

Point of View

To Be Equal

Reorganizing The Courts

By John E. Jacob

The federal courts are undergoing a slow but sure process that might be called "Reaganization" — the appointment of judges who share a commitment to ideological conservatism. Perhaps it should better be called "Meeseization," for Attorney-General Ed Meese is the ultimate screener for the Administration's judicial appointments.

That trend can be seen in the recent Supreme Court appointments. The Administration's choice for Chief Justice, William Rehnquist, is a conservative hard-liner who would roll back many decisions that extend protections to women and minorities.

The other High Court nominee, Judge Antonin Scalia, also has a reputation for ideological rigidity. As an appeals judge he has demonstrated disdain for affirmative action, the rights of the press, and individual rights. A conservative columnist, William Safire, has even called him "the worst enemy of free speech in America today."

The Court's majority still shares the broader view of

the Constitution that places a premium on respect for civil rights and individual liberties. But the nominations of men who aggressively promote insensitivity to civil liberties and the Bill of Rights is alarming, and typical of many of the Administration's federal court appointments.



John E. Jacob

Compared with past Administrations, appointees are now drawn from a small pool of candidates, most of whom are affluent white male conservatives. Often, its appointees are not the most qualified candidates, since the Administration pursues ideological affirmative action — naming only those that conform to its views.

This Administration has appointed only a handful of minorities and women to the

federal courts. Fewer of the President's second term appointments won the American Bar Association's highest rating than did past nominees over the last two decades.

Fortunately, the Senate appears ready to stop being a rubber stamp for appointments of unqualified judges. The Senate Judiciary Committee voted last month to reject the nomination of Jefferson Sessions for a federal judgeship.

The Committee acted because the candidate had made statements indicating insensitivity to blacks, among other things. A hero of that rejection was Alabama Senator Howell Heflin, who voted against his fellow Alabamian, saying:

"A person should not be confirmed for a lifetime appointment as a district judge if there are reasonable doubts about his ability to be fair and impartial."

That standard should also lead the Senate to reject the nomination of Daniel Manion, widely considered to be unqualified, inexperienced, and too far outside the political mainstream, having

John E. Jacob is President Of The National Urban League

been active in the John Birch Society.

After the Committee rejected the Sessions nomination, Attorney General Meese bitterly complained

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NNPA FEATURE

COPING

by

Dr. Charles W. Faulkner



Blacks Need Helping Hand

"Dear Dr. Faulkner:

I am a self-sufficient person, black, and want to do things for myself. The problem is that I have been to 12 different banks and not a single one will make me a small business loan so that I can get my own business started. The black person has everything against him. D.W., Chicago."

Dear D.W.:

Your case is repeated around the country and brings into question the view that blacks have put themselves in their present predicament and have the ability to extricate themselves.

Some people almost seem to try to make you think that blacks shackled themselves in the holes of ships 200 years ago and begged the

that the move was "an appalling surrender to the politics of ideology." It was not. It was a vindication of the Senate's independence and its concern for the

white man to bring them to America and make them slaves.

The truth is, as you have determined, blacks cannot get the modern day version of "40 acres and a mule" so necessary to starting a business. Many major banking establishments determinedly refuse to make loans to blacks unless they already have substantial material possessions. What an impractical (racist?) paradox!

On the other hand, many Asians who come to America can easily obtain U.S. Government financial assistance or loans from the Mormon and Catholic churches. A large number of them bring significant amounts of money with them:

Sure, they have a tradition of hard work and family togetherness but none of this is worth two cents if you can't get enough money to purchase a business. Some of these families purchase any business that they can get their hands on. If the business fails, they simply sell it and buy another one.

So what does this say to the black person who has been told that most businesses fail due to undercapitalization. (It is recommended that you have \$20,000 to \$30,000 before you even consider going into business).

I, frankly, get sick and tired of those folk who tell poor, hard working blacks to get up off their rear ends and end their poverty by going into business for themselves. Who is going to lend them the capital that is required? It certainly won't be the person who suggested they go into business in the first place.

This guilt complex has created an undue pacificity and emotional strain within black people that has them accepting responsibility for

their own plight. Many apologize (at least psychologically) for giving the white man such a "hard time" and for asking him to provide the assistance that they need to help themselves.

"Dear Dr. Faulkner:

Many writers have written about the political prospects, good and bad, of Jesse Jackson. Since you deal with psychology, I would like to know how a psychologist views the 1988 Presidential election prospects of Jesse Jackson. Mr. Cartwright, Cleveland."

Dear Mr. Cartwright:

No one knows for certain what the future holds, so this is just a guess.

I think that the Democratic Presidential candidates, including Jesse Jackson, will conduct a number of somewhat acrimonious debates, just as they did in 1984. Mario Cuomo, Governor of New York, will be a dramatic late entrant into the contest.

Governor Cuomo will confront, or react to, the strong positions of Jesse Jackson much differently than did Senator Hart and Walter Mondale in 1984. Cuomo will contest Jesse Jackson strongly, strategically and eloquently, in such a way as to appear to legitimize his attack against Jesse, and to make Jesse appear to be inadequately prepared or too extreme to be President. (Remember, politics is all perception) his position will be stated in such a way as to put down Jesse without alienating the black voting populace that will then jump on the Cuomo bandwagon. His handling of Jesse will please white America to such an extent that many unhappy Democrats and die-hard Republicans will join together and elect Cuomo President. You heard it, unfortunately, here first.

