

As the election is thrown into the courts

# The issue is joined in the US: the right to vote or government by usurpation

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With the outcome of the 2000 US election now in the hands of the courts, both the Florida judiciary and the US Supreme Court, the fundamental issues underlying the conflict within the American ruling elite are becoming more sharply defined. The very fact that the political struggle over the outcome of the November 7 vote has been thrown into the courts testifies to the depth and ferocity of the divisions within the political establishment.

The certification of Republican George W. Bush as the winner of Florida's 25 electoral votes, and hence the electoral contest nationally, on the basis of the suppression of thousands of votes has placed in question the very foundations of democratic rule in the US.

The issue before the courts is the extent to which they—and the American ruling class as a whole—are prepared to sanction a break with constitutional and democratic norms in deciding a presidential election.

The nationally televised certification Sunday evening, presided over by Secretary of State Katherine Harris, an ally of Florida Governor Jeb Bush (George W's brother) and co-chairman of Bush's presidential campaign in the state, was a fitting culmination to the drive by the Republican Party to hijack the state's electoral votes by means of fraud and intimidation. Harris had attempted to block legally prescribed hand recounts of ballots in Broward, Palm Beach and Miami/Dade counties, and only allowed them to proceed after her actions were overruled by the Florida Supreme Court.

The results of the manual recount in Broward cut Bush's official lead in half—to a mere 537 votes—and his margin would have been further reduced by some 200 votes had Harris not discarded the amended vote totals submitted by Palm Beach County. This action, reeking of contempt for the rights of voters, followed her rejection of an appeal from the Palm Beach canvassing board for a few extra hours, the local officials having failed to meet the Sunday 5PM deadline because of relentless efforts by Republican operatives to disrupt and delay the vote-counting process.

The hand counts in Broward and Palm Beach made it clear that a manual recount in Miami/Dade would have given Gore more than enough votes to overcome Bush's official margin. Some 10,000 presidential votes there did not register in the original machine tally, and have never been counted. The recount in Miami/Dade

was abruptly halted last week after a mob of Republican operatives rampaged through the canvassing offices, attacking one Democratic official and threatening others.

Shortly after Harris certified Bush as the victor, Democratic vice presidential candidate Joseph Lieberman went before a national television audience to announce that he and Gore would contest the official tally in the Florida courts. Declaring that Harris had decided “to certify what by any reasonable standard is an incomplete and inaccurate count of the votes cast in the state of Florida,” Lieberman rested the case of the Democratic ticket on core constitutional issues of democratic rights.

“What is at issue here is nothing less than every American's simple, sacred right to vote,” he said. “The integrity of our self-government,” he continued, “is too important to cast into doubt because votes that have been counted, or others that have not yet been counted and clearly should be, have unjustifiably been cast aside.” Pledging that he and Gore would abide by the result of a fair and complete count of the votes, Lieberman added, “The idea of ‘one person, one vote’ is central to our system of government and must never be compromised.”

In his televised response later that evening, Bush ignored the constitutional issues raised by Lieberman and declared himself the winner of the presidential election. He attacked the Gore camp for contesting the official vote tally in court, even though his lawyers had argued the previous week before the state Supreme Court that Harris' initial rejection of manual recounts should be upheld so that either side would have sufficient time to pursue what they, at that time, called the proper course of action—contesting the certified result in the Florida courts. Bush went on to demand that the Clinton administration officially recognize him as the president-elect and extend to his campaign all of the benefits that fall to a presidential transition team under federal law.

He made a point of reiterating his campaign pledge to eliminate the inheritance tax and slash income tax rates across the board, measures that would provide a huge windfall for the wealthy. Here Bush was not only rallying his backers among the rich and the super-rich, he was sending a signal that a Bush administration, contrary to the urgings of the liberal press and the predictions of assorted political pundits, would spurn any olive branches from the Democrats and aggressively pursue the reactionary social agenda of the Republican right.

The speech by Democratic vice presidential candidate Lieberman amounted to an acknowledgment that a new president was on the verge of being installed by undemocratic and unconstitutional means. Bush's provocative response, consistent with the stance taken by the Republicans since election day, only substantiated the charge.

The basic democratic right of the people to elect their government is, in fact, being doubly violated—by virtue of archaic constitutional provisions that determine the presidency not by the popular vote (won nationally by Gore), but rather by electoral votes; and outright vote fraud in a pivotal state run by a corrupt Republican apparatus.

The attack on the principle of one person, one vote raises once again the issues that were fought out in the civil rights struggles of the 1950s and 1960s, when tens of thousands of black workers, determined to end Jim Crow apartheid in the South, risked their lives to secure the right to vote. They had to fight to end the poll tax, voter literacy tests and other, more bloody methods that were used to deny them the franchise. It is no accident that the same social forces that forty years ago upheld the white supremacist system in the South are now mobilized behind the Bush campaign.

The events of the past three weeks have revealed that a very substantial section of the financial and political elite in the US has abandoned any allegiance to democratic norms. This break with constitutional methods was already foreshadowed in the impeachment drive, when a clique of extreme right-wing lawyers, judges and Republican congressional leaders attempted to carry out a coup d'etat under the cover of a sex scandal.

The turn by substantial sections of the ruling elite to illegal and authoritarian methods is reflected most clearly in the role of the media, which is owned and controlled by some of the most powerful corporate entities. In the current crisis, as in the impeachment episode, the media has served as a sounding board for the right wing, burying the widespread evidence of voter intimidation and ballot fraud in Florida and doing its best to confuse and disorient public opinion.

However, the installation of a president on the basis of flagrantly anti-democratic means is a fateful decision with vast and ultimately explosive implications. In broad terms, the Republican Bush camp represents those sections of the ruling elite that have concluded that the interests of American capital can be secured only on the basis of authoritarian methods, while the Democratic Gore camp fears the social implications of such a radical turn. It seeks to defend the interests of US capitalism through the more traditional methods that have served the American financial oligarchy so well in the past. For the present, the Gore camp has concluded that it must put up resistance to the attempt of the Republicans to stampede their way to the White House, lest the Democrats completely discredit themselves in the eyes of the public as a party that defends democratic rights.

Indications are mounting that the electoral conflict will ultimately be decided by the US Supreme Court, which has scheduled a hearing for Friday on the Republican claim that the Florida high court overstepped its legal mandate when it ordered the secretary of state to allow hand recounts of ballots and include the results in the official tally. The US Supreme Court has long

served as the legal arbiter of disputes within the ruling elite. Should the high court rule in such a way as to turn the presidency over to a faction of the political establishment that increasingly bases itself on conspiratorial methods and fascistic social forces, its action will mark a decisive historical turning point.

Precisely because the issues at stake are so fundamental, they cannot long remain a dispute within the narrow confines of the political and social elite. Inevitably, broader masses of the population will be brought into the struggle.

The working class cannot remain on the sidelines. The basic issues go far beyond the fate of Gore, Bush or their respective parties. The main target of the attack by the right-wing forces lined up behind the Bush campaign is the working class itself, and its democratic rights.

That is why, in opposing the right-wing assault, working people can place no confidence in Gore or the Democratic Party. They represent a flabby liberalism that has proven itself incapable of defending democratic rights. Because the Democrats defend the profit system, which is creating ever greater levels of social inequality, their differences with the Republican right take a back seat to their fear of an independent political and social movement of the working class. Already leading liberals, such as former Labor Secretary Robert Reich, are calling on Gore to move quickly toward conceding the election to Bush.

Nor can workers place their trust in the courts, including the Supreme Court. The latter institution is a bastion for the defense of corporate power and wealth, dominated by a cabal of right-wing justices who have not hesitated to discard legal precedents and democratic principles in order to attack the social conditions and rights of working people. Chief Justice William Rehnquist was a key conspirator in the impeachment drive, having appointed the ultra-right-wing judge who fired the first Whitewater independent counsel and appointed Kenneth Starr to pursue the vendetta against Clinton. Rehnquist began his career as a political operative in the Republican Party of Arizona, where he opposed the desegregation of schools and participated in an effort to block minority workers from exercising their voting rights.

The only social force capable of defending democratic rights is the working class itself. To do so, it must construct its own mass party, based on a democratic and socialist program.



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