

An Editorial

The Vote And The Federal Bench

By Gerald C. Horne, Esq.
Special To The Post

As the leaves begin to change color and breezes become cooler, the November election comes even closer. Once again James Earl Carter is the Democratic nominee and once again, he is tempting the black electorate with promises of things to come.

Without examining the host of other candidates at this time, it is interesting to recall that early in his term Carter aide Stuart Eizenstat compiled a 112 page document consisting of 660 campaign promises. Two recent researchers now say that the man who told a Manchester, N.H. audience way back on February 10, 1976, "I don't intend to break a single promise. I'm giving you my word of honor..." has kept only 29 percent of his promises and broken 31 percent.

Yet in appearing before black audience, e.g., his recent foray into Philadelphia, much is made of the fact that Carter allegedly "has appointed more black federal judges than all of past presidents combined." The catch here is that Congress expanded tremendously the total number of federal judgeships, which allowed for the appointment of more judges than any other president in history. This sleight-of-hand aside, many in the black community from the man or woman on the street to political leaders, aver that a vote for Carter could or should be made solely on the basis of presidential impact upon the judiciary.

Though, as shall be seen, there are serious flaws in this facile rationale, it is obvious why the black community should be so concerned about the state of the judiciary. Even a cursory examination of recent newspaper items about apparent "illegalities" justifies this concern. Consider this:

ITEM: At a recent Ku Klux Klan rally in Mississippi several KKK demonstrators removed their hoods to reveal that they were local police officers - who were armed.

ITEM: Chicago police have been conducting strip searches and vaginal examinations of thousands of women arrested for minor traffic violations, with male officers observing these searches through video camera equipment.

ITEM: In Louisiana, workers on a sugar plantation are being held in virtual slavery.

ITEM: In legal abortion clinics across the country, anti-abortion fanatics have vandalized and fire-bombed the clinics and engaged in severe tactics to intimidate and harass those who enter and leave the clinics.

Moreover, federal judges have an impact on busing, occupational safety and health, affirmative action and myriad other issues of crucial moment to blacks. Thus, concern about the federal judiciary is not necessarily misplaced.

Nevertheless, it remains curious that President Carter would choose to reject in black communities his record on the federal judiciary. For the situation there for blacks and minorities generally

is so dire that a congressional subcommittee headed by Rep. Don Edwards (D.-Cal.) will be holding special hearings on the issues within weeks.

In 1965 a Southern Regional Council survey found that out of 1,500 total employees in Southern federal courts, only 40 were black - most of whom were clerical work-

ers and secretaries. Except for five assistant U.S. attorneys and nine deputy marshals, there was no black in any professional or decision-making position.

If there is to be a vote for the President rather than an effective, well-placed protest vote, then there must of necessity be ironclad guarantees.

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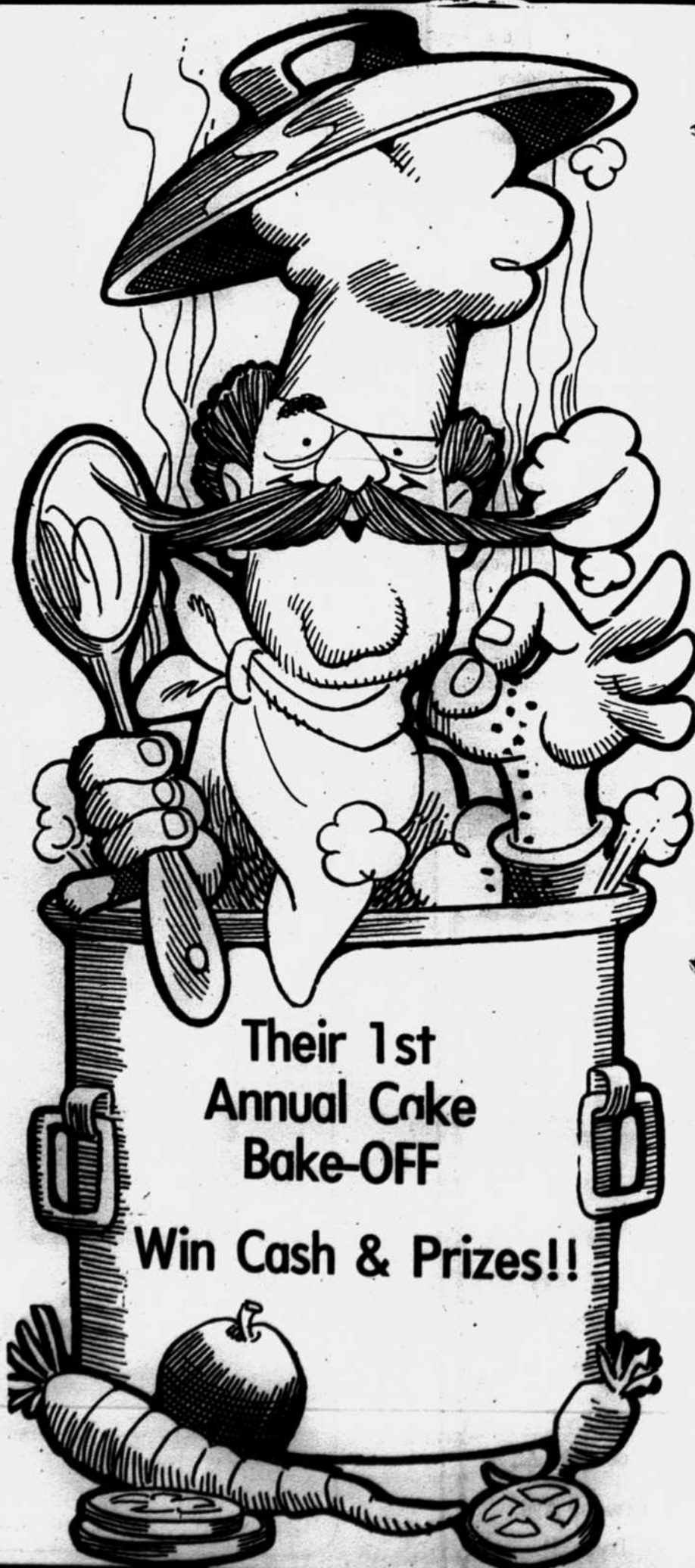
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