

AMERICAN DEMOCRACY IN 2026

Political loyalty, institutional hardball, accountability, and the power of money

Revised civic white paper | October 25, 2026 | Evidence-based assessment

Central finding: The erosion of democratic accountability is not evenly distributed across parties or practices. Republican institutional hardball has been more systematic in important historical analyses, while opaque political finance and partisan rationalization remain problems that extend beyond one party.

The argument

American democracy is not simply suffering from disagreement about taxes, immigration, government spending, or culture. It faces a more basic contest over how political power should be acquired and used. When public officials treat unwritten restraints as optional, when voters excuse abuses committed by their own side, and when political money is difficult to trace, elections remain competitive while democratic accountability becomes less dependable.

The evidence does not justify declaring the two parties interchangeable. Joseph Fishkin and David Pozen documented a longer-running pattern of more aggressive constitutional hardball by Republican officeholders beginning in the 1990s. A 2026 University of Massachusetts Amherst experiment also found that Republicans and Democrats reacted differently to identical hypothetical abuses of presidential authority, with greater in-party tolerance among Republican respondents in the tested scenario. These are substantive asymmetries, not mere stylistic differences. [1, 2]

At the same time, Democrats are not outside the system they criticize. Democratic-aligned organizations benefited from more tracked dark money in 2024 than Republican-aligned organizations. That fact must be included because it changes the diagnosis: reform requires limiting practices that benefit one's own coalition, not only identifying the opposition's misconduct. [3]

1 | Political identity has overtaken traditional party categories

Republicanism and MAGA are overlapping identities, not identical ones. MAGA organizes politics around Donald Trump and an America First agenda, while other Republicans retain stronger attachments to conventional conservatism, civility, international alliances, or Reagan-era governing ideals. Pew's 2026 typology found striking differences within the right: 90% of the No Apologies Right approved of Trump's job performance, compared with 36% of the Pragmatic and Polite Right. The modern Republican coalition is therefore not unanimous, even as Trump commands its most intensely engaged factions. [4]

The Democratic coalition is also divided. Pew identified Leftward Progressives at 7% of all adults, Loyal Liberals at 11%, Left-Out Left at 12%, and Order and Opportunity Left at 18%. These groups differ in economic

security, cultural outlook, trust in institutions, and attitudes about crime, immigration, and the role of government. “Woke” is a poor scientific substitute for these distinctions because respondents use it to mean different things. [4]

The practical consequence is that a voter can remain a party loyalist while rejecting portions of the agenda associated with the party's most visible movement. National politics often obscures these tensions by forcing diverse citizens into a binary electoral choice.

2 | A documented asymmetry in constitutional hardball

A central finding from the historical record deserves unambiguous language. In their 2018 Columbia Law Review study, Fishkin and Pozen concluded that Republican officeholders had engaged in constitutional hardball more often, and with greater intensity, than Democratic counterparts since the mid-1990s. Their argument concerns actions that exploit formal powers while disrupting established understandings of institutional restraint. It is a scholarly historical assessment rather than a numerical census of every episode. [1]

The contrasting Senate treatment of Supreme Court vacancies in 2016 and 2020 illustrates the problem. Republican leaders declined to consider Barack Obama's nominee Merrick Garland during an election year, then advanced Donald Trump's nominee Amy Coney Barrett in another election year. The Senate exercised lawful constitutional powers in both instances. But it applied conflicting political standards to the same institutional question. Such inconsistency teaches citizens that the governing principle is not stable procedure but the advantage of the party holding power.

Constitutional hardball must be distinguished from lawbreaking. The danger is not that every forceful procedural maneuver is illegal. It is that repeated abandonment of restraint weakens the expectation that today's majority will accept limits when they become tomorrow's minority.

3 | The double standard in political accountability

In August 2026, the University of Massachusetts Amherst randomly presented respondents with a hypothetical president directing investigations of opposition politicians despite the absence of recommendations from career officials. Only the president's party changed. Among Republicans, 22% rated a Republican president's behavior very or extremely corrupt, versus 64% when the hypothetical president was a Democrat. Among Democrats, 48% strongly condemned a Democratic president's conduct, versus 78% when the hypothetical president was a Republican. Both groups demonstrated partisan bias. The Republican gap was larger, and Republican respondents were less willing to strongly condemn the conduct of a leader from their own party. [2]

This experiment does not purport to prove that all Republicans are indifferent to corruption. It establishes something more useful: partisan identification systematically altered the judgment of an otherwise identical misuse-of-power scenario. An additional 2026 Gallup survey found 26% of Republicans and 17% of Democrats supported allowing leaders exceptions to the law in some circumstances to do what was needed for the country. A majority in both parties opposed exceptions. The partisan difference still matters. [5]

Democratic oversight cannot be assessed simply by how often Democratic voters express disapproval. Accountability also requires investigations, disclosures, sanctions, and electoral consequences for one's own allies. The defining measure is not whether a citizen recognizes wrongdoing across the aisle but whether that citizen insists on consequences at home.

4 | The Democratic frustration is real—and understandable

Pew reported in April 2025 that 83% of Democrats and Democratic-leaning independents considered it very or extremely important for Democratic officials to push hard against Trump policies they opposed. Seventy-four percent assessed their party's performance at pushing back as only fair or poor. Democratic dissatisfaction is therefore not simply a commentary-class impression. It is visible in representative polling. [6]

The demand to fight harder need not mean a demand to cheat. Lawful tools include litigation, investigations, public hearings, procedural opposition, election organizing, and persistent scrutiny of executive action. Effective resistance and principled restraint are not opposites. But restraint becomes politically costly when competitors repeatedly exploit arrangements that depend on reciprocal good faith.

The central strategic challenge for Democrats is to deploy the full legal and political force available to them without normalizing the misconduct they oppose. A party that confuses civility with effectiveness can fail to protect institutions; a party that abandons legal standards in retaliation can accelerate their decay.

5 | Money transforms political competition

The financing system compounds the accountability problem. OpenSecrets reporting on 2024 identified the six largest publicly recorded individual donor entries as oriented toward Republican candidates and causes. That concentration reveals the ability of a handful of wealthy contributors to finance political communication on a scale unavailable to ordinary voters. It does not mean every contribution buys a policy decision; it means financial access and agenda-setting capacity are distributed unequally. [7]

The transparency problem is even broader. Brennan Center researchers traced more than \$1.9 billion in dark money in the 2024 federal elections, including about \$1.2 billion benefiting Democratic-aligned organizations and \$664 million benefiting Republican-aligned groups. Much of the money moved through nonprofits or other entities whose original donors were not disclosed. The public could see a recipient organization's name without identifying the person or institution supplying the funds. [3]

This is not evidence that the parties behave identically on transparency. It demonstrates that disclosure reform must be judged by enforceable rules and voting records, rather than by rhetorical claims of virtue. A serious system would disclose the ultimate sources of large election-related contributions while protecting legitimate small-donor privacy. The challenge is structural: organizations are unlikely to surrender a powerful advantage without enforceable rules that apply to everyone.

6 | Why reform stalls

The political incentives reinforce each other. Stronger party identity makes criticism of a leader feel like an attack on the group. Fear of the opposing coalition makes exceptions easier to rationalize. Procedural hardball prompts retaliatory demands. Large donors supply resources that sustain partisan media, persuasion, and litigation. Fragmented information environments make it harder for citizens to agree even on the description of a disputed event.

In that setting, the public interest can become a secondary concern. Political actors are rewarded for immediate victories, while the costs of weakened trust are distributed across the country. An individual elected official may gain from stretching a rule, even though an entire political system loses when the rule no longer commands respect. That is why appeals for better personal character, while worthwhile, cannot substitute for institutional reform.

7 | A practical accountability standard

A credible reform agenda starts with rules capable of surviving changes in party control. Large political contributions should be traceable to their ultimate sources; conflicts of interest should be disclosed and independently reviewed; inspectors general and ethics officers should have meaningful protections; and significant changes in legislative procedure should be transparent. Investigations of political opponents should be governed by demonstrable legal standards rather than presidential preference.

A clear civic test should accompany every proposal: Would its supporters still favor the rule if the opposing party controlled the presidency and Congress? A reform that works only when one's allies hold power is not a democratic safeguard. It is another instrument of partisan advantage.

Conclusion | Equal rules do not require pretending the parties are equal

The evidence assembled here supports a clear conclusion. Republican officeholders have an extensively documented history of more aggressive constitutional hardball; the 2026 experiments and surveys examined show measurable partisan differences in tolerance for some forms of executive misconduct. Democratic voters are visibly frustrated with the restraint they perceive in their own leadership. Meanwhile, concentrated wealth and undisclosed election funding weaken accountability through a system exploited by both political coalitions.

These findings must not be flattened into a claim that the parties are mirror images. Nor do they require claims about the intelligence or virtue of their voters. The relevant unit of analysis is observable behavior: the tactics officials use, the financial arrangements they accept, the standards they apply, and the consequences they are willing to impose on their own side.

American democracy does not need less political competition. It needs competition that remains answerable to law, evidence, public scrutiny, and durable restraints on power. A system in which the winning side can rewrite the meaning of accountability is not fixed by changing who wins. It is fixed by making accountability apply when enforcement is politically inconvenient.

Research sources

[1] Joseph Fishkin and David E. Pozen, “Asymmetric Constitutional Hardball,” *Columbia Law Review* 118 (2018).
<https://columbialawreview.org/content/asymmetric-constitutional-hardball/>

[2] University of Massachusetts Amherst Poll, national corruption survey, September 2, 2026 (fielded August 21–26).
<https://www.umass.edu/poll/about/reports/2026-09-national-public-opinion-poll>

[3] Brennan Center for Justice, “Dark Money Hit a Record High of \$1.9 Billion in 2024 Federal Races,” May 7, 2025.
<https://www.brennancenter.org/our-work/research-reports/dark-money-hit-record-high-19-billion-2024-federal-races>

[4] Pew Research Center, “Beyond Red vs. Blue: The 2026 Political Typology,” June 10, 2026.
<https://www.pewresearch.org/politics/2026/06/10/beyond-red-vs-blue-the-political-typology/>

[5] Gallup, “Slim Majority Doubt U.S. Leaders Are Held Accountable to Laws,” September 2026.
<https://news.gallup.com/poll/714365/slim-majority-doubt-leaders-held-accountable-laws.aspx>

[6] Pew Research Center, “Most Democrats say their party’s lawmakers aren’t fighting Trump’s policies hard enough,” April 29, 2025.
<https://www.pewresearch.org/short-reads/2025/04/29/most-democrats-say-their-partys-elected-officials-are-not-pushing-hard-enough-again-st-trumps-policies/>

[7] OpenSecrets 2024 top individual donor reporting, cited in the original white paper; contributor totals are cycle-specific and may be revised by later filings. <https://www.opensecrets.org/elections-overview/biggest-donors>

Method: A synthesis of public opinion research, peer-reviewed legal scholarship, and campaign-finance reporting available by October 25, 2026. Polling results describe specific questions and survey populations, not fixed personal attributes of every voter.