

Mickey Edwards  
Remarks  
at  
Constitution Project Gala  
September 18, 2017

Thank you so much, Susan. I should be introducing you, not the other way around, so thank you for this. What an honor is to be recognized alongside my friend Mort Halperin, who has been such a champion of the Constitution for so long. And, oh, Ginny, how awesome to be recognized in this way by an organization that has meant so much to me for so long and to share this evening with the absolutely fabulous Ginny Sloan, who conceived of, and built, and guides this wonderful Constitution Project. And it's such a joy to share this evening, as, in fact, I share my whole life, with my own personal government professor, Elizabeth Sherman, my best friend, my great love, my Lizzie. Thank you everybody for allowing me this moment.

To be here, surrounded by my friends, honoring the Constitution I love, could be a moment of joy and celebration. But, frankly, that is not a luxury that I, or we, can afford.

We are at a time when the Constitution – or as too many Americans think of it, that somewhat interesting list of suggestions posted on a 1780s website – is not so much under attack as forgotten, or, *if* remembered, ignored as an interesting artifact in a museum of ancient history.

This marvelous Constitution, this groundbreaking document that simultaneously and specifically rejected both monarchy and party government, that so adeptly balanced empowerment and constraint, that created citizens not subjects, is dying of both wounds and neglect.

American constitutional government is a hybrid, a republic in its governing structure, a democracy in the ways we select those who will govern. And the system is in danger both as a republic *and* a democracy. The Constitution is about values, great values – justice, liberty – it’s about process, about the rule of law, habeas corpus – it’s about our great protected rights – speech, worship, privacy -- and as Caesar found out, it is often those we thought were our friends who pose the greatest threat. This is an “et tu” moment.

Our liberties are threatened by increasingly intrusive state surveillance; justice is undermined by overzealous prosecutors, limited access to counsel, and the killing of unarmed men. Process is ignored by Left and Right alike when constitutional constraints stand in the way of a desired political outcome.

We have created and remain blindly loyal to an obsolete, anachronistic, 18<sup>th</sup> century partisan political system which divides us against each other and has rendered the peoples' assembly incapable of governing, undermined the separation of powers, and fostered a semi-imperial presidency which too often rules by fiat while Congress sits idle and reporters write that the White House is deciding whether to delegate writing a federal budget to its subordinates on Capitol Hill. Those who have long hoped for a strong presidency might want to rethink that.

The Founders gave us a great blessing but they also gave us a great curse because the constitutional system they left us can survive only if it maintains the trust of its citizens and only if those citizens are capable of wisely using the power the Constitution places in their hands. The success of that democracy therefore rests on performance of the government, on the wisdom of citizens, and on a public trust that this system works and that it works for all the people.

*It does not.* Our constitutional system rests on a foundation of institutions – our education system, the media, the economic system, the justice system, a citizens' legislature – and every one of those institutions is failing in its responsibilities as protectors of our constitutional democracy.

The United States Congress – the peoples' branch – the constitutional repository of the war power, the spending power, the taxing power, the

regulatory power – cedes more and more authority to the executive branch and in the process surrenders not its authority but the peoples’ authority. The Congress is meant to ensure that the final word over government rests with the citizen and to serve as a check on executive power. But it has abandoned its responsibilities and in doing so has weakened still further any trust by the American public that its government works.

George Washington spoke passionately about the importance of educating young Americans in the science of government. “In a republic,” he said, “what species of knowledge can be equally important?”. Yet today the study of the humanities is grossly underfunded and many of our schools have changed their focus from the liberal arts – civics, critical thinking, philosophy, literature, history – to education for employment, high-class vo-tech schools. The basic building blocks of the liberal arts education that a constitutional democracy requires are increasingly disappearing from public education.

Corporate America has been seduced by claims that its only responsibility is to maximize profits, which it measures in short-term increments, and achieves by outsourcing, layoffs, and a frustrating absence of customer access, accompanied by a tremendous gap between those who have much and those who have not enough. The problem is not inequality – the poor don’t envy the rich – the problem is

inadequacy; too many who can't afford a visit to a doctor or a car repair or to give their children money for a lunch at school.

What has this to do with the Constitution? Why concern ourselves with corporate behavior, why be bothered when the President of CBS boasts that Donald Trump, whether or not he was good for America, was good for CBS? How does the shooting of unarmed men relate to our constitutional crisis?

Because if our society cannot demonstrate that our system works, there is nothing to bind citizens to it. One poll in July showed that only in five Americans approves of the job Congress is doing; a poll in January showed that half the population had an unfavorable opinion of both political parties; a poll in April reported that only one in five trusts the federal government to do the right thing most of the time. As for that comment by the President of CBS, in September of last year a poll showed that today less than one-third of the public trusts the media even a fair amount. As for the political parties, 40 percent have abandoned the parties to become Independents. When any political system and the institutions that underlie it are held in such disrepute by the people, the system itself is in danger.

In November of last year, a New York Times headline cautioned: "How Stable are Democracies? Warning Signs Flash Red". The story was based on a study by professors at Harvard and the University of

Melbourne, later published in the Journal of Democracy, that found that one in four millennials in the United States thinks free elections are unimportant; only one-third saw civil liberties as essential; A Freedom House study found that nearly one-fourth of millennials think democracy is a bad political system. None of these are majorities and sometimes people alter their views as they grow older, but the numbers are trending in a disturbing direction and they are a warning. Think of the systemic failures these young people have known all their lives. This litany – this is all they know.

We have things to fix – the way our institutions operate, the outdated political system we cling to, a Congress which neither understands nor exercises its constitutional responsibilities.

I wish I could be more celebratory. But the challenges are real and they are upon us.

Thank you for listening; thank you for this award; I cherish it and I cherish this organization that does so much to stand up for a constitution that needs defending. My favorite poet, Edna St. Vincent Millay, was commissioned to write a sonnet for the dedication of the statue in the Capitol honoring the women who fought for equal rights. She ended with these words: “Forget the epitaph: take up the flag”. And that is our challenge. Our system of constitutional democratic government is at risk; it is not enough to look back at what was nor to wring our hands at

what is. It is our job to take up the flag, for all of us to become constitutional champions. The ideal of liberty, of justice, of self-government itself, is on the line.

Thank you.