

US Supreme Court approves voter purge in Virginia

John Burton
30 October 2024

In a one-paragraph order posted Wednesday, the six-justice majority on the US Supreme Court, over the dissent of the three moderate justices, effectively overruled a lower court order that would have restored some 1,600 voters summarily stricken from the official voter rolls of the Commonwealth of Virginia under a Republican-backed program targeting supposed noncitizens.

The lower court order would have also compelled state officials to discontinue the program and to inform local officials that voting rights must be protected.

Only US citizens by birth or naturalization are entitled to cast ballots. Since losing the popular vote in 2016, Donald Trump has repeated wild, wholly fabricated accusations, echoed by his fascistic acolytes, that massive numbers of aliens vote illegally in the United States for candidates of the Democratic Party. Documented incidents of aliens voting are virtually unknown, however, because such an act by a foreign national would constitute an easily proven election crime that could result in deportation, and individual ballots have only negligible impacts on election results.

Democratic candidate Kamala Harris leads Trump by more than 6 percent in Virginia, according to the 538 aggregated polling average, effectively assuring her the state's 13 electoral votes. Hence the Supreme Court's action will not directly impact the 2024 presidential election, which will be decided—by the counting of ballots or otherwise—in the handful of “swing states.”

The ruling nevertheless underscores that the Supreme Court super-majority—comprised of Chief Justice John Roberts, Justices Clarence Thomas and Samuel Alito, and Trump nominees Neil Gorsuch, Brett Kavanaugh and Amy Coney Barrett—function as partisan enforcers for the now openly fascistic Republican Party, and will be taking whatever steps it can to insure a second Trump presidency.

Last August 7, 90 days before the election, Virginia's Republican Governor Glenn Youngkin ordered the state Department of Motor Vehicles (DMV) to identify suspected non-citizens and forward their names to local election boards on a daily basis, so that their voter registrations could be canceled, giving the victims only 14 days to verify citizenship. In some cases the voters did not even receive notice that any action had been taken.

The US Department of Justice and various civil rights organizations sued as plaintiffs to enjoin Youngkin's executive order and the Virginia officials who were implementing it. They argued that it violated the “quiet period” established under the 1993 National Voter Registration Act, which generally prohibits such systemic expunging of voter rolls during the three months before an election.

In many cases, the supposed “match” between DMV records and voting records was as little as a shared name. While the plaintiffs demonstrated that several eligible voters were removed, the defendant Virginia officials never established that noncitizens were properly disqualified under the program.

Last Friday, United States District Judge Patricia Tolliver Giles, after reviewing the evidence and holding a hearing, issued the injunction against the voter purge program that had been requested by the plaintiffs. In her ruling she pointed to affidavits submitted by the plaintiffs that established how “eligible citizens, natural born and naturalized, have had their registrations canceled and were unaware that this was even so.”

Giles explained:

To be clear, the Commonwealth and the Board of Elections have the authority to investigate and remove noncitizens from the registration rolls, but when it is in the 90-day provision, it must be done

on an individualized basis.

The US Fourth Circuit Court of Appeals upheld the injunction over the weekend, rejecting the Virginia officials' request for a stay of the injunction. It wrote that the "claims of irreparable injury absent a stay are weak." It went on to say that "under the preliminary injunction," the officials "remain able to prevent noncitizens from voting by canceling registrations on an individualized basis or prosecuting any noncitizen who votes—options the district court specifically flagged at the hearing and in its written order."

Wednesday's Supreme Court action is a shot across the bow of the Biden administration's Department of Justice and the lower courts that any interference with Republican-sponsored voter suppression will not be tolerated. The ruling is also a signal to Donald Trump and his supporters that the high court justices will back them when the opportunity presents itself.

Finally, the action illustrates the Supreme Court majority's ongoing power grab, subordinating the other two branches of government as well as the rest of the judiciary. The issue in this case was the scope of a federal statute duly enacted by Congress in 1993 to provide uniform standards for voter registration across the various states. The executive branch, through the US Department of Justice, convinced four lower court judges that Virginia officials were violating the statute's provision that "any program the purpose of which is to systematically remove the names of ineligible voters" must be "complete" by "not later than 90 days prior to the date of a primary or general election for Federal office." Their reasoning and supporting evidence were set forth in detail.

Neither the Supreme Court majority nor the dissenting justices explained their Wednesday votes, which is not unusual on the High Court's "shadow docket," where important decisions are made with increasing frequency and without any meaningful explanation or review.



To contact the WSWS and the
Socialist Equality Party visit:

wsws.org/contact