

Richard Mellon Scaife's Victory

Transcript of A Commentary by Ambrose I. Lane Sr.
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And this is *We Ourselves*. I'm Ambrose I. Lane, Sr. Let me talk today about something that's extremely important. A mentally disturbed life-long drunk who has been empowered by his rich family to spend hundreds of millions of dollars earned by his grandfather—great-grandfather—and stashed in non-profit corporations has just won major victories in the United States Supreme Court. Nope, the name Richard Mellon Scaife appears no where in or on the decision last week that told two cities that they cannot take modest steps to bring public school students of different races together in the words of the *New York Times* lead editorial last Friday.

Yet, it was the hand of this fascist rich boy and the family money he has spread around the country that is the direct cause of a court's decision. How rich is this fascist racist? Well, when his mother died he inherited 1.2 billion dollars. Now, the *New York Times* lead editorial had it right in its choice of its title which was, "Re-Segregation Now." And they had it right also in calling the day of the issuance of the court's decision, quote

“... a sad day for the court and for the ideal of racial equality.”¹

End of quote. The editorial did a very brief review of the impact of the Brown decision some 53 years ago which was

“... to topple the whole legal house of racist Aparthied cards built up after the Civil War and made legal by an 1896 decision Plessy against Ferguson by the same court.”²

The *Times* credited the 1954 court with resisting the racist attacks by angry mobs, racist governors and U.S. Senators and congressmen, and acts of and call for official massive resistance to the changes the court had ordered. Correct in saying, and I quote,

“The court never wavered and in many of the most important cases it spoke unanimously.”³

End of quote.

But equally important, the New York Times called the spade a spade when it said and I quote,

“The court's radical new majority turns it back on that proud tradition in a 5 to 4 ruling written by Chief Justice John Roberts.”

“The court,” said the Times, “is moving in reverse, broadly ordering the public schools to become more segregated.”⁴

End of quote.

Last week I called for the impeachment of the new members of the court on the grounds of perjury because they had lied during their Senate confirmation hearings assuring the Senators and the nation that they would honor court precedence yet here they were spitting in the face of the Senate and the nation by dishonoring precedence in several cases decided this term including this case. *The New York Times* editorial did not go as far as I did but it also referred to the change to their confirmation hearing assurances and their post-confirmation actions. *The Times* referred specifically to the words of Chief Justice Roberts who, in the *Times*' words, quote

“assured the Senate at his confirmation hearings that he respected precedent and *Brown* in particular, yet eagerly set these precedents aside and concluded that, quote, ‘there should be no mistaking just how radical this decision is.’”⁵

Bob Herbert, syndicated columnist, referred to the action of the court's 5 to 4 majority decision as, and I quote,

“... malevolent majority that threw a brick through the window of voluntary school integration efforts.”⁶

End of quote.

Herbert wrote, and I quote, that

“This new majority on the Supreme Court seems committed to a legal trajectory that would hurl blacks back to the bad old days of Jim Crow era. No branch of the government has been more crucial than the judiciary in securing the rights and improving the lives of blacks over the past five or six decades. George W. Bush, in a little more than six years, has tilted the court so radically that it is now, like the administration itself, relentlessly hostile to the interests of black people.”⁷

End of quote.

Now, into this awful mix now comes Juan Williams. *The Times* op-ed piece titled, “Don't Mourn *Brown v. Board of Education*.” Once again, as in his tragic, recent book titled *Enough*, Juan seems to be trying to justify the money he is getting at Fox, the most racist TV network in America.

According to Juan, and I quote,

“The decision in *Brown v. Board of Education* that focused on outlawing segregated schools as unconstitutional is now out of step with American political and social realities.”⁸

Juan advises his audience that, and I quote,

“With Brown in force America’s public schools have been growing more segregated, even as the nation has become more racially diverse. In 2001,” he continues, “the National Center for Education Statistics reported that the average white student attends a school that is 80% white while 70% of black students attend schools where nearly two-thirds of students are black and Hispanic.”⁹

Juan also stipulates that, and I quote,

“Today, the argument that school reform should provide equal opportunity for children or to prepare them to live in a pluralistic society is spent. The winning argument is that better schools are needed for all children—black, white, brown, and every other hue—in order to foster a competitive workforce in a global economy.”¹⁰

End of quote.

He also says that, and I quote,

“Dealing with racism and the bitter fruit of slavery and separate-but-equal legal segregation was at the heart of the court’s brave decision 53 years ago. With Brown officially relegated to the past, the challenge for brave leaders now it to deliver on the promise of a good education for every child.”¹¹

End of quote.

Now, we began this commentary by crediting Richard Mellon Scaife and other right-wing fascist rich folks with another racist fascist victory. An indirect and direct victory against Affirmative Action that Scaife has used his unearned money to target for many years. He and his money have played a critical role in shaping the right-wing transformation of our government over the past 40 years. He’s done so by lavishly spending the fortune left to him by his mother in three non-profits that must spend much of their substantial earnings annually.

In a 1999 article in the *Washington Post* the newspaper found that Scaife and his family and his family’s charitable entities had given at least 340 million dollars to so-called conservative causes and institutions. About 620 million in current dollars adjusted for inflation. The total of Scaife’s giving to conservatives as well as other beneficiaries exceeds 600 million or 1.4 billion dollars in current dollars, much more than any previous estimate. The *Post* put Scaife’s giving in this context, now I quote,

“By concentrating his giving on a specific ideological objective for nearly 40 years and making most of grants with no string attached, Scaife’s philanthropy has had a disproportionate impact on the rise of the Right, perhaps the biggest story in American politics in the last quarter of the 20th century.”¹²

End of quote.

Now, the Center for Individual Rights is one of Scaife’s recipient groups. The Center claims to have had broad political impact in bringing cases in numerous courts across the country that have effectively wiped-out Affirmative Action at public universities in Texas, California, Louisiana, Mississippi, and Michigan. It is now trying to invalidate Affirmative Action in all higher education and one of their lawyers who has argued cases for the Center was George W. Bush’s former Solicitor General Theodore Olson.

The Center lists as its racial goal, and I quote,

“To expunge the cancer of Affirmative Action that is eating away at our nation’s academic standards.”¹³

End of quote.

It admits to using

“staged litigation, deceptive public statements, and incitements of racial fears for the purpose of ethnically re-engineering college admissions procedures in a way that would remove most African-Americans from our leading colleges.”¹⁴

End of quote.

Another Scaife money recipient is the Washington Legal Foundation. One of its fundraising letters written by its chairman, Daniel Popeo, P-O-P-E-O, says it all. This is what he wrote, and I quote,

“We are finally in a position we fought for more than a decade to reach, a position where we can deal a death-blow to the single most important source of income for radical legal groups all across the country.”¹⁵

Among its litigation targets are

“...groups dedicated to the homeless, to minorities, to gay and lesbian causes, and any other group that has drawn money from

hard-working Americans like you and me to support its radical cause.”¹⁶

He promised that the Washington Legal Foundation would spend

“...hundreds of thousands of dollars to litigate a 20 dollar case to the Supreme Court if doing so provides an opportunity to deal a death-blow to a program that allows poor people to access to justice.”¹⁷

Another recipient of Scaife’s largesse has been the Federalist Society, a nation-wide group of an estimated 25,000 conservative lawyers. It is believed to be, as one writer put it, “the best organized, best funded and most effective legal network operating in this country. Its rank and file includes conservative lawyers, law students, law professors, bureaucrats, activists, and judges. What gets less attention, however, is that the Society is accomplishing in the courts what Republicans can’t achieve politically. There’s nothing like the Federalist Society on the Left. Their impact on the law has been substantial.

According to one writer, and I quote,

“They have weakened or rolled-back statutes or laws on Civil Rights and Affirmative Action, voting rights, women’s rights, and abortion rights, workers rights, prisoner’s right, and the rights of consumers, the handicapped, and the elderly.”¹⁸

End of quote.

And if they are successful in a current legal effort, regulatory oversight by federal agencies would be kicked-back to Congress and the states like the power to preserve open pipelines in telecommunications, to regulate transportation, the drugs we take, the food we eat, the purpose is to take independent regulation out of the hands of independent agencies and make politicians get campaign funds from industry, to personally regulate those same industries—in short, the Federalists want to take our country back before we had a Constitution by nullifying parts of our Constitution.

Now, I’ve woven into this commentary both the words of Juan Williams op-ed piece and the information regarding the impact of Richard Mellon Scaife’s contributions to the racist, fascist direction our country has taken to give you a broad understanding that things just didn’t happen. There are terrible problems in our nation’s schools, but those problems have been caused by forces that are not the normal course of events.

Juan is right when he cites the increasing segregation of our public schools but this too didn’t just happen because of the normal course of events. Forces within our society over which normal people have little or no control or influence are responsible and like Scaife, continue to hide their hands.

Juan suggests we ought to say goodbye to the Brown decision and not mourn its passing. Yet, we must remember the words of that decision and reject both the *Times* headline “Re-Segregation Now,” and Juan’s headline “Don’t Mourn Brown v. Board of Education.” We, as moderates, liberals, and/or progressives, must move vigorously to retake our country. I know there is little chance of impeachment of these recently appointed judges will take place. But it must be forcefully called for over and over again. No person who lies under oath, in other words, commits perjury, to can gain a court position—a lifetime position—should be allowed to remain on the court and do damage for a lifetime.

As we move inexorably towards next year’s election the word we must repeat and act on is simple “organize”. We must organize our families, our neighbors, our friends across this nation, and we must turn out in massive numbers to drives these fascists from power, else our children and grand children will know a different and more hateful country. We can not and must not let that happen.

The Role of the Supreme Court

And let me, if I may, put in perspective what the Supreme Court is and how it has functioned over the centuries and how the Warren Court was so different. Now, I’m reading now from my book, *For Whites Only?*

Throughout it’s history the Supreme Court has been an American institution whose members has been an elitist group of white males principally who believed they were placed there to protect the class interests of America’s ruling class. Like most American institutions, with few notable exceptions, the court has grudgingly respected and extended constitutional rights to the masses, black or white. The recent inclusion of females and minorities has not changed these facts.

Americans must look critically at this record. It should be burned into the memory of every American that although the 14th Amendment was ratified in 1989 many provisions of the Bill of Rights applied to states actions by the 14th Amendment were not incorporated in the 14th Amendment by the court for 100 years or more after ratification. Americans must understand that issue is still not settled in the minds of some of the Justices currently serving as to weather the Bill of Rights should be wholly incorporated. This is part of the court’s sordid record.

First amendment freedoms were incorporated earlier than most even though it took 59 years to incorporate freedom

of speech! Other protections from state violations of first amendment freedoms would follow: freedom of the press, 1931; freedom of assembly, 1937; free exercise of religion, 1940; ban on religious establishment, 1947; freedom of association, 1958. The later freedom, freedom of association came in the (Chief Justice Earl) Warren Court years as did so many others.

The Warren Court was decisive in extending the Bill of rights' constitutional protections from state violation to ordinary citizens, especially for 4th, 5th, 6th, and 8th Amendment rights. Although the 4th amendment right of unreasonable search and seizure was extended in 1949 the Warren Court applied the exclusionary rule in 1961.

Other Warren court extensions of protections from state violations of Bill of Rights provisions included the right against self incrimination, 1964; against double jeopardy, 1969; of assistance of a lawyer in felony cases not until 1963; the right to confront witnesses against you, 1965; the right to an impartial jury, 1966; to get witnesses by legally compelling their appearance, 1967; to a speedy trial, 1967; to a lawyer in misdemeanor cases carrying a jail term, 1972; to a jury in non-petty criminal cases 1968; to notice of a charge or accusation, 1972; and, to a ban on cruel and unusual punishment, 1962.

If you ever wondered why the Warren Court has been pilloried and verbally trashed by those who call themselves conservatives, these belated extensions of the provisions of our cherished Bill of Rights forcing states to give these protections to their residents are major reasons for the hostility. The scurrilous attacks and disinformation assaults on the Warren court begin with an explosion of racist hate following the 1954 decision outlawing segregation in the nation's public schools.

The continuing and escalating attacks on the so called activism and liberalism on the Warren Court however are also directly related to these other rights extending decisions right wingers, elitist, fascists, and unreconstructed racists view as thwarting their dream of restoring sovereignty to the states; powers that existed legitimately under the old Articles of Federation, but only illegitimately under the years of the Supreme Courts failure

to honor the intent of those who wrote the language of the constitution and later the 14th Amendment.¹⁹

That's what's going on.

The Federalist Society and these right wing fascist attorneys in these corps that have been financed by people like Richard Mellon Scaife are trying their best to turn the hands of the clock backwards. That is why we have to be extremely concerned and that's why I'm going to be doing a series of commentaries; so that you will know what is going on and why, so that you will know that these fascist pigs are trying their best to turn this country backwards to the days of Plessey v. Ferguson and worst.

We can not allow that to happen.

This has been my commentary. I'm Ambrose I. Lane, Sr.

Commentary Notes:

1. " Resegregation Now" *New York Times*, 29 June 2007, sec. A, p. 28.
2. Ibid.
3. Ibid.
4. Ibid.
5. Ibid.
6. "When Is Enough Enough?" *New York Times*, 30, June 2007, sec. A, p. 17.
7. Ibid.
8. "Don't Mourn Brown v, Board of Education?" *New York Times*, 29 June 2007, sec. A, p. 29.
9. Ibid.
10. Ibid.
11. Ibid.
12. "Scaife: Funding Father of the Right" *Washington Post*, 2 May 1999, sec. A, p. 1.
13. Theodore Cross, "African American Opportunities in Higher Education: What Are the Racial Goals of the Center for Individual Rights?" *Journal of Blacks in Higher Education*, n23 p94-101 Spring 1999.
14. Ibid.
15. Center for Media & Democracy, *Washington Legal Foundation* available from http://www.sourcewatch.org/index.php?title=Washington_Legal_Foundation; Internet.
16. Ibid.
17. Ibid.
18. Jerry M. Landay, "The Conservative Cabal That's Transforming American Law: The Federalist Society" *The Washington Monthly*, March 2000.
19. Ambrose I. Lane, Sr., *For Whites Only? How and Why America Became a Racist Nation* (21st Century Publishing, Inc., 1999), 156-158.