

This July 4th the struggle for American democracy is more urgent than ever

Written by Wisconsin Examiner Republish

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“There is a direct through line from the anti-majoritarian movement to overrule Roe and the anti-democracy efforts of the last decade.” – Nicole Safar, executive director of Law Forward

MADISON - In America, we believe in our democracy — we believe it stands for one person, one vote and the basic principle that the majority rules. We believe fervently in the freedom to vote. In fact, last month Justice Samuel Alito told us that, if we didn't like his radical opinion in *Dobbs v. Mississippi*, overturning 50 years of precedent and eliminating the right to bodily autonomy and family creation for women and people who can get pregnant, we could just express our preference in the next election. Problem solved.

In America, we believe a story about our democracy — the freest and fairest in the world. Yet, our government systems don't reflect this deeply held belief. Historically and in contemporary America, this is by design. Our system of democracy is marred by political inequality, and we face a coordinated effort to keep it that way.

Think about it, both our U.S. Constitution and the 1849 Wisconsin law banning abortion were written by white men who thought it was OK to own other people as property. Africans and Indigenous peoples were enslaved for the economic benefit of white men. They considered their wives and daughters assets, controlling both their productivity and their reproduction. And the democracy they built was grounded in that political inequality specifically to consolidate their power over those they deemed lesser members of society.

But this is only one side of the story. Since our country's founding, and many times during our history, we have come together across race and geography, class and gender, to fight for a better democracy with greater political equality. Sometimes, we succeeded—during Reconstruction a multi-racial coalition demanded adoption of the 13th, 14th, and 15th Amendments which were meant to protect both bodily and family autonomy. We came together to expand the franchise to white women and people of color, then later to those between 18-21 years old. We came together to protect that freedom by passing and repeatedly reauthorizing the Voting Rights Act and then the Americans with Disabilities Act. We came together to elect the first Black president of the United States and then, four years later, the first woman, the first Black American, and first South Asian American Vice President.

Yet, not even two years after that last step, those historic successes feel deeply out of touch with our reality at this moment. Today in America, rightwing forces are engaged in a coordinated effort to thwart the will of the people — at the ballot box, in the judicial system, and through violent mobs — and to again consolidate power among a wealthy, white few. Last month's Supreme Court decision in the Dobbs case and the events surrounding and leading up to the Jan. 6 attack on our country harken back to the original political inequality of our country's founding and are connected in deep and profound ways.

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The echo at our present moment of the darker aspects of our past are no accident; that echo is magnified by a coordinated, carefully constructed effort that has been built by the rightwing legal movement for decades. Historically, the attempt to lock in minority rule is strengthened by institutions like the Electoral College and the U.S. Senate (seriously, California's 40 million people and Wyoming's 600,000 have the same political representation in the most powerful branch of government?).

Today, minority rule is solidified by a judicial system that blesses extreme partisan gerrymandering — so extreme that, in Wisconsin, Democratic state legislative candidates would have to win more than 60% of the statewide vote to get a bare majority of 50 out of 99 seats in the state assembly. This makes Justice Alito's call to action — "Come on ladies, just vote and your state legislature will protect your reproductive freedom"— ring hollow. The story we tell ourselves about majority rule and the systems our government perpetuates simply do not align.

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The rightwing distortion of our democracy and its efforts to deny fundamental rights work together. There is a direct through line from the anti-majoritarian movement to overrule Roe and the anti-democracy efforts of the last decade.

The rightwing tactics are the same in both efforts: create and disseminate disinformation. In the antiabortion movement, decades of lies about the health impacts of abortion, the risks of pregnancy and the ways contraception works have resulted in thousands of state and federal laws based on inaccurate and biased information.

In the anti-democracy space, Donald Trump's Big Lie, fueled by outrageous and often patently ridiculous conspiracy theories, has spawned hundreds of state laws restricting access to the ballot. But this is the newest chapter in an old story; the even bigger lie of alleged voter fraud, especially in communities where Black and brown voters live, has long been a rightwing tactic (remember Wisconsin's 2011 voter ID law, one of the nation's strictest?). By flooding the zone with bad information and sowing doubt about trusted sources, the right-wing faction makes it confusing and intimidating to figure out what exactly is true about abortion or election results.

This disinformation campaign, in both the anti-abortion and anti-democracy movements, both relies on and perpetuates the over-policing of Black bodies. Overtly threatening criminal prosecution for the exercise of fundamental rights — navigating pregnancy and motherhood or attempting to cast a ballot — means over-regulating the behavior of Black folks, who bear disproportionate scrutiny from our criminal justice system. This has had a devastating impact on our communities, our state and our political equality.

Not only are the tactics for criminalizing abortion and overturning majority rule the same, we even see the same bad actors at the center of both campaigns. In the 1990s, Indiana attorney Jim Bopp represented the domestic terrorist organization Operation Rescue in countless acts of violence perpetrated against women and reproductive health care providers. The same Jim Bopp represented Donald Trump in Wisconsin in his efforts to overturn the 2020 election and is now defending Michael Gableman's sham investigation of Wisconsin's 2020 election.

In 1999, Attorney John Eastman founded a radical anti-abortion organization that has been trying ever since to overturn the constitutional protections for bodily autonomy. The same John Eastman has recently become a household name due to his pivotal role as primary architect of

Trump's attempted coup after losing the 2020 election.

These rightwing actors promoting minority rule are intent on one thing: thwarting the will of the people that is at the heart of our story of American democracy. They take their unpopular ideas (like banning abortion, prohibiting gun-violence-prevention policies, or criminalizing cannabis) and create a narrative about good and evil to justify overturning a free and fair election, discarding a 50-year-old constitutional right, or preventing the peaceful transition of power.

These extremists allow no room for compromise or collaboration. And it's not just violent mobs storming the Capitol steps; in the U.S. Senate these same rightwing politicians refuse to even have policy discussions, using the filibuster constantly to block meaningful debate, which might lead to compromise. Rightwing politicians in the Wisconsin Legislature refuse to even discuss popular public policies like Medicaid expansion, paid family leave, or gun safety rules; when Governor Evers calls them into special session on these topics, they immediately adjourn, without a single minute of floor debate, and the gerrymander insulates them from any consequences that might be expected to follow from their flagrant power grab.

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So what can we do to dismantle our broken systems that ignore the will of the people? Just like we have before, we can come together in a multi-racial, multi-class coalition that demands a new democracy. We can build a better democracy that aligns the working of our government systems with the stories we tell about political equality in America. To start, we must vote like our lives depend on it, because for many of us they do. Even if we are frustrated with current progressive leaders, we must turn out to vote. Yet voting itself isn't the answer, but just the beginning.

Even with political inequality, progressive forces do have power in our country and our state, and we must do everything possible to maximize that power. A potent example of maximizing power is the lawsuit filed last week by Attorney General Josh Kaul asking the Wisconsin judiciary to declare Wisconsin's archaic abortion ban unlawful.

Pursuing lawsuits that defend our freedoms, without fear of the rightwing backlash, is one way

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we maximize our power.

Another example is the passage of our country's first gun-violence-prevention law in nearly 30 years. The coalition that built the power to propel this law was led by youth, communities of colors, local officials and moms across the country. They came together knowing they didn't have to agree on everything, but absolutely agreed that all children deserve the freedom to be safe in their communities and schools. We can set aside our differences and push for the things we agree on. We can and should celebrate these successes.

The last few years have been hard on so many of us. I have been grappling with the intensity of that pain, anger, disappointment and fear over the last week. I have mourned the loss of my bodily autonomy and acknowledge the reality that many people lost it long before me. I'm ready to come together and forge a new path out of the entrenchment of minority rule and the violence of oppression in our communities.

This July 4th let's celebrate a vision of American democracy that includes true political equality. And then let's get to work building a reality that lives up to the stories we tell and the promise of a more perfect union.

The ideas in this piece are informed by legal and political analyst Jamelle Bouie; legal analyst Imani Gandy; and legal scholars Professor Melissa Murray and Professor Leah Littman.

by Nicole Safar, [Wisconsin Examiner](#)
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