

GUARDRAILS OF DEMOCRACY

NORM EROSION AND HAWAI'I'S VULNERABILITIES

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OUTLINE



WHAT DEMOCRACY REQUIRES

Informal
guardrails that
sustain
democracy

HOW IT ERODES

Democratic
backsliding
and norm
violations

WHY THE US IS VULNERABLE

The
constitution;
evidence of
U.S. decline

WHY HAWAI'I IS EXPOSED

Federal
dependence
and unique
vulnerabilities

WHAT HAWAI'I CAN DO

Practical steps
to reinforce
stability and
fairness

SECTION 1: WHY DEMOCRACY REQUIRES NORMS



December 23, 1783: General George Washington Resigning His Commission (John Trumbull)

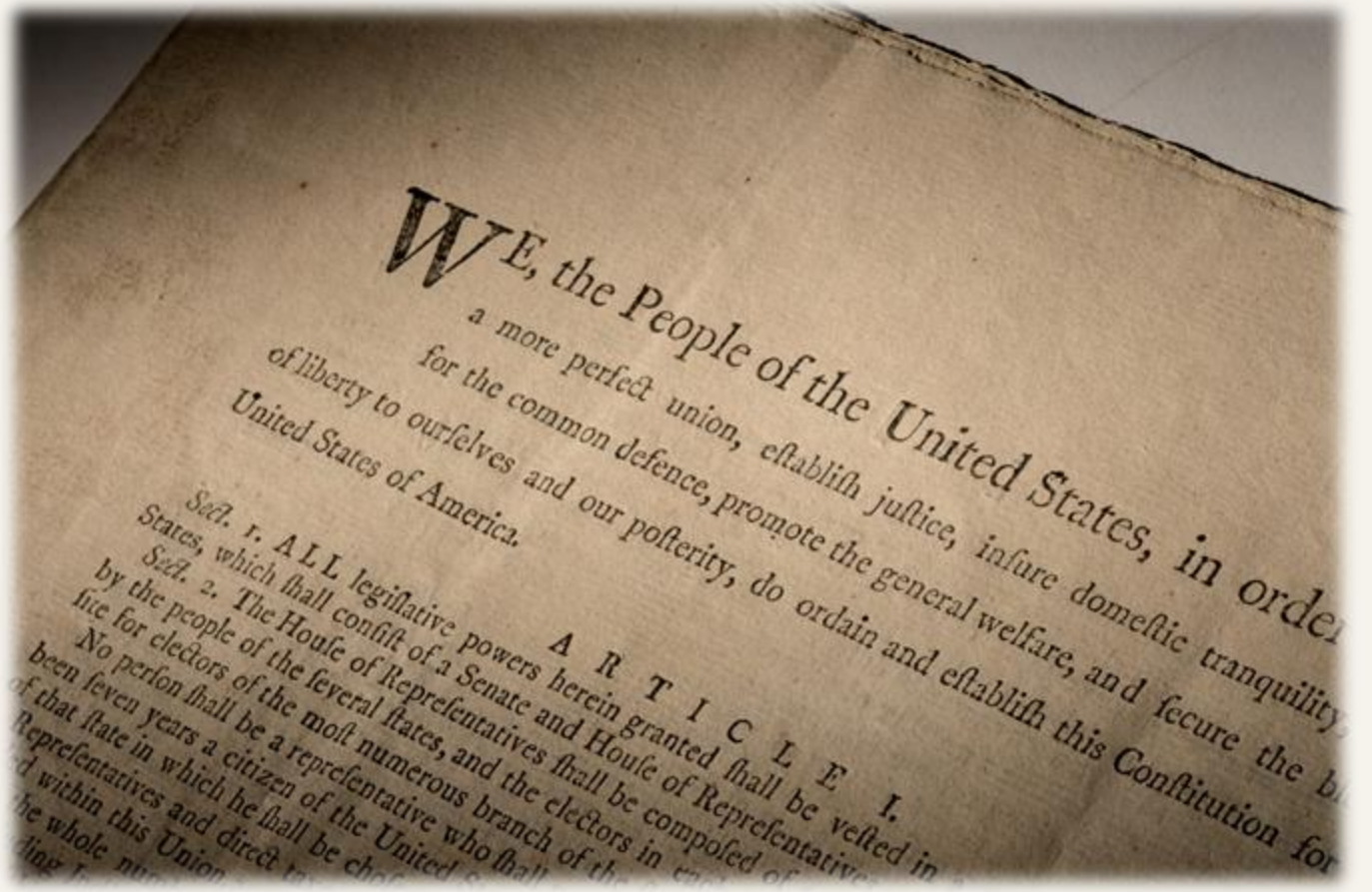
DEMOCRACY NEEDS MORE THAN RULES

- Constitutions and elections provide structure, but they cannot secure democracy on their own
- Democracy survives only when unwritten norms and institutions give those rules life and legitimacy
- Without these guardrails, even strong constitutions can fail

THE TWO CORE NORMS

- **Mutual toleration** means accepting political opponents as legitimate rivals, not existential enemies
- **Institutional forbearance** means exercising restraint and not using legal powers to their maximum in ways that undermine democracy
- Without these norms, even strong constitutions can fail to protect democracy
- Together, these guardrails prevent politics from becoming a no-holds-barred struggle. They allow democracy to work as it should through compromise and the sharing of power

**OUR CONSTITUTION
ONLY WORKS BECAUSE
OF OUR SHARED
DEMOCRATIC NORMS**



WEAK DEMOCRATIC NORMS IN THE EARLY REPUBLIC



Cartoon depicting a fight in Congress regarding the Alien and Sedition Acts, 1798

EARLY U.S. STRESS TESTS

LEARNING TO ACCEPT POLITICAL RIVALS

ALIEN AND SEDITION ACTS OF 1798

The Alien and Sedition Acts criminalized opposition newspapers and punished dissent

THE ELECTION OF 1800

The election nearly broke the new republic, as each side treated the other as traitors to the Constitution

ROOSEVELT'S COURT-PACKING PLAN



THE 1937 COURT-PACKING CRISIS

President Roosevelt sought to expand the Supreme Court to secure the New Deal



DEMOCRATIC GUARDRAILS HOLD

Congress, including many Democrats, rejected the plan, showing that informal guardrails could still hold

STRONG NORMS, LOW POLARIZATION IN THE POST-WAR ERA



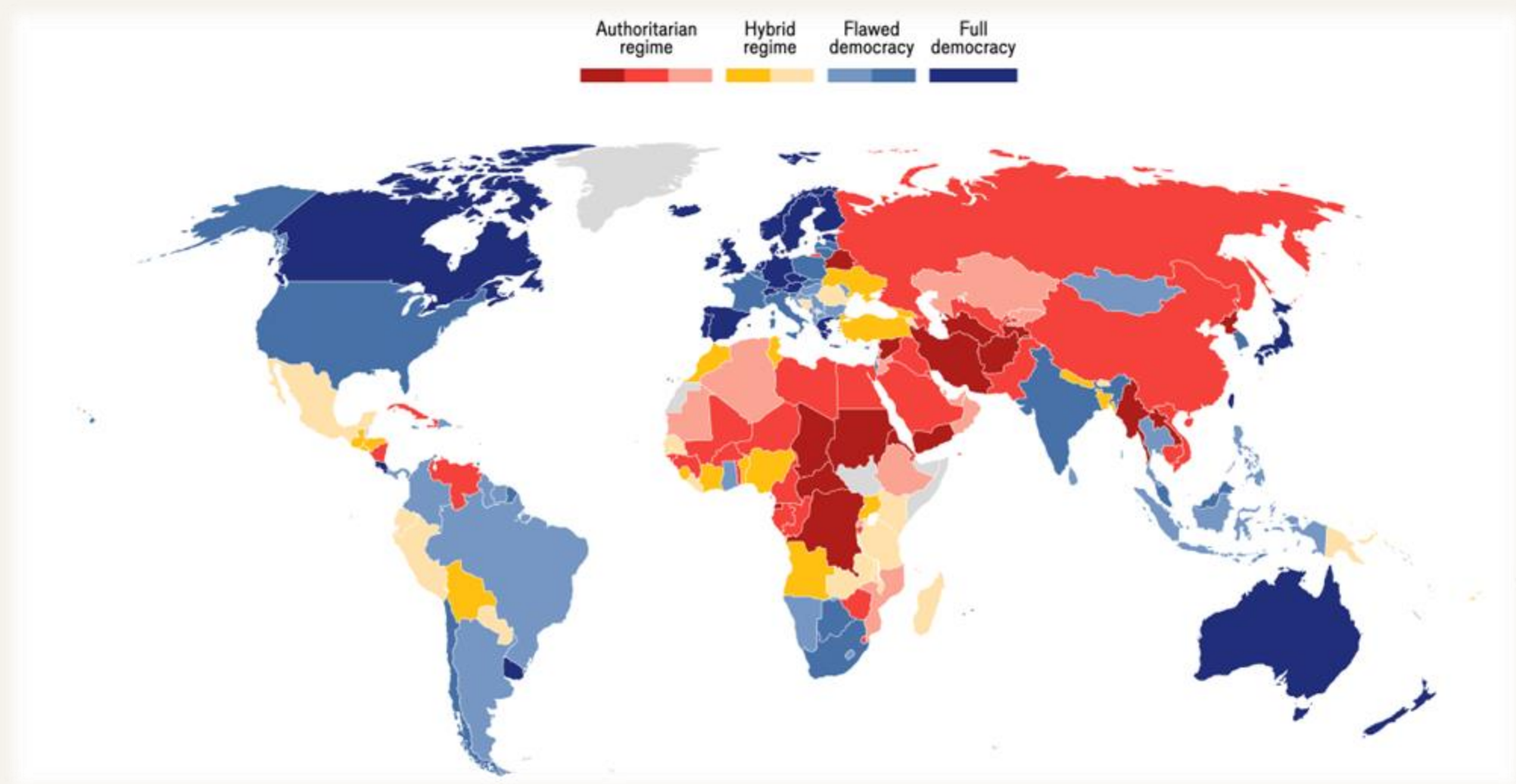
President Richard Nixon resigns and leaves the White House, August 9, 1974

SECTION 2: HOW MODERN DEMOCRACIES ERODE



Hungarian Prime Minister Viktor Orbán (L) and President Recep Tayyip Erdoğan of Türkiye (R)

GLOBAL DEMOCRACY INDEX, 2024



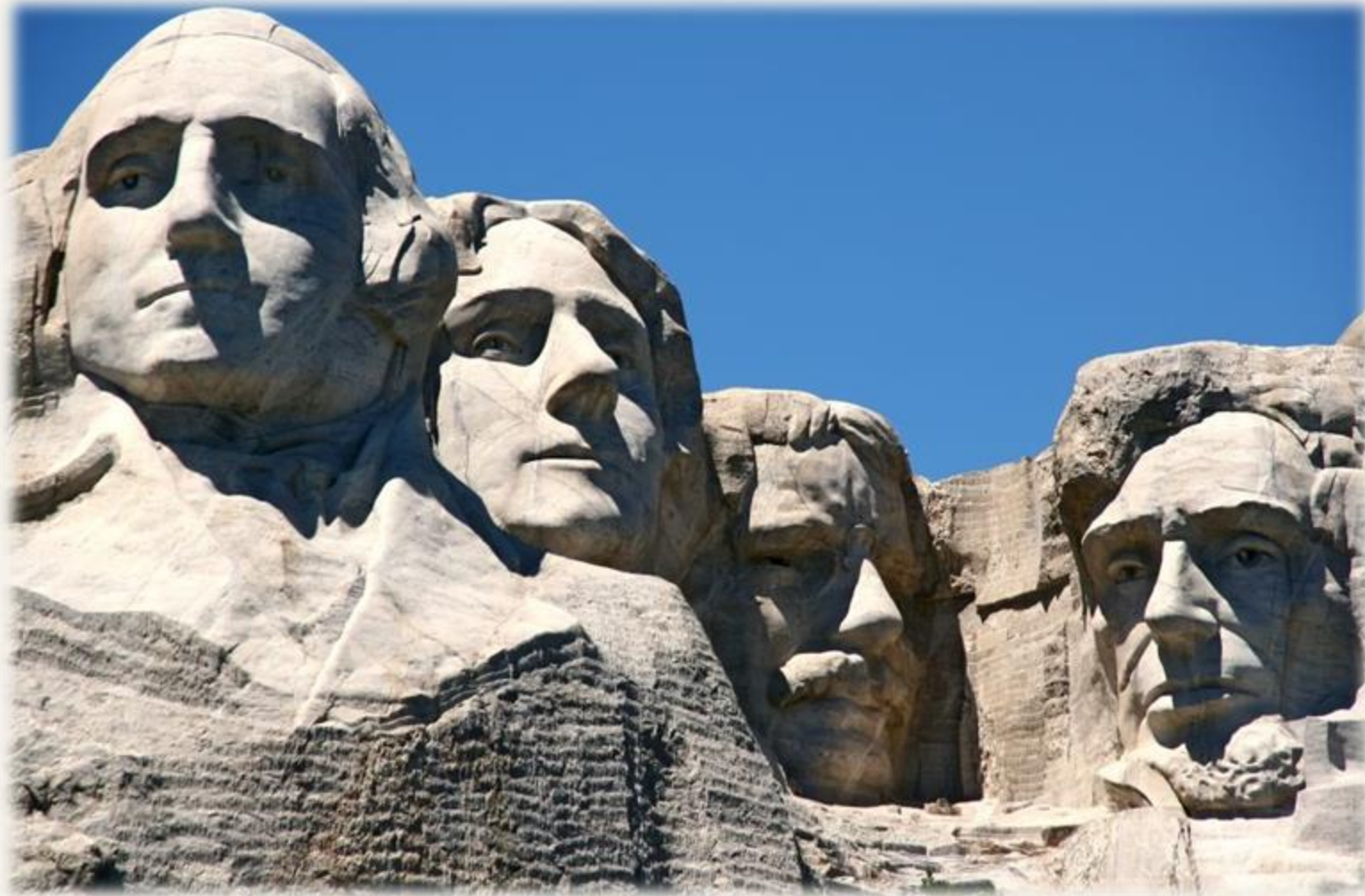
DEMOCRATIC BACKSLIDING

- Democracies today rarely collapse through military coups
- Instead, elected leaders often erode democracy gradually, while preserving a veneer of legality
- They pack courts, manipulate rules, and intimidate the press, making authoritarianism difficult to recognize in real time

DEMOCRATIC NORM VIOLATIONS ARE AUTHORITARIAN WARNING SIGNS

- Rejection of democratic rules of the game
- Denial of the legitimacy of opponents
- Toleration or encouragement of violence.
- Willingness to curtail civil liberties and attack the press

SECTION 3: WHY THE U.S. IS VULNERABLE



WITHOUT STRONG NORMS, THE US IS VULNERABLE

OLDEST CONSTITUTION IN FORCE

The U.S. Constitution is the oldest in the world still in force; it is a product of the 18th century

UNANTICIPATED POLITICAL REALITIES

It did not anticipate political parties or a professional bureaucracy; institutions necessary for a modern democracy

PRESIDENTIAL SYSTEMS HAVE A BAD TRACK RECORD

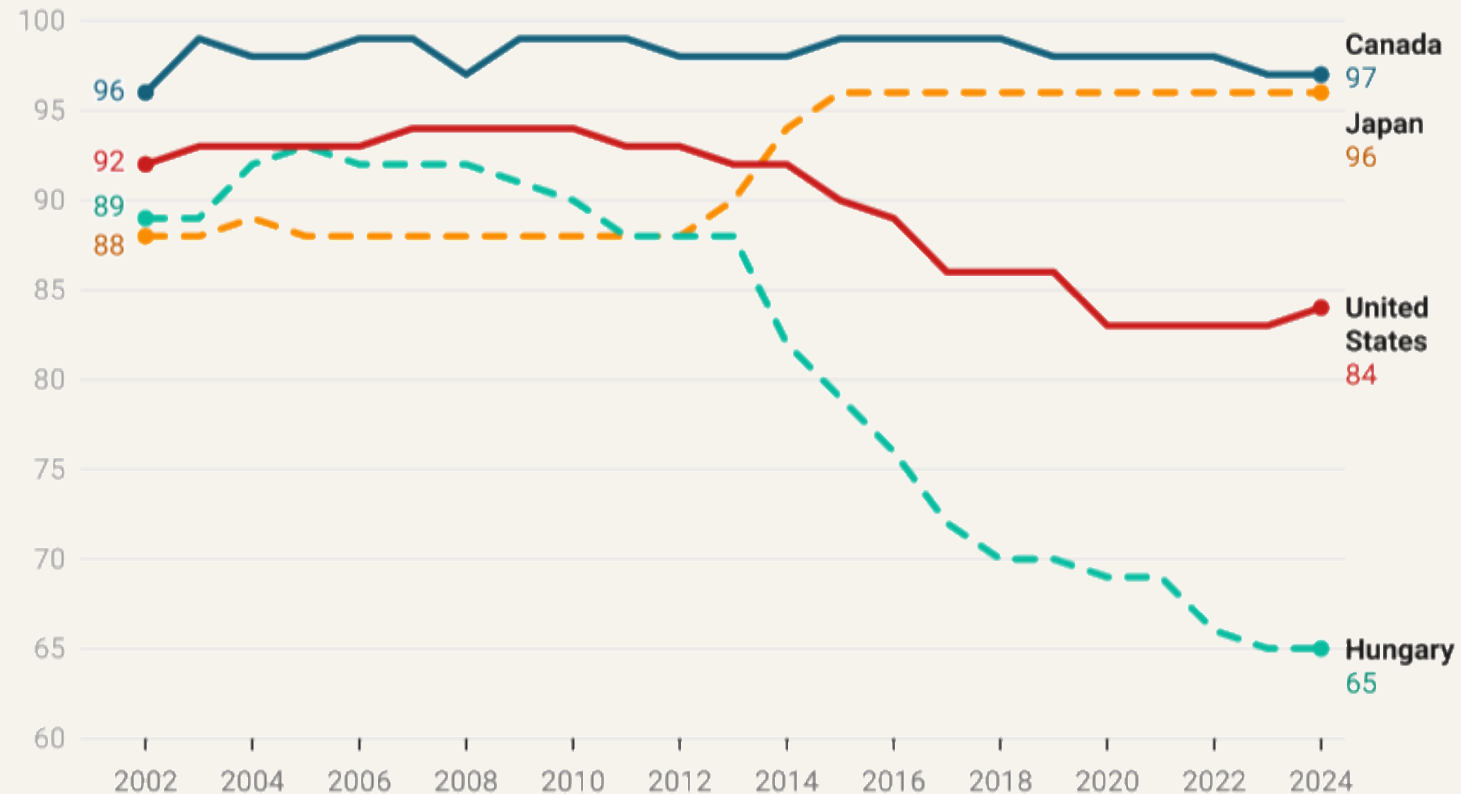
Presidential systems often collapse because too much authority is concentrated in one leader

CONSTITUTIONAL HARDBALL AS LACK OF FORBEARANCE

- Constitutional hardball means exploiting legal institutional powers to gain the maximum possible advantage over rivals
- These are high-stakes maneuvers intended to shift or entrench power, but undermine the mutual trust and shared assumptions that allow democratic institutions to work
- Examples include court-packing, filibuster abuse, and manipulating election rules for partisan gain.

THE U.S. IS NOW CLASSIFIED AS A “FLAWED DEMOCRACY”

Freedom House. Freedom Scores, 2002 to 2024



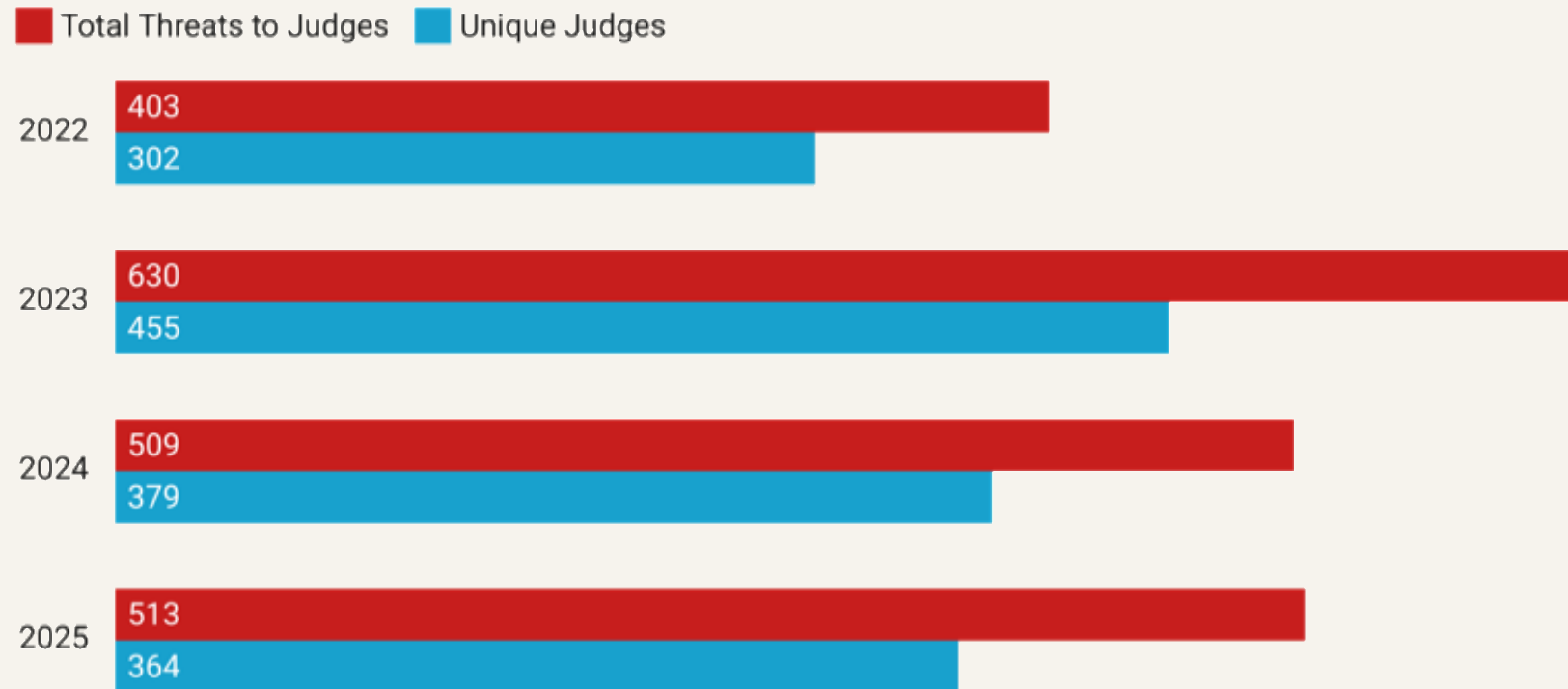
The score captures the extent of free and fair elections, political pluralism and participation, a functioning government, freedom of expression and association, the rule of law, and personal autonomy. Higher scores indicate more freedom.

LIMITED MUTUAL TOLERANCE: POLARIZATION TODAY

- Polarization has shifted from policy differences to personal hostility, a phenomenon called **affective polarization**
 - Increasingly, Republicans and Democrats dislike and distrust each other. Many are unwilling to socialize together
 - The percentage of people who would be unhappy if their child married a member of the opposing party has increased by 35 percentage points over the past 50 years
 - Families tend to be partisan enclaves; spousal agreement on party ID is now greater than 80%; largest since the 1960s
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NORM EROSION IS LEADING TO MORE THREATS AND VIOLENCE

Federal Judges Threatened (FY 2022 - FY 2025)*



2025 data through 9/2/2025

Source: U.S. Marshal's Service • Created with Datawrapper

COMMITMENT TO DEMOCRATIC NORMS MAY BE WEAKER THAN WE THOUGHT IN HIGHLY POLARIZED ENVIRONMENTS

- Americans profess strong support for democracy, but one survey experiment found that only a small fraction are willing to punish candidates from their own party who engage in undemocratic behavior
- Citizens cannot always be relied upon to enforce guardrails against democratic erosion
- This creates a permissive environment for politicians to break democratic norms

THE TRUMP ADMINISTRATION IS TESTING LONG- STANDING NORMS WITH LITTLE PUSHBACK

- President Trump has showed that these norms were weaker than many assumed
 - Norm violations in past few months: Firing the head of the BLS; threatening to fire a Fed Governor; deploying the National Guard to LA and DC; suggesting the FCC should remove broadcast licenses for NBC and ABC
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WHY HAS THERE BEEN NO RESISTANCE FROM CONGRESS?



**POLARIZATION HAS BROKEN OUR
SYSTEM OF CHECKS AND BALANCES**

SECTION 4: FEDERALISM AND HAWAI'I'S EXPOSURE

WHAT IF WASHINGTON IS NO LONGER A RELIABLE PARTNER?



FEDERALISM AS A STRENGTH

- Shared authority through separation of powers and federalism is one of American democracy's strongest defenses
 - This limited sovereignty offers opportunities to push back on federal overreach
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VULNERABILITIES: STATES DEPENDENT ON A RELIABLE FEDERAL GOVERNMENT THAT FAIRLY ALLOCATES RESOURCES

- In the post-war era, the states and federal government have become deeply intertwined, but the federal government holds most of the cards
 - States are dependent on federal resources for disaster recovery, health care financing, social services, and regulatory approvals.
 - When federal norms erode, predictability and security for states decline, which can bring chaos to social services, nonprofits, educational institutions
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FISCAL DEPENDENCE: DELAY WILL HAVE SERIOUS CONSEQUENCES

- Hawai'i relies on federal dollars for health care (Medicaid), schools, housing, and infrastructure. A delay in payments could be disastrous
- Disaster recovery (FEMA, wildfire and hurricane aid) depends on fair, timely approval
- Federal grants for UH research, DOE schools, higher education access programs rely on predictable funding



TOURISM AND THE LOCAL ECONOMY



- Air travel routes, airport funding, and aviation safety are federally controlled
- Visa and customs policies directly affect key visitor markets like Japan and Canada
- Unpredictable or partisan federal actions could disrupt Hawai'i's largest industry
- US political environment may discourage international visitors

CANADIAN VISITORS ALREADY SHOW CONCERN

UNLIKELY TO RETURN - TOP REASONS CANADA

Q1 2024 P	Q1 2025 P
64.9% Too expensive 37.4% Want to go someplace new 36.0% Flight too long 22.0% Five years is too soon 20.7% Poor value 12.4% Other financial obligations 10.7% Too crowded/ congested	45.2% Political climate 30.2% High cost of travel 12.0% Long travel distance 11.7% Travel restrictions or relations

STRATEGIC AND INSTITUTIONAL VULNERABILITIES

- Military spending, bases, and defense contracts are major economic anchors
- Federal courts and agencies (EPA, NOAA, DOI) shape land, water, and ocean policy
- Hawai'i's isolation and small delegation make it especially exposed if norms break down; our leverage is extremely limited



SECTION 5: WHAT HAWAI'I CAN DO



HAWAI'I'S UNIQUE ADVANTAGES

LOW AFFECTIVE POLARIZATION

Unlike mainland states, Hawai'i doesn't divide neatly into two hostile partisan camps. Our political culture is pragmatic rather than ideological

STRATEGIC IMPORTANCE

Federal dependence on Hawai'i's stability and support for national security gives us leverage to insist on fair treatment and adherence to norms

SOFT POWER

Hawai'i is America's favorite state (68% of Americans view us favorably). Our reputation for multiculturalism and aloha give our voice credibility beyond our size

PROTECTING HAWAI'I'S INSTITUTIONS AND RESOURCES

HOW HAWAI'I CAN STRENGTHEN ITS OWN GUARDRAILS

- Establish nimble reserve funds to backfill lapses in FEMA, health, or education funding
 - Create rapid-response budget procedures that allow the legislature to reallocate funds quickly when federal support is delayed
 - Support nonprofits that depend on federal dollars with bridge funding and technical assistance
 - Join multistate litigation and advocacy to resist arbitrary federal actions
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TIMOTHY SNYDER'S PRINCIPLES ADAPTED FOR LEGISLATORS

DO NOT OBEY IN ADVANCE

Require explicit procedures, documentation, and state oversight when federal directives affect local institutions

DEFEND INSTITUTIONS

Protect elections, the civil service, and administrators from politicization

REMEMBER PROFESSIONAL ETHICS

Uphold impartiality in state decision-making, even under pressure

BELIEVE IN TRUTH

Maintain open government and resist disinformation

LEARN FROM PEERS

Partner with other states to share strategies, litigation, and support

BE A PATRIOT

Place the long-term health of democracy above short-term political gain

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