

[The Bill Walton Show](#)

Republic for Which We Stand

Bill Walton:

Bruce

Chris:

Chris~

John Henry:

And Bill.

Kenny:

Okay, thank you. That will make life easier.

Chris:

One, two, three

Kenny:

Alrighty, guys.

John Henry:

Alright.

Kenny:

Stand by, please.

Bill Walton:

And you want me to look in this camera up here?

Kenny:

Oh, sorry, no. You're actually here.

Bill Walton:

I'm here. So I'm doing a side-to-side view.

Kenny:

Yeah.

Bill Walton:

Okay, so that's kind of fun, I can get a little rakish.

Kenny:

The shot looks good, and then ...

Bill Walton:

Looks good, sir?

Speaker 6:

It looks good.

Chris:

It looks really good.

Bill Walton:

Okay, I can do the side

Kenny:

And then, of course, for the rest of the show you're really that way.

Bill Walton:

Okay.

Kenny:

Don't lean back too far. We have a very tight perimeter, here, for all of us.

Bill Walton:

Okay.

Kenny:

Alrighty, just one second.

Bill Walton:

So that I don't fool you, Kenny, I'm gonna say John Henry, Bruce Fein, Bill Nitze, and then I'm going to go back to John Henry to talk about John. Then, I'm going to talk about Bruce and I'm gonna talk about bill.

Kenny:

Right, got it.

Bill Walton:

And it's gonna be brief this time, it's gonna be 10, 12, 15 seconds per person.

Kenny:

Oh, okay. Good. No worries. Okay, I'm gonna look at the camera shot. We're good. Everything's rolling. Right, okay. Looks like a nice shot, Bill.

Bill Walton:

Okay, so we got the welcome to Common Ground already covered in the role, right?

John Henry:

We're ready for ...

Speaker 6:

Break a leg.

Bill Walton:

I can start right in on, I'm joined today by ...

John Henry:

[crosstalk 00:01:22] I've been at Princeton for three months, studying for this.

Kenny:

Are you going to set up the topic first?

Bill Walton:

Little bit, yeah.

Bill Walton:

Alright, quiet everybody, please.

Bill Walton:

Bill looking at camera, some energy.

Bill Walton:

Alright, I'll try.

Kenny:

Or I'll cut you another 45 minutes, right? That's what we're doing?

Bill Walton:

Yeah, no more.

Kenny:

Okay, you're on. Alright, when you're ready.

Bill Walton:

Hi, I'm joined today by John Henry

Bill Walton:

y, Bruce Fein, and Bill Nitze. John is the founder of the Citizens for the Republic, is an insurance executive, and is an author of a play that we want to talk today, about the founding of our republic. Bruce Fein is a lawyer, and he's the author of American Empire Before the Fall. Bill Nitze is also a founder of the Citizens for Republic, and he is a lawyer, and an expert in all things constitutional. As is Bruce Fein. Together we are Citizen Actors. We're in a play, and John Henry is our author, called, what is the name of our play, John?

John Henry:

Republic for which we stand.

Bill Walton:

Republic for which we stand. And we all play parts in the play. Bruce is our James Madison, Bill Nitze plays George Mason and Edward the second, and I have the great honor to play George Washington, and also Roger Mortimer, who was one of the great lovers of the middle ages. So, thank you for that, John.

John Henry:

You're very welcome.

Bill Walton:

John, tell us about our play and then we're all gonna talk a lot about the republic, and democracies, and republics.

John Henry:

Well, good. The Committee for the Republic holds monthly salons here in DC, and I started the Stone Hill Theatrical Foundation to dramatize some of the themes that we pursued in the committee. And, our principal focus is on presidential wars now, we have nine going on now. Unconstitutional, undeclared wars. The object of the play, Republic for Which We Stand, was to dramatize this.

John Henry:

George Washington and the Virginia delegation went up to Philadelphia a little early, and they were sitting around waiting for a quorum to form, and the setting for the play is in Benjamin Franklin's home, where George has commissioned three plays, many plays, on the real great wars in English History. William the conqueror, Edward third, and Henry the fifth. The Crecy and Agincourt kings. And so, the founders sit around and watch these many plays, what was called, at the time, closet drama, and comment on that. And they make the decision to make a break with history and to do something that had never been done before in history, before or since, which was to put the war power, the most important power, the decision to go to war, in the congress rather than in the executive, where it's ... So that, today, is the issue that the committee is focused on, and this play is gonna be exploring that dramatically with your great thespian talents, bill.

Bill Walton:

We may be in trouble.

Bill Walton:

We were talking before, but, George Washington really did commission plays and he really did perform them at Valley Forge. Bill, was it you that were talking about that?

Bill Nitze:

Yes, I was just fascinated when I read that at one of the low points in the revolutionary war, when Washington's army was defeated, was being pursued, was going through a miserable freezing winter, the soldiers didn't have any boots, they were developing gangrene, a large number of them were deserting. Washington gathered together his officers and put together a performance of Addison's play on Cato. And Cato, of course, is the famous Roman who, rather than submit to Caesar, took his own life in Utica. And, it was this example of republican virtue, and putting the republic ahead of one's life that George Washington chose to display to his soldiers. So, I've always found this very inspiring.

Bruce Fein:

But, I will add that what Cato didn't recognize, and what James Madison did, is that simply by taking his life he wasn't really changing the narrative of history, you just got another emperor. If it wasn't Caesar it was Caesar Augustus. If it wasn't Caesar Augustus it was Caligula. And, that the lessons that the plays within the play teach is that simply changing the personalities is not sufficient if you are to safeguard against war. And, the discussion of war is important, not simply because it's a constitutional infraction, because the framers understood, in times of war the law is silent. What is the definition of war? It's legalized murder. It's turning wives into widows, children into orphans. It's migrating your genius from production to destruction. It's huge debts. So, it isn't a technical argument for international lawyers to debate, it has critical impact on everyone.

Bill Walton:

What role did Madison play in the founding of the republic?

Bruce Fein:

Well, he was ...

Bill Walton:

Tell us about your character.

Bruce Fein:

He was instrumental. Madison, for months before the convention, assembled in May of 1787 ... He had Thomas Jefferson, who was a commissioner in France, gather up books on every single confederation in the history of man kind, and he shipped them over in a chest. And Madison studied all of them in order to deduce what kind of universal truce that he could find from history that would inform how he would propose to refashion the United States from the Articles of Confederation that really wasn't a unifying document. It really kept the country with 13 separate sovereigns. And so, he drafted the Virginia Plan. Now, it's credited to Randolph because Madison was a self-effacing personality. Kind of the opposite of what you find in Washington. Everyone is egomaniacal here.

Bill Walton:

You don't last long in Washington doing self-effacing, yeah.

Bruce Fein:

But, Madison was not. And he was the one also, Bill, that at the convention he took notes and was the one who was the scrivener and why we know what the debates were about the various provisions of the constitution.

Bill Walton:

And, John, the way this is written, Madison is our hero.

John Henry:

That's right.

Bill Nitze:

Yes, let me say a word about the villain of this play, which is Alexander Hamilton.

Bill Walton:

I was just coming to that. Very good. Let's talk about the villain, yeah.

Bill Nitze:

And, in my early outings on behalf of the committee, the inn at Little Washington, and elsewhere. Actually, the courthouse at Little Washington. I had played Hamilton, and there is an interesting relationship between Hamilton and Madison, which was not all opposition. Cause I think Madison accepted that in order for the United States to survive, it needed a federal government with certain powerful functions, including control over credit, the ability to raise armies with congressional consent. Hamilton was not as strong on the balance of power as perhaps we would like, and that comes out in the play. But, there was an exception of our founders of the need for quite a strong central government, and, based on my reading of history, they were right, because the United States, at the beginning, was in a very weak position. It had no credit, it had no burgeoning institutions, and was susceptible to foreign powers.

Bill Walton:

Well, I think that ...

Bruce Fein:

Well, if I could interject, cause I think this is critical. Bill, I apologize, though. The critical difference between Madison and Hamilton wasn't over whether you needed a stronger central government, it was whether the powers that were to be dominant were to be the legislative power as opposed to the executive, and that's where Madison understood, if you give power to the executive, it's inevitable. He understood that George Washington was a protegee. It'd take 500 years where you can get an executive who would turn down the opportunity to be a king, which is what Hamilton offered him. And, that's the critical element that Madison understood and Hamilton didn't. And that, early on, appeared with regard to Hamilton's celebration of the Neutrality Proclamation, where he wanted the president to be able to conduct a crime on his own. That's in the Neutrality Proclamation that Hamilton celebrated. The president making a crime on his own without getting the congress? And that's really the key. The distinction is how we evolved as a nation. If we began with an overwhelming executive, which have now

de facto, we would have been crumbled as an empire probably a hundred years ago. The Madisonian view prevailed for about a century.

Bill Walton:

Let me ask the man in the street question. Well, aren't we a democracy and if the majority elects a president isn't that the final word?

Bruce Fein:

No

Bill Walton:

[crosstalk 00:11:21] Give our author a little air time, here.

Bruce Fein:

[crosstalk 00:11:24]

Bill Nitze:

Give him the Madison quote.

Bruce Fein:

This is quoting from my author. No, we are not a democracy, and it's not because there's any essential denigration of popular sentiment.

Bill Walton:

For the record, I knew the answer to the question.

Bruce Fein:

Ah, but this is ... I think the critical element is that in a republic, which is what we have, the goal of government, of civil society is justice, not simple majority rule. Cause majorities can be as oppressive as oligarchies and kings. And so, as Madison points out with the playwright's assistance in offering the words, we don't have simple majority. We have built in nine or ten checks on simple majority rule. We have separate rules for electing the house and the senate and the president. We have a bi-cameral legislature. We have super majorities for treaties and constitutional amendments, and confirmation of presidential nominations. We have an independent supreme court that's in power to invalidate all the decisions of the electoral branches of government. And, the whole idea here was to require a broad consensus among different factions before the government could operate at all. Because, the idea was if we're checking government, which, in a pejorative way, said, oh, we've got gridlock. Gridlock means you and I have our liberty to chart our own destiny's.

Bill Walton:

We're for gridlock.

Bill Nitze:

Yeah, Love it. Can't have enough of it.

Bruce Fein:

We're for gridlock, and you should be able to get out of gridlock if you have various consensus among the different factions of society.

Bill Walton:

I might add that we've noticed that Bruce plays Madison in John's play, but he is Madison in real life. I suspect you've read all the books that Madison read before he came to the conclusions he came to. Is that right?

Bruce Fein:

Yes, but I have read additional books that he didn't have. [crosstalk 00:13:19] So, that's in some sense, that's why his ... If you read, Bill, his descriptions of what would happen with the executive given the war power, he says, "War is the nurse of executive expansion and arrogance." And he describes about how war excites the vanity of the president to leave footprints in the sand of time, and he gets the authority to dispense favors and to spend money. I mean, it fits our mentality today like a glove, and he's writing 227 years ago, and he got it right.

Bill Walton:

John, you want to weigh in? I mean, the author does get to say something about this.

John Henry:

Oh, well I think Bruce has done ... Madison is Madison. The play is about the conflict between Madison and Hamilton over what the American revolution meant. How to translate it into a new form of government.

Bill Walton:

Well, as the author, how do you make it interesting. Because, you've got all these old guys, 250, 230 years ago, doing all this. How do you make it entertaining? Why would somebody want to go watch this?

John Henry:

Well, I think you have to do a number of things.

Bill Walton:

And, is it all a bunch of men that are cast in this play?

John Henry:

No, no.

Bill Nitze:

Women are very important.

John Henry:

The women carry half the conversations, so Martha Washington has as much to say as you do.

Bill Walton:

I've noticed that. She has better lines, too.

Bill Nitze:

More forceful ones.

Bill Walton:

For sure.

John Henry:

And Bill, who plays George Mason, his wife has many lines, and Sarah. And, Bill is ... Bruce, who plays Madison, he has Dolly Madison to deal with, and so, she's quite a character. She's full of things to say. So, the women are carrying half the substance of the conversation over the war power. That works in terms of getting attention. And then, we use a lot of humor. Humor is very important because if you want to slip some instruction in you better have people laughing. So we have 'em laughing a lot.

Bill Walton:

Well, I think I can attest to the humor. I think Bill playing Edward the second is one of the more interesting and fun parts of the play. There's some line from South Pacific, you're just a what? You're just a king who can't say ...

John Henry:

No

Bruce Fein:

[crosstalk 00:15:48] A king from Oklahoma.

John Henry:

Can you do that, Bill? Do that. You can't say no.

Bill Walton:

Can you run that line?

Bill Nitze:

Well. I'm just a king who can't say no. I'm in a terrible fix, I always say come on let's go when I ought to say nix.

Bruce Fein:

That'll get you into trouble today with sexual harassment. Are you related to Mr. Weinstein?

Bill Nitze:

I'm ...

John Henry:

Bill, you play the ... You go in and you're part of the mini play as Edward the second, and we give you the Richard the second death scene, which is, I think, my favorite passage in any of Shakespeare's plays. Could you do that for us?

Bill Nitze:

Well, all right.

Bill Nitze:

For God's sake let us sit upon the ground and tell sad stories of the death of kings. How were betrayed. Some slayed in war. Some poisoned by their wives. Some haunted by ghosts they deposed. Some sleeping killed. All murdered. For, within the hollow crown that rounds the mortal temples of a king, keeps death his court. And there the antic sits, scoffing his state and grinning at his pomp. Allowing him a breath, a little scene to monarchize, be feared, and kill with looks. Infusing him with self and vain conceit, as if this flesh, which rounds our body, were brass impregnable. And, humored thus, comes at the last, and with a little pin, bores through his castle wall, and farewell king.

Bill Nitze:

Now, this is a very eloquent passage, and I hope that certain people ...

Bill Walton:

Brilliantly rendered, thank you.

Bill Nitze:

Certain people.

Bruce Fein:

I think, Bill, one of the lessons that you can extrapolate from that eloquent recitation is that, despite the fact that kings come and go and get killed, nothing changes as long as the institutional structure remains unchanged. So you just have a series of one king comes in, strong king, weak king, but the same evils, the same problems occur.

Bill Walton:

But, Bill and I both agree, we were talking about this before hand. Aren't our institutional structures rather frayed now? I mean, you look at the way congress has aggregated a lot of its power to the executive branch. And saying, basically, we've got a health care bill, by the way, the bureaucrats, you go write it. So we're not really looking at the structure we had when we founded the country.

Bruce Fein:

No, yeah, because we don't have any institutional separation anymore. You're exactly right, Bill, that congress has turned into what I call the invertebrate branch. It has surrendered, eagerly, its powers to the executive. So, we don't have separation like you used to. I mean, the bills, I'm working on some reforms to the Foreign Inelegance Surveillance Act. The inelegance committees farm out the drafting to intelligence committee. So the CIA and the NSA write the bill, and they come back in and the change a semicolon, and that's the end of it. So that Madisonian vision has been, de facto, destroyed by a lack of courage, by cowardice in congress. They don't want to vote on anything significant. They worry about

primary challenge and they want to flee from responsibility, but that can't be blamed on Madison, he couldn't change the DNA. He could build an institution, but if the occupants want to give away all the power, there's nothing you can prevent that.

Bill Nitze:

If I may make a comment, we actually still have the constitution. It's been amended, but on the issues we're talking about it has not been significantly amended since the civil war amendments. So, there's an interplay here between human corruption and undermining the effectiveness of the institutions that still remain, by refusing to live up to constitutional responsibilities. And, when Benjamin Franklin said, "A republic, if you can keep it," he was anticipating exactly the forces which are leading us to risk losing it.

Bill Nitze:

And, those forced are very powerful because America is a very rich country, and we've become a very powerful country. And we have developed a mythology which is partially from the old testament, and John wrote a play about this, where we have convinced ourselves that we are a redeemer nation inhabited by chosen people who have licence to go and remake the world in our image, and that, yes, we're gonna make some mistakes, but people are lucky that we're out there doing our job.

Bill Walton:

John, how many wars have we been in since the founding?

John Henry:

Oh, gosh. Probably ... Depends on how you count, but hundreds.

Bill Walton:

And how many did congress declare?

John Henry:

Only five. So we've only had five constitutional wars. But the problem has really gotten ... We've had, Bill was saying, we've had an old testament foreign policy, good guys and bad guys, for five generations now, since Wilson. And on the presidential wars we're three generations into it. So these problems that we're talking about are not something that just happened yesterday or in our generation. They've been building up over time and both political parties are part of the problem. They're both committed to an oversized executive and turning, as Bruce was saying, the judiciary and the legislature into rubber stamps and ink blots.

Bruce Fein:

And part of that comes from the very prescient understanding of President Eisenhower in his farewell address when he spoke about the undue influence, the military industrial complex, I call it the military industrial counter terrorism complex, and it's grown by leaps and bounds. The one thing they're expert at, they distribute the manufacturing of these weapons in the various districts where the chairman sit, and when they go up to brief the member of congress the first thing that member looks at, "Hey, how many jobs in my district?" They don't ask whether you need the weapons, why are you fighting over there. That's the first and last question they ask. And they don't want to accept responsibility, they don't even want to know. Things are so bad, Bill.

Bruce Fein:

About 11 years ago I sat down with congressman Walter Jones on armed services committee of ...

Bill Walton:

And we're gonna get him to [crosstalk 00:22:48]

Bruce Fein:

In house. North Carolina. And so, he drafted a bill. This is after the WMD, lies that were told about the purchase of yellow cake by Niger and whatever. So, a simple bill. It would make it a crime for a president, with knowledge and intent and malice, to make a material lie to congress to get an authorization for war. The fact that you'd have to have a bill speaks volumes. And when we had a hearing the members said, "Well, gee, Mr. Fein, we don't want to vote on that. The president might not go to as many wars as they ought to go on." This is 11 years ago. They thought it would be alright for the president to knowingly tell a lie.

Bill Walton:

What's the name of this bill?

Bruce Fein:

It's called the Executive Accountability Act of 2006.

Bill Walton:

And it's still in the ...

Bruce Fein:

No, no. If it isn't enacted after two years, it expires.

Bill Walton:

Alright.

Bruce Fein:

But that's just an example, I think, of the congressional cravings.

Bill Nitze:

The situation that Bruce is describing, I think, reflects something much deeper. One of the things that I have learned from these two gentlemen, and from the committee itself, is the importance of studying history and having a frank exchange of ideas among people of good will. Most Americans, unfortunately, are woefully ignorant of history, and we don't have the kind of discussion among citizens ...

Bill Walton:

That we have, yeah.

Bill Nitze:

That we need to have on a whole range of issues, none more important than the issues we're discussing here. Sandra Day O'Connor and others are trying to revitalize the teaching of civics in high schools in the United States. I, frankly, don't believe that most high school students in this country know what the term citizen means. And they certainly don't know that the idea of citizenship reflects responsibility towards the republic of which you are a citizen, and putting that responsibility ahead of your own narrow self interest. This would be an alien idea to many Americans. Remains, to a certain degree, in the military because it's part of the military ethos, but it needs to be revitalized throughout our society. And we need to begin to have a different kind of discussion. It's not a matter of what position you take. It's a matter of engaging with issues in a forthright, honest way and being willing to put yourself at risk.

Bill Walton:

Well, but that gets at the in state point you were making about justice. And I think one of the problems that you're articulating about education is everything now is relativistic. Is whatever you feel is right for you. Whatever you feel is right for you, and so, therefor, we're not going to agree what justice is because it means something different to everyone. I think that's a problem.

Bruce Fein:

Well, it is a huge problem, but one of the reasons why that's true is because they don't teach any standards for determining what justice is, which is what Madison was preoccupied with. Aristotle is preoccupied with. Socrates is preoccupied with that. Justice, making certain that you don't prejudge things without having due process. Treating everyone with dignity. Not acting with ulterior motives. All those sorts of things.

Bruce Fein:

Now, it's true there's only so much ... The words can be infinitely manipulated if you want to, you know. You can call Mephistopheles God, and God Mephistopheles. As Abraham Lincoln once said, "Well, how many legs does a dog have if you call his tail a leg. You say he still has four, because calling the tail a leg doesn't make it so."

Bruce Fein:

And so, the problem that you've identified here is the reluctance to make any judgment at all. You have to have some judgements, otherwise we wouldn't even punish murder unless we thought murder was bad. We wouldn't punish rape unless we thought rape was bad. And that's a problem that we have in the educational system. And it's not only the idea of justice that's, in my judgment, got to be foremost.

Bruce Fein:

When Grover Cleveland's first inaugural, this is over a century ago, he delivered an address and he said, "I take an oath to support the constitution." But, he said, "You citizens, the constitution is yours, not mine. And it's your understanding of the constitution that's going leave its imprint upon what I can do and what congress can do on the country." And that's gonna come back into force, because if the American people don't insist on enforcing the Constitution through the vote, through popular opinion, then you just get a government of wolves, right? A people of sheep get a government of wolves. It was true when Edward R. Murrow said it, it's true today. And that's what we don't teach. When's the last time we've heard an inaugural address telling the people, "The constitution is yours, not mine."

Bill Nitze:

It's even worse than that. They have done polls, recently, on public awareness of the first amendment. Over half of the people asked could only identify one of the five rights enshrined in the first amendment. And that not very well, that was freedom of speech. There was no knowledge of freedom of assembly. There was no knowledge of freedom of the press. There was no knowledge of freedom of religion. There was no knowledge of freedom of association. And, one of the difficulties here is that by not understanding the breadth of these rights enshrined in the first amendment people default to, "Gosh, I feel badly. This position that x group is good and y group is bad. That feels good because I'm a member of x group. Let's go for it." And when get into that frame of mind, when they don't understand the underpinnings of a republican culture, we're in deep trouble because we can't have any sort of an honest discussion that leads to recognition of diverse interests and political compromise.

Bill Walton:

And I think we're pretty clear, you used the word republic. This is not a republican versus democrat issue.

Bill Nitze:

No.

Bill Walton:

This is something very different. This is ... John, you wanna weigh in on ...

John Henry:

Well, what we have in the drama, in the play, is dramatization of what we're talking about, which is a citizen identity. And to have a citizen identity, you basically have to respect the opinions of your fellow man and the idea that, somehow, we should all think the same things is utter nonsense. I wouldn't wanna live in a world where everybody thought the same way. I mean, the only reason you have politics and markets is because there are differences in the way people see things. So, at the committee we basically have people from right of center and left of center, and we get them together, and we break down ...

Bill Walton:

What is the composition, roughly, in terms of committee? How do people line up?

John Henry:

Well, I think we have people on the board of a number who voted for Trump, a number who voted for Hillary. We don't have a consensus on anything other than article one, section A, clause 11, which is the declare war clause. So that's what the play is about.

Bill Nitze:

I will amend that. We do have a consensus on one thing, and I think generally we've adhered to this. We are respectful of diverse opinions.

John Henry:

Absolutely.

Bill Nitze:

We do not get angry with each other. We do not walk out in a huff. We do not ...

John Henry:

We engage.

Bill Nitze:

Connive.

Bill Walton:

Can I recommend you start creating sub-chapters on college campuses?

Bill Nitze:

Oh, that's a good idea.

Bill Walton:

It's an idea which ought to catch fire.

Bruce Fein:

I think it's to understand why the war power is the cornerstone of the debate, and that's because it's like an infectious disease. The war power breeds the surveillance state. It creates a warfare state that goes into the surveillance state. Now, the NSA, they spy on everything that moves, and the drones take pictures, and I'm sure down the road there will be a big brother that even George Orwell couldn't think up.

Bill Walton:

So, the end as so defined justifies any means and means becomes the welfare state.

Bruce Fein:

Exactly, because if you're at war [crosstalk 00:31:15]

Bill Walton:

Then, you can ration people, you can set prices.

John Henry:

Anything goes.

Bruce Fein:

And that's where we are. The NSA gathers so much information, and not only just on you and me, they gather information on what members of congress are saying, what lawyers tell clients, what doctors tell patients, what judges talk in their chambers. It doesn't do any good. They're collecting it for its own sake. So, we breed a surveillance state, and then we breed a bail-out state, cause the whole idea behind this war power that's got to be used everywhere is a no-risk existence. Okay, no risk in war, no risk in business, you bail out everybody. The big banks get all this money. Then it breeds into the welfare state

and we become a very effete nation. Don't wanna take ... Everybody's gotta be bailed out no matter what.

Bruce Fein:

So, why do we have these eggshells? Students in college, they can't even deal with an adjective they don't like. Could you imagine fighting at Valley Forge with soldiers who would be horrified and traumatized if they heard a word they didn't like? It is unbelievable.

Bill Walton:

We'd all have British accents.

Bruce Fein:

Yeah. So, the whole first amendment is about protecting the speech we hate. You don't need a first amendment to protect speech you love, it's gotta protect speech you hate. You don't necessarily agree to it, but yeah, maybe they have something to offer.

Bill Nitze:

And that principle applies to all five of the freedoms in the first amendment, including freedom of association. John and I have a special reason for feeling strongly about this issue of freedom of association. And it gets into this issue of removing statues and ... People have to understand that many of the figures that they're talking about are complex individuals who lived in a very different time than today and responded to very different circumstances than today. And there has to be a nuanced, in-depth understanding of history. It's fine to draw moral judgements, but it is not fine to engage in gestures when you don't even attempt to understand the issues that underlie the lives of the people.

Bill Walton:

Well, that gets at our current passion for pulling down statues. Tell me about the characters of the founders and why they're misunderstood when you look at them through today's lens, and how they saw, for example, slavery. Why is that ... That's our original sin as a country. How do we get past that?

Bill Nitze:

John?

John Henry:

I'll let you take that one.

Bill Walton:

I'm not sure, that was maybe four or five questions, but ...

Bruce Fein:

No, it's a critical issue and, of course, the framers, they understood the evil of slavery and they didn't try to ignore it. One element was only to permit states to count slaves as three fifths of a person for purposes of getting representation in the house. It watered down a little bit of the slave culture in the south. I think the dilemma was captured in Thomas Jefferson, in his sunset years. And he said, "I tremble

when I reflect that God is just, and God's justice cannot sleep forever." He did not emancipate his slaves. Probably had an affair with Sally Hemings.

Bruce Fein:

But, they struggled with it, and clearly understood it was contrary to the doctrines that were in the Declaration of Independence. No, what I think they thought, and Madison especially - he did want to manumit all the slaves, and told Dolly to do so, but she didn't obey him strictly - that over time the constitution only forbade two kinds of amendments. You couldn't destroy the equal representation of the states in the senate and you couldn't forbid the slave trade earlier than 1808. So, what was anticipated is, as the country expanded, once you had a majority or two thirds of free states, then, through constitutional, legal means, slavery could disappear. So, they built in a mechanism. You gotta understand if you're a slave and it takes long years, that doesn't really help you. So, they struggled with that. But it wasn't as though they were indifferent to the problem of slavery, even if many of them didn't have the courage, and say, "I'm walking away." But, many of them did emancipate their slaves as well.

Bill Nitze:

This is a sensitive point. I am deeply sympathetic with African Americans generally, and specifically ones who have suffered from discrimination. And they are not only entitled to speak out, but they should speak out. And they should be listened to. And change should be made. And change has been made, but more changes are needed. But, all of us have to, somehow, find a way of dealing with these very difficult question of injustice at a real human level, and not default to symbolism. And particularly not to default to symbolism when it is symbolism that cuts off engagement and discussion. This is a very hard point. I know it's a point that Martin ...

Bill Walton:

Symbolism as in statues? Or symbolism ...

Bill Nitze:

Sometimes as in statues. And all cases are not the same.

John Henry:

But these aren't really ... This isn't the subject of our play.

Bill Nitze:

It's not the subject of the play but it's ...

John Henry:

Our play is focused on the war power and what we need to do about it.

Bill Walton:

Let's circle back to the play. We've got a few minutes remaining cause we've missed a lot of things I want to cover. The play has three plays within a play.

John Henry:

Right.

Bill Walton:

We have William the Conqueror.

John Henry:

Right.

Bill Walton:

Who created the English warfare state.

John Henry:

Right.

Bill Walton:

Which is, by the way, one of my lines. Thank you, John, for that. We've Edward the third and we had Henry the fifth. And Henry the fifth, I guess he was Agincourt?

John Henry:

Agincourt was

Bill Walton:

Edward the third?

John Henry:

Cressy was Edward the third, and then 67 years later, the same cross bow battle plan was reenacted at Agincourt.

Bill Walton:

And these English monarchs vivify what we must avoid.

John Henry:

Oh, they didn't just do regime change, they were going after whole countries. They were taking over countries.

Bill Walton:

And we also talk about how futile it was. France would invade England. England would invade France. It went back and forth.

John Henry:

The wars were going back and forth in France, the way they are in Syria and Iraq now, for 400 years. And the founders looked at these three strong warrior kings in English history and said, "We don't want to go down that road. We don't want a warfare state. We want a republic. And so, in order to have a republic rather than an empire, we have to do something that hasn't been done." Today, we've had 67 empires

in the last three thousand years. At that time, they didn't have as many, the count. But they knew enough to know that, basically, if you want to be a republic rather than an empire, the most important thing you had to do was to put the war power in the congress.

Bill Walton:

And, we're using our play the way the Greeks used plays.

John Henry:

Yes, exactly.

Bill Walton:

And the Greeks had a view that plays ... We talked about education. The Greeks used plays ...

John Henry:

For instruction.

Bill Walton:

As we talk about, for instruction. And entertainment. But instruction, primarily, and civic virtues, and how to be a citizen.

John Henry:

And they used citizen actors to do it. Those are the two big ideas that ... Rick Davis, who is our director, who heads the performing arts ...

Bill Walton:

He's a big deal director. He runs the George Mason ...

John Henry:

He runs the whole performing arts.

Bill Nitze:

Citizen actors and citizen playwrights. The Athenian tragedies were written by citizens who engaged in competitions. And they were meant to be performed for one festival Dionysus. So, it was citizens through and through, and there was active audience participation. We should create this same culture of involvement at every high school in the country.

John Henry:

Right. Our cast is all citizen actors. We have people like the three of you who are amateurs, not professionals, but you are very serious about acting.

Bill Walton:

We're in it for the money.

John Henry:

As he was saying earlier, the citizen identity requires that you engage with your fellow citizens. As we were saying, political segregation has replaced racial segregation in this country, and so, what we need to do is talk to each other. And talk about what the two political parties are taking off the table, which Bruce and Bill have alluded to. The warfare state and the too big to bail out state. The people that control the money and the violence. So, what we've done in this play is dramatize how the founders came to the decision to put the war power ... It had never been done before or since in history. And to make Bruce's point when he said that it's institutions that are important, rather than personality. How do you convey, in a play, this very abstract idea of institutions having personalities. And what we do is we have the line that the executive is like a Pit bull and the legislature is like a Labrador retriever. And that makes it approachable.

Bill Nitze:

I want to pay John an addition compliment because he's taken on the gender issue in a very interesting way in this play. And, Joan of Arc is normally considered a great spiritual heroine who taught the English an important lesson, but in John's play, she's as deluded as the kings that she replaces. Because, although France regains its territorial integrity, she is deluded with this idea of being God's warrior. And, of course, nobody is God's warrior.

John Henry:

She's promoting the French worker state rather than the British worker state.

Bill Nitze:

Right. John puts in Joan of Arc.

John Henry:

With a lot of encouragement from other participants.

Bill Nitze:

Not Joan of Arc, the Virgin Mary. And the poor Virgin Mary, who has the voice of love and virtue in the play, is overwhelmed.

John Henry:

We actually have that line when the conqueror's wife looks at her and says, "Why are you saying all these things? Nobody ever listens to you."

Bill Walton:

Well, that's true. But we also have her say "Joan, you may play your role, but I talk to God." And Joan claims because she has voices, she's in charge.

John Henry:

She's direct. Even though she's catholic and hasn't disintermediated, she talks directly to God.

Bill Walton:

We need to wrap up. I hate to do that because we've got such interesting conversation going. John, the play is November 7th.

John Henry:
Yep, at the ...

Bill Walton:
We're at the US capitol in the visitor center.

John Henry:
It's a great privilege.

Bill Walton:
That's pretty unusual, isn't it?

John Henry:
Very.

Bill Walton:
How did we get into the capitol.

John Henry:
Well, we had to have legislation, and so ...

Bill Nitze:
Waller Jones.

John Henry:
Waller Jones has put in the committee's resolution defining a presidential war as an impeachable offense. First time in 227 years that's been done, so we're laying the standard down.

Bill Walton:
Okay, and because of that we're gonna be in capitol visitor's November 7th.

John Henry:
We're going to have a very heated, very good discussion. And when we give him the award after the play, we're going to have a discussion about ...

Bill Walton:
No, I assume, even though we're citizen actors, you're gonna make us rehearse between now and then?

John Henry:
Well, this is a great thing. Our citizen actors can't get enough rehearsals.

Bill Nitze:
No, it's true.

Bill Walton:

Well, thank you guys. It's been a great show and I'm glad to have you on, and we've learned a lot.

Bill Nitze:

Thank you.

Bill Walton:

Looking forward to the next version. Okay, thanks.

John Henry:

Onward and upward. Thanks.

Kenny:

Excellent, wonderful. Good job, guys.

Bill Walton:

Good job. It's great.

Kenny:

Yes, you can stop down cameras.

Bill Nitze:

The statue issue, you know, is a toughie.

Bill Walton:

I had to throw it in there because we don't have an answer, really.

Bill Nitze:

Because I feel that I'm walking a very difficult line.

Bill Walton:

Because it's out there. I think we gotta sort of kick it around. You guys were great. That was very ...

John Henry:

Yeah, it's a distraction off of the subject, but it's.

Bill Nitze:

I mean, the issues are important and there are real justice concerns.

John Henry:

You could have a whole thing just on that, you know. It's a ...

Bill Walton:

Well, maybe we will.

John Henry:

You know the guy to do it is Allan Brownfield. Allan is ... I don't know if you know Allan.

Bill Walton:

No.

John Henry:

He's a conservative. He's gonna be our salon speaker in January, on Israel, on reform.

Bill Nitze:

In my opinion, the statue issue wouldn't be as acute if we actually had a real education system so people knew the context.

Bruce Fein:

Right.

Bill Nitze:

The only reason anybody cares about it is that nobody knows anything, so they draw all sorts of ridiculous inferences from x y z. If everybody actually knew the background of who these characters were and pros and cons, well, no one's a saint, so you either have no statues at all if saintliness is the requirement [crosstalk 00:44:47]

Bruce Fein:

I mean, imagine if we had senators today who could engage at the level that Daniel Webster and John C. Calhoun engaged.

Bill Nitze:

And Henry Clay.

Bruce Fein:

And Henry Clay. But, just imagine that. It's unimaginable, isn't' it.

Bill Nitze:

It is unimaginable, yeah.

Bill Walton:

Yeah.

Bruce Fein:

It is unimaginable.

Bill Nitze:

If you want to be truly shocked to show that Darwin was wrong in his theory of evolution, read the first annals of congress, which are the debates Madison had with Prowers, the president, to remove whatever. The first would read the congressional record today and say, "My God, we have gone backwards. We've regressed."

Bill Walton:

Not the ascent of man, huh?

Bruce Fein:

The descent of man. You know the [crosstalk 00:45:27]

Bill Nitze:

We're on a downward trajectory. We hit our meridian long ago.

Bill Walton:

Okay, let me walk you up.

Bill Nitze:

How are you getting back?

Bruce Fein:

I took a cab.