

The bipartisan attack on the right to asylum

Eric London**13 September 2019**

On Wednesday night, the US Supreme Court issued a ruling striking down a decision by a lower court in California that had blocked the implementation of Trump's ban on asylum for immigrants from Central America pending a final court ruling.

The Supreme Court accepted the legitimacy of the administration's pseudo-legal argument that refugees forfeit their right under international law to asylum in the US by passing en route through a "safe third country." This argument is a legal fiction: almost all Central American refugees pass through Mexico and Guatemala, two of the most dangerous countries on earth due to a century of exploitation by US imperialism.

The asylum ban is part of a racist and xenophobic campaign explicitly aimed at slowing immigration. Wednesday's ruling means that the Supreme Court is likely to rule in favor of the administration when the issue comes before it for a full hearing on the merits, either this autumn or in late 2020.

Wednesday's decision is a death sentence for many of the hundreds of thousands of Salvadoran, Guatemalan and Honduran refugees and tens of thousands of other people from around the world fleeing imperialist war, corporate exploitation and government violence.

Two Democratic-nominated justices, Stephen Breyer and Elena Kagan, joined the five Republican-nominated justices to overturn the lower court, which had declared Trump's ban to be "arbitrary and capricious" and therefore unconstitutional.

The modern right to asylum is protected by the United Nations Universal Declaration of Human Rights. Ratified in the aftermath of the Nazi Holocaust, the "right to asylum" was viewed as inseparable from the right to be free from slavery, torture and arbitrary arrest. If democratic rights have any meaning, then those whose rights have been violated must be free to seek safety. The American ruling class is repudiating this principle.

The decision by five Republican and two Democratic justices expresses a fundamental truth in American politics. Though rival factions of the ruling class bitterly

disagree with one another on matters of imperialist foreign policy, on all questions involving democratic or social rights, the entire spectrum of the political establishment—from so-called "left" to fascist right—is united against the population.

By Thursday afternoon, the news publications affiliated with the Democratic Party had downgraded the story or banished it from their online front pages, echoing the Democratic justices' stamp of approval.

The *New York Times* dropped the ruling entirely from its front page, while the *Washington Post* downplayed its significance, euphemistically calling Trump's policy "a dramatic change in the way the federal government treats those seeking safe haven in the United States," and "one of the administration's most significant efforts to deter migrants at the southern border."

The Democratic presidential candidates also maintained silence on the Supreme Court ruling, and, at press time, Democratic Congresswoman Alexandria Ocasio-Cortez had not so much as issued a tweet opposing it. As for Bernie Sanders, in November 2018, when asked on CNN whether he believed all asylum seekers should be afforded the right to stay in the US, Sanders said, "No, I don't. I think you have to look at it case by case."

Both Democrats and Republicans sanctioned Trump's deployment of 5,500 soldiers to the US-Mexico border. Both factions voted to support Trump's unilateral and unconstitutional transfer of billions of dollars to construct a wall along the border. The Obama administration constructed many of the concentration camps Trump is presently filling with children and parents.

The fascist elements in Immigration and Customs Enforcement (ICE) and Customs and Border Protection (CBP) are emboldened by the lack of opposition from within the political establishment. On Wednesday, *Newsweek* reported that ICE "is building a 'state-of-the-art' 'urban warfare' training facility that will include 'hyper-realistic' simulations of homes in Chicago and Arizona."

Having already rounded up over 400,000 immigrants in

2019 alone, the American immigration Gestapo is preparing for unprecedented police state measures. The mass raids employed against immigrants are being prepared for use against the broader population.

Newsweek writes that ICE's plans include the construction of neighborhoods to be used to train agents for mass raids. New training sites include "hyper-realistic props/design" to simulate "residential houses, apartments, hotels, government facilities and commercial buildings."

ICE asserts that the purpose of such training is to replicate "battlefield conditions in the training environment" such that "participants so willingly suspend disbelief that they become totally immersed and eventually stress inoculated." ICE documents also state that the city and residential training sites will "teach use of force and defensive techniques with and without weapons" to "prepare ICE officers on the front lines of federal law enforcement."

These documents show that plans for dictatorship and urban warfare against the population are far advanced. The targets of such dictatorial measures will include striking workers and political opponents of the administration, as shown by the bipartisan prosecution of WikiLeaks publisher Julian Assange under the Espionage Act for the "crime" of publishing proof of US war crimes.

All factions of the ruling class are fearful of the growth of social opposition in the working class and view the prospect of Puerto Rico-sized protests on the mainland as an imminent possibility.

To block this emerging movement from below, the ruling class engages in a certain division of labor. Trump mobilizes his fascist auxiliaries in ICE and CBP, denounces socialism, threatens to permanently stay in office and seeks to establish an extra-parliamentary basis for a personalist dictatorship.

The Democratic Party is equally dedicated to creating the framework for dictatorship, having expanded mass surveillance and drone strikes under the Obama administration. It is no less determined than Trump to cut corporate taxes, lower interest rates, slash social programs, abolish safety and environmental regulations and fund the military.

At the same time, the Democrats fraudulently posture as the "popular" party to disarm and control social opposition. The task of demagogues like Sanders and Ocasio-Cortez is to prevent broad outrage over social inequality and Trump's fascist attacks on immigrants from developing in an independent direction.

In January and February 2017, weeks after the largest

demonstrations in US history in opposition to Trump's inauguration, mass protests erupted when Trump issued a proclamation barring travel from seven majority-Muslim countries. Hundreds of thousands of people participated in spontaneous demonstrations at airports and city centers demanding the government rescind the dictatorial policy. Protestors not only addressed grievances over the travel ban, but also related the ban to the US-led wars that forced millions to flee their homes.

Fearing that it was "losing the narrative" and concerned that demonstrations could draw in the social demands of broader sections of workers and youth, the Democratic Party quickly dispatched its representatives to convince the crowds to vote in the following year's midterm elections and to have faith in lawsuits challenging the travel ban.

The outcome of the Democratic Party's intervention was that in 2018, the Supreme Court upheld a revised version of Trump's travel ban in its decision *Trump v. Hawaii*. And after the Democrats won back control of the House of Representatives, and with the left cover of freshmen representatives like Ocasio-Cortez, Ilhan Omar and Rashida Tlaib, the Democratic-controlled House joined with the Republican-controlled Senate to vote to provide Trump with \$5 billion to fund ICE and CBP and expand the concentration camps along the US-Mexico border.

The role of the Democrats explains this remarkable political fact: Trump has accomplished everything on his anti-immigrant wish list despite the overwhelming opposition of the population.

Those who base their political orientation on whether the Democrats are to the "left" of Trump and the Republicans are wasting their time. Applying such labels as "left" and "right" to the various factions of the American ruling class obscures their common class position. They are united in the defense of the capitalist system and are preparing a ruthless crackdown on the political rights and social conditions of the working class. A movement against war, inequality and dictatorship must take note of this basic political truth.



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