

FORUM

Politics over the law



Armstrong Williams
Guest Columnist

President Bush has nearly 100 federal judgeships to fill. If elected, these judges could make important decisions on tort law, abortion rights and environmental policies. Conversely, the failure to fill these judgeships could exacerbate an already overwhelmed judicial system and lower the gold standard for administering justice in this country.

That makes the nomination process for federal judgeships one of the most important and fiercely contested proceedings in government today. And while Democrats profess a commitment to filling the judicial vacancies and fulfilling the rule of law, they have spent the past several years blatantly torpedoing any conservative nomination to the circuit court or the federal bench. The pattern is familiar; highly qualified judicial nominees are subjected to savage scrutiny, their characters ripped to shreds, their good names smeared and their qualifications largely ignored.

"These are brilliant judges who are extraordinarily quali-

fied by experience and training for this position," said Sen. Jeff Sessions, R-Ala., of Bush's judicial nominees who have been either savaged or delayed by Senate Democrats. "Many of the charges against these judges are bogus and embarrassing. The American people must register their distaste for this conduct at the ballot box," added Sessions.



Hatch

Most recently, Senate liberals and special interest groups bloodied Priscilla Owens during her nomination for a seat on the 5th U.S. Circuit Court of Appeals. Just under a year ago, frustration over the nomination process went nova when Democrats on the Judiciary Committee rejected the nomination of Judge Pickering for a seat on the appeals court. During the particularly bitter nomination hearings, opponents suggested that Pickering is a racist (he is not).

Sick and tired of watching Senate Democrats put politics above the law, former White

House legal counsel C Boyden Gray has formed a task force designed to haul along the federal nomination process. Called the Committee for Justice, the group's professed goal is to prevent Senate Democrats from further obstructing President Bush's judicial nominations. "The judicial process has always been sacred. It should never be compromised for political self-interests," said Gray.

Of course, there is nothing new about politicians having difficulty overcoming their own political agendas. But rarely has the law itself been subjected to this level of partisan infighting.

"It's the worst I have ever seen in my entire senatorial career," said Senate Republican Leader Trent Lott, referring to the frequency with which Democrats are simply torpedoing judicial nominations. "I voted for (liberal) Supreme Court Justice Ruth Bader Ginsberg because she was qualified, capable and that it would have been unfair to derail her nomination," said Lott.

The inability of Democrats to transcend petty factionalism and seriously consider Bush's judicial nominees raises serious implications. When the law becomes an instrument of politics, it rarely reflects the will of the majority.

The failure of the Senate Democrats to move beyond their own political self-interests also threatens to dilute the judicial pool, simply by virtue of the fact that many of this country's brightest legal minds are unwilling to subject themselves to this sort of partisan scrutiny. That's bad for our judiciary, and bad for our democracy.

Ranking minority member of the Senate Judiciary Committee, Orrin Hatch, summed up the situation succinctly: "this is pathetic. They've treated these individuals very poorly. And we can't sit idly by to watch this nonsense and character assassination continue."

At bottom, the nomination of federal judges should be marked by reasoned and methodical considerations of justice, not partisan politics. Subjecting the judicial process to this sort of factionalism threatens the very quality of liberty and democracy available to our citizens. Americans need to let their representatives know that they will no longer support those Senate Democrats intent on hijacking the judicial nomination process.

Plainly, the law ought never become an instrument of politics.

www.armstrongwilliams.com

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Tiger Woods retards civil rights



Ron Walters
Guest Columnist

Like everyone else, I like to watch Tiger Woods play and feel good when he wins. But every now and then, he says or does something that reminds me of the terrible wasted resource that he also represents to black America. The first time was the negation of his blackness with his pronouncement that he is a "cablanasian," his word to recognize that his ancestry is Caucasian, black and Asian.

This time it is Woods' statement that private golf clubs that discriminate against women "were entitled to set up their own rules." The issue came up during the recent British Open, which is played at Muirfield, Scotland, in a private club that excludes women. And while British private clubs are notorious for their exclusion of women, even Tony Blair, the prime minister, suggested that the event might be played elsewhere at a venue that does accept women.

But Tiger Woods' view that he is powerless to do anything about it had a deeper meaning. I am not a golfer and don't follow it much until Tiger plays. I didn't know that Georgia's Augusta National Golf Club, which hosts The Masters golf tournament, also excludes women. In fact, what we have here is a culture that until recently, as everyone knows, also excluded blacks, Jews and anyone else who was not a white male. This fact of white maleness that has characterized golf is, ironically, part of the angst expressed privately and subtly in public by those

who are chagrined that Tiger Woods, a black person, stands at the top of a formerly all-white sport. It is the same fact that undergirds the resentment that has dogged the Williams sisters, who have come to dominate the tennis world.

So, it's the issue of the courage of Woods to challenge the remaining barriers to the civil rights of women in his sport and in so doing, contribute his considerable credibility to the remaining struggle against blacks in golf, tennis, hockey and other sports where blacks and women have met grudging acceptance or rejection.

But it seems as if Woods has cold feet in using the force of his global personality, financial resources and public acclaim to fight. Rather, he appears, like Michael Jordan, to be cautious in doing anything that would interfere with the economics of his position. The pressure of fan appeal, the endorsements for consumer products, the public appearances, the reception of his peers and the golf establishment all challenge him to accept its culture.

The problem for the black half (one-third?) of Woods is that so much of the golf culture has run contrary to the push for human rights, and it is sad to see him come into his power and not use it to try to move the mountain of discrimination out of the way for others. Rather, he has accepted the most conservative strategy of change - the role-model strategy of winning the most golf tournaments, making as much money and cultivating the most public esteem as possible, and by chance someone may try to emulate his example. That is what too many black athletes, entertainers and other high-profile blacks have done, and it is the least powerful weapon in our quiver because it is the most complex and takes the longest to



File Photo

Golfing star Tiger Woods accepts the famous green jacket after one of his Masters wins.

achieve.

Challenging the system often exacts a heavy price from the challenger. Charlie Sifford and other black pioneers in golf had to accept the culture of indignities just to play on the courses. Muhammad Ali paid the price by refusing to bow to an establishment that rejected his religion and challenged his patriotism. Despite that, he is loved by people both in this country and around the world.

Arthur Ashe used his celebrity to try to break the barriers of apartheid in South Africa. At the time, I opposed his strategy of playing in South Africa because it gave credibility to the white-minority regime. But I respected the fact that he not only played

there, but talked with members of the African National Congress, trying to understand their fight and used his resources to encourage blacks in the townships to take up tennis.

However, the difference between Tiger Woods and Charlie Sifford, Muhammad Ali and Arthur Ashe is that they were secure in their identities and connected with the legacy of civil rights. Apparently, Woods' cultural confusion and economic interests negate such a role.

Ron Walters is Distinguished Leadership Scholar, professor of government and politics at the University of Maryland-College Park, and author of "African American Leadership."

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CONTACT US:

phone number: 336 / 722-8624
fax: 336 / 723-9173
Web site address: www.wschronicle.com
email address: news@wschronicle.com

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