

# Republicans launch power grab in US Senate

Patrick Martin, Joseph Kay  
23 May 2005

Senate Republicans filed a motion Friday to end debate over the nomination of extreme right-wing Texas jurist Priscilla Owen to the US Court of Appeals and force an up-or-down vote. The motion begins a series of parliamentary maneuvers that could end with the effective suppression of minority rights in the US upper house.

A Republican victory would insure that when the next Supreme Court vacancy occurs, Bush will be able to force Senate confirmation of a nominee backed by the Christian fundamentalists, committed to abolishing women's right to abortion and imposing other retrograde and anti-democratic social policies.

If Democrats carry out plans to filibuster the nomination of Owen—by using procedural rules in the Senate that allow debate to continue indefinitely unless 60 of 100 senators vote to end it—Republicans have threatened to change Senate rules to eliminate the filibuster option. This would allow the Republican Party to appoint life-time judicial nominees without accommodating in any way the position of the minority party.

Because of previous Democratic threats of an escalating retaliation, bringing the Senate to a virtual halt, former Republican Majority Leader Trent Lott once christened the proposed termination of the right to filibuster nominations the “nuclear option.” This is the name now universally used in the media to refer to what is, in reality, a power grab by the Republican Party and an effort to establish complete right-wing control over the functioning of Congress.

The Senate Republican leadership and the Bush administration are seeking to disguise this fact by constant invocations of the principle of majority rule and maintaining that elementary fairness requires that every judicial nomination by the president should receive an up-or-down vote in the Senate.

They have even claimed that the US Constitution, which gives the Senate the power to “advise and consent” on judicial nominations, implicitly mandates such a vote. This interpretation, however, would undo 215 years of constitutional precedent, under which “advise and consent” has always included the power to reject, either by direct vote or by refusal to vote.

For the past two weeks, Washington political and media circles have been filled with speculation over whether the Republican leadership has the 50 votes required to sustain the “nuclear option.” With the 44 Democrats and one independent opposed, and three Republicans—John McCain of Arizona, Lincoln Chafee of Rhode Island, and Olympia Snowe of Maine—already announcing they will vote “no,” three more Republican defectors would defeat the measure.

There has been an intensive campaign of White House political pressure and Christian fundamentalist lobbying, directed at the handful of Republicans believed to be wavering. These include such Senate veterans as Arlen Specter of Pennsylvania, John Warner of Virginia and Richard Lugar of Indiana, as well as Chuck Hagel of Nebraska and Susan Collins of Maine.

All five have cited concerns over the reversal of longstanding precedents, the threat of institutional breakdown, and the loss of protection for minority rights. In his initial comments during the Owen debate, Specter, chairman of the Judiciary Committee, warned that the nuclear option could “do substantial damage to the institution.... It is my personal view that the option of a filibuster for really extraordinary, egregious circumstances ought to be retained.”

The mounting tension in Washington found expression in hysterical comments by Republican leaders as the Senate debate got under way. Republican Senate Majority Leader Bill Frist himself compared the Democratic tactic of filibustering judicial nominations to “assassinating” these individuals—a particularly inflammatory characterization given recent incidents in which judges and their families have been murdered by criminal defendants or unsuccessful plaintiffs. Attempting to outdo Frist, Senator Rick Santorum of Pennsylvania, the third-ranking Republican and a favorite of the Christian right, compared the Democrats to Adolf Hitler.

Two things have characterized the protracted political conflict over judicial nominations: a steady weakening of the Democratic Party's opposition to the ultra-right, and the increasingly vitriolic and dictatorial demeanor of the Republicans as they consolidate control over all branches of

the federal government—the White House, the Congress, and the federal judiciary.

This control is out of all proportion to the actual support for the program of the ultra-right among the American people. Bush won reelection by a margin of 51-48 percent, the narrowest reelection victory for a US president in over a century. Republicans control the House by 231-204 and the Senate by 55-45. Yet the Republicans are demanding 100 percent control of the federal judiciary, a branch of the government which is already firmly under Republican domination, with about two-thirds of all federal judges appointed by Reagan, George H.W. Bush or the current president.

The fight over judicial nominees and Senate procedure in the confirmation process is the latest in an ongoing struggle within the ruling elite over forms of rule. This struggle has found expression in a series of constitutional crises over the past decade, each involving a further attempt to suppress democratic rights.

In the impeachment crisis of the latter years of the Clinton administration, the Republican right sought to exploit a sex scandal in order to unseat a twice-elected president. This was followed by the elections of 2000, in which the outcome of the election was decided through the intervention of the Supreme Court, which halted a recount of the votes in Florida and handed the Presidency to George W. Bush.

Most recently, the attempt by Congress to intervene in the case of Terri Schiavo represented a fundamental attack on the independence of the judiciary. In spite of overwhelming public opposition, the federal government, acting at the behest of a small layer of fundamentalist Christians, inserted itself in the judicial process to promote the “pro-life” agenda of the far-right.

In each of these cases, the determination of the Republican Party to lay siege to basic democratic rights and constitutional procedures has stood in stark contrast to the capitulation of the Democratic Party. At no time have the Democrats sought to carry out a serious fight for democratic rights, to expose the extremely reactionary forces behind the Republican onslaught and mobilize the population against them.

It is significant that on the eve of the upcoming confrontation over judicial appointments, the Democrats have begun to retreat from earlier threats that they have made. On Sunday, Democratic Whip Dick Durbin said on CBS’s “Face the Nation” that “the Democrats will not shut the government down” if Republicans rewrite Senate rules. He insisted that they would merely follow the rules and continue “to push an agenda the Republicans don’t want to talk about.” In other words, the Democrats will respond to a Republican decision to eliminate the filibuster for judicial

nominees with their traditional timidity and spinelessness.

Statements of other leading Democrats have consisted entirely of appeals to the Republicans to agree to a compromise that would avoid a confrontation. Senate Minority Leader Harry Reid said on Sunday, “We need to withdraw from the precipice and forge a bipartisan compromise to resolve this matter.” Any such compromise will include the confirmation of the majority of those judges that are still pending. The orientation of the Democrats is directed entirely at winning over a section of the Republican Party “moderates.” It is within the Republican Party that the real struggle over policy is being carried out.

Political initiative, once again, is entirely on the side of the extreme right. The Democratic Party is in retreat in the face of the determination of the Republicans to rewrite rules and consolidate their control. This situation can be explained only by the fact that, while Democrats may differ with Republicans on certain tactical questions, what unites the two parties is vastly greater than what separates them. On questions touching the basic interests of the ruling class in the United States, there is complete agreement.

The determination of the Republican Party expresses the fact that it represents directly and consistently the interests of the most reactionary sections of the ruling elite in the US, having broken completely with all methods of class compromise. The impotence of the Democratic Party, on the other hand, is a product of the enormous chasm between its attempts to portray itself as a popular party and its ultimate subordination to the same class interests.

More than anything else, the Democrats are afraid that any appeal to the broad mass of working people could spark a social movement that would threaten the Democrats’ own social and political interests. Given the extent of the power grab that the Republican Party is carrying out, it is striking the extent to which all these policies and decisions are being made completely outside of any broader involvement of masses of people.

As the *World Socialist Web Site* has continually warned, there does not exist within the ruling elite any broad constituency committed to the defense of democratic rights. Again and again the same pattern of Republican assault and Democratic capitulation repeats itself. The central lesson to be drawn from this pattern is the impossibility of defending democratic rights on the basis of the capitalist system and its political representatives.



To contact the WSWP and the  
Socialist Equality Party visit:

**[wsws.org/contact](http://wsws.org/contact)**