

The general management of the Republic which the Constitutional Convention vested in Congress, carefully withholding policy-making from the Executive, has been abdicated largely by the Legislative Department until one may well wonder what is the difference between the Bourbon King who said, "I am the State!" and an American President who boasts to the applauding multitude of "my policies" and carries them out through pusillanimous Congresses.

The Presidency having degenerated to an elective office the chief business of it, is elections. It is already busy with the elections of 1960. It makes obeisance to, and accepts directions from every voting bloc of power, every "faction" in a land strewn with factions, combinations and groups of every sort. It has refused to obey the order of the Constitution to "take care that the laws be faithfully executed". It has seized and operated private properties in control of insurrectionists instead of suppressing the insurrection.

In the States also, factions have long been defiant of local authority and law, for the States became craven when they disobeyed the command of the Constitution to elect the President, thereby becoming the victims of and the palterers to voting powers.

The question in 1959 is, How long can our government withstand the assault and control by factions in every field when it has been stripped of the protective features devised by the Constitutional Convention to make it perpetual?

For no competent observer will say that it is not in fast decline.

Then the final question is, can we bring back the election of the President by the States, and, by repealing the Seventeenth Amendment, restore the Senate of the original Constitution?

From those two losses by abandonment of the protection of representation have proceeded all of our troubles today.

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LET US HOLD STRICTLY TO THE TEXT OF THE CONSTITUTION

FACTIONS, THE DESTROYERS OF ALL

PRECEDING GOVERNMENTS, ARE HERE

The celebration of Labor Day in 1953 by a chorus of the leaders of organizations of workers calling for a coalition or union of the chief bodies at least, long in stern if not bitter rivalry for members, authority and power, brings to mind the discussion by James Madison in No. 10 of "The Federalist", in which "factions" were given as the cause of the breakdown of all governments throughout history.

That being taken by the Constitutional Convention as a fact, the problem was, of course, how to control factions and thus make a government perpetual.

As rivalry by men, singly and in groups, is in their nature, the **abolition** of it was recognized as impossible. The problem in setting up a perpetual Government was to **control** factions; and the method devised for that control made the new American Government differ from all that had been tried through the centuries.

"The inference to which we are brought", said the writer (*italics his*) "is that the causes of faction cannot be removed, and that relief is only to be sought in the means of controlling its effects".

Commenting further along that line, he added:

"From this view of the subject it may be concluded that a pure democracy, by which I mean a society

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consisting of a small number of citizens who assemble and administer the government in person, can admit of no cure for the mischiefs of faction”.

So the Constitutional Convention rejected purely popular government - all elections directly by the people. For “such democracies have ever been spectacles of turbulence and contention” wrote Madison; “have ever been incompatible with personal security, or of the rights of property; and have in general been as short in their lives as they have been violent in their deaths”.

Hence, there came down to us a Government not of either the “peepul” or the people - a Government of fixed Law, higher, it may be at times than the desire of the people at the hour, and to be obeyed always by both people and Government alike.

NOTE: “The most sublime thing in the Universe, except its Creator, is a great and free people governing itself by a law, higher than its own desire”.

Senator George F. Hoar of Massachusetts

“Under such a regulation”, wrote Madison, “it may well happen that the public voice, pronounced by the representatives of the people, will be more consonant to the public good than if pronounced by the people themselves, convened for the purpose”.

Believing that, the Constitutional Convention set up a Government almost entirely **representative** — that is, a Government not elected directly by the people. It started this Republic on the way with only the house of Representatives purely elective. All other Departments were made appointive by some agency elected by the people.

The Senate, the “upper” House of Congress, was appointed by the elected **Legislatures** of the **States**. The States, which established this **Republic** for their own behoof and that of their peoples, intended that **they**, as governmental organizations, as republics, would be represented in the Congress of the Federal Republic along with the people represented in the House.

“A Republic, if we can keep it”, Dr. Franklin, the elder of the Constitutional Convention, told a woman who asked him what form of Government had been drawn up. “A Republic, if we can keep it.” But later generations had not education enough to give them the sense to keep it.

The Executive Department, the President and the Vice-President, were to be elected by appointees or representatives of the States through their Legislatures.

Thus, the two great Departments, the Executive and the Senate, were made strictly representative, as it was known that fully elective or democratic governments had “in general been as short in their lives as they had been violent in their deaths.”

Nevertheless, members of Congress rather early began to intrude into the field of election and to pick men for the Executive offices. Compliant electors appointed by the States too soon followed the suggestions of the party caucuses of Congressmen and threw their own heads into the discard. When deterioration sets in it is usually rapid. By President Jackson’s time (1829) the watchword of the party was, “To the victors belong the spoils!”

And increasingly since then the people and the Republic have been despoiled. The person named for the Presidency by the hippodrome known as the National Nominating Convention, unrelated to our constitutional system, is too often picked by external persons and influences. Upon taking office he usually pays his political obligations out of the welfare of the Republic. We must return to the constitutional election.

Later, in 1913, a constitutionally illiterate and incompetent people further wrecked the work of the Constitutional Convention by making the Senate, the House of States, elective instead of representative.

Thus, the whole representative form has been destroyed, except as to the Judiciary, which is now appointed by a President with political obligations to discharge. And we have long been suffering under just that kind of Judiciary.