**KEY NOTES FROM**

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COVER SUMMARY

While many Americans despair of the current state of US politics, most assume that our system of government and democracy itself are invulnerable to decay. Yet when we examine the past, we find that the United States has undergone repeated crises of democracy, from the earliest days of the republic to the present.

In *Four Threats*, Suzanne Mettler and Robert C. Lieberman explore five periods in history when democracy in the United States was under siege: the 1790s, the Civil War, the Gilded Age, the Depression, and Watergate. These episodes risked profound—even fatal—damage to the American democratic experiment. From this history, four distinct characteristics of disruption emerge. Political polarization, racism and nativism, economic inequality, and excessive executive power—alone or in combination—have threatened the survival of the republic; but it has survived—so far. What is unique, and alarming, about the present moment in American politics is that all four characteristics now exist at the same time.

This convergence marks the contemporary era as a grave moment for democracy. But history provides a valuable repository from which we can draw lessons about how democracy was eventually strengthened—or weakened. By revisiting how earlier generations of Americans faced threats to the principles enshrined in the Constitution, we can see the promise and the peril that have led us to today and chart a path toward repairing our civic fabric and renewing democracy

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INTRODUCTION

(p.1) When the president used his power to target immigrants, the press, and his political opponents, the sheer overreach of his actions shocked many citizens.

Tensions among the nation's political leaders had been escalating for years. Embroiled in one intense conflict after another, both sides had grown increasingly distrustful of each other. Every action by one camp provoked a greater counter-reaction from the other, sometimes straining the limits of the Constitution. Fights and mob violence followed.

Leaders of the dominant party grew convinced that their only hope for fixing the government was to do everything possible to weaken their opponents and silence dissent. The president signed into law provisions that made it more difficult for immigrants (who tended to support the opposition) to attain citizenship and mandated the deportation of those who were deemed dangerous or who came from "hostile" nations. He then put his pen to a law that would allow for the prosecution of those who openly criticized his administration, such as newspaper publishers.

The year just described was not 2020. Rather, it was 1798, when President John Adams signed the Alien and Sedition Acts. His allies in Congress, the Federalists, argued that these measures were necessary, in anticipation of a possible war with France, to protect the country from internal spies, subversive elements, and dissent. The Federalists disapproved of immigrants, viewing them as a threat to the purity of national character. They particularly disliked the Irish—the largest group—because they largely favored their political opponents, the Republicans, and sympathized with the French. Or as one Federalist congressman put it, there was no need to "invite hordes of Wild Irishmen, nor the turbulent and disorderly of all the world, to come here with a basic view to distract our tranquility."

Critics of the new laws raised their voices in protest. The Republicans charged that they amounted to barefaced efforts to weaken their faction, which happened to include most Americans not of English heritage. Two leading Republicans, Thomas Jefferson and James Madison, went so far as to advise state governments to refuse to abide by the Sedition Act, resolving that it was unconstitutional.

Political conflicts boiled over into everyday life. Federalists and Republicans often resided in different neighborhoods and attended different churches. Federalists, centered particularly in New England, prized their Anglo-American identity, and even after the Revolution they retained their affinity with the mother country. Republicans saw themselves as cosmopolitan, cherishing Enlightenment ideals of liberty and equality, and they championed the French Revolution and held disdain for Britain. By 1794, partisans in urban communities were holding separate Fourth of July ceremonies. Republicans read aloud the Declaration of Independence—penned by the founder of their party, Thomas Jefferson—as evidence that independence had been their own achievement, while the Federalists offered toasts to their leader, President George Washington. The Republicans viewed themselves as the party of the people; one prominent politician among them chided the Federalists for celebrating not "we the people" but "we the noble, chosen, privileged few."'

To many people at the time, the Alien and Sedition Acts bore an unsettling resemblance to the kinds of government overreach that had spurred them to fight a war for independence just a few decades earlier. The acts comprised four laws, three of which placed restrictions on immigrants and appeared to be a strategic attempt to shape the electorate by excluding potential voters for the opposition in order to tip the scales of power. The fourth, the Sedition Act, made it illegal to publish "any false, scandalous, and malicious writing or writings against the Government of the United States, or either House of the Congress of the United States, with intent to defame . .. or to bring them . . . into contempt or dispute." By denying freedom of speech and freedom of the press, it outlawed criticism of the government and deprived citizens of the opportunity to become more fully informed by hearing alternative points of view. The measures gave the president power to exert control over Americans' lives in ways removed from congressional authority, and therefore less accountable to popular control. Some state governments outright refused to abide by the new federal law, intensifying divisions. And on the streets, mock violence—the burning of effigies—was swiftly transforming into the genuine article, as politically motivated beatings and open brawls proliferated. In one case, on July 27, 1798, Federalists in New York marched up Broadway singing "God Save the King" just to antagonize the Republicans; the latter responded by singing French revolutionary songs. Soon the "singing contest" gave way to violence as fighting ensued.'

Watching the growing chaos and division, Americans of all stripes worried that their experiment in self-government might not survive the decade. They feared that monarchy would reassert itself, aristocracy would replace representative government, or some states might secede from the Union, causing its demise. The early beginnings of democracy in the United States were fragile—even at a time when some of the Constitution's framers themselves, along with other luminaries of the era, held public office.

(3) Should we contemporary Americans worry about the future of our democracy? Is it in danger? While we do not share our predecessors' fears that the British crown might rule us once again or that the nation might lapse into civil war, subtler signs of danger abound. We face the weakening of the checks and balances that prevent democracy from sliding into tyranny. The rule of law, long taken for granted by Americans, has been eroded by a president who sees the government as an instrument to advance his own personal and political interests. Elections, the foundation of democracy, are becoming less free and fair due to the distorting influence of money, misinformation, and foreign meddling. While the United States has long distinguished itself by its relative absence of outright corruption, public office now increasingly appears to be—for some—a platform for private gain rather than an opportunity for public service. Hard-won civil rights, civil liberties, and voting rights face challenges; even journalists engaged in routine investigative reporting have been subjected to intimidation. And above all, American politics is becoming a matter of "us" against "them" among political leaders and ordinary Americans alike, dividing families and communities, fostering hostility, and impeding our collective capacity to solve problems and govern ourselves productively.

Many remain confident that democracy will endure, and certainly reasonable arguments can be made to support that assumption. After all, the United States boasts the world's longest-functioning constitution and a long-standing reputation as a beacon of democracy for the world. We typically regard our political institutions as bulwarks against the emergence of tyranny or authoritarianism. And although American democracy developed slowly and haltingly—thwarted at the outset by the enslavement of African Americans, the subordinate status of women of all races, and the suppression of Native Americans—still the nation's history is often depicted as a story of progress toward the fulfillment of a democratic ideal.

(4) The trouble is, however, that a closer look at American history reveals a far more tumultuous past than this familiar narrative suggests. This book delves into our history in order to try to understand whether democracy today is in danger or not. We turn to several periods in which many Americans were worried about whether rule by "we the people" could endure. We investigate them to uncover the elements that presaged each crisis, how our institutions withstood serious threats, and what ensued. What we have learned from this history is that American democracy has been far from invincible. To the contrary, it has been under threat time and again, and has often proven to be fragile in the face of danger. In many instances, moreover, real harm occurred, sometimes with long-lasting consequences.

From the beginning of the republic to the present, the United States has endured repeated crises when the nation's promise of popular government was in peril. At each of these junctures, political combat escalated to a point where Americans feared that the government might collapse, that the Union might dissolve, or that unrest, violence, or even civil war might break out. In the 1790s, people worried that political conflict over the Alien and Sedition Acts would plunge the nation into armed conflict or dissolve it through secession. In the 1850s, divisions over slavery did tear the country apart, leading to a destructive civil war in the next decade. In the 1890s, amid the convulsive changes in the industrial era and the upsurge in labor conflict and farmers' political organizing, nearly four million African Americans were stripped of their voting rights. During the Great Depression of the 1930s, many Americans welcomed a president who was willing to use greater executive power than his predecessors, but some worried that it paved the way for a strongman leader like those on the rise in several European countries. During the Watergate scandal of the 1970s, the president tried to use the tools of executive power that were developed in the 1930s as political weapons to punish his own enemies.

At each of these five moments we saw clear signs of damage to the pillars of democracy. Ambitious politicians frequently trampled the principle of free and fair elections, using intimidation, stuffing of ballot boxes, and other techniques to win office. They often dispensed with the rule of law and resorted to power and force instead, from the time when President George Washington led fifteen thousand troops into western Pennsylvania to suppress the Whiskey Rebellion to when President Franklin D. Roosevelt, during World War II, signed an executive order that sanctioned the imprisonment of more than a hundred thousand Americans of Japanese descent in detention camps. Parties openly undermined the legitimacy of the opposition, from the conflict over slavery in Kansas, when pro- and antislavery citizens adopted separate constitutions, held separate elections, and chose separate legislatures, to President Richard Nixon's underhanded and illegal efforts to destroy those he regarded as his political enemies. The integrity of hard-won rights suffered, from the damage to freedom of the press and freedom of speech caused by the Sedition Act to the loss of voting rights by African Americans in the 1890s.

(5) These crises of democracy did not occur randomly; rather, they developed in the presence of four specific threats: political polarization, conflict over who belongs in the political community, high and growing economic inequality, and excessive executive power. We know from the study of the rise and fall of democratic regimes elsewhere in the world that these conditions are harmful to the sustainability of democracy. When they are absent, democracy tends to flourish; when one or more of them are present, democracy is prone to decay.

Each of these threats by itself can damage democracy. Polarization tends to divide citizens into opposing "teams" that are geared more toward defeating one another than governing effectively. Disputes over who belongs in the political community and the status of members—categorized along lines of race, gender, national origin, or religion—can engender deep divisions that result in political exclusion, the widespread denial of rights, and violent reprisals. Economic inequality can pit society's haves against its have-nots and induce the wealthy to use their resources to protect their privileged place in the social order. And the growth of executive power enables the concentration of authority in the hands of a single person, which is precisely what the framers of the Constitution hoped to avoid.

In none of these periods of democratic fragility in American history were all four threats present simultaneously. Each of the threats has waxed and waned at different times, and on only some occasions have a few joined forces. And it is these combinations that have proven particularly dangerous. In the 1850s, for example, the paired emergence of extreme political polarization and the intensification of conflict over the status of African Americans pushed the country into a calamitous civil war. In the 1890s, polarization and ardent white supremacy resurged, and in combination with the soaring economic inequality of the Gilded Age they led to the wholesale exclusion of African Americans from rights of citizenship. Democracy has not fared well in these periods when the threats coalesced.

(6) Now, for the first time in American history, we face all four threats at the same time. As in the 1790s, or during the conflict that led to the Civil War, we confront deep political polarization. Political leaders exaggerate their differences in order to win elections, and they have grown more willing to circumvent long-established norms in order to gain, wield, and keep power. And ordinary Americans are increasingly sorting themselves into separate camps based on where they live, where they go to school, where they work, what they read, listen to, and watch—and how they vote. In the process, they have grown more polarized and antagonistic toward the opposing party. Increasingly, partisans view one another not as honorable competitors but as an existential threat to everything they stand for.

What's more, partisan divisions today overlap with other conditions that are also familiar from the history of American politics—rising racial antagonism, pitched battles over gender, and soaring economic inequality. The combination of intense political combat, social tribalism, and plutocracy now threatens to undermine our government's legitimacy and its capacity to seek common solutions to collective problems. No corner of contemporary politics has been spared from this dysfunction: not Congress, the bureaucracy, the courts, the media, or the presidency. Making matters worse, today's merger of threats, unlike that of earlier periods, coexists with extreme and growing executive power. This creates the opportunity for excessively partisan presidents to use the government to serve their own personal and political ends.

It is this unprecedented confluence of all four threats—more than the rise to power of any particular leader or party—that lies behind the contemporary crisis of American democracy. The threats have grown deeply entrenched, and they will likely persist and wreak havoc for some time to come. These circumstances are troubling indeed, and we make light of them at our peril. In order to understand what the combination of threats might portend for American democracy, in this book we will consider how the nation navigated them in the past—or, in some instances, failed to do so—and then apply what we have learned to the present.

CH. 1 - THREATS TO DEMOCRACY

(9) Many Americans think of the United States as synonymous with democracy. After all, the nation was born through a revolution against tyranny and monarchy. Emboldened colonists insisted on the creation of a government in which authority flows from the people themselves. The nation's founding documents herald democratic ideals, from the Declaration of Independence's claim that "all men are created equal" to the Constitution's preamble identifying "We the People" as its source. The ancient Greeks, in city-states such as Athens, had practiced direct democracy, in which citizens made decisions by deliberating face-to-face in assemblies. It was Americans who brought the concept to scale for a larger society, particularly through the Constitution, which established national institutions of government with representatives selected by the people themselves, through a combination of direct and indirect means. By the early nineteenth century, states extended the vote to nearly all white men, regardless of whether they owned property. These measures made the United States more inclusive than its European counterparts in that era, and the nation became renowned for its boisterous, highly participatory politics that included newly enfranchised men of modest means.

Yet the young nation simultaneously repudiated democracy in crucial ways that would shape its development down to the present. It did this by embedding social hierarchies into the Constitution and cementing them with the power of law. When the Constitution was ratified, nearly one in five Americans—all of them of African descent—were enslaved, and the document itself sanctioned the practice. In the case of women's status, which was among the topics relegated to the states under the Tenth Amendment, once women married—as was expected of them—they relinquished their legal and economic rights to their husbands. As the country moved toward universal voting rights for white men, inclusion occurred on the basis of race and gender, establishing the United States in its early years as a "white man's republic." Full membership in the political community—entailing the right to vote and to participate fully in public affairs—expressly excluded women and African Americans.

(10) Over two centuries of struggle and contention, the United States democratized. The nation's conception of "the people" slowly grew more inclusive and more Americans gained the rights of citizenship. But it was not until the 1960s and 1970s that the United States formally extended civil and political rights to all Americans regardless of race or gender.' The road toward full democracy was neither straight nor smooth. Generations of Americans organized, signed petitions, and marched in the quest for equal rights of citizenship, and they often faced violence, defeats, and reversals of progress.

But even though the United States has not been a full democracy from the beginning, the American Revolution established the modern idea of democracy—a system of government in which those who govern are held accountable to the people through competitive elections... At any given time, a regime can be more or less democratic, depending on how close it comes to meeting these standards of democracy.

Democratic regimes can also move along the continuum in either direction. A regime might be moving toward more complete democracy, as the United States did during Reconstruction after the Civil War and in the 1960s. But regimes might also move in the other direction... There is no guarantee, even in the United States, that we will move in the right direction, and it is a grave mistake to assume either that the United States is automatically democratic because of what our Constitution says or that we have moved steadily and inexorably toward greater democracy.

History reveals that neither assumption is correct.

(11) The United States has not always been democratic. Moreover, American democracy has not developed through steady progress over time; sometimes it has been subject to decay or derailment, and the question is whether that is occurring again now...

Democracy is a system of government in which citizens are able to hold those in power accountable, primarily through regular competitive elections, and in which representatives engage in collective decision-making, seeking to be responsive to the electorate... Successful democracies also tend to be liberal democracies, regimes that effectively protect their citizens' rights to express their views, participate in the political process, and have their voices heard. Effectively functioning democratic systems tend to share four key attributes.

*Free and fair elections* constitute the most fundamental feature of any representative democracy. Elections permit societies to resolve conflict without bloodshed, by using the ballot box rather than bullets. They also provide a means for citizens to choose their rulers and to hold them

accountable, "throwing the bums out" if they disapprove of how they govern.

(12) Inherent in representative democracy is also the idea that all members of society, including those in government, must *adhere to the rule of law*. This means that society is not run by individuals who exercise sheer personal power.. Rather, it is run according to rules that apply to everyone and to the operations of government itself. No individual can be considered to be above the law, no matter how powerful; the legal code is to be applied to all citizens evenly, by impartial courts. The rule of law also mandates procedures for elections and representation.. It prevents tyranny, arbitrary and cruel dominance by an autocrat, rule by sheer force and violence, and corruption.

(12) Democracy necessitates the *legitimacy of the opposition*: those on different sides of a policy debate or with different political parties must recognize each other not as enemies or as an existential threat who must be stopped at any cost, but as fellow citizens with equal stakes in the contest and an equal right to participate. The ongoing struggle for power between those with different points of view is intrinsic to democratic politics. This competition for influence, carried out according to previously agreed-upon rules of the game, is a good and necessary thing. Being part of a democracy requires participating over and over again in the quest to promote one's values, interests, or ideas—and actually being permitted to do so. Democracy ceases if one party makes it impossible for another party to compete effectively or to govern when it wins elections.

While these three features came to be regarded as pillars of American democracy by the nineteenth century, only in the twentieth century did the United States embrace the idea that the government must also protect the *integrity of rights*, including civil liberties, such as freedom of speech, freedom of religion, and freedom of the press; civil rights, for example, ensuring that people cannot be turned away from jobs, schools, restaurants, or housing on the basis of their race or sex; and voting rights.

Democracy means little for those who do not enjoy these protections, which foster equal civic standing among citizens and their meaningful inclusion in the democratic process...

(13) These four attributes of democracy—free and fair elections, the rule of law, the legitimacy of the opposition, and the integrity of rights—provide us with clear indicators that we can use as standards to assess whether democracy is advancing or retreating in any given period of history... Just because a nation has attained a robust combination of all four attributes of democracy, moreover, is no guarantee that it will continue to maintain them: lapsing toward weakened or hybrid forms is common.

In recent years, some critics have begun to wonder whether the United States itself is undergoing democratic backsliding. Freedom House, an independent watchdog organization that is highly regarded for its rankings of democratic fitness based on political rights and civil liberties, downgraded the United States from a score of 94 (out of 100 points) in 2010 to 86 in 2019. While the nation still ranks among the eighty-seven countries regarded as "free," its rank fell from thirty-first to fifty-first in less than a decade.

THE FOUR THREATS

(14) The history of American democracy has hardly been serene; to the contrary, it has involved extreme conflict and frequent violence and bloodshed. While developments in the past sixty years went far to deepen and expand democracy, earlier periods often witnessed it in peril and even being rolled back. In order to make sense of the conditions that most put democracy at risk, we have learned a great deal from scholars who study its rise and fall in countries around the world. In particular, we discern four major threats that can endanger it: political polarization, conflict over who belongs in the political community, high and rising levels of economic inequality, and executive aggrandizement.

**Political Polarization**

Americans have heard plenty in recent years about the dangers of rising political polarization. Not many years ago, lawmakers in Washington frequently cooperated across party lines, forging both policy alliances and personal friendships. Now, hostility more often prevails, and it has been accompanied by brinksmanship and dysfunction that imperil lawmaking on major issues.

The public is no different... For many Americans, partisanship has become a central part of their identity...

(15) Yet when parties divide both lawmakers and society into two unalterably opposed camps that view each other as enemies, they can undermine social cohesion and political stability. Democracy is put at risk...

In fact, throughout much of the United States' history, contrary to the framers' fears, political parties have actually mitigated political and social conflict. The two-party system often compelled both parties to compete for middle-of-the-road voters rather than those at either extreme and thus it had a moderating influence...

(16) In the United States of the mid-twentieth century, from the 1930s to the early 1970s, for example, two moderate parties prevailed. The Republicans embraced not only fiscal conservatives but also some supporters of civil rights and proponents of the Equal Rights Amendment, while the Democrats' big tent took in both urban ethnic liberals and white southerners—who liked the federal government's largesse but resisted its intervention in how they ran their affairs, particularly with respect to race. In some other periods of American history, however, parties exacerbated divisions.

Polarization grows when citizens sort themselves so that, instead of having multiple, cross-cutting ties to others, their social and political memberships and identities increasingly overlap, reinforcing their affinity to some groups while setting them apart from others. In the mid-twentieth century, this process commenced... These new groupings diverged more from each other on ideology (conservative versus liberal) and views of particular issues (such as civil rights, abortion, and more recently gun rights).

Polarization intensifies as ambitious political entrepreneurs take advantage of growing divisions to expand their power. They may do this by adopting opposing positions on issues, highlighting and promoting underlying social differences, and using polarizing rhetoric and tactics in order to consolidate their supporters while weakening their opponents...

(17) As division escalates, the normal functioning of democracy can break down if partisans cease to be able to resolve political differences by finding middle ground, through mutual accommodation. Politics then instead becomes a game of mortal combat in which winning is the singular imperative and opponents are seen as enemies to be vanquished. Furthermore, polarization is not a static state but a process that feeds on itself and creates a cascade of worsening outcomes... (18) Deep, almost tribal partisanship divides not only elected officials but also ordinary Americans today. People who identify with one party have become more distinct in terms of race, religiosity, and ideology from those identifying with the other. They are also more socially distant and more likely to hold stereotypes and negative views of one another. Partisans are animated even more by their shared dislike for the other party than by their own shared perspectives, and this "negative partisanship" spurs them to react emotionally and to harbor anger toward members of the other party. Such polarization can affect social life, making gatherings between partisans of different stripes—including family occasions—fraught with tension...

(18) The culmination of polarization can indeed endanger democracy itself. If members of one political group come to view their opponents as an existential threat to their core values, they may seek to defeat them at all costs, even if it undermines normal democratic procedures in the process. They may cease to view the opposition as legitimate and seek permanent ways to prevent it from gaining power, such as by stacking the deck in their own favor. They may become convinced that it is justifiable to circumvent the rule of law and defy checks and balances or to scale back voting rights, civil liberties, or civil rights for the sake of preserving or protecting the nation as they see fit. Political polarization presents these very threats today, and they show no sign of abating.

**Who Belongs**?

(19) Democracy has been built most successfully in places where citizens share broad agreement about the boundaries of national community: who should be included as a member, and on what terms, meaning whether all should have equal status or if rights should be parceled out in different ways to different groups. Conversely, when a nation features deep social divisions along lines of race, gender, religion, or ethnic group, some citizens may favor excluding certain groups or granting them subordinate status. When these divisions emanate from "formative rifts" that either predated or emerged with the nation's founding, they can prove particularly pernicious, and persist as formidable undercurrents in politics. Unless such rifts are purposely eliminated, conflict over them can habitually resurface and spur deep divisions, making democracy vulnerable.

Formative rifts may come to a head as the result of political change that prompts the two parties to take divergent stands over the status of implicated groups. Politicians may deliberately seek to inflame divisions as a political strategy that can unite and mobilize groups who would not otherwise share a common goal. Or social movements might mobilize people on one side of a rift, leading to a counter-mobilization by those on the other side...

(19) The United States at its inception divided the political community by race, creating a formative rift that has organized our politics ever since. A commitment to white supremacy has often prevailed, impelling many Americans to build coalitions around appeals to racism and segregation in order to further their political interests...

(20) The American gender divide, also codified in law, made men's dominance in politics and society appear to be natural and it rendered gender hierarchy resistant to change..

Despite sweeping reforms in the twentieth century, legacies of formative rifts around both race and gender linger. Liberal democratic ideals championing equality and freedom have evolved over time and promoted broader inclusion within the rights and responsibilities of democratic citizenship. Yet they continuously contend with persistent traditions that sanction race or gender hierarchies...

(21) In the historical episodes we will explore, battles over race will take center stage, particularly as they relate to the inclusion and status of African Americans. To be sure, other power dynamics, including those related to gender, the status of Native Americans, and other ethnic groups, also shaped civic membership and status during these and other periods of American history. Racism, however, plays a particularly overt and prominent role in these crises, and in our analyses. As we will see, over and over again, it is corrosive to democracy.

In the contemporary period, once again, conflict between white supremacist and egalitarian visions of American society overlaps with the party system, and it coincides with intense polarization. Over the past several decades, while the US population has become more racially and ethnically diverse, the composition of the Republican Party has grown to be far whiter than the population at large, while the Democratic Party has embraced a more diverse coalition...

For decades, Republican candidates and public officials mostly refrained from overtly invoking those views in their campaigns and public rhetoric, but Trump seized the opportunity to do so, and it helped him win the 2016 election. Contemporary American politics, more than ever before, features a party system sharply divided between proponents of racial egalitarianism and defenders of a system that has privileged whites. This political chasm is further exacerbated by rising hostility to immigration and simmering disagreement about the status of immigrants in American society. The resulting divergence makes for extremely volatile politics, and the potential expansion of democracy—or its rollback—is at stake.

**Economic Inequality**

(22) High rates of economic inequality can undermine the institutions and practices of existing democracies. Countries in which inequality is on the rise are more likely to see democracy distorted, limited, and potentially destabilized. By contrast, countries in which inequality is low or declining are less likely to suffer democratic deterioration.

People typically assume that inequality could make democracy vulnerable by increasing the chances that the less well-off will rise up against the wealthy, but that is rarely the case. Rather, as inequality grows, it is the affluent themselves who are more likely to mobilize effectively...

Among wealthy democracies in the world today, the United States is the most economically unequal nation. After a period during the mid-twentieth century when low- and middle-income Americans experienced quickly rising incomes, they have seen slow or stagnant wage growth and shrinking opportunities since the late 1970s. The affluent, meanwhile, continued to experience soaring incomes and wealth, particularly among the top 1 percent...

(23) Greater political inequality generally accompanies rising economic inequality, and the United States has been no exception in this regard...

As economic inequality has soared since the 1970s, however, the affluent and big business in the United States have become more politically organized than ever, in ways that present major obstacles to democracy. The amount of money spent on politics—both in campaign contributions and lobbying—has escalated sharply since the 1990s, owing to the deep pockets and motivation of wealthy Americans and corporations. Even more striking is the degree to which the rich have organized themselves politically... When government responds primarily to the rich, it transforms itself into oligarchy, and they gladly help usher in the new regime, which better protects their interests. Keeping watch over democracy is not their concern.

**Executive Aggrandizement**

(24) The final threat to democracy is "executive aggrandizement," the enlargement of the powers wielded by a nation's top leader. Democratic backsliding is often associated with the demise of checks on executive power, which typically results when powerful leaders expand their power and autonomy relative to more broadly representative legislatures and courts that are expected to protect rights. These executive actions might be perfectly legal, such as filling the courts and government agencies with political allies. But executives might also be tempted to stack the deck against their political opponents, making it hard to challenge their dominance; circumvent the rule of law; or roll back civil liberties and civil rights. Such actions can diminish democracy.

The American founders sought to thwart executive tyranny and to prevent a single group of leaders from seizing control of all the levers of government power at once. One of the ways they aimed to do this was to distribute power among different institutions...

But separation-of-powers systems such as that of the United States are notoriously prone to intractable political conflict between the executive and legislative branches, each of which can claim democratic legitimacy because it is independently elected. ..

(25) Across most of the first 125 years of the nation's history, with a few exceptions that we will examine in the early republic and the Civil War period, the very idea of a president achieving autocratic powers would have seemed inconceivable because the office was limited and Congress prevailed as the dominant branch. In the early twentieth century, however, presidential power began to grow.

By the time of Trump's election, the presidency had become a much more capacious and dominant office than the framers ever envisioned... Presidents throughout the twentieth century have expanded the powers of the office... Meanwhile, Congress... has ceded considerable authority to the executive branch and enabled presidents to act unilaterally and often without oversight. As a result, the ordinary checks and balances that the framers intended to ensure democratic accountability have grown weaker...

(26) In the hands of a leader who envisions himself above the law, these tools provide ample means to further the leader's own agenda, at great cost to accountable democratic government.

This process of executive aggrandizement, which has been supported by both parties, fueled the development of what has been called the "imperial presidency."" It has afforded presidents near-complete autonomy in foreign policy decisions and allowed them to commit the nation to expensive and risky interventions abroad, only later seeking congressional approval. A vast national security apparatus has grown in tandem. It has secretly conducted domestic surveillance and political repression, often targeted at immigrants, minorities, and the politically vulnerable.

THE DANGER AND PROMISE OF DEMOCRACY

(26) The four threats have waxed and waned over the course of American history, each according to its own pattern. Table 1.1 shows which threats were present in each of the periods we investigate, including the present. When even one threat existed, the course of democracy was put at risk. In the 1790s, the emergence of intense polarization single-handedly led to escalating crises and ultimately threatened to launch the country into civil war. In two twentieth-century cases, executive aggrandizement loomed, as presidents wielded far more power than those in earlier periods. These circumstances worried Americans during the 1930s, when they witnessed totalitarianism on the rise in Europe and saw President Franklin D. Roosevelt embracing new powers to respond to the Great Depression. Such concerns reemerged when the abuses of Watergate came to light in the 1970s. In each instance, however, in the absence of the other threats, little backsliding occurred.

Table 1.1 Major threats to democracy by historic period

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | Polarization | Conflict Over Who Belongs | Rising Economic Inequality | Executive Aggrandizement |
| 1790s | X |  |  |  |
| 1850s | X | X | X |  |
| 1890s | X | X | X |  |
| 1930s |  |  |  | X |
| 1970s |  |  |  | X |
| 2010s | X | X | X | X |

When several threats coalesced at one time, however, democratic progress grew deeply endangered. In the 1850s, polarized conflict over slavery created an intractable conflict that could not be healed by democratic means, leading to civil war. In the 1890s, the combination of polarization, economic inequality, and racial conflict produced a dramatic episode of democratic backsliding.

(27) Today, for the first time ever, we face the confluence of all four threats at once. We would be foolhardy to ignore these circumstances, which undeniably make democracy more vulnerable. Polarization has become extreme, prompting members of Congress to act more like members of a team than as representatives or policymakers; their unwillingness to cooperate and compromise makes it impossible to address many major issues. Among ordinary citizens, polarization is prompting a sense of politics as "us versus them," in which people's political choices are highly motivated by their hostility toward the opposition. Polarization coincides with a sharp divide between an increasingly strident vision of white dominance in American society, on one side, and an increasingly diverse and inclusive coalition, on the other." Economic inequality has skyrocketed, and wealthy Americans and business leaders are highly motivated and organized to protect their interests and expand their riches, whatever the costs to democracy. If the embrace of racist, nativist politics is required to achieve their goals, they are undeterred. And in the face of growing governmental dysfunction and stalemate, a massively powerful presidency has enabled President Trump to pursue much of his agenda by circumventing Congress. In this context of four threats, all the ingredients for democratic backsliding are in place.

Yet democratic decay is not inevitable. Although this combination of conditions makes democracy more precarious, it does not determine what will unfold, nor does it make the demise of government by the people unavoidable. Rather, it is politics that determines what will ensue. Politics does not adhere to mechanical principles, in which given circumstances foreordain a particular outcome. Rather, politics is driven by human beings who exercise agency and choice, and who can set their sights—if they so choose—on preserving and restoring democracy.

(27) Democracy contains within it many seeds, including some that would hasten its own demise, but they must be selected and nurtured to produce such devastating outcomes. Ambitious political leaders engaged in intense competition can choose to pursue a strategy of political polarization if they wish. Up to a point, polarization can foster positive developments, such as boosting political participation, strengthening political parties, and simplifying voters' choices. But it must not be permitted to grow out of control." Leaders can decide whether to promote and amplify racism and nativism as a polarizing strategy. They can also decide whether to do the bidding of the most affluent, who will willingly support them, or whether to cast their lot with ordinary Americans instead. Finally, they can decide whether to unleash the executive powers of the presidency, or whether to counter an increasingly powerful president by reasserting the representative power of Congress.

(28) Conversely, democracy also contains the seeds of its own regrowth and renewal. Political leaders and citizens can—through politics—rescue democracy, but they must act before it is too late. Responsible public officials need to tend the garden of democracy in such a way that seeds of destruction do not take root, and if those seeds do sprout, leaders must make it their first priority to curtail their growth and to find ways to guard against their proliferation. In addition, they must bolster the laws and procedures that ensure free and fair elections, the rule of law, the legitimacy of the opposition, and integrity of rights. For their part, citizens must demand the preservation of democracy itself over any particular policy issues and seek to foster its revitalization.

Yet nurturing democracy has not come easily or automatically to Americans. To the contrary, no sooner was the US Constitution ratified and the new government established than the troubles began. Within just a few years, political leaders and ordinary citizens divided into camps that viewed each other as a fundamental threat to the nation's future.

CH. 2 - POLARIZATION WREAKS HAVOC IN THE 1790s

(29) As the 1800 presidential election neared, Americans braced themselves. The Federalists, who dominated the presidency and both chambers of Congress, had become convinced that the Republicans, who functioned as the emerging opposition party, wanted to bring down the government itself and undermine the Constitution. A Connecticut Federalist predicted that if the Republicans won, "there is scarcely a possibility that we will escape a Civil War. Murder, robbery, rape, adultery and incest will all be openly taught and practiced, the air will be rent with the cries of distress, the soil will be soaked with blood, and the nation black with crimes."'

To Republicans, on the other hand, it seemed that the Federalists were using their power repeatedly to stifle any political opposition. Since the nation began, the Federalists had been pretty much in control: both presidents had been Federalists, and their faction had held the majority in the Senate continually and in the House in all but four years during the mid-1790s. Moreover, they viewed opposition as tantamount to insurrection, and had launched one action after another to repress it. By 1798, the Republicans found themselves shut out of power completely while the Federalists stacked the deck against them and prosecuted journalists who dared to criticize the government. The election of 1800; therefore, seemed to represent Republicans' last chance to gain a foothold—and for the fledgling government to demonstrate that it was not beholden to a particular faction. They believed that if they failed, neither the Constitution nor the Union could survive.

(30) Once the voting got under way, however, and then the states' electors made their choices, the election yielded an unbelievable result: deadlock. Republicans Thomas Jefferson and Aaron Burr tied for first place with seventy-three electoral votes each, while President John Adams netted sixty-five and two other Federalists, Charles Pinkney and John Jay, earned sixty-four and one, respectively. Though Republicans had intended for Jefferson to be the presidential candidate and Burr the vice presidential candidate, the ballots used at the time did not make that distinction. Burr, moreover, whether because of opportunism or other motives, did not stand down but instead let the ambiguity linger. Without a clear winner, the decision—as dictated by the original language of Article II, Section I—was thrown into the House of Representatives, where each state would have a single vote in its presidential choice, and the victorious candidate had to attain a majority...

(31) The nation lurched with anxiety for three long months, from December 1800 to February 1801, as it awaited a decision by the House. Rumors spread of plots and intrigue. Some reported hearing of threats to assassinate Jefferson. Mysterious fires broke out in Washington, damaging both the War and Treasury Departments, and each faction blamed the other for setting them. Republicans charged that Federalists sought to destroy evidence of corruption that had occurred while they dominated government...

Politics took on the proportions of mortal combat because both sides believed that the other presented an existential challenge to the nation's survival. Each was convinced that the circumstances justified taking extreme actions. The Federalists, who held political power, ran roughshod over several principles that were fundamental to the new American experiment: they violated the rule of law, trampled on the legitimacy of the opposition, and harmed rights of freedom of the press, freedom of speech, and freedom of assembly.

As Americans awaited the result of the 1800 election, the potential for violence loomed, and both parties expected bloodshed if a candidate preferred by the opposition was declared victorious. Republicans saw the nation's project of self-government being overrun by ascendant tyranny and believed that all would be lost unless they won. Yet if they did, Federalists would believe that a faction bent on undermining the nation had taken the reins. Both braced themselves for civil war and the possible destruction of the Union. Just fourteen years after the Constitution was drafted in Philadelphia, and only eleven years after the final states ratified it, the government it established stood poised to meet its demise...

(34) After George Washington was inaugurated in April 1789, the first order of business for the new government was to raise money to pay off the Revolutionary War debt... direct taxation seemed out of the question politically.

(Treasury secretary Hamilton proposed four bold financial plans, including a tax on whiskey, implemented in 1791.) (37) Reactions were swift – and not always peaceful. (39) In September 1794, Washington gathered 15,000 troops and sent them to Pennsylvania to put down the whisky rebellion. (40) But as they did, it became clear that the most notorious rebels—as many as two thousand—had already fled into the frontier, leaving behind only those who had played minor roles... Ultimately they arrested only ten men and brought them back to Philadelphia to stand trial. All were eventually acquitted except two, both of whom eyewitnesses had seen at Neville's house. The pair were sentenced to hang, but Washington issued stays of execution on two occasions and finally pardoned them.

Despite this final act of mercy by the president, the incident would sully the reputation of a man who had been held in great reverence by Americans when he took office. More importantly for the state of democracy, the events also tarnished the principle of the rule of law... The debacle showed that the Federalists would regard any opposition to federal policies as treasonous and respond with force. To Americans who believed the Revolution had brought triumph over tyranny, this approach by the nation's first presidential administration smacked of overreach and the abuse of power.

(40) Meanwhile, the Washington administration faced popular opposition from yet another quarter: the so-called Democratic-Republican societies. These civic groups were forged by men who felt that the new government failed to live up to the ideals of the American Revolution: they believed that it catered to the few and was unresponsive to the many, threatened excessive power over the lives of citizens, and was undermining civic virtue among Americans...

(43) As Americans confronted the choice between allegiance to Britain and allegiance to France, polarization spiraled... (44) President Washington, who generally tried to remain above the fray, became incensed by the Democratic-Republican societies because they violated the norm that between elections citizens should be deferential to government.

(45) In Jefferson and Madison's view, Washington had essentially asked members of Congress both to declare their loyalty to him and to denounce political opposition among ordinary citizens. Jefferson saw it as a partisan response unbefitting the head of the nation, while Madison termed it "the greatest error" of the president's political life. Writing to James Monroe, he said, "The game was to connect the Democratic societies with the odium of insurrection, to connect the Republicans in Congress with those Societies," and for the president to put his own prestige "in opposition to both."

While the societies' presence would fade after just a few years, they had shown Americans how citizens could organize and hold government accountable even between elections. That their efforts were so openly despised by public officials demonstrates yet again that political opposition was not yet seen as a normal part of the functioning of a democracy. Civic engagement and civic groups would later become a hallmark of American public life, but in that polarized era they were seen, at least by some, as an existential threat to government requiring an adamant response.

Soon another foreign policy crisis threatened to launch the United States into war with Great Britain, and the Washington administration's response to it—to negotiate a treaty with the nation's former mother country—further heightened the acrimony between Federalists and Republicans. As events unfolded, Republicans viewed the Washington administration as seizing an inappropriate amount of executive power, in ways that sidelined Congress and denied its authority. In essence, the president made light of the rule of law by violating the strictures of checks and balances. Some saw in this further evidence that the Federalists were taking the nation down a slippery slope toward monarchy.

(48) Hamilton, identifying in such events what he called a surging "spirit of patriotism"—in this case, a euphemism for partisanship—saw opportunity in the crisis. He proposed that Federalists take steps that would ensure "national unanimity," by which he actually meant to destroy the political opposition. Politically, the time was ripe to go on the offensive. The previous year, in 1797, Republicans had lost the majority in the House, so now Federalists dominated both chambers. Hamilton took advantage of the situation to encourage his party in Congress to enact several new laws. Each of them aimed to weaken Republicans and, in so doing, consolidate Federalists' power.

Federalists' dislike of immigrants, who they believed supported the Republicans, led them to enact three "anti-alien" policies. The Naturalization Act increased the period of residency required in the United States before an individual could gain citizenship from five years to fourteen years. The Alien Enemies Act and the Aliens Act, in combination, made it easier for presidents to deport or imprison those who were deemed dangerous or were from a nation that was considered a threat to national security. They also established a registration and surveillance system for foreign nationals. Jefferson denounced the enacted provisions as "worthy of the 8th or 9th century" and reported that their passage had prompted French immigrants to depart immediately.

In addition, to squelch political dissent, Congress enacted the Sedition Act that same year. It promised punishment for those who would "unlawfully combine or conspire together, with intent to oppose any measure . . . of the government of the United States." It also permitted the prosecution of anyone who published or wrote anything "false, scandalous or malicious" about government officials "with intent to defame . . . or to bring them .. . into contempt or disrepute; or to excite against them ... the hatred of the good people of the United States."

Proponents of the Sedition Act saw the activities of the Republican opposition as synonymous with treason... (49) What the Alien and Sedition Acts clearly epitomized, to many Republicans, was the authoritarian tendencies of the Federalists... The immigration measures aimed to tilt the playing field in ways tht would undermine the Republicans’ capacity to operate as an opposition party. The Sedition Act curtailed freedom of the press and freedom of speech.

(55) Tensions soared as Americans awaited the result of the deadlocked election. Republicans were convinced that the Federalists would resort to force to maintain their power... The Republicans promised to respond with force... (56) The House of Representatives began balloting on February 11... (57) After five days of deliberation and thirty-six ballots, Jefferson was elected president of the United States. And the young country saw its first peaceful transition of power from one party to another.

It very nearly failed. After his inauguration, Jefferson himself, writing to Governor Thomas McKean of Pennsylvania, said that if the Federalists had usurped power, installing one of their own, the nation would have "end[ed] soon in a dictatorship," and "I was decidedly with those who were determined not to permit it."

Neither did the election bring an end to polarization. Jefferson sounded conciliatory in his inaugural address, when he intoned, "We are all Republicans: we are all Federalists." But he quickly directed his attention to undoing the Federalist accomplishments that had most outraged Republicans, including the Alien and Sedition Acts and much of Hamilton's economic plan, including the tax on whiskey. He commented that he would "sink federalism into an abyss from which there shall be no resurrection for it." Eventually he became known for enlarging executive power and the power of the federal government generally, activities that he and other Republicans had called violations of the Constitution when Federalists had done the same just a few years earlier. Meanwhile, the Federalists of the early 1800s, now that they were in the opposition, appeared to take pages from the Republicans' playbook of the 1790s, calling, for example, for states in the northeast to secede from the Union. In the wake of the election of 1800, the former proponents of nationalism and decentralization seemed to have traded places.

The decade of the 1790s had been fraught with rampant political polarization. It was driven by fierce competition between two emergent parties as well as an upsurge of civic engagement and activism among ordinary Americans. Those on both sides viewed their opponents... not just as political rivals but as enemies, fundamental threats to the nation. Each side believed firmly that their approach would permit the true principles underlying the Constitution to flourish...

(59) Nor can the outcome in the election of 1800 be celebrated as a victory for democracy, because ultimately Jefferson won the presidency via a feature of the Constitution that represents its utter antithesis: the three-fifths clause. This feature, the result of a compromise at the Constitutional Convention, meant that for the purposes of representation three out of five slaves counted toward a state's population and therefore greater political power... As historian William W. Freehling observes, "In an Electoral College where the three-fifths clause gave the southerners 14 extra electors, the Republicans' Thomas Jefferson defeated the Federalists' John Adams, 73-65. Jefferson swept the South's extra electors, 12-2. If no three-fifths clause had existed and House apportionment had been based strictly on white numbers, Adams would have likely squeaked by, 63-61...

(60) Between Washington's election and 1850, slaveholders held the presidency for fifty of those sixty-one years and the Speaker's chair for forty-one, and they claimed eighteen out of thirty-one Supreme Court justices. The nation's commitment to slavery deeply infused government at every level, making for a bizarre hybrid—an egregious form of government that combined some aspects of democracy with elements of sheer authoritarianism.

The final outcome of the election of 1800 was significant in that in an era of pitched polarization, one party did relinquish political power to the other. It happened peacefully, despite all the angst that preceded it. Yet the underlying arrangements that permitted that victory mocked the fundamental democratic principle of equality, a contradiction that would fester and finally erupt a half century later. In the nation's resolution to its first constitutional crisis lay the seeds of its next constitutional crisis, which would come to a head in the 1850s.

CH. 3 - DEMOCRATIC DISINTEGRATION IN THE 1850s

(61) It a crossroads on the plains a few miles outside Lebanon, Kansas, just south of the Nebraska border, stands a stone marker indicating the geographic center of the continental United States. When the United States made its last acquisition of contiguous territory on the North American continent in 1853, purchasing southern Arizona and New Mexico from Mexico, it finally matched its modern form. Then as now, Kansas was right in the middle.

Kansas lay in the center of things in more ways than one. It was also at the center of the gathering political turmoil over slavery, which, by the mid-1850s, was already eroding the country's commitment to democracy...

(62) Kansas had become a territory in 1854 and was preparing to apply to Congress for statehood... Draft constitution... dispute re slavery... violence in 1855...murder of free-state activist... electoral fraud...

(63) The crisis over slavery that engulfed the nation in the 1850s marked the dangerous reemergence of extreme polarization in American politics, which had been held somewhat in check in the decades following the election of 1800. But in the middle of the nineteenth century,

political polarization coalesced around a second critical threat to American democracy: conflict over membership in the political community, specifically the future status of enslaved African Americans. Economic inequality was rising as well as the nation began to industrialize, reaching its highest levels since the beginning of the republic. Moreover, the South was more unequal than the North, reflecting both the exploitative brutality of slavery and the growing difference between the two regions' economic systems.' This combination of threats proved even more dangerous to the progress of American democracy than the nearly ruinous polarization of the 1790s.

The political crisis of the 1850s was long in coming... As resistance to slavery grew and the status of African Americans in American society became the central issue in American politics, North and South found themselves on opposite sides of a sharp divide that ultimately could not be bridged by democratic means.'

(65) As the conflict grew deeper, national politics gradually decayed. For a half century after the settlement of 1800, American national politics had promoted compromise and mutual accommodation. Elections were hard fought, to be sure, and critical issues such as the tariff and the banking system generated heated debate. But even though the two sides mistrusted each other, they recognized the idea of legitimate opposition.

In the 1850s, however, the South's dominance of national politics began to decline, and as that happened, the region's ability to use the political system to protect slavery eroded. Fundamental disagreement over race, America's formative rift, came to dominate national politics over the course of the decade. The party system reorganized itself around this question, and it drove ruinous polarization.

In this context, national politics devolved into a game of mortal combat, in which the goal of winning overrode the integrity of the democratic process. The notion of legitimate opposition broke down, with each side of the slavery dispute treating the other not merely as an opponent in a political contest but as an enemy to be vanquished. The two sides increasingly talked past each other, conducting their own versions of democracy with as little involvement of the other side as possible. The rule of law broke down, as each side proved willing to go to extreme lengths to prevail—propaganda, rigged elections, and ultimately violence. The integrity of the electoral process deteriorated, and the protection of core democratic rights weakened. In the end, there was no democratic way to resolve the conflict. The result was a widening cycle of mistrust, manipulation, fraud, and violence that finally engulfed democracy and plunged the country into a violent civil war.

SLAVERY ASCENDANT IN NATIONAL POLITICS

(65) Bleeding Kansas was not the first time new territory provoked conflict over slavery. Earlier in the nineteenth century, Congress had confronted the question of whether to allow slavery in the vast Louisiana Territory, which the United States had purchased from France in 1803. The question arose first in 1819, when Congress began considering the territory of Missouri for statehood... The Missouri Compromise broke the logjam in 1820. The measure admitted Missouri as a slave state and Maine as a free state...

(66) For the next several decades, national political conflict over slavery was relatively muted... (67) Elections everywhere were conducted between the era’s two opposing parties: the Democrats (successors to the Jeffersonian Republicans) and the Whigs... The parties managed to keep slavery off the national political agenda for a generation... (68) Nevertheless, the truce over slavery was an uneasy one... it was the question of new territories that would bring the clash between slavery and democracy back to the floor of Congress and to the center of national politics.

THE FAILURE OF COMPROMISE

(69) In the decades following 1820, the United States continued to expand, adding nearly one million square miles to its holdings... by the end of the Mexican-American War in 1848... (70) The drumbeat for rapid statehood for new territories also kept the slavery question in the foreground... (71) ...the conflict over slavery had very nearly moved past the capacity of ordinary democratic politics to resolve. The two sides were enemies, almost beyond reconciliation...

The Compromise of 1850 admitted California as a free state; split off a large part of the land claimed by Texas, which was already a slave state, into the territories of New Mexico and Utah. In return the South claimed a much larger collection of benefits. Slavery would continue in the District of Columbia. Utah and New Mexico would be subject to "popular sovereignty," under which a territory's residents themselves would vote on whether to allow slavery...

(72) But the South's great prize in 1850 was the new Fugitive Slave Act, which not only empowered public officials in northern states to arrest former enslaved people but required them to do so. Officials who refused to participate were subject to a fine of up to $1,000 (the equivalent of more than $30,000 today). The act also allowed officials to deputize citizens, even against their will, to aid them in their pursuits. Once captured, alleged fugitives had no right to a trial in court. Instead, they would be brought before a federal commissioner, who decided whether they were to be returned to the owners who claimed them or allowed to remain free. Commissioners received a $5 fee for each person allowed to go free, but $10 for each person returned to the white master who claimed them.

If anything, the Compromise of 1850 inflamed the conflict over slavery. The Fugitive Slave Act, in particular, seemed rigged in favor of the South. The judgment of many contemporaries was swift and harsh... Southerners, too, objected to the Compromise of 1850... (73) The virulent reaction to the Fugitive Slave Act in the North heightened rather than dampened sectional tensions. Because the act was retroactive, free blacks who had been living in the North for years or even decades were suddenly subject to seizure and forcible return to their former masters with little or no due process. Cases of mistaken identity, in which the wrong person was snatched and delivered up to an "owner," often without any legal process, were not uncommon.

In the eyes of African Americans, and many white northerners as well, the act promoted widespread violations of civil liberties—nothing short of state-sponsored kidnapping—and weakened the already tenuous distinction between enslaved people and free people of color. Resistance to enforcing it was widespread in northern states.

KANSAS IN THE BULLSEYE

(74) Douglas oversaw the debate over organizing two new territories west of Missouri: Kansas and Nebraska. These territories became the epicenter of the slavery conflict, and they proved to be the setting for the beginning of the near breakdown of American democracy: the decline of free and fair elections, the erosion of the rule of law, and the disintegration of legitimate opposition. Each of these things happened in Kansas, which became a bellwether for the rest of the nation...

(75) Douglas proposed... extending the notion of popular sovereignty that he had introduced in 1850.... Opponents of slavery wasted no time attacking popular sovereignty in Kansas and Nebraska as an antidemocratic sham... (76) Both sides began campaigns to induce white settlers who shared their views to move (to Kansas)... (77) (widespread fraud in elections of 1854, 1855, and 1856)... (78) threats of violence... (81) open warfare in the territory began in the fall of 1855... (82) Senator Charles Sumner (Massachusetts, abolitionist) was nearly beaten to death in the Senate chamber by Senator Andrew Butler (South Carolina)...Bloodied and unconscious, Sumner had to be carried out of the chamber. His injuries were so grave that he would be absent from the Senate for nearly three years.

(83) On May 21, a posse of between five hundred and seven hundred proslavery men gathered outside Lawrence under the command of a federal marshal to pursue free-state leaders in town. He deployed artillery with the intention of laying waste to strategic parts of the town. For an hour they bombarded the Free State Hotel—which the proslavery forces believed

to be a fortress, "regularly parapeted and port-holed for use of small cannon and arms"—with cannon fire. When that failed to destroy the hotel, they tried blowing it up with gunpowder. When that failed as well, they set it on fire, then moved on to attack two antislavery newspapers and destroy their printing presses, burn antislavery literature in the street, and loot and burn several houses...

(87) The defeat of the Lecompton constitution brought the democratic crisis in Kansas to national politics, with largely the same result: extreme polarization to the point of utter political rupture between pro- and antislavery sides. The rupture became increasingly apparent over the rest of the decade as the debate over slavery came to occupy the center of the American political landscape. The Lecompton debate demonstrated to the South yet again that if the future of slavery was to be decided by democratic means, slavery was likely to be defeated. As long as protecting slavery remained the South's highest priority, the key attributes of democracy—free and fair elections, the rule of law, the legitimacy of the opposition—would continue to suffer.

The political violence in Kansas that had claimed, in all, close to sixty lives was beginning to spill over into the rest of the country...

THE 1880 ELECTION: A POLARIZING CHOICE

(88) As the Lecompton debates in Congress demonstrated, the national political parties that had, a generation before, contained the slavery issue had now succumbed to the divisions that had convulsed Kansas. There were no longer two parties that competed nationally on a range of issues. Rather, there were two sectional parties divided by a single issue: slavery. The new antislavery party, the Republicans, had outlasted a number of other new parties that had emerged during the 1850s to supplant the Whigs. On the proslavery side, the Democrats still aspired to be a national party, but their northern and southern wings were becoming irreconcilably divided. Douglas remained the leading Democrat outside the South, but his opposition to Buchanan and the Lecompton constitution made him unacceptable as a national leader of the party.

When Douglas ran for reelection to the Senate in 1858, his opponent was an emerging leader of the Illinois Republican Party, a former Whig who had served one term in the House of Representatives. Abraham Lincoln was gaining notoriety as a critic of slavery and of Douglas's popular-sovereignty approach, which he regarded as a dodge. In their famous debates around the state that fall, Lincoln continued to attack Douglas on the meaning of popular sovereignty. Lincoln recognized that popular sovereignty had failed, and that despite its democratic appearance, it had become a means to perpetuate and extend slavery. He also understood that slavery and democracy were fundamentally incompatible, and over the course of the 1850s he decisively chose democracy. Douglas won reelection, but the debates, which were widely reported and later published as a book, helped launch Lincoln to national prominence as an antislavery voice who nevertheless remained committed to the principles of democracy and the possibility of sectional reconciliation.̊

Douglas and Lincoln soon faced off again, in the 1860 presidential election. But this was not the only presidential election held in that year. In effect, there were two separate elections: one in the North and one in the South... The election then disintegrated into two contests: between Lincoln and Douglas in the North and between Bell and Breckinridge in the South. Lincoln followed a disciplined campaign strategy focused on northern states, as he might have been expected to do, and he won the election decisively, winning almost every northern electoral vote, while Breckinridge swept most of the South and Douglas and Bell divided the border states. This was the most sectionally divided presidential election in the country's history to that point, and not even the South's three-fifths bonus could prevent Lincoln's election.

Even more astonishingly, there were ten southern states in which not a single vote was cast for Lincoln because he did not appear on any ballot. Southern states would not even entertain the candidacy of the nominee of the Republican Party, which was dedicated to opposing slavery...

When Lincoln's victory was announced, most southerners found themselves greeting a new president whom they had not participated in choosing, and about whom they believed the worst—that he was, in the words of the historian David Potter, "a 'black Republican,' a rabid John Brown abolitionist, an inveterate enemy of the South.

Southerners feared that the ascendance of Lincoln and the Republicans to national power meant the end of the proslavery influence over the government that the South had enjoyed since the beginning of the republic. Lincoln would, they assumed, use his office to appoint Republican judges and law enforcement officials who would erode slavery's edifice of legal protection. Republican postmasters might decline to stop the flow of abolitionist literature to the South. The new government might promote skeptics of slavery, or even African Americans themselves, to positions of authority.

(90) To the South, Lincoln's impending presidency and his assumption of the mantle of national power was not just an unfortunate but temporary setback; it was a mortal threat to white southerners' most cherished value, and it marked the end of the line for their participation in American democracy.

THE ROAD TO WAR

Making his way to Washington by train in February 1861, the president-elect received word when he reached Philadelphia of a possible plot to assassinate him in Baltimore, where he would have to change trains and travel through the city from one station to another...

On the evening of February 22, Lincoln kept to his full schedule of public events in Harrisburg, Pennsylvania. As the evening wound down, he quietly slipped out of the governor's mansion after a testimonial dinner, disguised in a soft cloth cap and shawl and stooping to conceal his height.

He returned to Philadelphia on a special, unscheduled train, and there he boarded the regularly scheduled 11:00 p.m. train to Baltimore rather than taking the train the next day that his public schedule had indicated. On that train he was met by Kate Warne, an operative of the Pinkerton Detective Agency, which had been hired by the railroad to provide security. Traveling as "Mrs. Cherry," one of her undercover identities, Warne greeted Lincoln as her frail brother and escorted him to a sleeping car that she had bribed a conductor to have mostly vacated. Meanwhile, the Pinkerton agency arranged to have the telegraph wires out of Harrisburg cut to make extra sure that no one would learn of Lincoln's change of plans.

When Lincoln's train reached Baltimore, he did not disembark to catch the Washington train as planned. Instead, his sleeping car was detached, drawn through the streets by horses as the city slept, and connected to an early morning southbound train. The crowd of onlookers waiting to greet his scheduled train later that afternoon, possibly including the would-be assassins, was disappointed to find that he was not on board. By then he was already safely ensconced at Willard's Hotel in Washington, around the corner from the White House.

(91) The political crisis of the 1850s was the deepest threat that American democracy had yet faced. Extreme polarization over the question of slavery engulfed the political system and made it impossible for pro- and antid 1slavery sides to engage in productive debate.

The hard-won notion of a legitimate opposition deteriorated and all but disappeared over the course of the decade. Free and fair elections, first in Kansas and then nationwide, were threatened as well, as the two sides held separate elections and each side refused to abide by the results of the other's contest. Civil liberties faded, too, especially as the South repeatedly attempted to stifle antislavery voices. Civil rights, of course, lay at the very heart of the conflict, which fundamentally concerned the injustice of slavery and the boundaries of the American political community. The result was civil war, the ultimate repudiation of the rule of law.

Just over a month after Lincoln's inauguration, Confederate artillery opened fire on Fort Sumter, a US Army installation in Charleston, South Carolina, beginning an armed conflict that would last four years and claim more than six hundred thousand American lives before the ultimate defeat of the South and the abolition of slavery, first by Lincoln's presidential proclamation and finally by constitutional amendment in 1865.

During the war, Lincoln would assume unprecedented executive power: he suspended the constitutional right of habeas corpus in order to imprison suspected rebels and stifle political dissent, declared martial law in parts of the country, and ultimately emancipated slaves by proclamation. But the Union's victory and the triumph of emancipation did not put to rest the question of black Americans' status in the American political community. Far from it. The reconstruction of American democracy after the rupture of war would remain significantly incomplete.

5 of 30 bk pages

CH. 4 - BACKSLIDING IN THE 1890s

(92) In the 1890s, Wilmington was North Carolina's largest urban center and a beacon of progress both for the post–Civil War South and for the nation generally. It boasted the hallmarks of a modern city: electric lights, streetcars, and, most strikingly, a politically empowered and growing black middle class. African Americans made up the majority of the population, and they worked as skilled craftsmen in a wide array of trades and owned numerous businesses, including most of the city's restaurants—which were frequented by whites as well as blacks. 'Three members of the Board of Aldermen were African Americans, as were numerous public-sector employees. The city possessed a black-owned newspaper, the Daily Record, one of only a handful in the nation. President William McKinley appointed an African American named John Campbell Dancy to be the collector of customs for the city's port, making him more highly paid than the state's Democratic governor and other high-ranking state officials, all of whom were white, not to mention most white citizens in Wilmington. Several civic organizations established by the black community flourished. Black literacy rates were growing, as was home ownership; by 1897, more than one thousand African American owned some property! Democracy, as indicated by political inclusion as well as the expansion of social and economic rights, appeared to be of the rise.

(93) However, white elites in North Carolina saw in these developments not progress but the demise of the world as they had known it—their "heritage," as they viewed it—and they had grown even more troubled by political developments statewide in recent years. Their party, the Democrats, lost power when the Republican Party, of which African Americans were the core constituency throughout the South, joined forces with the insurgent Populist Party, which included many low- and middle-income whites. In 1894, this multiracial "Fusion" coalition managed to sweep the majority of seats in both chambers of the state legislature, several congressional seats, and even a seat in the US Senate; in 1896, it won even larger victories, including the governorship. It was at that juncture that Democratic Party leaders across the state, together with prominent businessmen, made a decision: it was time to push back, shut out the opposition, and reclaim political power once and for all. Over a period of six months, they hatched plans and chose to make Wilmington the focus of their campaign and the "center of the white supremacy movement." On a single day in November 1898, they would turn back decades of progress in the city.

To lay the groundwork, first Democrats needed to recapture control of the state legislature in the fall elections. In the weeks before Election Day, two white supremacist groups, the White Government Union (WGU) and the Red Shirts, a terrorist arm of the Democratic Party, held rallies and roamed black neighborhoods, armed and on horseback, to intimidate African Americans and prevent them from voting. Newspapers brimmed with white supremacist rhetoric. Gun sales spiked. Republicans feared violence, and Democratic leaders pressured them to withdraw candidates from the ballot if they wanted to be safe. The tactics worked, and Democrats won back the legislature. Now the stage was set for them to retake control of Wilmington.

Two days after the election, early in the morning on November 10, nearly two thousand white men from the WGU and several paramilitary groups, including the Red Shirts, gathered at the city armory, brandishing rifles and pistols. The mob marched into the city, proceeding directly to the offices of the Daily Record, where they stormed their way inside, destroyed furniture and the press, then spread kerosene, set fire to the building, and watched as flames devoured it.

(94) The paramilitary groups then advanced through black neighborhoods, killing hundreds of individuals as the day wore on. They also dragged several prominent citizens from their homes and banished them from the city. Those expelled were predominantly African Americans, including successful businessmen, the sheriff and chief of police, and open opponents of white supremacy. Some they first threw into jail overnight, while others they took directly to the train station, led by soldiers with fixed bayonets, and forced them to leave town. In addition, they exiled several white Republicans and Populists, mobs jeering at them with cries of "white nigger" and threatening to lynch them.

Later that afternoon, while violence reigned in the city, the white leaders forced resignations—at gunpoint—by members of the biracial Fusionist government. At a mass meeting the evening before, hundreds of white residents, primarily businessmen, merchants, lawyers, doctors, and clergy, had endorsed—with a standing ovation—a "White Declaration of Independence," which included resolutions that the elected leaders must resign. Forced to do so, the mayor and members of the Board of Aldermen relinquished their positions, and a new government of white Democrats—handpicked by those who organized the insurrection–took power. When the chaos subsided, Josephus Daniels, a leader of the insurrection and the publisher of the News and Observer, wrote that the events ushered in "permanent good government by the party of the White Man."'

(95) It was a coup d'etat, American style. No one came to the aid of those who had been pushed out of power in Wilmington. African American leaders pleaded for help from President McKinley. So did the state's two US senators, Populist Marion Butler and Republican Jeter Pritchard. But the president claimed that he could not act without a request from Governor Daniel Russell. A Republican elected in 1896, Russell faced threats of impeachment from the Democrats and of bodily harm from the Red Shirts, so he made no request for federal intervention. McKinley consequently did nothing, and thereafter took a trip to Atlanta in a show of "sectional reconciliation."

The Democrats quickly took steps at the state level to make their power permanent. Within a few months, they had secured a new constitutional amendment that imposed poll taxes, literacy tests, and other measures that would disenfranchise all African Americans and a good many poor whites for seventy years to come. Democrats in other states throughout the South who also had found themselves challenged by Republicans and Populists now began to replicate these efforts, if they had not undertaken them already. The establishment of racial segregation in all aspects of social life—American apartheid—followed. The multiracial democracy that had been on the rise was vanquished, replaced by white supremacist, authoritarian rule.

This chapter examines how functioning democracy could be dismantled in the United States. While it focuses on developments in the South, it shows that they did not occur in isolation, for they required the acquiescence of national political leaders. Three threats to democracy converged in the 1890s: polarization, racism, and economic inequality. Southern Democrats stoked polarization by effectively using overt racism as a strategy to unify their supporters. Meanwhile, the richest Americans were looking out for themselves; the preservation of democracy was not their concern. Once established, black disenfranchisement and its spiraling effects influenced politics—in the South and at the national level—for decades to come, curtailing all four attributes of democracy.

(96) In the decades following the Civil War, the United States made strides toward becoming a robust and inclusive democracy... Yet by the early twentieth century, these trends had reversed themselves.

Democracy deteriorated not because ordinary Americans grew apathetic nor because political elites passively neglected it. Rather, political leaders actively disenfranchised voters. They engaged in strategic and deliberate mobilization aimed at limiting political competition... by creating new laws and public policies that sharply limited who could participate.

(97) Three threats to democracy converged in this era, however, – the same ones that had come together in the 1850s and helped give rise to the Civil War – and they made democracy vulnerable once again. Political *polarization* escalated to historically high levels in the late nineteenth century; n fact, the percentage of congressional votes in which one party voted against the other was even higher than in our own polarized era. It was not that the two parties held particularly divergent views on policies, but rather that they were fiercely competitive in elections and therefore party loyalty ran high, even on nonideological matters such as

the distribution of government benefits. Conflict over *membership* and status occurred in plain sight, through loud, rampant, and violent white supremacy. Earlier in the nineteenth century, *economic inequality* had already grown sharply, and while it did not continue to increase overall, the wealth of those at the very top of the income distribution, the top 1 percent, continued to soar and they pulled sharply away from everyone else. Yet threats alone do not determine what transpires; political choices and contingencies can make all the difference.

(98) Tragically, the national political support that might have aided African Americans in the South either evaporated or failed to materialize. Federal officials and northern Republicans did advocate for black voting rights early on, but ultimately they lost interest, attracted to political opportunities elsewhere. The possible unity between farmers, workers, and African Americans that might have provided resistance to backsliding failed to coalesce. The wealthiest Americans, industrial elites, did unify themselves, coordinating their political involvement around Republican candidate William McKinley and bankrolling what remains to this day the most expensive presidential race in US history.The subsequent deterioration of democracy in the South was of little concern to them. African Americans were abandoned and isolated in what became "authoritarian enclaves," states that governed as authoritarian regimes, situated within a nation that was regarded as democratic.

To this day, the United States remains the only functioning democracy in Western history ever to have taken away voting rights from such a large number of citizens who had been exercising them previously. By the same stroke, white southern elites regained extra political power—not only to rule in their own states as autocrats but also to exercise an outsized voice in national politics for the next seventy years.

THE RISE OF MULTIRACIAL DEMOCRACY IN THE SOUTH

Once the Civil War ended, the enfranchisement of black men in the South occurred with striking speed and efficiency. In 1867, the Reconstruction Congress ordered that for states of the former Confederacy to be readmitted to the Union, they must write new constitutions that guaranteed black men the right to vote. Congress divided the South into five military districts and sent in military commanders to implement the newly inclusive suffrage rules. Recently liberated African Americans embraced voting as the means to pursue civil rights and public policies that would facilitate their social and economic mobility. They found willing partners in the Republican Party, which was eager to strengthen its political capacity by recruiting supporters among a potentially vast group of new voters.

As early as the summer of 1867, the Republican Party initiated a major registration drive across the South... These efforts produced remarkable results: by the end of the year, voter registration rates among black males surged, surpassing 75 percent in Arkansas and reaching nearly 100 percent in Alabama, Louisiana, Texas, and Virginia.

These new voters swiftly took advantage of their capacity to change the face of government. Over the course of Reconstruction more than two thousand African Americans won election to public office... Eighteen gained high-ranking positions at the state level, including Governor P. B. S. Pinchback of Louisiana and the lieutenant governors of Louisiana, Mississippi, and South Carolina. Hundreds served in state legislatures, and sixteen in the US Congress... Many of Reconstruction's promises for African Americans vanished quickly. The Ku Klux Klan had emerged in Tennessee in 1866 and quickly became established in all southern states. Its members used vigilante tactics to terrorize black elected officials, among others. When the 1876 presidential election produced no candidate with enough electoral votes to declare victory, the Compromise of 1877 broke the logjam, but at a huge political cost. An electoral commission appointed by Congress agreed that Republican Rutherford B. Hayes of Ohio would become president, but only on the condition that he would withdraw federal troops from the South and leave the Civil Rights Act of 1875 unenforced. The Supreme Court soon made it clear that it understood the Fourteenth Amendment only in the narrowest of terms...

(101) The political parties competed intensely with each other in the high-turnout elections that were typical in the South in the 1870s and 1880s...

(102) The Federal Elections Bill of 1890 had the potential to upend southern politics. (After much maneuvering and 33 days of filibuster) the bill failed by just one vote

(103) The Republicans’ failure to enact the Federal Elections Bill of 1890 would turn out to be vastly consequential... The Democrats came roaring back with a vengeance. In 1892, in a campaign that hinged on the regulation of federal elections, the party won unified control of the national government for the first time since before the Civil War...

(104) Once the Democrats triumphed at the polls and gained control of both chambers of Congress, they swiftly proposed the repeal of all Reconstruction-era federal election statutes. They aimed to abolish specific parts of the Enforcement Act of 1870 that outlawed poll taxes, literacy tests, election fraud, and interference by state and local officials of those voting in national elections. They also wanted to terminate statutes that mandated federal supervision of national elections. A House report calling for such repeals demanded that "every trace of reconstruction measures be wiped from the books."

The House passed the repeal, and the Senate followed suit a few months later—without the Republicans even mounting a filibuster. Democrats were willing to make electoral regulation the central issue in American politics indefinitely, it seemed, leaving Republicans to choose between fighting that battle unceasingly and turning instead to the other issues that concerned their supporters. Given that choice, as Valelly puts it, "they called off the fight. African Americans were now on their own." Northern Republicans had proven to be fickle political partners. Once the cause of voting rights no longer suited their needs, they effectively abandoned it, making this key feature of democracy vulnerable, along with the civic status of millions of African Americans.

THE WORKERS' AND FARMERS' STRUGGLES INTENSIFY

While drama over voting rights unfolded in Washington, DC, a flurry of social movements was on the rise among ordinary Americans in far-flung parts of the nation...

(105) The growing ranks of industrial workers emerged as one powerful force... workers pursued their goals aggressively... the Great Railroad Strike of 1877... In 1886, more than 600,000 Americans walked out of their factories and other workplaces...

The 1890s emerged as the era of greatest labor militancy in the nation’s history – as well as of repressive responses on the part of government, which quickly made clear its alliance with the titans of industry... (106) In 1892, steelworkers in Homestead, Pennsylvania, went on strike to protest deep wage cuts by their employer, Andrew Carnegie. Armed with rifles and dynamite, they engaged in a violent battle with three hundred Pinkerton detectives who had been hired by the company to defend it. After some of the Pinkertons died, their surviving colleagues surrendered. The events backfired for the workers: the Pennsylvania governor responded by ordering 8,500 militia to take possession of the mill, and to hire scabs in place of the workers. That same year, workers in Idaho mines went on strike to demand union recognition. When management sent in strikebreakers, the strikers blew the mine up. Federal authorities and state militia subsequently swooped in and took charge.

(106) Economic conditions worsened as the nation entered a depression, and conflict mounted between workers, on one side, and management and federal authorities, on the other. Following the Panic of 1893, thousands of businesses failed and unemployment rates surpassed 10 percent for the next five or six years, making it the worst downturn in American history aside from the Great Depression of the 1930s. In 1894, some 4,000 members of the American Railway Union employed by the Pullman Company protested their working conditions, and eventually they were joined by the support of 125,000 workers across the nation—from Ohio to California—who boycotted any trains carrying a Pullman car. The federal government intervened and President Grover Cleveland sent in the army to halt the strike, while the union's leader, Eugene Debs, was arrested and eventually served time in prison. The Supreme Court ruled in the government's favor, arguing that federal authorities could halt strikes if they interfered with interstate commerce. It was one of the era's several high court decisions that solidified the alliance between government and big business.

Meanwhile, farmers were organizing as well, growing even more politicized than workers. Because of rising competition in grain and textile production both in the United States and abroad, as well as monetary issues, they faced sharply falling prices for their products. Many shouldered heavy debt burdens. Those in the West were subject to high interest rates and found themselves persisting precariously, typically just one bad harvest away from foreclosure and the loss of their independence...

(109) These disparate groups of farmers and workers were poised in the 1980s to unite in pursuit of greater democratization in the United States... The Populist Party aimed to bring them all together and indicated a willingness to work across racial lines as well... (110) In North Carolina in 1894, Republican and Populist leaders combined ranks to create a Fusion slate of candidates that achieved stunning success... (111) In 1896, the Fusionists won even bigger victories in North Carolina... leaving the Democratic party nearly decimated: it retained only 26 seats out of 120 in the House and only 7 out of 50 in the Senate.

SOUTHERN DEMOCRATS TAKE CHARGE TO SHUT DOWN THE OPPOSITION

(111) Democratic political leaders throughout the South gradually concluded that the strategies they had been using since the Civil War were no longer sufficient for maintaining political control. (stuffing ballot boxes, rigging the vote count, intimidation, violence)... they decided that it was time to try a different and more permanent approach: changing the rules for how elections were run, in ways that would cripple the political opposition once and for all...

(113) The new rules proved to be ruthlessly effective. Black turnout in Mississippi elections plummeted from about 40 percent in 1888 to almost nothing by 1890 and beyond. The restrictions also harmed support for the Populists by diminishing voting rates among poor whites. Registrars could exercise their judgment, though, in deciding who met the standards of the "understanding" clause of the literacy tests; delegates had intended for this ambiguous language to appease illiterate whites, on the assumption that white election officials would use their discretion to approve them. A political scientist from the Brookings Institution described what happened when a black attorney, a Harvard graduate, attempted to register to vote in the state. The registrar, a blacksmith, asked him to explain the meaning of the due process clause, "which he did with a considerable amount of learning and ability." The registrar ruled, however, that the explanation was not "reasonable" and refused to register the man.

THE PIVOTAL ELECTION OF 1896

(114) (Democratic candidate Williams Jennings Bryan against Republican William McKinley)

(115) Powerful interests – affluent individuals and major companies – reacted with terror. They envisioned the Democratic Party under Bryan’s leadership as an uprising of the masses against them... corporations and wealthy individuals contributed vast sums to the McKinley campaign, more than $4 million – or 6 percent of GDP – making it the most expensive campaign in American history to this day. NO

\* Actual GDP in 1896 was $15 billion, so $4 million was only 0.00267 percent

\* $4 million in 1896 was about $1.25 billion in 2020

\* Trump & Biden raised about $1.85 billion in the 2020 election, which was about 0.0092 percent of our $20 trillion GDP

\* $100 in 1896 = $3100 in 2020

\* $100 in 1913 = $2611 in 2020

\* $100 in 1936 = $ 1863 in 2020

(116) McKinley’s 1896 victory held troubling ramifications for the cause of democracy in the former Confederacy... Republicans found they could get by without the South. The national party would soon abandon the region altogether.

(117) The 1890s had presented several opportunities for the emergence of a concerted, national effort to protect democracy, not least voting rights in the South. Yet one by one, the political allies that African Americans might have had in this quest vanished. Republicans lost interest in the region as they found political fortunes elsewhere. As wealthy people steered the party's ascent in the 1896 campaign, their priorities dominated, and democracy was not among them. With Bryan's defeat, Populists nationally saw their dreams wither, though they managed to remain competitive in some states and localities for a while longer. Farmers' potential alliance with workers had not borne fruit. African Americans were left abandoned and isolated in the South, and now Democrats in the region seized the opportunity to reclaim and consolidate their power, starting in North Carolina.

STAGING A COUP D'ÉTAT IN NORTH CAROLINA

(117) "This is a white man's country and white men must control and govern it." So stated the "Democratic Hand Book" of North Carolina's State Democratic Executive Committee in 1898. By that time, tensions were growing between the Republicans and Populists, who shared little in common aside from their Fusionist electoral strategy. The state's Democrats, now operating without pressure from elsewhere, took advantage of the opportunity to plot their return to power. Racial antagonism provided a means of attracting voters across party lines, and the Democrats embraced it as their path back to power. When the state's Democrats held their convention that year, they denounced the Fusionist legislatures as part of"Negro Domination," and vowed to restore "rule by the white men of the State."

Party leaders developed a campaign strategy rooted in appeals to white supremacy. They quietly enlisted the support of the state's business community, vowing that if they won, they would not raise its taxes, while they also stoked the racist inclinations of many whites... (After months of planning and violence) (120) On Election Day (1898), Democrats stuffed ballot boxes, ensuring their victories. At a mass meeting of whites the next day, businessmen and professionals affirmed the White Declaration of Independence. It read, “We...do hereby declare that we will no longer be ruled, and will never again by ruled by men of African origin.” A set of resolutions followed, including the demand that Manly (the editor of the *Daily Record*) must leave Wilmington and cease publication of the Daily Record. If this demand was not agreed to by the Committee of Colored Citizens (CCC) within twelve hours, the declaration promised, it would be followed up with force." The CCC did respond, but not within the time required.

(121) When the morning of November 10 dawned, the paramilitary forces made it their first order of business to destroy the offices of the Daily Record; afterward a massacre ensued throughout the city. The Wilmington Light Infantry paraded two rapid-firing machine guns on horse-drawn wagons, dragging them through the city to intimidate residents. White paramilitary units on horseback roamed black communities and shot African Americans throughout the day. No definitive body count was ever conducted, but African Americans believed that some three hundred perished, while fourteen hundred fled the city.

By 4:00 p.m., the Republican mayor, Board of Aldermen, and chief of police—none of whom were up for election for another year—had resigned and been replaced by white Democrats... The Democrats then fired all black municipal employees and permanently closed down a firehouse serving a black neighborhood... The white supremacists who had seized control—mostly prominent, wealthy residents—were now in charge, in Wilmington and throughout much of the state.

DEMOCRATS TAKE ACTION "TO SETTLE THIS QUESTION ONCE AND FOREVER"

(121) Any lingering hopes that the federal government would act to protect democracy in the South were put to rest when the Supreme Court, also in 1898, handed down its decision in the case of *Williams v. Mississippi*. The decision declared that the restrictions on voting established in Mississippi in 1890 did not violate the Fifteenth Amendment because—at least ostensibly—they applied to all citizens. Disenfranchisement withstood judicial scrutiny—by the same Court that two years earlier had handed down *Plessy v. Ferguson*, upholding Louisiana's system of segregated railroad cars as within the police powers of its legislature.

(122) Democratic leaders throughout the South grew convinced that restrictions on voting offered them the best means to dominate politics permanently, effectively shutting down the opposition... In the 1900 election, those who made it past the vigilante forces faced registrars newly empowered by the change in electoral laws to deny the vote to all African Americans. The state ratified the constitutional amendment by a 59 to 41 percent margin and elected the white supremacist orator Aycock as governor.

(123) In North Carolina, the process was now complete: Democrats had managed to secure their power for seventy years to come by limiting suffrage. No longer would they need to resort to extralegal procedures in one election after another: they had enacted "reforms" that would deliver the election to them year after year. Turnout declined, falling from 75 percent in 1900 to under 50 percent in 1904. As a result, both the Democratic and Republican parties became more conservative, because neither had any motivation to represent those who couldn't afford the poll tax or couldn't read. Democrats, who held control, kept taxes low and provided few public services, while Republicans abandoned African Americans and cast their lot with business.

Over the next decade, the remaining southern states followed suit, each adopting similar procedures that permitted Democrats to rule, unchallenged, by denying African Americans the right to vote...

(124) As these changes stripped millions of their voting rights and effectively terminated political competition in the South, the federal government sat on its hands. The remaining states in the region disenfranchised African Americans during the presidency of Theodore Roosevelt, who did not interfere. His successor, William Howard Taft, made the Republicans' new stance on black voting rights explicit, saying in his 1909 inaugural address, "I look forward with hope to increasing the already good feeling between the South and the other sections of the country. My chief purpose is not to effect a change in the electoral vote of the Southern States. .. . While the fifteenth amendment has not been generally observed in the past, it ought to be observed, and the tendency of Southern legislation today is toward the enactment of electoral qualifications which shall square with that amendment. ... [I]t is clear to all that the domination of an ignorant, irresponsible element can be prevented by constitutional laws which shall exclude from voting both negroes and whites not having education or other qualifications thought to be necessary for a proper electorate." With those words, President Taft—and the Republican Party—sanctioned the disenfranchisement measures that had been put in place under southern Democrats. The demise of democracy was not simply a function of regional uniqueness in the South: it occurred because the federal government of the United States permitted it and, indeed, approved of it.

DEMOCRACY DERAILED

(124) From 1890 to 1910, the entire South transformed itself from a functioning democracy to a region of authoritarian enclaves. In the 1880s, adult males in the region typically voted at rates of 64 percent. In the early 1890s, turnout averaged 73 percent in states that had not yet adopted disenfranchisement, while it hovered at 42 percent in the states with such rules. By the early twentieth century, turnout plummeted across the region to an average of merely 30 percent. African Americans were almost completely excluded from voting, and voting among whites fell sharply as well, to only about half of previous levels

Disenfranchisement produced the effect its white southern elites intended: it put an end to meaningful electoral competition, thus granting them uncontested political power. In the 1880s and early 1890s, the South had featured actual contests for power, with one in four adult males voting for Republican or third-party candidates. By the 1910s, not only had the electorate shrunk, but also party competition had been almost entirely eradicated, with only one in ten voters choosing alternatives to the Democrats. The Democrats had effectively shut down the political opposition, and that change would produce far-reaching consequences for citizens' lives.

(125) From Reconstruction up until disenfranchisement, African Americans had served as public officials throughout the South. From 1869 to 1901, every Congress except one had included African Americans, and hundreds had served in state legislatures and thousands as local officials. After disenfranchisement, all were gone. In the years that followed, only through federal patronage did any blacks gain positions in government, and the power of southern Democrats in the federal government—paired with the loss of Republicans' commitments to civil rights—sharply reduced the political will to promote such appointments

Such exclusion carried severe repercussions. At the most obvious level, African Americans were barred from a basic form of standing or civic status in society. Beyond that, their lack of political power produced ripples of effects for public policy. States typically allocated funding for schools on the basis of population, leaving it to local officials to distribute funds, but this meant that in black-majority areas, white elites who held all the political power could channel resources toward the schools their children attended while starving those serving black children as well as hill-country whites. Political inequality fostered and perpetuated economic and social inequality.

At a more fundamental level, when people are denied the right to vote, they are easily deprived of basic protection under the rule of law. African Americans became powerless to stop the upsurge of lynchings that had been taking place across the South since Reconstruction... As late as 1922, one lynching took place every week, and crowds gathered to watch, treating it as a form of entertainment.

Political disenfranchisement also permitted the full establishment of formal segregation, as southern states developed and entrenched a vast array of Jim Crow laws... (126) Once in place, disenfranchisement and the system of American apartheid it promulgated would endure for seventy years... White supremacy prevailed, and democracy was beaten to a pulp.

A FORMIDABLE CONFLUENCE OF THREATS

(126) By the end of the 1890s, all four characteristics of democracy had suffered harm over the course of the decade... (127) All three branches of the federal government and both major parties condoned these developments.

Democratic backsliding in the 1890s was hardly inevitable. It followed a few decades during which a multiracial democracy was on the rise in the United States in local, state, and federal government. From the late 1890s onward, by contrast, race became a more rigid and legally enforced dividing line in American society than it had been in those decades since Reconstruction. How did it happen?

The 1890s featured ambitious politicians in both of the two major parties, as well as in the insurgent Populist Party. In the course of their competition for political power, three threats to democracy—polarization, racism, and rising economic inequality—coalesced in ways that led to severe backsliding.

That racism drove democratic backsliding was plain to see... But while racism was undoubtedly the most overt threat to democracy in the 1890s, it did not occur in isolation... racism was not just a goal but also a means to an end, and that end was political power!

(128) Meanwhile, polarization and racism drove deep cleavages in politics that helped to obscure the profound and growing influence of affluent Americans on politics. The role of economic inequality in the deterioration of American democracy during the 1890s can easily be missed, in part because economic elites did not cluster in one party... The fierce competition between the parties obscured the profound inequality in society that leaders of both condoned.

(129) The United States entered the twentieth century with democracy dramatically restricted. Conflict over the formative rift of race, which divided the parties in those decades, had given rise to backsliding. Democrats who sought to consolidate their power in the South had done so, through appeals to white supremacy, while Republicans in the North and West found they could get by without black voters. As a result, African Americans were stripped of voting rights, civil liberties, and civil rights, and would remain so for more than a half century.

The political settlement of the 1890s meant, moreover, that economic inequality would persist. Elites in both parties foreclosed the possibility of the more widespread reforms for which Populists had hoped, though they did in time manage to achieve some key reforms in Congress.

Subsequently, political polarization would begin to decline. The next decade when democracy would once again stand on the brink was the 1930s.

CH.5 - EXECUTIVE AGGRANDIZEMENT IN THE 1930s

(130) In 1932, as the Great Depression entered its third year, millions of Americans were out of work and desperate. People needed jobs so that they could feed their families, but for many there was no work to be found. One group, however, thought they saw a lifeline from the federal government. But to tap it, they would have to confront the government itself.

Nearly four million veterans had survived World War I. In 1924, Congress had overridden President Calvin Coolidge's veto to approve compensation averaging approximately $1,000 for each one of them. The catch: the payments were not to be made until 1945. As the Depression worsened, many of these veterans of the Great War began demanding advance payment of their "bonus" as a way of alleviating the misery of joblessness. In the spring of 1932, (many veterans gathered in Washington, calling themselves BEF...) (132) They remained in Washington and continued to demonstrate, even with no hope that Congress would grant their request. (President Hoover began mobilizing the army, then the police moved in, then) Hoover ordered in the army. Commanding the operation was the army chief of staff, General Douglas MacArthur, assisted by his chief aide, Major Dwight Eisenhower. (The troops cleared the demonstrators, then) MacArthur ordered his troops to continue on to Anacostia to clear the BEF encampment there.)... (134) Others regarded Hoover's response and MacArthur's attack as an excessive and unconscionable exercise of power. "If the army must be called out to make war on unarmed citizens," wrote the Washington News, "this is no longer America."

The veterans would eventually get their bonus, though it would take four years. Not until 1936 did Congress finally override President Franklin Roosevelt's veto and authorize immediate payments. But meanwhile the Bonus Marchers, and particularly the federal government's response to them, exposed the coming challenge of American democracy—how to respond vigorously and effectively to the unprecedented economic crisis without compromising democracy.

CRISIS OF DEMOCRACY AND CAPITALISM

(134) Uncertainty about the future of democracy in the 1930s stemmed principally from the collapse of the global economy, which caused Americans to question the effectiveness of their system of government. Many Americans had already been living on the edge of destitution even during the Roaring Twenties, and the epidemic of joblessness during the Great Depression, which affected as many as one in four members of the workforce, left them with little hope. Yet with the crash of the financial markets, the richest Americans lost much of their wealth, reducing the gap between them and everyone else. As economic inequality diminished, it receded as a threat to democracy, although widespread economic distress remained.

Political polarization was also entering a period of decline in the 1930s. Since the 1890s, the Republicans had dominated national politics and Democrats struggled to contend. Consequently, the fierce partisan battles that characterized the late nineteenth century subsided. The Democratic Party, moreover, was increasingly divided between white southerners, who strenuously defended segregation and white supremacy in the South, and urban northerners, who advocated a progressive program of social welfare and labor rights. Thus, divisions over policy often did not break down along party lines... Although the parties still represented distinct and often opposing segments of society, these shifting coalitions meant that parties tended not to act as "teams" that were always and unalterably opposed to each other but rather as more fluid and cooperative coalition partners.

(135) This three-legged party system also tended to push conflicts over membership and issues of race off the national agenda. (Although) race still remained a crushing rebuke to the claims of American democracy... As the events of the 1930s unfolded, the threat to democracy that emerged most visibly in the 1930s was *executive aggrandizement*. The presidency had until then been a relatively weak office. Although presidents had occasionally exerted great force, Congress remained the primary center of power in American politics. For much of American history, executive power was mostly a latent threat until the Great Depression and the global crisis of capitalism and democracy in the 1930s brought it to the surface and ultimately made it into a weapon that presidents could wield for a variety of purposes, both good and ill.

Unlike the 1850s and the 1890s, when multiple threats combined to push American democracy to the brink, the 1930s, like the 1790s, saw one overriding threat to democracy. And once again, even if the nation avoided the dramatic backsliding of the nineteenth-century crises, a single threat proved unsettling enough.

(136) By the time Franklin D. Roosevelt became president in March 1933, having defeated Hoover by a landslide in the 1932 election, the American economy had fallen into ruin. More than 24 percent of American workers were unemployed. Between 1929 and 1933, the total output of the American economy shrank by roughly 40 percent. An explosion of homelessness led to the construction of shantytowns—derisively named Hoovervilles—where hundreds of thousands lived in flimsy shacks. Local welfare agencies and private charities were stretched to the breaking point, and millions were left without any resources to cope.

The banking system neared collapse. Bank runs, in which depositors rush to withdraw their funds all at once were common sights in cities and towns around the country. Many banks went out of business, leaving their customers with nothing. Prices for agricultural products dropped, leaving farmers destitute and unable to pay their mortgages, further deepening the banking crisis.

In the face of this emergency, the Hoover administration seemed paralyzed, unable to muster a response that could prevent a downward spiral. And it was not alone. Around the world, both economic distress and political crises proliferated. The 1930s were suffused with the fearful sense that capitalism was crumbling and liberal democracy was under threat.

To make matters worse, competing forms of government had arisen across the ocean that seemed destined to outperform or overpower democracy in the United States. Fifteen years after toppling the czar in 1917, the Russian Revolution had produced a totalitarian dictatorship under the iron will of Joseph Stalin. Meanwhile, in Italy under Benito Mussolini, followed by Germany under Adolf Hitler, an alternative form of totalitarianism, fascism, was also on the rise.

As American society seemed to be sliding toward some kind of collapse, many Americans thought these totalitarian regimes seemed better able to maintain social order, protect at least some of their citizens from the ravages of economic collapse, and avoid the fecklessness that seemed to afflict the United States...

(137) Against the odds, Roosevelt succeeded, but not without a significant cost. In averting the crisis of democracy in the 1930s, Roosevelt advanced executive aggrandizement and set himself and future presidents up to exert much more direct, individual, and unfettered power.

FRANKLIN ROOSEVELT: AMERICAN DICTATOR?

(138) The dual aims of securing the economy and safeguarding democracy were central to Roosevelt's presidency. Through the 1930s, he devoted himself to the New Deal, an evolving program of reconstruction and reform. The New Deal had two critical components. First, it aimed to promote Americans' economic security, both by meeting the immediate crisis of the Depression and then by restructuring the economy to prevent a recurrence of the misery the Depression caused.

Second, and at least as important for its impact on American democracy, the New Deal sought to restructure the government. Roosevelt saw the Depression as a national emergency, and he thought the government's response under Hoover was disorganized and anemic. He sought to empower the executive branch—and particularly the president—to enable the government to act more vigorously, not just in the face of future emergencies but also as a matter of routine.

This evolution of presidential power under Roosevelt would drastically alter the conventional understanding of the separation of powers under the Constitution. From the time of the founding of the republic, Congress, which represented the nation's broad diversity of outlooks and interests, had been the dominant branch of government; it had the power to make laws, determine government spending, and declare war." The president, by contrast, had limited authority; in designing the presidency, the framers of the Constitution took pains to try to prevent it from becoming a dictatorship by embedding it in a system of separated powers with checks and balances. Presidents in the early twentieth century had begun to expand the powers of the office and gained new control over a growing and more capable executive branch. Yet even with these changes, presidents remained secondary to Congress through the 1930s: empowered to execute Congress's decisions but not to govern on their own except in an extraordinary circumstance. And the Great Depression, Roosevelt asserted, most assuredly was such an exceptional moment. The New Deal began with an extraordinary exercise of power. The day after his inauguration, Roosevelt issued a proclamation calling Congress into an immediate unscheduled session. The day after that, he issued another proclamation that shut down the country's banks for four days... (139) (passed the Emergency Banking Act)... He now wielded unprecedented power over the country’s financial affairs... *Barron’s* wrote that “a mild species of dictatorship will help us over the roughest spots in the road ahead.”...

THE NEW DEAL AND THE ECONOMIC CRISIS

(141) The New Deal tackled problems that had never before been considered the responsibility of the federal government: joblessness and poverty, economic security, labor rights, and housing, among others. Roosevelt oversaw a broad expansion of the federal government’s powers and responsibilities... But they also set the stage for executive aggrandizement...

(142) Though these programs brought much-needed economic stability and confidence to citizens, they also extended new social rights in divisive ways that elevated some Americans (particularly white male industrial workers) while further marginalizing others (largely many women and African American men). Policies such as Social Security and fair labor standards, for example, excluded large categories of workers (particularly domestic and farm workers), which meant that women and black male workers tended not to be covered by the new national umbrella of social protection. And federal housing programs discriminated against African Americans through practices such as redlining (systematically rating heavily black neighborhoods as high risk for mortgages) that promoted discriminatory lending, reinforced local segregation, and amplified inequality. For all these programs did to shore up the foundations of the American economy, they excluded many based on race and gender from the full meaning of American democratic citizenship...

Some of these attempts would be short-lived, struck down by the Supreme Court as exceeding constitutional limits on the federal government's authority. But others would become the foundation of the modern administrative and regulatory state... these and other policies would help stabilize the economy and put the country on the road to recovery. Yet they came at a cost to the underpinnings of American democracy, as they advanced and helped to consolidate the presidency's expanding power.

EXPANDING PRESIDENTIAL POWER

(142) The New Deal also set in motion a process of executive aggrandizement that would make FDR and future presidents significantly more powerful than their predecessors and more able to resist challenges from the opposition.

(143) To be sure, a number of earlier presidents—Jefferson, Jackson, Lincoln, Theodore Roosevelt, Wilson—had enlarged the power of the office. But few took this strategy as far as Franklin Roosevelt. He even previewed his intentions in his inaugural address... "It is to be hoped," he said, "that the normal balance of Executive and legislative authority may be wholly adequate to meet the unprecedented task before us. But... Should Congress not step up to its responsibilities,” he declared, "I shall not evade the clear course of duty that will then confront me. I shall ask the Congress for the one remaining instrument to meet the crisis—broad Executive power to wage a war against the emergency, as great as the power that would be given to me if we were in fact invaded by a foreign foe."

Roosevelt did not seize power as a dictator might, with military force. Rather, he dramatically expanded the power of the presidency through the regular constitutional processes of legislation. This expansion happened in three ways. (Direct presidential authority, Congress delegating authority to the president, and strengthening presidential management capabilities)...

(150 Most significantly, he created the Executive Office of the President, which brought the influential Bureau of the Budget out of the Treasury Department and directly under presidential control. Together, these reforms paved the way for much more active and intrusive presidential control over the federal government's day-to-day activities than had ever been possible before.

A NEW PRESIDENCY?

(150) The expansion of both the size and scope of government raised the American people's expectations about what the government could and would do for them. However, the growing powers of the president also focused attention on Roosevelt as the one figure in the political system able to deliver what the American people needed... This shift planted the seed for another important dimension of executive aggrandizement: under these circumstances, opposing the president could be seen as tantamount to confronting the people themselves.

(151) Roosevelt himself was thoroughly in his element as the embodiment of the federal government and the center of public attention... He was an extraordinary communicator and a master of using new technology (radio) to reach the mass public and create a personal connection with them, unfiltered by the press...

But this apparent personal connection between the president and the public, coupled with the presidency's growing power and institutional resources, can create dangers as well. It amplifies demands on the presidency. Presidents, especially since Roosevelt, enter office with the enormous weight of public expectations on their shoulders. Even with the growing resources of the presidency, presidents repeatedly find themselves unable to measure up to the demands of citizens, and they find it increasingly appealing to look for ways to bypass the normal routines of government and act unilaterally. Finally, such a connection encourages the public to look to a single leader for salvation in hard times, and it further emboldens presidents to think of themselves in this light...

ROOSEVELT, NATIONAL SECURITY, AND THE TOOLS OF PRESIDENTIAL POWER

(154) Roosevelt was increasingly worried about the threat of Nazi subversion in the United States... (wiretapping began)... twice, in 1937 and 1939, the Supreme Court ruled that evidence obtained through wiretapping was inadmissible in court and that in ordinary circumstances wiretapping amounted to a violation of civil liberties...

(155) (On My 21, 1940) the president signed a secret memorandum to the attorney general authorizing wiretaps for political purposes... (156) The Roosevelt memo gave Hoover explicit authorization from the president of the United States to spy almost without restraint on politically suspect Americans. The burgeoning national security apparatus, which would grow by leaps after the United States entered World War II and then faced off against the Soviet Union in a decades-long cold war, was now intimately tied to the president's power.

CONCLUSION: TOWARD THE IMPERIAL PRESIDENCY

(156) That the political turmoil of the 1930s brought the perpetuation of democracy marked a considerable achievement in a dark decade that saw the destruction of democracy elsewhere in the world. We rightly remember Franklin Roosevelt as a leader who effectively steered American democracy through two major crises. He did so by pursuing the expansion of executive power as an answer to the crises of democracy and capitalism. Roosevelt's firm assertion of executive power helped democracy flourish, both globally and at home; in many ways, the New Deal deepened democracy, as the federal government began to protect social rights and labor rights more vigorously than before.

But along with these accomplishments, Roosevelt's presidency brought with it the burgeoning of a new threat to democracy's future: the power of the presidency itself Judiciously used, the tools of executive power can help presidents manage complex problems of governance and respond quickly to emergencies. But they can also become weapons that enable a president to wield executive power on his own behalf or for partisan gain.

Unlike Lincoln's wartime powers, Roosevelt's expansion of presidential power would prove to be not just durable but also further expandable. Roosevelt's skillful leadership and crisis management reveal how effective executive power can be at solving real problems and overcoming representative democracy's tendency toward paralysis. But it also opened the door not only to heightened conflict between the president and Congress but also to the temptation on the part of presidents to use their growing power to stifle the opposition and undermine democracy...

(157) And, as in the 1790s and the 1890s, the outcome of the crisis came at the expense of progress toward a more inclusive society and by perpetuating exclusion along the lines of American society's "formative rift": the color line.

As executive power was expanding, the other three threats were at relative low points. Polarization continued to abate as the economy revived... Economic inequality began to diminish when the Great Depression set in, and it continued its decline as the New Deal took hold.. And conflict over the boundaries of membership remained relatively muted (mostly because white supremacy ruled)...

(157) But Roosevelt's power also took the country in more ominous directions during the war. Just months after Pearl Harbor, Roosevelt ordered the removal of people of Japanese ancestry from large swaths of the country, mostly on the West Coast... more than one hundred thousand people, most of them American citizens, were forcibly evacuated from their homes... Roosevelt and his advisors were well aware that this order was constitutionally dubious... Unlike Lincoln's wartime declaration of martial law, Roosevelt's order was upheld by the Supreme Court in a decision that was not repudiated until 2018.

(158) When the war ended in the summer of 1945... Many of the core attributes of American democracy had been preserved; free and fair elections, the legitimacy of the opposition, and the rule of law all survived. Yet the New Deal and World War II simultaneously imperiled the integrity of rights, even while defending them...

And when Franklin Roosevelt died, just three months into his unprecedented fourth presidential term, he left behind a transformed presidency that now possessed immense power, which his successors would wield to combat the totalitarian ally-turned-antagonist, the Soviet Union, in a cold war that would dominate the rest of the century.

But that new executive power represented not only a weapon against a foreign adversary. It would also prove to be a threat to democracy at home.

CH. 6 - THE WEAPONIZED PRESIDENCY IN THE 1970s

(159) Shortly after midnight on June 17, 1972, an overnight security guard named Frank Wills noticed something amiss in the Watergate office complex in Washington, DC.... Wills called the District of Columbia Metropolitan Police... (160) they arrested five men for breaking into the headquarters of the Democratic National Committee... Desperate to conceal White House involvement with the break-in, Haldeman and Nixon concocted a scheme in which the CIA would ward off the FBI from investigating further by claiming that it was a matter of national security...

(161) At the heart of Watergate was President Nixon’s sustained pattern of attempts to rig the political system in his favor. He sought nothing less than to “weaponize” the presidency: to wield its power and the resources of the national security state to punish his enemies and advance his own political fortunes... Above all, Watergate revealed the dangers to a democracy of unchecked executive power...

In the latter part of the twentieth century, the weaponized presidency bolstered and reinforced the idea of politics as mortal combat – the idea that political rivals were not just opponents but enemies to be vanquished. What reemerged was the antidemocratic notion... that disagreement equaled disloyalty and that compromise meant defeat.

(163) Political polarization also hovered at historically low levels in the post–World War II decades. Democrats remained divided between a more conservative, white supremacist southern wing and a more liberal northern wing, while Republicans were also more ideologically diverse than today. In 1950, an expert panel of political scientists lamented that there was not enough polarization in American politics—that American parties offered voters very little real choice and frustrated attempts to hold parties accountable for the actions of the government...

But the politics of partisan compromise became more perilous during the 1960s. In the wake of the advances of the civil rights and women's movements of the 1960s, the United States had evolved, as least formally, into a more egalitarian democracy than ever...

DOMESTIC DISSENT AND GOVERNMENT SURVEILLANCE

(164) When Nixon took the presidential oath in January 1969, the Vietnam War was going badly... protests... antiwar movement...

(165) Nixon knew from his own campaigns, in which he had routinely smeared his opponents as radicals and communists, that surveillance and political espionage were highly useful tools to gather information about protest activities, provide evidence for disloyalty claims, and chip away at the democratic legitimacy of the opposition by insinuating that they were un-American. In Nixon's mind, and in the minds of many Americans, the line between antiwar protesters and agents of communist subversion was a fuzzy one. Nixon deliberately sought to exploit this presumed (but mostly imaginary) linkage to promote the idea that protesters were not a legitimate opposition but enemies of American power and values.

Soon the combination of Nixon's contempt for protesters, his appetite for intelligence, and the ambitions of two bureaucrats would lead to efforts to subvert the FBI's own safeguards against unlawful surveillance. A document that came to be known as the Huston Plan, ostensibly aimed at coordinating the government's intelligence activities, would propose a vast expansion of the president's power to attack those he perceived as political enemies...

170 The (interagency intelligence) committee's forty-three-page report, submitted at the end of June... outlined a series of internal security threats and assessed the strengths and limitations of current intelligence coverage of each... In essence, the report pointed the way toward a dramatic and unprecedented expansion of the government's ability to spy on American citizens without the usual legal and constitutional restraints.

Hoover was livid when he finally read the report, and he threatened to withhold his signature. He did not downplay the risks of domestic subversion, nor did he object to aggressive surveillance. Rather, he feared that if the plans outlined in the report were implemented, the FBI would be subject to much more intensive scrutiny and oversight... (The plan eventually went away, but it provided arguments for activities previously deemed beyond the pale...

THE PENTAGON PAPERS, THE PLUMBERS, AND THE ORIGINS OF WATERGATE

(171) name “Watergate” itself is actually shorthand for a broader set of interlocking scandals that accumulated over time and ultimately engulfed Nixon’s presidency... Pentagon Papers... Daniel Ellsbert... plan to burglarize the Brookings Institution... Nixon told Kissinger, “I don’t give a goddamn about repression, do you?”... forming the “Special Investigations Unit” (aka the Plumbers)... breaking into the the office of Ellsberg’s psychoanalyst... searching for information to smear his Democratic antagonists... blocking opponents’ campaign venues...

(176) The most advanced of these plots was Operation Gemstone, which Liddy hatched in early 1972 along with Haldeman, Dean, Mitchell, and deputy campaign director Jeb Stuart Magruder. Gemstone had a number of subplots... kidnap radical leaders and antiwar figures, spirit them across the Mexican border, and hold them outside the country to prevent them from disrupting the Republican National Convention.. hiring prostitutes to lure Democratic delegates from their convention in Miami Beach onto a yacht wired with listening devices... bug the campaign headquarters and telephone lines of Muskie and Senator George McGovern."

Mitchell ultimately approved a scaled-down version of Operation Gemstone at the end of March, with a budget of $300,000 to be paid in cash out of a fund at the Committee to Re-Elect the President... One of those moves was to break into DNC headquarters at the Watergate and bug the office of DNC chairman Lawrence O'Brien...

DEMOCRACY RESPONDS

(176) Once the second Watergate break-in went awry, with the scandal rapidly unspooling in the press, Nixon and his team covered their tracks...

(178) The so-called Watergate Seven—the five burglars plus their overseers, Hunt and Liddy—were tried in federal court in January 1973. At the trial, Hunt and four of the burglars pled guilty and insisted that they had acted alone or on behalf of the CIA, without instructions from anyone elsewhere in the government or higher up in the administration. Hunt had, in fact, been under considerable pressure from the White House to conceal the administration's culpability and had been pressing the White House for money and clemency in return for silence—essentially blackmailing the president of the United States. Even though the full scope of the cover-up was not known at the time, Hunt's guilty plea at the trial struck observers, including presiding judge John Sirica, as suspicious.

Liddy and the fifth burglar, James McCord, were ultimately sentenced to prison time for burglary, conspiracy, and illegal wiretapping. At the trial, the prosecution tried to tie the burglars' actions to a wider administration conspiracy. Hugh Sloan, the former treasurer of the Committee to Re-Elect the President, testified that he had overseen cash payments to Liddy, but Magruder denied on the witness stand—falsely—that he had given Liddy instructions regarding Watergate. In the end, though the trial shed little light on the bigger picture, Judge Sirica announced his skepticism that "all the pertinent facts that might be made available" had come out. He was soon proved right.

In hopes of obtaining a lighter sentence, McCord sent a letter to Judge Sirica several days before his sentencing in March. He outlined the broader case for the judge: political pressure on the defendants by the White House to keep quiet, perjury by witnesses in the trial, broader government involvement in the Watergate operation beyond just the CIA. McCord's letter was dynamite; it seemed to substantiate Sirica's suspicions that the trial had not produced a forthright record even of what those who testified knew, and it sent the administration into a panic...

(179) Sirica read McCord's letter aloud in court before sentencing the defendants on March 23, and its effects were explosive. The public revelation sent the administration into a frenzy of fear and recrimination as the principals tried simultaneously to inoculate the president and protect themselves. On a single day at the end of April, Nixon fired Haldeman, Ehrlichman, and Dean and accepted Attorney General Richard Kleindienst's resignation...

John Dean, testifying at the end of June under a grant of immunity, implicated the president publicly along with numerous others at the senior levels of the White House and the campaign...

(180) Senate investigation, headed by Sam Ervin... learning of taping system in the Oval Office... Archibald Cox as the Watergate special prosecutor... Nixon refused to turn over the tapes... Sirica issued a subpoena for the tapes... Nixon ordered Richardson to fire Cox on October 20, Richard refuses and resigns... Deputy Attorney General Ruckelshaus refused to fire Cox and resigned... Robert Bork complied with Nixon’s order. The "Saturday Night Massacre," as it became known, was complete, but it proved to be the beginning of Nixon's end.

(182) Nixon hoped that firing Cox would allow him to abolish the special prosecutor's office. If only the Watergate investigation would revert to the Justice Department, he could control it. But to most observers, Democratic and Republican alike, the Saturday Night Massacre looked like a naked abuse of presidential power to manipulate a criminal investigation and dodge the consequences at the expense of the rule of law. In the face of a tremendous backlash from Congress, the press, the legal community, and the public, Nixon was forced to back down.

SHOWDOWN OVER PRESIDENTIAL POWER

(183) Three days after the Saturday Night Massacre, Nixon's lawyers told Judge Sirica that they would comply with the court's order to turn over the tapes that Cox had requested. The following week, Acting Attorney General Bork appointed a new special prosecutor, Leon Jaworski, to replace Cox. Jaworski eventually indicted Mitchell, Haldeman, Ehrlichman, and Colson, all of whom would go to prison... Jaworski also named Nixon as an "un-indicted co-conspirator," indicating that there was strong evidence for a criminal case against him... The Saturday Night Massacre and the first release of the White House tapes also led to the opening of the final line of inquiry into Watergate: impeachment hearings by the House Judiciary Committee...

The contents of the White House tapes were pivotal in both the prosecutions and the impeachment proceedings. Backed into a corner by his own statements, Nixon tried to use the rationale of national security to justify both the cover-up and his subsequent determination to withhold the tapes from Congress, the prosecutor, and the courts. As the parallel criminal and congressional processes moved forward and the investigation closed in directly on the president, Nixon increasingly sought to sidestep the legal process and place himself beyond the law's reach...

And he increasingly came to see his own personal political and legal interests as one and the same with the interests of the presidency. He clung to this view long after he left the presidency, and he remained defiant and unrepentant about his actions. In 1977, he told television interviewer David Frost that in matters of national security, "when the President does it, that means that it is not illegal."

As Jaworski subpoenaed more tapes, Nixon continued to refuse to comply, and by June the key question came before the Supreme Court: whether the president of the United States was subject to the law...

(184) Through the summer of 1974, the (House Judiciary) committee built the case for indictment and released nearly 4000 pages of evidence, including transcripts of many of the White House tapes...

(185) Through the summer, this group met frequently... But by late July, the steady drumbeat of damning revelations and the mounting evidence that the president himself had directed the Watergate cover-up ultimately broke the logjam. Tom Railsback, a wavering Republican from Illinois, came to resent his party leadership's position that all were obligated by partisan loyalty to protect a Republican president, and he was irritated by pressure the White House tried to exert on him through business leaders in his district.

On July 23, seven Judiciary Committee members, three southern Democrats and four Republicans, gathered in Railsback's office. Over coffee and Danish, they circled around the subject... Ultimately, they agreed unanimously that the president's actions warranted his removal from office.

Once this pivotal group of seven had decided, the die was cast, and over the last week of July the committee adopted three articles of impeachment: for obstruction of justice (covering up the Watergate burglary), abuse of power (deploying the power of the presidency to violate citizens' rights and undermine the rule of law), and defiance of congressional subpoenas. As August began, the House of Representatives prepared to begin debate on impeaching the president of the United States for the first time in more than a century...

(186) Even as it became clear that impeachment by the full House was likely, Nixon and his staff and lawyers were preparing to contest a trial in the Senate, where he believed he had enough support to block the two-thirds majority necessary to convict him and remove him from office.

In the same week in July that the Judiciary Committee recommended impeachment, the Supreme Court unanimously burst Nixon's bubble of privilege and privacy and ordered him to surrender the remaining tapes. The batch of recordings released to the public on August 5 included what became known as the "smoking gun" tape: the Oval Office conversation of June 23, 1972, in which Nixon and Haldeman schemed to use the CIA to conceal the White House's involvement in the burglary."

The evidence was now incontrovertible: the president of the United States had engaged in a criminal conspiracy to obstruct justice in the Oval Office and then went to dramatic lengths to deceive the public about it. Most of Nixon's remaining support among congressional Republicans crumbled, aside from a few stalwarts...

On August 7, Republican senators Hugh Scott and Barry Goldwater joined House minority leader John Rhodes in an Oval Office meeting with President Nixon to report on his dwindling support. Perhaps fifty votes for him remained in the House, they estimated, and no more than fifteen in the Senate—far short of what he needed to survive. Nixon resigned the next day.

WATERGATE AND EXECUTIVE POWER

Watergate revealed the dangers of executive aggrandizement. Unlike Roosevelt, who devoted much attention to building the capacity of the executive branch, Nixon came into an office that had already amassed tremendous power and resources. Nixon's determination to use that power to shield his illegal activities from any legal sanction posed a threat to the rule of law. And the impunity that this shield afforded him to bend the government and the political system to his will threatened Americans' civil liberties and the integrity of national elections.

At a time when three of the four threats were relatively low, an ambitious and determined president still managed to create havoc through his attempt to deploy the powerful executive branch on behalf of his own political interests and obsessions. Low polarization in the 1970s reduced the risk that partisan lines would harden, that opposition would be deemed illegitimate, and that democratic politics would devolve into mortal combat. But even so, he nearly got away with it; most Republicans—both in Congress and among the public—supported him almost until the very end.

Nixon also faced a political establishment dominated by his partisan opponents. Democrats still held majorities in both houses of Congress and federal courts were still full of judges appointed by Democratic presidents. Even in these circumstances, Nixon was able to push presidential power to the limit.

In the end, a variety of actors—members of Congress, judges, journalists, and even executive-branch officials—played their constitutionally prescribed roles in the drama to restrain the president from wielding the tools that he had amassed and to hold him accountable, as democracy is supposed to do.

American democracy survived, but not without ominous portents. Watergate also offered a glimpse into the future. What would happen when a president not only possessed all the tools that came with the office by the late twentieth century, but also governed in a highly polarized setting in which bipartisan cooperation, even on matters of the integrity of democracy, was out of the question? When a single party dominated the government? And in a country riven by deepening economic and racial rifts?

EPILOGUE

(188) Several months after Nixon left office, the Senate established a select committee to study intelligence abuses. Chaired by Senator Frank Church of Idaho, what would become known as the Church Committee conducted its investigation and held hearings through 1975, issuing an extensive report in April 1976. The committee documented decades of suspect and often illegal covert activity, both foreign (such as assassination plots against foreign leaders) and domestic, including extensive revelations about the FBI's CointelPro operations, wiretapping of American citizens, mail-opening, black-bag jobs, and other kinds of surveillance. The committee brought to light Roosevelt's secret wiretapping orders, the FBI's clandestine harassment of Martin Luther King Jr., and the Huston Plan...

The Church Committee's final report outlined in harrowing detail many of the dangers of an extensive executive-branch security apparatus, especially when attached to a powerful presidency and commanded by a politically ambitious president. The committee recommended new rules to rein in covert action by the government and better congressional oversight, including the establishment of permanent House and Senate Intelligence Committees...

But Church himself, appearing on NBC's Meet the Press in August 1975, clarified exactly what was at stake. Nixon's resignation after Watergate and his own committee's work had advanced the cause of democratic accountability, for the time being. But he worried that we were not out of the woods:

If this government ever became a tyranny, if a dictator ever took charge in this country, the technological capacity that the intelligence community has given the government could enable it to impose total tyranny. And there would be no way to fight back, because the most careful effort to combine together in resistance to the government, no matter how privately it was done, is within the reach of the government to know. Such is the capability of this technology.

Why, he then asked, was the investigation important?

Because I don't want to see this country ever go across the bridge. I know the capacity that is there to make tyranny total in America. And we must see to it that ... all agencies that possess this technology operate within the law and under proper supervision so that we never cross over that abyss. That's the abyss from which there is no return."

CH. 7 - AT ALL COSTS: HOW THE FOUR THREATS ENDANGER DEMOCRACY

(190) A presidential election in which one party—which gained fewer electoral votes than the other—threatened to usurp the outcome, and each side warned of violence if it did not prevail. A bloody and destructive civil war fought because one half of the country began to challenge the other half's determination to perpetuate slavery. Provincial governments that disenfranchised millions while national leaders sanctioned it. More than one hundred thousand people rounded up and incarcerated in so-called relocation centers for years because of their national origin. A president running a secret surveillance and political sabotage unit out of the White House. These episodes of democratic backsliding, some of which threatened democratic stability to its core, all happened in the nation renowned as the world's beacon of democracy.

As extreme and abnormal as these episodes might sound, they were not isolated incidents. Rather, they occurred during eras marked by sustained, tumultuous discord, threaded through the nation's history. During these crises, many people feared that the nation's progress toward more complete democracy was at risk. Uncertainty and chaos endured for years, sometimes leaving behind a diminished democracy, with long-lasting damage.

(191) Neither were the democracy-threatening occurrences aberrations; to the contrary, specific tactics and strategies regularly repeated themselves. Political authorities tried to suppress critical journalists and publishers in the 1790s and 1970s alike. Angry citizens sought vigilante justice in the 1850s, just as their predecessors had in the 1790s. Political operatives engaged in chicanery and even outright fraud to help their party win elections in the 1850s, the 1890s, and the 1970s. Time and again, presidents who lacked support for their policies in other branches of government charged ahead with their plans, from George Washington in pursuit of a treaty with Great Britain that Congress opposed to Franklin D. Roosevelt toying with court-packing when the Supreme Court proved hostile to New Deal legislation.

For those of us who came of age after World War II, this stormy past may sound like that of a foreign country that is ruled by autocrats and lacks established political institutions; we have been accustomed to American democracy growing stronger, more robust, and more inclusive over time, as if by an inexorable logic. But when viewed over the long term, that democracy reveals itself to have been profoundly fragile...

It is tempting to conclude that today we live in a mature democracy that is no longer vulnerable to backsliding. We tend to assume that the Constitution will keep democracy safe, that its checks and balances and its restraints on excessive power will prevent our system from going in reverse.

But that assumption fails to take account of the four threats to democracy, the damage that has occurred when they have been present, and the peril created by their various combinations. Today, all four threats have converged at high levels, as never before. What is it about these threats that makes them so dangerous? Why do they motivate politicians to take off the restraints in ways that harm democracy?

(192) Each of the threats affects political power in destructive ways. Power is an essential part of the normal, healthy practice of democratic politics. Democracy depends on the competition for power through elections, which enable citizens to hold their leaders accountable. Voters use their power to choose people to protect their values and interests; elected officials, in turn, engage in collective action as they use their power to govern responsively; and voters hold them accountable by reelecting them or by voting them out of office.

The problem is that each of the four threats interferes with the normal functioning of democratic politics. A goal takes over that proponents value deeply, more than democracy itself, and in pursuing it—at all costs—they become willing to take measures that endanger democracy... When the threats merge in various combinations, furthermore, not only is the level of danger compounded, but their interactions with one another make them more combustible, ratcheting up the likelihood of causing harm to democracy.

How did the American constitutional system survive each of these crises? Despite the risks that recurred again and again and the real harm that often took place, ultimately the nation and the Constitution prevailed. Yet, looking across the periods, we find a deeply disturbing patter. on several occasions, political leaders effectively preserved American democracy by restricting it. They reinforced the "formative rifts," restrictions on who belongs in the political community that descended from the nation's founding, by curtailing the boundaries of membership and warding off challenges to the status of more privileged members...

HOW THE FOUR THREATS LEAD TO BACKSLIDING

(193) Across American history, each of the four threats that are known to make democracy vulnerable—political polarization, conflict over who belongs in the political community and the status of different groups, rising economic inequality, and executive aggrandizement—has waxed and waned according to its own pattern and trajectory. As a result, different ones have emerged at different times of crisis, sometimes in combination with others. Each of the threats promotes the use of political power in ways that distort the normal functioning of democracy. They embolden leaders to pursue particular goals at all costs, even those detrimental to democracy. While any of the threats can challenge democracy on its own, the merger of two or more can prove formidable indeed. We will now examine what it is about each of these threats that makes them so dangerous for democracy, and what happens when they coalesce.

**Polarization**

(193) Democracy relies on the presence of ambitious politicians who want to win: to win election, to win policy battles while in office, and to win reelection. Such ambitions prompt them to be responsive to citizens, and in turn enable citizens to hold them accountable. Political parties, furthermore, help make democracy work, by recruiting candidates, simplifying choices for citizens, and coordinating a political agenda. But when partisan loyalty comes to override other goals, it can distort politicians' incentives to be responsive to voters and democracy may suffer. This occurs when polarization becomes the key organizing principle in a political system. Polarization occurs when competition between two opposing sides intensifies to the point where dominating the other side becomes the top priority... Politics then increasingly takes on the form of mortal combat, with enormous stakes, and each election is portrayed by both sides as an existential crisis. Among ordinary citizens, this polarized politics engenders an "us versus them" mindset, as they adopt increasingly negative views of their opponents...

But why is polarization bad for democracy? It is detrimental because it means, for politicians, that being true to one's political "team" takes priority over representation, over responsiveness to one's constituents, and, ultimately, over democratic accountability. Political skills such as negotiation, compromise, and persuasion fall by the wayside, with destructive effects on policymaking. Polarized sides in a conflict grow increasingly hostile to each other and unwilling to pursue mutual accommodation. They come to view each other as harmful to the future of the polity, and in some instances as a danger to the Constitution, even treasonous. They seek ways to tilt the playing field, to weaken or impede the other side and to advantage their own, to improve their odds of winning.

Polarization may begin over genuine policy differences or divergent views about the role of government in society. As competition grows, however, it tends to take on a life of its own, prompting the two sides to engage in conflict even over matters not related to their policy differences.

**Conflict Over Who Belongs**

(195) A robust liberal democracy requires equality and inclusion. Conflicts over who belongs in a political community involve questions about what status should be afforded to those in different groups. Those who value a political order that rests on exclusivity or social hierarchy, whether it is long-standing or from a bygone era, may become alarmed by those who favor more inclusive and egalitarian arrangements, as occurred in the 1850s and the 1890s, and is happening again today. At such moments, the defenders of exclusionary traditions, who worry that the nation's culture is changing, tend to become angry, highly engaged, and politically active to resist such change..

These conflicts over membership and status can expand or endanger democracy, depending on which side prevails. They are also fundamentally asymmetrical. On one side are those committed to equality. On the other side are those who want to restore old hierarchies that are antithetical to it. The defenders of the old guard may be quite willing to undermine democracy in the quest to restore a social order they prefer...

Time and again, the forces of white supremacy and racial exclusion have threatened the progress of American democracy. The United States' fundamental formative rift over race was inscribed into the Constitution with its clauses sanctioning the enslavement of African Americans. It undermined the nation's commitment to democratic ideals from the beginning, and it has continued to do so long after the demise of slavery...

(196) During Reconstruction, political leaders attempted to eradicate this formative rift and push the country to become a more inclusive democracy... By the end of the nineteenth century, as we have seen, democratic progress was reversed and the rift persisted.

The combination of polarization and conflicts over membership is particularly combustible, as the 1850s and the 1890s demonstrate. In the latter period, polarizers stoked conflict over membership in their quest for power because they knew it would reliably produce "us versus them" politics...

White supremacy appears to be latent, like a stream in the American polity that never quite runs dry. Instead it goes underground, where it remains unseen, ready to flow out in the open again once it is tapped...

While polarizers have invoked racism most frequently against African Americans, they have also fueled anger over the membership and status of other groups... Certainly Americans can legitimately deliberate through the democratic process about how much immigration they wish to permit at any point in time. If such debates involve conflict over the status of people who have been living in the country for a long time, however, they may shift in a different and more dangerous direction.

(197) Conflicts over who belongs in the political community, particularly when those conflicts relate to formative rifts, have the potential to drive politics down an undemocratic path. This occurs when one side wants to tether membership and status to some characteristic shared by some people but not others, such as race, ethnicity, gender, religion, country of national origin, or sexual orientation. Such demands trample the principles of equality and justice and are fundamentally undemocratic.

**Rising Economic Inequality**

As economic inequality grows, the rich become highly motivated to cement and expand their material gains. If gaining the political power necessary to protect their interests requires some damage to democracy along the way, they will typically be willing to tolerate that...

(198) The combination of polarization, conflicts over membership, and rising economic inequality is particularly dangerous because it permits the rich to pursue their agenda without others taking much notice or concern. Stoking conflicts over membership by fanning the flames of racial antagonism, for example, stimulates widespread political participation among ordinary citizens who want to restore traditional social hierarchies, even if they stand to lose from the policies that the wealthy desire. Uniting voters along these "us versus them" lines of race can prevent society's have-nots from uniting across racial lines against the haves and pursuing their own economic or social agenda.' Meanwhile, the rich and their surrogates can go about their business, acting even in plain sight, to accomplish their political and policy goals. In the process, they can tilt the playing field dramatically, achieving policies that advantage them economically and political arrangements that help keep them in power.

**Executive Aggrandizement**

(199) Executive aggrandizement is dangerous for democracy when it prompts presidents to override checks and balances in their quest to exert authority and to get things done, in order to be directly responsive to the people. The 1930s saw the growth of executive power on behalf of the New Deal agenda, but the Roosevelt administration's excesses were mostly constrained by robust resistance from the other branches of government. During Watergate, Nixon did use executive power in ways that circumvented constraints in the service of his own political interests, but the political system ultimately responded effectively and it became clear that his impeachment and removal from office were inevitable.

What distinguished the twentieth-century periods of havoc from those earlier in our history is that executive aggrandizement was the only threat present. Never before in our history, until now, have we experienced executive aggrandizement in combination with any of the other threats, not to mention all three of them, as we do today...

The combination of executive aggrandizement with the other three threats presents unprecedented danger to the United States. Already for several decades, as polarization has grown, presidents of both parties have gone to great lengths to deliver to their party faithful. Ultimately an empowered president may seek to further his own political future, and if the political system is divided by polarization and his party controls Congress, it may condone his behavior. If that president at the same time is fighting to restore an older social order and to protect the interests of the wealthy, these incentives may overpower the inclination to respect the constraints of the constitutional system. Today we face this unprecedented confluence.

DEMOCRACY IN THE BALANCE

(200) An oft-quoted saying typically attributed to Mark Twain goes, "History doesn't repeat itself, but it often rhymes." The history of democracy in the United States is indeed full of rhymes, particularly when it comes to the harm caused in moments of crisis. These crises repeatedly caused damage to the pillars of democracy.

**Imperiling Free and Fair Elections**

The essential feature of democracy is that government gains its authority and legitimacy from the people. Free and fair elections—the clearest means of conveying the collective voice of the people—therefore constitute a central pillar of a well-functioning representative democracy. Ambitious politicians and parties routinely seek victory in elections by winning the war of ideas and by using campaign strategies that help them to gain enough votes. Generally, such activities amount to fair play. Yet some efforts to achieve victory at the polls unfairly tip the scales, and in the process undermine basic democratic principles; free and fair elections became imperiled repeatedly throughout our history...

(201) The Voting Rights Act of 1965 dramatically increased the fairness of elections throughout the United States by seeking to ensure ballot access to all citizens. Yet soon after its passage, President Nixon and his aides turned to other means, seeking to discredit their opponents with a range of dirty and illegal tactics.

Electoral malfeasance and unfair electoral rules and procedures undermine the foundation of democracy. Both have a long history in the United States, not just during periods of crisis but in some instances as long-lasting effects of those periods.

**Thwarting the Rule of Law**

Any free society is likely to feature a cacophony of citizens and groups with different ideas and interests. These, quite predictably, can lead to differences of opinion and outright disputes. Democratic governance aims to manage these conflicts through the rule of law, procedures agreed on in advance that apply to all citizens. The rule of law also limits the powers of political leaders and defines the scope of power of each branch of government. When the rule of law falters, powerful people—especially those with money or influence—tend to dominate, and they may resort to coercion, intimidation, or violence (threatened or real) to achieve their goals...

(202) Power-seeking politicians in the United States may find it tempting to circumvent the rule of law in order to achieve their goals, but when they do, it defeats the basic principles of democracy upon which the nation was established. This has happened repeatedly in times of crisis.

**Failing to Respect the Legitimacy of Political Opposition**

Democratic politics requires that people with different points of view be permitted to express their views and compete through the political process to advance their agenda – and that they need to respect the right of others to do the same... Each period of democratic crisis found those with power trying to vanquish their opponents, changing the rules or shifting resources in ways that would undermine their opportunity to win in the future...

(203) Of course, ambitious politicians and parties want to win, and toward that end they seek to draw attention to their competitors' weaknesses. Some of these actions are legal and amount to fair play. Yet when politicians use their power to shut down or shut out the opposition, they repudiate a basic principle of democracy, transforming the political system into one that resembles authoritarianism. In times of democratic crisis, American politicians with power have repeatedly demonstrated their willingness to undermine the opposition.

**Endangering the Integrity of Rights**

In each period when American democracy was in distress, the fractious political climate led political leaders to ostracize or suppress some groups or to prohibit free expression of dissent. By defining particular groups as the enemy...or subordinating their stations... they aimed to consolidate their own supporters or to fracture the opposition...

(205) Across American history, when political actors have strived to expand and solidify their power, they have not hesitated to curtail political and civil rights in the process.

POLITICS AND THREATS

(205) We tend to think that, even with its imperfections, American democracy has generally flourished and has progressed to become more inclusive and robust over time and that the Constitution has kept us moving forward on this democratic path. But, in fact, the Constitution could not prevent serious harm from occurring repeatedly. The United States has not been immune to democratic backsliding. Across the episodes of crisis, all four pillars of democracy endured real damage, and sometimes it lasted for decades. The Constitution is not a machine capable of recalibrating itself, nor is it a homeostatic system that maintains a constant balance among its parts if one gets thrown out of whack. Rather, it is a framework for action, and as these episodes show us, it is a malleable one.

The way political leaders and citizens in any given period behave under the Constitution, as we have seen, depends largely on the presence (or absence) of the four threats. In three of the historical periods, only one threat prevailed. In the 1850s and the 1890s, three were present, and these episodes were accompanied by the most dramatic democratic backsliding that the United States has witnessed in its history.

Yet, just as the Constitution does not operate like a self-regulating system, neither do the four threats by themselves determine what unfolds in politics. They do not operate according to a predictable equation, nor do they foreordain some particular outcome.

Rather, political actors can exert their will and make choices, and it is they – elected officials, organizational leaders, and citizens—who make the crucial difference in whether threats will materialize into full-scale danger and damage. They may or may not choose to engage in action to save democracy.

(206) Sometimes in periods of crisis, powerful leaders themselves showed restraint... At other times, political leaders restrained one another in the unfolding drama of democratic fragility...

When a single group or party gains disproportionate control of the political system and operates in the presence of several threats, the challenge to democracy is likely to be formidable. This will be the case particularly if that dominant party stands on the side of those who wish to reinforce or reestablish traditional social hierarchies and to do the bidding of the affluent. The danger will be accentuated if the dominant party holds the presidency in a time of executive aggrandizement. At such a juncture, the other party must act first and foremost to protect democracy. It can be assisted by parts of the political system not run by the dominant party, including the media, states governed by the opposition party, and civil servants. The United States has not previously encountered the confluence of all four threats at once, but it does now..

A HISTORY OF SAYING DEMOCRACY BY RESTRICTING IT

(207) An optimist might point out that although each of the pillars of democracy endured harm, still the United States retained its Constitution and its system of government across years. At the national level, the regime itself persevered. The question is, how?

The most sobering observation about the recurring crises of American democracy is that the settlement of these crises has often revolved around a compromise of democratic values that entailed reaffirming or perpetuating racial hierarchy and exclusion. In fact, when challenges to democracy have been overcome, it has not always been through heroic action by virtuous democrats or high-minded political leaders who act with restraint and put partisan concerns aside for the sake of the country. Rather, put simply, Americans have often preserved a version of democracy for themselves by restricting who is included within its promises...

(209) For most of American history, democracy has been substantially restricted—by race, gender, national origin, and other markers of difference—in ways that have long taken on political significance. And the threats that have repeatedly challenged American democracy have revealed the fragility of democracy's pillars: free and fair elections, fair competition, the rule of law, and the integrity of rights. These are sobering patterns, ones that modern-day reformers need to heed seriously if they hope to avoid repeating them. In order to move forward into the future, we must save democracy for all Americans, not just some.

CH. 8 - DANGEROUS CONVERGENCE

(210) From early on, President Donald Trump showed a willingness to put the pillars of democracy at risk, starting with free and fair elections... Even more striking than Trump's behavior was the apparent lack of anything or anyone who could stop it. Stunned Republican leaders, who spoke disapprovingly of him during the primary, one by one came to support him as he cinched the nomination and then triumphed in the general election. Some public officials tried, in vain, to deter Trump from ignoring democratic principles. Prominent among them was FBI director James Comey, who attempted to nudge him toward upholding the rule of law... Each time, Comey demurred. Finally, on May 9, Trump fired him... Trump directed his anger at Attorney General Jeff Sessions... Trump was livid at what he perceived as a personal betrayal and stunning lack of loyalty from Sessions, and he fired him.

(211) Trump made no secret of the fact that he viewed both the FBI and the Justice Department not as public entities responsible for carrying out the rule of law but rather... as a private investigative force and a law firm that could safeguard him through the investigations they conducted or chose not to conduct, and even through the interpretations they reached

On March 24, 2019, two days after Mueller submitted his voluminous report to the Justice Department, Barr released a four-page letter framing the findings. The special counsel had refrained from making a judgment on whether the president had obstructed justice, but Barr took it upon himself to do so, concluding that the report failed to make the case. An exuberant Trump tweeted, "No Collusion, No Obstruction, Complete and Total EXONERATION," adding, "KEEP AMERICA GREAT!"

The highly detailed seven-hundred-page report would not become public until weeks later, but when it did, its words contradicted both Barr's and Trump's interpretations of its findings.

(212) From the late twentieth century onward, all four threats to democracy escalated and converged, and by the 2010s, they created a perfect storm... As all four threats reached high velocity and in combination generated even greater momentum, the embattled political system showed a profound lack of capacity to rein in the president. When all four threats crest in tandem, it turns out, a president and his partisan allies who control one or both chambers of Congress can threaten basic principles of American democracy in plain sight and get away with it.

How did the four threats reach this dangerous point? None of them attained its current status merely as a result of natural processes or impersonal social forces beyond human control. To the contrary, political leaders actively nurtured each of them over the past several decades, in the midst of their struggle for political power. They aided and abetted their growth, leading us to where we are now The convergence of threats, in turn, has catalyzed interactions that imperil democracy.

BECOMING "US VERSUS THEM": POLARIZATION ASCENDANT

Despite one revelation after another about Trump's actions that endangered democracy, he continued to enjoy steadfast support from his party. Republicans in Congress stood by him, repeatedly declining either to criticize his behavior in public or to participate in congressional oversight of his administration. Republican voters, too, remained faithful... How did it come to this?

(213) Polarization is not a fixed, steady state; rather, it is like a hurricane gathering momentum, intensifying, and sweeping up more and more in its path of danger and destruction.' Polarization arises partly from decades of slow-moving changes among ordinary citizens, as they shift their party affiliation. But polarization can also be stimulated by political leaders, deliberately and strategically. Once under way, it can take on a life of its own, as it generates reinforcing dynamics and becomes harder and harder to reverse. Contemporary polarization has developed in these ways, leading us to our present politics... long-term trends among voters... gradual departure of white southerners from its ranks and their shift into the Republican Party... rise of the Moral Majority in the 1980s... the Republican Party began to embrace a consistent message about small government and low taxes...

(214) Since that time, the two parties in Congress have grown more distinct from each other. More roll-call votes occur as straight party-line votes, with fewer members acting as swing voters who are willing to vote with the other side... Democrats shifted in a slightly more liberal direction in the 1990s, but after that remained fairly constant in their voting patterns. Republicans, meanwhile, moved sharply in a more conservative direction throughout the entire period. The gap between the parties increased dramatically.

(215) But rising polarization in Congress did not happen just in response to voters. Rather, political leaders quite actively promoted it.

REPUBLICAN LEADERS DRIVE POLARIZATION

Starting in the late 1970s, conservative Republicans in Congress emerged as active agents of polarization. After decades of Democratic dominance of national politics, they increasingly came to feel that everything they believed in was under attack. They strategized to become—at the very least—a more organized and vocal opposition party.

The question was, how? ...as the Republican Party became both more single-minded in its quest for limited government and low taxes and more determined to win elections, this pattern of mutual accommodation became less appealing... conservative political leaders rejected the strategy of accommodation and embraced confrontation... (216) Polarization worked: conservative Republicans began to win more elections...

(217) Already, conservatives’ rise had been fueled by their ability to use the media to their advantage, attacking it for biased, liberal reporting on the one hand, while courting the publicity it provided to their cause... Soon the media landscape would be transformed in ways that aided them further...

(218) Conservative political leaders tried to stoke distrust of the mainstream media starting as early as Barry Goldwater's 1964 presidential campaign...

The floodgates opened to a torrent of new conservative media outlets in 1985 when the Federal Communications Commission stopped enforcing the "fairness doctrine."... In its absence, conservative outlets proliferated, with talk radio leading the way. The advent of cable news and the internet fostered still more sources of partisan news, with conservative choices gaining the largest market share. On television, Fox News became the country's most-watched cable station...

The ascent of conservative media has generated an angrier public, undermined trust in government, and stimulated hostility toward those in the other party. The biased presentation of the news on such partisan outlets has been shown to prompt viewers to adopt more negative views of the other party and to trust it less, as well as to become more disapproving of bipartisanship... By cultivating outrage, these outlets foster and maintain an engaged audience.

(219) Not surprisingly, ordinary Americans are becoming more and more socially polarized—divided into separate groups that harbor prejudice and anger toward one another. People's partisan affiliations have assumed the character of social identities, group affiliations based on emotional and social connections rather than ideological agreement... Such "us versus them" politics reached a fever pitch soon after the election of the country's first black president...

Emboldened by their base, Republicans in Congress refused to cooperate with Democrats on the president's top priorities; they contributed not a single vote to the 2009 economic stimulus bill in the House and only three in the Senate, and none in either chamber supported the Affordable Care Act on final passage in 2010...

(220) A new generation of House Republican leaders... pushed the party toward extended brinkmanship, using the need to raise the nation’s debt limit to extract large spending cuts from Democrats..

ALL ROADS LEAD TO TRUMP

(220) Although Republican Party leaders themselves did not endorse Trump early on, in fact the work they had done for decades to make the party more competitive paved the way for him. His candidacy marked the natural progression of both contemporary conservatism and polarization more broadly as they had developed from the 1970s onward.

Trump took pages from the playbooks of the up-and-coming party leaders of those decades, from Gingrich through the Young Guns. He outdid them with his confrontational style, eviscerating political foes and sometimes even allies. He excelled at attracting media attention by inciting controversy and making outrageous statements. In equal measure, he castigated the media, slamming negative coverage as "fake news" and journalists as "enemies of the people"...

(221) As polarization has grown, ordinary Americans have come to exhibit "negative partisanship," meaning feelings of hostility toward the opposing party that often outweigh their positive feelings toward their own party. People increasingly perceive those in the opposing party as very different from themselves, embracing the "us versus them" mentality. This view drives voting decisions, as the desire to vote against opponents may outweigh enthusiasm for one's own party's candidates...

(222) Trump himself fueled negative partisanship... Polarization has been promoted by political leaders, particularly conservatives, for decades. They embraced confrontational strategies, encouraged the rise of partisan media, and fueled a devoted and angry base of voters. Their success gave rise to Trump's presidency. With him in the White House, all Americans must grapple with a president who thrives on creating division and a base that seems unwilling to abandon him. He is a polarizer par excellence.

FANNING THE FLAMES OF CONFLICT OVER MEMBERSHIP AND STATUS

(222) Trump's candidacy soared as he fanned the flames of conflict over membership and status, shunning "political correctness" and making bold, derogatory remarks about immigrants, women, and people of color. Once in office, he continued this approach, angering his opponents while simultaneously energizing his most ardent supporters.

(224) As the country has become more diverse, the two political parties have increasingly embraced divergent visions of American society with respect to race...

(225) Yet in other respects, racial hostility among whites overall, though it has vacillated a bit over time, differs little today from thirty years ago.

We find evidence for this in feelings known collectively as "racial resentment," which blame the persistence of racial inequality on African Americans themselves, attributable to reasons such as laziness or lack of a work ethic. Racial resentment indicates that an individual accepts common racial stereotypes about things like the moral superiority of one's own racial group and the characteristics of other groups... Racial resentment has increasingly divided the parties... (226) The parties have also grown more distinct in the racial composition of their membership...

(227) Trump effectively seized a political opportunity that had developed in the Republican Party and that others before him had not touched: he identified the base's already combustible attitudes about race and immigration and threw fuel on the fire. He appealed particularly to voters who felt strongly that American society was becoming too diverse in terms of race and ethnicity... Unlike Republican officials in recent decades who played the "race card" in more subtle ways, Trump did not veil his intent.

The 2016 race also activated voters' views about gender and civic status... Trump's messaging on gender inequality attracted more voters than Clinton's appeals to equality... (228) By some measures, the United States of the early twenty-first century seemed on course to become more egalitarian in terms of race, ethnicity, and gender. Yet conflicts over who belongs and on what terms continued to fester, and they burst into the open once Trump became a candidate. As in the 1890s, party leaders activated racism, which reinforced partisan polarization and mobilized voters. Sexism, unlike in previous recent elections, also came to the fore in shaping vote choice. Trump seized the opportunity to benefit from both. In the process, he demonstrated that formative rifts, far from being eradicated in the United States, still retain the power to anger and energize a sizable part of the electorate that yearns to restore old status hierarchies.

THE POLITICS OF RISING ECONOMIC INEQUALITY

(228) Unlike the vociferous conflicts over membership and status that surrounded Trump's rise and his presidency, the politics of economic inequality grabs fewer headlines. It is obscured in part by journalists' framing of Trump's victory as driven by working-class whites who were angry about the economy—a claim that, under scrutiny, appears overstated. But it is also no secret that the contemporary Republican Party has long advocated a market-based approach consisting of lower taxes and the removal of regulatory restrictions, changes that most benefit the affluent and large businesses. When Republicans won control of the White House and both chambers of Congress in 2016, they seized the power to pursue these goals. The 2017 tax bill, Trump's major legislative achievement, gave by far the largest rewards to the wealthiest Americans and slashed corporate tax rates...

(229) Economic inequality has skyrocketed in the United States since the early 1970s... (230) Rising economic inequality resulted not just from choices made by business leaders but also from those made by political leaders... (231) Most Americans, regardless of party, favor policy changes that would reduce inequality by aiding low- and middle-income people. Why would policymakers ignore them and protect the affluent instead?

THE POLITICALLY ACTIVE RICH

(231) In recent years, the wealthiest Americans and major businesses have devoted considerably greater energy and attention to political action. At first blush, this might appear to be nothing new; those with more resources have long tended to engage more in standard political activities than those with less... (232) the affluent have also grown more involved in highly visible politics.. (233) it’s not just wealthy individuals; the amount that corporations spend on lobbying and the degree of their involvement in politics hae also grown dramatically in recent decades.

BIPARTISAN EFFORTS AT EXECUTIVE AGGRANDIZEMENT

(233) Americans have become accustomed to more powerful presidents over the past eight years... (234) Trump is simply taking the next step on a pah already cleared by his presidential forebearers from both parties... And so presidents continue to push the envelope of unilateral action... And they are increasingly tempted to wield the presidency as a partisan weapon on behalf of their partisan “team.” In doing so, they put free and fair elections and the integrity of rights at risk.

(235) Contemporary presidents sit atop a vast and increasingly opaque web of intelligence operations that has unprecedented capacity to investigate, harass, spy on, and disrupt not just suspected enemies but American citizens as well, ostensibly for the purposes of finding and suppressing subversive or otherwise dangerous activity. Even after the cold war with the Soviet Union ended, these powers have persisted and even grown...

In domestic policy as well, presidents have used their unilateral authority not just to thwart Congress but to fill vacuums caused by congressional inaction and to placate the demands of their base constituencies... only a week into his presidency, Trump unilaterally issued the ban on travel to the United States from several predominantly Muslim countries...

(236) Even more dangerous is the opportunity for presidents, governing in a polarized political climate, to use the tools of the executive branch to undermine the legitimacy of political opponents and to monkey with the electoral system to tilt things in their favor. When polarization is low, presidents have every incentive to seek compromise and consensus and to deploy presidential leadership toward signature policy accomplishments. But when polarization is high, executive power can become a political weapon, and scorched-earth presidential tactics then become the norm...

(237) Donald Trump arrived in the White House at a moment when both the opportunity and the temptation to use the powers of the presidency as political weapons have reached dramatic heights. Nixon is often regarded as the master of presidential weaponization, but in this respect, Trump has outdone him...

In the presence of all of the other three threats, Trump's assertion of executive power is especially alarming for democracy. It permits him to accomplish his goals even as he pays little or no heed to institutional or political restraints, and it allows him to evade accountability for his actions.

THE CONFLUENCE OF ALL FOUR THREATS

(237) History has shown that the four threats do not emerge in a predictable, automatic, or mechanistic way. In most instances, while economic, social, or technological changes may initiate their ascent, political action is key in shaping their subsequent development. Political leaders can respond by trying to quell the threats; alternatively, they can encourage their development and use them as a means to increase their power, taking action akin to throwing gasoline on dry brush.

We find ourselves today in a situation not encountered by any previous generation of Americans: all four threats to democracy loom large simultaneously. Each of them is on the rise, and some have never been more formidable. What's more, they have begun to combine with each other in ways that intensify their destructive power.

(238) We did not reach this point merely through the natural evolution of social and economic conditions. Deliberate choices by political leaders have promoted each of the four threats.

Who is to blame for the intensification of these threats? The answer differs in each case. In terms of polarization, both political parties have contributed to it, but Republican leaders have taken the lead and pursued it more purposefully and strategically. This asymmetry likely results from the greater homogeneity of the GOP, whose members share an affinity for conservative values, whereas Democratic leaders must artfully accommodate a broader coalition that ranges from progressive to moderate and embraces greater racial and gender diversity.

When it comes to conflict over membership and status, those who pursue equality defend democratic values. Although numerous Republican leaders championed equal rights in the past, from Abraham Lincoln to Senator Everett Dirksen, today the party has all but relinquished the cause to the Democrats. The Democratic Party, while long internally conflicted over where it stood on such matters, has in the past decade come down more resolutely on the side of equal rights than ever before, and arguably more so than any political party in American history.

Over the past several decades, in the main it is the Republican Party that has pursued policies that most benefit the affluent and big business. Certainly there are exceptions to this... Nonetheless, the pursuit of lower taxes on the wealthy and corporations and deregulation of industry has occurred primarily under the leadership of Republicans, and party unity has permitted such initiatives to succeed.

Finally, the rise of presidential power has been facilitated by Democratic and Republican presidents alike. Unlike the other three, both parties bear considerable responsibility for its escalation. Note, however, how this threat combines with those just described: a Democratic president is likely to use the tools of the office to further the equality of citizens and to lessen economic inequality, while a Republican is likely to pursue the reverse. Still, given polarization, either may be tempted to use presidential powers to the political advantage of his party.

Now that we are here, is democracy in danger? This convergence has certainly strained the system, but in Chapter 9 we will turn to how democracy's underlying attributes are holding up.

CH. 9 - PUTTING DEMOCRACY FIRST

(240) When President Richard Nixon faced impeachment in 1974, executive aggrandizement buffeted democracy but other threats hovered at a low ebb, making it easier for political leaders ultimately to come together and safeguard rule by the people. When Donald Trump was impeached, however, all four threats had been gaining intensity for decades, preventing checks and balances from functioning effectively. Executive aggrandizement and political polarization provided a toxic mix, particularly due to a radicalized Republican Party, fueled by a base angry over changing terms of membership and status and led by public officials keenly responsive to the demands of the wealthiest Americans. With that party controlling the Senate, it was Trump—not democracy—who gained protection.

The key event that precipitated Trump's impeachment occurred on July 25, 2019, one day after special counsel Robert Mueller testified on Capitol Hill about his findings, when Trump spoke by phone with President Volodymyr Zelensky of Ukraine. Zelensky, a political novice who had been elected just three months earlier, desperately needed strong American support—ideally both military assistance and an Oval Office meeting—in order to push back against Russian aggression...

Two months later, in mid-September, the call became public knowledge, exposed by an anonymous whistleblower. The whistleblower's complaint claimed that "the President of the United States is using the power of his office to solicit interference from a foreign country in the 2020 U.S. election." Over the coming weeks and months, more evidence came to light indicating that Trump was undermining the rule of law by putting himself above it; endangering free and fair elections by requesting that another country interfere in US elections on his behalf; and attempting to tarnish the legitimacy of the opposition by implying that it and not he was involved in a corrupt deal with a foreign power.

The revelations united the House Democratic majority behind an impeachment inquiry. Speaker Nancy Pelosi announced it, stating, "The president must be held accountable. No one is above the law."'...

(242) Although the House followed the constitutionally mandated process for investigating and punishing presidential misconduct, Trump and congressional Republican leaders railed against Democrats in the language of politics as mortal combat, deriding the inquiry as a "scam" and a "witch hunt."...

In December, House leaders announced two articles of impeachment against Trump: abuse of power and obstruction of justice. The Judiciary Committee approved the articles, but unlike in 1974, when six committee Republicans joined all the Democrats in approval, in this polarized era the vote fell strictly along party lines. The full chamber proceeded to pass the two articles on December 18, with not a single Republican voting in favor. Trump became only the third president in history, following Andrew Johnson and Bill Clinton, to receive the enduring indignity of impeachment.

Then action turned to the Senate, where a trial began in mid-January 2020... The trial wrapped up quickly and Trump was acquitted along party lines, with Romney providing the one dissenting Republican vote...

(243) With the trial completed, a president remained in office who had used the powers of the presidency for his own political gain while flouting democratic principles. His behavior had been clearly condoned by his own party. In the face of virulent threats to democracy, checks and balances failed to restrain egregious abuses of power. Now the president ruled, unshackled.

The Constitution has never preserved democracy all by itself, and it is not poised to do so today. The potential for contemporary democratic backsliding is substantial given that all four threats to democracy have escalated, converged, and grown more combustible through their interaction with one another. Real harm to democracy is already occurring, as we will show.

The threats, moreover, have taken on a life of their own. They predated Trump and they are on course to persist well beyond his departure from public life. The nation seems to be in for years of careening, volatile partisan conflict, and more democratic backsliding. The question for Americans must be how to make the preservation and restoration of democracy our first priority, so that future generations can take part in "government of, by, and for the people."

DANGER TO THE PILLARS OF DEMOCRACY

(243) Decades of the ascendance of the four threats gave rise to the candidacy of Donald Trump, a political neophyte seemingly ignorant of and uninterested in public policy and the process of governance. Trump played the four threats like a master puppeteer. He is polarization personified, utterly dismissive of opponents and vicious toward all antagonists. He has repeatedly stoked racial antagonism and nativism. Despite the populist atmospherics of his rallies, his approach to governing has been plutocratic, not redistributive, effectively delivering robust benefits to the wealthy and business interests. And more than any president since Nixon, Trump views the presidency as his personal domain, and he has wielded its weapons to promote his personal interests—political and financial—at the expense of democratic accountability.

Early in Trump's presidency, some believed his unorthodox behavior would be of little consequence to democracy. They reasoned that he lacked the discipline required to pursue policy change. His stumbles on several of his own initiatives, such as the voter fraud commission and separations of immigrant children from their parents at the border, seemed to bear out this view. Yet as time has gone on, it has become increasingly clear that Trump's presidency is denigrating institutions that are crucial to democracy and normalizing behavior more typically associated with corrupt and authoritarian regimes. The sheer torrent of daily developments in this era can make it difficult to keep track of what has transpired, never mind its impact on democracy.

A well-functioning democracy thrives on the existence of competitive elections, the capacity of elected officials to engage in collective decision-making that is responsive to citizens, and the opportunity for citizens to hold those elected officials accountable. When any of its central pillars are harmed, these dynamics fail to function properly. The four threats, by channeling power in perverse directions, can degrade them. Here we provide a brief inventory of how the pillars of democracy have fared during the Trump administration to date.

(244) *Free and fair elections* are the foundational feature of a democracy, permitting citizens to have a voice and collectively to choose their public officials and to vote them out of office if they see fit. Without such elections, citizens' voices are easily ignored, and representation and accountability fail to function effectively. Throughout his time in the White House, Trump has launched a frontal attack on elections and the public's confidence in them.

(245) Congress also has abandoned the duty to protect free and fair elections. Granted, it did enact punitive sanctions on Russia because of its role in the 2016 elections, and the strong bipartisan support for the measure forced Trump to sign it, against his wishes, or face a veto override. Also, numerous congressional investigations looked into Russian interference in that election, the role of social media, and related issues. Yet this elected body of members who have all sworn an oath to uphold the Constitution has yet to enact legislation protecting this most essential component of democracy...

The attacks on elections combined with the failure to protect them put this most crucial pillar of democracy in danger. The concern is not that Trump or any American president will cancel elections, nor that votes will not be counted. Rather, in our fractious political climate, the possibility grows that some communities—particularly those marginalized in society—will have their access to the ballot curtailed. In addition, the public may increasingly lose confidence in elections, particularly if leaders themselves stoke fears of electoral fraud and malfeasance...

(246) The *rule of law* is crucial to democracy for making it a "government of laws, not of men," in which power flows not from an individual or a small group but rather from the people generally. Although all modern presidents have expanded executive powers, presidents before Trump exhibited a greater respect for the rule of law and for the limits it placed on their own power. Previous presidents have stretched the law and even violated it in pursuit of policy goals and political advantage. But few have so resolutely flouted the line between presidential power and personal gain. Trump, by contrast, remains oblivious to the very idea that there is a difference between them, and he proceeds undeterred, violating this boundary at will time and time again...

If future presidents follow Trump's lead, the United States will lose one of the hallmarks that have distinguished it from many other countries in the world: the absence of outright corruption in national politics. If we continue to permit presidents to use their political power to make deals that enrich them personally, helping their companies and investments, the notion of "government for the people" will become a remote ideal...

(247) All these violations of the rule of law threaten democracy in fundamental ways. Unless public officials insist that faithful adherence to the rule of law be reinstated and adopt safeguards to protect it, presidents will become increasingly powerful while Congress, the branch designed to be closest to the people and to represent the diversity of interests that make up the country, will become weaker. Authoritarian rule may seem incomprehensible in the American context, but damage to the rule of law is facilitating transformations of the political system that veer in that direction.

Maintaining democracy also requires respecting the *legitimacy of the political opposition*: its right to exist, compete in elections, and exercise the political authority it gains when it wins those elections. It means recognizing that political opponents are simply other citizens with different points of view about public policies and the role of government, not enemies. In 2008, when presidential candidate John McCain was running against Barack Obama, he demonstrated his respect for this principle. A woman at a campaign event said to him, "I can't trust Obama. I read about him, and he's an Arab." McCain quickly shook his head, took the microphone, and replied, "No ma'am. He's a decent family man, a citizen that I just happen to have disagreements with on fundamental issues, and that's what this campaign is all about."

(248) Trump, by contrast, delights in portraying his antagonists as unworthy and illegitimate, a tactic enabled by the rise of the four threats. His "birtherism" claims tapped into and inflamed racial resentment. His embrace of "lock her up" chants at his rallies, directed at Hillary Clinton, and his threats to prosecute her repudiated the notion that competition between candidates and the existence of an organized opposition party are essential to making democracy real and meaningful, by giving voters a choice...

Taken to the extreme, if a party in power stacks the deck against the other, it may succeed in advantaging itself permanently, undermining democracy. In addition, a politics that demonizes the opposition may, at least in the minds of some supporters, justify violence against them.

The *integrity of rights* can be injured even by speech that fails to show respect for it. Trump has challenged the freedom of the press by threatening to revoke the licenses of various news outlets. He has not followed through, yet his frequent attacks on the mainstream media, which he calls a "disgrace, .. . false, horrible," "fake news," and "enemies of the people," may further undermine confidence in it, with invidious effects...

(249) When it comes to civil rights, Trump's frequent verbal assaults on immigrants and African Americans may themselves sanction bias against them and even instigate violence... Besides Trump's vitriolic speech toward marginalized groups, his administration has also taken action, through several policy and administrative changes, to scale back rights for vulnerable communities...

(250) Our examination of historical episodes has shown that when democracy is under threat in the United States, marginalized groups are typically the first to bear the brunt. Their membership or status in the political community has sometimes been endangered by the national government. In other instances it permitted states to take charge, leaving them free to exclude many from specific policies or protections. In either case, the integrity of rights was compromised and the polity fragmented.

The four pillars of democracy are indeed under attack today. Americans may wish to assume that the nation will survive this onslaught with rule by the people intact. It may be tempting to think that we have weathered severe threats before and that the Constitution protected us. But that would be a misreading of history, which instead reveals that democracy is indeed fragile, and that surviving threats to it is by no means guaranteed. The unprecedented convergence of all four threats today, moreover, requires that we consider very seriously how to protect and preserve democracy.

LEARNING FROM THE PAST

(250) American democracy has always been a work in progress, and it has often been vulnerable to deterioration. Today, we live in a time of intense stress on democracy. Yet the United States is not doomed to proceed toward authoritarianism. We can strengthen American democracy by learning from times of crisis in the past. Our historical inquiry has conveyed much about what threatens democracy, but it also tells us what kind of society is more conducive to a healthy and robust democracy.

Democracy works better in a society that is less polarized, and where public officials and citizens share a common sense of belonging and purpose. Distinctions between parties on issues help to promote democracy, but high levels of partisan polarization can lead to escalating conflict that may be deeply harmful. Real violence and bloodshed can ensue when democracy breaks down. The spiraling polarization of the 1790s threatened to lead the country into civil war; the conflicts of the 1850s actually did so. Democracy works best when politics is conducted as an ongoing means of resolving disagreements and achieving consensus or compromise around public problems, not as an all-out high-stakes battle in which the aim is to eliminate opponents and vanquish foes.

In a healthy democracy, those involved in politics can take the long view that over the course of time their side may win some elections and policy battles and lose others. They must commit themselves to abiding by the rules and values that make this ongoing competition possible, not least by respecting the legitimacy of their political opponents. Fair procedures need to ensure the right to compete by both sides, the necessity that those who lose elections must concede, and the privilege of winners to exercise the power they gain to govern.

Democracy also functions better when society is less tribal, when it is more inclusive of members across racial, ethnic, gender, and other differences, and when social divisions are not mapped onto political cleavages. It works better in a society that is more equal in economic terms, where resources and opportunity are more widely shared. The 1890s featured the poisonous fusion of high levels of conflict over membership and status, polarization, and economic inequality. Repeatedly, in fact, American democracy has been threatened when political forces committed to maintaining racial exclusion and hierarchy gained the upper hand.

Democracy thrives in a society where many voices can speak, power is dispersed across political institutions rather than concentrated, and those in authority can be held accountable for their actions. The crises of the twentieth century saw lower levels of threat on the other three dimensions, but executive power grew over time, making possible the Watergate scandal. Presidential power needs to be constrained and presidents held accountable in order to prevent them from abusing the office to entrench their own personal or political interests.

(251) These are extraordinarily difficult things to achieve and maintain, however, not least because progress on one front has often been accompanied by retreat on others. Time and again in the history of American democracy, we have confronted democratic crises by compromising one or more of our most important democratic values. In order to assuage economic vulnerability in the Great Depression, for example, we accepted the expansion of executive power, with dangerous consequences down the road.

(252) In particular, American democratic crises have frequently been resolved in ways that conformed to or even deepened profound racial inequality in American society... Nor is it enough to simply call for political actors to strive to lessen these threats. Democratic politics by definition involves a contest for power. The very structure of American democratic institutions depends on ambitious politicians to keep each other in check and requires active citizens to hold leaders accountable. We cannot always expect leaders to act with self-restraint or adhere to norms of behavior that hold them back in the face of opportunities for political advantage. The problem is that the combination of threats amplifies the opportunities for willful politicians and citizens to make choices in the quest for political victory that have the effect of degrading democracy.

But the United States does not have to operate this way. In addition to showing us how politics can go wrong and lead to democratic deterioration, history also offers a guide to the kind of choices that we and our leaders can make to restore democracy's promise. To do that, we need to put democracy first and take action to protect its central pillars.

PUTTING DEMOCRACY FIRST

*Many forms of Government have been tried, and will be tried in this world of sin and woe. No one pretends that democracy is perfect or all-wise. Indeed it has been said that democracy is the worst form of Government except for all those other forms that have been tried from time to time.*

—Winston Churchill, November 11, 1947

It's easy to be cynical about democracy. Some will say that focusing on backsliding misses the bigger point that American democracy was far from perfect even in recent decades, never mind prior to the 1960s. We do not dispute that, but we think that the state of democracy in recent decades—imperfect though it has been—nonetheless continued some of the best-established traditions of the United States, such as the rule of law, and represented a vast improvement on earlier periods with respect to free and fair elections and the integrity of rights. Those crucial features are now endangered. We consider that to be of grave concern, and reason for Americans to come together to protect democracy...

(254) In fact, most Americans do value democracy. A 2018 national survey conducted by the Pew Research Center found that vast majorities of Americans considered fifteen different democratic values as "very important." For example, 84 percent considered it very important for the rights and freedoms of all people to be respected, 83 percent believe elected officials should face serious consequences for misconduct, 82 percent think that everyone should have an equal opportunity to succeed, and 76 percent think there should be a balance of power between the branches of government. Yet when asked how well the United States is doing in these respects, most Americans were deeply skeptical. For the four questions just mentioned, at the very most only 20 percent ranked the country as doing very well, and that was on the question of everyone having an opportunity to succeed; on the other three dimensions, as few as 11 percent offered this same appraisal. On most of the fifteen values, in fact, a large gap existed between the priority Americans put on those values and their assessments of how well democracy is actually functioning in each respect.

The most striking aspect of the survey, however, was that despite the high degree of polarization in the country, Democrats and Republicans barely diverged in their assessments of the importance of each of the democratic values. In other words, the value of preserving democracy may be one thing we can all agree on. As we seek to move forward, shared democratic values may be our best hope of finding the way...

(255) Generally, when people think about politics, they evaluate candidates, policy proposals, or reform plans in one of three ways. The first is ideological. Like any heterogenous group of people, Americans have divergent views about the role of government in society generally and what kinds of things the government should (and should not) do to address what they perceive as social problems. Accordingly, when they look at a proposed course of action, they ask themselves, Do I agree? Does this proposal advance ideas or approaches that I prefer? Or does it go against my beliefs?

A second lens that people might use to view politics is material. Everything that government does has costs and benefits, winners and losers. And so citizens and leaders often ask themselves, What's in it for me? Does this proposal benefit me? Does it confer advantages on a group to which I belong? Or does it impose costs on me in order to benefit someone else?

Third, an increasingly prominent filter for assessing politics is partisan. Since the beginning of the republic, Americans have divided themselves into groups that evolved into parties, political teams that contend with each other for power. Increasingly, leaders' and citizens' attachments to those teams are passionate. And so people consider, Does this proposal benefit my party? Will my team win?

(256) These are all valuable and important political perspectives. Politics is an arena for the struggle over ideas and visions of what makes a better society. It is a contest over resources. And it is undoubtedly a team sport. Without these kinds of competition, democracy would cease to exist.

But to this list, we add a fourth criterion, and we argue that it must be given pride of place as the first priority: the impact on democracy itself. Any proposal or political choice needs to be evaluated in terms of whether it will diminish democracy or strengthen it. Will it affect one of the pillars of democracy, and if so, does it reinforce or weaken it? By the same token, how might it influence the threats to democracy? These questions are vital. We cannot take it for granted that democratic politics will endure if we do not pay careful attention to the democracy-enhancing (or democracy-eroding) consequences of the things we do in politics.

Democracy needs to be the top priority, and democratic processes should set the standard for public life. The most important thing we can do is to insist on strong protection for free and fair elections, the rule of law, the legitimacy of competition, and the integrity of rights. These pillars are the rules of the game that permit all of us, whether liberals, conservatives, moderates, or independents, to be able to continue to participate and engage in politics, regardless of which party wins office. They are essential to the health and vigor of democracy. They are under stress today, and that makes the United States subject to backsliding for years to come. Yet their decay should concern all Americans and we should be willing to come together to prevent it. While as a society we might not agree broadly on policies that can reduce the four threats (though we might agree more than meets the eye), protecting the pillars of democracy is a task akin to picking the low-hanging fruit, and we should make it our top priority...

(257) As we seek the way forward, the settlements of the past—which reinforced or restored racial hierarchy and imposed limits on the political community—will not do. The Declaration of Independence's insistence that all are "created equal" has always been an aspirational value, and by fits and starts over time the United States has moved closer to realizing it, but it has also succumbed to severe backsliding. Today, more Americans than ever embrace egalitarian values; in fact, much of the conflict the nation faces pertains to the divide between those who embrace such values and those who oppose them. The political challenge is how to move forward democratically while negotiating and deliberating over who belongs in the political community and on what terms. Our future will not be democratic if a settlement is forged that leaves one group or another cordoned off from full membership and equal status as citizens...

(257) In the most troubled time in our history for democracy, when the nation split into two sections that fought a brutal war against each other, President Abraham Lincoln called on Americans to take part in the "unfinished work" of democracy. Speaking at Gettysburg, Pennsylvania, on November 19, 1863, four months after fifty-one thousand people had been killed, suffered injuries, or gone missing there in the bloodiest battle in our history, he said, "It is for us the living, rather, to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced ... that this nation, under God, shall have a new birth of freedom—and that government of the people, by the people, for the people, shall not perish from the earth."

A year and a half later, in his second inaugural address, Lincoln reiterated the call: "With malice toward none; with charity for all; with firmness in the right, as God gives us to see the right, let us strive on to finish the work we are in.” With the spirit of magnanimity and shared citizenship that Lincoln invoked, let us carry on the work to strengthen and revitalize democracy.