

Thursday, July 6, 1989

Supreme Court leans to the right Conservatism more apparent than ever in recent court rulings

WASHINGTON (AP) — The Supreme Court's slow journey toward conservatism over the past two decades became a quick-paced march in its 1988-89 term, with Chief Justice William H. Rehnquist leading and Ronald Reagan's three appointees right with him.

The Rehnquist court came of age as it cut back abortion rights, curtailed affirmative action for women and minorities, limited other civil rights protections, condoned mandatory drug testing and permitted capital punishment for juvenile and retarded killers.

Justice Anthony M. Kennedy tipped the balance of power. In his first full term, he solidified a comparatively youthful conservative majority that prevailed in a series of important 5-4 votes.

Thus with three appointments, former President Reagan accomplished what Richard M. Nixon failed to do with four — fundamentally reshape the nation's highest court, and perhaps the future of American law as well.

Reagan named Sandra Day O'Connor to the court in 1981, then promoted Rehnquist and ap-

ANALYSIS

pointed Antonin Scalia in 1986 after Chief Justice Warren E. Burger retired. Kennedy joined them early last year.

Allied with Rehnquist and Byron R. White, who was appointed by President John F. Kennedy in 1962, the Reagan appointees are now in control.

Conservatives two years ago were panning Rehnquist's first term as chief justice, dejectedly admitting that he had been outmaneuvered and overshadowed by William J. Brennan, the court's leading liberal.

Rehnquist clearly assumed a leadership role the next year, but not without joining in some surprising rulings that sparked commentators to say he had moderated his staunchly conservative ideology.

"Statesmanlike" is what some conservatives called Rehnquist's performance in the court's 1987-88 term.

But Kennedy's votes in the just-completed term allowed Rehnquist to be Rehnquist again, standard-bearer for the causes conservatives hold most dear.

Two major exceptions to the court's conservative path through the 1970s and 1980s — abortion and civil rights — are exceptions no more.

Waiting until the last day of the 1988-89 term to announce a decision in its mostly closely watched case of the decade, the court gave states far greater power to regulate abortion.

The immediate impact: Abortions are likely to become harder to get.

The implications: It now appears much more likely the court will reverse its 1973 decision, in Roe vs. Wade, that women have a constitutional right to abortion.

Reversal, which could come as early as next year, would allow states to outlaw most abortions.

A clear majority — Rehnquist, White, Scalia, Kennedy and O'Connor — believe Roe vs. Wade was wrongly decided.

Voyager 2 nears Neptune for last stop on project

PASADENA, Calif. (AP) — Twelve years, three planets and 4.4 billion miles after leaving Earth, Voyager 2 is converging on Neptune, a swirling, blue-green planet with a backward moon, for the last stop on an extraordinary tour.

"The solar system is our neighborhood, and we're getting to the end of the neighborhood," said Norm Haynes, Voyager project manager at the National Aeronautics and Space Administration's Jet Propulsion Laboratory.

Voyager 2 already has detected a dark spot on Neptune that may be a giant storm like Jupiter's Great Red Spot. As it nears the planet, the probe will search for undiscovered moons and partial rings. And at 9 p.m. PDT on Aug. 24, Voyager will swoop within 3,000 miles of Neptune's north pole cloudtops — the closest of its close encounters and the first spacecraft to visit the planet.

It will be 2.75 billion miles from Earth after traveling 4.43 billion miles along its curving path. The information it sends back at the speed of light will take about four hours to arrive.

Five hours after the closest encounter, Voyager will fly within 25,000 miles of the backwards-orbiting moon, Triton. The other known moon is Nereid.

Voyager 1 and 2, laden with TV cameras and an array of sensors, were launched from Cape Canaveral in 1977. They visited Jupiter in 1979 and Saturn in 1980 and 1981, respectively.

Man makes 2nd attempt to burn U.S. flag at Little Rock capitol

ASSOCIATED PRESS

A man trying to burn the American flag on the steps of the Arkansas Capitol in Little Rock was thwarted Tuesday in his second attempt.

Activist Robert "Ray" McIntosh, 45, of Little Rock said he would make a third attempt to burn the flag there Sunday to show that there is not justice for all in the United States.

His son, Robert McIntosh Jr., 27, said he managed to set a flag on fire in a Capitol corridor, but nobody saw it. The younger McIntosh was among at least five people arrested by police after two shoving matches on the Capitol steps.

The U.S. Supreme Court ruled last month that flag burning is a constitutionally protected right of free speech.

The younger McIntosh, also of Little Rock, was injured when he and companions emerged from the building carrying a charred flag and tried to burn it in a

metal trash barrel. He received a bloody gash on the forehead and was taken in handcuffs to a Little Rock police car.

The younger McIntosh was charged with disorderly conduct and resisting arrest, and was arranging \$350 bond, said Pulaski County Sheriff's Department spokesman Sherry Rainey.

About 500 people had gathered in front of the Capitol to protest McIntosh's planned flag-burning.

About 50 uniformed officers — state police, Capitol police, and Little Rock officers stood in a line across the lower steps of the Capitol.

The activist marched with a half-dozen companions to the spot where his first demonstration ended in a fist-fight last week.

McIntosh got to the steps, and a metal trash barrel he intended to use to burn the flag was grabbed by the throng. A few punches were thrown, officers moved in, and McIntosh was rushed inside the second-floor Capitol doors, wearing handcuffs.

Soviets reprimanded for MiG crash

BRUSSELS, Belgium (AP) — West Germany, the Netherlands and Belgium sharply criticized the Soviet Union Wednesday for not informing them sooner about the pilotless MiG-23 fighter jet that careened out of control over their territory.

A NATO commander joined the Netherlands and Belgium in calling for better East-West cooperation to avoid such incidents.

The Soviet fighter plane took off Tuesday from Poland on a training flight, but its pilot ejected after a mechanical problem developed, according to Tass, the official Soviet news agency. The jet, apparently still on automatic pilot, entered West Germany, crossed the Netherlands and

crashed Tuesday in Belgium, killing one man in his home.

NATO officials said two U.S. Air Force F-15 aircraft shadowed the MiG as it flew for 560 miles over the three NATO countries but did not try to shoot it down for fear of spreading flaming debris over cities.

"You can't just go up and shoot the plane down," said Lt. Col. Bernard Beck, a spokesman for Allied Forces Central Europe in Ramstein, West Germany.

"West Germany is densely populated and you don't know where the plane will fall if you shoot it down at 30,000 feet. The risk factor is too great."

About 75 minutes elapsed be-

tween the time NATO first detected the plane and the time it crashed.

West Germany, the Netherlands and Belgium protested they had to wait more than 10 hours before Tass provided Moscow's first reaction to the incident.

A military report to the Soviet Parliament said commanders learned within 90 seconds the pilot had bailed out but they were still searching for the plane when its crash was reported.

Soviet President Mikhail S. Gorbachev, who is on an official visit to France, said: "I regret this incident. The Belgians know. The Belgians know the cause. This type of accident can happen."

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