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EDITORIAL

Ginsburg bad choice

Clinton's decision poor for highest court

President Clinton's nomination this week of Ruth Bader Ginsburg to succeed the retiring Byron White on the Supreme Court is an unwise choice.

Ginsburg, who is a moderate judge whose experience and track record shows her as being open-minded on most issues, is an excellent person to be a member on the court.

But this is exactly why she is one of the worst selections at this time for the highest court in the land.

The court, which is comprised of a majority of strong conservatives with a couple of moderates, is in one of its most lopsided balances in history with its strong conservative emphasis.

So what does Clinton, who is the first Democratic president in 25 years to make a Supreme Court nomination, do to reverse this conservative trend?

He appoints a justice who will do nothing to alter the makeup of the court, yet jeopardizes the court's ability to rule from a more moderate perspective since the scales of justice has added a ninth element to its conservative/moderate plate, while the liberal plate remains as empty as it has since the retirement of Thurgood Marshall.

Ginsburg is exactly what one would look for if the court was being started from scratch, but since the ingredients of an ultra-conservative court have been brewing for years, a strong liberal justice is what was needed to help the drive for having equal representation on a court dominated by Republican presidential selections.

And why did Clinton make Ginsburg his choice? Probably to try to have one of his proposals go over smoothly for one of the first times during his initial six months in office.

And Clinton's traditional opponents, the Republicans in the Senate, will not oppose the president's choice since they could not be more thrilled with his nomination.

"I think she's a Democrat that even Republicans could support," said Republican Senator Charles Grassley of Iowa, who is a member of the Senate Judiciary Committee that will be used to confirm her.

But the question is: Is she a Democrat that Democrats can support?

The answer is probably not, but the Democrats are in a Catch-22 situation, just as they were with the last addition to the court, former President Bush's nomination of Clarence Thomas to replace Marshall.

While some Democrats in the Senate might not have believed Thomas was the best choice for a justice, they were swayed to vote for him because they wanted to promote a racial balance on the court.

The situation is similar with Ginsburg: She is not the best choice for those who want to see stronger liberal representation on the court, but since she is a Democrat, the Democrats in the Senate will again be inclined to vote for her, primarily because of who she is, and not for the most important factor of a justice — what she stands for.

And while a swift confirmation process might improve Clinton's reputation, it is too bad the president is willing to sacrifice the U.S.' highest court for his own approval rating.



Signs of the Times

JEREMY FITZPATRICK

Haitians deserve opportunity

My great-grandparents were Irish immigrants to this country. I am here today because the United States was willing to take them in and give them a chance.

Except for Native Americans, we are all immigrants, of course. We are all linked by the fact that our roots in this country were planted by people who came from other countries.

Now some Haitians immigrants are coming to the United States. A federal judge ruled Tuesday that the Haitians should be released from a camp they were being held in at Guantanamo Bay Naval Base in Cuba.

The Haitians fled their homeland after a military coup in 1991. They are political refugees.

They also are infected with the HIV virus. The United States does not accept immigrants infected with HIV, so the refugees have been held in Cuba for almost two years.

In his decision that the refugees should be released, Judge Sterling Johnson, Jr. described the camp as "nothing more than an HIV prison camp."

The Haitian refugees present an extremely difficult dilemma for the United States on its immigration policy. Whatever position one takes on the issue, it cannot be easy.

On one hand, the United States has a moral responsibility to do something to help the Haitians. We preach freedom and democracy around the world. We must be prepared to back up our words when it becomes necessary.

But legitimate concerns have been raised that the United States cannot solve all the world's problems or take care of everyone who is in trouble. Those arguments are especially appealing in troubled economic times.



The fact that the Haitians have HIV has been used to distort the issue beyond rational discussion. Quarantining Americans with HIV would be as horrible as doing the same thing to Haitians.

Scare tactics have been used as well. The fact that the Haitians have HIV has been used to distort the issue beyond rational discussion. Quarantining Americans with HIV would be as horrible as doing the same thing to Haitians.

However the issue is debated, the Haitians are coming. Nine flights will carry 140 refugees to the United States this week. Once here, they will still have to seek political asylum, which means some of them could still be deported.

Fearing the unknown and listening to those voices who would appeal to the darker side of human nature is an easy temptation. It would be much easier for us to simply shut out the Haitians and leave them in Cuba than to deal with the issue.

But the United States has a larger responsibility than that, by choice and by fate. Whether we like it or not, we

are the country that oppressed people turn to when they need help.

Once that yearning of people to be free helped build the United States. The immigrants who came to the United States when my great-grandparents did helped make America into a great country.

There were also voices then that said immigrants were not wanted and would only be a burden on the country. Luckily, they were not heard. Now oppressed people are turning to us again, and it is only right that we remember that our roots as a country lie in immigration.

Would it be wise for the United States to simply open up our borders and invite everyone in? Of course not. But it is important for us to remember from where we have come.

The issue of the Haitian immigrants and others who would come to this country or who need our help is an issue about what kind of people we are. How we treat the Haitians and others crying out for help will determine if we believe in the values we so often say we do.

We have plenty of problems to deal within our own shores that we cannot ignore. But we also have the ability to help oppressed people around the world.

If we were in the position of the political refugees and they were a powerful country, would we not hope for their help as well?

We certainly don't have to help them — the choice is up to us. But if we turn our backs on those who are in trouble we will have to live with the consequences of that decision — to us and to them.

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