

A System Entrenched:

An Exploration of How America's Democracy Protects the Status Quo Over Suffrage

The fight for universal suffrage was fated when the very document that was intended to protect citizens and democracy was enacted in 1789: the Constitution. The American democracy was designed with multiple points of veto and the system itself yields a weak national government. Inevitably, these two aspects of American governance have worked dynamically to subvert political changes vital for achieving suffrage which in turn has rewarded power to the status quo. Specifically, the national design allowing for multiple veto points catalyzed the slow and partial progress of women's suffrage because those in power restricted the agenda. Similarly, America's decentralized government, a direct result of federalism, enabled political actors to lengthen and fragment African American suffrage without federal intervention. Thus, the systematic design of America is inherently problematic because it has favored and protected those defending the status quo, which has exacerbated both the social and political fight for universal suffrage.

The national system was designed with the inclusion of veto players and multiple veto points, which consequently challenged suffrage by restricting the agenda and thereby reinforced the prominent status quo. As George Tsebelis defines in his theory, veto players are actors that are essential in changing the status quo, and America's two collective and institutionalized veto players are the House of Representatives and the Senate (Matthews). Thus, the fact that a majority vote is required from both of these veto players to pass an amendment to the Constitution poses immediate problems in the face of suffrage. The slow and partial progress of the Women's Suffrage Movement provides a compelling example of how veto players restricted the agenda and protected the status quo to obstruct the fight for female suffrage. In 1882, the House and the Senate were assigned committees to recommend an amendment for women's suffrage; this amendment was approved by the House upon introduction but quickly dismissed by the Senate (Keyssar 185). By dismissing this amendment, the Senate majority controlled the agenda for the enfranchisement of women; this exemplifies how challenging it is to change the status quo due to the nature of democracy. Ultimately, because the national system was designed with two collective veto players, women's suffrage fell through the cracks of this fragmented

structure because it was not supported by a broad enough coalition. This notion is further demonstrated by the passage of the 19th Amendment in 1920, which signifies that it took nearly forty years after these initial amendments for women's suffrage to come into fruition on a federal level. This slow progress indicates that the national system favors people defending the current state of affairs, and therefore the fight for the right to vote was partial and dependent on the mobilization of bias.

Beyond the effects of veto players, the Senate allows for a veto point that advantages the status quo with the allowance of the filibuster rule, where one party actor can halt legislation and crowd the ability of the Senate until a super-majority vote ends the debate. The inherent problem of this veto point lies within the power it yields to individual members of the Senate to control the agenda. Another problematic externality of this tactic lies within whose rights have been restricted as a result, as the filibuster has generally been enacted for civil rights legislature in the Senate (Pierson Lecture, Feb 11th). For example, this delay tactic proved to be effective when the first piece of anti-lynching legislation was introduced in 1918: the Dyer Bill was filibustered by a Southern Democrat and the majority voted to dismiss it (Jager). This underlines the problematic nature of the filibuster tactic: an individual party actor was given enough power by the Constitution to interfere with the agenda of Civil Rights by stalling and subsequently ending the bill. Thus, the filibuster is yet another structure of the political system that enabled the bias of the Southern Democrats to restrict the enfranchisement of African American men, as America's democracy advantaged their voice to control the agenda. This idea emphasizes that the national system is set-up with many veto points that threaten the security of minority groups by enabling those who embody the status quo to retain power.

The structure of American democracy yields a weak national government due to federalism; this acted as another agent that threatened suffrage because the reinforcement of the status quo without intervention lengthened the disenfranchisement of African Americans. The idea of federalism is entrenched in American democracy and referenced throughout the Constitution. The 10th Amendment embodies this notion by defining federal power in regards to Constitutional confinements and granting the remainder of power to the states and people (Smentowski). Unfortunately, this aspect of the democratic system jeopardized black suffrage

because the ambiguity of American federalism slowed the national response to the state-level legislation that extralegally stripped African Americans of their constitutional rights granted during Reconstruction. Following Reconstruction, the addition of the 13th, 14th, and 15th Amendments, as well as the Enforcement Act, expanded black suffrage and civil rights throughout periods where the national government wielded more power and a means to enforce it (Pierson Lecture, Feb 11th). However, after the Hayes-Tilden Compromise in 1877 where the Republicans won the presidency in exchange for the removal of the federal military occupation in the South, this notion dissolved as power shifted and was decentralized. Consequently, this enabled the states to reassert control: Southern states enacted Jim Crow laws, such as literacy tests and poll taxes, that disenfranchised African Americans regardless of the new expansions on federal protections for black suffrage. These segregation laws are externalities of the ambiguity of federalism, for suppressing African American suffrage was utilized as a political strategy to maintain concentrated power in the white South. Ultimately, the Jim Crow era highlights how partisan manipulation was a key agent in the restriction of voting rights at a state-level, and how it enabled people defending the status quo to maintain their authority (Bateman 47).

The Jim Crow laws obstructed African American suffrage and left a subsequent legacy on the state-level suppression of black suffrage, which again demonstrates the ongoing entrenchment of federalism in the American Constitution and the inherent issues within a decentralized government. Ultimately, the number of registered African American voters in the South plummeted to almost 0 percent by the 1940s, and African American suffrage remained restricted until federal intervention and expansion via the Voting Rights Act of 1965 that legally eliminated the Jim Crow barriers (O'Brian Section, Feb 11th). The drastic reversal of black suffrage highlights how federalism threatens voting rights: the state-level forces in the South yielded enough power and protection within the American political system to uphold damaging laws that almost entirely restricted black suffrage in the South. Therefore, the complex structure of the American democracy advantaged the Southern status quo and slowed black suffrage by enabling the Democrats to maintain a one-party rule without intervention. Lastly, it is crucial to acknowledge that the dynamic between a weak national government and suppressing African American suffrage persists today, as often there are more exclusionary voting laws in states that

have larger black populations (Bateman 51). The fact that this is the reality of African American suffrage over 130 years after being granted suffrage under constitutional law emphasizes that the design of the government still protects the status quo and enables the disenfranchisement of voters at a state-level. Thus, the lack of federal intervention and regulation of voting rights facilitates a discriminatory culture where the agenda is set at the expense of suffrage.

While the ways in which the very design of American democracy threatens suffrage by advantaging the status quo are evident, many people argue that universal suffrage was achieved regardless of the fact that the system advantages the status quo because change transpired. The simple answer is that universal suffrage is not enshrined in the Constitution and therefore the potential for disenfranchisement endures as a threat to American democracy. While universal suffrage is enforced by the Constitution in theory, the process of refining and defining suffrage is prevalent today because the system of the government still empowers the status quo which indicates that multiple injustices prevail. Thus, the need for reform is constant and it is crucial to recognize the systematic faults within the American government before true universal suffrage can be assured for future generations. Amendment 4 of the Florida State Constitution, passed in 2018, is a living example of African American suffrage being challenged to this day because voting rights in the state are still infringed upon, in this case for convicted felons. Amendment 4 ended the disenfranchisement of incarcerated people in Florida and prompted the largest expansion of voting rights in America since the 26th Amendment (“Amendment 4 Is Still on the Line. Here’s What’s New”). With this success, it is also vital to trace the roots of this amendment: before this historic expansion of suffrage, over 20 percent of black eligible voters in Florida were barred from voting due to a felony conviction (Cohen). This data illuminates that Florida’s exclusionary measures restricted a significant portion of African American voters from casting ballots successfully since the mid-nineteenth century.

Another angle that underscores the fragmented construction of the American democracy is fact that Amendment 4 is still being restricted: less than a year after Amendment 4 was passed, Senate Bill 7066 was signed stating that this new group of eligible voters, felons in Florida, can only vote if they pay their sentence related fees (“SB 7066”). As this bill is hauntingly similar to how poll taxes discouraged African American voting after Reconstruction, this comparison

effectively demonstrates that the systems that were in place to protect the status quo and constrain suffrage throughout the Jim Crow era remain entrenched in the Constitution and continue to restrict black suffrage today. Furthermore, it forces those who accept the current definition of universal suffrage to consider current voting restrictions and injustices as a result of persistent state-level efforts, such as Iowa, the only state that still permanently disenfranchises people with felony convictions (Cohen). Overall, the passage of Amendment 4 and subsequent enactment of Senate Bill 7066 highlights the partial and seemingly endless process of reform due to the ongoing interplay between the mobilization of bias and the expansion or restriction of suffrage, as well as the need for continual federal intervention in the face of suffrage. Ultimately, the complexities within the sole example of Florida's Amendment 4 reveal that citizens must call into question the efficacy of America's democratic system and its role in suffrage, for regardless of the fact that universal suffrage is defined in the Constitution, there are also other agents embedded that evidently oppose this franchise.

America has prided itself as a model for modern democracy since the Constitution was enacted, and guaranteeing universal suffrage remains at the root of that definition. However, in allowing for multiple points of veto and yielding a weak national government, the design of the American democracy lengthened and fragmented the process of suffrage by advancing the status quo. The flaws within the American political institution are inherent, perennial, and undemocratic as the very structure of the system constrains the ability to expand voting rights. Unfortunately, this has resulted in the same demand for universal suffrage years after the fight for this right should have ended: ensure that all American citizens have the right to vote *and* a means to exercise it.

Works Cited

“Amendment 4 Is Still on the Line. Here’s What’s New.” *American Civil Liberties Union*,

American Civil Liberties Union, 23 Jan. 2020,

www.aclu.org/news/voting-rights/amendment-4-is-still-on-the-line-heres-whats-new/.

- Bateman, David A. "Race, Party, and American Voting Rights." *The Forum*, vol. 14, no. 1, 2016, pp. 39-65. *University of Michigan*, doi: 10.1515/0005.
- Cohen, Rachel M. "Florida Has Been Stealing Votes From Black People Since the Civil War. That Could Change in November." *The Intercept*, First Look Media, 6 Sept. 2018, theintercept.com/2018/09/06/florida-voting-rights-restoration-felons/.
- Jager, Steven J. "Dyer Anti-Lynching Bill." *Blackpast*, Blackpast.org, 19 Aug. 2012, www.blackpast.org/african-american-history/dyer-anti-lynching-bill-1922/.
- Keyssar, Alexander. *The Right to Vote: The Contested History of Democracy in the United States*. New York, Basic Books, 2000, pp. 172-224.
- Matthews, Dylan. "Why Congress Can't Seem to Get Anything Done." *The Washington Post*, WP Company, 26 Jan. 2013, www.washingtonpost.com/news/wonk/wp/2013/01/26/why-congress-cant-seem-to-get-anything-done/.
- "SB 7066." *Vote Smart*, Vote Smart, 28 June 2019, votesmart.org/bill/26721/67851/requires-felons-pay-outstanding-court-fees-prior-to-voting-rights-restoration#.XkzeRS-ZM6U.
- Smentkowski, Brian P. "Tenth Amendment." *Encyclopædia Britannica*, Encyclopædia Britannica, Inc., 7 Feb. 2019, www.britannica.com/topic/Tenth-Amendment.