

A day of reaction at the US Supreme Court

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The United States Supreme Court issued two reactionary decisions yesterday, dealing blows against abortion access, the rights of detained immigrants, and civil rights for lesbian and gay people.

In the first decision, *Azar v. Garza*, the court voted unanimously to invalidate a lower court ruling upholding the right of detained minor immigrant women to abortion. All four Democratic nominees supported the order, which allows Trump's policy blocking young immigrants from abortion access to remain in effect.

Defending the policy, Office of Refugee Resettlement Director E. Scott Lloyd said in December that immigrant detention centers "cannot be a place of refuge while we are at the same time a place of violence" and that "we ought to choose to protect life rather than destroy it." He was not referring to recent reports showing immigration officials systematically sexually and physically abusing immigrants, including children, at detention centers across the country.

In the second decision, *Masterpiece Cakeshop Ltd. v. Colorado Civil Rights Commission*, the court ruled 7-2 that Colorado violated a baker's "free speech" rights when it sanctioned him for refusing to bake a cake for a gay couple's wedding. Five Republicans and two Democrats—Elena Kagan and Stephen G. Breyer—accepted the baker's argument that *he* was the victim of discrimination at the hands of the state's civil rights commission.

Although the decision does not specifically state that business owners can refuse to serve gay customers, it does establish the absurd rule that the "right" of the discriminator must be weighed against the rights of the people being discriminated against. The court berated the Colorado civil rights commission for comparing the baker's bigotry to anti-Black and anti-Semitic prejudice, ruling that while "Colorado law can protect gay persons in acquiring products and services on the

same terms and conditions as are offered to other members of the public, the law must be applied in a manner that is neutral toward religion."

Under the guise of "freedom of religion"—long a straw man used by the religious right to impose bigotry and backwardness on the population—the ruling undercuts the Supreme Court's 1964 rulings in *Katzbach v. McClung* and *Heart of Atlanta Motel v. United States* against racist business owners who claimed the Civil Rights Act violated their "right" to refuse service to African Americans.

Both decisions are major victories for the Trump administration that embolden the most right-wing religious and xenophobic sections of the American ruling class. Far from serving as a "check" on the Trump administration, the courts have put their stamp of approval to Trump's vicious attacks on the most vulnerable sections of the population.

In December 2017, the court allowed Trump's travel ban to take effect pending litigation. In April, it expanded immunity for police shooters, and on May 21, it eliminated the right of millions of workers to file class action lawsuits against their employers. Last Tuesday, the court agreed not to take up a challenge to an Arkansas law banning medication-induced abortions.

The role played by the court's Democratic appointees disproves for the hundredth time the argument that voting for Democratic presidential candidates shifts the court to the left. According to statistics compiled by *Scotusblog*, the court's most "liberal" justice, Ruth Bader Ginsburg, falls on the same side as far-right Clarence Thomas in over 55 percent of decisions reached during the 2017 term.

There is no constituency for democratic rights among either of the political parties or in any branch of government. In a December 2000 lecture given immediately prior to the Supreme Court's decision

handing the 2000 election to Republican George W. Bush, WSWS International Editorial Board Chairperson David North wrote:

What the decision of this court will reveal is how far the American ruling class is prepared to go in breaking with traditional bourgeois-democratic and constitutional norms. Is it prepared to sanction ballot fraud and the suppression of votes and install in the White House a candidate who has attained that office through blatantly illegal and anti-democratic methods?

Pointing to the extreme growth of social inequality, North continued:

The relationship between political forms and the class structure of society is of a complex dialectical character. But in the long run, there comes a point at which the social tensions produced by rampant social inequality cannot be contained within traditional democratic forms. American society has reached that point.

This prognosis has been vindicated. Under conditions of skyrocketing social inequality and the establishment of a permanent state of war following the events of September 11, 2001, the United States government is engaged in a massive criminal operation, conducting nonstop war, assassination, corporate giveaways, and mass surveillance and censorship.

The complicity of all the official institutions of the political establishment in this process, including the courts, the media, the two parties, the trade unions and academia, has produced an intense political, cultural and intellectual decline. The #MeToo campaign—a product of this degeneration—demands, under the guise of “women’s rights,” the abolition of due process for the accused while making no issue of the effective deprivation of the right to abortion for millions of working class women.

None of the democratic gains won through the civil

rights movements of the 20th century, including the right to vote, the ending of “separate but equal” racial segregation, and the right to abortion, are set in stone. The Democratic Party, though basing its electoral strategy on appeals to various “identities,” would readily trade these protections away to Stephen Miller and Mike Pence in exchange for a more belligerent foreign policy aimed against Russia.

As the ruling class turns toward dictatorial forms of rule, another process is unfolding in the working class and among youth.

In the course of an emerging series of strikes, protests, and demonstrations in the US and worldwide, workers and young people are raising social grievances that have been artificially suppressed by the unions for decades. Strikes by teachers demanding massive wage increases have converged with demonstrations opposing school shootings. Workers in heavily immigrant areas like Los Angeles and Las Vegas have authorized strikes while raising demands for protection from deportation.

It is in this movement that the defense of democratic rights will receive wide support. The working class must be convinced that not only is their support important for the defense of democratic rights, but more importantly, that democratic rights are essential for the working class.

Workers must not concede to the class enemy the power to arrest and deport their immigrant brothers and sisters, or to split the ranks of the working class along the lines of race, nationality, gender, or sexual identity. In the coming battles against the world’s most powerful corporations and governments, workers must be guided by the principle “an injury to one is an injury to all.” It is only on this basis that billions of workers worldwide can unite in a common fight for social equality, the attack on democratic rights, and the capitalist system.



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