

Remembering peacekeepers, 30 years later

BY PETER J. BROWN
SPECIAL TO THE BDN

Arrow Air 1285, a charter DC-8, crashed 30 years ago in Gander, Newfoundland. It took the lives of 248 members of the U.S. Army's 101st Airborne Division, and eight crew members. They had just completed their peacekeeping mission in the Sinai Peninsula. Among the dead were soldiers from Massachusetts, Rhode Island, New Hampshire, Vermont and Maine. More U.S. soldiers died at Gander in 1985 than in any other single incident involving U.S. forces in recent memory. More died, for example, than those killed at the U.S. Marine Corps barracks in Beirut two years earlier. It remains the worst single air disaster in history for the U.S. military, and it was Canada's worst air disaster, too. The flight home started in Cairo and then proceeded to Ger-

many with a stop in Gander on the way. Its ultimate destination was Fort Campbell, Kentucky. Moments before the crash, many of the soldiers had phoned home, alerting loved ones that they had touched down in Canada and were about to start the final leg of their journey back to the U.S. No doubt all were looking forward to enjoying a wonderful Christmas. Instead, all perished seconds after the plane took off. Their bodies were taken to Dover Air Force Base outside Washington, D.C., a few days later. They were honored by the late President Ronald Reagan who attended the memorial service for them. The Canadian Aviation Safety Board's final report on the crash pointed to a possible ice buildup on the wings as the cause, but this finding was challenged almost immediately. Charges of a coverup have persisted over the years. However, the possibility that an act of terrorism was involved via a bomb smuggled



A memorial erected in Gander, Newfoundland, to commemorate the crash of Arrow Air 1285, which killed 256 people on Dec. 12, 1985. The crash killed 248 members of the U.S. Army's 101st Airborne Division who were on their way home from a peacekeeping mission on the Sinai Peninsula.

aboard the aircraft has never been proven. That said, many whose family members perished in Gander in 1985 have expressed their misgivings about the official report, and do not accept it. When the late Secretary of Defense Caspar Weinberger pub-

lished his 450-plus page account in 1990 about his service in that post under President Reagan from 1981 to 1987 — “Fighting For Peace: Seven Critical Years In The Pentagon” — he addressed key events in December 1985, but no mention whatsoever is made about the tragedy in Gander. A monument has been erected by the Canadians close to the crash site. A lone soldier stands silently, holding hands with two small children. One of the children is extending a hand clutching an olive branch. Thirty years after this crash, we should take a moment to remember these many peacekeepers who lost their lives on this date as our search for peace continues.

Peter J. Brown is a reporter for the Provincetown Banner. He lives in Truro, Massachusetts. His previous stories and column on this crash first appeared in the Bangor Daily News in 1995.

Big court decisions coming out of Texas

BY CARL P. LEUBSDORF
DALLAS MORNING NEWS

The U.S. Supreme Court heard arguments this week on two Texas cases, one challenging allocation of state Senate districts and the other questioning affirmative action at the University of Texas. Those two cases, very different in their particulars, are among an unusual number of legal challenges from Texas that stem from initiatives by conservatives both inside and outside the Lone Star State's government. They could produce significant rulings from the nation's highest court. Two other important Texas cases are on the court's docket later in the current term. One results from a suit filed by Texas and 25 other states to block President Barack Obama's order allowing some 5 million illegal immigrants to remain in the United States. The other would overturn a state law requiring strict new standards for abortion clinics in what abortion rights advocates see as the latest effort to curb the procedure. Beyond that, the court may ultimately hear Texas cases on congressional redistricting and voter identification currently pending in lower courts. Both challenge legislative initiatives critics claim are designed to curb the political impact of the state's burgeoning Hispanic population. Indeed, virtually all of these cases — the abortion one is something of an exception — have a common thread: they reflect the tensions stemming from the growing numbers and political aspirations of Texas Hispanics, who tend to vote Democratic, and their potential for reducing the clout of the state's white conservative majority.



Abigail Fisher (right), the plaintiff in Fisher v. Texas, listens to her lawyer Bert Rein speak outside the U.S. Supreme Court in Washington, D.C., on Wednesday. The U.S. Supreme Court on Wednesday appeared closely divided over the future of affirmative action in college admissions as the justices considered a challenge to the process for picking students used by the University of Texas at Austin.

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preme Court on which Republican presidents chose five of the nine sitting justices, though decisions upholding Obamacare showed they don't always vote as a bloc. This week's cases, unlike most others, stem from initiatives by individuals, rather than elected officials. Another common thread is the involvement of Ed Blum, a former stock broker and conservative activist who has pressed conservative initiatives in the courts. Two years ago, he won a significant victory when the Supreme Court invalidated a key part of the Voting Rights Act in an Alabama case. The case argued Tuesday challenges the long-established practice apportioning legislative districts by population. The plaintiffs, two active Texas Republicans, argue State Senate districts should be based on number of voters, which would increase the clout of rural, more conservative areas. The case doesn't directly affect congressional apportionment, which the Constitution specifies should

be based on "the whole number of persons." But a plaintiffs' victory could play havoc with legislative districting around the country. One target is to reduce the impact of illegal immigrants. But Michael Li of the liberal Brennan Center for Justice and Nina Perales of the Mexican American Legal Defense and Educational Fund (MALDEF) noted at a recent forum that the largest group of non-voters is children, potentially reducing representation from predominantly white, Republican city suburbs, along with heavily Hispanic, South Texas Democratic areas. Wednesday's case revives an earlier challenge to use of affirmative action in considering admissions to the University of Texas. Plaintiff Abigail Fisher, who is white, says she was illegally denied entry because of her race and argues the 14th Amendment prohibits any use of race in determining admissions. Rulings on all four cases, including the abortion clinics and immigration ap-

peals, are likely by June. Post-2010 census congressional redistricting remains before a three-judge federal court in San Antonio, and the 2016 elections may operate again under the interim map it approved after ruling against the Legislature's plan favoring predominantly white areas over mainly Hispanic ones. The state's strict voter ID law was ruled unconstitutional by both a district judge and a three-judge appeals panel, but Texas has appealed to the full 5th U.S. Circuit Court of Appeals. All these cases could produce close decisions, illustrating the significant effect the 2016 election could have on the closely divided Supreme Court. Four justices are — or soon will be — 80, two Democrats and two Republicans, including Justice Anthony Kennedy, the GOP appointee who has most often voted with the liberals. A shift of just one seat could produce different verdicts in many of these cases.

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Rights

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long as that right exists, "bootstrapping" unconstitutional restrictions onto it presents a much greater danger, as those restrictions could easily creep to burden our other rights. The common retort is: "So what? We should just do nothing?" Of course not. There are some reasonable steps we can take, regardless of the shootings. We could come up with a clear, bright line between casual sellers and dealers. We should drop the hammer on those federal licence holders who are obvious bad apples. But we should also heed law enforcement leaders who, after many years, are reconsidering their position on civilian firearm ownership. Sheriffs and police chiefs in some of America's most violent cities — Milwaukee, Detroit, Washington — are now encouraging citizens to arm themselves and stand ready to act, whether faced with criminals or terrorists. Part of that requires personal initiative from gun owners to familiarize themselves with their firearms and develop the skills necessary to use their weapons safely and responsibly.

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And if we do all of these things, there will still be shootings. And if we bar those on the "Do Not Fly" list from purchasing weapons, there will still be shootings. When those shootings occur, it will only be responsible armed people — whether they wear blue, green, or L.L. Bean — that bring them to an end. Yet, to prevent shootings before they begin, we need to find whatever leads individuals to make a choice to kill another human, be it an ideology of hate, drugs or mental illness, and destroy it at its root. So I am proud of congressional Republicans for taking a stand. No president — Trump, Barack Obama, Clinton, or any other — should have the power to suspend the constitutional rights of citizens by fiat, even if the idea is popular. Life imitating art again, liberty can die amid thunderous applause.

Michael Cianchette is former chief counsel to Gov. Paul LePage, a Navy reservist who served in Afghanistan and in-house counsel to a number of businesses in southern Maine.

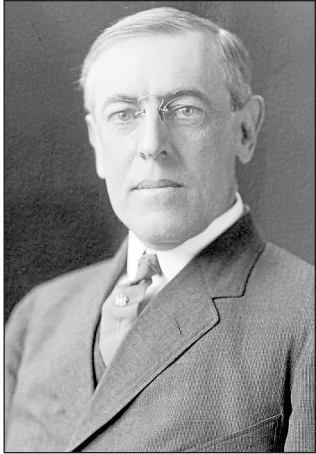


Gregory Peck, playing the lawyer Atticus Finch, sits with Brock Peters, playing defendant Tom Robinson, in the movie "To Kill a Mockingbird."

Klose

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done a fair share of good in the world, but now that I have made this confession about the vernacular of my childhood, I feel vaguely at risk. (I may never have a building named after me.) The advantage I have over Wilson and Finch, though, is that I have lived to see the dawn of another era, one in which I no longer say "colored" (and who knows but that one day "African-American" may be viewed as pejorative). Again, I reflect the sensibilities and language of the time I am presently inhabiting. And if classical expertise in this matter is desired, then I'd like to make reference to Pericles, a Greek general who, in extolling any man who rose to fight for Athens, remarked, "His merits as a citizen more than outweighed his demerits



Woodrow Wilson

as an individual." An astute commentary, for which I honor Pericles — even though he was a warmonger, a quality highly esteemed in his time.

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Climate

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climate action plan focuses specifically on reducing emissions generated by the city government, the second and third phases of the plan, now under development, would set goals for commercial and residential emission reductions. According to a 2007 greenhouse gas inventory, South Portland's municipal energy consumption generates about 10,100 metric tons of emissions annually. Under the "17 x '17" target, South Portland has to reduce its annual emissions by 1,700 metric tons. To get there, the plan

laid out 18 actions and several recommendations to increase energy efficiency in municipal buildings, including switching to energy-efficient appliances. The emissions-reducing actions also included adding more fuel-efficient vehicles to the municipal fleet. According to the city's climate action plan, using more fuel-efficient vehicles could reduce emissions by about 1.7 metric tons per car per year. After trying out the Greater Portland Council of Governments' electric car, the city added two electric cars to its municipal fleet and erected three charging stations, Julie Rosenbach, the city's sustainability coordinator, said Tuesday.

Efficiency upgrades to most city buildings, including a switch to natural gas from oil, already have produced results, according to the climate action plan, with an annual reduction of 400 metric tons of carbon emissions — 24 percent of the city's goal. Other steps the city has taken include switching to LED streetlights in its Knightville neighborhood, replacing old appliances with energy-efficient models, expanding access to public transit and installing a solar array atop the planning and development office, according to Rosenbach. The city hasn't yet determined how close it is to reaching its goal. Rosen-

bach said the city is conducting a new greenhouse gas inventory of city property, to be finished by fall 2016, that will shed light on whether these actions have met, missed or exceeded the mark. But Rosenbach is optimistic that the inventory will show the city's efforts have achieved results. "I expect the city will not only have met, but will exceed its goal," she said. Morgan, the city councilor, said he "won't be disappointed" if the city misses its goal because, either way, South Portland is committed to making long-term changes to its energy use and reducing emissions.