

# Speaking Out

to Strengthen the Guardrails  
of Democracy



Divided Community Project,  
Moritz College of Law,  
and Mershon Center for  
International Security Studies



THE OHIO STATE UNIVERSITY

Speaking Out To Strengthen the Guardrails of Democracy, Moritz College of Law and Mershon Center for International Security Studies is licensed under a Creative Commons Attribution-Non Commercial-NoDerivatives 4.0 International. Individuals and organizations are free to copy and redistribute this guide in any medium or format. They may not create derivative works without explicit written permission from The Divided Community Project at The Ohio State University Moritz College of Law.



### Suggested Citation

Divided Community Project and Mershon Center for International Security Studies, Speaking Out To Strengthen the Guardrails of Democracy (2023), CC BY-NC-ND 4.0, <https://go.osu.edu/dcpdemocracy>.

Other publications by the Divided Community Project are available at <https://go.osu.edu/dcptoolkit>:

- A Practical Guide to Planning Collaborative Initiatives to Advance Racial Equity (2nd ed. 2022), also available at <https://go.osu.edu/dcptrc>.
- Symbols and Public Spaces amid Division: Practical Ideas for Community and University Leaders (2021), also available at <https://go.osu.edu/dcptrc>.
- Key Considerations for Leaders Facing Community Unrest: Effective Problem-Solving Strategies That Have Been Used in Other Communities (2nd ed. 2020)
- Planning in Advance of Community Unrest (2nd ed. 2020)
- Key Considerations for College and University Leaders: When Conflicts and Divisive Incidents Arise (2020)
- Key Considerations for College and University Leaders: Preparing the Campus at a Time of National Polarization (2020)
- Divided Communities and Social Media: Strategies for Community Leaders (2nd ed. 2020)
- Identifying a Community Spirit (2019)

For additional information about the project or to discuss DCP's resources, please email [froehlich.28@osu.edu](mailto:froehlich.28@osu.edu).

Support for this report was provided by: The Ohio State University Moritz College of Law, The Ohio State University Mershon Center for International Security Studies, The JAMS Foundation.



# Contents

---

3	Section 1 Introduction	23	Section 5 How to Speak Out
5	Section 2 Checklist	36	Section 6 Conclusion
9	Section 3 How We Got Here	37	Endnotes
12	Section 4 Identifying and Countering Threats to Democracy	41	Bipartisan or Nonpartisan Initiatives to Strengthen U.S. Democracy
		43	Acknowledgements



# Introduction

Conservative and liberal leaders as well as scholars of law, history, communications, and government are sounding an alarm about the current threats to U.S. democracy. Surveys indicate that most Americans agree.<sup>1</sup> A recent Carnegie Endowment for International Peace report states that four international democracy ranking institutions noted the U.S.

downward slide.<sup>2</sup> While various commentators try to reassure that the guardrails to democracy will hold, others fear that Americans risk more in ignoring these urgent warnings. Some with the latter concerns are working to strengthen democracy and counter the familiar playbook used by would-be authoritarian leaders.

Strengthening democracy requires a multi-pronged approach. The focus of this guide is on one prong – “speaking out” – as a strategy for strengthening democracy. Speaking out can augment other potentially potent approaches, such as enforcing current laws, securing changes in law, supporting pro-democracy candidates for office, helping people bridge their differences,<sup>3</sup> or running for office.

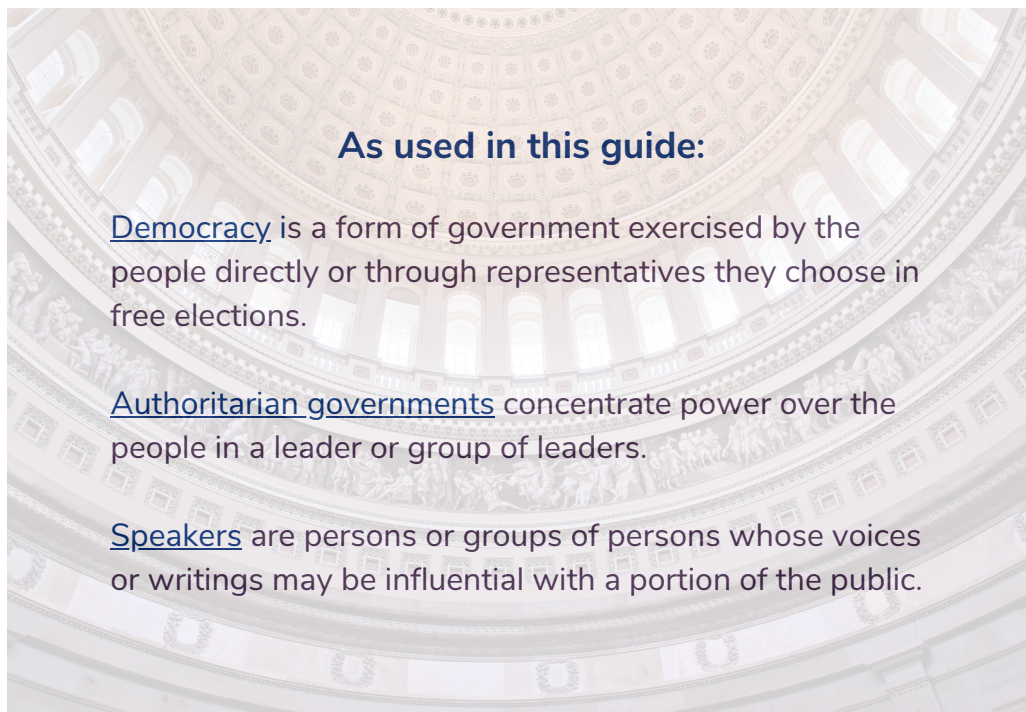
*People who speak out effectively can encourage hope and counteract attempts to sow ungrounded fears, speak against and resist normalizing anger politics and hate speech, reinforce the need for checks and balances in government, enhance trust in independent public bodies and professional and civic groups, encourage nonviolence, support the norms that undergird democracy, and more.*

To provide background and offer promising ideas for those willing to speak out to strengthen democracy, this guide reviews the societal forces that have made the nation vulnerable ([Section 3](#)), markers of a slide toward authoritarian government and ideas for countering them ([Section 4](#)), and potential ideas for overcoming barriers to effective communication ([Section 5](#)). A brief checklist summarizing Sections 4 and 5 follows this introduction.

Implementation of these ideas will require both individual initiative – sometimes courage – and cooperation among unlikely allies. When people coordinate their messages to preserve and improve a government by the people, individual members of that group may differ in their reasons for dissatisfaction with the current state of our democracy. Still, they may find agreement on some policy approaches for improving democracy and be united in a desire to strengthen democracy. This guide does not attempt to catalog the subjects on which influential individuals or groups might speak, but rather points out warning signs that would make speaking out more crucial as well as ideas and illustrations of messages to counter them. It also suggests effective ways to reach key audiences.

A broad array of organizations seeking to strengthen democracy may assist in convening potential speakers and offering them the tools to be effective. An appendix lists some of these other organizations.

This guide results from meetings on October 25 and December 2, 2022, convened by the Divided Community Project at the Moritz College of Law and the Mershon Center for International Security Studies, both at The Ohio State University. Scores of leaders, former leaders, scholars, and practitioners contributed to the ideas presented in this guide. We gratefully list many of these talented and dedicated persons in the acknowledgements that conclude this guide.



# 2

## Checklist

Speaking out may be a critical component of a groundswell to strengthen the guardrails to democracy, especially when leaders, those working with them, or hostile governments take advantage of a new media environment to engage in efforts that undermine the crucial elements of a democracy. This is a brief checklist of promising ideas; the rest of the guide elaborates on and illustrates them.

**Watch for the markers of a slide toward authoritarian rule and prepare a responsive approach.** For the markers of such a slide, listed on the left below, consider the responses on the right.

Arousing unnecessary fears?

*Encourage hope and counteract attempts to sow ungrounded fears or manufactured emergencies.*

Lying to undermine faith in key independent public institutions?

*Defend the institutions on a bipartisan basis; point out the connection between trust in independent public institutions and democracy.*

Undercutting checks and balances?

*Make the connection between checks and balances and individual rights; urge people to vote against any anti-democracy candidates.*

Encouraging or engaging in anger politics and hate speech?

*Renounce quickly in groups or sequenced messages that reflect the broad political views of the public; explain the benefits when people treat each other well and all can thrive; help people appreciate the harm that some feel and the benefits of all people feeling safe and respected; celebrate the heroes who speak up against the anger and hate stories.*

Interacting with vigilante groups?

*Call attention to what is occurring; counsel against meeting violence with more violence.*

Ridiculing and undermining the trust of ethical professionals and civic groups?

*Defend the importance of the role played by these groups in a democracy; encourage participation in them; urge these groups to speak up themselves in defense of democracy.*

Violating other norms that underlie healthy democracies?

*Praise those who follow these norms in challenging circumstances and explain how democracy depends on support for these norms.*

## Promising ideas for dealing with headwinds potentially encountered in communicating the message effectively include:

### **Collaborate**

Collaborate with unlikely allies to speak jointly or in succession because that combination is most likely to be noticed and trusted by varied audiences and will reinforce the importance of the message, model respect across differences, and enhance safety.

### **Stay safe**

Stay safe, which includes calculating whether a message (especially a blaming one, but less likely a positive one) will provoke others to violence and, if so, form mutually supporting groups that speak jointly and consult with law enforcement.

### **Offer hope**

Reduce unnecessary anxiety; offer hope; avoid responses in-kind to anti-democratic actions, as each approach plays an important role in reducing fear, anxiety, and political polarization.

### **Fact check**

Provide a credible fact check and anticipate resistance to a change in beliefs or views which may require speaking before false narratives take hold and framing topics to avoid offending people such that they do not listen.

### **Choose a transmission mode**

Choose a mode of transmission that considers: the news echo chambers; the anger, lies, and divisiveness in social media posts; the inattentiveness of portions of the public; and the fog created by the 24/7 news cycle, endeavoring to respond using humor, simplicity, brevity, video, surprising speakers, and repetition.





### **Tailor messages**

Tailor messages, messengers, and media to varying audiences, so that these audiences see and trust the message and find their values reflected.

### **Storytelling**

Humanize the value of democracy with stories and specifics, so that they resonate with people, they learn from it, and they remember it.

### **Reinforce norms**

Reinforce democratic norms through example by having speakers with political differences display mutual respect and join forces to support an institution or democratic norm.

### **Explain legal issues**

Support or oppose changes in laws and legal systems to strengthen democracy because it may help the public understand what is necessary to maintain individual rights and protect against attempts to undermine the government's checks and balances.

### **Warn about motives**

Warn about the motives of those who will profit from conspiracy theories, lies, and attempts to alarm people.

# 3

## How We Got Here

It may seem surprising to learn about the signs of a slide toward autocracy when most Americans support democracy and its move “toward a more perfect union.”<sup>4</sup>

In fact, most Americans:

- Believe that elections are fair and say that counting every vote is more important than having their preferred candidate win.<sup>5</sup>
- Support building a more fair, multi-racial and multi-ethnic democracy – perhaps the “more perfect union” referenced in the Preamble to the U.S. Constitution.<sup>6</sup>

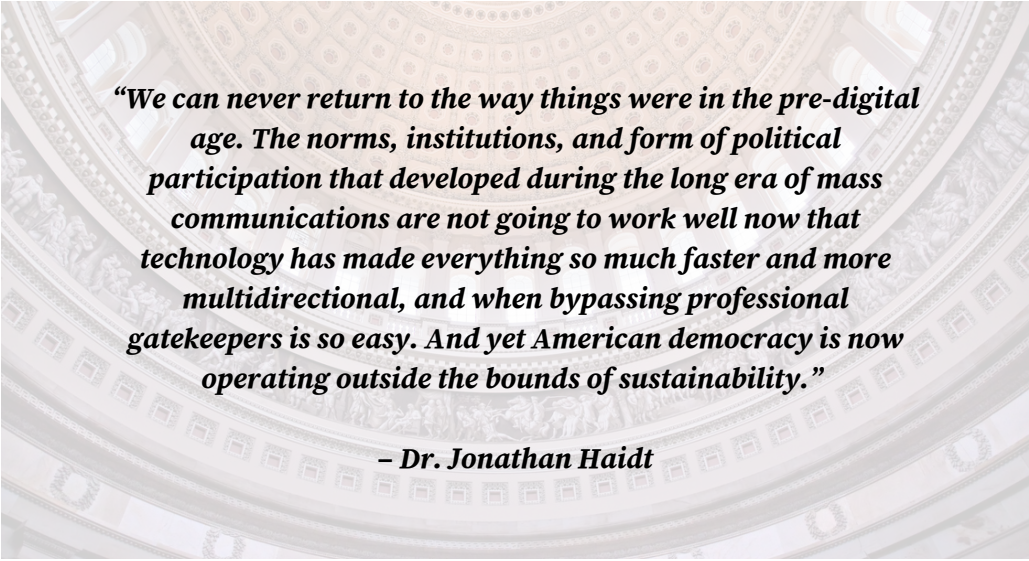
Emphasizing the value of speaking out, many Americans remain persuadable. For example, though most voters believe that political parties reflect different core values, they are more likely to conclude that members of rival parties share common values after having facilitated conversations with a member of a different political party<sup>7</sup> or even after watching members of rival parties having respectful conversations.<sup>8</sup>

Despite these commonalities among the bulk of Americans, changes in the nation’s environment over the last decade add to political developments to test the guardrails to American democracy and make it more crucial for people to speak out in its defense. These developments, unfortunately, also make people more hesitant to speak out and offer challenges to reaching their intended audiences. Four recent developments stand out, leaving aside current politics, which the readers can readily assess.

### Rise of Social Media

Expanded social media use has amplified a historic American tendency toward raucous politics. From 2009 to 2012, social media platforms began assisting users to sort the formidable volume of messages with “likes,” “retweets,” and “share” buttons. By 2013, the platforms had developed algorithms that predicted users’ preferences, elevating the visibility of messages likely to trigger emotions, “especially anger at out-groups.”<sup>9</sup>

As users sought to create messages that would “go viral,” social psychologist Jonathan Haidt noted that “the volume of outrage was shocking.” He added that misinformation grew. Trust in institutions such as schools and news media diminished. Political echo chambers strengthened their hold.<sup>10</sup> By 2016, social media users had learned how to create viral messages that would enhance fundraising, create anxiety, and generate profit. Television viewers gravitated toward cable stations that reinforced their own views and away from stations that sought to serve most audiences. At the same time, artificial intelligence made it easy for foreign governments to reach Americans directly and anonymously, and artificial intelligence made it inexpensive to do so. Several foreign governments flooded social media with messages that supported a particular political candidate or exacerbated divisions, especially racial and religious differences, within the U.S.<sup>11</sup> Though U.S. regulators have largely not interfered with social media developments, that may change, either through legislation or as a result of rulings on two cases pending in 2023 before the U.S. Supreme Court.



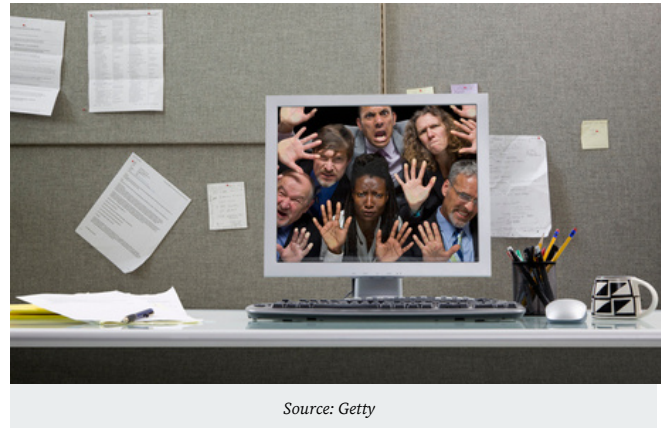
***“We can never return to the way things were in the pre-digital age. The norms, institutions, and form of political participation that developed during the long era of mass communications are not going to work well now that technology has made everything so much faster and more multidirectional, and when bypassing professional gatekeepers is so easy. And yet American democracy is now operating outside the bounds of sustainability.”***

***– Dr. Jonathan Haidt***

## **Zero-Sum Game**

The resulting effects of these social media developments landed in the midst of a movement to advance racial equity. Despite the story, embraced by many Americans, that Americans’ varied backgrounds and experiences fuel prosperity and a vital cultural life, politicians have long aroused fears by suggesting that people of a particular race, ethnicity, belief, or other characteristic are usurpers of the “true” Americans’ jobs or way of life.<sup>12</sup> Setting out a “zero-sum game” in which every gain for one group is a loss for others, they hope that voters will support them as potential redeemers.<sup>13</sup>

Social media's outsized claim on people's attentions and the lack of restraint of social media messages allows these divisive speakers to fuel that zero-sum tendency. Profit-hungry hucksters and foreign governments' bots magnify the divisive and hate-filled messages. Studies publicized in about 2014 predicted that white Americans would be a minority in about 30 years, frightening some of those with zero-sum-based fears.<sup>14</sup> Feeling under attack, some members of the targeted groups took advantage of another aspect of social media – the ease of spreading messages that shame others. These fit the algorithms for elevation, so charges and countercharges claimed more public attention. Certain words became common forms of dismissal – “bigot” vs. “woke,” for example. Now many Americans are afraid to speak at all about controversial topics.



## Violence and Hate Crimes

The anxiety, fear, conspiracy theories, and embittered societal fault lines have led some to violence. Those targeted on social media and on television have also been attacked.<sup>15</sup> Hate crimes have climbed, reaching a high in 2020.<sup>16</sup> Militias developed coordination on secret social media.<sup>17</sup> Social media use also permits more rapid organization of demonstrations and counterdemonstrations, with the risk of violence between them before law enforcement can separate those with clashing views. Now some who might want to speak out to strengthen democracy may also fear that doing so will endanger themselves and their families.

## Lasting Effects

Social media have supported the mobilization of groups with strongly held opinions who appear at local school boards or library boards or town councils to demand their views be adopted. The vehemence of their claims and their attacks on librarians, teachers, and others intimidate those who do not share their views and prevent meaningful dialogue. The National Civic League reports that 8 in 10 local officials surveyed by the League had been the victims of harassment, threats, or violence.<sup>18</sup> As a result, books are banned, long-term professionals are leaving their posts, school curricula are upended, and public trust in local institutions is tested.

These new circumstances may ease the way for would-be authoritarian leaders to challenge the guardrails of democracy. The same developments may complicate the task for those speaking out to strengthen democracy, but they also offer opportunity if people understand the vital role that they can play by speaking out themselves.

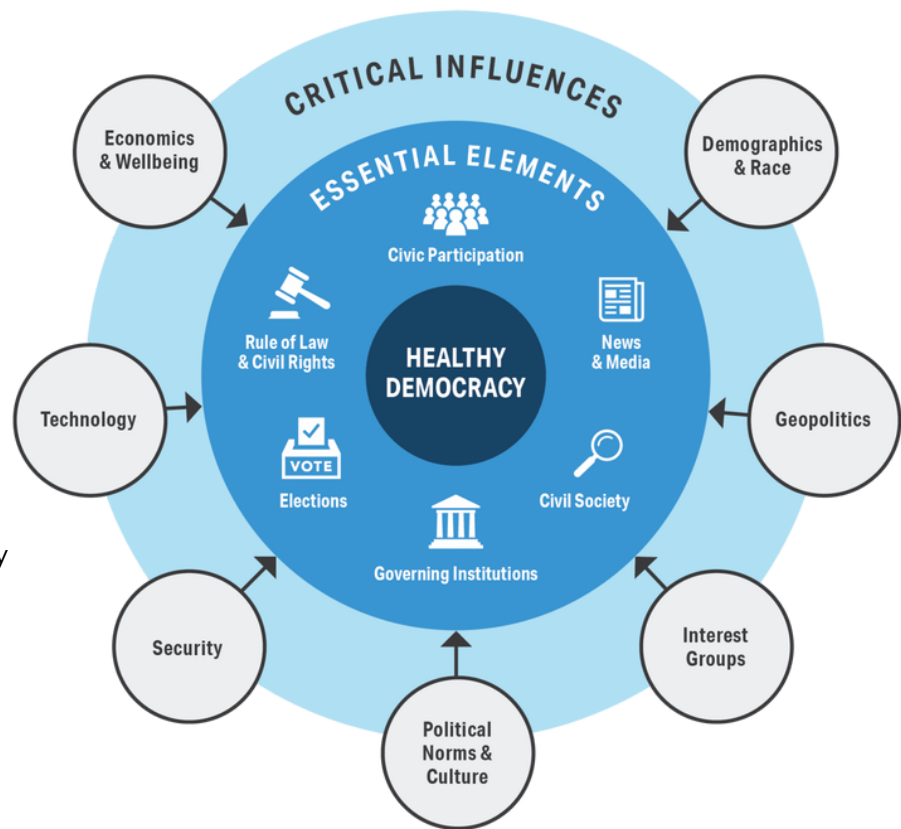
# 4

## Identifying and Countering Threats to Democracy

Recent transitions from democracies to authoritarian governments in other nations often occurred under elected leaders. Democracies sometimes “erode slowly, in barely visible steps” as “elected autocrats maintain a veneer of democracy while eviscerating its substance.”<sup>19</sup> The elected leader and supporters aim to undercut what underlies a healthy democracy.

The substance of a democracy includes not only the laws and independence of some governmental units but also the norms, the public trust for institutions such as schools and election boards, civic engagement, independent sources of news, and more, as this diagram illustrates.

Public figures from both major political parties, historians, and political scientists have collectively identified signs of a slide away from democracy. They cite nations such as Russia, Venezuela, Georgia, Hungary, Nicaragua, Philippines, and Sri Lanka as recent examples. We can learn as well from successful efforts to rebuff threats to democracy in nations such as Belgium, Costa Rica, Spain, and Finland.<sup>20</sup>



*This graphic by [Democracy Fund](#) portrays pillars of democracy (Essential Elements ring) and influences on the strength of those pillars.*

By studying the typical approaches to undermining democracy, those who want to preserve it can vote against leaders who display these signs, shore up laws and independent institutions key to preserving democracy, help people bridge differences at a community level, and – to the point of this guide – speak, individually and in concert, in opposition to attempts to move toward authoritarian government. Speaking out may be a critical piece of a groundswell to strengthen democracy, especially when leaders, those whose goals align with the leaders, or hostile governments engage in efforts to undermine the crucial elements of a democracy.<sup>21</sup>

## Signs of a Slide Away from Democracy and Illustrative Responses

### Arousing unnecessary fears

#### How It Works

Power-hungry leaders can expand power on the back of an emergency.<sup>22</sup>

*"National emergencies — especially wars or major terrorist attacks — do three things for such leaders. First, they build public support. Security crises typically produce a rally-round-the-flag effect in which presidential approval soars. Citizens are more likely to tolerate — and even support — authoritarian power grabs when they fear for their safety. Second, security crises silence opponents, since criticism can be viewed as disloyal or unpatriotic. Finally, security crises loosen normal constitutional constraints. Fearful of putting national security at risk, judges and legislative leaders generally defer to the executive."*<sup>23</sup>

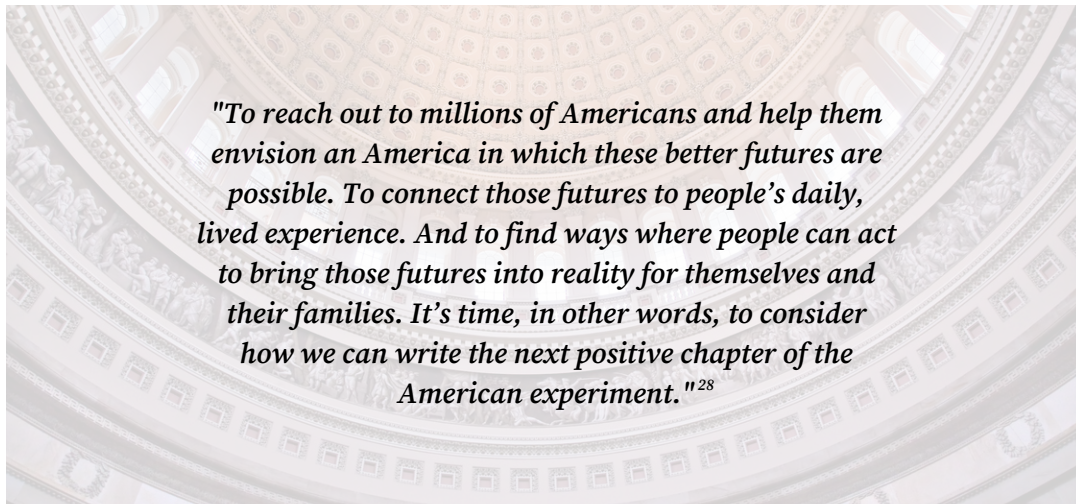
– Professors Steven Levitsky and Daniel Ziblatt

Would-be authoritarians can also create an emergency to arouse fear.<sup>24</sup> If no actual emergency presents, they encourage fear and anxiety by repeatedly painting a bleak picture of the current situation, inventing villains, and falsely portraying particular groups as benefitting while taking away others' way of life or living. Anxiety may make people more susceptible to conspiracy theories that leaders circulate or that appear in social media and which further heighten fears.<sup>25</sup>

The leaders then present themselves as the only potential redeemers, thus persuading the public to allow them to weaken the pillars of democracy – particularly to reduce checks and balances, suspend free speech and other individual freedoms, dissolve rival parties, and undermine the rule of law.<sup>26</sup>

## Illustrative Responses

Those speaking out can help to counteract this fear-based strategy by helping fellow Americans embrace a shared future in which they will flourish and be safe.<sup>27</sup> Two democracy experts describe this approach:



Influential persons can also appeal to reason and shake their heads at the exaggerations of either the emergency or the need to set aside the laws, institutions, and norms that undergird democracy. That can be followed by an explanation of a potential motive – how might would-be authoritarian leaders tend to misuse the public's anxieties as an excuse to move control from the people to the leaders.

## Lying to undermine faith in key democratic institutions

### How It Works

Would-be authoritarian regimes lie and keep repeating the lies, focusing especially on fabrications and conspiracy theories that undercut public confidence in key independent institutions.<sup>29</sup> They seek to confuse people about the truth by repeating falsehoods through media and social media, while disparaging or bullying responsible truth-telling institutions.<sup>30</sup> In time, a leader trying to gain more power will insist that others lie as a condition of securing the leader's endorsement. As the slide away from democracy continues, a leader will ultimately prosecute those who expose the leader's lies. As Russian Federation President Vladimir V. Putin said to a Russian reporter on December 9, 2022, with the implications clear, "You can't trust anyone. You can only trust me."<sup>31</sup>

## Illustrative Responses

Influential people can counter the efforts to undermine trust in key democratic institutions by pointing out just what is occurring and where it might lead. As Historian Timothy Snyder wrote:

***"Institutions do not protect themselves. They fall one after the other unless each is defended from the beginning. So choose an institution you care about — a court, a newspaper, a law, a labor union — and take its side."***<sup>32</sup>

When attacks on librarians, school administrators, and teachers took the form of book bans over the last year, some of these institutions simply removed the books. Pen America reports 2,500 book bans in 32 states during the 2021-22 school year.<sup>33</sup> But some groups of parents and students organized quickly. Students explained at school board meetings how their learning was enhanced by the targeted books, and the boards retained the books.<sup>34</sup>

In another illustrative situation, a number of distinguished conservatives – former U.S. senators and federal judges included – joined together to review the claims that the 2020 Presidential election was stolen, and they warned:

***"Claims that an election was stolen, or that the outcome resulted from fraud, are deadly serious and should be made only on the basis of real and powerful evidence. If the American people lose trust that our elections are free and fair, we will lose our democracy. As Jonathan Haidt observed, 'We just don't know what a democracy looks like when you drain all the trust out of the system.'"***<sup>35</sup>



Former U.S. Court of Appeals Judge J. Michael Luttig also focused on the importance of maintaining public trust in legal institutions in his formal statement to the U.S. House January 6 Committee:

*"Every day for years now we have borne witness to vicious partisan attacks on the bulwarks of that democracy – our institutions of government and governance and the institutions and instrumentalities of our democracy – by our own political leaders and fellow citizens. Every day for years now we have witnessed vicious partisan attacks on our Institutions of Law themselves, our Nation’s Judiciary, and our Constitution and the Laws of the United States – the guardians of that democracy and of our freedom. For years, we have been told by the very people we trust, and entrust, to preserve and to protect our American institutions of democracy and law that these institutions are no longer to be trusted, no longer to be believed in, no longer deserving of cherish and protection." <sup>36</sup>*

Speakers can support dissemination of accurate facts by organizing a broad array of persons who each retain the trust of a portion of the public and support these persons as they tell the truth. In addition, they can encourage public use of those media outlets that observe journalistic ethics. They can also focus public attention on acts, such as a Democratic governor appointing a Republican as the state’s election director,<sup>37</sup> that reinforce the bipartisan nature of election offices and other key public institutions.



*J. Michael Luttig, a former federal appeals judge, warned about the dangers to democracy created by those sowing distrust in June, 2022 before the U.S. House Select Committee on Investigation of the January 6 Attack on the U.S. Capitol.  
Source: Getty. Mladen Antonow, AFP.*

## Undercutting checks and balances

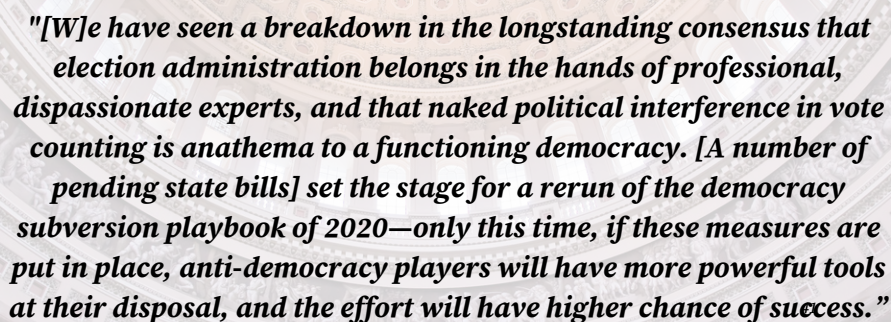
### How It Works

After leaders raise fears and undermine faith in key independent institutions, the public may not oppose the leaders’ efforts to secure control of key public institutions by appointing loyalists to previously independent agencies and by bullying incumbent leaders and staff.<sup>38</sup> At the end of the slide toward authoritarian government, leaders gain support for changes in the law so that they control all such institutions, including courts, administrative agencies, schools, election boards, and law enforcement. Or they move responsibilities from independent to controlled institutions.<sup>39</sup> Their allies may own media organizations and platforms. With expanded domination, the leader can direct these institutions to attack adversaries.<sup>40</sup>

Recent efforts to gain control of state and local voting boards illustrate this point. Through appointments and tiny changes in procedures and laws, a leadership group may make it more difficult for opponents to vote. At the end of the slide to authoritarian government, the leaders solidify control of the election institutions. Those leaders can then control the voting results.

### Illustrative Responses

Influential persons can speak out to describe what is occurring and develop bipartisan support for preserving the checks and balances provided by independent public institutions. They can also encourage trust in institutions, such as courts, election officials, and school boards, that remain independent and support their leaders against bullying. For example, the bipartisan States United Democracy Center, co-founded by former New Jersey Republican Governor and former EPA Administrator Christine Todd Whitman, urged voters to weigh whether proposals to change voting will diminish democracy:



***"[W]e have seen a breakdown in the longstanding consensus that election administration belongs in the hands of professional, dispassionate experts, and that naked political interference in vote counting is anathema to a functioning democracy. [A number of pending state bills] set the stage for a rerun of the democracy subversion playbook of 2020—only this time, if these measures are put in place, anti-democracy players will have more powerful tools at their disposal, and the effort will have higher chance of success."***

## Anger politics and hate speech

### How It Works

In a slide toward authoritarian government, leadership fails to denounce hate groups, thus permitting intimidation of other groups.<sup>42</sup> Over time, the leadership group may demonize the opposing parties and identity groups, claiming that these “other” groups will undercut the way of life or livelihood of the “true” people of the nation.<sup>43</sup> As a result, many will stop listening to the views of those outside their political or identity groups.<sup>44</sup> Hate incidents may increase as anger politics expand, enhancing inter-group distrust. Social media algorithms may elevate angry messages, thus attracting those seeking attention (or profit) to increase their use of angry texts. The social media postings and re-postings of foreign governments anxious to undermine democracy along with the rhetoric of domestic leaders may reinforce divisive messages. Ultimately, the leadership group bent on authoritarian power encourages people to support a one-party state and distracts from causes of public discontent with additional anger politics.<sup>45</sup>

A December 2022 report from the Center for European Policy Analysis refers to this approach of fostering hate as one from Russian Federation President Putin's playbook:

*"Today, the Kremlin is delving back into its old cupboard of tricks. It is advancing anti-GLBT policies at a time when it is forced to face unfavorable movements in Russian public opinion.... The return of the anti-gay card might therefore have been predicted. This time, the move is designed as part of a broader campaign to frame the war against Ukraine as a 'de-satanization' effort under the banner of 'traditional values.' Thus, the war is described as a part of Putin's crusade against the West that promotes "perversions that lead to degradation and extinction." "46*

Media (and social media) engage in "angertainment," a term coined to describe programming that provides a platform for voices that reinforce one political party's or segment's views, denounce censorship/filters that seek to moderate, and uses anger as a means of demonizing and often dehumanizing opponents. The goal may be to "stir up the base" or provoke an angry response, to gain followers and therefore make money or secure political donations or, for the foreign governments, to divide and weaken democracy. Angertainment amplifies the extremes and normalizes hyperbolic and uncivil political discourse.

Anger politics have already produced results that present risks to our democracy. Columnist Peggy Noonan, once President Ronald Reagan's speechwriter, wrote that "performance art ... has taken over our politics" and is related to political fundraising:

*"Once, you had to be a legislator and pass bills. Now you just have to play a legislator on media. You do TV hits, enact indignation, show you're the kind of tough person who gets things done. You don't have to do anything." "47*

In some nations, the angry and hate-filled discourse encourages violence in support of the leadership group's politics, soon followed by violence supporting an opposing group.<sup>48</sup> Even with only dozens of violent militias on each side, Northern Ireland and Spain, for example, both struggled with polarization caused by violence for decades until settlements were reached.

*“Democracy is not a state. It is an act, and each generation must do its part to help build what we called the Beloved Community, a nation and world society at peace with itself.”<sup>49</sup>*

*- The late U.S. Rep. John Lewis in an essay to be published after his death, leaving a message of hope for building a prosperous and peaceful multi-racial democracy.*



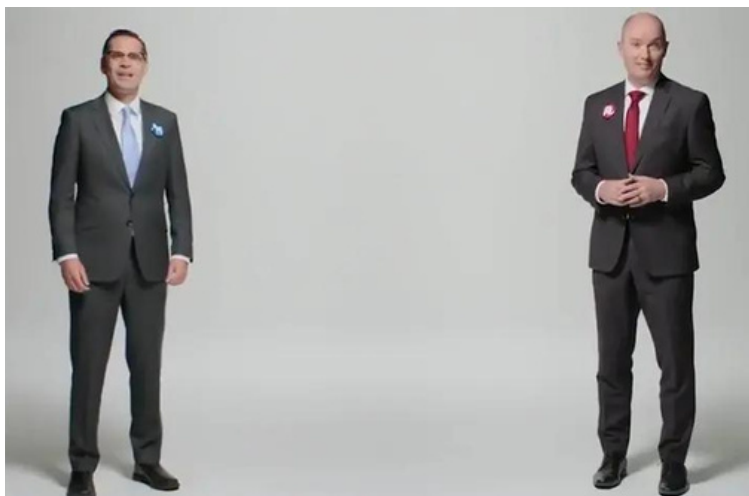
### Illustrative Responses

In the face of hate speech and anger politics, trusted speakers from a variety of political views can denounce the rhetoric of hate. It is important to do so immediately, before the public becomes accustomed to the approach, and it begins to feel normal to them. The most effective speakers will share the leaders' political party/identity or will speak as a bipartisan or nonpartisan group or sequence, so that the message will not just be dismissed as more anger politics.<sup>50</sup> Speaking out immediately and effectively on a bipartisan basis more likely will occur if these potential speakers have agreed to do so in advance, regardless of the politics of the persons engaging in hate speech. They can denounce the exaggerations and outright lies underlying the anger rhetoric, but again this will be more effective if some of the speakers share the partisan views of those engaging in anger rhetoric. Speakers can also point out how exhausted the public has become with attempts to manipulate them through anger politics.<sup>51</sup>

On a more positive note, those speaking out can counter the zero-sum assumptions implicit in the anger politics and focus particularly on the fact that creating a society in which all have opportunity will benefit the nation broadly. Together, business leaders and others can teach that a prosperous future, especially for a multi-racial democracy, depends on a mutually respectful public and broad opportunities to succeed as well as support for multiple political parties and respect for political rivals.<sup>52</sup>

As discussed, these strategies can be implemented by forming politically, religiously, racially, professionally, and otherwise diverse groups to speak out while demonstrating respect for each other. A television advertisement and subsequent research illustrate this point.

A 2020 public service ad showed the Utah Governor and his political opponent discussing civilly and with empathy for each other how each would accept the results of the upcoming election. Research indicated that the ad reduced support among viewers for partisan violence and undemocratic actions.<sup>53</sup>



*Demonstrating bipartisan support for democracy, two candidates for governor in Utah, Governor Spencer Cox and his political rival Chris Peterson recorded a public service ad in 2020 to talk about why both would accept the results of the election. Source: Twitter.*

## Interacting with vigilante groups

### How It Works

In other nations, leaders who became dictators first complemented and inspired armed groups that were willing to bully and repress the leaders' opposition and disperse demonstrations that might embarrass the leaders.<sup>54</sup> Collaboration among the armed militia groups in service of the leadership group signaled that democracy was at risk.<sup>55</sup> At that point of nationwide militia collaboration, dictators from other nations who were enemies of the democratic government sometimes provided support for the militias. At times, extremists at the other end of the political spectrum answered violence with violence, giving the leaders an excuse to consolidate power further in order to restore order. At the end of the slide to authoritarian government, these militias began intermingling with police or military, and the leaders gained the power to quash all dissent, especially when the independence of the judiciary had been compromised.

Militia groups have become a visible and growing concern in recent years. In the U.S., militia groups already cooperated nationally in the attacks on the U.S. Capitol on January 6, 2021, and prosecutors are holding accountable those who violated criminal laws. In December 2022, three militia members were sentenced in a plot to kidnap Michigan Governor Whitmer.<sup>56</sup>

### Illustrative Responses

In the U.S., militia development probably cannot be reversed by speaking out and will be contained only through law enforcement. But those speaking out can watch for and condemn any foreign support for militias and expose any intermingling of militia members with law enforcement or the military. They can also counsel against responding to violence with violence.

## Ridiculing and undermining trust in ethical professions and civic groups

### How It Works

Another signal that elected leaders seek authoritarian power is that they begin co-opting civic and professional groups whose viewpoints fit their ideology, such as some faith organizations and paramilitary units. They also try to discredit through ridicule and false claims independent public institutions and trusted civic groups that speak in opposition or independently.<sup>57</sup> Examples of these civic groups include medical professionals and organizations, the legal profession, news organizations, and university administrators and faculty members. Those bound by ethics that reinforce norms of honesty and service may clash with leaders' strategy to gain control through lies and exaggeration.<sup>58</sup> At the end of the slide to authoritarian government, leaders also seek to dominate or even ban faith institutions that remain independent and to undermine professional ethics, demanding fealty to the leader or party over religious or ethical principles.

### Illustrative Responses

Speakers can defend the civic and professional groups, reflecting on their independence from contending political parties, and urge the civic groups to become more visible to the public in the role that they play in strengthening democracy. To illustrate, prominent attorneys persuaded the American Bar Association's House of Delegates in 2022 to support provisions, enacted by Congress later in the year, that would clear up the uncertainties about certification of the Electoral College vote. In addition, based on their personal and professional experience, they persuaded delegates to pass a resolution to protect the independence of election administrators and block provisions that would make it difficult for some individuals to vote.<sup>59</sup>

Nineteen states, the resolution proponents said, had passed 34 laws restricting voting in 2021 alone. Sheila Boston, an ABA Delegate representing the New York City Bar, told the body:

*"How is it partisan to defend and unburden the right to vote and to make sure that our election administration processes remain nonpartisan and independent? And then, who will defend this fundamental right, if not us? If not the lawyers? More specifically, if not bar associations?"<sup>60</sup>*

Lucy Thomson, an ABA Delegate representing the District of Columbia Bar, did not mince words, "Time is of the essence.... Democracy is on fire, and it's very necessary that the ABA have the policy it needs to be able to speak out on these issues." The vote permitted ABA President Reginald Turner to speak out on these points on behalf of the national organization and humanize the reasons for the positions.



*Photo: Four attorneys speaking in favor of the ABA House of Delegates resolution were, from left, Sheila Boston, Mark Schickman, Dennis Archer, former ABA president and former Detroit mayor, and Lucy Thomson. The resolution authorized 2021-22 ABA President Reginald Turner to speak on behalf of the ABA on these points.*

It is important to speak out quickly if leaders begin to criticize trusted civic and religious groups. If silent at first, the public may not believe those speaking out after the leaders have succeeded in planting distrust. Speakers might encourage members of the public to become active with these civic groups, as volunteers or board members, so that they know and trust these institutions. They might mobilize local lawyers, influential leaders, and even neighbors to speak out.

## **Violating norms that underlie healthy democracies**

### **How It Works**

Many of the guardrails for our democracy are norms – usual, accepted behaviors and processes that underpin our democracy – not enforceable uniform legal requirements. Norms, such as treating rivals with respect and accepting the importance of more than one political party, are fragile.<sup>61</sup> In fact, they have been violated regularly over the course of the nation’s history. But it can get worse. Anger politics and fear can turn into winning at any cost, thus weakening these norms. The public becomes accustomed to scorched earth tactics after a time if no one calls out the violation of norms.<sup>62</sup> As extreme as this may sound to an American audience, this can build to the point where the public looks the other way when the leaders’ rival is poisoned or dies after an unlikely fall from a window, as has occurred recently in Russia.

### **Illustrative Responses**

Those speaking out might praise those who, despite contrary temptations, embody these norms to respect political rivals and the multi-party system and explain how observing these norms helps to strengthen democracy.

# 5

## How to Speak Out

Formidable headwinds face a speaking out initiative, as discussed in [Section 3](#). In 2023, Americans are not just divided; they are divided bitterly and increasingly tend to reject anything suggested by a member of another political party or identity group.<sup>63</sup> They live in their own information silos, are deluged by and caught in an information fog of conflicting messages and fact-claims, and they are busy. Politicians, social media hucksters, and rival governments have vested interests in spreading lies repeatedly and inciting anger and fear. Americans may find it easier to relate to conspiracy theories about threats to their children or livelihoods than to vaguely understood threats and abstract notions of democracy. Those speaking out to hold accountable a member of their own or another group or party may be attacked on social media, threatened, or even experience violence.

### Considering how to speak out, taking into account these headwinds:

#### a. **Speak jointly with unlikely allies**

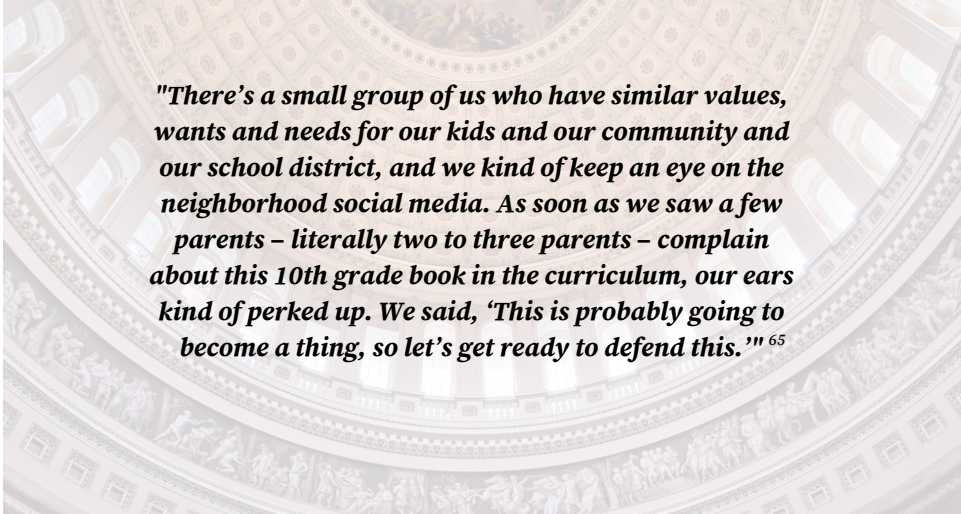
When members of a variety of polarized political and identity groups speak with one voice to strengthen democracy, they can add strength to their messages:

- The unusual nature of this alliance attracts attention, whether talking as a group or in a sequence of talks.
- Because it is difficult for those speaking out to set aside policy differences, it conveys the importance of the topic.
- According to research discussed in [point h](#), below, the group approach models the respect across differences that has been undermined through anger politics and is therefore likely to reduce propensity to threats and sometimes even violence.
- It offers multiple audiences the voice of a trusted speaker.
- It offers more safety than speaking with a single voice (discussed in [point b](#), below).

Indeed, forming a coalition that presents a united front has been a successful strategy in other nations.<sup>64</sup>

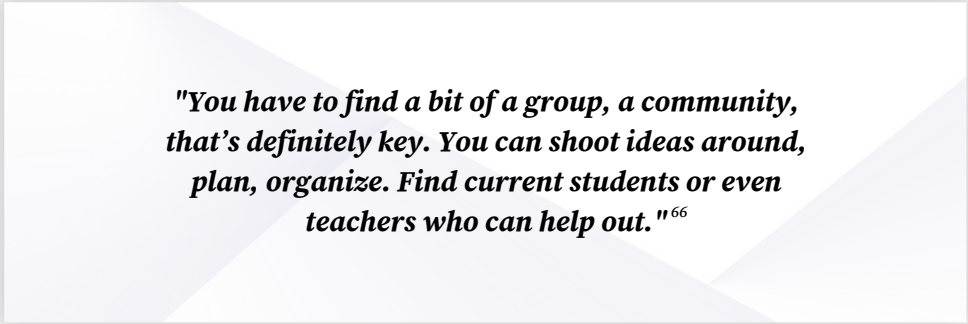


A Milford, Ohio parent told a Guardian reporter how this group approach worked in a situation in which there was a request to prevent class discussion of a novel about living under and opposing a dictatorship:



*"There's a small group of us who have similar values, wants and needs for our kids and our community and our school district, and we kind of keep an eye on the neighborhood social media. As soon as we saw a few parents – literally two to three parents – complain about this 10th grade book in the curriculum, our ears kind of perked up. We said, 'This is probably going to become a thing, so let's get ready to defend this.'"<sup>65</sup>*

The parent explained that their preparation included learning about the board meeting procedures. A group of parents and students attended the school board meeting, and the students talked about how it affected them in a positive way. She noted that parents should not try to take this on alone:



*"You have to find a bit of a group, a community, that's definitely key. You can shoot ideas around, plan, organize. Find current students or even teachers who can help out."<sup>66</sup>*

Such joint speaking requires that someone convene the group, bring them together on an effective approach, organize mutual support, suggest topics, and signal a need for action. It also requires clarification of personal priorities – that group members decided that strengthening democracy should be prioritized over advocating policies they favor and that they are willing to endure potential criticism for disloyalty from members of their own groups.<sup>67</sup>

## **b. Stay safe**

Those speaking out, particularly in ways that call out lies and hold people accountable for their actions, may attract threats and even attacks on themselves and their families.<sup>68</sup> Yet, being critical of leaders for lies, for violations of norms, hate speech, undermining trust, inciting fear, and more, may be crucial to arresting a slide toward an authoritarian government.

The group approach discussed in [part a](#), above, offers a potentially safer way to speak out, in addition to presenting a more persuasive speaking out approach. The group could speak together, create a series of public service announcements, or sign an ad, for example. Group members might also provide moral support for each other and supportive statements if one member comes under attack. The group approach might include a range of options for speaking out, from social media posts to a candlelight vigil.

Providing an illustration of the supportive role among those speaking out, the States United Democracy Center, a bipartisan nonprofit group, organized “a bipartisan coalition of more than 50 current and former state officials – governors, lieutenant governors, attorneys general, and secretaries of state.” These fifty leaders “released an open letter thanking businesses for speaking out” to defend democracy. They encouraged others to do the same.<sup>69</sup>

A cross-partisan group could agree in advance that all members will support accountability for violence or hate speech, whether from those on the political left or right, to mention one illustration. Speaking out at these moments is particularly important to the future of democracy. Mutual support across identity groups is fundamental to the success of a multi-racial democracy. In addition, once extremist violence becomes extensive, the examples of Spain and Northern Ireland suggest that it may take decades for a nation to rebuild a strong and peaceful democracy.

Law enforcement experts may be able to advise on strategies to provide protection in anticipation of potential reactions to speaking out. For example, they may advise moving with their families to an undisclosed location just before and for a period after speaking out.

Another approach to staying safe is to identify topics for speaking out that are less likely to spark violent responses. These messages might include:


- Inspiring speeches about a positive national future if Americans work together across differences and guard the pillars of democracy.
- Celebrating cross-partisan agreement when it occurs,
- Telling the story of “heroes” who stick to democratic norms, despite the temptation not to, and
- Modeling respectful cross-party dialogues (see also point h, below).

Ultimately, some prominent figures indicated to our group that they decided that the nation’s democracy was worth the risk in speaking out, both for themselves and sometimes, because of recent events, also for their families.<sup>70</sup>

c.

### **Reduce unnecessary anxiety; offer hope; avoid responses in kind to the would-be authoritarian leaders’ anti-democratic actions**

Positivity plays an important role in reducing anxiety and anger. The distinguished conservative attorneys, former US Senators and judges wrote in “Lost, Not Stolen,” referenced in [Section 4](#), said, for example:

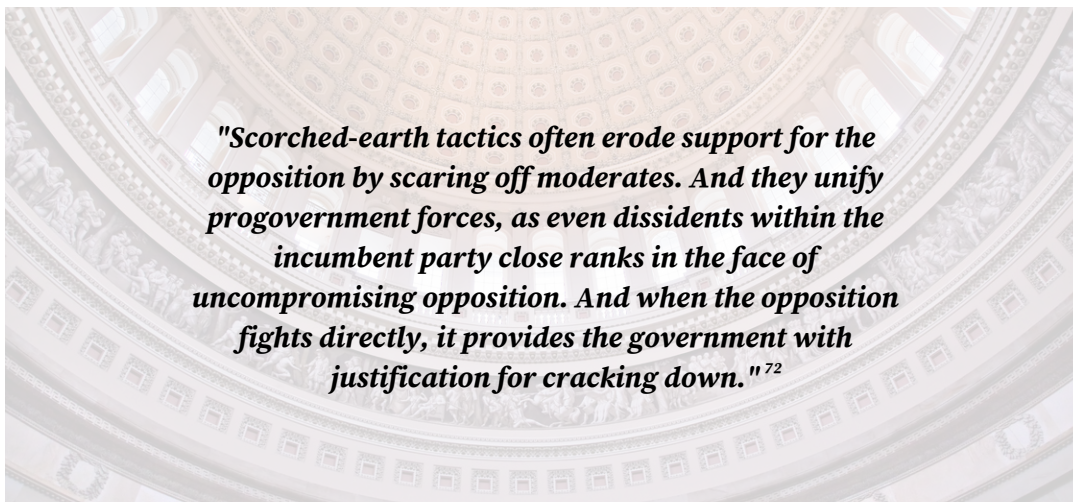


*“We urge our fellow conservatives to cease obsessing over the results of the 2020 election, and to focus instead on presenting candidates and ideas that offer a positive vision for overcoming our current difficulties and bringing greater peace, prosperity, and liberty to our nation.”<sup>71</sup>*

Another approach to lifting spirits is to emphasize what Americans share. Publicity about President Joe Biden and Senate Minority Leader McConnell meeting in Kentucky early in 2023 to celebrate re-building a bridge might help Americans show respect across party lines.

Speakers might remind that Americans share some values. They might reference common values (e.g., most of us want things to be fair) and joint aspirations for the future (e.g., we want a future for our children that includes economic prosperity, people feeling welcomed and safe, and a sense of being an innovative and “can do” people who find strength in our diversity and offer opportunity to all). They might celebrate identities that cross societal fault lines.

Based on their study of slides from democratic to authoritarian governments in other nations, Levitsky and Ziblatt recommend against responding in kind – cross-party character assassination or supporting rival militia groups – to counter the groups aligned with the would-be autocrat:



They note further that democracy will be more at risk “if partisan rifts deepen and our unwritten rules continue to fray.”<sup>72</sup>

There may be additional reasons to focus more on positive statements than personal negative attacks when the would-be authoritarian leader takes a populist approach – typically posturing as representing the “true people” against government insiders who favor special interests. If right leaning, populists rail against different cultural values and, if left-leaning, against business.<sup>73</sup> Political leaders may respond by characterizing those criticizing them as the “elite” or not “true” party members.<sup>74</sup>

d.

**Provide a credible fact check while anticipating resistance to a change in beliefs or views**

People lie and false narratives take hold quickly, becoming difficult to shake. Among falsehoods, conspiracy beliefs (“subjective conviction that a small group of powerful actors is secretly working together to produce an unlawful and/or harmful outcome for others in society”)<sup>75</sup> are among the most difficult to shake, especially if they have some degree of plausibility and others believe them.<sup>76</sup>

One approach to reclaiming the narrative is to anticipate, when feasible, that people are likely to lie or create a false narrative. When anticipating falsehoods, those speaking out can warn quickly of the lies likely to occur soon and expose the motive for them, either political power or profit-making.<sup>77</sup> Illustrating this inoculation approach in a different context, just before the Russian attack on Ukraine in 2022, various governments warned that, in order to justify an attack, Russia would likely invent a provocation – an attack by Ukraine, perhaps even making a fake video of one. NBCNews, for example, displayed the headline, “U.S. intel suggests Russia is preparing a ‘false-flag’ operation as pretext for Ukraine invasion” as anchor Lester Holt<sup>78</sup> explained the story. Thus, when Russia did just that, Russia’s explanation for the attack landed on a skeptical international audience.

In providing a fact check, it may be most persuasive not to disparage an entire political party or political belief system. Social psychologist Jonathan Haidt points out the difficulties of persuading people to assume an identity that differs from the way that a particular political group defines itself. “Once people join a political team,” he writes, “they get ensnared in its moral matrix. They see confirmation of their grand narrative everywhere, and it’s difficult – perhaps impossible – to convince them that they are wrong if you argue with them outside their [accepted moral] matrix.”<sup>79</sup>

Haidt presents a creative approach to this formidable task as it relates to members of the two primary political parties. He suggests moving below the policies advocated by various political movements to find the underlying “virtues” – what negotiators and mediators term the “underlying interests” rather than the “positions.”<sup>80</sup> In Haidt’s view, Democrats most frequently espouse two virtues (caring, fairness), while Republicans most frequently espouse three others (loyalty, authority, and sanctity of historic values, depending somewhat on whether they are Libertarians, conservatives, etc.), but all five virtues are ones that could fit both parties to some degree. Thus, to achieve deep adherence, the message should touch some of the virtues most central to both parties.



*"I stand for pluralism when I learn from people who disagree with me."*

*- Eric Liu  
CEO, Citizen University*

An illustration of how this might be done combines fairness, caring, and the sanctity of historical values. The nonpartisan coalition of 150 museums, historic sites, and historical societies, Made by Us, created a Fourth of July Celebration Gathering Guide. The group notes, “The Fourth of July can bring up lots of conflicting feelings: how are we supposed to be patriotic when our country is so full of challenges and contradictions? It’s time for a better way to observe Independence Day.... your gathering will help you strengthen your belief that it matters to show up and take responsibility.” Made by Us provides examples like the one pictured on the previous page, to help people encourage guests to talk about how the values of the past inspire them.<sup>81</sup>

e.

**Choose a mode of transmission that takes into account the news echo chambers; the anger, lies, and divisiveness in social media posts; the inattentiveness of portions of the public; and the fog created by the news**

Americans are busy. Breaking through the information fog and siloed/slanted media presents a challenge.

Americans typically spend eleven hours per day interacting with media. The largest chunk of time – four hours – is devoted to watching television. They spend another two hours interacting with apps on their phones and almost that much listening to radio.<sup>82</sup> They check social media, some of which have algorithms that elevate messages with anger and conflict. Those posting may be from outside the nation or may profit by advancing their messages to the top with surprising (often inaccurate), hateful, or divisive messages. They are likely to share the human tendency to listen to the voices of “their group” rather than news media that may span varied opinions. They may believe that a narrative that is repeated is established fact. They may fear being attacked and threatened on social media. In addition, they shoulder responsibilities to care for children, pay bills, and survive.

Those speaking out can try to reach across groups through the media that already reaches those audiences,<sup>83</sup> but, even then, the message will compete with thousands of other messages Americans receive each day. Considering this information fog, the communication strategy might include:

- Keep the message simple, clear, and short.
- Consider humor (unifying rather than targeted at others), such that people want to forward the message to friends.
- Seek to surprise – perhaps an unusual speaker or new information – so that the message is noticed and remembered.
- Repeat the message over and over.

f.

### **Prepare messages, messengers, and media tailored to each audience**

Each speaking initiative can begin with understanding the concerns, hopes, and values of a particular audience. These may vary by group and region. Often, such an inquiry will reveal that people care about safety, financial security, and finding purpose.<sup>84</sup> They hope for a community and nation that has an entrepreneurial spirit, values each person, and expands economic success.<sup>85</sup> Their values include fairness, loyalty to the nation, a law-abiding society, tradition, caring, and a desire that their children be safe and successful, as discussed in [paragraph d](#), above. They are also busy and buried in messages all day long.

An intra-party speaker who shares many of their political views may have special salience with members of that party. For example, the 2022 report on the 2020 Presidential Election, “Lost, Not Stolen,” takes the time to address the 30%, presumably conservative, Americans who believed that the election was stolen. Describing themselves as “fellow conservatives,” a particularly distinguished group of attorneys, including former federal judges, former senators, election lawyers, and a former state attorney general, carefully studied the former President’s legal challenges to the election and concluded that the evidence did not support the view that election had been stolen:

***"Every member of this informal group has worked in Republican politics, been appointed to office by Republicans, or is otherwise associated with the Party. None have shifted loyalties to the Democratic Party, and none bear any ill will toward Trump and especially not toward his sincere supporters. ....[W]e examined every count of every case brought in these six battleground states.... We conclude that Donald Trump and his supporters had their day in court and failed to produce substantive evidence to make their case." <sup>86</sup>***

Similarly, a local speaker may have more credibility with a local audience than national speakers. For example, on the same issue, 2020 election denial, a former newspaperman attending the gathering to prepare this guide suggested that a series of brief interview videos, laced with humor, with the “regular” local residents who staffed the 2020 election might also be persuasive. He imagined the election worker’s grandchild saying, “Look. If my grandmother says the election was honest, you better believe it was honest!”

Business leaders and economists may be persuasive (against the zero-sum game discussed in [Section 4](#)) on how it would serve future economic prosperity for Americans to making opportunity accessible to members of all communities within the nation. For example, the Kellogg Foundation published an economic analysis that concluded:

*"By 2050, our country stands to realize an \$8 trillion gain in GDP by closing the U.S. racial equity gap. 'Closing the gap' means lessening, and ultimately eliminating, disparities and opportunity differentials that limit the human potential and the economic contributions of people of color.... Beyond an increase in economic output, advancing racial equity can translate into meaningful increases in consumer spending, as well as federal and state/local tax revenues, and decreases in social services spending and health-related costs."<sup>87</sup>*

Managing and guiding quick responses to events and misinformation may benefit from creation of a “resource center” of experts. These experts in government, communications, law enforcement, and conflict resolution could examine each audience, including their values and habits for receiving information; the priority in terms of defending democracy to get out a particular message; the potential speakers and preparation needed to be effective and trusted by a particular key audience; and the ways to keep the message simple, relatable, and memorable. For example, if a prosecution of a key leader is announced, this resource center might contact the state and national organizations of local bar leaders to quickly recruit local attorneys practicing criminal law (prosecution/defense) who can explain to their own communities in lay terms the legal procedures and protections. The aim might be to reach people before inaccurate information misleads them.



## g. Humanize the value of democracy

Those seeking to undermine democracy find ways to create a perception of specific risks that result in unwarranted fears. They might then rationalize their setting aside the safeguards of democracy to avoid the feared risks. Suppose they warn that your child will be made to be ashamed and will be groomed to engage in sexual practices. Such imagined threats can be effective because they can be pictured and strike close to home. In contrast, vague appeals to “democracy,” “rule of law,” and “spirit of the law” do not.

Those defending democracy can also make the matter personal, however. They can create ads featuring conversations with poll workers, as mentioned above. In another illustration of making democracy relatable, Black business leaders spoke jointly about the right to vote:



*Photo of Kenneth Chenault, former CEO of American Express, who organized other business leaders to speak out about voting rights.  
Source: Getty. Earl Gibson III, WireImage*

In May 2021, Kenneth Chenault, former CEO of American Express, “along with former Merck CEO Ken Frazier..., led the charge by more than seventy Black business leaders to call on American companies to oppose efforts underway in many states to suppress the vote. ‘We decided to do something that had never been done before—for Blacks in corporate America to stand up and say: We need to fight for the right to vote,’ said Chenault. ‘This impacts all Americans, but as Black people who are descendants of slaves, and people who were lynched and killed trying to exercise their right to vote, we needed to stand up.’ He said that corporations owe something to society, ‘and what’s more important than having a vibrant democracy?’”<sup>88</sup>

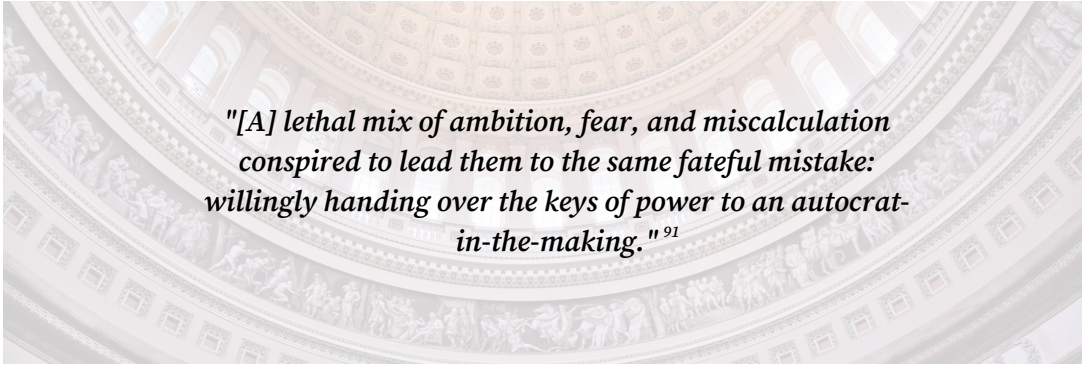
Storytelling guides are available to enable people to tell stories that help people learn, feel emotions, and remember, as a way to promote social change. One such guide identifies, for example, how to develop a storytelling strategy, where to tell stories, how new audiences can be reached, and how to make stories actionable.<sup>89</sup>

## h. Reinforce democratic norms through example

Teaching by modeling the desired result may be especially potent. A widely studied example of reinforcing democratic norms through example, discussed on page 20 above, occurred when opposing candidates spoke together about democracy during the 2020 election in Utah.

## i. **Speak directly to office holders, warning of the risks to democracy**

Those speaking out might have direct conversations with political leaders about the risks to democracy, while remaining positive in conversations with the public at large. The importance of warning leaders has been underlined by experience in other nations. Politicians were slow to come to terms with the risks to democracy, as they focused on “winning” and exercising power and did not foresee the natural consequence of their destructive delegitimization of the structures of democracy.<sup>90</sup> Political scientists Steve Levitsky and Daniel Ziblatt described the tendency:



*"[A] lethal mix of ambition, fear, and miscalculation conspired to lead them to the same fateful mistake: willingly handing over the keys of power to an autocrat-in-the-making."<sup>91</sup>*

In these nations, elected leaders continued to do their jobs in the same ways until the nation hit “rock bottom” with widespread violence or loss of basic rights.

One potent way to gain the attention of political leaders was illustrated in a 2022 announcement by the bipartisan States United Democracy Center. The center listed the 2022 midterm elections candidates who denied the validity of the 2020 Presidential election and explained the danger to democracy of voting for these candidates.<sup>92</sup>



*Former Governor and EPA Administrator Christine Todd Whitman co-founded a bipartisan center to equip those willing to oppose “anti-democracy players” who run for office.*

Source: Getty. Steve Liss, Chronicle Collection

Another illustration of speaking out in ways that might catch political leaders' attention because it is unusual and explains the ultimate risks to democracy was the friend of the court brief filed in the U.S. Supreme Court in 2022 on behalf of all 50 state chief justices. The filing attracted media coverage not only because it was uncommon for the chief justices to file such a brief, but also because all 50 officeholders, with varying party affiliations, spoke as one on an issue with partisan implications. In the case concerning whether state courts should be restricted from reviewing state laws affecting federal elections, their brief urged the Court's attention to the ultimate danger to democracy's checks and balances if the Court follows the course some parties had argued, stating:

*"[S]tate courts, like federal courts, are not legislating or promoting their own policy interests or preferences; they are exercising judicial power and seeking to enforce the policies in the laws of their states....Likewise, without clear guidance, federal courts will face the same difficulties in reviewing claims that a state court usurped the legislature's power in violation of the Elections Clause."<sup>93</sup>*

j.

### **Support or oppose changes in laws and legal systems to strengthen the guardrails to democracy**

Laws affect the strength of democracy in a variety of ways. But predicting the most critical issues in advance may be challenging. Convening bipartisan speakers whose advocacy would persuade elected officials to act may be even more difficult. At a given time, the key issues related to the strength of our democracy might be legislative proposals that discourage voting by certain groups of people, gerrymandering that dilutes the votes of certain groups, primary voting processes that produce extreme candidates, replacement of nonpartisan elections staff with partisans, erosion of judicial independence, or more. Each of these legal policy approaches favors one party in the short term, though, making the task of achieving bipartisan support more difficult.

Still, there are recent illustrations of success. With bipartisan support from both liberal and conservative groups of lawyers, for example, Congress approved a provision in December 2022 clarifying that it plays only a ministerial role in counting the Electoral College votes for President. Thus, Congress eliminated an arguable loophole used in the January 6, 2021 attempt by some members of Congress to block the certification of the Electoral College votes. Similarly, citizen initiatives to reform redistricting laws have sometimes succeeded in changing the law.<sup>94</sup>

k.

**Warn about the motives of foreign governments, political fundraisers, and media commentators who profit as the result of conspiracy theories, lies, and anger**

With people tending to believe messages they see repeated in social media, it becomes more important to warn them that a large segment of the inaccurate, divisive, and angry social media messages come either from other nations or from persons who profit from fabricating reasons for them to be misled or angry or afraid.<sup>95</sup> Perhaps there is no greater evidence of the corrosive effects of the anger politics and hate speech on democracy than the fact that nations such as Russia and China, that may wish to undermine democracy, invest in amplifying division for U.S. social media users.<sup>96</sup> Showcasing for the nation the role that potential profits can play in motivating false conspiracy theories, juries decided defamation suits against Alex Jones, who denied on social media that children and teachers were murdered at Sandy Hook Elementary School in Connecticut, while admitting at trial that he knew that they were.<sup>97</sup>

The challenge is in helping people appreciate the larger picture when they are angry or have selfish reasons to advance divisiveness. One illustration of trying to do so comes from a Nebraska columnist, George Ayoub, who recently set out this larger picture in a column and asked, “Will we work to keep ourselves safe from war or terrorist attack or natural calamity, but succumb to hate?”<sup>98</sup>

# 6

## Conclusion

Abraham Lincoln once observed, “With public sentiment, nothing can fail; without it nothing can succeed.”<sup>99</sup> Our nation’s democracy remains healthy enough that Lincoln’s words ring true. But a comparison of events in this nation with the playbook for elected leaders with authoritarian impulses indicates that the U.S. democracy is still at risk. This guide began with the note that leaders in both major parties, experts from various disciplines, and most of the public fear we may one day wake up in a dictatorship if we do not act.

We do not stand alone among nations in terms of the importance of strengthening democracy. Other nations face social media interference from hostile nations and the challenges of a multi-racial, multi-faith democracy. They affect us, and we affect them. As the commentary on the 2023 Brazilian rioting indicates,<sup>100</sup> ideas to undermine democracy within the U.S. can be used by those with the same goals abroad.

This is a moment when speaking out could matter. When we speak out, we need not do so perfectly to arouse public sentiment to act in support of democracy—but we need to speak out! We offer this guide to encourage and embolden each of us to speak to preserve and strengthen this democracy.

*“A stake was driven through the heart of American democracy on January 6, 2021, and two years later our democracy is still on a knife’s edge. To whom do we turn to preserve, protect and defend our imperiled democracy? The answer lies in the first seven words of the Constitution. We turn to ourselves, to ‘We the People of the United States.’ We ourselves must come to the aid of our struggling America. We must lift up our voices and demand that we be heard.”*

*- J. Michael Luttig, former Judge,  
U.S. Court of Appeals*

# Endnotes

- <sup>1</sup> Political Instability Not U.S. Adversaries, Seen As Bigger Threat, Quinnipiac University National Poll Finds; Nearly 6 In 10 Think Nation's Democracy Is In Danger Of Collapse, Quinnipiac University Polls (Jan. 12, 2022), <https://poll.qu.edu/Poll-Release?releaseid=3831>; Susan Milligan, The Growing Fear for American Democracy, USNews (Oct. 12, 2022) (citing several surveys), <https://www.usnews.com/news/articles/2022-10-12/the-growing-fear-for-american-democracy>
- <sup>2</sup> Rachel Kleinfeld, Five Strategies to Support U.S. Democracy, Carnegie Endowment for International Peace 3 (Sept. 15, 2022); Steven Levitsky and Daniel Ziblatt, *How Democracies Die* 3 (2018).
- <sup>3</sup> See, e.g., Divided Community Project, *Planning in Advance of Community Unrest* (2d ed. 2020); (Divided Community Project, *Key Considerations for Leaders Facing Community Unrest: Effective Problem-Solving Strategies That Have Been Used in Other Communities* 29-35 (2d ed. 2019), <https://go.osu.edu/dcptoolkit>.
- <sup>4</sup> Preamble, U.S. Constitution.
- <sup>5</sup> Id. (source: Marist Group).
- <sup>6</sup> Divided Community Project and Mershon Center for International Security Studies, *A Practical Guide to Planning Collaborative Initiatives to Advance Racial Equity* (2nd ed. 2022), <https://go.osu.edu/dcptrc>; Lydia Saad, Americans' Confidence in Racial Fairness Waning, GALLUP (July 30, 2021), <https://news.gallup.com/poll/352832/americans-confidence-racial-fairness-waning.aspx> (62% favor affirmative action, for example); Juliana Menasce Horowitz, Support for Black Lives Matter Declined after George Floyd Protests, but Has Remained Unchanged Since, Pew Research (Sept. 27, 2021), <https://www.pewresearch.org/fact-tank/2021/09/27/support-for-black-lives-matter-declined-after-george-floydprotests-but-has-remained-unchanged-since/> (55% of Americans support Black Lives Matter movement); Laura Silver, More people globally see racial, ethnic discrimination as a serious problem in the U.S. than in their own society, Pew Research (Nov. 2, 2021), <https://www.pewresearch.org/fact-tank/2021/11/02/more-people-globally-see-racial-ethnic-discrimination-as-a-serious-problem-inthe-u-s-than-in-their-own-society/> (74% of Americans think racial/ethnic discrimination is a problem); Laura Silver, More people globally see racial, ethnic discrimination as a serious problem in the U.S. than in their own society, Pew Research (Nov. 2, 2021), <https://www.pewresearch.org/fact-tank/2021/11/02/more-people-globally-see-racial-ethnicdiscrimination-as-a-serious-problem-in-the-u-s-than-in-their-own-society/> (74% of Americans think racial/ethnic discrimination is a problem); Alliance for Peacebuilding, *Assessing the State of U.S. Democracy, Rule of Law, and Social Cohesion* (2022).
- <sup>7</sup> Dominik Stecula and Matthew Levendusky, *We Need to Talk: How Cross-Party Dialogue Reduces Affective Polarization* (Cambridge Elements in Experimental Political Science, 2021).
- <sup>8</sup> <https://www.deseret.com/2022/10/27/23423361/utah-cross-partisan-ad-spencer-cox-chris-peterson-partisanship>.
- <sup>9</sup> Jonathan Haidt, Why the Past 10 Years of American Life Have Been Uniquely Stupid: It's Not Just a Phase, *The Atlantic* (April 11, 2022), <https://www.theatlantic.com/magazine/archive/2022/05/social-media-democracy-trust-babel/629369/>.
- <sup>10</sup> Id.
- <sup>11</sup> William J. Aceves, Virtual Hatred: How Russia Tried to Start a Race War in the United States, 24 *Mich. J. of Race and Law* 177 (2019);
- <sup>12</sup> Michael J. Mazarr, *The Societal Foundations of National Competitiveness* 150-158 (RAND Corp. 2022); Ani Turner, *The Business Case for Racial Equity: A Strategy for Growth* (2018); Heather McGhee, *The Sum of Us: What Racism Costs Everyone and How We Can Prosper Together* (2021).
- <sup>13</sup> McGhee, *supra*.
- <sup>14</sup> See generally William H. Frey, *Diversity Explosion: How New Racial Demographics Are Remaking America* (2018).
- <sup>15</sup> Zachary Laub, *Hate Speech on Social Media: Global Comparisons* (US Council of Foreign Affairs 2019), <https://www.cfr.org/background/hate-speech-social-media-global-comparisons>.
- <sup>16</sup> Joe Hernandez, Hate Crimes Reach the Highest Level in More Than a Decade, NPR (Sept. 1, 2021) (the trend over a decade).
- <sup>17</sup> Will Steakin and Josh Margolin, Militia Extremists Developing Strategies to Work Around Social Media Crackdown, DHS Memo Warns, ABC News (March 31, 2021), <https://abcnews.go.com/US/militia-extremists-developing-strategies-work-social-media-crackdown/story?id=76774620>

- <sup>18</sup> National Civic League, NLC Launches Threats and Harassment Self-Reporting Tool to Capture Local Officials' Experiences, <https://www.nlc.org/initiative/local-democracy-initiative/>.
- <sup>19</sup> Levitsy and Ziblatt, *supra* at 3-5 (2018).
- <sup>20</sup> *Id.* at 29-31; Timothy Snyder, *On Tyranny: Twenty Lessons from the Twentieth Century* (2017).
- <sup>21</sup> Brett Mayer, *Repel and Rebuild: Expanding the Playbook Against Populism* 13-15 (Tony Blair Institute for Global Change 2023).
- <sup>22</sup> Timothy Snyder, *On Tyranny: Twenty Lessons from the Twentieth Century* 110 (2017).
- <sup>23</sup> Steven Levitsky and Daniel Ziblatt, *Why Autocratics Love Emergencies*, *New York Times* (Jan. 12, 2019), <https://www.nytimes.com/2019/01/12/opinion/sunday/trump-national-emergency-wall.html>.
- <sup>24</sup> Snyder, *supra* at 99-110.
- <sup>25</sup> Delores Albarracin, Julia Albarracin, Man-pui Sally Chan, and Kathleen Hall Jamieson, *Creating Conspiracy Beliefs: How Our Thoughts are Shaped* 51-52, 54-55 (2022).
- <sup>26</sup> Levitsky and Ziblatt, *supra* at 65, 74, 87, 92-96.
- <sup>27</sup> Divided Community Project, *Identifying a Community Spirit* (2019), <https://go.osu.edu/dcptoolkit>.
- <sup>28</sup> Rachel Kleinfeld & Suzette Brooks Masters, *Pro-democracy Forces Need to Go on Offense*, *The Fulcrum* (December 16, 2022), <https://thefulcrum.us/big-picture/Leveraging-big-ideas/democracy-on-offense>.
- <sup>29</sup> Snyder, *supra* at 65-71.
- <sup>30</sup> See generally Albarracin, *supra* at 38-41; Levitsky and Ziblatt, *supra* at 81-87.
- <sup>31</sup> Anton Troianovski, Glib and Guileful, *Putin Goes on a TV Offensive to Show He's Still in Charge*, *New York Times* at A11 (Dec. 10, 2022).
- <sup>32</sup> Timothy Snyder, *History and Tyranny*, *American Educator* (2017), <https://www.aft.org/ae/summer2017/snyder>
- <sup>33</sup> Adam Gabbat, *How to Beat a Book Ban: Students, Parents and Librarians Fight Back*, *Guardian* (Sept. 21, 2022), <https://www.theguardian.com/books/2022/sep/20/us-book-bans-fight-school-library>.
- <sup>34</sup> *Id.*
- <sup>35</sup> Senator John Danforth, Benjamin Ginsburg, The Hon. Thomas B. Griffin, David Hoppe, The Hon. J. Michael Luttig, The Hon. Michael W. McConnell, The Hon. Theodore B. Olson, & Senator Gordon H. Smith, *Lost, Not Stolen 1* (2022), <https://lostnotstolen.org>.
- <sup>36</sup> J. Michael Luttig, *Statement of J. Michael Luttig before the United States House Select Committee on the January 6, 2021, Attack on the United States Capitol*, Washington, D.C. (June 16, 2022), <https://www.cnn.com/2022/06/26/politics/luttig-statement-trump-plan-january-6-committee/index.htm>.
- <sup>37</sup> Allan Smith, *Josh Shapiro Taps a Republican Who Stood Up to Trump to be Pennsylvania's Top Elections Official*, *NBC News* (Jan. 5, 2023), <https://www.nbcnews.com/politics/elections/josh-shapiro-taps-al-schmidt-pennsylvanias-elections-chief-rcna64334>.
- <sup>38</sup> Levitsky and Ziblatt, *supra* at 7-8.
- <sup>39</sup> *Id.* at 20-21.
- <sup>40</sup> Levitsky and Ziblatt, *supra* at 78-80.
- <sup>41</sup> States United Democracy Center, *A Democracy Crisis in the Making: August 2022 Edition* (Sept. 22, 2022), <https://statesuniteddemocracy.org/resources/dcitm-august-2022/>.
- <sup>42</sup> Snyder, *supra* 31-37; Levitsky and Ziblatt, *supra* at 65.
- <sup>43</sup> See generally Levitsky and Ziblatt, *supra* at 22-24; Meyer, *supra* at 6.
- <sup>44</sup> *Id.* at 9.
- <sup>45</sup> Levitsky and Ziblatt, *supra* at 91-92.
- <sup>46</sup> Ivan Fomin, *Will Putin's Anti-LGBT Stunt Work?*, *CEPA* (Dec. 6, 2022), <https://cepa.org/article/will-putins-anti-lgbt-stunt-work/>; Snyder, *supra* at 27-30.
- <sup>47</sup> Peggy Noonan, *Normal Republicans, Stand Up to the Fringe*, *Wall Street Journal*, p. A13 (Jan. 7-8, 2023).
- <sup>48</sup> Levitsky and Ziblatt, *supra* at 21.
- <sup>49</sup> John Lewis, *Together You Can Redeem the Soul of Our Nation*, *New York Times* (July 30, 2020), <https://www.nytimes.com/2020/07/30/opinion/john-lewis-civil-rights-america.html>.
- <sup>50</sup> Meyer, *supra* at 11.
- <sup>51</sup> John Danforth et al., *Lost, Not Stolen 2* (2022); Aziz Huq and Tom Ginsburg, *How to Lose a Constitutional Democracy*, 65 *UCLA L. Rev.* 178, 158-160, 165 (2018).

- <sup>52</sup> See generally Heather McGhee, *The Sum of Us: What Racism Costs Everyone and How We Can Prosper Together* (2021); Divided Community Project, *A Practical Guide to Planning Collaborative Initiatives to Advance Racial Equity* (2d ed. 2022), <https://go.osu.edu/dcptoolkit>.
- <sup>53</sup> <https://www.deseret.com/2022/10/27/23423361/utah-cross-partisan-ad-spencer-cox-chris-peterson-partisanship>.
- <sup>54</sup> Snyder, *supra* at 42-44.
- <sup>55</sup> *Id.*
- <sup>56</sup> Liam Reilly and Kristina Squeglia, *Three Militia Members Sentenced in Plot to Kidnap Michigan Democratic Gov. Whimer*, CNN (Dec. 15, 2022), <https://www.cnn.com/2022/12/15/politics/militia-members-sentenced-whitmer-kidnapping-plot/index.html>.
- <sup>57</sup> Aziz Huq and Tom Ginsburg, *How to Lose a Constitutional Democracy*, 65 *UCLA L. Rev.* 78, 131-135, 153-157 (2018); Snyder, *supra* at 23-24.
- <sup>58</sup> Snyder, *supra* at 38-40.
- <sup>59</sup> Amanda Robert, *BA vows to fight challenges to free and fair elections* ABA Journal (Feb. 14, 2022), <https://www.abajournal.com/news/article/ABA-vows-to-fight-challenges-to-free-and-fair-elections>.
- <sup>60</sup> *Id.*
- <sup>61</sup> Levitsky and Ziblatt, *supra* at 8-9, 96-116.
- <sup>62</sup> Levitsky and Ziblatt, *supra* at 75.
- <sup>63</sup> Michael Dimock and Richard Wike, *America Is Exceptional in the Nature of Its Political Divide*, Pew Research (Nov. 13, 2020) (“eight-in-ten registered voters in both camps said their differences with the other side were about core American values, and roughly nine-in-ten – again in both camps – worried that a victory by the other would lead to “lasting harm” to the United States”); Frank Newport, *The Impact of Increased Political Polarization*, Gallup (Dec. 5, 2019); Levitsky and Ziblatt, at 204 (polarization now greater than at any point since post-Civil War Reconstruction).
- <sup>64</sup> See, e.g., Meyer, *supra* at 11; Levitsky and Ziblatt, *supra* at 218 (“It requires a willingness to set aside, for the moment, issues we deeply care about....We must lengthen our time horizons, swallow hard, and make tough concessions....”).
- <sup>65</sup> Gabbat, *supra*.
- <sup>66</sup> *Id.*
- <sup>67</sup> Levitsky and Ziblatt, *supra* at 218.
- <sup>68</sup> Melissa White, *Ways to Strengthen Democracy, as Determined by Stanford-Led ‘Mega Study,’* (Aug. 29, 2022), <https://news.stanford.edu/2022/08/29/how-to-strengthen-democracy/> (But other research indicated that just reducing polarization might not reduce such opposition to partisan violence or undemocratic actions.).
- <sup>69</sup> <https://statesuniteddemocracy.org/bipartisan-state-leaders-applaud-corporate-leadership-on-voting-rights-urge-others-to-speak-out/>.
- <sup>70</sup> Snyder, *supra* at 115-116 (“If none of us is prepared to die for freedom, then all of us will die under tyranny.”).
- <sup>71</sup> Danforth et al., *supra*.
- <sup>72</sup> *Id.* at 217.
- <sup>73</sup> Meyer, *supra* at 6, 13.
- <sup>74</sup> *Id.*
- <sup>75</sup> Albarracin, *supra* at 42.
- <sup>76</sup> Albarracin, *supra* at 55, 290, 293.
- <sup>77</sup> Albarracin, *supra* at 303-306.
- <sup>78</sup> <https://www.youtube.com/watch?v=P1iE5SfkhBs>.
- <sup>79</sup> Jonathan Haidt, *The Righteous Mind: Why Good People Are Divided by Politics and Religion* 58 (2013).
- <sup>80</sup> *Id.* at 178-179.
- <sup>81</sup> <https://www.thecivicseason.com/events/fourth-of-july-gathering-guide/>.
- <sup>82</sup> *Time Flies: U.S. Adults Now Spend Nearly Half a Day Interacting with Media*, Nielsen Ratings (2018), <https://www.nielsen.com/insights/2018/time-flies-us-adults-now-spend-nearly-half-a-day-interacting-with-media/>.



- <sup>83</sup> See, e.g., Divided Community Project (2d ed. 2020), <https://go.osu.edu/dcptoolkit>.
- <sup>84</sup> David Mathews, Naming and Framing Difficult Issues to Make Sound Decisions 7 (2016).
- <sup>85</sup> Divided Community Project, An American Spirit (2020), <https://AmericanSpirit.osu.edu>.
- <sup>86</sup> John Danforth et al., Lost, Not Stolen 3 (2022).
- <sup>87</sup> Ani Turner, The Business Case for Racial Equity 3 (Kellogg Foundation 2018).
- <sup>88</sup> Bowdoin College News, Nov. 3, 2022, <https://www.bowdoin.edu/news/2022/11/the-bowdoin-prize-kenneth-i-chenault-73-h96-receives-colleges-highest-honor.html>. See news coverage: <https://www.washingtonpost.com/business/2021/05/04/corporate-america-voting-rights/>.
- <sup>89</sup> See, e.g., Paul Van DeCarr, Storytelling and Social Change (Working Narratives 2015).
- <sup>90</sup> Levitsky and Ziblatt, *supra* at 12-19.
- <sup>91</sup> Levitsky and Ziblatt, *supra* at 13.
- <sup>92</sup> <https://statesuniteddemocracy.org/trackerrelease/>.
- <sup>93</sup> Amicus Curiae Brief by the National Conference of Chief Justices in Moore v. Harper, U.S. Supreme Court Case No. 21-1271, at 23, 27 (Sept. 6, 2022).
- <sup>94</sup> League of Women Voters, 3 Cases of Redistricting Reform: 2018 vs. Today (2022), <https://www.lwv.org/blog/3-cases-redistricting-reform-2018-vs-today>.
- <sup>95</sup> E.g., Albarracin, *supra* at 299 (“An estimated 126 million people were reached through Facebook alone in 2016 by Russian operations to interfere with the elections.”); John Hudson, U.S. Intelligence Report Says Key Gulf Ally Meddled in American Politics, Washington Post (Nov. 12, 2022), <https://www.washingtonpost.com/national-security/2022/11/12/uae-meddled-us-politics-intel-report/>; Jeff Seldin, Foreign Election Disinformation Campaigns Well Underway, Researchers Say, Voice of America (Oct. 13, 2022).
- <sup>96</sup> Jeff Seldin, Foreign Election Disinformation Campaigns Well Underway, Researchers Say, Voice of America (Oct. 13, 2022).
- <sup>97</sup> See, e.g., Alex Jones Seeks New Trial after \$965 Million Verdict in Sandy Hook Lawsuit, PBS Nation (Oct. 22, 2022), <https://www.pbs.org/newshour/nation/alex-jones-seeks-new-trial-after-965-million-verdict-in-sandy-hook-lawsuit>.
- <sup>98</sup> George Ayoub, Hating Ourselves into Paralysis, Ohio Capital Journal (Jan. 4, 2023).
- <sup>99</sup> Doris Kearns Goodwin, Team of Rivals: The Political Genius of Abraham Lincoln (2005).
- <sup>100</sup> John Haltiwanger, The Jan. 6 Style Attack on Brazil's Capital Came after Bolsonaro Followed the Trump Election Playbook, Business Insider (Jan. 9, 2023), <https://www.businessinsider.com/brazil-capital-attack-came-after-bolsonaro-followed-trump-election-playbook-2023-1>.

# Bipartisan or Nonpartisan Initiatives to Strengthen U.S. Democracy

## **American Bar Association Cornerstones of Democracy Project: Civics, Civility and Collaboration Commission**

“As we face a country divided over many issues, the ABA encourages the legal profession to lead the way in promoting civics, civility, and collaboration—the cornerstones of our democracy—to restore confidence in our democratic institutions and the judicial system, and to protect the rule of law.”

[https://www.americanbar.org/groups/public\\_education/programs/cornerstones-of-democracy/](https://www.americanbar.org/groups/public_education/programs/cornerstones-of-democracy/)

## **Braver Angels**

“We are a national movement to bridge the partisan divide. We are equally balanced between conservatives and progressives at every level of leadership. We work in communities, on college campuses, in the media, and in the halls of political power. Our strength comes from our members and most of our work is done by patriotic volunteers.” <https://braverangels.org/>

## **Divided Community Project at the Ohio State University College of Law**

“The Divided Community Project (DCP) provides dispute resolution and systems-design expertise to help local community and university leaders enhance community resiliency and prepare for and respond to events that polarize their communities. The project helps strengthen local capacity to transform division into collaboration and progress.” <https://go.osu.edu/dcp>

## **League of Women Voters**

“A nonpartisan, grassroots organization working to protect and expand voting rights and ensure everyone is represented in our democracy. We empower voters and defend democracy through advocacy, education, and litigation, at the local, state, and national level.” <https://www.lwv.org/>

## **Made by Us**

“Made By Us is a— meeting curiosity with credibility. Civic Season is one way we roll out the welcome mat for the future inheritors of the United States, putting history in their hands as a tool for informed, inspired civic participation.” <https://historymadebyus.com/who-we-are/>

## **National Civic League**

“We leverage our staff, our senior fellows and our nationally recognized board to inspire, support and celebrate civic engagement in America’s communities.” <https://www.nationalcivicleague.org/>

### **Project Over Zero**

"Our vision is 'a world free from identity-based violence and other forms of group-targeted harm. Over Zero partners with community leaders, civil society, and researchers to harness the power of communication to prevent, resist and rise above identity-based violence and other forms of group-targeted harm.'"

<https://www.projectoverzero.org/>

### **Rebuild Congress Initiative**

"The Rebuild Congress Initiative (RCI) creates opportunities for cross-partisan stakeholders to explore and act on the conditions necessary to ensure a resilient America. Specifically, RCI creates the deliberative space and fosters the social cohesion necessary to strengthen our democratic systems and institutions. This includes cultivating networks, fostering deep dialogue, and, where possible, building consensus among elected officials, influencers, and experts from across the political and ideological spectrum."

<https://www.rebuildcongress.org/>

### **Urban Rural Action**

"UR Action brings together Americans across divides to tackle our nation's most urgent challenges."

<https://www.uration.org/>

### **States United Democracy Center**

"The States United Democracy Center is a nonpartisan organization advancing free, fair, and secure elections. We connect state and local officials, law enforcement leaders, and pro-democracy partners across America with the tools and expertise they need to safeguard democracy. We are guided by a bipartisan Advisory Board of former state and federal officials, issue-area experts, and law enforcement leaders from both major political parties who are committed to protecting the will of the people and the rule of law."

<https://statesuniteddemocracy.org/>

### **Team Democracy**

"A nonprofit representing all Americans in our shared commitment to defending and strengthening the most essential cornerstones of American democracy. Our signature initiative is the nonpartisan Safe and Fair Election Pledge. With our robust partners, and with the help of like-minded Americans across the country, we work tirelessly to reduce polarization. We help to turn our public narrative from one of rancor and mistrust, to one that affirms our common allegiance to the core tenets of The Election Pledge."

<https://www.teamdemocracy.org/>

# Acknowledgements

This guide is a joint initiative of the Divided Community Project, Moritz College of Law, and the Mershon Center for International Security Studies, both at The Ohio State University. Bill Weisenberg, former member of the American Bar Association Board of Governors and former Senior Policy Advisory, Ohio State Bar Association, provided ideas and bridge to the American Bar Association's democracy initiative. The Steering Committee for the Divided Community Project includes: Grande Lum, Chair, Steering Committee; senior partner, Rebuilding Congress Initiative; former Director of the U.S. Department of Justice's Community Relations Service; Carl Smallwood, Executive Director, Divided Community Project and past president, National Conference of Bar Presidents; William Froehlich, Deputy Director of the Divided Community Project, and Langdon Fellow in Dispute Resolution at The Ohio State University Moritz College of Law; Thomas Battles, former Southeast Regional Director, U.S. Department of Justice Community Relations Service; RaShall Brackney, Distinguished Visiting Professor of Practice, George Mason University, former Chief of Police for Charlottesville, Virginia and former Chief of Police, George Washington University; Chris Carlson, public policy mediator and founding director, Policy Consensus Initiative; Susan Carpenter, complex public policy mediator, trainer and co-author of *Mediating Public Disputes*; Sarah Cole, Professor of Law and Moritz Chair in Alternative Dispute Resolution at The Ohio State University Moritz College of Law; Katrina Lee, John C. Elam/Vorys Sater Clinical Professor of Law and Director of the Program on Dispute Resolution, The Ohio State University Moritz College of Law; Michael Lewis, mediator and arbitrator with JAMS' Washington, D.C. Resolution Center; Craig McEwen, Professor Emeritus, Bowdoin College, and social scientist evaluating mediation and dispute resolution; Becky Monroe, Deputy Director for Strategic Initiatives and External Affairs, California Civil Rights Agency, former Counsel and Interim Director of the U.S. Department of Justice Community Relations Service; Nancy Rogers, Professor Emeritus, The Ohio State University Moritz College of Law, and former Ohio Attorney General; Sarah Rubin, Outreach and Engagement Coordinator, California Department of Conservation; Amy Schmitz, Professor, John Deaver Drinko-Baker & Hostetler Chair in Law, OSU Moritz College of Law; Kyle Strickland, Deputy Director of Race and Democracy, Roosevelt Institute, Senior Legal Analyst at the Ohio State University Kirwan Institute for the Study of Race and Ethnicity; Josh Stulberg, Professor Emeritus, The Ohio State University Moritz College of Law, and mediator in community conflicts; Andrew Thomas, mediator in community conflicts and Community Relations and former Neighborhood Engagement Director, City of Sanford, Florida; and Ron Wakabayashi, former Western Regional Director, U.S. Department of Justice Community Relations Service, former Executive Director of Japanese American Citizens League. Benjamin Wilson serves as a fellow with the Divided Community Project. Teri Murphy is both a member of the Divided Community Project steering committee and the Associate Director for the Mershon Center for International Security Studies at The Ohio State University. Dorothy Noyes is director of the Mershon Center for International Security Studies and Arts and Sciences Distinguished Professor of English, The Ohio State University.

In addition to the Project's Steering Committee, a number of thought leaders gathered virtually and in person on October 25 and December 2, 2022, to listen to experts, share ideas, and support the development of this guide. They heard from a variety of present and former officeholders from both political parties and experts in history, government, and communications. These included: Rachel Brown, Executive Director, Project Over Zero; Beth Fossen, Assistant Professor, Indiana University Kelley School of Business; Laeeq Khan, Associate Professor, School of Media Arts & Studies, Scripps College of Communication, Ohio University; Steve Levitsky, David Rockefeller Professor of Latin American Studies and Professor of Government at Harvard University; J. Michael Luttig, former U.S. Judge and former Boeing Vice President/General Counsel; Larry Obhof, former Ohio Senate President, partner, Shumaker Shumaker, Loop & Kendrick, LLP; Geoffrey Parker, Distinguished University Professor and Andreas Dorpalen Professor of European History, The Ohio State University; Brian Sandoval, President, University of Nevada – Reno; former NV Governor and Attorney General and U.S. District Court Judge; Senator Vernon Sykes, Ohio Senate; Professor Emeritus of Political Science, Kent State University; and Christine Todd Whitman, Co-Founder and Co-Chair of the States United Democracy Center, former NJ Governor and former Administrator, US EPA.

We are grateful as well to those who gathered and others who also shared their ideas, including:

**Government, community, and communications experts:**

Cynthia Deitle, Associate Counsel and Director, Civil Rights, Facebook; retired Special Agent with the Federal Bureau of Investigation; Laura Dugan, OSU Ralph D. Mershon Professor of Human Security and Professor of Sociology; Ned Foley, OSU Charles W. Ebersold and Florence Whitcomb Ebersold Chair in Constitutional Law; Director, Election Law; Laeeq Khan, Associate Professor, Scripps College of Communication, Ohio University; Afsoon Khatibloo-McClellan, Director, Global Associations, LexisNexis, Kevin Leonardi, Senior Director of Communications and Marketing, OSU Office of Academic Affairs; Alex Lovit, Program Officer, Kettering Foundation; Laura Livingston, U.S. Regional Director for Europe for Project Over Zero; Andrew Mackey, Communications Specialist, OSU Mershon Center for International Securities Studies; Michael Neblo, Professor of Political Science, Director of the Institute for Democratic Engagement and Accountability; Daniel Tirrell, Practitioner in International Political Transition and Violence Prevention, Co-Founder, Ohio Democracy Project.

**Leaders and former leaders who represent those who might speak out:**

Rabbi Harold Berman, Rabbi Emeritus, Tifereth Israel; Tim Brown, President of the Toledo [Ohio] Metropolitan Area Council of Governments; former Ohio Representative and Wood County Commissioner; Michael F. Curtin, former editor, vice president/chief operating officer, Columbus Dispatch; former Ohio Representative; John Garland, attorney; former President, Central State University; Valerie Lemmie, Director of Exploratory Research, Kettering Foundation; Doug Linkhart, President, National Civic League; Pastor Rich Nathan, founding pastor of Vineyard Columbus Church; Christine Parker, OSU Executive Director of Academic Summer Programs; Dan Sandman, former Vice President/General Counsel, US Steel; Carter Stewart, Mellon Foundation, former U.S. Attorney; Mark Wagoner, partner, Shumaker, Loop & Kendrick, LLP; former Majority Whip, Ohio Senate; member, Ohio Republican Party State Central Committee; Robin Wolpert, Sarpientia Law Group; former President, Minnesota State Bar Association, President-Elect, National Conference of Bar Presidents.

**Mediators and mediation experts:**

Byron Bland, Associate Director, Stanford University Center on Conflict and Negotiation; David Brandon, Executive Director, JAMS Foundation; Ellen Deason, OSU Joanne Wharton Murphy/Classes of 1965 and 1973 Professor in Law Emeritus; Daphne Felton-Green, OSU Bridge Initiative; former Chief of Staff and Senior Counsel, U.S. Department of Justice, Community Relations Service; Howard Gadlin, former ombuds, NIH and UCLA; Tom Gregoire, former Dean, OSU College of Social Work; Laurel Singer, Director, National Policy Consensus Center, Portland State University.

We thank the JAMS Foundation and the Ohio State University Mershon Center for International Security Studies for providing significant financial support. We are grateful to Moritz's Program on Dispute Resolution, Moritz Law Dean Lincoln Davies, and Mershon Center assistant Dani Wollerman for their help with this initiative. We are indebted to our students who helped with this project on their way to promising law careers: Abby Counts, Chika Ezeonyebuchi, Jordan Kulbarsh, and Kitty Sorah.



**Divided Community Project, The Ohio State University Moritz College of Law Program on Dispute Resolution**

Carl Smallwood, Executive Director [smallwood.21@osu.edu](mailto:smallwood.21@osu.edu)

William Froehlich, Deputy Director [froehlich.28@osu.edu](mailto:froehlich.28@osu.edu)

Nancy Rogers, Prof. Emeritus [rogers.23@osu.edu](mailto:rogers.23@osu.edu)

Josh Stulberg, Prof. Emeritus [stulberg.2@osu.edu](mailto:stulberg.2@osu.edu)

**The Ohio State University Mershon Center for International Security Studies**

Teri Murphy, Associate Director, [murphy.1800@osu.edu](mailto:murphy.1800@osu.edu)