

TELEGRAPH EDITORIAL

Workforce housing a benefit, not threat

After years of looking the other way, the state Legislature has finally taken action to discourage the most prosperous communities in New Hampshire from restrictive zoning practices that make it virtually impossible to build anything other than a single-family home on a two-acre lot with 200 feet of road frontage.

It's called "snob zoning" and it acquired that name over the years for a reason. Such zoning practices, while presented as growth control, are actually population control. They are designed to exclude a certain population – anyone who can't afford a \$500,000 home.

A new law, scheduled to take effect on July 1, is designed to encourage more flexibility by communities that up until now have been able to raise the drawbridge with impunity. Efforts are now under way to amend the legislation to give communities more time to adapt.

Whether the legislation (SB 342) takes effect this year or next, it is long overdue. The law relies on the good faith of New Hampshire municipalities to comply as they develop zoning ordinances and review development requests.

It declares that: "The opportunity for development of such housing shall not be prohibited or unreasonably discouraged by use of municipal planning and zoning powers or by unreasonable interpretation of such powers."

While the legislation is clear as to its intent, it has no enforcement powers, except to create a very favorable legal environment for any developer who decides to sue when a reasonable plan is denied on the basis of snob zoning. The misconceptions and prejudices surrounding the question of affordable housing run deep.

As soon as a Telegraph article on the topic was published on Wednesday, anonymous comments like this began to appear on the newspaper's Web site.

"This is just sad. People,

workforce housing is ACORN code for Section 8. Ironic. They don't work. It's subsidized housing, crime, turning NH into Lowell and Lawrence. Wake up. Is that what you want?"

That comment from "Mike R" shows how confused the issue has become. The law has nothing to do with subsidized housing. It only asks that some small portion of housing in a community be affordable to people earning the median income for a household of four in New Hampshire.

That median household income is \$90,000 and would enable the purchase of a \$260,000 home by a credit-worthy couple. It's hard to believe that allowing some housing in Hollis that costs \$260,000 is going to turn Hollis into Lowell.

The posts also reflect a prejudice against young people, equating them with crime and the increased cost of schooling – both claims completely unsupported by reality. The people we are losing are recent college graduates, two-income households with young professionals who bring economic and cultural vitality to a community – not crime.

Our school costs have continued to rise over the years despite declining enrollments, thus debunking the myth that young families increase the school tax rate. Most of the costs of operating a school system are fixed, and recent enrollment trends certainly allow for growth without taxing classroom size.

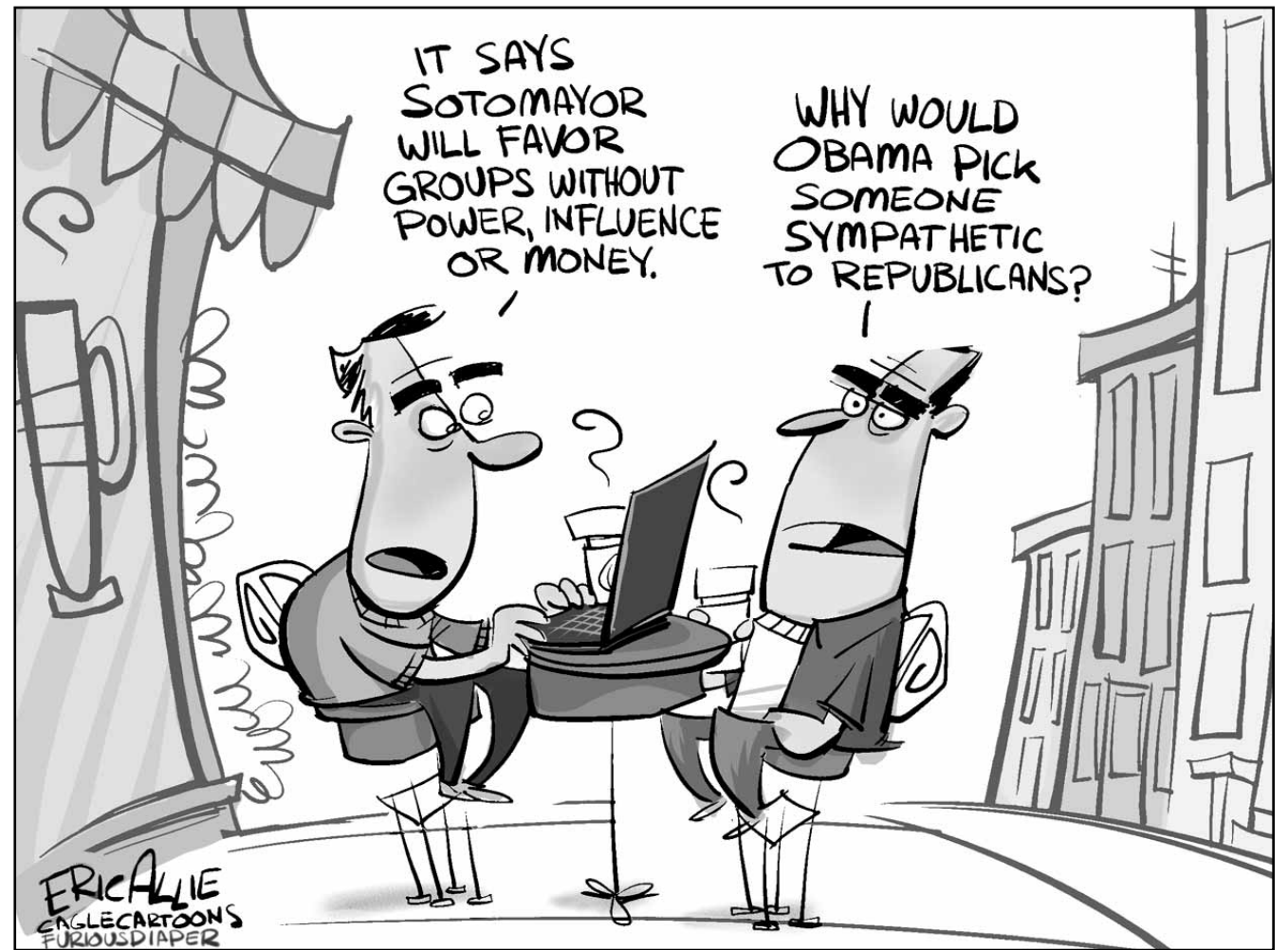
It's time to stop the "sky is falling" argument surrounding a very reasonable proposal that would help the state's economy. We are now the fourth-oldest state in the nation and face a future in which a shrinking number of working families is left to subsidize the tax exemptions provided a growing elderly population.

The cities and larger towns in New Hampshire have provided a wide range of housing options for years. It's time for the bedroom communities to open

KEY POINTS

BACKGROUND: A new law scheduled to take effect this year encourages communities to allow affordable housing.

CONCLUSION: The law is long overdue and may encourage more young people to stay in New Hampshire.



Judicial restraint, activism in eye of beholder

Politics | Remember that while Judge Sotomayor is under the microscope.

If only one thing results from Judge Sonia Sotomayor's nomination process, I hope it will be this: the public denuding of the concepts of judicial restraint and judicial activism.

So-called activist judges are defined as liberal abusers of power. So-called restrained jurists are conservatives who play by the rules and don't "make law."

The truth is, all judges view the law through the prisms of their own personal political philosophies. Few decisions are handed down completely free from partisan influence.

Judge Sotomayor's detractors have already tried to smear her as a liberal activist judge on a number of fronts. A New Republic article published before President Barack Obama selected her as his first Supreme Court nominee questioned her intelligence and attributed her alleged hotheadedness to claims by unnamed sources quoted by the author.

My guess is the more that is learned about her record, the less activist she will appear, particularly on reproductive rights – the quintessential liberal issue. There are gaping holes in her judicial record on that as well as other social wedge issues that leave one wondering where she really stands.

This gap is much to her political advantage as she navigates the confirma-

tion process. The gap also makes it hard for observers to determine what philosophy she'll rely on as a Supreme Court justice.

Let us hope her fluid decision-making technique will put to rest once and for all the descriptor "judicial restraint." It's time we saw so-called judicial restraint for what it truly is: a mantle concocted by conservatives to hide the fact jurists who abide by it are every bit as activist as so-called liberal jurists. They simply rule from the opposite perspective.

Case in point: Bush v. Gore. In that 2000 ruling, the U.S. Supreme Court majority took from the Florida Supreme Court the power to decide election results in a statewide vote cast by Florida voters. One pillar of so-called judicial restraint is that federal judges should restrain themselves from invading states' rights.

Bush v. Gore represents one of, if not the most, invasive federal power-grab in the court's storied history. The court's rationale was summed up as follows in a 2006 New York Times article:

"The heart of Bush v. Gore's analysis was its holding that the recount was unacceptable because the standards for vote counting varied from county to county. 'Having once granted the right to vote on equal terms,' the court declared, 'the state may not, by later arbitrary and disparate treatment, value one person's vote over that of another.'"

The Bush v. Gore ruling split the court several ways. The court's remedy – that of ceasing all (Florida ballot) recounts was approved, 5-4. Conservative Justices Kennedy, O'Connor, Rehn-

quist, Scalia and Thomas were in the majority, with liberals Breyer, Ginsburg, Souter and Stevens in the minority.

Bush v. Gore represented an immense invasion of states' rights by the federal court, and the gang of five in the majority was made up of as judicially restrained a group of judges as they come.

Minor problem: If Rehnquist, Scalia, Thomas and Kennedy were as judicially restrained in this case as they were and are reputed to be all the time, they could not have handed the White House to George W. Bush.

There are more recent examples of judicial activism in the extreme by so-called restrained judges. Justice Scalia this term wrote the majority opinion in a District of Columbia gun control case that overstepped by miles the normal boundaries of judicial restraint. That, in pursuit of a conservative resolution to the case.

Judge Sotomayor, for someone accused of judicial activism by conservatives, seems herself to practice restraint when it comes to reproductive rights. Although her record in this area is scanty, she wrote an opinion for the Second Circuit upholding a Supreme Court ruling on abortion.

She agreed the federal government had the right to adopt anti-abortion policies. In another case, she upheld the right of anti-abortion protesters to have their claims heard in court.

Is she "making new law" here, as judicial activists are widely reputed to do? Hardly. She is living proof all jurists are part activist and partly restrained.

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BONNIE ERBE

LETTERS TO THE EDITOR

AP story represents new low in journalism

In The Sunday Telegraph of May 10, ironically on Mothers Day, there appeared an article on Page A-4 titled "Professor wanted in killings found dead in Ga. woods" by Kate Brumback of The Associated Press.

The following sentences appeared in the article:

"Reached by phone at her home in Baltimore, his mother, Mary, said she was aware of the discovery.

"I've heard that news," she said. 'I have nothing to say about it.'"

I am appalled and sickened by that report. What kind of callous, heartless individual would telephone the mother of a man accused of killing his wife, probably killing himself, leaving her grandchildren orphans and asking her . . . well, what could Kate Brumback possibly have thought was an appropriate question to ask of a woman clearly expected to be distraught over this hideous tearing apart of her life, her entire family's life?

As professional journalists, what would you have chosen to ask?

What difference would any question, any answer, have made to the reportage of this sad story?

Will the cover of the "public's right to know" be invoked?

It appears that checking humanity at the door must be the very first thing taught in journalism school.

ONLINE COMMENT OF THE DAY



HEADLINE: Powell doctrine a real loser for the GOP

SUMMARY: The Republican Party of late has been on a listening tour, asking people for recommendations about what the party should do to revive itself after the last two disastrous election cycles. Former Secretary of State Colin Powell has offered his opinions and in the process may have done more to further divide the party he claims

to support. (Cal Thomas column / May 28)

COMMENT: Mr. Thomas calls out Mr. Powell for issuing public policy ideas while never having sought public office. Well, I am going to call out Mr. Thomas for suggesting interview questions while never having been an actual journalist. Good grief, his questions were not designed to enlighten, but instead to trap. Mr. Thomas must be feeling so very clever with himself. (MICHAEL EDWARD)

This lack of humanity is a fundamental reason journalists are so often held in such low esteem.

Malcolm R. Forbes
Merrimack

NHS graduations pose challenge for elderly

For years, as a certified educational advocate, I have attended the Nashua High School graduations to join families on their special day.

I have grown very concerned about the city of Manchester and the city of Nashua's planning for the throngs of attendees, many who are elderly, handicapped or have trouble walking long distances.

There is a tremendous amount of traffic entering and exiting, and getting close to the Verizon Wireless Arena is very difficult. Even with special handicapped plates, those in need of accommodations cannot get close. If weather is poor, it is even worse.

I have personally witnessed that people have had to miss the graduations, staying in their cars because of proximity issues no matter how early people arrive for the festivities.

The police in Manchester need to be cognizant of the needs of the families, and the Nashua administration and planners for this event need to make sure that all people have access.

Please let your readership know that parking in handicapped spaces

that they are not entitled to may result in serious fines as well. Safety is paramount.

Let's plan properly and make the events for all.

Esther Ross
Nashua

There's another side to pastor dispute story

I am the Rev. Herbert Betancourt, former pastor of the Pentecostal Missionary Church on Elm Street in Nashua.

I saw your article in the newspaper (April 2: "Dispute forces pastor out of Nashua church") and I understand that it is a sad situation, but that story has two sides, and you should make time to listen to the other side.

I myself bought that property for the church, or at least I represented the local church and the Governing Board of the church in Puerto Rico, approximately 14 years ago.

Mr. Candido Garcia was handed the church and all the assets belonging to the church about five years ago, not that he brought anything with him because everything was already there.

A pastor represents the interest of the organization that he works for wherever he is assigned to work. He cannot establish his own rules and doctrines, because that is already determined by the constitution of the organization and above all he cannot

work as if he was an independent congregation.

In conclusion, Mr. Garcia broke laws that govern this church, mishandled church assets and refused to obey direct orders from the Governing Board of this church, and for these reasons the church had no other option than to fire him.

Rev. Herbert Betancourt
Governing Board Member
Orlando, Fla.

LETTERS TO THE EDITOR

The Telegraph welcomes letters from its readers that are exclusive to this newspaper.

To speed publication, writers should keep their letters brief. Although the paper does not publish phone numbers or street addresses (unless specifically requested), that information must be included with letters for verification purposes.

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