

This paper will demonstrate how Cicero's portrayal of the *populus* as a competent political agent in the first *pro Cornelio* is important both to his immediate rhetorical strategy and his ongoing efforts to advertise his *popularis bona fides* in anticipation of his consular canvass. As a *popularis* tribune and ally of Pompey, C. Cornelius (*tr. pl.* 67) had proposed several pieces of legislation against the wishes of the Senate. One of his proposals decreed that the People, and not the Senate, had the exclusive right to grant legal exemptions – *privilegia*. In turn, the senatorial leadership enlisted the support of P. Servilius Globulus, a fellow tribune, to block the measure with a veto. When Globulus subsequently interposed his veto on the day of the vote, Cornelius ignored his colleague and, taking the bill in hand, read it aloud himself. The consul intervened, a riot ensued, and ultimately Cornelius was charged with diminishing the *maiestas* of the Roman People.

The trial was predictably politicized. Though the speeches are fragmentary, part of Cicero's strategy seems to have been to invoke the spirit of the law and to assert that Cornelius was, in fact, acting in accordance with the will of the People, defending its *maiestas* in the face of senatorial opposition (A.W. Lintott, 2008. *Cicero as Evidence*. 116-9). In his commentary on the speeches, Asconius remarks that Cicero's defense was a *causa popularis*, undertaken despite pressure from the *senatus auctoritas*. Given its opposition, the commentator adds that it was to Cicero's advantage to diminish the Senate's *dignitas* as much as possible (Asc. 70C 19-21). What remains of both speeches *pro Cornelio* is accordingly peppered with criticism of the Senate and its leadership, but as I note in this paper, Cicero makes an effort to balance this negative view of the Senate with a positive view of the *populus* as a competent political actor.

Three examples bear this out. First, Cicero recalls how the People initially agitated (*flagitabat*) for a bribery law proposed by Cornelius. Though the *populus* was subsequently persuaded to adopt a more lenient senatorial version, the orator maintains that the subsequent conviction of the consuls designate for bribery shows that the Roman People had initially been right to prefer the more stringent Cornelian proposal (*Corn.* 1.41P). Later in the speech, Cicero launches into a history of the tribunate, beginning with its establishment twice by collective action. In Cicero's version, the People seek redress *propter nimiam dominationem potentium*, and they seemingly do so without leadership (*Corn.* 1.48-50P). In one of the last fragments of the speech, Cicero calls attention to the fact that the *plebs*, more than offering their tacit support, actually agitated (*efflagitavit*) for passage of the *leges Aurelia* and *Roscia*, both of which directly benefitted the *equites* (*Corn.* 1.53P). In this case, Cicero uses the image of the *populus* as *auctor* to create common cause between the equestrian members of the jury and the *popularis* defendant against the senatorial oligarchy.