Do we intend to keep our republic?

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The Trump impeachment after... Do we intend to keep our republic?

Commentators recently have reminded us of a famous statement Benjamin Franklin allegedly made upon exiting Independence Hall on the final day of the 1787 Constitutional Convention. When asked whether the proposed Constitution would establish a monarchy or a republic, Franklin supposedly answered: "A republic, if you can keep it."

The anecdote, which both inspired the title of Supreme Court Justice Neil Gorsuch's recent book and was re-

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Constitutional Connections: Do we intend to keep our republic?

REPUBLIC FROM D1

counted by Speaker of the House Nancy Pelosi when she announced the impeachment inquiry into the conduct of the president, reminds us that our republican form of government is not to be taken for granted.

It is like a marriage: It requires ongoing attention and nurture.

The manner in which the Senate tried the two articles of impeachment the House levied against the president, and the arguments advanced by the president’s defense team during that trial, have left many to wonder whether our republican experiment is like a marriage that is on the rocks.

As readers well know, the Senate majority made the unprecedented decision to seek additional relevant evidence or to call witnesses who could provide first-hand accounts of the president’s efforts to coerce Ukraine into announcing an investigation designed to harm one of his political rivals.

Even more astonishingly, the majority delivered a quick acquittal after hearing an argument by defense counsel that the president’s conduct was perfectly okay so long as he subjectively believed that his acts were in the national interest, and doing little to repudiate such a shocking claim.

Naturally, those upset by what has transpired have tended to focus their anger on Senate Majority Leader Mitch McConnell and the other senatorial members of the president’s political party who, with the lone exception of Utah Sen. Mitt Romney, voted in lockstep to ignore the president’s attack on foundational democratic norms and trampling of the prerogatives of the supposed co-equal branch they represent.

Recall with respect to this latter point that the first article of impeachment denounced an illegal presidential hold on a congressional appropriation of funds to support an important ally, while the second targeted the president’s wholesale defiance of Congress as it sought to carry out constitutionally assigned oversight responsibilities.

Admittedly, it is difficult to understand why all Republican senators except one have chosen to hang their hat on the same judgment of history in order to remain part of a subservient institution that has forfeited its power and independence to a rogue president. After all, none of them is living paycheck to paycheck.

More surprisingly: Do a sufficient number of Americans still want our representatives to observe basic norms necessary for our government to continue to function as a republic? Or does a critical mass now prefer to see its party obtain and hold power at all costs?

We should be extremely concerned that the answers to these questions are, respectively, no and yes.

In a remarkable op-ed published in the New York Times last Wednesday, Ohio Sen. Sherrod Brown revealed that, in private conversations, “many of (his) colleagues agree that the president is reckless and unfit. They admit his lies. And they acknowledge what he did was wrong. They know this president has done three years. I look at Richard Nixon never did. And they know that more damning evidence is likely to come out.”

Why then did they vote to acquit? The title of the op-ed says it all: “In Private, Republic­cans Admit They Acquitted Trump Out of Fear.”

Sadly, fear that the voters to whom they must answer would turn them out of office for vindicating basic constitutional norms whose observance is necessary if we are to become a de facto monarchy.

And if at last point seems overstated, consider that, on the evening of his acquittal, the president posted to his Twitter account a video of a doctored Time magazine cover showing a Trump running for and presumably winning a second presidential election for the next thousand years.

The Framers understood that our constitutional system and tools for avoiding a lapse into autocracy — e.g., separating powers among the three branches of the federal government and between the federal government and the states, protecting individual rights, judicial review, Congress’s impeachment-and-removal power — are not self-executing.

As James Madison put it in Federalist No. 51, “parchment barriers” will not hold “against the encroaching spirit of power” without vigilant superintendence. In using the term “parchment barriers,” Madison was referring to the limits on power and the various checks and balances written into the text of the Constitution. His point was that words on paper will only matter to those who hold power if “We the People” demand it.

A republic in which one’s party wins some and loses some and the institutions are moved slowly and to generate outputs that are products of compromise that often please no one, can be frustrating.

But we have constituted ourselves on the premise, informed by hard experience, that such a republic is far better than the alternatives.

This fall’s election may well prove to be a referendum on whether we still believe this.

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New Hampshire voters have a huge responsibility to send a message

VOTING FROM D1

George McGovern. Back in the ’80s — the first time Joe Biden ran for president — my father’s children and I hosted an egg toss attended by his then-teenaged sons. Later that same day, the phone rang. Our daughter, then 8 years old, got briefly excited when she heard that Paul Simon was on the line, but her joy was short-lived. “Oh,” she said, handing me the phone, “it’s just another candidate for president.”

What we get from our role as the primary state is not simply the gift of proximity to the candidates. It’s the privilege of knowing our votes will be counted, not only in our local polling place, but across the nation.

A candidate who might be an extreme underdog going into the New Hampshire primary can — if she or he connects strongly with New Hampshire voters — catch fire. If New Hampshire voters embrace him or her, someone like Michael Bennet or Andrew Yang or Amy Klobuchar, whose poll numbers are low, can suddenly become a viable candidate for president.

That couldn’t happen in California or Ohio or Texas, where the sum of everyone needed to reach so many runs in the hundreds of millions.

Three and a half years ago, I left California. I bought a little house eight miles down the road from where I used to vote, long ago, and re-established residency in my home state. This year’s election will be the first I get to participate in as a New Hampshire voter in 24 years, and I doubt there will be anything I do this season, or next, that carries more significance for me than casting that ballot. I regard this as an honor. The idea that anyone who has the opportunity to do so would fail to vote defies my understanding.

I don’t pay too much attention to who’s ahead in the polls at this point. To me, it is people like us — the voters of this first primary state — who can determine the outcome of the polls in the weeks to come. Not all New Hampshire voters see things this way, but if you ask me, here’s what sets us apart, as voters in the New Hampshire primary: Each of us possesses a unique opportunity not simply to choose the candidate who best represents our own personal views on the issues, but to help launch the one who will best represent the people of this country — many of whom have vastly different backgrounds and stories from our own — who seeking an alternative to the current president in the national election.

This includes moderates. This includes some independents and Republicans, as dismayed as I am by the actions of the current administration. This includes farmers and steel workers and small business people, whose concerns and positions may differ in some of the particulars from mine. But we are more alike than divided on what matters most for our country.

I would never support a candidate whose values I could not respect and embrace. But I would no more expect my candidate to echo back to me every opinion I hold than I’d ask a DJ to play only the songs that I love best.

I’m part of a collective here, called the United States of America, and it seems to me that we are a nation more divided, perhaps, than in any time since the Civil War. As a voter — in any election, but this one more than any before — I look for a candidate who can work to bring us together, not polarize and deepen the divisions wrought by the last three years. I look for a candidate who may not offer me the sun, moon and stars, but who can deliver on the promises made on the campaign trail.

For close to four years now, we’ve been hearing about families who can no longer sit at the same table at Thanksgiving because the divide is so great in our politics. The kinds of lively debate that used to exist between people who saw things differently have been replaced by ugly epithets or chilly silence and sometimes out-and-out fights. To me, hope for our country lies not simply with getting rid of a dangerous and corrupt individual in the White House but with recognizing the kind of alienation, on the part of many of our fellow Americans about who we believe has the greatest chance of defeating the current president.

Who among them can bring along, lower down on the ticket, the kinds of national, state and local leaders who will return our country to a place that honors our Constitution, and the qualities of decency and fairness and honesty that are repudiated and mocked every day under the current president — most recently, and glaringly, during the State of the Union address last week.

Five months from now, when the city of Milwaukee hosts the Democratic National Convention that will nominate the candidate to face Donald Trump next November, it will be possible to say that the Granite State put the wind in that individual’s sails.

(Joyce Maynard is the author of 16 books, including the New York Times bestseller “Labor Day.” She also wrote a syndicated column called “Domestic Affairs,” which ran in the Monitor for many years. When not completing her undergraduate studies at Yale, she lives in Bennington.)