

20
YEARS

Stanford

Center on Democracy,
Development, and
the Rule of Law

Freeman Spogli Institute

CONFERENCE MEMO

Democracy's Racism Problem

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PANEL 4:

Defending Democracy at Home and Abroad

ABOUT THE CONFERENCE:

"The Autocratic Challenge to Liberal Democracy and the Future of Global Development: The World 20 Years After the Founding of CDDRL" was a one-day workshop examining the state of democracy and development today held on November 4, 2022, in celebration of CDDRL's 20th anniversary.

The workshop brought together current and former CDDRL scholars to understand the causes and consequences of these global challenges, and to advance a research agenda that can underpin an era of democratic renewal.

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Democracy's Racism Problem

Memo prepared by Prof. Hakeem Jefferson, with assistance from José Gandara

Central to the promise of American democracy is this oft-repeated line from the Declaration of Independence: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness."

Despite the brilliant eloquence of these words, there has always been a gap between this ideal and the reality of this nation's treatment of those who belong to marginalized groups. In fact, [a majority of those who signed the Declaration of Independence owned slaves](#), and others benefited directly from the "peculiar institution" of slavery. According to some estimates, "[more than 500,000 Black Americans were \[enslaved\]](#)" when the Declaration of Independence was signed. So, when asked by the Ladies Anti-Slavery Society of Rochester, N.Y., to speak on the occasion of the Fourth of July in 1852, Frederick Douglass, a noted abolitionist born into slavery, [chose to speak on July 5th](#) instead, and delivered a powerful rebuke of the nation's blatant hypocrisy. Standing before a crowd of white people, Douglass famously asked, "[What, to the slave, is your Fourth of July?](#)" In answer, Douglass remarked that it is "a day that reveals to him [the American slave], more than all other days in the year, the gross injustice and cruelty to which he is the constant victim."

More than 170 years after Douglass's now-famous address, we find ourselves again at a moment of reflection—at a moment of crisis for American democracy. And though it is indisputable that much progress has been made since the abolishment of slavery and the passage of various pieces of civil rights legislation throughout the 20th century, there remains an inconvenient truth regarding the health of American democracy: [it suffers from a racism problem](#).

A few key points:

- 1. Attempts to burden the franchise continue as Congress fails to act and a conservative majority on the Supreme Court appears poised to further weaken protections that have long guarded against racial discrimination in the American electoral system.**

One of the minimal standards for a democracy is that it holds "[free, fair, and frequent elections](#)." By this standard, [American democracy, in as much as it exists, is even younger](#) than some may wish to acknowledge. And there is reason to worry that, if left unchecked, the country will fail to meet even this bare minimum standard.

Today, brazen attacks on the franchise and attempts by Republican elites to subvert the will of the people threaten to undo the progress made since the passage of the [Voting Rights Act of 1965 \(VRA\)](#). This landmark piece of legislation, signed into law by President Lyndon B.

Johnson, set out to make real the guarantees of the Fourteenth and Fifteenth Amendments to the United States Constitution. These Amendments were, as Supreme Court Justice Ketanji Brown Jackson recently argued, [anything but race-blind](#). They were *race-conscious* Amendments to the Constitution that sought to bring about some measure of political equality to newly freed Black Americans. And these Amendments empowered Congress to enforce their provisions through “appropriate legislation.” The Voting Rights Act of 1965 heeded this important call.

It is difficult to overstate the [historical significance of the VRA of 1965](#). Before its passage, [discrimination in voting across the United States was pervasive](#), especially in the South. Sometimes through [violent means](#), white Americans sought to disenfranchise Black people whose political rights were ostensibly guaranteed by the passage of the Reconstruction Amendments. Alongside the use of racial violence and intimidation, [states passed laws that further attempted to circumvent the guarantees of the Fourteenth and Fifteenth Amendments](#). These laws varied across states, but many imposed barriers to the franchise, including poll taxes, literacy tests, and “grandfather” clauses that required that one’s grandfather had the right to vote for an individual to enjoy the right himself. The VRA outlawed such provisions and, in doing so, went a long way in helping create some sense of multiracial democracy in the United States.

Today, an activist conservative majority on the United States [Supreme Court appears poised to further weaken the VRA](#), an effort it began in earnest in 2013. That year, in [Shelby County v. Holder](#), the Court held that the “coverage formula” in Section 4 of the VRA is unconstitutional. To understand the importance of the Court’s decision in *Shelby*, it is worth noting what the coverage formula did. The coverage formula determined which states and local jurisdictions would be subjected to the VRA’s special provisions, including the requirement that these jurisdictions get federal approval for any changes to election laws. According to the Court’s reasoning, such a formula may have once been necessary—when racial discrimination in voting was rampant—but today, such a formula is not needed and is, therefore, unconstitutional. As [Justice Ginsburg remarked in dissent](#) at the time, “Throwing out preclearance when it has worked and is continuing to work to stop discriminatory changes is like throwing away your umbrella in a rainstorm because you are not getting wet.”

Ginsburg’s dissent would prove rather [prescient](#). On the sixth anniversary of the decision in *Shelby*, the Brennan Center for Justice reflected on the state of voting rights in a post-*Shelby* world. [Here is what they wrote at the time](#):

The day the *Shelby* decision was handed down, Texas officials announced their intention to implement a strict voter ID law that had previously been denied preclearance – a law that the federal courts eventually found to be discriminatory, following years of litigation. Soon after, Alabama and Mississippi followed suit with their own photo ID laws, and North Carolina passed an omnibus election law that included restrictions such as strict photo ID and cutbacks to early voting. A federal court later struck down the North Carolina law, finding that it had been passed with a discriminatory purpose.

And last year, in 2021, an [analysis by the Brennan Center](#) found that “Between January and December 7, at least 19 states passed 34 laws restricting access to voting.” Additionally, the report found, “More than 440 bills with provisions that restrict voting access [were] introduced in 49 states in the 2021 legislative sessions.” These numbers, the Brennan Center reported, were “extraordinary;” state legislatures enacted far more restrictive voting laws in 2021 than in any year since the Brennan Center began tracking voting legislation in 2011.”

Even as evidence continues to mount that [racial discrimination in voting persists](#), efforts to strengthen and expand the Voting Rights Act have [stalled in Congress](#), despite [arguments from scholars](#) that doing so is imperative for safeguarding democracy and protecting the rights of racial and ethnic minorities.

Without action from Congress and the Courts, this much is clear: the project of multiracial democracy will continue to be undermined in the United States and will be [particularly burdened in states controlled by Republicans](#).

2. Anti-democratic efforts, including the attack on the Capitol, reflect a belief among some white Americans that they are entitled to uncontested power in American politics and American society, more broadly.

The perception that white identity is under threat creates a constituency for democratic backsliding. As I have [written](#) and [discussed elsewhere](#), the insurrectionists who stormed the Capitol on January 6th were not simply coming in defense of Donald Trump; they were coming in defense of white supremacy.

We know, from existing scholarship, that [white identity](#) is an increasingly salient feature of white Americans’ politics. This increased salience, scholars argue, corresponds with white Americans’ increased sense that they are losing power in the United States. And these perceptions matter. For example, perceived threats to the racial group’s status have been found to correspond with [increased Republican identification, more racially conservative views](#), and with [decreased support for welfare](#).

This reality is hardly surprising, and is one anticipated by the early work of sociologist Herbert Blumer who, in 1956, delivered remarks that would become the basis of a 1958 piece, “[Race Prejudice as a Sense of Group Position](#).” Blumer’s group position theory teaches us that racial prejudice in a dominant group stems from “(1) a feeling of superiority, (2) a feeling that the subordinate race is intrinsically different and alien, (3) a feeling of proprietary claim to certain areas of privilege and advantage, and (4) a fear and suspicion that the subordinate race harbors designs on the prerogatives of the dominant race.” Sound familiar? Consider today the language of “[replacement](#),” and the frequency with which [conservative elites invoke existential threats to the racial status of white Americans](#). Fox News host [Tucker Carlson](#), for example, has [warned](#) on his show that Democrats are welcoming “An unrelenting stream of immigrants ... to

change the racial mix of the country, to reduce the political power of people whose ancestors live here, and dramatically increase the proportions of Americans newly arrived from the Third World.” The Great Replacement Theory is dangerous: only months ago it [inspired the white supremacist mass shooter](#) who killed 10 people at a grocery store in a predominantly Black area of Buffalo, NY. It is also incredibly widespread: [67 percent of Republicans believe demographic shifts are planned](#) by “liberal leaders actively trying to leverage political power by replacing more conservative white voters.” It should, therefore, come as no surprise that many of these same folks are willing to support a range of anti-democratic efforts, including mob violence, that attempt to weaken the political power of those whom they believe most benefit from inclusive democracy.

In fact, according to work by political scientist Larry Bartels, a key predictor of whether white Americans support various democratic principles is what he terms “[ethnic antagonism](#).” According to Bartels’ findings, the vast majority of Democrats and Democratic-leaning independents have ethnic antagonism scores below the fifth percentile of Republicans, and 98 percent have scores below the Republican average.

Again, many appear to oppose democracy because they don’t like the increasingly diverse *demos* democracy, at least at its best, sets out to serve.

3. Beyond the ballot box, democracy appears in poor health. The state of American policing and the experience of those in race-class subjugated communities makes this clear.

Here, I recommend to the reader a conversation I convened for the *Annual Review of Political Science*, “[Beyond the Ballot Box: A Conversation About Race and Policing in the United States](#).” In this conversation, Professors [Cathy Cohen](#), [Yanilda González](#), [Rebecca Thorpe](#), and [Vesla Weaver](#) discussed the ways that policing redefines citizenship and undermines American democracy. They also reflected on political science’s relatively poor treatment of the topic of policing throughout the years, paying special attention to what the discipline missed by not taking the voices of marginalized people seriously. They end the conversation by considering a path forward for political scientists interested in these questions, and comment on what they view as the possibility for reform of the country’s criminal justice system.

A core insight from the conversation is encapsulated in this remark by Professor Vesla Weaver:

Policing is central to the machinery of racial repression in this country. It is not a bureaucratic arrangement to be studied in ways that disappear institutional arrangements and longstanding historical governing political authority in Black communities, in race–class subjugated communities. And so, one of the things that I’m trying to do across my body of work is to say that policing subverts democracy. And that policing (and the carceral state) is government. It is tied to other aspects of government. It is a race-making institution. Racial authoritarianism is perhaps the longest-standing institutional arrangement in this country. It has shaped literally every freedom struggle in

this country. It has shaped how people come to understand their own citizenship and their own government in ways that I think our field completely missed. As political scientists wrote about pluralism, and representation, and voting, political science became obsessed with understanding citizens' voluntary engagements with government rather than the government coming and kicking their door in.

The conversation invites us to take a broader view in our consideration of the health of democracy to include the perspectives of those who live on the margins of American democracy. Because as I ask in the opening remarks of the conversation, it seems important to ask at this moment, "What, to those who experience the daily harm of policing in this country, is democracy?"

ABOUT CDDRL

Since 2002, the Center on Democracy, Development and the Rule of Law (CDDRL) at Stanford University has collaborated widely with academics, policymakers and practitioners around the world to advance knowledge about the conditions for and interactions among democracy, broad-based economic development, human rights, and the rule of law.

CDDRL bridges the worlds of scholarship and practice to understand and foster the conditions for effective representative governance, promote balanced and sustainable economic growth, and establish the rule of law. Our faculty, researchers, and students analyze the ways in which democracy and development are challenged by authoritarian resurgence, misinformation, and the perils of a changing climate.

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