

# IF TRIANGLES ARE SQUARE, AMERICA IS A DEMOCRACY

**BARRY KRUSCH**

© 1994 by Barry Krusch **A Public Domain Work**

This document may be freely re-transmitted and republished in its entirety and without alteration by any person or body for any and all purposes.

LAST UPDATED: November 6, 1994

The latest version of this document may be obtained at [www.krusch.com](http://www.krusch.com).

“There’s glory for you!”

“I don’t know what you mean by ‘glory,’” Alice said.

Humpty Dumpty smiled contemptuously. “Of course you don’t — till I tell you. I meant that ‘there’s a nice knockdown argument for you.’”

“But ‘glory’ doesn’t mean ‘a nice knockdown argument,’” Alice objected.

“When *I* use a word,” Humpty Dumpty said in rather a scornful tone, “it means just what I choose it to mean — neither more nor less.”

— *Through the Looking Glass*

As kids, we used to recite the following *Pledge of Allegiance*. We potentially said it 180 \* 12 times (somewhat less than 2160 times when we account for absences), so surely we remember it:

I pledge allegiance to the flag, of the United States of America, and to the *democracy*, for which it stands, one nation, under God, indivisible, with liberty and justice for all.

Hey, wait a minute — there’s a word out of place here. Isn’t that supposed to be “republic” instead of “democracy”? Why, so it is! Looks like I’ve been committing the most cardinal of sins — watching ABC, CBS, and NBC nightly news every night, and hearing over and over again that the United States is a “democracy,” and that we’re fighting for “democracy” the world over, and then believing it because they *said* it was true. Will I ever learn?

You know, when you think about it, it’s pretty strange. After all, the people who run these networks all said the *Pledge of Allegiance* when they were kids just as many times as you did, and most of them are graduates of Ivy League schools, so they must have taken some political science courses. Knowing the difference between a democracy and a republic isn’t difficult, but it is critical — how can they confuse the two? The central distinction between them is at least as old as 1787 (when our Constitution was signed), and one that was well understood by the Framers of the Constitution. In *Federalist 14*, James Madison pointed out this key distinction:

The true distinction between these forms . . . is, that 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. (emphasis supplied)

Madison’s essential distinction was that in a *democracy*, legislation is written and voted upon directly by the people, but in a *republic*, legislation is

written and voted upon directly only by *representatives* of the people (e.g., the House of *Representatives*). If we *did* have a democracy, Article 1, Section 1 would say “All legislative Powers herein granted shall be vested in *the People* of the United States,” and not what it actually says, “All legislative Powers herein granted shall be vested in *a Congress* of the United States . . . .” The Framers knew what they were doing, and what they were doing wasn't *democracy*.

A brief linguistic analysis reveals the very prominent differences between these two forms of government. In a *democracy*, every citizen is permitted a direct vote on the legislation that will affect his or her life; in the *republic* known as the United States government, only some citizens (535, to be exact) are permitted to vote directly on this legislation. Now, if 200,000,000 in the United States are eligible to vote, then the number of direct legislative voters would be equal to 200,000,000 if we lived under a democracy; however, the number of direct legislative voters in our republic is still just 535. Consequently, 199,999,465 citizens have been deprived of the direct legislative right to vote they would otherwise have under a democracy, and instead have been given only the indirect right of being allowed to vote for these 535 direct legislative voters (called “representatives” and “senators”) — a far smaller right.

The plain fact of the matter is that a *republic* will become a *democracy* only when all of the following conditions obtain:

- The word every becomes identical in meaning to the word some, and
- the word direct becomes identical in meaning to the word indirect, and
- the number 200,000,000 somehow manages to equal 535.

Until these conditions occur, a *republic*  $\neq$  *democracy*. Sad, but true.

From this analysis, it clear that calling the United States a *democracy* when it is really a *republic* is an error of the first order, kind of like saying that “the earth is flat” or that “ice is heavier than water” — how can this error be made (and continually be made) by so many people so many times?

But it's not only the media which makes the mistake. Tune in to the TV over the course of your life, and you'll hear President after President talk about how we need to send troops overseas to “keep the world safe for democracy.” Well, that's pretty astonishing, since the President is *constitutionally obligated to lead the fight against democracy if it happens within the United States!*

I know it sounds incredible, but a close reading of the Constitution mandates this analysis. We can start by noting (according to Article VI of the Constitution) that the Constitution is the “supreme Law of the Land.” Now let's

take a look at the most relevant section of this supreme law, Article IV, Section IV, which says in pertinent part:

The United States shall *guarantee* to every State in this Union a *Republican* Form of Government . . . (emphasis supplied)

Since the “supreme Law of the Land” is that a “republican” form of state government is *guaranteed*, a move by a state to “democracy” is constitutionally *prohibited* — what’s called “insurrection.” Fancy that!

Okay, we know what the law is; now let’s look at the enforcement provisions, found in Article I, Section VIII of the Constitution, which gives Congress the power to “declare War,” and to “provide for calling for the Militia to execute the Laws of the Union, [and] suppress Insurrections . . . .” And who shall lead this battle against “insurrection”? The President! In Article II, Section II we find that

The President shall be *Commander in Chief of the Army and Navy* of the United States . . . (emphasis supplied)

And there’s no escape clause. Article VI of the Constitution states that Senators and Representatives “shall be bound by Oath or Affirmation, to support this Constitution,” and Article II, Section I of the Constitution also requires the President to take an oath of office (or Affirmation) to support the Constitution:

Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation: — “I do solemnly swear (or affirm) that *I will faithfully execute the Office of President of the United States*, and will to the best of my Ability, preserve, protect and *defend the Constitution* of the United States.” (emphasis supplied)

What these clauses all mean together is this: suppose tomorrow the citizens of Rhode Island decide to reject their current *republican* form of government and replace the State Legislature with citizen votes by telecommunication — what some call “direct democracy.” Under the Constitution, the President would be *required* to send in Federal troops (after an obligatory Congressional declaration of war) to prevent this *unconstitutional* act (call it *Civil War II*). Ironic, then, that while we go overseas to fight to preserve other countries’ “democracies” (they’re not, of course, they’re just called “democracies”), the citizens of our own country are stuck with the republican form.

This is no trivial distinction. Contrary to the proclamations of the mass media, *our whole constitutional scheme of separation of powers and checks and balances is directly opposed to the concept of democracy*. However, future political systems may revolve around Internet telecommunication and direct citizen voting. These systems will be met with the same constitutional challenges that face citizen-made legislation such as term-limits provisions. It is then that the words of the Constitution will do their stuff, totally without regard to the pronouncements of Presidents and Talking Heads.

In 1984, George Orwell wrote the following (p. 229):

He set to work to exercise himself in crimestop. He presented himself with propositions — “the Party says the earth is flat,” “the Party says that ice is heavier than water” — and trained himself in not seeing or not understanding the arguments that contradicted them.

Luckily, we’re not Winston Smith, so we don’t need to believe that the United States is a democracy merely because it is repeated over and over again by the uninformed (or disingenuous); nor that the U.S. is a “representative democracy” (a phrase which makes as much sense as calling a dog a “barking cat”). All that’s required is knowing the difference between the two forms. With your new knowledge, you can see what comes over the TV in a new, and more accurate, light, and maybe fight for what you thought you had all along, but all along never had.

### A FACTUAL APPENDIX,

or

### TIME FOR A REALITY CHECK

That the United States is a “democracy” would have seemed astonishing to our Framers, who understood well the distinction between the two types of government, and who specifically authored the Constitution as a *check* against democracy. For those of you who haven’t yet been exposed to this bit of history, here are some essential passages to read as a starting point in understanding the Constitutional framework.

The following are quotes taken from *The Federalist*, the series of articles written by Madison, Alexander Hamilton, and John Jay in support of the 1787 Constitution. They began by defining the distinction between the two forms:

*A republic*, by which I mean a government in which the scheme of representation takes place, opens a different prospect, and *promises the cure for which we are seeking*. Let us examine the points in which it varies from pure **Democracy**, and we shall comprehend both the nature of the cure and the efficacy which it must derive from the Union. (all emphasis here and subsequent supplied)

(FEDERALIST 10 Madison:24)

The two great points of difference between a **Democracy** and a **republic** are: first, *the delegation of the government, in the latter, to a small number of citizens elected by the rest*; secondly, the greater number of citizens, and greater sphere of country, over which the latter may be extended.

(FEDERALIST 10 Madison:25)

If we resort for a criterion to the different principles on which different forms of government are established, we may define a **republic** to be, or at least may bestow that name on, a government which derives all its powers directly or indirectly from the great body of the people, and is administered by persons holding their offices during pleasure, for a limited period, or during good behavior.

(FEDERALIST 39 Madison:4)

The error which limits **republican** government to a narrow district has been unfolded and refuted in preceding papers. I remark here only that it seems to owe its rise and prevalence chiefly to the confounding of a **republic** with a **democracy**, applying to the former reasonings drawn from the nature of the latter. The true distinction between these forms was also adverted to on a former occasion. It is, that *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.

(FEDERALIST 14 Madison:2)

[T]he same advantage which a **republic** has over a **Democracy**, in controlling the effects of faction, is enjoyed by a large over a small republic . . .

(FEDERALIST 10 Madison:33)

[T]he natural limit of **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 . . .

(FEDERALIST 14 Madison)

Under the confusion of names, it has been an easy task to transfer to a **republic** observations applicable to a **Democracy** only; and among others, the observation that it can never be established but among a small number of people, living within a small compass of territory.

(FEDERALIST 14 Madison:3)

From this view of the subject it may be concluded that a pure **Democracy**, by which I mean *a society consisting of a small number of citizens, who assemble and administer the government in person*, can admit of no cure for the mischiefs of faction.

(FEDERALIST 10 Madison:21)

The Framers not only understood the distinction between the two forms, they also were not enamored of the democratic form:

Hence it is that such **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 have been violent in their deaths.

(FEDERALIST 10 Madison:22)

In a government where numerous and extensive prerogatives are placed in the hands of an hereditary monarch, the executive department is very justly regarded as the source of danger, and watched with all the jealousy which a zeal for liberty ought to inspire. In a **Democracy**, *where a multitude of people exercise in person the legislative functions*, and are continually exposed, by their incapacity for regular deliberation and concerted measures, to the ambitious intrigues of their executive magistrates, tyranny may well be apprehended, on some favorable emergency, to start up in the same quarter.

(FEDERALIST 48 Madison:5)

Their beliefs were not only stated in *The Federalist*. Here are some excerpts from the debates at the Federal Convention in Philadelphia (where our written Constitution was authored). These excerpts can be found in Farrand's *Records of the Federal Convention*:

Tuesday, May 29, 1787

Mr. RANDOLPH. Our chief danger arises from the democratic parts of our constitutions. . . . None of the constitutions have provided sufficient checks against the **democracy**.

Thursday, May 31, 1787

Mr. GERRY. The evils we experience flow from the excess of **Democracy**. The people do not want virtue, but are the dupes of pretended patriots. In Masss. it had been fully confirmed by experience that they are daily misled into the most baneful measures and opinions by the false reports circulated by designing men, and which no one on the spot can refute. One principal evil arises from the want of due provision for those employed in the administration of Governmt. It would seem to be a maxim of **Democracy** to starve the public servants. He mentioned

the popular clamour in Massts. for the reduction of salaries and the attack made on that of the Govr. though secured by the spirit of the Constitution itself. He had he said been too **republican** heretofore: he was still however **republican**, but had been taught by experience the danger of the levelling spirit.

Mr. RANDOLPH. If he was to give an opinion as to the number of the second branch, he should say that it ought to be much smaller than that of the first; so small as to be exempt from the passionate proceedings to which numerous assemblies are liable. He observed that the general object was to provide a cure for the evils under which the U. S. laboured; that in tracing these evils to their origin every man had found it in the turbulence and follies of **Democracy**: that some check therefore was to be sought for agst. this tendency of our Governments: and that a good Senate seemed most likely to answer the purpose.

Monday June 18, 1787.

All communities divide themselves into the few and the many. The first are the rich and the well born, the other the mass of the people. *The voice of the people has been said to be the voice of God; and however generally this maxim has been quoted and believed, it is not true in fact. The people are turbulent and changing; they seldom judge or determine right.* Give therefore to the first class a distinct, permanent share in the government. . . . Nothing but a permanent body can check the imprudence of **democracy**. Their turbulent and uncontrolling disposition requires checks.

Finally (if you have any doubts left at all), here are quotes from *The Federalist* on the republican nature of our government.

*The Republican Character of the United States Government*  
(from *THE FEDERALIST*)

p16 I propose, in a series of papers, to discuss the following interesting particulars: . . . *The conformity of the proposed Constitution to the true principles of **republican** government* -- Its analogy to your own State constitution -- and lastly, the additional security which its adoption will afford to the preservation of that species of government to liberty, and to property.

(FEDERALIST 1)

p11 *Commercial **republics**, like ours, will never be disposed to waste themselves in ruinous contentions with each other. They will be governed by mutual interest, and will cultivate a spirit of mutual amity and concord.*

(FEDERALIST 6)

p4 The regular distribution of power into distinct departments; the introduction of legislative balances and checks; the institution of courts composed of judges holding their offices during good behavior; the representation of the people in the legislature by deputies of their own election: these are wholly new discoveries, or

have made their principal progress towards perfection in modern times. They are means, and powerful means, by which the excellences of **republican** government may be retained and its imperfections lessened or avoided.

(FEDERALIST 9)

p17 If a faction consists of less than a majority, relief is supplied by the **republican** principle, which enables the majority to defeat its sinister views by regular vote.

p32 *The other point of difference is, the greater number of citizens and extent of territory which may be brought within the compass of **republican** than of **democratic** government; and it is this circumstance principally which renders factious combinations less to be dreaded in the former than in the latter . . . it will be more difficult for all who feel it to discover their own strength, and to act in unison with each other.*

p36 In the extent and proper structure of the Union, therefore, we behold a **republican** remedy for the diseases most incident to **republican** government. And according to the degree of pleasure and pride we feel in being **republicans**, ought to be our zeal in cherishing the spirit and supporting the character of Federalists.

(FEDERALIST 10)

p16 [W]hy is the experiment of an extended **republic** to be rejected, merely because it may comprise what is new?

(FEDERALIST 14)

p13 In times of insurrection, or invasion, it would be natural and proper that the militia of a neighboring State should be marched into another, to resist a common enemy, or to guard the **republic** against the violence of faction or sedition.

(FEDERALIST 29)

#### FEDERALIST 39

##### The Conformity of the Plan to **Republican** Principles: An Objection in Respect to the Powers of the Convention Examined

*James Madison*

p1 THE last paper having concluded the observations which were meant to introduce a candid survey of the plan of government reported by the convention, we now proceed to the execution of that part of our undertaking.

p2 *The first question that offers itself is, whether the general form and aspect of the government be strictly **republican**. It is evident that no other form would be reconcilable with the genius of the people of America; with the fundamental principles of the Revolution; or with that honorable determination which animates every votary of freedom, to rest all our political experiments on the capacity of*

mankind for self-government. *If the plan of the convention, therefore, be found to depart from the **republican** character, its advocates must abandon it as no longer defensible.*

p3 What, then, are the distinctive characters of the **republican** form? Were an answer to this question to be sought, not by recurring to principles, but in the application of the term by political writers, to the constitutions of different States, no satisfactory one would ever be found. . . . The government of England, which has one **republican** branch only, combined with an hereditary aristocracy and monarchy, has, with equal impropriety, been frequently placed on the list of **republics**. These examples, which are nearly as dissimilar to each other as to a genuine **republic**, show *the extreme inaccuracy with which the term has been used in political disquisitions.*

p4 If we resort for a criterion to the different principles on which different forms of government are established, *we may define a **republic** to be, or at least may bestow that name on, a government which derives all its powers directly or indirectly from the great body of the people, and is administered by persons holding their offices during pleasure, for a limited period, or during good behavior.*

p5 It is essential to such a government that it be derived from the great body of the society, not from an inconsiderable proportion, or a favored class of it; otherwise a handful of tyrannical nobles, exercising their oppressions by a delegation of their powers, might aspire to the rank of **republicans**, and *claim for their government the honorable title of republic.*

p6 It is sufficient for such a government that the persons administering it be appointed, either directly or indirectly, by the people; and that they hold their appointments by either of the tenures just specified; otherwise every government in the United States, as well as every other popular government that has been or can be well organized or well executed, would be degraded from the **republican** character.

p7 On comparing the Constitution planned by the convention with the standard here fixed, we perceive at once that it is, in the most rigid sense, conformable to it. The House of Representatives, like that of one branch at least of all the State legislatures, is elected immediately by the great body of the people. The Senate, like the present Congress, and the Senate of Maryland, derives its appointment indirectly from the people. The President is indirectly derived from the choice of the people, according to the example in most of the States. Even the judges with all other officers of the Union, will, as in the several States, be the choice, though a remote choice, of the people themselves. The duration of the appointments is equally conformable to the **republican** standard, and to the model of State constitutions. The House of Representatives is periodically elective, as in all the States; and for the period of two years, as in the State of South Carolina. The Senate is elective, for the period of six years; which is but one year more than the

period of the Senate of Maryland, and but two more than that of the Senates of New York and Virginia.

p8 *Could any further proof be required of the **republican** complexion of this system, the most decisive one might be found in its absolute prohibition of titles of nobility, both under the federal and the State governments; and in its express guaranty of the **republican** form to each of the latter.*

#### FEDERALIST 43

p13 “To guarantee to every State in the Union a **republican** form of government; to protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature cannot be convened), against domestic violence.”

p14 [W]ho can say what experiments may be produced by the caprice of particular States, by the ambition of enterprising leaders, or by the intrigues and influence of foreign powers? . . . the authority extends no further than to a guaranty of a **republican** form of government, which *supposes a preexisting government of the form which is to be guaranteed. As long, therefore, as the existing **republican** forms are continued by the States, they are guaranteed by the federal Constitution.* Whenever, the States may choose to substitute other **republican** forms, they have a right to do so, and to claim the federal guaranty for the latter. *The only restriction imposed on them is, that they shall not exchange **republican** for anti-republican Constitutions:* a restriction which, it is presumed, will hardly be considered as a grievance.