

Escape From Trumpism

di Jamelle Bouie

I wrote this past week about the need for Democrats to construct a Project 2029 that takes the revolutionary nature of the Trump regime seriously and seeks not to restore what was, but [to build something new](#) in the wake of this conjuncture.

In it I refer, as I often do, to the Reconstruction period of American history — the roughly 10 to 15 years following the end of the Civil War — as inspiration for how Democrats might approach that task.

In particular, the Radical Republicans who spearheaded the most far-reaching attempts to reconstruct the South embraced a constitutional vision rooted in the broad authority of Article I of the Constitution. Part of this was by necessity. After Abraham Lincoln's assassination in April 1865, they had to contend with President Andrew Johnson, a vicious white supremacist who opposed Black civil rights and sought a speedy end to Reconstruction so that he might build a new political party on a Jacksonian vision of white supremacy. They also had to contend with a Supreme Court that saw itself as a bulwark for a narrow and restrictive vision of the Constitution.

The leading congressmen of the period had their own conception of the relationship between Congress, the presidency, and the courts — shaped in large part by their battles with the slave power. But Reconstruction Republicans were also determined to secure and consolidate the political settlement of the Civil War against their foes in government. Congressional supremacy then was as much about the moment as it was about a deeper political perspective.

Here I want to highlight two things about the way congressional supremacy worked.

The first is that the Reconstruction Congress rejected the Supreme Court's authority to invalidate its legislation. It was Congress — representing the entire people — that had the right and authority to say what the Constitution meant and it was the duty of the

Supreme Court to enforce that meaning on the states. To stymie the court, this Congress took steps to limit the court's jurisdiction, to directly repudiate court rulings with its own laws, and to reshape the Supreme Court itself — including preventing President Johnson from appointing new members when old ones died or left the bench.

The second is that the Reconstruction Congress leveraged a long-dormant part of the Constitution, the Guarantee Clause, which says that all states shall be guaranteed a republican form of government. It was under the Guarantee Clause that Republicans pursued their most far-reaching efforts to reconstruct the South.

As I wrote, should Democrats have control of the White House and both branches of Congress in 2029, they will be faced with a project of reconstruction, not restoration. You could do worse in those circumstances than to ask: What would Charles Sumner do? What would Thaddeus Stevens do? What would John Bingham do?

They wouldn't stand by and allow their project to be destroyed by the hostile forces arrayed against them. They would look to the Constitution which, for all of its flaws, gives Congress the power and authority to make its vision reality.