READING LINCOLN IN PAKISTAN: Every generation and every political movement, it seems, reinvents Abraham Lincoln in its own image. But rarely has he been invoked so cynically as on November 4, when President-General Pervez Musharraf quoted extensively from Lincoln to justify the suspension of the Pakistani Constitution and the imposition of martial law. Musharraf declared that during the Civil War, Lincoln “broke laws, he violated the Constitution, he usurped arbitrary power, he trampled individual liberties.” He quoted from an 1864 letter to Albert Hodges, in which Lincoln declared that “measures, otherwise unconstitutional, might become lawful, by becoming indispensable to the preservation of the Constitution, through the preservation of the nation.” Musharraf failed to note that in this letter, Lincoln was not defending the abrogation of democracy or the suppression of civil liberties but his decision to emancipate the slaves.

But even on the grounds of civil liberties and executive authority, the General’s effort to wrap himself in Lincoln’s mantle is ludicrous. Lincoln did take actions that interfered with Americans’ freedoms and bent the Constitution. At the outset of the Civil War, without Congressional authorization, Lincoln raised troops, appropriated funds, suspended habeas corpus in Maryland and ignored a ruling by Chief Justice Roger Taney ordering the release of a man arrested for aiding the rebellion. Later, Lincoln extended the suspension of habeas corpus to include the entire North. Under his authority as Commander in Chief, the military arrested thousands, most of them accused of actively aiding the Confederacy, but some of nothing more than criticizing Administration policies. The most notorious was Clement Vallandigham, a Congressman from Ohio, convicted by a military tribunal of disloyalty for a speech opposing the draft. Lincoln ordered him deported to the Confederacy.

These policies are today viewed as serious blemishes on the history of American freedom. But they do not add up to a general assault on the Constitution and all were ratified by a democratically elected Congress. Here is what Lincoln did not do and Musharraf did. He did not suspend the Constitution, remove the Chief Justice, impose martial law upon the entire country, incarcerate dozens of lawyers, arrest leaders of the opposition party and human rights advocates or ban political demonstrations. Perhaps most important, he did not disrupt the operation of political democracy. Throughout the Civil War, elections were held on schedule. In 1862 the Democratic opposition won sweeping gains in Congressional contests, but Congress continued to meet. During the summer of 1864, Lincoln feared he might be defeated for re-election, but the election went ahead as scheduled. Lincoln insisted that the United States must demonstrate that even in the midst of a civil war, a democracy could submit its policies to the judgment of the people.

If Musharraf is interested in learning from Lincoln, he might ponder these remarks made shortly after the 1864 election: “We can not have free government without elections; and if the rebellion could force us to forego, or postpone a national election, it might fairly claim to have already conquered and ruined us…. But the election, along with its incidental, and undesirable strife, has done good too. It has demonstrated that a people’s government can sustain a national election, in the midst of a great civil war.”

Lincoln confronted the greatest crisis in American history, a threat to the very existence of the nation. Musharraf, according to a spokesman, acted because of “a threat to future law and order.” Lincoln believed in government of the people, by the people, for the people. Musharraf believes in government of Musharraf, by Musharraf, for Musharraf. That’s an important difference.

DEMS GO SOUTH: Remember the courts? Don’t worry, the Democrats don’t either. In 2002, when George W. Bush nominated 65-year-old Mississippi jurist Charles Pickering to the US Court of Appeals for the Fifth Circuit, liberal polls and pundits had a field day airing the old segregationist’s dirty laundry. The GOP—though it had a majority—couldn’t get him confirmed. Five years later, 57-year-old Mississippi jurist Leslie Southwick breezed through confirmation hearings for the seat, despite an equally if not more regressive record—and with a Democratic majority in place!

The Administration’s plan to slip another extremist judge through a distracted Congress worked like a charm, despite Southwick’s deplorable rulings. As an exhaustive report by the Alliance for Justice shows, Southwick has expressed reactionary views on workers’ rights, joined homophobic decisions and voted consistently with big business in divided torts and employment cases. In 2001 he joined a decision upholding a ruling that took an 8-year-old girl away from her mother because the woman was living in a “lesbian home.” Going further, Southwick also joined a gratuitously antigay concurrence underscoring Mississippi’s right, under “the principles of Federalism,” to treat gays and lesbians like second-class citizens. If for no other reason than self-interest, Dems should take on easy targets like Southwick. With scores of gerrymandering cases making their way to the courts, do they really think jurists like Southwick will give them a fair hearing?

PETER ROTHBERG

RAINBOW CONNECTION: In October Radiohead released In Rainbows as a “pay what you want, even nothing” download from its website. Millions flocked to Radiohead.com, and early reports had the album averaging at least $5 per download. But many industry insiders tut-tutted the band for spurning the system, and some intimated that In Rainbows was just too crummy to warrant a “real” release. Now the mainstream media are latching on to a report by Internet monitoring firm Comscore that concludes that 62 percent of downloaders paid nothing for the album. But Comscore’s claim is weak. The firm collects data from 2 million people who allow their every mouse click to be monitored in exchange for free software. So there’s no reason to believe that its population is representative of In Rainbows downloaders. Tellingly, Comscore’s report doesn’t mention how many of its “participants” downloaded the album. It’s hard to resist some cynical conclusions: Comscore’s client base includes several media conglomerates, media conglomerates want In Rainbows to fail, newspapers want stories and failure sells.

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