

# MSU prof predicts '50-and-out'

Nine men with lifetime appointments to the U.S. Supreme Court can be expected to decide that a mandatory retirement age as young as 50 is constitutional, according to a Michigan State University professor of political science.

Harold J. Spaeth, who has made successful computerized predictions on how the high court will vote, forecasts a unanimous vote allowing an employer the right to decide when a worker is over the hill for employment.

Spaeth said that each of the nine justices has passed his 50th birthday.

Justice Brennan is 60; Justice Burger and Powell are 60; and Justice Marshall and Blackmun are 67. Justice Potter Stewart is 60.

The justices under 60 include Justice White, Rehnquist and Stevens.

If the court were to uphold the claim of age discrimination, the decision could open another Pandora's box, at a time when the Burger court "has labored mightily to close some of those exposed by the Warren court."

"If the court were to void mandatory re-

tirement for Massachusetts state police (the case at issue), repercussions could be expected in other mandatory government retirement programs," explained Spaeth.

The case involves a state police officer who was compelled to retire at age 46.

A federal district court ordered the officer reinstated, finding him capable of performing his duties and that the state failed to show anything magical about age 50 as the milestone.

"Although the issue of age discrimination has not surfaced previously, it legally and semantically bears upon the value of equality which, along with the values of freedom and New Deal economics, explain 85 percent of the high court's decisions," said Spaeth.

He explained that the track records of the justices show "only two of them support equality, two sit on the fence and the four Nixon nominees are unsympathetic."

"Apart from race and some sorts of sex discrimination, which the court views as 'inherently suspect' and subject to 'close judicial scrutiny,' other legislative classifications must be sustained unless 'patently arbitrary' and bearing 'no rational relationship to a legitimate governmental interest.'"

"It is the latter standard which governs the court's decision in this case," said Spaeth.

## UM prof urges action by environment council

In 1970, in response to increased demand for environmental reform, congress passed the National Environmental Policy Act signifying new national environmental priorities.

Among major provisions, the act established a new federal agency, the Council on Environmental Quality, and required detailed "environmental impact statements" for federal actions.

Despite 6,000 environmental impact statements submitted for projects over the past five years, the act has not played a significant role in governmental policy making, according to a University of Michigan professor.

Prof. Richard N. L. Andrews said the act has been virtually ignored in federal policy decisions on energy and in other major legislative proposals.

Andrews, who teaches natural resources policy and regional planning at the U-M School of Natural Resources, urged more vigorous action by the Council on Environmental Quality in issuing guidelines on a broader range of environmental matters.

Among major provisions which have not been subject to federal guidelines, Andrews noted requirements that all federal agencies should "promote maximum attainable recycling of depletable resources" and attempt to "achieve a balance between population and resource use."

He cited the need for "procedural requirements" that would ensure consideration of aesthetic and other "non-quantifiable" values in government projects affecting the environment.

Andrews said some federal agencies, in preparing impact statements, have been guilty of "burying genuinely significant impacts under mountains of descriptive verbiage."

"Unless the Environmental Policy Act plays a more significant role in major policy decisions it may succumb to bureaucratic nibbling and become so proceduralized and trivialized that its continued existence is irrelevant to the politics of decision-making," said Andrews.

Andrews cited a number of successes under the act.

He said the impact statements have compelled far broader and more systematic questioning of the consequences of proposed government actions and have been useful in making non-governmental groups

and private citizens aware of government actions affecting them.

He said the act has also served to help mobilize expertise within government agencies and to stimulate applied research on ecosystems and other elements of the human environment.

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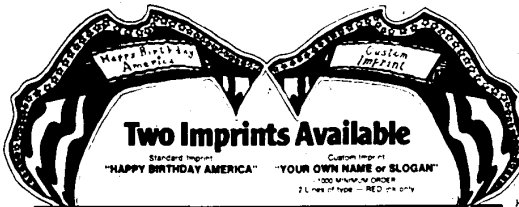
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