

How to Make Democracy Work for Our Republic

by Bob Bowman

Freedom Matters has published three prior issues on the 17th amendment to the U.S. Constitution (this Volume: #3, #4 & #10); here is the fourth one. Many people regard the 17 amendment, the election of U.S. Senators by popular vote rather than by state legislatures, to be a profound mistake, eliminating a major “check and balance” in the separation of powers in our government. For an informed analysis, see the essay by the conservative historian, Christopher Hyde Hoebeker, “Democratizing the Constitution: The Failure of the Seventeenth Amendment,” *Humanitas*, Volume IX, No. 2, 1996.

Hoebeker concludes that the 17th amendment has **failed** to halt corruption in the election of U.S. senators, a major rallying cry for why it was adopted. Still, Hoebeker cogently addresses deeper issues: **federalism, democracy and necessary restraints on tyranny**. Moreover, he touches on a pervasive progressive fallacy that our social ills rest on a large gap between various “interests” on one side, and “the people” on the other. To the contrary, Hoebeker notes, the framers of our constitution saw that liberty led to diverse interests *among the people themselves*, leading to conflict, by which “one man, one vote” did not produce a harmony of interests; i.e., as Hoebeker cites, **factions do not originate in social inequalities; rather, they are sewn into the nature of man**. In support of that notion, I point out that revolutionaries of progressive bent comprise the offspring of the privileged as well as, or more, than the offspring of the oppressed.

David Horowitz, in his trenchant biography, *Radical Son*, makes a similar observation. He says the fallacy of socialism is that social ills can be eliminated by eliminating social inequalities; i.e., he says human nature causes discontent, by which the socialist state can never eliminate discontented humans. In Christian terms, he says that original sin inflicts humans. Or, in biological terms, our complex physiology imposes extremes of behavioral diversity. Hence, *where progressive politicians triumph, even their reign is fraught with social discontent*.

Thus, progressives err to think that the popular vote will cure any social ill. Instead, it regresses to the tyranny of the majority, whereby it kills rather than cures. This insight motivated the political structure of our constitution. Two thousand years of British politics solved governance “by balancing the rights and powers among Commons, Lords and Crown,” says Hoebeker. Hence, that was what our founders tried to replicate in the U.S.

constitution, when they set up the legislative, executive and judicial branches. They tried to emulate what they knew worked pretty well in Britain.

Thus, our constitution broke up political power into pieces each possessed by a different constituency. It made the legislature bicameral so to represent the vote of the people in the house, and the vote of the state governments in the senate. It created the federal legislature and the federal executive as the constituency of the judicial branch, having the power to appoint, block, and impeach the judges. Last, it created a special institution called the “Electoral College” as the constituency that elected the president.

Then, along came the 17th amendment whereby the national will gave the senate to the same voters who elected the house. As Hoebeker and others tell it, federal senators were already part of the primary election system in many states, as an advisory guide. Likewise, the Electors of the Electoral College had become *de facto* figureheads for carrying out the local vote of the people for the president. **Human nature, original sin, or factions, all acted to blur the founders’ blueprint**.

The 17th amendment surely increased the political influence of the cities, and decreased that of state governments. So, it increased the power of minorities clustered in cities. Arguably, it moved us closer to the mob rule feared by the framers of our constitution.

Why did the state legislatures approve the 17th amendment, which thus gave up their power in the federal senate? Seemingly, the constituent states of the United States did not attract the loyalty of their citizens nearly as much as political parties did. In a word, **because of factionalism (political parties), the senate as a democracy of state governments did not work out as an adequate protection of state’s rights against federal encroachment**. In sum, the states *per se* need a stronger constitutional role to play in countering the aggregation of political power by the central government.

We need to revisit the idea of separate constituencies of political power. We need to give state governments a **direct, democratic voice** in countering political tyranny by the central government, rather than rely on the fox (the federal judiciary) to guard our constitutional henhouse. That is what a “repeal amendment” to the U.S. Constitution would do. It would let a supermajority of the states repeal any specified federal statute or regulation. This would be democracy at its best, being a direct act of the **consent of the governed**. It might even keep the Supreme Court honest.

Readers’ Bulletin Board. e-mail us your comments. Include your name, for publication by *Freedom Matters*

*** Published by Freedom Matters, Inc., Cross Plains, WI. 53528, Elena Byrne, Editor ***
To subscribe or unsubscribe, e-mail to rebshar@chorus.net, or call Bob at (608) 831-6653.
Our e-mail subscriber list is confidential. We will not sell it or reveal it.

All Issues of Freedom Matters are on: www.freedommatters.org