reversal that scrambles the ideological eggs nicely, and gives this Court much-needed practice saying "Oops! Sorry about that."

The case concerned a dry-as-dust matter: Must the city of San Antonio pay transit workers in accordance with federal labor law? The Court, divided 5-4, said yes, the city must conform to Congress.

But in 1976 the Court reached an opposite conclusion, 5-4, in a similar case. It ruled that the Tenth Amendment prevents Congress from legislating where states are exercising "traditional governmental functions."

The adjective "traditional" was an evasion masquerading as a standard. It served an ideology that can be called Jeffersonianism, an ideology of nostalgia, abstraction and almost charming disregard for modern history. It favors the kind of light, decentralized government suitable for the kind of uncomplicated, unindustrial society Jefferson favored.

The adjective "traditional" also was an example of one of this Court's two specialties: It was a muzzy criterion, and hence was an invitation to additional, "clarifying" cases. (The Court's other speciality is loud complaint about its workload.)

The 1976 decision rested, precariously, on the thundering anachronism of the Tenth Amendment's assertion that, "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the states respectively, or to the people." The opinion was written by Justice William Rehnquist. He is, deservedly, a pinup of conservatives because he generally favors judicial restraint, understood as deference to the elected, political institutions of government.

Conservatives regarded the 1976 ruling as a sign that the Court was taking up where it had left off 40 years earlier, when it had stopped putting sand in the gears of the New Deal. In the latter half of the 1930s, the Court became more deferential to Congress as it concentrated power in the central government. The concentration was facilitated by the Court's expansive construction of the Constitution's commerce clause, which vests in Congress the power to regulate interstate commerce.

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George Will is a columnist for the Washington Post.

Escape to the great white north



Ed Cassavoy

I've decided I have to get away from it all. Those irate phone calls are coming at shorter intervals, and the job hours are starting to stretch out.

I know spring break is getting close, but I've decided that I need an early vacation. So I decided to go to my cottage for a couple of hours.

It may be 2,000 miles north of College Station, but it's just a matter of putting your mind to it.

Finding the place is half of the problem, and most of the appeal. In the past couple years the road has been widened to allow the snowplow to get through in the winter. Now my secret is a little more accessible.

The long straight oaks, elms and birch stretch silently toward the blue sky, here and there the trees have fallen over in the heavy rains. The roots have nothing but a thin layer of soil covering the granite on which to cling.

The car stops with a satisfying crunch of loose gravel under the wheels.

The river is the first thing you go down to see. I guess you want to make sure it's OK. It's like coming home after being at college for a long time. You check out your old room, smell the odor of disuse, get reacquainted with an old friend.

The water of the river is clear green. Canoeing allows you to glide along, following the pattern of reeds and rocks sleeping at the river bottom.

Depending on the time of year, most of the other cottages are boarded up.

They belong to the weekenders who come up every so often to mow the lawn.

Tiny grass shoots grow out of our sand pile down by the edge of the beach. Every year the pile goes down, like an ice cream cone slowly melting in the sun. Every year a rusty truck comes with another load of sand to be dumped in the same place. Every time you leave, you know the steady, smooth current is slowly sweeping away all your work.

Heading back up to the cottage, you reconnoiter the situation. The white paint is starting to peel, the deck needs a good Rezing, the screens have a few more holes in them.

Nothing is going anywhere, there's plenty of time for a beer.

Now and again, you head back into the tiny one street town, the same type found all over Northern Ontario. The same lineup never seems to change much. Grocery store, beer store, liquor store, two little banks, craft shop, gas station, hardware store and a dilapidated hotel.

I cruise into the the gas station and get the tubes filled with air. Next stop is to the grocery store where you can buy everything you need for three times the regular price. The only bargain is the Toronto Star, 25 cents.

Next you get a 24 of Ex and head to the hotel for ice cream. The old guy at the counter hasn't aged in the 12 years you've been going there. He always drops the money on the counter, just before he gets to your open hand.

Back to the pine needles, the huge pike, the shy chipmunks, the gentle sunsets.

The fire burns noisily every night, it's a constant companion in the cycle. Hot tea is the staple of your existence, with thick cream and sugar.

At night, when the distant howl of a lonely train drifts down from upstream, you can go outside and discover a new universe.

The stars dazzle and dance, unveiled from the dirtier air of Toronto. Like dirty rags falling from an ivory-skinned woman.

Now the wind owns the trees. They breathe and creak, sway and laugh. Who is the real master of the forest they seem to ask.

Locking up for the night is over and the soft warm glow of the dying fire is the final salve to soothe a weary mind. A poker banks the coals for the night, but why not read a couple more pages of Tennyson, or Dickens?

The glorious morning is here, the cool night air has washed the ground clean again, the overturned canoes on the beach glisten with an icy dew.

Roll the light blue canoe over, and gently push the boat in, it dips slightly with your weight, then rights itself. You have been joined.

The varnished paddle is your guide, the map of Indian travels. You knife the edge of the paddle in efficiently silently, before flicking it to propel you forward with a surge.

There is no room for anything but lazy, healthy thought. You try it in different positions — drifting down the river on a tube, baking on the hot rocks, sitting under a cool pine tree.

As a matter of fact, the more I think about it, the better I'm getting to like it here.

Uh, maybe I'll stay till I finish that last beer.

Ed Cassavoy is a weekly columnist and the city editor for The Battalion.

LETTERS:

Academic freedom threatened in U.S.

EDITOR:

Few and far between have been the complaints of late against the Legislature's planned revamping of the Texas state colleges; even fewer have been the voices raised in protest against a similar move by the federal government. That is, President Reagan and his Secretary of Education have proposed a substantial reduction in monies allowed in the federal budget for student loans and other supportive measures for public education in the United States.

A few proud students have spoken out in protest, and a few administrators have done so as well — quite a muted reaction, though, against what forebodes to be the loss of academic freedom in this country . . .

Back in the late 1950's, the Director of the Federal Security Commission announced that we would need "a government agency to sift the (high school) graduates, determine how many, who will be assigned to military service, to college training, to industry" (sic).

Now, the right to an education has always been one of the basic freedoms enjoyed by all Americans, the privilege to a university education no less so than to a

high-school education . . . but the advent of "quality-control" testing has changed all that.

First there was the test which allows students to obtain a high school diploma without the classroom instruction . . . why have high school at all, if citizens already learn what they need without it?

Then there is the barrage of tests administered to determine what we need to know before we can be admitted to college.

Finally, there's the "quality-control" testing proposed last fall to govern the appointment of teachers in our schools . . . pass a test, and you're qualified to teach youngsters in grade school and high school!

Soon, the harness will be complete, as college professors will have to take a standard test to qualify as an instructor; then students will have to pass a "mega-final" to obtain a university degree.

Nor will college administrators be needed to oversee this system — it will all be done by some bureaucratic organization which makes the test, determines the standards; and, is conveniently isolated from any criticism.

Already it has made considerable inroads on education in the United States; the President might as well relinquish his jurisdiction over the Department of

Education, as indeed he may very well do, to that mysterious test-making organization . . .

William H. Clark III

A cold war exists on A&M campus

EDITOR:

Texas A&M is a World-Class university, but are the students deserving of this title? The problem that plagues our campus is the Cold War which exists between non-regs and CTs. People are forgetting we are Aggies first. Do you remember the words to "The Spirit of Aggieland?" We sing it, but often do not mean the words we are saying. I am speaking of the words, "true to each other."

How can you be true to someone when you are prejudice against them? Just think about it. Have you ever harassed someone because he does or does not wear a uniform? If you have, you are just as prejudice as a Ku Klux Klan member who harasses someone because of his religion or color. We are all proud of Texas A&M University whether we live in the original quad, which is now three Northside dorms, or if we want to carry on one of the oldest traditions, the Corps of Cadets.

I cannot change anyone, but take a

good look at yourself. Can you do something to help build Aggie unity?

Sharon Dohmann
Class of '87

No Batt coverage for Dance-a-thon

EDITOR:

Although the staff of The Batt does not realize it, a Dance-a-thon for Muscular Dystrophy Association was held (Feb. 22-23) on campus. While we did not have as many participants as the "Big Kiss" we did manage to raise over \$5,000.

And although you could not find time to send someone over for a few minutes to ask a few questions and perchance even snap a few photos, we would like to thank KBTX who did. As a matter of fact, they hung around for quite a while, not only filming for the local news broadcast, but also doing some that will be shown on the telethon over Labor Day weekend.

Of course, when one thinks about it, it is perfectly understandable that The Batt had no story about it, the Associated Press didn't show up either. Why don't you people try writing some news for a change rather than playing cut-and-paste?

Cassie Elam, '86

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USPS 045 360
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Texas Press Association
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Editorial Policy
The Battalion is a non-profit, self-supporting newspaper operated as a community service to Texas A&M and Bryan-College Station.

Opinions expressed in The Battalion are those of the Editorial Board or the author, and do not necessarily represent the opinions of Texas A&M administrators, faculty or the Board of Regents.

The Battalion also serves as a laboratory newspaper for students in reporting, editing and photography classes within the Department of Communications.

Letters Policy
Letters to the Editor should not exceed 300 words in length. The editorial staff reserves the right to edit letters for style and length but will make every effort to maintain the author's intent. Each letter must be signed and must include the address and telephone number of the writer.

The Battalion is published Monday through Friday during Texas A&M regular semesters, except for holiday and examination periods. Mail subscriptions are \$16.75 per semester, \$33.25 per school year and \$35 per fall year. Advertising rates furnished on request.

Our address: The Battalion, 216 Reed McDonald Building, Texas A&M University, College Station, TX 77843. Editorial staff phone number: (409) 845-2630. Advertising: (409) 845-2611.

Second class postage paid at College Station, TX 77843.

POSTMASTER: Send address changes to The Battalion, Texas A&M University, College Station, Texas 77843