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Important Matters on Eve of U.S. Elections

People Stand at the Ready for Election Results

- Voice of Revolution -



August 26, 2020. Portland Wall of Moms protects protesters from state violence. (N. Howard)

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June 19, 2020. International Longshore and Warehouse Union holds Juneteenth walkout and march in Oakland and other ports.

November 3 is Election Day and people are standing at the ready for the results. One main result expected is that neither presidential candidate will be declared the winner on election night due to the large number of mail-in ballots as a result of the pandemic. As of the morning of November 2, more than 95 million people have already voted including tens of millions by mail-in ballot. Some states are unable to start counting them until election day.

At least six of these states could go either way -- Arizona, Florida, Michigan, North Carolina, Pennsylvania and Wisconsin. In Arizona, Florida and North Carolina votes can be counted before election day. In Michigan, Pennsylvania and Wisconsin they cannot. As well, for many states, mail-in ballots can be accepted for several days after the election. The six states that could go either way account for a total of 101 electoral college votes, with 270 necessary to secure election. If the results are close then it will not be possible to announce a winner, whether Trump or Biden.

Trump said on October 26 that the presidential contest "must have final total on November 3." He has also continued reiterating his claim that given the number of mail-in ballots, the election will be a fraud that he will not accept unless he is the winner. He has threatened use of federal forces and the military if there is resistance to him disputing the results and claiming he will not leave office. On November 1 he said his lawyers will challenge vote counts as soon as polls close November 3, indicating he may try a legal route first.

The general anger with the whole election process this year is such that people are anticipating a disputed election and they are standing ready to go into action. The 70,000 member Rochester Labor Council passed a resolution October 8 calling for a general strike if Trump does not respect the outcome of the election. Rochester Labor Council President Dan Maloney helped lead a six-week strike at GM in 2019. He said the council hoped the resolution would spark a national conversation. The resolution said in part that the council "stands firmly in opposition to any effort to subvert, distort, misrepresent or disregard the final outcome of the 2020 Presidential elections." It also spoke to the "diminished" quality of existing institutions and demanded that the courts not be

used to determine the results.

AFL-CIO head Richard Trumka has said, "Democracies are not guaranteed by judges or lawyers. The survival of our democratic republic depends on us." Speaking about Pennsylvania, he said: "Millions of commonwealth voters, not nine court justices, will decide the 2020 election."

This is an indication that if disputed vote counts go as far as the Supreme Court, workers and their unions will not accept it.

The call for a general strike comes at a time when strike levels are high, with 1,160 strikes since March. The high number of strikes is partly due to the strength of the broad movement for equality and rights, anger with unsafe COVID-19 conditions and the strong stand among workers that they are upholding their social responsibilities and government has a duty to do the same.

While there are without doubt various views about the elections and the existing democracy, what is clear is that workers are organizing as a social force to play a role in the political life of the country. Their role is not just one of voting, producing and consuming but of having a leading role in deciding the direction of the country. That is the significance of the call for a general strike.

In addition, a coalition of many coalitions has been formed, called Protect the Results. It has already announced more than 470 actions planned, potentially as early as November 4. The Coalition states: "In the event that Donald Trump loses the election and refuses to concede or undermines the results, the Protect the Results partner network will activate their members and take coordinated action to protect our democracy." The organizations involved include unions like the Service Employees International Union and the Communications Workers of America that include many frontline workers, Black Lives Matter, as well as organizations of environmentalists, youth, immigrant rights and anti-war activists and many others. More than 160 coalitions and organizations are involved in major cities across the country, south and north.



Various other organizations are also preparing to be at the polls to defend the right to vote and also afterwards if there is a dispute. It is evident from the stand of many involved that the issue is not simply Trump, but rather that people must have a greater role to play in deciding the future. Many are already active in the struggle for justice and equality as well as for health care and housing given the COVID-19 pandemic. There is increasing debate as to what the phrase "our democracy" actually means. Many are rejecting the existing set-up that excludes candidates from third parties, produces candidates people do not like, makes it difficult for workers to run and be elected,

continues to suppress voters in many ways and, overall, keeps the people out of power.

Debates are also taking place about gaining control over policing and budgets and the necessity for a democracy created by the people and serving their interests. Actions demanding accountability after November 3 are geared to further raise this necessity in people's minds and fight for it.

Voice of Revolution is a publication of the U.S. Marxist-Leninist Organization.

(Photos: A. Markovich, Protect the Results, T. Eytan)



Threat to Use Military and Federal Forces Post Election



May 30, 2020. Military police deployed against people in Washington, DC protesting police violence and impunity in the wake of the killing of George Floyd.

Great concerns are being raised both among the rich and among the people, that there will not be a "peaceful transition" in this election. Open violence could erupt among the factions of the rich as they vie for the presidency. Racist, Hitlerite armed militias could be used by the state to foment violence against the people. President Trump has threatened use of the military against any, including elected officials and protesters, who refuse to accept him as president if he decides to declare victory. Biden, for his part, has said the military will escort Trump out of the White House if he loses and refuses to leave. The president is not sworn in until January 20, 2021, so the entire period from November 3 to January 20 is expected to see manoeuvres and violence of various kinds by governments at all levels.

The concern among the rulers is such that their Quincy Institute for Responsible Statescraft (QI), founded by billionaires Charles Koch and George Soros and said to bring together the "right" and the "left," held a webinar titled, "The U.S. Military's Role in a Contested Election." They asked, "What role, if any, might the United States military play if the results of the upcoming presidential election are contested?" "How does the military remain apolitical and not succumb to electoral politics? How might an election-related crisis affect the relationship between the American people and the U.S. military, which polls continue to say is the most trusted institution in America? And what are the military's constitutional responsibilities, should the president refuse to leave office in a contested election?"[1]

It is evident from these questions that one possibility raised is for the military, the "most trusted institution," to itself take command in the name of preserving the Union and the Constitution. If the actions of the president, such as refusing to leave, are considered unlawful, then the military would be seen as upholding the law.

The oath of office for all officers is to the Constitution, against enemies both foreign and domestic, and not to the president. At the same time, the oath for enlisted soldiers, who could be called into action, includes obeying the lawful orders of the president and their officers.[2]

There is also concern that the military, which has been used against rebellions by African Americans in the past, will lose whatever credibility it has if it intervenes. In Washington, DC on June 1, the military police were already used by Trump against protesters in Lafayette Square with 1,600 troops on standby. With demonstrations ongoing in many cities and hundreds more planned if Trump contests the election results, along with possible strikes, Trump may well call for use of the military. When he previously threatened such action, various generals and active-duty soldiers objected. Some among the National Guard deployed to the cities refused to attack protesters.

In such conditions the rulers are not able to predict how the military and various generals and admirals might divide or coalesce or act in a contested election. An Admiral who long commanded the Navy SEALs, for example, recently said in a *Wall Street Journal* op-ed that he voted for Biden. "[I]f we fail to choose the right leader, then we will pay the highest price for our neglect and shortsightedness," he said. Navy SEALs are well-known for their black ops outside the law. The role other policing agencies might play is another factor creating uncertainty. Both Immigration and Customs Enforcement (ICE) and Customs and Border Protection (CBP) have expressed their support for Trump and this is a factor. There is also the Secret Service to contend with.

There is no unified military in the U.S. and the competition within and between the Army, Navy, Marines, Air Force and the new Space Force is very great, as well as with the CIA and other intelligence agencies. Keeping them unified and under the control of the president as Commander-in-Chief is not only critical but a particular responsibility which falls on the President whose duty it is to preserve the Union.



A main point of discussion is that if the election is contested right through to Inauguration Day on January 20, what might happen? If Biden wins but Trump refuses to leave, who then is the Commander-in-Chief and how would the vying forces be brought together?

Whether or not these scenarios play out, the very posing of the questions reveals that the existing arrangements no longer function and the rulers are scrambling to occupy the space for change in a manner that perpetuates their rule. It shows the futility of appealing to institutions and a Constitution which cannot cope with the needs of the present. Most importantly, it shows the futility of keeping the people out of power.

Conditions of civil war have been sharpening throughout this period. These include the conflicts within and between the military and the president; those between state and federal governments concerning COVID-19, immigration, funding and policing; and those between local, state and federal policing and intelligence agencies, all armed to the teeth.

An election is supposed to resolve conflicts between factions by providing a method to declare a winner. It is supposed to block the use of violence between rivals who are supposed to abide by the rules, such as conceding to the winner. However, the levels of fraud, corruption, manipulation and

disruption have become so extreme as contending private interests strive to usurp the state power that rules no longer apply to guide all the different interests on how to act. Far from elections serving as a method to resolve the conflicts peacefully, anarchy and violence prevail.

Conditions are anything but peaceful given both the ongoing repression of protests and the interference in the election by members of the cabinet, generals and diplomats coupled with threats to use the military against the people and for control of the presidency.

Vigilance is required as people continue to stand up for their rights and reject the use of the military and police against them. From coast to coast, working people and youth are leading people from all walks of life to face any contingency. Bringing forward a democracy of the people that can resolve social and political problems without the use of force is the order of the day.

Notes

1. Speakers included: Andrew Bacevich, President of the Quincy Institute and retired Army colonel; Mark Hertling, a 37-year retired Army General who was Commander in Europe, Baghdad and Iraq and who served in the Obama administration; Amber Smith, also Army who served in Afghanistan and Iraq and was part of Trump's Defense Department. Kelley Beaucar Vlahos, a Senior Advisor at QI and co-host of the American Conservative's podcast, The Empire Has No Clothes, was moderator.

2. **Oath of Office for officers:** "I, [name], do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

Oath of Office for enlisted soldiers: "I, (state name of enlistee), do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; and that I will obey the orders of the President of the United States and the orders of the officers appointed over me, according to regulations and the Uniform Code of Military Justice. So help me God."

(Photos: R. Pineda, B. Anderson Photo)



Methods Considered to Avoid Post-Election Violence

Resorting to Congress and 25th Amendment of the Constitution in Hopes of a "Peaceful Transition"

One way the U.S. ruling class is hoping to secure a peaceful transition should the November 3 election of the president be contested is to use the 25th Amendment of the Constitution. The 25th Amendment was adopted in 1967 after the assassination of President John F. Kennedy. It has been used three times since then when a sitting president underwent surgery and was thus "unable to discharge the powers and duties of his office." In such a case, the president temporarily appoints the vice president, usually for just a few hours. However, the amendment also allows the cabinet, together with the vice president, to vote to remove a president.

Just three weeks before the election, Nancy Pelosi, Speaker of the House of Representatives, introduced a bill that serves to implement the portion of the amendment that says "Whenever the Vice President and a majority of either the principal officers of the executive departments or of such other body as Congress may by law provide..." The bill calls for the establishment of such a body. This body would serve to bypass the cabinet.

The bill provides for the creation of a permanent Congressional Commission that would determine if the 25th Amendment should be invoked. It would have 16 members, half chosen by Republican lawmakers and half by Democratic lawmakers, and a chairperson. Half of the commission members would be doctors and half would be high-ranking former executive office officials who would work in concert with the vice president. The commission would determine if the president was unable to discharge his duties for any reason, medical or otherwise. If they vote to remove the president, the vice president takes over as president.

Pelosi said the bill, introduced when President Trump came down with COVID-19, had nothing to do with his illness and would not be taken up until after the election. The timing thus indicates concern about what Trump might do if he loses the election. Pelosi is trying to put in place a mechanism for Congress to intervene so as to settle the issue without military intervention of some kind.

Many Republicans have distanced themselves from Trump's claims that he will remain in office if he loses the election. If, as predicted, the Democrats gain a majority in the Senate, the belief is that the bill could be passed.

The new Congress is seated on January 3. If the bill could be passed with sufficient votes it could sustain a veto and be put to use.

According to the speculations, Vice President Pence, a long-time politician, would then leave peacefully. This is the main move the establishment forces have come up with to prevent the use of the military and the outbreak of a violent civil war between warring factions of the ruling class.

What these calculations fail to take into account is that the contradictions within the ranks of the ruling class have a material basis. They will not go away because of a contrived manoeuvre.



Role of Congress and Electoral College

The U.S. Constitution was designed to provide for an electoral process that would ensure the rule by men of property and keep the largest faction -- known as the propertyless, as the founding fathers put it -- out of power. The Electoral College, used only for presidential elections, is part of this arrangement. It was established as a mechanism against "the mob" to ensure continued rule by property owners -- today the ruling oligarchs (seen in Article II and Amendment 12). The Electoral College was part of the compromise with the system of slave labour, as was the entire Constitution. The unfolding developments today increasingly show how the Constitution and its electoral process are a compromise that favours the oligarchs, against a democracy of, by and for the people.

While some modifications were made with the agreement to hold a popular election for the president, the basic system outlined in the Constitution remains intact. Currently there are 538 electors in the electoral college, divided among each state as well as the District of Columbia. Electors are allocated based on the number of representatives each state has in the U.S. House of Representatives, plus two more for the state's Senators. Each state selects electors to the Electoral College, with Democrats and Republicans each prepared with a slate of electors. DC, while not a state, is allocated three electors. Whichever candidate gets a plurality of votes in the state receives the votes of all the electors for that state (except for Maine and Nebraska which use a system of proportional representation). The electors in each state then meet after the election to certify the election results for their state. By law these results are to be completed and submitted to Congress by the first Monday after the second Wednesday in December which in 2020 falls on December 14.

The new Congress, seated January 3 and meeting in joint session, is then required to validate the results. This is usually just a formality as the result is by then already well established. However, should this year be different because the results of particular states remain in dispute, preventing either candidate from securing the 270 Electoral College votes required, then it is up to the House of Representatives to resolve the dispute. This is done through what is called a "contingent election." Each state delegation gets only one vote. Depending on how the November election goes, even if the new House is comprised of a Democratic majority, such a vote could still favour the Republicans. This is because each state delegation can be majority Republican or Democratic.

As Speaker of the House, Nancy Pelosi has already informed members to be prepared for such a vote. Given the grave concerns about the potential for violence, both among the competing factions and against the people, including by the military, the certification of the vote by Congress could serve to lessen that likelihood. It would not necessarily occur along party lines, as what could be in play would be an effort to prevent civil war. Of course, if no compromise could be reached, such a vote could go like the elections themselves and serve to increase that possibility.

Some say that if Trump is defeated by a large enough plurality of votes and Biden secures the electoral votes required from states not contested, he will accept his defeat and not contest the result. This is why the Biden camp has paid so much attention to calling on people to vote. However, this assumes there is confidence among the people that their eligibility to vote will not be tampered with, which is not the case. Large swaths of Americans are not able to exercise their right to vote, including those who attempt to and who face closed polling places, or have been falsely removed from the rolls, or face intimidation, etc. So this too is a factor which increases the anxiety that the results of the election will not be peaceful.

It is also the case that Trump said November 1 that he will immediately send his lawyers in to demand recounts in the states likely to be contested, like Pennsylvania, Michigan, North Carolina, Wisconsin and others. This indicates that he will first attempt legal means and seek a Supreme Court ruling in his favour rather than immediately declare victory as he has threatened. However, doubts about the legitimacy of a Supreme Court ruling given the rapid confirmation of Trump appointee Amy Barrett are widespread. Already labour unions and officials have demanded no interference by the Supreme Court. And with or without a ruling, the House of Representatives still has to certify the vote. Thus even greater divisions and violence could occur.

Furthermore, since George W. Bush defeated Democratic incumbent Vice President Al Gore after a narrow and contested win that involved a Supreme Court decision to stop a recount in Florida, anarchy in the U.S. has been raised to authority. Violence has been used to settle conflicts both within the United States and abroad. A peaceful transition requires that there be politics and mechanisms to sort out differences between the factions, none of which exist. Even the factions within the ruling class are so fluid and have as many voices in them as there are people which comprise them that one cannot expect to see negotiations which achieve anything substantial. Only making the claims which the people of the United States are entitled to make will yield different results.

Whatever the outcome of this election, the only thing that is certain is that the crisis of legitimacy and credibility in which the U.S. democracy and institutions are mired will continue. Neither candidate will have the consent of the people.



For Your Information

Amendment XXV of U.S. Constitution

Section 1

In case of the removal of the President from office or of his death or resignation, the Vice President shall become President.

Section 2

Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress.

Section 3

Whenever the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Vice President as Acting President.

Section 4

Whenever the Vice President and a majority of either the principal officers of the executive departments or of such other body as Congress may by law provide, transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President.

Thereafter, when the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice President and a majority of either the principal officers of the executive department or of such other body as Congress may by law provide, transmit within four days to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office. Thereupon Congress shall decide the issue, assembling within forty-eight hours for that purpose if not in session. If the Congress, within twenty-one days after receipt of the latter written declaration, or, if Congress is not in session, within twenty-one days after Congress is required to assemble, determines by two-thirds vote of both Houses that the President is unable to discharge the powers and duties of his office, the Vice President shall continue to discharge the same as Acting President; otherwise, the President shall resume the powers and duties of his office.



Navy SEAL Says He Voted for Joe Biden

An example of the intervention into political affairs by active and former members of the armed forces was provided recently by Retired Adm. William McRaven, a former U.S. Navy SEAL commander who served as the head of U.S. Special Operations Command. He wrote an op-ed article in the *Wall Street Journal* on October 19 in which he said the U.S. was no longer a country that set an example of democracy. Describing himself as a "pro-life, pro-Second Amendment, small-government, strong-defense and a national-anthem-standing conservative" he said that while he aligned himself with those conservative ideals, "we need a president for all Americans, not just

half of America." Indicating it may be necessary to intervene in the elections, he said, "if we fail to choose the right leader, then we will pay the highest price for our neglect and shortsightedness."

"I also believe that black lives matter, that the Dreamers deserve a path to citizenship, that diversity and inclusion are essential to our national success, that education is the great equalizer, that climate change is real and that the First Amendment is the cornerstone of our democracy," McRaven added.

Stressing the importance of international alliances, McRaven stressed that U.S. influence had been on the decline.

"Now, the world no longer looks up to America," McRaven wrote. "They have been witness to our dismissiveness, our lack of respect and our transactional approach to global issues. They have seen us tear up our treaties, leave our allies on the battlefield and cozy up to despots and dictators."

"They have seen our incompetence in handling the pandemic and the wildfires," McRaven added. "They have seen us struggle with social injustice. They no longer think we can lead, because they have seen an ineptness and a disdain for civility that is beyond anything in their memory," he said.

Writing for *Business Insider*, David Choi and Ryan Pickrell point out:

"McRaven has been a vocal critic of the president. He has given interviews and written numerous opinion articles expressing great frustration with the policies and practices of Trump and his administration, everything from the president's hostile responses to critics to his targeting of long-standing U.S. institutions.

"In 2017, he characterized Trump's repeated criticisms of the media as 'the greatest threat to democracy' in his lifetime. The following year, he said Trump had 'embarrassed us in the eyes of our children, humiliated us on the world stage, and, worst of all, divided us as a nation.' In 2019, he wrote an article that said 'our republic is under attack from the president,' arguing that Trump was harming the 'nation's principles.'

"This year, McRaven sharply criticized the forceful clearing of Lafayette Park in Washington, DC, by law enforcement for a presidential photo op at a church, saying there was 'nothing morally right' about what happened. He also called out Trump for his repeated attacks on the U.S. Postal Service [USPS], arguing that Trump was undermining not only USPS but every major U.S. institution.

"The retired Navy SEAL held numerous leadership positions within the special-operations community during his nearly four decades in the service, including overseeing the successful military raid that killed the al Qaeda leader Osama bin Laden in 2011. Trump previously criticized McRaven, saying it would have been nice if the U.S. found bin Laden sooner."



Discussion

Illusions that U.S. Constitution Can Resolve Today's Problems

- Kathleen Chandler -

As people anticipate a post-election crisis with a disputed U.S. presidential election, many are hoping the U.S. Constitution can be relied on to resolve the problems. This includes many military people and elected officials. If Trump loses but refuses to leave, the military could act to remove him saying his actions are unconstitutional and they have a duty to uphold the Constitution. Various legal scholars and experts have already joined the debate. For their part the American people are

standing ready against military intervention, which would, besides anything else, more than likely be used against them.

What is becoming increasingly apparent is that existing arrangements of governance based on the Constitution are solving no problem whatsoever -- whether for individuals, collectives or society in general. A new direction and new arrangements are needed. Already the demands of the people's resistance movement show the people are taking this up as a matter of profound concern. Demands for police out of the communities, for defunding and disarming police and against their replacement with private contractors are amongst the many which show the concern for new arrangements.



For some time the view has been promoted that if only the Constitution were upheld by the President, and if only Congress would exercise its powers, such as the power to declare war, problems could be resolved. For example, Trump's former Secretary of Defense, Retired General James Mattis, spoke about Trump's order to brutally suppress demonstrators in DC using military police and the National Guard, FBI, Immigration and Customs Enforcement (ICE), Secret Service and others. He said, "We know that we are better than the abuse of executive authority that we witnessed in Lafayette Square. We must reject and hold accountable those in office who would make a mockery of our Constitution. Only by adopting a new path -- which means, in truth, returning to the original path of our founding ideals -- will we again be a country admired and respected at home and abroad."

Like others among the military and elected officials, Mattis is attempting to position himself on the side of the people while also making sure the call is not for a new path but to stick to the very old path of the Constitution -- itself a compromise between the slave power and the power of wage slavery -- and the founding fathers.

Appeals to the Constitution which, from the start, enshrines the inequalities inherent in the existing society and perpetuates them, rather than resolving them, are futile indeed.



How else to explain that the Constitution, with its Bill of Rights, 13th, 14th and 15th amendments addressing the system of slave labour and "equality before the law," requires yet more laws like the *Civil Rights Act* and the *Voting Rights Act*, and repeated federal intervention in the name of "reforming" police departments, and "protecting" the right to vote? All of this points not to the vibrancy of the Constitution but to the fact that it is anachronistic and fails to provide for equality or accountability or even to block the president's impunity in the use of police powers.

Mattis is also clearly ignoring the president's oath of office, written in the Constitution, that gives

him these police powers. Executing the Office of the President is done through the police powers of the president and is a main reason why the Constitution has not and cannot block these actions or hold the president accountable for crimes, even with impeachment proceedings. The oath of Office says: "I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my ability, preserve, protect and defend the Constitution of the United States."

While one of the fundamental aims of the Constitution was to avoid tyranny, today the people and their stands for justice, equality and accountability are being more and more criminalized. This has been evident across the country, in city after city after city, as police departments violently attack demonstrators, using chemical weapons including tear gas and are organized as an armed force to control and repress the people, targeted as the enemy. Remarks by Secretary of Defense Mark Esper reinforced this when he publicly called on the National Guard to "dominate the battlespace."

Calls accusing opponents of sedition have also become increasingly common.

The problem today is presented as one of individuals such as Trump who do not abide by the constitution or as a problem of racist cops or militia and vigilantes. This serves to divert attention from the fact that it is the state machinery -- from the military and numerous federal forces like ICE, to militarized and racist police departments, to the entire penal and prison system -- that operates not to protect and serve the people but to keep the rich in power and the people out. It is a state machinery protected and perpetuated by the Constitution which was designed to protect the rich and their private property, not the rights of the people by virtue of being human and equal members of the polity.

The massive and repeated bailouts of the monopolies and finance capitalists by government while the rights of the people are trampled underfoot shows this as well. From the start the Constitution enshrines the enslavement of Africans, genocide against Native peoples, and the exclusion of women and all but white men of property (those founding fathers) from any say in governance.

The Measure of a Constitution Is How it Sorts Out Individual, Collective and General Interests

The Constitution mirrors the social relations of society itself and structures the government to preserve and perpetuate those relations, including the many inequalities evident in society. It serves to keep the people out of power -- when the solution today lies in creating new forms and content which empower the people to govern and decide. It is society, with its ensemble of human relations, that is the basis for the state, not the other way around. The Constitution does not define democracy and the state machinery it puts in place does not define it either. On the contrary, the society and its relations do. Changing those relations of power is integral to winning change that favours the people.

In the present historical situation, the conflict between the productive forces and the social relations of production underlies the deepening economic and political crises, instability and disequilibrium. The productive forces, including the modern working class, exceed by far the bonds of the capitalist social relations of production, with private ownership but modern socialized production.

As we are witnessing, the private owners of capital impose their claims on society by virtue of holding the right to the monopoly of force of the state machinery. By claiming legitimacy and the authority to control the right to use the monopoly of force and coercion, the owners of capital restrict and limit the claims of the working class and people. But given that the people in their conditions of life are seeing how completely restricted they are in terms of satisfying their needs, this legitimacy and authority are being questioned. That questioning goes far beyond the crimes of Trump and his illegitimacy, to the broader issue of who today is fit to govern?

Discussions on just what safety and security mean, in our communities, schools, cities and country seek to provide answers. The fight is not limited to policing and whether there should be more or less of it but rather is about who should control the use of force and all decisions impacting peoples lives. What steps can be taken to achieve such control is being sorted out. Efforts to divert these debates into reliance on the Constitution serve to deprive the people of power and ensure that imagining the future does not mean new arrangements of governance to enshrine a modern democracy of the people's own making.

The measure of a constitution rests in how it sorts out the conflicting interests in society -- individual, collective and general interests of society and humanity as a whole. These interests come from society itself, from the ensemble of human relations between humans and humans and humans and nature. It is a whole ensemble and a constitution plays a role in sorting out and systematizing the relations and the conflicting interests they give rise to. Interests have to do with rights, of individuals and collectives. Harmonizing them has to do with putting them on a par, having an equivalence, so it is not individual over collective or collective over individual, but they are understood in such a manner as to be on a par. Only if they are on par can an equilibrium be found.



It is clear that the U.S. Constitution has not and cannot sort out these interests in a manner that harmonizes them. On the contrary, it blocks such a path and enforces the divisions and inequality in society, contributing to institutionalizing them.

The people's resistance is setting a new direction for political affairs, one that does not rely on the old outdated Constitution and its legacy which empowers the descendants of the "white men of property," whoever they may be. The people's resistance places itself squarely on the side of the fight for what is New, for a democracy of the people's own making where "we, the people" decide. Modern institutions of government and a modern constitution can be developed as the people advance their struggle to put the decision-making power in their own hands.

(Photos: VOR, J. Shah, We Are Dissenters)



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