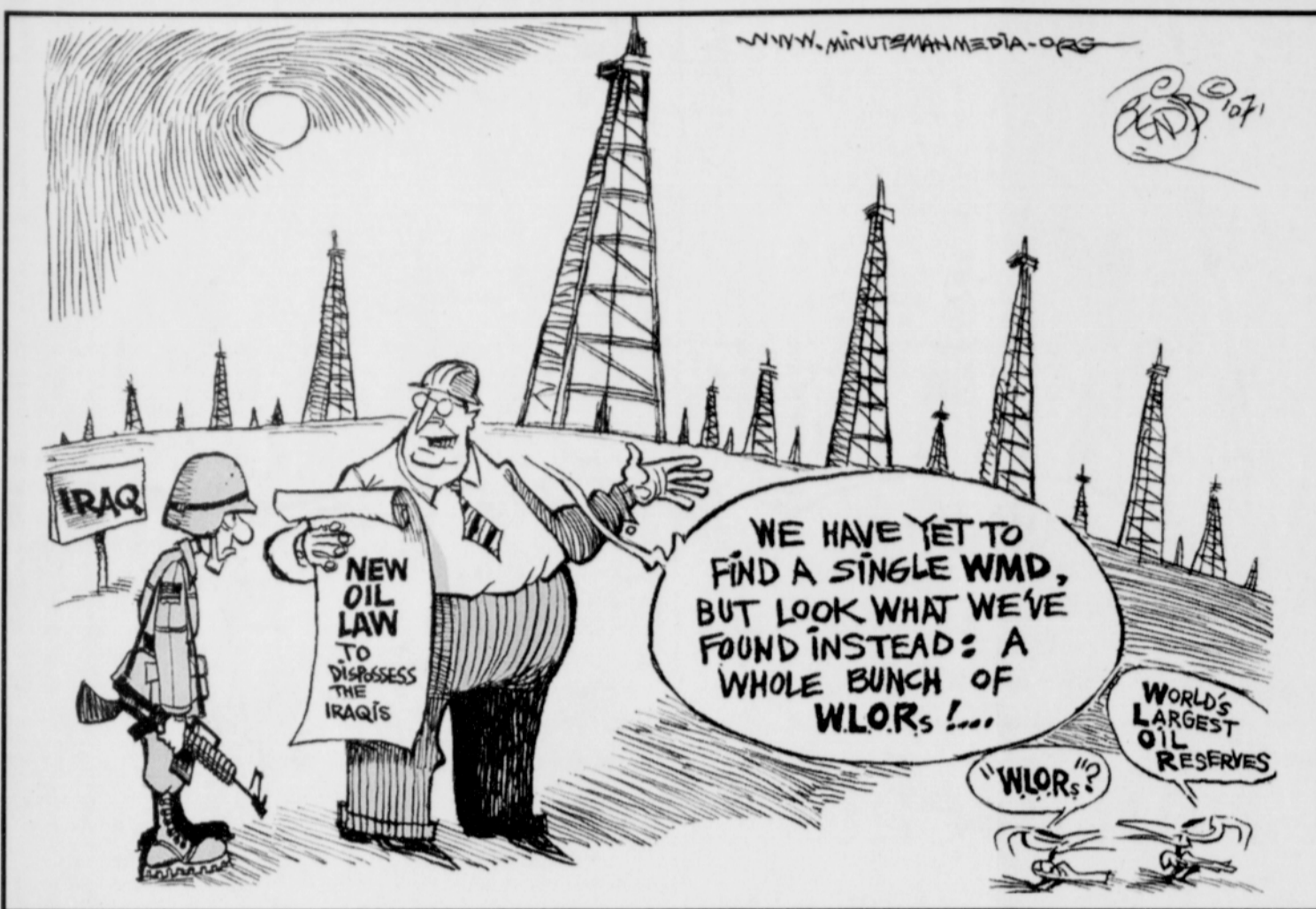


# OPINION

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## Choose a More Mainstream Judge

Senate should reject Southwick nomination

BY MARC H. MORIAL

Remember Charles Pickering, the 5th Circuit Court of Appeals judge who never won confirmation but still served? After the U.S. Senate twice rejected his nomination, President George W. Bush did an end-run around the chamber and made a recess appointment in early 2004, just a few weeks before Martin Luther King Day. Ironic in light of Pickering's less-than-stellar record on civil rights.

As a federal district court judge, he championed the hate crime case of a man convicted of burning a cross on the lawn of an interracial couple. Pickering even pressured federal prosecutors to drop a charge against the convicted cross-burner.

The judge retired near the end of his recess appointment only to be followed by yet another conservative jurist - Mississippi attorney Michael Stevens, who the Ameri-

can Bar Association deemed as unqualified, a determination that doomed his nomination.

Now, the ghost of Pickering appears to be haunting the U.S. Senate in the form of Judge Leslie Southwick, a former Mississippi state court judge nominated to take Pickering's place on the New Orleans-based 5th Circuit, one of the most heavily minority circuits in the nation.

Southwick, 57, served as a member of the Mississippi Court of Appeals from 1995 through 2006. During his tenure, he favored the employer over the employee, the corporation over the consumer. However, in a 1998 employment case, Southwick pulled an about-face, siding with a white state employee rightly fired for calling a black colleague a "good ole n\*\*\*\*er."

The social worker was reinstated to her job without punishment after the state appellate court ruled that her use of a racial epithet in the workplace "was not motivated out of racial hatred or racial animosity." Sounds a lot like the excuse radio

shock jock Don Imus used last April in defense of the inflammatory racist and sexist remarks he made about the Rutgers University women's basketball squad. I bet Imus wished he worked for the state of Mississippi. He'd still have a job.

In an editorial earlier this year, The New York Times concluded that Southwick "revealed a thorough lack of understanding of the

Again, another conservative jurist is pulled out of what seems to be a bottomless well.

odious impact of such language" in supporting the social worker.

Southwick also joined with a lower court's majority in denying custody to a mother, who had never married the father of her 8-year-old daughter, because she lived with another woman.

The Magnolia Bar Association, a group of black lawyers in Mississippi, has questioned whether Southwick could "properly enforce" the law when "it comes to the rights of those who are unpopular and who are marginalized by the

political process."

As The Times suggested earlier this year, a "non-negotiable quality" of judicial nominees should be a commitment to equal justice.

In Southwick's case, that attribute has been thrown out the window just like it was for his predecessors.

Again, another conservative jurist is pulled out of what seems to be a bottomless well. How insensitive, given that the 5th circuit is based in New Orleans, a city still suffering from the effects of Hurricane Katrina and from a lackadaisical federal response to it.

In early August, the Senate Judiciary Committee cast its approval for the Southwick nomination by the slimmest of margins - one vote. It is now headed for the Senate floor, where a vote could be taken as early as this month.

Senators must soundly reject Southwick's nomination to encourage the White House to nominate more mainstream candidates who enjoy support from a broader array of interests than what the president and his cohorts currently consult.

Marc H. Morial is president and chief executive officer of the National Urban League

## It's the Oil, Stupid

Pull privatization from the table

BY ERIC STONER

Despite the Bush administration's ever-evolving rationale for attacking Iraq - from nonexistent WMDs to spreading democracy in the Middle East - greater control of the world's third-largest oil reserves is one motive that has been consistently denied. Recent developments in Washington, however, suggest that the White House has once again been less than forthright.

President George W. Bush and the Democrat-led Congress are currently putting intense pressure on the government of Prime Minister Nouri al-Maliki to pass a controversial new oil law as one of the main



development of the country's oil sector. Indeed, every other major oil producer in the region - including Saudi Arabia, Kuwait, and Iran - maintains a nationalized oil system that forbids foreign control of its oil reserves.

According to Antonia Juhasz, an analyst with Oil Change International, the oil law would also not require foreign companies "to invest their earnings in the Iraqi economy, partner with Iraqi companies, hire Iraqi workers or share new technologies."

To the great consternation of the Bush administration, the oil law has been stalled in the Iraqi Parliament for months. Somehow, amidst the horrific violence that surrounds them, the Iraqi people

Every other major oil producer in the region - including Saudi Arabia, Kuwait, and Iran - maintains a nationalized oil system that forbids foreign control of its oil reserves.

"benchmarks" that must be met to show political progress.

Although U.S. officials and the mainstream media have generally billed this law as a measure that will equitably distribute Iraq's massive oil revenues - projected to reach \$31 billion this year - between the country's different sectarian groups, this is far from a complete or accurate picture of its contents.

Rather than originating in Baghdad, the law was conceived within the bowels of the State Department prior to the war. The United States brought in private contractor BearingPoint to assist Iraq's Ministry of Oil with the actual writing of the text. After its completion, executives from the major U.S. oil companies and the International Monetary Fund got the opportunity to offer their comments on the draft. Only then was the Iraqi Parliament shown the law.

The result is hardly surprising. Except for three vague sentences that deal with revenue sharing, the rest of a 33-page draft of the law effectively lays the foundation for the privatization of Iraq's oil industry, which was nationalized in 1972.

Under the proposed law, international oil companies could be granted 30-year-long contracts that would give them far greater ownership of and profits from Iraqi oil fields than they would be allowed by other possible models for the

are catching wind of the grave threat that this law poses to their country's long-term economic prosperity, and are voicing their opposition.

According to a poll released several weeks ago, almost 2 out of 3 Iraqis - including a majority of every ethnic and religious group - oppose the privatization of their oil resources. Trade unions, oil experts and various political parties in Iraq are all organizing against the law. In June, the influential oil workers union stepped up the resistance by going on strike, and it has threatened to do so again should the law pass in its current form.

Recently, six female Nobel Peace Prize laureates added their voices to the growing chorus of opposition. In a public statement, they urged, "The U.S. government should leave the matter of how Iraq will address the future of its oil system to the Iraqi people to be dealt with at a time when they are free from occupation and more able to engage in truly democratic decision-making."

If this war is truly not about oil, Congress must prove it by taking this disastrous benchmark off the table.

Eric Stoner is a writer based in New York whose articles have appeared in "The Nation" and other newspapers.

## Letter to the Editor

### Surge Didn't Work

Please bring our troops home. The surge didn't work.

Things in Iraq have gone from bad to worse and will continue to worsen. Stop the killing, too many children are dying. It's not helping anyone, and it's hurting so many.

Kiki Roumel  
Northeast Portland

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