Democrats let Amy Coney Barrett sail through Supreme Court confirmation hearings

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In a Supreme Court confirmation process fraught with the most immediate and ominous implications for the democratic rights of the working class, Judge Amy Coney Barrett, the far-right nominee of President Donald Trump, sailed through three days of hearings before the Senate Judiciary Committee this week. Her confirmation is assured thanks to the cowardice and duplicity of her Democratic Party opponents.

With the formality of the hearings out of the way, following a round of testimony Thursday from pro and con panels of legal experts, the Republican majority on the Judiciary Committee scheduled a vote on the nomination for October 22. Senate Majority Leader Mitch McConnell announced that consideration of the nomination by the full Senate would begin the next day, October 23. A floor vote to confirm Barrett and further shift the balance on the court by consolidating a 6–3 right-wing majority is expected on October 26 or October 27, one week before Election Day.

Barrett, 48, was for many years a professor of law at the University of Notre Dame, where she established her credentials as an opponent of abortion rights, gay marriage, gun control, separation of church and state, social reform legislation and corporate regulation. Trump appointed her to the US Court of Appeals for the Seventh Circuit in 2017, where she established a record as a hardened reactionary. University of Virginia law professors who analyzed more than 1,700 cases before the Seventh Circuit said Barrett is perhaps the most conservative judge on the court.

A former law clerk and avowed disciple of the arch reactionary deceased leader of the right-wing bloc on the Supreme Court, Antonin Scalia, Barrett worked as a young lawyer in the firm headed by Republican power broker James Baker. There she helped prepare the legal arguments used by the George W. Bush campaign in 2000 in the infamous *Bush v. Gore* case, in which the Supreme Court halted vote counting in Florida and handed the presidency to the Republican loser. In his 2000 ruling, Scalia argued that the American people had no constitutional right to elect the president. Rather, state legislatures were authorized to select the presidential electors regardless the popular vote in any given state.

Barrett is now poised to join two other justices who also worked on the Bush side of the legal case, Chief Justice John Roberts and Associate Justice Brett Kavanaugh.

The Democrats capitulated to the rush to confirm Barrett within days of Trump's naming her last month, following the death of Justice Ruth Bader Ginsburg. They could have, had they wished, galvanized broad popular opposition and exposed the profoundly anti-democratic content of the nomination, particularly after Trump's performance in his September 29 debate with Joe Biden, when he refused to commit to a peaceful transition of power and told the fascist Proud Boys militia to "stand by."

In the course of the hearings, the first two days of which were nationally televised, the Democrats deliberately downplayed the connection between the rush to confirm and install Barrett on the Supreme Court and Trump's conspiracy to carry out an election coup.

Trump has signaled that the plot involves his rejection of the results of the November 3 vote and a claim of victory on the basis of false charges of mail-in ballot fraud. This is to be accompanied by the unleashing of armed fascist militias against anti-Trump protesters and Democratic governors in key battleground states such as Michigan, Wisconsin, Pennsylvania and North Carolina.

A key aim of the conspiracy is to create conditions where Republican-controlled legislatures in those states can override the popular vote and select pro-Trump slates of electors. As Trump has made clear in recent weeks, he is counting on a solid far-right majority on the Supreme Court to facilitate such an illegal seizure of power.

The Democrats treated Barrett's potential role on the Supreme Court in ratifying a constitutional coup as a side issue, instead focusing on the impact of her addition to the

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court on a White House-backed effort to overturn the Affordable Care Act in a case that comes before the Supreme Court one week after Election Day.

They made no mention of the exposure only days before the opening of the confirmation hearings of a plot by pro-Trump militia gunmen to kidnap and murder the Democratic governor of Michigan and seize control of the state legislature.

Even the issue of Barrett's publicly stated hostility to the landmark *Roe v. Wade* ruling, which established a federal right to abortion, was relegated to a secondary rank alongside her other reactionary positions.

On the issue of the election, the Democrats merely made lame appeals to Barrett to commit to recusing herself from any post-election cases that might arise regarding the voting result, which she unceremoniously rejected.

Democrats on the Judiciary Committee, including Biden's running mate Kamala Harris, avoided making any reference to Barrett's religious zealotry. She is a member of "People of Praise," a largely Catholic group that formerly referred to wives as "handmaids." Senator Dianne Feinstein, the ranking Democrat on the committee, was sidelined as the Democrats' spokesperson because during the 2017 confirmation hearings she told Barrett, "The dogma lives loudly within you," a supposed "overreach" that has since been condemned by Democrats and Republicans alike.

Feinstein began her questioning of Barrett on Tuesday by inviting her to introduce six of her children, who were seated behind her. She told the judge: "We all have our moral values. We have our religions. We live by that. I respect you and your family for doing just that." At the conclusion of the hearing on Thursday, Feinstein hugged the Republican committee chairman and Trump flunky Lindsey Graham and thanked him for his "fairness."

The media portrayed Barrett as a loving wife and mother, echoing Joe Biden, who called her "a very fine woman" in his debate with Trump. The *Times* ran a flattering article on Barrett on Thursday attempting to give her elevation to the high court a positive feminist gloss. The article quoted her as saying on the day she was nominated, "While I am a judge, I'm better known back home as a room parent, car-pool driver and birthday party planner."

But despite such efforts by the media and the Democrats, her real role as an instrument of the corporate-financial elite for political and social reaction could not be completely concealed. The elaborate charade of constitutional protocol turned to farce as Barrett contemptuously batted away questions from Democrats on the committee on her far-right positions.

Questions from Democratic senators that Barrett refused to answer include:

- Whether the president has a constitutional right to unilaterally delay an election
- Whether mail-in voting was "an essential way to vote for millions of Americans right now" amid the pandemic
- Whether it is illegal to intimidate voters at the polls
- Whether the president has the right to deny a person the right to vote based on his or her race
- Whether the president has a right to pardon himself
- Whether the president can refuse to comply with a court order
- Whether it was wrong to separate immigrant children from their parents at the border
- Whether the Supreme Court's 1965 ruling in *Griswold v. Connecticut* that states cannot ban married couples from using contraceptives was correctly decided
- Whether she agrees with Supreme Court precedent banning laws that criminalize homosexual conduct and the 2015 *Obergefell v. Hodges* decision upholding the right of same-sex couples to marry
- Whether the First Amendment protects a reporter's decision to protect a confidential source

On Thursday, the *New York Times* quoted Paul M. Collins, Jr., a political scientist at the University of Massachusetts, as saying: "Though past nominees have also avoided answering some of the senators' questions, Barrett took this to a whole new level. Having studied how forthcoming nominees have been since public confirmation hearings at which nominees testified began in 1939, I think Barrett will rank as among the least responsive nominees in American history."

The Democrats' utter prostration in the hearings is inseparable from the right-wing character of the Biden election campaign. They are determined to do or say nothing that might alert the working class to the real and present danger of dictatorship and the dimensions of the assault on democratic rights, for fear of sparking a mass movement from below against Trump. This they fear far more than a presidential coup, because any such movement would threaten the capitalist system, which they defend no less than the Republicans.

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