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U.S. Democracy Shortcomings

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The U.S. Supreme Court ruled 5 to 4 in January this year that the government could not limit spending by U.S. corporations and labor unions that favored particular candidates in upcoming elections. This reversed many earlier decisions. The reasoning of the majority was that the government could not regulate political speech. The concern of Democrats is that large corporations would generally favor Republican candidates and be able to exert great influence over electoral outcomes because of their deep pockets, while the pockets of labor unions that would favor Democrats are far shallower. These concerns will be tested for the first time in the November elections.

Democrats in the U.S. Senate have been trying to enact legislation that would require disclosure of actual corporate spending and the candidates this money supports, but have thus far been blocked from taking up such legislation because of the inability to obtain the 60 votes needed to open debate. The Republican leadership in the Senate has argued that the Democratic desire for these disclosures would restrict free speech, but surely transparency is a central feature of democracy.

There are other limitations on democracy in the United States. The U.S. Senate is itself a deliberate contradiction of democracy in that each state, regardless of size, has two senators; each California senator represents 18.5 million people, and each senator from Wyoming represents fewer than 300,000 people. The very fact that 60 votes and not a simple majority of 51 are needed to open debate in the Senate is undemocratic. Much has been written over the years about the U.S. Senate being one of the world's most important debating institutions—and, indeed, there have been great debates in the Senate over the years—but this cannot be stated with a straight face today. Instead, the Senate is turning into the greatest nondebating legislative body among the democracies of the world.

Other nondemocratic features of governance in the United States can also be cited:

- Majority parties in many states can gerrymander districts to limit choices of the electorate; to a great extent, this explains the relatively small turnovers in the U.S. House of Representatives;
- The widespread use of state and local spending limits favors incumbents;
- Many states and localities impose substantial hurdles for nontraditional candidates to get on ballots.

During the Bush vs. Gore presidential election in 2000, the U.S. Supreme Court first stopped a recount of votes in Florida when it appeared that Al Gore was winning the state and then effectively declared Bush the winner of the national election that hinged on the Florida outcome. These questionable actions also demonstrated an opposite conclusion—namely, upholding the tradition that decisions of the Supreme Court are final.

One should not conclude from the foregoing recitation of undemocratic actions that the United States is not a democratic nation. Looking at the totality of U.S. history demonstrates precisely the opposite—that the United States is a highly democratic nation and one that usually corrects limitations on democracy. Giving the vote to women and to minorities, especially African Americans, is a powerful example of the latter. We are today witnessing examples of the power of U.S. democracy even as the nature of elections has become “incorrigibly stupid” (citing E.J. Dionne in the *Washington Post*).

We are witnessing victories in primary campaigns across the nation of persons whose main qualification—in some cases, *only* qualification—is their antipathy to actions contemplated or taken in Washington, D.C. This is particularly true in Republican Party primaries for Senate seats and governorships. The strength of the Tea Party movement is based largely on the party's anti-Washington credo. Many electoral victories are based on contradictory

positions, such as lack of help from Washington to deal with economic hardships and opposition to spending by the federal government. The governor of Louisiana criticized the paucity of federal government help in dealing with the oil spill in the Gulf of Mexico even as he was critical of government involvement in state and local affairs. The opposition to the administration's health care legislation, based largely on the fear that it will give too large a say to the federal government, went hand-in-hand with the great fear that Medicare, a government program, might be compromised. Let's have more government involvement ("don't take away our Medicare") and let's have less government involvement in health care (because that smacks of socialism).

The Republican Party strategy in both houses of the Congress is to just say "no" to most proposals made by the Democrats, even of proposals Republicans supported when they were in the majority, such as a bipartisan committee to deal with fiscal deficits. An interesting debate is taking place within the Republican Party whether it might be wise to give reasons for their opposition, and the conclusion up to now has been that it is more effective not to explain. The strategy is working in that recent public opinion polls show that Republicans are gaining support among independent voters. This allows Republicans to deplore current U.S. unemployment even as they vote against providing fiscal stimulus to help create jobs. The congressional Republicans have a contradictory position that seems to be working—to oppose spending that increases government deficits even as they advocate tax reductions that would reduce government income.

The November 2010 congressional elections may provide a moment of understanding as to which political party's tactics appeal more to the electorate. The words "may provide" reflects the reality that midterm elections generally lead to the diminution of support for the party in power. Much depends on whether Democrats retain their control in one or both houses of Congress or whether such control shifts to the Republicans. There is no certainty about which of these outcomes would be better for President Obama if he seeks reelection two years later.

One can ask a different question about U.S. elections: Is it the state of the economy, stupid, that determines outcomes? Or, if not the actual state, the trend of the economy? The U.S. economy has its points of strength and weakness—it has recovered from the "great recession" in 2009, but it is not clear how steady this recovery will be about September 2010. If the state of the economy is the central explanation of why incumbents do well or badly, this implies that the tactical techniques used to influence electoral outcomes are marginal. If one accepts this viewpoint, the anti-Washington sentiment that attracts so much current attention is more

noise than bedrock opinion. The noise may become deafening if the economy looks weak around mid-September or may dissipate in the unlikely situation that the economic data will look stronger at that time.

Democracy manifests itself not only in electoral contests, but even more importantly in the daily lives of Americans. Free speech is one such right, but even this is limited under certain conditions. Protection of the civil rights of Americans is another example, and the reason that institutions such as the American Civil Liberties Union exist is that limits on civil rights are often imposed.

The United States clearly is a republic (citizens "pledge allegiance to the flag of the United States and to the republic for which it stands"), but much has been written over the years about the combination of "republic" and "democracy." The strength of democracy has been demonstrated many times in U.S. history, but it is also evident that severe limits have been placed from time to time on the fullness of this democracy. There are many reasons for these limits; they include the power of tradition (women's suffrage is an example of this), the desire of incumbent office holders to perpetuate their incumbency (gerrymandering), the seeking of advantage by political parties over opponents (spending limits placed on electoral candidates), and concerns that arise in times of turbulence (out of fear of undermining governmental powers). There is much validity in the warning that eternal vigilance is needed to protect liberty.

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