

# Public Domain

by Steve Krulick, Senior Civics Columnist

## Let 'er Rep... resentative! (Part 1)

*Democracy: 1) Government by the people, exercised either directly or through elected representatives. – American Heritage Dictionary*

Happy Birthday USA! Well, *one* possible birthday. This week, 220 years ago, on *September 17, 1787*, the US Constitution, the supreme law of the USA and its founding document as a *national federal republic*, was adopted in its original form by the Constitutional Convention in Philadelphia. (If there's *any* certainty – as argued in an earlier column about the Declaration of Independence – it's the Fourth of July is *not* America's birthday, because the DoI did *not* create a unitary American Republic... the Congress simply noted that thirteen independent republics *already* existed... and even voted on *that* confirmation officially on July 2<sup>nd</sup>.)

Challenging that day for birthday honors could also be *June 21, 1788*, when New Hampshire became the ninth state (of the thirteen) to ratify the Constitution, making it, under its own terms, official. (That this violated the rules in the then-operating Articles of Confederation for its own amendment or replacement, raises serious questions about its true legitimacy; though by the time Rhode Island became the thirteenth state to ratify, on *May 29, 1790* – which could be considered *another* birthday – the question was already moot.)

Then there's *March 4, 1789*... the day the new federal government began operations in New York City *under* the Constitution... although one could also argue that it wasn't fully in effect until Washington took the oath of office as first head of the Executive branch, on *April 30, 1789*.

While we're considering important dates... on *September 25, 1789*, Congress approved twelve amendments to the original Constitution, and sent them on to the states for ratification. Only the final ten – later dubbed the Bill of Rights – were OK'd by the requisite three-fourths of the states when Virginia ratified on *December 15, 1791* (original amendment #2, about Congressional pay raises, didn't become an amendment – the 27<sup>th</sup> – until 1992). Enshrining these protections of fundamental personal and collective rights into the Constitution, a mostly-Federalist Congress hoped to assuage anti-Federalist fears that a national government would be too powerful and trample the rights of citizens and states. (I hope to delve deeper into “facts and fictions” of the Constitution and Bill of Rights in future columns and in ongoing discussions on WELV radio, much as I did with the DoI. Stay tuned.)

So, actually, there are many dates year-round in which we can celebrate the “birth” of *the* American Republic! (Hey, the more dates the merrier!) But maybe we should first clarify basic words such as “republic” and “democracy,” so we know what we are dealing with and don't get misled.

In broadest terms, a *republic* is a state in which the head of government is not a monarch or other hereditary head of state (thus, Great Britain, whose monarch is head of *state*, but not head of *government* – that being the prime minister – could be considered a republic). But if you look up the term, you also get: “a state in which the supreme power rests in the body of citizens (the people, *publicus*) entitled to vote and is exercised by representatives chosen directly or indirectly by them.” That this definition is so similar to a current one of *democracy* (“government by the people; a form of

government in which the supreme power is vested in the people and exercised directly by them or by their elected agents under a free electoral system”) has led to some confusion. Yet, I often read claims, by those who are not big fans of giving “the people” too much power, that “We are a republic, *not* a democracy!” As they equate democracy with “mob rule” or “tyranny of the masses,” *democracy* is thus something to be abhorred.

Well, in the Aristotelian sense of 2500 years ago, that may have been so; in a “pure” democracy of that kind, there is *direct rule* by all the citizens who make up “the people”; they vote on all laws directly, as equals (those who were *not* considered citizens – foreigners, slaves, criminals, minors, women – were *not* part of the *people class*, and had no such participation). If you look closely at the two similar definitions, it is that part about power “exercised directly by them” that distinguishes *some* democracies. In republics, power is exercised by representatives, whereas in democracies power *may* be exercised directly by the people *or* indirectly by elected representatives... which is usually the case today, except in very small groups.

The Founders were practical men. Though some, like Jefferson, had abiding faith in the will of “the people,” some, like Hamilton and John Adams, had inherent distrust of “the mob.” But they all agreed that it was simply impractical to have a “pure” democracy in a polity larger than, say, a town; they didn't even use the term “democracy” that much. James Madison, arguably the Father of the Constitution (and the Bill of Rights), drew a distinction between a republic and a “true” or “pure” democracy in Federalist #14: “In a democracy, the people meet and exercise the government in person; in a republic, they assemble and administer it by their representatives and agents. A democracy, consequently, will be confined to a small spot. A republic may be extended over a large region... As the natural limit of a democracy is that distance from the central point which will just permit the most remote citizens to assemble as often as their public functions demand, and will include no greater number than can join in those functions.”

More broadly, reflecting the sense we apply today, John Page, a representative from Virginia (later, Governor of that state) said, during the Congressional debates over what was to become the First Amendment: ... [The amendment] was strictly compatible with the spirit and the nature of the Government; all power vests in the people of the United States; it is, therefore, a Government *of the people, a democracy*. If it were consistent with the peace and tranquillity of the inhabitants, every freeman would have a right to come and give his vote upon the law; but, inasmuch as this cannot be done, by reason of the extent of territory, and some other causes, the people have agreed that their representatives shall exercise a part of their authority...”

That being established, perhaps more time was spent debating what was the *obligation* of representatives in the new government than was spent on any other issue. Are elected representatives merely to poll and rubber-stamp the will of their constituents, or do they have, once elected, the right and duty to act freely, using their own conscience and judgment, regardless of what the people of their district “feel” about an issue? Particularly as the “mob” may be swayed by emotions, lack of knowledge, and short-sightedness – which is why they are to have selected representatives “represent” them in the first place – this becomes as relevant an issue today as then, and why it's worth studying and thinking about.

In the next column, I will consider some of the philosophical arguments for each side, and the practical ramifications, including why YOU should always let your various representatives know what YOU think!