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SUPREME COURT CHOICE COULD MAKE OR BREAK THE PRESIDENT AND MARY LANDRIEU

President Bush should soon have two major appointments to make involving the United States Supreme Court. The decision he makes could well shape the success of his second term, and have a direct affect on his legacy for years to come. And whatever choices he makes could well be a determining factor in Senator Mary Landrieu's re-election, less than four years away.

First, a little background and a little editorializing. Chief Justice William H. Rehnquist is 80 years old and battling cancer. And with all due respect, it's time for him to step down. He hasn't attended his functions of the court in months. He made a brief appearance on January 20, administered the presidential oath of office for the fifth time, looked feeble in the process and immediately left following the ceremony.

He just cannot effectively do the job anymore. The country would not be served well by a part-time president or a part-time general leading the troops in Iraq. He should have our sympathy for his health problems, but he's doing the country a disservice by "hanging on." The pressure seems to be building, so hopefully he will be stepping down in the near future.

Assuming Rehnquist does resign, the president has several options. First, a new Chief Justice will have to be appointed and confirmed. This appointment can come from within the present court, or from outside. If he chooses a Chief Justice from among the present justices, then he will also have the second decision of appointing a new member of the court. So here's my guess as to what the Prez will eventually do.

First of all, the president needs a pick as Chief Justice that's confirmable. The Republicans do not have the 60 votes necessary to defeat any filibuster. So there has to be a way to circumvent any talkathon strategy the Democrats may opt for. Confirmation would come easier if the Prez honored his promise in last fall's debates to avoid a "moral values" litmus test. But you and I know that's just not going to happen.

The best way to keep the Democrats offguard is to come at them from two directions. Put up two candidates at the same time: a new Chief Justice from the present ranks of associate justices, and a new associate justice to replace the one elevated. He can (and I think will) nominate a conservative but relatively centrist chief from the present group. Then try to appease the "moral values crowd" by filling the new spot with a staunch social conservative.

So who is in contention for the title of chief supreme? Obviously not Stephen Breyer or Ruth Bader Ginsburg; both Democrats. And the Prez certainly wants a Chief

Justice who will be around for awhile. In Louisiana, a judge can serve only to the age of 70. So the issue of age eliminates Justices John Paul Stevens (84) and Sandra Day O'Connor (74).

Clarence Thomas (56), despite being the only African-American on the court, would be ataman to the Democrats. Many of his decisions have been strongly criticized by the African American community, and the Demos are still fuming over Anita Hill. And he has an ethics problem. Thomas has accepted more than \$42,000 in "gifts" while serving on the court. Tires, cash, free vacations. Plenty of ammo for the Democrats.

What about the rest of the Republican justices? All but one has a major problem. And would you believe it? It all stems from a case involving a Louisiana guy. That's right! The antics of a Louisiana- born man will have a direct bearing on who will be the Chief Justice of the United States Supreme Court.

The case was Hamdi vs. Rumsfield. Yaser Esam Hamdi was born in Louisiana of Saudi parents, later captured in Afghanistan and jailed as an "enemy combatant." The question before the court was the power of the executive branch to incarcerate for lengthy periods of time without bringing any criminal charges. You either gave expanded executive powers to the president or you went against him. In this time of war, George Bush has insisted on continuing expansion of executive power. This Louisiana case could well prove to be the final litmus test to be passed by the next Chief Justice.

David Souter (65) flunked. He wrote a strongly worded opinion saying that the power to detain a US citizen in time of war belonged to Congress, not the president. "The president is not commander-in-chief of the country, only of the military," he wrote. No doubt grounds for elimination.

How about Justice Antonin Scalia (68), the notorious junketeer? A separate Louisiana connection here. This is the guy that hung out in a duck blind outside of Morgan City with the vice president, flying down to Louisiana on Air Force One, at the same time he's passing judgment in a case before the court involving his duck hunting buddy. But that's not the Louisiana connection that will keep him from being the Chief. Again, it's the Hamdi case. Every time Scalia turns around, he's getting caught up by a Louisiana connection. He undercut the president's power by saying in his written opinion: "the very core of liberty secured by our Anglo-Saxon system of separated powers has been freedom from the indefinite imprisonment at the will of the executive." Scalia's words were tough. He looked the President in the eye on the issue of executive power, didn't blink, and will lose out at being the Chief.

So who's left? He's the one guy who has been, for all practical purposes, lost in the shuffle. That's because he is so uncontroversial. A few years back, the Boston Globe described Anthony Kennedy (68) as "even more conservative than Justice

Scalia and Chief Justice Rehnquist." But lawyers who follow the court say he is no conservative ideologue, has drifted towards the center in recent years, and he's been strong on support of executive power. In fact, he wrote the decision that upheld the most successful executive power grab of our time in the Cheney case. Remember the case last year where the president's energy task force was allowed to do everything in secrecy without judicial review? That was Kennedy at work. He would no doubt be easily confirmed.

So how does all this affect Senator Mary Landrieu? She needs a Kennedy type to vote for. If the president appoints a new Chief Justice significantly more conservative than Kennedy, Landrieu gets caught in a trap. There will certainly be a strong majority of Democrats in opposition. If Landrieu joins the opposition, she just throws more fuel on the fire for the coming Republican onslaught in Louisiana that is just beginning to build. Republican talkshow host Moon Griffon is already touting bumper stickers that state:" Mary, you're next to go in four years."

But if she jumps ship, leaves the Democrats behind, and supports a strong conservative appointee, she allows many in her own party to grumble back home, some who are already upset over her joining a small handful of Democrats in supporting the appointment of new Attorney General Alberto Gonzalez. And she only has to look back to the Vitter race of last fall. Congressman Chris John would have made the runoff, if disgruntled democrat Arthur Morrell had not been in the race. And who knows what the final turnout would have been in a runoff, where there was no presidential election of the top of the ballots

Choosing the Chief Justice of the United States Supreme Court certainly will be one of the most important decisions that will be made by both the President and the United States Senate. A Kennedy appointment, stirring up little opposition, would be the best thing that can happen to Louisiana's senior senator. It would avoid a whole host of problems for the president, the senator, and a host of others. Anthony M. Kennedy will be the next Chief Justice. You read it here first from me. But then, what do I know?

“IT’S FUN TO SHOOT PEOPLE”

A quote from some inner-city punk who belongs to some street gang? Hardly. These are the words from who the commander of the Marine Corps calls “one of this country’s bravest and most experienced military leaders.”

All right now! Let's be fair, and not take anything out of context. A senior United States Marine Corps General, Lt. General James Mattis, thinks it's a barrel of laughs to "shoot some people." But we certainly ought to give him the benefit of the doubt, and hear all he has to say. So, here goes.

"Actually, it's quite fun to fight 'em, you know. It's a hell of a hoot. It's fun to shoot some people. I'll be right up front with you, I like brawling. You go into Afghanistan, you got guys who slap women around for five years because they didn't wear a veil. You know, guys like that ain't got no manhood left anyway. So it's a hell of a lot of fun to shoot them."

The same troubling aspects of torture and murder that came out of the Abu Ghraib prison scandal are seen here. And when one of our top generals makes a complete fool of himself and sticks his foot in his mouth, he does a great disservice to all of our military personnel who are in harm's way. Some American soldiers are going to be captured. That's a part of going to war. But when our country tortures enemy prisoners, or publicly states that it is "a lot of fun to shoot them," how can we expect a different attitude from the other side when Americans are captured? Statements like this merely increase the odds that our servicemen and women, when captured, also will be tortured or shot.

My old friend, Andy Borowitz, made light of the whole scandal by saying. 'I heard the guy attempted to clarify his controversial remarks by telling reporters. 'What I meant to say was, it's fun to shoot people, but not nearly as much fun as putting hoods over their heads and making them stand on a box.'"

Military service is a priceless asset to the United States of America as our last line of defense against those who want to kill us, and we as a nation cannot thank the U.S. military enough for putting their lives at risk in the most heroic of fashions so that we can continue to live peacefully in this wonderful country. But there is one virtue that 99 percent of the military holds dear to this day: They serve their country not because it's a "hoot" or a fun little game to kill people, but because in the absolute last lines of defense, they must kill to protect us. In other words, 99 percent of the military does not enjoy killing.

Killing is a part of war. It's not "a hoot," but the most serious of life's drama. So says Shakespeare's King Henry as he delivers final words to his soldiers before the battle of Agincourt:

"We few, we happy few, we band of brothers;
For he today that sheds his blood with me
Shall be my brother; be he ne'er so vile,
This day shall gentle his condition;
And gentlemen in England now-a-bed
Shall think themselves accurs'd they were not here,
And hold their manhoods cheap whiles any speaks
That fought with us upon Saint Crispin's day."

Peace and Justice.

Jim Brown