

Senate Democrats hold phony vote on abortion rights legislation

Patrick Martin
12 May 2022

There are few political events more predictable—and more pointless—than a phony debate in the United States Senate. Capitalist politicians of varying political stripes, ranging from conservative to ultra-reactionary, take the floor to pontificate. As an old saying puts it, every senator gets up in the morning, looks in the mirror, and sees a potential president. That adds an extra dash of preening and self-importance to the event.

So it was with Wednesday's debate over the Women's Health Protection Act of 2022. This was legislation introduced by Senate Democrats so they could posture as defenders of abortion rights while actually doing nothing to safeguard the right to abortion that the Supreme Court is about to eviscerate by reversing its landmark 1973 *Roe v. Wade* decision.

Senate Majority Leader Chuck Schumer and every other senator knew in advance that the legislation could not obtain the 60 votes needed to overcome a Republican filibuster. That did not stop the Democrats from declaring that they stood foursquare behind a woman's right to choose, but regrettably could do nothing to secure it—a flagrant lie.

The Democrats had disavowed in advance any effort to change Senate rules to bar a filibuster in this case, let alone to wipe out the anti-democratic procedure entirely, because of opposition within their own caucus by as many as half a dozen senators.

As it ensued, even if the filibuster had been overturned, the bill did not get the 50 votes needed to bring it up for a vote, with Vice President Kamala Harris casting the tie-breaker, because one Democrat, right-wing West Virginia Senator Joe Manchin, voted with the Republicans.

The entire proceeding was for show, to put the Republicans on record and allow the Democrats to use the issue as part of their campaign in the November 8

mid-term elections.

Schumer underscored this before the debate, declaring, “The public will not forget which side of the vote senators fall on today. They will not forget who voted to protect their freedoms. And they will not forget those responsible for the greatest backslide in individual liberties in half a century.”

The bill would have incorporated into federal law the *Roe v. Wade* decision and a subsequent 1992 decision in *Planned Parenthood v. Casey*, barring states from infringing on the rights of women by banning abortions before viability of the fetus (approximately 22 weeks), as well as prohibiting measures aimed at making it more difficult to access abortion services, such as waiting periods for women or requiring abortion clinics to meet unnecessary licensing rules.

It should be pointed out that the “Casey” in the second court ruling was a right-wing Democrat, Pennsylvania Governor Robert Casey, who had sought to restrict abortion in his state, and whose son, Robert Casey Jr., also an opponent of abortion rights, is now a Democratic senator from that state. The younger Casey voted to bring the legislation to the floor, although he would likely have voted against final passage.

The legislation was presented as a response by the congressional Democrats to the leaked draft of an opinion written by Justice Samuel Alito and now circulating among the nine justices, which would overturn both *Roe* and *Casey* in their entirety, thus declaring constitutional the laws in 26 states which sharply restrict abortion or ban it outright. Nearly half these laws date back half a century or more, to the pre-*Roe* period when abortion was treated as criminal homicide in most states.

The court has not yet officially approved that decision, but Chief Justice John Roberts confirmed

after the leak that the draft opinion was in fact being circulated within the court. It is widely believed that the five most conservative justices are aligned with Alito's draft, while Roberts and the three moderate liberals are currently opposed. This would mean that an unprecedented decision to strip half the population of a democratic right that has been recognized for nearly 50 years would be taken by a narrow 5-4 majority.

This outrageous action would be in defiance of public opinion, with polls showing two-thirds of the American people oppose reversing *Roe v. Wade*. Groups supporting abortion rights, including Planned Parenthood, the Women's March, and other organizations aligned with the Democratic Party, have called rallies for Saturday, May 14 in five regional centers—New York City, Washington D.C., Chicago, Los Angeles and Austin, Texas—as well as in dozens of other cities and towns.

The Democrats have seized on the abortion issue as a means to mobilize electoral support, under conditions where the record of the Biden administration—promoting imperialist war, allowing the coronavirus pandemic to kill 600,000 Americans since Biden took the oath of office, overseeing drastic attacks on the living standards of working people, and failing to take any serious action against the Republican conspiracy to overthrow democracy—has alienated broad sections of working people.

As for the Republicans, they seek to use their apparent victory over *Roe*, thanks to three justices appointed by Donald Trump, as a means of energizing their fascistic and religious fundamentalist supporters, and to press ahead with further attacks on democratic rights.

Already, Senator Tom Cotton of Arkansas, who notoriously supported calling out the troops against the protests which erupted in 2020 over the police murder of George Floyd, is now calling for the arrest and prosecution of those who have assembled outside the homes of Alito and other justices in the Washington DC area to protest the anti-abortion ruling.

He sent a letter to Attorney General Merrick Garland denouncing “left-wing mobs” and threatening Garland with impeachment by a future Republican-controlled Congress if he did not immediately move to enforce a 1950 law criminalizing anyone who “pickets or parades” near a judge's residence.

The Republican governors of Maryland and Virginia, Larry Hogan and Glenn Youngkin, have made similar demands of Garland.

One middle-aged protester, part of a small number peacefully marching outside the home of Justice Brett Kavanaugh, told the *Washington Post* that the effort to ban such protests was “absolutely hypocritical ... the Supreme Court wants to have domain over women's uteruses and yet the sidewalk in front of their homes is somehow sacred ground.”

Meanwhile, a number of Republican-controlled state governments are planning to call special sessions of their state legislatures in the likely event that *Roe* is overturned in a decision handed down in late June. These legislative sessions would consider even more drastic restrictions than those already enacted, among them the criminalization of all those involved in abortions, including the pregnant women as well as the medical professionals, and bans on abortion pills and certain forms of contraception, like IUDs.



To contact the WSWS and the
Socialist Equality Party visit:

wsws.org/contact