



Democratic Hypocrites, Republican Bigots



AP



Reuters

Capitalist Parties Spar Over Supreme Court

Millions watched the second set of sordid hearings over Brett Kavanaugh, Trump's ultra-reactionary pick for the Supreme Court. Dripping with contempt, the Republican white old boys on the Senate Judiciary Committee went to bat in defense of Kavanaugh's "virtue" against allegations of attempted rape and other sexual abuse in his younger years. The Democrats, who had initially given their due deference—albeit critically—to Kavanaugh, now oozed with concern over his moral fitness to serve on the high court of racist American capitalism. With consummate hypocrisy, Democrats seized on the allegations to have their #MeToo moment, grandstanding as defenders of women's rights without having to deal with such "divisive" issues as abortion on the eve of the midterm elections.

Disappeared from the media spotlight were the crimes and crimes-to-be of Kavanaugh, an avowed enemy of abortion rights, who is dedicated to rolling back black voting rights and other such gains as remain from the civil rights movement. His *curriculum vitae* includes advocating torture and indefinite detention for "enemy combatants" abroad and the racist death penalty and mass surveillance of the population at home. At bottom, the Democrats agree with their Republican counterparts, including Kavanaugh, on issues like the death penalty even if they are not as vocal in supporting them. Notwithstanding the Democrats' posturing against torture, earlier this year six Democratic Senators provided the margin of victory to approve Trump's nominee to run the CIA, Gina Haspel, who was an architect of the Bush/Cheney torture program. As for mass surveillance, the Obama administration was second to none.

The policy differences between the Democrats and Republicans represent

Left: Democratic Senators Dianne Feinstein and Patrick Leahy at opening of Brett Kavanaugh confirmation hearing, September 4. Right: Trump congratulates Supreme Court nominee Kavanaugh, July 9.

different factions within a single capitalist ruling class. The capitalist class—the owners of industry and the banks—runs the Republican and Democratic parties, whose main distinction is not *what* they do but *how* they do it. The Democrats offer up the same anti-working-class program with a bit of bread and/or circuses, as the Roman emperors sometimes gave the plebeians.

Every capitalist politician lies for a living—and the biggest lie of all is that "the people" have any control over the government. The working class and the oppressed masses have no side in the donkey and elephant show about which bourgeois candidate wears the black robes. The Supreme Court is and always will be a reactionary institution that is part of the core of the capitalist state, which also includes the police, prisons and military. The purpose of this state is to defend the rule and profitability of American capitalism against the working class and oppressed through repression and subjugation. The rulers also rely on indoctrination and co-optation to maintain their reign.

Hoping to cash in at the polls in November, the Democrats are using the showdown

over Kavanaugh as a proxy battle against the president, who they have attacked for his moral turpitude as part of their "resistance." What really has the Democrats (and some Republicans) concerned is that the recklessness of the Trump administration, with its promotion of all-around bigotry, will threaten the image of American "democracy." Supreme Court judge Elena Kagan warned that if people lose trust in the "integrity" of the system, they would "have no reason to accept what the court does." As Marxists, we seek to puncture the illusions working people have in the institutions of capitalist class rule.

The recent decisions of the Supreme Court—from the anti-union *Janus* ruling to upholding Trump's racist travel ban—are a harbinger of what reactionaries have in mind as they aim to overturn the 1973 *Roe* decision on abortion rights, which have been whittled away for decades with the acquiescence and collusion of the Democrats. What is desperately needed is militant class struggle alongside mass mobilizations of black people, women and the oppressed to strike a blow against the endless ruling-class onslaught. It is

through the intervention of communist militants into such struggles that a multi-racial revolutionary workers party will be forged as the necessary instrument to lead the fight for socialist revolution.

The liberals always counsel the masses to rely on some institution of the capitalist system, which includes the courts. This is a dead end that pegs the fate of the workers and the oppressed to what goes on in the class enemy's government. Any significant gains—from unionization to black and women's rights—have been wrested through hard-fought class and social struggle against the exploiters, their political parties and their state. That the capitalist rulers have been able to get away with so many attacks against working people and the oppressed is primarily because the labor movement has been on its back under the misleadership of the pro-capitalist union bureaucracy.

Judge Not Lest Ye Be Judged

The only person at the Kavanaugh hearings who exhibited any dignity and decency was Dr. Christine Blasey Ford, whose allegations that Kavanaugh attempted to rape her 36 years ago when she was a 15-year-old high school student exploded the confirmation proceedings.

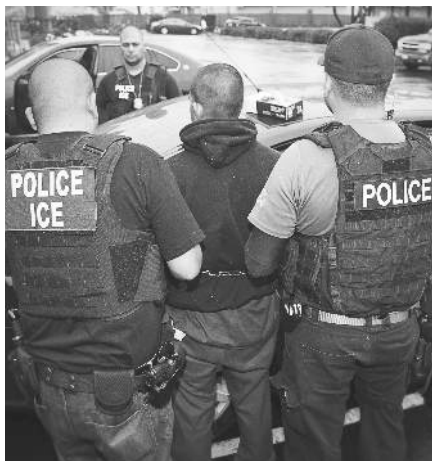
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U.S. Department of Defense



Reuters



Immigration and Customs Enforcement

Guantánamo torture camp, NSA surveillance center, I.C.E. roundup. Supreme Court sparring match buried crimes of the ruling class carried out by both Democratic and Republican parties.



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Black Activist Railroaded for Self-Defense

Free Siwatu-Salama Ra!

The nightmare for Siwatu-Salama Ra, a 27-year-old black environmental activist in Detroit, began in July of last year. That was when Ra picked up her registered, unloaded handgun to fend off an attacker who was ramming her vehicle into Ra's, which held her two-year-old daughter inside, and was attempting to run over both Ra and her mother. For the act of brandishing a weapon to protect herself and her family, Ra was outrageously convicted in March of this year of felony assault and firearm possession, and is serving a two-year prison sentence. Ra's lawyers have filed an appeal of her sentence on the basis that she did not receive a fair trial. We demand: Overturn the conviction! Free Siwatu-Salama Ra now!

From her arrest to her imprisonment, Ra has faced racist, vindictive treatment for the simple fact that she is a black woman who tried to defend herself. Despite the fact that the gun had no bullets, that she was legally armed, and that Michigan is a concealed carry and Stand Your Ground state, this made absolutely no difference to the cops, prosecutors and judge. The cops justified charging Ra and not the woman who attacked her on the ridiculous pretext that her assailant had filed a police report first. When Ra maintained that she had a legal right to self-defense and refused a plea deal, the prosecution retaliated by slapping the felony firearms charge onto the assault charge, which meant she got

a two-year mandatory sentence instead of probation. The appeal by Ra's lawyers exposes the mockery of a trial: the judge instructed the jury that pointing an unloaded gun constituted "deadly force" and blocked the defense from revealing how Ra's attacker had a strong motivation to lie given that she was on probation for an earlier assault.

After her conviction, the judge denied motions that then-pregnant Ra be allowed to serve her sentence after giving birth. Ra was imprisoned in the final months of a high-risk pregnancy and shackled during medical examinations. In May, Ra gave birth to a baby boy, under confinement and without any family present. Her husband was not informed of the birth for two days, at which point Ra was separated from her newborn child. Such cruel abuse is endured by women prisoners around the country. Ra has also been victimized in prison for being a Muslim—denied halal meals, a copy of the Koran and a headscarf to wear during prayers.

Among the ludicrous assertions made by the prosecution at her trial was that Ra's self-defense claim was baseless because Ra had purportedly shown no fear when she was being attacked. As Ra said: "The prosecutor convinced the jury and judge that I lacked fear and that's not true. I was so afraid, especially for my toddler and mother. I don't believe they could imagine a black woman being



Mitchell/Detroit Free Press

Siwatu-Salama Ra speaks out at 2013 rally following racist killing of Renisha McBride in Dearborn Heights, Michigan.

scared—only mad" (*Detroit MetroTimes*, 2 April). Meanwhile, killer cops and racist vigilantes who gun down black people in cold blood routinely get away with murder by invoking "fear" for their lives as a defense. That was how George Zimmerman walked free after killing black teenager Trayvon Martin in 2012. The Chicago cop who killed black youth Laquan McDonald in 2014 also claimed "fear for his life" as his defense.

Anything from sitting to driving to being at home "while black" can invite a potentially lethal encounter with the police, who aren't about to tolerate black people with guns. The racist U.S. ruling class is haunted by the specter of an armed black population. When Philando Castile told a Minnesota cop who pulled him over in 2016 that he had a legal firearm in his vehicle, he was blown away in front of his girlfriend and her four-year-old daughter. In July, Harith "Snoop" Augustus was killed by Chicago cops while appearing to show them his Firearm Owners Identification card. Even a toy gun is enough of a pretext for the cops to gun down a black child, such as the killing of 12-year-old Tamir Rice in 2014.

As Marxists, we uphold the right of

armed self-defense, a necessity for the working class, black people and the populace as a whole. We oppose gun control laws, which are most often promoted by Democratic Party liberals and black elected officials. Gun legislation only serves to preserve the monopoly of armed force in the hands of the racist capitalist state, an instrument of violence to uphold the brutal system of exploitation. Gun control leaves guns in the hands of the cops, criminals, strikebreakers and Klansmen, taking them out of the hands of the working and oppressed masses.

Ra's conviction makes crystal clear that Stand Your Ground laws are not applicable to black people, whose oppression is the bedrock of American capitalism. They are meant to sanction only white, racist vigilantism and the wanton murder of black people and other minorities. We oppose Stand Your Ground which, as we wrote following the killing of Trayvon Martin, "allows for the use of deadly force by anyone who claims a 'reasonable belief' that such force is necessary, without even attempting to disengage. And in racist America, a black kid in a hoodie is enough to claim 'reasonable belief' of danger" ("Trayvon Martin: Killed for Being Black in America," WV No. 999, 30 March 2012). A study by the Urban Institute found that 34 percent of Stand Your Ground cases involving white people killing black people are deemed justifiable, and only 3 percent when the shooter is black and the victim white.

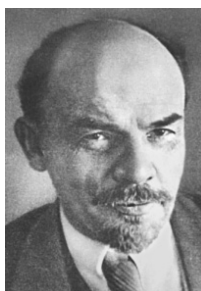
The railroading of Siwatu-Salama Ra is another reminder that black people have no rights that the racist capitalist rulers are bound to respect. The reality is that over 150 years after the slavery was defeated in the Civil War, basic citizenship rights are still withheld from much of the black population. The liberation of black people can be realized only by the destruction of the capitalist system through socialist revolution.

* * *

The Partisan Defense Committee—a legal and social defense organization associated with the Spartacist League—has donated to Siwatu-Salama Ra's legal defense, and urges others to do so. To donate, go to: actionnetwork.org/fundraising/freesiwatu.



TROTSKY



LENIN

The Courts of Capitalist Supremacy

Seventy years ago, British political philosopher and left-wing Labour Party member Harold Laski wrote perceptively about how the sham of American democracy is maintained and enforced. Laski emphasized that the laws and the Constitution exist for the purpose of safeguarding private property, and that the Supreme Court is an essential instrument in preserving the domination of the few over the many. The excerpt refers to

Justice Samuel Freeman Miller, who was appointed to the Supreme Court by Lincoln and served from 1862-90.

No one can honestly examine the history of the relations between labour and the courts without seeing that their result is to give the vested rights of property a special place in the American system.... The view of John Adams that unequal property is the necessary outcome of liberal institutions has found a wide echo on the judicial Bench. But once that has been assumed, the next step is quite naturally to argue that laws which seek to invade that inequality are themselves a source of danger to the stability of the commonwealth. The main technique has been to due process of law; and this has been interpreted to mean not what a normal reasonable man would be justified in regarding as just, but rather as a method of protecting the property the wealthy class has acquired and, therefore, the laws under which that property is safe. Due process of law is not a road, but a gate; and those to whom it bars admission are the masses in the community. It is a way of protecting the past legal rights of the few against the present legal claims of the many. And, as Mr. Justice Miller emphasized, the men to whom the task of protection is confided are for the most part the men who, before they reached the Bench, were already trained to insist that the legal rights the few have acquired must be made safe from invasion.

—*The American Democracy*, Harold J. Laski, 1948

WORKERS VANGUARD



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DSA and Ocasio-Cortez: No Kind of Socialists

Democrats, Republicans: Class Enemies of Workers and Oppressed

We Need a Revolutionary Workers Party!

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Entrance on 27th St.)

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slbayarea@fastmail.net

NEW YORK CITY

Saturday, October 6, 3 p.m.

322 West 48th Street, First Floor
Manhattan

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Take A, C or E to 42nd Street)

For information: (212) 267-1025
nysl@tiac.net

CHICAGO

Saturday, October 27, 3 p.m.

Quaker House, 5615 S. Woodlawn Ave.
For information: (312) 563-0441
chicagospartacist@sbcglobal.net

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Sunday, October 14, 4 p.m.

Immanuel Presbyterian Church*
3300 Wilshire Blvd.

(At Berendo St. and Wilshire Blvd.,
2 blocks west of Wilshire/Vermont stop on
Red/Purple Line. Entrance on Berendo.)

For information: (213) 380-8239
slsycla@sbcglobal.net

*The views expressed by the participants are not necessarily those of the Immanuel Presbyterian Church.

The following article is an edited translation from Le Bolchévik No. 225 (September 2018), newspaper of the Ligue trotskyste de France, section of the International Communist League (Fourth Internationalist). For other articles in French on the recent railway workers strike, see Le Bolchévik No. 224 (June 2018).

LE BOLCHEVIK

It was a somber anniversary of May '68. The French capitalists, whose rule was badly shaken 50 years ago, took revenge against the rail unions this spring. The government is trying to take back perhaps the most important thing the bourgeoisie had been compelled to concede: strong trade unions in the workplace. In the 1970s and right up to the beginning of the 1980s, the working class and the oppressed had been able to wrest a series of gains until Socialist Party president François Mitterrand, with the complicity of the trade-union bureaucracy, turned the tide in favor of the capitalists.

Today, President Emmanuel Macron intends to ratchet up his attacks, and all the more so because the weakening of the unions gives him hope that the most difficult task is already done. For more than 30 years, railway workers have often been the backbone of major class battles, particularly the 1986 and 1995 strikes that brought right-wing prime minister and then president Jacques Chirac's attacks against the workers to a stop. The bourgeoisie hopes that by breaking the railway workers unions, it can head off the specter of wide-scale upheavals against its efforts to increase the rate of profit on the backs, and with the blood, of the workers. But no matter what Macron thinks, the balance of power between the working class and the capitalist class is not set in advance nor for eternity. It is the class struggle ahead that will determine that.

The bourgeoisie now wants to complete the destruction of the entire social safety network set up after World War II (which was, at the time, to neutralize the working class and derail any struggle for socialist revolution). Pensions and the health care system are in the crosshairs. People are already working longer and longer, while life expectancy and the remaining years retirees can expect to be in good health have dropped. By lowering net pension payments and increasing co-pays for treatment in a health care system that is increasingly privatized, the government is pursuing a goal that is as blatant as it is unspoken: to make poor pensioners die faster because they have the misfortune of no longer producing profits for the capitalist class! We say: let capitalism perish!

This horrible cruelty is not a personal-ity trait of Macron or, for that matter, of the defectors from the Socialist Party who joined him. Nor is it a "neoliberal" aberration of capitalism. The very laws of capitalism itself drive these policies. If one accepts the idea that capitalism can't be overcome, these measures become "necessary" to increase the rate of profit of French capitalism. Otherwise, faced with its German and other rivals, it would ultimately sink, with the social safety net alongside it.

The rate of profit tends to fall as capital accumulates, which ends up causing cri-

France Macron's Anti-Worker Attacks

Lessons of the Rail Strike



April 9: French railway workers demonstrate in Paris against Macron's austerity measures at the start of three-month strike.

ses of "overproduction." It's not that too many goods are produced with respect to the basic needs of the working class and the oppressed: these crises break out when the capitalists can no longer sell their goods at the expected rate of profit. The only way the capitalist class can extricate itself from economic downturns is by shutting down factories and provoking trade wars that lead to shooting wars.

Capitalism is a system as deadly as it is irrational, fraught with unsolvable contradictions. Production is socialized in large-scale industries, but profit is privately appropriated by the capitalists who own the means of production. While production is organized on an international basis, capitalism is based on the nation-state; therefore the imperialist national bourgeoisies engage in a continual battle to dominate and redivide the world.

Only the working class, whose labor is the source of capitalist profit, has the social power to overthrow this system. For humanity to progress, the world economy must be reorganized on a planned and collectivized basis. Applying the most advanced science and technology will greatly increase labor productivity. In meeting the needs of the entire population, socialism will lay the

foundation for putting an end to poverty, social and class oppression, war and other scourges inherent to class-divided societies.

The Russian Revolution of October 1917 was the first to point the way to end this system. That is why it remains our model and why we are fighting to build a party of the same type as Lenin's Bolshevik Party, without which the revolution could not have triumphed.

Down With the European Union!

Macron's campaign in favor of the European Union is actually a statement of the government's determination to make full use of the EU's arsenal against the workers and the oppressed. With regard to the national railway, the SNCF, the government is implementing the EU's "railway packages," which, like all EU direc-



French president Emmanuel Macron.

tives, aim at liquidating public services, fully subjecting them to the law of profit and busting the unions. *Down with the European Union! Down with its financial instrument, the euro, and its neocolonial sub-currencies like the CFA franc!* [The CFA francs are still controlled by the French state and used mainly in former French colonies of Africa.]

The European Union is an unstable consortium of imperialist powers (essentially Germany and France, who are its main architects) that also includes a number of dependent countries in the East and South, notably Greece. This conglomerate of separate nation-states has the objective of strengthening the competitiveness of the European imperialists against their rivals by maximizing the flow of capital to wherever the rate of profit is highest. Thus, it is a powerful weapon against the unions and against the working conditions and wages of workers throughout Europe, including in Germany and France. This is why the French bourgeoisie today swears by the EU, even though it is dominated by Germany and constantly increases Germany's advantage vis-à-vis declining French imperialism.

The Rail Strike and the Road Forward

After a three-month strike from April to June, railway workers suffered a serious defeat. But they fought with courage and determination. A large number of them remained on strike until the end, especially drivers and ticket collectors, who may be among the first to be transferred to small, anti-union companies (subsidiaries or affiliates of large transportation companies, including the SNCF). The rail workers showed that they will fight tooth and nail to defend their gains. An orderly retreat absolutely requires defending the trade unions so that they can engage in future struggles.

What was lacking to consolidate and extend the strike was a class-struggle *program* that can effectively rally wider layers of workers, in the SNCF and beyond,

continued on page 5



Paris: British rail workers join striking French rail workers to call for renationalization of British Rail, May 9.

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20 Years After Imperialist Peace Fraud



Alamy

Above: Aided by the British Army, police terrorize Catholics in Derry, Northern Ireland, July 13. Right: Pallets stacked for Protestant-supremacist bonfire in Belfast—provocation against Catholics, July 11.



David Schalliol

Northern Ireland: Catholics Under Threat

The following article is reprinted from Workers Hammer No. 243 (Autumn 2018), newspaper of our comrades of the Socialist League/Britain.

WORKERS HAMMER

Twenty years after the imperialist-imposed Good Friday Agreement, Northern Ireland remains a sectarian Orange statelet. Premised on the continued presence of British troops, the Agreement copper-fastened sectarian divisions and perpetuated the oppression of the Catholic population. It has not done working-class Protestants any good, either.

Northern Ireland is more segregated than ever, with Catholic and Protestant neighbourhoods divided by “peace” walls. More than 90 per cent of social housing is segregated and more than 90 per cent of children attend segregated schools. The reality of life for the oppressed Catholic minority was starkly underscored by this July’s Orange Order “marching season.”

The Eleventh Night bonfires and Twelfth of July marches, commemorating the victory of the Protestant William of Orange over the Catholic James II in the Battle of the Boyne in 1690, are not some quaint celebration of Protestant culture, but a rallying point for anti-Catholic terror. While the level of violence is less than during the Army’s 1969-2007 Operation Banner, this summer once again saw towering bonfires featuring signs calling to kill all Catholics. To underscore those threats, Irish tricolours [flags] and Republican election posters were placed on the bonfires before they were set alight. One also featured a sign saying “Fuck your Ballymurphy massacre inquiry,” referring to calls for an inquiry into the killing of eleven unarmed Catholics (including a priest and a 45-year-old mother of eight) by British soldiers in West Belfast in August 1971. The massacre is powerfully depicted in the new documentary by Calum Macrae, *The Ballymurphy Precedent*.

Government contractors required police protection to dismantle bonfires in Bel-

fast that were deemed dangerously close to homes. In response the Loyalist paramilitary Ulster Volunteer Force (UVF) declared that there would be serious disorder. Cars and a bus were hijacked and set on fire, blocking roads. Access was obstructed to Belfast City Airport and a major hospital. A bomb exploded in the Catholic Short Strand and there was an arson attack on a Catholic special needs school. The Loyalist-orchestrated violence resulted in no arrests and was barely mentioned in the British news.

In contrast, when rioting broke out in predominantly Catholic Derry the week-end before the Twelfth of July march, the capitalist state unleashed brutal repression. For six nights leading up to the Orange march, crowds of youths from the Catholic Bogside, some reportedly as young as eight, threw paint and petrol bombs at police. Criminally, bombs were also thrown at homes in the Protestant Fountain enclave. In response, hundreds of cops rampaged through the Bogside firing rubber bullets and, *aided by the British Army*, raiding houses and indiscriminately seizing people. One video shows a 16-year-old being taken from his home by heavily armed, balaclava-wearing police, his hands bound with cable ties. The youth was released after an interrogation in which “not a shred of evidence was put to him,” according to his legal representative. On the Twelfth itself, police penned local residents behind barricades while Orange Order bands marched provocatively through Catholic areas.

It is not at all clear what forces were behind the rioting. The PSNI [Police Service of Northern Ireland] blamed the so-called “New IRA,” and Republicans have certainly carried out indiscriminate attacks on Protestants in the past. In this case, Republican organisations from Sinn Féin to the dissident Saoradh were quick to condemn the communalist violence against the Fountain. A 29 July article in the *Phoenix*, a Dublin-based magazine of investigative journalism, hinted at possible involvement of security force provocateurs.

Noting the recent revelation that British police and intelligence services have been using youth under 16 in covert operations, the *Phoenix* observed:

“There is no previous tradition in Derry of the kind of sustained assault on the loyalist bastion on the west bank of the city, the Fountain estate, yet a large gang of youths was seen to roam apparently at will over several days and launch petrol bomb attacks on random Protestant targets across the security divide.”

The article pointed out that the groups carrying out such attacks “are highly feared in their immediate neighbourhoods, not just because of their access to weaponry and propensity for immediate violence but precisely because they are viewed as a breeding ground for spook informants.”

The mobilisation of British troops in the Bogside (site of 1972’s Bloody Sunday, when the Parachute Regiment killed 14 Catholic civilians) is a blunt reminder that, while no longer routinely used for street patrols, thousands of troops remain in Northern Ireland. PSNI chief constable George Hamilton defended the role of the army backing up the police and claimed it was “nothing out of the ordinary.”

British imperialism has brought centuries of exploitation, oppression and bloodshed to the island of Ireland. No good can come of the British presence; the existing tie between Northern Ireland and the British state can only be oppressive to the Irish Catholic population. The presence of imperialist forces is an obstacle to a proletarian class mobilisation and solution.

Marxists in Britain have a particular obligation to oppose their own ruling class and its state forces. We demand: *All British troops and bases out of Northern Ireland!* While this demand does not automatically ensure any advance in a revolutionary direction, it is a necessary starting point for a revolutionary, proletarian perspective in these islands.

Indiscriminate terror against the Protestant population, as with the petrol bombs thrown into the Fountain estate, in no way advances the struggle against Catholic oppression. Such attacks serve

only to compact working-class Protestants behind the Loyalist bigots and are crimes from the standpoint of the proletariat. On the other hand, we defend Republicans in conflicts with the forces of the capitalist state or British imperialism (or the fascist Loyalist paramilitaries). At the same time Marxists oppose the tactic of individual terror against state forces because it is antithetical to what is needed to liberate the working class and the oppressed. The actions of small groups or individuals cannot replace the necessary mobilisation of the mass of the proletariat.

For Workers Revolutions Throughout the British Isles!

Working people in Northern Ireland as a whole suffer some of the worst living conditions in the British Isles, including wages and employment rates. With much of industry having closed down, the Protestant working class has taken it in the teeth while the Catholic population continues to face systematic discrimination and cop terror. While Southern Ireland recently repealed its anti-abortion Eighth Amendment, abortion is still almost completely illegal in the North, as is same-sex marriage. The interests of working people in Northern Ireland have long been subordinated to sectarian hostility and religious backwardness.

Intransigent opposition to all forms of national oppression is an essential part of the revolutionary internationalist programme. Northern Ireland was established as an Orange statelet by British imperialism in the 1921 partition of Ireland. Northern Catholics, part of the Irish nation, remain oppressed. But they live within the same territory as the Protestants—a distinct community which largely defines itself against the Irish Catholic nation and which fears becoming an oppressed minority within a united Ireland. As Leninists, we oppose the Irish nationalist programme of reunifying the six counties of Northern Ireland with the southern Catholic Irish bourgeois state. An equitable solution to the conflicting claims of the interpenetrated peoples of the North requires the overthrow of capitalism throughout the British Isles.

A leadership that can unite Catholic and Protestant workers in struggle against capitalist exploitation must base itself on defence of the oppressed Catholics and opposition to British imperialism. In contrast, the self-proclaimed Marxists of the Socialist Party denounce sectarianism on all sides with a pretence of evenhandedness—which in practice amounts to the most grotesque denial of the oppression of Northern Ireland’s Catholic population. Consistently referring to the Orange marches as a question of “rights,” they adopt the language of Loyalist demagogues who defend displays of Protestant supremacy.

A 9 July article titled “Bonfire debate can ignite conflict,” on the website of the Socialist Party in Northern Ireland warns against dismissing “out of hand” Protestant claims that the Eleventh Night bonfires “are an important expression of their culture and identity and primarily a way for the community to come together.” It also equates the Orange sectarian bonfires with Catholic ones marking the anniversary of the British Army’s 1971 imposition of internment, in which more than 1,000 alleged IRA sympathisers were detained without trial. Only those wilfully blind to oppression and the crimes of imperialism (or in thrall to pro-imperialist Labourism) could conflate the Eleventh Night bonfires celebrating imperialism and Catholic oppression with a protest against the military internment of opponents of British rule.

Some anti-internment bonfires include poppy wreaths, British Army regimental banners and the names of sadistic prison screws, but so what?! The police, prisons and army are the core of the capitalist state—an apparatus of organised violence that defends capitalist class rule. As such they are enemies not only of Catholics but also of Protestant workers. (Grotesquely, the Socialist Party considers cops and prison guards workers in uniform.) It’s

no accident that the PSNI declared burning symbols of British imperialism a hate crime, but not the Loyalist bonfire threats to kill all Catholics.

The million-strong Protestant community is not one reactionary mass; it is differentiated by class as much as Irish Catholics are. The history of the workers movement in Northern Ireland includes significant examples of proletarian solidarity cutting across sectarian divisions. Examples include the 1919 Belfast engineers strike and the 1932 Outdoor Relief strike. More recently, postal workers went on strike for five days in January 2002 in response to the killing of their Catholic co-worker Daniel McColgan by Loyalist paramilitaries. However, such joint struggles have often been undermined by sectarian actions or diverted into class-collaboration by the trade union bureaucrats, as in 2002 (see *Spartacist Ireland* No. 1, Spring/Summer 2002).

The defeat of the 1919 strike and the subsequent expulsion of Catholic workers, and reds, from the engineering industry helped lay the basis for Partition. In 1934, the Communist-influenced Republican Congress organised a group of Protestant



1934: Protestant workers from Northern Ireland join Catholics in Republican commemoration of Wolfe Tone, leader of 1798 United Irishmen uprising, in Bodenstown, west of Dublin.

workers from the Shankill Road to march in the annual Bodenstown commemoration of Wolfe Tone, the leader of the 1798

United Irishmen uprising. With banners including “Break the connection with capitalism,” this was an anti-imperialist,

France...

(continued from page 3)

for a general confrontation with the capitalist government. This is the type of program we sought to put forward in our propaganda before and during the strike.

To begin with, a class-struggle union leadership would have categorically said no to the French legislature’s enactment of the EU’s anti-union “railway package,” which mandates the introduction of competition in the rail industry. But this would raise the question of smashing the EU through class struggle, and that’s the last thing the leadership of the CGT (or SUD) trade-union federations wanted. Indeed, it was Thierry Lepaon, a CGT bureaucrat who, before becoming the head of the union, was assigned to the government’s Economic, Social and Environmental Council and co-authored a 2012 report on how to implement the EU directives against the railway workers.

For the capitalists, with Lepaon as their accomplice, the implementation of the directive was about how to make it the most profitable for French capitalism against European competitors. That meant putting an end to the railway workers’ special set of benefits in exchange for contracts referred to as “high-level collective agreements.” These contracts by industry are increasingly undermined by sellout local “agreements,” starting a race to the bottom that is fatal for the workers. Macron’s anti-union attacks against railway workers are basically the realization of the EU recommendations as laid out by...then CGT bureaucrat Lepaon.

Current CGT leader Philippe Martinez

finally pushed Lepaon out of the union’s leadership in early 2015. But he called for a vote for Macron last year and he refuses, like his predecessor, to say no to the EU. His program for the railways is also reduced to pushing a “high-level collective agreement,” which in fact accepts the destruction of the rail workers’ gains.

The warm welcome the French railway workers gave to their German and other union brothers and sisters at the May 29 rally in front of the Senate showed the potential that existed for joint struggle with trade unionists in other countries who are being attacked in the name of the same deadly EU guidelines. But the French left—whether the French Communist Party, the New Anticapitalist Party, or Lutte Ouvrière—surely won’t address this kind of issue because they support the European Union as much as the bureaucrats do!

Lutte Ouvrière (LO) seeks to conceal this capitulation to its own pro-EU bourgeoisie with “internationalist” verbiage, claiming that opposing the EU would play into the hands of racist populists like Le Pen in France, the UK Independence Party (UKIP) in Britain or the Alternative for Germany party. But LO and other pro-EU forces are actually putting the wind in the sails of these reactionary demagogues by giving them an apparent monopoly in opposing the EU; some workers who understand to a degree that the EU is attacking their gains will look to those who claim to oppose it.

LO fundamentally shares the worldview of the reformist trade-union bureaucracy. In fact, many of its supporters in industry are part of it (some LO supporters who are SNCF railway workers have moved in recent years from the CGT to the SUD union federation). Since they cannot attack the bureaucrats on the fundamental questions, LO now blames the leadership of the CGT for the losing tactic of “two out of five,” i.e., rolling two-day strikes followed by three days of work, instead of a “renewable” strike that could be continued until victory. But what else did LO have to offer that the CGT railway leadership didn’t? LO acknowledges that it is not a question of “opposing a tactic in and of itself, such as a renewable strike instead of the ‘two out of five,’ as if this were a fool-proof recipe, valid at any time and in any place and especially regardless of what workers are ready to do” (*Lutte de Classe*, July-August 2018).

However, regarding the CGT leadership, in reality LO had nothing else to counterpose! We observed in the general assemblies at some train stations in Paris how LO supporters encouraged more militant strikers to also strike during the non-strike days in order to build, little by little, “a dynamic.” In vain. The rail workers wanted the unions to remain united. The CGT tops cynically presented themselves as the best defenders of unity, arguing that

their tactics allowed for a solid strike in which all workers participated, even if it was only two days out of five.

The rail workers have amply shown that they are ready to endure hardships, but the union leadership was clearly lacking the perspective and determination for a general confrontation with the government. And the rail workers understood that. A class-struggle program could have rallied larger layers of workers behind the railway workers still covered by their special set of benefits. Just a few months ago there was a strike of cleaners at Reinier-ONET, a large SNCF subcontractor employing mainly immigrant workers. *Down with the piecemeal privatization of the SNCF! The SNCF must directly rehire subcontracted workers! Organize the unorganized!* For one union to unite all railway workers, including cleaning and catering staff, second-tier and temporary employees, posted workers, etc., with one benefits package for all!

anti-capitalist act by Protestant workers. It was rebuffed by the IRA, who tried to seize the “communistic” banners.

The crucial factor in forging lasting proletarian unity is a revolutionary workers party. It is necessary to construct a party which will combat every manifestation of oppression and as V.I. Lenin wrote in *What Is To Be Done?* (1902) “generalise all these manifestations and produce a single picture of police violence and capitalist exploitation.” We seek to build such parties in Britain and Ireland in order to win the majority of the working class to the struggle for an Irish workers republic within a voluntary federation of the British Isles.

In the context of a socialist federation, the Protestants may in the future be voluntarily integrated into a common Irish nation, which they would at present vehemently reject; they may develop a more distinct national identity; or they may find a democratic accommodation outside the framework of strictly national solutions under proletarian rule. The decisive factor in the overall outcome will be the presence of Leninist vanguard parties, rooted in the proletariat of all the peoples of these isles. ■

The current leadership of the unions could not put forward such a perspective because they are dedicated to class collaboration. Recently, in Paris transit (RATP), the bureaucrats capitulated to management. However, back in December 1995 the joint action of the RATP transit workers and the SNCF railway workers had succeeded in getting the government to back down. But the benefits of transit workers are in immediate danger if the railway workers’ benefits are scrapped! And now the pensions of those workers with the special benefits, including in the RATP, are openly targeted in order to destroy the pensions of all.

In the face of government attacks that will hit hard this autumn, the lesson drawn from the rail workers strike must not be defeatism, but the need for a revolutionary strategy and leadership. The fight for a class-struggle leadership in the unions is an integral part of the struggle for a revolutionary workers party. ■

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Chicago...

(continued from page 8)

regular supply of fresh blood. The hard race and class lines of “Segregation City” make it easy for military recruiters to recruit minorities through the “economic draft” that is driven by the harsh conditions of life in its ghettos and barrios. “Learn. Plan. Succeed.” is no doubt a pilot project for other heavily minority school districts across the nation.

Chicago is already the most militarized school system in the country thanks to former CPS head Arne Duncan. The Democrat Duncan, who later became Obama’s secretary of education, was instrumental to cementing a partnership with the Department of Defense that has from 1999 infused millions of military dollars into a deteriorating CPS in exchange for an ever-expanding recruitment pipeline. Today, CPS is the only district in the U.S. where all of the military branches (save the Coast Guard) have their own high school. There are six such academies—one each run by the Marines, the Navy and the Air Force, and three run by the Army. These are public schools with regular classes, but the military calls the shots and students are forced to wear military uniforms and undergo inspection and drills.

In addition, some 45 Junior Reserve Officer Training Corps (JROTC) programs are housed in nearly half of the city’s remaining public high schools. Around 70 percent of JROTC programs in Chicago are at schools in majority black or Latino neighborhoods, that is, not in the whiter, selective-enrollment high schools, such as Northside Prep, Payton and Whitney Young.

All told, over 9,000 students (94 percent of them black or Latino) participate in these programs, which are incorporated into the curricula and offered as an alternative to physical education. JROTC was launched nationally in 1916 during World War I explicitly to prepare youth for war. To this day, its mission is to train teenagers to unquestioningly obey authority and to indoctrinate them to kill or be killed for “God and country.” We oppose every attempt to turn public schools into appendages of the murderous U.S. military and stand for driving out JROTC and



Chicago high school JROTC members march in Veterans Day parade, 2012. New graduation mandate will give recruitment boost to U.S. imperialist military.

the other military recruiters. *Cut the link between CPS and the Pentagon!*

The graduation mandate is cynically couched as a plan for success, but it is just another example of Democratic Party-initiated “school reform,” i.e., union-busting and starving schools of funds. From the get-go, Emanuel has engaged in a war on public education and the Chicago Teachers Union (CTU). The mayor followed in the footsteps of his former White House boss, Barack Obama, whose “Race to the Top” initiative encouraged the rapid growth of privately run charter schools, which increase racial segregation and class inequality in education and serve to undermine teachers unions. Among the Emanuel administration’s many attacks, in 2013 it carried out the single largest school closure in U.S. history, shuttering 50 CPS schools (the vast majority over three-quarters black) and laying off hundreds of unionized teachers and staff.

To the extent that CPS students get any education at all, it is a testament to the dedication of the poorly paid teachers who navigate cutbacks, decaying facilities and constant bureaucratic harassment. The CTU, with the active backing of the other unions in the city like transit and hotel workers, must mobilize to aggressively fight the graduation mandate as part of a broader defense of public education and its members’ own livelihoods.

In this struggle, the teachers union would find many allies in the black and Latino community. Instead, the CTU tops have conciliated the mayor and school board, demonstrating their unflagging allegiance to the capitalist Democratic Party.

When the hurdle to graduation was first announced, then CTU president Karen Lewis pronounced it “a good plan.” Subsequently, union officials, like current CTU president Jesse Sharkey, expressed opposition based on funding and staffing concerns. Sharkey, who is supported by the International Socialist Organization, whimpered: “Our schools confront an acute shortage of high school counselors, college and career coaches and other staff... virtually guaranteeing that this policy will fail thousands of our students.” It is true that CPS counselors are overworked, but Sharkey is dodging what it means to deny students the basic right to a diploma. “Learn. Plan. Succeed.” reinforces the status of black people as second-class citizens segregated at the bottom of society and increases the multitude of miseries heaped on Latino youth in the barrios. The CTU should demand an end to the program while *also* fighting for additional teachers and counselors.

It is little wonder that Sharkey and Lewis are willing to barter away the futures of CPS students—they have done just that in the case of the CTU member-

Amid the mass protests for black rights and upheavals against racist cop terror in the 1960s, Lyndon Johnson signed a federal Bail Reform Act supposedly to prevent people being jailed simply for being poor (while at the same time dispatching troops to put down the ghetto rebellions). As tumultuous social struggle ebbed, there was a racist backlash fueled by anti-drug and anti-crime hysteria. In 1979, a bigoted furor targeted black New York City judge Bruce Wright, who was vilified by cops, the tabloid press and Mayor Ed Koch for releasing black male suspects on their own recognizance.

The Bail Reform Act of 1984, mandating pretrial detention for those labeled a threat to “public safety,” was brought in by Republican president Ronald Reagan. Reagan’s attorney general Edwin Meese, known for denouncing the ACLU as a “criminals’ lobby,” threw out the presumption of innocence altogether by asserting: “You don’t have many criminal suspects who are innocent of a crime.” Those in Reagan and Meese’s crosshairs included leftists labeled as “terrorists,” black people targeted in the “war on drugs” and union officials railroaded under RICO racketeering laws.

The “war on drugs” was launched by Republicans, but it was a *bipartisan* campaign. Among its most vociferous supporters were black Democrats like Jesse Jackson and Al Sharpton, who made common cause with the police—the biggest purveyors of racist terror in the ghettos and barrios. The Democratic Party, which enforces a system of capitalist oppression no less than the Republicans, is equally responsible for the criminalization of entire generations of blacks and Latinos. The difference is that the Democrats

ship. On their watch, layoffs have continued apace, charter schools have expanded, and conditions for teachers, staff and students have deteriorated. In 2012, a solid strike by CTU members was called off with key issues left unresolved and the union has since been battered. Two years ago, the same CTU misleaders pulled the plug on a possible strike, accepting a giveback contract even as teachers stood ready and willing to hit the picket lines (see “Chicago Teachers Get Sold Out,” WV No. 1100, 18 November 2016).

In the face of all-sided attacks by the capitalist rulers on public education, unions and working conditions, what is needed is to mobilize labor’s power independently of and in opposition to all representatives of the class enemy, including the Democrats. To do so requires a new leadership in the unions, a class-struggle leadership that would undertake battles in the interests of all the exploited and oppressed—from halting the expansion of charter schools to leading a charge for a massive program of public works to rebuild basic infrastructure. It would engage in struggle to organize the unorganized and for jobs for all through a shorter workweek at full union wages. A successful fight to establish union-run minority job recruitment and training programs, as well as union hiring halls, would open the way to begin to redress the grave injustices of this deeply racist society.

While fighting against discrimination and segregation in schools, we understand that racial oppression cannot be rooted out short of the revolutionary overturn of the capitalist system. Eliminating race and class bias in the schools and granting everyone access to free quality and fully integrated education requires that the working class take power. The road to black liberation and the emancipation of all the oppressed lies in the fight for an egalitarian socialist society, where production is organized to serve human need, not to increase the profits of the capitalist class.

We need a revolutionary workers party, acting as a tribune of all the oppressed, to fuse the power of labor with the discontent of the ghettos and barrios in order to clear a path to workers rule. Black and Latino working-class youth in the crosshairs of the rapacious ruling class will form a key component of this party and the fight for a socialist future for humanity. ■

Bail Reform...

(continued from page 8)

an earlier version of the bill failed to pass. The bill flew only after last-minute amendments, which won it support from Brown and the state’s judges, who were assured the final say on who gets to rot behind bars and who gets released. Indicating just how wretched this “reform” is, groups like the American Civil Liberties Union and Human Rights Watch, which backed the original bill, oppose the new law, and San Francisco public defender Jeff Adachi called it “a complete abomination.”

This is what will come of trying to make fair a justice system whose very purpose is to mete out injustice to the workers and oppressed. The vast machinery of cops, courts and prisons at the core of the capitalist state exists to enforce the class rule of a tiny minority of filthy rich capitalists who extract profit from the labor of the working class. In America, the capitalist profit system was founded and has been maintained on the oppression of black people, who constitute a race-color caste and who in the majority are forcibly segregated at the bottom. The racist nature of the whole legal system is integral to its main function, which is to protect the rule of the exploiters over the exploited and oppressed masses.

The racial and class inequality intrinsic to the capitalist social order was captured in the ordeal of Kalief Browder, a black teenager from the Bronx who was arrested for allegedly stealing a backpack in 2010. Unable to make the \$3,000 bail, Browder got stuck in New York’s notorious Rikers Island jail and refused to plead guilty when offered various plea deals. But because he

was on probation, the judge then denied bail. Browder was brutally beaten and tortured, spending nearly 800 days in solitary confinement and three years detained without ever being convicted. In 2015, two years after prosecutors dropped the charges and he had been released, the 22-year-old committed suicide.

Desperate to get out of jail, innocent people in pretrial detention are pressured by prosecutors to plead guilty, and will then often find themselves unemployable and barred from public housing and other social benefits. The police and judges commonly extort black people through excessive fines and court fees, as exposed in Ferguson, Missouri, in the aftermath of the 2014 cop killing of Michael Brown. For many, a week or even a day in jail results in jobs, homes and families lost. Many of those who manage to scrape up bail are left in economic ruin, unable to afford debts to bondsmen who post bail in exchange for a 10 percent fee.

The prohibition of excessive bail relates to the presumption of innocence and was adopted as part of the Bill of Rights. But like other democratic rights under capitalism, constitutional freedoms are at best partial if not null for the majority of the population. In the eyes of the ruling class and their cops and judges, if you’re poor, black or other minority, the norm is guilty until proven innocent. Prohibitive bail and other forms of “preventive” detention have also long been used against leftists to suppress political opposition—including the jailing of 12 California Communist Party members under the anti-communist Smith Act in 1951 and the \$1.5 million bail set for each of the three Occupy activists who were arrested for protesting U.S. imperialist depredations in 2012 in Chicago.

administer capitalist “law and order” with a higher dose of hypocrisy.

It is under this pretense that Bernie Sanders introduced a bill that would strip federal anti-crime funding from states that fail to replace their money bail system with such risk-assessment “alternatives” as the racist nightmare just adopted in California. Not surprisingly, Sanders’s followers in the Democratic Socialists of America (DSA) lauded him for supposedly trying to end “modern day debtors’ prisons” (see 6 August *New York Times* op-ed by Meagan Day and Bhaskar Sunkara of *Jacobin*). The DSA, a component of the capitalist Democrats, covers for Sanders’s attempt to retool the mechanism of state terror and repression.

The growing outrage over a practice that condemns oppressed blacks and Latinos and poor whites to prison hellholes without ever being convicted of a crime and the desire for relief from the predatory bail system are more than justified. However, at bottom no kind of bail reform can fundamentally change the inherently violent capitalist state that dishes out abuse to the black and oppressed masses daily. Indeed, the young black men gunned down by cops in the streets never even make it to jail.

The aim of the multiracial working class must be to tear up root and branch the capitalist rulers’ state machinery of terror. Rallying in defense of all the oppressed, the working class must take power and expropriate the bloodsucking bourgeoisie, the only way to liberate the masses from all forms of class tyranny and oppression. To wage this fight requires a multiracial workers party committed to carrying out socialist revolution. Forging such a party is the purpose of the Spartacist League. ■

Supreme Court...

(continued from page 1)

Her compelling testimony struck a chord among numerous women across the country. Victims of sexual violence are subjected to rigorous moral scrutiny by the authorities and courts, and face indifference, humiliation and threats. Obviously, we don't know if Kavanaugh is guilty, but we can say that Blasey Ford's testimony was believable and his was, as they say, hard to swallow. At the same time, we do not subscribe to the patronizing notion promoted by #MeToo and bourgeois feminists to "believe all women," which reduces the horrific reality of sexual abuse to that of a faith-based belief that women always and forever speak the truth. The feminist #MeToo movement supports the capitalist system to which the subjugation and oppression of women is intrinsic.

A creature of privilege, Kavanaugh was a sports jock at the elite Georgetown Prep and later a frat rat at Yale, where he was also a member of an all-male "secret society" called Truth and Courage, popularly known as "tit and clit." In his testimony, Kavanaugh feigned virginal purity: "devil's triangle" was a "drinking game," "boof" meant "flatulence," "Renate Alumnus" referred to "innocent" dating. Sure. The chauvinist, entitled creeps spawned by the ruling-class cesspools that Kavanaugh comes from believe that abusing women and others deemed beneath them is their "God-given" right.

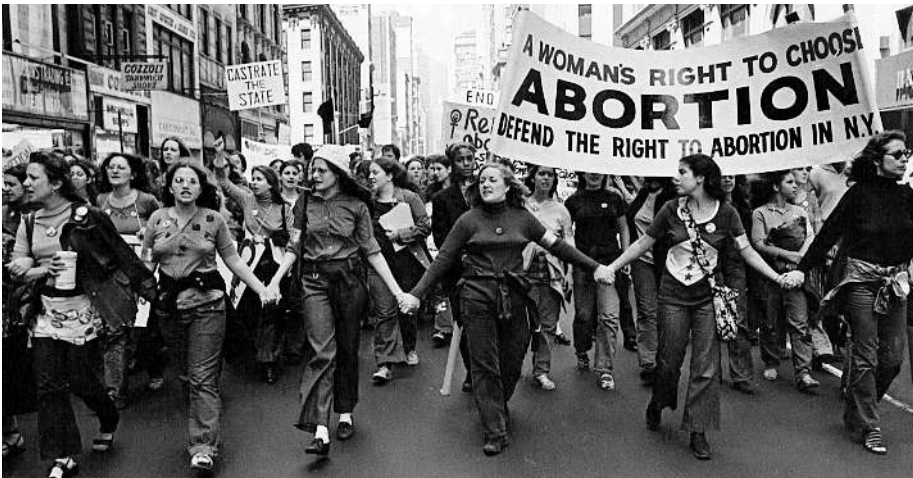
In the hearing, Kavanaugh launched a tirade, amid manufactured sobs, claiming he was the victim of a well-funded left-wing conspiracy. This was throwing red meat to Trump's base, in particular the bible-thumping evangelicals for whom accusations of attempted rape play second fiddle to their drive to outlaw abortion. Trump boasted that Kavanaugh's performance demonstrated why he had nominated him. Indeed. But the vote to advance his nomination by the Judiciary Committee, with its Republican majority, was not the shoo-in the administration thought it would be. Republican Senator Jeff Flake flaked and called for an FBI investigation. The involvement of the FBI was cause for celebration among Democrats, who champion the spies, torturers and murderers of the "deep state" as today's freedom fighters against an unrestrained Trump.

Supreme Court of Injustice

Democrats point to the allegations against Kavanaugh as evidence that he lacks the moral integrity and honesty to serve on the Supreme Court. On the contrary. If appointed, Kavanaugh would join a long list of justices who in their time ruled that black people "had no rights which the white man was bound to respect"; proclaimed "separate but equal" segregation to be the law of the land; wielded anti-trust laws to attack unions, break strikes and hold the workers responsible for "damages" to the employer's property; and upheld the internment of Japanese Americans in concentration camps in World War II. In the past several decades, Supreme Court decisions have shredded much of what reality there was to the Bill of Rights.

The Supreme Court was consciously designed as an anti-democratic protection for the ruling class against the masses. It was conceived by the founding fathers as part of the separation of powers among the executive, the legislative and judicial branches of government. This schema of "checks and balances" was crafted as a defense against what was considered the tyranny of the majority. In the words of Alexander Hamilton in *The Federalist Papers* (1788), the judiciary was intended to be a "barrier to the encroachments and oppressions of the representative body," i.e., Congress, and "an essential safeguard against the effects of occasional ill humors in the society."

To insulate the government against



Keystone

Demonstration for abortion rights in New York City, 1972. Landmark 1973 *Roe v. Wade* Supreme Court decision for abortion rights was not determined by political composition of court but was concession to explosive mass struggles.

the "ill humors" of the masses, no one other than white male property owners was given the franchise. The president, elected through the Electoral College, was empowered to nominate Supreme Court judges who were then to be approved by the Senate, which until the early 20th century was installed by state legislatures. Invested with the power to overturn legislation and to effectively enact laws, Supreme Court justices are appointed for life with no "check" by the electorate.

The Federalist Society

In an article titled, "Brett Kavanaugh's Wayward Penis: A New Twist" (*CounterPunch*, 26 September), William Kaufman notes, "Democrats have provided the margin of victory needed for nearly every right-wing Republican appointee who now sits on the Supreme Court, even when they had the votes to mount a blocking filibuster." This includes current Chief Justice John Roberts as well as his fellow judges Samuel Alito and Clarence Thomas. Rolling the clock back a little further, the appointment of the (now-dead) arch-clerical reactionary Antonin Scalia sailed through without a single "nay" vote. What these judges have in common, together with Neil Gorsuch and a substantial number of the current federal judiciary, is their membership in the Federalist Society.

Since its founding in 1982, the Federalist Society, which is described as "the heirs of James Madison's legacy," has been dedicated to overturning the Civil

decision, support for the racist death penalty and opposition to *Roe v. Wade* as an affront to "natural law" won Thomas the support of "former" Klan Grand Wizard David Duke.

As with Kavanaugh, what exploded the confirmation hearings for Thomas was not his judicial record but charges of sexual harassment brought by Anita Hill. The televised spectacle of the Senate fraternity of white male millionaires (and two women) sitting in judgment of Hill, a black woman, and Thomas, a black man, was a peculiarly American display of racism and sexism.

Thomas was the handpicked nominee of Bush Senior, who rode into office by fanning the flames of racist fearmongering against "black criminals." Anita Hill, whose testimony was graphic and articulate and exuded credibility, was raked over the coals, slammed as a "vengeful woman" who had invented a "fantasy" because Thomas had "spurned" her. As we pointed out at the time, "Although pitched over the question of 'sexual harassment,' in fact the fight on Thomas' nomination was over abortion rights" ("Sex, Race and Reaction," WV No. 537, 25 October 1991). Still, Thomas was confirmed in a Senate where the Democrats had the majority.

Liberal Mythology and the Judiciary

For decades, liberals have been pushing reliance on the federal courts as the motor of social progress. Today, with the Repub-



Bettmann

cannot be taken over and made to operate in the interests of working people. Under capitalism, whatever its constitutional format—be it a democratic republic, a constitutional monarchy or a fascist dictatorship—the judiciary is an arm of the bourgeois state which, as Friedrich Engels pointed out, "is an organization for the protection of the possessing class against the non-possessing class." This is as true of the liberal Supreme Court justices as of the right-wing ones.

Those who promote illusions in the courts often refer to the Supreme Court era ushered in by the 1954 *Brown* decision under Chief Justice Earl Warren, who retired in 1969 after serving under both Republican and Democratic administrations. Warren, himself a Republican, earned his spurs as Alameda County district attorney in orchestrating the 1936 redbaiting frame-up trial of three organizers of the Marine Firemen's union on charges of murdering the chief engineer on the SS *Point Lobos*. Later as California attorney general during World War II, he spearheaded a drive to evict and put Japanese Americans in camps.

What conditioned the rulings of the Warren Court (which included Hugo Black, a former Klansman) was not its "progressiveness," but the mass struggles of the period, beginning with the civil rights movement through to the mass protests against the Vietnam War. Concerned that this radicalism could spill over into a restive working class, the capitalist rulers recognized the need to contain it. It was in this tumultuous period that the Court made a number of decisions affirming particular civil liberties, such as ruling that defendants had the right to counsel. In 1972 the Court declared the death penalty unconstitutional as practiced and prompted states to rewrite their laws. A year later came the landmark *Roe* decision.

But this was a brief moment in American history. After the U.S. withdrawal from Vietnam, the antiwar movement fell apart. Many black radicals who weren't murdered by the FBI or imprisoned were co-opted by the Democratic Party. Underlining that reforms under capitalism are reversible, the Supreme Court, with few personnel changes, immediately began to roll back the gains of the previous two decades, marked by the restoration of the death penalty in 1976. This went along with a bipartisan onslaught against working people, carried out by Reagan and the Bushes, as well as by Carter, Clinton and Obama, which included the gutting of affirmative action and welfare and the evisceration of *habeas corpus*, to name a few.

Today, the U.S. imperialist bourgeoisie is the foremost enemy of workers and the oppressed around the world. In the U.S., this is expressed not only in the increasing attacks on the black masses and the working class but in the growing influence of Dark Ages attitudes toward sex and women. The piggishness and revolting hypocrisy of the bourgeoisie are a measure of the decrepitude of this outmoded capitalist system. For our part, we seek to do away with the Supreme Court along with the imperial presidency and all the institutions of the bourgeois state, as part of a thoroughgoing socialist revolution which will place the only progressive class, the proletariat, at the helm of society. ■



AP



Getty

Anita Hill, 1991, and Christine Blasey Ford, 2018.

Rights and Voting Rights Acts. James Madison, a slaveowner from Virginia and the fourth president of the U.S., is credited with being the father of the Constitution. The judges of the Federalist Society proclaim constitutional "originalism," or adherence to the Constitution as it was originally written, which is the judicial equivalent of the racist call, "The South will rise again." The original Constitution enshrined black chattel slavery and gave the slavocracy the whip hand of power by allowing Southern states to count black slaves as three-fifths of a person for the purpose of federal representation.

One might ask how Clarence Thomas, a black man, got into the Federalist Society. As we noted at the time of his nomination in "Supreme Court of Injustice" (WV No. 531, 19 July 1991), "Were it not for his skin color, Thomas' political record would qualify him for membership in the KKK." Indeed, his opposition to the 1954 *Brown v. Topeka Board of Education*

licans in control of the White House and both houses of Congress, liberals view the composition of the Supreme Court as decisive. This same outlook is shared by the pseudo-socialists of the International Socialist Organization (ISO). In their September 24 editorial (socialistworker.org), they claim that "Kavanaugh is unfit to determine what justice is on numerous grounds," concluding with the main goal, "Stop Kavanaugh." In another article, ISO honcho Lance Selfa (2 October) tries to give this abject reformism some kind of left cover, including by pointing out that the Supreme Court is the "least democratic part of the U.S. government." Nonetheless, he lauds progressives and some liberals for "advocating structural reforms to weaken the conservative hold on the courts," linking to an *Intercept* article (30 September) that advocates packing the Court with Democrats.

Contrary to the ISO's fantasy, Marxists understand that the capitalist courts

WORKERS VANGUARD



Left: Governor Jerry Brown (seated) in August after signing SB 10, which replaces predatory bail system with one that will increase racist “preventive” detention. Right: L.A. Men’s Central Jail, part of country’s largest jail system, holds those denied bail or unable to afford it.

California Bail Reform Law: Cruel Hoax

In a 1963 speech in Detroit, Malcolm X told his black audience, “You’re still in prison. That’s what America means: prison.” More than 50 years later, mass incarceration has expanded the U.S. prison population to 2.3 million, with black people accounting for almost 40 percent of all inmates, largely victims of the bipartisan “war on drugs.” Nearly one-quarter of all those behind bars are there awaiting trial, generally locked up for being too poor to afford bail. With some half a million people in pretrial detention, a number of cities and states have adopted bail reform measures alongside efforts to reduce the financial costs of incarceration. The most recent is California’s Senate Bill 10 (SB 10), signed into law on August 28 by Democratic Party governor Jerry Brown. But far from ensuring that the “rich and poor alike are treated fairly”—Brown’s

utterly cynical words—SB 10 substitutes one mechanism of race and class oppression for another.

Effective October of next year, SB 10 repeals the state’s existing bail laws. It calls for the release of those arrested for certain nonviolent misdemeanors within 12 hours of being booked, although it also allows judges to decide otherwise. Those not released under this provision will be given a “score” based on “risk assessment” software to determine who will remain locked up. Supposedly predicting who will not show up for trial or be a public danger, such algorithms are based on data from a criminal justice system that is rac-

ist to its core, with practices including stop and frisk, draconian mandatory minimum sentences and “three strikes” laws.

Ominously, SB 10 gives broad powers to courts to carve out exclusions from pretrial release and grants judges nearly unlimited discretion to order “preventive” detention. Those few who are released can be subjected to drug testing, monitoring, curfews and other probation-like conditions. After New Jersey eliminated cash bail in 2017, roughly 90 percent of those who had hearings were held in custody without any chance of release or were released under restricted conditions. Kentucky’s use of risk algorithms

in conjunction with its 2011 bail reform worsened racial disparities with respect to pretrial detention. Throwing a cloak over SB 10’s foreseeable application, the final bill dropped a requirement for courts to report data on racial discrepancies.

San Francisco’s liberal Democratic administration had already introduced a form of “risk assessment” when in May 2017 Kenneth Humphrey, a black 63-year-old retired shipyard worker, was slapped with \$350,000 bail (initially set at **\$600,000**) on a charge of stealing five dollars and a bottle of cologne. In January, a state appeals court overruled the judge, declaring that “a defendant may not be imprisoned solely due to poverty.” The ruling signaled a victory for those who have long been fighting the state’s predatory bail system and thrust SB 10 back into the spotlight after

continued on page 6

Racist, Anti-Poor Mandate

Chicago Refuses Diplomas to High School Graduates

Chicago’s Democratic Party mayor Rahm Emanuel has found another way to punish minority youth for the “crime” of being poor and working-class. According to a new mandate, beginning with the class of 2020, public and charter high school seniors meeting all academic requirements to graduate will be denied their diplomas if they don’t provide proof of employment, college acceptance, trade apprenticeship or military enlistment. Emanuel’s initiative—grotesquely called “Learn. Plan. Succeed.”—is a frontal attack on Chicago Public Schools (CPS) students, who are nearly 85 percent black and Latino. Stealing high school diplomas from these students would all but eliminate even the minimal opportunity available to them. Already, their bleak future under American capitalism holds few options other than to toil as low-paid wage slaves or serve as foot soldiers in the U.S. imperialist military.

The racist “Learn. Plan. Succeed.” mandate calls to mind the post-Civil

War “Black Codes” in the South requiring former slaves to show proof of an annual labor contract or else risk being arrested, fined and forced into indentured servitude. The haughty mayor blames students for their supposed lack of planning after graduation, accusing them of creating the abysmal conditions they face of unemployment, segregated schools and housing, cop terror and mass incarceration. The real culprits here are the capitalist rulers, who see little value in investing in the education of minority youth. For his part, the much-hated Emanuel will be leaving behind a legacy of having systematically gutted the Chicago public education system: school closures, teacher layoffs and education funding cuts.

Black and Latino youth, who are deprived of resources and treated as criminals in this Democratic Party stronghold, will have the odds stacked even higher against them with this mandate. Gone are the days when the south

shore of Lake Michigan, from Chicago into Indiana, was filled with steel mills and other factories, or when a high school diploma could be a ticket to a well-paid union job with health benefits and a pension. Decades of union-busting and deindustrialization have shrunk the area’s manufacturing workforce, and even McJobs are not so easy to come by. Black people between 20 and 24 years of age face a 37 percent unemployment rate, nearly six times that of whites of the same age group. Black workers, who still form a core of organized labor in and around the city, have suffered a 17 percent drop in median wages between 2000 and 2015, leaving them worse off.

Many black and Latino youth who manage to jump through all the hoops and get through high school are still denied access to college because of race and class bias, despite the fact that they are fully capable of thriving at top-notch institutions. The astronomical price of tuition saddles students nationwide with

crippling debt, and many CPS students cannot even afford an education at one of the City Colleges, which cost about \$3,500 a year. Taking a “gap year” before college—another so-called “pathway” to a diploma under Emanuel’s plan—is a luxury afforded to Malia Obama but virtually unknown on Chicago’s black South and West sides. ***For free, quality, integrated public education at all levels for everyone!***

The new requirement puts these students in virtual limbo, where they can’t get a diploma without a job and can’t get a job without a diploma. If anything, it is designed to give a boost to the armed forces, which are having trouble replenishing their ranks. The Army, for one, just recently missed its recruitment goal and had to cut back its target. The U.S. imperialist war machine—an instrument of conquest, terror and occupation that is unleashed against working people and the oppressed abroad—demands a

continued on page 6