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Wave Elections: What They Mean

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The following is adapted from a speech delivered on December 5, 2014, at Hillsdale College's Allan P. Kirby, Jr. Center for Constitutional Studies and Citizenship in Washington, D.C.

We have had a wave election. For those of a conservative disposition, it is a satisfying wave. According to Michael Barone, speaking recently here at Hillsdale's Kirby Center, this wave is like several recent wave elections in its magnitude and decisiveness. There was a wave in favor of the Republicans in 1980 and again in 1994. There was a wave in favor of the Democrats in 2006 and again in 2008. There was a wave for the Republicans in 2010. There was a stalemate in 2012. Now there is a Republican wave in 2014. Looked at one way, these waves appear more like tides, ebbing and flowing.

These waves have something to do with a change in opinion over the last 50 years. Increasingly large majorities of the people consistently profess themselves afraid

of their government. They think it too big. They think it does not account to them—that it is beyond their control and does not operate with their consent. They think it should be smaller, even if that means they receive fewer services. It seems that the growth of government has not made people feel safe and happy.

Nonetheless, two of the recent waves elected people who support larger government, and Americans continue to depend upon government more than ever. At all levels, government consumes something close to 40 percent of the economy, not even counting regulatory costs, which are nearing \$2 trillion. People seem to be groping for a solution to this, and they do not seem to think they have found it.

This picture is not unprecedented. In the period leading up to the American Revolution, loyalists or Tories contested with revolutionaries, and these two groups alternated having the upper hand between 1763 and 1776, and even later, after the war had begun. The people were making up their minds about something fundamental, and a consensus was slow in forming.

In the period before the Civil War, there were those who advocated destroying slavery in the slave states, where the national government’s constitutional authority to do so was weak or nonexistent. There were others who supported slavery where it existed, and even the extension of slavery into new regions. Others still would find some compromise that would do the least dramatic possible thing. And

then there was the new Republican party, founded to stop slavery’s expansion and seek a constitutional path to its eventual abolition. This too was a fundamental question, and it took a long time and eventually much blood to decide it.

This controversy over slavery grew up in the course of one generation. One may mark it by two of the most important statutes in American history—the Northwest Ordinance of 1787 and the Missouri Compromise of 1820. The Northwest Ordinance brought the territory that became Michigan and other states into the Union, and it was the first time that a government like ours, ours being the first such government, had grown. It did not choose to grow by establishing colonies, but rather by treating the citizens of the new regions as full citizens as quickly as they could get organized. The Northwest Territory had belonged to Virginia, and Virginia, a slave state, on the motion of Thomas Jefferson,

a slave holder, gave the land to the Union for free on condition only that there be no slavery allowed in it at any time. Although Virginia also insisted on a provision to return escaped slaves from Virginia back to their servitude, the document must be read as a sign of a consensus about slavery. We have it, those early Americans said, and we do not know what to do about it, but we know that it is wrong and should not be extended elsewhere. Many in the Founding generation stated this, often in beautiful terms. And eight states either abolished slavery or set up laws

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[Latin]: in the first place

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for gradual emancipation relatively quickly after the Revolution.

A generation later, Missouri was to come into the Union, and the Senate was evenly balanced between slave and free states. A compromise was necessary because the slave states insisted upon keeping that balance by admitting as many slave states as free states. Not long after that, agitation began to extend slavery even further into the vast territory still not incorporated as states. At the same time, the argument began to appear that slavery was in fact a good thing, based on the idea that some human beings had evolved to a state of superiority over others. The principle that “all men are created equal,” the very basis of American liberty in the Declaration of Independence, was condemned by a U.S. Senator from Indiana as “a self-evident lie.”

This dispute had something in common with the dispute with the king during the Revolution. In 1776, the king had a message from the throne distributed across the lines in Boston to the American Army. He was confident that this would make them abandon the cause of Revolution. He made the argument that he was born to be king by divine right, and that his children must obey him for the same reasons he, occupying his station of nobility, was obliged to care for them. The Declaration of Independence had said that no one may be rightly governed except by his consent because “all men are created equal.” The king understood his position to be built upon the opposite notion. But the American troops besieging Boston, whose enlistments were soon to expire, reenlisted in vast numbers in rejection of the king and in support of the Declaration. Soon enough the whole country followed.

Our times are like these previous times in terms of the alternation and number of political waves. But is there a principle at stake today that is as deep as the one that divided the nation in those two fateful periods?

* * *

The left and some on the right, in both political parties in America, have styled themselves “progressive” for more than 100 years. Progress to them is a process of history. In that process, people and peoples are transformed and can be elevated. Time and circumstance define the being of man and of everything else. This process of social evolution makes our grandest universal statements in any time not really universal, but merely products of their own time. When the Declaration of Independence says, “all men are created equal,” it understands itself to be asserting an abiding and universal fact. When it appeals to the “Laws of Nature and of Nature’s God,” it refers to laws above the authority of man and continuing without fail through all time and everywhere. Progressives understand such laws as only time-bound assertions, the product of prevailing circumstances. Early Progressives were fond of saying that those universal assertions were good things for their time, and history was made better for them, even though they were wrong at the time in their claims of being universal. They can have permanence, by this way of thinking, only if they can assume new meanings as new circumstances arise.

For Progressives, we discover the real truth about these matters by a certain kind of scientific inquiry, an inquiry into history. And once we begin that inquiry, it becomes sovereign. If everything is to change, and we are simply creatures of that change, we can win our freedom by taking control of the process of change. Guided by highly-trained people, scientists and social scientists, we can direct the society to become a new society, its people a new people. The work of these scientific people is very important, perhaps even sovereign. They have a standing independent of the will of the governed, previously thought self-governing by nature. These scientists are the makers of the future, and in making the future the people are the subject of their experiments.

Since the wave election last month, we have been treated to videos of Professor John Gruber, an MIT social scientist. He has been dining out since 2010 on his experience as one of the “architects of Obamacare.” He was paid, at last count, \$400,000 by the federal government, and something over \$1.5 million by several state governments in aggregate to practice his architecture. Now he is on video telling the story. The architects of Obamacare figured out that if they described the health care law as it was, the American people would not go for it. They are “stupid,” in Professor Gruber’s estimation. They are stupid at least in this respect: If the complex bill could be called something other than it was, then the bill could pass and people could be introduced to its wonders. They would be able to enjoy those wonders only through experience, as they lacked the intelligence to figure it out in advance.

Dr. Gruber apologized when the initial video appeared, but since then several other videos have surfaced that show him saying the same thing on other occasions. This means that conversations like the ones he describes were going on among many people, apparently one of them in the White House with President Obama, at the time of the bill’s passage. And the videos of his speeches mean that there are many people, generally highly educated people, who enjoy stories like this, pay Mr. Gruber when he tells them, and respect him for his achievement. To these people, the passage of Obamacare is apparently a delightful episode in American history.

Nor is this an isolated achievement. The Dodd-Frank law sets up a power in the federal government to investigate anyone and everyone who lends money to any consumer. The agency that performs these investigations gets its budget directly from the Federal Reserve, and the Congress is forbidden by its own statute, signed by the President, to inquire into the agency’s budget. This is a perfect example of a violation of separation of

powers that the Constitution was written to prevent. There are many others.

Now the President has legalized the residence here of several million people who have entered the nation illegally. Immigration and illegal immigration are of course tangled and difficult issues. There are so many illegals, and many of them have been here for a long time. Many of them have children, and the children are citizens under the current reading of the Constitution (there have been others). The President himself spoke about amnesty by executive order to a Hispanic group called La Raza, which means “The Race”: saluting by race and categorizing by race have reached epidemic proportions in our country. Obama was pressed by La Raza, as he has been by many others, to provide amnesty by his authority alone. He replied in his La Raza speech, “I swore an oath to uphold the laws on the books.” “Believe me,” he continued, “the idea of doing things on my own is very tempting. . . . [But] that’s not how our system works. That’s not how our democracy functions. That’s not how our Constitution is written.” Now he has changed his mind, however, and has done what the Constitution, by his previous admission, prohibits.

There are many reasons why one must sympathize with illegal immigrants and their children. There are many reasons to rue the generation or two of bad policy that has admitted them here, designed and implemented by people who simultaneously failed to make the case for a wide immigration policy, legally sanctioned, that pays attention to ability to work and emphasizes the practices and beliefs that constitute the United States. But now that we have this situation, it must be resolved by constitutional processes. These are specifically contrived to include everyone in the debate and to make decisions over time, not suddenly and not partially. To circumvent those, which by his own words President Obama has said executive amnesty would do, is to circumvent the only system of self-government that we have.

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Of course there is a partisan aspect to all of this for both political parties. The President appeared at a gathering of La Raza because he was courting the votes of Hispanics, who are growing in number, and who vote more heavily for his party than the other. There is a well-developed and heavily-funded strategy to win a majority based in part upon this fact. That means that the President has an interest in amnesty, and so does his party. This fact reminds one of the actions of the British king, cited in the Declaration of Independence, to expand the territory of the British government in Quebec in 1774, and to give that government more control over territory previously associated with the American colonies. He gave it control of much of the Northwest Territory, eventually the subject of the Northwest Ordinance. The king was picking the constituency that he wanted, and by this means, our Founders thought, he was circumventing the will of the people.

These issues are of concern to Hillsdale College for several reasons. There is the fact that we were founded, as every old liberal arts college was founded, to study the nature of man, his place in the order of creation, and

his relationship to God and to the other creatures. It was organized to find the good of each kind of being, especially the human being. This work, much more than any contemporary political question, is the heart of the work of the College and its main substance.

Because of this work, the College was founded in loyalty to the principles and institutions of this country. Its oldest building was dedicated on the Fourth of July, and this is one of many testimonies to this loyalty, some of them written in blood. America's Founders believed, and the founders of our College agreed, that the regime of freedom was the best to protect the ability of each to seek his virtues, moral and intellectual, and especially wisdom and the knowledge of God. These activities cannot be commanded in detail from above.

Another reason we care about these matters is because we wish to continue as we have always done, according to the mission explained in our founding document. We wish to continue to teach the moral and intellectual virtues, which include the personal, the family, and the civic virtues, and which include the pursuit of prudence and

wisdom. We wish to continue to teach that the family, established in nature and established in the same way in faith, is the best way to raise children, and the raising of children is necessary to the well-being of everyone in every generation, young, middle aged, and old. And if the current political trends continue, of replacing constitutional processes and self-government with administrative or bureaucratic command and control, the activities we have continued to pursue here for 170 years will be endangered.

* * *

We look back through the past and through the great books, old and new, and wonder what solution can be found to this crisis. It turns out that there are examples both of thinking and of acting that can help guide us. We require today a devotion to two things that are on the surface contrary. The first of them is constitutionalism, and the second is statesmanship.

It is obvious why these do not seem to go together. The work of statesmen is only a sharp example of something we all must do daily. We hold convictions that are elevated above practical circumstances, but we must apply those convictions amidst the pressures of the day. We compromise all the time: Shall we see our child's basketball game or shall we go to the meeting at work? It is necessary to spend time with one's children, and it is necessary to earn and provide for them. Our ends come into conflict all the time. Statesmen are people unusually adept at finding ways to get the best and avoid the worst, and constantly they adapt and compromise.

Constitutions on the other hand are grand laws written a long time ago. They get in the way all the time, and statesmen constantly have reasons to be impatient with them. Any list of the most influential heads of state in

the 20th century has to include the names of Hitler, Stalin, and Mussolini. They are not famous for their constitutionalism, but for being tyrants. The greatest opposite example in the 20th century is found in the remarkable career of Winston Churchill, which I have been privileged to study. The British Constitution, and for that matter the American, are among his favorite themes. He served them faithfully through his more than 50 years of active political life, through war such as has never been seen, and also through unprecedented economic depression.

These two solutions, constitutionalism and statesmanship, come together then in the careers of certain remarkable people. On the one hand they are good at getting power, and on the other hand they are quick to give it back and to set examples that serve to distribute power long after them. One need think only of George Washington and his repeated resignations from office just at the moment when he had gained such credibility that some called for him to become king. If you want to see a contemporary example, watch the victory speech of the newly-elected U.S. Senator from my home state of Arkansas, who spoke of the need to find ways for our government to address our many problems, including those of the poor and the weak, while still running the government under the Constitution so that the people can control it, and not it the people.

Although we have plenty to worry about in the management of the College that stems from these great trends, still we see reason to hope for more waves in the direction of the Constitution. Our crisis may be grave and threatening, and yet it cannot be worse than others we have survived in the past. Those others can supply a guide to us today. And just like the pursuit of wisdom, so the life under free and constitutional rule is a beautiful life, and it sings to the heart of every man and woman. ■



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