

Trump to nominate new Supreme Court justice as early as Friday

By Jacob Crosse
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Brushing aside feckless pleas from Democratic presidential candidate Joe Biden and congressional Democrats, President Donald Trump announced on Monday his intentions to nominate a new ultra-right member of the Supreme Court this week to fill the vacancy created by the death of Justice Ruth Bader Ginsburg no later than Saturday.

Trump pushed back the nomination a day or two to accommodate the official mourning ceremonies, including Ginsburg lying in state Wednesday and Thursday, followed by a ceremony Friday morning at the US Capitol. He said that his options had been narrowed down to “five different women,” demonstrating that lip service to diversity, like lying about coronavirus and supporting American imperialism, is a bipartisan affair.

The top two judges under discussion, according to press reports, are both judges on the US Circuit Court of Appeals, the second highest level of the federal courts. Trump appointed Amy Coney Barrett to the 7th Circuit Court of Appeals in 2017 and Barbara Lagoa to the 11th Circuit Court of Appeals in 2019. Trump mentioned the two in his initial phone call to Senate Majority Leader Mitch McConnell a few hours after Ginsburg’s death.

Both of the named judges under consideration are devout Catholics and have made their anti-abortion views well known. Barrett and her family are part of the “People of Praise,” a secretive, ultra-conservative Catholic society that upholds male authority in the family and assigns senior members of the group to advisory roles, called “head” for men and “handmaid” (sic) for women. Members of the groups swear “a lifelong oath of loyalty, called a covenant, to one another,” according to a 2017 article in the *New York Times*.

Lagoa was born in Miami, the daughter of Cuban immigrants, and is married to the Miami leader of the Federalist Society, the well-funded lobbying group that promotes ultra-reactionary nominees to the bench. She was part of the legal team that sought to prevent Elian Gonzalez, a young Cuban boy taken by his mother to Florida, from being returned to his father in Cuba after her death. The 1999 case was a political sensation in right-wing anti-Castro circles. Lagoa’s most recent action on the 11th Circuit was to side with Florida Governor Ron DeSantis and the Republican Party in their efforts to bar released felons from recovering their voting rights until they have paid all fees and court costs, despite a constitutional amendment approved by Florida voters in 2018 to put an end to the state’s shameful lifetime ban on voting by former prisoners.

The Democratic Party has confined its opposition to this further shift to the right on the highest US court to futile pleas for a handful of Republican senators to block consideration of the nomination until after the election. In a speech Sunday at the National Constitution Center in Philadelphia, former Vice President Biden pleaded with his old Senate colleagues not to take a step that would so flagrantly violate previous political norms, under which a vacancy arising so close to a presidential election would not be filled until after the voting—which in 2020 has already begun in many states.

“Please follow your conscience,” Biden begged, addressing himself to long-serving representatives of big business who, like himself, have voted to defund social programs, wage unending war abroad and unconstitutionally spy on the entire planet. He urged the senators not “to confirm anyone nominated under the circumstances President Trump and Senator McConnell have created.”

It was notable that Biden did not argue against the ultra-right politics and anti-democratic views of those Trump was likely to nominate. He did not speak in defense of workers, African Americans, women, gays or others likely to be targeted by the constitutional counter-revolution advocated by groups like the Federalist Society.

Instead, he warned the ruling class that pushing through such a nominee in so flagrantly anti-democratic a fashion could provoke a political eruption that the Democratic Party would not be able to control. He urged senators to “cool the flames that have been engulfing our country,” before warning that to “jam this nomination through” could lead to “a constitutional crisis that plunges us deeper in the abyss—deeper into the darkness.”

Biden and the Democrats are worried that the installation of a 6–3 ultra-right majority on the high court, without any effective resistance by the Democratic Party, on the eve of an election in which Trump is trailing in the polls, will cause irreversible damage to the credibility of the Democrats as an “opposition party.”

They also fear the blatantly hypocritical and undemocratic actions of Trump and the Senate Republicans will erode what little trust remains among the people in institutions like Congress, the Supreme Court, and the bourgeois state as a whole, and that when the social crisis in America produces a full-scale rebellion from below, the federal government will have lost all authority.

There is little indication that the efforts by Biden and Senate Minority Leader Charles Schumer to find a few additional votes among Republican senators have borne fruit. Only two Republicans, Lisa Murkowski of Alaska and Susan Collins of Maine, have called for delaying the nomination until after the election.

Mitt Romney of Utah, the Republican presidential candidate in 2012, has declined to comment publicly until after today’s meeting of the Senate Republican caucus. Even if he opposes Trump, as he did in the impeachment trial, the result would be a 50–50 vote and Vice President Mike Pence would break the tie.

Republican Lindsey Graham, chairman of the Senate Judiciary Committee, has sent a letter to committee Democrats in which he promised to “proceed expeditiously to process any nomination made by

President Trump to fill this vacancy.”

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