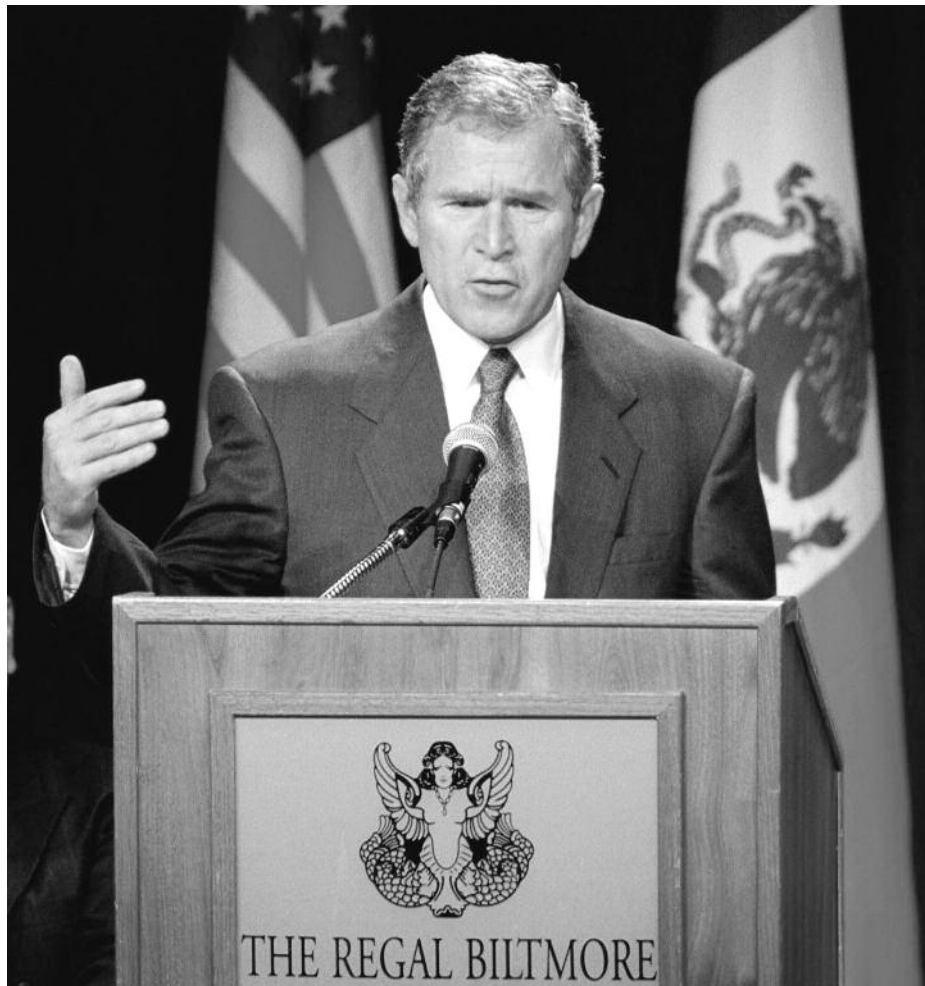


U.S. Democracy in Crisis?

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After a prolonged political and legal battle, President-elect George W. Bush.

When this issue of *Voices of Mexico* was in the planning stages, we agreed to include an article about democracy in the United States that would encompass the November election results. No

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one ever imagined the hair-raising political uncertainty that the United States would still be experiencing. How can one of the oldest modern democracies suffer from this kind of paralysis at the beginning of the twenty-first century?

Perhaps one of the most interesting and successful political experiments

of modern times has been the U.S. democracy. Federalism's founding fathers created a normative structure to balance popular participation with good government. They appealed to the people but distrusted the masses and established filters to avert both anarchy and tyranny. More than an ideal soci-

ety, they sought to create laws that would resolve the problem of order without falling into either absolute power or unredeemed populism. This meant that they did not imagine and aspire to an ideal society, but that, à la Hobbes, recognizing individuals' interests, passions and selfishness, they attempted to build not a Leviathan, but a filigree of checks and balances that would result in, if not the best of

from the whole process. Nevertheless, if we compare U.S. democracy with that of other countries of the time, in 1776, we can indeed see just how innovative its great political experiment was.

Today, Afro-Americans, women and young people can vote. However, the U.S. continues to have indirect elections: through this system, the winner of the popular vote—even if only by

ing only the popular vote, campaigns would ignore small states and put all their efforts into those where the majority of the population resides. If we look at the two main campaign strategies in the recent elections, we can see how Albert Gore concentrated almost exclusively on the large states, while George W. Bush designed a strategy that also tried to win the small ones. There is really very little incentive, then, for small states to change the current electoral system, which gives them great importance in their cherished federal system.

The 2000 election is undoubtedly a watershed in U.S. political life and its effects are still not completely clear, its rhythms and undesired consequences still not completely tangible. This poses several questions.

The first question that I would like to ask is why we are not celebrating a landslide victory for Democratic candidate Al Gore, as the positive economic indicators over the last few years would have led us to believe likely. The economy grew by 4.5 percent and unemployment dropped to one of its historic lows, 3 percent. The economy grew constantly in the eight years of Democratic President William Clinton's administration, a record without precedent in the last century. In my opinion, Al Gore was unable to reap the rewards of those successful Clinton years because his campaign strategy included the need to also distance himself from the outgoing president with regard to moral questions. He did not want to base his campaign on Clinton's victories, perhaps because of his own personal relationship or his own personality. Unfortunately for the Democratic Party, he managed to distance himself not only from the

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governments, minimally the least bad of governments.

One of the great dangers envisaged by Jay, Hamilton and Madison was the threat of power in the hands of the masses, easily manipulated by powerful economic groups, that could become either a tyranny of the majority or anarchy.

Their idea, curiously, was to defend the minorities; not, obviously, the minorities of today, with their own interests and origins, but the minorities of large property owners, in contrast to the majority: the dispossessed masses.

That was why they did not opt for direct elections and designed a complex electoral system. What is more, the founding fathers thought that those who did not pay taxes should not have the right to vote: to have rights, you had to also shoulder obligations. And forget about Afro-Americans, women and young people, all totally excluded

one vote in a state— takes all the electoral votes for that state. The only exceptions are Maine and Nebraska, which gives a certain number of electors to the winner and the rest to the loser. This electoral system has worked well except on four occasions in the nineteenth century. However, some surveys have shown that, following the post-November-7 controversies, more than 65 percent of the population thinks the electoral system should be changed. This will probably not happen, however, mainly because such a change would require a two-thirds vote in both the House of Representatives and the Senate and approval by a majority of state Congresses.

Support for such a reform would be difficult to gather mainly because the small states would almost certainly come out against it. If elections for the presidency were direct, consider-



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When he picked Joe Lieberman, a Democratic senator who had attacked Clinton during the impeachment process, to share the ticket, the vice president separated himself from the moral criticisms of the president during the Lewinsky case. Gore's campaign speeches did not, however, clearly recognize Clinton's successes, which, despite the moral problems, still give him among the highest job-approval levels for any president in the last year of his term.

Albert Gore seemed to be the perfect candidate. On the plus side, he was part of an administration that had scored undisputed victories in the economy, and he personally seemed

morally beyond reproach. Today we should be watching his landslide victory, but as things stand, no matter which of the two candidates is proclaimed the winner, he will not have a clear, decisive mandate.¹

As things stand now, if George W. Bush confirms his narrow victory in Florida, he will have sewn up the majority of the Electoral College. However, Gore will have won the majority of the popular vote. The difference at the time of this writing was only 537 votes, which means that if new districts count their votes again, Gore could take Florida. We must not forget that this is a fight for the most important political post in the world. Therefore, neither candidate will be willing to step down because of mis-

takes in the count, mistakes that usually go unnoticed but that in this election have become crucial because they make the difference between being the president of the United States or not. For that reason, the peculiar situation in Florida—governed, by the way, by the Republican candidate's brother, Jeb Bush—favors Gore when he argues for the need to do a recount “for the victory of democracy.”

Whoever wins and takes office January 20 will, in the best of cases, be presiding over a divided government and, even worse, a society in conflict electorally. Even though the Republicans have a majority in the House, it is only by 8 or 9 seats. So, even with a Republican president, Republican representatives will hike up the cost

of their votes since it would take only a handful of them to upset or even block the executive's work by throwing their support to the Democrats. The Senate will probably be even, with 50 Democrats and 50 Republicans, if the last seat in dispute goes to the Democrats. Under these circumstances, clearly the future president will have difficulties in governing.

with a Congress divided almost down the middle between the two parties with a slight advantage for the Republicans. We would be talking about a constant threat of gridlock and paralysis of the administration.

Clearly, neither of the two candidates could carry out the major changes they promised and, curiously, they would have a very similar agenda. Who-

of the chief executive is fundamental. Also, the effects that political uncertainty may have on the U.S. economy and that of the world as a whole are considerable.

During the campaign, both candidates resorted to what seemed the best salesmanship in the political market. Both presented themselves so much at the center of the spectrum that it was practically impossible to tell them apart. They were extremely cautious about the key questions: for example, Bush on abortion or Gore on gun control. We can say that the electorate lost its place and was unable to tell the difference between the compassionate conservative and the new Democrat on the different issues. That confusion was reflected in the outcome. If we look at the voting results, Bush chalked up points from the hard Democratic vote and Gore from the Republicans. According to the first analyses, the undecided voted for both candidates in equal numbers.

The candidates' differences, although on fine points, were not as insignificant as the campaigns would seem to indicate. In the Florida conflict the Democrats demanded counts and recounts of the votes until the voters' real intentions were clear; while the Republicans thought the rules should not be changed in the middle of the process, because it seemed to them a threat to U.S. democracy and the rule of law.

For Americans, federalism is a fundamental part of their political system. For that reason, it is no small matter for federal bodies to intervene in local matters. Nevertheless, today's circumstances might lead to an intervention in which the final decision about the elections could even be

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Let us imagine the scenario if Bush is the winner. There is a danger that the most conservative groups—knowing that they have the presidency, a Republican Congress and the possibility of naming four Supreme Court justices—could try to dominate the three branches of government. The Christian Coalition could impose an agenda on its Republican president to carry out the longed-for “conservative revolution” that Newt Gingrich talks so much about. What would be almost impossible for a president with a Congress so evenly divided between the two parties would be to try to make any profound, polemical reforms. George Bush, despite controlling the majority of the three branches of government, would not have a mandate and real, total control.

In the other scenario, with a victory for Al Gore, the obstacles a Democratic president would face are clear,

ever finally sits in the Oval Office will have to deal with the challenges of education, the problems of social security and access to health services and medicine for senior citizens. What is more, a weak president would be more tempted to resort to confrontation and war in his foreign policy since the U.S. public always supports presidents more in times of crisis overseas.

I should also point out the role that both parties' centrist groups will play in Congress, given that they will have to build the bridges needed for the government not to become paralyzed.

This means that, regardless of who is president when this issue of the magazine goes into circulation, the winner will have little room for manoeuvre. What should be a concern for us, given that, is that he will also have little room for manoeuvre in matters of foreign policy, where the leadership

made by the Supreme Court and the federal Congress —U.S. legislation and political traditions both make it a possibility— when they make use of their attributions to ratify or rectify the vote in the Electoral College. The Supreme Court, in fact, has already announced its intervention by agreeing to hear the suit brought by the Republicans against the new vote recounts in Florida and the Democrats' suit against the decision to certify the vote in Florida and the assignation of its 25 members of the Electoral College to George W. Bush, giving him 271 votes, versus the Democrats' 267, the closest vote in history. The checks and balances between federal and state powers must respect each body's jurisdiction to a maximum. Each state has its own electoral laws and designs its own ballots.

It is highly probable that this election will stimulate an interesting discussion among academics and politicians alike about the U.S. electoral system. But in the end, the most likely outcome is that it will remain the same. Nevertheless, U.S. citizens should remember —just as we know very well in Mexico— that democracies are expensive, and similar federal procedures and rules are needed to ensure greater certainty about election results.

The most delicate question at this crucial moment was that no one could clearly see the outcome. And the proof is the interminable series of suits and appeals that have complicated matters more and more, leading everyone into an unpredictable legal labyrinth.

Undoubtedly, the 2000 electoral process has been a major learning experience for U.S. citizens, many of

whom did not vote at all because they either thought things were fundamentally all right or that their vote would not make a difference. In 1996, only 49 percent of the electorate voted, and in 2000, just 50 percent did, also a low turn-out. More than 65 percent of those who did not vote this year, later said they were sorry when they realized that their votes really did

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make a difference. The important lesson here is that the degree to which citizens participate, even in the most consolidated of democracies, is the factor that decides the political future of nations.

Given everything we have considered, we can again ask ourselves the question: Is U.S. democracy in a fundamental crisis, a crisis so severe that its very existence is threatened?

For there to be a constitutional crisis, one of the branches of government would have to not follow the orders that another branch rightfully gave it, or the members of the Electoral College would have to not take a vote. None of that was out of the realm of possibility, even though it did not happen.

The United States is going through a critical moment, but, as I have already said, this experience will serve as part of a general revaluing of its democracy

and electoral system. Other countries would probably have been the scene of major unrest if they had had elections that close. In the United States, in general, people resorted to the right mechanisms to try to deal with the situation. Its democratic structure was effective enough to resolve an extremely difficult situation and the loser will finally accept defeat. Nevertheless, this does

not mean there have been no costs. I will just mention three: first, the institutions themselves were brought into question by accusations of partisan dealings; second —and this is more sensitive— the legitimacy of the presidency has been questioned since, whatever the result, presidential power will be objected to by a large part of the population; third, some people have talked about usurpation of functions in different bodies of the complex structure of checks and balances in U.S. democracy. ■■■

NOTES

¹ At the close of this edition, the Supreme Court had voted to stop the recounts and Al Gore had recognized George W. Bush as president-elect. [Editor's Note.]