

The Last Constitutional Off-Ramp?

By Don Sutherland

In just under six months, the United States will mark another anniversary of its Declaration of Independence. There is a growing danger that the nation could arrive at that date as something unrecognizable. It could arrive at that milestone as an alien polity defined not by constitutional self-government, but by the very despotism from which its Founders declared independence.

The basic character of the country, its institutions, and its people, is now uncertain. A future in which the United States has slipped into electoral autocracy marked by an all-powerful Executive, a compliant Supreme Court, and a rump Congress is no longer an insignificant risk. Nor is the possibility that the nation could find itself abandoned by its closest allies following overt territorial predation.

Since 2021, the rate of democratic erosion has accelerated in the fashion of cosmic inflation after the Big Bang. January 6, 2021 stands among the darkest days in American history. Incited by a defeated sitting president, the United States experienced its first attempted coup. The peaceful transfer of power, a cornerstone of republican government, was violently challenged in full view of the world. It barely survived that day.

The institutional response exposed a deeper rot. A Senate unwilling to convict. A legal system that proved smaller than the man who defied it. And ultimately, an electorate that exercised its “ultimate authority” not to defend constitutional order, but to erase an attempted overthrow through the ballot box.

The lesson is stark. A constitutional system survives only so long as its people are willing to enforce it.

When Donald Trump returned to office in January 2025, the consequences of that failure became unmistakable. The Executive Branch rapidly consolidated power. It withheld appropriated funds. It dismantled federal departments. It claimed budget authority the Constitution assigned to Congress. Congress yielded.

The Roman statesman Cicero witnessed similar failure more than two millennia ago: “We, we alone—I say it openly—we, the consuls, are wanting in our duty.” His lament applies with chilling precision today. Because Congress has been “wanting” in its constitutional role, what once seemed implausible has become menacingly real.

The final breach may yet come if the United States employs military force against a longtime ally, Denmark, to seize its territory. That line, once crossed, would mark not merely foreign aggression but the abandonment of the post-war international order the United States itself built and the ideals upon which it was established.

Congress still retains one last, consequential lever. A joint resolution barring the President from using military force to seize Greenland could halt that descent. It would affirm that imperial ambition has no place in a constitutional republic.

Whether Congress possesses leaders willing to accept that burden remains an open question. In his 1862 State of the Union Address, Abraham Lincoln warned a Congress facing its own existential test:

We of this Congress and this Administration will be remembered in spite of ourselves... The fiery trial through which we pass will light us down, in honor or dishonor, to the latest generation.

That fiery trial is near at hand. If Congress asserts itself, clearly, overwhelmingly, and without equivocation, it will be remembered with honor and reopen a path toward constitutional recovery. If it shrinks once more from its duty, it will consign itself to dishonor and, in doing so, may well bring down the curtain on the American experiment just in time for the 250th anniversary of its Declaration of Independence.