

Sixth Circuit Court of Appeals denies SEP challenge to restrictive ballot access laws in Michigan

Joseph Kishore—SEP Presidential Candidate
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On Monday, the US Court of Appeals for the Sixth Circuit rejected our campaign's appeal of the lower court's decision denying our challenge to Michigan's decision to enforce restrictive ballot access laws in the midst of the pandemic. The ruling is a blatant attack on the democratic rights of the Socialist Equality Party and voters in the state of Michigan seeking a socialist alternative to the Democrats and Republicans in the 2020 presidential election.

In a perfunctory 10-page ruling, Judge John K. Bush made no attempt to answer any of the arguments raised in our appeal, filed July 23. Instead, the appeals court repeated the lower court's finding that SEP members and supporters should have endangered their lives and those of voters by collecting physical signatures on nominating petitions despite the resurgence of positive coronavirus cases throughout the state.

The Sixth Circuit ruling says that the SEP "had the opportunity to gather signatures in person from the date of the reopening orders (June 1) to the filing deadline (July 16)." However, the court does not mention—and is clearly not concerned about—the fact that the number of confirmed daily COVID-19 cases in Michigan had quadrupled during this six-week time frame.

Additionally, the Sixth Circuit ruling says that the SEP should also have been collecting signatures in the dead of winter before the Michigan's stay-at-home orders were issued on March 23. Knowing full well that petitioning for the presidential elections does not commence until the warmer weather begins in spring, the Sixth Circuit court ruling states, "Kishore and Santa Cruz had the opportunity to gather signatures from January 18 to March 23 (before the Stay-at-Home Order went into effect)."

As with the decision of Judge Cox, who was nominated

for the US Eastern District of Michigan by Republican President George W. Bush, the Sixth Circuit has solidarized itself entirely with the defendants in our lawsuit: Democratic Party Governor Gretchen Whitmer, Secretary of State Jocelyn Benson and Director of the Michigan Bureau of Elections Jonathan Brater.

Since we filed our case on June 18 seeking an injunction against Michigan's ballot access law in the 2020 presidential election, it has become clear that both the Democrats and Republicans have refused to change the unconstitutional requirements to collect thousands of signatures throughout the state during the pandemic in order to block to the SEP from appearing on the November ballot for US president.

This bipartisan alignment of both parties of the American ruling elite against the SEP and the working class is further demonstrated by the role of Judge John K. Bush on the Sixth Circuit Court of Appeals. A former leading member of the right-wing Federalist Society, Bush was nominated by President Trump for a seat on the Sixth Circuit in 2017.

During his confirmation hearing, it was revealed that Judge Bush had ghost-written hundreds of blog posts that quoted from far-right sources, attacked gay rights, compared abortion to slavery and, like Donald Trump, promoted "birther" falsifications about Barack Obama's US citizenship. He declared that the abolitionist movement was a "tragedy" in American history.

The alignment of the reactionary Judge Bush with Governor Whitmer—a leading figure within the Democratic Party and a campaign chair for the Biden/Harris ticket—makes it clear that, whatever the differences between the two capitalist parties over tactical political considerations, they always come together against the working class and its party.

Governor Whitmer's arguments were hypocritical to the core. While publicly criticizing both Michigan Republicans and President Trump for their opposition to her "stay-at-home" order, Whitmer argued in court along with the Republicans that the SEP should have been collecting signatures from the voting public during this time.

Also, echoing the arguments advanced in legal documents filed by the Michigan Democrats prior to the ruling of Judge Cox, the Sixth Circuit opinion admits that our campaign's decision not to collect signatures during the pandemic "was quite understandable." However, the court ruled that the signature requirement should be maintained in order to avoid "ballot overcrowding, frivolous candidates, and voter confusion."

With this statement, Judge Bush and the Sixth Circuit Court have expressed the real reasons for keeping the SEP off the ballot as well as their contempt for the fundamental democratic rights of our campaign and the voting public. In a country where the two parties of the Wall Street banks, corporations and billionaires have exercised a political monopoly over local, state and federal elections for more than a century, all talk of "ballot overcrowding" and "voter confusion" is an absurdity.

Above all, the Democrats and Republicans are fearful that genuine socialist candidates getting on the ballot in the presidential elections would attract the support of large numbers of working class and young voters. Only our campaign has put forward a revolutionary socialist and internationalist program for the independent political organization of the working class against the entire capitalist system. The outcome of this case once again proves that the solutions to the problems confronting masses of people are not going to be resolved in the elections, but by the building of a mass, socialist movement of the working class aimed at expropriating the wealth of the rich and ending the duopoly of the Republican and Democratic Parties.



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