Interview: Alexander Cockburn. Judging the Jury

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Alexander Cockburn visited the University of Kentucky campus as a speaker for the Fall 1995 public lecture series co-sponsored by the Environmental Studies Program and the Committee on Social Theory. His presentation, titled, “The State of Environmental Movements in the US,” raised many contentious issues which reappear during the interview below. Some of the concerns discussed during the public lecture focused on the impact of funding foundations and the Clinton administration, both on the “Big Ten” environmental groups (e.g., the Sierra Club), and environmentalism as a social movement more generally. This interrogation of business involvement in environmental activism is a venture with which Cockburn continues to be involved, alerting listeners to misconceptions about environmentalism in the context of the US, and suggesting examples and strategies for encouraging socio-political change.

Perhaps best known for his column, “Beat the Devil,” in The Nation, Cockburn also writes a syndicated newspaper column (for the Los Angeles Times), a weekly column called “Nature and Politics” with Jeffrey St. Clair, and co-edits the bi-weekly newsletter, CounterPunch. He has also written several books: Corruptions of Empire (1988), The Fate of the Forest (1989, with Susanna Hecht), The Golden Age is in Us (1995), and his most recent work, written with Ken Silverstein, Washington Babylon (1996). Known as an outspoken critic of many political concerns, he has achieved a strong following of activists, academics and “concerned citizens.”

In this interview, Cockburn touches on a range of
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topics related to the theme of justice. He explores the role of juries and racially discriminatory sentencing, focusing on varying penalties for drug charges. He discusses immigration and citizenship, particularly in the context of Proposition 187. Social control veiled as public interest provides a major focal point, as well as the implicit Malthusian ideologies that inform welfare reform and the work of foundations in the "public interest movement." His observations, as always, are provocative ...

Europe, Juries and the Right to Representation

dC: Since we are focusing on issues of justice we were interested in exploring what influences in your background and when you were growing up led to you writing about what you do? How has that changed over time?

AC: I was born in 1941 and I grew up in Ireland. My father had been in the Communist Party for a long time. He left it in the 1940s. He didn't shove party doctrine down my throat, don't get me wrong, but you know he was obviously a political radical. I did have a lot of compulsory education shoved down my throat and there was a strong social justice element in that. There was a lot of religion at school, with emphasis, as in the Magnificat, on raising up the humble and meek. Needless to say, there's a tremendous amount of affirmation of the class system in the Bible as well. As in the hymn we sang, "The rich man in his castle/The poor man at his gate./God made them high and lowly./God gave them their estate." On both sides of my family the context was one of being pretty radical and supportive of social justice. My great great grandfather was a very famous Scottish judge called Henry Cockburn. A liberal and author of a wonderful book, Memorials of His Time (1856), a classic text of the Scottish enlightenment. On my mother's side, I was a member of a class—the Anglo-Irish class—which had waned in influence, but which had been a dominant and exploiting class, but my mother's grandparents had been pretty enlightened. Lady Blake was a big supporter of Parnell. All the schools I went to had a pretty strong component of instruction in social equity.

dC: Do you think that your purpose for writing has changed over time ...?

AC: Somewhat. There's a huge difference between being here and being in England. I was involved in left wing causes at Oxford, and then in London around the New Left Review. But leftists there tended not to have that much interest in simple civil liberties issues, what you might call basic social justice issues. There was too much emphasis on theory and all the rest of that. As regards civil liberties and constitutional rights, England is an absolute nightmare. People have no rights in England whatsoever, and I got pretty interested in that fairly early on. And if you come to this country you realize that constitutional protections really are constitutional protections and the Bill of Rights really is a very important document and you've got a lot more in terms of substantive legal traditions to work with, quite apart from bat tling away with pen and sword to advance the human cause.

To give you an example, a major issue at the moment concerns the jury and the rights of juries and here's how an issue really crosses class and political lines. There is a legal doctrine known as jury nullification which goes back to the trial of William Penn in the seventeenth century where Penn, a Quaker, was giving a sermon in England in which he was preaching a religious doctrine outside the law [see Dunn and Maples 1986]. He was arrested and tried and the jury decided that what he was doing was right and the judge put them in jail, in a pretty bad prison and they hung on. The leader of the jury was a guy who'd actually had a plantation in the West Indies, and they continued holding out and were judicially vindicated. From this emerged the doctrine that the jury can set aside the law and the instructions of the judge, and decide according to the notions of their conscience, which is a matter between themselves and God. This is how the doctrine was originally phrased and survived, and is of course a very important thing today.

This is important for current concerns. For example, let's take an issue like the disproportion between sentencing white people for powder cocaine and black people for crack cocaine, where there's a hundred-to-one disparity. There's an increasing revolt by black dominated juries against sentencing kids who've been picked up on the street, they've got five grams of crack in their pocket, and that means they've got to spend ten years in the slammer. The jurors are saying this is bullshit—which it is. Now many people believe, a lot of liberals believe, that it's very dangerous to have a jury that can defy legal instructions and the instructions of the judge, and they immediately talk about racist juries in the south. Actually, what you find when you look back in history is that something does happen when twelve people go in that room. Of course there have been bigoted juries, no question about it—but juries in the nineteenth Century before the Civil War in the North were regularly refusing to convict people who...
were being accused of sheltering escaped slaves. Susan B. Anthony, the original jury wouldn't find her guilty until the judge forced them to. In the example of discriminatory housing in Detroit in the 1920s, this was a trial undertaken by Clarence Darrow. A black guy shot one of a crowd outside his house threatening him and Darrow said to the jury, "you're a bunch of racists. You've got to face the fact that black people are being discriminated against in housing," and the jury actually found in favor of the black guy even though two of them admitted they were bigots.

What evolved out of these cases is a movement called the Fully Informed Jury Association (FIJA), started in Montana, and coming out of some pretty hairy right wing constitutionalist movements associated with the militia. They've been going around the country telling juries their rights. You can be prosecuted for jury tampering, FIJA has shown that you can go down to the courthouse, go to the parking lot and you can put a leaflet under the windscreen wiper of a car saying your rights are that if you see a case and you think there's all this bullshit then you can say so. And of course there are complaints, but the state and federal governments are very chary, because of course it is the law and these rights are recognized in the Constitution and in the law, even though the U.S. Supreme Court limited nullification in federal courts because nineteenth century juries were acquitting strikers who beat up scabs. Now I supported FIJA and I've got a lot of flak for it from liberals, who say, look at these people in Montana, they're all close to the militias; look at this guy here, he's a tax resistor coming out of the far right; this guy here's an anti-Semite, and so on. But also in this movement for fully-informed juries are marijuana legalization people, bikers who don't want to wear helmets, etc. The point of the story being that I think in a lot of social justice issues, the normal political lines just don't work. Indeed, I think many radicals or liberals are very often much less heedful of basic individual rights than some people on the right. The political construct is of the Second Amendment crowd being a bunch of people with guns in the rack of their truck, and the liberals being nice people, e.g., the ACLU.

So these political divisions I mentioned before don't really hold up. Here's an example of how. You know how the present crack law started, with that disparity which was ringingly upheld in the House of Representatives on October 18, 1995 and signed by Clinton? In the summer of 1986, Len Bias had just been signed on to the Boston Celtics, a basketball player of huge promise. He died of an overdose of cocaine. Tip O'Neill was at that time the Speaker of the House. Bias died in June. O'Neill went back to his district in Cambridge in Boston and all the people there were saying we've got to do something about this cocaine so he came back and immediately said to the relevant committee chairman, "I want you to prepare an omnibus crime bill in time for the fall elections"—the mid-term elections in 1986—and they duly went out and wrote up a bill. It was the first time that mandatory minimum sentences, including the present disproportion on crack and cocaine, was written into law, and the first time mandatory minimum sentences were imposed for people who were less than drug king pins. This bill started as a Democratic get-tough-on-crime move and it's just been reaffirmed by a staggering majority—330-80.

dC: You wrote in *The Nation* about the reactions to the Oklahoma bombing and the problems again between left and right, the problems of trying to critically look at what's happened, and looking at the way issues of drug enforcement or civil rights in general are being addressed. Do you see this as a recurring problem, this intervention of a police state?

AC: Here I speak as a guy who came out of a European left tradition where the traditions of state authoritarian control are very, very high. So imbued are they that they're hard to recognize at all if you're within that system. It takes a long time to realize how much dirigisme and state direction and state control is implicit in what were regarded as respectable left-liberal programs. I'm not just talking about a Leninist tradition, I'm talking about a Fabian tradition and so forth. When you come to this country and you step a little bit outside mainstream "progressive good intentions," you realize how much the real battle very often—in terms of fundamental rights—is a battle of the periphery against the center, and always has been in American history. We can see this at every level, and once we see it like that, we have to re-constitute our whole political spectrum.

dC: So that really undermines divisions like left and right politics...

AC: Totally, totally.

dC: And it re-focuses on individuals and individual rights perhaps?

AC: Yes, I think so. Many left people, or liberals, ultimately think in terms of social control, social direction. Take the Second Amendment and the gun lobby. I live in a rural area, where there are probably more guns than there were in Grenada at the time of the U.S. invasion. They are all very heavily armed. A lot of the guys have a lot of guns, they talk about home defense and all that stuff, and it's easy for urban liberals to make fun of them, but they have a very strong sense of indi-
individual rights, which are being very rapidly and relentlessly undermined, almost everywhere you look. Go to very basic things, like unreasonable searches or seizures. This was at the heart of the first O. J. Simpson trial. Various women's organizations said the guy's an appalling wife beater, clearly a murderer, put him away. But was it correct that the cops came and jumped over the wall, thereby, immediately breaching the Fourth Amendment on illegal searches and seizures. (let alone the Sixth Amendment on due process). I wrote a column in The Nation after the verdict saying that I thought the jury should be respected. I can't tell you how many people immediately savaged my comments, saying, "you must be crazy, you think Simpson's innocent." I didn't say he was innocent, I didn't actually say anything about that. I said there's problems with the evidence, and what you've got to look at is basic rights. Now of course they want to get rid of the jury system altogether via majority verdicts—10-2, 9-3—which will signal the end.

dC: Do you see this tying into issues of citizenship, in terms of who is "worthy" of having legal rights and who is the "appropriate" citizen, or you should be more worthy of being treated in a particular way legally (e.g., in terms of being represented in politics broadly and media representations)?

AC: Everybody's entitled to representation, legally. And everybody should be entitled to participation politically. I'm a resident alien, for example, I hold a green card (although it's now a pink and blue card). As time's gone by, it's got my fingerprint on it and my face in half profile so they can see the shape of my ear and all the rest of it, but I can't vote. I'm taxed, I'm always late, so I'm always paying penalties. I pay endless taxes, and I can't vote. It goes back to Proposition 187 [an anti-illegal immigration bill brought to a statewide referendum in 1994 in California], and the events in Watsonville, which has an official population of 21,000, but it has a very large number of illegal people. The town successfully won a battle against immigration control years ago. The migra—the Immigration and Naturalization Service (INS)—will not go into Watsonville, which is a farm town about 90 miles south of San Francisco. In the summer months about half the fresh vegetables in the U.S. are grown there—broccoli, lettuce, strawberries, apples. A little further down, it's artichokes. Historically, the wealth of that town has been made by Mexican farm workers from Michoacan. Then along came Proposition 187. The town of Watsonville votes "yes" on 187, i.e., to restrict. The real population of Watsonville is probably twice if not three times the census figure.
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The Role of the Writer: Recovering the Social Justice "Industry"

dc: You mentioned in terms of education that there's an idea of regurgitating a particular ideology in the academy. How do you see the role of the academic and perhaps your role as a social critic? There's a certain audience within what could be considered the academy that also reads your work. How do you see this role going between the social critic/political writer and the academic? How do you see those functioning?

AC: I guess my role is who I write for. Any journalist has to ask herself that—someone with any pretensions to radicalism certainly has to ask herself that question. So what do I do? At the moment I write for *The Nation* which is read extensively in the academy. If you call the editor of *The Nation*, who is now Katrina Vanden Heuvel, and tell her *The Nation* is a left-wing magazine she'll say it's not. She'll say it's an independent magazine. She's a mainstream liberal democrat. My role is to criticize liberalism along with everything else and to try and widen the spectrum of what people should try to be thinking about. With the militias, for example, I said why is it when peasants in Mexico rise up we're all throwing out our hats in the air, and when kulaks in Montana rise up we all say they're Nazis and they should be wiped out or dragged into McCarthy-ite investigations or whatever. I'm not saying obviously it was a good thing to blow up the Oklahoma building—there are some very, very bad people out there on the far right, no question about it—but when you go down to it, it becomes more complicated. So I'm trying to speak to people in the academy, trying to raise issues and to widen the agenda. I'm speaking to people in labor a little bit because they also read it, as well as people who've been active in progressive movements and social issue movements for many years. I tell them, it's not all over, we've got to try and think of things and keep on trucking. I also write for a small country weekly up in northern California which is read by a lot of people, including prisoners. That's more downhome stuff I write for them. I also write a syndicated column for a bunch of papers. I do an environmental column with Jeffrey St. Clair called "Nature and Politics" every week. I co-edit a bi-weekly newsletter, *CounterPunch*. So I just try and cover the area. A few years ago I used to do much more T.V. stuff but that gets pretty deadly once they suck you in. I was on the McLaughlin show a couple of times and they say, "In a word, capitalism, up or down?" Once you're caught in that I think you're pretty much of a goner. Television particularly. I think radio's very important. Public cable access radio is very important. Lower power radio. You should explore every mode you can.

Let's talk about the social justice industry for a minute, which brings us to the role of foundations and the public interest movement. The public interest movement in this country is run by and paid for by foundations. In environmental issues, the three lead foundations are the Pew Charitable Trusts, the Rockefeller Family Fund and the W. Alton Jones Foundation. All of these foundations get their money from oil companies. They also give money very carefully. Suppose you say, "I think the northern Yellowstone ecosystem is being devoured by oil companies and gas companies, by coal companies, by mining companies, by timber companies and they should stop; we should have direct action; we should have a thoroughgoing campaign to denounce the Democratic administration for permitting this." Meanwhile, your funding application is in there, you're looking for a $100,000 grant from the Pew Charitable Trusts. The Pew Charitable Trusts says, "This is very interesting, however we think some changes of emphasis should be made; clearly direct action is unacceptable, we can't possibly finance infractions of the law. We furthermore think that your attacks on the Democratic administration are a little out of place, that the real work of destruction is done by the Republicans. " And suddenly you find that your entire proposal has to be rewritten. You can't do any direct action, you've been told to support the Bill Clinton forest plan, and there you are. Your campaign is over before it began. Furthermore, in relation to your injunction which you've won to stop the companies from chopping down forests in Montana, suddenly mysteriously you've got lawyers from the Sierra Club Defense Fund, who have gone back to the judge and said they don't want that injunction any more—everyrhing's gone. You've got your foundation money—it's hard to exist without it, if you've got your little organization committed to protect spotted owls, journalists, political prisoners, to resist toxics—your office has to be paid by someone, your phone bill, your staff director, your mailings have to be paid by someone, you've got to raise money. It's hard to raise money. And there are all those foundations out there! But all those foundations have foundation executives, have foundation trusts and, of course, they have political relationships. This is true on the right and it's true on the left.

Let's take something like the Children's Legal Defense Fund, run by
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Marion Wright Edelman. Here's a Clinton administration that has proposed and put through and endorsed amazing cruelties to children, starting with the "reform" of welfare, which of course penalizes single mothers and penalizes children. The Democrats have just endorsed disproportions in drug sentencing which penalizes black teenagers. Why didn't Marion Wright Edelman raise an incredible stink with all the power and force at her command? She barely raised a peep by the way, even when the President started getting after black teenage moms. Bill Clinton calls on teenagers in Anacostia to be "responsible" about getting pregnant. These are the teenagers who wanted to talk to him about welfare. He grandstanded to them about moral conduct—the most disgusting display of hypocrisy I've ever seen. The next week he went down to a United Auto Workers convention and made a lot of jokes about what he used to do in the back of his pickup when he was a 22-year old—what he used to do in his Ranchero. So you can say—Edelman could say—"Mr. President, there's no teenage mom illegitimate crisis. It's a total fiction. The real plague is 22-year old men acting like you were in the back of your god-damn Ranchero, knocking up 15-year olds and probably giving them venereal disease at the same time." But Marion Wright Edelman kept her mouth shut through all of this. Why? Because Hillary Rodham Clinton used to be on the board of the Children's Legal Defense Fund; Edelman was sucked into the White House power scam; she gets her money from corporate America. You start kicking over the traces and real fast you find there's no traces to kick over and you've been cut off without a penny. You could see this when it happened with the NAACP. When the NAACP started getting a little militant with Ben Chavis and Chavis said, "We've got to talk to [Louis] Farrakan. Farrakan is the last black leader left in America." You had Malcolm X, then you had Martin Luther King, and who is there now? There's no one. There's a tremendous vacuum in black leadership and then there's Farrakan. And Chavis said, "We've got to talk to Farrakan." How quick was it before Ben Chavis was out of the NAACP, because they discovered "irregularities." Now, he may have been irregular, I don't know, but it's always easy to find an irregularity when you want to get rid of someone. You can find that "irregularity" in about 10 minutes. And that's what they did: out with Ben Chavis. The supervision and control of the public interest movement is impressive.

Take something else like Citizens for Tax Justice, a liberal-democratic organization. In 1992 Jerry Brown proposed a flat tax. Now you can make a progressive flat tax if you twiddle around a bit, but the Citi-
AC: You mean identity politics meaning gays and lesbians and American Indians and...  
DC: Various kinds of people, say for instance, Chicano groups in California...  
AC: I'm kind of mixed on identity politics, kind of like I'm mixed on the word "empowerment." You know, I say somewhere in that book of mine, The Golden Age Is In Us (1995), "once we wanted power, now we want empowerment." I've heard people say, and you've heard people say, "I feel empowered." I'm glad you feel empowered but have you got more power? Well, maybe you've got more empowerment in a sense of self-worth and self-knowledge, but that's got to be translated into action. And I think identity politics can lead to a tremendous mystification about what actual effect everyone is having, and it can also lead to a profound division in building a movement of opposition. This is a major, major problem.  
AC: Part of a broader social control again...?  
DC: The Nation magazine, which regularly produces mighty articles and special issues on affirmative action has no black people on staff, on the editorial side. Not one. It has, I think, two people of color on the business side, none of them in control positions. There was a story about this in the Village Voice the other day, and once again, it shows the whole sham. The Nation magazine can produce a whole issue on affirmative action without acknowledging this hypocrisy. I think identity politics can rapidly become a form of Balkanization, that's the problem. For example, we decide to start the Organization for Social Justice and immediately we're saying, "Well okay, we've got three straight, four gays, two lesbians, three people of color." Now behind that there's a benign social impulse and a correct social impulse, don't get me wrong and if at the end of the day we suddenly all look around

and there are fifteen white men, that's no good. On the other hand, our program can become swallowed in the Balkanization of our concerns, so that every time we try to get the wheelbarrow of our ideas out the door we have to put another pebble here, another pebble here, another pebble there, balanced right, and suddenly it's all over. I can speak in clear conscience because the paper I worked on in England in the 70's just before I came over here was called Seven Days and we had a rigid line: 50% men, 50% women and everybody including the floor cleaner had an equal vote on editorial policy. I've been there.  
DC: Like demographic window dressing. A composition that mirrors...  
AC: I mean for social justice, what this country needs is a really strong radical party.  
DC: A Party?  
AC: A Party. You've got to have a party in the end.  
DC: It seems that the Republicans and the Democrats exist more to allow the other to exist.  
AC: Yeah, it's the old thing. You have the conservatives who said, "Kill all the Indians and steal their land." The liberals said, "There's a better way. We'll move them west of the Mississippi, we'll put them on reservations, and then we won't have killed them and we will have done the right thing." So they push them west of the Mississippi; then, by God, they're all on what turns out to be really valuable land. So, "Kill all the Indians!" You go one way and then you go the other way.  
DC: What about the "Million Man March" as a start towards forging that new alliance...?  
AC: I liked the Million Man March. Anything that pisses off the liberal media as much as that did is alright in my book. I saw Farrakan. You get these symbolic bad people; some of what Farrakan says is bad but it's like Khaddafi. You need devils; he's the devil for white people and respectable opinion. He's a tremendous devil, but then he doesn't want to be a devil anymore so he's saying, "I'm not a devil anymore, I'm a better class of devil." And then there's [Colin] Powell. You've got Farrakan and then you've got Powell, who's like a comfort zone. The taxi driver who drove me over, he wants Powell. Everybody wants Powell. What is Powell? No one knows what Powell is. If you read what Powell did and says in his autobiography, it's horrifying. He doesn't apologize for the Vietnam War, he says it's right to shoot peasants, he says it's right to storm Panama. He hasn't produced an inter-
Behind all social justice issues in America is the basic one—the wealth is not distributed equally. The idea of progressive late-nineteenth century, early-twentieth century thought, which was like Fabian thought, social democratic thought, is that you won't eradicate inequality, you'll certainly have elites, but welfare can be installed enough to placate the dangerous classes, subdue them, feed them, remove the most horrible social inequities such as people openly dying in front of you in the streets or starving people holding up their hands. Progressives said, "We'll remove all that and we'll clean up." That program has now disintegrated. We've really gone back earlier to the Malthusian ideology of the mid-nineteenth century where they said, "there are too many poor people and we want them to die by any means possible." And they do die, slowly. When welfare "reform" kicks in and they've put the block grants to the states, and the great state of Kentucky and the great state of California wipe out poor people, you won't see a pile of dead bodies in the public highway, but people will die five years earlier than they would have done, infectious diseases will increase, diseases from lowered resistance will increase. Social attrition is a little slower than people assume but a lot faster than you care to think about. That's what we're into. People are into reduction of population and I guarantee you that somewhere in this country there's a nice little foundation report saying that in a polite way. Never forget how progressives, as much as Nazis, think genocidally, "Act merciful. Think genocidal." They don't put it like that but if you go back to the turn of the century, if you look at sterilization and other programs, that was all liberal-progressive stuff; the Nazis in Germany learned from the American 1924 Exclusion Acts, which were written by liberals. They learned their sterilization science from "scientists" sponsored by liberal philanthropy. The Rockefeller Family Fund, the Population Council, the MacArthur Foundation are all blatantly Malthusian. There's the old bogus Malthusian thing that the means of subsistence will always fall behind the rate of population increase. Malthus said a very important thing: in the fifth edition of his book on population he said, "The possessing classes are fine. We want them to flourish," and he said, "it is best that we don't drain the slums of sewage. It is best the poor live next to disease-giving marshes. It is best." It explicitly states this. This is the Reverend Malthus—look him up in the British Encyclopedia of 1911, they say he's a really nice guy. They do. Put the poor next to places of disease. Now, Malthus died and you have the nineteenth century progressives; the inspectors.
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Zealand on an issue, whether it's a personal one or a public, social one. Of course not. I personally don't do it much because I have an entire garage full of boxes of print info. Why the hell do I want another 28 boxes full of computer printouts? Physically I find it not very good and I don't think it's good for writing: It's too easy. I think if I had my way I'd have everybody chisel their words with a hammer and chisel on a piece of rock. I think that, undoubtedly so, a lot of people chatter on the Internet and it becomes a substitute for action. I live in the country in California, and I have a dedicated fax line and I lie there at night and I wake up and I hear the faxes cranking in. And someone is sending these environmental networking schedules at 4:30 in the morning—28 pages. A friend of mine, Tim Hermach, who runs an environmental operation, the Native Forest Council in Eugene, Oregon, has this enormous network of people to whom he sends hundreds of pages at thousands of dollars in cost every day. I don't know quite what it does, honestly. There's a fetish for information and a deficit of political action.

dC: In conclusion, do you think violence is an effective form of resistance...

AC: Social violence? Is it violence to cross a picket line; is it violence to stop scabs coming into your factory? Yes. Whether it's pulling the driver out of the truck or not: will it work? Will it lead to you being wiped out? What will it achieve?

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