

# Judge quashes lawsuit by Sanders supporters against DNC

A reporter  
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A federal judge in Miami has dismissed a lawsuit brought on behalf of more than 100 supporters of Vermont Senator Bernie Sanders, charging the Democratic National Committee with rigging the contest for the party's presidential nomination last year.

District Judge William Zloch granted summary judgment to the DNC and Schultz, finding that the plaintiffs lacked the standing to sue, in a decision issued August 25. He wrote in his opinion, "The Court must now decide whether Plaintiffs have suffered a concrete injury particularized to them, or one certainly impending, that is traceable to the DNC and its former chair's conduct—the keys to entering federal court. The Court holds that they have not, which means the truth of their claims cannot be tested in this Court."

The judge added, "To the extent Plaintiffs wish to air their general grievances with the DNC or its candidate selection process, their redress is through the ballot box, the DNC's internal workings, or their right of free speech—not through the judiciary."

Jared and Elizabeth Beck, a husband and wife legal team, brought the suit on behalf of Sanders supporters in 19 states, charging that the DNC had violated Article 5, Section 4 of its charter, the "impartiality clause," which requires that the DNC chair "shall be responsible for ensuring that the national officers and staff of the Democratic National Committee maintain impartiality and evenhandedness during the Democratic Party Presidential nominating process."

The case was filed in south Florida, where Debbie Wasserman Schultz holds a congressional seat, and where the Becks and some of the plaintiffs live.

Documents released by WikiLeaks in July 2016 showed that Schultz had acted as an agent of the Hillary Clinton campaign, colluding with Clinton as early as

2014 to set up the schedule of debates and primaries to assist her campaign. For example, given her frontrunner status, with no "major" challengers on the horizon until the surprise of Sanders, Clinton wanted few debates and a primary schedule that would allow her to clinch the nomination early.

In the final month of the contest, DNC officials leaned heavily on the Sanders campaign, seeking to pressure him into conceding the nomination, long before Clinton had collected the required majority. DNC vice-chairman Donna Brazile also assisted the Clinton campaign by leaking debate questions ahead of time.

In arguing successfully for the dismissal of the case, DNC attorney Bruce Spiva declared that the Democratic National Committee was under no legal obligation to guarantee fairness or equality to candidates for the party's nomination. "We could have voluntarily decided that, 'Look, we're going to go into back rooms like they used to and smoke cigars and pick the candidate that way. That's not the way it was done. But they could have. And that would have also been their right.'"

Judge Zloch did not entirely accept this argument that members, supporters and donors to the Democratic Party have no democratic rights that are enforceable by a federal court.

He noted the cynicism of the DNC's argument: "For their part, the DNC and Wasserman Schultz have characterized the DNC charter's promise of 'impartiality and evenhandedness' as a mere political promise—political rhetoric that is not enforceable in federal courts. The Court does not accept this trivialization of the DNC's governing principles. While it may be true in the abstract that the DNC has the right to have its delegates 'go into back rooms like they used

to and smoke cigars and pick the candidate that way,' the DNC, through its charter, has committed itself to a higher principle."

However, the judge sided with the DNC in substance, ruling that the mere act of making a donation to the DNC or to the Sanders campaign did not give the plaintiffs legal standing to sue the DNC over its breach of its own rules. "The act of donating to an organization does not, of itself, create a legally protected interest in the organization's operations," he ruled.

The court ruled that it was up to the leadership of the Democratic Party, not the membership, to decide how the party was run, concluding: "The choice—and attendant consequences—between 'impartiality and evenhandedness' and Tammany Hall politics lies in the province of the DNC, not the judiciary."

The argument made by lawyers for Schultz and the DNC is both revealing and significant. The Democratic Party is not an empty vessel that can be captured by its rank-and-file members and filled with whatever content they desire, as Sanders and his apologists in pseudo-left groups like Socialist Alternative claim. In fact, members of the Democratic Party have no legally enforceable rights.

The Democratic Party has a self-perpetuating leadership, consisting of capitalist politicians in Washington and various state capitals, which, when backed into a corner, as in the current legal case, assert quite openly their right to take what actions they deem necessary regardless of the sentiments of the rank-and-file who identify as Democrats and regardless of the DNC's own charter and rules.

This legal reality only underscores the class character of the Democratic Party. It is an instrument of corporate America, one of its two political parties, irrevocably committed to the defense of capitalism.



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