

ASHEVILLE CITIZEN-TIMES

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EDITORIAL

Merit system best for picking judges

Under the state's century-old system of nominating Superior Court judges in their home district and electing them statewide, eight GOP candidates were the top vote-getters in Tuesday's general election. But because the N.C. Republican Party had persuaded U.S. District Judge James Fox that the system was unfair, two of those candidates may never reach the bench.

In an order growing out of a GOP lawsuit, Fox ruled that judges had to win in their home district to be seated. If that order isn't overturned on appeal, two Republicans who won in statewide balloting but lost in their home districts will not take office.

Ironically, the GOP was right — at least until Tuesday's GOP landslide. The statewide system of electing Superior Court judges has traditionally favored Democrats because North Carolina has far more registered Democrats than Republicans.

The GOP's dilemma provides dramatic evidence of the need for a better system of selecting the judiciary. The process has been mired in politics far too long. Judges are expected to distance themselves from the sometimes grubby affairs of politics, yet they are forced to campaign for office like any other candidate. Many of the better prospects are put off by the idea of raising money and begging for votes.

Former Chief Justice of the N.C. Supreme Court James Exum has called partisan elections "the darkest storm cloud on the judicial horizon..." Many judges and attorneys agree, including two Supreme Court candidates on Tuesday's ballot — Republican Bob Orr (who won) and Democrat Jim Fuller.

The General Assembly ought to make reform of the selection system a high priority during the 1995 session. Merit selection is the best way to go — with a non-partisan commission nominating candidates based on their professional qualifications and the governor choosing from the field of nominees.

An appointment process similar to the federal system would also work. The governor would nominate candidates to be confirmed or rejected by the Legislature.

Either method would be preferable to what we have now.

Contemporary knowledge

To illustrate how out-of-touch — or how politically correct — some people can be in the "Inoffensive Age of Sensitivity," consider this headline from the Northwest Herald in Crystal Lake, Ill.:

"Atomic bombers criticize Enola homosexual exhibit," referring to the World War II exhibit about the Enola Gay at the Smithsonian Institution.

And speaking of the educationally challenged, a University of North Carolina poll reported by syndicated columnist Richard Morin found that only one out of five Tar Heel residents knows the names of our two U.S. senators. Jesse Helms was news to 43 percent and 80 percent failed to recall the name of fellow Republican Lauch Faircloth.

Don't despair, Tar Heels. Morin says a similar poll in Texas revealed that 75 percent couldn't name either of that state's senators, one of whom — Republican Phil Gramm — has made noises about a run for the White House. (That's where the president lives in Washington, D.C., cowboys and cowgirls.)

Wise decision on housing

Despite the initial reservations of four of its members, Asheville City Council acted wisely when it approved plans by a private developer to build 42 apartments for low-income elderly along Martin Luther King Boulevard.

David Douglas of Greenville, S.C., will use private financing and federal grants to build Mountain Spring Apartments. After 20 years, his company will turn the apartments over to a non-profit group or the city.

Ironically, the plans originally were opposed by three council members who campaigned a year ago about how difficult it was to do business with the city. Yet here was a man trying to deliver the city a pre-packaged deal for additional housing that would not cost the city a dime, and City Council had him hopping through hoops for approval.

Finally, after two public hearings, council members Chris Peterson, Carr Swicegood and Gary McClure changed their minds and approved the project. Leni Strick was the other turn-around vote.

SANDY GRADY

Welcome to two more years of gridlock



WASHINGTON — In this company town, where politics is the only product, most people awoke in shock Wednesday. After 60 years as a Democratic bastion, Washington found itself conquered by — gasp! — Republicans.

Their slam-dunk of the Senate and House was so stunning as the Huns sacked Rome. Swept into oblivion were Democratic titans Rep. Tom Foley (the first House speaker defeated since 1860) and curmudgeon Rep. Jack Brooks, D-Tex. Gone, a generation of young Democratic stars.

All hail new Senate master Bob Dole and right-wing henchmen Strom Thurmond, Jesse Helms, Al D'Amato, Orrin Hatch. Pay homage to the next House whip cracker, Rep. Newt Gingrich, R-Ga. Bow to the once-unknown Republican powerhouses: Dick Armey, Floyd Spence, Henry Hyde. And behind a White House podium, TV lights glaring on his wan, melancholy face, stood the loneliest man in Washington. Bill Clinton wasn't the Last Democrat in Town. But it felt that way. He was hoarse, humbled, heavily made up to hide fatigue. He'd called an East Room news conference to explain What It All Means.

The prez would have been better off taking a nap. His answers rambled in a maze of contradictions, a meditative seance.

At moments Clinton blamed anti-Washington, anti-incumbent fever, despite exit polls showing anti-Democratic, anti-Clinton anger: "They don't like the way they see business done here. Government's behind the eight ball."

Other moments, Clinton spin-doctored the nation's rebellion: "They told us, 'Look, two years ago we made one change. Now we make another change. We want you to keep moving this country forward, accelerate the pace.'"

Oh? Throwing Democrats out of power was a curious way to send that message. Humiliated Clinton should have borrowed Democratic National Chairman David Wilhelm's candor: "We got our butts beat."



What you heard from Clinton, though, was the same ritual, post-election hypocrisy mouthed by victorious Republicans: Voters are tired of squabbling, so we'll play nice.

"I wanted to tell you up front, we're ready to cooperate," Bob Dole phoned Clinton.

But anyone expecting cozy sweetness between Clinton and GOP fire eaters must believe in Peter Pan. Whitewater alone will be a lightning rod. Sen. D'Amato, who has the temperament of an enraged cobra, can't wait to unleash subpoenas. Already Gingrich, the avenging House speaker, shows his fangs by warning Clinton & Co.: Don't shred evidence.

"Key documents or official papers could be removed," Gingrich served notice on Democrats. "Ensure that no documents, paper or electronic, be destroyed."

Yep, the gouging, biting and rabbit punching

of the 1996 race has started. The inter-party fighting will make the last two years look like beanbag Democratic guerrillas will resort to obstructionist tactics they scorned. Republicans, lusty for the '96 White House, will try to steamroll Clinton. But they lack votes to defeat filibusters or vetoes. Ah, the paradox: Americans revolted for more gridlock.

Asked about a Harry Truman-style come-back, Clinton shrugged, "I think people are sick of this election."

But whatever impatient Americans wanted they'll get two years of nastiness, bombast and sigh, negative ads.

Fasten your seat belts, it's going to be a bumpy ride.

Grady is a syndicated columnist who writes for The Philadelphia Daily News.

JAMES KILPATRICK

Hill/Thomas case revisited



In his 1993 book, "The Real Anita Hill," reporter David Brock came to this conclusion: "By any reasonable evidentiary standard, Clarence Thomas should be fully vindicated of Hill's charges."

In their just-published book, "Strange Justice," reporters Jane Mayer and Jill Abramson come to the opposite conclusion: "If Thomas did lie under oath, as the preponderance of evidence suggests, then his performance ... raises fundamental questions..."

Clarence Thomas, who was to become an associate justice of the Supreme Court, and Anita Hill, who was to become a professor of law, came from remarkably similar origins. They grew up, black and poor, in the South's segregated society. Both were ambitious; both won degrees from Yale Law. Both suffered terribly in their ordeal before the Senate Judiciary Committee three years ago.

This much is clear: One of them was lying. Anita Hill charged that Clarence Thomas said things to her in 1981 that amounted to "sexual harassment." He denied her charges absolutely.

Brock is satisfied that Thomas was telling the truth. Mayer and Abramson (hereafter M&A) believe fervently in Hill.

In the adversarial nature of things, the burden of proof lies with Hill and her defenders. Thomas cannot reasonably be expected to prove a negative — that he never tried to date Hill when she was working for him at the Department of Education, that he never initiated conversations about pornography, that he did not boast to her of his sexual prowess.

In piling up their "preponderance of evidence" in Hill's behalf, M&A erect a house of straw. Try as they may, they cannot explain Hill's behavior after the alleged harassment. They cannot explain why no other woman has ever been located who would testify, under oath, that she suffered the same indignities that Thomas supposedly inflicted upon Hill.

These are fatal holes in the case against Justice Thomas. In describing how Anita Hill regarded Thomas, M&A employ these adjectives: Hill regarded her tormentor as insufferable. His conduct was offensive, disgusting, degrading, demoralizing, disturbing, distressing, painful, anguishing, upsetting, troubling and humiliating.

Given this situation, what did Hill do? When Thomas moved from the Department of Education, she willingly went with him. Incredible. When Hill was teaching in Tulsa, Okla., she gave him a friendly welcome and volunteered to drive him to the airport. Incredible. As a professor at the University of Oklahoma in Norman, she occasionally telephoned him in Washington, "just to

say hello." Incredible.

Is this how a terribly offended woman — a woman of high principle — acts toward a man whose "disgusting" advances had "humiliated" her? M&A explain feebly that at one point Thomas had moderated his behavior toward Hill; besides, she was ambitious and he was important to her professional career. In effect, she went along to get along. So much for principle.

If Clarence Thomas had in fact sexually harassed Anita Hill, she could not have been the only woman he treated in this "insufferable" fashion. There is a pattern to these things. We have seen it in the case of Sen. Bob Packwood of Oregon. Once he was publicly accused of fondling one woman, a parade of witnesses appeared to say that "he did it to us, too."

No such parade has materialized in this case. Even M&A concede that "Indeed, no one else during the hearings or since has come forward to accuse Thomas of sexual harassment." On the contrary, a dozen women who worked closely with Thomas have come forward to denounce Hill's accusations as unbelievable.

My own thought, after reading the conflicting books and the hearings record, is that Anita Hill fabricated the original story in order to get sympathetic attention from a close friend. Over the ensuing 10 years, she nursed the story, inwardly embellished it, brooded over it. She came to believe it. These things happen.

With Thomas' nomination to the Supreme Court, she saw an opportunity for the spotlight. Feigning reluctance to come forward, she skillfully leaked her 10-year-old tale in the certain knowledge that it would reach the Senate committee. The rest is history.

Anita Hill has become a martyred heroine — a martyr with a million-dollar publishing contract. Her ordeal has ended. Not so with Justice Thomas. As this latest attack makes clear, his ordeal goes on.

Kilpatrick is a syndicated columnist.

Government helps boosts N.C. health rating

The following editorial is an excerpt from the Fayetteville Observer-Times.

Who says government can't do something right?

The latest news about the nation's health list North Carolina as the "most improved" state among the 50, coming from 37th in last year's list to 30th in this year's.

Three reasons: A 15 percent decrease in cigarette smoking, a 16 percent drop in motor vehicle deaths, and a decrease in infant mortality from 10.2 to 9.2 deaths per 1,000 live births.

In achieving such improvement in key indicators, government played a crucial roll for the better.

Jawboning by government on federal aid, state levels, as well as anti-smoking legislation, can take a great deal of the credit for the live-saving improvement in the smoking statistics. Despite the tenacity of the cigarette companies, people are getting the message, even in this state where tobacco was once considered king.

The steady drop in mayhem on the highways, also owes much to government action. Despite the whining of some motorists caught in their web, bite-type law-enforcement sweeps have made more drivers more seat-belt conscious. Tougher drunken-driving enforcement has also had its effect on the habits of motorists. There is a direct correlation between government attention and saving hundreds of lives.

While infant mortality remains high in North Carolina, dedicated attention to the problem by two governors, public health officials, and the General Assembly has sent the trend downward, so that more North Carolina babies are getting better attention at birth.

The results prove that while government action has a tough time changing deep-seated habits, it can make a real difference when it hangs in there.

MALLARD FILLMORE

By Bruce Tinsley

