

The Republic – *Where Did It Go?*

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A Federal Constitutional Republic

In the founding days of our country, there was extended debate over the proposed character of our new government. Hamilton and others wanted a strong central or national government, while many, including Jefferson, were wary of too much centralized power and favored stronger state controls. James Madison voiced this concern in Federalist No. 39: *“But it was not sufficient,” say the adversaries of the proposed Constitution, “for the convention to adhere to the republican form. They ought, with equal care, to have preserved the FEDERAL form, which regards the Union as a CONFEDERACY of sovereign states; instead of which, they have framed a NATIONAL government, which regards the Union as a CONSOLIDATION of the States.”*

The debate raged on, and was finally settled with the “Great Compromise,” whereby the “national” character was preserved by proportional representation in the House, while the “federal” character was reflected in the equality among states in the Senate, with two senators from each state, elected by state legislators.

While the debate was settled, the skepticism remained. A further attempt to limit the potential for over-reaching by the national government was the statement of enumerated powers of the national legislature defined in Article 1, Section 8 of the Constitution. The

“I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.”

10th Amendment was a further clarification of the express and limited nature intended for the government: *“The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.”*

The purpose of all of this was to preserve the liberty of the people for which the Revolution was fought; to *limit* the power of government; to protect against a governing elite; to *balance* the interests of cities and rural areas and of manufacturing and farming interests; to maintain state and local government and *limit that* of the national one; and to implement *checks and balances* within the government to ensure constitutional conformity. This has all been abused! Somehow, our modern government has missed the point of the critical debate, the great compromise and the Constitution itself. It has ceased being a federal constitutional republic, and descended into a national democracy.

The alteration of our constitutional republic to this state



has been aided by four major events: the income tax, the 17th Amendment to the Constitution, the Supreme Court decision of Reynolds v. Sims, and the gradual insulation of representatives from the people.

The Income Tax

The present income tax system would have never been approved by the Founders. They might as well have remained under the King. They recognized the need for revenue for the limited and specific needs of government, to be derived from consumption taxes and tariffs. They recognized, that a consumption tax was self-limiting; if it exceeded the willingness of people to give, the people could refuse to spend, thus limiting the tendency of government to consume beyond legitimacy. The

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income tax gave government absolute power to take to its desires, without restraint. It also conferred the power to discriminate - to favor, to reward, to punish and to violate basic liberties and personal privacy. It has grown to the abomination we have today.

The solution is to repeal the 16th Amendment and abolish the income tax and IRS from which they were derived. The replacement would be a system of a single, equal sales tax *only* system, levied on all goods and services, without discrimination or special favor, **and with no other taxes permitted.** It would replace the hellish 5.5 million-word tax code with one running perhaps 5-10 pages. It would be naturally progressive, as those who spend more would contribute more, yet all would pay a reasonable share, reflecting the fact that all have an equal voice and vote. It would be a simple extension of the sales tax collection process in place in most states already, and require minimal paperwork. There would be no different rates, no exemption for any individual or organization, no untaxed "underground economy," no invasion of privacy, and no multiple taxation (such as the estate tax and property taxes).

Moreover, it would deny a tyrannical government the ability to use taxes to punish or terrorize, to reward special interests, to manipulate social policy, or to abuse any citizen. It would be transparent as to its increases, instead of hidden in thousands of different regulations designed for concealing the true cost of government; lowering one visible tax while rising another less so. It would live up the motto of liberty and justice for all.

The Congress will never willingly consent to such an obvious need; it is contrary to the self-interest of its members and others from whom they benefit. The Congress will have to be replaced with those who obey the will of the people, just as King George was. It will not be easy; neither was the founding from which we were justly empowered to make such change. But it must happen.

17th Amendment

The Constitution provided for the election of representatives by the people, and of the senators by the various state legislatures. In this way, the republican character of the states (assured by the Article 4) would be utilized to ensure a close connection of those repre-

senting the states *to* the states and their residents. It would balance the national/democratic nature of the house with the more federal/republican nature of the Senate. The 17th Amendment was passed by the Congress shortly after the 16th (income tax) Amendment and the two resulted in a fatal transfer of power to a national form of government, immune to the people and the states, and acting in its own self-interest at their expense. The stage was set for the consolidation of power, and ultimately, tyranny once again. The abuses of one form of king had been replaced by simply another.

The repeal of the 17th Amendment would return power intended for the states, thereby restoring a measure of republicanism as designed by our Founders. It would return authority and accountability to the states and the interests of people they serve. It will never happen under the current Congress. But it must happen.

Reynolds vs. Sims

President Eisenhower remarked that nominating Earl Warren for the Chief Justice seat on the Supreme Court was "the biggest damned-fool mistake I ever made." Reynolds v. Sims was probably the biggest damned-fool mistake made by Warren. Prior to the case, most state governments, including Nevada, were modeled after the republican form of our federal legislature: one house popularly elected and the other, representing the geographic interests of all, typically by county. Clark County, for example, with 70% of the state's population would have 70% of the representatives in the Assembly. But each county, regardless of population, would have 1 state senator. In the same way that the interests of small states were protected in the U.S. Senate, so would the interests of residents outside of Clark County.

Warren, in writing for the majority, advanced his "one man-one vote" position stating that the unequal representation was unfair. In fact, the opposite was true, as can be seen today. A disparate population advantage in one part of a state over others results in the "tyranny of the majority" warned against by de Tocqueville, John Stuart Mill and others. This is one of the major deficiencies of pure democracy! It is one of principle reasons why we were established as a republic.

Warren's foolish logic was wrong then and it is wrong now; it didn't attack unequal representation, it

created it. It violates the constitutional requirement to assure each state a republican form of government. It will not be changed by the current Congress, or likely by the current Supreme Court. But it must be changed.

Congress Insulated from the People

At the time of our founding, we were a relatively compact 13 colonies stretching comfortably from Massachusetts to Georgia - about the size of California. The capital in Washington D.C. was equivalent to California's capital in Sacramento - relatively central.

The nation today ranges from coast to coast, and from Mexico to Canada, and beyond. Washington D.C. is no longer the center of the country, nor are representatives accessible to the people or the people to them. This has given rise to the "Washington Beltway" phenomenon. It has resulted in an insulation of representatives from the people and an undue influence of beltway-based lobbyists representing special interests. Congressmen and Senators no longer live and walk among the people; they are chauffeured among their fellow elite in their own little kingdom - *the beltway*.

Given the capability of modern telecommunications, there is no need for the Members of Congress to be assembled in Washington D.C. Given the distance from their constituents and the proximity to beltway lobbyists; there is every reason for them not to be. Given the amount of time they are actually doing business on the floor of the Capitol, one wonders why they are there at all.

Members of Congress should be based in the capitals of their home states, within or in the area of their legislatures. Voting and meetings could be conducted electronically and by videoconference. Hearings could be held anywhere in the country, instead of requiring participants to travel to D.C. Members could schedule regular short sessions of attendance in the national capital, say, 4 times a year or in emergencies as needed. The rest of the time, they would be accessible and visible to the people they serve - not the lobbyists who curry special favor. This will never happen under the current Congress. But it must happen.

The problem with democracy

The essential problem with democracy, and the reason for a republic, is that the former serves

the interests of the people individually; the latter serves them as a nation.

As James Madison wrote, "*a pure democracy is unwieldy, dangerous in its passion, and subject to mob rule thereby lending itself to instability and violence. 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.*"

Look at the "factions," as Madison called them, that our present system serves and what they have gained at the expense of the nation as a whole:

- Youth - Irresponsibly lowering the voting age, exempting from military service, and "free" college.

- Hispanic - Illegal aliens not only tolerated at huge costs to society, but also courted with promises of citizenship.

- Black/Disadvantaged - \$5 trillion in welfare over 50 years with little or no accountability; a transfer of personal responsibility to the state.

- Environmentalists - A failed energy system making us reliant on foreign enemies, while failing to utilize our own resources.

- Unions - Public employees that work less and earn more than private sector, and have become the largest cost to society with little benefit but red-tape.

- Big Business - Tax breaks, subsidies and grants to the biggest and often least efficient or effective (look at Freddie Mac and Fannie Mae).

- Homosexuals - Marriages that defy nature, culture and common sense.

If this weren't bad enough, foreign nations have joined the bandwagon with military protection, economic aid, trade deals that damage our own economy, food and health care not even available to U.S. citizens.

The most egregious faction of all is the Congress itself. Members are inclined to give to other special interests to justify the generosity to themselves in pay, pensions, medical care, special perks, lifetime "employment", travel and more. Not to mention the insider abuses like Harry Reid's million-dollar land deals and the billion-dollar contracts awarded to Dianne Feinstein's husband.

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