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Civics Education, Self-Government, and the Survival of the Republic

by Michael Platt

With all the new civics programs starting up, in schools, associations, and colleges—two in Austin alone—it occurs to me to look at what's going on in Minneapolis, with its "Constitutional observers" swarming at scenes of enforcement. Look at it from a high coign of vantage: our Founders' Constitution—observe it; if you criticize it, still obey it, and do so peaceably.

In sum, civics education, in schools, in homes, associations, and academe, all teach us that it is better to live by the Constitution than oppose it unpeaceably. But it will not succeed if it comes short of the education the Founders gave themselves, which was more than civics, politics, history, and war. As the Northwest Ordinance insisted: "Religion, morality, and knowledge, being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged." What that meant then, and still means now, is a full liberal arts education elevated by philosophy, theology, and great literature.

Regarding the events in Minneapolis, both in the case of Mr. Pretti and the death of Ms. Good, Andrew McCarthy—the former federal prosecutor who prosecuted the Blind Sheikh—offers compelling reasons to withhold judgment for now. Anyone who has served on a jury knows how hard it is to determine whose car entered the crossway first. No wonder, for determining guilt our Constitution requires trial by jury, with rules, for evidence, and not hearsay, with penalties for perjury, and for cross-examination. (And excluded from a jury would be everyone who right now declares how emphatically right they are about these two deaths.) And *The Ox-Bow Incident* (1943) and *Twelve Angry Men* (1957) teach the same civics lesson, give your reason time to work.

Relevant to recall from our Founding is the "Boston Massacre" of 1770; everyone was sure those freezing and pelted Redcoats (sketched by Paul Revere) did

it, but in accord with the ancient ways of the English-speaking peoples, there had to be a trial, with a jury, and with a defense, and it was one John Adams, who provided that defense, at the risk of his revolutionary reputation, but in the aftermath not. He was not vilified, doxed, hounded, or tarred and feathered, and Abigail and the family were not abused, and that testifies abundantly to the worthiness of "we the people" then and soon to govern ourselves (and not the Harvard, my alma mater, that recently punished both Prof. Ronald Sullivan and his wife for him providing legal defense for Harvey Weinstein).

Meanwhile, and always, there is the virtue of prudence, hailed in the Declaration itself—"Prudence, indeed, will dictate" —which ought to govern both officers and we citizens in Minneapolis. Forty years ago, on the road to Rochester, I was stopped; as I got out of my car, there was a gun pointed at me. Lucky the officer did not fire; and if he had I sure wish he were as skillful as the Lone Ranger at merely knocking guns out of hands. From that officer, I now know to just display my hands on the top of the steering wheel.

Although such skills were unnecessary in many states—for example, in West Virginia, where about 650 illegal immigrants were apprehended peacefully just two weeks earlier—officers should be trained before, not after, they encounter serious confrontations. As former Homeland Security Secretary Jeh Johnson demonstrated during the Obama administration's deportation of nearly three million illegal immigrants, effective enforcement need not be chaotic.

What about masks and body cams? In general, human beings behave less virtuously and sometimes quite viciously when masked or otherwise anonymous. What's written unsigned on bathroom walls, the KKK lynchings in white robes and pointy masks, and calumnies protected as "unnamed sources" in our current media are examples. What about ICE agents masking? Are they justified by the doxing against them and what it then permits? What do the Founders teach? On the one hand, there are the Boston Tea Party-goers disguised as Indians, merrily fooling no one, but protecting each patriot from far more than doxing by Gen. Gage's occupying Redcoats. And yet on the other hand, during the War the troops never masked, and the patriots signing their names to the Declaration, placed nooses around their necks, if they lost, or were apprehended any time. Thus, had John Adams been captured at sea on the way to France he might have been executed and his son Quincy immediately impressed in the British Navy. These days, however, most ICE agents don't mask in most of the states. They don't need to.

Our recent troubles have only arisen in some states, not others, as was first true in the Whisky Rebellion of 1794, which President Washington quelled (the only president to command troops in the field). Likewise, the string of rebellions by some states, or incitements to, beginning with the Kentucky Reso-

lutions (1798), the Hartford Convention of 1815, and the South Carolina Nullification threat (1830-32). Truly worse, was the secession of some states upon the election of Lincoln, and considering all who died in our Civil War, "to make men free," was the relapse of the Court from 1876 onward for near a century, allowing some states to confine some citizens to Jim Crow "separate but equal" degradations, with murders and lynchings, by the masked KKK, and within my memory, governors Orville Faubus and George Wallace blocking some kids from their state's schools?

Is there any difference between these defiances of our Constitution and the recent opening of all borders, making our country a "sanctuary" for illegals congregating, with records of crimes, of theft, of rape, or murder, membership in gangs, and then continuing, as those who loved Laken Riley can testify?

"Sanctuary for the sake of what?" as Mr. Tom Homan has asked. What about elections? At our Founding and for a century and more, our elections militated against fraud. Voting was conducted entirely in person and on a single day, with no mail-in ballots, and voters generally knew who supported whom. Yet people did not appear intimidated by this openness; elections often had the atmosphere of a public celebration, as reflected in the large quantities of alcohol George Washington reportedly provided during his first campaign, while James Madison is said to have lost an early election, in part, because he declined to do the same; it was a pleasure to exercise your civic duty, and elections were something of a party, as we see in the paintings of George Caleb Bingham, yes often raucous, and yet mostly peaceable, if achieved by the whiskey. Truly so, and not fake-newsy so. And immigrants were welcome. Eight of the fifty-six signers of the Declaration of Independence were immigrants born elsewhere, but they became citizens. (Search as I have, I have not found that any of the Redcoat "immigrants" were invited to vote in occupied Boston, New York, or Philadelphia.) Likewise, seven of the thirty-nine signers of the Constitution, were foreign-born, but they were by then citizens, and not wards of the state. And still today the immigrants who become citizens every Fourth at Plymouth Notch, President Coolidge's home, have all qualified through knowledge—of our founding, our law, and our language—in order to participate in voting. And given the state of civic education today, maybe better qualified than many "born in the USA."

But let me add a Constitutional question; in the second part of the First Amendment (which might be summarized as: "no free citizens, if not free souls"), it speaks of a right to assemble, but not just assemble, for it qualifies that with the adverb "peaceably." Does that make sense? And to that end, does it not make sense to prevent persons with weapons from entering some meetings? From town meetings in my Wallingford Vermont? County and State meetings? Or open court meetings? Meeting of our Congress itself? And

what about protecting the Congress on Jan. 6 of 2021? With more than a few D. C. police? And ahead of time, with more National Guard soldiers than FBI agents later? And no one with weapons?

What about large gatherings to hear a candidate speak, such as in Butler, PA, protected by only "three assets" of the Secret Service, while, at the same hour, a President's wife appears indoors in another city protected by thirteen assets, with no guns allowed at either event? In short, why not make all such assemblies assuredly peaceable by prohibiting weapons? And likewise, why not protect federal agents executing the law in Minneapolis by prohibiting the carrying of weapons at protests?

What of the claim that there should be no federal agents operating in certain states because those states—and cities such as Boston, Chicago, and New York City, along with perhaps 500 others—are "sanctuaries" that, if not completely blocking the execution of federal law, are significantly interfering with it? What would the Founders have said to such a claim, if not what the Constitution and Andrew Jackson said to South Carolina during the nullification crisis, and what the Constitution said again when South Carolina declared secession, followed by what Abraham Lincoln did after that same South Carolina bombarded Fort Sumter? And what if Minnesota were now to declare secession, call up its militia to guard the border with Iowa, and bombard loyalist Saint Paul for remaining in the Union?

Do we have a long-standing immigration problem, promoted by firms welcoming cheap and vulnerable laborers and politicians welcoming vulnerable and dependent voters? Seems to me the Founders, such as Washington treating the 900 captured Hessians as impressed innocents and Generals Gates and Arnold treating the defeated Redcoats at Saratoga similarly, namely releasing them, might well treat all illegally entering migrants who have lived peaceably to a swift path to citizenship, but not any of those who have committed other crimes.

Who are "sanctuary" cities protecting? "Sanctuary cities are sanctuaries for criminals," as Thomas Homan has answered. Criminals such as Jose Antonio Ibarra, who tried to rape and then did murder Laken Riley. How I wish she had carried an alarming whistle, or pepper spray, or a gun. Sometimes I hear that migrants commit no more violent crimes than native citizens, and I have to wonder at the callousness that would invoke such a statistic. Think of consoling the parents, the brothers and sisters, friends and beloveds of Laken Riley with that! A life beginning, promising good and good to others, as life does all of us, and you know it did not have to happen, if the immigration laws had been enforced.

Now at issue in Mr. Pretti's death, since he was carrying a weapon, is the question of another kind of "sanctuary." Is there a right to carry a gun by anyone, any time, and anywhere, hidden or displayed? Is that what the Second

Amendment authorizes? Some rights, those in the Declaration, bid fare to be absolute, but others are subject to regulation, in accord with their purpose. The Second Amendment does protect the right to "bear arms," but it is not absolute. It explicitly makes having a weapon subordinate to a shared purpose, to a "well regulated" militia, thus naturally for readiness, not for the gang in a "Western" to shoot up the town, or for "protesters" to obstruct the enforcement of the law. Indeed, Article I, Section 8, Clause 15 of the Constitution declares: "[The Congress shall have Power] To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions." As no man is an island, so no State is a sanctuary. We may pursue happiness somewhat solitarily, but really only enjoy it together, or not. And for that we need the pervasive rule of law.

Supporting unpeaceable assembly has been an erosion in our law, in the substitute of "expression" for speech. The Bill of Rights, soon added to our Constitution, protects "freedom of speech," not free racket, free noise, or free illiteracy. The roar that accompanies a mob's rioting, damaging, stealing, and injuring may be "protest," but it is not speech. (And, to be exact, it is "freedom of speech," not "free speech" that the First Amendment protects. The speech it protects is regulated speech by time, place, manner, purpose, and effect. It forbids speech defaming and slandering; it forbids speech inciting violence—"fighting words"—and it forbids speech exciting panic, yelling "fire" in a theater when there is not one, and, come to think of it, thundering "plague" in a crowded nation, keeping children from school, shutting businesses, and then preventing us from "assembling" as "Dr. 'Wuhan' Fauci" did. Beyond that, common humanity condemns the ChiCom failure to shout "plague" to the world, but instead spread it to the whole crowded world. Both words and silences doing evil are evil.

By protecting "speech" our Constitution looks to finding the right way to the common good, through civil discourse, exchange of views, and deliberation together, the very kind of deliberation that began with the Declaration itself, anchored in truths, appealing to reason, recognizing rights, which continued with the Articles that the Constitution improved, and our Bill of Rights sealed—in short, the deliberation in speech that founded America.

For all of us growing up, the great questions in life are unavoidable, starting with how would you like to live? Who would you like to marry? And what task are you so called to that you will perish for it? But the chance that in your life you will meet even one great soul who has thought deeply about these questions is unlikely. Join them. They are there in their books and their works. Be wise then, study what they have left you.

They were present in the nine colleges we had by 1776, and the twenty-six we added by 1826, and are now present in the curricula of the two civi-

lizing programs, now sprung up in Austin, Texas that I mentioned, and a few other colleges, especially as they provide seminars, in which students learn to inquire together, guided by the quiet teacher, as the founders did, in the Convention (guided by the quiet Washington) and we the people did all together in the Ratification, the largest deliberation ever held, a whole nation deliberating together, and ever since a model to the world.

From such seminars and the like, one may soon expect graduates who are so literate they appreciate both the thought in *The Federalist Papers*, and the prose. I do sympathize with the friend of James Madison who observed that James sometimes loaded so many qualifying clauses that when you reached the end you weren't sure he really was affirming it. But what Madison was sharing with you was not just the conclusion, but the path of his deliberation arriving at it. What was going on in many a single sentence of his was what was going on all that summer of 1787 among all the delegates together, views asserted but inviting deliberation. And unlike bursts of indignation, or insult, or dueling words, such prose shows self-mastery, of reason holding the reigns of passion, against one's "inner mob" rearing up, just what the Constitution with its bicameral restraint and checks and balances is meant to do, master all tumults of passion, from we the people, so our best selves shine in what we ultimately authorize. And when that will turn into a mob, then oppose it first with words, as Thomas More does in Shakespeare when the London apprentices threaten the Huguenot migrants, and when that will turn assassin, as against Charlie Kirk for words, shout warning, or fire.

Think of President Jackson's defiant exile of the civilized Cherokees, Shays' Rebellion, John Brown at Harper's Ferry. All of these events bring to mind John Adams, who said: "Public virtue cannot exist in a Republic without private virtue, and public virtue is the only foundation of Republics." No wonder, then, that at the time of our Revolution we, with a population of perhaps three million, already had nine colleges (while Great Britain, with a population of eight million had two, though Scotland had four, and Ireland one), and by 1826, we in America added twenty-six more.

Michael Platt's *The Deliberation that Founded America* (vol. 1, *The Mighty Intelligent Design of the Declaration*) was published in April 2026, and vol. 2, *Constitution, Ordinance, and First Amendments,* was published in June.

After studying at Harvard, Oxford, and Yale, Michael Platt discovered an even better place to carry on inquiry, teaching literature, philosophy, and statesmanship, first at Dartmouth, then the University of Dallas, and George Wythe. He continues this now every week, mostly with former students at the Friends of the Republic. Platt last appeared in these pages with "What, After Speech Is Free, Shall We Say?" (Spring, 2022).