

independence. Whoever served on the commission would be unlikely to create a system that displeased the politicians who selected them.

News that the budget law had created a politically controlled commission, rather than enacting a \$6-to-\$1 matching funds program outright, devastated parts of the Fair Elections coalition. Members accused the governor and legislative leaders of “punting” to a commission destined to produce anemic reform while giving the politicians themselves cover.

It did seem unlikely that the commission would decide on the robust small donor matching funds model that reformers had spent months advocating. That model would enable candidates to compete with enough constituent support, and even without the blessing of establishment donors and political leaders—precisely the pro-democracy quality that had unnerved veteran lawmakers.

Unlikely, but not impossible. The commission unquestionably would be seen as the creature of the elected officials who appointed it. Though the commissioners might not be accountable to the public, their appointers would continue to be. In the Brennan Center’s view, as I wrote with a colleague in an op-ed in the *Daily News*, enactment of public financing to be designed by this commission was hardly everything that we had fought for—but it was a good start, with the potential for advocacy over the next eight months to make a real difference. “We’re cynics about Albany, too,” we wrote, “but the weeks before the budget vote showed that the press, New Yorkers and Washington policymakers are watching what happens with public financing. As long as that attention remains, our elected officials will find it difficult not to follow through.”⁶⁶

The advocacy campaign had already pushed the reform further than it had ever gotten before. Lawmakers could have enacted the budget without any mention of public financing. But the relentless fighting of a massive and diverse campaign—grassroots, grasstops, across every social justice issue area—made them decide they had better include it in the end.

It remains to be seen whether the commission will create a public financing system that will empower the majority of New Yorkers to have significant influence in their elections and enable otherwise qualified candidates to compete for office, even if they lack ties to wealthy donors. Certainly that will not happen unless a broad and diverse movement keeps fighting. But this is the challenge for preserving democracy in the new landscape of money in politics in New York state and across the nation.

REMAKING THE PRESIDENCY AFTER TRUMP

Jeremi Suri

It is difficult to make the people participate in government. It is still more difficult to provide them with the experience and inspire in them the feelings they would need to govern well. The will of a democracy is changeable; its agents are and its laws are imperfect.

—Alexis de Tocqueville, 1835¹

The American presidency has always displayed the best and worst of American democracy. Respected figures with distinguished careers in public service—including George Washington and Dwight Eisenhower—have united citizens for common purpose. Men of eloquence and charisma—especially Thomas Jefferson and Theodore Roosevelt—have motivated Americans for reform. Leaders of extraordinary courage and empathy—particularly Abraham Lincoln and Franklin Roosevelt—have inspired citizens to sacrifice and expand the reach of democracy. The best presidents used their power to bring out the “better angels of our nature.”²

Other presidents did not do the same in their time. Andrew Jackson promoted genocidal violence against Native Americans, often despite Supreme Court restrictions, and he defended slavery. Woodrow Wilson re-segregated the federal civil service and refused to prohibit the most violent elements of Jim Crow, especially the frequent lynching of African Americans and others. Warren Harding and Calvin Coolidge encouraged American isolationism and xenophobia, including some of the strictest restrictions on immigration in the nation’s history. Even Franklin Roosevelt incarcerated over 100,000 citizens of Japanese descent without due process. As Tocqueville witnessed in Jackson’s time, American presidents often pandered to the worst forms of public hatred and ignorance. They added power and prestige to the ugliest prejudices.

Winston Churchill famously quipped that democracy is the worst form of government, except for all the others.³ In this context, American

democracy manifests many of the frustrating and inefficient qualities implied by Churchill's comment. The American presidency, in particular, is overloaded with domestic and international responsibilities, but severely constrained in direct capability for action. Presidents cannot, in fact, spend a dollar without the approval of Congress. The Supreme Court can reverse presidential actions on constitutional grounds. State and local governments can resist, and they frequently refuse to follow the president's lead. Since the early twentieth century, a large administrative state filled with career civil servants can redefine presidential orders in their implementation. And presidents cannot control their image in a free-for-all marketplace of politicized and profit-making media.

Presidents are often overwhelmed. The expectations surrounding their power always exceed their daily leverage over the nation's actual governance. As the scholar Richard Neustadt observed more than fifty years ago, presidents have to negotiate with countless stakeholders, and they must compromise, often at the cost of their most treasured goals. They are pulled in numerous directions, and they must pursue balance over perfection, lesser evils rather than outright victories. This has always been an ugly, sometimes dirty, process.⁴

The difficulties of negotiating presidential power have made the office unstable. Every period in American history poses new challenges for presidents. Each president seeks new sources of leverage over Congress and other institutions to pursue his or her goals. Each president experiments with new ways to shape the public narrative. The ambitions, obstacles, and vagueness of presidential authority make each era of American history one where the role of the president is up for grabs. Past precedent matters, but it rarely defines what presidential leadership becomes. The leadership of American democracy is made, destroyed, and remade with each generation. Even the mid-twentieth-century presidents would hardly recognize the office in its scale, scope, and speed today.⁵

Donald Trump represents a transitional moment in the presidency. He rode to power on a cacophonous wave of public discontent and uncertainty. With rising inequality and foreign competition looming, many American citizens worried that established leaders were too timid and too predictable. With the growing complexity of technology and governance, many voters wanted a candidate who promised to cut through the chaos and make things simple.

Trump appealed to citizens who feared a more difficult future with current socioeconomic trends. He has remained consistent with this message, and he has unhinged the internationalist, inclusive, and dignified assumptions about the presidency that he inherited from predecessors. He has adopted a self-consciously disruptive posture.

His aggressive rhetoric notwithstanding, the Trump presidency has not offered citizens—whether they voted for him or not—hope for the future. In fact, Trump's continued appeal for some is the continued presence of fear, which he exploits whenever possible. Trump has attacked the office of the presidency as he inherited it, but he has not redesigned the office in any way to build promise for long-term changes that will address popular concerns about inequality, complexity, and socioeconomic difficulties. Health policy is perhaps the best example. Trump continues to attack the Affordable Care Act, but he and his allies have not proposed an alternative framework for the millions who will lose access to health insurance. His presidency is transitional because it is destroying the old office without anything substantive to replace it.

In this sense, Trump is what Tocqueville predicted: an imperfect agent of change for institutions and practices that no longer serve the nation well. Trump exploits the current alienation of citizens from government, and he forces millions—his opponents and his supporters—to rethink the contours of democratic leadership in the twenty-first century. He is the opening to a new presidency that will not look anything like him, but will not resemble his predecessors either.

Opening Up the Presidency

After Trump, anyone can be president. Running for office requires money, organization, and name recognition—perhaps more than ever before—but the expectations of previous partisan ties have been shattered. Trump is not just an “outsider,” but an adversary to both parties. He succeeded in forcing one of them (the Republican Party) to bend to his personal popularity. He used media and populist rhetoric to appeal to voters over the heads of partisan and media gatekeepers, and he mobilized voters to make the established party institutions follow him—not vice versa. He now personally controls the mainstream of the Republican Party as few other presidents have before.

This dynamic does not make parties unimportant—they remain essential for mobilizing voters and holding other elected officials in line. What Trump has done is put the presidential candidate in the driver's seat more so than in the recent past. Candidates will choose the party, more than the party will choose the candidate. And candidates will tell the party what to think, and then punish defectors, as Trump has done so effectively.

In the short run, Trump's dominance of his party has limited checks on his abuses of power; Republicans in Congress defend him at almost all costs. In the long run, however, presidential figures that can dominate their parties will bring the potential for new ideas and policies into what has been a largely stagnant modern American partisan system. The dominant parties locked out many radical ideas for economic and political reform in prior decades, but that will be more difficult when popular candidates can move the parties based on direct connections with their voters. Reduced partisan gatekeeping opens opportunities for wider policy debate.

Trump has shown that more open debate can be ugly and irresponsible; it need not be so. Although the exploitation of hate and fear will remain powerful, new presidential candidates have the opportunity to mobilize voters by giving attention to major issues and innovative solutions. Public opinion is divided, but also susceptible to major shifts behind charismatic personalities and attractive ideas, as Trump has exemplified on topics from Russia to free trade and deficit spending.

Progressive shifts might be occurring among the many candidates running (or planning to run) against Trump in 2020. Each is trying to differentiate him- or herself by emphasizing one of a number of issues, including climate change, economic inequality, antitrust regulation of technology monopolies, health care, and education, among others. Issue and personality campaigning can mobilize voters for real policy change, pulling the Democratic Party further away from its traditional and somewhat stagnant center. The risk is a splintering of voters, but the opportunity is for a very real realignment of citizens behind serious policy changes, on a scale not seen in a presidential transition for decades.

The serious discussion since the 2018 midterm elections of reform to the Electoral College, break-up of major technology companies, Puerto Rican statehood, and even a guaranteed income for all citizens is evidence of the issue- and candidate-led dynamic. Party gatekeeping has broken

down. The range of possible presidential candidates is wider than it has been in at least fifty years. The possibility for mobilizing voters to embrace major reforms, and force parties to follow, is greater than it has been since the New Deal. Less partisan moderation reduces resistance to big policy changes for candidates with serious ideas.

As of 2019, millennials will outnumber baby boomers in American society. Within a decade they will compose a majority of the workforce. They will be the largest likely voting group soon thereafter. They are less partisan than their parents, and less susceptible to the racialized fear-mongering of figures like Trump. Millennials are likely to exploit a more open system by boosting younger, more innovative presidential candidates. They are also likely to demand that these candidates embrace serious reforms for the environment, health care, economic fairness, and electoral processes. A less party-controlled presidential-selection system will be more responsive to the young and innovative citizens who have previously been locked out by older, established figures. This will apply to congressional elections as well as to presidential elections—all of which have been dominated by older, partisan voters in recent decades.⁶

Reducing Presidential Power

The history of the United States, particularly since the Great Depression, has involved almost steady growth in presidential power. Beginning with Franklin Roosevelt, presidents have spoken directly and frequently to the American public through radio, television, and, most recently, social media. They have used the modern "bully pulpit" to set the nation's legislative agenda, define threats (at home and abroad), and demand policy action. Through executive orders, they have taken on de facto legislative authority to manage national security, immigration, and many other issues formerly left to Congress.

Presidents have also become global leaders, as never envisioned by the founding fathers. They participate actively in foreign alliances, international organizations, and trade relationships that shape economy and society. Presidents have enormous discretion to distribute aid and arms, and they can institute sanctions and other penalties to alter international relationships. They not only dominate foreign policymaking; they also use it as a justification for deepening their reach at home through "national

security” measures that allow closer coordination with domestic policing and military agencies, increased surveillance of citizens, and reduced transparency for policy matters deemed sensitive. Global engagement has contributed to domestic influence for presidents since the start of the Cold War.

The best evidence for the growth of presidential power is, of course, the metastasizing of the executive branch bureaucracy since the mid-twentieth century. The process began with Franklin Roosevelt’s alphabet soup of New Deal agencies during the Great Depression, followed by the creation of the “warfare” state during the Second World War, and then what Dwight Eisenhower called the “military-industrial complex” in the Cold War. In each of these settings, the number of professional and political administrators working for the president grew exponentially. They did the work of new agencies charged to regulate a larger, more complex, and more global American society. They also established close working relationships with powerful private and semi-private organizations, including businesses and universities. The late-twentieth-century administrative state ensured remarkable stability in American society, and it empowered the federal executive to influence daily behavior more than ever before. From the food we eat to the air we breathe, civil servants working for the president define our daily existence.⁷

Trump campaigned for office, alleging that the growing tentacles of the executive bureaucracy constituted a conspiratorial “deep state” that denied the preferences of the president and his voters. Nothing could be further from the truth. The modern executive bureaucracy ensures the high levels of safety, stability, and predictability that citizens demand above all. It keeps the planes flying, pays the Social Security checks, and patrols the borders and high seas. Trump’s frustration is that the bureaucracy follows established rules and procedures, not his whims. He has worked during his presidency to reshape the bureaucracy in his image through appointments of personal loyalists and targeted defunding efforts.

Although Trump seeks to increase his personal authority, his attacks on executive power diminish the presidency—denying him and his successors much of the legitimacy and bureaucratic reach accumulated in prior decades. Trump inspires other branches of government—as well as allies abroad, and states and cities at home—to seize back powers taken

by recent American executives. He encourages professional civil servants to resist his authority, or to resign and bring their skills and experiences to other governing bodies. Most of all, Trump’s budgets have starved entire agencies, especially the Department of State, causing a reduction in American government activities.

These terrible circumstances, which hurt vulnerable Americans and allies most of all, have forced a fundamental rethinking of presidential power and its place in a constitutional democracy. Federal courts have been the front line for this public conversation, reversing and rewriting many of Trump’s executive decisions on immigration, health care, and the environment. The courts are using the law to limit presidential discretion, and they are asserting a powerful role of their own in the enforcement of the law. The same is true for Congress, where both houses have taken unprecedented action to enforce sanctions against Russia for its invasion of Crimea and its interference in the 2016 presidential election. Although Trump has opposed these efforts, members of the Senate and House of Representatives, especially since 2018, have pushed forward to replace presidential decisions with their own. Congress has also asserted more direct supervision of budgets, appointments, and actions by various agencies, including the Departments of State, Interior, Justice, and Defense. State governments, particularly California, have directly challenged presidential authority on immigration, health, and environmental issues, among many others.

We should expect these challenges to presidential authority to continue and expand in coming years, even after Trump leaves the White House. He has exposed the dangers and dysfunctions of excessive presidential power—what Arthur Schlesinger Jr. famously lamented as the “imperial presidency.” Trump has also shown other parts of the government (as well as allies abroad) that they can, in fact, function more effectively when challenging the federal executive. Although presidents will remain powerful, the decades-long process of increasing reach and influence has reversed.⁸

A less powerful and more frequently challenged executive will inspire a productive reordering of American democratic governance, with new openings for innovative leadership. Future presidents will have to be more collaborative with other institutions and partners. Future presidents will also have to focus on fewer big issues where they can persuade, rather than

force matters through by order, secrecy, or bureaucratic legerdemain. Presidents will need to build a resilient consensus across regions, more than appeal to partisan prejudices.

In this sense, the presidents of the twenty-first century might return to the earlier history of the office, when the president was more of a skilled and restrained consensus-builder, not a ubiquitous communicator or dominant policy actor. Successful presidents will be less ideological and more pragmatic. They will create new stories to bring the country together to address major problems. That will be their main role, hewing perhaps most closely to what the founders intended for an office heavily constrained by Congress, the courts, and the states.⁹

Communicating with the Public

Every generation of leaders invents a new way to communicate with the public. Presidents need to inform, educate, and mobilize citizens behind their chosen policies. As the country grows, and the sources of information multiply, the challenges of communicating effectively become more difficult. Presidents have always struggled to control their narrative, and that is surely the case today.¹⁰

President Trump's outlandish remarks and Twitter trolling are part of a simple strategy to attract attention through shock and drama. He does not have a coherent popular narrative for how he will "make America great again," but he can use his prominence to fuel anger and resentment among listeners. He exploits mass communication to divide and antagonize. He seeks to provoke rather than educate the public.

This pattern of communication is unprecedented in its rapid spread of hate and false information, but it is not unique. In each generation, new communications technologies have initially promoted divisive and hateful messages because these messages are easiest to circulate. They are simple and visceral, and they bring immediate satisfaction. They puncture standard narratives, create useful adversaries, and elicit emotional reactions. Presidential self-promotion often encourages gutter-like communications designed to appeal to the worst instincts of citizens without educating or improving their condition. Donald Trump has mastered this form of demagoguery.

The historical pattern is that after the first generation of politicians uses a new communications medium for hate (Father Coughlin on the radio, Joseph McCarthy on television, and Trump on social media), a second generation finds ways to use it for unity and creativity (Franklin Roosevelt on the radio, John F. Kennedy and Ronald Reagan on television). Seeing how words can hurt and divide, younger leaders develop new arguments and stories that lend themselves to the contemporary media in positive ways. Roosevelt beamed the hope of his New Deal by radio, and Kennedy extolled muscular New Frontiers on television, followed by Reagan's evocative "Morning in America."

A younger generation of social media users will replace Trump's hateful tweets and his defense of white supremacy with a widely communicated narrative of unity and democratic renewal. They will surely emphasize the possibilities in American and international society, and the urgency of reform. They will bring a passion and an eloquence that will motivate readers well beyond the jolt from a Trump tweet.

Although the current president has opened a new mechanism for direct communications between the White House and citizens around the world, his language and message will not dominate social media for long. After three years of his presidency we are already seeing slippage in his effectiveness from listener fatigue and competition. Other candidates and countless citizens are offering alternative messages with hope, tolerance, and scientific rigor at their core.

Beto O'Rourke, Pete Buttigieg, and Alexandria Ocasio-Cortez are three of the many youthful figures who have turned social media into a forum for idealism, connection, and creative policy ideas. They engage citizens and encourage them to participate. They offer hope and a sense of possibility. Most of all, they use social media primarily to mobilize people for reform, not attacks on the other side. Their Twitter feeds build social capital and circulate images of politics as a noble and higher calling. They are writing a new story of American political reform, and they are just the beginning.

In coming years, politicians will build on these experiments in leadership from the second generation of social media users. The new presidency will indeed communicate more often and directly with citizens. And that will become a great unifying, progressive asset for the country.

Aspiring leaders must commit themselves to experimentation and trial-and-error in this area. They must innovate. They must bring creativity, artistry, and authenticity.

These qualities are in abundance among younger citizens. We have every reason to believe the historical pattern of communications technologies improving our national and international narratives after initial disruptions will hold. Instead of denying the importance of how Trump communicates, rising leaders must reorient social media for reform purposes. This is a promising field for young future presidents and their teams.

A Pivotal Decade

The decade after Trump's presidency will be pivotal for the national executive. Reformers would do well to find new ways of building legitimacy for presidential power. The presidency was not designed to represent a part of the nation or to cater to "the base." Trump's presidency is the culmination of a long line of distortions that have trivialized democratic accountability as goods delivered to mobilized followers. The Trump presidency has squeezed out the interests of the government as a whole and service to the nation at large. Narrow instrumentalism of this sort strains constitutional relationships and ultimately threatens the rule of law.

To put presidential power on a firmer foundation, citizens will have to create institutions that promote personal integrity (virtue), diversity (representativeness), and transparency (communication.) A more virtuous, representative, and transparent presidency will be less enamored with great disruptions. It will focus more naturally on a few big issues and implement targeted reforms. It will seek out new ways to persuade and credibly explain its actions. Needless to say, these goals cut against the grain of recent developments. A presidency better attuned for American democracy in the twenty-first century will be neither "imperial" nor "impossible." The goals of greater citizen accountability and more creative problem solving will be well-served by a smaller and humbler presidency, one focused on fewer promises and tethered more closely to ethical limitations.

The hope is that the excesses of the Trump presidency will prompt a more cautious nation to support constructive changes along these lines. The evolution will be painful but productive. It fits with the broader pat-

tern of democratic evolution that Tocqueville described so well. Change in American politics happens fast, after long periods of stasis, and it follows clear evidence of the ugly and imperfect undersides of American leaders and institutions. The most innovative and successful presidents have always followed the worst.

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Jemi Suri

presents an urgent opportunity to think anew, and to engage Americans from every part of America.”

—Tim Wirth, former U.S. senator from Colorado; president emeritus, United Nations Foundation

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—Frances Moore Lappé

Democracy Unchained

HOW TO REBUILD GOVERNMENT
FOR THE PEOPLE

Edited by
David W. Orr,
Andrew Gumbel,
Bakari Kitwana,
and William S. Becker



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To John Powers

*The Master doesn't talk, he acts.
When his work is done,
The people say, "Amazing:
We did it, all by ourselves!"*

—Lao Tzu¹

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FOREWORD

Democracy Unchained: How to Rebuild Government for the People

Like a house with a leaking roof, sagging floors, broken windows, and a crumbling foundation, American democracy is suffering from decades of disrepair. The challenge of reforming and updating democratic institutions would be difficult enough in “normal” times, but we do not live in normal times. The pace of change is faster than ever, the problems bigger, the corruption deeper, the risks more global, the time to prevent the worst that could happen is short, and the consequences of further delay beyond reckoning.

The election of 2016 exposed how vulnerable our democracy has become to social and economic divisions, foreign influence, and brazen demagoguery. We have stumbled into a “post-truth” world—a house of mirrors in a circus of the bizarre. Porn stars and illicit payments, corruption and emoluments, WikiLeaks and fake news, *Barr v. Mueller*, the alt-right and white supremacists, an unstable and impulsive president with his “base,” coal versus solar, an avalanche of mendacity, Russians in the shadows. Up is down, black is white, in is out, truth is fake. Democracy is always at risk to deceit and to those who refuse to abide by the rules and procedures necessary for civil civic discourse. Absent a decent regard for truth and respect for the law, however, democracy dies, and with it “the last best hope of earth.”

The conversations that led to this book began at a three-day conference on “The State of American Democracy” at Oberlin College in November 2017. We intended to clarify the historic and institutional origins of the election of 2016 and the growing risk that we are coming unmoored from our history and our highest values. Conservative writer David Frum puts it this way: “We are living through the most dangerous challenge to