

Mutiny on their knees: The Democratic Party's phony opposition to the Kavanaugh nomination

Patrick Martin
11 July 2018

President Trump's nomination of Appeals Court Judge Brett Kavanaugh to fill the vacancy on the US Supreme Court has produced a predictable round of demagogic posturing and symbolic fist-shaking by Senate Democrats, vowing to fight against the confirmation of a justice who will give the ultra-right a solid five-member majority on the court for years to come.

This, however, is only the opening scene of a hackneyed stage production whose actors are going through the well-trod motions without a trace of energy or sincerity, and who all know the outcome in advance. In one month, or two, or at the most three, Kavanaugh will be sworn in as the new associate justice of the Supreme Court, as Trump looks on approvingly and Kavanaugh's co-thinkers in the Federalist Society celebrate.

There were efforts Tuesday by the Democratic Party's media allies to present the Democrats as engaged in a terrific fight against the Trump Supreme Court pick. The *Washington Post* ran the banner headline, "Democrats launch all-out blitz against pick for high court," highlighting this quote from Senate Minority Leader Charles Schumer: "I will oppose him with everything I've got."

A reading of the article compels the conclusion that "everything I've got" is very little, except his marching orders from Wall Street, which fully backs the nomination. Schumer declares that all 49 Democratic senators would not be enough to defeat Kavanaugh and expresses the hope that two pro-choice Republicans, Lisa Murkowski of Alaska and Susan Collins of Maine, might oppose the nomination. The article goes on to explain that as many as six Democrats may defect and

vote for confirmation, including three who voted for Trump's first Supreme Court nominee, Neil Gorsuch.

The *New York Times* headlined its report, "Senate Democrats Come Out Swinging in Long-Shot Fight to Block Kavanaugh," thus managing to combine praise for the supposed pugnacity of the Democrats with an apology in advance for the likely failure of their valiant struggle "against the odds." One would not know from this presentation that the Democratic Party won more votes than the Republicans in the 2016 presidential election and in the congressional elections that year to both House and Senate, and that the policies advocated by Trump, Kavanaugh and the Republicans are massively unpopular.

The incessant claims by the Democrats and their media lackeys that there is little or nothing they can do to stop the confirmation of Kavanaugh are a pack of lies. With the narrowest of Republican margins in the Senate, 50-49, in the absence of Senator John McCain due to brain cancer, there is no end of procedural delays that would push back any vote until well after the November 6 congressional elections.

If the situation were exactly reversed, and it was a Democratic president facing a 49-seat Republican minority in the Senate, the media would be filled with commentaries warning of the tenuous character of the nomination, the likelihood of its defeat or protracted delay, and the dangers of attempting to "ram through" a nomination to the highest judicial office on the basis of such a narrow majority.

In the closest recent parallel, in 2016, Democratic President Barack Obama conciliated with the Senate Republicans, who held only a narrow majority, naming Merrick Garland, the most conservative possible

nominee for a Democrat. The Republican response to this olive branch was all-out war. Senate Republican leader Mitch McConnell dispensed with tradition, rules and “civility,” refused to allow even a hearing on Garland, let alone a vote, and the Republican Party used the Supreme Court vacancy as a tool for mobilizing religious fundamentalists in the 2016 presidential election.

The Democratic Party is incapable of such an effort because it has no real interest in doing so, and because it is more frightened of the working class than anything a Kavanaugh Supreme Court would do. The installation of Kavanaugh and the likely consequences that flow from it would have little real effect on the well-heeled upper-class layers for whom the Democratic Party, the *Times* and the *Post* speak.

In the case of abortion rights, for example, Kavanaugh’s confirmation could mean outright repeal of *Roe v. Wade*, returning the matter to the states, or even a Supreme Court finding that the fetus is a person, which would effectively outlaw abortion entirely. But the privileged women of Manhattan, Hollywood and Silicon Valley will have the resources to meet their needs regardless of any changes in the legal structure governing reproductive rights. The catastrophic impact would be felt by working class and minority women throughout the country.

Significantly, the Democrats have not sought to make an issue of the most provocative aspect of Trump’s nomination of Kavanaugh: his role in the Kenneth Starr investigation that led to the impeachment of Democratic President Bill Clinton. The Democrats are silent on this question because, as part of the reactionary #MeToo campaign, they have embraced a political narrative that implies that Clinton should have resigned over his alleged sexual misconduct. They went so far as to force the resignation of Senator Al Franken, a liberal Democrat from Minnesota, on much flimsier grounds.

Those who assume that there are profound divisions between the Democrats and Republicans on the composition of the Supreme Court or anything else are fooling themselves. On all the critical issues—the strengthening of the state, the implementation of pro-corporate measures, the attack on the social rights of the working class, militarism and war—the two parties agree.

During the 2018 election campaign and in the year and a half since Trump’s inauguration, the only thing the Democrats have put their heart into is the anti-Russia campaign. This is because on this issue the Democrats have behind them a section of the military-intelligence apparatus that demands a more aggressive policy by US imperialism in Syria and the wider Middle East, and against Russia.

The Democratic Party, a party of Wall Street, the military-intelligence apparatus and privileged layers of the upper-middle class, is incapable of defending anything. There is not a single democratic right, including the gains that were made in the 1960s and 1970s, that can be entrusted to this party and the various organizations that orbit around it.

Opposition to the wave of reaction, of which the Trump administration and its Supreme Court pick are only a part, must be rooted in the working class. A genuine movement against the Trump administration will come not from within the ruling elite and its political system, but from the broad mass of the population, the working class, which is completely excluded from political life.

The defense of the most basic democratic rights must be connected to a mobilization of the working class against war, social inequality, poverty, low wages, the destruction of jobs and all the consequences of the capitalist system. That is, it must be based on a socialist and revolutionary program and perspective.



To contact the WSWWS and the Socialist Equality Party visit:

wsws.org/contact