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OPINION



A Hard Lesson in Democracy

Turning the court into a weapon against social gains

BY BEN JEALOUS

Republicans in the U.S. Senate just gave us some clarity about where their party wants to take this country. It's not pretty, and it's not popular, which is why they've put so much effort into taking over the federal courts.



Republican senators refused for the last year of Barack Obama's presidency to consider his nomination to fill a Supreme Court vacancy. This year, just a week before the election, they rushed an unpopular president's third Supreme Court nominee through a bogus confirmation process. They put her on the court just in time to create a solid right-wing majority to deal with cases that come up around the elec-

tion.

To be honest, things were bad enough at the Supreme Court before Amy Coney Barrett's confirmation. The other Republican justices have already been interfering with state efforts to make it easier for people to vote during the pandemic.

Sadly, that's not surprising. Three of the current justices, including Barrett, were part of the Republican legal team that stopped vote counting in Florida in 2000 to give the election to George W. Bush.

The court's ultra conservatives gutted the Voting Rights Act in 2013, making it easier for states to make it harder for people—especially Black people—to vote.

Senate Majority Leader Mitch McConnell hasn't found time to provide relief to hurting families because his top priority has been packing the courts with Trump's judges—no matter how extreme or unqualified.

Why is this such a high priority? Because the right-wing legal movement has spent decades building their power on the courts to impose an agenda that the American people would never allow their elected

representatives to support.

Trump wanted Barrett on the court to vote against a case being heard a week after the election to dismantle Obamacare and throw millions of people off health insurance. They are out to gut nondiscrimination laws and make abortion a crime.

And that is just the start. They want to use the courts to shred the social safety net that millions of families rely on.

How could they do that? A rich and powerful right-wing legal movement has spent years creating the groundwork to reverse much of the social justice gains of the 20th Century.

They use terms like "originalism" and "textualism" to put an intellectual face on a reactionary political project. They want to declare much of what the federal government does—including programs like Social Security and Medicare—unconstitutional. That would take us back to an interpretation of the Constitution that elevates "states' rights" and weakens the federal government's ability to regulate corporate wrongdoing and protect the safety

and health of workers and communities.

We are getting a hard lesson in the ways that elections matter.

Trump taking the White House in 2016 and Republicans strengthening their Senate majority in 2018 made it possible for Trump and McConnell to turn the federal courts and the Supreme Court into a weapon that will be turned against our families and our communities.

As I write this, we don't know how the 2020 elections are going to turn out. I'm doing everything I can to help voters send Trump and Republican senators packing. But even if we're successful, we have a longer and broader struggle ahead to deal with our corrupted courts and build toward the day when we can once again count on the courts to defend our rights.

Let us never fail to pay attention or forget to stay active in every election.

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