



Political and
Geostrategic
OBSERVATORY
of the United States

WE ARE NOW IN POST-CONSTITUTIONAL AMERICA

Lincoln Mitchell / Political analyst, essayist, lecturer
at Columbia University

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ABOUT THE AUTHOR



Lincoln Mitchell / Political analyst, essayist, lecturer
at Columbia University

Lincoln Mitchell, based in New York City and San Francisco, is a political analyst and a writer who teaches at Columbia University. He has contributed to CNN Opinion, NBC News, the San Francisco Examiner, and other outlets. Lincoln has authored nine books covering topics from democratic development to urban politics to baseball.

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Over the last ten years the Republican Party has transformed from a right of center, sometimes far right of center party competing for power in a largely democratic system to a fascist movement that has all but seized power in an increasingly undemocratic system. That is the grim reality of where we are today as the United States is about eight months away from celebrating the 250th anniversary of our independence.

We have learned a lot over these years, but one lesson that we must internalize if we are ever to defeat fascism in the US is that the old system no longer exists. The world, American politics, only spins forward.

Those in the liberal political class who are implicitly yearning for a return to some sepia toned past, located presumably in the Clinton or Obama years, have lost the plot and with it an understanding of political reality. The US of Constitutionalism, rule of law, political norms, respect for election outcomes, equal rights, a functioning modern state and broad consensus on the structures and rules of political life is gone, and as much as some would like to, we cannot bring it back.

This has a major impact on everything, from how we think about political strategy to envisioning the country's future. It is also extremely difficult to recognize that the US that we knew from roughly 1965-2015 is the past and that a country that built its wealth, power and international standing substantially on its stability is now deeply unstable. While some fail to recognize that we are now in what might be called post-Constitutional America, the MAGA fascists running the country know this and are gleefully seizing power and implementing their cruel, nefarious and destructive plans.

The transformation of the US political system is already well underway and those who are unhappy about that must adapt and strategize accordingly. One area where too many are clinging to a past that is no longer relevant is in thinking about the 2026, and more significantly the 2028, elections. In the early part of this century, speculation about who was going to run for President, what the best Democratic ticket would be and the like would be in full swing at this point in the electoral cycle. Today, those questions are trivial compared to the more important question of what to do in the face of numerous indicators that this will not be a free and fair election.

Similarly, assertions of constitutional rights, legal precedents and rule of law continue to wither in the face of Trump's imperial pronouncements, the violent American Gestapo known as ICE, the looting of the American government and cultish loyalty to Donald Trump that we experience every day in the US in 2025.

To put it another way, over the course of the last fortnight, the MAGA fascists have described peaceful Americans exercising their First Amendment Rights as pro-Hamas, terrorists and people who hate our country, the President posted a video of him in a fighter plan shooting excrement at Americans and a few days after that oversaw the physical destruction of large part of the White House, all this while the government is shut down, ICE continues to harass, intimidate and arrest citizens and non-citizens alike, and the President and his family keep enriching themselves.

Seeing all that and thinking that we just need to get the messaging right in 2028 is an extraordinary exercise in choosing not to see reality.

Currently, the US is staggering onward governed by a regime that is both politically and economically looting the state, destroying institutions and enriching themselves, while operating under a shell of the Constitutional system that once defined the US. It remains tempting to have too much faith in those institutions because we are still going to have elections, the resistance will win some court cases and, despite Trump's use of social media imagery, most of us still have most of our First Amendment rights.

Things may look recognizable, if not normal, on the surface, but the fundamental politics and power structures are post-Constitutional. This makes it psychologically difficult to move on from a system to which many still feel a residual attachment.

While there is much to decry about the end of Constitutional America, it is also an opportunity to begin to think about American democracy in a different way—one that is not bound by a document written by 18th century thinkers caught between a democratic impulse and fear of giving too much power to the people, all while seeking to protect the ugly, racist institution of slavery. Instead, we can begin to imagine and strive for real democracy, where all votes are weighed equally, money does not translate so smoothly into political power and where ensuring that all people have decent lives is more important than predatory capitalism that benefits the few.

Moving on from that faith that the Constitution is still the prime mover of American politics and can save us is an essential first step towards defeating fascism and saving the US. Trying to save a post-Constitutional system through structures that no longer work is a mug's game. Years ago, Audre Lorde noted that "the master's tool will never dismantle the master's house." While that insight remains true, it is also true that you cannot build a new home with the material that the current occupant has sold for scrap. Amazingly, at this moment, that is both a metaphor for American democracy as well as comment on the literal state of the White House.

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2 bis, rue Mercœur - 75011 PARIS / France

+ 33 (0) 1 53 27 60 60

contact@iris-france.org

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