

#1379 Tell Stories, Not Myths: Democracy in America

JAY TOMLINSON - HOST, BEST OF THE LEFT: [00:00:00] Welcome to this episode of the award-winning Best of the Left podcast in which we shall learn about the long and shifting history of the myth of democracy in America. We've never had it since the beginning, but the reasons have shifted, ebbed and flowed over time. Now in the midst of an attempted slow motion coup, we look back at this most central of American myths.

Clips today come from *Democracy Now*, *Seen on Radio*, *the Laura Flanders Show*, a *Ted Talk* by Lawrence Lessig, *On the Media*, and *the Majority Report*.

"Let the People Pick the President" The Case for Abolishing the Electoral College - Democracy Now! - Air Date 10-30-20

AMY GOODMAN - HOST, DEMOCRACY NOW!: [00:00:34] We turn now to look at the case for abolishing the electoral college. Two of the last three presidencies, Donald Trump's included, have gone to the candidate who lost the popular vote. In 2000, the Supreme Court halted the Florida recount handing the election to George W. Bush. It was later determined Vice President Al Gore actually won the election by half a million votes. In 2016, Hillary Clinton received almost 3 million more votes than Trump, but Trump still won.

The Electoral College, enshrined in the U.S. Constitution by the wealthy white Founders, many of whom were slaveholders, has allowed these victories, where the loser wins. But a mass movement is building to elect the president through a national popular vote.

For more on this effort, we're joined by journalist Jesse Wegman, member of The New York Times editorial board, author of *Let the People Pick the President: The Case for Abolishing the Electoral College*.

So, Jesse Wegman, welcome to back to Democracy Now! Please explain. Explain the roots of the Electoral College and what this movement is all about.

JESSE WEGMAN: [00:01:36] Sure. Well, the framers who met at the Constitutional Convention really had no idea what they were doing when they established how to pick a president. They said themselves that it was the hardest issue they had to decide. They fought about it the entire summer of 1787. And at the very end, they basically threw together this jerry-rigged system that we now call the Electoral College in a side room of the convention hall, really just to get the thing done and get it sent out to the states for ratification. They didn't really care too much about how it operated, because they knew George Washington was going to be the first president, so the stakes just didn't seem that high to them.

But nevertheless, the system that they thought they were designing basically fell apart within the first 10 years. You know, the model we think we know is that there's this body of deliberate, thoughtful, educated, wise men who will make the choice for the people about who should lead the country. But within 10 years, it had completely stopped being like that,

with the rise of national political parties. It became a team sport, and that's what it remains today.

AMY GOODMAN - HOST, DEMOCRACY NOW!: [00:02:33] Talk about the role of slavery in the establishment of the Electoral College.

JESSE WEGMAN: [00:02:39] Sure. I mean, slavery is obviously at the heart of every compromise that is struck at that Constitutional Convention. The one we know, the most familiar — that's most familiar to us is the three-fifths compromise, and that was the deal by which the Southern slaveholding states got to count three-fifths of their slaves toward their representation in Congress, so that equals roughly 12 to 14 extra representatives in Congress over the first decades of the country's life. And because of the way the Electoral College is designed, that translates into 12 to 14 extra electoral votes. The South actually won the White House, held onto the speaker of the House, won many Supreme Court seats, because of that extra power. It was called the "slave power" at the time, and it ran all the way up through the Civil War. And so, that's — really, slavery was clearly at the heart of the compromise, and it's certainly that the Electoral College benefited the slave states well into the 19th century.

AMY GOODMAN - HOST, DEMOCRACY NOW!: [00:03:35] So, you have long been a proponent of abolishing the Electoral College. Talk about how it is that, you know, losers win — for example, George W. Bush in 2000. And it is important to note that four of the people involved in that legal battle — now Amy Coney Barrett, John Roberts —

JESSE WEGMAN: [00:03:57] Brett Kavanaugh.

AMY GOODMAN - HOST, DEMOCRACY NOW!: [00:03:58] — Brett Kavanaugh and the Supreme Court justice who was justice at the time, Clarence Thomas, were all involved with this — of course, Thomas ruling on behalf of Bush.

But how it is now that the Electoral College gathers — talk about where that actually happens —

JESSE WEGMAN: [00:04:16] Right.

AMY GOODMAN - HOST, DEMOCRACY NOW!: [00:04:16] — and who the electors are, and what is the movement that is challenging this?

JESSE WEGMAN: [00:04:21] So, electors are just average people like you and me. They are not deliberative, wise men. They just happen to be people who know somebody who picks electors. Each candidate has their own slate of electors. Each state gets a number of electors equal to its representation in Congress, so its members of the House plus its two senators. That's it. That's really most of what the Constitution says about the Electoral College.

The thing that gives us popular vote losers as presidents, that's something that actually has nothing to do with the Constitution. It is state laws that are called winner-take-all laws. And these are laws that do exactly what they sound like, which is they take those electors and they award all of them to the winner of the state's popular vote. Whoever wins the state's popular vote wins all of that state's electors. So, in California, four-and-a-half million people voted for Donald Trump in 2016. That's a lot of people. That's more than most states in the

country. And yet they all were essentially invisible when it came time to cast the state's electoral votes, because California, like all but two states in the country, uses winner take all.

That winner-take-all rule is why George W. Bush won in 2000. It's because even though Florida was essentially a tie, by any measure, George W. Bush gets 25. That tie in the popular vote translates into 25 electoral votes for George W. Bush and zero for Al Gore. Same thing happened in 2016 in different states. In Michigan, Wisconsin and Pennsylvania, it was essentially tied, and yet Donald Trump won all the states' electoral votes, Hillary Clinton won none.

This affects everyone, and it harms everyone. Yes, it's hurt Democrats and helped Republicans twice in the last 20 years, so it seems like a partisan issue, but in fact it's not. It harms everybody, no matter their political affiliation, all over the country. So, that's why we get to this popular vote compact, which is the latest way that has been come up with to get us to a popular vote.

AMY GOODMAN - HOST, DEMOCRACY NOW!: [00:06:07] So, explain the National Popular Vote Interstate Compact.

JESSE WEGMAN: [00:06:11] Right. So, there's been 800 or so attempts throughout American history to amend or just abolish the college outright. They've all failed, with the exception of one, the 12th Amendment, which made some important adjustments to it. But, obviously, an amendment is not the path we're going to take today.

So, about 15 years ago, a computer scientist in Northern California developed an idea where he realized that it was the winner-take-all laws, those state laws that I just was talking about, that were the heart of the problem. So, he said, "Well, states have total authority to decide how to award their electors. They don't have to do it by state winner take all. What if states, representing a majority of electoral votes, all gave their electors instead to the candidate who won the most votes everywhere in the country?" And bingo, you have a national popular vote for president.

So, this is an interstate compact, which is basically just an agreement among states. There are many of them in existence right now all over the country for different — on different issues. This is an agreement among states to award all of their electors not to their statewide winner but to the winner of the most votes in the whole country. And when states representing a majority, 270 electoral votes, which is what you need to win, join this agreement, it takes effect, and we elect a president by a popular vote without actually technically abolishing the Electoral College. It's actually using the Electoral College as the framers designed it. So, 15 states right now have joined this agreement, plus D.C., and together those states represent 196 electoral votes. You know, you've got to get to 270. so subtract it, do the math and you get 74 more electoral votes to go. And the agreement takes effect.

The Second Revolution - Scene On Radio - Air Date 2-19-20

JOHN BIEWEN - HOST, SCENE ON RADIO: [00:07:44] With the radical Republicans temporarily in control, Congress put the former Confederate states under martial law in

1867. It required those states to hold constitutional conventions with Black people fairly represented and many former Confederate leaders banned from participation. Those new constitutions adopted the 13th amendment abolishing slavery and granted voting rights to Black men.

The Congress also created the Freedmen's Bureau which built thousands of schools and hospitals and helped freed people negotiate fair labor contracts.

KIDADA WILLIAMS: [00:08:18] I mean, it's absolutely revolutionary.

JOHN BIEWEN - HOST, SCENE ON RADIO: [00:08:20] [That's] historian Kidada Williams of Wayne State University. She talks about the roughly two thousand Black men elected to office during Reconstruction at the local, state, and federal levels, most strikingly in places like South Carolina where Black people were the majority in the 1860s.

KIDADA WILLIAMS: [00:08:38] What you see for African-Americans in South Carolina is, when they are elected to state office, one of the biggest things they do is to make a move toward expanding democracy in their state. More people have access to government. More people have better representation by government. Government in places like South Carolina is doing more. It's doing things that today we take for granted. And African-Americans are behind this push.

BOBBY DONALDSON: [00:09:14] [Sound: Outside, bird sounds] We'd like to see the upstairs gallery if that's possible.]

JOHN BIEWEN - HOST, SCENE ON RADIO: [00:09:18] Bobby Donaldson and I walk into the South Carolina Statehouse, the domed capitol building in Columbia. He's a professor of history here at the University of South Carolina. The state's constitutional convention in 1868, ordered and overseen by the federal government, produced a new state blueprint that gave all men the right to vote regardless of race or property. The result: South Carolina's House of Representatives, seated in July 1868, looked like the state. It was majority Black: 88 Black members to 67 Whites. Donaldson has led me to the House chamber.

BOBBY DONALDSON: [00:09:58] You can think about between 1868 and '77, this space being occupied by African-Americans, a cross-section, really. You had people who were natives of South Carolina who were holding elective office. And then you had some people who were transplants or carpetbaggers or people who came here, some because of the Civil War and Union forces, some who came because of opportunities. And here is where they governed. And here is where they helped to recreate the state of South Carolina.

JOHN BIEWEN - HOST, SCENE ON RADIO: [00:10:36] The new state constitution mandated free public education for everyone for the first time, including poor White people who had had no access to schooling. And it required that every public institution be open to everyone. The University of South Carolina was integrated. Most White students left when Black students were admitted in 1873, so for the next four years, the student body was 90% Black.

These dramatic changes were made by a majority Black legislature in South Carolina, of all places. And those decisions were made in this building, the Statehouse, that was a virtual shrine to White supremacy at the time and, in some ways, still is. Remember, the

Confederate battle flag flew on the Statehouse grounds until it was finally removed in 2015. And inside the Statehouse....

BOBBY DONALDSON: [00:11:32] For example, there's a statue of John C. Calhoun in the lobby.

JOHN BIEWEN - HOST, SCENE ON RADIO: [00:11:36] Calhoun, one of the nation's leading pro-slavery politicians during the first half of the 19th century and a Vice President under Andrew Jackson. Calhoun called slavery "a positive good," and he wrote this: "There never has yet existed a wealthy and civilized society in which one portion of the community did not, in point of fact, live on the labor of the other." So, Bobby Donaldson says, think of those African-American lawmakers coming to work here in the 1860s and 70s.

BOBBY DONALDSON: [00:12:10] These people are governing in a space where they know there is this very clear assumption that this will be a failure. And if these people don't sort of fail on their own, we will engineer it so that there's a failure.

JOHN BIEWEN - HOST, SCENE ON RADIO: [00:12:28] The 'we' who would engineer that failure was the state's White power structure. The White Southern backlash started right after the war and never let up. In 1865 and '66, most of the Southern state legislatures passed "Black Codes." They banned Black people from voting, denied them equal rights and made them subject to vagrancy laws so they could be arrested practically at will. That was a major reason Congress saw the need to impose martial law and replace those White supremacist legislatures with Reconstruction governments. Military police suppressed the backlash somewhat, but never really stopped the violence by the newly founded Ku Klux Klan and similar groups, including direct political violence.

Democracy: Past, Present... and Future? - The Laura Flanders Show - Air Date 6-26-19

LAURA FLANDERS - HOST, THE LAURA FLANDERS SHOW: [00:13:14] So democracy, you say at the very top that you weren't that interested to begin?

ASTRA TAYLOR: [00:13:19] Yeah. I mean, it wasn't a word that really inspired me. So I, you know, I spent my twenties in the aughts. I was, you know, 20 or 21 when 9/11 happened. And so the way I heard the word often uttered by George W. Bush saying he was going to bring democracy to Iraq and Afghanistan, we know that that didn't happen. And so the word had this really hollow, tragic quality. Right. It was not a word that inspired me. So words like liberation, equality, revolution, socialism. Those were words where I would wake up. And I felt this disappointment. And yet intellectually, I, I know the word matters.

And that was in the back of my mind for a long time. The fact that this was an important word I didn't relate to, but it was actually during 2011, the wave of movements calling for real democracy. So from the Arab Spring to the movement of the squares in Europe, to Occupy Wall Street, and so people were gathered and chanting, you know, we want real democracy, this is what democracy looks like, but I thought, okay, it's time for me to interrogate this word in my ambivalence towards it, and to figure out what democracy means to me.

LAURA FLANDERS - HOST, THE LAURA FLANDERS SHOW: [00:14:23] All right. So hence the movie *What is Democracy?* Here's the trailer; take a look.

ASTRA TAYLOR: [00:14:27] For me, this project began with the question, what is democracy? And I quickly realized it's not something that's ever actualized, but always something that is in motion, a kind of ideal we're reaching toward. But in practice, everywhere you look, democracy is in trouble. Progress can go into reverse and terrible things have happened in the name of democracy. Yes.

FREDERICA SPOLINI: [00:14:54] It's been so abused and so misapplied compared to its original meaning, which means the power of the people, the government of the people.

But so many have fought for the realization of a true democracy. Anyway, it's important not to abandon the word.

ASTRA TAYLOR: [00:15:18] Right. And we also need to think hard about what that word even means.

LAURA FLANDERS - HOST, THE LAURA FLANDERS SHOW: [00:15:25] Yes. You see Sylvia Federici there, the great historian of the commons, feminist, ecofeminist, and more.

Talk about the people. Did you come away thinking democracy is about the people and there is such a thing as the people? It's been pretty hard to get even women inserted into our notion of the people.

ASTRA TAYLOR: [00:15:41] Yeah. It's really interesting, that question of the people.

So what I thought was democracy is sort of hollow quality, right? This vagueness. Now I see, as this ambiguity, that's actually really powerful. So I quite liked the ancient definition of democracy, which is the *Demos*, the people, rule or have power. So that's *Kratos*. Right. And what I like about it is that this idea of what or who the people is, can always be imagined, reimagined, reinvented. And then how we rule is also up for debate contestation. So it's this concept that can evolve and change over time.

You know, obviously it began in a very truncated form. If you look back at ancient Athens, for example, or look back at the founding of this country, the people did not include it everybody, so I think there's this conceptual problem who the people is, but also the fact that over time, those who have expanded the people are precisely those who were outside of it. So women who weren't fully enfranchised fighting to be included. Formerly enslaved people fighting to be recognized as full human beings. So democracy's motor, paradoxically, is like always from the outside, moving towards the inside. And part of why I wanted to make this film and, and write the book was to sort of implicitly just put that dynamic at the forefront, right? Democracy is not just this idea that these founding fathers had and we're like living out their perfect plan.

LAURA FLANDERS - HOST, THE LAURA FLANDERS SHOW: [00:17:01] Has it ever been true? Is that arc of history and people from the outside, expanding the populace, expanding the notion of the people, expanding the notion of what it is to rule. Has it always moved in one direction?

ASTRA TAYLOR: [00:17:13] No.

LAURA FLANDERS - HOST, THE LAURA FLANDERS SHOW: [00:17:14] Because it doesn't feel like it's moving in that direction now.

ASTRA TAYLOR: [00:17:17] No, I mean, it doesn't, right? I mean, it doesn't feel like it's moving that direction and that's the thing, as I said, in the, in the scene, you just saw it, you know, progress can go into reverse. This is not some sort of linear thing where we're just moving towards a more perfect union, or we basically have it figured out and we need to like, sort of tweak things on the margins.

So I think that that's what I wanted to get to with the title of the book: Democracy May Not Exist, But We'll Miss It When It's Gone. What I'm speaking to is my own ambivalence as a left-wing person, right? This is not democracy. We live in an oligarchy. We live in a world where political and economic power is held by tiny number of people. And lots of statistics back this up, and lots of studies show that regular citizens have almost no say over policy, right? So we don't live in a democracy. At the same time, we don't want to be too glib and discount all the progress that's been made, the democratization that's happened.

And so both projects try to live in that tension.

LAURA FLANDERS - HOST, THE LAURA FLANDERS SHOW: [00:18:08] So as you come away from this, what is your sense of, like, where is the greatest urgency around actions? And then I want to get to this question of noun or verb, because that's another important thing. Jean-Bertrand Aristide of Haiti always used to say elections aren't democracy; they're just the taking of the temperature of the democracy, how healthy is it?

ASTRA TAYLOR: [00:18:28] Yeah, I like that. And we live in a very politicized moment. So I began this project. I wrote the proposal for the films that in 2013, which seems like another era. Right? So the book does not really focus on this current moment in a news driven sort of way.

Neither does the film. It's saying the problems with them. Our political system go back much further than November of 2016. Right? Right. And let's take this longer view.

LAURA FLANDERS - HOST, THE LAURA FLANDERS SHOW: [00:18:53] Although they do help us think about this moment.

ASTRA TAYLOR: [00:18:55] Yes, they do help us think about this moment and sort of what have been some of the problems that got us into this, this mess.

LAURA FLANDERS - HOST, THE LAURA FLANDERS SHOW: [00:19:01] Is it as simple as capitalism? I mean, you would think a system that puts the majority in rule over a minority would not have a society where a minority, a tiny one, have all the assets and the resources and all the control.

ASTRA TAYLOR: [00:19:15] I would 100% agree. So I think that is the underlying thread of both projects is the role of capitalism.

And the fact, I think, you know, I say in the introduction, the challenge of our time actually is expanding democracy from the political sphere -- so this idea of enfranchising everyone -- to the economic sphere, the biggest threat of our age is capitalism, which concentrates wealth, concentrates power that's antithetical to democracy. Post 1989 the idea was that capitalism

and democracy are the same thing. This is the idea I grew up with, right? That I was told. I didn't believe it. But you were told that if you didn't believe it, you were silly. But now those are splitting apart. And so what I encountered while making the film was that there are actually a lot of young people who are coming down on the side of capitalism, that Trump supporters, the young Trump supporters I met, they don't actually dress themselves up in the rhetoric of the people. They talk about the fact that they want to achieve the American Dream. That one girl says in the film, I care more about the American Dream and that ability to climb than democracy.

Then we see another movement, which is the movement I'm very excited about, which says, well, hold on, we're on the side of democracy. And if we want democracy, if we want political equality, we're going to have economic, we need to have economic equality, which means we need to jettison capitalism and create something, a new economic system call it socialism, ecosocialism, democratic socialism, so that democracy can finally become more robust. So I think capitalism has to be right there at the center.

I think if we ever transcend capitalism we'll just get more interesting democratic questions because finally, we won't have to be debating this problem of, you know, should billionaires control of the wealth in the world. But we'll get to think about how should we actually govern ourselves, which is really tricky.

More Democracy - Scene on Radio - Air Date 6-10-20

MICHAEL WALDMAN: [00:20:55] When the Voting Rights Act was last reauthorized by Congress, it received 98 votes in the Senate. It was not a partisan issue. George W. Bush proudly signed it into law.

JOHN BIEWEN - HOST, SCENE ON RADIO: [00:21:07] That was in 2006, but here's the thing. Michael says that period of 40 years or so after 1965 was really the only time in U.S. history when there seemed to be a consensus about universal voting rights.

MICHAEL WALDMAN: [00:21:22] It's become much more contentious, much more of a political fight in recent years, but I guess you could take some solace from the fact that when you look at the country's history, who gets to vote, how people vote, the effort to widen the franchise and the effort to stop that from happening, it's always been very political. It's been something that people have fought about and fought elections about. So it's not unusual, really, that people are fighting about how we vote and who votes right now, it's actually calm and placid uniformity in some ways is more unusual.

CHENJERAI KUMANYIKA: [00:22:02] I mean, that's obviously true. If you look at the history we covered this season, even that temporary consensus was superficial. Remember in episode eight, we heard the conservative leader Paul Weyrich speaking in 1980 saying, "I don't want everybody to vote." So there were always people seething about widespread voting rights and looking for ways to shut them down.

JOHN BIEWEN - HOST, SCENE ON RADIO: [00:22:24] And those people won a huge victory in 2013, when the Supreme Court gutted the Voting Rights Act in the Shelby County case. A key part of the Voting Rights Act required states with a history of racial discrimination in voting to get federal approval before they could change their laws in ways that might affect access

to the vote. Chief Justice Roberts wrote the majority opinion striking down that part of the law. He essentially said, the country has changed. The South has changed. Black voters don't need this federal protection anymore.

MICHAEL WALDMAN: [00:22:56] And Justice Ruth Bader Ginsburg wrote a very ringing dissent. And it was kind of the, the dissent that made her the “Notorious RBG,” really people took note of it. And she said that's like standing in a rainstorm, holding an umbrella and not getting wet. And concluding, therefore, that you don't need an umbrella and throwing away the umbrella cause you're not wet. What happened? Well, literally, within hours of the Supreme Court's ruling, states began to implement voting laws to make it harder for people to vote, especially harder for people of color to vote.

CHENJERAI KUMANYIKA: [00:23:35] All across the South, states controlled by Republicans got to work changing their election laws. A favorite move was to require voter ID at the polls. It just happens that, guess what, about 10% of eligible voters don't have a driver's license and those folks are disproportionately Black, brown and poor. So in Texas, the new law said a gun registration card is an acceptable substitute for a driver's license, but a student ID is not. Students tend to vote for Democrats and folks who own guns... well, yeah, you see how that goes.

JOHN BIEWEN - HOST, SCENE ON RADIO: [00:24:06] Republican legislatures have shortened early voting periods, which are very popular with Black voters. A lot of get out the vote efforts by Black churches, for example, Souls to the Polls, take advantage of early voting. These states reduced the period in which that can happen. They closed thousands of polling places in Black and brown neighborhoods. Here in North Carolina, where I live, a court said the state's new election laws were written with almost surgical precision to target Black voters.

CHENJERAI KUMANYIKA: [00:24:36] The courts have struck down some of these laws up to now, but this is one reason it's so significant that President Trump and Mitch McConnell, the Senate majority leader, have pushed through 200 new rightwing judges since Trump took office.

JOHN BIEWEN - HOST, SCENE ON RADIO: [00:24:50] Yes that's after they stonewalled a whole bunch of President Obama's judicial appointments, not just Merrick Garland in the Supreme Court, but throughout the federal courts.

MICHAEL WALDMAN: [00:25:00] As the courts change and the federal courts become more and more conservative and arguably more and more partisan, you may start to see significantly different rulings from those courts. Throughout the country's history and increasingly now we can't be certain that the courts are going to step in. These fights ultimately play out at the ballot box and in the court of public opinion.

CHENJERAI KUMANYIKA: [00:25:23] So what it's going to take to protect and reinstate the Voting Rights Act is for Congress to act, to basically pass a new version of the law. But for that to happen, Americans will have to vote in a different kind of Congress. One where Republican supporters of voter suppression don't have the power to block a new Voting Rights Act.

Another anti-democratic strategy that needs to be stopped is gerrymandering. Most of you all know this, but it's the practice of drawing legislative districts to advantage or disadvantage one political party and it's often done using race. For example, corralling all the Black voters in a given area into one district in order to keep those voters from having any impact in other districts.

JOHN BIEWEN - HOST, SCENE ON RADIO: [00:26:04] Gerrymandering is as old as the country. The word should be pronounced "Gary Mander" because it's named for Elbridge Gary, one of the framers of the constitution whose name came up early in the season.

CHENJERAI KUMANYIKA: [00:26:16] And by the way, he's the guy who said at the constitutional convention that America's problem was too much democracy.

JOHN BIEWEN - HOST, SCENE ON RADIO: [00:26:22] Yes. That guy. The thing is, as far as gerrymandering, computer technology has made it so efficient and effective to the point where states like Wisconsin and North Carolina are just about hardwired to stay in Republican hands, even when a majority of votes statewide go to Democrats. In 2018, Democrats got slightly more votes overall in assembly races in Wisconsin and Republicans still came out with a 27 seat majority. Meanwhile in Maryland, the court found Democrats had gerrymandered the state to benefit themselves.

CHENJERAI KUMANYIKA: [00:26:56] The reason this is a problem in the first place is that most states allow the majority party in the state legislature to control the drawing of districts. That's an invitation to the party in power to stay in power, nevermind the will of the people. Here's Michael Waldman again.

MICHAEL WALDMAN: [00:27:11] In the last decade, it's been the Republicans who benefited from that because they won the midterm elections in 2010, but both parties have done this when they could. And the movement around the country to take on gerrymandering has actually been embraced by people of left and right and center. In 2018, for example, four states passed ballot initiatives, creating commissions or doing other reforms. You have a redistricting reform or independent commissions drawing the district lines all over the country, or there are states where there's a redistricting reform done by courts and other things like that.

JOHN BIEWEN - HOST, SCENE ON RADIO: [00:27:50] These efforts in different parts of the country may not be necessary if the Supreme Court had ruled that partisan gerrymandering is unconstitutional, which they had a chance to do in 2019. But they refuse to weigh in.

MICHAEL WALDMAN: [00:28:03] The Roberts court will be known for its rulings on democracy and not in a good way. So again, it's going to be up to voters to make it clear they care about this.

Georgia On Our Minds - Get Involved in Our LAST CHANCE to Flip the Senate - Activism

AMANDA HOFFMAN - ACTIVISM, BEST OF THE LEFT: [00:28:12] You've reached the activism portion of today's show. Now that you're informed and angry, here's what you can do about it. Today's activism, get involved in our last chance to flip the Senate. Georgia may go blue,

barring a recount, for the first time, since the 90s and yet one hard-fought miracle wasn't enough. Now, because Democrats blew their Senate chances everywhere else, Senate candidates Jon Ossoff and Reverend Raphael Warnock are feeling the weight of the entire country on their shoulders to win not one, but BOTH Georgia senate seats in the January run-off elections.

I want to take a moment to remind our White listeners that the gigantic headline of the 2020 election is that Black voters, organizers, and activists did the difficult, grueling ground work that handed the election to Joe Biden. The fact that Georgia is at least purple in a presidential election is a testament to Black activists and organizers and Black youth who turned out in huge numbers. So, White People: We are absolutely not allowed to sit this one out. Maybe you can't literally move to Georgia like Andrew Yang, but you can still help make a difference.

As we saw in this election, money actually isn't everything - but it sure helps. GASenate.com allows you to make a single donation that will be split between the Ossoff and Warnock campaigns, and Stacy Abrams' Fair Fight PAC, which is training advocates to fight voter suppression in Georgia.

To help bolster the youth turnout, you should also consider donating and volunteering with Stacy Abrams' other organization. The New Georgia Project is a nonpartisan organization with the goal of registering all, eligible unregistered citizens of color in Georgia by the end of the decade, with a focus on youth - the fastest growing part of the state's electorate. This is important since Georgia residents who turn 18 by January 5th are eligible to vote in the run-offs. Go to NewGeorgiaProject.org to contribute or get involved.

Another major presence on the ground in Georgia is Black Voters Matter, founded by LaTosha Brown and Cliff Albright to increase power in marginalized, predominantly Black communities. They not only register voters and advocate for voting rights, but help build infrastructure for other Black-led grassroots organizations. Visit BlackVotersMatterFund.org to donate or get involved.

And it's very important to note that Georgia has a voter ID law, a tool of voter suppression that disproportionately affects low-income, unhoused, and Black, Indigenous, and people of color (BIPOC). You can help more people access the ballot by supporting or volunteering with my favorite organization, VoteRiders. VoteRiders helps voters identify the documents they need to get an ID, request and pay for the documents, pay the DMV fees, and gives a free ride to the DMV. Voters can call or text their help line at 844-338-8743 or go to VoteRiders.org/freehelp to submit an online form and get started. If you don't need an ID, I strongly urge you to donate or become a volunteer to help make sure voters know the information they need to support their sadly necessary work.

Of course, voter suppression will come in many forms, so the ACLU of Georgia is ready to take action. You can support their work at ACLUGA.org.

So, what are we all gonna do for the next 2 months? That's right, keep Georgia on our minds.

The segment notes include all the links to this information as well as additional resources, and, as always, this and every activism segment we produce is archived and organized under the activism tab at BestoftheLeft.com. So if putting Mitch McConnell in the minority is

important to you, be sure to tell everyone you know about getting involved in our last chance to flip the Senate so that others in your network can spread the word too.

Our democracy no longer represents the people. Here's how we fix it - TEDx - Air Date 10-20-15

LARRY LESSIG - TEDx, SPEAKER: [00:31:26] Boss Tweed, the head of the Tammany Hall, a political party, used to say I don't care who does the electing, as long as I get to do the nominating. So this conception, this kind of conception of politics has an obvious logic to it, right? Because if you control the nomination, every candidate is going to worry what you, the nominator, think. So you practically control the candidate, whether or not you control the ultimate election. We can call that genius theory, that genius theory for destroying democracy, Tweedism. Tweedism: any two-stage process where the Tweeds get to nominate, and then the rest gets to select, is Tweedism. And the consequence of Tweedism obviously is to produce a system responsive to Tweeds only.

Now Tweedism was practiced, not just in the North, not just in New York, it was practiced in the South too. Texas 1923 practiced Tweedism. By law in 1923, Texas passed a statute that said in the Democratic primary, only whites could vote. Only whites could vote. Blacks could vote in the general election, if of course they could get registered, given all the barriers to registration, but only whites could vote in the Democratic primary. And of course back then, hard to imagine, but back then the only party that mattered was the Democratic party in Texas. So in this two-stage process, blacks were excluded from the first stage. 16% of Texas excluded from this critical first stage, but the consequences obviously producing a democracy responsive to whites only.

Now those cases are obvious to us. Everyone looks at that and says, there's something obviously wrong with those so-called democracies to set up their structure in that way.

So why don't we see it here? We take it for granted the United States that campaigns will be privately funded. But we need to recognize funding is its own contest. Funding is its own primary. We have the voting system where people vote, but in the first stage to that, there is a money primary that determines which candidates are allowed to run in those voting elections. Now that money primary takes time. Members of Congress and candidates for Congress spend anywhere between 30 and 70% of their time dialing for dollars. This is an old telephone. You might recognize this. But dialing for dollars, calling people all across the country to get the money they need to run their campaigns or to get their party back into power.

BF Skinner gave us this wonderful image of the Skinner box, where any stupid animal could learn, which buttons it needed to push for its sustenance. This is a picture of the life of the modern American Congress person. As the modern American congressperson comes to learn which buttons he or she needs to push to get the sustenance, he or she needs to make his or her campaign successful. This is their life and it has an effect. Each of them, as they do this, develop a sixth sense. A constant awareness about how, what they do might affect their ability to raise money.

They become in the words of the X-Files "shapeshifters", as they constantly adjust their views in light of what they know will help them to raise money, not on issues one to 10, but an issue is 11 to 1000. Leslie Byrne, a Democrat from Virginia, describes that when she went to Congress, she was told by a colleague quote, always lean to the green. And to clarify, she went on, you know, he was not an environmentalist.

So this obviously is a primary too. It's the money primary. It's not a white primary. It's the green primary. It's the first stage in a multi-stage process to select the candidates who will represent us.

So if this is the structure, we should interrogate, who are the funders? Well, we can think about who the biggest funders are. In 2014, the top hundred gave as much as the bottom 4.75 million funders to congressional campaigns. In this election cycle so far, 400 families have given half the money in the election contributions and contributions to SuperPacs so far. 400 families. That's not American democracy; that is banana republic democracy.

And then we can think not just about the biggest funders, but think about the relevant funders. Of course, the people giving millions of dollars have the attention of the members of Congress. But how much do you need to give to be relevant? How much you need to give to be, to matter, to those Congresspeople as they're dialing for dollars to raise money from you?

Well, let's take the people who maxed out in 2014. And in 2014, that means you gave \$5,200 to at least one candidate in the general primary and in the general election. 2014, it turns out 57,874 Americans maxed out in that way. So we could say 57,874 gave enough to matter, to control, to be the dominant force in this first stage of the election process.

And then some of you out there, the math geniuses out there beginning to do the numbers, you're thinking 57,874. Wait, Whoa, wait a minute. That's 0.02% of America. 0.02% of America dominate this first stage in the process of electing the candidates who will represent us. They pick the candidates, 'cause you can't be credible unless you get their money, and we get to vote for those candidates.

This tiny fraction of the 1%, this Chinese fraction of the 1% dominate this first stage with the consequence, obviously, of producing a democracy responsive to these funders only.

The Right's Long History of Ignoring the Will of the People - On the Media - Air Date 11-6-20

BROOKE GLADSTONE - HOST, ON THE MEDIA: [00:37:12] Amid obvious attempts to suppress the vote and then the President's legal efforts to get the vote counters to quit while he was ahead in those States and in Michigan, weirdly, where he wasn't, this week presents yet more evidence that the conservative party is not a political ideology enamored of free elections. A while back, Matthew Sitman, host of the Know Your Enemy podcast, explained to us how and why in recent years an expanding array of Republican politicians and thinkers have dropped the pretense of being concerned with democracy and how it has become unafraid to impose the will of the minority on the majority for what it deems the greater good.

Rick Perlstein, historian of American conservatism and author most recently of *Reagan Land: America's Right Turn, 1976 to 1980* has tracked this anti-majoritarian current to the American right back centuries. Sure, he says, conservatives are happy to win and keep power by means of a majority coalition. But Perlstein says they've long sought to win and hold power even in its absence. It's a tradition that began pretty much with the birth of the nation.

RICK PERLSTEIN: [00:38:34] Well, of course, the invention of the Senate and the idea that slaves would be counted as three-fifths of a person were not majoritarian ideas, right? I mean, even then, you had big states and small states.

BROOKE GLADSTONE - HOST, ON THE MEDIA: [00:38:47] But, he says, the modern minoritarian project of the American right really got going in the 1950's.

RICK PERLSTEIN: [00:38:55] In the 1950's, the conservative coalition, which included both reactionary Southern Democrats and conservative Republicans in the North, were very dismayed to learn that the first Republican President since the New Deal, Dwight D. Eisenhower, bought into the New Deal. And then, of course, you get *Brown v. The Board of Education*. The guys who eventually became the people who ended up drafting Barry Goldwater as the Republican nominee for president, their first idea was to run a right-wing former IRS commissioner named T. Coleman Andrews, who not only was a segregationist but believed that the federal income tax should be banned. And their idea was quite explicitly that if they can only get a few electoral votes safe from his own state of Virginia or from Mississippi or from Alabama or more of the above, and if they could deny the Democrats and the Republicans a majority in the electoral college, they could basically throw the election into the House of Representatives, where there was, in fact, pretty much a liberal majority, but they could do so for concessions.

BROOKE GLADSTONE - HOST, ON THE MEDIA: [00:40:01] Was it successful?

RICK PERLSTEIN: [00:40:02] Absolutely not. But they tried again. So, going into 1960, they had the idea of putting up for president a Southern segregationist in the South as a Democratic candidate in primaries, Orville Faubus, and to get a conservative in the north. And then when they lost at their respective party conventions, they would choose one of them to run for president on this kind of united conservative Southern and Northern ticket. And again, the idea was only to deny a majority of electoral votes, and then they would negotiate for the kind of concessions they wanted, to, say, *Brown v. The Board of Education*, completely indifferent to the fact that these were completely minority positions.

Then they fell in love with this guy Barry Goldwater, and they realized he had a lot of the same ideas, but they could draft him as a Republican for president in 1960. You know, he didn't go for it, but the Republican Party itself was very weak. It's basically gliding along on Dwight D. Eisenhower's charisma. All these kind of precinct organizations in every county and every state could be taken over. And the guy who actually authored this strategy was a Republican operative named F. Clifton White. And he literally described his method as having been borrowed by the Stalinists that he had seen in the 1930s and 1940s who were able to take over liberal organizations by exploiting parliamentary procedure, keeping the meeting going until 2:00 a.m. and then call a vote when no one was there and they would have control, and they were able to get Barry Goldwater the nomination in 1964.

BROOKE GLADSTONE - HOST, ON THE MEDIA: [00:41:45] Just by exhausting the people who were there?

RICK PERLSTEIN: [00:41:48] By exhausting this weak organization. They said it was so easy, it was like pushing on an open door. So, here they were with this nominee that, according to one poll that came out during the Republican Convention, on seven out of eight issues, the majority of Republicans disagreed with Barry Goldwater. So, this is a minoritarian coalition even within the Republican Party. But one of the things that really took off during the 1964 election at an organizational level was the sort of panic over supposed Democratic voter fraud.

BROOKE GLADSTONE - HOST, ON THE MEDIA: [00:42:21] Generated by the minoritarian Republican-supporting Barry Goldwater?

RICK PERLSTEIN: [00:42:26] Yes, they started something called Operation Eagleeye. It came out of this folklore, the idea that the Democrats stole the election in 1960 supposedly by voting dead people in Chicago. Literally, they had a guy that explained that you should challenge anyone who doesn't look like a real voter. One of the people, who was in charge of this very similar system of claiming Democratic voter fraud in order to intimidate voters so they don't go to the polls and can't cast their votes, was a friend of Barry Goldwater from Arizona named William Rehnquist [who] went on to an illustrious career.

BROOKE GLADSTONE - HOST, ON THE MEDIA: [00:43:01] As a Chief Justice appointed by Reagan.

RICK PERLSTEIN: [00:43:03] Right, so both in his Senate hearings to become Supreme Court Justice and then to be Chief Justice, it came up that he had intimidated voters in the polls in 1962 and 1964 by forcing Spanish-speaking people to read the Constitution, that there were people posted at voting places with very scary looking uniforms. So again, this very continuous idea that if more people vote, Republicans are disadvantaged.

One of the things that Jimmy Carter realized when he became President was that it was very hard to register to vote. A lot of people who wanted to vote had a hard time voting. The same kind of stuff we see now. So one of the first major initiatives he undertook as President in the spring of 1977 was to come up with a comprehensive voting reform plan that he presented to Congress, proposing to have a Constitutional amendment to end the electoral college and to have same-day registration. When he announced this, there was overwhelming support from both parties. The head of the Republican National Committee, a guy named William Brock, said that it was a "Republican idea." But lo and behold, the right wing of the party cried foul. The right wing magazine *Human Events* called it euthanasia for the GOP. Another figure enters the story; Reagan, the former governor of California who is making a tidy living writing newspaper columns and giving radio addresses every day, calls this a horrifying prospect, and he revives that story of civil servants voting because their bosses tell them to, of dead people voting. One of Reagan's arguments was that Jimmy Carter won in Minnesota because of same-day registration and that this proved that he wanted to use this kind of same-day registration scheme to assure Democrats won every election. And once again, the argument is Republicans are harmed when more people vote. In 1980, the christian right held a massive rally for ministers in Dallas. One of the speakers said that the Republicans had to be the good government party, and then up stepped to the

microphone a christian right pioneer, a new right organizer named Paul Weyrich, who gave a very famous speech:

[CLIP]

PAUL WEYRICH: [00:45:28] They want everybody to vote. I don't want everybody to vote. Elections are not won by a majority of people. They never have been from the beginning of our country, and they are not now. As a matter of fact, our leverage in the elections, quite candidly goes up as the voting populace goes down. [END CLIP]

BROOKE GLADSTONE - HOST, ON THE MEDIA: [00:45:45] I think of Weyrich is one of the pioneers of direct mail campaigning.

RICK PERLSTEIN: [00:45:50] Right. They would send out these thousands and thousands of letters accusing Democrats of wanting to have homosexuals teach their children or give welfare to college students. Much like today, elections that the polls thought were in the bag for the Democrats suddenly turned up roses for the Republicans, much like, you know, the kind of target advertising we see on Facebook. It was not the idea that two candidates fight it out on the terrain of ideas before the public. It was this underground media that was feeding horror stories about the Democrats. We saw that attitude carried into the Reagan administration itself. Right. I mean, what was one of Ronald Reagan's dearest policy goals? Supporting the anti-communist insurgents in Nicaragua known as the Contras. It was just after Vietnam, an extraordinarily unpopular idea.

BROOKE GLADSTONE - HOST, ON THE MEDIA: [00:46:51] So he snuck around and did it without buy-in from the Congress.

RICK PERLSTEIN: [00:46:55] Where democracy didn't work, subterfuge intervened. And that was the whole genesis of this conspiracy to illegally fund this very vicious right-wing army in Nicaragua.

BROOKE GLADSTONE - HOST, ON THE MEDIA: [00:47:09] By selling arms to Iran.

RICK PERLSTEIN: [00:47:12] If democracy doesn't work, other means just may be necessary.

BROOKE GLADSTONE - HOST, ON THE MEDIA: [00:47:15] I guess it was the active expression of an idea that was gaining steam at the time, the doctrine of the unitary executive.

RICK PERLSTEIN: [00:47:23] After the Vietnam War and after Watergate and after a best selling book called *The Imperial Presidency* by Arthur Schlesinger, there was an enormous popular mood to rein in the executive branch's power to act unilaterally. Among conservatives, most prominent among them, a young congressman named Dick Cheney, the idea was that the executive branch had to get its power back. This is also an inherently minoritarian project, of course, because the idea that once you elected a president no rules should constrain his activity is much more of a monarchical ideology than a democratic one. This is all running in parallel with this project that begins with Ronald Reagan creating an ideologically supplicant judiciary. And one of the things that happened in 1981 when Ronald Reagan took over was that the appointment of judges was taken out of the hands of elected senators. It used to be under previous Republican presidents like Eisenhower and Nixon and Ford, that basically when they needed a federal judge, they would go to a senator who would suggest someone almost on a patronage basis. But what the Reagan administration

did was they began scouring the law schools, scouring the federal judiciary for conservative clerks, and they set up this whole ideological evaluation bureaucracy, with computers and everything, testing their ideological opinions on every issue under the sun. And this is extremely controversial at the time.

BROOKE GLADSTONE - HOST, ON THE MEDIA: [00:49:01] Litmus tests?

RICK PERLSTEIN: [00:49:02] Exactly, litmus tests. But this is once again this minoritarian project where you can kind of lock in power, whatever the popular mood.

BROOKE GLADSTONE - HOST, ON THE MEDIA: [00:49:12] But is it exclusively conservative policies that are associated with this minoritarian project?

RICK PERLSTEIN: [00:49:20] The fact of the matter is, the kind of social policies or tax policies that Democrats favor are often popular. And that presents a profound dilemma for a political party in a democracy that wants to undo those policies. So when it comes to something like Social Security, the Cato Institute says this is a Leninist strategy, we must recognize that there is a firm coalition behind the present Social Security system. Basically, they're saying Social Security is popular.

[BROOKE LAUGHS]

Before Social Security can be reformed, which means, you know - end, we must be able to divide this coalition and cast doubt on the picture of reality it presents to the general public. Casting doubt on the picture of reality doesn't sound like normal democratic politics to me. It sounds like conspiratorial politics because in a fair fight and the battleground of ideas, they lose.

BROOKE GLADSTONE - HOST, ON THE MEDIA: [00:50:18] What about the nature of hierarchy and class and authority? Do those things find a place in that effort?

RICK PERLSTEIN: [00:50:28] The bottom line of why conservative politics is conservative is it's about preserving the existing hierarchy. It's about preserving authority, it's about keeping society in its proper place, right. And the striking thing about that is there have been all kinds of policies that have been considered conservative over the years. In fact, I used to have a Ku Klux Klan pamphlet from the 1920's that was calling for a national health insurance program because immigrants are dirty and we don't want to get sick, right. Obviously, it's big, intrusive government when you have government agents breaking into immigrants homes and snatching them from their children. Small government, big government, ultimately, what the name of the game is, is preserving hierarchy and authority. If it means more social programs, it's OK. If it means less social programs, it's OK. And if it means states rights, it's OK. If it means violating states rights -- I mean, the extraordinary things we've been seeing from the federal courts leading up to the 2020 presidential election of individual judges reaching deep into the guts of state voting rules -- nothing could be further from the Constitution's injunction that states run their own voting systems imaginable.

BROOKE GLADSTONE - HOST, ON THE MEDIA: [00:51:44] So how does understanding the history of the American right in this way change things?

RICK PERLSTEIN: [00:51:51] It forces some very hard questions about our very conception of these two broad coalitions, factions, parties, whatever you want to call them, that make up

the American political culture. You know, left and right, liberal, conservative, Democrat and Republican: we uphold this ideal of bipartisanship as a way to preserve and extend democracy. When do we begin to get to a point where we have to think of cooperating with a party which has turned minoritarian, anti-democratic ideals and rank distortion of reality into its program for keeping and holding power?

When did they disqualify themselves from cooperation?

The Republicans' War on Voting Rights, Protesting and Democracy - Some More News - Air Date 10-22-18

CODY JOHNSTON - HOST, SOME MORE NEWS: [00:52:40] In Brett Kavanaugh's first decision as a Supreme Court Justice, the Supreme Court just cut off voting rights for Native Americans in North Dakota by only allowing residents with street addresses to vote, knowing full well that the United States Postal Service only gives tribal residents PO boxes. This obvious attempt at voter suppression is nothing new for the United States which the Economist Intelligence Unit has marked as not a full democracy two years in a row. First of all, just two years? All right? And one could probably say, umm, well actually, uhh, we're not a democracy; we're a constitutional representative republic, a, uhh, form of democracy. And you're saying that because you're boring. Because maybe it's not a good thing that after two out of the three recent presidents did not win the majority of the vote. And one of those just nominated a wildly unpopular judge to the Supreme Court, and that wildly unpopular judge was confirmed with little care or transparency by a majority party that did not get the majority vote due to decades of voter suppression and gerrymandering in order to curve democracy and gain power after sitting on the previous wildly popular president's choice for more than a year. And then Mitch McConnell blames it on the Democrats getting rid of the filibuster for court appointments, which they only did because Mitch McConnell said he would block every single judge indefinitely. But that's just how America works! You say, awfully, uhh, the founding fathers wanted to make sure the powerful few couldn't be overly influenced by the people. Good point!

Maybe the best idea for a government ever wasn't thought of by a bunch of rich White slave owners in the 1700's. Hell, even Thomas Jefferson thought the Constitution should be rewritten every generation. By his estimation, every 19 or so years. But the Republicans like this because they're actually anti-democracy. They only care about power. They don't want people to vote because they know the majority of the country disagrees with them on just so many of their proposed policies. They've made sure companies and the wealthy have a disproportionate amount of power influence over politics. They do not care that that is not democracy. They try to dismiss any opposition, claiming all of these people are funded by George Soros. But maybe Republicans always talk about this George Soros conspiracy because they all get paid by billionaires to spout bullshit and influence politics. The Koch brothers literally bragged about it.

Maybe they talk about paid protestors so much because they can't fathom anyone caring about something enough to protest if they're not getting paid. Maybe the President announced his own campaign by paying people to be in the crowd and didn't pay 'em for over a year until he got sued. Maybe Mike Pence went to a football game specifically to

protest the players' protest which costs taxpayers \$325,000: America's official paid protestor, Mike Pence.

And, speaking of paid protestors, when the President lost the popular vote -- no, not that one; that one! When he lost the popular vote, and there was a recount, the GOP paid a bunch of GOP operatives to pretend to be Florida citizens protesting the recount. It was called the Brooks Brothers Riot. Literally, paid protesters by the GOP to protest democracy! One of them was Roger Stone, Trump's buddy, and best friend of, and back-tattoo-haver, of Richard Nixon, famous for inventing rat-f***ing.

Schooled for Democracy - Scene on Radio - Air Date

5-13-20

NIKOLE HANNAH-JONES: [00:56:26] The idea that public schools should exist for common good, that public schools are, as Horace Mann said, the great equalizer, but also understanding the reality does not match the lofty ideal, which is, you know, what happens when you are a country founded both on slavery and freedom at the same time.

BEN JAMES - HOST, SCENE ON RADIO: [00:56:46] Public education is the FOUNDATION of our democracy. This often-repeated phrase messes with my head not because it's inaccurate, but because it's true. Hilary Moss is professor of history and Black studies at Amherst College, and the author of the book *Schooling Citizens*. She says early public schools, or common schools as they were known, were formed during a period of great political anxiety.

HILLARY MOSS: [00:57:08] In the early 19th century, individuals are absolutely consumed and concerned about the fate of the Republic. So the very idea that there is something that is a stable democracy, or a stable American democracy, that is something that will be perpetual and long lasting, is not something that they take for granted.

BEN JAMES - HOST, SCENE ON RADIO: [00:57:31] The founders of common schools in the 1830s and 40s were explicit. Their job was to take a mishmash of working class Catholic and Protestant children and turn them into Americans. Of course, who was allowed in—and who wasn't—mattered tremendously.

HILLARY MOSS: [00:57:53] And if the central argument then is that these are citizen-making institutions, but the only individuals that are allowed in are white, the implication of that, then, is citizenship is something that is predicated on whiteness.

BEN JAMES - HOST, SCENE ON RADIO: [00:58:07] Native American children were forced away from their families into government boarding schools, where the explicit intention was to, quote, Kill the Indian to save the man. Under slavery, African-Americans were often prohibited from learning to read and write, and they were excluded from the common schools that first emerged in Boston, Baltimore and other cities. Again, Nikole Hannah-Jones.

NIKOLE HANNAH-JONES: [00:58:30] And so of course, scholars at the time, particularly scholars who are looking at the exclusion of Black children, argue that that meant that Black children were not supposed to be part of the body politic, they did not need to be educated for democracy because they were not to take part in democracy. And many people would argue that our schools are continuing to suffer from that legacy today.

BEN JAMES - HOST, SCENE ON RADIO: [00:58:52] So I want to know, how is JFK Middle School preparing you to be a citizen of the United States.

SILAS: [00:59:06] I don't know.

BEN JAMES - HOST, SCENE ON RADIO: [00:59:09] How's it preparing you for citizenship?

SILAS: [00:59:12] This might sound really dumb, but like suspensions, like, that's like going to jail, like, can't break the law when you're an adult, you go to jail, and that's part of being a citizen. So I guess in a way they kind of are.

BEN JAMES - HOST, SCENE ON RADIO: [00:59:28] Yeah, it's interesting. Do you see patterns of what that looks like? For like, which are the kids that seem to get

SILAS: [00:59:40] Wait? pause, pause, pause. Do you want me to say, Black and Puerto Rican kids get suspended more? Like, I mean, this is the truth. So do you is that what you're is that what you're looking for?

BEN JAMES - HOST, SCENE ON RADIO: [00:59:51] I'm not looking for that. But I'm interested in hearing what you see. So that's what you're seeing?

SILAS: [00:59:59] I mean, it's a fact.

BEN JAMES - HOST, SCENE ON RADIO: [01:00:04] Silas' observed reality is indeed a fact. Last year, according to state data, Latino kids were suspended almost three times as often as white kids at Silas' school. Silas—I should make clear—is white.

NIKOLE HANNAH-JONES: [01:00:17] I think our public schools continue to reflect whom we believe to be full citizens, and who we believe to be the people who should have the most say in our democracy, and who we think are expendable and probably should not be making decisions. I think our schools reflect who we think are capable of self-governance and who we think need to be governed.

BEN JAMES - HOST, SCENE ON RADIO: [01:00:42] Start with school segregation. Silas' school is eighteen percent Latino. A few miles down the interstate, in Holyoke, Mass., the middle schools are ninety percent Latino. That district is currently operated under receivership, meaning local democratic control has been removed by the state due to chronic low student performance. This pattern of segregation leading to low performance is replicated in every state in the country. But as the stats make clear, it's not just about school segregation. Black and Latino kids in predominantly-white districts are being underserved and over-disciplined as well. I've pulled out my computer. Silas and I are confirming the suspension stats for his school. But he's confused, maybe because he lives day-to-day inside what Hannah-Jones calls a fundamental paradox.

SILAS: [01:01:29] What does kids of color getting suspended more have to do with being prepared to be a citizen.

BEN JAMES - HOST, SCENE ON RADIO: [01:01:37] Really you're asking that question?

SILAS: [01:01:40] I don't know I just like

BEN JAMES - HOST, SCENE ON RADIO: [01:01:41] I'm going to turn the question you asked back around on you. What does this have to do with citizenship?

SILAS: [01:01:47] I don't know. I think it shows people, like, who they can trust. I think

BEN JAMES - HOST, SCENE ON RADIO: [01:01:55] Be more specific

SILAS: [01:01:56] I think like if this many Puerto Rican kids are getting suspended, it makes people feel like the system's against them. And that like they're not meant to succeed and it can just be kind of demoralizing.

BEN JAMES - HOST, SCENE ON RADIO: [01:02:11] So that's how the Latino kids, the Puerto Rican kids might experience it stepping into this school system that operates in this way. What messages do you think white kids in this kind of school system get about being a citizen in our society?

SILAS: [01:02:27] That they don't need to do much. That like, if you stay under the radar, then you'll be fine. Like, you don't need to be a good citizen. You can just stay out of trouble and, like, because there's plenty of white kids that are just assholes, but they're under-the-radar-assholes.

BEN JAMES - HOST, SCENE ON RADIO: [01:02:46] It's not hard to rail against an education system, structured around segregation and other systemic inequities. The challenge is that there is no other institution that continues to bring Americans together across so many divisions as our public schools, which is why a curriculum like Action Civics can be a game changer. It builds the democratic dispositions of its student participants, even as those students work to fix the very problems that magnify inequity in their schools and communities.

The Crises of American Democracy & What to Do About Them w/ Suzanne Mettler - The Majority Report - Air Date 9-22-20

SUZANNE METTLER: [01:03:14] Some people might assume that the United States has been democratic from the beginning, and, you know, with my students, we studied the Constitution, and there are certainly ways in which the United States scaled up the whole notion of democracy for the world and introduced the ideas of representative government on a large scale and freedom of religion and so on. But of course, there were ways in which the founding was really undemocratic -- anti-democratic -- with slavery being incorporated into the Constitution being the most obvious of those.

And so, in the United States it's fair to say that democracy has developed over time. And, I would say that it was really the 1960s that we became a fully democratic nation where civil liberties, civil rights and voting rights were extended to all Americans regardless of race and gender and so on. And so, that was a long story about this arc of democratization.

But what we're looking at in the book is periods of time where people were worried that whatever level of democracy had developed up until that point in time was under threat of

deteriorating, of backsliding, that we could go back in the other direction of having less democracy. And it's really striking to me the number of times this has happened in the United States and when people had real anxiety that there was going to be backsliding. So, that's our concern, and we were motivated to write the book by asking. Is the United States in danger today of democratic deterioration. And the idea is not that there'll be tanks in the streets and, you know, a military coup d'etat. Scholars who study democratic deterioration find that while that kind of thing was common up through the middle of the 20th century, what's been more typical since then is backsliding where you get some features of democracy that stay in place, like you might still have elections, and yet other aspects like the rule of law and the integrity of rights might be undermined, might become weaker.

SAM SEDER - HOST, THE MAJORITY REPORT: [01:05:24] This may be a sort of a little bit off topic but, tangentially speaking, where does economic rights fall in that spectrum? Because you mentioned that in the sixties we had sort of reached a peak theoretically in terms of democracy within this continuum. But does that include some form of economic rights? I mean, have we lost . . . Have we become less democratic in the context of economics, and by less I mean are we backsliding? Like for instance, when you disempower unions. Like definitionally, it seems to me that when you have less union concentration, that is definitionally, it seems to me, less democratic. Correct? And because the economy, obviously, and economic rights must be a factor within sort of assessing where we are on the continuum of democracy.

SUZANNE METTLER: [01:06:19] Yeah. Well, I agree that in a full and robust definition of democracy it would include social rights and economic rights. In this book we take more of a narrow, more strict definition of rights as being civil liberties, civil rights and voting rights. But the kinds of dynamics you're mentioning are really important as a threat to democracy because of this feature of rising economic inequality.

Now, when I first heard that that can be a threat to democracy, I thought that that must be, well, the 99% rises up and you have instability. But that's not in fact what it means. It's actually the opposite. Scholars find that around the world and through history, when there's high and rising economic inequality, it's the most affluent -- the rich and powerful, industries, businesses -- that then they decide to try to cement their power, to lock down what they have, and they don't care if they trample democracy in the process.

And so I think, you know, we've been seeing that going on already over the last couple of decades as economic elites with their political accomplices have scaled back the power of organized labor, as you've mentioned, of workers generally, and you know, we're in a really bad time these days for working Americans, because of their rights being scaled back.

And I think, that's why that's come about.

Summary

JAY TOMLINSON - HOST, BEST OF THE LEFT: [01:07:49] We've just heard clips today, starting with *Democracy Now* explaining the electoral college and the movements to abolish it. *Seen on Radio* took a look at democracy during the reconstruction era, *the Laura Flanders Show* discussed the evolution of democracy over time. *Seen on Radio* dove into the history of

voters suppression. Lawrence Lessig gave a *Ted Talk* about our "green" primaries. And *On the Media* looked at the long history of anti-democratic tendencies of the right.

That's what everyone heard, but members also heard some bonus clips, including *Some More News* also looking at the anti-democratic tendencies of the right, but this time with more snark. *Seen on Radio* looked at the role of public schools in preparing people to be citizens. And the *Majority Report* discussed the possibility of democracy to backslide.

For non-members, all those bonus clips are linked in the show notes and they're part of the transcript for today's episode, so you can still find them if you want to make the effort. But to hear that and all of our bonus content delivered seamlessly into your podcast feed, sign up to support the show at bestoftheleft.com/support or request a financial hardship membership, because we don't make a lack of funds a barrier to hearing more information. And every request is granted, no questions asked.

And now, we'll hear from you.

Changing the caucus party - Erin from Philly

VOICEMAILER: ERIN FROM PHILLY: [01:09:12] Hi, Jay! It's Erin from Philly, where this week some good things happened. I wanted to comment on the idea of Democrats as a caucus party that you brought up in your commentary at the end of an episode last week. I think it's a really good way of looking at it. I never heard that particular phrase used before, so I think you get credit for inventing it.

But I do remember back in the ancient times of the blogosphere and the netroots, that the blogger Digby would often use the phrase "more and better Democrats" to explain what we needed. That it wasn't just getting more Democrats elected, but we needed more Democrats who were going to do the right things, more progressive Democrats.

And I think, to use my city as an illustration, Philadelphia, for all intents and purposes, is a one party city. Democrats control the entire government, have for decades. It's machine politics, so you've got all of those issues involved, but the general election doesn't decide anything, it hasn't in a very long time. And so if anybody wants to make any changes, they have to run in primaries and I've seen, just in the last couple of years, examples of the sort of caucus method of changing the Democrats here in the city, where we had, for example, my city council person and also my state representative who had been in office almost as long as I had been alive.

In fact, my council member had almost, you could say literally inherited her seat from her husband when he died back in the early eighties. And there was nothing especially wrong with them. They were Black urban Democrats, but their ideas were outdated. They were still stuck in the eighties and maybe early nineties and they hadn't brought any new ideas to the table in how to make the city better for people in a long time.

So the younger, more progressive groups, in fact, Bernie endorsed a couple of the challengers, the Working Families Party got involved, DSA Philly endorsed a couple of people in the primaries to try and change those seats, to make them more progressive and they were successful. Last year, I got a new city council member and this year we just elected a new state representative. And both of them are much more progressive than their

predecessors. They're younger , they have new, fresh ideas, and they're going to make a difference and already have made a difference in our city.

Back in June when there was the unrest after George Floyd's murder here in Philly, my counsel woman was out there standing between the protestors and the police making sure that the police weren't going to get violent in our neighborhood. Even though it wasn't entirely successful , she knew what had to happen. And she's been a leader on issues of reducing policing in the city and was one of the people who sponsored the bill to, even though we weren't able to defund police, at least to freeze the police budget for the next year. And that's a big start in a city like Philly, where the police union is a huge political force.

So, like you said, there's always going to be Democrats that we don't like because the Democrats are the big tent party and there's no way in our system as it exists to reasonably get third parties into the government. But, get out there and get started at the local level. The presidential election is over, that's it, now it's time to start local. If you want to get more progressive's in government you're not going to start at the top and succeed. You're going to have to build it up from the bottom and get people in your town and in your state to understand why progressives are better for them and why they need to be electing a more and better progressive Democrats to government. I think West Philly right now is a great illustration of that and I hope it spreads.

So thanks for bringing up that idea. I will definitely be using the caucus metaphor as I go forward and discuss these things in my area.

So thanks for everything you do and stay awesome.

What happens if they somehow steal the election? - Nick from California

VOICEMAILER: NICK FROM CALIFORNIA: [01:13:40] Hey, Jay!, it's Nick from California. I'm catching up, only have a bonus episode to go, but I'm getting there. My question is, what happens if Congress doesn't certify the election? Is it the House, is it the Senate, do they both have to do it? I know I could just Google it, but I have this anxiety. I mean, Trump handedly lost but refuses to concede, and, I don't know, maybe I'm being alarmist, but I, I haven't been able to sleep since it's election day, but even still today, three or four hours a night. And I just, I don't have a dream about it, but I just feel like somehow the fascists have already won and they're going to sneak up on us. Ah, I can't wait for this is over.

You know, I just think about all the people who are struggling right now, in much worse situations than I'm in, and I just listened to your episode, or mostly through your episode , on bracing for impact, and I'm just hearing about all those communities that are going to be way more negatively effected than I am. I'll probably be fine. That doesn't really seem to matter to me. I just worry about the environment. I worry about women's right to choose. I worry about people who are LGBT and their rights to choose a partner and marry. And I just, I just can't sleep, man.

Sorry if this is a little bit incoherent. Sorry if it is rambling. I could have just Googled this myself. We won, but I still am terrified that we didn't win. Because of the Senate, because the Supreme Court is jury-rigged, and because honestly, Mitch McConnell and Lindsey

Graham won't back the obvious result that Trump lost. And we're living in two parallel America's with 70 million people living in Trumplandia, where somehow the vote was stolen from him, that's authoritarian and then shitty 2000 America, Obamamerica, which wasn't even that great for lots of marginalized people, for lots of people who were struggling.

Even for myself, it got better towards the end, but still, here we are just fighting to get back to that. And that's great, I hope we succeed, I'm worried we don't even get there. I'm worried somehow they steal this from us and what do we do? What do we do if the government just siezes control? I mean, it probably won't happen, but the uncertainty of the fact that so many people voted for him, there's this odd political will that keeps these craphole Republicans still telling him to truck along, still lacking concession still having to go through this legal minutia that's stupid and unexpected.

I don't know, man. Maybe you got something. I don't expect you to play this on the show. I just, I have really slept about three hours a night. I just needed some place to rant because I'm worried.

Bye.

Final comments on action being the only antidote to anxiety

JAY TOMLINSON - HOST, BEST OF THE LEFT: [01:16:50] Thanks for listening everyone. Thanks to Deon Clark and Erin Clayton for their research work for the show. Thanks to the monosyllabic, transcriptionists trio, Ben, Dan, and Ken for their volunteer work, helping put our transcripts together. Thanks to Amanda Hoffman for all of her work on our social media outlets and activism segments. And thanks to all those who called into the voicemail line or wrote in their messages to be played as VoicedMails. If you'd like to leave a comment or a question of your own to be played on the show, you can record a message at (202) 999-3991 or by writing me a message to jay@bestoftheleft.com.

Now I just have a quick response to Nick from California, which is this, that you're thinking too far into the future. The question is not an unreasonable one, but it is a premature one. The question being, what do we do **if** they steal the election? We're just not there yet, but the feelings behind that are totally legitimate. We are having all those same feelings and the question that is appropriate for this moment in time is not, what do we do if they steal it? The appropriate question is, what do we do right now to make sure they don't steal it?

Because fascists don't give up. We are not seeing anything happening right now that is outside the realm of what we expected, because we know who Donald Trump and his followers are. We know that he was never going to concede. We've been predicting that since the moment he was elected. And, there is nothing happening that we should be surprised about. And so we need to follow the established steps that a society can take to prevent a fascist takeover. Because fascist don't give up. They don't follow the rules. They either rule or are defeated. They need to be defeated and sometimes elections aren't enough. And that's the case we're in right now.

So we're still in the midst of processing this and thinking more deeply about it and we'll have more coming to you soon. In the meantime, I recommend checking out, refusefascism.org.

Refuse Fascism is the group that is keeping their eye on the prize and recognizing that having an apparent win in the electoral system, isn't going to be enough when it comes to defeating these kinds of fascists. They have infiltrated the government top to bottom. They will use literally every conceivable loophole they can find. And there should be no cause for hope that they won't exploit every possibility of subverting the will of the people for a second time. There's no reason to hope that any sort of gentleman's agreement or bonds of honor will be the backstop to prevent a brute force attack on our election.

Additionally, you can also check out protecttheresults.com. They were initially one of the primary organizers of events to be held very, very soon after the election, but most of the events that they have listed now have been pushed out to December. So Refuse Fascism is on the ground, starting this weekend and Protect the Results, of course the dates of those events may be shifting so check out what's happening in your local area, but they will definitely be picking up the baton in December.

So apologies to Nick that I don't have much more comforting things to say other than that the best antidote to anxiety is action. So we're all feeling the anxiety. There is no choice, but to take action.

As always, keep the comments coming in at (202) 999-3991 or by emailing me to jay@bestoftheleft.com. That's going to be it for today. Thanks to everyone for listening. Thanks to those who support the show by becoming a member or purchasing gift memberships at bestoftheleft.com/support as that is absolutely how the program survives. Of course, everyone can support the show just by telling everyone you know about it and leaving us glowing reviews on Apple Podcasts and Facebook to help others find the show.

For details on the show itself, including links to all of the sources and music used in this and every episode, all that information can always be found in the show notes on the blog and likely right on the device or using the lesson.

So coming to you from far outside, the conventional wisdom of Washington D.C., my name is Jay!, and this has been the Best of the Left podcast coming to you twice weekly thanks entirely to the members and donors to the show from bestoftheleft.com.