

Supreme Court vacancies hot issue in race

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Bush has said his appointees would be "strict constructionists" who adhere to the Constitution's original meaning. He said he admired Justices Antonin Scalia and Clarence Thomas, two of the court's most conservative justices.

Supreme Court appointees and abortion were the subject of a spirited exchange between Gore and Bush in their first presidential debate Oct. 3 in Boston. Moderator Jim Lehrer asked the candidates whether their appointees would uphold the right to abortion enshrined in the 1973 Roe vs. Wade ruling.

Bush said protecting every child, born and unborn, under the law was a "noble goal," but he said abortion opponents would have to "change a lot of minds before we get there in America."

"The voters should assume I have no litmus test on that issue or any other issue," he said. "Voters will know I'll put competent judges on the bench. People who will strictly interpret the Constitution and not use the bench for writing social policy."

Gore said he strongly supported a woman's right to abortion, but he would not impose a litmus test on appointees.

"It would be likely that they would uphold Roe vs. Wade," he said. "... This is a very important issue because a lot of young women in this country take this right for granted, and it could be lost. It is on the ballot in this election, make no mistake about it."

Gore sharply criticized Bush's criteria for selecting justices.

"Governor Bush has declared

to the anti-choice group that he will appoint justices in the mold of Scalia and Clarence Thomas, who are known for being the most vigorous opponents of a woman's right to choose," Gore said. "Here's the difference. He trusts the government to order a woman to do what it thinks she ought to do. I trust women to make the decisions that affect their lives, their destinies and their bodies."

Bush shot back at Gore, saying his appointees would overreach.

"I'll tell you what kind of justices he'll put on," he said. "He'll put liberal activist justices who will use their bench to subvert the legislature, that's what he'll do."

The current court supports Roe vs. Wade - and the 1992 Planned Parenthood of Southeastern Pennsylvania vs. Casey ruling that upheld it - by a 6-3 margin, Gruhl said.

Gruhl said it was "entirely possible" the court could overturn Roe vs. Wade if Bush were elected.

"I'm surprised Gore hasn't made more of this issue," Gruhl said.

Three justices likely to retire soon are Justices John Paul Stevens, Sandra Day O'Connor and Ruth Bader Ginsburg. Some analysts have speculated Chief Justice William Rehnquist may retire soon, too, Gruhl said.

Of those four, Stevens, O'Connor and Ginsburg support the right to abortion, while Rehnquist opposes it.

"It's very likely that three of the justices who are pro-choice would be among the first to retire," Gruhl said.

If elected president, Bush would face strong pressure from

social conservatives to select justices who oppose abortion, Gruhl said.

Abortion opponents still are disappointed by the failure to overturn Roe vs. Wade during the 12 years Ronald Reagan and Bush's father, George H.W. Bush, served as president. They are still smarting from the elder Bush's selection of Justice David Souter, who was viewed as a conservative but has compiled a liberal and pro-abortion rights record, Gruhl said.

For justices to overturn Roe vs. Wade, they would not only have to oppose abortion but also be willing to overturn precedents they would not have voted for, Gruhl said.

"I think (Bush) is fairly moderate himself," he said. "The complicating factor is the religious right within the Republican Party. I think they will hold his feet to the fire, and he will have to capitulate on some occasions, if not all."

Gore's appointments, by contrast, probably would be similar to President Clinton's, Gruhl said. They probably would be pro-abortion rights justices who were more conservative on other issues, he said.

"I'd say he will appoint justices who are moderate to liberal, but probably not very liberal because he still has to work with a Republican Senate," Gruhl said.

Supreme Court appointments also could affect the more narrow issue of so-called partial-birth abortions.

In June, the Supreme Court voted 5-4 to overturn Nebraska's ban on the procedure, saying it was too broad and did not contain an exception to protect the woman's health. Bush con-

"I'll tell you what kind of justices he'll put on. He'll put liberal activist justices who will use their bench to subvert the legislature, that's what he'll do."

George W. Bush
Republican presidential candidate

demned the ruling, while Gore supported it.

Bush reiterated his opposition to partial-birth abortion in the Oct. 3 debate.

Gore said he would support a ban on partial-birth abortion if it allowed an exception when a woman's "health is severely at risk." That appeared to be a departure from the position of many pro-abortion rights groups.

Stevens, Ginsburg and O'Connor all voted with the majority on the partial-birth abortion ruling, so with one appointment, Bush could reverse it.

The next president's Supreme Court selections also could affect controversial issues such as affirmative action, religion and federalism.

On affirmative action, the court could rule on whether public institutions may grant preferences based on race in college admissions, public contracts or hiring.

On religion, the court could examine issues such as school prayer and school voucher programs providing aid to parochial schools. In June, the court ruled public high schools could not lead public prayers at football games.

Judicial appointments also could determine the future of

federalism - "probably the area of the law in which the Rehnquist court has made the biggest change," Gruhl said.

In a series of 5-4 rulings, the court has reversed a trend toward greater federal power dating back to Franklin D. Roosevelt's presidency.

For example, the court ruled this year that Congress overstepped the bounds of federal power by allowing rape victims to sue their attackers in federal court under the Violence Against Women Act.

Regardless of whether Gore or Bush is elected, Gruhl said, the court may have its first Hispanic appointee in the next four years.

Although the conventional wisdom is that voters do not care about Supreme Court appointments, recent poll data shows many swing voters do care, Gruhl said. In such a close election, he said, the issue could make the difference.

"Gore brings it up when he speaks to core Democratic groups. He apparently has concluded they care," Gruhl said. "And anybody who paid attention to the debates noticed that Bush tried to duck the issue as much as possible."

"If you add all of that up, it appears that at least a significant chunk of voters care."

Some issues cast in shadow

ASUN from page 1

been discussed just like any other issue that concerns students," Schafer said.

ASUN has not taken a stand on Initiative 416, Lopez said.

"Because it's so controversial, we don't want to take a stand," she said.

To further discuss the issue, ASUN will sponsor an open forum about Initiative 416 that will show both sides, Lopez said. The forum will take place

Thursday at 8:30 p.m. in the Nebraska Union.

If ASUN is not addressing student queries, students should take the initiative and stop by student government offices in the Nebraska Union or call the ASUN office at (402) 472-2581, Lopez said.

"If students feel like they are not being represented, please come talk to us," she said. "I hate to have students feel underrepresented. But we're only a group of 30; we cannot communicate with the entire university."

Schafer also encouraged students to make their voices heard.

"We're here to hear complaints and concerns from students," he said. "There's always someone in the office to hear them."

Students should also vote in the ASUN election, Lopez said.

"People want to complain," she said. But the number of people who are voting is so low, she said.

To bolster campus voting rates, another issue ASUN has concentrated on is bringing online voting to campus.

Schafer said online voting won't be voted on at tonight's meeting, but senators would further discuss the issue to figure out the best way to implement it.

"We're moving forward with online voting," he said. "The question now is the best way to proceed."

"If students feel like they are not being represented, please come talk to us."

Joel Schafer
ASUN president

Dole: Electing Stenberg key to GOP Senate control

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campaign goals rather than attacks on his opponent, Democrat Ben Nelson, who Stenberg claimed ran a "series of untrue attacks."

At least one Omaha television station, The Associated Press reported, pulled a Nelson ad because of apparently false claims that a "Joint Economic Committee" issued a report used as evidence in bashing Stenberg's prescription drug plan.

In actuality, the report was

issued by a staff economist of a Democratic member of the committee.

Though the source was questioned, Democratic Party officials, who paid for the ad, stood by its assertion that the prescription drug plan supported by Stenberg would let drug companies decide what medicines are covered and that senior citizens would have to spend at least \$1,200 out-of-pocket before coverage would kick in.

"To say that the ad is false is an outright lie, and the Stenberg

campaign knows that," said David DiMartino, spokesman for the Democratic Senatorial Campaign Committee.

Hagel said the misinformation is nothing new from the Nelson campaign.

When Nelson campaigned against Hagel for senate in 1996, Hagel said Nelson "barraged" him with "the most outrageous lies."

"When they're desperate," Hagel said, "they lie."

Instead of focusing on personal attacks, though, his cam-

paign will continue to hammer home the issues he believes are important, Stenberg said.

"Our message here the last 14 days of the campaign is that there's a very clear choice (between candidates)," he said. "We're going to continue to conduct this campaign on the issues. It's not about Don Stenberg, it's about the future of our nation."

Stenberg's proposed goals include universal tax cuts, a secure Social Security system, a refurbished military, a Medicare plan that promises prescription

drug benefits and, according to Brownback, "a return of character."

"You can't have a good nation without character," Brownback said.

Dole took the opportunity to endorse Republican presidential candidate George W. Bush.

"I think (Bush) is ready," he said. "He's got a lot of good people around him. The worst thing for George W. Bush is a Democratic senate."

The Associated Press contributed to this report.



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