

Supreme Court overrides US voters: a ruling that will live in infamy

The Editorial Board
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The ruling issued Tuesday by the US Supreme Court marks a turning point in US history. It constitutes a fundamental and irrevocable break with democracy and the traditional forms of bourgeois legality.

There is no precedent for the action taken by the Court. After an election in which 100 million people voted, the result has been determined by five unelected judges in a five-to-four split decision. The majority on the Court halted the counting of votes in Florida for the transparent purpose of preventing Democratic presidential candidate Al Gore, who won the popular vote nationally, from getting credit for ballots cast in his favor and thereby winning the state's pivotal electoral votes. The judges stole the election and threw it to their Republican ally George W. Bush.

They did so in broad view of the American people, overturning a decision of the Florida Supreme Court and dismissing the warnings of their fellow justices, who protested in vain that the ruling would undermine the legitimacy of the judiciary and discredit the United States' claims to represent democratic principles.

One section of the decision handed down by Chief Justice William Rehnquist and associate justices Antonin Scalia, Clarence Thomas, Sandra Day O'Connor and Anthony Kennedy bears quoting. In its bald denial of the right of suffrage, it reveals the essence of their action:

“The individual citizen has no federal constitutional right to vote for electors for the President of the United States unless and until the state legislature chooses a statewide election as the means to implement its power to appoint members of the Electoral College.”

The majority decision goes on to say that any state legislature can, at any time, revoke the popular vote for president and “if it so chooses, select the electors itself.”

The very methods employed by the Bush campaign and its allies on the Supreme Court, and the overtly anti-democratic basis of their actions, reveal the nature of the policies the new administration intends to carry out. Bush speaks for the most ruthless and avaricious sections of the ruling class—those who demand the removal of all legal, political and moral limitations on the exploitation of the working class, the realization of profit and the accumulation of personal wealth.

The 2000 election brought to a head a bitter conflict over policy and strategy that has been raging within the US ruling elite for the past decade. A substantial section within the corporate and political establishment never accepted the legitimacy of the Democratic Clinton-Gore administration. Despite Clinton's efforts to conciliate the Republican right and adapt to its social agenda, powerful forces within financial and corporate circles saw his administration as a retreat from the aggressive anti-labor and pro-business policies of Reagan and the elder George Bush. They bitterly resented Clinton's token gestures toward social reform.

These forces sought to remove Clinton from office, backing the series of scandals and provocations that culminated in the impeachment and Senate trial of the Democratic president. The Supreme Court figured prominently in that attempted coup, beginning with its unanimous ruling in May of 1997 denying Clinton's request for a postponement of the Paula Jones sexual harassment suit until after his term of office. Chief Justice Rehnquist played a key role in the conspiracy, appointing the ultra-right judge who fired the first Whitewater independent counsel and replaced him with Kenneth Starr.

Having failed to bring down Clinton, these same forces have acted to hijack the 2000 election and return a Republican administration that will pursue a course of

class confrontation and employ authoritarian methods.

No premise of Marxism is more hotly denounced by defenders of the capitalist system, liberal and conservative alike, than the theoretical conception that the state is an instrument of class rule, and that bourgeois democracy is, in the final analysis, a form of the dictatorship of capital. Yet the working out of the electoral crisis has provided a powerful confirmation of this basic Marxist precept. Five high court judges, the most elite representatives of the American bourgeoisie, have intervened to decide the election and override the votes of 50 million Gore supporters.

That the Court's action is an attack on democratic rights is acknowledged in the dissenting opinion of Associate Justice John Paul Stevens, who writes: "In the interest of finality, however, the majority effectively orders the disenfranchisement of an unknown number of voters whose ballots reveal their intent—and are therefore legal votes under state law—but were for some reason rejected by the ballot-counting machines."

In concluding his bitter dissent, Stevens states: "Although we may never know with complete certainty the identity of the winner of this year's Presidential election, the identity of the loser is perfectly clear. It is the Nation's confidence in the judge as an impartial guardian of the rule of law."

Here Stevens points to a significant aspect of the process that has unfolded over the past five weeks: the recklessness exhibited by the dominant factions within the US ruling elite that back the Republican Party. Their willingness to sacrifice the legitimacy of the Supreme Court in the eyes of broad sections of the public underscores the authoritarian trajectory of their policies. Public confidence in the Court is less critical to those who are breaking with democratic norms and moving in the direction of dictatorial rule.

It is, however, a fact that with the discrediting of the high court, every institution of the bourgeois state has fallen into disrepute. Congress has already been disgraced in the eyes of broad masses for its role in the Monica Lewinsky sex scandal and impeachment conspiracy. The odor of fraud hangs over the presidency even before George W. Bush takes up residency in the White House.

The deep-rooted social polarization within American society has now found a stark expression in the

breakdown of traditional bourgeois democratic institutions. The fierce and protracted conflicts within the ruling elite have spilled over to society at large, and the masses can no longer be kept on the sidelines.

The social and political attacks that will be launched by the Bush administration will meet with ever greater resistance from working people and all those prepared to fight for democratic rights and social justice. The flabby opposition of Gore and the Democrats is one thing. The opposition of the working class is something altogether different.

The crisis of the 2000 election marks a new point of departure in American life, and, indeed, in world affairs. Social relations and political conditions will never return to what they were before November 7. The first task of the American working class is to work through this immense political experience, and draw the appropriate political lessons. The Socialist Equality Party and its political organ, the *World Socialist Web Site*, are prepared to play a leading role in this process of political education and preparation for the great class battles ahead.



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