

JON BRUNING

Courts to change under Clinton

The federal judiciary is dominated by conservative appointees brought in during the 12 years of leadership by Ronald Reagan and George Bush.

More than 65 percent of federal judges were nominated by the two, including five of the nine Supreme Court justices. Reagan also promoted William Rehnquist to chief justice.

When Clinton begins his term as president on Jan. 20, he will have the opportunity to make substantial changes to improve American jurisprudence.

Immediately upon entering office, Clinton will be able to name more than 100 of the 846 total federal judges, or about three times the number of court openings that faced either Reagan or Bush when they began their terms.

As of Nov. 1, there were 84 district court openings, 16 appeals court vacancies and two slots on the Court of International Trade. If his record of appointments in Arkansas is an accurate indicator, Clinton should fill the openings with people who reflect the demographic makeup of the United States.

In other words, the federal judiciary will have even more women, blacks, Mexican-Americans and other minorities within its life-tenured ranks.

Bush can blame himself for many of the vacancies. He nominated no one for 46 openings before the Senate adjourned in October, leaving the task to President-elect Clinton when the Senate reconvenes next year. About 53 other nominees were not acted upon by the Senate before it adjourned. These nominations are now in limbo, leaving Clinton to either renominate the person or, more likely, make his own choice.

Bush falsely contends a hostile Congress is responsible for his inefficiency. While the Democratic Congress may have held up a number of nominations in the Judiciary Committee, the president also is at fault. In addition to failing to nominate per-

sons for 46 judgeships this year, Bush dragged his feet in the area throughout his term.

In his first year in office, for example, Bush named only 15 judges, leaving 60 spots to be filled. The total number of judges named that year was the lowest total since 1963. Bush's four-year total was equally low, as he named only 194 judges to the district and appeals courts. In contrast, Carter named 262 and Reagan named 378.

If judicial retirement statistics continue their trend, Clinton will have the opportunity to give the federal judiciary a face lift. The Administrative Office of the U.S. Courts estimates that about 60 federal judges retire each year. Adding in the more than 100 appointments he will have at the beginning of his term, Clinton could appoint more than one-third of the entire federal judiciary in his four years in office.

The most important changes could occur in the Supreme Court, where several judges could retire. Justice Byron White, who was appointed in 1962 by President Kennedy, is 75. White was appointed by a Democratic president, but has been considered a conservative.

Although Reagan appointees have overshadowed White's conservatism in the last 10 years and pushed many of his votes to the ideological center, White has often voted with conservative majorities. He recently has hinted at his impending retirement by saying that since he was appointed during a Democratic administration, he should leave during one.

Justice Harry Blackmun, who turned 84 in November, is another prime candidate to retire. Blackmun, who was appointed by President Nixon in 1970, was originally thought to be conservative in his views. By the time he authored Roe vs. Wade in 1973, however, it was clear Blackmun was far from the conservative ideologue Nixon had hoped he would be.

Since the retirements of Justices Brennan and Marshall, Blackmun has been the most liberal member of the court. He foreshadowed his retirement in this summer's Planned Par-

enthood of Southeastern Pennsylvania vs. Casey decision by writing, "I cannot remain on this court forever, and when I do step down, the confirmation process for my successor may well focus on the issue before us today."

Other justices also have been the subjects of retirement speculation. Chief Justice Rehnquist, appointed by Nixon in 1971 and promoted by Reagan to chief justice in 1986, is 68 years old. As a fierce partisan, however, it is unlikely Rehnquist would retire during a Democratic administration.

John Paul Stevens, 72, was appointed by President Ford in 1975. Between oral arguments, Stevens reportedly heads south to a home in Florida for work and recreation. His lack of desire to stay in Washington may indicate he has had his fill of the court's rigorous schedule.

Several names have been brought up as possible Clinton nominees for the one or more seats that could open up.

Democratic Gov. Mario Cuomo of New York has been the subject of much of the public speculation ever since the Clinton campaign mentioned his name in connection with the "level of competence" Clinton is looking for in members of the high court. Other possibilities include Amanda Lyle Kearse of the 2nd Circuit Court of Appeals in New York, Richard Arnold of the 8th Circuit in Little Rock, Ark., and Professor Laurence Tribe of Harvard University.

It is clear that Clinton has the opportunity to make major changes in the judicial landscape.

The interests of the American people will be served best if he chooses to make those changes not simply by choosing people on the basis of their ideology but by seeking out qualified women, blacks, Hispanics and others to diversify the background and perspectives of our nation's judges.

Bruning is a second-year law student and a Daily Nebraskan columnist.

MICHELLE PAULMAN

Petty bitching leads to bonding

I'm at a loss for words. Really, I honestly can't decide what to bitch about this week.

I could bitch about being swamped with projects to finish, tests to cram for and classes I should be attending but can't because I have projects to finish and tests to cram for.

I could bitch about the crappy weather and how, when I take my laundry out of the dryer, I have to carry it outside through rain, snow and sleet to get it to my apartment.

And speaking of my apartment, I could bitch about how we signed a six-month lease but were told we could move out after December and how the realty company seems to remember nothing about this conversation.

While I'm bitching about this, I could also bitch about how the trains go by our building right when I'm trying to sleep.

Or I could bitch about the other day when, two blocks from campus, I spilled hot coffee all over my jeans and car seat, so I had to turn around and go home to change, only to spill the rest of my coffee all over the living room carpet.

As though my petty bitching means anything in the great workings of the cosmos. There are much bigger things to bitch about: the ozone layer, the government, the arts, the economy, the election of an ex-Communist as the new Slovenian president.

The Slovenians probably could care less if I spilled hot coffee on myself. Of course, I don't much care who the Slovenians elect as their leader, unless he's a distant uncle of mine.

The yuppie couple in their \$200,000 house bitching about a repair bill on the new Saab or their \$100,000-salary jobs probably could

care less about me AND the Slovenians.

My bitching about tests and projects seems pretty darn petty compared to someone who takes as many classes as I do while taking care of an energetic 4-year-old boy or someone taking night classes while they take care of their kids and work a full-time job.

And all this seems petty to the guy out on the street sleeping on a park bench who bitches about being hungry.

I know people who hardly ever bitch about anything, who could have all their possessions destroyed in a natural catastrophe and still be grateful to be alive.

I also know people who, if they won a \$10 million lottery, would bitch about not knowing how to spend it all.

Bitching is relative. Whether we're bitching about finding food or finding car keys, we all do it.

That's what friends are for. They will listen to almost any gripe, from natural catastrophes to losing car keys.

So I bitched to my friends about my hot coffee episode, and they nodded thoughtfully.

For a really good bitch session, we talk about money. It's almost like a contest to see who can bitch about being the poorest. The winner gets thoughtful nods all around.

With Christmas on the way, the money-bitching sessions come like snowstorms: starting slow, then building and going on for what seems like forever.

My parents bitch that they can't afford to buy many gifts this year, and I nod thoughtfully. My friends bitch that they can't afford to buy gifts at all, and I nod thoughtfully.

I tell all of them that I really don't care one way or the other, that gifts are not important to me, and they all nod thoughtfully.

All this thoughtful nodding should

mean the issue is resolved. But we still go on bitching about what to do for Christmas as though the world revolved around finding the perfect present.

My grandparents have a unique concept. They don't give gifts to anyone, nor do they get any.

That may sound pretty radical to a lot of people, but it makes sense to me. They don't have to bitch about finding the perfect gifts or how much to spend on certain people; they wish you "Merry Christmas" and leave it at that.

They make up for the missed gifts on birthdays and anniversaries, but I don't think that's necessary. Just being there is enough of a gift for me.

I've recently realized the value of people in my life, perhaps a little too late.

My other grandfather is in the hospital, dying of cancer.

My mother tells me that I should prepare myself for the inevitable, but how do you prepare for the death of a loved one? Our final goodbyes were implied over Thanksgiving, but prepared, I'm not. I don't think I ever will be until the inevitable finally comes.

And there's nothing I can do but bitch to whoever will listen.

But my bitching seems petty compared to someone who has lost loved ones to a natural catastrophe, to someone who never knows where his next meal will come from, or to someone who, about 2,000 years ago, was born to a carpenter and his wife in a stable far from home.

The best gift you can give is yourself. Merry Christmas.

Paulman is a senior news editorial and history major and a Daily Nebraskan columnist and photographer.

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