

# The Pickering nomination and right-wing threats of violence

## Patrick Martin replies to readers' letters

10 April 2002

*Two articles posted on the WSWS March 21 and March 22 on the nomination of Charles Pickering to an Appeals Court position clearly touched a nerve among those sympathetic to his right-wing views. The first article analyzed the background of Pickering, a Mississippi judge whose nomination was defeated 10-9 by the Senate Judiciary Committee. The second commented on an editorial in the Wall Street Journal comparing the Senate Democrats to terrorists and calling on the Bush administration to proceed accordingly.*

*Those who wrote in to attack the articles defended Pickering and denounced the suggestion that the extreme right in the United States was preparing to use violence against its political opponents. We publish several of these letters, despite their occasionally hysterical and threatening language, because their tone and content substantiate the argument made in the original articles about the right-wing propensity toward violence.*

“Violence?” by “Fascists” who disagree with you? Is this your great liberal objectivity speaking? Your distortion and demagoguery incites hate of the right! What would you say of someone who criticizes you by such names, instead of dealing with the issue?

Pickering risked his life taking on the KKK and you race-baiters have forgotten that and trashed a good man. But in a sense what you and others like you do is a good work, in that in the November election, voters will unceremoniously kick left-wing democrats out of office in record numbers!!!

GC

23 March 2002

You have a distorted viewpoint considering Judicial appointee, Mr. Pickering. State that he is a racist due to a few votes on items (that may have been hidden in larger bills), and neglect to state his part in the prosecution of the Klu Klux Klan. And we will overlook the fact that Civil Rights activist Edgar Nevers' [sic] brother backs Pickering's nomination. And as a so-called journalistic publication, do not think to post the many other actions he has taken to promote racial equality.

As far as Republicans blocking judicial nominees of President Clinton, you twist and distort numerical figures, leaving out those that do not fit your far left viewpoint. That must be the reason that you left out the fact that even with a Republican dominated Senate in his tenure he had the most judicial appointees approved in history, second only to one other president. That is SOME stranglehold on appointees. If I remember rightly he had only one MAJOR judicial appointment turned down.

As far as his judicial record, you can cite only one instance in which he lowered a sentence without stating the pros & cons for that decision. He has not by your proof EVER made a decision against the constitutional laws, federal laws, or local laws. The Senate is supposed to assure that he will follow and abide by the laws of the land in his decisions—and he has done so. Daschle and his minions are deciding to take it upon themselves

to rewrite the constitutional guidelines as they go, using a whole different set of standards than they espoused just a few years back, and you don't have to go back 35 years to hear them lie...

KC

23 March 2002

*Patrick Martin replies:*

These two correspondents raise Pickering's conflict with the Ku Klux Klan in 1967, as though this of itself demonstrates that he was an opponent of racism and Jim Crow. KC claims that I neglected even to mention this, although I wrote in the first article:

“In an effort to portray him as a civil rights ‘moderate,’ Pickering's supporters cite his stance in 1967, when he signed a statement opposing Ku Klux Klan violence in his hometown of Laurel, Mississippi. The statement was drafted by the moneyed establishment of the town, which opposed Klan terrorism as bad for business, however much they sympathized with the goals. The letter actually declared its support for defending ‘our southern way of life’—i.e., the system of Jim Crow racial segregation—and denounced ‘outside agitators’ promoting integration.

“Pickering did testify that year against a Klan leader, Sam Bowers, charged in the firebombing death of civil rights leader Vernon Dahmers. Subsequently, he was defeated for reelection as county attorney of Jones County. This political setback was not permanent, however, and Pickering was later elected to the state senate. There he was associated with the Mississippi Sovereignty Commission, a state-supported group that carried on a campaign against desegregation well into the 1970s, in the guise of defending ‘states’ rights.’”

The article thus made it clear that Pickering did not, so far as we know, personally participate in or condone racist violence. On some occasions he opposed the Klan's actions, but this was from the standpoint of tactical differences over how best to defend the system of racial oppression in the South. He fought for Jim Crow by legal and political methods, but stopped short of terrorism. This hardly entitles him to a free pass on civil rights issues when nominated to the second-highest judicial office in the land.

GC uses the term “race-baiters” to refer to civil rights advocates and others critical of Pickering for his past history of support for segregation. This stands political language on its head. In the upside-down world of the American right-wing, those who oppose racial bias are “race-baiters,” just as those who oppose tax breaks for the wealthy are guilty of “class warfare.”

Race-baiting, insofar as it has an objective historical meaning, describes the politics of segregationist demagogues, from Tom Watson to Theodore Bilbo to Strom Thurmond, who sought to blur class differences by pitting whites against blacks, frequently posing as the defenders of poor whites, the better to safeguard the interests of the wealthy elite.

Pickering's role was as a legal aide to the race-baiters, helping to translate their demagoguery into practical policy—from his earliest

intervention into the politics of race, when he suggested the tightening of Mississippi's laws against interracial marriage. That history is the context in which one must examine Pickering's subsequent judicial actions, including his unusual and now-notorious intervention on behalf of a convicted cross-burner.

As for KC's claims about the Republican Senate's handling of Clinton's judicial appointments, they demonstrate either ignorance or willful distortion. It is true that only one judicial nominee, Ronnie White, was defeated in an up-or-down vote on the Senate floor. But many more of Clinton's nominations, especially at the Circuit Court level, did not even receive hearings before the Judiciary Committee. The Republican-controlled panel simply refused to act, leaving the seats open, and creating the long-term vacancies that Bush is now seeking to fill with ultra-right nominees.

I watched the hearings on the judge and they were so biased you could think you were on another planet... *National Law Journal* reported "ABA last year gave Pickering the highest rating of WELL QUALIFIED..." Leftie Schumer said, "ABA rating is gold standard by which Judicial candidates are judged" DASCHLE has said "What ABA is telling us and has historically whether or not a prospective Judge is competent" (press briefing 3-22-01). All of a sudden these partisan liberals had no faith in ABA ... give me a break ... the judge had the backing of Evers' brother, who was a civil rights activist ... line up your ducks ... during the presidential campaign stiff neck Gore continued to tell left-wingers, if Bush wins, the courts will be loaded with conservatives ... got it yet?

However, Judicial Watch has pointed out many times how Clinton's Judge Johnson turned over the friends of Clinton's cases to JUDGES APPOINTED BY CLINTON ... THUS HE SURVIVED 37 SCANDALS AND SO DID HIS CROOKED FRIENDS ... now that the shoe could be on the other foot, biased reporters have a big problem with this ... it's a known fact our judicial system is in the cesspool ... 15 years for murder, but time served, five years ... OOPS! A judge in Boston told a 14-year-old RAPE victim to "GET OVER IT." Your justice not for my grandchildren ....

LM of WWII, smart with integrity,  
23 March 2002

*Patrick Martin replies:*

Like some of the letters addressed below, LM lumps together socialism and liberalism as though they were the same thing, not antagonistic and ultimately irreconcilable political tendencies. I noted in the article that Pickering was approved unanimously for a position as a federal district judge in 1990, when the Democrats controlled the Senate. I attributed this to Pickering's successful concealment of his ties to racist organizations like the Mississippi Sovereignty Commission, and "the cowardice and lack of principle in the Democratic Party."

The fact that last year leading Democrats and the American Bar Association responded favorably to Pickering's nomination only demonstrates that liberals are incapable of a consistent and principled struggle against the right wing, since they are far more afraid of the social forces which would be mobilized in such a struggle than they are of the far-right itself.

As for the comment that our judicial system is a cesspool, I am compelled to agree, but hardly in the sense that LM thinks. The typical federal judge is a hardened reactionary and defender of big money and entrenched privilege, made arrogant by life tenure and near-absolute power over the defendants who appear in court, the vast majority of whom are poor and working class. In other words, someone very much like Charles Pickering, perhaps without the segregationist baggage. In any event, the vast majority of current federal judges were appointed by Reagan and Bush—about 70 percent, by one reckoning. If LM is dissatisfied with the judiciary, that is where he should lay the blame.

Mr. Martin, I have/had no interest in whether or not Judge Pickering was

made a Judge in this instance. I do have a couple of questions that I find particularly interesting in view of what happened.

(1) If it had been known that there were NOT enough votes in the Senate to confirm Judge Pickering, do you think the Vote would have been the same...?

(2) If Judge Pickering was/is such a racist, why did so many "Democratic & Liberal" African Americans come forward to plead for his confirmation?

If you reply to this email, thank you. If you don't, it won't surprise me.

MP

23 March 2002

*Patrick Martin replies:*

On your first question, I believe that the likelihood that Pickering's nomination would have been approved by the full Senate made a difference in the tactics of the Republicans, but not the Democrats. The Republicans demanded a full Senate vote because they thought they could win by a narrow margin, with the support of two or three Southern Democrats. If Pickering had been a likely loser in the full Senate, the Democrats would still have killed the nomination in committee, but there would have been less Republican sanctimony about how the committee was depriving the full Senate of its right to vote. The longstanding practice of the Senate is not to bring a judicial nomination to a vote without the support of the Judiciary Committee, with the exception of Supreme Court nominees. This was the Republican policy throughout the Clinton administration.

Your second question is founded on a false premise. No "Democratic & liberal" African-Americans supported Pickering. One conservative black politician, Charles Evers, brother of civil rights martyr Medgar Evers, was in the Pickering camp, but every black and civil rights group from the Mississippi NAACP on up opposed the nomination. It is typical of the ignorant and insincere approach of our right-wing critics that none of those who cite Evers' support for Pickering is capable of giving the correct name for his murdered brother. (KC, above, refers to him as "Edgar Nevers.")

In your article about the dictatorial actions of the Democrats on the Senate Judiciary Committee as they pertain to Judge Pickering, you stated that the Democrats had "in fact..." won the Presidential election of 2000. Recount after recount after recount of the legal votes cast in that election showed beyond doubt that President Bush received more votes than the loser, Al Gore. You claim that President Bush is where he is because the Supreme Court assisted Republicans in "stealing" the election. How clueless can you be?

The Supreme Court upheld the rule of law in this matter when they said that the Florida Supreme Court could not change the rules, regulations and laws pertaining to this election in the middle of the game simply because they didn't like the outcome.

Well, you can bitch, gripe, moan, groan, whine, cry and complain all you want. The fact remains that George W. Bush was elected President by the People, unlike the illegitimate leader of the Senate, Tom Daschle, who did not achieve this position by the vote of the People.

Why is it you anti-American socialists support a law only when it is to your benefit, and oppose it by claiming it to be unfair when it is to your detriment?

When are you delusional, self proclaimed elitists going to grow up and realize that you aren't going to get your way simply because you throw a tantrum?

BK

23 March 2002

*Patrick Martin replies:*

Like other semi-hysterical right-wing critics, BK makes up in vituperation what he lacks in understanding. This is not the place to review our extensive analysis of the theft of the presidential election [The

2000 US Elections], but the claim that “President Bush received more votes than the loser, Al Gore” is false on its face. Nationally, Gore won the popular vote by at least 500,000. The issue in dispute in November-December 2000 was not who received the most votes in the election, but who won a plurality in Florida, and hence its 25 electoral votes.

Similarly, the claim that “George W. Bush was elected President by the People, unlike the illegitimate leader of the Senate, Tom Daschle,” displays a woeful lack of knowledge of the US constitutional structure. Even if one accepts the Supreme Court decision as legitimate—which we do not—Bush’s subsequent victory was won in the Electoral College, not by a vote of “the People.” Bush is the first president in more than a century to enter the White House after losing the popular vote, a fact that underscores the undemocratic character of his administration.

The blocking of Pickering nomination by ten persons is the work of communists. The Democratic leadership only promoting their extreme agenda and not the good of America. God bless America and President Bush.

BL

23 March 2002

Get over it! Al Gore lost the election no matter how many times and ways the media and the Democrats counted it. You and your socialist pals are a real laugh saying, you are “defending the Constitution.” The Constitution was written to protect America and Americans from a socialist.

AR

23 March 2002

I personally consider Socialists enemies of the US Constitution and therefore my enemy. Liberal Democrats are Socialists and pose a threat to the majority of ordinary American citizens. At the moment my ammunition for the enemy is my ballot, not violence.

Best regards,

DP

23 March 2002

*Patrick Martin replies:*

Little needs to be said about a level of political ignorance that identifies liberalism and socialism, or communism and the Democratic Party—in other words, lumping together everything to the left of the Christian fundamentalists, white racists and other extreme reactionaries who comprise much of the active popular base of the Republican Party. Such an outlook views with disfavor every advance in human thinking since the French Revolution, if not the Renaissance.

This right-wing hysteria falsifies the content of the American Revolution, one of the great, progressive and liberating struggles in human history. The US Constitution is a relatively conservative document compared to the Declaration of Independence, but it was not written “to protect America” from socialism, any more than it was written to prohibit space travel or ban the teaching of evolution. None of these had yet been conceived of in the minds of men.

However, while a clear conception of socialism as an alternative economic system or political philosophy had not yet arisen, it was prefigured in the writings of radical democrats like Tom Paine, especially in his later works defending the French Revolution. In *Rights of Man*, Paine elaborated a plan for the abolition of poverty through taxation on the rich, redistribution of wealth and abolition of standing armies and war. In *The Age of Reason*, he denounced Christianity, the Bible and especially the corruption and hypocrisy of the Christian churches, in the name of science and human understanding. Modern liberalism has largely abandoned these progressive conceptions of its youth.

From the standpoint of the political education of working people, it is of the utmost importance to grasp the fundamental opposition between liberalism and socialism. Even in its reformist heyday in the US, the first two-thirds of the twentieth century, liberalism aimed only at marginal

improvement of capitalism, a system in which social life is subordinated to the profit interests of the wealthy few. Socialism seeks the establishment of a new social order based on social equality, public ownership and democratic control of economic life.

During the last three decades both the Democratic Party and American liberalism have moved drastically to the right. Clinton, despite being demonized by the far right, was the most conservative Democrat to be elected president since Grover Cleveland. As a self-styled “New Democrat,” he occupied political ground once staked out by the “moderate” wing of the Republican Party, while the Republicans moved further to the right, into territory previously regarded as the province of the lunatic fringe.

A final point—DP concludes his note with the statement that “at the moment” his ammunition is the ballot rather than violence. The qualification is worth noting.

This clown, Pat Martin, talks about Republicans the same way Arabs talk about Jews, i.e., dishonestly. This shouldn’t be surprising though on the *World Socialist Web Site*, as socialism is just one big cannibalistic lie. It’s a shame there are adults in the world, with socialism’s documented and irrefutable failures littering the landscape of twentieth century political and economic history, who still promote this POISON.

From 1901 to 1980, more innocent people were killed in socialist countries by their governments “during peace time” than all of the twentieth century wars *combined*.

All the best,

MV

23 March 2002

Why don’t all of you socialists gather together and in one group and commit mass suicide?

Our country would be much better off without the likes of you jackasses, occupying space and spewing hot air.

Thank you for your time

JA

23 March 2002

Thank you for providing this hilarious editorial for my Saturday morning reading enjoyment. I am a member of that group that you pathetically refer to as “right-wing extremists that comprises the main political base of the Bush administration.” Why is there so much anger in your small-minded article? Is it because President Bush enjoys an 80 percent approval rating with the American people? Is it because you find the free market system in this country so unfair to your Socialist World Order theocracy? Is it because you are still fuming over the 2000 election?

It should be painfully obvious that your liberal, anti-American socialist dogma will be better received by the EU or any totalitarian banana republic. Let me recap some of your descriptive characterizations attributed to conservative Americans: “hysterical anti-democratic trajectory” of Bush allies; WSJ [*Wall Street Journal*] is an “organ of the extreme right”; “right-wing fascist provocation”; “extra-parliamentary provocation”; “editorial incendiaries ... express fascist tendencies”. I know that you did not intend to make people laugh when writing this piece, but I will share this editorial with my “fascist” conservative comrades. Your web site will provide superior comedy for us “right-wing extremists”. Thanks again.

MC

23 March 2002

*Patrick Martin replies:*

Not one of these right-wing critics has bothered to address the content of the second article on the Pickering nomination, which analyzed the editorial posted by the *Wall Street Journal* on March 16. This editorial urged the Bush administration to “wake up and smell the cordite”—an explosive powder used in bomb-making—thus equating the Senate Democrats with terrorists. Our article concluded:

“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.”

Rather than addressing or rebutting this conclusion, the last set of letter writers provides a practical vindication of it. MC adopts a tone of cynical mockery, but it is clear that his co-thinkers have in mind the settling of political differences through force and not argument—precisely the contention of the March 22 article. The turn by the American right wing toward violence is not a laughing matter, but a serious political danger to democratic rights.



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