Democracy and Trust
C.J. Wilson Lecture at Chautauqua Institution, 6/9/2025

Good morning. It is a genuine honor to have the opportunity to participate in the Forum on Democracy at the Chautauqua Institution. I'd like to thank the Chautauqua Institution staff, as well as Melody Barnes and David French, for inviting me to address you this morning. I must also give special thanks to the Franklin H. Williams Commission of the New York Courts and Commission Co-chairs, Judges Shirley Troutman and Troy Webber, who were instrumental in arranging for my participation.

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The "Chautauqua Forum on Democracy" consists of a Haudenosaunee word, a Latin word, and a Greek word. "Forum," the Latin word for the public square in which people met to exchange ideas, goods and discourse, and "democracy," the Greek word for rule by the people, are inseparable. Coincidentally, perhaps, "Chautauqua" means "a bag tied in the middle" or "two moccasins tied together." The word describes the shape of Chautauqua Lake. But it also describes the relationship between a forum and democracy: rule by the people is impossible without the public forum in which ideas can be discussed and policies adopted. When the bag is not tied in the middle, when the two moccasins are split apart,

when the public forum is disconnected from the operation of government, democracy runs into trouble.

I found a few newspaper headlines I'd like to share with you:

- "Strongly Centralized Government Leads to Tyranny";
- "Can Democracy Survive in a Fascist World?"; and
- "Our Democracy Slowly Dying," the first paragraph of which reads "Democracy as Rousseau conceived it and Jefferson practiced it is slowly being strangled to death by the complexities of modern industrial life. . . . The economic bases of democracy . . . , free land, free competition, skilled labor, simplicity of tools, the economic self-sufficiency of the individual homestead—have disappeared. . . . In their place have come abandoned farms, crowded factories, congested cities, monopolies and mergers, centralized financial control, costly tools purchasable only by rich corporations, and masses of population easily manipulated by interesting misinformation."

These articles are all from the 1930s, although they echo the worry that we are now living through a perilous historical moment, and that the democratic principles and structures on which the United States was founded are eroding—perhaps so severely that the Semiquincentennial may, in hindsight, mark the beginning of the

end of the American experiment in democracy. A few years ago, Melody Barnes co-wrote an article with the title "American Democracy Is in Danger," the gist of which was that Universities have a special role in protecting democracy, which may now seem prophetic. As evidenced by the one-hundred-year-old newspaper headlines, however, stresses on American democracy—as well as questions about its strength and stability—are not new. The questions are whether today's stresses are different in some fundamental way that our governmental structures cannot withstand; and, if they can withstand those stresses, what can we do to help?

Those are big questions, to which all I can offer are my cursory thoughts, which I've broken into three parts: first, what was built into our governmental structures to help democracy work; second, how have those structures worked in prior periods of stress; and third, what are today's stresses and what can we do about them?

My thesis is that the survival of our democracy requires two essential features: a high degree of civic involvement and a high degree of civic education. In times of stress on the structure of our government, those features have allowed us to thrive. Two changes have made it harder, though not impossible, to rely on those features: the shift of the balance of governmental power from state to federal and the depersonalization of human relationships fostered by the substitution of precipitous electronic communication for thoughtful face-to-face interaction.

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American Democracy at the Founding

I start at our nation's founding, to understand what was built into our governmental structures to help democracy work. The people who wrote constitutions for the newly free colonies, and then for the United States, did not come from a democratic tradition. They were of European ancestry, familiar with monarchies and feudal systems. The models of democracy they knew were Athenian and Roman. The political philosophers whose ideas they incorporated were Hobbes, Locke and Rousseau, among others. The Athenians, Romans and Enlightenment philosophers all attempted to resolve a fundamental question: how can popular rule be structured so that it lasts?

Plato thought it could not. In The Republic, Plato explained that the best government was an aristocracy of guardians, who properly train a single philosopher-king to rule. Plato believed that a democracy would be characterized by mob rule, after which a clever demagogue would exploit the mob to become a tyrant, who then cements power by eliminating the most public-spirited citizens, leaving the state with the worst possible form of government: tyranny.

Aristotle, like Plato, had a somewhat dim view of human nature, writing that humans inherently "think that a very moderate amount of virtue is enough, but set

no limit to their desires of wealth, property, power, reputation and the like." Acknowledging democracy's flaws, Aristotle offered that the best practical form of government was a constitutional democracy he called "polity"—a form of government in which the best-qualified citizens rule with the consent of all, partially accommodating popular participation while avoiding the pitfalls of anarchic mob rule.

The Enlightenment philosophers likewise struggled with the question of how, if all people are recognized as initially having equal rights in a state of nature that precedes government, a stable government could be created and justified. Although Hobbes's view of human nature was much like Plato's, Locke and Rousseau began from a more optimistic view: one in which people in the state of nature were essentially good and happy, imbued with natural rights that all were bound to respect. That more optimistic starting point allowed them to provide a different answer about how to build a stable governmental structure deriving authority from citizens that would promote prosperity while protecting natural rights.

To the Framers of the state and U.S. constitutions, monarchy was a form of tyranny in violation of the "inalienable" rights of "life, liberty and the pursuit of happiness." Yet they were nearly as fearful as the Greek philosophers that mob rule and factions would trample those rights just as a monarch would. Their fear of

governmental violation of natural rights stemmed from a view of human nature somewhere in-between Plato's and Rousseau's, closest to Aristotle's. As James Madison explained in Federalist Paper 10:

> The latent causes of faction are thus sown in the nature of man . . . . A zeal for different opinions concerning religion, concerning government . . . ; an attachment to different leaders ambitiously contending for pre-eminence and power; . . . [have] divided mankind into parties, inflamed them with mutual animosity, and rendered them much more disposed to vex and oppress each other than to co-operate for their common good. So strong is this propensity of mankind to fall into mutual animosities, that where no substantial occasion presents itself, the most frivolous and fanciful distinctions have been sufficient to kindle their unfriendly passions and excite their most violent conflicts.

As you all know, the solution the Framers built into the U.S. Constitution was what we call checks and balances, in which federal power is divided among three co-equal branches of government. Essentially, each branch of government is

given an emergency brake designed to stop or slow the ability of government to move rapidly, in the hope that precipitous governmental action can be avoided.

But the system of government, as conceived in the Constitution, is one in which power was divided not only among the federal branches, but between the federal and state governments too—and, despite the Supremacy Clause in the U.S. Constitution, the federal government was originally meant to be a government of limited scope. Its powers are enumerated in the Constitution, and, in the 10th Amendment, all power not delegated to the federal government is reserved to the States, which themselves had governments in which power was divided among three branches. The thought, in 1789, was that federal power was granted as to matters that necessarily required a unitary authority: foreign relations, national defense, currency, commerce between the states, disputes between states, maritime law and similar subjects. The regulation of most human interaction and disputes—marriage, education, labor, land use, farming, commercial development, housing and so on—were not of federal concern.

It is also worth noting that the U.S. Constitution was created for a population of about 2.5 million citizens who lived in tight-knit, mostly rural communities, and during a time of very high and very local civic engagement. Forty years into the American experiment in democracy, Alexis de Tocqueville observed: "The American learns to know the laws by participating in the act of legislation; and he

takes a lesson in the forms of government from governing. The great work of society is ever going on beneath his eyes, and, as it were, under his hands." The decentralized, heavily local systems of government that prevailed in the early republic reflect not only an attempt to rein in faction, but to harness the communitarian power of the highly engaged American populace.

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That brings me to my second topic: how has our structure worked in subsequent periods of great stress? There have been several, but I'll focus on three: the Civil War and Reconstruction; the Gilded Age and industrialization; and the post-World War II period.

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Civil War and Reconstruction

In 1831, Alexis de Tocqueville traveled to the United States to study our prisons but ended up writing an incisive set of observations about our democracy. A large portion of his work, Democracy in America, is devoted to an examination of the condition of enslaved persons and Native Americans. He concluded that the United States would not survive unless slavery was abolished and, ultimately, race disappeared from the American consciousness. His observation presaged President

Lincoln's "House Divided" speech, in which Lincoln maintained: "this government cannot endure permanently, half slave, and half free."

The Civil War, followed by Reconstruction, was the point in our history where our democratic experiment came the closest to failing. It survived, but with a dramatically shifted balance of power. The Reconstruction Amendments—the 13th, 14th, and 15th Amendments, which eliminated slavery, guaranteed due process and equal protection of the laws to all persons, and guaranteed the right to vote—fundamentally altered the balance of power between the federal and state governments. Until Reconstruction, the Bill of Rights did not restrict State governments, but over time the rights guaranteed by the first ten Amendments have come to bind the States through the application of the 14th Amendment.

The dramatic increase in federal power precipitated by the Civil War and Reconstruction was necessary to preserve the republic and necessary to remove the evil of slavery. But the shift of governmental power away from states and to the federal government had consequences for the functioning of government and the role of citizens. Indeed, the Constitution did not mention national citizenship until the 15th Amendment enshrined it. Importantly, the shift to greater federal power coincided with a surge in voluntary civic activity and involvement. During Reconstruction, numerous voluntary civic associations sprung up, including the Peabody Education Fund, which, founded in 1867, is considered the first nonprofit

organization in America. During this same time period, many other enduring civic associations were born, including the American Bar Association (1878), Salvation Army (1880), American Red Cross (1881), United Mine Workers (1890), and Sierra Club (1892). It may not surprise you that during this period—in 1874—the Chautauqua Institution also was founded.

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Gilded Age

If we move forward a few decades, we arrive at the turn of the twentieth century, a period known as the Gilded Age. Rapid industrialization and urbanization led to an extreme concentration of wealth and pronounced socioeconomic disparities. That gross inequality did not sit comfortably with the egalitarian values exalted in our founding documents. More significantly, the transformation of America from rural to urban upended the communitarian values and local structures de Tocqueville had observed.

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In 1890, roughly 80% of the national population lived in rural areas. Then, the Industrial Revolution changed everything. Large cities sprang up overnight: by 1900, nearly 40% of America's population was living in cities. Industrialization also led to an extreme concentration of wealth. In 1896, the top 1 percent of the

American population owned more than half of all national wealth, while the 44 percent at the bottom owned only 1.2 percent.

As monopolies thrived, working and living conditions were unconscionable for the poor, many of whom had only recently arrived on American shores. This is the era during which Upton Sinclair authored The Jungle, an exposé of Chicago's meatpacking plants, and Jacob Riis authored How the Other Half Lives, an examination of the horrendous living conditions in New York City's tenement houses. This is when the phrase "social Darwinism"—the idea that certain people succeed in society because they are, by nature, better—took hold and was used to justify rampant social inequality. This is when 146 young women died in the Triangle Shirtwaist Factory Fire in New York City due to grossly inadequate safety conditions. In 1886, former President Rutherford B. Hayes wrote in his diary: "This is a government of the people, by the people and for the people no longer. It is a government by the corporations, of the corporations and for the corporations."

Unchecked corporate monopolies, widespread political corruption, abominable working conditions, and extreme socioeconomic disparity—all of this fostered disconnection among members of the American public and distrust in our government institutions. And it pushed the nation away from protecting the inalienable rights the Framers expected government to protect.

Rapid urbanization also placed stress on the communal way of life that had been the underpinnings of our democratic republic. In 1914, author and political commentator Walter Lippmann wrote:

> We are unsettled to the very roots of our being. . . . We are not used to a complicated civilization. . . . There are no precedents to guide us, no wisdom that wasn't made for a simpler age. We have changed our environment more quickly than we know how to change ourselves.
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> We live in great cities without knowing our neighbors . . . . Our schools, churches, courts, governments were not built for the kind of civilization they are expected to [now] serve . . . .

Compare Lippman's account to de Tocqueville's eighty years earlier:

> Americans of all ages, all conditions, and all dispositions, constantly form associations. . . . The Americans make associations to give entertainments, to found establishments for education, to build inns, to construct churches, to diffuse books, to send missionaries to the

> antipodes; and in this manner they found hospitals, prisons, and schools. If it be proposed to advance some truth, or to foster some feeling by the encouragement of a great example, they form a society. Wherever, at the head of some new undertaking, you see the government in France, or a man of rank in England, in the United States you will be sure to find an association.

De Tocqueville identified myriad benefits of such voluntary associations, but I'll highlight one: he observed that associations drew people out of their private concerns and allowed them to be a part of something larger than the circumstances of their own individual lives. By working alongside people with different interests and points of views, he wrote, "[f]eelings and opinions are recruited, the heart is enlarged, and the human mind is developed by no other means than by the reciprocal influence of [people] upon each other."

How could the form of government that the Framers had designed for the communal, civically engaged America that de Tocqueville had observed work in industrialized, urbanized America—a place where neighbors did not know one another, a place that strained all prior understandings of community and communal life? According to historian Richard McCormick, at the turn of the 20th century

"many Americans questioned the adequacy of their institutions and wondered whether democracy and economic equality were possible in an industrial society."

Happily, we again rose to meet the moment. As happened during Reconstruction, private people formed an unprecedented number of voluntary associations, recreating in urban settings the very type of community life de Tocqueville had admired in rural, nineteenth-century America. Many of the major civic associations that we know today were established in this burst, including the International Brotherhood of Teamsters (1903), National Audubon Society (1905), NAACP (1909), American Legion (1919), ACLU (1920), and the League of Women Voters (1920).

These local associations recreated the rhythm of life where one could greet and be greeted by lifelong neighbors, where one could contribute one's time and talents to community efforts, where one could be regularly drawn out of one's private concerns and feel like part of something larger and altruistic. They fostered connection, purpose and intimacy amid hectic and otherwise anonymous city life.

But as with Reconstruction, the reaction to the ills of the Gilded Age—known as the Progressive Era—was also characterized by sweeping federal regulation. The Progressive Era rested on a belief that the federal government must take an active role in regulating the economy, protecting workers and

consumers, and expanding democratic participation. The federal government regulated many social ills, garnering public trust in government along the way. The Sherman Antitrust Act of 1890 and the Clayton Antitrust Act 1914 broke up corporate monopolies. The Federal Trade Commission Act of 1914 created the FTC to investigate and prevent unfair business practices. The Pure Food and Drug Act of 1906 protected the public from tainted foods and unsafe or phony medicines, and the Meat Inspection Act of 1906 mandated sanitary conditions in meatpacking plants. In 1913, the Department of Labor was created to promote the welfare of wage earners and improve their working conditions.

As with Reconstruction, the rapid growth of the federal government and federal authority further shifted the balance of power from state to federal, altering some of the protections in the system as the Framers designed it. For instance, the 17th Amendment, ratified in 1913, provided for direct, popular election of U.S. Senators. The Framers had not chosen direct election; before the 17th Amendment, each state legislature elected two people to represent the state in the U.S. Senate. Direct election shifted more democratic power to the people, and simultaneously reduced the importance of state and local governments in the public mind.

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Post-WWII Growth of Federal Regulatory State

In the years since the Gilded Age, the federal government has continued to grow in size and authority. In response to two world wars, the federal government expanded to mobilize for and finance war. To address the upheaval of the Great Depression, the federal government acted expansively in social and economic efforts, and Americans grew accustomed to a federal government that played the dominant role in matters that previously were left to state and local control. The federal government administered large public works projects and used the federal fisc to reward and punish states and localities to compel adherence to a uniform federal agenda. As scholars have observed, such expansions during wartime or other times of crisis lead to permanent increases in government power—a phenomena called the "ratchet" effect.

In the years after World War II, heightened federal power at the expense of state power proved necessary to counter state entrenchment of segregation and the deprivation of fundamental rights to African Americans and others. Federal legislation, including the Civil Rights Act of 1964, the Voting Rights Act of 1965, and the Fair Housing Act of 1968, enfranchised millions of Americans, and brought us closer to fulfilling our founding ideals.

But the cost, once again, was the enhancement of federal power. In 1914, federal spending represented about 2% of the U.S. GDP; by the end of World War II, it had risen to 40%, and has fluctuated between 20 and 30% in the past few decades. The scope of federal regulation had increased not only to embrace civil rights enforcement, but also "agricultural production and marketing; labor-management relations; wages, hours, and working conditions; securities markets and investment institutions; petroleum and coal marketing; trucking; radio broadcasting; airline operation; provision for income during retirement and unemployment, and many other objects."

Once again, though, the postwar growth of the federal government was paired with a dramatic increase in civic participation and engagement. The 1960s and 1970s saw an explosion of citizen activism, animated by movements focusing on civil rights, women's liberation, environmentalism, and the end of the Vietnam War. As Melody Barnes observed about President Johnson's "Great Society" program, "[b]y Johnson's own admission, the achievements of that era were fueled by a movement of women, men and children who aspired to be fully included in the life of the country and rallied with a president whose purpose was their own. . . . It was a bottom-up movement that gave LBJ a window to do big things in the face of entrenched and formidable adversaries."

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Modern Era

In each of the prior periods of stress I have highlighted, the shift from local to federal power coincided with socioeconomic forces tending to reduce social interaction. In each case, our institutions met the challenges through robust increases in civic engagement and participation external to the federal political process, often external to any political process. Today, though, those two strains are disassociated: as federal power has continued to increase and popular attention is focused on the federal government, we are faced with a type of challenge we have not previously faced, in the form of two powerful and disruptive threats: the depersonalization of human relationships caused by the internet, social media, and remote communications generally; and a persistent decline in civic education and engagement over the last 40 years.

Whereas technological advances in the Gilded Age drove progress in manufacturing and industry, this century's disruptive technological innovations have centered on communication and information: the industrial age has given way to the information age. For much of our nation's history, communication was slow and asynchronous. News and entertainment were necessarily communal: if you wanted to see a show or listen to music, you would go to a local theater to watch a fixed program or listen to one of the limited number of radio stations broadcasting in your area; to learn about current events, you read a newspaper that your

neighbors also read or, in later years, tuned into a widely watched evening news program, where three networks provided essentially the same news, all of which had been carefully vetted for accuracy.

Now, communication is instantaneous, and the news—if we can call it that—is hyper-individualized and is created instantaneously by anyone with a smartphone, with rapidity overtaking accuracy as the paramount feature of newsworthiness. Our information is also highly siloed. We glean unvetted information all day long, in fragments, fed to us by algorithms trained to serve us more of what we already like and believe. As a result, it is becoming increasingly difficult to discern fact from falsehood, or even to find common ground with our neighbors on very basic things: historical events in our country's past or the safety of modern medicines. As David French wrote in 2023, it is easy to find ourselves living in "bespoke realities."

The speed and ease of modern communication have closed the gaps in space and time that existed at the Founding—gaps that the Framers believed would help frustrate faction. But that alone is not a stress on democracy. If anything, it makes public discourse more inclusive, more "little-d" democratic: it is easier and less costly to both share and access more information than ever before, and individuals can evade censorship and communicate directly with one other at unprecedented

speed and scale. For those reasons, at the Internet's inception, it was widely believed that the Internet would enhance democracy.

The trouble, however, comes when we overlay instantaneous, depersonalized communication onto an electorate that, as a whole, is uninformed about how our government works and what parts they are required to play in it and in society generally—and that is the place in which we now find ourselves.

For the last several decades, civics instruction has dropped precipitously. Today, federal government investment in STEM for K-12 students amounts to $54 per student each year; for social studies, the federal investment is 5 cents per student. Until the 1970s, it was common for high schoolers to take three different courses focused on civics and government in addition to a full year of U.S. history. Now, only nine states require one full year or more of civics in high school.

It is not surprising, then, that many American adults lack basic knowledge about how our country works. Recent surveys showed that 60% of Americans could not name the three branches of government, and that 66% of American citizens would fail the test given to persons seeking U.S. citizenship. That test, by the way, is not hard: it requires you to correctly answer 6 of 10 questions, including questions like, "Who was the first President," or "Which branch of government makes the laws."

The lack of civics education for young people over the past four decades also directly translates into a lack of civic participation by adults. High school students who are not exposed to civics education are less likely to vote than those who receive a year of civics coursework. A Tufts University study showed that since the 1970s, nearly every measure of civic engagement for young adults has declined sharply, including self-reported trust for others, membership in local groups, attendance at religious services, union membership, voting, and participation in community projects. A study by the Pew Research Center found that over the course of a year, only half of American adults directly took part in a civic group or activity, such as attending a political meeting on local, town or school affairs, or attending an organized protest.

David French has described this decline in civic engagement as a "loneliness epidemic," pointing to data showing that Americans have fewer and fewer friends and social activities and feel disconnected from our society. French commented, "One might think that isolation leads to the quiet desperation that Henry David Thoreau observed in his time, but for many people it triggers a much more aggressive response—including a pull toward authoritarianism." His words echo Plato's warning, the fears of the Framers, and the lessons from prior periods of stress on our governmental structures: our democracy depends on the active social engagement of an informed citizenry. The results of a recent World Values Survey

confirms that declining civic engagement has serious consequences: 70% of American adults under age 40 believe it is not essential to live in a democracy. As Jeffrey Rosen, President of the nonpartisan National Constitutional Center, recently observed of the January 2021 Capitol riots: "There's no doubt that we are in a crisis of civic education. The Framers knew that the consequences of constitutional ignorance and being guided by passion rather than reason were armed mobs. Well, we just saw that they were right about that."

At a 2012 civic engagement event in New Hampshire, former U.S. Supreme Court Justice David Souter was asked how to increase civic engagement. He responded:

> I don't believe there is any problem of American politics and American public life which is more significant today than the pervasive civic ignorance of the Constitution of the United States and the structure of government. . . . I don't worry about our losing republican government in the United States because I'm afraid of a foreign invasion. I don't worry about it because I think there is going to be a coup by the military . . . . What I worry about is that when problems are not addressed, people will not know who is responsible. And when the

> problems get bad enough, as they might do—for example, with another serious terrorist attack, as they might do with another financial meltdown—some one person will come forward and say, "give me total power and I will solve this problem." That is how the Roman Republic fell. . . . If we know [how the government works and] wh[ich branch] is responsible [for what], I have enough faith in the American people to demand performance from those responsible. If we don't know, we will stay away from the polls, we will not demand it. And the day will come when somebody will come forward and we, and the government, will in effect say: "Take the ball and run with it. Do what you have to do." That is the way democracy dies.

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Conclusion

What is the way forward?

The U.S. Constitution was created for local decisionmaking in a country whose total non-enslaved population was about 1/16th the size of California's

today—for a populus that exemplified civic engagement—that lived in tight-knit rural communities throughout a sprawling geographic territory—and whose political ideas needed to travel long distances, thereby slowing the formation of division and enmity.

Reducing the federal government's power to restore the balance it had with the states at the Founding isn't likely, and may not even be desirable. But rebuilding a better-educated and more involved citizenry is—and as with Reconstruction, with the Progressive Era, with LBJ's Great Society, local voluntary efforts and involvement in local government can move us back in the direction Tocqueville observed.

What I take away from our nation's history is not that our democratic systems are inadequate to meet today's and tomorrow's challenges. Rather, it is that for several decades now—perhaps in our rush to compete globally in the sciences and sports and entertainment and technology—we have forgotten that our democracy is not self-maintaining and that we continually need to exert very substantial efforts to keep it. It isn't so much the system itself, but rather the inputs to the system—that is, all of us, and each forthcoming generation—that needs constant maintenance.

In a speech in 1953, perhaps the most famous person to call Chautauqua home—or at least a Chautauquan who is my personal hero—U.S. Supreme Court Justice Robert Jackson said: “There is no such thing as an achieved liberty; like electricity, there can be no substantial storage and it must be generated as it is enjoyed, or the lights go out.”

The same is true for democracy. Electricity needs a cord to transmit it safely. Democracy needs cords to bind us together. The cords tying our moccasins of constructive, informed public discourse and the operation of government have loosened, but we have the time and means to tighten them if we all tug hard.

Thank you.