

herently wrong, and destructive of democratic society.” Proposition 209, Brown argued, represents a decision by the California electorate to reassert that goal: one of “equal opportunity for all individuals” rather than “entitlement based on group representation.”

OF COURSE, while such rulings are a delight to many, they hit a sour note with the left-wing interest groups that have prodded Democrat senators into a confrontational stance on Bush’s judicial nominations. So, does the limbo of the filibuster await Janice Brown in D.C.? Even those who don’t relish her departure from California’s high court don’t wish it to be delayed at the hand of Tom Daschle, Ted Kennedy, or Harry Reid.

But don’t book your flight for Brown’s swearing in at the D.C. appellate court just yet. Even though she is a black woman – even though her story is compelling (the daughter of an Alabama sharecropper, she worked her way through California State University and UCLA Law School) — there is no guarantee Sen-

ate Democrats will shrink from subjecting her to the same Big Stall that has been the fate of other conservative appellate-court nominees for months now, such as Miguel Estrada, who recently withdrew from consideration, and Priscilla Owen.

This unprecedented obstruction of the Senate’s advise-and-consent role has been accomplished largely because of active complicity from big media. In this case, however, “active” means an aggressive failure to cover the Democrats’ refusal to give up-or-down votes to key Bush judicial nominees. When the media isn’t ignoring the story altogether, it’s framing the controversy as mere politics as usual, nothing to get exercised about. The nasty “G” word (“gridlock”), which echoed through newscasts when a Republican Congress was declining to enact President Clinton’s agenda, has gone into hibernation.

A look back brings the double standard into focus. Journalists’ ho-hum response to the Democrats’ obstructionism would startle a time traveler from the 1950s, ’60s or ’70s. Back then, hatred of the filibuster

WHAT YOU HAVEN’T BEEN TOLD ABOUT GUN CONTROL

By SAM PAREDES

Where do the recall’s key players stand on the Second Amendment?

Gun owner groups consider Governor Gray Davis California’s most anti-gun governor in history.

Gun Owners of California gave Lt. Governor Cruz Bustamante an “F” rating as a legislator and calls him the most anti-gun candidate among viable contenders to replace Davis.

Among Republicans, Senator Tom McClintock is a Gun Owners “A”-rated candidate. The senator has been a stalwart defender of gun rights throughout his legislative career.

Arnold Schwarzenegger has no voting record, but has spoken to the press about guns. According to the *San Francisco Chronicle*, he says he

Sam Paredes is executive director of Gun Owners of California.

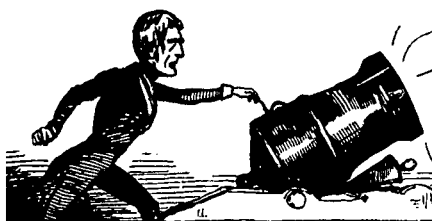
supports the Second Amendment, but also that he supports the Brady Bill’s five-day waiting period on gun purchases and the fraudulently-named federal “assault-weapons” law. Signed by Bill Clinton, this ban singles out guns solely on the basis of how scary-looking they are. As guns, they are no different from perfectly legal semi-automatic rifles. The bill’s purpose was to establish the habit of arbitrary government infringement of our freedom. The only assault at all related to this law is its own on the Second Amendment.

The Brady Bill’s justification is

equally fraudulent. Background checks do not remotely require five days. This second attack on the Second Amendment, also signed by Clinton, is comparable to indirect infringements on free speech and press — limiting the amount of printing a newspaper might do, for instance, justified by some dishonest rationale but actually effectively moving us slowly toward government press censorship.

Schwarzenegger’s comments to the press seem to indicate either that he wants it both ways — simultaneously supporting and opposing the right to own guns — or, perhaps more likely, that he has devoted little serious consideration to these issues, but is nonetheless willing to take important stands that could affect millions of peoples’ freedom and security without knowing what he is talking about.

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was a prime tenet of liberal faith. The media shared the indignation over what was seen as an illegitimate, anti-democratic relic, a cudgel used only by drawling foes of civil rights and reactionary resisters to government expansion. Year in and year out, from the Eisenhower era to Jerry Ford's, "progressive" senators, cheered on by press and pundits, launched new sorties against the Cloture Rule, the Senate provision that lets a minority drag out "debate" unless and until halted by a super majority vote. In 1975, Reform Turks in the post-Watergate Senate finally succeeded in reducing the vote needed to quash a filibuster from two-thirds of the membership to three-fifths. But even this famous liberal victory fell short of the ideal of scuttling cloture altogether.

OPPPOSITION TO the Cloture Rule carried a "sense of moral superiority," as Democrat senatorial aide Eric Redman put it in his celebrated 1973 book, *The Dance of Legislation*. He expressed a common liberal conviction of the time when he wrote, "No self-respecting Senator would ever lead a filibuster."

When the media found a particular filibuster especially odious, vivid techniques could be used to marshal opinion against the interminable talkers. During Southern Democrats' "holding action" against the Civil Rights Act of 1964, each evening's newscast on CBS featured a clock that counted down the lengthening filibuster.

Yet today, when Democrats filibuster to keep a talented Latino lawyer (Estrada) in his place — and to sink the nomination of a reputedly brilliant woman jurist (Owen) — the klieg lights of the Big Three networks are turned off. This may be the first filibuster ever mounted against judicial nominees below the Supreme Court level, but Rather, Jennings, and Brokaw can hardly stifle their yawns.

This isn't all bad news. The very prospect of elbow-jabbing resistance to Bush's selections might make it more likely that more of his nominees will be people of backbone and philosophical ballast — people like Janice Brown. We're sometimes told that the rough-and-tumble of recent Senate confirmation fights threatens to "deter" "good people" from allowing their names to be put forward. Is that really to be regretted? Perhaps the type of lawyers most prone to shrink from a mud-splattering fray are those who serve the nation best by remaining in the tranquil decorum of white-shoe law firms.

With the courts at the center of so many hard-

Can one light a spark?

Today is the day after Labor Day
 And summer's doldrums have all passed away.
 The children, thank God, are back in their schools
 And we're hearing again from Congress's fools.
 Too bad they've come back; the nation would thrive
 If hardly a member still was alive.
 Few laws would be passed, few speeches be made
 And tyranny's hand would briefly be stayed.
 Out in the hustings nine Democrats push
 For a chance to take on George Dubya Bush.
 While Hillary, Gore and General Clark
 Are waiting to see if one lights a spark.
 And if by Thanksgiving Dean is the one
 Look for this trio to join in the fun.
 Meantime in the west where nuts and fruits reign
 To no one's surprise they're at it again;
 Recalling Gray Davis, trying to choose
 Someone to govern if Davis should lose.
 Schwarzenegger, McClintock, Bustamante--
 If Davis should lose, it's one of this three.

McClintock's my choice, but still you should know
 I'm glad I don't live in Calif. no mo'.

— by Joy Skilmer*

fought, defining social struggles — affirmative action, abortion, the overall reach of federal power — this is not a time to give gavels to the faint of heart. Men and women who flinch at controversy, who crave admission to swank social circles, who value affirmation from *Newsweek*, *Time*, and the *Washington Post*, are not suited for the battles at hand.

"When great causes are on the move in the world ... something is going on in space and time, and beyond space and time, which, whether we like it or not, spells duty." This famous call to commitment by Churchill should be sewn into the robe of any jurist

* The political verse of Joy Skilmer, né Lyn Nofziger, is available at both Barnes and Noble.com and Amazon.com and from MND Publishing, 573 Marina Rd., Deatsville, AL 36022. Keep up with Lyn's "musings" at: www.lynnofziger.com