

All things are not equal

Without inequality no place left for philanthropic dimension

The other day at lunch with the dean of a prominent law school, I listened to how Robert Bork might have approved the invalidation of the anti-contraceptive bill that has gotten him in such trouble.

What happened in Griswold vs. Connecticut was that an ancient (19th century) bill, backed by Protestant Connecticut in 1879, forbade the sale or the use of contraceptives. Nobody was ever prosecuted under this silly legislation, and by 1961, nobody was really for keeping it on the books. The Protestants had lost interest in contraceptives, or rather in laws prohibiting their use, and although the Catholics didn't much care for the law, the archbishop didn't mind people thinking that the church was strong enough to bar the law's repeal.

So a Mrs. Estelle Griswold set up a birth-control clinic to prescribe contraceptives to patients. This was all but acted out in the middle of the New Haven Green, in order to attract maximum attention, and Professor Thomas Emerson of Yale, a First Amendment expert, pleaded in the name of privacy the illegitimacy of the contraceptive law. The Supreme Court — because it thought the law silly — granted. Suddenly we had a thing called privacy, the right to. Exactly what right to exactly what privacy was something the Supreme Court more or less proceeded to determine on its own.

Bork got into hot water, and remains

in it, for insisting that the Griswold decision was inadequately argued.

Well, how might it have been argued? The law school dean takes us immediately into the question of abortion, allying the two cases — abortion also was ruled against on the grounds of women's privacy. You could plead, the dean said, that since only women get pregnant, then a rule involving women that was voted on only by men violated equal protection under the law.

William F. Buckley Jr.



But we find ourselves in interesting waters, contemplating the limits of the right of one element of a republic to legislate the behavior of a different element. Consider, for instance, the current complaint of many servicewomen that they are denied combat assignments. They maintain, according to different women's groups testifying before a House subcommittee last week, that this exclusion prevents them from ascendancy in the ranks, leads to sexual harassment, and is a discriminatory application of the laws. They want to fight, and one congressman, Rep. William L. Dickinson of Alabama, says he supports women for combat assign-

ments, insisting only that they compete against men for these assignments.

Ten years from now, a president will appoint some judge to the Supreme Court who ruled in 1987 that women were not entitled to join infantry combat units because gender-related regulations by the chiefs of staff are not outlawed by the 14th Amendment. Sen. Edward Kennedy and Sen. Joseph Biden will rule that anyone who took so archaic a position on the rights of women in 1987 is obviously not fit to sit on the Supreme Court in 1997.

But, let's face it, you cannot dismember a collectivity without atomizing it. Will we be saying that old people may not vote on the question at what age minors may legally purchase alcohol? And are only these voters under 62 to be permitted to vote on how much Social Security older people will get given that they, the younger generation, are paying for it? Or is it the other way around: Only old people can vote on how much money they should receive?

Two weeks ago, surveying the end bits of the Titanic, I wondered whether, if such a boat went down today, men would as a matter of course yield their places on the precious lifeboats to the women. Would this be denounced, by the kind of people who qualify to sit on the Supreme Court, as acts in implied contempt of the 14th Amendment?

I swear, if there is no place left for the philanthropic dimension. My God, isn't affirmative action threatened?

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Letters

Theory 'unscientific'

In response to Chris McCubbin's editorial on the subject of the scientist's dislike of creationism, it would seem likely that any scientist would be irritated by the marketing of non-science as science in his or her field.

Hypotheses can become theories only by passing many tests which follow from their logical framework. The traditional creationism "theories" would be better labeled as creationism scenarios — not really theories but ways we could imagine life arising if only their supernatural claims could be experimented on. Supernatural forces by definition can't be the object of science so it is within the biologist's right not to consider them. If creation scientists truly want to be on equal footing with evolution theories they should suggest that the species of the animal world appeared suddenly and how this could be explained by natural processes. Any meaning or purpose behind these natural processes should be left to the individual's beliefs.

This whole problem boils down to the question, "Are biologists rejecting valid ideas because they threaten their own?" A good analogy could be one of a literature journal and its editor. If the Journal's scope was 17th century German poetry, wouldn't the editor be justifiably annoyed if some-

one kept submitting 20th century detective stories with fervent appeals of their quality and relevance to literature? The editor would refuse the offers... and the author might convince his friends he's been done justice.

Mark Schlegel
senior
physics

Lane dangers cited

In response to Monday's editorial about the need for bike lanes in Lincoln, I am against the idea of having bike lanes established.

Being a serious cyclist, who rides 8,000 miles a year, I have found that bike lanes create more conflicts with motorists than they eliminate. Having bicycled in Madison, WI, I have found that bike lanes increase the likelihood of a cyclist being hit by a turning motorists either moving into and from a parking space or opening the door in front of one. Bike lanes also encourage cyclists to make a left turn from the right edge of the road, which creates another hazard.

Greg Forrester
graduate student
climatology

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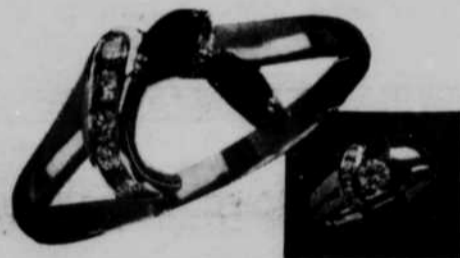
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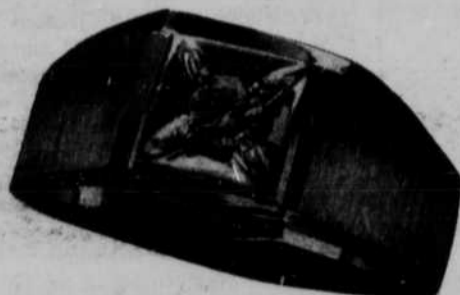
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