

*Civility in the Public Discourse*

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Durham Library Foundation Zoom

Durham, North Carolina

Wednesday, September 16, 2020

7:00 p.m.

I am wearing a lapel button that contains the single word “Civility.” Its origin? Jim Leach, a moderate Republican, served an Iowa district in the U.S. House of Representatives for thirty years. President Obama’s 2008 election provided coattails for some Democratic candidates, including Leach’s opponent, and Leach was defeated in that election. He later said that the day he left the Congress was one of the happier ones of his life. When asked why he had run again if he felt that way, he responded that because of his extensive knowledge and experience, he had felt obligated to. But when he lost, he was pleased to exit while still standing for what he wanted to represent.

Leach had founded the Congressional Humanities Caucus. He was its Republican co-chair, and our area’s David Price was its Democratic co-chair. Because of Leach’s commitment to the humanities, notwithstanding partisan differences President Obama appointed him Chair of the National Endowment for the Humanities. Leach adopted “Civility” as the principal theme of his NEH administration. He ordered these “Civility” buttons prepared. He both wore one and distributed them wherever he went, including on a fifty-state tour to promote the “Civility” theme.

Why did Congressman Leach do this? Because, he said, public manners do matter, and discord can stretch the cohesion of the body politic. The old refrain “sticks and stones may break my bones, but words can never hurt me” is nonsense. In the adult kindergarten of life, words can and do hurt, and in our time, discordant, divisive use of words is stretching social cohesion to an extraordinary degree. To decline to address this problem from the perspective of the humanities, Leach believed, would be a dereliction of duty. It thus was a mandate, he concluded, that, in his new national capacity, had to be met.

In the history of the American public discourse, sticks, stones, and more lethal devices have at times indeed broken bones. In 1804 Vice President Aaron Burr shot and killed Alexander

Hamilton, the former secretary of the treasury, in a duel—an act of ultimate incivility, though legal at the time. Half a century later Congressman Preston Brooks of South Carolina used a cane to beat Senator Charles Sumner of Massachusetts to unconsciousness in a dispute over slavery. Compared to these instances, a Congressman’s shouting “liar” at the president of the United States in our time is relatively minor. But it does matter because, again to quote Congressman Leach, “polarizing attitudes can jeopardize social cohesion and even public safety.”

You and I live in a highly fractured society. We duel, not with guns like Hamilton and Burr, but with words. We beat one another, not with canes like Brooks to Sumner, but with ideas, beliefs, concepts that leave no room for differences. We experience an incivility epidemic of crisis proportions, one that has even spread abroad. A recent *New York Times* article headlined that verbal abuse, including death threats, has become the norm in campaigns in England. Women candidates there, in particular, campaign in a climate of abuse, threats, and intimidation that has made them afraid even to display their posters in their campaign office windows.

To decry the incivility in our public life is not to oppose rigorous debate and discussion of public issues. Such has always been a vital part of the American political tradition, and hopefully always will be. Indeed, a growing anti-intellectualism on both the left and the right that would even deny the other side a forum is a legitimate cause for concern. On many college campuses today liberal students vigorously protest the very appearance of conservative speakers. That is not the tradition in which Frank Graham schooled Bill Friday and Bill Aycock, and in which Friday and Aycock in turn schooled my generation of UNC students. In the Graham-Friday-Aycock school of thought, everyone is entitled to be heard and to be accorded a basic level of dignity and respect, even if accompanied by profound disagreement. The Jeffersonian answer to objectionable speech is more and better speech, not repression of speech.

To expect the news media to be objective, unbiased, and nonpartisan is likewise counter to our traditions. In the early days of the American republic the Federalists had a newspaper, published by John Fenno, that touted their point of view. As Jeffersonian Republicans emerged as an alternative political force, Secretary of State Thomas Jefferson gave Philip Freneau a paid position in the State Department, ostensibly as a translator, but in reality as one from which to publish just as unabashedly the Republican version of the news. In the nineteenth century almost every American town had two newspapers, one Democratic and one Republican, and they vigorously asserted their respective party's positions. It was not quite Fox News on the one hand and MSNBC on the other, but it was thoroughly partisan advocacy and lacking a CNN at least attempting to strike a middle ground. Naturally, the discourse was not always civil toward those of the opposing perspective.

Our history, though, is by no means altogether stories of the lethal Hamilton-Burr duel, the Brooks caning of Sumner, or a Congressman shouting "liar" to a president. The thirteenth-century Turkish poet Rumi once wrote that "stories are to human growth what facts are to science." There are positive, even heartwarming stories about civility in the public discourse from which we can learn and grow. In our current, highly fractured political environment, civil behavior of political opposites toward one another may seem archaic, antiquated, anomalous. In the perspective of history, it is not.

The country's first president, George Washington, had his own compilation of *Rules of Civility & Decent Behavior*. I own a copy. Among Washington's rules were these, still worthy of observance:

Submit your judgments to others with modesty;

Use no reproachful language against anyone, neither curse nor revile;

Be not hasty to believe flying reports to the disparagement of any;

Let your conversation be without malice or envy, for 'tis a sign of a tractable and commendable nature, and in all causes of passion admit reason to govern; and

Speak not injurious words, neither in jest nor earnest; scoff at none although they give occasion.

Washington's almost formulaic approach to civility did not prevent fissures within his administration, however. None was more severe than that between his vice president, John Adams, and his secretary of state, Thomas Jefferson. Their differences were political, forged as Jefferson emerged as the leader of an opposition party and Adams remained so wedded to the Federalists that many considered him at least close to a monarchist. The two men had served together on the committee that drafted the Declaration of Independence. Simultaneous service representing the new country abroad had strengthened a friendship commenced in the throes of revolution. Political differences became personal, however, as the fissures between the Federalists and the Republicans deepened, culminating in Jefferson defeating Adams for the presidency in the election of 1800.

To avoid the humiliation of attending Jefferson's inauguration, Adams departed from the capital that day on the 4:00 a.m. stage to Boston. Eleven years would pass with no communication between the two. In the summer of 1811 a Jefferson neighbor, now secretary to President James Madison, heard Adams express both admiration and love for Jefferson. The neighbor relayed the expression of good will to Jefferson. Benjamin Rush, the leading physician of the time and a friend of both men, "had ardently wished a friendly and epistolary intercourse might be revived" between them. They were "[f]ellow laborers in erecting the great fabric of American independence," Rush

said, and they should “embrace—embrace each other!” A Rush letter to Adams produced a brief but warm Adams to Jefferson missive. A rich correspondence, characterized by the ultimate in civility, ensued, and lasted until shortly before both men died on the same afternoon, July 4, 1826, the fiftieth anniversary of the Declaration of Independence. “While I breathe I shall be your friend,” Jefferson wrote Adams late in their lives, and Adams closed one of his last letters to Jefferson with the words “ever your friend.”

In the Durham area we know that the largest surrender of the Civil War occurred at the Bennett Place near here, where General Joseph Johnston surrendered almost 90,000 Confederate troops to Union General William Tecumseh Sherman. Many years later Johnston attended Sherman’s funeral on a cold winter day. As the casket passed, Johnston doffed his hat in respect. An aide suggested that in the extant weather conditions a man of his age and health should not remove his hat. Johnston replied, “If this were my funeral and Tecumseh Sherman were standing here, he would remove his hat. Three weeks later General Johnston died from pneumonia. Civility and respect, even to a former enemy, even one then deceased.

There are more modern examples of such civility in the public discourse. When President Kennedy was killed, Richard Nixon, the man he had defeated for the presidency, wrote Kennedy’s widow that “while history destined that Jack and I would be political opponents, we were never anything other than personal friends.”

When Lyndon Johnson assumed the presidency upon Kennedy’s assassination, he tried to involve his somewhat wild and irresponsible sixteen-year-old daughter Lucy in events he perceived to be of historic significance. She thus found herself with him when he went to Congress to sign the Civil Rights Act of 1964. The great civil rights leaders of the day—Martin Luther King, Jr., Ralph David Abernathy, Floyd McKissick, and others—were there; but Johnson gave

the first signing pen to Everett Dirksen, the Republican minority leader in the U.S. Senate. On the return trip to the White House, Lucy asked why he had done that instead of giving it to one of the civil rights leaders. “Lucy Baines,” Johnson responded, “if Everett had not gotten me the votes I needed to pass that bill, all those civil rights leaders would not have been there today.” It was a classic instance of civility and cooperation between leaders on different sides of the political aisle to produce significant legislation with lasting benefits.

A Republican President, Ronald Reagan, and a Democratic House Speaker, Tip O’Neill, had a similar relationship. The two old Irishmen would sit down over glasses of whiskey in the late afternoon and work things out, notwithstanding profound philosophical differences.

Perhaps the most poignant of these stories: Do you recall who sat with Senator Hubert Humphrey’s widow Muriel at Humphrey’s funeral? It was Richard Nixon, the man who had defeated Humphrey for the U.S. presidency in one of the closest, most contentious elections in our history, and then was forced to relinquish the presidency in disgrace. Why was he there? Because Humphrey had requested it.

A few days before Humphrey’s death, civil-rights leader Jesse Jackson visited him in the hospital. Humphrey was on the phone with Nixon making the request when Jackson arrived. When Jackson asked why Humphrey had done this, Humphrey replied: “Jesse, when we come to this point in life, all the great legislative battles, political campaigns, and conventions are behind us; and all that really matters is that we forgive each other, redeem each other, and move on.”

In his last year in office President Obama invited a member of the U.S. Senate with whom he had differences on major issues to discuss them very frankly. They did not leave the discussion with the differences resolved. But the senator said afterward, “I appreciated his candor as I hope

he appreciated mine, and I respected the sincerity of his convictions.” The senator was John McCain, the man Obama had defeated to attain the presidency in 2008. A modern example of two then elder statesman discussing their differences with civility and mutual respect.

A final story, with apologies for the immodesty involved in telling it. Three of my four statewide judicial elections were seriously contested. In 1980 and 1986 my opponent was Bob Browning, a very fine Greenville lawyer and former superior court judge. On both occasions Bob called me the day after the election to concede and congratulate me. Within a week in each instance we met for lunch.

My last election in 1990 was both closer and more contentious. It occurred in the context of the 1990 Jesse Helms—Harvey Gantt race for the U.S. Senate. The other U.S. senator from North Carolina at the time was Durham’s Terry Sanford.

My opponent was Sam Currin of Raleigh, who had served on Senator Helms’s staff and received an appointment as U.S. attorney for the Eastern District of North Carolina at Helms’s behest. I had co-managed Senator Sanford’s campaign for governor on the campus at Chapel Hill and had been the North Carolina manager for his last campaign for president. It thus was probably inevitable that the news media would depict the Whichard-Currin race for the state supreme court as one between proteges of the state’s U.S. senators, two men who represented very divergent ends of the state’s political spectrum.

Perhaps because this election was both closer and more contentious than my others, Sam Currin was much slower than Bob Browning had been in making the concession call. When it came, it was appropriately cordial but lacking in warmth on his part or mine. Neither of us proposed meeting for lunch, as Bob Browning and I had done on two similar occasions.



Sometime later I noticed an obituary for Sam's father, who had lived in Oxford. The visitation was on a cold, rainy winter night. I had worked hard that day and was quite tired. But a compelling inner voice persisted in telling me I needed to ignore my fatigue and make the drive to Oxford to express my concern for Sam and his family. We had a brief but very good man-to-man discussion about that special kind of grief, which I had experienced some years earlier, and I have always been glad I made that trip. When my mother died a few years later, Sam's wife Margaret came to that visitation. She later worked with me as the associate dean when I was dean of the Campbell Law School, and their son Thomas was my student there. I have few better friends than the Currins, notwithstanding that we almost certainly rarely if ever vote alike.

Seldomly, if ever, is there a single answer to a public question. Our collective decision-making process does not lend itself to certitude. We can all learn from other perspectives, and civility in the public discourse thus is essential if a democratic society is to function properly and well. Candidates and parties should, in campaigns, articulate their positions with vigor, candor, and clarity. But when the campaigns end, they should work together for the common good in a manner that respects differences and allows for dissent.

Last year the Rotary Club of Durham presented its Community Service Award to Durham's foremost elder statesman, former Mayor Wense Graberek, who died shortly afterward. In his acceptance remarks the former mayor quoted Matthew 7:12: "So in everything do to others what you would have them do to you, for this sums up the Law and the Prophets." In their book *Living Without Enemies*, Sam Wells and Marcia Owen remind us that Jesus did not say love only the neighbor who believes like you do; he said, "Love your neighbor." The Golden Rule contains no exception for people with differing beliefs and opinions. They, too, are to be treated as each of us would want to be, with civility and respect.

The Czech statesman and writer Vaclav Havel has spoken eloquently on this subject. “Let us teach both ourselves and others,” Havel has said, “that politics does not have to be the art of the possible, especially if this means the art of speculating, calculating, intrigues, secret agreements, and pragmatic maneuvering, but that it can also be the art of making both ourselves and the world better.”

Similarly, in his farewell address when leaving the United States Senate, one of my father’s favorite teachers, Frank Porter Graham, spoke of an America “of our struggles and hopes” in which

the least of these our brethren has the freedom to struggle for freedom; where the answer to error is not terror, the respect for the past is not reaction and the hope for the future is not revolution; where the integrity of simple people is beyond price and the daily toil of millions is above pomp and power; where the majority is without tyranny and the minority without fear, and all people have hope.

“We all inhabit this small planet,” President Kennedy said at American University in June 1963, “we all cherish our children’s future, and we are all mortal.” In the end it is this shared humanity and our common mortality that should render us consistently civil in our public discourse, even when our raucous, fractured differences are extensive and profound.