

Republican Form of Government



By Paul Engel

February 28, 2022

- Is American a democracy or a republic?
- What is the difference between a democracy and a republic?
- What responsibility does the federal government have to protect our republican form of government?

We keep hearing about threats to America's democracy. Occasionally, I'll even hear someone point out that the United States is not a democracy, but a republic. How many Americans know the difference? And just what are the responsibilities of the federal government to protect that republican form of government?

Republic vs Democracy

If you've followed The Constitution Study for any length of time, you know that I'm a stickler for definitions. So the first thing we need to do is define some terms.

Government by the people; a form of government, in which the supreme power is lodged in the hands of the people collectively, or in which the people exercise the powers of legislation. Such was the government of Athens.

DEMOCRACY: Webster's 1828 Dictionary

1. *A commonwealth; a state in which the exercise of the sovereign power is lodged in representatives elected by the people. In modern usage, it differs from a democracy*

or democratic state, in which the people exercise the powers of sovereignty in person. Yet the democracies of Greece are often called republics.

REPUBLIC: Webster's 1828 Dictionary

The main difference between a democracy and a republic is the election of representation. I've met several people who believe this is a difference without a distinction, but it is an important difference. As some of our Founding Fathers put it:

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

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

Thomas Jefferson

Democracy... while it lasts is more bloody than either aristocracy or monarchy. Remember, democracy never lasts long. It soon wastes, exhausts, and murders itself. There is never a democracy that did not commit suicide.

John Adams

and my personal favorite...

Democracy is two wolves and a lamb voting on what to have for lunch. Liberty is a well-armed lamb contesting the vote!

Benjamin Franklin

History has shown that democracies are not the peace, love, and kumbaya environments we've been led to believe. All that's necessary to see the distinction between a democracy and the republic we have here, is to look at the differences between

the American and French Revolutions. Sure, we've had turmoil in the United States, but we still live under the same Constitution and government that we created in 1787. Compare that with the turmoil in France, with the Reign of Terror which led to the collapse of the "republic" and the introduction of an empire under Napoleon.

The fundamental concept behind a democracy is majority rule. Don't get me wrong, allowing the majority to decide a course of action is generally a good thing, but there are three major problems running a country that way. First, how do you get 330 million people to vote on legislation, much less take the time and effort necessary to consider the long-term impact? Simply take a look at the ballot proposition amendment processes in California and Florida and you can see what I'm talking about. Somebody gets enough signatures to put something on the ballot, the special interest groups promote or disparage it, and then most of the voters make an emotional decision without reading the amendment, much less considering it in depth. Which leads us to the second major issue.

It's rarely a majority that actually makes the decision, but a vocal and influential minority that steers the majority in their preferred direction. Look at the social changes over last few years. According to Statista, homosexuals, bisexuals, and transgenders, [represent only 5.6% of the population](#), but look at the demands they make over the rest of us. Or consider the influence political parties have used to direct their members' decisions on numerous topics. Now, with the media, social media, and politicians working hard to restrict your ability to see anything other than the approved narrative, an even smaller group of people are directing the will of the majority.

Lastly, in a democracy, if someone or some group can convince a majority of the people to infringe on your rights, then it becomes law. In a democracy, your right to freedom of religion, speech, and press only exists at the sufferance of

the majority. Your right to be free from unreasonable searches and seizures, to a trial by an impartial jury, or even to petition the government for a redress of grievance can be taken away by the simple majority vote.

While a republic deals with the voting issue, it does nothing to fix the influence of a minority over the crowd or the protection of rights. Your legislators are just as influenced by vocal minorities as the people are, and in a simple republic a majority vote of the legislature could take away your rights. Which is why America is not merely a Republic, we are a Constitutional Republic.

4. *The established form of government in a state, kingdom or country; a system of fundamental rules, principles and ordinances for the government of a state or nation. In free states, the constitution is paramount to the statutes or laws enacted by the legislature, limiting and controlling its power; and in the United States, the legislature is created, and its powers designated, by the constitution*

CONSTITUTION: Webster's 1828 Dictionary

By establishing the Constitution not just by custom but by law, being the supreme law of the land means there is a check upon government's ability to infringe on your rights. Now, neither legislatures or the people can take away your rights by simple vote; only the actions of three-fourths of the states can change the Constitution. As with any other law, it is merely ink on paper, or in this case, ink on parchment. The Constitution itself can do nothing to protect your rights; it is up to We the People to use it to do so. If the American people do not uphold the Constitution, then we will lose the republic.

Hold on, my friends, to the Constitution and to the Republic for which it stands. Miracles do not cluster, and what has

happened once in 6,000 years, may not happen again. Hold on to the Constitution, because if the American Constitution should fail, there will be anarchy throughout the world.

Daniel Webster

Duties of the United States

So if the United States is a republic, what about the states themselves? What form of governments do states have, and what role does the federal government have over them?

The United States shall guarantee to every State in this Union a Republican Form of Government, and shall 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.

[U.S. Constitution, Article IV, Section 4](#)

Article IV, Section 4 of the Constitution tasks the United States with three objectives regarding the states: Insuring they have a republican form of government, protecting them from invasion, and when called upon, to protect them against domestic violence. Let's look at each of these individually.

Republican Form of Government

Simply put, the United States is to guarantee that each state has a republican form of government. What does that mean? The government of each state was created by its own constitution. In those constitutions, the three branches of each state government are defined, procedures established, and limits imposed. Many, but not all states, have in their constitutions a statement that all power is inherent in the people. This is the sovereign power Noah Webster mentioned in his definition of a republic. Each state constitution establishes a process for electing representatives in the legislature and for electing the state's chief executive (the governor). Again

many, but I don't believe all states, also elect those who serve in the judicial branch. Congress, when admitting new states to the union under Article VI, Section 3, must insure that they have a republican form of government. Beyond that, what is the role of the United States in the governing of the states?

Some have claimed that the United States has the power to oversee elections in the states under their guarantee of a republican form of government. Others claim the United States has the power to oversee how a state's apportioned representation is allocated in an effort to guarantee not only a republican form of government, but one that is considered fair by the feds. But does guaranteeing a form of government include regulating the processes of that government or is this just another usurpation of state power by those in Washington, D.C.?

Protecting Against Invasion

The recent influx of illegal aliens, with the tacit approval of the current administration, have led some to declare this an invasion. But does the rhetoric match up with the definition?

INVA'SION, noun *s as z.* [Latin *invasio*, from *invado*. [See Invade.](#)]

1. *A hostile entrance into the possessions of another; particularly, the entrance of a hostile army into a country for the purpose of conquest or plunder, or the attack of a military force.*

[INVA'SION](#): Webster's 1828 Dictionary

INVASION. The entry of a country by a public enemy, making war
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[INVASION](#): The Free Legal Dictionary

So does the illegal entrance into this country constitute an invasion? Does it matter how many are illegally entering the country? According to both Noah Webster and The Free Legal Dictionary, the answer is no. There is no hostile army entering our country, neither is there an attack by a military force. What we have is the natural consequence of the states handing over their power to regulate immigration to another, specifically the United States.


I'm sure many of you are complaining that immigration is a federal issue, but not according to the Constitution. Search all you want, you will not find the power to regulate immigration in the Constitution of the United States. Instead what you will find is Article I, Section 8, Clause 4

To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;

[Article I, Section 8, Clause 4](#)

Congress has the power to create uniform rules for becoming a citizen, not for immigration from a foreign country. According to the Tenth Amendment, any powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states. Therefore, the power to regulate immigration is a state power. By asking Washington, D.C. to do what they should do for themselves, these border states have left themselves vulnerable to the whims of Washington, D.C. politics.

Protecting Against Domestic Violence

Does the United States have the authority to deal with  domestic violence in the states? Only when the legislature of a state, or its executive when the legislature is not in session, requests it. That is why President Trump did not send in federal forces to quell the violence that shook so many of our major cities in the summer of 2020; the states didn't ask

for it. Yes, President Trump sent in federal agents, but only to protect federal property. This was to fulfill his duty to execute the laws of the United States. Without a request to quell domestic violence from the states, the President had no legal authority to get involved.

Conclusion

After the Constitutional Convention, when asked what type of government they had given us, Benjamin Franklin stated, "A Republic, if you can keep it." The American people should take that admonition very seriously, because today we are losing the republic. How can we expect the United States to guarantee a republican form of government to the states, when so many in the states don't realize we are a republic? More and more people either do not know or do not care that we are a republic not a democracy. They are promoting the idea that everything must be democratic and that anything which they can get a majority to acquiesce with must be done. It is unfortunate that some go so far as to claim that the American people are required to acquiesce to whatever the current political dogma demands, whether it contradicts the Constitution or not.

Those who have handed over their responsibility to the federal government are no better. Whether individuals, localities, or states, they further degrade the republic by violating the consent of the governed codified in the Constitution, weakening the sovereignty of the people in favor of political expediency.

The Constitution for the United States of America is the oldest national constitution in the world, and second only to the Constitution of the Commonwealth of Massachusetts in age. Two hundred and thirty four years is a good run, but that is no guarantee that it will continue. If we wish to uphold the Constitution and the Republic for which it stands, then it's up to We the People to work to keep it. Otherwise, our future

may look more like Napoleonic France, or worse, the Reign of Terror that proceeded it.

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