

An Example of Why the United States is Not a Democracy



By Paul Engel

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- The United States is a constitutional republic, not a democracy.
- I have to wonder if all this concern about the “American Democracy” is really about turning us into a democracy?
- What we saw in Nashville last month is an example of what America would look like if we continue down this road to a democracy.

After the mass murder in Nashville, I was not surprised by the politicians and advocates rushing to microphones, many before the bodies were even removed. I wasn't surprised by the demonstrations, especially after it was announced that the murderer identified as “transgender”. What happened in the Tennessee legislature was shocking, too, it and the aftermath is an excellent example of why the United States is a republic, not a democracy.

I grind my teeth every time I hear someone refer to our “American Democracy” or some variation of that. They grind because the United States is NOT a democracy, but a constitutional republic.

We are now forming a republican government. Real liberty is neither found in despotism or the extremes of democracy, but in moderate governments

Alexander Hamilton – Federal Convention, June 26, 1787

For years I have not only taught that fact, but why it's so important. Over the last few weeks I watched as an example of the problems with an "American Democracy" played out in my home state of Tennessee.

Timeline

On Monday, March 27, 2023, at 10:11AM, a mass murderer shot through a glass side door at The Covenant School in Nashville, TN. Members of the Metro Nashville Police Department were notified at 10:13, were onsite by 10:23, and dispatched the murderer approximately two minutes after they arrived. This murderous act of a disturbed individual led to the expected calls to further infringe on the people's right to keep and bear arms. This included a demonstration at the Tennessee State Capitol.

On March 30, 2023, approximately 1,000 people arrived at the capitol building in Nashville to demonstrate for more restrictive gun laws, many of whom made their way into the capitol itself. At that time, three members of the House interrupted legislative business by going to the podium with a bull horn to lead protestors in the galleries in shouts for more "gun reform". The following Monday, resolutions were brought to the floor to expel the three legislators who led the disruption, as allowed by the state constitution:

Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member, but not a second time for the same offense; and shall have all other powers necessary for a branch of the Legislature of a free state.

[Tennessee Constitution](#), Article II, Section 12

Two of the three legislators, Justin Jones and Justin Pearson, were expelled, while the resolution against the third, Gloria Johnson, fell one vote short. This led to immediate reaction from both the political and the talking head classes, claiming

the move was everything from unconstitutional to undemocratic. They were invited to the Whitehouse, and Vice-President Harris went to Nashville to visit them (though she didn't have the time to meet with the families of the victims). Shortly thereafter, first the Metro Nashville Council and then the Shelby County Council, voted for interim representatives to hold their seats until the next general election. Both councils voted unanimously to place the expelled legislators as their own interim replacements. Now the U.S. Dept. of Justice is considering an investigation into their expulsion. However, there's a problem. The Tennessee Constitution has a clause to deal with vacancies in either house of the legislature.

Vacancies. When the seat of any member of either House becomes vacant, the vacancy shall be filled as follows: ...

(b) When less than twelve months remain prior to the next general election for legislators, a successor shall be elected by the legislative body of the replaced legislator's county of residence at the time of his or her election. The term of any Senator so elected shall expire at the next general election for legislators, at which election a successor shall be elected.

Tennessee Constitution, Article II, Section 15

I did a little checking, and confirmed my suspicions with the website for the Tennessee Secretary of State. The problem is that the next general election for legislators isn't until November 5, 2024. That means there are more than twelve months before the next general election for legislators, and sub-paragraph (b) is not the controlling law, sub-paragraph (a) is:

(a) When twelve months or more remain prior to the next general election for legislators, a successor shall be elected by the qualified voters of the district represented, and such

successor shall serve the remainder of the original term. The election shall be held within such time as provided by law. The legislative body of the replaced legislator's county of residence at the time of his or her election may elect an interim successor to serve until the election.

Tennessee Constitution, Article II, Section 15

As of the time of this writing, the two expelled legislators have retaken their seats, in violation of the Constitution of the State of Tennessee.

Democracy in Action

Why do I find it so egregious to refer to the United States as a democracy? Because of what's happening in the Tennessee legislature, and what I believe will continue to happen, is exactly what a democracy is: Mob rule.

Democracy is nothing more than mob rule, where 51% of the people may take away the rights of the other 49%.

Attributed to Thomas Jefferson

That's right, what happened in the Tennessee capitol on March 30th, was democracy in action. It's actually worse than mob rule, since only three legislators not only denied the other 94 members of the Tennessee House the right to speak, but they denied the rights of millions of Tennesseans the right to representation. In effect, Mr. Jones, Mr. Pearson, and Ms. Johnson established taxation without representation for the State of Tennessee. For this they were legally and constitutionally punished. This theft by these three agitators was rewarded by the fawning national attention they received, but the real slap in the face to all Tennesseans was the Metro Nashville and Shelby County councils choosing to ignore the Tennessee Constitution by not only choosing their successors, but to choose the usurpers as their own interim replacements. Add to that the cheers and accolades showered upon them, as

they made their triumphant yet illegal return to the capitol. This rewarding of bad behavior has no good end. I do not think I exaggerate when I say we are witnessing the end of the republic.

Look what has happened in cities like Chicago, Los Angeles, New York, and San Francisco. When the "justice system" stopped punishing bad behavior, that behavior rapidly grew. When it was announced that people would not be prosecuted for "petty crimes", those crimes grew as well. Let's not forget the riots in Kenosha, St. Louis, and other cities, which went on for days because the police were prevented from arresting those demonstrators who had become violent. You can see this lack of justice all the way back in the "Occupy Wall Street" and "Capitol Hill Organized Protest" (CHOP). When bad behavior is rewarded, it grows.

Now what have the people of Nashville and Shelby County taught by these legislator agitators? They can stop debate on anything they don't like and get away with it. Sure, they may be expelled, but their cohorts in city and county government will simply restore them to office, even if it's illegal. This means the state's legislative process can be held hostage by any member willing to debase themselves as these three did. How long before others learn of this new found power to squelch debate? How long before the legislative process comes to a halt because radicals on both sides are unwilling to debate and compromise? How long before the republic stops functioning?

What would happen if the legislative process were to grind to a halt? Sure, there would be no new laws, but there would also be no funding for programs, for law enforcement, for infrastructure, or even for salaries. How would we pay for our schools, get our driver's licenses, or repair our roads? How many Tennesseans would call for Governor Lee to do something? I'm reminded of the wise words from George Washington in his farewell address.

The alternate domination of one faction over another, sharpened by the spirit of revenge, natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism. But this leads at length to a more formal and permanent despotism. The disorders and miseries which result gradually incline the minds of men to seek security and repose in the absolute power of an individual; and sooner or later the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purposes of his own elevation, on the ruins of public liberty.

[Washington's Farewell Address 1796](#)

Even worse, what if this cancer were to spread? What if legislators in other states realized they would be lionized for disrupting the legislative process? If you think only democrats would do such a thing, think again. How many other states would crumble and fall under such an onslaught? What if this cancer were to metastasize all the way to the United States government? We've already seen plenty of Presidents willing to rule by fiat. Do you really think they would not do so again in a situation where the legislature was paralyzed? What can we do?

Conclusion

These are perilous times in which we are living. If you also live in the State of Tennessee, I recommend we do a few things.

I have sent my state representative and senator a proposal for an amendment to the Tennessee Constitution that would prohibit an expelled or disciplined member for being eligible as a successor until a general election for their seat has been held. I recommend you do the same, but that is just the beginning.

The people of Tennessee must stand up and take control of our

legislature. First, we must meet with our state legislators and impose upon them the importance of insuring the legislative process is allowed to proceed without the extortion of disorderly behavior. Let them know that we will support them when they enforce the Tennessee Constitution, including when the expected backlash comes.

Next, we need to tell the Speaker of the House, Cameron Sexton, that he must refuse to seat these two interlopers as they were not legally chosen for their seats. Also, in the future, he must refuse to recognize any member who is expelled and restored as his or her own successor when it comes to debates on the floor or committee assignments. If the people of Nashville and Shelby County wish to punish the state for punishing their bad legislative actors, then we must punish them for denying us representation. This would, of course, create a tremendous backlash among the rabble rousers, especially those in political office and the media. We must prepare for that. Not only must we convince our representatives to support Speaker Sexton in such a move, we must be willing to do so ourselves.

We also need to encourage Governor Lee to protect this state from illegal federal interference. Unless and until the federal government can show probable cause that a legitimate federal law was violated, any threatened investigation into the expulsion of these two troublemakers will be opposed within the state. Should a federal actor attempt to violate the sovereignty of the State of Tennessee by investigating what is a state matter, they should be arrested of obstruction of justice and interfering with the state's government. We the People of Tennessee must be willing to support Governor Lee in such an endeavor, and we need to let him know that now.

Think of how much time, effort, and money we Tennesseans devote to things like sports. How many people take the time and spend the money to go to a Titans or Predators game? What about traveling to watch the University of Tennessee,

Vanderbilt, or other college teams play? How much time do you devote to NASCAR, hunting, fishing, or other endeavors? The future of the republic lays in your hands. Won't you devote some time, effort, and money to make sure you can continue to live free?

This must be a litmus test for all elected officers at all levels. Either they help insure the future order of the legislative process or they lose their next election, no compromise. This is also a litmus test for every Tennessean. It's not good enough to wait for someone else to do something. It's not sufficient to simply write letters or post tirades. Either get up off your butt and do something or suffer the shame and ridicule from others when the republic falls and the empire of mob rule takes over. As Thomas Paine said:

THESE are the times that try men's souls. The summer soldier and the sunshine patriot will, in this crisis, shrink from the service of their country; but he that stands it now, deserves the love and thanks of man and woman. Tyranny, like hell, is not easily conquered; yet we have this consolation with us, that the harder the conflict, the more glorious the triumph. What we obtain too cheap, we esteem too lightly: it is dearness only that gives every thing its value.

[The American Crisis](#) – Thomas Paine

America is in no less a crisis today. Are you a summer soldier or sunshine patriot? Will you shrink from the service to your state and your country? Or will you stand with me and earn the love and thanks of all Tennesseans and, in fact, all Americans? The choice is yours.

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E-Mail Paul Engel: paul@constitutionstudy.com