

Democracy is fragile; building it back better in America depends on civil society

by

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Six weeks into the Biden administration, with the Congress having now passed the first major legislation of the 117th Congress – and what may well turn out to be the most consequential law of Biden's term – the political battle lines in Washington have crystalized. The "American Rescue Plan" – appropriating \$1,900,000,000,000 to address the many urgent aspects of the pandemic and attendant economic disruption – passed both chambers of our narrowly divided federal legislature without a single Republican vote.

Though President Biden had tried to engage Congressional Republicans in finding a consensus that most could rally around, as he seeks to "build back better" from the ruins left by the previous administration, Republicans simply declined to participate – and then complained disingenuously that the result was not a bipartisan deal. All the negotiation and debate about the details of the plan, some of it significant, occurred among Democrats. Republicans, at least at this early date, appear committed to the fierce obstructionism of the sort they pursued during Barack Obama's two terms. But they may be less successful.

In his recent memoir, *A Promised Land*, Obama recounts the year-long dance he did with Senate Republicans, who feigned interest in modifications to his proposed Affordable Care Act that would enable them to support it, without success¹. He concluded it was simply a stalling tactic. Biden seems to have learned the lesson and this time did not allow Democrats to get bogged down in futile efforts to find common ground with an intractable opposition not interested in governing.

Biden's view by all accounts is that (a) the bill is very popular, including with independents and Republicans, so it is safe to override opposition from national Republicans because Republican mayors and governors (and even [Republican voters to a notable degree](#)) support it, and (b) the relief that will come to so many Americans will strengthen his party's prospects in the mid-term congressional elections in November 2022, when the party of a new president typically loses seats in Congress. Republicans meanwhile seem determined to dissemble, deceive and divert the political discourse to

¹ Barack Obama, *A Promised Land*, Crown, New York, 2020, p. 408

emotional cultural and social issues rather than to address the real economic and medical pain Americans are feeling.

I say this as a segue to commenting on Roger Casale's excellent paper on the dynamics that have brought Europe and the United Kingdom to their present dyspepsia, and to confusion about how to engage with the post-Trump United States. "The mood music has changed in Washington," he writes, "but how will things actually change within the institution of the trans-Atlantic relationship?"

Casale well describes the distance between elite discourse and popular concerns that led Britain to vote for Brexit in 2016. And he is correct to see parallels in the fact that last November 75 million Americans, ten million more than four years earlier (!), voted to re-elect a president who had no serious plan to address the economic or public health concerns of most of his supporters. Many Americans voted against their demonstrable self-interest, just as Britons voted to leave the European Union without, in many cases, knowing what the EU is or does – as underscored by Casale's note about the spike in Google searches in the UK for the words "European Union" in the hour after the result was announced.

In the U.S. we use the phrase "low information voters" to describe people who are not ideologically set in their views, may or may not vote, and usually do not know much about issues or candidates – and thus can be persuaded more easily by targeted campaigns, and disinformation, in the U.S and Europe.

I would only disagree with Mr. Casale to the extent he seems to discount the origins of the lies low information voters have been told in both countries. Yes, as he writes, "it wasn't Facebook; it was 17.1 million UK citizens who actually voted to leave." But I think it important to also underscore that the lies Britons were told about Brexit, like the lies Americans were told in 2016 – and are being told today about the integrity of our just-concluded presidential election – are equal parts Russian manipulation and the dedicated work of political arsonists in our respective countries. These are not just fellow citizens who are poorly informed or have another perspective. They are authoritarian-inclined (to put it softly) political operatives who are knowingly doing damage to the fabric of our democracies in order to claim and hold on to political power. This is what we saw from Trump and his allies before, during and after the January 6 siege of The Capitol.

Here I will speak mainly about the American experience, and I will leave it to Europeans to consider the extent to which there are parallels in your countries. We now have two major political parties in the United States: the Democratic Party and the Anti-democratic Party, still technically known as the Republican Party. While there is a disconnect, as I noted, between the national Republicans in Congress and their colleagues at the state and local levels on the major COVID relief bill just enacted, they are quite like-minded on another major priority, which is to damage and shrink democracy in our country, to disenfranchise citizens so they may not vote in our elections. The voter suppression efforts that have long been implemented *sotto voce* in many parts of the United States are now being done proudly and loudly by Republican lawmakers in many states, where (as the world famously learned in *Bush v. Gore* in 2000, and re-learned during the past six months) our elections are designed and administered.

Consider the state of Georgia, the fulcrum on which the 2020 elections turned. Unlike most of our states, an unusual provision in the law governing this particular state's elections to the U.S. Senate provides for a run-off between the top two vote getters in the November election if no candidate wins 50% of the vote. This provided an opportunity for supporters of the two Democratic Party candidates, both of whom placed second in the first round, to mobilize supporters to turn out on run-off day on

January 5, to turn two Senate seats from Republican to Democratic. Georgia is also the state where Donald Trump crudely tried to browbeat election officials to “find me 11,780 votes” to change the result of the presidential vote in this state.

As those who followed the tortured story of our election disputes in these past few months will know, two main reasons that Georgia turned from electing Republicans at the state and national level to voting for Democrats last year were: suburban white voters, women in particular, were turned off by Trump’s persona and policies, and Black voters came out to vote in extraordinarily large numbers and to vote against Trump and for Democrats.

This enhanced turnout by Black voters was the result of a two-year long effort by a civic organization led by Stacy Abrams, called [Fair Fight](#), to register Black voters, and then to persuade them to vote during pandemic conditions not just once but twice, on November 3 and January 5. There were other civic actors in play, in Georgia and across the country – combating disinformation, facilitating voting during primaries and general elections during the pandemic, and thwarting voter suppression efforts. [The Carter Center](#) – which has for three decades monitored and strengthened elections around the world – for the first time ever became engaged in bolstering the integrity of U.S. elections last year and focused mainly on Georgia, where it is headquartered.

The National Association of Secretaries of States (the officials who administer elections in most of the states) elevated the campaign against misinformation with an initiative called [#TrustedInfo](#), elevating the work of more than 40 civic organizations over the past year, including my own, [PEN America](#), the U.S. chapter in the global network of writers organizations. In 2020, we launched a national multimedia campaign called [What to Expect When You’re Electing](#) that disseminated tip sheets, videos and fact sheets to audiences across the country, especially in Black and brown communities.

What had started for us as an analysis of the ways social media platforms were suborned and manipulated by Russian and other nefarious foreign actors in the 2016 election, became an awareness by the time the 2018 congressional elections had concluded that American actors had emulated and mastered the tactics of disinformation as purveyors of what we described as “fraudulent news.” One of the conclusions of a [report](#) we published in 2019 was:

Today, perhaps the greatest threat that fraudulent news poses is the risk that it will become a normalized part of U.S. political discourse. There is a real danger that fraudulent news may become the new normal: a distasteful, but not disqualifying political tactic.

Obviously, it is now clear we grossly understated the danger. The acceleration of the volume and severity of lies by political actors in the United States in the past two years culminated with the promulgation of a Big Lie about a stolen election by Donald Trump himself and his closest allies in 2020. The constant drumbeat by the highest official in the country, and far too many of his Republican colleagues who really should have known the mischief they were making, amplified on partisan media outlets masquerading as news channels, led to the deadly riot at The Capitol on January 6. While it is an open question whether Trump knows that he is lying when he undermines confidence in the integrity of our elections, the more intriguing question is why would other Republicans join him so enthusiastically. There is a reason and it is cynical, racist and destructive of our democracy.

As the demography of the United States continues to evolve – we are further ahead in this regard than Europe, though the same trends are visible across Europe – we are becoming more and more a globalized society, less white and Christian, and more racially, religiously and culturally diverse, due principally to immigration. While this makes us stronger and smarter overall, it also makes some people unhappy, as they feel crowded out or left behind, especially blue collar whites without a university education.

The Anti-Democratic Party, *né* the Republican Party, has decided not even to try to appeal to this increasingly diverse American population. Rather than adjust their program to appeal to a wider swath of our society, they have decided to double-down on appealing to the grievances of the dwindling proportion of our population that is hostile to immigration and minorities, and especially to Black Americans. To make a long story short, the only way this can work politically is if the party can prevent immigrants and especially Black people from voting.

Let's go back to Georgia, the fulcrum of the 2020 Democratic victory. In the past few weeks, according to *The New York Times*, legislative proposals by Republicans –

would undermine pillars of voting access by ending automatic voter registration, banning drop boxes for mail ballots and eliminating the broad availability of absentee voting. The bills would restrict early voting on the weekends, limiting the longstanding civic tradition of “Souls to the Polls” in which Black voters cast ballots on Sunday after church services.

Taken together, the new barriers would have an outsize impact on Black voters, who make up roughly one-third of the state's population and vote overwhelmingly Democratic.

Because our election rules are principally decided at the state level and implemented by county level governments, it matters that there are at least three structural impediments to realizing democracy in America, by which I mean *at a minimum* enabling every adult citizen to vote. There is first the United States Senate, which reflects the federal bargain at the founding of the nation that accorded every state two senators regardless of population. Today, the country's largest state, California, has 68 times the population of the smallest one, Wyoming, yet they have the same number of seats in the Senate. That means individual voters in deep-red Wyoming have far more influence over the Senate than voters in deep blue California. As the US has gotten more diverse, that diversity has spread throughout the country unevenly. It's not impossible for a state to be both small and diverse (Hawaii) or even small and heavily urbanized (Rhode Island), but lower-population states tend to be whiter, more rural, and less educated than average. So these people are over-represented in the Congress due to the Senate.

The second impediment is the Electoral College, another vestige of our founders' effort to ensure that – if the voters were to make a terrible mistake and vote for a demagogue or an ignoramus – wiser heads would have a chance to overrule the will of the people, for the good of the country. Clearly the Electoral College does not do what it was intended to do. Twice in the past six elections, the person with the highest vote total was denied the presidency by the Electoral College.

The third structural impediment to implementing the changes that would ensure that every adult person in the U.S. can vote in our elections is not part of the Constitution at all, but simply a rule of procedure in the Senate: the filibuster, which effectively means these days that a minority of 41 senators can, if they are determined, block approval (even debate on) measures they oppose. In a

legislative body divided 50-50 as is today's Senate, even with Vice President Kamala Harris able to cast tie-breaking votes, the Republicans can block pro-democracy measure adopted by the House of Representatives from coming to a vote.

In an action that highlighted how little the federal government can *at present* do to improve access to voting, President Biden on Sunday signed an Executive Order directed federal agencies to expand public access to voter registration material, especially for those with disabilities, incarcerated people and others. It also will lead to improvements in the federally run Vote.gov website which provides information to the public. These do not really help much; these were symbolic rather than substantial actions. It will require enactment of a House-passed measure to create a national mandate to actually require automatic voter registration, expand mail-in and early voting, and make it more difficult to remove voters from the rolls, and restore voting rights to former felons. And because of the anti-democratic features of our system, the minority party that objects to universal access to voting, especially for Black people, will oppose these actions.

This is where civil society comes in. As efforts by the anti-Democratic Party to restrict access to voting proliferate, efforts by civil society organizations to publicize these efforts, to advocate against them, and especially to overcome them matter more and more. In Georgia, Fair Fight and the Carter Center remain on the job, and many others are becoming engaged. Among them are prominent athletes, like the basketball star, LeBron James, who led the charge to have the NBA make its stadiums available for socially distanced voting in November, and has recently launched a new campaign, [Protect Our Power](#), to oppose the raft of voter suppression initiatives as the racist gambits they are.

I would conclude where I began, and Casale's question about how seriously Europeans should take the 'change in the mood music in Washington.' One thing to note about the way Biden campaigned, and how he is beginning to govern, is that he and his team have intertwined domestic and foreign policies to a degree rarely seen in my lifetime. On immigration, climate change, trade policies – and democracy promotion – the Biden administration is trying to connect the dots between international actions and their impact on the American people, the very people who have felt crowded out or left behind by globalization and the digitalization of the economy.

So it is that in the [Interim National Security Strategic Guidance](#) the White House published on March 3, it is stated that *our national security* "requires us to commit ourselves to revitalizing our own democracy." It goes on to say "[w]e will combat voter suppression and institutionalized disenfranchisement ... and reaffirm the importance of free speech, freedom of the press, the right to peacefully demonstrate, and other core civil rights and liberties."² This reflects a posture of engagement with the world that Secretary of State Antony Blinken has characterized as one of "confidence and humility." We have all been chastened by the experience of the past four years, and hopefully will never again take for granted the stability of our institutions, whose resilience in the end has survived a remarkable stress test.

Democracy is fragile, as we have seen in recent years, not only in some back-sliding central European countries, such as Hungary and Poland – but in the United States, as well. Building it back better will depend, in America, on our civil society drawing lessons from our own history and around the world. Make no mistake, though, America is back.

²*Interim National Security Strategic Guidance*, The White House, March 2021, p. 18