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 civic and political issues related to environmentalism.
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. Aliberal 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 battling 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 or 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 resister 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— 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 reconstitute our whole political spectrum.

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 reconstitute our whole political spectrum.

AC: Totally, totally.

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

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 or 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.
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 her/himself that—someone with any pretensions to radicalism certainly has to ask her/himself 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 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 inquisitions 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..."
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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-
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York. The minute he started attacking them everybody in the state, from the "progressive" Bernie Sanders to The Burlington Free Press, to the organic food movement in Vermont, every single one of them said, "This is an outrage to attack Cabot." Once you start rocking the boat more than three inches in this country you're in big trouble.

Identity Politics: Coalition or Collision?

DC: How do you see something that's come up recently—identity politics—and trying to draw on particular identities to forge more effective political links and activism? Can you see any possibilities...?

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

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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-
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est ing idea - not one.

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 pacate 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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who are reformists (whom Marx quotes in Capital (1866)), and Chadwick, who cleaned up London. But we've reached the end of that period. If you read the Wall Street Journal editorial page now, or the Washington Post editorial page, you don't need to change a word from Malthus, really.

dC: Do you see these movements in [cutting] any kind of welfare, cutting health care, even removing things like affirmative action, as disciplinary practices?

AC: Oh, for sure. Total discipline. It's social discipline—lethal social discipline. They really, really want these people to disappear. They don't quite say it, but they think it.

dC: But more subtly? It's not going to be on the scale of the Irish famine?

AC: You can go back to the Irish famine, and here we are on the 150th anniversary of it, and you can read the memo of Trevelyan, saying that we cannot interfere with the motions of the market. It's like reading the Wall Street Journal editorial page all over again. Ireland had a population at that time of what, eight million? I always think Ireland was the [El] Salvador of the nineteenth century. It's exactly the same. Salvador is highly populated, and of course they marginalized the Irish off the decent land and put them on the little plots, then introduced the potato mono-crop and then began exporting the grain. They were exporting grain all the way through the famine—that's the pattern. Like they're doing now in Chiapas. The greatest revolutionary writing of our time, I think, is done by sub-commandante Marcos.

dC: Which brings us to another question on the possibility of forging alliances/opposition, through technology. Because Marcos' speeches are coming to us through the Internet and going all over...

AC: The best edition of Marcos' stuff was translated by Frank Bardacke in the Committee for Social Justice in Watsonville, and was published originally in the Anderson Valley Advertiser [which is not Internetted], and that was put out by Monthly Review. I've got nothing against the Internet, really. I think people overhope, if that's a word. People have too many expectations of the Internet. You cannot trust stuff you get on the Internet. For example, something as simple as how many prison uprisings were there after the House vote on crack? I've got a pile of articles that says there were five. There weren't; there were four. You really have to triple-check stuff. I'm not against the fact that someone can communicate with someone in New...
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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?

References


