

The Founding Fathers and their Constitutional Republic

To understand what the Founding Fathers intended when they established the United States as a Constitutional Republic, we must refer to both The Constitution and the Federalist Papers. The Federalist Papers were written by Alexander Hamilton, James Madison, and John Jay. Hamilton became the first Secretary of the Treasury, Madison became the fourth President, and Jay became the first Chief Justice of the Supreme Court. Both the Constitution and The Federalist Papers were written in parallel between 1787 and 1790.

Comparing a Constitutional Republic to a Democracy

In a *Democracy*, all eligible voters assemble at a common location, discuss the topic and vote. The electorate has direct control of their vote by casting it themselves. A simple majority wins while the minority always loses.

In a *Republic*, where a large number of people are involved over a large area, candidates are elected as representatives of the electorate. The elected officials then assemble at a common location, discuss the topic and vote on behalf of their constituents. There is no direct control of the representatives' vote by the electorate. A simple majority wins and the minority always loses.

In a *Constitutional Republic*, candidates are elected by their constituents and vote as in a regular republic. However, all laws passed must fall within the framework of the U.S. Constitution to prevent minorities from losing their rights.

The Republic is guaranteed to us by the United States Constitution, article IV, section 4. It states, *“The United States shall guarantee to every State in this Union a Republican Form of Government.”*

The explanation is as follows. The Constitution is worded concisely, with little explanation. The founding fathers who wanted a *Union* of the states with a central, federal government (Federalists) wrote the Federalist Papers to win over to their form of government those founding fathers who wanted a *Confederation* of the states with no federal government (Anti Federalists). They wanted no more association with a federal government that could return to tyranny. In so doing, the Federalist Papers simultaneously provide not just their argument for their form of government, but also a broader and more detailed explanation of what the U.S. Constitution means. The Senior Professor of American Institutions at Cornell University, Clinton Rossiter, the acknowledged authority on the subject, wrote an introduction to the Federalist Papers that states,

“The Federalist is the most important work in political science that has ever been written, or is ever likely to be written, in the United States. It is, indeed, the one product of the American mind that is rightly counted among the classics of political theory. This work has always commanded widespread respect as the first and still the most authoritative commentary on the Constitution of the United States.”

Many Supreme Court rulings are made with direct support from the federalist Papers.

So what is A Republic? If we research Federalist Papers 14 and 51 we will get the answer from the Founding Fathers. We need to remember that when The Constitution was written there was no dictionary of the American language. This followed about half a century later.

The purpose of language is to convey the thought process in one person’s mind to produce the same thought process in another person’s mind. Therefore, to prevent any misunderstanding, the founding fathers used the federalist papers to provide a detailed explanation of their words and their intent.

In paper 14 Madison states, *“...in a democracy, the people meet and exercise the government in person. In a republic, they assemble and administer it by their representatives and agents. A democracy, consequently, will be confined to a small area. A republic may be extended over a large region.”*

In the days of the Greek city states, a democracy was possible, as a relatively few, eligible voters living within the confines of a city state such as Athens, could all meet together within the city at a central location, discuss the subject, cast a personal vote and immediately know the result. A simple majority always won and a minority

always lost. A city state might cover no more than a few hundred square miles. When the United States was formed, it covered the area from Georgia to the Canadian border and a nominal 200 miles inland, an area of some two hundred thousand square miles. Thus the Founding Fathers formed a Republic that would be established over a large region, so that elected representatives could assemble in a single location, rather than the entire electorate, and cast their individual votes on behalf of their constituents. Again, a simple majority of the votes would always win and the minority would always lose.

In paper 51, Madison wrote, *“It is of great importance in a republic not only to guard the society against the oppression of its rulers, but to guard one part of the society against the injustice of the other part. Different interests necessarily exist in different classes of citizens. If a majority be united by a common interest, the rights of the minority will be insecure.”*

Thus, in order that neither a tyrannical government nor a simple majority could put the rights of minorities in jeopardy, the Republic would be controlled by a guarantee to the people. That guarantee was to be provided by The U.S. Constitution containing the Bill of Rights. The U.S. Constitution as originally written did not contain the specific rights of the people. Final adoption of the U.S. Constitution was delayed several years until those specific, unalienable rights could be enumerated and appended to The U.S. Constitution as the first ten amendments, known as the Bill of Rights. Those specific or *“unalienable rights, endowed by their Creator”* were declared in *The Unanimous Declaration of the thirteen united States of America* (there is no historical document titled The Declaration of Independence as we will discuss in a future article). This would always safeguard the fundamental human rights of individuals and minorities. These ten amendments do not give any rights to United States citizens. They are admonishments to all governments of the United States that they can never amend, eliminate, or infringe upon those inalienable rights of the citizens. The Supreme Court has even ruled (the Law of Constitutional Supremacy) that no foreign treaty, such as with the United Nations, can abrogate or infringe on the Bill of Rights. This philosophy has been upheld multiple times by the Supreme Court.

As the *Republic* is controlled and constrained by the *U.S. Constitution* it becomes a *Constitutional Republic*.