

## ESSAY # 1-IS IT A REPUBLIC OR A DEMOCRACY?

On December 20, 2020, the NY Times ran an editorial with the headline “Accountability after Trump - How can America rebuild democracy’s guardrails and hold the past administration to account for its lawlessness”. On January 21, 2021, Apple News ran the headline “Democracy has Prevailed” followed by an article on the inauguration of Joe Biden as President. First of all, I have to ask the NYT what it means by lawlessness committed by the previous administration. Second, I have to ask what do both news sources mean by “democracy”. Without further explanation into the meaning of the words and phrases used in the headlines, no intelligent person can understand what has been restored or has prevailed, and what had occurred previously that was lawless and not part of the word democracy.

The word democracy comes from the ancient Greeks. ‘Demo’ meaning people and ‘cracy’ meaning rule. In short, the word can be defined as the people’s rule or rule by the people. The Greeks used democracy to govern its many city states in the years c. 500-400 BC. The governments consisted of leaders who carried out ordinances and policies voted on by assembled voters. Only free males were allowed to vote. Women, children and slaves had neither a vote or a say in the function of the government. Policy was determined by a majority of the voting males to the exclusion of everyone else. This majority most likely was a minority of the population but the entire citizenry had to abide by its decisions. Eventually, this mode of government collapsed into both chaos and anarchy. The democracy as practiced by the Greek city states degenerated into a tyranny of the majority.

Until the founding of the United States in the late 1700’s, after the Greeks, no people attempted to use any form of democratic government with exception of the Roman republic and the city of Venice. When the Founding Fathers met in Philadelphia in May, 1787, they decided to take two fundamental actions in order to establish a practical means of governing the nascent United States. The first was to eliminate any thought of just revising the Articles of Confederation that had been in effect since 1781; and the second was to establish a republic rather than a democracy as the mode of government. The framers determined the people would be sovereign but checks would be placed on their powers and on the government they established.

In “The Federalist. No. 10” James Madison explains throughout the essay why a republican government is more advantageous than a pure democracy. As students of history, and political, religious and social philosophy, the founders knew of the tyranny, chaos and anarchy that had plagued democracies since their inception in ancient Greece. Eventually, after four months, they produced a government that was not only unique for its time but is still unique among the governments of the world. Never had a republican form of government been used on such a large scale. The founders created largest, freest, oldest republic in history. Most importantly, our nation was built on legal documents that form its foundation.

I began taking courses in American government in grade school. My education in government continued into high school, into college (history major, political science

minor), into my thirty-one year teaching career. For many years I presented a five to six-week unit on comparative political and economic systems to my seventh graders. I divided the study of political systems into governments based on democracy and governments based on authoritarianism/totalitarianism. We looked into governments used in nations in the twentieth and first part of the twenty-first centuries. Each category had common threads throughout. Governments with roots in democracy are characterized by sovereignty of the people, by multiple political parties, by representatives chosen by qualified voters in elections prescribed by law, by governance based on constitutions both written (the United States) and unwritten (the United Kingdom), by the rule of law, by majority rule with minority rights, and by the understanding that the obligation of government is to serve the needs of the people and to protect the God-given rights of every individual without prejudice. On the other hand, governments based on authoritarianism/totalitarianism are/were characterized by one party rule; by the absence of free elections; by the rule of men; by dictatorship of the state, one party or ruler; by the citizenry serving the needs of the state; by the rejection of any obligation of government to protect and promote the rights of the individual; and by control of everything from technology, to science, to the family and even to thought.

My students were presented with three governments based on democracy. The first was the federal republic established by the United States Constitution in 1787. Our republic is based on a national government that has limited and defined powers as well as on state governments whose powers are undefined. The federal government is made up of three separate but equal branches, each with its own powers and responsibilities. The Congress (House of Representatives and Senate) is the legislative or law making branch. It has been granted eighteen specific powers by the Constitution as well as the power to impeach the president, vice president and any federal judge for treason, bribery, or other high crimes or misdemeanors (a phrase taken from English common law). The Senate advises and gives consent to the president on treaties, and on appointment of officials in the administration, of military officers, of ambassadors, and of judges. The Executive branch is comprised of the President and Vice President. The President executes (carries out) laws passed by the legislature; signs bills into law; vetoes bills; is commander-in-chief of the nation's armed forces; and its chief diplomat and head of state. The Judicial branch is the third branch and consists of the Supreme Court that has just two powers-original and appellate jurisdiction in cases that come before it. Each branch is separate from but equal to the others, and can check and balance the actions of the others as well.

The members of each branch of government are chosen differently. House members are elected directly by the voters in their states to two year terms. Two senators are elected from each state directly by the people to six year terms. Before ratification of the XVII Amendment senators were selected by their state legislatures. There is no limit to how many terms these representatives and senators may serve. The president and vice president serve a four year term and are elected by the Electoral College composed of electors equal the number of House and Senate members a state has in Congress. An individual can only be elected to two terms as president or may serve for ten years. Justices to the Supreme Court and all federal judges are appointed to their position by the President with the consent of the Senate for life based on good behavior.

The second type of government based on democracy is the parliamentary system. There are just two branches in this form of government, the legislative and judicial. The parliament is the law-making body. The leader of the government, the prime minister, is chosen from the majority party in the parliament. He or she serves as long as h/h party maintains its majority, until h/s resigns, or when a vote of no confidence in the leadership has occurred. The prime minister is in charge of the daily operation of the national government, and is the nation's chief diplomat. The leader of the minority party has a formal role with specific duties and functions. Often there is a president who acts as a ceremonial head of state. Israel is one of the best examples of this type of democracy.

The third government in this category is the constitutional monarchy. It is the same as a parliamentary system except a monarch serves as the head of state as is the case in the United Kingdom.

The students learned there were many more governments under the heading authoritarian than under democracy from both an historical and present day perspective. Among these were/are Communism (the former Soviet Union, China), Nazism (Germany 1933-45), Fascism (Italy 1922-43), theocracy (Iran), benevolent dictatorship-monarchy (Saudi Arabia), one party dictatorship (Iraq under Hussein and Venezuela), oligarchy (Russia).

So what does all of the above have to do with the question first posed at the beginning of this essay? To repeat, what democracy does the NY Times and Apple News want to prevail and what lawlessness was committed by the previous administration-a lawlessness that was not supported by specific examples nor was prevented by decisions on cases brought before the Supreme Court by aggrieved parties. Is it the type of democracy written into the United States Constitution that allows for majority rule but also protects minority rights? Is it the republic that Thomas Jefferson described in his first inaugural address when he said, "All, too, will bear in mind this sacred principle that though the will of the majority is in all cases to prevail, that will, to be rightful, must be reasonable; that the minority possess their equal rights, which equal laws must protect, and to violate which would be oppression"? Or the ratification of the Bill of Rights and the XIII, XIV & XV Amendments?

Or is it a democracy as Ben Franklin described-two wolves and a lamb voting on what to have for dinner? Or is it the democracy of Andrew Jackson when he became President in 1828? During his presidency Jackson had little regard for the other separate but equal branches of the government, or for each branch's checks and balance on the others. Jackson made it very clear upon his ascendancy to the presidency that he believed in a government based on majority rule to the exclusion of the minority unlike the founders' republican form of government. The most egregious assertion of his majority rule and rejection of separation of powers occurred during Jackson's removal of the Cherokee and Choctaw tribes from their ancestral lands in the Carolinas and Georgia to territories beyond the Mississippi River in the 1830's that culminated in "The Trail of Tears". Jackson ignored the Supreme Court's decisions, *The*

*Cherokee Nation v. the State of Georgia*, and *Worcester v Georgia*, that had declared the taking of tribal land and imposition of state law on the tribes as unconstitutional. Supposedly, Jackson's response to the Supreme Court's judgement was that if the court wanted its decision enforced it had better come up with an army to do so. Or is it the ending of Reconstruction and the removal of federal troops who were protecting freed blacks from white southerners by the Hayes administration in 1877? Or is it the Supreme Court's 1896 decision, *Plessy v. Ferguson*? Or the issuance of Executive Order 9066 in February, 1942, that led to the internment in "relocation centers" of 110,000 Japanese-Americans for the duration of World War II out of fear of their possible disloyalty to the United States? Or is it Apple's and the Times' definition of democracy like that of Barack Obama's who, as President in 2009-10, stated so plainly, "Elections matter..... I won"; and as he signed into law Obamacare, an eight hundred billion dollar stimulus bill, and the Dodd-Frank Act without any Republican input or votes? Or the making of a permanent economic underclass by forced restrictions and closings of targeted businesses and industries by government fiat in 2020 and beyond? Or is it the possible passage into law of HR 1?

Lastly, since no specific examples of the apparent lawlessness of the last administration were provided in the December 20, Times article, no answer to the that question can be given. Thoughtful answers to these and additional questions by us and others will determine the path our nation follows. An admission-The breaking into the Capitol Building on January 6, 2021, will not be a part of this discussion despite the despicable nature of that act since a full accounting of the riot has not been made known, about how and why it occurred, and who was responsible for the actual assault.

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