

# The US Supreme Court's rampage against democratic rights

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Since the US Supreme Court's *Dobbs* decision 13 months ago, which overturned *Roe v. Wade* and deprived women of the constitutional right to access abortion, the ultra-right majority on the court has engaged in a rampage against basic democratic rights and the social rights of the working class.

This culminated Friday in two decisions with the same 6-3 split among the justices: to declare unconstitutional the Biden administration's limited reduction of student loan debt owed to the US government; and to endorse the "right" of a commercial web designer to refuse to create materials for the wedding of a gay couple.

The class character of the first decision is obvious: an executive action by the federal government to bail out wealthy bank depositors is constitutional, but not a limited action to help debt-burdened students. The second decision destroys a constitutional right to be free of discrimination, while paying lip service to the First Amendment. The court declares that the web designer can justify her bigotry on the basis of "freedom of religion."

The vast majority of the American people support both debt relief for college students and equal rights for gays and lesbians—as well as abortion rights. These perverse and reactionary decisions are the product of a profoundly undemocratic political structure in which popular feeling is systematically overridden in favor of the interests of a tiny ruling elite.

Amid the massive surge in military spending to pay for the war with Russia in Ukraine and the escalating military buildup in the Pacific against China, the institutions of American capitalism are dropping any pretense of either addressing the economic needs of the population or representing the views of the majority of the public.

The high court, far from being a neutral political arbiter or an impartial interpreter of constitutional norms, has revealed itself as the spearhead of political reaction.

This is not just a matter of the personal corruption of the individuals on the court. Many of the "justices" have the closest ties to wealthy sponsors, who shower them with bribes in return for judicial favors. In the recent period, both Clarence Thomas and Samuel Alito were revealed to have taken lavish vacations and other financial perks from billionaire "friends."

The Supreme Court as an institution is profoundly undemocratic. The nine justices are unelected and appointed for life terms. They are not subject to any code of ethics or independent monitoring, and are effectively unremovable. No Supreme Court justice has ever been impeached.

Of the six justices who make up the right-wing majority, five were appointed by presidents who themselves were not elected by the people. Both George W. Bush, who appointed John Roberts and Samuel Alito, and Donald Trump, who appointed Neil Gorsuch, Brett Kavanaugh and Amy Coney Barrett, lost the popular vote and became president only thanks to another undemocratic institution, the Electoral College. In the case of Bush, the Supreme Court directly intervened to stop the recounting of ballots in Florida to hand him the presidency in 2000.

The Electoral College is itself based on an even more undemocratic institution, the United States Senate, in which each of the 50 states has two senators, regardless of population. A state like California, with 39 million people, has the same representation as Wyoming or Vermont, which have 583,000 and 647,000 people, respectively. Such small states can be easily controlled by the most right-wing corporate interests.

It is in the presidency itself that the anti-democratic character of the political system stands out most sharply. Bush, Obama, Trump and Biden all moved quickly to bail out Wall Street in the financial crises of 2008-2009, 2020 and 2023, making hundreds of billions, and even trillions, available to the financial oligarchy.

Even more glaring is the role of the military-intelligence apparatus, which constitutes the vast bulk of the federal government. Every president for the last 78 years has waged war without the declaration by Congress required by the Constitution. In many instances, there was not even the fig leaf of a congressional resolution authorizing the use of military force.

The two capitalist parties share responsibility for these actions, as Democrats and Republicans alike, in both the White House and Congress, have conducted or supported illegal wars, subverted governments, sponsored military coups and engaged in massive spying, not only all over the world, but within the United States as well.

Today, the leading candidates for president in 2024 are Republican ex-president Donald Trump, who led a conspiracy to overturn the 2020 election and shred the Constitution, and Democratic President Joe Biden, who has launched and systematically escalated a war against Russia in Ukraine that he himself has admitted could lead to nuclear “Armageddon.”

The two-party system is itself one of the main anti-democratic institutions used by corporate America to strangle any challenge to its power and wealth. The entire political system, including a media that functions as an instrument of the state and intelligence agencies, is designed to exclude any challenge to the Democrats and Republicans, the two parties of the ruling elite.

The state, as Marxists have long explained, is an instrument of class rule. The essential objective factors underlying the collapse of democratic forms of rule in the United States are: 1) endless war abroad, which now has entered the sphere of total war against nuclear-armed powers, and 2) staggering levels of social inequality.

Any effort to reform this array of institutions—restructuring the Court, eliminating the Electoral College, ending the tyranny of small states in Senate, curbing the near-absolute power of the

“commander in chief”—poses immediately the necessity for a mass mobilization of the working class against the corporate and financial interests that these institutions serve.

That is, defending basic democratic rights is a revolutionary question, requiring the mobilization of the working class in political struggle and the establishment of new, genuinely democratic forms of working class power as the necessary foundation for breaking the dictatorship of the financial elite and reorganizing society on the basis of equality and socialism.



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