

## Report to the SEP (US) Eighth National Congress

# The twilight of American democracy (1991-2024)

Tom Carter  
26 August 2024

We are publishing here the report to the Eighth Congress of the Socialist Equality Party (US) given by Tom Carter. The congress was held from August 4 to August 9, 2024. It unanimously adopted two resolutions, “The 2024 US elections and the tasks of the Socialist Equality Party” and “Free Bogdan Syrotiuk!”

I am speaking on the section of the resolution titled, “Trump, fascism and the crisis of American democracy.” I’ll be focusing in particular on *Trump v. United States*, the Supreme Court decision announcing that, as far as six out of nine justices on the Supreme Court are concerned, America is a presidential dictatorship.

As the resolution explains, quoting from Comrade Tom Mackaman’s article, “The Supreme Court and the Counter-Revolution of July 1, 2024,” this decision did not emerge from a vacuum but was the culmination of a long process of decay and erosion of democratic norms in the US. It is the *internal* manifestation of a decades-long process that is *outwardly* manifested in the escalating violence and belligerence of US militarism abroad. That *outward* process, reviewed by Comrade Andre Damon, has culminated in genocide in broad daylight, together with the relentless fratricidal carnage in Ukraine, while the flames of war are now being fanned towards Lebanon, Iran and China. *Inwardly*, this same process has culminated in the announcement by the Supreme Court that the president is a dictator, who is above the law and who is free to commit crimes with impunity. These are two sides of the same coin.

In these remarks, I will pick up where Comrade Tom Mackaman left off. I will review the decision itself first. Second, I will discuss some of the major precedents and antecedents of the decision in the period since the liquidation of the USSR. Third, I’ll review the state of political repression in the US, in particular, targeting protests against the Gaza genocide. Fourth, I’ll make some points on the character of the Supreme Court. And finally, fifth, I’ll take up the assessment by the historian Sean Wilentz that *Trump v. US* is the “Dred Scott of our time.”

## ***Trump v. US*: “Bold and unhesitating action”**

The case has a caption that could have been written by Charles Dickens: “Trump versus United States,” with Trump emerging as the prevailing party.

The case arose directly from Trump’s attempt to overthrow the US Constitution and install himself as a dictator on January 6, 2021. A federal grand jury indicted Trump on four counts in connection with the coup plot. The indictment alleged, among other things, that after losing that election, Trump conspired to overturn it by spreading knowingly false

claims of election fraud to obstruct the collecting, counting and certification of the election results.

Trump filed a motion to dismiss the indictment based on so-called “presidential immunity,” arguing that a president has absolute immunity from criminal prosecution for actions that constitute that president’s “official acts.” Initially, the federal district court rejected Trump’s argument, as did the D.C. Circuit Court of Appeals. Trump appealed to the Supreme Court.

The Supreme Court decided the case in Trump’s favor on July 1 by a 6-3 vote. The decision did not just announce that Trump was immune in this particular case. Instead, the Supreme Court laid out a framework of presidential immunity that applies permanently to the office of the president as Commander-in-Chief regardless of who is president in the future. This decision, without exaggeration, effectively overturned the constitutional framework that existed in the US since the American Revolution and through the Civil War.

Trump argued, and the Supreme Court agreed, that the president must have immunity “to ensure that he can undertake the especially sensitive duties of his office with bold and unhesitating action.”

The essence of a presidential dictatorship is that the president is above the law, his word is the law, and he is free to ignore any laws that stand in his way. This is in contrast to a bourgeois democracy, under which, in theory, the president is a citizen under the law with the same rights and limitations under the law as everyone else. The word “dictator” does not appear in the Supreme Court’s decision, but the Supreme Court did not need to use it—it simply changed the word “president” to mean “dictator” for all intents and purposes and accomplished the same result.

On the *World Socialist Web Site*, we compared this decision, with complete justification, to the 1933 Enabling Act, which gave Hitler the power to unilaterally violate the Weimar Constitution without any accountability to other branches of government. The phrase “bold and unhesitating action,” in particular, is nothing but a translation into English of the Führer principle, according to which the leader is supposedly the expression of the democratic will of the people, which must override what Nazi jurist Carl Schmitt called the “endless conversation” of parliamentarism, the rule of law and the separation of powers. Schmitt, who as of today has open admirers in the faculties of American law schools, would read nothing in the Supreme Court’s decision but an expression of his own precepts as applied to American institutions.

This decision is part of a global phenomenon. One of the proposed bills as part of the package of far-right “judicial reforms” in Israel last year, which prompted massive protests, was a bill prohibiting criminal proceedings against sitting prime ministers, which would have freed then and current Prime Minister Benjamin Netanyahu from the corruption charges currently pending against him.

Another manifestation of this phenomenon is the outright cancellation of elections in Ukraine this year, effectively making Zelensky a dictator ruling over Ukraine on nothing but his own say-so and the backing of the NATO powers. Openly employing the language and logic of fascism, Zelensky justified his assumption of dictatorial powers in November by declaring: “We must realize that now is the time of defense, the time of the battle that determines the fate of the state and people, not the time of manipulations.”

Meanwhile, in June, French media reports indicated that President Emmanuel Macron intended to invoke Article 16 of the Constitution, suspend parliament and assume emergency powers, while the recent 2024 Olympic games were convened under an effective state of military siege on the city of Paris.

The precise form it takes may differ from country to country, but the tendency is the same—with the United States at the center of this global process.

For its part, the Supreme Court in *Trump v. United States* did not declare the president immune under all circumstances for all time. Instead, the Supreme Court justices purported to retain the power for themselves to decide when the president is and is not immune. Thus, for example, under this new framework, the Supreme Court could grant immunity to a future Republican president—but could turn around and deny immunity to a future Democratic president for the same conduct. It is, in that sense, a historically unprecedented power grab by the Trump-aligned insurrectionists.

I understand that the WSWS has been criticized for supposedly exaggerating the implications and dangers of the decision. The answer to that criticism begins with pointing to what the three dissenting justices actually wrote in their opinions.

“The Court effectively creates a law-free zone around the President, upsetting the status quo that has existed since the Founding,” Justice Sonia Sotomayor wrote:

When the president uses his official powers in any way, under the majority’s reasoning, he now will be insulated from criminal prosecution. Orders the Navy’s Seal Team 6 to assassinate a political rival? Immune. Organizes a military coup to hold onto power? Immune. Takes a bribe in exchange for a pardon? Immune. Immune, immune, immune.

Sotomayor also wrote: “The relationship between the President and the people he serves has shifted irrevocably. In every use of official power, the President is now a king above the law.”

In a separate dissent, Justice Ketanji Brown Jackson suggested that the president can now murder other government officials without accountability or consequences. “While the President may have the authority to decide to remove the Attorney General, for example,” she wrote, “the question here is whether the President has the option to remove the Attorney General by, say, poisoning him to death.”

These dissenting justices are writing not as Marxists, obviously, but from the standpoint of concern about the damage this decision will do to the credibility and perceived legitimacy of US imperialism both domestically and abroad. After all, according to US State Department spokespeople, the US is supposedly engaged in a struggle for “freedom and democracy” against “authoritarianism” in the conflict with Russia and China—but at the same time, the US government is in a struggle to stamp out freedom and democracy and impose authoritarian forms of rule at home. These motives don’t detract from the gravity of their warnings.

Let me give some concrete examples to illustrate what this decision means. In February of this year, Republican Congressman Mike Collins of

Georgia commented in the criminal prosecution of a New York man (who was actually later exonerated) that “we could buy him a ticket on Pinochet Air for a free helicopter ride.” This is a sitting Republican congressman, while actually in office, making an unironic positive reference to Chilean dictator Augusto Pinochet and the mass murder of left-wing opponents of his regime. To use that threat as an example, suppose a president were to order left-wing dissidents to be murdered by being dropped from helicopters. Under the “supreme law of the land” of the United States as of today, the president would enjoy presumptive immunity from criminal prosecution because it was an “official act.”

Another example: There was a new federal law proposed in May by Tennessee Republican Andy Ogles. This bill, which was formally introduced in the US House of Representatives, would authorize the deportation of anti-genocide student demonstrators to Gaza. The so-called “Antisemitism Community Service Act” (H.R. 8321) states: “Any person convicted of unlawful activity on the campus of an institution of higher education beginning on and after October 7, 2023, shall be assigned to Gaza for the purpose of providing community service for a period not fewer than six months.” This law has not been passed, but let’s suppose it was. Under the Supreme Court’s decision, a president who rounded up pro-Palestinian students and transported them to Gaza would be immune so long as it was an “official act.”

Trump himself has called directly for the deportation of all socialists if he is elected. In a speech last year, Trump stated: “We’re going to keep foreign, Christian-hating communists, Marxists and socialists out of America.” If Trump were to deport everyone in this Congress, would it be illegal? Yes. Would he be immune from prosecution for it? Yes, presumptively, under the Supreme Court’s decision in *Trump v. United States*, so long as it was an “official act.”

### **Precedents and antecedents: Torture, assassination and military commissions**

In tracing the precedents and antecedents for *Trump v. United States*, there is always the question of where to begin, how far back to go.

There was certainly mass repression, including the repression of our movement, during the First and Second World Wars, as well as during the Vietnam War. After the First World War, the US government actually deployed troops to Russia to attempt to suppress the Russian Revolution. During the Second World War, the leaders of our party were jailed under the anti-communist Smith Act. And during the era of the Vietnam War, the government attempted to suppress dissent with massive infiltration by undercover government agents and informants. But to just say “history is repeating itself” would underestimate the historically unprecedented character of the decision and the situation we now confront.

The liquidation of the USSR in 1988-1991, in particular, removed the brakes on the most naked pursuit of the interests of US capitalists against their rivals abroad and against the American working class at home. It was followed by an eruption of US militarism around the world and a shift to the right by the entire US political establishment. As part of this process, the Democratic Party jettisoned the last vestiges of reformism, shifting instead to the politics of identity.

The 1998 Clinton impeachment crisis witnessed an unprecedented right-wing conspiracy to paralyze the Clinton administration with a sex scandal. The toxic political atmosphere that descended over the whole official US political scene in the course of that affair has never lifted.

In a statement published on December 21, 1998 under the headline, “Is America drifting toward civil war?” the WSWS Editorial Board wrote:

The crisis in Washington arises from an interaction of complex political, social and economic processes. Bourgeois democracy is breaking down beneath the weight of accumulated and increasingly insoluble contradictions. The economic and technological processes associated with the globalization of the world economy have undercut the social conditions and class relationships upon which the political stability of America has long depended.

While formally Congress is required to vote to declare war, in practice the US under both Democratic and Republican administrations engaged in one war after another by executive decree, including the one-sided NATO bombing of the former Yugoslavia in 1999.

The 2000 election was stolen by George W. Bush and the Supreme Court in the form of the infamous decision in *Bush v. Gore*. The Supreme Court ordered a halt to the counting of votes in Florida, and arch-reactionary Justice Antonin Scalia even claimed in the course of the proceedings that there is no constitutional right to vote for president. As the WSWS stressed at the time, the acceptance of that thoroughly illegitimate decision by the entire political establishment demonstrated that there no longer existed a constituency for democratic forms of rule within the ruling class.

The theft of the 2000 election was followed by the launch of the so-called “war on terror” the following year. The Democratic and Republican parties unanimously declared that the country was in a permanent state of national emergency warranting the indefinite suspension of democratic rights. This included the right to *habeas corpus*. The airports were locked down, a lockdown that has never been lifted. The supposed “war on terror” saw the establishment of the Department of Homeland Security, which consolidated the disparate federal intelligence agencies into one monolithic apparatus, together with the police state Patriot Act, which authorized massive surveillance around the world.

As part of the “war on terror,” the US government openly sanctioned abduction (which it called “extraordinary rendition”) and torture (which it called “enhanced interrogation”), with hundreds of people maimed and murdered at Guantanamo Bay and “black sites” around the world. As the US invaded and occupied Afghanistan and Iraq, it carried out savage repression against popular opposition, resulting in the unforgettable images at the Abu Ghraib torture facility in Iraq in 2004. The US also established a system of rigged military tribunals, which remain in place today, for the prosecution of what it calls “unlawful enemy combatants,” who are supposedly entitled neither to protection under the laws of war nor to the procedural and substantive rights of criminal defendants.

In July 2002, Attorney General John Ashcroft directly authorized a number of torture techniques, including “attention grasp, walling, the facial hold, the facial slap (insult slap), cramped confinement, wall standing, stress positions, sleep deprivation, use of diapers, and use of insects.” The most infamous of the CIA’s widespread torture techniques was described in the 2014 Senate Intelligence Committee report: “rectal rehydration, without evidence of medical necessity.”

Under the slogan of “looking forward, not backward,” Obama refused to prosecute these war criminals. The bipartisan refusal to prosecute the torturers had far-reaching implications for the US political establishment, serving as a green light for the most flagrant criminality across the board. Just over the past week, the Biden administration backed out of a plea agreement with three torture victims, which amounts to a continued insistence, to this day, on the legitimacy of confessions obtained through torture.

The spying apparatus continued to expand under Obama. In one National Security Agency powerpoint slide revealed by NSA whistleblower Edward Snowden, the secret global surveillance apparatus

of the US government set itself the goal: “Sniff It All, Collect It All, Know It All, Process It All, Exploit It All.”

The Snowden revelations resulted not in the prosecution of those engaged in illegal spying on the population. Instead, Snowden fled the country amid death threats from US military and intelligence officials and demands from the Obama administration that he plead guilty and turn himself in.

The massive expansion of domestic spying coincided with the integration of the internet technology monopolies into the US intelligence apparatus and was also reflected in increasing censorship of the WSWS.

The Democratic Party and its aligned judges and justices fully embraced the so-called “war on terror,” and when Obama was president, they embraced his rule by executive order. On what came to be called “terror Tuesdays,” Obama would review and sign death warrants for people around the world, who would then be assassinated by CIA drones, often together with their entire families. A total of 3,797 people were assassinated after being placed on Obama’s kill lists, including hundreds of entirely innocent people.

One incident during the Obama years stands out. Secretary of State Hillary Clinton met with her staff on November 23, 2010 as Wikileaks was in the process of publishing documents exposing US war crimes and intrigues around the world. Referring to Julian Assange, Clinton stated, “Can’t we just drone this guy?” According to reports, evidently everybody in the room laughed, and then an awkward silence fell over the room when people realized that Hilary Clinton was actually serious. She began reviewing concrete proposals.

On September 30, 2011, the Obama administration assassinated US citizen Anwar al-Awlaki in Yemen. At the request of the Obama administration, a lawsuit filed by al-Awlaki’s family was thrown out of US courts on the basis of Obama’s assertion of unreviewable “wartime” powers and other dictatorial and authoritarian precepts. At the time, on the WSWS we wrote that this decision “clears the way for the extrajudicial liquidation of opponents of the US government and, ultimately, for presidential dictatorship.” In fact, the al-Awlaki case was favorably cited by Justice Amy Coney Barrett in *Trump v. US*, as we point out in Paragraph 30 of the resolution.

On January 6, 2021, after openly threatening to do so for months, Trump staged a fascist insurrection in Washington D.C. A mob of thugs mobilized from white supremacist and neo-Nazi vigilante organizations around the country stormed the US Congress building armed with zip ties, intending to capture and murder senators and members of the House who were opposed to the coup. As sections of the military and police stood down, the insurrection managed to delay the official validation of Biden’s Electoral College majority. Nevertheless, after the coup failed, Biden’s central preoccupation upon taking office was rehabilitating the Republican insurrectionists, whose support his administration needed to carry out its reactionary domestic and foreign policy, including the planned war against Russia.

Looking back over this period, I titled this report, “The twilight of American democracy.” If the American Revolution and Civil War were the sunrise and high noon, the period following the liquidation of the USSR was the nightfall, the shadows gradually lengthening over and swallowing whatever remained of the institutional relics of these earlier periods. In that sense, *Trump v. US* is not a turning point but really the culmination of this protracted sunset.

**Political repression in the US: The Gaza protests and the criminalization of “disruption”**

Part of this slide towards authoritarian rule in the US is the accelerating criminalization of dissent, which has continued through both Democratic and Republican administrations.

There have been waves of domestic unrest in the US over the period since the liquidation of the USSR, with successive waves reaching higher levels of intensity and being met with more and more severe repression. There were the 1999 Seattle WTO protests, the 2003 protests against the Iraq war (the experience through which I personally joined as a college student), the 2011 Occupy Wall Street protests, the 2014 Ferguson protests, the 2017 protests against Trump's inauguration, the 2018 student protests, then the massive 2020 George Floyd protests. Each of these were major experiences, which generally tended to come up against more and more severe repression, as well as against the limitations of the pseudo-left and trade union milieu that sought to channel each wave of protests back behind the Democratic Party.

In December 1999, following the Seattle protests, the WSWS Editorial Board noted:

The protests and clashes between demonstrators and police outside the World Trade Organization meeting in Seattle are a harbinger of things to come. These events reveal the explosiveness of the social tensions building up within world capitalism, and especially within America.

By the time of the wave of protests in 2020, in particular, the extreme hostility of the US political establishment to the basic democratic rights to freedom of speech and assembly was fully on display. "You have to dominate, if you don't dominate, you're wasting your time," Trump said on a call with governors over the summer of 2020. "They're going to run over you. You're going to look like a bunch of jerks." Trump himself fled to a bunker during the protests in Washington, and then took the unprecedented step of deploying thousands of National Guard troops to disperse protesters. "I am your president of law and order," he shouted to the cameras.

The protests against the Gaza genocide that began in October have been distinguished both by the intensity of the protests as well as the intensity of the repression.

More than 3,100 people have been arrested or detained on campuses across the country thus far, according to a July 22 report in the *New York Times*. Encampments formed by students on college campuses in response to the crackdown at Columbia this Spring were subjected to military operations by hundreds of heavily armed police officers. Peacefully demonstrating students were shot with so-called "less-lethal" projectiles, beaten with batons, pepper sprayed and zip tied. One student I interviewed at UC Santa Cruz described how students linked arms, and police officers attempted to break the line by clubbing the female students in the breasts. At campuses throughout the country, the police pulled off the students' N95 masks and yanked off Muslim students' hijabs. When white-supremacist vigilantes joined forces with Zionists to physically attack students at UCLA, the police stood down.

A new policy at the University of Michigan imposed last semester makes it a violation of the university rules to "disrupt" the "normal celebrations, activities, and operations of the University." "Disruption" is defined as "obstructing lines of sight, making loud or amplified noises, projecting light or images, or otherwise creating substantive distractions." As the IYSSE students at the university pointed out, this vague policy amounts to a rule that can arbitrarily be applied to prohibit protests of any kind. All protests and especially strikes are necessarily "disruptive" from the standpoint of the administrators and employers.

In California, protesting students have similarly been subjected to

indiscriminate campus bans for "disruption," which effectively rendered students homeless, cut them off from access to food and medical care and prevented them from taking their exams. California, Michigan, and New York—which led the way in repressing Gaza protests—are areas governed by the Democratic Party. The repression of campus protests has been directed from the highest levels on down by the Biden-Harris administration, which has joined forces with actual antisemites like Elise Stefanik to slander the campus protests as supposedly "anti-Jewish."

Alongside the criminalization of protests, we have witnessed the escalating repression of strikes. I expect this to be addressed in subsequent reports by Jerry White and Tom Hall, but it suffices to point out as part of this process that in December 2022 Biden signed a law outlawing a rail strike, an authoritarian measure that effectively forced rail workers back onto the job at gunpoint.

The University of California strike this year was an important experience. Forty-eight thousand academic workers in the UC system voted to stage a political strike to oppose the extreme repression on campus, as well as to show support for the anti-genocide protests by broad sections of students. After the struggle was obstructed and isolated by the Biden-aligned UAW bureaucracy, the Democrat-controlled state authorities successfully obtained an illegitimate pseudo-legal injunction. But even with the university administration and the UAW bureaucracy cracking their whips over workers' heads incessantly, the struggle threatens to break out again as classes resume in the coming months.

While the Democrats have verbally opposed the extension of immunity to Trump personally by the Supreme Court, it is clear that the Biden-Harris administration and the Democratic Party have no principled objection to the use of dictatorial methods, so long as they are the ones imposing them.

### **The character of the Supreme Court: Corruption, class justice and insulation from democratic accountability**

For most of American history, the Supreme Court largely functioned as a bulwark of reaction. It upheld slavery in the Dred Scott case (1857), defended Jim Crow racial segregation in *Plessy v. Ferguson* (1896) and opposed the New Deal reforms of the 1930s. Under conditions of the Cold War and ideological conflict with the Soviet Union, the Supreme Court was briefly associated with a number of qualified and belated reforms, particularly while Earl Warren was chief justice from 1953 to 1969.

However, since the *Bush v. Gore* decision stealing the 2000 election, the Supreme Court has swung farther to the right than at any point since the Civil War, reflecting the evaporation of any significant constituency in the American ruling class for the maintenance of democratic norms.

This process accelerated with the appointment by Trump of three loyalists—Neil Gorsuch, Brett Kavanaugh and the Christian fundamentalist Amy Coney Barrett. This gave the pro-Trump wing a 6-3 advantage on the Supreme Court.

In 2022, the Supreme Court abolished the federal right to abortion for 175 million women in all states and US territories. This decision was handed down more than a century after the Russian Revolution secured the right to free abortion for women in the USSR. In *The Revolution Betrayed*, Trotsky wrote, "revolutionary power gave women the right to abortion, which in conditions of want and family distress ... is one of her most important civil, political and cultural rights."

While the USSR still existed, the Supreme Court granted women in the US the partial, conditional right to abortion in *Roe v. Wade* in 1973. The elimination of that right was only one element of sweeping attacks now underway against every social reform implemented in the last century,

including the Voting Rights Act and the reforms associated with Civil Rights struggles, together with the basic framework of federal regulation implemented following the stock market crash of 1929 and the Great Depression.

Five of the six justices in the majority were appointed by presidents who lost the popular vote, including the three appointed by Trump himself, together with Samuel Alito and John Roberts. Of the justices who voted in Trump's favor in *Trump v. US*, at least two justices, Samuel Alito and Clarence Thomas, are implicated in the coup themselves. In the case of Clarence Thomas, his own wife Virginia Thomas was an actual participant in Trump's plot, if Thomas did not participate personally.

The electoral process itself in the US, with which we have had a great deal of concrete experience this year, is thoroughly undemocratic, which is a point we make in Paragraph 31. Obtaining ballot access is next to impossible for parties outside the two political mafias that constitute the US political establishment. And even if one does somehow obtain ballot access, an NBC report we highlighted this year described how the Democratic Party is preparing an "all-out war" against third parties, mobilizing an "army of lawyers" to carry out a "state-by-state counterinsurgency plan." Meanwhile, Federal Election Commission (FEC) regulations make it possible for hundreds of millions of dollars to be spent by the super-rich, while burying organizations like the WSWS and SEP in mountains of technical restrictions.

At the same time as it wages an all-out war on democratic rights, the Supreme Court is embroiled in a historic corruption scandal. Investigative reports published by *ProPublica* last year showed that Clarence Thomas was the recipient of millions of dollars in unreported gifts from billionaire Harlan Crow, a far-right Republican Party donor who is also famous for being a devoted collector of Nazi memorabilia.

While Thomas is by far the most flagrant offender, Samuel Alito was gifted a luxury fishing trip to Alaska by hedge fund founder and billionaire Paul Singer. The chief executive of the Greenberg Traurig law firm, while the firm was arguing a case in front of the court, purchased real estate in Colorado from Justice Neil Gorsuch for \$1.8 million. Jane Roberts, the wife of Chief Justice John Roberts, received \$10.3 million in supposed commissions from elite law firms while those same law firms were arguing cases in front of the court.

When thinking of the shifting character of the judiciary throughout the country as part of this slide towards authoritarianism, one example that comes to mind is the trial of the white supremacist vigilante Kyle Rittenhouse in 2021. Rittenhouse shot three people, killing two, at a protest against police brutality in Kenosha, Wisconsin, in 2020. At his trial for murder, the judge wore an American flag tie, his phone rang during the proceedings with a Trump ringtone, he shouted at the prosecutors when they tried to cross-examine Rittenhouse, and he led the jury in a round of applause for Rittenhouse's expert witness. The judge also prohibited the use of the word "victim" to describe the people Rittenhouse shot, instead allowing protesters to be called "arsonists," "looters" and "rioters."

On the Supreme Court, characters like Alito and Thomas conduct themselves in an outrageous and provocative manner. But this is not just a question of their individual personalities: to greater and lesser degrees, they have their imitators on benches on state and federal courts around the country, on trial courts as well as on courts of appeal. The Supreme Court is just nine individuals, but they preside over a whole system.

The US has 5 percent of the world's population while having 20 percent of the world's prisoners. More than 2 million people are incarcerated, many held in prison camps the size of small cities, which are notoriously filthy, violent, corrupt and overcrowded.

People with the funds to hire attorneys at elite law firms that charge \$1,000 per hour can bury their opponents in paperwork and drag out proceedings for years, never facing accountability, as Trump has been

especially successful at doing. For the working class, innocent as well as guilty, their rights are trampled by the so-called "justice system" on a daily basis.

The murder of George Floyd by Minneapolis police in 2020 prompted mass protests, but the relentless daily killings by police continue. The year 2023 was the deadliest year for police violence on record. Even so, the figure of 1,300 deaths is surely an undercount because it excludes asphyxiations that are routinely attributed to other causes. In court, killer cops are afforded "qualified immunity," a small-scale variant of the presidential immunity extended to Trump, on a regular basis.

In addition to *Trump v. US*, one other key decision of the Supreme Court this term was to make homelessness illegal.

### "The 'Dred Scott' of our time"

Finally, I want to take up the assessment by Princeton historian Sean Wilentz that *Trump v. US* is the "Dred Scott of our time."

The decision, Wilentz recently wrote, "has radically changed the very structure of American government, paving the way for MAGA authoritarianism just as the Taney Court tried to pave the way for enshrining the Slave Power. All of which makes *Trump v. United States* the *Dred Scott* of our time."

Wilentz was a signatory of a letter addressed to the *New York Times* in 2019 that was also signed by four historians interviewed by the WSWS critical of the 1619 Project. Wilentz published his own separate critique of the 1619 Project in the *New York Review of Books*.

The Dred Scott case was—up until, perhaps, *Trump v. US*—the most infamous decision of the Supreme Court, which played a major role in the crisis that led to the Civil War.

Dred Scott, a slave, had sued for his freedom on the grounds that he had lived in areas where slavery was illegal. When his case arrived in the Supreme Court, out of all the possible grounds for deciding the case, the Supreme Court chose the most reactionary grounds imaginable. They did not limit their case to Scott alone. They declared that Scott could never be a citizen because of his African ancestry—and, moreover, that nobody of African ancestry could ever be a citizen. They declared that he was an article of property with no constitutional rights, and additionally that Congress had no right to restrict slavery in the territories.

The Dred Scott decision inflamed popular hostility to slavery. But the decision was never overturned by the Supreme Court. It was "overruled" not by the Supreme Court but by the Civil War, that is, by a desperate and violent revolutionary struggle that mobilized masses of people, which culminated in the abolition of slavery and the emancipation of 3.5 million human beings.

So for a prominent US historian to say that *Trump v. US* is the "Dred Scott of our time" is necessarily an acknowledgement that the US is careening towards the eruption of mass struggle, and that the decision of the Supreme Court announcing a presidential dictatorship cannot be "overruled" by further appeals in the courts but in revolutionary struggle.

The Dred Scott case was recognized at the time as an expression of the malign influence of the Slave Power (often written with a capital S and a capital P) over the American political establishment.

The Dred Scott decision expressed the overweening arrogance of the slaveowners, who used the wealth derived from slavery to dominate politics in Washington. Reversing Dred Scott required a frontal assault on slavery itself, the foundation of all the wealth and influence of the slaveowners. Beating the slaveowners required attacking and dismantling the slave system that was the source of their power.

If Dred Scott expressed the power of the slaveowners as a social force,

then what social force does *Trump v. United States* express? It expresses the overweening arrogance of the capitalist oligarchs. Dred Scott reflected a nation afflicted with slavery; *Trump v. US* reflects a world afflicted by capitalism, social inequality and war. Reversing *Trump v. US* requires a frontal assault on the dictatorship of the oligarchs over the world economy. Beating the capitalists requires attacking the system that is the source of their power: the profit system.

The United States, in particular, is one of the most unequal societies in history. Billionaires like Bezos and Musk have personal wealth exceeding the wealth of entire nations, and they run their corporations like kings in their quests to become trillionaires.

You can't have democracy in the political arena when the economic arena is essentially a dictatorship. And that's what the world economy is, a dictatorship of the oligarchs. When you are hired or fired from your job, you do not get to vote, it is the employer's unilateral prerogative. This is a contradiction that can't remain stable indefinitely. It can maybe last a day, week, month, a year—but eventually the social reality that one person has tens of billions of dollars and the other person has nothing will overwhelm a legal framework where these two people, in theory, have the same rights and political power.

Does anyone believe that in this so-called democracy, a Tesla factory worker has the same rights and political power that Musk has? No, obviously. If Musk wants to fire the worker, under capitalism he has a legal right to do so unilaterally, over the opposition of any workers or all workers.

Turning to the question of the relationship of imperialist war and democratic rights, this is simple to demonstrate. Imperialist war requires the diversion of society's resources away from social needs to fuel the war machine. And it requires blood and limbs and lives. The extraction of these things from the working class is inevitably unpopular because the working class doesn't benefit from imperialist war. The working class is required to make sacrifices and gets nothing in return. This means that the opposition of the working class to imperialist war must be overcome with force and repression. That's why imperialist war and attacks on democratic rights always go hand in hand.

Paragraph 19 in the resolution states: "the fundamental objective causes of the turn of the ruling class toward fascism and dictatorship are: 1) The escalating global imperialist war; and 2) The extreme growth of social inequality." Thus, mobilizing the working class on the basis of its independent interests, which are opposed to social inequality and war, is the only rational strategy for defending democratic rights and opposing dictatorship and world war.

For that reason, we say in Paragraph 34:

All talk about defending democracy and fighting fascism while ignoring the fundamental question of class and economic power—and, therefore, recognizing the necessity for the mobilization of the working class on a global scale for the overthrow of capitalism—is cynical and politically impotent demagoguery.

We do not call ourselves revolutionaries in this resolution because any of us is a great lover of violence on a personal level. The revolutionary character of our program is derived from the character of the objective situation independently of the desires of any of us as individuals. Our program, rooted in a century and a half of political experience, is revolutionary because we recognize that objectively, human civilization is afflicted with a diseased social system that is being overwhelmed by its contradictions, which must either give way, on the one hand, to dictatorship and repression and carnage to exceed all previous wars and

dictatorships—or, on the other hand, it must give way to socialism and progress and social equality, and the rebirth on a higher and more advanced level of genuine democracy, beginning with democracy in the workplace. There is no going back to "normal"—those are the only two options.

But it is one thing for the Supreme Court to announce a presidential dictatorship *on paper*—it is another thing to actually impose such a dictatorship on the working class. The working class, in the US and internationally, *will* fight to oppose dictatorship. That's not an "if," it *will* attempt, as best it can, with all the tools and understanding that it has, to defend itself from the imposition of a dictatorship. The working class in the US, in particular, for all its many difficulties, has a deep democratic tradition, rooted in all of the events and experiences reviewed by Comrade Tom Mackaman. As the ruling class certainly knows, you can't impose a dictatorship and expect the working class not to fight back. The working class will also inevitably resist mass conscription into the army and the relentless diversion of vast resources from social needs to the war machine.

The struggle is inevitable; the outcome is not. In that struggle, as history has demonstrated again and again, the outcome is contingent on a subjective factor, on the role of the party that represents the leadership of the working class. As we say in Paragraph 9:

the transformation of this objective process into a conscious movement for socialism is not automatic. Building the revolutionary leadership, in the United States and internationally, is the decisive strategic question upon which the fate of mankind depends.

For all these reasons I support the adoption of the proposed resolution.



To contact the WSWWS and the Socialist Equality Party visit:

**[wsws.org/contact](https://wsws.org/contact)**