***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 3 / Q. 3

**“The benefits from discussion lie in the fact that even representative legislators are limited in knowledge and the ability to reason. No one of them knows everything the others know, or can make all the same inferences that they can draw in concert. Discussion is a way of combining information and enlarging the range of arguments.”\* Does John Rawls’ statement accurately reflect the discussion taking place among political parties today in our legislative branch?
Why or why not?**

* What are the benefits and costs of having multiple political parties in a legislative branch?
* Parliamentary government has proven to be very effective in other countries. What might be the advantages and disadvantages of the United States changing to a parliamentary form of government?

\* John Rawls, *A Theory of Justice: Revised Edition* (Cambridge, MA: The Belknap Press, 2003), 315.

**Comments from Justice Jack Landau:**

*Of course not. The idea that legislatures are havens of deliberation is terrifically naive, certainly in reference to Congress and many state legislatures today. Political partisanship has become extraordinarily polarized. Single-issue lobbies have become increasingly powerful. Legislative redistricting has incentivized legislators not to compromise, but to play to their constituencies at home. In the last several sessions, Congress has enacted fewer bills than at any time in modern history. Legislative gridlock is now the norm. See, e.g., "As Gridlock Deepens in Congress, Only Gloom is Bipartisan."* <https://www.nytimes.com/2018/01/27/us/politics/congress-dysfunction-conspiracies-trump.html>

*Take gun control, for example. After every mass shooting in the last 20 years, there have been calls for legislative action. And polls show that a majority of the population, at least nationally, favors increased regulation of access to weapons, especially assault weapons. One president after another -- Republican and Democrat -- has proposed legislative action. But Congress is incapable of acting. Then there are judicial appointments: Merrick Garland, anyone? And election security: Every federal intelligence agency has concluded that Russia attempted to meddle in the 2016 presidential election. The Senate Majority Leader, however, has foreclosed any legislative action.*

*In theory, at least, political parties mobilize participation, make it easier for voters to express their preferences through party platforms, and provide platforms for debating issues of public consequence. However, the nature of political parties in the US -- especially as a consequence of campaign finance laws, in recent years -- has solidified the dominance of two political parties and made it more difficult for those of different views to be heard.*