



Black Like Me?

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Court Picks By Bush Are Meant To Offend

The nomination of Clarence Thomas to the Supreme Court was an eye-opening event to many of us for several reasons. First, and foremost, Thomas was one "*affirmative action baby*" who clearly was not qualified for elevation to the nation's highest court. The fact that he was embraced by conservatives who feign outrage over the supposed selection of unqualified personnel on the basis of race, revealed just how hypocritical the right wing has been in their assault on equity. Second, it demonstrated that the belief that many Blacks have that being "twice as good" as whites is necessary to succeed is baseless. In reality, the right demonstrated that any Black would do, so long as the individual serves the purpose of maintaining white privilege. Most importantly, conservatives realized that the social conditioning of Blacks would leave us incapable of mounting a credible argument against a "Black sheep", let alone impair the equilibrium of white liberals.

The latter point is, perhaps, the most important to absorb. The right realized that mounting an offensive against a white conservative is fairly elementary for Blacks; there is enough symbolism and baggage in Black-white relations that opposition to the *white right* does not require a significant expenditure of intellectual capital. Far more complex for Blacks is confronting the white right in the form of a *Black face*. Conservatives understand that despite present day mythology of Black self-hate, most of us have a deep moral center that precludes intra-group criticism. We are loath to criticize one of our own for fear of casting doubt upon the entire race.

Knowing this, right-wing ideologues began to plant the seeds to grow their own crop of Black conservatives, sprinkling them inconspicuously in the federal bureaucracy, universities, think tanks, and lower courts. Their rise to prominence caught many of us off-guard, never expecting that conservatives would embrace "*Blackness*" to preserve *whiteness*. It was a masterstroke that paralyzed Black dissent.

This brings us to President Bush's most recent nominations to the federal bench. The president has named two Black conservatives to the 4th Circuit Court of Appeals. Named were Claude Allen, a Virginia conservative and presently the second ranked official at the U.S. Department of Health and Human Services. Allen was also an aide to former North Carolina Sen. Jesse Helms and drew fire when he suggested that Helms's Democratic opponent, Gov. James Hunt, had links "with the queers."

Bush also named Allyson Duncan, a conservative who worked for Clarence Thomas at the Equal Employment Opportunity Commission (EEOC) and served a stint on the North Carolina Court of Appeals. She currently practices law in Raleigh.

Seated in Richmond, Virginia, the cradle of the Confederacy, the circuit is considered the most rightward leaning judiciary in the federal system. The 4th Circuit covers Maryland, Virginia, West Virginia and the Carolinas. It serves the largest minority population of any federal circuit. Two of the present judges on the bench have been rumored as possible nominees to the Supreme Court. The court now has one Black on the bench, Roger Gregory, appointed by President Clinton and re-nominated by Bush.

Despite the obvious move to pack the court with hostile conservatives, there has been little outcry from across the aisle. It is a stark cry from the outrage over Bush's nomination of a conservative Latino, Miguel Estrada ([Robert Tarver's Commentary](#)) to the bench. Already white Democrats have begun to capitulate and Black politicians have been mute. Presidential candidate Sen. John Edwards (D-NC) is said to support Duncan. Since she is from his home state other Democrats will likely line up to support her too. In reference to Allen, a Washington Post article quoted an unidentified Democratic Senate aide as saying "He's an African American on a court that needs one."

In other words, *any* Black will do.

The president's nomination of two Black conservatives to the 4th Circuit Court of Appeals is meant to insult our community. The president is sending a clear message that "*our kind of Blacks*" will be used to keep the rest of you in your place. The president's nomination of Allen and Duncan should be vigorously opposed by Blacks across the country, and that message should be conveyed loudly to the White House and Sen. Edwards. There are some real consequences to ceding these appointments to conservatives. The 4th Circuit hears terrorism cases and under the Patriot Act (see [The Patriot Act: One Step Closer to a Police State?](#)), government infringement of civil liberties will undoubtedly fall hardest upon people of color. Then there is the very real danger that some of these lower court appointments may surface as Supreme Court picks in the not-to-distant future. One lesson learned from our experience with Clarence Thomas is that we should have never let him get on the bench in the first place.

At some point we need to come to terms with the fact that not every Black person has our interests at heart. And some, quite frankly, are so indebted to our enemies that the fact that they're Black should make us more incensed.

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