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"At Year's End: A Duty to Protect our Constitutional Democracy"

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In this season of peace, remembrance and celebration, we are beckoned by the ghosts of 1776 and 1787 to recall the historic work of this nation's founders in establishing a republic grounded in the aspirational principles of liberty, equality and self-governance, and our duty as citizens to defend it.

The serious challenges to American Democracy, at home and abroad, have generated searching concerns amidst exposure of its deep-seated vulnerabilities and led some to wonder if our nation is facing a "Machiavellian Moment," the point when a republic is confronted by its own mortality.

President Joe Biden, in March of 2021, threw down the gauntlet: "We've got to prove that democracy works." In the past 18 months alone, we've seen hard-core proof of a frustrated plan at the highest levels of government to overthrow our constitutional process of electing a president chosen by the American people and halt the 200-year-old practice of a peaceful transition of power. We have come face-to-face with a Supreme Court that has thrown off the limits of its own authority and denounced precedents, including those protecting women's rights; a Court that has undercut the wall of separation between church and state and is poised to gut the 14th Amendment's guarantee of equal protection of the law, due process and the right to privacy.

These threats to our constitutional democracy are a stern reminder of James Madison's warning in Federalist 51, that the greatest challenge confronting a republican form of government is that of "obliging government to obey the law." It is a reminder, as well, of his insistence that the citizenry bears a special responsibility to defend our Constitution.

The defense of our democracy requires a nationwide commitment to the Constitution, civic education, gender equality and equal protection of the law. Defense—indeed, renewal—of our democracy can be spurred through the creation of a constitutional culture derived from a constitutional consciousness and a constitutional conscience. Nothing is more central to this renewal than a citizenry appreciative of the virtues and values of American Constitutionalism and committed to promotion of the general welfare and the common good. A page of history will remind citizens of the starting point for this course of action.

The founders lit the way for democratic government, as President Franklin D. Roosevelt urged, to be a "positive force" in the "daily lives" of Americans. The framers of the Constitution understood the historic significance of the ambitious experiment in which they were engaged. As Alexander Hamilton explained in Federalist 1, the momentous question confronting the United States was whether it was possible to establish a republican form of government grounded on reason, reflection and choice. The right of the people to be engaged in "choices" about the nature of our government, the allocation of authority and responsibility, the election of representatives, marked a historic departure in the business of governing.

The exalted nature of the citizenry, then and now, lies in the understanding that democracy is not a self-executing form of government. All power flows from the people, a proposition that is intermittingly reinforced

on election day but one that can be a constant presence if the people are willing to be highly-engaged, participatory citizens. As Justice Louis Brandeis observed, "the only title in our democracy superior to that of the president is the title citizen."

Motivation and incentive for citizens to be fully engaged in the life of the republic is manifested in the implications of neglect and indifference to the actions of government: no republic, no rights; no republic, no liberties. There is no substitute for American citizens to serve as "Madisonian Monitors," exhibiting at every turn a willingness to scrutinize the exercise of governmental power and to denounce violations of the Constitution.

It is certainly possible for Americans to imagine life in a nation that does not embrace the rule of law, due process of law and judicial impartiality, or lacks protection for freedom of speech, press and religion. This nightmare—the specter of authoritarianism and arbitrary rule—should inspire interest in civic education, the acquisition of a working understanding of constitutional principles and governmental practices and an abiding commitment to the preservation of our freedoms and liberties.

Americans are fond of invoking our creation story, replete with tales about the patriots of 1776 who won independence and drafted the Declaration of Independence, and the delegates to the Constitutional Convention, who gave life to the ideals of the American Revolution. But we are not sufficiently interested in the nuts and bolts, planks and pillars of the platform on which our constitutional democracy rests. At this hour, when there exists a demonstrable need to prove, as President Biden has said, "that democracy works," Americans everywhere should summon the Spirit of '76 and '87—the focus, energy and stamina of the sort that generations have manifested—in tackling the great

challenges that we have encountered across a vista of 250 years.

The founders' great experiment in self-governance remains a work in progress. All that is stake, of course, is the future of our republic and whether, as Benjamin Franklin put it, "we can keep it."

