Race, presidential power, and legitimacy: the unbearable whiteness of American democracy

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Among the many concerning features of the Trump presidency, the consistent attention to "white identity politics" (Edsall 2017; Bacon 2017; Jardina 2017) has a unique potential for terror and tyranny. This potential derives in part from its violation of contemporary norms. It is not uncommon to hear statements that new administration policies, such as the "travel ban," are "un-American." (Cardona 2017) But such terror and tyranny has even deeper roots in the normal operations of U.S. political institutions, especially the presidency. In this regard, Trump is not so much "unprecedented," as his critics are fond of saying. Instead, his presidency is the most recent instance of a familiar pattern at the intersection of race, presidential power, and legitimacy.

The questions posed for this panel include ones about institutions and individuals, about democracy and its absence or alternatives, and about the unique features of American politics. I argue that U.S. institutions have proven remarkably resilient, though their legitimacy is fragile and easily thrown into disarray by disruptions in the racial order. These patterns suggest that American democracy is simultaneously more resilient and less robust than many prominent accounts would lead us to believe.

Threats to Democracy in 2017

Much has been made of the threats to the democratic norms in the form of media denunciation, demonization of the opposition, and verbal attacks on the judicial branch. None of these are good, and there is real danger in mistaking absurdity for implausibility when we think about the threats to U.S. institutions. However, I argue that the most immediate threats to U.S. democracy are in the elements that are familiar and deep-seated in U.S. politics.

The field of American political development has long identified racial hierarchy as an unfortunate but persistent aspect of American political thought. Identifying "multiple traditions," Rogers Smith offers a cautiously optimistic view: "Although some Americans have been willing to repudiate notions of democracy and universal rights, most have not; and though many have tried to blend those commitments with exclusionary ascriptive views, the illogic of these mixes has repeatedly proven a major resource for successful reformers." Stephen Skowronek suggests instead that different ideational traditions may not be so distinct as to be separable; rather, liberal and hierarchical strains of thought have historically been intertwined (2006).

How have these forces manifested themselves in the Trump era? The first, and most flagrant violation of contemporary norms, is the overt embrace of white identity politics. This phrase is used in place of some of its more provocative cousins, including white supremacy and racism. White identity politics, however, cues into grievance, entitlement, and separatism. Aggrieved white identity makes the polity more susceptible to populist demagoguery. A sense of entitlement and separatism informs policies that

subjugate and isolate. In other words, hierarchy seems to have reemerged, posing a challenge for advocates of egalitarian politics.

This move to "exchanging the dog whistle for a bullhorn" has occurred in the context of deep party polarization. A growing body of research confirms the hunch that polarization isn't just about policy disagreement. Disagreement on the issues is a big part of the phenomenon, of course. However, the two sides are increasingly distrustful and hostile. This struggle can be characterized in terms of legitimacy: the two main sides in American politics distrust each other's motives and cast doubt on each other's election outcomes. This behavior is asymmetrical; Democrats have not yet launched any campaigns comparable to the "birther" movement – but it is not entirely one-sided.

Race is central to this fraying of legitimacy. It is no secret that race is increasingly the central divide in American politics. On the white-black dimension, racial divides are reflected in both demographics and attitudes. Michael Tesler's research reveals that race was "more important in 2016 than in 2008" in determining vote choice, and that one of the central legacies of Obama's presidency has been the "racialization" of attitudes across a range of policy issues (Tesler 2016a, Tesler 2016b). Evidence even prior to Obama's candidacy for president illustrates a shift among white voters, in and outside the South, toward the Republican Party and away from the Democratic Party. Such divisions have prompted outcry on both sides about who counts as a "real" American and which ideas are "un-American." Here we can see elements of Trumpian politics as a continuation of recent political ideas: when Obama was president, his presidency was not legitimate. Now that Trump is president, opposition –from media, from protesters, and from partisan adversaries – is not treated as legitimate.

Although these things are not equivalent, the break over legitimacy extends to both sides. The turn from covert to overt racial appeals has left Democrats with an unappealing dilemma: compromise with a party (or at least a president) that has articulated and tolerated these views, or contribute to the decline of legitimate opposition. (At the time of this writing, Democratic Congressional leaders have had several meetings with Trump to discuss policy issues, reaching a debt ceiling deal and extracting possible concessions on immigration.)

The final threat to American democracy discussed here is the weakness of checks on presidential power. This phenomenon, too, has been widely discussed prior to Trump's ascendance. The dictatorial side of presidential power, along with its critics, are as old as the American Republic. The modern iteration dates back to the "imperial presidency" critique of the 1970s, and recent presidents have weathered arguments that they wished to amass inappropriate levels of unilateral power in foreign and domestic affairs. Complaints about a "new imperial presidency," in the words of Andrew Rudalevige (2004), have been aimed at both executive overreach and Congressional neglect. (Fisher 2004; Chafetz 2017) It is not only Congress's ability to claim its prerogatives that have strengthened the presidency – other institutions, such as parties, have also become increasingly presidency-centric, and delegitimized as institutions on their own. (Klar and Krupnikov 2016, Smith and Azari 2012, Klinghard 2005, Milkis 1995) The Trump era exemplifies perhaps the most dramatic and perverse unintended consequences of the modern, post-Progressive presidency. This century-old turn in

presidential politics imagined the presidency at the focal point of the system, responsive to popular demands and engaged directly with the public. We have a president who dominates the news cycle, whose demagogic campaign has created a base of supporters to whom he responds, and who engages the public primarily through social media.

A historical pattern of race and the presidency

The American presidency has typically been a source of racial preservation, engaging in a careful balancing act to avoid radical change in the racial order (O'Reilly 1995). At times when this has not been true – when the presidents have decisively tipped the scales in favor of a more just and egalitarian order. For a variety of reasons, this essay assumes that the more political potent changes have been those that involve race relations between white and black Americans, rather than policy changes involving immigration.

Presidents, in the words of Stephen Skowronek, cannot help but be politically catalytic. They fare best when the time is ripe to change things, and worst when they cannot reasonably justify the change their leadership brings about. Such an approach underlies an approach to politics that has informed countless research agendas. The president's capacity to disrupt politics has manifested in domestic policy commitments and priorities, in expansive use of war powers, and in ideological pronouncements. At the same time, when it comes to social change, presidents often lag behind, responding primarily to intense political pressure. (Tichenor 1999)

The relationship among presidents, disruption, and racial orders, as a result, is complex and worthy of deeper scrutiny at this moment in U.S. democracy. How should we think about race and the American presidency? Scholars have framed these relationships in terms of policy change, moral character and leadership, and even presidents' personal beliefs and behavior.

However, the question of race and the presidency is about structure as much as it is about individual choices. Particularly in the years leading up to the civil war and those leading up to major civil rights changes in the mid-1960s, presidents have carefully balanced the racial views of their co-partisans. The potency of this historical pattern is striking: for Jacksonian-era presidents, this meant accommodating Southern, pro-slavery perspectives through a series of compromises in legislation and administration.

At the height of the Jim Crow era – and notably at a time when politicians had few qualms about changing the institutional order in other ways, and introducing a host of policies that expanded the role of the federal government into economic life – presidents largely demurred on the question of anti-lynching. As Megan Ming Francis describes (2014), pressure from the NAACP eventually prompted Warren G. Harding and Woodrow Wilson to make anti-lynching statements, but neither put political capital on

the line to pressure Congress. A combination of party politics, personally racist views (in Wilson's case) and broader political imperatives placed stronger action beyond reach.

A complex and ambivalent racial legacy characterizes the "modern" presidents of the New Deal era: FDR, Truman, Eisenhower, and Kennedy. This is deeply puzzling if we assume that personal beliefs and character are at the center of presidential action on race. It is substantially less puzzling if we consider these presidents as the political products of two formidable forces: parties divided over the subject of civil rights, and the expectation that presidents will maintain the racial order. Each of these leaders offered words or deeds that challenged the racial order in some way. Eisenhower chose cautious words, but defended the right of the federal government to desegregate southern schools. Kennedy was slow to act, but made a powerful statement with a moral pronouncement about civil rights in June 1963. FDR's New Deal changed material consequences for many African-Americans but in other ways carefully tiptoed around the edges of disrupting the racial order.

A small group of presidents have led the executive branch during a period when the racial order was challenged in a significant and lasting way. Debates rage about the relative importance of Abraham Lincoln and Lyndon Johnson in ending slavery and enacting civil rights legislation, respectively. But both presidencies came to be associated, in their own times and in retrospect, with the crumbling of a racist status quo (see Hochschild, Weaver, and Burch 2012 for description of the post-1960s racial order).

The third president to challenge the role of the office as a keeper of racial order was Barack Obama. Despite frequent efforts, especially early on, to transcend the racial divide and thus to uphold colorblind ideology, Obama could not help transgressing on occasion, point out that "if I had a son, he'd look like Trayvon." Furthermore, regardless of what Obama said, his mere presence in the White House challenged the office's role as a vector of white cultural and political dominance.

A great deal has been written about Obama in the White House, racial attitudes, and public opinion. It is not the purpose of this essay to rehash this body of scholarship. The purpose, instead, is to put this unique disruption in the context of the longer story arc of race and the presidency. Obama is the first to have embodied such disruption in such a literal way. But his presidency is not the first time the power of the office, usually used to carefully preserve racial order, instead was harnessed in some form to change it.

Each of these cases of presidential racial disruption – Lincoln, L. Johnson, and Obama – yielded similar results in the immediate term. The presidential politics that succeeded each of these presidents shares several key characteristics. First, to different degrees, their successors, Andrew Johnson, Richard Nixon, and Donald Trump, have all embraced the preservation of racial hierarchy, including harnessing state power to achieve this end.

The second feature that unifies these presidencies is that each faced serious legitimacy challenges. Johnson came within a single vote of being removed from office through impeachment; Nixon resigned as impeachment proceedings moved through Congress. Trump's fate is still uncertain; at the time of this writing, an investigation on his campaign's possible collusion with Russia during the 2016 campaign is pending.

What is the mechanism that connects the disruption of the racial order with subsequent legitimacy challenges? Each of these situations was the product of distinct historical forces and circumstances. Yet the key factor in each case is that disrupting the racial order sends ripples into the rest of the polity, destabilizing the basis of presidential power. Notably, none of these presidents initially came to power with a full majority. Johnson became an accidental president after Lincoln's assassination. Nixon won a narrow plurality against Hubert Humphrey, and disaffected Southern Democrat George Wallace (although Nixon and Wallace's vote totals combined could be construed as a substantial majority in favor of law and order politics). Trump lost the 2016 popular vote to Hillary Clinton by nearly three million votes, the most dramatic Electoral College discrepancy in history (Lu 2016).

The troubles of each of these problematic presidencies have been multi-dimensional as well. The articles of impeachment against Johnson and Nixon did not directly relate to their approaches to racial hierarchy; both instead pointed to violations of the law and abuse of executive authority. Questions remain about the precise mechanism that connects the disruption of racial hierarchy to the temporary deterioration of presidential legitimacy. Leading hypotheses include divisiveness in the polity – often associated with the period leading up to the civil war rather than the period after it. The kind of disruption associated with these presidencies suggests that changes in the racial order, which spill over into the political economy, the structure of social life, and the contours of party politics. That these factors appear to have the potential to unmoor a presidency offers a rich vein of institutional hypotheses about the connection between racial orders and the presidency. Some accounts (O'Reilly 1996, Langston 1995) place the president in a central position of agency. While this is not inappropriate, it undersells the importance of the institutional and political context. The project of racial maintenance is a party project before a national one, part of the act of balancing competing perspectives within a president's own base of party support. In other words, presidents' choices in this regard are the product of political constraints as much as individual beliefs. Furthermore, while the mechanisms are not entirely clear, it seems reasonable to hypothesize that changes to the racial order lead to serious disruptions in the nature of political legitimacy in the U.S. system. This fact alone, if it holds up to scrutiny, should prompt us to ask different questions about the premises and prospects of U.S. democracy.

The contemporary scene

The good news is that this analytical lens suggests that democracy cannot be destroyed by a single person, or by even a handful of people. Most political institutions are remarkably resilient most of the time. The bad news is that these institutions themselves often rest on foundations that are incompatible with substantive democracy.

What is different about 2017, and what remains faithful to old patterns? The status quo and the conversation with regard to race have obviously shifted. In the post civil-rights world, the colorblind narrative has dominated much of public discourse (Kendi 2016; Alexander 2011), paving the way for new abuses under facially neutral rules. In this way, the pre-Obama status quo had elements of violence and unsustainability. Obama's presidency upset the tenuous agreements in the post-civil rights world about race in America. This has been destabilizing, but we should not romanticize the earlier compromises, either. The rich contemporary media environment can transmit hatred and misinformation, but its potential to reveal and provoke also holds promise for renewed democratic life. On the other hand, the capacity for collective action in an era marked by suspicion of political parties and social movements remains unclear. History offers some lessons about what has gone wrong, but few blue prints for how to rehabilitate politics without creating new institutions that oppress and marginalize some citizens. It is not obvious that the features of 2017 that make it stand out from the past will be especially conducive to that project. But it is not obvious that they make things any worse.

The real test of the polity is how it fares when the foundations of politics cannot support the weight of governance. Can some kind of legitimacy be reestablished? Pundits talk a great deal about compromise as the basis for moving forward, and certainly a country where each side believes the other is illegitimate is on a collision course with democratic norms. However, the unique features of American history suggest that compromise can also mean kicking hard issues down the road and selling out the interests of minorities and the marginalized. Defending democratic norms and institutions in the age of Trump will be difficult. Creating a democratic polity that is resilient to disruption and capable of contending with our history will be harder still.

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