



Written by [Joe Wolverton, II, J.D.](#) on October 11, 2014

## Prominent Historians Propose a New Constitution

“We need a new constitution.” That is the direct declaration made in a two-part essay written by eminent American historians Andrew Burstein and Nancy Isenberg.

Not only do the pair of professors pronounce the current Constitution dead, but they introduce us to its replacement before the body is even cold.

From the very title of the first installment, however, the saviors of our “democratic republic” start down a road that might lead to a new constitution, but get the very essence of our government wrong.

“Here’s how we save American democracy from charlatans, loudmouths and the 1 percent,” they announce before launching into a lengthy exposé of all that’s wrong with America, taking particular aim at the Constitution.

As anyone who has bothered to read the words of the men who wrote our Constitution knows, America is not a democracy and most of the men whose signatures appear at the bottom of that document would have left without endorsing it had they thought for a minute they were creating a democracy.

John F. McManus, publisher of *The New American* and president of The John Birch Society, has written many times on the critical distinction between a republic (the form of government guaranteed by the Constitution) and a democracy (the form of government Burstein and Isenberg pretend we have).

McManus explains:

The difference between a democracy and a republic is not merely a question of semantics but is fundamental. The word “republic” comes from the Latin *res publica* — which means simply “the public thing(s),” or more simply “the law(s).” “Democracy,” on the other hand, is derived from the Greek words *demos* and *kratein*, which translates to “the people to rule.” Democracy, therefore, has always been synonymous with majority rule.

The Founding Fathers supported the view that (in the words of the Declaration of Independence) “Men ... are endowed by their Creator with certain unalienable Rights.” They recognized that such rights should not be violated by an unrestrained majority any more than they should be violated by an unrestrained king or monarch. In fact, they recognized that majority rule would quickly degenerate into mobocracy and then into tyranny. They had studied the history of both the Greek democracies and the Roman republic. They had a clear understanding of the relative freedom and stability that had characterized the latter, and of the strife and turmoil — quickly followed by despotism — that had characterized the former. In drafting the Constitution, they created a government of law and not of men, a republic and not a democracy.

But don’t take our word for it! Consider the words of the Founding Fathers themselves, who — one after another — condemned democracy.





- Virginia's Edmund Randolph participated in the 1787 convention. Demonstrating a clear grasp of democracy's inherent dangers, he reminded his colleagues during the early weeks of the Constitutional Convention that the purpose for which they had gathered was "to provide a cure for the evils under which the United States labored; that in tracing these evils to their origin every man had found it in the turbulence and trials of democracy...."
- John Adams, a signer of the Declaration of Independence, championed the new Constitution in his state precisely because it would not create a democracy. "Democracy never lasts long," he noted. "It soon wastes, exhausts and murders itself." He insisted, "There was never a democracy that 'did not commit suicide.'"
- New York's Alexander Hamilton, in a June 21, 1788 speech urging ratification of the Constitution in his state, thundered: "It has been observed that a pure democracy if it were practicable would be the most perfect government. Experience has proved that no position is more false than this. The ancient democracies in which the people themselves deliberated never possessed one good feature of government. Their very character was tyranny; their figure deformity." Earlier, at the Constitutional Convention, Hamilton stated: "We are a Republican Government. Real liberty is never found in despotism or in the extremes of Democracy."
- James Madison, who is rightly known as the "Father of the Constitution," wrote in *The Federalist, No. 10*: "... democracies have ever been spectacles of turbulence and contention; have ever been found incompatible with personal security, or the rights of property; and have in general been as short in their lives as they are violent in their deaths." The *Federalist Papers*, recall, were written during the time of the ratification debate to encourage the citizens of New York to support the new Constitution.
- George Washington, who had presided over the Constitutional Convention and later accepted the honor of being chosen as the first president of the United States under its new Constitution, indicated during his inaugural address on April 30, 1789, that he would dedicate himself to "the preservation ... of the republican model of government."
- Fisher Ames served in the U.S. Congress during the eight years of George Washington's presidency. A prominent member of the Massachusetts convention that ratified the Constitution for that state, he termed democracy "a government by the passions of the multitude, or, no less correctly, according to the vices and ambitions of their leaders." On another occasion, he labeled democracy's majority rule one of "the intermediate stages towards ... tyranny." He later opined: "Democracy, in its best state, is but the politics of Bedlam; while kept chained, its thoughts are frantic, but when it breaks loose, it kills the keeper, fires the building, and perishes." And in an essay entitled "The Mire of Democracy," he wrote that the framers of the Constitution "intended our government should be a republic, which differs more widely from a democracy than a democracy from a despotism."

In light of the Founders' view on the subject of republics and democracies, it is not surprising that the Constitution does not contain the word "democracy," but does mandate: "The United States shall guarantee to every State in this Union a republican form of government."

Finally, it is unnecessary to deconstruct all of the articles of Burstein and Isenberg's new constitution, especially in light of their fondness for a form of government that would propel the United States headlong toward chaos, mob rule, and eventually (if Polybius is any guide) despotism, the very thing



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they claim to abhor.

A final quote from the piece does deserve a parting shot, however. Burstein and Isenberg write:

It is critical that twenty-first-century American conservatives agree to one slippery principle, however, if anything good is to take place. And that is this: Individual liberty is not won by “getting government off our backs”; it is gained through good government. Eisenhower Republicans in the conservative 1950s agreed with this notion and responded to empirical evidence. The social safety net was not ideological anathema (socialism) then.

By their way of thinking, good government is that government that recognizes its responsibility to provide a “social safety net.” In fact, they prop up the bones of Dwight Eisenhower as evidence that not all “conservatives” consider such an idea evil.

Dwight Eisenhower was in no way the ideal conservative. Many would argue that he wasn’t a conservative at all. That’s really neither here nor there, however. What matters is that the esteemed authors of our “new constitution” forget two fundamental aspects of our current Constitution.

First, the Constitution was not written to restrain government. It was written as a narrowly defined, strictly enumerated list of powers granted provisionally by the states to the federal government. The document, that is, does not tell what government cannot do; rather it lists the few things government can do. As Alexander Hamilton explained in *The Federalist, No. 78*:

There is no position which depends on clearer principles, than that every act of a delegated authority, contrary to the tenor of the commission under which it is exercised, is void. No legislative act, therefore, contrary to the Constitution, can be valid. To deny this, would be to affirm, that the deputy is greater than his principal; that the servant is above his master; that the representatives of the people are superior to the people themselves; that men acting by virtue of powers, may do not only what their powers do not authorize, but what they forbid.

What it most certainly forbids, Mr. Burstein and Ms. Isenberg, is a government-maintained “social safety net” as the power to create such is nowhere delegated to the federal government in the Constitution; therefore, any such act would be void and invalid on its face.

Bottom line: The cure for what ails this country is to follow the Constitution, not fix it.

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