

SHOE

by Jeff MacNelly **U.S. attorney questioned on trade scam**



Liberals: Reagan choosing young conservative judges

Associated Press
WASHINGTON — It's a conservative dream and a liberal nightmare: the likelihood that President Reagan will determine the ideological cast of the federal judiciary well into the next century.
"By choosing judges sympathetic to his views, Reagan can shape the course of American law for the next 25 to 30 years," says Herman Schwartz, a professor of law at American University.
In an article in the Nation magazine, Schwartz called that prospect "grim times for individual rights and social justice."
But while it may be grim times for liberals, conservatives see it as the end of a long era of "judicial activism."
"Much of the revolution of the past 30 years has been brought to us

by judges and lawyers," complained William French Smith when he was attorney general. He said judges had usurped powers that rightfully belonged to legislators. Smith called it "government by judicial decree."
For many conservatives, a change in the federal judiciary — from the Supreme Court down to the U.S. District courts — could be the most significant legacy of the Reagan presidency.
There is a strong chance that during eight years in office, Reagan could appoint more than half the 744 federal judges. Five of the nine Supreme Court justices are at least 76 years old. The youngest member of the high court is Justice Sandra Day O'Connor, 55, Reagan's one appointment so far to the high court.
Other presidents have been surprised by the positions their nomi-

nees took after they reached the bench. One of the prominent such cases was Earl Warren, whose judicial activism was never anticipated or welcomed by President Dwight Eisenhower.
Conservatives today are determined to avoid such surprises.
They are intervening forcefully to test the conservative credentials of individuals Reagan has nominated and also are monitoring the performance of judges after they take office.
Perhaps, what bothers liberals the most about the majority of Reagan appointees is their age. The administration appears determined to appoint judges who will be on the bench for a long time. One survey found that 11.4 percent of the Reagan judicial appointees were under 40 years old.

Associated Press
WASHINGTON — A U.S. attorney who urged a federal judge to keep his stockbroker friend out of prison in connection with an insider trading scheme was speaking for himself and not for the government, according to a Justice Department official.
Associate Attorney General D. Lowell Jensen said the federal government has recommended prison terms for both the stockbroker, Billy Bob Harris of Dallas, and former deputy defense secretary Paul Thayer. Both men pleaded guilty to charges arising from the trading scheme.

U.S. Attorney James A. Rolfe of the Northern District of Texas wrote U.S. District Judge Charles R. Richey on April 3 that he did not think his good friend, Harris, should be sent to prison for the crimes he committed.
"To the extent that Mr. Rolfe used stationery carrying the Seal of the Department of Justice and described himself as a United States attorney, the letter may create the unfortunate impression that he was speaking in his official capacity," Jensen said in a letter to Richey Monday. "This is not the case."

Jensen said Rolfe withdrew himself and his office from prosecuting the pair on the charges of obstruction of justice because of his close friendship with them.
"His use, therefore, in his letter to you of his title, his official stationery and the Seal of the Department of Justice was unauthorized and wholly improper," said Jensen.
Thayer, 65, and Harris, 45, face maximum five-year prison terms and fines of \$5,000 after pleading guilty on March 4 to obstruction of justice and giving false testimony. The charges stemmed from a Securities and Exchange Commission investigation of a scheme that netted at least eight associates \$2 million in illegal stock profits.

Campus memorial planned for Kent State war protesters

Associated Press
KENT, Ohio — A former Kent State University student paralyzed by the National Guard gunfire that killed four anti-war protesters 15 years ago praised plans for a campus memorial Saturday, while U.S. Sen. Howard Metzenbaum called dissenters "quite often the heroes."
About 400 people turned out to commemorate the 15th anniversary of the shootings on a grassy hillside that became a focus for the nation's bitter division over the war in Southeast Asia.
On May 4, 1970, after a weekend of demonstrations that saw a building burned and other vandalism, Ohio National Guardsmen opened fire on Kent State students who were

protesting the U.S. invasion of Cambodia. Besides the four students killed, nine were wounded.
Dean Kahler, left paralyzed by a bullet that day, rode his wheelchair over the site of the shootings Saturday and stirred up some old memories.
"You remember Richard Nixon calling students names and you remember Spiro Agnew making wild accusations," Kahler said.
"You remember the speech by (former Ohio Gov.) Jim Rhodes calling us all kinds of nasty names. So it's a real emotional situation," he said.
But neither Kahler, who is now an Athens County commissioner, nor

others directly affected by the shootings, focused on any bitterness left over from the incident.
Instead, they praised the university's recent decision to design and build a memorial at the site of the shootings.
"I was very bitter," said Elaine Holstein of Glen Oaks, N.Y., the mother of slain student Jeffrey Miller. "It's been nine years since I've been on this campus, and I didn't ever think I'd set foot on it again. I think what brought me back was the word that there will finally be a memorial."
Metzenbaum, featured speaker at the ceremony, also praised the decision to build the memorial.

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