



JEAN-FRANCOIS ALLAUX

HERE COMES THE JUDGE

by Michael Paul McCusker

PAUL CONRAD



"You look for a certain compatibility, a broad compatibility, with your own philosophy in looking for judges." — Reagan

"THERE IS NO MORE INDEPENDENCE IN POLITICS THAN THERE IS IN JAIL."

— WILL ROGERS

The elevation of William Rehnquist to Chief Justice of the United States Supreme Court is probably not the worst blow to the disintegrating democracy, but it is a major set-piece for a takeover of constitutional government by a powerful minority that believes liberty is the property of itself alone and that the rest of the population must be made to serve its interests.

The new Chief Justice, a brilliant constitutional scholar, has a history of being unsympathetic to any but its most rigid interpretation, and has made a career of abrogating its most fundamental provisions for civil rights and liberties. He was the author of the notorious Huston Plan during the Nixon Administration which would have dismantled the rights of dissent, aimed specifically at protest during the Viet Nam War, and he drafted a proposed Constitutional amendment that would have halted school desegregation. When questioned about these largely unsuccessful attempts to thwart the law during Senate hearings that eventually confirmed his nomination as Chief Justice, Rehnquist said he could not remember them, a popular defense these days, and perhaps of all the indictments against his suitability, his amnesia by itself should make him a poor choice for the most important judicial post in the nation.

Rehnquist will not be a ceremonial ribboncutter like his predecessor. "The Rehnquist Court promises to move constitutional government steadily and markedly toward the right," said a former official of the Reagan Justice Department. Rehnquist and U.S. Attorney General Edwin Meese share a bicameral interpretation of the Constitution: its rights and privileges belong to the wealthy and propertied, its duties and obligations to everyone else. They would like to suspend the Bill of Rights and believe that what they call the original intent of the framers of the Constitution should be its only interpretation. It is an absurd and dangerous notion, contrary to the actual intent of the Constitution's authors to make it broad and flexible enough to reflect future problems and ideas they knew they were unable to anticipate, among them the large movements to emancipate slaves and women. The concept of original intent is religious in its implication that all progress of intellect, thought and purpose ended with the instance of the Constitution's origin. As with the Catholic Church and its recent censure of American liberal priests and bishops and its abhorrence with liberation theology, the U.S. government under the Reagan Administration substitutes its own brand of secular/divine authority to subvert evolutionary political progress. Reagan, Rehnquist and Meese, in fact, form a sort of Monarchical Trinity that is determined to center all power at the top. Disguising their intent with platitudes of liberty, they demand resurrection of the right of government to monitor and control the political, social and sexual lives of the rest of us.

Our ancestors who wrote the Constitution knew very well that governments swallow the rights of their citizenries, that the natural inclination of authority is to concentrate and perpetuate its power by any means. Reflexively government subverts the

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