

After recount and court suit

Democrat Al Franken wins Minnesota Senate seat

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A unanimous Minnesota Supreme Court decision Tuesday ended a protracted legal battle over the outcome of last November's election and awarded the Senate seat from that state to Democrat Al Franken, who edged Republican Norm Coleman by 312 votes out of nearly three million cast.

Coleman, a one-term incumbent, led by 725 votes in unofficial results announced the day after the November 4 vote, but Franken demanded a recount and pulled ahead, first by 225 votes, then by 312 after a full hand-count of millions of ballots. In April, a lower court ruled that Franken had won, and Coleman appealed to the state's highest court.

Coleman conceded the contest in a phone call to Franken shortly after the state Supreme Court issued its ruling. Minnesota's Republican governor, Tim Pawlenty, signed a legal document certifying Franken's victory soon after Coleman's concession, and Franken is to be sworn in the week of July 6, giving the Democratic Party a 60-40 majority in the US Senate.

The Republican right called on Coleman to continue the legal struggle to retain the Minnesota seat by appealing to the federal courts, banking on the same 5-4 split on the US Supreme Court that awarded the presidency to George W. Bush in 2000. Governor Pawlenty was urged not to sign the certificate of election for Franken until such an appeal was concluded, which could take years.

Coleman's lead attorney, Benjamin Ginsberg, represented Bush in the 2000 Florida recount, and the Republican candidate cited the Supreme Court decision in *Bush v. Gore* as a legal precedent for his demands on

how to conduct the Minnesota recount. The two campaigns spent \$11 million on legal proceedings—on top of the \$45 million expended on the 2008 election campaign.

Ultimately, however, both Coleman and Pawlenty refused to continue the contest after the state Supreme Court's unanimous action, a decision that reflects both the weak legal and political position of the Coleman campaign and the crisis of the Republican Party as a whole. The *Wall Street Journal* bitterly assailed the result, declaring, "Mr. Franken now goes to the Senate having effectively stolen an election."

If the result in Minnesota is a defeat for the Republican Party, however, leading Democrats in Washington were in haste to deny that Franken's victory would increase their ability to push legislation through Congress. This is despite the fact that for the first time in 30 years, the party with a Senate majority has obtained 60 out of the 100 seats, the number required to overcome a filibuster and force a decision on legislation.

There was concern, both in the Democratic Party leadership and in the media, that achieving a 60-vote majority might raise popular expectations for action on Obama's campaign promises of expanding access to health care and increased spending on education and infrastructure.

To dispel such illusions, Senate Majority Leader Harry Reid, Democrat from Nevada, said Wednesday, "We have 60 votes on paper, but we cannot bulldoze anybody... I am not this morning suddenly flexing my muscles."

A series of commentaries began appearing in the press within hours of Coleman's concession, to the

effect that having a 60-vote majority in the Senate meant relatively little. The headlines give the flavor of the press commentary:

- *New York Times*: What's So Super about a Supermajority?

- *Washington Post*: What Franken's Win Does and Doesn't Mean

- *Bloomberg News*: Franken's Win Won't Let Democrats Dominate Senate

The *Washington Post* wrote on July 1, "The Democrats now have their largest majority in the Senate since 1978, but their ability to prevent filibusters as they attempt to push President Obama's agenda is likely to prove illusory."

The general line of the press was that while the Democrats now have the 60 votes required to force their agenda through the Senate (in addition to a decisive majority in the House of Representatives and Obama in the White House), there were other obstacles, ranging from divisions among the Senate Democrats to the illnesses of Senator Edward Kennedy and Senator Robert Byrd.

A *New York Times* article on July 2 touched on the real concern—that for the Democrats, "becoming the first party in 30 years to reach the fabled plateau of 60 could create as many political problems as it solves, raising expectations sky high and potentially causing a backlash should Democrats falter on energy or health care ..."

The Obama administration and the congressional Democratic leadership have relied on the bogeyman of a Republican Senate filibuster to justify a series of right-wing policy moves on the economy, financial regulation, the publication of torture photos and now health care and energy legislation. The template for this approach was set during the passage of the economic stimulus bill, the first major legislation sought by Obama, when three Republican senators, who insured the required 60-vote majority, were allowed to dictate much of the bill.

Franken, a long-time comic on NBC's "Saturday Night Live" television program, has authored several books satirizing the ultra-right, including *Rush Limbaugh Is a Big Fat Idiot*, and served as a political commentator on the liberal Air America radio program. He ran an aggressive campaign against Coleman, appealing particularly to anti-war sentiment and to

trade unionists in the Twin Cities and Iron Range, and linking himself to the Obama campaign, which carried Minnesota easily in the presidential election.

But as he has waited for the resolution of the court case over the results of the election contest, Franken has been silent as the Obama administration has repudiated anti-war voters, escalating the war in Afghanistan and extending it to Pakistan, while maintaining the US occupation of Iraq.



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