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Subject: Re: Lex Cornelia de classibus et ordine equestri
From: El Jefe <eljefe3126@netscape.net>
Date: Sat, Dec 20, 2014 4:22 pm
To: caninus@caninus.co

P. Porcius Licinus tribune M. Pompeio Canino praetori SPD

Io Saturnalia, and best wishes for you and yours.

Perhaps I should begin by stating that I have been taught that merely pointing out a problem does not discharge one's duty, but that one is obligated to suggest a solution to the problem to the best of his ability. The suggestion may be accepted or rejected as others see fit, but the obligation is to at least try to help solve the problem. It was in that spirit that I proposed several changes to the lex. I take no offense if somebody else finds a better solution than mine. Likewise, I have no objection to the problem being solved by multiple small changes or to it being solved by one large one. I see only to ensure that the rights of the Plebs are maintained, nothing more.

I do agree with you that part of the solution to this problem is for Censores to better assign Centuries. As I mentioned, I do plan to take that up with our incoming Censor, quite likely before the Kalends of January. But if I felt that this was only a matter of insisting that the Censores comply with the lex, I would not have brought this to your attention. There are inconsistencies and contradictions in our laws that make them impossible to enforce as written. I believe these inconsistencies not only complicate the job of the Censores, but encourage them to assign Centuries in a manner that is contrary to the goals of our res publica.

I believe any discussion of 1050 citizens is misplaced, as almost all of these are non-taxpaying Capite Censi. Indeed, by my count, we have 68 citizens in the first 30 centuries, and 978 in Century XXXI. The vast majority of Century XXXI are citizens who have lost interest in Nova Roma and ceased paying tax. Most other organizations would have dropped them from the membership rolls; it is only the unique nature of Nova Roma that considers them "citizens" rather than "former members" and allows them to vote at all.

Of the 68 assidui in Centuries I - XXX, 50 votes represents a turnout of 74%, which isn't bad for any organization. However, of those 68 assidui, 33 of them cast only 4 Century votes, whereas the other 35 cast 26 Century votes, which doesn't seem very equitable. You might say that 33 citizens were nearly as disenfranchised as the Capite Censi, whereas the other 35 at worst split a vote with one other citizen.

Regarding your question as to serving as to the qualifications for office, I believe the requirement to serve as an Apparitor is potentially a barrier to entry. One cannot become an Apparitor without an appointment, meaning that one would be dependent on the favor of someone who had already been elected to get a foot in the door. Even after serving as Tribune for a year, I will be ineligible to run for Curule Aedile. I would suggest removing the requirement to be an Apparitor for the qualifications for Questor and Plebian Aedile. After all, how much mischief can one do in one of those low offices?

Now, as to specific problems with our laws. First, the Lex Cornelia de classibus et ordine equestri requires that Century I be composed of members of the Ordo Equester. I see no evidence in the Albm Civicvm that Cn. Corneilius Lentulus is a member of the Ordo Equester. If this is the case, then we are not in compliance with the Lex Cornelia de classibus et ordine equestri.

Second, Section VIII of the Lex Cornelia de classibus et ordine equestri requires that 49% of Centuries be placed in Class I, 10% in Class II, 10% in Class III, 10% in Class IV, and 15% in Class V. These percentages add up to 94%, which makes it impossible for the Censores to comply with the Lex Cornelia de classibus et ordine equestri. Perhaps this is why Century XXX contains nemo.

Third, we have Centuries that contain citizens who should be in different Centuries because of their Census Points. This is not in compliance with the Lex Cornelia de classibus et ordine equestri. I regard this as a matter to be taken up with our new censor, and not in itself grounds for a change in the lex. However, this leads to my next point.

Fourth, if citizens are placed in Centuries according to the Lex Cornelia de classibus et ordine equestri, we will have 3 citizens in the Second Class at 1 to a Century, 34 Citizens in the Third Class at about 11 to a Century,

and 8 Citizens in the Fourth Class at 2 or 3 to a Century. If this is the case, then I would request that any Census Points that I earn for being Tribune not be awarded, so that my vote will continue to count for 3 or 4 times as much as any Third Class Citizen's vote.

Fifth, all new citizens are relegated to the Capite Censi Century until they have been a Citizen of Nova Roma for 6 months, regardless of whether they pay dues or not. If that is the case, it will be my duty to inform new Plebian citizens that they should pay no tax until they have been a citizen for at least 6 months, since failing to become assidui will not diminish their vote in any way, and there is less chance of wasting money if they find out during that 6 months that they no longer wish to actively participate in Nova Roma.

I will certainly be on the lookout for citizens wishing to become part of the Consular staff, as I will also be looking out for 2 citizens to serve on my Tribunal staff. Perhaps between us, we can assist individuals in obtaining the prerequisites for the Cursus Honorum.

Di te incolumem custodiant!

P. Porcius Licinus
Tribune of the Plebs

-----Original Message-----

From: M. Pompeius Caninus <caninus@caninus.co>
To: El Jefe <eljefe3126@netscape.net>
Sent: Sat, Dec 20, 2014 2:27 am
Subject: RE: Lex Cornelia de classibus et ordine equestri

M. Pompeius Caninus praetor P. Porcio Licino tribuno salutem plurimam dicit.

Si vales, bene est, ego valeo.

Io Saturnalia and may you and your loved ones have a happy and joyful holiday season.

Perhaps you are not aware but I was one of the citizens who worked on the language of the lex Cornelia de classibus et ordine equestri - along with all of the other lex Cornelia and constitutional amendments propagated during Sulla's most recent term as Consul. Cn. Cornelius Lentulus also contributed extensively to the development and final wording of the lex Cornelia de classibus et ordine equestri.

Having read your concerns, a few thoughts immediately come to mind:

First, I will review my notes and the emails from all of those who participated in writing the lex to determine which of your concerns were discussed, along with all of the reasoning behind the final wording.

Second, the proper remedy for equitable distribution of citizens to have the Censores do a better job of assigning Tribes and Centuries. The fair and equitable distribution of citizens across the Centuries as detailed in the lex is paramount to free and fair operation of the res publica. I hope you and any other citizens with concerns about the distribution of the Centuries have contacted the Censores and expressed your dissatisfaction. Personally, I feel any thoughts about citizens being marginalized by the lex are misplaced and any concerns about being disenfranchised are way off base. The group who wrote the lex were of many political stripes and none of them had any intention or desire to silence the voice of any citizen. And considering the fact that less than 50 people out of 1050 citizens took the time to vote in the three recent elections does not help any protest about disenfranchisement. I had sole control of the cistae and I issued voter codes to 1050 citizens. I published appeals in the fora urging citizens to vote several times during the course of the various comitia. Yet less than 10% of all eligible voters bothered to cast a vote. Even more telling is the fact that we could not even get enough people to run for all of the Quaestor, Diribitor, Aedile and Tribune positions that have fairly easy requirements for eligibility. So I really need to hear what other citizens think about this lex and any other leges that may

contribute to these feelings of disenfranchisement. Perhaps the requirements for elected office in the lex Cornelia de cursu honorum and the lex Pompeia de cursu honorum are too demanding? I would like to hear about concerns such as those as well.

Third, I deeply appreciate you taking the time to bring this matter to my attention and you present some salient points regarding deficiencies in the lex; however, I am not inclined to change a lex passed in comitia less than a year ago based on one email from a single citizen. The lex passed with a 3/5 majority of the voting Centuries. I do not expect every citizen to be happy with every lex in force at any given point in time. If I hear similar concerns from other citizens I would be willing to convene a group to discuss changes that would be taken to the comitia for a vote.

And, finally, let's keep in mind the only way to amend or repeal the lex Cornelia de classibus et ordine equestri is by way of a vote in the Comitia Centuriata achieving at least a two thirds majority. In order to pass a change to the lex we would require some of those who voted yes to the original lex to also vote in favor of any proposed changes. So, passing a series of amendments over the course of the next year may be easier and more successful than attempting to pass a single lex with several amendments or a complete re-write of the lex.

I hope my words do not come across as harsh or dismissing. I am very interested in hearing any concerns that any citizen may have about our leges. But when considering changes requiring more than a simple majority vote to be put in force, I want to hear from several citizens why they feel a change is in the best interest of the res publica.

By the way, I need to build my Consular cohort. If you or anyone you know might be interested in joining my staff please let me know. As a Consul, I can only grant Census Points to five of my staff but anyone who serves during my Consular year will meet the prior service requirement for a few elected offices when the elections are held at the end of next year. In the unlikely and unfortunate event that I serve the entire year without a colleague I will be permitted to grant Census Points to 10 of my staff members. So I hope there will be several citizens interested in helping me.

Cura, et valeas! Di te incolumem custodiant!

Marcus Pompeius Caninus

----- Original Message -----

Subject: Lex Cornelia de classibus et ordine equestri

From: El Jefe <eljefe3126@netscape.net>

Date: Fri, December 19, 2014 8:05 pm

To: caninus@caninus.co

P. Porcius Licinus M. Pompeio Canino SPD

May this find you in good health and good spirits, as we celebrate Saturnalia and other holidays.

I have recently taken the Oath of office of Tribune of the Plebs. I ran at the urging of a faction within Nova Roma that feared that most citizens were soon to be marginalized and disenfranchised. This was news to me, but I agreed to run and to look into this matter if elected.

I see that these concerns center around the Lex Cornelia de classibus et ordine equestri and the allocation of citizens into Centuries by the censori. I believe the proper approach is to discuss discrepancies in the lex with you, in anticipation of your acceptance of the Consulship next year, and to

discuss the formation of Centuries with our new censor.

With that in mind, allow me to bring the problems with the lex to your attention. I see an obvious flaw in the Lex Cornelia de classibus et ordine equestri. VIII a-e gives the relative sizes of the different classes of centuries. However, when one adds up all the classes, they total only 94% of all the centuries! I should like to request this be corrected.

Here is the list of our citizens, by Century and Census Points, which you may find instructive. For your reference, the number of census points for each category is:

Ordo Equester, 220+ Census Points

First Class, 140-219 Census Points

Second Class, 100-139 Census Points

Third Class, 50-99 Census Points

Fourth Class, 35-49 Census Points

Fifth Class, 17-34 Census Points

Citizens with less than 17 Census Points are treated as Capite Censi, regardless of whether they are assidui or not.

Century I

Cn. Cornelius Lentulus, 357 Census Points (Eligible for the Ordo Equester)

Century II

L. Equitius Cincinnatus Augur, 145 Census Points

Century III

G. Marcius Crispus, 165 Census Points

T. Iulius Sabinus, 343 Census Points (Eligible for the Ordo Equester)

Century IV

C. Aemilius Crassus, 163 Census Points

Century V

Marcus Minucius Audens, 267 Census Points (Eligible for the Ordo Equester)

Century VI

P. Annaeus Constantinus Placidus, 165 Census Points

Century VII

Q. Fabius Maximus, 203 Census Points

Century VIII

L. Cornelius Sulla Felix, 248 Census Points (Eligible for the Ordo Equester)

Century IX

Q. Caecilius Metellus Pius Postumianus, 221 Census Points (Eligible for the Ordo Equester)

Century X

Cn. Iulius Caesar, 337 Census Points (Eligible for the Ordo Equester)

Century XI

Pompeia Minucia Strabo, 190 Census Points

Century XII

G. Tullius Valerianus Germanicus, 223 Century Points (Eligible for the Ordo Equester)

Century XIII

Sexta Iunia Palladia, 60 Census Points (Should actually be in the Third Class)

Gaia Maria Caeca, 189 Census Points

Century XIV

Q. Vipsanius Agrippa, 177 Census Points
Statia Cornelia Valeriana Iuliana Aeternia, 143 Census Points

Century XV

G. Petronius Dexter, 150 Census Points

Century XVI

M. Pompeius Caninus, 136 Census Points

M. Cornelius Gualterus Graecus, 126 Census Points

Century XVII

Vibia Rutilia Enodiaria, 83 Census Points (Should actually be in the Third Class)

D. Iunius Palladius Invictus, 177 Census Points (Should actually be in the First Class)

Century XVIII

Quintus Servilius Priscus, 111 Census Points

Century XIX

Q. Bianchius Rufinus, 60 Census Points

G. Decius Laterensis, 75 Census Points

Q. Postumius Albinus Maius, 55 Census Points

A. Apollonius Antullus, 95 Census Points

P. Claudius Caecus, unknown (no record in Albvum Civivm)

M. Aemilius Agricola, 75 Census Points

S. Domitius Symmachus, 60 Census Points

L. Curtius Paullus, 55 Census Points

Century XX

G. Aemilius Priscus, 61 Census Points

N. Apollonius Quadratus, 55 Census Points

G. Antonius Germanicus, 66 Census Points

Gaia Cassia Prima, 60 Census Points

G. Claudius Barbatus, 55 Census Points

A. Iulius Paternulus, 65 Census Points

G. Sertorius Baeticus, 60 Census Points

G. Claudius Quadratus, 75 Census Points

Century XXI

Gaia Aemilia Cincinnata, 55 Census Points

M. Martianus Lupus, 60 Census Points

G. Apollonius Agrippa, 55 Census Points

L. Lucretius Caupo, 55 Census Points

T. Marcius Quadra, 55 Census Points

G. Pompeius Marcellus, 99 Census Points

Tiberia Valeria Celeris, 37 Census Points (Should actually be in the Fourth Class)

Tita Popillia Laenas, 63 Census Points

A. Liburnius Hadrianus, 77 Census Points

Century XXII

Cn. Rutilius Viminalis, 20 Census Points (Should actually be in the Fifth Class)

T. Iulius Nix, 50 Census Points

L. Arminius Lupercus, 55 Census Points

T. Cassius Bellicus, 55 Census Points

Vibia Aemilia Regilla, 80 Census Points

G. Velius Marsallas, 82 Census Points

S. Lucilius Tutor, 82 Census Points

L. Sextius Brocchus, 25 Census Points (Should actually be in the Fifth Class)

Century XXIII

G. Laelius Silvanus, 37 Census Points

L. Ulpianus Atellus, 35 Census Points

Century XXIV

Cn. Hortensius Floccus, 45 Census Points

P. Quinctius Petrus Augustinus, 37 Census Points

Century XXV

Lucia Aelia Corva, 35 Census Points

Century XXVI

T. Cassius Atellus, 40 Census Points (Should actually be in the Fourth Class)

P. Porcius Licinus, 38 Census Points (Should actually be in the Fourth Class)

Century XXVII

G. Octavius Tranquillus, 25 Census Points

Century XXVIII

N. Cosconius Barra, 25 Census Points

Gaia Maria Marcella, 62 Census Points (Should actually be in the Third Class)

A. Sempronius Genserus, 25 Census Points

Century XXIX

T. Iulius Nerva, 58 Census Points (Should actually be in the Third Class)

Century XXX

Nemo (Could be populated with A. Sempronius Genserus)

Century XXXI

Approximately 975 individuals, all presumed to be Capite Censi or perhaps not Assidui or something.

Century XXXV

Cornelia Tigrana, 7 Census Points (Should actually be in Century XXXI)

My first recommendation is to correct the lex so that the different classes add up to 100% instead of only 94%. A more historical distribution would give 3 Centuries to the Ordo Equester, which makes sense for us since it seems foolish to force our 7 most decorated members to share one vote in the Comitia.

The next 13 Centuries could be Centuries of the First Class (Centuries IV - XVI). The Second Class would get 3 Centuries, (Centuries XVII - XIX), as would the Third Class (Centuries XX - XXII) and the Fourth Class (Centuries XXIII - XXV). The Fifth Class would be expanded to 5 Centuries (Centuries XXVI - XXX), with Century XXXI being reserved for those citizens who were not assidui.

The distribution of Centuries given above would simply bring us into line with the Servian organization of the Comitia Centuria, should we wish to emulate that.

Another problem is the distribution of Census points. A citizen who joins Nova Roma and remains in good standing, but otherwise does not participate in the Cursu Honorum or distinguish himself as a leader in the Sodalitas or the Religio Romanum will end up with exactly 82 Census Points after ten years, placing himself smack in the middle of the Third Class, which will likely become the largest class in terms of population with points distributed the way they are. I would propose some sort of reform in how many points are needed for each class. One such reform (this is only a suggestion!) might go as follows:

Ordo Equester, 300+ Census Points. We currently have 3 citizens at this level, and each would get his own Century.

First Class, 76-299 Census Points. We currently have 25 citizens at this level, and each Century would have 1 or 2 citizens.

Second Class, 63-75 Census Points. We currently have 6 citizens at this level, and each Century would have 2 citizens.

Third Class, 58-62 Census Points. We currently have 9 citizens at this level, and each Century would have 3 citizens.

Fourth Class, 55-57 Census Points. We currently have 10 citizens at this level, and each Century would have 3 or 4 citizens.

Fifth Class, 0-54 Census Points. We currently have 15 such citizens, plus whatever assidui could be extracted from Century XXXI. Each Century of the Fifth Class would have 3 (or possibly 4) citizens.

Century XXXI would contain only non-assidui. There would be over 900 of them.

Some observations...

Our Constitution calls for our membership to be divided between Patrician, Ordo Equester, and Plebian classes. Perhaps we should rethink this lex in those terms.

I repeat that it would be a dubious distinction to accept the Ordo Equester as it now stands, as that would take people out of a Century with only 1-2 citizens in it, and put them in a Century with as many as 7 citizens, greatly weakening their vote.

There is no excuse to have Centuries with 9 citizens in them, and Centuries with no citizens. This is contrary to the lex, which calls for an even distribution, at least from Century to Century.

We should not confine new citizens to Century XXXI, as that takes away any incentive to pay dues. Why pay dues if your vote still only counts for 1 out of 975 in your Century? Even moving up to a crowded Century containing 20 "newbies" would be a step up, and a reason to pay dues.

My suggestions for realigning classes with Census Points is only a suggestion. We probably should not put hard and fast numbers in the lex, but guidelines that direct the censori on how to divide the citizens between classes. Leaving the allocations fixed as they now are would either set up an imbalance similar to the distribution today, or else require us to change the lex so as to change the points needed for each class every year as our population grows and gains Census Points.

I hope this has opened your eyes to the problems we have with our system of government. As I wrote above, I plan on taking the matter of citizens being placed in Centuries without regard to the lex up with the censor separately. And I welcome your thoughts on how we might fix this lex, as I am always open to ideas from a superior magistrate!

Di te incolumem custodiant!

P. Porcius Licinus
Tribune of the Plebs