

## Have They No Decency At All?

To paraphrase Alexander Hamilton, “only the people can decide, by their conduct and example, whether societies of men and women are really capable or not, of establishing good government from reflection and choice, or whether they are forever destined to depend, for their political constitutions, on accident and force.”

After almost two centuries of tyranny and failed governmental structures, our ancestors, desperate for liberty and self-determination, designed a system of constitutional government that has endured for 237 years. Each state thereafter replicated that accomplishment, including Montana, first in 1889, and then again in 1972, thereby affirmatively answering Hamilton’s question.

Critical to the endurance of a constitution, however, was the resolute conclusion of the Founders that without civic virtue the Constitution could not and would not survive. It was civic virtue, placing the public good ahead of one’s own self-serving desires, that would hold the union together, and only from that unselfish union would “liberty and justice for all” arise and endure.

Simply put, the civic virtues of a constitutional republic, consensually embraced by the whole of the citizenry, are the foundation stones upon which a democracy depends for its existence. Those virtues are easily inventoried, but the story of human history reveals they’re difficult to sustain over the long run. They include humility, self-restraint, integrity, courage, truth, moderation, patience, compassion, respect for contrary opinion and the Rule of Law and an unconditional commitment to seek the public good in spite of one’s immediate needs or wants.

Sadly, there are those who claim to be leaders, but who believe that the civic virtues of the Constitution are for “suckers” and “losers,” that searching for a more perfect union is naive and a waste of time and that, in the end, all that matters is confrontation, party loyalty, rejection of compromise and winning at all costs.

Washington, in his farewell address, warned that political parties would, over time, become “potent engines by which cunning, ambitious and unprincipled men would subvert the power of the people and usurp for themselves the reins of government.” If that sounds familiar, it’s because it is.

Washington also cautioned “that the alternate domination of one party over another, sharpened by revenge, would incline the minds of people to secure

repose in the absolute power of one individual,” a potential autocracy we are regrettably becoming more familiar with every day.

The delegates to both the United States and Montana constitutional conventions purposely created three distinct branches of government and strictly prohibited one branch from encroaching upon the power of another. The purpose of providing for that dynamic tension was to compel the engagement of a community of interests and perspectives in the marketplace of ideas in order to insure sound judgment and equilibrium in developing policy that would impact, not just one political party or person, but the entire nation, or state as the case may be.

The peril confronting our nation and state today is real and existential. Granted, Donald Trump calling for the “termination” of the Constitution because unspecified “articles” were used to victimize him is vengeful and deranged. But it is also careless and reflects a complete lack of propriety and respect for the Constitution that so many Americans gave their lives to protect and preserve.

And here in Montana, for the third legislative session in a row, a major thrust of some Republican lawmakers has been the evisceration of judicial independence without which a constitutional government falls apart. There are two flagships in the fleet of bills introduced. One to expensively create an entirely new array of courts with judges appointed by the governor (SB 385). And the other, a bill requiring nonpartisan judicial candidates in the future to declare a political party affiliation. (SB42)

Those bills, and over two dozen others, are designed to debilitate and weaken the judicial branch, to subject it to the control of the legislature, to politicize it, and to thereby assure the preordained rulings the legislative sponsors demand.

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