



Texas Institute for Property Rights

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The War on the Republic

Regressives (they call themselves “Progressives”) have long opposed the system of limited government established by the drafters of the Constitution. As one example, the Seventeenth Amendment, which established direct elections of United States Senators, was ratified in 1913 at the height of the first “Progressive” movement. Prior to that time, Senators were selected by each state’s legislature. More recently, Regressives have been calling for an end to the Electoral College. Instead, the President would be elected by a nationwide popular vote. The goal of both the Seventeenth Amendment and the elimination of the Electoral College is greater democracy—unlimited majority rule.

The Founding Fathers understood the dangers of unlimited majority rule. They understood that the majority could and would impose its values on the minority. They had witnessed this in colonial America, where many of the colonies barred certain religions and forced taxpayers to support the state’s preferred religious sect. They sought to establish a system in which the powers of government were limited. They sought a system in which the rights of individuals were protected from both the government and the passions of the majority.

The Founders established a constitutional republic, a system in which political power was divided between a federal government and the state governments. Both the appointment of Senators by state legislators and the Electoral College were part of the controls that they established to limit the passions of the majority. Regressives are opposed to such controls. They want unlimited majority rule.

In late August, Rep. Alexandria Ocasio-Cortez of New York, tweeted “Every vote should be = in America, no matter who you are or where you come from. The right thing to do is establish a Popular Vote. & GOP will do everything they can to fight it.”

A few days later, *New York Times* columnist Jamelle Bouie wrote that “Alexandria Ocasio-Cortez understands democracy better than Republicans do.” He went on to attack the notion that America is a republic rather than a democracy. Those who make that claim, he wrote, are attempting to

co-opt the founding for right-wing politics—to naturalize political inequality and make it the proper order of things. What lies behind that quip, in other words, is an impulse against democratic representation. It is part and parcel of the drive to make American government a closed domain for a select, privileged few.¹

1. Jamelle Bouie, “Alexandria Ocasio-Cortez Understands Democracy Better Than Republicans Do,” *The New York Times*, August 27, 2019, <https://www.nytimes.com/2019/08/27/opinion/aoc-crenshaw-republicans-democracy.html>, accessed August 29, 2019.

The next day, *New York Magazine* published an article claiming that “conservatives want a ‘republic’ to protect privileges.”² The article went on to claim that the use of the term republic has been used “to justify all sorts of artificial restraints on popular majorities.”

It is true that America’s constitutional republic places restraints on popular majorities. That was one of its intended purposes. But Regressives don’t like such restraints because they limit government power, and they want to remove those restraints.

James Madison—the father of the Constitution—understood the danger in such a notion. In a letter to James Monroe, he wrote, “There is no maxim in my opinion which is more liable to be misapplied, and which therefore more needs elucidation, than the current one: that the interest of the majority is the political standard of right and wrong.” He went on to note that this would establish force as the measure of right.

And that is precisely what Regressives wish to establish. They want the majority to determine right and wrong through a democratic vote, and the results of that vote will be forced upon everyone. The rights of individuals, including property rights, should be subject to a vote. The majority should be able do as it pleases without restraint. Might—the “will of the people”—should determine right and wrong.

We can see examples of democracy in action across the state and across the country. Ordinances to preserve historic buildings, protect “heritage” trees, or outlaw short-term rentals are just a few examples. Such ordinances are enacted at the behest of the majority (or those purporting to speak for the majority). We see it with zoning, environmental regulations, minimum wage laws, and virtually every other violation of property rights. The rights of property owners are subordinated to popular majorities.

While conservatives generally oppose attacks on the Constitution by Regressives, they aren’t opposed to majority rule. But they want it to be on a statewide basis. They advocate for “state’s rights.” They want states to be able to legislate on a wide variety of issues without interference from the federal government. For example, if a state wishes to make homosexuality a crime, according to “state’s rights” advocates, it should be allowed to do so.

In his book, *Fed Up!*, former Texas Governor Rick Perry explains this view: “States have the prerogative to legislate on any topic—public health, morals, and so forth—while the new federal government was designed to be of limited function.”³ He went on to write, “From marriage to prayer, from zoning laws to tax policy, from our school systems to health care, and everything in between, it is essential to our liberty that we be allowed to live as we see fit through the democratic process at the local and state level.”⁴

On the state and local level, he advocates for democracy—for the individual to be subservient to the majority. He writes:

Your city council, your mayor, your local school board, and often even your state representative are people who live and work in your neighborhood. These are people you are more likely to be able to influence and whom you can more easily hold accountable. So, is it better for them or for Washington to have more power over your life?⁵

2. Ed Kilgore, “Conservatives Want a ‘Republic’ to Protect Privileges,” *New York Magazine*, August 28, 2019, <http://nymag.com/intelligencer/2019/08/conservatives-want-a-republic-to-protect-privileges.html>, accessed August 29, 2019.

3. Rick Perry, *Fed Up!* (New York: Little, Brown and Company, 2010), p23.

4. Ibid. p27.

5. Ibid. p12.

Perry doesn't object to the fact that politicians have power over our lives. He simply wants us to have an opportunity to influence those politicians.

Whether we have influence over politicians is irrelevant. If they have power over our lives, our lives are not ours to live as we choose. Ultimately, the decisions of those politicians supersede our own decisions. The question isn't which politicians should have power over our lives, but rather whether any politician should have power over our lives. And according to the principles of America's founding, the answer is a resounding NO.

In principle, this is no different from the goals of the Regressives. "State's rights" advocates want the majority within a state to have unlimited power, to vote and dispose of the rights of individuals. But it matters little to the individuals whose rights are trampled whether it is done by a vote of Americans or a vote of Texans. The majority has imposed its values on such individuals.

The alternative to unlimited majority rule is the system drafted by the Founding Fathers. It is a system in which government's purpose is to protect the freedom of individuals to live, work, and worship as they choose, so long as they respect the freedom of others to do the same. It is a system in which government has specific and enumerated powers. It is a system in which government cannot do certain things, no matter how many want it to do so. And this applies to government at the state and local levels as well.

It is said that those who do not learn from history are doomed to repeat it. In the early twentieth century, the Regressives were successful in enacting much of their agenda. They were successful because their opponents did not present a moral defense of capitalism. Indeed, the opponents often accepted the moral premises of the Regressives. And many modern conservatives are doing the same thing today. If we wish to defeat the modern "Progressive" movement, then we cannot repeat that mistake. If we wish to defeat the Regressives, then we must reject their basic moral premise—that the individual is subservient to the majority.

In January 2019, Alexandria Ocasio-Cortez was interviewed on 60 Minutes. When she was asked about often getting her facts wrong, she responded, "I think that there's a lot of people more concerned about being precisely, factually, and semantically correct than about being morally right."⁶ Ocasio-Cortez believes that her socialist agenda and unlimited majority rule are moral. She is willing to—and indeed must—fudge the facts because she is morally wrong.

Ocasio-Cortez believes that individuals exist to serve others. She believes that the producers must serve the non-producers. The producers must not only create values such as education, housing, and health care, but they must provide these values to others for free as a matter of duty. This, she believes, is morally right. And she believes that it also morally right for citizens to vote to force the producers to provide new handouts.

As Aristotle said two thousand years ago, "In a democracy the poor will have more power than the rich, because there are more of them, and the will of the majority is supreme." In a democracy, those who have not produced values can vote to expropriate values from those who have produced them.

If someone broke into your house and took money from you to pay for his child's education, his mortgage, or an operation for his wife, you would recognize his action as theft. He took your property without your consent. His need, no matter how dire, does not morally justify his action.

6. "Alexandria Ocasio-Cortez: The rookie congresswoman challenging the Democratic establishment," CBSNews.com, January 6, 2019, <https://www.cbsnews.com/news/alexandria-ocasio-cortez-the-rookie-congresswoman-challenging-the-democratic-establishment-60-minutes-interview-full-transcript-2019-01-06/>, accessed August 30, 2019.

The principle does not change when the government acts as his proxy, taking your money to pay for his child's education, his mortgage, or his wife's operation. Nor does the principle change when a majority of voters approve such actions.

The Founding Fathers recognized that individuals are endowed with certain unalienable rights, namely the rights to life, liberty, and the pursuit of happiness. They believed that each individual has an unalienable right—a right that cannot morally be violated—to live his life as he chooses, so long as he respects the freedom of others to do the same. And they also believed that the proper purpose of government is to protect the individual's freedom of action to achieve and use the values that life requires.

Indeed, in an essay titled "Property," James Madison wrote, "That is not a just government, nor is property secure under it, where the property which a man has in his personal safety and personal liberty, is violated by arbitrary seizures of one class of citizens for the service of the rest."

Ocasio-Cortez and her ilk want to arbitrarily seize the property of some for the service of others. They present their larceny as moral. But theft is never moral, whether it is conducted by a lone robber or by a vote of the majority. If we wish to defeat the Regressives, we must challenge their morality. If we don't, then we imply agreement with their moral principles.

As Ayn Rand noted, in any conflict between individuals holding the same basic principles, the more consistent will ultimately win. In the early twentieth century, there was widespread support for democracy and all that it represents. The Regressives were more consistent in demanding subservience of the individual to the majority. Given the general acceptance of that moral principle, their proposals were embraced and implemented. Until that premise is challenged and refuted, they will continue to advance their cause. History will repeat itself.

Regressives and conservatives agree that government should reflect the "will of the people." But "the people" aren't monolithic. We have different values, we possess different intelligence, and we exert different levels of effort to attain our values.

In a democracy, such differences do not matter. In a democracy, the values of the majority are imposed on the minority. In a democracy, those with greater intelligence and ambition are forced to serve the majority.

Much of human history is about conquest—taking values by force. The United States was the first nation to explicitly recognize and protect the moral right of individuals to create material values and benefit from their creations. To the Founders, individuals exist, not for the sake of others, but for their own personal happiness, and they have a moral right to be free to pursue that happiness. They established a republic, not a democracy, to protect that precious freedom.



The Texas Institute for Property Rights provides analysis, training, and resources for legislators, businesses, organizations, and property owners.

Voice: 979-429-4447

Website: www.texasipr.com

Email: contact@texasipr.com

Facebook: www.facebook.com/texasipr/