

## ***Back to the Wild West / Democratie van het Wilde Westen***

***By Kenneth Manusama (March 5, 2024)***

‘Once upon a time’, as the saying goes, an angry mob tried to overrun the Capitol in Washington D.C. in order to prevent the confirmation and certification of a presidential election three months earlier. Rumors had been swirling around the country that something like this may happen, former officials hinted at it, and fears of a possible insurrection had been reported in the newspapers. The day was February 13, 1861, and Abraham Lincoln was slated to become President of the United States on March 4th, 163 years ago yesterday. However, as opposed to January 6<sup>th</sup>. 2021, the federal government was prepared, and soldiers were able to prevent the insurrectionists to enter the building. But February 13th and January 6th have one important thing in common. The would-be insurrectionists tried to thwart progress towards the fulfilment of the foundational, yet false, promise of America. This Super Tuesday, the question is whether progress continues. Or not.

Now, politicians know - or should know - that making promises is dangerous. In 1776, an Enlightened yet slave holding aristocrat from Virginia, Thomas Jefferson, made a promise, he either did not mean, did not mean literally, or just did not know how to fulfil. It was Jefferson who wrote these famous words that most of know into the American 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.’*

It is America’s Promise of Equality, but as I said, a false one at that. Nevertheless, it opened a Pandora’s box of false expectations. Fulfilling this promise has been a struggle ever since, for poor white men, enslaved black people, Indigenous Americans, new immigrants and women. Reckoning with and repenting for the past is America’s fate.

But here is the main point of my book: In opposing the fulfilment of the false Promise of Equality, American democracy and the rule of law have been repeatedly endangered and even sacrificed by those willing to exploit structural constitutional vulnerabilities in the American political system, under the guise of religion and in pursuit of an illusory self-image. Their practical goal? To maintain or establish a permanent minority government to perpetuate their own dominant position, the dominant position of white, Anglo-Saxon Protestant men.

So when it comes to what we have seen during the presidency of Donald Trump, January 6th, and the behavior of the Republican Party, we can quote Taylor Swift: “I think I’ve seen this film before”. And if we go on our own sweeping Eras Tour, we can see how constitutional law, courts, religious militancy, and racial oppression all come together to frustrate the fulfilment of the Promise of Equality, fuelled by industrialization and technological developments, secularization, demographic change and the growth of the power of the federal government.

After the optimism of the Declaration of Independence of 1776, the adoption of the Constitution in 1789 dashed many hopes as it continued slavery and even enhanced the power of slaveholding States in the federal governmental structures. In the early 19th century, a religious fervor would inspire those who wanted to abolish slavery. But it also inspired the notion of Manifest Destiny, the idea that the new Americans were meant to conquer and colonize the entire continent, but in the process committing a slow genocide of the original Americans and spreading and enlarging the enslaved population. The US Supreme Court declared black people - and I quote - ‘so far inferior that they had no rights which the white man was bound to respect, and that the negro might justly and lawfully be reduced to slavery for his benefit.’ End quote. States - old and new - were free to exclude newly arrived European immigrants from participating in political life, especially if you were Irish and/or of the Catholic faith. Yet, both the moral resistance to slavery and the religious justification for it kept increasing, which of course ultimately resulted in the Civil War of the 1860s.

New optimism was found after the end of the Civil War in 1865, when the so-called Reconstruction Amendments abolished slavery, granted citizenship to all, and outlawed racial discrimination in voting. After enslavement, constitutional equality had finally arrived. The federal government tried to enforce it but became distracted with exploring the Wild West instead of securing equality in the South. Terror rained down on the formerly enslaved from the likes of the Ku Klux Klan and ordinary white citizens. Not before long the system of Jim Crow was established, marginalizing black people in the South, but also Mexican-Americans and Asian immigrants in the West. Voting and economic advancement was made almost impossible. Segregation of the races was sanctioned by the US Supreme Court in the case of Plessy v. Ferguson with the term ‘separate, but equal’. Fundamentalist Christian evangelicals found their voice when resisting the social progress in the early 20th century, while the Ku Klux Klan marched in the streets of Washington D.C in the 1920s and America First became a popular slogan. But America First was not only a call to keep America from the world, but to keep the world from America; it was not only America First, but Americans First. With ever flowing migration from around the world, the question for some was - and still is - who is to be included in the term ‘American’.

During World War Two, the hypocrisy of fighting for equality abroad while perpetuating inequality at home became too much for many Americans. A new birth of optimism came when the US Supreme Court decided finally to advance instead of to obstruct the Promise of Equality. 'Separate but equal' was relegated to the dustbin of history in *Brown v. Board of Education* in 1954, which further inspired the Civil Rights movement and resulted in the Civil Rights Act of 1964 and the Voting Rights Act of 1965. After enslavement, constitutional equality, the protection and actual advancement of equality had arrived. But in the context of the Cold War, fears of communism and this uprooting of the social order had sparked another religious awakening with pleas to subject oneself to Jesus. Politically, groups like the John Birch Society advocated extremism to combat those fears. A broad conservative movement, partially motivated by religion, started to arise and was harnessed in the Republican Party by Richard Nixon through to Ronald Reagan. On the surface, a colorblind society was the new goal, but the War on Drugs became the new Jim Crow.

The improbable election of Barack Obama in 2008 is the latest moment of optimism. From enslavement, constitutional equality, and legal protection to equal participation and equal opportunity. Obama sparked a now familiar backlash that Americans are still experiencing today. But in this era, there is something fundamentally different, giving rise to fundamentally different kinds of resistance. As the Tea Party ratcheted up the rhetoric against Obama, the Black Lives Matter movement erupted on the scene. Why? Because after Obama's election finally promised equal participation and opportunity, the heirs of the enslaved are now demanding their equal position and equal treatment in society at large. And rightfully so. And a fundamental shift in demographics, the growth of non-white minorities, is about to overtake the historically dominant white part of the American population. And I would uncontroversially argue that those pressures explain the explosive rise of Trump's Make America Great Again movement, as much as it is desperate and ultimately futile. And that people now openly talk about and openly adhere to White Christian Nationalist ideas is an ominous sign. On the battlefield of politics, the US Supreme Court has also placed its thumb on the scale by steadily eroding the legal protections adopted in the 1960s. Everyone should know the case of *Shelby County v. Holder* and the consequences of that decision.

So, what is it that MAGA is pursuing? Is it going back to the 1950s? The 1850s perhaps? I would argue that already Ronald Reagan's borrowed image of a City on a Hill harkens back to the Old Frontier and the Wild West of the late 1800s. A Democracy of the Wild West. But not the real Wild West, but as it is portrayed in the 1940s and 1950s western movies of cowboys and Indians. An America that has never been, in which non-white minorities and women know their place and

LGBTQ+ people do not exist; in which local government is scant, the federal government far away, where everyone fends for themselves; and an America in which the fear of God resides in everything and everybody.

I have talked now at length about why American democracy has struggled, but half of the book is about how democracy could be allowed to struggle. There are three structural features in the American system of government that imperil its democratic character. First, its federal structure. With each state having two seats in the Senate irrespective of population makes it unrepresentative of the American populace, having also its effects on the Electoral College through which presidents are elected. I am sure this audience is familiar with it.

Secondly, and perhaps most importantly, according to the Constitution the time, place and manner of all elections - federal and local - are determined by each State itself. A majority in the state legislature becomes the political crown jewel. Voter suppression in all its forms to this day is locally driven. Although authorized by the Constitution, the federal government has been unable and unwilling to place parameters on local election laws.

Third, the office of the president itself is a clear liability. Written into the Constitution with the virtuous Father of the Nation George Washington in mind, the presidency consists of few clear boundaries; it is surrounded by unwritten, almost unenforceable norms like transparency, good faith, service and acting in the public interest. Only the ballot box, and maybe impeachment by Congress are hard checks on the American President. As I mention in the book a few times: Enter Donald Trump.

Donald Trump brings us to another vulnerability of American Democracy, and that is democracy itself. I have gotten some criticism the last couple of years, of course on social media, about being so anti-Trump. I guess I am, but I'd rather formulate it as me being pro-democracy and pro-rule of law. If anything, democracy is only as good as those who use it. And we all do, citizens, politicians, civil servants, lawyers, judges. Because democracy and the rule of law depend on the good faith of a substantial majority of all of these actors. If only a minority is of such good faith, you open the door to a movement that is able to capture an entire political party, that dances to the tune of its unscrupulous Leader whose carelessness and recklessness with the democracy with which they are entrusted, endangers the nation. As a great American judge Judge Learned Hand, wrote: 'Liberty lies in the hearts of men and women; when it dies there, no constitution, no law, no court can even do much to help it.'

There is no mistaking that the MAGA movement is marching towards authoritarianism. Its plans can be found online. Just google Project 2025 or Agenda 47. In their pursuit of a Democracy of the Wild West, MAGA is willing to break democracy by executing the authoritarian playbook. Mass deportations of predominantly non-white immigrants; prosecuting political opponents, deploying the military within the United States to quell unrest; install political loyalists throughout the bureaucracy, and using that bureaucracy to stifle dissent within and outside of government; Using federal law enforcement to do the same, on the basis of for instance the Alien Enemies Act; stifle reproductive and LGBTQ+ rights; and ultimately, refusing to leave office after losing an election. All of that, in order to establish a Democracy of the Wild West. On this Super Tuesday, the stakes for Election Day in November could not be clearer.