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Supreme Court nominee Brett Kavanaugh clears crucial hurdle to confirmation

The US Senate voted Friday to close debate on the confirmation of Trump's right-wing Supreme Court nominee Brett Kavanaugh by a 51–49 margin, as Republican Susan Collins and Democrat Joe Manchin announced their support for the appeals court judge. The final confirmation vote will take place Saturday.

Barring last minute theatrics, the cloture vote secures the confirmation of the arch-reactionary to what will be the most right-wing court in over a century. Kavanaugh's confirmation will bring to a close an anti-democratic process from which the masses of people are entirely excluded.

With Kavanaugh on the court, the composition of the body will reflect the domination of the financial oligarchy over the political process like never before. Four of the nine justices will have been nominated by presidents who lost the popular vote (George W. Bush and Donald Trump). Including the two nominated by Clinton, six of the justices will have been nominated by presidents who received less than 50 percent of votes.

The Democratic Party opposed Kavanaugh not because of his political record as a supporter of torture, deportation, war and attacks on the rights of the working class, but based on uncorroborated, 36-year-old allegations of sexual assault that became the sole focus of the confirmation process.

From the start, the Democrats' opposition to Kavanaugh was never intended to block his nomination. The Democrats fundamentally agree with Kavanaugh's right-wing views.

They offer no principled opposition to his hostility to the right to abortion, which the Democratic Party has abandoned as a political issue.

In an editorial board statement Friday, the *New York Times* signaled that the Democratic Party's opposition to Kavanaugh was not based on political differences with Trump's nominee. The newspaper even encouraged Trump to replace Kavanaugh with an equally reactionary justice, as long as the person nominated had not been accused of assault:

"President Trump has no shortage of highly qualified, very conservative candidates to choose from, if he will look beyond this first, deeply compromised choice," the *Times* wrote.

The right-wing character of the Democratic Party's opposition to Kavanaugh was hinted at by Republican Senator Susan Collins, who spoke from the Senate floor Friday afternoon to defend her decision to vote for Kavanaugh. At the appellate level, Collins said, Kavanaugh had a voting record similar to that of Merrick Garland, whom Barack Obama and the Democratic Party attempted to elevate to the Supreme Court in 2016. Garland's nomination was blocked by the Republicans.

Garland and Kavanaugh served together on the Court of Appeals for the District of Columbia, Collins explained, and voted together in 93 percent of cases. They joined one another's opinions 96 percent of the time. From 2006, one of the two judges dissented from an opinion written by the other only once.

In the end, each party has gotten what it wanted out of the process. The Republicans secured the confirmation of their nominee, while the Democrats succeeded in creating a new "narrative" leading up to the midterm elections, which are a month away.

In appearances on cable news following Friday's vote, numerous Democratic Party hacks explained that Kavanaugh's confirmation would increase Democratic support among suburban women. CNN talking head and Clinton confidante Gloria Borger explained that the ordeal would boost Democrats running for the House of Representatives, especially in more affluent suburbs, where women were outraged by accusations against Kavanaugh. Recent polls show the obsessive focus on allegations of sexual assault may benefit Democrats in congressional elections where suburban voters in swing districts will determine the outcome of the vote.

There is a possibility, however, that the Democrats' strategy could backfire, especially in swing Senate races. Polls published in the last several days show that Republican voters are far more energized than they were before the Democrats attempted to block Kavanaugh's nomination on the basis of largely uncorroborated sexual assault allegations.

To keep momentum building in the month before the midterms, Democrats staged a number of demonstrations yesterday to distract from Kavanaugh's right-wing politics. Outside of Washington D.C., turnout was almost non-existent. Within the capital, dozens gathered to shout at senators on Capitol Hill. A handful of people held a "kegger" protest outside the office of Senate Republican Majority Leader Mitch McConnell, at which they drank beer and denounced Kavanaugh as an alcoholic, singing, "What do we do with a drunken justice early in the morning?"

There are concerns among the more astute representatives of the ruling class that the Kavanaugh confirmation charade has done real damage to public support for the institution of the Supreme Court, which has historically been viewed as less susceptible to political pressure than Congress or the presidency.

Senator Collins herself said she feared the confirmation "could lead to a lack of public confidence in the judiciary," something that could be "hugely damaging" to the political establishment.

The *New York Times* published an op-ed Friday by Michael Tomasky, who expressed concerns over the fact that the Supreme Court will shift to the right at a time when the population is moving rapidly to the left.

"This is a severe legitimacy crisis for the Supreme Court," he wrote. "The court... was intended never to stray far from the mainstream of American political life. The fact that justices represented that mainstream and were normally confirmed by lopsided votes gave the court's decisions their legitimacy. It's also why past chief justices worked to avoid 5-4 decisions on controversial matters: They wanted Americans to see that the court was unified when it laid down a major new precedent."

Fearful of the growth of the class struggle and rising anger among workers over stagnant wages, workplace deaths and injuries, and rising gas, rent and healthcare costs, the ruling class' concerns over the legitimacy of its "institutions" are well-founded.

Polls show increasing disdain for the government and increasing support for socialism, especially among young people. To confront this growing opposition to capitalism, the ruling class has installed a Supreme Court that will protect its privileged position and facilitate state repression by rubber-stamping surveillance, censorship, xenophobic attacks on immigrants and the buildup of the police powers of the state.