

Democrats posture as US Senate begins debate on Supreme Court nominee Neil Gorsuch

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The US Senate began debate Tuesday morning on the nomination of Neil Gorsuch to fill the vacancy on the Supreme Court created by the death of Antonin Scalia more than a year ago. Senate Majority Leader Mitch McConnell started the 30 hours allotted for the debate with a warning to the minority Democrats that he would move to change Senate rules if they went ahead with a planned filibuster of the nomination.

McConnell took the action one day after the Senate Judiciary Committee rubber-stamped the nomination by party-line vote, with all eleven Republicans backing Gorsuch and all nine Democrats opposing him. Monday also saw the total of Democrats supporting a filibuster against Gorsuch's confirmation reach 41, enough under Senate rules to defeat a motion to close debate.

What is unfolding over the remainder of the week will be a choreographed exercise in political posturing, in which most Senate Democrats will pretend to be fighting against the nomination of an ultra-right Supreme Court justice, although the outcome is predetermined. The senators of both corporate-controlled parties will deliver their speeches largely to impress the cable television audience, while only a handful of their colleagues will bother to watch the spectacle.

After the likely failure of a cloture vote sometime Thursday, McConnell has pledged to present a point of order changing Senate rules to bar the filibustering of a Supreme Court nominee, the so-called "nuclear option," which requires only a bare majority to pass. All 52 Republicans are expected to vote to change the rules, and after that, the same 52, plus three or four Democrats, would vote to confirm Gorsuch.

Even the exact number of Democrats who will vote for Gorsuch has been worked out in advance, in backroom talks with Senate Minority Leader Chuck Schumer, who could permit up to seven Democrats to "cross over" and still retain the 41 votes needed to uphold the filibuster. Similarly, McConnell could permit two Republicans to defect on the "nuclear option" and still prevail in that vote, although none may actually do so.

There is not a shred of genuine democratic debate or genuine opposition to the ultra-right packing of the Supreme Court in this week's Senate proceedings, despite the hours of television coverage and the hushed-voice commentary of pundits who will seek to present the Senate debate as a titanic struggle between uncompromising alternatives.

McConnell set the tone with his opening comments Tuesday. "Democrats are being pushed by far-left interest groups into doing something detrimental to this body and for our country," he said on the Senate floor. "They seem determined to head into the abyss and taking the country with them."

Democrats countered with equally apocalyptic declarations about how ending the filibuster for confirmation votes for the Supreme Court would lead inexorably to ending filibusters for legislation as well, and radically transform the nature of the Senate by making it possible for a narrow majority to work its will without any check, just as is the case in the House of Representatives.

Gorsuch is a diehard reactionary who modeled himself as a judge on Scalia, the ultra-right justice who was the political leader of the right-wing majority on the Supreme Court for a quarter of a century. Scalia

was responsible for such travesties as the 2000 ruling in *Bush v. Gore* that awarded Florida's electoral votes and hence the White House to Bush, who lost the popular vote by half a million.

The Scalia vacancy played a significant role in US bourgeois politics throughout 2016. Barack Obama nominated the most right-wing possible nominee of a Democratic president, veteran Appeals Court judge Merrick Garland. Despite Garland's impeccable pro-business record, the Republican majority in the US Senate refused even to accord him a hearing before the Judiciary Committee, holding the seat open for the next president. The Supreme Court nomination was used to motivate Christian fundamentalist voters who might otherwise have been less than enthusiastic about a Republican nominee with the persona and history of Donald Trump.

While Garland and Gorsuch would have their differences on social issues like gay marriage and abortion, their records on the issues of greatest concern to US corporations and banks are quite similar. In their appeals court rulings, Garland in Washington DC and Gorsuch in Denver, both have ruled consistently in favor of business against workers, consumers and the environment.

One particularly notorious case involving Gorsuch was his dissent in what became known as the "frozen trucker" case, when the appeals court majority ruled that a trucking company could not fire a driver for unhitching his rig from a load in order to seek shelter in a blizzard. Gorsuch also opposed a Labor Department fine on a company where a worker was electrocuted after inadequate safety training, and a National Labor Relations Board ruling ordering back pay for a worker whose hours had been reduced illegally.

More fundamentally, Gorsuch has declared his opposition to what is known as the *Chevron* decision, which upheld the right of Congress to delegate rule-making authority to agencies in the executive branch. While cloaking his political views in a deferential manner and a polite smile, Gorsuch shares the agenda of Trump's fascistic chief counselor, Stephen K. Bannon, to bring about the "destruction of the administrative state."

Gorsuch has the closest ties to ultra-right billionaire Philip F. Anschutz, a longtime financier of right-wing institutions like the Federalist Society and the Heritage

Foundation. He represented Anschutz as a Washington lawyer, and the plutocrat prevailed upon President George W. Bush to name him to an appeals court seat in 2006. For all of this week's protestations by the Democrats, not one Senate Democrat—which at that time included Barack Obama, Ted Kennedy, Joe Biden and Charles Schumer—voted against placing Gorsuch on the second-highest US court.



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