



J.W.J.

Cowardly Congress passes buck

By J.W. JOHNSON

Several years ago in the State of Maine, a man received a speeding ticket. What followed this traffic violation turned out to be not so simple.

It seems that a Philadelphia man was clocked by radar; the radar said the man was traveling 45 miles per hour in a 25 mile per hour zone. A district court judge directed the man to pay a \$50 fine.

The man protested, saying the radar unit was malfunctioning, and that he was going down a steep grade while lost. The judge disallowed the man's protests and directed him to pay the fine.

Dissatisfied with the court's decision, the man went to the trouble of rolling \$50 in pennies; he then mailed them to the court in a 38-pound box.

The judge was not pleased and ruled that the pennies were unacceptable; in effect, saying they were not legal tender.

It's not hard to understand the man's frustration at what he considers to be an injustice. And there is some measure of understanding of the judge's dismay at the man's method of displaying his frustration.

However, the man had a right to do what he did. The judge did not have the constitutional right to declare pennies (or any other currency) illegal tender. Such a declaration is reserved unto Congress and Congress alone.

The fact that the Judge believed he could make such a declaration illustrates how far the mentality of the Judiciary has gone from its constitutional mandate of interpreting law to creating new law and/or manipulating existing law to suit special interests.

The Judge's decision was not upheld on appeal. But should the man who was fined have to pay an additional \$500 for a \$50 question which has already been answered,

the question being Judicial attitude, not the veracity of radar?

This case clearly illustrates a runaway Judiciary, something that, i.e., rejected Supreme Court nominee Judge Robert Bork was clearly opposed to, and which opposition was the chief reason he was defeated by Congressional liberals who see the Judiciary as kind of an erector set for the masses.

How did we get to this point?

Compromise ultimately evolved out of the debate over what our Constitution should and should not be. And a republican democracy—the people ruling themselves through elected representation—came out of that debate. Also out of that debate came the three branches of government and the theoretical checks and balance system whereby no one branch of government is supposed to be stronger than the other.

Of course, some of those checks and balances are dependent upon attitude and ideas. And the attitude and ideas in this nation, concerning Congressional versus Judicial responsibility, have been at odds with the Constitution since the middle of the last century when Congress deferred making a decision in the Dred Scott slavery case. Congress instead deferred the decision making process to the Judiciary whereupon the Supreme Court decided that a slave was not a citizen. The courts of this land have been making effectively monumental social policy decisions ever since.

It's not the court's decision in the Dred Scott case that's at issue here. The issue is what branch of government made that decision. Since the Dred Scott case, this nation has become accustomed to the notion that the Judiciary will make policy decisions that a cowardly Congress will not make.

There is no convincing evidence that the Judiciary sought both the

role of initiator and interpreter; it's clear that the Judiciary has often acted out of an honest desire to deal with problems which were begging for solutions.

And it is in fact the self-indulgent and impatient citizen who is largely behind this abdication of Congressional responsibility. It is because of a citizen obsession with immediate gratification that the process of policy being made after considered debate has been bypassed, instead going directly to court.

The danger here is that this process means it's not the people through elected representation who face the nation's problems, deal with them, and come up with policy making decisions. Rather it is the Judiciary which is largely unaccountable to the people. And accountability is the cornerstone of the republican democracy process.

The man who was fined for speeding was notified by the court that his pennies were not legal tender, and that if he didn't send a money order to the court by a certain date, his driving privileges would be suspended.

The issue here goes well beyond the frustration and attendant actions of a man judged to be guilty of violating a traffic law. The issue is how much longer a nation can afford to let the Judiciary usurp powers which constitutionally belong to the legislative branch of government.

The ball is now in your court. And the answer is to elect men and women of conviction to Congress, representatives who will not shirk their constitutional responsibilities, while seeking curbs on the Judiciary for a referral of social issues back to Congress.

Otherwise, we can expect to be ruled in the future by little kings in various courts from whom we must beg the least of indulgences.

Letters

Private schools educate better for less

Editor:
Your article about the voucher system (Nov. 20, 1991) makes no mention of public school grants. You do not understand the bill and I think you should look into its contents and rewrite your statement with a correction.

Vouchers would be available to all who pay tuition. If a parent enrolled their student in a different school district than they live, they would be entitled to a tax voucher. There is no mention of this in your article. The title of your article mentions better education,

yet you are missing the entire idea of improving our school system. Eventually the inadequate schools and teachers would not have students and be out of a job. This is the main reason that the PSEA is against this proposal. There might be many teachers out of a job.

The Pennsylvania education system is very poor. Every angle has been tried and still there is no progress in our position. It has been proven over and over again that private schools offer a better curriculum and put out a better product for less cost. The public

school system needs some competition to improve its position.

Carol Sitar
Dallas

Editor's Note: The second paragraph of the article reads: Parents could choose from private or public schools located within 10 miles of their residence. Thus, children from Shavertown, for example, theoretically could attend any public or private school in the Back Mountain or on the west side of Wyoming Valley.

Lake-Lehman wastes money on deaf child case

Editor:
I have read several articles in the local press lately involving the Lake-Lehman School District, about parents being concerned with having their special needs children bussed to the John Heinz Institute of Rehabilitation for physical therapy services from the Kistler and Mackin schools. This, because of the inability of the Luzerne Intermediate Unit 18 being unable to provide these necessary services, a service which they have done in the past. But because of resignations and their inability to pay the needed salaries to attract new staff, they must now put these 50 or so students on a bus and transport them at added risk and expense to another service provider.

I was gratified to see a local school board member for Lake-Lehman School District, Ms. Liz Sichler, bring these concerns to

the full Board of Directors of the LIU 18 and the LIU Executive Director, Mr. Kevin O'Connor.

However there is a glaring irony at work here. On the one side there is Ms. Sichler, a concerned board member questioning the services provided to her home district students, brought about by lack of funds. Then on the other hand, a member of a school board that continues to litigate a deaf boy and his family, on further appeals to the Federal Courts, that has squandered upwards of \$40,000 in legal fees as of this writing and will fritter away double or triple that by the time the Federal Court has ruled.

It seems that this family also has a concern for a special needs child and for the provision of services.

Let me offer a suggestion; if the Lake-Lehman School District's Board of Directors would allow

Mark Dutton to attend the Scranton State School for the Deaf, stop wasting the taxpayers money on legal fees, and allow themselves to get above their administration's arguments and "educational integrity", they take the many thousands of dollars that will be wasted on the continuing legal fiasco and use that money to pay for a physical therapist. In that way the students that need those services do not have to be shipped out, as is now being done.

Well, what do you think? Can the Lake-Lehman School Board get the personality conflicts out of the way and do the right thing, to use their tax receipts for services for children, as is their mandate or to continue to pay an outside lawyer, not their own solicitor, to torment and litigate a family into oblivion?

Robert Boyce
Tunkhannock

Hasay aid will visit Lake Twp. Dec. 12

Representative George C. Hasay will have a field aide from his office at the Lake Township Municipal Building on December 12, 1991, from 10 a.m. to 12 p.m. The purpose is to assist the constituents in the 117th Legislative District.

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Library news

Children Christmas books ready for taking

By NANCY KOZEMCHAK

The Book Club of the Back Mountain Memorial Library will have a Christmas Party in the reading room of the library, Monday, Dec. 16, 1:30 p.m. A special musical program of Christmas arrangements will be presented by Mary Ann Ostrowski of Forty Fort. She will present several musical selections accompanied by an auto harp and read several Christmas poems. Friends of the Library members and community neighbors are invited to attend this festive gathering.

The library cookbook, "Chefs and Artists" is now available for purchase at the circulation desk in the library. The second printing of the book has arrived and they are ready for sale. The cost of the book is \$12.95. They would make excellent Christmas gifts.

The Christmas books in the children's room are down from storage and ready to borrow. These books circulate for a two week period and we limit the children to just two books each time they come in. There are many new titles added to the collection.

Two new memory books just received at the library are: "J. Edgar Hoover, The Man and the Secrets" by Curt Gentry. Shocking, grim, frightening, and darkly comic, this masterful portrait of America's top policeman is the most important

political book in years. From more than 300 interviews and over 100,000 pages of previously classified documents, the story reveals exactly how a paranoid director created the fraudulent myth of an invincible, incorruptible FBI. For almost 50 years, this peculiarly private man held virtually unchecked public power. He manipulated every president from FDR to Nixon but shrank from human contact. Demanding loyalty, he used illegal wiretaps and hidden mikes to destroy anyone who opposed him. This man literally changed the course of U.S. history.

"Healing the Planet" by Paul R. Ehrlich and Anne H. Ehrlich includes strategies for resolving the

environmental crisis. These two experts propose intelligent and far-reaching solutions to the massive problems that our advanced civilization has created for the civilization. Some of the problems we need to approach are—overpopulation, global warming, ozone depletion, destruction of our land, and pollution of our waters...with scientific sophistication and political savvy. The authors take each subject in turn and lay out the cutting-edge science behind the problem in language and concepts the general reader can understand. They feel we have wasted time and effort in the years since Earth Day, 1970, focusing wrongly on the symptoms and not on the causes of our problems.

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