

# The fall of American democracy ... ?

By Sharon J. Arkin



We live in disturbing times. The Trump Administration is sliding further and further towards autocracy. He believes that he can do anything he wants simply by signing an executive order and to hell with the courts and Congress. He is holding prisoners at the boarders in horrific conditions and retaliates against enemies – perceived or real. And his corruption is breath-taking.

Most terrifying for consumer attorneys is the judiciary. Fortunately, for those of us who practice in state court, the effect is minimal on a day-to-day basis. Those of us who practice in federal court, however, can expect the worst. And, of course, the

*real* worst is what will happen with the U.S. Supreme Court and the social issues that are so important to us.

Dark times loom, and it is critical that we do everything we can to turn our country back to its core principles of democracy, decency and humanity. It's a little disheartening that the Democratic Party has not been able to get its act together enough to find a strong candidate with an appealing platform and a planned strategy to take Trump out in the 2020 election. That being said, I do think the wealth of ideas, approaches and temperaments on display among the Democratic candidates is fascinating. It's messy – but democracy is

supposed to be messy. That's how it works. And whoever comes out at the end as the Democratic candidate must be given our full support. This is not the time for nit-picking and cold shoulders. Paraphrasing Benjamin Franklin, we will have to hang together or we're done for.

While getting a different president is essential, it is not enough. We must also work on getting the Senate back. Mitch McConnell has done as much to harm our democracy as Trump has done, but he has done it in back rooms rather than in the public eye. But the danger is the same.

The country we live in now is not the country we grew up in. Nor is it the country we want. But we are the ones who must change it, and I fervently hope we can. I take solace from the recent words of Dan Rather and pray he is right:

I will not shield my eyes or my heart from the realities that we face. But I will also not give up on our ability to fix our problems. To give up, to give in to cynicism, is to admit defeat. I firmly believe that the majority of Americans do not believe this should be our destiny, and while I do not minimize the political, structural or legal headwinds that hinder the path to justice, I will not give up on the decency and energy of millions of my fellow Americans to right our wrongs.

I will not let the forces of cruelty and division who say, "this is who we are" have the last word.

(Dan Rather, *New & Guts*, 7/3/19) ■

---

Sharon J. Arkin is principal in The Arkin Law Firm, specializing in plaintiff appeals. She is a former president of CAOC and is Editor-in-Chief of the Forum. She is also a 2010 recipient of the CLAY award in appellate law. [www.arkinlawfirm.com](http://www.arkinlawfirm.com)