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DEMOCRACY DISREGARDED

How the Decay of Meaningful Elections Drives
Inequality and Injustice

By John Nichols

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A Low Point of American Democracy

The United States of America is a beacon of opportunity, freedom, and democracy, values long enshrined in the hallowed document of the U.S. Constitution. Or so the story goes. The truth, on the other hand, is a good deal more complicated. As is often the case, the crucial qualifier is found in the question: Opportunity, freedom, and democracy *for whom?*

The Supreme Court's April 2014 ruling *McCutcheon v. Federal Election Commission*, which eliminated existing campaign-finance regulations, provides a clear answer: The United States are turning from a representative into a corporate democracy. This most recent ruling is only the peak of a long-term trend. On the heels of the *Bush v. Gore* ruling that "the individual citizen has no federal constitutional right to vote;" on the heels of *Citizens United*, which made it much easier for corporations to buy elections; on the heels of dozens of recent attempts, big and small, to chip away at and undermine the Voting Rights Act of 1965, key achievement of the Civil Rights Movement for racial equality: we may sadly surmise that U.S. democracy—and by extension the American Dream—is in a state of dysfunction and decay.

We live in a land of plutocrats and dollarocracy, where billionaire activists like the Koch brothers and media moguls like Rupert Murdoch wield unprecedented influence over the electoral process. Their preference? An ugly political process that discourages popular engagement and even actively disenfranchises those who might vote for meaningful change. Opportunity, freedom, and democracy for the rich; diminishing returns for the rest of us. It would be one thing if these attacks on democracy came only from our familiar foes on the right, but, as socialist Vermont Senator Bernie Sanders has said: "While, obviously, the Democratic Party is far preferable to the right-wing extremist Republican Party, one would be very naïve not to know that the Democratic Party is also heavily influenced by corporate interests and big-money interests."

What is to be done? A host of left-wing movements—think fast-food strikes, immigrant rights marches, "Moral Mondays," the campaign for a \$15 minimum wage—are coming up with responses. For the most part this activism tends toward the non-electoral political realm. While of great value, at some juncture this energy must also engage and support a broad renewed effort to take back our democracy, to take back the vote.

In this essay, political journalist John Nichols traces the historical ebbs and flows of U.S. democracy and explains how we arrived at this current low point. Perhaps more importantly, he suggests how we might revitalize our electoral process. John Nichols is the Washington correspondent for *The Nation* and the author of a number of books, including "The S Word: A Short History of an American Tradition...Socialism" (Verso 2011). He is also the author of "To Begin the World Over Again," a study on the Wisconsin uprising of 2011 and 2012, published by the Rosa Luxemburg Stiftung—New York Office.

*Stefanie Ehmsen and Albert Scharenberg
Co-Directors of New York Office, March 2014*

Democracy Disregarded

How the Decay of Meaningful Elections Drives Inequality and Injustice

By John Nichols

We have frequently printed the word Democracy. Yet I cannot too often repeat, that it is a word the real gist of which still sleeps, quite unawakened... It is a great word, whose history, I suppose, remains unwritten, because that history has yet to be enacted.

Walt Whitman, Democratic Vistas

Eight decades after the end of the American Civil War, 80 years after the 13th Amendment to the U.S. Constitution abolished slavery, 78 years after the 14th Amendment guaranteed equal protection under the law, 76 years after the 15th Amendment promised that “the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude,” Medgar Evers surveyed the history of the American experiment and determined that he could and should be allowed to cast a ballot in the 1946 Democratic primary of his native Mississippi.

Evers’ conclusion, by every moral measure, and by the standards that Americans believed even then should be applied to other countries, was sound.

But it was not shared by the white citizens of Decatur, Mississippi. Evers, a combat veteran of World War II honorably discharged from the U.S. Army, was not white. And when he organized fellow African American veterans to march with him to the Newton County Courthouse on the morning of June 2, 1946, the proud veterans of the American fight against fascism were met by heavily armed white citizens who made it clear that the victory secured

by Evers and his comrades in Europe had not changed hearts, minds, or circumstances on the ground in the Mississippi.

Democracy, denied and permitted and denied again over the preceding century, was not on that day allowed in the Apartheid South of the United States of America.

This denial and diminishment of the franchise, the most basic avenue of engagement for a citizen; this refusal of even the opportunity to participate as an American in the formation of a more perfect union, was not an occurrence unique to 1946 or to the segregated state of Mississippi. From the founding of the American experiment, the United States has struggled with the question of how much democracy to permit. To be sure, there have been periods of progress, during which respect has been high for the franchise and the potential of self-governance that extends from it. But this regard for the popular will has not been constant. And today democracy is decaying in America. The dark circumstance of the moment is made all the more serious by the fact that the United States never achieved a state of popular involvement and engagement that was sufficiently robust to realize the full promise of representative democracy—let alone the broader prospect of

participatory democracy. Indeed, by comparison with much of the rest of the world, and particularly with the countries against which the United States tends to measure itself, American democracy is dramatically under-developed and increasingly dysfunctional.

Indeed, as we were reminded as recently as December 2000, in the extraordinary *Bush v Gore* ruling: “the individual citizen has no federal constitutional right to vote for electors for the President of the United States.” That’s right, it is now juridical ruling that Americans do not have a defined right to vote. They have, at most, an assumed right that is, sometimes, protected by Voting Rights Act provisions and the interventions of the Civil Rights Division of the U.S. Department of Justice. But that assumed right is constantly reframed for political purposes.

State of Democratic Dysfunction

This state of democratic dysfunction has broad economic, environmental, and social consequence for the United States in the 21st century. The purpose of this study is to examine current debates over voter suppression, voter disenfranchisement, voter turnout, and democracy itself in this broader context. The question posed here is whether Americans will respond now, as they have in the past, with a determination to address not just threats to democracy but the potential of democracy to address inequality, injustice, and inaction so that, as Langston Hughes proposed, equality may again “be in the air we breathe.” This is about much more than the narrow, if still vital, technical discussions of ballot design or polling-place locations. It goes to the heart-and-soul concern of whether the people shall rule; a concern rooted in the understanding

While this may read as a narrow statement from an activist court, it speaks to the broader reality highlighted during the deliberations that preceded the December 2000 intervention by a majority of the justices to block the recounting of Florida votes that might have prevented George W. Bush from becoming the 43rd president of the United States. Chief Justice William Rehnquist and Associate Justice Antonin Scalia made it abundantly clear in their grilling of lawyers for Democratic presidential nominee Al Gore that they did not see—or even begin to imagine—a constitutional right of suffrage. As American University law professor Jamin B. Raskin explained it: “In the eyes of the court, democracy is rooted not in the right of the American people to vote and govern but in a set of state-based institutional arrangements for selecting leaders.”

that Benjamin Franklin outlined more than two centuries ago when he said: “They who have no voice nor vote in the electing of representatives, do not enjoy liberty, but are absolutely enslaved to those who have votes.”

Franklin, who with Thomas Paine was among the too-small circle of founders who objected to human bondage, was prescient in his assessment. The American experiment has been warped from its beginning by bloody battles between, in the words of historian Eric Foner, perceptions of “voting as a right and voting as something that only the right people should do.” There have always been forces in America that prefer to establish the outlines of democracy without the reality, that seek, as Foner puts it, to “purify the electorate” so that a privileged faction might rule in their own interest. Against

those forces have been arrayed the small “d” democrats who declare: “The people shall rule.”

It was an understanding of the full and true meaning of Franklin’s observation regarding the degraded condition of those denied the franchise, and of his own circumstance, which inspired Medgar Evers to militant activism on behalf of not just voting rights but the fuller possibility of democracy. This commitment would ultimately cost him his life, as he was assassinated by white segregationists outside his Mississippi home, 17 years after his attempted vote on that June morning in 1946. In short order there would come a March on Washington for Jobs and Freedom, a Voting Rights Act, a constitutional amendment to ban the poll tax on voting, and another to extend the franchise to 18, 19, and 20 year olds so that those eligible to be drafted to serve their country might also have some say regarding questions of war and peace. For a time, the arc of history seemed to be responding to the sacrifices of Evers and those who marched, suffered, and died with him.

Yet, as the 20th century gave way to the 21st, there would come a Supreme Court intervention to prevent the full recount of the Florida votes that should have decided a presidential race; restrictive voter identification laws; the return of the word “suppression” to the electoral lexicon; gerrymandering of congressional districts as never before seen; proposals to rearrange the U.S. Electoral College so that the winner of the popular vote might regularly lose the presidency; the trivialization and abandonment of the essential role of a free press in informing the electorate; and the dismantling of campaign finance reforms coupled with a full-fledged reassertion that “money power” should make elections the playthings of the wealthy.

So it was that on January 21, 2013, when Medgar Evers’ widow Myrlie delivered the invocation at the second inauguration of the nation’s

first African American president, she recalled not just “a history of disenfranchised votes” but a contemporary path “blanketed by thorns of oppression and rippled by pains of despair.” She spoke of an as yet unrealized “promise of America.”

Myrlie Evers-Williams made a precise connection that day.

A history of disenfranchisement and ongoing oppression prevents America from realizing the promise that Abraham Lincoln outlined when he imagined “government of the people, by the people, for the people.” And this failure of democracy touches every issue of consequence. America cannot offer “liberty and justice for all” if our elections are little more than crude, desultory exercises in character assassination that offer voters limited choices and are defined not by a great civic engagement but by the machinations of the millionaires who have become definitional players in our politics. Only with a fully engaged and vibrant democracy, where debate is wide-ranging, voter turnout is high and governments are organized to reflect the will of the whole people—not just in the aftermath of a voting day but across the full period between one election and the next—can this country begin to address fundamental economic, environmental, and social challenges.

That is not the case today.

Indeed, America is drifting away from the democratic moorings that were established during the great struggles of the 20th century not just to extend voting rights but to limit the influence of the wealthy on the political process. Democracy is decaying in what legal scholar Garrett Epps suggests could be one of “the periods of contraction” that have afflicted America at critical stages in the nation’s history. If such a period has arrived, Epps suggests, “we should be aware that we are turning away from

the text of our own fundamental law, from the only just basis for self-government, and from the standards of human rights Americans have tried, sometimes by force of arms, to impose on the rest of the world.”

The experience of covering U.S. elections for 30 years as a newspaper and magazine reporter and radio and television commentator, along with the experience of 15 years of examining the health of the American experiment with Robert W. McChesney for a series of books on media and politics, has led me to conclude that Epps is correct in his concern but perhaps too cautious in his assessment of the extent to which the electoral and governing infrastructure of the United States has been weighted—formally and informally—against democracy.

There are many ways in which to assess democratic dysfunction. The most common of these is the most basic: voter participation. And it is appropriate to begin here because United Nations statistician and economist Howard Steven Friedman is right when he identifies voting as “the most obvious measure of citizen participation in the democratic process.”

The question of how many people vote in how many elections gets to the fundamental issue of legitimacy. Are the officials who govern America the choice of the whole American people? Or does their power extend from a constrained process that fosters frustration and disenchantment so immense that a great mass of Americans simply surrenders to an injustice that seems inevitable?

Voter Turnout: Off the Democratic Grid

The answer to these questions is an unsettling one that is too little discussed when considering the American circumstance. While our media spends a great deal of time measuring and commenting on the Gross Domestic Product, it does not even attempt to measure and comment on the Gross Democratic Product. Were it to do so, we would recognize immediately that the country is in crisis. Tens of millions of Americans have opted out of the political process, making the United States an outlier when it comes to electoral participation. This is the great story of the moment in American politics, and it is a story of immense consequence not just for our politics but for our economic debates, as a “representative democracy” that is not representative of the great mass of Americans is far more likely to respond to the demands of economic elites.

Groups that monitor voter turnout, such as the International Institute for Democracy and

Electoral Assistance, regularly rank the United States near the bottom on global turnout measures. It is not uncommon for turnout in the U.S. to be less than half that of countries with established electoral systems that actually promote high levels of participation. While Malta’s most recent parliamentary elections saw a 93 percent turnout, the 2010 congressional elections in the U.S. drew under 40 percent.

But Malta is a small country, as are other turnout leaders, such as Belgium.

What of more comparable nations? “Regardless of which metric of eligibility you use,” Friedman noted in a 2012 *Huffington Post Politics* piece, “the United States has one of the lowest voter turnouts of any of the comparator countries...”

What happens when we compare the United States with Germany, a large stable democracy to which the U.S. is frequently likened, and

with which the U.S. likes to compare itself? In Germany, as in the United States, there are complaints about electoral systems and structures, and about the overall quality of the democratic experience. Thoughtful Germans readily volunteer that their democracy is a work in progress, as do thoughtful Americans. But that distinction between the countries when it comes to voter turnout is stark. In the fall of 2013, Germany gave Chancellor Angela Merkel a new mandate after what much of the German media referred to as a dull election campaign. Throughout most of the campaign, there was a general sense that Merkel's Christian Democratic Union would get the most votes, and that it would be the dominant party in the next government.

Yet, while drama was in short supply, the September 22, 2013 election drew an estimated turnout of 72 percent. That's 14 percent more than the turnout of *eligible* voters in the 2012 U.S. presidential election, and almost 20 percent more than the turnout in 2012 among the overall voting age population of the United States. And remember that Germany was not electing a president. Germans were electing a new Bundestag, which roughly parallels the U.S. House of Representatives. If we compare the 2013 German turnout of 72 percent to the U.S. turnout in the congressional elections of 2010—which shifted control of the U.S. House and statehouses across the country to conservative Republican control—it's much worse. In 2010, the overall turnout among *eligible* voters for the highest office on the ballot in districts across the country was 41 percent. The overall turnout that year among all voting-age Americans was just 37 percent.

So Germany, after a "boring" election that drew a turnout on the low side of historic patterns, is almost doubling off-year election participation in the U.S. And Germany's turnout rates are far from the highest among established democracies around the world. In Norway, just weeks

earlier, the election turnout was 78 percent. In France, turnout in recent elections has topped 80 percent. In Belgium, turnout is usually at or above 90 percent.

When it comes to voter turnout, the United States is off the democratic grid. It is governed by officials who are often elected with the support of a small minority of possible voters. In many states, and often at the national level, the range of debate is defined by "leaders" who obtain their authority in off-year (non-presidential) elections where the vast majority of possible voters do not even cast ballots.

That may meet some definitions of democracy, but it falls far short of the standard for a genuinely representative politics and governance.

Why is the U.S. system stumbling so badly?

Turnout in the United States used to be quite high—coming close to 65 percent among eligible voters and the overall voting-age population in 1960. But the detailed studies of the United States Election Project reveal a marked and relatively steady decline since then. Worse yet, turnouts of eligible voters and of the voting-age population have since the early 1970s been on dramatically divergent tracks. In other words, fewer people are voting and more people are disenfranchised or discouraged from voting—in some cases deliberately, but often because the rules and structures employed by many states are, at best, archaic. Other countries have addressed barriers to voting. But the U.S., for the most part, has not. "Convenience impacts voter turnout. In the United States, in all but one state, voters must go through a separate registration process before voting, and the vast majority of states do not allow Election Day registration," notes Friedman.

This two-step process—register, then vote—is more complicated than the process in many other countries and discourages some Americans from

voting. In Austria, Canada, Germany, France and Belgium, voter lists are generated from larger population databases or by other government agencies, thus simplifying the voting process. For example, Germans who are eighteen or older on voting day automatically receive a notification card before any election in which they are eligible to vote. In Canada, the income tax returns are used for voter registration. In the United Kingdom, every residence receives a notice of those registered within the household, and additional voters can be registered by mail.

The United States makes it hard to vote. This is one important reason that the U.S. has slipped to No. 21 on *The Economist's* "Democracy Index," and it will be discussed later in this piece. But even if the United States were to make voting dramatically easier, it would not adequately address the deeper sources of frustration and disenchantment with our politics.

Plutocrats and Dollarocracy

There are many reasons that America does not meet the test Randolph established. Some are as old as a republic that at its inception extended the franchise to barely one in twenty Americans. Some are as new as the interventions of the billionaire Koch Brothers, and the right-wing infrastructure they have funded to undermine voting rights in the states. The constant is an economic calculus that recognizes that the wealth and power of elites is enhanced by narrowing rather than expanding the definition of democracy. American history, to this point at least, is not a story of steady evolution toward fully realized democracy. Rather, it is a story of advances and retreats. "Freedom is never granted; it is won. Justice is never given; it is exacted," explained Randolph. The great strategist of the electoral and economic democracy campaigns of the 20th century always reminded his allies that "the struggle must be

Any serious discussion of democracy in America must begin with an honest acknowledgment that the United States has established electoral and political structures—and practices—that frequently deny votes the meaning they must have for an election to be anything more than a theatrical exercise. Benjamin Franklin and Medgar Evers believed that voting could and should free the great mass of people from repression, and they did not limit the forms of repression that concerned them. Neither should we. As the great American labor leader and socialist A. Philip Randolph said when he initiated the "March of Washington" movement: "A community is democratic only when the humblest and weakest person can enjoy the highest civil, economic, and social rights that the biggest and most powerful possess."

continuous" because elites would continually regroup in order to claw back whatever gains had been extracted by marchers and movements.

Today, the politically and economically powerful secure their status by arguing that markets, rather than democracy, should define society. The neoliberal economic dogma, which preaches abundance for the few and austerity for the many, challenges democratic values and institutions at every turn. When at the close of the Cold War Francis Fukuyama argued that the world had reached an "end of history" moment, in which Western liberal democracy and free-market economics would define the future, my late friend Tony Benn, a senior member of the British Parliament, noted that the story finished in a most unsatisfactory manner: with massive inequality, grinding pov-

erty, environmental degradation, discrimination, and violence. In the years since Fukuyama imagined that end of history, the circumstance has grown steadily more unsettling—so much so that the author would return in 2010 with an essay that asked: “Is America a Plutocracy?” Fukuyama’s response to his rhetorical question was blunt: “if the question is taken to mean, ‘Do the wealthy have disproportionate political influence in the United States?’ then the answer is obviously ‘yes.’”

That “yes” speaks to a breakdown of democracy that has robbed the people of not just political power but also economic stability. “Scandalous as it may sound to the ears of Republicans schooled in Reaganomics, one critical measure of the health of a modern democracy is its ability to legitimately extract taxes from its own elites. The most dysfunctional societies in the developing world are those whose elites succeed either in legally exempting themselves from taxation, or in taking advantage of lax enforcement to evade them, thereby shifting the burden of public expenditure onto the rest of society,” Fukuyama wrote. Yet he also noted the insufficient response from an “opposition” that too rarely opposes: “The Democratic Party, which one would have expected to be the principal focus of such political advocacy, floundered. It managed to regain majorities in the House and Senate, and it did hold the presidency between 1993 and 2001 (and, of course, regained it in 2009), but its electoral successes have not turned on economic fairness issues. To an unexpected degree, Democrats drank the Kool-Aid of market fundamentalism during the 1990s and in so doing reflected larger intellectual trends.”

Vermont Senator Bernie Sanders, who has served in Congress for more than two decades as an independent socialist, confirmed this point in an interview we did late in 2013, almost five years into the presidency of Barack Obama.

I am not a Democrat because the Democratic Party today does not—and has not for many years—represented the interests of my constituency, which is primarily working families, middle-class people and low-income people. While, obviously, the Democratic Party is far preferable to the right-wing extremist Republican Party, one would be very naïve not to know that the Democratic Party is also heavily influenced by corporate interests and big-money interests.

Sanders is right about that. He is right, as well, when he says that: “If present trends continue, what politics will be about will be a handful of billionaires sitting around a room with a map in front of them, deciding how many hundreds of millions of dollars they want to put into this effort and that campaign.”

When someone like Sanders sits in the Senate, when someone like progressive Democrat Bill de Blasio is elected mayor of New York City, when an open socialist like Kshama Sawant is elected to the council of a major city such as Seattle, we may recognize that the “handful of billionaires” has not taken full charge of the experiment. But we should be cautious about letting exceptions to the rule offer us unrealistic comfort. In more ways than not, the observations of British sociologist Colin Crouch are correct: with the acceptance of neoliberal fabulism by both major parties in the United States, we have entered a “post-democracy” moment in which elections and indeed the whole of the political process is degenerating into “a tightly controlled spectacle, managed by rival teams of professionals expert in the techniques of persuasion, and considering a small range of issues selected by those teams.” Elections occur on schedule, governments change, but the handful of billionaires seem always to get their way: bailouts for Wall Street, no new taxes, free-trade policies that benefit investors but devastate communities, cuts to essential programs, and assaults on the labor unions and public institutions that defend and define the commons.

Structural changes have exacerbated this state of affairs. The ability of voters to define the political discourse has been so diminished that even decisive results like Obama's 2012 reelection—when the president secured a five million popular-vote victory and a 332-206 Electoral College landslide—have strikingly limited impact. Even when voters reject proposals for austerity cuts to Social Security, Medicare and Medicaid (and candidates like 2012 Republican vice presidential nominee Paul Ryan who propose such cuts), economic elites regroup and renew the threat before the last votes are counted.

Some of this comes down to simple economics. The Supreme Court's decision *McCutcheon v Federal Election Commission* in April 2014 removed the caps on aggregate contributions to political candidates and parties. But that decision was just the most recent in a series of rul-

ings over four decades that cleared the way for the wealthiest Americans—freed from century-old limitations—to effectively buy elections. Previously, the high court's ruling *Citizens United v Federal Election Commission* allowed corporations to spend freely to influence elections. Unhindered by downsized and diffused media that frequently rely on revenue from campaign ads, those who pay for the ads now have more power than at any time since the development of television to set the rules of political engagement. Monied interests so dominate politics that the squabbling of Democrats and Republicans, liberals and conservatives, is a sideshow to the great theater of plutocracy and plunder. This is not democracy. This is what Robert W. McChesney and I have described as "dollarocracy." Dollarocracy is the antithesis of democracy. In a democracy, votes are definitional. In a dollarocracy, money is definitional.

Money Power

But there is more to it than that. Battered by a flood of money, the structures of civil society have begun to crumble and the underpinnings of popular participation in decision-making to decay. This is tremendously beneficial to the "handful of billionaires," whose ability to define and dominate the political course—and to advance a neoliberal agenda of upward wealth redistribution—is made dramatically easier by the shrinking of the electorate and the diminishment of democratic structures. Some aspects of the phenomenon are easily identified. For instance, few would debate that money is now the *lingua franca* of our politics. The 2012 election cycle was the most expensive political moment in America history, with spending of roughly \$10.5 billion. A massive infusion of campaign cash defined the direction of high-stakes federal elections for the presidency, the

U.S. House and the U.S. Senate; it also shaped state and local contests, as well as judicial and referendum votes. While the sources of spending at all levels of government tend to be the same wealthy donors, corporations, and interest groups, their influence at the local and regional level is too-rarely noted by a Washington-obsessed media. When we recognize the reach of the "the money power," the full picture confirms that the *Citizens United* ruling has led to a rapid restructuring of U.S. politics—a process that will further accelerate due to the *McCutcheon* ruling.

It is only marginally less accepted that both parties defer to "the money power." It would be silly to suggest that the Democratic and Republican parties are the same; they're not. Indeed, on a range of major issues they are starkly

different. But it was equally silly for pundits to peddle the line after the 2012 election that President Obama's victory "proved" grassroots activism can still beat big money. That's a fantasy. In fact, Obama and his supporters raised and spent more than \$1.1 billion, while Mitt Romney and his supporters raised and spent more than \$1.2 billion. It is true that Obama's campaign collected more small individual contributions than Romney's. But Obama's campaign also collected more large contributions than did the Republican's. Romney's relatively slight money advantage resulted from the higher level of spending on his behalf by billionaire-funded Super PACs. The bottom line is what matters: In 2012, big money beat big money. Or, as the Center for Responsive Politics explains: "Every politician loves to talk about all the 'small' donations they've received, but the money that really pays for elections comes from big donors, not little ones."

The campaign contributors and Super-PAC donors who write the biggest checks define the process. And they get what they pay for. When House Budget Committee chair Paul Ryan, an austerity-minded Republican, and Senate Budget Committee chair Patty Murray, a relatively liberal Democrat, announced that they had cobbled together a "bipartisan budget deal" in late 2013, the agreement included no new taxes for the wealthy or multinational corporations and closed no tax loopholes. So how did it pay for modest deficit reduction? By refusing to extend jobless benefits for the long-term unemployed while forcing federal employees and military personnel to pay for more of their benefits. Any honest assessment would characterize the agreement as a win for the big donors, who were already doing quite well under the arrangements made by previous congresses. Maintaining a status quo that fails to address income inequality, wage stagnation, structural unemployment, and pressing environmental, education-

al, and community needs may look like "gridlock" for most small donors and the great mass of Americans, who voted for more activist governments in the 2008 and 2012 elections. But it looks pleasant indeed for the elites who are on the winning side of the income-inequality divide.

Sunlight Foundation senior fellow Lee Drutman noted in 2013 that "big corporate money is often quite eager to see gridlock. Just ask Big Oil if it would like an active Congress on climate issues. Or ask hedge fund donors if they'd like an active Congress on the taxation of carried interest." Even when the wheels of government do turn, the result rarely represents a radical break with failed approaches. Rather, leaders of both parties seek to "repair" a broken existing order by steering federal dollars to the private-sector overseers of that order. So it was that when the Obama Administration and Congress in 2009 and 2010 sought to address a health-care crisis that had left tens of millions of Americans without coverage and tens of millions more with inadequate coverage, the "fix" was a plan that moved money to existing insurance companies. A simpler, more equitable and more universal single-payer "Medicare for All" reform could have been implemented with little of the drama that accompanied the rollout of what Republicans decried as "Obamacare." But the political priority of caring for corporations trumped the economic common sense and the moral priority that says: "health care is a right." The circumstances grow even worse when the debate turns to questions of austerity economics. With the frequent collaboration of mainstream media, which typically buys into the most simplistic spin, politicians of both parties often become indistinguishable as they promote cuts and privatization schemes that answer the demands of billionaire projects like those of the Koch brothers, the American Legislative Exchange Council, or Pete Peterson's austerity-advancing "Fix the Debt" project.

The Complicit Media

The power of money that is channeled into political campaigns—and more broadly into influencing the governing process—is supercharged by the fact that campaign spending is no longer balanced by a journalism that upholds the public interest. U.S. journalism, an essential underpinning of our democracy, is in crisis. Waves of consolidation and profiteering, in combination with the flight of advertising from traditional media platforms that produce a great deal of local, state, and national “content” to new media platforms that tend to aggregate content and comment upon it, have created a situation in which investors are no longer investing in the infrastructure of newsgathering and dissemination. This has led to high-profile closings of newspapers and the radical restructuring of radio to make it more of an entertainment medium and less of a serious news source.

A parallel contraction of print and broadcast newsroom staff completes the pattern of decline, leaving vast areas of politics and governance uncovered. Major election campaigns are so under-covered that it is no longer uncommon for flawed and unelectable candidates for high office—a U.S. senator from South Carolina, the lieutenant governor of Illinois—to be nominated. The scant coverage that does exist typically confers “legitimacy” based on fundraising ability, and analyzes ads rather than ideas. A quarter-century after the major television networks ceded control of presidential debates to a consortium managed by the former chairs of the Democratic and Republican parties, much of TV campaign coverage boils down to spin points recited by partisan talking heads.

The void created by the contraction of journalism has been filled by negative advertising that is so foul that the ads actually drive voters away from the polls. Negative ads, which now

dominate the discourse in most major campaigns, do not convince voters to switch their preference from one candidate to another. They convince prospective voters to abandon both their preferred candidate and the process itself. This fits neatly within the broader voter suppression strategies of political players who prefer small, easily managed electorates. Instead of objecting, the owners of TV stations shave minutes off local newscasts to make space for more ads because, in electoral battleground states, political money has become the mother’s milk of local television. So it is that some of the loudest critics of campaign finance reform are the media conglomerates that profit by giving Americans less news and more political propaganda.

A fundamental disconnect has developed. Elections are supposed to have consequences, not only with regard to the filling of official positions but with regard to the direction of communities, states and nations. In young countries, and countries that are struggling toward liberation from colonial and internal oppression, this is perhaps better understood than in countries with rigidly fixed systems. Americans who express frustration with Congress, giving it approval ratings that have dipped as low as seven percent in some national surveys, are appropriately angry. But media, economic, and political elites have been strikingly successful at channeling that anger toward partisanship and ideological wrangling, as opposed to an understanding of what is really wrong. When election results are not translated into governance that reflects the will of the people, democracy decays.

It is vital to break the spin cycle and get Americans thinking about that decay, and about the structural changes that must be made to arrest and reverse it.

This is not a complex calculus. People around the world well understood the significance of striking a smart balance between the protection of minority rights and the translation of democratic decisions into responsive governance when Nelson Mandela explained that: “The right to vote, without food, shelter and health care will create the appearance of equality and justice, while actual inequality is entrenched. We do not want freedom without bread, nor do we want bread without freedom.” Americans engaged in the struggle for social and economic justice in the 1960s well understood when the Reverend Martin Luther King, Jr. made the connection, saying: “It didn’t

cost the nation one penny to guarantee the right to vote. The problems that we are facing today will cost the nation billions of dollars.” The goal of civil rights and voting rights activism, as Century Foundation fellows Richard D. Kahlenberg and Moshe Z. Marvit observed in 2013, “was to create a framework wherein the nation’s poor and working class could procure their share of the nation’s prosperity.”

These are different times, but the need to translate democracy into governing realities remains every bit as real. The problem is that democracy is so disrespected that it is now, literally, discarded in the face of economic demands.

Manufacturing Bankruptcy: The Case of Detroit

Consider the circumstance of Detroit. The city elected a new mayor on November 5, 2013. But the future of Detroit would not be defined by decisions made by voters on that election day, nor by the mayor they chose. Rather, it was defined a few weeks after the election in federal bankruptcy court—by an appointed judge who conveyed broad power to an “emergency manager” with no democratic legitimacy. With the December 2013 ruling by U.S. Bankruptcy Judge Steven Rhodes, Detroit officially became the largest U.S. city ever to enter Chapter 9 bankruptcy. Despite his recognition that negotiations with creditors outside of bankruptcy court had not satisfied good-faith requirements, the judge cleared the way for the emergency manager and his law firm to advance a “plan of adjustment” that independent observers predicted would include deep cuts in pension guarantees for retired city employees. “In the bankruptcy, the modest pensions of Detroit’s firefighters, police officers, and other city employees could be all but wiped out, even as Wall Street banks continue to extract

hundreds millions of dollars from the city’s economy,” explained Jordan Marks, executive director of the National Public Pension Coalition. “This is a dark day for people of Detroit, who worked hard, played by the rules, and are now at risk of losing everything.”

Detroit, like many American cities, faces financial challenges as a result of deindustrialization and failed federal and state economic policies—as well as the missteps and misdeeds of local officials. But there are many ways to address those challenges. Unfortunately, the most humane and economically sound options have been taken off the table by unelected and unaccountable political players. The appointed-not-elected judge’s decision gave the authority to guide the city’s affairs to Kevyn Orr, an “emergency manager” selected by Republican Governor Rick Snyder, who in the 2010 statewide election lost the city of Detroit by a 20-1 margin. Barely five percent of Detroit voters thought Snyder should be calling any of the shots regarding their state and city. Yet, he be-

came—via his emergency manager, and with the approval of the bankruptcy judge he asked to intervene—the definer of Detroit’s destiny.

What of Detroit’s new mayor, Mike Duggan, a veteran county official and highly regarded manager who won 55 percent of the vote in an actual election? “The only authority I’m going to have is the authority I can convince the governor and emergency manager to assign me,” Duggan, a Democrat, told reporters in November. That does not follow any accepted definition of democracy. And it does not follow the will of the people of Detroit.

How do we know this? Because the emergency manager power that Snyder used to steer the city into bankruptcy was rejected by the city’s voters in 2012. Snyder had to develop the new emergency manager law after a previous version of the legislation—which he had used to take over smaller cities—was overturned by Michigan voters in a statewide referendum. In Detroit, 82 percent of voters said they did not want the emergency manager law. But they got it anyway. So it is that this city’s mayor was denied the clearly defined authority that an elected mayor should have to protect pensions, preserve labor agreements, and set priorities when it comes to the delivery of basic services.

Detroit’s greatest challenge was not municipal governance. It was deindustrialization, which shuttered hundreds of factories and left hundreds of thousands of city residents un-

employed or underemployed. And that great challenge extends beyond Detroit. Too many American cities face financial challenges similar to those that have destabilized Detroit. Snyder’s anti-democratic “answer” could well become the model for a response that begins by blaming the victims—often people of color, often people on the lowest rungs of the economic ladder—and ultimately denies them a full and effective franchise. “I believe Detroit and Michigan are ‘test cases’ for certain right-wing agents who want to do all they can to control future elections for this nation’s highest office and other posts,” argues former Detroit City Councilwoman JoAnn Watson. “Voter suppression, including the Supreme Court’s role in gutting the Voting Rights Act of 1965, are not incidental to the myriad of malevolence in Michigan.”

There is a lot more at stake in the story of Detroit than one city’s balance sheet. Our understanding of democracy itself is being subverted.

This has nothing to do with budgeting, debt, or broader fiscal matters. Those issues could, and should, be addressed by an elected mayor and city council. This has to do with taking power away from the people. It has to do with making the voting rights of the majority secondary to the economic power of that “handful of billionaires” Bernie Sanders mentioned.

And it doesn’t stop in Detroit.

Voter ID Laws: The Myth and the Mania

Almost 150 years ago, a pioneering American jurist, Wisconsin Supreme Court Chief Justice Edward Ryan, said:

There is looming up a new and dark power. [...] The accumulation of individual wealth seems to

be greater than it ever has been since the downfall of the Roman Empire. And the enterprises of the country are aggregating vast corporate combinations of unexampled capital, boldly marching, not for economic conquests only but for political power.

Today that march is organized and efficient, and it is amply funded by wealthy individuals and powerful corporations that seek to shape our politics and our governance so that they will prevail in policy making. That funding extends well beyond campaign contributions and so-called “independent expenditures” at election time.

The American Legislative Exchange Council, a national network of conservative state legislators that is funded by multinational corporations, responded to the demographic shifts and political trends that gave rise to sweeping Democratic victories in 2006 and 2008 with a legislative agenda that at every turn seemed designed to make it harder for millions of Americans to vote. Republicans have argued for years that “voter fraud” (rather than unpopular policies) costs their party election victories. During George W. Bush’s presidency, White House political czar Karl Rove began to encourage conservatives to take up voter fraud as an issue. Following Barack Obama’s landslide victory in the 2008 election, ALEC’s magazine, *Inside ALEC*, featured a cover story titled “Preventing Election Fraud.” Shortly afterward, in the summer of 2009, ALEC’s Public Safety and Elections Task Force adopted “Voter ID” model legislation. Voting rights advocates immediately complained that the goal was not to eliminate voter fraud—which the Brennan Center for Justice suggests is so rare that the “problem” is best described as a myth—but to force qualified voters to go through an arduous process of obtaining proper paperwork and then presenting it according to the strictest of rules before being allowed to cast a ballot. They also noted that the burden would fall hardest on people of color, students, and elderly Americans with modest incomes—all groups that tend to be more inclined to vote for Democrats than Republicans.

ALEC leaders—invariably Republicans—denied this. Yet after the 2010 midterm elections gave Republicans control of the legislatures

in 26 states (up from 15), GOP legislators began to move an assortment of bills resembling ALEC’s model. At least 33 states saw the introduction of “Voter ID” laws in 2011. They have since been passed in states across the country, despite widespread outcry from newspaper editorial pages and civic groups such as the League of Women Voters. The blatantly partisan nature of the initiative was highlighted by the fight in the state of New Hampshire, where only a veto by Democratic Governor John Lynch prevented the enactment of a law that the Republican leader of the state House admitted was advanced to make it harder for “liberal” students to cast ballots, and which one state representative described as “directly attributable to ALEC.” ALEC’s goal was not only to influence state politics but to meddle with voting patterns in federal elections. The purpose, argued Cristina Francisco McGuire of the Progressive States Network, was to “give the electoral edge to their preferred candidates.”

How does a group like ALEC get away with warping and in some cases actually dismantling democratic structures? How do judges and “emergency managers” take control of major cities? How do the economically powerful have so much leeway to implement such schemes to “purify the electorate,” in the words of Eric Foner?

American democracy has always had structural flaws. But those flaws are now being exploited by the wealthiest and most powerful interests in the country—with immense funding and the most modern communications and campaigning tools—to tip the balance in their favor at every level of governance. As long as that exploitation continues, democracy will decay, inequality will expand, and the promise of the American experiment will grow ever further from our reach. The people know this better than most politicians and most pundits. They have already begun to push back

against the most easily identifiable exploitation: that of the electoral advantages conveyed by an activist Supreme Court to wealthy in-

dividuals and corporations. What Americans need to understand is that this is nothing new.

Shaping a Real Democracy

Meaningful change, especially that which might upset economic elites, is always impossible until it occurs. A century ago, in cities and towns across the United States, children who should have been in school were changing bobbins in mills. Workers who dared to organize unions were mowed down by paramilitary forces. Women who could not vote were dying in sweatshop fires. The government lacked the ability to collect the revenues necessary to address the basic demands of a nation experiencing dramatic yet wrenchingly unequal growth. Progress in Washington was stymied by millionaires who literally bought seats in the Senate. Reformers decried a “money power” that made a mockery of the promise of popular governance.

That was America in 1910.

By 1920, the Constitution had been amended so that women could vote, the Senate was directly elected by the people, and Congress had the power to implement progressive taxation. At the same time, child labor, workplace safety, and pure food and drug laws were being implemented; labor unions were being re-energized; and the rough outline of what would become the New Deal was taking shape in states that U.S. Supreme Court Justice Louis Brandeis identified as “laboratories of democracy.” This great forward leap was made possible by a broad popular recognition that fundamental changes were needed for the United States to meet the demands of a new era—and that some of those changes required amending the Constitution. People knew what they were do-

ing and why. Teddy Roosevelt, a former Republican president who was hardly the most radical of reformers of the period, in 1910 declared that, “One of the chief factors in progress is the destruction of special privilege.”

It was the same in the 1960s and early 1970s, another age of reform that saw constitutional amendments banning poll taxes and clearing the way for 18-year-olds to vote. For a moment it seemed likely that another amendment would eliminate the archaic Electoral College, and that the promise of “one-person, one-vote” might end the gerrymandering of legislative districts. In that age of democratic ferment, the frame of reference expanded and it became possible to imagine and implement a Civil Rights Act, a Voting Rights Act, and economic justice measures such as Medicare, Medicaid, and the War on Poverty. It became possible for college students and the mothers of draft-age youth to believe they had the power to stop an unjust war and begin the dismantling of the military-industrial complex. It even became possible for democratic socialists like Michael Harrington to provide counsel to presidents and senators, and to align with major union leaders and prominent civil rights activists on initiatives designed to bring about what Harrington called “a humane social order based on popular control of resources and production, economic planning, equitable distribution, feminism and racial equality.”

Since the 1970s, progressive Americans have generally worked within the confines of existing political, regulatory, legislative, and judicial

structures rather than seeking to fundamentally change them. That was understandable as long as it seemed that a framework for open and honorable politics existed and was continuing to develop. But while progressives played by the rules, a sophisticated counter-attack was launched by economic elites in the form of “think tanks,” lobbying shops, media networks, and legal strategies designed to steer the nation back from the brink of democracy.

Nothing short of a new era of reform is required, one that is every bit as vibrant and energetic as those seen in the 1910s and the 1960s. The genius of the American experiment is that it gives each generation an opportunity to rewrite the rules. But the experiment only works if there is an understanding of both the opportunity and the necessity of a continual refounding. Thomas Paine was precisely right when, arguing against undo reverence for old orders and old rules, he observed that: “The circumstances of the world are continually changing, and the opinions of man change also; and as government is for the living, and not for the dead, it is the living only that has any right in it.”

Today, it is all too evident that those who would limit the scope and character of American democracy are prevailing. This is why the most vibrant politics of the moment are often non-electoral: fast-food strikes, immigrant rights marches, mass mobilizations of public employees like those seen in Wisconsin and Ohio, “Moral Mondays” in North Carolina, struggles to prevent the closures of public schools in cities from Chicago to Philadelphia, the campaign for a \$15 minimum wage. These movements will grow because of the economic and social necessity that underpins them. But to turn activism into policy, they must be linked to democracy movements that will seek to infuse voting and elections with meaning. To do this, demands for constitutional change must be at their heart. This is how radicals, from the

post-Civil War era to the present, have made clear that they are about more than tinkering around the edges of a broken system.

The most under-covered political movement in the United States today—and there are a lot of under-covered political movements in the U.S.—is the broad-based national campaign to enact a constitutional amendment to overturn the Supreme Court rulings that ushered in this new era of big-money politics. Sixteen states have formally endorsed variations of a proposal to amend the U.S. Constitution to declare that “money is property and not speech, and the Congress of the United States, state legislatures and local legislative bodies should have the authority to regulate political contributions and expenditures...”

Support for an amendment now stretches from coast to coast, with backing (in the form of legislative resolutions or statewide referendum results) from California to Maine. The District of Columbia is also supportive of the move to amend, as are roughly 500 municipalities, from Liberty, Maine, to Los Angeles, California—where 77 percent of voters backed a May 2013 referendum instructing elected representatives to seek an amendment establishing that “there should be limits on political campaign spending and that corporations should not have the constitutional rights of human beings.”

The successful work being done by national groups such as Public Citizen, Common Cause, Free Speech for People, and Move to Amend, in conjunction with grassroots coalitions that are now active from northern Alaska to the tip of the Florida Keys, is far more dramatic than the initiatives you’ll see from the Democratic or Republican parties—which no longer do much more than fundraise—and the various and sundry groupings on the right and left that seek to amplify partisanship. Yet for the most part, reform victories are afforded scant atten-

tion even from supposedly sympathetic media. As such, the fantasy persists that it is impossible to achieve real reform—meaning radical reform that challenges corporate power in the name of electoral and economic democracy.

A second constitutional movement—less advanced but nonetheless percolating—seeks to reassert that which has been attacked by *Bush v Gore* and subsequent Voter ID laws, and made a mockery of by the unbelievable *Citizens United* and *McCutcheon* rulings. Working with voting and civil rights groups, Wisconsin Congressman Mark Pocan and Minnesota Congressman Keith Ellison have proposed a constitutional amendment that declares:

SECTION 1: Every citizen of the United States, who is of legal voting age, shall have the fundamental right to vote in any public election held in the jurisdiction in which the citizen resides.

SECTION 2: Congress shall have the power to enforce and implement this article by appropriate legislation.

Americans have considered right-to-vote amendments in the past. But the frequency with which contentious debates are erupting nationwide—in 2013 alone, according to the Brennan Center for Justice, more than eighty bills to restrict voting have been introduced in more than thirty states—has added urgency to this initiative. As Ellison says: “Even though the right to vote is the most-mentioned right in the Constitution, legislatures across the country have been trying to deny that right to millions of Americans, including in my home state of Minnesota. It’s time we made it clear once and for all: every citizen in the United States has a fundamental right to vote.”

There is no question that it will be challenging to enact a right-to-vote amendment. But it is necessary. And the movement to amend the Constitution, if it is broad and vigorous, will create space for more immediate action at the

congressional and state levels to address the Supreme Court’s decision. It will also open the discussion for additional amendments to extend political, social, and economic democracy.

It is in this spirit that Americans should go about the work of countering assaults on democracy and, even more crucially, of shaping a real democracy. This is bold, adventurous work. It rejects the fallacy that America was born fully formed and embraces the truth that its formation is ongoing. U.S. Supreme Court Justice Ruth Bader Ginsberg stirred controversy several years ago when she observed that: “I would not look to the U.S. Constitution, if I were drafting a constitution in the year 2012.” For this, she earned calls for her resignation from the defenders of a dysfunctional status quo. Such is the determination of the elites to stifle honest debate over democracy. A. Philip Randolph was precisely right when he noted in the early days of the Civil Rights struggle that “the beneficiaries of a system cannot be expected to destroy it.” And the beneficiaries of an order that bestows immense wealth on a privileged few will be every bit as resistant to change as were the beneficiaries of all the old orders that were fought against in previous ages of reform. It is absurd to look to “the money power” to usher in a democratic order that might diminish its power. And it is equally absurd to operate within the narrow confines dictated by political and media elites.

Those who would repair and renew the Republic must stop worrying about what is “possible” and start worrying about what is necessary. Other countries do this. When Justice Ginsberg spoke of a modern constitution in 2012, she referred to the South African document that was signed by Nelson Mandela and guarantees a right to organize trade unions, a right to health care and social services, a right to a healthy environment, and above all a right to vote. The U.S. Constitution could do the same. But it will only do so if the people demand it.

A New Era of Democratic Renewal

Bernie Sanders believes, as I do, that American democracy can be saved. Or, more accurately, that it is still possible to initiate fundamental reforms with the purpose of creating democratic structures that will make voting and elections matter for all Americans, not just the handful of billionaires. But this shift will not result from minor tinkering around the edges of the current system. Changes will have to be radical in the best American sense—which is to say that they must involve a reworking of the Constitution. And they must have as their first goal—though certainly not their last—the realization of the full promise of the franchise for which Medgar Evers and so many others sacrificed their livelihoods and lives. Elections must matter. That does not mean that elections can or should be the only mechanism for expressing the will of the people: the First Amendment to the U.S. Constitution outlines rights to speak, to publish and broadcast, to assemble, and to petition for the redress of grievances. These rights are not established for the purposes of theater, so that citizens may merely express themselves. They exist so that the great mass of Americans can challenge and pressure governments before, during, and after elections.

But in a country so large, where power is so concentrated in national and state governments that have become the playthings of wealthy elites and corporations, it is essential to break the stranglehold of money and to make the electoral process meaningful enough so that representative democracy can begin to take shape. This is what happened, imperfectly but certainly, in the 1930s in the United States, when voters brought to power Franklin Roosevelt's administration and the populist and progressive governments of states where multi-party democracy briefly flourished. Established electorally, these governments responded to popular pressure in a time of eco-

nomic turmoil by developing structures and creating opportunities—through unions, cooperatives and programs that handed real power to real people—to such an extent that Crouch describes the period, its limitations notwithstanding, as America's democratic "peak."

The point is not to climb the same peak again. Rather, it is to recognize that just as democracy can expand and contract, it can ascend and tumble. We ought to be striving to ascend. But to do so we must recognize how far we have tumbled.

The United States has made too many wrong choices—the high court's *McCutcheon* ruling being the most devastating recent example. It is time to start asking why our turnout is so low, and to start finding answers in our own history and in the experience of countries that rank higher on global indexes of democracy. Just as Thomas Jefferson and Thomas Paine borrowed from the best ideas of a global enlightenment to usher in the American experiment, there is every reason now to borrow from the best election practices of other countries—from easy voting structures, to strict limits on spending by powerful interests, to vibrant public-media coverage of campaigning and governing—to usher in a new era of democratic renewal.

But the first step in addressing the democracy deficit in the United States must necessarily involve the issue that led Medgar Evers out onto the streets of Decatur, Mississippi, almost 70 years ago, and that cost him his life 50 years ago. Congress may apply bandages to a Voting Rights Act that has been wounded by activist judges, but nothing this Congress does on its own will be sufficient to the task of democratizing America. We need nothing less than a 21st century suffrage movement. That's right. A movement that takes as its charge the guaran-

tee of voting rights, and by extension the realization of the promise of democracy. A movement that gathers in all other movements for economic and social justice, and for sustainability and peace, and says: to achieve each of our goals, we must begin by demanding that our votes and our elections matter sufficiently so that, if we so choose, we may break the grip of unelected elites and replace an unsatisfactory status quo with a republic in which the people truly rule.

We need a movement that takes a cue from Franklin Roosevelt, when he declared: "The first truth is that the liberty of a democracy is not safe if the people tolerate the growth of private power to a point where it becomes stronger than their democratic state itself."

A movement that recognizes self-governance ought not to be characterized by fits and starts. Rather, it should be constant, sus-

tained by standards and structures, buoyed by an assurance of equal access and opportunity for those who would vote and for those who would submit themselves to the voters as candidates. It should be characterized by a steady flow of meaningful information: not ads or spin, but substantive news and analysis and honest debate that affords every citizen the knowledge and the insight necessary to actively engage in setting the nation's agenda.

The right response to the crisis of democracy afflicting America ought not to be a tinkering around the edges of the problem. The response should be robust enough to end, once and for all, the whipsawing of our democratic experiment that we have witnessed in *Bush v Gore*, *Citizens United*, and *McCutcheon*. We need to realize, finally, Walt Whitman's promise that we might "use the words America and democracy as convertible terms."

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