A US judge declares Detroit residents have no right to water

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In a ruling on Monday, the federal judge overseeing the bankruptcy of Detroit declared that workers, youth and retirees have no "fundamental right" to water, as he threw out a lawsuit challenging the city's policy of shutting off tens of thousands of residents from one of the most fundamental necessities of life.

The cruel decision by judge Steven Rhodes is an object lesson for the entire working class. Rhodes exposed the logic of the capitalist system, the ruthlessness of the corporate and financial aristocracy that oversees it and the class character of all the institutions of the state.

Attorneys for the plaintiffs, which included victims of the water shutoffs, argued that irreparable harm had been inflicted on their clients and residents of Detroit. If the policy continued, they contended, it could lead to the outbreak of disease and death.

Rhodes acknowledged that such harm had occurred and that "water is a necessary ingredient for sustaining life." Nevertheless, he insisted, a finding of irreparable harm "does not suggest that there is a fundamental enforceable right to free or affordable water. There is no such right in law. Just as there is no such affordable right to other necessities of life such as shelter, food and medical care."

Halting the water shutoffs was unacceptable, Rhodes asserted, because it would interrupt the flow of revenue to the banks and big bondholders, which get 50 cents out of every dollar the municipally owned water department collects. "Detroit cannot afford any revenue slippage, and its obligations to its creditors require it to take all reasonable and business-like measures to collect the debt that is owed to it," Rhodes insisted.

In short, the working class has no right to a healthy life, economic security, education or culture. The only "right" recognized by the court is for the rich to continue their looting operations unimpeded.

According to previous testimony by the chief financial officer of the Detroit Water and Sewerage Department, the mass water shutoffs were demanded by Wall Street credit rating agencies, including Fitch, Moody's and S&P, which insisted that the DWSD clear its "bad debt" in order to qualify for better terms on the municipal bond market. Once the shutoffs began, reaching a peak of almost 900 households a day, the department was upgraded, allowing it to float a new multibillion-dollar bond with lower borrowing costs.

The shutoff of water and the planned privatization of the DWSD reveal the essence of the bankruptcy process as a whole. Everything will go to the banks and wealthy investors—from the money owed to pensioners, to the art museum and publicly owned land, to new fees extracted from low-income families for private trash collection, parking and water service. The most essential service the city will be left with is servicing its debt.

In this process, the court has functioned not as a neutral arbiter, but as an instrument of the ruling class. Rhodes's claim that absolutely nothing can be done to stop water shutoffs, that his hands are tied by the law, stands in sharp contrast to the readiness of the bankruptcy court to override protections included in the Michigan state constitution that prevent cuts in city worker pensions. Throughout the whole bankruptcy, when laws were deemed to be obstructions to the plans of the banks, they were simply dismissed or ignored.

The decision exposes all those forces, including the trade unions and other Democratic Party-affiliated organizations, which claim that workers can get justice and defend their interests through the capitalist courts and appeals to the powers-that-be.

In the Detroit courtroom, Rhodes only openly stated

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the operating principle that guides the ruling class the world over. Every past gain wrenched from the ruling class in previous struggles—pensions, access to sanitation and health care—is being taken away. From Detroit to Athens and Madrid, the story is the same: the only "rights" recognized by governments around the world are those of the financial overlords.

Despite the pretensions about democracy, every institution of the government—the judges and the courts, the state and local politicians, the Democrats and Republicans, the presidency and the Congress, the police and military—defend the economic and political dictatorship of the super-rich.

The working class cannot begin with the lying claims by big-business politicians about what the capitalist system can "afford." Instead the starting point must be what is required by the masses of working people whose collective labor produces the wealth and is indispensable for the functioning and progress of society.

It is necessary to begin with the insistence that there are basic *social rights*, including the right to a secure and good-paying job, health care, housing, education and culture, and, yes, the right to free water and essential utilities. These rights, as the program of the Socialist Equality Party asserts, are essential to life in a complex, modern society and are, therefore, "inalienable."

What Rhodes's decision once again makes clear is that these rights can only be secured through the mass mobilization of workers as a class, independent of and in opposition to the corporate-controlled political parties and the institutions of the capitalist state. The existing political institutions must be overthrown and replaced with genuinely democratic bodies that give expression to the social interests of the working class.

What is required is a frontal assault on the "right" of the capitalist class to rule over society and enrich itself from the exploitation and impoverishment of the working class. The dictatorial grip of the banks must be broken and the ill-gotten gains of the financial criminals seized and placed at the disposal of the people as a whole. This will require the nationalization of the banks and major corporations under the democratic control of working people.

An economic and political system that cannot provide the most basic necessities of modern civilization, including clean water, deserves to perish. If Judge Rhodes accomplished anything, he proved the necessity for a revolutionary struggle to reorganize society and replace capitalism with socialism.

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