

The glorification of Antonin Scalia

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The sickening tributes across the official US political and media spectrum to Supreme Court Justice Antonin Scalia, who died suddenly on Saturday at the age of 79, are a barometer of the putrefaction of American democracy.

The universal deference towards Scalia from what passes for the “liberal” faction of the establishment is particularly repulsive. The statements of the Democratic presidential candidates, the supposed “socialist” Bernie Sanders no less than Hillary Clinton—echoing similarly sycophantic drivel from the likes of the *New York Times*—are monuments to political cowardice.

One would say these people lack the courage of their convictions if they had any convictions to lack!

They have sprung into action to join their Republican counterparts in hailing Scalia as a towering figure in American jurisprudence. Virtually every description of the deceased justice includes the words “brilliant” and “intellectual.” One is reminded of the programmed acclamation of Sergeant Raymond Shaw recited by his brainwashed fellow soldiers in the film *The Manchurian Candidate*: “Raymond Shaw is the kindest, bravest, warmest, most wonderful human being I’ve ever known in my life.”

Sanders took time off from his hollow calls for a “political revolution” to demonstrate his political obeisance to the ruling class, declaring, “While I differed with Justice Scalia’s views and jurisprudence, he was a brilliant, colorful and outspoken member of the Supreme Court.”

Clinton praised Scalia as “a dedicated public servant who brought energy and passion to the bench.”

President Obama called Scalia a “towering legal figure.” The *New York Times*’ Ross Douthat hailed Scalia for “putting originalist principle above a partisan conservatism,” and for his “combination of brilliance, eloquence, and good timing.”

No one dares say what needs to be said. The object of their veneration was a black-robed thug and sadist who used his position on the bench to attack the basic civil liberties laid down in the US Constitution and Bill of Rights—separation of church and state; due process; protection from arbitrary arrest, search and seizure; the right to trial by jury; protection from cruel and unusual punishment; the right to vote.

His supposed juridical brilliance boiled down to starting with the political outcome he desired (invariably reactionary) and then cobbling together pseudo-legal arguments to justify his ruling—often with flagrant disregard for legal precedent and the unambiguous language of statutes and constitutional provisions.

In one case last year, Scalia argued that a police officer did not use “deadly force” when he climbed onto an overpass and used an assault rifle to kill an unarmed man fleeing in a car. According to Scalia’s reasoning, it was not deadly force because the officer claimed to have been aiming at the car, not the person in the car.

Perhaps the most infamous example of this method—absurdly described in the media as “constitutional originalism”—was the 2000 Supreme Court decision Scalia engineered to halt the counting of votes in Florida and hand the White House to the loser of the election, Republican candidate George W. Bush.

The 5-4 decision to steal the election all but acknowledged its own speciousness when it declared that the justifications it advanced could not be applied to any future cases. In his separate concurring opinion, Scalia declared that the Constitution did not give the people the right to elect the president.

At the time of the theft of the 2000 elections, the *World Socialist Web Site* wrote that the Supreme Court’s decision to stop the counting of votes, and the acceptance of that ruling by the Democrats and the

entire political establishment, demonstrated that there was no longer any significant constituency for democratic rights within the American ruling class. The reaction to Scalia's death is a measure of the further erosion of democratic sentiment in the ruling elite.

Scalia personified the decay of bourgeois democracy in the United States over a protracted period of time. Appointed to the bench by Ronald Reagan, he flourished and exerted increasing influence in the decades of political reaction, militarism and Wall Street criminality that ensued, continuing without a hitch under Obama. Not only in the anti-democratic substance of his rulings, but also in his methods and bearing, he embodied the promotion by the ruling elite of backwardness, prejudice and outright cruelty.

He was corrupt and made no bones about his corruption, proudly voting to remove limits on corporate bribes in elections and flaunting his private outings with Vice President Dick Cheney while the latter was a party in a case before the court. He was a bully, making a practice of baiting and harassing lawyers who came before him.

Throughout his career, Scalia consistently advocated positions that can only be described as barbarous and fascistic. Fittingly, his last judicial act was to deny a stay of execution. He was a figure who relished the power and trappings of the state, openly defending torture and internment camps.

Scalia worked tirelessly to break down constitutional and democratic limits on state power, infiltrating fascistic doctrines into Supreme Court jurisprudence. His theory of executive power, according to which the American president has unlimited and unreviewable powers for the duration of the "war on terror," resurrects Nazi jurist Carl Schmitt's "state of exception" doctrine in all but name.

Scalia's mere presence on the court testified to the advanced decay of American democracy. That decay is linked, on the one hand, to the extreme growth of social inequality, accompanied by the rampant parasitism and criminality of the ruling class, and on the other hand to unending war, which has its domestic reflection in the build up of the repressive state apparatus that Scalia championed.

The bitterness of the disputes over his replacement is a reflection of the importance of his role in American politics over three decades during which the political

establishment shifted violently to the right.

The deference shown to such a figure from all quarters of the political establishment should be taken as a warning by the working class. The ruling elite fears above all the growth of social opposition and class struggle. It exalts the legacy of Scalia because it is preparing police state methods to defend its power and property against an insurgent working class.



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