The Sycamore Group

White Paper #2

A Catalog of Threats to Democracy in America in 2026

Introduction

An Urgent Problem …

Since the second inauguration of Donald Trump in January 2025, Americans have found themselves witnessing a fast-and-furious race to replace their democracy with an authoritarian regime. Some even view Trump's actions as "the self-immolation of a superpower" (Graff 2026). Oxford historian Timothy Garton Ash (2025) predicts that the mid-term elections of 2026 represent the last chance to head off this assault.

… And a Perennial Problem

Of course, American democracy has been under stress since the days of the Founders. In the early days that stress revolved around the issues of a strong central government versus the rights of sovereign states. A complex system of self-government by the people was not easy to create; nor has it proved easy to maintain. Indeed, there have been periods when American democracy has threatened to come apart at the seams.

The drafting of the Constitution itself was drenched in tension, with frequent threats to quit and go home, which would have left the hopelessly inadequate Articles of Confederation as the law of the land. That prospect was enough to drive delegates back to the bargaining table. Tough compromises had to be made—counting slaves as three-fifths of a person when counting a state's population, establishing the Electoral College for choosing a president, and granting each state two senators, regardless of population size. Such compromises, deemed necessary in the beginning to bring our present democracy into being, fell short of advancing any ideals other than postponing the inevitable conflicts until later dates.

Tensions have broken into conflict, sometimes deadly, in several historical eras. The first conflict occurred almost immediately after the ratification of the Constitution. By the second session of Congress, political participants began to sort themselves into two passionately opposed parties, the Federalists and the Democratic-Republicans. In the presidential election of 1800 neither party's ticket gained an Electoral College majority, so it was thrown into the House of Representatives. Both sides felt that the fate of the Republic was at stake, so the contest was bitterly fought and armed conflict narrowly averted.

In the 1850s, tensions escalated over the issue of the extension of slavery into the newly formed states. Here, it was not as much a difference in political ideology as a disagreement over who was a full American with the rights that go with it. The issue was resolved only through a catastrophically destructive Civil War that split the nation in two. After the war, the Reconstruction amendments to the Constitution established Black rights on paper, temporarily. White supremacist resistance, symbolized by the rise of the Ku Klux Klan never ended, and a series of Supreme Court decisions allowed the re-establishment of White control in the states of the former Confederacy in the 1890s. Jim Crow laws and the Black Codes reduced non-White citizens to second-class status for another sixty years.

Economic inequality rose rapidly during the Gilded Age due to unchecked industrialization, the formation of massive monopolies, and a laissez-faire government approach that favored big business over labor. This allowed corporate titans to amass unprecedented wealth and the power to buy political favor. Businesses used intimidation and violence, often supported by government forces, to suppress strikes, such as the Homestead Strike of 1892, when the National Guard was called in to quell bloody fighting between strikers and Pinkerton agents. Crisis was averted only when Theodore Roosevelt rose to the presidency after the assassination of President McKinley in 1901, ushering in the reforms of the Progressive movement.

Another national trauma occurred during the Great Depression, from 1929 to 1939. It began when rampant speculation led to the crash of the stock market, followed by a rash of bank failures. Weather-related crop failures added rural distress and displacement to the general economic malaise. The potential for a violent break was symbolized by the "Bonus Army," a throng of 17,000 impoverished World War I veterans plus their families and supporters who marched to Washington in 1932 and established a camp to bolster their demand for early payment of the bonus promised to them. The US Army, with a contingent of infantry, cavalry, and tanks drove the out the marchers and destroyed the encampment.

The Great Depression was world-wide, and it spurred the rise of communism and fascism in previously democratic European countries. Many Americans as well questioned their faith in democracy. Indeed, pro-fascist sentiment was deep enough to support a credible plot to overthrow the government (Maddow 2023). Again, disaster was averted as the nation was forced to unite to combat the combined armed forces of Nazi Germany and Imperial Japan. These crises had to be managed by President Franklin D. Roosevelt, elected in a landslide in 1932. In the

process, he undertook an unprecedented aggrandizement of presidential executive power that continued under later presidents and culminated in President Donald Trump's claim of virtually unchecked authority.

In our own times, the conflicts of the Civil Rights era created a rift between regions reminiscent of the Civil War era. The Supreme Court's *Brown v. Board of Education* decision in 1954 reignited the smoldering embers of White supremacy in a generation of "massive resistance," marked by dozens of outbreaks of local violence. One example was the "Ole Miss Riot" at the University of Mississippi in 1962. White student anger over the admission of the first Black student led to a night of rioting and an intense confrontation with federal forces. Such outbreaks occurred in the North as well, notably in South Boston in 1974, over the integration of public schools.

Somehow, the republic has survived so far. The faults exposed in those struggles continue to weaken the republic, but now other powerful adversaries, foreign and domestic, have struck hard at the very foundations of the republic, threatening the rule of law, the sanctity of the ballot, and the commitment to peaceful transfer of power. Expert observers contend that current conditions are more dire than any of the past, and that the number and severity of threats are greater than at any previous era of American history (Lieberman and Mettler 2023, 122). The very existence of the American democratic republic as we have known it is at risk. A different model, authoritarianism, stands in the wings ready to replace the existing democratic system.

Authoritarianism is a political system characterized by the rejection of pluralism, strong central power to preserve the political status quo, and reductions in democratic practices such as separation of powers, civil liberties, and the rule of law. In the twentieth century, two forms of authoritarianism—fascism and communism—have competed with democracy. Fascism was defeated in World War II; communism was largely defeated in the Cold War (except in China, Cuba, and North Korea). But authoritarian impulses continued to smolder beneath the surface.

In the twenty-first century, authoritarian regimes have frequently been elected through democratic processes followed by the dismantling of democratic institutions, such as in Russia (Putin), Türkiye (Erdoğan), Hungary (Orbán), Venezuela (Chávez, then Maduro), and Nicaragua (Ortega). Other nations, including India (Modi), El Salvador (Bukele), and the Philippines (Duterte), have also seen democratic backsliding through elected leaders consolidating power. In most European countries, authoritarian parties have gained ground and may yet come to power.

Americans long believed that their democratic institutions were so firmly established that it was hardly conceivable that they could be overturned. The events of the past decade have proven otherwise. How could this have happened? That is the question that stimulated the project we are reporting here.

Identifying the Threats to the American Democratic Republic

Given the seriousness and imminence of the challenges before us, the authors believed it useful to compile a comprehensive, candid catalog of the forces threatening the various elements that comprise the American democratic republic. Many others have examined one or more of the threats, but none have attempted a comprehensive catalog. Our analysis has been more fine-grained than previous ones because we home in on each of the different factors that comprise the more general threats to democracy, such as "wealth inequality." We attempt to dissect that threat and enumerate all the factors that contribute to it. We do so with an eye toward seeking remedies to these threats. One cannot prescribe the correct treatment for an illness unless you have identified clearly the cause(s) of that illness.

Our project began by reviewing the historical literature on threats to democracy, then surveying news sources, political literature, and reports of non-profit civic organizations to identify currently perceived threats. It was quickly apparent that the perceived threats are of varying strength and that they attack different aspects of the democratic system or "pillars of democracy," as they are sometimes referred to—free and fair elections, the rule of law, the legitimacy of the political opposition, and the integrity of rights (Lieberman and Mettler 2023, 124).

We ultimately decided to classify the threats into five categories—*electoral, egalitarian, civil liberties, communal*, and *existential*—referring to the various aspects or "facets" of democracy that are under threat. The first four facets are adapted from the indices used by the Varieties of Democracy [V-Dem] Institute, based at the University of Gothenburg, and are parallel to the "pillars of democracy." The fifth category, *existential*, was added to account for threats that strike at not one facet but at the entire democratic project.

The V-Dem Institute produces an annual "democracy score card," which rates whether nations are becoming more democratic or more autocratic. In its most recent report, the V-Dem Institute had this to say about the state of democracy in the USA early in 2025:

> Trump's second administration is proving to be different than his first. Trump ran an openly authoritarian campaign in 2024, pledging to prosecute his rivals, punish critical media, and deploy the army to repress protests. As of the time of writing, Trump has been in office for six weeks. The speed with which American democracy is coming under strain has taken many observers by surprise. The expansion of executive power, undermining of Congress's power of the purse, offensives on independent and counterveiling institutions and the media, as well as purging and dismantling of state institutions – classic strategies of autocratizers – seem to be in action. The enabling silence among critics fearful of retribution, is already prevalent (Democracy Report 2025).

Having decided on the five facets, we then divided each facet into two categories: factors

that are encoded into the *legal* system—the US Constitution as amended, as interpreted by the Supreme Court, and as codified into specific laws and regulations—and factors that are rooted in socioeconomic and other *societal* factors, such as the practices of special interest groups or other social and economic forces operating within society. The result is a grid consisting of ten cells. Our search for causative factors was systematic in the sense that we were guided by the ten categories of the grid. We analyzed American history and current events with these categories in mind, seeking specific factors that threatened or undermined specific aspects of democratic governmental functioning. Each factor was given a unique label, with the agent or causative force as clearly named as possible, yielding a grid populated by about a hundred factors. We regard these findings as tentative and expect to revise them as events continue to unfold.

Compiling the grid was the first stage of our project. It is shown and described in *White Paper #1* by The Sycamore Group. This paper represents the second stage. In this paper we describe in greater detail each of more than 90 threats listed in our grid. We examine each facet in turn, discussing both the legal and societal threats in each facet. We begin with the Electoral facet, then proceed to threats to the Egalitarian facet, the Civil Liberties facet, and the Communal facet. We conclude with those threats that strike at the very existence of the American Democratic Republic itself: the Existential facet. Table 1 on the next page identifies the categories of threats discussed in chapters 1-5.

Our research entailed identifying the current threats and categorizing them into the cells of Table 1. Each threat was stated as a phrase or sentence that captured the essence of each threat. We then composed a narrative description of each of those statements, putting each in a historical context, if necessary, and explaining in what way each factor posed a threat to some aspect of democracy. The fleshed-out list of all 91 threats to democracy is displayed as a grid in the Appendix.

The following chapters consist of those narrative descriptions of the threats contained in each cell of Table 1. Each chapter begins with a list of the threats pertaining to one particular cell of the table, beginning with the Electoral facet and the legal threats to that facet.

A. Legal Threats ***Constitution, Laws, & Court Cases***	**B. Societal Threats** ***Socioeconomic & Political Forces*** ***Cultural Values & Beliefs***
1. Electoral Facet	
Access to the ballot Free and fair elections	Participation and civic engagement Biases and political intrusions—domestic & foreign
2. Egalitarian Facet	
Equality in representation Equal opportunities, access to resources	Racial and gender discrimination Income and wealth inequality
3. Civil Liberties Facet	
Rule of law enforced Checks and balances upheld	Dark money undermines independence of judiciary Biases of law enforcement and military
4. Communal Facet	
Focused on the common good Reasoned justification for decisions	Power of special interests Individual desires above interests of the group
5. Existential Facet	
Maintaining the integrity of government Assuring the foundations are sound	Anti-democratic ideologies Advocacy of violence

Table 1. Ten categories of threats to democracy in the United States

CHAPTER 1

Americans' Ability to Vote is Threatened

1. Electoral Facet

- ***Participation: voting and civic engagement.***
- ***Free and fair (even-handed, not necessarily representative) elections.***

1A. Legal Threats to the Electoral Facet

"Baked into" the Constitution and subsequent laws, regulations, and court cases.

1. The Constitution stipulates that national elections be controlled by the states.
2. The *Shelby County* decision by the Supreme Court allows states to erect barriers to voting.
3. The Supreme Court tolerates gerrymandering.
4. Partisan manipulation of election procedures at the state level.
5. Partisan manipulation of election procedures at the federal level.
6. Lack of uniformity in voting machine reliability.

The Electoral facet includes such issues as free and fair elections and opportunities for citizens to vote and participate in civic affairs.

In the *Legal* column, the focus is on those factors that are rooted in the legal system—the Constitution, the decisions of the courts, and laws and regulation passed by legislatures.

The analysis of barriers to fair access to the ballot must begin with the Constitution itself. The first flaw is something *absent* from the Constitution: that **voting is not stipulated as a universal right**. By its silence on the subject, the Constitution leaves open the question of who has what rights regarding voting. The Framers were all property-owning White males, so the unspoken assumption might have been that the right to vote belonged to people like themselves. Indeed, the *Federalist Papers*, written as a defense of the proposed Constitution, reveal that the Framers' mental model of "good government" was the British parliamentary system, in which both officeholders and electors had to demonstrate that they held a certain amount of personal property.

This rule also held in the legislatures of all thirteen colonies, so it is likely that **virtually all the delegates to the Constitutional Convention made the assumption that only those who were committed members of the community—those who "had skin in the game"—were**

independent enough to be entrusted with the vote, as long as they were also male and White. Beyond those basic assumptions, the colonies differed in their granting of suffrage. Catholics were excluded in five colonies and Jews in four. The property qualifications varied widely, with lower requirements on the frontier—where 70 to 80 percent could vote—than in the cities—where only 40 to 50 percent of White males could vote. These variations may have contributed to the feature we discuss next: allowing the states to control the election procedures and voter eligibility.

A second flaw, **another consideration that is *absent*, is any stipulation that electoral representation be *equitable***; that is, that district boundaries and rules of voting assure that all sectors of the population have an equal opportunity to vote and to be elected. Congress should look like the population. The current Constitutional framework is largely focused on equal population numbers in the House of Representatives, not equity in representation.

Some other flaws that flow from the abdication of federal control over elections include the **absence of a federal election agency with enforcement powers** and the **absence of a national holiday to facilitate voting on national election days.**

1. Elections Controlled by the States

The second portentous feature of the Constitution regarding voting is the issue of **who controls elections**, including federal elections. Article I, Section 4 specifies that "The Times, Places, and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof… Thus, **the power to make the rules for elections is granted to the states**. However, the next clause in Section 4 specifies "but the Congress may at any time by Law make or alter such Regulations…" Thereby, Congress held onto the power to alter those regulations. Consequently, Congress has gone on to overrule state election procedures and voter eligibility statutes…but only rarely and only with considerable resistance on the part of recalcitrant states.

The most significant electoral innovation of the early nineteenth century was the abolition of property qualifications. Hard times, especially following the Panic of 1819, led to demands for an end to property restrictions on voting and officeholding. In 1800, just three states (Kentucky, New Hampshire, and Vermont) had universal White male suffrage; by 1830, ten states did.

Meanwhile, Blacks had become officially disenfranchised. Every new state that joined the Union after 1819 explicitly denied Blacks the right to vote. It took the Civil War later in the nineteenth century to address that disenfranchisement. The Fourteenth Amendment, ratified in 1868, primarily **guarantees citizenship** to all persons born or naturalized in the U.S., including formerly enslaved people, and prohibits states from abridging the privileges or immunities of citizens. The Fifteenth Amendment, ratified in 1870, prohibits the denial or **abridgement of the right to vote based on race, color, or previous condition of servitude**. Following decades of

protest, advocacy, and state-level wins, the Nineteenth Amendment, ratified in 1920, granted American women the right to vote by **prohibiting voter denial based on sex**.

However, none of these amendments guarantees the right to vote itself or address other forms of limiting voting rights. The most significant attempt to reform state statutes on election procedures and voter eligibility was the **Voting Rights Act**, signed into law by President Lyndon B. Johnson during the height of the civil rights movement on August 6, 1965. It aimed to **combat racial discrimination in voting and protect the rights of racial minorities**. It outlawed literacy tests and other discriminatory practices and empowered the federal government to oversee voter registration in areas with a history of voter suppression. The Act also included in Section 4(b) a requirement for Federal preclearance of voting changes in covered jurisdictions.

While the Voting Rights Act remained in effect, more minority voters registered and voted; consequently, minority representation increased at the local, state, and national levels. However, since then **the efficacy of the Voting Rights Act has been consistently reduced** by congressional, Supreme Court, and state government actions.

2. States Erect Barriers to Voting

Historically, states have frequently used their Constitutional authority over elections to restrict access to the ballot in numerous ways. The most notorious example is the set of statutes known as the Jim Crow laws passed in the years following the ratification of the Fifteenth Amendment in 1870.

A series of Supreme Court decisions in the next two decades—*US v. Reese* in 1876, *US v. Harris* in 1883, and the *Civil Rights Cases* in 1883—signaled that the federal government would no longer enforce the minority rights clearly intended by the Fourteenth and Fifteenth amendments. By 1890, White majorities had replaced Black majorities in the Southern state governments, and **they rushed to devise new state constitutions** "that included disenfranchisement provisions, antimiscegenation provisions, and separate-but-equal Jim Crow provisions. **Though 'race neutral' in language, these new provisions solidified Southern states as governed by legal segregation and discrimination**" (Gates, Jr. 2019). **The Voting Rights Act of 1965 was intended to overturn those Jim Crow statutes, but various forms of disenfranchisement never ceased.**

For example, several **key provisions of the Voting Rights Act expired in 2007** and were not renewed thanks to opposition among Southern Congressmen. Among the requirements not renewed were a) which jurisdictions fall under the force of the Act, b) requiring that ballots be printed in the languages spoken in the covered jurisdictions, and c) the assignment of federal monitors to ensure compliance. In 2013, Section 5, which required certain jurisdictions with a history of discrimination to obtain federal approval before changing their voting laws, expired.

Also in 2013, in ***Shelby County v. Holder*, the conservative majority in the Supreme**

Court ruled that Section 4(b) of the Voting Rights Act was unconstitutional because the coverage formula was based on data over 40 years old, making it no longer responsive to current needs and therefore an impermissible burden on the constitutional principles of federalism and equal sovereignty of the states.

In 2025, many states with conservative majorities (Arkansas, Florida, Idaho, Indiana, Kansas, Kentucky, Montana, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, Utah, West Virginia, and Wyoming) began to push through harsh legal measures to suppress the votes of citizens who are not part of their voting bloc. Among the **voter suppression restrictions** imposed by such states in recent years are:

- requiring state-issued IDs or requiring onerous citizenship tests (not required in the US Constitution)
- limiting absentee and mail-in voting
- reducing the days of early voting
- purging voter lists, making maintaining one's registration difficult
- allowing intrusive poll-watching
- instituting harsh legal penalties for mistakes made by election officials or by voters.

Legal voter suppression methods such as these can be consequential for the outcome of elections. For example, in 2000, George W. Bush won the presidency by just 537 votes in Florida, after the state's Republican secretary of state purged tens of thousands of Black voters' names because they were purportedly felons, ineligible to vote. Investigations showed that none of the names purged were indeed ineligible.

Because there is no other federal oversight for elections, and no federal election agency, the states have been free once more to go their own way in deciding who may vote and under what conditions, **making the US the only democratic country that allows partisan control of voting** (Walter 2023). The result is **unequal voting privileges to the detriment of Blacks, women, the poor, the elderly, and the disabled.**

3. Gerrymandering

Right from the beginning of the new republic, states took advantage of their Article I control over the electoral process to **draw the boundaries of electoral districts to partisan advantage**—concentrating followers of the "out" party into as few districts as possible. This partisan boundary-drawing quickly gained the nickname of "gerrymandering." This label combines the name of Elbridge Gerry and the shape of a salamander. Gerry was governor of Massachusetts in 1812 when the state's electoral map was redrawn to benefit his party, creating contorted districts, a couple of which resembled salamanders. The "gerrymander" label was meant to lampoon this naked abuse of authority.

The legality of gerrymandering has been the subject of **numerous Supreme Court decisions ever since the days of Elbridge Gerry, none of which laid out clear standards for "fairness" in drawing electoral boundaries**. Most recently, in 2019, the Supreme Court, in *Rucho v. Common Cause*, disabled any further constitutional challenges to district maps on the basis that no objective test of "fairness" is possible. Since then, naked and aggressive partisanship has led to **grossly unfair advantages to the party in power when maps are drawn**.

In 2025, Republicans anticipated losing control of the House of Representatives in the 2026 mid-term elections. This prompted key states, including Texas, North Carolina, and Missouri to engage in **aggressive mid-census redistricting** at the request of President Trump**.** Ohio and Indiana also faced severe pressure from President Trump to do likewise. Some Democratic-controlled legislatures reciprocated. By March 2026, six states had completed new district maps, and nine others were attempting to do so.

Then, in April 2026, the Supreme Court in *Louisiana v. Callais* overturned decades of settled precedents by gutting Section 2 of the Voting Rights Act. This essentially **legalized gerrymandering based on racial discrimination**. Within a few days, a dozen mostly Southern states initiated additional gerrymandering projects.

A major purpose of gerrymandering is to create "**safe districts**," which turns out to have the side effect of encouraging **voter apathy** ("my vote doesn't count because of the composition of my district"), contributing to low turnout. "Safe districts" also tend to favor **more extreme candidates,** those that appeal to the party's "base"—people with strong commitments who also are more likely to show up on primary election day.

The end results of gerrymandering are voter apathy, hence lower turnout rates, selection of more extreme candidates, and a greatly inequitable advantage to the party that is in control of district map drawing.

4. Partisan Manipulation of Election Procedures—State Level

In addition to the historical attacks on election fairness discussed in items 1, 2, and 3 above, a new threat has recently emerged: **partisan seizure of control of the election machinery at the state level**. Historically, most states have taken care that chief election officers and election boards be kept as nonpartisan as possible, for example, requiring that election board membership represent a balance between major parties. However, **as of 2025, 16 states currently allow partisan control of election boards**.

The trend, since 2020, has been for **Republican state legislatures to seek to alter election procedures** in the name of "election integrity." North Carolina provides the most recent example:

For nearly a century, North Carolina's governor has had the exclusive power to

> appoint a majority of the state board of elections from the governor's own party and to appoint a majority of members of county election boards. As 2024 ended, the lame-duck legislature — over gubernatorial veto — transferred that appointment power from the governor, currently a Democrat, to the state auditor, currently a Republican (Lam 2025).

The North Carolina example is just one of five different types of interventions that are most popular in 2026:

- Seek to exert control over election results; that is, giving the **legislature or a state official direct control over election outcomes**.
- Require **unorthodox audits or reviews of election results**; that is, post-election review schemes outside the professional standards, with the aim of overturning or placing results into doubt.
- Shift control of election procedures **away from nonpartisan officials toward partisans** in the legislature.
- Create **burdensome procedures** aimed at increasing confusion and delay, enabling claims of "irregularities."
- **Create or expand penalties for election officials** in the ordinary execution of their jobs, including criminalizing inadvertent mistakes.

Between 2021 and 2023, Republican-controlled state legislatures had introduced 600 such bills, and 62 had become law in 28 states (Protect Democracy 2023).

5. Partisan Manipulation of Election Procedures—Federal Level

The Supreme Court has interpreted that the Elections Clause of the Constitution (Article I, Section 4, Clause 1) **gives Congress authority to alter or establish state regulations** for elections to federal offices. This includes establishing election dates, rules for redistricting, voter registration procedures, absentee balloting, election integrity, and voting rights. Since the 2020 election, **Donald Trump and his congressional allies have made a concerted effort to manipulate those voting rules** and procedures at the federal level (Singh 2025), including intimidating election officials and nonprofits that promote fair elections and supporting officials and others who subvert the integrity of the electoral processes, such as the January 6 insurrectionists.

In March 2025, President Trump issued an executive order mandating that the Election Assistance Commission require documentary proof of citizenship—such as a passport or REAL ID—for federal voter registration. While this order was temporarily halted by federal courts, the House of Representatives passed a bill with similar provisions—the Safeguard American Voter Eligibility **(SAVE) Act. It would amend the National Voter Registration Act of 1993 to require "documentary proof of United States citizenship"** to register to vote. It would likely

make voting by mail impossible and curtail the use of automatic voter registration ("motor voter" laws) and online voter registration. As of March 2026, the SAVE Act was stalled in the Senate. However, in March 2026 Trump insisted that the Senate drop the filibuster rule and pass the SAVE Act as he claimed it was essential for Republicans to win the 2026 midterm elections. Trump vowed to not sign any bill into law until the SAVE Act was passed.

More recently, in April 2026, President Trump issued a new executive order that charges the US Postal Service with determining who may vote by mail and instructs it to refuse to deliver ballots sent by anyone not included on newly created federal mail voter lists. It threatens criminal penalties for election officials, mail carriers, and others who send ballots to or deliver ballots from individuals the administration deems ineligible. It also orders the Department of Homeland Security (DHS) to compile lists of voting-age U.S. citizens in every state, using incomplete and unreliable federal data sources.

All these measures are **intended to distort who can vote, how they can vote, how their votes are counted, how the votes are reported, and who oversees elections**. The extraordinary effort expended by Republicans on restricting access to voting illustrates how desperately they feel they need to suppress the vote to stay in power.

6. Voting Machine Reliability

Another consequence of state control of elections, including federal elections, is the lack of uniformity of election procedures and even voting equipment. There is considerable variability in states' selection of voting machines and in their implementation of software for recording, then tallying the vote. Some states have been selecting devices that **do not provide a method of verifying the accuracy** of recording the voter's choice (e.g. paper trail) (Brennan Center for Justice 2022).

Further, states vary in their implementation of safeguards against tampering with the software for recording or tallying votes (Hartmann 2020). Indeed, as of December 2025, litigation was proceeding in several swing states regarding possible tampering with voting machine software claiming majorities for Trump in 2024 (see websites of Democracy Docket and Election Truth Alliance).

By tolerating or encouraging the adoption of unreliable voting hardware or software, some state election authorities are attempting to create conditions that allow them to tamper with the results, thus **jeopardizing the trustworthiness of the entire election process.**

1B. Societal Threats to the Electoral Facet

Socioeconomic factors and practices of political and other types of interest groups.

1. Disenfranchisement is a means of racist social control.
2. False claims are made of voting irregularities, undermining confidence in democracy.
3. Foreign adversaries interfere in US elections.
4. Legal and societal voter suppression, resulting in a less representative government.
5. The decline in civic culture reduces civic engagement and participation in democracy.
6. Americans have abysmal civic knowledge, reducing civic participation, including voting.

As mentioned earlier, the Electoral facet includes such issues as free and fair elections and opportunities for citizens to participate in public affairs. In the *Societal* column, the focus is on those factors that are rooted in socioeconomic and other societal factors, such as the practices of political parties—for example, false claims of voting fraud—or interference by foreign or domestic pressure groups.

1. Disenfranchisement as a Means of Racist Social Control

Disenfranchisement through legal means, such as voter suppression and gerrymandering, as discussed above, has long been applied as a tool for maintaining political dominance. In addition to that legal imposition, during the nearly 100-year era of Jim Crow laws **other means of disempowerment including violent intimidation through mob action**—such as by the Ku Klux Klan—and local customs and observances (e.g., Blacks may own properties only "on the wrong side of the tracks") added social pressure to disenfranchisement that impedes not only Black people's voting rights, but also other means of advancement in society for Blacks.

As a result, Black people continue to suffer social, as well as legal handicaps, thus **thwarting their full civic participation.**

2. False Claims of Voting Irregularities

Suspicion of the honesty of the opposing party sometimes fuels claims of electoral cheating. An early and outstanding example was the presidential election of 1824, in which the followers of Andrew Jackson claimed that John Quincy Adams had entered into a "corrupt bargain" to win the election, which had been decided in the House of Representatives. That claim, repeated frequently and vociferously, helped carry Jackson to victory in the next election.

In a rerun of the Jacksonian claim, following the presidential election of 2020, the loser, **Donald Trump, continued to claim that the election was "stolen" long after all the legal challenges had been satisfied.** Apparently operating on the principle that a lie repeated often enough begins to take root, Trump and his followers continued the "stolen election" theme right

through the 2024 election.

Such false claims weaken the Electoral system by **diluting public trust in election fairness**, thereby suppressing turnout and making it more difficult to conduct elections that are both transparent and accessible to all eligible voters. “Rigged election” claims also endanger the safety of election workers, making the recruitment of such workers more difficult. In the case of the 2020 election, the “rigged election” claims ultimately led to the appointment of fake electors, a felony offense.

3. Foreign Election Interference

The era of mass adoption of social media has ushered in a new threat to electoral integrity. Since at least 2016, foreign governments—notably Russia and its allies—have been conducting well-financed and cleverly designed campaigns to support Donald Trump and undermine his opponents using social media platforms.

"Project Lakhta” was conducted by the Russian Internet Research Agency (IRA), operating as a “troll farm,” **creating tens of thousands of social media accounts that purported to be Americans supporting Trump and opposing Hillary Clinton. Fabricated articles and disinformation from Russian government-controlled media were promoted on social media**, where they reached millions of users between 2013 and the 2016 election.

These disinformation and misinformation campaigns misled voters into accepting false claims about Democratic Party leaders and their policies, **thus suppressing turnout among the party’s voters while motivating Republican voters** through anger aimed at supposed Democratic policies (Special Counsel's Office, Department of Justice 2019).

These subversive campaigns have continued unabated up to the present time.

4. Extra-Legal Voter Suppression

Democratic government is based on the expectation that citizens can and will participate in the electoral process. Any claim of representativeness is tested by actual turnout rates. We have already discussed a host of **legal factors that tend to inhibit voter turnout,** such as lack of an election day holiday, property requirements, poll taxes, literacy tests, limits on times and places for voting, and so on. In addition to these legal barriers, further measures of a more informal nature may be utilized by partisans to discourage participation. Some examples of voter suppression based on partisan practices include:

- Unnecessarily strict enforcement of registration procedures
- Advertising that discredits the opponent, reducing enthusiasm among supporters
- Ballot design: confusing instructions, deceptive presentation of candidates’

names, or a daunting list of issues meant to fatigue the voter
- Physical barriers: inconvenient locations, insufficient voting booths or machines, long wait lines
- Voter identification: unnecessarily strict enforcement of ID requirements
- Intimidation: presence of police or ICE agents, intrusive poll watchers, the presence of guns, and the threat of severe penalties for mistakes in voting procedures.

The net result is an American **voter turnout rate between 50 and 65 percent**, one of the lowest rates among all democratic republics, thus raising questions about the legitimacy of the outcomes.

5. Decline of Civic Culture

Political scientists Almond and Verba (1963) popularized the concept of classifying nations according to their political culture, which includes national character and governing style. They proposed **"civic culture" as an ideal, a combination of high political engagement, trust in institutions, and civic duty, coupled with a moderate approach that accepts authority and allows for orderly political change**—a characterization that resembled the American political culture in their day. However, many sociological studies have shown that **Americans are increasingly disconnected from friends, neighbors, and social organizations** (Putnam 2020), sometimes referred to as the "bowling alone" syndrome. That disconnect has increasingly become concrete, with gated communities more than doubling in number between 1995 and 2025. Withdrawing behind such barriers hardens the boundaries between socioeconomic classes, further weakening the spirit of community. It is also manifested in lowered participation in social structures such as church, PTA, social clubs, political organizations, and service organizations such as the Rotary, Elks, or Lions.

The weakening of social connections can be seen as a reduction in "social capital"—the networks of relationships that help advance societal goals. **As civic culture wanes and social capital is lost, political participation atrophies.**

6. Americans' Abysmal Civics Knowledge

The Founders frequently asserted that **maintaining a democracy requires an electorate that understands their government and their own rights and responsibilities** as citizens. Nowadays, American citizens young and old fall short of this standard. For example, only one-quarter of eighth graders are passing the NAEP civics exam, and only ten states require even a year of civics education (Shapiro and Brown 2018). Surveys of American adults also typically reveal low levels of civic knowledge, with only a minority capable of passing the citizenship test that 90 percent of immigrant test-takers pass (Davenport 2020).

Ignorance of the issues and failure to appreciate the consequences of their voting decisions reduce elections to popularity contests or reflexive support of a party that may not represent the interests of the voter. Eligible voters may choose to sit out the election or to cast a vote that leads to frustration with the results.

CHAPTER 2

Equitable Access to Representation, Power, and Resources Is Threatened

2. Egalitarian Facet

- ***Equal representation.***
- ***Equal access to power and distribution of resources.***
- ***Equitable treatment regardless of sociodemographic characteristics.***

2A. Legal Threats to the Egalitarian Facet

"Baked into" the Constitution and subsequent laws, regulations, and court cases.

1. White males have a history of legal and financial advantages that persist.
2. The Electoral College subverts equal representation by advantaging rural areas.
3. The original Constitution counted slaves as three-fifths of a person, creating a historical advantage for slave states that persists.
4. The "Great Compromise" agreements of the nineteenth century gave rural states an Electoral College advantage that persists.
5. The Senate filibuster often prevents the passage of popular legislation.
6. The administration of past racist federal policies created a persistent financial handicap for non-Whites.
7. National tax policies concentrate wealth and power, creating vastly unequal political influence.
8. The plurality vote tallying system can distort actual voter preferences.
9. The right to education was omitted from the Constitution, contributing to unequal educational opportunity.

The Egalitarian Facet includes such issues as equitable representation, equitable access to power, equitable distribution of resources, and equitable treatment regardless of sociodemographic characteristics such as ethnicity, gender, or wealth.

In the *Legal* column, the focus is on those factors that are rooted in the legal system—the Constitution, the decisions of the courts, and laws and regulations passed by legislatures—particularly those that deny equality before the law.

The Framers of the Constitution held complex, often contradictory views on equality. While declaring "all men are created equal" in the Declaration of Independence, they largely

meant that individuals share a common humanity, have equal natural rights, and that no person is born with a divine right to rule over others, rather than economic or social equality. At the Constitutional Convention, delegates who later became Federalists and those who later became Democrats differed regarding the saliency of social equality, as did those committed to slaveholding versus those who abhorred it. **The compromise was to support "equality before the law,"**with the unspoken understanding that it applied only to those who were considered full "persons" (which did not necessarily include women, slaves, or Native Americans…and in some states, Catholics). It was only after the Civil War that "equality before the law" was extended to include those formerly enslaved. Even continuing up to today, with the failure to pass the Equal Rights Amendment (ERA), women still are not guaranteed full "equality before the law" in all instances.

Turning to **economic equality**, equitable access to the resources needed to survive and prosper is inarguably constrained in contemporary America. Financial disparity in the US is at a historic high, with wealth heavily concentrated at the top. The richest 1 percent of households hold about 32 percent of all wealth, totaling roughly $55 trillion in 2025. **The gap between the ultrawealthy and average households continues to widen**, with billionaire wealth growing significantly faster than in previous years.

Social equality, viewed simply through the lens of economic status, is also manifestly unequal. White households hold triple the wealth of Black households, whose wealth has barely increased since 1960. There is a gender wealth gap as well. Historically, American women earn less than men for comparable work. In 2023, the Census Bureau reported that the gender pay gap had widened for the first time in 20 years. Then, in 2024, it widened again. The median annual earnings of full-time women workers were approximately $57,000, which is $13,000 less than the median annual earnings for men.

In this section we discuss the legal factors—historical and contemporary—that contribute to such disparities in egalitarian values.

1. White Male Cumulative Legal and Financial Advantage

Neither gender nor color is mentioned in the original Constitution, in state constitutions, or early federal or state statutes. Regarding gender, **rights for women, including voting rights, are omitted by default**. Since all the Framers were male and all the colonial assemblies were male and both houses of the British Parliament were male only, **full rights, including voting rights, were simply assumed to be limited to men; it was the "normal" condition.**

Legal gender discrimination was not addressed until passage of the **Nineteenth Amendment in 1920, prohibiting the federal government and states from denying U.S. citizens the right to vote based on sex.**

Regarding color, the racial situation in 1787 was like the gender situation. While colonial

populations were ethnically diverse, political participation was almost exclusively restricted to White male property owners. Laws and customs typically prohibited people of African descent and Native Americans from voting or holding office. The Framers of the Constitution were themselves property-holding White men; the record of their debates indicates that their aim was to preserve the blessings of liberty and property for themselves and their descendants**. By default, whiteness essentially became the statutory benchmark.**

Racial bias was not addressed explicitly until the passage of the Thirteenth, Fourteenth, and Fifteenth amendments in 1865-1870—abolishing slavery, guaranteeing birthright citizenship and equal protection, and prohibiting voting discrimination based on race.

A consequence of this early advantage is that decades of federal and state statutes and judicial precedents allowed White males to accrue a disproportionate share of power and a dominant position in executive and legislative bodies. Women and non-Whites have been historically underrepresented in the Executive Branch and in Congress (e.g., no women presidents; historically women have constituted only 3 percent of Senate membership; in 2025 the Senate had only three Black members).

At the same time, men were also holding a disproportionate share of wealth. Women did not even have the legal right to open credit card accounts or obtain loans independently without a husband's or father's signature until 1974 with the passage of the Equal Credit Opportunity Act. Likewise, non-Whites have been unable to accumulate as much wealth as Whites due to historical and ongoing systemic discrimination that has reduced access to home ownership, education, and banking. This disparity is perpetuated by lower average incomes, higher debt, and limited intergenerational transfers (inheritances), creating a compounding gap. Women and non-Whites historically—and currently—earn less than White men in the same jobs (e.g. in 2025, women earned 85¢ for males $1). **But even if there were a level playing field going forward, the compounding gap would still leave minorities with unequal representation and unequal access to financial resources** (Leong 2021) .

2. Electoral College

The Framers of the Constitution were committed to establishing a republic ruled with the consent of the governed. This implied the necessity of submitting proposed statutes to some sort of election process in which qualified voters—constituted as discussed just above—would cast ballots. **But who would be eligible to be electors for the chief magistrate, the president?** There was disagreement on this important issue between the future Federalists, who strongly opposed direct election by men who lacked the lofty qualifications of men like themselves, and the future Democrats, who favored direct election. **The compromise solution was the Electoral College, a two-step process.** In the first step, all (White, male, property-holding) voters would cast a vote for a slate of electors within their home state. Each state was granted a number of

electors based on its number of members of the House of Representatives plus two Senators.

In the second step, the electors would vote for the candidate to whom they were pledged; with all the state's Electoral College votes going to the candidate supported by the most electors. The person with a majority of the Electoral College votes becomes president.

The main source of unfairness in this process is that each state is granted two Senators, regardless of the population size of the state. This weighting in favor of less populated states was intentional. To support the ratification of the Constitution, **delegates from slaveholding states—later, rural states—wanted reassurance that they would maintain a permanent advantage in the election of the president**.

This arrangement begets the election of presidents and senators slanted toward more regressive agendas. For example, since 1998, Republican senators, added together, have never represented half the population, but they have been the Senate majority much of that time. **This allows a minority of the national population to consistently overrule the will of the majority.**

3. The Three-Fifths Compromise

Slavery was a sensitive issue at the Constitutional Convention of 1787 because both free states and slave states understood that no constitution could be adopted without the approval of the slaveholding states. Representatives of the slave states well understood that if congressional seats were apportioned according to the population of free White males, they would be consigned to permanent minority status, jeopardizing their ability to maintain the slave system. The solution to this impasse was an agreement (in Article I, Section 2) counting enslaved people as three-fifths of a person for legislative representation and taxation. **The Three-Fifths Rule allowed the slaveholding states to gain disproportionate seats in the House of Representatives.**

That disproportion continued until the Civil War, leading to the passage of generations of laws supporting slaveholders' interests and enabling their accrual of generational wealth at the expense of non-White families.

4. The "Great Compromise" Agreements of the Nineteenth Century

The Missouri Compromise of 1820 and the Compromise of 1850 were, like the Three-Fifths Compromise, packages of legislation **dealing with the ongoing stresses of the slavery system**. These deals created rules for admitting new states as either "free" or "slave" states, maintaining the pre-1820 balance of power. These compromises also dealt with such issues as limitations on the slave trade and amending the Fugitive Slave Act. The purpose was to convince Northern states to continue to tolerate slavery in the South to preserve the Union.

The result was to preserve a permanent Electoral College advantage for slave states,

now rural states. These laws contributed to an ongoing underrepresentation of urban and minority populations.

5. Senate Filibuster

Although the provisions of the Constitution itself established barriers to legal equality, the operating rules adopted by Congress posed additional threats. In the U.S. Senate, a filibuster is a **tactic to delay or block a vote on a bill**. It is rooted in the Senate's tradition of unlimited debate. While originally requiring unending talk, the modern filibuster often just needs a senator to announce their objection, requiring the supporters of the bill to find 60 votes to overcome it. The Senate's filibuster rule leads, predictably, to a **"tyranny of the minority**,**"** depriving the majority of their right to pass legislation. For example, 41 senators representing 15 percent of the population can block most legislation (Levitsky and Ziblatt 2023). This roadblock means that **the majority of voters may consistently be underrepresented** in terms of legislation passed. This frustrates the common sense of fairness, leading to constant dissatisfaction with "the system," since it can be used by either progressives or conservatives to thwart the majority preference.

6. Past Racist Federal Policies in Administering Programs

As already discussed, various provisions of the Constitution itself established barriers to legal equality, as did certain operating rules adopted by Congress. In addition, Congress has often, when establishing new programs, established regulations that had the effect of privileging some Americans over others. For example, up through the 1950s, the federal government supported racist policies through the regulations drawn up for certain programs.

A prominent example is in the field of housing. For the purposes of federally guaranteed mortgage loans, city **maps were drawn up to indicate the desirability of different neighborhoods. Those neighborhoods occupied by Blacks were outlined in red (hence the term "redlining")** and loans were not granted in such neighborhoods, as they were considered risky investments. Further, Black applicants were not considered qualified for mortgages, so were consigned to purchasing homes "on contract" (with terms similar to "rent to own"). They ended up paying much more than mortgage holders, and if they missed a payment, they lost their investment.

Another highly significant example is the **"GI Bill,"** passed by Congress in 1944, aimed at helping World War II veterans with education and low-interest home loans. On paper, Black veterans were eligible for these benefits, but the **racist implementation of Federal programs limited the number who actually benefited.** Jim Crow laws prohibited Black veterans from attending many state universities, and at other colleges Blacks faced racial quotas. The Federal Housing Authority approved only a minuscule amount of home loans to Blacks in Southern states. Black veterans were frequently steered away from education toward vocational training

and manual labor jobs. As a result, experts estimate that **Black veterans received only 40 to 70 percent of the benefits received by White veterans.**

Such policies consistently inhibited wealth creation by women and non-Whites (Rothstein 2017). Families in the discriminated classes have suffered a cumulative financial handicap—a wealth gap, which also makes them less able to vote, run for office, and demand the attention of candidates and elected representatives.

7. National Tax Policies

Given the Constitutionally based advantages discussed above, it is not surprising that the US has historically been led disproportionately by conservative administrations—ones largely beholden to corporations and wealthy individuals. Hence, the **nation has accumulated a corpus of tax policies (e.g., low corporate tax rate, low capital gains tax rate, and a myriad of loopholes for those able to lobby for advantage) that have concentrated wealth in fewer hands.** The Supreme Court's *Bellotti* decision in 1978 ruled that corporations are people and money is speech. This decision further entrenched these regressive policies, as discussed below under the Communal Facet. Since that time, Congresses have written tax policies that effectively transferred approximately $50 trillion dollars from lower-income taxpayers to the ultrawealthy. In 2022, families in the top 10 percent of the wealth distribution held 60 percent of all wealth, and families in the bottom 50 percent held 6 percent (Congressional Budget Office 2024).

Thus, regressive tax policies alone account for a large portion of the wealth gap. The existence of such a gap is proof that economic equality is a dream that is fading. And **with economic inequality comes a disparity in the power that accompanies it.**

8. Plurality Tallying System

Most local, state, and federal elections in the US follow the plurality or "first past the post" tallying system. That is, the **candidate with the most votes wins regardless of whether their total vote is a majority**. This method was already in place when the US was still part of the British Empire and is still followed by many English-speaking countries as part of their colonial heritage. In the rest of the world, most countries use some form of proportional representation or runoff system.

A weakness of the plurality system is that it may not represent the actual will of the people. For example, in a four-person race, the leader may garner 26 percent of the vote and be declared the winner, yet the great majority voted for someone else. This system allows candidates to ignore large blocs of voters, appealing only to the fraction needed to finish first. It can lead to **disenfranchisement of rural areas or marginalized social groups, thus contributing to social friction.**

While the plurality system is the dominant method used across the US, its use is a result of

state law and historical practice, rather than a direct mandate from the Constitution itself. **A favored alternative, ranked choice voting (RCV),** is used in several countries and in dozens of jurisdictions in the US, mainly for local elections and for primary elections. It allows voters to vote for more than one candidate, in ranked order. This allows a simulated runoff, recalculating the results until one candidate achieves a majority. It represents the popular will more accurately.

9. Right to Education Omitted from the Constitution

In most republics established after the US, the right to a basic education is guaranteed in the constitution. However, the US Constitution omits education as a public concern. The individual states did include publicly supported education in their constitutions, many going back to colonial times. But **leaving education policy to the states inevitably leads to wide variances in quality, quantity, and equity of education.** For example, racial segregation persisted in the Southern states until the Supreme Court's 1954 landmark decision in *Brown v. Board of Education of Topeka*. The ruling declared that state-sponsored segregation in public schools was unconstitutional because it violated the Equal Protection Clause of the Fourteenth Amendment, overturning the "separate but equal" doctrine from the 1896 *Plessy v. Ferguson* case.

Then came the 2025 Trump administration's elimination of the US Department of Education. By removing federal oversight and eliminating federal financial support, many efforts at improving quality and equity were completely derailed. By allowing states to operate without quality control, some states and school districts are failing to attain minimal educational achievement, which has several consequences for the children affected, their families, and the economies of their states.

From a historical perspective, the diminution of public education predictably leads to a less informed electorate, recognized from the time of the Founders as a requisite to maintaining a democracy. Inadequate general education reduces citizens' ability to play a productive socioeconomic role in society. An inadequate civics education reduces citizens' knowledge of their rights and duties, and of government processes in general, also considered essential to democracy in the eyes of the Founders.

2B. Societal Threats to the Egalitarian Facet

Socioeconomic factors and practices of political and other types of interest groups.

1. White male bias discrimination, implicit in society, has led to legal and social structures that marginalize women and minorities.
2. Income inequality is high and growing, increasing the frustration of the less privileged groups.
3. The wealthy have always held disproportionate power, and the inequality imbalance is growing.
4. Socially based misogyny and patriarchy create a social hierarchy that subordinates women to men.
5. "Othering" pushes women and racial and religious minorities into a subordinate class with reduced political influence.
6. The exploitation of wedge issues encourages voting against one's own interests.
7. Crony Capitalism shifts wealth and power to the cronies of the president, heightening the gap between the connected few and the rest of society.
8. "Vulture capitalism" increases the gap between haves and have-nots.
9. Deindustrialization has reduced the economic and political power of the middle class.
10. Rural demographic "hollowing out" raises the fears of rural people, contributing to "White rural rage."
11. A shortage of affordable housing creates hostility toward the government.
12. "Gilded giving"—dependence on billionaire philanthropists—increases the tax burden of poorer people, stoking populist resentment.
13. Sorting in the US education system increases the social distance between classes.

The Egalitarian facet includes such issues as equitable representation, equitable access to power and distribution of resources, and equitable treatment regardless of sociodemographic characteristics such as ethnicity, gender, or wealth.

In the *Societal* column, the focus is on those factors that are rooted in socioeconomic and other societal factors, such as the practices of political parties or special interest groups, particularly those that undermine equality based on race, gender, religion, or demographic factors.

1. Discrimination Based on White Male Bias

The Framers of the Constitution claimed to be speaking on behalf of "all men," but, **without consciously intending it, they actually spoke for people like themselves—male, White, free, property-owning, literate, and deistic**. Such an *implicit* bias is all the more pernicious because of its invisibility. Without necessarily intending to do so, the nation's statutory basis "was written exclusively by White people, to reflect the interests of White people,

to protect the rights of white people, and to create a government run by White people" (Leong 2021). This unconscious bias plays out in the social realm as well. For example, many studies have shown that employment applications with Black or Hispanic sounding names are evaluated significantly lower than "White" names.

"The psychological wage of whiteness," a concept developed by W. E. B. Dubois, refers to the non-economic benefits that White people, even if they are poor, receive simply by virtue of their racial identity. These benefits, often intangible, can include a sense of social status, public deference, and access to opportunities and spaces that are not available to non-White individuals. Whites occupying middle- or working-class status perceive economic gains by non-Whites as threats to their own status and so desire a "bottom rung" below them. **To be classified as non-White has meant less power, less representation, and less access to resources.** In short, implicit White male bias since the days of the Founders has supported a social system in which women and non-White people have been marginalized regarding representation and access to power and socioeconomic advantages.

2. Growing Income Inequality

The period after World War II was a time of broadly shared prosperity. Incomes across all levels grew at roughly the same rate, approximately doubling in inflation-adjusted terms between the late 1940s and early 1970s. That began to change in 1973, when the Organization of Arab Petroleum Exporting Countries (OAPEC) announced an oil embargo against countries that had supported Israel during the 1973 Yom Kippur War. That spurred an inflationary spiral in the US, and it heightened consumer demand for fuel-efficient Japanese cars, which, in turn led to a continuing trend of job cuts in the domestic auto sector.

By the late 1970s, the religious right had cast its lot with the Republican Party, ushering in the **Reagan Presidency, after which the suppression of labor unions, deregulation, tax cuts for the wealthy, and the offshoring of manufacturing undercut the foundations of the middle class.** Since 1981, these forces have contributed to the movement of **$50 trillion from the bottom 90 percent to the top 1 percent**. Now at historic highs, the US income gap is among the greatest in the world. Frustration over the loss of economic status and the political influence it brings stokes resentment and **support of "anti-elite" populist politicians, who tend toward authoritarian solutions.**

3. Growing Power Inequality

The wealthy have always had an advantage in the legal system, shaping the laws and how they are treated by the legal system. In addition, they have a wealth advantage regarding the law. They can afford powerful legal representation, and with their high social position, they are perceived as more valuable to society, leading to more lenient legal treatment (as in white-collar

crime). **Their wealth and social status have allowed them to have easier and more powerful civic participation, and to shape elections, laws, and policies to their advantage.**

Now, with the widening economic gap between the haves and have-nots, that power advantage enjoyed by the wealthy has been magnified as well. The extremity of this gap was vividly illustrated by prime seating arrangements given to tech billionaires and business oligarchs at the indoor inauguration of Donald Trump in 2025. **These leaders, representing roughly $1 trillion in combined wealth, were seated in camera view during the swearing-in, visually defining the new administration's inner circle.**

4. Socially Based Misogyny and Patriarchy

Discrimination based on implicit White male bias is discussed above. In addition to the legal implications of such bias, **social forces have historically also limited women's ability to exercise power equivalent to men.** Women, especially those of lower socioeconomic status, are expected to play a subordinate role to men, a precept of patriarchy. Although women have increasingly resisted those historic forces, their efforts have continued to be opposed by socially conservative institutions.

The principal effort to end legal discrimination, the proposed Equal Rights Amendment (ERA), was approved by the House of Representatives in 1971 and by the Senate the next year, thus submitting it to the state legislatures for ratification, as provided by Article V of the Constitution, with a seven-year deadline, later extended to 1982. The deadline passed with the ERA three short of the necessary 38 states for ratification. **Resistance to the passage of the ERA may be an indicator of the continuing social resistance to women's full equality**.

At the current time, restoring **1950s patriarchal family conditions is a major underlying goal of the Heritage Foundation's Project 2025**, which is the guiding light of the second Trump administration. Among the social goals of Project 2025 are to promote heterosexual married couples, with the father as head of household and breadwinner while the mother stays at home to care for (many) children. The saliency of misogyny in the Trump campaign is indicated by the surge in misogynistic rhetoric reported after Trump's victory. Terms like "your body, my choice" and "get back in the kitchen" exploded in frequency on social media. They also appeared on the lips of male students in high schools, colleges, and even elementary schools (Researchers Report Stunning Surge in Misogyny after the Election 2024). The growing public influence of the Christian Nationalist movement also supports this growing wave of misogyny. The message of hegemonic masculine power is strongly identified with straight, White, Christian males; it also appeals to many men of color and conservative women as well (Chemaly 2025).

Women's socially imposed subordinate social and economic status reduces their access to resources and their ability to attain political positions of power.

5. Othering

In addition to the discrimination based on race and gender discussed above, there is a more general human tendency to view certain groups of people as socially subordinate. **Labelling people as belonging to a socially subordinate category to exclude and displace them to the margins of society is known as "othering."** A familiar sort of othering in the US is the traditional American subservience of non-Whites that was encoded into the legal system as Black Codes and Jim Crow laws that proliferated during the Reconstruction era and lasted until the Civil Rights Act of 1964. Black Codes focused on labor control and limitation of rights, while Jim Crow laws enforced widespread segregation, voter suppression, and social inequality.

Othering is a common tactic promoted by would-be authoritarian regimes to divide a population into conflicting factions. For example, the German Nazi party dehumanized ethnic groups, such as Jews, Roma, and Slavs; social groups, such as gay men and people with disabilities; and religious groups, such as Jehovah's Witnesses. In contemporary America, the MAGA movement pits White Christian men against women, non-Whites, immigrants, Muslims, and gender nonconforming people. **These groups are considered unworthy of full participation in public life, and—when labeled as "dangerous"—may be subject to violence** (Wrangham 2019).

6. Wedge Issues

A wedge issue is a **divisive, emotionally arousing topic** that is not inherently related to actual governance issues but is highlighted by a political party to energize its base and to **force voters into strongly opposed stands**, thus creating "wedges" between groups. They intensify political polarization, making voters focus on a single intense issue rather than broader policy debates. Conservative parties have historically represented the interests of the wealthy and business classes—a minority of the electorate. **To attain majorities, they highlight social issues of identity and caste, appealing to the fears of nonwealthy white males** (Walter 2023).

One of the effects of the civil rights legislation of the 1960s was to finally force implementation of the school desegregation mandated by the **Supreme Court's *Brown vs. Board of Education* decision of 1954**. Forcing White parents to accept non-White children into the same classrooms as their own children was bitterly resisted. It **created a reservoir of resentment that was waiting to be tapped for political gain.** During the 1970s, Paul Weyrich, a conservative activist, was looking for a campaign issue that would arouse Northern evangelical Christians to vote with Southern evangelicals to advance his goal of protecting the tax status of Southern "segregation academies" established to defy the *Brown vs. Board of Education* decision. After several attempts he settled on the abortion issue, which has rallied conservatives to the ballot box ever since (Balmer 2014).

More recently, Donald Trump's strategists discovered that border security was an issue on

which public opinion was skewed toward the conservative end of the scale (Ahler and Broockman 2016). Because sentiments about control of immigration across national borders are so strong across the political spectrum, opposing immigration has been a spectacularly successful wedge issue in US elections as well as in Europe. Focusing on such divisive social issues has enabled conservative parties—representing the wealthy—to manipulate poorer voters to vote against their own interests, thus contributing to the **expanding gap between those who have wealth and power and those who do not.**

7. Crony Capitalism

The power advantage enjoyed by the wealthy, discussed above, is manifested in an even more direct way when those in power bestow benefits on their favorites. Crony Capitalism refers to **a system in which certain individuals and businesses (the president's "cronies") gain advantages through political connections rather than through market forces.** The advantages may include access to the leader's attention, preferential granting of government contracts, tax breaks, and regulations that stifle competition. Crony Capitalism was a feature of business in the Gilded Age. Progressive reforms under presidents Theodore and Franklin Roosevelt reduced the incidence of this form of corruption, but **it has reappeared in recent times. The first and second Trump administrations provide especially vivid examples**. President Trump in his first term appointed son-in-law Jared Kushner to several political offices; he was accused of profiting from policies for which he personally advocated. Trump, in his second term allowed Elon Musk's "Department of Government Efficiency (DOGE)" to intrude into agencies that oversee Musk's companies, which receive billions of dollars in federal contracts and subsidies each year, curtailing investigations into fraudulent operations.

To create another avenue for financial corruption, President Trump has publicly supported cryptocurrency and has directed the SEC to drop investigations and lawsuits against crypto companies. Capitalizing on the popularity of crypto projects, Trump family members created **World Liberty Financial, a crypto-based project**, which acts, in effect, as a conveyor belt of untraceable money directly to the Trump family. It featured, for example, a $2 billion "investment" by an Abu Dhabi investment firm in May 2025. **Crony capitalism heightens the income inequality and power inequality between the politically connected few and the rest of the population. In addition, it erodes public trust in government by signaling the decline of the rule of law.**

8. Vulture Capitalism

Private equity (PE) firms, which buy businesses using pooled capital from investors, evolved from early twentieth century industrial financing into a global industry managing trillions of dollars. The modern "leveraged buyout" (LBO) model grew in the 1970s and 1980s,

focusing on restructuring mature firms with debt. When PE firms engage **in asset stripping by targeting undervalued businesses and selling off their valuable assets for a quick profit, it is known as "vulture capitalism."** All too often, the remaining business is weakened or goes bankrupt. As part of this process, we often **see mass layoffs or wage reductions.** Cost-cutting can also lead to a decline in services or products.

Vulture capitalism, although currently legal, is socially irresponsible, increasing the gulf between the haves and have-nots.

9. Deindustrialization

A number of **economic forces converged after 1950 to gradually degrade the American industrial heartland**, creating what is referred to as the "Rust Belt." Labor unions, which had flourished and gained power throughout the 1930s and 1940s, put pressure on management to raise wages and benefits, thus increasing the cost of labor.

After World War II, when much of the manufacturing base of Europe and Asia was ruined and Africa was still hampered by colonial mercantilist policies, American manufacturers prospered. Lacking competition, they were able to maintain high profits without investing heavily in innovation. But as labor costs represented a constantly growing portion of their cost basis, manufacturers did seek ways of eliminating workers. Automation continued to develop, then took off dramatically as computers gained capabilities after the 1980s.

During that same period, free-trade policies, championed by the Republican Party, began to be supported by elements of both political parties. Free trade is the extension of free markets across political borders. Enlarging markets to integrate more buyers, sellers, investors, and workers enables more specialization and economies of scale. Key government initiatives included Free Trade Agreements (FTA) with Canada and Israel in the 1980s, then the North American Free Trade Agreement (NAFTA) in 1994. One of the results of these policies was the **rapid expansion of manufacturing facilities outside US borders in countries with lower labor costs**. After 2000, when China was given Most Favored Nation status, the floodgates opened, accelerating the movement of manufacturing to Asia (Benton 2022).

As a consequence of deindustrialization, blue-collar workers have lost economic and political power, especially with loss of high-paying union jobs. Income inequality has accelerated, shrinking the middle class and its political influence. Finally, the losers feel betrayed and seek scapegoats; populists encourage them to blame "the government." Both political parties have promised to make "the government" work for the interests of workers and their families, but **economic and political inequality have continued to grow, as has frustration with "the system."**

10. Demographic "Hollowing Out"

"Hollowing out" is the sustained population decline and economic decay of small towns, driven by young people leaving. Thus, rural counties are losing population, especially of educated youth, who seek better jobs in cities and suburbs. Overall, farm workers are being replaced by agricultural automation, and as family farms are replaced by large consolidated agricultural enterprises, fewer workers are needed (Wuthnow 2018).

The rural residents who remain can see that the economic future of their town is bleak without young, productive families. This contributes to **the sense of hopelessness about the future, which is one of several factors producing the "White rural rage"** that underlies authoritarian impulses in the US (Schaller and Waldman 2024).

11. Affordable Housing Shortage

A shortage of affordable housing is a long-standing issue in the US, with middle-income and low-income households most severely affected. One-half of all renters pay more than the recommended portion of their income for housing, with the greatest deficit being among the lowest-income households. The shortage has many causes, including the Great Recession of 2010, which curtailed housing construction; increases in costs of construction, especially during the COVID pandemic; the hike in mortgage interest rates in 2022; and speculative buying of properties by private equity investors. **The shortage reduces labor mobility and social mobility, in addition to direct impact on increased poverty and homelessness**. The result is social frustration: anger at all political parties for their unwillingness or inability to solve the problems, spurring **attraction to populists promising quick answers.**

12. Gilded Giving

Because of historic reluctance to invoke government power to deal with problems of social injustice and inequality, philanthropy has emerged as a major mechanism for addressing socioeconomic problems in the US. This **creates dependence on the good will of billionaire donors. In addition, many donations are made to charities that benefit the wealthy, such as opera.** Tax breaks given to philanthropists **increase the tax burden on lower-tier taxpayers.** Consequently, philanthropic donors become a special interest that receives **benefits at the expense of the collective interest while at the same time affording targets for populist resentment against "elites"** (Collins and Flannery 2016).

13. Education System "Sorting"

Academic tracking in schools separates students into different classes based on perceived academic potential in order to tailor instruction to their ability and interests. While

strict "vocational vs. college" tracking has faded, modern forms like Honors/AP vs. remedial classes persist. This sorting may help high achievers reach their potential, but it also consigns many minority and low-income students to lower-quality learning environments. The divisions created at this stage tend to persist after students leave school and enter the adult world. As discussed above under the topic of “othering,” humans all too easily slip into the habit of classifying people who are different from them as less worthy than themselves. Thus, vocational-track graduates may be termed “proles,” “grunts,” or “Joe Six-Pack;” while the academic grads become “highbrows,” “eggheads,” or “elites.” Such labeling tends to **increase the social distance between socioeconomic classes, which spurs animosities that can be exploited by populist politicians.**

CHAPTER 3

Our Civil Rights Are Threatened

3. Civil Liberties Facet

- ***Rule of law enforced.***
- ***Checks and balances upheld.***
- ***Freedom and rights protected from government interference.***

3A. Legal Threats to the Civil Liberties Facet

"Baked into" the Constitution and subsequent laws, regulations, and court cases.

1. The Alien Enemies Act of 1789 allows abuse of human rights and due process.
2. Emergency powers are highly susceptible to presidential abuse.
3. Presidential abuse of war powers.
4. Recent presidential attacks on the Fourteenth Amendment civil rights: due process, equal protection, and birthright citizenship.
5. Presidential abuse of executive orders that disregard law, precedent, and democratic norms.
6. Presidential abuse of pardon power.
7. Abuse of prosecution power.
8. National police powers have been expanded, especially through the empowerment of ICE.
9. Militarization of police forces by Congress.
10. Some state legislatures are suppressing First Amendment rights.
11. Congressional concentration of power in committee chairs can subvert popular will.
12. Congressional stonewalling of judicial appointments.
13. The Constitution provides no accountability mechanism for the Supreme Court.
14. The FCC repeal of the Fairness Doctrine has made broadcast media increasingly partisan.
15. Unequal justice of plea deals.

The Civil Liberties facet includes such issues as whether the rule of law is enforced, whether checks and balances among the different branches of government are upheld, and whether people can count on their civil liberties being observed.

In the ***Legal*** **category the focus is on those factors that are rooted in the legal system**—

the Constitution, the decisions of the courts, and laws and regulations passed by legislatures—particularly those that lend dictatorial powers to the president, law enforcement, or the military.

The idea that the executive, legislative, and judicial branches of government should have clearly defined and separate spheres of power was popularized by the French philosopher Montesquieu in *The Spirit of Law*, published in 1748 and quickly translated into English. Montesquieu's ideas were highly influential among those writing about government in colonial British North America, especially for James Madison, who became "the father of the Constitution." Consequently, **the principle of separation of powers was unanimously considered central to the design of the Constitution**. The Framers aimed to prevent the concentration of power in one entity, which they viewed as the very definition of tyranny; however, the translation from theory to practice has always been contentious.

Over two-and-a-half centuries, various presidents, Congresses, and Supreme Court justices have staked out positions that were interpreted as usurping the powers of the other branches. In the twentieth century, it was the **presidency that most often and most vigorously tested the boundaries of its powers**, transforming the office from a limited, legislative-focused role into a powerful, proactive, and often unilateral institution. Presidential historian Arthur Schlesinger (1973) used the term **"imperial presidency"** to refer to the gradual appropriation in the twentieth century of authority by presidents, eroding congressional authority.

Currently, this expansion of powers is being done under the guise of **"unitary executive theory,"** a contested theory of constitutional law holding that the president has sole authority over the executive branch. The theory was first espoused by the Reagan administration and popularized under the G.W. Bush administration. It is now being carried to its extreme in the Trump administration, particularly regarding the hiring and firing of public employees and eliminating governmental agencies, including independent agencies established and overseen by Congress. Recent conservative Supreme Courts have upheld the stronger form of the "unitary executive theory." **By centralizing enormous power in the hands of one person, the principle of checks and balances is severely strained** to the point that presidential overreach is an imminent threat to the existence of the American form of government. **Thus, this manifestation of executive aggrandizement is discussed further in Chapter 5 under Existential threats.** In this chapter we consider those factors that pose a threat to just certain aspects of civil liberties.

1. Alien Enemies Act

Passed in 1798 as part of the Alien and Sedition Acts, the Alien Enemies Act allows the president in time of war to arrest, relocate, or deport people from a foreign enemy country. Other parts of the Alien and Sedition Acts expired or were repealed, but the Alien Enemies Act has continued in effect. It was previously invoked in the War of 1812, WWI, and WWII against people from enemy nations who were living in the US.

Most recently, in March 2025, President **Trump issued a proclamation invoking the Alien Enemies Act to detain and deport Venezuelans** who were alleged to be members of the criminal gang Tren de Aragua. More than one hundred people were summarily deported to a prison in El Salvador notorious for human rights abuses. It subsequently emerged that 75 percent of the deported individuals had no criminal record whatsoever. The Supreme Court has ruled that the Act can only be applied in cases of "declared war," and that targets still retain due process rights.

Nevertheless, this remains a problem, as the Trump administration continues to assert its own distorted interpretation of the Act.

2. Abuse of Emergency Powers

The National Emergencies Act (NEA) of 1976 **empowers the president to activate special powers during a crisis** with certain procedural formalities (which are often neglected). Since 1976, 60 national emergencies have been declared, more than 30 of which are still currently in effect.

A subset of the NEA is the International Emergency Economic Act (IEEPA), which allows the president to block transactions and freeze assets of foreign entities. There is a great potential for abuse of "emergency" powers, as the Act grants discretion to the president. His invocation of the Act can be overridden by Congress, but the president can veto the override. Examples that could be considered abuses include:

- The NEA was used by Trump in 2019 to divert funds to build a wall at the Southern border after Congress denied funds.
- **The NEA was invoked by Trump in 2025 to enforce an aggressive crackdown on undocumented immigrants.**
- **IEEPA was invoked by Trump in 2025 to impose a sweeping regime of tariffs.**

In February 2026, the Supreme Court ruled 6-3 that President Trump lacked the authority under the IEEPA to unilaterally impose sweeping tariffs. The ruling found that Congress holds the constitutional power to set such taxes. Consequently, the administration began a $166 billion refund process for businesses in April 2026. However, the Supreme Court has not issued definitive rulings on the many other Trump emergency acts, although the Court has signaled skepticism in several cases. **The problem remains that the president's emergency powers are prone to executive abuse.**

3. Abuse of War Powers

The balance between the president's and Congress's authority to wage war has been

renegotiated constantly since the formation of the republic. However, in recent decades, presidents have gone beyond their explicit authority to use military violence for causes they deemed worthy. In the twenty-first century, the **2001 Authorization for Use of Military Force (AUMF) following the 9/11 attacks and the 2002 Iraq AUMF have been used as the legal basis for military operations against suspected terrorist groups, including some that did not even exist when the AUMFs were passed.**

President Trump has issued memos and orders that threaten to expand these abuses even further. For example:

- The Trump administration used the **AUMF** to authorize military actions and troop deployments in countries such as Yemen, Jordan, Kenya, Niger, Cameroon, and Somalia.
- The Trump administration continued the Obama-era practice of using the **AUMF** to justify military force against the Islamic State (ISIS), a group that did not exist in 2001, by interpreting it as an "associated force" of al-Qaeda.
- Syria Airstrikes: In 2017, after the Syrian government used chemical weapons, the Trump administration ordered airstrikes against Syrian government forces, making no legal claim other than Article II, Section 2 of the Constitution, which simply states: “The President shall be Commander in Chief of the Army and Navy…”
- In the case of the June 2025 bombing of Iranian nuclear facilities, **no specific legal justification has been claimed**, and the action has been criticized by Democratic and Republican legislators.
- For the February 2026 attack on Iran, **no specific legal justification has been claimed**, other than the Article II, Section 2 authority to act as commander in chief. Legal experts have argued that Trump's actions in Iran can be distinguished from prior non-authorized uses of force because the "speculative preemptive" justification for this war is comparatively weak. Further, the Trump administration’s threats of “no quarter for our enemies” and bombing of civilian infrastructure violate US and international law.

The broad interpretation and continued use of the 2001 AUMF by the Trump administration and previous administrations have led to significant debate in Congress regarding the executive branch's war powers and calls for the AUMF's repeal or replacement, but no definite action has been taken as of April 2026. Consequently, Trump has demonstrated that the **checks and balances between the Executive and Congress regarding war powers can be overridden at the whim of the president.**

4. Attack on Fourteenth Amendment Rights

The Trump administrations, first and second, have demonstrated consistent disregard for certain civil rights—birthright citizenship, due process, and equal protection—all of which are enumerated in the Fourteenth Amendment. On Inauguration Day 2025, Trump signed an executive order to seriously restrict the right of birthright citizenship; that order is now under review by the Supreme Court. His sweeping immigrant deportation program features expedited **deportations without legal processes**, including bypassing immigration courts to hasten deportations, and issuing statements doubting whether all persons on US soil were even entitled to due process.

Trump has signed numerous executive orders **stripping equal protection from transgender individuals**—banning them from participating in the military and from receiving medical insurance coverage for gender-affirming care, declaring that there are only two unchangeable sexes, and banning transgender women from competing in women's sports. He has **stripped equal protection from law firms** that have represented clients adverse to Trump, blocking access to government buildings, denying any consideration for future government employment, canceling government contracts, and preventing any company that uses such a firm from obtaining federal contracts.

This **consistent policy of attacking rights guaranteed by the Fourteenth Amendment—birthright citizenship, due process, and equal protection—constitutes a blatant repudiation of the rule of law and the upholding of civil liberties.**

5. Abuse of Executive Orders

An executive order is a directive by the president to manage operations of the federal government. The use of executive orders increased greatly during the FDR administration as he was dealing with the emergencies of the Great Depression and the sudden onset of World War II. Examples: in 1933, FDR limited the ownership of gold; in 1942, he authorized incarceration of Japanese Americans during World War II. In many cases, FDR's initiatives were reined in by the Supreme Court.

Since then, executive orders have served as one of the tools for "executive aggrandizement." They have sometimes been overruled by Congress or the courts, on the basis that they overreach the powers of the presidency. Currently, President Trump is using executive orders on nearly a daily basis—already exceeding the total of FDR's four terms—to conduct actions that suit his political purposes, whether they comport with the law, precedent, or democratic norms. **Overuse of executive orders has the effect of expanding the powers of the presidency versus Congress and the courts, further straining the checks and balances intended by the Constitution.**

6. Abuse of Pardon Power

Historically, governors and presidents have used the pardon power to offer mercy, correct miscarriages of justice, and mitigate excessive punishments. The president's power to grant pardons is contained in Article II, Section 2, Clause 1 of the Constitution: the president "shall have Power to grant Reprieves and Pardons for Offenses against the United States, except in Cases of Impeachment." This power is limited to federal offenses, otherwise it has been treated as unlimited (except for cases of impeachment).

Historically, presidents have typically delayed granting controversial pardons until the very end of their term out of reluctance to take the heat for questionable cases or cases in which they might be perceived as acting out of self-interest. Among **the most questionable cases** are Andrew Johnon's blanket pardon to virtually all former Confederates, Gerald Ford's pardon of Richard Nixon for his "Watergate" crimes, Jimmy Carter's blanket pardon to Vietnam War draft evaders, George H. W. Bush's pardon of six officials involved in the "Iran-Contra Affair," and Bill Clinton's pardon of Marc Rich following large donations from Rich's wife.

Andrew Johnson's pardon of nearly 13,000 secessionists, including members of the Confederate military, was heavily criticized by Northerners. They felt that history demanded punishment of those who had instigated the Civil War in which hundreds of thousands died. But, after Johnson's pardons, **the most notorious pardons have been those of Donald Trump during his two terms as president**. They fall into several categories:

- January 6 Insurrectionists: blanket clemency applied to nearly 1,600 people, covering those already convicted, awaiting trial, or under investigation, including over 600 who had been convicted of assaulting law enforcement.
- Political henchmen: clemency granted to Roger Stone and others who committed crimes to advance Trump's interests.
- "Pardon industry:" an ongoing pipeline of pardons for wealthy individuals who had donated to causes favored by the Trump administration.

When pardons are issued to reward political allies, donors, and loyalists rather than to extend mercy or correct injustice, it **undermines the rule of law, and it jeopardizes public faith in the justice system.**

7. Abuse of Prosecution Power

Most crimes are prosecuted at the local and state levels. However, **federal statutes give authority to the attorney general and federal law enforcement agencies, such as the FBI, to investigate and prosecute certain types of crimes.** Each different presidential administration exercises prosecutorial discretion, deciding which sorts of criminal activities to emphasize.

Potential abuse of the power of prosecution involves leveraging the Department of

Justice (DOJ) for personal or political retribution rather than impartial justice, attempting to suppress opponents, or protect allies. Several presidents have been accused of abusing this power, including John Adams for using the Alien and Sedition Acts to prosecute his critics; Franklin D. Roosevelt, John F. Kennedy, and Lyndon B. Johnson for using the FBI to gather information about their opponents; and Richard Nixon for using the CIA to obstruct an FBI investigation into the Watergate Affair.

However, these historical instances **pale in comparison to the scale of abuse of prosecutorial power practiced by the Donald J. Trump administration.** Key allegations include:

- Targeting political opponents—calling for the prosecution of opponents, a blatant attack on the principle that prosecutors must act on evidence, not political pressure. He has pressured the DOJ to specifically investigate NY Attorney General Letitia James, former FBI Director James Comey, and Senator Adam Schiff.
- Obstruction of justice—utilizing official power to interfere with investigations into himself, such as in the 2016 Russia probe. He also allegedly threatened the Georgia Secretary of State with criminal prosecution to overturn the 2020 election results.
- Politicization of the DOJ—pressing for prosecutions as political retribution, potentially impacting civil rights and public corruption enforcement.

These prosecutorial abuses constitute **"weaponizing" the legal system, completely undermining the rule of law.**

8. Expansion of Federal Police Powers

As discussed above, **President Trump has invoked the Alien Enemies Act to exert unchecked executive powers to pursue, detain, and deport anyone it deems to be an "illegal immigrant,"** ignoring all human rights and due-process rights. Human rights investigations have consistently found that ICE (U.S. Immigration and Customs Enforcement) detainees are given cruel, degrading, and often inhumane treatment in ICE detention.

But it is not only the Executive branch that can pose a threat to civil liberties. The "One Big Beautiful Bill Act (OBBB)" passed by Congress in 2025 nearly tripled the budget of ICE, making it larger than the FBI, DEA, ATF, and US Marshals Service, combined—putting it on a par with the US Marine Corps. **By doubling the number of enforcement officers to 10,000, it creates the largest national police force in American history.** OBBB also expanded the facilities of ICE, with $45 billion dedicated to building new detention centers, with a larger budget than the entire federal prison system. With these expansions come new powers, including:

- fewer restrictions on handling, care for, and long-term retention of children

- a bonus system for arrests and deportations
- empowering state and local law enforcement to assist ICE agents
- allowing use of active-duty and reserve US military personnel to supplement ICE forces
- extraordinary flexibility in allocating the funds authorized.

Overall, the Trump administration has implemented policies, now supported by lavish Congressional funding, to crack down forcefully on immigrants suspected of lacking legal status. In the process, it has shown the **intent to use these powers broadly—without regard to due process or human rights—to punish non-citizens and citizens alike, and Congress has granted the funds to carry out this assault on civil liberties.**

9. Militarization of Police by Congress

Like the executive branch, the legislative branch has at times initiated or declined to prevent actions that infringed on civil rights. Examples include the Chinese Exclusion Act of 1882, Jim Crow-era federal inaction, and the Japanese American internment authorization during WWII. A more recent example is the Safe Streets Act of 1968.

Local police forces are not under the control of the federal government. However, concern for public safety has impelled the US Congress to pass measures meant to assist the local police in performing their law enforcement duties. Some of the federal actions have tended to militarize the local police forces. The Safe Streets Act of 1968 birthed the **Law Enforcement Assistance Administration (LEAA), which granted federal funds to local governments to obtain military resources to quell potential riots. Unfortunately, the consequences have been adverse to civil liberties.** With military equipment and military tactical training, police are more likely to intervene forcefully in peaceful protests. Police shootings of unarmed citizens—typically of marginalized groups—have become increasingly common, sometimes provoking flare-ups of violent protest.

Militarization of the local police has led to denial of the right to peaceably assemble, not to mention the right to life itself.

10. States Suppressing First Amendment Rights

In 2025, as the Trump administration rushed ahead with controversial threats to civil liberties, particularly regarding the deportation of immigrants, protest demonstrations sprang up around the US. To show solidarity with that federal program, a number of states with Republican super-majorities hurried to pass **anti-protesting legislation**. These laws sought to criminalize peaceful protest by holding organizers liable for any disruption or damage. They also invoked "organized crime" RICO principles to deal with protest organizers. **Such penalties infringe on the First Amendment right to "peaceably assemble for redress of grievances."**

11. Concentration of Power within Congress

The Constitution does not specify the rules by which the Senate or House of Representatives conduct their business. Each branch of Congress makes its own rules of procedure. Over time, those rules and customs have evolved. Unfortunately, as legislative business has become more complex and partisanship more intense, more **power has become concentrated in committee chairs,** both in the US Congress and in many state legislatures. Typically, it is the chairman of the Ways and Means Committee—or the equivalent in state legislatures—who can single-handedly determine which bills advance. The opinions of individual members no longer have much clout, even when they have garnered support for bills from a majority of members.

This process exemplifies sociologist Robert Michels's **"iron law of oligarchy," a sociological theory proposing that all organizations, regardless of how democratic they are initially, inevitably become dominated by a small elite.** This happens because of the need for specialized roles, a desire for efficient decision-making, and the development of leadership skills by long-serving members.

Consequently, we see a **reduction of the checks and balances within the legislature (leadership vs. members)**.

12. Congressional Stonewalling of Judicial Appointments

The Constitution attempted to strike a balance of powers among the three branches of government. **It gave the president the power to appoint judges but required congressional approval**. The Framers did not anticipate a time when Congress would withhold its approval strictly for political purposes, regardless of the qualifications of the nominee.

Contrary to the expectations of the Framers, in recent decades, appointments to the Supreme Court and lower courts have become politicized, which jeopardizes fair balance in the court system. Both major parties have unwritten “litmus tests” to assess the political reliability of judicial candidates. However, the most egregious form of politicization is “stonewalling” appointments—**legislators refusing to even allow a vote on candidates put forward by the president.** During the most recent Democratic administrations, Republican Senate leaders have stonewalled on the basis that the appointments should not be made “late” in the president’s term—although this principle applied only to Democratic presidents’ appointments.

The Constitution intends for the nomination and appointment of judges to follow even-handed rules regardless of party in power, which is violated when Congress stonewalls nominations.

13. Supreme Court Accountability

The Framers of the Constitution intended to assure the independence of the Supreme Court from interference by the executive or legislative branches by specifying **lifetime tenure for Supreme Court justices. They failed to include any provisions for the Court's accountability.**

To begin with, "lifetime tenure" meant something quite different then. At the time of drafting the Constitution in 1787, men who reached the age of 20 could expect to live, on average, to about age 41. Today that number is close to age 77. The Framers could hardly have imagined judges holding such a long tenure and serving at such an advanced age. We have seen that **superannuated justices are less likely to represent current sensibilities, while their competence degrades with advanced age**.

Second, by failing to include ethics rules or other forms of oversight, the Supreme Court is the only branch of government whose powers are unchecked. Consequently, we have a **Supreme Court that is empowered to interpret its mandate as they please, putting civil liberties and other rights in jeopardy.**

14. Broadcast Media Partisanship

The Framers of the Constitution could not have imagined the mass media environment of the twentieth and twenty-first centuries. They did, however, have a clear understanding of the mass media environment of their own day—mainly newspapers and pamphlets. They understood the importance of allowing the media to enjoy maximum freedom of expression. Hence the very **first amendment to the Constitution guarantees freedom of speech, religion, the press, assembly, and petition.**

When radio broadcasting began in the early twentieth century, the federal government was forced to develop regulations to prevent chaos over the air. Other nations tended to appoint the national government as the broadcasting authority. The government operated the stations. In contrast, the US, in the Radio Act of 1927 and its successor the Communication Act of 1934, **granted radio and TV licenses to for-profit corporations**. Because the airwaves are controlled by corporations and operated for shareholder profit, **they tend to reflect pro-business, conservative bias. This was constrained by the Fairness Doctrine, implemented by the Federal Communications Commission (FCC) in 1949**. It required licensed broadcasters to present controversial issues of public importance in a manner that was honest, equitable, and balanced.

When the **FCC repealed the Fairness Doctrine in 1987, it allowed unfettered partisanship by radio and television broadcasters.** AM radio at that time was adjusting to the challenge of FM radio, which had come to monopolize music programming due to its higher signal fidelity. Broadcasters looked for alternative types of programming to maximize profit on

AM radio, which dominated car and truck driving audiences due to its broader range of coverage. Call-in shows featuring conspiracy theorists, religious evangelists, and right-wing commentators attracted the largest audiences, creating an enormous market for advertisers. **"Conservative talk radio" became the dominant form of programming,** providing an unending stream of propaganda for the rural and traveling listeners.

Meanwhile, the federal government had allocated a part of the radio and of the television broadcasting spectrum for non-commercial broadcasters. The Public Broadcasting Act of 1967 established the Corporation for Public Broadcasting (CPB). Its mission was to ensure universal access to non-commercial, high-quality educational, cultural, and similar telecommunications services. It continued to do so until recently. Republican legislators at the state and federal levels voted in 2025 to end all government support for public broadcasting, one of the few competitors to "conservative talk radio," thus reducing public access to balanced news and public affairs information. **Hence, broadcasters no longer serve as checks on government power.**

15. Plea Deals Injustice

The Constitution guarantees the right to trial by jury in both criminal and civil cases through Article III, Section 2 (criminal) and the Sixth Amendment (impartial, public, and speedy criminal trial), as well as the Seventh Amendment (civil cases over $20). Although this is not widely understood by the general public, the fact is that **the vast majority of criminal convictions—indeed, almost all—are reached through plea bargains rather than trials.** A plea bargain is the path of least resistance for defendants who lack the resources to mount a vigorous defense against criminal charges (Canon 2022). This practice allows prosecutors to "clear" crimes by pinning them on helpless defendants, regardless of the actual strength of the case against them. In this way, such defendants are denied the presumption of innocence until proven guilty, which they would get if the case went to trial. This weakens one of the fundamental principles of the American legal system.

Pushing plea bargains also has socioeconomic consequences. It contributes to the formation of a massive underclass of people—disproportionately poor and non-White—who suffer from a loss of some civil liberties in addition to their poverty and minority status; these include incarceration, loss of voting rights, reduced employment opportunities, and reduced civic engagement (Canon 2022).

3B. Societal Threats to the Civil Liberties Facet

Socioeconomic factors and practices of political and other types of interest groups.

1. A secretive network of "dark money" advocacy groups has undermined the independence of the judiciary.
2. Implicit authoritarian bias of members of the military and law enforcement often leads to discrimination against marginalized groups.
3. Intruders, actively supported by the government, are gaining access to private data.
4. White supremacists commit vandalism and arson against Black churches to exert social control.
5. "Lawfare," the use of lawsuits to harass political opponents, uses the justice system as a weapon.

The Civil Liberties facet includes such issues as whether the rule of law is enforced, whether checks and balances among the different branches of government are upheld, and whether people can count on their civil liberties being observed.

In the *Societal* column, the focus is on those factors that are rooted in socioeconomic and other societal factors, such as the influence of "dark money" on public policies, how ethnic biases impinge on civil liberties, and how illicit access to private information can intrude on privacy and protection from government retaliation.

1. Secretive Groups Undermining the Judiciary

The judiciary has long been considered relatively independent from external pressure—not necessarily politically neutral, but independent, as envisioned by the Framers of the Constitution. This has changed in the past two decades, thanks to an all-out campaign by **a secretive network of think tanks and advocacy groups, coordinated by Leonard Leo, an extreme conservative Catholic advocate. Leo and his henchmen have succeeded in installing highly ideologically conservative judges on the Supreme Court and lower courts.** To support this campaign, Leo became one of the most prolific fundraisers in American politics. Between 2014 and 2020, groups in his orbit raised more than $600 million from a shadowy clique of donors, including hedge fund billionaire Paul Singer, Texas real estate magnate Harlan Crow, and the Koch family (Kroll, Bernstein and Marritz 2023). In 2021, an obscure Chicago businessman, Barre Seid, put Leo in charge of a newly formed $1.6 billion trust—the largest political advocacy donation in history. In all, **Leo controls more political money than both political parties combined.**

In addition to cultivating relationships with wealthy donors, Leo, a lawyer, attained leadership positions in the Federalist Society and within Republican administrations. He used his dark-money-funded network to promote the election of Republican officials at the federal, state,

and local levels who supported his mission of installing judges and other legal officials committed to establishing a Supreme Court (and state supreme courts) dominated by conservative Catholics. Their overarching goal is to overturn decades of legal decisions that have liberalized Americans' rights on such cultural issues as abortion and gay marriage (Kroll, Bernstein and Marritz 2023).

Leo—and his network of advocacy groups—was instrumental in the appointment of John Roberts as chief justice in 2005 and of Samuel Alito in 2006. Donald Trump, during his first campaign for the presidency, promised to appoint Supreme Court justices recommended by the Federalist Society. With the support of Leo, Neil Gorsuch, Brett Kavanaugh, and Amy Coney Barrett were all successfully shepherded through the nomination and confirmation process. Their pathway was smoothed by Leo's political network, which supported the election of Senate Republicans who changed the Supreme Court confirmation rules in 2017, requiring a simple majority rather than three-fifths supermajority.

The use of dark money to **surreptitiously promote a selected group of politically committed individuals to Supreme Court nominations undermines the principle of selection by merit, not faction**. Furthermore, the use of dark money to deviously promote the overturning of the rules for confirmation undermines the principle of the Senate acting as a true check on the composition of the Supreme Court.

2. Implicit Authoritarian Bias of Military and Law Enforcement

It is a truism that in most organized societies those who are allowed to use violence against people—the military and law enforcement—typically are **more authoritarian in their outlook than the general population**. This happens largely through self-selection: individuals who identify with hegemonic masculine power gravitate toward the more authoritarian structures in society (Chemaly 2025). On the job, the rigors of the work tend to weed out those who might have more liberal or compassionate sensibilities. Hence, it is not surprising that **minorities, marginalized groups, and unpopular advocacies have historically experienced unequal treatment from law enforcement agencies** (German 2024).

In the US, police violence against unarmed people of color is notably common. A statistical analysis published in 2021 estimated that **between 1980 and 2018, more than 30,000 people died from police violence overall, and that a disproportionate number of victims were Black and Hispanic**. It concluded that "deaths at the hands of the police disproportionately impact people of certain races and ethnicities, pointing to systemic racism in policing" (GBD 2019 Police Violence US Subnational Collaborators 2021). In recent years, some particularly newsworthy cases—including Trayvon Martin, (2013), Michael Brown (2014), Breonna Taylor (2020), and George Floyd (2020)—inspired nationwide protests, coalescing under the brand of Black Lives Matter.

The US military is the largest employer in the country. Since desegregation in 1948, it has become racially and ethnically diverse in the lower ranks. Nevertheless, surveys of active-duty members have revealed that twenty to thirty percent of Black, Hispanic, and Asian members experience ethnic discrimination or harassment (Coughlin 2021). A 2019 poll showed that 36 percent of soldiers have seen evidence of White supremacism among their peers (Marche 2023).

The upshot is that the **guardians of our society cannot be depended on to be even-handed** in meting out "justice" to citizens. Citizens who happen to come from marginalized groups do not enjoy the same "rule of law" as others do.

3. Intruders with Government Approval Accessing Private Data

Early in the second Trump administration, beginning in February 2025, the Department of Government Efficiency **(DOGE), under the leadership of billionaire Elon Musk, made illegal intrusions into a number of federal agencies with the purported purpose of reducing staff and reforming operations.** It not only took over units from the executive branch of the government, including cabinet departments and various types of independent agencies, but it also targeted regulatory agencies and units from the legislative branch. In addition, it targeted quasi-autonomous non-governmental organizations and organizations outside the federal government. Since then, many judges have ruled various of these intrusions as illegal. For example, in May 2026 a federal judge ruled that the DOGE's cancellation of over $100 million in humanities grants was unlawful, unconstitutional, and exceeded their authority.

DOGE gave special attention to taking over information systems. Many public records were modified or removed from federal websites and databases. Beyond the initial seizures, DOGE operatives became embedded in federal agencies, where they have illicitly gained access to a wide swath of databases containing sensitive private information, such as: tax returns, medical records, social service benefits, educational histories, student loans, and immigration information. "Read-access" allows intruders to copy data for unauthorized purposes; expose secret agents; deny access to public services; "doxx" individuals for public scrutiny; and sell data to foreign governments, data brokers, or private companies. "Edit-access" allows records to be altered (Pascal, Stanger and Others 2025).

These actions have fostered negative reactions by federal workers, civil society, and the public, ranging from protests to lawsuits. Until and unless these illicit actions are rescinded, **these lawless data seizures put at risk all citizens' rights to privacy and protection against government retaliation**.

4. Vandalism/Arson Against Black Churches

Vandalism and arson against Black churches have long been tactics of White supremacist terrorists, predating the Civil War. In the 1950s and 1960s churches were targeted by vandals as

gathering places for civil rights activists. During and after the November 2016 election, instances of church vandalism occurred where pro-Trump and racist slogans were spray-painted on church property. **The Southern Poverty Law Center (SPLC) linked an overall rise in hate incidents to the 2016 campaign, stating that some groups felt emboldened by the rhetoric**. The Family Research Council (FRC), an evangelical activist group, reported 415 incidents in 2024, compared to 50 in 2018, marking a significant upward trend.

Partisan-fueled attacks on churches not only **impinge on the right to free exercise of religion, but they also jeopardize the political rights of congregants.**

5. Lawfare

The term *lawfare* was coined to contrast with *warfare* as another means of obtaining political objectives. It refers to the use of legal systems and principles against an opponent, such as damaging or delegitimizing them or wasting their time, energy and money. Although all parties have used litigation to advance their interests, in recent years Republicans highlighted this concept, characterizing the civil and criminal suits against Donald Trump as "lawfare." However, Democrats can claim hypocrisy regarding Republicans' own legal antics, such as the **numerous election-related lawsuits filed by the Republican National Committee (RNC) after the 2020 election, which aimed to challenge results based on debunked claims of fraud.**

A recent, flagrant example of lawfare has been the second Trump administration's use of the Department of Justice to **level criminal complaints against the federal and state prosecutors** who pursued charges against Trump during the Biden administration and against other perceived "enemies," such as former FBI director James Comey, New York attorney general Leticia James, senator Adam Schiff, and Fed chairman Jerome Powell.

Regardless of party, the growing use of the legal system for political ends—such as to intimidate individuals or paralyze the legal system—**infringes on the normal operation of the democratic government processes. It damages the rule of law and the integrity of government institutions like the Department of Justice.**

CHAPTER 4
The Government Bows to Special Interests, not the Common Good

4. Communal Facet

- ***Government decisions made with deliberation that are in the best interests of the people.***
- ***Collective interests vs. special interests.***

4A. Legal Threats to the Communal Facet

"Baked into" the Constitution and subsequent laws, regulations, and court cases.

1. State preemptive abuse results in rules that supersede those of lower authorities, frustrating the will of local citizens.
2. The Supreme Court's *Citizens United* decision equates money with speech, allowing the rich to exert unchecked influence over elections and legislation.
3. The Supreme Court's *McDonnell* decision conflated the line between "gifts" to political leaders and bribery.
4. Industry-Congress co-dependency leads to decisions based on special interests rather than the common good.
5. Authoritarian politicians' attacks on universities undermine a liberalizing influence in society.
6. The Constitution favors the status quo, making amendments difficult, and privileging established interests over today's needs.

The Communal facet is about elevating the common good above special interests. Are laws made with due deliberation and with full consideration of the **collective welfare** of society?

In the *Legal* column the focus is on those factors that are rooted in the legal system—the Constitution, the decisions of the courts, and laws and regulations passed by legislatures—particularly those that enable bribery and corruption or distort the law-making process to the benefit of the privileged.

Americans like to believe that their country is a "land of opportunity" where everyone has a fair shot at achieving prosperity. Americans living at the time of the writing of the Constitution had good reason to feel that way as they found themselves on a continent with great geographic diversity, abundant natural resources, and no king or noble class! In reality, the playing field was already tilted in favor of the class of men who owned the best land and who controlled key elements of the economy, including enslaved people. **This new republic was not exempt from**

the Golden Rule of history—"He who owns the gold makes the rules." As the population moved west and as industrial technology advanced, new enterprises sprang up that created new sources of wealth. After the Civil War, the right to vote opened beyond the original White male propertied class, leading to a more equitable distribution of political power. By exercising that political power, the "have-nots" were able to have greater sway in making the rules, thus promoting the common welfare of all the people. However, **in recent times the pendulum has swung back toward favoring the interests of the rich.** In this chapter we discuss the major factors that have impelled this shift.

1. Constitution Favors the Status Quo

The Framers of the Constitution found themselves trying to balance two somewhat conflicting goals: creating a government that would have stability over time and establishing "rules of the game" that reflected current conditions. **In the end, they favored stability over change. First and foremost, they wanted the Constitution itself to be difficult to amend.** The Framers, having experienced the inadequacies of the Articles of Confederation (which required a unanimous vote for amendment), sought a balance: a constitution that could be changed, but not easily. They wanted to ensure that changes would reflect a broad consensus rather than popular trends of the time or narrow regional interests. **They intended the process to be slow and deliberate, creating stability and preventing a single faction or a temporary majority from altering the nation's fundamental laws for partisan gain.** They also intended to protect the sovereignty and interests of individual states against the potential overreach of the federal government or larger states.

To ensure stability, they specified in Article V a process that would demand two supermajorities: first, a proposal stage supported by a two-thirds majority vote in both the House of Representatives and the Senate or by a national convention called for by two-thirds of state legislatures; and second, a ratification stage with the proposed amendment ratified by three-fourths of the state legislatures or by state conventions. This allows a relatively small number of states (as few as 13) to block any amendment, effectively giving a minority of the population veto power.

Given the Constitution that was given to us, we must recognize that it creates **a governmental environment that favors the *status quo*, meaning that established interests tend to have an advantage over the needs of the community as they evolve over time.** It is against this backdrop that we examine the various legal threats to the common interest.

2. Supreme Court Equates Money with Speech

In recent years the United States government reached the portentous conclusions (1) that corporations are persons and, as persons, are entitled to freedom of speech, and (2) that money is

a form of speech. This conclusion was reached in a manner best described as circuitous. The process of legal reasoning required several steps, none of which included a vigorous debate among the American people or their elected representatives.

The first premise, that **corporations are persons** in some legal sense, evolved out of the medieval problem of how to allow churches and universities to inherit money and pass it along to future generations. Such institutions (but not businesses) became recognized in common law around Europe. In England in the seventeenth century, as businesses such as the East India Company became large enough and important enough to demand legal attention, it became generally accepted (and only in the nineteenth century put into British law) that a corporation enjoys some sort of **legal personhood that is separate from its associated human beings** (like owners, managers, or employees). Further such **corporate persons had at least some of the legal rights and responsibilities enjoyed by natural persons**, including the rights to hold property, to enter into contracts, and to sue or be sued.

Now, coming to 1787, it must be pointed out that **corporations are nowhere discussed in the Constitution or even in the debate surrounding the adoption of the Constitution,** represented by *The Federalist Papers*. As we know, the Framers shared a background in British law and presumably shared some notion of corporate personhood, a personhood that entailed a limited number of legal rights and responsibilities. The slender Constitutional thread on which much of the later corporation law was based is Article I, Section 10, Clause 1, known as the "Contract Clause" even though it explicitly deals with restrictions on state laws, relating to contracts only by implication.

A second step in the support of corporate personhood was the Supreme Court decision in *Dartmouth College v. Woodward* in 1819. Again, this case did not involve any businesses or the rights of businesses; rather, it dealt with the legality of Dartmouth College's original royal charter. But, like the "Contract Clause," it implied that other sorts of corporations besides colleges had some sort of legal standing.

The third step was another Supreme Court case, whose connection to corporate personhood is even feebler than the previous steps. The case, *Santa Clara County v. Southern Pacific Railroad Company* had to do with the taxation of railroad properties, not corporate personhood. However, **the court reporter composed a "headnote" for the Court's 1886 decision, stating that the Equal Protection Clause of the Fourteenth Amendment grants constitutional protections to corporations.** Books have been written parsing the validity of this claim, but suffice it to say, the reasoning is circuitous, to say the least, since the substance of the case dealt with details of taxation, not fundamental issues of the rights of corporations. Nevertheless, ***Santa Clara* (based strictly on the headnote, not the actual decision) is cited as the authority for constitutional protection for the rights of corporations.**

The Supreme Court cases that deal explicitly with free speech rights of corporations and the definition of "money as speech" are *Bellotti* 1978 and *Citizens United* 2010, both narrowly

decided, 5-4. The first, *First National* ***Bank of Boston v. Bellotti*** **held that corporations have a First Amendment right to make contributions** to ballot initiative campaigns. In somewhat tortured reasoning, the Court asserted that the Due Process Clause of the Constitution extends freedom of speech and other First Amendment liberties to corporate entities. The second, ***Citizens United v. Federal Election Commission*** **held that laws restricting the political spending of corporations and unions are inconsistent with the Free Speech Clause of the First Amendment.**

We belabor these details of legal reasoning to demonstrate the point that one of the biggest hammers used by special interests to thwart the will of the majority was **created by a series of Supreme Court rulings** (NOT legislative acts) that have only a thin and wobbly connection to the Constitution and follow a path of reasoning that is tortured, if not specious.

Whether this hammer was created legitimately or not, the principle that "money equals speech" has quickly taken root and metastasized throughout the political system as corporate political activism. As corrupting as corporate lobbying was before 2010, it has become colossally more corrupting today. **Hordes of well-funded lobbyists and advocacy groups (collectively known as "K Street") haunt the halls of Congress, the Pentagon, and every other government agency**. As Gary Hart observes, "The army of lobbyists in Washington expands regardless of which political party is in power…. Neither party is less corrupt than the other" (Hart 2022, 36). Legislators cannot avoid them, and, indeed, often rely on them as sources of information about issues that they are concerned about. **Legislators rely on "contributions to their campaigns" from these lobbyists and other wealthy donors**. It is an open secret that there is a price tag for access to legislators; a lobbyist may pay tens of thousands of dollars to attend a "strategy session" with a senator. Lobbyists and corporate leaders often gain deeper access by bundling campaign contributions from multiple donors to a senator's campaign committee.

Conscientious legislators bemoan the "revolving door" that has developed, whereby government officials become lobbyists, bringing with them connections with key decision-makers; meanwhile, lobbyists are brought into government positions to access the technical expertise they possess (Hart 2022, 39).

The rush of corporate, and even foreign "dark" money into the political system has enabled super-rich donors in the form of political action committees (PACs) to replace political parties as the principal funding source for political campaigns. This shift of funding has had the indirect effect of making the partisan divides even more extreme; previously, funding by average citizens had the effect of "centering" each party—pushing them toward a "big tent." Consequently, congressional partisanship has become more extreme without political parties serving to "center" the selection and positioning of candidates.

As a result, it is lobbyists and their corporate sponsors who are, in effect, writing the laws rather than having laws emerge from a process of deliberation and compromise. At the

same time, **legislators need to curry favor with wealthy donors to attain re-election. This drives them toward support of special interests rather than the common good.**

3. Supreme Court Conflates Bribery with Gifts

In another decision entailing some tortured reasoning, *McDonnell v. United States* (2016), the Supreme Court vacated former Virginia Governor Bob McDonnell's bribery convictions. At issue was whether the definition of "official act" within the federal bribery statutes encompassed the actions for which McDonnell had been convicted. McDonnell had set up meetings, hosted events, and appealed to other public officials on behalf of donors. Since these were not viewed as "official acts," the money given to McDonnell was a "gift," not a bribe. **This erasure of the line between "gifts" and bribery allows wealthy individuals and corporations to purchase the favor of government leaders not only through campaign contributions but also through direct personal gifts.** Those corrupted government officials then reciprocate by rewarding wealthy donors with political support of their issues (Hart 2022, 67).

Permission to bribe—and to receive benefits from **bribery—strikes at the very heart of the democratic principle of making decisions based on the common good, not special interests.**

4. Industry-Congress Codependency

In addition to threats posed by flaws in the Constitution and by unhelpful decisions of the Supreme Court, we must recognize the **symbiosis that has developed between the Pentagon and the corporations that cooperate with it.** Since the beginning of the Cold War, symbolized by Winston Churchill's "iron curtain" speech in 1946, the US Congress has given high priority to the pursuit of "national security" in the form of military expenditures. The Department of Defense consistently receives the largest portion of Congress's discretionary spending—about 15 percent. The US spends more on defense than any other G7 nation, relative to the size of its economy. By the late 1950s it was already apparent that **a new and powerful corporate conglomerate was forging strong mutual bonds with the government agencies** on which they depended for profitability. In his farewell address to the nation in 1961 President Eisenhower warned about this growing dependency, which he referred to as "the military-industrial complex." In his words: "We must guard against the acquisition of unwarranted influence whether sought or unsought by the military industrial complex."

Defense contractors receive vast sums of appropriated funds, necessitating powerful lobbying efforts to maintain those contracts, establishing codependency between business and congressmen. Like bribery, such financially based favoritism strikes at the very heart of the democratic principle of making decisions based on the common good, not special interests.

5. Authoritarian Attacks on Universities

Historically, authoritarian leaders have attempted to control the curriculum of universities and to intimidate the faculty from doing research about or teaching ideas that are contrary to the ideology of the state. In the 1950s, during the McCarthy era, this included the requirement of "loyalty oaths." In the 1960s and 1970s, it focused on tamping down student protests against the Vietnam War and social injustices (see the "Kent State massacre" and "Jackson State killings" of 1970).

Since the beginning of the second Trump administration this attack has taken the form of banning campus implementation of "DEI" programs (diversity, equity, and inclusion), claiming that they discriminate against straight, White, male students. **The administration has intimidated all higher education institutions by taking extreme punitive actions against some of the most visible universities, such as Harvard and Columbia, by revoking research grants, by forcing the resignation of university presidents, and by firing prominent scholars.** Other institutions have proactively bowed to these demands to avoid similar punishments.

This example has given state governors and state and national politicians the license to rein in the academic freedoms of institutions under their control. Such punitive actions are popular among their constituents, who see this as subjugating the "elites." The attacks take many forms, including:

- Revoking research grants to limit research into unpopular or controversial subjects,
- Undermining tenure processes as leverage against outspoken faculty members,
- Revising the curriculum to privilege conservative ideology and suppress unpopular or controversial views, for example, by encouraging students to politically critique their instructors,
- Scrutinizing the endowments of university foundations as a threat to upper administration,
- Defining professors' work as "work for hire," meaning the university owns their work products, thus reducing the independence of faculty members.

Such attacks are meant to **weaken the role of higher education in inculcating liberal values in society** and creating citizens capable of making informed decisions about governance.

6. State Preemption Abuse

Preemption is a legal doctrine whereby **superior government authorities may make rules that supersede those of inferior authorities.** Federal supremacy over state laws was established by the "Supremacy Clause" of the Constitution (Article VI, Clause 2), at least insofar as the

"enumerated powers" are concerned. This was affirmed by one of the earliest major rulings of the Supreme Court, *McCulloch v. Maryland*, 1819. For example, the **Voting Rights Act of 1965 preempts state constitutions and local ordinances.**

However, the Constitution is silent on the subject of the supremacy of *state* laws over local ordinances. Thus, the power of preemption depends on state constitutions and court rulings. **State preemption, for example, allows states to prohibit localities from raising their minimum wage or controlling firearms**. Preemption itself is politically neutral, but since 2010 state legislatures with conservative supermajorities have been abusing or weaponizing preemption. Instead of using it to clarify who has jurisdiction over what, they have used it to promote a partisan political agenda. For example, in addition to overturning local ordinances that conflict with their ideological agenda, they have targeted local officials with penalties, such as removal from office, fines, and even criminal liability for any sort of support of ideologically non-conforming policy.

This new, aggressive preemption limits the ability of local governments to address local problems, especially in areas where local governments are better positioned to understand and address specific local issues, such as the control of gun violence in large urban areas.

As a legal principle, preemption does not have a political valence except to generally impose rules from above, thus limiting the exercise of democracy at lower levels of government, a sphere especially likely to affect people's daily lives.

Preemption is subject to abuse, forcefully imposing state-level political doctrines onto local jurisdictions, doctrines that **do not reflect the popular will of the local jurisdictions.**

4B. Societal Threats to the Communal Facet

Socioeconomic factors and practices of political and other types of interest groups.

1. Decline of the "free press" dilutes an informed electorate, favoring special interests.
2. Corporate bias of mass media.
3. Social media platforms sow disharmony and misinformation.
4. Neutral public information is disguised propaganda.
5. Prejudicial rhetoric provokes conflict.
6. Misuse of artificial intelligence (AI).
7. Malicious foreign autocrats use "dark money" to influence elections.
8. "Low information" voters—if they do vote—tend to support demagogues.
9. Shortcomings of democracy supporters.

The Communal facet is about elevating the common good above special interests. Are laws made with due deliberation and with full consideration of the collective welfare of society?

In the *Societal* column, the focus is on those factors that are **rooted in socioeconomic and other societal factors**, such as the undue influence of lobbyists and individuals of great wealth on public policy, foreign and domestic "dark money" support of special interests, threats to the freedom of the press, ideologies that privilege individuals above the common good, and new technologies that undermine objective decision-making.

Several of the most serious threats to the public interest spring from the technology-driven changes in the media environment over the past three decades. In the twentieth century, it was broadcast radio and television, movies, and newspapers that were the main sources of people's understanding of what was happening in the world around them. **In the *mass* media environment, large groups of people received the same information at the same time, giving them common topics to discuss** around the water cooler at the office or at neighborhood gatherings. As cable TV replaced broadcast TV, as radio stations were freed from restrictions on political slanting, and as digital media replaced newspapers, people became empowered to choose the messages that were most appealing to them. Audiences became fragmented into narrower and narrower slices. Now, **in the era of *niche* media, everybody receives different information and resides in their own media bubble.**

With the advent of *social* media platforms, people became not only consumers of information, but also creators of information. Anyone can be a journalist, and anyone can join conversations with like-minded people anywhere in the world. Misinformation and extreme ideas can spread at the speed of light.

As a consequence, there **is less shared, common knowledge and shared values that hold**

groups together. The tendency is toward separation and a more extreme variety of ideas competing for attention.

1. Decline of the Free Press

Long viewed as the "watchdog of democracy**," newspapers have been disappearing at an alarming rate**. Print circulation has fallen dramatically—up to an 80 percent drop since 2005, and even online traffic to major news sites has declined in recent years. Thousands of newspapers have closed, creating "news deserts" where communities lack local news, fostering misinformation and affecting local governance. And it is not just newspapers; **radio and television stations are shrinking in market share** and influence as advertising revenue has gravitated toward social media.

Reduced mass media coverage of local government leads to less electoral competition, lower voter turnout, and increased political division. As radio and television stations are consolidated into fewer corporate hands, there are **fewer competing voices, diminishing pluralism, resulting in a less-informed electorate, more prone to persuasion by demagogues and special interests, while less access to reliable public information contributes to a reduction in civic participation overall.**

2. Corporate Bias of Mass Media

The legacy mass media—newspapers and broadcast radio and television—have declined in terms of the number of readers, listeners, and viewers. Those outlets that remain **retain significant numbers of loyal consumers, especially AM radio, so the information they provide still deserves attention.** All these outlets are operated by businesspeople who publish and broadcast to make a profit; this profit motive is the basis for a consistent pro-business bias in their content. In colonial times, some newspapers were founded as political propaganda forums, but those that lasted were the ones that attracted enough subscribers and advertisers to remain profitable.

In the twentieth century, radio broadcasting grew exponentially, and it quickly demanded government attention to regulate the allocation of the broadcasting spectrum to prevent interference among signals. Most countries settled on the formula of government- sponsored stations supplemented by stations operated by non-profit groups, such as churches and labor unions. The United States chose a different path in the Radio Act of 1927 (later updated by the Communications Act of 1934)—granting most licenses to for-profit corporations.

Therefore, **in the US, the mass media operate for shareholder profit, which means catering to the interests of the owners and the advertisers who support programming**. In the twenty-first century, media outlets are more reliant on advertising revenue than subscription revenue. The fundamental drive for profits and growth in publicly traded media companies can

supersede journalistic standards and social responsibility. This dynamic can lead to a focus on sensationalism or "safe" stories that won't alienate broad audiences or powerful interests, while potentially ignoring systemic issues like economic inequality or climate change.

Following the Telecommunications Act of 1996, US broadcast **media ownership has become highly concentrated, with a handful of corporations controlling the vast majority of outlets. This consolidation means a few individuals and entities have immense power to shape the national narrative.** Individual owners, many of whom are billionaires, can directly or indirectly influence the ideological direction of their news organizations. Stations acquired by groups like the Sinclair Broadcast Group quickly align their editorial bias as specified by the company; for example, the 193 Sinclair TV stations are required to broadcast packaged video segments and their news anchors to read prepared scripts that contain pro-Trump editorial content.

As discussed above in the context of the Fairness Doctrine, conservative talk shows dominate AM radio, the medium that people listen to most while driving. Besides travelers, AM radio is crucial for people who are geographically isolated, out of reach of other media sources, because AM signals travel farther than FM signals. Subjected to non-stop exposure to right-wing propaganda, rural residents and audiences who travel in rural areas tend to gravitate toward extreme political views.

The main point here is that, in addition to conscious ideological slanting, mass media outlets exhibit a **general deference to established power structures and conventional wisdom, often avoiding coverage that might challenge powerful institutions or government officials.** As a result of all these forces, the interests of **corporate owners and advertisers tend to be reflected in laws that are passed, rather than the interests of the community.**

3. Social Media Sow Disharmony

In the twenty-first century, the media that matter the most are social media—the internet-based applications and websites that enable users to create, share, and exchange content, ideas, and messages within virtual communities and networks. **Social media platforms are efficient and addictive conveyors of misinformation and disinformation to unwary users.** They are unregulated and largely uncensored. For example, X (formerly Twitter) significantly reduced its moderation teams through mass layoffs of full-time staff and outsourced contractors after Elon Musk's takeover in 2022-2023.

Because social media platforms have become the major battleground for advertising dollars, their algorithms reward clicks; hence, the sensational or salacious gets prioritized [referred to as “attentional salience of negativity” (Hayes 2025)]. It rewards hyperbolic speech. Thus, opponents are demonized; they are not only wrong, but also malicious (e.g. “journalists are enemies of the people”). Without regulation or censorship, **social media become carriers of**

misinformation and disinformation, thus widening the gap between different groups in society.

Users may remain anonymous, thus attracting heavy use by bombastic voices and malevolent propagandists, including foreign adversaries. For example, since the early 2000s, the Russian government, primarily through its Internet Research Agency (IRA), has sponsored a vast array of organized "troll armies" to support government policies and undermine social stability in the US and Europe. High-profile influencers have frequently been outed as trolls, for example, the alt-right blogger "Jenna Abrams," who had 70,000 followers, was unmasked in 2017 as an IRA creation.

The false news and conspiracy theories flooding into US social media through Russian "political technology" are knowingly passed along by rightist media organizations, such as Fox News, Breitbart, and Cambridge Analytica (Richardson 2023). The malicious manipulation by Russian "political technology" not only influences the outcome of elections, but also degrades trust in government and fuels political radicalization (McQuade 2024).

4. Disguised Propaganda

Much of what is presented as neutral "public information" is carefully disguised propaganda. This intentionally slanted content is encountered in newspapers and direct-mail bulletins, over the airwaves, in social media outlets, and even in handouts at churches and schools.

Wealthy individuals and corporations **pour millions of dollars into PR campaigns designed to influence public opinion in ways favorable to special interests vs. the common interest.** One prominent example goes all the way back to the 1930's—the campaign for "market fundamentalism." Pro-business groups, such as the National Association of Manufacturers (NAM) have opposed government regulation by disseminating propaganda falsely equating free markets with democracy and personal liberty. The ideology of market fundamentalism was legitimized by conservative economists known as the Chicago School due to the most prominent disseminators being faculty at the University of Chicago. This ideology has also been supported by Christian sects that preach the "prosperity gospel," prioritizing financial success over compassion and collective welfare.

Another example is **science denial**. Front groups representing the oil and manufacturing industries have spent millions of dollars over decades promoting the systematic rejection of scientific evidence to avoid uncomfortable facts, especially climate change. They bolster their position with biased or misrepresented research, which is then parroted by conservative media and distributed as "free educational materials" to schools.

Perhaps the most successful "Trojan horse" operation of recent years has been the **campaign of the American Legislative Exchange Council (ALEC) to convince state**

legislators from all parts of the country to pass business-friendly, conservative legislation of ALEC's design. While posing as non-partisan, ALEC has used its vast dark money funding to promote pro-business and politically conservative policies. ALEC's primary method of operation is to lure state legislators to attend supposedly non-partisan summer conferences masquerading as family holidays. The presentations and discussions are meant to convince them to sponsor their purported "reforms" in their state legislatures. **The state legislators are then provided with cookie-cutter legislative language ready for introduction. The façade of impartiality allows ALEC to bypass normal political advocacy, discussion, and compromise with ready-to-go solutions.** ALEC is also the leading proponent of calling for a new Constitutional Convention, which at this particular time would be dominated by rural, regressive interests (MacLean and Pearson 2024) and would therefore most likely create a new Constitution that would remove the remaining impediments to autocratic rule.

The sources of the money behind these campaigns are always hidden to prevent arousing the audience's suspicions. This is similar to how big donors support political propaganda by laundering their money through political action committees (PACs) or other organizations that are not required to disclose the identities of their donors.

These deceptive practices vastly privilege special interests above the interests of the people as a whole.

5. Prejudicial Rhetoric

Propagandists have always been thoughtful about the wording of their messages. For example, the successful re-branding of the estate tax as "death tax" was probably decisive in swinging public opinion against what previously had been accepted as a legitimate type of taxation.

In the late twentieth century, this process came to be studied scientifically, notably by the political consultant Frank Luntz. He pioneered the use of focus groups to measure people's emotional responses to different words and phrases. **His work was exploited by politician Newt Gingrich in the 1980s to 1990s to replace neutral terms with wording intended to produce a negative emotional response**. Using prejudicial terms (such as identifying "capitalism" rather than "democracy" as the basis of the American system), labeling rightists as "real Americans" while labeling Democrats as "radical," "corrupt," and "liberal"), and describing the current situation as "decay," "failure," and "crisis" have become standard terminology among conservative and populist spokesmen and media outlets (Corn and Murphy 2011; Richardson, Democracy Awakening: Notes on the State of America 2023).

Such weaponized language, which is increasingly promulgated by social media platforms with zero or weak moderation, promotes "othering" of political opponents, contributing to the breakdown of communal harmony. When couched in violent terms,

weaponized language stimulates violence and intimidates peaceful people into submission.

6. Misuse of Artificial Intelligence (AI)

The effects of the sorts of propaganda and misinformation we have been discussing are being magnified through the application of artificial intelligence (AI) technologies. As of 2026, these technologies are largely unregulated, although there are major regulatory explorations under way in Singapore, Canada, the UK, the US, and the EU. Governments are aware of the necessity to address the diverse array of risks and opportunities posed by AI-driven technologies, but there is not yet a consensus on a solution.

In the meantime, some of the anticipated risks are already coming into play and causing havoc in the spheres of communication and governance. For example, **AI can be used to generate visual deepfakes and other disinformation to flood the mass media and social media with false information.** The resulting confusion can distort public opinion and sway elections. At a more fundamental level, it undermines public trust in democratic processes: "You can't believe anything anymore."

AI-driven technologies can also be used to intimidate and control. With surveillance cameras everywhere, facial recognition software is being applied to identify protestors, making them vulnerable to government sanction. AI can be used to cross-check databases to ferret out private information about targeted people to seek ways to punish them, for example by denying permits or disqualifying them from benefits.

Overall, **AI-driven disinformation and fear of intimidation poison the information environment, allowing malicious factions to subvert the collective interest.**

7. Malicious Foreign Autocrats' Interference

For the most part, this analysis has focused on domestic media forces that pose challenges to democracy. In recent years, especially with the explosive growth of social media, malign foreign forces have come to play a growing role in undermining public opinion and social harmony. **Anti-American foreign leaders, such as Middle Eastern strong men, Russian oligarchs, and even foreign government agencies, covertly influence American public opinion and even the outcomes of elections. They directly pay journalists, broadcasters (such as Tucker Carlson), and influencers to trumpet their propaganda messages.** Troll farms spread misinformation and disinformation through social media. Foreign autocrats use "cutoffs" (e.g. the NRA) to relay money to right-wing politicians and institutions that promote their interest in weakening American institutions (Applebaum 2024).

In short, **malicious foreign interests have been gaining greater influence and power within the media environment than have common citizens and domestic political players.**

8. Low Information Voters

Up to this point, we have been discussing issues regarding access to information or the misuse of information, but another vulnerability of the democratic system is the **voter who pays little attention to information at all.** The term "low information" entered political parlance through the use of the term "low information signaling" coined by Popkin (1994), referring to cues—such as appearance or personal habits—used by voters in lieu of substantive information to determine whom to vote for. "Low information voter" is usually used to refer to voters who have little understanding of the issues and the consequences of policy choices. They tend to occupy the centrist lane, not embracing extreme political positions. **They may pay less attention to objective news sources and so are more easily misled by demagogues.** As a result, they have a lower participation rate in voting and civic engagement.

On the other hand, some political commentators use the term in a more pejorative sense to refer to citizens who are anti-intellectual or hostile to science. Such citizens also have a lower rate of civic engagement, but when they do engage, they tend to have more extreme positions, positions that are inimical to the common good.

9. Shortcomings of Democracy Supporters

Among the societal forces that have contributed to putting democracy at risk are the shortcomings of those who support democracy themselves. In general, they may have allowed themselves to be **lulled into complacency by the perception that autocracy was in retreat**. At the time of the dissolution of the Soviet Union, Francis Fukuyama (The End of History and the Last Man 1992) argued that the collapse of communism and the **end of the Cold War signified the triumph of Western liberal democracy**, a system offering universal principles like freedom and equality. Although this notion received plenty of critique, it still represented a widespread tacit belief.

Americans had already attained a good deal of complacency after the end of World War II, with America's industrial and financial dominance over a prostrate Europe. The two major parties had reached a **"liberal consensus,"** a broad agreement on key principles—a mixed capitalist economy with regulatory guardrails, a basic social safety net, strong national defense, and at least lip service to democratic institutions and civil rights. **That consensus began to break down when Supreme Court decisions (e.g. *Brown vs. Board of Education* and *Citizens United*) and congressional acts (e.g. *The Affordable Care Act*) posed real threats to the status quo**, as discussed elsewhere in this paper.

Since then, China under Xi Jinping and Russia under Vladimir Putin have moved further toward authoritarianism. Nationalist movements have gained momentum in many European countries. And the rise of Donald Trump has rekindled the glowing embers of White supremacy and Christian Nationalism. These nationalist groups view themselves as being under existential

threat from liberal democracy; they are fighting for their very survival. On the other hand, the majority of the populace blithely expects institutions and norms to protect the country from extremism. **The imbalance in salience between the two groups, usually referred to as an "enthusiasm gap" between the committed partisans of the Right and the complacent majority, portends danger for the common good**.

In retrospect, the Progressives' aggressive pursuit of diversity, equity, and inclusion (DEI), despite its good intentions, gave conservatives a prominent target for their frustrations. Many people who were not part of that movement felt like Progressives were "pushing their cultural agenda down their throats." In other words, **advocacy for minority rights and identity politics triggered the reactivity of straight White people** – feelings of being marginalized and discriminated against – and frustration breeds aggression (Hochschild 2018). Donald Trump was able to harness this backlash against "wokeism" to gain the presidency in 2024, after which he immediately launched **an all-out attack on DEI, much to the satisfaction of his political base and to the detriment of the common good.**

CHAPTER 5

The Very Existence of Our Government is Under Threat

5. Existential Facet

- ***Integrity is upheld in governmental decision-making.***
- ***The foundations of government itself are intact.***

5A. Legal Threats to the Existential Facet

"Baked into" the Constitution and subsequent laws, regulations, and court cases.

1. The implementation of the "unitary executive theory" grants the president absolute and sole authority over the entire executive branch.
2. "Originalism," as implemented, purports that the meaning of a constitutional provision is fixed when it is adopted, preventing interpretations suitable to modern conditions.
3. The Insurrection Act of 1807 authorizes the employment of US military forces inside the US in cases of insurrection or civil disorder.
4. When Courts alter the Constitution through "judicial review," it becomes "judicial activism."
5. The Supreme Court's *Trump v. USA* decision granted broad presidential immunity, providing the president with unchecked power.
6. The Supreme Court's *Loper Bright* decision switches the interpretation of federal regulations from agency experts to the courts, resulting in irregular revision of regulations.
7. Government gridlock due to structural factors such as divided government and Senate filibuster.
8. Deregulation of firearms poses mortal threats to law enforcement and peaceful civic order.
9. Presidential misuse of military interventions increases hostility toward the government among veterans and members of less privileged classes.
10. Congress's suspension of the military draft ended an institution that previously mingled people of all backgrounds, thereby making social divisions wider and compromises more difficult.
11. Advocacy for a new, slanted Constitutional Convention.

The Existential facet is one that is not specifically included in the V-Dem indices described in the Introduction, but we added it in recognition of the reality that some of the threats to democracy are so immediate and so lethal that they deserve special consideration. We emphasize factors that **undermine the integrity of government and directly threaten the foundations of our democratic government itself**.

In the ***Legal*** column the focus is on those factors that are **rooted in the legal system**—the Constitution, decisions of the courts, and laws and regulations passed by legislatures—particularly those that enable bribery and corruption or distort the law-making process to the benefit of the privileged.

As we pointed out at the beginning of chapter 3, the idea that the executive, legislative, and judicial branches of government should have clearly defined and separate spheres of power was popularized by the French philosopher Montesquieu in *The Spirit of Law*, published in 1748 and quickly spread among the Framers of the Constitution of what was becoming the United States. **The principle of separation of powers was unanimously considered central to the design of the Constitution.** The Framers aimed to prevent the concentration of power in any one entity, which they viewed as the very definition of tyranny. **They sought to provide "checks and balances"** between the three branches of government as they created the nation's new "operating system."

In this chapter, many of the factors that threaten the foundation of the Republic can viewed as usurpations of power by one branch or another. They are considered **existential threats because, if allowed to go unchecked, they would decisively destroy the separation of powers**, substituting a more "tyrannical" system for the current one.

1. Unitary Executive Theory is Implemented

The unitary executive theory is central to many of the Existential threats to American Democracy because it asserts a whole different definition of the role of the president. Instead of a manager operating within the guidelines of congressional mandates and Supreme Court interpretations of the Constitution, it envisions an all-powerful autocrat with authority to control all levers of the federal government. By "unitary executive," **the theory proposes that the president has absolute, sole authority over the entire executive branch, including the power to control or remove all executive officers and agencies.** It would prohibit any interposition between the legislative or judicial branches and the executive branch.

Proponents of this theory rely on the wording of Article II of the Constitution: "The executive Power shall be vested in a President of the United States of America." It mentions no qualifications regarding other branches of the government. This reliance on the exact original wording is **congruent with the theory of "originalism"** (See item #2 below). Hence, jurists who support this theory tend to also support "originalism." Disagreements about the intentions of the Founders have raged since the Constitutional Convention. Supreme Court decisions on this issue have oscillated over the decades. For example, Franklin D. Roosevelt (FDR) broadly expanded presidential power during the New Deal, *de facto* applying a "unitary" approach by seeking total control over executive agencies. However, his attempt to remove a commissioner from an independent agency led to the 1935 Supreme Court case *Humphrey's Executor v. United*

States, which rejected his authority to fire officials for policy disagreements.

The current vision of the unitary executive idea gained significant traction during the Reagan administration and was heavily utilized by the George W. Bush administration. The Heritage Foundation's *Project 2025* proposed using the theory to justify giving the new president maximum control over the executive branch. Indeed, immediately after taking office in 2025, **President Trump undertook mass firings of federal employees, inspectors general, and members of independent agencies and oversight boards who could attempt to block or constrain his moves.**

Critics point out that this accumulation of powers contradicts the spirit of the Founders, who consistently opposed the concentration of power in any one branch, hence their scrupulous efforts to establish separation of powers. Regardless of the original intent of the Founders**, the application of the theory by recent presidents, especially Trump, illustrates the destructive effect of this theory on principles of a democratic republic—namely, the separation of powers and checks and balances.**

2. Originalism is Implemented

Originalism began as a fringe **legal theory that the meaning of a constitutional provision is fixed when it is adopted.** The concept moved toward mainstream acceptance through advocacy by several legal scholars, beginning in the 1980s. It was championed most prominently by Justice Antonin Scalia, whose opinion in *DC v. Heller* (2008) became a defining statement of originalist reasoning. Critics, including many professional historians, have argued that *Heller* relied on selective or flawed historical analysis. Despite such criticism, **originalism has grown in prominence since Scalia's tenur**e, especially with the appointments of Justices Neil Gorsuch, Brett Kavanaugh, and Amy Coney Barrett during the first Trump administration. It is now embraced by five Supreme Court justices and an increasing number of judges in the lower courts.

However, rather than consistently adhering to their stated principles, **"Originalists" often cherry-pick historical points to buttress their extremely conservative preferences, using the Constitution as a front for their own ideology** (Chemerinsky 2022). This theory has been employed to undermine precedents such as the "Commerce Clause," a key source of federal authority, particularly in regulating interstate and international trade. It was also invoked in the *Dobbs v. Jackson Women's Health Organization* (2022) case, which overturned *Roe v. Wade*.

Critics argue that to insist on "original intent" would conflict with the intentions of the Framers themselves, who viewed the Constitution as a living document. **Relying solely on supposed original intent would, in effect, put the rudder of the state into the "dead hand" of authors from a long-ago era.**

3. Insurrection Act of 1807

The Insurrection Act, signed by President Thomas Jefferson in 1807, empowers the president to deploy the US military inside the country and to federalize the National Guard units of the individual states in specific circumstances, such as the suppression of civil disorder, insurrection, and armed rebellion. **It has been invoked many times by many presidents**, including several times during labor conflicts of the late nineteenth and early twentieth centuries. For example, Grover Cleveland used it in 1894 to send federal troops to Illinois to end the nationwide Pullman Strike of railroad workers. Presidents Eisenhower and Kennedy employed the Insurrection Act to enforce school desegregation in the 1950s and 1960s. It was also invoked at the request of governors to deal with disorder during 1989 Hurricane Hugo and in 1992 during the Los Angeles riots. Invocation of this Act has often been controversial, and several serious attempts have been made in the twenty-first century to amend it to rein in the more dictatorial elements of the original Act. However, it was **not considered an existential threat until the second Trump administration**, when the president signaled his interest in invoking it every time his intentions were thwarted.

President Donald Trump signaled his intention to invoke the Insurrection Act when he signed an executive order on Inauguration Day 2025 ordering a study of necessity of invoking the Insurrection Act. He continued to float the idea of invoking the act in other Democratic-led cities/states like Portland, Oregon and Chicago, Illinois, even as their respective mayors and governors strongly opposed the idea. He has also threatened to invoke the Insurrection Act to postpone or regulate the 2026 congressional elections.

Because it requires no authority other than the president's judgment, the Insurrection Act is ready-made to be used to seize sole power. It has the potential to be used for a "decapitation strike," as has been done by foreign authoritarians in the past.

4. When Judicial Review Becomes Judicial Activism

Judicial review **is the power of the Supreme Court and lower federal courts to examine the actions of the legislative, executive, and administrative arms of government to determine whether such actions are consistent with the Constitution.** While not explicitly stated in the Constitution, judicial review is considered implied by Article III (judicial power) and Article VI (the Constitution as supreme law). Nobody seriously questions the legitimacy of judicial review.

However, there is bipartisan objection to "judicial activism," which refers to the practice whereby courts, particularly the Supreme Court, **seek out cases that will allow them to reinterpret previous precedents, state and federal laws, and even the Constitution in ways that can alter or invalidate policies set by elected officials**, such as Congress or the president. It can be viewed as **a path for amending the Constitution and settled law through indirect**

means.

During the period of the Warren Court (1953-1969), when the Court had a liberal majority, Republicans regularly accused the Court of judicial activism. The Supreme Court began shifting toward a conservative majority in 1969 with the Burger Court. While conservative leanings grew under the Rehnquist Court (1986–2005), the current 6-3 supermajority under Chief Justice John Roberts, considered the most conservative in over 90 years, was solidified around 2020 following the appointment of Justice Amy Coney Barrett. Nowadays, with the Supreme Court majority strongly conservative, Democrats level similar charges—**revoking past precedents to implement policies that could never succeed through legislation**, under the guise of judicial review. Particular consternation arose over **the *Dobbs v. Jackson Women's Health Organization* decision of 2024, ending nearly 50 years of federal constitutional protection for abortion rights**, established by *Roe v. Wade*. The key deciding votes were cast by justices who had testified in their confirmation hearings that *Roe v. Wade* was settled law. It appeared to many that the justices had actively sought out a case that they could use to overturn abortion rights.

In addition to these concerning decisions, the Roberts Court has become notorious for what is called the **"shadow docket"—rushing into partisan rulings without the normal process of written briefs, oral arguments, and a conference among the justices**. The first documented case of this unusual practice was reported by the New York Times (Kantor and Liptak 2026). The Court issued an order in 2016 halting President Obama's Clean Power Plan from implementation, acting before any other court had addressed the plan's lawfulness and providing no reason for their decision. The only deliberations were done by an exchange of memos among the justices over the course of a few days. Since that time, this secretive backroom tactic has been used repeatedly, "including granting President Trump more than 20 key victories on issues from immigration to agency power" (Kantor and Liptak 2026). The "shadow docket" has become the hallmark of the Roberts Court.

Whether implemented by one faction or the other, "judicial activism" conflicts with the separation of powers intent of the Constitution and diminishes trust in our Constitutional processes.

5. Supreme Court Grant of Presidential Immunity

Historically, legal experts and historians had taken for granted that presidents were responsible for upholding the laws of the United States, which implied that they themselves should obey the law. However, in the *Trump v. USA* decision in 2024, the heavily conservative Supreme Court ruled that former presidents have absolute immunity for actions taken within their core Constitutional authority. **Since then, President Trump has been emboldened to act as though he is immune from prosecution for any and all illegal acts—past, present, or future—that he commits during his time in office.**

This ruling has been widely criticized by legal experts, including both liberals and conservatives. The general response is captured by the critique of former federal judge J. Michael Luttig: "There is no support whatsoever in the Constitution or even in the Supreme Court's precedents, for the past 200 years, for this reprehensible decision by the Supreme Court. Needless to say, the decision is irreconcilable with America's democracy, the Constitution, and the rule of law" (Luttig 2024).

In effect, this ruling has placed the president above the law, giving **him unchecked power, contrary to the Constitution's intent of checks and balances.**

6. Irregular Revision of Regulations

The American government has had **long-standing procedures for how federal agencies establish and change regulations**, accepted by both Democratic and Republican administrations. However, two recent cases threaten to overturn this traditional order. In the first, the *Loper Bright* case in 2024, the conservative majority of the **Supreme Court overturned the long-established "Chevron deference" which gave agencies discretion in interpreting ambiguous federal laws and regulations. In effect, courts will now interpret federal regulations, not agency experts.**

In the second case, in 2025, President Trump issued a memo directing agency heads to move forward quickly with a "review-and-repeal effort" to expunge recently overturned long-standing regulations without the normal "notice-and-comment" process, **despite the Supreme Court's ruling in *Loper Bright* that rules should not be changed retroactively.** Trump claimed the authority to change procedures mandated by the 1946 Administrative Procedure Act (APA) under the "Good Cause Exception" written into the APA.

These mandates allow presidents to **halt or hasten the implementation of new regulations by fiat to suit their political interests, overturning decades of orderly, deliberative procedure.**

7. Structural Gridlock

In recent years, the US government has been characterized by an inability to address fundamental problems, regardless of which party has been elected to Congress or the presidency, summed up in the term *gridlock*. Nothing feeds the popular disdain of "Washington" more than the failure of politicians to "do your job!" Some of that gridlock can be attributed to **factors inherent in the structure** of our government.

First, contrary to the parliamentary system, it is possible for a national election to result in the presidency going to one party and a congressional majority to another party. When this "divided government" occurs, legislation is slowed while difficult compromises are made. Since 1900, the national government has been "divided" 40 percent of the time.

Second, the Senate filibuster (discussed above in the Egalitarian facet) **can slow or stop legislation even when *all* branches are in the hands of one party.** That is, a party that is in the minority in the Senate can withhold enough votes so that the total votes equal less than the 60 percent required.

Third, the president's veto can stop legislation even if both houses of Congress agree.

The **fourth structural factor is a lack of party discipline**. Contrary to the custom of the British Parliament, in the American system, individual party members can oppose or even form factions to oppose legislation proposed by the leadership of their own party.

In the end, **voters are frustrated with "the system" when legislation fails to advance** even though the voters have elected a majority at the last election. This structural gridlock leads to loss of faith in the democratic system.

8. Deregulation of Firearms

The case of *District of Columbia v. Heller* (2008) was a landmark Supreme Court case that established that the Second Amendment protects an individual's right to possess firearms for self-defense, particularly at home and separate from militia service, striking down D.C.'s handgun ban and trigger-lock requirement as unconstitutional. The 5-4 conservative majority decision affirmed, however, that the right is not unlimited, allowing for certain regulations, such as bans on felons possessing guns or weapons in sensitive places, but it affirmed the core right to own a functional firearm for protection. It was significant because it was the first time the Supreme Court affirmed that the Second Amendment protects an individual right, not just a collective right related to militias.

As a result of rulings such as *DC v. Heller* (2008) and *McDonald v. City of Chicago* (2010), gun ownership has risen rapidly, with about one million sales per month; **there are now more guns in circulation than the total US population. And these firearms may be of military type.** The most popular gun is the AR-15, which is unsuited for hunting or home protection; so gun-owners' claim of "self-defense" essentially means defense against imagined possible government intrusion.

Combined with state "Stand Your Ground" laws, the proliferation of unregulated firearms contributes to an increasing epidemic of unjustifiable shootings, including horrific mass murders at schools and places of worship. **Guns inevitably lead to gun violence—homicides, suicides, and accidental deaths; they also pose mortal threats to law enforcement and peaceful civic order.**

9. Presidential Misuse of Military Interventions

Presidents have frequently **employed the US military for reasons other than national**

defense. This was particularly blatant during the period of colonialism around the turn of the twentieth century—for example, the Spanish-American War, the Philippine-American Conflict, and incursions into Cuba, Haiti, and the Dominican Republic. Since the end of World War II, presidents have entered quagmires such as the Vietnam War to combat a perceived encroachment of communism.

More recently, the trigger has been fear of Islamic terrorism, which animated the so-called Global War on Terror (GWOT), launched after terrorist attacks on the World Trade Center and the Pentagon on September 11, 2001. It led to direct military interventions (like in Afghanistan and Iraq) and counter-terrorism operations in the Middle East against groups like al-Qaeda and ISIS.

Unfortunately, the motive behind military actions such as these has sometimes been suspected of being political. The term *wag the dog* has been popularized to refer to situations in which military operations have been undertaken to distract public attention from a political vulnerability or scandal. The term is based on the 1997 satirical film of that name. In it, an American president fabricates a war in Albania to distract voters from a presidential sex scandal. Coincidentally, in the following three years **President Clinton undertook three different military operations, each at a time when his administration was experiencing a scandal.**

The result is not only decreased respect for the trustworthiness of the president, but also decreased respect for the veterans who participated in those operations, which all too often involved atrocities of various kinds. Returning veterans were frustrated by the public reaction to their sacrifices, which then led to their **resentment against the civilian powers that put them into a lose-lose situation. These resentments have spread among vets' families and fellow members of less privileged social classes, who largely populate the military**. The loss of trust by the public and veterans all contributes to the social class divide that dilutes national unity and increases hostility toward perceived "elites."

10. Ending the Military Draft

Congress ended the military draft in 1972, ending an **institution that previously brought together rich and poor and White and minority individuals from all walks of life—**an experience that promoted understanding among people of different races, ethnicities, religions, and income levels. As a result, the military services are now less representative of the total population. More importantly**, fewer young people have experienced working beside people different from themselves, thus increasing social distance between races and classes.**

These factors make America's **social and economic divisions wider**, hence making compromise more difficult.

11. Advocacy for a Slanted Constitutional Convention

There is a movement beneath the surface to call for a new Constitutional Convention. Article V of the Constitution specifies the rules for invoking a Constitutional Convention. As discussed elsewhere in this paper, dark-money-funded **ALEC (American Legislative Exchange Council) is striving to obtain the consent of 34 states to require a new Constitutional Convention** (MacLean and Pearson 2024)**. They do so with the understanding that the rules of the game would lead to the creation of a gathering at which, at this time, rural states would be overrepresented.** ALEC and its allies have made it clear that they intend to use this majority to create a revised Constitution that would **return the United States to the "states' rights" conditions of the Articles of Confederation, ending our current American Democratic Republic** (ALEC: American Legislative Exchange Council 2019).

5B. Societal Threats to the Existential Facet

Socioeconomic factors and practices of political and other types of interest groups.

1. Authoritarians embrace the Republican Party and endorse the "authoritarian playbook" for the conversion of a democracy to autocracy.
2. Antidemocracy political ideologies supported by the ultrawealthy directly attack pluralism, and American Exceptionalism impels Americans to disregard better models of democracy.
3. Antidemocratic religious organizations stoke fear, division, and violence in the name of religion.
4. Demographic fears: White minority status is becoming more imminent, provoking "rural White rage" against current minorities, which is exacerbated by "rural flight" to urban areas.
5. Demagogues promote sectarianism; for example, "culture wars" and "wedge issues" as a substitute for political debate, impeding political compromise, fostering gridlock, and promoting extremism.
6. Americans historically have displayed a general anti-government bias. American institutions face an unprecedented decline in approval, reducing faith in democracy.
7. The new social media environment undermines social integrity by making the dissemination of disinformation and misinformation faster and cheaper. Immersion in virtual relationships rather than face-to-face relationships leads to a loss of a common basis for debate. Entertainment dominates our media consumption and diverts public attention from real-world issues.
8. Organized militant extremist groups and "lone wolves" threaten violence and promote the appeal of "law and order" demagogues. The large and growing American militia movement is a constant threat of violence against opponents, posing a threat to democratic political processes.
9. Malicious foreign autocrats and their domestic accomplices interfere with US elections and use "dark money" to purchase influence with government officials.
10. Right-wing conservatives attack public education to promote privatization, which reduces the historical role of public schools as a social leveler and fosters societal divisions.
11. Public opinion is shaped by lived experience, not objective data. Voting against one's own interests is promoted deceptively.

In the Existential facet we emphasize factors that **undermine the integrity of government and directly threaten the foundations of government itself.**

In the ***Societal*** column, the focus is on those factors that are rooted in the **socioeconomic system or other societal forces.** This includes organizations and ideologies that are literally antidemocratic in their nature, the efforts of domestic and foreign pressure groups to influence or undermine the government, demographic fears that lead to unrest, and a media environment that is detrimental to the functioning of democracy.

1. Authoritarians Embrace the Republican Party

As discussed at the beginning of this paper, authoritarianism as a political system was rarely viewed as a possible alternative to the American democratic system. Yet, in 2026 the government that is ruling the United States, **the Trump administration, is hardly distinguishable from the authoritarian regimes of Erdoğan in Türkiye, Orbán in Hungary, and Modi in India**. Indeed, the ruler upon whom President Trump has lavished the most adulation is Vladimir Putin of the Russian Federation. How has this happened?

The answer includes all the vulnerabilities discussed in this paper, but perhaps **the most insidious factor is us, the people**. As much as politicians are fond of celebrating the democratic character of the American people, there has always been a **portion of the population with authoritarian personality traits**. Just in the past decade, the stars have aligned to empower that group to elect a president who would come to power surrounded by sufficient enablers to impose his authoritarian will upon the institutions of government. What are those authoritarian personality traits and how did the people with those traits become the dominant force in the American electorate?

We contend that **the prevalence of the authoritarian personality type in the USA poses a threat to democracy** in that its traits are incompatible with democratic values. We use the term ***authoritarian*** as it is used by John Dean in *The Authoritarian Nightmare* (Dean and Altemeyer 2020), to refer to the group of people who score high on either the RWA (right-wing authoritarian) Scale (Altemeyer 2006) or the SDO (social dominance orientation) Scale (Pratto, et al. 1994).

The first set is those whom Altemeyer refers to as *authoritarian followers*. People of this personality type exhibit a strong tendency **toward submission to authority, aggressiveness, and conventionalism.** They regard legitimate authority as people who see the world the way they do and support that authority, looking the other way at dishonesty or corruption. They are not necessarily aggressive in general but can **easily be prompted to aggress when they feel that "right" and "might" are on their side**—that is, if their worldview is threatened and they believe they have the stronger power. Concerning conventionalism, authoritarian followers **want to "be normal" more than most people**; clinging to orthodoxy is important to them (Altemeyer 2006).

The second set, referred to as *social dominators* by Sidanius and Pratto (1999), exhibit a high tendency to **support the existing social hierarchy and to make their "in-group" superior to the "out-groups."** Many sources of group discord (e.g., racism, homophobia, ethnocentrism, sexism, regionalism) can be regarded as manifestations of the same basic human predisposition to form group-based identities and to protect the hierarchical rank of one's own group. **Social dominators do not believe in equality; they want those on top to stay on the top and everyone to "stay in their place." They prejudge and dislike anyone who is not a**

member of their own in-group; their out-groups include Blacks, Latinos, Asians, Jews, Muslims, homosexuals, … and women.

These two sets are separate personality types that differ in some regards and are complementary in others; for example**, both types score high on any measure of "prejudice"** (Altemeyer 2006, 161). A small percentage of respondents score high on both the RWA and SDO scales. Dean and Altemeyer dub these "*double highs*" and consider them to have the worst tendencies of both personality types: "power-mad, raging, fearful, self-righteous, dominating, amoral, dogmatic discriminators" (2020, 195). Again, we are treating these groups as personality types. Other observers consider authoritarianism as more of an attitudinal set, an ideology, a disposition, or a syndrome. In any case, **scholars of all fields find that authoritarianism has had significant impact on public opinion and political behavior**.

This authoritarian force has always been lurking in the shadows. What conditions enabled this force to wield decisive electoral power? The short answer is that two sub-groups—"forgottens" and "evangelicals"—coalesced and then joined together to form a majority within the Republican Party. *Forgottens* is the term used by Dean and Altemeyer to represent the less-educated, marginalized White males who felt that they were at risk of sliding down the social ladder—the people whose plight JD Vance was dramatizing in *Hillbilly Elegy*. As Pettigrew points out, they were not necessarily unemployed or economically destitute, but rather were suffering from ***relative deprivation*****; that is, they felt they were not doing as well as they had expected and that other "less deserving" groups were getting ahead of them** (Pettigrew 2017, 111). Neither political party had done enough to relieve their feelings of deprivation, so why not throw in their lot with a non-politician—Trump—who despised both parties.

Evangelicals is the term used by Altemeyer in *The Authoritarians* (2006, 110) to refer to the early twentieth century Protestant religious movement known **as Fundamentalism, which took a militant position on biblical literalism and orthodox belief.** This movement was embraced by many different sects, which later came to prefer the label *Evangelical*. This group of believers, originally completely non-political**, moved toward consolidation in the Republican camp through a step-by-step process**. In the 1970s, Jerry Falwell's Moral Majority connected believers to conservative social issues such as abortion, pornography, and homosexual rights; they succeeded in elevating Ronald Reagan to the presidency. In the 1980s, Pat Robertson's **Christian Coalition attempted to bring conservative Catholics into alliance with evangelical Protestants** to take over the Republican Party. Through grassroots organizing within their churches, by the end of the 1990s they had taken control over many state-level Republican committees. In 2004, Karl Rove, George W. Bush's campaign manager, gained the support of evangelicals with promises of influence in the new administration. By 2015, faith-based voters could dictate the winners of Republican primary elections. In the 2016 election, although evangelicals preferred candidate Ted Cruz, they quickly fell into line under Donald Trump when he focused his campaign on racial prejudice.

During the 2016 presidential primaries Feldman (2020) found a significant **positive relationship between authoritarianism and favorable evaluations of Trump** among Republicans. None of the other candidates showed such a connection. Meanwhile, **social dominators had found their strong leader and "the forgotten" had found a mouthpiece for their accumulated grievances**: "He says what I'm thinking." With their support and with evangelicals giving Trump 80 percent of their vote, it was enough to carry the majority in the Electoral College (Dean and Altemeyer 2020, 172-178).

Guidelines for the conversion of a democratic state to authoritarianism, sometimes referred to as **"the authoritarian playbook," can be inferred from the experiences of Russia, Hungary, and Türkiye in recent times.** The process begins with gradual reduction in democratic safeguards; it may continue gradually or succumb to a sudden "decapitation strike." **These procedures can be seen being replicated in the actions of the second Trump administration.** Some of the gradual steps can be found explicitly spelled out in the doctrines of the Republican Party; see, for example, the advocacy of Steve Bannon, chief strategist of Donald Trump, for "deconstruction of the administrative state," and see also provisions of "Project 2025." The authoritarian playbook entails a number of specific policy changes: a) dismantling the civil service, replacing career civil servants with political appointees whose mission is to undermine their agency; b) curtailing civil liberties; for example, draconian immigration policies, a ban on "pornography," restricting rights based on gender ("wokeism"), reproductive freedoms, etc.; and c) invoking a national emergency to implement a "decapitation strike," a sudden imposition of authoritarian rule (Snyder 2017).

2. Antidemocratic Political Ideologies

An ideology is an organized body of concepts, beliefs, and values that shapes how people perceive, interpret, and act within the world. It provides a comprehensive framework—covering politics, culture, and economics—that guides behavior, legitimizes social arrangements, and defines "correct" thinking. **Some ideologies—such as fascism and communism—embrace beliefs and values that are simply incompatible with the functioning of a democratic system** like the American democratic republic. ***Fascism* and *communism* in particular gained considerable popularity during the Great Depression**, when most Americans were struggling economically and were questioning whether their faith in the democratic system was merited. They could look abroad and see dramatic signs of revitalization in Italy, Germany, and the Soviet Union. Those ideologies did not survive the test of history and faded into the background in the United States.

Two other political ideologies—competitive individualism and capitalism—have deep historic roots and still dominate the thinking of everyday Americans, and each has elements that challenge the ideals of a democratic system. ***Competitive individualism* as a political ideology prioritizes realizing one's own goals and desires, and valuing independence and self-**

reliance above the interests of the group or the state. Phrased as "rugged individualism" since the time of Herbert Hoover (Hoover 1928), this ideology has taken root in the American mind, especially through the film and TV portrayals of cowboys and vigilantes as American ideals, portraying a world in which White men delivered justice without the interference of government. In 1959, eight of the top ten network TV shows were Westerns. Later, the cowboy-hatted Ronald Reagan and George W. Bush played on this theme, evoking **the cowboy as hero** (Richardson 2026).

Since it downplays "the common good" versus individual interests, competitive individualism supports such political stances as: anti-union, indifference toward public schools by childless people, disinterest in public support of mass transportation, acceptance of "tipping" culture, and opposition to public health insurance. People who implicitly accept this view and who then lose their jobs, suffer shame and loss of self-esteem. They seek scapegoats to rationalize their perceived failure. They reject viewing the world as a "global community" and are **suspicious of such bogeymen as "globalism" and the "new world order**." Finally, competitive individualism claims that achievement should be based solely on merit; thus, it provides **the basis for opposing efforts at diversity, equity, and inclusion (DEI).**

***Capitalism* as a political ideology supports private ownership of production, competitive markets, and profit-driven activity**. It advocates limited government intervention, focusing on individual liberty, property rights, and supply-demand price mechanisms. These ideas, newly emerging in eighteenth century British economic theories, were embraced by the American leaders who were facing the daunting task of creating rules for the governance of a continent, a place they conceived of as a New Jerusalem—"a city on a hill" as it was phrased by John Winthrop (Bercovitch 1975, xvii).

The marriage of a new economic vision with an exalted spiritual purpose led to the belief that the United States is inherently unique and superior to other nations due to its history and foundational spiritual ideals—otherwise known as ***American exceptionalism***. The notion of serving as a model for the rest of the world is simply reflexive in most political rhetoric. It actually has been a plank in the Republican platform since 2012. Unfortunately, it impels Americans to disregard other models or foreign concepts. At worst, it induces an arrogance, self-regard, and sense of moral infallibility in its "patriots." It validates emotional commitment to "patriotic" actions, even violence.

As capitalism has played out in the US since its founding, it has led to **extreme wealth inequality, which has translated into unequal political influence**, prioritizing profit over public needs and even over ecological balance (Blakeley 2024).

3. Antidemocratic Religious Organizations

In addition to the "evangelicals" discussed above in the context of authoritarianism, the US

has seen an upsurge of other religious organizations whose doctrines and political activities are antithetical to democratic norms. **To begin with doctrine, we are talking about religious organizations that prescribe leadership by anointed elites and submission and obedience to those authorities**—values that inherently conflict with democratic civic values. Rather, they serve as models for autocracy (O'Toole 2025). Further, certain religious groups, by taking strident sectarian positions, sow division between themselves and other faiths and with secular society. For example:

a) The **Christian Identity** movement is an interpretation of Christianity (not a specific sect) which proposes that only Celtic and Germanic peoples, or the "Aryan race," are the descendants of the ancient Israelites and are therefore God's "chosen people." It is labeled as racist, antisemitic, and White supremacist by the ADL and the SPLC.
b) The **Christian Nationalism** movement promotes belief in charismatic prophecy and spiritual warfare, which fuels aggressive political radicalization (Taylor 2024)**.**
c) **'New Apostolic Reform'** churches constitute a cult. Leaders are prophets who get messages from God, demand obedience of followers, and direct them to the brutish "cult of Trump" (Hassan 2020).
d) Certain cult-like **Catholic groups, such as Opus Dei**—a secretive ultra-conservative sect allegedly involved in bank fraud and human trafficking (Gore 2024)—and American Society for the Defense of Tradition, Family, and Property (TFP) explicitly work toward replacing democracy with a Catholic monarchy. Members of President Trump's inner circle have ties to these and other antidemocratic Catholic organizations. Vice President Vance, a recent, zealous convert, aligns with the Catholic "postliberal movement" that combines social conservatism with a belief in using state power to promote their narrow brand of "Christian values." And Trump advisor Steve Bannon worked with the conservative Catholic Dignitatis Humanae Institute to develop courses to train right-wing politicians (Rivera 2019).
e) **Leonard Leo's groups, including Marble Freedom Trust and Concord Fund,** have funneled tens of millions of dollars into appointing conservative Catholics to the Supreme Court, in which six of the nine seats are occupied by Catholics, five of whom regularly support the most conservative opinions.

Social psychology research has revealed that ***religious*** **ethnocentrism** underlies a more general non-religious prejudice (Noll 1994, ix, 3). That is, **"learning to dislike people on religious grounds seemingly has powerful consequences for how we react to people who are different in other ways"** (Altemeyer 2006, 151). Coincidentally, fundamentalist Christian churches are losing members like other churches, so they have become more active politically to

keep members engaged. Those who remain as members feel more beleaguered, hence have a more sectarian identity and a more militant attitude (Sanneh 2023).

Thus, members of the sorts of religious communities discussed here can easily be brought to support **"culture wars"**—struggles against "out" groups such as gay, lesbian, and transgender individuals; immigrants; non-Whites; and women who champion non-traditional roles. By supporting such "culture wars," religious political activists exacerbate political wedges dividing the public into competing tribes. These attacks can be translated into public policy by judges motivated by the same ethnocentrism who support radical legal stances, overruling precedents and thereby establishing new policies that undermine democratic values.

To sum up, **a range of different strident religious sects, congregations, and cults serve as a model for autocracy. They attempt to project their authoritarian doctrines into the political sphere**, attempting to impose their extremist doctrines on the general population. Religious zealots can inflame their followers into extreme, sometimes violent, actions in pursuit of their missions.

4. Demographic Fears

Fear acts as a foundational driver of political extremism, serving as both a strategy for extremists to gain influence and as **an emotional state that motivates individuals to adopt radical views**. It operates by amplifying perceptions of threat, fostering in-group loyalty, and driving the rejection of out-groups. Many American sub-groups are anxious about their demographic prospects.

The US Census projects that the US will become "minority White" by 2045. People generally want themselves and their "blood" to survive, thus groups centering their White identity are becoming more militant (Walter 2023; Hochschild 2018). **Poor White, often rural, people's fear of slipping lower on the social ladder elevates their desperation, hence a propensity to resort to violence: "rural White rage"** (Schaller and Waldman 2024)**.** One specific event elevated this sense of foreboding—the election of Barack Obama in 2008. It kicked the rise of militant hate groups into high gear (Wilkerson 2020). As "white minority" status becomes more imminent, people whose "whiteness" is central to their identity become more desperate and more prone to extreme measures, including violence.

This demographic fear is fanned by media imagery that leads them to compare their condition to that of the rich. In addition, they see themselves left out of government programs—such as Pell Grants, the Strengthening HBCU Program, the Minority Business Development Agency (MBDA), Office of Minority Health (OMH), and Racial and Ethnic Approaches to Community Health (REACH)—that benefit the racial and ethnic groups they perceive as their competitors. **Those anxieties are further inflamed by regressive economic policies at the state and national level (e.g., tax breaks for the rich) that make their economic struggle**

harder. All this creates a reservoir of resentment that can be tapped by demagogues.

Self-proclaimed populists encourage the disaffected people to blame "out-groups"—women, minorities, immigrants, and "elites." By punishing the demonized "out groups," the resentful ones gain the solace of knowing that others are suffering more. This punishment can take the form of withdrawal of financial benefits, limitations on voting rights, social restrictions, and even violence. Dollard and Miller's frustration-aggression hypothesis (1939) asserts that aggression is commonly the product of frustration. Thus, the grievances of financially struggling rural white males and others who share their plight can be channeled into a political program of repression of the "out-groups." The punishment of "out-groups" can rise—and often has risen—to violent actions (e.g. the January 6 Capitol attack).

Domestic migration from rural areas to metropolitan centers, often termed "rural flight," is a long-term global phenomenon driven by economic and social factors. Historically, people migrate to metropolitan centers seeking upward mobility. Cities offer diverse job markets, higher wages, and industrial or service-sector employment not found in agriculture-dependent rural areas.

The US Census showed that between 2010 and 2020, rural areas lost population, while cities and suburbs grew by 8 percent (Henderson 2021). This trend was reversed temporarily during the COVID pandemic years but resumed in the years afterward. This puts conservative rural counties at risk of losing dominance in their state, getting outvoted by metropolitan centers. As it happens, the rural flight phenomenon is most dramatic in traditionally conservative states (Henderson 2021). **This means that those rural voters most accustomed to wielding power in their state are the ones becoming most at risk of losing that power. Hence, we see the struggle to maintain rural dominance leading to increasingly polarized and bitter partisan competition.** This is playing out in 2025 and 2026 as Republican legislatures go to increasingly extreme lengths to **redistrict** congressional districts to prevent loss of control of the US Congress. This loss of dominance has real consequences for the rural way of life, so we see real zeal in their struggle. People who feel beleaguered and on the verge of losing hegemony can be driven to desperate, and even violent, means.

Even those who are on the "winning" side in demographic change have well justified fears. Historically, the **law enforcement and justice systems have disproportionately targeted and penalized racial minorities.** This bias operates through systemic racial or caste biases, underrepresentation within police forces and the judiciary, and, generally, by serving to maintain the status quo of White privilege. Despite constitutional guarantees of equal protection, many minority groups experience higher rates of adverse interaction with, and lower levels of satisfaction with, legal authorities. **This legal discrimination undercuts minorities' trust in the justice system, weakening minorities' support of government generally, while stoking animosity that periodically bursts out into violence.**

5. Sectarianism Feeds Gridlock and Extremism

There is no doubt that the two major political parties in the US have grown more polarized over the past four decades. This has been well documented by the Pew Research Center (2014). The median Democratic voter is now "consistently liberal" in their political opinions, and the median Republican voter is now "consistently conservative" in their opinions. Partisans now view each other with increasing mutual antipathy (Pew Research Center 2014, 11). It is not just disagreement, it is dislike. The gap is so wide and so emotional that it appears to transcend mere political issues. Therefore, we contend that what is commonly referred to as "political polarization" or "tribalism" may more accurately be viewed as ***sectarianism*, the growing tendency for people to align their political commitments according to moralized identities**, similar to how religious sects form (Finkel, et al. 2020). That is, political identity functions like a religious identity: people who disagree with us are not only wrong, but also evil.

The animus is not political, but sectarian. Hence, we may examine polarization most accurately through the lens of sectarianism. That is, **people evaluate political issues based on coherence with sectarian leanings rather than on consistency with a particular political ideology**. Some consequences are:

a) Politicians promote divisive **"wedge issues"** because keeping their partisans inflamed increases voting support. Such clashes are often characterized as "culture wars" because they involve, not political issues, but issues that tug at the moral stances of conflicting sects.
b) **Political compromise, which is the essence of democratic governance, is denounced as a moral transgression**. This uncompromising reflex is particularly true of the far-right Freedom Caucus of the House of Representatives. The dysfunction of this stance is recognized even by the conservative Speaker of the House, Mike Johnson, who "argued that the Freedom Caucus's trademark refusal to compromise undermined the constitutional purpose of Congress" (Kirkpatrick 2024, 50).
c) Congressional members increasingly refuse to support any legislation supported by the opposition, including funding basic government operations, because it would give a "win" to the opposing sect.

The result is **gridlock**, a societally based gridlock to accompany the legally based gridlock discussed earlier. Nothing feeds the popular disdain of "Washington" more than the failure of politicians to "do your job!" But lawmakers hesitate to compromise because extremists in their party (or tribe) insist on sectarian purity, regarding compromise as surrender.

Since sectarian identity is so central to one's sense of self, it can evoke powerful emotional and even violent responses. When sectarianism sows divisions so deep that **normal political processes do not function**, this reinforces the notion that the government does not work, thus

offering autocracy as a more efficient model.

6. General Anti-Government Bias

A general bias against "the government" is manifest throughout the history of the US. It began in colonial times as resentment against monarchical misrule. It was inflamed in Antebellum times by Southern resistance to imagined Northern dominance. Currently, it is stoked by the perception of government overreach. Many citizens have few personal interactions with government agencies, and those are usually negative (e.g., obtaining building permits, obtaining licenses, traffic citations). These life experiences produce a general attitude of aversion toward "government" at any level. **Anti-government sentiment underlies many of the other specific threats to democracy** discussed in this paper. It propels firearms purchases, motivates militia formation, supports politicizing religious institutions, and more.

There is evidence that this general anti-government bias is growing more severe. Polls show that **most American institutions currently suffer from an unprecedented decline in their approval, especially the presidency, Congress, and Supreme Court** (Chemerinsky 2022) (Jones 2022). People experience wealth inequality in their everyday lives: housing is unaffordable, food and fuel prices are rising, and access to health care is precarious. People are frustrated with politics: "my vote doesn't matter" due to gerrymandering; politicians are gridlocked; and political scandals abound. It all adds up to a **diminished commitment to standing up to support legitimate democratic government interests.**

7. The New Media Environment Undermines Societal Integrity

Americans live in a media environment that is radically different from that of previous generations. While the destruction of quasi-monopolies of sources of information and the new enabling of people to become creators of information are pluses for democracy, other aspects of this new environment pose major vulnerabilities for a democratic society.

With the decline of newspapers, broadcast television, and news magazines, **social media platforms and podcasts have largely replaced journalistic news media as most people's sources for news.** This makes the dissemination of disinformation and misinformation faster and cheaper. For example, the *Daily Wire* operates podcasts, websites, a streaming service, social media, YouTube channels, and theatrical films, providing "content" reaching 220 million users per month with divisive far-right propaganda. This "content" includes unregulated "free speech," which allows dissemination of hate speech as well as false, defamatory claims (e.g. about immigrants' behavior).

Social media platforms derive revenue from advertisers, who pay for clicks. **Thus, algorithms intentionally support sensational and salacious claims because they generate more clicks. In addition, anonymity enables inflammatory language, which encourages**

more and more extreme reactions, exacerbating hatred and division. Further, advances in AI make "deepfakes" easier and more common, adding visual fuel to verbal deceptions; all currently unregulated. These inflammatory inputs (such as "conspiracy theories") come not only from domestic sources, but also from foreign adversaries.

Social media algorithms can create echo chambers, limiting exposure to diverse perspectives and undermining informed decision-making. Immersion in an information bubble facilitates the formation of an **"alternative reality.**" People can hold onto a different set of "facts," which makes communication with outsiders impossible. "Truth" becomes whatever is believed within one's own bubble, like two communities living in the same space but speaking different languages and each swearing allegiance to its own dominion, thus playing into the hands of foreign adversaries aiming to "divide and conquer."

While **mediated relationships** (e.g., social media, video chat) provide useful connectivity, substituting them for face-to-face interactions often leads to psychological and social challenges. Face-to-face interaction is a robust predictor of life satisfaction and positive affect, whereas computer-mediated communication (CMC) typically yields lower emotional rewards. **While CMC is "better than nothing," it is a poor substitute for in-person meetings, which trigger more significant positive emotional responses.** When social media use displaces face-to-face time, loneliness and depression often follow. CMC often lacks nonverbal cues like eye contact and body language, which are fundamental for building trust and deep interpersonal bonds. **Over-reliance on digital messaging can deprive individuals, especially pre-teens, of the opportunity to develop and refine social skills, such as recognizing and understanding the feelings of others.** Immersion in a virtual social media bubble is replacing engagement in face-to-face relationships with other people, not just personal friends and neighbors, but also organizations, such as churches or civic service associations. The resulting lack of connections contributes to other social dangers, including young men looking to militant groups for meaning in their lives.

As a result of a long-term trend based on easier and cheaper access to mediated (radio, streaming video, online games, sports, etc.) entertainment, **entertainment increasingly dominates our media consumption**, as opposed to news and public affairs. Radio and TV stations used to broadcast a good deal of news and public affairs programming, as this was an expectation of retaining their licenses. The Radio Act of 1927 stipulated that licensees had to operate in the "public interest, convenience and necessity." This governmental requirement was relaxed over the years, especially as alternative media sources proliferated.

As radio and television stations faced increasing competition, profits shrank, and programming became more and more focused on attracting eyes and ears**. To hold the interest of viewers, news coverage increasingly focused on emotion and celebrity rather than public issues.** The dangers of this trend were recognized as long ago as 1985 in Neil Postman's *Amusing Ourselves to Death: Public Discourse in the Age of Show Business*. He argues that

television has transformed public discourse, turning serious subjects like news, politics, and education into trivial entertainment (e.g., presidential debates are about gaffes and emotional zingers rather than about policy differences). Public discourse becomes less serious, less logical, less factual, and requires less critical thinking, ultimately making citizens passive consumers rather than engaged participants in a democracy.

Consequently, as satellites and digital transmission multiplied the amount of entertainment available, **Americans have devoted more and more time to consuming entertainment,** including the rapidly proliferating access to video games. Video games now compete with movies, music, and television in terms of both popularity and revenue. American teenagers spend one to three hours daily playing video games and an average of about eight hours a day on all screen-based media.

Legalized gambling, especially online, is also a growing competitor for time and attention. In the US, the floodgates for sports betting were opened following the 2017 *Murphy v. NCAA* Supreme Court decision to overturn a federal sports gambling ban. By 2025, 39 states had passed legislation legalizing sports betting. Sports gambling went from a $4.9 billion industry in 2017 to $121 billion in 2023, with the vast majority of wagers being placed online (Lamb 2026). Concerns about gambling addiction and sports fixing are growing. **All these entertainments divert public attention away from real-world issues**. Politics is now expected to be entertaining, and the leaders that emerge—who may already be media celebrities—are expected to be performers who evoke emotional responses. **Overall, this thirst for entertainment reduces involvement in the real, hard work of democracy—reaching consensus based on informed, constructive discussion.**

8. Militant Extremist Groups Threaten Violence

Organized political extremist groups are growing—**groups espousing positions that depart from socially acceptable norms**—according to the Anti-Defamation League (2021). Extremists may fall anywhere on the right-left spectrum or not on that spectrum at all. Common characteristics include:

a. rejection of compromise
b. unshakeable confidence in their position
c. intolerance of internal dissent
d. demonize opponents
e. **advocate violence to achieve their ends**.

The activities of these groups are trending upward. For example, antisemitic incidents rose by 5 percent year-over-year and almost 900 percent over the decade, according to the Anti-Defamation League (Audit of Antisemitic Incidents 2024). Propaganda efforts by White supremacist groups reached an all-time high in recent years. In 2023, there was a 12 percent

increase in White supremacist propaganda incidents and a 63 percent increase in White supremacist events (White Supremacist Propaganda Incidents Soar to Record High in 2023).

The Southern Poverty Law Center (SPLC) monitors the activities of extremist groups across the US. In its 2024 report, it documented the existence of **1,371 hate and antigovernment extremist groups. They were involved in political activities, the production of hate speech, and online tactics to build strategies and training infrastructure to divide the country, demoralize people, and dismantle democracy**. Some used physical violence and threats of violence to intimidate people. White supremacists' proclaimed fear of "White genocide" made its way into broader swaths of the movement. Such organized extremist activities are all antithetical to the conduct of democratic political processes.

Anti-government groups that take the form of **paramilitary units** have increased dramatically since the election of Barack Obama in 2008, although prohibited in all 50 states. The Southern Poverty Law Center (SPLC) identified 334 militia groups at a peak in 2011. Since then, numbers have gone up and down, hovering around 200 groups (SPLC 2016). These groups have been emboldened since Trump's first election. Some recent examples of their activities include, first, neo-Nazis, Ku Klux Klan, and other White supremacist groups converged on **Charlottesville** in 2017 chanting racist slogans and using the Nazi salute. Second, the investigations arising from the January 6, 2021, insurrection exposed the key role played by paramilitary groups (notably the Proud Boys and Oath Keepers) in the **attack on the U.S. Capitol.** To indicate the seriousness of their violent intent, some paramilitary groups conduct constant training to prepare for armed intervention in support of a coup d'état. **At a minimum, the threat of violence by paramilitary groups can chill participation in democratic processes by forcing individuals to consider their personal safety when making their voices heard.**

"Stochastic violence" refers to lone-wolf and semi-organized attacks, such as the 1960s racial riots and political assassinations. These attacks, although not planned within groups, may be inspired by loosely organized groups, including neo-fascist and anti-fascist groups, that provide training and rhetorical provocation to individual actors. These episodes of violence are often stoked by radical propaganda. **The young men who are most often the perpetrators typically are more attracted to the "macho" values of the Right as opposed to the more "adult" values of progressive groups.** Many, such as the members of the Proud Boys and other similar neo-fascist groups, are resentful, angry, and potentially explosive.

9. Foreign Autocrats and their Domestic Accomplices

Malevolent foreign autocrats, such as those in Russia and China, are constantly seeking ways to influence or undermine the US government and other social institutions. They funnel vast amounts of "dark money" into the enterprise (Applebaum 2024). For example,

they hire American lobbyists (often former government officials) to whitewash the reputations of their heinous regimes. Those lobbyists also give political contributions to congressional campaigns or to political action committees (PACs) such as the National Rifle Association in exchange for access (ergo, the lobbyists serve as "cutoffs" for dirty money payments). They also subvert non-profits (e.g. Clinton Foundation) with major donations, betting on which non-profits will have influence in the next administration.

Outside the political sphere, foreign autocrats cultivate universities through huge donations in an attempt to influence research directions and to curry favorable treatment by faculty (Applebaum 2024). They take advantage of the greediness of American banks and other financial institutions to build connections and draw them into their malicious web (Applebaum 2024). In other words, **foreign potentates, who are supposed to be excluded from US governmental influence, hire front groups to represent their interests, often bending or breaking financial laws to magnify their influence over legislation and rulemaking.**

Autocratic and hard-right regimes also seek alliances with gullible American groups to help them achieve their goals of influence and subversion. Hard-right political parties have been making inroads against centrist and more democratic parties in Europe. Such groups are viewed as exemplars by similarly motivated American "alt-right" groups. For example, Hungary's Orbán regime, which is classified as an electoral autocracy—a hybrid political system that injects authoritarian methods into supposedly democratic institutions and structures—is celebrated by MAGA Republicans. By 2024 a strong alliance had been forged between the two movements. In 2025, the Conservative Political Action Conference (CPAC) was held in Budapest and featured addresses by Victor Orbán and Donald Trump. In 2026, **autocratic parties in Hungary, Serbia, Romania, Poland, and Germany are openly allied with the American MAGA Republican party. Those authoritarian regimes are seen as a model for conversion of a democracy to an autocracy.**

10. Conservative Attack on Public Education

Since the 1950s, American public schools have been the focus of enormous political attention by conservative forces. The struggle began with resistance to school desegregation after 1954. That struggle continues but is joined by a new struggle to convert the schooling function from the public sector to the private sector.

The process began with the Supreme Court's 1954 *Brown v. Board of Education* decision, finding that separate schools for Blacks and Whites were inherently unequal, and calling for racial integration in schools. **Resistance to the new law sprang up quite quickly**. Virginia Senator Harry F. Byrd's 1956 "Southern Manifesto" (Declaration of Constitutional Principles) encouraged "massive resistance" to school desegregation. Byrd led the way, orchestrating state laws in Virginia to block integration, using tactics like cutting public school

funds. The Manifesto condemned the *Brown* ruling as judicial overreach, arguing for states' rights, inciting "all lawful means" to resist. **Southern politicians closed public school systems and shifted state support to private segregated schools ("segregation academies").**

There is a clear throughline from those early efforts to contemporary developments in school segregation. First came **"White flight"—Americans self-segregating by moving to locales that suit their socio-political preferences.** This process engendered several other social changes. With White workers now commuting from suburbs into cities by car, **support for public transit withered**, reducing the opposition to pushing interstate highways through the hearts of inner cities. The **interstates displaced over a million citizens**, typically people of color who had been living in functioning neighborhoods. Big-city public schools became more homogeneous by socioeconomic status (SES), race, and caste as White families moved to the suburbs. Suburban public schools became more heterogeneous as minority families who could afford it, moved to the suburbs (Meckler and Rabinowitz 2019). And finally, these forces accelerated the transition of Southern voters to a more conservative party (Kruze 2007).

The consequence of Massive Resistance has been to **inflame racial friction and divide communities by race and social class, sowing disunion**.

Since the days of busing and "White flight," conservative attention has shifted to the issue of converting public schools to private schools. **Entrepreneurs want to replace public ownership of schools with private ownership to align with capitalistic ideology. They view schooling as a vast new profitable sector to exploit.** This effort is manifested in many different ways. First, conservative politicians champion **voucher and charter programs**, enabling private—including religious—schools to siphon off public funds. They may resort to extremist rhetoric to inflame parents against public schools, for example, by claiming that their children are being "ideologically poisoned," "groomed," or even subjected to sex-change operations in school.

For the public schools that remain, conservatives launch partisan efforts to **politicize school board elections** to pack them with members who will support the conservative agenda. Tactics include demonizing opponents so that citizens fear running for or serving on school boards, or castigating board members for decisions made on justifiable educational grounds. They attack "progressive" curricula (e.g. the "Wit & Wisdom" reading program, social and emotional learning (SEL) programs, and the like) and "progressive" administrative practices, such as Diversity, Equity, and Inclusion (DEI) programs.

These attacks are sometimes motivated by extremist ideologies, which may be racially based (e.g., White supremacy and/or antisemitism). The Sovereign Citizen movement, for example, claims that **the federal government is totally illegitimate**; instead, individuals hold sovereignty and decide which laws to obey (Schaller and Waldman 2024).

The Framers of the Constitution understood that a poorly informed electorate is detrimental

to the maintenance of a democracy. **Public schools have played a central role in strengthening US democracy for two centuries. That role is now in question.**

11. "Voting Against their Own Interests"

A common lament among progressive observers is that some voters seem to vote consistently against their own interests. This happens, typically, when the incumbent president or governor is a Democrat, and economic conditions are on the upswing. The observers expect that middle-class and working-class voters would vote to continue the "good times." But the everyday lived experience of those people may not be good at all. They don't own stocks or retirement accounts; they may be living paycheck to paycheck with queasy feelings about their job security. The fact is that **public opinion is shaped by people's own life experiences, not by the opinions or data told them by "experts."**

Since 2009, public opinion polls have consistently shown **that the majority of respondents felt the country was "headed in the wrong direction"** and not doing well economically, despite many positive economic indicators (Direction of the United States 2026). There are many factors that go into creating this uneasy feeling. There has been a general inflationary trend, with rising costs for essential goods and services, including housing, healthcare, and education. Mass media and social media show displays of wealth and glamor; some "elites" appear to be thriving, while the middle class and working class are left in the lurch. Constant public conflict over issues such as abortion, immigration, and gun control contributes to a **sense of social division and unrest**.

So, when those stressed-out voters cast their ballot, they may be simply hoping to shake things up. Their lives are <u>not</u> going well, and they are **hoping that a change of leadership might help**. Unfortunately, that "change" seldom reaps any rewards for them. They don't see an improvement in their own lives. **This leads to a fatalistic attitude about the prospects for improvement under democracy.**

Summary

The US government faces many specific challenges to its democratic system—about 100 of them in our analysis. Some of these challenges have existed since the founding of the Republic, and others have evolved recently out of changing political and socioeconomic conditions. Some impinge on a particular facet of democracy—electoral, egalitarian, civil liberties, or communal—but some pose an existential threat to the continuation of our form of government. We have attempted to compile as complete a catalog as possible, categorizing each challenge as to what aspect of democracy it affects and from what source it arises—a legal defect or a societal weakness. We contend that diagnosing the specific ailment and its cause must precede any attempt to apply a remedy. We have completed the analysis and hope to assist in creating the remedies.

Contributors include: M.H. Molenda, J.A. Pershing, C.M. Reigeluth, and P. L. Harris

The Sycamore Group is an informal and independent group of retired university researchers who reside in Monroe County, Indiana. Current active members are Michael H. Molenda, James A. Pershing, and Charles M. Reigeluth. Phillip L. Harris was a member until his death in March 2026. Correspondence: charlesreigeluth@gmail.com

References

Ahler, Douglas J., and David E. Broockman. 2016. "Does Polarization Imply Poor Representation? A New Perspective on the 'Disconnect' Between Politicians and Voters." Working Paper. https://www.nytimes.com/2014/10/29/opinion/nothing-in-moderation.html.

ALEC: American Legislative Exchange Council. 2019. "Application for a Convention of the States under Article V of the Constitution of the United States." *ALEC*. December 6. Accessed 5 18, 2025. https://alec.org/model-policy/article-v-convention-of-the-states/.

Almond, Gabriel A., and Sidney Verba. 1963. *The Civic Culture: Political Attitudes and Democracy in Five Nations*. Princeton, NJ: Princeton University Press.

Altemeyer, Bob. 2006. *The Authoritarians*. Durham, NC: lulu.com.

Anti-Defamation League. 2021. "Extremism and Political Violence in America: Current Landscape, Future Outlook." *Anti-Defamation League*. January 13. Accessed April 9, 2025. https://www.adl.org/resources/article/extremism-and-political-violence-america-current-landscape-future-outlook?gad_source=1&gclid=CjwKCAjw5PK_BhBBEiwAL7GTPSFpkiMQJ9vBjQxWMnpn6c2BXk967A8620YqMOdte49ZkcNB3gDnWhoCMo4QAvD_BwE&gclsrc=aw.ds.

Applebaum, Anne. 2024. *Autocracy, Inc.: The Dictators Who Want to Run the World*. New York: Doubleday.

2025. "Audit of Antisemitic Incidents 2024." *ADL*. April 22. Accessed January 27, 2026. https://www.adl.org/resources/report/audit-antisemitic-incidents-2024.

Balmer, Randall. 2014. "The Real Origins of the Religious Right." *Politico Magazine*, May 27. https://www.politico.com/magazine/story/2014/05/religious-right-real-origins-107133/.

Benton, James C. 2022. *Fraying Fabric: How trade policy and industrial decline transformed America*. Champaign, IL: University of Illinois Press.

Bercovitch, Sacvan. 1975. *The Puritan Origins of the American Self*. New Haven: Yale University Press.

Blakeley, Grace. 2024. *Vulture Capitalism: Corporate Crimes, Backdoor Bailouts, and the Death of Freedom*. New York: Atria Books.

Brennan Center for Justice. 2022. "Voting Machines at Risk in 2022." *Brennan Center for Justice*. March 1. Accessed March 25, 2025. https://www.brennancenter.org/our-work/research-reports/voting-machines-risk-2022.

Canon, Dan. 2022. *Pleading Out: How Plea Bargaining Creates a Permanent Criminal Class*. New York: Basic Books.

Chemaly, Soraya. 2025. *All We Want Is Everything: How We Dismantle Male Supremacy*. New York: Atria/One Signal.

Chemerinsky, Erwin. 2022. *Worse than Nothing: The Dangerous Fallacy of Originalism*. New Haven, CT: Yale University Press.

Collins, Chuck, and Helen Flannery. 2016. "Gilded Giving: What Happens When Billionaires Dominate the Charitable Sector." *billmoyers.com*. November 22. Accessed December 13, 2025. https://billmoyers.com/story/gilded-giving-happens-billionaires-dominate-charitable-sector/.

Congressional Budget Office. 2024. "Trends in the Distribution of Family Wealth, 1989 to 2022." *Congressional Budget Office*. October. Accessed November 1, 2025. https://www.cbo.gov/publication/60807#_idTextAnchor000.

Corn, David, and Tim Murphy. 2011. "Newt in His Own Words: 33 Years of Bomb-Throwing." *Mother Jones*, April 7.

Coughlin, Stephen S. 2021. "Racism and Discrimination in the Military and the Health of US Service Members." *Military Medicine* 186 (5-6): 147. doi:https://doi.org/10.1093/milmed/usab037.

Davenport, David. 2020. *Commonsense Solutions to Our Civics Crisis*. Hatch Center Policy Review, Volume 1, Salt Lake City, UT: Orrin G. Hatch Foundation, 41. Accessed June 20, 2025. https://static1.squarespace.com/static/5e2072f645f53f254017e846/t/61524d2ec3c9166209c6bf13/1632783663404/FINAL+Civics+White+Paper.pdf.

Dean, John W., and Bbo Altemeyer. 2020. *Authoritarian Niightmare: The Ongoing Threat of Trump's Followers*. Brooklyn, NY: Melville House.

2025. *Democracy Report 2025*. Online report, Gothenberg, Sweden: V-Dem Institute, 63. Accessed March 20, 2026. https://www.v-dem.net/documents/60/V-dem-dr__2025_lowres.pdf.

2026. "Direction of the United States." *YouGov*. January 18. Accessed January 23, 2026. https://today.yougov.com/topics/politics/trackers/direction-of-the-united-states.

Dollard, J., and N.E. Miller. 1939. *Frustration and Aggression*. New Haven, CT.: Yale University Press.

Finkel, Eli J., Christopher A. Ball, Mina Cikara, and et al. 2020. "Political Sectarianism in America." *Science* 370 (6516): 533-536.

Fukuyama, Francis. 1992. *The End of History and the Last Man*. New York: Free Press.

Garton Ash, Timothy. 2025. "Americans have 400 Days to Save their Democracy." *The Guardian*, September 16. Accessed September 18, 2025. https://www.theguardian.com/commentisfree/2025/sep/16/us-americans-republic-midterm-elections-democrats.

Gates, Jr., Henry Louis. 2019. *Stony the Road: Reconstruction, White Supremacy, and the Rise of Jim Crow*. New York: Penguin.

GBD 2019 Police Violence US Subnational Collaborators. 2021. "Fatal police violence by race and state in the USA, 1980–2019: a network meta-regression." *The Lancet* 398 (10307): 1239-1255.

German, Mike. 2024. *No, the Justice Department and FBI aren't "Woke"*. October 28. Accessed January 20, 2025. https://www.brennancenter.org/our-work/analysis-opinion/no-fbi-and-justice-department-arent-woke.

Gore, Gareth. 2024. *Opus: The Cult of Dark Money, Human Trafficking, and Right-Wing Conspiracy inside the Catholic Church*. New York: Simon and Schuster.

Graff, Garrett M. 2026. "We Are Witnessing the Self-Immolation of a Superpower." *Wired*. January 22. Accessed January 27, 2026. https://www.wired.com/story/donald-trump-has-fully-set-fire-to-what-made-america-great/.

Hart, Gary. 2022. *The American Republic Can Save American Democracy*. Wheat Ridge, CO: Fulcrum Publishing.

Hartmann, Thom. 2020. *The Hidden History of the War on Voting: Who Stole Your Vote—and How To Get It Back*. Oakland, CA: Berrett-Koehler Publishers.

Hassan, Steven. 2020. *The Cult of Trump: A Leading Cult Expert Explains How the President Uses Mind Control.* New York: Free Press.

Hayes, Chris. 2025. *The Sirens' Call: How Attention Became the World's Most Endangered Resource.* New York: Penguin Press.

Henderson, Tim. 2021. "Shrinking Rural America Faces State Power Struggle." *Stateline.* August 10. Accessed January 25, 2026. https://stateline.org/2021/08/10/shrinking-rural-america-faces-state-power-struggle/.

Hochschild, Arlie Russell. 2018. *Strangers in Their Own Land: Anger and Mourning on the American Right.* New York: The New Press.

Hoover, Herbert. 1928. "Herbert Hoover, "Rugged Individualism" Campaign Speech." *Digital History.* Accessed March 25, 2025. https://www.digitalhistory.uh.edu/disp_textbook.cfm?smtID=3&psid=1334.

Jones, Jeffrey M. 2022. "Confidence in U.S. Institutions Down; Average at New Low." *Gallup Poll.* July 5. Accessed October 20, 2024. https://news.gallup.com/poll/394283/confidence-institutions-down-average-new-low.aspx.

Kantor, Jody, and Adam Liptak. 2026. "The Inside Story of Five Days That Remade the Supreme Court." *New York Times*, April 18. Accessed April 26, 2026. https://www.nytimes.com/2026/04/18/us/politics/supreme-court-shadow-docket.html.

Kirkpatrick, David D. 2024. "MAGA Mike." *The New Yorker*, March 25: 46-57.

Kroll, Andy, Andrea Bernstein, and Ilya Marritz. 2023. "We Don't Talk About Leonard: The Man Behind the Right's Supreme Court Supermajority." *ProPublica.* Oct. 11. Accessed April 13, 2025. https://www.propublica.org/article/we-dont-talk-about-leonard-leo-supreme-court-supermajority.

Kruze, Kevin M. 2007. *White Flight: Atlanta and the Making of Modern Conservatism.* Princeton, NJ: Princeton University Press.

Lam, Justin. 2025. "North Carolina Court Enables a Partisan Shift on State Elections Board." *State Court Report.* May 23. Accessed June 15, 2025. https://statecourtreport.org/our-work/analysis-opinion/north-carolina-court-enables-partisan-shift-state-elections-board.

Lamb, Anna. 2026. "Sports Betting Worries Grow as Wagers Skyrocket." *Harvard Gazette.* January 8. Accessed January 27` https://news.harvard.edu/gazette/story/2026/01/sports-betting-worries-grow-as-wagers-skyrocket/, 2026.

Leong, Nancy. 2021. "Enjoyed by White Citizens." *Georgetown University Law Journal* 109 (6): 1423-1472.

Levitsky, Steven, and Daniel Ziblatt. 2023. *Tyranny of the Minority: Why American Democracy Reached the Breaking Point.* New York: Crown.

Lieberman, Robert C., and Suzanne Mettler. 2023. "The Crisis of American Democracy in Historical Perspective." *The ANNALS of the American Academy of Political and Social Science* 708 (1): 122-136. doi:10.1177/00027162241228969.

Luttig, J. Michael. 2024. *"'SCOTUS cut that heart and soul out of America': Fmr. federal judge blasts immunity ruling".* MSNOW (via YouTube). July 1. Accessed April 21, 2026. https://www.youtube.com/watch?v=cOz2_72rEJY.

MacLean, Nancy, and Arn Pearson. 2024. "The Far Right's Plan for a New Confederacy." *The Progressive*, December/January: 30-32.

Maddow, Rachel. 2023. *Prequel: An American fight against fascism*. New York: Crown.

Marche, Stephen. 2023. *The Next Civil War: Dispatches from the American Future*. New York: Avid Reader Press.

McQuade, Barbara. 2024. *Attack from Within: How Disinformation is Sabotaging America*. New York: Seven Stories Press.

Meckler, Laura, and Kate Rabinowitz. 2019. "The changing face of school integration." *Washington Post*. September 12. Accessed January 23, 2025. https://www.washingtonpost.com/education/2019/09/12/more-students-are-going-school-with-children-different-races-schools-big-cities-remain-deeply-segregated/.

Noll, Mark A. 1994. *The Scandal of the Evangelical Mind*. Grand Rapids, MI: Wm. B. Eerdmans Publishing Co.

O'Toole, Fintan. 2025. "Forced Amnesia." *New York Review of Books*, May 29: 18-20.

Pascal, Alexander, Allison Stanger, and Others. 2025. "Understanding DOGE and Your Data." *Ash Center at Harvard Kennedy School*. March 31. Accessed April 25, 2025. https://ash.harvard.edu/resources/understanding-doge-and-your-data/.

Pettigrew, Thomas F. 2017. "Social Psychological Perspectives on Trump Supporters." *Journal of Social and Political Psychology* 5 (1): 107-116. Accessed May 3, 2026. doi:https://doi.org/10.5964/jspp.v5i1.750.

Pew Research Center. 2014. *Political Polarization in the American Public*. Washington, DC: Pew Research Center.

Popkin, Samuel L. 1994. *The Reasoning Voter: Communication and Persuasion in Presidential Campaigns*. Chicago: University of Chicago Press.

Pratto, Felicia, James Sidanius, Lisa M. Stallworth, and Bertram F. Malle. 1994. "Social dominance orientation: A personality variable predicting social and political attitudes." *Journal of Personality and Social Psychology* 67 (4): 741-763.

Protect Democracy. 2023. "A Democracy Crisis in the Making: Year-End Update." *Protect Democracy*. December 7. Accessed June 15, 2025. https://protectdemocracy.org/work/a-democracy-crisis-in-the-making/.

Putnam, Robert D. 2020. *Bowling Alone: Revised and Updated: The Collapse and Revival of American Community*. New York: Simon & Schuster.

2024. "Researchers Report Stunning Surge in Misogyny after the Election." *PBS.com*. December 10. Accessed April 20, 2026. https://www.pbs.org/newshour/show/researchers-report-stunning-surge-of-misogyny-in-schools.

Richardson, Heather Cox. 2023. *Democracy Awakening: Notes on the State of America*. New York: Viking.

—. 2026. "Letters from an American." March 9. Accessed March 10, 2026.

Rivera, Ellen. 2019. *Unraveling the Anti-Choice Supergroup Agenda Europe in Spain*. IERES Occasional Papers, no. 4, Transnational History of the Far Right, Washington DC: George Washington University. Accessed June 3, 2025. https://bpb-us-e1.wpmucdn.com/blogs.gwu.edu/dist/8/1076/files/2020/11/IERES-papers-no.-4-October-2019.pdf.

Rothstein, Richard. 2017. *The Color of Law: A Forgotten History of How Our Government Segregated America Hardcover – Illustrated, May 2, 2017*. New York: Liveright.

Sanneh, Kelefa. 2023. "Under God: How Christian is Christian Nationalism?" *The New Yorker*, April 3: 22-25. Accessed October 3, 2024. https://www.newyorker.com/magazine/2023/04/03/how-christian-is-christian-nationalism.

Schaller, Tom, and Paul Waldman. 2024. *White Rural Rage: The Threat to American Democracy*. New York: Random House.

Schlesinger, Jr., Arthur M. 1973. *The Imperial Presidency.* Boston: Houghton Mifflin.

Shapiro, Sarah, and Catherine Brown. 2018. "A Look at Civics Education in the United States." *American Educator* 10-13,43.

Sidanius, Jim, and Felicia Pratto. 1999. *Social Dominance : An intergroup theory of social hierarchy and oppression*. Cambridge, UK: Cambridge University Press.

Singh, Jasleen. 2025. "The Trump Administration's Campaign to Undermine the Next Election." *Brennan Center for Justice*. August 3. Accessed August 3, 2025. https://www.brennancenter.org/our-work/research-reports/trump-administrations-campaign-undermine-next-election.

Snyder, Timothy. 2017. *On tyranny : twenty lessons from the twentieth century*. New York: Tim Duggan Books.

Special Counsel's Office, Department of Justice. 2019. *Report on the Investigation into Russian Interference in the 2016 Presidential Election (Mueller Report)*. Washington DC: govinfo. Accessed January 22, 2025. https://www.govinfo.gov/app/details/GPO-SCREPORT-MUELLER.

SPLC. 2016. "For the Record." *Southern Poverty Law Center (SPLC)*. August 3. Accessed October 3, 2024. https://www.splcenter.org/resources/reports/record-0-3/.

Taylor, Matthew D. 2024. *The Violent Take It by Force: The Christian Movement That Is Threatening Our Democracy*. Minneapolis: Broadleaf Books.

Walter, Barbara. 2023. *How Civil Wars Start: And How to Stop Them*. New York: Crown.

March. "White Supremacist Propaganda Incidents Soar to Record High in 2023." *ADL*. 26 2024. Accessed January 27, 2026. https://www.adl.org/resources/report/white-supremacist-propaganda-incidents-soar-record-high-2023.

Wilkerson, Isabel. 2020. *Caste: The Origins of Our Discontents*. New York: Random House.

Wrangham, Richard. 2019. *The Goodness Paradox: The Strange Relationship Between Virtue and Violence in Human Evolution*. New York: Pantheon.

Wuthnow, Robert. 2018. *The Left Behind: Decline and Rage in Rural America*. Princeton, NJ: Princeton University Press.