

Topics

Natural Law

Dams of Fortune

The great spring floods in the South and Midwest give rise to a question: Why do we submit so stoically to the calamities of inanimate nature but not to those of human nature?

We do not expect politicians to contain the floods yet insist that they command the tides of inflation to recede. We are awed when the heavy rains, rushing downhill, break the dams and overflow the levees. But we rise in anger when hard-pressed workers break the decreed restraints on their incomes and transmit the pressure to others. We know our economy works by exploiting man's natural appetites, yet we think that in times of trouble men will voluntarily — unnaturally — curb them. Do we suppose the laws of human nature to be less tenacious than gravity's?

Here perhaps lies the explanation for the polls reporting that a majority of Americans now favor wage and price controls. They are weary of the promise of engineering.

Despite the warnings of economists that controls would be inefficient, the people cannot see how a foot of sandbags will hold back two feet of water. They begin to suspect that economists, like engineers, understand why tides rise and when floods crest, but cannot be expected to control a force of nature.

As long as the lordly market can balance the tempests of desire, Americans submit to its rigors. But when the dams fail to hold, they want a declaration of disaster, a suspension of normal business — and relief.

Trading in Parks

It is hard to believe that anyone could be serious about building on parkland in mid-Manhattan, especially when the parks are part of a 50-year-old residential development that represents a high point of urban quality and amenity. Yet that is precisely what Harry Helmsley wants to do: put up a building on the Tudor City parks.

Mr. Helmsley owns Tudor City and legally he can build anything he wants on the parks. He fought six years in the courts to establish his right to do so. He has filed plans with the Buildings Department and has had test borings made where the magnolia trees are now in bloom.

But perhaps Mr. Helmsley isn't serious and just knows a good bargaining chip when he has one. The city's planners, determined to save the parks, have proposed a swap, for the city-owned park across First Avenue at 42d Street. There are a number of things wrong with this proposal. Basically, it is no trade at all. The Tudor City parks are serene retreats in a high-density area; the city's park is an equally rare asset in midtown — a large recreation facility with provisions for active sports. Even if they were comparable, no Manhattan parks are expendable.

There is a perfectly fair solution, however: let the city buy the parks from Mr. Helmsley. There is money to be had in Federal matching funds for parkland acquisition. Mr. Helmsley is not without conscience in these matters. He did save the interiors of the old Villard Houses for the new Palace Hotel. The sale of the parks would

allow Mr. Helmsley to conserve an exterior urban asset and so reap the rewards of two kinds of green at once.

Minnows

Forget all that talk about a Supreme Court revamped by Nixon appointees and committed to strict construction. The Court has shown itself to be as willing as ever to strike down both precedent and state laws. Overruling its own 1896 decision, the Court held that it is unconstitutional for Oklahoma to punish anyone for taking minnows from its streams across the line into Texas.

The Court may generally have bigger fish to fry but we're glad it decided this case in the way that it did. The unreconstructed states'-righters, Justice Rehnquist and Chief Justice Burger, voted to uphold the minnow law. The other seven justices couldn't see why Oklahoma needs to keep Texas from having such fish, including "blunt-nose, bullheads, chubs, dace, darters, fatheads, killfish, small carp, small goldfish, shiners and stonerollers." The majority was led by Justice Brennan, that holdover from the liberal Warren Court. He struck down the law as a burden on interstate commerce.

Last year when the Court blocked a dam that threatened to extinguish the snail darter, the justices seemed more in the mainstream of strict construction (of the law, not the dam). We don't know whether the latest decision is good or bad for minnows, but the Court does deserve credit for opening a stream of commerce.