

The Wall Street Journal and the Pickering nomination: Is the Republican right preparing for violence?

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The clamor over the March 15 vote by the Senate Judiciary Committee to block the nomination of Charles Pickering to the Circuit Court of Appeals has underscored the increasingly hysterical anti-democratic trajectory of the Republican right allies of the Bush administration.

Bush officials and Republican senators, together with their media acolytes, denounced the 10-9 party-line vote on the committee as though the congressional Democratic leadership were usurping the powers of the executive branch, rather than exercising the right of the legislature to approve or disapprove of presidential nominations. Pickering was the first Bush judicial nominee to be defeated, after 42 appointees were ratified by the Senate.

The treatment of Pickering, who was accorded two separate hearings before the Judiciary Committee, and extensive public discussion of his record, was described by Republican Senator Orrin Hatch as a “lynching”—an unfortunate turn of phrase in describing a Mississippi judge whose most notorious action on the bench was to lobby for a light sentence for a convicted cross-burner.

The most vicious outpouring came from the editorial page of the *Wall Street Journal*, the leading organ of the extreme right in the United States. The *Journal*'s editorial board has waged a campaign of McCarthy-style denunciations of the civil rights and civil liberties groups that lobbied against Pickering's nomination, targeting, in particular, Ralph Neas, head of the liberal People for the American Way.

An editorial February 8 was headlined, “Chairman Neas: The liberals' puppet master.” The *Journal* accused Neas of “shameless appeals on race and abortion”—i.e., criticizing Pickering because of his adamant opposition to abortion rights and civil rights. After quoting Pickering's opening statement to the Senate panel, in which he pledged to uphold the US Constitution, the *Journal*

concluded sourly, “Too bad that's not a Constitution that Chairman Neas and his Democratic followers even recognize.”

This smear reflects a constant theme of the *Journal*'s commentary: that those who oppose the policies of the Bush administration are engaged, not in legitimate political activity, but rather in subversion or treason.

In a letter replying to the *Journal* smear, Neas wrote: “Rather than deal with Judge Pickering's record, the editorial calls me a ‘race-card specialist’ for having the temerity to address Pickering's disturbing record on civil rights. It is a sad day in America when legitimate concerns about a judicial nominee's record on civil rights cannot be raised without those expressing such concerns being attacked in this manner. It is the obvious aim of such mud-slinging not only to discourage the careful scrutiny required of any judicial nominee but to deflect attention from the nominee's actual record.”

Among the uncontested facts cited by Neas and People for the American Way were Pickering's two votes, while a Mississippi state senator, to provide funding for the Mississippi Sovereignty Commission. This was the agency created by the state government in the 1950s to oppose the implementation of the *Brown v. Board of Education* Supreme Court decision that outlawed racially separate schools. At his 1990 confirmation hearing for the position of US district judge, Pickering denied under oath having had any connection to this racist outfit.

On February 26 came another editorial blast from the *Wall Street Journal*, headlined, “The New Dixiecrats: Ralph Neas and John Edwards use race to divide America.” As the headline indicates, the editorial employed a standard tactic of right-wing and fascist provocation—accusing your opponents of the crime you are in the process of committing. Hitler and Mussolini

were longtime practitioners of this “big lie” technique.

Neas and Edwards, a Democratic senator from North Carolina who carried out the most intensive questioning of Pickering, are accused of acting like “Dixiecrats”—the racist Southern wing of the Democratic Party that opposed desegregation in the 1950s and 1960s—because they oppose the elevation of a Dixiecrat to the second highest court. They “use race to divide America” because they point out that Pickering has used race to divide America, standing with the white political establishment of Mississippi, a state which Martin Luther King Jr. justly described as “a desert ... sweltering with the heat of injustice and oppression.”

The *Journal* explained the political stakes in the Pickering nomination: “It’s important to understand why Mr. Neas and friends are playing this kind of ugly racial politics: First is to create a public misperception that the Bush Administration’s judicial nominees are right-wing extremists who want to turn back the clock on race, abortion and religion. Call this a dress rehearsal for the President’s first Supreme Court nomination.”

In fact, “right-wing extremists who want to turn back the clock on race, abortion and religion” is an apt description of the social layer that comprises the main political base of the Bush administration and supplies much of its leading personnel. Hence the nomination of a judge like Pickering, the friend of Mississippi Republican Senator Trent Lott and hunting companion of Antonin Scalia, the leader of the far-right faction on the Supreme Court.

The final Judiciary Committee vote to block the Pickering nomination touched off another and even more vitriolic attack on democracy, an editorial March 16 headlined, “The Pickering Precedent, Denying him a vote defies the constitutional order.” The editorial began:

“Hard as we look, we can’t find the words ‘Senate Judiciary Committee’ in the Constitution. The Founders gave the entire Senate, not a single committee, the power to confirm or reject a President’s judicial appointments. Yet in the case of Charles Pickering Sr., President Bush’s embattled nominee for the Fifth Circuit Court of Appeals, it looks like the Senate will be denied even a chance to vote.”

The *Journal*’s concern for constitutional prerogative is of recent vintage. During the Clinton administration, the *Journal* enthusiastically supported the methods of the Republican Senate leaders, who bottled up nomination after nomination in the Judiciary Committee, not even permitting a committee vote on any nominee for the Sixth

Circuit of Appeals during the entire period, from 1995 to 2001, when the Republicans controlled the Senate.

Denying that there was any comparison between the blocking of Clinton’s judicial nominees by the Republican-controlled Senate, and the Democratic action against Pickering, the *Journal* continued: “What Democrats are doing to Mr. Bush’s judges goes far beyond partisan tit-for-tat or anything the Founders meant by the Senate’s ‘advise and consent’ power. Democrats are trying to turn themselves into judicial co-nominators, as if they’d won the Presidential election, and using a committee cabal of 10 liberals to do it. The White House and Senate Republicans had better wake up and smell the cordite.”

It is obligatory, in analyzing this outburst, to point out that the Democrats *did*, in fact, win the presidential election, only to have it stolen by the Supreme Court and the Republican Party, although the Democratic Party itself has long since acquiesced to this unprecedented political coup d’état. The *Journal* was the most vociferous advocate of the Republican drive to hijack the election.

Especially ominous is the newspaper’s injunction to “wake up and smell the cordite”—an explosive powder used for bomb-making—allegedly being employed by Democratic obstructionists.

The leading voice of the ultra-right within the political establishment thus urges the Bush administration and the Republican Party to regard their bourgeois political opponents as terrorists, and act accordingly. This call for extra-parliamentary provocation and outright violence is made under conditions in which the Bush administration has taken one step after another to attack democratic rights and elevate the executive branch above any legal or legislative check.

In light of the *Journal* editorial, it is necessary to warn once again that the political forces for which the newspaper speaks cannot be properly described with complacent terms like “conservative.” The editorial incendiaries on the *Wall Street Journal* express fascistic tendencies that hold sway within the Republican Party and exert enormous influence within the Bush administration.



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