***We the People: the Citizen & the Constitution***

2019-2020 High School Hearing Questions

Information, Tips, Analysis, & Resources from the Oregon high school We the People community

UNIT 1 / Q.1

**“It is impossible to read of the petty republics of Greece and Italy without feeling sensations of horror and disgust at the distractions with which they were continually agitated, and at the rapid succession of revolutions by which they were kept in a state of perpetual vibration between the extremes of tyranny and anarchy.”\* How did the Founders’ knowledge of the history of republics (or democracies) and confederations affect their ideas about government?**

* Why do you suppose that republican government in the United States has not been “kept in a state of perpetual vibration between the extremes of tyranny and anarchy”?
* What have the past 230 years of our experiment as a constitutional republic taught us about the ability of people to self-govern on behalf of “we the people”?

\* Alexander Hamilton, “The Union as a Safeguard against Domestic Faction and Insurrection,” *Independent Journal*, January 23, 1788, The Federalist Papers: No. 9, The Avalon Project: Documents in Law, History and Diplomacy, Yale Law School, accessed August 19, 2019, <https://avalon.law.yale.edu/18th_century/fed09.asp>.

**Collaboration Tips**

**4** different questions are in this overall question.

Historical events/context that connects to this question:

* **Athens / Dictatorships**
* **Roman Republic v. Empire**
* **Federalism**
* **Magna Carta**
* **Henry VIII**
* **Martin Luther**
* **17th century England**
* **Settlement of America**
* **7-years War**
* **Confederation**
* **Constitutional convention**
* **Civil War**
* **Cold War**

Sections of the US Constitution that apply:

* **Article 4**

People/historical figures connected to the question:

* **Aristotle**
* **Plato**
* **Cicero / Cincinnatus**
* **Julius Caesar**
* **Locke**
* **Montesquieu**
* **Madison**
* **Washington Hamilton**
* **Adams**

Vocabulary:

* **Perpetual Vibration**
* **Tyranny**
* **Anarchy**

Possible Current Events:

* **2020 Election**
* **Gerrymandering**
* **Mass Shootings**

Possible Court Cases:

* ***Baker v. Carr***
* ***Rucho v. Common Cause***
* ***Heller/McDonald***
* ***Citizens United***

**Comments from Justice Jack Landau:**

*The founders were influenced by the sources available to them chronicling the histories of ancient Greece and Rome. They relied on Thucydides, who bitterly criticized Athens for its excess of democracy, which he said was at the root of the city’s inability to defend against Sparta. They read Plutarch, whose biographies of such figures as Demosthenes, Philip of Macedon and Alexander the Great emphasized the vulnerability of Greece to the Macedonians because of the lack of a central government. They read Cicero, who wrote of the fall of the Roman republic and the rise of the tyranny of the empire. And they revered Tacitus, whose Annals were an outraged critique of the excesses of the early empire. The Founders drew a number of lessons from these ancient sources.*

*First, they concluded that an excess of democracy (that is, direct democracy) inevitably led to tyranny.*

*Second, the framers drew from Plutarch the idea that too much decentralization rendered the Greek city-states incapable of defending themselves from the Macedonians. The Federalists, in particular, quoted Plutarch.*

*Third, from the histories of the Roman republic, the framers drew the lesson of the importance of civic virtue -- self-sacrifice for the common good -- which they asserted was the backbone of any successful republic. They frequently cited such figures as Lucius Junius Brutus (one of the founders of the republic), Cincinnatus, and Cato the Younger.*

*Fourth, from Cicero and Plutarch, they drew the lesson that republic’s must be constantly vigilant against ambitious individuals (Julius Caesar and Cataline especially) who would be tyrants at the expense of the republic. In that regard, Cato was especially significant. Addison’s play about the republican’s life and death was one of the most popular of the day; in fact, it was the longest running play in America until 1949, when Miller’s Death of s Salesman broke the record. (Nathan Hale’s line -- “I regret that I have but one life to give for my country” -- was taken from the play. So was Patrick Henry’s “Give me liberty or give me death.”)*

*Finally, from Tacitus (and to a lesser extent Suetonius), they drew the lesson that one-man rule was a horror to be avoided at all costs. The excesses of the emperors were often cited. Interestingly, during the ratification debates, the Anti-federalists often compared the Federalists to Roman emperors. (Hamilton, for instance, was called Caesar more than once -- though, technically, Julius Caesar was never an emperor).*

*For terrific background on the influence of Greece and Rome on the framers, see generally Carl J. Richard, The Founders and the Classics: Greece, Rome, and the American Enlightenment. A more abbreviated (and more accessible) version is Carl J. Richard, Greeks and Romans Bearing Gifts: How the Ancients Inspired the Founding Fathers.*

*The framers also drew from existing and historic republics in Italy, Switzerland, and the Netherlands. For example, they learned from Machiavelli's writings on the republics of Italy that the failure of those republics was in their inability to band together into a union to fend off the advances of neighboring monarchies like France, a theme picked up in The Federalist 4 & 40. On the influence of the Swiss confederation, see generally Stephen P. Halbrook, The Swiss Confederation in the Eyes of America's Founders,* <http://stephenhalbrook.com/law_review_articles/swiss_confederation.pdf> .

*The principal reason why the US avoided the "perpetual vibration between tyranny and anarchy" is that the framers adopted a mixed government, a republic with a complex set of separated powers and checks and balances, instead of an Athenian democracy. Still, over the years, the republic has changed, steadily becoming more democratic, more partisan, and more corrupt. Political parties -- unanticipated by the framers -- now dominate politics, with the nation currently as polarized as it has been at any time since the Civil War. With the ratification of the Seventeenth Amendment, senators are now directly elected. At the turn of the twentieth century, half the states adopted some form of direct democracy. In the 1990s, term limits were adopted by many states (for state offices -- term limits for federal offices were declared unconstitutional in US Term Limits v. Thornton). Direct primaries now nominate presidential candidates. Redistricting has become weaponized, further polarizing electoral politics. Campaign contribution and spending legislation has been declared unconstitutional. It could be argued current political events show that the system isn't working anymore and that the country is veering toward tyranny. For an interesting and provocative essay along these lines, see Jeffrey Rosen's piece in The Atlantic, "America Is Living James Madison's Nightmare,"* <https://www.theatlantic.com/magazine/archive/2018/10/james-madison-mob-rule/568351/>