

Stanford SOCIAL INNOVATION^{Review}

Realizing Democracy Supplement

Revitalizing People-Based Government

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A multiracial, multiregional, and multifaith base | The mass mobilization approach would prescribe a strategy whereby FiMN built its programs around “high-propensity voters”—a euphemism often used to refer to middle-class white voters living in places like Minnesota’s Twin Cities. After conducting a power analysis, however, FiMN chose to instead build a state-wide base of leadership that was multiracial, multiregional, multifaith, with multiple centers of power that could be networked into shared strategy and called to take collective action, as happened during the 2018 election.

It took five years to build multiple centers of leadership within key regional centers. FiMN now has a presence in small towns, mosques, barbershops, and congregations across the state. The organization now has chapters and teams of leadership growing in the small towns and regional centers that represent a critical constituency for governing power in Minnesota. Leadership advocating for racial and economic justice in rural and small-town regions makes the difference in whether or not a policy even gets a hearing at the state capitol. FiMN’s faith delegate campaign sheds light on how civic organizations can build power by investing in a well-trained base of people who are committed to one another.

But questions remain: What, for example, are the tradeoffs of funneling large amounts of money to civic organizations during election years, while starving them of the funds required to do sustained, relational, multiyear organizing on off-years? And what are the organizational conditions—the structures, routines, decision making, and data practices—that enable members to both have a voice in overall strategy and still act as a disciplined collective? How do we distribute not just capacity but strategic capacity?

Although it is more challenging to document or “measure” depth than scale, FiMN’s faith delegate campaign transformed the level of influence of the organization in the public arena. This new power is shared by the whole base and has caused both an expansion in the capacity to influence policy and systems, but also an expansion in membership and engagement. Those who are volunteer leaders in FiMN have a visceral experience of politics working for them—not just working for a candidate or a particular issue or a cause. This creates a virtuous cycle where more people become involved because those who have had a direct experience of public power invite others to join in the journey. ●

Revitalizing People-Based Government

Revived civic infrastructure at the state level is necessary to realize the promise of democracy.

BY ALEXANDER HERTEL-FERNANDEZ & REP. CARLOS GUILLERMO SMITH

Closer in proximity to citizens than the federal government, states are thought to embody the virtues of decentralization and self-government. Americans, so the argument goes, are better positioned to check the activities of their local and state politicians than those elected to the more distant US Congress. Therefore, state and local policy should be more responsive to public preferences than federal policy. Beyond political representation, having 50 state governors and legislatures competing for public support ought to spur more innovation and experimentation; they should be what Louis Brandeis has memorably dubbed America’s “laboratories of democracy.” But do these rosy assessments of the states hold up under closer scrutiny?

STILL DEMOCRACY’S LABORATORIES?

Recent political events suggest that American federalism is playing exactly the democracy-bolstering role envisioned by the Constitution’s framers. States, for instance, are checking the power of the federal government, challenging the Trump administration on its decisions related to immigration restrictions and implementation of the decennial census. States are also innovating in areas where the federal government has failed to act: on the minimum wage, climate change, and protections for the LGBTQ community.

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But at the same time many states are curbing their democratic processes, like taking steps to restrict political participation—either by making it harder for individuals to vote or weakening grassroots associations that organize citizens. Furthermore, in a growing number of states the geographic distribution of voters, combined with partisan redistricting, means that even large majorities of the popular vote do not necessarily translate into legislative majorities, entrenching minority legislative control. And even when large majorities of voters bypass legislatures to approve ballot measures—like expanded health insurance for poor adults, campaign finance reforms, and broadened voting rights—some state governments have rolled back such measures or even ignored them altogether.

For example, after Floridians voted overwhelmingly to re-enfranchise over a million former felons, the Republican-controlled legislature voted to create punitive barriers to ex-felon voting. In recognizing the success of progressive strategies to bypass the conservative legislature and make appeals directly to voters, conservatives in control of the Florida state legislature subsequently approved a bill with onerous new requirements for future ballot initiatives.

Another antidemocratic strategy involves state preemption. Once a tool used to curb conflicts between local government and states by bringing local governments in line with state policy, it is now aggressively used by conservatives to strip local authority from city governments and force an antiregulatory, corporate agenda that disproportionately harms marginalized communities. Examples in Florida from the 2019 legislative session include enactment of legislation that preempts local laws concerning sanctuary cities, wireless internet siting, and inclusionary housing. And an even more egregious use of punitive preemption is an older Florida law that puts local officials at risk of removal from office or fines of up to \$5,000 for adopting local laws to prevent gun violence.

In light of these abuses of state legislative power, it should come as no surprise that recent research documents only a weak electoral connection between state legislators and their voters: state legislators who cast roll call votes out of step with their constituents are unlikely to be punished in subsequent elections. In fact, this kind of legislative accountability is *lower* in the states than in Congress.

Three interrelated features of the states currently undermine their potential as sites for robust democracy. Some are longstanding characteristics of the states, while others are more

recent developments. Together, they form a toxic brew that is increasingly exploited by concentrated economic interests—wealthy individuals and private-sector businesses—in the pursuit of policies opposed by majorities of Americans that ultimately exacerbate political and economic inequalities. These features include:

- **Low visibility of state politics.** In the *Federalist Papers*, Constitutional framers Alexander Hamilton and James Madison assumed that state governments would loom larger in the minds of Americans than would the more distant federal government. In practice, the reverse has been true: Americans know much more about the federal government than their own states. According to statistics from the American National Election Study and the Cooperative Congressional Election Study, about 4 of 10 Americans say that they cannot name the political party that controls their state senate or house—twice as many as for the party in control of the US Senate or House. Without this basic civic knowledge, it seems unlikely that citizens can adequately hold their state politicians accountable. While scholars have bemoaned the lack of media coverage of state politics compared to national politics for decades, the problem has worsened in recent decades with the demise of state-house reporting. The Pew Research Center, for instance, found that the number of full-time reporters covering state capitols fell by 35 percent from 2003 to 2014.
- **Nationalization of state politics.** At the core of the “laboratories of democracy” vision of the states is that governors and legislatures will compete with one another to develop new and effective policies that appeal to their constituents. This assumes, however, that voters will recognize and reward innovative policies. But voters often struggle to even recognize the party in control of government, let alone have knowledge about their legislative records. There is also strong evidence that state politics has nationalized in ways that undermine state government accountability as voters increasingly cast ballots for state races that reflect their national political views, rather than state issues. Nationalization thus dampens electoral accountability for state politicians. It also means that policy innovation and emulation is likely to happen only among states on the same side of the partisan divide—Democrats copy only from fellow Democrats; Republicans from fellow Republicans.

- **Understaffed and under-resourced legislatures.** For state governments to adequately respond to the needs of their constituents and generate new policy, elected officials must have baseline legislative resources. Yet in many states, legislating remains a part-time job with minimal staff help. In more than a dozen states, for instance, legislative salaries average less than \$20,000. Low salaries necessitate legislators hold another job to make ends meet; the consequence is that elected officials often report only spending about half their time legislating. Faced with these constraints, many state legislators rely heavily on outside interest groups for bill ideas, research, and political advice. Unfortunately, these groups are often a front for wealthy or corporate interests. The ironic consequence is that part-time, sparsely staffed citizen legislatures wind up relying most heavily on disconnected, outside groups for legislation.

In states where these three factors are combined, legislative agendas tend to be most closely aligned with the goals of the wealthy few and out of touch with the interests of the general public.

STATE CAPTURE

Together, these three features have been increasingly exploited by well-resourced political actors representing narrow interests: wealthy donors, private-sector businesses, and conservative advocacy groups seeking to shift state policy and politics. As recently documented in (article coauthor) Alex Hertel-Fernandez’s *State Capture: How Conservative Activists, Big Businesses, and Wealthy Donors Reshaped the American States—and the Nation*, organizations like Americans for Prosperity (AFP; a grassroots federated advocacy group at the heart of the Koch brothers’ political network), State Policy Network (SPN; a coalition of state-level conservative think tanks), and American Legislative Exchange Council (ALEC; provides model legislation and support to conservative state legislators) have since the 1970s successfully constructed an infrastructure capable of electing friendly lawmakers, flipping legislative chambers, and promoting a coordinated legislative agenda across the states.

These groups succeed by providing state legislators with the exact resources—including model bills, research support, political strategy, and mobilizing power—that legislators often lack. Regardless of partisanship and ideology, legislators in states with fewer staff, shorter sessions,

and lower salaries are more likely to copy and paste bill ideas from corporate-backed conservative networks. The right-leaning networks have also taken advantage of the nationalization of state politics by promoting a common legislative agenda in states under full conservative control. And these networks have taken advantage of the weak electoral accountability faced by state legislators to promote policies that are otherwise quite unpopular with voters.

Despite opposition by most Americans, these right-wing networks have rolled back environmental standards and efforts to address climate change, restricted access to the ballot box, cut labor standards and union rights, slashed tax revenue and public spending, curbed reproductive rights, and stymied efforts to regulate access to firearms. The net effect of these policies has been to exacerbate socioeconomic inequalities, with especially pernicious consequences for already-disadvantaged segments of the population, especially people of color.

Beyond their direct social and economic consequences, many of these conservative networks’ policies are intended not only to materially benefit particular economic constituencies—wealthy individuals and large businesses—but more generally to tilt the political playing field to disempower ordinary citizens from expressing their political preferences. Conservative networks do not shy away from thinking about policy as a means of power-building.

RECLAIMING STATE DEMOCRACY

There are three takeaways from federalism’s failings for the creation of a people-centered government:

- **Build civil society organizations.** A strategy for reclaiming state government for the people will require investments in organizations that connect citizens with their elected officials to provide ordinary Americans with the information and resources they need to hold politicians accountable in all states. Reversing these trends will likely involve creative and diverse solutions in each state. One example is Capitol News, a project in Illinois that helps local outlets cover state legislative debates and which focuses especially closely on “news deserts.” Capitol News does this by creating content that other local editors and publishers can use in online and offline publications.
- **Focus civil society organizations on the right institutions and levers of government.** To say that civic organizations are

important is not to imply that we simply need more organizations. Instead, advocates for people-focused democracy need to ensure that they can count on organizations that complement one another at the right scales and levels of government. Conservative activists recognize the power, for instance, of having networks that can mobilize legislators (like ALEC) or engage citizens (like AFP) across the typical issue silos in the conservative movement to help coordinate longer-term governing agendas. These right-wing organizations also identified and targeted key leverage points in political institutions, like mobilizing citizens to contact state officials or providing model bill ideas to understaffed legislators.

It would also be a mistake for progressives to simply blindly copy the organizations that have worked on the right. Instead, they would be wise to think about figuring out the needs of interested legislators and their constituents. That is what the State Innovation Exchange (SiX) is doing for state legislators across the country. SiX is a progressive resource center that supports legislators with policy research and a cross-state network, spreads awareness of state policies and legislators, and connects elected officials directly with their constituents.

- **Use policy to build, retain, and support grassroots political power.** Reviving grassroots democracy in the states will require approaching policymaking not just to solve economic and social problems, but also to build political power. As conservative activists discovered, policy can be a tool for cementing alliances between otherwise diverse interests, building grassroots constituencies, bolstering organizations that can help politicians win elected office, and undermining opponents by cutting off resources or making it harder for them to participate in politics. Advocates of people-centered democracy would be wise to think in similar terms about opportunities to use policy to boost the resources that ordinary citizens have to participate in politics, to reduce the political clout of concentrated wealth, and to construct durable coalitions of allies.

Some of these power-building proposals are relatively straightforward, like broadening access to the ballot box or making it easier for workers to organize on the job in labor organizations,

including unions. But political officials should also think about whether they can create stronger incentives for political participation throughout the policymaking process—like giving community groups resources to organize members and to create inclusive internal processes around decision making. Similarly, a power-building lens would prioritize efforts to divide opponents—for instance, peeling off supportive businesses—early on in the policymaking process.

As political observer Grant McConnell noted decades ago, the “advantages of disorganized politics” in the states—above all, weak mediating organizations like parties and civic associations—“accrue quite impartially to whatever groups, interests, or individuals are [already] powerful in any way.” To break this cycle and restore political power to ordinary citizens over entrenched minorities is a tall order—but necessary if American federalism is to live up to its democratic ideals. ●

Representing the People

Community organizations nationwide are helping to reimagine the role of law enforcement by pushing prosecutors to embrace a new criminal justice reform agenda and collaborating with attorneys general to protect working people.

BY ARISHA HATCH
& TERRI GERSTEIN

The past several years has brought a re-examination of the role of law enforcement in confronting some of the key challenges facing our democracy. This new vision of the prosecutor’s role includes dismantling elements of the criminal justice system that perpetuate racial and economic inequities, affirmatively wielding power in response to community concerns, and addressing economic exploitation, power disparities, and abuses of authority.

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CRIMINAL JUSTICE REFORM

There are close to 2,400 elected prosecutors in the United States. These prosecutors are mostly white, mostly male, and approximately 85 percent of them run for their positions completely unopposed. Along with their staff, they make daily discretionary decisions large and small that impact the lives of predominantly black, brown, and working-class communities. “Tough on crime” rhetoric and policies—perpetuated by Ronald Reagan’s War on Drugs, the 1994 Crime Bill, law enforcement television shows like *COPS* and *Law & Order*, and the nightly local news—became the metric for law enforcement at the expense of safe, healthy, thriving, and empowered communities. Police unions were the critical endorsements that district attorney (DA) candidates needed to vie for, and, once elected, the groups deemed most worthy of consideration. And although in court filings, prosecutors’ offices technically represented “The People,” many interests of working-class communities became the least of their concerns.

In 2015, Color Of Change, the nation’s largest online racial justice organization, gathered about 10 community organizations from across the country to reimagine the role of prosecutors. Many community-level organizations had been working in silos for decades to push back against a growing incarceration economy and cultural attitudes that had destroyed their communities. At that event, the organizations crafted six demands of prosecutors: to be transparent; to hold police accountable for overreaches and unnecessary violence; to treat kids like kids; to exercise their discretion and decline to prosecute petty and poverty-related offenses (like marijuana possession); to avoid the use of bail as leverage to incarcerate poor people before trial; and to avoid partisan prosecutions connected to immigration, the death penalty, and abortion.

At the national level, the power of the elected DA was finally emerging as a viable intervention in the effort to reform discriminatory policing and mass incarceration—a tangible victory for activists in the Black Lives Matter movement. Many organizations had independently reached the same conclusion: at minimum, more DA races—often a launching point for higher political office and yet ignored by both major political parties—should be contested.

The work is already underway. In early 2017, a former prosecutor and public defender, Whitney Tymas, created Justice & Public Safety PAC, a network of state political action committees that recruits, vets, and conducts