

Scene On Radio

More Democracy (Season 4, Episode 12) Transcript

<http://www.sceneonradio.org/s4-e12-more-democracy/>

John Biewen: A content warning. This episode includes the sound of police brutality that a lot of people will find hard to listen to.

[Sound: chants of "No Justice, No Peace" at a rally.]

Chenj, we are not a news podcast.

Chenjerai Kumanyika: No, we're not.

John Biewen: We very consciously take a longer view. You know. We try to get at truths about who and what we are as a society that are more evergreen. Uh, but *man*.

Chenjerai Kumanyika: Whew. So this is a series about democracy in America, right? And we posted the first episode as Trump's impeachment trial was getting started. And now here we are in June 2020, we're recording the last episode of our season. And there's a major protest movement. I mean, you could even say a rebellion happening across the country.

John Biewen: We asked at the beginning of season four: hasn't American democracy always been in crisis? And I think our series has shown the answer is yes, but it's sort of like with medical conditions, right? There are chronic crises and acute crises. And right now we've got several immediate emergencies, any one of them historic, layered on top of each other.

Chenjerai Kumanyika: And I think the police are a really good example of that, right? You know, policing is an institution that has been involved in racist violence from its inception.

But the acute problem is the latest murder of an unarmed Black man by a white police officer, George Floyd in Minneapolis. And that sparked a powerful uprising across the country and even across the world. But of course this uprising is about more than just the killing of one man. It's about countless murders of Black people over generations, either committed or condoned by this country, including Breonna Taylor and Ahmaud Arbery just in the past few weeks.

And it's actually about even more than this kind of murder, right. You know, it's about hundreds of years of what the author Robert Allen called domestic colonialism. And I think if you've listened to this season, you kind of understand what he means by that. So I just want to be clear because, you know, I'm hearing a lot of people talking about, Oh, people in the streets, or this is a crisis, you know, in the context of all of that oppression and the failure to achieve justice, when you see people in the streets taking a stand against white supremacy, *that* is not the crisis. That, as complicated as it is, is actually a reason for hope.

John Biewen: So this uprising is happening while we're in the middle of the worst pandemic in a century and an economic collapse that's thrown millions of people into extreme financial trouble. Thanks to a weak, you might say callous, response by our national leaders to the pandemic and to the economic ramifications of the pandemic. That is millions more, in addition to the many millions of Americans who were *already* in financial crisis before the pandemic, just in the day to day of our deeply unequal and precarious economic reality in this country.

Chenjerai Kumanyika: Yeah, man, it's a lot. And actually that's still not everything, right? Because these crises are all in a way failures of democracy. This whole season, we've looked at, you know, some of the limitations of American democracy and the current administration is able to exploit all of those weaknesses we've been discussing all season, right?

This president has no regard for checks and balances. He continues to push toward authoritarianism. And while doing that, he has sort of kept the support of one of our two major political parties. And they're up for reelection in a few

months. So, you know, I'm not like, romantic about, you know, American democracy or anything like that. But our system of government does have some structures and traditions that are at least *supposed* to be about transparency, accountability, and some limits on the abuses that a would be autocrat might carry out. And it's frightening to think what would be left of all of that. After four more years of Trump and his henchmen and their enablers, whew, I don't want to think about that.

John Biewen: So against this backdrop, as they say, we're going to try to wrap up our season on democracy in America. I think a central takeaway of our series is that the U.S. never has been yet the shining democracy that most Americans hear about in the mainstream of our culture, from the 1770s, up until today.

But we talked about this before Chenj, um, this series hasn't just been a big downer, at least we don't think so. All along, we've told stories about people on the margins fighting for justice and democracy, and sometimes winning big victories, Black people and other people of color, women, poor folks, LGBT people, workers.

Chenjerai Kumanyika: And I think this season we've also made the point that, whether you're talking about a moment like Reconstruction, whether you're talking about a moment, like, you know, the Great Depression, these moments of deep crisis are pivotal. They're moments of real danger because people with power and anti-democratic agendas will try to take advantage of a crisis to move their agenda forward.

But a crisis is also a moment of opportunity and possibility for people who are trying to build a more just and democratic society. So now more than ever, we need to be asking ourselves. What are we going to do? Right now?

John Biewen: Chenj, you know this very well, but this chant is a staple at marches and demonstrations

[Sound: Crowd chanting "This is what democracy looks like"]

Chenjerai Kumanyika: And what I think that chant captures is that protest is what democracy looks like. At least it's one really important part of it. Right. I mean, protests have played a real crucial role in pushing for change in the past. Think of the suffrage movement. Think of the civil rights and anti-Vietnam War movements. Or pickets organized by organized labor, right. People out there making their voices heard directly, forcing those in power to listen, demanding change and demanding justice.

[Sound: Crowd chanting "What do we want? Justice! When do we want it? Now!"]

John Biewen: But okay, more specifically, what does democracy look like? I mean, given the deeply undemocratic structures within America's political and economic systems that we've explored here, what would a more democratic America look like?

Chenjerai Kumanyika: Right now, I know there's a lot of people who maybe aren't even thinking in terms of a big idea, like democracy. But in the midst of all this mess, they know things aren't working now and they just want to know how it *should* work and how they can be a part of the solution.

John Biewen: So that's the question and Chenj, for the season finale, we decided that you're going to stay with me throughout the episode. So let's get to it.

Chenjerai Kumanyika: And buckle your seatbelts y'all.

Cause you know, we about to go in.

[Music: Theme]

John Biewen: From the Center for Documentary Studies at Duke University, it's *Scene on Radio* Season 4, the 12th and final episode in our series exploring democracy in the U.S. in the past and the present. We call the series "The Land That Never Has Been Yet." Thanks again Langston Hughes for that phrase. I'm John Biewen, host and producer.

Chenjerai Kumanyika: And I'm Chenjerai Kumanyika.

I'm a professor of media studies at Rutgers university. I'm also a podcaster, artist. and organizer. At the end of our Season 2 series, "Seeing White," we did an episode on what folks can do to take on white supremacy. So we decided to do something similar to close out season four.

John Biewen: So we're imagining you, dear listener, someone who's been with us for these dozen episodes and hopefully for previous seasons, you may already be active in all kinds of ways, plugged in with other folks, working for social change. Or like a lot of us, maybe not so much.

Chenjerai Kumanyika: Yeah. I mean, it's hard to know what to do, especially in a culture that often encourages us to just escape or to contribute to the greater good just by like spending money or consumption. So we imagine the listener out there who's asking what are some ways I could be thinking about taking action?

John Biewen: Obviously a major way that citizens wield power in a democracy is by voting. It's not the only way, by any means, and we'll have more to say about that. But the vote is fundamental. So part of acting to make the country more democratic is knowing what policies to support with our vote. And if the goal is to maximize people power, some of those policies have to do with elections themselves.

Chenjerai Kumanyika: So let's talk about that first. Fixing our elections.

John Biewen: Yeah. I spoke with Michael Waldman.

Michael Waldman: I'm the president of the Brennan Center for Justice at NYU School of Law. We are a nonpartisan law and policy Institute. We work to reform and strengthen. And when necessary defend the systems of democracy and justice in the United States.

John Biewen: Waldman wrote a book, *The Fight to Vote*, about the history of the struggle for voting rights. Chenj, remember when I said I found it surprising the more or less open efforts by a lot of Republicans in particular to suppress the vote, especially the votes of Black people, young people, people highly likely to vote for Democrats. But Michael Waldman makes an important

point that somebody like me *would* be surprised by these efforts, not only because I'm white and lived a sheltered life and took my own voting rights for granted. But also because I happened to come of age in a window of time, the last third of the 20th century, after the victories won by the Civil Rights Movement.

Chenjerai Kumanyika: So the Voting Rights Act is passed in 1965 and for a few decades after that, it was possible for at least some people to get the idea that, okay, this issue is settled. We all agree that everybody should be able to vote in this country. And that apparent consensus held together more or less into the aughts, the 2000s.

Michael Waldman: When the Voting Rights Act was last reauthorized by Congress, it received 98 votes in the Senate. It was not a partisan issue. George W. Bush proudly signed it into law.

John Biewen: That was in 2006, but here's the thing. Michael says that period of 40 years or so after 1965 was really the *only* time in U.S. history when there seemed to be a consensus about universal voting rights.

Michael Waldman: It's become much more contentious, much more of a political fight in recent years, but I guess you could take some solace from the fact that when you look at the country's history, who gets to vote, how people vote, the effort to widen the franchise and the effort to stop that from happening, it's always been very political. It's been something that people have fought about and fought elections about. So it's not unusual, really, that people are fighting about how we vote and who votes right now, it's actually calm and placid uniformity in some ways is more unusual.

Chenjerai Kumanyika: I mean, that's obviously true. If you look at the history we covered this season, even that temporary consensus was superficial. Remember in episode eight, we heard the conservative leader Paul Weyrich speaking in 1980 saying, "I don't want everybody to vote." So there were always people seething about widespread voting rights and looking for ways to shut them down.

John Biewen: And those people won a huge victory in 2013, when the Supreme Court gutted the Voting Rights Act in the Shelby County case, a key part of the Voting Rights Act required states with a history of racial discrimination in voting to get federal approval before they could change their laws in ways that might affect access to the vote. Chief Justice Roberts wrote the majority opinion striking down that part of the law. He essentially said, the country has changed. The South has changed. Black voters don't need this federal protection anymore.

Michael Waldman: And Justice Ruth Bader Ginsburg wrote of a very ringing dissent. And it was kind of the, the dissent that made her the “Notorious RBG,” really people took note of it. And she said that's like standing in a rainstorm, holding an umbrella and not getting wet. And concluding, therefore, that you don't need an umbrella and throwing away the umbrella cause you're not wet. Um, what happened? Well, we literally, within hours of the Supreme Court's ruling, states began to implement voting laws to make it harder for people to vote, especially harder for people of color to vote.

Chenjerai Kumanyika: All across the South, states controlled by Republicans got to work changing their election laws. A favorite move was to require voter ID at the polls. It just happens that, guess what, about 10% of eligible voters don't have a driver's license and those folks are disproportionately Black, brown and poor. So in Texas, the new law said a gun registration card is an acceptable substitute for a driver's license, but a student ID is not. Students tend to vote for Democrats and folks who own guns. Well, yeah, you see how that goes.

John Biewen: Republican legislatures have shortened early voting periods, which are very popular with Black voters. A lot of get out the vote efforts by Black churches, for example, Souls to the Polls, take advantage of early voting. These states reduced the period in which that can happen. They closed thousands of polling places in Black and brown neighborhoods. Here in North Carolina, where I live, a court said the state's new election laws were written with almost surgical precision to target Black voters.

Chenjerai Kumanyika: The courts have struck down some of these laws up to now, but this is one reason it's so significant that President Trump and Mitch McConnell, the Senate majority leader have pushed through 200 new right wing judges since Trump took office.

John Biewen: Yes that's after they stonewalled a whole bunch of President Obama's judicial appointments, not just Merrick Garland in the Supreme court, but throughout the federal courts.

Michael Waldman: As the courts change and the federal courts become more and more conservative and arguably more and more partisan, you may start to see significantly different rulings from those courts. Throughout the country's history and increasingly now we can't be certain that the courts are going to step in. These fights ultimately play out at the ballot box and in the court of public opinion.

Chenjerai Kumanyika: So what it's going to take to protect and reinstate the Voting Rights Act is for Congress to act, to basically pass a new version of the law. But for that to happen, Americans will have to vote in a different kind of Congress. One where Republican supporters of voter suppression don't have the power to block a new Voting Rights Act.

[Music]

Another anti-democratic strategy that needs to be stopped is gerrymandering. Most of you all know this, but it's the practice of drawing legislative districts to advantage or disadvantage one political party and it's often done using race. For example, corralling all the Black voters in a given area into one district in order to keep those voters from having any impact in other districts.

John Biewen: Gerrymandering is as old as the country. The word should be pronounced "Gary Mander" because it's named for Elbridge Gary, one of the framers of the constitution whose name came up early in the season.

Chenjerai Kumanyika: And by the way, he's the guy who said at the constitutional convention that America's problem was *too much* democracy.

John Biewen: Yes. That guy. The thing is, as far as gerrymandering, computer technology has made it so efficient and effective to the point where states like Wisconsin and North Carolina are just about hardwired to stay in Republican hands, even when a majority of votes statewide go to Democrat. In 2018, Democrats got slightly more votes overall in assembly races in Wisconsin and Republicans still came out with a 27 seat majority. Meanwhile in Maryland, the court found Democrats had gerrymandered the state to benefit themselves.

Chenjerai Kumanyika: The reason this is a problem in the first place is that most states allow the majority party in the state legislature to control the drawing of districts. That's an invitation to the party in power to stay in power, nevermind the will of the people. Here's Michael Waldman again.

Michael Waldman: in the last decade, it's been the Republicans who benefited from that because they won the midterm elections in 2010, but both parties have done this when they could. And the movement around the country to take on gerrymandering has actually been embraced by people of left and right and center. In 2018, for example, four states passed ballot initiatives, creating commissions or doing other reforms. You have a redistricting reform or independent commissions drawing the district lines all over the country, or there are states where there's a redistricting reform done by courts and other things like that.

John Biewen: These efforts in different parts of the country may not be necessary if the Supreme court had ruled that partisan gerrymandering is unconstitutional, which they had a chance to do in 2019. But they refuse to weigh in.

Michael Waldman: The Roberts court will be known for its rulings on democracy and not in a good way. So again, it's going to be up to voters to make it clear they care about this.

[Music]

Chenjerai Kumanyika: So to that listener, we're talking to, you can find out what's happening in your state. Push your representatives on reforms that make districting fair and nonpartisan and help elect people who support it.

John Biewen: Fixing and expanding the Voting Rights Act and national districting reform are both in that law that the house of representatives passed in 2019 after the Democrats took control. The one Mitch McConnell blocked in the Senate, HR1, we talked about it in episode eight. So are other policies that the Brennan Center for Justice and other pro-democracy groups helped to craft, changes that would just make it a lot easier for everyone to vote.

Chenjerai Kumanyika: Yes. Things like automatically register people to vote when they become eligible, require plenty of early voting time, and restore voting rights to people convicted of felonies after they've done their time. And to be honest, I think people who are incarcerated should have the right to vote

John Biewen: Public financing of elections, including matching money for small donations to increase the power of regular voters. Reverse the court's Citizens United decision. And restore limits on corporate campaign spending and also shining light on so-called dark money.

Chenjerai Kumanyika: HR1 would also tighten conflict of interest laws to reduce corruption. You know, if what you want is revolution, these things can seem like small potatoes, good government tweaks, but the fact is changes like these would shift power in a real way, away from plutocrats and in the direction of regular citizens. I've seen it here in Philadelphia.

John Biewen: Yes, but, says Waldman:

Michael Waldman: You can only have that kind of change if people demand it. There's a democracy movement all over the country: people passing ballot initiatives, people demanding of candidates, where do you stand on Citizens United, where do you stand on a HR1? It's like nothing I've seen in years and years. We have to see that this system that we have is not working very well and we need to really change it and changing how our democracy works is a critical part of that.

John Biewen: You know, in this asymmetrical world we live in where “both sides-“ism just isn't going to cut it, there's another thing Democrats in Congress would like to do, to protect our democracy and which leading Republicans are blocking. And that's election security, just, you know, spending some money to get the safest technology, to make sure the votes get counted fairly, to make it harder for anyone to hack in and steal elections and stuff like that.

Chenjerai Kumanyika: Whoa, Whoa. That sounds like a radical left wing agenda, John. Okay. But seriously, I mean, isn't this the issue that somehow led to Mitch McConnell getting called Moscow Mitch?

John Biewen: Yes. After Robert Mueller warned that the Russians had every intention of interfering again in the 2020 election, McConnell blocked consideration of an election security bill, which led some people to ask if Republican party leaders actually welcome Russian interference on behalf of their candidate.

Chenjerai Kumanyika: But I heard Mitch McConnell really doesn't like the name Moscow Mitch. So we won't call him Moscow Mitch anymore. Um, but seriously, election security can be a rabbit hole. And the nuances around election technology can get pretty arcane, but I know it's important. So you spoke to someone who can help us with a few takeaways, right?

John Biewen: Jennifer Cohn, she's an attorney and freelance journalist who advocates for election integrity. She started studying the issue after the 2016 election. One thing Jennifer noticed: government officials were offering assurances that vote totals could not have been hacked by Russia or anyone else, because voting and ballot counting machines don't even connect to the internet,

Jennifer Cohn: But then you had someone like Alex Halderman, who is one of the most respected election security advocates--

John Biewen: He's a computer scientist at the University of Michigan

Jennifer Cohn: --explaining that before every election, all voting machines at the precincts have to receive programming from a centralized county or state computer that itself can and often does connect to the Internet, at least in most states or in most counties.

Chenjerai Kumanyika: Not only that, it turns out some ballot scanning machines that local precinct officials use to count ballots at the polls, they send their vote totals over the internet to people at the county or state level who add up the votes.

Jennifer Cohn: So there actually *were* opportunities for internet hackers to access the vote tallies. And yet election officials were saying something different.

Chenjerai Kumanyika: Cohn also noticed public officials and reporters repeating the line that there was, quote, “no evidence the votes were changed in the 2016 election,” which of course, Donald Trump won by a sliver in the electoral college, a total of 80,000 votes in three States. But, she says, officials didn't really look for that kind of evidence. Thorough audits were not done in any of those three decisive states: Wisconsin, Michigan, or Pennsylvania.

John Biewen: The point is not to relitigate 2016. It's about the next election. Jennifer Cohn thinks it's troubling that only about 70% of votes cast in the U.S. are done on hand marked paper ballots. That's the only way to create a hard non-digital receipt for any potential recount. The other 30% are done on electronic touch screen machines, and the vast majority of those machines are sold by just two companies. Experience in the last two elections showed the machines can get glitchy and flip votes and the voter may not notice, nevermind the potential for hacking into the machines and changing votes

Jennifer Cohn: experts all agree that no matter what type of voting machine we use, they can all be hacked one way or another. There are just many, many different ways that this can happen and that it is virtually impossible to prevent a sophisticated and determined hacker from doing so. And therefore the only way to really secure our elections

is not even, it's more after the fact you have to conduct a robust manual audit or full manual recount of hand-marked paper ballots. And unfortunately this just doesn't--it rarely, rarely happens in the United States.

[Music]

Chenjerai Kumanyika: So here's where things stand right now in election security: the first coronavirus relief bill included \$400 million in emergency funding to help local officials prepare to do the election during a pandemic. But that's just a down payment on what experts say is needed. Michael Waldman's Brennan Center for Justice has said states need \$2 billion in federal money to help hold a safe and secure election this fall. Democrats have asked for \$4 billion, but Republicans have resisted so far.

John Biewen: As we record this in June, Michael Waldman and Jennifer Cohn say it's already getting late. Congress probably isn't going to spend the money it should spend or spend it in time to *really* secure the election in November. But that doesn't mean all is lost and they both emphasize, don't for a second think you shouldn't vote. A lot of people across the country are working very hard to make sure your vote gets counted.

Chenjerai Kumanyika: So please show up.

[BREAK]

Chenjerai Kumanyika: Okay, John. So, so far we've talked about changes to protect people's right to vote, to make it easier to vote, and to make sure our votes get counted and not messed with. But we still got these problems with the architecture of the U.S. government that makes some votes count more than others, gives some people more power than others, and really thwarts the will of the majority out there in the country, by design.

John Biewen: Yep. Going back to episode two in particular and the anti-democratic structures that the framers built into the constitution. There might be some legislative ways around some of these problems, but to do it right, we just may need to call a constitutional convention and rewrite the thing.

Chenjerai Kumanyika: Ooh, that's what I'm talking about.

John Biewen: Meet Sandy Levinson.

Sandy Levinson: Hi, I'm Sanford, or Sandy, Levinson. I teach at the University of Texas Law School and also have an appointment in the Department of Government at the University of Texas, where I've been for 39 years.

Chenjerai Kumanyika: Yeah. Professor Levinson wrote a book that is right on point. It's called *Our Undemocratic Constitution: Where the Constitution Goes Wrong (And How We the People Can Correct It.)*

John Biewen: How to correct it, first and foremost. Sure enough. Say it with me. The U.S. Senate, as we know it, has got to go

Sandy Levinson: Clearly in the 21st century, I believe the U.S. Senate is indefensible. That is to say, if you subscribe to what the Supreme Court has called the principle of one person, one vote, that is equal voting power, equal representation, a fair opportunity for majorities to rule. Then there is simply no defense for the fact that Wyoming and California, or Vermont and Texas have the same voting power in the Senate.

Chenjerai Kumanyika: California gets two senators representing 40 million people. And Wyoming also gets two senators representing a little more than half a million people, which is like giving Fresno, California, two U.S. senators.

John Biewen: Here's another way of looking at just how unfair it is:

Sandy Levinson: 50% of the entire American population now live in nine states. They get a total of 18 senators. By definition, less than

50% of the population live in the remaining 41 states and they get 82 senators.

John Biewen: Did you get that? One half of the country gets 18 senators, the other half 82. If you live in one of the more populous states, you are grossly underrepresented in the United States Senate. That's an unfair on its face, but of course it has real partisan impact given where Americans live. Most of the heavily rural states with small populations are disproportionately white, conservative, Republican. The coastal states with the largest populations are much more diverse and lean blue.

Chenjerai Kumanyika: So a hugely powerful body in setting the course for this country, the U.S. Senate, is dramatically more conservative than the country as a whole. It's also egregiously unrepresentative in other important ways. Because of what it takes to get elected, the Senate is much whiter, more male-dominated, and exponentially richer than the nation it rules.

John Biewen: Now, Sandy Levinson isn't saying we should just kill off the Senate. He thinks the country is too big to be run by a single legislative house, but he argues we should replace the Senate with a second house that in one way or another at least offers proportional representation like the House of Representatives. One person, one vote.

Chenjerai Kumanyika: So, remake the Senate. That's the big ticket item for article one of the constitution, which deals with Congress. Article two is the presidency. What does Sandy Levinson say about that?

John Biewen: Sandy argues the President has too much power, especially in the presidential veto. So right now both houses of Congress pass a law, right. And that's hard to do, in part because the Senate, which tends to just block a lot of stuff coming from the House, especially if it's geared to helping poor or working class people, but a bill passes. And if the President doesn't like it, he vetoes it. Now it takes a two-thirds majority in the House and the Senate to override the veto, which only happens about 4% of the time, 111 times in all of U.S. history.

Chenjerai Kumanyika: I mean, look what happened in 2019, remember, Trump was mad that Congress wouldn't build his border wall. So he used that temporary surge of immigrants and refugees at the Southern border to declare a bogus national emergency so we could divert money from military budgets to fund the wall. It was such an outrageous abuse of power that Congress passed a resolution reversing Trump's declaration. Even some Republicans in Congress voted for the resolution, but Trump just vetoed the bill. Congress couldn't get a two thirds majority to override, so Trump's emergency declaration stood. So, yeah, that veto gives presidents enormous power in the legislative process, on top of their power as head of the executive branch.

John Biewen: Here again, Sandy Levinson doesn't argue for doing away with the presidential veto completely. He thinks it should just be easier to override. Say, instead of two thirds in both houses, you'd need a simple majority of both houses combined. Which is how some states do it with their governor's veto.

[Music]

Chenjerai Kumanyika: Levinson also wants to make it easier to get rid of a bad president. He says the process the framers put in the Constitution to remove presidents for quote, "high crimes and misdemeanors," just doesn't work.

Sandy Levinson: The impeachment clause has been an utter and complete failure. I would prefer that we have some mechanism for voting what parliamentary systems would call "a vote of no confidence," where you don't have to decide that the President is a crook. All you have to say is that the President has exhibited such flaws of character or judgment that you no longer want this person as President.

Chenjerai Kumanyika: Hmm. Yeah. I'm here for that. That sounds like a very helpful provision.

John Biewen: It could just, hypothetically it could come in handy. Sometime. Sandy says we should also consider just getting rid of the presidency and moving to a parliamentary system, like most other democracies in the world.

Oh, and yes, if we're going to keep electing a President, Levinson says it is absolutely past time to get rid of the electoral college.

Chenjerai Kumanyika: Oh. So like the candidate who gets the most votes would win.

John Biewen: Sounds bizarre, but you gotta be willing to think outside the box sometimes, you know. The electoral college, too, skews to the advantage of the Republican presidential candidate, at least, now. These days. It gives people in the smallest states up to three times the clout in the form of electoral college votes per capita as people in the biggest states.

Chenjerai Kumanyika: All right, I'm liking this, but we got to do something about the Supreme Court too. Article three of the Constitution. We basically had an undemocratic right-wing takeover of the Court, in part because Republicans in Congress refused to allow a Black president to fill a seat on the Court in 2016. You have members of the Court appointed for life. That gives presidents an incentive to appoint somebody young so they can stay there advancing the President's ideological agenda for decades. There's gotta be a better way.

John Biewen: Sandy Levinson has an idea.

Sandy Levinson: One of the lessons of experience ought to be that life tenure, particularly for a Supreme Court justice is a mistake. It would be literally more than enough if they served single 18-year terms.

John Biewen: Eighteen year terms, each term fixed to a date and staggered two years apart. So one of the nine seats on the Court would come open every two years

Sandy Levinson: So that each President would be guaranteed two appointments per four year term, and that no single President could pack the Court with the majority. It would take three successive wins by political party, including control of the Senate over that entire period in

order to make sure that judges from their party would constitute a majority Supreme Court.

Chenjerai Kumanyika: Now, obviously these are just some of the highlights of the proposals and Sandy Levinson's book. And they're just one person's ideas for making the Constitution more democratic. But then again, he's not just any person. Levinson is one of the most eminent constitutional scholars in the country.

John Biewen: But yes, for us, the point is not here is our official five point plan. But if you see *how* some fundamental features of the Constitution are anti-democratic Sandy's arguments show, there would be ways of addressing that, that we, the people could kick around. The fact is, it's very hard to change the Constitution, even a single amendment, let alone a constitutional convention to do a major overhaul. Two thirds of the state legislatures, 34 States would have to vote to call a convention, which has never happened. It's also risky because once you call a convention, most scholars think just about anything could be put on the table, not just the proposed amendments that you or I might want.

[Music]

Chenjerai Kumanyika: But as we've said, change that seems impossible can suddenly become very possible, especially in a crisis and if enough people get on board and demand it.

John Biewen: So far in this episode, we've been all about the nuts and bolts, electoral politics side of things, and making those processes more democratic. But now we're going to shift gears. There's so much more besides casting votes that we can and need to do to make real change. Chenjerai, you've been doing some work over the last few months as a separate project, talking with people, doing labor organizing as well as activism in their local communities, including working on things like city council campaigns.

Chenjerai Kumanyika: And one thing I keep finding is that all these different forms of action seem to overlap. Like you might start out working on a local

political campaign and find out that those efforts are bumping up against your life as a worker.

John Biewen: All right. Let's just have you take it away for a few minutes and tell us about one of those workers you spoke with.

Chenjerai Kumanyika: Alright.

Matt Smith: I was sitting at home, reading up on the news and I saw that someone had won fighting for a \$15 minimum wage and Seattle had passed it and it was the first \$15 minimum wage in the country.

My name is Matt Smith. I work as a contracted cargo handler in Kent, Washington, which is right outside of Seattle.

Chenjerai Kumanyika: When Matt first heard somebody say \$15 minimum wage, he thought to himself, hell yeah, that sounds great. But he kind of felt like it wasn't realistic.

Matt Smith: When it started to be used as a slogan, it was a pipe dream. Like, people dismissed it as impossible and seeing a city winning a \$15 minimum wage, like it just raised my expectations and it made me realize, wow, like this, this stuff that seems impossible? If we get organized and we fight for it, we can actually win.

Chenjerai Kumanyika: Matt saw an opportunity to learn more about that campaign at a conference that was coming up,

Matt Smith: The keynote speaker was Kshama Sawant, was the city counselor out in Seattle who had won the \$15 minimum wage. Uh, so I'm like, alright, I got to get involved in this.

[Music]

Chenjerai Kumanyika: Until that point, Matt had spent most of his time working and kind of hanging out, but after hearing Kshama Sawant speak, he felt like there was a chance to get involved with something that really mattered. He thought to himself, Hey, look, I'm single. I don't have kids. What the hell? I'll move to Seattle and get involved with the campaign.

Matt Smith: So when I got to Seattle, Kshama Sawant was running for reelection to the city council. This is, this was her second reelection campaign. And Amazon was coming hard against her.

Chenjerai Kumanyika: The reason why Amazon wanted Kshama Sawant out of city council goes back to something that happened in 2018.

Matt Smith: So I knew Amazon was a huge corporation, but I really first started to see their political power. Amazon is just so emblematic of what's happening in Seattle, and everyone kind of understands Amazon's role out here. Seattle is the headquarters of Amazon. Um, Amazon has 50,000 employees here, a huge portion of its workforce. I think it's something like a sixth of its total employees are in Seattle, but the way that those jobs and the way that the wealth out here has been distributed has been incredibly uneven. So, tons of people who have been pushed out of the city, economically evicted, there's a huge housing shortage. The homelessness rate has gone up. We're now the highest rate of homelessness in the country.

Chenjerai Kumanyika: Kshama Sawant had run on all those issues in 2015. So in 2018, she decided to do something about it.

Matt Smith: Kshama, our city counselor, introduced a bill in city hall that would put a tax on the 3% wealthiest corporations in Seattle, that would go towards funding affordable housing out here. And, uh, and we called it the tax Amazon bill, the tax Amazon campaign, because Amazon, you know, it would affect the top 3% of employers.

Chenjerai Kumanyika: Given how much money Amazon is making, you might think they would be down with something like that, right? It would make their brand look good, make them look like they were helping the city. But Amazon doesn't do things like that.

Matt Smith: Rather than agree to pay a very small tax on their profits, Amazon shut down construction on one of their office buildings downtown and refused to continue until the city council repealed this

tax. And so they, they really just threw all of their weight around in Seattle to get what they wanted from the city council.

Chenjerai Kumanyika: Faced with this tough choice, the city council did repeal the tax. And because that battle happened in 2018, the people working on Kshama's campaign in 2019 knew that Amazon was going to be a problem. Matt found out how much of a problem when morning in October.

Matt Smith: I go to work I'm on the truck, looking through my newsfeed, and I see this news that Amazon is spending a million and a half dollars in the election that's three or four weeks away.

Chenjerai Kumanyika: When Matt heard this news, he started feeling sick. He told the truck driver to pull over and he got out of the truck. See, Matt had moved to Seattle to work with this political campaign, but of course he needed to pay his bills. So he had applied for various jobs until he got a call back for one position.

Matt Smith: I, I don't think I even knew that it was an Amazon job when I went down for the interview because it was a contractor, right. And so the, the actual employer was Estis Express Lines and it was this trucking company. And then I went down for the interview and sat down in my manager's office and he was explaining this to me and he's like, yeah, we deliver oversize Amazon packages. Uh, and that was the first time that I realized, Oh, I'm going to work for Amazon.

Chenjerai Kumanyika: So when Matt found out Amazon was spending a million dollars on a city council election to oust the counselor he'd moved to town to support, first he felt sick and then he felt something else.

Matt Smith: I'm furious. They're using the money that me and my coworkers are making for them. Right? Cause we're the ones that are making this, these huge profits for Amazon. And they're turning around and using that money to try to oust a politician who's fighting for our interest as workers. They're trying to ask the politician who fought for the \$15 minimum wage, who's fighting for affordable housing. Uh, and so at that point I decided that I had to be public. Like I had to come out

as an Amazon worker saying I'm opposed to what my company is doing in these elections.

Chenjerai Kumanyika: So Matt told everybody that he worked for Amazon, and he and other people who supported Kshama Sawant's reelection got to work. But how do you fight when there's a million dollars against you?

Matt Smith: So it was five times more than anybody had ever spent on a Seattle election. So we organized this huge fight back. We had this rally with other Amazon workers and with, you know, community members and other politicians, other city councilors. We just got to work and redoubled our efforts knocking on doors, putting out flyers, calling people on the phone. We had a flood of donations that came in from all around the country from working people, in Chicago, in New York and Minneapolis saying, Hey, we don't like what Amazon's doing in your hometown. Here's five bucks. Here's 10 bucks. Here's 50 bucks to help out.

Chenjerai Kumanyika: Despite all of that inspiring work, Kshama Sawant's campaign knew that the odds were against them going into election night.

Matt Smith: The way that Seattle's elections work, it's all mail in, and a lot of times the more progressive voters renters and, and working people tend to vote later. So on election night, we were behind by 8%, but as those mail-in ballots started coming in, we inched up and inched up and we won that election, by about 4%. And we actually won across the city where only one of the candidates that Amazon had backed into the election actually won their seat. So we had a huge victory in that election.

John Biewen: It seems to me, this story shows there's not any kind of hard distinction between community organizing in the broad sense and political activism that focuses on elections.

Chenjerai Kumanyika: Definitely. When I get involved with people fighting for things like a living wage, or, you know, defunding our criminal punishment system, including at the local level, you inevitably see that local leadership

and political representation is really a key part of the struggle. But organizing by workers to wield power within the corporations that they work for, that's absolutely essential too. Workplaces have become much less democratic over the last few decades as unions have lost power and membership. So folks are in a long-term struggle get some of that power back and to make the places we work more democratic.

John Biewen: In so many other ways too, people can and do find ways to get heard and apply pressure. And there seems to be a growing urgency to do that as the failures of our society and its leadership become more clear. The climate emergency, our profound economic injustice, guns, on and on.

Chenjerai Kumanyika: But you know, sometimes you do all of that stuff. You sign petitions, write checks, work on campaigns. And it still doesn't work. People are suffering from lack of housing, suffering from lack of healthcare, from oppressive policing. And at a certain point, something happens that strikes a match.

[Sound: News report. Sound of George Floyd video.]

Reporter: 46-year-old George Floyd spent the last minutes of his life begging for one simple thing: a breath.

Chenjerai Kumanyika: People hit the street.

[Sound: Protestors chanting.]

Reporter: Anger boiled over after the killing of George Floyd here in Minneapolis, his death has shined a light on generations of systemic racism.

Chenjerai Kumanyika: It's complicated. Property gets destroyed.

Reporter: We're watching it go up in flames right now. I just wanted you to hear the sound of people cheering as the third precinct appears to be on fire at this time...

Chenjerai Kumanyika: Sometimes people get hurt. It's not always clear who's even doing what, but out of crisis, and a sense of urgency, people respond. Loudly. In real numbers. And they don't stop.

Reporter: In small towns and big cities protest against police tactics and violence pressed on for another night...

Chenjerai Kumanyika: That applies pressure. And...

[Sound: Protestors chanting.]

Reporter 1: Now the protestors calls for change are being heard. On Friday, in a virtual meeting, the city council voted to ban the use of neck restraints. They're also requiring officers who witnessed unauthorized use of force to report it from the scene and intervene verbally and physically

Reporter 2: Well as the nation demands, racial justice following George Floyd's death. Virginia's governor says it's time for the Confederate statues in our Capitol to go.

Reporter 3: The protesters have asked for the police department to be defended. (Response: Yeah.) Do you think that should happen? (Response: I think our police department needs dramatic structural change and that we need a whole new way of doing public safety in our city.)

[Music]

Chenjerai Kumanyika: So John, this is it, man.

John Biewen: Yeah. We've come to the conclusion of season four and I get it. There'll be people saying, what? You're going to stop now? Keep going for God's sake.

Chenjerai Kumanyika: Yeah. But with all due respect. I think some folks who say that maybe don't know how much work goes into something like this. I mean, the fact is this podcast isn't the only thing on my plate or yours. And we have to do other things for a while, but we'll be watching what's going on.

Speaking up in the coming months on social media. Before we go, John, do you have any takeaways from the season?

John Biewen: Yeah I think a couple of big picture things that I learned and that I hope would stick with folks, going back more than a year ago when I was just reading a bunch of history and thinking about how to approach this series, there was one realization that kind of knocked me on the head and really became a touchstone for us. And now it's kind of embarrassing to say that it felt new to me because at this point it's like, duh, but I'm talking about a shift in my understanding of what the founders of this country were up to and who they were. Those elite representatives of the British empire who established colonies here and reluctantly came to lead the American revolution. Long before they were, you know, revolutionaries yearning to breathe free, as in our national mythology, they were colonial settlers who had come here to get land by taking it from native people through violence, if necessary, and it was necessary. And they'd come to get rich, in large part through the enslavement of people kidnapped from Africa. That was their project. Okay. That's not news, but once you understand that that project did not end, didn't change course, if anything accelerated after July 1776 and you then trace the arc of that project and that entitled exploitive white supremacist mindset, really right up to this day in important ways, a lot of things become more clear.

Chenjerai Kumanyika: Yeah. So that's one true and important takeaway. You said you had two.

John Biewen: Yeah. The second one, we also established in the early episodes and then it kind of ran through the series. And that is this point about market economics and democracy.

Our culture tells us again and again that they're one in the same. Capitalism is one of the fundamental forms of freedom that we enjoy, if not *the* fundamental form. But democracy and capitalism are not one in the same. And in fact, the framers themselves understood and said that those two things are in tension with one another. If you want more capitalist investment and wealth, which may benefit quite a few people, but is definitely going to accrue mostly to the

wealthy few, the ownership class. If you want more of that, you're going to need to constrain democracy. And again, once you look at our history and our reality today, with that understanding in mind, it makes a lot of things make a whole lot of sense. So Chenj, how about you? What's the key lesson or two for you?

Chenjerai Kumanyika: Well, one of the reasons that podcasts like this are experiencing a resurgence at the same time that people are in the streets is because I think people want real explanations of how we got here. Right? And our current media environment isn't really great for that, right? It's about like speed and this relentless onslaught of content and breaking news. But if we're going to solve the problems that we need to solve, we need spaces for a different kind of thinking, you know, like a certain kind of critical thinking spaces. So whether we're talking about the Senate or talking about policing, we can't transform institutions without understanding them.

And that means understanding their history, right. And also for those of us who were involved in organizing, there's a lot of complicated questions about strategy and what's ethical. I mean, the changes we're starting to see now in places like Minneapolis and the pressure it took to do that should cause us to really understand and have patience for how complicated the process is. So we need spaces for those kinds of nuanced discussions.

John Biewen: Yeah. Yeah. Anything else?

Chenjerai Kumanyika: Well, here's a final thought: for a lot of us who followed our season and who are looking at what's going on in the world right now, it can really seem like we're up against so much entrenched power insurmountable odds.

And I just want everybody to know that I'm committed to coming physically into the house of each and every listener for racial dialogues and maybe like a beer.

John Biewen: Chenj, I, I, you know, we have a lot of listeners.

Chenjerai Kumanyika: Okay. Okay. Alright. Let me try again. Look, I know we're up against a lot, but when I see the image of Nancy Pelosi and Chuck Schumer, kneeling kente cloth stoles, I just feel like together... (John and Chenjerai Laughing)

Oh man. Alright. Alright.

John Biewen: Take three.

Chenjerai Kumanyika: Seriously though. These are rough times. In this season, a persistent theme has been that our institutions are working in favor of a minority of people. They're a powerful, wealthy minority, but they're still a minority. And I think that's important because as so many scholars and organizers have pointed out, we make up those institutions. Ordinary people. Run schools, run healthcare. They run the infrastructure of businesses, grocery store workers, public sector workers, custodial workers. We make the country run because we are the majority and wherever we come together, whether it's in our unions and zoning or local government meetings, at the voting booth, taking to the streets and radical protest or withholding our labor in a general strike. When we refuse to do the work of exploiting the most vulnerable and instead work together to make sure that all of our systems take care of the most vulnerable we are doing the real work of democracy.

[Sound: Crowd noise, singing and clapping.]

John Biewen: This is a choral group from Bennett College, a historically Black women's college in Greensboro, North Carolina. I recorded them at the annual Moral March in Raleigh, in 2019. We're so grateful to you all for coming along with us this season, and for telling your friends about the show. "The Land That Never Has Been Yet" was conceived and produced by me, John Biewen. With a whole lot of input and editing help from my collaborating conversationalist Dr. Chenjerai Kumanyika, and from our script editor, the wonderful Loretta Williams in Los Angeles, who made every episode better and clearer. Thanks to Joe Augustine of Narrative Music, our music consultant who worked with us again this season to provide a lot of the great music you heard. Music by John Erik Kaada and Eric Neveux, other music by

Lucas Biewen. Our theme song for the series, "The Underside of Power," is by Algiers. Big love to the communications team at CDS who get the word out, the episodes posted, the website built and managed: Liz Phillips, Whitney Baker and Mara Guevarra.

My bosses, Lynn McKnight and CDS Director, Wesley Hogan. Our pals at PRX who distribute the show. *Scene on Radio* comes to you from CDS, the Center for Documentary Studies at Duke University.